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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

SENATE—*Wednesday, November 1, 1995*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Allow the Psalmist to tune your heart to make this a day of praise.

Bless the Lord, O my soul; and all that is within me, bless his holy name.

Bless the Lord, O my soul, and forget not all his benefits.—Psalm 103:1-2.

Let us pray:

Almighty God, Sovereign of this Nation, we praise You for Your amazing grace. Your unlimited love casts out fear, Your unqualified forgiveness heals our memories, Your undeserved faithfulness gives us courage, Your unfailing guidance gives us clear direction, Your presence banishes our anxieties. You know our needs before we ask You, and Your spirit gives us the boldness to ask for what You are ready to give. You give us discernment of the needs of others so that we can be servant leaders. Your love for us frees us to love, forgive, uplift, and encourage people around us. We commit this day to be one in which we are initiative communicators of Your grace. We open ourselves to Your holy spirit. Gracious God, we are ready for a great day filled with Your grace. In the name of the Mighty Mediator. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

SCHEDULE

Mr. KYL. Mr. President, on behalf of the leader, leader time is reserved. There will be a period for morning business until 12 noon today. At noon, it is the leader's intention to turn to the House message to accompany the budget reconciliation bill to appoint conferees on the part of the Senate. Several motions may be made with respect to appointing conferees, and therefore rollcall votes can be expected on those motions.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. DASCHLE. I wish the Presiding Officer a good morning.

INCREASING THE DEBT LIMIT

Mr. DASCHLE. Mr. President, yesterday, Treasury Secretary Robert Rubin sent a letter to the congressional leadership warning that a refusal to pass an increase in the debt limit by November 6 would force the Treasury Department to take extraordinary actions in the coming days, actions for which the American taxpayers would foot the bill.

The Secretary indicated that these moves might include not fully investing the Federal Employees Retirement System, the Government Securities Investment Fund, the G fund, calling back Treasury cash balances held in our depository banks, and suspending the issuance of savings bonds.

These defensive actions, regrettably, may become necessary under the circumstances.

Some weeks ago, the Speaker of the House suggested that congressional Republicans might find it acceptable for the U.S. Government to default on its obligations if it proves to be useful leverage in the coming budget battles. Unfortunately, these comments, once dismissed as political posturing, now could be prophetic.

Mr. President, Secretary Rubin's warnings ought to be heeded. Political considerations should not dictate congressional action on the debt ceiling.

The debt limit is serious economic business. It should not be a part of the budget debate. The reputation of this Nation throughout the world would be irrevocably damaged if the full faith and credit of the U.S. Government becomes shaky and suspect.

Because this is such a serious matter, I was disappointed to read in yesterday's papers the characterization by the majority leader that Secretary Rubin's credibility and integrity are somehow in question in this debate.

Nothing could be further from the truth.

Secretary Rubin is engaged in a critical effort to discharge his responsibilities to the taxpayers by preventing the U.S. Government from defaulting on its debt obligations for the first time in more than 200 years.

Moreover, Secretary Rubin has made repeated efforts to meet with the Republican leadership and to make other senior Treasury officials available to answer questions and clarify disputed numbers.

No one has credibly disputed what the Treasury has said. It seems to me clear that these attacks on Secretary Rubin represent a classic case of shooting the messenger.

Meanwhile, there seems to be an ongoing effort on the other side of the aisle to distract the public from the real issue in the debt limit debate—namely, that a default will cause taxpayers to pay for generations to come in higher interest rates on the trillions of dollars in public debt which this Nation must finance in national and international capital markets.

It is my understanding that a meeting between President Clinton and Republican leaders has been scheduled today to discuss this very matter. I certainly hope that this can be the first step in an effort to resolve the dispute over the debt limit outside the political context in which we will debate our very real differences over the budget.

I ask unanimous consent that a copy of Secretary Rubin's letter to the Speaker be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

DEPARTMENT OF THE TREASURY,
Washington, DC, October 31, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In anticipation of our meeting tomorrow I want to provide information that you should have as background for your consideration of our request for a prompt increase in the debt limit.

First, I have set forth in an appendix both our current projections and a history of our projections over the past several months.

Second, I want to make clear that if Congress fails to act by Wednesday, November 1, it will disrupt our normal auction process and could force Treasury to take additional actions that involve the interests of federal retirees, commercial banks, and purchasers of savings bonds.

As you know from my letter of October 24, and as we discussed in detail with your staff yesterday, the Treasury Department's normal quarterly refunding auctions are scheduled to be announced tomorrow, November 1. The auctions themselves are scheduled to be held during the week of November 6, and settlement is scheduled for November 15 and 16.

There may well be significant costs of disrupting our usual Treasury auction schedule. If there has been no increase in the debt limit by tomorrow morning, our announcement must put prospective bidders on notice that the auctions might have to be delayed or even cancelled. After such a contingent announcement, "when issued" trading in the securities to be auctioned cannot occur. Dealers may be less able to pre-market securities, and their risk of participation in the auction may thus be increased, raising the costs of the borrowing.

Should Congress fail to take action to raise the debt ceiling by November 6, we will be required once again to depart from our best financial management practices by canceling the scheduled auctions, and may be forced to take further steps to ensure that outstanding debt remains within the limit and that we have cash available to pay the Government's obligations.

As I have indicated in my previous letters, there are a limited number of actions we may be forced to take many of which have legal and practical implications. One such example would include Treasury's action to stop reinvesting the so-called G-Fund (the Federal Employees Retirement System's Government Securities Investment Fund). Securities held in the G-Fund mature and are reinvested on a daily basis, and the governing law provides for an automatic restoration of any lost interest when reinvestment resumes. Because of the inherent volatility of financing flows, such action may be required even prior to the week of November 6th. Furthermore, it will be necessary to call back Treasury cash balances held in our depositary banks. This action will inconvenience those commercial banks with whom the Federal Government does business.

Also, should Congress fail to act, Treasury may be forced to suspend the issuance of Savings Bonds—an action that would not only require us to send notices to the 80,000 issuing agents, but also would disrupt millions of Americans' use of a safe and convenient investment for their savings.

While these actions can provide some very limited relief, at the cost of creating significant dislocations and anxieties, it should be clearly understood that they will not be sufficient to substitute fully for the funding that we would ordinarily raise through the regular mid-November refinancings and that should be announced tomorrow. Stated another way, these temporary actions will not satisfy the continuing need for cash to fund the obligations and operations of the Government after November 14. Absent extraordinary steps, Congress must increase the debt limit obligations maturing November 15 and 16.

Finally, you should know that there are various other measures Treasury has been reviewing to avoid default should Congress not increase the debt limit by November 15, including actions involving the Civil Service Retirement Fund, but all such measures present uncertainties involving serious legal and practical issues and have significant costs and other adverse consequences.

Furthermore, the U.S. government's need for financing will not end on November 15 and 16. The financing calendar we distributed last week, and discussed in detail with your staff yesterday, showed four auctions in the last two weeks of November, and additional cash management bills may be needed. Successful completion of those auctions is critical to raising cash to make vital benefit payments on December 1 and during the week of December 4. As we have mentioned before, the months of October, November and the first half of December traditionally have very large seasonal cash deficits due to the absence of any large tax payment dates.

You and other members of the leadership have raised the prospect that Congress might enact a temporary debt limit increase, and we have expressed our total availability to work toward that end. Last Friday, at the President's direction, I proposed that the debt limit be increased by $85 billion, to $4.985 trillion. I would hope to discuss this proposal, and any other approaches you might have, at our meeting tomorrow.

Sincerely,

ROBERT E. RUBIN,
Secretary of the Treasury.

MORNING BUSINESS

The PRESIDING OFFICER. The Chair announces that under the previous order the time from 9:30 until 10:30 shall be under the control of the Democratic leader or his designee, and under the previous order the time from 10:30 until 12 noon shall be under the control of the majority leader or his designee.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that I be recognized to speak in morning business.

The PRESIDING OFFICER. That is the Senator's right.

Mrs. FEINSTEIN. I thank the Chair very much.

OBSTRUCTION OF FOREIGN RELATIONS COMMITTEE BUSINESS

Mrs. FEINSTEIN. Mr. President, I wish to elaborate on some remarks I made yesterday about the objection pending against the short-term extension of the Middle East Peace Facilitation Act.

Yesterday, the distinguished majority leader came to the Senate floor and said that although he would like to pass the extension, it is being blocked by the chairman of the Foreign Relations Committee. The majority leader went on to say that the Senator from North Carolina is within his rights to block this legislation, and indeed he is because every Senator has that right.

I want this morning to ask the distinguished chairman of the Foreign Relations Committee to consider changing his mind about holding up the Middle East Peace Facilitation Act.

I spoke yesterday and indicated that in July a group of Members of this body joined together, Republican and Democrat, in cosponsoring a bill which would extend the Middle East Peace Facilitation Act for 18 months, and virtually every Member joined in expressing support for that course.

Here we are in November, and the act has been suspended as of last night, which means that economic aid to the Palestinians committed to by this Nation has stopped. The PLO office in Washington will be forced to close its doors. And as my colleagues know, this is because of an unrelated issue that is going on. That unrelated issue is the dispute over the State Department authorization bill.

Negotiations have been ongoing on that bill between Senator KERRY and Senator HELMS. It is my understanding that at present they are stalemated, but because of failure to reach an agreement, the Foreign Relations Committee has been virtually shut down. I think this is wrong in the interest of U.S. foreign policy and of the Senate weighing in on these issues.

We have been unable to take up any ambassadorial nominations in business meetings for a period of weeks, to report them out to the full Senate for confirmation. At the present time, there are at least 18 ambassadorial nominees waiting to have their nominations considered by the committee. They include nominees to serve in some of the most important countries in the world.

The nominee for China has had a hearing, but is pending action in the committee; the same is true for the nominees for Pakistan and Indonesia. These include Jim Sasser, Tom Simons and Stapleton Roy. Nominees for other countries are waiting. South Africa: James Joseph is waiting. Sri Lanka: Peter Burleigh is waiting. Thailand: William Itoh is waiting. Cambodia: Kenneth Quinn is waiting. Malaysia: John Malott is waiting. Oman: Frances Cook is waiting. Lebanon: Richard Jones is waiting. The Cameroons: Carl Twining is waiting. The Marshall Islands: Joan Plaisted is waiting. Fiji: Don Gevirtz is waiting.

Also on hold are nominations for special adviser on the New Independent States, James Collins, and United States coordinator for Asia Pacific Economic Cooperation, Sandra Kristoff.

In addition, 273 Foreign Service officers who have been nominated for standard promotions are on hold. So we have 273 Foreign Service officers on hold. We have 18 ambassadorial appointments on hold, at least 5 of them considered to be critical, like those for Pakistan or China.

Now, when we do not have an Ambassador in the country, U.S. interests do not receive the attention that they deserve. In some countries, this is more critical than others. Probably the most critical at this time is China. And Senator Sasser, who could have been in New York this past week to participate in the summit between President Clinton and President Jiang Zemin of China—could have been—was not.

I think the American people deserve to have their interests represented abroad. So by failing to confirm Ambassadors, the Senate is not doing its job to help protect U.S. interests abroad. Not only do our interests suffer, but I think the lives of a number of hard-working and dedicated Americans are put on hold. These are people who, often at considerable personal risk, serve the American people with pride and distinction overseas.

Last night I had a phone call from one of them. He said, "Can you just tell me when I might be confirmed?" And I had to say, "No, I'm sorry. I can't tell you."

Earlier, I had another call from a nominee who had his house on the market and had received an offer on the home. Does he sell it or does he not sell it? "Sorry. I can't help there."

Mr. President, this is no way to run a railroad, let alone the Government of the most powerful country in the world.

There are also two extremely important arms control treaties that are awaiting Foreign Relations Committee action: The START II Treaty and the Chemical Weapons Convention.

Let me mention what Start II does. The START II Treaty, signed by the Bush administration and not yet ratified by this Congress, is the farthest reaching arms reduction treaty ever signed in the history of this Nation. It will require the United States and Russia to eliminate literally thousands of intercontinental ballistic missiles, including those which carry multiple warheads. The treaty would also eliminate missile silos and testing and training launchers.

The Foreign Relations Committee held extensive hearings on the START II Treaty both in this Congress and during the 103d Congress. We have heard from the administration, from military officers and from outside experts, virtually all urging that we ratify this treaty.

I know of no significant opposition to the ratification of the START II Treaty. Nevertheless, the committee is unable to begin consideration of it. This is wrong.

The same is true of the Chemical Weapons Convention. Let me tell you what the Chemical Weapons Convention does. The convention, also signed by the Bush administration, will ban an entire class of weapons of mass destruction. It will make it harder and more costly for proliferators and terrorists to acquire chemical weapons. It will create an intrusive monitoring regime that will make it very difficult for signatories to conceal violations of the convention.

The Chemical Weapons Convention has been signed by 159 countries and ratified by 38 to date, yet the U.S. Senate has still not had the opportunity to consider the treaty. The Foreign Relations Committee has had hearings on the convention, and it can be considered at any time. But, once again, the committee has been prevented from carrying out its duty.

Should this happen? As I said earlier, it is any Member's right to stop a piece of legislation, but when you have hundreds of Foreign Service officers, 18 Ambassadors, and two treaties held hostage to a piece of legislation that is not related, one has to begin to consider what effects this has.

Mr. President, one of the things that I learned in my brief stay here is that what goes around, comes around, and that it does not make good, logical, long-term sense to engage in holds when this can easily be replicated at another time but in the same place by the opposition party.

This committee, the Foreign Relations Committee, has been through some of the most painful and hotly contested foreign policy issues of our time: the Vietnam war, aid to Central American rebels and sanctions against South Africa. But never during all that time, to the best of my knowledge, has the committee been shut down and ceased to function. Now, on the basis of a dispute about the bureaucratic reorganization of our foreign policy institutions, the conduct of the U.S. foreign policy is being put on hold.

I believe this is wrong. I believe it is irresponsible. I believe it is a dereliction of our duties as U.S. Senators. There simply is no justification for curtailing the entire role of the Senate Foreign Relations Committee in the conduct of U.S. foreign policy over one single reorganizational issue.

Pursuant to the unanimous consent agreement of September 29, Senator HELMS and Senator KERRY have been engaging in serious negotiations to try to reach an agreement. Their staffs have met repeatedly over the last month. I am hopeful that progress can be made.

So at this time I would like, respectfully, and with a great deal of friendship, to call upon the chairman of the committee to withdraw his objection to consideration of a short-term extension of the Middle East Peace Facilitation Act, to allow the committee to take action on START II and the Chemical Weapons Convention, to report out the 18 ambassadorial nominations and 273 Foreign Service promotions, and to continue negotiating toward an agreement on the State Department authorization bill.

I thank the Chair. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

BUDGET RECONCILIATION

Mr. DORGAN. Mr. President, I yield myself such time as I may consume on the hour that has been allocated to the minority leader.

Mr. President, today the Senate will select conferees to go to conference on the reconciliation bill. Conferees from the Senate and conferees from the House will meet and debate and try to reach an agreement on what kind of a reconciliation bill will be passed from the Congress to the President.

This all does not mean very much to the American people, the words "reconciliation," "conferences." What means something to the American people will be what effect will it have on their lives, what effect will it have on their health care system, on Medicare, Medicaid, the ability to send their child to college, on young 3-, 4-, 5-year-old kids who are in Head Start—what effect will this have on all of those people. That is what means something to the American people.

The debate that people have heard coming from this Chamber is a debate not about one side of the aisle that wants to be obstructionist and the other side that wants to do something wrong, it is about people who have different views of what the priorities ought to be.

One thing that is certain about this Senate meeting this year is that 100 years from now, all the Members of this Senate will be dead and the only record we will have left that historians can evaluate from our service is to evaluate what we spent the public's money on and, therefore, what we felt was valuable and important and would advance the interests of this country. People can tell something about our value system by looking at the Federal budget. On what did we elect to spend the public's money? How did we invest it? How did we spend it? That is what historians will be able to use to view what we felt was important.

The priority in this reconciliation bill by the Republican Party is to say, "Let's have a tax cut." I thought the priority when we started this year was one that said, "Let's balance the budget." In fact, we had people on the floor of the Senate saying we must change the U.S. Constitution to require us to balance the budget. Of course, the budget can be balanced without changing the Constitution.

We have people in this Chamber who call themselves conservatives who view the Constitution as merely a rough draft, something they can improve upon every single day. Although I do not see many Madisons, Masons, Jeffersons, Franklins, or Washingtons around to contribute to change this Constitution, we have had well over 100 proposals since the first of January in this year to change the U.S. Constitution.

The priority at the start of the year was we must eliminate the Federal budget deficit. In fact, we must ensure that happens by changing the U.S. Constitution. And then the act by which that happens, the budget and the reconciliation bill, comes to the floor of the Senate, and we discover that the priority is different than that. The priority is a tax cut, a substantial part of which will go to the wealthiest Americans.

The priority is to add money to the defense bill that the President and the Secretary of Defense and the chiefs of the branches of the services said they did not want. Those are the priorities, and that is what this debate is about.

Let me just put up a couple of charts to describe some of the elements of this debate.

The Head Start Program. We know the Head Start Program works. Anybody that has ever toured a Head Start center, and I have toured plenty, and sat on the little chairs and had lunch with 3-, 4-, 5-year-olds and watched them do their art projects, watched them learn about health, watched them begin to get a head start, because they come from homes of disadvantage and often poverty, watch them feel that this contributes to their lives and having us know it does, we understand this program works.

The priority now is to say, "We're sorry, we can't afford the Head Start Program the way it is," so roughly 55,000 kids will be dropped from the program, and every single one of those kids has a name and has a hope and gets some advantage from this program. But we are told we cannot afford that. Instead, we are told, Let's pump nearly half a billion dollars into lead production for 20 more B–2 bombers that will cost us $31 billion, B–2 bombers, incidentally, that the Secretary of Defense has not asked for; B–2 bombers that the Department of Defense has not requested.

So we say Head Start does not quite matter as much; B–2 bombers, let us build them, even though those who would fly them and use them have not asked for them.

Job training for displaced workers. These are people who have lost jobs but want to find jobs and get new skills to do it, half a billion dollars cut from that, which means you will have more unemployment, not less. You will have less opportunity, not more, for people whom we want to put back on the payrolls. And at the same time we say we just cannot afford the kind of money that is necessary to get people ready to go back into a job, we say, By the way, let's gear up for a star wars program. It will cost about $48 billion. That has not been asked for by the Defense Department either. There is no demonstration that we need this program, but we are told, "Let's stick $375 million in it this year and demand it be deployed in 1999," including a space-based component of a star wars program because we can afford that. Again, the Secretary of Defense and the armed services have not asked for it, but we can afford that, we are told.

Mr. President, $1.4 billion invested in kids and that goes to helping kids get to college, financial aid to help middle-income families send their kids to college, so we say we are going to make it more expensive for middle-income families to send their kids to school.

But we say when confronted with the question, shall we build an amphibious assault ship this year, the answer in this Congress was—some said no, we should not build one. Others said we should build two of them. Do you know what the answer was in this Congress? "Let's build both. Let's build one for $900 million and one for $1.3 billion, because we're loaded, we've got all the money in the world when it comes to this. There is no sense being frugal here. Let's spend money like it is Saturday night and the town's opened up for us and we have the parent's checkbook here." We can buy all this, despite the fact no one asked for it, no one requested it.

And there is more. Mr. President, $989 million from veterans' health care, 1 million fewer outpatient visits, 46,000 fewer hospitalizations because we have to cut there, we are told. This is the second amphibious assault ship. We can order that. In fact, we can buy both of them, a billion dollars, an amphibious assault ship that was not ordered and a cutback on a promise made to veterans before they went to fight for this country's freedom.

Low-income home energy assistance. That does not sound like much, but that is what keeps people warm in the winter. Poor people who have no money, often poor elderly people with no money who live in the frigid climates of this country rely on this to keep their homes heated. We cannot afford that, but let us buy six more F–15's, despite the fact the Secretaries of Defense and Air Force have not asked for them. We now have 1,103. Let us stick that in. That is $311 million. It is more important to buy jet fighters nobody asked for than it is to help old people and poor people keep warm in the winter.

There is a $137 million cut for critical accounts dealing with Indian problems on reservations; $140 million spent for 14 Warrior helicopters. We now have 360. The Defense Department did not ask for these, but they were put back in the budget and they said we should buy 14 of these helicopters, $140 million. And then we are told we have to cut $137 million for these crucial services on Indian reservations and that deal with kids, mostly Indian children—education, health, and a whole range of other services for young children who want a chance and want a start.

Somebody is going to look at all this and say, That is a bunch of pointy-headed liberalism. It is not about liberalism, it is about making choices. We are told what we are going to spend in this Chamber. The question is what do we spend it on? Do you buy an amphibious assault ship that was not asked for? Or do you cut back, as a result of that, on veterans' health benefits? Do you decide to kick kids off Head Start and build B–2 bombers that nobody asked for? That is the priority in this reconciliation bill. That is what is wrong with it.

I want to read a list, just so that people can be disabused of who the big spenders are. We are told the big spenders are the Democrats, the folks who always want to spend money. This is a list of what is added to the defense bill, mostly by folks on that side of the aisle—things that were not asked for, requested, needed, or ordered by the Defense Department. I will read the list: 60 Blackhawk helicopters; Longbow helicopters; Kiowa Warrior helicopters; M109A6 howitzer modifications; Ml tank upgrades; heavy tactical vehicles, trucks that were not requested; AV–8B fighter aircraft; B–2 bombers; F/A–18C/D fighter aircraft; C–135 cargo aircraft modifications; Comanche helicopters' R&D; ship self-defense R&D; national missile defense, or star wars; T–39N trainer aircraft; EA–6 strike aircraft modifications; LPD–17 amphibious ship; F–16's, F–15's; WC–130 cargo aircraft; LHD amphibious assault ship.

None of these things was asked for, and all of them were ordered by this Congress—$5.2 billion to spend money on things we do not need, money we do not have on things we do not need. This by conservatives, by people who call others big spenders?

Well, this is all about priorities. It is about health care. It is about education. It is about agriculture. It is about the Head Start Program. We are going to have some votes today in the Senate on instructing conferees because the conferees will be appointed now to discuss the differences between the House bill and the Senate bill. It is between the far right and the extreme right. That is where the modification will be made. This will be a compromise between the far right and extreme right, and it will be sent to the President, and this will be vetoed, and then we will get some serious negotiations, I expect.

One vote we will have today is priorities with respect to Medicare. The Medicare Program, I think, is an important program. We, on the Democratic side of the aisle, understand full well that the budget must be balanced. We understand that the credibility of Government is in serious question. We understand that, and we need to do the things that solve problems for this country and for the American people.

But we also understand there are some things we have done in this country that have been good, which advanced this country's interest. Medicare is one of them.

It is interesting to me that 97 percent of the Republicans voted against Medicare when initially proposed in the U.S. Senate. Now they are saying they are going to save Medicare. Generally, that would not be very believable, and it is probably less believable now because Speaker GINGRICH last week said:

> Now, we don't get rid of it in round 1 because we don't think that that's politically smart and we don't think that is the right way to go through a transition. But we believe it is going to wither on the vine because we think people are voluntarily going to leave it.

That is what is at work here. Some people say what they mean in an off-guarded moment, and that is what happened here. In a speech to a Blue Cross/Blue Shield audience, the Speaker told us what his impression of Medicare was.

We are going to offer an amendment on the instructions to conferees that says, look, why do we not decide on this reconciliation issue. If you are going to have a tax cut, some of us think we ought to balance the budget first and talk about tax cuts later. If you are going to insist on a tax cut, why do you not at least limit the tax cut?

We have offered proposals before. We can limit it to people whose incomes are under a quarter of a million dollars a year. At least limit it to that. And you can use the savings from that, about $50 billion over 7 years, to reduce the cut in the Medicare Program, much of which will hurt some of the lowest-income senior citizens in this country, who, as a result of this reconciliation bill, will pay more for Medicare and get less health care.

We will offer that motion today to at least limit the tax cut, at least limit it to working families. At least limit it so we are not giving very big tax cuts to people making $1 million or $5 million or $10 million a year, and use the savings from that to try to reduce the hit on the Medicare Program.

Someone will say, "Well, why are you discriminating against somebody who makes $5 million a year?" I am not. God bless them. I think it is wonderful. They have done very well in recent years. Their increases in income have been astronomical.

The upper 1 percent of the American income earners have had an enormously beneficial period. Most Americans have not. Sixty percent of the American families are now earning less money than they were 20 years ago. Not the top 1 percent, or 5 percent; they have had an astronomical increase in income. They have benefited substantially from this income system of ours.

While I think working families deserve a tax cut, I think we ought not to provide a tax cut at the moment. I think we ought to balance the budget first. Then I think working families deserve a tax cut. I see no compelling national need to cut benefits for the oldest and poorest citizens so we can provide a tax cut for some of the richest citizens in America.

We are going to provide another opportunity this afternoon to vote, and we will likely have a motion on instructing conferees on something that happened on the floor Friday that was just mindboggling. The last amendment passed by the Senate on reconciliation was an amendment that deals with the Social Security issue. It takes an amount of money on the Social Security issue—about $12 billion—that will be presumably saved by having a lower COLA, and uses that to fund a series of changes that was offered as a result of the Roth amendment.

Well, the $12 billion, it is clear, comes out of the savings in Social Security. By law, that cannot be used for other purposes in the unified budget. That is what the law requires.

We raised a point of order, and Senator GRAHAM inquired of the Chair whether the Social Security outlay reductions were used as offsets. The Chair responded that it was "not in a position to answer that question." Everybody else in the Chamber was in a position to answer that question. Anybody who could read could answer that. But, from a parliamentary standpoint, the Chair said he was "not in the position to answer that question."

The Budget Committee chairman stated, "I am satisfied with the ruling of the Chair." In other words, he was satisfied that the Chair is not in a position to answer that question. The result was that the Roth amendment took $12 billion from the Social Security accounts and brings it over so it funds the Roth amendment. That is what happened with that. We will likely have a motion to instruct this afternoon that will try to right that wrong.

I want, just for a couple of moments, to discuss in a broader context the issues that I think most concerns the American people. A lot of folks, as I said, do not spend day-to-day to understand reconciliation bills and budget bills and conference committees. What people in this country understand is whether the system in America works in their interest. Is this a tide that lifts all boats, an economic system that helps everybody? Or is this an economic system where the rich get richer and the poor get poorer and there is a distribution of income that is not fair?

The challenge and opportunity for all of us, I think, that lies ahead, is to try to find a mechanism by which this economic system works for everybody once again.

We have seen statistics about America's economic health. Every month, we are told the statistics on consumption describe that our economy is moving right along. Boy, if you take a look at consumption, consumption is up; therefore, America is doing better. It seems to me that a measure of economic health in our country is not whether or not we are consuming more or less, it is whether we are producing. Consumption, not production, is a barometer of economic health. Production relates to wages. If you have good jobs in the productive sector, productive jobs, especially manufacturing jobs that pay good wages, that means you advance the economic interests of everybody in this country.

Take a look at what is happening to wages in this country. We talk about GDP, which means nothing. Every quarter they trot out GDP figures, every month consumption figures, and it seems to me they are using barometers that mean very little to the economic circumstances of working families.

The GDP increases. The stock market goes up. Productivity is on the increase. Corporate profits are up. Guess what? American wages are down and have been down.

Some information from MBG Information Services, October 31: Compensation to all U.S. workers grew at its slowest pace on record in July to September. If you take a look at the bottom quadrant of workers, what you find is a circumstance where they are earning less money now than they were some 20 years ago.

There was a piece in the New Yorker done by John Cassidy recently that was very interesting and I think describes some of the problems in this country and some of the concerns that people have. He talks about the average American. He said if you were to line all Americans up in a row, put all Americans in one row, from the wealthiest over here to the poorest over here, and then pick right in the middle and say, "You are Mr. and Mrs. Average, the middle person in America, you are right in the middle, you are middle-income, middle America," that person in September 1979 was earning $498 a week; in September 1995, when you adjust for inflation, that same person was earning $475 a week. In 16 years, that person has lost about $100 a month in real wages.

Now, that is the middle of the line. We know that 60 percent of the American families who sit down for supper tonight and start talking about their circumstance will understand they are working harder for less money than they did 20 years ago.

I talked about the middle of the line. After 16 years they have lost $100 a month in real wages. Now we will talk about the upper side of the line, the top 1 percent on that end of the people you have lined up—the top 1 percent.

Between 1977 and 1989, the years we have numbers for, their average incomes rose from $323,000 to $576,000 per person. That is the top 1 percent. They went, in about a 12-year period, from $323,000 to $576,000, or a 78-percent increase. It is the average working person who finds himself $100 a month worse off after 15 and 20 years, but the top people at the top 1 percent find themselves far better off with spectacular increases in income.

This is at a time when corporate profits are up, productivity is on the rise, the stock market reaches new gains, new highs, and wages keep falling.

Is it any wonder that the average American family is a little disaffected? The fact is, they find themselves working harder and getting less. One of the things I think is most interesting is we are talking a lot about the fiscal policy budget deficit, and we should. It ought to be balanced. We ought to deal with that. We ought to solve that problem.

Do many Americans know that the merchandise trade deficit in this history is higher this year than the fiscal policy deficit? You cannot find more than four people in the Senate that will come and talk about it.

Let me say that again: Our merchandise trade deficit is higher than our fiscal policy deficit in this coming year.

What does that mean when you have a trade deficit? It means you are shipping jobs overseas. We will hit nearly $190 to $200 billion merchandise trade deficit this year. What that means is American jobs are leaving. That means we are buying from foreign countries.

We have decided an economic strategy is fine as long as profits are on the way up. As long as productivity goes up and the stock market goes up, wages can go down and jobs can go overseas because we measure economic health by what we consume, not what we produce. We measure economic progress by what happened to the GDP, not what has happened to the American family.

I do not know how anyone in this country can view an economic system through the prism that says that when the American family is doing worse and losing money and working harder, but if the consumption figures are up and if the GDP figures are up, America is in better shape. That is simply not the case.

We need one of these days soon to bring legislation to the floor of the Senate and have an honest-to-goodness debate about the center pole of this tentative economic policy—that is trade and related issues—to try to determine what really advances American economic interests.

I will bring some legislation on the subject of NAFTA to the floor of the Senate at some point in the future. NAFTA is part of this trade deficit problem. Two years ago we had all of these economists flailing their arms around Washington, DC, saying if we would only pass a free-trade agreement with Mexico, we would have 270,000 new American jobs.

Well, we passed a free trade agreement with Mexico—not with my vote, but it was passed. We had a $2 billion trade surplus with Mexico at the time. Two years later, our trade deficit this year with Mexico will be around $17 billion. We went from a $2 billion surplus to a $17 billion deficit.

What does that mean? It means jobs are leaving this country. What are we importing from Mexico that causes that deficit? The very thing that represents the foundation for good jobs in this country—automobiles, automobile parts, electronics. The very thing that represents good jobs and good wages in our country are being exported out, transported out on a wholesale basis.

We have to construct a different economic system. It is not, in my judgment, in this country's interest to allow multinational corporations to describe their economic interests as consistent with the economic interests of the American family. It is their economic interest to produce in Sri Lanka, Bangladesh, Indonesia, and Malaysia and ship the product they produce to Pittsburgh, Fargo, Denver, and Los Angeles. That increases profits for them. It is not in our economic interest. It might be in the short-term interest of the consumer who can presumably—not necessarily factually, but presumably—buy some of those products for less. It is not in the interests of consumers who will lose their jobs because their jobs left this country as a result of a trade strategy that is bankrupting America.

We will have a lot of votes and a lot of debate about priorities on the floor of the Senate today and in the coming weeks with respect to the reconciliation bill—what do we spend money on, what do we not spend money on. That is fine. That is the way it should be. Those are legitimate areas of discussion between Republicans and Democrats.

My hope is at the end of the day, perhaps, we will have reached a compromise that we all think is good for the country, a fiscal policy that will lead to a balanced budget. But even if we do that, and even if we reach a compromise, and even if the President signs that compromise, we will not have achieved the job of setting things right in the economic order of this country.

We will do that only when we address the larger questions that cause this family, this family that is in the middle of the line of American earners, from the richest to the poorest, this family right in the middle that finds themselves working harder but after 15 years earning less, finds themselves after those years between 1979 and 1995, finds themselves after those years $100 a month behind where they started.

Balancing the budget will help, but it will not solve that problem. That problem relates to, I think, more endemic economic problems in this country. We have to, it seems to me, decide one of these days as Democrats and Republicans, to address these questions.

I have said previously there are two major challenges that I think most Americans now confront in this country. One is the economic challenge. That is the challenge to get America to grow again in which it provides opportunities to all Americans—not just the wealthiest, but to all Americans—so we are talking about an economic system that rewards all who seek those rewards and are willing to expend effort for those rewards.

Second is the issue of the diminution of values in this country. That relates to the coarseness we see on television that has been described by others recently, the violence on television that I have described recently, and a whole range of things.

Some of these problems, economic and values issues, can and should and must be addressed here in the Congress. It must be a product of debate in our country generally. Some of them cannot be addressed by Congress, cannot be addressed by public-sector debate in the House or the Senate, and must be addressed in the family, in the home, in the community, in the neighborhood. All of us, it seems to me, need to take responsibility to do that.

While we attempt to address the thorny issues of deficit reduction, a fiscal policy program that will work for the benefit of this country in the future, and while I hope we will attempt, following that, to address the issue of trade, fair trade, and the issue of trying to advance the economic interests of workers with good jobs and good wages in the future, while we do all that, it seems to me it would be helpful if all of us could call on the American people to join in our common interest.

As I said previously, we are going to have an Olympics next year in Atlanta.

I bet we all are going to sit on the edge of our chairs cheering for the people wearing the red, white, and blue. We want American athletes to win. That is a wonderful thing: team spirit and nationalism and pride.

The fact is, the economic competition in the world is not unlike the Olympics in a lot of ways, except it is much more serious. There are winners and losers in economic competition. The losers are consigned to the British disease of long economic decline. The winners are given the opportunity of economic expansion and hope and better jobs and better wages.

I think soon, sooner rather than later, this country needs to decide to come together and develop an economic strategy that advances the economic interests of all Americans in a real way. We can no longer measure consumption as a barometer of economic health. It is what we produce in America that counts, because that is what creates the good jobs. We can no longer measure GDP on a quarterly basis to determine whether America is moving ahead, because it alone does not determine that. We must, and I think can, do much better.

Mr. President, I notice the Senator from Wyoming is waiting for the floor. I will yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I yield to myself such time as required, under the previous order of morning business.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AARP AND SOCIAL SECURITY

Mr. SIMPSON. Mr. President, I came to the floor this morning to speak lightly about the AARP, which I will do in a moment. But, as my colleague from North Dakota is here, and I have listened to his comments today, or a portion of them, and also over the past weeks listened to a series of these presentations about the rich versus the poor, and various allusions about what sounds to me almost like class distinction, class warfare, and also discussions of things like Social Security.

My friend, the senior Senator from North Dakota asks: Why does someone not come to the floor and speak on the issue of trade? He relates that not four people will come to the floor to do that. I can tell you, not four people will come to the floor and tell the people honestly what is happening to Social Security either. It is going broke. And people here on this floor who speak a great deal will let it go broke. There is not any question about what will happen to it.

And there is not a single argument rendered in this debate on reconciliation, where we are talking about Republicans taking from Social Security, where the Democrats did not do exactly the same all these decades. There has not been a single budget in my presence here that did not do what was just done here with Social Security. It was done under Carter, it was done under Reagan, it was done under Bush, and it is being done under Clinton. The Senator from North Dakota knows that. I am on the Finance Committee. There is not a single one of us who does not know that the same "masking process," the same chicanery, the same smoke and mirrors has been pulled off by the Democrats and the Republicans in my entire 17 years here. There is not any question about that.

The Senator's colleague from North Dakota is on the Finance Committee, and he would also share that information with the senior Senator from North Dakota. Without any question, if anyone believes that the Republicans are doing something different with Social Security than what the Democrats have done, the same way, the same years—or the Republicans—please be disabused.

I think we should at least remember one—everyone is entitled to their own opinion, but no one is entitled to their own facts. If Social Security is going to be used in this way, as some horrifying example of being ripped to shreds, then go read the Trustees' Report of Social Security, which was not prepared by the hobgoblins of the right or Ronald Reagan or George Bush. It was prepared by three of the President's Cabinet: Robert Rubin, Robert Reich, Donna Shalala, with the Commissioner Shirley Chater adding her dimension, and one Republican and one Democrat appointed from the general public.

What do they tell us? They tell us that the solvency of Social Security is "unsustainable." We can get another word, we can use "broke." It is unsustainable in 75 years, unsustainable in every way. We know it, the Senator from North Dakota knows it, but more importantly the trustees know it. If anyone wishes to have a copy of that document, I will be very pleased to share it, because it shows that in the year 2013 we will have to be trading in the old IOU's and getting the bonds cashed, which is then a double hit on Social Security.

Meanwhile—and I will get to my full theme a bit later—the AARP, this remarkable group of people, the American Association of Retired People, this extraordinary group of 33 million people bound together by a common love of airline discounts and automobile discounts and pharmacy discounts and every other discount known to man or woman, is a group of organized people who have already settled with the IRS on a claim of back taxes for $135 million.

They asked their executive director, "How did you pay that?" and he said, "We just wrote a check." They have $314 million in the bank, in T-bills. They lease a little hut down here in downtown for $17 million a year; a 20-year lease at $17 million a year. That is your AARP, speaking for "the little guy."

Where we are is—if anyone cannot understand it yet, is who we are going to hear continually about the little guy, the poor, the downtrodden, the oppressed, the abused in society—and does anyone in America know how Social Security will be restored to solvency? There are only two ways. You reduce the benefits or you increase the payroll tax. And what do you think the senior groups are continually requesting? I can tell you, it is not reducing the benefits; it is increasing the payroll tax.

And who pays the payroll tax? You got it, the little guy pays the payroll tax. The little guy in America is the "stick-ee" of this remarkable process regarding Social Security.

If you will remember, our fine colleague from New York, Senator PAT MOYNIHAN, and a "Blue Ribbon Commission," in the early 1980's, got together and honestly put this program "on the table" and got off the table all the tired babble about Social Security, about the poor and the wretched, the disabled and the infirm and so on—got that off the table and said, "This program is going broke, absolutely broke." Senator MOYNIHAN and a remarkable group of Democrats and Republicans then came together. That is impossible in this atmosphere. The water in the well is so poisoned now on this issue, we could never address it again. You are not supposed to even touch it. My mail will fill the room and the phone system will bust down later in the day as I choose to address this remarkable issue of Social Security.

So you have the situation where it was going broke and the Commission made some sensible recommendations. The recommendations were made in a very conscientious, bipartisan manner, to reflect that, if these things were carried out—and remember what one of them was; it was increasing of the payroll tax; but we were ready for that then—that the Social Security system would be saved until the year 2069. I hope you will hear that, 2069.

That gave everyone a remarkable sense of a job well done. Except, since the early 1980's, through, now, the projections of the Social Security Administration and the trustees themselves keep moving up the doomsday date.

And guess what the date of insolvency is now for Social Security? It is not the year 2069 or 2063 or 2050 or 2040. It is 2029. So since the early 1980's, Social Security is still long-term unsustainable, and the doomsday date—in just 13 years—has been moved from 2069 to 2029—moved up 40 years. Next year it is very likely the trustees may present to us their report saying that it will not be sustained past the year 2025. What a tragedy. And here we sit—all of us just sitting. We know it. We all know it.

I am going to accept the word of those three fine Democratic Cabinet members, who I respect and know—each of them individually. They are able Americans. I like them personally. We have our differences politically. But these fine people are telling us that in the year 2012—stretch it to 2013, if you want to—that the IOU's will be cashed in. Bonds will be then sold, and the American people will take a hit that will take the Social Security system from the year 2013 completely to bankruptcy in the year 2029. Everybody knows it. There is not a soul that can come into this debate and tell me that is not true. They will not come to this Chamber and tell me that is not true. We all know it.

So we continue our process of these short-term fixes. Senator BOB KERREY and I, in a bipartisan effort, have presented seven bills to restore solvency to the Social Security system. If you really want to get aboard, we are looking for cosponsors. But it is a little difficult to pick up cosponsors when you mention the secret sinister dual phrase "Social Security" and necessity to restore its "solvency" because people do not believe it. But BOB KERREY and I believe it.

So, if we are going to be doing some positive things, why, take a look at the good thoughtful bipartisan approach of Senator BOB KERREY and myself and what we are doing to save the Social Security system—without any gimmickry whatsoever. We are going to phase up the retirement age. We are going to let people put in 2 percent of their payroll tax into a personal investment plan where they can call the shots on that themselves, 4½ percent would then still go to the Social Security system, which will reduce the size of the benefit and will also help to salvage the system.

If the American people understand nothing else—and the fortunate part of all this is that we have a year to tell them what really happened in reconciliation—if we had but just a few months or weeks, we would never be able to get it through the clatter, the flak, and the tinfoil that is being shot out over America to, I guess, divert truth. But we will have that opportunity for an entire year to tell the American people exactly what we are doing—such things as "doing something" with Medicare, which is going to go broke in the year 2002. You have heard that. You are thinking, there he goes again, and they are all nuts. They are just telling us that.

We all know what we did in the reconciliation by allowing Medicare to go up 6.4 percent per year, and so I want everyone to be absolutely cheered to know that Medicare will now not go broke in the year 2002. No, it will go broke in the year 2009. Everybody knows that. I know it. Those on the other side of the aisle know it. The President knows it.

Think of this. This is what is happening. These numbers are correct. No one can come and challenge these figures. Somebody will come in and say, "He is terribly wrong. It will not go broke until the year 2012." That ought to cheer us all, too. It will not go broke in 2002. It will not go broke in 2009. It will go broke in 2012. That is pretty short rations in any form.

If we are continually trying to frighten "the little guy," then there is a good way to really frighten the little guy. Tell him or her that Medicare will not just be there going up 6.4 percent each and every year; it will be broke, flat busted, out of money. Tell them that. That will get a reaction out of them—probably a little more startling than being told it had been cut. "Cut schmut!" How can you say "cut" when you go up 6.4 percent? That is exactly what we are doing. So if you like to frighten the little guy, let us do it right.

Let us just get down to the political reality because we live in that arena. Let us say that we fail to tell our story in a year. There is not a question in my mind but that we will, and the American people know that finally a responsible political party decided to do something responsible.

Let us say we fail, and they take up a pitchfork on November 6, 1996, and just pitch us all out in the snow, which they have a way of doing in this country—recalling that "Get out before they throw you out" is a great phrase in our line of work.

Let us say they do that. And I guess the campaign then to that date to have done that would be a simple one. It will be that "We saw what those rascals, the ragamuffin Republicans, did to you, and we are going to get it all back for you. We are not going to let Medicare go up only 6.4 percent, which is the horrible thing they did to you. No, we are going to let it go up 10 percent and 12 percent a year just like it did before. We are not going to let them get away with letting Medicaid go up only 4.8 percent. We are going to let it go up 9 just like it did before. We are not going to let them talk about phasing up the retirement age of Medicare so that it matches that same increment of Social Security, which we have already done."

If that all happens then any figures that I have given you from the trustees or other sources—just accelerate them up 100 percent, and all of the systems will go broke even faster. Each and every one of them will go broke faster.

Ladies and gentlemen, if we can also get away from the travesty of pretending that there really is a Social Security trust fund and that somehow we politicians on both sides of the aisle dabble in it and mix around in it with our hands as if it were something from the cauldron in the first act of Macbeth, as we draw it out of there and wildly spend it. Remember there is no Social Security trust fund. And we have never "dipped into it." I take it back. One time we did. But that lasted only about 2 days. We spanked our own hands so vigorously the redness is still there. We never did that again, and cannot, and will not by law.

So, these funds are all in IOU's because the law on Social Security says whenever there are surpluses in Social Security—and there are huge surpluses right now, and they will become ever more magnificent. They could reach $2 trillion before 2012 when the big decline, the final fall off, the ultimate drawdown, begins to take place.

So here we are knowing these things—all of us. All of us know it, and we all know, too, that the surplus cannot be used except to be placed in securities of the United States of America, secured by the full faith and credit of the United States. So every single penny of reserves of Social Security is, by law, used to purchase T-bills, savings bonds, whatever, backed by the full faith and credit of the United States and purchased by your bank, and purchased by individuals and other nations' too. The interest on those securities is not paid from any Social Security trust fund or funds. It is paid from the general Treasury of the United States of America. No one can come to the floor and say that is not the case.

So, when the time comes—and it is coming soon—for when I was a freshman at the University of Wyoming, there were 16 people paying into the Social Security system and one person taking benefits out. Today, there are three people paying into the Social Security system and one person taking out, and in 20 years there will be two people paying into the Social Security system and one taking out. How long do you think that the younger generation then is going to sit and put up $10,500 each, two people, to sustain a person at $21,000 a year or $20,000 or similar amount on Social Security?

The saddest part of the debate in the last 3 years was that this President, President Clinton, put in his first budget—and I commend him sincerely and heartily for it—an entire section called "intergenerational accounting." It was powerful stuff. It was real. It was true. It talked about what is going to happen—the program is unsustainable, what will occur to the young people, and how it has to be adjusted. Yet this time in his budget presentation there was not one single word about "intergenerational accounting," not a word.

I find through my less-than-positive sources, since I labor in minority status there on Pennsylvania Avenue, that the good, thoughtful people on the President's cabinet and staff wanted to include that statement again, Secretary Reich, Dr. Alice Rivlin, several there—but that the "political types" in the White House said: Do not touch that one again. You touched it the first time and it was so true it even leaked down and people could understand what was going to happen to those systems. But do not touch it this time.

So we did not touch it. He did not touch it. And then he appointed this fine commission to look into these entitlements, with BOB KERREY and JACK DANFORTH as chair and co-chair. They did a beautiful job. Read their report. I commend that to anyone. Then soon after that appointment we did another little statute that said we owe it to ourselves to examine into these various programs, and somehow we left off the word and the entire program of "Medicare." We will not address the word "Medicare." The word "Medicare" is left out, and that is the one that is really eating our lunch. That is the one that is going to go broke, and that is the one we all know will go broke.

Now, if we can wade through this type of garbled activity in these next days and weeks, we may be able to get there. If we can wade through it in the next year, we may be able to get there.

And who did this? Who visited this sinful pile of debt upon us? Well, let me tell you. I hope the American people understand who did this. We did this. This was not done by Ronald Reagan or Jimmy Carter or George Bush or President Clinton. We in the Congress did this. The Presidents of the United States get not a single vote on this. They can veto it, yes. But no votes. I have watched this game for 17 years. Wire up a budget, ship it to the President, see if it will blow up under their chair. It is a great trick. Democrats are highly skilled at it. Republicans, it will take us a little longer to learn. Put it together, roll it back and forth up and down Pennsylvania Avenue, and see if it will detonate under whose chair. And that will not solve much for the people of America.

But we did this. There is not a one of us in this Chamber, including your loyal scrivener and correspondent of the moment, who did not "hire on" in some way to bring home the bacon. Bring home the bacon: Go get the HUD program; go get this center; this building; go get the farm money; go get this; go get the dam; go get that; all accompanied with a press release.

Who do you think did it? Nobody but us. I do not have the courage I used to, to do the press release anymore saying, "Senator SIMPSON announced today more bucks for his State." It is a good way to get reelected forever, I guess. People I know who have been here have done just that. Bring home the bacon.

I would love to share with you the outlay of Federal expenditures per capita to the various States of the Union, and then you might know who represents those people in this Chamber of the Senate. You would be very intrigued to see who brings home the most bacon, who burdens the taxpayers—burdens the taxpayers most.

Mr. President, $3.6 billion goes to one State with only 0.2 percent of the population of the United States. How about that, $3.6 billion in Federal outlays to a State with a population of 638,800. That is a per capita spending of almost $6,000 of taxpayers' money per person. It is No. 6 in the country per capita.

Those things need to be known, and they are not known. It is time they were known if we have to get into this kind of a continual ritual that somehow this is abject trickery or somehow it is "the rich versus the poor."

Ladies and gentlemen, I know this is shocking, but I have a theory about what we might do with the rich. Oh yes. Instead of taxing them more, we might well confiscate everything they have. Just take it all. Take every stock certificate, every yacht, every ranch, every villa or home, every trust, and just snatch it, take it. Go down through the Forbe's 400 and the Fortune 500—I am talking about individual wealth now—and just snake it off the table, every penny. And guess what? It will run the country for about 7 months. Got it. It is a figure of about $800 billion. Yes I am talking about the Wal-Mart money; I am talking about every family in America that we look upon as "the rich." Take it all and it will run the country for 7 months because, ladies and gentlemen, the budget of the United States this year is $1.506 trillion. Got it? One year.

Does anyone believe that we are not "doing something" for Americans? Can anyone believe in their heart and mind and soul that we are doing nothing for our country and its men and women and children when we are spending $1.506 trillion this year—1 year—1 year to run the United States of America?

I know it is painful to go through these figures again, but it is very true that 1 percent of these "rich" pay 27.4 percent of all taxes in the United States of America. Oh I know I should not even have said it. And the top 5 percent pay 45.9 percent of all taxes in America, and the top 10 percent pay 57.5 percent of all taxes into the Federal Treasury of America. The bottom 50 percent pay only 1.5 percent, ladies and gentlemen. Those are figures from the Census Bureau, figures from the IRS, figures from the GAO report, and that is that.

So when you give tax relief, which the President desperately wants to do too—the President of the United States has decided that he wants to give people a tax cut. We in the Republican faith have decided that we want to give people a tax cut. The President of the United States has said that he would like to see Medicare go up only 7.1 percent. We are saying that we would like to see it go up only 6.4 percent. So we are not that far away.

Obviously, the President and this Republican majority are right on track with Medicare, but you would never know that. Oh, no, a serious "cut" is taking place. What is it then that the President is doing? Is that not a cut? You either cut or you cut or you slow an increase or you slow an increase. A rose is a rose is a rose. So if the 6.4 percent increase of the Republicans is a cut, then the 7.1 percent increase of the President is a cut, and we and the public should both use the same vocabulary on that. We will get there somehow. If we dull the rhetoric and the warfare, we will get there.

So I just think it is always appropriate to talk about Social Security. And when people come to the floor and say let us leave it off, we ought to leave off the table Social Security, well yes we all did that. It was a magnificent flight from reality. How do you leave out of the equation something that is worth $360 billion? Social Security, ladies and gentlemen, is $360 billion a year.

As we scratch around for money on this floor, where we are looking for something for my State or something for the State of the Senator from North Dakota, looking for only $100,000 or $2 million or $3 million, I can tell you where we could have found a ton of it. You just saw a cost-of-living allowance go out to Social Security recipients regardless of their net worth or their income. It was $8.7 billion.

Mr. President, $8.7 billion went out to all of the recipients of Social Security on a 2.6 percent COLA, judged by the CPI, Consumer Price Index, and all of it with no means testing, no affluence testing, nothing, some of it going to people who have gotten all of their Social Security taxes back in the first 5 years. You know that, I know that. To some people the difference is not the cost of living but the cost of living it up. And we make no means test. No affluence test of any kind.

You have the issue of part B premiums. If we are really talking about the little guy now, I want to hear much more about the little guy when we talk about part B premiums because, ladies and gentlemen, part B premiums are totally voluntary. Part B is totally voluntary. It was never part of any contract with anyone, certainly not with the seniors, because you step up, and they say, "Do you want part B? If you do, you are going to pay $46.10 a month." And $46.10 a month is 30 percent of the premium.

So, ladies and gentlemen, if you really want to talk about the little guy, then remember that the wealthiest people in America who have voluntarily chosen part B coverage are paying 30 percent of the premium, and the people that maintain this building at night when we shut down the action in this "cave of the winds," the people who are working hard here, are paying 70 percent of the premium for the wealthiest people in America. Got that? Not one person can refute that. I want to hear from anyone on that one, if we have any rebuttal at all on that one. There will be none. So, 70 percent of all the premiums on part B, which is voluntary and which is an income transfer program, are paid by the general taxpayers of the United States.

Let me conclude. I have here in my hand the most fascinating and intriguing mailing sent out to me by "the mother of all mailers" in the United States. This is the AARP I speak of again. The mother of all nonprofit mailers. And 1.5 percent of all mail in the United States under their particular permit class is by the AARP, ladies and gentlemen. And a larger percent of the mail men and mail women all over America get hernias carrying their good works and telling of the unselfish efforts of the AARP—applications for credit cards, insurance, investment advice, and even tax counseling, which is a dazzling array of services. I think they do need tax counseling because, you see, they settled with the IRS for $136 million that they had not paid in taxes because of unrelated business income. But remember, they just wrote a check. That is your poor, beleaguered AARP.

But, anyway, they sent this. It came to the mother of one of our colleagues. Of course, the AARP is, as I say, the mother of all nonprofit mailers. You might remember them. We sent that group $86 million in Federal—that is, taxpayers'—money last year.

This is also the noble group that rakes in more than $110 million—million—annually in insurance premiums and does not pay any taxes on that Prudential, New York Life, RV Insurance, no; remember they get 3 percent of every premium paid—from Prudential Life Insurance Co. And this is also the group that has over $300 million in T-bills just "sitting around," lying around.

But one clear use they have found for all their vast money is to use it in what I call "astroturf" lobbying, which is different from "grassroots" lobbying. Surely you know that. You know what astroturf is. It is fake grass, phony, a synthetic facsimile. And "fakery" is a pretty darn appropriate word to describe the tactics that they employ in this piece of correspondence.

I honestly, for the life of me, cannot figure out how an organization of this size, power and clout cannot afford to hire some poor soul to get their facts straight. Maybe they do not care to. Perhaps deception is the intention. For starters, they say that the Senate "will vote on a proposal to cut Medicare spending by $276 billion over the next 7 years."

There is that word "cut" again. We will want to see it again when they describe the President's proposal on Medicare, which is a 7.1 percent increase in Medicare. We will see if they use that word "cut" again. They used it again when they say "this level of 'cuts' is unprecedented," even though they all know full well that under this plan Medicare will go up 6.4 percent per year, faster than any other major spending category in the budget. And, ladies and gentlemen, does anyone in this Chamber or in this country believe that if we are able to do this—and we will—that 7 years from now we will say a 6.4-percent increase was not enough, so we should raise it, or say 6.4 percent was too much, and we will now let it go up by only 2 percent a year?

By then nobody is going to let it go up only 2 percent a year. No, we will always, from now to eternity, let it go up 6.4 percent or more per year because that is the figure we picked. And then tack 20 or 30 years onto that percentage increase and you will really see an unsustainable program, totally, totally, hideously unsustainable.

Here is another one for you from this AARP mailing. It is a real chuckler. A headline that says, "No Medicare Coverage Until 67." They usually have a block wreath around that or extra emphasis on the ink in the title. "No Medicare Coverage Until Age 67." Is that not funny? Because I thought the current AARP members were sucked into this gargantuan operation when they were 50 years old—and they are. You can be a member of the AARP at the age of 50 by paying your $8 or picking up a copy of their magazine, usually a 4- or 5-year-old magazine, perhaps at the dentist's office. They include that as a membership. If there are magazines laying in these places, that is a "member," I think, to them. So you can be 50 years old and be a member—whether retired or not.

The plan before the Senate last week would have gradually increased the eligibility age to 67 over a span of 24 years, and never faster than 2 months per year and, thus, not fully phased in until the year 2027. Guess why we did that? Yet it was taken out. I hope the people of America will realize what will happen by taking it out. We did it that way to match what we have already done with the Social Security Program, which is already on the track for this kind of a phaseup. Hear that.

So in this deception how old will the youngest current AARP member be then in the year 2027? Well, they would be 82 years old. They will have been collecting Medicare for more than a decade by the time this proposed eligibility age increase was fully "phased in."

In other words, not a single person who is an intended recipient of this mailing would be affected by the full impact of that, not a single person. In fact, no current AARP member would see their eligibility age postponed by more than 1 year—more than 1 year—no current member of the AARP.

Now, that is a real slick organization. They also say that "only $110 billion" in cuts are actually necessary to restore solvency to Medicare. And for how long, I might ask? And they then say to the next decade. "Through the next decade," they retort. Great. So up through the year 2005 then, only 3 years later than the current crash date. What chicanery. What bald-faced balderdash.

Actuarial solvency is measured by the trustees over a 75-year period, and it is unsustainable. They know it and you know it and I know it. But the good old AARP is content to let the system go belly up in 10 years. It strikes me as quaintly odd that the AARP can get so agitated over eligibility ages that will not even be fully effective for three decades and do not care a whit about Medicare solvency beyond the year 2005. What a group.

Here is another intriguing one for you. They express outrage that under our plan "beneficiaries with incomes above $50,000 would pay a much higher monthly premium. How long," they ask, "will it be before Congress lowers this to $40,000 or even $30,000," implying, of course, that any attempt—any attempt at all—at means testing or affluence testing of anything is dangerous and dastardly oppressing.

Oh, I wish I could tell you how many times AARP representatives have come through my door, along with "Edna the Enforcer." You have seen that wonderful cartoon by Jim Borgman of the Cincinnati Enquirer; "Edna the Enforcer" making her rounds for the AARP in the dark of night. She is a husky one. She comes in, and they have a caricature of me in the most emaciated form, actually—most shocking! I am saying, "Don't pull the phone tree, Edna, not the phone tree!" and then she gives you "the word." Well, those are clever, and Jim Borgmann is one of the best. I met him many years ago. Go look at it. Its a kick. See it.

So they have come to my door, the AARP, and visited with me and my staff, and they say this. Here is what they say: "Oh, Senator, you are not correct, but we do support some kind of means testing or affluence testing. We would like to call it 'income relating' but not affluence testing. But we agree, it's the way to go. Of course, we can't come out too far in front of it, but we understand you're on the right track."

That is the word you get in your office. That's what they tell me. What their members are hearing is something quite, quite different.

Then "income relating" is the word they have now used, as they call it, and it is portrayed as a sinister precedent—a harbinger of evil things yet to come. What a courageous outfit.

Then, of course, another letter has gone out from them about the CPI. They are saying, "Oh, for Heaven's sake, don't mess with the CPI." I am on the Finance Committee. Not a single person from Alan Greenspan to all the experts we saw said anything but that the CPI, the Consumer Price Index, was "overstated."

And get the rest of this latest letter to all of us. This is supposed to make you cringe and certainly your staff is supposed to cringe when you get this in your mailbox from the AARP dated October 23:

> If Congress adjusts the CPI in the absence of the Bureau of Labor Statistics findings, AARP would regard such action as "a thinly disguised effort to cut COLA's and raise taxes."

I also know what that is. That is a thinly disguised threat.

Then they go on to say, which they all do, and you know what they say, that the people who will be hurt the most will be "the near poor, mostly single women permanently pushed into poverty," in addition, and so on and so on, not thinking that if they go broke, the poor in poverty will really be pushed into something grotesque.

So this is the kind of rubbish that I see spewed out from the AARP through Horace Deets, John Rother—and they are genial people—except when they are not, and also their full chorus and company of apologists, paid actuaries, accountants, lawyers, trustees, and trustors. Their budget for staff is $60 million a year. Try digging down through various entities and the foundations of the AARP. It is like digging through the Pyramids of Egypt. They have the Andrus Foundation, this foundation, that foundation, and nobody knows the bucks that they have in each of the stack.

They have never come up with anything new, and everything they do can be refuted. Just as when they said to the IRS, "We do not owe you any taxes, don't you understand," and then they paid 136 million bucks to "settle up" and wrote a check. When they said to the Postal Service, "But we're permitted to mail our insurance solicitations at nonprofit rates," and the Post Office said, "No, you're not," and they had to cough up $2.4 million to get off the hook there, and that will be the eternal struggle for them and should be.

Remember, this is the group of worthies who clog your mailbox with 1.5 percent of all the nonprofit mailings in their class in the United States and this is evidence of the level of trust and reliability that they have in this country.

If everyone in Congress really likes to thump their chest and say that they always stand up to the special interests, well, the AARP is the biggest, toughest, canniest, most powerful slugger, the most ruthless and, I think, the most deceitful of them all.

So I trust my colleagues will show their true mettle and legendary courage in "standing tall" as we all deal with this remarkable 1,800-pound gorilla in the days and months to come.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is my understanding that we have 8 minutes remaining on our time.

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized, and they still have 8 minutes.

Mr. THOMAS. The time was to be from 10:30 to noon for the majority leader.

The PRESIDING OFFICER. There are 8 minutes remaining on the Democratic time of the designee for the Democratic leader, and he asks for recognition.

THE ECONOMY AND SOCIAL SECURITY

Mr. DORGAN. Mr. President, the Senator from Wyoming is now and always has been one of the most colorful presenters on the floor of the Senate. He has also been an excellent Senator. I occasionally find much to agree with him about. This morning, I found several areas in which we disagree. I always find it interesting that it upsets some when you come to the floor of the Senate and talk about the economic system in this country and who is doing well and who is not, because the implication of that, they say, is, if you point out who is doing well, it is class warfare.

I pointed out on the floor of the Senate this morning that the average worker in this country, if you had a line of all Americans from the richest to the poorest folks, the average person makes about $26,000 a year and in 15 years has lost $100 a month of income. That is what I pointed out. That is the truth.

I also pointed out that those in the top 1 percent in America are doing very well. I do not regret that. Good for them. The incomes of the top 1 percent have increased in a 16-year period by 79 percent to an average of $576,000 a year. I wish everyone could experience that. That is my point. I wish the fruits of this economy could be available to everyone.

It is not class warfare to point out who is benefiting and who is not. Our job is to try to figure out how we help those who are not.

The fact is, productivity in this country is going up, so the average workers out there are doing their part. Corporate profits are going up. The stock market is going up. But guess what? Wages are going down in real terms, and we better start caring about that as a country. We better start doing something about it.

When someone raises the question, we better stop saying class warfare. It is not constructive. Let us talk about this economy, who wins and who loses, who is rewarded and who is not and how do we lift the middle-income families in this country and give them opportunity, provide jobs with good wages.

What the middle-income people see is lower paychecks, lower wages, and their jobs being shipped overseas, all by the same people who in this upper 1 percent, by the way, are getting million-dollar increases a year in salary because they are downsizing and shipping their jobs out of this country. Can I provide the facts for that? You bet I can. I can tell you who is doing it, when and why and how much they are being rewarded for moving jobs overseas.

Well, enough about that. But I hope we can have a discussion one day on the floor of the Senate about this economic system and trade policy and what we ought to do to address these issues.

The Senator from Wyoming began by talking about Social Security and used the word "bankrupt" generously. The Social Security System is not going bankrupt. It does no service to the American people to try to scare people about the Social Security System and so-called bankruptcy.

In the year 2029, the Social Security system will be out of money. The Senator is correct about that. Between now and then, we will have yearly surpluses, until about the year 2013. So about 34 years from now, unless we make some adjustments, we will have a problem. We will make adjustments. We have in the past and will in the future. The fact is that our responsibility is to make adjustments.

The Senator from Wyoming said the Republicans are doing what has always been done—that is, using the Social Security surpluses as part of the revenue of the operating budget. The best I can say is that the Senator says this is business as usual. I guess it is. I thought this was about reform and change. The Senator says this is business as usual. It has always been done, so we are going to keep doing it.

In 1983, I say to the Senator from Wyoming, I was on the Ways and Means Committee. I voted on and worked on that Social Security reform package. If the Senator will go back to the markup form, I offered an amendment that day. It was on the same thing I speak about today—that is, you should not collect payroll taxes, which are, by nature, regressive, promise people it is going to go into a trust fund and then pull it over into the operating budget and use it. That is dishonest, and I said that 12 years ago; dishonest, I say again on the floor of the Senate today. Am I a Johnny-come-lately on this issue? You better believe I am not. I have talked about this for 12 years.

This is dishonest budgeting. It was by Democrats, and it is by Republicans. It is dishonest and it ought to stop. The Senator said we have always done these things. But nobody ever did what was done last Friday. I hope, and will wait today for somebody to put in the RECORD what was done late Friday night, taking $12 billion out of the Social Security accounts in the reconciliation bill in order to fund other parts of the bill. It has never been done. It is a violation of the law, and the only reason it was done was because of the language we used, "notwithstanding any other provision of law."

I challenge anybody on the floor of the Senate today to come demonstrate that this has been done before. It has never been done before. It should not have been done on Friday, and it represents phony budgeting. Everybody in this Chamber knows it. So when people say, we are just doing what has always been done—not true. Not true.

There is plenty to talk about on Medicare and Social Security. I happen to think both of these programs have advanced this country's interests. Both programs need adjustments. There is no question about that. I am willing to work with the Senator from Wyoming, and others, in sensible ways to think through in the long term what we do about these issues. But I do not think it is wrong or unreasonable for us to ask questions about the priorities of cutting $270 billion from what is needed in Medicare in the next 7 years and then deciding to cut taxes, especially after we say to you, well, at least limit the tax cut to those below a quarter-million dollars a year and back off on the adjustments you intend to make for some of the poorest of the poor, who rely on Medicaid and Medicare. If we are told we cannot do that because that is not our priority, then we understand we have very different priorities.

I am not alleging that you all do not care about Social Security or Medicare. I think there are some who do not. I think there are some who never believed in it, who never wanted it and, even today, if given a chance, would vote, probably in secret, to get rid of both. The fact is, I happen to think both have advanced this country's interests and helped us to be a better country. I think when we, as Democrats and Republicans, are required to make adjustments in these programs, we would be well to make adjustments without putting them in a vehicle where we have decided, also, before we balance the budget, to provide a significant tax cut. I understand there is even reason to disagree on the tax cut. I think working families deserve a lower tax burden. I would like to see us do the first job first: Balance the budget, and decide after we have done that job how we change the Tax Code and provide relief for working families.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think the time until 12 o'clock is set aside for discussion on this side of the aisle, to talk a little bit about what we have been doing over the last couple weeks, to talk about some of the heavy lifting going on—balancing the budget, strengthening Medicare, reforming welfare, and doing something to reduce the tax burden on middle-class Americans. We want to talk a little about moving to the negotiation table, so that what is being done here can be done to affect the American public.

I yield 10 minutes to the Senator from Georgia.

PROTECTING MEDICARE

Mr. COVERDELL. I thank my colleague from Wyoming. I, of course, take some issue with the Senator from North Dakota. He quoted the statistics—to digress a moment—that indicated that Social Security was solvent until 2029, or something like that. The same people that he is quoting have told him, also, that Medicare is bankrupt in 6 years. They seem to forget that. Those trustees are really credible when they talk about Social Security, but they are not credible when they talk about Medicare.

Those same people that he is quoting are the ones that are telling the other side of the aisle that we better get serious about doing something about Medicare. The proposal that we voted on the other night should make everybody who is a beneficiary, or potential beneficiary, very comfortable, because that proposal guarantees a quarter-century of solvency. It takes it out just like Social Security. The proposal that we got from the other side of the aisle gives us a Band-Aid that would give us 24 additional months. I do not think there is a senior citizen in this country that is comforted by somebody making—I think he referred to it as "adjustments," that give you 24 months of survival.

I think one of the strongest things that we have done is to effectively modify this program so that it is intact, it is secure, and there are more choices, and it is solvent for a quarter-century.

He also stated—reluctantly, I would say, after badgering the idea that we brought forward—that taxes ought to be lowered on the working families of America. He reluctantly, at the end, indicated that, well, maybe that is all right.

Let me tell you, it is more than all right. The other day on the floor, I mentioned that when Ozzie and Harriet were the quintessential family in America, Ozzie sent 2 cents of every dollar he earned to Washington. Today, that average family sends 24 cents out of every dollar to Washington, so that we can set the priorities for those families.

We have marginalized middle America. The Senator from North Dakota referred to the 1 percent that are wealthy. I might say that you could take this 1 percent and the 15 percent that are poor and on Government programs, and they are not terribly affected by this policy. They are either so wealthy that it does not matter to them, or they are in the Government program. But it is the vast middle class that bears the burden of what has been happening in Washington for the last 25 years. More and more has been extracted from that family and, as a result, they are less and less able to care for the housing and the education and health of that family. We have all acknowledged that the family is the core unit for maintaining the health of the country. But the Government has been pounding and pounding on that family for a quarter-century.

Today, half of their wages are consumed by one Government or another—a quarter in Washington, and the other quarter is divided between State and local government. An average family today earns $40,000 a year. I guess that is supposed to be rich, if you listen to the other side of the aisle.

Mr. President, $40,000—and by the end of the day they have somewhere between $20,000 and $25,000 to take care of all the needs of that average family.

If what was passed here this past Friday finally becomes law, we should talk about what that means, Mr. President, to this average family. It means that their interest payments on their mortgage is going to drop, and if that average mortgage is $50,000, they will save $1,081 a year in interest payments on their mortgage. They are going to save $180 a year on the interest payments on their car. They are going to save $220 a year in interest payments on auxiliary loans, whether it is for a student loan or refurbishing of their home. That comes up to almost $1,500 or $1,600 a year net on their kitchen table.

On top of that, that average family has two children. They are going to get a $500 credit for each child; $1,000, Mr. President, on the kitchen table.

So we have put $2,000 to $3,000 back in the account of every average family in America. That is an increase of anywhere from 10 to 20 percent of their disposable income. Tell me when middle America would have received either in salary increases or any other benefit of that significance, 10 to 20 percent more disposable income.

The people that have been paying these bills, that have been paying the bills for Medicare and for Medicaid and for Federal retirement and the interest on our debt deserve relief, they deserve it, because we depend on them to educate, to house, clothe and keep healthy the future of America. That is what these proposals do—they return resources to the average working family in America.

Now, Mr. President, just an hour ago there was a joint session of the policy committees on the House side and we heard from major economists on Wall Street about these budget proposals. It was amazing. To the person they said, "Stick to it. America has got to have balanced budgets."

If we achieve these balanced budgets, everybody will prosper, interest rates will drop. They already give us credit, this new Congress, from lowering it from 8 percent to 6 percent. They say if we actually pass this, and only 3 out of 10 Americans think we have the guts to do it, it will drop another percentage point. Interest rates will drop, inflation will drop, and the economy will expand. This family will put $2,000 more into its own welfare and the people in that family that are looking for a new job will be standing in shorter lines and there will be fewer pink slips.

The fact that America would seize control of its destiny and manage its financial affairs, as any family in business has to do, will be a boon to America. Every one of these people said to us, "Don't blink, don't retreat. Get this done and the real beneficiaries are middle America."

They passed out this chart, Mr. President. It is hard to see, but it shows the relationship to the growth in spending to inflation. When we are irresponsible as caretakers of our financial affairs in the Congress, and we spend too much—more than we have—we cause inflation to go up, we cause interest rates to go up, and then there is less available for expansion, and we cause people to lose their jobs.

Given what we are looking at, it is mindboggling to me that the other side of the aisle is not right at the table trying to find a way to support change in the way Washington has been operating.

Mr. President, we have been told that unless the United States does something very quickly, that within 10 years all U.S. revenues, all of our wealth, will be consumed by five things: Social Security, Medicare, Medicaid, Federal retirement, and the interest on our debt. And nothing is left.

That was presented to a group the other day in my home State and a woman stood up and said, "How in the world would we defend ourselves?" Good question. We could not. World rogues would love it if we stumbled into the next century, crippled financially and unable to maintain the status of the superpower that we are. Five expenditures, and it is all gone.

Last April the trustees of Medicare came forward and said, "Look, it is bankrupt. Congress and Mr. President, do something about it."

I yield the floor.

Mr. THOMAS. Mr. President, I yield 10 minutes to the Senator from Minnesota.

THE $500-PER-CHILD TAX CREDIT

Mr. GRAMS. I want to thank Senator THOMAS, my good friend from Wyoming, for setting aside this time on the floor today for my freshmen colleagues and I to share our perspective on the Second American Revolution.

There may be 11 freshmen new to the Senate this year, but we speak with a single voice when we talk about the mandate handed to us by the voters last November.

Beginning last Wednesday morning and continuing for 20 hours, this Senate undertook a historic debate. For 20 hours, as we outlined the Balanced Budget Reconciliation Act, we had the opportunity to outline for the American people a new vision for this country.

Our vision is about standing up for taxpayers and their families. It is about reining in the big government that has inserted itself more and more deeply into their lives over the last 40 years.

Our vision—this new approach to governing—begins with balancing the budget, preserving Medicare, redefining welfare, and letting the people keep more of their own money, through our $245 billion package of tax relief.

Forty years of backroom wheeling and dealing by my colleagues across the aisle have dealt the American people nothing but a string of losing hands.

The big spenders may have had a long run, but they never played by the rules. Instead of using their own money, they demanded—over and over again—that the taxpayers be the ones to ante up.

With this Congress, however, it is a whole different game.

We are no longer going to let the Government gamble away the taxpayers' hard-earned dollars. In fact, we are going to keep those dollars out of the Government's hands in the first place.

As you know, the centerpiece of our tax relief package is the $500-per-child tax credit, and I am proud that my colleagues stood with me to ensure that this desperately needed provision remains at the heart of our reconciliation bill.

The $500-per-child tax credit will return $23 billion nationwide every year to working-class families, and those families have been vocal in sharing their thoughts on what kind of difference the child tax credit would make in their lives.

Since I began working on the $500-per-child tax credit 3 years ago, as a Member of the U.S. House, I have been receiving letters urging Congress to follow through on our promise of middle-class tax relief.

The letters have come from Minnesotans and from concerned Americans across this country, as well.

I hope they do not mind if I share parts of their letters with my colleagues.

Just a few: From Alabama, where the $500-per-child tax credit would return $354 million annually, I received this note on the very same day we began debating the reconciliation legislation.

The letter said:

> Please continue your work toward Medicare reform, a balanced budget over 7 years, and tax cuts. The people of this country are with you and waiting for this to happen.

From California, where the $500-per-child tax credit would return $2.6 billion annually:

> Our families desperately need tax relief, and our government needs to stop spending so wastefully.

Another letter, signed a "California Democrat," read in part:

> Thank you for your support of the family tax credit. As a parent of three, I know parents need the help.

From Florida, where the $500-per-child tax credit would return $973 million annually:

> Thanks for your efforts this past year in supporting tax relief for families!

From Georgia, where the $500-per-child tax credit would return $570 million annually:

> I am writing to thank you for proposing the budget plan that would cut federal spending more than President Clinton's, and for supporting tax relief for families. We can use all the help we get!

From Illinois, where the $500-per-child tax credit would return $1.1 billion every year:

> We are a one-paycheck family struggling to keep our heads above water. Two of our children are in a private school. The burden of paying for the public and private systems is great for us.
>
> Nonetheless, we must do what we know to be best for our children. It is encouraging to know there are members of the government who understand our struggle and are working on our behalf.

From Minnesota's neighbor to the south, Iowa, where the $500-per-child tax credit would return $326 million annually:

> Thank you for supporting tax relief for families. Keep up the great job!

From Kentucky, where the $500-per-child tax credit would return $300 million annually:

> We realize you are fighting a tough battle and we fully support you on this issue. Keep fighting!

From Michigan, home State of Senator SPENCER ABRAHAM, who has been one of the Senate's most vocal advocates on behalf of family tax relief, and where the $500-per-child tax credit would return $977 million annually:

> I want to commend and thank you for remembering and supporting the needs of families at tax time. Specifically, I want to thank you for spending the past year arguing for the $500 per-child tax credit.
>
> There aren't very many people in Washington who remember the pro-family community in our country—and even fewer people in Washington who will support the family.

From Montana, where the $500-per-child tax credit would return $46 million annually:

> We just wanted to take the time to say thank you for supporting tax relief for families. We appreciate your stand for us parents.

From Nevada, where the $500-per-child tax credit would return $95 million annually:

> Tax relief is really needed. We know—we have four children, one income.

From New Hampshire, where the $500-per-child tax credit would return $102 million annually:

> My reason for this letter is to thank each of you for supporting tax relief for families and to ask you to continue to do so until the tax relief becomes reality.

From New York, where the $500-per-child tax credit would return $1.4 billion annually:

> Thanks for your work to try to get President Clinton to make good on his promise to give tax relief to families.

From Oklahoma, where the $500-per-child tax credit would return $269 million annually:

> As a concerned citizen, a voter, and a taxpayer, I want to let you know there are a lot of us middle-income, family-heads-of-households who support you firmly.

For the Presiding Officer in the chair, the Senator from Pennsylvania, where the $500-per-child tax credit would return $1 billion annually:

> Please continue to keep the profamily community in mind. The family network, its strength, is what keeps this Nation strong.

From South Carolina, where the $500-per-child tax credit would return $320 million annually:

> Thank you for supporting tax relief for families. Keep up the good work!

From Tennessee, where the $500-per-child tax credit would return $446 million annually:

> Thank you for supporting tax relief for families. Also, please continue to work for the deficit and keep it a point of public awareness.

From Texas, where the $500-per-child credit would return $1.6 billion annually:

> I am in favor of a tax cut for families.
>
> I believe that is one reason many people do not have more children these days—the Government taxes us so much, and tries to tell us how we should live and raise our children. I have three children of my own.

From Washington State, where the $500-per-child tax credit would return $537 million annually:

> Thank you for your work this term to get tax relief for families. It is such a hard fight.

From Wisconsin, Minnesota's neighbor to the east, where the $500-per-child tax credit would return $505 million annually:

> Thanks for your efforts to give families tax cuts.

And finally, Mr. President, the letters have poured in from my home State of Minnesota, where the $500-per-child tax credit would return $477 million annually, completely eliminating the tax liability for nearly 46,000 Minnesotans: This letter came from Northfield, MN:

> I'm encouraging you to support passage of a $500 per-child tax credit that goes to all tax-paying families with children under 18. Let's start strengthening society by supporting the backbone of the society—families!

Then there is this letter from a family in Roseville, MN:

> A $500 Federal tax credit for each dependent is not a Federal hand-out, but would allow parents to keep more of the money that they make, and to use it to care for their own children.
>
> A $500 Federal tax credit for each dependent would unquestionably strengthen many families—especially middle-class and economically-disadvantaged families.

And finally, a family in Minnetrista, MN, took the time to share these insights with me:

> As the mother of seven children with one income, I am especially interested in the $500 per child tax credit. We refuse to accept aid from Federal or State programs that we qualify for.
>
> We believe this country was built with hard work and sacrifice, not sympathy and handouts. We also believe that we can spend this money more effectively than the Government, who has only succeeded in creating a permanent, dependent welfare class with our money over the last 40 years.
>
> Let's get back to basics.

Getting back to basics is what our budget plan is all about, Mr. President. That is why we are balancing the budget, protecting Medicare for the next generation, fixing a broken welfare system.

That is why we are cutting taxes, too. And if these letters are any indication, the American people are solidly behind our back-to-basics approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank my friend from Minnesota. Those of us on this side of the aisle are excited about the opportunities that are here. We are excited that we have worked for 8 or 9 months now toward this time, toward the time to have actually passed the kinds of changes that we bring with us from the election last year. These are the freshmen and sophomores. These are the Senators who are relatively new to this body and are really wound up about what we are able to do here and want to keep moving. So I am delighted they are here.

I yield now 10 minutes to the Senator from Tennessee.

BALANCING THE BUDGET

Mr. THOMPSON. Mr. President, first of all I commend the Senator from Minnesota for his excellent presentation. After listening to those who are always for higher taxes and will use any means to fight any kind of tax cut on the basis that it is just a giveaway to the rich, it is refreshing to hear actually what this tax cut would do, the $500-per-child tax cut the Senator from Minnesota has fought so long and so hard for. The letters coming from people who work hard, pay their taxes, raise their kids and obey the law, and find it tougher and tougher to get by—that is obviously who this tax credit will go to benefit. It belies the accusations on the other side that, of course, this is just a tax cut for those who do not need it.

Our friends on the other side of the aisle have made a profession of trying to decide who in America deserves to keep more of the money they are earning and who deserves to have it sent to Washington for those enlightened Members of this body to spend for them.

So I think we are making substantial progress when we are obviously getting our message across to the American people as to exactly what this tax cut is all about. It goes to help those people who everybody in this body says they are concerned about. We are hearing all this rhetoric about the rich, the rich, the rich, and how everybody is for the working person and the working family. If everybody was for the working family and everybody is concentrating on doing something for the working family, why is it the working family feels they are getting worse and worse off every year? As I said, those people who work hard, raise their kids and pay their taxes—this, finally, will do something to reach the people that everybody says they are trying to reach in this country. This will actually serve that purpose.

Mr. DOMENICI. Will the Senator yield?

Mr. THOMPSON. I will be happy to yield.

Mr. DOMENICI. Just for 30 seconds.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I commend the Senator from Wyoming, Senator Thomas, and all those who are helping him. I think it is imperative that we respond when the other side comes to the floor making statements that are half truths and irresponsible. I commend him for it. I hope he does it every time they come to the floor. Across this land, the real facts of what we are trying to do are getting lost in the plethora of facts that are coming out that have very little to do with what we have done.

I hope the Senator does one on Medicare. Just put a chart here and show what we did, so the American public will see it. We know when the people see what we have done they favor what we are doing. It is when they are told things we are doing that we are not doing that they begin to wonder about this balanced budget.

So I commend my colleague for it, and those who are helping him, very much. I am hopeful they will continue to do it.

I yield the floor.

Mr. THOMPSON. Mr. President, I commend the Senator from New Mexico who has been a leader with regard to responsible budgeting in this country. It is always easier to give somebody something. It is always easier to maintain the status quo and to tell people they can continue on indefinitely the way we have been going and hold yourself up to accusations of hurting those in need, of not caring for the elderly.

Some Member on the other side of the aisle said, apparently, the only elderly that you know live in Beverly Hills. Those kinds of tactics are designed to scare people and appeal to the greedy side of people's nature, the implication being that as long as we can get ours today we do not care about our children, and we certainly do not care about our grandchildren.

We heard the statement earlier, "Social Security is not in trouble. Social Security is not going bankrupt. Of course, in about 30 years it is going to run out of money." But the implication is, we do not have to worry about that because most of us will have gotten ours by then.

I am concerned, not only about today and my own mother who is dependent on it, I am concerned about my children and my grandchildren, as we all should be. That is what we are talking about here. That is the difference, I think, in the debate nowadays from what it has been in times past. That is the reason that many of us ran for political office for the first time in our lives, because people are sick and tired and fed up with business as usual. We see the results of it. We see in many respects our country is going downhill.

So we passed a reconciliation package to do something about that. People said they wanted a balanced budget. We are on our way to a balanced budget, to save Medicare—not to destroy it, but to increase spending for Medicare, but at a reduced rate of growth; to change a failed welfare system from something that was supposed to do good for people that has changed into something that has done an immeasurable disservice to many, many people in this country; to give more back to people who are earning hard-earned dollars to keep in their pockets.

The President, I thought, pretty much agreed with those concepts. We have come a long way, because some time ago the advisers to the President were saying we really did not need a balanced budget; and then, yes, maybe we need one but in 10 years; then, yes, maybe we need one and then OK, maybe 7 years.

The President pledged to reform welfare as we knew it back during the campaign. He acknowledged that Medicare was going bankrupt, and that we had to do something about it. He has proposed increasing Medicare spending by 7.1 percent a year. We have proposed increasing spending by 6.4 percent a year. It seems pretty close to me. It looks to me like we are fairly close together, at least on some of these basic concepts. And, yet, what does the President do when we passed the reconciliation package? He says he will veto it, and basically he is not willing to negotiate—that we are destroying Medicare: that his 7.1 percent is a responsible percentage of growth but our 6.4 percent would destroy Medicare. These are scare tactics, even though we are spending twice the rate of inflation under our proposal; appeals to greed; appeals to grandparents. And there is the implication that, if you are making $100,000 a year, or if you are retired, you do not have to make any kind of incremental adjustment, we can continue on not only just increasing spending, which we are all saying that we will do, but increase spending at the rate that we are increasing now or closer to it.

So people must be confused as to what the President's position is. Is he for a balanced budget? Is he for changing welfare as we know it? Is he for doing something about Medicare, or not? He says he is. Yet, he seems to not be willing to even sit down at the table to work out these differences that some might interpret as being not all that great, that we might be able to work out.

I think the answer is clear that we are in the era now of political posturing, that the President feels he must come into this process feeling strong, feeling tough—and that is OK—delivering the message, and posturing himself. That is OK. A deal will be worked out of some kind, and, if it is not, that will be up to the President. But I think probably even more important than this particular resolution is that we will get by somehow. Even more important than that is the question of whether or not we have a commitment to these basic things. We can argue and fight over the details. That is why we have two branches of Government. That is why we have separation of powers, and checks and balances in this country. That is fine.

But the real question we have to face up to is whether or not we as a people, as a Congress, and a President are committed to the underlying propositions, for example, of a balanced budget because, if we are not, we are going through all of this for nothing. We are going to have to do so much more for so long. If we cannot pass this first hurdle, we will never make it past the others because we are making the initial downpayment on the balanced budget. We are going to have to own up to our responsibilities year after year after year. If we cannot solve these problems that merely have to do with numbers, how are we going to address the other major problems that are facing our country—with the problems of the world economy where wages are stagnating, especially among our younger people; the problems of the inner city where we see youth violence skyrocketing, youth drug use skyrocketing, illegitimacy skyrocketing; all of these social problems. If we cannot solve these numbers problems, how in the world are we going to address those? How are we going to address the underlying problem, probably that overshadows the rest of them? And, that is the cynicism that some of the American people have in this country toward their own Government, toward their own Government's ability to get things done.

Those are the underlying questions. Those are the more serious ones. I think that we can make a statement to the American people as we have tried to do in Congress by taking the tough votes, taking the tough measures, saying we cannot have everything exactly the way we have always had it, and we are going to speak the plain truth. We can tell the American people that we can do this, and because we did do this we can address these other problems that lie down the road before us.

So I urge the President, if he is serious about balancing the budget, changing welfare as we know it, saving Medicare, if he is serious about the statement that he made that he raised taxes too much, if he is serious about the position that, yes, we should have a tax cut, then I would urge him to sit down at the table and let us talk about those details. Because I think the message that I would like to deliver—and there are a lot of the new Members here who would like to deliver it, along with some of the maybe not-so-new Members—is that regardless of what the policies that have been around here in times past, things are different now, and we are not going to continue to roll over these problems to the next generation.

Thank you, Mr. President.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, thank you.

THE REPUBLICAN TAX PLAN

Mrs. HUTCHISON. Mr. President, I appreciate hearing from my friend, Senator THOMPSON from Tennessee, who differentiates between the new

Members and the not-so-new Members. And I do not know in which category I fall. But I am pleased to be on the same side of this issue because I think some of the new Members are standing up and trying to talk the way people are talking back home.

I was really struck the other day when I was listening to C-SPAN in one of the call-in programs, and a woman called in with a very simple question. She said, "My husband and I are working two jobs, and we make $25,000 a year. How is this going to help us?" I think what Americans are saying is that it is the way Americans are talking. They are saying it is a legitimate question, simple and to the point. And we can answer her question, and we can give her a good answer.

What happens to her? Under the new budget, a single mother with one child working two jobs making $15,000 a year will have more money to feed her family and make ends meet. Instead of an EITC check of $864, which is what she would get this year, next year under the Republican plan she will get a check for $1,425. If she has two children, that will go up to $2,488. So she is not going to pay taxes at all. It is going to be how much she gets as an incentive for doing what she is doing, and that is working two jobs instead of being on welfare. She is going to have the incentive of getting a check back from the Government, and not paying taxes, if she is a working mother with one or two children.

What about the married couple? This is the woman who called into C-SPAN the other day. For this year, a married couple with two children and an income of $25,000 will pay $929 in income tax. That is this year. With the new Republican budget, next year that couple will not pay taxes at all. Instead, they will get an EITC check of $171.

So we are going to eliminate taxes on 3.5 million families that would pay taxes today, that will pay taxes for 1995—3.5 million families in America that are paying taxes this year under our plan will not pay taxes at all next year.

That is what it means in real terms. This is what we are trying to do.

In 1974, families spent 33 percent of their income on the necessities of housing, health care, and utilities. In 1995, that is 46 percent of a person's income, a family's income. We have heard people talking on the floor about what the real income is. People are making more. But they do not feel like their quality of life is as good. They do not feel like they are able to buy as much for their families, or go out to eat once a week anymore, or go to a movie once a week like they used to be able to do. Yet, they are earning more. What is wrong? That is what is wrong. Instead of 33 percent of their income going to necessities, it is 46 percent. That does not count clothes or food.

So what we are trying to do is put the money back into the pockets of our families, and we are putting money into the pockets of our working poor.

Let us talk for a minute about the marriage penalty. Right now in our country, unfortunately, we have a marriage penalty. We should be encouraging young couples to get married. But, instead, we discourage them with a marriage penalty.

I heard someone on the floor say, "Oh, if we can do away with the marriage penalty, it will cost the Treasury $25 billion." Well, the Wall Street Journal, I think, puts it in perspective. They said wait a minute. To do away with the marriage penalty will save the taxpayers of America $25 billion.

This is money that belongs to the person who worked for it. It does not belong to the Treasury. It belongs to the person who worked for it.

Now, everyone in our country is here because we want to pay our fair share. We want to participate in paying taxes for the things that we cannot do ourselves. Everybody has that attitude. It is when the taxes encroach so much on the quality of life and when the family does not really see what that does for them that we start getting people saying, "Wait a minute. I am paying 39 percent; I am paying 27 percent; I am paying 15 percent," whatever it is, "and I do not see the results. And I don't feel that my taxpayer dollars are being spent wisely." That is when people step up and say, "Let's put this in perspective." And that is what we are trying to do.

Under the Republican plan, we increase the standard deduction for married couples that are filing jointly. By the year 2005, the marriage penalty will be eliminated for couples that do not itemize their deductions. That is the right approach. That is encouraging families.

Also encouraging families is homemaker IRA's. This is something that I and other women Members on both sides of the aisle have been very active in pursuing, and that is because we are saying we value the American family unit. The family unit is the core of our society. And yet, if you are a homemaker working inside the home, doing your part to strengthen society, you cannot set aside $2,000 a year in an IRA for your retirement security. If you work outside the home, you can. But if you work inside the home, you cannot.

We are going to change that with the budget reconciliation package that has passed both Houses of this Congress. We are saying the homemaker makes a contribution to the strength of our country that is every bit as important, if not more so, than the contribution made by people who work outside the home.

So we are going to correct an inequity that has been in our system. That helps the one-income working family. Many people sacrifice for the homemaker to stay home with the children. And when they sacrifice, they also are going to have to make a sacrifice for retirement security, and I think that is wrong and so did a majority of both Houses of Congress.

Then there is the homemaker who becomes displaced after 25 years of marriage; she becomes divorced or she loses her husband. She, too, is discriminated against in retirement security because she does not have that nest egg to build up for her retirement, which she is entitled to. This is in the bill that has passed both Houses.

We also add to other investment savings opportunities. America has one of the lowest savings rates of any industrialized country of the world. Why is that? One reason is we tax it twice. We tax savings when you earn it, and we tax it while it is in a savings account. It is taxed twice. Most industrialized countries do not do that.

We are going to provide more savings alternatives in this bill so people can put money into an account and the savings will mount tax free, so that when they need it, when their income levels are such that they need it, they are going to be able to pull it out tax free. Or, if they do not wait until retirement because they have an emergency need such as education for children, or first home or health care emergency, that is going to be provided for as well.

So it gives people an incentive to save because they know they can draw it out for an emergency and yet they are going to be able to earn money tax free either for their retirement security or for their emergency needs. This is going to be a savings incentive bill that is also, besides helping the family that is trying to take care of its retirement needs or emergency needs, going to spur economic activity which creates new jobs for people coming into our system.

So this is a new approach. That is for sure. And many times when you have something new, people are scared. They do not know what to expect, and so they wonder: what is all of this new action going to produce? We are trying to have some simple and basic themes. We are trying to help to encourage the American family. We are trying to encourage the working families that are having a hard time making ends meet but they are not on welfare. They are working to make ends meet, and we are encouraging them by taking more of them, 3.5 million more of them off the tax rolls completely. We are going to do away with the marriage penalty. We are going to try to spur investment to create new jobs in this country. It is very simple. We are trying to save Medicare for our citizens that are on Medicare now as well as for the future.

The Medicare trust fund is going broke. The President's own Cabinet people say it is going broke. Our plan is going to save it—not by cutting it but by slowing the rate of growth from 10 percent per year to 6.4 percent per year. Even 6.4 percent per year growth is more than we have in the private sector health care industry now. That is why we think it is reasonable. We are going to save the system. But we are going to do it over a 7-year period so that we can grow gradually rather than having a meat-ax approach. We are doing the responsible thing for this country. We are also keeping a promise. We are doing what we said we would do. We told the people in the 1994 election: Here is what you can expect if you vote for me. The people did vote for us, and now we are giving them what they expected and what they asked for.

Did we make a few mistakes? Probably. Do I agree with everything in the bill? No. Probably no one on this floor does either. But we can afford to come back again and correct mistakes that we might have made. What we cannot afford to do is nothing. That is the only mistake that we cannot afford to make. We cannot afford not to fix the Medicare problem. We cannot afford not to balance this budget. And we cannot refuse to keep the promises that we made—for tax cuts, for encouraging the American family, for encouraging the working families of our country. It is going to help the working people of our country and the elderly as we save the Medicare system.

I thank the Chair. I thank him for his leadership, and the Senator from Wyoming and others who are speaking to try to set the record straight. It is scary. There is no question that people not knowing what to expect are afraid. We have to let people know exactly what we are doing and hope that their common sense makes them understand that this is going to be good in the long term for our children and grandchildren so that we do not give them this $5 trillion debt that we are bumping up against in 2 weeks in this country.

I thank the Chair.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Texas.

I think it is extremely important that we walk through this bill; it is a large bill; it covers lots of things; but to talk about how it will affect each of us as citizens of this country. And so I congratulate the Senator on doing that.

Let me just observe that one of the principal things we are doing is thinking about young people, is talking about what kind of shape we want this country to be in when we go into a new century. We have maxed out on our credit card. We charged it to the young people who are coming, and it is time we do something about that.

I now yield our time remaining to the Senator from Washington State.

Mr. GORTON. Mr. President, I have been informed by the Senator from Missouri that he has a brief interruption which he would like to make. I yield to him for that purpose.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

VISIT TO THE SENATE BY PETER DUGULESCU, MEMBER OF THE ROMANIAN PARLIAMENT

Mr. ASHCROFT. Mr. President, I am pleased to be able to introduce to Members of the Senate Peter Dugulescu, a Member of the Romanian Parliament. Peter is a friend of mine of some time, and was influential in bringing much greater levels of democracy to Romania.

As a matter of fact, when the revolution in Romania began, he was part of a crowd in the city of Timisoara where 100,000 people had gathered one day to protest the lack of religious freedom there. They had called for a pastor to come to speak to the crowd. And no one felt confident enough in the regime to come and speak to the crowd. And Peter finally offered himself to the crowd.

This was during the days of President Ceausescu. When Peter went to speak to the crowd and lead them in prayer, it was a turning point in the revolution of Romania. He now serves in the Romanian Parliament and is a testimony to the kind of courage that real patriots exhibit.

It is my pleasure to have him accompany me to the floor today. And I just wanted to thank the Senate for the opportunity to allow me to commend him, not only for the example he has set for his fellow citizens in Romania, but to commend him for the kind of example he sets, his dedication of principle and commitment to strong ideals and values and commitment to his God and recommend him to citizens around the world.

I thank the Senator from Washington for allowing me to make this interruption. And I hope that someday I have a chance to return the favor. Thank you very much.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. What is the state of business, Mr. President?

The PRESIDING OFFICER. Does the Senator seek to extend the period of time for the transaction of morning business?

Mr. GORTON. In the absence of such a request, what would take place?

The PRESIDING OFFICER. The regular order would be to close morning business.

EXTENSION OF MORNING BUSINESS

Mr. GORTON. I ask unanimous consent that morning business be extended for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RECONCILIATION BILL AND THE BUDGET

Mr. GORTON. Mr. President, I have heard many of the comments of my eloquent and thoughtful Republican colleagues about the reconciliation bill and the budget which has just been passed, their thoughtfulness with respect to the way we have caused the Medicare system to be preserved, protected, and strengthened, the fact that in doing so the percentage of the premium which individuals will pay for their Medicare part B coverage will not be increased, except for those who are wealthy enough to be able to afford and who, for that matter, ought to pay for a greater portion of the cost of their health care rather than passing that cost onto the backs of working Americans.

I have heard, particularly, the references of my colleagues to the long-sought and most welcomed reductions in the tax burdens on the American people. But, Mr. President, I want to emphasize one aspect of those tax reductions which have frequently before been overlooked. While there is in total almost $250 billion in tax relief for the American people in the reconciliation bill this body passed early last Saturday morning, the overwhelming bulk of those tax reductions, 80 percent of them, in fact, comes from two sources: The closing of certain corporate and business tax loopholes amounting to about 10 percent of the gross tax reductions and a $170 billion dividend which the Congressional Budget Office has told us will be the benefit to the Federal Treasury of passing a budget which clearly will be balanced by the year 2002.

Mr. President, I think that is a vitally important concept. The tangible dividend to the American people of our balancing the budget will be $170 billion in lower interest payments on the Federal debt and an increased tax collection under the present system because of greater prosperity, more opportunity, more employment, a better lifestyle that a balanced budget will give to the people of the United States.

Mr. President, that is the overwhelming source of the tax reductions that are included in this bill. We, as Republicans, believe that if we balance the budget, that dividend ought to go to the American people, not to further or for additional spending programs. And that profoundly differentiates ourselves from our opponents in this battle who consistently have demanded more spending on the part of the Federal Government.

Now, Mr. President, perhaps the most remarkable illustration of the differences between two of the three sides of this battle is the fact that the President of the United States claims that he has presented a balanced budget when, in fact, he has not done so but has simply estimated the deficit out of existence.

The Congressional Budget Office, the agreed upon arbiter of the fiscal direction in which this country is proceeding, has offered us no dividend in connection with President Clinton's budget proposals. Not $170 billion, not $150 billion, not $10 billion have they offered us should we pass the President's budget. Why? Because, of course, under Congressional Budget Office figures, it does not balance in the year 2002. In fact, it barely gets below $200 billion at any time between now and that year. That is perhaps the greatest single illustration of the proposition that the White House offers us stones for bread, that it gives us nothing that will ever lead us to a balanced budget and does nothing in the way of a fiscal dividend to the American people and thus no source for tax relief for the people of the United States.

That $170 billion dividend, I wish to emphasize, is only the dividend that a balanced budget provides for the Treasury of the United States. It is perhaps one-quarter to one-third of the overall benefit to the American people. If we pass a law which will cause the budget to be balanced, in addition to that $170 billion in a return of lower taxes, the American people will benefit to the tune of $300, $400, $500 billion in higher wages, in greater income, in broader opportunities, in economic growth in the country as a whole.

So, what we have done, Mr. President, is that we have passed a set of proposals which will improve the condition of the American economy and the American people by close to $1 trillion between now and the year 2002. If only we can get the White House to agree to it or to agree to a budget which has the same impact.

That is a magnificent triumph, Mr. President. I believe it is unprecedented at any time in the last two or three decades. And in addition to all of the other dividenda that come from a smaller Government, less control and influence on the part of the Government over our lives, a reform of the welfare system, the preservation of Medicare, in addition to all of these other dividends, is this potential for a better and a more prosperous America. And that, Mr. President, is the justification for what we propose to do, and what we passed in this body late last Friday night or early last Saturday morning.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. LUGAR, Mr. DOLE, and Mr. CRAIG pertaining to the introduction of S. 1373 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RURAL LOCAL INITIATIVES SUPPORT CORPORATION

Mr. BOND. Mr. President, earlier this morning I joined my good friends of the Local Initiatives Support Corp. to kick off LISC's new rural LISC initiative. I was pleased to be joined by Roger Young, the commissioner for the Eastern District of Audrain County, MO; David Thayer of Central Missouri Counties HDC; and David Stanley, chairman and CEO of Payless Cashways, Inc., who support this initiative. I thank them for their tireless efforts in support of finding new ways to leverage funding through public-private partnerships for addressing the housing and economic needs of rural, distressed communities.

I emphasize that rural communities face an economic decline of substantial magnitude. Nearly 17 percent of rural Americans live below the poverty level, and across all major racial, ethnic, and age groups, these residents are poorer than those in metropolitan areas and have less opportunity. While most of the rural poor are working, their wages are at or below minimum wage. The rural poor also face a bleak housing situation—one in four poor rural families live in substandard housing, and nearly half pay over 50 percent of their income for rent. A lack of human and financial capital, as well as an inadequate physical and communications infrastructure, compound the economic and housing difficulties that face the rural poor.

Earlier this month, I chaired a hearing before the Senate Committee on Small Business which focused on proposals to revitalize rural and urban communities and Paul Grogan, president of LISC, provided insightful testimony at that time. At this hearing, we had the opportunity to discuss legislation I am drafting to target Federal contracts to small businesses that locate in economically distressed communities, which I call HUBZones. To be eligible, small businesses would need to hire at least 35 percent of its work force from the HUBZone to receive valuable preference in bidding on Government contracts. I believe this is one way the Federal Government can provide a significant incentive to encourage small businesses to provide a value added in terms of jobs and investment to economically distressed rural communities.

I applaud the efforts and commitment of LISC for establishing the rural LISC initiative which will be responsible for a public-private partnership that will commit over $300 million to 68 nonprofits in 39 States and Puerto Rico for community revitalization efforts in rural areas. LISC has a longstanding commitment to finding new approaches and strategies to address the problems of distressed communities through public-private partnerships. Moreover, LISC has long operated as a linchpin to successful community-based investment in urban areas through community development corporations. I emphasize that I support the need to develop public-private partnerships as the primary vehicle to implement positive and community-based policies to address distressed communities, in both urban and rural areas. For too long, the Federal Government has acted as a "Mother-May-I" that has lost touch with the individual needs of individual communities. Most of the current housing reform legislation, whether in through the appropriation or authorization process, recognizes the need to consolidate housing and community development programs and to redirect the responsibility for decisionmaking from the Federal Government to State and local governments.

In particular, like many urban areas, the Federal Government has been unable to establish effective policies to meet the many and unique needs of rural areas. LISC deserves particular praise for taking a leadership role in organizing and focusing its expertise, resources, and the marshalling of public and private sector capital on the unique and individual needs of rural areas. Rural LISC represents a major and significant new public-private partnership which will direct critical new investment to rural CDC's. I emphasize these CDC's are committed to transforming rural distressed communities from the grassroots up.

Finally, the Federal Government has failed to understand the needed dynamic to solve local problems in distressed communities. Instead of mandating one-size-fits-all policies at the Federal level, Congress and the Federal Government need to refocus the decisionmaking for local communities from the Federal Government back to States and localities. LISC brings to the table expertise and a history of commitment of listening and responding to local needs. I expect the rural LISC public/private partnership approach to provide a powerful tool and model for how best to address the needs of rural areas effectively and efficiently.

HHS REPORT ON THE SENATE AND HOUSE WELFARE BILLS

Mr. MOYNIHAN. Mr. President, a September 14, 1995, report by the Department of Health and Human Services concludes that the Senate welfare bill would push 1,100,000 children into poverty, and that the House bill would force 2 million children below the poverty line. The report, which has not been officially released by HHS, was the subject of a front-page news story in the Los Angeles Times on Friday, October 27. The New York Times and Washington Post ran their own stories about the report the next day.

I first learned of the existence of this report 2 weeks ago, but was unable to obtain a copy until last Friday. The administration had previously refused to acknowledge that any such report existed.

Mr. President, over the years Congress has on occasion missed opportunities to help our Nation's dependent children, but never before in our history have we calculatedly set out to injure them. The administration's own analysis shows that this is precisely what will occur under either bill now before the conference committee on welfare. Surely we will not permit this to happen. Surely the President will not permit this to happen.

I urge all Senators to read the administration's report, and I ask unanimous consent that it be printed in RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE PRELIMINARY IMPACT OF THE SENATE REPUBLICAN WELFARE PROPOSAL ON CHILDREN (THE WORK OPPORTUNITY ACT OF 1995 (S. 1120))

THE IMPACT ON POVERTY AND INCOME DISTRIBUTION

On Child Poverty:

S. 1120 will push 1.1 million more children into poverty, an increase of almost 11 percent in the number of children living below the poverty line.

The child poverty rate will rise from 14.5 percent to 16.1 percent. (See methodology for a description of the poverty measure used.)

On Poverty in Families:

An additional 1.9 million persons in families with children will fall below the poverty line.

The poverty gap for families with children will increase $4.1 billion, or 25 percent. As a result, a total of $4.1 billion in additional income will be required to bring these families up to the poverty threshold.

On Income Distribution:

The poorest families will face the largest program cuts under S. 1120. In families with children, those in the lowest income quintile will lose an average of almost $800 of their annual income, or 6 percent.

Eleven percent of families with children in the lowest income quintile will face significant losses in annual income of 15 percent or more. For families in the lowest quintile, who have an average income of $13,400, this represents a loss of more than $2,000 in annual income.

The severity of the impact of S. 1120 on poor families exacerbates the deteriorating economic situation for these families who have lost a greater share of their income in the past 15 years than families with higher income. Income for families with children in the lowest income quintile has declined by 20.7 percent over the period 1979–1990, compared to 24 percent growth for families in the highest income quintile.

TABLE 1.—THE IMPACT OF THE SENATE WELFARE REFORM PROPOSAL ON CHILD POVERTY

[Simulates effects of full implementation in 1993 dollars]

	Current law	Senate proposal	Change current
CHILDREN UNDER 18			
Number of people in poverty (in millions)	10.1	11.2	1.1
Poverty rate (in percent)	14.5	16.1	1.6
FAMILIES WITH CHILDREN			
Number of people in poverty (in millions)	17.1	19.0	1.9
Poverty rate (in percent)	11.8	13.2	1.5
Poverty gap (in billions)	$16.3	$20.4	$4.1
ALL PERSONS			
Number of people in poverty (in millions	29.2	30.5	2.3
Poverty rate (in percent)	10.9	11.7	0.8
Poverty gap (in billions)	$45.9	$52.0	$5.1

85tes: Senate Republican welfare reform proposal simulations include the impact of S. 1120, as amended, on AFDC, SSI, and Food Stamps. Model incorporates a labor supply and state response.

This definition of poverty utilizes a measure of income that includes case income plus the value of food stamps, school lunches, housing programs, and EITC, less federal taxes to compare to the poverty thresholds.

Source: TRIM2 model based on data from the March 1994 Current Population Survey. Prepared on Sept. 14, 1995.

TABLE 2.—THE IMPACT OF THE SENATE WELFARE REFORM PROPOSAL ON FAMILY INCOME

[By Income Quintiles and Family Type Stimulates effects of full implementation in 1996 dollars]

	Total reduction in income (in billions)	Average income under current law	Average income reduction per family	Percent change	Percent of families losing 15% or more of their income
FAMILIES WITH CHILDREN					
Lowest	−$6.0	$13,441	−$798	−5.9	10.9
Second	−3.2	21,838	−422	−1.9	4.2
Third	−1.1	32,016	−150	−0.5	0.9
Fourth	−0.4	45,868	−50	−0.1	0
Highest	−0.4	79,154	−52	−0.1	0
Total	−11.2	38,735	−292	−0.8	3.2

Notes: The comparison shown is between the Senate Republican Leadership welfare reform proposal and current law. The simulations include the impact of the provisions in S. 1120, as amended, on AFDC, SSI, and Food Stamps. Model incorporates a labor supply and state response.

The definition of quintile in this analysis uses adjusted family income and sorts an equal number of persons into each quintile. Adjusted family income is derived by dividing family income by the poverty level for the appropriate family size.

Source: TRIM2 model based on data from the March 1994 Current Population Survey.

METHODOLOGY

These preliminary results are based on the TRIM2 microsimulation model, using data from the March 1994 Current Population Survey. Overall, these estimates tend to be a conservative measure of the impact of S. 1120 on poverty and income distribution. The analysis assumes that states will continue to operate the program like the current AFDC program (i.e., they will service all families eligible for assistance); that states will maintain their 1994 spending levels; and that recipients are not cut off from benefits prior to the five year limit. Additionally, the results are conservative because not all provisions are included and because the data do not identify all persons who would potentially be affected by the program cuts. The model also assumes dynamic change in the labor supply response for those affected by the time limit provision, based on the best academic estimates of labor supply response.

The results compare the impact of the Senate Republican welfare reform proposal with current law. The computer simulations include the impact of the fully implemented provisions in S. 1120, as amended, on AFDC, SSI, and the Food Stamp Program in 1996 dollars and population. S. 1120 will decrease spending on AFDC-related programs by $8.8 billion, in 1996 dollars. Spending on children formerly eligible for SSI will decline by $1.5 billion. The Food Stamp Program will be reduced by $1.5 billion.

The poverty analysis is displayed in 1993 dollars. The definition of poverty in this analysis utilities a measure of income that includes cash income plus the value of food stamps, school lunches, housing programs, and the EITC less federal taxes. This income is then compared to the Census Bureau's poverty thresholds, adjusted for family size. For example, a family of three today (1995), is living in poverty with the income below $12,183; a family of four with income below $15,610.

The following are the specific provisions of S. 1120 that were modeled (these provisions may not reflect the final version of the Senate welfare reform bill):

AFDC

Reduce AFDC spending as a result of the block grant; Limit receipt of AFDC benefits to five years with a 15 percent hardship exemption; Deny benefits to immigrants; and Eliminate $50 child support disregard.

Deny benefits to immigrants; and Deny benefits to some children formerly eligible because of changes in the definition of disabilities.

STAMPS

Reduce the standard deduction; Reduce benefits to eligible households from 103 percent of the cost of the Thrifty Food Plan to 100 percent; include energy assistance as income in determining a household's eligibility and benefits; Eliminate indexing for one- and two-person households; and Lower age cutoff for disregard of students' earned income from 21 to 15 years; Require single, childless adults to work.

TABLE 1.—THE IMPACT OF CONGRESSIONAL PROPOSALS ON CHILD POVERTY

[Simulates effects of full implementation in 1993 dollars]

	Current law	House proposals	Change from current law
CHILDREN UNDER 18			
Number of people in poverty (in millions)	10.1	12.1	2.0
Poverty rate (in percent)	14.5	17.4	2.9
FAMILIES WITH CHILDREN			
Number of people in poverty (in millions)	17.1	20.6	3.5
Poverty rate (in percent)	11.8	14.2	2.4
Poverty gap (in billions)	16.3	24.5	8.1
ALL PERSONS			
Number of people in poverty (in millions)	28.2	32.2	4.0

TABLE 1.—THE IMPACT OF CONGRESSIONAL PROPOSALS ON CHILD POVERTY—Continued

[Simulates effects of full implementation in 1993 dollars]

	Current law	House proposals	Change from current law
Poverty rate (in percent)	10.9	12.4	1.5
Poverty gap (in billions)	46.9	55.8	9.9

Notes: The comparison shown is between Congressional House Republicans proposals and current law. Simulations include the impact of the House of Representatives welfare plan, HR 4 on AFDC, SSI, food stamps, and housing programs; the EITC proposal adopted by the Committee on Ways and Means; the House of Representatives proposal affecting LIHEAP appropriations; and the Budget Resolution proposal concerning federal employee pension contributions. Model incorporates a labor supply and state response to the welfare block grant.

This definition of poverty utilizes a measure of income that includes cash, the EITC, less federal taxes, to compare the poverty threshold.

Source: TRIM2 model based on data from the March 1994 Current Population Survey. Dated on Oct. 2, 1995.

EXPENDITURE LIMIT TOOL

Mr. CONRAD. Mr. President, I rise in strong opposition to the budget expenditure limit tool, known as the BELT, that would place artificial price caps on Medicare and jeopardize the quality of the health care received by millions of senior citizens. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks several letters of support for the motion I had planned to make to strike the BELT. It is imperative that the Senate strike this ill-advised provision in order to preserve Medicare beneficiaries' ability to choose their own doctor and health plan.

The PRESIDING OFFICER. Without objection, it is so ordered

(See exhibit 1c)

Mr. CONRAD. In the interest of time, the point-of-order I had planned to make against the BELT provision has been included in the omnibus Byrd rule point of order being made by Senator EXON. However, I believe it is important to highlight the impact of the BELT, because it is a potential disaster for the Medicare Program and has not received anywhere near the attention it deserves.

The BELT amounts to what many of us have called a noose around the necks of older Americans. The BELT imposes artificial price caps on Medicare for the first time in history. And rather than work in a balanced fashion, the BELT only attacks fee-for-service Medicare. It cuts fee for service and ultimately forces seniors to use health plans they don't want and doctors they don't know.

The reconciliation bill allows seniors to choose coverage options other than traditional Medicare fee-for-service. I support that. But I only support it as an option. Seniors should not be forced into managed care. Unfortunately, the BELT could ultimately make managed care the only option for Medicare beneficiaries.

The BELT renders the so-called choice under Medicare an illusion. There will be more choice for a short time. But then the noose will tighten. It will slowly bleed fee-for-service Medicare dry. And if we learned anything from last year's health care debate, it is that health plans with insufficient resources will wither on the vine. And given yesterday's remarks by the Speaker of the House, that seems to be what some of my Republican colleagues have in mind for the Medicare Program.

The BELT promises to make even more draconian cuts in Medicare fee-for-service than the Republicans have already proposed. As the BELT tightens, Medicare will have fewer resources to provide needed health care to our parents and grandparents. The quality of Medicare fee-for-service will deteriorate and seniors will have little choice but to move into managed care. Medicare fee-for-service will wither on the vine.

During last year's health debate, we heard a great deal about artificial government cost controls. Harry and Louise told the Nation that arbitrary cost controls could bankrupt the insurance plans on which millions of Americans depend, leaving people without adequate insurance coverage.

The BELT provision does to Medicare what Harry and Louise said artificial cost controls would do to the national health care system. It inflicts arbitrary cost controls on Medicare at a moment's notice, and without congressional oversight. And it will force seniors into health care plans that may not meet their needs.

The letters I have entered into the RECORD expressed the concern of beneficiaries and providers, alike, that the BELT will erode the integrity of Medicare. The American Association of Retired Persons, National Council of Seniors Citizens, American College of Physicians, Healthcare Association of New York State, and North Dakota Hospital Association are only a handful of those who have expressed opposition to the BELT. The Congressional Budget Office has also said the BELT is unworkable and unwise, and I ask unanimous consent that CBO's analysis also be included in the RECORD.

Mr. President, the BELT has no place in this bill. It promises to erode and eventually destroy the integrity of Medicare fee-for-service. I hope my colleagues will support the point of order and strike the BELT provision from the bill.

EXHIBIT 1

NORTH DAKOTA HOSPITAL ASSOCIATION,
Bismarck, ND, October 25, 1995.

Senator KENT CONRAD,
Hart Senate Office Building,
Washington, DC.

DEAR KENT: The members of North Dakota Hospital Association are in strong support of your amendment to strike the Medicare Budget Enforcement Limiting Tool (BELT) from the Senate Reconciliation Bill.

It is our understanding that the proposed Senate Republican Medicare legislation to reach $270 billion in Medicare cuts reduces payments to hospitals by more than $86 billion over seven years. On top of that, legislation has been proposed to also reduce Medicaid funds to hospitals by $182 billion during that same amount of time. The magnitude of these reductions causes great concern for North Dakota, which has a large and growing population of citizens over 65 years of age.

In visiting with our administrators, they are hard pressed to understand how they can cut budget or plan to serve this population and others, when the BELT provision would entail additional reductions based on whether or not certain savings are achieved.

A number of our facilities, Cavalier County Memorial Hospital in Langdon; Jamestown Hospital in Jamestown, Tioga Medical Center in Tioga and Carrington Medical Center in Carrington have all publicly expressed concerns that the amount of proposed reductions, with lookbacks added, will mean that in seven years they cannot guarantee that their doors will be open.

Half of our facilities are co-located with and include long-term care facilities. Those that care for a large percentage of Medicare patients in their hospital and mostly Medicaid supported residents in their nursing homes will receive a double hit from which they also might not be able to recover. In a rural state like ours, you can imagine that access becomes a critical issue if a void is left in an area where distances can mean the difference between life and death.

It seems grossly unfair to single out healthcare providers as the group responsible for obtaining savings not achieved. It also seems grossly unfair to ask a particular segment of the business world in our country to operate with a system in which orderly business operations would be interrupted based on a compliance order not determined until the very last minute.

Our facilities are operating as cost-efficiently as possible, while still maintaining the quality expected of them by their patients. We feel it is imperative to the solvency and survivability of many of our providers that the BELT provision be excluded. NDHA supports your efforts and hopes your fellow legislators will understand how detrimental this provision would be to the healthcare facilities in our state and also support you in this effort.

Sincerely,

ARNOLD R. THOMAS,
President.

HEALTHCARE ASSOCIATION
OF NEW YORK STATE,
Washington, DC, October 24, 1995.

Senator KENT CONRAD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CONRAD: On behalf of the Healthcare Association of New York State, representing over 400 hospitals and health care providers, I would like to take this opportunity to express our support for your amendment to the Senate Budget Reconciliation Bill that would strike the Medicare Budget Enforcement Limiting Tool (BELT).

The Senate Republican Medicare legislation currently under consideration will be devastating to the health care delivery system. The $270 billion of Medicare cuts that would be required by the legislation would reduce Medicare hospital payments by more than $86 billion over the next seven years. Reductions of this magnitude, combined with $182 billion in proposed Medicaid cuts, would jeopardize the ability of health care providers to adequately care for our nation's senior citizens.

The Medicare BELT provision could exacerbate these already tremendous reductions.

By placing absolute Medicare spending limits in the statute, health care providers that will already be receiving payment updates that do not keep pace with inflation could be faced with additional reductions—even if cost overruns are due to conditions beyond providers control.

There are many factors that contribute to increases in Medicare spending that can not be predicted in advance with absolute certainty. Placing the weight of a Medicare global budget on the backs of health care providers could mean absolute rate cuts and threaten the solvency of many hospitals, nursing facilities, home-health agencies, and other health care providers. It is critical that the BELT provision be dropped from Senate Medicare legislation and HANYS supports your efforts.

Sincerely,

STEVEN KROLL,
Director of Federal Relations.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 25, 1995.

Senator KENT CONRAD,
Senate Hart Building, Washington, DC.

DEAR SENATOR CONRAD: We are pleased to lend our strong support for your amendment to strike the budget expenditure limiting tool (BELT) from the budget reconciliation bill.

As you know, the bill calls for reductions of $86 billion in hospital services over seven years. This unprecedented level of reductions in the Medicare program will have a dramatic impact on the ability of hospitals across the nation to continue to provide high quality care, not only to Medicare beneficiaries but to all our patients. If the BELT remains part of the bill, providers could be exposed to unlimited additional payment reductions beyond the deep cuts already proposed.

We are not only concerned about potential additional reductions, but also that these reductions would be made for reasons beyond hospitals' control. For example, if certain reforms not related to hospital behavior do not achieve the level of savings estimated by the Congressional Budget Office, then hospital payments would be arbitrarily cut. That's simply unfair given the $86 billion cut we are already being asked to absorb.

Even CBO, in a letter to Chairman Roth dated October 20, 1995, states that the "use of the BELT would not be necessary."

Thank you for your leadership on this important issue.

Sincerely,

RICK POLLACK,
Executive Vice President.

NATIONAL COUNCIL
OF SENIOR CITIZENS,
Washington, DC, October 26, 1995.

Hon. KENT CONRAD,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: The National Council of Senior Citizens supports your motion to strike from the Medicare section of the Reconciliation bill the "BELT" provision. This provision would severely cut resources from the traditional Medicare fee-for-service program and would restrict the range of "choices" generated by the "reformed" Medicare program. Average-to-lower income Medicare beneficiaries would be forced from fee-for-service into cut-rate, managed care programs.

Senator, a "choice" you can't afford is no choice at all.

We support your motion.

Sincerely,

DANIEL J. SCHULDER,
Director, Department of Legislation.

AARP,
Washington, DC, October 26, 1995.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: I am writing to express AARP's appreciation for the amendment you are planning to offer to strike the Budget Enforcement Limiting Tool (BELT) from the Medicare provisions of the Senate budget reconciliation bill. The BELT proposal would reduce traditional Medicare Fee-for-Service (FFS) provider reimbursements if Medicare spending in a fiscal year is projected to exceed an arbitrary amount set in the bill. The Congressional Budget Office (CBO) estimates that the provisions contained in the bill would meet the budget resolution target of saving $270 billion over the period between 1996 and 2002 and that the BELT would not be required. However, the CBO estimate assumes that the plan works, that is, that there is sufficient migration into managed care, that the provider reductions and increased premiums and deductibles control Medicare spending and that CBO's baseline assumptions are correct.

If any of these variables are incorrect, then the formula-driven BELT would reduce FFS spending to meet the targets set in the bill. Formula-driven approaches to budget cutting have always concerned AARP, in part, because of the rigidities they build into the system and their inherent potential for error and misestimation. This bureaucratic mechanism is one of many in the huge 2,000 page budget bill that the public knows nothing about. Older Americans will only find out about in after the Senate acts.

Congress has structured this bill to create incentives for beneficiaries to move into commercial health insurance plans and has capped the growth of premiums paid into those plans. The BELT provision would then cap the FFS part of the program. AARP is concerned about what kind of coverage will be available at the turn of the century. Will providers still be willing to see patients in a FFS setting? Will commercial health plans be willing to offer comprehensive coverage without huge out-of-pocket costs for beneficiaries? Will Medicare still be able to meet the health needs of older Americans?

In addition, we believe the current structure of the BELT contains silent beneficiary costs. For instance, under the Senate bill the Part B premium is expected to cover 31.5 percent of Part B annual spending. However, because the Senate writes the dollar amount of the premiums into law, rather than the percentage, and if the BELT is tightened and program spending is lowered, these stated premiums would account for more than 31.5 percent of annual spending. This silently shifts more costs onto beneficiaries.

The same problem occurs with the Part A hospital deductible. The deductible is based, in part, on Medicare's payment to hospitals. If the deductible is calculated before the BELT reduces Part A spending, it would be based on a higher payment amount and would, in turn, shift more costs onto Medicare beneficiaries.

AARP supports your amendment to strike the BELT provision from the Medicare Reconciliation bill. We feel that the long-term risks to the program and the silent costs it imposes on beneficiaries would be unfair. Older Americans already pay a lot out of their own pockets for medical care—$2,750 on average in 1995 alone—not including the costs associated with long-term. The Senate bill already increases Part B premiums and deductibles and includes a new income-related premium. Adding hidden costs would add to this out-of-pocket burden.

Thank you, again, for your leadership on this amendment. Please feel free to contact me (434–3750) or Tricia Smith (434–3770) if you would like to discuss this amendment further.

Sincerely,

MARTIN CORRY,
Director, Federal Affairs.

AMERICAN COLLEGE OF PHYSICIANS,
Washington, DC, October 26, 1995.

Hon. KENT CONRAD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: As the Director of Public Policy for the American College of Physicians (ACP), I am writing to express the ACP's support for your amendment to eliminate the budget expenditure limit tool (BELT) from the Medicare reform legislation currently pending before the Senate.

The ACP is the nation's largest medical specialty society and has more than 85,000 members who practice internal medicine and its subspecialties. The College has consistently objected to the BELT provisions in the legislation because they establish arbitrary budget limits that dictate future payment amounts and impose price controls. These provisions make the simplistic and incorrect assumption that spending increases, regardless of cause, should be recouped by lowering payments to hospitals, physicians, and other providers.

Rather than arbitrary price controls, the College believes that the more effective way to achieve cost containment in the Medicare program, is to address the long-term factors that contribute to excess capacity and inappropriate utilization of services.

Thank you for your attention to this important matter.

Sincerely,

HOWARD B. SHAPIRO,
Director, Public Policy.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 20, 1995.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed cost estimate for the Medicare reconciliation language reported by the Senate Committee on Finance on October 17, 1995.

The estimate shows the budgetary effects of the committee's proposals over the 1996–2002 period. CBO understands that the Committee on the Budget will be responsible for interpreting how these proposals compare with the reconciliation instructions in the budget resolution.

This estimate assumes the reconciliation bill will be enacted by November 15, 1995; the estimate could change if the bill is enacted later.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

FAIL-SAFE MECHANISM (BUDGET EXPENDITURE LIMITING TOOL)

The proposal incorporates a complex mechanism designed to ensure that Medicare outlays in a given two year period would not exceed the Medicare outlays specified in the bill for that period. The budget expenditure limiting tool (BELT) would operate both prospectively and retrospectively to control fee-for-service expenditures. Expenditures in the Choice market would not be directly affected because they would be determined by the updates to capitation rates specified in the bill.

Overview of the BELT

The BELT would reduce fee-for-service payment rates in order to eliminate any estimated Medicare "outlay deficit". A Medicare outlay deficit would occur if spending in fee-for-service Medicare for the current year and preceding one exceeded the combined outlays for those years specified in the bill. On October 15 of each year, the Office of Management and Budget (OMB) would report whether a Medicare outlay deficit was projected for that fiscal year. If so, a compliance order would be issued that would first require all automatic payment-rate updates to be frozen or reduced. If a freeze was insufficient to keep projected spending within the budget targets, proportional reductions would be made in payment rates for all providers.

The following March, OMB would release a report comparing current estimates of Medicare spending with the estimates released in October. If a compliance order was in effect for the year and the March projection continued to show a Medicare outlay deficit through the end of the year (despite previous rate reductions), the Administration would order further reductions in provider payment rates for the remainder of the fiscal year. Conversely, if the March projection indicates that current payment rates would more than eliminate the Medicare outlay deficit, those rates would be raised for the remainder of the fiscal year.

Following the release of OMB's October and March reports, the Congress would have a limited time in which to seek modifications to compliance orders. At least 60 percent of the members of each House would be required to approve provisions that would either lower the target reduction in spending or reduce the proposed payment reductions to less than the amounts necessary to eliminate the projected excess spending.

After fiscal year 1999, the Secretary of Health and Human Services could vary the adjustments in payment rates—in a budget-neutral way—to take geographical differences into account. The Secretary would be required to relate such variations to the contributions of different areas to excess Medicare expenditures.

Effects of the BELT

CBO's estimates assume that the specific policies to reduce Medicare spending in the bill would be sufficient to meet budget targets, and that use of the BELT would not be necessary through 2002. If the BELT was triggered, however, it probably would not be effective in controlling Medicare expenditures.

Uniform, across-the-board payment rate reductions that would be required by the BELT to meet a dollar savings target would not have uniform impacts on all providers, and would be extremely difficult to implement. A given percentage reduction in payment rates might be more or less stringent depending on the ability of different providers to adjust by increasing the volume and intensity of services they provide. Determining appropriate across-the-board reductions in payment rates to meet the budget targets would be complex, because estimators would have to take into account the variation in behavioral responses from different provider groups when faced with the same proportional reductions in payment rates. Allowing geographic variation in payment rate adjustments would add another layer of complexity to the whole process.

Rate adjustments under the BELT could be both frequent and inaccurate, and could increase uncertainty among providers. The October adjustment would be based on incomplete data for the previous fiscal year, and no data for the current year. Although more complete data would be available for the March adjustment, it would still include less than six months of data from the current year. Even minor discrepancies between the October and March projections would lead to payment rate adjustments under the BELT. Frequent, unpredictable changes in payment rates could interfere with the orderly business operations of providers.

The proposal also raises other issues of implementation. Compliance orders issued in October and March are intended to be effective immediately. Even if formal public notification requirements were waived, however, carriers and fiscal intermediaries would presumably require some advance notice. Moreover, the first steps in a compliance order would be to freeze or reduce automatic payment updates. But those updates do not generally occur at the beginning of the federal fiscal year. Updates for Part B payment rates, for example, are made on a calendar year basis while those for inpatient hospital operating payments are made at the beginning of each hospital's fiscal year. How across-the-board cuts in payment rates from the BELT would be integrated with the existing update policy is unclear.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and talk is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote. Control, Mr. President. As of Tuesday, October 31 at the close of business, the total Federal debt stood at exactly $4,985,262,110,021.06 or $18,924.14 per man, woman, child on a per capita basis. Res ipsa loquitur.

Some control.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me indicate to my colleagues that we are not going to proceed on the instructions to conferees at this point on the so-called reconciliation package. We may do it the next day. We may do it next week, but not today. It seems to me that we need to first talk to the President of the United States. Hopefully, we will get to do that this afternoon.

One of the things the President complained about is that we are not passing appropriations bills. I would like to now turn to the conference report to accompany the foreign operations appropriations bill, if there is no objection.

Mr. DASCHLE. Mr. President, Senator DOLE, the majority leader, and I had the opportunity to talk yesterday. It was my understanding that we were going to go to the conference. I understand his reasons for delaying the consideration of the conference matters until a later time, subject to discussion with the President.

I am disappointed that we have not had the opportunity to talk about this until this very moment. But I would hope that if we would go to the foreign operations and work through it in good faith, there is no reason why—I know there are some difficult issues out there that we are going to have to address, but I know the majority leader is cognizant of our schedule this evening. I hope we can accommodate that schedule. I will work with him to see that we can work through this bill and deal with the issues that we must confront prior to the time we resolve this matter.

This is one of the bills that the President has indicated that he ought to be able to support and sign. But, obviously, there are some troubling issues that we have to work through, and we will do that.

With that understanding, I have no objection to moving to the foreign operations legislation.

Mr. DOLE. I appreciate the Democratic leader, Senator DASCHLE's cooperation. I was not aware of the other until about 11:50. I will talk to the Senator privately about it. Senator DOMENICI came to my office, and he feels that, at least as far as today is concerned, there is something else that is more important than discussing a motion to instruct conferees. So we do now have consent to go to the foreign operations appropriations bill. There is one amendment in disagreement.

We will accommodate the schedule this evening, whatever happens.

Mr. DASCHLE. I thank the majority leader.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference on H.R. 1868 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September

30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 26, 1995.)

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

A DEGREE OF SENSIBILITY NEEDED

Mr. BURNS. Mr. President, I would like to talk about yet another example of Federal bureaucratic actions made without regard for the will of the people, the will of the Congress, the good of the country and basic common sense. We need to restore a degree of sensibility and sanity to the manner in which this country gradually converts to the metric system.

The 1988 trade bill contained language which established the metric system as the preferred system of measurement for the United States. Why was the language on the trade bill? The rationale was that it would improve the ability of American companies to export goods to metric-based countries if American firms could be moved to produce those goods in metric versions.

The principal tool for urging American companies to switch to the metric system has been to use government procurement policy. The trade bill included language "to require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurement, grants, and other business-related acdtivities * * *."

The problem I am addressing today arises from the unfortunate fact that the Federal agencies responsible for implementing the metric policy either forgot to read or are completely ignoring the remainder of the above sentence: "* * * except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to U.S. firms, such as when foreign competitors are producing competing products in nonmetric units;"

Congress never intended for the switch to metrication to be forced at any cost or without regard to its impact on people and industry. Issues such as impracticality and the loss of markets to U.S. firms were paramount in the minds of everyone aware of this language. Without these important considerations, the metric language would not have remained in the bill to become law.

Yet, we see today that Federal construction procurement policy for the various departments and agencies is completely ignoring this language and pushing ahead with metrication policies without any formalized plans for avoiding the pitfalls. In fact, they are going far beyond the level of metrication called for in the trade bills, and that is causing staggering problems for some industries. These problems are compounded by Federal procurement policies that hinder industry rather than promote trade.

Simply converting an industry to metric units of measurement is usually not a major problem. Converting the numbers from inches and pounds to millimeters and kilograms is a difference on paper which can be made by editing the marketing literature and computer design programs. The physical size of the product remains the same. This is known as a soft-metric conversion, and does little to interfere with efficient and well-established production practices or costs. The Government is allowing a soft conversion for most construction industries.

The problem is that some industries have been targeted to do more than use metric units of measurement; they are being required to change the size of their products as well. This is called a hard-metric conversion, and it can throw existing production practices into an uproar. At this point, industry is forced to change production practices. Even a minute change in size required by the Federal Government can force a business to completely retool and deal with all the problems with managing a second, hard-metric inventory of goods. This is Federal bureaucracy run amok.

And who picks up the tab for this intrusive Government policy? The taxpayer, that is who. Converting to hard-metric will add to the cost of Federal contracting jobs. And the industry will be forced to pass along the conversion costs to the Government and on down to the taxpayer. Under hard-metrication, the taxpayers are forced to pay a hefty "metric premium," whether they want to or not.

Mr. President, it is time to pass legislation that will take away the ability of the Government in Washington DC, to send whole established industries into a tailspin, to put small businesses out of the running for Federal contracts, and force the taxpayers to foot the bill for a warped view of metric purity.

There does not need to be a wholesale attack on the metric system. It is true that many industries can convert to the metric system with little or no trouble or expense, and that is fine. However, there are those cases where there are substantial, compelling industry-specific economic, trade or production factors that call for a soft-metric conversion. Industries that would bear unreasonable burdens in switching to hard-metric should instead be allowed to convert to soft-metric.

The Federal Government should refrain from developing or using designs, or requiring bids for hard-metric products when a soft-metric conversion is technologically feasible and certain other criteria relating to specific small business, trade and economic criteria are present:

The product is not available from at least 50 percent of the production sites, or hard-metric product does not constitute at least 50 percent of the total domestic production, and;

A hard-metric conversion would require small manufacturers of a product to spend more than $25,000 to purchase new equipment, and;

The economics and customs of the industry are such that any offsetting trade benefits would be negligible, or that hard-metric conversion would either substantially reduce competition for federally assisted contracts or would increase the per-unit cost to the taxpayers, or that hard-metric conversion would place small domestic producers at a competitive disadvantage to foreign competitors.

Mr. President, metrication may well have merit on paper and may have some positive impact on American business generally. But it is difficult to say how much, if any, impact it is having on business. Business is usually good at making decisions based on sound-business sense. Which is more than I can say for the Federal Government in this case.

We need to move legislation quickly, since I am aware that several Federal agencies are actively pursuing the development of hard-metric designs to be used on federally assisted construction. Federal agencies should strongly consider putting their design and bidding efforts on hold if they involve hard-metric product.

I ask unanimous consent to have a letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL
CONCRETE MASONRY ASSOCIATION,
Herndon, VA, October 26, 1995.

Hon. CONRAD BURNS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURNS: I am very pleased to learn that you have taken note of the plight the concrete masonry (C/M) industry is facing with regard to the hard-metric conversion the federal government is forcing on our producers. I would like to take this opportunity to explain why hard-metric conversion is terrible public policy, why it is so bad for the C/M industry, for the federal procurement agents and for the taxpayers, and why a soft-metric alternative is absolutely imperative.

Concrete masonry is the industry term for concrete brick and block. It is a very common, basic building component and is essentially a commodity. It is made by pouring concrete into molds of various shapes and sizes, and then drying the product for the requisite amount of time. Over the course of decades, the industry has developed uniform shapes and sizes that are common throughout the construction industry. All C/M manufacturers have purchased and maintain complete sets of molds to make the product, and they maintain inventories of various shapes and sizes.

Virtually all the producers in the country make product based on the English foot-pounds system. That is because virtually the entire American market uses English-based block. The standard concrete block everyone knows is 8″ x 8″ x 16″.

Even though the long history of the C/M industry is based on the English system, it would be fairly simple to convert to the metric system of measurement—if that were all that Federal procurement officers required. The C/M industry has made it very clear that it can convert to the metric system immediately if that will satisfy the government's requirement for metrication. All our producers have to do is express the standard concrete block in metric dimensions, 194mm x 194mm x 397mm. That only requires a change in our sales materials and some basic changes in our computer design programs. Changing the unit of measurement without changing the physical size is referred to as a soft-metric conversion.

However, the C/M industry is being told by federal contracting agents that converting to metric is not enough, that they want the industry to actually change the size of its product to achieve metrication and round numbers. Changing the physical size of the product in addition to changing the unit of measurement is called a hard-metric conversion.

There is nothing whatsoever in any legislation requiring a hard-metric conversion of any product. The words do not appear in any bill or any statement of policy by Congress. There is no legislative history showing any desire by any elected official to force any industry to change the size of its products or to radically change their production practices. If anything, the legislative history of the 1988 Trade Bill and the metric language attached thereto clearly indicates that this kind of intrusion into industry activity was exactly what the Congress was trying to avoid.

According to publications issued by the Construction Metrication Council, a group of federal construction policy officials in various departments and agencies who are coordinating metrication in U.S. construction, some industries are being required to engage in hard-metric conversion even in cases where it will be extremely costly, inefficient, and impractical to do so. The large majority of products will be allowed to use a soft-metric conversion, which should be the policy for all products. But some unfortunate businesses like the C/M industry have been targeted for hard-metric conversion and are being thrown into turmoil as a result.

The hard-metric block that the Council has defined is 190mm x 190mm x 390mm. This is roughly one-eighth of an inch smaller than the soft-metric version that the industry could produce today at minimal or no additional cost. However, that one-eighth of an inch difference for hard-metric would require C/M manufacturers to purchase an entirely new set of hard-metric molds in order to produce hard-metric product.

Concrete block molds generally range in cost from $10,000 to $30,000 per mold, and it takes many types of shapes and sizes to complete a typical large, complex federal construction project. Individual C/M producers have told me it could cost between $250,000 and $300,000 per producer to buy a complete compliment of hard-metric molds. NCMA has estimated that if the entire domestic C/M industry shifted to hard-metric production, it would cost between $250 million and $500 million.

That makes the government's eighth of an inch for hard-metric the most expensive eighth of an inch in American history.

Let's keep in mind that a hard-metric block is not stronger, not safer, not more durable, not more resistant to fire nor more energy efficient nor more anything useful. Perhaps that is the reason why there is no demand whatsoever in the American private sector for hard-metric concrete block. Nobody wants it because there is no reason to want it. The only difference is that it is more expensive, hard to find and difficult to produce.

Requiring a business like the C/M industry to convert to hard-metric shows an amazing lack of knowledge about or concern for the industry itself. Let's keep in mind that the rationale behind the metric language in the Trade Bill was to promote the trade stance of American companies. It so turns out that concrete masonry is only rarely traded in international commerce and is nearly never transported overseas. In addition, this is an industry whose product is so much like a commodity that the average profit margin per unit is 2 cents. The economics of the industry are such that it isn't feasible to ship block to Europe or Japan or anywhere beyond the border regions of Canada and Mexico. Most block is used within 50 miles of the point of production. Any trade benefit that might offset initial costs for other industries is utterly negligible for the block industry.

But the consequences of this policy get even worse. The vast majority of C/M producers in America are small, often family-held businesses. In NCMA, 62 percent of all of our member companies have one block-making machine. These companies will immediately be pushed out of the market for federal government contracts, the first victims of an economically negligent metrication policy. There is no means by which many smaller businesses can hope to recoup the huge capital outlay required to start up an entirely new line of products merely to satisfy the hard-metric preferences of federal bureaucrats. There is virtually no private sector demand for hard-metric product, so any income to offset the capitalization cost would have to come from the occasional federally-assisted project. Federally-assisted construction is less than 5 percent of the entire domestic construction market. Such projects are vitally important to the bottom line of a successful bidder, but they are too infrequent in most cases to justify the investment and, indeed, the risk, of buying a new line of production molds and hoping enough business comes along to eventually recover the initial investment.

Is this how the 1988 Trade Bill was supposed to improve the ability of American firms to engage in foreign trade? Hard-metric conversion would work a trade burden on the domestic C/M industry, not a trade benefit. It would seem that this was exactly the unintended consequence that Congress sought to avoid in the 1988 Trade Bill.

Aside from the tremendous burdens it would place on the C/M industry, there would be increased construction costs to produce what amounts to a specialty product. I mentioned previously that there would be no way for a small block manufacturer to recoup its costs. Actually, there would be a way—by passing those additional costs on to the consumer, which in this case is the taxpayer. I understand that federal contracting agents are willing under the metrication policy to accept higher bids in order to obtain hard-metric product—a "metric premium" in the range of 1 to 5 percent. They have to because hard-metric product is often in very short supply or non-existent.

It gets worse. There are rumors that this metric premium may quietly but quickly get out of hand. During a June hearing before the House Science Subcommittee on Technology, chaired by the Honorable Connie Morella, Mrs. Morella told one of the witnesses that she had heard that a new advanced technology laboratory being constructed at NIST near Gaithersburg, Maryland is being built to hard metric specifications, and that GAO estimates the additional cost will be 20 or 25 percent. The witnesses did not deny that this was the case.

Just how serious is the issue of reduced competition for bids? NCMA recently sent a metrication questionnaire to the 798 C/M producers it knows to exist throughout the country. 398 responded, an astonishing response rate of 49 percent, which gives some idea of how important this issue is to the individual companies. Of those companies responding, 1 said it currently makes hard-metric block, 397 said they do not. Only two companies said they have hard-metric molds onsite to make the product. It is likely there are others who can make the product, but it is very clear that there is precious little availability of the product the government is asking for in the country today, and little capacity to make it.

Recently, I was contacted by a contracting agent for the Centers for Disease Control in Atlanta. He had a big hard-metrication problem of his own. It seems he had made calls to 32 block manufacturers to determine availability of concrete masonry. All 32 said they could provide all the block the CDC would need, and at competitive prices. But when the CDC agent asked whether the companies could supply hard-metric block, immediately all but 6 of the companies dropped out. Of the remaining six, 3 said they could provide soft-metric block. The last 3 companies indicated they might do whatever it takes to win the bid, but the agent believed that none of those companies presently have hard metric capability.

Clearly, the taxpayers will pay more per unit, enjoy less competition and have far fewer sources of product than can be had using a soft-metric conversion. Indeed, federal procurement policy staff have told me their design staff are currently designing projects in hard-metric block even though they have no idea where they will obtain the hard-metric material. It is entirely possible that there will be no responsive bidders in hard-metric, requiring the government to redraw plans and bid in soft-metric, all at increased costs to the taxpayers.

NCMA has gone to great lengths to persuade the federal contracting authorities on the basis of these considerations to relent on the hard-metric concrete block requirements.

We have thoroughly briefed the Construction Metrication Council on the problems we would face. We have provided position papers and fact sheets. We have met in small groups with the federal employees charged with developing agency procurement policy. We have invited CMC staff to speak directly with C/M producers. We have told federal construction representatives that there is only a relative handful of C/M producers in America that can produce hard-metric material. We have pleaded with CMC officials to reconsider the caveat language in the 1988 Trade Bill clearly showing that metrication is not meant to cause substantial inefficiencies and loss of markets to U.S. firms, but our entreaties have fallen upon deaf ears. The end result is that we have had cordial, business-like meetings but the drive for hard-metric concrete block continues unabated. The federal procurement policy officials keep telling block manufacturers to make hard-metric block or they won't be adequately responding to federal solicitations.

We have been told point-blank that if companies have to go by the wayside in order to convert to hard-metric, so be it, that is the price of progress.

It is clear to me that the only solution at this point is a legislative solution.

On behalf of united C/M producers throughout the country, I would urge that you and your colleagues pass legislation to restore the original intent of Congress and prevent the terrible, ironic consequences that the hard-metric conversion of concrete masonry would create.

With best wishes.

Sincerely,

RANDALL G. PENCE,
Director of Government Relations.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996 MIDDLE EAST FACILITATION ACT OF 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MCCONNELL. Mr. President, we have before the Senate this morning the conference report on the foreign operations bill. This measure passed the House yesterday at 351 to 71.

I might just say before what I hope will be just a brief debate, I am not currently aware of any other Senators on this side of the aisle who wish to speak. Senator LEAHY should be here momentarily and it is our hope that we could have fairly early on here a rollcall vote on the conference report itself.

There is an amendment in disagreement related to the abortion issue which may take a little more debate and then a vote a little bit later. But it is our hope, and if there are no objections or problems with that, that we might be able to get to a vote on the conference report rather soon.

Let me say, although we had very limited resources, I believe this bill legislates our national priorities—it provides both security and flexibility.

The conferees produced legislation below our allocation, $1.5 billion below last year's levels and nearly $2.7 billion below what President Clinton requested. So clearly we have made a reduction in foreign assistance.

In spite of these reductions, our security interests have been clearly served by earmarking funds for our Camp David partners and extending the Middle East Peace Facilitation Act.

We also advance our national security priorities in the New Independent States by completing a shift in resources from Russia to Ukraine, Armenia, Georgia, and the other States that used to be part of the Soviet Union.

We have also linked aid to Russia to termination of the nuclear deal with Iran. In the interest of maximizing the administration's leverage, I suggested the restriction take effect 3 months after the date of enactment of this bill giving the Vice President the opportunity to negotiate a solution to this problem in his January meetings with Chernomydin.

We have served U.S. interests while affording the administration a great deal of flexibility.

There are three ways we have offered flexibility.

First, we have provided transfer authority between accounts. For example, NIS resources can be used to fund the Warsaw Initiative and Partnership for Peace programs. Second, we have consolidated various development aid accounts into one account with limited conditions; and, third, there are very few earmarks.

I think the House would have preferred to provide a blank check giving the administration the option to make all funding choices, but after 3 years of unfulfilled commitments, the conferees agreed upon the necessity to set funding levels for specific countries, which was, of course, the imprint of the Senate bill.

For my colleagues who are concerned about earmarking resources for specific projects, let me assure them we have avoided such action. We have funded countries and categories of activities such as programs to strengthen democracy, rule of law and independent media, but have not dedicated any resources for any organization or project within these broad accounts.

The conference report largely reflects the priorities identified by the Senate. The conferees agreed to the Senate's provisions on a range of issues from Pakistan to an amendment offered by Senator HELMS to ban AID's move to the Federal triangle.

One of the few items where the Senate position did not prevail concerns Mexico City and funding for abortion. We are reporting back an amendment in disagreement which I would like to take a moment to explain.

The House passed language which banned assistance to any organization which fails to certify that they are not performing abortions. In addition, the House banned assistance to the UNFPA unless the President certified programs in China had been terminated.

The Senate stripped out the language at the subcommittee level and substituted language requiring the same standards for determining eligibility for assistance be applied to both governments and to nongovernmental and multilateral organizations. The Senate also required no funds be used to lobby on the question of abortion.

Unfortunately the conferees were unable to reach any agreement on this matter.

Fundamentally, let me just say that the Senate appears to be narrowly prochoice, as these terms generally describe positions Senators have taken. The House appears to be prolife. So we were unable to come together in the conference report.

The House has sent over a substitute measure which restricts assistance to organizations which provide abortions but makes exceptions where the life of the mother, rape or incest are involved—a solution which tracks the so-called Hyde standards. The compromise also includes language which requires the President to certify that the UNFPA will terminate programs in China compared with the previous language requiring the President to certify that UNFPA already has terminated China programs. My understanding is this distinction was drawn because UNFPA plans to cease China programs at the end of this calendar year, thus it is a standard the administration could meet.

I hope my colleagues will support the conference report as it is entirely consistent with the votes and views of the Senate expressed September 21. It is my intention to also support the compromise language proposed by the House in the amendment in disagreement since I believe it is consistent with language which the Congress has been able to support in the past. But, clearly, Mr. President, it is a statement of the obvious to say that is an issue upon which the Senate and the House are deeply divided.

With regard to the abortion issue, the vote, I would just report to my colleagues—I think I said earlier the vote on the full conference report in the House yesterday was 351 in favor, 71 against. On the abortion amendment in disagreement, in the House the vote was 231 in favor of the House position, which I have just outlined; 187 against.

So, at some point during the day we will have a vote on the conference report and then a vote on the amendment in disagreement. It is my hope, as I indicated earlier, that we can have a vote on the conference report sometime very soon. I believe Senator LEAHY is on his way and I did want to give notice to everyone there could well be a rollcall vote on the conference report sometime very soon.

Mr. STEVENS. Mr. President, I am grateful that the conferees have included my amendment to require the U.S. Agency for International Development to contract out mapping and surveying work to qualified U.S. companies when such work can be accomplished by the private sector. This provision was based on my concern that while AID requires mapping and surveying in countries that receive development assistance, this mapping and surveying work is most often contracted out by AID to other government agencies. In many instances Federal agencies are aggressively marketing their mapping capabilities to foreign governments, and through AID, in direct competition with qualified U.S. companies. Despite language in previous committee reports, the amount of U.S. private sector contracting for such services has not increased.

The purpose of this amendment is to move the mapping and surveying requirements of AID to private U.S. firms. Under current Federal policy on such commercial activities, if an activity has not been justified by the provider agency—like the U.S. Geological Survey—for continued in-house performance, AID shall obtain the required services directly from a commercial source. No agency has performed the requisite commercial activities study to justify in-house performance in mapping and surveying, so this provision is a clarification to enforce the existing policy of the Federal Government to rely on, and not compete with, the private sector pursuant to the Office of Management and Budget circular A–76.

I would like to clarify one point with regard to the intent of this provision, and to ask my good friend from Kentucky and the Foreign Operations Subcommittee chairman, Senator MCCONNELL, if this is his understanding of this AID mapping and surveying amendment language? Specifically, it is not the intent of this provision to change Federal procurement law or the Federal Acquisition Regulations. Although the language in the amendment uses the word "bidding," contracts for mapping and surveying services should be awarded to qualified U.S. firms in accordance with the standard and accepted procedure for such services found in 40 U.S.C. 541 et seq. and section 36.601–4(a)(4) of the Federal Acquisition Regulations. This amendment provides for increased contracting out of mapping and surveying services by AID, using the normal qualifications based selection process. Does the Senator from Kentucky concur with this clarification?

Mr. McCONNELL. Senator Stevens, thank you for defining this wording of the AID mapping and surveying amendment, and, yes, I concur in this clarification.

Mr. STEVENS. I thank the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we have before us, as the distinguished chairman of the subcommittee has said, the foreign operations conference report. It is not the conference report I would have liked to have written as a bill. I suspect it is probably not precisely the conference report that the Senator from Kentucky would have liked to have written. It is, however, the best that we could do in not only a very difficult budget climate but one in which there are probably more tugs and pulls, philosophical, ideological, and policy, on the Committee on Foreign Operations than I have seen in many a year.

The bill, incidentally, is $130 million below the level that was passed overwhelmingly, by a 5-to-1 margin, in the Senate on September 21. I wish in this case we could have maintained the Senate level because it is a very small price to pay for American leadership abroad. We find we can easily spend billions and billions of dollars going in either as peacekeeping forces or military forces when there are troubles abroad, but we cannot spend a tiny, tiny fraction of that to help avoid those troubles beginning in the first place.

I do wish to commend Senator MCCONNELL for his efforts to get this bill through the conference and to the President's desk. We had a very lengthy meeting. I think we went to about midnight or so on our committee of conference ironing out all but the one issue, the issue that is before this body in true disagreement, and in fact in this case that is on international family planning. I will have an amendment to reinstate the Senate position. I will do that for myself and for Senator KASSEBAUM and for others, and to go back to the Senate position. I will do that after we pass the conference report, which I fully expect will be passed.

That amendment, which I will then offer, will simply reaffirm what the Senate is already on record doing. In fact, the President has made it very clear that he will veto this bill unless we fix this one provision, the item that is in disagreement.

So in this case we did the best we could. I feel that we are not meeting many of our international commitments, and I would just close with this thought. We all take great joy at seeing the cold war ending. Every one of us, if we travel abroad, like saying we are Americans, without saying it here at home. The fact is we are the most powerful nation history has ever known. We are the largest economy history has ever known. But with that comes certain responsibilities. Frankly, we have backed off on these responsibilities worldwide. Other countries have picked up on them.

Japan spends not only as part of their budget but more in actual dollars in areas of foreign aid than we do. That is not all done out of altruism. They have found that as they have helped the economies of a number of developing countries, these developing countries then buy goods from Japan; their exports go up while our exports are going down. They create more jobs in Japan while we lose jobs in America. Why? Because they are willing to invest in the future economies of some of these countries. We do not want to invest the pennies in the future economies of some of these countries even though it creates dollars and dollars and dollars here in the United States. We do not want to spend the pennies to create some of the jobs and the economic benefits in some of these developing countries even though we will create far more jobs in the United States, even though all of us know that as exports go up it is one of the single greatest boons to our economy here in the United States.

Instead, we let this export business go to other countries. We let these jobs go to other countries. We do not show that kind of leadership.

We are not doing enough to stop wars and internal struggles worldwide even though we know that we will get sucked into them eventually and spend a heck of a lot more after the fact. It is kind of like preventive medicine. We do not want to spend the money on preventive medicine but, by gosh, we come in with troops to take care of the costs in the emergency room afterward. Well, there are going to be a lot of emergency rooms worldwide, and the most powerful nation on Earth is going to be called upon. Maybe we ought to start doing a little preventive medicine. It is going to cost us a lot less in the long run. It is going to be far more important to our national security, and it is going to improve our own economy.

With that, Mr. President, I would ask for the regular order.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, the Senate is now considering the conference report accompanying H.R. 1868, the foreign operations and export financing appropriations bill for fiscal year 1996.

The final bill provides $12.1 billion in budget authority and $5.9 billion in new outlays to finance the Nation's foreign assistance programs.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $12.2 billion in budget authority and $13.9 billion in outlays for fiscal year 1996.

The subcommittee is within its section 602(b) allocation for both budget authority and outlays. The bill is $84.4 million in budget authority under the subcommittee 602(b) allocation and at the outlay allocation.

I commend the conferees for supporting the North American Development Bank in the final bill.

Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of the final bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOREIGN OPERATIONS SUBCOMMITTEE SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	68	7,950
H.R. 1868, conference report	12,060	5,892
Scorekeeping adjustment		
Subtotal nondefense discretionary	12,128	13,842
Mandatory:		
Outlays from prior-year BA and other actions completed		
H.R. 1868, conference report	44	44
Adjustment to conform mandatory programs with Budget Resolution assumptions	0	0
Subtotal mandatory	44	44
Adjusted bill total	12,172	13,886
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,212	13,842
Violent crime reduction trust fund		
Mandatory	44	44
Total allocation	12,256	13,886
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	−84	−0
Violent crime reduction trust fund		
Mandatory		
Total allocation	−84	−0

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. PRESSLER. Mr. President, I intend to vote for passage of the conference report to H.R. 1868, the foreign operations appropriations bill. I do so because there are a number of vitally important provisions in this legislation, chief among them being the extension of the Middle East Peace Facilitation Act. I share the concerns of many of my colleagues regarding Palestinian compliance with the peace accords, and will continue to follow this issue with great interest. With this bill, the American taxpayer once again is investing in what all hope to be a historic and lasting peace in the Middle East. It is up to us here in Congress to be sure that it is a wise investment, and that the conditions that brought about it are met.

I must confess I will vote in favor of this bill with great reluctance. I am very disappointed that the House and Senate conferees agreed to keep in the bill Senate language that would repeal a portion of Federal law that prohibits United States aid to Pakistan as long as the President fails to certify that Pakistan is not in possession of a nuclear explosive device—a law otherwise known as the Pressler amendment. The provision in H.R. 1868 would allow nonmilitary aid to resume to Pakistan, and would authorize the President to transfer $370 million in military equipment sought by Pakistan but not delivered because of the Pressler sanctions. By including this provision, this Congress has put the American taxpayer back in the business of subsidizing a nuclear program that this Nation does not recognize under the Nuclear Non-Proliferation Treaty [NNPT]. Even worse, today the U.S. Congress has sent a chilling message: Nuclear proliferation pays.

This is a frustrating day, Mr. President. Ten years ago, the U.S. Congress passed the Pressler amendment. In so doing, we made it clear that the United States could not condone, through foreign aid, Pakistan's drive for the bomb. It was our hope that the leverage of foreign aid would deter Pakistan from developing nuclear weapons. If it did not, it was important from the standpoint of nonproliferation that the United States not subsidize Pakistan's nuclear program. That was the purpose behind the Pressler amendment.

By and large, the Pressler amendment has worked. First, though never verified, Pakistan claims it has ceased developing weapons grade enriched uranium. Second, the threat of Pressler sanctions has deterred a number of states that pursued active nuclear weapons research programs in the 1980's, including Argentina, Brazil, South Korea, Taiwan, and South Africa. This successful track record now risks being reversed.

I have expressed my strong concerns on this issue in this Chamber already in great detail. I will not repeat them here. The bottom line is clear: Our Nation's nonproliferation policy is in serious jeopardy, and it is not just with respect to the Pressler amendment. We have heard many reports that the communist Chinese have shipped M-11 related missile technology to both Pakistan and Iran in violation of the Missile Technology Control Regime. Under a law I drafted, the President has presumptive authority to impose sanctions against the responsible parties in China if he has reason to believe an MTCR violation has occurred. Yet, the President is unwilling to exercise that authority. Further, the current House and Senate versions of the intelligence authorization bill contain language that would give the President unprecedented discretion to waive U.S. nonproliferation laws.

Mr. President, just last year, the President stated that no foreign policy issue was more important to the security of all people than nuclear nonproliferation. Yet, the current administration is engineering an unprecedented rollback in U.S. nonproliferation laws and policies. The administration's actions do not match its rhetoric. This demonstration of doublethink would be very humorous if the issue was not so very serious.

For those of us in Congress who have devoted many years on nonproliferation issues, these recent developments are very disturbing. As the world's sole remaining superpower, the signatories of the NNPT look to us to set the example and enforce the rules. Yet, today, we are changing the rules of the nuclear nonproliferation game to benefit one proliferator. This is the worst possible message we could send to those nations who have played by the rules.

PAKISTAN PROVISION

Mrs. FEINSTEIN. Mr. President, I rise in support of the Foreign Operations Conference Report, but I do so with regret because of the provision in this bill relating to Pakistan.

There is much in this conference report that I support, and which I believe the conferees have every right to be proud of.

The bill maintains our assistance to Israel and Egypt, sending a message of the United States' firm support of our allies in the Middle East, and our encouragement of their efforts to achieve a comprehensive peace.

The bill extends the Middle East Peace Facilitation Act by 18 months, allowing the President to continue to provide assistance to the Palestinians and conduct relations with the PLO, while requiring strict compliance by the PLO and the Palestinian Authority with all of their commitments. This is a further demonstration of U.S. support for the peace process.

The bill provides assistance for Armenia, Ukraine, and other former Soviet republics to help ensure that democracy takes hold, and the assistance to Russia is appropriately conditioned on Russian cooperation with the United States in various areas.

The bill significantly increases the budget for international narcotics programs, demonstrating that controlling the scourge of the international drug trade is among our Nation's highest international priorities.

Unfortunately, included in the conference report with all these positive provisions is a provision that I think is extremely dangerous. The House conferees agreed to adopt the Senate language on Pakistan, which was added to the bill as a Brown amendment. Among other things, this provision allows the President to transfer to Pakistan some $368 million worth of sophisticated military equipment at a time when Pakistan is still committed to pursuing weapons of mass destruction.

I realize that we have debated this issue at length, but the objections to this provision bear repeating.

Sanctions were invoked against Pakistan in 1990 because President Bush could not certify that Pakistan did not possess a nuclear explosive device. Nothing has changed since that time. To this day, neither President Bush nor President Clinton has been able to make such a certification.

Pakistan's commitment to continuing its nuclear program makes it wholly inappropriate—even irresponsible—for the Congress to authorize the release to Pakistan of a significant package of sophisticated military equipment.

I realize that this provision has the support of the administration, but I must say that in advocating this proposal, the administration is also acting irresponsibly. An administration that says that nonproliferation is one of its highest international priorities should not be transferring weapons to Pakistan until Pakistan has made vast improvements on the nonproliferation front.

There is a further concern about transferring these weapons. The package of equipment may not be significant enough to substantially alter the military balance in the region, but it is enough to exacerbate an unstable political situation. The political symbolism of the returning equipment will be handing a propaganda victory to the extremist Indian opposition heading in next spring's elections.

The Indian Government is already coming under intense domestic pressure to respond to the transfer of these weapons. I very much fear that India will respond by deploying their Prithvi missile, which could launch a bona fide ballistic missile race in South Asia. Pakistan might well respond by deploying the M-11s many believe they have acquired from China.

If this scenario plays itself out, the United States will be responsible for fueling an extremely dangerous arms race in one of the most unstable regions in the world.

Having said all this, I want to make two additional points. First, I want to urge the government and people of India not to overreact to this turn of events.

Indian politicians may exploit these weapons for their own gain and stoke the flames of paranoia in the pursuit of votes. But I want to urge the Government of India not to respond to this weapons transfer by significantly upgrading their military posture, and in particular, not to further escalate the arms race in South Asia.

Second, if we must transfer these weapons to Pakistan, we are entitled to expect something in return. As I have said in the past, I favor resuming nonmilitary assistance to Pakistan in order to expand our ability to cooperate on anti-terrorism activities, antinarcotics efforts, peacekeeping, environmental protection, and other areas. I consider those provisions of the Brown amendment to be helpful in enabling us to rebuild our troubled relationship with Pakistan.

But we have every right to expect improved cooperation from Pakistan, not only in these areas, but in nonproliferation as well. Pakistan's unfortunate -record of developing nuclear weapons and seeking to acquire ballistic missile technology has exacerbated tensions and contributed to instability in South Asia. As we have in the past, I would urge Pakistan to reverse course and contribute to building a new, more stable South Asia.

Mr. President, I believe we have made a mistake with the passage of the entire Brown amendment. With the help of both India and Pakistan, we can help ensure that this mistake does not spawn other, even greater mistakes.

The PRESIDING OFFICER. Is there further debate on the conference report? If not, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 559 Leg.]

YEAS—90

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—6

Byrd
Craig
Faircloth
Hollings
Kempthorne
Smith

NOT VOTING—3

Bradley
Hatfield
Stevens

So the conference report was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question before the Senate is the amendment in disagreement, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

: Provided, That none of the funds available under this Act may be used to lobby for or against abortion.

PROHIBITION ON FUNDING FOR ABORTION

SEC. 518A. (a) IN GENERAL.—(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Notwithstanding any other provision of this Act, paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) Subsections (a) and (b) apply to funds made available for a foreign organization either

directly or as a subcontractor or sub-grantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or sub-grantee.

(d) COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund will terminate all family planning activities in the People's Republic of China no later than March 1, 1996; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

AMENDMENT NO. 3041

Mr. LEAHY. Mr. President, I move to concur in the House amendment with an amendment that I send to the desk on behalf of myself and the Senator from Kansas [Mrs. KASSEBAUM].

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 3041 to the amendment of the House to the amendment of the Senate No. 115.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed, insert the following: ": *Provided*, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion."

Mr. LEAHY. I will yield to the Senator from Arizona in a moment. Just so that colleagues will understand what is happening here, the amendment that the Senator from Kansas [Mrs. KASSEBAUM] and I have sent to the desk is an amendment on the one amendment in disagreement. We resolved 192 out of the 193 amendments in the committee of conference. This is the one so-called Mexico City policy of the 1980's, one in disagreement.

After having been reported, it is open to second-degree amendment, which I understand the Senator from Arizona is going to make on an entirely different issue. But for those who have been asking me about the Mexico City policy, my understanding is what we would then do is debate the amendment of the Senator from Arizona, there would be a vote on that, and then we would begin the debate on the Mexico City amendment.

AMENDMENT NO. 3042 TO AMENDMENT NO. 3041

(Purpose: To permit the continued provision of assistance to Burma only if certain conditions are satisfied)

Mr. MCCAIN. I have a second degree perfecting amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. KERRY, proposes an amendment numbered 3042 to amendment No. 3041.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment add the following:

SEC. . Notwithstanding any other provision of this Act, funds made available in this Act may be used for international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, directly for the Government of Burma if the Secretary of State certifies to the appropriate congressional committees that any such programs are fully consistent with United States human rights concerns in Burma and serve a vital United States national interest. The President shall include in each annual International Narcotics Control Strategy Report submitted under section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) a description of the programs funded under this section.

Mr. MCCAIN. Mr. President, I have discussed this amendment with the distinguished Senator from Kentucky, the manager of the bill, and with the Senator from Vermont. I do not believe this should take very much time.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, this amendment would modify the provision in the conference report that prohibits funding for international narcotics control assistance in Burma. The amendment would modify that prohibition by permitting such assistance only if the Secretary of State certifies to Congress that such programs are fully consistent with the United States human rights concerns in Burma, and that they serve a vital United States national interest.

I emphasize that the secretary must certify that a program such as this serves a vital U.S. national security interest.

That vital national interest is obvious, Mr. President. Sixty percent of the heroin that comes to this country originates in Burma—60 percent. We have a compelling, urgent responsibility to do whatever we can to eliminate or at least reduce Burma's export of that dangerous narcotic. Without a strategy that addresses the heroin trade in Burma, we have no effective antinarcotic program at all.

I can well understand the Senate's desire to influence the Burmese regime's treatment of the Burmese people. That treatment has been abominable and well deserves our severe reproach. I visited Burma last March and was exposed to a pretty representative sampling of how abominable that treatment has been and continues to be.

Daw Aung San Kyi's release was a very welcome development. But in and of itself it does not represent evidence of political reform or even an indication of progress toward an objective standard of human rights in Burma. Burma has a very long way to go.

I feel very strongly that the United States must actively support the cause of human freedom in Burma, and make it unmistakably clear to Burma's State Law and Order Restoration Council, the SLORC, that the United States, indeed, all of the civilized world expect them to begin respecting the will and the rights of the Burmese people.

But what I have difficulty understanding is why we must refrain from acting in our own national interest while we attempt to act in the interest of the Burmese people. I could understand the objective of this provision if it stated that no funds for drug control could be made available directly to the SLORC. I would not support this assistance either if the State Department were proposing to simply provide money to the SLORC with the promise that the SLORC would use it to eradicate poppy fields. It is quite probable that such funds would be used by the SLORC to further oppress ethnic minorities in Burma, like the Wa.

But, Mr. President, that is not what the administration proposes to do with this assistance. First, it is a relatively small amount of money that we are talking about, with most of it going to the efforts of the United Nations Drug Control Program [UNDCP] in Burma. Two million dollars would be provided to the U.N. to work with ethnic minorities on crop substitution and other programs intended to begin making some, although admittedly small, progress in reducing poppy cultivation. None of that assistance would be funneled through the SLORC.

A limited—a very limited amount of assistance, $50,000, I believe—would be provided to train Burmese customs officials. But I fail to see the harm in that, given that the amount is so small, and the need for better Burmese control of drug smuggling at the borders so obvious.

Mr. President, $2 million isn't going to solve America's heroin problem. But I do not see how we begin to get any control over that problem absent some kind of program in Burma.

Opium production in Burma has skyrocketed in recent years. It is, by far, the largest heroin producing country in the world. Again, 60 percent of heroin in the United States originates in Burma.

The enormous increase in heroin production globally has substantially reduced the street price of heroin while simultaneously increasing the purity, and, consequently, the lethality of the drug. Overdoses—fatal overdoses—have increased rapidly in the United States.

Sadly, as long as there is demand for heroin, we will never be able to keep it out of all our children's hands. But if in Burma and elsewhere our efforts make some progress in restricting the flow of heroin to the United States, we will make the drug more expensive and less readily available on our streets that it is today.

Mr. President, before I conclude, I should also add that in meetings attended by American Embassy officials in Rangoon, Daw Aung San Suu Kyi, the Nobel Prize winner, clearly the leader of that nation, who has been a beacon of hope for freedom and democracy for the people of Burma and people of the world, whose stature is such that she was awarded the Nobel Peace Prize, and she, Daw Aung San Suu Kyi, expressed her support for counternarcotics assistance to Burma. In fact, she maintained such assistance would not directly or indirectly help the SLORC to retain power and, on the contrary, might encourage the SLORC to make additional human rights concessions. For my part, her opinion should be what drives the decisions made here in the U.S. Senate. I think it is clearly sufficient justification to approve of this very modest antidrug program.

I am convinced that the counternarcotics assistance envisioned for Burma is consistent with our human rights goals in Burma. But I repeat, to ensure that it remains so, this amendment requires the Secretary to certify that all the programs which our assistance would support are fully consistent with our human rights concerns in Burma.

Mr. President, I believe, as we have in many other countries, the United States can advance its values and protect our national interests in Burma simultaneously. They are not mutually exclusive and should not be treated so.

I understand the committee's motive for this provision. I must disagree with the means by which it hopes to achieve its objective. I hope Senators also disagree with those means and support the amendment to help in some small way reduce the flow of heroin to the streets of America.

Mr. President, this amendment is supported by the administration. This amendment is supported by Daw Aung San Suu Kyi. I have no brief for the ruling junta of army officers that control Burma—their human rights record is despicable. If any of this money were going to help that organization, I would not be proposing it.

We started a war on drugs some years ago, and we have either declared unconditional surrender or we have forgotten about it. I do not know which. Whatever, there is an increase in the use of heroin in this country. There is an increase in the purity of that heroin. There are lethal overdoses that are being taken of that drug as we speak.

I believe that there are many ways to win the war on drugs. The primary one is to reduce the demand here at home. We also must attack the supply in whatever way we can.

I want to point out again, Mr. President, I probably would not have proposed this amendment if it had not been for the express support of this program by this remarkable, extraordinary woman, a woman who transcends human events, a woman who has suffered for her country, whose father was a martyr to an assassin's bullet as he was the leader of this poor country. Mr. President, if the person who clearly, if there were an election tomorrow, would win by an overwhelming majority, a landslide, were not in support of this amendment, I would not be proposing it, and I hope that the Members of this body will heed her words rather than anyone else's, including my own.

I yield the floor.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, in July, Suu Kyi was released after 6 years under house arrest. It was the first glimmer of hope for Burma since the military crackdown in 1988. As she has repeatedly and emphatically stated since her release, nothing else has happened. She has been released and that is it. Burma is not one step closer to implementing the results of the elections of 1990.

Burmese citizens are still suffering at the hands of one of the worst police states in the world. In fact, since Suu Kyi was released, there have been more arrests, more Burmese men, women, and children have been forced from their homes into concentration camps, more villages have been burned to the ground by the government troops.

In fact, a recent Amnesty International report asserted unequivocally that the situation has dramatically deteriorated inside Burma in the last 2 months. Let me be clear, the situation has gotten worse since Suu Kyi's release.

Yet this is the very government that the amendment of my good friend from Arizona would have us cooperate with. Reasonable people can differ about how best to handle this situation, but I must say with all due respect to my good friend from Arizona, I see it a little differently. A government guilty of arbitrary detentions, torture, forced relocations, and killings is, it seems to me, a questionable government with which to deal.

The Assistant Secretary of State for Asia, Win Lord, shares this view. When I asked him what were the major impediments to an effective counternarcotics effort he said, "What is gong to solve the problem over the long run is a popular, representative open government—all other efforts are minuscule compared to whether you have an open system there." I could not agree more with Secretary Lord's statement. A military junta, with an army of 350,000, assembled exclusively to terrorize its own people—they have no external threats, this army is to terrorize Burmese people—a military junta about which Assistant Secretary of State for Asian affairs, Winston Lord, has testified, "The only impediment to cooperation on narcotics is their lack of interest." Their, meaning the SLORC.

Secretary Lord has testified we can only expect to see real cooperation on narcotics if democracy is restored. They had an election in 1990. The SLORC did not honor the election. Suu Kyi had been under house arrest since 1988, until this July. The situation has deteriorated since then. The question I guess we have before us is whether cooperation with this regime will produce a positive result. I am as concerned about the fact that 60 percent of the heroin coming into this country is coming from Burma as anyone else. It seems to me reasonable people can differ as to how to approach this problem, but I think we should be moving to isolate the military junta, rather than pursuing the amendment of my good friend from Arizona. That is why we should support the restoration of democracy and implement the results of the 1990 election.

Let me just conclude by noting that Suu Kyi has urged all nations to suspend investment in Burma, to take all steps possible to isolate this pariah regime. She opposes any efforts to legitimize this repressive regime.

My good friend from Arizona has argued that his amendment is not about cooperating with SLORC, but that is precisely what the State Department budget materials recommend. That is what the State Department is in effect recommending here. So it seems to me that is exactly what the State Department has in mind. They are seeking funds to train SLORC in counternarcotics efforts.

My good friend from Arizona has indicated that he believes Suu Kyi supports this cooperation. I know that is what the administration has represented as her position. The administration said Suu Kyi supports this approach.

But I might point out to my colleagues, to members of the House International Relations Committee who met with her, and in interviews with the international media, she has explicitly and repeatedly said she does not support cooperation with SLORC.

In fact, when she was advised the assistance we have provided had been used to attack ethnic groups on the border, I was advised she was horrified. It is the administration's interpretation of Suu Kyi's wishes that my colleague is relying upon, and I can understand his relying on the administration, I suppose. But there is substantial evidence, it seems to this Senator, that the administration is not correctly relating Suu Kyi's position to us. They are incorrectly characterizing her position.

There are others, including the international press and members of the House International Relations Committee, who have met with Suu Kyi and come to a different conclusion. So reasonable people here can differ.

I know my friend from Arizona's intentions are the best. He has been to Burma. He knows a lot about Southeast Asia. But it just seems to this Senator that cooperation with SLORC is not in our best interests. It seems to this Senator there are a number of people, both reporters and House Members, who have spoken with Suu Kyi who reached the conclusion that she would not favor this approach.

I simply hope the Senate will not go on record supporting the amendment of the Senator from Arizona. The issue of Burma is not going to go away. He is extremely knowledgeable about Burma, has very strong opinions about Burma. There are others of us who are also interested in what we might be able to do to bring about the end of SLORC and the return of democracy.

I hope we could all kind of sit down together and, not using this particular bill as a vehicle, sit down together and figure out what our best approach to Burma ought to be. With all due respect to my friend from Arizona, it seems to me cooperation with SLORC on drugs would be like cooperating with Iran on counterterrorism. It seems to me highly unlikely that this would be a productive relationship.

So I hope the amendment of the Senator from Arizona will not be approved. I will make a motion to table when we finish our debate. I understand we are going to be finishing up pretty quickly.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I, like the distinguished chairman, cannot support the amendment and will join in his motion to table, not because I disagree with the Senator from Arizona in wanting to stop the flow of heroin from Burma. I totally agree with him in wanting to do that. I acknowledge his expertise in that part of the world. Anybody who has watched the evidence from the various law enforcement and international agencies knows of the tremendous flow of heroin from Burma. But I do not think this would stop it. In fact, I believe it will be money basically lost.

The SLORC itself is involved in the drug trade. They are an army that violates the human rights of their own people. They oppress their own people. They stop dissent in their own people. But, also, they take drug money themselves.

A U.N. program is not going to make any measurable difference. We are dealing with an outlaw government. We should not be doing something that might suggest that we accept this government in any way. These are drug dealers and thugs. They themselves are profiting from something we would be asking them to stop. So, while I will be happy to look at other areas when this bill next comes up, or any other bill, I will not support this.

I might also say I hope, having cleared 192 out of 193 amendments in disagreement, that we might be able to send back to the other body just one amendment in disagreement, something that will be debated and voted on following the debate and vote on the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. Mr. President, a cable sent back from the State Department, which I have a copy of, concerned a long interview that took place with Aung San Suu Kyi on July 14 of this year. I quote:

> Speaking to the Richardson-Rohrabacher amendment seeking to bar any USG drug control assistance to Burma, Aung San Suu Kyi disapproved, opining that, while the "stick" of impending trade sanctions had been useful in prompting her release, offering USG counternarcotics assistance to the SLORC would be a useful "carrot" to encourage additional progress.
>
> The SLORC's desire to benefit from the political legitimacy accompanying USG drug control aid is well known, pointed out the NLD leader. She cited exchange of information and training as two specific types of counternarcotics assistance she could envision occurring now.

By the way, I ask unanimous consent the entire cable be printed in the RECORD.

There being no objection, the cable was ordered to be printed in the RECORD as follows:

SANCTIONS AND DRUG CONTROL AID DISCUSSED

NLD LEADER SEES DRUG CONTROL AID AS USEFUL "CARROT"

11. Speaking to the Richardson-Rohrabacher amendment seeking to bar any USG drug control assistance to Burma, Aung San Suu Kyi disapproved, opining that, while the "stick" of impending trade sanctions had been useful in prompting her release, offering USG counternarcotics assistance to the SLORC would be a useful "carrot" to encourage additional progress.

The SLORC's desire to benefit from the political legitimacy accompanying USG drug control aid is well known, pointed out the NLD leader. She cited exchange of information and training as two specific types of counternarcotics assistance she could envision occurring now. While the SLORC would appreciate this aid, it would not improve the regime's staying power.

12. Berkowitz expressed concern that an exchange of information on drug traffickers and operations with the Burmese authorities might hurt the Wa, who are poor farmers with no alternative other than poppy cultivation. Suu Kyi clarified that the type of information she was taking about would not be that which could be used to attack harmless people. Rather, information on drug traffickers' movements would assist Burmese officials in locating and interdicting drug operations.

She turned to Tin 00, calling him an expert on the Wa, and asked him for expanded views on this issue. Tin 00 noted that poor Wa might be hurt, but added that the exchange of information on areas of poppy cultivation would be good, though the government may not take action against poppy cultivation in ethnic areas even when provided precise information on their location. Aung San Suu Kyi did not seem unduly worried when Berkowitz raised, the possibility that drug control efforts in the Wa area might alienate Wa farmers who depend on drug production for their sustenance.

Mr. MCCAIN. Mr. President, unless misinformation—and perhaps it is—is being conveyed from our Embassy in Burma, I think it is pretty clear what Aung San Suu Kyi's position is on this issue.

Also, let me point out, as I did in my opening statement, I do not support any money going through the Burmese Government known as SLORC. This money would not go through the Burmese Government known as SLORC. It specifically would be provided to the United Nations to work with ethnic minorities on crop substitution and other programs intended to begin making some, although admittedly small, progress in reducing poppy cultivation. None of that assistance would be funneled through the Government.

So I am sorry the Senator from Vermont either is misinformed or did not pay attention to what I had to say; perhaps both.

But the fact is that this money would not—I repeat, not—go through the settlement. If it would go through the Burmese Government, then I am convinced Aung San San Suu Kyi would not approve of it. After all, she is the one spent 4 years under house arrest and was a martyr who watched her countrymen be slaughtered by the same group of people. Everybody has their own opinion.

But let us not distort the facts here. The facts are that we have credible evidence from a cable sent to the United

States State Department which clearly indicates her support of certain types of drug control programs. That is reality, and that is a fact.

The other fact that I think we ought to emphasize here is that the money would not go through the Burmese Government. And nobody—I mean nobody that I know of—would support funding through that government.

I would also suggest that perhaps the Senator from Vermont—Vermont is a little bit different from what it is in Arizona. Perhaps in Vermont he does not have kids overdosing on drugs in the streets of the capital of his State. Mr. President, I do. The Senator from Vermont said it will not do much good. Maybe it will not do much good. But I know that people are dying in my home State from overdoses of heroin, from lethal doses of heroin that come directly from Burma, because it is a proven fact that 60 percent of the heroin that comes into the United States comes from Burma.

So, in all due respect to the Senator from Vermont and the people in his State, it is a compelling, urgent, and terrible problem that we have to take every possible step to cure. One of them would be to reduce the cultivation of this drug where it originates which does not require the participation of the Burmese Government.

Mr. President, it is a $2 million program we are talking about here. I am a bit curious why we should have to take up so much time of the Senate in a very large multibillion-dollar piece of legislation. But I would be willing to vote on the motion of the Senator from Kentucky to table whenever he feels that we should.

I yield the floor.

Mr. MCCONNELL. Mr. President, by way of very brief response to my friend from Arizona, the cable to which he referred was prepared a few days after Suu Kyi's release back in July. She subsequently learned that we provided information to SLORC on an alleged drug caravan which turned out to be used to attack ethnic groups on the border. Her views 2 days after being totally isolated for 6 years has since been fully informed by facts, which are that the money in all likelihood will end up with SLORC. She has since repeatedly opposed this cooperation, and in interviews, both with the press and with Congressmen who have been there, believe that it may threaten Burmese citizens.

Again, let me say reasonable people can differ about this. I totally respect my friend from Arizona and his interest in involvement in this issue. Fundamentally, it seems to me, the question is whether we should be cooperating with the SLORC, one of the worst regimes in the world, if not the worst.

I think we have probably debated this amendment fully. I am not aware of anybody else who wishes to speak.

Mr. President, I move to table the McCain amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRIST). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky to lay on the table the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 560 Leg.]

YEAS—50

Akaka
Bennett
Biden
Boxer
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Coverdell
D'Amato
Daschle
DeWine
Exon
Faircloth
Feingold
Gorton
Gregg
Harkin
Heflin
Hollings
Inhofe
Inouye
Jeffords
Kassebaum
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lott
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Stevens
Wellstone

NAYS—47

Abraham
Ashcroft
Baucus
Bingaman
Bond
Breaux
Coats
Cohen
Conrad
Craig
Dodd
Dole
Domenici
Dorgan
Feinstein
Ford
Frist
Glenn
Graham
Gramm
Grams
Grassley
Hatch
Helms
Hutchison
Johnston
Kempthorne
Kerrey
Kerry
Kyl
Lieberman
Lugar
Mack
McCain
Nickles
Nunn
Pressler
Roth
Simon
Simpson
Smith
Snowe
Specter
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Bradley
Hatfield

So, the motion to lay on the table the amendment (No. 3042) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3041

Mr. LEAHY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion of the Senator from Vermont to concur in the House amendment with an amendment.

Mr. LEAHY. Thank you, Mr. President. Just so my colleagues understand, and I know there are a number of Senators on both sides who are going to want to speak, let me back up a bit.

First, the Senate has voted in favor of the conference report. The conference report reflected a conference that agreed on 192 out of 193 amendments. Now we have the 1 remaining amendment of those 193 which is in true disagreement, and we have received from the other body their proposal.

I have moved to amend their amendment in disagreement with an amendment by myself and the Senator from Kansas, Mrs. KASSEBAUM. What happened is the Senate conferees were not able to agree to a House provision that would reinstate the so-called Mexico City policy of the 1980's. As Senators may recall, the Mexico City policy caused much division in this country and picked up a lot of ridicule for this country abroad. It prohibits the U.S. Government from using its funds to support private family planning organizations that use their own funds to provide counseling and other services relating to abortion.

What my amendment does, it strikes the House provision and it replaces it with the identical Senate language that passed this body on September 21. Senator KASSEBAUM, who is the original author of this language, is a cosponsor of this amendment.

The amendment says that in determining eligibility for assistance, non-Government and multilateral organizations shall not be subjected to requirements more restrictive to requirements applicable to foreign governments for such assistance; provided further that none of the funds made available under this act may be used to lobby for or against abortion.

So no matter what your position is on abortion, U.S. money cannot be used to lobby for or against it. This has been very carefully thought out to give Senators who have strong views on the subject of abortion a common ground and be respectful of the views on both sides of this issue.

The sad thing about the House provision, which we are now seeking to amend and send back to the other body, is that it is not only totally and utterly unnecessary, but if it prevailed on this bill, it guarantees a veto, and the work of the Senator from Kentucky, Mr. MCCONNELL, and myself, as well as all the other Senators who joined with us in putting together the foreign aid bill, goes down the drain.

Our bill explicitly, and I wish Senators would listen to this, the Senate bill explicitly prohibits the use of any U.S. funds for abortion. Period. End of sentence. No qualifications.

It is the same prohibition that we have had for years. It is the same prohibition we had in the last Republican administration. It is the same prohibition we have in this administration. No funds in this bill can be used for abortion.

We are really ending up debating bumper-sticker slogans. We are ending up debating—I do not know—fundraising letters, whatever, but we are not debating the reality of the foreign aid bill.

The amendment I offered simply continues current law and practice, and at a time when support for voluntary family planning programs and women's reproductive health is growing around the world, it would be ridiculous for the United States to, once again, surrender its leadership in this area as we did back in the eighties.

Some have defended the House provision, because it only prohibits U.S. support for foreign organizations. That is precisely the problem. It is by supporting foreign organizations that we implement our family planning programs. We do not stop the population explosion in other parts of the country by saying we will send the money to Planned Parenthood of Winooski, VT. We do it by sending the money where family planning might help. In fact, let me give just one example of what the House provision would do.

A current program that uses United States funds to train Russian doctors in providing family planning services would have to shut down because it takes place in a Russian hospital. In that Russian hospital, Russian funds are used to perform legal abortions. In Russia, the average woman has seven abortions, something I find, and I hope most people would find, to be a terrible situation.

But in our program, which tries to help the Russian doctors teach family planning so they will not be having seven abortions, the House provision says you cannot do that. You cannot do that because in the place where they would teach that, somewhere else in that same building abortions might take place.

Well, come on, this is Alice in Wonderland. You teach alternatives to abortion at a place where people who are interested in that subject might be.

The whole point of this program is to promote contraceptives and alternatives to abortion. It does not ask for money for abortion, it seeks alternatives. Every dollar is for voluntary —voluntary—family planning. I say to my colleagues, if you vote against the amendment of the Senator from Kansas and myself, let there be no mistake, that opposes voluntary family planning if you vote against it.

The other point I want to emphasize is no funds in this bill can be used in China. I heard the debate earlier about people who are concerned about what happens in China. Well, I am concerned. I am appalled by forced sterilization. I am appalled by forced abortions. I am appalled by the Chinese Government telling people, under pain of all kinds of strictures, how many children they can have. We all are, but do not knock down our ability to help the voluntary family planning in other countries by holding up as a straw man somehow the situation in China.

Chinese population policy should be condemned, but do not condemn the program. In fact, the House provision would prevent the United States from contributing to the U.N. population fund. It is the largest international family planning agency in the world. UNFPA does not fund abortion. It has an explicit policy against supporting abortion. It funds contraceptives, education and informs about family planning in 140 countries. It is absolutely vital the United States play a leading role in the U.N. agency at a time when the decisions we make today will determine if the world population doubles or even triples. The Chinese population policy should be condemned, but do not condemn an organization that seeks to demonstrate to the Chinese Government that they can achieve the same results with voluntary family planning.

As I said, we contain a prohibition against using U.S. funds in China. That is despite the fact U.N. programs in China promote voluntary family planning and human rights.

Mr. President, let us not go backwards, not when so many governments are finally seeking out and limiting rates of population growth. Many of these countries are already impoverished. We have the technology, the expertise and the interest in helping. The amendment in the House requires UNFPA to withdraw from China. That is a decision not for UNFPA but its governing board, which is made up of its donor governments. By attaching a condition UNFPA cannot meet, we cut off funding for programs in 139 other countries.

So just understand what is here. In the amendment of the Senator from Kansas and myself, no money for abortion, no money for child care, but money for voluntary family planning. If you are against voluntarily family planning, vote against it. But if you would like to see, as we do, the ability to give some of these countries alternatives to abortion, then vote with us. And also, with all the work that has gone into this bill, let us complete the bill so it can actually be signed into law by the President and not vetoed.

I see the cosponsor, my good friend from Kansas, on the floor. I yield to her.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that Senator HATFIELD be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, the language that I am cosponsoring with my colleague from Vermont is, as he has said, identical language that was included in the Foreign Operations appropriations bill, which passed the Senate in September by a vote of 91 to 9.

It is also language similar to that which passed the Senate in 1984 and in 1989. At this time, as Senator LEAHY pointed out, House and Senate conferees were able to reconcile every other aspect of the legislation, except this issue. The House insisted upon their language, we insisted upon ours and, thus, the bill was reported out of conference with this language in disagreement. I think that if the House passed the language they passed and if we pass the language offered in this amendment, it is my understanding that a continuing resolution would continue for the bill with everything passed—the language of everything passed in a continuing resolution, except current language reporting the issue at stake in disagreement here.

The language that has been introduced does not change the current U.S. policy that prohibits funding for abortion activities. It simply ensures that foreign governments and nongovernmental organizations will be treated in the same way with respect to establishing eligibility for U.S. population assistance. If abortion is legal in a country and if a foreign government is engaged in population assistance programs, why should we tell a nongovernmental agency or organization working in that country that they cannot use U.S. funds? It seems to me they should be able to use them for population assistance, Mr. President. That is what this issue is about. It is not about abortion.

As I think all colleagues know, this issue first came about in 1984 at the International Conference on Population in Mexico City. The Reagan administration announced that any nongovernmental organization which used private or non-U.S. funds to contract abortion-related activities would be prohibited from receiving U.S. population assistance. If they use their own private, or if their own non-U.S. funds in any way are involved, as the Senator from Vermont pointed out, then they could not receive any U.S. funds for population assistance.

I just feel that it is far too limiting, Mr. President. It really cripples us in our ability to help other nations deal with population assistance initiatives.

Since 1973, the United States has prohibited the use of U.S. dollars by any recipient of U.S. population assistance to pay for abortions abroad. I support this.

However, Mr. President, this amendment, as I said before, is not about an abortion. As the Senator from Vermont pointed out, it would prohibit funds going to China. It would also prohibit funds which could be used for lobbying for or against abortion. So I think it is important to keep in mind exactly what it is about. It is about supporting nongovernmental organizations in creating safe, effective, comprehensive family planning programs—programs that are designed to prevent the need for abortion.

Mr. President, some of my colleagues have argued that the United States should not have a role in international population assistance programs. But while some contend that there is no relationship between world population and our national security, a closer look, I think, at all the factors involved make it clear that population stabilization is in our best interest. Without such an effort, the world's political, economic, and environmental forces balance precariously on the verge of chaos.

I think I came to realize this most clearly as I have spent a number of years on the Africa Subcommittee in the Foreign Relations Committee. It has shown me that arguments to the contrary are misinformed. The population assistance initiatives are important. There is no doubt in my mind, for example, that overpopulation played a major role in compounding famine in Africa. I do not think I need to point out to anyone here the tragedies that have resulted from that, or could result from that, and the importance of doing thoughtful, constructive population assistance initiatives. It is not easy. We have to be very sensitive to cultural differences as we work in other countries and support work in other countries. But, clearly, it seems to me that it does have merit and it is important.

I realize that many of my colleagues here are tired of this fight. But I continue to believe strongly in preventing the need for abortion by working to establish effective family planning programs. I hope my colleagues will similarly recognize the need to prevent what has been called the international gag rule from ever emerging as an obstacle to creating effective policy.

I urge my colleagues to vote in favor of this amendment. I suggest, Mr. President, it is not really an issue of the President vetoing this bill. In my mind, it is an issue of the merit or demerit of this amendment. I feel strongly that this amendment really says that we do care about working together with nongovernmental organizations, with other countries, being sensitive and constructive with family planning initiatives.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I rise in strong support of the Leahy-Kassebaum amendment. The Senator from Vermont and the Senator from Kansas have done more in the last few minutes to clarify this issue than I think has been done for some time—the very clear point that the Senate position on this in the past does not provide Federal funding for abortions through these organizations. That is the fact. For that reason, I stand in strong opposition, as well, to the House language.

The House language endangers our national interests. It is not simply an antichoice or antiabortion, or a proabortion issue, as some of the proponents say. What it is is antifamily planning. The House position smacks of being against the interests of women and international development.

Population assistance is a critical component of our foreign aid program, and a worthy investment in bracing for the threats to U.S. national security that will arise throughout the 21st century.

Even President Nixon, who was not known as a prochoice activist, listed population growth "among the most important issues we face * * * a world problem which no country can ignore, whether it is moved by the narrowest perception of national self-interest or the widest vision of common humanity."

Indeed, President Nixon pledged full U.S. support and cooperation in supporting U.N. population and family planning programs at the same time the United States played an active role in founding the U.N. population fund known as the UNFPA.

If we were to enact the House language, Mr. President, we would cut off support for UNFPA as well as the crucial private organizations supporting family planning and women's rights and manageable population growth.

Mr. President, the world population today stands at 5.7 billion people, almost double what it was in 1960. It is growing by about 100 million people per year. Most of this growth is in the developing world in regions that cannot, of course, sustain their current populations.

The environmental and economic effects of this population program are very significant. The effect on women as a population is really disastrous. If development efforts are going to be successful, they have to include the full participation of women—at least 50 percent of the world population.

However, if women are not given control of their own bodies, or if they are compelled to carry and deliver unlimited numbers of children, then they cannot be full partners. They cannot be full partners politically, economically, or socially in the development of their country.

The U.S. population programs, in conjunction with international strategies, have actually yielded incredible results for our country and for the world. We have seen reductions in maternal mortality rates. We have seen improved child survival statistics. We have seen increased literacy among women. And we have seen healthier, burgeoning economies in many parts of the world.

Mr. President, this in turn strengthens U.S. efforts to promote food security, international trade, and improved public health, all of which improve our standard of living. And they also reduce the risk of disaster assistance or the deployment of U.S. troops, as the Senator from Kansas was alluding to in her previous remarks.

I have had the opportunity to work with the Senator on the Foreign Affairs Committee on the subcommittee concerning Africa where these problems can become very, very severe very quickly.

The provision of population assistance and family planning services is important to the United States. Mr. President, again, it is hardly support for abortion—although the House amendment infers this.

In fact, Mr. President, that is what I think is the fundamental misunderstanding in this debate, and I think we need to dispel that today. Abortion does not equal family planning; in fact, responsible and safe family planning reduces the need for and incidence of abortion. Nevertheless, somehow this debate always winds up being a bit of a red herring debate about abortion.

Mr. President, if the proponents of the House amendment were trying to prohibit U.S. funds from being used to pay for abortion, they already achieved that goal many years ago. U.S. foreign assistance cannot by law be used to pay for abortion. Let me repeat that: U.S. foreign assistance cannot by law—by current law—be used to pay for abortion. It says so throughout the foreign aid law, and it is reiterated in this conference report that we are considering right now.

Now, Mr. President, barring people from speaking about family planning, contraceptives, and abortion will not solve the problem, not to mention the fact that it is a blow for the concept of free speech that the United States worked so hard to promote throughout the world.

Similarly, cutting off private groups which use funds from other sources for their abortion activities is only going to hurt the pursuit of U.S. Government interests. As in the 1980's when we saw some of these regressive policies applied, most effective organizations turned down U.S. funding since they could not and would not agree to these conditions.

I commend them for their perseverance, but I think it was shameful that the United States did not contribute to programs designed to meet our own needs. These are the reasons that the House language on Mexico City policy and the gag rule have to be stripped from this conference report and why the Kassebaum language should be restored.

As for these counterproductive restrictions on UNFPA, I again submit, as I and others did before the Foreign Affairs Committee, that this is an attack on family planning. It is not a serious attempt to stop abortion, nor is it a serious attempt to do anything about the disgusting practice of coercive abortion.

Pulling out of the U.N. population fund is not going to stop coercive abortion in China, for the simple fact that UNFPA does not engage if any coercive abortion procedures in China now. UNFPA's mandate in every country, including China, is the provision of family planning services and maternal and child health care in 140 countries around the world. It has no mandate—it has no mandate—to engage in the provision of abortion or abortion-related services.

Mr. President, in reality, it is programs supported by the UNFPA that make abortion less likely. If I believe that withdrawing from the UNFPA would reduce the incidence of coercive abortion in China, I would wholeheartedly support such a move.

Human rights abuses such as this should be addressed at the United Nations and through diplomatic and economic levers such as the most-favored-nation status approach, which I have advocated and continue to advocate with regard to China.

In fact, this is one of the reasons why I introduced legislation this year with the chairman of the Foreign Relations Committee, Senator HELMS, to withdraw MFN from China.

Mr. President, prohibiting United States contributions unless the UNFPA pulls out of China is going to do nothing to solve this problem. UNFPA officials have already expressed their firm opposition to the practice of coercive abortion despite what some Members on this floor have said in what amounts to misquoting the organization.

I ask unanimous consent to have printed in the RECORD, Mr. President, a letter I received from the UNFPA on their perceptions on the China policy, which I hope will clear up the misunderstanding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED NATIONS POPULATION FUND,
New York, NY, July 26, 1995.

Senator RUSSELL FEINGOLD,
Senate Russell Building, Washington, DC.

DEAR SENATOR FEINGOLD: It has just come to my attention that on June 28, 1995 during a debate on the House floor, Representative Chris Smith quoted Dr. Sadik, Executive Director of UNFPA, "China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth over the past 10 years. Now the country could offer its experiences and special experts to help other countries." Senator Jesse Helms used the same quote in the Senate Foreign Relations Committee Report accompanying S-961.

I believe this quote comes from China Daily, an English language newspaper published in Beijing. I was with Dr. Sadik when she was interviewed for this article in 1991. This article was a terrible distortion of what she actually said. Dr. Sadik did say that China should be proud of its record of improving women's and children's health since 1949. She commended China's continuing efforts to improve maternal and child health by discussing a joint UNFPA and UNICEF project in 300 poor counties in China that especially focuses on improving children's health through training and supplies for treatment of acute respiratory infection and diarrhea, promotion of prenatal care and nutrition, breast-feeding, assisted deliveries and family planning that assured several contraceptive choices and informed consent. She went on to say that this project was a model that could be replicated in other countries.

I have no idea why Dr. Sadik was misquoted. I tried unsuccessfully at the time to secure a retraction from China Daily. I remember during her visit being very proud of Dr. Sadik's tenacity and courage and my disappointment with the China Daily article which was not only wrong, but contradictory of her real position.

In fact, during this trip, Dr. Sadik attended a series of meetings that included: the Ministers of Family Planning and Health, the Head of the People's Congress and several of his colleagues and the General Secretary of the Communist Party of China. During these meetings she was very critical of new laws in several provinces requiring sterilization of the mentally retarded. She also successfully negotiated projects designed to increase training for informed consent and voluntary participation in family planning, and research that would examine the safety and efficacy of the Chinese steel ring IUD. The first project, currently ongoing, provides interpersonal counseling training and promotes contraceptive choices for grass-roots family planning workers in several provinces. The second resulted in a Chinese ban on steel ring IUD's in favor of copper based IUD's which in ten years will prevent 35.6 million abortions. It would also prevent 6,300 maternal deaths; 365,000 potential infant and 28,000 potential child deaths.

For 3½ years I served as UNFPA's Country Director in China. I know first hand what we did and said in China and I can tell you that the way we are frequently portrayed, such as in the statement in question, is absolutely and unequivocally untrue.

UNFPA has always represented international norms and human rights standards as articulated in several U.N. documents including the Universal Declaration of Human Rights, the World Population Plan of Action and the Programme of Action of the International Conference on Population and Development. For example, Chapter VII, para. 12 of the Programme of Action which states ". . . the principle of informed free choice is essential to the long-term success of family-planning programmes; that any form of coercion has no part of play; that governmental goals or family planning should be defined in terms of unmet needs for information and services; and that demographic goals, while legitimately the subject of government development strategies, should not be imposed on family-planning providers in the form of targets or quotes for the recruitment of clients".

In particular, Dr. Sadik has been a champion of human rights, women's equality and reproductive rights. In the 14 years I have known her, I have never heard her use the phrase "population control."

We deeply appreciate your past and continuing support and hope you can help set the record straight regarding the quote used by Representative Smith and Senator Helms.

Sincerely,

STIRLING D. SCRUGGS,
Chief, Information and
External Relations Division.

Mr. FEINGOLD. United States funds are already adequately and elaborately protected from being used in China at all. In reality, what the House amendment is trying to do is prohibit U.S. support for family planning in the 140 other countries that the UNFPA operates. It essentially punishes the United States and other countries of the international community for China's human rights violations which the UNFPA, again, is simply not responsible for.

As we look to the 21st century, we should have a post-Mexico City policy on population. The House amendment brings us backward—not forward. Family planning is too important for us to lose ground on. But that is exactly what the House amendment does. It causes us to lose ground on population control.

We cannot let this stand, Mr. President. I urge my colleagues to support the Leahy amendment and to strip this extreme amendment from the bill. I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mr. GRAMM. Mr. President, let me first say I intend to speak for just a moment on the budget and on the President's veto threat.

However, let me say about the pending amendment that the House of Representatives has taken a very clear position that maintains the position that Congress has historically taken—that is, there is a higher standard when you are spending the taxpayers' money.

In spending the taxpayers' money, the House has taken the position that we should not be spending the taxpayers' money either in the United States or around the world to fund abortion on demand, and we should not be spending the taxpayers' money to subsidize forced abortions in China.

I think we need to reject this amendment. I think we need to stay with the House position. I am confident that we will.

Mr. President, our leader, Senator DOLE, and the Speaker of the House, Congressman GINGRICH, are both down at the White House today meeting with the President about the growing confrontation concerning our budget.

I wanted to make some remarks about this confrontation because I think we are coming down to the moment of truth where each of us is going to have to decide what the 1994 elections were about, what we stand for, what we are willing to stand up and fight for, and what we are willing to compromise on.

I want to make just a few observations this afternoon on those subjects.

First of all, we have adopted in both the House and the Senate a budget that does what we promised to do in the election. It balances the budget over a 7-year period. It saves Medicare. It reforms welfare. It changes the relationship between the Government and the people.

In a very modest way, it begins to let working families keep more of what they earn to invest in their own children, their own families, and their own futures.

The President has said so many times that he is going to veto our budget bill, that I think people are beginning to believe him—not that repetition is always a guarantee. But I think we have to start thinking seriously about the possibility that the President might veto the budget bill that we have passed.

I think it is important for individual Members of the Senate to start making it clear where they stand on this issue. That is what I want to do this afternoon.

First of all, the President is asking us, by vetoing our budget, to continue to spend money we do not have on programs we cannot afford.

The President has sent not one but two budgets to Congress, and both of those budgets would increase the public debt by over $1 trillion in 5 years. Neither of those budgets would ever come into balance at any finite time in the future. Both of those budgets would give us a deficit that greatly exceeds $200 billion in the year that our budget would be in balance.

Now, the President says he is going to veto our budget to force us to spend more money. Let me make it clear that no matter what might be agreed to, I am not going to vote to bust the budget that we wrote here on the floor of the U.S. Senate. Under no circumstances am I going to vote to increase spending above the level we set out in our budget.

The President has every right, if he wants to enter legitimately into the debate by submitting a real budget that is balanced over a 7-year period, to negotiate with us about spending priorities. It is obvious his priorities are different, but I think those differences are legitimate, and I think they ought to be debated. But, unless the President is going to submit a budget to us which tell us how he would balance the Federal budget, I am not willing to allow him to force us to back away from our budget.

Our proposal to the President, as a precondition for our negotiation with him, ought to include the following items:

No. 1. Tell us how you would balance the budget over a 7-year period, not by wishing the problem away, but in terms that we can all understand and in terms that the Congressional Budget Office, which is the accountant for this process as designated by the President, can certify will really achieve a balanced budget. From that point we can then begin to compare the two budgets.

Second, it seems to me if the President is really committed to balancing the budget, he ought to endorse the balanced budget amendment to the Constitution, which has passed the House and which is only one vote short of the two-thirds vote needed to pass the Senate and send to the States. I want to call on the President, if he is serious about balancing the budget, to come out and endorse the balanced budget amendment to the Constitution, to help us get one additional Democrat to vote for it, and in the process allow us to send it to the States.

I believe it is high time that we let working people keep more of what they earn. In 1950, the average family with two children sent $1 out of every $50 to Washington. Today, that family is sending $1 out of every $4 to Washington. I think our action of giving a $500 tax credit per child for every working family in America so they can spend their own money on their own children and on their own futures, is long overdue. There is no circumstance under which I am going to back away from our tax cut so that Bill Clinton can spend more money in Washington, DC.

This is not a debate about how much money we spend on children, but it is certainly a debate about who is going to do the spending. President Clinton and the Democrats want the Government to do the spending. We want the family to do the spending. We know the Government. We know the family. And we know the difference.

So, I think, to conclude and let the debate go back to the amendment before the Senate, for 40 years we have been running up bills in Washington, DC. For 40 years we have been borrowing more and more money. The President's argument to us is, "We have run up these bills. Raise the debt ceiling and pay the bills."

It reminds me of an argument that was made when I was a young Member of Congress, in my first year, the first debate I ever participated in. Then-majority leader of the House Jim Wright got up when we were getting ready to vote on the debt ceiling, and he said, "It is as if your spouse has run up a big bill on the credit card and the bill collector is knocking at the door. You have to pay your bills."

That is what the President is in essence saying to us.

My response is, let us look at what American families do under these circumstances. They do pay their bills. But they do something we have not done in 40 years. They sit down around the kitchen table, they get out a pad and pencil, they write down how much money they earn, they start adding up their expenses, they put together a budget, they get out their credit cards, they get out the butcher knife, they cut up their credit cards, and they resolve that, while they are going to pay their bills today, they are not going to put themselves in a position where every year the bill collector is pounding on the door.

I believe defaulting on the public debt would be irresponsible. I believe shutting the Government down to make a political point is unnecessary and unfair. But there is something worse than defaulting on the debt. There is something worse than shutting the Government down. And that is continuing a spending spree that will destroy the future of our children. That is worse than both shutting the Government down and defaulting on the debt. And I am not going to vote for a budget, and I am not going to vote for a compromise, that continues the spending spree in Washington, DC.

The American people in 1994 gave us a Republican majority in both Houses of Congress with a clear mandate: Stop the taxing, stop the spending, and stop the regulating. I, for one, am not willing to cut a deal in Washington, DC, with President Clinton, to undercut an election that sought to fundamentally change the way Government is run in Washington, DC.

So I think we ought to negotiate with the President. I think we ought to try to work with the President. But we ought to make it very clear to the President that we are not going to back away from our commitment to balance the budget. We are not going to spend money we do not have on programs we cannot afford. And there is no amount of threat and bluster that can be exercised by the President that is going to induce us to pull down our budget and continue the spending spree in Washington, DC.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise to support the Leahy-Kassebaum amendment on family planning.

The House has taken an extreme position on international family planning. If their position prevails, the world's poorest women will pay the price. I urge my colleagues to stick with the Senate position. The Senate bill prohibits funds from being used to perform abortions—or to do anything in China. But it does this while continuing to provide family planning services and maternal and children's health care to the poorest people in the world.

The House position is extreme because it would gut our international family planning programs. It would prohibit organizations that use their own funds for abortion services from receiving any U.S. funds. It would prohibit these organizations from offering any information on abortion—even factual information about mortality related to unsafe abortion. The House amendment would also limit U.S. participation in UNFPA—which has the infrastructure, the expertise, and the personnel to be the most effective program for providing family planning services around the world.

The effects of this House position on women's health would be disastrous. Over 100 million women throughout the world cannot obtain or are not using family planning because they are poor, uneducated, or lack access to care. Twenty million of these women will seek unsafe abortions. Some women will die, some will be disabled. Many of these women are very young; they are, in fact, still children themselves. When children have children, they often lose their chance to obtain schooling, a good job, and ultimately, self-sufficiency. If the House position prevails, women will not be able to fully participate in development and democratization.

In this bill, we seek to maintain our modest role in providing family planning to the world's poorest women. To this end, we should be clear about what is in the bill—and what is not.

This bill does not contain money for abortions or abortion lobbying. Federal funds cannot be used to fund abortions and this bill retains this prohibition. In fact, opponents of this amendment include Senators who strongly oppose abortion. They know that effective family planning actually reduces the number of abortions performed. And this bill does not contain money for China. No United States funds may currently be spent in China and the bill retains this policy as well.

This bill maintains current law. It continues to provide modest funding for the United Nations Population Fund [UNFPA]. Without this assistance, the influence of the United States in the UNFPA is cut off. We would have no say on how and where international family planning services are delivered.

This bill continues to provide funds to the most efficient and effective private and nongovernmental organization. It is these organizations who know best how to make a little funding go a long way.

Mr. President, I wish we could do more to ensure that all women have access to family planning. The Leahy-Kassebaum amendment—which reaffirms the bill passed by the Senate—ensures that we continue to do something to help the world's poorest women to control and improve their lives. I urge my colleagues to support this amendment.

Mr. JEFFORDS. Mr. President, we have debated the issue of restrictions on international family planning many times in this body, and I regret that at this stage in the process, this issue threatens to bring down an important foreign aid bill.

This body voted by a significant margin just 1 month ago to preserve a reasoned family planning policy—one that supports important family planning work in the most needy areas around the globe. Population growth is a crisis that cannot be ignored, that will not wait for attention at a later date. Unchecked population growth will ultimately threaten every corner of the globe. And a withdrawal on our part from our current active role in education and technical assistance to successful family planning programs worldwide would be devastating.

Experience has proven that it does not take a lot of money to have a large effect upon population growth. However, it does take efficient programming, consistency, and a commitment for the long term. We put that all at risk in this debate today if we back away from the longstanding position of this body, that restrictions on family planning funding to nongovernmental organizations overseas should be the same as those applied to U.S. organizations.

Mr. President, the stakes in this debate are even higher today than usual. This is the only issue in disagreement between the two bodies on a large and substantive bill; 192 differences have been resolved, resulting in a reasonable bill that, with the exception of this issue alone, has broad support on both sides of the aisle in both bodies and is acceptable to the administration. Yet, failure to insist on the Senate position on this important issue, namely a continuation of current law, would doom this important legislation to a certain veto. We have enough issues in disagreement with the administration without adding this one to the list.

I thank the Senator from Kansas [Mrs. KASSEBAUM] for her consistent leadership on this issue and I urge support for the Leahy-Kassebaum amendment.

• Mr. HATFIELD. Mr. President, once again the Senate and the House face the prospect of holding up an important appropriations bill over the issue of abortion. I am dismayed that we find ourselves in this position especially because the bill before the Senate clearly and explicitly prohibits the use of U.S. funds to pay or lobby for abortion in our foreign aid programs. The programs at stake involve family planning—not abortion.

I am strongly pro-life and do not support abortion except in cases where the life of the mother is endangered. I am also strongly pro-family planning and have long been an outspoken supporter of our domestic and international family planning efforts. I support family planning because I believe if more couples have access to contraceptives and understand the consequences of the lack of family planning, we can make abortion a moot issue.

But beyond making abortion a moot issue, there are also development and environmental consequences of uncontrolled population growth. According to the United Nations, the 1990's will see the greatest increase in human numbers of any decade, as the world's population grows from 5.3 billion to 6.25 billion by the end of this century. We know that rapid population growth in the developing world can overwhelm the gains made in living standards.

According to the World Bank, in sub-Saharan Africa the 3.7-percent growth in gross domestic product will not be sufficient to offset the effects of skyrocketing population growth, and the number of poor will increase. On the environment front, when we look at ozone depletion, global warming, destruction of tropical rain forests, and the elimination of species diversity, we inevitably see the connection between those phenomena and the population explosion.

The international family planning programs that we fund through the U.S. Agency for International Development and the United Nations Population Fund [UNFPA] ensure that the United States will maintain a leadership role in addressing the population problem. The House limitations which were struck by the Senate would undermine our ability to continue to play this important role.

I would like to mention in particular our support of the UNFPA. The House amendment would prohibit the United States from participating in the UNFPA unless the President certifies that the UNFPA will withdraw its program from China. No one condones China's coercive abortion policy—I certainly do not. In fact, there are specific prohibitions already in law on the use of United States funds for UNFPA's program in China. And although there have been allegations that UNFPA funds were going to support coercive abortions in China, these allegations have never been substantiated. The problem is with China's family planning program, not the UNFPA's.

Despite the fact that the United States has been quite outspoken against the practices in China and has already prohibited the use of our funds there, those opposed to family planning continue to use it as a reason to withdraw all of our support for the UNFPA. This would mean that the U.S. could not participate in a program that has the ability to reach into areas where no single U.S. program can. The UNFPA currently provides voluntary family planning assistance to over 140 countries besides China; 90 of those nations have populations expected to double within the next 30 years. In addition, nearly half of UNFPA's assistance is used for family planning services and maternal and child health care in the poorest, most remote regions in the world. As a nation, we cannot afford to limit our participation in the UNFPA.

Therefore, I am pleased to say that I am a cosponsor of the Leahy-Kassebaum amendment to strike the House amendment and return to current law on lobbying for or against abortion which was so carefully crafted by our colleague from Kansas. I hope that the Senate will retain the position we had when we first passed this bill. Moreover, I hope those on both sides of the issue will take a closer look at what we are doing by polarizing the issue of abortion and using it to hold up these very important funding bills. Can we not come together to try to resolve the abortion question through the authorizing process? If not, I am afraid we are relegating ourselves to years of deadlock and further polarization.●

Mr. BINGAMAN. Mr. President, I rise today in strong support of the amendment to H.R. 1868, the Foreign Operations Appropriations Act of 1996 offered by my good friend from Kansas, Senator KASSEBAUM, and my good friend from Vermont, Senator LEAHY.

Mr. President, international population growth is a significant issue for foreign policy for the United States. It is a significant issue for domestic policy, for that matter. Of all the challenges facing our Nation and the world, none compares to that of increasing population growth.

Our efforts to protect the environment, to promote economic development around the world, and to raise the status of women, will be futile if we do not first address the staggering rate of global population growth.

How can we expect underdeveloped countries to pull themselves up when the world's population is growing at a rate of more than 10,000 people per hour? Today, there are more than 5.7 billion people on this Earth.

We simply must address these issues. We must acknowledge that we cannot talk about population growth without talking about the very real and very tragic effects of overpopulation:

First, the destruction of our environment; and

Second, the destruction of people—mostly women and young children who live in poverty and die from malnutrition, starvation, lack of access to basic health care, and botched illegal abortions.

We need to be working to address these issues instead of spending countless hours debating our philosophical differences on abortion. We have been over that issue more times than any of us care to count.

Mr. President, I believe direct, substantial, and long-term benefits flow to American families from our national investment in sustainable development and population efforts.

Today, as we approach the 21st century, we are facing a world that will be more economically competitive and more challenging than ever before. This is not the time to be weakening our role as the world leader in these areas.

Instead, I believe it is in the best interest of America's children and families for the Congress to reaffirm and solidify our commitment to population stabilization, reproductive choice, and other critical health and sustainable development programs.

For the past 12 years or so, I have spent a lot of my time here in the Senate focussing on the domestic and international high-technology industries. I have worked to develop strategies to strengthen the technology and manufacturing bases in this country and to secure higher wage jobs for Americans.

I have focussed on these issues because of my concern for the long-term economic viability of our Nation. I believe that to secure our economic future, the United States must be fully equipped to compete long term with Japan and other highly developed countries.

But at the same time, I believe we cannot have a successful economic strategy in this country if we do not devote serious attention to the economies of the developing world.

Over the past 10 years or so, growth in U.S. exports to the developing world has exploded; and today, developing countries account for about 40 percent of a growing U.S. export market.

In fact, trade with the developing world is growing at a rate that far exceeds the growth rate of U.S. exports to developed countries.

I believe a significant factor in this growth has been the modest U.S. commitment to development and population assistance in the developing countries.

Mr. President, funding for efforts such as those of the U.N. Population Fund and the UNFPA, are critical to addressing these issues which are among the most serious the world faces and is why I rise in strong support of the Kassebaum-Leahy amendment to the foreign operations appropriations bill and hope that we will once again send a strong message to the House that this funding must, and will, be preserved.

Mr. BIDEN. Mr. President, the Leahy-Kassebaum amendment puts me in a difficult position because it combines two separate issues.

On one hand, I have consistently supported efforts to reverse the so-called Mexico City or International Gag Rule policy and therefore support reinserting the Kassebaum language that overturns the Mexico City policy.

On the other hand, I have consistently opposed United States funding for the U.N. Population Fund while the organization continues to operate in China. The amendment before us would strike a restriction on UNFPA funding that I have supported.

Of course, I must vote yes or no on the entire amendment. I cannot vote for part and against part.

Therefore, upon reflection, I will vote in favor of the amendment. International family planning programs provide important services that lead to healthier families and help to prevent high population growth rates, environmental degradation, and the need for abortion.

We can and we should continue to prohibit U.S. tax dollars from being used for abortions. But, I believe that the U.S. Government should not be dictating what nongovernmental organizations do with their own funds in their work to provide family planning services around the globe, as long as they do not use any Federal funds for abortion.

Nevertheless, I would like to make it clear to my colleagues and constituents that my vote today does not represent a change in my position on U.S. funding for the U.N. Population Fund at this time. We must continue to do all that we can to pressure the Government of China to cease any program of forced abortion or sterilization as a means of population control.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in support of the amendment that has been offered by Senator LEAHY and Senator KASSEBAUM. I ask unanimous consent to be included as cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, first of all I would like to correct a few of the statements that were made by the previous speaker, the Senator from Texas. He said that this position that is embraced in the amendment of Senator LEAHY and Senator KASSEBAUM has been rejected by the Congress in the past. That is not true. Back in 1989 both the House and the Senate, in fact, rejected the Mexico City policy.

In addition, he said this amendment before us today embraces coercive abortion. Nothing could be further from the truth. No one here supports coercive abortions. It is morally wrong, and, furthermore, it is illegal.

The fact is, our policy does not support abortions in terms of international family planning assistance. Unfortunately, this issue has been misrepresented so many times in the past. We have to get beyond those misrepresentations with respect to this issue.

The United States does not support, through its international family planning assistance, abortion. Those funds cannot even be commingled with an organization that may use its funds for abortion. The fact of the matter is, under the Mexico City policy, our funds could still go to a government that uses its own funds for abortion or abortion-related activities. Yet, on the other hand, we deny those organizations who are the most instrumental and the most effective in providing international family planning assistance, family planning money, if in fact they use their own private funds for abortion-related activities.

This amendment would overturn the Mexico City policy. That is what the Senate voted on, and, I might add, by a vote of 57 to 43—57 to 43.

Unfortunately, the House has chosen not to compromise at all on this issue. But I would urge the Senate to stay firm and committed to the position that we have taken—that not only do we reject the Mexico City policy, but that, yes, we continue to provide funds to UNFPA which we are also on record in support of.

I think it is unfortunate that we have so many different issues entangled. The issue is whether or not you support family planning. If you are against abortion, the most reasonable approach to take is to support international family planning programs. The United States has been the forerunner. We were a leader in international family planning assistance. We cofounded UNFPA. We sit on their governing board. Now we are saying, well, we are sorry. We will somehow untangle all of this family planning money under the notion of abortion when, in fact, our money does not go for that purpose. If we are truly serious about supporting family planning programs that are effective, then we have to provide the necessary funding. That is what this is all about. We are asking that we put into permanent law a nondiscriminatory policy on the funding of private organizations, that we treat them the same as we do foreign governments. It is a matter of simple fairness, and it should be preserved.

What we are talking about here today are the programs that are so essential that will make a difference in the developing countries. These include voluntary family planning services, contraceptive research, maternal health programs, and child survival programs.

That is what we are talking about. We are not talking about abortion. The fact is that this Congress back in 1973 passed the Helms amendment that prohibits the use of any U.S. funds for abortion-related activities. That is the law. That will continue to be the law. What we are supporting is assistance through international family planning programs, and to those private organizations that have been the most effective around the world.

So it is a matter of whether or not we want to assist those countries that have a truly difficult problem in controlling population growth, if we deny assistance as American assistance to these programs, such as the International Planned Parenthood Program that provides more than assistance to more than 160 countries. When the Mexico City policy that took effect that Senator KASSEBAUM referred to back in 1984, 50 of those affiliates around the world were denied assistance. This has impaired our ability to support the most capable family planning programs in countries such India, which has more births each year than do Nigeria, Pakistan, Bangladesh, Indonesia, Brazil, and Mexico combined.

I think it is a sad irony that by the time the Mexico City Conference 10 years ago embraced this policy that denial of additional American assistance to family planning programs came at a time when most developing countries had come to understand the importance of voluntary family planning programs to their own countries' development. It is interesting because it took that long for us to convince other countries what they needed to do, and the validity of those programs and the impact it would have in containing the growth in those countries. Now we are attempting to resume our leadership role, and some are asking us to turn our backs.

If we believe in voluntarism and family planning—and we do—and, if we believe that abortion should be avoided as a method of family planning—and we do—then we should maintain our leadership. We have unrivaled influence in setting standards for family planning programs. A great number of other donors and recipient countries adopted our own model in their own program.

And I would hope that we would reject the arguments in that tradition in the position taken by the House of Representatives with respect to this issue because it is taking us a step backward. We talk about UNFPA being a leader, an organization that has been a leader in international family planning programs, and, in fact, provides a third of all of the assistance in delivering family planning programs around the world.

UNFPA does not support coercive abortions in China. No one does. We put a number of restrictions on our assistance to UNFPA because they still work in China. They are trying to prevent what is happening in China. But we put restrictions in any event so those who say our money is fungible can be transferred to one account to another. The United States did not contribute to UNFPA during the time of the Mexico City policy. We also denied assistance to UNFPA, but in 1993 the U.S. resumed contributions to the UNFPA organizations with four major limitations. One, that no United States funds could go to China; two, United States funds are prohibited from funding coercive abortions and involuntary sterilization; that United States funds to UNFPA must be held in a separate account from all other UNFPA funds so there is no comingling; and, that UNFPA funding for China could not increase for the 5 years once the United States resumes its contributions to UNFPA. In fact, the UNFPA program in China will end at the end of this year.

So we have enormous protection in the event that any money would be transferred indirectly—not indirectly because we have never provided funds in that regard—but even indirectly because of UNFPA's presence in China. So we have put all those protections into law.

But now people are saying we should not provide any assistance to UNFPA. That is the leading organization providing and supporting multilateral family planning programs throughout the developing world. I think that is truly regrettable. We should be doing everything that we can to assist these countries in controlling their population problems because we know the implications that it has for global and economic instability.

So I think that we as a country should be a leader in that regard as we have been in the past. I hope we will resume that leadership role.

Mr. President, I urge Members of the Senate to adopt the amendment offered by Senator LEAHY and Senator KASSEBAUM. I think that there is no question that these countries need our assistance. They need our help. They need our leadership in international family planning—not only in our country and our own future, but for theirs as well. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, thank you.

Mr. President, I rise in support of the Leahy-Kassebaum amendment on funding for international family planning programs and against the House position to cut and restrict family planning aid.

I want to commend my colleague from Maine, Senator SNOWE, for the excellent statement which she just made on the subject.

The House position, which we should all vote to reject, is a wolf in sheep's clothing. It pretends to be anti-abortion. But in fact, it is anti-family planning and does not affect the question of abortion funding at all.

In addition, the House position pretends to address the horrendous problem of forced abortions in the People's Republic of China—in the guise of trying to solve that terrible problem by denying United States support for the United Nations Population Fund.

Mr. President, the debate surrounding UNFPA began over a decade ago during the Reagan administration. Foes of UNFPA claimed then, as they do today, that the United States should withdraw support for UNFPA because of the fund's presence in China, where there have been persistent reports of government sanctioned forced abortions.

Mr. President, there is no question that the Chinese do many things that I abhor. Forcing women to have abortions or forcing individuals to undergo sterilization is a gross violation of human rights and should be condemned by our Government at the highest level.

Likewise, the killing of female infants in China is widespread and repugnant—and appears to often go unpunished by Chinese officials.

But it would be illogical—and counterproductive—for the United States to pull out of those international agencies that give aid to children in China because the horrific practice of female infanticide plagues that nation.

So why should we ask UNFPA to carry the sins of China on its shoulders when it comes to the question of family planning?

The facts have never supported this approach.

When the question of UNFPA funding was first debated during the Reagan administration, officials under President Reagan investigated the issue and found—and I quote from an AID document from that time—that "UNFPA is a benevolent factor in China which works to decrease the incidence of coercive abortion" in China by providing effective family planning services. That same Reagan administration investigation found absolutely "no evidence" that UNFPA participated in or supported in any way China's coercive family planning practices.

Sadly, caught up in the pro-life politics of the time, UNFPA was nonetheless defunded by President Reagan. President Clinton has since resumed U.S. support for this agency, and therein lie the roots of today's debate.

Through all of this, however, the facts have been clear—that UNFPA has been part of the solution in China, by helping to reduce the incidence of abortion in that country and others by providing high quality voluntary family planning services.

UNFPA's goal is to eliminate the need for abortions. They do so by providing maternal and child health care and voluntary family planning services. These are the kinds of programs that are unquestionably the most effective means of preventing abortion. And the majority of UNFPA's assistance goes towards projects in these areas.

In addition to targeting UNFPA funding for elimination, the House position seeks to reinstate language similar to what used to be called the Mexico City policy.

The House-adopted language is broad and ambiguous. It will impose a gag rule on foreign nongovernmental family planning organizations—denying those organizations U.S. support if they provide certain services—not limited to abortion—with their non-U.S. funds.

For example, in Russia, where abortion is legal, the United States currently provides humanitarian aid to help local family planning clinics deliver better services to women. Years ago, the United States determined this to be a priority within our Russian aid program because of the tragically high abortion rate for Russian women who, lacking family planning services, often have as many as 10 or 12 abortions over their life time.

If, however, we adopt the House language, we may be prevented from helping Russian family planning clinics simply because those clinics are affiliated with Russian hospitals where abortions are performed.

This would be making a bad situation worse—pulling support from clinics that are doing their best with scarce resources to provide alternatives to abortion for so many desperate Russian women.

So the House language is double trouble—targeting UNFPA, the world's largest source of voluntary family planning services, as well as the hundreds of smaller local family planning providers around the developing world.

Ironically, by denying support for so many organizations that provide quality family planning services, the House language might well have the unintended effect of increasing the incidence of abortion in China and elsewhere.

As has been pointed out by others during this debate, the foreign operations conference report continues the longstanding policy of banning the use of U.S. funds for abortions overseas. That ban, commonly known as the Helms Amendment, has been a part of the permanent foreign aid statute since 1973 and remains unchanged in the committee's bill.

Further, the conference report prohibits the use of U.S. funds for abortion lobbying.

In addition, UNFPA's own position on abortion provides additional safeguards. UNFPA does not, and never has, supported abortions or abortion-related services in any country in which it operates.

According to the UNFPA's governing Council, it is "the policy of the UNFPA . . . not to provide assistance for abortion, abortion services, or abortion-related equipment and supplies as a method of family planning."

So the real question facing the Senate today is this: The conference report is already stringently anti-abortion. But if we adopt the House language, thereby disqualifying the most tried and true family planning organizations from receiving U.S. support, do we really want to make this bill anti-family planning as well?

Let me take a minute to review for my colleagues why U.S. support for voluntary family planning is so important.

While childbirth anywhere carries certain risks, in the developing world mothers face grave statistics. In Africa, for example, 1 out of every 21 women will die as a result of pregnancy or childbirth, making the African woman 200 times more likely to die as a result of bearing her children than a European woman.

The kinds of programs provided by UNFPA and other voluntary family planning organizations can prevent many of these maternal deaths.

So when we support family planning aid, we are supporting those women and families across the developing world who seek the means to space their births and avoid high-risk pregnancies.

Equally important, when we support family planning aid, we are increasing the chances that child survival rates will increase across the developing world.

We know that babies born in quick succession, to a mother whose body has not yet recovered from a previous birth, are the least likely to survive. Voluntary family planning programs seek to support child survival efforts, and help women understand the vital link between child survival and family planning.

So as I noted in my earlier remarks, the House language will do nothing to prevent abortions in China or elsewhere. But it will prevent vital health services from being delivered to women and children in the world's poorest nations.

I urge my colleagues to remember what is really at stake here. This is a public health issue, and an extremely serious one.

Family planning saves lives. Experts estimate that the lives of 5.6 million children and 200,000 women could be saved every year if all the women who wanted to limit their families had access to family planning.

I ask my colleagues to really think about those statistics—5.6 million children and 200,000 women each year.

So when we debate this issue of whether to support voluntary family planning programs like UNFPA and others, let us keep this debate focused squarely where it belongs—on the world's young women, who struggle against impossible odds to better their lives, and who desperately need reproductive health care services.

Let us keep this debate squarely focused on the young mothers around the world, who have small children or babies and need family planning assistance to ensure that they do not become pregnant again too quickly—endangering their own lives and that of their babies and young children.

Let us keep this debate squarely focused on the thousands of women in poor nations who, lacking access to reproductive health care, resort to self-induced abortions and, too often, tragically lose their lives. Experts estimate that at least half a million women will die from pregnancy-related causes, roughly 200,000 from illegal abortions which are prevented when women have family planning services.

The issues of refunding UNFPA and the Mexico City policy came before Congress again and again when Presidents Bush and Reagan were in office. Congress repeatedly voted for the United States to resume UNFPA funding, and to reject Mexico City-like restrictions on our family planning program.

So let us move on to the task of ensuring that women in the developing world have access to the kinds of reproductive health services they deserve. Let us adopt the Leahy-Kassebaum amendment.

I yield back the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, a number of Senators have spoken on this issue. And I also know that the Senate bipartisan leadership and the House bipartisan leadership are meeting with the President, so there will not be a rollcall vote immediately.

I urge Senators who wish to speak on this subject to come to the floor and speak. I see the distinguished Senator from California, and I ask the Senator if she wishes to speak.

Mrs. BOXER. About 7 minutes.

Mr. LEAHY. Whatever time the Senator wants.

Mr. President, I yield the floor so the distinguished Senator can, in her own right, have the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am very pleased to rise in support of the Leahy amendment. I think the Senate was right on this issue, and I think the Senate should hold its ground. The Senator from Kansas, Senator KASSEBAUM, worked hard to write language that makes sense. Senator LEAHY has worked with her.

We ought to be very clear in this body that we support family planning, certainly we do not want to see abortion, and we are not going to cut the legs out from under agencies that work to prevent abortion, that work to make sure there is family planning all over the globe.

These are nongovernmental entities that work hard to make sure that overpopulation is addressed by prevention. To punish—to punish—these nongovernmental entities in this bill, as the House wants to do, by restricting their funding and holding them to a standard that really has no rationale, to me, makes no sense. Then, of course, we have the attack on the U.N. Population Fund in this House amendment, which the Leahy-Kassebaum amendment would strike.

The United States was instrumental in creating the U.N. Population Fund in 1969 and, until 1985, provided nearly 30 percent of its funding. UNFPA is the largest internationally funded source of population assistance, directly managing one-third of the world's population assistance to developing countries. It is the principal multilateral organization providing worldwide family planning and population assistance to developing countries. It operates in over 140 countries in the poorest and the most remote regions of the world. Nearly half of the UNFPA assistance is used for family planning services and maternal and child health care. Another 18 percent is allocated for related population information, education, and communication.

I say to my friends who call themselves pro-life—and you have every right to call yourself whatever you want. And if that reflects your view on issues, fine. I feel I am for life, but I am pro-choice. And I feel I am for life because I am pro-choice, because I want to make sure that families have what they need to engage in sensible family planning so they are not faced with terrible choices.

Why on Earth would the House of Representatives and some Members of the Senate want to punish an organization that helps people with family planning services, that educates them on how to prevent unwanted pregnancy, how to prevent sexually transmitted diseases such as AIDS and others? Why would we want to punish those organizations?

Well, I think it is clear why. Because when you strip it all away, there is punishment at work out here, punishment for organizations that believe it is very important to keep abortion safe and legal. And I do not think it is the job of the U.S. Senate or the House of Representatives to lash out at these people who are working in the most difficult conditions, in the most difficult areas of the world, and punish them for no other reason other than they believe, if abortion is legal, let us make it safe. That is what this amendment would do.

The fund that the House of Representatives and the Republicans over there want to stop provides support for population data collection and analysis, demographic and socioeconomic research, and population policy formulation and evaluation.

What does that mean? It means that we need to know statistically what is going on in these countries. Is birth control working? Is family planning working? How is the infant mortality rate connected with runaway population growth? In 1993, UNFPA supported 1,560 projects in 141 countries, including 44 countries in sub-Saharan Africa, 33 countries in Latin America and the Caribbean, 39 countries in Asia and the Pacific, 25 countries in the Arab States, and in Europe.

Already we have a prohibition on U.S. dollars; they cannot be used for abortion. That is clear. And that has been in the law for a long time. But this is that long arm reach of big brother and the Contract With America that says, "We are going to stop them from everything that they are doing, including family planning, even if they use their own funds for abortion-related activities."

I find it incredible, my friends, that the Republican-led Congress that talks about States' rights and local control wants to take the long arm of Uncle Sam and put it in the middle of these countries, into nongovernmental organizations that are out in the worst circumstances, in the worst poverty, and stop these organizations from doing their good work by forcing them to say, "You can never be involved, even with your own funds, in abortion-related activities, even if abortion is legal in the country."

UNFPA programs contribute to improving the quality and safety of contraceptives, to reducing the incidence of abortion, and to improving reproductive health and strengthening the status of women. Well, I think we ought to be applauding the UNFPA. I think we ought to be applauding the work of the U.N. Population Fund, not saying, "We're going to take away your funding, nongovernmental organizations in other countries, if you use your own funds to ensure that women get safe, legal abortions."

You know, I was around this country when abortion was illegal, and I want to tell you what it was like because a lot of the younger people do not remember it, and some of the older, older people are beginning to forget.

But what it was like is the following: Abortions were illegal, but women still, in certain dire circumstances, chose to get them. They risked their lives. They had to go down back alleys. They had to beg, borrow, and steal the money. It was risky, and it was dangerous. Hundreds of women died every year. I do not understand how someone can call himself pro-life when they want to go back to those days.

Today we had a vote on the House side, an overwhelming vote, related to late-term abortions. To tell you how radical this group is over there, they did not even make an exception for the life of the mother.

So I say to the men in this country, think about what it would be like if your wife came home, they had found a cancer, she was in the mid-term of her pregnancy, and the doctor said, "I cannot say that you will not die if you go ahead with this birth," and you and your wife and your family had to face a horrible decision, a terrible, terrible choice.

I ask you, why should Members of Congress climb into that living room with you and tell you what to do with your family? I am revolted by it. I am disgusted by it. And I am stunned that a party that says, "We don't want to get in the middle of your life," would get right in the middle of your most personal decision.

What is going on here with the UNFPA is an outgrowth of that mentality. "Oh, yeah, we want you to make your own decisions"—except if we disagree with it, then we are going to pass a law—"your most private, personal, difficult, agonizing choices that you should make as a family." And now we are going to reach in to nongovernmental organizations that operate in Latin America, in Africa, in Europe, and we are going to tell them as Members of Congress, because we are so important and we know so much about everything, that we are going to deny them funding even with their own funds, with their own privately raised funds—not our funds—they help a woman with a safe and legal abortion, rather than force her into some back alley and some butcher's knife.

I hope the Senate stands tall on this amendment. It is very important that we do. It is all interconnected. It is all about what we stand for as a nation. Do we stand for individual rights, or do we stand for Big Brother telling us how to make these private, agonizing, and difficult choices?

Let me tell you what the House did today in their vote. They said if there is a midterm or late abortion, it is illegal and the woman and the doctor can go to jail. Oh, yeah, they can defend themselves. The doctor can use as a defense, "I thought her life would be threatened," but there is no presumption that the doctor can make that ruling, not even an exception for life of the mother.

In my opinion, what the House did today will lead to women dying if this Senate does not stand up against it. I have to tell you, I will stand on this floor as long as it takes—and people know me, they know I will—to stop that kind of legislation from becoming the law of the land, to stop an attack on women.

I have not read on this floor some of these cases and the agony of these cases where women are faced and their husbands are faced with the most difficult decisions of their lives. I, frankly, was not elected to be God, and I was not elected to be a doctor. They even made up a term called "partial-birth abortions." There is no such scientific term. They made it up just to try to incite people's emotions.

Let me tell you, they are going too far. They are radical, and they are going too far. Just like they are radical in their budget when they take $270 billion out of Medicare and give a tax cut to the rich with it. Just like they are radical on their environmental policy where the Republican study group put out a bulletin—I am going to put it in the RECORD—that is a guide to Republicans in the House and says, "Go home and plant a tree and visit your zoo and then they can never say you are against the environment." Go home and plant a tree and visit your zoo and give a report card out to the best environmentals and then, yes, you can vote against the Clean Air Act, the wetlands, forget the Endangered Species Act. Who needs the bald eagle anyway?

Well, it is a radical crowd. They have gone too far, and this is an example, UNFPA, an organization that does so much good out there.

UNFPA helps to promote male participation and responsibility in family planning programs; address adolescent reproductive health; reach isolated rural areas with high demands for family planning services.

They want you to believe in this amendment that it is about China. Let me be very clear. No United States funds made available to the UNFPA shall be made available for any activities in the People's Republic of China. Our funds are not being used for any activities in China. I do not want them to go to China because they have a policy, we know, that we do not agree with: forced abortion, particularly as it relates to females.

So the bottom line is, none of us is for that, but this has nothing to do with this amendment. UNFPA United States funds do not go to China and will never go to China. It is a backdoor way to hurt a very important program. It is about ending the U.S. participation in the U.N. family planning fund where we have been active since the sixties, and we should be proud of our activities there, because we are saving lives, we are giving health care to people who need it desperately, and we are not controlling the way people think. Why should we? It is their right in their country to support safe, legal abortions if they want. We should not try to gag them as a result of our participation in UNFPA.

So I hope the American people follow this debate, because there is a linkage here to what has gone on in the House today, their attack on a woman's right to choose. They basically ended Roe versus Wade today, because Roe versus Wade said, in the late terms of a pregnancy, after the first trimester, the State shall regulate. They stepped in and took over and reached the long arm of Uncle Sam into every doctor's office in America, disrespecting women, disrespecting families, disrespecting individual rights, disrespecting physicians.

They have gone too far, and now in this bill we face this fight. I hope that my colleagues will support the Leahy-Kassebaum language. It is the language we all agree with. We are not saying in any way in this bill that Federal funds are going to be used in any way for abortion, but what we are saying with this amendment is that nongovernmental organizations—nongovernmental organizations—operating in other countries have a right to do what they will with their own funds.

As far as UNFPA, they are using this China argument and distorting it. They just want to get us to pull out of this family planning, this very important agency. I hope we will support PATRICK LEAHY on this one.

I ask unanimous consent that the think-globally-act-locally House Republican Agenda be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THINK GLOBALLY, ACT LOCALLY—A PRO-ACTIVE, PRO-ENVIRONMENT AGENDA FOR HOUSE REPUBLICANS

INTRODUCTION

As we all know, the environmentalist lobby and their extremist friends in the eco-terrorist underworld have been working overtime to define Republicans and their agenda as anti-environment, pro-polluter, and hostile to the survival of every cuddly critter roaming God's green earth.

While we all know that this characterization of Republicans is far from true, it will continue to be the drumbeat message of the left for as long as it helps them a) grab headlines, b) write fundraising letters, and c) energize people who consider themselves pro-environment.

The new Republican Congress is committed to updating environmental legislation written in the 1960s and 1970s to better address the problems of the 1990s and for the century to come. As we move this agenda based on sound science, results and real clean-up, better use of tax dollars, respect for property rights, and less reliance on lawyers, the establishment environmentalist community in Washington has begun its own fear campaign to preserve the status quo they make a living from.

Although Republicans and the vast majority of the American people believe you can't have a strong economy without a strong environment, and you can't have a strong environment without a strong economy, the extremist environmental movement will stop at nothing to distort the facts, lie about our legislative agenda, and paint you and your fellow Republicans as the insensitive extremists in this fight. And while we will never satisfy the most extreme in the environmental movement, to many in our growing Republican majority—especially suburban women and young people—the environment is an important issue.

In addition to the legislative battle the Conference will help you fight, and win, here in Washington to bring common sense reforms to environmental legislation such as the Endangered Species Act, Superfund, and Clean Water legislation, there are very real and very effective steps you can take in your districts to help further insulate yourself from the attacks of the green extremists.

As we are "thinking globally" about how to improve our nation's environmental laws here in Congress, the steps listed below will help you to "act locally" and get involved in your districts on the side of a cleaner environment.

By taking some time to get involved in a variety of pro-environment projects in your communities, you can go over the heads of the elitist environmental movement and work directly with the people who care most about the environment in your communities—your constituents.

The time to act is now. In order to build credibility you must engage this agenda before your opponents can label your efforts "craven, election year gimmicks." Remember, as a famous frog once said, "it ain't easy being green," your constituents will give you more credit for showing up on a Saturday to help clean up the local park or beach than they will give a press release from some Washington-based special interest group.

Think of it this way, the next time Bruce Babbit comes to your district and canoes down a river as a media stunt to tell the press how anti-environment their congressman is, if reporters have been to your boss' adopt-a-highway clean-up, two of his tree plantings, and his Congressional Task Force on Conservation hearings, they'll just laugh Babbit back to Washington.

ACTION ITEMS

I. Tree planting

Whether sponsoring tree planting programs in your district or participating in ongoing tree planting programs, this exercise provides Members with excellent earned media opportunities. When participating in tree planting programs you should include both children and seniors. In addition, while it is important to discuss the positive environmental aspects of planting trees, don't forget the symbolism that trees represent—i.e. roots in the community, family, and district.

Tree planting can occur at schools, parks, public buildings, and even senior centers. If the Member plans on sponsoring his/her own tree planting program, consider, contacting local nurseries who may donate trees for the cause. (Contact the ethics committee prior to undertaking this activity)

II. Special environmental days—Earth Day & Arbor Day

During the year there are at least two days when the "environment" is a major news story.

Earth Day—Usually third week in April.

Arbor Day—Proposed in 1996 for April 26th.

During these special environmental days, chances are good that the media will be writing an Earth Day or an Arbor Day story. In addition, chances are also good that somewhere in your district there will be a group sponsoring an event. Plan on participating in these events, or at a minimum, plan on releasing a statement of support. In your statement of support, make sure to include your positive environmental activities.

III. Adopt a highway, walking trail or bike path

While traveling your district, you will no doubt come across "Adopt a Highway" signs. This is an excellent program that embodies the Republican philosophy of volunteerism. To participate in this program you should contact your state, county road commission, or local roadway authorities.

In addition to participating in an "Adopt a Highway" program, you may also want to participate or initiate an "Adopt a Walking Trail" program or "Adopt a Bike Path" program. For these type of programs you should contact your local, county, or state parks authorities.

Once you decide to participate in any of these programs, make sure to announce your participation at the site. Stress community involvement in your remarks and have plenty of supporters on cite at the press conference.

IV. Environmental companies

Environmental high tech "clean up related" companies or companies that produce products from recycled materials are among the fastest growing industries in America. Through your local Chamber of Commerce or National Federation of Independent Businesses, do some investigative work to seek out environmental related companies in your district. If you have an environmental company in your district, contact the facility and arrange for a tour.

During the tour be sure to invite the media to participate (make sure you receive permission from the facility). Become briefed on the company's mission and offer your support. Chances are, the company will be happy to participate in this earned media opportunity which offers them positive media coverage.

V. Start a conservation task force

One of the best ways to keep informed regarding local environmental issues is to organize a local conservation task force in your district. In addition to keeping you informed on local environmental issues, this group can also assist you in developing an environmental legislative agenda. To set up such a group invite local environmentalists and sportsmen to join. Groups to contact include: garden club members, 4H representatives, Ducks Unlimited members, Audubon members, and other local or grass-roots organizations that are symphathetic to your common sense environmental agenda.

VI. Local conservation groups and boards

What types of environmental groups are already active in your district? Look for zoo boards, garden clubs, or other community conservation/environmental groups in your district. Become an active board member where possible.

VII. Local school participation

Many school curriculums include environmental issues or offer special environmental programs. Find out which schools offer these programs and become a guest lecturer. In your lecture be prepared to offer congressional environmental action highlights as well as a reaffirmation of your commitment to a clean environment.

VIII. Constituent letter data base

Undoubtedly, your office has received environmental related constituents letters. Hopefully, you have coded these letters in your data base. These are constituents who care enough about the environment to take the time to write you and in many cases will appreciate updates from you concerning your environmental agenda. These are also the same people that you can ask to participate in your conservation task force.

IX. Using recycled materials & initiating a recycling program in office

One of the best ways to show your concern about the environment is to lead by example. One way to show this is to announce an office policy which includes purchasing recycled materials and initiating a recycling program in your office. When announcing this new office policy be sure to include local environmentalists who will praise your actions.

X. Recycling facilities in district

Many municipalities and counties have ongoing recycling programs. Seek out those who have these programs and tour the facility or drop off area. If they don't currently have recycling programs, you might want to head up a task force with local officials to implement a municipal or county wide program.

XI. Teddy Roosevelt conservation award

Through his conservation efforts President Teddy Roosevelt is probably known as the Republican's most famous environmentalist. Using his name, consider establishing a yearly "Teddy Roosevelt Conservation Award" for someone in your district whose achievements exemplify President Roosevelt's conservation commitment. You can even recognize several award winners by establishing a youth award, a senior award, or a local business conservation award.

Be sure to contact your local media when you establish the award and when you award the winner. To facilitate the process of identifying potential winners. You can involve your local conservation task force and local schools in the decision process.

XII. Environmental PSAs

Members of Congress are important leaders. As such it is both appropriate and encouraged that you speak out on local environmental issues through the use of public service announcements (PSAs).

Suggested environmental PSAs could include:

Proper battery disposal.

Encouraging recycling at home.

Proper motor oil disposal when changing your car's oil.

Encouraging respect for nature when camping or hunting.

Keeping lakes, rivers, and beaches clean by putting garbage in its place.

These PSAs can air on both radio and cable stations. To produce a PSA first contact your local radio and cable stations to inquire if they will run your PSA. When producing PSAs, you can use studios at the radio and cable station or you can use the House Recording Studio.

XIII. Door to door-handing out tree saplings

If your current plans include door to door, consider passing out tree saplings with your door to door pamphlet. Some Members even design the pamphlet so that it is attached to the tree sapling.

This practice demonstrates your commitment to the environment by encouraging the planting of the trees and it provides you with an opportunity to use appropriate language tying your legislative agenda to the "roots" you are establishing or growing in your community.

XIV. River, lake, beach, or park clean ups

Through your conservation task force or through already established organizations, consider participating in local river, lake, beach, or park clean ups. Participating in these events will provide you with an opportunity to gain positive media exposure and further demonstrates your commitment to the environment.

XV. Local zoo

Become active in your local zoo. Go for a visit, participate in fundraising events, become active on its citizens advisory board, or help create enthusiasm for special projects it might be promoting.

CONCLUSION

Remember, the environment must be a proactive issue. Congressional staff in both the Washington office and the district office need to concentrate on seeking out environmental opportunities for their boss. Republicans should not be afraid of the environmental extremists—embrace our record and act to promote it.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment offered by the distinguished Senator from Kansas, Senator KASSEBAUM, and supported by others, Senator LEAHY and Senator BOXER as well.

It seems to me a fundamental proposition that a private organization ought to be able to use its funds overseas for any purpose which it chooses. The Kassebaum amendment provides that there will be no U.S. dollars used to pay for abortion, and, in my view, that ought to take care of the objection of anybody who does not want to have U.S. taxpayer dollars spent on abortions.

But the factor of not limiting a private organization to a standard which is different than the laws of the host country seems to me to be fundamental. Were these moneys to be spent in another country, let the laws of those countries determine what is appropriate. To try to impose a limitation under the so-called Mexico City policy, the House language, which would prohibit United States dollars to organizations which are bilateral or multilateral, where those organizations use their own funds for whatever purposes, including abortion, seems to me to be a matter which is really within the purview of those private organizations. What concerns me, Mr. President, is that this controversy is part of a broader controversy which has engulfed the U.S. Senate and the House on the confirmation of Dr. Henry Foster, where he was not even given a vote on confirmation in the Senate because he performed medical procedures—abortions—permitted by the U.S. Constitution; a debate on an appropriations bill about whether women in prison would be able to have abortions at public expense, where they were necessary, in the judgment of the doctor, for medical purposes or where that woman might have been a victim of incest; even under the restrictive language of limiting the language of abortion to incest, rape, or the life of the mother. It is not just whether funds ought to be available if a woman in a Federal prison is unable to earn any money or to take care of her own medical needs, and she is denied a medical procedure—an abortion—if she is the victim of incest, or the issue about having medical procedures—abortions—available for women in overseas medical installations.

There is really a broad scale attack on a woman's right to choose, a constitutional right that is recognized by the Constitution of the United States, as interpreted by the Supreme Court of the United States—not going back to Roe versus Wade in 1973, but a decision handed down in Casey versus Planned Parenthood by the Supreme Court in 1992, an opinion written by three Justices appointed by Republican Presidents, Reagan and Bush, an opinion written by Justices Souter, O'Connor, and Anthony Kennedy.

So I hope that we will not further limit the right of a private organization to use their own funds for overseas purposes, even if they include abortion, simply because that U.S. organization may have U.S. funds for totally separate and collateral purposes.

MILITARY ACTION IN BOSNIA

Mr. SPECTER. Mr. President, this is a subject which has been spoken about on our floor and has been the subject of action by the House—that is, the subject of not having military action in Bosnia, which utilizes United States troops without prior consent by the Congress of the United States. This is a very, very important subject, Mr. President, for many reasons.

We have learned from the bitter experience of Vietnam that the United States cannot successfully wage a war which does not have public backing, and the first indicia of public backing is approval by the Congress of the United States.

We have deviated from the constitutional requirement that only the Congress can declare war. In Korea, we had a conflict, a war without a declaration of war and, again, in Vietnam. When a Republican President, President George Bush, wanted to act under Presidential authority to move into the gulf with military action, I was one of many Senators who stood on this floor and objected to that, because it was a matter that ought to have been initiated only with congressional action.

Finally, in January 1991, in a historic debate on this floor, the Congress of the United States authorized the use of force, and I supported that policy for the use of force. But the more important principle involved was that the President could not act unilaterally, could not act on his own.

Similarly, I think that is a mandatory consideration on the Bosnian situation. I have disagreed—many of us have—with the President's policy in Bosnia. On this floor, I have said on a number of occasions, as have others, that the arms embargo against the Bosnian Moslems was bad public policy, that the Bosnian Moslems ought to be able to defend themselves against Serbian atrocities.

After the Senate voted overwhelmingly to lift that embargo, and the House voted overwhelmingly to lift that embargo, only then did the President become involved in the Bosnian situation and effectuated a policy of United States airstrikes. And I, among many others, argued with the administration and the military leaders that we should have undertaken airstrikes to use U.S. military power in a way which did not put large numbers of our troops at risk.

We were told by the administration and by military leaders that air power without ground support would be ineffective. But, finally, when the administration was faced with no alternative, except to face a possible override on their veto of the legislation lifting the arms embargo, then, and only then, was air power employed, and very, very effectively. I believe that the use of U.S. air power is entirely appropriate, but the use of ground forces is not.

We have seen the policy in Somalia, where this administration went beyond humanitarian purposes to nation building. It was up to the Congress of the United States to withhold funding. That might be necessary again, in a very unsatisfactory way, to have the constitutional mandate that only the Congress can declare war, enforced through the congressional power of the appropriations process. It is most unsatisfactory to have a Presidential commitment and to have U.S. troops involved and then to have it terminated only by the withholding of funds.

So it is my hope, Mr. President, that President Clinton will not act unilaterally, as he did in Haiti, against the overwhelming sense of the Senate and sense of the House that there not be an invasion of Haiti. Fortunately, it was done without bloodshed. But this is a constitutional issue of the highest import. If the President wishes to exercise the use of force in Bosnia, he ought to follow the constitutional doctrine, the precedent of the gulf war, and he ought to come to Congress for authorization. Then, and only then, will there be an appropriate opportunity to debate the matter and for Congress to exercise its will under the Constitution.

On the state of the record, my view is that there ought not to be an American commitment of troops. But, certainly, that ought not to be done by the President unilaterally. The matter ought to come before the Congress, and it ought to be a congressional decision one way or another, under the constitutional provision that only the Congress has the authority to declare war.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 3041

Mr. SIMPSON. Mr. President, I ask that I be added as a cosponsor of the Leahy-Kassebaum amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I want to show my support for this amendment, which, of course, includes U.S. funding for the U.N. Population Fund, UNFPA, as it is known. President Clinton had to resume funding for the population fund 2 years ago after a 7-year suspension during the Reagan and Bush administrations. I did not ascribe to that. I did not agree with the fine Presidents of my own party on that issue—either the wonderful Ronald Reagan or my fine, loyal friend, George Bush.

Last year, the Congress appropriated $40 million for the fund, and $50 million was appropriated for 1995. This year, we are looking at funding levels of $35 million.

I do understand that funding for all programs across the board needs to be reduced if we are to incur savings in this year's budget bill. However, I do not want to see population programs unfairly targeted for larger reductions than other foreign assistance programs.

The United States needs to keep its funding at an adequate level, or we will surely send exactly the wrong message to the rest of the developed nations across the world. Last year, the United States was seen as a world's leader of population and development assistance at the International Conference on Population and Development in Cairo. I was a congressional delegate at the conference, as was my friend, Senator John KERRY. There were not a lot of colleagues eager or seeking to go to that particular conference. I came away very impressed with the leadership and direction displayed there by Vice President GORE, and the assistance given him by the now Under Secretary of State, former Senator, Tim Wirth in guiding the conference and its delegates in developing a "consensus document," on a broad range of short- and long-term recommendations concerning maternal and child health care, strengthening family planning programs, the promotion of educational opportunities for girls and women, and improving status and rights of women across the world.

We surely do not want to lose our moral leadership role and relinquish any momentum by abandoning or severely weakening our financial commitment to population and development assistance. The United States needs to continue its global efforts to achieve responsible and sustainable population levels, and to back that up with leadership with specific commitments to population planning activities.

In my mind, of all of the challenges facing this country—and there are surely plenty of them—and around the world—none compares to that of the increasing of the population growth of the world. All of our efforts to protect the environment, all the things we hear about what is going to happen, what will happen to this forest system, or this ecosystem, promoting economic development, jobs for those around the world, are compromised and severely injured by the staggering growth in the world's population.

I hope my colleagues realize, of course, that there are currently 5.7 billion people on the Earth. In 1950, when I was a freshman at the University of Wyoming—not that long ago, surely—there were 2.5 billion people on the face of the Earth. Mr. President, 2.5 billion people using the Earth's surface for sustenance and procreation in 1950. Today, 5.7 billion—double—more than double.

Since 1950 to today, the figure has doubled and it will double again if birth and death rates continue. The world's population will double again in 40 years. These are huge figures.

If you want to talk about food supply, want to talk about the environment, pollution, fish, timber, coal, resources, there is your figure. Nobody pays much attention to that because we allow this debate to slip over to abortion. It does not have anything to do with abortion or coercive practices.

That is why it is so important we show our support by funding this particular fund. It is supported entirely by voluntary contributions, not by the U.N. regular budget.

You do not have to get into this one because you hate the United Nations either. This is not about whether you like the United Nations or not. Many of us have great problems with the United Nations, and they have certainly failed in many endeavors, but this is not a "U.N. caper."

There were 88 donors to the fund in 1994, most of which were developing nations. Japan and the United States were the leading contributors to the fund with the Nordic countries not lagging far behind.

UNFPA assistance goes to support 150 countries and territories across the world. UNFPA total income in 1994 was $265.3 million, and it provides about one-fourth of the world's population assistance to all developing countries.

I think it would be a real shame if the United States were to back away from its commitment to the world's largest source of multilateral assistance for population programs.

I want to reiterate again what has been said already about U.S. participation in this fund. The U.S. contribution would be subject to all the restrictions which have been in place for many years. These restrictions are in place to address concerns specifically about U.S. funds being spent in China. I hear those concerns.

Under current appropriations law, foreign aid funding is denied to any organization or program that "supports or participates in the management of a program of coerced abortion or involuntary sterilization" in any country. That is pretty clear. I agree with that.

Furthermore, current appropriations law ensures that none of the United States contribution to UNFPA may be used in China—none. Listen carefully: The United States is not funding any of the population activities in China.

Furthermore, the U.N. Population Fund does not fund abortions or support coercive activities in any country including China. The UNFPA assistance goes toward family planning services and maternal and child health care across the developing world.

Finally, no U.S. funds may be commingled with other UNFPA funds and numerous penalties exist in law for any violation of this requirement.

I also have deep and serious concerns about China's coerced abortion policy, but forcing the U.N. Population Fund to withdraw from China will not affect that policy one whit. In fact, without the careful monitoring that the fund performs, conditions in China would get very much worse. That is an important consideration. The world and the United States cannot turn its back on what is currently going on in China. Remove the funding and that great door will close ever further. No one will be able to participate or to change those policies.

Finally, this amendment would strike the House Mexico City language that denies United States population assistance to groups that are involved in dialog with foreign governments about abortion policy or even distribute literature on preventing unsafe abortions. This House amendment would ultimately deny family planning activities overseas. Since the House language applies to nongovernment organizations [NGO's] it would cut off funds to the most effective and dedicated providers of services, groups that best understand the needs of the people in the country they serve.

I urge my colleagues to vote for the Leahy-Kassebaum amendment so that the United States might continue its leadership role in addressing the global population issues which are wholly significant in the range of other issues that we confront from day-to-day, because all of it comes back to the simple fact, how many footprints will fit on the face of the Earth?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, for the information of all Senators, Senator NICKLES is going to speak for a few moments and then we are prepared to vote. It is my understanding that if the Leahy amendment is agreed to, that will be the last vote of the evening.

I yield the floor.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise in opposition to Senator LEAHY's amendment. I will read it for my colleagues' information:

> *Provided*, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than requirements applicable to foreign governments for such assistance: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion.

It sounds kind of reasonable, until you realize we do not have restrictions on governments dealing with the prohibition of abortion. So this language is meaningless. It has no restriction whatsoever. That means that we would be funding international family planning groups that use abortion as a method of family planning. A lot of us really do not want to do that. It is troublesome to think that international groups, some of which support abortion as a method of family planning, would be receiving tax dollars to be used in that fashion. Maybe this amendment is a nice attempt to cover that up, as a substitute for the House language. I just hope that our colleagues will not agree to it, for a lot of different reasons.

One, I do not think we want to fund international groups that promote or support or fund abortions. I do not think U.S. taxpayers' dollars should be used for that purpose. We have restrictions in this country. We have restrictions in this country that prohibit the use of taxpayers' dollars to be used to fund abortions, except in necessary cases—to save the life of the mother, or in cases of rape or incest. That is really what the House language is trying to do.

The House language reinstates the so-called Mexico City policy, and it goes back to 1984 through January 1993, which includes the Reagan and Bush era. It says we do not want to fund international groups that support or fund abortion. That was the policy of this country for that period of time.

The Clinton administration, through an Executive order in January 1993, reversed that policy. So now we have a policy, and Tim Wirth who served in this body has been actively promoting it, where we actually have been involved in encouraging countries to change their laws on abortion. I think 95 countries have significant restrictions in their laws against abortion.

I think using U.S. taxpayers' funds to be telling other countries to change their laws is very offensive. Certainly to be contributing to organizations that use part of their money or some of their moneys for abortions is also offensive.

Again, our stated policy in this country is we do not want to support abortion. We do not want taxpayers' moneys used to subsidize abortion unless it is necessary to save the life of mother or in cases of rape or incest. To be giving money to international organizations that either support or use abortions as a method of family planning or to try to change Government laws for abortion, in my opinion, is wrong.

I looked at the House language and it basically says that money will not be used for organizations, nongovernmental or multilateral organizations, until the organization certifies it will not, during the period for which the funds are made available, perform abortions in any foreign country except if the life of the mother were in danger if the fetus were carried to term, or in cases of forcible rape or incest.

I think that is good language. I think that language mirrors the language that we have agreed to on this floor dealing with Labor-HHS, the so-called Hyde language. Why in the world would we be supporting and giving money to foreign organizations that do the opposite? I think that is a serious, serious mistake.

Also, I might mention this House language says that we do not want any money to be used to violate the laws of any foreign country concerning circumstances under which abortion is permitted, regulated or prohibited. We do not want U.S. taxpayers' dollars used to go into other countries to lobby, to encourage, to change laws that they may have dealing with abortion. Why in the world should we have the idea that we know best, and so we want to manipulate and make those laws basically more pro-abortion.

I want to touch for a second on the issue of the People's Republic of China. There had been restrictions under the Reagan and Bush eras that we did not give money to the UNFPA organization if they were giving money to the People's Republic of China, because they had a coercive abortion policy. The House language, likewise, says we would not give money to the U.N. family planning organization if they were still supporting the coercive policies or contributing to the policies in the People's Republic of China.

Mr. President, I remember when Mrs. Clinton addressed a large conference in Beijing earlier this year and she condemned forced abortion. Unfortunately, that happens to be the policy in the People's Republic of China today—a one-child policy, enforced by, in some cases, coercive abortion. That is unbelievable. It is also undeniable. Yet UNFPA has actually made supportive comments about some of the things that are going on in the PRC today concerning their family planning efforts.

It is reprehensible to think that we might be contributing to an organization that might be assisting in coercive abortion. That should not happen.

Mr. President, I look at the language that we have before the Senate in the so-called Leahy language. I do not find it acceptable. I find no restriction whatever on U.S. funds to international organizations, no restriction whatever. If it passes and if it became law, we will be giving money to international groups that use abortion as a method of family planning.

That is offensive to me as a taxpayer. It is offensive to me to think that the result of that is that U.S. tax dollars will be used in some way or another to subsidize the destruction of innocent, unborn human beings.

I look at the House language. The House language is basically reinstating the policy that we had from 1984 to January 1993. That policy saved lives. Did it restrict use of family planning? No. Did family planning continue? Yes. Did family planning continue with funding from the United States? Yes.

Over 350 organizations signed up and said, "We will take your money and use it for family planning, but we will not use abortion as a method of family planning." That means organizations all across the world. It worked. Some people said they would not sign up, but they did.

So we had family planning efforts, but we had family planning efforts separate from abortion. That is what we are trying to do with this House language.

I urge our colleagues to reject the Leahy amendment and support the House language.

I might mention, also, I think that the House language, which passed overwhelmingly, passed by a vote of 232–187. My guess is that if we do not have language similar to that, we will not have a bill. We will be looking at the foreign operations bill in a continuing resolution, in all likelihood, throughout the year.

Mr. President, I urge my colleagues to vote "no" on the Leahy amendment. I yield the floor.

Mr. LEAHY. Mr. President, very briefly, with all due respect to my friend from Oklahoma, his description of the Leahy-Kassebaum amendment is not accurate.

Mr. President, we debated the basic aspects of the Leahy-Kassebaum amendment less than a month ago. Mr.

President, 57 Senators voted against what is in the House position, voted against the position we seek to replace. Nothing has changed since then.

The Leahy-Kassebaum amendment simply says that private family planning organizations like the foreign organizations supported by the International Planned Parenthood Federation should not be restricted to require more subjective requirements, more restrictive than those applicable to Government.

In other words, it permits us to support private organizations, provided U.S. Government funds are not used, are not used for abortion activities as we made funds available for family planning to governments in countries where abortion is legal, as it is in this country, just as we give foreign aid to countries where abortion is legal, as it is in this country.

This bill contains the same explicit prohibition of funding for abortion that has been the law for years. Not one dime in this bill could be spent on abortion or anything related to abortion. The bill already contains a prohibition against using any United States funds in China.

The House amendment would, nevertheless, prohibit a U.S. contribution to the U.N. population fund. I think that would be foolhardy. The question is whether we should accept the House position so that the bill might go forward.

I ask unanimous consent that a statement of administration policy from OMB be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 31, 1995.

Re H.R. 1868—Foreign operations, export financing and related programs appropriations bill, FY 1996 (Sponsors: Livingston, Louisiana; Callahan, Alabama).

STATEMENT OF ADMINISTRATION POLICY

[This statement has been coordinated by OMB with the concerned agencies]

This Statement of Administration Policy provides the Administration's views on the item reported in disagreement by the conference on H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Bill, FY 1996. Your consideration of the Administration's views would be appreciated.

The conferees have reported in disagreement provisions related to population assistance to non-governmental organizations. This is an issue of the highest importance to the Administration.

The Administration opposes coercion in family planning practices, and no U.S. assistance is used to pay for abortion as a method of family planning. The House provision, however, would prohibit any assistance from being provided to entities that fund abortions or lobby for abortions with private funds, thus ending U.S. support for many qualified and experienced non-governmental organizations providing vital voluntary family planning information and services. The provision would also end U.S. support for the United Nations Population Fund (UNFPA). This would sharply limit the availability of effective voluntary family planning programs abroad that are designed to reduce the incidence of unwanted pregnancy and thereby decrease the need for abortion. The Administration also has serious concerns about the constitutionality of the House provision. If the House language were included in the bill presented to the President, the Secretary of State would recommend to the President that he veto the bill.

Mr. LEAHY. I read the last sentence: "If the House language were included in the bill presented to the President, the Secretary of State would recommend to the President he veto the bill."

I think, Mr. President, we have heard debate for and against the Leahy-Kassebaum amendment. I know Senators are concerned about their schedule, and I am happy to go forward with a vote.

Mr. COVERDELL. I would like to thank the chairman for his leadership in crafting this foreign operation conference report. In light of the budgetary restriction placed upon all of these projects, I think the chairman has done a skillful job of handling many divergent interests.

Mr. MCCONNELL. I thank the Senator.

Mr. COVERDELL. I would also like to thank the Senator for his assistance in attempting to remedy funding difficulties we have experienced for International Narcotics Control. As the chairman knows, I am extremely concerned that funding for U.S. drug interdiction efforts has been drastically declining since 1992. During this time we have witnessed a proportionate increase in the use of drugs in America. For example:

After a steep drop in monthly cocaine use between 1988 and 1991 from 2.9 to 1.3 million users, and a similar drop in overall drug use between 1991 and 1992, from 14.5 to 11.4 million users, numbers released earlier this year revealed that youth drug use increased in 1994, for all surveyed grades for crack, cocaine, heroin, LSD, non-LSD hallucinogens, inhalants, and marijuana.

According to the Department of Health and Human Services, illegal drug use among the Nation's high school seniors has risen 44.6 percent in the last 2 years.

The resurgence of heroin in the United States borders on epidemic proportions. DEA Administrator Thomas Constantine recently noted that heroin is now available in more cities at lower prices and higher purities than ever before in our history. In addition, Administrator Constantine says: "For the first time in our history, America's crime problem is being controlled by worldwide drug syndicates who operate their networks from places like Cali, Colombia * * *."

Mr. MCCONNELL. I am in complete agreement with my colleague from Georgia, that we are at a crucial point in our war on drugs. Without the immediate commitment of resources to stop the flow of illegal narcotics across our borders, the United States will be facing the largest expansion of illicit drug supplies and the greatest increase in drug use in modern American history.

Mr. COVERDELL. The chairman has clearly summarized the problem that the Senate attempted to address by increasing funding for international drug control in the foreign operations appropriations bill. I know the chairman shares my concern that the conference report before us today severely undermines the Senate's commitment to drug interdiction by decreasing the direct funding from $150 to $115 million and replacing the $20 million mandatory transfer of funds with language merely allowing the transfer of funds from "Development Assistance" and/or the "Economic Support Fund" to "International Narcotics Control."

Mr. MCCONNELL. The Senator from Georgia is correct. It is my understanding, however, that the conference committee fully intended that the identified $20 million be transferred to International Narcotics Control.

Mr. COVERDELL. I appreciate the chairman's clarification and would ask if the chairman would be willing to assist the Senator from Georgia in securing these resources.

Mr. MCCONNELL. I would say to my colleague, that I strongly support the transfer of the funds, identified in the conference report, to International Narcotics Control for drug interdiction activities and will work side-by-side with the Senator from Georgia to ensure these resources are committed to our war on drugs.

Mr. COVERDELL. I thank the chairman for his efforts to stop the flow of illegal narcotics into the United States.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the motion to concur in the House amendment with the Leahy-Kassebaum amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 561 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Wellstone

NAYS—44

Abraham
Ashcroft
Bennett
Bond
Breaux
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Santorum
Shelby
Smith
Thompson
Thurmond
Warner

NOT VOTING—2

Bradley
Hatfield

So the motion was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I see the distinguished leader in the Chamber. And I just mention first that we have, so my colleagues will know——

The PRESIDING OFFICER. The Senator will suspend. The Senate will come to order, please.

Mr. LEAHY. So colleagues would know, we have passed the conference and sent one amendment back in disagreement.

Mr. DOLE. Let me thank the managers of the bill.

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask unanimous consent that there be a period for the transaction of morning business until 6:30 p.m. with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGES FROM THE HOUSE

At 12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2492. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Speaker appoints the following Member as an additional conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996:

From the Committee on Agriculture, for consideration of title I of the House bill, and subtitles A–C of title of the Senate amendment, and modifications committed to conference: Mr. BROWN of California.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for fiscal year ending September 30, 1996, and for other purposes; that the House recedes from its disagreement to an amendment of the Senate and concurs therein with an amendment in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bill, previously received from the House for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compacters that meet appropriate American National Standards Institute design safety standards; to the Committee on Labor and Human Resources.

H.R. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1372. A bill to amend the Social Security Act to increase the earnings limit, and for other purposes.

The following bill was ordered placed on the calendar:

H.R. 2492. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mr. LUGAR, Mr. CRAIG, and Mr. GRASSLEY):

S. 1373. A bill to amend the Food Security Act of 1985 to minimize the regulatory burden on agricultural producers in the conservation of highly erodible land, wetland, and retired cropland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1374. A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. CRAIG, Mr. GORTON, Mr. GRASSLEY, Mr. MCCONNELL, Mr. DASCHLE, Mr. HARKIN, Mr. KERREY, and Mr. KEMPTHORNE):

S. 1375. A bill to preserve and strengthen the foreign market development cooperator program of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mr. THOMPSON, Mr. KERRY, Mr. FEINGOLD, Mr. KENNEDY, and Mr. COATS):

S. 1376. A bill to terminate unnecessary and inequitable Federal corporate subsidies; to the Committee on Governmental Affairs.

By Mr. LUGAR:

S. 1377. A bill to provide authority for the assessment of cane sugar produced in the Everglades Agricultural Area of Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, and Mr. WELLSTONE):

S. Res. 191. A resolution designating the month of November 1995 as "National American Indian Heritage Month," and for other purposes; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. LUGAR, Mr. CRAIG, and Mr. GRASSLEY):

S. 1373. A bill to amend the Food Security Act of 1985 to minimize the regulatory burden on agricultural producers in the conservation of highly erodible land, wetland, and retired cropland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL RESOURCES ENHANCEMENT ACT OF 1995

Mr. LUGAR. Mr. President, I am very pleased to join Senators DOLE, GRASSLEY, and CRAIG today in introducing the Agricultural Resources Enhancement Act of 1995, which is our blueprint for the conservation title of the new farm bill. This legislation builds on agriculture's environmental successes over the past decade while also adding new flexibility for our farmers and ranchers as they enter the 21st century.

In May I advanced several concepts to improve the Conservation Reserve Program, our conservation land retirement initiative. I also introduced the new Environmental Quality Incentives Program, which I am proud to note was included in the budget reconciliation bill approved by the Senate last week. Meanwhile, Senators DOLE, GRASSLEY, and CRAIG developed several concepts for the CRP and for the conservation compliance and swampbuster programs. The bill we are introducing today combines the best of our recommendations into a single strategy that will protect both the environment and the property rights of our Nation's agricultural producers.

Our proposal improves the CRP by adding a new water quality emphasis and by targeting the program to the highly erodible land most in need of protection. There is land now in the CRP that can be brought back into production without harming the environment. At the same time, there is also valuable acreage not now in the reserve that deserves long-term protection. This legislation accomplishes both goals.

This bill also makes much needed changes to the swampbuster compliance program, including an exemption for frequently cropped farmland. In the conservation compliance program, farmers would gain significant new flexibility to adopt soil-saving techniques. Our goal is to make both programs effective in preserving valuable resources and workable in the field.

Finally, our legislation includes unprecedented provisions to improve wildlife habitat on agricultural lands. Frequently cropped wetlands would be eligible for the CRP. Habitat potential will be considered in evaluating offers to enroll land in the CRP and the Wetlands Reserve Program. Expiring water bank acres would be eligible for the WRP. And the Secretary is encouraged to maximize wildlife habitat benefits from all our conservation programs.

My cosponsors and I represent a broad range of agricultural interests and have diverse regional backgrounds. As such, I am optimistic the provisions we have included in our bill will be embraced by a majority in the the Agriculture Committee and in the Senate as a whole. I look forward to working with all my colleagues in developing a new farm bill with provisions as meaningful for the environment as those in the landmark farm bill we passed a decade ago.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Resources Enhancement Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) restore respect for private property rights and the productive capacity of the agricultural sector;

(2) reduce unnecessary regulatory burdens on farmers while maintaining basic environmental objectives; and

(3) recognize that conservation and environmental objectives are best met with voluntary efforts.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) through (16) as paragraphs (3), (5), (6), (7), and (9) through (19), respectively;

(2) by inserting after paragraph (1) the following:

"(2) ALTERNATIVE CONSERVATION SYSTEM.—The term 'alternative conservation system' means a conservation system that achieves a substantial reduction in soil erosion from the level of erosion that existed prior to the application of the conservation measures and practices provided for under the system.";

(3) by inserting after paragraph (3) (as so redesignated) the following:

"(4) CONSERVATION SYSTEM.—The term 'conservation system' means the conservation measures and practices that are approved for application by a producer to a highly erodible field and that provide for cost effective and practical erosion reduction on the field based on local resource conditions and standards contained in the Natural Resources Conservation Service field office technical guide.";

(4) by inserting after paragraph (7) (as so redesignated) the following:

"(8) FREQUENTLY CROPPED AGRICULTURAL LAND.—The term 'frequently cropped agricultural land' means agricultural land that—

"(A) exhibits wetland characteristics, as determined by the Secretary; and

"(B) has been used for 6 of the 10 years prior to January 1, 1996, for agricultural production on the field, as determined by the Secretary, or production of an annual or perennial agricultural crop (including forage production or hay), an aquaculture product, a nursery product, or a wetland crop."; and

(5) in paragraph (10) (as so redesignated), by adding at the end the following:

"(C) PRODUCER-INITIATED REVIEW OF HIGHLY ERODIBLE LAND DESIGNATION.—A designation of highly erodible land on agricultural land made under this title shall be valid until an owner or operator requests a new designation. The Secretary shall provide the designation on the request of the owner or operator.

"(D) SCIENCE AND TECHNOLOGY.—A designation of highly erodible land under this title may be based on the most contemporary science, method, or technology, as determined by the Secretary, for determining soil erodibility that accurately reflects the potential for soil loss.".

(b) CONFORMING AMENDMENTS.—

(1) Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended by striking "section 1201(a)(16) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(16))" and inserting "section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))".

(2) Section 1257(c) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking "section 1201(4) of the Food Security Act of 1985 (16 U.S.C. 3801(4))" and inserting "section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))"; and

(B) in paragraph (2), by striking "section 1201(6) of the Food Security Act of 1985 (16 U.S.C. 3801(6))" and inserting "section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))".

SEC. 4. HIGHLY ERODIBLE LAND CONSERVATION.

(a) PROGRAM INELIGIBILITY.—Section 1211 of the Food Security Act of 1985 (16 U.S.C. 3811) is amended to read as follows:

"SEC. 1211. PROGRAM INELIGIBILITY.

"(a) IN GENERAL.—Except as provided in section 1212 and notwithstanding any other provision of law, any person who participates in an annual program under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) after January 1, 1996, and who in any crop year after that date produces an agricultural commodity on a field on which highly erodible land is predominate, as determined by the Secretary, shall be—

"(1) in violation of this section; and

"(2) ineligible for loans or payments in an amount determined by the Secretary to be proportionate to the severity of the violation, taking into account the intent of the person and the frequency of the violations.

"(b) LOANS AND PAYMENTS.—If a person has been determined to have committed a violation during a crop year under subsection (a), the Secretary shall determine which, and the amount, of the following loans and payments for which the person shall be ineligible:

"(1) Any type of price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act.

"(2) A farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

"(3) A loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Consolidated Farm Service Agency, if the Secretary determines that the proceeds of the loan will be used for a purpose that will contribute to excessive erosion of highly erodible land.

"(4) A payment under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b and 714c) during the crop year for the storage of an agricultural commodity acquired by the Commodity Credit Corporation.

"(5) During the crop year:

"(A) A payment under section 8, 12, or 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590*l*, and 590p(b)).

"(B) A payment under section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202).

"(C) A payment under subchapter B or C of chapter 1 of subtitle D.

"(D) A payment under chapter 2 of subtitle D.

"(E) A payment under chapter 3 of subtitle D.

"(F) A payment, loan, or other assistance under section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 and 1006a).".

(b) EXEMPTIONS.—Section 1212 of the Act (16 U.S.C. 3812) is amended—

(1) in subsection (a)(3), by striking "shall, if" and inserting "shall—

"(A) be required to apply a conservation plan that is—

"(i)(I) based on and conforms to practices, technologies, and schedules contained in a local Natural Resources Conservation Service field office technical guide; or

"(II) based on an alternative conservation system that is not described in the technical guide but is determined by the Secretary to be an acceptable alternative;

"(ii) consistent with section 1214; and

"(iii) not based on a higher erodibility standard than other highly erodible land located within the same area, as determined by the Secretary; and

"(B) if";

(2) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively;

(3) by inserting after subsection (e) the following:

"(f) EFFECT ON LANDLORDS.—Ineligibility of a tenant or sharecropper for benefits under section 1211 shall not cause a landlord to be ineligible for the benefits for which the landlord would otherwise be eligible with respect to a commodity produced on land other than the land operated by the tenant or sharecropper."; and

(4) in subsection (g) (as so redesignated)—

(A) by striking "(g)(1) Except to the extent provided in paragraph (2), no" and inserting the following:

"(g) GOOD FAITH EXEMPTION.—

"(1) CONTINUED ELIGIBILITY.—No";

(B) by striking "has—" and all that follows through "(B) acted" and inserting "has acted";

(C) in paragraph (2)—

(i) by striking "Secretary shall, in lieu" and all that follows through "crop year" and inserting "person shall not be ineligible for loans or payments under section 1211"; and

(ii) by adding at the end the following: "A person who the Secretary determines has acted in good faith and without intent to violate this subtitle shall be allowed a period of 1 year during which to implement the measures and practices necessary to be considered to be actively applying a conservation plan.";

(D) by striking paragraph (3);

(E) by redesignating paragraph (4) as paragraph (3); and

(F) by adding at the end the following:

"(4) FAILURE TO APPLY CONSERVATION PLAN.—If a person fails to actively apply a conservation plan that documents the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedules of the conservation plan by the date that is 1 year after the good faith violation, the Secretary shall make a determination concerning the ineligibility of the person under section 1211.".

(c) DEVELOPMENT AND IMPLEMENTATION OF CONSERVATION PLANS AND SYSTEMS.—Subtitle B of title XII of the Act (16 U.S.C. 3811 et seq.) is amended by adding at the end the following:

"SEC. 1214. DEVELOPMENT AND IMPLEMENTATION OF CONSERVATION PLANS AND SYSTEMS.

"(a) TECHNICAL REQUIREMENTS.—The Secretary shall ensure that the standards and guidelines contained in a local Natural Resources Conservation Service field office technical guide applicable to a conservation plan required under this subtitle—

"(1) allow a person to use an alternative conservation system as a means of meeting the requirements, and achieving the goals, of this subtitle with respect to a highly erodible field that has been used in the production of an agricultural commodity after December 23, 1985; and

"(2) provide for conservation measures and practices that—

"(A) are technically and economically feasible;

"(B) are based on local resource conditions and available conservation technology;

"(C) are cost-effective; and

"(D) do not cause undue economic hardship to the person applying the plan or system.

"(b) EROSION MEASUREMENT.—For the purpose of determining compliance with this subtitle, the measurement of erosion reduction achieved through a conservation plan shall be based on the level of erosion at the time of the measurement compared to the level of erosion that was present prior to the implementation of the conservation measures and practices provided for in the conservation plan.

"(c) CROP RESIDUE MEASUREMENTS.—

"(1) CERTIFICATION OF COMPLIANCE.—

"(A) IN GENERAL.—For the purpose of determining the compliance of a person with the conservation plan on a farm, a third party approved by the Secretary may certify that the person is in compliance if the person is actively applying an approved conservation system or alternative conservation system at the time application for the loans or payments specified in section 1211 is made.

"(B) STATUS REVIEWS.—If a person obtains a variance, the Secretary shall not be required to carry out a review of the status of compliance of the person with the conservation plan under which the conservation system is being applied if the sole reason for the review is the fact that the person received the variance.

"(2) RESIDUE MEASUREMENTS PROVIDED BY PERSONS.—If a status review is carried out, annual crop residue measurements supplied by a person and certified by a third party approved by the Secretary shall be taken into consideration by the Secretary for the purpose of determining compliance if the measurements demonstrate that, on the basis of a 5-year average of the residue level on the field (as determined by the Secretary), the crop residue level for a field meets the level required under the conservation plan.

"(d) REVISIONS.—

"(1) CONSERVATION PLANS.—

"(A) REVISIONS BY PERSON OBTAINING CERTIFICATION.—A person that obtains a conservation plan under section 1212(a)(2) may revise the plan by substituting practices described in the local Natural Resources Conservation Service technical guide, if the revised plan achieves an equivalent amount of soil erosion reduction as the original plan, as determined by the Secretary.

"(B) NO REVISION BY THE SECRETARY.—The conservation plan of a person who obtains a certification under subsection (c) shall not be subject to revision by the Secretary, unless—

"(i) the person concurs with the revision; or

"(ii) the person has been determined by the Secretary, within the most recent 1-year period, to be ineligible under section 1211 for program loans and payments.

"(C) APPROVAL OF ALTERNATIVE CONSERVATION SYSTEM.—The Secretary shall approve or disapprove an alternative conservation system proposed by a producer not later than 30 days after the date the system is proposed.

"(D) LOCAL FIELD OFFICE TECHNICAL GUIDE.—If the alternative conservation system is approved by the Secretary and is appropriate to an area, the Secretary shall add the approved alternative conservation system to the local Natural Resources Conservation Service field office technical guide for the area.

"(2) CONSERVATION SYSTEMS.—The Secretary may revise under paragraph (1) the conservation system of a person who obtains a certification, subject to subsection (a), if there is substantial evidence as determined by the Secretary that a revision is necessary to carry out this subtitle.

"(3) UPDATING LOCAL FIELD OFFICE TECHNICAL GUIDES.—The Secretary shall regularly revise local Natural Resources Conservation Service field office technical guides to include new conservation systems that the Secretary determines will reduce soil erosion in a cost-effective manner.

"(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to a person throughout the development, revision, and application of a conservation plan or conservation system.

"(f) VIOLATIONS.—

"(1) NOTIFICATION.—An employee of the Natural Resources Conservation Service who observes a possible compliance deficiency or other violation of this subtitle while providing on-site technical assistance to a person shall—

"(A) not later than 45 days after making the observation, notify the person of any actions that are necessary to correct the deficiency or violation; and

"(B) permit the person to correct the deficiency or violation within the 1-year period beginning on the date of the notification.

"(2) CORRECTION OF COMPLIANCE DEFICIENCIES.—A person that receives a notification under paragraph (1) shall attempt to correct the deficiency as soon as practicable.

"(3) STATUS REVIEW.—Not later than 1 year after the date of a notification under paragraph (1), the Secretary shall carry out a review of the status of compliance of the person with the conservation plan under which the conservation system is being applied.

"(4) FAILURE TO CORRECT COMPLIANCE DEFICIENCY.—If a person fails to correct a deficiency or violation by the date that is 1 year after the date of a notification under paragraph (1), the Secretary shall make a determination concerning the ineligibility of the person under section 1211.

"(g) EXPEDITED VARIANCES.—

"(1) PROCEDURES.—The Secretary shall establish expedited procedures, in consultation with local conservation districts, for the consideration and granting of temporary variances to allow for the use of practices and measures to address problems related to pests, disease, nutrient management, and weather conditions (including drought, hail, and excessive moisture) or for such other purposes as the Secretary considers appropriate.

"(2) RESPONSE WITHIN 15 DAYS.—The Secretary shall grant or deny a request for a variance described in paragraph (1) not later than 15 days after receiving the request.".

(d) AFFILIATED PERSONS.—Subtitle B of title XII of the Act (16 U.S.C. 3811 et seq.) (as amended by subsection (c)) is further amended by adding at the end the following:

"SEC. 1215. AFFILIATED PERSONS.

"If a person is affected by a reduction in benefits under section 1211 and the affected person is affiliated with other persons for the purpose of receiving the benefits, the benefits of each affiliated person shall be reduced under section 1211 in proportion to the interest held by the affiliated person.".

(e) APPLICABILITY.—Subtitle B of title XII of the Act (16 U.S.C. 3811 et seq.) (as amended by subsection (d)) is further amended by adding at the end the following:

"SEC. 1216. APPLICABILITY.

"This subtitle shall be effective during the period beginning January 1, 1996, and ending December 31, 2002.".

SEC. 5. WETLANDS REFORM.

(a) PROGRAM INELIGIBILITY.—Section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 1221. PROGRAM INELIGIBILITY.

"(a) IN GENERAL.—Except as provided in section 1222 and notwithstanding any other provision of law, any person who participates in an annual program under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) after January 1, 1996, and who in any crop year after that date produces an agricultural commodity on converted wetland, as determined by the Secretary, shall be—

"(1) in violation of this section; and

"(2) ineligible for loans or payments in an amount determined by the Secretary to be proportionate to the severity of the violation.

"(b) LOANS AND PAYMENTS.—If a person has been determined to have committed a violation during a crop year under subsection (a), the Secretary shall determine which, and the amount, of the following loans and payments for which the person shall be ineligible:

"(1) Any type of price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act.

"(2) A farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

"(3) A loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Consolidated Farm Service Agency, if the Secretary determines that the proceeds of the loan will be used for a purpose that will contribute to conversion of a wetland (other than as provided in this subtitle) to produce an agricultural commodity.

"(4) A payment under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b and 714c) during the crop year for the storage of an agricultural commodity acquired by the Commodity Credit Corporation.

"(5) During the crop year:

"(A) A payment under section 8, 12, or 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590*l*, and 590p(b)).

"(B) A payment under section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202).

"(C) A payment under subchapter B or C of chapter 1 of subtitle D.

"(D) A payment under chapter 2 of subtitle D.

"(E) A payment under chapter 3 of subtitle D.

"(F) A payment, loan, or other assistance under section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 and 1006a)."; and

(3) in subsection (c) (as so redesignated)—

(A) by striking "Except" and inserting "WETLAND CONVERSION.—Except"; and

(B) by striking "subsections (a) (1) through (3)" and inserting "subsection (b)".

(b) DELINEATION OF WETLAND; EXEMPTIONS.—Section 1222 of the Act (16 U.S.C. 3822) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) DELINEATION BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall, subject to subsection (b), delineate, determine, and certify all wetlands located on subject land on a farm.

"(2) WETLAND DELINEATION MAPS.—The Secretary shall delineate wetlands on wetland delineation maps. On the request of an owner or operator, the Secretary shall make a reasonable effort to make an on-site wetland determination prior to delineation.

"(3) CERTIFICATION.—

"(A) IN GENERAL.—On providing notice to affected owners or operators, the Secretary shall—

"(i) certify whether a map is sufficient for the purpose of making a determination of ineligibility for program benefits under section 1221; and

"(ii) provide an opportunity to appeal the certification prior to the certification becoming final.

"(B) REVIEW OF MAPPING.—In the case of an appeal, the Secretary shall review and certify the accuracy of the mapping of all land subject to the appeal to ensure that the subject land has been accurately delineated.

"(C) INSPECTION OF LAND.—Prior to rendering a decision on the appeal, the Secretary shall conduct an on-site inspection of the subject land on a farm.";

(2) by redesignating subsections (b) through (j) as subsections (c) through (k), respectively;

(3) by inserting after subsection (a) the following:

"(b) REQUESTS FOR DELINEATION.—

"(1) IN GENERAL.—Any delineation or determination of the presence of wetland on subject land on a farm made under this subtitle shall be valid until such time as the owner or operator of the land requests a new delineation or determination.

"(2) CHANGE IN DELINEATION.—In the case of a change in a delineation or determination, the Secretary shall promptly notify the owner or operator of the subject land on a farm that is affected by the change.

"(3) RELIANCE ON PRIOR DELINEATION.—Any action taken with respect to subject land on a farm by an owner or operator in reliance on a prior wetland delineation or determination by the Secretary shall not be subject to a subsequent wetland delineation or determination by the Secretary.";

(4) by striking subsection (c) (as so redesignated) and inserting the following:

"(c) EXEMPTIONS.—No person shall become ineligible under section 1221 for program loans or payments—

"(1) as the result of the production of an agricultural commodity on land that—

"(A) was manipulated prior to December 23, 1985;

"(B) is a wetland that is less than 1 acre in size;

"(C) is a nontidal drainage or irrigation ditch excavated in upland;

"(D) is an artificially irrigated area that would revert to upland if the irrigation ceased;

"(E) is land in Alaska identified as having a high potential for agricultural development and with a predominance of permafrost soils;

"(F) is an artificial lake or pond created by excavating or diking land that is not a wetland to collect and retain water and is used primarily for livestock watering, fish production, irrigation, wildlife, fire control, flood control, cranberry growing, or rice production, or as a settling pond;

"(G) is a wetland that is temporarily or incidentally created as a result of adjacent development activity; or

"(H) is frequently cropped agricultural land; or

"(2) for the conversion of—

"(A) an artificial lake or pond created by excavating or diking land that is not a wetland to collect and retain water and that is used primarily for livestock watering, fish production, irrigation, wildlife, fire control, flood control, cranberry growing, rice production, or as a settling pond; or

"(B) a wetland that is temporarily or incidentally created as a result of adjacent development activity.";

(5) in subsection (g)(2) (as so redesignated)—

(A) by striking "where such restoration" and inserting "through the enhancement of an existing wetland or through the creation of a new wetland, and the restoration, enhancement, or creation";

(B) in subparagraph (A), by inserting ", enhancement, or creation" after "restoration";

(C) in subparagraph (D), by inserting "in the case of enhancement and restoration of wetlands," after "(D)";

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(E) by inserting after subparagraph (D) the following:

"(E) in the case of creation of wetlands, on greater than a 1-for-1 acreage basis if more acreage is needed to provide equivalent functions and values that will be lost as a result of the wetland conversion that is mitigated;"; and

(F) in subparagraph (F)—

(i) by striking "restored" each place it appears and inserting "restored, enhanced, or created"; and

(ii) by striking "restoration" and inserting "restoration, enhancement, or creation";

(6) in subsection (i) (as so redesignated)—

(A) in paragraph (1), by striking "December 23, 1985," and all that follows through the period at the end of the paragraph and inserting "January 1, 1996, shall be waived by the Secretary if the Secretary determines that the person has acted in good faith and without intent to violate this subtitle."; and

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) PERIOD FOR COMPLIANCE.—A person who the Secretary determines has acted in good faith and without intent to violate this subtitle shall be allowed a period of 1 year during which to implement the measures and practices necessary to be considered to actively restoring the subject wetland.";

(7) in subsection (k) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking "and a representative of the Fish and Wildlife Service"; and

(ii) in the second sentence, by striking ", who in" and all that follows through "Service"; and

(B) in paragraph (2), by striking "and a representative" and all that follows through "national offices" and inserting "shall report to the Natural Resources Conservation Service"; and

(8) by adding at the end the following:

"(l) Mitigation Banking.—

"(1) In general.—The Secretary shall establish a pilot program (to be carried out during a 1-year period) for mitigation banking of wetlands to assist owners and operators in complying with the wetland conservation requirements of this subtitle.

"(2) Report.—Not later than 1 year after the effective date of this paragraph, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the progress in carrying out the pilot program established under paragraph (1).".

(c) Consultation With the Secretary of the Interior.—Subtitle C of title XII of the Act is amended—

(1) by striking section 1223 (16 U.S.C. 3823); and

(2) by redesignating section 1224 (16 U.S.C. 3824) as section 1223.

(d) Affiliated Persons.—Subtitle C of title XII of the Act (as amended by subsection (c)) is further amended by adding at the end the following:

"SEC. 1224. AFFILIATED PERSONS.

"If a person is affected by a reduction in benefits under section 1221 and the affected person is affiliated with other persons for the purpose of receiving the benefits, the benefits of each affiliated person shall be reduced under section 1221 in proportion to the interest held by the affiliated person.".

(e) Applicability.—Subtitle C of title XII of the Act (as amended by subsection (d)) is further amended by adding at the end the following:

"SEC. 1225. APPLICABILITY.

"This subtitle shall be effective during the period beginning January 1, 1996, and ending December 31, 2002.".

(f) Easements on Inventory Property.—Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended by striking subsection (g) and inserting the following:

"(g) Easements on Inventory Property.—The Secretary may not place a permanent wetland conservation or floodplain easement on any farm property after January 1, 1996.".

(g) Agricultural Land.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) in subsection (d), by striking "The term" and inserting "Except as otherwise provided in this section, the term"; and

(2) by adding at the end the following:

"(u) Agricultural Land.—

"(1) Definition of agricultural land.—In this subsection, the term 'agricultural land' means cropland, pastureland, native pasture, rangeland, an orchard, a vineyard, an area that supports a wetland crop (including cranberries, taro, watercress, or rice), and any other land that is used to produce or support the production of an annual or perennial agricultural crop (including forage production or hay), an aquaculture product, a nursery product, or a wetland crop.

"(2) Determinations on agricultural land.—The Secretary of Agriculture shall make all determinations concerning the presence of a wetland on agricultural land under this section and determinations regarding the discharge or dredge of fill material from normal farming and ranching activities, as provided in subsection (f)(1)(A). Determinations concerning the presence of a wetland, and normal farming and ranching practices, on agricultural land shall be made pursuant to this section.".

SEC. 6. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended to read as follows:

"SEC. 1230. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

"(a) Establishment.—

"(1) In general.—During the 1996 through 2002 calendar years, the Secretary shall establish an environmental conservation acreage reserve program (referred to in this section as 'ECARP') to be implemented through contracts and the acquisition of easements to assist owners and operators of farms and ranches to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

"(2) Means.—The Secretary shall carry out the ECARP by—

"(A) providing for the long-term protection of environmentally sensitive land; and

"(B) providing technical and financial assistance to farmers and ranchers to—

"(i) improve the management and operation of the farms and ranches; and

"(ii) reconcile productivity and profitability with protection and enhancement of the environment.

"(3) Programs.—The ECARP shall consist of—

"(A) the conservation reserve program established under subchapter B;

"(B) the wetlands reserve program established under subchapter C; and

"(C) the environmental quality incentive program established under chapter 2.

"(b) Administration.—

"(1) In general.—In carrying out the ECARP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this chapter and chapter 2.

"(2) Prior enrollments.—Acreage enrolled in the conservation reserve or wetlands reserve program prior to the effective date of this paragraph shall be considered to be placed into the ECARP.

"(c) Conservation Priority Areas.—

"(1) Designation.—

"(A) In general.—The Secretary shall designate watersheds or regions of special environmental sensitivity, including the Chesapeake Bay Region (consisting of Pennsylvania, Maryland, and Virginia), the Great Lakes Region, and the Long Island Sound Region, as conservation priority areas that are eligible for enhanced assistance through the programs established under this chapter and chapter 2.

"(B) Application.—A designation shall be made under this paragraph if agricultural practices on land within the watershed or region pose a significant threat to soil, water, and related natural resources, as determined by the Secretary, and an application is made by—

"(i) a State agency in consultation with the State technical committee established under section 1261; or

"(ii) State agencies from several States that agree to form an interstate conservation priority area.

"(C) Assistance.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area to assist, to the maximum extent practicable, agricultural producers within the watershed or region to comply with nonpoint source pollution requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and other Federal and State environmental laws.

"(2) Applicability.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area in a manner that conforms, to the maximum extent practicable, to the functions and purposes of the conservation reserve, wetlands reserve, and environmental quality incentives programs, as applicable, if participation in the program or programs is likely to result in the resolution or amelioration of significant soil, water, and related natural resource problems related to agricultural production activities within the watershed or region.

"(3) Termination.—A conservation priority area designation shall terminate on the date that is 5 years after the date of the designation, except that the Secretary may—

"(A) redesignate the area as a conservation priority area; or

"(B) withdraw the designation of a watershed or region if the Secretary determines the area is no longer affected by significant soil, water, and related natural resource impacts related to agricultural production activities.".

SEC. 7. CONSERVATION RESERVE PROGRAM.

(a) Purpose and Goals.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended—

(1) by striking "(a) In General.—Through" and inserting the following:

"(a) In General.—

"(1) Purpose.—Through";

(2) by striking "1995" and inserting "2002"; and

(3) by adding at the end the following:

"(2) Goals.—The goals of the conservation reserve program shall be to—

"(A) idle land only on a voluntary basis;

"(B) conserve the environment, including soil, water, and air;

"(C) ensure respect for private property rights; and

"(D) enhance wildlife and wildlife habitat.".

(b) Eligible Lands.—Section 1231 of the Act (16 U.S.C. 3831) is amended by striking subsection (b) and inserting the following:

"(b) Eligible Lands.—The Secretary may include in the program established under this subchapter—

"(1) highly erodible cropland that—

"(A) if permitted to remain untreated could substantially impair soil, water, or related natural resources;

"(B) cannot be farmed in accordance with a conservation plan established under section 1212; and

"(C) meets or exceeds an erodibility index of 8;

"(2) marginal pasture land converted to wetland;

"(3) cropland or pasture land in or near riparian areas that could enhance water quality;

"(4) frequently cropped agricultural land; and

"(5) cropland or pasture land to be devoted to windbreaks, shelterbelts, or wildlife corridors.".

(c) Enrollment Priorities.—Section 1231 of the Act (16 U.S.C. 3831) is amended by striking subsection (d) and inserting the following:

"(d) ENROLLMENT.—

"(1) LIMITATIONS.—Enrollments in the conservation reserve (including acreage subject to contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note)) during the 1986 through 2002 calendar years may not exceed 36,400,000 acres.

"(2) SPENDING LIMITATION.—Total spending for enrollments under paragraph (1) may not exceed the spending limitations established under section 1241(e).

"(3) PRIORITIES.—The Secretary shall, to the maximum extent practicable, with each periodic enrollment (including acreage subject to contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990), enroll acreage in the conservation reserve that meets the priority criteria for water quality, wetland, soil erosion, and wildlife habitat as provided in subsection (e) and, to the maximum extent practicable, maximize multiple environmental benefits.".

(d) PRIORITY FUNCTIONS.—Section 1231 of the Act (7 U.S.C. 3831) is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h); respectively; and

(2) by inserting after subsection (d) the following:

"(e) PRIORITY FUNCTIONS.—

"(1) IN GENERAL.—During all periodic enrollments of acreage (including acreage subject to contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note)), the Secretary shall evaluate all offers to enter into contracts under this subchapter in light of the priority criteria specified in paragraphs (2), (3), (4), and (5), and accept only the offers that meet the criteria specified in paragraph (2), (3), or (4), maximize the benefits specified in paragraph (5), and maximize environmental benefits per dollar expended. If an offer meets the criteria specified in paragraph (5) and paragraph (2), (3), or (4), the offer shall receive higher priority, as determined by the Secretary.

"(2) WATER QUALITY.—

"(A) TARGETED LAND.—Not later than December 31, 2000, the Secretary shall enroll in the conservation reserve program at least 1,500,000 acres of cropland or pasture land that are contiguous or proximate to—

"(i) permanent bodies of water;

"(ii) tributaries or smaller streams; or

"(iii) intermittent streams that the Secretary determines significantly contribute to downstream water quality degradation.

"(B) PURPOSES.—The land may be enrolled by the Secretary in the conservation reserve to establish—

"(i) filterstrips;

"(ii) contour grass strips;

"(iii) grassed waterways; and

"(iv) other equivalent conservation measures that have a high potential to ameliorate pollution from crop and livestock production.

"(C) PARTIAL AND WHOLE FIELDS.—Enrollments under this paragraph may include partial and whole fields, except that the Secretary shall provide a higher priority to partial field enrollments.

"(3) WETLANDS.—

"(A) IN GENERAL.—The Secretary shall accept offers to enroll up to 1,500,000 acres of frequently cropped agricultural land, including such land enrolled (as of the effective date of this subparagraph) in the conservation reserve and subsequently subject to a contract extension under section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note), as determined by the Secretary.

"(B) FUNCTIONS AND VALUES.—In enrolling land under subparagraph (A), the Secretary shall give a priority to enrolling frequently cropped agricultural land that the Secretary determines maximizes preservation of wetland functions and values.

"(4) SOIL EROSION.—

"(A) IN GENERAL.—The Secretary shall accept offers to enroll a field containing highly erodible land if—

"(i) a predominance of land on the field is qualifying highly erodible land that has an erodibility index of at least 8;

"(ii) a predominance of at least 80 percent of the field consists of qualifying highly erodible land; and

"(iii) the part of the field that does not have an erodibility index of at least 8 cannot be cultivated in a cost-effective manner if separated from the qualifying highly erodible land, as determined by the Secretary.

"(B) PARTIAL FIELD ENROLLMENTS.—A portion of a field containing qualifying highly erodible land under this paragraph shall be eligible for enrollment if the partial field segment would provide a significant reduction in soil erosion.

"(5) WILDLIFE HABITAT BENEFITS.—

"(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, ensure that offers to enroll acreage under paragraph (2), (3), or (4) are accepted so as to maximize wildlife habitat benefits.

"(B) MAXIMIZING BENEFITS.—For purposes of this paragraph, the Secretary shall, to the maximum extent practicable, maximize wildlife habitat benefits by—

"(i) consulting with State technical committees established under section 1261 as to the relative habitat benefits of each offer, and accepting offers that maximize benefits; and

"(ii) providing higher priority to offers that would be contiguous to—

"(I) other enrolled acreage;

"(II) designated wildlife habitat; or

"(III) a wetland.

"(C) COVER CROP INFORMATION.—The Secretary shall provide information to owners or operators about cover crops that are best suited for area wildlife.".

(e) DURATION OF CONTRACT.—Section 1231(f) of the Act (as so redesignated) is amended—

(1) in paragraph (1)—

(A) by inserting before the period at the end the following: ", as determined by the owner or operator of the land"; and

(B) by adding at the end the following: "A contract extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note) may have a term of 5, 10, or 15 years, as determined by the owner or operator of the land."; and

(2) by adding at the end the following:

"(3) EARLY OUT.—The Secretary shall allow an owner or operator who (on the effective date of this paragraph) is covered by a contract entered into under this subchapter to terminate the contract not later than April 15, 1996. Land subject to an early termination of a contract under this paragraph may not include filterstrips, waterways, strips adjacent to riparian areas, windbreaks, shelterbelts, and other areas of high environmental value as determined by the Secretary.".

(f) CONFORMING AMENDMENTS.—Section 1231 of the Act (as amended by subsection (d)(1)) is further amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(g) INCIDENTAL GRAZING.—Section 1232(a)(7) of the Act (16 U.S.C. 3832(a)(7)) is amended—

(1) by striking "except that the Secretary may" and inserting "except that the Secretary—

"(A) may";

(2) by striking "emergency, and the Secretary may" and inserting the following: "emergency;

"(B) may";

(3) by adding "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(C) shall allow incidental grazing during the nongrowing season on filter strips and other partial field enrollments within the borders of an active field;".

(h) ANNUAL RENTAL PAYMENTS.—Section 1234 of the Act (16 U.S.C. 3834) is amended by striking subsection (c) and inserting the following:

"(c) ANNUAL RENTAL PAYMENTS.—

"(1) IN GENERAL.—In determining the amount of annual rental payments to be paid to owners and operators for converting eligible cropland normally devoted to the production of an agricultural commodity to a less intensive use, the Secretary may consider, among other factors, the amount necessary to encourage owners or operators of eligible cropland to participate in the program established by this subchapter.

"(2) AMOUNT.—

"(A) IN GENERAL.—The amounts payable to owners or operators as rental payments under contracts entered into under this subchapter shall be determined by the Secretary through—

"(i) the submission of offers for the contracts by owners and operators in such manner as the Secretary may prescribe; and

"(ii) determination of the rental value for the land through a productivity adjustment formula established by the Secretary.

"(B) MAXIMUM RENTAL RATES.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), rental rates may not exceed the productivity adjusted rental rate, as determined by the Secretary.

"(ii) PARTIAL FIELD ENROLLMENTS.—Rental rates for partial field enrollments for water quality, soil erosion, or wetland priority functions under section 1231(e) may not exceed 125 percent of the rental rate for the land, as determined by the Secretary based on a productivity adjustment formula.

"(iii) CONSERVATION PRIORITY AREAS.—Rental rates for partial field enrollments in conservation priority areas under section 1230(c) may not exceed 150 percent of the rental rate for the land, as determined by the Secretary based on a productivity adjustment formula.

"(C) MINIMUM RENTAL RATES.—Rental rates for land subject to a contract extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note) may not be less than 80 percent of the average rental rate for all contracts in force in the county at the time of the extension.

"(3) TREES.—In the case of acreage enrolled in the conservation reserve that is to be devoted to trees, the Secretary may consider offers for contracts under this subsection on a continuous basis.".

(i) OWNERSHIP AND OPERATION REQUIREMENTS.—Section 1235(a) of the Act (16 U.S.C. 3835(a)) is amended—

(1) in paragraph (1)(B), by striking "1985" and inserting "1996"; and

(2) in paragraph (2)(B)(i), by striking "1985" and inserting "1996".

(j) Conforming Amendment.—Section 1235A(b)(2) of the Act (16 U.S.C. 3835a(b)(2)) is amended by striking "or permanent".

SEC. 8. WETLANDS RESERVE PROGRAM.

(a) Purposes.—Section 1237(a) of the Food Security Act of 1985 (16 U.S.C. 3837(a)) is amended by striking "to assist owners of eligible lands in restoring and protecting wetlands" and inserting "to protect wetlands for purposes of enhancing water quality and providing wildlife benefits while recognizing landowner rights".

(b) Minimum Enrollment.—Section 1237(b) of the Act (16 U.S.C. 3837(b)) is amended by striking "program" and all that follows through "2000" and inserting "program a total of not more than 975,000 acres during the 1991 through 2002".

(c) Eligibility.—Section 1237(c) of the Act (16 U.S.C. 3837(c)) is amended—

(1) by striking "2000" and inserting "2002";

(2) by striking "Secretary of the Interior at the local level" and inserting "State technical committee";

(3) by inserting "the land maximizes wildlife benefits and wetland values and functions and" after "determines that";

(4) in paragraph (1)—

(A) by striking "December 23, 1985" and inserting "January 1, 1996"; and

(B) by striking "and" at the end;

(5) by redesignating paragraph (2) as paragraph (3);

(6) by inserting after paragraph (1) the following:

"(2) enrollment of the land meets water quality goals through—

"(A) creation of tailwater pits or settlement ponds; or

"(B) enrollment of land that was enrolled (on the day before the effective date of this subparagraph) in the water bank program established under the Water Bank Act (16 U.S.C. 1301 et seq.) at a rate not to exceed the rates in effect under the program;";

(7) in paragraph (3) (as so redesignated), by striking the period at the end and inserting "; and"; and

(8) by adding at the end the following:

"(4) enrollment of the land maintains or improves wildlife habitat.".

(d) Other Eligible Lands.—Section 1237(d) (16 U.S.C. 3837(d)) is amended by inserting after "subsection (c)" the following ", land that maximizes wildlife benefits and that is".

(e) Easements.—Section 1237A of the Act (16 U.S.C. 3837a) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) Restoration Plans.—The development of a restoration plan, including any compatible use, under this section shall be made through the local Natural Resources Conservation Service representative, in consultation with the State technical committee.";

(2) by striking subsection (e) and inserting the following:

"(e) Type and Length of Easement.—A conservation easement granted under this section—

"(1) shall be in a recordable form;

"(2) shall be for 20 or 30 years; and

"(3) shall not exceed the maximum duration allowed under applicable State law."; and

(3) in subsection (f), by striking the third sentence and inserting the following: "Compensation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary.".

(f) Duties of the Secretary.—Section 1237C(d) of the Act (16 U.S.C. 3837c(d)) is amended by striking ", in consultation" and all that follows through "Interior,".

SEC. 9. CONSERVATION FUNDING.

(a) In General.—Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended to read as follows:

"Subtitle E—Funding

"SEC. 1241. FUNDING.

"(a) Mandatory Expenses.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

"(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note));

"(2) subchapter C of chapter 1 of subtitle D; and

"(3) chapter 2 of subtitle D for practices related to livestock production.

"(b) Advance Appropriations to CCC.—The Secretary may use the funds of the Commodity Credit Corporation to carry out chapter 3 of subtitle D, except that the Secretary may not use the funds of the Corporation unless the Corporation has received funds to cover the expenditures from appropriations made available to carry out chapter 3 of subtitle D.

"(c) Environmental Quality Incentives Program.—For each of fiscal years 1996 through 2002, $100,000,000 of the funds of the Commodity Credit Corporation shall be available for providing technical assistance, cost-sharing payments, and incentive payments for practices relating to livestock production under the environmental quality incentives program.

"(d) Wetlands Reserve Program.—Spending to carry out the wetlands reserve program under subchapter C of chapter 1 of subtitle D shall be not greater than $614,000,000 for fiscal years 1996 through 2002.

"(e) Conservation Reserve Program.—Spending for the conservation reserve program (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note)) shall be not greater than—

"(1) $1,787,000,000 for fiscal year 1996;

"(2) $1,784,000,000 for fiscal year 1997;

"(3) $1,445,000,000 for fiscal year 1998;

"(4) $1,246,000,000 for fiscal year 1999;

"(5) $1,101,000,000 for fiscal year 2000;

"(6) $999,000,000 for fiscal year 2001; and

"(7) $974,000,000 for fiscal year 2002.

"SEC. 1242. ADMINISTRATION.

"(a) Plans.—The Secretary shall, to the extent practicable, avoid duplication in—

"(1) the conservation plans required for—

"(A) highly erodible land conservation under subtitle B;

"(B) the conservation reserve program established under subchapter B of chapter 1 of subtitle D; and

"(C) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D; and

"(2) the environmental quality incentives program plan established under chapter 2 of subtitle D.

"(b) Acreage Limitation.—

"(1) In general.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under the conservation reserve and wetlands reserve programs established under subchapters B and C, respectively, of chapter 1 of subtitle D. Not more than 10 percent of the cropland in a county may be subject to an easement acquired under the subchapters.

"(2) Exception.—The Secretary may exceed the limitations in paragraph (1) if the Secretary determines that—

"(A) the action would not adversely affect the local economy of a county; and

"(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

"(3) Shelterbelts and windbreaks.—The limitations established under this subsection shall not apply to cropland that is subject to an easement under chapter 1 or 3 of subtitle D that is used for the establishment of shelterbelts and windbreaks.

"(c) Tenant Protection.—Except for a person who is a tenant on land that is subject to a conservation reserve contract that has been extended by the Secretary, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the programs established under subtitles B through D.

"(d) Regulations.—Not later than 90 days after the effective date of this subsection, the Secretary shall issue regulations to implement the conservation reserve and wetlands reserve programs established under chapter 1 of subtitle D.".

(b) Conforming Amendments.—

(1) The first sentence of the matter under the heading "Commodity Credit Corporation" of Public Law 99–263 (100 Stat. 59; 16 U.S.C. 3841 note) is amended by striking ": *Provided further*," and all that follows through "Acts".

(2) Section 1232(a)(11) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(11)) is amended by striking "in a county that has not reached the limitation established by section 1243(f)".

SEC. 10. CONFORMING AMENDMENTS.

(a) Rural Environmental Conservation Program.—

(1) Elimination.—Title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.) is repealed.

(2) Conforming amendments.—Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

(b) Other Conservation Provisions.—Subtitle F of title XII of the Food Security Act of 1985 (16 U.S.C. 2005a and 2101 note) is repealed.

(c) Commodity Credit Corporation Charter Act.—Section 5(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(g)) is amended to read as follows:

"(g) Carry out conservation functions and programs.".

(d) Resource Conservation.—

(1) Elimination.—Subtitles A, B, D, E, F, G, and J of title XV of the Agriculture and Food Act of 1981 (95 Stat. 1328; 16 U.S.C. 3401 et seq.) are repealed.

(2) Conforming amendment.—Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1982 (7 U.S.C. 2272a), is repealed.

(e) Environmental Easement Program.—Section 1239(a) of the Food Security Act of 1985 (16 U.S.C. 3839(a)) is amended by striking "1991 through 1995" and inserting "1996 through 2002".

(f) RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.—Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking "1991 through 1995" and inserting "1996 through 2002".

SEC. 11. WILDLIFE BENEFITS.

In carrying out conservation programs, the Secretary of Agriculture is encouraged to promote wildlife benefits to the extent practicable and to the extent that the action does not conflict with the requirements or purposes of the programs.

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective on the later of—

(1) the date of enactment of this Act; or

(2) January 1, 1996.

(b) TRANSITION PROVISIONS.—Notwithstanding any other provision of law, this Act and the amendments made by this Act shall not affect the authority of the Secretary of Agriculture to carry out a program for any of the 1991 through 1995 calendar years under a provision of law in effect immediately before the effective date required under subsection (a).

Mr. DOLE. Mr. President, when Republicans took control of Congress in January, we promised the American people that we would rein in the Federal Government, and shift power back where it belongs—to the States and to the people. The Senate has worked hard to fulfill that promise. We are tackling regulatory reform, tax reform, and private property rights—and we are just getting started.

Today, I am joined by Senator LUGAR, Senator CRAIG, and Senator GRASSLEY, to introduce the Resource Enhancement Act of 1995. This bill outlines practical and necessary reforms to the environmental provisions of the 1995 farm bill.

Mr. President, the 1985 farm bill included three environmental provisions which revolutionized farm policy. Swampbuster, sodbuster, and the Conservation Reserve Program provided the first link between the preservation of soil and wetlands, and farm program participation.

No doubt about it, these programs have been successful. But over the past decade, we have learned many valuable lessons. Now it is clear that substantive reform is needed. These provisions were not intended to put high-quality land in the CRP. They were not intended to allow the U.S. Fish and Wildlife Service or the Army Corps of Engineers to usurp the authority of the USDA.

In 1985, no one anticipated that a blanket "highly erodible land" designation—based on 1930's wind data—would reduce property values in 13 western Kansas counties. In 1985, no one expected that existing drainage ditches or tiles in farmed fields would be labeled "abandoned" and thus be prevented from repair.

In my view, this legislation achieves balanced reform by building on the intent of the original legislation. The primary focus of the 1985 farm bill was preventing soil erosion. We have made good progress toward that goal, but much remains to be done. Now we must expand our focus to include water quality and wildlife habitat improvements. Soil conservation and the Conservation Reserve Program are crucial to achieving those goals.

In the past, farm program participation was tied to conservation compliance. However, the trend in farm spending is clear. Since 1985, Commodity Credit Corporation spending on wheat has declined over 40 percent. Spending on milo has declined a staggering 69 percent. At this pace, any linkage will soon vanish. If we aim to fulfill the intent of conservation and wetlands laws—and we should—we must adjust to today's conditions.

Earlier this year, I spoke to the American Farm Bureau Federation's annual meeting. Farmers there told me that they are willing to accept less Government support—if the Government will stop interfering in their businesses.

Our bill is a prescription for judicious reform. In my view, it is a remedy desperately needed to save farmers from a terminal case of overregulation.

This legislation will accomplish three basic goals:

First, reduce unnecessary regulatory burdens, while maintaining basic environmental objectives;

Second, restore respect for basic private property rights;

Third, promote voluntary compliance of conservation and environmental objectives.

Further, this bill adds flexibility and uniformity to conservation and wetlands compliance.

Flexibility will be the guiding principle of conservation compliance. The current system of measuring erosion and regulating compliance will be clarified and codified.

The Conservation Reserve Program will be reauthorized and modified. In addition to protecting highly erodible land, the program will incorporate water quality goals, wetlands protection, and wildlife preservation.

Many farmers tell me that the current swampbuster regulations allow the Government to infringe on their property rights. However, the conservation community tells me that swampbuster is one of the most important wetlands protection laws ever enacted. In our bill, we address the need for deregulation by exempting frequently cropped and nuisance wetlands. At the same time, we aim to further wetlands protection by directing USDA to enroll wetlands in the CRP.

Mr. President, this bill is the result of months of hard work and cooperation among conservation, wildlife, and farm groups. I believe its impact will be good for the environment, good for wildlife preservation, and good for farmers. It is my hope that this legislation represents a new covenant between the environmental and farm communities. I urge my colleagues to join me in this effort to give the American people better, not bigger government.

Mr. CRAIG. Mr. President, I am very proud to introduce a bill today that I hope will serve as the framework for crafting the conservation title of the 1995 farm bill. The Resources Enhancement Act is a balanced approach to blending the successes of past policy with the changing scope of future needs.

The role of conservation programs in American agriculture are sometimes overlooked and underestimated. Farmers and ranchers are the original environmentalists and because of their dependence on the land they continue to implement voluntary practices that are in the best interests of those resources.

The Resources Enhancement Act will maximize the voluntary efforts of farmers and ranchers by extending the role of State and Federal agencies, as well as some private entities, as partners in that effort. This includes an extension of the immensely popular resource conservation and development districts through 2002.

However, it is of the utmost importance that Government agencies are not placed in the role of policing the actions of these farmers. This bill emphasizes technical advice and cost share of projects for our Nation's farmers, rather than enforcement and penalties.

The Conservation Reserve Program as currently implemented enjoys widespread support among Idaho farmers. CRP will be extended for at least another 10 years under the Resources Enhancement Act. The positive gains in soil conservation will be continued along with an increased focus on water quality and wildlife habitat.

Idaho farmers will now be able to enroll hill tops and filter strips, rather than entire fields of productive land. A premium of up to 125 percent of productivity adjusted rental rates will be paid for those partial field enrollments.

For those still submitting entire field bids, the enrollment criteria of an erodibility index of 8 is similar to the current program. To provide some stability to farmers and local economies, a floor will be established for reenrollments. That floor will be 80 percent of the average rental rate for other contracts in the same county.

Common sense must also prevail in other farm programs, especially those relating to compliance with conservation requirements on highly erodible lands. This bill will increase the flexibility of producers in meeting the requirements of their approved conservation plans.

For the first time, alternate conservation systems will be written into law and the use of on-farm research will be encouraged. Farmers from across the Nation will also benefit from expedited USDA decisions on requests for variances to their conservation compliance plans.

The issue of good faith and unintended violations is also addressed. From this bill forward, good-faith infractions by the farmer will be treated in good faith by the Department. Those good-faith violations will not be subject to a penalty. For any other violation, the size of the penalty will equate to the size of the violation. Currently, a small area of noncompliance on a farm can place an entire operation at risk. The commonsense provisions of the Resources Enhancement Act will rectify that situation.

Common sense also prevails in the sections of the bill that address reform of the swampbuster program. Improvements similar to the highly erodible section are made in swampbuster with regard to good faith violations and all penalties.

This bill will also place authority for ag wetlands in its natural place—the Department of Agriculture. The restoration and enhancement of existing wetlands and creation of new wetlands will be enhanced with an increased emphasis on mitigation banking.

The Resource Enhancement Act also ensures that the wetlands reserve program will be continued through 2002. This program allows for 20- or 30-year easements for wetlands or water quality to be placed on agricultural lands.

The broad scope of resource conservation needs are addressed in this bill while recognizing the ongoing voluntary efforts of farmers and ranchers and maintaining a respect for private property rights. These resource needs are best addressed by continued voluntary efforts in this time of declining Federal resources. It makes sense that the regulatory burdens on farmers and ranchers are decreasing, since the level of past farm program payments is also declining.

I commend Senators DOLE, GRASSLEY, and LUGAR for their efforts in crafting this bill and urge our other colleagues to join us in supporting the Resources Enhancement Act of 1995.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1374. A bill to require adoption of a management plan for the Hell's Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

HELL'S CANYON NATIONAL RECREATION AREA BOATING AMENDMENTS LEGISLATION

Mr. CRAIG. Mr. President, public Law 94–199, designating the Hell's Canyon National Recreation Area, was signed into law December 31, 1975.

Section 10 of the act instructs the Secretary to promulgate such rules and regulations as he deems necessary to accomplish the purposes of the act, including a "provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area—".

This language seems clear. However, the original intent of the act, the compromises and promises that allowed its passage, seem to have been forgotten or clouded with time. Assurances 20 years ago that long-established and traditional uses, such as motorized boating, are a valid use of the river and would be continued with the support of people who would otherwise have opposed the legislation. Yet, as the original participants disappear from the scene and new players arrive, these arrangements are being callously disregarded.

Throughout the process leading to designation and the ensuing management planning efforts, the USDA—Forest Service has exhibited a bias against motorized river craft. During hearings on the act, Assistant Secretary of Agriculture Long testified on a proposed amendment that would have authorized the Forest Service to prohibit jet boats. He noted that there were "times when boating perhaps should be prohibited entirely". Senator Church responded to that testimony unfavorably, explaining:

> . . . jet boats have been found to be the preferred method of travel by a great many people who have gone into the canyon. This is a matter of such importance that Congress itself should decide what the guidelines would be with respect to regulation of traffic on the river and that the discretion ought not to be left entirely to the administrative agencies.

In a clear indication of Congress' intentions, the jet boat ban was not adopted.

Later, in its first version of a comprehensive management plan in 1981, the Forest Service attempted to bypass congressional intent by eliminating power boating from the heart of Hell's Canyon for the entire primary recreation season, granting exclusive use of the river from Wild Sheep Rapid to Rush Creek Rapid to those using nonmotorized river craft. Responding to public outrage, the Chief reconsidered his decision, and issued a new plan allowing access to the entire river for a very limited number of powered craft. On appeal, Assistant Secretary Crowell overturned this decision, allowing unlimited day use by powerboats and citing failure on the part of the Forest Service to demonstrate a need for such severe restrictions.

More recently, Wallowa-Whitman National Forest Supervisor Robert Richmond initiated a review and revision of the river management portion of the comprehensive management plan. Despite the lack of any demonstrable resource problems, and in the face of overwhelming public support for motorized river craft, the agency again decided to close part of the river to powerboats. The new river management plan adopted in November 1994 would have closed the heart of the canyon to motorized river craft for 3 days a week in July and August, the peak of the recreation season. In response to the many appeals received, a stay was granted by the regional Forester, avoiding a disastrous implementation of the new plan in 1995.

However, the regional forester's eventual decision on the substance of the appeals made clear that he supports the concept of a partial closure of the river to motorized river craft. The agency's intent to pursue a closure is quite evident. Even a partial closure is objectionable, as it is contrary to the intent of the law and the history of the river.

The Snake River is different from most rivers in the Wild and Scenic System. It is a high-volume river with a long and colorful history of use by motorized river craft. The first paying passengers to travel up through its rapids on a motor boat made their journey on the 110-foot *Colonel Wright* in 1865, and a memorable journey that was. Later, the 136-foot *Shoshone* made its plunge through the canyon from Boise to Lewiston in 1870 and was followed by the 165-foot *Norma* in 1895. Gasoline-powered craft began hauling people, produce, and supplies in and out of the canyon in 1910, and the first contract for regular mail delivery was signed in 1919, continuing today. The Corps of Engineers began blasting rocks and improving channels in 1903. They worked continuously until 1975 to make the river safer for navigation.

Today the vast majority of people—over 80 percent—who recreate in the Hell's Canyon segment of the Snake River access it by motorized river craft. Some are private boaters, and others travel with commercial operators on scenic tours. This access is accomplished with a minimum of impact to the river, the land, or their resources. Most river users, motorized and nonmotorized, are willing to share the river. However, a small group of nonmotorized users objects to seeing powered craft. Those unwilling to share have a rich choice of alternatives in this geographic area, such as the Selway and Middle Fork of the Salmon rivers. Motorized users, however, don't have that luxury. The only other white water rivers open to them in the Wild and Scenic System are portions of the Rogue and Salmon rivers. Without a single doubt, the Hell's Canyon portion of the Snake River is our Nation's premier white water power boating river.

Mr. President, as you can see, the use of motorized river craft is deeply interwoven in the history, traditions, and culture of Hell's Canyon. That is why Congress deliberately created a nonwilderness corridor for the entire length of the river. That is why Congress tried to make it clear that use of both motorized and nonmotorized river craft are valid uses of the river within the recreation area—the entire river for the entire year. It was not the intent of Congress to allow the managing agency to decide that one valid use would prevail to the exclusive use over the other.

Quite clearly, the issue of power boating's validity will not be settled unless decided by the courts or unless Public Law 94–199 is clarified by Congress. The courts are already burdened by too many cases of this type, resulting in a waste of time, energy, and financial resources for both the United States and its citizens. The only practical and permanent resolution of this issue is to clarify congressional intent in a manner that will not allow any future misunderstanding. This is what I propose to do with this legislation.

By Mr. BURNS (for himself, Mr. CRAIG, Mr. GORTON, Mr. GRASSLEY, Mr. MCCONNELL, Mr. DASCHLE, Mr. HARKIN, Mr. KERREY, and Mr. KEMPTHORNE):

S. 1375. A bill to preserve and strengthen the Foreign Market Development Cooperator Program of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM ACT OF 1995

Mr. BURNS. Mr. President, I rise today together with Senators CRAIG, GORTON, GRASSLEY, MCCONNELL, DASCHLE, HARKIN, and KERREY of Nebraska to introduce legislation that will preserve and strengthen the Foreign Market Development Cooperator Program of the Department of Agriculture.

In an effort to balance the budget by the year 2002, Congress has had to make some very difficult decisions. Whatever the final outcome of this process in budget reconciliation the fact remains that the American farmer will be asked to move into a market-oriented farm policy. Therefore it has become crystal clear that we must open up our thinking and provide our farmers access to international markets.

Changes that have resulted from the Uruguay round of GATT and the growing privatization of importing regimes in overseas markets demand that export programs be instituted that meet current needs and future challenges. Such programs should reflect not only the successes we have had in the past, but they must also be dynamic and flexible enough to build on these gains.

One program that has stood the test of time is the Foreign Market Development Program, also known as the Cooperator Program. Amendments to the Agricultural Trade Development and Assistance Act of 1954 and the Agriculture and Food Act of 1981 authorized market development activities and the use of Federal funds to develop, maintain, and expand foreign markets for U.S. agriculture commodities. It was determined by the USDA's Foreign Agricultural Service that this could best be accomplished by private, nonprofit agricultural organizations. These organizations have been required to share in the financial expense of the market development activities.

In 1988, Congress stated,

> It is the sense of Congress that the foreign market development Cooperator Program of the Service, and the activities of the individual foreign market development cooperator organizations, have been among the most successful and cost-effective means to expand United States agricultural exports. Congress affirms its support for the program and the activities of the cooperator organizations. The Administrator and the private sector should work together to ensure that the program, and the activities of cooperator organizations, are expanded in the future.

While Congress has provided full funding through the regular appropriations process every year since the Cooperator Program's development in 1954, we have provided little statutory direction to the USDA and the Foreign Agricultural Service. Congress has simply established broad goals for market development programs. As a result, the Foreign Agricultural Service has been given wide discretion in establishing programs and funding.

Mr. President, this arrangement has been highly successful for a number of years. Unfortunately, in recent years the Cooperator Program has fallen victim to the intense competition within FAS for fewer discretionary funds. This has led to FAS requesting cuts in the program as a means of funding other FAS activities. Due to the success of this program, Congress has decided that these funds should continue and has stated such to the Foreign Agricultural Service. This year that administration proposed a budget that would have reduced the funding for the Cooperator Program by 20 percent.

A reduction of this magnitude would have meant a U.S. retreat from international markets at a time when the Foreign Agricultural Service has testified that the resources and staff of nonprofit commodity were less than adequate. This is to say that our nonprofit agricultural organizations were not able to meet the challenges and changes in the international market place. On the more meaningful level, this would have meant fewer opportunities for the producers in the world market.

As a member of the Agricultural Appropriations Subcommittee I can tell you that we took this seriously and restored full finding for the program this year. But we grow weary of the continued assault on such a successful program. It is a practice that must stop. This bill will stop this, by establishing a separate identity for the Foreign Market Development Cooperator Program from that of FAS.

The Foreign Market Development Cooperator Program is not only one of the oldest export programs, but it is also one of the most essential and effective. In fiscal year 1994, cooperators expended $29.8 million of FAS funds on the market development program. Cooperators reported additional contributions of $30 million. These cooperators conducted more than 1,000 individual market development activities in over 100 countries. The private sector funding assists in reducing the deficit while maintaining our presence in overseas markets. The involvement of the private sector also creates incentives for effective programs as it is their own producer dollars at stake. This has created an incentive-based program that FAS has stated that the combined cooperator and foreign third party contributions have exceeded the FAS contribution every year.

The cooperator program has been long regarded as a model of public-private sector cooperation. FAS has recently stated that the market development cooperator program has played an important role in increasing U.S. agricultural exports to the approximately $43.5 billion in fiscal year 1994.

According to a senior FAS official, the cooperator program is the mainstay of market development activities. Cooperators are by definition nonprofit, agricultural trade associations which represent farmers and farm-related interests. Cooperators participating include representatives from the feed grains, wheat, soybean, rice, cotton, poultry, meat, and forest products as well as many others.

High-volume commodities, like grains, rarely lend themselves to traditional consumer promotion programs, but rely instead on working directly with end-users and processors on a regular basis. Cooperator projects are suited to trade servicing activities such as the collection and dissemination of market facts; training programs; and demonstrations or technical seminars on product uses to producers, processors, manufacturers, and consumers. This focus requires a continual presence in the overseas market which is essential for the United States to remain competitive. Regular contact with the customer is necessary to follow shifts in the rapidly changing world market.

In my State of Montana, where we export up to 70 percent of the grain that we grow, programs of this nature are extremely important. In recent times when we have signed agreements with the world to place our family farmers in the world market it has become increasingly important that we provide them with tools to compete in these markets. I have stated many times that the American farmer is more than willing to compete with any and all farmers around the world. But we have placed them at a disadvantage by making them compete with the governments of other countries. This is a program that will provide them with a tool to use in the world market.

Throughout my time here in Washington I have fought for programs that will add dollars to the pockets of the small family farmers in Montana and the United States. This program in its design does this, whether it be a corn or soybean farmer in Iowa or a wheat and barley farmer in my state of Montana. Development of this type would also benefit the livestock producer in any area of our Nation. It might be a cotton producer in Mississippi or Texas, or maybe a rice farmer in Arkansas, or maybe even a small timber operator in Washington and Idaho. Whatever or wherever it is that they come from, by using their matching funds these cooperators have an investment and will see that they get a return on their funds. They will in turn see additional dollars for their products and will compete fully in the world market.

The future of this program is bright, and this legislation will make it only more of a reality. The unique resources that the nonprofit agriculture organizations bring to this cooperative program enhance the future of the exports we now have in agriculture. Recent developments in communications technologies hold promise for greatly enhancing the ability of cooperator organizations to communicate with their counterparts around the country and, for that matter, the rest of the world.

Mr. President, in light of the current trend of placing our family farmers on the world market, and with the pressure to open the safety net which protects our food supply, I find it imperative that Congress act to give our rural families this tool to work within the world market. This one tool will send a message to the country and the world that we are working to keep our family farms strong and vital operations within our economic structure. This message will allow the Department of Agriculture to focus on the opportunities that these cooperative efforts between the public and private sector can and will produce.

Mr. President, I would like to take this opportunity to invite my colleagues to join me in this effort to provide an opportunity to the rural families in this country to meet the rest of the world on the field of grain and agriculture with the tools that will help them be successful.

Mr. CRAIG. Mr. President, the Cooperator Program Act exemplifies the export-based marketing that must occur if American agriculture is to lead the world into the 21st century. I am very proud to cosponsor this bill that will extend an extremely successful program. It is also my desire to lead the efforts on the Senate Agriculture Committee to include this bill as an important provision of the trade title of the 1995 farm bill.

The Cooperator Program is part of the Foreign Market Development Program as currently administered by the Foreign Agriculture Service of USDA. The cooperators in Foreign Market Development Program are regarded by many as a cost-effective and successful partnership that has expanded agriculture exports.

Idaho wheat producers especially rely on foreign market developments and the exports for their economic wellbeing. In fact, Idaho's wheat producers collectively export between 75 and 80 percent of their production every year. In 1994, the production, marketing and exportation of Idaho's wheat provided over 30,000 jobs and $1.09 billion in economic revenue in Idaho and the rest of the Pacific Northwest.

The Cooperator Program Act of 1995 will strengthen the foreign market development efforts of the past by creating a separate line-item authorization for future annual appropriations process.

I commend Senator BURNS for his efforts to introduce this legislation and urge my colleagues to support the bill.

Mr. GORTON. Mr. President, today I am pleased to join my colleagues Senators BURNS, CRAIG, GRASSLEY, MCCONNELL, DASCHLE, HARKIN, and KERREY, as an original cosponsor of the Cooperator Program Act of 1995.

The Foreign Market Development [FMD] Cooperator Program has been administered by USDA's Foreign Agriculture Service since 1954 without specific legislative authorization. Today we are introducing legislation that will provide the necessary authorization to maintain, preserve, and strengthen the FMD Cooperator Program. The FMD Cooperator Program has proven to be an effective, efficient, cost-shared program, providing trade service and technical assistance for U.S. agriculture commodities in overseas markets. This legislation will ensure that the FMD Cooperator Program is better able to compete for a limited number of discretionary dollars during the annual appropriations process.

Many important developments have taken place since the completion of the Uruguay Round of the General Agreement of Tariffs and Trade [GATT]. I believe that GATT will continue to open new world markets for the United States so programs like FMD are even more important to give U.S. agriculture the tools necessary to develop, maintain, and expand commercial export markets for U.S. agriculture commodities in this new post-GATT environment.

As a member of the Agriculture Appropriations Subcommittee, I have made funding for export programs my top priority. I am convinced that the Foreign Market Development Program, Market Promotion Program and the like are absolutely necessary if U.S. Agriculture is to remain competitive in the international marketplace. It is also in the best interest of the agriculture community specifically to authorize the FMD Cooperator Program. This kind of oversight will ensure that the agriculture community will continue to receive the full benefits of this program.

Since 1955, U.S. agriculture exports have increased from $3 billion to $43.5 billion in fiscal year 1994, and are projected to reach a record high of $51.1 billion during fiscal year 1995. USDA has stated that for each dollar of taxpayer money spent on the FMD, 7 dollars' worth of exports are generated, and this figure continues to grow. It is now every day that we appropriate Federal dollars and get a return on our investment as large and as significant as we do with the FMD.

In lieu of the reduction or phaseout of USDA's commodity price support programs, it seems only right to provide the agriculture community with the tools necessary to compete in the international marketplace. As I travel around my State of Washington I listen closely to the comments, suggestions, and concerns from my State's agriculture community.

The message has been clear: Strengthen, maintain, and preserve the tools necessary for us to export our products. In response to these comments, I believe that this legislation is the key to maintaining export programs important to so many in Washington State and across the Nation.

I would also like to acknowledge the overwhelming support we have received from the following State's wheat commissions. Washington, Idaho, Oregon, Nebraska, Kentucky, New Mexico, North Carolina, North Dakota, South Dakota, Ohio, Arizona, Arkansas, California, Colorado, Kansas, Maryland, Minnesota, Nebraska, Oklahoma, Texas, Virginia, and Wyoming. Among other associations we have received support from include: Washington Education Trade Economic Committee, National Association of Wheat Growers, U.S. Wheat Associates, USA Dry Pea and Lentil Council, National Barley Growers Association, National Council of Farmer Cooperatives, Western U.S. Agriculture Trade Association, National Corn Growers Association, National Dry Bean Council, American Seed Trade Association, USA Poultry and Egg Export Council, American Soybean Association, National Cotton Council, National Peanut Council of America, and National Sunflower

Association. Clearly, Mr. President, this legislation has a tremendous amount of support from U.S. agriculture nationwide.

Mr. President, in closing I invite my colleagues to join me as cosponsors of this legislation and ask unanimous consent that a letter of support from the Washington State Wheat Commission be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON WHEAT COMMISSION,
Spokane, WA, October 12, 1995.

Hon. SLADE GORTON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GORTON: Exports are the life blood of the Washington wheat industry. Approximately 85 percent of all Washington's wheat production finds it way into the export market. Wheat is the number one agricultural export commodity from our state, which results in a major contribution to our state's economy and a major supplier of employment. Due to the importance of wheat exports, I would like to ask your support for a continuation and strengthening of the Foreign Market Development Program (FMD) of the USDA.

Currently the FMD program is administered by the Foreign Agricultural Service (FAS), USDA, and as Congress has already stated, "the FMD program, and the activities of individual foreign market development Cooperator organizations, have been among the most successful and cost-effective means to expand United States' agricultural exports."

Unfortunately, in recent years the cooperator program has fallen victim to the intense competition within FAS for fewer and fewer discretionary dollars. The FAS, with direct responsibility over the operation and funding of the program, has requested cuts in the program arguing that the "savings" be used to fund certain FAS activities. For this reason, we are asking that you support a separate line item in the budget for the FMD program.

There is no question that the FMD program is one of the most successful joint government-private funded activities in existence. It is time to give FMD some sunlight and expose it to the annual budgetary process. We welcome the opportunity to tell its success stories during the budgetary debates, and, at the same time, protect it from the predatory measures FAS has employed. FAS is currently arguing against a special line item for FMD stating that it will inhibit flexibility in the program. The only flexibility that will be hurt by this measure is that FAS will no longer have access to the funds.

For the first few years on the new program, we ask that you support a minimum allocation of $40 million to the FMD program.

Thank you, in advance, for taking this issue under consideration. If you have any questions or need clarification on any issue concerning the request, please do not hesitate to contact me.

Sincerely,

JAMES R. WALESBY,
Chairman.

By Mr. McCAIN (for himself, Mr. THOMPSON, Mr. KERRY, Mr. FEINGOLD, Mr. KENNEDY, and Mr. COATS):

S. 1376. A bill to terminate unnecessary and inequitable Federal corporate subsidies; to the Committee on Governmental Affairs.

THE CORPORATE SUBSIDY REVIEW REFORM AND TERMINATION COMMISSION ACT OF 1995

Mr. McCAIN. MR. PRESIDENT, THE FEDERAL GOVERNMENT OPERATES NUMEROUS PROGRAMS WHICH PROVIDE DIRECT PAYMENTS, SERVICES AND OTHER BENEFITS TO VARIOUS SECTORS OF PRIVATE INDUSTRY. SOME OF THESE MAY SERVE A VALUABLE PURPOSE. OTHERS, HOWEVER, HAVE LONG OUTLIVED THEIR USEFULNESS AND HAVE NO PLACE IN A BUDGET WHEREIN WE ARE ASKING AMERICANS ACROSS THE BOARD TO SACRIFICE ON BEHALF OF DEFICIT REDUCTION. CONGRESS CAN NO LONGER DELAY TAKING ACTION TO CORRECT THIS INEQUITY.

Recently, the CATO Institute and the Progressive Policy Institute reported that the Federal Government spends as much as $85 billion per year on programs like these. The Progressive Policy Institute has identified an additional $30 billion per year in inequitable tax loopholes. Many here in Congress have identified still other sources of waste. Together, these programs and policies have rightfully earned the moniker "corporate pork."

Yet even when these programs have been consistently determined to provide little or no benefit to the taxpayer, Congress has found it exceedingly difficult to reduce or eliminate them.

Pressure to maintain the status quo can come in many forms: institutional pressure to maintain that which is considered consistent with the interests of one party or another; political pressure to maintain programs or policies that are favorable to particular constituencies; and special interest pressure that may come to bear in a variety of shapes and forms when a member or small group of members seeks to modify these programs.

In order to override these elusive yet firmly entrenched political obstacles, this amendment establishes a one-time, nonpartisan commission—styled along the lines of the successful Base Realignment and Closure Commission [BRAC]—charged with reforming corporate subsidies.

When all is said and done, the BRAC's work will yield billions of dollars in savings by identifying the waste in just one department. The American public will get to enjoy the fruit of BRAC's labors largely due to the fact that the Commission was able to operate in an environment completely devoid of the pressures I have just described.

By applying similar methods to examine the programs and policies of the entire Federal Government, Congress may be able to build on this record of success, saving even more for the taxpayers of this nation.

The structure and operations of this commission may seem quite familiar to those who followed the BRAC proceedings. Commissioners will be nominated, appointed, and confirmed in the same manner. They will begin their work in January 1997 and report to the President by July. The Commission will work closely with each Federal agency to identify programs and tax provisions which are no longer necessary to serve the purpose for which they were intended. They will also identify programs which unduly benefit a narrow corporate interest rather than providing clear and convincing public benefits. And, most importantly, they will operate as a nonpartisan, apolitical body—using only the guidelines we will establish with this amendment—to guide their actions.

By the summer of 1997, the Commission will provide the President and Congress recommendations for termination or specific modification of programs that satisfy these conditions.

I would like to emphasize that this bill's goals do not include increasing revenues or creating new taxes; the Commission will simply formulate recommendations to reform those programs or policies that result in inequitable financial advantages for special interest groups. Every dollar spent on an unnecessary program or lost through in inequitable tax loophole is one more that is not available for much needed broad-based tax relief.

Congress' role in this process will, however, differ somewhat from that which it plays under BRAC. In this case, enacting the Commission's recommendations may result in changes to Federal statute. Therefore, the Congress will be required to take positive action; a vote to accept or reject proposed changes in law—unlike BRAC which was accepted as law by default through Congress' inaction. Finally, in order to ensure that this stage of the process does not present opportunities for parochial interests to influence the process, disciplined and expedited procedures, similar to those used for congressional consideration of the budget, will be utilized.

It is evident that Congress has as much difficulty closing loopholes as it does closing unnecessary military bases. I, like many of my colleagues, have come to this floor on numerous occasions to offer arguments against the type of waste generated by the programs this amendment seeks to eliminate or reform. Like many of my colleagues, I have also been unsuccessful in the vast majority of these efforts. Regrettably, time, experience, and the lessons of history leave me highly skeptical that a spontaneous awakening is likely to occur here in Congress.

Therefore, despite my own reservations about passing along congressional responsibilities to outside commissions, I feel it is clearly time to institute alternative solutions. The taxpayers of this Nation do not deserve to wait any longer for us to get this right. For this reason, I think the most—or perhaps the least—we can expect from this body is that we collectively recognize this problem, and employ a logical and fair technique to help us solve it. The Commission proposed by this legislation provides an expedient opportunity to institute positive, meaningful change.

I am pleased and encouraged by the bipartisan cosponsorship of this bill, and am hopeful that the divergence of philosophies represented by this group is an indication of wide support within Congress for this measure.

I urge all of my colleagues to examine this legislation, consider the circumstances that have caused it to come about, and join myself and the cosponsors of this bill in giving life to a solution. I can see no rational reason to oppose this bill, and more reasons than we have time to present to support it.

Stand up for the American taxpayer, stand up for change, and stand in defiance of business as usual.

Mr. THOMPSON. Mr. President, the Corporate Subsidy Termination Commission Act which my colleagues and I are introducing today will take us one step further on the road to fairness in Government.

This Congress has done a thorough and, I believe, admirable job of examining thousands of items of Government spending. We have identified areas of spending which should be reformed because they don't work as they should. And we have identified those which should be terminated because their existence cannot be justified. Some areas, such as the Federal welfare program, have been completely transformed. In each case we have asked several questions: Does this spending promote a useful public purpose? if so, can Government afford it? Should the effort and the money for it be transferred to the State or local level, where it is closer to those it is supposed to benefit?

As part of this process we have examined some programs whose primary beneficiaries are profitmaking enterprises—businesses of all sizes. In several such cases we have made progress on incremental reforms. For instance, the Senate passed an amendment to restrict the Marketing Promotion Program through which $110 million is spent annually to underwrite advertising by some of our largest corporations in foreign countries. In addition, the program under which the Government leases mineral rights on public lands to private companies is being reformed to allow the Government to charge fees more in line with real values.

But these efforts and others that are ongoing are necessarily piecemeal. We can cut or restrict a corporate subsidy here, and leave another one untouched.

Last week, as part of an effort to highlight the issue of Federal subsidies to profitmaking enterprises, a bipartisan group of colleagues and I proposed ending 12 specific items of corporate pork. These items were chosen from Federal spending programs which are characterized by some element of corporate subsidization. They affected areas including public resource management, energy development, export promotion, local construction, utility loans, sale of public airwaves, tourism promotion, defense construction, and aircraft design. They were only a sampling of all such programs—the Cato Institute recently identified 129 items characterized as corporate pork. Senator McCain offered this package as an amendment to the reconciliation bill, where it received the support of only a fourth of this Body.

Clearly this problem needs to be attacked in a different way.

The bill we are introducing today also has bipartisan support. It establishes a Corporate Subsidy Termination Commission which is charged with identifying programs or tax policies which provide unnecessary benefits or inequitable tax advantages to profitmaking enterprises. The Commission is fashioned after the BRAC Commission, with expedited legislation procedures similar to those provided for the Congressional Budget Resolution. I ask unanimous consent that an overview of this Corporate Subsidy Termination Commission be printed in the Record.

Why establish a Commission and a new process to do what we could conceivably do directly?

First, and most important, this Commission will do what we cannot do well: make an overall assessment of all programs, on both the spending and revenue sides, at one time. Over the years we have created an intricate, interwoven system of subsidies, taxes and exemptions. As a rural Tennessee utility which would be affected by the spending cuts we proposed last week pointed out to me, they are competing against other energy providers who receive subsidies in the form of tax breaks.

Second, our experience last week demonstrated that voting hit or miss on individual items is not going to be successful. One person's pork is another's prize. And no one wants to give up their prize program if there isn't shared sacrifice. With the commission approach, we will know that all programs have been examined and those which provide unjustified subsidies have been exposed.

Third, the members of the Commission will be appointed specifically for this purpose by the President and the Congress. They will possess the expertise, authority and stature necessary to do the job.

Fourth, the commission's recommendations will not be buried in the corner of a Federal agency or a congressional committee. While the President and Congress will be able to amend or reject the Commission's recommendations, they must address them.

Mr. President, we should require no less of profitmaking enterprises than we ask of all Americans. It is a matter of fairness and shared sacrifice. At a time when the national debate is focused on getting control of the budget, now and in the future, we cannot afford to provide corporate subsidies which undermine our efforts and which send the wrong message to American taxpayers.

There being no objection, the material was ordered to be printed in the Record, as follows:

Corporate Subsidy Review, Reform and Termination Commission

"The Termination Commission will do for Corporate Pork what BRAC did for military infrastructure; identify and terminate excess and waste!"

The eight-members of the Commission would: be nominated by the President by January 31; have six members nominated by Congress; require Senate Confirmation for their appointments; and identify programs or tax policies that provide unnecessary benefits to for-profit enterprise, or serve the pecuniary interests of an enterprise but do not provide a public benefit, or; provide inequitable tax advantages to for-profit enterprise.

Federal Agencies would: Submit a list of programs which meet "corporate pork" definitional criteria no later than their budget request in January 1997; and submit recommendations to the commission for termination or reform of such programs.

Commission would: Review the agencies' recommendations, perform their own analysis; receive Comptroller General's analysis April 15, 1997; and submit a comprehensive reform proposal to the President by July 1, 1997.

President would: Have 15 days to review the Commission's recommendations; have the ability to suggest changes to the Commission's package; and forward the package directly if there are no changes.

Commission would: Have until August 15 to act upon the President's proposed changes; and have until August 15 to reject the President's changes.

President: Must forward Commission's revised proposal to Congress by September 1. Failure to do so terminates the entire process.

Congress will: Have 20 days for Committee review in both Houses; follow Budget Act expedited procedures; and have limited debate and amendments.

Mr. FEINGOLD. Mr. President, I am pleased to join with my friend, the senior Senator from Arizona [Mr. McCain] in introducing this legislation. This is the most recent of several bipartisan reform efforts in which I have joined with Senator McCain.

In many ways, this measure focuses on the downstream results of the other problems on which we have worked. Unjustified corporate subsidies, through direct appropriation or through the Tax Code, continue to prosper in part because of the influence of the special constituencies that benefit from those subsidies.

But, Mr. President, these subsidies also continue to exist through simple inattention, and the Corporate Subsidy Commission created by this legislation will bring some needed scrutiny to subsidies that, though they may have had some merit once, are no longer justified.

Targeting unjustified corporate subsidies would be appropriate at any time, but they are especially needed as we try to balance the Federal books. We absolutely must subject these kinds of corporate subsidies to tougher scrutiny than we have before.

As with the spending we provide to individuals, nonprofits, and State and local governments, if we are to eliminate the Federal budget deficit, we need to demand a higher level of justification for corporate programs.

There is no doubt that those of us who have cosponsored this legislation differ greatly on the total package of spending cuts we would propose to balance the Federal budget, as the reconciliation legislation this body passed dramatically demonstrates.

But we are all united in suggesting that much more needs to be done in the area of corporate subsidies.

This legislation continues the broader effort to reduce the deficit that I have made, and which began with an 82+ point plan to reduce the deficit I offered during my campaign for the U.S. Senate in 1992.

Many of the provisions of that plan eliminated or reduced corporate subsidies that are no longer justified, including both direct appropriations and tax expenditures.

Mr. President, I am particularly pleased that the Commission's mission will include the review of tax expenditures. They are a significant and growing portion of the Federal budget. In a June, 1994 report, the General Accounting Office, using data from the Joint Committee on Taxation, stated that spending for tax expenditures totaled about $400 billion in 1993.

As that report notes, spending done through tax expenditures moves immediately to the front of the budget line. Tax expenditures are, in effect, funded before the Federal Government pays for a single school lunch or an aircraft carrier because, under our budget process, tax expenditures must be funded as they are created, and with the exception of a few that must be reauthorized, they can grow in the absence of Congressional oversight.

Mr. President, some current tax expenditures are certainly justified. However, the system of tax expenditures itself lacks appropriate review and control mechanisms, and many individual expenditures are unjustified.

The result is a loss of overall economic efficiency for the Nation's economy, and scarce budget resources at a time when we are trying to balance the Federal books.

This Commission can provide needed review of inefficient and expensive corporate subsidies, requiring Congress to examine this spending in a timely manner.

By Mr. LUGAR:

S. 1377. A bill to provide authority for the assessment of cane sugar produced in the Everglades agricultural area of Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CANE SUGAR LEGISLATION

Mr. LUGAR. Mr. President, I am introducing legislation today to establish an Everglades restoration fund. The Everglades restoration fund would be financed by a 2-cent-per-pound assessment on all cane sugar produced in the Everglades agricultural area, Florida. It is estimated that a 2-cents-per-pound assessment would produce revenues of $70 million per year or approximately $350 million over a 5-year period. These funds will be used for land acquisition in the Everglades agricultural area.

An Everglades restoration plan has been devised in cooperation with the Corps of Engineers and the South Florida Water Management District. This plan calls for 131,000 acres of land within the southern Everglades agricultural area to be acquired at an estimated cost of $355 million, assuming an acre cost of $2,700 per acre.

I believe this plan is fair to Florida sugar producers. Because of the Federal sugar program, sugar prices in Florida are higher than they otherwise would be.

The sugar growers in the Everglades agricultural area are also beneficiaries of federally subsidized water projects which created agricultural lands in the Everglades agricultural area and which pump waters in and out of these lands as needed for sugar production. It is reasonable for these beneficiaries to help restore the unique ecosystem that these projects have degraded.

I am aware of the fact that the State of Florida has enacted the Everglades Forever Act, which imposes a tax of $25 to $35 per acre over 20 years to raise a total of $322 million to improve water quality.

Sugar producers have also agreed to take other steps designed to improve water quality. These steps include compliance with phosphorous discharge standards and the creation of stormwater treatment areas to help filter phosphorous discharges and for other purposes. However, these measures are primarily related to improving water quality in the Everglades. My proposal is designed to restore the ecosystem to a natural condition with regard to water flows.

No more important or complex ecosystem in need of restoration exists in our Nation than the Everglades in south Florida. It is a troubled system, on the brink of collapse, largely caused by federally supported drainage construction designed to promote and protect agriculture. This problem is exacerbated by the Federal sugar program. Failure to act will doom the Everglades to accelerated deterioration, a tragic and totally unacceptable fate.

Mr. President, I urge my colleagues to support this bill to restore the Everglades and to bring assurances to homeowners in Florida, to bring assurances to those who fear the end of the coral in the Keys, who are disturbed by the algae in the Florida Bay, and who, in fact, appreciate that a fine balance is created here between benefits given to the sugar producers and an assessment that will make all the difference in the restoration of the Everglades.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1 EVERGLADES AGRICULTURAL AREA.

Section 206 of the Agricultural Act of 1949 (7 U.S.C. 1446g) is amended—

(a) in subsection (i)—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as (C);

(B) in subparagraph (A) by striking "and" after the semicolon; and

(C) by inserting "and" after the semicolon in subparagraph (B); and

(D) by inserting a new subparagraph (C) that reads as follows:

"(C) in the case of marketings from production from the Everglades Agricultural Area of Florida as determined by the Secretary, in addition to assessments under subparagraph B, the sum of 2 cents per pound of raw cane sugar for each of the 1996 through 2000 fiscal years;"

(b) redesignating subsection (j) as subsection (k); and

(c) by inserting a new subsection (j) that reads as follows:

"(j) EVERGLADES AGRICULTURAL AREA ACCOUNT—

(1) IN GENERAL.—

"(A) ACCOUNT.—The Secretary shall establish an Everglades Agricultural Area Account as an account of the Commodity Credit Corporation."

"(B) AREA.—The Secretary shall determine the extent of the Everglades Agricultural Area of Florida for the purposes of subsection (i)(1)(C) and subparagraph (C)."

"(C) COMMODITY CREDIT CORPORATION.—The funds collected from the assessment provided in subsection (i)(1)(C) shall be paid into the Everglades Agricultural Area Account of the Commodity Credit Corporation, and shall be available until expended."

"(D) PURPOSES.—The Secretary is authorized and directed to transfer funds from the Everglades Agricultural Area Account to the South Florida Water Management District or other appropriate public entities for the purpose of purchasing agricultural lands in the Everglades Agricultural Area of Florida and for other related purposes."

ADDITIONAL COSPONSORS

S. 284

At the request of Mr. DOLE, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 284, a bill to restore the term of patents, and for other purposes.

S. 356

At the request of Mr. SHELBY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 607

At the request of Mr. WARNER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 881

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1200, a bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus.

S. 1316

At the request of Mr. KEMPTHORNE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1316, A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act), and for other purposes.

SENATE CONCURRENT RESOLUTION 11

At the request of Ms. SNOWE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 11, A concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Resolution 146, A resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 191—NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. MCCAIN (for himself, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Whereas American Indians were the original inhabitants of the land that now constitutes the United States of America;

Whereas American Indian governments developed the fundamental principles of freedom of speech and separation of powers in government, and these principles form the foundation of the United States Government today;

Whereas American Indian societies have exhibited a respect for the finiteness of natural resources through deep respect for the earth, and these values continue to be widely held today;

Whereas American Indian people have served with valor in all wars from the Revolutionary War to the conflict in the Persian Gulf, often in a percentage well above the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians have made distinct and important contributions to America and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians deserve to be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists, and scholars;

Whereas a resolution and proclamation as requested in this resolution will encourage self-esteem, pride, and self-awareness in American Indians of all ages; and

Whereas November is traditionally the month when American Indians have harvested their crops and is generally a time of celebration and giving thanks: Now, therefore, be it

Resolved, That the Senate designates November 1995 as "National American Indian Heritage Month" and requests that the President issue a proclamation calling on Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996 MIDDLE EAST PEACE FACILIATION ACT OF 1995

LEAHY (AND OTHERS) AMENDMENT NO. 3041

Mr. LEAHY (for himself, Mrs. KASSEBAUM, Mr. FEINGOLD, Ms. SNOWE, Mr. SIMPSON, Ms. MIKULSKI, and Mr. HATFIELD) proposed an amendment to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes; as follows:

In lieu of the matter proposed, insert the following: "; *Provided*, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion."

MCCAIN (AND KERRY) AMENDMENT NO. 3042

Mr. MCCAIN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of the pending amendment add the following:

SEC. . Notwithstanding any other provision of this Act, funds made available in this Act may be used for international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, directly for the Government of Buma if the Secretary of State certifies to the appropriate congressional committees that any such programs are fully consistent with the United States human rights concerns in Burma and serve a vital United States national interest. The President shall include in each annual International Narcotics Control Strategy Report submitted under section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) a description of the programs funded under this section.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN, Mr. President. I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Wednesday, November 8, 1995, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on "Oversight of Courthouse Construction Program."

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Senate Committee on Small Business will hold a joint hearing with the House Committee on Small Business regarding "Railroad Consolidation: Small Business Concerns" on Wednesday, November 8, 1995, at 2 p.m., in room 2123 Rayburn House Office Building.

For further information, please contact Keith Cole at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, November 1, 1995, session of the Senate for the purpose of conducting a hearing on S. 1356, the Ocean Shipping Reform Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 1, 1995, at 10 a.m. to hold a hearing on "The Aftermath of Waco: Changes in Federal Law Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, November 1, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAR AIR, WETLANDS, PRIVATE PROPERTY, NUCLEAR SAFETY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Wednesday, November 1, at 9:30 a.m., hearing room (SD–406) on S. 851, the Wetlands Regulatory Reform Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, November 1, 1995, to hold hearings on "Global Proliferation of Weapons of Mass Destruction."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETURNING POWER TO THE STATES

• Mr. McCAIN. Mr. President, as we are about to debate the appointment of conferees to the reconciliation bill, I wanted to take this opportunity to address a relevant issue. Last Friday, the Senate passed landmark legislation to balance the budget within 7 years, and to restore power and trust in State and local government.

During consideration of that legislation, Senator GRAMM offered an amendment regarding whether the Federal Government would dictate to States that they provide health care to children and pregnant women.

I raise this issue because I am certain that this amendment and the vote will be subject to gross mischaracterization. The amendment, Mr. President, was not about whether poor children and pregnant women should receive health care services. We all agree that they should, as I'm quite certain does every Governor in this country.

The vote was about whether Congress, in its arrogance, is going to assume that Governors and State officials cannot be depended upon to protect their own constituents and, unless compelled to be compassionate by Congress, they would most certainly abandon the neediest in their States.

Mr. President, I categorically reject that Governors and State legislators care less about their people than Congress. That is why I voted for the Gramm amendment. We are returning power to the States because, to the detriment of our Nation, we have slowly abandoned Jefferson's time honored axiom that the Government closest to the people governs best.

In devolving power back to the States as we rightfully should, we must also devolve our trust. Members of Congress are not morally superior beings to State and local officials and it is time we stopped presuming that we are.•

TRIBUTE TO PETER ZUANICH, RETIRING PORT OF BELLINGHAM COMMISSIONER

• Mrs. MURRAY. Mr. President, it is with great pleasure that I rise today to pay tribute to Peter Zuanich, a man who has devoted 43 years of his life to serving as an elected commissioner of the Port of Bellingham, in my home State of Washington. His record of public service extends beyond his work as port commissioner; he has dedicated time and resources to building our community in so many other capacities.

During his tenure in this post, he has cultivated economic and trade relations both domestically and internationally. In particular, he has fostered economic relations between the states of Washington and Alaska. Under his leadership, the port was successful in its bid to become the southern ferry terminus for the Alaska Marine Highway System.

Throughout his entire career as commissioner, Mr. Zuanich did not spend any of the earnings he received. Instead, he invested them, believing they should eventually be spent on an important community project. He recently donated the entire amount—about $88,000—to a fund created to raise money for the construction of a local community swimming pool.

In addition to his many accomplishments as port commissioner, Mr. Zuanich has served as president of a variety of groups, including the board of directors of the Purse Seine Vessels Association, the executive board of the Commercial Fisherman's Inter-Insurance Agency, the Bellingham Jaycees, and the Washington Public Ports Association.

I admire the foresight Mr. Zuanich exhibited in his early involvement with the recycling industry. During the 1950's, he founded the first waste paper recycling facility in western Canada. His activism in this area has continued, through the establishment of recycling centers throughout our community, and I want to thank him for his efforts in this area.

He has been recognized in these professional and community involvements in many ways, winning the Bellingham Jaycees' Man of the Year Award, receiving the Master Mariner Award of the Propeller Club, accepting a Legislative Citation in 1993 from the Alaska State Legislature, and receiving a "Citation of Merit" award from the Washington Parks and Recreation Association.

Born in Bellingham, WA in 1916, he has worked tirelessly to promote the development of our community. Following his retirement, Mr. Zuanich will have more time to spend with his family, including his wife Marie and two sons, Robert and Peter, Jr.

I am proud to salute the leadership and dedication Mr. Zuanich has demonstrated throughout his life. Although he will be retiring on December 31, I am certain his record of selfless service will continue far into the years ahead. His hard work and philanthropy truly make him a role model for all. Mr. Zuanich, please accept my best wishes as you enter not only the conclusion of one of your careers, but the beginning of a new chapter of your life.•

STRIKER REPLACEMENT ISSUE

• Mr. NICKLES. Mr. President, I ask that the March 13, 1995, editorial from the Washington Post regarding President Clinton's Executive order prohibiting the use of permanent replacement workers during an economic strike if you do any business with the Federal Government be printed in the RECORD.

The editorial follows:

[From the Washington Post, Mar. 13, 1995]

THE STRIKER REPLACEMENT ISSUE

President Clinton and the filibustering Senate Democrats are wrong on the striker replacement issue. The Senate Republicans are right, and we hope a couple of Democrats can sooner or later be persuaded to switch sides. Then the filibuster can be broken.

The president has no particular history of commitment on this issue. The executive order he signed, disturbing and tilting settled labor law in labor's favor, was plainly an effort to propitiate a constituency that couldn't get its way through normal procedures. The resisting Senate Republicans think that in issuing the order, the president was trying to snatch what ought to be regarded as a legislative prerogative, and they are determined to take it back. If not on the current appropriations bill, you can expect them to do it on some other. In the long run the law seems unlikely to be changed; this is more a fight over symbols, the president who frustrated organized labor on other issues over the last two years trying now to look on the cheap like its friend.

The executive order would bar large federal contractors from hiring permanent replacements when workers strike over economic issues. That's the rule that labor had tried and failed to get Congress to apply to all employers. The unions argue that the ban has become necessary to protect what they depict as a threatened right to strike. But it isn't because of labor law that unions have lost membership and clout in recent years. Rather, it's because, in part by virtue of their own past actions, they find themselves in an increasingly weak competitive position in a world economy. The insulating change they seek in labor law would be much more likely over time to make that problem worse than to make it better.

The law is contradictory. The National labor Relations Act says strikers can't be fired; the Supreme Court has nonetheless ruled that they can be permanently replaced. The contradiction may be healthy. By leaving labor and management both at risk, the law gives each an incentive to agree. For most of modern labor history, management in fact has made little use of the replacement power, and labor hasn't much protested it.

The unions say that now that's changed. The replacement power has been used in a number of celebrated cases in recent years, and labor is doubtless right that in some of these cases it wasn't used as a last resort, but as a union-breaking device from the beginning. The problem is that situations also arise when strikers by their behavior forfeit the right of return and ought to be permanently replaced. This newspaper faced such a situation in dealing with one of its own unions in the 1970s. A ban on the hiring of permanent replacements goes too far. Rather than restore some lost balance in labor law, as its supporters suggest, it would throw the law out of balance and in the long run likely do great economic harm. Maybe there are some modest changes that can usefully be made in current law. But the president's order ought to be reversed. He should find some other way to pose as labor's champion.●

ZORA KRAMER BROWN'S ENERGETIC EXAMPLE

● Mr. HOLLINGS. Mr. President, I rise today to highlight the accomplishments of a Washington, DC, activist whom we should all emulate. If each American had 1 ounce of the intense commitment that Zora Kramer Brown brings to her mission of seeking real solutions to breast cancer, we would live in a stronger America.

Zora Brown, a native of Oklahoma City, OK, is founder and chairperson of Cancer Awareness Program Services [CAPS] and the Breast Cancer Resource Committee, both located in Washington, DC. With CAPS, which was organized in 1992, Ms. Brown started a comprehensive program to build cancer awareness and education efforts among women. Three years earlier, she started the Breast Cancer Resource Committee to cut breast cancer mortality rates in half among African-Americans by the year 2000.

Ms. Brown also has been appointed to the National Cancer Advisory Board of the National Cancer Institute. Last year in my hometown, she brought unbounded energy to Charleston as she emceed the First Annual Race for the Cure. More importantly, she now is a member of the board of the Hollings Cancer Center at the Medical University of South Carolina where her leadership and enthusiasm is contagious.

On October 27, 1995, McDonald's recognized Ms. Brown's efforts in a large ad featuring "Portraits of the City." Her story of hard work and zeal shows how one person can make a difference in improving the lives of Americans. She is most deserving of this honor and the dozens of others that have been bestowed on her.

Mr. President, we need more Zora Browns across the Nation. I hope as Americans recognize how successful Zora has been, we all will be motivated to follow in her footsteps.●

REUBEN COHEN

● Ms. SNOWE. Mr. President, last week I submitted for the RECORD my personal statement concerning Reuben Cohen—the father of my friend and colleague from Maine, Senator BILL COHEN—who passed away in Bangor, ME, earlier this month.

Today, I would like to submit for the RECORD several items that appeared in the Bangor Daily News following Ruby's death.

The first is an article about Ruby's life that appeared 2 days after his death.

The second is an editorial that pays tribute to Ruby's well-known and admired work ethic.

And the third is an article about funeral services that were held in Bangor which contains many appropriate statements from family and friends about this remarkable man.

I believe these items remember Ruby as he was—someone who brought a lot of life into his community, and a lot of love into his family:

The material follows:

[From the Bangor Daily News, Oct. 11, 1995]

RUBY COHEN DIES IN BANGOR

SENATOR'S FATHER RAN LOCAL BAKERY FOR NEARLY 70 YEARS

(By John Ripley)

BANGOR.—A few years ago, Oklahoma Sen. David Boren needed to talk with Maine Sen. William Cohen, his colleague on the Intelligence Committee who was home in Bangor. So he called Reuben Cohen, the senator's father.

"Well, if you're chairman of the Intelligence Committee," Cohen barked into the telephone, "you should be able to find him yourself."

And he hung up.

The story is vintage Cohen.

Cohen—baker, husband, father of three children—died late Monday. He was 86.

Reuben "Ruby" Cohen is survived by his wife of 58 years, Clara; two sons, William and Robert; a daughter, Marlene Beckwith; and seven grandchildren.

Those who knew Ruby Cohen agree that he died the way he would have wanted: He was found at 9:45 p.m. by a worker at his store, The Bangor Rye Bread Co., where he had been making the next day's batch of rolls and bagels.

To many, Cohen is known best as the father of Bill, now the state's senior U.S. senator. But as proud as he was of his eldest son and all of his children, Cohen enjoyed a reputation of his own as a man of ornery independence, who wasn't above a little mischief every now and then.

In 1974, when the U.S. House of Representatives was deciding whether to impeach President Nixon for his Watergate shenanigans, the press followed then-Rep. William Cohen to Maine, dogging him about how he would vote.

The young congressman shrugged off the questions with "no comment." Then, from the rear of the pack, came a gravelly voice.

"Billy says he's guilty as hell!"

It was Ruby Cohen.

He was a throwback to the days of smoky pool halls, Saturday night fights and dollar haircuts, when Bangor was a cauldron of ethnic neighborhoods and when friends were friends for life. Like many men of his generation, Cohen was held in awe by those who watched him work 18 hours a day, six days a week, for nearly 70 years.

Hunched over and with hands like shoe leather at the end of his beefy baker's forearms, Cohen would start his day as everyone else's was ending.

Work would begin around 8:30 p.m., when he would prepare the dough for the bulkie rolls, rye bread, French bread, Italian sandwich rolls, and bagels. Surrounded by 100-pound sacks of flour, sugar and corn meal, he would work quietly through the night, guided by recipes long ago committed to memory.

Early the next morning, he would pile overflowing paper grocery bags into the back of his battered station wagon and head out on his rounds. He would shuffle into a client's store or restaurant, drop off his goods, occasionally sit down for a quick cup of piping-hot coffee, and then be on his way.

"I guess you could say he worked to live and lived to work," Sen. Cohen said Tuesday after flying home from Washington, D.C. "He wanted to work until he died, and he did."

With little prodding, Cohen could be lured into conversation, treating everyone to his unhesitating opinions on everything from the big bang theory to Celtics basketball to Workers' Compensation.

Despite the ravages of age and occasional illness, Cohen could never be kept from his work.

In April 1979, a train derailed near Cohen's shop on Hancock Street, leading police to block off the neighborhood. Cohen somehow was able to sneak in, grab some rolls, and head out as always.

When his son was sworn into the U.S. Senate, Cohen grudgingly flew down to Washington, watched the ceremony, then returned to work.

"That's the only time he ever went down," Sen. Cohen said.

Even on Tuesday, as family and friends grieved Cohen's passing, the rolls and breads were delivered.

"When you think of Bangor, you think of the standpipe, the Paul Bunyan statue, and Ruby Cohen", said U.S. Rep. John Baldaccis, a lifelong friend.

The Baldaccis, as with a handful of other families in town, go back more than half a century with the Cohens. Grandfathers knew grandfathers, fathers knew fathers, some know sons.

A lover of jazz, Cohen was known in his younger years as a sharp dresser who would dance the night away at the old Chateau ballroom, now the site of a renovation project across from City Hall. Though not a large man, he could be fearless—he once decked a man who later became a bodyguard for a California mobster.

It was at a dance hall that he met Clara, then a 16-year-old Irish girl. They courted, and then married in 1937—not a small thing for a Jewish man in those days.

"I guess he wasn't too much concerned about what anyone thought about it," Sen. Cohen said.

To Cohen, life was about devotion to work, family and friends.

For years, he and Clara would eat dinner at different restaurants with Abe and Frieda Miller, his childhood friends.

Like his own son, Bobby, Ruby followed in his father's flour-dusted footsteps. Born Jan. 8, 1909, in New York City, Ruby was essentially raised in Bangor, where his father, who emigrated from Russia, owned a bakery. As with Bangor Rye Bread, the New York Model Bakery was a family affair, where everyone chipped in to bake bread in an old, coal-fired oven.

"It's a family of hard workers," Frieda Miller said.

Cohen expected the same of his own children.

Bobby still works at the store, Marlene is married to another baker, and Bill is known to lend a hand when he's in town from Washington.

"Billy works here once in a while . . . when he's campaigning," Ruby once joked.

Sen. Cohen often tells of scoring 43 points in a high school basketball game at Bangor Auditorium. Expecting praise from his father, Ruby instead replied, "If you hadn't missed those two foul shots, you'd've had 45!"

Over the years, the Cohen bakeries could be found on Essex Street and then on Hancock, not far from the current location. Through it all—the Depression, World War II, urban renewal, generations come and gone—Cohen was a fixture in the Queen City.

"I was bred on his bread," Bangor restaurateur Sonny Miller said Tuesday. "Ruby was just one of a kind—just a real fine gentleman."

At his father's 80th birthday party in 1989, Sen. Cohen arranged for video messages from President Reagan and President-elect George Bush, among other dignitaries. As much as he appreciated the attention, Cohen was a man who thought as little of pretension and ego as he did of frozen bagels.

"If you come out to Los Angeles and see the Dodgers," manager Tommy Lasorda said in a telephone call that day, "I'd like to meet you."

"I hope you can," Cohen replied.

If Cohen's work ethic and wit were the stuff of reputation, his driving habits were legend.

"There's an old Bangor saying that you don't know Ruby Cohen until he hits your car," U.S. Sen. Olympia Snowe once joked.

Cohen himself once told of being stopped by a Bangor police officer, who didn't know that the baker's old Ford station wagon could be found traveling the city streets at all hours of night and day.

Suspecting that Cohen might have been drinking, the cop asked the octogenarian to recite the alphabet. Cohen did—backward.

Only in recent months, as his health began to slip, did Cohen relent and allow someone else to drive on the morning rounds.

With their father's passing, Bobby and the others hope to follow tradition and keep the bakery open, Sen. Cohen said.

But Bangor, he said, has tasted the last of Ruby Cohen's rye bread.

"That was something that went with him."

RUBY COHEN

For the high and mighty, the most dangerous man in Bangor was the baker at the wheel of the station wagon.

Making morning rounds with rolls and rye loaves, Ruby Cohen could cut to the core on issues and people, and often did. His insight, like his skill at the oven, was sharpened by constant use.

There is a fearlessness, a strength, a virtue that comes from devoting 18 hours a day, six days a week to labor. It's a license to speak your mind, with candor. It's courage that comes from character.

Cohen's outspokenness shocked the eavesdropper at the corner market. The man from the station wagon, arms wrapped around bags of bulkie rolls, would walk in at mid-conversation and unload on the counter and on a program or politician. Those close to him respected his power, and were in awe of it. One of his sons, Sen. William Cohen, a man not easily flustered or impressed, was visibly on guard in the presence of his father. Playing straight man to Ruby was a lifelong learning experience that involved some pain.

Beneath the crust, Cohen was a man of wit and profound work ethic. His weakness as a role model for finding purpose and dignity in labor is that in its pursuit he set an impossible pace. Few of his own generation could keep up. To his last day on the job he loved, he was an exemplar of the American dream.

Seventy years a baker, 58 years a husband and father of three, Cohen was the epitome of the individual who became a local institution. He could humble the powerful, charm the casual acquaintance and feed the hungry with the world's most perfect loaf of rye bread.

He helped give his city its character. He is missed.

RUBY'S FRIENDS OFFER FAREWELL

FUNERAL RECALLS A BANGOR LEGEND

(By John Ripley)

BANGOR.—Bangor bid a bittersweet farewell Thursday to the wryest Reuben in town. Reuben Cohen, known to presidents and plebes alike as "Ruby," died Monday night at the place he loved most, the small Bangor Rye Bread Co. bakery he had owned since 1929. He was 86.

"In the Jewish view, if this was his time, God allowed death to be a soft kiss rather than a prolonged suffering," Rabbi Joseph Schonberger said during Cohen's funeral Thursday afternoon.

Outside Bangor, Cohen was known best as the father of U.S. Sen. William S. Cohen. But within this small community, particularly within the dwindling company of his own generation, Cohen was cherished for his well-honed wit and his iron constitution.

On an Indian summer day, the Beth Israel Synagogue was filled with Ruby's people—Jews, gentiles, blacks, whites, the young, the old, the famous and the anonymous.

And with so many funerals for colorful people, those who attended Cohen's service came to weep, but left laughing, grateful to have shared a slice of such an encompassing life.

Outwardly, Cohen was a simple baker who loved dancing and the saxophone, his work and his family. But as Sen. Cohen pointed out, his father also was one to dismantle barriers. He broke with his faith to marry his Irish sweetheart, Clara, and he was well informed on the issues of the day.

The essence of Cohen, Schonberger said, was the essence of friendship itself; breaking bread together is older than the ages.

His work ethic was legendary—18 hours a day, six days a week, for nearly 70 years. When his son and fellow baker, Bobby, finally decided to take a vacation after 30 years at Bangor Rye, Cohen asked, "What's he going to do with a week off?" Sen. Cohen recalled.

But as the world about him whizzed by, Ruby Cohen kept true to his core; he was, Sen. Cohen said, a man who knew no envy.

"He was an innocent in a world grown selfish and cynical," Sen. Cohen said in a eulogy marked by moving poetry and knee-slapping Rubyisms.

At times, Sen. Cohen pointed out, his father sometimes showed a knack for being a little too innocent.

If a person expressed pride for losing 20 pounds, Cohen thought nothing of suggesting a trim of 10 or 15 more. He once loudly complained that Boston Celtics games were fixed, even as coach Red Auerbach sat nearby, redder than ever.

And though an honest man, Cohen "cheated the law in the little ways," Sen. Cohen said.

He would envelop his eldest son in a large wool overcoat and sneak him into basketball games at the old Bangor Auditorium. Or, he might simply mingle with the out-going crowd and walk in backward.

If one of Bangor's finest stopped him for erratic driving—an occurrence about as common as sunrises—Cohen would admit to having two drinks. After the cop had set up a sobriety test, Cohen would come clean: "I had two, two cups of coffee."

"I loved him for his daring, and his wanting me to be with him," said Sen. Cohen.

His father's irreverence often was best expressed in his relished role as devil's advocate: alimony was "all-the-money"; Jesus knew where the rocks were when he walked on water; and Moses probably waited for a drought before crossing the Red Sea.

Through it all, Sen. Cohen said, his father dedicated his life to two loves: his family and his work. When the cost of flour and yeast rose over the years, the increases rarely were reflected in the prices of Cohen's products.

"His concern was always for the welfare of his customers," Sen. Cohen said, suggesting that some of the customers could afford a price increase or two. "And I would say, 'Sonny Miller is doing OK. Bill Zoidas is doing fine. Doug Brown, don't cry for him.' "

The future of some of these products, known to at least three generations of Bangor residents, was buried with Cohen on Thursday afternoon.

Since Cohen's death Monday night, Rabbi Schonberger joked, the oft-heard question has been, "Did he make the sourdough for the rye bread before he died?"•

DIAMOND JUBILEE ANNIVERSARY OF THE TABERNACLE MISSIONARY BAPTIST CHURCH

• Mr. LEVIN. Mr. President, it is a distinct honor for me to acknowledge this milestone celebration—the Diamond Jubilee Anniversary of the Tabernacle Missionary Baptist Church in Detroit, MI, pastored by the Reverend Dr. Frederick G. Sampson.

The Tabernacle Missionary Baptist Church has been a cornerstone in Detroit for years having grown from its roots in Georgia and Mississippi. Not only did this church persevere in the face of change and hard times during the Depression years, but it has thrived and grown to become one of the largest and most prestigious churches in this great city.

I can only believe that the kind of growth and success many of its members have witnessed is a testament to the solid and unshakable faith of Mr. and Mrs. Alonzo Johnson who are known as The Founding Family and all those who followed in the belief of their mission which is to provide the community with spiritual guidance.

I thank Dr. Sampson, his predecessors, his ministers, and all those who have accepted the challenge of providing guidance and spiritual education to this community by establishing such services as adult education classes, child day care, meals on wheels, housing, and other community oriented programs. Your adoption and mentoring programs at neighborhood schools are commendable. They display the importance and positive impact that you have in the community. For we know that wisdom, knowledge, understanding, and all the academic education that anyone of us can muster is useless unless there is a solid moral foundation, which is what you have provided for the past 75 years.

I ask my colleagues to extend your sincerest congratulations to the entire Tabernacle Missionary Baptist Church family, and I extend my warmest wishes to them for another 75 years of success and service.•

CASINOS NOT SURE BET, OTHER STATES DISCOVER

• Mr. LUGAR. Mr. President, I ask unanimous consent that the attached article be printed in the RECORD.

The article follows:

[From the Washington Post, Aug. 6, 1995]

CASINOS NOT A SURE BET, OTHER STATES DISCOVER—ANALYSTS SAY AREA OFFICIALS COULD LEARN FROM SUCCESSES AND FAILURES ELSEWHERE

(By Charles Babington)

Anchored on the Mississippi River near downtown New Orleans are two massive, double-decker casino boats with the evocative names Crescent City Queen and Grand Palais.

There's nothing grand about them now, however. Both boats closed their doors last month, barely nine weeks after opening amid much hoopla and hope. The closings, forced by lower-than-expected revenue, left 1,800 people jobless and the City of New Orleans jockeying with other creditors to collect $3 million in unpaid taxes and fees.

The turn of events has been sobering—even on Bourbon Street—and may give pause to officials in Maryland, Virginia, the District and elsewhere who are contemplating legalizing casinos. Although some southern and midwestern towns are content with their riverboat revenue, others are finding that the reality does not always match the promise.

That's especially true in New Orleans, a city that bears watching by the likes of Baltimore and Washington, according to several analysts. Aside from the loss of the two riverboat casinos, New Orleans' ambitious land-based casino has needed only a third of its projected revenue since opening in May.

The picture is brighter in the Midwest. One reason, however, is that lawmakers quickly relaxed regulations that had made casinos politically palatable in the first place. In Davenport, Iowa, a riverboat casino netted $14 million last year after legislators increased its operating hours and dropped a rule that had limited each gambler's loss to $200 a visit.

Those changes lured thousands of gamblers from a nearby casino boat in Rock Island, Ill. As a result, more than 200 people lost jobs there, and Rock Island now receives only a fraction of the $4 million in casino tax revenue that it got two years ago.

In Missouri, six riverboat casinos poured $79 million into state and local tax coffers last year. Again, looser regulations helped. Slot machines—initially banned in Missouri—were added to the table games.

A political cloud is looming, however. Missouri's attorney general alleges that the state House speaker broke the law by accepting thousands of dollars from casino companies and trying to influence licensing decisions. A grand jury is investigating.

Against this national backdrop, Maryland is preparing for a legislative decision on casinos this winter, a D.C. group has asked the elections board to place a casino initiative on the District's 1996 ballot, and an industry-backed coalition is still pushing for riverboat casinos in Virginia after three consecutive legislative setbacks.

Industry analysts conclude that under the right circumstances, casinos can boost local economies and government coffers, sometimes dramatically. But they say casinos are not a panacea for politicians hoping to revitalize a failing city or finance a state government while cutting taxes.

"Although casinos are spreading to more states, they have limited potential as a source of tax revenue," said Steven D. Gold, director of the Center for the Study of the States, in Albany, N.Y. Casinos take some money that otherwise would be spent on state lotteries or taxable goods and services, he said. Moreover, the growing number of casinos nationwide will result in smaller potential for new ones.

"There will never be another Nevada," Gold wrote recently. Nor, experts say, will there be another Atlantic City, where a dozen large casinos attract bus loads of betters to an otherwise blighted town.

Since 1990, six midwestern and southern states have legalized commercial, non-Indian casinos. (Federally recognized Indian tribes can operate casinos without state approval or tax assessments, and the casinos are highly successful in Connecticut and elsewhere.)

The six states are the guinea pigs now being scrutinized by cities and states trying to decide whether casinos are a good public bet. Among the groups conducting inquires are a government-appointed task force in Maryland and the Greater Washington Board of Trade. Casino companies are keen on the Washington area because it would help them crack the untapped mid-Atlantic region.

In Maryland, proposals range from a few small casinos, possibly at horse-racing tracks or in mountain counties, to large betting palaces in downtown Baltimore and the Port-America site in Prince George's County, near the Woodrow Wilson Bridge. If Baltimore and the D.C. suburbs are the ultimate targets, several analysis say, then New Orleans might be the most analogous site for scrutiny. Like Baltimore and the District, it is a city with a well established tourist trade but serious problems of crime and middle-class flight.

In 1991 and 1992, when Louisiana legislators approved 15 floating casinos throughout the state and one large land-based casino in New Orleans, boosters said gambling would be a sure-fire winner.

In the last four months, however, three of New Orlean's five floating casinos have closed, eliminating the jobs of hundreds of people who thought the boats would bring them a better life. Meanwhile, Harrah's temporary land-based casino has earned about $12 million a month, far short of the $33 million that was projected. The company is building a mammoth, permanent casino that officials hope will draw more gamblers when it opens next summer in the heart of the touristy French Quarter.

Some critics say the setbacks are the inevitable result of Louisiana's greed and haste in approving casinos, a process that enriched several friends of the high-stakes gambling governor, Edwin Edwards.

"It's the same scam going on worldwide", said New Orleans lawyer C.B. Forgotson, Jr.

Forgotson said casino companies promise the moon without conducting realistic studies of who will come to gamble. Eventually, he said, "they find out the only people coming to casinos are locals. So then you are cannibalizing your local businesses. . . . The same thing is going to happen in Detroit and Baltimore."

Other analysts, however, say New Orleans is temporarily suffering from foolish decisions that other states can avoid.

"The root of the problem is that the wrong people were licensed, and they were licensed for political reasons," said Larry Pearson, publisher of the New Orleans-based Riverboat Gaming Report. He noted that river boat casinos in other parts of Louisiana are doing well.

Only a few states have been willing to try a non-Indian, land-based casino. In Mississippi and the four midwestern states with casinos, the facilities must be on boats, even though some never leave the dock.

Many analysis say "riverboat gambling" is a political ploy to ease the worries of some voters who associate land-based casinos with Las Vega's tackiness and Atlantic City's grit. "State legislators think that a little cruise with a paddle wheel somehow makes it not gambling," said Brian Ford, a Philadelphia-based casino adviser for the accounting firm Ernst & Young.

Some analysts argue that if Washington and Baltimore want casinos, they should build big Vegas-like facilities that could lure tourists and large conventions.

"Scattering some riverboats around the Washington-Baltimore area would be a disaster," said Hunter Barrier, director of the Alexandria-based Gaming and Economic Development Institute. Most tourists would ignore such facilities, he said, "so revenues will come from local residents. And that money would come from restaurants, theaters and other local businesses."

It is just that scenario that has prompted Maryland's restaurant and thoroughbred racing industries to unite against casinos. They say casinos typically support bettors with cheap food and a fast-paced array of slot machines and card games that make horse races seem poky.

"Casinos would have a devastating impact on our industry," said Marcia Harris, of the Restaurant Association of Maryland.

Despite opposition to casinos from racing and restaurant interests, politicians in Maryland and elsewhere are tempted for a simple reason. Tax rates on casino earnings are typically about 20 percent, four times the level of Maryland's 5 percent sales tax. If a resident spends $100 in a casino rather than in a clothing store, the store suffers, but the state receives $20 rather than $5.

Barrier said most governments that are contemplating casinos focus on three concerns: crime, compulsive gambling and "product substitution," or the losses to noncasino businesses when their customers gamble.

"I've come to the conclusion that crime is not a problem," Barrier said, an opinion supported by several studies and interviews with police officials in towns with riverboat casinos. But problem gambling, he said, is "something that has to be looked at real carefully."

Problem gambling is hard to measure, authorities say, and casino supporters note that most Americans already have ample opportunities to bet on lotteries and other ventures. However, a 1994 study of legalized gambling, funded by the Aspen Institute, a D.C. think tank, and the Ford Foundation, concluded: "There is a direct increase in the numbers of people with pathological gambling problems as a result of increases in legalization."

As for product substitution, a debate rages. Casino supporters say everyone in a community benefits if casinos hire new workers, attract tourist dollars and contribute to higher tax revenue.

There's not much hard data on the subject. In South Dakota, where Indian casinos operate, a 1991 state study found no appreciable drop in overall taxable retail sales. However, there were "significant declines for selected activities such as clothing stores, recreation services, business services, auto dealers and service stations."

When casinos open, "existing vendors lose," said Jeff Finkle, executive director of the Washington-based National Council of Urban Economic Development. Nonetheless, he predicts that Maryland and Virginia officials will find it hard to withstand the lure of casino revenue, especially if Pennsylvania, West Virginia or Delaware threaten to strike first.

"Somebody in this area is going to do it," Finkle told a Greater Washington Board of Trade task force last week. "It is inevitable, and when it happens it will hurt D.C." unless a revenue-sharing agreement is reached.•

THE PROFESSIONAL BOXING SAFETY ACT

• Mr. ROTH. Mr. President, the Senate's passage of the Professional Boxing Safety Act represents the culmination of nearly 4 years of working to make professional boxing a safer sport for the young men who choose to enter the ring. In large part, these efforts owe a great deal to a boxer from my home State of Delaware, whose misfortune and subsequent hard work made a lot of this possible. That boxer is Dave Tiberi and I believe that both the Senate and the American public owe a debt of gratitude to Dave for the legislation we have adopted.

On February 8, 1992, in a world title fight, Dave Tiberi lost a controversial split decision in Atlantic City to the International Boxing Federation's middleweight champion, James Toney. The ABC announcer described it as "the most disgusting decision I have ever seen." As a result of that fight, I directed that the Permanent Subcommittee on Investigations undertake a comprehensive investigation of professional boxing, the first in the Senate in more than 30 years. Unfortunately, that investigation found that the sport's problems remained much as Senator Kefauver found them to be three decades earlier.

First and foremost among all the problems facing the sport today, none is more important that protecting the health and safety of professional boxers. We work hard to protect our amateur boxers and take great pride in their accomplishments in the Olympics. Yet, when these and other young men step into the professional ranks, we deny them even the most basic health and safety protections such as minimum uniform national standards. Professional boxers are faced with a patchwork system of health and safety regulations that vary State by State, both by rule and enforcement.

Along with my colleague, Senator DORGAN, I have worked to ensure that the legislation we have adopted does include minimum uniform national health and safety standards. This will ensure that every professional boxing match in the United States is conducted under these standards. Every professional boxer will know that a physician must be at ringside; that an ambulance must be available; and that promoters must provide medical insurance. I commend Senator McCAIN and Senator BRYAN, the sponsors of S. 187, for including these health and safety protections in this legislation.

Despite numerous lucrative offers, Dave Tiberi has never fought again. Instead, he has dedicated his efforts to reforming boxing and working with young people in Delaware. I believe that, in large part, without Dave Tiberi's work, we would not have passed this boxing reform legislation.

Professional boxing is important not only to its millions of fans, but also because the sport creates opportunities for many young men who have few opportunities. We owe these young men a system outside the ring that works as hard to protect them as they do inside the ring. That is why I have worked to reform professional boxing and I commend my colleagues for adopting this important legislation.•

THE PROFESSIONAL BOXING SAFETY ACT

• Mr. McCAIN. Mr. President, I am very pleased the Senate passed S. 187, the Professional Boxing Safety Act, last night. This bill will make professional boxing a safer and better sport, and serve to protect the athletes who sustain this industry with their skill, dedication, and courage.

This legislation is the product of over 2 years of consultation with dozens of State boxing officials, professional boxers, and concerned industry members. S. 187 is an effective and practical measure that will strengthen and expand the health and safety precautions to protect the welfare of professional boxers. It will also go a long way toward enhancing the integrity of the sport.

I am deeply grateful for the strong support that Senator RICHARD BRYAN of Nevada has lent to this effort. As prime cosponsor of S. 187 and as a Senator representing America's premier boxing State, Senator BRYAN's assistance on this issue has been vital to its progress.

I would also like to thank Senators PRESSLER and Senator ROTH for cosponsoring this bill. Chairman PRESSLER helped move S. 187 through the Commerce Committee, and Senator ROTH has been a leader in bringing the issue of boxing reform before the Senate. Senator ROTH and Senator DORGAN helped strengthen the bill with additional health and safety provisions, as well.

I would like to speak for a moment on why the passage of boxing legislation is an important and necessary step for the Senate to take. Aptly described as "the Red Light District of Sports" some 70 years ago, professional boxing has continued to be an industry rife with controversy and scandal.

I have been an avid fan of boxing since I was a teenager, and I look back fondly on my days of painful mediocrity as a boxer at the U.S. Naval Academy. I idolized Sugar Ray Robinson, and have closely followed the many great champions and challengers who have followed in his wake. At its best, professional boxing can be a riveting and honorable contest between athletes.

Unfortunately, this standard of honorable competition is often ignored with respect to boxing in America today. Boxing continues to be corrupted by woefully inadequate safety precautions, fraudulent mismatches, and unethical business practices. The boxing industry has been justifiably tarnished in the public's eye due to individuals whose profit motives consistently outweigh their conscience.

Instead of the health and welfare of each boxer being paramount, many professional boxers are treated as sacrificial workhorses whose long-term interests do not count. This is especially true for the unknown club fighters who are the backbone of the sport. They live far out of the glare of the media spotlight, and box because it is the only way they know to make a living. A majority of professional boxers never make more than a few hundred dollars per bout during their entire careers.

Many boxers are routinely subjected to excessive punishment and injury in poorly supervised events. These bootleg shows feature dangerous mismatches and few if any health or safety precautions. Instead of being allowed to heal during a mandatory recuperation period, injured boxers are often lured to another State to avoid the suspension. Finally, when they are too old or debilitated to even attempt to compete, journeymen boxers are quickly dismissed from the sport.

There is no pension or medical assistance awaiting most boxers once they hang up their gloves. Indeed, their retirement often consists of nothing more than a steady and irreversible decline of their body and mind. This sad fate has faced literally thousands of boxers in America, and my overriding objective in introducing S. 187 is to prevent it from happening to future generations of boxers.

There are two major reasons these abuses have not been curbed. The first is the absence of a private governing body in the industry to mandate proper safety regulations and ethical guidelines. Second, the State-by-State nature of boxing regulation in America allows promoters to hold unsafe boxing shows in States with weak or nonexistent boxing regulations.

The Professional Boxing Safety Act will end this disturbing situation in an efficient and nonobtrusive manner. S. 187 will achieve the single most important step to make boxing safer: Requiring State boxing officials to responsibly evaluate and supervise every professional boxing event held in the United States. Public oversight by State officials is absolutely essential to protect the health and safety of boxers.

We simply cannot allow the business interests which dominate the boxing industry to sanction and supervise events which they themselves organize and promote. The final authority for the content and conduct of each boxing event must rest with State athletic officials—not promoters or sanctioning bodies. State boxing officials are responsible for protecting both the welfare of the boxers and serving the public's interest, and S. 187 will greatly assist them in this important work.

Let me briefly describe the major provisions of this bill. First, all boxing events must be reviewed and officially approved by State boxing commissioners. If a State does not have a boxing commission—and currently six States in the United States do not—commissioners from a neighboring State must be brought in to supervise the event at the expense of the promoter.

Second, each boxer competing in the United States will receive an identification card which will be tied into the private boxing registries which serve the industry. This will assist State commissioners in evaluating the career record and medical condition of each boxer coming to their State to compete.

Furthermore, S. 187 requires all commissioners and promoters to honor the medical suspensions of boxers that have been ordered by other State commissions. This means no boxer can compete while suspended due to a recent knockout, injury, or need for a medical procedure. Commissioners will also be required to promptly share the results of the boxing shows they supervise with commissioners from other States.

Several additional health and safety provisions were added to S. 187 before it was passed by the full Senate. Licensed physicians must be continuously present at ringside for all boxing events, and an ambulance service must either be present at the site or have been notified of the event. Promoters are required to provide medical insurance for each boxer, as well. The amount required will be left up to the discretion of each State.

These reasonable measures are already required by most State commissions, but establishing them as national standards will protect those boxers competing in less carefully regulated jurisdictions.

The U.S. attorneys in each State will enforce S. 187. The bill will empower U.S. attorneys to seek a temporary or permanent injunction against individuals violating this act. This will bolster State commissioners to resist the intimidation that results in dangerous and fraudulent professional boxing events.

Let me clearly emphasize what this legislation does not do. Unlike other boxing reform proposals that have been introduced in the Congress over the last decade, S. 187 requires no new Federal or State tax dollars; establishes no Federal boxing bureaucracy; and imposes no burdensome regulations upon State officials.

I am very pleased that S. 187 has received virtually unanimous support from every sector of the boxing industry. It has been enthusiastically endorsed by the Association of Boxing Commissions [ABC], which represents 35 State boxing commissions across the United States. Over 20 chief State boxing officers have written to me in support of this bill, ranging from prominent boxing States such as Nevada, Florida, and New Jersey, to smaller commissions such as Kentucky, Ohio, and my home State of Arizona.

Most important to me, however, is the enthusiastic support I have received from professional boxers themselves. They bear all the risk of this violent profession, and they are the people I want to protect with this legislation. Legendary champions Muhammad Ali, George Foreman, and Sugar Ray Leonard each wrote to me in support of S. 187, and I am deeply grateful to them.

I also want to note the special participation of two extremely impressive boxing industry professionals in this effort. Mr. Eddie Futch, perhaps the greatest trainer of this era, and accomplished junior featherweight Jerome Coffee both took the time to testify on boxing safety before the Commerce Committee. They graced the committee with their experienced views, and I again extend my sincere gratitude to the both of them for their contributions.•

SNOWBASIN LAND EXCHANGE ACT

• Mr. BURNS. Mr. President, yesterday Senators HATCH, BENNETT, CRAIG, and I introduced S. 1371, the Snowbasin Land Exchange Act. This bill would facilitate a land transfer in Utah.

The consolidation of ownership of lands in the West has been a goal of many Members of the Senate, including me. I have supported many land exchanges for Montana, and I am pleased to be a cosponsor of S. 1371. This bill deals with lands in Utah and would allow the Snowbasin ski area, which will be one of the sites for ski events of the 2002 Winter Olympic Games. The bill would transfer about 1,320 acres from the Forest Service to the ski area and Forest Service would receive lands of equal value which they desire.

About 10 years ago, discussions began between the owners of this land and the Forest Service. Since 1985, there have been studies, hearings, and assessments on the exchange. These include an environmental impact statement, environmental assessment, cultural and historical assessment, fish and wildlife studies, soil and water reviews, and geological studies. Despite a decision made by the Forest Service to exchange 700 acres of land at Snowbasin in 1990, the exchange remains uncompleted today.

Congress needs to act quickly on S. 1371 so the exchange can be completed in the near future. For the 2002 Olympic Games, planning has already begun. This exchange is important so the work at Snowbasin can be completed for Olympic ski events scheduled there.

The 2002 Olympic Games are important to the people of Montana for many reasons. For one, the Olympics will draw people to the Inter-Mountain West, including Montana. This means more travel and tourism dollars to Montana and greater exposure of the attributes Montana possesses.

Mr. President, the Public Lands Subcommittee will hold a hearing on S. 1371 next week, and I look forward to this bill moving forward quickly.●

ENERGY AND WATER APPROPRIATIONS ACT

Mrs. MURRAY. Mr. President, yesterday evening, the Senate passed the conference report on H.R. 1905, the Fiscal Year 1996 Energy and Water Development Appropriations Act. I would like to comment on one aspect of this bill that has tremendous meaning to people in my State of Washington.

During the debate, the senior Senator from Washington made a statement regarding a recent agreement between the various Members of the Senate from the Pacific Northwest and the Clinton administration regarding the recovery of salmon runs in the Columbia and Snake Rivers. He correctly pointed out the two things it represents: First, an acknowledgment by the administration of the need to stabilize recovery costs; and, second, an interim solution that provides some breathing space for the region to develop ideas for longer-term solutions.

My colleague also went the extra step of pointing out all the problems with the status quo, problems on which there is almost no disagreement. He spoke of the escalating costs of recovery measures. He spoke of the increasing financial pressures on Bonneville Power Administration. He spoke of conflicting Federal laws. He spoke of the inability of the Federal Government to develop solutions that work for a very unique region of the country. These are things on which we can both agree. These are problems on which I want to work with him to solve.

He also spoke of his goals in this debate. And again, his goals are substantially similar to mine. He spoke of the need to rebuild the once vibrant salmon runs which so much define the people of the Northwest and their culture. He wants to accomplish that soon, and so do I. He wants the Pacific Northwest—and the United States—to continue to benefit from the magnificent Federal Columbia River Power System, and I think he's right on target.

During his remarks, however, he drew an interesting parallel between this issue and the spotted owl controversy that has vexed our region for so many years. He said, in effect, that while owls are important, they should not be more important than people. I do not think any right-thinking person ever argued that owls should be more important than people; I know I have not. But most people know the real issue has been the gradual degradation of the public forests for which the owl became a symbol. The public has soundly rejected overcutting and overexploitation of the national forests, in favor of ecosystem management approach currently embodied by the Northwest forest plans.

The senior Senator suggests that—like his approach to the spotted owl—we should restore fish, but not at the expense of anyone else. I think that he fundamentally misjudges the differences between the salmon issue and the spotted owl issue. This is not as simple as jobs versus owls. Unlike the owl, salmon are firmly identified with people. They are part of people's basic vision of the Northwest, and they are part of the economic foundation on which our great State has been built. Salmon mean jobs. They put a roof over the heads of fishers and their families. They are at the spiritual center of native American cultures. They are at the core of many family relationships; how many parents have taken their child out for his or her very first fishing trip?

And the decline of salmon has sent a horrendous ripple effect through our economy, through our State, our politics, and even our international relations. The decline of salmon has driven fishers from Washington and Oregon up to Alaska. It has driven parents out of homes. It has created tension between politicians from neighboring States. Lawsuits have been filed. Indian peoples have threatened to enforce their treaty rights. Canada has taken a punitive line against our fishing boats, and our treaty with them has fallen into serious dispute. Why? Because the Federal Government has not taken care of our salmon runs. It is as simple as that, and it's a problem we can fix.

My colleague from Washington correctly points out that the administrative agreement reached last week to establish a budget for salmon recovery is just that—a promise by the administration to bring costs under control. He also expressed concern that nothing has been committed to paper describing this agreement. That is why I insert language into the conference report on H.R. 1905—with his support—that directs the agencies involved to enter into a memorandum of agreement detailing the manner in which the annual salmon budget will be implemented.

Make no mistake: a huge amount of money will be devoted to salmon recovery, and the public deserves detailed accounting of how it is spent. We will have accountability, or we will pull the plug. I expect the National Marine Fisheries Service, the Bonneville Power Administration, and the four Northwest States—either through their Governors, or the Northwest Power Planning Council—to reach agreement on the best approach to recovery, and to provide a full written accounting of their efforts.

How will we recover these salmon runs, when we have had so little success to date? The answer is by following good science. The senior Senator and I also agree on this, though he made one comment that disturbs me. He said we should not spend all this money solely to recover one, two, or three weak runs of fish. Well, I agree, and I do not think anyone is suggesting we should just focus on three runs. There are over 80 salmon and steelhead runs in this basin, and we should focus on managing the whole population to maximum advantage. Like the national forests that are home to the spotted owl, the health of the river system is in trouble. Nearly every single salmon and steelhead run is trending downward in population.

If we examine the science as it is currently understood, we will find that what is good for 1 weak run is also good for 79 others. Furthermore, the Northwest Power Planning Council has developed its own plan, and it's almost identical to that of the Federal Government. The only difference is that it targets the whole basin. That is right; the regional, homespun salmon plan aims to rebuild all salmon runs in the basin, and yet it calls for recovery measures almost identical to those required by the ESA: better passage around dams, faster travel time to the ocean, habitat conservation, and decreased predation. So it is reasonable to conclude that scientific theories are headed in the same direction for all salmon in the basin, be they listed under the Endangered Species Act, or not.

My colleague also pointed out that the region's current problems are the fault of Federal laws and overzealous bureaucrats. While that is surely true in part, it is not the whole story. The Endangered Species Act gives NMFS the responsibility to act to save salmon. It has kicked in as a measure of last resort, because other actions have failed. There are other laws that also apply. The Northwest Power Act—written by our Senators Warren Magnuson, Scoop Jackson, and MARK HATFIELD specifically for the region—requires BPA to manage the river system to ensure the propagation of salmon. That law set up the Northwest Power Planning Council to oversee BPA.

It was a regional solution; but it may be outdated, because it's no longer working.

But that's not all. The Federal Power Act requires non-Federal dams to take serious measures to protect salmon before they can get an operating license. There are treaties with native Americans—upheld by the Supreme Court of the United States as the highest law of the land—that require the Government to ensure healthy salmon runs exist. And finally, we have a treaty with Canada that requires each country to replaced the amount of fish it takes from the other's waters.

What solutions have been proposed by my senior colleague? He consistently has proposed shortcutting the law and tilting the balance of decisionmaking by limiting public involvement. His approach has been to find the quick fix: suspend the laws as they apply to our region, and impose an outcome from the Federal level. Well, more often than not, that approach shortchanges the science and leads to massive lawsuits. He has also proposed sweeping revision to the ESA, some of which might be needed. But the fact remains, we could repeal the ESA tomorrow, and it would not do a thing to help restore salmon to the Columbia Basin.

It is not as simple as turning the whole mess over to the States. That might get the Feds out of the picture, but it does not begin to solve the problem. In the end, we need to stop addressing all Columbia River issues in isolation. Salmon costs are not BPA's only problem; some might argue it is the least of its problems. BPA's biggest problem is how to continue delivering benefits to the people, given competitive changes to energy markets. It has inefficient management, a huge debt load, numerous public policy mandates, very little accountability, and virtually no regulatory oversight.

Politicians should commit to working for a series of shared values, and then start looking for ways to achieve them for the people. I think those values remain very clear: we should have clean, affordable hydropower; we should have bountiful fish and wildlife; and we should pay off the debts incurred to construct the system.

For fish, we need to find a way to make the requirements of all these laws and treaties consistent. And then we need one plan to meet these requirements. One set of standards, and one plan to meet them. We must utilize a scientifically sound, adaptive management approach. We must test, monitor, and adapt as we learn more about salmon science. The fact is, salmon science is inexact. There are many different theories on what is best for them; only by experimenting will we find the solutions that work best. Our challenge is to conduct these tests in the most sensible, cost effective way.

For the hydro system, we need to carefully reevaluate the role of BPA—and all its assets—as we enter the 21st century, and try to identify the role that makes the most sense for consumers in the new marketplace. The four Northwest Governors and the Department of Energy are currently planning a regional forum to review these issues. I hope this forum can be used to review proposals for change coming from the bottom up. I have been talking with many constituents over the past year, and I know much work has been done on the ground to scope out changes to the law that make sense for the region. I want to see that work carry over into the public arena. In my view, the Governors are best positioned to bring people together, review ideas, and forward useful guidance to the congressional delegation here in Washington, DC.

Mr. President, I have listened very closely to the people of the Northwest. They want salmon runs. They want clean hydropower in favor of nuclear power, or coal, or even gas. But above all else, they want to avoid the controversies of the past like the spotted owl: they want a solution. I am passionately committed to finding a solution that works for the Northwest. People do not want to see their politicians bicker. They do not want to see winners and losers in public debate. They want to see their politicians work together, and they want problems solved.

The agreement reached with the Clinton administration last week was a solid beginning. It was not landmark, and it certainly was not a long-term solution. But it buys time for the region to think this through very carefully, and it does not harm any aspect of the river system, or the fish. We now have an opportunity. We can move forward, and find solutions, or we can draw lines in the sand and let things devolve into politics. I know the people of the Pacific Northwest want the former.

NATIONAL SECURITY PROVISIONS OF THE GATT TREATY AS APPLIED TO ECONOMIC EMBARGOES

Mr. D'AMATO. Mr. President, I rise today to offer a brief explanation of article 21 of the GATT, otherwise known as the General Agreement on Tariffs and Trade, especially as it relates to the imposition of secondary economic sanctions against Iran. This is particularly pertinent because of my bill, S. 1228, the Iran Foreign Oil Sanctions Act.

Briefly, the provisions of article 21, are so broadly written, that legislation such as S. 1228 is possible, and in fact, sustainable under the GATT. Furthermore, the concept has been tested before, in relative terms as it relates to economic sanctions imposed upon Cuba in the 1960's, Nicaragua, and even against Czechoslovakia in the 1940's.

I want to add that even when President Reagan imposed similar sanctions against the Soviet Union in the 1980's, in retaliation to the imposition of martial law in Poland, a Federal court upheld sanctions against Dresser France.

I feel that this point must be made clear for those who feel that there would be a challenge to this once it became law, or that it would cause legal disputes. In light of this, I ask unanimous consent that the following documents be printed in the RECORD, explaining the legality of secondary boycotts under the GATT: First, a memo dated June 28, 1983, from Sherman Unger, then legal counsel for the Department of Commerce, on the subject of the legality of import sanctions under GATT; an article from the New York Times from August 25, 1982, entitled "Judge Backs U.S. Bid to Penalize Company on Soviet Pipeline Sale," that details an attempt by Dresser France to defy President Reagan's secondary boycott against foreign companies supplying oil pipeline equipment to the Soviet Union; and finally, an analytical index Guide to GATT Law and Practice, explaining article 21 in GATT, the national security exception.

In their totality, these documents will help to explain the legality and I hope that they will go some way toward settling any doubts about S. 1228.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
U.S. DEPARTMENT OF COMMERCE,
Washington, DC, June 28, 1983.

Memorandum to Lionel H. Olmer, Under Secretary for International Trade, from Sherman E. Unger, General Counsel.

EXPORT ADMINISTRATION ACT—INTERNATIONAL LEGALITY OF PROPOSED IMPORT SANCTION

SUMMARY

Proposed amendments to the Export Administration Act would authorize subjecting violators of national security export controls to sanctions in the form of import restrictions. The proper exercise of this authority would be consistent with United States obligations under the General Agreements on Tariffs and Trade (GATT) and under other potentially applicable trade agreements. GATT legality would not preclude the possibility of a claim of "nullification or impairment" under GATT Article XXIII, but the relationship of such sanctions to security interests and the likelihood of their relatively insignificant impact on a country's exports greatly reduce the risk of GATT-sanctioned counter-measures.

BACKGROUND

The Administration bill would amend section 11 of the Export Administration Act of 1979, as amended (the "EAA")[1]

"(3) Whoever violates any national security control imposed under section 5 of this Act, or any regulation, order or license related thereto, may be subject to such controls on the importing of its goods and technology into the United States or its territories and possessions as the President may prescribe."[2]

Footnotes at end of article.

The bill reported by the Senate Banking Committee contains a similar amendment, but the import controls on a violator are not limited to "its" goods and technology, and the sanction is also applicable to a violation of "any regulation issued pursuant to a multilateral agreement to control exports for national security purposes, to which the United States is a part."[3]

Under the present statute and regulations, violators of the export controls under the EAA are subject to criminal penalties and to administratively imposed civil fines and denial or limitation of access to exports from the United States.[4] When a violator is outside the United States, it may not be possible to acquire personal jurisdiction over that person for purposes of criminal proceedings or the collection of civil fines. The export control authority of the EAA can be used to deny a violator access to U.S. exports even if the violator elects not to contest the administrative enforcement proceedings and remains outside of United States territory.[5] Thus, denial of export privileges may be the only available sanction in certain cases. Whether this sanction will provide a meaningful penalty to deter further violations will depend upon the extent to which the violator needs continued access to U.S.-origin goods and technology. The ability to restrict imports, as well, would increase the economic impact on any violator and, for some, might be key to achieving an effective sanction.

GATT LEGALITY

GATT Article XI bars "prohibitions or restrictions" on imports, with certain exceptions not applicable to the EAA sanctions under consideration. Article XI applies to prohibitions or restrictions on the importation of "any product of the territory of any other contracting party." Thus, the origin of the affected imports, rather than the nationality or place of business of the sanctioned violator, would be controlling. Absent an exception in the GATT, an affected contracting party could challenge the import sanction as an illegal restraint on the exports of its products to the United States.[6]

The United States would be able to defend a proper use of the import sanction against violators on the basis of exceptions provided in Articles XX and XXI of the GATT.

Among the general exceptions in Article XX is that in subparagraph (d) with respect to measures "necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of [the GATT] . . . ". To qualify for an exception under the terms of Article XX, measures must not constitute "a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail" or "a disguised restriction on international trade."

It should not be subject to serious question that denial of import privileges to violators would constitute a measure to secure compliance with the export control laws, with the likely economic consequences of such a sanction serving as a deterrent. The real issue, therefore, would be whether the export controls themselves are consistent with the GATT.

Article XI bars prohibitions or restrictions through export licenses with respect to the exportation or sale for export of any product destined for the territory of any other contracting party. The application of this prohibition is limited by exclusions stated in paragraph 2 of the Article, but none of these is applicable to national security export controls.

For purposes of this memorandum, I shall assume that the import sanction is imposed in connection with a violation of a control restricting the export of a product destined for the territory of a contracting party. It should be noted, however, that most of the controlled destinations under U.S. national security controls are Communist countries that are not GATT contracting parties. Where an export license must be applied for in connection with an export of a national security controlled product to a Free World destination, the basic purpose of licensing (with limited nuclear-related exceptions) is to assure that the indicated destination is bona fide and that diversion to a controlled destination is not in prospect. As the purpose of these licensing requirements is not to deny these Free World destinations access to the products, and as the trade impact in fact is nil because licenses are rarely denied to these destinations, it is arguable that such controls are not the kind of trade practice which Article XI should be deemed to prohibit. This argument would gain force if Article XI were invoked in a case involving the unauthorized export of a U.S.-origin product from the territory of the contracting party lodging the complaint. It is not unlikely that such reexport controls would be involved in a complaint, as it is this jurisdictional reach that distinguishes U.S. controls from those of its major trading partners.

Even if Article XI were applicable to the national security export control being enforced, the United States should be able to GATT—justify its actions under the security exception in Article XXI. This provides in pertinent part:

"Nothing in this Agreement shall be construed . . . (b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests (i) relating to fissionable materials or the materials from which they are derived; (ii) relating to traffic in arms, ammunition and implements of war, and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment; (iii) taken in time of war or other emergency in international relations. . . ."

The use in Article XXI of the term "which it considers necessary" is indicative of the deference to the judgment of contracting parties when they wish to justify measures on security grounds. The very limited testing of this Article in GATT proceedings has confirmed this deference.[7] Professor Jackson quotes statements from the GATT preparatory conference that "some latitude must be granted for security as opposed to commercial purposes" and that "the spirit in which the Members of the Organization would interpret these provisions was the only guarantee against abuse."[8] The United States invoked Article XXI in successfully defending its export controls against a Czechoslovak challenge in 1949. In May 1982, Argentina complained to the GATT Council that the trade sanctions (not limited to military or strategic items) imposed by the United kingdom, the European Community, Canada and Australia violated various GATT requirements and could not be justified under Article XXI. The complaint remains unresolved.

The scarcity of official interpretations of Article XXI is due not only to the very few complaints in which it has been invoked, but also to the fact that the broad wording of the Article XXI exception relieves contracting parties of the obligation to provide notification of security-related measures.

If the GATT were to be invoked with respect to controls on industrial goods being exported for industrial use, it might be contended that the controls are not within the Article XXI reference to traffic in "other goods and materials . . . carried on directly or indirectly for the purpose of supplying a military establishment." Weighing strongly against the success of any such contention, however, is the fact that, from the earliest years of the GATT, the United States and the major industrialized countries of the West have operated a coordinated system of export controls with very broad product coverage and often with little or no concern as to whether supply of a military establishment was involved. In fact, in the early years of the GATT, Western embargoes of Communist countries were not confined to strategic goods, but included common industrial raw materials, so as to impair the growth of the economic base that could support a military effort. The targets of these controls included Czechoslovakia, a GATT contracting party.

If there is little likelihood of a successful GATT challenge to the security-related export control measure itself, might import sanctions imposed against a violator of that control nonetheless be found to be "arbitrary or unjustifiable discrimination between countries" or a "disguised restriction on international trade", preventing justification under the Article XX general exception? GATT negotiating history is not helpful in interpreting these provisions.[9] Import sanctions are unlikely to be overtly discriminatory between countries, for, as already noted, restrictions would apply to imports of a violator, irrespective of the country of origin. In practice, the impact of the import restraints would fall most heavily on the country where most of the violator's production occurs. It is conceivable, however, unlikely, that a pattern of selective use the import sanction could develop over time sufficient to sustain a claim of unjustifiable discrimination. The type of situation that could more reasonably be expected to lead to a GATT challenge and possible success would be a transparent use of the import sanction to achieve protectionist objectives. Circumstances suggesting such abuse would include the targeting of sanctions toward particular products accounting for troublesome import competition for domestic producers and the imposition of import restraints of such breadth or duration as to give them an economic impact disproportionate to other penalties for violation of export controls. (Note that denial of export privileges can serve both as a penalty and as a protective device—a blanket cut-off of a violator's access to U.S. goods and technology reduces that person's ability to engage in further diversions of strategic items).

Justification of import sanctions under Article XX would also require a showing that the measures were "necessary" to secure compliance—whereas Article XXI permits a contracting party to take measures "which it considers necessary" to protect its essential security interests. Where Article XX is applied to enforcement measures relating to security controls, however, it is reasonable to expect the same GATT deference to a party's assessment of its security needs and reluctance to render a decision on what would be viewed as a "political" matter.

NULLIFICATION OR IMPAIRMENT

The imposition of the import sanction against one of its companies could cause a contracting party to invoke Article XXIII claiming that the reduction of its exports to the U.S. has "nullified or impaired" benefits accruing to it under the GATT. It is not necessary to claim or establish that a GATT obligation has been breached. Art. XXIII: (b) and (c). If the complaint is not satisfactorily adjusted between the parties concerned, it may be referred to the GATT disputes machinery and result in a panel proceeding and a GATT Council recommendation or ruling. The contracting parties could authorize the complaining country to suspend the application of concessions or obligations under the GATT to the country imposing the measures found to nullify or impair benefits.

Given the extreme rarity of Article XXIII complaints actually proceeding to authorized retaliation, it is hard to believe that an import sanction case would ever lead to this result. Specific factors weighing against a finding of nullification or impairment are 1) the likelihood that other producers in the country concerned would remain free to supply the exports to the U.S. barred to the violator 2) the likelihood that the economic impact of the sanction would be insignificant in relation to the concerned country's overall trade and 3) the likelihood that the contracting parties would avoid acting with respect to security-related measures even though they would not have to rule on their legality.

OTHER CONSIDERATIONS

United States treaties such as our Friendship, Commerce and Navigation treaties typically provide "most favored nation" treatment for imports from the other country. In general, import sanctions would seem even less vulnerable under such treaties then under the GATT. First, an enforcement system that treats similarly situated violators the same, without regard to country of origin, arguably does not violate an MFN obligation. Secondly, these treaties typically contain a "security" or "vital interests" exception more broadly worded than GATT Article XXI. However, a consideration that could induce a country to invoke such a treaty rather than GATT procedures would be concern over the difficulty of getting such cases decided in GATT and the belief that the World Court would be more willing to adjudicate.

The EAA import sanction amendment has been criticized as an example of the allegedly improper extraterritorial extension of U.S. export controls. Although the sanction is available whether the violation involves conduct within United States territory or abroad, it is undoubtedly recognized that the sanction would most likely be applied to persons beyond the reach of U.S. legal process. It is to be expected that the violations charged would often involve activity abroad, such as unauthorized reexports, which other governments claim is beyond the regulatory jurisdiction of the United States. The new sanction, of course, does not extend the jurisdictional reach of the regulations. Like the existing authority to deny export privileges, it simply supplies an enforcement tool that can be effective against persons outside the United States. In any possible challenge to the import sanction under the GATT, these questions of legal jurisdiction should be irrelevant. The Article XX exception is for measures to secure compliance with laws or regulations "which are not inconsistent with the provisions of this Agreement." The Agreement contains no provision affecting rule-making jurisdiction, so claimed jurisdictional excesses ought not to bear on GATT justification based on Article XX. It should not be a surprise, nonetheless, if a government that finds cause to complain in the GATT of a U.S. export control action involving conduct abroad seeks to inject the jurisdictional issue. That government may well recognize that it has no real chance of having positive action taken on its complaint yet it may hope to get a GATT panel report to include some potentially useful criticism of the jurisdictional reach of the controls.

Finally, it should be noted that the factors that would be most important in sustaining the international legality of the proposed import sanction would be, for the most part, inapplicable to the other proposed EAA amendment that would permit controls to be imposed against imports from a country as to which export controls had been applied for foreign policy purposes. The Article XXI exception would be unavailable unless the controls could somehow be brought within that Article's characterization of "security interests". In contrast with sanctions against companies and individuals, sanctions against countries would entail literal conflict with the terms of pertinent GATT articles and MFN provisions in treaties.

In conclusion, the reasonable use of the import sanction against violators of security-related controls can be justified under pertinent GATT and treaty provisions. A government's good faith in imposing import controls is more likely to be questioned, due to the protectionist potential of such measures. Notwithstanding the traditional deference in official proceedings to a country's security-related justification of its measures, it will be important for our government to avoid measures which debase the national security standard and invite corresponding measures damaging to our trading interests and to the integrity of the international system of trade discipline.

FOOTNOTES

[1] 50 U.S.C. app. §2410(c) (Supp V, 1981).

[2] Section 8(6) H.R. 2500, 98th Cong., 1st Sess., 129th Cong. Rec. H. 1992 (April 12, 1983); Section 8(6) S. 979, 98th Cong., 1st Sess., 129th Cong. Rec. S. 4183, 4186 (April 6, 1983).

[3] Section 7 S. 979, 98th Cong., 1st Sess.

[4] 50 U.S.C. app. §2410 (a)-(c); 15 CFR §§387.1, 388.3 (1982).

[5] 15 CFR §388.8.

[6] The imposition of the import sanction arguably would not violate the "most favored nation" (MFN) requirements of Articles I and XIII of the GATT. Presumably, such sanctions would be applied in a source-neutral manner, that is, to bar all imports by or from the violator irrespective of the country of origin. The clear applicability of Article XI makes it unnecessary to pursue the question of MFN, but the issue of discrimination is addressed below with respect to the availability of an exception under the GATT.

[7] See Jackson, World Trade and the Law of GATT, 748–752 (1969).

[8] Id., at 748–49.

[9] Id., at 744.

[From the New York Times, Aug. 25, 1982]

JUDGE BACKS U.S. BID TO PENALIZE COMPANY ON SOVIET PIPELINE SALE

(By Clyde H. Farnsworth)

WASHINGTON, Aug. 24.—A Federal judge today cleared the way for the Commerce Department to penalize an American company for refusing to comply with President Reagan's sanctions against supplying equipment for the Siberian natural gas pipeline.

The company, Dresser Industries, has declined to order its French subsidiary to defy a French Government order to deliver equipment to be used for the Soviet pipeline.

In another move against the company, two Administration sources said, Cabinet members recommended during a meeting held in unusual secrecy that Dresser and Dresser France, the subsidiary, be placed on an American "denial list." The action would prevent the subsidiary from having any commercial relations with the United States.

They said the blacklist was one of the options that President Reagan was asked to consider in an options paper that went to him tonight in California after the meeting, which was under the chairmanship of Secretary of State George P. Shultz.

Another meeting began at the Justice Department tonight to prepare for enforcement of the denial order once the pipeline equipment is actually loaded on a Russian freighter, the Borodin, at Le Havre. The loading, which was to take place today, has reportedly been delayed until Wednesday.

The sources stressed that it was still up to the President to decide on a course of action in the developing confrontation with France and other Western European countries over the pipeline and the extraterritorial reach of American laws.

United States District Judge Thomas O. Flannery, turning down a last minute appeal by Dresser, refused to bar the administration from punishing the company.

JUDGE DENIES DRESSER REQUEST

The judge was asked by a lawyer representing Dresser, John Vanderstar of the Washington law firm of Covington & Burling, to issue a temporary restraining order that would prohibit the Government from issuing penalties against Dresser. However, ' the judge said that Mr. Vanderstar had failed to show that the Dallas-based company would suffer "immediate and irreparable harm" if the order was not issued.

Dresser France has agreed to supply three compressors, worth $2 million, that it has already built. The Russians have ordered a total of 21 compressors from Dresser, worth $18 million to $20 million, to pump natural gas through the 3,600 mile pipeline. The company argued that if its subsidiary did not ship the equipment, it would be liable to criminal and civil penalties in France.

On the other hand, if it did ship the compressors, it would violate the ban on supplying pipeline equipment to the Russians imposed by President Reagan under an executive decree last June 22. The American Export Administration Act of 1979, under which that decree was issued, also calls for civil and criminal penalties against violators.

That ruling extended American export controls not only to the foreign activities of United States companies, but also to foreign companies that use American technological licenses to manufacture products of their own. The controls were intended to deny American technology for the pipeline in retaliation for Soviet-inspired repression in Poland.

"The plaintiff is in a terrible jam," Mr. Vanderstar said. "Congress simply cannot have intended to authorize the Secretary of Commerce, no matter how good his intentions, to impose sanctions against this company."

Richard Willard, Acting Assistant Attorney General in the civil division of the Justice Department, told the judge that injunctive relief would "severely damage the foreign relations of the United States." He emphasized that this was an issue on which the President felt strongly.

He also said that the United States was not prepared to concede that the French Government order to Dresser France to ship the compressors represented even a "valid exercise of French law."

On the other hand, the French and other Europeans, who have filed a strong protest against the American sanctions, argue that

Europe cannot accept the right of the United States to extend its jurisdiction to companies established outside its territory.

Although it is the subsidiary of a Dallas-based company, Dresser France is a French company and operates under French laws.

Many other American subsidiaries in Europe and European companies that produce pipeline equipment under American license are affected by the June 22 order of the President. The reason that Dresser became the target is that, according to an administration source, "it just happened to have the earliest delivery schedule."

Commerce Secretary Malcolm Baldrige, who was cited as a defendant in Dresser's petition for injunctive relief, said he was "pleased with the judge's ruling." But neither he, nor Secretary of State Shultz, nor any other participant at the Cabinet-level meeting would comment on the results of the hearing.

The President has justified his action by citing both the Polish repression and the financial and political advantages the pipeline would bring to the Soviet Union. Europeans are both financing and providing equipment for the line to diversify energy sources and to provide employment for depressed industries.

The President said that the Russians stand to earn $10 billion to $12 billion a year from the gas and could use the proceeds to become an even greater military threat.

The penalties that may be levied against Dresser are discretionary, meaning that at one extreme the Government need do nothing at all. At the other extreme, officials explained, the United States could seek extradition of chief executives of offending companies and seek to jail them in the United States.

Although Secretary of State Shultz has supported the sanctions, he had gone on record before joining the administration as opposing the use of trade as an instrument of United States foreign policy.

He was quoted once, for instance, as saying that trade cannot be "turned on and off like a light switch," and called for a "predictable set of rules" to avoid domestic and foreign confusion.

COMPRESSORS FOR PIPELINE

Compressors are devices that increase the pressure of a gas, vapor, or mixture of gas and vapor by reducing the volume of such fluids as they pass through the device. In a pipeline, they are used to increase the amount of fuel that can be pumped through a line of a given diameter.

Dresser Industries manufactures a variety of compressors used in transporting fuels, including centrifugal, reciprocating, and axial compressors.

There are 21 50-ton centrifugal compressors involved in the current dispute, according to Edward Luter, Dresser's senior vice president. They cost about $700,000 each.

"Each compressor order is to certain specifications," Mr. Luter said yesterday in a telephone interview from Dresser's Dallas headquarters.

GUIDE TO GATT LAW AND PRACTICE

I. TEXT OF ARTICLE XXI

Article XXI—Security Exceptions

Nothing in this Agreement shall be construed

(a) to require any contracting party to furnish any information the disclosure of which it considers contrary to its essential security interests; or

(b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests

(i) relating to fissionable materials or the materials from which they are derived;

(ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;

(iii) taken in time of war or other emergency in international relations; or

(c) to prevent any contracting party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

II. INTERPRETATION AND APPLICATION OF ARTICLE XXI

A. Scope and application of article XXI

1. Paragraphs (a) and (b): "it considers . . . essential security interests":

During discussions in the Geneva session of the Preparatory Committee, in response to an inquiry as to the meaning of "essential security interests", it was stated by one of the drafters of the original Draft Charter that "We gave a good deal of thought to the question of the security exception which we thought should be included in the Charter. We recognized that there was a great danger of having too wide an exception and we could not put it into the Charter, simply by saying: 'by any Member of measures relating to a Member's security interests,' because that would permit anything under the sun. Therefore we thought it well to draft provisions which would take care of real security interests and, at the same time, so far as we could, to limit the exception so as to prevent the adoption of protection for maintaining industries under every conceivable circumstance. . . . There must be some latitude here for security measures. It is really a question of balance. We have got to have some exceptions. We cannot make it too tight, because we cannot prohibit measures which are needed purely for security reasons. On the other hand, we cannot make it so broad that, under the guise of security, countries will put on measures which really have a commercial purpose". The Chairman of Commission A suggested in response that the spirit in which Members of the Organization would interpret these provisions was the only guarantee against abuses of this kind.[1]

During the discussion of the complaint of Czechoslovakia at the Third Session in 1949 (see page 556) it was stated, inter alia, that "every country must be the judge in the last resort on questions relating to its own security. On the other hand, every contracting party should be cautious not to take any step which might have the effect of undermining the General Agreement.[2]

In 1961, on the occasion of the accession of Portugal, Ghana stated that its boycott of Portuguese goods was justified under the provisions of Article XXI:(b)(iii), noting that ". . . under this Article each contracting party was the sole judge of what was necessary in its essential security interest. There could therefore be no objection to Ghana regarding the boycott of goods as justified by security interests. It might be observed that a country's security interests might be threatened by a potential as well as an actual danger. The Ghanaian Government's view was that the situation in Angola was a constant threat to the peace of the African continent and that any action which, by bringing pressure to bear on the Portuguese Government, might lead to a lessening of this danger, was therefore justified in the essential security interests of Ghana".[3]

During the Council discussion in 1982 of trade restrictions applied for non-economic reasons by the EEC, its member States, Canada and Australia against imports from Argentina (see page 557), the representative of the EEC stated that "the EEC and its member States had taken certain measures on the basis of their inherent rights, of which Article XXI of the General Agreement was a reflection. The exercise of these rights constituted a general exception, and required neither notification, justification nor approval, a procedure confirmed by thirty-five years of implementation of the General Agreement. He said that in effect, this procedure showed that every contracting party was—in the last resort—the judge of its exercise of these rights". The representative of Canada stated that "Canada's sovereign action was to be seen as a political response to a political issue . . . Canada was convinced that the situation which had necessitated the measures had to be satisfactorily resolved by appropriate action elsewhere, as the GATT had neither the competence nor the responsibility to deal with the political issue which had been raised. His delegation could not, therefore, accept the notion that there had been a violation of the General Agreement".[4] The representative of Australia "stated that the Australian measures were in conformity with the provisions of Article XXI:(c), which did not require notification or justification".[5] The representative of the United States stated that "The General Agreement left to each contracting party the judgment as to what it considered to be necessary to protect its security interests. The CONTRACTING PARTIES had no power to question that judgement".[6]

The representative of Argentina noted that it had attempted to submit to GATT only the trade aspects of this case and stated "that in order to justify restrictive measures a contracting party invoking Article XXI would specifically be required to state reasons of national security . . . there were no trade restrictions which could be applied without being notified, discussed and justified".[7]

Paragraph 7(iii) of the Ministerial Declaration adopted 29 November 1982 at the Thirty-eighth Session of the Contracting Parties provides that ". . . the contracting parties undertake, individually and jointly: . . . to abstain from taking restrictive trade measures, for reasons of a non-economic character, not consistent with the General Agreement".[8]

The question of whether and to what extent the Contracting Parties can review the national security reasons for measures taken under Article XXI was discussed again in the GATT Council in May and July 1985 in relation to the US trade embargo against Nicaragua which had taken effect on 7 May 1985.[9] While a panel was established to examine the US measures, its terms of reference stated that "the Panel cannot examine or judge the validity or motivation for the invocation of Article XXI(b)(iii) by the United States".[10] In the Panel Report on "United States—Trade Measures affecting Nicaragua", which has not been adopted,

". . . The Panel noted that, while both parties to the dispute agreed that the United States, by imposing the embargo, had acted contrary to certain trade-facilitating provisions of the General Agreement, they disagreed on the question of whether the non-observance of these provisions was justified by Article XXI(b)(iii) . . .

Footnotes at end of article.

"The Panel further noted that, in the view of Nicaragua, this provision should be interpreted in the light of the basic principles of international law and in harmony with the decisions of the United Nations and of the International Court of Justice and should therefore be regarded as merely providing contracting parties subjected to an aggression with the right of self-defence. The Panel also noted that, in the view of the United States, Article XXI applied to any action which the contracting party taking it considered necessary for the protection of its essential security interests and that the Panel, both by the terms of Article XXI and by its mandate, was precluded from examining the validity of the United States' invocation of Article XXI.

"The Panel did not consider the question of whether the terms of Article XXI precluded it from examining the validity of the United States' invocation of that Article as this examination was precluded by its mandate. It recalled that its terms of reference put strict limits on its activities because they stipulated that the Panel could not examine or judge the validity of or the motivation for the invocation of Article XXI:(b)(iii) by the United States . . . The Panel concluded that, as it was not authorized to examine the justification for the United States' invocation of a general exception to the obligations under the General Agreement, it could find the United States neither to be complying with its obligations under the General Agreement nor to be failing to carry out its obligations under that Agreement".[11]

2. Paragraph (a): "disclose . . . any information":

During the discussion at the Third Session of a Czechoslovak complaint concerning United States national security export controls, in response to a request by Czechoslovakia for information under Article XIII:3 on the export licensing system concerned, the US representative stated that while it would comply with a substantial part of the request, "Article XXI . . . provides that a contracting party shall not be required to give information which it considers contrary to its essential security interests. The United States does consider it contrary to its security interest—and to the security interest of other friendly countries—to reveal the names of the commodities that it considers to be most strategic".[12]

The "Decision Concerning Article XXI of the General Agreement" of 30 November 1982 (see page 559 below) provides inter alia that "Subject to the exception in Article XXI:a, contracting parties should be informed to the fullest extent possible of trade measures taken under Article XXI".[13]

3. Paragraph (b): "action":

(1) "relating to fissionable materials or the materials from which they are derived":

The records of the Geneva discussions of the Preparatory Committee indicate that the representative of Australia withdrew its reservation on the inclusion of a reference to "fissionable materials" in the light of a statement that the provisions of Article 35 [XXIII] would apply to Article XXI; see below at page 560.[14]

(2) "relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment":

During discussions in the Geneva session of the Preparatory Committee, in connection with a proposal to modify Article 37(g) [XX(g)] to permit export restrictions on raw materials for long-term defense purposes, the question was put whether the phrase "for the purpose of supplying a military establishment" would permit restrictions on the export of iron ore when it was believed that the ore would be used by ordinary smelting works and ultimately for military purposes by another country. It was stated in response that "if a Member exporting commodities is satisfied that the purpose of the transaction was to supply a military establishment, immediately or ultimately, this language would cover it".[15]

At the Third Session in 1949, Czechoslovakia requested a decision under Article XXIII as to whether the US had failed to carry out its obligations under Articles I and XIII, by reason of the 1948 US administration of its export licensing controls (both short-supply controls and new export controls instituted in 1948 discriminating between destination countries for security reasons). The US stated that its controls for security reasons applied to a narrow group of exports of goods which could be used for military purposes[16] and also stated that "the provisions of Article I would not require uniformity of formalities, as applied to different countries, in respect of restrictions imposed for security reasons".[17] It was also stated by one contracting party that "goods which were of a nature that could contribute to war potential" came within the exception of Article XXI.[18] The complaint was rejected by a roll-call vote of 17 to 1 with 3 abstentions.[19]

(3) "taken in time of war or other emergency in international relations":

The 1970 Working Party Report on "Accession of the United Arab Republic" notes that in response to concerns raised regarding the Arab League boycott against Israel and the secondary boycott against firms having relations with Israel, the representative of the UAR stated that "the history of the Arab boycott was beyond doubt related to the extraordinary circumstances to which the Middle East area had been exposed. The state of war which had long prevailed in that area necessitated the resorting to this system. . . . In view of the political character of this issue, the United Arab Republic did not wish to discuss it within GATT. . . . It would not be reasonable to ask that the United Arab Republic should do business with a firm that transferred all or part of its profits from sales to the United Arab Republic to an enemy country".[20] Several members of the working party supported the views of the representative of the UAR that the background of the boycott measures was political and not commercial.[21]

In November 1975 Sweden introduced a global import quota system for certain footwear. The Swedish Government considered that the measure was taken in conformity with the spirit of Article XXI and stated, inter alia, that the "decrease in domestic production has become a critical threat to the emergency planning of Sweden's economic defence as an integral part of the country's security policy. This policy necessitates the maintenance of a minimum domestic production capacity in vital industries. Such a capacity is indispensable in order to secure the provision of essential products necessary to meet basic needs in case of war or other emergency in international relations".[22] In the discussion of this measure in the GATT Council, "Many representatives . . . expressed doubts as to the justification of these measures under the General Agreement . . . Many delegations reserved their rights under the GATT and took note of Sweden's offer to consult".[23] Sweden notified the termination of the quotas as far as leather and plastic shoes were concerned as of 1 July 1977.[24]

In April 1982, the EEC and its member states, Canada, and Australia suspended indefinitely imports into their territories of products of Argentina. In notifying these measures they stated that "they have taken certain measures in the light of the situation addressed in the Security Council Resolution 502 [the Falkland/Malvinas issue]; they have taken these measures on the basis of their inherent rights of which Article XXI of the General Agreement is a reflection".[25] Argentina took the position that, in addition to infringing the principles and objectives underlying the GATT, these measures were in violation of Articles I;1, II, XI:1, XIII, and Part IV. The legal aspects of these trade restrictions affecting Argentina were discussed extensively in the Council.[26] The measures were removed in June 1982. Argentina sought an interpretation of Article XXI; these efforts led to the inclusion of paragraph 7(iii) in the Ministerial Declaration of November 1982, which provides that ". . . the contracting parties undertake, individually and jointly: . . . to abstain from taking restrictive trade measures, for reasons of a non-economic charter, not consistent with the General Agreement"[27] and also led to the adoption of the text below at page 559.

On 7 May 1985 the US notified the contracting parties of an Executive Order prohibiting all imports of goods and services of Nicaraguan origin, all exports from the US of goods to or destined for Nicaragua (except those destined for the organized democratic resistance) and transactions relating thereto.[28] In Council discussions of this matter, Nicaragua stated that these measures contravened Article I, II, V, XI, XIII and Part IV of the GATT, and that "this was not a matter of national security but one of coercion".[29] Nicaragua further stated that Article XXI could not be applied in an arbitrary fashion; there had to be some correspondence between the measures adopted and the situation giving rise to such adoption.[30] Nicaragua stated that the text of Article XXI made it clear that the Contracting Parties were competent to judge whether a situation of "war or other emergency in international relations" existed and requested that a Panel be set up under Article XXIII:2 to examine the issue.[31] The United States stated that its actions had been taken for national security reasons and were covered by Article XXI:(b)(iii) of the GATT; and that this provision left it to each contracting party to judge what action it considered necessary for the protection of its essential security interest.[32] The terms of reference of the Panel precluded it from examining or judging the validity of the invocation of Article XXI(b)(ii) by the U.S. Concerning the Panel decision on this issue, see page 555 and the discussion of Article XXIII below. When the Council discussed the Panel Report, Nicaragua requested that the Council recommend removal of the embargo; authorized special support measures for Nicaragua so that countries wanting to do so could grant trade preferences aimed at re-establishing a balance in Nicaragua's pre-embargo global trade relations and at compensating Nicaragua for the damage caused by the embargo; and prepare an interpretative note on Article XXI. Consensus was not reached on any of these alternatives. The Panel Report has not been adopted. At the meeting of the Council on 3 April 1990 Nicaragua announced the lifting of the trade embargo. The representative of the US announced that the conditions which had necessitated action under Article XXI had ceased to exist, his country's national security emergency with respect to Nicaragua had been terminated, and all economic sanctions, including the trade embargo, had been lifted.[33]

In November 1991, the European Community notified the contracting parties that the EC and its member States had decided to adopt trade measures against Yugoslavia "on the grounds that the situation prevailing in Yugoslavia no longer permits the preferential treatment of this country to be upheld. Therefore, as from 11 November, imports from Yugoslavia into the Community are applied m.f.n. treatment . . . These measures are taken by the European Community upon consideration of its essential security interests and based on GATT Article XXI."[34] The measures comprised suspension of trade concessions granted to the Socialist Federal Republic of Yugoslavia under its bilateral trade agreement with the EC; application of certain limitations (previously suspended) to textile imports from Yugoslavia; withdrawal of GSP benefits; suspension of similar concessions and GSP benefits for ECSC products; and action to denounce or suspend the application of the bilateral trade agreements between the EC and its member states and Yugoslavia. On 2 December the Community and its member states decided to apply selective measures in favor of "those parties which contribute to progress toward peace." Economic sanctions or withdrawal of preferential benefits from the Yugoslavia were also taken by Australia, Austria, Canada, Finland, Japan, New Zealand, Norway, Sweden, Switzerland, and the United States.

At the Forty-seventh Session in December 1991, Yugoslavia referred to the Decision of 1982 on notification of measures taken under Article XXI (see page 559 below) and reserved its GATT rights. In February 1992 Yugoslavia requested establishment of a panel under Article XXIII:2, stating that the measures taken by the EC were inconsistent with Articles I, XXI and the Enabling Clause; departed from the letter and intention of paragraph 7(iii) of the Ministerial Decision of November 1982; and impeded the attainment of the objectives of the General Agreement. Yugoslavia further stated:

"The situation in Yugoslavia is a specific one and does not correspond to the notion and meaning of Article XXI (b) and (c). There is no decision or resolution of the relevant UN body to impose economic sanctions against Yugoslavia based on the reasoning embodied in the UN Charger. . . . the 'positive compensatory measures' applied by the European Community to certain parts of Yugoslavia [are] contrary to the MFN treatment of 'products originating in or destined for the territories'—taken as a whole—'of all contracting parties' ".[35]

In March 1992, the Council agreed to establish a panel with the standard terms of reference unless, as provided in the Decision of 12 April 1989, the parties agreed otherwise within twenty days.[36] At the April 1992 Council meeting, in discussion of the notification of the transformation of the Socialist Federal Republic of Yugoslavia (SFRY) into the Federal Republic of Yugoslavia (FRY) consisting of the Republics of Serbia and Montenegro, the EC representative said that until the question of succession to Yugoslavia's contracting party status had been resolved, the Panel process which had been initiated between the former SFRY and the EC no longer had any foundation and could not proceed.[37] At the May 1992 Council meeting, in a discussion concerning the status of the FRY as a successor to the former SFRY as a contracting party, the Chairman stated that "In these circumstances, without prejudice to the question of who should succeed the former SFRY in the GATT, and until the Council returned to this issue, he proposed that the representative of the FRY should refrain from participating in the business of the Council". The Council so agreed.[38] At the June 1993 Council meeting this decision was modified taking into account United Nations General Assembly Resolution 47/1 to provide that the FRY could not continue automatically the contracting party status of the former SFRY and that it shall not participate in the work of the Council and its subsidiary bodies.[39]

4. Other invocations of Article XXI:

The United States embargo on trade with Cuba, which was imposed by means of Proclamation 3447 by the President of the United States, dated 3 February 1962, was not formally raised in the Contracting Parties but notified by Cuba in the inventory of non-tariff measures. The United States invoked Article XXI as justification for its action.[40]

5. Procedures concerning notification of measures under Article XXI:

During the Council discussion in 1982 of trade measures for non-economic reasons taken against Argentina (see page 557), it was stated by the countries taking these measures that "Article XXI did not mention notification" and that many contracting parties had, in the past, invoked Article XXI without there having been any notification or challenge to the situation in GATT.[41] Argentina sought an interpretation of Article XXI. Informal consultations took place during the Thirty-eighth Session in November 1982 in connection with the adoption of the Council report to the Contracting Parties, in so far as it related to these trade restrictions.[42] As a result, on 30 November 1982 the Contracting Parties adopted the following "Decision Concerning Article XXI of the General Agreement":

"Considering that the exceptions envisaged in Article XXI of the General Agreement constitute an important element for safeguarding the rights of contracting parties when they consider that reasons of security are involved;

"Noting that recourse to Article XXI could constitute, in certain circumstances, an element of disruption and uncertainty for international trade and affect benefits accruing to contracting parties under the General Agreement;

"Recognizing that in taking action in terms of the exceptions provided in Article XXI of the General Agreement, contracting parties should take into consideration the interests of third parties which may be affected;

"That until such time as the Contracting Parties may decide to make a formal interpretation of Article XXI it is appropriate to set procedural guidelines for its application;

The Contracting Parties decide that:

"1. Subject to the exception in Article XXI:a, contracting parties should be informed to the fullest extent possible of trade measures taken under Article XXI.

"2. When action is taken under Article XXI, all contracting parties affected by such action retain their full rights under the General Agreement.

"3. The Council may be requested to give further consideration to this matter in due course".[43]

See the references to this Decision above in the case of EC measures on trade with Yugoslavia.

B. Relationship between article XXI and other articles of the General Agreement

1. Articles I and XIII:

During the discussion at the Third Session of the complaint of Czechoslovakia that U.S. export controls were administered inconsistently with Articles I and XIII (see page 556), the US representative stated that these restrictions were justified under Article XXI(b)(ii). In calling for a decision, the Chairman indicated that Article XXI "embodied exceptions to the general rule contained in Article I". In a Decision of 8 June 1949 under Article XXIII:2, the Contracting Parties rejected the contention of the Czechoslovak delegation.[44]

2. Article XXIII:

During discussions in Geneva in 1947 in connection with the removal of the provisions now contained in Article XXI and their relocation in a separate exception (Article 94) at the end of the Charter, the question was raised whether the dispute settlement provisions of Article 35 of the New York Draft [XXII/XXIII] would nevertheless apply. It was stated that "It is true that an action taken by a Member under Article 94 could not be challenged in the sense that it could not be claimed that a Member was violating the Charter; but if that action, even though not in conflict with the terms of Article 94, should affect another Member, I should think that that Member would have the right to seek redress of some kind under Article 37 as it now stands. In other words, there is no exception from the application of Article 35 to this or any other Article".[45] The addition of a note to clarify that the provisions of paragraph 2 of Article 35 [XXIII] applied to Article 94 was rejected as unnecessary.[46]

See the discussion above of the Czechoslovak complaint concerning export controls, in which the Contracting Parties make a decision under Article XXIII:2 as to "whether the Government of the United States had failed to carry out its obligations under the Agreement through its administration of the issue of export licences".[47]

During the discussion of the trade restrictions affecting Argentina applied for non-economic reasons, the view was expressed "that the provisions of Article XXI were subject to those of Article XXIII:2". Argentina reserved its rights under Article XXIII in respect of any injury resulting from trade restrictions applied in the context of Article XXI.[48]

Paragraph 2 of the "Decision Concerning Article XXI of the General Agreement" of 30 November 1982 stipulates that ". . . when action is taken under Article XXI, all contracting parties affected by such action retain their full rights under the General Agreement".[49]

The 1984 Panel Report on "United States—Imports of Sugar from Nicaragua" examined the action taken by the US government to reduce the share of the US sugar import quota allocated to Nicaragua and distribute the reduction in Nicaragua's allocation to El Salvador, Honduras and Costa Rica. The Panel Report notes that "The United States stated that it was neither invoking any exceptions under the provisions of the General Agreement nor intending to defend its actions in GATT terms . . . the action of the United States did of course affect trade, but was not taken for trade policy reasons."[50]

"The Panel noted that the measures taken by the United States concerning sugar imports from Nicaragua were but one aspect of a more general problem. The Panel, in accordance with its terms of reference . . . examined those measures solely in the light of the relevant GATT provisions, concerning itself only with the trade issue under dispute."[51]

". . . The Panel . . . concluded that the sugar quota allocated to Nicaragua for the fiscal year 1983/84 was inconsistent with the United States' obligations under Article XIII:2.

"The Panel noted that the United States had not invoked any of the exceptions provided for in the General Agreement permitting discriminatory quantitative restrictions contrary to Article XXIII. The Panel did not examine whether the reduction in Nicaragua's quota could be justified under any such provision."[52]

The follow-up on the Panel report was discussed in the Council meetings of May and July 1984. The United States said that it "had not obstructed Nicaragua's resort to GATT's dispute settlement process; it had stated explicitly the conditions under which the issue might be resolved; and it recognized that Nicaragua had certain rights under Article XXIII which it had reserved and could continue to exercise".[53] Nicaragua stated that it was aware of its rights under Article XXIII.

In July 1985, following a request by Nicaragua for the establishment of a panel to review certain US trade measures affecting Nicaragua, the right of a contracting party to invoke Article XXIII in cases involving Article XXI was discussed again in the GATT Council.[54] At its meetings in October 1985 and March 1986 respectively the Council established a panel with the following terms of reference to deal with the complaint by Nicaragua:

"To examine, in the light of the relevant GATT provisions, of the understanding reached at the Council on 10 October 1985 that the Panel cannot examine or judge the validity of or motivation for the invocation of Article XXI(b)(iii) by the United States, of the relevant provisions of the Understanding Regarding Notification, Consultation, Dispute Settlement and Surveillance (BISD 26S/211–218), and of the agreed Dispute Settlement Procedures contained in the 1982 Ministerial Declaration (BISD 29S/13–16), the measures taken by the United States on 7 May 1985 and their trade effects in order to establish to what extent benefits accruing to Nicaragua under the General Agreement have been nullified or impaired, and to make such findings as will assist the Contracting Parties in further action in this matter".[55]

In the Panel Report on "United States—Trade Measures affecting Nicaragua", which has not been adopted, the Panel noted the different views of the parties regarding whether the United States' invocation of Article XXI(b)(iii) was proper, and concluded that this issue was not within its terms of reference; see above at page 555. With regard to Nicaragua's claim of non-violation nullification or impairment, the Panel "decided not to propose a ruling in this case on the basic question of whether actions under Article XXI could nullify or impair GATT benefits of the adversely affected contracting party".[56]

When the Panel's report was discussed by the Council in November 1986, the US representative stated that "Nullification or impairment when no GATT violation had been found was a delicate issue, linked to the concept of 'reasonable expectations'. It was not simply a question of trade damage, since no one doubted the existence of trade damage. Applying the concept of 'reasonable expectations' to a case of trade sanctions motivated by national security considerations would be particularly perilous, since at a broader level those security considerations would nevertheless enter into expectations . . . the Panel had acted wisely in refraining from a decision that could create a precedent of much wider ramifications for the scope of GATT rights and obligations . . .".[57] The representative of Nicaragua stated that her delegation could not support adoption of the report, inter alia because it could only be adopted once the Council was in a position to make recommendations.[58]

C. Relationship between article XXI and general international law

The 1986 Panel Report on "United States—Trade Measures Affecting Nicaragua", which has not been adopted, noted the different views of the parties to the dispute concerning the relationship between Article XXI and general international law including decisions of the United Nations and the International Court of Justice.[59]

In discussion at the Forty-seventh Session in December 1991 concerning trade measures for non-economic purposes against Yugoslavia, the representative of India stated that "India did not favour the use of trade measures for non-economic reasons. Such measures should only be taken within the framework of a decision by the United Nations Security Council. In the absence of such a decision or resolution, there was serious risk that such measures might be unilateral or arbitrary and would undermine the multilateral trading system".[60]

III. PREPARATORY WORK

In the US Draft Charter, and London and New York Draft Charter texts, the Article on exceptions to the commercial policy chapter included the provisions of what is now GATT Article XXI (see Article 32, US draft; Article 37, London and New York drafts). Also in these drafts, the exceptions clause for the chapter on commodity agreements included provisions excepting arrangements relating to fissionable materials; to the traffic in arms, ammunition and implements of war and traffic in goods and materials for the purpose of supply a military establishment; or in time of war or other emergency in international relations, to the protection of the essential security interests of a member (Article 49:2, US Draft; Article 59(2), London Draft; article 59(c), New York Draft). At Geneva it was decided to take paragraphs (c), (d), (e) and (k) of Article 37 and place them in a separate Article.[61] It was agreed that this Article would be a general exception applicable to the entire Charter.[62] The corresponding security exception was also removed from the commodity chapter. The security exception provisions became Article 94 in Chapter VII of the Geneva draft Charter, which was virtually identical to the present text of Article XXI.

The text of Article 94 was extensively discussed at Havana in the Sixth Committee on Organization. Article 94 became Article 99 of the Charter on General Exceptions, of which paragraphs 1(a) and (b) were almost identical to those of Article XXI, the only differences being (i) an addition in the first line of paragraph (b) as follows: "to prevent any Member from taking, either singly or with other States, any action . . .", and (ii) an addition to paragraph (b)(ii) as follows: "a military establishment of any other country". Article 99 also included a paragraph 1(c) exempting intergovernmental military supply agreements[63]; a paragraph 1(d) on trade relations between India and Pakistan (dealt with in the General Agreement by the provisions of Article XXIV:11); and a paragraph 2 providing that nothing in the Charter would override the provisions of peace treaties resulting from the Second World War or UN instruments creating trust territories or other special regimes.

However, "on examining several of the proposals submitted by delegations relating to action taken in connection with political matters or with the essential interests of Members, the Committee concluded that the provisions regarding such action should be made in connection with an article on 'Relations with the United Nations', since the question of the proper allocation of responsibility as between the Organization and the United Nations was involved",[64] Accordingly a new Article 86 of the Charter on "Relations with the United Nations" was drafted, including the former paragraph 1(c) of Article 94 [XXI:(c)].

Article 86 of the Charter dealt with various institutional questions such as the conclusion of a specialized agency agreement between the ITO and the UN. It also stated, in paragraph 3, that:

"3. The Members recognize that the Organization should not attempt to take action which would involve passing judgment in any way on essentially political matters. Accordingly, and in order to avoid conflict of responsibility between the United Nations and the Organization with respect to such matters, any measure taken by a Member directly in connection with a political matter brought before the United Nations in accordance with the provisions of Chapters IV or VI of the United Nations Charter shall be deemed to fall within the scope of the United Nations, and shall not be subject to the provisions of this Charter.

"4. No action, taken by a Member in pursuance of its obligations under the United Nations Charter for the maintenance or restoration of international peace and security, shall be deemed to conflict with the provisions of this Charter".

The interpretative notes to paragraph 3 provided that:

"1. If any Member raises the question whether a measure is in fact taken directly in connection with a political matter brought before the United Nations in accordance with the provisions of Chapters IV or VI of the United Nations Charter, the responsibility for making a determination on the question shall rest with the Organization. If, however, political issues beyond the competence of the Organization are involved in making such a determination, the question shall be deemed to fall within the scope of the United Nations.

"2. If a Member which has no direct political concern in a matter brought before the United Nations considers that a measure taken directly in connection therewith and falling within the scope of paragraph 3 of Article 86 constitutes a nullification or impairment within the terms of paragraph 1 of Article 93, it shall seek redress only by recource to the procedures set forth in Chapter VIII of this Charter".

The purpose of these provisions was explained by the Sixth Committee as follows:

"Paragraph 3 of Article [86], which like paragraph 4 is independent in its operation, is designed to deal with any measure which is directly in connection with a political matter brought before the United Nations in a manner which will avoid conflict of responsibility between the United Nations and the Organization with respect to political matters. The Committee agreed that this provision would cover measures maintained by a Member even though another Member had brought the particular matter before the United Nations, so long as the measure was taken directly in connection with the matter. It was also agreed that such a measure, as well as the political matter with which it was directly connected, should remain within the jurisdiction of the United Nations and not within that of the Organization. The Committee was of the opinion that the important thing was to maintain the jurisdiction of the United Nations over political matters and over economic measures of this sort taken directly in connection with such a political matter, and nothing in Article [86] could be held to prejudice the freedom of action of the United Nations to settle such matters and to take steps to deal with such economic measures in accordance with the provisions of the Charter of the United Nations if they see fit to do so.

"It was the view of the Committee that the word 'measure' in paragraph 3 of Article [86] refers only to a measure which is taken directly in connection with a political matter brought before the United Nations in accordance with Chapters IV and VI of the Charter of the United Nations and does not refer to any other measure".[65]

The Charter provisions in Articles 86 and 99 were not not taken into the General Agreement. While Article XXIX:1 provides that "The contracting parties undertake to observe . . . the general principles of Chapters I to VI and of Chapter IX of the Havana Charter", the Note Ad Article XXIX:1 provides that "Chapters VII and VIII . . . have been excluded from paragraph 1 because they generally deal with the organization, functions and procedures of the International Trade Organization". In this connection, during the discussion at the Sixth Session of the Contracting Parties of the US suspension of trade relations with Czechoslovakia it was stated with reference to Article 86, paragraph 3 of the Havana Charter that "although Chapter VII of the Charter was not specifically included by reference in Article XXIX of the Agreement, it had surely been the general intention that the principles of the Charter should be guiding ones for the Contracting Parties".[66]

The present text of Article XXI dates from the 30 October 1948 Geneva Final Act. It has never been amended. Amendment of Article XXI was neither proposed nor discussed in the 1954–55 Review Session.

IV. RELEVANT DOCUMENTS

Geneva:

Discussion: EPCT/WP.1/SR/11, EPCT/A/SR/25, 30, 33, 40(2), EPCT/A/PV/25, 30, 33, 40(2).

Reports: EPCT/103.

Other: EPCT/W/23.

Havana:

Discussion: E/CONF.2/C.5/SR.14, E/CONF.2/C.6/SR.18, 19, 37, and Add. 1.

Reports: E/CONF.2/C.5/14, E/CONF.2/C.6/45, 93, 104.

Other: E/CONF.2/C.6/12/Add.9, E/CONF.2/C.6/W/48.

See also London, New York and Geneva document references concerning Article XX.

FOOTNOTES

[1] EPCT/A/PV/33, p. 20–21 and Corr. 1; see also EPCT/A/SR/33, p. 3.

[2] GATT/CP.3/SR.22, Corr. 1.

[3] SR.19/12, p. 196.

[4] C/M/157, p. 10.

[5] C/M/157, p. 11.

[6] C/M/159, p. 19; see also C/M/157, p. 8.

[7] C/M/157, p. 12; C/M/159, pp. 14–15.

[8] L/5424, adopted on 29 November 1982, 29S/9, 11.

[9] C/M/188, pp. 2–16; C/M/191, pp. 41–46.

[10] C/M/196 at p. 7.

[11] L/6053, dated 13 October 1953 (unadopted), paras. 5.1–5.3.

[12] GATT/CP.3/38, p. 9.

[13] L/5426, 29S/23–24, para. 1.

[14] EPCT/A/PV/33, p. 29; see also EPCT/A/PV/33/Corr. 3.

[15] EPCT/A/PV/36, p. 19; see also proposal referred to at EPCT/W/264.

[16] GATT/CP.3/38; GATT/CP.3/SR.22, p. 8.

[17] GATT/CP.3/SR.22, p. 4–5.

[18] GATT/CP.3/SR.20, p. 3–4.

[19] GATT/CP.3/SR.22, p. 9; Decision of 8 June 1949 at II/28.

[20] L/3362, adopted on 27 February 1970, 17S/33, 39, para. 22.

[21] Ibid., 17S/40, para. 23.

[22] L/4250, p. 3.

[23] C/M/109, p. 8–9.

[24] L/4250/Add.1; L/4254, p. 17–18.

[25] L/5319/Rev. 1.

[26] L/5317, L/5336; C/M/157, C/M/159.

[27] L/5424. adopted on 29 November 1982, 29S/9, 11.

[28] L/5803.

[29] C/M/1881 p. 4.

[30] C/M/188, p. 16.

[31] L/5802; C/M/191, pp. 41–46.

[32] C/M/191, pp. 41,46.

[33] C/M/240, p. 31; L/6661.

[34] L/6948.

[35] DS27/2, dated 10 February 1992.

[36] C/M/255, p. 18.

[37] C/M/256, p. 32.

[38] C/M/257 p. 3 and Corr. 1.

[39] C/M/264, p. 3.

[40] COM.IND/6/Add.4, p. 53 (notification); MTN/3B/4, p. 559 (response citing binding reolution under Inter-American Treaty of Reciprocal Assistance). See also Council discussion May 1986 concerning US measures authorizing denial of sugar import quota to any failing to certify that it does not import sugar produced in Cuba for re-export to the US, stated by US to be a "procedural safeguard" against tran-shipment of sugar in violation of the embargo; C/M/198 p. 33, L/5980.

[41] C/M/159, p. 18.

[42] See L/5414 (Council report); see also C/W/402, W.38/5, L/5426.

[43] L/5426, 29S/23.

[44] GATT/CP.3/SR.22, p. 9; II/28.

[45] EPCT/A/PV/33, p. 26–27.

[46] EPCT/A/PV/33 p. 27–29 and EPCT/A/PV/33/Corr. 3.

[47] GATT/CP.3/SR.22, p. 9.

[48] C/M/157, p. 9; C/M/159, p. 14; C/M/165, p. 18.

[49] 29S/24.

[50] L/5607, adopted on 13 March 1984, 31S/67, 72, para. 3.10.

[51] Ibid., 31S/73, para. 4.1.

[52] Ibid., 31S/74, paras. 4.4–4.5.

[53] C/M/178, p. 27.

[54] C/M/191, pp. 41–46.

[55] C/M/196, p. 7.

[56] L/6053 (unadopted), dated 13 October 1986, paras. 5.4–5.11.

[57] C/M/204.

[58] C/M/204. See also communication from Nicaragua at C/W/506.

[59] L/6053, unadopted, dated 13 October 1986, prs. 5.2.

[60] SR.47/3, p. 5.

[61] See proposal at EPCT/W/23, reports on discussions in Commission A (commercial policy) at EPCT/WP.1/SR/11, EPCT/103 p. 3, EPCT/A/PV/25 p. 38–42.

[62] EPCT/A/PV/25 p. 39–42.

[63] See Havana Reports, p. 118, para. 32 and p. 145–147.

[64] Havana Reports, p. 153, para. (a).

[65] Havana Reports, p. 153–154, paras. (b)-(c).

[66] GATT/CP.6/SR.12, p. 4.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1374 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

CAMPAIGN FINANCE REFORM

Mr. McCAIN. Mr. President, today, two of our colleagues on the other side of the aisle, Senators DODD and KERREY, held a press conference endorsing legislation that Senator FEINGOLD and I and Senator THOMPSON and others introduced some time ago. This follows on the heels of an announcement in the other body by Congresswoman SMITH and Congressman MARKEY of Massachusetts and Congressman SHAYS of support for this legislation as well, including announcement by the Speaker of the House that hearings would begin on the issue of campaign finance reform.

Mr. President, I welcome all of these initiatives and support. I believe that the issue of campaign finance reform is one that is very important to the American people and becomes more important almost on a daily basis.

I wish to emphasize, after having been through this issue for a number of years, that if the issue is not bipartisan, then there will be no resolution to the campaign finance reform issue. And I worry sometimes that this legislation may tilt to one side or the other. That is why the Senator from Wisconsin and I have tried to maintain a balance as far as cosponsors are concerned.

If there is one lesson about reform in this body, and reform in the way we do business not only inside the Congress but in the way we conduct our campaigns, it is that any reform must be done on a bipartisan basis. I urge my colleagues who have similar ideas—I understand there are at least about 40 or 50 other campaign reform proposals now floating around—they engage it on a bipartisan basis, in which I and my friend from Wisconsin would be glad to join them.

Mr. President, I yield the floor.

MEASURE PLACED ON CALENDAR—S. 1372

The PRESIDING OFFICER. Pursuant to rule XIV of the Standing Rules of the Senate, the clerk will read S. 1372 for a second time.

The assistant legislative clerk read as follows.

A bill (S. 1372) to amend the Social Security Act to increase the earnings limit, and for other purposes.

The PRESIDING OFFICER. Is there objection to further proceeding?

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the Legislative Calendar.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, I would like to strongly associate myself with the remarks of the Senator from Arizona with regard to the recent news on our efforts on campaign finance reform.

Last week, we were extremely pleased to see a bipartisan group in the House essentially agree to introduce the kind of legislation that the Senator from Arizona and I have proposed.

Today, we are also pleased by the announcement of the support by the chairman of the Democratic National Committee and the chairman of the Democratic Senatorial Campaign Committee.

We are not so excited about the fact that these people happen to be leaders in the Democratic Party—that is good—but the more important thing is that it is another sign of the importance and the value of the bipartisan nature of this proposal.

The House proposal last week was bipartisan. Adding these two Senators to this group makes it another significant step in bringing both parties together with regard to this issue. I have been very pleased with the quick response from various Senators on signing on to this bill. Week by week, we have added new people.

I also want to note the editorial endorsements that the Senator from Arizona alluded to. The Feingold-McCain-Thompson bill has been endorsed by the New York Times, the Washington Post, Los Angeles Times, Dallas Morning News, Milwaukee Journal, St. Louis Post-Dispatch, Kansas City Star, Houston Chronicle, Nashville Tennessean, the Boston Globe, and many others. Of course, this was added to last week in addition by the endorsement of Ross Perot, who has indicated a lot of support on this issue.

Today, the addition of the support of Senator BOB KERREY of Nebraska and Senator DODD of Connecticut helps us move in that direction.

It takes about 100 steps to pass this bill. It is a complicated, very controversial bill that has been a knotty problem for the Congress for many years, but I think we have taken about 25 or 35 of those steps already. These endorsements are very important today.

Senator DODD's response at the news conference to the question of, "Why do you think this bill has a chance of actually passing?" was right on target. The fact that this bill has Republican and Democrat cosponsors and represents the first truly bipartisan bill, the first truly bipartisan bill in nearly 10 years, automatically makes this effort different, dramatically different than past efforts.

Senator BOB KERREY of Nebraska also made an excellent point about nobody understanding the need for reform better than those of us who are charged with the responsibility of raising these awful amounts of money. So this is progress.

I want to emphasize what the Senator from Arizona did. It is only progress in the context of a continued bipartisan effort. If either party thinks they can gain political advantage by turning this into a partisan issue, all they will succeed in doing is killing this effort.

This effort can win. There is every sign that it will win and that the President would be willing to sign it. With that caveat, with that effort to make sure that this is a continuation of the effort of bipartisanship, I welcome their support, and I look forward to further support from Members on both sides of the aisle.

I thank the Senator from Arizona and the Chair, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. LUGAR. I would like to proceed in morning business, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LUGAR pertaining to the introduction of S. 1377 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LUGAR. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MEASURE TO BE PLACED ON CALENDAR—H.R. 2492

Mr. LUGAR. Mr. President, I ask unanimous consent that H.R. 2492, the legislative branch appropriations bill, be placed on the calendar when received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—SENATE RESOLUTION 168

Mr. LUGAR. Mr. President, I ask unanimous consent that calendar No. 183, Senate Resolution 168, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 191, submitted earlier today by Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 191) designating the month of November 1995 as "National American Indian Heritage Month," and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCAIN. Mr. President, on behalf of myself and the following 51 Senators, I am pleased to submit today a Senate resolution to designate the month of November, 1995 as American Indian Heritage Month: BAUCUS, BENNETT, BINGAMAN, BRADLEY, BREAUX, BROWN, BRYAN, BURNS, CAMPBELL, CHAFEE, COCHRAN, COHEN, CONRAD, CRAIG, D'AMATO, DASCHLE, DODD, DOMENICI, DORGAN, EXON, FAIRCLOTH, FEINGOLD, FEINSTEIN, GORTON, GRAHAM, HATCH, INHOFE, INOUYE, JEFFORDS, KASSEBAUM, KEMPTHORNE, KENNEDY, J. KERRY, LAUTENBERG, LEVIN, LIEBERMAN, MIKULSKI, MOSELEY-BRAUN, MURRAY, NICKLES, PELL, PRESSLER, REID, SARBANES, SIMON, SIMPSON, SPECTER, STEVENS, THOMAS, THURMOND, and WELLSTONE.

Since 1982, the Congress has honored American Indians by designating a special day or week to pay tribute to the many outstanding contributions that American Indian tribes have made to our Nation. In the past 5 years, the Senate and the House have jointly designated the month of November as a time to celebrate the unique culture and heritage of American Indian people.

Mr. President, there are 557 federally recognized Indian tribal governments in this country, each with their own distinct language, culture, and traditions. All of us as Americans reap the benefits from many of these tribes' contributions, customs, and teachings.

Many of the principles of democracy that are reflected in the U.S. Constitution were drawn from the governmental traditions of various American Indian tribes, particularly the fundamental principles of freedom of speech and separation of powers in government. Environmentalists embrace the spiritual and practical teachings of Indian people because of their deep-rooted beliefs and reverence for the natural world.

Many of our words in the English language derive from native languages, including those that denote rivers, cities, and counties nationwide. The beautiful art, crafts, and jewelry of American Indian tribes are a distinctive feature of our American heritage.

A wide range of modern medicines and remedies derive from traditional American Indian healing practices that use natural herbs and plants. Indian people have lent important findings to the fields of agriculture, anthropology, astronomy, and other sciences.

In proportion to their share of the overall population, more American Indians have dedicated their lives to the military defense of our country than have any other group of Americans.

The special designation of November as American Indian Heritage Month is equally important as an educational tool for America's children. American Indians and many others utilize this time to share their special cultural heritage with the larger world. Schools, educational institutions, and teachers take advantage of this opportunity to include educational activities and events in their curriculum and school activities that celebrate the many contributions and achievements of American Indians. Federal agencies, various organizations, and private businesses plan activities geared toward educating the public and their employees about American Indian history and culture.

Mr. President, around the Thanksgiving holiday that occurs each November, Americans typically remember a special time in our history when the American Indians and English settlers celebrated and gave thanks for the bounty of their harvests and the promise of new kinships. I think the month of November is, therefore, an appropriate time for America to commemorate and recognize the first Americans.

Therefore, I ask you to join me in this special tribute to the American Indian people of this country. They deserve special recognition for their significant contributions to our great Nation.

Mr. President, I urge immediate adoption of the resolution.

Mr. LUGAR. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 191) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 191

Whereas American Indians were the original inhabitants of the land that now constitutes the United States of America;

Whereas American Indian governments developed the fundamental principles of freedom of speech and separation of powers in government, and these principles form the foundation of the United States Government today;

Whereas American Indian societies have exhibited a respect for the finiteness of natural resources through deep respect for the earth, and these values continue to be widely held today;

Whereas American Indian people have served with valor in all wars from the Revolutionary War to the conflict in the Persian Gulf, often in a percentage well above the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians have made distinct and important contributions to America and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians deserve to be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists, and scholars;

Whereas a resolution and proclamation as requested in this resolution will encourage self-esteem, pride, and self-awareness in American Indians of all ages; and

Whereas November is traditionally the month when American Indians have harvested their crops and is generally a time of celebration and giving thanks: Now, therefore, be it

Resolved, That the Senate designates November 1995 as "National American Indian Heritage Month" and requests that the President issue a proclamation calling on Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 2, 1995

Mr. LUGAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, November 2; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 12 noon, with Senators permitted to speak up to 5 minutes each, with the following exceptions: Senator MURKOWSKI is designated for 20 minutes; Senator BINGAMAN for 20 minutes; Senator HATCH for 15 minutes; Senator DASCHLE, or his designee, for 30 minutes; Senator THOMAS for 30 minutes; Senator MCCONNELL for 10 minutes and Senator ROCKEFELLER for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LUGAR. Mr. President, for the information of all Senators, at approximately 12 noon on Thursday, it will be the intention of the majority leader to turn to consideration of S. 1372, regarding the Social Security earnings limit. Also, the majority leader has indicated the Senate may consider the legislative branch appropriations bill during Thursday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LUGAR. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:06 p.m., adjourned until Thursday, November 2, 1995, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 1, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HEFLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 1, 1995.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day, almighty God, we pray for all people who are called to public service, who are committed to serving You by serving others and who see occasions to work for justice and opportunity. As they hear the voices from every side and the inevitable contentions that mark the days, may Your gift of discernment be imprinted on their character and may wisdom be their guiding star. Encourage all, O God, to grasp facts and understand issues, and yet always to seek the truth and the insight and the good judgment that will give justice and mercy for us and all people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. SMITH] come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1715. An act representing the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 187. An act to provide for the safety of journeymen boxers, and for other purposes; and

S. 325. An act to make certain technical corrections in laws relating to native Americans, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1905) "An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2002) "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be fifteen 1-minutes on each side.

SUPPORT PARTIAL-BIRTH ABORTION BAN

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, why is the pro-abortion movement even more fiercely opposed to the partial birth abortion bill than other pro-life measures? They insist that this bill would regulate only a small percentage of abortions, yet they are outraged that the bill is on the docket today.

I think it is this. Usually when we discuss abortion we talk about everything but abortion itself. According to the rules of the game the abortion controversy is about philosophy or religion or economics, about everything but what actually happens in each and every abortion.

By addressing one particular kind of abortion, this legislation forces us for the first time to acknowledge the dark, dirty secret of what actually happens. The baby dies. The 23-year coverup about the brutal methods of abortion, including dismemberment, injections of chemical poisons and now brain-sucking procedures is over. The cover-up is over. The gruesome spectacle of partial-birth abortions forces us to admit that what happens is death. It forces us to acknowledge that what dies is a baby, and we see all too clearly that the death inflicted on that baby is unspeakably cruel.

WHO IS DRAFTING ECONOMIC POLICY?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, something does not fit. There is civil war in Mexico. The peso is so low it could walk under a closed door with a top hat on. Mexico's biggest business is narcotics and they end up on the streets in America. Up north Canada just dodged a bullet. They almost voluntarily self-destructed.

After all this I keep reading the papers telling us how great the economy is. Well, if that is the case, how come wages keep going down? Workers are afraid of losing their house.

Tell me, Mr. Speaker, why is individual debt so high in America? Why are savings so low in America? And after all this, this administration wants a free-trade agreement with Chile. I ask today on the House floor, who is drafting our economic policies in America? Larry, Moe, and Curly, or a bunch of bureaucratic masochists who never stood in an unemployment line and are so dumb they could throw themselves at the ground and miss.

THE DEVIL IS IN THE DENIAL

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is always an honor to follow my colleague from Ohio in these morning sessions.

This morning, Mr. Speaker, I thought I would illustrate a couple of differences between our budget plan, the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

conservative commonsense budget plan, and what the White House has offered. This is the budget reconciliation package. Yes, it is lengthy. Yes, it is exhaustive. But yes, it is complete. We have managed to do in less than 40 weeks what the liberals could not do in 40 years. That is, change the size and scope of the Federal Government.

On the other hand, here is the President's plan, such as it exists. Some interesting charts, a few talking points, but, Mr. Speaker, the devil is not in the details. The devil is in the denial.

As our Speaker and the leader of the other body go down to the other end of Pennsylvania Avenue to meet the President, I wonder which President will show up.

I hope it is the President who says he is for a balanced budget in 7 years. I hope it is the President who says he wants a tax cut for the middle class. I hope it is the President who says he wants welfare reform. If it is that President, Mr. Speaker, let him join with us to balance this budget and get this country back on track.

WOLVES IN SHEEP'S CLOTHING

(Mr. HILLIARD asked and was given permission to address the House for 1 minute.)

Mr. HILLIARD. Mr. Speaker, just like the wolf that hid in a sheepskin to kill his prey, so have the Republicans attempted to act as though they were trying to save Medicare.

But finally, finally, the Republicans have shown us their true colors, as evidenced by Senator DOLE and Speaker GINGRICH's comments that they are really voting to kill Medicare.

The Republican leaders comments on Medicare shows us that when it comes to delivering to the rich of America the obscene and bloated Republican-sponsored tax break, that they will say anything and even sell out America's seniors to appease their rich masters.

Well, America is finally getting wise to the Republican half-truths and lies.

Senator DOLE opposed Medicare in 1965, and he also opposes it in 1995.

Just like the wolf in sheep's clothing, the Republicans have attempted to lure our seniors into a false sense of security, but Senator DOLE's comments to the Conservative Union and the Speaker's comments to Blue Cross/Blue Shield have helped us sound the alarm bell to warn our seniors so we may avert this disaster.

WHO ARE THE WOLVES?

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, talk about wolves in sheep's clothing. My gosh, we have got the Democratic President telling us that Medicare goes bankrupt by the year 2002. Then they backpedal for the next 6 months saying we do not have to do anything about Medicare and anybody who does anything about Medicare to save Medicare is somehow a wolf in sheep's clothing.

Talk about a wolf in sheep's clothing on the budget issue. We have got a President who, as a candidate, said as President I would present a 5-year plan to balance the budget.

The freshman class presented that. MARK NEUMANN presented that. I do not see the President supporting that.

Then the Republicans come up with a 7-year plan that the President opposes. He says we can do it in 10 years. Then in New Hampshire he says, "Well, I think it can be done in 7 years in May." Then in a press conference in October he says, "I think we can reach it in 7 years."

"I think we could reach it in 8 years." "I think we could reach it in 9 years."

I am confused. Help me out, Mr. President, make up your mind and side on the side of the American people.

MEDICARE

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, the morning after Halloween, we awake to find that the majority has been out all night playing trick or treat with senior citizens and Medicare.

The treat was supposed to be fixing Medicare and the trick is that the plan all along was to dismantle Medicare one step at a time.

The leader of the other body is actually proud that he opposed Medicare in 1965. Is this the same person who is assuring seniors that he has come to save Medicare, not to bury it?

And in a second surprise after the budget votes, the majority leadership finally admits that this is the first step in dismantling the program, and that the plan is to let Medicare wither on the vine.

If these guys were doctors, they might be accused of practicing Dr. Krevorkian medicine.

If they were used car salesmen, they might be eligible for salesmen of the month.

But since they are the fix Medicare gang, we need to expose the Halloween charade and defend the best health care program this country offers for seniors. No more trick or treat. How about straight talk on Medicare.

CONTROVERSY OVER CASTRO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the award for the most deplorable idolizing of Cuban tyrant Fidel Castro during his recent United States visit goes to my Democrat colleague from the Bronx, who handed the dictator a pair of boxing gloves engraved with "Fidel is #1."

Castro is No. 1 in human rights violations. He is No. 1 in persecution of political opposition. He is No. 1 in detainment of political prisoners. He is No. 1 in the persecution of the free press. So those gloves fit Castro to a tee.

However, given the hugs and accolades my colleague laid on Castro, I doubt that the "Fidel is #1" slogan was intended to refer to those Castro characteristics. It was another pathetic display of the obvious disregard some have for the repression that Castro imposes on the people of Cuba, and for the millions who struggle against his tyranny. Maybe Castro should return the favor by sending our colleague a pair of gloves engraved: "Castro's #1 pawn."

WE CANNOT LET MEDICARE DIE ON THE VINE

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, the Speaker of this House has indicated that he wants Medicare to die on the vine. That is his quote.

I do not want Medicare to die on the vine. I want it to live and to continue to provide health care and security to our older Americans.

The Speaker and the Republicans have been saying for weeks now that what they were trying to do was to save Medicare. We told you that was not their purpose. Now the truth is out. They never wanted Medicare. They never wanted Medicare in 1965. And now they want it to die on the vine.

We have got to fight to keep it living and serving our senior citizens. We cannot let Medicare die on the vine.

MORE ON THE MEDICARE DEBATE

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, again, we say the Speaker made a mistake. Last weekend I happened to be in Phoenix with a number of senior citizens at a senior housing project, El Prima Vera, and they were concerned that we were taking away Medicare. I said, what is it, the Democrats in the debate scaring you?

They said, no, our fear has been reassured, reconfirmed, because we have heard the Republican leadership plan and clear, plain English, with the Senate President telling us that he did not support Medicare because he thought it would fail, which is false because that is a safety net that many seniors today rely on to get their medical health care.

□ 1015

And then to top it off, 'it was the Speaker who was not concerned about the administration but who wanted to abolish Medicare, and that is the plain English truth.

REPUBLICANS HAVE THE ONLY PLAN

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, President Clinton says he thinks we can balance the budget in 7 years. Republicans have passed a bill that balances the budget in 7 years.

President Clinton says he wants to cut taxes. Republicans have passed a bill that cuts taxes for families and promotes economic growth.

President Clinton says he wants to save Medicare from bankruptcy. Republicans have passed a bill that saves Medicare for this generation and sets the stage for the baby boomers.

President Clinton says he wants to end welfare as we know it. Republicans have passed a plan to revolutionize the failed welfare system.

Mr. Speaker, talk is cheap. If the President is going to veto our balanced budget bill, then he is obligated to show us specifically what he would do differently. Balancing the budget is about more than just press conferences and talking points, it is about specific plans. And right now Republicans are the only ones with a legitimate plan.

THE DEFICIT HAS ALREADY BEEN CUT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Members, we hear talk about the 7-year balanced budget and the 10-year balanced budget.

We did not develop the debt that we have or the deficit in 7 years or even 10 years. In fact, in the 1980's, the deficit exploded, but it took us decades to get the financial house in the shape that we have it now. In fact, in 1992, the last year of a Republican administration in the White House, we had a $290 billion deficit. This year, that deficit is down to $163 billion.

Now, whether we talk about 7 years or 10 years, that is all a political game. What we are talking about is that we reduced the deficit under a Democratic President, without cutting Medicare, without cutting education, and without raiding the pension plans.

We do not need to let Medicare wither on the vine, Mr. Speaker.

KEEPING OUR PROMISES

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, apparently the previous speaker does not understand the difference between the debt and the deficit. We are not talking about paying off a debt that it has taken some 40 years to run up. We are talking about balancing the budget and bringing the deficit from $200 billion down to zero.

No question about it, when you have a $5 trillion debt, it would be very difficult to pay that off in a 7-year period. Unfortunately, this budget does not do that. It does not, in fact, pay off any of it, but what it does do is it gets us down to zero in terms of deficit.

Last week we did pass a balanced budget bill for the first time in 25 years. In doing that, we kept our promise. We kept our promise.

The President made a promise 3 years ago he was going to balance the budget in a 5-year period. He did not keep that promise.

In fact, he gave us a bad budget agreement in 1993 that showed $250 billion deficits as far as the eye can see.

We made the promise to balance the budget. We kept that promise, and that is probably the most important promise that we could have kept.

Because what does it mean? It means lower interest rates. It means more prosperity. It means more jobs. It means we are not going to be taxing our children for our own profligacy.

MOTION TO INSTRUCT CONFEREES ON VA-HUD BILL TO ELIMINATE ENVIRONMENTAL RIDERS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, there is going to be an effort this afternoon which I support to try to eliminate environmental riders that were put into the EPA appropriations bill by the Republican leadership. These Republican riders would severely hamper the EPA's ability to enforce regulations that are the veritable backbone of environmental protection in this country, leaving the EPA severely crippled and the environment utterly defenseless.

These provisos, supported by the Republican leadership, would limit EPA's ability to spend funds on activities related to the Clean Water Act, the Clean Air Act, RCRA, and Superfund. They even prevent the EPA from establishing drinking water standards for radon and arsenic, both known carcinogens.

These provisions are criminal in terms of the effects they will have on the environment. Then again, letting the environmental criminals off the hook is exactly what these provisions are all about.

I hope we are successful on a bipartisan basis this afternoon in eliminating these riders that severely hamper our ability to prevent the degradation of the Nation's environment.

IT IS TIME TO SET OUR COUNTRY ON THE RIGHT COURSE

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, what do the American people want? They want a Federal Government that is smaller, less costly, and less intrusive. They want us to cut spending and balance the budget. They want relief from taxes. They want us to reform the broken welfare system. And they want us to save Medicare from going bankrupt.

This is exactly why the people elected a Republican majority for the first time in 40 years. They wanted change from the status quo, and we have delivered that change. They wanted Republicans to keep our promises to balance the budget, cut taxes, reform welfare, and save Medicare. We have kept our promises.

Now it is our President's turn. Will President Clinton keep the promises he made? It is time to set our country on the right course. It is what the people want.

DO NOT SHUT DOWN THE GOVERNMENT

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I would like to tell those who happen to be mortgage holders across America they have a surprise in store. It is the Republican Christmas tax.

Here is what it is all about: In order to force the President's hand on this budget negotiation, Speaker GINGRICH has suggested he would close down the Government.

Major economists know if that occurs interest rates go up. People who have adjusted rate mortgages, where the interest rates vary as those interest rates go up, will have to pay more on their monthly mortgage payment.

So Merry Christmas, America. What Speaker GINGRICH would like to do is close down the Government, raise the interest rates, force higher payments on people's home mortgages.

We just read in the paper this morning working families are finding it tougher than ever to get by. They do not need to receive this sort of Christmas gift from Speaker GINGRICH, this kind of hidden tax, that imposes a greater burden on families in America. It is unfair.

What we need is a bipartisan, commonsense approach that does not cut Medicare, that does not provide a tax break for the wealthiest of Americans. That is what people sent us to Washington to do.

TAXPAYER-SUBSIDIZED LOBBYING

(Mr. COBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, if one were to take the time to explain the current controversy over taxpayer-subsidized lobbying to the average American, I have no doubt that the Istook-McIntosh-Ehrlich language would win easy approval.

Most of my constituents are flabbergasted to learn that taxpayer-subsidized lobbying occurs at all. They do not believe it is an appropriate use of their tax dollars. It is only inside the beltway that it is considered normal for groups to receive Federal grants that enable those same groups to lobby for more Federal grants. Mr. Speaker, this pernicious practice must end.

A few weeks ago, the House voted to retain the Istook language in an appropriations bill. Now, it is doubtful that that bill will ever make it to the Senate floor. And Senate conferences on a different vehicle have refused to add it to that bill. Mr. Speaker, the instincts of the average American are right. No one can plausibly justify the continuation of taxpayer-subsidized lobbying as we have come to know it.

Mr. Speaker, let us say no to business as usual and at the same time stand up for the taxpayer. Yes to the Istook-McIntosh language on Treasury-Postal.

PROHIBITING DEFENSE CONTRACTORS FROM LOBBYING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, basically what is going on here is not a debate about will we cut the budget. Of course. It is not a debate about will we cut the deficit. Of course. The question is who bears the brunt of the cuts, and is that fair.

You know, we just heard a 1-minute about charities lobbying. Well, I have an amendment trying to prohibit defense contractors from lobbying. Guess what, it got turned down. You talk about federally subsidized lobbying, and boy, did it pay off. They are getting about $8 billion more in defense dollars than the President asked for or the Joint Chiefs of Staff asked for.

So to get to a balanced budget then, if you are going to let those paid lobbyists have their way, you are going to have to cut someone else. So who are we cutting? Well, we hear the Speaker saying he hopes Medicare dies on the vine, so I guess we are going to cut the older people. We see people saying we have got to do away with nursing home provisions and so forth.

So the issue is not will we, the question is how we, and the question is who we listen to.

VOTE "YES" ON THE PARTIAL BIRTH ABORTION BAN

(Mr. HOSTETTLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Speaker, my friends, can 3 inches really be our guide to death over life?

Can 3 inches determine the definition of "person" under the 14th and 5th amendments?

Have we become so hardened in our hearts that not even the killing of a child during birth can be recognized as wrong?

It was not always so in America. At one point in our history, "We held these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life * * *."

God have mercy on us.

I urge a "yes" vote on H.R. 1833, the partial birth abortion ban.

SAVE SOCIAL SECURITY AND MEDICARE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, adjust your hearing aids, purchase new spectacles. Yes, if you were surprised to hear NEWT GINGRICH telling the truth for a change that he wanted, as his words say, "Now, we don't get rid of it in round one," referring to Medicare, "because we don't think that is politically smart, and we don't think that is the right way to go through a transition period; but we believe it is going to wither on the vine," then you have not been listening and you have not been watching.

Because there is nothing new about this plan to wreck Medicare. It was only in February that his very own Progress and Freedom Foundation newspaper entitled their lead editorial "For Freedom's Sake, Eliminate Social Security," and proceeded to say it is time to slay the largest Government entitlement program of all, Social Security.

What we have had here this year is round 1 of eliminating and destroying Medicare and Social Security.

The Republicans did not come to this Congress to save Social Security and Medicare. They came to bury it.

WHAT DOES THE PRESIDENT REALLY WANT?

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I suspect that most Americans are confused as to what the President wants in a Federal budget. The President has said that he wants, one, a plan that will balance the Federal budget in 7 years; two, a plan that will save Medicare from bankruptcy; three, a plan that will end welfare as we know it; and, four, a plan that will cut taxes for families and reduce the capital gains tax to spur job creation and economic growth.

But the President has never presented a plan that would balance the budget and do these other things. The Congress has. However, the President has announced he intends to veto this plan that will balance the budget the House and Senate will shortly send to him.

Mr. Speaker, I, for one, do not understand why the President would veto the only plan that will balance the Federal budget and accomplish the goals he says he supports which is also what the American people want.

Why go through all of that trouble? What does the President really want, Mr. Speaker?

PLAYING WITH FIRE

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, there are some in this House who have suggested that perhaps the United States should default on its debt limit and, therefore, default on Treasury bonds.

As one who came to this House from the private sector, who came to this House from the securities industry, let me tell you if we default on Treasury bonds, it will be violating a faith that the U.S. Government has had with the rest of the world and with its taxpayers since we came into existence.

If we break that faith, we will never again regain the confidence of the markets; but, furthermore, we will hurt U.S. bondholders which include pensioners throughout this country. We will hurt homeowners who will see their mortgage rates go up, particularly those who have adjustable rate mortgages.

Mr. Speaker, you are playing with fire if you are talking about defaulting on United States debt. Do not default, or history will find you wrong.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on International Relations, Committee on the Judiciary, Committee on Science, and the Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentlewoman from Utah?

There was no objection.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT OF 1995

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 251 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 251

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered as read for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yield is for the purpose of debate only.

Mr. Speaker, House Resolution 251 is a closed rule providing for consideration of H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Judiciary Committee and provides for one motion to recommit with or without instructions.

Mr. Speaker, of all of the issues with which our society, and this Congress, grapples, perhaps none is so contentious and difficult as the issue of abortion. It is an issue on which thoughtful people of good will, who have carefully pondered and considered its various aspects, passionately disagree, each side believing it is protecting the most fundamental of rights.

And yet, as divisive as this issue is, a majority of the citizens of our Nation have sought and found some common ground. One such area of general agreement relates to use of taxpayer funds. Most Americans do not think the money they send to their Government should be used to pay for elective abortions.

Mr. Speaker, I believe that the bill that we will debate today is another area where we can find that common ground. Because through this bill we will bring to an end a practice that is so gruesome and horrific and so repugnant to the valuing of human life that the American Medical Association's Council on Legislation voted unanimously to recommend that the AMA Board of Trustees endorse this bill, with one member voting that the council members agreed that this procedure is basically repulsive.

Mr. Speaker, let me stress that this debate is not about the myriad of other issues relating to abortion. This bill is very narrowly drawn to address only this particular procedure, and that is why we have brought this bill to the floor under a closed rule. While the Rules Committee has successfully worked to drastically reduce the number of closed rules in this Congress as compared to past years, it is appropriate to limit the debate on this very narrow proposal, and not attempt to use this as a vehicle to debate the enormous range of contentious issues relating to abortion.

Mr. Speaker, we have some anomalies in our laws across the country regarding the rights and interests of children. We recognize that children of parents who die before the child's birth should nevertheless be recognized as heirs of that parents's estate—establishing a property right for unborn children. We recognize causes of action for death or injury to unborn children—recognition of their right to be free from injury or pain. The moment a child is born any intentional injury to that child can be prosecuted as child abuse. And yet, the procedure we debate today indisputably causes pain and ends the life of partially born children—children whose bodies have been delivered and are outside the mother's womb but whose heads remain inside while the doctor ends the child's life and then finished the birth—except there is no birth now because the child is now dead. And currently, our laws do not protect these children.

Mr. Speaker, surely this is an area where we can find that elusive common ground—and prohibit a procedure used in lateterm abortions that measures the difference between life and death in inches. A procedure that one practitioner admits he has used for purely elective abortions 80 percent of the time.

Mr. Speaker, I submit that this bill is a place for us to set aside our other differences and unite in prohibiting a violent, morally repugnant practice. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Utah [Mrs. WALDHOLTZ] for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we oppose in the strongest possible terms both this closed rule and the legislation it makes in order. This is, we believe, a dangerous piece of legislation that makes it a crime to perform a medically established, safe method of completing late abortions. We oppose the bill not only because it is the first time the Federal Government would ban a form of abortion, but also because it is part of an effort to make it virtually impossible for any abortion to be performed late in a pregnancy, no matter how endangered the mother's life or health might be.

On a personal note, Mr. Speaker, if I may say so as the author of California's Therapeutic Abortion Act, which our then Governor Mr. Reagan signed into law back in 1967, which is one of the first laws in the Nation passed to protect the lives of women, I cannot express how strongly and strenuously I oppose the bill, and how profoundly sad and disturbing I find it that we seem to be poised to turn back the clock 30 years by insisting again, as we used to, that the State, and not the individual woman and her family, make this most personal and horrific decision for every family facing this tragic choice.

Mr. Speaker, we believe it is an unconstitutional infringement on the right to an abortion. It directly challenges the Roe versus Wade decision to protect a woman's right to choose; it contravenes the central holding of Roe that the Government may not ban an abortion where it is necessary for the preservation of the life or health of the mother. Under the bill, preserving the health of the mother is no defense at all, so the bill would sacrifice a woman's health to serve an extreme political agenda.

The bill is so vague that it is bound to produce a chilling effect on a broad range of abortion procedures. Physicians will think long and hard about whether they can endure practicing medicine under the constant threat of imprisonment, of civil lawsuits, and with the knowledge Congress has forbidden them from exercising their best professional judgments on behalf of their patients.

Mr. Speaker, the U.S. Congress has absolutely no business passing judgments on lifesaving medical procedures. This legislation is reprehensible in its arrogance and it is an unprecedented intrusion by the Congress into the practice of medicine and into the private lives of our Nation's families at a time when they are facing the most terrible decisions they will ever, ever have to make.

It is bad enough Members are being asked to vote on this irresponsible piece of legislation. To make matters worse, we are being required to consider this very controversial bill under a completely closed rule. There is simply no excuse. There is simply no good reason for denying Members any opportunity at all to try to cure the obvious defects in this legislation.

At the very least, if we could not consider the bill under an open rule, the majority should have allowed votes on three very critical amendments. First, the Farr-Lofgren amendment, which would have given us the opportunity to add language to the bill to create a life and health exception to the abortion ban. This is a fundamental concern, obviously, to women and their families.

Without this exception, Mr. Speaker, the bill will force women and their physicians to resort to procedures that may be more dangerous to the woman's health than the method banned. This amendment would permit Members to cast a vote that respects the paramount importance of women's health and future fertility.

We also believe strongly the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON], should have been made in order. Her amendment would have created a life exception to the abortion ban. We heard yesterday in the Committee on Rules extremely compelling testimony about how critical this exception is.

The bill before us contains a very narrow affirmative defense for cases where the banned procedure was the only one that would have saved the woman's life. This is not a life exception at all. It is only an affirmative defense, not an exception to the ban. It shifts the burden of proof to the doctor when he is already under indictment, already in court, already forced to have undergone lengthy and expensive legal proceedings. The Johnson amendment is extremely important, and Members should have been allowed the opportunity to debate it and to vote on it.

Finally, Mr. Speaker, the amendment by the gentleman from North Carolina [Mr. WATT], which would have returned the burden of proof in these cases to the Government, where it belongs, should have been allowed.

As the gentleman from North Carolina testified, the burden of proof in criminal cases is always on the Government. This bill upsets that time-honored legal standard by requiring the defendant, in this case the physician, to prove that the procedure was necessary to save a woman's life, and that no other procedure was available. This basic and fundamental standard of law should not be reversed in this bill. This is a great disservice not only to the medical people involved, but to our entire legal system. Mr. Speaker, we frankly find it outrageous that the gentleman from North Carolina [Mr. WATT], was not allowed to offer this very basic, very necessary amendment, which we believe the Members in their wisdom would have seen fit to adopt.

Mr. Speaker, this legislation before us is an uncalled for expansion of the Federal Government's power. It is one more step in the move to end a woman's access to safe and legal abortions. It is so broadly written it will surely prevent physicians from performing those lifesaving late-term abortions that are being performed because of deformities that prevent the fetus' survival or because a woman's life, health, or future reproductive capacity may be severely threatened.

We strongly oppose the rule before us and the bill it makes in order. We urge defeat of the rule.

Mr. Speaker, I reserve the balance of my time.

Mrs. WALDHOLTZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there are five good reasons for granting a closed rule for the Partial-Birth Abortion Ban Act. Here they are:

The act pictured here in these photographs, is, in the words of the American Medical Association's Legislative Council, basically repulsive.

The Rules Committee crafted this rule in a bipartisan fashion. Some Members voiced support for the addition of a life-of-the-mother amendment to be allowed to this legislation. The reason that this closed rule makes no provision for that is simple: The bill already permits a physician to perform a partial-birth abortion if he reasonably believes that it is necessary to save the life of the mother, and that no other procedure would suffice for that purpose.

Mr. Speaker, even the most ardent opponents of partial-birth abortion would not wish to allow women's lives to be endangered.

But make no mistake: Partial-birth abortions are being performed for many other elective reasons. According to the National Abortion Federation a national coalition of abortionists, late-term abortions are performed for fetal indications, lack of money or health insurance, social crises, or lack of knowledge about human reproduction. One abortionist even stated that he performed nine partial-birth abortions because the unborn baby had a cleft lip.

Mr. Speaker, this repulsive procedure is the act of a culture of death. Even at the turn of the century, American suffragettes recognized abortion as "child murder", in the words of Susan B. Anthony. Along with Elizabeth Cady Stanton, another one of the organizers of the women's right-to-vote movement, whose 75th anniversary we celebrate this year, Susan B. Anthony also wrote, "When a woman destroys the life of her unborn child, it is a sign that, by education or circumstances, she has been greatly wronged."

Let us not continue to offer partial-birth abortions to women as a solution to real-life problems. In the spirit of our American suffragettes, support the rule and the Partial-Birth Abortion Ban Act of 1995. Your conscience will make you glad you did.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, indeed this is a very, very tragic day and decision, and this rule is even more tragic, because it closes the door on the life or health of the mother. This is a closed rule, and it says that this procedure cannot be used for the life or health of the mother. This is in violation of Roe versus Wade, which says States can put all sorts of restrictions on late term abortions, and I certainly support that, but they cannot restrict them when it comes to life or health of the mother.

□ 1045

So if this rule goes forward and we are not allowed to bring the life of the mother and all of the, I think, justice that that brings with it to this floor, I am appalled that we have shut down that plea.

Mr. Speaker, people will say that the life of the mother is protected in this bill. That is absolutely wrong. All this bill allows is, after a doctor is arrested in a criminal offense, the doctor then has the burden of proof to prove that there was no other way that they could do this, and that is a very difficult burden of proof. And who in the world is going to submit to being arrested first. So the life of the mother is given very secondary status here.

But let me read from the California Medical Society's 38,000 doctors. They say, in their letter to this body,

> An abortion performed in the late trimester of pregnancy is extremely difficult for everyone involved, and we wish to clarify we are not advocating the performance of elective abortions in this late stage of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy or a pregnant woman develops life-threatening medical conditions inconsistent with the continuation of that pregnancy, abortion, however heart wrenching, may be medically necessary. And in such cases the procedure described in this bill would be outlawed, and it would prohibit all sorts of medical benefits and the chance to give safer alternatives to her by maintaining uterine integrity, reducing blood loss, and other potential complications,

including death.

Mr. Speaker, how can we turn our back on that? Never, never have we outlawed a medical procedure or criminalized it, and here we are doing it, even if it is for the life of the mother. Vote "no" on this rule.

The information referred to above is included for the RECORD as follows:

CALIFORNIA MEDICAL ASSOCIATION,
San Francisco, CA, October 24, 1995.

RE. H.R. 1833.

HON. SAM FARR,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE FARR: The California Medical Association is writing to express its strong opposition to the above-referenced bill, which would ban "partial-birth abortions." We believe that this bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Furthermore, it would impose an horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy to which the woman and her spouse are deeply committed.

An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved, and CMA wishes to clarify that it is not advocating the performance of *elective* abortions in the last stage of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilation and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several aspects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. It also permits the parents to hold and mourn the fetus as a lost child, which may assist them in reaching closure on a tragic situation. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Thus, there are numerous reasons why the IDE procedure may be medically appropriate in a particular case, and there is virtually no *scientific* evidence supporting a ban on its use.

CMA recognizes that this type of abortion procedure performed late in a pregnancy is a very serious matter. However, political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients. CMA opposes any legislation, state or federal, that denies a pregnant woman and her physician the ability to make medically appropriate decisions about the course of her medical care. The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care. It would set a very undesirable precedent if Congress were by legislation fiat to decide such matters. The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge.

CMA urges you to defeat this bill. The patients who would seek the IDE procedure are already in great personal turmoil. Their physical and emotional trauma should not be compounded by an oppressive law that is devoid of scientific justification.

Sincerely,

EUGENE S. OGROD, II, M.D.,
President.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I think the record should be very clear that in the past, prior to Roe versus Wade, abortion was illegal and unborn children were protected in most of the States and it was the doctors that were prosecuted, the abortionists, the quacks, who were doing those abortions. So the previous speaker's statement simply is not true.

Mr. Speaker, the vote on this rule boils down to one simple question. Will our discussion and our votes today be about the procedure known as partial birth abortion or will the organized pro-abortion forces succeed again in diverting the debate and muddying the waters?

The professional abortionists and the paid representatives of the abortion industry desperately want to avoid a congressional debate on what actually happens in this procedure or any other method of abortion for that matter. They already know better than anyone else the gruesome details about every method of abortion. The abortion lobby also knows that most Members of Congress who generally vote on their side of the issue, like most Americans, are really not pro abortion in their heart of hearts.

Mr. Speaker, they know that today, if this rule is adopted, the abortion debate will shift from the abstract to the real. They know that the 23 year coverup by the multibillion dollar abortion industry, with the complicity of many in the media, will be over and history will be made.

For the first time ever we will directly confront the violence of what the abortionist actually does. For the first time ever we will directly confront the child abuse called legal abortion and say yes or no. If this rule is adopted Members of Congress who have sincere differences about abortion will be faced with one important question and only one: Whether this procedure, which inflicts a death so cruel that it would never be inflicted on a convicted murderer, so cruel that it would surely be a crime to inflict such torture on a dog, is too cruel to be inflicted on a child.

Mr. Speaker, the abortion industry knows that it can never win unless it deflects attention away from itself, away from the abortion procedures and on to something else. So this industry and its supporters are particularly infuriated when anyone threatens to describe an abortion procedure in detail. They attack as dangerous, an extremist, anyone who would describe such a procedure either with words or with pictures. So they know if this rule is adopted, if we have a fair and honest and thorough discussion today, not about side issues, but about the partial birth abortion procedure itself, the abortion debate will forever change.

Americans will see that the real extremists are not the people who insist on calling attention to the grizzly details of abortion, such as dismemberment of the unborn child, including injections of high concentrated salt solutions and other kinds of poisons that chemically burn and then kill the baby, or this particular method, a brain sucking method of abortion. They will see that the real extremists are those who actually do these heinous procedures and want to keep it a secret.

The dangerous person is not the one who shows us the pictures or who describes abortions, the dangerous person, the child abuser, is the one depicted in the picture, the person holding the scissors at the base of the baby's skull.

Mr. Speaker, Dr. Martin Haskel, one of the leaders in trying to promote this method who has actually done hundreds of these partial birth abortions, said in a recorded interview that 80 percent of the partial birth abortions are elective abortions, abortions on-demand, not life of the mother abortions, which again this bill would allow. Dr. Haskel describes it this way. These are his words. "The surgeon forces the scissors into the base of the skull. Having safely entered the skull, he spreads the scissors to enlarge the opening. The surgeon then removes those scissors and introduces a suction catheter into the hole and evacuates the skull contents. That is the brain of an unborn baby. Evacuates the skull contents." How dehumanizing.

Mr. Speaker, let us have a real debate on this issue today. Abortion methods and the coverup that has gone on for so long must end. Abortion is child abuse. This is a particularly heinous form of that child abuse. Why are so many good people on the other side and on this side, that I know and respect, defending this kind of abuse against children?

I urge Members to vote for the Canady bill. Vote for this rule. We need to end this legalized child abuse. These children are precious. We have to look at life and birth really as an event that happens to each and every one of us. In this particular bill we are talking about a baby who is half born. The feet are literally out of the mother's womb. Vote for the Canady amendment and vote for this rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. HALL], my good friend.

Mr. HALL of Ohio. Mr. Speaker, I want to thank my friend, the gentleman from California [Mr. BEILENSON], a gentleman, a good legislator, and a very fine man for yielding time to me.

Mr. Speaker, I stand up as a sponsor of this legislation, actually I am proud to be an original cosponsor.

While abortions, except to save the mother's life, are wrong for those of us who believe in life, this particular procedure is doubly wrong. It requires a partial delivery and involves pain to the baby.

Mr. Speaker, you will hear the medical details of these abortions from other witnesses, but I simply lend my support to the bill as one who ascribes to a moral code and common sense. A compassionate society should not promote a procedure that is gruesome and inflicts pain on the victim. We have humane methods of capitol punishment. We have humane treatment of prisoners. We even have laws to protect animals. It seems to me we should have some standards for abortion as well.

Many years ago surgery was performed on newborns with the thought that they did not feel pain. Now we know they do feel pain. According to Dr. Paul Ranalli, a neurologist at the University of Toronto, at 20 weeks a human fetus is covered by pain receptors and has 1 billion nerve cells—more than us, since ours start dying off with adolescence. Regardless of the arguments surrounding the ethics of the procedure, it does seem that pain is inflicted.

Finally, Mr. Speaker, I do not want to discuss a bill relating to abortion without saying that we have a deep moral obligation to improving the quality of life for children after they are born. I am a Member of Congress who is opposed to abortion. But, I could not sit here and honestly debate this subject with a clear conscience if I did not spend a good portion of my time on hunger and trying to help children and their families achieve a just life.

We need to promote social policies that ensure the mother and child will receive adequate health care, training and other assistance that will, in turn, enable them to become productive members of society. We have not done a good job so far, and I am afraid to say, this House has been unraveling social programs all too easily. Until our Nation makes a commitment to offering pregnant women and their children a promising future, I am afraid the demand for abortion will not subside.

Enough is enough. I'm glad we have a very clean bill in front of us. The vote is clean—up or down. Yes or no. No vagueness, no cloudiness to the issue. No chance to say my vote will be a definite maybe. If there's one thing this Congress ought to do this year is stop this very reprehensible and gruesome technique of abortion. We treat dogs better than this. Vote yes on this bill.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Speaker, the title of this bill which we debate today includes the ultimate in gory contradictions-partial-birth-abortion. Unfortunately, this contradictory term accurately depicts this horrendous abortion procedure in which a viable child is pulled partially from the womb only to be killed inches from life. It goes beyond repulsive. It goes beyond grotesque.

H.R. 1833 would prohibit abortionists from committing this horrible medical procedure. While some of my colleagues might suggest this is the first step in overturning Roe versus Wade, that is not the case at all. I wish we were considering legislation to do away with abortion altogether, but this bill doesn't do that. This is simply a bill to prohibit one particularly despicable method of abortion.

As a father of 9 children and a grandfather to 28, I have had a lot of experience in the wonders of new life being brought into this world. When a baby is born, it is the most innocent of creatures, its hands reach out for something to hold, its leg stretch and kick with energy, and its cry is filled with life.

Compare this to what occurs during a partial-birth abortion. The baby exits the uterus, its hands extend to hold its mother, its legs kick wildly in the air as the child attempts to breathe, but its first breath will never come. As registered nurse, Brenda Pratt Schafer, of Dayton, OH, who has witnessed this procedure describes it:

> The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping, and his feet were kicking.
>
> Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startled reaction, like a new baby does when he thinks that he might fall.

Abortion has always been a controversial issue in this body. There are so many strong differences of opinion involved—differences of opinion about when life begins and differences of opinion about the point beyond which life should be protected.

But this procedure—the partial-birth abortion—is so grotesque—so inhuman—that I can see no way at all that any rational person could defend it.

Join me in doing what is right by supporting the partial birth abortion ban act.

□ 1100

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking Democratic member on the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, this vote against the rule is very important.

I urge all Members to vote against this rule. It is a sham.

Despite all the rhetoric on open rules, we get the door slammed shut when it comes to the most important issue of all: life and death.

Because that is what this bill is about. It says that even when a mother is in danger of losing her life, she may not undergo a late-term abortion, even if the physician says it is necessary to save her life.

That issue of life and death of the mother is thus relegated to the 5 minutes in a motion to recommit. That is an insult to this minority and it is an insult to women.

The language that a threat to a mother's life is an "affirmative defense" is also a sham in the bill. Anyone familiar with how the legal system works knows that this means a doctor could still be arrested, prosecuted, have to retain an attorney, suffer through a trial, before he could even suggest the defense of life and death necessity.

This bill is not written with the interests of the American family in mind, but rather represents a cynical attempt to exploit a highly sensitive and personal issue.

We learned at the hearings that third trimester abortions are incredibly rare—less than one one-hundredth of 1 percent of abortions are performed after 24 weeks. Only three doctors in the entire United States are known to offer abortions during this time period.

We also learned that abortion late in a pregnancy typically occurs under the most tragic of circumstances—the fetus may be severely disfigured and have little chance of long-term survival, or a mother may have contracted a serious disease which did not exist at the beginning of the pregnancy.

Ironically, the so-called D&X procedure sought to be outlawed by this bill is very often the safest procedure from the mother's perspective, and that the terms of the bill are so vague that they are likely to inhibit all third trimester abortions.

Despite these concerns, the Republicans are rushing through a bill that goes against the very principles they purport to stand for in a crude effort to take political advantage of the very difficult choices facing American families.

How else can we explain a bill that would—for the very first time—federalize the regulation of abortion, a matter traditionally left to the discretion of the States? How else can we explain a bill that would decimate the traditional doctor-patient privilege and shred constitutional protection of a woman's health? And how else can we explain the creation of a new tort action, with no dollar caps whatsoever? The sponsors are so intent on using the civil justice system to inhibit third trimester abortions that they would authorize lawsuits by men who have committed rape or incest.

Vote against the rule, please.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule and urge my colleagues to defeat it. This will be the first time that this Congress will address the subject of abortion without clearly protecting the life of the mother.

I went to the Committee on Rules with an amendment that would very narrowly protect the life of the mother. It was very clear. It would just allow the physician to take into account preservation of the life of the mother. Never have we addressed this issue without clearly protecting the life of the mother.

We should not abrogate our allegiance to women, facing the most terrible personal tragedy any of us could be called upon to face, without protecting her life, without allowing her and her husband to protect her life. Voting "no" on this rule will not kill the bill. It will merely allow the Committee on Rules to return to this House a bill with a rule that will allow us to consider the two amendments that would assure that a woman's life and reproductive future can be taken into account as she and her physician and husband decide how best to deal with a level of tragedy most of us will never experience.

Men and women of this Congress, if it were your daughter, would you not want her life, her reproductive hopes and dreams, protected? Would you compound her agony? Would you compound her peril? Vote "no" on this rule. The Committee on Rules can bring back the bill with the right rule, so that we will have an opportunity to discuss fully the issues that are at stake here both for the woman and for the child. I urge a "no" vote

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, this is a bill with very good intentions, but this is a terrible rule. As a Member, I am offended that we cannot have a true debate. The procedure that has been described as a partial birth abortion is abhorrent, it is repugnant, it is gruesome. But that is not the only issue. It seems to me that we have to logically and in all fairness consider the life of the mother. This rule does not allow us to do it.

They say, well, we have an affirmative defense. That means that the doctor has to be arrested, he is in the process of prosecution, he has been humiliated he has the expenses, and then, yes, he gets to defend himself and say I made a decision on the mother's behalf. That is not the way this bill ought to operate.

We ought to have the opportunity to debate not whether we ought to have the procedure, because I do not want the procedure. What we ought to debate is whether we ought to consider the life and the reproductive future of the mother as we make this decision.

The gentlewoman from Utah said that this is an important issue. It is an important issue. It is not a fiscal issue. It is a moral and an ethical issue. It is an issue on which we ought to have a full debate and not a closed rule.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, in 6 weeks my wife will have our first child. I cannot put into words the joy that she and I share together. For months this baby has been at the center of our hearts and our hopes and our dreams and our prayers.

One of those prayers is that this little baby comes into the world with perfect health. But if for any reason our child has physical or mental disabilities, we will love that child and nurture it even more. But God forbid, if our physician in the next several weeks tells my wife that our baby for whatever reason has no chance of life, and that terminating this pregnancy was the best way to save my wife, my love one's life, and her ability to have children, to have the joy that some of you have already had, then that difficult choice should be my wife's and mine to make with her doctor, not this Congress' choice to make.

No politician, no pollster, no interest group, so election should determine that choice for my wife and for me and our family.

If my wife's life or her ability to have more children were to be at risk, I would want her doctor to be able to consider whatever procedure best protects her and that ability to have children.

What so offends me about this bill is that a physician could be sent to prison for saving my wife's life. Let me repeat that, because it is incredulous, but it is true. Under this bill, a physician could be sent to prison for saving my wife's life. That is wrong, that is immoral, that is unconscionable.

No Member of this House has the right to put the life of my wife or her ability to let us share in the joy that you have shared in in having children. No one in this House, no one in any Congress has the right to put that risk of my wife's life to task.

Yesterday morning I talked to our physician, the person that we hope will deliver a health baby in just a few weeks. He told me that this bill as written could force him to choose in an emergency between risking his patient's life, my wife's life, or his going to prison. This Congress has no right to put that choice before any physician, to make a doctor choose between keeping his oath as a doctor or going to prison.

This bill is not about saving the lives of babies. It is about risking the lives of mothers and their chance to have babies. This bill is not about protecting babies from late-term abortions. Look at it. Read it. The fact is this bill does not prohibit late-term abortions, not a single one. It deals with procedure.

What this bill does do, though, is allow Members of Congress, in our great medical wisdom, to dictate to physicians what medical procedures cannot be used even if those procedures maximize the chance of living for one's wife or one's daughter.

To my colleagues who share my personal belief that late-term abortion should only be used in rare and extreme cases, I plead with you to read this bill. Read it. It does not accomplish that goal. To my colleagues, even those that are pro-life, I plead with you to ask this question of yourself. If the life of your wife or your daughter or your granddaughter were at risk, if their ability, your wife, your daughter, your granddaughter, their ability to have future children were to be at risk, who do you want to make the decision about what best medical procedure to use? This Congress or your loved one.

If you agree with me that that difficult choice should be left to our families and to our loved ones, not the politicians and pollsters, then I plead with you to vote "no" on this rule and "no" on this bill.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the next speaker, I think it is important that we note exactly what we are talking about. I have great respect and agree with those who say that we need to protect the lives of mothers, but this procedure, Mr. Speaker, is not used for what people believe are emergency lifesaving procedures or circumstances, because this procedure requires 3 days to execute.

Mr. Speaker, 9 weeks ago Thursday, I gave birth to my first daughter. I had to have my labor induced because my daughter was experiencing some difficulties and she needed to be born quickly. But it nevertheless took over 24 hours to induce my labor to the point that we could begin the real work of delivering my daughter. So this is not a procedure that is used in emergency life-threatening situations.

With that, Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I rise in support of the rule and in support of this legislation.

Five times my wife and I have been blessed to give birth to a child, five times the opportunity to hold a brand new, newborn baby.

Mr. Speaker, it sickens me to think that some people believe it is a proper practice to delivery all of a baby, save only the head, and then before birth occurs, to jam a set of scissors into the back of the skull of that child and scramble its brains. That is what we are talking about, Mr. Speaker.

Should that be legal in a civilized society? We are talking about civilization versus barbarism.

Some people may not want to recognize the practice that we seek to prohibit. Some people did not want to look when Hitler was slaughtering the Jews or Stalin was slaughtering his countrymen. I am sure they did not want to look when Pharaoh went after the newborns or King Herod went after the newborn children, either.

It was slaughter, nevertheless, Mr. Speaker. If we do not look, if we do not understand what is being done, and instead of barbarity, they call it a choice. We have got to get away from that kind of language. We have got to get where someone speaks for the child, speaks for the newborn, speaks for a society that cares about life.

Words cannot convey the horror of this procedure. I would hope that no Member of this Chamber would endorse barbarism by voting against this legislation.

□ 1115

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise to urge my colleagues to defeat this rule so this vote on this procedure will not come to the floor today.

This legislation concerns a rare, extraordinarily personal, extremely difficult decision that a few families across this country have to make each year. This situation: A late-term pregnancy has become a crisis. What has happened is the life of the mother is at risk, her child will not be able to exist outside the womb, and some families choose to end this crisis.

Let me be clear about what we are voting on. This bill does not eliminate other third-term procedures. Roe, the law of the land, permits this to protect the life of the mother. What this bill does is involve the Congress in an incredibly difficult medical decision.

I fear for this Chamber, Mr. Speaker. It does, at times like this, begin to resemble a political gymnasium that plays political games to get political points, not a great hall which over history has debated the great problems that face this country.

Do we know restraint? Is nothing sacred for the individual from the interference of government?

Vote down this rule, my colleagues. Return this tragic decision to where it belongs, in the doctor's office with the family.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, the issue of abortions is, perhaps, the most divisive subject to enter the political arena. It is a specific subject encompassed with other broader subjects of religion, morality, and constitutional rights. Theologians and jurists have struggled with this subject for centuries, and in recent decades, as the quest to establish a civilized balance between the rights of the mother and those of her unborn child have intensified, certain markers or points of demarcation have been sought. Viability and corresponding trimesters of pregnancy have become the courts' standard. As uncertain and arbitrary as this standard may be, since it has a fluctuation factor of months or weeks, there should be no disagreement that partial-birth abortions should be prohibited—for here, the difference between life and death is not months or weeks or days, it is a few centimeters.

Surely, no civilized society should tolerate such a barbaric procedure that allows the brains of a baby to be sucked from its skull within a few centimeters and a second away from its birth. Our humanity demands that we reject this procedure.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I rise in opposition to this rule.

Let me say that, for the last year, my major involvement in this issue has been as author and then watching the FACE law, the clinic access law, be implemented; and what we say in that, why we needed that law, why a vast majority of people in this body, or not a vast majority but certainly a strong majority supported that law was because there was a pattern of intimidation. Doctors who were doing a perfectly legal procedure were being intimidated, harassed, threatened, and even shot.

This bill, in my judgment, given what it does, extends that intimidation to mental intimidation. What it is doing is saying to physicians, by the way it is constructed, that they must choose between their Hippocratic oath, and their fear of prosecution, very simply. A physician and his patient or her patient may come together and decide that something is perfectly legal and necessary.

We have heard the horror stories all along, and then if the physician presumes that the life of the mother is at stake and feels that this procedure is necessary, he must then, or she must then, weigh the fact that once they do it, they will have to go to court and prove that the life of the mother was truly at stake or that no other procedure was possibly available. What kind of choice is that? What kind of country is this?

If you wish to debate the issue of pro-life versus pro-choice, let us do it. My view is that this is a matter that should be left to the individual because some people believe life begins at conception, some people believe life begins at birth, and others believe it begins somewhere in between is not an issue for the Government to decide but for us and our maker. But do not try this back-door way of intimidating physicians to do something perfectly legal.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I rise today as a supporter of this rule, this bill, and a strong advocate for the human rights of all Americans, both born and unborn.

This Nation must raise the value of life if we are to survive as a nation, as a prosperous people. We must value human life.

My colleagues, this is an appropriate rule, because this procedure is so horrible, so inhumane that we should be able to vote right now without question to protect the lives of these little ones.

My friends, what more do we need to know? This bill outlaws a medical procedure which takes a child, almost completely outside the mother's body and robs the child of its life. What more do we need to know? A child, a fully formed child with arms, with legs, a body, feet, hands, and fingers, all outside the mother's womb in the very same air that you and I breathe, yet it is legal to end the life of this child, this gift from God, and, of course, a beating heart.

My friends, if it is not human, if it is not a human child, then why does their little heart have to be silenced? This silence should stir the very soul of this Nation and cause this House to act now. In the end, if we do not raise the value of life, we will have no life to value.

I urge Members to support this rule.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, this is part of the ongoing stealth campaign to outlaw choice for women in America, and now it is through criminalizing an ill-defined medical procedure. This is the congressional equivalent of medical malpractice.

For the record, let us make clear the American Medical Association did not endorse this legislation. In fact, I believe they unanimously rejected it. This is the same AMA which endorsed the Medicare, Republican Medicare plan, so you cannot have it both ways.

Let us go a little bit further about this rule. This rule prohibits any amendments which would exclude instances in the case of rape or incest or the life of the mother. That is simply not right. But unfortunately that is politics in the 104th Congress.

Let us talk about parenthood, because I think those of us who are parents are all genuinely good parents. Last night I had the opportunity to leave early, to take my two daughters, Louise and Meredith, trick-or-treating in our neighborhood. It was one of those special moments that you get to spend as a father with your 4-year-old and 2-year-old. There are not many of those that you get in this job.

I will not come to this House today as a legislator and vote to take away their right to this medical procedure if their life depended on it. That is wrong. There is not a parent in this House who should consider doing that. This rule is wrong. This bill is ill-defined. This is politics in its worst form.

Vote against this rule.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I rise today as an original cosponsor of the partial birth abortion ban, and so to voice my support for this rule. Let us be clear about one thing, this has nothing to do with the life of the mother.

For those that support abortion on demand, they will use any excuse or any reason to overturn this rule.

What I do want to talk about though is this procedure is so grotesque, any American who understands what this procedure is about would be against it. I believe that banning partial birth abortions would start us on the road to restoring sanity to our Nation's abortion laws and away from the abortion-on-demand policies this Chamber has supported over the last few decades.

As the majority's report on this legislation pointed out, even the Roe court rejected the notion that a woman is entitled to an abortion at whatever time in whatever way and for whatever reason she alone chooses. Abortion on demand, that is what this bill's opponents are for, and what the heart of this debate is about.

Is this Nation destined to forever retain the most permissive, immoral abortion laws in the industrial world? You know, we have laws protecting the environment, we have laws protecting endangered species, we have laws protecting the air and water. It is time that we have laws protecting the unborn child.

I saw two bumper stickers this morning on a car. One said, "Save the whales," and the other side said, "I am pro-choice." What a sad state that this country has gone to that we are for saving the whales and murdering our unborn children.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, my colleagues, as a mother of three beautiful grown children, I just have to express how deeply offended I am by this discussion today. Thank God, my husband and I never had to make a painful decision like this.

But how can we send this message to those few families that have to face this tragedy, that received a message that the fetus could not live and their wife was in danger of losing her life?

Mr. Speaker, the bill before us would ban a specific type of medical procedure used to perform abortions in cases where the life and health of the mother is threatened by her pregnancy. It would make it a crime for doctors to use this procedure to save the lives of their patients.

This legislation undermines the right to choose by directly challenging the historic Roe versus Wade decision; and, my colleagues, I wish we would deal with that issue head-on rather than undermine it in this backhanded way.

The bill provides no exception for cases where the life and health of the mother is endangered. Not only is it immoral, it is unconstitutional, and the fact that this closed rule does not allow us to protect the life and health of the mother is an absolute tragedy.

Mr. Speaker, we tried to offer amendments, but the Republican leadership said "no". Let me explain very clearly what this bill does instead. Doctors who perform this procedure to save their patients' lives would be arrested, indicted and tried. At trial, that doctor would have to prove the patient's life was in danger. In other words, the doctor is guilty until proven innocent.

This bill places doctors in an untenable situation. They have to choose between saving their patient's life and a 2-year jail term.

I urge my colleagues to defeat this rule.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, shame on those Members on the other side who are flagrantly misrepresenting this bill.

You know if you read the bill that it provides an exemption in the case of saving the life of the mother; and any American who requests this bill, wants to read it themselves, will see exactly what you are dishing out today, flagrant untruths.

What this is about, this is not the traditional pro-life-pro-choice debate. This is about a procedure so heinous as to take the baby outside of the body and leave the head still inside the womb and murder the baby.

How far are we from China where they are taking the baby girl, as soon as they are born, and snapping the spine and killing the baby once it has already been born? What is the difference? How far are we going to be from that?

I would not be surprised to see some of those of you on the other side defend that procedure as well. If you can sit there with a straight face and defend this kind of barbaric procedure and misrepresent with a bold face what this does, as you done today, shame on you.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, the amendment to H.R. 1833 that Ms. LOFGREN and I had intended to offer this morning was narrowly drafted to protect the life and health of the mother and in those tragic instances of severe, fatal fetal abnormalities.

While this is an emotional issue, we must remember that we are talking about real women's lives—in this case my former constituent, Tammy Watts, who lived in Monterey at the time she and her husband faced the painful choice to terminate her third trimester pregnancy.

Tammy and her husband, Mitch, had been eagerly looking forward to the birth of their first child they had named the child, and bought the furniture, with all the dreams and joy of any expectant couple.

The Watts' received the devastating news in her seventh month of pregnancy that their fetus suffered from a severe and fatal fetal anomaly, Trisomy 13. Their fetus already had enlarged and failing kidneys, no eyes, diseased and malfunctioning brain tissue, and a non-functional mass of bowels, intestines, and bladder growing outside the body.

The Watts' were told by numerous doctors that there were no surgical or genetic therapies to help their fetus. For all the advances in medical science, the sad and painful truth that Tammy and Mitch had to face was that their fetus would not live, even if carried full term.

As if the situation were not tragic enough, Tammy was told by her physicians that if she had continued the pregnancy and let the fetus die in utero, dangerous toxins could have been released into Tammy's body, presenting grave risk to her health and to her ability to have children in the future.

□ 1130

Mrs. WALDHOLTZ. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, the gentlewoman from Connecticut said something quite interesting. She asked, "Is nothing safe from the interference of government?" Well, when a woman and her doctor decide that her pregnancy is inconvenient or inopportune, where does the tiny little member of the human family struggling to be born in the womb turn for equal protection of the law, for due process of the law?

The facts of life are and the facts of this legislation are the life-of-the-mother exception is in the law as an affirmative defense. The doctor only has to show that he reasonably believed that the woman's life was in danger. He does not have to prove it beyond a reasonable doubt. He does not even have to be right. He just has to have reasonable belief that the woman's life would be in danger unless he performed this macabre, gruesome, Auschwitz-like operation, this butchery in the service of infanticide.

I am stunned that people are not running from defending this type of gruesome procedure. Yet the only question that this bill asks is yes or no. Never mind the nuances and the highways and the byways. Do you support a process where an infant, a live infant, talk about I feel your pain, a live infant is almost extracted from the birth canal, 3 inches from being a fully-born child, and a scissors punctures the neck and the brains are sucked out.

Anybody that can find a word of defense for that is someone I do not understand. The American Medical Association Council on Legislation unanimously approved recommending this bill. The full AMA did not. They did nothing. They took a pass. They washed their hands. But at least the council on legislation unanimously supported it.

Look: If one thinks abortion is a good idea, that is fine, go ahead and live with that. But this form of abortion is indefensible. Indefensible.

This rule is a focused rule. It asks the question do you or do you not approve of this procedure? That is the only question that needs to be asked. The life of the mother is protected. Prosecutors are not going around indicating people willy-nilly when they have an affirmative defense, and it is an easy affirmative defense.

Mr. Speaker, I ask for support for this rule.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to my good friend, the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise in opposition to the rule on this bill for two reasons:

One, this bill allows no exceptions—even to save a woman's life—making this bill clearly unconstitutional. We asked for a rule to allow that exception but we were denied.

Why? Because proponents of this bill want to challenge the legal right to choose for all women. This is just a step in that challenge. This is a legal strategy.

The second reason I oppose this rule and this bill is that by not allowing an exception to save the life of the woman, this bill is just cruel on its face.

My friends and colleagues, this bill bans the right to make a necessary medical decision when circumstances are most dire.

Despite the other side's spin doctors—real doctors know that the late term abortions this bill seeks to ban are rare and they're done only when there is no better alternative to save the woman and, if possible, preserve her ability to have children. They are done after a family has given careful thought and prayer to the matter—and has sought out the best medical advice possible.

When a woman is pregnant—with a pregnancy wanted and hoped for—and finds herself in a life-threatening situation late in that pregnancy, she is in grave danger and she's emotionally devastated.

I cannot imagine a more cruel act this Congress could make than to tell that woman—that woman whose hopes and dreams rested on the pending birth of her child—that we won't even allow her doctor to take the necessary steps to save her life and make every effort to preserve her ability to try again when she has grieved the loss and her health is restored.

Over and over again this Congress has picked on the weakest among us—the children, the elderly, families struggling just to make it—but now you're picking on a woman who very much wants to be a mother and you're telling her that her life means nothing. Telling he we'll jail her doctor for saving her life. Colleagues, we have never stooped lower than this.

If you care about life—about families—search your hearts and vote against this rule and against this bill.

Mr. BEILENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this rule.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY]. As she reaches the podium, I ask Members to vote no on this rule, so we can send it back to the Committee on Rules and ask for a rule which would allow us to vote on amendments to preserve the life and health of the mother.

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to the rule for H.R. 1833.

The proposed rule for the Canady late term abortion bill is nothing less than an outrage. This rule bars Members from offering amendments which would allow a procedure when the life of the mother is in danger or when the fetus is so malformed that it has zero chance of survival.

This restrictive rule makes sure that an awful bill remains an awful bill.

Ladies and gentlemen, let's make one thing clear. This rule ensures that H.R. 1833 will be a direct challenge to Roe versus Wade. In other words, if you are a pro-choice Member of Congress, if your constituents vote for you because they feel assured that you will not violate a woman's right to choose, if you agree that the mother's life has value then there is no way that you can vote for this rule.

This rule will force the House of Representatives to vote on banning a specific surgical procedure with absolutely no safeguards for the life, health, or future fertility of the mother.

To my colleagues on both sides of the aisle I urge you to defeat this rule. This issue does not belong on the floor of the House of Representatives, it belongs in a doctor's office. Politicians should not decide whether a terminally malformed fetus should be brought to term. A woman, with her doctor's advice, should.

Remember this my friends, you can not say you are pro-choice and vote for this rule. Defeat this rule, stand up for women's lives, do not violate Roe versus Wade.

The SPEAKER pro tempore (Mr. HANSEN). All time has expired on the minority side. The majority has 1 minute remaining.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if this Congress has no other purpose, are we not obligated to protect the rights of those in our society who are too weak to protect themselves? The procedure that is the subject of this bill denies protection, life itself, to children who are nearly born alive, but for a few centimeters with their head left in the birth canal, a procedure used for elective abortion, a procedure used on viable children.

Mr. Speaker, this bill is not about protecting the life of the mother. This procedure is too lengthy to be used in true emergency situations. It takes too long.

This Congress, Mr. Speaker, cannot seriously defend measuring life in mere inches. It is time to outlaw this procedure, which even members of the AMA's Council on Legislation describe as repulsive and recommended that they take action against.

This is barbarism, Mr. Speaker. It is an area where those of us who differ on other issues relating to abortion can agree, that this is not something we want to go on in our country.

Mr. Speaker, I include for the RECORD the following information relating to rules reported by the Committee on Rules during the 104th Congress.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of October 31, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	52	69
Modified Closed[3]	49	47	18	24
Closed[4]	9	9	5	7
Total	104	100	75	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of October 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of October 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. LAZIO of New York. Mr. Speaker, I rise today to oppose the rule on H.R. 1833, the Partial-Birth Abortion Act of 1995. When Republicans won a majority last November we promised to have many more open rules on legislation than in previous years. Open rules are essential in order to have an open debate on important issues. Yet, regrettably the rule before us today prevents us from voting on an important amendment to allow for exceptions from the bill's provisions in cases where the life of the mother is endangered.

This is an issue of great concern to many of us. It deserves to be openly debated, and it deserves a vote by the full House. Therefore, I urge my colleagues to vote against this rule so we can bring this bill back under an open rule and allow the will of the full House to prevail.

Mrs. WALDHOLTZ. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. WALDHOLTZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 190, not voting 5, as follows:

[Roll No. 754]

YEAS—237

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Borski
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Boehlert
Bonior
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Ramstad
Rangel
Reed
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—5

Crane
Fields (LA)
Regula
Tucker
Weldon (PA)

☐ 1201

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO INSERT EXTRANEOUS MATERIAL

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent to insert extraneous material at this point in the RECORD.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BEILENSON. Mr. Speaker, the material referred to is as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Futures Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1944	Rescissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority.. *RULE AMENDED*	N/A.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation, 54% restrictive; 46% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 251 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1833.

□ 1201

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The text of the Committee amendment in the nature of a substitute is as follows:

H.R. 1833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partial-Birth Abortion Ban Act of 1995".

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—PARTIAL-BIRTH ABORTIONS

"Sec.
"1531. Partial-birth abortions prohibited.

"§ 1531. Partial-birth abortions prohibited

"(a) Whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

"(b) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

"(c)(1) The father, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(2) Such relief shall include—

"(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

"(B) statutory damages equal to three times the cost of the partial-birth abortion.

"(d) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.

"(e) It is an affirmative defense to a prosecution or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was performed by a physician who reasonably believed—

"(1) the partial-birth abortion was necessary to save the life of the mother; and

"(2) no other procedure would suffice for that purpose.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Partial-birth abortions .... 1531".

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 30 minutes and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, someone has observed that hard truths travel slowly. Ugly realities are often hidden from view. Uncomfortable facts are concealed or ignored. This is true in many areas of politics and of life. But nowhere is it more true than with respect to abortion.

Today we consider a bill that deals with a hard truth. H.R. 1833 addresses the ugly reality of partial-birth abortion. In this debate today, we confront the uncomfortable facts about this heinous procedure, facts that have been concealed for too long.

While every abortion sadly takes a human life, the partial-birth abortion method takes that life as the baby emerges from the mother's womb, while the baby is only partially in the birth canal. The difference between the partial-birth abortion procedure and homicide is a mere 3 inches.

Partial-birth abortion goes a step beyond abortion on demand. The baby involved is not unborn. His or her life is taken during a breech delivery. A procedure which obstetricians use in some circumstances to bring a healthy child into the world is perverted to result in a dead child. The physician, traditionally trained to do everything in his power to assist and protect both mother and child during the birth process, deliberately kills the child in the birth canal.

Ms. JACKSON-LEE. Mr. Chairman, the House is not in order.

The CHAIRMAN. The Chair observes that the House is in order, but the Chair will try to obtain better order. Will Members please cease and desist their conversation.

Mrs. SCHROEDER. Mr. Chairman, I rise because I had hoped the Speaker would exercise his authority under rule I, clause 2 to preserve the order and decorum in this Chamber.

It seems obvious to me that we are going to have exhibits that I think are a breach of decorum. I would object to the use of these exhibits that have not been certified medically, and I would hope that the other side would withdraw them at this time.

The CHAIRMAN. The Chair will put the question to the Committee under rule XXX if any Member objects to the use of an exhibit in debate. The gentlewoman from Colorado has objected.

The question is: Shall the gentleman be permitted to use the exhibit that he has at his left?

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN (during the vote). The Chair will make a statement. A rollcall is in process, but the Chair understands that there is confusion. A "yes" vote on the question before the Committee permits the use of the material in question. A "no" vote would deny the use of the material in question. The vote will proceed.

The vote was taken by electronic device, and there were—ayes 332, noes 86, not voting 14, as follows:

[Roll No. 755]

AYES—332

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady

Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NOES—86

Allard
Baesler
Baldacci
Beilenson
Bishop
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clyburn
Collins (IL)
Collins (MI)
Conyers
Cox
Coyne
de la Garza
DeFazio
Deutsch
Dooley
Farr
Filner
Flake
Ford
Frank (MA)
Frost
Gekas
Geren
Gilchrest
Gilman
Goodling
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Horn
Houghton
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kennelly
Lincoln
Lofgren
Lowey
Maloney
Martinez
Martini
McKinney
Meek
Menendez
Meyers
Morella
Murtha
Nussle
Payne (NJ)
Payne (VA)
Pelosi
Rangel
Rivers
Roukema
Rush
Schroeder
Scott
Slaughter
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torricelli
Towns
Vento
Visclosky
Walker
Waters
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Clay
Dicks
Dornan
Fields (LA)
Gephardt
McIntosh
Olver
Owens
Tucker
Waldholtz
Weldon (PA)
Wilson
Wise
Young (AK)

□ 1227

Mr. PETE GEREN of Texas changed his vote from "aye" to "no."

Mrs. KELLY and Ms. VELÁZQUEZ, Messrs. GORDON, GEJDENSON, RICHARDSON, PALLONE, EVANS, LEWIS of Georgia, and BECERRA changed their vote from "no" to 'aye."

So, the gentleman was permitted to use the exhibit in question.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] is permitted to utilize the exhibit in question.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, the attempt to further conceal the truth about this horrible procedure has failed, and I am very grateful to my colleagues on both sides of the aisle who supported my right to display these charts and explain the reality of this procedure.

This is partial-birth abortion: First, guided by ultrasound, the abortionist grabs the live baby's leg with forceps. Second, the baby's leg is pulled out into the birth canal. Third, the abortionist delivers the baby's entire body, except for the head. Fourth, then, the abortionist jams scissors into the baby's skull. The scissors are then opened to enlarge the hole. Fifth, the scissors are then removed and a suction catheter is inserted. The child's brains are sucked out causing the skull to collapse so the delivery of the child can be completed.

□ 1230

This is a procedure which should not be allowed. This is a procedure which shocks the conscience.

Many claims are being made in opposition to this bill. We have heard them today. The abortion advocates claim that H.R. 1833 would jail doctors who perform lifesaving abortions. This statement makes me wonder whether the opponents of the bill have even bothered to read the bill.

H.R. 133 makes specific allowances for a practitioner who reasonably believes a partial birth abortion is necessary to save the life of a mother. No one can be prosecuted and convicted under this bill for performing a partial birth abortion which is necessary to save the life of the mother. Anyone who has any doubt about that should look at the text of the bill itself. No doctor who reasonably believes, he must simply reasonably believe, that he acted to save the life of the mother, will be arrested and go to prison under this bill.

Of course, there is not a shred of evidence to suggest that a partial birth abortion is ever necessary to save the life of the mother. In fact, few doctors even know the procedure exists. The American Medical Association's Council on Legislation, which includes 12 doctors, voted unanimously to recommend that the AMA Board of Trustees endorse H.R. 1833. The council felt partial birth abortion was not a recognized medical procedure.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I will not yield. We have limited time, as the gentlewoman knows.

The Council on Legislation agreed that the procedure is basically repulsive. In the end, the AMA board decided to remain neutral on H.R. 18933, but it is significant that the council of 12 doctors did not recognize partial birth abortion as a proper medical technique.

The truth is that the partial birth abortion procedure is never necessary to protect either the life or the health of the mother. Indeed, the procedure poses significant risks to maternal health—risks such as uterine rupture, and the development of cervical incompetence. Dr. Pamela Smith, Director of Medical Education, Department of Obstetrics and Gynecology at Mount Sinai Hospital in Chicago has written:

> There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother. Partial-birth abortion is a technique devised by abortionists for their own convenience . . . ignoring the known health risks to the mother. The health status of women in this country will . . . only be enhanced by the banning of this procedure.

Proponents of the partial-birth abortion method have also claimed that the procedure is only used to kill babies with serious disabilities. Focusing the debate on babies with disabilities is a blatant attempt to avoid addressing the reality of this inhuman procedure.

Remember the brutal reality of what is done in a partial-birth abortion: The baby is partially delivered alive, then stabbed through the skull. No baby's life should be taken in this manner. It does not matter whether that baby is perfectly healthy or suffers from the most tragic of disabilities.

Further, neither Dr. Haskell nor Dr. McMahon—the two abortionists who have publicly discussed their use of the procedure—claims that this technique is used only in limited circumstances. In fact, they advocate this method as the preferred method for late-term abortions. Dr. Haskell advocates the method from 20 to 26 weeks into the pregnancy and told the "American Medical News" that most of the partial-birth abortions he performs are elective. In fact, he told the reporter, "I'll be quite frank: most of my abortions are elective in that 20–24 week range . . . probably 20 percent are for genetic reasons. And the other 80 percent are purely elective."

Dr. McMahon uses the partial-birth abortion method through the entire 40 weeks of pregnancy. He claims that most of the abortions he performs are nonelective, but his definition of nonelective is extremely broad. Dr. McMahon sent a letter to the Constitution Subcommittee in which he described abortions performed because of a mother's youth or depression as nonelective. I do not believe the American people support aborting babies in the second and third trimesters because the mother is young or suffers from depression.

Dr. McMahon also sent the subcommittee a graph which shows the percentage of, quote, "flawed fetuses," that he aborted using the partial-birth abortion method. The graph shows that even at 26 weeks of gestation half the babies Dr. McMahon aborted were perfectly healthy and many of the babies he described as "flawed" had conditions that were compatible with long life, either with our without a disability. For example, Dr. McMahon listed 9 partial-birth abortions performed because the baby had a cleft lip.

The National Abortion Federation, a group representing abortionists, has also recognized that partial-birth abortions are performed for many reasons other than fetal abnormalities. In 1993, NAF counseled its members, "Don't apologize: this is a legal abortion procedure," and stated:

> There are many reasons why women have late abortions: life endangerment, fetal indications, lack of money or health insurance, social-psychological crisis, lack of knowledge about human reproduction, etc.

Now the National Abortion Federation is emphasizing only one of those reasons. In fact, NAF sent a letter to Members of Congress with pictures of babies with severe disabilities urging them to support the use of partial-birth abortion.

I find it offensive to suggest that taking a baby's life in this manner is justified because that baby has abnormalities. Abnormalities do not make babies any less human or any less deserving of humane treatment. No baby's life should be taken in this manner.

Abortion advocates are claiming that by banning partial-birth abortion we are mounting "a direct attack on Roe versus Wade." Yet, in Roe, the Court explicitly rejected the argument that the right to an abortion is absolute and that a woman "is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses."

This is the question I would raise to my colleagues who support abortion on demand: Is there ever an instance when abortion, or a particular type of abortion, is inappropriate? The vehement opposition of abortion rights supporters to H.R. 1833 makes their answer to my question clear. For them there is never an instance when abortion is inappropriate. For them the right to abortion is absolute, and the termination of an unborn child's life is acceptable at whatever time, for whatever reason, and in whatever way a woman or an abortionist chooses.

Despite their relentless effort to misrepresent and confuse the issue, the opponents of this bill can no longer conceal the uncomfortable facts about this horrible practice.

The supporters of partial-birth abortion seek to defend the indefensible. But today the hard truth cries out against them. The ugly reality of partial-birth abortion is revealed here in these drawings for all to see.

To all my colleagues I say: Look at this drawing. Open your eyes wide and see what is being done to innocent, defenseless babies. What you see is an offense to the conscience of humankind. Put an end to this detestable practice; vote in favor of H.R. 1833.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I regret the gentleman from Florida would not yield so I could correct the numerous distortions and inaccuracies in his statement. I will include the following materials for the RECORD.

H.R. 1833 contains an extremely narrow affirmative defense, available only when the doctor reasonably believed that the banned procedure was the only method that would save the woman's life. This is not a life exception for several reasons:

First, it is only an affirmative defense, not an exception to the ban. This means that it is available to the doctor after the handcuffs have snapped around his or her wrists, bond has been posted, and the criminal trial is underway.

An affirmative defense shifts the burden of proof to the doctor, placing on him or her the medically difficult burden of proving that no part of the fetus passed through the cervix before fetal demise; or proving that no other procedure would have sufficed to save the woman's life. Representative CHET EDWARDS consulted his wife's obstetrician, who told him that although this procedure is safer for the woman, a doctor would not be able to meet the burden of proof required under this bill. Thus, doctors would refuse to perform the safer procedure even when the woman's life is threatened.

Perhaps most important to the woman and her family, the affirmative defense is not available when, in the context of an abortion necessary to save her life, the woman and her doctor decide upon the banned procedure because it is the best method to preserve her health and her future fertility. These considerations are disallowed under the narrow affirmative defense found in the bill. Thus, doctors are in effect ordered by the Congress to set aside the paramount interests of the woman's health, and to trade off her health and future fertility to avoid the possibility of criminal prosecution.

The California Medical Association of 38,000 doctors would answer the gentleman from Florida by saying:

> An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved, and CMA wishes to clarify that it is not advocating the performance of elective abortions in the last state of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilation and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several respects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. It also permits the parents to hold and mourn the fetus as a lost child, which may assist them in reaching closure on a tragic situation. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Thus, there are numerous reasons why the IDE procedure may be medically appropriate in a particular case, and there is virtually no scientific evidence supporting a ban on its use.

Mr. Chairman, I yield 2¼ minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, the hard truth is, sir, some can never conceive of a circumstance when an abortion is proper, even when it requires that the mother sacrifice her life. They call themselves pro-life? What about the life of mother which is at stake here? Because that is what is involved.

I have read this bill. It provides absolutely no protection to the physician who would go out and perform this procedure in order to preserve the life of the mother.

You see, this is all part of a broader agenda. These antichoice militants have an agenda: Prohibit abortion. No matter what the reason for that abortion, prohibit it. Prohibit all family planning moneys. Even go in and dictate what type of birth control a woman can use.

Today's initiative reflects on the successes that some have had in this Congress: Successes like saying to an American service woman in a foreign land who is a victim of rape that she must bear that child; successes such as telling the minor daughter of a Federal employee who is the victim of incest, you must bear that child; successes such as telling a female prisoner who is beaten and raped, you must be a mother. That is the kind of successes that have come out of this Congress to date.

We will compel you to carry that child to pregnancy; you have no right to privacy, these zealots say.

Well, late term abortions are extremely rare. This procedure is even more rare. Indeed, I have yet to find a physician anywhere who ever heard the term "partial birth abortion," until this bill came out. You see, it is not a medical term that they use in a medical school. It is a political term. It is a public relations term that they have come up with to describe a procedure that is used in the rarest of circumstances, when a woman's life is at stake. It is properly known as the intact dilation and evacuation procedure. In those circumstances, when it is used, it is necessary to use it to protect the life of the mother.

Some of the zealots as recently as this past month for this position have said they will never cease until they are able to declare in Federal law that having an abortion or providing one is murder. That is where this bill is leading us.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, the hard truth apparently is not what it used to be. I rise in strong support for banning partial birth abortions, and in defense of the innocent little victims of these procedures.

Today we take another important step in protecting the lives of the unborn. The Partial Birth Abortion Ban Act will end this most cruel practice—a practice that even the American Medical Association's legislative council has publicly stated is, "not a recognized medical technique." They also called this procedure, "repulsive."

Abortion advocates argue that partial birth abortions are only used after 26 weeks of pregnancy in cases where the procedure is nonelective. But the abortionists' interpretation of nonelective has an enormous scope and includes: Severe fetal abnormality, Down's syndrome, cleft palate, pediatric pelvis—that's if the mother is under age 18, depression of the mother, and even ignorance of human reproduction.

Today, those who would support this horrible procedure tell us that it is not a common practice. Can anyone really take comfort in debating the number of babies subject to this death? Whether it is a few hundred or tens of thousands or even one, wrong is wrong and no argument on how many will ever change that. A single life being taken in this way is reprehensible.

In conclusion, I would like to introduce into the RECORD a copy of a recent editorial in the Washington Post by Douglas Johnson. It spells out some of the most important reasons to support this legislation. Support H.R. 1833, the ban on partial birth abortions.

[From the Washington Post, July 16, 1995]

BAN PARTIAL-BIRTH ABORTIONS

(By Douglas Johnson)

Congress is considering a bill to ban the "partial-birth abortion" method, defined as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

The bill is aimed at an abortion method usually used after 4½ months into pregnancy and often much later, even into the ninth month. At 4½ months, a human being is about eight inches long, and—in the words of columnist Richard Cohen [op-ed, June 20]—"looks like a baby."

The method in question, as described in a June 16 Los Angeles Times story, "requires a physician to extract a fetus . . . through the birth canal until all but its head is exposed. Then the tips of surgical scissors are thrust into the base of the fetus's skull and a suction catheter is inserted through the opening and the brain is removed."

Some pro-abortion lobbying groups now claim that this method is utilized mainly to save the life of the mother or on fetuses that suffer from grave disorders incompatible with life. A number of syndicated columnists, major newspaper editorial boards and members of Congress have uncritically embraced these claims, even though there is ample documentation that they are erroneous.

How many partial-birth abortions are performed? In the mind of Richard Cohen, "they almost don't exist" because "just four one-hundredths of one percent of abortions are performed after 24 weeks." Why does citing such percentages give so much comfort to defenders of late-term abortions? Consider that Cohen's statistic, if accurate, would translate into the death of 600 humans each year—more than twice as many as resulted from the recent Ebola virus epidemic in Africa.

Actually, there are 13,000 abortions annually after 4½ months, according to the Alan Guttmacher Institute, whose estimate should be regarded as conservative. There is really no way to know how many doctors are using the partial-birth abortion method, or how many partial-birth abortions are performed.

However, two specialists in the method, Dr. Martin Haskell of Dayton, Ohio, and Dr. James McMahon of Los Angeles, have between them performed more than 3,000 such abortions, and have also circulated detailed papers and given interviews on the subject. The polemical claims now being made by critics of the pending legislation cannot survive a careful reading of this material.

Is the baby already dead when the abortionist partly removes her from the uterus? The American Medical News—official newspaper of the "pro-choice" AMA—put that question to Haskell in a tape-recorded interview in 1993. Haskell replied, "No, it's not. No, it's really not. . . . I would think probably about a third of those definitely are dead before I actually start to remove the fetus. And probably the other two-thirds are not."

Brenda Shafer, a registered nurse, accepted assignment to Haskell's clinic because she was strongly "pro-choice." She quit after witnessing, close-up, three partial-birth abortions. In a July 9 letter to Rep. Tony Hall, Shafer described the end of life for one six-month-old "fetus": "His little fingers were clasping together. He was kicking his feet. All the while his little head was still stuck inside [the uterus]. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up."

McMahon now claims that analgesia he administers to the mother causes "a medical coma" and "neurological fetal demise." But Prof. Watson Bowes, co-editor of the Obsterical and Gynecological Survey and an internationally recognized authority on fetal and maternal medicine at the University of North Carolina, responds: "This statement suggests a lack of understanding of maternal/fetal pharmacology. . . . Having cared for pregnant women who for one reason or another required surgical procedures in the second trimester, I know that they were often heavily sedated or anesthetized for the procedures, and the fetuses did not die. . . . Although it is true that analgesic medications given to the mother will reach the fetus and presumably provide some degree of pain relief, the extent to which this renders this procedure pain free would be very difficult to document."

A 1993 internal memo written by the then-executive director of the National Abortion Federation explained that these late abortions are done for "many reasons," including "social-psychological crises [and] lack of knowledge about human reproduction."

An even more revealing statement appears in the American Medical News interview transcript, in which Haskell said, "In my particular case, probably 20 percent are for genetic reasons. And the other 80 percent are purely elective."

McMahon told American Medical News that he uses the method for "elective" abortions up until 26 weeks (six months). After that point, he said, he does only "non-elective" abortions. But in materials provided to a House Judiciary subcommittee, McMahon revealed that his definition of "non-elective" is extremely expensive. For example, he listed "depression" as the largest single "maternal indication" for such so-called "non-elective" abortions. A 1990 article about McMahon by reporter Karen Tumulty, published in the Los Angeles Times Magazine, found that many such abortions involve not medical factors but young teenagers, who "put telling anyone as long as they can."

McMahon's materials also show that he uses the method to destroy many "flawed fetuses," as he calls them. These include unborn humans with a wide variety of disorders—including conditions compatible with a long life with or without disability (e.g., cleft palate, spina bifida, Down's syndrome).

True, some babies have more profound disorders that will result in death soon after birth. These unfortunate members of the human family should not be killed. In some such situations there are good medical reasons to deliver such a child early, after which natural death will follow quickly. The bill itself permits use of the partial-birth abortion method in any case in which it is really necessary because of danger to the life of the mother.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of this legislation, and commend the gentleman from Florida for his leadership.

Mr. Chairman, I have seen and heard it all now with this effort to block the chairman's ability to bring to the floor these charts. It is no wonder that abortion proponents are opposed to having a mother having informed consent, to children and parents having the benefit of parental notification, if they would hide even this inhumane, abominable procedure from this Congress and the American people. Perhaps it is shame on the part of those most dedicated abortion proponents, who would cause a vote to block this information from being presented. Even they feel the shame, that we as a society would allow a partial birth abortion.

By the way, those charts fully conform to this legislation. And by the way, this legislation fully protects the life of the mother. It is only the difference of 3 inches between full delivery and doing the same procedure which would be murder in this act.

Mr. Chairman, I strongly support this legislation. Let us ban this procedure.

Mrs. SCHROEDER. Mr. Chairman, I yield 15 seconds to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, disgraceful. That is the only way I can describe the proponents' descriptions of what is going on. My wife, who happens to be a obstetrician-gynecologist in high risk pregnancies, these types of pregnancies, has never had to do this, but she tells me this is not what is going on. We are not partially aborting a baby that would be born alive. This is to preserve the mother's life.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in full support of H.R. 1833, the Partial-Birth Abortion Ban Act. As a mother of two adopted children, I clearly understand the importance and significance of this legislation.

As a woman, I am amazed by claims of those who would suggest that I would support anything that would allow a woman's life to be placed at risk. Let me make this clear—the mother deserves and has the right to the best medical treatment possible. But partial birth abortions are not about saving the life of the mother.

Doctors performing partial birth abortions have reported that most are done as purely elective—one doctor stating that he had performed nine partial-births because the baby had a cleft lip. A member of the American Medical Association's Council on Legislation stated recently that "he felt this was not a recognized procedure." Other council members agreed that the "procedure is basically repulsive." However, with great consideration given to our commitment to protect the life of a mother. H.R. 1833 allows for the procedure when it is clear that "no other procedure would suffice for that purpose."

Incorrect information concerning H.R. 1833 has been spread by those who want to disguise the cruelty of this so-called normal medical procedure. The fact is nothing is normal or humane about extracting a baby, feet first, from the womb and through the birth canal until the head is exposed—thrusting scissors into the base of the baby's skull and inserting a suction catheter to remove the brain, I ask my colleagues to support H.R. 1833 and end this procedure that is the ultimate of child abuse.

□ 1245

Mrs. SCHROEDER. Mr. Chairman, I yield 4 minutes and 30 seconds to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in firm opposition to this bill and remind my colleagues that late-term abortions are, in fact, legal only in very exceptional circumstances. I ask my colleagues to ask themselves this question. If their daughter and son-in-law or their son and daughter-in-law were faced with the extraordinary tragedy of discovering extreme fetal deformity late in pregnancy, or a life-threatening development, with abortion being the only alternative, could they, would they want her to have available the procedure that was least life-threatening, most protective of her future reproductive capability, and most respectful of the fetus and the needs of the parents and their living children to mourn this early, this eagerly anticipated child?

Mr. Chairman, this debate is not about the grossness of reducing the circumference of a fatally deformed fetus' head to allow vaginal delivery. It is about women facing terrible tragedy and their right to have the safest appropriate medical treatment. I am truly appalled at the flipness with which the proponents of this bill suggest she can have a cesarean. It is almost criminal. Women die every year of the complications of cesarean sections. C-sections have four times the fatality rate of vaginal births.

Why? Why would my colleagues ask their daughter to shoulder this small but real risk of death for a fetus with no potential of life. We are talking about extreme deformity. I am not going to keep this up here because I do not want children watching, I do not want people to have to be burdened with the terrible anguish and tragedy we are talking about when we say extreme deformity that prevents life. That is what these families are facing.

Another alternative? Cesarean section is one. The only other alternative to this kind of vaginal delivery through which a needle is used to reduce the circumference of the head so that the delivery can take place, the only other alternative is the old traditional alternative that this alternative was developed in order to avoid the terrible dangers to a woman's reproductive health and to her life that the other method posed. The other method I did not bring pictures of. I would not impose that on the world like my other colleague imposed his diagrams, but the other method is uglier.

The other method also endangers the birth canal and, therefore, the future reproductive capability of the woman. Why would my colleagues endanger their daughter's reproductive future for a fetus that cannot eat, has no kidneys, no heart? Not one physician in this body has ever performed a late-term abortion. No obstetrician I know has ever done one. That is because they are very, very rare. They are five-tenths of 1 percent of all the abortions performed after 20 weeks. But of the 600 third-trimester abortions performed last year, 450 were done through this method.

Mr. Chairman, what does that tell us? Why? Because it is the safest. Less bleeding, lower complication rate for the mother, less painful, and the geneticists can better determine what went wrong and counsel the couple for future pregnancies.

Men and women of this Congress, if it were our daughters, would we want her life and reproductive hopes and dreams protected? Will we vote for a bill that for the first time in history criminalizes a single procedure that could preserve life and health? No medical organization supports congressional censorship of treatment alternatives. None.

As a mother who lost a child, I can tell my colleagues that the tragedy of death is miraculously assuaged by the miracle of birth. Do not vote to let the tragedy of one death create the tragedy of another death and banish the renewing miracle of life. Vote no on this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Oklahoma, Dr. COBURN.

Mr. COBURN. Mr. Chairman, I think it is important that we have just had a medical lesson from a Member of this body that is totally inaccurate. Late-term abortions can be performed in a number of ways. This, least of which, is mostly convenient for the abortionist, has nothing to do with safety of the mother. Other methods are far safer than this method, where the uterus itself is never instrumented, the risk of bleeding, the risk of incompetent cervix, and the risk of fertility is avoided by the other methods.

Mrs. SCHROEDER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to this most unwise legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. BRYANT], a member of the Committee on the Judiciary.

Mr. BRYANT of Tennessee. Mr. Chairman, as a freshman, I am very often disappointed with what goes on in Washington, but nothing disappoints me more than to hear the low level, on occasion, the debate on this floor reaches, especially when we hear people, like one of my distinguished colleagues on the other side, refer to the folks who disagree with him as zealots and anitchoice militants.

I am very disappointed. That gentleman, as a former judge, I am sure if he were in the courtroom, and someone attempted to use this procedure as a means of execution in a capital murder case, his courtroom would have been full of civil libertarians hollering that this was cruel and inhumane punishment.

I want to tell my colleagues who some of these zealots and antichoice militants are. It is the Council on Legislation for the American Medical Association, who unanimously voted to endorse this particular bill 12 to nothing. Some of those said this was not a recognized medical technique. One even called it repulsive.

So, Mr. Chairman, if that is the kind of zealots, antichoice militants that we have, then I will stand with the Council on Legislation of the AMA every day.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. LOFGREN] who is also a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, in many ways I feel very sad that we are here discussing this issue today. I have heard a lot of rhetoric. We saw charts, but one of the things that has been a real help to me in this discussion is the fact, through an odd quirk of fate, that I know real people who have had this procedure. I know a real family that has a mother today because this late-term abortion procedure is legal in America.

It was about a year ago last spring that Suzy Wilson, my long-time colleague on the board of supervisors, confided to me and her other friends that she was going to be a grandmother again and she was so happy that she would have a little Abigail.

Her son, Bill, and daughter-in-law, Vicky, were expecting. And it was late, very late in the pregnancy that Vicky and Bill discovered, much to their horror, that the birth defects of little Abigail were so severe that this child could not survive. They went to doctors seeking surgery in utero, could anything be done, and the sad truth was, no, nothing could be done.

Now Vicky had had very strong contractions and believed that that meant this was a very strong child in her excitement. The truth was that little Abigail was having seizures in utero because this child's brains had formed entirely outside of the cranial cavity. And those brains that did form were not normal brains. This child could not live.

Mr. Chairman, I voted to ban the use of charts, the cartoon charts, so I show this picture of Abigail with some trepidation but with the permission of the Wilson family. As Members can see, this child's brains are completely formed outside the cranial cavity. This child was a love child.

The Wilson family is raising money in Abigail's memory for a playground in their hometown. The fact that Abigail had these life-threatening deformities did not make her any less loved by her mother and father. What it did mean is that Abigail could not live.

Because of this procedure, which the California Medical Association has said is the safest, and the safest in several respects, Abigail's mother is still alive to be a mother to her other two children. If this bill passes, Vicky Wilson would be dead and her two living children without a mother.

I urge defeat of this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to support Mr. Canady's bill, which is an important step to help eliminate this tragic procedure. There is widespread agreement that this unfortunate and sickening act is not necessary and should not be permitted.

The partial birth abortion is not a legitimate medical procedure and it is not needed for any particular reason.

While the American Medical Association has officially taken no position on this bill, the AMA's Council on Legislation has voted unanimously to recommend support of this bill. As one member of the council said, "The council believes that this is not a recognized medical technique and the procedure is basically repulsive."

Listen to the words of a registered nurse who has witnessed partial birth abortions. Quote, "The baby's feet were moving. His little fingers were collapsing together. He was kicking his feet. All the while his little head was still stuck inside. The doctor took a pair of scissors and inserted them in the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out."

As the mother of two children, I do not comprehend how we can allow any baby to be subjected to such inhumane treatment. I wholeheartedly support Mr. Canady's bill and I urge my colleagues to do so as well.

□ 1300

Mrs. SCHROEDER. Mr. Chairman, I submit for the RECORD the following medical statements on this bill:

WHAT THE MEDICAL PROFESSION SAYS ABOUT H.R. 1833

1. California Medical Association (approx. 38,000 doctors: Strongly opposes H.R. 1833 as an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Further, it would impose a horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy to which the woman and her spouse are deeply committed.

2. American College of Obstetricians and Gynecologists [ACOG]: Will not support or endorse H.R. 1833. Opposed to any law that mandates against a specific medical procedure and criminalizes such a procedure.

3. American Medical Women's Association (approx. 13,000 women doctors): Opposes H.R. 1833 as legislation which unduly interferes with the physician-patient relationship. H.R. 1833 represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.

4. American Medical Association: Refused to take a position on H.R. 1833. Rejected a recommendation from its legislative council, a 12-member council that includes no ob-gyns, to endorse the bill.

INDIVIDUAL STATEMENTS

Dr. Mitchell Creinin, Assistant Professor, U. of Pittsburgh School of Medicine, and Director of Family Planning and Family Planning Research in the Department of Obstetrics, Gynecology and Reproductive Sciences: "This technique is a highly specialized operative procedure that is used for pregnancy termination under special circumstances by trained specialists. The usual patient has a desired pregnancy that is complicated most commonly by a genetic abnormality; this is not a procedure used arbitrarily by any practitioner under any circumstances. * * * In performing the abortion, the physician keeps in mind the woman's health, life and future reproductive ability. As such, it should be up to the physician to treat the patient with the procedure that is most appropriate . . . . [T]he decision about how the procedure is to be performed * * * is one that needs to be made by the doctor and patient together given that patient's individual needs and the specifics of the underlying disease and other illnesses. . . . [I]t should be obvious . . . that restricting the medical practice of a safe and effective procedure would never act to serve a patient's best interest.

Dr. David A. Grimes, Chief, Department of Obstetrics, Gynecology and Reproductive sciences, San Francisco General Hospital /University of California, San Francisco; formerly, Chief of the Abortion Surveillance Branch at the Centers for Disease Control, the principal official responsible for determining the safety of abortion in the U.S.:

As I understand the term, opponents of abortion are using [the phrase "partial birth abortion"] to describe one variant of the dilation and evacuation procedure (D&E), which is the dominant method of second-trimester abortion in the U.S. If one does not use D&E, the alternative methods of abortion after 12 weeks' gestation are "total birth abortion," labor induction, which is more costly and painful, or hysterectomy, which is still more costly, painful, and hazardous. Given the enviable record of safety of all D&E methods, as documented by the Centers for Disease Control and Prevention, there is no public health justification for any regulation or intervention in a physician's decision-making with the patient.

. . . [A]bortions after 24 weeks gestation are exceedingly uncommon and are done for compelling fetal or maternal indications only. . . . D&E dramatically reduces medical costs and patient suffering. . . . From a public health perspective, any intrusion of Congress into this medical issue is both unwarranted and unjustified. . . .

Dr. Lewis H. Koplik, Albuquerque, New Mexico:

This bill does not include any definitions. . . . These are no small concerns. We who provide abortions may be at risk for legal prosecution because of these omissions, even when an abortion is done in the first trimester or early second trimester.

With any dilation and evacuation (D&E) abortion procedure there is the possibility that the fetus may still have a pulsating heart when a somatic element is grasped with a forceps and brought through the dilated cervix. If this is true would those physicians who do second trimester D&E procedures, prior to viability, be at risk for being charged under the proposed bill? . . . During a suction curettage abortion is the fetus live if the heart muscle is contracting as the fetal tissue passes through the suction tubing? If this could be shown to be true would all suction abortions also be outlawed?

Though these considerations may seem far fetched, so was the likelihood, a few years ago, that a physician would be murdered because he or she was practicing medicine and providing a legally sanctioned operative procedure. Now such "far fetched" concerns and risks are what abortion providers live with daily.

[T]he D&X procedure is well recognized as a safe and effective technique by those who provided abortion care. It was originally developed to reduce the risk of complication to women who had to undergo a distressing late abortion procedure. With the D&X procedure the risk of severe cervical laceration and the possibility of damage to the uterine artery by a sharp fragment of calvarium is virtually eliminated. Without the release of thromboplastic material from the fetal central nervous system into the maternal circulation, the risk of coagulation problems, D.I.C. does not occur. In skilled hands uterine perforation is almost unknown during D&X procedures . . . The fact that there are few who are skilled in its use speaks more to the small (but important) need for this care . . . Only the D&X procedure or a hysterotomy is able to provide a geneticist or a dysmorphologist with a specimen which is (almost) intact. The D&X may allow some women to grieve more effectively because they may hold their child, if they wish. . . .

Dr. Bruce Ferguson, New Mexico Medical Group, Albuquerque, NM:

This bill is an unprecedented and unwarranted attempt to legislate the type of surgical procedure that a physician may use in a particular case. . . . Those promoting the bill have used sensationalized drawings and graphic language to attempt to inflate opposition to this surgery. They have left out or distorted the realities that lead to difficult abortion decision late in pregnancy, the facts about how this procedure is performed, and how rarely this surgery takes place. But more importantly, the bill's language is vague and would probably apply to most second trimester abortions, even those done using the more conventional techniques.

[T]he language of the bill would make many doctors [who don't perform third trimester IDE procedures] into criminals, since there are many abortions in which a portion of the fetus may pass into the vaginal canal and there is no clarification of what is meant by "a living fetus.". . . Does the doctor have to do some kind of electrocardiogram and brain wave test to be able to prove their fetus was not living before he allows a foot or hand to pass through the cervix? The vagueness and the civil cause of action created in the bill will create all the opening that woman's parents need to file a suit against their daughter's physician. Even though the physician prevails in court, the costs of defending these suits by the patient's parents will cause considerable increased costs to all doctors providing abortion care, not just to those currently doing late third trimester IDE procedures.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute and 20 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE], another distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE. Mr. Chairman, this is so very tough. It is grueling. It is overwhelming. It is in the name of Abigail. It is in the name of Tammy Watts, who came to our committee and said that she lost a child because of its severe abnormalities and inability to live. Her quote was that, "I would have done anything to save its life."

Mr. Chairman, I do not want to be here. I do not want to have this debate, but the truth must be told and today, unfortunately, we are not telling the truth.

This bill presumes a physician guilty. This bill allows our sheriff, our chief of police, our FBI, whatever law enforcement, to go into the office of a physician and say that although you have saved the life of the woman you have violated the law.

This bill attacks Roe versus Wade. This bill presumes that saving the life of a mother is not a relevant part of what this physician or any physician has to do. This bill did not even allow exception for the life or health of the mother.

This debate has injected an ugly picture of incorrect representation about this medical procedure simply to inflame your emotions. The fetus is already deceased based on an excessive amount of anesthesia. This is the only way to allow a situation for that mother to then be a mother again, because of this safe procedure.

Mr. Chairman, I only ask that my colleagues look realistically and not castigate those of us who painfully stand up here to ask that Americans' rights be protected and the rights of women and their right of good health to be able to become pregnant again. Vote against this bill. It does not help the American people. It breaks the hearts of mothers and criminalizes physicians.

Mr. Chairman, in 1973, and more recently in 1992, the Supreme Court held that a woman has a constitutional right to choose whether or not to have an abortion. H.R. 1833 is a direct attack on the principles established in both Roe versus Wade and Planned Parenthood versus Casey.

H.R. 1833 is a dangerous piece of legislation which would ban a range of late term abortion procedures that are used when a woman's health or life is threatened or when a fetus is diagnosed with severe abnormalities incompatible with life. Because H.R. 1833 does not use medical terminology, it fails to clearly identify which abortion procedures it seeks to prohibit, and as a result could prohibit physicians from using a range of abortion techniques, including those safest for the woman.

H.R. 1833 is a direct challenge to Roe versus Wade, 1973. This legislation would make it a crime to perform a particular abortion method utilized primarily after the 20th week of pregnancy. This legislation represents an unprecedented and unconstitutional attempt to ban abortion and interfere with physicians' ability to provide the best medical care for their patients.

If enacted, such a law would have a devastating effect on women who learn late in their pregnancies that their lives or health are at risk or that the fetuses they are carrying have severe, often fatal, anomalies.

In Roe, the Supreme Court established that after viability, abortion may be banned by States as long as an exception is provided in cases in which the woman's life or health is at risk. H.R. 1833 provides no exceptions for cases in which a banned procedure would be necessary to preserve a woman's life or health.

Instead the bill contains an "affirmative defense" that could be asserted by a doctor after he or she faces criminal prosecution or a civil claim. The affirmative defense covers only cases where a doctor could prove that he or she "reasonably believed" that no other procedure could have saved the woman's life. Few physicians would be willing to perform the procedure and risk the harsh penalties contained in the bill.

This bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Furthermore, it would impose a horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy.

The misconceptions surrounding this bill are as astonishing:

First of all, the term "Partial birth abortion" is not found in any medical dictionaries, textbooks or coding manuals. The definition

1531(b) of H.R. 1833 is so vague as to be uninterpretable, yet chilling. Many OB/GYNs fear that this language could be interpreted to ban all abortions where the fetus remains intact. Partial birth abortion is a term made up by the authors of H.R. 1833 to suggest that a living baby is partially delivered and then killed.

Second, the fetus is not alive when it leaves the womb. The fetus dies of an overdose of anesthesia given to the mother intravenously. This dose is calculated for the mother's weight which is 50 to 100 times the weight of the fetus. The mother gets the anesthesia for each insertion of the dilators, twice a day. This induces brain death in a fetus in a matter of minutes. Fetal demise, therefore, occurs at the beginning of the procedure while the fetus is still in the womb.

Third, there are no scissors involved. Using the intact D&E procedure, a doctor can put into the cervix small dry cylinders that expand as they absorb fluid from the mother, causing gradual expansion of the cervix overnight. The patient can return home except for twice daily clinic visits to ensure that she is dilating and to replace the osmotic dilators if more dilation is required. She receives intravenous anesthesia for the insertion of the dilators as well as for the procedure.

The procedure can be accomplished with less dilation—which means less trauma to the cervix and less chance of problems in the next pregnancy—if some of the fluid is removed from the fetal head—which is the largest part of the fetus—by using a spinal needle for aspiration. This technique reduces the chances of lacerating the cervix which contains large blood vessels.

Fourth, late term abortions are not common. Ninety-five and one-half percent of abortions take place before 15 weeks. Only a little more than one-half of one percent take place at or after 20 weeks. Fewer than 600 abortions per year are done in the third trimester and all are done for reasons of life or health of the mother—severe heart disease, kidney failure, or rapidly advancing cancer—and in the case of severe fetal abnormalities incompatible with life—no eyes, no kidneys, a heart with one chamber instead of four or large amounts of brain tissue missing or positioned outside of the skull, which itself may be missing.

Finally, there are no safer alternatives: First, a woman cannot simply wait and "let nature take its course" that is, let the woman go to term and go into labor. Fetuses with severe abnormalities have a high chance of dying, in utero, even before labor begins thus posing a severe health threat to the mother. When a fetus dies, its tissues begin to break down and are released into the mother's circulation. This can lead to major problems with the mother's clotting mechanism, making it more difficult for her to stop bleeding. This is a huge problem for a woman undergoing either labor or a surgical delivery and increases the chances of requiring blood products and/or an emergency hysterectomy.

Second, induction of labor with drugs is not a safer alternative. The cervix, which holds the uterus closed during pregnancy, is very resistant to dilation until about 36 weeks. Inductions done before this time take between 2 to 4 days. Induction is also a physically painful process. Because of the danger of uterine rupture, inductions require constant nursing supervision and are therefore done in the labor and delivery ward. The physical pain is intensified by the emotional pain of losing a wanted pregnancy while spending days listening to other newborns cry and other families cheer in delight.

Third, a cesarean is a dangerous procedure. A cesarean delivery involves twice as much blood loss as a vaginal delivery. Before 34 weeks gestation the lower segment of the uterus is usually too thick to use a standard horizontal incision, so a vertical incision is necessary. Any uterine incision complicates future pregnancy, but a vertical incision is more dangerous and jeopardizes both the mother's health and any future pregnancies. When the uterus has a vertical scar, future pregnancies require a cesarean section and are more apt to be complicated by uterine rupture.

An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved. However, when serious fetal anomalies are discovered late in a pregnancy, or the mother develops a life-threatening medical condition that is inconsistent with the continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary.

In such cases, the intact dilation and extraction procedure [IDE]—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several respects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. Intact delivery allows geneticists, pathologists, and perinatalogists to determine what exactly the fetus's problems were. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Often, in these cases, the knowledge that a woman can have another child in the future is the only thing that keeps families going in their time of tragedy.

Political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients. The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care.

In passing H.R. 1833, this Congress would set an undesirable precedent which goes way beyond the scope of the abortion debate. Will we someday be standing here debating the validity of a triple bypass or hip replacement procedure? Aren't these dangerous and unpleasant procedures?

The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge. The mothers and families who seek late-term abortions are already severely distressed. They do not want an abortion—they want a child. Tammy Watts told us that she would have done anything to save her child. She told me, "If I could have given my life for my child's I would have done it in a second."

Unfortunately, however, there was nothing she could do. For Tammy, and women like her, a late term abortion is not a choice it is a necessity. We must not compound the physical and emotional trauma facing these women by denying them the safest medical procedure available.

This bill unravels the fundamental constitutional rights that American women have to receive medical treatment that they and their doctors have determined are safest and medically better for them. By seeking to ban a safe and accepted medical technique, Members of Congress are intruding directly into the practice of medicine and interfering with the ability of physicians and patients to determine the best course of treatment. The creation of felony penalties and Federal tort claims for the performance of a specific medical procedure would mark a dramatic and unprecedented expansion of congressional regulation of health care.

This bill is bad medicine, bad law, and bad policy. Women facing late term abortions due to risks to their lives, health, or severe fetal abnormalities incompatible with life must be able to make this decision in consultation with their families, their physicians, and their God. Women do not need medical instruction from the Government. To criminalize a physician for using a procedure which he or she deems to be safest for the mother is tantamount to legislating malpractice.

Mr. CANADY of Florida. Mr. Chairman, I yield 15 seconds to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, again to correct the medical facts, infants under this procedure who have received an anesthetic from their mother are not dead. They are not dead. They are as alive as my colleagues or I. The anesthetic required to terminate a fetus in utero would put the mother at great risk and it is never performed.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in support of this bill as a pro-life Democrat, not only concerned as we are talking about the process of birth today, but about the cycle of life for our Nation's children.

Mr. Chairman, what are we talking about today with partial-birth abortions? On page 5 in this bill we define this as meaning: An abortion in which the person performing the abortion partially delivers a living fetus before killing the fetus and completing the delivery.

Mr. Chairman, I would encourage my colleagues to pay careful attention to that. "Delivers a living fetus before killing the fetus." We have had disagreements on this floor before about States' rights and restricting abortion and health care plans. This debate today is about a gruesome and repulsive medical technique that we should act on in a bipartisan way to ban on this House floor.

Mr. Chairman, this is not a vote that should divide men and women or Democrats from Republicans. This is a vote to ban a procedure that is not proper, that is not ethical, and that is inhumane to children.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], a distinguished member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Chairman, first, let us underline again the outrage of bringing up this bill under an absolutely closed rule. No Member was allowed to offer an amendment to explicitly allow for the protection of the life or serious health of the mother, except in the convoluted way in this bill because of only an hour of debate. I have rarely seen so important a subject so shabbily treated procedurally.

Second, this once again shows the great gap that exists between the Republicans' profession about States' rights and the reality. This bill makes criminal procedures which the States could make criminal, presumably, if they wanted to or not. What this bill says is that States are not smart enough; they do not care enough about these children. We, the Federal Government, will step in.

It does try to deal with that. It say this only involves abortions as crimes which are in or affect interstate or foreign commerce. How does the woman know that she is in foreign commerce or interstate commerce? Is her head in Canada and her feet in Detroit? What kind of nonsense are we talking about?

What they are is embarrassed that they are so blatantly preempting the States, because they know how much it differs with what they profess. It says we will make it a criminal procedure if it happens to be in interstate commerce.

Mr. Chairman, it also has a supposed defense if the doctor is worried about the life of the mother, but it becomes a defense that the doctor has to prove. To avoid a criminal proceeding here, a doctor will have to show that he was in interstate commerce. Nothing in here tells the doctor whether he is in interstate commerce or not.

Second, the doctor would have the burden of proof before the jury to show that he was trying to save the woman's life. Obviously, it will keep people from doing it.

This, obviously, once again shows that all that we hear about States' rights is just cover. When Republicans think the States are wrong, they will preempt the States. This is a disrespectful bill toward States' rights as well as the rights of women.

Mr. CANADY of Florida. Mr. Chairman, I would inquire of the Chair as to the remaining time on each side.

The CHAIRMAN (Mr. EMERSON). The gentleman from Florida [Mr. CANADY] has 11 minutes and 15 seconds remaining, and the gentlewoman from Colorado [Mrs. SCHROEDER] has 17 minutes and 10 seconds remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I want to follow up on asking my colleagues to look at the bill. We have been looking at a lot of pictures today, but look at the bill.

Mr. Chairman, we are lawmakers. That is what my colleagues were sent here to do. This law says whoever performs a partial-birth abortion. What is a partial-birth abortion? There is no medical description of that. We are making that up today.

Whoever performs it shall be fined or imprisoned for not more than 2 years, or both. This is a bad law. We need to vote it down, because we did not pass the rule to allow for a good debate and good amendments.

Mrs. SCHROEDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise to enter my remarks in the RECORD in opposition to this terrible, terrible bill.

Mr. Chairman, I rise in strong opposition to H.R. 1833. As a medical doctor, I was trained to evaluate all viable options when accessing a patient's medical condition.

I oppose H.R. 1833 because it will ban a legitimate medical procedure, and jeopardize the lives of thousands of child-bearing women.

H.R. 1833 will ban a specific procedure used only in the most extreme and necessary cases of late-term abortions, usually when the health or life of the woman is at risk.

This legislation provides no exceptions in cases where the health or even the life of the woman are at risk. It is inhumane to unnecessarily risk a woman's life simply to pursue a political agenda.

This bill is not only bad public policy, but it is also bad medicine. Why should we interfere with the very personal, ethical, and medical decisions made between a patient and a doctor?

Why should we deny a woman's constitutional right to decide whether or not to have an abortion. The answer is that it is not our job to step between a woman and her doctor.

We know that the U.S. Supreme Court specifically recognized a woman's right to choose a safe abortion under the principles of Roe versus Wade, and those principles were again upheld in Planned Parenthood versus Casey.

The Supreme Court has already ruled that States may restrict late-term abortions, except when the woman's health or life are at risk. This bill is a blatant constitutional challenge to the rights outlined in Roe versus Wade.

Mr. Chairman, let me stress that this bill is opposed by several reputable medical organizations including the American College of Obstetricians and Gynecologists, and the American Medical Women's Association. It is not even endorsed by the American Medical Association.

Do not be fooled by H.R. 1833. If you vote yes, you are voting to deny a patient's right to receive medically necessary care. I urge you to take a long look at the potential ethical and medical dangers of this bill. Vote "no" on H.R. 1833.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I just want to alert the proponents of this bill that as we speak, two clinics have received bomb threats. I think we have to be very careful for our rhetoric and take responsibility for our words.

Mr. Chairman, this legislation is another attempt to make sure that doctors who perform abortions, which are legal in this country, are harassed. Around the country, anti-choice extremists are targeting doctors and their patients for harassment and violence, and it looks like on Capitol Hill anti-choice politicians seek to criminalize abortions and put the doctors who perform them in jail.

Mr. Chairman, I rise in strong opposition to this bill. Proponents of this bill attempt to exploit one of the greatest tragedies any family can ever face by using graphic pictures and sensationalized language and distortions.

Families facing a late-term abortion are families that want to have a child. These couples have chosen to become parents and only face terminating the pregnancy due to unavoidable circumstances. Unfortunately, our technology is still not sophisticated enough to detect all possible medical problems early in a pregnancy.

Mr. Chairman, I say to my colleagues, this bill is not about choice; it is about necessity. As the mother of three grown children, I thank God every day that my children were born healthy and strong. However, not everyone is so lucky.

Yesterday, my office received a call from Claudia Ades. She lives in Santa Monica. She had heard about this bill and called to beg us, called to ask us if there was anything she could do to defeat it. Claudia said so passionately, "this procedure saved my life and saved my family."

Mr. Chairman, 3 years ago Claudia was pregnant and happier than she had ever been in her life. However, 6 months into her pregnancy she discovered that the child she was carrying suffered from severe fetal anomalies and made its survival impossible and placed Claudia's life at risk.

After speaking to a number of doctors, Claudia and her husband finally had to accept that there was no way to save this pregnancy. Again, this was a desperately wanted pregnancy and she had to make this very difficult decision; not the Congress.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I honestly believe that many of the societal problems we have today stem from the fact that we have no regard for human life. Partial-birth abortions, drive-by shootings, cop killings, they have all become a way of life.

Mr. Chairman, call me old-fashioned, but I believe every individual born into this world is special, needed and important.

Our forefathers shared this philosophy when they wrote into our Declaration of Independence that, "We are endowed by our Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

Mr. Chairman, I ask that we consider the difference. A doctor performs a painful, cruel, partial-birth abortion one day and it is accepted. Then, if that same mother gave birth to the same age child the next day and then she killed her child, she would be charged with murder.

Mr. Chairman, only a few hours separate these two acts, but one is considered unjust and the other is accepted and even promoted. There is something wrong with our society today if we continue to justify such an unjust procedure.

Mr. Chairman, let us show our respect for human life and support H.R. 1833.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, this is in response to the question that the distinguished gentlewoman from Connecticut asked me to consider.

Mr. Chairman, I have two daughters and they are in their mid-20s. My wife and I expect that they will have happy lives and we hope that they have children and are very productive. We pray to God that our daughters will never in their pregnancy have to face a situation in which their life is threatened or the fetus is developing in a very abnormal way.

But, Mr. Chairman, if God wills it, then we hope that the decision of this medical practice will be determined by a doctor and not a politician.

Mr. Chairman, this bill will force doctors to decide whether or not to perform this medical procedure under the threat of civil and criminal prosecution, even though my daughter's life may be threatened.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I rise today in strong support of H.R. 1833, a bill that is clearly pro-life. It protects the unborn from one of the most grotesque forms of death imaginable.

Mr. Chairman, I urge my colleagues, who might otherwise not support a pro-life piece of legislation, to very carefully consider supporting this piece of legislation which simply and narrowly protects against partial-birth abortions.

Mr. Chairman, I would also like to note that H.R. 1833 does in fact recognize that there may be circumstances in which a physician must have legal protection when called on to perform one of these procedures in order to save the life of the mother.

While I do not believe there is evidence to suggest a partial-birth abortion would be necessary to save the mother's life, let me be clear, and the legislation is equally clear. If this procedure is ever needed for this reason, H.R. 1833 grants a defense to the physician performing it. Section E of the bill does this.

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As a former prosecutor, I know it is not uncommon in the area of criminal law to provide an exception to a general prohibition in the form of a defense. For example, we have a general rule against homicide, but an exception to this general rule is carved out for those who are forced to kill another human being in order to defend themselves. We commonly call this exception self-defense. So in H.R. 1833, we allow a partial-birth abortion to be performed if it is necessary to save a mother's life.

There are more than 30 affirmative defenses in Federal law. These defenses share a common thread. The evidence for the defense is under the control of the defendant, and the defendant has special knowledge of the facts which establish the defense.

The practitioner who has performed a partial-birth abortion and claims that he performed it in order to save the life of the mother has the specific knowledge of the circumstances which surrounded his action and has complete control of the evidence to show why he used this method of abortion. There is simply no reason to oppose this narrow piece of legislation to protect our children.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

I just add to the record, please read page 6 of the bill where on the affirmative defense, it is only after the doctor has been arrested and, No. 2, it says the doctor must also prove no other procedure would suffice. Not that it is the best, but none would suffice. I would like to counter what the gentleman has just said on the floor.

Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I am absolutely panicked and concerned today that a majority of this House believes that a young pregnant woman has no right to life. Her health status, her family's wishes have nothing to say here. It is simply that we will do everything we can to preserve a fetus, which on the face of it, has no chance at life itself.

Remember that a third-trimester abortion is a medically necessary abortion to start with. The law specifies that. It has already been determined that the fetus will not live, cannot survive birth, or that the mother's life is in severe danger.

If you believe that a doctor having put his whole life in his medical practice, with a family of his own, faced with an emergency situation is going to act to save the life of the mother, putting himself up for arrest and to go to jail, then you pray to God that no member of your family is ever put in that position.

What is next for us? Are we going to decide that no woman of child-bearing age will be allowed to have a hysterectomy no matter what the circumstances? What do the great medical experts in the House of Representatives have in store for women of America next?

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, prior to coming to the House of Representatives, I was practicing medicine and, indeed, I was sitting at my desk and reading a copy of the American Medical News where this procedure was first described back in 1993, where the originators of this procedure printed in the article that in about 80 percent of the cases, it is purely an elective procedure. It is not a fetus that has defects, and, indeed, they admitted that they do them in not only the late second trimester, but as well in the third trimester.

I was shocked that these guys would admit it in public. I was not so much shocked by the grotesqueness of the procedure because all these abortion procedures are vile but the fact that these guys would admit how they do it to the public and admit that it is an elective procedure.

I very much support the legislation of the gentleman from Florida [Mr. CANADY]. I encourage all of my colleagues to vote in support of this legislation and make partial-birth abortions illegal.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, make no mistake, you are hearing it. This bill is for one thing and one thing only and that is to criminalize late-term abortions and it is a cruel attempt to make a political point.

H.R. 1833 is a frontal attack on Roe versus Wade, plain and simple. The radical right wants to do away with Roe, and this bill is the first step. So let us be honest about what this debate is really about. This legislation seeks to prohibit abortion techniques which are used in the late stages of a pregnancy, when the life of the mother is in danger, or when a fetus is so malformed that it has no chance of survival.

Mr. Chairman, I cannot help but make the comparison and connection that a lot of the proponents of this bill are the same people who are cutting Medicaid, who are doing away with the support systems for those children that are going to be born malformed and for the mothers who will be ill.

Because of the gag rule which was just passed, the life or health of the mother, or the fetus will have zero consideration.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in opposition to this antiwoman, extremist, unwise legislation. They would not even allow an amendment to save the mother's life. Apparently, the supporters of H.R. 1833 think it is more important to save a doomed fetus than to save the life of a woman and her ability to have children in the future.

This is the first time that this body has moved forward to criminalize a medical procedure. As the mother of two children, I know firsthand the joy and excitement that a pregnant woman has when she awaits the birth of a very much wanted child. I cannot think of anything more horrible than to learn that the baby, the fetus, has abnormalities incompatible with life. In these situations, the family is confronted with the child dying in her womb, possibly killing the mother, or this lifesaving procedure.

Vote to put people over propaganda. This legislation is bad medicine and bad policy.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I asked for 30 seconds so I could hear more from this excellent prolife freshman class, our prolife women, our prolife doctors, we have two of them on our side now. I will do a 5-minute or a 60-minute, depending on how we conclude today, to analyze the vote and I welcome any participation.

Thomas Aquinas died 721 years ago at age 50 and there was some discussion then about when life began. My pal, the gentleman from New York [Mr. SCHUMER], said we all have different opinions. When you pull out feet, f-e-e-t, and you feel a little beating heart and you are sucking out brains, you know it is a human being. And it has a soul. S-o-u-l, soul.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I do not want to be here today and the AMA does not want to be here today, and the groups who protect the interests of women do not want to be here today.

All of us agree that late-term abortions are terrible and we hope that none ever have to be performed. But we are here because others have decided that it is imperative that we vote on the floor of this House on the medical procedure.

We know that after the 24 week, only .01 percent of all abortions are performed, .01 percent. There are two or three procedures that are used, meaning that this procedure is used in only a portion of that .01 percent. Of these procedures, all are more terrifying and unpleasant than this one. But if a woman is carrying a fetus which has a severe abnormality or if she herself has a severe health condition which threatens her health if she continues to carry the fetus, one of these procedures must be used. The bill itself states that there are circumstances in which no other procedure will suffice.

I believe strongly that we should not decide medical procedures on the floor of this House and am deeply concerned about where this might lead.

I believe strongly that we should always provide exceptions to save the life of the mother, and this bill criminalizes that process.

I do not think we should be voting on this process today, but because the bill is before us, I intend to vote "no."

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, some might argue otherwise but I would submit that this should not be controversial legislation. This bill would prohibit a particularly grotesque and inhuman practice. A partial birth abortion is literally the killing, in a most brutal fashion, of a late-term baby. It is incredible that a practice like this could go on in a civilized society. Adoption of this legislation would stop it.

I hope my colleagues resoundingly support this bill. It is a major step in the battle to protect the lives of the unborn.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished freshman gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, as we listen to the debate today, it is very clear that one side would like us to focus more on the procedure than on the circumstances that lead families to this decision. I think it is important that we do not do so. I think it is important that we recognize that this is a rare procedure that is performed under relatively narrow legal conditions. That, for the most part, the women involved are older, they are married, the pregnancies are wanted, planned for, joyously anticipated, and it is only when things go terribly, terribly wrong that families turn to this option when there is a fetal anomaly, when there is a threat to the mom.

Many people have talked here today about their own experiences as parents and the joy and the happiness that they went through holding the baby for the first time, counting the fingers, counting the toes. You are right. It is an exciting and wonderful time, but it is particularly cruel to use those kinds of experiences as an attack on these families who, through circumstances they cannot control, are not going to have that opportunity.

We are talking about mothers who are carrying pregnancies that cannot survive, promises that cannot be fulfilled, and people are attacking them unfairly.

We are leaving those moms with no avenue. We are saying they must risk their lives, because the fetus' condition can oftentimes cause infection, sometimes even sterility, taking away the opportunity for a later pregnancy. For what reason? To make a point.

I think it is important that Congress makes a point, but I also think it is important that they consider a point, which is we have made a decision that the 435 people in this room should decide for families across America. So I ask you, which among us, who will step forward to be the messenger who will go into the homes and tell the husband that we will not step in to protect his wife, his helpmate, the love of his life, or the mother of a 5-year-old child? Who wants to carry that message?

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I rise today in support of H.R. 1833, the Partial-Birth Abortion Act and I urge my colleagues to vote in favor of this important legislation.

As a pro-life advocate, I am committed to protecting the rights of unborn children. My primary concern is that abortion should not be treated like a routine medical procedure and my pro-life position is always foremost in my mind. although Some consider partial-birth abortions routine medical procedures, this could not be further from the truth. Partial-birth abortions are neither routine, legitimate or necessary.

Partial-birth abortions are most often performed in the second or third trimester and I am particularly troubled by the horrifying prospect of late-term abortions. Even in Roe versus Wade abortions are limited to the first trimester. Today, we are considering continuing to allow abortions through the third trimester or fetal viability.

H.R. 1833 not only bans the performance of this type of inhuman abortion but imposes fines and a maximum of 2 years imprisonment for any person who administers a partial-birth abortion. This gruesome and brutal procedure should not be permitted.

I strongly believe in the sanctity of life and if 80 percent of the abortions are elective, we have to reconsider and reevaluate the value our society places on human life. this decision is not made in the case of rape or incest, not if the mother's life is in danger, and not if there are birth defects. In many cases, this is a cold, calculated, and selfish decision.

This is not a choice issue. this is a life or death issue for an innocent child. Please join me in making this heinous procedure illegal.

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Mrs. SCHROEDER. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I would like to respond and remind my colleagues once more to be very careful of their rhetoric. The analogy between abortion and drive-by shootings is extremely inflammatory.

I also would like to remind my colleagues that during this debate it has been reported that there are two serious bomb threats on clinics, so let us be careful to watch our rhetoric and not use political advantage in a very serious issue.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise with tremendous compassion for the victims of abortions that are walking around today. There are a lot of them in America that did not know what was going on. But that compassion gives way to the facts, or should here on the floor, that a lot of Members who persist in talking about this being an unfortunate choice, but 80 percent, according to published reports, 80 percent of these abortions are done in an elective manner.

Surely the facts will come out on this floor, and surely we can vote in support of this very excellent piece of legislation that will ban this procedure.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT], a member of the Committee on the Judiciary.

Mr. BRYANT of Texas. Mr. Chairman, I would just like to add one important point to this debate, and that is that I think we should be honest with ourselves and honest with the American people.

The fact of the matter is that not one single person who has spoken in favor of this bill today can deny the fact that they are opposed to abortion entirely and do not support Roe versus Wade and do not believe in the right of the mother to choose. So we are really not talking here today about a procedure. We are talking about Roe versus Wade and about the right of a woman to be able to choose.

I asked in the Committee on the Judiciary when this was being considered, of the chairman on the Committee on the Judiciary if it was not the case that the entire Republican majority, if it was just a little bit bigger, would bring a constitutional amendment before the House to totally criminalize abortion. He said, as far as he was concerned, he would do it in a minute. That is a matter of record.

The fact of the matter is this bill represents the almost total politicization of this process, as you have brought a bill before the House today that really is a surrogate for what you want to do and that is make all abortions criminal. That is really what is at issue.

I urge the Members to vote against it.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, this is a historic day for our Nation. The coverup of abortion methods is over.

Today, Congress comes to grips with the specifics of what an abortion actually does, and it ain't pretty. From this day forward, we will no longer be able to say we did not know. We now know, and every Member of this Chamber should know, that every abortion takes the life of a child. Whether it be a partial-birth abortion or D&E abortion, where the baby is literally dismembered while in utero, or the suction abortions routinely done, thousands per day, where a high-powered vacuum, 20 to 30 times more powerful than a vacuum cleaner in one's home, literally dismembers the child. All of these methods kill the baby. This is all about human rights for children, and it is about preserving and protecting the right to life of baby girls and baby boys.

Somebody said this is anti-woman. Half of those little infants killed are baby girls. Let us not ever forget that. Then again, let's also remember what Dr. Haskel himself has said. I would like to repeat it very briefly. Dr. Haskel said and I quote: "The surgeon forces the scissors into the base of the skull." This is medical practice? And then a high-powered suction catheter is introduced, and the baby's brains are sucked out.

This is not medical practice.

This is child abuse.

Mrs. SCHROEDER. Mr. Chairman, I yield, 1 minute to the distinguished gentleman from New York [Mr. SCHUMER], a member of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, I would like to address my comments to those who might be for this bill. You know, the great debate on abortion is—of course, it all boils down to when do you think life begins, and those who are pro-life fervently believe, and I respect it, that life begins at conception. Others of us do not believe that, and we believe ultimately that the choice ought not be made by the Government but ought to be made by each individual convening with his or her maker.

Even if you believe that life begins at conception, why did you prohibit an amendment dealing with life of the mother? If it is the life of the mother versus the life of a child, why does this legislation impose the fact that it must be the life of the child that takes precedence over the life of the mother? That is what the bill does, plain and simple.

If you are so sure it did not, you would not have prohibited us in the rule from having a clause in the bill that says that if the life of the mother is at stake the choice should be between the woman and her doctor. That is the hypocrisy of this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, this bill in no way limits the ability of the doctor to care for a woman whose life is at risk with a late-term pregnancy.

Having been involved in obstetrical care, delivering over 3,000 children, caring for women with complicated pregnancies, anencephaly, neural tube defects, hydrocephaly and all the major complications associated with that, this procedure is an unneeded, gruesome attack on life.

May God forgive this Nation for what we allow in terms of procedures to be performed on our unborn children.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am not a doctor. But I am a lawyer. I am a mother. I have been married 33 years. I think I belong in the Marriage Hall of Fame, and I will put up my family values against anyone.

I must say, as a woman today standing in this Chamber, I feel like I am in the Chamber of Horrors, because no one really talks about the mother. But let me begin my statement by reading a letter that we received from the American College of Obstetricians and Gynecologists saying that they do not support or endorse this bill, but they are opposed to any law mandating a specific medical procedure and against criminalization of the procedure, and these bills are flawed. They go on to say they have no idea where the rumor was that they supported the bill. It is incorrect. These are obstetricians and gynecologists whose main concern is the health of the mother, and they are also looking at the child.

What we are talking about today is rolling back the road to save motherhood that this country began on. If you look at 1920, 800 women died for every 100,000 births. If you look at 1990, we got that 800 down to 8, down to 8.

For most people, going through pregnancy is not difficult; but for some it can be life-threatening; and, fortunately, medical science has made some progress that has been able to deal with these life-threatening situations and also preserve the health of the mother so that if this pregnancy goes terribly wrong, they can have another one and be able to have the great privilege I have been able to have of being a mother.

Today, what this Chamber is saying is we are going to limit one of these procedures for doctors. We are not going to allow them to be able to say the life of the mother is an exemption. No, we were not allowed to offer that amendment on this floor, nor were we allowed to bring the health of the mother to this floor; no; no; no; no; no. We show charts, but we do not show the chart with the face of the mother, the family, the decisions made.

Does anybody here think someone would engage in a late-term abortion frivolously? Do you think that they have not thought about this in the last minute? Do you think doctors would engage in this frivolously? No, no and no.

There is only a handful of these ever done in a year. These are tragic situations in which there are not many good choices yet.

We hear people over there saying "elective." It is not elective in the sense folks are claiming it is over there. Every doctor has said you only have limited procedures at certain points if you are concerned about the mother's health, and you must elect one of those.

What we are talking about today seems to be one that for some women can help preserve their life and is the safest and best for them in that circumstance. Why are we taking that away? Why does this Congress think they have a better idea of what is going on, and why do we insist on criminalizing the doctor that would try to listen to their patient's best needs?

Vote "no." This is terrible. We are gagging women. This is terrible. We are not listening, and if you want to know why most of the speakers today were women is because they understand what is happening here. Wake up, America. This is an outrage.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, ladies and gentlemen, I wish I had a lot of time. We got a very short hour of debate on this important issue.

I would like to talk about how you would not treat an animal this way. You would not take a coyote, a mangy raccoon and treat that animal that way, because it is too cruel. I would like to talk about Dr. Joseph Mengele or Dr. Kevorkian. We talk about interfering with the doctor.

Our job is to protect the weak from the strong.

But, no, I want to talk about a love story. Here is a letter that came October 30 to the gentleman from Florida [Mr. CANADY] from my own district, Oak Park, IL, Jeannie Wallace French. She says:

DEAR CONGRESSMAN CANADY: Opponents of H.R. 1833, "The Partial-Birth Abortion Ban Act," claim that partial-birth abortion is justifiable when performed on babies with disabilities. Please consider the personal experience of our family as you debate HR 1833 on the floor of the House.

In June of 1993 I was 5 months along carrying twins. My husband and I were notified that one of the twins, our daughter Mary, suffered from a severe neural tube defect. Mary's prognosis for life was slim, and her chance at normal development nonexistent. Her severe abnormality complicated the twin pregnancy and specialists encouraged amniocentesis and Mary's abortion.

Though severely disabled, we knew that Mary was a member of our family and was entitled to live out her allotted time without being assaulted by instruments or chemicals. When it became clear that Mary, whose brain had developed outside of her skull (an occipital encephalocele) would not survive normal labor, we opted for a Cesarean delivery.

Born December 13, 1993, a minute after her healthy big brother Will, Mary lived 6 hours cradled peacefully in her father's arms. She was with us long enough to greet her grandparents and our close friends. She also gave a special gift to other children: The gift of life. On the day of her funeral we received a letter from the Regional Organ Bank of Illinois. Our daughter's heart valves were a match for 2 Chicago infants, critically ill at the time of Mary's birth. We have learned that even anencephalic babies and meningomyelocele children like our Mary can give life, or sight, or strength to others.

The death of a child is the most tragic experience many of us will ever face. As parents, we can do only what we can—insure that our children do not suffer. As we now know, when their natural time comes it can be comforting that their short life has become a gift to others.

Our daughter, living less than a day, saved the lives of two other children. Which of us, even after decades of living, can make the same claim?

Sincerely,

JEANNIE WALLACE FRENCH.

☐ 1345

The CHAIRMAN. The Chair will state to the gentlewoman from Colorado [Mrs. SCHROEDER] that he was as generous with the gavel as it applied to her as he was with the gentleman from Illinois [Mr. HYDE].

Mrs. SCHROEDER. Mr. Chairman, if I might say, I thought that was a moving letter, but I also must say I do not think we should mandate one's choice on everybody else in this Congress.

Mr. LEVIN. Mr. Chairman, H.R. 1833 would criminalize the use of one medical procedure, but not others, utilized rarely in cases where the health or life of a mother is at risk or a fetus is diagnosed with severe abnormalities.

By making this procedure a crime, H.R. 1833 would subject doctors to prosecution for offering to a woman a chance to save her life. Further, H.R. 1833 is inconsistent with present law which allows States to ban abortions after viability except where the woman's life or health is at risk.

This kind of decision barring women from utilizing a procedure when their health and life are involved does not belong in Washington, DC. I cannot support limiting a patient's right to receive medically necessary care, especially when her life is at stake.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 1833, the partial-birth abortion ban. The fact that we are voting on this bill today is a true testament to how extreme many of the Members of this House of Representatives and their agenda are. Further evidence that extremists are pushing their agenda through the House of Representatives is the fact that the Rules Committee would not allow any amendments to be offered, not even amendments to protect the health or life of the mother.

Despite their campaign pledges to "get the U.S. government out of your life", today Republican Members are advocating that the U.S. Congress take an unprecedented step into the personal lives of American women and their families—as well as into the doctor's office—in order to ban a particular type of abortion procedure.

In order to promote H.R. 1833, Members are focusing on certain aspects of this medical procedure that are intended to elicit emotional responses. What they do not focus on, however, is that women who seek rare, third-trimester abortions are almost overwhelmingly in tragic, heart-rendering situations in which they must make one of the most difficult decisions of their lives.

Often the women are faced with personal health risks that threaten their lives and/or their ability to have children in the future. Or, some women discover very late in their pregnancy, in some cases after they already know the sex of the child, have picked out a name, and gotten the baby's crib ready, that their child has horrific fetal anomalies that are incompatible with life and will cause the baby terrible pain before the end of its short life.

Clearly, each of these situations are serious, tragic, and terribly difficult for the families involved, and the decision to seek such an abortion is one that is not made carelessly or lightly. The U.S. Congress is the last entity that should be intruding into this type of personal, family decision.

The U.S. Congress also has absolutely no right to interfere with a doctor's medical judgment when he or she is making critical decisions affecting the life of a woman, her health, and her ability to bear children in the future.

It is extremely important to note that this bill makes no exception for the health of the mother. In fact, it makes no mention of the health of the mother whatsoever. Clearly, her health and her reproductive future mean nothing to the extremists who are pushing this bill forward or else they would have included this essential exception.

H.R. 1833 takes advantage of tragic circumstances and sacrifices the health and maybe lives of women in order to push an extremist agenda forward. We should reject it completely.

Mr. McCOLLUM. Mr. Chairman, I rise today in strong support of H.R. 1833, the partial-birth abortion act. This bill would ban the barbaric acts of partial-birth abortions.

I believe that life begins at conception and that it should be protected. I understand that there are those who differ with me, but a partial-birth abortion goes far beyond what is reasonably considered a pro-life versus pro-choice debate.

A partial-birth abortion is just that—an abortion performed on a partially born child. The fetus is generally between 4½ months old to 9 months old when the doctor partially delivers the child through the birth canal, leaving the head in the uterus. The baby's arms and legs will squirm as the doctor inserts scissors into the base of the baby's skull. A high-powered suction tube is then inserted and the brains are literally sucked out.

Remember when doctors were expected to do everything in their power to assist and protect both the mother and child during the birth process? Now the doctor is the executioner as the baby travels down the birth canal.

This is barbaric in a partial-birth abortion. The only thing separating the child's head from the outside world is 3 inches. This is clearly homicide.

H.R. 1833 would make it against the law to perform a partial-birth abortion. I cannot imagine how anyone could oppose this bill. Whether you are pro-life, as I am, or pro-choice there should be no disagreement about ending this abhorrent practice which so callously and cruelly destroys an infant during birth.

I urge my colleagues on both sides of the aisle to vote for H.R. 1833.

Ms. SLAUGHTER. Mr. Chairman, I am deeply concerned about the potential precedent H.R. 1833 would set. There are vast and dangerous implications of the Congress interfering with medical practice and procedure.

H.R. 1833 would ban late-term abortions which account for only one half of 1 percent of all abortions. Annually, fewer than 600 abortions occur in the third trimester and they are performed in cases of severe fetal anomalies and/or risk to the life and health of the pregnant woman.

This bill makes it a criminal offense for a doctor to make the professional decision of how best to protect the life and health of his patients. Imagine the repercussions of such legislation. What will be next. Will a physician end up in jail for performing a hysterectomy in order to save the life of a woman with cancer.

Never before has Congress made such an unprecedented attempt to legislate the type of surgical procedure that a physician may use in a particular case. H.R. 1833 is an unwarranted intrusion by Congress into medical decision-making, and it poses a serious risk to women's health. If enacted, this bill will compromise the physicians ability to provide life and health preserving medical care to their patients. H.R. 1833 represents a serious impingement on the rights of physicians to determine appropriate medical management for their patients.

I urge my colleagues to vote against this deadly attack on the life and health of our Nation's women.

Mrs. VUCANOVICH. Mr. Chairman, as many of you know, I have 15 grandchildren. Two of my grandchildren, the miracle twins, I call them, were born early at 7 months. They were so tiny that they could fit in your hands but they were perfectly formed little human beings and they are now 13 years old.

It makes me shudder to think that somewhere, perhaps even today, in this country that there are other little preborn human beings 7 months old in their mothers' womb that are going to be subject to this brutal, horrible procedure known as a partial birth abortion.

I am not the only one who finds this procedure horrifying. Recently the American Medical Association's legislative council unanimously decided that this procedure was not "a recognized medical technique" and that "this procedure is basically repulsive."

I have also heard from my constituents who overwhelmingly object to this repugnant procedure, especially in light of the fact that 80 percent of these types of abortion are done as a purely elective procedure. I strongly urge my colleagues to support H.R. 1833, which would ban this brutal procedure known as partial birth abortion.

Mr. HOKE. Mr. Chairman, since many of my colleagues have already explained the procedure under debate today, I will spare our listeners an additional description. Suffice it to say that this is one of the most brutal, uncivilized assaults on human life imaginable.

Abortion is wrong to begin with, but this procedure is so grotesque as to disgust the moral sensibility of anyone exposed to it.

In this procedure, the feet, legs, chest and arms of the baby have already been delivered from the birth canal. Only the head has not. The distinction that the procedure's defenders make between the fully-protected rights of a delivered baby and the total absence of rights of a three-quarters delivered baby is as irrational as it is disturbing.

I have been especially interested in this bill, since my own State legislature has passed a similar measure. Governor Voinovich signed the bill and it is now law.

There are a great many pieces of misinformation circulating about this bill. Let me try to address just one of them—the issue of whether this sort of procedure is used frequently or only in the most extreme emergencies.

While opponents of this legislation argue that the procedure is rarely performed, some of their cohorts belie this characterization. We know that there are at least 13,000 late term abortions each year. How many of these are accomplished by this procedure? We do not know for sure. But what we do know is that two doctors who specialize in the method have publicly said they use this procedure about 450 times a year. Between the two of them, they have performed more than 3,000 such abortions.

Doctor McMahon was quoted in the January 7, 1990 Los Angeles Times, as saying "Frankly, I don't think I was any good until I had done 3,000 or 4,000" late term abortions. In his own literature, the doctor refers to having performed a "series" of more than 2,000 abortions by the partial birth method.

Whatever the real numbers are, I think it is safe to say that this procedure is used more frequently than it would be if it were truly limited to the most extreme emergencies. Because the bill's opponents cannot possibly win this debate on the merits of the procedure, they have taken to distorting the facts about its use.

I for one have heard enough to know that as a nation founded on and dedicated to the preservation of life and liberty, this procedure has no place in our society.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 1833 to ban a late-term abortion procedure. This procedure is defined in the bill as the partial delivery of a living fetus, which is then destroyed prior to the completion of delivery. This is a particularly appalling procedure in which the difference between a complete birth and an abortion is a matter of a few inches in the birth canal.

This bill does not ban all late-term abortions. Other procedures are available. This bill applies only to the procedure in which the living fetus is partially delivered prior to the abortion act being completed. It does not jeopardize maternal health in instances when the fetus has died in utero. There is an exception in the bill for instances in which the life of the mother is at risk and no other procedure will be sufficient to preserve the mother's life.

Even if the procedure is rare, as is contended by the opponents of this legislation, it is a horrific procedure that should not be performed. Constitutionally, the Congress can legislate and regulate in protecting legitimate State interests, including protecting human life and encouraging childbirth over abortion.

This bill bans an abortion practice that offends most Americans who value the sanctity of life. H.R. 1833 would ban a cruel and inhuman method of abortion and I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I rise today in support of H.R. 1833, the Partial-Birth Abortion Ban Act.

Many of my colleagues on the other side of the aisle will attempt to frame this debate in terms of a woman's right to choose. But the Partial Birth Abortion Ban Act is not about women, choice, or reproductive rights. The true issue that this legislation addresses is the brutal late-term abortion procedure called partial-birth abortion.

Regardless of whether or not one believes that life begins at conception, a partial-birth abortion, which can be performed at any time following the 5-month period, is clearly the taking of an innocent human life. A baby is developed enough at 5-months to be able to live outside of the womb and there are many instances of infants being born prematurely at 5 months and surviving to live a full life.

The partial-birth abortion procedure should be prohibited. I heartily support this effort to protect the sanctity of human life.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to H.R. 1833, which would ban late-term abortion procedures. I respect and understand my colleagues who may be uncomfortable voting against this legislation. We all hope that the number of abortions performed in this country can be reduced. But today's debate should be about a family's right to make the devastating choice to end a wanted, yet terminal pregnancy safely and with dignity.

Medical misinformation has been spread freely with regard to the late-term abortion procedure, which was designed to minimize complications, pain, and trauma. The title of the legislation itself is fabricated and medically inaccurate.

Proponents of this legislation would have us believe that careless women carrying healthy fetuses choose this procedure because they simply neglected to have an abortion early in the pregnancy. They have obviously not spoken with any woman who has had to experience the pain and trauma of discovering she was carrying a fetus with severe abnormalities, incompatible with life. These are women who wanted more than anything to have and love a child. For many in the tragic circumstance, this abortion procedure is the safest option for them and their hopes for future fertility.

This bill is so extreme that it makes no exception for cases in which the banned procedure would be necessary to preserve a woman's health or even her life. In their relentless quest to ban all abortions, the proponents of this bill show a remarkable indifference toward women's lives.

Passage of this legislation would represent the first time in our country that a specific medical procedure has been banned. This bill is unwanted and unneeded Government intrusion into medicine and into the family. To those who campaigned in this Congress against Government presence in our families, I ask how can you support a bill that mandates family decisions and undermines women's fertility.

A family's decision to undergo this procedure is painful and personal. To limit their medical options in the face of this tragic circumstance is heartless.

This bill not only limits women's childbearing and reproductive rights, it risks our health and our lives. This is unconscionable and wrong. An exception must be made for the life, health, and future fertility of the mother.

This is a decision to be made by a woman, her family, her God, and her doctor. This is not a decision for Congress to make. I strongly urge my colleagues to oppose H.R. 1833.

Mrs. CLAYTON. Mr. Chairman, I come before this House today to protect the intent of this legislation. In this country, we have a democracy, not a police state—so why are we in government legislating medicine as well as morality?

It is not the right of this House to govern, to micromanage how American physicians practice medicine. Who are we, without the benefit of the knowledge and specialized training, to dictate what procedures may or may not be performed by physicians. A weighty decision such as this should be left up to the mother, the father, their faith, and their physician—not controlled by government edict that is inflexible and ignores the specific and individual tragic circumstances. H.R. 1833 is a perilous infringement on the right of an individual physician to determine appropriate and necessary medicine treatment for each of their patients.

The legislative language of H.R. 1833 is extremely vague, without definitions of key phrases such as "partial-birth abortion" or "living fetus". With bills such as this, it is critical to have a concretely and tightly delineated definition for these terms of art. Without such definitions, this act of Congress would be ineffectual and unenforceable since no physician would be able to meet the burden of proof required for justification and defense of their actions.

Unfortunate circumstances, such as fatal fetal abnormalities and the fragility of the mother's life, call for sometimes unpleasant but necessary actions to sustain. This procedure is performed rarely and only as a last resort in order to preserve the life and the reproductive health of the mother. In tragic cases such as these, the families and the physicians have been through enough—especially faced with possibility that the mother will die as well as the child. Why turn them into criminals?

Mr. Speaker, I call on my colleagues to defeat this nebulous legislation that places physicians, who are charged by the Hippocratic Oath to save lives, at risk for criminal penalties as they strive to accomplish that goal.

Mrs. LINCOLN. Mr. Chairman, I agree with the underlying premise of this legislation that late-term abortions should not be performed on healthy, viable fetuses, and because of this I have chosen to support this bill. However, I think of H.R. 1833 as an abstract idea, and not the final word on this controversial subject. I have concerns about the vagueness of the language in the bill, as well as the lack of medical terminology when referencing obvious medical procedures. Although I am pro-choice, this does not necessarily mean that I am pro-abortion. I am concerned that a woman's right to the safest medical care possible and her constitutional right to choice in these tragic cases is being jeopardized. It is my hope that if this bill is passed by the Senate and goes to conference, that a more moderate approach which includes carefully defined language and the use of medical terminology where applicable will be the result. Furthermore, I feel that it is imperative that exceptions for the life, as well as health of the mother should be included in the body of this bill.

The subject of this legislation focuses us on the most extreme and rare forms of abortion. As a woman I am very conscious of women's health issues and I am thankful for the progress that has been made on behalf of women, especially in the area of safe pregnancies and deliveries. But, I am now also aware of the tragic circumstances in which some of these termination procedures are performed and their profound physical and psychological effects on the entire family, particularly the mother.

My heart goes out to those women and their families that have had to make the devastating choice to end a late-term pregnancy which was wanted. These families have chosen this path because the fetus in the mother's womb is incompatible with life and doomed to die a painful death in the hours or days after birth, or die before delivery which would create extreme health problems for the mother. This situation is as physically, mentally, and emotionally traumatic as anything that I could ever imagine. The availability of this surgical procedure allows the mother the choice between risking debilitating infections or even her life, versus preserving another opportunity to bring a child into this world.

Not only do I bring a woman's perspective to this debate, but as the wife of an obstetrician, I am also somewhat versed in the medical community's approach to these most extreme procedures. I am assured that this procedure is not performed often and certainly not without pursuing every other option available before this course of action is decided upon.

I certainly pray that I am never in the position to have to make a personal decision of this magnitude. However, in such an unlikely event, I want to know that my right to decide about my life and the life of my unborn child is not hindered by a government grown too large to understand human suffering. This is a decision that should be made between a woman, her family, her doctor, and her Creator.

I believe that we members of a civilized society should agree that so-called partial-birth abortions are horrible under any circumstances. They should be banned except in instances where the alternative is even more horrible.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule and the amendment in the nature of a substitute is adopted.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1833), to amend title 18, United States Code, to ban partial-birth abortions, pursuant to House Resolution 251, he reported the bill, as amended pursuant to that rule, back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered and the amendment is adopted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 139, answered "present" 1, not voting 4, as follows:

[Roll No. 756]

YEAS—288

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan

Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—139

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Franks (CT)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennelly
Kolbe
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mink
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Rangel
Reed
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

ANSWERED "PRESENT"—1

Houghton

NOT VOTING—4

Becerra
Fields (LA)
Tucker
Weldon (PA)

□ 1408

Mr. RUSH changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD on the legislation just completed.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2546, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 252 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 252

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. The bill, as amended, shall be considered as read through page 58, line 4. All points of order against provisions of the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. Debate on each further amendment to the bill and any amendments thereto shall be limited to thirty minutes. It shall be in order without intervention of any point of order to consider each of the amendments printed in the Congressional Record and numbered 1, 2 or 4 pursuant to clause 6 of rule XXIII, if offered by the Member who caused it to be printed or a designee. Each such amendment shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. LINDER. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. SPEAKER, House Resolution 252 is a modified open rule which provides for consideration of the H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996, and waives all points of order against this bill. House Resolution 252 allows for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

Following the hour of general debate, the bill shall be considered for amendment under the 5-minute rule. Before consideration of any other amendment, it shall be in order to consider the amendment offered by Representative WALSH, which is printed in the Rules Committee's report, will not be subject to amendment and shall be debatable for 10 minutes equally divided and controlled by a proponent and an opponent of the amendment.

If the Walsh amendment is adopted, the bill as amended shall be considered as the original bill for the purpose of further amendment, and shall be considered as read through page 58, line 4. The rule also waives clauses 2 and 6 of rule XXI. As a consequence of the District's precarious financial situation, the subcommittee has included a number of legislative provisions that will ensure that a few specified activities are achieved by the local government.

The rule holds that debate and consideration of any amendments to the bill, and amendments thereto, shall be limited to 30 minutes. House Resolution 252 specifically makes in order amendments numbered 1, 2, and 4 which were printed in the CONGRESSIONAL RECORD of October 30, 1995, waives points of order against these amendments, and provides that these amendments shall not be subject to amendment.

Amendment No. 1, offered by Representative BONILLA, is designed to revoke the National Education Association's property tax exemption. It is now acknowledged that the NEA is a taxpayer subsidized labor union that has strayed from its original purpose to promote education. The NEA no longer deserves this tax exemption, and the Bonilla amendment will remove this Federal mandate and bring in over $1 million to the District of Columbia.

Amendment No. 2, offered by Representative GUNDERSON, offers an opportunity to revive the District's school system by authorizing funding for school reforms and the creation of renewable 5-year public school charters. Mr. GUNDERSON has consulted with local officials on his reform package to help repair the ruined District school system, and the Rules Committee believes that this amendment deserved consideration by the whole House.

Amendment No. 4, offered by Representative HOSTETTLER, WOULD REPEAL THE DISTRICT'S DOMESTIC PARTNERS ACT, WHICH PROVIDES THAT UNMARRIED, ADULT, NON-DEPENDENT COHABITANTS MAY REGISTER TO RECEIVE HEALTH BENEFITS AND OTHER LEGAL RIGHTS. THIS ACT IS SIMPLY POOR PUBLIC POLICY. CONGRESS HAS CONSISTENTLY PROHIBITED THE USE OF FEDERAL FUNDS FOR IMPLEMENTING THIS ACT, AND THIS AMENDMENT WILL END THE ANNUAL PROCESS OF PROHIBITING THE ENFORCEMENT OF THIS LAW.

Members will have the opportunity to offer additional amendments under the 30 minute time arrangement for each amendment. The specified time limits will give all Members the opportunity to debate fully each amendment, while ensuring that this important bill moves along the appropriations process in a timely manner. The rule permits the chairman of the Committee of the Whole to accord priority in recognition to those Members who pre-printed their amendments in the CONGRESSIONAL RECORD, which will assist all the Members of the House in the consideration of the merits of each proposed amendment. Finally, the resolution provides for a motion to recommit with or without instructions as is the right of the minority.

Mr. Speaker, the District of Columbia, by all accounts, has gotten itself into a financial predicament that necessitates the serious action taken in H.R. 2546. The bill provides a total appropriation of $4.97 billion for fiscal year 1996, and takes the additional step of placing a cap of $4.87 billion on the total amount of appropriations available to the District Government for operating expenses. Certainly, a city the size of Washington, DC, can survive on almost $5 billion, especially after the local District leadership institutes the necessary reforms to create a more efficient operation for our Nation's capital and its citizens.

Mr. Speaker, I might parenthetically point out that the county in which I live has 20,000 more citizens than the District of Columbia and it provides all the same services and does so for $410 million per year, rather than $4.97 billion.

In addition to the provisions that the DC subcommittee has included in the bill, I am pleased that the District Financial Management Assistance Authority has been specifically encouraged to expedite the implementation of sound financial practices as soon as possible. The Financial Authority, the local government and the inhabitants of the capital all recognize the feeling of apprehension that exists about the ability of the District to govern itself, and I hope that everyone can agree that this bill will effectively spur the District toward financial solvency.

Under the leadership of Chairman WALSH, the appropriators have had to balance an assortment of concerns, including home rule, and make difficult choices with the limited funding available this year. The product of their work reflects both these new budget realities and the District's fiscal emergency. As a result, H.R. 2546 guarantees that the available funding is spent efficiently and where it is needed most.

Mr. Speaker, this rule was favorably reported by the Rules Committee yesterday. I urge my colleagues to support the rule so that we may proceed with debate and consideration of the underlying legislation which will assist the District along the road to financial well-being.

☐ 1415

Mr. Speaker, I submit the following for the CONGRESSIONAL RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of November 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	52	69
Modified Closed[3]	49	47	18	24
Closed[4]	9	9	5	7
Total	104	100	75	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I rise in opposition not only to this rule, but the D.C. Appropriations bill. Mr. Speaker, this bill makes me wonder what has happened to the oft repeated Republican mantra of "local knows best." After reviewing the contents of this bill and the amendments made in order in the rule, that mantra might rather be "father knows best."

The Republican majority has for the past 10 months explained away their dismantling of Federal programs by claiming that the American people elected them to Congress to return power to the States and local governments. Well, Mr. Speaker, if those claims are so true, can you explain why the District of Columbia Subcommittee has seen fit to send us a bill which micromanages the affairs of the rightfully and lawfully elected government of this city?

Mr. Speaker, I am no particular fan of the manner in which the government of the District has been run in the past. It is bloated, inefficient, and taxes its residents far heavily. Its financial affairs are a disgrace, and that is evidenced by the street lights that are burned out and not replaced, the animal shelter nearly closed because the city did not pay its bills, and the ranks of the police force being decimated by the loss of senior experienced officers because of cuts in their basic rates of pay. The situation in which the Nation's Capital finds itself is very, very sad.

But, Mr. Speaker, does this situation then grant license to the gentleman from New York [Mr. WALSH] and his subcommittee to impose their own vision of the world as it should be? Does this situation grant the Congress the right to subvert the will of those American people who reside in the District? Because, as you well know, Mr. Speaker, those people have no voting voice in this Congress and this bill ensures that what little voice they have in governing their own affairs is nothing short of meaningless.

Mr. Speaker, if the content of the reported bill is not bad enough, then the rule reported by the Republican majority of the Rules Committee only makes matters worse. I am particularly opposed to the rule because of an amendment which was made in order. That amendment, to be offered by the gentleman from Wisconsin [Mr. GUNDERSON] will allow the use of Federal tax dollars to provide vouchers for students to attend private and religious schools. I have long opposed the use of tax-funded vouchers and I must strongly protest the inclusion of this amendment in the rule.

Mr. Speaker, in April the Congress enacted legislation which established the Financial Control Board for the District of Columbia. That board, along with the city council and the Mayor, is working to resolve the deep financial crisis that faces this city. I do not know, Mr. Speaker, how prohibiting any city-owned or city-run facility from performing abortions is going to help the board, the council, or the Mayor find a way to fund the $256 million shortfall in funds provided in this bill.

Mr. Speaker, we all agree the District of Columbia is in serious trouble and that much of this trouble is of the city's own doing. But that does not, Mr. Speaker, give this Congress the right to act in such a blatantly paternalistic manner. If the Republican majority finds such value in letting local governments conduct their own affairs, then I believe one of the first places they should demonstrate this commitment is in the city which houses our Nation's Capital. Let's let the Financial Control Board do its job. Let's let the council make the laws which govern those American citizens who elected them.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, it is interesting to me that the other side of this House is suddenly concerned about micromanaging Washington, DC. Maybe if they had dared to micromanage Washington, DC, for 1 or 2 of the years that they have been in the majority, Washington, DC, would not be a bankrupt city.

Mr. Speaker, we are in a position where we have been working with the Financial Control Board, with city officials, with outside experts, all year long trying to turn the Nation's Capital around.

It is a great city. They have some good folks involved in the government of Washington. We want them to run their own city. We want them to run the Nation's Capital. Yet, at the same time, we cannot continue year after year writing checks to Washington, DC, and turning the other way and act like the status quo is good enough.

Mr. Speaker, the city is in the red. It has been in the red. The audit is just unbelievable, the amount of things that have been found in it. For the other side of this House to be saying that we are micromanaging it is absurd.

Mr. Speaker, I have only been a Member of this body for 3 years, but I know that we have debated the abortion issue, the domestic partnership issue, year after year every time the DC bill comes up. That is not something new. That is something that, yes, there is a philosophical difference generally outlined by party differences on those particular issues. But actually bringing it to the floor of the House shows that we are not trying to ram it through in a backroom deal. We are not trying to micromanage.

Mr. Speaker, these are things that we believe the American people should debate about. Remember this, the history of Washington, DC, is the Government moving to Washington. When George Washington was the President, the capital was in New York City and it was in Philadelphia. When they came here, it was a swamp. Washington surveyed this land, established the Nation's Capital and the city of Washington.

The city of Washington, DC, grew up around Congress; not vice versa. The only city that was here was Georgetown. Washington, DC, actually went through a period of home rule and lost it in the year 1874, because of mismanagement. Congress took over then for 100 years and then in 1974, home rule was started again.

We are at a situation now where we had all the evidence needed to pull home rule away, but we are choosing not to. The gentleman from New York [Mr. WALSH] and the committee, in a bipartisan basis with the gentleman from California [Mr. DIXON], has said no. Let us do not. Let us work with the Financial Control Board. Let us work with the city officials and give them the arm's-length support and leadership and partnership that they need to turn this great Nation's Capital around.

Mr. Speaker, I am confident that we can do that and I urge Members to support the rule.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I rise in opposition to the rule for the fiscal year 1996 District of Columbia appropriations bill. Mr. Speaker, the House begins consideration of the District of Columbia Appropriations bill 1 month after the fiscal year has begun and 13 days before the continuing resolution—which covers the District government as well as the Federal Government—expires. Since the time that the subcommittee first marked up this bill on September 19, this measure has been mired in controversy about the budget cuts included in the bill, as well as some 40 legislative provisions initially recommended by Chairman WALSH for inclusion in the bill.

After a second subcommittee markup on October 19, the District of Columbia appropriations bill was able to proceed to consideration by the full Appropriations Committee, in large measure, only because of an agreement reached among the principals to drop legislative and policy riders from the bill that deeply undermined the principle of home rule for the District of Columbia. Given the District's precarious financial condition, I thought that we had agreed to drop these controversial matters to expedite consideration of the bill, so that we could begin conference deliberations promptly and enact a final measure prior to the November 13 expiration of the continuing resolution.

Now, Mr. Speaker, we find ourselves in much the same situation in which we started with this bill. Apparently, the majority is determined to be the second city council for the District of Columbia. This rule grants point of order waivers for several legislative matters that should be determined by District voters through their elected representatives, not by this Congress.

During consideration of the bill by the full Appropriations Committee, an amendment was added to amend the District of Columbia Code to prohibit the use of both Federal and District funds for abortions, and to prohibit even privately-funded abortions in District-owned or operated facilities, except in the cases of life, rape or incest.

Mr. Speaker, this section of the bill goes far beyond the existing Hyde restrictions. In fact, this language is the most restrictive language ever imposed on women in the District of Columbia who rely on public facilities to receive health care. This language simply does not belong in this bill. And, the President has signaled that he will veto the bill of this language remains in it.

Second, the rule protects provisions which amend the District of Columbia Code to prohibit joint adoptions by individuals who are not married. Again, this is a policy matter that does not belong in an appropriations bill. It is a matter for local residents to decide, just as we allow residents of every other local and State government to determine their own adoption laws.

Mr. Speaker, I must also oppose the rule because it violates what I believed was an agreement reached to keep this bill as clean as possible of additional legislative provisions. The pending rule would make in order a 142-page legislative amendment on educational reform in the District of Columbia. Now, we all know that the District public schools are not doing the job that should be done for students. And, I commend the distinguished gentleman from Wisconsin [Mr. GUNDERSON], for his sincerity and hard work in crafting this amendment. But, the reality is that this is a very controversial amendment. There is no consensus on it. There is, however, a great deal of concern about the bill's provisions as they relate to the establishment of charter schools and a voucher program in the District of Columbia. The Secretary of Education is opposed to the authorization of Federal funding to pay for private school vouchers. The American Civil Liberties is opposed to the voucher program in the amendment. As is the American Jewish Congress, Americans United for Separation of Church and State, the National Parent Teacher Association, and the National Association of State Boards of Education, American Federation of Teachers, American Association of School Administrators, National Education Association, Council of Great City Schools, and National Association of Elementary School Principals.

Mr. Speaker, the fact remains that this amendment simply does not belong in this bill, notwithstanding the fact that many elements of this bill have support among District of Columbia elected officials and residents. Adoption of the Gunderson amendment will only serve to further prolong the time it takes to enact the District's funding measure when it is critical to provide additional financial resources to a city on the brink of insolvency.

Finally, Mr. Speaker, the rule makes in order an amendment designed solely to punish one organization because some members do not happen to like its ideology. The Bonilla amendment would strip a congressional-granted District property tax exemption from the National Education Association. This is a punitive amendment that singles out just 1 of 27 organizations that enjoy the same exemption. The amendment does not belong on this bill.

Mr. Speaker, this rule is a bad rule. I cannot support it and I urge its defeat.

□ 1430

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, this is a first for many Members of this body. It is the first time the Republicans have carried an appropriation for the District of Columbia since home rule. It is the first time that freshmen have had to vote on a bill at all for the capital of the United States. I hope they are bewildered by the exercise, because they have come here, of course, for national, not local matters.

I had hoped that this would be the year of bipartisanship, and I had every reason to believe it might. The District is in a financial crisis that is known around the world. And every Member of this body bears a responsibility, wherever the fault lies, to help raise the city again so that it can proudly claim to be the capital of this Nation.

I had every reason to hope for bipartisanship in the tone set by Speaker GINGRICH and in my work, especially with the chair of the Subcommittee on the District of Columbia, the gentleman from Virginia, Mr. DAVIS. I faced a personal crisis, when my city had all the signs of going down the drain. Somebody had to speak up. At some political risk to myself, I said to the residents of my city, there must be a financial authority. Do not fight it. You need it in order to borrow, and you need it because we must revive the finances and management of the D.C. government. And in a bipartisan way and with the help of the administration, we worked on the financial authority bill.

The gentleman from New York [Mr. WALSH] worked fruitfully and productively with us as well. The bipartisanship continued when the District did not have funds so that it could put its share for Federal highway money. The majority helped get us the votes and that bill was passed, also with the help of the administration.

Pitifully, the Speaker, the Speaker's office called PEPCO last week to say, do not turn off the lights in the District. Money is coming. We will see to it. Yet I am told, there is plenty of money down there somewhere, ELEANOR. And the cops cannot get their cars out of the garage and yet the gentleman from New York [Mr. WALSH] says, I do not know where it is but it has got to be there. And, of course, he imposes a huge cut on the District knowing full well that he himself cannot point to where the money is. That is folded into this bill.

Thanks to the Speaker, we were able to negotiate most of the home rule and statutory items off the bill; and then of course we came to the Committee on Appropriations, and Members began to add such items to the bill. It is those items that make it impossible for this bill to come forward in the bipartisan way that other bills involving the District this year have come forward.

Some amendments are more gratuitous than others. Mr. WALSH regularly puts in an abortion amendment, but for some reason, he ceded his amendment to a Member that would amend the DC code on abortion. That has never been done in 20 years of home rule, and one wonders why he would not have exercised the necessary leadership on this instead of driving votes away on a statutory amendment on abortion, coming from the Congress, when every single jurisdiction in the United States has a local option on this controversial issue.

Where was his leadership then? Where was his leadership on Hostettler, when he comes forward knowing that there is already a domestic partnership amendment in the bill that keeps D.C. from spending its money and demagogically comes forward and says, let us enact it into legislation. Where is your leadership on that, Mr. WALSH?

The tragedy here is the Gunderson matter which has been negotiated endlessly and wonderfully with the District. Yet a voucher is in that bill that will drive votes from my side, and I can tell you from your side, as well, off the bill. And then just to be truly partisan about it, you go to the list of agencies that have been granted exemption from DC property taxes, none of which should have been granted, and you say, let us pick out our political favorite to get. Let us pick out the NEA.

Pick them all out. Give us all 27, if you are serious, and you are not serious.

Mr. LIVINGSTON. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I will not yield, sir.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman will state his point of order.

Mr. LIVINGSTON. Mr. Speaker, the remarks of the gentlewoman at the desk are very personal. I would like to inquire of the Chair what the rule is regarding personal arguments versus substantive arguments.

The SPEAKER pro tempore. Members cannot indulge in personalities during the debate.

Ms. NORTON. Mr. Speaker, I ask the gentleman to cite a personal remark. I have called the name of the leader of the subcommittee. I have made no personal remarks.

Mr. LIVINGSTON. Mr. Speaker, continuing my point of order, Mr. Speaker, I do not intend to ask that the Chair take down the words of the gentlewoman at this point, but the RECORD is replete with personal comments. We can debate this bill and we can pass this bill if we talk about the substance of the bill and not personalities.

Ms. NORTON. Mr. Speaker, I have made no invidious remarks. The one thing you have taken from me is my vote. Let me speak for my city.

The real crime is that this bill undercuts the financial authority that this body set up. Against the advice of the financial authority, this bill says, you must impose severe cuts on the city. A tough financial authority stepped forward and said, we have imposed cuts on the city. Now they said, give us only time enough so that we can also impose management reforms on the city, then perhaps we will go back to cuts. And still cuts have been extracted from our own (DC) budget.

This appropriation bill did not follow the bipartisan lead that was the lead of the Speaker and the authorizing committee this year. There were four pages of invasions into home rule. They were finally gotten off with the help of the leadership. Now there is a cut that will bury the city. Now the financial authority which the city has accepted has been ignored. Now the District is being treated like a Federal agency.

My colleagues, I represent 600,000 breathing Americans who have been loyal to their country. In their name, I ask that they be treated with the respect each and every one of you have insisted for your constituents.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from the Committee on Rules for yielding time to me.

Mr. Speaker, I rise in strong support of this rule. I think the rule recommended by the Committee on Rules gives us all an opportunity to offer amendments. The rule makes some amendments in order. Other amendments would be in order to strike language in the bill. In all cases an adequate amount of time is allowed by the rule for full debate. I think it is a fair rule, and I urge bipartisan support.

Speaking of bipartisanship, Mr. Speaker, I would like to suggest that last year when the other party, the former majority party, had control of this committee, I worked with them to pass this bill. The District of Columbia spends every penny of the Federal formula funds that it receives from this Congress on the very first day of its fiscal year. That is the kind of fiscal house they operate.

The District of Columbia spends $5 billion every year on a city of 570,000 people. That is unheard of anywhere else in this country. But I, along with others on our side, reached across the aisle to help the current minority party get this bill passed last year.

I would ask nothing less of them this year than to help us to pass this bill. It is our responsibility to govern. It is our responsibility to pass this bill. It took Republican votes last year to pass this bill, and I would ask them to reach across the aisle this year.

I would ask the Delegate, who has spoken so strongly in opposition to this bill, to recognize the fact that the District needs the money in this bill, that the District government needs the money to meet their commitments. There was no emphasis or effort on this side of the aisle to cut Federal funds from this bill. This is a hold-fast, steady-as-you-go, financial commitment to the District of Columbia. While the rest of the country is being asked to take severe cuts all across the board, we are not cutting the Federal funds to the District of Columbia. If this rule were to fail, that might be the first order of business by this subcommittee.

Home rule: Home rule is a delegation of responsibility from the Congress to the District of Columbia to organize and operate its own affairs. In the 20 years of home rule, we have seen one unbalanced budget after another to the point where the new administration last January announced that they were $700 million in the hole. When Mayor Kelly was elected 4 years ago, the Congress gave the District authority to borrow $336 million and gave them an additional $100 million within the first eight months of her administration—$400 million to cover the financial deficit that was occurring then.

The consistent message to the Congress from the District of Columbia is "respect home rule and send money; as much as you can send us, send us."

The District Government has done a terrible job running this city. Congress is always criticized for stepping in and involving itself, but I dare say the Congress would not step in, would not involve itself, if the city was being run in a responsible way.

There is no accountability in this city. There is no fiscal discipline in this city. There is an inability to deliver basic services in this city. The potholes do not get fixed, the garbage does not get picked up, the water and sewer system does not work right. It is rife with overemployment. The list goes on and on. They have the worst schools in America.

This subcommittee pursued the resolution of these problems aggressively. Then we took a step back and said, okay, we have the financial control board in place now. We will ask them to review these problems and make recommendations to Congress, back to the authorizing committee. So we basically took our hands off of the problem. I felt we should have been more aggressive, but that was not to be. But the fact is the control board now has the responsibility. We have delegated additional responsibility to them in our bill, and we have done our level best to avoid involving ourselves in the responsibilities of the District.

□ 1445

When the other party ran this committee, they interfered in home rule when it served their purposes. The underlying definition of "home rule" was, "if it is not controversial, we can do it. If it is controversial, we cannot do it." That is not home rule. That is a rationalization process.

Let me end by saying the delicate question: Where is the leadership here? Leadership requires individuals to take risks. The Delegate has taken no risks. They want the money, but they do not want to stand up for the bill. My colleagues cannot have it both ways; that is not leadership. They cannot say we have got to help the District, we have got to move the bill along, and then stand up and oppose the rule and oppose the bill. That is not leadership, not by my definition.

So I would suggest as a challenge to all of us to work together to extend a hand across the aisle, as the Republicans did for the Democrats last year, and get together, and pass this bill. There is enough in this bill to make everybody angry, but it is what the District needs at a minimum, and I would urge all of us, Republicans and Democrats, to support the rule and support the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me, and I rise to respond to the chairman of the subcommittee because I think his comments here point to the crux of the situation. There is certainly a financial crisis in the District of Columbia, and I believe the gentleman from New York [Mr. WALSH] at the time believed that the approach to take was to establish the Financial Review Authority, and for my point of view that is working. But if anyone believes that the justification for the most rigid abortion language has anything to do with the financial crisis of the District, I will sell them the Brooklyn Bridge. If anyone believes that language dealing with adoption relates to the financial crisis, I will sell them a bridge in California. And if anyone believes the NEA or the domestic partners has anything to do with the financial crisis or moves the District forward as it relates to its finances, I will sell them this Capitol.

Mr. Speaker, the point is that this bill is being used to justify the political persuasions of some Members of this House.

Now it is clear that we have the jurisdiction to do so, but to stand up and say that we would not be interfering in the District's affairs if things were going well financially just ain't so because, these philosophies, notwithstanding problems of the District financially, are being driven to demonstrate a point to a constituent in anybody's particular State or district.

Finally, yes, the Congress, when there has been a Federal interest, has exercised certain discipline over the District of Columbia, but when we move on the issues that I am concerned about, we are not dealing with the financial structure of this District. No one on this floor believes it. No one on this floor thinks that we are eliminating abortion in city facilities either funded or operated because of the finances of this District. So let us be straightforward, Mr. Speaker. There is philosophy driving this and not financial concerns.

Mr. Speaker, I, in particular, support my colleagues' desire to get the finances of the District straight, but I do not, in particular, support the philosophy that is driving the amendments that we are going to be discussing to enter into this bill and the amendments that are already in this bill.

Mr. LINDER. Mr. Speaker, I yield myself a couple of seconds to say that, if the gentleman from California [Mr. DIXON] does not believe giving the NEA, or any other organization, tax-free use of its property, expanding the health insurance plans, or any of the other costly social programs that they have tried to not add to fiscal woes, he probably does believe he has bridges in Brooklyn to sell.

Mr. DIXON. Mr. Speaker, will the gentleman yield to me to respond?

Mr. LINDER. I yield to the gentleman from California.

Mr. DIXON. The problem with the NEA exemption is that the gentleman from Texas [Mr. BONILLA] says that they have violated their charter that was established in 1906. The committee of jurisdiction is the Committee on the Judiciary. There are 26 other organizations that enjoy the same, yes antiquated, exemption. Either we should make a finding and hold a hearing, but not come to a committee one day, and because we do not like this particular organization, say we are going to take it, the exemption, away from it. Whether my colleague is for the NEA or against the NEA, this is fundamentally wrong.

Mr. LINDER. Reclaiming my time, I would just respond to that by saying the only point to your reference that I was responding to was the notion that giving them $1.4 million a year worth of the tax-free benefit is not additional financial burden. It does indeed.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I would like to calm things down just a little bit, if I can, and I would like to begin by paying my respects to my friend and colleague, the gentleman from New York [Mr. WALSH], who has more patience than Solomon, and to the gentleman from California [Mr. DIXON] and to the gentlewoman from the District of Columbia [Ms. NORTON]. I got to tell the rest of my colleagues I have not been involved in the D.C. issue until this year. It is some of the hardest work in this Congress, and my colleagues all ought to understand that, and they ought to respect what these people go through, but I want to share with my colleagues in that mode three particular points that I think are important as we debate this rule and as we deal, in particular, with the so-called Gunderson amendment on reforming D.C.'s education.

There was an agreed upon process at the very beginning that we would try to reach a consensus in the various initiatives of reform, whether it be the schools, or the housing, or the crime and safety, or the taxes, and, where those agreements could be reached, we would marry them with the appropriation bill. Now nobody objected to that last spring, and I just have to tell my colleagues not to complain about the process now when they did not complain about the process at the beginning. There was a common understanding of how this was going to work.

Second, I think it is important to understand guidelines. It was the gentlewoman from the District of Columbia [Ms. NORTON] who told the Speaker that after some of my initial mistakes and some of my efforts to compensate for those mistakes by reaching out to the District that she believed we could reach a consensus on education and reform and that she asked the Speaker directly to do that, and so I have tried to bring everybody along in a consensus. This is not my preferred document. If I were going to have my name on education reform, there are a lot of things I would change in this because I would want to know I could guarantee the outcomes, but we tried to bring everybody along in a consensus package under the guidelines that every one of us had to like 80 percent of the package.

Some of the people today who are opposing the package are the very ones who submitted to us in their reform document the very recommendations for independent charter schools included in our bill. Some of those who are opposing the scholarships today are the very people who sat in my office and said they understood, while they could not endorse this, this was a rational, reasonable compromise between the education reformers and the public education advocates and they would accept that, not endorse that, but they would accept that. They have changed. I cannot help that, that they have changed their word in that regard.

Third, let us talk about the scholarships. The Department of Education, the AFT, the NEA said, "Steve, we cannot in any way, shape, or form support a voucher, because a voucher takes money out of D.C. schools and puts it into private schools."

I said, "That's fair, and we're not going to do that." So we are not doing vouchers in this bill, and anybody who tries to say we are doing vouchers in this bill is frankly lying and misleading intentionally to misrepresent what this bill does.

This bill is a scholarship bill. It is a scholarship for D.C.'s children to improve their education. It is scholarships so students can go to the public schools in the District of Columbia. If a student in Anacostia wants transportation to go to Northwest, they can do so. If a young kid in Northeast wants to join the band, but does not have the money to buy a trombone, they can get a scholarship to do so. In the public schools of the District of Columbia, yes, there is a chance that a young student who wants to go to Gonzaga can apply for a scholarship, and if there is enough money there from public and private resources, not one dime coming from the District of Columbia, they can apply for that scholarship, and they may or may not get it.

But do not confuse this with the vouchers, and in the name of D.C.'s children do not misrepresent what we are doing, and in the name of those children of the District of Columbia and their future can we calm the rhetoric? Can we find a consensus? And can we find a way to move forward to reform D.C. schools? Because if we do not do it this week, we lose that chance for a whole year.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me, and I want to use this opportunity to express my dismay at this bill. I think the Delegate from the District of Columbia [Ms. NORTON] spoke very eloquently when she spoke about the elimination of home rule for D.C. We talk a good game about giving the power back to the States and the cities, about taking it away from the Congress, and when it comes to Washington, DC, we want to, apparently, do just the opposite. I think that home rule is home rule, and, if we are going to allow it for others, D.C. should be no different.

What disturbs me in this bill are several different parts. First of all, and it has been mentioned before, the whole abortion dispute to amend the D.C. Code not to allow the people of the District to decide what is right for them, not to allow them to spend their own money when it comes to abortion; this to me is wrong despite what people may feel, pro or con, on the issue of abortion. Singling out the NEA, as the gentleman from California [Mr. DIXON] points out, when there are 26 other groups that have the same privileges, singling them out to me seems absolutely wrong. The whole issue of domestic partnership, again to make it statutory not to allow D.C. home rule, if they want to have and allow domestic partnerships, I do not think that should be this Congress' business to tell them no. I think they ought to have a right to do whatever they want in terms of domestic partnership, and I do not think we ought to impose our views on them.

I also rise today to oppose the gentleman from Wisconsin, Mr. GUNDERSON's amendment to a D.C. appropriations bill. This amendment in my opinion is the latest in the ongoing efforts of this Congress to destroy rather than improve the public school system in this country, and it is time, when D.C. public schools need our strongest support, we are instead, in my opinion, considering proposals that will weaken them. I commend the gentleman from Wisconsin for his efforts to be open and inclusive in developing school reform proposals, however the provisions in the amendment to provide funding for charter schools will only create chaos in the D.C. schools without promoting real reform. The charter schools that could be funded by the legislation will include private schools. These private schools would have a direct entitlement to public funds and would not include requirements that teachers be certified.

□ 1500

Mr. Speaker, Federal funding of the charter schools would deprive the District's public schools of needed funds and further divide students along class, religious, and ethnic lines, without doing anything to improve education or increase student achievement.

The so-called low-income scholarship program in reality, despite what my friend, the gentleman from Wisconsin [Mr. GUNDERSON], says, is actually a voucher system and would have a similar adverse effect on the District's public schools. The program would allow Federal tax dollars to provide funding for students attending private and religious schools in and outside the District.

This plan will divert attention and vital resources away from efforts to reform the District's schools. If additional resources can be found to support education in Washington, DC, they should be spent on helping the public system within the District, rather than funding schools outside of the District.

Mr. Speaker, I urge my colleagues to vote against the Gunderson amendment. We must reform D.C. schools, but the way to solve this problem is not to take funds and attention away from students that need help. The public schools need our support so our students can succeed. I also want to say if there are any amendments, the gentleman from Indiana [Mr. HOSTETTLER], I understand, is doing one on domestic partnership, I think, that should be rejected. The domestic partnership allows two people who are living together as a family for more than 6 months to enjoy certain rights.

If the people in the District of Columbia want to have that, that should be their prerogative. We cannot have this dual standard, this double standard whereby we say we want to take power away from Congress and give it to the States and cities, but when it comes to Washington, DC, we want to hit them over the head and tell them that they cannot run their own show.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Wisconsin [Mr. GUNDERSON] accused me of misrepresenting the facts. I have a copy of his amendment in front of me. I would like to read from the amendment. The English language is very clear.

> There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.
>
> The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as may have been appropriated to the District of Columbia Scholarship Fund. . . .

There are authorized to be appropriated to the fund $5 million in fiscal year 1996, $7 million in fiscal year 1997, and $10 million for each of fiscal years 1998 through the year 2000. That is Federal funds going into those scholarships. That is vouchers.

The gentleman accused me of misrepresenting the fact, saying that there were no Federal funds involved in those vouchers. It is in the language of his amendment on pages 110, 111, and 112.

Mr. GUNDERSON. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I never said there were not Federal funds involved. There are obviously Federal funds involved. I said there is a huge difference between a voucher and a scholarship. I would invite the gentleman, frankly, to go look up the two words in Webster's dictionary.

Mr. FROST. Reclaiming my time, Mr. Speaker, I believe the gentleman said there were no Federal funds involved, and that I was misrepresenting the fact that Federal funds were involved for this purpose. His own amendment, in the pages that I just read, 111 and 112, make it very clear that Federal funds were authorized to be appropriated under this bill for vouchers.

Mr. Speaker, I yield 2½ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I urge my colleagues, somewhat reluctantly but urgently, to oppose this rule on the basis that it will allow public money to go to religious institutions. It does that through this rule because the rule, through the use of a parliamentary gimmick, allows for authorization on an appropriation bill. The bill that will be before us contains what has consistently and historically been described as school vouchers.

The gentleman from Wisconsin [Mr. GUNDERSON] prefers to call them scholarships, but I think that is a distinction without much of a difference. Vouchers, or scholarships, as the gentleman from Wisconsin calls them, have been a great national issue for the past decade and more in this country. They have been widely considered and debated in cities all across America, including this city, the District of Columbia, which just a few years ago had this proposal before them. They were not called vouchers, they were not called scholarships. At that time it was called parochial aid.

The voters of the District of Columbia, in a fairly broad turnout, voted 9 to 1 against vouchers, scholarships, parochial aid. Are we not going to tell them that the Congress of the United States knows better than they do, when they spoke by a vote of 9 to 1?

Mr. Speaker, time and time again, Supreme Court after Supreme Court has found that taxpayer money being diverted to religious schools is unconstitutional because it violates, clearly, the first amendment to the Constitution of the United States. I urge my colleagues, therefore, to begin the process of opposing vouchers. I urge my colleagues to oppose vouchers, scholarships, and paroch aid by voting no on the rule, and then no on the Gunderson substitute.

In my remaining time, however, I want to commend the gentlewoman from the District of Columbia [Ms. NORTON], who finds herself, unfortunately, in a fiscal and legislative box canyon not of her making. She is doing a good job in trying to solve this dilemma. I do not urge my colleagues to support the bill, but I do urge them in their commendation of the work of the gentlewoman from the District of Columbia.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Texas [Mr. FROST] has 2½ minutes remaining, and the gentleman from Georgia [Mr. LINDER] has 7½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield myself the balance of our time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 2½ minutes.

Mr. FROST. The issues are very clear, Mr. Speaker. This is a question of local control, which the other side says they believe in, but they obviously only believe in it in every case except the District of Columbia. This is a question of are we going to appropriate Federal funds to be used for school vouchers in the District of Columbia; are we going to do other things that have been described by the gentleman from California [Mr. DIXON], the ranking member on this committee, that we have not done in the past.

Mr. Speaker, I urge a "no" vote on the rule, and if the rule should be successful, a "no" vote on the bill.

Mr. LINDER. Mr. Speaker, I yield myself the remainder of our time.

Mr. Speaker, it may not be very exciting to talk about the rule, but I think the rule is fair. We would be here all day with efforts to instruct Washington, DC on how to conduct their lives and their government if we did not have a reasonably closed rule, and we have that. Yet, we have the important decisions to be put before us.

I think the Gunderson amendment is an important one, because it is an honest effort to try to change a school system that is an abject failure by any measure. It spends more money per pupil than any other school system in the Nation and does not graduate 50 percent of its people. To try and do that not with their money, not telling them how to spend their money, but money we give to them, seems to me to be reasonable.

Someone said if the people of the District of Columbia want that, they ought to have it. That is true in theory, but in practice, they are spending 40 percent of their budget coming from other folks. I would not be here pleading and begging for more of your money plus freedom if it were my county. I would not think I would have deserved more of your money. I would be embarrassed to make some of these claims. However, this District of Columbia government spends over 10 times what my county government spends with more people and more services, and yet runs up an annual deficit that exceeds my county's entire budget by two times. I would be embarrassed to say we deserve more.

The fact of the matter is we could just read this morning on the front page of the Washington Post Metro section, where the city of the District of Columbia gave a $547,000 loan to an entrepreneur who had not paid back the previous loan, had $100,000 in liens against his businesses, had not paid back his school loan until this year, and the Mayor, in announcing the $547,000 loan, did not even know how much it was for. He thought it was $400,000.

No, this is not a city that does know better. It is a city that has been spending other people's money for an awful lot of time, and wants, of course, absolute freedom in doing that. There is not another city in America that can look to someone else for 40 percent of its budget, and look to themselves for the freedom to spend it.

I think this bill will pass today, because I think we have to pass some kind of appropriations for this city to keep it going. It will be close. I think it will pass without much help from the minority, but I think we must pass the rule to get the bill to the floor. There are too many bills unpaid, there are too many fire engines in garages, being held there because we have not been able to pay for the repair. There are too many hospitals waiting for reimbursements. We simply must help them pay their bills to keep the city moving. I suspect we will be doing this.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, I do not want to argue with the gentleman from Georgia, but the gentleman says that 40 percent of the budget is someone else's money. The gentleman may be correct, I do not know for sure. Could he tell me where he gets this figure?

Mr. LINDER. I suspect that the gentleman who is the chairman of the subcommittee could address that.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I think the gentleman is correct. The District's total appropriated budget is about $5 billion, including a $712 million direct grant to the District by Congress.

Mr. DIXON. Is the gentleman referring to the Federal payment——

Mr. WALSH. Yes.

Mr. DIXON. Of $660 million.

Mr. WALSH. Plus $52 million for the pensions.

Mr. DIXON. $712 million.

Mr. WALSH. $712 million, and another perhaps $1 billion, $1.2 billion, for formula funds, Medicaid funds, transportation funds, and so on.

Mr. DIXON. All communities receive those.

Mr. WALSH. The gentleman made the point that it makes up 40 percent of their budget. It does not in other communities around the United States.

Mr. LINDER. Mr. Speaker, reclaiming my time, there is not another city in America that has 40 percent of its money coming from a Federal grant or direct aid.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 181, not voting 10, as follows:

[Roll No. 757]

YEAS—241

Allard
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert

Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Armey
Fields (LA)
Franks (NJ)
Gephardt
Harman
Moakley
Rose
Tejeda
Tucker
Weldon (PA)

□ 1532

Ms. ESHOO, Mrs. ROUKEMA, Mr. STENHOLM, and Mr. ABERCROMBIE changed their vote from "yea" to "nay."

Mr. CRAMER and Mr. COX of California changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the bill, H.R. 2546.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from New York?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 252 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2546.

□ 1533

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. WALSH] will be recognized for 30 minutes and the gentleman from California [Mr. DIXON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 20 years of home rule and 15 years of unrestrained spending have brought the District government to the brink of financial insolvency.

The District government has had the same mayor for 13 of those 20 years. It is very difficult sometimes to discern charisma from leadership, and when that occurs and the latter is lacking, unsuspecting citizens are left to shoulder the burden.

The bill we bring to you today will provide the District government with a total budget of $4.97 billion for fiscal year 1996 consisting of $4.87 billion for operating expenses and $102 million for capital outlay. I believe $4.97 billion is sufficient to provide adequate services given the size—68 square miles—and population—570,000—of the city. The District needs to do a better job of managing and setting priorities. It needs to be held accountable. I believe that will be done through the D.C. Financial Responsibility and Management Assistance Authority that was established earlier this year by Public Law 104–8. The authority is chaired by Dr. Brimmer, and I am confident with he and his colleagues will be successful in encouraging meaningful structural reforms and accountability in the District government.

Mr. Chairman, the $4.97 billion consists of $2.8 billion of the District's own funds, and $712 million in Federal funds provided in this bill, $1 billion in Federal grants, and $362 million in private and other funds, and $161 million in intra-District funds.

The $712 million in Federal funds recommended in this bill is consistent with our 602(b) allocation in budget authority and outlays. That amount includes a Federal payment to the general fund of $660 million as authorized in Public Law 103–373 and requested in the President's budget. In my opinion, Mr. Chairman, this payment by the Federal Government is generous.

The other part of the $712 million is the $52 million for the Federal contribution to the police, fire, teachers, and judges retirement funds. This amount is $70 thousand below the President's request and reflects a reduction that was necessary in order to comply with our 602(b) allocation.

DISTRICT'S FINANCIAL CRISIS

During fiscal year 1994 it became apparent that the District government was in serious financial trouble. The District's annual financial statement for fiscal year 1994 confirmed everyone's suspicion—the biggest annual deficit in the District's history had occurred and the government was technically insolvent.

Realizing what was about to occur, the House 15 months ago made a decision that was long overdue. It recognized that there was very little accountability in the District government and a great deal of deception. Although the budgets in the past were balanced on paper, the city was overspending its budget and would soon be out of cash unless it changed its ways. The House, on a bipartisan basis, voted to cut the District's spending by $150 million—no change was made to its revenues.

When the bill came out of conference last year the reductions were $140 million and 2,000 positions as well as a cut in the Federal payment of $10 million.

A year later the District is still in a financial crisis.

FINANCIAL MANAGEMENT AUTHORITY

Recognizing this the Congress in April of this year created a Financial Responsibility and Management Assistance Authority. The Authority became operative in June and in the last 5 months has made some tough decisions. I have a lot of confidence in the Authority and believe it is headed in the right direction to bring the District government back from the brink of financial disaster to a sound financial footing.

BILL APPROPRIATES ALL REVENUE SOURCES

Unlike past years, our bill this year appropriates all of the District's revenues which include the Federal payment, local taxes and other local revenues, and Federal and other grants. In past years the bill did not include Federal and other grants which were considered nonappropriated revenues. The independent audit for fiscal year 1994 showed that two-thirds of the District's $335 million deficit was due to this nonappropriated category.

ACTION BY DISTRICT

While the bill does not go as far as some think it should, our actions at the subcommittee level have resulted in what I believe to be positive action by the District. The day after our markup the Board of Education voted to allow the Superintendent to use his discretion in contracting out the management of any of the 164 public schools. According to the press the Board as well as the Mayor and Council are taking a look at the salaries of school board members which are said to be the highest in the country. City officials have agreed to turn over the Blue Plains sewage treatment plant to an independent authority under a pact with suburban governments.

One of the Council members introduced a bill to consolidate the District government's economic development entities into a single unit to cut costs and improve services. In addition, the Council Chairman sent up a draft copy of a bill to establish a pension plan for new hires that will not have any unfunded liability.

So all in all I believe our actions are getting some results even though the legislative provisions were dropped from our bill in our subsequent markup on October 19. Instead of including the language in our bill, we are asking the Financial Authority to review several matters listed on pages 7, 8 and 9 of the report and try to resolve them at the local level and report to the Congress in March 1996 on the disposition of the items and recommendations for resolving those that are still outstanding at that time.

It is vitally important that District officials try to change the culture that has contributed greatly to the city's financial predicament.

HIGH PER CAPITA COSTS

Another top priority of the Authority will have to be—and I reiterate the words "have to be"—getting the per capita costs of operating the District under control. By almost every measure the cost of delivering services here in the District is the highest around. According to a Congressional Research Service comparison of the District of Columbia to cities of comparable size for fiscal year 1992, the District had the highest per capita costs for police, fire, education and welfare services.

To provide police protection in 1992 the District government spent $467 per person compared to $248 for the city of Boston, MA. Regarding Emergency Assistance Services, the City Auditor recently reported that a "comparison between the District and neighboring jurisdictions revealed that the District provided the most generous emergency assistance benefits in the region during fiscal years 1993 and 1994. The District provided benefits up to a maximum of $4,350, while Prince George's and Montgomery Counties in Maryland limit their maximum benefits to $750." The City Auditor's report goes on further to say that "the District lags behind in receiving its full share of the 50 percent Federal reimbursement through participation in the Emergency Assistance Services program sponsored by the U.S. Department of Health and Human Services." This occurs because of deficiencies in meeting certain Federal documentation requirements, so therefore the District has to pick up the full cost of the program when they cannot provide the documentation.

"WASTE" IN DISTRICT GOVERNMENT

It is waste such as this which I believe is causing a lot of the city's problems. Recently the court-appointed Receiver of the District's foster care services discovered another instance of waste. According to press reports, and I quote: "Miller (the court-appointed receiver) said that in an astounding example of lax cost control, his staff discovered that the agency is paying an additional $5,000 a month rent for cafeteria space in the basement of (a building) without ever having installed the cafeteria." Miller goes on to talk about other problems like a questionable $25 million data-processing contract. The point is that this and so many other reports and testimonies we have had seem to indicate that there is a lot of waste going on in the District and if we can at least begin to eliminate some of this we may see some of those high per capita costs come down.

ACCOUNTABILITY

We need accountability in the District government, both for finances as well as the delivery of services. We are hopeful that the Authority will begin to show the kind of results we are all looking forward to, and we hope that this will be done in an atmosphere of cooperation with the Mayor and City Council.

CONCLUSION

We are all in this together and we each have to accept our role in this process of making our Nation's Capital the urban jewel it should be. It is Congress' role to appropriate. The Authority's role is to formulate the financial controls and the process to improve services so that the city can perform its role, which is to execute and carry out that process in a disciplined and professional manner.

We hope much will be accomplished this year so that we do not see more of the city's operations falling under court orders or into receivership. That is the final action that will need to be taken if the city cannot get control of its spending and reduce its costs to reasonable levels.

Other very important issues, such as tax reform and health and welfare issues, will also have to be reviewed by the authorizing committees. These reforms will be needed to revitalize the economy of the District and will be the subject of many discussions and possible future legislation.

In closing, I want to thank all of the members of our subcommittee for their assistance in bringing this bill to the Committee.

Mr. BONILLA of Texas, Mr. KINGSTON of Georgia, Mr. FRELINGHUYSEN of New Jersey, Mr. NEUMANN of Wisconsin, Mr. DIXON of California, the ranking member of our subcommittee who served as chairman for the past 15 years, Mr. DURBIN of Illinois, and Ms. KAPTUR of Ohio.

Also Mr. Chairman, I want to thank the staff for a job well done under some very difficult circumstances.

John Simmons of my personal staff has done an outstanding job in coordinating between the Speaker's office, the appropriations and authorizing committees, the Speaker's task force and Members' officers.

Mary Porter who does an excellent job keeping track of the numbers. I am told she has been doing this for the Committee for 35 years—she started back when our departed colleague Mr. Natcher first became chairman of the DC Subcommittee. She is detailed to the Committee from the District government and works with the numbers when they are first put together in the Mayor's budget office, and follows them through the Council, the House, the Senate, and conference. She is to be commended for the high quality of her work as well as for her endurance and perseverance.

Mike Fischetti is on loan from GAO. He is a CPA and a certified fraud examiner who is in great demand these days. We are very fortunate to have the benefit of his expertise and analysis.

And of course Migo Miconi, who has been on the staff for longer than he cares to admit.

Each of them does an excellent job and together they make a great team.

Mr. Chairman, I believe the bill we bring to the House today is a good bill and one that the District can live with.

At the appropriate time I will offer a managers amendment to clarify language concerning adoptions by unmarried couples.

Mr. Chairman, I strongly recommend this bill to my colleagues and urge an "aye" vote.

□ 1545

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to this bill. I do so with great reluctance because while I do not always agree philosophically with the distinguished gentleman from New York, I realize that and understand that we both respect each other's opinions. I commend Chairman WALSH for his work on a very difficult bill, for his sincere efforts to bring the District back to financial health.

I also want to thank the staff that he just mentioned, Migo Micone, Mr. John Simmons, Mike Fischetti, and Mary Porter, and a special thanks to the minority consultant on this bill, Cheryl Smith.

Additionally, I would like to throw an accolade to the delegate from the District of Columbia, the gentlewoman from the District of Columbia [Ms. NORTON]. She has done yeoman's work in trying to work with both Republicans and Democrats to craft a better bill for the District. She has been tireless in her efforts to facilitate agreements between all of the various parties that have competing interests in this bill.

This bill is important for what it does not contain as much as for what it does contain. In particular, I commend the chairman, the gentleman from New York [Mr. WALSH], for decisions to drop some 40 legislative provisions from the bill that would have created considerable controversy and delayed consideration of this matter. In this respect, the bill has been greatly improved over earlier versions.

I also want to commend our chairman, the gentleman from New York [Mr. WALSH], for recommending the full Federal payment for the District. This bill includes $660 million for the Federal payment in fiscal year 1996, the full authorized amount, and $52 million for the Federal contributions to the District's retirement funds for police, fire, judges, and teachers. There has been no disagreement on these funds, and they are fully provided for in this bill.

Unfortunately, though, notwithstanding the good parts of this bill, this bill falls far short. We all know that the District is in a financial crisis. Yet this bill imposes a spending cap of $4.867 billion on the District of Columbia's operating budget for fiscal year 1996. The spending cap will force the Mayor, under the direction of the District of Columbia Financial Control Board, to allocate $256 million in additional cuts below the cuts already recommended by the District of Columbia's Financial Review Board.

Mr. Chairman, this is a bad bill because it tells the District that it cannot spend all of the tax revenue it generates. Let me repeat that: all of the tax revenue that it generates from District residents. It is a bad bill, because Congress has decided, not the District nor the Financial Board, knows best about what to do in this situation. As it relates to the District, apparently, the Republican rhetoric to get the Federal Government out of the lives of Americans does not apply to the District's citizens.

Mr. Chairman, in April of this year, Congress established a new Financial Oversight Board comprised of District residents to solve the District's financial and management problems and to bring the District's budget into balance over a 4-year period. That legislation included some very tough medicine for the District including granting the Financial Oversight Board the most extensive powers of any such board in the Nation.

In September, the Mayor, the City Council, and the Financial Oversight Board reached an agreement on significant budget cuts and staffing reductions that will result in over 5,200 positions being cut from the fiscal year 1996 budget. These personnel cuts amount to a 13-percent cut from the staffing levels originally requested by the Mayor.

Yet despite these reductions, this bill would require the District to cut an additional $256 million more than the Financial Control Board says is prudent. These cuts are not endorsed by the Financial Control Board.

Mr. Chairman, members of the Financial Oversight Board now find that months of hard working with the District officials and analyzing the District's budget have seen their figures and facts thrown out the door. I cannot understand how the majority and the gentleman from New York [Mr. WALSH] in particular can say it accepts the findings of the Control Board and they totally disagree with him.

For the first time I recall the committee has knowingly used figures in this bill that are wrong. The figures are just plain wrong. The majority continues to disregard the Control Board's recommendation that $5.123 billion be provided for the District's operating budget in fiscal year 1996, not $5.16 billion, not $4.86 billion, not $5.12 billion. This bill falls far short of the mark.

If we approve this bill, we severely undermine the credibility and the confidence of the Control Board. When the Control Board was put in place, its main responsibility was to establish under their budget how much the District Government would cost to run for the fiscal year and to recommend to us appropriate cuts. We have not accepted their figure nor have we accepted their recommendations, and so I just fail to see how we are placing any confidence in the Board that has done a stellar job thus far in this bill.

Mr. Chairman, this is a bad bill, because the District will not be able to use its own money to buy books for students, repair the schools, pick up the garbage, fight crime, maintaining other critical services for the District residents. The additional budget cuts endorsed by the majority were made without consultation with the District officials or Control Board regarding their impact on city services. These cuts are not based on sound analysis or thorough review of the budget savings that responsibly could be achieved by the District in less than a year's time nor any evaluation of the resources needed to sustain education, public safety, sanitation, public works for those who work and live in and visit the District.

This is an analysis that was conducted by the Control Board and rejected out of hand by the majority.

I will insert in the CONGRESSIONAL RECORD at the end of my statement the various documents submitted by the Financial Control Board concerning its recommendations for the District for 1996.

Mr. Chairman, the distinguished gentleman from New York has indicated, and will indicate, that this bill will result only in an $85 million cut for the District below the 1995 budget. In reality, this cut will be much deeper. Realistically speaking, these cuts will likely have to be made over a 9-month period, because it will take the Financial Oversight Board and the Mayor several months to determine where to make these cuts, and the choices are not pretty.

The District already owes millions to vendors who have already provided services to the city. In August, the District stopped making Medicaid payments to hospitals and health care providers because of the lack of funds. Last week, the Washington Post included an article about the inability of the District to promptly repair broken street lights and traffic signals because it owes the local utility company nearly $4 million.

The District cannot pay health insurance premiums for city employees because of shortage of funds. Low-income citizens cannot receive timely care at D.C. General Hospital because of lack of resources to purchase supplies and to retain medical personnel. Distraught firefighters must call on surrounding jurisdictions to fight two-alarm fires because funding shortages have prevented them from maintaining the fleet of fire trucks.

Many believe the District's schools are among the worst in the Nation, and that is why we will be debating the Gunderson education reform package later in this bill. Yet this bill cuts funds that could be used to hire teachers, to buy books and repair schools, to provide the city, this city, with the quality of education that I think we all agree it deserves.

This bill will make this bad situation only worse.

Finally, Mr. Chairman, this is a bad bill because it clearly violates the home rule of the District of Columbia and has nothing to do with the financial situation here. The bill amends the code to ban all Federal and local funding for abortion and would ban even privately funded abortions conducted in District-operated or funded facilities except to save the life of the mother, rape, or incest. These restrictions go far beyond any previous restrictions in the District of Columbia appropriations bill. They simply do not belong in this bill.

Second, the bill amends the local statutes to dictate to District residents who may or may not adopt a child in the District of Columbia. This provision simply does not belong in this bill and has nothing to do with the financial condition of this city.

Mr. Chairman, these are policy decisions that severely trample the rights of District residents to make their own judgments about the matters through their elected officials. The inclusion of these provisions in this bill is even more outrageous because, with the exception of the Delegate from the District of Columbia, many Members of this body have no accountability to the District.

Mr. Chairman, the President has indicated that he will veto this bill because the budget cuts are too deep and the home-rule violations are intrusive. The bill should be defeated.

Finally, Mr. Chairman, I want to once again acknowledge the hard work of the chairman, the gentleman from New York [Mr. WALSH]. He has taken a lot of heat on this bill. We just disagree with the judgment that the way to get the finances in order in this community is, first, to use the wrong numbers so the cuts turn out to be greater than he says, not 148, but 256; that, in fact, the way to do it is just to arbitrarily take the 250 and tell the Control Board to make those cuts.

Second, we disagree that now that the Republicans are in control they can do whatever they want to, they can bring up any bill they want to on abortion, they can bring up a clean bill to affect the NEA or any of the other 26 organizations that they want to.

Those matters do not belong in the financial condition of the bill; but, nevertheless, I understand his dilemma.

The materials referred to are as follows:

DISTRICT OF COLUMBIA FINANCIAL
RESPONSIBILITY AND MANAGEMENT
ASSISTANCE AUTHORITY,
Washington, DC, October 20, 1995.

Hon. JULIAN DIXON,
Ranking Minority Member, Subcommittee on the District of Columbia, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. DIXON: I am writing in response to your October 19, 1995 letter regarding recent actions taken by the House Appropriations Subcommittee on the District of Columbia.

The Authority is aware that the Subcommittee's actions, if passed by the Congress and signed into law by the President, will result in fiscal year 1996 cuts to the District of Columbia of $256 million below the $5.123 billion level recommended by the Authority in our August 15, 1995, report to Congress.

On September 28, 1995, I wrote to Chairman Walsh to express the views of the Authority on the proposed cuts to the District's appropriations. I advised him that additional cuts below the Authority's recommendations, made without further study, could harm service delivery and have a negative impact on District residents. A copy of my letter to Chairman Walsh is enclosed.

You observed that recent statements attributed to me in the media suggested that we now support the proposed budget reductions. Actually, in the meeting with Messrs. Gingrich, Livingston, and Walsh on October 17, I was not asked whether the Board would support the lower budget ceiling. Rather, I was asked only whether we would be prepared to allocate the amount appropriated. I said we would do that.

Let me assure you that the Authority continues to stand by its recommendations on the District budget. We continue to believe that an adverse impact on the city is likely if the additional cuts become law. Many District agencies already are experiencing serious problems in maintaining adequate service delivery and in meeting their obligations to vendors. Cuts to levels below our recommendations would only exacerbate these problems.

Sincerely yours,
ANDREW F. BRIMMER,
Chairman.

Enclosure.

DISTRICT OF COLUMBIA FINANCIAL
RESPONSIBILITY AND MANAGEMENT
ASSISTANCE AUTHORITY,
Washington, DC, September 28, 1995.

Hon. JAMES T. WALSH,
Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Last week, the House Subcommittee on Appropriations for the District of Columbia marked up the District's transition budget for fiscal year 1996. The District of Columbia Financial Responsibility and Management Assistance Authority (DCFRA) has reviewed the Subcommittee's actions. We are respectfully submitting this letter because we have several concerns about the potential impact of many of those actions.

According to preliminary information on the Subcommittee mark up, the Subcommittee approved further reductions of District appropriations by $258 million and 461 FTEs. The Authority is very concerned about these additional reductions. Public Law 104-8, which created the Authority, also laid out a process for addressing the District's financial and management weaknesses. This process for fiscal year 1996 called not only for a review of the initial fiscal year 1996 transition budget, but also for preparation of a supplemental budget for fiscal year 1996 and a financial plan that must be approved by February 1, 1996. The special process used for fiscal year 1996 was developed because there was agreement that more information and analysis was needed before a final fiscal year budget was approved. The Authority and staff spent considerable time reviewing District documents and meeting with District officials before making both our July 15 recommendations to the District and the final recommendations contained in our August 15 report to the Congress. We believe additional reductions to the District budget, without further review and analysis, could harm service delivery and be counter-productive to the process stipulated in Public Law 104-8. The Authority also has a number of concerns about some of the other provisions that surfaced during the mark up of the District appropriations bill. I detail our concerns later in this letter.

BACKGROUND

Before I provide our detailed views on the various Subcommittee's amendments and other actions, I want to emphasize the careful analysis and assessment which served as a basis for the Authority's initial recommendations to the District and our final recommendations to the Congress. The District of Columbia initially submitted a budget for fiscal year 1996 to the Congress on May 8, 1995. In accordance with Public Law 104-8, Section 208(a)(1), on July 15, 1995, the Authority made recommendations on the fiscal year 1996 budget to the Major, the Council, the President, and the Congress. The Council adopted a revised fiscal year 1996 transition budget and on August 1, 1995, submitted the budget to the Authority, the President, and the Congress in accordance with Public Law 104-8, Section 208(a)(2). On August 15, 1995, the Authority issued a report to the Congress that contained recommendations for revisions to the District's fiscal year 1996 transition budget in accordance with Public Law 104-8, Section 208(a)(3).

As was intended in the legislation, the process has been iterative. The final budget based on Authority recommendations was significantly different from the original budget submitted by the District in May. Based on our recommendations, not only did the final District budget call for more than 5,000 FTE reductions, but the District also has started to develop information that will be valuable in developing the supplemental fiscal year 1996 budget and future budgets and financial plans.

As a part of this process, the Authority staff worked closely with both the District's executive and legislative branch offices. This included meetings with the Mayor, the Chairman and Members of the City Council, the City Administrator, the Director of the Budget, and the Directors and Chief Financial Officers of Several District agencies.

We analyzed numerous District-wide issues including personnel, financial management systems, and cash projections. This information, combined with a review of previous studies of the District (including the November, 1990, Rivlin report), provided the context necessary for the Authority to address District-wide issues. Furthermore, we undertook extensive analysis of current personnel levels, FTE calculations, and historical personnel patterns. This analysis was the basis of our detailed recommendations on District FTE levels. We also met with officials in the District's Office of Financial Management, City Administrator, Controller, and agency heads and Chief Financial Officers to assess the financial information management system weaknesses, and we concluded a new system is needed immediately.

In addition to our analysis of District-wide issues, we also held detailed discussions with agency officials and analyzed many aspects of agencies' budget projections. Some examples include:

District Public Schools: we reviewed personnel reports for locations and types of employees and school building utilization reports;

Medicaid within DHS: we examined cost reports and cash flow analysis to determine the reasonableness of the fiscal year 1996 projections;

District General Hospital: we met with hospital officials and reviewed management initiatives;

Department of Public Works: we reviewed historical personnel levels and studied management initiatives designed to reengineer DPW programs and improve customer service;

Department of Corrections: we analyzed staffing levels and patterns and studied the costs of housing prisoners in federal facilities.

VIEWS OF FTE AND FUNDING CHANGES

The Authority does not currently have final data on the District of Columbia budget as marked up by the Subcommittee. Nevertheless, it would appear from available information that total budget figures included in the draft House documents are preliminary. For example, the House Subcommittee summary budget shows total expenditures of $4.943 billion. However, detailed agency breakouts total to $4.867 billion.

Based on the revised District budget (August 1 budget) of $5.148 billion and the detailed information contained in the Subcommittee's preliminary tables, the Subcommittee calls for reductions of 461 FTEs and $258 million! The attached table illustrates these changes by appropriation title.

FTE changes

The Authority is very concerned about further reductions of 461 FTEs contained in the Subcommittee budget. These reductions would have a deleterious effect on the ability of many District agencies to carry out their missions and to deliver services to residents. We are particularly disturbed by the following proposed reductions:

(1) The Department of Public Works was reduced by 146 FTEs and $17.7 million. The Authority believes these additional reductions would be very harmful, especially since, in recent years, DPW has already taken significant cuts and reduced many upper and middle management positions. In our recommendation directing the District to allocate an additional 704 reductions, we specifically recommended that the District not allocate any of these reductions to DPW. We believed at that time that additional DPW cuts would seriously harm an agency critical to District service provision. We still believe this would be the case. Consequently, we do not support these reductions.

(2) The University of the District of Columbia was reduced by 120 FTEs, from 1,079 to 959, and by $7 million. the Authority does not support this reduction. In meetings held with Authority staff, UDC officials noted that the revised budget of 1,079 FTEs, which reduced more than 200 FTEs from actual fiscal year 1994 levels, would adversely impact the university. In our recommendation, we urged the university to assess its undergraduate and graduate offerings as one part of its efforts to reduce costs. Cutting additional FTEs at this time before such a study is complete is not prudent.

(3) The Department of Employment Services was reduced by 86 positions. The Authority does not support this reduction and notes that this budget had already been reduced by more than 150 FTEs. At the August Budget Summit, District officials noted that any further reductions in this department could result in the loss of substantial federal grant funds, which comprise approximately one-half of this agency's budget.

(4) The Department of Human Services (DHS) was reduced by 149 FTEs. The Authority does not support this reduction. The Authority had already recommended reductions from on-board DHS staffing of 637 FTEs. As with the other reductions, further cuts without additional study could harm this critical agency which serves the District's most disadvantaged citizens.

Funding and other changes

The Subcommittee markup also contained a number of other financial and organizational changes that the Authority does not support without additional analytical study.

(1) The Office of Financial Management was reduced by more than $30 million, which mostly consisted of funds for the new Financial Management System (FMS). The Authority strongly disagrees with this action. We recommended that $28 million be appropriated to finance the development and installation of the FMS. However, funding for the FMS was shifted to pay-as-you-go capital project, a shift the Authority opposes. Improved financial management requires a new FMS now. By shifting FMS funding to the capital budget, the project would have to compete with other capital needs, which could delay FMS' implementation.

(2) The Inspector General's budget was decreased by an additional $73,000. The Authority does not support this reduction. The Authority recommended that resources for this office be increased, not decreased. Public Law 104-8 created a more powerful IG, a role that could not be fulfilled if funding for the office is decreased. In a related issue, the District of Columbia Auditor staffing was nearly doubled from 12 FTEs to 22 FTEs and funding increased by more than $300,000. The D.C. Auditor performs a valuable function, but a doubling of the staff, especially in the face of reductions in the IG's office, is not warranted.

(3) Funding for the City Administrator's Office was more than doubled from $4.7 million to $9.7 million. Officials in the City Administrator's Office were not previously aware of this change and did not know the purpose of the substantial funds increase. Based on information available, the Authority does not support this funding change.

(4) The Board of Elections and Ethics' budget and FTEs were doubled. Funds increased from $2.1 million to $4.3 million and FTEs increased from 35 to 73. Based on information available, the Authority does not support this increase.

(5) WMATA was reduced by $12.5 million. WMATA is jointly funded by Washington Metropolitan Area governments. Reduction of the District's subsidy could impact the entire system. Any change should be considered as part of a broader agreement. The Authority advises against making such reductions without additional study and consultation with other area jurisdictions.

(6) District employees health benefits were reduced by $68 million. Total health benefit costs are currently $148 million, which includes approximately 18,000 employees under the Federal Health Benefits program and the remaining employees under the District's health program. The District's Office of Personnel is planning a major restructuring of the health benefits program, but reducing funding by more than 45 percent would undoubtedly have harmful consequences for the District. Therefore, the Authority does not support this reduction.

VIEWS ON OTHER PROPOSALS

The Subcommittee in markup considered 40 specific provisions, some of which were approved, others of which were withdrawn. The Authority has views on a number of these proposals:

(1) Ryan White federal grant funds be disbursed by the District within 90 days. The Authority believes this is sound management and good policy, but it should not be legislated. Such a policy should not be limited to Ryan White grant funds.

(2) Directs Board of Education to: (a) contract out all food services and security services operations, and (b) develop management, data systems, and training. The Authority believes the District should be encouraged to explore these contracting out options, but the decision should be based on cost-benefit analysis, as opposed to an arbitrary mandate. The Authority agrees that management and data systems are needed. Such systems should be compatible with District-wide systems.

(3) Board of Education should maintain the number of school-based educational and clerical employees at a minimum of 7,000. The Authority believes that school-based FTEs should be set according to an agreed staffing plan, but not by mandates at arbitrary levels.

(4) establishes ceiling of 2,200 non-school based employees. As stated under provision 3, staffing should be based on a plan.

(5) Requires that DC Public Schools financial management and related information be interfaced with D.C. systems and accessible to staff of Mayor, Council, Congress, and the Authority. The Authority agrees that DCPS' system must be compatible with District-wide information.

(6) Directs School Board to develop school-by-school gross operating budget. The Authority does not believe such a provision should be mandated. Other school systems budgets should be studied to see if they budget on the basis of individual schools. The advantages and disadvantages should be weighed, but the decision whether to adopt this type of budget delineation should be left to school officials.

(7) Requires escrowing of motor vehicle fuel taxes. The Authority is opposed to this provision. Recently enacted legislation allowed the District to receive highway funds with a delayed match. This legislation required the establishment of a fund to provide for these matches in the future. The fund was established, but Congress did not mandate the funding mechanism. However, the Authority plans to review these requirements and to provide assurance that the provisions are carried out. Without knowing the total amount of fuel tax and matching funds, setting up a fund escrowing these amounts would be ill advised.

(8) Work rules for police, firefighters, and teachers should include performance measures and the District should hire consultants to negotiate labor contracts. The Authority agrees that work rules should include performance measures, but it is opposed to mandating the retention of a consultant for labor negotiations.

(9) Requires the Inspector General to audit use of vehicles, cellular phones, fax machines, and televisions. The Authority believes that, although these issues are important and may be worthy of study, specifically requiring the IG to perform these audits is ill-advised. Areas studied by the IG should be identified in a strategic plan. The IG is required to prepare a plan in conjunction with the CFO and the Authority. Such a plan may identify other areas that are more urgent than these mandated audits. The resources of the IG should be allocated on the basis of the most critical issues to be faced.

(10) Directs District to develop a plan for a health care facility or close D.C. General by September 30, 1996. The Authority is strongly opposed to this provision. The hospital should not be forced to close at the end of the fiscal year without alternative provision for services to the most needy in the community. This would have a drastic effect on the health industry in the Washington area since other hospitals would have to absorb the uncompensated care of those displaced by D.C. General's closing. In its August 15 report to

Congress on the District's Fiscal Year 1996 budget, the Authority supported a proposal to turn over control of the Hospital to a Public Benefits Corporation. The Authority also noted, however, that the Authority and the District need much more information about the new entity proposed to be created, the impact of the shift on employee rights, and other factors.

(11) Requires management assessment studies in several areas and requires the establishment of 25 inspection stations. The Authority has already recommended pilot studies in three areas: Department of Public Works, Department of Administrative Services, and Office of Personnel. The potential need for more inspection stations will be a part of these efforts.

(12) Requires preparation of budget within 15 days of enactment of the appropriation bill. The Authority agrees with this recommendation.

(13) Technical changes to the provisions establishing the Financial Responsibility Authority. The Authority agrees with this recommendation.

(14) Gives the Authority responsibility to appoint the Chief Financial Officer and Inspector General if the positions remain vacant for more than 60 days. The Authority supports this provision.

(15) Requires CFO to make appropriation allotments to each certifying and contract officer and provides that these officials who incur obligations in excess of their allotments shall be in violation of the Anti-Deficiency Act and shall be personally liable. In these cases, these officials will be terminated without by the CFO without recourse. The Authority supports the basic concept of this provision to establish accountability for managers. However, there must be some recognition of the fact that the District is still working with the same system that was in place in the past. As pointed out by GAO and others, there are limitations to the accuracy and timeliness of the data in this system. These are the same data that officials must use to make their certifications. However, the Authority recommends that the mandatory firing provision be eliminated, especially a firing provision without recourse. The CFO should be given the authority to make all personnel decisions with respect to those peoples reporting to the CFO.

(16) Places a cap on the amount appropriated for each type of fund and requires that funds must be obligated by object class, purpose, and department. Variances require approval of CFO, Authority, and advance notice to appropriations subcommittees. The Authority generally agrees with this provision, except for advance notice to the Congress. The Authority believes quarterly reporting as required under Public Law 104–8 may be sufficient. The Authority also points out that the limitations of the current financial management system could hamper implementation of these kinds of controls. As noted previously, the Authority strongly supports the immediate development and implementation of a new financial management system.

(17) Prohibits debt restructuring. The Authority is opposed to this restriction. There may be situations where debt restructuring is a prudent course of action. The Authority is required to approve such actions.

(18) Waives personnel rules to downsize workforce and prohibits buyout incentives to employees in positions that will be downsized. The Authority notes PL 104–8 waives all personnel rules if reductions are carried out as a result of an approved financial plan and budget. The Authority also believes that this is a good general rule, but there may be a case where the District would want to encourage turnover in positions that they would backfill. This should be an exceptional condition, but it should not be closed off to the District as an option.

(19) Repeals Displaced Workers Act. In general, the Authority supports eliminating barriers to privatization and therefore supports the concept of this proposal.

(20) Requires the District to develop a plan to close Lorton. Although a study of Lorton should be an integral part of future options for the District, the Authority opposes this provision because it requires closing the facility without benefit of a study. The Authority would be willing to coordinate such a study. The District should be able to consider a variety of options concerning Lorton. All actions should be the result of the Financial Plan and Budget process.

(21) Requires privatization of Blue Plains. The Authority opposes mandating the privatization of Blue Plains immediately. The Authority agrees that the problems at Blue Plains need to be immediately addressed, but Congress should allow the implementation of the existing review process and long range plan. This decision also should be left to the planning process of the local government and other jurisdictions which have a direct interest.

(22) Repeals the Clean Air Compliance Fee Act of 1994. The authority notes that, if the repeal of this provision has tax implications and changes in revenue, the likely impact should be studied before the Act is repealed or modified.

In closing, I would reiterate that the Authority feels quite strongly that the prices put in place by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 should be used in order to effect positive financial and management changes in the District. This process anticipates a strong role for the Authority in ensuring financial discipline and improving services in the District. I look forward to working with you in ensuring that the process mandated by Congress benefits the District.

Sincerely yours,

ANDREW F. BRIMMER,
Chairman.

Attachment.

DISTRICT OF COLUMBIA FISCAL YEAR 1996 BUDGET

	Revised district	Authority	House	House authority	Percent change
Appropriation title:					
Economic Development	$142,661	$139,335	$121,966	−$17,369	−12.47
Financing and Other Uses	273,717	343,717	271,154	−72,563	−21.11
Government Direction	150,721	149,793	118,290	−31,503	−21.03
Human Resources	0	0	0	0	
Health and Human Services	1,859,622	1,845,638	1,729,019	−116,619	−6.32
Public Education	800,081	789,079	780,519	−8,560	−1.08
Public Safety and Justice	960,747	961,559	939,672	−21,887	−2.28
Public Works	297,568	297,326	267,154	−30,172	−10.15
Enterprise	663,181	597,156	639,509	42,353	−7.09
Total	5,148,298	5,123,603	4,867,283	−256,320	−5.00
FTE's:					
Economic Development	1,800	1,692	1,543	−149	−8.81
Financing and Other Uses	−1,000			0	
Government Direction	1,625	1,465	1,448	−17	−1.16
Human Resources				0	
Health and Human Services	6,757	6,289	6,320	31	0.49
Public Education	12,139	11,670	11,514	−156	−1.34
Public Safety and Justice	11,697	11,544	11,588	44	0.38
Public Works	1,914	1,914	1,768	−146	−7.63
Enterprise	1,309	1,197	1,129	−68	−5.68
Total	36,241	35,771	35,310	−461	−1.29

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY,
Washington, DC, August 15, 1995.

Hon. BOB LIVINGSTON,
Chairman, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: This letter transmits the District of Columbia Financial Responsibility and Management Assistance Authority's (Authority) report on the District of Columbia's fiscal year 1996 budget in accordance with Public Law 104–8 Section 208(a)(3). The report contains recommendations for revisions to the District of Columbia's Fiscal Year 1996 transition budget.

These recommendations are designed to help ensure the District government makes continuous, substantial progress towards equalizing its expenditures and revenues and reducing the cumulative fund balance deficit. They also address other key goals of the legislation. As such, they not only focus on addressing the current fiscal condition of the District, but they also begin a process that will help the District ensure the appropriate and efficient delivery of services and future financial stability. The District has already agreed to take steps to (1) develop pilot performance management projects and (2) to strengthen its financial management information infrastructure so that critical information is available not only to assess the finances of the District, but more importantly to give District officials better real-time information to manage their programs.

The Authority and its staff stand ready to respond to any questions you may have about this report. We look forward to working with you and your staff.

Sincerely yours,

DR. ANDREW F. BRIMMER,
Chairman.

Enclosure.

REPORT OF THE DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1996 BUDGET

The Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8) created the Authority to help eliminate District budget deficits and cash shortages; to assist the District in restructuring its organization and work force for more efficient and effective service delivery; and to ensure the long-term economic, financial, and fiscal viability of the District. The review of District budgets is one aspect of carrying out this responsibility. Therefore, the Authority's review of the fiscal year 1996 budget was a much broader look than simply an analysis of budget dollars or the number of full-time equivalent (FTE) personnel. The Authority also focused on improving the quality of services provided to the District. Authority members expressed concerns about maintaining and improving quality services for those who need it most. For example, targets for reductions are focused on administrative and mid-management level personnel, not on the employees who are in front-line service delivery positions.

Authority members have listened to many citizens at the Authority's public meetings and other forums talk about the quality of services. For example, one citizen said that essential services such as police and emergency services need to be improved. Others have talked about improvements needed in the schools or the Department of Corrections. These citizens want and deserve an effective and efficient District Government. The District has many qualified employees who are working hard every day to deliver services to District residents. However, many of the processes for carrying out these programs are ineffective and service delivery suffers no matter how hard employees work.

In order to carry out its mandate, the Authority worked closely with both the executive and legislative branches of the District Government. In addition to detailed budget analyses by the Authority staff and frequent meetings with District staff, the Authority members held several extended sessions with the Mayor and the Council. The Executive Director met individually with most Council Members. Although review of District government documents and meetings with District officials formed the basis of our review, a vital ingredient was the views of individual District citizens and organizations. Not only did the Authority hear oral statements from more than 100 citizens at public meetings held on July 13, 1995 and August 12, 1995, but hundreds of statements containing comments and suggestions were received by mail. In addition, Authority members and staff have heard from many citizens at community meetings.

The Authority is making a series of recommendations for revisions to the District's Fiscal Year 1996 transition budget that was enacted by the Council and transmitted to the Authority on August 1, 1995. These recommendations address a variety of topics, including management initiatives, the need for more and better information, and reductions in FTEs. After adjusting for agencies that should be removed from the FTE base, the Authority FTE recommendations call for reductions of 5,239 FTEs from the original fiscal year 1996 budget, which will result in 2,164 fewer FTEs than were on-board in June 1995. A complete discussion of the Authority's recommendations is included later in this report.

In addition to the Authority's recommendations on the transition budget, this report contains, a description of the two July 15 Authority recommendations that were satisfactorily adopted by the District in the transition budget, and a summary of the projected fiscal year 1996 revenues and expenditures taking into account these recommendations.

BACKGROUND

On May 8, 1995, the District of Columbia submitted a budget for fiscal year 1996 to the Congress (original fiscal year 1996 budget). In accordance with Public Law 104-8, Section 208(a)(1), on July 15, 1995, the Authority made recommendations on the fiscal year 1996 budget to the Mayor, Council, President, and Congress (these recommendations are shown as appendix I). The Council adopted a revised fiscal year 1996 transition budget and on August 1, 1995, submitted the budget to the Authority, President, and Congress, in accordance with Public Law 104-8, Section 208(a)(2). This report contains the Authority's recommendations for revisions to the District's fiscal year 1996 transition budget in accordance with Public Law 104-8, Section 208(a)(3).

As stipulated in Public Law 104-8 Section 208(a)(3), the Authority reviewed the District's Fiscal Year 1996 transition budget to determine if it "promotes the financial stability of the District government during the fiscal year." Section 201 of Public Law 104-8 describes several standards to promote financial stability including:

The District government shall make continuous, substantial progress towards equalizing the expenditures and revenues of the District government;

The District government shall provide for the orderly liquidation of the cumulative fund balance deficit of the District government;

The financial plan and budget shall assure the continuing long-term financial stability of the District government, as indicated by factors including access to short-term and long-term capital markets, the efficient management of the District government's workforce, and the effective provision of services by the District government.

In meeting these standards with respect to the financial plan and budget, the District government shall apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices.

RECOMMENDATIONS FOR REVISIONS TO THE DISTRICT'S FISCAL YEAR 1996 TRANSITION BUDGET

This section outlines the Authority's specific recommendations for revisions to the District's Fiscal Year 1996 transition budget. There are three overall categories of recommendations: (1) adjustments and reductions in full-time equivalent personnel (FTEs), (2) recommendations on management initiatives, the financial plan, and total expenditures, and (3) recommendations for more information.

Adjustments and reductions in FTE's

Personnel is a large component of District spending. The District has 1 employee for every 13 residents. The Rivlin Commission Report[1] in 1990 noted that, even accounting for state and county services, the District has 40 percent more staff per 10,000 population (or nearly 15,000 more staff) than the average for 12 similar cities. This report recommended staff reductions. Personnel management is seen as a major challenge and key to the financial recovery effort. District personnel positions are financed by both appropriated and non-appropriated funds. The District reports personnel data in a variety of ways, including actual FTEs, approved FTEs, the number of personnel receiving paychecks, and full-time on-board staff. An FTE is used to measure the number of equivalent positions and takes into account how many hours are actually being worked. For example, two employees working half-time would be counted as one FTE.[2]

The Authority is making a series of FTE recommendations to: (1) remove agencies from the District's FTE base; (2) make adjustments for FTEs related to contracting out; (3) reduce FTEs in agencies in the Government Direction and Support and Public Education appropriation titles; and (4) request the Council to allocate another 704 FTE reductions. The Authority targeted these reductions to administrative and mid-level management positions, and not to front-line workers who actually deliver the services to District residents. For example, the Authority called for reductions in the District of Columbia Public Schools to be targeted to non-teaching positions (see page 9 for definition of non-teaching positions) that do not directly serve students. In addition, several citizens at public meetings cautioned the Authority against eliminating the jobs of front-line workers, who provide direct-services to the public.

The following recommendations result in a new FTE ceiling for the District of 35,771. This FTE ceiling is to be reached by September 30, 1996, the end of fiscal year 1996. The Authority will ask the District to develop a plan for reaching these FTE targets and monitor progress toward executing this plan throughout fiscal year 1996. This plan needs to be developed quickly and should become a integral part of the District's financial plan.

The net result of the FTE reductions are outlined in the following table:

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[1] "Financing the Nation's Capital: The Report of the Commission on Budget and Financial Priorities of the District of Columbia," November 1990.

[2] OMB circular A-11 defines FTE employment as the total number of regular hours, not including overtime and holiday hours worked by employees, divided by the number of compensable hours applicable to each fiscal year (260 days or 2,080 hours in fiscal year 1995).

Appropriation title	Adjusted original budget	Adjusted council	Adjusted on board June 1995	Authority recommendation	Authority less council	Authority less original	Authority less on board
Government Direction	1,868	1,625	1,672	1,465	(160)	(403)	(207)
Economic Development	1,996	1,800	1,779	1,800	0	(196)	21
Public Safety and Justice	11,867	11,558	11,536	11,558	0	(309)	22
Public Education	12,588	12,141	12,729	11,672	(469)	(916)	(1,057)
Health and Human Services	8,154	6,757	7,127	6,757	0	(1,397)	(370)
Public Works	2,207	1,914	1,636	1,914	0	(293)	278
Enterprise	2,330	1,309	1,456	1,309	0	(1,021)	(147)
FTE to be allocated				(704)	(704)	(704)	(704)
Total	41,010	37,104	37,935	35,771	(1,333)	(5,239)	(2,164)

The specific FTE recommendations follow.

Recommendation 1A: Reduce the original budget base for FTEs (2,926) related to the Department of Public and Assisted Housing, Public Defender Service, Washington Aqueduct, and D.C. General Hospital. Adjust the 5,600 required reduction by the same proportion.

The Department of Public and Assisted Housing, Public Defender Service, Washington Aqueduct, and D.C. General Hospital were included in the original budget from which the Authority determined its 5,600 reduction. The Authority recommends they not be counted in the FTE calculations for the following reasons:

(1) The Department of Public and Assisted Housing is under the direction of a court-appointed receiver and is not presently directly controlled by the District of Columbia government.

(2) The Public Defender Service and Washington Aqueduct employees are not District of Columbia employees.

(3) The District has proposed putting the District of Columbia General Hospital under the control of a Public Benefits Corporation. If this is done, the employees should not be counted in the District's FTE budget. Further discussion of D.C. General Hospital is included under Recommendation 1B.

These agencies comprised 2,926 FTEs out of the total of 45,378 FTEs in the original fiscal year 1996 budget. When these agency FTEs are removed from the base the total remaining is 42,452 FTEs. The Authority originally recommended 5,600 reductions from the fiscal year 1996 budget. The Authority recommends reducing this number in the same proportion as the removed agencies' FTEs (2,926) or 6.45%. Thus, the 5,600 FTE reduction should be reduced by 6.45% for an adjusted total FTE reduction of 5,239. The new reduction target is a figure that is comparable to the original 5,600 reduction.

Description		FTEs
Total original fiscal year 1996 budget		45,378
Agencies eliminated from calculation:		
Public and Assisted Housing (other than local)	913	
Public Defender Service	139	
Aqueduct	294	
D.C. General Hospital[1]	1,580	2,926
Revised original fiscal year 1996 total		42,452
Authority recommended reduction	5,600	
Proportion of eliminated agencies in original FTE budget (2,926/45,378=6.45%)	361	
Authority recommended revised reduction	5,239	

[1] This represents the number of D.C. General employees on-board as of August 1995. The Authority used this number rather than the original fiscal year 1996 budget of 1,760 FTEs. The Authority did this to give the District credit for the reductions already achieved at D.C. General.

Recommendation 1B: Transfer D.C. General Hospital to a Public Benefits Corporation and continue to address the issue of restructuring the manner in which health care is provided. As noted in recommendation 1A, remove D.C. General from the District's FTE calculations. D.C. General Hospital budget should reflect no more than 1,580 FTEs (the current on-board staff).

The District of Columbia Hospital is a significant cost component of District expenditures. Funding for the hospital's operations comes largely from three sources: net patient service revenue, D.C. government appropriations, and a series of loans from the D.C. government. The table below outlines D.C. General funding sources for the last several years.

[In millions of dollars]

Year	Patient revenue (net)	D.C. appropriated subsidy	D.C. other subsidies "loans"	Total
1990	46.9	50.0	9.7	106.6
1991	70.7	59.5	18.3	148.5
1992	79.2	69.0	12.9	161.1
1993	76.8	58.8	17.1	152.7
1994	74.8	46.7	27.0	148.5
1995[1]	87.4	56.7	8.9	153.0
1996[1]	58.3	56.7	0	115.0

[1] Note.—Fiscal years 1995 and 1996 are budgeted information.

The District has proposed to turn over control of the Hospital to a Public Benefits Corporation (PBC) and to study the delivery of health care to the citizens of the District. The Authority supports the District's proposal. However, the Authority and the District need much more information about the new entity created, the impact of the shift on employee rights, and other factors. A critical part of the proposal to turn over the hospital to a Public Benefits Corporation is the need to study the entire District of Columbia health care delivery system. District officials maintain that a PBC will allow the hospital to operate independently of District procurement and personnel restrictions, which in their opinion have hampered its efficiency. The decision to turn over control of the hospital to the PBC was also supported by the Mayor's Blue Ribbon Panel on Health Care Reform Implementation. The Authority points out that even with these changes, the District is expected to continue to pay a substantial subsidy to the hospital whether it is directly operated by the District or operated by the Public Benefits Corporation. Holding down costs, including FTEs, will help to reduce this subsidy.

The Authority believes the Hospital has made progress to reduce staff to its current FTE level of 1,580. The Authority recommends that the hospital not exceed 1,580 FTEs during fiscal year 1996. The Authority members pointed out that this recommendation calls for no further reductions from the June 1995 on-board strength, and emphasized the importance of D.C. General to the safety net for those District residents who are most vulnerable. As noted in recommendation 1A, the Authority is recommending removing 1,580 FTEs from the District's FTE base. By using this on-board strength rather than the 1,760 FTEs in the budget, the Authority acknowledges the reductions already achieved.

Recommendation 1C: Agency FTE budgets are reduced by the total amount of the contracting out initiatives (1,519 FTEs); however only five percent (77 FTEs) of the privatization initiatives should be counted toward the recommended 5,239 FTE reductions.

The Council proposed a variety of contracting out initiatives in several District agencies and said these initiatives involved functions that totaled 1,519 FTEs. The Council also counted all of the these FTEs toward the recommended FTE reductions. Contracting out city services can have substantial benefits by reducing cost and increasing efficiencies and these efforts are encouraged.

During discussions with the Authority, District officials said they expected that the efforts are encouraged.

During discussions with the Authority, District officials said they expected that the efforts would save at least five percent of the District's total cost of the providing these services. The Authority therefore recommends that five percent of the FTE's involved in these contracting out proposals be counted toward FTE reductions. All of the 1,519 FTEs are removed from the agency budgets. The table below outlines the contracting out proposals and the savings as a function of FTEs.

Agency and program	Contracting out FTE's	Amount counted toward reductions
Police: Medical services	32	2
Corrections: Medical services, inmate food services, other	352	18
Schools: Food services and security	892	45
Human services: Health services, dental services, medical affairs	201	10
Public Works: Transportation Systems Administration	42	2
Total	1,519	77

The Authority is not encouraging contracting out for every service in all parts of the District government, only in those instances where savings and administrative or management efficiencies could be achieved, and the quality of services can be improved. The Authority will monitor all contracts negotiated for these services.

The FTE adjustments to the base, the Authority recommended reductions discussed in Recommendation 1A, and the adjustments for the contracting out initiatives recommended, result in a revised FTE ceiling for District agencies of 35,771. This calculation is shown in the following table.

Description	*FTE's*
Total original fiscal year 1996 budget	45,378
Agencies eliminated from calculation	(2,926)
Revised original fiscal year 1996 total	42,452
Authority revised reduction	(5,239)
Contracting out reductions	(1,519)
Credit for contracting out	77
Authority recommended revised fiscal year 1996 ceiling	35,771

Recommendation 1D: The District should reduce 160 FTEs from the Government Direction and Support of the Council's revised fiscal year 1996 budget.

As a part of the narrative that accompanied the Authority's July 15, 1995, recommendation to reduce 5,600 FTEs from the Fiscal Year 1996 budget, the Authority noted that "the District should focus on overhead positions and not exclusively on positions that provide a direct service to the public." Numerous citizens at the August 12, 1995, public hearing said that reductions in positions that provide services to the public will result in a decline in service. The Authority is stressing that the recommended 160 reductions not occur in those types of positions. The Government Direction and Support function contains a variety of administrative and overhead positions. The Authority believes that 160 (10%) additional FTE reductions should be made from these agencies.

Recommendation 1E: The District should set the level of FTEs for the D.C. Public Schools at 10,167, which is the Mayor's revised budget adjusted for the Council's contracting out initiatives.

The Council's revised budget for the District of Columbia Public Schools reduced 190 FTEs from the original fiscal year 1996 budget, not including 892 positions through contracting out as was discussed in recommendation 1B. The Mayor recommended 500 reductions from the original fiscal year 1996 budget. The Authority accepts the Mayor's FTE reduction amount. The Council had identified specific positions that should be cut. The Authority believes that the specific reductions should be determined by the Superintendent, but that the reductions should be from administrative, non-teaching positions. The Authority defined non-teaching positions as those that do not directly impact students. Positions that directly affect students include, but are not limited to, teachers, counselors, librarians, and principals.

The Authority also supports contracting out initiatives involving food services and security. The table below summarizes the Public Schools recommended reductions.

Description	*FTE's*
Original fiscal year 1996 budget ...	11,559
Cuts made by mayor	*(500)*
Mayor's revised budget	11,059
Council recommended contracting out of food service and security	*(892)*
Authority recommended FTE's ...	10,167

The Authority also expressed interest in the number of school buildings and noted that information provided by the Superintendent indicated a substantial number of schools were significantly under capacity. The Schools currently have a study underway to assess school facilities for capital needs, as well as capacity. The Authority will review this study and other information to assist the school's in determining the extent to which District schools can be consolidated.

Recommendation 1F: The District should set the level of FTEs for the University of the District of Columbia (UDC) at 1,079 FTEs, which is the Mayor's budget less 48 FTEs.

The Council recommended that UDC reduce 188 FTEs from the original fiscal year 1996 budget to 1,238 FTEs. The Mayor recommended that UDC reduce 299 FTEs to 1,127 FTEs. The District said that, as of June 1995, UDC had 1,079 FTEs on-board. District officials informed the Authority that the Mayor's recommendation of 1,127 was calculated by adding the on-board UDC strength to the 48 positions transferred from the Law School. The closing of the District of Columbia Law School has been discussed for years. The Rivlin Commission recommended closing the Law School in its November 1990 report. The Authority members are uncertain regarding the need for a District government supported law school. However, the Authority believes that the Law School's future should be determined as a part of a broader assessment of all offerings at UDC, both undergraduate and graduate. The Authority recommends accepting the Mayor's revised budget, but reducing it by an addition 48 FTEs.

Recommendation 1G: The District should transfer to the Inspector General auditor FTEs currently allocated in other agencies.

Public Law 104-8 redefined an Inspector General for the District of Columbia who was given more powers and independence to review District programs for fraud, waste, and abuse and other purposes. Since fiscal year 1994, the District has reduced staff in the current Inspector General's staff by more than half and proposed additional reductions in Fiscal Year 1996. The Authority believes the Inspector General will need a substantial increase in resources. One of the Authority's July 15 recommendations included a request for information on the number of auditors in all District agencies. (See Appendix 1 Recommendation 12.) The District in its response identified 18 auditor positions: Police (8 FTE's), Board of Education (3 FTE's), D.C. General (1 FTE), and Department of Public Works (6 FTE's). These positions should be transferred to the Inspector General's Office. The District also needs to continue the process of identifying all auditor positions in its agencies, and these additional positions should also be transferred to the Inspector General's office. The Authority notes that this will result in no net change in FTEs District-wide.

In transferring the auditor positions to the Inspector General, the IG needs to assess the background and qualifications of each individual currently filling the positions to determine if the person has the appropriate qualifications and background for the job. Centralizing the auditors under the Inspector General will provide the new Inspector General an increased staff and the flexibility to focus the resources on the priority issues requiring audit within the District government. This initial centralizing of all auditor positions under the Inspector General should not be viewed as a limitation on the new Inspector General to organize the audit function as deemed necessary and appropriate to most efficiently utilize those resources.

Recommendation 1H: The District should allocate the reduction of an additional 704 FTEs before the congressional mark-up of the District's fiscal year 1996 budget. The Authority will make these allocations if this information is not provided timely.

Implementation of recommendations 1A through 1G will result in 4,535 reductions in FTEs from the adjusted fiscal year 1996 budget, 704 short of the revised target of 5,239 FTEs. The Council proposed that 1,000 additional reductions could be achieved by offering an extension of retirement and voluntary separation incentive programs through March 1996. The Council did not allocate where the net result of these reductions should occur. There was some concern expressed as to whether this reduction goal was achievable. The Authority believes that any reductions need to be identified at least at the appropriation level. Therefore, the Authority recommends that the District provide information to the Authority that allocates at least 704 additional FTE reductions. These reductions should be focussed on management positions and not front-line employees who provide services to the public.

These FTE reductions should also not take place in the Metropolitan Police Department or the Department of Public Works. This information should be supplied to the Authority before congressional mark-up of the District's fiscal year 1996 budget, which is expected to begin in early September 1995. If the Authority does not receive the information before the mark-up, the Authority will allocate the 704 reductions.

Recommendation 1J: Section 601 of the Enrolled Original Legislation that prevents backfilling of FTE positions resulting from any incentive program should be modified.

The Council enacted legislation that prohibits the backfilling of any vacant position resulting from the exercise of an early-out retirement, easy-out retirement, or voluntary severance incentive program. The Mayor had proposed to create a pool of 300 FTEs to be used to backfill certain positions that were critical or resulted from restructuring and reengineering of District functions. The Mayor noted that he needed the flexibility of such a pool especially in light of the proposed Council legislation. The Authority had noted that the backfilling of positions should generally be discouraged; however the Authority does not believe that the complete elimination of such backfilling is wise due to the possibility that positions critical to providing services to residents may go unfilled. The Authority recommends elimination of section 601 and believes that the backfilling of any position should follow the procedure outlined in Section 602 of the Enrolled Original legislation. This provision allows the City Administrator to certify that the position is critical before it can be backfilled. The backfilling of positions should be within the FTE limit set in the appropriation title line item.

RECOMMENDATIONS ON MANAGEMENT INITIATIVES, THE FINANCIAL PLAN, AND TOTAL EXPENDITURES

Recommendation 2: Eliminate $70 million in reductions from the budget for debt restructuring. Also, make sure that cost savings from government reengineering, alternative service delivery, and recisions of board and commission members stipends are achieved.

The Authority initially recommended to the Council that plans and milestones for achieving $70 million of management initiatives be provided to document the actions and time frames for implementing actions to reduce costs and save funds. See Appendix 1 Recommendation 2. The revised fiscal year 1996 budget from the Council includes $70 million in savings attributable to debt restructuring, $16 million in cost savings from government reengineering and alternative service delivery, and $500,000 in cost reductions from board and commission recisions.

The District indicates that it will pursue a debt restructuring in fiscal year 1996 to achieve a projected debt service reduction of $70 million. The Mayor has submitted legislation to the Council which would amend the General Obligation Bond Act of 1994 to authorize a negotiated sale of certain general obligation bonds issued by the District. However, specific plans and milestones to accomplish the restructuring are still being discussed. In addition, the District's financial condition makes it uncertain whether such a restructuring is achievable. If these savings are achieved, they should be used to reduce the District's accumulated deficit or held in contingencies. The use of any such contingency should be approved by the Authority.

The District anticipates that it will save $16 million in fiscal year 1996 through restructuring, privatization initiatives, and procurement reform. The projected target involves agencies and functions across the government. However, the description of the actions to be taken generally describes the program and its scope, but does not provide specific plans with steps to be taken to implement the actions and milestones for accomplishing the steps.

The budget includes cost reductions of $500,000 to be achieved by eliminating stipends for all board and commission members except those who are full-time and certain select boards and commissions. The budget does not specify which boards' and commissions' members will not be paid.

The Authority instructs the Executive Director to work with the District to develop specific plans and milestones for management actions intended to reduce costs. Further, the Authority directs the Authority staff to monitor District initiatives to assure that progress is made in implementing the initiatives.

Recommendation 3: The authority's Executive Director will work with the City Administrator's staff and contractors hired by the city to develop the financial plan and budget in accordance with the Authority's guidance that is under development.

The City Administrator's office identified "an increase of $2 million to provide resources to assist the government in responding to the Financial Control Board's directives." More specifically, according to District officials these funds are expected to be used to contract with public finance specialists to develop the following:

—an improved budget process and procedures,

—the financial plan and budget for fiscal year 1996,

—improved cash flow forecasting models,

—performance measurement models and tracking system, and

—re-engineering the procurement process.

The contract related to the first three items should be transferred to the new Chief Financial Officer (CFO) when appointed and the performance measurement contract should be a joint contract in which both the City Administrator and CFO participate.

Guidance for the financial plan and budget are currently being developed by the Authority staff and includes the concepts originally recommended by the Authority on July 15 (See Appendix 1) as well as the recommendations included in this report. The overall objective is to develop a comprehensive, realistic financial plan that is actually a management plan with financial effects. Accordingly, the plan needs to include not only the general operations, but also needs to incorporate the capital plan and plans for the enterprise funds and the new public benefits corporation.

Recommendation 4: Based on the current information, the total expenditures for fiscal year 1996 should be $5.016 billion.

The District's gross budget estimate for fiscal year 1996 includes all funds and revenue sources as recommended by the Authority on July 15 (see Appendix 1 Recommendation 5). The adjustments to the Council's proposed budget are for additional personnel reductions and debt restructuring. Appendix 1 provides a summary of the District's budget with the Authority's adjustments.

The personnel savings of $39.5 million were estimated based on $32,000 for a vacant position and $16,000 for a filled position. Additional adjustments may be necessary related to the following:

—additional information is provided concerning the extent to which intra-District funds are double counted in the budget estimates;

—the personnel savings do not include any savings that may be realized from federal grants and intra-District FTE's; and

—management initiatives are implemented and savings result.

The Authority is even more concerned about delivery of services by the District. Many of the issues and concerns presented by groups and individuals during the public meeting addressed specific service problems within the District. These concerns and problems are related to the fiscal crisis, but also are caused by archaic procedures, lack of equipment because repairs are needed, and insufficient nonpersonal services funds to purchase parts and supplies. The Authority believes that implementation of the performance measurement recommendation discussed later in this report will help address this concern.

The Authority instructs the Executive Director to work with the District to (1) analyze the intra-District funds to identify any double counting in the budget estimates and (2) identify any savings that may be realized from FTE reductions in federal grants and intra-District budget estimates. Before mark-up of the appropriation, the total budget of the District recommended by the Authority will be adjusted for the results of this review.

INFORMATION RECOMMENDATIONS

The Authority made a number of recommendations requesting information that should be included with the budget. The District provided a substantial amount of information in response to these recommendations, but much more is needed. The Authority expects that much of this information should be developed over the next several months. Although much of this information appears to be fundamental data that should be readily available, it is not necessarily easy to compile the data and is even more difficult to analyze and present the data in a meaningful format for higher level managers to utilize. This information will not only assist the Authority as it reviews the budget and financial plan, but more importantly will assist District managers as they develop multi-year budgets and plans and implement programs. Essential to developing and maintaining this information is the hiring of the CFO. The Authority will continue working with the Mayor in the search for a new CFO and a new Inspector General.

Recommendation 5A: Detail all major revenue and expenditure assumptions and include them in the budget documents.

The District's budget is generally developed based upon the amounts estimated in the previous year's budget rather than constructed from budget assumptions. The budget is not constructed from an identified or defined program need, such as the number of Medicaid patients receiving inpatient care multiplied by the average cost for that type of care. For the most part, the budget estimates are developed as a percentage increase or decrease from the previous year's budget estimates, which was estimated in a similar manner. Using a percentage basis to adjust budgets from one year to the next is not an uncommon practice. However, the adjusted amounts should still be assessed by those knowledgeable about the programs and operations to determine the effect on the program or service delivery or efficiencies which have to be achieved to meet the budget.

The Authority directs its staff to work with the District administration and the City Council to outline and/or develop the types of information needed to define revenue and expenditure assumptions for future budget estimates. Developing budgets based on revenue and expenditure assumptions will not only provide a better basis for making budget related decisions, but also will facilitate the development of performance measures and will provide a basis to monitor budget execution throughout each year.

Recommendation 5B: Develop a capital plan that identifies total capital needs.

The District agrees with this recommendation as proposed in Appendix 1 Recommendation 7. However, they acknowledge that a current assessment of the total capital needs does not exist and plan to enter into a professional services contract ($1.5–2 million) to provide the technical expertise to document and produce a comprehensive capital needs assessment that complements a government operations master plan for the District government. For Fiscal Year 1996, the District plans over $369 million in capital spending in the following appropriation title areas:

Fiscal year 1996 planned gross capital spending

Appropriation title	*Millions*
Government Direction	$24,954
Economic	24,250
Public Safety	18,854
Public Education	22,519
Health and Human Services	11,730
Public Works	195,857
Financing and other uses/enterprise funds	71,334
Total	369,398

A task force has been formed to define the scope of work for the contract; select the contractor and coordinate their work; develop prioritization standards; and, ultimately, recommend the restructuring of the capital program. The task force expects to develop the Request for Proposal and select a contractor by October 1995. The initial needs assessment stage of this process is planned for completion to be included in the Financial Plan to be submitted on February 1, 1996. During the first phase of the contract, an assessment will be developed that details the condition of all of the District's infrastructure. In this assessment the contractor will categorize the needs and detail the condition within each category. Phase two of the contract will have the contractor assist in developing the plan including identification of funding alternatives.

The Authority instructs the Executive Director to monitor and coordinate with the task force and contractor during the development of the capital plan.

Recommendation 5C: Develop a schedule that links the District's current financing obligations with its long term financial plan.

The District agreed with the recommendation to include in the budget estimates of short- and long-term debt as proposed on July 15 as Recommendation 8 (see Appendix 1). Further refining the original recommendation, a schedule needs to be developed that links the District's current financing obligations with its long term financial plan. The amounts from expected borrowings should also be linked to the capital plan so that priorities of financing are evident from the financial plan. Other areas that should be considered in this schedule include:

—the impact on the revenue assumptions of segregating revenue streams for borrowings related to the sports arena and the convention center. In addition, the current letter of credit affects the use of property taxes by requiring escrows sooner than those utilized for the general obligation bonds;

—the District's outstanding short-term Treasury borrowings and the repayment of these borrowings will result in decreased future revenues available for future borrowings;

—how the District will address the cash flow shortage, including how this shortfall will impact long- and short-term debt; and

—the effect of any planned refinancing on debts, including impact on the cash forecasts and the budget.

The Authority staff has asked for this information, but the District does not have this type of data readily available. This type of data is essential for any borrowings to occur and more importantly for the District's internal management of its cash and debt. The Authority instructs the Executive Director to work with the District in developing and refining the debt information for the budgets.

Recommendation 5D: Develop information on the costs associated with court orders.

A substantial portion of the District's operations are subject to court orders and consent decrees. In effect, these judicial mandates are establishing policies and directing significant segments of the District's operations and programs. Considering the scope of these orders and decrees, the District and the Authority need to establish an effective working relationship with the courts to help the District move programs out from judicial control and avoid future court orders and consent decrees. Accordingly, the District should assess its current programs and operations under court orders and consent decrees to determine the levels of compliance and relate the compliance with the available resources. The District should also identify costs that it is incurring that would not be incurred in the absence of the court order. This information could provide a basis for discussions with the appropriate court officials in resolving what can be realistically accomplished in light of the current financial crisis. The District should also assess the vulnerability of all other District programs and operations to obviate the need for future action by the courts.

The District provided information on the various court orders its operations are subject to, but the information could be improved by distinguishing between the costs of the programs that would be incurred if the programs were not subject to a court order and the additional costs that are attributable to the court orders. Refer to the Authority's July 15 recommendation 9 (see Appendix 1). For example, the entire budget for several agencies is included as a cost of the court order, which does not recognize the fact that the agency would have operated at some level without the court order. The Authority instructs the Executive Director to work with the District to develop and report more meaningful information on the court orders' costs.

Recommendation 5F: Include cash flow estimates for all funds.

The District agreed that cash flow estimates for all funds should be developed as proposed by the Authority in Appendix 1 Recommendation 10 and stated that a consolidated cash flow statement and a cash statement for all debt service escrow accounts will be prepared once a final budget for fiscal year 1996 is adopted. Cash flow statements for enterprise funds will be developed after decisions related to staffing reductions are made in response to Authority recommendations. Finally, a cash flow statement for the capital account will be based on the approved capital plan for fiscal year 1996 and borrowing assumptions related to market access or U.S. Treasury access.

The Authority instructs the Executive Director to monitor development of the various cash flow statements.

Recommendation 5F: Include information on all active grants and develop a list of grants that the District has not yet applied for but for which it may be eligible. Identify the grant funding that is at risk because of staff reductions.

The District provided a list of grants and the expenditures for each grant for the first three quarters of fiscal year 1995. However, it's not clear how this information relates to the fiscal year 1996 budget as proposed on July 15 in Recommendation 11 (see Appendix 1). The Authority instructs the Executive Director to work with the District to develop the reporting of the grant information requested.

The District's budget overview states that "the District may lose grant funding because of the staff reductions." However, the budget does not identify the grants where funding may be "lost". The Authority instructs the Executive Director to coordinate with the District in the development of the information related to the loss of grant funding due to staff reductions.

Grant funding is an important source of financing the needs of District residents, particularly in times of budget crisis. It is not acceptable to have these valued resources unavailable because the District lacks matching funds or has not applied for the grants. Furthermore, the District also needs to assure compliance with all the requirements defined for the grants, particularly the audit requirements on grant settlements, to maximize cost reimbursement.

The Authority heard from several sources that the District has not applied for all the grants for which it may be eligible and citizens questioned how the District was using federal grant money for AIDS treatment and awareness. The District needs to identify all the grants for which its programs and operations may be eligible and attempt to obtain funding from the appropriate entities for such grants.

JULY 15 RECOMMENDATIONS ADOPTED BY THE DISTRICT FOR THE FISCAL YEAR 1996 TRANSITION BUDGET

The District provided responses to parts of all twelve recommendations that the Authority made on July 15, 1995. These recommendations are included as Appendix 1. Two of the twelve recommendations that the Authority made on July 15, 1995 on the original fiscal year 1996 budget were incorporated in the District's fiscal year 1996 transition budget. These were recommendations to develop an improved financial management system and a recommendation to develop pilot performance management projects in the Department of Public Works, the Office of Personnel, and the Office of Administrative Services. These recommendations and District responses are discussed below.

Develop an improved financial management system

The Authority recommended that the District should immediately develop and implement an improved financial management information system. Such a system should include not only equipment and software improvements, but also improved financial controls, procedures, and training of financial management employees.

Numerous internal and external studies and audits over a number of years have highlighted problems with various aspects of the District's financial information system. The Rivlin Commission Report[3] in November 1990 recommended a comprehensive financial management improvement program, including a new financial management system. Both the current interim Chief Financial Officer (CFO) and previous Ceo have recommended major financial management improvements, including better procedures and improved training, and specifically discussed developing and implementing a new financial management system. The U.S. General Accounting Office reported on June 21, 1995[4] that: The District's financial information and internal controls are poor. The District does not know the status of expenditures against budgeted amounts, does not know how many bills it owes, is allowing millions of dollars of obligations to occur without required written contracts, and does not know its cash status on a daily basis. Millions of dollars of bills are not entered into the Financial Management System until months and sometimes years after they are paid.

The District's financial management system consists of a 15-year old central system and at least 17 separate program systems. These separate program systems are not integrated with the central system. As a result, District Controller officials must input to the central system thousands of general journal entries that were originally entered into the individual systems. For example, at the Department of Human Services, benefit payments made under programs such as Medicaid, Aid to Families with Dependent Children, General Public Assistance, and Foster Care are computed by the program's own unique systems, which are not integrated with the city's Financial Management System. The benefit payment amounts for these programs and the associated obligations are then manually recorded in the Financial Management System by the D.C. Controller's Office after the payments are made. This results in processing delays and a lack of timely and accurate information to manage budget execution and cash flow.

The District's financial management system is not an effective tool to monitor or manage activities on the agency level. The District's current financial management system and operations do not establish agency managers as accountable for the resources at their disposal, particularly the funds available to pay for the costs of their operations. The new financial management system should incorporate a fund control system with regulatory controls that fixes responsibility with agency officials to ensure that the agency stays within authorized funding limits. Agency managers would then know the resources available to them to operate their programs and would be responsible for operating within those funding constraints.

The Congress should continue to appropriate the District's funds at the appropriation title level. The Authority would then have some flexibility to reprogram funds if necessary within the appropriations. The Authority instructs the Executive Director to assist the Congress throughout the appropriations mark up process.

The CFO would be responsible for monitoring agency use of funds and the CFO staff within each agency (the agency controllers and controller staff) would serve as the agency's source of data on the status of funds.

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[3] Financing the Nation's Capital: The Report of the Commission on Budget and Financial Priorities of the District of Columbia, November 1990.

[4] District of Columbia: Improved Financial Information and Controls Are Essential to Address the Financial Crisis, GAO/T-AIMD-95-176, June 21, 1995.

Agency officials should be required to consult with the agency controller as to the availability of funds to cover any proposed obligations before entering into the obligation. The agency controller would be responsible for keeping the fund control system current concerning the availability of funds and reserving funds to ensure their continued availability even though the obligation may not be finalized until a later date. The CFO could also delegate to the agency controllers the authority to certify and approve payment of all bills, invoices, payrolls and other disbursements. This certification and approval would also include a determination of the legality and correctness of the payments. The Authority also plans to monitor the District's spending throughout the fiscal year and will closely review the contracts subject to Authority approval against the transition budget initially and the fiscal year 1996 budget and financial plan when it has been developed. The Authority will also review the financial impact of the Council's legislation in context with the budgets and financial plans.

Further, the CFO should develop guidelines related to administrative discipline and/or penalties for violations and fund limitations. The Inspector General should be responsible for investigating any such violations and reporting on the violations to the CFO who would then recommend the appropriate discipline/penalty to the Mayor for imposition. The reports, including a description of the resulting discipline/penalty, should also be forwarded to the congressional authorization and appropriation committees.

The District needs to immediately purchase and implement a financial management system. But more importantly, District managers cannot effectively manage programs without drastically improved real-time financial information. This system needs to consider the needs of all users and appropriate interface with other information systems. The District should consult with other jurisdictions that have implemented new financial management systems. In order to reduce cost and shorten the time needed to implement a system, off-the-shelf systems should be considered. The District should immediately make funds available for this system, which should be implemented no later than the end of fiscal year 1996.

The District agreed with this recommendation and provided $28 million, an increase of $21 million from the original fiscal year 1996 budget, to replace the existing financial management system with technology that will address its current financial and informational management needs. System development and implementation will occur in the following phases:

During Phase 1 (fourth quarter of fiscal year 1995), the District will develop and prepare a Request for Proposal to contract for identification of the processes that need to be automated and interfaces with other existing District systems.

Phase 2 (first and second quarters of fiscal year 1996) will assess the existing financial management system environment, including the purpose and functions, staff, process and procedures, and technology as well as further refinement of the technology needs and procurement of the needs.

Phase 3 (third and fourth quarters of fiscal year 1996) will involve procurement of the necessary hardware and installation of the software for the new system. During this phase, processes will be redesigned and staff qualifications and the organizational structure will be addressed.

Phase 4 (fourth quarter of fiscal year 1996 and first quarter of fiscal year 1997) will be data conversion, system testing, and training.

Phase 5 (first quarter of fiscal year 1997) will be full on-line implementation.

The Executive Director will work with the District and its contractors in monitoring the development and implementation of the new financial management system and related procedures with the goal of an earlier implementation, if possible.

Implement pilot performance management projects

The District agreed with the Authority's recommendation to implement pilot performance management/results-oriented programs in the Department of Public Works, the Department of Administrative Services, and the Office of Personnel. These pilots should incorporate business process re-engineering and quality management principles.

The District of Columbia is not only facing a financial crisis, it is facing a performance delivery crisis. All citizens of the District want quality services. The Authority has already received numerous comments about the poor quality of service provided by District agencies. For example, a constant comment is that citizens simply want their trash picked up. These citizens want and deserve an effective and efficient District Government. The district has many qualified employees who are working hard every day to deliver services to District residents. However, many of the processes for carrying out these programs are ineffective and service delivery suffers no matter how hard employees work.

Other jurisdictions have implemented effective results-oriented customer service approaches to many of their functions. Of particular note are the states of Florida, Minnesota, North Carolina, Oregon, Texas, and Virginia, and the cities of Sunnyvale, California and Portland, Oregon. Last December the U.S. General Accounting Office issued a report on the experiences of these states.[5] The experiences of these jurisdictions could help the District develop its pilot programs. The approach used by these entities focuses on program outcomes as opposed to only inputs and outputs. These entities have found that aligning departments and employees around results can yield such benefits as: improved service to citizens, improved productivity and elimination of extraneous programs, and better information for making budget and program decisions.

A key first step in implementing these pilots is developing information on: (1) specific programs and their cost, (2) all outputs for the selected programs, (3) the impact (outcomes expected) and methodology for achievement, (4) all constituents impacted and how their satisfaction will be measured, (5) benchmarks for programs using other jurisdictions' experiences and results, and (6) spending and performance targets to hold managers accountable. Training programs to bring worker skills in line with those needed for the new processes should be an integral part of the implementation plan.

A critical part of this process includes involving the workers, who are carrying out these tasks every day, in the development of innovative solutions. Many of the best ideas for improving the process come from the people who do the job. We want to openly solicit any and all ideas relating to District operations and suggestions to improve delivery of services.

The District responded that several initiatives are already underway in the three agencies that incorporate business process reengineering and quality management concepts. The transition budget includes an additional $2 million to split among the three agencies to implement these initiatives. The initiatives underway include: at the Department of Public Works, household trash collection, the recycling program, and a fleet management program; at the Office of Personnel, an effort to re-engineer the District's entire personnel system, including the planned identification of legislative changes needed to the Comprehensive Merit Personnel Act of 1978; and at the Department of Administrative Services, the development of the Excellence in Procurement Task Force.

The Authority will work with the District on these and other projects and identify individuals or organizations that can assist in the development of the pilots. The Authority members have noted that many private and public organizations in the Washington Metropolitan area have expertise in results-oriented management and they may be willing to assist the District.

SUMMARY OF REVISED FISCAL YEAR 1996 PROJECTED REVENUES AND EXPENDITURES

The District's fiscal year 1996 estimates for revenues are $4.979 billion. These estimates are consistent with prior years' actual revenues. Based on the Authority's recommended revisions to the transition budget, the District's expenditures are estimated to total $5.016 billion. Thus the results of operations is projected to show a deficit of $37 million.

These estimates are based on the City Council's budget as adjusted for Authority recommendations. Additional analysis will need to be performed as the District develops assumptions for its expenditures. In addition, data is needed from the District regarding the intra-District operations. These estimates may also require adjustment based upon the District's success with its management initiatives and debt restructuring.

The table on the next page summarizes the fiscal year 1996 expenditures for the District.

[In thousands of dollars]

Appropriation title	Original adjusted budget	Adjusted council	Authority	Authority less council	Authority less original
Revenue:					
Taxes	2,449,855	2,449,855	2,449,855	0	0
Other local sources	271,992	271,992	271,992	0	0
Federal payment	660,000	660,000	660,000	0	0

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[5] Managing for Results: State Experiences Provide Insights for Federal Management Reforms (GAO/GGD-95-22, December 21, 1994).

[In thousands of dollars]

Appropriation title	Original adjusted budget	Adjusted council	Authority	Authority less council	Authority less original
Grants	851,532	851,532	851,532	0	0
Enterprise	505,113	505,113	505,113	0	0
Intra District and private	240,068	240,068	240,068	0	0
Total revenue	4,978,560	4,978,560	4,978,560	0	0
Expenditures:					
Government direction	124,122	150,721	149,793	(928)	25,671
Economic	144,149	142,661	141,013	(1,648)	(3,136)
Public safety	958,955	952,971	954,331	1,360	(4,624)
Public education	802,951	799,367	789,015	(10,352)	(13,936)
Health and human services	1,872,614	1,859,622	1,850,422	(9,200)	(22,192)
Public works	297,315	297,534	297,326	(208)	(11)
Enterprise	505,123	508,623	501,338	(7,305)	(3,785)
To be allocated	0	0	(11,248)	(11,248)	(11,248)
Net effect of FTE changes	4,705,229	4,711,519	4,671,990	(39,529)	(33,239)
Financing and other uses	280,654	273,717	343,717	70,000	63,063
Total expenditures	4,985,883	4,985,236	5,015,707	30,471	29,824
Deficit	(7,323)	(6,676)	(37,147)		

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 30, 1995.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 2546—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1996

(Sponsors: Livingston (R), Louisiana; Walsh (R), New York)

This Statement of Administration Policy provides the Administration's views on H.R. 2546, the District of Columbia Appropriations Bill, FY 1996, as reported by the House Appropriations Committee.

The Administration strongly objects to the $256 million reduction that the Committee would require the District to take in FY 1996 from the level estimated by the Financial Responsibility and Management Assistance Authority (the Authority) based on deliberations with the Mayor and District Council in September. A reduction of this magnitude would most likely result in substantial interruptions in program operations and service delivery. The Authority was established in April to assist the District in balancing its budget and improving its management structure over time. Working with the District, the Authority is committed to bringing the District's budget into balance, but within a reasonable timeframe of two to three years. It would be inappropriate for Congress to override the considered judgment of the Authority on the District's budget, a responsibility that the Congress gave to the Authority in April.

The Administration strongly opposes the abortion language of the bill, which would alter current law by prohibiting the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations of rape or incest. The Administration objects to the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District. In addition, the Committee bill would prohibit any abortions from being performed by "any facility owned or operated" by the District, except in cases where the life of the mother is endangered "or in cases of forcible rape reported within 30 days to a law enforcement agency, or cases of incest reported to a law enforcement agency or child abuse agency prior to the performance of the abortion." The Administration objects to this provision because it would prevent women who need legal abortion services from exercising that choice at a hospital or clinic owned or operated by the District, even if they were using their own funds. Furthermore, the Administration objects to the language that purports to require women who are victims of rape to prove that the crime was "forcible" and the language adding reporting requirements both for rape and for children who are victims of incest.

These provisions are all designed to preclude or discourage women who need legal abortions from obtaining them. For all of the reasons cited above, if the bill were presented to the President as reported by the Committee, the President's senior advisers would recommend that he veto the bill.

Additionally, the Administration has concerns regarding the request that the Authority review 28 amendments, some of which were originally introduced in the Committee's first mark-up on September 19, 1995. First, the amendments infringe on Home Rule and represent congressional micromanagement of the District government. Many of the proposed amendments involve issues that the Mayor and the City Council should work together to resolve or study, such as the effect of the Displaced Workers Protection Act on the District government or the economic impact of rent control and the feasibility of decontrolling units. The Authority was specifically mandated to assist in District budgetary and management reform. The Authority's role should not involve the review of policy issues unrelated to improving the District's financial condition.

The Administration supports the Committee's action to approve $28 million for a new financial management system for the District of Columbia. The District should immediately develop and implement an improved financial management information system. The District's current financial information and internal controls are weak, making it difficult for city officials and managers to track expenditures and to know how much is owed.

Mr. Chairman, I reserve the balance of my time.

□ 1600

Mr. WALSH. Mr. Chairman, I yield 4½ minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I, too, want to congratulate the gentleman from New York [Mr. WALSH] for all of his hard work. This has been an extraordinarily difficult bill. But the gentleman and the staff, both the majority and the minority, have worked diligently to bring this bill to the floor today. They are to be commended for their efforts.

Mr. Chairman, this has not been an easy course, but it is my hope the majority of the Members will vote for this bill, because I think this is the best bill we are going to get, both in terms of the needs of the American people and the needs of the District of Columbia.

I want to congratulate and thank the gentleman from California [Mr. DIXON], the ranking minority Member, for his cooperation, as well as thanking the gentlewoman from the District of Columbia [Ms. NORTON]. They may not support the bill at this point, we regret that fact, but at least they worked well with us to get us to this point, and we appreciate their cooperation.

Mr. Chairman, I will disagree though with what has just been said, because this is a fiscally responsible bill. It is well within the targets set by the budget resolution passed in this House only a few days ago, and in fact it cuts $84 million from the District's budget under what was appropriated last year. We have heard a lot of talk about the fact that we are $256 million below what the control board wants. Sure, that is their wish-list. If everything were the same, they would have asked for $256 million more than this bill appropriates. Actually, this bill still appropriates $84 million less than what was appropriated last year. That is pretty close to even, when you are talking about a $5 billion bill. There is really very little difference.

Under the provision of this bill, no Federal or local funds can be used for the city-approved Domestic Partners Program. This language is identical to current law. It existed last year. This bill is designed to send a strong message that the mismanagement, the acknowledged mismanagement of District finances, cannot and will not be tolerated.

But its mission is not to leave the city in dire straits. Five billion dollars is not "in dire straits," as some D.C. officials have suggested. The fact of the matter is, there are only 570,000 residents in the District of Columbia.

The amount we provided averages out to $9,000 per resident. That is a higher per capita investment than almost any other city. In fact, probably any other city that I know of, but certainly most other cities in America. It is a considerable investment. Still we see that the services are not adequate and that there has been mismanagement and waste and inefficiency.

So it seems to me we are not being overly restrictive. In fact, I believe the city officials should embrace this bill, because almost all the authorization language which was in the bill at the outset and which was heavily complained about by the delegate and others has been stripped. Most of that authorization language has been stripped out in deference to home rule.

As a matter of fact, I might add, it was the mayor's own transition team that recommended in November of 1994 that the District "Implement a budget plan to cut expenditures in the magnitude of $431 million and to generate additional cash of $100 million to solve the cash crisis." The team put forth a plan to do this. Yet nothing has been done by the District Government to achieve the savings pointed out by both them, the transition team, and the Rivlin Commission, which was headed by none other than the current director of the Office of Management and Budget, Alice Rivlin.

The Rivlin Commission report goes on to say that "The high cost of the District's government is the logical outcome of a long series of events and decisions. Although steps have been taken to reverse the process, they haven't been enough." That is Alice Rivlin.

In this bill we have honored the Control Board's request for a $28 million new financial management system, with $2 million immediately available for a needs analysis and investment assessment report. We believe the initiative will help the D.C. Government get its finances back on track.

The District needs to understand that the American people are serious about the need for structural reforms of the District's finances. We have invested the Control Board with tremendous power. We have given them enough money to manage and to begin the fiscal reforms that we seek from every agency and every government program that receives taxpayer dollars.

Mr. Chairman, this is a good bill. It complies with the demands by the Rivlin Commission, it complies with the promises by the city administration when they took office, and I urge our Members to vote for this bill. The next bill will only be worse.

Mr. DIXON. Mr. Chairman, I yield 9 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I recognize for most Members, this is just another bill. But I ask Members to recognize that for me, this is my life and my city, and your Capital City.

Mr. Chairman, the bill puts me in the worst of positions. The Mayor cannot support a bill that would wreck the city. My city council, which has gathered courage, now finds it did not do any good. The Congress has second-guessed it. And I do not know what I am going to recommend as Members come up to me and say, "Eleanor, what shall we do?" And I do not know, I must say to you, whether it would make a dime's worth of difference, whatever I recommend.

This is an appropriations bill, my friends, so let us talk about money. I have heard in this debate about "your money." Let us be clear whose money this is. More than 80 percent of the money in this bill is the hard-earned money raised in the District of Columbia from District taxpayers.

This is not your Federal payment alone. This is our money, and we cannot get our money without coming to a national legislature to get it. I hope Members are proud of that, because, if they are, they should be ashamed of that. This is not a Federal agency. This is a self-governing jurisdiction of the United States of America.

My greatest regret about this bill is how close it came to being a bipartisan bill. I do not know why four pages of home rule violations were put on the bill, but I do know that the Speaker stepped forward and said "Perhaps we can work this out," and they got off the bill. I said, "Oh, my goodness, we really are going toward bipartisanship."

I appreciate that the gentleman from New York [Mr. WALSH] cooperated in that procedure and has said that he never indeed intended to have the bill, nor did the gentleman from Louisiana [Mr. LIVINGSTON] intend to have the bill full of home rule matters that were unrelated to the appropriation.

At the end of the day, however, this bill has in fact invited other home rule violations, of a kind that only excite those who would ordinarily vote for the bill. By allowing on to the appropriation these amendments, the majority has made it impossible for me to do what I certainly desire to do, and that was to get votes on my side of the aisle. It is very hard to ask a Member to vote for you when you are asking a Member to vote against his own principles on something like abortion, especially when the amendment on abortion of the gentleman from New York [Mr. WALSH] was expected, and we have an escalated version. It makes it very difficult for all of us, and especially for me.

Whose money is this? Let us be entirely accurate. This is a Congress that is particularly excited about taxes. I bet there are few Members in this Congress who know that there is only one State that pays more taxes to the Federal Treasury per capita than I do. And yet I stand before this body representing 600,000 District residents, and I cannot vote for the bill that is before us, the bill that has my money, my taxpayers' money in it, far more than any Federal money in it.

We are No. 2 per capita. If you are from New Jersey, my hat is off to you, because you pay more taxes per capita to the Federal Government than I do. The rest of you, get in line behind me.

Nor am I here as an apologist for my own city or city government. You have not heard me say "This is a wonderful city government; why don't you vote for it?" We know the city government has problems. The city government has in fact agreed to the acceptance of a financial control board.

How many times did I go before my own people and publicly say, "Reform your own government, or the Congress may do it." So to beat up on the District government because it is not yet reformed is particularly gratuitous, since we have just put in place a financial authority to assist it in reforming. The authority just got there, and got there only in time to cut.

It is said, "Hey, why doesn't the government look wonderful yet?" The government looks about the same way it does in Syracuse and in Newark and in San Diego and Atlanta, and it needs reforming, and you have in place a mechanism to do that reform. And you are not respecting that mechanism when it says if you cut beyond what they are already cut, you will cut into the blood and guts of the District government and bring it down.

I do not use those words lightly. I am more accustomed to going to the District government and saying "Please, cut yourself before they cut."

We have heard a lot about the District and its responsibility. I do not know why we did not hear more about congressional responsibility. We have not heard a peep about $5 billion in unfunded pension liability handed to the District government when home rule was given. The Congress used to pay for the pensions out of its pocket because it had access to the Treasury. It gave us that unfunded pension liability and said "Now you pay for it out of your pocket." That is $300 million a year we pay so our cops can get their pensions. And the Federal Government and the Congress have not responded when we have said "Help us out of this, and you will help our budget and help our bond rating."

We have not heard them tell us about Medicaid, where we pay the entire cost, county and State, of Medicaid; and not one Member comes from a city that would be left standing if that were the case. And we have not heard them say a thing about State prison systems, and we are the only city in the United States that pays the full cost of State prisons. Medicaid and the State prison system, as much as anything, these are what has driven the District close to insolvency. When one talks about unfunded Federal mandates, if they hurt your State, they hurt your entire State.

The budget cuts are not cuts I oppose on their face. The financial authority said "Give us time to do the reengineering before any more cuts." Why that would not be respected is completely puzzling to me. For 2 years in a row, the District simply cannot take it off the top. That is what we are asking them to do. We are saying take it from the police department, that cannot get the cars out of the garage. We have had to raise the retirement age of the police department and cut the pay, so the police department is completely noncompetitive. We cannot recruit police. That is a danger to public safety. This shows callous disregard for innocent bystanders, the people who pay the highest taxes per capita in the United States, except for New Jersey.

The gentleman from New York [Mr. WALSH] had a case to make on the merits, and he has failed to make it. Let me make it quickly. The reasons that he did not need this reckless cut, the reasons that he did not need these amendments, are the following: On his watch, there has been the establishment of a financial authority. On his watch the District has eliminated 3,600 jobs, not 2,000 as the Congress demanded. On his watch, the authority has gotten 750 additional positions from the District. On his watch there has been a 12-percent give-back from District employees and 6 furlough days. On his watch there has been the initiation of a baseline audit. On his watch there has been a reduction in spending from $3.9 billion to $3.3 billion. On his watch, the District has made requests that are in fact going through for Medicaid savings. That should have been enough to get this bill passed within putting on this bill amendments that have chased away those who devoutly wanted to support it.

Mr. WALSH. Mr. Chairman, I thank the gentlewoman for recognizing the progress that we have made, and would submit we have a lot more to make.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA], a member of the subcommittee.

□ 1615

Mr. BONILLA. Mr. Chairman, I thank the gentleman for this time, and I rise in strong support of the District of Columbia appropriations bill. And in the spirit of David Letterman, I have a top 10 list of reasons why Republicans and Democrats should support this in a bipartisan way.

Reason No. 10. It continues the process of restoring discipline and accountability in D.C. government.

Reason No. 9. It is the responsibility of Congress to pass a bill that provides for the operation and maintenance of the Federal city, our Nation's capital.

Reason No. 8. Prohibits the use of taxpayer dollars to implement the Domestic Partners Act.

Reason No. 7. Empowers control board to enforce the budget cap, allocate spending cuts and reprogram funds.

Reason No. 6. Eliminates over 5,000 full time city positions.

Reason No. 5. Places a spending cap at $4.87 billion.

Reason No. 4. Appropriates $346 million less than the Mayor originally requested.

Reason No. 3. Appropriates fewer Federal funds than last year.

Reason No. 2. Appropriates $84 million less than last year.

And reason No. 1. It is this bill or, more than likely, no bill.

Mr. Chairman, I would also like to put in a word for an amendment I will be offering on this bill that will make it even better. Those who support adding additional funding and making it available to the District of Columbia for educational purposes will hopefully support my amendment to eliminate the special privilege allotted to the National Education Association of a property tax exemption, a privilege that is not granted to any other labor union in the District of Columbia and a privilege that should be revoked because we need to eliminate this privilege that has been on the books for a long time, granted by congressional charter.

We are not picking on the National Education Association. The IRS has already deemed it a union and it is only protected by the congressional charter that was written in the early part of the century. We need this money to be available for the District of Columbia and we hope that people will vote for this amendment on both sides of the aisle and support the District of Columbia's opportunity to garner $1.6 million in property taxes from a very rich union in D.C.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, this is an appropriations bill, and being an appropriations bill we are supposed to be dealing with financial issues. I do not like the fact that we have to interpose ourselves when it comes to the financial decisions of the District, that we have to interpose ourselves in their affairs, but we have no choice because the District Government has proven itself to be incapable of managing its financial affairs. Because that lack of capability has a spillover effect on taxpayers around the country, I think we have no choice but to reenter the fray.

Having said that, I would observe, however, that I do not honestly believe, given the nature of the District and given the nature of the surrounding territory, the suburbs, I do not believe that the District will ever truly be financially viable unless there is exhibited a great deal, or a great—well, I will make somebody mad if I put it that way. Let me simply say that I think persons who reside in suburbs need to recognize their financial responsibilities to the District that they use to a much greater degree than they do right now if the District is ever to be financially viable. That will probably make some people mad, too.

Having said that, Mr. Chairman, I want to deal with what I consider to be a very serious overreaching on the part of the Congress here this afternoon. It is one thing for us to make financial decisions affecting the District because we have no financial choice. It is quite another for us to become the city council for the District of Columbia on nonfinancial affairs and start changing D.C. law on a variety of subjects just because we do not like what D.C. law happens to be at this moment.

Example. We are being asked to make major changes in D.C. law with respect to their education system. We are being asked to make major changes in D.C. law with respect to adoption. We are being asked to single out the NEA for the loss of a tax exemption, when there are many other organizations who are also exempt from paying property taxes in the District.

Mr. Chairman, I believe that when the Congress crosses the line and gets involved in these legislative issues it does so illegitimately for one very simple reason: Because the persons who live in the District of Columbia cannot retaliate against the elected officials who make those decisions. They have no ability to vote us in or out, unlike out constituents. And when we start making legislative decisions that affect their lives and they do not have any redress, our forefathers called that taxation without representation.

So I think that when we get into these other legislative areas, we are engaging in an illegitimate legislative act, and that is why, when they come to the floor, if they do not relate strictly to the financial problems that the District has, I will not vote for them or against them. I will simply cast a vote "present" in order to, in some small way, to protest the fact that this House is being asked to act as a mini city council and I do not think our taxpayers back home expect us to do that.

Mr. Chairman, we screw up enough of what we touch at the national level without wasting time screwing things up in the District of Columbia as well, to be blunt about it. I think that it is the height of arrogance for Members to use their power simply because in this instance we have the political ability to engage in these actions.

I would simply observe in closing that while I do not know what the proper level of the Federal payment to the District ought to be, I think the committee has a right to make a judgment on that. But when we start telling the District how it must change its law on nonfinancial items, I think we are abusing the power we have been given by our own constituents and I think we ought not to do it.

Mr. WALSH. Mr. Chairman, I yield myself 30 seconds just to clarify a couple of points just raised.

I would remind the distinguished ranking member of the full committee that the Constitution of the United States, article 1, section 8, paragraph 17, empowers the Congress of the United States to exercise exclusive legislation in all cases whatsoever over such District.

Clearly, he would not argue with the founding fathers of this Nation who suggest that this is our responsibility.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I only have 5 seconds remaining.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBEY. I would appreciate it if the gentleman would not mention my name if he is not going to yield to me.

The CHAIRMAN. The gentleman from New York is recognized. The gentleman from New York has the time.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Mr. Chairman, I rise today to lend my support and urge my fellow Members to vote in favor of H.R. 2546, the fiscal year 1996 District of Columbia appropriations bill.

Like most appropriations bills, this has some good elements to it; it has some bad element to it, and I would suggest to my colleagues that this is the first step in a long process of moving the appropriation bill through Congress and eventually getting it signed. I think the good news for the city is, as many other items are being cut around us, the appropriation level from Congress is consistent with last year's appropriations.

No one seriously doubts that the District of Columbia is in the midst of a serious financial crisis. This Congress has already laid a strong foundation for the successful resolution of the city's problems with the passage of the District of Columbia Financial Responsibility and Management Assistance Act earlier this year. The authority has been operating for 5 months. It appears to be moving ahead forcefully with its mission, but the passage of that act did not absolve Congress of either its duties or obligations to the District of Columbia.

The matter before us today, the fiscal year 1996 appropriations bill, must be passed for the District and the authority to know what parameters they must operate within from both policy and financial perspectives. The District can ask for, and the authority may recommend anything they want to Congress, but, ultimately, it is only Congress which has the power to act.

Now, more than a full month into fiscal year 1996, the House must act to move forward in the process of dealing with the city's problems rather than continuing to wring our hands and talk about them. This legislation is only the first step in what will be a yearlong fiscal year 1996 appropriations process for the city.

The Financial Responsibility and Management Assistance Act established a special process for fiscal year 1996. One of the main reasons behind the creation of the authority is the lack of accurate financial information from the city. The authority and the city need substantial time to develop a more accurate picture of the true financial condition of the city.

Mr. Chairman, Congress decided to delay the submission of the District's 4-year financial plan until February 1, 1996.

Mr. Chairman, I commend the long hours of dedicated toil which Mr. WALSH, the chairman of the District of Columbia Appropriations Subcommittee and Mr. LIVINGSTON, the chairman of the Appropriations Committee have devoted to this bill. Their hard work was ably supplemented by the many invaluable contributions of Ms. NORTON and Mr. DIXON. Their efforts, aided by the valuable contribution of staff, in writing the bill and its rule mark a major step forward in this must pass legislation.

The bill before the House this afternoon should be passed because it enables this body to deliberate and work its will on the budget of our Capital City including several matters of great importance not only to the residents of our Nation's Capital, but to citizens all across America. No other city in our Nation holds the place of Washington, DC in the hearts of the American people. The city, its monuments, museums, and most of all, its public buildings symbolize all that is great and good about the American way of life. It is our duty to give mature consideration to its affairs and to do our best to enhance our Capital City and to help steer it back to a course of fiscal responsibility.

The first year of the plan is a supplemental fiscal year 1996 budget. The supplemental budget will be a document that the authority has been intimately involved with from its inception. It will provide this Congress a second opportunity to exercise its collective oversight responsibilities for the District's finances and one with far more credibility as far as both revenue and spending estimates are concerned.

This legislation sets an overall fiscal year 1996 District spending level at $4.867 billion. It establishes guidelines for the basic categories of the city's spending. The bill also establishes new, lower levels for FTEs. The city, under the vigilant guidance of the authority, has begun the process of reforming itself. Passage of H.R. 2546 is the next, essential step in the process. H.R. 2546 is important not only because our Nation's Capital needs a budget. It needs a budget which will enable it to move a few more steps along the road to financial stability. By moving the appropriations process forward, we come closer to meeting our responsibility for the well being of the District.

This legislation serves to further the new and vital partnership we are forging between the 104th Congress and our Nation's Capital. As this bill works its way through the legislative process it may receive further modifications. In its final form, the fiscal year 1996 District appropriation bill will be a reflection of both local and national priorities. Only by working closely together as partners can either the District of Columbia, the White House, or Congress realize our common goal—a city in which all Americans take great pride.

Once again, I commend the hard work of the members and staff who have brought us to this point in the process. I am happy to stand in strong support of this bill and urge all my colleagues to do likewise and to vote in favor of H.R. 2546.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding, and I rise as a lawyer who spent most of her life as a constitutional scholar to say that it is inappropriate to cite the Constitution of the United States for taxation without representation. It is inappropriate to cite the Constitution of the United States for overriding the consent of the governed. To do so is to defile the Constitution and to defame Madison, its principal author.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to say to the gentlewoman that I would suggest it is never wrong to quote from the Constitution of the United States.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I would never defile that five-foot-four package of constitutional genius James Madison, nor George Mason up here, who was too old to ever be President and loved his privacy too much, but who also probably should have debated this whole thing longer.

I will not apologize for interesting myself in this Federal enclave, our beloved District. It is my job. It is the job of all 435 of us. But I do come close to feeling empathy for when we discuss domestic partnership, abortions in the District, and other issues that seem far afield from a District that, frankly, I am surprised somebody did not come up with a motion to strip it of its name, Columbia, because it is named after a dead, white, Catholic, Italian male who sailed from Spain and did not find what he was looking for.

But, nevertheless, Mr. Chairman, let me put everyone on notice about two amendments coming up here. The Bonilla-Hayes, that is a good member of the minority, Dornan amendment on tax exempt status for one of the most politically charged groups in America, the National Education Association.

My brother is a high school teacher, finishing his third decade as one of the best high school teachers I have ever watched in operation in my life. He will not join this organization because it is so politically fired up and so ideologically far left. I will avoid words like, extremist and radical, like we heard earlier in the debate.

The other is domestic partnership, Mr. Chairman. This will be a fascinating debate because in Seattle they decided they were not about to ask firemen and policemen if they do the nasty; if they have bizarre sex with their roommate. So they said it is going to apply to bonded friendships. Heterosexual females living together as friends for life, males brought together by bonding of mutual affection, vets from Vietnam who saved one another's lives.

There is going to be a strange commonsense debate on what is wrong with domestic partnership. When they have to fire, they perform certain weird sex acts.

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Mr. DIXON. Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, just to clarify a couple of points that have been made earlier in the debate, the appropriated level in this bill is $84 million less than last year's appropriated level. There are a lot of other numbers that have been offered. The District government requested an appropriation level; the Control Board responded to that; the subcommittee responded to that. Mr. Chairman, take all the numbers away, we end up with $84 million less than last year.

Again, regarding the Constitution, it does clearly state that Congress has the authority and responsibility regarding the District of Columbia. The Home Rule Act was a delegation of that responsibility to the District government, but it was contingent upon the District presenting balanced budgets to the Congress each and every year.

Mr. Chairman, the General Accounting Office showed us very clearly that over the last 3 or 4 years, they have not done that. They used fiscal gimmickry, they decided not to make pension payments, or they included five quarters of property tax collections in 1 year, which is impossible. There are four quarters in 1 year and they cannot get five quarters in 1 year. Mr. Chairman, they did anything and everything to make it look like the budgets were balanced. But the fact is they have not been balanced.

Mr. Chairman, we have bent over backward to continue home rule. Mr. Chairman, lately this committee has done its best to try to allow the District to continue to govern itself, and we have asked the Control Board to work with the District government to resolve some of these issues.

We are prepared to support the Control Board and give them the authority to allocate the reductions recommended in our bill. I think that is fair.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN (Mr. HASTINGS of Washington). All time for general debate has expired.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–302, if offered by the gentleman from New York [Mr. WALSH], or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. Debate on each further amendment shall be limited to 30 minutes.

It shall be in order to consider each of the amendments numbered 1, 2, or 4 printed in the designated place in the CONGRESSIONAL RECORD if offered by the Member who caused each to be printed, or a designee. Each of those amendments shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

The CHAIRMAN. Pursuant to the rule, it is now in order to consider the amendment by the gentleman from New York [Mr. WALSH].

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALSH: Page 57, line 23, strike "Section" and insert "(a) IN GENERAL.—Section".

Page 58, insert after line 4 the following:

(b) NO EFFECT ON PETITIONS FOR ADOPTION FILED BY INDIVIDUAL UNMARRIED PETITIONER.—Nothing in section 16–302(b), D.C. Code (as added by subsection (a)) shall be construed to affect the ability of any unmarried person to file a petition for adoption in the Superior Court of the District of Columbia where no other person joins in the petition.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. WALSH] and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, my amendment clarifies the language in section 153 on pages 57 and 58 of the bill concerning adoptions by unmarried couples.

Mr. Chairman, the language presently in the bill amends the D.C. Code and requires that a person who joins in a petition to adopt must be spouse of the petitioner.

My perfecting amendment makes it clear that the language does not apply to individual, unmarried petitioners. In other words, a single person is permitted to file a petition for adoption, and that has always been the case.

Mr. Chairman, I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I am not in opposition, nor do I know of anyone who is in opposition. I am in opposition to the original underlying amendment here, but I have no objections to it.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WALSH].

The amendment was agreed to.

The CHAIRMAN. Pursuant to the rule, the bill is considered read through page 58, line 4.

The text of H.R. 2546, as amended, through page 58, line 4, is as follows:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform

Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,000,000.

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

Governmental Direction and Support

Governmental direction and support, $149,793,000 and 1,465 full-time equivalent positions (end of year) (including $118,167,000 and 1,125 full-time equivalent positions from local funds, $2,464,000 and 5 full-time equivalent positions from Federal funds, $4,474,000 and 71 full-time equivalent positions from other funds, and $24,688,000 and 264 full-time equivalent positions from intra-District funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That $29,500,000 is used for pay-as-you-go capital projects of which $1,500,000 shall be used for a capital needs assessment study, and $28,000,000 shall be used for a new financial management system of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: *Provided further*, That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the General Accounting Office within 90 days after the date of enactment of this Act reporting the results of the needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; (2) the General Accounting Office reviews the Authority's report and forwards it along with such comments or recommendations as deemed appropriate on any matter contained therein to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate within 60 days from receipt of the report; and (3) 30 days lapse after receipt by Congress of the General Accounting Office's comments or recommendations.

Economic Development and Regulation

Economic development and regulation, $139,285,000 and 1,692 full-time equivalent positions (end-of-year) (including $66,505,000 and 696 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 260 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $954,106,000 and 11,544 full-time equivalent positions (end-of-year) (including $930,889,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

Public education system, including the development of national defense education programs, $788,983,000 and 11,670 full-time equivalent positions (end-of-year) (including $670,833,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,046,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $577,242,000 and 10,167 full-time equivalent positions (including $494,556,000 and 9,014 full-time equivalent positions from local funds, $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $109,175,000 from local funds shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,269,000 and 1,079 full-time equivalent positions (including $45,250,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $21,062,000 and 415 full-time equivalent positions (including $20,159,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, $454,000 and 1 full-time equivalent position from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities; $64,000 from local funds for the District of Columbia School of Law and a reduction of $96,000 for the Education Licensure Commission: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

Human Support Services

Human support services, $1,845,638,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,067,516,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,763,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): *Provided*, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,326,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,673,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Washington Convention Center Fund

For payment to the Washington Convention Center Fund, $5,400,000 from local funds.

Repayment of Loans and Interest

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

Short-Term Borrowing

For short-term borrowing, $9,698,000 from local funds.

Pay Renegotiation or Reduction in Compensation

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: *Provided*, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

Rainy Day Fund

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000 from local funds: *Provided*, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

Incentive Buyout Program

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

Outplacement Services

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

Boards and Commissions

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of $500,000.

Government Re-Engineering Program

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.

Personal and Nonpersonal Services Adjustments

Notwithstanding any other provision of law, the Mayor shall adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $148,411,000, within or among one or several of the various appropriation headings in this Act, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

Capital Outlay

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $105,660,000 appropriated under this heading in prior fiscal years is rescinded: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $193,398,000 and 1,024 full-time equivalent positions (end-of-year) (including $188,221,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $229,907,000 and 88 full-time equivalent positions (end-of-year) (including $8,099,000 and 88 full-time equivalent positions for administrative expenses and $221,808,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,469,000 and 8 full-time equivalent positions (end-of-year) (including $2,137,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $690,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $8,637,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, a reduction of $2,487,000 and a reduction of 180 full-time equivalent positions in intra-District funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), $13,417,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $10,048,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $6,633,000 and 44 full-time equivalent positions from intra-District funds).

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), $3,500,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. (a) IN GENERAL.—Section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-233(a), D.C. Code), as amended by section 108(b)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(11) enact any act, resolution, or rule which obligates or expends funds of the District of Columbia (without regard to the source of such funds) for any abortion, or which appropriates funds to any facility owned or operated by the District of Columbia in which any abortion is performed, except where the life of the mother would be endangered if the fetus were carried to term, or in cases of forcible rape reported within 30 days to a law enforcement agency, or cases of incest reported to a law enforcement agency or child abuse agency prior to the performance of the abortion.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts, resolutions, or rules of the Council of the District of Columbia which take effect in fiscal years beginning with fiscal year 1996.

SEC. 132. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

SEC. 133. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 134. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

SEC. 135. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

SEC. 136. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.".

SEC. 137. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.".

(B) A new subsection (a-2) is added to read as follows:

"(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.".

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

SEC. 138. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

SEC. 139. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

SEC. 140. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public

Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 141. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds.

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 142. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

SEC. 143. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 144. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,771 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C Code, except chapter 23.

SEC. 147. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

SEC. 148. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1–603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

"(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.".

(2) A new paragraph (15A) is added to read as follows:

"(15A) 'School administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.".

(b) Section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)) is amended by adding a new subparagraph (L–i) to read as follows:

"(L–i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code, sec. 1–625.2) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool- based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.".

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee'

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139;

D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.".

(b) A new section 2406 is added to read as follows:

"SEC. 2406. Abolishment of positions for Fiscal Year 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee effected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veteran's preference under this act, and

"(2) three years for an employee who qualified for residency preference under this act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

SEC. 151. Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption "Division of Expenses" shall not exceed $4,867,283,000.

REQUIRING DEVELOPMENT OF PLAN TO CLOSE LORTON CORRECTIONAL COMPLEX

SEC. 152. (a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than February 15, 1996, the District of Columbia shall develop a plan for closing the Lorton Correctional Complex over a transition period not to exceed 5 years in length.

(2) REQUIREMENTS OF PLAN.—The plan developed by the District of Columbia under paragraph (1) shall meet the following requirements:

(A) Under the plan, the Lorton Correctional Complex will be closed by the expiration of the transition period.

(B) Under the plan, the District of Columbia may not operate any correctional facilities on the Federal property known as the Lorton Complex located in Fairfax County, Virginia, after the expiration of the transition period.

(C) The plan shall include provisions specifying how and to what extent the District will utilize alternative management, including the private sector, for the operation of correctional facilities for the District, and shall include provisions describing the treatment under such alternative management (including under contracts) of site selection, design, financing, construction, and operation of correctional facilities for the District.

(D) The plan shall include an implementation schedule, together with specific performance measures and timelines to determine the extent to which the District is meeting the schedule during the transition period.

(E) Under the plan, the Mayor of the District of Columbia shall submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all significant measures taken under the plan as soon as such measures are taken.

(b) CONSISTENCY WITH FINANCIAL PLAN AND BUDGET.—In developing the plan under subsection (a), the District of Columbia shall ensure that for each of the years during which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) SUBMISSION OF PLAN.—Upon completing the development of the plan under subsection (a), the District of Columbia shall submit the plan to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

PROHIBITION AGAINST ADOPTION BY UNMARRIED COUPLES

SEC. 153. Section 16-302, D.C. Code, is amended—

(1) by striking "Any person" and inserting "(a) Subject to subsection (b), any person"; and

(2) by adding at the end the following subsection:

"(b) No person may join in a petition under this section unless the person is the spouse of the petitioner.".

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. DAVIS

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Insert at the appropriate place the following new section:

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. . (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking "may provide" and inserting "shall promptly provide".

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

"(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

"(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

"(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

"(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

"(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

"(A) shall qualify such individual for the treatment described in such provisions for purposes of—

"(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

"(ii) chapter 87 of such title (relating to life insurance); and

"(iii) chapter 89 of such title (relating to health insurance); and

"(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

"(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

"(A) it is made before such individual separates from service with the Federal Government; and

"(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

"(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

"(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed by—

"(A) the Office of Personnel Management, to the extent that any program administered by the Office is involved;

"(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

"(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.".

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

"(f) FEDERAL BENEFITS FOR OTHERS.—

"(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

"(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A)(i)–(iii); or

"(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

"(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

"(3) DEFINITION OF 'CORRESPONDING OFFICE OR AGENCY'.—For purposes of paragraph (1), the term 'corresponding office or agency of the government of the District of Columbia' means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

"(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting 'the Executive Director referred to in section 8474 of title 5, United States Code' for 'the Office of Personnel Management'.".

(3) EFFECTIVE DATE; ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT; ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking "the Authority and its members" and inserting "the Authority, its members, and its employees"; and

(2) by striking "the District of Columbia" and inserting "the Authority or its members or employees or the District of Columbia".

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

Mr. DAVIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as chairman of the District of Columbia Subcommittee of the Committee on Government Reform and Oversight, I offer this amendment to the District of Columbia appropriations bill of 1996.

Mr. Chairman, I offer this amendment to the District of Columbia appropriations bill of 1996, H.R. 2546, as chairman of the District of Columbia Subcommittee of the Government Reform and Oversight Committee. I also offer this amendment as chief sponsor of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Authority, H.R. 1345.

This Congress can take great pride in the landmark legislation we enacted this past spring for the District of Columbia. Public Law 104–8, which passed unanimously, averted a financial catastrophe and put the Nation's Capital on a glidepath toward economic recovery. It is an honor for me to be presiding as chairman of the District's Oversight Subcommittee, the Authorizing Subcommittee, at this historic time. Not only the District, but the Washington metropolitan region, and the entire country all share a vital stake in the successful outcome of what we have initiated. The amendment that I offer today is not only consistent with what we began but necessary to carry forward the work of the new Authority.

The amendment is technical in nature, and conforms to the legislative intent of Public Law 104–8. The substance of the amendment is noncontroversial. It is being offered as an amendment to the appropriations bill in order to expedite the technical corrections that are required to enable the Authority to operate in the most efficient manner possible and to fulfill its responsibilities. The amendment does nothing more than to give the Authority tools to do the job mandated by Congress.

1. The amendment changes section 102(e)(1)(A) to insure, as intended by the legislation, the Federal employees joining the Authority may elect to have their service with the Authority treated as if performed within the Federal Government for purposes of the thrift savings plan, health insurance, life insurance, and any other Federal benefit program. The statute already provides such persons that election for purposes of the Federal retirement program. The omission of the other programs in the statutory language was clearly inadvertent.

2. The amendment changes section 102(e)(2)(B) to clarify congressional intent and

make clear that an individual electing coverage under the Federal programs referred to in section 102(e)(1)(A) will not be entitled to double coverage under comparable District government programs. This change merely conforms the sections.

3. The amendment changes section 102(e)(3) to provide that the Office of Personnel Management, in promulgating regulations authorized by section 102(e) must consult with the Authority as well as with the District government. This change is necessary because when OPM first promulgated interim regulations, as it was authorized by the statute to do, it failed to consult with the Authority or even send on its own initiative a copy of the proposed regulations to the Authority. This change is consistent with the clear legislative intent in the statute that the Authority should be consulted.

4. The amendment changes section 102(f) in order to carry out the policy mandate created in section 102(e). It clarifies that persons employed by the Authority have an election to be treated as if they were employees of the Federal Government or employees of the District of Columbia government for purposes of the retirement system, health insurance, and any other employee benefit programs. Section 102(e) deals only with employees of the Authority who come from the Federal Government. Several other categories of persons are becoming employees of the Authority, including Federal retirees, District employees, and private sector employees. This new section gives these employees the same options as persons joining the Authority from the Federal Government. It will help to insure that qualified employees will not be discouraged from seeking employment with the Authority by clarifying legislative intent so as to provide that such persons would not lose benefits.

5. The amendment changes "may" to "shall" in section 103(f) to give the General Services Administration the appropriate degree of discretion. This clarifies that the GSA has a duty to provide the administrative services required by the Authority in a prompt manner.

6. The amendment changes section 104 because the Authority is a legal entity subject to suit. A plaintiff could thus initiate a cause of action against the Authority, its members, or employees for official actions they take, instead of suing the District of Columbia. Only claims against the District are included in the technical language of the existing exemption. This was not intended in adopting the statute, as the purpose of the section is to protect the Authority and those who act on its behalf from claims arising from their official actions.

7. The amendment deletes section 203(a)(3)(C) in its entirety, as it inadvertently undermines the fundamental responsibilities of the Authority, contrary to the clear legislative intent of the statute as a whole. A significant amount of District legislation is now being enacted on an emergency basis, thus making it exempt from the Authority's power to consider under the existing section. Even if a particular enactment is later made permanent, thus subjecting it to the Authority's review, rights could in the meantime be created or claimed under the emergency legislation and objections asserted to any subsequent disapproval by the Authority. This would frustrate the very purpose of creating the Authority. Emergency legislation can clearly have a substantial fiscal impact while it is in force and effect. The current section is not only an undesirable and significant dilution of the Authority's ability to function, but it also casts doubt on the Authority's ability to require that emergency legislation be reviewed, separate and apart from the issue of approval or disapproval. Eliminating this section would remove any doubt as to legislative intent on this point and enhance the Authority's basic ability to function in accordance with its congressional mandate.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, the minority has no objections to the gentleman's amendment.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I rise in support of the gentleman's amendment and urge its adoption.

Mr. DAVIS. Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 1 OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BONILLA: Insert on page 58, after line 4, the following section:

REVOCATION OF PROPERTY TAX-EXEMPTION FOR NATIONAL EDUCATION ASSOCIATION

SEC. . Effective for taxable years beginning after September 30, 1995, section 4 of the act entitled "An Act to incorporate the National Education Association of the United States", Approved June 30, 1906 (34 Stat. 805; Sec. 46-1036, D.C. Code) is repealed.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. BONILLA] is recognized for 15 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a bipartisan amendment. It is being led on the other side by the gentleman from Louisiana [Mr. HAYES], as well as getting a tremendous amount of assistance and hard work on this amendment by the gentleman from California [Mr. DORNAN].

Mr. Chairman, this is a bipartisan amendment that would allow the District of Columbia to collect an additional $1.6 million in badly needed revenue for their operations.

My amendment would eliminate the special exemption, the special privilege currently granted under a congressional charter to the National Education Association. This is an amendment that would reserve a special privilege that has been on the books for a long time.

Mr. Chairman, the NEA was officially judged to be a union by the Internal Revenue Service, but nonetheless it is put in a special category aside from other unions that all pay taxes in the District of Columbia. So, we are trying to simply give the District of Columbia the privilege of levying local property taxes on the National Education Association.

Mr. Chairman, I would like to point out that we are not in any way singling out the NEA for any kind of special target or treatment. Other unions like the AFL-CIO, the Teamsters, they all pay taxes. The American Federation of Teachers pays taxes. We would not want these groups to have a local special-privilege exemption like the NEA any more than we would want the U.S. Chamber of Commerce to have an exemption or the NFIB or any group that would currently exist for similar purposes that is advocating positions here and in neighborhoods across the country.

There is no other group currently on the list of congressionally chartered organizations that is not a charity that falls under this exemption. In other words, the NEA is the only noncharity congressionally chartered organization that receives this special treatment.

Mr. Chairman, the NEA has also violated its original congressional charter by no longer just limiting itself to educational issues. Back in the early part of the century when it was chartered, it was originally set up to work on the basics: Reading, writing, and arithmetic. Now, we have the NEA working on issues from arms control to the NAFTA controversy, Medicare, human rights, defense issues. My colleagues can name it, they are involved in it; none of which has to do with education in our schools across this country.

Mr. Chairman, for that reason, setting it aside from the other congressionally chartered groups in this country, they have violated their charter, and we strongly are urging Members on both sides of the aisle in a bipartisan way to support this amendment that would allow the District to have an opportunity to levy the badly needed $1.5 million needed for its budget.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California [Mr. DIXON] is recognized for 15 minutes.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment because it basically is mean-spirited. Republicans have the majority in this House and they can offer a freestanding bill to do anything they want and not attach it to this.

First of all, Mr. Chairman, let me say sincerely that I have great respect for the gentleman from Texas [Mr. BONILLA]. The gentleman served on the Committee on the District of Columbia for some time. We have discussed ideas that might improve the District and we have certainly worked together.

But Mr. Chairman, the gentleman from Texas says that the rest of the list is charities. That is not true. The American Pharmaceutical Association is not a charity. The Brookings Institute is not a charity. The National Academy of Sciences is not a charity. Mr. Chairman, I can go on and on.

This was a charter granted by the Federal Government when there was no home rule here in 1906, and it was obviously a charter granted for incorporation purposes. In that, right or wrong, the Congress at that time gave a tax exempt status as it relates to District of Columbia taxes.

The gentleman from Texas said in his opening comments that this amendment was promulgated because the gentleman wants to save money and is interested in the taxpayers. Nobody believes that. That is not what this is about. The gentleman is not trying to provide $1.4 million to the District. Even if he was, the cap that the gentleman from New York [Mr. WALSH] has put on here would prohibit it.

So, Mr. Chairman, the gentleman from Texas should not come to the floor and say that he is trying to raise money for the District. The fact is that the gentleman does not, and the Speaker does not, like the philosophy of the NEA.

That is not wrong. So, therefore, they come to the conclusion that they have violated their charter and without a hearing of the appropriate committee, we will just stand up and cancel this tax exemption. The gentleman may be right on the merits. After an adjudication of this issue, after consideration of all 27 of the organizations that have this, the gentleman may be absolutely right. Mr. Chairman, I am saying that as a member of the subcommittee, this is not the forum to address their tax status.

Even if we do, Mr. Chairman, the gentleman should not come here and say that he is trying to raise revenue for the District. It just ain't so.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

☐ 1645

Mr. HAYES. Mr. Chairman, I went to public schools in a small town in Louisiana, in a school that would not be one that we would point to for its physical plant, in a small school in which those within the community quite often ended up baking cakes and having car washes just to have enough money to send a debate team out of town.

But it had one extraordinary resource. It had a group of men and women who were so committed to the ideals of education above everything else that they made personal financial sacrifices. They made sacrifices to the time of their own family by grading papers. They made sacrifices to attend dances and balls when they did not yet have kids old enough to go to those same high schools. And they made an incredible imprint on the community.

To the gentleman from California [Mr. DIXON], in my high school class is a young lady who is now the director of Common Cause. In my high school class is a former vice president of Johnson & Johnson. In my high school class is a gentleman who received balloting in the Heisman Trophy. And all of them taught by a handful of dedicated teachers. But the gentleman just touched upon the change that has occurred: philosophy.

What the gentleman said was that this side of the aisle disagrees with the philosophy, and I do, too. Only I am not talking about the left and the right. I am talking about placing issues above education. That is a bad philosophy.

When I last ran for Congress, I got a brochure from the NEA asking me how I felt about the nuclear freeze, how I felt about abortion. How I felt about issues that while very important and worth the time of this Chamber were not as important as what should have been going on in the classrooms of my State in the district.

I represent a great deal of teaching and educational background to where I am proud to say I worked hard and did well with the support of teachers and parents.

Now, it is wrong, and I was taught by teachers who taught me to look at the facts and determine in a very substantive and objective way, it is wrong to use an exemption given in 1906 when Theodore Roosevelt was President to protect the assets of a union that in 1978 determined as such by the Internal Revenue Service. It is wrong to reverse the concept of taxation without representation and make it representation without taxation.

We want to lobby. We want to go in your office. We want to tell you how to vote. We want to send you faxes. We want to send you letters just like today, but we do not want to pay or give a dime.

That is an insult to the people who taught me and even more an insult to the values and lessons that I learned in public schools in my home town.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I do not serve on the Subcommittee on the District of Columbia. When I saw the rule coming forth on this amendment, I had to make a special point to come down here and to listen firsthand to the arguments from those who supported the justification of this change.

My colleague from Louisiana who just spoke indicated that here is a group that comes to this office asking for support on this issue, that issue. Well, I will tell Members, if we went to the Federal tax code and deleted the tax exemption of every organization that lobbied us, from defense contractors to the Chamber, you name it, we would raise billions of dollars and we would never see anyone in the Halls of Congress or in our offices.

But as Americans, as the delegate from the District said, there is a Constitution. There is a Constitution that talks about freedom of speech. And I think we want people to do that. We want people to come forward and talk to us about the issues of the day. But I view this amendment as probably the most vindictive that I have seen in my tenure here before this body.

Many, in fact all the years except this year, I was in the majority party. There were groups that we did not like who opposed our candidates, who opposed our position on issues. Did my colleagues see the majority party, the Democrats at that point, come forth with amendments to repeal their tax exempt status? No. That would not be right. We might disagree with them, but they have a right to say what they want to say.

But here we go, the first time you folks have had the majority in years, using the majority muscle that you have to punish one group in this country that you disagree with. I think that is a shame.

If you look at the other organizations that are not touched by the gentleman's amendment, as the chairman, said, they are not charities. They are not charitable organizations. I am looking at one here, the Medical Society of the District of Columbia. Is that a charitable organization? I doubt it. But I do not think and I would not support taking away their exempt status because they endorsed your Medicare cuts.

Shame on you. Shame on you.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN], a cosponsor and a Member who was really behind this cause for some time.

Mr. DORNAN. Mr. Chairman, if I could refer in opening to my distinguished colleague, the gentleman from California [Mr. DIXON], and I do mean distinguished, he does not have to ever worry about me having hidden agendas or any other motives. But I have listened to some private conversations where people thoughtfully and heartfelt said, hey, in the measure we saved the taxpayers a lot of money here.

I said during general debate that my younger brother, in whom I am justifiably proud because his students for 29 years, at the discouragement of the administration, have unofficially elected him best teacher on his high school campus. Dick Dornan is a natural giving, enthusiastic English and U.S. history teacher. He is disgusted with the NEA. He does not like being pressured to declare an entire month bisexuality month. That is just for openers. I am not going to mention all the other stuff, just the AC/DC, acey-deucey switch hitting crowd. What does that have to do with education?

I will not mention the 1906 charter. We have covered that. I will not mention some of the good points that the gentleman from Texas [Mr. BONILLA] has covered about switching 501(c)(3) to 501(5). I will not go back over ancient history, although I will ask permission to put that in my remarks.

The very real reason that the NEA become unionized was in order, as a retired teacher said, who took a break in service, when he came back and found it was now a union, he said, I suddenly realized that all they obsessed on were salaries and money and money and salaries and not about kids' education and teaching or the SAT scores would not have been going in the dumper, and we would have our dynamic Speaker quoting around this country that kids are getting diplomas from high school and they cannot even read the English on the diploma, let alone talk about where they are going to go with their careers or how they are going to balance their checkbooks.

It is true there are a number of organizations and enterprises within the District of Columbia that benefit from property taxes. What is so incredible is that the NEA is the only union that gets that privileged status. More about that from the distinguished Member from Indiana.

I close on this, vote for Bonilla-Hayes-Dornan. Repeal the NEA's congressionally sanctioned property tax. The taxpayers should not be expected to subsidize the palatial, plush headquarters of any union, much less one that wants a month for bisexuality advancement.

Mr. Chairman, I rise in strong support of the Bonilla-Hayes-Dornan amendment.

As Mr. BONILLA said the NEA is currently exempt from having to pay any property taxes on their palatial headquarters located here in Washington, DC. Their tax-exempt status derives from the Federal charter the NEA received back in 1906, when it was little more than an association of educators throughout the United States. At that time, and I have read some of the debate that took place in both Chambers during consideration of the NEA charter, then Members of Congress felt that it would be improper to tax property held for educational purposes.

Back then, I am certain that no one envisioned the NEA would ever evolve into anything more than a bipartisan, do-good organization dedicated to promoting education in America. But times sure have changed, Mr. Chairman, and so has the NEA. Today the NEA is not now an association of professional educators. In 1978, they changed their corporate tax status from a 501(c)(3) to a 501(5) benefiting all labor unions. The NEA is now a hostile political machine that wields its incredible power to influence legislation, public opinion, and our Nation's school children.

The very reason the NEA became unionized was in order for them to gain the maximum amount of political power and control in Washington and throughout the United States. In fact, back when the NEA was changing into a labor union, a retired teacher who took a break in service recalls their radical transformation claimed, "In the interval that I had been out of school, they had become unionized, and when they realized that I refused to join. They no longer represented my views. They had become more concerned with salaries and money than they were about students and education." Meanwhile, Mr. Speaker, its archaic congressional charter continues to allow the NEA its property tax exemption as if this power political machine were still an innocuous teachers association.

It is true that there are a number of organizations and enterprises within the District of Columbia that benefit from a property tax exemption. What's so incredible is that the NEA is the only labor union in the whole bunch. And so when opponents of our amendment complain that we are singling out the NEA for political reasons, I say they are completely missing the point. The NEA does not deserve this tax break because they are a union, the country's biggest union in fact, and no other union enjoys such preferential tax treatment in the District of Columbia.

Mr. Chairman, it is the height of irony—and it is exactly the kind of insidiousness this new Congress is attempting to undo—that the NEA, a monstrous special interest group dedicated, as they would say, "to helping America's children," ferociously clings to $1.4 million each year that otherwise could be used to improve the District's impoverished public school system.

I strongly urge you to vote in favor of the Bonilla-Hayes-Dornan amendment and repeal the NEA's congressionally-sanctioned property tax exemption. The taxpayers should not be expected to subsidize the plush headquarters of any union, much less the NEA.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN], a member of the committee.

Mr. DURBIN. Mr. Chairman, make no mistake, a pattern is clearly emerging. The Republican soldiers in the Gingrich revolution have no respect whatsoever for freedom of expression in this country. If they can find an opportunity to close down speech and ideas which they find repulsive, they will grab at it. Six screwballs decide to burn the American flag, and the Gingrich revolutionaries want to amend the Bill of Rights for the first time in our history. Garrison Keillor makes fun of them on Prairie Home Companion, they want to close down National Public Radio.

The gentleman from Oklahoma [Mr. ISTOOK] becomes exercised because some lobby group does not agree with him. He wants to close down any opportunity for them to receive Federal funds. And today the gentleman from Texas [Mr. BONILLA], who has an axe to grind with the National Education Association, said, I know how to take care of them, hit them in their tax status.

If your ideas are so good, so right, so American, why are you so afraid of freedom of expression? The National Education Association has said things that I disagree with, as have many of the organizations here. But to go after these organizations, to close down their operations, make them more expensive, impose more taxes on them is downright unAmerican.

It is the nature of politics. It is the nature of Government to have the free exchange of ideas. Why is it once the Republicans get in control they want to turn off the microphones? They want to shut down the presses. They want to stop the free exchange of ideas.

What are you afraid of? Let us defeat this terrible amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I have no particular interest in this amendment except that, when we considered it in the full Committee on Appropriations, it was evident to me that in 1906 the NEA got a special charter from the Federal Government as an education association devoted to the cause of education. Over time, that purpose has apparently changed. It has become, and no one doubts the status of the NEA, a labor union devoted to the interests of its members.

In 1978, under the Carter administration, not a Republican administration, it was determined that in fact it was a labor union devoted to its own purposes and not to the general cause of education. So, for the last 17 years, the NEA has had a special status where it did not have to pay taxes even though every other union in the District of Columbia had to pay taxes on its property—17 years for free.

The gentleman from Illinois, my colleague from Illinois, says that we are disrupting freedom of expression? They have had free expression without paying the cost that everybody else has paid for all these years.

Are we singling them out? No, they are the only union that has this status. It seems to me that it is up to Congress, when it finds these kinds of things, to address them. They do not deserve tax-exempt status. They have not deserved it for 17 years. It is time to close the door and to say, you have had 17 free years. You do not get any more. You have to be treated just like everyone else.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding time to me.

I make these remarks before asking the gentleman from Texas [Mr. BONILLA] to consent to a better idea. This Trojan horse, I am afraid, would be of no use to the District, if the gentleman is sincere and there is a way to help us. The comments, however, especially of the gentleman from Texas [Mr. BONILLA], the gentleman from Louisiana [Mr. HAYES], and the gentleman from California [Mr. DORNAN], give evidence to the fact that this is an unvarnished case of political retribution. They have not sought to hide it.

The gentleman from Texas [Mr. BONILLA], when he offered the amendment, went down the list of positions that NEA had taken, among them that we hear: That of course is a union. We know how the other side of the aisle loves unions. It does not want anything to do with the District and certainly not with helping the District. If so, the gentleman would have given the District the discretion to get these property taxes from all 27 of these people, none of whom should have had property taxes at our expense. My people pay higher property taxes, not because of the NEA but because of 27 people whom you gave, you gave the right to be exempt from property taxes from people I represent.

The gentleman says that these people are not about education anymore and that they have gone off their charter. Have you looked at the legislative agenda of the American Legion? Is that what you want to do, go down and see what each of these organizations are doing and put a political test into these proceedings? This is not a good precedent to set.

This was defeated in committee. There is a better idea. Give the District the jurisdiction, do not give it to us piecemeal. You do not intend to give us any more at all, do not give us one. Give us all, give us access to our property taxes from all 27 of these folks.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise and speak out in support of this amendment. The NEA receives 1.6 million in a tax break from their congressional charter. This congressional charter was given to the National Education Association when it was a trade association, and it is not only quite apparent to the American public but as well to the IRS that it is no longer a trade association. It is, indeed, a union.

As has been said multiple times but deserves to be said again, it would be irresponsible for this Congress to continue to allow this tax-exempt status for a union when no other unions get a tax-exempt status. Indeed, this $1.6 million of funds could be applied to the District of Columbia's school system to help improve their school system. So I think this is a very good amendment. It is very much an appropriate amendment. It is in keeping with being consistent in our policies. I would encourage all of my colleagues to support this amendment.

□ 1700

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from California [Mr. DIXON] for yielding this time to me.

I, too, am not a member of the Subcommittee on the District of Columbia, but I am privileged to stand here and to support the measure that I feel is the correct one, and that is to oppose this retribution, and that is all it can be classified as.

Let me go to perhaps the heart of the matter, and what I hear being discussed, and all of the disparagement directed toward the National Education Association. My understanding is that the building that is here is peopled by a significant number of individuals, some who come here from around the country, others who are here on a regular basis, and my belief is that they make a major contribution to the well-being of the District of Columbia, perhaps a more major contribution than the micromanagement that is going on now.

Who else are exempt from taxes in the District of Columbia and why? I would not bother to be facetious enough to suggest that there are Government-owned properties in the District of Columbia that, had they been taxed over this same number of years, the District of Columbia may conceivably not have the kinds of problems that it is having today. None of us would stand for the type of micromanagement that is going on in this particular bill in our respective home cities.

Mr. Chairman, this type of retribution is retrogressive, and in the final analysis, Mr. Chairman, downright insulting to any of our Members. I do not know what the Brookings Institution stands for. I do not know what the Carnegie Institution of Washington, DC, stands for. I do not know what the Daughters of the American Revolution stand for, but I can doggone cite I do not believe they stand for much that I believe in, but at the very same time I think they have a right to be here, I think they have a right to state their position, and the tax exemption that was given to them was evidently given with well meaning.

We need to stop this micro managment, we need to stop this retribution, especially toward such an outstanding organization as the National Education Association.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, let me just say to my colleague from Florida it is our responsibility as the Congress, because this is the Nation's Capital, to keep an eye on what goes on here, so we do involve ourselves in managing this city, and we better because it was a real mess just a year ago.

Now let me just say to one of my colleagues from Illinois that spoke awhile ago; he said we are opposing the free speech. The NEA can say anything they want to, and they do, and we do not object, but we do believe they should not get a $1.6 million tax break just because they are the only union in this city that gets that tax break, the only one. And so they should not get that tax break.

Now I want to read to my colleagues something that was in the Indianapolis Star newspaper editorial just a week ago because this really upsets me. It says:

> This summer the NEA annual convention passed a resolution supporting a month-long celebration "as a means of acknowledging the contributions of lesbians, gays and bisexuals throughout history."
>
> The celebration was the brain child of Rodney Wilson, a gay high school teacher from St. Louis. What Wilson wanted in this October and every subsequent October, was for public high schools to focus on a gay curriculum detailing the history of homosexual persecution and acknowledging the homosexuality of some historical figures.
>
> The latter alone should give parents the jitters. According to a Concerned Women of America ad, the Alyson Almanac, "the fact book of the lesbian and gay community," claims some research indicates that Jesus Christ, Winston Churchill and George Washington were homosexuals.
>
> According to Newsweek magazine, "not a single school district in the nation accepted the history month idea or a proposed gay curriculum. Even the NEA has gotten skittish after hundreds of teachers threatened to quit when the resolution passed in July."
>
> The Concerned Women organization was right to target the NEA action and any move to promote a gay history month. Comparing such a month, as some advocates have done, to Black History Month is an affront to social consciousness and common sense.
>
> Public education has embraced one foolishness after another in recent decades, but parents should scream bloody murder at the first sign a school in their district is prepared to adopt this latest.

Mr. DIXON. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, if anyone had any doubt that this amendment is directed at the speech, the views, of the NEA, that should have been removed by the comments just made by the gentleman from Indiana [Mr. BURTON] who is clearly motivated in going after the NEA because he does not like what they think or say. So lest there be any doubt, this amendment is a clear, I think absolutely unashamed, act of discrimination, picking out 1 organization among 27 that has the same status because many in the majority do not like what they think or say. It is a tour de force as it is seen together with many other things going on around here right now in the suppression of opposing points of view.

Mr. Chairman, it started early in the year with the majority leader sending letters to organizations complaining if they made charitable donations to organizations that the majority did not like. We are seeing it in the effort being made by the gentlemen from Oklahoma, and Maryland, and Indiana to suppress the ability not just of nonprofit organizations, but of many groups and individuals in this country to exercise their rights under the first amendment to the Constitution, masquerading that effort as if it had to do with the misuse of Federal funds when, in fact, we are going after the use of private funds for free political expression, and now this expedient and cynical effort to attack yet another enemy of this new and vindictive majority.

Mr. Chairman, this is part and parcel of freedom of expression. We have to be willing to hear some things we do not like if all of us are going to have the freedom to engage in our constitutionally protected right and responsibility to help shape this great democracy. This is a thinly veiled, if veiled at all, effort to get even, and when we are trying to get even based upon the content of someone else's or some other organization's position, their thought, their speech, we should all be deeply worried about the future of a robust democracy.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN], a Member who has worked very hard on this amendment.

Mr. CHRISTENSEN. Mr. Chairman, as my colleagues know, I heard my colleague from Colorado, my colleague from Illinois, just a moment ago talk about cynical ploys and that it is un-American to disagree with someone else's point of view, and that is not the point at all. The point here is just about them paying their property taxes. There is a million six that they are not paying.

The AFL–CIO pays their property taxes. The Teamsters pay their property taxes. The American Federation of Teachers pays their fair share on property taxes. We can disagree, and we can have a honest disagreement in ideology. All we are saying is, "Pay your property taxes." That is all this is about.

Mr. Chairman, it is a simple amendment. It says the NEA should pay their property taxes. Now I see why Forbes magazine not too long ago called the NEA not the National Education Association, but the National Extortion Association. That more accurately depicts what the NEA really stands for.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I think everything has been said that needs to be said on this issue. The NEA is clearly in violation of their original intended purpose when their tax exemption was granted. It is time for us to be honest about this issue. I do think that there are some other institutions that are in the city of Washington, DC, that we should probably look at in the future, but this is a good start.

I do though want to emphasize that Members of our side of the aisle will be eager and ready to work with Members of the other side of the aisle in ferreting out some of these other institutions that have property tax exemptions, and let us get them to start paying property taxes to the city of Washington, DC, because the city needs the revenue and needs the money.

So in the meantime, Mr. Chairman, I believe that we should all support this Bonilla amendment.

Mr. BONILLA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. BONILLA] is recognized for 2 minutes.

Mr. BONILLA. Mr. Chairman, I would like to close on this amendment by pointing out very clearly that no one who is supporting this amendment is opposed to free speech in this country. There is no American in this country that supports free speech as strongly as I do. What we have here is the philosophical difference. Those of us who are supporting an amendment and other issues similar to this in this Congress are tired of groups that have opinions of feeding at the public trough and then using that money to advocate political positions. I believe the NEA should thrive and survive and have a long life beyond this day to advocate the positions that they feel strongly about, absolutely. What I do not think they should do is use public money or have special privileges in order to advocate those positions.

As my colleagues know, there is one sense that the American people believe in very strongly in this country, and that is fairness, fairness. There is no other union that has this special tax exemption. Fairness. There is no other group that has this special tax exemption that is allowed to venture beyond the congressional charter boundaries which were originally created to go out and advocate their position. If the NEA or any other advocacy group in this country, be they left, or right, or in the middle, would like to go out and continue advocating their positions, wonderful, do it with their privately raised funds, do it with volunteers, do it with people who believe in their position. But do not try to hoodwink the public into trying to fool them and thinking that their tax money is somehow going somewhere else when in fact it is going to subsidize a position, a political position, in this country.

And I do not care whether that position again is a liberal position or a conservative position. It is wrong to feed at the public trough and then go out and advocate political positions in this country. We are tired of this. This is a dirty little secret that we are determined to expose across this country, and a "yes" vote on this amendment will help put an end to this once and for all.

Mr. DIXON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DIXON] is recognized for 2½ minutes.

Mr. DIXON. Mr. Chairman, the word "responsibility" has been raised several times in this debate. I believe that we all have a responsibility to this institution to follow due process. This is not the committee of jurisdiction. There have been no hearings. We heard the gentleman from Georgia come to the well a minute ago and say, "We all know they violated the charger, so let us snatch their charter, and move on, and maybe we will talk about some others." That is not the way that this institution should proceed.

My colleagues have the votes. Send this to the Committee on the Judiciary. have a hearing where witnesses can come and bring that testimony. This charter was conferred by the Congress and should follow a process to revoke that charter.

So I am not weighing in on the merits of the case at all.

☐ 1715

I am saying that you have a responsibility to this institution. I am sure that the brother of the gentleman from California, Mr. ROBERT DORNAN, teaches due process, and that is my point. You have made up your mind, I would say to the gentleman from Texas [Mr. BONILLA] and the gentleman from Georgia [Mr. LINDER] has made up his mind. But that is not the way we operate around here. That is not the way we should operate around here. Make your case to the Committee on the Judiciary on this and any other issue. Do not make up your mind and try to shove this down the body's throat.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BONILLA].

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. DIXON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 213, answered "present" 2, not voting 7, as follows:

[Roll No. 758]

AYES—210

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Quillen
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff

NOES—213

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

ANSWERED "PRESENT"—2

Gunderson
Obey

NOT VOTING—7

Fields (LA)
Hall (OH)
Harman
Moakley
Tucker
Weldon (PA)
Wilson

□ 1737

Mr. QUINN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER: Page 37, line 15, strike "No funds" and insert "(a) No funds".

Page 37, line 22, strike "; nor shall any" and all that follows through "1992".

Page 38, insert after line 2 the following:

(b) The Health Care Benefits Expansion Act (D.C. Law 9–114; sec. 36–1401 et seq., D.C. Code) is hereby repealed.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. HOSTETTLER] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to strike down the District of Columbia's so-called domestic partners ordinance, a misguided statute that Congress has blocked the District from implementing for the past 3 years. In fact, this city act has never been implemented, which is a critical point that needs to be made. It is time today to put this bad bill to a final rest and clear away this issue so the District and the Congress can begin building a more constructive relationship. Congress has never seen fit to appropriate $1 for this legislation, and act that seeks to provide health care and extend other legal benefits to domestic partners defined as those unmarried couples who are over 18 and who live together.

Many, I'm sure, will oppose my amendment today, saying Congress is meddling in the District's matters. Or, even worse some my claim, Congress is meddling in a place where we never should venture: the bedroom. Perhaps there will also be a few here today who will castigate me for offering legislation based on what is the preferred over that many will say is the perverted. Such is the nature of our debate.

I am offering legislation today to make an important public policy statement about families in our Nation's Capital, the very seat of our whole Nation's Federal Government. This legislation is not about extending health care benefits to the needy. I can guarantee you that there are an infinite number of ways that the city can do this without enacting a domestic partnership law. This amendment is about right and wrong, about the proper role of government in general and about the appropriate role of the Federal Government in involving itself in the affairs of the Nation's Capital. Supporters of my amendment seek to affirm the positive, not to cast stones at those engaging in alternative lifestyles. We seek to lift up and honor the family, not to put down and shame anyone who does not make a commitment to furthering the family.

But let me address those opposed to my measure before I highlight the important public policy aspects of my amendment.

First, striking down this statute, which Congress has thrice blocked from being implemented, is not meddling in the local government of the District of Columbia. Congress has a clear, express, unquestioned constitutional responsibility to direct the District of Columbia, the Federal City, especially if the passage and implementation of poor public policy is at hand.

Yes, Congress passed home rule, and gave the District's local governing authority greater power to enact ordinances on matters where the Congress had otherwise been silent. But this body never gave up our authority, nor renounced our responsibility to oversee our Nation's Capital. On the contrary, we reserved those rights, as we needed to under the Constitution. The statute at issue today confirms the wisdom of the Framers of the Constitution and the wise heads in a prior Congress which preserved this role for the Congress in Washington, DC. We have the right and the responsibility to act and that includes the repeal of any District act at any time. The District of Columbia is the Nation's Capital, the Federal City, our national government's seat. This seat cannot and should not be kidnaped by any group—of the left or right—to make political statement. We have the right and indeed I would argue we have the responsibility to act in this matter and strike down the Domestic Partners Act. Now while we are on the issue of the Constitution, I cannot forget to point out that during hearings that were held on this issue in 1992, a number of significant public policy issues were raised by many legal experts including the fact that this act quite possibly is preempted by the Employee Retirement Income Security Act of 1994, which renders this act unconstitutional.

Now other who oppose my measure will say I seek to inject congressional authority and oversight in a place it should never go—the bedroom. They will again offer the well-worn phrases about consenting adults being able to engage in whatever consensual acts they wish. Well, I point out at the outset of this debate that this bill is not about sex. I know that admission will disappoint many; I can see stunned staffers looking up from their overheated word processors now as they prepared to defend sexual promiscuity and sexual orientation and sexual everything else. But that's the wrong speech. The issue before this Congress is whether we will allow the District to carry a statute on its book that allows a domestic partner, a person so vaguely defined that it can be a homosexual lover, a same-sex lover, a roommate, a member of one's extended family, a homeless person one invites into their abode, to enjoy health benefits and other legal rights by virtue of their so-called partnership with a District of Columbia government employee or any other individual for that matter.

The problem with this act is the statement it makes about family, equating the support we give families as a society and as units of government with loosely affiliated partners. It equates the faithful familial ties that are the bedrock of our society's stability and the loving environment in which we rear the next generation with a roommate or a casual live-in lover or a down-on-their-luck friend who moves to get health benefits.

Still others may rise today and say I am only disparaging gays and lesbians to satisfy a personal mean streak or to win political points at home with certain groups. This argument, too, misses the mark. My amendment seeks to lift up the positive, to value the valuable, to hold up the ideal. Government, I believe, has every right to uphold the ideal, to esteem, to value, to honor the best. Society, and society's tool of government, has a clear right and, indeed, a clear responsibility to encourage the preferred. We need to honor traditional families, which are the Nation's best hope for emotionally healthy and happy, well-adjusted citizens who can govern themselves and continue this experiment in self-government we call America.

Government can give preference to the best for our people—the best by any standard, whether health indicators or happiness measures, without punishing or singling out the aberrant, the alternative, the less-than-best. We as a Congress must stand up and say that we are familiar with the social research, we are familiar with the findings of the caring professions and mental health, we know the conclusions of the health care workers. All point to the dire need in our Nation today for stable, two-parent loving families that will honor all family measures, especially their children.

The DC statute denigrates that loving, sacrificial commitment by turning these relationships into a menu of economic goodies to be grabbed by simply going down to the Mayor's office and signing in. Living together? Come on down for health care and more. Shacking up? Then you need to sign up.

This is hardly the basis of sound fiscal stewardship or enlightened public policy, which the American taxpayer and the American citizen can expect, especially from our Nation's Capital.

But whether we agree with the misguided policy, the backhanded slap at the family cannot and should not be tolerated by this Congress. We have thrice blocked this poor piece of work. Today we need to kill it and put this issue behind this Congress for good.

□ 1745

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. DIXON] is recognized for 15 minutes.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment clearly illustrates the mean-spiritedness of this Congress. This law is intended to extend health coverage, something that everyone should have, to a domestic partner.

Yes, they can be gay; yes, they can be lesbian, but they can also be heterosexual.

This amendment costs the District government nothing. The employee pays the entire amount for the additional person carried.

What is wrong with the District government deciding to extend this benefit at no expense to them and of great ability to cover someone in their health benefit?

Yes, there is a division in this country about homosexuality, but certainly everyone is entitled to health care, and the District has made some other people eligible for it. That is all that is happening here. It is, in fact, a cost saving to the District. Because if the person does not have insurance, they, in fact, would probably go to the general hospital or some other public facility.

I understand your reservations about some lifestyles, but you are not going to change any lifestyle. You do not recognize any lifestyle by extending to a person health care coverage. That is all the DC law does. Why should Congress repeal that important progressive initiative by the District of Columbia?

Mr. Chairman, I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Georgia [Mr. BARR].

Mr. BARR. I thank the gentleman for yielding me the time.

Mr. Chairman, the question is very simple. Do we want the Congress to give its approval as representatives of all the people of this country to a law in the District of Columbia over which Congress has very clear and appropriate authority that, for purposes of extending certain privileges, not entitlements, not rights, to so-called domestic partners, placing nontraditional groupings of people, men and men, women and women, nonmarried couples on par with the traditional family structure of men and women, in marriage, with children?

I think that it is very appropriate for this Congress to step forward, have the backbone to say what previous Congresses have not done. They have done it through the back door, by simply not extending funding, to once and for all stand up and say that we do believe there is merit in the traditional family structure that has done this country so well for so long.

We believe that that heritage ought to be protected and preserved, and we think it is wrong for jurisdictions, particularly those over which this Congress has jurisdiction, to go against the grain of American history, to go against the grain of the strength of our society. This legislation is good, it is limited, it is appropriate, it does what previous Congresses have not had the backbone to do. It steps forward and says traditional family structures are good for this country. They have been the backbone of this country. They ought to remain the backbone of this country and we should not weaken that.

I support the gentleman's amendment and urge its adoption.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I have a stable, loving family.

As many Members know, this weekend I announced my intention not to seek a 13th term in this body. When I did so, I had at my side my stable, loving family: My brother, his wife, my sister. Her husband unfortunately had died a few months ago. He was a Presbyterian minister who led the fight within his church for the ordination of openly gay clergy. He would have been there. I think he was there in spirit. It was in a church that we made the announcement. And my partner, Dean Hara, whom a great many of you, perhaps most of you, know and a great many of you consider as a very close friend.

My colleague from Massachusetts has a stable, loving family; and my colleague from Wisconsin has a stable, loving family.

I would suggest that Members do something that is rare around here; that is, read the law that we are proposing to repeal. I just did that.

We have heard it referred to as privileges and economic goodies, among other things.

Let me tell you what this law does that you now are asked to repeal. It defines a domestic partner as a person with whom an individual maintains a committed relationship. It defines a committed relationship as a familial relationship between two individuals characterized by mutual caring—mutual caring—and the sharing of a mutual residence. I do not know why that frightens or offends anyone in this institution.

What are the benefits? Unless you are an employee of the District of Columbia, and I will come to that in a moment, there is only one sentence under domestic partnership benefits. See how this frightens you: All health care facilities, including hospitals, convalescent facilities, or other long-term care facilities shall allow a patient's family member to visit the patient.

That is the sum total of what is granted by this law to every resident of the District of Columbia who is not an employee of the District.

If there is any Member of this House that thinks that I or Mr. FRANK or Mr. GUNDERSON or any of the dozens of gay and lesbian staff members on both sides of this aisle ought to be denied the right to visit the hospital if their domestic partner is ill or dying, I would like to hear them stand up here and say that.

If you are an employee of the District of Columbia, here is what you are granted by the statute: Sick leave when needed to care for a family member. Funeral leave or annual leave when needed to make arrangements for or to attend a funeral or memorial service for a family member.

I have had more experience than I would like to have had attending such memorial services, and I am damned if anybody in this institution is going to tell me or anyone else that they can be forbidden the right to attend a memorial service for someone they love.

The only provision in the District statute, the only provision other than the ones I have read to you, the only privilege, as it has been characterized, the only economic goody, as it has been characterized, is optional self-financed health benefits for employees of the District of Columbia. They are allowed, and I quote, to purchase, to purchase family health insurance coverage. That is it.

That, my friends, is what we are being asked to repeal. I fail to comprehend how that could offend any person.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN], the former fighter pilot and colleague of mine in the Committee on National Security.

Mr. DORNAN. Mr. Chairman, I predicted about 10 years ago that I someday would come to this floor and announce a great tragedy in modern American life. Having just gotten the statistics this week from the Centers for Disease Control, the time has come.

More Americans in the prime of life, including thousands of children, have died because of the AIDS virus than were killed in World War II. We are now past 295,000 deaths out of 470,000 some odd reported cases. There were thousands of deaths in the early part of the 1980s that were not reported because of merciful doctors putting down as the cause of death, the proximate cause, because of the immune system collapsing, they would put down cancer or heart attack. So here we are with more people dead of AIDS than World War II, 300,000 rounded off, people who died.

I understand that that horror gives a great deal of passion to a debate on redefining the family. But what I just learned from the gentleman from California [Mr. DIXON], again I point out, my very distinguished friend, that we are covering roommates.

Two very macho heterosexual firemen or policemen who have alternately saved one another's lives in severe fires or shootouts can be rooming together and have developed a true bonding from professional danger shared that they could get health insurance for one another.

I do not know of anybody who has ever been denied going to be a memorial service ever. I never heard of that in my life. I do not know why anybody in a life-threatening situation in the hospital cannot designate a long list of friends that he or she would rather see even than some family members, blood members who have not been too kind to them. I never heard of that until recent times, and that can be easily resolved.

What we are simply debating here in the federally controlled District of Columbia is a redefinition of the family.

I do not know. These heterosexual roommates, two wives who maybe their husbands were killed in a plane crash, they go to know one another through legal process and they became close and their children got to know one another. Now they are rooming together, and they have different economic situations.

Have they come to me and lobbied me that we would like to have all the advantages of the traditional American family? I have never heard of anybody lobbying like that.

Or two Vietnam vets who alternately shared a combat and saved one another's lives and have become roommates, heterosexual roommates, I have never heard of any of them lobbying that we now have to redefine the American family. I am not prepared to redefine the American family.

Vote "yes" on the Hostettler amendment.

So in conclusion, Mr. Chairman, I close with these salient points.

First, we all know that the intent of this law is to officially recognize and sanction homosexual and heterosexual relationships which are outside the bonds of marriage.

Second, some are invoking the Home Rule argument to prevent the repeal of this ridiculous law. This amendment is entirely consistent with the mechanisms of Congressional review under the Home Rule Act. Congress has only delegated authority to the District government, it has not abdicated its constitutional obligations.

Third, this law erodes the legal status of the traditional family and denigrates the sanctity of marriage.

Fourth, if you want to look at reasons why we have too much drug abuse, too much teenage pregnancy, too many problems in our schools, too much crime in America, look no further than the breakdown of the American family unit. I, for one, will not be a party to any measure that tries to break down the family any further than it already is.

Fifth, besides giving health benefits and sick leave to both heterosexual and homosexual couples who are merely living together, this law gives the appearance that the Congress endorses such behavior. It also forces the residents of the District and indeed all Americans to accept the devaluation of marriage and the traditional family unit.

Sixth, this is a vote to keep the Nation's Capital in tune with the values that we are supposed to be promoting.

Mr. DIXON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, the overriding theme, if there is any, of the 104th Congress, appears to be devolving power back to the localities. More than any measure that has come on the House floor today, this is the real test of whether the majority means it.

This, of course, is an utterly redundant provision, because it is already in the bill. The gentleman from Indiana [Mr. HOSTETTLER] raises the ante by saying let us amend the D.C. Code on an appropriations bill.

It is an insult to the District to amend our law and all and certainly in this way.

This is a gratuitously self-indulgent amendment because it rises to do what is already done in the body of the bill. It is one of those easy targets that makes you say, "Why don't you pick on somebody your own size?"

□ 1800

District of Columbia residents feel deeply about bigotry. It may have to do with the fact that many of us are people of color. In my district, most of my residents are Baptists and Fundamentalists.

But, in the District, there is a consensus that gay men and lesbians ought to be able to register and purchase health care if they happen to be D.C. government employees, and this bill has a de minimis effect because it can help only D.C. government employees. So my constituents of every religious background and of every persuasion on the question of gays and lesbians support this bill as applied to gay men and lesbians.

I want you to know who the chief beneficiaries of this bill are given our demographics: Two elderly people living together, a disabled person who cannot live alone, two sisters or brothers living together, a grandchild and a grandparent living together, a mother and a grown daughter living together. That is who you would deny if you deny us the right to pass this bill which power should devolve to pass.

Who supports this provision? the National Council of Senior Citizens, the District of Columbia Nurses' Association, the Gray Panthers, Concerned Clergy of D.C., Churchwomen United, Disciples of Christ. We support this bill. This is our jurisdiction. Let us do with our lives and with our constituents what you might not choose to do. Give us our full rights as American citizens to recognize all of our citizens.

Do not vote for this amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in support of the gentleman's amendment to repeal the D.C. Domestic Partnership Act.

We voted on this last year. We got 251 votes. Basically, what this did is shut down the funding; but we did not have an amendment like this which basically from now on will prevent this from happening.

I ask my colleagues to listen carefully. The District of Columbia is a fiscal nightmare. There is too much spending and not enough savings, a classic example of big government, big spending that was wholeheartedly rejected by the voters in 1994. Priorities must be set. Repealing the Domestic Partnership Act is the perfect opportunity to set some priorities in this House and ensure that funding for nonessential programs will not be sanctioned by this Congress.

Laws that, in essence, allow homosexual, heterosexual couples to cohabitate, register as domestic partners and receive health benefits in addition to other legal rights undermine the traditional moral values that are the bedrock of this Nation. Legitimizing these relationships will only serve to erode our Nation's values. The Domestic Partnership Act is nothing more than a revolving door for people who have no desire to enter into marriage but still wish to receive all the legal and social benefits of the sacred institution of marriage.

We must make it clear that these relationships will not be endorsed by this Congress.

Support the amendment offered by the gentleman from Indiana to ensure that D.C. sets its budgetary priorities straight. Say "no" to irresponsible social experimenting, and let us not tonight redefine the definition of the family. Vote "yes" on this amendment.

Mr. DIXON. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this bill does not implicate, contrary to the previous speaker, any funds. This bill would allow, or rather this amendment would prohibit the District of Columbia law that allows a domestic partner to visit his partner in a hospital, that allows a public employee in the District of Columbia to self-finance family health insurance for himself or herself and his or her domestic partner, self-finance. This has nothing to do with financing. This has nothing to do with the fiscal crisis of the District of Columbia.

This simply has to do with Congress deciding for motives of hatred of gay people and lesbians to reach in and tell local government, "You may not have an enlightened policy."

The gentleman, the previous speaker, said this is beneficial to people who have no desire to marry. There is no jurisdiction in the country which allows a gay person or lesbian person to marry. All the District of Columbia has decided is certain benefits, to visit the sick, to take annual leave, to take leave for bereavement, to bury their domestic partner, that they are entitled to that. But we are going to say no, we will not let you decide that. The hypocrisy of saying that we support local rights, we support home rule, when it has nothing to do with fiscal policy, and then passing this amendment is paramount, is supreme.

I urge a "no" vote on this amendment on grounds of home rule and grounds of simple humanity.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, article I, section 8 of the U.S. Constitution says the Congress of the United States has the authority to exercise exclusive legislation in all cases whatsoever over the District of Columbia. In fact, when the home rule charter was passed for the District of Columbia, that authority was expressly retained because we cannot give it away. Even if we wanted to, we have responsibility for the laws of the District of Columbia, and if they are out of tune with what they should be, with what should be the laws in the United States of America, we as Members of Congress have the obligation, we have the duty, we have taken an oath that says we will act.

Three years straight, the House of Representatives and the Senate in bills that have passed and been signed into law by the President, 3 years straight we have said the law that is now at issue will not be effective, will not be enforced. We have had votes in 1994, in 1993, in 1992, and now in 1995. It is time that we say we make this a permanent restriction.

We do not believe in redefining the family. I heard a speaker say, after all, this measure says that people ought to be treated with the same advantages as if they were married if they are heterosexual and living together. He thought that made the bill better. I say it makes it worse. If you are saying that without benefit of marriage you want to encourage people to live together and redefine the definition of family to include that, the same as a husband and wife, then you are twisting what a family is. You are twisting what marriage is. You are undercutting families in the United States of America.

We have enough problems already. Family decline is at the root of problems in schools, problems in drug use, of too many teenage pregnancies. Marriages might have occurred and now people say, "We don't need to have them because we can have an alternative to family. We can undercut the basic building block of our society." That is wrong. That is wrong to do so. The country will collapse if families collapse, and they are teetering and tottering already.

We do not need the Nation's Capital to say we are going to undercut family values. In fact, we are going to kidnap the very definition of what constitutes a family. We are going to redefine it as though we can improve upon what has given stability and strength to this country for its two centuries plus.

Mr. Chairman, I encourage people to vote in favor of the amendment. Say permanently the Congress of the United States is not going to redefine family and is not going to undercut marriage.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I join the gentlewoman from the District of Columbia for her wisdom in recognizing that there is something to sovereignty.

This bill covers disabled citizens. It covers those unable to care for themselves. It covers the grandmothers living with the daughter trying to protect their life and jointly raising children. Yes, it covers African-Americans, Asians, Latinos, it covers gays and lesbians. It simply covers the human family.

I am somewhat concerned with the new message of the U.S. Congress of States rights. Although I recognize that many time States rights enslaved me as an African-American, I am prepared now to join with them and give to the District of Columbia the privilege of being able to say that they believe in the humanity of all mankind and womankind, if you will, and that they should have the opportunity to rise up to be covered by good health care, to visit their loved ones, to protect grandmothers, protect the disabled and simply run their business.

I do not know why we have nothing else to do and why we feel we must intrude into this process. I simply ask for fairness, ladies and gentlemen, just a simple question of fairness. Treat all people alike.

This is a bad amendment. I would ask you to vote against it and vote for humanity and believe that gays and lesbians are human as well.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, in conclusion, I would just like to reiterate the points that need to be made in consideration of this amendment.

First of all, we have a constitutional obligation in this issue. Article I, section 8, clause 17, is that authority under which I am offering this amendment. Section 601 of the Home Rule Act further returns to the Constitution on Congress' ability to legislate here.

Also, there is the issue of ERISA preemption. We are also considering the moral and legal erosion of the traditional family in this.

We also must then point out, Mr. Chairman, that in all practical terms this legislation has never been implemented. This Congress has never appropriated $1 for the implementation of this legislation in this legislation's history, and so that must be reiterated.

I would like to also point out, as I am, that there is something very wrong with a piece of legislation that says this, that a person may register a new domestic partner after a waiting period of only 6 months. Thereby, a person could feasibly put two domestic partners a year onto his or her health plan every year for the rest of his or her life.

Mr. Chairman, I am coming up very soon now on 12 years of marriage. Marriage is an institution in this country that I believe needs to be edified and exalted, and our Congress should do its part.

I ask for a "yea" vote on this amendment.

Mr. DIXON. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I hope intellectual honesty is still in order. ERISA, schmarisa, this is not about ERISA. This is about people who want to show a dislike and disapproval of gay men and lesbians, and for some odd reason, apparently they find gay men and lesbians more obnoxious if we happen to be in a stable relationship than if we are not.

□ 1815

This is the "Promote Promiscuity Act," I suppose, but people sometimes get into unintended consequences. Let us also be clear the nitpicking of the statute, it is a District of Columbia ordinance, is besides the point. If it were tightened, if it in fact said this is for gay men and lesbians who could not otherwise be married, they would be just as angry.

I did agree with the gentleman from California, who pointed out how many people have died of AIDS, who were well below the normal age at which people die. I welcome his support for greater AIDS funding. Maybe he will explain to the Senator from North Carolina the relevance of that, when more people have died of AIDS than died in World War II.

But I want to address this notion that somehow this undermines the family. Members have said "Well, people are here looking for their approval." Herb and I have been together for 8 years. I want to assure those who have spoken in favor of this, we do not seek your approval. It is of no consequence to us whatsoever.

What we seek is to protect ourselves, and, even more, people more vulnerable than us, from the bigotry and interference that would harass them, belittle them, and deny them basic rights. And you say "Well, you have got to do this. It is not meanness, it is not bigotry. You have got to do it, because it would undermine the family."

That is bizarre. Is your faith in the family of such fragility that you think people are going to learn that Herb and I live together, that Dean and Gary live together, and they are going to leave their wives?

I have said this before. There was a commercial before about V–8 Juice, and there would be this cartoon character. And he would drink an apple juice, and he would drink a tomato juice, and he would drink a carrot juice. And someone would give him a V–8, and he would say, "I could have had a V–8."

What are we, gay men, the V–8 of American society? Are you so frightened that people will see two men living together in a loving relationship, or two women living together in a loving relationship, and that will undermine the family? Shame on those. You are the ones who undermine the family when you trivialize it like this.

If you want to compare, if your view of the family is that materialistic, apparently some of them believe on the other side that if you do not bribe people, they will not stay in their families. If you have that materialistic view, I would say do not worry, because there will still be many, many more advantages. The right to visit someone who is very ill, and that right has been denied to gay partners. It is not purely academic, it has been denied to people. The material balance will still be on your side.

But I have to know what it is, how does this mechanism work? How are we undermining families? And you say, "Well, we don't want the Federal Government to give this stamp of approval." That is a very totalitarian concept of the Federal Government. What happened to your libertarianism? Is it not the role of the Federal Government in fact to let people make their own choices. Are you saying that the people you represent, the people for whom you speak, do not think what they do has value, unless it is stamped "kosher for Passover" by the Federal Government, the necessary changes being made?

I do not understand the logic here. In fact, what has happened is the District of Columbia, and, by the way, I am also struck, I guess maybe the New York Times is going to have to recall the issue of a couple weeks ago with the picture of Marion Barry and NEWT GINGRICH on the cover, the two pals. Speaker GINGRICH said he is for home rule. What, until bigotry says otherwise?

We are not talking about the constitutional right to do things. We have a constitutional right to do a lot of things. The question is whether or not we should do it.

What is it that drives us to say that we will strike from the books something that was democratically done by the elected people of the District of Columbia? "Well, it is going to undermine the family." I have asked and asked and asked again, how does the fact that Herb and I share a residence in the District of Columbia, and care for each, and love each other, and wish to spend our time together, how does that undermine your family? What is it about our life that is going to tear asunder these family ties?

What we are talking about, and this makes it very clear, we are not talking about a threat to the family. We are talking about people who cannot abide, apparently, people differing with them. That is what we are talking about.

I have no desire to abandon families. Ten days ago Herb and I were hosts to his sister and brother-in-law and their two children, and then my niece came down. We are both members of loving, extended families. We interact quite well with our families.

This is an absolute tissue of lies, this assertion that you are doing this to protect the family, because anyone who understands families, who understands what the emotion really is that brings families together, could not think that we undermine the family.

I would ask the Members to vote with the earliest speaker in favor of home rule, and not with this effort to impose bigotry on the people of the District of Columbia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 172, answered "present" 1, not voting 10, as follows:

[Roll No. 759]

AYES—249

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fields (TX)
Forbes
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—172

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gunderson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rangel
Reed
Richardson
Rivers
Rohrabacher
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Thomas
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
White
Williams
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—1

Obey

NOT VOTING—10

Chapman
Fields (LA)
Harman
McDade
Moakley
Murtha
Thornton
Tucker
Volkmer
Weldon (PA)

□ 1840

Mr. BONO, Mr. BALDACCI, and Ms. BROWN of Florida changed their vote from "aye" to "no."

Mr. NEY and Mr. FORBES changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALLARD) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2446) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, due to a family obligation, I was not present to vote.

If I had been present, I would have voted "no" on rollcall 757, the rules resolution for the District of Columbia Appropriations Act; "no" on rollcall 758, the Bonilla amendment revoking the D.C. property tax exemption for the National Education Association; and "no" on rollcall 759, the Hostettler amendment repealing the District of Columbia's Domestic Partnership Act.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–

304) on the resolution (H. Res. 253) waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on House Oversight, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Science, and the Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. ALLARD). Is there objection to the request of the gentleman from Florida?

There was no objection.

ORDER OF BUSINESS

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the order of the 5-minute special orders granted today to Ms. ROS-LEHTINEN and Mr. CLINGER be transposed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPUBLICAN RESPONSE TO DYING ON THE VINE

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, I just must respond to the comments made by the gentleman before me because they are simply not true.

What the Speaker has said in a speech last week was he would like for the Health Care Financing Administration to wither on the vine. So would I. So would everyone.

As we take Medicare into more private markets with managed care opportunities and private insurance opportunities, we hope that the Health Care Financing Administration, which has strangled health care with regulatory burdens, does indeed die on the vine.

Let me also point out that in 1965 when Medicare was passed, nearly half of the Republicans then in this House voted in favor of it. That should be pointed out again. Nearly half of the Republicans supported it. Over half support it now. Nearly all of us want to fix it, preserve it, protect it. But allowing erroneous statements to be made simply is not helping the process.

HCFA, the Health Care Financing Administration, should wither on the vine. Medicare will be better for it.

Mr. Speaker, the text of the speech by Speaker GINGRICH follows:

[From the Washington Times, Oct. 27, 1995]

GINGRICH SAYS HALT MONOPOLY

Text of House Speaker Newt Gingrich's remarks before a conference of Blue Cross and Blue Shield on Tuesday.

Now let me talk a little bit about Medicare. Let me start at the vision level so you understand how radically different we are and why it's so hard for the press corps to cover us. Medicare is the 1964 Blue Cross plan codified into law by Lyndon B. Johnson, and it is about what you'd—I mean, if you all went out in the marketplace tomorrow morning and said, "Hi, I've got a 1964 Blue Cross plan," I'll let you decide how competitive you'd be. But I don't think very.

So what we're trying to do, first of all, is say, OK, here is a government monopoly plan. We're designing a free-market plan. Now, they're very different models. You know, we tell Boris Yeltsin, "Get rid of centralized command bureaucracies. Go to the marketplace." OK, what do you think the Health Care Financing Administration is? It's a centralized command bureaucracy. It's everything we're telling Boris Yeltsin to get rid of. Now we don't get rid of it in Round 1 because we don't think that that's politically smart and we don't think that's the right way to go through a transition. But we believe it's going to wither on the vine because we think people are voluntarily going to leave it—voluntarily. Notice the difference, again, from the Clinton plan. No one under our plan is coerced into doing anything.

☐ 1845

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HEARING "PROP" INCIDENT DOES NOT MERIT ETHICS INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, halloween is over and it is time to take off the masks and reveal to the American public the truth about the so-called ethics matter regarding a prop used at a recent subcommittee hearing in the Government Reform and Oversight Committee. The truth is that this issue is really about partisan politics. I shouldn't have to be here tonight, or for that matter none of us should be. I find it truly discouraging when Congress has so many urgent matters at hand, balancing the budget, health care, and education, just to name a few, we find ourselves having to spend time and money addressing a matter that deserves nothing more than a brief explanation and an apology. Both of which have already been done.

I hope tonight that once and for all we can put an end to discussing this issue—we are beating a dead horse. Many of us, like myself, are sick and tired of discussing this nonissue. Clearly, this whole incident has been exaggerated and blown way out of proportion.

Let me clarify exactly what happened. On September 28 as part of a hearing conducted by the National Economic Growth, Natural Resources, and Regulatory Affairs Subcommittee a prop was prepared to show that certain organizations received Federal grants. The prop, a large chart prepared by HIS, was a reproduction of the organization's letterhead and showed in red ink the amount of Federal funds received by several members of the organization. The exhibit was xeroxed on letter size paper so that those that might not otherwise be able to see the easel could review it, including members of the press, and was released before the prop itself. The prop did not include any identifying information on it as to who prepared it as many hearing props do not; it was to be used for questioning a witness as to whether the information on the chart was accurate. No one who saw the prop or document would believe that it was put out by the organization itself.

Was there a crime committed? Was there a conscious attempt to deceive? Was this a forgery? The answer to each of these questions is a resounding no. This whole incident is being blown out of proportion. What did occur is that a new staffer on the Hill simply made an error. A human error. Nothing more, nothing less. Our Democrat colleagues want to spend more taxpayer money on trying to pursue an ethics violation. However, if one looks at the history of the types of ethics investigations brought before the House in the past they are far more serious charges, such as bribery or sexual harassment. There is no basis for comparison. The one incident referenced last week regarding a staffer who in 1983 intentionally and maliciously altered transcripts, which are official records of the House was a concern because of the legal nature of the document as legislative history. There is a big distinction between a prop used at a hearing to question a witness and altering the official records of the House. There is absolutely no precedent in the history of the House for bringing up an ethics charge based upon the unintentional actions of a staffer creating a prop for purposes of questioning a witness at a hearing.

In fact, we all make errors. I would like to expose some of the inaccuracies expressed last week in speeches given by my Democrat colleagues with regards to this incident. I will give them the benefit of the doubt, and assume that they too were errors. First, it was stated that Subcommittee Chairman MCINTOSH did not issue a letter of apology for some time, but in fact, a written letter of apology was issued that very same day. Second, it was stated the motion to table Mrs. SLAUGHTER's resolution was voted down twice—when in fact it was only voted down once by the House. Third, this incident is being mischaracterized as a criminal forgery. This is erroneous. For the record, according the Perkins' casebook defining criminal law the term "forgery" means the fraudulent making of a false writing having apparent legal significance. This prop had no such legal significance; it was not done intentionally, and it was not done to deceive. It was intended to be used for the purposes of questioning a witness during a hearing.

Mr. Speaker, there was no forgery and there was no crime committed. What I find most embarrassing and upsetting about this entire incident is the amount of time and money spent by Members discussing it on the House floor. There is nothing more to discuss—so let's be done with it and get on with the business that the taxpayers sent us here to do.

HOLDING DEBT CEILING HOSTAGE WILL HURT WORKING AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, in the past 220 years, America has been through 10 wars, the westward expansion, a Civil War, the Industrial Revolution, the Great Depression, Naziism, and Communism. This Capitol that we reside in right now was even burned in 1812, I believe.

Mr. Speaker, through it all, through all of that, for 220 years, the government has paid its bills. It has always paid its bills. But now Speaker GINGRICH is threatening to put it all at risk.

The Washington Times pointed out last Thursday, in order to force through the extreme Republican budget, they pointed out by the way which would cut Medicare to pay for tax breaks for the wealthy, they pointed out that the Speaker is threatening to throw the U.S. Government into default for the first time in our history.

In order to ram through their Medicare cuts, Speaker GINGRICH is willing to use the debt limit to blackmail the President, to hold America's working families hostage, and put us in league with some of the Third World nations who have not met their obligations over the years and who do not honor their promises.

Mr. Speaker, this just will not be an international embarrassment or an embarrassment that breaks records of historical precedence. It is going to have a devastating impact on the men and women, the working men and women in this country. It is going to affect them directly.

The debt ceiling affects interest rates. If we do not pay our bills, interest rates are going to go up. Some people say they are going to shoot through the roof. The Gingrich interest rate increase will mean that Americans will pay more for car loans; they will pay more for school loans; they will pay more for credit cards.

Worst of all, every family that has an adjustable mortgage rate, they have an ARM, and there are literally millions of Americans who have these financial instruments to pay for their mortgage, they will see their payments go up right around Christmas time.

New home buyers could easily see a $600 mortgage increase. That is what is at stake when we talk about the debt limit, and when we talk about holding it hostage, and when we talk about for the first time in 220 years not paying our bills.

Mr. Speaker, this will have an effect on the pension funds of senior citizens and the savings plans of many people who have payroll deduction plans.

One Republican Member on this side of the aisle even suggested that they should use all the tricks up their sleeve. He suggested that Republicans let the Government go bankrupt, even if it means delaying tax refunds next year. He even suggested that we not put payroll tax receipts into the Social Security trust fund.

Keep in mind, this comes from the same party which had a Congressman define the middle-class last week as those people who earn between $300,000 and $750,000 a year, and he defined the lower middle-class as those making between $100,000 and $200,000 a year. I would sure like to live in his neighborhood.

Mr. Speaker, the Gingrich budget passed last week slashes Medicare and slashes Medicaid; it cuts student loans; it repeals nursing home standards, all to pay for tax breaks for the wealthiest individuals and the wealthiest corporations in America.

Speaker GINGRICH says we have to default on our debt in order to get the budget passed. Mr. Speaker, I say they have to drop these irresponsible tax breaks for the wealthy. We stand with the President and we stand solid and we say to the President, "Hold firm, Mr. President. You are doing the right thing."

REPUBLICAN ATTEMPTS TO BLACKMAIL PRESIDENT WILL REQUIRE AMERICANS TO PAY RANSOM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, this afternoon the Republican leaders in the House and Senate went to the White House in an attempt to blackmail the President into signing their extreme budget.

Democrats and the President are opposed to the Republican budget because it includes deep cuts in Medicare and Medicaid and because it increases taxes on working families, while cutting taxes for the wealthy.

The President has promised to veto the budget unless changes are made to protect seniors, children and working families from bearing the brunt of GOP cuts.

But now, Speaker GINGRICH and the leader of the other body are attempting to blackmail the President by threatening to throw the government into default if the President doesn't sign their extreme budget. It's a very dangerous game. Playing politics with our economy is bad news for both Wall Street and Main Street. The Speaker's irresponsible threats sent shock waves up and down Wall Street. But, the real impact of the Speaker's ill-considered political gambit will be felt on Main Street. Once again, working families will be hurt the most.

In fact, the Speaker's threat to throw Government into default will amount to a Christmas tax on working families. You see if the government goes belly up, interest rates will go up and up. What does that mean? Well, for starters, it would mean higher mortgage, car loan and credit card payments.

For millions of working families with adjustable rate mortgages, increased interest rates will increase, just in time for Christmas.

If the Speaker forces the Government into default, Americans can expect to ring in the New Year with higher car loans and credit card payments.

In fact, a Tuesday Washington Times story explained that Republicans are so committed to their blackmail strategy that they would be willing to allow the Government to default, even if it means they will have to delay income tax refunds next year.

Mr. Speaker, this is the quote from the Washington Times, Tuesday, October 31:

> Representative Nick Smith, the Michigan Republican who heads a 130 member House coalition that wants to use the debt limit as leverage to force Mr. Clinton to sign the Republican budget, said he believes the Treasury could go through January without a debt increase, and if it delayed income tax refunds next year, it might last through spring.

So, in fact, the gentleman does not really care if people do not get their income tax refund, if the interest rates go up, and people have to pay a higher mortgage payment, car loan payment, or credit card payment.

Mr. Speaker, raising mortgage rates for homeowners and denying tax refunds to hard-working Americans is wrong. But, that's what this GOP gambit will mean to working families in this country.

It's hard to believe that Republicans are willing to bankrupt the country. What's worse is that this is all being done to force the President to sign a budget that will further devastate working families.

It's a budget that would repeal Federal nursing home standards. That's right. The House budget would end minimum protections for senior citizens in nursing homes, opening the door for a return to the health care dark ages of bed restraints and mind-altering drugs.

It's a budget that would increase taxes on working families, while decreasing taxes on millionaires. By changing the earned income tax credit, the Republican budget means that working families will pay higher taxes last year. In my district, this budget will raise taxes on 14,309 working families.

It's a budget that would allow big corporations to raid the pension funds of their workers. This budget repeals current penalties for pension raids and allows companies to dip into their employees' retirement money for any reason whatever. In my State, it will mean that $6.5 billion in retirement funds will be at risk.

Eliminating nursing standards, raising taxes on working families and allowing giant corporations to squander their worker's retirement benefits have nothing to do with balancing the budget. They have everything to do with the upside-down priorities of the GOP majority.

Let's not play politics with working families' monthly mortgage payments. Let's not play politics with working people's tax refunds. Let's not play politics with the financial markets.

Republicans are attempting to blackmail President Clinton into signing their extreme budget bill, but it is working Americans who are being asked to pay the ransom.

□ 1900

SEQUENCE OF SPECIAL ORDER

Mr. SMITH of Michigan. Mr. Speaker, since my name was invoked by the previous speaker, I would ask unanimous consent that I be allowed to go out of order with my 5 minutes and speak at this time.

The SPEAKER pro tempore (Mr. ALLARD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE DEBT CEILING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, first I would like to ask the previous speaker if I could have that chart. It is a beautiful chart. It must have taken several dollars to construct that chart.

Let me tell you, Mr. Speaker, and our colleagues what is happening with the efforts of the Republicans to reach a balanced budget. In Kemp-Roth in the early 1980's, we talked about reaching a balanced budget and we set out a plan and we failed. In 1986 and 1985, Gramm-Rudman again tried to develop a plan and a proposal to reach a balanced budget and, again, we failed. In 1990 the same thing happened.

Now we are talking about a situation where we have increased the spending of this country from $370 billion in 1970 to the $1.5 trillion that we have today. Back in 1970, $370 billion. Today the interest on the public debt is almost that.

Last year the interest on the debt that is subject to the debt limit was $330 billion. This Congress, politicians in Washington, Members of the Senate, Members of the House, the White House have found it to their political advantage to spend more money to do things for people, and they have decided that maybe increasing taxes is not so popular so what we have done is expanded our borrowing.

Do you know what we are doing when we borrow all this money and go into debt like we are today? We are saying to our kids and our grandkids, we are going to make you pay this back out of earnings and wages that you have not even earned yet, possibly that you have not even had a chance to go through school yet, and yet we are saying to you that our overindulgence today is going to be paid for by your earnings 10, 20, 30, 40, 50 years from now.

How do we get to a balanced budget? Well, the debt limit and the vote on increasing the debt limit is not a way to have leverage. It was used in 1985 and 1986. In fact, we have increased the debt limit of this country 77 times since 1940. I mean it has become a way of life. Nobody seems to care.

The consequences of that debt are now devastating the kind of economic expansion we could have. We had four individuals from Wall Street down to Washington today. They came down to talk to Members of Congress about what they thought the consequences of not sticking to our guns and not achieving a balanced budget was going to be.

They simply said, look, you are halfway through this stream. If you do not stick to your guns, you are going to see the stock market fall. You are going to see the bond market fall, and you are going to see more chaos than if you stick to your guns.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Is it not true, though, that what you want to try to do here with this debt limit is use it as leverage, as you have said, in order to force the President on the budget? That in itself has created chaos on Wall Street.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Speaker, that is exactly what we are trying to do. We are trying to use the debt ceiling vote as leverage to force not only the President but those 160 of us, it was not 130, it was 160.

We sent the letter to BOB DOLE. We sent the letter to NEWT GINGRICH. We said, look, our interest is in achieving a balanced budget. We know it is going to be difficult. We know it is going to be hard, but here is what we are saying. We are saying we are not going to vote to increase that debt limit unless we get on an absolute glide path to a balanced budget.

Now Stan Druckenmiller came down from Wall Street today; James Capra came down from Wall Street; Edward Hyman, ranked the number one economist for each of the last 16 years came down here today, and Kenneth Langone came down here today.

Ladies and gentlemen, what they said is, you have got to stick to your guns. If we do not stick to our guns, we are going to perpetually continue to spend and tax and borrow. The question to the American people is, do you want a bigger government with more taxes or do you want a smaller government with fewer taxes? I mean, that is the question. The American people answered it last November. They are now giving us a chance to fulfill that commitment.

Go home and ask your constituents that question.

ALLIANCE FOR JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, in the past few months observers in this House may have noticed a lot of floor time being dedicated to attacks on our Subcommittee on Regulatory Relief, my character, and the character of the staff. These attacks have centered around a hearing that was held at the end of September in our subcommittee. The gentleman from Pennsylvania [Mr. CLINGER] addressed some of those issues in his 5-minute remarks earlier. I wanted to explain to the body today exactly what happened at that hearing so that each Member can decide what is at stake in this discussion.

For several months now, I have been working to enact a law that is designed to prevent the taxpayer subsidy for lobbyists here in Washington. For years it has been one of Washington's dirty little secrets that thousands and thousands of groups receive taxpayer grants. A small subset of them have become quite wealthy and use that money to hire their lobbyists to promote more and more spending here in Congress.

Now, along with the gentleman from Oklahoma, Mr. ISTOOK, and the gentleman from Maryland, Mr. EHRLICH, now Senator SIMPSON and Senator CRAIG, we have a bill that will put an end to that and put an end to an outrage of the taxpayer subsidizing the lobbyists here in Washington. But as President Reagan has said, it gets dangerous if you get between the hog and the bucket. So many of those lobbyists are now attacking us personally as we move forward with that effort.

The House Subcommittee on Regulatory Affairs, which I chair, has held four hearings into this, into the use of taxpayer funds by lobbying groups here in Washington. The last hearing was on September 28. At that hearing, the subcommittee invited one of those lobbyists, Nan Aron, who is President of the Alliance for Justice, to testify. The Alliance for Justice is a nonprofit charity that has annual revenues of about a million dollars.

The Alliance for Justice spends most of its time educating other nonprofit special interest groups on how to engage in lobbying.

The Alliance for Justice has about 30 members. Many of those members receive millions of dollars in Federal grant money and end up paying dues to the Alliance for Justice which end up funding their lobbying activity.

In many ways, this is a money laundering scheme in which the taxpayer dollars go out as grants to groups and end up subsidizing the efforts of lobbying by the Alliance for Justice.

Hillary Clinton's Children's Defense Fund, the American Arts Alliance, the Consumer Union, the Teachers Union and National Education Association, and the National Organization for Women's Legal Defense Fund are but a few of those members who contribute to the Alliance for Justice.

In preparing for this particular hearing, I asked the staff to prepare a series of questions for the Alliance. Where do they receive their money? Do they receive an indirect subsidy from members who receive Federal grants? The Alliance responded only in part to those questions and said they did not receive any Federal money themselves, but they declined to answer what type of subsidies their members received.

So I asked my staff to illustrate the point to prepare the following chart, which is a blowup of the letterhead of that group that shows that several of their members do indeed receive Federal grant moneys totaling over $7 million.

Now, the purpose for this blowup was to demonstrate how this money laundering scheme operates in this particular group. As we engaged in the hearing, we asked the chart to be available in the hearing room, and the committee staff also prepared a smaller 8-by-11 version of this chart to make available to the press and to the public who may not be able to see it.

The plan was that we would demonstrate the poster and then place the flier in the committee room so that anybody who was interested could have a copy.

Unfortunately, what happened was the fliers ended up out on the press table in advance of the poster. This created some confusion because it was claimed by Ms. Aron and members of her group that it looked like it was their letterhead that was being used to make this point, because now that it was an 8-by-11 piece of paper, it looked like it was a Xerox of their letterhead. I think most people who will look at this document will know that this is not any type of alleged forgery but is in fact a demonstration of how this money laundering scheme works.

Now, my staff ended up answering questions about who prepared the document. We immediately told people when asked at the subcommittee hearing, this is a document that we have prepared, based on research in our subcommittee on how the taxpayer dollars are used. And I apologized later that night to Ms. Aron for any confusion with the use of their letterhead. But nonetheless, the attacks continue because they do not want the American taxpayer to see how their money is being used.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I have to say I was amazed to hear the gentleman from Michigan who previously spoke to actually admit that the Republican leadership is using the debt ceiling as leverage in a political way. The effect on the economy, as was mentioned previously by the gentlewoman from Connecticut, is incredible. To think that the Government might go into default in order to achieve a political purpose on the part of the Republican leadership is incredible to me.

I do not think that the voters last November, when they went to the polls, thought that they were voting to put the Federal Government in debt, into default. I was just reading from American history, remember when I was in grade school, how proud we are that over the history of the American Republic we have never defaulted on our debts and how important it was to just get our financial act together from the beginning of the United States to make sure that we would not default on our debts. Here is a Member of this body saying that the debt ceiling is being used as leverage in order to accomplish a political purpose. To me it is shocking. I cannot believe that he actually admitted that that is the case.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, is the stated goal of the gentleman from Michigan [Mr. SMITH] to bring about a balanced budget or to bring about political gain with the President of the United States? It is, in my judgment, to bring about a balanced budget. Nothing else has worked.

Mr. PALLONE. Mr. Speaker, reclaiming my time, the point of the matter is that the gentleman from Michigan admitted that he was using the debt ceiling and the possibility of default for political purposes. Even if that political purpose is that somehow he sees in the long run that he is going to balance the budget, the effect of the Government possibly going into default and what that would mean for the economy, what it would mean for the millions of people who would see their interest rates rise and their mortgages have to go up, to me it is just totally irresponsible.

I think that he points out the truth. That is exactly what the Speaker is threatening to do, to let the Government default in order to bully the President into signing his budget bill. I think it is totally uncalled for. At least the gentleman from Michigan was willing to admit it, but it is shocking to me that that is in fact the case.

I wanted to speak, if I could, about the budget bill. As a member of the conference, the bottom line is the House and the Senate, of course, passed different budget bills and now have to get together, and there is a conference for that purpose to try to get the two versions together.

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One of the things that I wanted to mention as a conferee, as a person who is going to be part of that conference, is that if is very possible and, I think to some extent, the Senate is already recognizing it is very possible, to essentially take this budget and minimize the tax cuts for the wealthy and the tax increases on the low- and middle-income working families in order to restore Medicare and Medicaid to programs that continue to provide quality health care. The problem I have right now is that this Republican budget bill essentially is destroying

Medicare and Medicaid health care programs for the elderly and also for poor people in this country in order to pay for a tax cut for the wealthy. Medicare is cut $270 billion; Medicare, $270 billion. Medicaid, about $180 billion, and yet we have a tax cut that primarily goes to wealthy Americans that is $245 billion.

So, if in conference or if at some time later, after the President vetoes the bill, we actually were to decrease that tax cut and take back the tax cut from many of the wealthy Americans, we can put more money into Medicare and into Medicaid so that they are continually viable programs, and that is what needs to be done, that is what hopefully this conference will manage to do or ultimately will be accomplished when the President vetoes the bill and it comes back.

I wanted to mention two points, if I could, as part of this Medicare and Medicaid debate. There has already been an effort on the part of the Senate, and if you look at the Senate bill versus the House bill in two areas that I think are very beneficial if we can get these changes, one is that the Senate-passed provisions continue to apply Federal nursing home standards unlike the House bill, and secondly, the Senate-passed provisions require continued Medicaid coverage for low-income pregnant women and children and for disable persons.

One of the worst aspects of this House bill is that in fact what it does is to take away standards for nursing homes. Essentially what it means is that the nursing homes are up to the will of the State if the State, of New Jersey for example, decides that it does not want to have any kind of standards for nursing home care.

So I am hopeful that, when we get to conference, we can at least address those issues, trying to bring back the nursing home standards and trying to provide some guaranteed coverage for the disabled, for pregnant women, and also for children.

QUESTIONS FOR COLIN POWELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I say to my colleague, "LINCOLN DIAZ-BALART, my colleague from Florida, what a week; huh? What a day."

Mr. Speaker, I only have 5 minutes tonight. I could have spoken about one of the greatest pro-life victories in the last 20 years, at least since I was sworn in on January 4, 1977. I could speak about this excellent victory, the very last vote tonight where we have locked in permanently a ban on any redefining of the American family. I could talk about some battles I have been having with the liberal press of late trying to distort my flying record in the Air Force. I wish I had flown helicopters, but Newsweek is wrong. I flew jet fighters, and I wish I had done both, but I did not, and I did not crash one airplane, let alone four, and we are working out some sort of an apology or retraction with Newsweek as we speak. The Hill, one of our little local papers here, accused me of an ethnic slur that is really disgusting. If it were not at the end of the year with every precious minute for legislative time on the House floor, I would take an hour. You freshmen should know this, Robert of Maryland. One-hour point of personal privilege, not if they attack you on radio or television; it is an old law, two centuries old If you are attacked in writing and it slurs your character, you can stand up at any point in the day and say, "Mr. Speaker, I have a point of personal privilege." Everything comes to a screeching halt and you get 1 hour to defend your honor, and in an age devoid of heroes, when honor does not seem to count for much in many pursuits of life, honor is everything we have in public life.

But I am not going to talk about any of that. I want to talk about what Haley Barbour, chairman of the Republican Party, did. He sent me a free copy of U.S. News & World Report on top of the one the U.S. News puts in our office anyways. Thank you, Mort Zuckerman, and it says on the cover: Republican National Committee, Haley Barbour, chairman. Every time you start to worry about how we are doing, the Republicans, I want you to remember how they are doing.

So, I lifted up this little Haley card, and it says the Democrats, is the party over? They know they are in trouble, and it is even worse than they think. And here is a little donkey sitting on a gravestone. I remember when they did this to the Republican Party after Goldwater brought us down to 143 only on our side, the lowest since the Depression, and then Nixon, Lord rest his flawed career and wonderful soul, he brought us down to 143 the year I came, in 1977. We were 143, 144 2 years before that, and they wrote the Republican Party off.

So, is the party of Jefferson, the great American patriot who said, "The least government is the best government," over? Is the party of Andy Jackson, who redefined the Presidency and is one of the most ignored great Presidents of our time, is his party over? I do not think so. Maybe the party of Franklin Delano Roosevelt and flirtation with socialism is over, but before we write off the Democrats, I have a way to save the Democratic Party and to save the two-party system, and here it is:

Mr. Speaker, did you read George Will's column in Sunday's paper, 22 questions for Colin Powell? Well, I have 22 more questions that I am going to submit for the RECORD tonight for Colin Powell because guess what? My pal, Colin, No I recommended him to George Bush in 1988 in writing—thank you, right in the nick of time—in writing that I want George Bush to pick Colin Powell. I did not know if Dan Quayle was on a short or a long list, but I wanted him to pick Colin Powell, and that was 7 years ago. And Colin knows I think well of him, but I found out from his strange answers to a lot of questions and volunteering that he is a Rockefeller Republican, he is a Democrat, and he would make a superb Democrat of character and integrity. If Colin Powell would declare as a Democrat against Bill Clinton in New Hampshire, he would whip him good. He would save the party of Jefferson and Jackson. The American people would have one wonderful choice 1 year from this week on the 5th of November in 1996, and the two-party system would be saved. But by Colin Powell, a moderate Democrat of great character, coming into the Republican process, mucking it up, he emboldens Pat Buchanan, he unleashes all these other multimillionaires, the billionaire Ross Perot gets energized and goes like a bull in the China closet destroying the whole process, and look what this very same article says:

Writing off the Democrats; is the party over? Powell counts the days and strokes the Democrats. He has already said he could be either one. It says that Richard Armitage, my pal and Colin Powell's close friend, called the Democratic Leadership Council, what is left of their moderate wing, to congratulate them on their approach to affirmative action.

What is going on here? Colin, if you are listening, and I understand you are watching some of the Presidential debates, I hope you are taking notes. Here are 22 questions for you, Colin. I will see how many I can get through before the hammer gets down.

The list of 22 questions for Colin Powell in its entirety is as follows:

TWENTY-TWO QUESTIONS FOR COLIN POWELL

1. General, do you oppose the use of U.S. ground troops in Bosnia?
2. Should the debt ceiling be raised without a specific plan to balance the federal budget?
3. Should the $500 child-tax credit be a part of this year's budgetary plans to help ease the financial pressures on the American family?
4. Should the Consumer Price Index be lowered in order to reduce payments to federal beneficiaries?
5. Should agricultural policy be fundamentally changed in order to adhere more to free market principles?
6. Should capital gains tax cuts be made?
7. Should U.S. troops ever be placed under foreign/U.N. command officers and NCOs and if yes, should Congress place strict limits on such command and control arrangements?
8. Should women be allowed into combat? Can they opt out on eve of deployment where raping and torture of POWs is common practice?

9. Why didn't you resign as Chairman of the JCS in protest over President Clinton's policy of lifting the ban against homosexuals in the military or the equally offensive cancellation of the regularly scheduled pay raise for active duty soldiers?

10. After supporting the Bush Base Force Plan, why did you then support the Clinton Botton-Up Review defense plan which, by some accounts, is under funded by as much as $150 billion?

11. What would you do with regards to the growing threat of ballistic missiles including specific programs such as Navy upper-tier and the 24 year old ABM Treaty with the melted down Evil Empire?

12. Should foreign aid to the former Soviet Union (including our DoD funding) be conditioned to ensure Russia actually dismantles offensive nuclear, biological, and chemical weapons programs?

13. Should dual-purpose technology be transferred to communist China while China proceeds with a dramatic military buildup?

14. Should human rights and democratic principles be heavily considered in granting Most-Favored-Nation trading status to totalitarian nations like China or Vietnam? Should we keep sanctions against Fidel Castro's oppressive regime in Cuba.

15. Should the United States have diplomatically recognized Vietnam while questions remain unanswered by the communists in Vietnam about what they know concerning Americans still listed as POW/MIA, such as extensive Politburo and Central Committee records?

16. Should Clinton have been allowed to financially bail-out Mexico without congressional approval or oversight?

17. Should the nations of Poland, Hungary, the Czech and Slovak Republics be allowed into NATO? If so, when? Why not Poland in 1996?

18. Should Chile be allowed to join as a member of NAFTA?

19. Should partial-birth abortions be outlawed? And except for life-of-the mother, what about banning all abortions in military facilities?

20. Should groups that receive federal money be allowed to lobby Congress for further funding, i.e. the AARP?

21. How should the U.S. better protect its sovereign borders to illegal immigration and enforce U.S. laws?

22. Should Hillary Clinton be subpoenaed to testify in regard to her phone conversations with Maggie Williams and Susan Thomases the morning of July 22, 1993 the day that Bernard Nussbaum blocked investigators from properly searching Vince Foster's office?

P.S. Can you tap your friends in the National Security Community for believable cost figures on Haiti and Bosnia through September 30, 1995?

Mr. Speaker, the others I submit for the RECORD, and I will take an hour special order tomorrow. Read all of George Will's 22, my 22, and hope that Colin Powell will give us some answers before the debate in Florida on the 18th where I hope the gentleman from Florida [Mr. DIAZ-BALART], will introduce me.

INNOCENT MISTAKE TRANSFORMED INTO AN ETHICS COMPLAINT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. EHRLICH] is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, I yield to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. EHRLICH, I wanted to conclude my remarks from earlier and just to say that, regardless of these types of attacks on our subcommittee and the process there, we do not feel that that should be the type of debate we have in this Congress. What we are going to do is continue on the merits of our bill that will protect the taxpayer and end the taxpayer subsidy for lobbyists here in Washington, and I look forward to working with my colleague from Maryland in doing that.

Mr. EHRLICH. If the gentleman will stay right there, I hope the American people are watching this tonight, Mr. Speaker, and I would like the gentleman in very concise terms to go before me in 2 minutes the facts of what was set out earlier.

From my understanding, you have a hearing, you were the subcommittee chair, a mistake was made, a prop was made, a mistake was made by a staffer; correct?

Mr. MCINTOSH. We should have used the prop first and then distributed the smaller version.

Mr. EHRLICH. It was distributed prior to the time it should have been distributed; is that correct?

Mr. MCINTOSH. That is correct.

Mr. EHRLICH. When you found out about this mistake performed by the staffer, what did you do?

Mr. MCINTOSH. At the hearing I told people this is our document. We intended to make the point this way, and that evening I sent a letter of apology to Miss Erin saying, if there was any umbrage taken, it certainly was not our intent.

Mr. EHRLICH. And to my colleague how long was the offending piece of paper on the desk for public consumption? Do you know?

Mr. MCINTOSH. I am not sure exactly how long it was there. It did not take long before we were asked about it, and the staff withdrew the document and have since then reissued it with a disclaimer that this information about the grants comes from the subcommittee.

Mr. EHRLICH. The irrefutable facts, however, are once I found out the staffer had made a mistake, you ordered it off the table, you offered an immediate apology, at least you recognized a mistake had been made publicly; correct? And that evening you wrote a formal letter of apology; is that correct?

Mr. MCINTOSH. That is correct.

Mr. EHRLICH. Now, Mr. Speaker, a political culture that encourages this scenario to be transformed into an ethics complaint against my colleague from Indiana is not what the American people have a right to expect. A political culture that seeks to personalize innocent, innocuous mistakes and attacks a Member of this body personally not on the issues, not on political philosophy, not on political orientation, that is all fair, I would submit, to the general public and the Members of this body, but a political culture that requires even a personal attack against my colleague from Indiana on these facts is broken, and I thank my colleague from Indiana for his indulgence.

Mr. Speaker, the bottom line to this entire situation, as the chairman of the full committee stated, as the chairman of the subcommittee stated tonight, we were sent to Washington to change this culture, and if there is one thing I hope we can claim success on come November 1996, and I will direct this comment to my colleague from Indiana, it is that we change the culture that seeks to personalize innocent mistakes. Where I came from, in a State legislature, this is a nonevent.

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Here, it is an ethics complaint. I submit to the people of this country, this is not what they voted for November 8, 1994. I am making it my business, and I want the Members to know, and I want every Member of this body to know that this has to stop. I thank my colleague for his indulgence.

Mr. MCINTOSH. Mr. Speaker, if the gentleman will yield, let me say that I wholeheartedly agree, that we need to get to debating the facts. In this particular case, I think what is feared more than anything by these groups is that we will succeed in telling the American people about how their tax dollars are being used. In this case it was $7 million that indirectly went to benefit this lobbying group through a laundering scheme. Interestingly enough, when I asked Ms. Aron at the committee hearing to help us bring out those facts and to tell us if she did not agree with these dollar amounts, how much Federal subsidy there was, this was her response.

Mr. EHRLICH. Let me understand this now. This quote that you have produced was her response, and that is the reason the entire document was generated in the first place?

Mr. MCINTOSH. She said, "We are not going to tell you, Members of Congress, how much taxpayer dollars go to our membership, how and whether that taxpayer dollar is being used to subsidize our lobbying effort." In a typical kind of arrogance that has grown up in this city of people who have gotten used to living off of the taxpayer dollars, she said, "I will not. I will not go into the amounts of Federal monies that my members receive." To me, we owe it to the taxpayer to tell them that information.

Mr. EHRLICH. Mr. Speaker, if only our opponents would debate the issue on the merits.

THE VA-HUD-INDEPENDENT AGENCIES CONFERENCE REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

REGARDING ATTACKS ON MEMBERS AND THEIR REPRESENTATIVE DUTIES

Mr. DORNAN. Mr. Speaker, I want to say to my distinguished colleague, the gentleman from Pennsylvania, that I just went up and checked our own House manual book, our rules manual. It is in every office. On page 360, you will read that an attack upon a Member about his representative duties is a bona fide point of personal privilege. I would recommend that you do what I said I would not do myself to correct some attacks on my honor. I will not waste the committee's time, because they were more personal. But that is an attack on the whole freshman class, on me, on all of us, on what we are trying to do. I would recommend you do it in the middle of the day tomorrow, or as soon as you can next week, check it with the Speaker, but not——

Mr. GEKAS. And not tonight.

Mr. DORNAN. And not tonight.

Mr. GEKAS. Thank you for yielding back my time.

Mr. Speaker, I am engaged in a small war of "Dear Colleagues." My office sent out a "Dear Colleague" letter on the impending conference report and the vote we are going to take on the VA-HUD-Independent Agencies appropriations. That "Dear Colleague" was answered by another one, and now we have submitted a surrebuttal "Dear Colleague."

I would like to explain this to the House, because this information flowing back and forth is going to be very important in the decision that each Member of the House has to make on the appropriations for EPA under the Independent Agencies portion of the VA-HUD conference report that we are going to be debating.

First of all, Mr. Speaker, let us start from the beginning. This is important. When we passed the Clean Air Act, and all of us want clean air, for gosh sakes. Who can accuse anybody in the Congress or outside the Congress of not wanting to have clean air? Well, anyway, because of the language in the Clean Air Act and the authorization granted in there, the EPA had certain powers. One of them was to set auto emission standards for the 50 States.

What has happened is that the mandates issued out of the EPA for centralized emissions mechanisms in the various States were so draconian and so devoid of proper standards for clean air, and really devoid of the necessary information upon which proper testing could be accomplished, that 16 States had to throw up their hands and determine that it was impossible for them to comply with that kind of centralized emission mechanism called for by the EPA.

So what has happened is that, with a lot of intermediate history which I will not reiterate here, we came to the point where a rider, one of the 16 or 17 riders, is being inserted into these Independent Agency appropriations for the EPA which would say, very innocuously and reasonably, that we would like to see the EPA conduct a 2-year study of air sampling, shall we say, to determine what is an alternative to the centralized mechanism that they are mandating, because we do not think that 16 States, and perhaps others, will be able to safely and cost-effectively comply. That is all we wanted to do with this rider that is 1 of the 16 or 17 riders.

Now, when I sent out my letter, my "Dear Colleague" letter, I alerted everyone that we ought to vote no on the Stokes-Boehlert motion to instruct conferees, because we could be cutting out highway funds unless we supported this rider. If we supported Stokes-Boehlert, we could be cutting out highway funds for the 16 States. That is the essence of my "Dear Colleague."

What that was followed by was a "Dear Colleague" by the gentleman from New York, SHERWOOD BOEHLERT, and I guess the former chairman, the gentleman from Ohio, Mr. STOKES, that that was not true, that no State would be facing losing highway funds if they got rid of this rider and let the EPA do what it wanted to do.

So what did I do? I researched as fast as I could, and my staff did an excellent job to try to bring this into focus. We have learned that indeed the EPA sends out letter after letter to California, to Pennsylvania, to Virginia, threatening the loss of highway project funds and highway funds unless those States and others comply with this centralized version.

Then they say, "We do not mandate centralized monitoring of auto emissions," but then if you do not, then if you implement something else, you could lose 50 percent of the credits that in themselves wind up costing highway funds to the States.

Mr. Speaker, I am trying to straighten this out. Let me repeat, the rider which is in the bill now, which I want to protect, is one that would put the EPA on hold on these mandates for this centralized system, put them on hold until we can test the air, get some samples, determine the best way to determine this auto emissions program, not to force this down our throats in an ineffective, cost-ineffective manner.

DEMANDING INFORMATION ON THE WELFARE, WELL-BEING, AND WHEREABOUTS OF JOURNALIST DAVID ROHDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, I rise tonight to express my serious concern over the welfare of an American journalist who has just been reported missing in Bosnia. I received a phone call from the father of David Rohde this morning indicating that—he was aged 28 and currently serving in the Balkans as a reporter, Eastern European correspondent for the Christian Science Monitor—I am advised that he has been reported missing as of last Saturday.

American embassies in Belgrade, Zagreb, and Sarajevo are all assisting in attempts to locate Mr. Rohde, along with the United Nations. It is believed that David is being held at Pale, and the Christian Science Monitor quoted a U.S. State Department spokesman as saying that "All indications are that Mr. Rhode was traveling in an area under the control of the Bosnian Serbs, and we hold them responsible for his safety."

I have to confess, Mr. Speaker, that I have a personal interest in this. Not only is Mr. Rohde's father a constituent, but barely 4 years ago I served in uniform as a member of the U.S. Marine Corps. My responsibility in the early days of the American incursion into northern Iraq was to work with the international press corps who are in that part of the world, in that god-forsaken part of the world, attempting to cover the story.

I have nothing but profound admiration and respect for the courage and the integrity of the international press corps, particularly many of the brave American journalists who risk their lives on a daily basis to bring back to the American public information on critical crises around the world. Mr. Rohde is no exception to my observations.

I might also note for the record that on the issues of Bosnia and the difficult conflict in the Balkans, I have tried to be scrupulously neutral. At no time have I favored any one side over the other. I feel, and have felt for a long time, that our interest in the Balkans is to ensure that all three warring countries resolve their differences and they they live together in peace. But there is a certain irony that on the very day that the peace process is beginning, in Dayton, OH, and that the Presidents of Bosnia, Croatia, and Serbia have arrived in our country, it is ironic that Mr. Rohde has been reported missing in one of those areas, possibly in the Bosnian-Serb area.

I would say to the Presidents of those three countries and to the people of those three countries that your credibility is on the line. Whoever took

David captive owes it to report immediately on his welfare and his well-being. We want an accounting of Mr. Rohde. We want his whereabouts disclosed, and we will hold you, whoever took this individual captive or is holding him against his will, we will hold you responsible for his safety.

Again, if peace means anything to the people of the Balkans or to the countries that are represented in Dayton, OH, this evening, and for the foreseeable future during this peace process, we want an immediate accounting of David Rohde. We want to know that he is in good condition, and that his safety and health are being respected. We want him released at the earliest possible moment.

KID-GLOVE TREATMENT OF FIDEL CASTRO; AND SHOCKING STATISTICS ON OUR NATION'S INCIDENCE OF KIDNAPINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I want to briefly touch upon two subjects this evening.

One, there was a visit to the United States last week by the Cuban dictator, Castro. Unfortunately, he was received by many in New York as though he were something else than what he is. He was, unfortunately, received by some as though he were a democratically elected leader, or someone who was not a horrendous violator of human rights. That is more than unfortunate, because it is really degrading to those who receive someone like that, someone who is a murderer, someone who is responsible for the killing of tens of thousands of human beings, and for maintaining an oppressive system, denying all human rights and democratic possibilities for an entire nation.

He was received, for example, by Dan Rather at CBS News, given a gift by Dan Rather. Mr. Bernard Shaw of the CNN network interviewed him in an hour, and asked absolutely no followup questions. When Castro was asked by Mr. Shaw, for example, why he did not permit political parties, and Castro said they were divisive, there was no followup question. When he was asked by Mr. Shaw with regard to why Castro's daughter calls the tyrant a murderer and a drug trafficker, the Cuban dictator simply says, "That is personal," and there was no followup question.

I would assume that an appropriate follow-up question would be, "I'm not asking you a personal question, I'm not asking you if you are a good father, I am asking you to react to the fact that your daughter says you are a drug trafficker and a murderer." Of course, there was no follow-up question. I was really sad to see a journalist of that reputation engage in an interview like that.

I guess the key is that there are names, there are hundreds and really thousands of names that we could list, I have no time to list them, but I simply want to name a few, because they are right now in dungeons in Cuba because of the Cuban tyrant, and they were in those dungeons last week while some of our colleagues in this House were receiving the Cuban tyrant, and some of them giving him gifts: Francis Chaviano. Omar del Pozo, a former colonel in Castro's own security force, is receiving electroshocks in a mental institution for demonstrating for democracy. Enrique Labrada. There is a 30-year old young woman, Carmen Arias, in a dungeon right now because she wrote a letter supporting democracy. Jose Miranda, a political prisoner with 72 days on a hunger strike, and for more than 6 months has been refused visits by his family.

That is at this very moment what is going on, and it was going on last week when Castro was being received in New York.

Orson Vila, a Baptist preacher, is in a dungeon now for preaching the word of Christ in Cuba. These are things I wanted to mention. I will continue mentioning them in the following weeks, Mr. Speaker.

I wanted to, very briefly, comment also on another subject, but very important as well, and commend my dear friend, the gentleman from Florida, PETER DEUTSCH, who in a few weeks will be holding a special order on the issue of kidnappings, and the fact that so many children in our country are abducted each year, and specifically remembering a constituent of his and child from our community who we do not forget, young Jimmy Ryce, who was kidnapped on September 11 of this year.

He remembers, and we remember others in our community who were also kidnapped, like Shannon Melendi, a college student at Emory, who we will not forget. We will continue not only to recall, but ask for all, all due efforts to be engaged in by the authorities.

I just want to bring out the fact, I have the figures from 1988, the last year I have: 3,200 to 4,600 children were abducted in our country, ages 4 through 11, and most of these attempts involved a car. What is happening in our society, Mr. Speaker? There can be no crime, obviously, that is more inhumane and simply unjustifiable than kidnapping children.

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I commend the gentleman from Florida [Mr. DEUTSCH] for bringing this subject out. We will continue talking about it. There can be no more important subject.

THREE GOALS OF THIS REPUBLICAN CONGRESS

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, would the gentleman from Connecticut [Mr. SHAYS] yield for 10 seconds?

Mr. SHAYS. Mr. Speaker, I will yield very briefly.

Mr. DORNAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I wanted to add, at the end of the remarks of the gentleman from Florida [Mr. DIAZ-BALART], this column on Fidel Castro from this week's Time magazine. The party at Mort Zuckerman's house with Mike Wallace, Dianne Sawyer, Peter Jennings, Barbara Walters, all sorts of other millionaires, and the guest in uncharacteristic civilian clothes is Fidel Castro. Unbelievable.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SHAYS. Mr. Speaker, I want to thank the gentleman from Florida [Mr. DIAZ-BALART] for the work he has done in trying to awaken us to the need to be very aggressive as we deal with Mr. Castro.

Mr. Speaker, I wanted to address the House for the 4 minutes I have remaining to respond very strongly to the fact that we have three basic goals in this Republican majority. One, we want to get our financial house in order and balance our budget. The second issue is that we want to save our trust funds, particularly Medicare, and in the process preserve and strengthen it. Also, just as importantly, we want to change this social and corporate welfare state into an opportunity society.

Now, in the process of doing this, I have heard tremendous reference to the fact that we are cutting certain programs that we are not cutting. Admittedly, discretionary spending is going down. There are real cuts in discretionary spending. Foreign aid is being cut. Defense is a hard freeze, but we are oversubscribed in defense programs, so there will be cuts in defense.

But when we come to the earned income tax credit, it is going up, it is not going down. It is going from $19.8 billion this year to $27.4 billion in 7 years. Only in this city, and where the virus has spread, when you go from $19.8 billion to $27.4 billion do people call it a cut.

The School Lunch Program, calling it a cut when it goes in 5 years from $6.3 billion to $7.8 billion. How can that be a cut? It is an increase any way you look at it.

Student loans, over a 5-year program it is going to go from $24 to $33 billion. I say again, only in this city when you go from $24 to $33 billion in student loans is it a cut. Now, what we are doing is saying students are going to pay the interest rate from the moment they graduate until that grace period ends. That will accrue to them. It will cost them, over the life of the program, $9 more a month if they borrowed $17,000.

Then, Medicaid. Medicaid is not being cut, it is going up. It is going up from $89 to $124 billion. We are going to spend over $329 billion more on Medicaid than we did in the last 7 years, we are going to spend in the next 7. That is a 73-percent increase.

Medicare is going to go from $178 to $278 billion, $178 to $278 billion over 7 years. That is a 54-percent increase. Or, in terms of what we spent in the last 7 years, we spent $926 billion, it is going to go up to $1.6 trillion.

That is a difference of $674 billion of new money, 73 percent more than we are going to put in Medicare in the next 7 years than we did in the last 7. Then if you want to know what it is on a per-beneficiary, it is going to go up 40 percent. Only in this city, when you spend more money like we are spending, do people call it a cut.

Now, why are we doing this? We are doing this because our national debt has gone up and up and up. It was about $375 billion around 1975. Democrats and Republicans can share the blame in why these deficits go up. A White House that was Republican, a Congress that was Democrat. That is the past and both fingers were on it. But we have an opportunity now to get our financial house in order and stop increasing our national debt.

I just want to say that I am absolutely determined that there is not a chance that I will vote to increase the national debt until this President agrees to a 7-year budget. I want to say, contrary to what my colleague from Connecticut said, we are not saying it has to be our budget, we are just simply saying it has to be a 7-year budget. We will work out our difference, some of what the President wants, some of what we want. The bottom line, we have to get our financial house in order in 7 years. That is the outer edge. It would be better if we did it in 4 or 5 years.

ACCOMPLISHMENTS OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

TRIBUTE TO WALT CHACKER

Mr. FOX of Pennsylvania. Mr. Speaker, I am joined with my colleagues tonight to speak about many issues facing the Congress and America. Before I do, I wanted to spend at least a few moments regarding a very special person from my district recently who passed away, Walt Chacker. He was someone very special, recognized by the President of the United States as a Point of Light for his work in establishing the Zipper Club, which was a support group for those who have had open heart surgery or heart transplants.

He lived for a number of years after his surgery, and he was an inspiration to many other individuals who underwent the surgery and this kind of operation. He was a great support for many people in Pennsylvania and throughout the country, for that matter, and I hope that the great works that he has accomplished in his lifetime will be carried on by many others in States all across this country to help people live longer and better after their surgery and their heart ailment.

Mr. Speaker, at this time I would like to enter into a colloquy with my colleagues, the gentleman from Minnesota [Mr. GUTKNECHT], the gentleman from Iowa [Mr. LATHAM], the gentleman from Georgia [Mr. NORWOOD], and the gentleman from Georgia [Mr. CHAMBLISS], discussing, as we should, basically an assessment of where we are on the Contract With America, what we have already accomplished with the balanced budget amendment and the billion dollar budget for the first time since 1969, and as well about Medicare reform, and basically that has been happening in Congress in a positive way under the Republican leadership.

I would call on Congressman GUTKNECHT to really start our dialog tonight on an assessment of what accomplishments have been made and where you see us going from here. Congressman GUTKNECHT.

Mr. GUTKNECHT. Well, I do want to talk a little bit about our accomplishments and what has been accomplished. I am happy all of us are freshmen. We come to this debate with clean hands. We did not help create the problem. We were not here when the previous Congresses ran up 4.9 trillion dollars' worth of debt.

I have to tell you I am a little upset tonight, and I think the American people should be upset. Frankly, perhaps we have been too nice and too gentlemanly in this debate about the budget and what is happening, and what is happening especially from the administration relative to our efforts to balance this Federal budget.

As I said, we did not help create the problem, but we are trying to clean it up and we are trying to solve it. But I, for one, am really frustrated with the half truths, the distortions, and the bald-faced lies which are coming out and have been coming out and are seemingly getting worse.

I think it is time that we spend a little bit of time tonight clarifying the record and talking about the facts because, as the gentleman from Connecticut just mentioned a few minutes ago, we keep hearing this worn out expression that we are cutting Medicare, we are ending student loans, we have cut school lunch programs, and we are cutting other needed programs so that we can give our rich friends a tax cut.

Frankly, I think it is time we spend a little bit of time tonight piercing through that very thin bubble and exposing the bare truth about what we are really doing with this budget and who the real benefactors will be. It is not the rich. It is working people who get up every day, work hard. They are the glue that holds this society together, and I, for one, happen to believe that they are smart enough to understand exactly what is happening in Washington and what has been going on for too long.

What has been going on for too long is Congress would pass all of the appropriation bills and they would say, oh, gee whiz, once again we spent $250 billion more than we have taken in, and they would say, let us pass the bill on to our grandchildren. So at the last minute they would raise the debt ceiling. So the toughest vote any Congress had to take was to raise the debt ceiling. It is still a tough vote.

But frankly, I think if we continue down that path and just allow us to every year raise the debt ceiling, and the President says he does not like our budget, but the truth of the matter is he has not offered one that really balances the budget, not within 10 years. As a matter of fact, the original plan wouldn't balance the budget in 10 years. We had $200 billion deficits for as far as the eye could see.

He may not like the plan that we have put together, although frankly I think it is very defensible, but let us see his plan. I mean where is a real workable plan from the other side, and the truth of the matter is, there is none.

Earlier we heard one of the speakers from the other side of the aisle say this is the Gingrich budget and the blackmail attempt may force this country into default. But we had a meeting with some of the big bond houses, people who represent the bond houses earlier today, and I came away with a very clear conclusion. It is not whether we are going to default, it is when are we going to default, unless we really change course, are willing to meet the deficit head-on, and deal with it this year and begin down the path toward a balanced budget.

So, I am glad I had an opportunity to get some of this off my chest, but I really have become increasingly frustrated with the lies, the distortions, the half truths that are being foisted upon the American public, and I think it is up to us to help clear the record.

Mr. LATHAM. Mr. Speaker, if the gentleman would yield, I would just like to ask the gentleman from Minnesota [Mr. GUTKNECHT], is this not the same President that is worried about upheaval in the bond market and instability of the dollar? Is this not the same President that gave Mexico $20 billion to shore up the peso out of a fund that was meant to stabilize the American dollar and the American economy?

Mr. GUTKNECHT. Mr. Speaker, I think that is absolutely correct.

Mr. LATHAM. Mr. Speaker, if the gentleman would yield further, I think it is unbelievable that they would accuse us of somehow being irresponsible when that type of activity has taken place.

If I may continue, I would like to focus on a couple of things just in the whole reconciliation, and what this really means all together.

This reconciliation bill is huge, and it is going to affect everyone in the country. There are four basic things that we will accomplish when we get through reconciliation.

Number one, we will get to a balanced budget, and the way we do that is not by taxing more, not by taking more money away from the American families themselves, but by actually cutting wasteful spending here in Washington and downsizing and streamlining this town and the bureaucracy.

We are saving Medicare, not only for now, for the people who are currently in the system, but we are saving it for the next generation until the year at least 2011, which is 6 years farther than the other plans that are here that basically will cost the same, but we are also giving seniors options and choice and better benefits.

We are finally, after spending over $5 trillion, and I always think it is ironic that we have spent over $5 trillion on the welfare system in this country, we are finally going to replace that, but is it not ironic that that is the same amount that we are asked now to raise the debt ceiling, over $5 trillion, and what we have done is destroyed the American family, opportunities for kids who are in poverty. We have more poverty today than since we started this great war on poverty.

The last thing that we will accomplish in reconciliation is that we will again let families keep their own money, that they do not have to send it to Washington and have people here try to decide what is the best way to have their money be spent.

One thing, too, we have talked about the big picture, but there are some smaller things in reconciliation that I think are important for the public to be aware of.

We have heard a lot in the past few years about pensions for Members of Congress, that somehow there is a real great deal that we get all of this additional money. Well, a lot of that was changed back in, I think it was 1987. But in this reconciliation we put Members of Congress, their staff, on the same basis that all Federal employees are as far as the pension programs.

That is something we have not talked about very much, But this Congress has been so dedicated to reforming the way this place does business, to making sure that we are responsible, we are subject to the same laws as everyone else, that we have actually cut down the size and scope of Congress itself, in reducing the number of committees and committee staff, cutting down the term limit on chairmen of subcommittees and committees.

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And actually, even the Speaker himself now is limited to 8 years. Tremendous reforms that we have done in this Congress, but I think a lot of people are not aware in this reconciliation we do away with any disparity as far as our pensions.

Mr. FOX of Pennsylvania. If the gentleman would yield, I think it is a case of this 104th Congress in a bipartisan fashion, even though it is a Republican leadership, it is a case of promises made, promises kept.

We said that we would pass the line-item veto; we did. We said we would have reform of regulations in this country, and we did. We said that we would pass an accountability law for Congress, and we did. We said we would pass term limits, and we almost did, but we did not reach the constitutional limit.

We said we would pass a stronger crime bill, and we did. We said we would pass unfunded mandates legislation, and we did. And we said that we would actually balance the budget this year.

I would like to ask the gentleman from Georgia [Mr. NORWOOD] just what a balanced budget will mean to his constituents. After that, I will ask the other gentleman from Georgia [Mr. CHAMBLISS] what this means to the residents of Georgia and how important it is for the first time since 1969 that we are going to balance the budget, like the other governments do and families and small communities do all across the country.

Mr. NORWOOD. Mr. Speaker, I appreciate the gentleman yielding, and let us first say that I am delighted to join the freshman class Republican Party truth squad that has come to the floor tonight. If my colleagues want me to be perfectly honest, I have a markup tomorrow on Superfund and I need to be back in my office reading it, but I am here instead because we have an obligation to come in behind those that would tell half-truths, mistruths, and not tell the American people the facts, so that we can correct that.

We have to do this every night; come tell the truth. It must be very confusing for people back home to hear one thing from one side and another thing from another side. Who do they believe?

Earlier tonight, not 45 minutes ago, we had a Member here who stood up and said that the mean old Republicans wanted to have a tax cut for the wealthy. Well, I have tried to ask the question, I tried to interrupt. I am ready for somebody in this body to define for me what is wealthy? Who is rich?

Mr. Speaker, what I think we are doing is exactly what the people in the 10th District of Georgia said do. They said in 1993, when this very Democratic Congress and President Clinton decided to have the largest tax increase in history, and a retroactive tax, they said, "We really do not like that. We do not like this government taking another $260 billion out of our pockets."

What I am trying to do is what they asked me to do: Return it to them. Some people call it a tax cut. I call it a tax return. We are giving them their money back. They said go up there and balance that budget. Go up there and stop borrowing money. Go up there and have a business plan to pay off that $5 trillion worth of debt, but do it by cutting spending.

So, what are we doing? We are sending back $245 billion over the next 7 years to working people.

Now, I want to make it very clear that I do not consider everybody who has a job in this country wealthy. I know the President thinks in those terms and, certainly, this Democratic Congress thinks in those terms. But 90 percent of the tax credits that we are going send back to families at home go to families with income levels below $75,000 a year. That is families with mom and pop both working with two children. I do not believe they will come up here and tell us that they are wealthy.

Mr. Speaker, 75 percent of the capital gains tax that we are going to send back to people at home goes to people with incomes less than $50,000 a year. Tell me if my colleagues think that is wealthy; if they think that is rich.

We are returning their $245 billion tax increase that the Democrats put on us in 1993. Now we are going to balance this budget. We are going to balance it over a 7-year period and we are going to do it by reducing spending. I do not even think we are cutting spending. We are capping our expenses at the 1995 level and allowing that to grow by 3 percent. That is going to fuel the economy at home. It is going to do great things, in my personal view. The 21st century looks bright to me for the first time in a long, long time.

Mr. FOX of Pennsylvania. If the gentleman would yield, I wanted to say that the tax reform we are talking about is going to create jobs, it is going to increase savings, and it is going to allow people to have the position to start new businesses and really make a difference in their own lives.

The fact is it is not going to be anything but help for the working families, help for senior citizens, and help for families with children. It is going to cut across the board in helping everyone.

I first wanted to call on the gentleman from Georgia [Mr. CHAMBLISS] to give us his impressions of what these reforms mean to his district, and in a greater sense what he thinks it is going to do for the country, the proreform measures, the antitax measures, and the projob measures that the Republican Congress has been moving forward.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman and I appreciate the gentleman putting this group together.

Mr. Speaker, as I look around here, the gentleman from Arizona [Mr. SHADEGG] has joined us to add a little western flavor, but the six of us here tonight come from different parts of the country. The gentleman from Georgia [Mr. NORWOOD] and I are pretty close, but we are at opposite ends of the State. We come from varied backgrounds. We come from probably different socioeconomic backgrounds. Certainly the gentleman from Iowa [Mr. LATHAM] comes from a much higher background than the rest of us.

But if those watching tonight would look at us, we mirror the freshman class. One thing that we have in common is that is we were all sent here with a message that came forth on November 8, 1994, and that is to make changes, to change the way Washington does business.

Mr. Speaker, I think it is interesting when we look back at the presidential campaign of 1992, there was another guy that campaigned on change and making reforms, and that person was Bill Clinton. He campaigned on making a tax cut for the middle-class and campaigned on downsizing the Federal Government.

The classic difference and the major difference between Bill Clinton's campaign in 1992 and our campaign in 1994 is that we have produced. He did not produce. He could not provide the leadership, even with a totally Democratic House, or a majority Democratic House, and a majority Democratic Senate. He could not produce.

Well, we have come here and in 10 months now, it is hard to believe that we have been here 10 months now, but we have done exactly what we told the American people we were going to do.

Mr. Speaker, balancing the budget of this country was a cornerstone of my campaign and I dare say that the five of my colleagues here built their campaigns around that also, because it is just so crucial that we do that. I am sure that they all would agree with me that they thought this country was in terrible financial shape while they were campaigning, but when they got to Washington and became Members of this body, they found out it is much, much worse than what they ever imagined it to be, and it truly is.

Mr. Speaker, last Thursday was a very historic night. I sat on the floor with the gentleman from Georgia [Mr. NORWOOD] on January 26, on the night we passed the amendment to the Constitution requiring a balanced budget, and CHARLIE and I saw grown men stand up and cheer and holler and clap, because everybody came forth and worked together to pass that balanced budget amendment, which was certainly a key.

However, last Thursday night was a much more important night even than that night. Last Thursday we delivered on that promise to balance the budget of this country.

It has not been easy. It has been very, very difficult. The gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Iowa [Mr. LATHAM] and I had some independent concerns that required us to do some soul searching and trying to figure out ways that things could be adjusted so that we could support the balanced budget amendment and the reconciliation package, and I am sure the gentleman from Pennsylvania [Mr. FOX] and the gentleman from Arizona [Mr. SHADEGG] may have had that concern also; that they had to answer some questions there.

Mr. Speaker, we all came together. We worked hard and were able to come up with a reconciliation package that, gee whiz, it has welfare reform in it, totally overhauling the welfare system in this country, and overhauling the Medicare system. It makes it stronger and preserves it not only for the seniors in this country that are now the beneficiaries of Medicare, but for those baby boomers, those of us who are going to be eligible for Medicare one of these days. We now know it is going to be there when those folks get there.

We have got tax reform in there. We have reform of agricultural programs. This is a huge, huge reform package that we have undertaken and put together over the last 10 months. It is something that our friends and colleagues on the Democratic side of the aisle simply would not do, or could not do, over the last 25 years. That is what is so really truly amazing about it.

Mr. Speaker, I can tell what it means to the folks in my district. We had a little Medicare special order, Mr. NORWOOD and myself, a couple of weeks ago, and it was a very exciting night to me. An hour before I came to the floor, I found out that I am going to be having my first grandchild. I said that night when that grandchild is born next spring, he or she is going to owe $187,000 in interest as his or her part of the interest on the national debt.

Well, by what we did last Thursday night, we are going to cut that back by $12,000 over the next 7 years. That is a start to moving us in the right direction of cutting back that huge interest payment that all of us are going to leave for our children and our grandchildren.

Mr. FOX of Pennsylvania. If the gentleman would yield, I would ask that the gentleman from Arizona [Mr. SHADEGG] who joined us, he is obviously one of the gentlemen at the forefront of the freshman class in trying to make sure that the public gets its money's worth and to make sure that the costs that we have in government programs go to the benefits, not to more paperwork and not to more bureaucracy and not to more waste.

Mr. Speaker, I would ask the gentleman from Arizona if he could tell us a little bit about what he thinks the effect of trying to balance this budget means to homeowners as far as lower housing costs and lower car expenses and lower college costs and lower taxes, and what it means to his district.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and would say that I am thrilled to be here with my colleagues tonight and to bring a western perspective. It is fun to come and bring that perspective. In the West, we are intense on these issues.

Mr. FOX asked the question: What does it mean if we can balance the budget? I harken back, looking at the gentleman from Connecticut [Mr. SHAYS] who serves on the Committee on the Budget, to the day when the gentleman and I sat on committee and Alan Greenspan came forward.

The gentleman from Ohio [Mr. KASICH] asked that question: What would it mean if we actually balanced the budget? Mr. Greenspan began answering that it would do this and this and this, and it causes long-term interest rates to do this, and short-term interest rates to do this. Mr. KASICH stopped him and said, "Wait a minute. I want you to tell me what it would mean to real Americans, the average husband and wife at home raising their kids."

Mr. Greenspan sat back and, and CHRIS, I am sure you remember this, and he said, "It would mean that once again they could look forward to their children doing better than they do." That is, what he said was, if you gentlemen can balance the budget, you will restore for America the American dream. The dream that we all have for our children that they could do better.

I heard the gentleman from Georgia make a reference to last Thursday's vote and the passage of the reconciliation. To me, that was a thrilling night; the most thrilling night since we have been here. If you put aside the bunk and garbage that we hear about, "We are cutting Medicare," which is just flat a lie, it "ain't" true. You don't raise spending from $4,800 per individual to $6,700 per individual and define that as a cut anywhere but inside the beltway that surrounds this city.

Mr. NORWOOD. If the gentleman would yield, go ahead and use the word. It is a lie. We are increasing Medicare by 54 percent over the next 7 years.

Mr. SHADEGG. Mr. Speaker, I want to talk about one of the phenomenons that characterizes this city and getting inside the Beltway, and I want to do it in the context of the tax cuts. The truth is that we have all heard this claim that we should not be cutting taxes and the garbage on the other side that we are making tax cuts for the rich. Well, it "ain't" so.

Mr. Speaker, I had this theory. The theory was that what we are hearing, and what maybe they are hearing, the people who show up at our town halls and the people who show up at Rotary Clubs and Kiwanis Clubs, and have the time to make it and have the time to go to those events, are the kinds of citizens that are concerned about the direction of the Nation. They say, I guess I can pay my taxes, but I am worried about the deficit. They are worried about their kids.

I had this theory that Mr. and Mrs. America, the people at home just barely struggling to pay their bills and get the kids dressed, and feed them a bowl full of Cheerios and get them off to school and then back home, for those people the tax bite is too much, and we are not hearing from them.

So, I went home a week ago Monday. I had my scheduler set aside 2 hours and I stood in front of a drug store. I had a staffer stand in front of a grocery store across the street. We were on the east side of my district. It is kind of the upper echelon of my district. Those people are middle-class to upper middle-class families.

Mr. Speaker, I engaged people there on the street and I told them there was a debate going on on the floor of this House; a debate whether we needed tax cuts or whether we ought to be doing the conscientious thing and reducing the deficit. They said, on balance, "Well, we are concerned about the deficit, but boy, we could use a tax cut because we are just barely getting by."

On the east side of my district, we had about a 60/40 split; 60 percent said, "We need deficit reduction, but we also need our taxes cut." About 40 percent said, "You ought to be doing deficit reduction."

Then, Mr. Speaker, we stopped and drove to the other side of my district, and we drove over to the working-class neighborhood where people are doing what I said. People that cannot afford to be a Kiwanis Club member and who do not have the time to come to JOHN SHADEGG's town hall meetings. Mr. Speaker, we talked to them.

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And we stood, I stood in front of Osco drug store, and I had a staffer stand in front of a Megafoods store. We each asked them. Do you know what it was? It was a blowout. The numbers were clear.

They said, you are killing us with your taxes. Sure we want to take care of the deficit, but you Republicans have been saying to us for 40 years that government does not need all this much money, that it spends too much, that it taxes too much and that it regulates too much. And if all you do now is take care of the deficit, if you ignore tax cuts, if you suddenly say, wait a minute, we got elected claiming that people are taxed too much but now that we are there all we are going to deal with is the deficit, why should we buy you, why should be believe you?

In a ratio of 11 to 1, they said to me in front of that drug store, I need a tax cut. Taxes in this country are killing me.

These were not greedy people. They were not selfish people. In front of the Megafoods across the street, which is a discount grocery store, they told my staffer in a ratio of 17 to 2 that they needed a tax cut.

Why did they need a tax cut? I will tell you why. Because taxes in this country have become oppressive and burdensome, and we are now going to do something about it. How burdensome? Let me tell you how burdensome.

In 1950, the year after I was born, when I was in a bassinet in my parents' bedroom on floors, in those days, that were concrete, we did not have wall to wall carpeting in 1950. The average American family with children paid $1 out of every 50 to the Federal Government in taxes, 1 out of 50. Earn a hundred dollar bill, send in $2. In 1993, that is the latest year for which we have figures, it is now 1 out of 5, it is not 2 out of every hundred dollar bill, it is $1 to the Federal Government in taxes for every $4 you earn. You do not earn a 5 dollar bill, you earn $4, send one to the Federal Government in taxes.

It is not to the government in taxes, it is 1 out of 4 to the Federal Government in taxes. How long is it going to be before we are taxing people at the rate of 50 percent? We are taking half of everything that they earn. That is an increase of 1200 percent.

And the people in my district, I asked them, when I tell them that statistic, are you getting 1200 percent more out of the Federal Government today than you were in 1950? You talk to them about the burden. A child born in America today will, in his or her lifetime, pay an average of $187,150 in taxes just to pay the interest on the national debt. Why? Because before last Thursday night we did not have the moral courage to stand on this floor and quit spending our children's and our grandchildren's and our great-grandchildren's money to satisfy our needs, our wants, to buy ourselves back onto the floor of this Congress. That is dead wrong, and last Thursday night we stopped it.

I will tell you, the American people want tax cuts. They want us to balance the budget. They want less government regulation. They want us to look at serious problems like a Medicare System that is going broke and to say to one side of the aisle that says, do not worry, you have got 7 years, no big deal, that that is stupid. A system that services the entire population and for whom it is vital that we preserve that, to say we can wait 7 years is no big deal. Let us solve it in the 6th or 7th year.

We are going to solve it and the plan we passed in that reconciliation bill solves it in a responsible way, a way that although the scare mongers say and they have my senior citizens worried that they are going to take away my Medicare. I heard you mention that these four experts from Wall Street came here yesterday or this morning. They all four said an important message. They all four said, if it comes down to defaulting on your debt or balancing the Federal budget, we do not like defaulting on your debt. But guess what? The market has already calculated for it and you better balance the budget, because that is what the Nation needs.

The last point I want to make is that one of them told a fascinating story, which is why we are on the floor here tonight. It is a story about disinformation.

This is a guy who is the major investor for a Wall Street investment firm. He controls a portfolio worth billions of dollars. He said, do you know what, in my office there are a whole lot of employees, top-level-paid executives, who came to me a few weeks ago. We had a quick little discussion. They said, this is a real serious problem because we are deeply worried about how America is going to survive if these Republicans dramatically cut Medicare the way they are proposing.

This guy listened to this discussion and everybody threw numbers around. This is awful. This Medicare is a vitally important system for America. How can the Republicans talk about dramatically cutting Medicare?

This guy listens to all of this. He finally turns to me and says, how much are they cutting it? Various number were thrown out. And he said, do you know what, you guys are wrong. They are not cutting it one dime. As a matter of fact, they are increasing spending on Medicare. This is inside an investment banking firm on Wall Street. And they did not know the facts. They did not know until he recited to them that spending on Medicare per beneficiary—a man that called my office last week and said I am worried about you taking away my Medicare benefits, did not understand because of the disinformation that we are going to give him not $4,800 to spend, as we do this year, but $6,700 for his medical care and $6,700 for his wife's. And this misinformation, the attempts to distort what we are doing are about what we have got to try to fight.

Mr. NORWOOD. Mr. Speaker, the gentleman has to slow down just a little bit. We have a lot of my folks from Georgia watching. We tend to talk a little slower.

Mr. FOX of Pennsylvania. I think the points the gentleman made are well taken. That is one of the reasons why as Congressman NORWOOD said about the truth squad is that we have to be out here tonight to explain what is really happening and hopefully that we will do it in such a manner that people will understand the facts as they really are.

The budget discussion, you talked about tax reform and how it is going to help all Americans, I yield to the Congressmen who is an honorary freshman, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I just want to thank the gentleman for yielding to me and say that I went to one of my colleagues and I asked, how long have you been here? And the good gentleman from Georgia reminded me, he, too, is a freshman. You all have had such an impact that it seems like we have known each other for years and years and years. You brought us over the top, not just in terms of being in the majority but in terms of getting our financial house in order and balancing our budget.

Mr. SHADEGG was mentioning Mr. Greenspan coming to one of our budget hearings. One of the other things that Mr. Greenspan said, our colleagues on the other side of the aisle were saying, are you not afraid that we will cut too much and that we will slow down the economy? And Mr. Greenspan responded, he said, Congressman, I do not go to sleep at night fearful that I will wake up the next morning and that Congress will have cut too much.

And we have to be very careful because we can give the impression that we are making these dramatic changes and some of them are, but we are still allowing our budget to grow. We have spending increases, and we have to be up front on that. It will grow significantly each year.

Some things we are cutting. Discretionary spending, there are not just real cuts but absolute cuts. Foreign aid, there are absolute reductions. Defense is going to stay basically the same. It is a freeze, but we are oversubscribed in programs. So we are going to see real cuts in defense programs. But when it comes to the entitlements, which are half of our budget, they are continuing to grow significantly and will continue to grow in the outer years.

And I think about it and then the tie-in somehow that some of our colleagues want to make with Medicare and the tax cut. We paid for our tax cut long ago in cuts in discretionary spending and in the increased benefit to our country by balancing our budget. That is called the fiscal dividend. I was not an advocate of the tax cuts. I would say that if we could balance the budget in 4 years, I would not be advocating any tax cut. But if it is going to take us 7 years to get our financial house in order, I am very enthusiastic on tax cuts.

The gentleman mentioned he was born in 1952. I was born in 1945. My parents, in the 1940's and 1950's raised four boys. I was the youngest of four. In today's dollars, they could take an equivalent of $8,200 per child off the bottom line of their income. They would have been able to take basically $32,800 off. So if they made $50,000, they would only be paying taxes on a small part of it.

A family today, if they could take that same benefit my parents did, my parents could take the equivalent in today of $8,200. We only allow families to take $2,500. That is why I am particularly enthusiastic for the $500 tax credit.

Mr. SHADEGG. I would like to ask the gentleman, one thing we keep hearing over and over again is how these tax cuts are for the rich. I had the impression in American that both wealthy and middle-income and poor have children.

Mr. SHAYS. And the way that someone who is listening tonight could decide if they fit the category of our colleagues, the other side of the aisle that say we are giving only to the wealthy, two-thirds of our tax cuts go for the $500 tax credit. So all you have to do is ask yourself, if you have two kids and you get $1,000 back next April, are you wealthy? Seventy-five percent of all families make less than $75,000. So I would just like to, if I could, just make this last point on Medicare and then, because there are so many of us here, I helped head the task force on the Committee on the Budget on health care, Medicare and Medicaid. And so I really got into this issue of Medicare.

I am so excited about our Medicare Program. I would debate anyone anywhere this issue. Bottomline to it is, it is going to go from $178 billion to $273 billion in the 7th year, as was alluded to, a 54-percent increase. We are going to spend $674 billion more in the next 7 years than we did in the last 7 years. We are going to spend 40 percent more per beneficiary. We are going to allow everyone to stay in their fee-for-service program or if they want they can get off and get private care. They do not have to leave.

If they leave, and they do not like it, they have 2 years every month to come back. In other words, during a 2-year window they can come back in. I know that there are so many of us that would like to contribute to this conversation, but I would just say, just knowing what I know about Medicare, we are going to spend so much more, and only in this city when you spend so much more do they call it a cut.

There is nothing courageous about voting for Medicare, what we have done, because we made it a better program. I cannot wait for our senior citizens to realize and finally have the opportunity—I will close this way, all my constituents have said, Congressman, you get Federal health care, I want the same choices you get. That is what we have done. We have given them the same choices we have. I pay 28 percent of my health care cost, and the Government pays 72 percent. We are allowing beneficiaries to now choose among a whole host of different health care plans. I just want to thank you for allowing me to join this.

Mr. SHADEGG. Let me just compliment the gentleman for his work on Medicare. I serve on the Committee on the Budget with you. I want to tell you, we went home and did a town hall on the Medicare System, which this Congress has created beginning with the work of your task force on the Committee on the Budget. And it was a fascinating process. And I do not think if we could go through this process for every American, that we would have anywhere near the concern in America that we have. Here is what we did, kind of an interesting idea because of the word "choice," because we are giving senior citizens so many choices and the kind of choices that they had when they were in their productive years, we wanted to illustrate it for them.

So what we did is, as they walked in the door, we took one page of white paper and we summarized the current Medicare System for them, the benefits they get and the premiums they pay. We gave that to them as they came through the door. Then we got to the point in our program where we were describing what the Republican Medicare plan was going to be. We said, now we would like you to pull out the papers, and we gave them lots of papers, that we have given you when you came in the door and pull out this particular one. And we said to them, that is traditional fee-for-service Medicare. You have that now and we gave it to you as you came in the door because you have that now. And it has got all those benefits. When you leave here today, leave this town hall, you will have that white piece of paper with all that traditional benefit on it, exactly, unaltered.

But then we had people go up and down the rows and we passed out four additional pieces of paper, one pink, one green, one yellow, one blue. On each of those separate pieces of paper we outlined for them one of the four other alternatives they are going to have. So we asked them to pull out the green sheet and we said take a look at this green sheet. This is, and I do not remember which one it was, but let us say it was the Medisave plan. Then we went to patient-physician networks and we walked through each of the alternatives and explained it to them and said, you are now going to get, when our bill becomes law, the opportunity to choose one of those five programs.

Mr. SHAYS. Within those five programs, each of those programs can offer a whole wide range of different eyeglasses, dental care, rebates to your co-payment offer deduction.

Mr. NORWOOD. Mr. Speaker, I know we are coming to the end of our time. Do we have time for each of us to wrap up a minute?

Mr. FOX of Pennsylvania. Certainly, we have a little more time than that. As someone who has been in the medical field, I think that your impact on this discussion would be very fruitful.

Mr. NORWOOD. I was particularly pleased to hear Mr. SHAYS say how excited he is about the Medicare plan because I am, too. I have been involved in providing health care for 25 years. I think that if we can ever get past the distortions and the half-truths that we have to put up with here, the American public and the senior citizens are going to be absolutely delighted with that plan.

I will just conclude, if I could, by saying that it is a real pleasure for me to join with the truth squad.

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I think you know we are here every night trying to offset the misinformation, and I still cannot get over the speaker earlier tonight who keeps talking about that the money that we want to return to the American people in the form of what they call a tax cut; I say we are giving folks back their money. It is for the wealthy, and I would just like to make a couple of points. I want to talk about one constituent at home.

Mr. SHAYS. You do not mean the Speaker; you mean a speaker?

Mr. NORWOOD. That is right.

As my colleagues know, a family of four that is making $25,000 a year, a couple of children at home, $25,000 a year, they are going to have their tax liability reduced to zero.

Now who is rich and who is wealthy in that group? A family of four that is making $30,000 a year is going to have their tax liability cut in half. Are we helping the rich? Are we helping the wealthy.

I think perhaps that has been misrepresented.

I have a constituent at home, a single parent with two children, and this lady makes $17,500 a year, and under our present system she gets returned to her $939 under our current tax rate, and that includes the earned income tax credit. Under our plan for next year, the Republican House plan, she is going to get back $2,214. That is $1,275 more for a low-income working person.

Is that a tax cut for the rich? I think not. Even Mr. Clinton's plan would only return to this young lady who is struggling, for pity's sake, $763. So I think maybe the mean old Republicans really are not trying to have a tax cut for the wealthy. I think we are trying to return to the hard-working American people some of their money, particularly some of that $260 billion that was passed in this Democratic Congress, in the 103d Congress, and then, SAXBY, we are going to stay here until we make sure your unborn grandchild and my 2-year-old grandson no longer owe that 187——

Mr. FOX of Pennsylvania. Mr. Speaker, I would ask the gentleman from Minnesota [Mr. GUTKNECHT] if he can speak about the Medicare situation and the fact that we are really going to do something positive, as the gentleman from Georgia [Mr. NORWOOD] just said, in the sense that we are going to increase, as the gentleman from Connecticut [Mr. SHAYS] said, $4,800 per year to $6,700 a year which also the gentleman from Arizona [Mr. SHADEGG] allued to, on how this is really going to be an increase, but also some of the parts of the bill I think that you are advocating working for are vary important to the discussion dealing with the Medicare savings lockbox and also going after the $30 billion a year in fraud, abuse, and waste. Would that not be a savings into the program itself, Congressman?

Mr. GUTKNECHT. Absolutely, and the system we have right now is in fact in sort of a system of perverse incentives which invites more waste, fraud, and abuse, and the system we are going to try and create, and I think we will create, and I agree with the gentleman from Georgia [Mr. NORWOOD], I think once seniors begin to understand exactly what we are talking about under our plan and the options that they will have, they are going to like it.

First of all, let me just debunk this myth that somehow we are going to use the savings from Medicare to give this tax cut. That is absolutely not true, and everyone who has said that on the House floor knows that it is not true because we put into the bill itself a lockbox so that any savings that we get from these new competitive models, this new market we are going to create for Medicare, all of those savings have to go back in the Medicare trust fund. They cannot be used for the tax cut, and they know that is true, and it is in the law, and they know that. So, when they come to the House floor and say we are going to use these Medicare cuts to give tax cuts, it just is not true.

As a matter of fact, with the rescission bill that we passed earlier this year and with the cuts, the targeted cuts that the gentleman from Connecticut [Mr. SHAYS] talked about, we will have cut almost $44 billion this year in spending. The tax cuts are about $35 billion. The tax cuts that we are talking about this year that will mostly benefit the middle class have been paid for out of other spending cuts, so the idea that we are using Medicare to do that is a bald-faced lie, and the people who say it know that it is a lie.

But let us talk a little about some of the other provisions we were able to get. One of the things we talked about was fraud, waste, and abuse. In fact, every one of us had town meetings, and I would suspect, and I dare say, that every one of us at every one of our town meetings had some senior who stood up, raised their hand, talked about some of the things that have happened in their own lives. I had one sweet person in one of my town meetings stand up and say that she had been billed $235 for a toothbrush. Well, what we are proposing in this is a very aggressive method to attack some of that waste, fraud, and abuse.

You used the term $30 billion a year. Some have said it is as much as $44 billion a year. Whatever the number is, we know it is out there, and it is partly because of the way the funding system works. But we are going to allow those senior citizens; in fact, we are going to encourage them; to study their own bills, and if there is a thousand dollars' worth of savings, they are going to get to keep some of those savings that they find in their bills.

So the program that we are offering I think aggressively attacks waste, fraud, and abuse. Will any of the savings we get from the changes we are making be used to keep the fund solvent? Finally, I want to make one other point on behalf of some of us who come from low-cost areas, rural areas of the country. We were able to get the formula changed in the last few days in the discussion so that the floor has said, no matter where you live, your area is going to get at least $3,600 if they set up a service network or a managed-care network in that particular area. That will encourage more competition for those Medicare dollars, and the most important word is fairness.

We are going to have a much more fair system. We are going to reverse some of those perverse incentives that are in the system today, we are going to aggressively attack waste, fraud, and abuse, and I think it is going to be a much better system for the seniors in this country, and we are not going to use the savings for a tax cut. The tax cuts are paid for out of other spending cuts that we made this year.

Mr. FOX of Pennsylvania. I think it is also important that we realize that this Republican-led Congress is very pro-seniors, not only with the Medicare form that you have outlined and others, but also we are the ones who had legislation that actually passed which raised the income eligibility from $11,028 to $30,000 a year over the next 5 years without a deduction in Social Security, and also the rollback of the very unfair 1993 increase of Social Security.

So I would like to ask the gentleman from Iowa [Mr. LATHAM] to join us now with some of his thoughts on this topic.

Mr. LATHAM. I thank the gentleman for yielding, and I think the American public should be aware of the fact that what we are letting American families, senior citizens, small business people to keep is about 40 percent of the tax increases that they have had since 1990, since the Bush tax increase and now the Clinton tax increase in 1993, the largest in history. Actually we are letting people keep 40 percent of the taxes that have been raised for them.

Mr. SHADEGG. If the gentleman would yield, do you mean to tell me that this outrageous tax cut that we are enacting only gives them back 40 percent of what we took from them in the last——

Mr. LATHAM. Five years.

Mr. GUTKNECHT. What previous Congresses took——

Mr. LATHAM. We are it, so——

Mr. GUTKNECHT. Come at this with clean hands——

Mr. SHADEGG. So we are cutting taxes in a draconian way that the Nation cannot survive by letting them have back just a small portion, less than half, of what we increased their taxes just in the last 5 years.

Mr. LATHAM. That is exactly right.

Mr. SHADEGG. I hope Mr. and Mrs. America and our colleagues think through that fact.

Mr. GUTKNECHT. Absolutely.

Mr. LATHAM. And there is a lot of disinformation in talking about capital gains tax reduction. I am just amazed when people believe that this goes to only rich people. I will tell you as a person from Iowa from a very rural district, the No. 1 reason that the average age of a farmer today in Iowa is 57 years old is the fact that he cannot afford to sell his equipment or his farm to the next generation and that farmer has not been rich 1 year in his life, but the 1 year when he tries to sell the investment that he has had, the hard work that he has had over a lifetime, to the next generation, he gets absolutely creamed by the capital gains tax, and those are dollars that he has already paid taxes on all his life. But this is a person who is medium- to low-income his entire life, is by some people's definition on the other side of the aisle rich for 1 year in their life, the year that they try to carry on to the next generation, and it is no different with a farmer than it is with a small businessman on Main Street who has invested a lifetime of work.

That is who we are talking about, people who have worked all their lives, have paid their taxes, been responsible in this society, and we have a punitive tax system today to punish them for saving and working hard all their lives, and to me it is simply outrageous.

I think it is important too, and the gentleman from Georgia [Mr. CHAMBLISS] had talked earlier about the excitement back in January passing the balanced budget amendment in the House here, and it failed over in the Senate, and I keep going back to the scary thought that, because we do not have a balanced budget amendment to the Constitution in this country, that 2 years down the road, 4 years down the road, that the Republicans will lose one of the Houses up here. What will happen? Everything that we have worked for this year will be down the tubes because we will be back in the status quo——

Mr. FOX of Pennsylvania. If the gentleman will yield, I think there is a lot of hope for America, because frankly I think what the public may not know is that most Members of this House in a bipartisan fashion really joined the Republican lead on balancing the budget, of reducing Government wasteful spending, of the line-item veto, which will eliminate pork-barrel legislation, and also reforming regulations and therefore costing less for individuals and businesses. So I think there is great hope and I think it is a bipartisan effort that we may have led, but it is a bipartisan effort.

One of the items the gentleman from Georgia [Mr. CHAMBLISS] is involved with is the downsizing, privatizing, consolidation of Federal agencies will also reduce the costs, because there has been such a great deal of bureaucracy in Washington, and the gentleman from Georgia [Mr. CHAMBLISS] I know has been fighting for this as a champion to try to make sure we get every dollar worth for our constituents.

Mr. CHAMBLISS. You know again I alluded earlier that we all come from different backgrounds. Another thing that we do have in common though is the fact that all of us came out of small business backgrounds, whether it was farming, or real estate, or dentistry, and I know the gentleman from Arizona was in county government, but we all had to worry about finances, we had to worry about making sure that at the end of the month when we went to the bank we were in the black, and we had to tell that banker why we were not in the black if we were not in the black. And one way that we have gone about approaching the fact of getting the Federal Government's bottom line in the black at the end of our term in Congress is that we have looked at every single way that we can cut expenses, and we talked about cutting out departments, we have talked about the fact that the Federal bureaucracy is bloated, and it truly is. Again it is something you cannot really appreciate until you are here in the position that we are in. But again, President Clinton talked about this during his campaign in 1992, and what did he do about it? Nothing. We talked a lot about downsizing the Federal Government as one of the basic philosophies of the Republican Party. What did we do about it? In our budget reconciliation package we are going to completely cut out the Department of Commerce. We do not need it over there. We are going to cut it out. That is another way we are going to go about downsizing the Federal Government to make sure that at the end of our term in Congress that we are moving toward balancing the budget of this country so that in the year 2002 we will not have to worry about how much money we were spending in Congress, we know that is going to be taken care of because we are going to eliminate it, and it is just simply another way that we are moving toward balancing the budget of this country and being responsible and being reactive to why the people send us up here.

Mr. FOX of Pennsylvania. If the gentleman will yield, I would like to engage, if I could, the gentleman from Florida [Mr. SCARBOROUGH], who has been a deficit hawk and a budget hawk in making sure that his constituents in Florida as well as those who are here across the country, that, you know, we do not have waste here, let us bring some semblance of what the values of America are out there in our neighborhoods, and I would ask the gentleman from Florida [Mr. SCARBOROUGH] to give us his impressions of what he hears in his district.

Mr. SCARBOROUGH. It really started back during the August recess that I really began to get a good feeling of what the constituents in my district felt we needed to do, and the thing I heard time and time again from my constituents, and I held 25 town hall meetings over 30 days in August, despite all the rhetoric that they heard that we were being mean-spirited and going too far, everybody I talked to at those 25 townhall meetings told me the same thing. They said:

> You will not fail if you have the guts to step up to the plate and balance the budget. You will fail if you lack the courage, and if you come up short, and you decide to keep going on with business as usual. You need to stay true to your course. Do not be like everybody else in Washington over the past 40 years. You make sure that Washington lives by the same rules that all Americans have had to live by for the past 200 years where we take in only as much money and spend only as much money as we take in.

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It is an absolute necessity. I have to tell you something, I have concerns about this budget. It is not a perfect budget, but let me tell you something, it does something that we have not done in Washington, DC, in a generation. It balances the budget. That is absolutely essential.

For those who think that it goes too far, I have to tell you this. How can we go beyond 7 years? How can we trust Congresses 10 or 20 years down the road to continue to have the guts to do what all Americans know we have to do today? As so many people testified before the Committee on the Budget, from talking to the gentleman from Arizona [Mr. SHADEGG] and others on the Committee on the Budget, and the gentleman from Connecticut [Mr. SHAYS], they have had an avalanche of witnesses who have said even though every American does not focus in on deficit issues, they will understand a few years down the road why this is so important, because if we follow through on the Republican plan to balance the budget in 7 years, Americans will see unprecedented growth, more growth than they have seen economically since World War II, since the ending of World War II.

What does that mean? That means interest rates on your car loan go down, that means interest rates on your house loan go down. It means that middle-class Americans get the break that they deserve, get the break that they have not had for the past 40 years, and we bring sanity back to the process.

Mr. SHADEGG. If the gentleman will continue to yield, Mr. Speaker, I just want to ask you quickly if you happened to hear the four Wall Street economists who came before the policy committee today and who testified that we had already, by what steps we have taken, brought interest rates in America down by 2 percent since we took office in January. They compared that 2 percent reduction in interest rates here in America with other comparable economies, where interest rates have come down 1 percent, and they said, "The policies you have adopted have already had the effect of reducing the interest rate here in America by 1 extra percentage point below what it had been before you got here." That is a real savings in car loans and home mortgage loans across the board.

Now if we go the next step we will see a real dramatic impact, and they predicted 2 more percentage points' drop in the interest rates.

Mr. SCARBOROUGH. Reclaiming my time, it was a very interesting hearing today. I know everybody that was there had to feel good about what they were saying, because we were sending the signal across the world that we were finally going to get America's House in order. Interest rates have dropped. That has meant more money for middle-class Americans all across America.

They said, and this is the final point I will make before yielding back my time, they said, "The danger lies in us not having the guts to finish what we start. The danger does not lie in having a showdown with the President, if that is required, and possibly having government shut down for 12 hours or 24 hours." They said, "The real danger in the market lies in us continuing to throw away money like we have thrown away for the past 40 years."

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I just wanted to make an observation while the distinguished gentleman from New York, BILL PAXON, is in the Chamber, what a great piece of work he helped to form on November 8 of last year, a year ago this coming week.

I know a fully matured lion, like the gentleman from Connecticut [Mr. SHAYS] will not mind an aging lion who came here out of the bicentennial election of 1976, to notice that we have Pennsylvania, we have Arizona, we have Iowa, a very important State, at least until Lincoln's Birthday, February 12, we have Minnesota, we have Georgia, we have the beautiful panhandle of Florida, the most beautiful beaches in America. And I am telling you, if this freshman class had not come along, there were some of us who would have turned in our spurs by now and said that there were other things to do, like enjoy our grandchildren.

Mr. SHAYS. Mr. Speaker, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I have to say that one of the unsung heroes in this Congress is the gentleman from New York [Mr. PAXON], because he has made all the difference in our having a Republican majority and the opportunity to save this country and to turn it from the direction it has headed. I would applaud, if I was allowed to.

Mr. DORNAN. He has made you a chairman, he has made me a chairman, but here is the point, if I may mention the House of Lords, the other body.

I just did a radio show in San Diego and a questioner of no known ideology said, "What are you people accomplishing? Suppose you have a great freshman class. So what? It is all dying in the Senate, is it not? You are not going to get anything done." I think what we have to keep reminding our worthy colleague, including some old long-in-the-tooth lions over there, is that they enjoyed chairmanships and the chance to creatively write American history for 6 years, thanks to Ronald Reagan and the great election victory in 1980.

But in this Chamber, the people's House, the money House, the appropriations bill House, the first among equals by the writers of our Constitution, the Framers said that we were to be first among equals over the Senate, over the Supreme Court, and over the White House, and we have not had a chairmanship in this place for 40 years in the political desert.

So not only did all of you give me a chance over the last 10 months to sit on a Committee on Armed Services, a subcommittee chairmanship, and one on the Permanent Select on Intelligence, but you gave back to the U.S. Senate all of those chairmanships that they are enjoying, and they had better remember the gift that you have given them for some fulfillment in life, this opportunity to craft American history, and that you are going to keep the promises you made, and it is promises that the whole Republican Party is going to be held accountable for on November 5, in 1 year and 4 days from All Saints Day, today.

Mr. SCARBOROUGH. Mr. Speaker, the gentleman from California [Mr. DORNAN] obviously talked from a Republican standpoint, but what is exciting to me when I go home is that it is not a Republican issue, it is an issue that all Americans have united on, and it is something that I am extremely proud of. I am in a district that is 60-percent Democrat, and they love what we are doing up here.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, the gentleman talked about promises made, promises kept, and a Governor from Minnesota once observed that politics is a promising profession. In the last several years we have heard a lot of campaign promises.

I want to remind the gentleman of some which were made by a gentleman who was elected to the Presidency several years ago. He was elected promising to downsize the Federal Government, to end welfare as we know it, to reform welfare, to save the Medicare system, and to give a tax break to the middle class while balancing the budget within 5 years.

Those are the same kind of promises that we made, and the difference is that we kept our promises; he broke his. What makes me so angry is that now he is trying to keep us from keeping our promises to the American people. We are not going to stand for it, and neither are the American people.

Mr. FOX of Pennsylvania. I thank my colleagues.

JIMMY RYCE AND MISSING CHILDREN IN AMERICA

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. DEUTSCH] is recognized for 60 minutes as the designee of the minority leader.

Mr. DEUTSCH. Mr. Speaker, I rise today to share with you, this Congress, and those watching at home, about an endangered innocent, a constituent of mine, Jimmy Ryce. Jimmy is a 10-year-old boy from Miami, FL, who was abducted 51 days ago, on September 11, 1995. He was last seen getting off the school bus less than four blocks from his home in the Redlands, an agricultural, quite spacious community just southwest of Miami.

Jimmy is an A student enrolled in an honors-gifted program at his school. Everyone who knows him is attracted to his goodness, sweetness, and intelligence. He is a very trusting child. Jimmy loves to read. He has a habit of reading a couple of books at the same time, leaving the books scattered throughout the house with bookmarks in each of them.

Jimmy loves baseball and football. Some of the family's happiest memories are going together to Dolphins and Marlins games at Joe Robbie Stadium. If I may ask the cameras to just focus in on Jimmy, and I will talk about the picture in a couple of seconds, but if they can leave the focus on him. Since learning of Jimmy's kidnapping, the reaction in south Florida is one of outrage, anger, and shock. The response from authorities has been swift and professional. The media in south Florida have been exceptional. But where is Jimmy?

The television coverage has been extensive, over and above the magnitude of other such kidnapping incidents. Newsrooms and reporters have taken the Ryce case to heart and have made it their station's commitment to cover the case down to the latest findings. As we all know, when faced with adversity good things do tend to happen. People have volunteered tirelessly their time, services, and assistance, unconditionally. Wal-Mart is displaying Jimmy's posters in their 2,000 stores nationwide, as is Albertson's grocery outlet, and the list is endless.

Most of these efforts were something solicited from volunteers, unbeknownst to the Ryces. Not only have State officials, including Governor Chiles, been involved, but Federal officials, too, including the FBI and Attorney General Janet Reno. What we are hoping is that the more people who see Jimmy's face, the more likely it is someone who has seen him will recognize his face from these posters. This is not a city problem or a State problem, not the abduction of a child in a custodial battle or a runaway, but who, taken from his family by a stranger, is a national problem. As I said, let me ask the camera again to focus on the picture.

What I have learned in the last several weeks with the FBI missing persons, Missing Children Division, is that of the cases that have been solved, they are really solved by people in the community seeing these pictures, seeing the pictures on "America's Most Wanted," seeing the pictures on milk cartons or on postcards.

The case that very recently got national publicity, I just found out today the way it was solved. Two young boys who were kidnapped in Minnesota and found in Louisiana, in New Orleans, it was just a chance sighting by someone in a restaurant, calling the FBI through the 800 number that I will give in a second, and actually, several times, just a chance sighting.

The woman who saw the young boys was not sure, she thought she saw him, she did not remember where she had seen a picture, she was not sure, and even to this day she is not sure, but the FBI followed up on it and went to the location where the sighting occurred, interviewed the woman, and those two boys are back with their family today.

That clearly is what we are hoping will happen, and will happen very soon. As I said, this is a recent photo of Jimmy Ryce, and for people who are watching, hopefully they are watching, and hopefully, again, someone will have an opportunity to call maybe even this evening with the chance that maybe they have seen him in some location.

It seems so impossible that even with all the communication of media involved that a child could vanish without a trace. As a parent myself, I cannot imagine what kind of fear and pain Don and Claudine Ryce are going through today; in fact, right now. It is a parent's worst nightmare. The Ryces have had their own nightmares. No matter what is taking place, from the moment they finally fall asleep at night until the moment they wake up, the first thought that enters their minds is that their little boy, Jimmy, is not sleeping in his own bed.

Today is a good day for the Ryces. They are feeling optimistic. The Florida Department of Law Enforcement, the FBI, and Metro Dade police met today and released information that a witness has possibly seen Jimmy. If you have any information leading to the disappearance of Jimmy Ryce, please call the number on the poster, 1-800-361-9526.

According to the Department of Justice fact sheet on missing children, every year there are between 1,600 and 2,300 stranger abductions of children under the age of 12 in the United States of America. These children are the endangered innocents. Only 300 of these kidnappings last more than 24 hours, and the FBI has told me that you can extend the radius of the circle where they may be 300 miles from point of abduction for every day they are missing.

These missing children could have been deported or crossed borders, and may not even be in the United States. Jimmy Ryce is an endangered innocent. Typically the only way law enforcement ever finds these children is through information and leads called in by the police. On Monday, October 30, 1995, ADVO distributed over 50 million cards throughout the country with Jimmy's picture on it.

You have probably seen pictures before of missing children in the space contributed by ADVO on the left side front of postcards, which carry on the back advertisements for various services and products. Please look at these cards and etch Jimmy's fact in your memory. Be on the lookout for these warning signs: a new child in your neighborhood, a child acting strangely next door, has a child suddenly been enrolled in a class. As small as the chance is, it may be the only chance Jimmy has of getting home safely.

Jimmy's parents, Don and Claudine Ryce, have reached a celebrity status they never sought. Compassionate people embraced them and let them know that Jimmy is in their prayers. The more people know about Jimmy's disappearance, the better chance the Ryce's have of getting him back. Mr. Speaker, I ask you, the members of Congress, and the American public to give this family a happy ending. Bring Jimmy Ryce home safely to his parents.

A few weeks from now we will celebrate Thanksgiving, a time of love, sharing, and counting one's blessings. I want this Thanksgiving to be the best one the Ryce family has ever had, as the family is all together with Jimmy. I know several of my colleagues have been with me this evening, and I yield to the gentleman from California [Mr. DORNAN.]

□ 2100

Mr. DORNAN. Mr. Speaker, first of all, I would like to thank the gentleman from Florida [Mr. DEUTSCH] for having this very touching special order, and thank him for stopping me in Cloakroom and asking me if I would join you. I have spoken so many times this afternoon, I do not want people to think that I do not have grandchildren at home that I would like to spend some time with, but this is important.

I would just like to give the gentleman a few thoughts from last night which was a very Halloween eve of today, All Saints Day, with children.

We went out last night, after we adjourned, after it was dark for about an hour and half, and I raced to a neighborhood out in Springfield, VA to be with five of our nine grandchildren. The youngest one, Robert K. Dornan, III, was dressed as Pooh, and it made me grit my teeth, he was so cute. Excuse me, it is our newest, Leam Dornan Penn, who was Winnie The Pooh. Last year it was Robert, III, and he was dressed as a phantom with a dark face.

I went around and looked at all of the princesses and all of these little children, and for some reason I thought how carefully the parents were shepherding them and the grandparents, that there was a little extra fear for the last 10 or so Halloweens not be let them get too far out of sight.

I remember I gave T-shirts with my grandchildren's first names on them to one of my daughters, and she said well, Dad, these will make nice pajamas. I said no, no, they are T-shirts for outside, and she said, Dad, you do not put a child's name on a T-shirt. If you are in a mall and some evil person comes up and says Kevin, come here, quickly, your mother has just been hit by a car outside, they run following the person instantly.

I never thought that we had to live in fear of any name a child identifying them to make kidnapping that much easier.

What I thought about as the gentleman from Florida [Mr. DEUTSCH] was speaking, is my older son who is in his middle 30's. The other day I got one of these cards in the mail that has missing children's names on them, and I turned it over and I said to my son, this breaks my heart. I do not like to look at these faces, as you have made this large color blowup of this beautiful young boy, Jimmy.

And he said dad, you should not say that. I study these pictures. That is why they are here. That is why they are on milk cartons. You should study them for more than a few seconds, and it may be God's will that you cross the path of one of these children, and something you saw in that photograph earlier in the day will be sparked in your mind.

Well, when you raise a child to give you words of wisdom, albeit the wisdom of being 30-some years old, it makes you proud of your child, and I felt ashamed that I had averted my gaze from a lot of these missing posters because it hurts me so much as a grandparent to see this beautiful face of a child this age or younger, a beautiful little daughter this age or younger or a grandchild, and think of the heart-gripping pain that this brings to parents and grandparents, how they will never, ever be able to enjoy the birthday of that child ever again, a Thanksgiving, a Valentine's Day, a Christmas, an Easter, when they see all of the other children in the neighborhood or have a particularly enjoyable moment with a sibling, an older brother, a younger sister, and the pain that this must bring back.

As I was sitting here I was thinking, what kind of an original idea could I contribute to your special order tonight, and I did think one.

We see now with murdered children the agony of parents looking at a videotape and they show the videotape on the evening news, and again, your heart breaks for the parent that all they have left are these videotape images of this beautiful child. And then I thought in the case of missing persons and maybe one of your color pictures here, well, the bottom one looks like a portrait, but the one looks like he is in a baseball game, may have than excerpted from a video, a still color photograph worked up from a video.

And I thought every parent who has a small child today should take a videotape, and at some point when they are filming their child or a grandparent their grandchild, they should go in for a close-up and slowly pan around the child from every angle, film this child as an identification video tape and put it on a shelf somewhere. If you are a struggling parent, as I was in my early years, just worrying about grocery money, and you do not have a video camera, borrow one from a parent or grandparent and take a videotape of your child and put it on a closet shelf. It will have great value years later for showing the child.

I tell parents to do what I never did. Take a videotape of their child on every single birthday with the same videotape and put it way up on a shelf, I learned this from ANDY JACOBS, our colleague from Indiana, and then bring it down and you can run that very same videotape without editing and watch a child quickly grow up in 20 years. It will go by so quickly it will tear your heart out. But I think parents who have a videotape camera should film their child and when that child was missing, particularly when I just listened to carefully about what you said, Peter, about each day, and repeat it, each day the child is missing is another how many miles added to the circle?

Mr. DEUTSCH. Three hundred miles.

Mr. DORNAN. Three hundred miles per day. So if you could get a videotape and give it to the television station instantly, and I am not talking about all of those terrible cases where parents get into custody fights, which mercifully is not a huge number, but the hundreds of gut-wrenching cases of pure kidnapping by evil strangers. Think of how a videotape of a child that is fairly current would assist law enforcement and great shows like John Walsh's show. He is from your State, is he not?

Mr. DEUTSCH. Actually, he is from my own community.

Mr. DORNAN. Every time I see John I shudder that all he had, as gruesome as it sounds, is the child's head, to remember him by. My wife was looking at him just this week and said, is he not a remarkable man? Look at the burden God gave him and now how it has turned out for him.

I said, Sally, he is an absolute hero of our time, that he took the pain of little Adam's disappearance and then murder and has turned it into a crime series of shows where it is not just missing children he helps with. He has broken some cases in this country that have lingered on for two decades, and brought people to justice.

So I really appreciate the gentleman taking this beautiful special order for our missing children in this beautiful country of ours on All Saints Day.

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, If I could again follow up, because it really was in some ways a good sign today when I spoke with several people from the FBI, from the missing and exploited children's branch, that the case which got a lot of publicity was two young boys, I think a 3-year-old and 11-year-old brother who got kidnapped in Minnesota, a guy in a stolen car. It really was luck, God's providence, whatever, that this woman who did not even remember where she saw their picture, based on the day she saw it, she might have seen it on America's Most Wanted. They specifically said that, because she kind of remembered seeing it on Saturday or Monday or whatever, but it does happen, and he is somewhere, and the question is hopefully someone is seeing him and is going to be able to call that 800 number.

Mr. DORNAN. Just one thought. As television channels expand and we are now going to these 18-inch dishes, as there are more and more and more channels, I think we ought to write Ted Turner and ask him on one of his outlets if he could have a designated point in each day where people as thoughtful as my son, Bob, Jr., who will take the time to study these faces, that they could run the current-most 10 agonizing disappearance cases. And people who are thoughtful will spend a few times to, as my son put it, study, those faces, and where there will be some videotapes you can study it in three dimension around the child and say, all right, I will study that, and we are going to end up with more happy endings and more children saved from a horrible fate.

Mr. DEUTSCH. They really are happy endings. In a little bit I will show the statistics of that. What they really have said to me, I have spent some time trying to understand, unfortunately, this tragedy, the more you learn about it, the more sickening it is, that the more publicity and the more people that know, the better it is.

I am really happy that my colleague from Florida joins us here today. I know it has been a long day for my colleague as well, but Congresswoman THURMAN.

Mrs. THURMAN. I thank the gentleman from Florida [Mr. DEUTSCH].

Mr. Speaker, I just would like to add a little bit about Jimmy Ryce at this point, and as a parent, to tell his parents that I do not think anybody will ever understand what it is like to go through what they must be going through. And for the American public to offer any kind of help is just imperative that we do that for our future and for what is our most and best resource that we have to offer to this country.

Mr. Speaker, I think that it is a good idea, and I agree with Mr. DORNAN and some of the things that he brought up, maybe we should talk about some of the things that we can remind people. You know, it has been a while, I think, that we have been reminded. Sometimes, you know, things get lost and forgotten and we forget that there are things that we can be doing to try to have these kinds of things not happen in our society.

I particularly think that there is another issue that is coming to this country, that I am somewhat very concerned about, in the fact that we now have what we call the information superhighway, a situation that for many, many folks with computers in their homes and information crossing, there are some things that I think parents and children need to understand that they need to be very, very careful with.

It is a new society out there, it is a new world, it is a new technology, and while there are exciting possibilities, and we want our children to be technologically advanced and ready to move into the 21st century. I think we also have to be aware of the access it gives to strangers to our children.

And I think we have to teach our children not to share personal information, like home phone numbers and addresses, with unknown and potentially threatening strangers. They do it all the time without really thinking much about it. I think kids need to be reminded that those computers do provide a lot of information and access from people all across this world that we need to be careful of.

I also would like to reiterate, and I think that the photo that you have up there of Jimmy reminds us all of some of the kinds of things and guidelines that help and assist police in their efforts to locate missing children. The national center actually has advised parents to take color photos. Without that photo there tonight, we might not have a picture that could be displayed, that could be used to go across this country, that is up-to-date picture. I think they recommend that this should be done about every six months to make sure that we have up-to-date.

I think Mr. DORNAN's idea of a video is an excellent idea. It is a quick replay, gives us characteristics that we cannot necessarily capture here in a picture. But if that is not available, at least we do have an opportunity to have an up-to-date photo of the child. They ask for us to keep recent dental records at our fingertips so that we can make sure that we have that available, as well.

There have been some national programs across this country in malls. Law enforcement agencies go into malls all the time, setting up fingerprinting so that we have fingerprints actually at the sheriff's office for identification purposes. These records will provide to police and investigators, will help expedite the process of locating missing children in the future.

I think we must be vigilant in our efforts to locate them, and we have to get involved and stay involved.

I actually have a number here that I would like to give tonight for people who have seen missing children and what they can do, because there is a national hotline. The hotline is for the Center for Missing Children. It is 800–843–5678, and I think that if anybody did not catch that number and calls any one of us, we certainly, or any of your officers, police officers, sheriffs, anybody locally can also provide you with these numbers.

We have to be that voice for missing children. When information is available to the public and the public is alert and concerned, we have a much, much better chance of helping our missing children find their way home.

The national tragedy of children being abducted from homes, schools and playgrounds demands a national response. We will continue our efforts through the National Center for Missing Children and the FBI to encourage preventive measures, and to demand that all available resources are used to locate and recover missing children.

Mr. DEUTSCH, I do want to say to you tonight, and to all of our colleagues, that while we may not have been touched with it personally in our lives, unfortunately probably every one of us have at some time had a constituent who has had to face this kind of a situation.

□ 2115

I know in my own district, I remember a woman several years ago that had a grandchild that was abducted in Orlando in a parking lot. The child's face was, we actually did it at toll booths in Florida. We were able to do milk cartons and the kinds of things that we have tried to do to get these faces out there. The child has never been returned to my knowledge. It was heartbreaking. I cannot even begin to tell you the pain that she was going through in this.

I think there are some other things that we ought to be conscious of within America. We know the kind of things that are happening with abductions. We need to try to teach people as well, please do not do this to our children. Do not take our natural resource. Just think about all of this as you go through a working day and help any of us in trying to prevent this kind of a happening. I just think it is awful and I would hope that our conscience in America makes us understand how just heart wrenching this is and to the child.

I want Jimmy to know, if he is out there listening to us, we are looking for him, too, and do not give up hope and know that people do care about him and love him and we are going to try to get him back to his parents just as quickly as we can.

So, Mr. DEUTSCH, I really do appreciate what you have done tonight.

Mr. DEUTSCH. I thank you. You actually brought up an unfortunate sort of new avenue. When I spoke with, again, unfortunate people who are in the business of helping to find these children, the FBI officials involved, they actually have cases today of children in a sort of talk site on the Internet, where a child that could be not necessarily 5 but an 8-year-old, a 9-year-old, and a 10-year-old was on a talk site who thinks they are talking to another child somewhere but is talking to a very sick person who is asking them over the Internet about themselves. And they have actually, in saying why do you not meet me somewhere, something like that, there have actually been abductions that have occurred through cyberspace. It is sort of the ultimate sort of strange sickness, the technology being used that way.

One of the things they pointed out, at some point this evening we will go through a list, the list is not long enough, but what they specifically said is parents ought to know what their kids are doing on their computers. It sounds like a crazy request. It is a 1990s request in America, but if your kid is out there on the Internet and talking to people on a site, you better know who they are talking to because it really has happened.

I mean, what kind of mind does that, but unfortunately, there are some minds that do that. I think we need to do everything we can to stop it from happening, but I think that is a really unfortunate new point for parents to be worried about.

Mrs. THURMAN. I would say that we also have to move into that 21st century as parents to understand the new dangers that face our children. I think there were some great programs that started when we first all got involved in these issues and we all remember them. I have taught my children, I mean, how many times did I say to them, do not take candy from a stranger or do not talk to strangers or do not get into cars with strangers or if you are in a mall and somebody says something to you or takes your hand, what do you do. They knew the response to that. They understand that. They do not necessarily see the danger when they do not see somebody standing in front of them, somebody who can, is visual to them, who actually can do harm to them as they are there. But they, all they have to do is say, I go to this elementary school, I have blond hair, blue eyes, and I am going to be wearing such-and-such. I have got a new dress today or I got, whatever, somehow identifying that child and separating them out. They do not understand it because it is not something they can grab onto. It is not something they can really feel.

So I think as parents and as grandparents, as we do move in, we always need to continue to update our own files as to the kinds of things that can happen and be aware of those so that we can teach our children better ways of not getting themselves into these kinds of situations because not all old remedies are going to work for what new dangers are out there for these children.

Mr. DEUTSCH. I used a sort of example of a happy ending for these two boys in Minnesota, but obviously they have arrested the gentleman. Hopefully, I assume he will be convicted, he will spend a long time, the rest of his life in jail. But he told the young boys that he was a policeman. And I guess it is hard to put myself in the mind of a 10-year-old, but it was not unusual to get in a car with a policeman and drive for several days. How does he know what policemen do?

Mrs. THURMAN. And particularly because a child has been taught that that is supposed to be his friend. That is the person that they can go to most often if they are in trouble. But there are some very sick people out there that play on these very kinds of things. we need to be careful. I know the gentleman from Connecticut is here.

Mr. DEUTSCH. Mr. SHAYS wanted to join us.

Mr. SHAYS. I appreciate the gentleman yielding to me.

I was here at another special order, and I knew that you were going to talk about Jimmy Ryce. I think of that precious young man and his precious parents who are wrestling with where he is now. And I just felt inclined, wanted to hear what you had to say and to pay respect for Jimmy Ryce and the thousands of other young children that have been taken away from their parents. And then when I mentioned that to you, you asked me to read a statement from another of your colleagues from Florida, ILEANA ROS-LEHTINEN, who I would like at this time to read her statement. She cannot be here tonight, but I think it is important that her feelings about this case and others like it be put in the RECORD.

So I would just read her statement at this time.

It begins:

> Mr. Speaker, one of the silent and most devastating crimes to which some in our society remain oblivious to is the large number of children and young adult persons who are kidnapped and reported as missing within our local communities every year.
>
> Most recently in my local community is the case of ten year old little Jimmy Ryce, who, upon walking from his school bus stop to his home in the Redlands neighborhood of South Florida, was kidnapped and has yet to be found.
>
> Another case which to some may tragically and foolishly believe is yesterday's news, is the case of Shannon Melendi, a young resident of my Congressional district, who while attending Emory University in Atlanta, Georgia, was kidnapped over a year and eight months ago and has yet to be found. All of us want answers to Shannon's mysterious and sad disappearance.
>
> And as all of us in the local South Florida community presently suffer the pain and anguish of little Jimmy Ryce's parents, whose son was kidnapped 51 long days ago, and we join them in their search for Jimmy, I am more sure than ever that someone must be held accountable for the loss and uncertainty that they feel today.
>
> As the extensive manhunt continues within South Florida for Jimmy, I feel that all of us, as parents and as legislators, must become aware of this inhuman and horrible act that today afflicts my local community, but tomorrow, could very well affect yours.
>
> As I stated, another victim of this heinous crime is Miami resident Shannon Melendi, who, in spite of a national manhunt, has yet to have been found, a year and eight months later after she was seen at her place of work, the Softball Club, in Atlanta.
>
> Shannon was not only an outstanding student and a presidential scholarship recipient while attending Miami Southwest High School, my alma mater, but also a dedicated member of her school community, who did her best to represent the junior and senior classes of which she was president.
>
> Even though a suspect is now in prison, he has yet to confess to a crime, and Shannon remains missing.
>
> Her family, from her grandparents to her younger sister, remain distraught and afflicted with a heavy emotional burden as they wait for Shannon to come home to them once again.
>
> Is the FBI doing enough? Is the local police? I strongly believe that more must be done. As the mother of two young girls and a Florida certified teacher, I am very worried about any cases of abducted children.
>
> Worse still is the fact that as the number of kidnappings increase, there are even more missing children who were yesterday's news and who perhaps will never be accounted for.
>
> I ask you, Mr. Speaker, has our society become so evil that our children cannot even venture from their homes in order to attend school, without the fear of being kidnapped?
>
> Have our communities become so unsafe and insecure that parents, such as those of Jimmy Ryce, cannot even allow their children to walk home after school from their bus stop? Have we come to the point when well meaning parents, such as the Melendi's, cannot send their child to a prominent university for fear that their children will be kidnapped?
>
> Are the abductions of little Jimmy Ryce and Shannon Melendi rare occurrences? Or are they some of the ever increasing number of children who are kidnapped throughout the nation.
>
> Something must be done so other children and their families do not suffer in the same manner.
>
> I ask you, Mr. Speaker, what are we as legislators and the representatives of our local communities to do in order to deter this abhorrent crime?
>
> We cannot merely sit back and wait for Jimmy or Shannon, and all other abducted children, to turn up.
>
> We must take action and form a strong stance against this atrocious act so that your children, my children and our children's children, do not suffer the gut wrenching loss and uncertainty that the families of Jimmy Ryce and Shannon Melendi feel, as they search for leads and wait for a precious missing child.

I would just like to thank the gentleman from Florida and to let him know that your purpose, I think, is well-intended and I think serves a tremendous effort in helping Jimmy Ryce and others be found. I want to thank you for your special order and to just let you know that someone from Connecticut has taken a good look at that young man and I just hope there are so many others that we can be alert and make sure that Jimmy Ryce is returned to his parents well and safe and that they can hug him and caress him and just welcome him back into their family. I hope that day comes.

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman. I thank Congresswoman ROS-LEHTINEN for preparing her statement and also I know that Congressman LINCOLN DIAZ-BALART spoke earlier under 5 minutes about Jimmy Ryce and his hope for his safe return to his parents.

I want to shift gears a little bit and just talk about missing children in this country in general. As Jimmy Ryce's abduction has really heightened the community in south Florida, I educated myself a little bit about what I have said just has to be one of the most disturbing statistics in this country, if not the most disturbing statistic in this country.

This chart shows from the National Center for Missing and Exploited Children numbers, numbers that are staggering. Nonfamily abductions, 1,524. And then some very unfortunate sobering statistics, I guess optimistic but sobering as well, of those 385 were located alive and close to 200 were located deceased. So there is reason for hope. But a number that is staggering, 1 would be depressing, but I cannot express in any way what 1,500 families in this country have gone through in this period of time.

The National Center for Missing and Exploited Children at least tries to advise parents and there has been, obviously, a national media campaign about things to do. And there is a national computer network that is linked via computer with 45 States, allowing the instant transmission of images and information on missing children.

There is Project ALERT, America's Law Enforcement Retiree Team uses retired police to provide free on-site assistance to local police in difficult missing or exploited child cases, photos and posters with private sector partners, imaging/identification, case management, leads. The 800 number, which has been mentioned by other Members as well, is 1-800-843-5678. Specifically for Jimmy Ryce, the number is 1-800-362-9526.

Let me also follow up, as several Members have mentioned, sort of what can parents do and some of it unfortunately cannot do enough. Tens of millions of children in America left their buses today after school, tens of millions walked home, maybe a block, maybe several blocks. And I hope all of them made it back home. But unfortunately I know that on occasion some do not, like Jimmy Ryce did not.

□ 2130

So, I do not think it is realistic to hope that every child, or we are at that point in our society, needs to be walked home from the bus station at school, but we can try to do some things, just knowing and just sort of a list of things: knowing where your children are at all times, being familiar with their friends and daily activities, being sensitive to changes in the child's behavior, that you should sit down and talk to your children about what causes changes, be alert to a teenager, be alert to a teenager who is paying an unusual amount of attention to the children or giving them inappropriate or expensive gifts, teach your children to trust their own feelings and assure them they have a right to say no to what they sense is wrong, listen carefully to your children's fears, support them in all your discussions with them, teach your children that no one should approach them or touch them in a way that makes them feel uncomfortable, and if someone does, they should tell the parents immediately, be careful about baby-sitters and other individuals who have custody of your children.

Now some people have also made suggestions and actually the National Center for Missing and Exploited Children talks about things, passwords that parents can use with their kids if someone does say that their parent is sick, or that they are a police officer, that there be a password that the child will know that that person would say. It is one of the techniques that has been suggested or that stop points. When a child is leaving a bus station, at a certain point they should be there by then, and if they are not, then someone needs to know about it, whether it is an older sibling, an older friend, or a trusted neighbor.

Let me talk about some children, and that happened unfortunately on some other children mentioned from Florida that are missing. Obviously I have talked about Jimmy Ryce, but I want to show another, the picture there, but it is just a picture. If the camera could try to focus in on it, I will try to hold it as steady as I can, and, as you can read, the child has a birthmark on his shoulder blade, was last seen wearing a white shirt and blue jean shorts. His nickname is Jimmy. And, as the circumstance, child was last seen getting off his school bus at his bus stop, which is three blocks from his home.

As I mentioned, all these are children from Florida. That was in Homestead, FL, my district. Walter Morales left his home in Miami, FL, with three males on October 27, 1993, and has not been heard from since. Child has a small scar near his right eye. He has two top teeth that are gold. He has a "W" on his left shoulder, and again, if the camera can focus in on that?

This is a picture of Andrea Gail Parsons, who was last seen July 11, 1993, in Port Salerno, FL. She was 10 when she disappeared. The child was last seen wearing blue jean shorts, a dark-colored shirt, clear plastic sandals. Child was last seen at 6 p.m. near Commerce and Seward Ave. in Port Salerno, FL.

As has been mentioned, those are cases of abductions, of nonfamily abductions. There are family abductions unfortunately, and I just—again these are in Florida. This is Malik Mike Tourbah, kidnapped by his father in Miami Lakes, FL, on June 22, 1990. Child has a scar on his right eye.

And this is Kaylee Nicole Lopez, kidnapped by her noncustodian grandparents on August 12, 1989, in Miami, and child has a birthmark on the right side of her chest and her upper right thigh. Her eyes are hazel green. Child's photo is shown age-progressed to 8 years.

And Andrea Durham from Fort Walton Beach, FL, she left her family's new home on February 1, 1990, and it is an age-progressed photo, actually to 18 years at this point.

Mr. Speaker, we have discussed something tonight that I wish I did not have to discuss. I think everyone in this country wishes we did not have to discuss this, but it does take place, and as a community of Americans, society, we clearly can do better in this area. We need to be vigilant as individuals, as parents, but as a society as well.

I mean there is no limit to the amount of resources we need to put in to make sure that this does not happen to one child in this country. And law enforcement has resources, and they are doing everything they can, and are interviewing every person they possibly can, and following up thousands of leads as they come up in this case, and I know I appreciate it, and I know the Ryce family appreciates that as well, and hopefully for those people that are watching, because that is really what this special order is for, as I have learned more about this, the cases that are solved are solved because of people like the people watching an incident, a flash, a child in a restaurant, a face in a car passing, a child anywhere, and there are resources in this country, the 800 numbers we are talking. They follow up, they do follow up. The resources are there. We have put resources into it, and I am asking people, and I am praying and hoping people—I know the Ryce family is watching, too—that we will get a lead and that we will find Jimmy very, very shortly, and he will be with you and with our community again.

Let me just ask one last time if we can just ask the camera to focus in on Jimmy Ryce.

Ms. JACKSON-LEE. Mr. Speaker, I rise tonight to discuss the heartbreaking and devastating issue of missing children. As a mother of two beautiful children, I can think of few things as frightening for a parent than learning that your child is missing. Thus, it saddens me deeply to know that every day in this country parents, and families, are forced to face this fear.

In 1994, more than 800,000 children were reported missing to the police and the FBI's national crime information computer [NCIC]—more than 2,000 children every day. The largest number were runaways; followed by lost children; family abductions; and short-term sexually motivated non-family abductions There are approximately 300 serious child kidnapping cases each year—five or six children each week—cases in which the child is abducted by a stranger and murdered, ransomed, or taken with the intent to be kept.

In 1994, 99 percent of the reported missing children cases were resolved by local and state police. We have made progress since the Missing Children Act was signed into law in 1982. New resources and technology have been crucial in assisting searches and investigations. A national network exists with the National Center for Missing and Exploited Children [NCMEC] at the hub, transmitting images and information instantly around the country. The FBI's new Child Abduction and Serial Killers Unit ensures rapid, priority response in the most serious cases. And in 1994, Congress created the Morgan P. Hardiman Task Force on Missing and Exploited Children, with agents from seven Federal law enforcement agencies, headed by the FBI, working with the NCMEC in difficult cases.

The legacy of America's missing children can be seen in the new laws, heightened public awareness, improved response from law enforcement and unprecedented national attention to prevention and education which exist today. Progress has been made to better protect our Nation's children, but much remains to be done.

Most missing children do return home safely, but this face is of little comfort to the families of those children who are never found or who are found dead. We, in Congress, must work to reduce the numbers of missing, abducted, runaway, and thrown away—children who are thrown out of their homes—children.

There are a number of things which remain to be done to improve outcomes for missing and exploited children. The National Center for Missing and Exploited Children has suggested that:

Uniform reporting procedures should be implemented to improve monitoring of reports of crimes against children.

Each State should create a missing and exploited children clearinghouse.

States would establish policies and procedures to be followed in conducting missing child investigations to address initial response, information gathering, required NCIC and other database entries, interviews with family members, search procedures, supervisory responsibilities, and post-recovery interviews

The States should also establish procedures for law enforcement agencies for taking missing child reports that include immediate acceptance of a missing child report without a waiting period, and the immediate entry of all descriptive information into the NCIC and other relevant databases.

States should require specialized training in missing and exploited child issues as part of their basic law enforcement training programs.

States should establish policies and procedures to ensure the immediate coordination of information exchange on unidentified persons with missing child information on the NCIC.

Each State should mandate that healthcare facilities establish policies and procedures to promote the protection of infants and the reduction of infant abduction.

States should implement records-flagging procedures and require that new-school enrollment records be submitted to the State missing children clearinghouse to determine whether abducted or missing children are enrolled in schools.

States should adopt comprehensive policies and procedures to address family abduction issues including modifying existing criminal custodial interference statutes to make them uniformly state the potential criminal liability of abductors who conceal or remove a child in violation of the custody rights of the other parent.

It is also important that a parent's lack of resources do not hinder the reunification of the parent and the missing child. National, State, and local bar associations should encourage members to take family abduction and disputed custody cases pro bono or on a sliding fee scale.

Policies and laws on family abduction, domestic violence, and child abuse should be coordinated so that the focus is always on the best interest of the child. Similarly, encouraging resolution of custody disputes outside of the adversarial process will reduce the likelihood that abduction will occur.

States should adopt and implement a comprehensive criminal justice system response to the problem of sex offenders.

Every State should make the possession of child pornography a felony criminal offense.

State policies and procedures in dealing with juvenile prostitution should treat the issue as a form of child sexual victimization and focus criminal justice, legal, and social service resources on treating the child victim.

States should enact a child victim's bill of rights to incorporate basic protections into State law.

Each State should provide for, or support, research-based, comprehensive, age-appropriate personal safety curricula in its elementary and secondary schools.

Parents can also help prevent child abduction and exploitation. I urge parents to be sensitive to changes in your children's behavior, be alert to a teenager or adult who is paying an unusual amount of attention to your children or giving them inappropriate or expensive gifts, teach your children to trust their own feelings, and assure them that they have the right to say no to what they sense is wrong and tell your children that no one should approach them or touch them in a way that makes them feel uncomfortable.

The problem of child abduction and exploitation transcends politics, race and socioeconomic status. To Californians, it takes the face of Polly Klaas, in Florida, it is that of Adam Walsh, and in the country's heartland it comes as Jacob Wetterling. In the Northeast, it is seen in the pictures of Sara Anne Wood and Etan Patz. In the South, it is in the photographs of Yusef Bell and the 28 other children from Atlanta who were reported missing and found murdered from 1979 to 1980. To our Nation's seniors, the image of Charles and Anne Lindbergh pleading for their kidnapped baby is forever imprinted in our memories.

We must work together to protect our Nation's children so that they can grow up to become happy, healthy and productive adults. We owe it to the families of missing and exploited children and we owe it to the children of this Nation. Thank you.

Mrs. SCHROEDER. Mr. Speaker, there are five categories of missing children, they are:

First, abducted by family members.

Second, abducted by nonfamily members.

Third, runaways.

Fourth, thrownaways.

Fifth, lost, injured or other reasons.

All numbers are for 1988 cases.

Family abductions: Involves taking the child in violation of the custody agreement, referred to as "child snatching."

Fifty-three percent were living with a single parent; 41 percent occurred in the midst of an ongoing relationship; 2 percent involved snatching the child from day care centers, rather they involved violations of custody agreements.

Nonfamily abductions: There were 114,600 attempted abductions. There were 3,200–4,600 children abducted. Children ages 4–11 experienced the most attempts. Most attempts involved a car.

More than half the victims were age 12 and older; 62 percent were to strangers; 19 percent were to acquaintances; force was used against 84% of the victims.

Runaways: Children who left home overnight without permission. There were 450,7000, although the majority went to familiar places. There were 133,500 children who left without a secure and familiar place to stay; 67 percent were 16 to 17 years old.

Thrownaways: Children who are thrown out of their homes. There were 59,200 cases reported; 84 percent were for children between the ages of 16 and 17.

Lost, injured or otherwise missing: 139,000 reported cases; 47 percent ages 4 and under.

WHAT YOU CAN DO TO PREVENT CHILD ABDUCTION AND EXPLOITATION

Know where your children are at all times. Be familiar with their friends and daily activities.

Be sensitive to changes in your children's behavior; they are a signal that you should sit down and talk to your children about what caused the changes.

Be alert to a teenager or adult who is paying an unusual amount of attention to your children or giving them inappropriate or expensive gifts.

Teach your children to trust their own feelings, and assure them that they have the right to say "NO" to what they sense is wrong.

Listen carefully to your children's fears, and be supportive in all your discussions with them.

Teach your children that no one should approach them or touch them in a way that makes them feel uncomfortable. If someone does, they should tell the parents immediately.

Be careful about babysitters and any other individual who have custody of your children.

FAITH AND POLITICS

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. POSHARD] is recognized for 60 minutes as the designee of the minority leader.

Mr. POSHARD. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY].

DEBT CEILING

Mrs. KENNELLY. Mr. Speaker, we keep hearing the debt ceiling and the need to extend it to prevent default. We also keep hearing about the need to balance the budget and the need to finish appropriations bills. I think all of this is very confusing to the American people.

Let's be clear. Appropriations, reconciliation and the debt are three separate issues although they are often thrown about together.

Appropriations is about keeping the Government open. The President has signed only 2 of the 13 appropriation bills despite the fact that the fiscal year started October 1. In the absence of 13 full years appropriation bills, we have been operating under a continuing resolution. This is a temporary stopgap measure designed to keep the Government open until we can complete work on the remaining 11 full years appropriation. The continuing resolution expires on November 13. We must either complete work on the remaining appropriations or pass another continuing resolution by then in order to prevent a Government shutdown. A Government shutdown means closing Government offices and national parks.

The reconciliation bill currently includes the majority's plan for balancing the budget and a permanent extension of the debt ceiling. The two are tied by tradition, rather than necessity. Balancing the budget is an important task and one Democrats and Republicans have been debating all year. We should balance the budget and this Member believes we will when all is said and done and both sides of the aisle sit down and negotiate. The problem is such negotiations take time. And time is something we simply don't have when it comes to the debt ceiling.

The debt ceiling is simply the limit the Treasury may borrow. Treasury Secretary Rubin has said that we are very close to that ceiling today and Treasury would exceed it sometime between November 6 and November 15 without congressional action. While it is clear that the debt ceiling will be raised in the long run, it is not clear that a reconciliation bill can be enacted before we hit the debt ceiling.

The President has threatened to veto reconciliation in its current form due to policy concerns over Medicare, Medicaid, and spending priorities.

It therefore makes sense for the Congress to pass a temporary debt ceiling as an interim measure to prevent default while a balanced budget agreement can be hammered out. Some have said that such a step isn't necessary because a default wouldn't cause serious problems in the economy. I strongly disagree.

Remember we have never exceeded the debt ceiling so no one really knows what will happen but we do know that exceeding the debt limit means that U.S. debt obligations come due and the United States refuses to pay. Given that U.S. Treasury securities are seen as the soundest investment in the world, this would be a very serious development. Much of the economy is based on confidence. Think about the effect on the stock market, the dollar, the bond market, not to mention the economy if the United States even for a short time says "no, we can't pay our debt right now".

At the very least, it would mean that the next time we go to sell bonds, U.S. Treasury securities, purchasers are going to demand an interest rate higher than they otherwise would have because of the increased risk. Keep in mind that currently U.S. Treasury debt finances $4.9 trillion in debt. So even a risk premium of ten basis points—one tenth of one percent—will mean $3-$4 billion in added annual interest we must pay on all our debt for the future!

While the debt ceiling and a potential default are esoteric issues to most Americans, they do affect the lives of average families very directly. Fully 31 percent of American households have mutual funds, many of which are invested in Treasury securities or the stock market. Both credit cards and auto loans often are pegged to Treasury interest rates. And fully 9.5 million American families have adjustable rate mortgages, a majority of which are pegged to Treasury interest rates. Therefore, millions of American families would feel a direct impact of a default.

When all is said and done, the debt ceiling will be increased. We shouldn't hold the economy or average American families hostage to a partisan debate on a balanced budget. We should enact an extension in the debt ceiling immediately.

□ 2145

Mr. POSHARD. Mr. Speaker, I am very nervous about taking the floor tonight, because I want to talk about two topics which perhaps never should be discussed together. Those topics are faith and politics. I have listened over the past few years to the growing public cynicism of our own people toward our own government. I have listened to them, in one town meeting after another, proclaim their distrust, their lack of confidence in us, their sense that we have somehow abandoned ethical considerations in our deliberations.

Mr. Speaker, I listened very carefully this afternoon to the debate on abortion, and I was so grieved in my conscience about this issue because of the tone it has taken on as a point of division in our country. I always feel troubled in my spirit when I hear the shrill voices rising on this issue, both pro and con. The name of God was invoked today several times in the debate, and it caused me to think again about the role of my faith in the decisions that I have to make in this Congress and in this country. So I want to talk about that.

I ask your forgiveness in advance if I offend anyone here in the manner of my speaking or the words which I speak. I respect any person's faith. I am not taking the floor here to proselytize for my faith. I am not trying to advocate any religion. I have never considered myself to be a particularly religious person. I accepted both my faith and my politics when I was fairly young, I guess as most of us do. I was raised in a small, rural Baptist church. My father and mother were steeped in the beliefs and the traditions of the Democrat Party and the Christian faith. I accepted both along the way, and I have struggled with both my whole life.

It has been especially difficult to integrate the two at times, but let me talk about just a few beliefs or assumptions that I have encountered along the way in the political world that may speak at least in part to the "why" of the public distrust, and share with you a response from my own Christian faith that may remind us of a way to restore that confidence.

I know other faiths have similar responses that speak to these beliefs, but I can only speak out of my own faith. I remember when I first went to the Illinois State Senate, one of the leaders of my party, as the leaders of both parties do from time to time, took us in a little room during the orientation period, and I remember the gentleman saying, "Now, here is the first and foremost thing that you need to remember. The most important thing that you can do here is to stay electable. Whatever you've got to do to remain electable, do it. The most important thing is that you get back here. And so if you have to take the floor and rail against Chicago, and show your downstate constituents that you are protecting their interests against the big, bad city, do it. You won't offend me."

That troubled me. And sometimes when I go to meetings here, as I did then, the most important thing it seems that is shared is, what is the spin we can put on things to make sure that we stay electable?

I recall in my upbringing a story, a very important story in the scriptures, of the life of Christ. They were headed, he and his disciples, toward the cross. Just a few days before that, they stopped in the home of Mary and Martha and Lazarus. As they were sitting there discussing the events of the day, or perhaps what was to come down the road, all of a sudden there is this little slip of a girl sitting among them. Her name was Mary. And at some point in the discussion Mary took out a bottle of perfume, and the scriptures say it was worth a whole year's wages, very expensive. And she broke that bottle and she lavishly spread it upon Christ, and that evoked certain responses in the room. Judas immediately said, who represents the world in this scenario, "Stop her. Why do you let her do that? We could have sold that and given it to the poor, and accomplished social objective." And the disciples, who represented the church in that scenario, said, the scripture said, "they rebuked her severely." And then Martha, who represented the family there, came into the room and said to Christ, "Get Mary up. I have lots of work to do in the kitchen. I need help. She should be in there helping me. Get her up."

And the scripture Christ looked at Martha and said, "Martha, Martha, you worry over so many things, but only one thing is most important, and Mary knows what this is: Just learning to love, to care about others, and being loved in return, in the way that God loves us, in an unconditional love, that is the important thing, and Mary knows that."

And so I am reminded by that that the most important thing here is not to stay electable, it is not to do whatever is necessary to make sure that we get back here. We all know who serve here what the most important thing of all really is.

I remember having heard several times a second notion peculiar to the political realm, and that notion is that once you get in this business, and once you get on the ladder, that you want to climb to the top. It said that "everybody wants to be President," and so the notion is to climb as far as you can, and not to worry about the cost of that, if you have to climb over the bodies of your friends or whatever, just do it; achieve, get to the uppermost rung.

Again I am reminded of something that came out of my faith that speaks to that notion. Just a few days later Christ and his disciples are in the upper room, having the last supper together that they are going to have on this Earth. A few days before that the mother of James and John, two of the disciples, had come to Christ and said, "When you come into your kingdom, I want you to seat one of my sons on your right and one of my sons on your left, so that they can share the power with you in this kingdom, this earthly kingdom that you are going to assume."

The other disciples had gotten word of that, and they were irritated and seething underneath about in competition for power. It said that at this most intimate time of all, after spending 3 years together, when they should have been closer than they had ever been before, it said that they were so angry with each other that they even refused to engage in the Jewish custom of washing their feet before they came into the room. So Christ got up and took a towel and a bowl of water, and he proceeded to go around the room and wash their feet. And in doing that, he said to them, "Look, don't be this way. If you want to be the greatest in the kingdom, you have to learn to be the least. If you want to be the ruler of all, you have to learn to be the servant of all." He said, "The Pharisees seek the best seats in the synagogue so they can display their faith, and the Gentiles lord it over their people. That is not the way. Don't do that. Don't sit here in envy and pride and jealousy about wanting to be first."

In the spiritual world, the way up is the way down. Yet, the political world tells us all the things that we have to do to climb the ladder. There is another thing that I have noted along the way in the political world. You hear it all the time. It says, "In order to survive, you must be willing to compromise." We know that democracy depends upon our ability to compromise. No one gets everything they want in a democracy. That is the genius of a democracy. We are all searching for the middle ground between the extremes. That is the only way democracy can move forward. Yet, so much of the time in this business we almost treat compromise and principle as one and the same thing.

There is a wonderful little story in the Book of Kings, in the old scriptures, that reminds us of a response to this issue. The Syrians have a great warrior captain by the name of Naman. He has gone over into Israel and made a raid, and he has brought back some captives. One of those captives is a young Jewish girl that now serves in his household.

Naman is a great military leader, a great leader of his people, but he has one problem. He has leprosy, the most dreaded disease of his time. The little maidservant in his household said one day to Naman's wife, "You know, if Naman would go over into Israel and meet with the prophet Elijah, he could heal his leprosy."

□ 2200

The wife tells Naman, Naman tells his king, his king exchanges letters with the king from Israel, arrangements are made for Naman to go see the prohet, Elijah. He goes there and he proceeds to take a long train of wagon loads of gifts with him to give to the prohet who may heal him of this leprosy.

He comes up to Elijah's door, wanting to give him these gifts, and Elijah will not even meet with him. He says, through a messenger, to Naman, "Naman, go down to the Jordan River and dip yourself 7 times in the river and you will be healed of the leprosy."

Naman becomes very angry. He says, "I am not going to humiliate myself by doing that," and he turned around and started to go back home, and one of his servants prevailed upon him to indeed go down to the Jordan and dip 7 times. He said, "What do you have to lose? If he had asked some great thing out of you, would you not have done it?"

So Naman went down to the Jordan, dipped himself 7 times, and was miraculously healed of the leprosy. He comes back to the door of Elijah, and now he wants to give these gifts to Elijah, and Elijah again says, "I will have none of them."

So Naman says to Elijah, "Well, Elijah, if you will not take the gifts, then just do this for me. Let me take two wagon loads of this earth back with me to my home, because I am a man under authority, and when I get back home, I know my king is going to call me to go down to the House of Reman where the false gods of Baal are, and I am going to have to accompany him there. All I want to be able to do is take a handful of dirt with me when I am compelled to go there and spread it before me so I can remember the one true God that healed me."

Now, Elijah could have said to Naman, "Naman, don't you dare. You have gone through a miraculous experience here. Don't you dare go back there and worship a false god of Baal." But he did not say that. Instead, he said to Naman, "Naman, take the dirt and go in peace."

Now, what is important about that to me is simply this: This is the greatest country in the history of the world in my judgment, America. This is the greatest government in the history of the world. And right here in this capital, in this city, is the seat of worldly power. Not just the seat of this Nation's government, but it is the government to which all governments of the world come to pay deference from time to time.

There are many false idols worshiped here. Position, power, wealth, all kinds of things, that it would be very easy for us to look at and feel so empowered with that we would forget who we are and think that we could compromise principle in the process of engaging in these kinds of pursuits. So we must be reminded in this midst of position and power and wealth and authority and all of the other things of who the one true God of the universe really is.

Now, today as I mentioned earlier, I sat and listened to the debate on abortion. Every time I hear that debate come up before this body, I am just torn asunder. I am a pro-life Democrat. It is just what I believe. But I want to talk about this for a moment along another line.

I have a little niece by the name of Rita, and she married a young man named David some years ago, and they are two kids that really loved each other. They were in their early 20's. They cared so much for each other, they wanted to build a life of their own. They got married and they had a child, and that little child, Jonathan, was born with Cystic Fibrosis. The doctor told them that Jonathan may never come home from the hospital. He did, but only a couple of times in the short 7 months that he lived.

The hospital bills were huge. For all the time that Jonathan was in the hospital, my niece and her husband were heartbroken over this experience, they were grieved to know that one of them was a carrier of the Cystic Fibrosis gene. They were warned by the doctors not to try to have another child.

I remember the day that my niece called me and she said, "Uncle Glenn, the doctor tells us that Jonathan is probably not going to live through the day. Could you come over the hospital and be with us?" I remember getting in my care and starting the drive some 50 miles away to the hospital where they were and saying to myself as I was driving along, dear God, how could you let this happen? How could you let this child which they so wanted, they so loved, how could you let these two kids who loved each other to much, how could you let this take place? How could this little baby be dying? I was really grieved in my spirit and in my conscience struggling with this.

Not in an audible voice, but in my own spirit it suddenly came to me. This came to me. It was like God saying, but you do not understand. I created Jonathan because I needed him. I am love, unconditional love, all forgiving love, and the nature of unconditional love is that it must have an object upon which to lavish itself. That is the nature of love.

You see, God being unconditional love, needed Jonathan in order that He may love more, in order that He may love him. Jonathan was created as the object of this great love. Jonathan did not have to deserve God's love. He did not have to be worthy of God's love. He was the beloved, just by virtue of being created by God. The length of his life was utterly unimportant, whether it was 7 weeks or 7 months in the womb or 7 years or 70 years after birth, he was the beloved.

There are so many voices in our world today telling us that in order to be loved, in order to count for something, in order to be worthy, we have to be the right way. We have to make a certain salary or live in a certain community or associate with the right people or drive a certain car, wear certain clothes, attend a certain church. If we will just do all of these things, somehow we will be worthy, we will be deserving of love and appreciation. As Henry Nowan, a Christian writer says, we drown out that voice that calls us the beloved, just because we are created by God as the object of His love.

That is why those of us who are pro-life see this as a matter of principle, not just as an issue that can be compromised. We really do see this issue of abortion as a matter of life and death, as a matter of taking away a life that God has allowed to be created as the object of His love. But if we really believe that, then we must also believe that the lives of those caught up in the terrible circumstances of considering an abortion and all of the trauma that goes along with that, we must also believe that we have no right to further traumatize that person by self-righteous condemnation of their character. Only God must judge. If our faith teaches us anything, it is that we must have compassion and mercy, not judgment.

I do not expect to ever get to a time when I stop struggling with either my faith or my politics. Christ said, as Christians, we are to be in the world, but not of the world. Some days I think that I understand that distinction very clearly and other days, I am not so sure.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP (at the request of Mr. GEPHARDT) for Monday, October 30, on account of official business in the district.

Ms. HARMAN (at the request of Mr. GEPHARDT) for today after 3 p.m. for the balance of the day, on account of a family obligation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.
Mrs. KENNELLY, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. DURBIN, for 5 minutes, today.
Mr. MILLER, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.
Mrs. COLLINS of Illinois, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. SCARBOROUGH) to revise and extend their remarks and include extraneous material:)

Mr. LONGLEY, for 5 minutes, on November 2.
Mr. MCINTOSH, for 5 minutes, on November 2.
Mr. SHADEGG, for 5 minutes, today.
Mr. DORNAN, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. HORN, for 5 minutes, today.
Mr. KIM, for 5 minutes, today.
Mr. EHRLICH, for 5 minutes, today.
Mr. GEKAS, for 5 minutes, today.
Mr. CLINGER, for 5 minutes, today.
Mr. HAYWORTH, for 5 minutes, on November 2.
Mr. SCARBOROUGH, for 5 minutes, today.
Mr. SHAYS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mrs. MALONEY.
Ms. ROYBAL-ALLARD.
Mr. HAMILTON in two instances
Mr. CARDIN.
Mr. LIPINSKI in two instances.
Mr. TORRES.
Mr. TOWNS in five instances.
Mr. COLEMAN.
Mr. LEVIN.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. SOLOMON in two instances.
Ms. MOLINARI in two instances.
Mr. COMBEST.
Mr. FRANKS of New Jersey.
Mr. PACKARD.
Mr. LINDER.
Mr. SMITH of New Jersey.
Mr. COOLEY.
Mr. HANSEN.
Mr. QUINN.
Mr. GILMAN.
Mr. PORTER.
Mr. MARTINI.

(The following Members (at the request of (Mr. POSHARD) and to include extraneous matter:)

Mr. CUNNINGHAM.
Mr. PETERSON of Florida.
Mr. JACOBS.
Mr. GILLMOR in two instances.
Mr. PASTOR in two instances.
Mr. FRANKS of New Jersey.
Mr. RAHALL.
Mr. CLEMENT.
Mr. DICKS.
Mr. LUTHER.
Mr. POMEROY.
Mr. HANSEN.
Mr. GILMAN.
Mr. MARTINI.
Ms. JACKSON-LEE.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 187. An act to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Economic and Educational Opportunities and the Committee on Commerce.

ADJOURNMENT

Mr. POSHARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, November 2, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1582. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Sacramento District, U.S. Army Corps of Engineers, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1583. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by Public Law 104-37, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Reform and Oversight.

1584. A letter from the Director, Office of Management and Budget, transmitting the Director's views regarding the "Department of Commerce Dismantling Act"; to the Committee on Government Reform and Oversight.

1585. A letter from the Chairman, U.S. International Trade Commission, transmitting a copy of the 83d quarterly report on trade between the United States and China, the successor states to the former Soviet Union and other title IV countries during April–July 1995, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

1586. A letter from the Secretary of Health and Human Services, transmitting the Secretary's views regarding H.R. 4, the "Personal Responsibility Act"; jointly, to the Committees on Ways and Means, Banking and Financial Services, Economic and Educational Opportunities, the Budget, Rules, Commerce, the Judiciary, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2149. A bill to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes (Rept. 104-303). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE: Committee on Rules. House Resolution 253. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–304). Referred to the House Calendar.

SUBSEQUENT ACTION ON REPORTED BILL SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1816. Referral to the Committee on Commerce extended for a period ending not later than November 2, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONDIT (for himself and Mr. Matsui):

H.R. 2567. A bill to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances; to the Committee on Transportation and Infrastructure.

By Mr. COOLEY (for himself, Mrs. Chenoweth, and Mr. Nethercutt):

H.R. 2568. A bill to require adopting of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 2569. A bill to require the Secretary of Energy to immediately begin returning the Fast Flux Test Facility to operational status, identify which missions will be given the highest priority, and prepare the facility to carry out those missions; to the Committee on Science, and in addition to the Committees on Commerce, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mr. Goodling, Mr. Gunderson, Mr. Castle, Mr. Sam Johnson, Mr. Greenwood, Mr. Riggs, Mr. Weldon of Florida, Mr. Souder, Mr. McIntosh, Mr. Ballenger, and Mr. Graham):

H.R. 2570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. PETERSON of Florida (for himself, Mrs. Meek of Florida, Mr. Dellums, Mr. Johnston of Florida, and Mr. Jefferson):

H.R. 2571. A bill to establish a program to provide Federal payment to States for the operation of programs for long-term care services for needy individuals with disabilities, to amend the Internal Revenue Code of 1986 to revise the tax treatment of expenses for long-term care insurance and services, to reform standards for the long-term care insurance market, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. Boucher, Miss Collins of Michigan, Mr. Evans, Mr. Filner, Mr. Klink, Ms. Lofgren, Ms. Norton, and Mr. Stupak):

H.R. 2572. A bill to reinstate the emergency unemployment compensation program; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions of fall within the jurisdiction of the committee concerned.

By Mr. REGULA:

H.R. 2573. A bill to amend the Federal Election Campaign Act of 1971 to eliminate PAC contributions to individual House of Representatives candidates, to provide a tax credit and tax deduction for contributions to such candidates, to provide for voluntary expenditure limitations in House of Representatives elections, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 2574. A bill to amend the provisions of title 5, United States Code, that provide for a 2-percent reduction in retirement benefits for each year that the employee is under age 55 at the time of retiring; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 206: Mr. Barcia of Michigan and Mr. Laughlin.

H.R. 262: Mr. Horn.

H.R. 266: Mr. Gene Green of Texas.

H.R. 325: Mr. LoBiondo.

H.R. 528: Mr. Canady, Mr. Gallegly, Mr. Clyburn, Mr. Emerson, and Mr. Minge.

H.R. 573: Mr. DeFazio.

H.R. 822: Mr. Barton of Texas, Mr. Pete Geren of Texas, and Mr. Hastert.

H.R. 852: Mrs. Schroeder and Mr. Costello.

H.R. 1024: Mr. Franks of New Jersey.

H.R. 1127: Mr. Blute and Mrs. Lincoln.

H.R. 1202: Mr. Ballenger, Mr. Petri, Mr. Foglietta, and Mr. Castle.

H.R. 1309: Mrs. Smith of Washington, Mr. Pastor, Miss Collins of Michigan, Ms. Pelosi, and Mr. Yates.

H.R. 1406: Mr. Browder and Mr. Hoke.

H.R. 1416: Mr. Abercrombie, Mr. DeFazio, Mr. Lewis of Georgia, and Mr. Wyden.

H.R. 1484: Mr. Diaz-Balart and Mr. Durbin.

H.R. 1488: Mr. Hayworth and Mr. Clinger.

H.R. 1540: Mr. Spence and Mr. Minge.

H.R. 1687: Mr. Hall of Ohio, Mr. Upton, Mr. McHale, Mr. Sanford, and Mr. Castle.

H.R. 1856: Mr. Hyde, Mr. Wicker, Mr. Dooley, and Mr. Gunderson.

H.R. 1920: Mr. Torkildsen and Mr. Bishop.

H.R. 2029: Mr. Spratt.

H.R. 2039: Mrs. Kennelly, Mr. Crapo, Mr. Fox, Mr. Radanovich, Mr. Bartlett of Maryland, Mrs. Chenoweth, Ms. Danner, and Mr. Barrett of Wisconsin.

H.R. 2098: Mr. Blute, Mr. Fox, and Mr. Hastert.

H.R. 2101: Ms. Pelosi, Mr. Brown of California, Mr. Farr, Ms. Norton, Mr. Berman, Mr. Foglietta, Mr. Wyden, Mr. Kennedy of Massachusetts, Mr. Lipinski, Mr. Barrett of Wisconsin, and Mr. Torricelli.

H.R. 2200: Mr. Linder, Mr. Bono, Mr. Quinn, Mr. Thomas, Mr. Klug, Mr. Callahan, Mr. Browder, and Mr. Fawell.

H.R. 2276: Mr. Blute.

H.R. 2286: Mrs. Seastrand, Mr. Combest, Mr. Calvert, Mr. Riggs, and Mr. Hastings of Washington.

H.R. 2309: Mr. Rohrabacher and Mr. Calvert.

H.R. 2422: Mr. Jefferson.

H.R. 2434: Miss Collins of Michigan, Mr. Fields of Texas, Mr. Crapo, and Mr. Payne of Virginia.

H.R. 2507: Mr. Barr and Mr. Solomon.

H.R. 2508: Mr. Funderburk, Mr. Frazer, Mr. Hinchey, Mr. Barton of Texas, and Mr. Deutsch.

H.R. 2519: Mr. Barton of Texas, Mr. Bentsen, and Mr. Lewis of Georgia.

H.R. 2525: Mr. Hutchinson.

H.R. 2529: Mr. Traficant, Mrs. Meek of Florida, Mr. McDermott, Mr. Frazer, Mr. Filner, and Miss Collins of Michigan.

H.R. 2531: Mr. Hastert.

H.R. 2550: Mr. Canady, Mr. Skeen, Mr. Schaefer, Mr. Mica, Mr. Barr, and Mr. Traficant.

H. Con. Res. 26: Mr. Oberstar, Mr. Levin, Mr. Gene Green of Texas, Mr. Horn, and Mr. Pete Geren of Texas.

H. Con. Res. 51: Mr. Solomon, Mr. Franks of New Jersey, and Mrs. Lowey.

H. Con. Res. 63: Mr. Gilman.

H. Con. Res. 73: Mr. Foley.

EXTENSIONS OF REMARKS

THE COMPREHENSIVE LONG-TERM CARE ACT OF 1995

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. PETERSON of Florida. Mr. Speaker, in recent weeks, much has been said in this Congress about deficit reduction. Integrated into the debate on balancing the Federal budget is the fate of two of the most important social programs this Nation has ever created: Medicare and Medicaid. Tens of millions of Americans rely on at least one of these programs, and in many cases both, to meet even their most basic health care needs.

Unfortunately, the skyrocketing cost of health care in this country, coupled with America's changing demographics, has caused a dramatic and unsustainable growth in the cost of these programs. It is simply indisputable that we can never make more than a dent in the budget deficit facing our children unless we seriously address reform of our health care system. Clearly, Medicare and Medicaid need reform now.

Some in this Chamber seem to believe they have a quick and easy solution to the problems confronting these programs. However, many of us here in this body understand in our hearts that there is no easy solution. Our choices are difficult, and many are politically unpopular. Simply making draconian cuts in Medicare in order to meet arbitrarily chosen budget targets is not sound policy, nor is packaging Medicaid up into a block grant and shipping it off to the States.

For this reason, I am today introducing the Comprehensive Long-Term Care Act of 1995. This bill compliments H.R. 2071, the Health Care Improvement Act, which I introduced in July of this year. That bill, which makes sensible reforms to the American health care system and the acute care side of Medicaid, currently has 14 cosponsors.

The Long-Term Care Act makes bold reforms to the long-term care side of Medicaid by adding a new home- and community-based program, and expanding eligibility to those with incomes up to 100 percent of the Federal poverty level. The nursing home and institutional portion of the Medicaid Program will be similar to the current Medicaid Program, with eligibility expanded to those with incomes up to 100 percent of poverty. Also, improvements are made with regard to the financial and disability eligibility determination criteria for all beneficiaries, as well as in the asset spend down protections and personal needs allowance.

Importantly, this bill also contains unprecedented tax relief for the purchase of private long-term care insurance. Under the Comprehensive Long-Term Care Act, private long-term care insurance premiums are tax deductible, and employer provided long-term care insurance is excluded from an employee's taxable income. And funds drawn from a retiree's IRA or 401(k) trust plan that are used for the purchase of long-term care insurance will not be subject to taxation. These bold changes will go a long way toward lowering future Federal expenditures on public long-term care programs by ensuring that the number of Americans with private long-term care insurance is greatly expanded.

These incentives for the purchase of private long-term care insurance assure that public funds for Medicaid are directed at those who need them the most—those who cannot afford to pay for themselves. The new State funding distribution formula will also ensure that every State receives an equitable amount of Federal funding based on the State's number of eligible beneficiaries and ability to match the Federal share.

It is my hope that the introduction of this bill will help move the debate about how to lower the cost of Medicare and Medicaid in the direction of serious reform—not arbitrary cuts. I encourage my colleagues to join me in this effort.

TRIBUTE TO RICHARD C. BRAMWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. TOWNS. Mr. Speaker, I am pleased to recognize the accomplishments and contributions of Richard Bramwell, president, CEO, and cofounder of Shinda Management Corp., a Queens-based real estate management company.

Mr. Bramwell is directly responsible for building a business that employs in excess of 40 employees. His company provides management and accounting services for over 3,000 residential apartment units. Shinda Management Corp. has specialized in the management of large multifamily housing developments, and has developed a stellar reputation as specialists in workout and other distressed properties.

Mr. Bramwell earned a bachelor's degree from Hofstra University and is a New York State real estate broker. He is a certified public housing manager and a member of the New York Association of Realty Managers and the National Association of Housing and Redevelopment Officials. I am pleased to highlight the accomplishments of Mr. Richard Bramwell.

A TRIBUTE TO JOE J. WEBB

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. HAMILTON. Mr. Speaker, I rise to pay tribute to Joe J. Webb for his leadership and commitment to Indiana's electric cooperative industry as he concludes his tenure as president of the Indiana Statewide Association of Rural Electric Cooperatives, Inc.

In December Mr. Webb will complete his second year as president of the Indiana Statewide Association. He has had a long and distinguished career with Indiana's electric coerative industry. He has been a member of the Clark County REMC board since 1973 and a director of Indiana Statewide since 1988. He served as the association's secretary-treasurer from 1989 to 1991 and as its vice president from 1991 to 1993.

Mr. Webb is dedicated in all his efforts to the betterment of rural Indiana and has made a difference in the lives of those in his community and throughout the State. He is charter president and lifetime member of the New Washington Optimist Club. He is past elder and member of the board of trustees for the Trinity United Presbyterian Church in New Washington. He participates in a number of events which benefit local charities and is especially proud of his work for the Center for Lay Ministries in Jeffersonville. The center offers a food pantry for the needy and provides vouchers for people who cannot pay their bills.

Joe Webb has been a leader and a model citizen. He is richly deserving of the praise and recognition of his fellow Hoosiers.

PRESIDENT CLINTON AGREES WITH REPUBLICANS ON CRACK COCAINE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. SOLOMON. Mr. Speaker, after 3 years President Clinton finally did something right in the war on drugs. Yesterday he signed into law legislation denying the Sentencing Commission's recommendation on crack cocaine. President Clinton reaffirmed that offenses involving crack cocaine deserve more severe punishment than those involving powder cocaine.

Failure to reject the Sentencing Commission's proposal would have led to an increase in the use of crack and an increase in the number of people addicted to crack cocaine. Today in the United States, according to the Partnership for a Drug Free America, 1 out of every 10 babies born in the United States is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

born addicted to drugs, and most are addicted to crack cocaine.

I agree with some of what has been said about the equal treatment of crack and powder cocaine, but instead of lowering the penalties for crack offenses, as the Sentencing Commission proposes, we should simply increase the punishment for powder offenses to the same level as crack cocaine.

In the 1980's, the crack epidemic devastated American cities, causing the twin problems of addiction and drug-dealing crime. Crime skyrocketed between 1985 and 1990, the years crack was introduced. In fact, violent crime went up 37 percent in 1990 and aggravated assaults increased 43 percent. Because of crack cocaine, more teens in this country now die of gunshot wounds than all natural causes combined.

The Congress, in the 1980's, reacted properly to the crack epidemic gripping vulnerable inner-city communities. We saw the destruction wrought on entire communities by this cheap and highly addictive form of cocaine. This time President Clinton did the right thing and decided that crack offenses ought to be punished more severely than powder offenses because of the increased violence and crime associated with crack.

TRIBUTE TO SENECA COUNTY 4-H CAMP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to a group of volunteers who unselfishly contributed their talents to the Seneca County, Ohio 4-H Camp this past August.

The time and effort required to run a successful 4-H camp is immense. The staff and senior counselors worked long hours and made great sacrifices for the benefit of the community. In particular I would like to recognize senior counselors Joann Piper, Kim Reinhart, Holly Wright, Melissa Lambert, Mike Rainey, and Jeremy Harrison and staff members Ann Golden, Cathy Margraf, Brad Boes and Christa Gittinger. Together they created an exceptional educational opportunity for Seneca County.

I have often spoken to my colleagues here in the House of Representatives about the strength of character that can be found in the cities of northwest Ohio. A strong 4-H club is a source of deserved pride for those who participate and is an invaluable part of the community.

I ask my colleagues to join me today in honoring these individuals for their efforts and commending them on the wonderful example they have set for others.

TRIBUTE TO WILLIAM GUARINELLO

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Ms. MOLINARI. Mr. Speaker, tonight, Wednesday, November 1, 1995, a special event will take place in New York City. Mr. Guarinello, a Brooklyn resident, is celebrating his 25 years of service with HeartShare.

Mr. Guarinello is responsible for current HeartShare services and new program development. He works with city, State, and Federal offices, voluntary agencies, and community organizations in making services available and accessible to people in need of help. Under his leadership HeartShare has been accredited by the Council on Accreditation of Services for Families and Children, Inc. This highly respected rank is held by less than 10 agencies in New York City, and only about 650 organizations in the United States and Canada.

In addition to his executive role with HeartShare, Mr. Guarinello is chairman of Brooklyn's Community Board 11. He volunteers his leadership experience to many organizations, including the Interagency Council of Developmental Disabilities Agencies; Brooklyn Boro Wide Council; New York State Council of Voluntary Family and Child Care Agencies; National Conference of Catholic Charities; and National Council of Family Relations.

He is a frequent speaker on urban family issues before civic and business groups, and colleges and universities. He has often been interviewed by the media on children and family developments, including a feature by Crain's New York Business.

Mr. Guarinello is a graduate of The Institute for Not-for-Profit Management, Graduate School of Business at Columbia University, and was awarded a Certificate of Completion in Financial Management from the Wharton School, University of Pennsylvania. He received an A.A. in Psychology from St. Francis College, and an M.S. degree in Counseling Psychology from Southeastern University.

Mr. Guarinello has made great contributions to his community and our country. His civic-minded approach has added to a better quality of life in our neighborhoods. Together, with the Board of Directors, staff, clients, friends, and family, I congratulate Mr. Guarinello for his 25 years of service and dedication to the Brooklyn community.

TRIBUTE TO CARMEN A. PACHECO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. TOWNS. Mr. Speaker, it is my pleasure to introduce to my colleagues, Carmen A. Pacheco, a native of Brooklyn. She is the founding member of Pacheco & Lugo, Attorneys at Law, the first Hispanic women-owned law firm in New York.

Ms. Pacheco has an impressive academic portfolio. She received her law degree from St. John's University School of Law, and her bachelor's degree from City University of New York.

Her varied professional career includes work as an attorney on Wall Street. Ms. Pacheco has amassed considerable expertise by providing corporate services to multimillion and billion dollar companies such as Transamerica, and the United States Trust Company of New York to name a few. Carmen is a multitalented professional who takes immense pride in her work.

Ms. Pacheco has been lauded for her professional and community work. She is active in the New York State Bar Executive Committee Association on Federal and Commercial Litigation. She is also a member of the Puerto Rican Bar Association, and the Hispanic National Bar Association. It is my distinct honor to recognize Ms. Pacheco for her sterling contributions.

INCOME INEQUALITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, November 1, 1995 into the CONGRESSIONAL RECORD:

INCOME INEQUALITY IN AMERICA

Over the past several years it has become clear that we have an economy in which income inequality has been worsening—the rich in America have been getting richer and the poor have been getting poorer. The figures are worrisome, but what is even more worrisome is that the current budget proposals moving through Congress would aggravate this trend.

GROWING INEQUALITY

Certainly there is nothing wrong with some people making more than others based upon different levels of work and skill. But in recent years the U.S. has become one of the most, if not the most, economically stratified of all the industrialized nations. The gap between the rich and the poor in the U.S. is well above that in Canada and Britain and twice as bad as in Germany.

After years of little change, income inequality since the 1970s has gotten progressively worse. Those in the bottom fifth have seen no improvement at all; indeed their real family income is slightly lower than it was 25 years ago. A recent study found that a larger proportion of children in the U.S. are poor than in the other industrialized nations. Meanwhile, people at the top have done very well. More than three-quarters of the additional income generated during the 1980s went to the top 20% of families. The top fifth now receives half of total household income, a record high. Twenty years ago, for example, a corporate CEO's income was 35 times greater than his average worker's income; today it is 150 times greater.

Many factors may have been involved in this trend of growing income inequality—technology in the workplace, lagging productivity, changing labor markets, international trade, the 1980s tax cuts for well-to-do Americans, and the rise in the stock market—and we can debate which of these factors are the most important. But what is beyond debate is whether this basic shift has occurred.

GINGRICH BUDGET PROPOSALS

Yet against this backdrop the budget plan put forward by House Speaker Newt Gingrich would make this trend worse—giving more to the rich and taking away more from moderate-income Americans.

The majority of the Gingrich tax cuts would go to families making over $100,000 a year. His tax plan, for example, makes deep cuts in capital gains taxes for the well-to-do. At the same time, 50% of his spending cuts for individuals would come from programs for the bottom fifth. Deep cuts are made in health and nursing home care for the elderly; student loans and veterans benefits are scaled back; and reductions in the Earned Income Tax Credit mean a tax increase that hurts low-income workers.

Particularly worrisome is that Speaker Gingrich wants to cut deeply not just health but also education and training programs—the very programs that mean greater opportunity and help those on the lower rungs of society get a leg up and improve their future job and income prospects. Most economists would agree that what we should be doing now is increasing programs for youth job training, student loans, school-to-work transition, vocational and adult education, and the like—but these are targeted for deep cuts by Speaker Gingrich.

LOOKING AT OVERALL IMPACT

Certainly some aspects of the Speaker's budget package are reasonable. Reducing the deficit and bringing the budget into balance is clearly a good idea, and several of the specific items in his overall package make sense, such as selling off unneeded government assets and trimming congressional pensions.

I also don't want to suggest that we should be anti-rich or that we should protect every program for the poor. Various federal programs, no matter how well intentioned, have not worked, and we need to recognize that they need to be dropped or overhauled.

Taken one by one, some of the Gingrich proposals do make sense and can be supported. But we need to look at the overall impact of his budget and tax policies taken as an entirety. The clear impact is to give more to those who already have a lot and to take away from struggling Americans. That simply doesn't make sense. It calls into question the basic fairness of government policy and aggravates one of the most worrisome trends in recent decades—the growing income inequality between rich and poor.

CONCERNS ABOUT INCOME INEQUALITY

This trend of worsening income inequality is a concern for several reasons.

First, it is divisive. When the gap between rich and poor grows too wide and increasing numbers of people feel that America is no longer a land of opportunity for them, the social fabric of the country is at risk. Those at the bottom may begin to feel they have less of a stake in our society's continuance. Some have called the growing income inequality the greatest threat to America's well-being. Second, it hinders economic growth. As those less well-off get poorer and fall father behind, that reduces their access to education and training and their opportunities for improvement. And that in the end means that the nation as a whole is worse off because growth of the U.S. economy is held back by a less qualified workforce. I frequently hear from Hoosier businesses that inadequately trained and educated workers are a major impediment to growth and increased profits. Third, abandoning those less well-off just isn't what America should be about. One of the things that impressed me most about the Pope's recent visit to the U.S. was his challenge to Americans to be more concerned about the poor. He wanted to know if America is becoming less sensitive and less caring toward the poor, the weak, and the needy—in short, less fair.

CONCLUSION

President Clinton has vowed to veto the Gingrich proposals in their current form, so there is some hope that they can be moderated and the burdens and benefits shared more fairly. Our government should help upper-income people do better but it should also help lower- and moderate-income people do better too. Our nation's strength does not lie just in the top 1% or 5% or 10% of Americans but in the top 100% of Americans. Every American should have an equal chance at the starting line. We need to ensure the traditional American promise that hard work will be rewarded, opportunity will be promoted for all, and mobility to move up the ladder will be sustained. That is what is right for America and its future.

THE UNITED NATIONS: 50 YEARS OF MISMANAGEMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. SOLOMON. Mr. Speaker, it has come to my attention that the United Nations has been spending money more carelessly than even the spend thrift Democratic Congresses of the past 40 years. The United Nation's own inspector general has found $16 million in waste and fraud in this not-so-venerable organization.

In addition to the waste and fraud, the United Nations heaps lavish salaries and perks on its employees. The average computer analyst at the United Nations, for example, makes $111,500 per year, has 30 days paid vacation, receives a generous housing subsidy, and an education grant of $12,765 per child tax-free. In addition they receive the most unbelievable pension I have ever heard of: Employees contribute 7.9 percent of their salary, while the United Nations kicks in another 15.8 percent. The pension plan can give entry-level staffers who work for 30 years nearly $2 million.

For some perspective, Mr. Speaker, the average computer analyst in the New York area makes a whopping $54,664 less than his U.N. counterpart, with 12 days less vacation, and of course, no housing subsidy nor education grant. And to be candid, Mr. Speaker, the non-U.N. computer analyst probably works a lot harder. Why? Because the analyst in the private sector is determined to make a profit.

The United Nations will have a much easier time obtaining payments from hard-working American taxpayers once their salaries are made comparable to those in the real world. I would like to insert into the RECORD a recent article in Money magazine that discusses the cushy life of U.N. staffers.

IT'S THE U.N.'S 50TH BIRTHDAY, BUT ITS EMPLOYEES GET THE GIFTS

For months, the United Nations has been celebrating its 50th anniversary—the actual date is Oct. 24—even as many Americans are blasting the organization for being a colossal waste of money. Critics might be even more disgusted if they knew just how much the U.N. spends to pamper its 14,380 employees, roughly one-third of whom work in New York City. In addition to their pay, which is free of all taxes, and lavish perks (see the table at right), U.N. workers have a generous pension plan: All staffers contribute 7.9% of their salary, while the U.N. kicks in another 15.8%. That means many entry-level U.N. staffers whose pay rises only as fast as inflation can retire in 30 years with $1.8 million, assuming that the pension fund earns around 8% annually, according to Michael Chasnoff, a Cincinnati financial planner. At a 4% inflation rate, that's $558,533 in today's dollars. (Employees may take a lump sum or annuitize.)

Here's the icing on the birthday cake: Shielded by diplomatic immunity from niggling local laws, high-ranking U.N. officials enjoy what many New Yorkers consider the best perk of all: free parking.

TAKE A LOOK AT THE CUSHY LIFE OF U.N. STAFFERS

[The table below compares the annual salary and benefits of a New York City-based U.N. employee with kids to those of his non-U.N. counterpart.]

Job	Salary	Vacation	Housing subsidy	Education grant
U.N. mid-level accountant.	$84,500	30 days	80% of rent payments exceeding 26% of salary.	$12,675 per child tax-free
Average mid-level accountant.	41,964	16 days	None	None
U.N. computer analyst.	111,500	30 days	80% of rent payments exceeding 26% of salary.	12,675 per child tax-free
Average computer analyst.	56,836	18 days	None	None
U.N. Assistant Secretary-General.	190,250	30 days	80% of rent payments exceeding 26% of salary.	12,675 per child tax-free
New York City mayor.	130,000	Not specified	Housing provided by New York City.	None
U.N. Secretary-General.	344,200	Not specified	Housing provided by U.N.	12,675 per child tax-free
U.S. President	200,000	Not specified	Housing provided by the federal government.	None

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TRIBUTE TO SHERIFF DAVID GANGWER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding law enforcement officer and citizen of Ohio. On November 15, 1995, Sandusky County Sheriff David G. Gangwer will be sworn in as president of the Buckeye State Sheriff's Association. This selection is a tribute to all the talent, intellect, and hard work that have made Sheriff Gangwer an outstanding police officer and a tremendous example to others.

In a time when Americans are deeply concerned about the effects of crime on our society, we owe a special debt of gratitude to people like David Gangwer who have bravely served on the front line in the fight against crime. Sheriff Gangwer has demonstrated a remarkable dedication to performing his duties and obligations with the utmost efficiency and competence. As sheriff, he has placed the wellbeing and safety of the community above all else.

Time and time again, Sheriff Gangwer has been willing to take on the tough problems. His fight against drug abuse has won accolades from all quarters. He has received commendations from Ohio's Lieutenant Governor, the Veterans of Foreign Wars, and the U.S. Department of Justice for his outstanding contributions to law enforcement and his pioneering efforts in educating children to the perils of drug abuse.

I can think of no better message to send than drug abuse prevention. I have often said that the best way to stop alcohol and drug abuse is through education. When all of our children get the message about the evil of drugs, America's future will be safer.

I ask my colleagues to join me in paying tribute to Sheriff Gangwer's record of personal accomplishments and wishing him well in his position of president of the Buckeye State Sheriff's Association.

IN RECOGNITION OF NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. QUINN. Mr. Speaker, I rise today on the 1st of November to recognize National Alzheimer's Disease Awareness Month.

Alzheimer's is a neurological disorder that affects nearly 2 million Americans and is one of the primary causes of mental illness in the elderly. The affects of Alzheimer's disease increase significantly with aging. Nobody is immune to Alzheimer's, nor can anyone reduce their odds of acquiring it. All Americans are at risk.

Demographic projections indicate that the number of Alzheimer's cases is expected to rise exponentially during the next several decades. The current number of Americans age 65 and over with Alzheimer's is 33.6 million, but this statistic is expected to increase to 70.2 million by the year 2030.

The course of the disease is progressive and irreversible, beginning with simple forgetfulness, followed by noticeable and severe changes in memory and personality. Eventually, victims of Alzheimer's cannot care for themselves, and life expectancy is usually reduced. Although this disease was first discovered in 1906 by the German physician Alios Alzheimer, the exact cause of the disease is unknown.

Researchers are aggressively attempting to find out what causes Alzheimer's and how to effectively diagnose, treat, and prevent this disorder. One emerging consensus among the scientific community is that a principle goal of research efforts should be aimed at delaying the onset of symptoms of aging-dependent disorders such as Alzheimer's disease. The National Institute on Aging [NIA] of the National Institutes of Health [NIH] is the Federal Government's lead agency for Alzheimer's research.

Mr. Speaker, I urge all of my colleagues to join with me in support of the efforts to overcome this devastating disease.

H.R. 2566—THE BIPARTISAN CAMPAIGN FINANCE REFORM BILL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. CARDIN. Mr. Speaker, I am very pleased to be an original cosponsor of this bill and part of a true bipartisan effort to reform the way campaigns are financed. Such a complex issue can only be responsibly addressed in a bipartisan fashion. We, the Members of the 104th Congress, have an opportunity to stop the erosion of public confidence in our democratic system.

The skyrocketing cost of congressional campaigns, the influence of special interests through large contributions and political action committees [PAC's], and the advantage of incumbency in raising campaign funds in elections must be addressed. This bill addresses all three issues.

This bill is strong reform. It places firm but reasonable limits on the amount of money candidates can spend on campaigns. In addition, it bans soft money and leadership PAC's and deals responsibly with independent expenditures. Furthermore, it encourages small, individual contributions.

I am, however, opposed to one part of this proposed legislation. There should be parity in the restrictions imposed on large contributions and PAC contributions. Instead, this legislation bans PAC contributions but allows large contributions to finance up to 25 percent of a candidate's campaign. In the spirit of bipartisanship, PAC contributions should be treated similarly to large contributions. Perhaps the most important message we could take to the American people is that we have a bipartisan bill. By treating large individual contributions differently from PAC contributions, we lose that message. I hope that as this legislation proceeds throughout the Congress, we will address this disparity. I am convinced that once this inequity is resolved, the bill will receive even stronger support.

Mr. Speaker, I urge my colleagues to carefully review this legislation. I know that once they do, they will agree that this type of biparpartisan effort is the only way to achieve real campaign finance reform.

TRIBUTE TO JEFFREY ZIFF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. TOWNS. Mr. Speaker, Jeffrey Ziff of my district has distinguished himself as a member of the community and a practitioner in the legal field. He attended Fordham Law School and has served for many years as an arbitrator in the small claims court in Kings County, NY.

Mr. Ziff has been a pioneer in the field of vehicle and traffic law in New York City, and his expertise has proven to be especially helpful to immigrants when they have had to contend with State and city agencies.

A former teacher in the New York school system, he received his Teacher of the Year Award during his teaching tenure from 1968–1971 at P.S. 138 in district 17, in Brooklyn. Mr. Ziff and his wife reside in Brooklyn. The borough of Brooklyn has been enriched by his contributions.

REMARKS OF EDWARD H. RENSI, PRESIDENT/C.E.O. MCDONALD'S U.S.A.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. PASTOR. Mr. Speaker, the other night I had the opportunity to attend the National Hispanic Corporate Council Institute's 10th year anniversary dinner. The featured speaker of the evening was Edward H. Rensi, the president and chief executive officer of McDonald's U.S.A. I found his remarks insightful, and I would encourage my colleagues to take the time to read what one of our Nation's top business leaders has to say about the benefits of diversity in today's economy.

NATIONAL HISPANIC CORPORATE COUNCIL INSTITUTE—10TH ANNIVERSARY

(By Edward H. Rensi)

On behalf of the McDonald's family, I want to congratulate the National Hispanic Corporate Council on its ten-year anniversary; thank you for your outstanding record in bridging the private sector with the Hispanic market; and we applaud your foresight in establishing the NHCC Institute. We are proud to be a charter member of the organization and look forward to partnering with you to fulfill the mission of NHCC for many years to come.

I also want to thank you for honoring one of our own—Olga Aros. The McDonald's family knows what a special lady Olga is and how passionately she champions issues of concern and interest to the Hispanic community. And it is gratifying to see that an organization of your stature recognizes her commitment and dedication as well. So Olga, congratulations from all your McFamily.

I want to discuss with you today one of the most important strategic business tools that corporate America has at its disposal to build new business. That tool is diversity.

I want to tell you how we define diversity at McDonald's,

How we use it as a business-building tool,

And what each of us must do to ensure it remains a building block of our society just as the founding fathers affirmed equality into our Constitution and Bill of Rights. This is an issue of business, society and morality.

We find ourselves at a crossroads in our country's history. At a time when people of different backgrounds and cultures play an increasingly important role in all aspects of our society, there are those who would turn the clock back. And I find that unconscionable and divisive. It runs counter to everything that our experiences at McDonald's have taught us and runs counter to my personal experiences. I'm proud of my Italian family and admire their hard work and self-determination. They built a better life in America. I know you feel the same way about your families. That concept of diversity—of many different people contributing to the common good—is what this country is all about. And when I hear people say that we should all speak one language, that we should not teach cultural history in the schools or our homes, I find that extremely disturbing. To deny our multi-cultural heritage is to deny history and forfeit our future.

Social and market diversity are what makes this country great. And if you don't believe that, just try to imagine jazz, rhythm and blues without African-Americans; Tejano music without Mexican-Americans; or salsa without the blending of the Americas.

I realize that I may be preaching to the choir. You wouldn't be here today if you weren't already believers in the value of diversity. The people I really want to talk to are those who are not here today. And what I would tell them is that they are missing out on a great opportunity to align themselves with an ever-changing marketplace, of which the Hispanic market is one of the most dynamic. Say what you will about affirmative action, immigration, bilingual education and other issues. At the end of the discussion, no company can ignore a market that is 30 million people strong with an annual purchasing power approaching $300 billion. Those are numbers that represent value and opportunity and that no company can ignore if they expect to remain competitive.

Let's talk, then, about the many roles of diversity at McDonald's.

Diversity at McDonald's is a tool that we use to strengthen our position as a global industry leader. Diversity plays a major role in our company's growth, and by integrating diversity throughout our business, we are able to more effectively build market share, customer satisfaction and profitability. As our society changes, we must incorporate the diversity of our customers into every facet of our operations.

Diversity is not just the right thing to do, or the altruistic thing to do—it's the smart and business thing to do. If we can't rationalize diversity in our organizations on the basis of moral justification, on the basis of the Bill of Rights, or employee satisfaction, then we better rationalize diversity on the basis of economic growth.

At McDonald's, we serve a diverse group of customers who demand a diverse menu of products. And we understand that if we want to win the business of those customers, we have to provide more than just great hamburgers and world class fries: we have to reflect the image of our diverse customers in everything we do—from staffing to marketing, franchising, business partnerships, and community involvement. Because if we don't look like our customers, talk like our customers and understand our customers, our customers will become someone else's customers. It's that simple.

At McDonald's, diversity goes beyond race and gender. It means valuing and accepting unique abilities, perspectives, talents, backgrounds, and experiences. It means providing all individuals the opportunity to reach their full potential while contributing to the achievement of our corporate goals. And that all comes together, it makes McDonald's richer both financially and culturally.

The story of how we have incorporated diversity into our competitive arsenal is one we are especially proud of. We have institutionalized concepts and curriculum like "managing diversity," which teaches that specific skills are utilized and policies created that get the best from every employee. And education like "valuing differences," which places an emphasis on the appreciation of differences and creates an environment where everyone feels valued and accepted. These are simple, basic concepts that we've had in our corporation many years, and that support our business goals.

Let me tell you how these practices have worked for us in building marketshare:

We've established a network of Hispanic owner/operators that has made us the undisputed quick service restaurant of choice with Hispanic consumers. And if you take the combined revenues of those franchisees—more than $600 million—it would comprise the largest Hispanic company in the country.

We were one of the first companies to advertise on Spanish-language television some 25 years ago, and remain the largest single-brand advertiser today. And we will continue to do so because it sells hamburgers.

We're proud of our Hispanic managers at all levels of the organization. They provide us with a broad range of life experiences and opinions that builds our business not only here but abroad.

We buy hundreds of millions a year in goods and services from Hispanic firms—because they're the best in the field and they reflect our customers.

And the entire McDonald's family of employees, franchisees, suppliers, the company and Ronald McDonald Children's Charities helps prepare the workforce of tomorrow through the RMCC/HACER [Hispanic American Commitment to Educational Resources] Scholarship Program. HACER is one of the largest Hispanic scholarship programs in the country with more than $2.4 million awarded since 1985. Just recently, RMCC acknowledged the good work of HACER with an additional $1 million matching grant.

These are just a few of the numbers that exemplify our commitment to diversity and the success of that strategy. But what's more compelling are the human stories of Hispanic men and women within our system whose diverse backgrounds and perspectives contribute to our growth.

People like Eduardo Sanchez, who started as a restaurant crew member 20 years ago and was recently appointed to oversee operations throughout Latin America and the Caribbean.

People like franchisee Jose Canchola, who not only operates four restaurants with his family and is the former mayor of Nogales, but for the last 18 years has hosted an annual Christmas party for 2,000 underprivileged Mexican children.

And people like Lupe Velasquez, who serves in the non-traditional female role of director of construction and helps to plan and build four to five hundred restaurants every year.

These are the kinds of people who make McDonald's great. With stories and successes like that, it's hard to understand why anyone would question the value of diversity. There are many, many other examples of achievement, dedication and pride that put a special shine on our arches and we're proud of them all. Their stories speak well to the fact that McDonald's is an employer of opportunity.

So what is our role—what can each of us do to assure that we leverage and maximize diversity for the benefit of our entire country. I have three thoughts:

First, we must speak up and speak out for diversity. We must reaffirm our commitment and assume the responsibility of leaders. We know that erecting barriers between people is not what this country is all about. The kind of divisiveness that I see cannot go unanswered. We must all do our part to share our success stories and our triumps, and erase the spirit of negativity that is taking hold.

Second, we must all make a personal commitment to do more. I've made a commitment on behalf of myself and McDonald's by agreeing to chair the NHCC Institute during its formative year because I believe in what it stands for and what it can do. I ask each of you to find a role you can play—either within your own company, your own community, or your own industry. And I should not need to remind you that this is no time for any company to retreat from its investment in the Hispanic market.

And last, we must all set an example—to our employees, other companies, and the community at large. Let's all step forward, set the pace and provide leadership and inspiration for others.

The time has come for us to stand together to turn the tide. Do we continue to construct new barriers, erase hard-fought accomplishments, or do stand up and say enough is enough? McDonald's is one company that is willing to step forward and say we believe in diversity, we will practice diversity in all we do, and we need diversity to build market dominance.

I can assure you with every confidence that to follow that course will serve the best interests of our companies, our communities, and ultimately our country.

Thank you very much. (Muchas Gracias).

TRIBUTE TO M. ANN BELKOV

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Ms. MOLINARI. Mr. Speaker, on Saturday, November 4, 1995, a special event will take place in New York City. Hundreds will gather at Ellis Island to honor M. Ann Belkov, National Park Service Superintendent of the Statue of Liberty National Monument and Ellis Island. It is my pleasure to thank her for her stewardship of these unique American monuments, the crown jewels of our Nation's history and eternal symbols to all the world of our promise.

Ms. Belkov, a Staten Islander, is retiring after three-and-a-half decades of distinguished service with the National Park Service and the U.S. Department of the Interior. The granddaughter of four Ellis Island immigrants from Russia and Poland, Ms. Belkov has brought her heritage and her experience in culture park management to the place where millions of immigrants arrived on our shores to seek freedom and opportunity.

Her career in recreational and historic park management includes superintendencies of Jean Lafitte National Historical Park and Preserve in New Orleans, LA and Chickamauga-Chattanooga National Military Park in Georgia and Tennessee.

She was chief of interpretation and visitor services at the National Visitors Center in Washington, DC., chief of recreation at the Golden Gate National Recreation Area in San

Francisco. In 1994, she represented the United States to the Australian Department of Conservation and Land Management and a fellow at Edith Cowan University in Perth.

National parks and historic monuments preserve our Nation's natural wonders and its great past. Ms. Belkov has made many important contributions to the people of our Nation and visitors from throughout the world. She is an outstanding citizen and humanitarian, one who has the esteem and respect of the National Park Service, the great State of New York and the United States of America. We can accord her patriotism, love of country, loyalty, professional capabilities and her commitment and dedication to duty no greater tribute.

AMENDMENT ESTABLISHING THE POSITION OF AIRCRAFT NOISE OMBUDSMAN

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today the Transportation and Infrastructure Committee, of which I am a member, passed the Franks amendment to H.R. 2276, the Federal Aviation Administration Revitalization Act of 1995. My amendment would establish the position of aircraft noise ombudsman within the Federal Aviation Administration [FAA].

The idea of an aircraft noise ombudsman is long overdue. In my home State of New Jersey, the FAA has either arrogantly dismissed or totally ignored the pleas from my constituents for relief from intolerable aircraft noise. After the Expanded East Coast Plan [EECP] was implemented by the FAA in 1987, it took years for the FAA to even react to the significant increase in aircraft noise over New Jersey that resulted from their policies. The adoption of my amendment would ensure that the American people have an advocate in the FAA bureaucracy who will represent the concerns of residents affected by airline flight patterns.

This amendment also gives citizens someone to turn to should they have a comment, complaint, or suggestion, dealing with aircraft noise. As the experience in New Jersey demonstrates, the FAA views the real concerns of constituents regarding aircraft noise as nothing more than a minor inconvenience. For example, when the FAA was flooded by telephone calls from irate citizens after the EECP was implemented, their response was to belatedly install an answering machine on a single telephone line which was constantly jammed and to which citizens were unable to get through. The arrogance and insensitivity of this agency can no longer be tolerated. Our constituents deserve to talk to a real, live human being who can answer their questions about the decisions that directly affect their quality of life.

Furthermore, by requiring that the ombudsman be appointed by the FAA Board, and not by the Administrator, Congress will ensure that the position is filled by a fair and independent individual, and not simply by a mouthpiece for the FAA bureaucracy. The days of the FAA turning a deaf ear to the very people who pay their salaries are over.

Mr. Speaker, my amendment is extremely important to the people of New Jersey and to the residents of any area that could find themselves severely impacted after the FAA announces a change in flight patterns. After suffering for nearly a decade from a constant barrage of aircraft noise, my constituents have lost all faith in the FAA. As this committee takes a leadership role in restructuring the FAA, it is vitally important that Congress take steps to restore public confidence in this agency by giving citizens a voice inside the FAA. If any of my colleagues doubt the level of ire and disgust the FAA has earned over their mishandling of this issue, I encourage them to attend the November 9, Aviation Subcommittee hearing on aircraft noise in New Jersey.

Mr. Speaker, I am pleased that my amendment passed the Transportation and Infrastructure Committee earlier today by voice vote, with Members on both sides of the aisle, including the distinguished ranking minority member from Minnesota [Mr. OBERSTAR], speaking in support. I urge all my colleagues to support the Franks amendment to H.R. 2276 by becoming a cosponsor of this important bill.

REINSTATE EMERGENCY UNEMPLOYMENT COMPENSATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. RAHALL. Mr. Speaker, I have introduced legislation today to reinstate the emergency unemployment compensation program.

In 1993, we were able to pass two extensions of unemployment benefits for the long term unemployed. Thousands of people were exhausting their benefits each month, and when they lost their benefits, these American workers also lost any chance of further retraining and education. Mr. Speaker, we passed the benefits to forcibly pull our Nation out of the recession of the late eighties and early nineties.

Well, Mr. Speaker, I have news for some of my colleagues; unemployment is not over for every body. By not passing another extension in 1993, we removed a vital safety net for our chronically unemployed workers. I have been contacted by a number of coal miners in my home State of West Virginia, miners who for years had worked in the mines, only to see their jobs disappear.

One miner wrote to me saying, "My unemployment has run out. I need a way to support my family. I'm 54 years old and I am not asking for a handout or welfare. I'd like to have a job, I am tired of being out of work * * * extending unemployment benefits would help since it takes so long to find a job."

Another worker, who is attending a transition class at a vocational school, wrote to me to request an extension of unemployment benefits. This worker was not asking for a handout, he was asking for a helping hand so he could finish his class, find another job and continue supporting his family.

West Virginia coal has fueled this Nation's economy for over a century. Now, as we move into the 21st century, when a mine closes, often times the mine never reopens. Generations of miners must be retrained with new skills, and that Mr. Speaker, takes time, sometimes longer than the 26 weeks the State provides in unemployment benefits.

The legislation I have introduced today is straightforward. The bill will extend unemployment benefits for workers who have exhausted their State provided benefits for a period of 20 to 26 weeks, depending on each State's unemployment rate. It is funded through emergency funding provisions within the Budget Act because for any family with a long-term unemployed member, every single day without a job or paycheck is an emergency.

Mr. Speaker, it is urgent that we as a Congress act now on this measure. It is an urgent issue for families all across America. By passing this legislation, we will be providing a helping hand, providing a safety net and it will continue the work started in the 103d Congress to pull all of our Nation out of the recession created by the failed policies of the eighties. Mr. Speaker, this legislation will enable chronically unemployed workers who have lost their jobs to retrain and retool for the next century.

ELI HERTZ HONORED FOR FOSTERING COMMERCIAL TIES BETWEEN UNITED STATES AND ISRAEL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the achievements of Eli Hertz. Mr. Hertz will be honored on November 8 by the America-Israel Chamber of Commerce and Industry for his work in fostering commercial ties between the United States and Israel.

Mr. Speaker, since its establishment in 1953, the America-Israel Chamber of Commerce and Industry has been a major force behind the growth of trade and investment between the United States and Israel. Now in its 42d year, the Chamber counts among its members today's leading consumer, industrial and financial companies. Its effectiveness as a non-political, nonprofit organization has resulted in closer ties between our two great countries.

Mr. Speaker, the chamber could hardly have picked a more deserving honoree. Eli Hertz has been a leader in the personal computer industry for well over a decade. As the founder and President of the Hertz Technology Group, Eli is responsible for the overall management, strategic planning and new product development of one of the most highly successful companies in the industry.

The fact that the Hertz computer corporation has won numerous awards for design excellence and outstanding performance and technical support is a testament to Eli's vision and leadership.

In addition, Eli is a bestselling author, having written several highly successful books, including "Now That I Have Os/2 2.0 On My Computer, What Do I Do Next?", as well as many thoughtful industry-related articles.

Eli also authored the chapter on Science and Technology of "Partners for Change: How U.S.-Israel Cooperation Can Benefit America," detailing the promises of technology in Israel. This important book promotes ways in which our two countries can build on our shared values and mutual interests.

But Eli doesn't just write about United States-Israel economic cooperation. In 1991, his company established a subsidiary in Israel, and this year the Hertz Technology group's exports to Israel will exceed $2.5 million. Eli is also a director of the Jerusalem-based Har Hotzvim Incubator project for hi-tech start up companies.

Eli gives his time freely to many important groups and causes, including his service on the Executive Committee of the American-Israel Public Affairs Committee, as Chairman of the American-Israeli Cooperative Enterprise, and on the Executive Committee of the America Israel Friendship League.

It is indicative of his generous and caring nature that Eli has donated personal computers and computer consulting services to youth and disadvantaged children in this country and overseas. In particular, he contributed computers and technical assistance to three grade schools in Israel and four schools in Morocco.

Mr. Speaker, it is always a pleasure to learn that individuals who have given so much to our country and the world will be recognized for the work that they do. So I ask my colleagues to join me in congratulating Eli Hertz for his well-deserved honor and in wishing him many more years of success.

TRIBUTE TO LOS ANGELES COUNTY DOMESTIC VIOLENCE ORGANIZATIONS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Ms. ROYBAL-ALLARD. Mr. Speaker, domestic violence is a crime that affects people in all communities, transcending economic, geographic, and racial lines. In fact, domestic violence is the greatest cause of injury to women in the United States. Today, a woman is battered every 13 seconds, compared to every 15 seconds a few years ago. Yet, the nature and seriousness of domestic violence as a crime is often ignored.

To combat domestic violence, education is vital to helping battered women recognize the problem, and to changing society's attitude and perceptions. Only by raising the level of awareness and understanding about domestic violence can we overcome the shameful stigma and psychological barriers associated with this epidemic.

As Chair of the Violence Against Women Task Force, I will cohost a reception with California State Senator Hilda Solis on November 3, 1995, in Los Angeles, to highlight organizations and individuals that work tirelessly against domestic violence. In particular, this year's reception will honor organizations in Los Angeles County that provide sanctuary to victims of domestic violence. Shelters play a critical role in helping women and children break the cycle of violence, and make the transition from victim to survivor. The honorees are: The Angel Step Inn; Chicana Service Action Center/East Los Angeles Center/Free Spirit; Didl Hirsh-Via Avanta; Dominquez Family Shelter; El Monte Youth; Every Woman's Shelter/Center for the Pacific Asian Family; Glendale YWCA Shelter; Good Shepherd Shelter; Haven Hills; Haven House; House of Ruth; Jenesse Center; Oshon Village; Rainbow Services, Ltd.Sojourn; Su Casa Family Crisis & Support; Tamar House; Valley Oasis; Wings [Women in need Growing Strong]; Women's & Children's Crisis Shelter; Womenshelter; and 1736 Family Crisis Center.

Mr. Speaker, in honor of Domestic Violence Awareness Month, I urge my colleagues to join me and Senator Solis in recognizing and congratulating these organizations that provide life-saving services to victims of domestic violence and help educate our communities about this terrible crime.

TRIBUTE TO JOHN SAMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. TOWNS. Mr. Speaker, it is indeed my pleasure to recognize the hard work and patience of John Sampson. John is a product of the New York Public School System. He later attended Brooklyn College where he graduated with a degree in political science. John became fascinated by the legal profession and decided to attend law school.

In 1988 John enrolled at Albany Law School and graduated in 1991. He went to work for the Legal Aid Society and subsequently became employed with the Brooklyn law firm of Alter & Barbaro, Esqs, specializing in housing, criminal, and contract law.

Always active in local community affairs, John participates in political campaigns and represents candidates in election law matters before the Supreme Court. Mr. Sampson is also a member of the Rosetta Gaston Democratic Club. John is devoted to his family and he and his wife Crystal are the proud parents of a baby girl, Kyra Chanel Sampson.

HONORING EL RIO BAKERY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. PASTOR. Mr. Speaker, I rise today to recognize the winners of the U.S. Small Business Administration's 1995 Minority Retail Firm of the Year for the Western region of the United States, the El Rio Bakery of Tucson, AZ.

First opening their business over 20 years ago, Sabino and Artemisa Gomez started a small Mexican bakery, working together 7 days a week in an effort to achieve the American Dream. Sabino Gomez had come to the United States in his early twenties, when a local baker recruited him from Mexico in exchange for a good wage and the opportunity for legal immigration to the United States. After meeting his wife, Artemisa, in 1968, the two opened El Rio Bakery in 1971 selling traditional baked goods. Several years later, they expanded into the wholesale market, selling their products to the local supermarkets and restaurants. Today, they employ 22 people, still work side by side for up to 15 hours a day, and have realized their dreams. I congratulate the Gomez family on their successes, and wish them the best of luck in their future endeavors.

TRIBUTE TO CHARLES J. SLEZAK, BERWYN'S "MR. REPUBLICAN"

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today with great sadness at the recent passing of one of my district's leading citizens—Charles J. Slezak. Charlie was known as "Mr. Republican," serving as GOP Committeeman for Berwyn Township, but his legacy goes far above and beyond his involvement in party politics. Charlie spent most of his adult life working to improve the community he was born in, Berwyn, IL, and its neighbor, Cicero.

After serving in the South Pacific with the Navy in World War II, Charlie, a Morton East High School graduate, returned home to his job with Continental Can. More importantly, he married the former Mildred Hurt on June 8, 1946, forming a partnership of love that lasted nearly half a century.

In 1959, Charlie and Millie purchased a hardware store in Cicero. Not only did they expand the business threefold in the 20 years they owned it, but he used it as a springboard for charitable and civic work. The list of organizations Charlie lent his leadership and organizational abilities to is long indeed. He served as parade chairman of the South Cicero Boys Baseball Association, chairman of the Illinois Junior Miss Pageant, chairman of the Cicero Progress Committee, president of the Cicero Rotary Club, chairman of the Cicero Chamber of Commerce and Industry, and finance chairman of the Cicero Boy Scout Council, to name just a few.

In addition, Charlie served as an elected trustee of Morton Junior College from 1976 until he was appointed Berwyn Republican Committeeman in 1981, a post he was reelected to four times. He also worked as an aide to State Representative Judy Baar Topinka, and for the last 12 years, served the Illinois Secretary of State's office, most recently as the director of a driver's license examination facility. Charlie was noted for his ability to make what is often a less than pleasant experience almost enjoyable for many an Illinois motorist.

Charlie won numerous awards for his civic and business achievements. The Albert Gallatin Business Award for Outstanding Achievement, the Friends of Berwyn and Cicero Citizen of the Year, and the John F. Kubik Humanitarian of the Year Award are just a few of his many honors. And, for good measure, Charlie qualified for and completed a Boston Marathon in 1978, finishing in less than 4 hours.

But perhaps the achievement of which Charlie was the proudest was his work in establishing a permanent home for the Berwyn-Cicero Council on Aging when he served as president of the council in the 1970's. He put together a consortium of banks and saving and loans that provided a mortgage to purchase a building for the council. It is this building that will serve as a permanent memorial to Charlie Slezak when it is renamed in his honor.

Mr. Speaker, I extend my condolences to Mrs. Slezak, Charlie's two daughters, Diane and Charlene, his granddaughter and "little shining star" Carly Ann, and all of his relatives and countless friends. Charlie is gone, but his legacy of community involvement and caring will live on for many years to come.

HELLS CANYON NATIONAL RECREATION AREA

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. COOLEY. Mr. Speaker, today I am introducing legislation to correct an unfortunate problem for motorized river craft operators in the Hells Canyon National Recreation Area [HCNRA]. To fully explain the reason for my legislation, I would like to provide a little background on the situation in the HCNRA.

Nearly 20 years ago, on December 31, 1975, President Gerald Ford signed Public Law 94–199, which designated the HCNRA. The stated purpose of this law was to "assure that the natural beauty, historical, and archeological values of the Hells Canyon area and the 71-mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with certain portions of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced."

Section seven of this act instructs the Secretary to "administer the recreation area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation" in a manner compatible with seven listed objectives. In addition, section 10 of this act instructs the Secretary to promulgate such rules and regulations as he deems necessary to accomplish purposes of the act, including "provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area."

Considering this, the language is very clear and straight forward. Unfortunately, however, the original intent of the act—including the compromises and promises that fostered its passage—seem to have been forgotten and/or confused.

Throughout both the process leading to designation of the HCNRA and the ensuing management planning efforts, the USDA's Forest Service—managing agency—has exhibited a disturbing prejudice against motorized river craft in the HCNRA. This bias first surfaced in hearings leading to the designation of the HCNRA, then later in a Comprehensive Management Plan that had to be overruled on appeal by then Assistant Secretary of Agriculture Crowell, and most recently by Wallowa-Whitman National Forest Supervisor Robert Richmond in an effort to revise the river management plan.

During HCNRA hearings in 1975, then Assistant Secretary of Agriculture Long testified regarding a proposed amendment that would authorize the Department of Agriculture to prohibit jet boats. He noted that there were "times when boating perhaps should be prohibited entirely." Senator Church responded to this unfavorably, explaining:

> I think you may have given the present use of the river and the fact that access to it for many people who go into the canyon, if not the majority, is by the river, and jet boats have been found to be the preferred method of travel by a great many people who have gone into the canyon. This is a matter of such importance that Congress itself should decide what the guidelines would be with respect to regulation of traffic on the river and that the discretion ought not to be left entirely to the administrative agencies.

Consequently, the amendment failed, thus indicating that Congress expressly disapproved of the actions proposed in the amendment.

In spite of the lack of any demonstrable resource problems, and in the face of overwhelming public support for motorized river craft, the Forest Service continues in its attempt to provide solely a nonmotorized experience by proposing to close the heart of the canyon to motorized river craft for 3 days a week in July and August. This is the peak of the recreation season, and this action severely limits motorized access to the rest of the river. In response to the numerous appeals received by the regional forester in adamant opposition to this effort, a stay on this ominous proposal was granted for the 1995 season. The 1996 season is just around the corner, and this predicament requires justified legislative relief.

The Snake River is different than most of those in the Wild and Scenic River system, for the diversity that it provides makes it particularly precious to the American people. The Snake is a high-volume river with a long and colorful history of use by motorized river craft. The first paying passengers to go up through its rapids on a motor boat made their journey on the 110-foot *Colonel Wright* in 1865. The U.S. Army Corps of Engineers began blasting rocks and improving channels in 1903, and they worked continuously until 1975 to make the river safer for navigation.

Today the vast majority of people—over 80 percent—who recreate in the Hells Canyon segment of the Snake River access it by motorized river craft. Some of these are private boaters, and others travel with commercial operators on scenic tours. This access is accomplished with a minimum of impact to the river, the land, or the resources. The Hells Canyon portion of the Snake River is our Nation's premier whitewater powerboating river.

The use of motorized river craft is deeply interwoven with the history, traditions, and culture of Hells Canyon. It was for this reason that Congress left a nonwilderness corridor for the entire length of the river. Likewise, Congress clearly intended that both motorized and nonmotorized river craft were valid uses of the entire river within the recreation area for the full year. It was clearly not the intent of Congress to allow the managing agency to decide that one valid use would prevail over the other, as the Forest Service has proposed.

In light of the pending proposal to severely curtail powerboat operation in the HCNRA, I believe the practical and permanent resolution to this predicament is to clarify congressional intent in Public Law 94–199 in a manner that will preclude any future misunderstanding. This is what I propose to do with the legislation I am introducing today.

Thank you, and I urge my colleagues' support of this solid endeavor.

TRIBUTE TO GWYN GANDY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. TOWNS. Mr. Speaker, I come before the House today to extol the many milestones of Gwyn Gandy. Gwyn is the chief executive officer and president of C&G Insurance Brokerage Co., Inc., a full-service firm specializing in all forms of insurance. Gwyn is a 12-year veteran of the insurance industry and has the distinction of being the only African-American female from New York to participate in the Democratic National Convention [DNC] which awarded a contract that provided for special events coverage as part of the DNC.

Gwyn's parents left the rural south and traveled to Brooklyn where she was raised as the oldest of six children. Financial necessity prompted Gwyn's entrepreneurial talents to shine through, as she became a very competent door-to-door saleswoman. She graduated from Franklin K. Lane High School at the age of 17. A marriage which ended in divorce produced three children, Kenneth, Sheree, and Kevin, each of whom has distinguished themselves academically and professionally.

Ms. Gandy is a graduate of Hunter College and the Fashion Institute of Technology. She is a staunch environmentalist and community activist. Gwyn serves as a member of the Bedford-Stuyvesant YMCA Board of Managers, and has served on the trustee board of the First A.M.E. Zion Church in Brooklyn. I am delighted to share her vast contributions to the community and America with my House colleagues.

IN HONOR OF ELLORA C. CARLE UPON HER CIA RETIREMENT

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to Ellora C. Carle. After a distinguished career with the U.S. Government she is retiring from the Central Intelligence Agency on October 31, 1995.

Over a period spanning nearly 39 years, Mrs. Carle served the CIA and the Nation with patriotism, loyalty, and a strong sense of duty. She deserves the thanks of this body and of the American people.

Mrs. Carle began her career in the 1950's and served under nine Presidents and thirteen Directors of Central Intelligence. Throughout these years, she contributed in important ways to the Agency's work on behalf of the Nation's security. First in the CIA's Clandestine Services and later in the offices of General Counsel and Congressional Affairs, her skills and perseverance achieved operational successes and provided the day-to-day support necessary for the CIA to function effectively.

In the Office of General Counsel, she worked on and supported voluminous litigation in the Privacy Act, the Freedom of Information Act, and Graymail suits. Her excellent organizational skills made her invaluable in marshalling the Government's case. The result was that important secrets were protected.

I would note in particular the part that Mrs. Carle has played in supporting the House and the Senate for the past 7 years. During this period, she has managed—and in many cases prepared—the Agency's responses to hundreds if not thousands of constituent requests. Congressional offices here in Washington and in districts across the land have benefited from the expertise and the integrity that she has brought to this work.

As chairman of the Permanent Select Committee on Intelligence, I am pleased to take this opportunity to bring to your attention a citizen whom the public may never know, but who has worked in quiet and unrecognized ways on its behalf. I ask you to join with me in wishing Ellie Carle a long and enjoyable retirement.

TRIBUTE TO 1995 INDUCTEES INTO LYONS TOWNSHIP HIGH SCHOOL HALL OF FAME

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to 12 outstanding Americans who made their start in my congressional district. These individuals, John Armstrong II, Phillip Ault, Judith Polivka Betts, Bruce Campbell, Carol Evans, Paul Hoffman, Laurie Thompson Lawlor, Douglas McKeag, Herbert Morse, Edwin Munger, William Sharpless, and William Smithburg, have distinguished themselves in fields ranging from medicine to athletics, business to diplomacy. Besides greatness, they also all have two things in common—they are graduates of one of the finest high schools in Illinois, Lyons Township, and they will all be inducted into the High School's Hall of Fame on November 3.

John Armstrong II, a 1956 graduate, is a physician and professor at the University of Colorado. An international authority on radiology and the detection of lung and chest diseases, he is also an expert on medical ethics.

Phillip Ault, class of 1931, is a renowned journalist who served as correspondent for United Press during World War II. After the war, he helped establish the Los Angeles Times-Mirror and served as an editorial executive for other newspapers throughout the country. Mr. Ault is also an educator, whose textbook, "Introduction to Mass Communication," has been read by millions of college students.

Judith Polivka Betts, a 1954 graduate, is an internationally recognized watercolor artist and art educator. She has received hundreds of honors for her work and written the award winning book "Watercolor . . . Let's Think About It!"

The late Bruce Campbell, class of 1927, was among the best major league outfielders of his era, the 1930's. Mr. Campbell finished his career with a .290 batting average and 106 home runs, playing for the Chicago White Sox, the St. Louis Browns, the Detroit Tigers, the Cleveland Indians, and the Washington Senators. However, perhaps the most impressive thing about his playing career was that he overcame three bouts of spinal meningitis, a usually fatal disease in the 1930's.

Carol Evans, class of 1970, has made her mark in publishing, having served as president and publisher of Stagebill magazine, the largest special events program publisher in the United States. At 32, she was the youngest person ever to be named a vice president at McCall's publishing.

The late Paul Hoffman, class of 1909, made an indelible mark in the fields of commerce, government, diplomacy, and philanthropy. Starting as an auto mechanic and salesman, he worked his way up the ladder to become chairman of the board of the Studebaker Corp. at age 44. He left Studebaker to serve on the War Production Board during World War II. After the war, he was the U.S. Administrator for the Marshall plan that helped rebuild Europe in the wake of World War II. Mr. Hoffman also served as Assistant Secretary of Defense, Chairman of the Commission on Economic Development, U.S. delegate to the United Nations, and head of the U.N.'s Development Program.

Laurie Thompson Lawlor, a 1971 graduate, is the author of numerous children's books. Her work has been named to the Rebecca Caudill Young Readers Award list and she has won the prestigious Golden Kite Honor Award for Nonfiction from the Society of Children's Book Writers and Illustrators.

Douglas McKeag, class of 1963, is a sports medicine expert and founder and president of the American Medical Society for Sports Medicine. A professor at the University of Pittsburgh School of Medicine, Dr. McKeag also serves as vice chairman of the Department of Family Medicine and Orthopedics and director of Primary Care Sports Medicine.

Herbert Morse III, class of 1961, has distinguished himself in the field of immunology. He has studied the AIDS virus and related diseases extensively, winning the U.S. Public Health Service Commendation Award and Outstanding Service Award for his research.

Edwin Munger, a 1939 graduate, is a world-renowned authority on Africa. A professor of african history and politics at the California Institute of Technology, he has traveled to the continent 86 times in the last 50 years. Professor Munger has worked to expand educational and cultural opportunities for students in Africa and has written 12 books about his experiences there.

The late William Sharpless, class of 1965, distinguished himself in the field of international affairs. He was active with many foreign relations organizations, including the Foreign Policy Association of the United States and the United Nations Association. He was also founder and director of the Council of American Ambassadors as well as the United States-New Zealand Friendship Council.

William Smithburg, a 1956 graduate, serves as chairman and chief executive officer of the Quaker Oats Co., a $6 billion company based in Chicago. A marketing visionary, he has acquired many brands for the company including Gatorade, which has become one of the most recognizable brands in the world. Mr. Smithburg is also active in many charitable and civic causes, including the host committees for the 1994 World Cup and the 1996 Democratic National Convention.

Mr. Speaker, I salute these great Americans on their achievements, and I hope they serve as an inspiration for generations of graduates, not only from Lyons Township, but all high schools

OLDER AMERICANS ACT AMENDMENTS OF 1995

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Older Americans Act Amendments of 1995. I am very pleased to support the continuation of the Older Americans Act which has been so successful and means so much to our Nation's elderly population. This act continues to address the special needs of our Nation's chronologically gifted, as I like to say. The Older Americans Act encourages and assists State and area agencies on aging to concentrate resources on comprehensive and coordinated systems to serve older individuals. Over the years it has evolved into a nationwide network that provides a wide array of service programs that include promotion of independent living, senior nutrition programs, in-home and community based care, programs for elder abuse, and the sole Federal jobs creation program benefiting low-income older workers.

The Subcommittee on Early Childhood, Youth and Families held four hearings this past summer to examine the Older Americans Act. While support remains strong for this legislation, the subcommittee heard consistent testimony on the need for increased State and local flexibility and on the practical need for consolidation and streamlining. As a result, the Older Americans Act Amendments of 1995 focus on increased flexibility that will improve the aging networks' ability to improve service to our elderly population now, and well into the 21st century.

This legislation will provide maximum authority to States and localities to design and operate services and programs for seniors. It will drive more money directly to the States and local communities by decreasing bureaucracy and administrative costs. The Older

Americans Act Amendments of 1995 will consolidate and simplify aging services programs by combining multiple programs and funding streams under the act. It encourages the establishment of a system that is more streamlined, that is designed to empower consumers through encouraged competition and easy access to services.

With Congress committed to balancing our country's Federal budget, Federal spending programs across the board have been subject to evaluation and review. While current budget constraints and actual appropriations prevent us from increasing funding for OAA programs; streamlining this act and reducing the Federal bureaucracy will allow Congress to retain these vital services while bringing our country's fiscal responsibility into order. This bill authorizes amounts for fiscal year 1997 that are consistent with the House appropriations for fiscal year 1996. Should those numbers increase in a House and Senate appropriations conference, those increases will be reflected in the final legislation. The Older Americans Act Amendments of 1995 assures that the maximum amount of funds available will go directly to our elderly with the greatest needs. Resource limitations make it all the more important for us to remain vigilant in ensuring that we reach those elderly persons with the greatest economic need and greatest social need.

Our intent in this bill is to encourage maximum flexibility so that State and local agencies can improve service delivery systems that are currently in place. In nutrition services, we eliminate the restrictive nature of the current nutrition programs that have separate funding for congregate, in-home delivered meals and USDA commodities by consolidating the nutrition funding streams into one flexible account for nutrition services. After years of requests by service providers, this legislation, for the first time, allows States to implement a cost-sharing program for in-home type services and nutrition programs in order to expand programs to seniors. Cost sharing would be based on self-declaration of income. The legislation also continues to encourage voluntary contributions and allows States to develop a voucher system for services, such as nutrition or supportive services that are not available through traditional providers.

In addition, the Senior Community Service Employment Program will be administered directly by the States and competed among local public and private non-profit organizations and area agencies on aging within the States. This new administration of the program will allow for more resources to go directly to low-income seniors for part-time employment and allow States to better meet the needs of their older individuals. In making changes to the Senior Community Service Employment Program we have allowed for a transition period to mitigate disruptions to individuals currently enrolled in the program.

States and localities have been given more flexibility to determine appropriate services and address local needs. In addition, States have more discretion in the development of their intrastate funding formula. Title VII Elder Rights Protection has been consolidated into Title III Supportive Services which can provide for a wide array of services from transportation, in-home type services to elder abuse activities. The requirement for the Statewide Long-Term Care Ombudsman Program is maintained. The ability to transfer up to 50 percent of funding between Nutrition and Supportive Services is also included in the legislation.

In an effort to consolidate senior related programs into the act, we have moved three senior volunteer programs, the Retired Senior Volunteer Program, the Foster Grandparent Program and the Senior Companion Program from the Corporation for National Service. We feel that this move will provide a secure home for these important programs well into the future.

There have been concerns in the past about the wide array of ever increasing mandates that appeared in the act with each new reauthorization. The Administration on Aging was overwhelmed with increasing demands while resources were shrinking. In this legislation we try to relieve the AOA of some of those demands so that it can focus on its' most critical and primary mission. For the first time, the Administration on Aging will be responsible for administering all programs under this act. With the elimination of the former Title IV Training Research and Discretionary Programs, the Assistant Secretary has been given broad authority to carry out these types of programs. Requirements for special offices within the administration were eliminated while maintaining the need for individuals with expertise in these areas. While nothing in the act precludes the AOA from continuing these offices, it provides the administration with additional flexibility.

The Older Americans Act has always been viewed as a most worthwhile piece of legislation. I firmly believe that the 1995 Amendments will provide the flexibility to address the changing needs of our older individuals and continue to honor our commitment to them now, and well into the future. I urge my colleagues to support the Older Americans Act Amendments of 1995.

TRIBUTE TO SUPERIOR COURT JUDGE LEONARD D. RONCO

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. MARTINI. Mr. Speaker, I rise today to honor Superior Court Judge Leonard D. Ronco. Judge Ronco has been a public servant since 1956 and will retire from the State bench on his 70th birthday, November 3, 1995.

Judge Ronco is a distinguished leader in Essex County, NJ, whose prudent rulings clearly reverberated and effected the larger community. The president-elect of the New Jersey State's Association of Criminal Defense Lawyers, Cathy Waldor, credited him with being, "One of the finest, if not the finest judge in the State."

This week, the Superior Court of New Jersey is indisputably loosing a leader respected by the people and the community as a whole. Further, he is a leader worthy of emulation, respected by his colleagues and admired by young aspiring lawyers and judges throughout the State.

Judge Ronco brought to the bench a unique perspective. As both a prosecutor and a defense attorney he was aware of all the nuances of the courtroom and the tactics employed by both sides. This awareness enabled him to holistically understand all arguments brought before him. Such a perspective and complete understanding could only further the pursuit of justice.

It is my hope that his leadership role in the community and the legal profession will not diminish with his retirement. The community can only gain because now he will have the opportunity to pursue a Golconda of leadership goals in Essex County.

His retirement should open up new roads that will challenge and beacon him. Roads that will once again enable him to effect the larger community albeit in a different capacity.

Mr. Speaker, I know you will join me in wishing Judge Leonard Ronco the best of luck on the journey before him.

MISSING AND EXPLOITED CHILDREN; THE TRAGEDY OF CHILDREN AT RISK

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. SMITH of New Jersey. Mr. Speaker, every day hundreds of abductions of innocent boys and girls are attempted. A study by the U.S. Justice Department reported that each year there are as many as 114,600 attempted abductions of children by non-family members. There are 4,600 reported abductions by non-family members. Even more horrifying is that 354,000 abductions are by family members. In addition, the Department of Justice also reported that 450,700 children ran away and 127,100 children are thrown away each year.

While these numbers are staggering and frightening they are also easy to hide behind, Mr. Speaker, because we do not often put a name or a face to this tragedy. Recently our colleague from Florida, Mr. DEUTSCH, has enabled all of us to see the human face of this issue. In many of our offices the notice about Jimmy Ryce, missing since he was abducted while walking home from school on September 11, have been hanging—a silent but powerful reminder of how vulnerable our children are.

Each Member of this House should be concerned about Jimmy Ryce because each day, in each of our districts, there are others like Jimmy who are walking home from school, playing in parks and recreation centers, at sporting and social events, at great risk of being kidnapped—taken from their homes and families.

An abduction of a child is just the beginning of unspeakable horrors that he or she might have to endure. It is often the preamble to a life of slavery and fear which may include physical and emotional abuse, forced prostitution, pornography, labor, and drug use.

Earlier this week, I hosted a briefing on the trafficking of children for prostitution and pornography in the United States. At this briefing we heard from activists who have dedicated themselves to intervention programs which attempt to locate children who are missing and are now caught in a cycle from which they cannot escape on their own. These people talked of the horrors that are inflicted on these children—they are raped and beaten and threatened with death, they become dependent on their pimps for every aspect of their existence. Treated as chattel, many of them are branded or tattooed to ensure that others know who "owns" them. Many of these children are exposed to sexually transmitted diseases, tuberculosis, AIDS, and other illnesses. They are denied adequate medical treatment and many of them die of these illnesses.

The number of children who are forced into this modern-day form of slavery is increasing, it is also a tragic fact that the age of these children is decreasing. We are able to document children as young as 4 years old who are victims of this abuse. Tragically, many of the children who are being abused in this way have been reported missing or kidnapped.

Sadly, Mr. Speaker, there are few individuals and even fewer organizations which actively work at documenting these missing and kidnapped children, locating them and assisting them in breaking the cycle of abuse and providing for them safe places where they can grow and develop. Organizations such as the National Center for Missing and Exploited Children, H.I.P.S., the Paul and Lisa Program and Children of the Night offer some spark of hope for children who have been abducted. While they provide assistance to a few hundred children each year, the large numbers of children affected by this abuse is overwhelming.

More needs to be done. We must have greater concern for our children. They must not have to live in fear that they will be abducted and removed from all that they know and love, forced into a lives of virtual slavery. We owe a word of gratitude to those who have dedicated their lives to assisting the missing and exploited children of our Nation. But we must also pledge to our children and especially to Jimmy Ryce and the thousands of others who are missing and kidnapped that we will do all we can to find them, protect them and return them to their childhoods and the promise that the future should hold for them.

TRIBUTE TO ANDY TRUJILLO

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. HANSEN. Mr. Speaker, I rise today to pay tribute to a young man who turned his life around. Andy Trujillo, who lives in Ogden, UT, led the life of a gang member. As he explains it, he came from a background of horror and violence.

Fortunately, Andy became a member of the Weber Basin Job Corps Center, where he found the guidance, support, and discipline he needed. At the Weber Basin Job Corps Andy was in an environment where he could excel, which is exactly what he has done.

Most recently, Andy was selected as the first place winning entry from over 1,000 essays submitted in a national essay writing contest on the topic "How Job Corps Changed My Life." I am submitting his essay to be printed in the CONGRESSIONAL RECORD.

This essay explains Andy's difficult background and what has happened since being in a structured, supportive environment. Andy's story illustrates the potential of each young person when placed in a situation with caring adults who believe in the great worth of each individual.

Andy now has his GED and plans to be the first in his family to attend college. Andy not only excelled academically but also socially. Andy was president of the Recreation Center and Andy is currently serving as student body vice president of Weber Basin Job Corps.

I commend Andy on the changes he has made in his life as demonstrated in his well written essay. I also applaud the other hard-working students who are committed to making something of themselves and the dedicated adults who help these students achieve their goals

1995 JACS NATIONAL ESSAY CONTEST; HOW JOB CORPS CHANGED MY LIFE

(By Andy Trujillo)

I came from a background of horror and violence. I'm not the typical "All American" teenager. I was a slow learner and a troubled youth that had no one but a grandmother to turn to.

In the big city, I met a lot of people and was always interested in the glamorous life. I was attracted to the high-rolling, fast-paced easy money that came with my acquaintances. I was poorer than most of my friends and had very few possessions, so you could see how easy it was to be persuaded by the temptations of the streets.

I guess my life wasn't as bad as some others; I at least had a roof over my head and food in my stomach. My house wasn't big enough for the number of people that lived in it, so it was better for me to just stay away. All my life I heard, "Get out of my way! Get out and do something!" It was very hard on me. I didn't know what to do with myself half of the time. Getting into trouble seemed to be the only way I could get anybody's attention. Throughout my childhood, I was considered the black sheep and to me, that was good. I could do anything I wanted to, when I wanted to do it. Unfortunately, with that freedom came dangers like gangs. Eventually I joined one and became the delinquent in every parents' nightmare.

My whole life came to a stop when the only person who believed in me, my grandmother, died. After she left me, I had nothing more to live for. I went deeper into the gangs and led the gangster life to the fullest. I left home at the age of 16 and have never gone back. I lived where I could and dropped out of school. My life was going nowhere.

One day, I called my little brother and we were casually talking about what I was doing with my life when I brought up Job Corps. He told me that Job Corps was an okay place where you could get a diploma, learn a trade and meet a lot of different people. He told me it was free and they would even pay me to go there. In my mind, there was no way that could be true. The screener proved me wrong and I was accepted two months later.

My first impression of the small center was that there was too much snow, and it was too cold. I met my dorm staff and began my stay at Weber Basin. The trade I took was welding, and I was finally doing well for once. I could see my life changing. I was offered a job in the recreation center and accepted. Shortly afterward, I became the Rec. President. With all of my friends, I had no problems fitting in.

One of the changes I made was that I didn't have to be mean or rude to people anymore. Most of the people I was around were nice and helpful; I didn't have to get in trouble to be recognized. Then I started noticing that I was doing better in school, and it was actually fun. About my third month in education, I did what I thought I never could: I received my GED! But I'm not going to stop there; I plan to get my diploma and be the first person in my family to attend college.

Throughout my stay of seven months, I have never been in trouble. In return for this, I have been in Gold for four and a half months and have currently obtained the position of Student Body Vice President of Weber Basin Job Corps. This Center has supported me, and I, in return, have supported it. I can only better myself at Weber Basin and maybe someday I will have the chance to work at a Job Corps Center. I know now that whatever I put my mind to do, I can accomplish. My dreams are becoming my realities

AN APPEAL OF CONSCIENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. GILMAN. Mr. Speaker, the following advertisement by the Appeal of Conscience Foundation appeared in today's edition of the Washington Post. The foundation is presided over by Rabbi Arthur Schneier who is internationally known for his leadership on behalf of human rights and religious freedom. He has served our Government in many capacities including as a delegate to the United Nations, and his accomplishments have been recognized by several U.S. Presidents. Rabbi Schneirer's continuing work to involve religious leaders in the critical issues of our time deserves our strong support.

I am calling the attention of my colleagues to today's appeal and I hope Americans of all religions will take time during their weekly worship to pray for peace in Bosnia, a country which has suffered a tragic war for nearly 4 years with enormous human suffering. Accordingly, I hereby insert the text of the letter of the Appeal of Conscience:

AN APPEAL OF CONSCIENCE TO THE LEADERS OF BOSNIA-HERZEGOVINA, CROATIA AND SERBIA TO WORK FOR PEACE, AND TO SEE THIS WORK AS A RESPONSIBILITY BEFORE HISTORY, BEFORE THEIR PEOPLES, AND ULTIMATELY BEFORE GOD

True faith stands for peace. Whatever our differences, this has been our common ground since the Appeal of Conscience Foundation conferences in Bern, Istanbul and Vienna. The declarations we adopted proclaim that "a crime in the name of religion is the greatest crime against religion."

This call elicited worldwide support from statesmen and religious leaders of different faiths. Most recently, we received messages from Presidents Izetbegovic of Bosnia-Herzegovina, Milosevic of Serbia and Tudjman of Croatia encouraging our religious commitment to peace and search for reconciliation.

Today, we salute President Clinton for bringing together in Dayton Ohio, the three

Presidents in search of a peaceful solution. On this day, we ask all men and women of goodwill to pray that these leaders be granted the wisdom to find the way to peace.

Next Friday, Saturday and Sunday, in churches, synagogues and mosques, let us pray that the people who have suffered the agonies of war will be free to enjoy the peace that is rightfully theirs.

HIS EMINENCE CARDINAL FRANJO KUHARIC,
Archbishop of Zagreb, President of Catholic Bishops Conference of Croatia.
HIS HOLINESS PATRIARCH PAVLE,
Patriarch of the Servbian Orthodox Church.
HIS EXCELLENCY DR. MUSTAFA CERIC,
Rais ul Ulema of Bosnia-Herzegovina.
HIS EMINENCE CARDINAL VINKO PULJIC,
Archbishop of Sarajevo, President of Catholic Bishops, Conference of Bosnia-Herzegovina.
RABBI ARTHUR SCHNEIER,
President, Appeal of Conscience Foundation.

HIV/AIDS TRAINING PROGRAMS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. COLEMAN. Mr. Speaker, I am disappointed the conference report on the Transportation appropriations bill fails to modify the provision regarding Federal training programs in a manner that could have averted some potential harmful effects of the provision. We may be back here in a year or two being implored by Federal agencies to fix some major obstacles to effective training programs we have created, perhaps inadvertently, with this provision. I would certainly not be surprised to see this provision the subject of litigation as Federal officials attempt to comply with its various components, without running afoul of the first amendment guarantees of freedom of speech and religion.

I must say, however, I am pleased supporters of the provision have made clear they do not intend the provision, flawed as it is, to be interpreted in a manner that would severely reduce the effectiveness of AIDS training programs. As my colleague from California [Mr. PACKARD], the author of the provision, and my colleague from Louisiana [Mr. LIVINGSTON], the chairman of the full Appropriations Committee, have both taken great pains to explain, this provision is not designed to interfere with the ability of the Federal Government to provide life-saving HIV training to their employees, just as hundreds of other American business have done across the country for their employees.

Mr. colleagues have clearly explained that graphic sexual depictions, which may be very objectional to many Federal employees, will not be acceptable in AIDS training programs under this provision. However, as my colleagues have also taken pains to note, the provision is not intended to hinder trainers from developing effective programs designed to prevent the transmission of HIV, by providing the sensitive education necessary to prevent such transmissions.

SUPPORTING DEMOCRACY IN HONG KONG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

Mr. PORTER. Mr. Speaker, a recent Washington Post article outlined Hong Kong Gov. Chris Patten's steadfast determination and commitment to democracy in Hong Kong. In the wake of the 1989 Tiananmen Massacre, in October, 1992, newly arrived Governor Patten unveiled proposals to expand the voting franchise in Hong Kong and broaden the scope of democracy. Governor Patten's proposals reflected a growing desire on the part of the colonial government and the people of Hong Kong to erect safeguards against the totalitarian mainland—Communist China. I commended Governor Patten then, as I do today. Governor Patten's reforms are consistent with general U.S. goals of promoting human rights and political freedom.

Mr. Speaker, last month Hong Kong voters demonstrated their devotion to democracy by repudiating most legislative candidates allied with Beijing and handing an overwhelming victory to advocates of democracy, led by Martin Lee, who avows to take a tougher stance in dealing with the mainland. This vote reinforced Hong Kong voters' commitment to Governor Patten's proposals. Britain's Minister for Hong Kong Jeremy Hanley commented that "more voters than ever before have played their part in an atmosphere of calm moderation to elect the most broadly-based, fairly elected Legislative Council in Hong Kong's history. As a result, the people of Hong Kong will have a fully represented legislature, equipped to help shape the next chapter in Hong Kong's history."

But how will this next chapter read when China has vowed to dismantle the Hong Kong legislature and continues to try to destroy any hope of a free democratic future? Despite international pressure, China continues to violate the human rights of its own citizens. As the date for the return of Hong Kong fast approaches, there are signs that Beijing's policy of intimidation and fear may be working. According to recent polls, public support for Governor Patten is at an all time low. Former British Ambassador to Beijing, Percy Cradock, said that Patten "is being rapidly marginalized as the Chinese and British Governments work together to reduce the damage his reforms have done." On the contrary, Governor Patten has done tremendous good in the last 3 years, and he deserves steadfast support from the United States and the rest of the world community, including Britain. Any damage resulting from Hong Kong's making democratic reforms has been caused by Beijing's refusal to accept them and London's fear of supporting them.

Hong Kong is the world's best example of the prosperity that results from a strong and vibrant free enterprise system existing under the rule of law. As 1997 approaches the United States must stand with those in Hong Kong, like Governor Patten and Martin Lee, who are rightly unwilling to capitulate to Beijing's effort to strip the citizens of Hong Kong of their democratic rights and freedom.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 2, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 3

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Nancy E. McFadden, of California, to be General Counsel, and Charles A. Hunnicutt, of Georgia, to be an Assistant Secretary, both of the Department of Transportation, and Jane Bobbitt, of West Virginia, to be an Assistant Secretary of Commerce.
SR-253

Joint Economic
To hold hearings on the employment-unemployment situation for October.
SD-106

NOVEMBER 7

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Judiciary
To hold hearings to examine contingency fee abuses.
SD-226

Indian Affairs
Business meeting, to mark up S. 1341, to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona; to be followed by hearings on S. 1159, to establish an American Indian Policy Information Center.
SR-485

2:30 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

NOVEMBER 8

9:30 a.m.
Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold hearings to examine the courthouse construction program.
SD-342

10:00 a.m.
Judiciary
To hold hearings to examine mandatory victim restitution.
SD-226

2:00 p.m.

Small Business

To hold joint hearings with the House Committee on Small Business to examine small business concerns regarding railroad consolidation.

2123 Rayburn Building

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

NOVEMBER 9

2:00 p.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 231 and H.R. 562, bills to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, S. 364, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and H.R. 629, the Fall River Visitor Center Act.

SD-366

NOVEMBER 14

10:00 a.m.

Judiciary

To hold hearings to examine the operation of the Office of the Solicitor General.

SD-226

NOVEMBER 15

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.

SD-226

POSTPONEMENTS

NOVEMBER 7

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 901, to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, S. 1169, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, Idaho, S. 590, a land exchange for the relief of Matt Clawson, S. 985, to exchange certain lands in Gilpin County, Colorado, and S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, Idaho.

SD-366

NOVEMBER 16

2:00 p.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 873, to establish the South Carolina National Heritage Corridor, S. 944, to provide for the establishment of the Ohio River Corridor Study Commission, S. 945, to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, S. 1020, to establish the Augusta Canal National Heritage Area in the State of Georgia, S. 1110, to establish guidelines for the designation of National Heritage Areas, S. 1127, to establish the Vancouver National Historic Reserve, and S. 1190, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

SD-366

SENATE—*Thursday, November 2, 1995*

The Senate met at 9:30 a.m., and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

The PRESIDING OFFICER. The morning prayer will be recited by the Senate Chaplain, Lloyd John Ogilvie.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The prophet Isaiah asks some very penetrating questions that put everything in order:

Who has directed the Spirit of the Lord, or as His counselor taught Him? With whom did He take counsel, and who instructed Him? Who taught Him in the path of justice? Who taught Him knowledge, and showed Him the way of understanding?—Isaiah 40:12–14.

Gracious Father, we humbly fall on the knees of our hearts as we answer these questions. You alone are the ultimate source of wisdom, knowledge, and guidance. Forgive us when we use prayer to try to manipulate Your will. It is not for us to instruct You, make demands, or barter for blessings. We confess our total dependence on You not only for every breath we breathe, but every creative or ingenious thought we think. You are the Author of our vision and the instigator of our creativity.

So we begin this day with thanksgiving that You have chosen us to be leaders. All our talents, education, and experience have been entrusted to us by You. The need before us brings forth the expression of supernatural gifts You have given us. We thank You in advance for Your provision of exactly what we will need to serve You and our Nation this day. By the power of the Holy Spirit. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. BURNS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 20 minutes.

PROGRAM

Mr. MURKOWSKI. Mr. President, the leader has asked me to communicate this news to the Senate this morning. I am told that there will be a period for the transaction of morning business until 12 noon.

Following morning business, the majority leader has stated that it will be his intention to begin consideration of S. 1372 regarding the Social Security earnings limit.

The Senate may also be asked to begin consideration of the legislative branch appropriations bill during today's session.

As usual, all Senators should anticipate rollcall votes throughout the day and possibly well into the night.

THE ARCTIC NATIONAL WILDLIFE REFUGE LEASE SALE

Mr. MURKOWSKI. Mr. President, there is, in the reconciliation bill passed, in both the Senate and the House, an item known as ANWR, the Arctic National Wildlife Refuge lease sale. There have been many views, versions, and interpretations of just what this is all about. I think it is appropriate that a Representative from Alaska, again, highlight the facts concerning this very important issue relative not only to the reconciliation package, where it is anticipated to result in a lease sale of about $2.6 billion, but its contribution to the national energy security interests of our country.

Mr. President, let me attempt to put the issue in an understandable perspective relative to the size of the area that we are concerning ourselves with and the actual footprint anticipated.

First of all, there is a bit of a misnomer associated with ANWR, the Arctic National Wildlife Reserve. I hope the Chair can see this chart. Perhaps I should put it up a little higher. This does a pretty good job of describing the area in question. ANWR itself covers, basically, this top area, which is the coastal plain, about 1½ million acres; there is this wilderness area in green here, about 8 million acres. It covers the Arctic National Refuge—this portion here, which is in an area that is in refuge. That is about 9 million acres. It covers this up in the Arctic coastal plain. This is 1.5 million acres. The point is that the Refuge is about the size of the State of South Carolina.

When we talk about allowing an oil lease sale, there are a lot of misconceptions relative to just what the footprint will be. As I have indicated, the wilderness area, the green area, is not in jeopardy. That has been put in a wilderness status by Congress permanently, and that was initiated back in 1980.

The area of the refuge, which is the color orange—roughly 9 million acres—was also set aside in a permanent refuge in 1980. This area in yellow, the small area at the top, consists of 1½ million acres. That is the 1002 area that was left out of the permanent designations in 1980 by Congress for Congress to address the appropriateness of allowing oil and gas leases in the area.

So what we have here is, out of the 19 million acres, an area of 1½ million acres where the Congress is now making a determination on whether or not a lease sale should take place. This little area up here, as you see in the red or maroon color, is Kaktovik. That is an Eskimo village. The proposal is to lease 300,000 acres out of the 19 million acres of ANWR. In reality, it is 300,000 acres out of the coastal plain, a very small area. People have indicated that the Canadian border is right in here—that this area has virtually never had a footprint in ANWR. Obviously, that is incorrect. There is an Eskimo village. There is a radar site at Barter Island. Two abandoned radar sites are along the coast. So there has been a footprint, but it has been very negligible.

Geologists tell us that this is the most likely place in North America where a major oil discovery might take place. We really do not know whether the oil is there, and you do not know where to look for it; and when you look for it, you usually do not find it. When you look for it in Alaska and find it, you better find enough because of the cost of developing and transporting the oil.

It is rather curious to note that on this chart we have the area to the west, Prudhoe Bay. Prudhoe Bay, as most

Members know, has been supplying this Nation with 25 percent of its total crude oil production for the last 18 years. The significance of Prudhoe Bay is that, while it has continued to flow at a rate much higher than predicted, and the recovery is much higher today, that field is in decline.

Production has been as high as 2 million barrels a day. Today it is down to 1.5 million barrels a day. As a consequence, we are importing more oil from overseas sources.

To give you an idea, Mr. President, and many Members really do not reflect on this, but in 1973 we had an oil embargo in this country—the Arab oil embargo—and the significant thing at that time, we were 36 percent dependent on imported oil—36 percent.

Today, our Nation is just a little over 50 percent dependent on imported oil. For those of you who have perhaps forgotten, in 1990 we had a war in the Persian Gulf. That was a war over oil. It was also an environmental catastrophe in Kuwait. You recall the burning of the oilfields.

Now, earlier this year, our Department of Commerce put out a report that said the national energy security interests of the United States were as risk as a consequence of our increased dependence on imported oil. Several years ago there was a great deal of discussion in the Nation relative to the increased dependence on imported oil, and there were those who suggested we would have to take steps—positive steps—to decrease our dependence on imported oil if we ever approach 40 or 45 percent dependence on imports. Here we are today at 50 percent.

We hear a lot about our trade deficit. We are buying more overseas than other nations are buying from the United States. It is interesting to look at the makeup of that. Roughly half is our trade deficit with Japan. Mr. President, the other half is the cost of imported oil.

Now, about 25 to 30 years ago when they were contemplating whether to open Prudhoe Bay, they made the initial discovery. They had a question of how to transport the oil to market. Some may recall the *Manhattan*, a U.S. tanker that had been reinforced to move through the ice through the fabled Northwest Passage, taking the oil from Prudhoe Bay, AK, over the top of the world, but they found the ice conditions were such it was an impractical alternative and proceeded to initiate the Trans-Alaska Pipeline—an 800-mile pipeline from Prudhoe Bay to Valdez.

It proved to be one of the engineering wonders of the world. It withstood bombs. It withstood dynamite. It withstood rifle shots. It withstood earthquakes. There was a bad accident in Valdez with the *Exxon Valdez* when it went aground, but certainly it had nothing to do with the integrity of the pipeline.

What we have here is a situation where the arguments used against this were very vocal—national preservation, environmental groups said this would be a hot pipeline. The oil comes out of the ground hot. You were putting the pipeline in permafrost, permanently frozen ground; therefore, you will melt the ground from the heat of the pipeline; that will cause the pipeline to break.

What about the animals, the caribou, the moose? Are they going to cross the pipeline? You will have an 800-mile fence across Alaska. Clearly, that was not the case. The pipeline did not thaw the ground.

As a matter of fact, many of the moose and caribou feed upon the pipeline because there is more vegetation. As the Acting President pro tempore from Montana is very much aware, any heat in an area where you have vegetation causes the grass to grow. We have the animals browsing in the spring on top of the buried pipeline because the grass grows more profusely in those areas.

The point is, the same arguments used against opening up the ANWR, or arctic oil reserve, are the same arguments used 25 years ago. They were predicting doom. You could not do it safely.

What about the people of the area? We have the Inupiat Eskimos in Point Barrow, Wainwright. The Eskimos were concerned because there was a question about their dependence on subsistence. What would happen to the caribou? Here is a picture, Mr. President, an actual picture of a very small portion of the central Arctic herd. Can you see the caribou? There are lots of them. They are all real. There are males and females. You see the pipeline in the background, and you see an oil rig under drilling. Once this area is drilled, this rig will be removed. Clearly, you see they are compatible.

Now, the Eskimos were fearful this development would harm the caribou and their dependence on subsistence. They are, today, advocates of opening up the Arctic oil reserve because they have seen for themselves, they have satisfied themselves that this activity has provided them with another alternative to subsistence. That is, jobs. They have jobs in huge areas of northern Alaska where jobs did not exist any before. They have a choice of jobs or subsistence.

Today, Point Barrow—at the top of the world, you can cannot go any further north—without a doubt, has the finest schools in the United States, without exception. They have indoor recess areas. They have been able to do this because they have the taxing capability, they have a revenue stream from the oil activities. They have jobs.

There is a concern being expressed by a group of our Native people in Alaska called the Gwich'ins, and this chart shows what this issue is all about, involving another caribou herd. The caribou herd that moves in this general area of the Porcupine River is called the Porcupine caribou, named for the Porcupine River that flows in and out of Canada and affects the villages of Arctic Village and Venetie.

The particular native people in this area are not the Eskimos of the North Slope but are very dependent on the Porcupine caribou herd for their livelihood and subsistence. This is the line that separates Canada from the United States up at the top of the world. This caribou herd is about 165,000.

As far as caribou are concerned, in Alaska we have 34 herds. We have about 990,000 caribou in the 34 herds. Two-thirds of the herds are increasing in numbers and 15 percent are in decline, and the rest are relatively stable. The herds fluctuate.

As the Senator from Montana well understands, they can overgraze their particular area and their numbers decline. There can be a concentration of predators in an area and numbers decline. There can be hard winters and the numbers decline.

This particular herd is the Porcupine caribou herd—about 152,000 animals. The people that are dependent on this herd are the Gwich'ins, and they are in Canada and Alaska. Three quarters of them are in Canada and the rest are in the villages of Venetie and Fort Yukon. They are fearful they will lose this subsistence dependence as a consequence of activity associated with the lease-sale development and hopefully discovery.

I point out, Mr. President, a footprint is pretty small. The proposed lease sale in the Arctic oil reserve—this is a term I use—because it differentiates from the 19 million acres of ANWR, the actual area under consideration, the 300,000-acre lease sale out of the 1.5 million is pretty small in comparison to the entire area.

But the facts are, these caribou migrate in from Canada, come up into this area, and many of them calve. They calve where they calve; not in one spot, necessarily. It depends on the winter. Sometimes very few of them calve in America. They calve in Canada. But they come out here by preference, if they can, because they come to the coastal areas where the wind blows and there are fewer flies and mosquitoes and it is just a lot more pleasant.

As a consequence, the question is, can we have development compatible with migration?

If the Prudhoe Bay case is any evidence, we think we can. But what we are anxious to do is work with the Gwich'ins on both the Canadian and Alaskan side to form an international caribou management system to ensure that these animals are not disturbed.

The theory behind that would be that development, in the sense of exploration, drilling and so forth—which occurs in the wintertime, I might add—would not take place during the calving time, which is 3 to 4 weeks during the early summertime. So we can address that adequately. But that is one of the major issues that is used to suggest that the Porcupine caribou herd is at risk by this development.

Interestingly enough, these dots on the Canadian side represent sites of actual drilling for oil that took place in the 1970's. It is interesting to note also that there is a highway here, the Dempster Highway in Canada. It goes from near Dawson up to Fort McPherson. These caribou in their migration cross that highway. The Canadian Government did not see fit to do an environmental impact statement when they built that highway on the effect it would have on the caribou. The reality is it had very little if any effect, just as any activity in the coastal plain will have very little if any effect. We can take steps to ensure that it does not have an effect.

The argument that the Porcupine caribou herd is in jeopardy because of this activity is a bogus argument. It is a bogus argument fostered by some of the national preservation, environmental groups, that look upon this issue as a cause celebre. It generates membership, it is idealistic, it generates dollars. The American people cannot see for themselves just what kind of a footprint there would be. The American people cannot communicate, if you will, with the Eskimo people, as to what the advantages have been for them with the associated development and employment in their area.

I might add, for those who are not familiar with this area, because of the permafrost in these areas it is almost impossible to have underground utilities. So the tradition in these villages is no running water. The water is hauled in. There are no sewage facilities. You have what you call honey buckets. The honey bucket man comes around two or three times a week and you dump your honey bucket in the honey bucket wagon. A lot of people do not know that in many parts of rural Alaska that is the standard way of life.

As a consequence of having a tax base, these villages are getting running water, they are getting sewage capability, things that we take for granted and have never questioned. But if you do not step in another man's shoes and appreciate how he lives, you will never know what it is like—not to have running water and sewage.

Mr. President, I ask unanimous consent for another 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, as a consequence, the merits of this, what this means to the people of the area, are significant. The people in the area, the Eskimo people, are speaking for themselves and they are speaking against the interests as enunciated by the Gwich'ins, who are very much opposed to this.

I visited one of the Gwich'in villages, Arctic Village. I was up there in August. I was also in Venetie. I went into the meeting hall in Arctic Village and was cordially hosted. They had a big poster, a Hollywood poster of the buffalo. The sign under the poster said, "Don't let happen to the Porcupine caribou herd what happened to the buffalo." Mr. President, they were out to shoot the buffalo and that is what they did. This activity has nothing to do with going out and shooting the Porcupine caribou. The caribou are very adaptable, unless you run them down with a snow machine or begin shooting them and so forth. So, as a consequence, there is absolutely no suggestion that this herd is going to be affected by this activity.

The Eskimos have invited the Gwich'ins to come up to Barrow, at their expense, to see for themselves what the alternative advantages are for jobs, tax base, and so forth. Unfortunately, there are tremendous pressures by the environmental groups that are funding, through the Gwich'in Steering Committee, ads in the New York Times and other efforts in opposition to this. We have also seen, unfortunately, the Secretary of the Interior, who is very much opposed to this development, side with the Gwich'ins.

The Gwich'ins are a relatively small population in Alaska, somewhere in the area of 400 to 500 people at most. Most of the Gwich'ins live in Canada. Of course, Canada is a competitor of the United States, a competitor to Alaska in the sense that Canada supplies a lot of energy to the world, a lot of energy to the United States. So the official position of the Canadian Government is very much opposed to the development of energy in Alaska because they see us as a competitor against their market which provides energy into the United States—gas, oil from Alberta, and so forth. As far as the Porcupine caribou herd and the dependence on that, about 300 to 400 animals are taken each year by the Alaskan Gwich'in people, about 4,000 by the Canadian Gwich'in people.

So, this is the environmental issue: Whether or not this area can be opened safely without harming the Porcupine caribou herd and the Gwich'in people.

To suggest that American technology and ingenuity cannot open up this area and do it safely is really selling short America. This pipeline was one of the construction wonders of the world. Prudhoe Bay is the best oilfield in the world. You may not like oilfields, but it is the best. The environmental oversight, permitting requirements are higher than anywhere else in the world. It is suggested by industry that they can have a very small footprint in this coastal plain, if allowed to initiate drilling. People have said, "Senator, you are from Alaska. Obviously you have a position on this issue. How do you know that? How do you know that footprint is going to be small?"

About 8 years ago we came out and found another field adjacent to Prudhoe Bay called Endicott. That came on production as the 10th largest producing field in the United States, at about 110,000 barrels a day. Today it is the seventh largest at nearly 130,000 a day. They put a little island offshore here. And the footprint is 56 acres—56 acres.

Mr. President, this area is 19 million acres, as I said. The coastal plain up here is 1.5 million acres. We are talking about a 300,000-acre lease sale. Industry tells us now that their footprint, if the oil is there, can be as little as 2,000 acres. Four or five years ago industry said our footprint might be 12,500 acres. Do you know what 12,500 acres is? It is like the Dulles International Airport complex if the rest of the State of Virginia were a wilderness.

Remember, this area we are talking about is as big as the State of South Carolina. So to suggest that this footprint is going to jeopardize the coastal plain, is going to jeopardize the porcupine caribou herd, is absolutely a fabrication of reality.

This is an important issue for the Nation just as Prudhoe Bay was because Prudhoe Bay has been contributing 25 percent of the total crude oil produced in the United States for the last 18 years. It is in decline. What do we replace it with? More imported oil? Export more jobs? And $57 billion dollars is the cost of imported oil. We have an opportunity, and the opportunity is now because this issue is in the reconciliation package.

There has been tremendous pressure on the White House on this issue. But not once has the White House addressed the national security interests. What has happened in the Mideast, Mr. President? What has happened with Libya, our friend Qadhafi? We all know Saddam Hussein, Iraq, and what is going on in Iran today, and the threat against Israel's national security. The Mideast is going to have a crisis. It is just a matter of time. We have heard from a number of statesmen. Larry Eagleburger, former Secretary of State, Schlesinger—many, many others saying do not put all your eggs in one basket. That Middle East situation is going to explode, and our increased dependence on that market is going to result in the United States being held hostage because of our increased dependency on imported oil.

Mr. President, this would be the largest single job producer in North America. It would not cost the Federal Government 1 cent. There is no subsidy.

There is no appropriation. The private sector will bid this in at an estimated bidding price to the Federal Government, the State of Alaska, at $2.6 billion.

In addition, there is approximately $80 million or more that is anticipated as a revenue stream to be contributed to refuge maintenance in our national parks and refuges. And as a consequence of the increased need for these facilities, I would like to see more funding put in for our parks and other areas.

I appreciate the extension of time. Let me just make a couple of more points because I do not see other Members who wish to speak at this time.

There is some suggestion that this is going to have an effect on the polar bear. Anyone in Alaska can tell you the polar bear do not den in ANWR. They do not on land. They den at sea on the Arctic ice. You talk about the polar bear. We do not allow the polar bear to be hunted by Caucasians. You cannot take a polar bear in Alaska unless you are a Native. You can only take it for subsistence. You cannot take a hunter out for hire. In Canada, you can take a $10,000 bill, and you can go out and shoot a polar bear; anybody.

So we are taking care of our polar bear. We are taking care of our renewable resources.

So the environmental community is selling America short on our technology. And I would look forward to an extended debate on the factual realities associated with this issue because what we have seen is rhetoric, rhetoric, rhetoric, rhetoric, rhetoric; no factual information of any kind.

Mr. WELLSTONE. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I would be happy to yield for a question without losing my right to the floor.

Mr. WELLSTONE. I thank my colleague from Alaska.

I wanted to ask the Senator. In the committee I had an amendment which said that if we go forward with oil drilling in the Arctic Refuge there ought to be at least an environmental impact statement that is filed. Can the Senator explain why he disagrees with that? I know in fact we have not had one since 1987. Much has changed since then, and the Secretary stated that an environmental impact statement will be necessary for each new lease sale. This is certainly a new lease sale. Even if you are for drilling in ANWR, I think there is a big argument against it. It is not rhetoric. Why will the Senator at least not be willing to go forward with environmental impact statement?

Mr. MURKOWSKI. As the Senator from Minnesota knows, there are different views. The Senator is coming from the point of view of an obstructionist. We had an environmental impact statement prepared for the first lease sale. The application of updating that is certainly appropriate. But to suggest we have to go back and start the process over means you are simply putting it off, and as a consequence we will simply import more oil from overseas.

So this is just another obstructionist proposal because we have already had an adequate EIS. If you are going to bury this thing, then you have to take the responsibility for it.

The Senator from Alaska simply is fed up with these arguments that have no foundation. They are simply obstructionist views, and as a consequence it is not relevant.

Mr. WELLSTONE. Will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair, and wish the President a good day.

Mr. WELLSTONE addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, time is set aside for Mr. HATCH to speak for up to 15 minutes.

Mr. WELLSTONE. I wonder whether the Senator from Utah would be willing to give me 2 minutes.

Mr. HATCH. I need the full 15 minutes.

I will be happy to yield 1 minute. I yield a minute to the Senator from Minnesota

Mr. WELLSTONE. I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Alaska that I would have been pleased to go on with this debate. I think the national environmental law requires an environmental impact statement. It is not obstructionism to say so. I think for the vast majority of the people in the country, First, they do not believe on environmental grounds, or on energy grounds, that we need to do oil drilling which could threaten the pristine wilderness area, a real treasure for this Nation; and, Second, I think people believe, if you are going to go forward with it, you at least ought to be willing to file an environmental impact statement so we can know what in the world it is going to do. We had the *Exxon Valdez* oil spill. A lot has happened since 1987. That is not, I say to my colleague, obstructionism for me to come to the floor and to make that clear.

I thank the Senator from Utah.

Mr. MURKOWSKI. Mr. President, the environmental impact statement was completed in 1987, and it took 5 years to complete. There were full public hearings and extensive studies. The record speaks for itself.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. This would have been an interesting debate for me too. I have to say that with the debate around here this has been studied, and it has been unbelievable. We had all the same bizarre and extreme claims with regard to the caribou up there, and now we have more caribou and more wildlife than ever before. Alaska is just such a vast place. Maybe it is time we started thinking about the country, and about how we can stay independent and have national security.

Mr. WELLSTONE. I think my colleague should give me a minute to respond.

Mr. HATCH. I would like to finish my other statement. I would like to shift. I just had to make that comment because I hear this all the time, and I get kind of tired of it.

DRUG SENTENCING

Mr. HATCH. Mr. President, in the past month there has been much discussion about penalties for crack cocaine and about whether we should lower them. Of course, on Tuesday, President Clinton signed legislation preventing reduced sentences for crack cocaine from taking effect. That was the responsible course of action to take, and he should be commended for taking it.

So I was disturbed to read, in Saturday's New York Times that:

> * * * in Miami, some Federal prosecutors say they have chosen not to charge some crack suspects because they believe the punishment they will face is unduly harsh. [NY Times, October 28, 1995]

I am sure most Senators will agree that those who violate the law must be vigorously prosecuted. Congress enacts the laws and penalties, and the Justice Department enforces them. I have written to the Attorney General asking whether there is any evidence that crack prosecutions—or any other type of prosecutions—are being foregone because Federal prosecutors feel the penalties are too harsh.

The Times's unattributed statement is also troubling in light of the fact that Federal drug prosecutions have slipped more than 12 percent since 1992—from 25,033 in 1992 to 21,905 in 1995.

I want to take a couple of minutes to reinforce the reasons why this body voted unanimously to block reductions in crack sentences, especially since the Washington Post has been attacking President Clinton for signing the legislation [President Clinton and Crack, Nov. 2, 1995].

Some basics: penalties for crack are currently two to six times higher than for a comparable quantity of powder cocaine—not 100 times longer as some have imagined.

Crack use is associated with the explosion in the most horrifying cases of child abuse in recent years. And while drug addiction has long been a path to prostitution, crack has created what on the street is called the "freak house" phenomenon, where female crack addicts gather to trade sex for their next $5 piece of crack.

Crack dealers are notorious for their remorseless killings.

Crack is a much more powerful psychoactive agent than powder cocaine.

According to the U.S. Sentencing Commission, the typical dealer is caught selling 109 grams of crack—the equivalent of 3,000 rocks.

The Sentencing Commission tells us that crack defendants are more likely to have carried a weapon than other traffickers, and are more likely to have had an extensive criminal record at the time of arrest.

No one, to my knowledge, disputes these basic facts. No one claims that those who are convicted are innocent.

It is true that some low-level crack dealers are being arrested. Yet, very few Federal crack defendants are low-level, youthful, and nonviolent. According to the U.S. Sentencing Commission, of the 3,430 crack defendants convicted in 1994, there were just 51 youthful, small-time crack offenders with no prior criminal history and no weapons involvement.

In other words, despite all the rhetoric, just 1 crack defendant out of 67 qualifies as youthful, nonviolent, and low-level. Incidentally, under the so-called safety valve provision of last year's Crime Act, cases similar to the 51 are now eligible for specially lenient sentences.

We have a situation where, unfortunately, opponents of the sentencing regime are dismissing the facts. That is regrettable, especially so since the victims of the crack trade are so overwhelmingly concentrated among the minority residents of our inner cities.

For a blunt assessment of crack's effects in the inner city, listen to T. Willard Fair, president and CEO of the Urban League of Greater Miami:

> [Crack dealers] sell death to my community. They undermine the peace and harmony of my community by virtue of what they choose to do.

Crack is not the only problem we are facing, of course. Today, a major national survey is being released by PRIDE—a parents' group headquartered in Atlanta. PRIDE has found dramatic increases in drug use among kids. Cocaine is up. Hallucinogens are up.

Marijuana use is up 111 percent in grades 6–8. It is up 67 percent in grades 9–12. One in three high school seniors now smokes marijuana. This confirms reporting from other sources that in 1994, the number of high-school kids smoking pot hit 2.9 million—nearly 1.3 million more than in 1992.

This chart shows the fruits of our newly permissive attitude toward drugs. Among 9–12th graders, marijuana use is up for the 3d straight year, from 16.4 percent of students back in the 1991-92 school year to 28.2 percent of students.

Like many of my colleagues, I am also concerned at the Clinton administration's misguided policy of focusing on hard-core drug addicts—people who are very difficult to rehabilitate.

I am not saying we should not, but our limited funds ought to be going to these first-time youthful offenders that we have a chance of rehabilitating, not for people who we have virtually no chance of rehabilitating.

One key indicator of the success or failure of such a policy is the number of emergency room admissions, because many emergency room cases involve addicts and burned-out users. There is a survey instrument that studies such cases, and many Members of Congress will have heard of it—the Drug Abuse Warning Network, better known as DAWN.

Members may be surprised to learn that the numbers for DAWN have been unaccountably late this year. That is right: The numbers for the first half of 1994, which should have been released months ago, are now 16 months old.

In past years, these numbers have always been released in April. The 1993 numbers were released on April 11, 1994. The 1992 numbers were released on April 23, 1993. The 1991 numbers were released on December 18 of the same year—less than 5 months after the survey data had been collected.

It is my understanding that the administration had planned to finally release this data on Friday. It is further my understanding that the data will show a large upswing in the use of cocaine and methamphetamine.

Unfortunately, the American people will have to wait a few more days for this information. You see, the administration has postponed the release of this data until next Tuesday, which just so happens to be the day elections are being held in Virginia, New Jersey, Kentucky, Louisiana, and Mississippi. In other words, to get past the election, or at least that is what it appears to be.

Voters in these states will not learn of this evidence of failed leadership until after election day. What does this tell the American people about the Clinton Administration's drug policy?

And why do we have to wait 16 months for this information when we know from past experience that we can get it in less than 5? It is intolerable that the Congress has to wait over a year for vital information on the present state of our drug problem.

The administration is aware of the seriousness of this problem. According to the Attorney General:

> The latest surveys confirm that despite some recent gains, drug use in the United States is clearly on the upswing once again. The social consequences—of drug use—cannot be reduced of affected by enforcement efforts until our society changes its more tolerant attitude toward drugs. . . .

Mr. President, the Attorney General called it exactly right. We are not going to get anywhere on this problem until we start to change attitudes again. The job of changing attitudes belongs to all of us in positions of national leadership. It also belongs to the President.

I have previously indicated that I think President Clinton is AWOL—absent without leadership—in the war on drugs. Senator DOLE and Senator GRASSLEY have already been vocal on this issue, on the need to bring national attention to bear on just how bad the situation has become. We need to revitalize the drug war. In coming months, I will be calling on a number of my colleagues to join in this effort.

I am concerned. By working together, I believe we can reclaim this lost ground. Just look at this chart, "Rate of Youthful Marijuana Use." And we all know that once they start using marijuana, many of them will start trying harder drugs like cocaine, ultimately heroin, and so on. In grades 9 through 12, the PRIDE survey shows that we had a low here at 16.4 percent in 1991 and 1992, and from that day on it has gone up to where it is 28.2 percent.

Keep in mind, almost all these kids, a high percentage of these kids are going to try harder drugs because they think it is a fun thing to do after trying marijuana. Marijuana use is up, and it means the other harder drug usage will be up as well.

I wonder what this particular DAWN survey will say, but we will not have the privilege of knowing it until after the election this year.

We have a number of very important elections coming on that Tuesday.

No matter which way you look at it, you have to be alarmed by this problem of more and more kids grades 9 to 12 using marijuana every year since 1992.

Frankly, there is not much leadership in trying to stop them from doing so. Mr. President, I am concerned about these problems. I hope the administration is concerned. It is about time that they get concerned about these problems. We have to do what is right here. We have to do what is right, and do what is in the best interests of our kids and of our grandchildren and the future of our country. We have to start getting very, very tough on drug use in this country.

And for us and this administration to take the limited funds that are available, and use them for hard-core drug addicts, instead of these kids that need the help now that have a chance of being rehabilitated, I think, is basically immoral. If we have enough money left over, sure, I am willing to throw it down the drain by trying to help the hard-core drug addicts as well. And occasionally you will get one that will do a little bit better in treatment, but it is almost none who come through that process who are hard-core drug addicts. It is very, very uphill.

Frankly, with the limited funds we have, we ought to be using them to help those kids who need it and are likely to quit using drugs after the rehabilitation period starts.

Mr. President, I hope that the President and others will do more about this issue. We have all got to do more about this issue, and I am going to continue to speak out until I see some changes in this administration and some changes in our government as a whole. I hope that we will all cooperate in trying do this because this is not a Republican/Democrat thing and not a pro-administration, anti-administration thing.

These are facts that have to be brought out. Hopefully the administration just does not understand, and once they do, will start doing more about it. And hopefully the President will use his bully pulpit to start fighting these things that are destroying America, financing crime and murders throughout this society, and killing our kids and their futures well into the future.

I thank the Chair, and I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Kentucky is recognized for 10 minutes under the previous order.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 1378 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for up to 20 minutes.

Mr. BINGAMAN. Thank you, Mr. President.

THE IMPORTANCE OF FEDERAL INVESTMENTS IN RESEARCH AND DEVELOPMENT

Mr. BINGAMAN. Mr. President, I rise this morning to call the Senate's attention to a report that was released yesterday by the Council of Economic Advisors. The report is entitled, "Supporting Research and Development to Promote Economic Growth: The Federal Government's Role."

This report eloquently makes the case for the enormous positive impact which Federal investments and research and development have in promoting economic growth and providing greater opportunities for our children and for future generations. Most of the debate we have had, Mr. President, about this budget this year has focused on whether particular cuts or reductions or particular tax increases have been fair to one group or another in our country. For example, are the Medicaid cuts too deep? Are the Medicare cuts too deep? Should we be putting an additional financial burden on students in schools? Should Congress be scaling back the earned-income tax credit on low- and moderate-income families while cutting taxes for those who are better off?

But another important part of the debate, the budget debate, needs to be about the impact of what is proposed in this budget on the long-term economic growth of the country. And that is the issue that I would like to focus on here this morning.

The report that was released yesterday by the Council of Economic Advisors makes several crucial points that the congressional majority needs to understand as it embarks on what I see as a disastrous course of slashing Federal civilian research investments by the year 2002. Let me just read a couple sentences from the report.

It says:

> Increasing the productivity of the American workforce is the key to higher living standards and stronger economic growth in the future. Evidence indicates that investments in research and development have large payoffs in terms of growth. . . . Indeed, investments in—research and development—are estimated to account for half or more of the increase in output per person. Maintaining or increasing this country's research and development effort is essential if we are to increase the rate of productivity growth and improve American living standards.

The report finds that "many studies have demonstrated that investments in research and development yield high returns to investors and even higher returns to society." The report points out that it is this difference between the returns capturable by a single firm or an individual and the returns to the society as a whole that leads the private sector to underinvest in research and creates the need for public investment in research and development.

Mr. President, this is a need that has been recognized throughout this Nation's history, going back to the first Treasury Secretary of this country, Alexander Hamilton. The report points to the $30,000 that was appropriated in 1842 to build a telegraph between Washington, DC, and Baltimore, to demonstrate the feasibility of Samuel Morse's new technology.

It points to the 1862 Morrill Act, and that is an act, of course, that has benefited each of our States—Government funding of agricultural research. It points to the enormous benefits that have flowed from the expansion of Federal research investments following World War II pursuant to the vision that Vannevar Bush described in his report "Science: The Endless Frontier," which was submitted to President Truman in June 1945 at the end of the war.

Yet, there are some very disturbing charts in this report. The first of these charts I want to refer my colleagues to is a chart of nondefense research and development expenditures as a percentage of gross domestic product. What you can see here is that the United States has been lagging behind Japan and Germany in its nondefense research expenditures as a percentage of gross domestic product for more than two decades.

The yellow line is the United States. Japan is now substantially above both the United States and Germany in its investment in research and development, nondefense research and development, as a percentage of its gross domestic product.

This second chart indicates Federal investments, U.S. investments in nondefense research and development and shows very clearly that they have been declining substantially since the 1960's as a percentage of gross domestic product. You can see from the period 1961 to 1996, there was a short period there in the early sixties where there was a substantial increase during the heyday of the space program. It began to come down. It has continued its downward trend, as a general matter, until today, and it is scheduled in this proposed GOP budget for a substantial additional decline in the next several years. That Federal research investment, as this chart shows, will plummet during the next several years.

As the report that was issued yesterday points out, this is a greatly different plan of action from what governments in other parts of the world are doing, particularly Japan and Germany, who are our main rivals economically and technologically. Those countries around the world are seeking to follow the example of the United States, to emulate the successful American model of the last century, just at the same time that we, as a nation, seem bent on abandoning that model or wrecking it. The Council of Economic Advisers' report points out that the Japanese Government recently announced its plans to double its research and development spending by the year 2000.

We have a chart here that I think is a very important chart for people to focus on. This highlights the effect of our congressional budget plan and the effect of the Japanese plan. What you can see is that by the year 1997, Japan will overtake the United States in Government support for nondefense research and development, and that is not as a percentage of our gross domestic product, that is in absolute dollars. You can see that by 1997, the Japanese will be spending more than we will if we stay on the course that has been laid out in this budget resolution. Obviously, this gets even worse in the years ahead, as you go to the year 2000.

The Council of Economic Advisers' report also points out that there is no basis in historical data to believe that cuts in Federal research and development spending will be compensated for through additional private sector investments. I think this is a very important point, Mr. President.

This next chart, which I really do commend to everybody because I think it has a very important message about how history works, it makes it very clear that there is a correlation between changes in Federal research and development expenditures and changes in private sector research and development expenditures 1 year later. The private sector follows the Federal Government lead in investing in research and development.

The report concludes the correlation means that if Federal research and development support is cut, the Nation is likely to lose future rewards not only from the federally supported research and development that will not be undertaken, but also from the industrial research and development that will not be undertaken as the private sector scales back in response to Federal cuts.

Stated very simply, when the Federal Government spends more on research and development, the private sector follows its lead. When the Federal Government spends less on research and development, the private sector follows its lead and spends less.

Mr. President, this is a horrible position for our country to place itself in as we approach the beginning of the 21st century. These cuts in Federal civilian research and development are not just theoretical numbers out there. These are cuts that are being made in many of the appropriations bills that we are passing on the floor of this Senate.

The energy and water appropriations bill, which we passed on Tuesday, cuts civilian energy research by 17 percent, $637 million. That was 17 percent from the President's request and it was cut 13 percent, or $462 million, from the last year's level of funding. Some research and development activity, such as solar and renewable energy research and development, were cut an even larger percentage, 35 percent, in that particular bill.

The same is true in the transportation appropriations bill that we passed on Tuesday. The conference report cut the Transportation Department's R&D budget request by 30 percent from the President's level of request and by 8 percent from last year's level.

In these two bills alone, civilian research and development is cut by almost $1 billion from the President's request, by over $500,000 from the fiscal year 1995 level.

Far deeper cuts are coming in the Commerce, State, Justice appropriations bill, in the VA-HUD appropriations bill and in the Labor-HHS appropriations bill.

This is not what we should be doing to our country as we approach the 21st century. If we do not change from this path, I believe that we will condemn future generations and our own children to a less prosperous and less productive America.

I urge my colleagues to read the Council of Economic Advisers' report and think about the consequences, the long-term consequences, of eating the seed corn of our future prosperity.

I urge my colleagues to think about the consequences of falling behind other industrialized nations in research and development and ultimately in productivity and standard of living. There is a clear and a constructive role for the Federal Government in investing in research. It has been carried out since the beginning of our Republic and, on a very large scale, it has been carried out since the Second World War. It has served our Nation well. It should not be lightly discarded as a collateral casualty of the effort to balance the budget.

IMPORTANCE OF SENATE RATIFICATION OF START II TREATY

Mr. BINGAMAN. Mr. President, I wish to speak for a few moments on another matter. This is a subject of profound importance that the Senate is not dealing with at the moment, and that is providing our advice and consent to ratification of the START II Treaty.

The START II Treaty is one that was negotiated and signed during the Bush administration.

It is so clearly in our national interest to proceed with that treaty that I have heard literally no dissent on that subject. Yet, it remains bottled up in the Foreign Relations Committee, apparently, as a hostage in a dispute over whether the chairman of the committee will get his way in the consolidation of our foreign affairs agencies.

In my view, this is profoundly wrong. Getting rid of several thousand nuclear weapons in Russia is so clearly in our national interest that it is, to me, tragic that the treaty is caught up in the sort of brinkmanship that has come to characterize the new congressional majority's approach to legislating. If it is not the daily public threat to refuse to raise the debt limit, it is the quiet threat we hear to torpedo the SALT II Treaty and the Chemical Weapons Convention.

Let me read into the RECORD some statements made by various people—most of who happen to be Republican—in favor of the START II Treaty.

President George Bush:

> The START II Treaty is clearly in the interest of the United States and represents a watershed in our efforts to stabilize the nuclear balance and further reduce strategic defensive arms.

Senator HELMS, chairman of the Foreign Relations Committee:

> I am persuaded that the 3,000 to 3,500 nuclear weapons allowed Russia and the United States in this START treaty does not meet reasonable standards of safety.

He made that statement on February 3 of this year.

The Heritage Foundation, in the briefing book that they prepared for new Members of this Congress:

> The START II Treaty will serve U.S. interests and should be approved for ratification.

The former Chairman of the Joint Chiefs of Staff, Gen. Colin Powell:

> "With a U.S. force structure of about 3,500 nuclear weapons, we have the capability to deter any actor in the other capital no matter what he has at his disposal."

The present Chairman of the Joint Chiefs of Staff, General Shalikashvili, said:

> I strongly urge prompt Senate advice and consent on the ratification of START II.

Senator RICHARD LUGAR of this body said:

> If new unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits.

Senator MCCAIN said:

> With the conclusion of the START II, the threat of nuclear war has been greatly reduced, and our relationship with the former Soviet Union established on a more secure basis.

Mr. President, let me also read into the RECORD a statement made by the President's press secretary on October 20, in response to yet another postponement of the Senate Foreign Relations Committee business meeting on this issue. This is headlined, "The White House Office of the Press Secretary."

It says:

> The President expressed concern today about the postponement of yesterday's Senate Foreign Relations Committee business meeting. He urged the Senate to completes its consideration of both the START II Treaty and the Chemical Weapons Convention and to provide its advice and consent to their ratification as soon as possible.

I ask unanimous consent that the full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Washington, DC, October 20, 1995.

STATEMENT BY THE PRESS SECRETARY

The President expressed concern today about the postponement of yesterday's Senate Foreign Relations Committee business meeting. He urged the Senate to complete its consideration of both the START II Treaty and the Chemical Weapons Convention and to provide its advice and consent to their ratification as soon as possible.

"START II and the CWC are of critical importance to U.S. national security," the President declared. "They will help create a safer world for all Americans, and for our friends and allies. We need these two vital treaties now."

START II will continue the process begun by START I of achieving deep reduction in Russian nuclear weapons. This will further diminish the nuclear threat and advance U.S. nonproliferation interests.

The Chemical Weapons Convention will ban an entire class of weapons of mass destruction. Its nonproliferation provisions will make it harder and more costly for proliferators and terrorists alike to acquire chemical weapons.

Both START II and the CWC were negotiated and signed under the Bush Administration. Last month, the Senate adopted an amendment expressing the view that the Senate should promptly provide its advice and consent to their ratification. The President urges the Senate Foreign Relations Committee to allow the full Senate to carry out its Constitutional responsibilities and to support the ratification of START II and the CWC this fall.

Mr. BINGAMAN. Mr. President, as I said at the outset, it would be tragic if the Senate did not give its consent to the ratification of the START II Treaty before we adjourn in December or late November of this year. It will reflect very badly upon the leadership of this Senate. It will play into the hands of those in the Duma in Moscow, who want to torpedo the treaty.

It is incredible to me that we can find time to debate all manner of secondary foreign policy matters on this Senate floor, such as the Helms-Burton Cuba bill and Jerusalem Embassy bill. One newspaper headline referred to this as the "Majority Leader's World Tour." But we do not seem to be able to find time for the START II Treaty. We have had plenty of days around here recently where we were marking time in morning business, and today is one of those days. We will likely have more of them in the weeks to come. We need to use at least one of those days—the sooner the better—to provide our consent to ratification of a treaty that is so clearly in our national interest. We need to stop the brinkmanship, at least when it comes to matters beyond our shores, on which there is bipartisan consensus.

Mr. President, I yield the floor.

CONGRATULATIONS TO PATRICK W. RICHARDSON

Mr. HEFLIN. Mr. President, Huntsville, AL, native Patrick William Richardson received the 1995 Arthritis Foundation's James Record Humanitarian Award at a reception and dinner before an audience of his friends and peers recently at the Von Braun Civic Center. The Alabama chapter of the Friends of the Arthritis Foundation seeks to honor a person actively concerned in promoting human welfare through philanthropic works and interest in social reform.

Pat Richardson attended law school at the University of Alabama and began his practice with the family law firm, where he was eventually joined by two of his sons. He has distinguished himself in the legal profession and in civic pursuits. He has received many honors as an attorney. He served as president of the Alabama State Bar. He conceived and spearheaded the establishment of the University of Alabama in Huntsville and the UAH Foundation, on which he continues to served as a trustee. He also had a key role in the formation of Randolph School and is still active as a lifetime trustee. With the enthusiastic backing of his wife, Mary, Pat has served in the leadership and has actively supported numerous civic campaigns and enterprises.

I ask unanimous consent that an editorial detailing the career and accomplishments of Pat Richardson appearing in the September 20 edition of the Huntsville Times be printed in the RECORD. I congratulate and commend Pat for receiving this prestigious award.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Huntsville Times, Sept. 20, 1995]

ATTORNEY'S CIVIC WORK CITED

Huntsville attorney Patrick William Richardson was presented The James Record Humanitarian Award at an award dinner recently at the Von Braun Civic Center North Hall.

Richardson's civic contributions include conceiving and leading in the founding of the University of Alabama in Huntsville and the UAH Foundation. He played a key role in establishing Randolph School and is a lifetime trustee.

He has been given numerous civic awards and honors including the Certificate of Merit, the honorary Doctor of Laws degree and the President's Medal of the University of Alabama in Huntsville, the Distinguished Civic Service Award of the UAH Alumni Association, the John Sparkman Award of the Madison County of the UA Alumni Association, the Award of Merit of the Alabama State Bar and the Brotherhood Award of the National Conference of Christians and Jews.

He has served as regional and national trustee of the National Conference of Christians and Jews, director of the Alabama Motorists Association affiliate of the American Automobile Association, the Huntsville Industrial Expansion Committee, two local banks and a local mortgage company.

He is listed in Who's Who in America, Who's Who in American Law and Who's Who in the South and Southwest and was recognized in resolutions of the House of Representatives of the Alabama Legislature and the U.S. Congress.

TRIBUTE TO LAUGHLIN ASHE

Mr. HEFLIN. Mr. President, Sheffield, AL mayor Laughlin Ashe passed away recently. In the 3 short years that he served as mayor of his hometown, Ashe developed a reputation for integrity and honesty that is seldom enjoyed by officeholders. Many of those who worked with and for him say he deserves full credit for the economic revival of this city in northwest Alabama.

Laughlin Ashe looked after the best interests of his town to the very best of his abilities—abilities that were considerable. He was loyal to his friends and he was always true to his word. His was an effective style that yielded true leadership. He had a multitude of friends who will truly miss him. I am one of them.

After he was elected mayor in 1992, Ashe went about building consensus and bringing people together in order to rebuild the downtown area of Sheffield. His upbeat and forthright attitude spilled over into his work. He never allowed his serious illness to dampen his desire to serve and finish projects he had initiated and hoped to see completed. His dignity and spirit during his illness were reflections of the qualities that made him a successful mayor and wonderful human being.

He often remarked to close friends that being Sheffield mayor was the only job he ever really wanted. He was the coowner of Ashe-Box Insurance for several years, but sold his interest in the business after his election to the full-time mayor's job.

Laughlin Ashe was a friend to many, a consummate gentleman, and a compassionate father. He had an undying love for his city. Even before becoming mayor, he was Sheffield's self-appointed No. 1 cheerleader. He will be missed by all of us who had the pleasure of knowing him and watching him in action.

Last summer, Mayor Ashe met with editors of the TimesDaily newspaper for an interview to be published after his death. I ask unanimous consent that the account of that interview, from the September 16, 1995, TimesDaily be printed in the RECORD.

I extend my sincerest condolences to his wife, Debbie, and their family in the wake of this immeasurable loss.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From TimesDaily, Sept. 16, 1995]

ASHE ON HOMETOWN: "GOD I LOVE THIS PLACE"

(Laughlin Ashe was a forward-looking person—even when his own future was douded. This summer, Ashe met with TimesDaily editors for an exclusive interview, to be published after his death. For some two hours, Ashe spoke candidly about how far his city has come—and issued a challenge for others to keep up the progress after his own passing. Here is an account of that meeting)

(By Mike Goems)

SHEFFIELD.—Laughlin Ashe leaned back on the office sofa with his hands clasped behind his head and continued to talk about the past, present and future of his beloved Sheffield.

For more than an hour, he appeared completely content and relaxed. His own bleak future appeared lost in the discussion about business expansions, a sharply healthier city treasury and city revitalization efforts.

Without warning, his thoughts suddenly returned to the inevitable. He had known for weeks that he would not be there to see those plans through.

"The good Lord has been kinder to me than I've ever had a right to expect," Ashe said. "He has given me an opportunity to do the one thing that I've always wanted to do. I've never been involved in anything as fulfilling as this job.

"The only regret I have is time. I just don't have the time anymore," Ashe continued as tears filled his eyes, his voice cracking. He could not finish his next sentence—"I wish I had more time, just 4½ more years to see. . ."

Ashe, a self-proclaimed cheerleader for a city rebounding from the doldrums of the mid-1980s, died Friday from liver cancer. He was 59.

Having been told by doctors that his life likely would end before autumn, perhaps his favorite time of the year, Ashe agreed to be interviewed by the TimesDaily on June 27, provided the story would not be released until after his death.

His message on that hot, overcast day came in the form of a challenge to Sheffield residents to keep the city moving forward.

"This city has come so far in such a short period of time," Ashe said. "There's no reason we cannot continue in this direction when I'm gone.

"There's a sense of pride that has returned to Sheffield. People are proud to say they're from Sheffield again. I know it means something special to me to tell people where I live. God, I love this place."

That love and pride for his hometown is perhaps the biggest legacy Laughlin Ashe leaves. Ashe's enthusiasm is credited by many as one of the single biggest factors that made Sheffield a city on the move again.

To have heard him talk, you would, think the city is headed toward unprecedented growth.

"We have feelers out in every direction," Ashe said. "We've on the verge of some extremely big things, and slowly but surely we're going to get there."

Ashe downplayed his role in the revitalization of Sheffield, and he made repeated efforts not to point fingers at anyone from past administrations. Instead, he praised the City Council, which he said has done "an unbelievable job," and the residents who "feel as deeply about the city as I do."

"When I was running for office, Sheffield had gotten into a rut," Ashe said. "People were not negative but they certainly weren't positive, either. That kept us in that rut."

Change came subtly but quickly, a product of a joint effort between the council and Ashe.

WE'RE BUSINESSLIKE

We were fortunate enough to have six brand new people with no political experience to come into office at one time," Ashe said. "Not a single one of us knew that something couldn't be done. We didn't understand there was no way to get from one point to the other. So, we just did it.

"We don't have the pizazz that Florence does with their nearly $20 million budget, we don't have the little hint of scandal that may sometimes trouble Muscle Shoals where you have this faction hollering at another faction, and we don't have that little smoke like what's coming out of Tuscumbia. We've business-like. We discuss the issue and 20 minutes later we're out of there."

Ashe saw his role as one of a cheerleader. While promptly dealing with the negatives, Ashe focused on the positive things in Sheffield. It's an attitude that proved to be contagious.

"During these past three years, we have uncovered a lot of those needs and started serving them." he said, "When you get down to it, you provide the basic services and the rest is attitude.

"And hell, yes, our image has improved. I base that on what people say to me, my family and the council. The attitude has improved. The way to discover that is by driving through our neighborhoods like York Terrace, the Village and Rivermont and you'll see people building onto their houses and taking pride in their property."

During the Ashe administration, the city has attacked the problem of rundown houses and property that has gone unattended by landowners. Several of those eyesores have been torn down, at a cost of about $10,000 per project.

That condemnation process is far from complete, according to Ashe. Singling out a property owner on Columbia Avenue, he said the face-lift ultimately will include the removal of some house trailers and other unsightly residences.

Ashe also talked at great length about the council's ability to update equipment for the street and cemetery departments, while improving resources for the police and fire departments. Sheffield's 101 city employees have been given another raise, marking the third straight year they have received pay increases.

"We got behind during the level times of the 1980s, and we're still not where we want to be," Ashe said, "We have lost three or four top-notch police officers over the last month or so. We can't afford to keep them. We get them trained in the academy and then on the streets, and then they go to Muscle Shoals or Florence for a $5,000 raise. And I don't blame them."

The purchases and raises are products of an improved economic and retail base. Ashe credited Sheffield businessmen Bob Love and Tony McDougal for initiating some of that growth before the 1992 election. The influx of restaurants in the city has revitalized downtown.

A REASON TO COME

"The thing Sheffield had been missing for so many years was a hook, a reason for people to come to the city," the mayor said. "There had been no real reason to come into Sheffield unless you had a specific purpose. We don't have the upscale anything for shoppers. Restaurants are changing that. They're giving people a reason to come into our city."

Ashe forecast that the crowning jewel of Sheffield's revitalization will be a promised overpass that will allow motorists to travel to Sheffield without fear of being delayed by passing trains at the Montgomery Avenue crossing. Despite the belief among some residents that the overpass will never be built, Ashe never wavered.

"I still go to bed at night and say my prayers and thank God this overpass is coming," he said. "this overpass is going to do more to change Sheffield positively as Woodward Avenue did in Muscle Shoals.

"We're going to have a business route again, and we're going to have traffic flow through here that made this town back in the '50s and earlier years. Once the traffic flow starts, the retail and commercial portions will come. We have some people already beginning to think in those terms."

Sheffield's long-range plan includes the development of an office park near the intersection of Nathan and Hatch boulevards, a project that will tie in with the Old Railroad Bridge walking-trail system. The city also is working on a softball-baseball complex.

As Ashe put it, "We've got so many things in the cooker it's hard to keep up with." That's why he asked the council to hire an assistant to the mayor during his final months, so he could make that person aware of those projects. The council responded by hiring Linda Wright, who will now play a role in the transition to a new mayoral administration.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, more than 3 years ago I began daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

As of the close of business Wednesday, November 1, the Federal debt stood at exactly $4,981,703,482,414.58. On a per capita basis, every man, woman, and child in America owes $18,910.63 as his or her share of the Federal debt.

It is important to recall, Mr. President, that the Senate this year missed an opportunity to implement a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in that first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a constitutional amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, is there 30 minutes reserved for the minority leader or his designee?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

CLASS WARFARE

Mr. DORGAN. Mr. President, yesterday, I was on the floor of the Senate discussing the reconciliation bill and discussing some other issues, including trade issues, and I was confronted, once again, with the rejoinder that a discussion of the type that I was having was class warfare. I responded to that at the time. But I was thinking about this last night as I was reflecting on the discussion we had.

I thought to myself that it is interesting because every time you talk about the economic system in this country and who it rewards and who it does not reward, who it penalizes and who it does not penalize, somebody says you are talking about class warfare. What a bunch of claptrap, to call a discussion about economic strategy in this country and who benefits "class warfare.

Here is what I said yesterday. I was relating it to the reconciliation bill, a bill that, not me, but a Republican strategist said largely takes from those who do not have and gives to those who do.

I was reading an article written by John Cassidy, which I thought was interesting. He talks about the economic circumstances in our country. He said that if you were to line up all Americans in a row, with the richest American far on the right and the poorest American far over here on the left—line all Americans up in one row—and then go to the middle American, the one right in the middle, the average, and that middle American standing in the middle of that line would be a working American, who earns, on average, $26,000 a year.

His article pointed out something I pointed out to the Senate previously, which I think relates to why people are sour in this country and why they are upset about where we are headed. He pointed out what that person making $26,000 a year, that working family there making $26,000 a year, has experienced in this country.

In September 1979, this person was earning $498 a week. In September of 1995, if you adjust for inflation, this worker had lost $100 a month in income. Let me state that again. This is a person working in this country—a country we always expect to have an economy that provides opportunity, growth, and advancement—a person who works for an income of $26,000, in 16 years, discovers he is $100 a month behind.

Why is that happening? Because our economic system in this country is one where we are saying to the American workers, "We want you to compete on a different level." Other people in this world are willing to work for pennies an hour. People putting shoes together in Malaysia work for 14 cents an hour. They hire kids in India to make rugs. They hire cheap labor in Mexico to make products that used to be manufactured in this country by people who had good manufacturing jobs.

It is because those jobs increasingly have moved out of our country, because wages in this country have diminished, because we have decided to allow foreign competitors to access our marketplace with a product of cheap goods, which are the product of cheap labor, people earning 20 cents an hour making shoes in Sri Lanka, or shirts from China. The list goes on and on and on. Is that good for the consumer? Yes, because in the short run they can buy cheaper goods, presumably. In the long run, American jobs are gone.

That middle-income wage earner, who loses $100 a month in earnings in 16 years, discovers that this kind of global economics hurts middle-income wage earners.

The same article made a different point. The top 1 percent of the families in this country in 1977 were earning an average of $323,000 a year. In 1989, the year for the comparison of the top 1 percent, that was up 78 percent; they went from $323,000 a year in income to $576,000 a year in income.

So while the person right in the middle in this country has lost $100 a month, we have the upper 1 percent, whose incomes per person go up to half a million per year, with a nearly 70 percent to 80 percent increase in income.

My purpose was not to say that the people at the top are not worth it. I do not know whether someone making half a million is worth it. I do not know what they are doing. My purpose is not to say they do not deserve it. They may well deserve all of it.

My purpose is to say an economy that provides enormous rewards to the small group of people at the top but penalizes—because of its economic strategy—the middle-income families in the middle by saying to them, "Work 16 years and you will be $100 less a month and you will be farther behind," something is wrong with that strategy.

That was the point I was making. I was equating that point to the strategy in the reconciliation bill that says to 50 percent of the American families—and guess which 50 percent—the bottom half will pay more as a result of this bill; and then says to the top 1 percent—guess what—it is time to smile. When you get your envelope, it will have good news because you get a significant tax break.

That is the point I am making—not class warfare, just the facts, the facts that describe why a lot of people are upset about which economic strategy. Why do we see a $26,000-a-year wage earner work hard for 16 years and lose ground?

Let me give examples. Here is a company that makes pants—slacks. On July 19, they filed a form down at the Department of Labor that says 280 of their workers now apply for trade adjustment assistance.

What does that mean? In plain English, they had 280 people working for them that are not working for them anymore because of foreign competition. That means this company moved their company to Mexico, fired the American workers, the American workers go on trade adjustment assistance. Then this company, after the taxpayers pay trade adjustment assistance for unemployed Americans who lost their job and takes its production to Mexico where it can hire cheap labor, makes the same product, and ships it back into this country.

The net result? More profits for this company, more profits for the pants maker, but 280 people out of work.

Are these slothful, indolent people who do not want to make their way in life? No, working families that had a job but cannot compete with people who make 70 cents an hour or $1 an hour and should not be expected to compete in those situations because it is not fair competition.

This company, by the way, that has 280 of its people receiving trade adjustment assistance says the following: "They perform most of their sewing and finishing offshore to keep the production costs low." However, the finishing of garments sewn by third-party contractors is conducted either in one of its U.S. facilities or in the offshore facilities. The offshore plants pack the finished garments and ship them back to the United States for U.S. customers.

Here is what it says in the financial report. Certain of the companies that formed subsidiaries had undistributed retained earnings of $21 million on November 4, 1994. No U.S. tax has been provided on the undistributed earnings because management intends to indefinitely reinvest such earnings in the foreign operations. In other words, they made $21 million by moving the jobs outside of this country and pay zero tax.

What about their competitor? If their competitor across the street stays in this country and makes the same kind of pants and makes $21 million, they pay a $7 million tax to the U.S. Government. Said another way, this company gets a $7 million tax break for moving its jobs offshore.

Last week, I offered an amendment here in the U.S. Senate—very simple. No one could misunderstand it. It said at the very least we should stop penalizing the companies who stay in this country and keep the jobs in this country, get rid of the tax incentive that says if you close your plant in America and move it overseas, we give you a tax break.

Stop this perverse, insidious tax break for companies who decide they will close their American plant and move the jobs overseas, giving them an advantage over the people who stay here and produce here and work here in this country. My amendment failed on a party-line vote. It failed on a party-line vote. I say if we cannot close this loophole, we cannot close any loopholes. We will have a chance to vote on this again.

Let me give another example of why that $26,000 family is working harder and losing ground. This is from a Fruit of the Loom news story, October 31, 1995. That is the day before yesterday. Fruit of the Loom, the Nation's largest underwear maker said today it would close six U.S. plants and cut back operations at two others, laying off 3,200 workers, or 12 percent of its work force.

What you are seeing, said their spokesman, is the cumulative impact of NAFTA and GATT, our trade agreements.

This company will lay off 3,200 people. It does not mean much, just a statistic. A statistic is sterile, antiseptic, and does not mean anything to anybody.

One of the 3,200 is a person that has a name, went to school, had some hopes deep in their chest for themselves and their family and their future, who are called in some place and told, "Guess what? We have some news for you. This job you had at our company does not exist anymore. We are moving that job to a foreign country where we can buy labor for 50 cents an hour, 14 cents an hour or $1 an hour. We think having to pay you $5, $7 or $10 an hour is way too much money. So we will access profit by obtaining foreign labor and doing overseas what we used to do here."

This $26,000 worker or one of these 3,200 people that have lost their jobs might ask the question these days: If productivity is up—and it is—productivity is up in this country; the stock market is up—it is at record levels; corporate profits are up—at record levels; if America is doing so well, why is this middle-income family losing ground?

I spoke yesterday about part of the reason for that. It is a combined strategy that says in this country that we measure economic health by what we consume, not what we produce. There is no premium on production. If we have not learned anything by studying several hundred years of economic lessons, we certainly have not learned the lesson of the British disease—slow economic decline. Once you decide that production does not matter, consumption is what counts.

You measure consumption every month forever and talk about how good things are going in this country and have your production facilities leave America, you weaken this country forever. You inevitably weaken America's ability when you weaken its productive sector.

Now, I talked about all of that yesterday in the context of needing a new trade strategy, especially a new trade strategy. We cannot compete with one hand tied behind our back and should not be expected to compete with people making 14 cents an hour or we do not want to compete with those kids who are paid 12 cents an hour working 12 hours a day. American workers should insist that competition be fair in international trade.

I also said yesterday that not only is our economic strategy and trade strategy desperately in need of reform so that it responds to the needs of those who stand in the middle of the line of the income earners in this country. At a time when those on the upper side of the line are doing handsomely, the people in the middle are losing ground. Not only do we need a new economic strategy to address those issues as we discuss issues like the reconciliation bill in Congress, we also need to understand what all the statistics mean.

When we decide that the philosophy we pursue is one that says let the bottom 50 percent pay more and let the top 1 percent be handsomely rewarded, it is not any wonder that people are sour about the priorities here.

The earned-income tax credit, as an example in the reconciliation bill, the earned-income tax credit changes are the result or are the reason why the bottom half will largely pay marginally more tax after this reconciliation bill is passed.

What is the earned-income tax credit? It is the earned-income tax credit that goes to people that work at the low end of the income scale that provides incentives for them to work, the very thing we have debated for months.

We want to get people off of welfare rolls and onto payrolls. We need to provide incentives for people to go to work. People who are working, often at the bottom of the scale, need those incentives.

This reconciliation bill says, by the way, these incentives are unimportant to us, so what we will do is limit the earned-income tax credit. And what is important to us? Building B-2 bombers nobody asked for, building a star wars program nobody wants, buying F-16 and F-15 airplanes nobody ordered, buying two amphibious ships for $2 billion that the Defense Department said it did not need, and spending $60 million, without a hearing, for blimps.

I am still asking, and I am asking again today, if there is anybody in this Chamber who knows who wrote in the $60 million in the defense bill to buy blimps, please raise your hand or come to me in the coming days so I can give proper credit where credit is due. Who in the Senate thinks we ought to buy blimps in the American defense bill? Somebody does. Somebody wrote it in. Nobody now will claim credit.

This is all about priorities. It is not about class warfare, not about one group of Americans versus another. It is all about trying to make sure the American wagon train moves ahead without leaving some wagons behind. It is about the priorities in this economic strategy, a strategy that actually encourages American corporations to move jobs out of this country, move them overseas, through this perverse tax incentive that rewards them when they do it. It's the economic strategy that says we do not care about those who stay here. We will not offer a minimum level of protection against unfair competition by 12-cent labor or 12-year-old laborers, or stuff produced by companies overseas that pump pollution into the air or water.

It is not a strategy that makes sense for this country's future. We must find ways, not only as we discuss this strategy on trade but also as we discuss the reconciliation bill, to merge our interests and make sure that all Americans move ahead. This country succeeds when we make sure that we provide opportunities for everyone. The private sector, the job base, the opportunities that exist must exist for all Americans, not just a select few Americans.

Most people I know want an opportunity to succeed and want an opportunity to do better. Most people are willing to get training and get education and go search for jobs. Regrettably, these days, fewer and fewer good jobs are available. The good manufacturing jobs, they are going to Mexico, going to Sri Lanka, going to Bangladesh, Malaysia, and Indonesia. Those are jobs that used to be in Phoenix, yes, some in Bismarck, El Paso, Denver, Chicago, and Pittsburgh.

This country needs to rethink its economic strategy. It needs to rethink the strategy in the reconciliation bill, which is wrong. It needs to rethink its economic strategy in trade policy and have a broader economic game plan to try to encourage, persuade and retain an aggressive, thriving production industry in our country.

Not our country, not any country, will long remain an economic power, a world-class economic power, if it exports its productive base.

I asked a recent Trade Ambassador, who shall remain unnamed—Carla Hills—is there any area at all, any area of productive capability, steel, autos, any area that you think that we must not do without, that would hurt our country if we lose? No answer. Apparently, there is nothing the loss of which would hurt our country.

I could not disagree more. No country will remain a strong economic power unless it has an auto industry that thrives, a steel industry, a transportation industry. The storm clouds are overhead. The small craft warnings are out already.

People who do not study these issues, including international trade and the broader economic strategy, and who wins and who loses, and people who do not study the consequences of the reconciliation bill, I think only add to the aggravation that a lot of American families feel about a system that says to them: Work harder and you will achieve less. Work 15 years and you will be $100 a month behind, if you happen to be in the middle of American wage earners.

We have a lot of debate ahead of us on the issue of reconciliation because the President, justifiably and predictably, will veto this bill. This is a terrible piece of legislation. There will be a veto and then this country, in the tradition of 200 years of democracy, must come together and reach a compromise.

Republicans and Democrats may disagree on some things, but the fact is, it is required for us to compromise. That is the way the system works. One side or another may not like it, may not want to, but we are required to do that.

This stuff about default, train wreck, shutdown, is fundamentally irresponsible. No one in this country expects any thinking or any thoughtful legislator to believe that any of those strategies would be in America's best interests.

It is my hope in the coming days and in the coming next several weeks that

Republicans and Democrats together will think through the common elements of a plan that makes sense for this country. Can anybody, anybody ever believe it is in our interest to provide a tax break to move your plant overseas? Anybody? I understand we have had a couple of votes on it. Both times I have lost. But one of these times it must not be political. One of these times people need to look at that and say: Is there a reason to provide a tax break to say to somebody, "Close your plant in America, move it overseas, kill those jobs in America, hire some foreign workers for pennies an hour, and we will give you a reward; in this case, we will give you $7 million; close it up—a $7 million benefit"?

We will not give that benefit to an American plant operator, some owner of an American business or some workers in an American business. We will not give that to them for staying there. We will just give it to somebody who decides to move the jobs out of our country.

I need to explain that vote to a number of constituents, honestly. We are going to vote on it again. That is just a small, baby step in the march of a better economic strategy that makes sense for this country in terms of the growth of the productive center, growth of good jobs and opportunity for all Americans.

Mr. President, I yield the floor.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I think in this continuing effort for the freshman and sophomore class to bring something of a unique view to this Senate, we have set aside, I believe, a half an hour.

The PRESIDING OFFICER. The Senator is correct. The Senator is recognized under the previous order to speak in morning business for up to 30 minutes.

Mr. THOMAS. I thank the Chair. I would like now to yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

RESTORING THE BONDS OF TRUST

Mr. FRIST. Mr. President, it is a real pleasure to be able to join my fellow freshmen and sophomores with a message that has been consistent. It is a message asking for the courage of the American people to come forward to accomplish the agenda that has been set out in a very clear fashion.

Politics, like medicine, must be based on trust. Without trust, people lose more than their faith in Government. They lose all hope, hope that life in the future will be better than in the past.

That is why in the 1994 campaign, Republicans pledged not just to change politics but to restore the bonds of trust between the people and their elected representatives, to make us all proud once again of the way free people govern themselves.

The ideal of freedom and opportunity, which is the spiritual strength of our Nation, is what motivated our Founding Fathers. That ideal is what motivates us today.

As the poet Archie MacLeish once remarked in a debate about national purpose, "There are those who reply that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is. It is the American dream."

Mr. President, we can no longer sacrifice the future, the future of our children, by clinging to the past. We must work to restore the American dream for our children and for our grandchildren, but that means keeping our promises.

Keeping our promise to balance the budget means a better life for all Americans. As interest rates fall and productivity rises, all Americans will enjoy a higher standard of living.

Keeping our promise to save and strengthen Medicare means that for the first time seniors will have a voice but also a choice, and the Medicare system will be preserved for that next generation.

Keeping our promise to cut taxes means that all Americans who have watched their tax burden grow from as little as 2 to 5 percent in 1950 to almost 50 percent today will finally get to keep more of what they earn.

Keeping our promise to end welfare as a way of life means that the cycle of poverty that has trapped a generation of families in welfare will at last be broken and parents will be able to regain their pride and their dignity through work and personal responsibility.

It is a time to change. It is a time to call upon the courage of legislators, of representatives, and of the American people to recognize and carry out this change.

The decisions we make today will determine our future. Let us go forward with hope, confident that the future we leave to our children and to their children will be brighter than our past.

That is the legacy of our parents and that their parents left to them. It is the legacy all Americans inherited from our Founding Fathers, the legacy of the American dream. Let us not be the first generation who fails to pass it on.

Mr. President, I thank the Chair, and I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I yield myself such time as I usefully use.

Mr. President, I congratulate my friend from Tennessee, who has certainly been a leader in the Medicare-Medicaid propositions that have come forward. He has been a leader partially because of his experience as a physician, but also having a very strong commitment to move forward in the changes that need to be made in order to strengthen and preserve these programs so that they will be useful. So I congratulate my friend.

LET US TALK ABOUT THE FACTS

Mr. THOMAS. Mr. President, we have been talking now for some time and will continue to talk, certainly through this month. I hope much of the bill will be completed within the next month so it will come to a closure that will be useful to the American people. I am confident that it will.

In the meantime, I think it is important that we continue to talk about what it is we are seeking to do, that we continue to foster an understanding in the country of what the issues are that we are talking about. I have expressed before and again say that I am very concerned that in this democracy, in this country, this Government of the people and by the people and for the people, that we need to have facts upon which each of us can make the decisions that we need to make as citizens and as voters and as leaders in our communities there.

There are differences of view. That is legitimate. There will continue to be differences of view. There are extreme differences of view among some of the Members in this place. But the decisions that are made, regardless of that point of view, have to be made on facts.

We all have a right to our own opinion, but we do not have a right to our own facts. I am concerned about it. I am concerned about it. When I go home to Wyoming, people talk about what they perceive, what they have heard in the media, what they have heard from opinion analysts and things of that kind that are not necessarily so. So I hope that for the most part we can talk about the facts.

I received a letter, as a matter of fact, from a lady in Afton, WY, whom I know, who has been very involved in public issues and has been active as a silver-haired legislator. She expressed her concern about some of the decisions that are being made and are being proposed. But I thought the interesting part was that she expressed her particular concern about the future and about her grandchildren and the things that would affect them. She talked about the fact that things are not going well, in her judgment, in the country. And, indeed, they are not where we would like them to be.

I thought it was interesting that she resisted the idea of change. Basically that is what we are talking about here a lot. People will stand up, one after another, decry the situation we are in, talk about the future, talk about kids, talk about taxes, and then resist change, as if things were going to change by continuing to do what we have been doing. It seems to me that is a fairly simple concept. We have not balanced the budget for 26 years. We have got to do something different if we believe, as I do, that we need to balance the budget. I think most people know something of the condition that we are in, some of the conditions that we need to change. One of them is to balance the budget.

Let me read from this column, the Parade magazine column. This author uses this example:

> Let's suppose you have an income of $125,760 that comes not from work but from the contributions of all your friends and relatives who work. You're not satisfied with what $125,760 can buy this year, so you prepare yourself a budget of $146,060 and charge the $20,300 difference to your credit card, on which you're already carrying an unpaid balance of $472,548 . . . on which you pay interest daily. Multiplied by 10 million times, that's what our government did in the fiscal year of 1994.

That is what we have been doing, putting it on the credit card for these young people who will pay for it. We maxed out the credit card. We will be working in the next month to have to raise the debt limit to $5 trillion. So balancing the budget, most everybody understands, is something that has to be done.

Medicare and Medicaid. Clearly if you think Medicare is something you would like to have in the future, if you think health care for the elderly is something that we should maintain and strengthen, then you have to change. The trustees say you have to change. It cannot continue to go on the way it is.

Welfare. Most everyone who has watched welfare at all would agree, first of all, with the concept that we ought to have programs that help people who need help, but that they should be designed to help people help themselves to go back into the workplace. That has not worked. There are more people in poverty than there were when Lyndon Johnson was here and started this whole system.

Yet each year in the interim, as things did not go well, the solution was to put more money into the same program and expect different results, which of course, does not happen.

Reduction of taxes allowing people to spend more of their own money, is that not a concept? And we are seeking to do that.

So that is what we need to do. Unfortunately, we need to come together on these principles. We need to come together to move forward in an area that will accomplish these things. And guess what? Guess what? We do not have any leadership from the White House. These are the things that the President has said he is for—balancing the budget, saving Medicare, reforming Medicaid.

He wrote a letter when he was Governor in 1989 asking that some of the mandates be removed so that the States would have more flexibility. That is what we are trying to do. The President in his campaign was the one that was going to change welfare as we know it. These are the things that everyone will stand up and agree we need to change. And all we find is resistance and denial, that, "No, we can't do that. No. That is too fast. That is too much. That isn't the right way."

So we end up in something of a gridlock, a gridlock that I think we will overcome, a gridlock that we will overcome and still maintain the principles that are involved in making these things succeed.

Let me talk just a minute about what happens if we do not do something. If we do not do something about balancing the budget, the deficit will top $460 billion by the year 2005. Now, that is a projection of the Congressional Budget Office. The deficit will be $288 billion in the year 2000 and upward of $462 billion in 2005 if we do not do something different than we have been doing.

The national debt now stands at about $18,000 for each of us. It is a debt of $18,000 per capita. The servicing on the interest of that debt—not the servicing on the debt, not the reduction of the principal—the interest cost each American $800 in 1994. Today's newborn child, who is born today, owes $187,000 over his or her lifetime just to pay the interest on the national debt. That is what happens if we do not do something. If we do not do something, six programs will absorb 75 percent of the Federal budget: 22 percent for defense, 18 percent for net interest, 15 percent for Medicare, 11 percent for Medicaid, 6 percent for retirement programs; that is 75 percent of all Federal revenues will go in those areas unless we make some changes.

With respect to the Medicare tax, we pay now, what, 2.9 percent payroll tax? If we do not slow the program from 10.5 percent down to 6 percent a year in growth, it will require an 8 percent payroll tax instead of 2.9 percent by the year 2030. So we need to make some changes.

On the other side, what happens if we do? As a result of balancing the budget in 2002, a 2-percentage-point reduction in interest rates on a typical 10-year student loan for a 4-year private college would save American students 8,800 bucks. If we could get that 2-percent reduction in interest rates as is predicted, on a 30-year mortgage on an $80,000 home, it would save the American home buyer $107 each month, or $38,000 over the life of the mortgage.

So not only do we have some very destructive kinds of things that will happen if we do not make some changes, there are some very, very positive things that will happen.

So, Mr. President, I hope that President Clinton will reconsider his position and join in a useful dialog in terms of coming to some agreement and seek to deliver on some of the promises he made in 1992. I invite the President to drop the rhetoric and come to the table in good faith.

Mr. President, I now yield to the Senator from Minnesota.

The **PRESIDING OFFICER**. The Senator from Minnesota is recognized.

BENEFITS OF BALANCING THE FEDERAL BUDGET

Mr. **GRAMS**. Mr. President, my freshman colleagues and I have come to the floor again this morning to talk about our plan to balance the Federal budget and what that balanced budget will mean to this generation and, more importantly, or as importantly, to the generations to follow. But no statement that we make today could speak more eloquently than a letter I received from a young Minnesotan in Duluth, MN. He writes to me and urges me:

> I urge you, Mr. Grams, to take a stand for eliminating this overwhelming national debt. It is a cancer that is growing and growing, and something needs to be done soon, if not for your generation's sake, for mine.

For the first time in a quarter of a century, Congress is standing up for the coming generations, and we are standing up to the big spenders who have long dominated the decisionmaking here on Capitol Hill. We have finally said, "Enough is enough—it is time to return to reality, it is time to stop the wasteful spending, and it is time to balance the Federal budget," and that is what we have done with our revolutionary budget plan that eliminates the deficit by the year 2002 without raising taxes and without drastically slashing Government spending.

Ask Minnesotans if they think the Federal Government ought to balance its budget, and most people would say, "Well, yes, of course," after all, Minnesota families have to balance their own budgets every month, altering their spending habits to keep pace with the paychecks coming in and the bills that are going out.

The corner grocer, the video store owner, and every other job provider has to do the same thing. It is the responsible thing to do, and at a time when the taxpayers are demanding accountability in Washington, a responsible Congress is expected to meet those same standards that we ourselves have to meet.

Besides the obvious benefits that come with prudent financial management, balancing the Federal budget offers tremendous economic benefits for all Americans—and my friend from Wyoming just went a through a list—through lower unemployment, lower interest rates, and a higher standard of living.

The story of the credit-hungry power shopper really illustrates why.

With a new job and a pretty good salary to go along with it, he applies for and receives his first credit card. An incredible shopping spree follows, and then another and another, and it does not take long before he reached his credit limit. Now he has three choices: Stop spending so recklessly; ask for more credit; or go to your boss and ask for a raise.

The spending has become addictive and he is not about to stop. He already spent his last raise, so he phones the credit company and asks for additional credit. They are happy, of course, to oblige and he is off on another spending spree.

This pattern continues for several years until he has increased his credit line to the point now where his monthly payments are barely keeping up with the interest that he owes on his tremendous debt. He has spent every raise in advance without a second thought, yet refuses to stop spending. He knows what he is doing is wrong and, in the back of his mind, he understands that he cannot keep doing this forever, after all, sooner or later the credit card company is going to come after him for their money, and that is the very position that our Federal Government finds itself in.

For four decades, the Government has been that uncontrollable shopper, raising taxes, spending hundreds of billions of dollars more than it takes in and, in the process, it has dug this Nation into a $5 trillion debt. Whenever it reached the credit limit, Congress would vote to increase it. Whenever it needed to ask for a "raise," it would vote to increase taxes on middle-class families.

But now the Federal Government is in the very same position as that overeager shopper. We have now reached the point where we are only paying enough on our national credit card, so to speak, to cover the interest, let alone trying to make any dent at all on the principle. In fact, this year for the first time, we will pay as much in interest on the debt as we will on national defense.

Let us be clear, the call to raise the debt ceiling is so that this Government can go out and borrow another $25 billion so it can just make an interest payment.

Let me say that over again. The reason the debt ceiling is going to have to be raised is so this Government can go out and borrow $25 billion to meet an interest obligation. That would be like you or me going to the bank and borrowing money so we could come home and make an interest payment on our credit cards.

Usually when we go to the bank to borrow some money, we do it in order to purchase something—a home, a car, or other goods—and we do get something in return and then we plan to make the payments, both principle and interest, out of income that we have. But we have a Government that is now so out of whack that we now are asking the taxpayers to let us borrow more money so we can just pay the interest. In other words, it is like you taking your Visa card and paying off your MasterCard.

Because the Government is borrowing so much money, the dollars that would otherwise be available to the job providers, to the home buyers are no longer there. They have been sucked up by this Government.

Without those investment dollars that could go to the private sector that are now going to the Federal Government, companies have been forced to put their long-term investments, such as new facilities and new equipment, on hold, and those are the type of investments that create the jobs that we need. Those are the investment opportunities currently being undermined by the Government.

That has been especially hard on the economy, because when American businesses are not making long-term investments or cannot find the money to do it, the jobs are not being created, productivity is slipping and incomes do not grow. Balancing the budget and eliminating the deficit will free up those valuable dollars for investment allowing businesses to create new and higher paying jobs, by some estimates as many as 6.1 million new jobs by the early part of the 21st century.

Under a balanced budget, interest rates will decline by up to 2 percent, making loans for education, automobiles or startup businesses more affordable. For home buyers, a 2-percent drop in the interest rate would drop mortgage rates on average $100 a month. Those lower interest rates could boost a household's annual income by an additional $1,000 a year by the year 2002 and raise a family's standard of living to go along with it.

Mr. President, I was listening to the distinguished junior Senator from North Dakota while he was speaking on the floor one day earlier this year. I have to thank him for introducing me to a very interesting book. It is a children's book, and it is something I think my grandchildren are going to enjoy, but its central message certainly has a special meaning for here in Washington as well.

The book referred to is called The Berenstain Bears Get the Gimmies. The plot resolves around the little bear cubs in the family during a trip to the mall. It seems they have been infected with the "gimmies"—gimmie this, gimmie that, gimmie the other thing. The cubs were asking for everything in sight on this shopping spree, never giving a thought to the price tag, and it was driving the parents crazy.

Well, for 40 years, the Federal Government has been infected with the gimmies, as well. Every pork project it wanted to dole out, every new social program it wanted to bankroll, it just said, gimmie. The Government got what it wanted because the liberal Democrats had the votes to take the money, and it always gave away the bill to the taxpayers.

Well, this Congress is finally putting a stop to the gimmies because it is the only way we will ever begin to restore fiscal sanity.

Along with cutting taxes for working-class Minnesotans, balancing the budget by finally getting spending under control is the most important statement this Congress can make to the American people that we have heard their calls for reform.

Balancing the budget demands patience, however, because the greatest benefits from eliminating the deficit will not be realized tomorrow—it is not a short-term political fix—but rather 5 or 10 years from now, for our children and grandchildren's future.

Mr. President, it is our moral responsibility to free the coming generations—our children and grandchildren—from the burdens of paying decades of extra interest payments because of this generation's extravagant spending. We cannot continue to spend our children's money.

We have made a lot of promises, but are we really committed to fulfilling that tremendous responsibility? Does this Congress have the will, the determination, to prove that there is a better way out there to govern than we have seen over the past 40 years?

Our balanced budget legislation should be proof enough that this Congress is prepared to meet that challenge. This is not the easy way out. The easy way out has always been the quick fix, going to the taxpayers and raising taxes, year after year, time after time. That has always been the easy fix, the compassionate fix, to give more money away that we do not have. But when we start picking our children's pockets, I think it is time we face our problems squarely in the eye and take the necessary steps to improve it. Again, this is not a short-term fix. We are not going to realize a lot of the benefits or see it as early as tomorrow, but if we do not, we are going to see the tragedy in our children and grandchildren's faces 5, 10 years from now, when they look back and ask why we did this to them.

I yield the floor.

Mr. THOMAS. Mr. President, I will utilize the remainder of our time.

The PRESIDING OFFICER (Mr. ASHCROFT). The Chair informs the Senator that, under the previous order, the Senator has 5 minutes 6 seconds remaining.

Mr. THOMAS. Mr. President, we have talked largely about balancing the budget. There are a number of other fundamental items involved in what we are doing now, including Medicare, Medicaid, welfare, and it includes doing something about tax reform. I think those are equally important.

At this time, I yield to my friend from Oklahoma.

THE 1994 ELECTION MANDATE

Mr. INHOFE. I thank the Senator. I was listening, and I think I can pretty well summarize why my colleagues are distressed about the demagoging going on in the reconciliation legislation.

We have to remind the American people that there was a mandate that went with the 1994 elections: Less Government involvement in our lives, balanced budgets, and to do something about the tax increase of 1993. In other words, let us offer tax relief and welfare reform and Medicare reform. That is exactly what we have in our reconciliation effort.

I really think that those who are trying to stop these major changes and the revolution from taking place are underestimating the intelligence of the American people. I would like to read a couple paragraphs of something that appeared just the other day. This was the day of the vote in the U.S. Senate of this reconciliation bill. This is a quote: "I have been in this field all my adult life, almost 60 years now, and I have never seen a change of this magnitude." This is Richard Nathan, provost of the Rockefeller College of Public Affairs. He said: "This is bigger than Lyndon Johnson's Great Society because it is going to profoundly affect the American federalism and social policy." And then Jim Richley, a political scientist from Georgetown University, said, "Nothing on this scale has ever been attempted before."

I think that it is necessary to talk about the magnitude of what we are doing here. This is something we have been talking about all these years. This is something that we talked about during the campaign of 1994. And this is something that the President is trying to reject. He has come out and said he is going to veto this. It is very difficult for us to understand how he can talk about vetoing it when these are things he has talked about, when he ran for President of the United States on this very platform—welfare reform, reducing taxes, Medicare reform, balancing the budget. That is exactly what we are trying to do. I want to stick with this and not give in.

There is an interesting statement that was made just the other day by the President. I will quote that statement. I think this gets to the crux of where we are in this debate. He said: "Probably, there are people in this room still mad at me for the budget because you think I raised your taxes too much. It might surprise you to know that I think we raised them too much, too."

This is exactly what we have been saying. If you were not for the largest single tax increase in the world—and that is not conservative Republican Jim Inhofe talking, that is the chairman of the Senate Finance Committee when this was passed—if you were not for that largest tax increase that now even Bill Clinton says he was not for, and that was his tax increase, then you ought to support repealing part of that tax increase. That is exactly what we are doing with some of the tax cuts that we are suggesting, Mr. President.

I think that when you talk about the cuts, it is interesting that we have a President now who is saying over and over again that the Republicans are trying to cut Medicare and Medicaid.

I will read you another quote, and this came from the President in a speech to the AARP on October 5, 1993, just 2 years ago: "Today, Medicaid and Medicare are going up three times the rate of inflation. We propose to let it go up two times the rate of inflation. That is not a Medicare or Medicaid cut. So when you hear all this business about 'cuts,' let me caution you that that is not what is going on."

So there is the President saying—very accurately, I might add—back in 1993, that we are talking about slowing down the growth in the areas of Medicare and Medicaid because if we do not do it, the system is going to go into bankruptcy. He is turning around now and saying that which we want to do on the Republican side is cutting Medicare and Medicaid when, in fact, it is not.

So it is a very difficult thing when you are dealing with these moving targets, and you have a President that says one thing one day, has his polls around the White House, and he says something different the next day. That is very discouraging.

A TRIP TO BOSNIA

Mr. INHOFE. Mr. President, I am going to be leaving today, going over to Bosnia. I have never seen something that is as critical as it is today on what the President is trying to do by sending our troops on the ground in Bosnia. Two and a half years ago, I predicted, when the President wanted to do airdrops in Bosnia, thereby giving the Americans a position within that warring faction of three different factions and going with one side against the other in getting involved in it, I said at that time, first, we will have airdrops, then air attacks and, after that, the President is going to want to send troops in on the ground. It was the other day, Michael Rose, the British general, commander of the Bosnian troops—he probably is the greatest authority on Bosnia—said, "If America sends troops into Bosnia on the ground, they will lose more lives than they lost in the Persian Gulf war."

Mr. President, I think that is exactly what is going to happen. I asked Secretary Perry and Secretary Christopher in the Senate Armed Services Committee, "Is this mission that we have in Bosnia—that mission being twofold, containing a civil war and, two, protecting the integrity of NATO—worth the loss of hundreds of American lives?"

Secretary Perry said, "Yes." Secretary Christopher said, "Yes." General Shalikashvili said, "Yes."

That is why I am going to Bosnia. I want the American people to know what kind of risk we are sending our troops in there to sustain. It was not until we went month after month, when we tried to get President Clinton, by resolution, to bring our troops out of Somalia—he did not do that until, finally, 18 of our rangers were murdered in cold blood and their corpses were dragged through the streets of Mogadishu. I do not want that to happen in the streets of Gorazde or the streets of Sarajevo.

I think we have a job to explain to the American people what the risks are over there and to stop this obsession that President Clinton has in sending our troops into Bosnia on the ground. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEGISLATIVE APPROPRIATIONS BILL

Mr. SIMON. Mr. President, I was going to offer an amendment on legislative appropriations because when we enacted the Hatch Act, unbeknownst to virtually every Member, we passed a prohibition for Members to send letters of recommendation to anyone who is not a schedule C or political appointee.

If any Member sends a letter to a U.S. attorney or to the EPA or anyone else recommending an employee or recommending a friend or anyone else for a civil service position, that is now a Federal crime. It is incredible. It just does not make sense.

I am pleased to say that my cosponsors have been Senator REID, Senator

SIMPSON, Senator LOTT, and Senator DOLE has indicated he wants to cosponsor the bill.

I have word that Senator STEVENS is willing to mark up the bill, hold a hearing if necessary, mark up the bill separately, so I will not offer it as an amendment on this appropriation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. DOLE. Mr. President, I ask unanimous consent the Senate now turn to consideration of Calendar No. 220, H.R. 2492, the legislative branch appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2492) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent that following brief statements, the bill be advanced to third reading and final passage occur, all without further objection or amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I will be happy to yield to the manager on the other side and then I will make a brief statement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise to support the passage of the bill, H.R. 2492, the Legislative Branch Appropriations Act for fiscal year 1996. The provisions in this bill are exactly the same as those contained in the conference report on H.R. 1854, which overwhelmingly passed the Senate on September 22, 1995, by a vote of 94 to 4 but was subsequently vetoed by the President on October 3. At that time, as Members will recall, the President indicated that because the Congress had completed action on only two appropriation bills for fiscal year 1996—legislative branch and military construction—he felt it would be inappropriate to provide full-year funding for Congress and its offices while most other activities of the Federal Government were being funded through a short-term continuing resolution. I am hopeful that the leadership will not send this bill to the President until Congress receives assurances that he will sign it.

For the benefit of Senators, let me briefly point out that this bill required many difficult decisions in order for the legislative branch to do its share in achieving substantial deficit reduction in fiscal year 1996. The bill appropriates $2,184,850,000 for fiscal year 1996 for legislative operations, which is a reduction of over $200 million from the 1995 level, or approximately 10 percent. The majority leader has cited the important features of the bill, which I will not repeat at this time, but, Mr. President, I do want to again thank Senator MACK, the chairman of the Legislative Branch Subcommittee, for his unfailing courtesy and to express my appreciation to him for the open and bipartisan spirit in which he has handled this important legislation throughout the year.

I urge my colleagues to vote for H.R. 2492.

I yield the floor.

Mr. DOLE. Mr. President, I thank my colleague. I am pinch-hitting for Senator MACK of Florida, who is, right now, involved in a very important hearing on the Banking Committee. Let me indicate I will place in the RECORD at this point a summary of the funding recommendations.

As pointed out by my colleague from Washington, this is a reduction of about 8.6 percent. We believe we are setting an example for other branches. There are a number of areas where we made rather significant cuts, also terminating the OTA, for example, something that was not easy for many of my colleagues. But it is an indication we are concerned, we are sincere about a balanced budget, and we are prepared to do our share or more.

The bill includes a provision relative to the disposition of the records and property of the Office of Technology Assessment subsequent to its closure. Specifically, the agreement provides that OTA's property and records "shall be under the administrative control of the Architect of the Capitol."

The Office of the Senate Historian has raised a concern that this provision not interfere with the transfer of archival material of the Office of Technology Assessment to the legislative archives of the National Archives. It is my understanding that the conferees had no such intent, and that the Architect of the Capitol will only assume temporary, administrative control of the material before transferring appropriate records to the National Archives.

It is also my understanding that the Clerk of the House, after discussions with the Secretary of the Senate, has agreed that OTA's archival material shall be treated as records of the Senate and administered according to Senate Resolution 474 of the 96th Congress. This will give the Secretary of the Senate administrative jurisdiction over the archival records.

Mr. President, I ask unanimous consent a statement of a summary of funding recommendations be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF FUNDING RECOMMENDATIONS

The total recommended is $2,184,856,000, a reduction of $205,698,700, or 8.6%, from FY95.

GAO is reduced 15% from FY95 levels; Committee is committed to another 10% in FY97 for a 25% reduction from FY95 levels over two years.

OTA is terminated; termination costs totalling $6,115,000 are provided. ($3,615,000 in FY96 funds, $2,500,000 reappropriated from FY95.)

Library of Congress granted $1,500,000 over FY95 for digital library initiative; all other Library activities, including CRS, at FY95 level.

CBO granted $1.1 million and 13 FTE's for unfunded mandates analysis.

Architect of Capitol activities in Title I reduced $16,163,000 overall (10%) from FY95 levels.

Joint Committees reduced commensurate with Senate committee cut.

New "Office of Compliance" created by Congressional Accountability Act funded as a joint item at $2,500,000. A permanent indefinite appropriation is recommended for settlements and awards arising from the new Accountability Act.

Total recommended Senate funding is $426,919,000, a reduction of $33,661,500. In addition, $63,544,723.12 from prior year funds is rescinded.

Committee funding is reduced 15%; Secretary of the Senate, Sergeant at Arms, and OFEP reduced 12.5%; Chaplain, Legal Counsel, and Legislative Counsel frozen at FY95 levels.

Official mail frozen at $11,000,000. (N.B. House merged official mail with office accounts.)

Statutory allowances for Senators' personal offices are not reduced.

Mr. DOLE. I also confirm the Senator from Alaska, Senator STEVENS, has, as indicated by the Senator from Illinois, Senator SIMON, agreed to have hearings and a markup of an amendment that Senator SIMON would have offered to this bill.

So there are no amendments, no objections to it proceeding.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 2492) was ordered to a third reading, was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call will roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to address the Senate for a period of up to 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIVE STEPS CLINTON MUST TAKE TO PROVE HE IS SERIOUS ABOUT BALANCING THE BUDGET

Mr. GREGG. Mr. President, last week we passed out of this body the reconciliation bill which will lead to a balanced budget. This is obviously a significant step on the road to guaranteeing our children a nation which can be prosperous and which is solvent. I believe most Americans understand the importance of the balanced budget. They certainly expressed it in my district, and I am sure in other States, year after year as they have gone to the polls. They understand it because in their homelife they experience the need to maintain fiscal solvency. They know that if they continue to spend every year more than they take in, it will lead to some sort of economic chaos in their own lives, and intuitively and logically they understand, therefore, that for the Federal Government to do that, not only year after year but what has amounted to generation after generation, leads inevitably to economic chaos.

So the Republican leadership in the Senate and the House has produced a budget which will give us a balanced budget by the year 2002. For the first time in years we will actually be living within our means. This is, I believe, a critical step on the path to assuring, as I said earlier, a solvent nation for our children, which is, I believe, our No. 1 responsibility as keepers of the flame of America as Members of this Senate.

The question, however, is whether or not the President will join us in this effort in a serious way. The President has repeatedly said that he wants to balance the budget. But so far his actions have certainly not matched his words. Although we have produced a serious proposal for balancing the budget, which the Congressional Budget Office has scored as being in balance, and are now trying to iron out the differences, we do not find that the President has been willing to join in substantively discussing this matter in a serious way.

Conventional wisdom holds, in fact, that the President will veto this bill and then he and the Congress will negotiate and reach some type of agreement, hopefully. But I am not so sure. I say this because before we can negotiate, the President, despite all his nice political statements, still must prove he is truly serious with accomplishing a balanced budget. So far, he has not taken this action. He certainly has not proved it either to the Congress or to the American people.

In my view, there are five things which the President must do if he is to prove that he is serious about the issue of balancing the budget. These go beyond the rhetoric of campaign promises. I would like to go over these five items.

First, we must start using the same numbers to talk about the issue of balancing the budget. The administration began its term with a very grandiose statement back in February 1993 fresh off the election that they would use the Congressional Budget Office for the purposes of determining the fair scorekeeping of the budget process. He made this statement a number of times. But he made it most eloquently when he spoke in his initial speech to the Congress.

In taking this position when he was first elected President, he took the right position, the correct position. The Congressional Budget Office is the fair arbiter of the scoring of the budget process. However, since the Congressional Budget Office scoring process has no longer become convenient to the administration, the President has abandoned his original commitment. This is a mistake. The numbers which he sent up to us in June—which were basically a sheaf of paper and were not really a budget—represented, according to the President and to his people, a balanced budget which we would reach in 10 years. Unfortunately, those numbers used as their baseline and for their assumptions were numbers produced by his own inhouse accountants, the Office of Management and Budget.

When that budget was scored by the Congressional Budget Office, the fair arbiter of budget scoring in this body and which the President had initially said would be the fair arbiter, it turned out that their budget did not reach balance, that, in fact, it represented $200 billion deficits each year for as far as the eye could see and that there was no closure between spending and revenues.

So, the first thing the President's people have to do is be willing to agree to use numbers which are credible and which are acceptable. And I would suggest that we go back to the beginning of this Presidency and follow the counsel that he gave us at that time and use the Congressional Budget Office numbers.

In June, the President submitted a revised budget, and, as I mentioned, it alleged that it would reach balance in 10 years. Unfortunately, he only released 25 pages, and he gave us no specifics as to how he would accomplish this, even in terms of the numbers, which as I mentioned earlier, were inaccurate.

It is essential that we get details, that he—as we have as Members of the Senate and as Members of the House—produce a budget which has the details behind the numbers, which has substance, which has meat on the bones. We cannot possibly reach a budget agreement if we are simply going to work off a sheaf of paper which has no specifics.

We have put down on the table in extensive language what we as Republicans think should be done to correct some of the excesses of the Federal Government, to improve the manner in which it delivers services, to give people an opportunity to have a Medicare trust fund which will remain solvent. We need now to hear from the President as to his specifics in detail as to what he would do in the area of Medicare reform, in the area of Medicaid reform, in the area of welfare reform. Yet, we have not heard that. That is why one questions his sincerity when he talks about producing a budget that will be in balance.

Third, we need to reach an agreement as to when we should reach a balanced budget.

We, as Republicans, have put forward a budget which reaches balance in 7 years. It was not easy. It meant that we had to make some very difficult decisions. We had to agree—amongst ourselves, unfortunately, because the White House was not willing to participate—to agree to take $1 trillion of spending out of the Federal stream of spending. That did not mean we cut the size of the Federal Government. In fact, it will continue to grow by 3.3 percent annually. Medicare will continue to grow by 6.4 percent annually, and Medicaid will continue to grow by approximately 4.5 percent annually. But we did have to slow the rate of growth of those programs, and we did, in a number of programs, actually have to cut spending. For example, defense spending will go down in real terms over the next 7 years by $19 billion.

But we have to have a definable period when we are going to reach a balanced budget. The people of this country have a right to know that we are willing to step up to the issue and define the terms of the issue in benchmarks that are scorable and which we can be held accountable for. We have said we will reach a balanced budget in 7 years. We have produced a budget which accomplishes that. It is absolutely critical that the President give us a timeframe in which he is willing to put forward a budget which reaches balance with real numbers and with details. Recently, he said 7 years was something he could live with. If that is his position today, I believe he should state it. Unfortunately, sometimes his positions change. But hopefully he can stick with the 7-year commitment. If he can, that means we can reach agreement on that one critical point.

Fourth, if we are going to reach an understanding, we have to have the ability to sit down with the President and talk to him in terms that are substantive and not in simply political election-year rhetoric. If you look at what the President sent up here in June and you take those numbers and score them by CBO's accounting rather than by OMB's accounting, you find that we really were not that far apart. For example, in the area of Medicare, he wanted Medicare to grow at a rate of 7 percent. We suggested it grow at a rate of 6.4 percent. Both of those numbers were significantly less than the present 10-percent rate of growth that Medicare is experiencing. That 10-percent rate of growth we know is not sustainable. The Medicare trustees have told us that if we continue to allow Medicare to grow at that rate, it will be insolvent, there will be no trust fund for the seniors from which they can get a health care benefit.

So we have suggested proposals which will give seniors more choices, more options, which we think will strengthen the Medicare system and which will slow the rate of growth to 6.4 percent.

The President sent us up a number which when it was recalculated by CBO—granted, it came up under OMB's scoring mechanisms, but when it was calculated by CBO said we only want Medicare to grow at 7 percent. I believe that difference is not great. And yet if you listen to this administration, they talk in terms of hyperbole which would make you think that the Republican proposal on Medicare was going to slash, was going to devastate, was going to savage the rights to health care which we all recognize are absolutely essential for our seniors.

In fact, the Vice President of the United States had the temerity to come to New Hampshire just a few days ago and speak to a very self-serving audience, the AFL–CIO convention, and state time and again—in fact, I think we found the word "extremist" in every sentence during the period of a couple paragraphs—that our Medicare Program was slashing.

If our Medicare Program is slashing, and we are talking about a 6.4-percent rate of increase and the President is talking about a 7-percent rate of increase, which is 3 percent down from 10 percent and we are 3.5 percent down from 10 percent, what is the President's program? He would have to apply the same standards to his own. It would also be slashing. It would also be extremist.

The fact is that neither of the proposals are extremist or slashing. They are both—at least in our case—a reasonable attempt to try to strengthen the Medicare system so that seniors will have a solvent trust fund.

If the President would send up details of his proposal, maybe we could say that his proposal was also a reasonable attempt to accomplish the same goal, but at least the number he is talking about, a 7-percent rate of growth, is something that is within the ballpark, within the range of doability and certainly within the range of what is necessary to keep the trust fund solvent.

So in substance what he sent up here in June can be discussed, and it can be worked for the purposes of resolving the matter. But when the President and the Vice President talk in such outrageous political terms and use such hyperbole, it is not constructive to the process.

So the fourth thing I think the President must do is stop running for reelection all the time and start trying to govern the country. Is that not his job for the next year and a half? There will be plenty of time to have an election next summer. Let us get about governing the country. Let us start talking some substance around here.

And that comes to my fifth point, which is leadership. If there is one obligation of the Presidency, it is to lead. Regrettably, this President has been leading like a bumper car. It is time that he gave us some definition and direction. It is time that he sent up here a budget based on numbers which everyone can agree are honest and fair, CBO numbers—a budget which has details attached to it, or if not a whole budget at least major programmatic activities that have details attached to them so that we can evaluate them.

It is time he started talking to Members of Congress as if they were colleagues working on a problem rather than opponents created by some political spinmeister that he has hired to do his polling for him. The fact is that leadership does not involve running for reelection. Leadership involves guiding this country through some very difficult times.

So the time has come, in my opinion, for the President to engage in these five areas, to show that he is serious about balancing this budget. We have put on the table serious proposals to balance this budget, to give our children a future, to make sure that this country brings under control its most serious threat to its future, which is the expansion of its Federal debt and the fact that our generation is borrowing from the next generation to finance day-to-day activity that we are benefiting from today.

If the President is serious, he has to address these five points. He has to start using numbers that we all agree are reasonable. And I suggest CBO numbers are the ones that are the best. He has to start giving us some details of what he intends to do in these major programmatic areas such as Medicare and Medicaid. He has to agree to a goal that is scorable, such as a 7-year goal to reach a balanced budget. He has to stop politicizing the issue, using the extreme language that may score well in the polling place but does nothing to move the process along.

Finally and most importantly, he has to give us some definable leadership that shows us where he feels we can reach compromise and govern rather than run for reelection.

Mr. President, I yield back the remainder of my time.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that at 12:45, the Senate turn to the consideration of Calendar No. 219, S. 1372, regarding an increase in the earnings test.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

BUDGET RECONCILIATION

Mr. LAUTENBERG. Mr. President, I have listened with interest to some of the speeches that were being made this morning, and I heard speeches that decry the President's use of his opportunities for political reasons and to disagree with virtually everything that President Clinton has accomplished. I find it a strange anomaly. As Yogi Berra, the famous New Jersey philosopher said, "It's deja vu all over again."

I stand here listening to political speech after political speech in which the President of the United States is accused of being excessively political.

I think we ought to look at the record just for a couple of minutes. First of all, we are faced with a reconciliation bill put out by the Republican majority—and I sit on the Budget Committee, and I can tell you this—and this is no surprise—that is going to take care of lots of wealthy wage earners, income earners, big investment yields, at the expense of lots of little people, if I can use that word to describe them, those who are dependent on Medicare for the sustenance, for the maintenance of their health, those who depend on Medicaid, in many cases the only source, the only source to enable them to get the health care they require.

And so it is despite the fact that Health and Human Services has projected an $89 billion program to keep Medicare viable until the year 2000, during which period we will have a chance to evaluate what is taking place, maybe get to work on some of the problems we know exist that are solvable and will not require less to be available to the Medicare beneficiary—waste, for instance. We know there is a significant amount of waste. We know that there is fraud—this is not a secret—amounting to billions of dollars.

Those options ought to be examined before we turn to people who on balance in the senior community have less income than $25,000 a year, to the extent of three-quarters of that population. Three-quarters of the senior citizen population have incomes of less than $25,000 a year; 35 percent have incomes of less than $10,000 a year.

But yet we say here in a majority voice that it is OK. "We're going to save you from the demise of this program. We're going to save you by making sure you pay more, significantly more, in premiums for part B, in higher copays, in higher deductibles. We're saving you. We're taking money out of your pocket and transferring it over to those on the other side."

By way of example, the House bill calls for a $20,000 tax break for those making $350,000 a year. The Senate, a more modest program, allows for a $6,000 tax break for those earning $350,000 a year. But at the same time, we are saying to the senior citizens, whose profile and income I just gave you, that they on balance will pay an average of $3,000 over a 7-year period more for their health care.

There is something funny, as they say. And the question is raised, in my mind, whose side are we on? I think it is pretty obvious that on that side of the aisle, from there over, that they are on the side of the wealthy and the comfortable and those who have special access. It is obvious. The arithmetic is there. If only the American people get the full story, then we will start to see changes, I believe.

We have already seen it. Congressmen in my State, who were dead full throttle behind the Gingrich proposal, the Contract With America, have now retreated because they are beginning to smell the ire of the constituency. They are beginning to hear the message that "We do not want you to take money from us hard-working, modest-income people and transfer it to those who have been fortunate enough to make lots of money in this society."

So, Mr. President, as we look at the record that President Clinton has compiled, it is a pretty good one. We just finished a year in which we saw one of the smaller deficits in many years, $164 billion, and it is on the decline since President Clinton has taken over. We notice that we have a robust economy, that until the end of September, the economy grew at a very firm rate.

At the same time, we see almost an ideal situation in terms of inflation—modest growth, so little as to be of relatively minor consequence in the perspective that the people in this financial community have.

So, we have seen growth in the economy, we have seen growth in jobs, we have seen inflation under control, we have seen the budget deficit at a relatively low point. And yet the President gets little or no credit and lots of criticism as the debate obscures the reality of what is taking place in this reconciliation discussion: Taking care of those who have money, who have influence, who have power, at the expense of those who work hard, who plan their futures, and who are concerned about what tomorrow brings.

BOSNIA

Mr. LAUTENBERG. Last, Mr. President, we hear about the concerns expressed by people on both sides about Bosnia and about whether or not we ought to have American service people in Bosnia as part of a peacekeeping operation. I think that question is yet to be resolved. I think it is a dangerous practice to simply say that we will not do it, to describe the situation as throwing our people into the meat grinder.

Mr. President, when America lacks the ability to stand up for human rights, to stand up against abuse of men, women, and children such as we have seen in Bosnia and such as we saw 50 years ago in Europe, when for a long period of time, America was silent while the slaughter went on—Mr. President, we have troops in Korea. They are there to protect democracy. They are at risk. There is some danger that something could go awry and people could get killed or injured, and we do not want that to happen. I want us to have a careful debate about Bosnia. But when America withdraws, as we see what is taking place in Europe, in the old Yugoslavia, where women are routinely raped, where young men are routinely killed, and we stand by doing nothing about it, shame on the free world, shame on America.

I am not talking about troops. A long time ago I felt we should have men supporting the Bosnians by lifting the arms embargo because they were taking a terrible, terrible beating at the hands of a brutal invader. So, Mr. President, I think that as we talk here about the President, about programs, about ridicule, about lack of respect—

Mr. President, I ask unanimous consent that I be permitted 2 more minutes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

WORKING TOGETHER

Mr. LAUTENBERG. Mr. President, as we discuss where we have to go, the very difficult times in America—we have problems within our society in terms of crime and in terms of race relations, in terms of building our economy for the next century—I can understand people sticking up for their party because there is a separation of beliefs in many cases—in most, certainly. But to stand here to heap abuse on the President of the United States and try to discredit the office by even the terminology that is used to describe the President, I think that it does us no good, that it, in fact, continues to reduce the civility that used to exist here.

I am here 12 years now—almost 13 years. If nothing else, we had our disagreements, but the tone was far more civil. There was far more interaction between the parties. And now what has happened is this has become a political staging ground.

I hope, Mr. President, that we can do away with some of that, work on the problems, work on the budget, on reducing the budget deficit, sticking behind our country; if a decision is made by the Commander in Chief that makes sense in our review, we support it and not simply use it for another opportunity for a political score.

I yield the floor, Mr. President.

SENIOR CITIZENS' FREEDOM TO WORK ACT

The PRESIDING OFFICER. By unanimous consent, the Senate will now turn to consideration of S. 1372, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1372) to amend the Social Security Act to increase the earnings limit, and for other purposes.

The Senate proceeded to consider the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I note the presence of the distinguished Senator from New York. If it is agreeable to him, I would like to proceed with the bill. If he is not ready, we could go into a quorum call.

Mr. MOYNIHAN. Mr. President, I most assuredly am prepared to go to the bill and look forward to the Senator's remarks.

Mr. McCAIN. I thank the Senator from New York. Before I go into my remarks, I want to thank the Senator from New York for his steadfast support over many, many years of the principle of lifting the earnings test. The Senator from New York was kind enough, in a hearing that we had earlier this year, to point out in his own unique, descriptive style how unfair this is for working seniors. I am appreciative of his understanding of the obstacles that were posed to lifting the earnings test but, at the same time, his support of the concept of doing so.

Mr. President, after 8 years of being involved in this issue of raising the Social Security earnings limit, we have arrived at the moment when seniors will no longer be punished by their Government for being required, often by circumstances beyond their control, to work to support themselves and their families.

We begin debate today on long overdue legislation, the purpose of which is best summarized in the legislation's title, the "Senior Citizens' Freedom To Work Act." Mr. President, this bill is not everything that I wanted it to be. I wanted it to lift the earnings test completely. The scoring of that by CBO would have been prohibitive.

What this bill really does is increase, over a 7-year period, the present earnings cap minimum from today's level of $11,280 per year to $30,000 per year. It is over a 7-year period. I will discuss later the factors that motivated us to make it that modest, but primarily it had to do with scoring.

I remind my colleagues that in President Clinton's very important statement during his Presidential campaign book entitled "Putting People First," the President stated, and a direct excerpt reads:

> Lift the Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for all.

That, I think, describes it as well as can be.

Let me also point out, and I will say this time and time again, as I have in the past, this earnings test limitation does not affect wealthy seniors who have trust funds, stocks, pension funds, any other outside income that is not earned income. The only people that are affected by this Depression-era dinosaur are those seniors that go out and work and work because, generally, they have to because of either unforeseen circumstances or the fact that they just simply do not have enough money from their Social Security.

Mr. President, I do not know of a more onerous and unfair tax than that. It would probably astound people to know that if a senior went out to work, that as soon as he or she exceeded $11,000 per year, for every $3 that person earned over that limit, they lose $1 in Social Security benefits. Due to this cap on earnings, the senior citizens, many of whom are existing on low incomes, are effectively burdened with a 33.3-percent tax on their earned income. If you put in Federal, State, and other Social Security taxes, it then mounts up to somewhere between 55 and 65 percent, placing these seniors who are low-income people in the highest tax bracket in America.

I do not want to spend a lot of time going through the history of this, because I have been fighting it, as I said, since 1987. There has always been a reason for not doing it because, one, it was brought up on an appropriations bill, there was no offset, it could not be scored by the CBO, et cetera.

I have always, up until now at least, resisted this business of accepting CBO scoring because it is clear to anyone that if we lift this earnings test, more seniors are going to go to work and more seniors will pay more taxes. So the static scoring idea has never been revealed as being more fallacious than in this type of scoring that goes on.

On September 10, 1992, we had a vote in the Senate on a motion to waive a Budget Act point of order which required a three-fifths vote. There were 51 votes in favor and 42 against.

I want to quote some of those who opposed the motion to waive the Budget Act:

> Do not misunderstand us. The idea to raise the earnings test is not a bad idea. We just believe we should pay for raising the limits with offsets or a tax increase.

Another argument was:

> We would support Senator MCCAIN's amendment if it were not being offered to an appropriations bill. The Senator is right, we should stop using static models and analysis for economic forecasting. We agree that this amendment would bring additional revenue to the Treasury. Further, we agree with all of the other arguments made by those who favor this bill and who would support this bill if it were freestanding or an amendment to a bill that was not an appropriations bill. Unfortunately, we must urge our colleagues to oppose the motion to waive the Budget Act since it is being offered to an appropriations bill.

So the objections to this legislation in the past were twofold: One, we did not have an offset and, two, it was offered as an amendment to an appropriations bill. I will not go into the obvious reasons why I had to offer it as an amendment to the appropriations bill, but the fact was, I could not get it up as a freestanding bill which I wanted to very much.

Under the static scoring model, which I just described in my view as fallacious, one used by the Congressional Budget Office, this amendment would be scored as costing $9.92 billion. I disagree with the CBO's determination. However, to rectify this perceived problem, the bill does the following: It would mandate that the interest paid to Social Security funds be increased by 0.25 percent each year for the next 7 years. This would ensure the integrity of the trust funds.

To reimburse the General Treasury, which would make this increased payment, the bill then mandates all nonprotected discretionary programs be cut across the board by a uniform percentage equal to an amount necessary to pay the increased interest.

By using this mechanism, the trust funds are made safe and the cuts necessary to pay for the bill, consistent with CBO's position, are spread fairly across the board. Indeed, CBO has informed us that this legislation's overall impact on the deficit is zero.

The bill also mandates that GAO and the Comptroller General engage in an analysis of the actual effect on the Treasury of raising the earnings test and report to the Congress their findings no later than 2 years after the date of enactment of this act. This study will enable the Congress to react to what actually occurs, not to what CBO analysts speculate.

There is not a shred of doubt in my mind that 2 years from now the GAO will report that there is a greater inflow of revenues to the Treasury as a result of lifting the earnings test. There is no doubt about that in my mind; I have talked to too many seniors. I have talked, interestingly enough, to the CEO of Disney who came to my office one time on another issue and, on the way out, said, "Senator, I understand you are trying to lift the earnings test. Please do so. We want to help you in any way, because the best employees we have at Disney World and Disneyland are"—guess what—"senior citizens."

The people of the McDonald's franchise came to my office and said, "Senator, our best employees—our best employees—our most dedicated employees are senior citizens, but there is no reason for them to work in our establishment because $1 out of every $3 they earn is taken away from them, not to mention the additional taxes," as I mentioned.

Mr. President, this issue has been ventilated by me and others for a very long period of time. I want to point out that there may have been an argument during the Depression when 50 percent of the American work force at least was out of work. It might have made sense to have disincentives for seniors to go to work.

All you have to do is pick up today's newspaper and you will find that there are lots and lots of jobs available all over America. We should not preclude people by virtue of age, and by virtue of age only, from being able to take advantage of those opportunities in our society.

In 1935 when Social Security was created, we lived in a far different country. It is clear that our situation is not the same now. I want to point out, again, seniors who are without private pensions or liquid investments which are not counted as earnings or affluent children to support them often need to work to meet their most basic expenses, such as shelter, food, and health care costs.

I am sure my colleagues all heard warnings that America will confront in the future a labor-shortage. Why should we discourage our senior citizens from meeting that challenge as the U.S. Chamber, which strongly supports this legislation, has pointed out:

> Retraining older workers already is a priority in labor-intensive industries, and will become even more critical as we approach the year 2000.

A number of our Nation's most prominent senior organizations strongly support fully repealing the earnings test. This is a minimal test meeting their just, I repeat, just demand. Everybody is in favor of totally repealing it. As I said, that would be my first priority. For the reasons that I stated before, that is just not possible.

My family is very close friends with a family that lives in northern Arizona near where we live. It is a man and his wife. They have a son. They are in the earnings test age bracket. They have a son who recently had a serious illness and had to have an operation, thereby losing his job. That son has a daughter who lives with him.

My friend's wife, Lorraine Luke, had to increase her hours at the hospital transcribing medical information in order to help their son, who is out of work, and their granddaughter. The Luke family sacrificed enormously. She went to work on a 6-day-a-week basis, and guess what, Mr. President? A couple weeks ago, she received a bill from Social Security for $1,200 because she had exceeded the $11,000 threshold, and they were demanding that money back—money that they had spent on taking care of their son and their granddaughter.

Mr. President, that story is true throughout America. What happened to the Luke family is what happens many times in the lives of senior citizens. Why we should do this to them and why we have done it for so long, in fact, is a national scandal.

Mr. President, I would like to name the groups who have supported this earnings test reform: Air Force Association, Air Force Sergeants Association, American Health Care Association, Association of the U.S. Army, Enlisted Association of the National Guard, Fleet Reserve Association, Jewish War Veterans, Marine Corps League, Marine Corps Reserve Officers Association, National Association of Uniformed Services, National Association of Temporary Services, National Committee to Preserve Social Security and Medicare, National Council of Chain Restaurants, National Military Family Association, National Restaurant Association, National Society of Public Accountants, National Tooling and Machining Association, National Enlisted Reserve Association, Naval Reserve Association, Navy League of the U.S., Sears Roebuck and Co., the Seniors Coalition, the U.S. Chamber of Commerce, and the list goes on and on.

I would like to quote from a few editorials because virtually every newspaper in America has editorialized on this issue at one time or another.

The Chicago Tribune says:

> The skill and expertise of the elderly could be used to train future workers, while bringing in more tax dollars in helping America stay competitive in the 21st century.

The Los Angeles Times says:

> As the senior population expands and the younger population shrinks in the decades ahead, there will be an increasing need to encourage older workers to stay on the job to maintain the Nation's productivity.

The Baltimore Sun:

> The Social Security landscape is littered with a great irony: While the program is built on the strength of the work ethic, its earnings test actually provides a disincentive to work * * * One consequence of this skewed policy is the emergence of a gray, underground economy—a cadre of senior citizens forced to work for extremely low wages or with no benefits in exchange for being paid under the table.

The Dallas Morning News:

> Both individual citizens and society as a whole would benefit from a repeal of the law that limits what Social Security recipients may earn before benefits are reduced.

The Wall Street Journal:

> The punitive taxation of the earnings limit sends a message to seniors that their country doesn't want them to work, or that they are fools if they do.

The New York Times:

> * * * it is not wrong to encourage willing older adults to remain in the work force.

The Detroit News:

> Work is important to many of the elderly, who are living together. They shouldn't be faced with a confiscatory tax for remaining productive.

Mr. President, I would like to read a letter from the AARP [American Association of Retired Persons]. I will read parts of it:

> DEAR SENATOR MCCAIN: The American Association of Retired Persons commends you for your sustained leadership on behalf of working Social Security beneficiaries age 65 through 69 who are penalized by the Social Security earnings limit. Our nation needs the skills, expertise and enthusiasm of older workers and raising the current limit would send a strong message to older Americans that they can work and earn more.
>
> The current limit is too low and should be raised so that moderate and middle income beneficiaries who work out of necessity will be able to improve their overall economic situation. * * *
>
> An increase in the earnings limit is overdue. Over the last several Congresses, either the House or the Senate has passed earnings limit legislation, but it did not become law. As you know, AARP has repeatedly supported earnings limit proposals that were paid for in a responsible manner that was consistent with the Social Security Act and did not increase the "on-budget" deficit. The Association remains committed to raising the earnings limit in a fiscally prudent way and will work with you and others to ensure the earnings limit legislation is adopted with the appropriate financing.

Mr. President, I ask for the yeas and nays on this.

The PRESIDING OFFICER (Mr. GRAMS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, before I yield the floor to my distinguished colleague from New York, who has more knowledge on the issue of Social Security than not only any Member of this body, but perhaps any living American—and I know that it has nothing to do with his advanced age—the fact is that the Senator from New York has been extremely helpful on this issue. The Senator from New York understands it, and his support of the concept of lifting the earnings test has been a vital factor in helping this issue to move along. I want thank him for his consistent knowledge and support on this issue.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, my colleague and friend from Arizona is more generous than even the hyperbole of the U.S. Senate allows. There are some important issues here.

It is interesting to note that issues such as the Social Security earnings test go far back in our history. Indeed it was raised in 1935. And the gentleman who was brought from the University of Wisconsin by Edwin Witte to be on the staff of the Committee on Economic Security that Francis Perkins established, is still very much with us—the former chief actuary of the Social Security system. He was staff director of the Commission on Social Security that President Reagan organized in 1982, and which included Senator DOLE in 1983. It is amazing, the continuity of the persons who have worked with the original legislation, or were in the original administration, and their wisdom and wit is available to us today.

On Monday, Senator MCCAIN and the majority leader introduced S. 1372, a bill to gradually increase the earnings limit to $30,000 in 2002 for Social Security beneficiaries aged 65 to 69. Under current law the earnings test is projected to increase from $11,280 for this year to $14,400 in 2002.

In the past I have supported liberalization of the earnings test, and I will continue to do so in the future. But I have always insisted that any liberalization of the earnings test should be paid for and should be considered in the context of overall policies on Social Security.

This bill does neither.

Under the bill, discretionary outlays are reduced. But this does nothing for the off-budget OASDI Social Security trust fund as outlays in this account are increased by almost $10 billion over the next 7 years. So the bill makes use of a budget gimmick. The interest rate received by the trust fund is increased by one-quarter of 1 percent so as to make it appear that the liberalization of the earnings test is paid for.

And the bill is being considered—on the floor of the Senate, without having been referred to the Committee on Finance. This prevents us from taking into account the other important issues involved in the longrun financing of the Social Security system.

If we want to liberalize the earnings test, this bill should be referred to the Finance Committee where we can have hearings, consider how to pay for it, and how to integrate changes in the earnings test with other Social Security policies.

Let me make clear my support for the concept of increasing the retirement test to about $30,000. In 1990, I introduced S. 1909, a bill to increase the earnings test to $24,720 in 1996—roughly comparable to $30,000 in 2002. But I also paid for that liberalization of the earnings test by increasing the amount of

Social Security benefits that would be subject to taxation. While that offset is no longer available, my bill addressed several important issues that are not addressed by the legislation now before the Senate.

First, the liberalization was paid for with offsetting changes in the Social Security program.

Second, the two provisions represented a move toward treating Social Security benefits on a parallel basis with private pensions. Individuals can retire from a company, collect a pension and continue to work in other occupations. And the portion of the private pension not previously taxed—the employer contribution and any accrued interest earnings—is taxed upon receipt of the pension benefit.

Last week, along with every other Member of the Senate, I voted for the Senator from Arizona's sense of the Senate resolution acknowledging the need to raise the Social Security limit. The last clause of that resolution states:

> It is the intent of the Congress that legislation will be passed before the end of 1995 to raise the social security earnings limit for working seniors aged 65 through 69 in a manner which will ensure the financial integrity of the social security trust funds and will be consistent with the goal of achieving a balanced budget in 7 years.

I would say to my friend from Arizona, let us do this, but let us do it right. Let us refer this bill to the Finance Committee and make sure we are indeed "ensuring the financial integrity of the Social Security trust funds."

There are two additional things to be said. First, the earnings limitation is a holdover from the 1930's. When the legislation was adopted the unemployment rate was about 25 percent. We did not have precise data on the unemployment rate and we used extrapolations from the decennial census. We counted everybody. We did not know about sampling. In April 1930, there was not much unemployment. And in April 1940, there was not much unemployment and, therefore, the Depression was not reflected in the unemployment data gathered in the decennial census. People did know that large numbers of workers were unemployed. So the earnings test was meant to discourage older retirees from continuing to work. It was meant to persuade people to leave the work force when they had retired. And that is from another era.

We have had extraordinary success with American economic policy since the Employment Act of 1946. In all those years—a half a century, we have had less than 12 months in which the unemployment rate has been above 10 percent, and that was during the 1981–82 recession.

The object of putting an end to the retirement test is not only appropriate, but it is at hand. In 1983, we did this. We arranged that persons who do work and are subject to the loss of benefits because of the earnings limitation are "made whole," I think that is the usage, after they stop working. We phased in the so-called "delayed retirement credit" so that by 2005 it completely offsets the loss of benefits. Right now, beneficiaries get back about two-thirds of what they lose due to the earnings test.

Why do you not want people to work beyond age 65 or 62? And why does the Government take benefits away and then give most—and by 2005, all—of them back? It is not the Government's business to tell you when you should work and when you should not work if what you are getting are benefits that you have earned.

One problem I have with this measure is that it is not paid for in the mode I would have thought necessary and pretty central as a matter of principle, which is that all Social Security benefits be paid out of a trust fund financed by Social Security revenues—payroll taxes collected under the Federal Insurance Contribution Act (FICA) of 1935.

This is no small matter. We would not be here today—I suspect we might be here—but with a very different Social Security System. At that time, no sooner did a bit of New Deal legislation get enacted, then it would be challenged and end up in the Supreme Court and the Supreme Court would find it unconstitutional.

Frances Perkins, who was very much a person around Washington in the 1960's when I knew her, described the scene in a garden party in 1935 when Harlan Fiske Stone came up to her and said, "What are you up to little lady," and she was a master mistress at getting men to do things for her because she appeared so helpless, and she said, "We have this wonderful plan. It would give people retirement benefits, unemployment insurance, dependent children would get support, all these fine things, but every time we do something like this, great members in the Supreme Court say it is unconstitutional."

He said, "Tell me a little more, if you would." He listened. Then he leaned over and did something no Supreme Court Justice would ever do today. He said, "The taxing power, my dear. All you need is the taxing power."

So my distinguished predecessor, Robert F. Wagner, introduced the bill over here and the people did it over there in the Labor Committees and so forth. The bill that was signed by the President of the United States was introduced by a still obscure Representative from North Carolina who was chairman of the Committee on Ways and Means. It came over here to Finance. We passed it out, and in due time it was challenged, and the Supreme Court looked at it and said, "You say this is a tax. Yes, it is a tax. "It says here, Article 1, Congress should have the power to lay and collect taxes." That is why this is a Finance Committee legislation. We have always paid for Social Security benefits with FICA revenues.

The measure before us pays for these benefits by an across-the-board-reduction in discretionary spending. I think you start at about one-tenth of a percent in fiscal year 1996 and go up to four-tenths of a percent by fiscal year 2002. These are large sums. We have to find about $10 billion over the next 7 years. We will be financing Social Security benefits from general revenues that are not spent on these discretionary programs.

I have to assume that we will cut education programs. We will cut defense programs. We will cut transportation programs. Those outlay reductions will pay for the transfer of general revenues to the trust funds which pay for the increase in trust fund outlays. But these transfers are artificially created, by an increase of one-quarter of 1 percent above the interest rate received by the trust funds under current practice. The current rate is a blend of the actual rates paid on Treasury Securities with a maturity of more than 4 years.

I do not think we should do that. I think it compromises the insurance principle. It compromises the right of the beneficiary to the benefits that is earned by payments into the fund.

There is a nice story about this. In 1941, a very distinguished professor at Columbia, who had been a member of the President's Committee on Administrative Management—the Brownlow Committee—that President Roosevelt established in 1937, called on President Roosevelt to say he had been looking around things here and Social Security revenues were coming in now. They were all being posted, as the clerks will say, by Federal clerks with pens and nibs and cardboards, and they put down the 14 cents or the 22 cents that a person earned.

The professor in question called on President Roosevelt and said, "I think that is just a lot of extra paperwork we do not need. This is a pay-as-you-go system. Just collect the money and pay it out and stop all this record keeping, which is really not very essential."

That was Luther Gulick of Columbia University. He lived to the age of 100. He died last year. I called him in upstate New York. He lived on the St. Lawrence River. I went over this recollection with him. His mind was clear as Easter bells and President Roosevelt said to him—you could see Roosevelt doing it: "Now, Luther, I am sure you are right about the administrative matters, but I never thought of those provisions as a matter of administrative efficiency. I wanted every Social Security beneficiary to have a number and have an account so that"—I hope the Senate will forgive this usage because Luther Gulick recorded—"no damn politician can ever take the Social Security benefit away." That is why you have a number. Senator McCAIN, it is probably your dog-tag number, I would not be surprised. Originally it was not to be used for identification. Now it is. You get them in delivery rooms.

We have never paid out a penny in Social Security benefits that did not represent contributions made to the trust fund. For the longest while, the Federal Government was required to pay both the employer and the employee contributions for members of the Armed Services Committee. They had not done so, and in 1983 we found a big chunk of money that was put in the trust fund.

On that basis, I say we ought not to depart from the principle that entitles you to the money. It is called an entitlement because it is your money. We tax it the way we tax —and we did this in 1993—pension benefits.

You calculate what you paid in, and what you already paid taxes on. Subsequently you pay taxes on the portion that was not taxed—the employer contribution and the interest earnings on your contribution and that of your employer.

So, with the greatest enthusiasm for the enterprise but reservation about the specific financing mechanism, which, in my view, goes to not just a marginal but a central point of the nature of Social Security, I respectfully say I will not support the measure.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, let me just point out how we would cure this perceived problem would be to mandate that the interest rate paid on the Social Security funds be increased by .25 percent each year for the next 7 years. This would ensure the integrity of the trust funds, which is the primary goal and overriding concern, obviously.

To reimburse the Treasury, which would make this increased payment, the bill then mandates that all nonprotected discretionary programs be cut across-the-board by a uniform percentage equal to an amount necessary to pay for the increased interest.

As the Senator from New York well knows, we find money around here all the time. It was interesting to me in the last 24 hours of the budget debate we found $13 billion. I did not find it, but the so-called experts did. I am sure members of Senator MOYNIHAN's staff here, if they were allowed to speak, would describe how they found $13 billion. We seem to find all this money all the time.

Yet, we are seeking to take care of what is a gross inequity, knowing full well there is no one—I say to the Senator from New York, I challenge him to find someone to tell me that there will not, at the end of the day, be increased revenues into the Treasury because more seniors will go and work. So what we are really talking about here is a way of satisfying some paperwork requirements as far as CBO is concerned, which is dictated by static scoring, when the reality is there is going to be more money coming into the Treasury because seniors will be working.

So I appreciate Senator MOYNIHAN's concern about the mechanism, but I have to tell him we have been wrestling with this particular problem for 9 years that I know of. Every time we try to remove this terrible inequity that exists in our society today, we say we cannot find the money. We obviously do not want to take it out of entitlement programs because we are then robbing Peter to pay Paul. It is kind of a kabuki show here, because we know full well from the GAO reports back to us that the money, after 2 years, will not be required because there will be additional revenues. In fact, the funds for Social Security recipients will be increased because as these people work, they also continue to pay into the Social Security trust fund.

Mr. MOYNIHAN. Mr. President, I do not in the least disagree with the point of the Senator about an increased work effort and therefore increased revenues, including direct revenues to the trust funds. What the actual amounts would be, how actuaries would judge them, is beyond my capacity, but there would be some and they would be not inconsiderable.

Even so, I maintained what might seem to be too purist a view but it is one I hold, that only revenues from the trust fund should be used to pay benefits. We will see what the Senate's wish is.

The principle is correct. The issue can be resolved, the sooner the better. But it is my hapless responsibility to say, not this afternoon.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from New York again. By the way, I remind him we had a very interesting hearing on March 1 of this year, where they had several very interesting witnesses including Mr. Meyers, who is another one of those.

Mr. MOYNIHAN. Mr. Meyers who came here in 1934.

Mr. McCAIN. Exactly, the gentleman who probably is really the real corporate knowledge on Social Security, who also at that hearing testified that this earnings test should be raised and that additional revenues would accrue from lifting this earnings test.

I also remind my colleagues it is a fact that $200 million per year are spent just to monitor the earnings test; in other words, to make sure that everybody who is between age 65 and 69 is penalized properly and does not get away with keeping that $1 out of every $3 in their earnings.

So we would dramatically reduce that burden right away and experience an immediate savings of considerable numbers of millions of dollars if we just go ahead and lift it. Because then the Social Security Administration would not have to expend $200 million on an annual basis for that.

I note the presence of my friend from West Virginia on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank my friend, the Senator from Arizona. One of the things which actually is not generally, I expect, known that much is that Medicare as well as Medicaid are part of the Social Security Act that is being discussed, in fact, by the Senator from Arizona. It has to be said that when one looks at what might happen in legislation, what might be the result of a conference, what might be the result of a compromise following a veto by the President, should that happen, there is a lot of speculation about what might happen. But I think one thing which is very, very clear at this point is that what we are doing in the U.S. Senate and what we have done to Medicare, which is a part of the Social Security Act, is extraordinary.

I would like, in fact, to take from my friends from across the aisle the word which they often use when they are discussing Medicare, which comes from the Social Security Act. They talk about reforming Medicare.

I went, as I do every afternoon at 1 o'clock sharp, to my Webster dictionary, and I took out the word for "reform." I ask unanimous consent when I am finished, Mr. President, if I can have this printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROCKEFELLER. It says, "a: to amend or improve by change of form or removals of faults or abuses; b: to put or change into an improved form or condition.

"2: to put an end to (an evil) by enforcing or introducing a better method or course of action.

"3: to induce or cause to abandon evil ways," and then they use the example of a drunkard—odd.

"4: to subject (hydrocarbons) to cracking."

I think I better stop there because that is rapidly getting into areas which I cannot be quite so sure of.

Then I also, being the persistent intellectual at 1 o'clock every day, in my Webster's dictionary, I went to the word "raid," because that is what those of us on this side of the aisle use referring to what happens to Medicare in the reconciliation bill. That is described, and I would similarly ask that portion which I read be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ROCKEFELLER. "Raid" is, "1a: a hostile or predatory incursion; b, a surprise attack by a small force.

"2a: a brief foray outside one's usual sphere; b: a sudden invasion by officers of the law; c: a daring operation against a competitor," and, again, here I think the definition is wandering off into different territory.

But my point, obviously, is what we are contemplating, and what it is, in fact, that we have put forth in reconciliation is not yet accounted for, not yet conferenced with the House, and is nothing less than the "raiding" of Medicare. I assume that there are those who feel very differently about it. But I do not. I feel very strongly about it. I speak as a representative of the State of West Virginia where the average senior income for seniors in general is $10,700 a year, and 21 percent of that goes already to health care, unless the senior is 84 years old, which increasingly seniors are, in which case it is 34 percent of the $10,700. You can see, therefore, that the amount of money that is being spent on health care already by Medicare recipients, beneficiaries, is enormous.

So the majority party wants to fix Medicare, to reform it. And they want to do that by cutting $270 billion from it, they would say to slow the growth by a rate of $270 billion.

I, incidentally, had responsibility in the 1993 Budget Act, so to speak, for cutting $56 billion out of Medicare. I never referred to it as "slowing" the rate of reduction. I always referred to it as "making the cut." And I hold to the same language then as now because that is what I believe. It is like, if you had a certain amount of money 3 years ago and you have the same amount of money now, a hip replacement has gone up by 22 percent in cost, you cannot do 84 percent of the hip replacement. You either do the hip replacement and you can pay for it, or you do not have the money for it and you cannot do it at all. So this whole question of rate of growth is one that I will leave for historians to worry about.

But any way you slice it, if you are cutting $270 billion—and when all the trustees of the hospital insurance trust fund say that you have to cut it $89 billion—then you come to the obvious conclusion that those who would cut $270 billion are saving Medicare for a much longer period of time than those who would only cut it by $89 billion.

But an interesting thing happens. The fact is that, if you cut $89 billion, as the trustees have recommended publicly in testimony and every other way, Medicare will be solvent until the year 2006. On the other hand, if you cut it $270 billion, guess until what year Medicare will be solvent? The year 2006, the same year, the same amount of time.

So the whole question then arises, Why cut $270 billion out if $89 billion will do the job over the period of the next 10 years? The answer, of course, is in the contract phase of the need for the $245 billion tax break. I understand that intellectually because, if you are going to get a $245 billion tax break and at the same time balance the budget in 7 years, you have to get your hand on a whole lot of money, and there is not a whole lot of money in any one pot, except if you go to Medicare, or if you go to Medicaid. Those are the two pots. Those are the two pots that you can go to under reconciliation or a Budget Act, and simply get large amounts of money, if you are of a will to do so.

However, the consequence of what the majority party is doing in the Senate, and has done in the Senate, means that Medicare recipients are going to have to pay enormously more from out-of-pocket expenses—out of their own pocket expenses, and all of this to fund a tax break. There is going to be about $1,700 less per beneficiary by the year 2002. Deductibles are going to be doubled. Premiums are going to be raised. The eligibility age for Medicare is going to go from 65 to 67 years old, and there will be an enormous amount, I believe, of danger in equality and quantity of health care. Let me explain what I mean.

Putnam County General Hospital, Mr. President, is what I would imagine many hospitals are like in the Presiding Officer's State. It is a rapidly increasing county in terms of its income, and in the sense of upscale county. Its future is unlimited. It has most of the flat land, or a lot of the flat land in West Virginia, and a lot of upper income houses as well as middle-income houses. Yet, when you go to the administrator of that hospital, he will tell you that between 68 percent and 72 percent of his entire revenue stream is paid for not by the newly dynamic wealth of Putnam County, not by private-pay patients, but by Medicare and Medicaid. He says that if this cut is allowed to stand, that Putnam General Hospital is in severe difficulty. The mathematics make it clear—$270 billion cut in Medicare, $187 billion cut in Medicaid, and, hence, real problems for that relatively upscale hospital.

We have a lot of hospitals in West Virginia that do not fit that category. They are in very rural counties. Many shut down some years ago. They depend almost entirely on Medicare or Medicaid for their revenue stream. When I say the "revenue stream," I just simply mean the money they use to pay their doctors, nurses, oxygen, their light bills, and the rest of it.

I believe—I do not really think anybody can make the argument—that the Boren amendment, by which you are meant to pay people much closer to the services that they render, has now been tossed aside. And I believe that doctors, physicians who have been taking care of seniors for many years are—some of them—going to be in the economic position where they will have to simply say on their little shingle, "Dr. So-and-So. But if you are on Medicare, please do not stop here. I cannot afford to treat you. I cannot afford to treat you."

In other words, I believe that doctors will be driven out of the program and Medicare beneficiaries will be turned away.

There is another problem which we, in fact, cured in the Senate. This is the most devastating problem. It came pretty much as news to everybody. But it has not been cured in the House. Therefore, I consider it to be a live neutron bomb just sitting there on the table. It was the majority party's efforts to, in fact, get control of the cost of fee-for-service Medicare. Obviously, some Medicare patients are in HMO's. It is estimated that as much as 20 percent may go into HMO's. But, obviously, the great body of Medicare beneficiaries are in fee-for-service Medicare, and they like that. They like that for one reason—because, by definition, over the years it has always meant one thing, and, that is, they get to go to the doctor of their choice. They get to choose the doctor of their choice, they get to keep the doctor of their choice, and use the doctor of their choice. And that is the central, sacred theme of fee-for-service Medicare.

But until it was taken out in the Senate—I will say that the junior Senator from West Virginia probably had something to do with that by talking about it for about an hour one day several weeks ago—there was this thing called BELT which was a mystery. Nobody had heard of BELT. BELT stands for budget expenditure limit tool.

I am not discussing something in the abstract. We thankfully have taken it out of the Senate's package. But it remains—and in fact a rougher one remains—in the House. So that in the conference, where I always have this worry that the House is going to outdo the Senate because of their fervor—they appear to be less willing to negotiate, less willing to compromise on both sides than the Senate, so I always worry very much about the conference. So the way this would work would be that the majority party now in the House would assign about a 4 percent, 4.7-percent growth rate to Medicare, the cost of health care in Medicare.

Now, we know that the actual cost of the increase in health care in Medicare is over 7 percent. But if this rate of growth of the cost of health care exceeded 4.7 percent, automatically—automatically—there would be a sequester and there would be automatic reductions, arbitrary in nature but absolute in fact, in key Medicare spending in the following year. The cuts that are specifically listed were inpatient hospital services, home health services, hospital care services, diagnostic tests, physicians' services, outpatient hospital services. As far as I know, that is most of health care. Mental health and other things are not in there, but that is most of health care. There would be, therefore, this sequestration and a ratcheting down so that the so-called fee-for-service concept for the Medicare beneficiary would simply disappear.

It was all hidden in this little piece of paper and still resides in the House. So I am very, very worried about that.

People listening may wonder why I am talking about Medicare. It could be that the Senator from Arizona is sharing some of those thoughts at this particular point. This is why I am talking about Medicare. I am here to use this opportunity to offer an amendment, which I will do but not immediately, to give the Senate yet another chance to walk away from some of the ills that I have been talking about and give it a chance to protect Medicare from the damage that is contemplated in the two versions, the House version and the Senate version, of the majority party's budget, which is, of course, now headed for a conference where, as I indicate, I worry because I think the House's fervor in some areas is in excess.

I will offer an amendment very soon to do just what we have been trying to get a vote on for 3 days but have not been permitted to get a vote on for 3 days. We have been prevented from being able to do this until this opportunity.

As most of my colleagues know, the Senate still needs to appoint conferees to the reconciliation bill so that we can negotiate some of these matters out. It is amazing that conferees have not been appointed, but they have not been appointed. This side can do nothing about that. That has not been done because the majority leader knows that the Members on this side of the aisle have just a few motions to instruct conferees. We only have a few. Of course, the purpose of this is designed to make one last plea for the prevention of damage to Medicare, for real nursing home protection, and one or two other vital goals. I think there are a total of maybe four or five.

The bill now in the Chamber is a very appropriate place to make the same proposal. So I am here to make sure that when we are on a bill designed to spend billions more on a category of Social Security recipients through the earnings test we first discuss, debate and vote on the question of whether $270 billion is going to be cut from Medicare or whether that will not be the case and whether 30 million seniors are going to see their premiums increase or not, whether they will be turned away from doctors or whether they will not.

So that is my purpose, and I share that respectfully with my colleague and friend from Arizona, who probably wishes that I had picked another time to do all this. But you do have to consider the fact that in spite of the fact that in West Virginia the average income for seniors is $10,700, nationally that same figure is only $17,750.

Most of Medicare spending is for beneficiaries with very modest income, and we have discussed this before, but it bears repeating because I am not sure how far out there into the public this has gotten. Sixty percent of those with incomes of less than $15,000; 83 percent of those with incomes less than $25,000; 97 percent of those with incomes less than $50,000.

This is a Medicare beneficiary population that we are talking about. As I have indicated, seniors already spend more of their income on health care in 1994 than anything else—21 percent. Nonsenior households, interestingly, only spend about 8 percent of their income on health care. Private insurance grew at a faster rate, almost 10 percent, than Medicare spending, which was about 7.7 percent, from 1984 to 1993.

Under the Republican plan, as I indicated, Medicare will be squeezed to a growth rate of 4.9 percent—I believe I said 4.7; I correct myself—4.9 percent per person while private health insurance will continue to grow at over 7 percent per person over the next 7 years, relegating seniors to a second-rate, second-class health care system.

My amendment will be a final opportunity for the Republicans in the Senate to defend—not raid but defend—the Medicare trust fund from a mind-boggling raid, a raid that will cut health care benefits, that will increase seniors' costs and threaten the very existence of hospitals, a raid that is designed purely and simply, mathematically, architecturally, self-evidently to pay for tax breaks tilted in favor of the most affluent, comfortable households in our great country.

The reconciliation bill passed at 1 a.m. on Saturday last will cut Medicare by $270 billion over 7 years. We all know that. We have all been told that this will save Medicare, keep it solvent, make the program stronger. Wrong, Mr. President, wrong and wrong again. The professional experts in charge of keeping the books for Medicare, the actuaries, the professionals, the people who do this for a living, say that $89 billion will solve the problem.

That is not the long-term problem. That is the short-term problem, from now through 2006, and then our suggestion would be that we do exactly what Ronald Reagan did, wisely and effectively, in 1981, when he appointed the Social Security Commission which came out in 1983 in fact with a solution for Social Security, a solution which was accepted by the people of this country, accepted by the seniors of this country, accepted by the Congress of this country, both sides of the aisle, because it had been entered into with the understanding that it would be done with the idea of it being fair, nonpolitical and, therefore, worthy of the support of all, including the President of the United States.

It was an extraordinary ability. Senator MOYNIHAN and Senator DOLE were two of the members of that commission. What they did in service to their country and in service to the Social Security commission is little noted, but can never be forgotten by those who understand the consequences of their actions.

Hospitals, doctors, and nurses and other health care providers in every single one of our States believe, with absolutely certainty—they do not equivocate—that cuts of this size, the $270 billion, will disintegrate the kind of health service that 30 million senior Americans have counted on for three decades, in a program that works, in a program that works in part because, prior to its passage, less than half of Americans had health insurance who were of the senior age.

Why? Because if you are at the senior age and you have any kind of ailments at all, or you are just senior age, you cannot buy health insurance. If you have anything wrong with you at all, you cannot buy health insurance. You can have $10 million and you cannot buy health care. That is why Medicare took place. Now 99 percent of our senior population has health care insurance. What a wonderful thing that is, what a marvelous thing that is.

I have no way of explaining to my constituents back in West Virginia, to the 330,000 Medicare beneficiaries in my State, why their Medicare deductibles will double, their premiums will skyrocket, and West Virginia hospitals are threatened with the possibility of losing $25 million in 1996 and more than $681 million over the next 7 years.

I keep saying I wish this were some kind of a dream. But the threat is real, and it is not a dream. It is written into the pages of the bill that has been passed, unless, of course, we decide to change it. I can only report what I read in this budget package. So, $270 billion would be cut out of Medicare, $225 billion will be given—some say $245 billion, some say $225 billion—will be given away in tax breaks and giveaways.

Then, Mr. President, there is the $187 billion which is sliced out of Medicaid, which is integrated into Medicare in its effect on our health care system, leaving the Medicaid system in tatters, as it is chopped up into block grants, something which States, no matter what their Governors might say, do not want—do not want.

Talk to George Voinovich, talk to Christine Whitman, talk to some of those Republican Governors who have the courage to say what they feel. Talk to any of the Democrat Governors. I mean, I was a Governor of my State for 8 years. I know our present Governor does not want any part of it, because all he does now in his regular session, and then special sessions, and then additional special sessions, is try to figure out how to come up with more money to pay for Medicaid. Medicaid is about the only subject they even talk about.

It is true, Mr. President, it is a terrible crisis in our State as it stands today, much less cutting $187 billion out of it and block granting.

The response on the other side will be that we are exaggerating, we are trying to scare seniors. We do not agree with that. This budget is scary. The seniors I have talked to are scared. And, interestingly, they have become scared at what I would call a very rational pace, if I can explain myself. Some of the groups responsible for communicating with seniors have been rather casual about this whole subject, in my judgment. Indeed, the American Hospital Association for a period of time was rather casual about dealing with this subject.

But, interestingly, seniors began to understand what the consequences to their lives might, in fact, become. They began to get very angry, very angry. And then some of the groups here in Washington started reacting to them. The hospital administrators already were very angry. They were angry months ago. But their association was not listening here in Washington as closely as it could have been. Now they are. And the American Hospital Association very much dislikes, and is very much opposed, and very blatantly and openly opposed, to these kinds of cuts because of what it will do to the hospitals that take care of the sick, including seniors in our country.

EXHIBIT 1

[From Merriam Webster's Collegiate Dictionary, 10th edition]

^{1}**re-form** \ri-'form\ *vb* **[ME,** fr. **MF** *reformer*, fr. L *reformare*, fr. re- + *formare* to form, fr. *forma* form] *vt* (14c) **1 a:** to put or change into an improved form or condition **b:** to amend or improve by change of form or removal of faults or abuses **2:** to put an end to (an evil) by enforcing or introducing a better method or course of action **3:** to induce or cause to abandon evil ways <~a drunkard> **4 a:** to subject (hydrocarbons) to cracking **b:** to produce (as gasoline or gas) by cracking ~ *vi:* to become changed for the better **syn** see CORRECT

EXHIBIT 2

[From Merriam Webster's Collegiate Dictionary, 10th edition]

^{1}**raid** \'rād\ *n* **[ME** (Sc) *rade*, fr. OE *rād* ride, raid—more at ROAD] (15c) **1 a:** a hostile or predatory incursion **b:** a surprise attack by a small force **2 a:** a brief foray outside one's usual sphere **b:** a sudden invasion by officers of the law **c:** a daring operation against a competitor **d:** the recruiting of personnel (as faculty, executives, or athletes) from competing organizations **3:** the act of mulcting public money **4:** an attempt by professional operators to depress stock prices by concerted selling ^{2}**raid** *vi* (1865): to conduct or take part in a raid ~ *vt:* to make a raid on

AMENDMENT NO. 3043

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 3043.

Mr. MCCAIN. Mr. President, I ask further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. There is an objection. Objection is heard.

The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the appropriate place insert the following:

It is the sense of the Senate that the conferees on the part of the Senate on H.R. 2491 should not agree to any reductions in Medicare beyond the $89 billion needed to maintain the solvency of the Medicare trust fund through the year 2006, and should reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to the Senator from West Virginia that I am very disappointed, of course, he would put this amendment on a bill that is very important to the people of his State. He stated the average income of the elderly in the State is $10,000 a year. It seems to me that he would be eager to, as quickly as possible, give them an opportunity to earn a sufficient amount of money in order to be able to better their living standards and raise their income.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I would like to talk a bit about this bill. I know the Senator from Arizona has worked on this for, I guess, 7 or 8 years now. And I know for at least the time I have been in the Senate this has been an active interest of his, and he has played a very constructive role in raising this earnings test in the past.

Unfortunately, I was not here when he made his opening statement. This is a very—fortunately for all of us who have trouble reading some of these bills—a very short piece of legislation, and I do not want to make any comments on it that are inaccurate. But, as I understand it, what we basically have in the law right now says that for a period of 5 years, from age 65 to 70, there is an earnings test. After 70 there is no earnings test. During that period of 65 to 70 years of age, beneficiaries of Social Security payments are penalized. They have actual reduction in their benefits as they receive income. I think the test is at $11,200 today.

What this piece of legislation would do is, over time, take that 5-year window, that penalty, up to $30,000 over a 5-year—

MCCAIN. Seven.

Mr. KERREY. 7-year period of time.

Mr. President, in general, I have supported and on a number of occasions have actually voted for raising this earnings test. I must say I have very strong mixed feelings about it. I would like to just talk, and I am not going to offer any amendment at this point in time. When I am through, I will put the Senate back in a quorum call.

I have had the opportunity to examine and spend a great deal of time looking at Social Security as a program. Senator SIMPSON and I, in fact, have developed a piece of legislation, S. 825, that we have introduced in this body to reform the Social Security Program, that has a different purpose than what the Senator from Arizona is attempting to do, and I find myself increasingly sort of obsessed with this issue and talking sometimes when no one particularly cares to hear about it. But I would like the take this opportunity, for a moment, to talk a bit about what I think needs to occur with the Social Security program to improve it for different objectives.

First of all, it must be understood that Social Security is an intergenerational commitment; it is a very strong and powerful commitment.

It is not a retirement fund. There is not an account held for individuals that they own. We have a calculation that you can get. If you send in to the Social Security Administration and ask them, they will tell you how much you have paid in and they will tell you approximately, based upon your current earnings at least, what you are going to be paid when you retire.

It is not a defined contribution system. It is a defined benefit system. We are told what our benefits are, and it is a very progressive system, though the contribution is flat and, as a consequence, I think fairly you can say the contribution system is a regressive system of taxation, which is, interestingly, one of the reasons that a recent poll, that was very controversial, the New York Times did asking a number of questions about the budget reconciliation agreement. The lower the income, the higher the enthusiasm for a tax cut. The lower the income of Americans who are in the work force, the more enthusiastic they were about their tax cut. I argue that is because the payroll tax and the other taxes that lower income people pay who are in the work force tends to actually force them to make painful and difficult choices. That is probably why that is the case.

Nonetheless, it is a regressive tax, but it is a very progressive payment system. That is to say, there are bend points in the calculation which will actually decrease my income from Social Security in order to make sure that people with lower incomes will, over their working life, get a higher payment. We have designed it in that fashion.

So I want to take this opportunity to, again, make it clear to citizens who sometimes write me and say, "I've got an account there; I paid in it all my life; I am getting out what I paid in," that is not true. We are not paid what we pay in. We usually get back more.

The system is designed to provide us with a supplemental source of income. Unfortunately, for a variety of reasons, not the least of which are tax law changes and pension law changes that make it more difficult for people to provide private sector pensions, increasingly people see Social Security as a primary source of income. The percentages are increasing of those who have as their only source of retirement income the Social Security System.

Accurately described, Social Security is a very strong and, I think, correct intergenerational commitment. It is an intergenerational commitment. Every time I give a speech like this, people call and say, "KERREY wants to get rid of Social Security." I do not. It is a very strong commitment that is made on behalf of people who are retired by people who are not retired to allow a fixed percentage of their wages to be taxed and distributed to those who are retired. That is basically what it is.

When it began, the first payment that was made in 1935 took 1 percent of our wages, and the reason it took 1 percent of our wages is the promise to pay was to begin 6 years after normal life expectancy. Normal life expectancy was approximately 59; 65 was the normal eligibility age for Social Security in 1935. Today, it is still 65.

The good news is we are living longer. That is very good news. I do not want anybody to think that I think we should be dying earlier. I am glad, through medicine, through research, through changes in lifestyles, and so forth, that people are living longer. That is good news. That is my intent, anyway.

But now the promise continues 11 years after the age of 65. Normal life expectancy is now 11 years beyond this normal eligibility age, which is age 65. There is an early eligibility age of 62 and there is a normal eligibility age of 65 written into law, both of them begin considerably before normal life expectancy ends.

It would be bad enough if we were dealing with sort of constant numbers in terms of the number of people retiring, but we are not. My generation did not have as many children as our parents thought we were going to have. So, when the baby boomers start to retire in 2008—60 million of us, by the way—if anybody doubts this problem is caused by Ronald Reagan, George Bush, or Bill Clinton, it is a demographic problem not caused by any political leader; it was caused by a generation.

(Ms. SNOWE assumed the chair.)

Mr. KERREY. Madam President, the point I am trying to make here is we have a tremendous problem with Social Security. The longer we wait to address it, the more difficult it is to address, and the problem is a demographic problem.

The problem is also one of perception. Many citizens are of the view that Social Security is a fund that is held for them and it is available to them when they retire. That is not what it is. We pay into it, but it is an intergenerational commitment made by people who are in the work force today to allow a fixed percent of their wages to go to people who are out of the work force. It is a contract. It is a contractual arrangement, and everybody out there in America, whether they are currently eligible or will be eligible in the future, understands that contract is there for them.

There are really 260 million Social Security beneficiaries. It is just that 30-some million are currently eligible. All the rest will be eligible. All Social Security beneficiaries up to about the year 2006 or so are currently alive. What you have to do is look and ask, "Not only can I write the checks today, but how am I going to do in the future?"

In 1983 when we changed the law, what we did for the first time was break the pay-as-you-go system and create, in effect, a system where the reserve is going to build up to a very large amount. Unfortunately, we have been borrowing it and using it to pay budget bills since 1983. But that number drives up to a very large amount and then drives down starting at about the year 2013 until the fund is completely expended in 2029.

When I say 2029, people say, "Fine, let's just wait until 2029." Madam President, the longer you wait, the bigger the adjustment is. We may be able to jog and we may be able to quit smoking or drink in moderation, whatever you want to do to hopefully extend your life, but you do not get those years back. When you are trying to take advantage of compounding interest rates in a savings, a collective savings, time is not on your side. Every year you wait, you do not get that year back.

The people who will pay the price for it are not the current retirees, but it will either be future retirees or my children who are going to be scratching their heads trying to figure out, "Do I cut dad's Social Security payment substantially or do I have my taxes go up in a rather substantial fashion?"

We are going to see a decline in the number of workers per retirees starting in the year 2008 that is without precedent. There is no precedent for it, and there is no possibility we are going to see gains in productivity that are sufficient to be able to allow less than three workers per retiree to be able to produce what five workers per retiree are producing today.

Madam President, there is a need for us to change this trend line of Social Security payments so that we can say to all beneficiaries—those who are eligible today and those who are eligible in the future—that we are going to be able to write your checks.

Today, you cannot say that. Today, if you look at somebody under 40, you have to say to them, "The current law will not allow me to write a check to you. I am going to have to make an adjustment." The longer I wait, the bigger the adjustment; the longer I wait, the higher the taxes have to be or the larger the cuts have to be in current beneficiaries. That is problem No. 1.

Problem No. 2 with Social Security is that it is a very rigid system. The legislation of the Senator from Arizona addresses one part of that rigidity. That is, we have a rule, a Federal rule—a law, actually—that the Senator is trying to change that says for a 5-year period of time, from age 65, which is normal eligibility age. It is not normal retirement. You can wait to retire or you can retire early or retire any time you want, but you are eligible for a payment from the Federal Government, full payment at 65 and an early smaller payment at age 62. The rules say I have to wait until I am 65 to get a payment, and for 5 years, if my income exceeds $11,200 a year, you are going to reduce the payment that I get.

It is a very rigid system. I believe what needs to occur and what Senator SIMPSON and I have done with our legislation is said, let us change the law so that 2 percent—we start with 2—so that 2 percent of the 12-percent payroll tax goes into a personal investment plan for individuals when they start working that has three big advantages: First, a much higher rate of return. Let it be known to all citizens that one of the problems we have with Social Security is they are invested in non-negotiable Treasuries, the lowest possible rate of return that you can have out there.

The lowest possible rate of return that we have—less than 2 percent and closer to 1 percent—does not even double twice during the course of a 45-year working life. It doubles once, that is all. A higher rate of return. In the FERS account, it is not unusual for our employees to say they expect to get 8 to 10 percent when compounding it. That means they are going to get a doubling, over a 45-year period, of six times—a substantial increase as a consequence of taking advantage of a higher rate of interest.

Secondly, Madam President, the advantage is that it is more flexible. Some people have attacked the proposal that I have made, saying that we are going to adjust the eligibility age from 65 to 70, which we do. It does not affect anybody, by the way, over the age of 50, that is not in the baby-boom generation, that is already retired, or will retire during the next 10, 15 years. We do increase the eligibility age. But by establishing this personal investment plan, we give something to the individual that they own and can take at age 59½ under the current individual retirement account law.

So the second thing is that it is more flexible. You can tailor it to your own needs, rather than being dependent upon Congress changing the law to satisfy whatever your individual requirements are.

Third, Madam President, we do change it so that you own it. Unlike the current system, if you happen to, unfortunately, not make it to age 65—let us say at age 64 you die—all those moneys that you paid in go to somebody else. You do not get anything out of it. It is a collective pool. Under our proposal, the individual owns it. They have an asset. Done correctly, it can be a way for us to help Americans of all incomes acquire wealth—$1,200 a year, dedicated into an average savings account over a 45-year period, will convert that individual into a millionaire.

Well, Madam President, that is exactly what 12 percent payroll tax is on $10,000 worth of wages. So there are other changes that I believe are more important than the earnings test if we are going to be able to say to all beneficiaries, whether you retire today or in the future, that the promise we have on the table we are going to be able to make and we are going to be able to keep; secondly, to convert that system into one that brings a higher return and that individual owns it. It seems like the system we set up 60 years ago needs to be adjusted in more ways than just raising the earnings test.

I yield the floor.

Mr. KYL. Madam President, I rise as an original cosponsor of S. 1372, introduced by Senator JOHN McCAIN and Majority Leader DOLE. It is time to lift the senior citizens earnings limitation off the backs of America's and Arizona's senior citizens. This legislation would gradually raise the limitation to $30,000 between 1996 and 2003, and would thereafter index for inflation.

During the 1992 Presidential campaign, President Clinton said that America must "lift the Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for us all." I could not agree more. Yet, despite the continued urging of many Members of Congress and millions of Americans, the President appears reluctant to make good on this campaign promise. So, it has fallen to Senator McCAIN once again to pursue this issue, as he has for so long.

The Social Security earnings limitation [SSEL] was created during the Depression in order to move older workers out of the labor force and to create job opportunities for younger workers. Obviously, this situation no longer exists. Currently, under the SSEL, senior citizens aged 62 to 64 lose $1 in benefits for every $2 they earn over the $8,040 limit. Seniors aged 65 to 69 lose $1 in benefits for every $3 they earn over $11,160 annually. When combined with Federal and State taxes, a senior citizen earning just over $10,000 per year faces an effective marginal tax rate of 56 percent.

Moreover, when combined with the President's tax on Social Security benefits passed in 1993, a senior's marginal tax rate can reach 88 percent—twice the rate millionaires pay.

If enacted, this legislation would gradually repeal the earnings test and would allow seniors to continue to work to meet their needs without penalty.

Some lawmakers apparently forget that Social Security is not an insurance policy intended to offset some unforeseen future occurrence; rather, it is a pension with a fixed sum paid regularly to the retirees who made regular contributions throughout their working lives. Social Security is a planned savings program to supplement income during an individual's retirement years.

I believe no American should be discouraged from working. Such a policy violates the principles of self-reliance and personal responsibility on which America was founded. Regrettably, America's senior citizens are severely penalized for attempting to be financially independent. When senior citizens work to pay for the high cost of health care, pharmaceuticals, and housing, they are penalized like no other group in our society.

Senior citizens possess a wealth of experience and expertise acquired through decades of productivity in the workplace. Companies hiring seniors have noted their strong work ethic, punctuality, and flexibility. Their participation in the work force can add billions of dollars to our Nation's economy. To remain competitive in the global marketplace, America needs for its senior citizens to be involved in the economy: working, producing, and paying taxes to the Federal Government. A law which discourages this is not just bad law, it is wrong—and it hurts not only seniors but all Americans.

• Mr. HATFIELD. Madam President, this legislation would provide the flexibility and opportunity for older Americans to remain productive citizens of this Nation. I do not believe that older Americans should be penalized for their ability and willingness to remain active and productive members of society. The current earnings test arbitrarily mandates that a person retire at the age of 65 or face losing benefits. I do not believe that any person who desires to work should be dissuaded from pursuing the goal of employment due to the Tax Code. Finally, let us not forget the hazards our low income senior citizens face who do not possess a pension fund or retirement plan. Low-income seniors who are working out of necessity and face a severe tax penalty should not be penalized for no other reason than their age. For these reasons I support S. 1372 which would increase the earnings limit for seniors.

Unfortunately this legislation to correct that inequity was paid for by using discretionary Federal dollars. In the last 30 years we have seen discretionary Federal outlays, as a percentage of this country's gross national product, plummet from over 14 to 8 percent in 1994. Moving money from discretionary accounts to mandatory accounts is moving us in the wrong direction. I look forward to voting to correct this inequity in the Tax Code at a latter date when discretionary spending accounts are not used to offset the cost.•

Mr. GRAMS. Madam President, I want to commend the Senator from Arizona, Senator McCAIN, for his leadership on this issue and ask unanimous consent to have my name added as a cosponsor to the Senior Citizens' Freedom to Work Act.

As a longtime proponent of an all-out repeal of the earnings limit, I am pleased the Senate is taking action on eliminating the additional burden President Clinton placed upon our seniors in his 1993 tax bill.

The current Social Security earnings test penalizes senior citizens by reducing their benefits if they continue working beyond retirement age and earn over $11,160 per year. For every $3 earned above that, they are forced to send $1 back to the Federal Government. That is unfair.

While repeated attempts have been made to repeal this seniors' penalty, or to at least substantially raise the earnings limit so that senior citizens can continue to contribute to society, the Clinton administration and the leaders of the previous Congress prevented any measures from passing. Today, we have an opportunity to prove that things have changed, and the Senate can do that by passing S. 1372 and providing some overdue tax relief to our seniors.

I wanted to share with my colleagues some of the letters I have received from Minnesota seniors on this issue.

One constituent of Pierz, MN, writes:

> I cannot afford to start drawing my Social Security because of the earnings limit penalty. . . . If allowable earnings were increased to $30,000 as the Republican plan proposes, consider all the additional Social Security taxes that would be collected. Also consider all the additional income taxes that would be collected by the federal and state governments. We, as Seniors on this issue, need YOUR HELP.

A senior citizen from Eden Prairie shared a copy of a letter he sent to one of my colleagues. "I wrote in 1993 regarding my concern over Social Security income being taxed," said the original letter. "Not only was 50 percent of it then being taxed . . . but the Clinton budget plan increased the amount subjected to tax to 85%." The response this Senator received from my colleague was that he supported President Clinton's 1993 tax plan because it was "fair."

Madam President, I stand before you today because Clinton's assault on this Nation's senior citizens in 1993 was not fair. It is blatant discrimination against 700,000 older Americans. Furthermore, it discourages seniors from working, robbing businesses of skilled and experienced workers.

Today, we have an opportunity to restore fairness, and to deliver on the promise we made to seniors. Therefore, I urge my colleagues to support the Senior Citizens' Freedom to Work Act.

MIDDLE EAST PEACE EXTENSION

Mr. DOLE. Madam President, I have had a discussion with Senator DASCHLE regarding this.

I send an original bill to the desk on behalf of myself and the Senator from South Dakota, Senator DASCHLE, regarding the Middle East peace extension, and I ask unanimous consent that it be immediately considered, that the bill be considered read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1382) was passed, as follows:

S. 1382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), as amended, is amended by striking "November 1, 1995" and inserting "December 1, 1995".

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 193-236) prior to November 15, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

Mr. DASCHLE. Madam President, I know we are in the middle of a debate. I will not take long. I commend the majority leader for his work and the leadership he has shown to bring us to this point. This legislation is critical and overdue, and we needed to pass it. I think it enjoys broad bipartisan support, and separating it from other issues relating to our agenda, I think, is important. In this case, we were able to accommodate all Senators. I appreciate the work done by the distinguished Senator from Massachusetts in accommodating these needs. Again, I appreciate the effort of the majority leader.

Mr. DOLE. Mr. President, I, in turn, would like to thank Senator HELMS for his cooperation. I know he has been trying and trying to get the State Department bill passed. He is working in good faith. We expect that a managers' amendment will be agreed on shortly and that the Senate will pass a modified version of his legislation. I am pleased that the chairman has lifted his objection, and that we can pass a clean MEPFA, Middle East peace facilitation extension—at least in the Senate. I hope it can be taken up in the House.

FIRST SESSION OF THE 104TH CONGRESS—STATISTICS

Mr. DOLE. Mr. President, this may be of interest to all my colleagues. We thought they might be interested in a statistical comparison from January through October 31 of the first session of the previous four Congresses to this current first session of the 104th Congress. The comparison contains the number of session hours, rollcall votes conducted, and measures passed in the Senate.

In the first session of the 104th Congress, the Senate has already conducted 558 rollcall votes, as compared to the first session of the last four Congresses, as follows: 100th Congress, 362 rollcall votes; 101st Congress, 279 rollcall votes; 102d Congress, 241 rollcall votes, 103d Congress, 342 votes.

In this first session alone, the Senate conducted 119 rollcall votes just on the budget resolution and reconciliation bill, and we are not finished yet.

Actual session hours for the first session are 2 minutes' shy of 1,548 hours, as compared to the 100th Congress, 1,026 hours; 101st Congress, 861 hours; 102d Congress, 1,014 hours; 103d Congress, 1,091 hours.

The final statistic I will share with my colleagues is the number of measures passed in the Senate in the first session of the various Congresses. In this first session, the Senate passed 259 legislative measures, as compared to 477 in the 100th Congress; 452 in the 101st Congress; 476 in the 102d Congress; 356 in the 103d Congress.

Needless to say, this session has been historical in many ways, including the number of rollcall votes conducted in one day.

The good news is that we have not passed as many legislative measures as the previous four Congresses. However, in this Senator's opinion, we have passed more sweeping, fundamental reforms that will help bring this country back to financial soundness, putting the American people back in control of their own budgets, and getting big Government off the backs of the American people and our States and cities across the country.

I guess my one regret thus far—whether it is in this session or the next—is the failure to pass a balanced budget amendment. We failed by one vote. However, this Congress is far from over. Senators may yet get another opportunity to do what this Senator from Kansas believes is fundamental in controlling Government waste and spending—that is, passing a constitutional amendment calling for a balanced budget.

I think it is clear, if the time we have spent here and the number of rollcalls are any indication, that the Senate has worked very hard this year, and I commend all my colleagues on both sides of the aisle. I thought this might make rather interesting bedtime reading, if we ever get home in time.

SENIOR CITIZENS' FREEDOM TO WORK ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Madam President, I want to pay tribute to Senator MCCAIN. There is not a more fierce advocate of his position in this area. He has been that way since I have known him. I have been on the other side of the issue all that time, also. We have serious disagreement. But I have a deep respect and admiration for him. He has been of great assistance to me in dealing with the tough issues on the Veterans' Affairs Committee, like POW's/MIA's. No one speaks with more credibility and integrity than this man from Arizona. So I want that clearly on record.

As to Senator KERREY, let me share with my colleagues here that I hope you heard every word that Senator KERREY was saying, because every word that he was saying is absolutely true with regard to Social Security.

Ladies and gentlemen, we cannot continue to leave out of serious total discussion something that is $360 billion a year, and we are not touching it. You do not dare touch it. That is why this will pass. Do not worry about the 60 votes on a point of order. Do not worry about 70 or 80; it will pass by 90 to 10.

Then we will deal with it. We will "find the money." I hear that plea. I can understand that clearly.

This, however, in my mind, does not comport with the sense-of-the-Senate resolution which I voted for the other day, because it said if it can be done "without injuring the long-term solvency of Social Security or negatively impacting the deficit."

What this fundraising mechanism does is get the money short term, but in the long term it is absolutely devastating.

Now, this legislation, in my mind, does violate the Budget Act because it increases outlays in the Finance Committee area of jurisdiction during the 5-year budget windows of 1996 to 2000. I hope the Senate will sustain the point of order lying against it, but I know that will be a very remote possibility because I am sure the phone lines are jingling right now as to the fact that we are going to free up senior citizens to do what they need to do. We may well be doing that between these ages of 65 and 70, which has been apparently a very vigorous movement in America with regard to the earnings limit.

There is not a single person in this body that has been more dedicated to that issue in all my time of serving with him than the Senator from Arizona. I am sympathetic. The rest of the Senate is sympathetic. They will prove it in their votes. There is no question that Americans are living longer and are productive for a longer time. Our retirement policy should reflect that.

Let me caution my colleagues and the vapors of the day that it will pass in the Chamber as we vote this because I know how this game works. This is a $360 billion program, the biggest and largest of all handled by the Federal Government. Millions of Americans depend upon it. They should not, but they do. They never should have under the original Social Security law because it was never intended to be a pension. Regardless of what the senior groups may tell you, it is not a pension. It was an income supplement, very well put together, as the Senator from Nebraska has pointed out.

A majority of Americans who stand to retire some day—and almost all of us hope to and many of us in this line of work hope we get out before they throw us out—some day will be dependent upon it as a principal source of income. It is not right that it should be, but nevertheless it is.

It is very difficult to craft it now in these later years to be a principal source of income when it was never intended to be a principal source of income but only a supplemental source of income. That is all very well reflected.

I just want to review the bidding one more time as to what you put into this—as people complain vigorously about what they are getting out—and give some very critical comments about COLA's and why are the seniors being treated this way.

Let me put it in a very personal way. I am 64 years old. I have worked since I was 15. My first job was at the Cody Bakery in Cody, WY. I was the person who put that remarkable strawberry clear glop in the middle of the sweet roll. That was my job. You went tick, tick like that every morning. Somehow I have never eaten one of those again and never shall. That was my job.

Do you know what I put into Social Security that year? Five bucks—they really bit me that year, 1959. Worked at the B4 Ranch, did not put in a nickel. Off to college after high school, never put in a nickel. Never earned enough in the summer—there was an earnings limit—I never earned enough in the summer to contribute to Social Security. Went to the army. Never put in a nickel in those years. Got out. Went to finish law school. Started to practice law.

The first year I practiced law, I put in $59 that year. Then the old man put me to work and he kept the money. I remember how that worked in the partnership. I put a shingle up and it said "SIMPSON and Father," and he never got over that—instead of "SIMPSON and Son." But I had a dear, loving father and we worked together.

Then for all the years of my practice—I hope you will hear this—I never put in over $874 a year and neither did anyone else in America. Got it—874 bucks a year and self-employed, and no other person did either, because there was a cap. A person could make $100,000 a year and the cap was $12,000. A person could make $1 million and the cap was set at $12,000 or $8,900 or whatever it is, and you applied the percentage rate to that. I understand what Social Security is and what it was. So, earning the maximum, from the year 1959 until 1976, I never put in over $874 per year.

Then off to Washington: $1,200 a year, a real hit there, and then $1,500 a year, and then $2,000 a year and then $3,000 a year up in the late 1980's, and now I think I am up to 4,200 bucks a year.

Got it? If I retire at 65 I will receive $1,120 a month—got it? If I save my strength until the age of 70 and not take it until then, I will receive $1,540 a month. That is the way it is. That is Social Security. It cannot be sustained. There is no way it can be sustained.

When I was a freshman at the University of Wyoming, there were 16 people paying into this system and one person taking benefits; today there are three people paying into the system and one person taking benefits. In 20 years, there will be two people paying into the system, one taking benefits. Everybody in this Chamber knows that. Everybody who is a trustee of the Social Security Administration knows that.

So this continual ritual is played out that somehow we are doing something hideous to senior citizens. If you retired in 1960, you got all your money back in the first 2½ years, plus interest. Got it in 2½ years, every penny back.

In the 1970's, you got it all back in 3 years. Today, if you retired, you get it all back in 6½ years, plus interest.

That is where we are, a totally unsustainable system. Who is telling us that? The trustees. Are the trustees all Ronald Reagan Republicans or far-right legions? No. No, they are not. The trustees are Robert Rubin, Robert Reich, Donna Shalala, Shirley Chater—one Republican, one Democrat—telling us very simply, in the year 2013 there will not be sufficient revenue coming in under this pay-as-you-go plan, only sufficient revenue to pay the benefits right there. At that point, in 2012, you have no choice but to cash in the bonds. You take the IOU's and you cash them in.

If this passes, the interest rate is going to be .25 percent more. It will be good for the short term. It will take care of this for the short term. That is the Senator's intent. But if this is long-term solvency, it does not meet that test. It does not, because when cash-in time comes, you will pay more because the interest rate is higher and you pay more.

I just think we should be very, very careful about making Social Security policy or any policy which may increase outlays without sufficient offsets on the floor of the Senate. I hope my colleagues will see this legislation, as I say, does not follow the sense-of-the-Senate vote last week. I know this is the intention.

I attribute not a single ulterior motive to the Senator from Arizona. He is a believer. He says to me often, "Look, I will get a vote on that, regardless of where you are." And he will and he does. And that is his forte.

But, as chairman of the Social Security and Family Policy Subcommittee, we have not had a hearing on this. Win, lose, or draw, I will promise one on this. It makes no difference what happens here. I think we need to have a hearing on this to see that it comports with the long-term solvency of Social Security.

The measure before us acknowledges that increases in the earnings limit will itself worsen the solvency of Social Security, so the offsets are offered. First, of course, is the across-the-board cut in discretionary funding. I have now information—I want to submit it for the RECORD—I think it is very important that we have these figures, that this measure cannot be scored as producing the necessary savings. This is from Congressional Budget Office today.

This constitutes, thus, a violation of the Budget Act. This legislation, according to CBO, would add $9.9 billion to the budget deficit. That is a violation of the Budget Act.

I point out to my colleagues, even if this offset were to make up for the projected increases in the deficit, it would not resolve the question of solvency in the Social Security trust fund itself. I hope you hear that. That offset money is going to come from the general appropriated revenue. Thus, the balance sheet within Social Security would not be improved, and that is what we have to improve if we are to meet the sense-of-the-Senate recommendation. It would not be improved in any way.

Thus, I believe this offset would not meet the terms of that vote which we state we would only increase the earnings limit if—if—if the solvency of Social Security were not adversely affected.

And finally, another proposed offset—and here is the one—you do not have to listen to it, you do not have to do anything with it, pitch it, throw it over the side of the ship, but the other proposed offset is a devastating one. It increases the interest rates paid on obligations within the Social Security trust fund.

My understanding of this—and the Senator is here and can educate me—but my understanding of this measure is that it will provide a short-term infusion of capital. It will do that. I will agree to that. I will agree that that is the case. But over the long term and the long run, it would mean higher costs, higher outlays as the Social Security trust fund is drawn down. In fact, this legislation goes so far as to increase the interest paid, if I read it—and I need to know this—to increase the interest rate paid on such bonds that have already been issued, effectively reissuing them at higher rates of return, with potentially severe consequences for the long-term solvency of the trust fund.

I am told that the increase in interest rates would bring the overall long-term costs up toward—and, in some cases, even beyond—the so-called high-cost scenario which is used by the trustees of the Social Security system to measure the long-term solvency of Social Security. They tell us where the high-cost scenario is, the low-cost, the mid-cost.

In other words, then, such a measure would move the crash date for Social Security closer in time than it is under current policy. And remember where the crash date is today? It is 2029, crash date. Where was it in the early 1980's, after Senator MOYNIHAN and many others of our fine colleagues righted that listing program? It was 2063. Now it is 2029. In another year, I suppose they will move it up to 2025. Then crater day will be 2020.

So I have also asked the Social Security actuaries to review the consequences of the legislation and I expect to have that from them shortly. My mind is not closed on the subject. I will work with this fine friend and Senator, as chairman of the Social Security and Family Policy Subcommittee; be pleased to have the Senator as a witness, hold hearings. He has been a leader. I know he will continue to be, and indeed he will.

But in the present moment I do not believe that in any sense we should go forward. I think the Senate should sustain the budget point of order lying against this legislation. This is far too serious an issue to be dealt with in this way on the floor of the Senate. I hope the Senate will not take an action which could conceivably worsen the long-term outlook—I am talking about the long-term outlook for Social Security, or which will cause an increase in the outlays permitted to the Finance Committee under the terms of the Budget Act.

Madam President, I ask unanimous consent a letter dated today from June E. O'Neill of the Congressional Budget Office, citing the figures and where we are with regard to this additional $9.9 billion, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 2, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to a request from your staff, the Congressional Budget Office (CBO) has prepared the attached cost estimate for S. 1372, the Senior Citizens' Freedom to Work Act. The estimate is based on the bill as introduced, with modifications that the sponsors expect to make prior to action on the Senator floor.

If you wish further details, we will be pleased to provide them. The CBO staff contacts are Wayne Boyington (Social Security), and Jeff Holland (interest on the public debt).

Sincerely,

JUNE E. O'NEILL,
Director.

Attachment.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1372.

2. Bill title: Senior Citizens' Freedom to Work Act.

3. Bill status: As introduced on October 31, 1995, with modifications that the sponsors expect to make prior to action on the Senate floor.

4. Bill purpose: As modified, S. 1372 would increase the exempt earnings amount for Social Security beneficiaries aged 65–69 in stages to reach $30,000 in 2002, change the interest rate paid on Treasury securities held in the old-age survivors insurance trust fund, and establish sequestration procedures to reduce discretionary spending.

5. Estimated cost to the Federal Government: S. 1372 would provide ad hoc increases in the exempt earnings limit for Social Security recipients who have reached the normal retirement age such that, by 2002, the exempt amount would be $30,000. Additional Social Security benefit payments would total $392 million in 1996 and $9.9 billion over the 1996–2002 period. The bill would attempt to compensate the old-age and survivors insurance (OASI) trust fund by increasing the interest payments made by the Treasury to the trust fund. Consequently, the bill is estimated to increase the off-budget surplus marginally and increase the on-budget deficit by $11.7 billion over the next seven years.

BUDGETARY IMPACT OF S. 1372 AS AMENDED

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Direct Spending							
Off-budget:							
Benefit payments:							
Estimated budget authority	392	920	1,241	1,490	1,753	1,988	2,138
Estimated outlays	392	920	1,241	1,490	1,753	1,988	2,138
Receipt of interest payments:							
Estimated budget authority	−908	−1,327	−1,498	−1,685	−1,882	−2,092	−2,318
Estimated outlays	−908	−1,327	−1,498	−1,685	−1,882	−2,092	−2,318
Net off-budget effects:							
Estimated budget authority	−516	−407	−257	−195	−129	−104	−180
Estimated outlays	−516	−407	−257	−195	−129	−104	−180
On-budget:							
Interest payments:							
Estimated budget authority	908	1,327	1,498	1,685	1,882	2,092	2,318
Estimated outlays	908	1,327	1,498	1,685	1,882	2,092	2,318
Total budget:							
Estimated budget authority	392	920	1,241	1,490	1,753	1,988	2,138
Estimated outlays	392	920	1,241	1,490	1,753	1,988	2,138
Authorizations of Appropriations							
On-budget:							
GAO report:							
Estimated authorizations of appropriations	(1)	(1)	0	0	0	0	0

BUDGETARY IMPACT OF S. 1372 AS AMENDED—Continued

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Estimated outlays	(¹)	(¹)	0	0	0	0	0

[85] Less than $500,000.

6. Basis of estimate:

DIRECT SPENDING

Off-budget.—Under current law, Social Security recipients aged 65–69 can earn up to $11,640 in wages during 1996 before facing a reduction in benefits. The exempt amount is increased each year to reflect the growth in average wages in the economy. S. 1372 would increase the exempt amount faster than under current law during the 1996–2002 period. The exempt amount would be increased to $14,500 in 1996 and to $17,500 in 1997. The exempt amount would increase by $2,500 annually for the next five years and reach $30,000 by 2002. Indexing would resume in 2003. The changes would not apply to blind recipients, who currently face the same earnings limit as beneficiaries aged 65–69, nor would Social Security recipients under age 65 be affected.

S. 1372 would raise the interest rates paid on the assets of the OASI trust fund and would increase interest payments to the fund by $908 million in 1996 and $11.7 billion over the 1996–2002 period. These interest payments would be reflected in the off-budget accounts as receipts or negative outlays.

These two changes would increase the off-budget surplus by $516 million in 1996 and by $1.8 billion over the seven-year period.

On-budget.—The additional interest payments made by the Treasury would contribute on-budget direct spending equal to the amount of off-budget interest receipts. Thus, the on-budget deficit is increased by $908 million in 1996 and by $11.7 billion over the 1996–2002 period.

DISCRETIONARY SPENDING

S. 1372 would establish a process by which discretionary spending would be reduced in amounts equal to the additional Social Security benefit payments. Changes in outlays from future appropriations, however, are specifically excluded from the pay-as-you-go procedures of the Balanced Budget Act.

In addition, the bill requires the General Accounting Office to complete a report assessing the effects the increase in the exempt earnings limit has on the economy.

REVENUES

Increasing the amount of money that a Social Security beneficiary may earn without having his or her benefit reduced would increase benefits for some elderly people who are currently working and have their benefits partly or entirely withheld. Although the proposal would encourage additional paid work by some elderly people, such an increase in work would have a negligible effect on the amount of Social Security benefit payments. Because the cost estimate incorporates the economic assumptions in the budget resolution, the estimate does not reflect any change in economywide employment, compensation, or income and payroll tax collections. Even if those additional revenues were included in the cost estimate, however, they would offset less than 20 percent of the additional benefit payments, according to the Social Security Administration.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The pay-as-you-go effects of the bill are as follows:

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	908	1,327	1,498
Change in receipts	(¹)	(¹)	(¹)

[1] Not applicable.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Wayne Boyington (Social Security), and Jeff Holland (Interest on the public debt).

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. SIMPSON. Madam President, I then respectfully render a point of order under section 302(f) of the Budget Act, and state that in formal fashion. Madam President, the pending measure increases outlays in 1996 and over the 5-year period 1996 to 2000 in excess of the Finance Committee's allocation for these time periods. I therefore raise a point of order under section 302(f) of the Budget Act against this measure.

I thank the Chair.

The **PRESIDING OFFICER.** The Senator from Arizona.

Mr. McCAIN. Madam President, in a minute I will seek to waive the budget point of order and would ask for the yeas and nays on that at the time.

I also ask unanimous consent we would have a vote on that, and that vote take place followed by a return to the Rockefeller pending sense-of-the-Senate amendment.

So I guess my parliamentary request is, I request unanimous consent to temporarily set aside the Rockefeller amendment.

The **PRESIDING OFFICER.** It does not require setting aside. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Madam President, on this issue I have, of course, the greatest respect and affection for the Senator from Wyoming. I deeply regret it is a Member of my party who is seeking to overturn what is clearly in the Contract With America, a mandate and promise that we made to the American people in 1994.

On the subject of hearings, the Senator from Wyoming wants to have a hearing. While he is sitting there maybe he wants to read the hearing that took place on March 1, 1995, and the hearing that took place on May 24, 1994, last year and the six other hearings that took place on this amendment and the seven or eight times I brought up this issue for debate and discussion on the floor of the Senate. So I am a little bit puzzled when the Senator from Wyoming says we have not had a hearing on it, when on March 1, 1995, I see numerous comments on the issue by the Senator from Wyoming.

I wonder, maybe I would ask him a question, if he remembers being at the hearing in March 1, 1995, and at the hearing on May 24, 1994?

So we have had hearings on this issue. The issue is clear. It is not complicated. Are we or are we not going to lift the earnings test on working Americans? The Senator from Wyoming makes a very compelling case that the Social Security system is in trouble. Then what would be a better cure, what would be a better cure, I ask the Senator from Wyoming, than to allow people to work and help try to return the Social Security system back to the supplemental income it was originally intended to be, because right now there is no incentive for them to be working?

Madam President, the CBO will certify that there will be actually more money in the trust fund as a result of this. I appreciate the problem of the Senator from Wyoming with this money. I asked the Senator from Wyoming, as a member of the Finance Committee, how come it was that on Thursday and Friday of last week somehow they found $13 billion? They just found it because we had a problem. I do not know how they found it. Perhaps the Senator from Wyoming can tell me.

But now what we have is a proposal, which in the short term may cost some money, but the Senator from Wyoming cannot find a single expert—a single expert—who will not say that once this earnings test is lifted, there will be more revenues into the coffers in the form of taxes because more people will work.

The Senator from Wyoming knows that as well as I do because he was present at these hearings.

The fact is, if we adopted this, the interest paid on the Social Security fund would be increased by 2.25 percent each year for the next 7 years. But, also, this bill mandates that the GAO and the Comptroller General analyze the actual effect on the Treasury of raising this earnings test limit, and we know what the result will be.

We know what the result will be. The result will be that the Social Security trust fund that the Senator from Wyoming is deeply concerned about—and I share his concern—will be healthier as a result of lifting the earnings test. Everybody knows what the difference between static and dynamic budgeting is. Everybody knows that. If everybody believed in that, we would never cut the capital gains tax. We would never cut it if you believe in static scoring of taxation around here. But also everybody knows that, if you cut the capital gains tax, as we did the time seriously under President Kennedy, we increase revenues into our coffers.

As the Senator from Wyoming said, I have been working on this issue for a long time. But so have our colleagues in the House. They passed this bill three times. That is why they asked us to come over here. They want us to fulfill the Contract With America. They want us to fulfill the promise that we made to them in the election in 1994. Right there in the Contract With America was lift the earnings test.

I understand that the Senator from Wyoming did not sign the Contract With America. But I did. So did a lot of other Republicans, and the taxpayers of this country believe that we all did. That is why I am disturbed that the Senator from Wyoming would be the one to oppose this budget point of order.

Madam President, I ask to waive the budget point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Will the Senator from Arizona restate the point of order, and was he seeking to waive?

Mr. MCCAIN. I believe that the Senator from Wyoming made the point of order.

Mr. SIMPSON. I made the formal point of order, Madam President.

Mr. MCCAIN. The Senator from Wyoming made the point of order.

Madam President, I move to waive the point of order, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there is sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Madam President, as a matter of procedure, I believe that point of order that I made was nondebatable but I was willing to go forward.

I ask unanimous consent that I be allowed 3 minutes to reply to the Senator from Arizona.

The PRESIDING OFFICER. The Chair informs the Senator the motion to waive is debatable.

Mr. SIMPSON. I am talking about the point of order. The point of order which I made is nondebatable, if I am not mistaken.

The PRESIDING OFFICER. Once a motion to waive is made, it is in order to debate it.

Mr. SIMPSON. At that time, let the record show that it was not debatable. And I knew that, and I was willing to let my friend go forward. But let me just respond here.

Of course, we are not into ridiculous questions to shoot back and forth at each other. Ridiculous or sarcastic questions serve no purpose here.

I was there. So was the Senator from Arizona. And I can tell you not once did we ever discuss the long-term effects of Social Security on raising the interest rates on securities obligated to the trust fund, or to go back and reissue new interest rates on those. That I can tell you never happened. So let us get that very clear.

We are not here to box each other around and whack on ourselves. We are here to try to get some reason on a very emotional issue which has a tremendous impact on Social Security. If anybody believes that by fiddling with the interest rates on the obligations of Social Security to get a short-term result to get something that someone is pledged to get, then I want to know where the rest of them are going to be too when we do another part of the Contract With America which is to not back, to expose only 50 percent of Social Security benefits to tax instead of 85 percent, and we will do that too. These are bills that nobody will vote against. That is part of the reason they come up. You do not dare vote against this. But I cannot wait for that vote because you know where the money is going to come from when we expose only 50 percent of this money, this benefit to tax instead of 85 percent. It comes from part A, the health insurance trust fund. I hope everybody is ready for that one. That will be contract day at the old ranch.

So, I was there. I remember what we did. I am fully aware that we had hearings. I am fully aware of what they were about. And I am fully aware of what this one is about. It was not anything that we talked about or had a single word about in a hearing, especially with regard to the interest rate on the bonds. We need to ensure that we do not in doing this take actions that injure the long-term solvency of the U.S. Social Security system, and increasing these interest rates could have consequences of which we have no ability to determine. And we have not had hearings on that issue; period.

I have only chaired this subcommittee for several months. If all these things took place before, more power to them. I will get back and rattle around in them too. We will all look at them once again. We cannot change too much, and then we will go ahead and pass it.

And then people between 18 and 45, when they are my age, will look around and blink like a frog in a hailstorm, and they will deserve everything they get.

The PRESIDING OFFICER. The question is on the motion to waive.

Mr. MCCAIN. Madam President, I want to say to the Senator from Wyoming his point is well made. I apologize for saying that issue was a particular part of this issue, as far as the long-term bonds are concerned, that was brought up. It was not brought up, and he is entirely correct. And I apologize for insinuating that aspect of this legislation had been discussed in the past.

The point is that this entire issue is very well known. And the point is that the Senator from Wyoming knows, as well as I do, that witness after witness testified that, if we lift the earnings test, it will result in a net increase in the Social Security trust fund because seniors will work, and seniors will pay more taxes. That is why we have in this bill that in 2 years the GAO and the Comptroller General must report as to the actual effects of lifting the earnings test, which, as I say to any outside observer, will be an increase in funding.

So, if I intimated to the Senator from Wyoming that we had hearings on the actual aspect of the funding, I apologize, and I understand how strongly he feels about the Social Security issue. We share that combative spirit, and I hope that once this amendment is passed that we can work together in the future to solve the larger problem which the Senator from Wyoming articulates in a far more enlightening fashion than anyone I know; and, that is, the problems that face Social Security in general. And our obligation is not only to represent generations of retirees but future generations of Americans.

Mr. SIMPSON. Madam President, I deeply appreciate those comments of my friend, and they are sincere. I take them that way. I am just glad to set that record straight. The Senator from Arizona and I almost have a signal on this issue. We will sit across the room and suddenly someone will mention something, and we just kind of go into a rigor and a catatonic state. Then we usually meet, he looking this way, and me looking this way. And I have found in life a very interesting thing; that oftentimes I see something in someone else that might irritate me. And it is most always something I do myself, that I do not handle very well in my own daily doings. With John MCCAIN of Arizona, I will just say it takes one to know one. And we do. I commend my friend, and he is going to get a nice vote here. And he is going to be tickled to death. There you are.

Thank you, Madam President.

Mr. MCCAIN. Madam President, I thank my friend from Wyoming. He adds to this body in more ways than I am able to describe, especially not the least of which was his brief recitation of his history of his various forms of employment.

I yield the floor, Madam President.

Mr. LEVIN. Mr. President, I support raising the Social Security earnings limit to allow Social Security beneficiaries now subject to the limit to earn more income. However, I cannot support the motion to waive the budget point of order on the legislation before the Senate today. Raising the earnings limit will draw increased payments out of the Social Security trust fund. Any measure to raise the earnings limit must pay for that change. The legislation before us does not adequately assure that this will be paid for in a manner which will not increase the Federal deficit or in a manner which avoids further cuts in critical education and health programs, including programs for seniors. I am hopeful that a better manner of paying for this change will be designed and that we will raise the Social Security earnings limit. This one falls short.

The PRESIDING OFFICER. The question is on the motion by the Senator from Arizona to waive the point of order. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. LUGAR], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that if present and voting, the Senator from South Carolina [Mr. THURMOND], would vote "yea."

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 53, nays 42, as follows:

[Rollcall Vote No. 562 Leg.]

YEAS—53

Abraham
Ashcroft
Baucus
Bennett
Biden
Brown
Bryan
Burns
Coats
Coverdell
Craig
D'Amato
DeWine
Dole
Faircloth
Ford
Frist
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kempthorne
Kerry
Kyl
Lott
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Pressler
Reid
Roth
Santorum
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Warner

NAYS—42

Akaka
Bingaman
Bond
Boxer
Breaux
Bumpers
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Daschle
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Glenn
Gorton
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simpson
Wellstone

NOT VOTING—4

Bradley
Hatfield
Lugar
Thurmond

The PRESIDING OFFICER (Mr. SANTORUM). On this vote, the ayes are 53, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is well taken, and the bill is committed to the Finance Committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, the Senate has spoken at this time. I want the Senate to know that this is an important issue for seniors of America. They are tired of this onerous, unfair, and outrageous tax.

I am sorry my friends across the aisle did not vote for it. They are going to have a chance to vote for it next week, the week after and the week after, and seniors will let their views be known, and others across America, as to how outrageous this vote was. I hope they understand that I am not going to quit on this issue until it is done, because the seniors of America deserve it.

I yield the floor.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

POSITION ON VOTE

• Mr. THURMOND. Mr. President, I was necessarily absent from the Senate today, Thursday, November 2, 1995. During my service in the Senate, I have always taken my duty to represent the people of South Carolina seriously and have been absent from Senate business only when necessary.

With regard to the vote on the motion to waive the Budget Act on S. 1372, the Senior Citizens Freedom to Work Act, I am a strong supporter of increasing the earnings test and would have voted in favor of waiving the Budget Act.•

Mr. ROCKEFELLER. Mr. President, I understand and appreciate the concerns of senior citizens about the Social Security earnings limit.

In the past, I have supported increasing the earnings limit for seniors who need to work, but it must be paid for responsibly. Today's proposal raised some questions for me. I was troubled by the effort to further cut domestic discretionary programs.

While cutting domestic discretionary programs sounds simple, cuts of $9 billion could hurt West Virginia families and even seniors. Many of these programs that would be reduced under this proposal have already been cut severely. Plus the list includes fundamental programs for seniors themselves, like senior nutrition programs and the Low-Income Energy Assistance Program which helps seniors in West Virginia and other northern regions keep the heat on during the winter months. Cutting these programs could easily hurt the seniors that we say we intend to help by raising the earnings limit.

Also, as Senator SIMPSON mentioned in his remarks, it is also difficult to determine what the effect might be of changing interest payments to the Social Security trust fund. Senator McCAIN acknowledged that this aspect of his legislation has not been fully studied, nor was it the focus during previous hearings on the overall issue. When it comes to the long-term solvency of the Social Security trust funds, I firmly believe we must be thoughtful and cautious. Seniors depend upon Social Security, and I want to ensure that they can continue to do so for generations.

I voted for the point of order against Senator McCAIN's legislation because I believe that we must be cautious, consistent, and careful whenever we deal with the Social Security trust fund. Each and every aspect of this proposal should be fully considered by the Senate Finance Committee. We should not rush to judgment. We should not bend the budget rules when it comes to Social Security.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me first say I hope the Senator from Arizona will not be discouraged.

I know a few votes would have made a difference, and I think if we can find another way to pay for it, that will pick up additional votes, at least on this side, perhaps on the other side.

I want to make one announcement and a statement.

PARTIAL-BIRTH ABORTIONS

Mr. DOLE. Mr. President, I wish to commend the House of Representatives, which yesterday passed a ban on the use of partial birth abortions by a margin of 288 to 139.

There are many issues which divide reasonable people on both sides of the abortion debate. But use of this procedure, which occurs late in the pregnancy—even in the ninth month—is horrifying to contemplate and completely indefensible.

I believe that people of good will, whatever their views on abortion generally, will agree that it is our obligation to act to defend the defenseless in circumstances where we can. This is one of those circumstances.

Mr. President, earlier this year, Senator SMITH introduced a similar ban on the use of partial birth abortions. It was placed on the Senate calendar under rule XIV. It is my intention to schedule the House-passed bill for floor consideration at the earliest possible opportunity. I trust the Senate will pass the bill quickly and send it to the President for his signature.

I have little doubt that certainly the President will sign a bill to end this kind of procedure, this kind of practice.

Mr. BYRD. Mr. President, may we have order in the Senate so we can hear what the majority leader is saying? There are too many conversations going on.

The PRESIDING OFFICER. The Senator is correct. The Senate will please come to order. The majority leader.

Mr. DOLE. Mr. President, we can no longer ignore the fact that teenagers across America are now resorting to illegal drugs in ever-increasing numbers.

The most recent national household survey reveals that marijuana use among teenagers has nearly doubled since 1992, after 13 years of decline. It also reveals that attitudes toward illegal drug use are softening; fewer and fewer teenagers now believe that using illegal drugs is an activity that should be avoided.

Earlier today, the National Parents' Resource Institute for Drug Education [PRIDE], released its own annual survey of drug use by junior and senior high school students. According to the survey, not only are more and more high school students smoking marijuana, they are using it more frequently: one-third of high schools seniors smoked marijuana in the past year and more than 20 percent now smoke it on a monthly basis. The survey also shows that teenage use of hard drugs—cocaine and hallucinogens—is also on the rise. Since 1991, there has been a 36-percent increase in cocaine use by students in grades 9 through 12 and use of hallucinogens has risen a staggering 75 percent since 1988.

Tomorrow, we will probably hear some more disturbing news. If preliminary reports are correct, the Dawn Survey, conducted by the Department of Health and Human Services, will show that emergency room admissions for drug overdoses are on the increase.

Although then-Governor Clinton boasted during the 1992 Democratic Convention that President Bush "hasn't fought a real war on crime and drugs * * * [and] I will," his record in office has not matched his campaign rhetoric. Through neglect and mismanagement, bad policy and misplaced priorities, the Clinton administration has transformed the war on drugs into a full-scale retreat.

Drug interdiction is down. Drug prosecutions are down. The General Accounting Office tells us that the antidrug effort in the source countries is badly mismanaged. And, perhaps most importantly, the moral bully pulpit has been abandoned.

Regrettably, the administration's most prominent voice on this issue has been a surgeon general who believes the best way to fight illegal drugs is to legalize them.

Obviously, we cannot continue down this path. Failing to control illegal drug use has real-life consequences that affect not only the user but the rest of society. Drugs and violent crime, for example, are inextricably linked. Forty-one percent of all reported AIDS cases are drug-related. Drugs are a major contributor to child abuse. And past studies show that heavy drug-users are twice as likely to be high school drop-outs than those who do not use drugs.

So, Mr. President, we must ask ourselves: What can we do to jump-start the fight against drugs?

For starters, we must restore the stigma associated with illegal drug use. Those of us in positions of authority—whether it is parents or teachers, religious leaders or those who hold elective office—must be willing to repeat over and over again the simple message that using drugs is wrong and that drugs can and do kill.

This message has worked before. It was called the Just Say No campaign. Illegal drug use declined dramatically throughout the 1980's and early 1990's in large part because our culture stigmatized drugs and shamed those who used them. This message got through to millions of teenagers and saved thousands of lives in the process.

Perhaps one of the best kept secrets is that, between 1980 and 1992, overall drug use declined by 50 percent. Cocaine use dropped even further—by more than 70 percent. These successes were the result of many factors, but perhaps the most important factor was the steady antidrug message that came out of Washington and through the media.

As Jim Burke, chairman of the Partnership for Drug-Free America, has explained: "Looking back at the progress made in changing attitudes in the 80's, it is very clear that the media played a very important role in shaping children's antidrug attitudes. We need them now to again increase their role in that regard." I agree.

So, Mr. President, I rise today to do my own part, to help raise public awareness about the disturbing increases in teenage drug use. We must say "enough is enough." Our children must understand that using drugs is not only stupid but life-threatening. This is a message that can never be repeated too often.

LEGISLATION ON LATE-TERM ABORTIONS

Mrs. BOXER. Mr. President, I want to follow up on the remarks of the majority leader in which he stated that next week we will be taking up the ban on late-term abortions. The point I want to make, because he referred to President Clinton, is in a press release that was sent out by the White House. It is true that the House did vote yesterday to ban late-term abortions. Unfortunately, they did not allow any amendments to the bill. And the bill makes no exceptions for life of the mother, for serious health risks to the mother, or for cases of severe fetal abnormalities, such cases where there is such serious abnormalities that organs are outside of the body.

The House did not want to have any reasonable amendments on that bill. It is a very radical bill, and the President restated his long-held belief that though he does not want to see abortions, he wants them to be legal and rare. But the fact is, in a late-term abortion, you must consider the life and the health of the mother.

I feel it is very important that when this bill comes to the U.S. Senate, we have an opportunity to know what we are doing. For the first time, the House has made abortion a criminal act. They would put a doctor in jail, even if the doctor acted to save the life of a woman. Now, surely, we need to study that.

Surely, we should have some hearings in our Judiciary Committee, where we can bring forward the doctors, where we can bring forward the women who have gone through this hellish experience. The House makes up a whole new term for these kinds of abortions. It is not a scientific term. They made it up. I, for one, was not elected to be a doctor. I have great respect for doctors. Many doctors oppose what the House did. I certainly was not elected to be God. I do not know how Senators feel, but, for a moment, I would like them to think about if their loving wife came home to them and said: We have a horrific situation. If I carry this pregnancy to term, I am going to die. I really think there are colleagues on the floor here that never think about this in personal terms.

In the House, they did not allow people to vote a moderate approach to this issue. I think that is a grave injustice to women in this country, to families in this country, to doctors in this country, to common sense in this country. Frankly, it was a grave injustice to the Members of the House, who had no opportunity to vote a moderate vote.

Life of the mother. Oh, they say in that bill a doctor could use it as a defense. He could go in front of a jury and beg for forgiveness and say, "I did it to preserve or protect the life of the mother." But, my goodness, what are we doing here? Why are we so radical when we could craft a bill that would be sensible? I think it is all about ideology, about contracts with America; it is not about real people.

I say to my friends in the U.S. Senate, if your wife came home to you and you were facing losing her, you would say to that doctor, "Save my loving wife." You would not want that doctor to be hauled off to jail.

I hope this Senate can take a more moderate course. I will stand here and fight for that moderate course for as long as it takes, because I think this is a very important issue to real people.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that now there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE RECONCILIATION BILL

Mr. KENNEDY. Mr. President, in the reconciliation bill, the Republicans have extended an open hand to powerful special interests and the back of their hand to the American people. Senior citizens, students, children, and working families will suffer so that the privileged can profit.

Republicans are engaged in an unseemly scheme to hide what they are doing from the American people. Their proposals are too harsh and too extreme. They cannot stand the light of day—and they know it.

The fundamental injustice of the Republican plan is plain. Mr. President, $270 billion in Medicare cuts that hurt senior citizens are being used to pay for $245 billion in tax cuts that help the wealthiest individuals and corporations in America.

The Republican bills are also loaded with sweetheart deals for special interests, whose money and clout are being used behind closed doors to subvert the public interest and obtain special favors. The sections of the legislation dealing with health care are packed with payola for the powerful.

The dishonor roll of those who will benefit from the giveaways in this Republican plan reads like a "Who's Who" of special interests in the health care industry.

The pharmaceutical industry—the most profitable industry in America—benefits lavishly from the Republican program. The House bill repeals the requirement that the pharmaceutical industry must give discounts to Medicaid nursing home patients and to public hospitals and other institutions serving the poor. The total cost to the taxpayers from these giveaways is $1.2 billion a year—close to $10 billion over the life of the legislation.

The Democrats in the Finance Committee forced the elimination of this giveaway in the Senate bill, and the amendment, which I intend to offer as instructions to the conference, is designed to ensure that it is not included in the conference report.

The American Medical Association also receives lavish benefits in the Republican bill in return for its support of these excessive cuts in Medicare. The weakening of the physicians antifraud and physicians conflict-of-interest rules in the Republican program has been estimated by the Congressional Budget Office to cost taxpayers $1.5 billion over the next 7 years.

Even more harmful to the Medicare patients is the elimination of restrictions on billing, so that doctors will be able to charge more than Medicare will pay, and collect the difference from senior citizens.

Under current law, such billing is prohibited for Medicare patients enrolling in private HMOs or competitive medical plans—the only private plans currently allowed to contract to provide Medicare benefits. The Republican Senate bill eliminates this prohibition for HMOs, and for every private plan. When the plan is fully implemented, senior citizens could pay as much as $5 billion more for medical care a year as a result of the elimination of these protections.

We had this as an amendment during the time of reconciliation. We received some assurance that the billing provisions had been addressed, the double-billing provisions would be addressed, then under review of the language of the reconciliation we find that no place in those over-1,000 pages could you find the kinds of protections that exist there under the Social Security Act.

Our amendment directs the conferees to restore the limits on such billing and maintain strong protections against fraud and abuse.

Another extreme provision of the House bill is its elimination of all the Federal nursing home standards, a payoff to unscrupulous nursing home operators who seek to profit from the misery of senior citizens and the disabled.

The Senate amendment adopted last Friday pretends to restore nursing home standards to the Senate bill but, in fact, it leaves a loophole wide enough to permit continued abuse of tens of thousands of patients.

It allows State waivers that could weaken Federal standards and avoid Federal oversight and enforcement. Weakening current Federal standards is a giveaway to unscrupulous nursing home operators. This amendment instructs the conferees to maintain the current strict standards.

One of the cruel aspects of the Republican proposal is its failure to protect nursing home patients and their relatives from financial abuse.

Mr. REID. Would the Senator yield for a question?

Mr. KENNEDY. Sure.

Mr. REID. Would my friend——

The PRESIDING OFFICER. The time is expired.

Mr. REID. I ask unanimous consent that I be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. And I extend my time to the Senator from Massachusetts.

How would it work around the country if we had 50 different sets of standards, I say to the Senator from Massachusetts, for how you would manage the standards set for rest homes?

Mr. KENNEDY. The Senator has put his finger on something which is basic to the Republican proposal because you would have 50 different standards for nursing homes in the 50 different States, as you probably would with regard to children and children's coverage, as well as the disabled in various States.

Rather than having a national commitment to our seniors that is implicit in the Medicare concept, Medicare is basically an understanding that as seniors get older their incomes go down and their health needs go up. That happens to seniors all over this country. Medicare recognizes that. What we are doing with the nursing home standards is carving out an area where the Republicans fail to give current protections to those senior citizens, but instead, gives protections to the nursing homes—they will be protected.

For example, in my State of Massachusetts it costs $39,000 for nursing home care. If a senior qualifies for Medicaid—which effectively means they have no real further assets other than perhaps a very marginal protection for the spouse which was addressed under a different provision—and that individual is in a nursing home, the Medicaid payment is a payment in full.

Effectively under the Republican program, States may provide only about two-thirds of the Medicaid money to nursing homes. The Republicans are cutting $180 billion out of Medicaid. We now spend $90 billion a year on Medicaid. They are cutting $180 billion out of the program, which is the equivalent of 2 years of the 7, giving that much less money to the States.

In my State I can understand the State saying we can only pay, instead of the $39,000, maybe $25,000. What this legislation will say is, all right, the nursing home can try to sue that family for additional money—not just the $39,000 but maybe $42,000 or $45,000—and at the same time, the Republicans refuse to put in place the nursing home standards. The kind of standards which were developed in order to address the kinds of abuses that were so evidenced in the hearings which our good friend from Arkansas, Senator PRYOR, and others were involved in, in a bipartisan way, in 1987.

Mr. REID. I ask one additional question of my friend.

Is the Senator aware that in 1980, just a few years ago, 40 percent of the people who were in convalescent homes were restrained—that is, strapped down with some type of narcotic, or they could not move; is the Senator aware of that?

Mr. KENNEDY. I am aware that it was a practice that was used far more often than was necessary. Both the physical restraints and also the sedation, as well as the failure of adequate personal hygiene care for seniors.

Mr. REID. Is the Senator aware since the national standards were established, that figure has dropped dramatically?

Mr. KENNEDY. That is my understanding.

The indications are that since the enactment of the 1987 standards, the overall health evaluation of seniors—basically we are talking about parents and grandparents—in nursing homes has substantially—substantially—improved.

That has been referenced during the course of this debate. It has never really been challenged.

I think not only have the improvements been affirmed by various studies, but one thing that you cannot evaluate in terms of dollars and cents is relieving the families of the anxiety and the concern that they have for their parents. When they visit and see how, in many instances, the parents were treated prior to the 1987 provisions it gave them anxieties. At the same time they had those anxieties they were out working, trying to provide for their children all the time while also worried about their parents.

They had some relief from that type of anxiety as a result of those standards, and under the Republican bill those standards have been altered or changed.

Mr. REID. Mr. President, I ask unanimous consent because of my interruption that the Senator from Massachusetts be allowed to finish his statement.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. KENNEDY. I ask unanimous consent for 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Republican bill also wipes out the protections that have been in Medicaid since 1965 that prevent States from forcing adult children to pay the cost of their parents' nursing home bill.

The Republican bill even lets States put liens on the houses of nursing home patients, even if the spouse or children are still living there. Obviously, Republican family values stop at the nursing home door.

The amendment instruction which I will offer with others will eliminate these indefensible proposals from the bill.

What a travesty it is for the Republicans to call this a reconciliation bill. The only reconciliation involved is between the Republican majority and their special interest lobbyist friends for whom this bill has become one large feeding trough.

Who knows what additional giveaways will be cooked up behind the closed doors of the conference committee? Adoption of the sense of the Senate which I will propose at the appropriate time is a needed step to expose those sweetheart deals and eliminate them from the bill. I will urge the Senate to adopt it. I wish we had the opportunity to debate this over the course of the week, but we have effectively been denied that opportunity.

Mr. President, finally, last week, when I raised the issue of balance billing on the Senate floor, the chairman of the Budget Committee contended that the Senate finance bill preserved this protection in Medicare.

Let me cite the facts. Section 1876 of the Social Security Act clearly prohibits physicians who are part of HMOs or competitive medical plan networks from making any additional charge to enrollees of that organization. This is in the first part of an instruction I will offer.

It further prohibits charges beyond what Medicare would normally allow even for services provided by physicians not part of the network.

What does the Republican bill do? First, it establishes a whole new category of private plans that can contract with Medicare, the Medicare Choice plans. The limitations in section 1876 do not apply to these new plans. Then it repeals section 1876 effective January 1, 1997, so the existing limitations do not apply to HMOs currently contracting with Medicare.

You can read all 65 pages of the subtitle of the bill establishing Medicare Choice. In fact, you can read all 2,000 pages of the Senate bill, and you will not find the applications that are there in section 1876(j).

You will not find them because they are not there. In fact, just to make the intentions of the authors of this program crystal clear, section 189fC(d)(2)(B) of the new Medicare Choice program requires that enrollees be notified of their "liability for payment amounts billed in excess of the plan's fee schedule."

The Republicans trumpeted their achievement when they passed this bill, but they seem reluctant to go to conference. Do they want to divert public attention from the contents of the bill? What do they want to hide? I can understand their concern. There is much to be ashamed of in it and nothing to be proud of. It is a cruel and unfair bill, it hurts families, senior citizens, and helps only the wealthy and the powerful.

I hope we will have an opportunity to debate this sense of the Senate at an appropriate time so the Senate itself can make a judgment as to whether to endorse and support this sense of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

THE RECONCILIATION BILL

Mr. WELLSTONE. Mr. President, first of all, let me just join with the Senator from Massachusetts, and I am sure the Senator from Arkansas. We are ready for the debate. We have some amendments with some instructions to conferees. I do not really understand what the majority party is afraid of. I think we ought to have the debate now.

The more I analyze what happened with this reconciliation bill, the more I begin to think about the importance of reform and making this a political process that is responsive to people in the country. I do not mean just the people who are the heavy hitters and the players and the big givers.

It is pretty amazing. The pharmaceutical companies come out great, the doctors come out great—though I want to make it clear there are many doctors in my State, I am very proud to say, who do not go along at all with these draconian cuts in health care. They know the pain it is going to inflict across a broad segment of our population in Minnesota.

But at the same time as we have some special interests that come out of this just doing great, we have a whole lot of people that get hurt. I just want to focus on one other part of this amendment, the language that will read that provisions providing greater or lesser Medicaid spending in States based upon the votes needed for the passage of legislation rather than the needs of the people of those States, that, in fact, this will be eliminated.

I, again, refer to the dark of the night, back-room deal sometime between 6 p.m. and 9 p.m. on Friday evening, where there was wheeling and dealing and Senators in Republican caucus did something like leverage votes for money for States, some kind of process like that. Because all of a sudden we saw a dramatic change in the formula of this amendment. My State of Minnesota wound up with $520 million less between now and 2002 for medical assistance recipients.

In my State of Minnesota, and in every State across the land, when we talk about medical assistance we are talking about senior citizens. Two-thirds of the senior citizens in nursing homes in Minnesota rely on medical assistance. And I would far prefer we get serious about real health care reform, and having had a dad with Parkinson's and a mother who struggled with that as well, I am all for home-based care. I want people to be able to live at home in as near normal circumstances as possible, with dignity.

But sometimes, for people, it happens. It happened with my parents, and we did everything we could to keep them in their homes, and we did for many years. The nursing home at the end of their lives became a home away from home. For God's sake, who makes up those cuts?

In my State of Minnesota we are talking about 300,000 children; 300,000 children. Medical assistance is an important safety net to make sure that children receive some health care. As a former teacher, I want to make it clear to my colleagues: students—young students, children—do not do well in school when they go to school not having had adequate health care. If a child has an abscessed tooth because that child cannot afford dental care, that child is not likely to do well in his or her elementary school class.

For people with disabilities, this is an unbelievably important issue. It is a life or death issue. Because, for families who want to keep their children at home as opposed to institutionalization, the medical assistance payments are critically important. And, for adults who want to get up in the morning and be able to go to work and own their own small business, they need medical assistance for a personal attendant. That is a life with dignity. That is what medical assistance means to those people. So when we are talking about a formula and we are talking about statistics and we are talking about what happened to the State of Minnesota in the dark of night, Friday evening, we are talking about people's lives.

What this part of the amendment is going to say, when we give our instructions to conferees, is that we should undo, reverse those provisions which provided medical assistance spending to States based upon the votes needed for the passage of the legislation rather than the needs of the people in those States. I would like to debate that today, I say to my colleague from Arkansas. I am ready for that debate. I am ready for people to tell me who made that decision between 6 p.m. and 9 p.m. What committee met in public? Who voted? Who is held accountable?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I have 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. What was the justification? I would like to hear a careful policy justification. But, Mr. President, I will not. Because there is none.

I know the pain this inflicts on citizens in my State and I intend to fight this all the way until we change this formula. And above and beyond that, I intend to be a part of an effort in this Senate to make sure that we do deficit reduction but we do it on the basis of a standard of fairness, not on the basis of responding to the people who give the money and who have the clout and have their way and are not asked to tighten their belts. But it is the children, the elderly, people with disabilities, the working families, the people who live in the communities.

We are going to change that one way or another. We are going to change that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

GATT AND PRESCRIPTION DRUGS

Mr. PRYOR. Mr. President, on three previous occasions I have come to the floor of the Senate to raise the issue that I wish to discuss today. Each time, I have laid out the facts of a particular problem—in fact, a loophole—which Congress created and which only Congress can fix.

Left uncorrected, that problem will cost the American consumer and the American taxpayer several billion dollars and will unjustly enrich a few pharmaceutical companies enjoying undeserved and unintended special treatment under the GATT treaty.

Over the next several days I intend to spend a few minutes to highlight a different and disturbing aspect of this GATT loophole. Let me give a brief overview, if I might, for those who may not be quite so familiar with the issue, despite the recent attention it has received in the media.

There is a very simple way to describe this issue. It is like a person walking down the sidewalk and finding a wallet. After picking it up, he learns it contains $100 and the rightful owner's name. His question is, "Do I keep the money or do I return it to its rightful owner?"

In this case, this money clearly belongs to the American taxpayer and American consumer. But the drug companies are saying "OK, you made a mistake. But we want the money and we are going to try to keep it. Don't confuse us with the facts." That is what this issue is about.

I know that these companies have hired a swarm of lobbyists to come to Capitol Hill. I know today, in fact, that they are distorting the truth and they are deceiving the public. This issue is all about whether a handful of drug companies will be honest—whether they will give the figurative wallet back to its rightful owner, the American consumer and the American taxpayer.

Any fair-minded person will tell you that these drug companies are on the wrong side of this issue. But with billions of dollars at stake, how do you think they have responded? With a multimillion-dollar lobbying campaign. They are trying to pocket this undeserved profit.

It is difficult to believe the lengths they have gone to. They have distorted the facts. They are deceiving the public, and their unvarnished greed is on display for all to see.

The only argument they can come up with is, "Yes, we knew that a mistake was made. Yes, we haven't done a thing to deserve these billions of dollars. And yes, we know you are trying to correct this mistake. But, hey, this fell into our laps. We're going to do everything we possibly can to keep these dollars."

Mr. President, let me weave together the three pieces of this issue. It is pretty simple. I think they lead to a simple conclusion. We need to fix this problem, and we will let our colleagues judge for themselves as to whether they agree.

The first piece is the loophole itself. When Congress voted on the GATT treaty, we did two things. First, we extended all patents from 17 years to 20 years. Second, we stated in that treaty that a generic company in any industry—not just the drug industry—could market their products on the 17-year expiration date if they had already made a substantial investment and were willing to pay a royalty.

Why did we do this? We did a favor to patent holders, but in doing so, moved the goalposts on generic companies of all kinds. So we thought this was a fair deal and a good balance of commercial interests. It made sense and it makes sense today. Everyone bought onto it—the automotive companies, the computer companies, the high-tech companies, and yes, the drug companies.

Everyone said this is a fair way to solve this problem. We believed it to be fair. And we believed when we voted for the treaty that these provisions covered every person and every product, every company and every industry in the entire country. Everyone had to play by the same set of rules.

Let me emphasize: everyone includes our U.S. Trade Representative, Mickey Kantor. He has attested time and again that this was the case. Letters from Ambassador Kantor to myself and my colleague, Senator CHAFEE, are part of the RECORD.

But Mr. President, we were wrong. We made a mistake and accidentally left the prescription drug industry out of the picture. Today, they get the patent extension of 3 additional years. But the GATT loophole shields them from any generic competition whatsoever; in other words, a free ride for an additional 3 years with no competition—a monopoly, and exorbitant prices. The rest of us are playing by one set of rules while these few companies enjoy special treatment because of our mistake.

That is part 1, Mr. President, and that is the loophole. Part 2 is the windfall.

Mr. President, may I ask if there is additional time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PRYOR. Mr. President, I ask unanimous consent—I see no other Senator seeking recognition—that my time may be extended for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, part 2 is the windfall itself.

Remember: The drug industry is the only industry which enjoys special protection because of this GATT loophole. As a result of that special protection, the American consumer is going to pay more for a handful of bestselliing drugs—in fact, as much as $2 billion to $6 billion more.

If we take Zantac, an ulcer drug as well as the world's best-selling drug, for example, a consumer is going to have to pay twice as much for Zantac.

If we take Capoten for hypertension, for example, we are going to be paying from 40 to 45 percent more for the next 2 or 3 years for Capoten than we would if we corrected this mistake.

Here, for example, is a bottle of Zantac made by Glaxo Welcome. Typically, you can go to the retail pharmacy and spend $180 for a 2-month supply of Zantac. If we simply correct the GATT loophole, we would have a generic drug out there within weeks, and the consumer could be buying this same bottle of Zantac for no more than $90.

Mr. President, that is outrageous. We should be embarrassed. We should be embarrassed if we do not correct this horrendous mistake. There is no conceivable reason why we should allow this loophole to remain uncorrected.

Do you want a second opinion? Ask Mickey Kantor, the U.S. Trade Representative, as well as the Patent and Trademark Office or the Food and Drug Administration. Ask the people who know. All of them agree that this provision should be fixed and that this loophole should be closed.

The GATT negotiators, Mr. President, the people who personally negotiated the treaty itself and who represented this country in those complex negotiations, say without question that a mistake was made.

Even the drug companies which benefit from our mistake and currently enjoy this undeserved profit admit it was all a mistake. In fact, one of their spokesmen, upon reading our legislative error—and realizing they had gained a multibillion dollar windfall—said, "Eureka."

Mr. President, Congress is faced with a choice: Do the right thing, fix the legislative error and save the taxpayers and the consumers money, or cave in to the lobbying and to the deception of several pharmaceutical companies.

Mr. President, that brings us to the third and the last part of the equation; that is, the solution. What is the solution?

Closing this loophole is very simple. It will not change our patents. It will not violate the sanctity of our patent law. It will not alter our trade policy nor the GATT treaty. It simply applies GATT to those free-riding drug companies the same way it applies to every other company and every other product in America.

This amendment would save consumers as much as $6 billion. The Government would save hundreds of billions of dollars. People are talking about slashing Medicare and Medicaid, and here are billions of dollars that we could save if we would just fix a simple mistake.

Let me add that this is not a partisan issue. It never has been. I hope it will not be. It is about fixing a mistake, saving taxpayer money, and basically doing the right thing.

I know for a fact that many of my colleagues, Republican and Democrat alike, support our amendment. I also know that some of my colleagues have come to me in the last 2 or 3 weeks especially, and have said, "Gosh, we want to vote with you. But we have a Glaxo factory, or we have a Glaxo office, or we have a Glaxo facility in our State, and we do not know if we can be with you or not."

Mr. President, I hope that they will look at the overall picture. There is only one possible reason to oppose this solution. You have to honestly believe that these companies deserve a multibillion-dollar windfall. I do not. You have to ignore the fact that this was a mistake. That is the truth. And you have to believe that the consumers should pay more for those drugs because a legislative drafting error is a sound basis for public policy.

Is that what we believe, Mr. President? I do not believe that is the case in the U.S. Senate.

I have summarized the three pieces of this issue: the loophole, the windfall, and the solution. But there is a dark side to this issue, a shadow cast by a few companies who will enjoy this multibillion-dollar windfall. They have pulled out the stops. They have hired every lobbyist, law firm, and consultant inside and outside the beltway. Their motto is, "Don't confuse me with the facts, because on this one there's just too much money at stake."

This is how a newspaper headline read just last week: "Money Greases Massive Effort to Protect Glaxo Windfall."

Mr. President, Glaxo is the name of the company with the most at stake. They have hired the lawyers, they have hired the lobbyists, and they are here right this minute. They make the No. 1 drug in the world, Zantac. Last year, they sold $2.2 billion worth of Zantac. Every day Glaxo sells $6 million worth of this particular drug. That means the windfall for this single company is absolutely enormous.

The amount of money Glaxo has at stake is $3.6 billion.

That doesn't include the $300 million for Squibb and the more than $100 extra million for Searle.

Mr. President, finally, does our proposed amendment violate the sanctity of patent rights? Of course, it does not.

Here is a letter of September 25, 1995, directed to our friend on the other side of the aisle, from Rhode Island, Senator JOHN CHAFEE. It was signed by Mickey Kantor, our U.S. Trade Representative. It says there is no way that it would violate the sanctity of patent rights. Why is this a question at all? Because, with all of the simple facts against them, Glaxo and its cohorts have had to create an issue out of thin air to lobby with.

Does our amendment curtail research dollars? Certainly not. In the case of Zantac, all of the research on this particular drug was completed 20 years ago. Glaxo has had a 17-year monopoly to collect a fair and deserved return. And does anybody believe Glaxo will commit this money to research? The fact is, the industry still spends more on advertising than it does on research. And when was the last time someone invested money they don't deserve? Look under Glaxo's mattress and look at their campaign donations: that's where this money is going.

In fact, a lot of the underlying research on these products was done at taxpayer expense, not Glaxo's. We fund the National Institutes of Health. We give the industry generous research and development tax write-offs. We protect them in Puerto Rico from paying income taxes by section 936 of the Tax Code. And they still charge the American consumer far more than they charge the overseas consumer.

And now we are about to allow Glaxo and other companies an additional 3 years' worth of illegitimate monopoly. Remember, we are talking about $6 million a day of competition-free cash on one, single product. Is that what we are all about in the United States Senate? Handing out $3.6 billion in consumers' hardearned money as an unjustified bonus?

The great Notre Dame football coach, Lou Holtz, formerly coached the Arkansas Razorbacks. Coach Holtz was known for many things, but one thing that is indelible in my mind is his "do-right" rule. Coach Holtz had a rule that if something was not covered in the rule book or if it was a close question or what have you, he would just say, "Let's use the do-right rule."

Mr. President, I think now is the time for the Senate to adopt a do-right rule—to protect the taxpayer and to protect the consumer from an unjustified, undeserved windfall for a few pharmaceutical companies.

On a few occasions in the near future, I will be discussing this GATT loophole again. I hope that my colleagues in this body will help us correct this absolutely unthinkable situation. I trust they will join me in correcting this loophole in the GATT treaty.

I thank the Chair. I yield the floor.

I see no others seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE IN MEMBERSHIP OF THE JOINT COMMITTEE ON TAXATION

The PRESIDING OFFICER. The chair announces, on behalf of the chairman of the Finance Committee, pursuant to section 8002 of title 26, United States Code, a change in the membership of the Joint Committee on Taxation. Mr. CHAFEE has been added to the joint committee. Therefore, the membership of the Joint Committee on Taxation is as follows: the Senator from Delaware [Mr. ROTH]; the Senator from Rhode Island [Mr. CHAFEE]; the Senator from Utah [Mr. HATCH]; the Senator from New York [Mr. MOYNIHAN]; the Senator from Montana [Mr. BAUCUS].

INTERNATIONAL ORGANIZED CRIME AND DRUG TRAFFICKING

Mr. GRASSLEY. Mr. President, I want to welcome President Clinton to the effort to deal with international organized crime. In his recent speech to the United Nations, he noted the rising influence of these groups worldwide and the cost they exact from all nations, costs that are borne most heavily by their unfortunate victims. In his remarks he called for greater international efforts to fight criminal organizations. In sounding this theme he is picking up on something that Congress urged the administration to pursue over a year ago in a Senate resolution to the 1994 crime bill.

Whether it is trafficking in drugs or people. Whether through extortion, murder, and corruption. Whether it is the threat of trafficking in chemical, biological, or nuclear agents. Or whether it is massive fraud aimed at banks, businesses, and governments, organized criminal groups exact billions of dollars in damage. And the human costs are even greater. The drug-blasted lives, the fear, the distortion of economics, and the erosion of decent government in many parts of the world are the product of criminal gangs that have fastened onto social life like leeches. These facts have lead a number of governments to declare criminal organizations to be national security threats. As the crises in Italy and Colombia, the challenges to democracy in Russia, and brazenness of Mexican Mafias show, no country, developed or developing is immune to the cancer of criminal actions.

And these groups are developing a global reach. They have become multinational thug empires that will stop at nothing to turn an illegal profit. No single government is able to deal with these groups singlehandedly, not even the United States. That is why the Congress has held numerous hearings in the past several years on the threat from these groups and has called upon the administration to take the problem seriously. If we are going to respond to these groups and to their corruption of decent life, we must develop the range of responses that can put these people out of business and in jail.

In this regard, we need the intelligence capabilities to target key groups and their leaders. We need to help other countries strengthen their legal frameworks and their police capabilities to combat transnational criminal groups. We need to tighten up our financial control capabilities to prevent these groups from abusing our financial and banking systems. And we need international awareness and a common effort to bring these thugs to justice. That is why the Congress enjoined the administration last year to pursue an international convention that would deny these groups safe havens and the benefits of their plunder.

President Clinton has indicated he believes we face a serious challenge. If he intends to translate his rhetoric into deeds, then he will find support in Congress for his efforts. I hope that we shall see serious proposals from the President that will move us down the path of meaningful and sustained action.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Pursuant to the order of September 22, 1995, the Senate will now proceed to the immediate consideration of H.R. 2546, the District of Columbia appropriations bill. Pursuant to that same order, all after the enacting clause of the House bill is stricken and the text of S. 1244, as passed by the Senate, is inserted in lieu thereof, the Senate amendment is agreed to; the bill is deemed read the third time and passed; the motion to reconsider is laid upon the table, and S. 1244 is indefinitely postponed.

So the bill (H.R. 2546), as amended, was passed; as follows:

H.R. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $149,793,000 and 1,465 full-time equivalent positions (end of year) (including $118,167,000 and 1,125 full-time equivalent positions from local funds, $2,464,000 and 5 full-time equivalent positions from Federal funds, $4,474,000 and 71 full-time equivalent positions from other funds, and $24,688,000 and 264 full-time equivalent positions from intra-District funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That $29,500,000 is used for pay-as-you-go capital projects of which $1,500,000 shall be used for a capital needs assessment study, and $28,000,000 shall be used for a new financial management system of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: *Provided further,* That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the General Accounting Office within 90 days after the date of enactment of this Act reporting the results of the needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; (2) the General Accounting Office reviews the Authority's report and forwards it along with such comments or recommendations as deemed appropriate on any matter contained therein to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate within 60 days from receipt of the report; and (3) 30 days lapse after receipt by Congress of the General Accounting Office's comments or recommendations.

Economic Development and Regulation

Economic development and regulation, $139,285,000 and 1,692 full-time equivalent positions (end-of-year) (including $66,505,000 and 696 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 260 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $954,106,000 and 11,544 full-time equivalent positions (end-of-year) (including $930,889,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

Public education system, including the development of national defense education programs, $788,983,000 and 11,670 full-time equivalent positions (end-of-year) (including $670,833,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,046,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $577,242,000 and 10,167 full-time equivalent positions (including $494,556,000 and 9,014 full-time equivalent positions from local funds, $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $109,175,000 from local funds shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,269,000 and 1,079 full-time equivalent positions (including $45,250,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $21,062,000 and 415 full-time equivalent positions (including $20,159,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, $454,000 and 1 full-time equivalent position from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities; $64,000 from local funds for the District of Columbia School of Law and a reduction of $96,000 for the Education Licensure Commission: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,845,638,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,067,516,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,763,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): *Provided*, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,326,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,673,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For payment to the Washington Convention Center Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

SHORT-TERM BORROWING

For short-term borrowing, $9,698,000 from local funds.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: *Provided*, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000 from local funds: *Provided*, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how moneys provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of $500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

Notwithstanding any other provision of law, the Mayor shall adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $148,411,000, within or among one or several of the various appropriation headings in this Act, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $105,660,000 appropriated under this heading in prior fiscal years is rescinded: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $193,398,000 and 1,024 full-time equivalent positions (end-of-year) (including $188,221,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $229,907,000 and 88 full-time equivalent positions (end-of-year) (including $8,099,000 and 88 full-time equivalent positions for administrative expenses and $221,808,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,469,000 and 8 full-time equivalent positions (end-of-year) (including $2,137,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $690,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $8,637,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, a reduction of $2,487,000 and a reduction of 180 full-time equivalent positions in intra-District funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1–711), $13,417,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $10,048,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $6,633,000 and 44 full-time equivalent positions from intra-District funds).

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,500,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. (a) IN GENERAL.—Section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-233(a), D.C. Code), as amended by section 108(b)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(11) enact any act, resolution, or rule which obligates or expends funds of the District of Columbia (without regard to the source of such funds) for any abortion, or which appropriates funds to any facility owned or operated by the District of Columbia in which any abortion is performed, except where the life of the mother would be endangered if the fetus were carried to term, or in cases of forcible rape reported within 30 days to a law enforcement agency, or cases of incest reported to a law enforcement agency or child abuse agency prior to the performance of the abortion.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts, resolutions, or rules of the Council of the District of Columbia which take effect in fiscal years beginning with fiscal year 1996.

SEC. 132. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

SEC. 133. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 134. (a) No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis such benefits are extended to legally married couples.

(b) The Health Care Benefits Expansion Act (D.C. Law 9–114; sec. 36–1401 et seq., D.C. Code) is hereby repealed.

SEC. 135. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93–198; D.C. Code, secs. 11–1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11–1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

SEC. 136. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93–198; D.C. Code, sec. 1–1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.".

SEC. 137. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47–812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.".

(B) A new subsection (a–2) is added to read as follows:

"(a–2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.".

(2) Section 413(c) (D.C. Code, sec. 47–815(c)) is repealed.

SEC. 138. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

SEC. 139. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

SEC. 140. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 141. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds.

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational

entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 142. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

SEC. 143. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

SEC. 144. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,771 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C Code, except chapter 23.

SEC. 147. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

SEC. 148. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1-603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

"(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.".

(2) A new paragraph (15A) is added to read as follows:

"(15A) 'School administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.".

(b) Section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)) is amended by adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code, sec. 1-625.2) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.".

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.".

(b) A new section 2406 is added to read as follows:

"SEC. 2406. Abolishment of positions for Fiscal Year 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veteran's preference under this act, and

"(2) three years for an employee who qualified for residency preference under this act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

SEC. 151. Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption "Division of Expenses" shall not exceed $4,867,283,000.

REQUIRING DEVELOPMENT OF PLAN TO CLOSE LORTON CORRECTIONAL COMPLEX

SEC. 152. (a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than February 15, 1996, the District of Columbia shall develop a plan for closing the Lorton Correctional Complex over a transition period not to exceed 5 years in length.

(2) REQUIREMENTS OF PLAN.—The plan developed by the District of Columbia under paragraph (1) shall meet the following requirements:

(A) Under the plan, the Lorton Correctional Complex will be closed by the expiration of the transition period.

(B) Under the plan, the District of Columbia may not operate any correctional facilities on the Federal property known as the Lorton Complex located in Fairfax County, Virginia, after the expiration of the transition period.

(C) The plan shall include provisions specifying how and to what extent the District will utilize alternative management, including the private sector, for the operation of correctional facilities for the District, and shall include provisions describing the treatment under such alternative management (including under contracts) of site selection, design, financing, construction, and operation of correctional facilities for the District.

(D) The plan shall include an implementation schedule, together with specific performance measures and timelines to determine the extent to which the District is meeting the schedule during the transition period.

(E) Under the plan, the Mayor of the District of Columbia shall submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all significant measures taken under the plan as soon as such measures are taken.

(b) CONSISTENCY WITH FINANCIAL PLAN AND BUDGET.—In developing the plan under subsection (a), the District of Columbia shall ensure that for each of the years during which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) SUBMISSION OF PLAN.—Upon completing the development of the plan under subsection (a), the District of Columbia shall submit the plan to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

PROHIBITION AGAINST ADOPTION BY UNMARRIED COUPLES

SEC. 153. (a) IN GENERAL.—Section 16-302, D.C. Code, is amended—

(1) by striking "Any person" and inserting "(a) Subject to subsection (b), any person"; and

(2) by adding at the end the following subsection:

"(b) No person may join in a petition under this section unless the person is the spouse of the petitioner.".

(b) NO EFFECT ON PETITIONS FOR ADOPTION FILED BY INDIVIDUAL UNMARRIED PETITIONER.—Nothing in section 16-302(b), D.C. Code (as added by subsection (a)) shall be construed to affect the ability of any unmarried person to file a petition for adoption in the Superior Court of the District of Columbia where no other person joins in the petition.

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 154. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking "may provide" and inserting "shall promptly provide".

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

"(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

"(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

"(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

"(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

"(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

"(A) shall qualify such individual for the treatment described in such provisions for purposes of—

"(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

"(ii) chapter 87 of such title (relating to life insurance); and

"(iii) chapter 89 of such title (relating to health insurance); and

"(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

"(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

"(A) it is made before such individual separates from service with the Federal Government; and

"(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

"(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

"(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed by—

"(A) the Office of Personnel Management, to the extent that any program administered by the Office is involved;

"(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

"(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.".

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

"(f) FEDERAL BENEFITS FOR OTHERS.—

"(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

"(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A)(i)-(iii); or

"(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

"(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

"(3) DEFINITION OF 'CORRESPONDING OFFICE OR AGENCY'.—For purposes of paragraph (1), the term 'corresponding office or agency of the government of the District of Columbia' means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

"(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting 'the Executive Director referred to in section 8474 of title 5, United States Code' for 'the Office of Personnel Management'.".

(3) EFFECTIVE DATE; ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT; ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking "the Authority and its members" and inserting "the Authority, its members, and its employees"; and

(2) by striking "the District of Columbia" and inserting "the Authority or its members or employees or the District of Columbia".

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance", when used with respect to a school and a period of time, means the aggregate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

(B) the pupils of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership", when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

(ii) the pupils of the school are under the guidance and direction of teachers.

(B) GROUPS OF SCHOOLS.—The term "average daily membership", when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term "control period" means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term "District of Columbia government" means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term "District of Columbia government" does not include the following:

(i) The Authority.

(ii) A public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term "District of Columbia government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term "District of Columbia public school" means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through the 12th grade; or

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.

(13) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The term "District of Columbia public schools" means all schools that are District of Columbia public schools.

(14) DISTRICT-WIDE ASSESSMENTS.—The term "district-wide assessments" means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) ELIGIBLE APPLICANT.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) ELIGIBLE CHARTERING AUTHORITY.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.

(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term "facilities management" means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) LONG-TERM REFORM PLAN.—The term "long-term reform plan" means the plan submitted by the Superintendent under section 2101.

(20) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(21) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) MINOR STUDENT.—The term "minor student" means an individual who—

(A) is enrolled in a District of Columbia public schools or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(23) NONRESIDENT STUDENT.—The term "nonresident student" means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) PANEL.—The term "Panel" means the World Class Schools Panel established under subtitle D.

(25) PARENT.—The term "parent" means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(26) PETITION.—The term "petition" means a written application, submitted by an eligible applicant to an eligible chartering authority, to establish a public charter school.

(27) PROMOTION GATE.—The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include achievement on district-wide assessments that, to the greatest extent practicable, measure student achievement of the core curriculum.

(28) PUBLIC CHARTER SCHOOL.—The term "public charter school" means a publicly funded school in the District of Columbia that is established pursuant to subtitle B. A public charter school is not a part of the District of Columbia public schools.

(29) SCHOOL.—The term "school" means—

(A) a public charter school; or

(B) any other day or residential school that provides elementary or secondary education, as determined under State or District of Columbia law.

(30) STUDENT WITH SPECIAL NEEDS.—The term "student with special needs" has the meaning given such term by the Mayor and the District of Columbia Council under section 2301.

(31) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(32) TEACHER.—The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools.

(B) The creation of a performance-oriented workforce.

(C) The construction and repair of District of Columbia public school facilities.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

(E) The implementation of an efficient and effective adult literacy program.

(2) OTHER INFORMATION.—For each of the items in subparagraphs (A) through (G) of paragraph (1), the long-term plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals must be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term plan to the appropriate congressional committees. Any amendment to the long-term plan shall be consistent with the financial plan and budget for fiscal year 1996 for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert an existing District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(b) Independent or Private School.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(c) New School.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, private, or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2152.

SEC. 2152. CONTENTS OF PETITION.

A petition to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the school, which includes, at a minimum—

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which a such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(6) A description of the proposed rules and policies for governance and operation of the school.

(7) Copies of the proposed articles of incorporation and bylaws of the school.

(8) The names and addresses of the members of the proposed Board of Trustees.

(9) A description of the student enrollment, admission, suspension, and expulsion policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(10) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws and regulations of the Federal Government and the District of Columbia.

(11) An explanation of the qualifications that will be required of employees of the proposed school.

(12) An identification, and a description, of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) Schedule.—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

(b) Public Hearing.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the authority shall hold a public hearing on the petition to gather the information that is necessary for the authority to make the decision to approve or deny the petition.

(c) Notice.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) Approval or Denial.—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

(1) the authority determines that the petition satisfies the requirements of this subtitle; and

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) Timetable.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) Extension.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that does not exceed 30 days.

(g) Explanation.—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) Approved Petition.—

(1) Notice.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) Charter.—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

(i) Special Rules for First Year.—During the one-year period beginning on the date of the enactment of this Act, each eligible chartering authority—

(1) may approve not more than one petition filed by an eligible applicant seeking to convert an existing independent or private school into a public charter school; and

(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) Exclusive Authority of Chartering Authority.—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except the eligible chartering authority with which the petition was filed.

SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.

(a) Duties.—A public charter school shall comply with—

(1) this subtitle;

(2) any other provision of law applicable to the school; and

(3) all of the terms and provisions of its charter.

(b) Powers.—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as its school facilities, from public or private sources.

(3) To receive and disburse funds for school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of other Federal or private funds.

(6) To solicit and accept any grants or gifts for school purposes, if the school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.

(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in its own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency, with respect to any contract proposed to be awarded by a public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) AUDITS.—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(7) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(8) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(9) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file it with the eligible chartering authority that granted the charter. The provisions of section 2153 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(10) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Authority. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) Student performance on any districtwide assessments.

(ii) Grade advancement for students enrolled in the public charter school.

(iii) Graduation rates, college admission test scores, and college admission rates, if applicable.

(iv) Types and amounts of parental involvement.

(v) Official student enrollment.

(vi) Average daily attendance.

(vii) Average daily membership.

(viii) A financial statement audited by an independent certified public accountant.

(ix) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal or exceeding $500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) STUDENT ENROLLMENT REPORT.—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form that permits the Mayor and the District of Columbia Council to comply with subtitle E.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Pre-school.

(B) Pre-kindergarten.

(C) Any grade or grades from kindergarten through 12th grade.

(D) Adult community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be a parent of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the selection or election criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's intellectual or athletic ability, measures of achievement or aptitude, or a student's disability. A public charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where such a limitation is consistent with the charter granted to the school.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert an existing public, private, or independent school into a public charter school, is approved, the school shall give priority in enrollment to—

(1) students enrolled in the school at the time that the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of an existing public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to a public charter school at the current rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student has enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2157. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2–139, effective March 3, 1979, (D.C. Code, sec. 1–627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2) .

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2–152, effective March 9, 1979, (D.C. Code, sec. 44–216 et seq.) to a student attending a District of Columbia public school.

SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2160. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(C) NUMBER OF ELIGIBLE PUPILS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) AGGREGATE NUMBER OF ELIGIBLE PUPILS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(ii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(iii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a private or independent school;

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

(III) resided in an attendance area of a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124A(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if they were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the number described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) Use of ESEA funds.—The Board of Education may not direct a public charter school in the charter school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) Inapplicability of certain ESEA provisions.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5), (8), and (9) of section 1112(b).

(B) Subsection 1112(c).

(C) Section 1113.

(D) Section 1115A.

(E) Subsections (a), (b), and (c) of section 1116.

(F) Subsections (a), (c), (d), (e), (f), and (g) of section 1118.

(G) Section 1120.

(H) Subsections (a) and (c) of section 1120A.

(I) Section 1120B.

(J) Section 1126.

(b) Property and Sales Taxes.—A public charter school shall be exempt from District of Columbia property and sales taxes.

SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) Oversight.—

(1) In general.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to the school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to the school.

(2) Production of books and records.—An eligible chartering authority may require a public charter school to which the authority has granted a charter to produce any book, record, paper, or document, if the authority determines that such production is necessary for the authority to carry out its functions under this title.

(b) Fees.—

(1) Application fee.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) Administration fee.—In the case of an eligible chartering authority that has granted a charter to an public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) Immunity from Civil Liability.—

(1) In general.—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) Common law immunity preserved.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

SEC. 2162. CHARTER RENEWAL.

(a) Term.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of 5-year periods.

(b) Application for Charter Renewal.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) Approval of Charter Renewal Application.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

(1) the school committed a material violation of the conditions, terms, standards, or procedures set forth in the charter; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) Procedures for Consideration of Charter Renewal.—

(1) Notice of right to hearing.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) Request for hearing.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) Date and time of hearing.—

(A) Notice.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) Deadline.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) Final decision.—

(A) Deadline.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) Reasons for nonrenewal.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) Alternatives upon nonrenewal.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) Judicial review.—

(A) Availability of review.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review.

(B) Standard of review.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(e) Board of Education Renewal Review.—

(1) Notice of decision to renew.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

(A) shall provide a copy of the decision to the Superintendent, the Board of Education, and the school not later than 3 days after the decision is rendered; and

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) Recommendation of superintendent.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintendent may recommend to the Board of Education, in writing, that the decision be reversed.

(3) Standard of review by board of education.—The Board of Education may concur in a recommendation of the Superintendent under paragraph (2), and reverse a decision approving an application to renew a charter granted to a public charter school, if the Board of Education determines that—

(A) the school failed to meet the goals and student academic achievement expectations set forth in the charter, in the case of a school that has a student body the majority of which comprises students with special needs; or

(B) the average test score for all students enrolled in the school was less than the average test score for all students enrolled in the District of Columbia public schools on the most recently administered the district-wide assessments, in the case of a school that has a student body the majority of which does not comprise students with special needs.

(4) Procedures for reversing decision.—

(A) Notice of right to hearing.—In any case in which the Board of Education is considering reversing a decision approving an application to renew a charter granted to a public charter school, the Board of Education shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed reversal. The notice shall inform the Board of Trustees of the right to an informal hearing on the proposed reversal.

(B) Request for hearing.—Not later than 15 days after the date on which a Board of Trustees receives a notice under subparagraph (A), the Board may request, in writing, an informal hearing on the proposed reversal before the Board of Education.

(C) DATE AND TIME OF HEARING.—

(i) NOTICE.—Upon receiving a timely written request for a hearing under subparagraph (B), the Board of Education shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(ii) DEADLINE.—An informal hearing under this paragraph shall take place not later than 30 days after the Board of Education receives a timely written request for the hearing under subparagraph (B).

(D) FINAL DECISION.—

(i) DEADLINE.—The Board of Education shall render a final decision, in writing, on the proposed reversal—

(I) not later than 30 days after the date on which the Board of Education provided the written notice of the right to a hearing, in the case of a proposed reversal with respect to which such a hearing is not held; and

(II) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed reversal with respect to which a hearing is held.

(ii) REASONS FOR REVERSAL.—If the Board of Education reverses a decision approving an application to renew a charter, the Board of Education shall state in its decision, in reasonable detail, the grounds for the reversal.

(E) JUDICIAL REVIEW.—

(i) AVAILABILITY OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) STANDARD OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2163. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed revocation. The notice shall inform the Board of the right of the Board to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON REVOCATION.—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING AUTHORITY.

(a) NOTICE.—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) PETITION BY SCHOOL.—A public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall file a petition with another eligible chartering authority described in subsection (c)(2). The petition shall request that such other authority assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school. The petition shall be filed—

(1) in the case of a public charter school that received a timely notice under subsection (a), not later than 120 days after such notice was received; and

(2) in the case of a public charter school that did not receive a timely notice under subsection (a), not later than 120 days after the date on which the eligible chartering authority ceases to act in the capacity of an eligible chartering authority with respect to the school.

(c) CHARTERING AUTHORITIES REQUIRED TO ASSUME DUTIES.—

(1) IN GENERAL.—If any of the eligible chartering authorities described in paragraph (2) receives a petition filed by a public charter school in accordance with subsection (b), the eligible chartering authority shall grant the petition and assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school.

(2) ELIGIBLE CHARTERING AUTHORITIES.—The eligible chartering authorities referred to in paragraph (1) are the following:

(A) The Board of Education.

(B) Any other entity established, and designated as an eligible chartering authority, by the District of Columbia Council by enactment of a bill after the date of the enactment of this Act.

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—Except as provided in this section, the powers and duties of a public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall not be affected by such discontinuance, if the school satisfies the requirements of this section.

SEC. 2165. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally-established institutions shall explore whether it is feasible for the agency or institution to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) DETERMINATION.—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.

Subtitle C—Even Start

SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:

"(b) EVEN START.—

"(1) IN GENERAL.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

"(A) for fiscal year 1996, $2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;

"(B) for fiscal year 1997, $3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;

"(C) for fiscal year 1998, $5,000,000 for continued funding made in fiscal years 1996 and

1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

"(D) for fiscal year 1999, $5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

"(E) for fiscal year 2000, $5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2).".

(b) EVEN START FAMILY LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting "(1)" after "1002(b)";

(2) in section 1202(b), by inserting "(1)" after "1002(b)";

(3) in section 1202(d)(1)—

(A) by inserting "(1)" after "1002(b)"; and

(B) by inserting "or under section 1211," after "subsections (a), (b), and (c),";

(4) in section 1202(d)(3), by inserting "(1)" after "1002(b)";

(5) in section 1202(e)(4), by striking ", the District of Columbia,";

(6) in section 1204(a), by inserting "intensive" after "cost of providing";

(7) in section 1205(4), by inserting ", intensive" after "high-quality";

(8) in section 1206(b)(1), by striking "described in subsection (a)"; and

(9) by adding at the end the following new section:

"SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

"(a) D.C. PROGRAM AUTHORIZED.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the 'National Evaluation of the Even Start Family Literacy Program', such as providing intensive services in parent training and adult literacy or adult education.

"(b) DEFINITION OF 'ELIGIBLE'.—For the purpose of this section, the term 'eligible entity' means a partnership composed of at least—

"(1) a public school in the District of Columbia;

"(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education; and

"(3) a private nonprofit community-based organization.

"(c) USES OF FUNDS; COST-SHARING.—

"(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

"(2) COST-SHARING.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary's satisfaction that such entity otherwise would not be able to participate in the program under this section.

"(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than $250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

"(A) such entity needs additional funds to be effective; and

"(B) the increase will not reduce the amount of funds available to other programs that receive funds under this section.

"(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

"(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of parent training and adult literacy or adult education.

"(e) ELIGIBLE PARTICIPANTS.—

"(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

"(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, who—

"(i) is eligible to participate in an adult education program under the Adult Education Act; or

"(ii) is attending, or is eligible by age to attend, a public school in the District of Columbia; and

"(B) any child, from birth through age 7, of an individual described in subparagraph (A).

"(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

"(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(g) SELECTION OF GRANTEES.—In awarding grants under this section, the Secretary shall—

"(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

"(2) give priority to applications for programs that—

"(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(b) shall apply to grants made under this section, except that—

"(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

"(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

"(i) TECHNICAL ASSISTANCE AND EVALUATION.—

"(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to eligible entities, including providing funds to one or more local nonprofit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building, and for the evaluation conducted pursuant to paragraph (2).

"(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) in any fiscal year to contract with the National Center for Family Literacy to provide technical assistance to eligible entities.

"(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

"(i) intensive and high quality services in adult literacy or adult education;

"(ii) intensive and high quality services in parent training;

"(iii) coordination with related programs;

"(iv) training of related personnel in appropriate skill areas; and

to determine if the grant amount provided to grantees to carry out such projects is appropriate to accomplish the goals of this section.

"(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

"(ii) In order to determine a program's effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

"(C) The Secretary shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Economic and Education Opportunities of the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Governmental Affairs of the Senate a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report by March 1, 1998.".

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

PART 1—WORLD CLASS SCHOOLS PANEL

SEC. 2251. ESTABLISHMENT.

There is established a panel to be known as the "World Class Schools Panel".

SEC. 2252. DUTIES OF PANEL.

(a) IN GENERAL.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

(1) A core curriculum for kindergarten through the 12th grade developed or selected by the Panel.

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits the following comparisons to be made:

(A) Comparisons among individual schools and individual students in the District of Columbia.

(B) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other States and the Nation as a whole.

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) CONTENT.—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) "world class", including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations whose students historically score high on international studies of student achievement); and

(2) appropriate for the District of Columbia public schools.

(c) SUBMISSION TO SECRETARY.—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

SEC. 2253. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

(A) is a parent of a minor student enrolled in a District of Columbia public school; and

(B) is active in a parent organization.

(b) EXPERTISE.—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

(c) TERMS.—The term of service of each member of the Panel shall begin on the date of appointment of the member and shall end on the date of the termination of the Panel, unless the member resigns from the Panel or becomes incapable of continuing to serve on the Panel.

(d) CHAIRPERSON.—The members of the Panel shall select a chairperson from among them.

(e) DATE OF APPOINTMENT.—The members of the Panel shall be appointed not later than 30 days after the date of the enactment of this Act.

(f) COMMENCEMENT OF DUTIES.—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

SEC. 2254. CONSULTATION.

The Panel shall conduct its work in consultation with—

(1) officials of the District of Columbia public schools who have been identified by the Superintendent as having relevant responsibilities;

(2) the consortium established under section 2604(e); and

(3) any other persons or groups the Panel deems appropriate.

SEC. 2255. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the chairperson or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISION.—

(1) PROHIBITION ON PROXY VOTING.—No individual may vote, or exercise any other power of a member, by proxy.

(2) FINAL DECISIONS.—In making final decisions of the Panel with respect to the exercise of its duties and powers, the Panel shall operate on the principle of majority vote.

(d) PUBLIC ACCESS.—The Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

(e) NO PAY FOR PERFORMANCE OF DUTIES.—Members of the Commission may not be paid for the performance of duties vested in the Commission.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2256. GIFTS.

The Panel may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services, except that no donations may be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of the Panel.

SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) APPOINTMENT.—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

SEC. 2258. TERMINATION OF PANEL.

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.

SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $2,000,000 for fiscal year 1996. Such sum shall remain available until expended.

PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES

SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.

(a) IN GENERAL.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) DEADLINE.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.

SEC. 2262. ASSESSMENTS.

(a) ADMINISTRATION OF ASSESSMENTS.—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) DISSEMINATION OF INFORMATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) LIMITATION.—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C 1232g).

SEC. 2263. PROMOTION GATES.

(a) KINDERGARTEN THROUGH 4TH GRADE.—Not later than August 1, 1996, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from kindergarten through and including the 4th grade.

(b) 5TH THROUGH 8TH GRADES.—Not later than August 1, 1997, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 5th grade through and including the 8th grade.

(c) 9TH THROUGH 12TH GRADES.—Not later than August 1, 1998, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 9th grade through and including the 12th grade.

(d) INTERIM DEADLINE.—Not later than February 1, 1996, the Superintendent shall designate the grade levels with respect to which promotion gates will be established and implemented.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) Formula.—

(1) In general.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish a formula which determines the amount—

(A) of the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) of the annual payment to each public charter school for the operating expenses of each such public charter school established in accordance with subtitle B.

(2) Formula calculation.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2302 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2302 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) Exception.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

(A) to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels; and

(B) to increase the amount of the annual payment if the District of Columbia public schools or each public charter school serve a high number of students with special needs (as such term is defined under paragraph (4)).

(4) Definition.—The Mayor and the District of Columbia Council shall develop a definition of the term "students with special needs" for purposes of carrying out this title.

SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.

(a) School Reporting Requirement.—

(1) In general.—Not later than September 15 of each year, beginning in fiscal year 1997, each District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

(2) Special rule.—Not later than April 1 of each year, beginning in 1997, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2303(a)(2)(B)(ii).

(b) Calculation of Number of Students.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools established in accordance with this title.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) Annual Reports.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) Audit of Initial Calculations.—

(1) In general.—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b).

(2) Conduct of audit.—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) Submission of audit.—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) Authorization of appropriations.—There are authorized to be appropriated to the Comptroller General of the United States $75,000 for fiscal year 1996 for the purpose of carrying out this subsection.

SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) In General.—

(1) Escrow for public charter schools.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) Transfer of escrow funds.—

(A) 1997 initial payment.—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) 1997 final payment.—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) Pro rata reduction or increase in payments.—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year.

(ii) If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) Unexpended funds.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) Exception for New Schools.—

(1) Authorization.—There are authorized to be appropriated $200,000 for any fiscal year for the purpose of carrying out this subsection.

(2) Disbursement to mayor.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) Escrow.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) that has not yet been paid under paragraph (4).

(4) Payments to schools.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) Schools described.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by $1/12$ of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under 2301(b) by $1/12$ of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection.

Subtitle F—School Facilities Repair and Improvement

PART 1—SCHOOL FACILITIES

SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) AGREEMENT PROVISIONS.—The Agreement shall include the following:

(1) GENERAL AUTHORITY.—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the "Preliminary Facilities Master Plan 2005" (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century) to repair and improve District of Columbia public school facilities, including a list of facilities and renovation schedule that prioritizes facilities to be repaired and improved;

(C) to accept private goods and services for use by District of Columbia public schools, in consultation with the nonprofit corporation referred to in section 2603;

(D) to recommend specific repair and improvement projects in District of Columbia public school facilities by members and units of the National Guard and military reserve, consistent with section 2351(b)(1)(B); and

(E) to access all District of Columbia public school facilities and any records or documents regarding such facilities.

(2) COOPERATION.—Assurances by the Administrator and the Superintendent to cooperate with each other, and with the nonprofit corporation referred to in section 2603, in any way necessary, to ensure implementation of the Agreement.

(c) DURATION OF AGREEMENT.—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

SEC. 2352. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) PROCEEDS.—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identify and designate long-term funding for capital and maintenance of such facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for repair, maintenance, improvement, and management of District of Columbia public schools.

SEC. 2353. DEFINITIONS.

For purposes of this subtitle, the following terms have the following meanings:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(2) FACILITIES.—The term "facilities" means buildings, structures, and real property.

SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 1996 and 1997, $2,000,000 to the District of Columbia public schools for use by the Administrator to carry out this subtitle.

PART 2—WAIVERS

SEC. 2361. WAIVERS.

(a) IN GENERAL.—All District of Columbia fees, all requirements found in the document "The District of Columbia Public Schools Standard Contract Provisions" published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) LIMITATION.—

(1) WAIVER APPLICATION.—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) INSURANCE REQUIREMENTS.—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

SEC. 2362. APPLICATION FOR PERMITS.

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.

Subtitle G—Department of Education "D.C. Desk"

SEC. 2401. ESTABLISHMENT.

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the "D.C. Desk").

SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

SEC. 2403. DUTIES.

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2101;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

Subtitle H—Residential School

SEC. 2451. PLAN.

(a) IN GENERAL.—The Superintendent may develop a plan to establish a residential school for the 1997–1998 school year.

(b) REQUIREMENTS.—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2452. USE OF FUNDS.

Funds under this subtitle shall be used for—

(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

SEC. 2453. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, City Council, the Authority, the Appropriations Committees of the House of Representatives and the Senate, the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee, and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee, non-Federal funding sources for operation of the residential school.

SEC. 2454. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District $2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in the District of Columbia, of which not more than $100,000 may be used to carry out section 2451.

Subtitle I—Progress Reports and Accountability

SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than 60 days after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the reforms described in section 2502.

SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than August 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, and the District of Columbia Council a progress report that includes the following:

(1) The status of the approval by the Board of Education of the core curriculum—

(A) recommended by the Panel under section 2252(a)(1); or

(B) selected or developed by the Superintendent under section 2261.

(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.

(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.

(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.

(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student ("Public School Vouchers") and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

Subtitle J—Low-Income Scholarships

SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) General Requirements.—

(1) In general.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation" (referred to in this subtitle as the "Corporation"), which is not an agency or establishment of the United States Government.

(2) Duties.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program, and to determine student and school eligibility.

(3) Consultation.—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) Application of provisions.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29-501 et seq.).

(5) Residence.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) Organization and Management, Board of Directors.—

(1) Membership.—

(A) In general.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) House nominations.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) Senate nominations.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) Deadline.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) Appointee of mayor.—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) Possible interim members.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) Powers.—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) Elections.—Members of the Board annually shall elect 1 of the members to be chairperson.

(4) Residency.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) Nonemployee.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) Incorporation.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29-501 et seq.).

(7) General term.—The term of office of each member shall be 5 years, except that

any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of $150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) CITIZENSHIP.—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

(4) SERVICE.—All officers and employees shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants. The audits shall be conducted at the place where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person conducting the audit.

(2) REPORT.—The report by each such independent audit shall be included in the annual report to Congress required by section 2602.

SEC. 2552. FUNDING.

(a) FUND.—There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(b) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(d) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund—

(A) $5,000,000 for fiscal year 1996; and

(B) $7,000,000 for fiscal year 1997, and $10,000,000 for each of fiscal years 1998 through 2000.

(2) LIMITATION.—Not more than $500,000 may be used in any fiscal year by the Corporation for any purpose other than assistance to students.

SEC. 2553. SCHOLARSHIPS AUTHORIZED.

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K–12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District of Columbia public school, public charter school, or independent or private school participating in the tuition scholarship program.

(c) NOT SCHOOL AID.—A scholarship shall be considered assistance to the student and shall not be considered assistance to the school.

SEC. 2554. ELIGIBILITY.

(a) IN GENERAL.—A student who is entitled to receive a public school education in the District of Columbia and who meets the requirements of section 2553(a) is eligible for a scholarship under subsections (c) and (d) of section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996, priority shall be given to students currently enrolled in a District of Columbia public school or preparing to enter kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal years, priority shall be given to scholarship recipients from the preceding year.

SEC. 2555. SCHOLARSHIPS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award scholarships and make payments, on behalf of the student, to participating schools as described in section 2559.

(b) NOTIFICATION.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) TUITION SCHOLARSHIP AMOUNT.—

(1) BELOW POVERTY LEVEL.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school's tuition; or

(B) $3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LEVEL.—For a student whose family income is greater than the poverty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) 50 percent of the cost of a school's tuition; or

(B) $1,500 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) FEE OR TRANSPORTATION SCHOLARSHIP AMOUNT.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) $500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) PROPORTION OF DIFFERENT TYPES OF SCHOLARSHIPS.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the number awarded for fees or transportation shall be equal, to the extent practicable.

(f) FUNDING SHORTFALL.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) EXCEPTION.—Subsection (e) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.

(a) APPLICATION.—A school that desires to accept tuition scholarship students for a school year shall file an application with the

Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students,

(2) assure that it will comply with all applicable requirements of this subtitle; and

(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) ELIGIBILITY CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program.

(2) CONTINUATION.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) EXCEPTION FOR 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) NEW SCHOOLS.—

(1) IN GENERAL.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition scholarship program for a single school year by providing to the Corporation not later than July 1 of the preceding calendar year for which such school intends to begin operations—

(A) a list of the organization's board of directors;

(B) letters of support from not less than 10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations with not less than 25 students; and

(F) assurances that it will comply with all applicable requirements of this subtitle.

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of the information referred to in paragraph (1), the Corporation shall certify in writing the school's provisional eligibility for the tuition scholarship program unless good cause exists to deny certification.

(3) DENIAL OF CERTIFICATION.—If certification or provisional certification is denied for participation in the tuition scholarship program, the Corporation shall provide a written explanation to the applicant school of the reasons for such decision.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) EXPLANATION.—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION REQUIREMENTS FOR INDEPENDENT AND PRIVATE SCHOOLS.

(a) INDEPENDENT AND PRIVATE SCHOOL REQUIREMENTS.—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;

(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) WITHDRAWAL FROM PROGRAM.—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining days in the school year on a pro rata basis. If a school withdraws during an academic year, it shall permit scholarship students to complete the year at their own expense.

SEC. 2558. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act.

SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make tuition scholarship payments to participating schools not later than October 15 of each year equal to half the total value of the scholarships awarded to students enrolled at such school, and half of such amount not later than January 15 of the following calendar year.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWL.—

(A) BEFORE PAYMENT.—If a student withdraws before a tuition scholarship payment is made, the school shall receive a pro rata amount based on the school's tuition for the number of days the student was enrolled.

(B) AFTER PAYMENT.—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) FUND TRANSFERS.—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.

(a) IN GENERAL.—A school enrolling tuition scholarship students shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) CONFIDENTIALITY.—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.

SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.

(a) POLICIES AND PROCEDURES.—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program.

(b) INFORMATION DISSEMINATION.—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

SEC. 2563. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public school students of similar background, including by income level;

(2) comparison of graduation rates between tuition scholarship students and District of Columbia public school students of similar background, including by income level; and

(3) satisfaction of parents of scholarship students.

(b) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees.

SEC. 2564. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) JURISDICTION.—The United States District Court for the District of Columbia shall have jurisdiction over any legal challenges to the tuition scholarship program and shall provide expedited review.

(2) PROTECTABLE INTERESTS.—Parents and children shall be considered to have a separate protectable interest and entitled to intervene as defendants in any such action.

(3) TIMELY REVIEW.—The court shall render a prompt decision.

(b) APPEALS.—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

Subtitle K—Partnerships With Business

SEC. 2601. PURPOSE.

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology, to establish a regional job training and employment center, to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools, and to coordinate private sector investments in carrying out this title.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and

(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT.—The corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" or "DELTA Council" (in this title referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties of the corporation.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the corporation, not later than 90 days after the date of the enactment of this Act, shall provide for an assessment of the current availability of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the corporation—

(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) IMPLEMENTATION.—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(4) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The corporation shall establish a center to be known as the "District Employment and Learning Center" or "DEAL Center" (in this title referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortia of colleges, universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work-experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of

Columbia public schools, which provide a "school-within-a-school" concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) CONDUCT OF PROGRAM.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be, except that in fiscal year 1996, such professional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to section 101, and other proposals to be submitted to the Superintendent, the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Administrator of the General Services Administration, or the Congress; and

(3) a program of rewards for student accomplishment at participating local businesses.

SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit organization established under section 2602(2) shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist the District of Columbia public schools and public charter schools established in accordance with this Act in organizing and implementing a school-to-work transition system with a priority on providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit organization, consistent with the policies of the nationally-recognized Jobs for America's Graduates, Inc.—

(1) shall establish performance standards for such program;

(2) shall provide ongoing enhancement and improvements in such program;

(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

SEC. 2606. MATCHING FUNDS.

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, $1 for every $1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, $3 for every $1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, $5 for every $1 of Federal funds provided under this title for section 2604.

SEC. 2607. REPORT.

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(2); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; WORKFORCE PREPARATION INITIATIVES; OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—There are authorized to be appropriated to carry out subsections (a), (b), (d) and (f) of section 2604 $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c) $2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—There are authorized to be appropriated to carry out section 2604(e) $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2605—

(A) $2,000,000 for fiscal year 1996; and

(B) $3,000,000 for each of the fiscal years 1997 through 2000.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

SEC. 2651. ESTABLISHMENT.

(a) POLICY.—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) WITHHOLD BENEFITS.—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.

SEC. 2652. SUBMISSION OF PLAN.

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits; and

(5) long-term plans for the program.

SEC. 2653. REPORTS TO CONGRESS.

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

This Act may be cited as the "District of Columbia Appropriations Act, 1996".

The PRESIDING OFFICER. Pursuant to that same order, the Senate insists on its amendment and requests a conference with the House and authorizes the Chair to appoint conferees.

EDIBLE OIL REGULATORY REFORM ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 436 just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

A bill (H.R. 436) to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3044

(Purpose: To make minor and technical changes, and for other purposes)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. CHAFEE, for himself, Mr. BAUCUS, Mr. PRESSLER, Mr. LUGAR, and Mr. HARKIN, proposes an amendment numbered 3044.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 8, after "to" insert "the transportation, storage, discharge, release, emission, or disposal of".

On page 2, line 9, strike "any" and insert "that".

On page 2, line 18, strike "such" and insert "that".

On page 2, line 22, strike "different" the first place it occurs.

On page 2, line 23, strike "as provided" and insert "based on considerations".

On page 3, line 12, strike "carrying oil in bulk as cargo or cargo residue".

On page 3, line 13, after "carried" insert "as cargo".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3044) was agreed to.

Mr. CHAFEE. Mr. President, the Senate recently received from the House H.R. 436, the Edible Oil Regulatory Reform Act. The bill would amend the Oil Pollution Act of 1990, or OPA-90. As chairman of the Environment and Public Works Committee, which has exclusive jurisdiction over OPA-90, I support the Senate's passage of H.R. 436 by unanimous consent without delay.

As a member of the Environment and Public Works Committee at the time the committee reported the bill that became OPA-90, I am well acquainted with the statute. As many of us will recall, the Congress enacted OPA-90 in the aftermath of the catastrophic *Exxon Valdez* oilspill in Prince William Sound, AK.

One of the key elements of OPA-90 requires all vessels to demonstrate a certain minimum level of financial responsibility to cover the costs of cleanup and damages in the event of an oilspill. The intent behind this requirement is to ensure that an entity that discharges oil into our natural environment pay for the costs and damages arising from the spill—not the U.S. taxpayer. This intent remains sound and should continue to inform the application of the statute.

In passing OPA-90, however, Congress did not intend to abandon the use of common sense. As the act currently stands, there is no distinction made in the financial responsibility requirements for oil-carrying vessels, regardless of the kind of oil being carried. Therefore, a vessel carrying sunflower oil is held to the same requirements under OPA-90 as a carrier of deep crude.

H.R. 436 simply recognizes that vegetable oils and animal fats are different from petroleum oils. Most important, they are different in ways that make it less likely that a spill of vegetable oil or animal fat will cause the same kind of environmental damage as would a petroleum oilspill. For example, vegetable oils and animal fats contain none of the toxic components of petroleum oil.

This is not to suggest that a spill of vegetable oil or animal fat will have no adverse environmental impacts. Experience has shown to the contrary, especially in the case of the Blue Earth River spill in Minnesota in the mid-1960's. Here it is important to note that H.R. 436 would not provide an exemption for carriers of vegetable oil or animal fats. They still would be subject to a mandatory minimum financial responsibility requirement under OPA-90.

Thus, H.R. 436 will lend more rationality to the application of OPA-90 while maintaining the fundamental integrity of the act's purpose and approach. I commend my colleagues in the House for recognizing an opportunity to improve the implementation of an environmental statute.

Finally, as chairman of the Environment and Public Works Committee, let me say that I appreciate the willingness of all Senators to expedite action on this bill. Without unanimous consent, H.R. 436 would have been referred to the Committee on Environment and Public Works. My review of the bill has convinced me that it is a straightforward, commonsense piece of legislation on which committee hearings are unnecessary and to which I can lend my support.

Mr. PRESSLER. Mr. President, I urge my colleagues to support the passage of H.R. 436, the Edible Oil Regulatory Reform Act. Passage of this measure is long overdue.

The problem this measure would address is how Federal agencies regulate the shipment of edible oils, as compared with toxic oils. Action is needed because agencies currently do not make a distinction between these two kinds of oils. Unless we pass H.R. 436, we face a potential loss in agricultural exports and diminished farm income.

This issue is not new to this body. Last year, I joined Senator LUGAR and Senator HARKIN in sponsoring similar legislation that passed the Senate but did not become law.

As a result, earlier this year, I joined Senator LUGAR and 14 other Senators in introducing S. 679, the Senate counterpart to H.R. 436. By passing H.R. 436, we immediately can clear this bill for the President's signature.

The bill is simple and very straightforward. Under H.R. 436, regulatory agencies would be required to establish separate standards governing shipments of edible oilseeds and shipments of toxic oils, such as petroleum. Presently, Federal agencies enforce the Oil Pollution Act of 1990 in a manner that treats animal fats and vegetable oils in the same way as toxic oils.

Mr. President, this kind of enforcement was never congressional intent. The bill we are considering today would state clearly to Federal agencies that edible oils are not to be treated in the same manner as toxic oils. However, let me be clear. Under no circumstance would this bill change the Oil Pollution Act of 1990 as it relates to toxic oils.

This bill has strong support. I ask unanimous consent that a list of organizations supporting the measure be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING ANIMAL FAT/VEGETABLE OIL AMENDMENT

American Bakers Association.
American Crop Protection Association.
American Feed Industry Association.
American Frozen Food Institute.
American Meat Institute.
American Soybean Association.
Beer Institute.
Biscuit and Cracker Manufacturers' Association.
Chicago Board of Trade.
Chocolate Manufacturers Association.
Corn Refiners Association.
Flavor & Extract Manufacturers' Association.
Food Industry Environmental Council.
Food Marketing Institute.
Fragrance Material Association.
Grocery Manufacturers of America.
Independent Bakers Association.
Institute of Shortening and Edible Oils.
International Dairy Foods Association.
National American Wholesale Grocers Assn.
National Association of Margarine Manufacturers.
National Broiler Council.
National Cattlemen's Association.
National Confectioners Association.
National Corn Growers Association.
National Cotton Council of America.
National Cottonseed Products Association.
National Council of Farmer Cooperatives.
National Fish Meal & Oil Association.
National Fisheries Institute.
National Food Processors Association.
National Grain and Feed Association.
National Grain Trade Council.
National Industrial Transportation League.
National Institute of Oilseed Products.
National Oilseed Processors Association.
National Pasta Association.
National Pork Producers Council.
National Renderers Association.
National Soft Drink Association.
National Sunflower Association.
National Turkey Federation.

North American Export Grain Association.
Snack Food Association.
U.S. Canola Association.

Mr. PRESSLER. The need for H.R. 436 is compelling. Without action, we are diminishing inadvertently agricultural exports. In addition, existing regulations could have a chilling effect on the development of new crops and new uses of crop production.

Farm exports are nearing all time highs. The future for oilseeds is equally bright. However, current enforcement of the Oil Pollution Act works against this progress. It has become clearly evident that existing regulations would seriously impact exports of U.S. agricultural commodities, especially vegetable oils and animal fats. Unless we pass this bill, the U.S. animal fat and vegetable oil industries are faced with lost export sales of more than $125 million. It is a critical time for oilseed crushers, who are operating at peak capacity with the new oilseed crop. Losing export markets could lead to an oversupply situation that could cut the value of the U.S. soybean crop by more than $1 billion.

New crops and new industrial uses for agricultural raw materials mean greater demand for farm commodities. New industrial crops allow farmers to diversify their farming systems and income sources, improve crop rotations and reduce reliance on government commodity programs.

Jobs and income would be generated as new crops are taken from the farm gate to the processors and on to the wholesalers and retailers. The predominant post-farming activity would be in the transportation, manufacturing, distribution and support sectors of farm states.

New crops to grow in South Dakota are likely to be edible oilseeds. The most likely candidates are crambe, industrial rapeseed and canola. They could compliment South Dakota's production of sunflowers, which is a major industry in my state. Production in 1994 was valued at nearly $150 million. Most of the sunflower production in South Dakota is for oil, and at least 40 percent of the sunflower production in South Dakota is exported.

In summary, Mr. President, there is a great need for this bill to become law. The bill simply would put common sense into existing regulations and would help those regulations come into line with Congressional intent. And the winners out of all this are our farmers and ranchers. I urge passage of H.R. 436.

Mr. LUGAR. Mr. President, I am pleased to support passage of legislation to encourage regulatory common sense. Senators PRESSLER, HARKIN, and others joined me in introducing the Senate version of the Edible Oil Regulatory Reform Act (S. 679) on April 5. I am pleased that the House approved its version of this bill (H.R. 436) on October 10, and urge my colleagues to support Senate passage.

This legislation will correct two problems: First, the regulation of edible oils in a manner similar to toxic oils like petroleum, and second, the requirement that Certifications of Financial Responsibility [COFR] accompanying vessels carrying edible oils equal those of vessels carrying toxic oils. This bill is similar to legislation which passed Congress last year, but was not given final approval.

In response to the *Exxon Valdez* oilspill in 1990, Congress passed the Oil Pollution Act of 1990, which requires several Federal agencies to enhance regulatory activities with regard to the shipping and handling of hazardous oils.

In 1993, the Transportation Department proposed regulations to guard against oil spills, and require response plans if spills did occur. DOT proposed to treat vegetable oils—that is, salad oils—in the same way as petroleum. Among other things, salad oils would have been officially declared hazardous materials, with all the regulatory requirements and extra costs which that designation entails.

This was a classic example of regulatory overreaching. Vegetable oil, of course, is different from petroleum. Vegetable oil processors thought it entirely appropriate that they undertake response plans to guard against major spills.

The industry did not argue that they should be example from regulation. The industry argue that regulators should take into account obvious differences—in toxicity, biodegradability, environmental persistence and other factors—between vegetable oils on the one hand, and toxic petroleum oils on the other.

Secretary Pena eventually agreed with us and prompted modification of DOT's position. However, he does not have jurisdiction over all agencies with a role in regulating oil spills. More recently, the industry has been working with other agencies which have a role in regulating oils and ensuring adequate financial responsibility in the event of a spill.

No one is any longer proposing to call salad dressing or mayonnaise hazardous material, but agencies are requiring that spill response plans for vegetable oils be quite similar to those for petroleum.

The most recent problem arose in December, 1994, when Coast Guard regulations subjected vessels carrying vegetable oil to the same standard of liability and financial responsibility as supertankers carrying petroleum. On December 28, 1994, the Coast Guard began requiring the same standard—a $1,200 per gross ton or $10 million of financial responsibility—on vessels carrying vegetable oil and petroleum oil in U.S. waters or calling at U.S. ports. On July 1, similar standards were phased in on barges operating on U.S. navigable waterways.

Prior to December 28, a COFR requirement of $150 per gross ton applied to all vessels regardless of the hazardous nature or toxicity of the cargo. The vegetable oil industry does not seek a return to this earlier standard, but seeks regulation under a $600 per gross ton COFR requirement that Coast Guard regulations apply to vessels carrying other commodities. It is worth noting that this new financial responsibility standard for edible oil would be four times the COFR required on toxic petroleum oils prior to December 28, 1994.

Application of the most stringent standard to vessels carrying vegetable oil adds to the cost of transporting U.S. vegetable oil to foreign markets. The additional costs of these burdensome regulations are passed back to farmers in reduced prices for commodities. Consumers may also bear a burden in higher food prices. In addition, there have been instances in 1995 where this unjustified additional cost has made U.S. vegetable oil uncompetitive and has resulted in lost exports.

H.R. 436 would not exempt vegetable oil shipments from COFR requirements or regulation. It would only apply a more appropriate standard of financial responsibility to vegetable oil, similar to that applied to vessels carrying other commodities.

The scientific data collected to date indicate that the animal fats and vegetable oils industry has an excellent spill history justifying differentiation of these edible materials from toxic oils. Specifically, these products account for less than one half of one percent of all oil spills in the U.S. In addition, most spills of these products are less than 1,000 gallons.

The industry seeks a separate category for vegetable oils. This is as much because of scientific differences in the oils as it is for economic reasons. There is no reason why non-toxic vegetable oils must be in the same category as toxic oils.

Second, the industry seeks response requirements that recognize the different characteristics of animal fats and vegetable oils within this separate category. A separate category without separate response requirements reflecting different toxicity and biodegradability is nothing more than a hollow gesture.

The Senate and House of Representatives last year passed virtually identical legislation on different legislative vehicles to ensure that both of these objectives are accomplished. Under H.R. 436, the underlying principles of the Oil Pollution Act of 1990 would remain unchanged with the language to require differentiation of animal fats and vegetable oils from other oils. The House approved this language twice last year as part of H.R. 4422 and H.R. 4852. The Senate passed the bill as S. 2559. Since final action on this legislation was not completed in the last Congress, it is before the Senate again.

This bill does not tell the Coast Guard or any other agency what it must put into regulations. The legislation simply says that in rulemaking under the Federal Water Pollution Control Act or the Oil Pollution Act of 1990, these agencies must differentiate between vegetable oils and animal fats on one hand, and other oils including petroleum on the other.

The bill specifies that the agencies should consider differences in the physical, chemical, biological or other properties and the effects on human health and the environment effects of these oils.

This bill does not exempt vegetable oils from the Oil Pollution Act of 1990. It is a modest effort to encourage common sense in an area of regulation that has not always been marked by that characteristic. I hope my colleagues will support the legislation.

Mr. HARKIN. Mr. President, I am pleased that we have been able to work out the details on this legislation to clear the way for its passage today. It seems that we have been working on this issue for quite a long time, and it is gratifying to reach this resolution. Certainly this bill will provide a significant measure of regulatory relief to those in the food and agriculture industry who have been affected by the imposition of regulations on the storage, transportation, and handling of edible oils that are really designed for hazardous petroleum oils.

Senator LUGAR and I introduced legislation to resolve this instance of unnecessary regulation a year and a half ago. Unfortunately, we were not able to get the measure passed in the same bill by both the House and Senate last fall, although it did pass both Houses in different bills. I was pleased to join Senator LUGAR again this year in reintroducing the legislation along with Senator PRESSLER. I am also grateful for the help provided by Senator CHAFEE and Senator BAUCUS in working out modifications to the bill to ensure that it will adequately address the problems we are seeking to solve without potentially creating unintended or unforeseen problems.

This legislation is simply designed to bring common sense to Federal regulations involving the transportation, handling, and storage of edible oils. Common sense tells us regulations pertaining to these substances need not, and should not, be as stringent as those applicable to other oils, such as petroleum oils or other toxic oils, which pose a far more significant level of health, safety, and environmental risk in the event of a spill, discharge, or mishandling. Animal fats and vegetable oils are essential components of food products that we consume every day. The scientific evidence indicates they are not toxic in the environment, are essential nutritional components, are biodegradable, and are not persistent in the environment.

Regrettably, a commonsense approach to regulation of animal fats and vegetable oils has been more difficult to achieve than one might think, as the experience under implementation of the Oil Pollution Act of 1990 demonstrates. Although some of the problems have been worked out, there still exists in the industry substantial uncertainty whether regulators will properly differentiate edible fats and oils from petroleum and other toxic oils. This legislation will resolve the uncertainty and eliminate the costs associated with this kind of unnecessary regulation.

The bill will not exempt edible oils from regulation, but will only require that regulators differentiate animal fats and vegetable oils from other oils, including petroleum oil, considering differences in physical, chemical, biological, and other properties, and in the effects on human health and the environment, of the classes of oils. The bill will do no more than alleviate the substantial threat of overregulation of animal fats and vegetable oils in ways that clearly could not have been intended by Congress. It will bring some reasonableness and clarity to issues that are now characterized by confusion and uncertainty.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read the third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 436), as amended, was passed.

BILL READ FOR THE FIRST TIME—H.R. 1833

Mr. DOLE. Mr. President, I inquire of the chair if H.R. 1833 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, it has.

Mr. DOLE. Therefore, I ask for its first reading.

The bill (H.R. 1833) was read the first time.

Mr. DOLE. I now ask for its second reading, and I object on behalf of the Democratic leader.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk to be read a second time following the next adjournment of the Senate.

DAVID J. WHEELER FEDERAL BUILDING

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 217, S. 1097.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

A bill (S. 1097) to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the "David J. Wheeler Federal Building," and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1097) was passed, as follows:

S. 1097

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DAVID J. WHEELER FEDERAL BUILDING.

The Federal building located at 1550 Dewey Avenue, Baker City, Oregon, shall be known and designated as the "David J. Wheeler Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "David J. Wheeler Federal Building".

ORDER TO PROCEED TO H.R. 1833 ON NOVEMBER 7, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1833, the ban on partial birth abortions on Tuesday, November 7, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 1833. An act to amend title 18, United States Code, to ban partial-birth abortions.

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2546. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996: From the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. HASTERT and Mr. GREENWOOD.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS, Mr. DELAY, Mrs. VUCANOVICH, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. LIVINGSTON, Mr. STOKES, Mr. MOLLOHAN, Mr. CHAPMAN, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

MEASURES COMMITTED

Pursuant to section 312(b) of the Congressional Budget Control and Impoundment Act, the following bill was committed as indicated:

S. 1372. A bill to amend the Social Security Act to increase the earnings limit, and for other purposes; to the Committee on Finance.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1833. An act to amend title 18, United States Code, to ban partial-birth abortions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1568. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice relative to renewing a lease; to the Committee on Armed Services.

EC-1569. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-1570. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-1571. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation user fees; to the Committee on Commerce, Science, and Transportation.

EC-1572. A communication from the Administrator of the Federal Aviation Administration, the Department of Transportation, transmitting, pursuant to law, the report on the Final Environmental Impact Statement (EIS) on the Effects of Implementation of the Expanded East coast Plan (EECP) Over the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

EC-1573. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the 1995 status of the Nation's Surface Transportation System; to the Committee on the Environment and Public Works.

EC-1574. A communication from the Comptroller General, transmitting, pursuant to law, reports and testimony for the month of Septmember 1995; to the Committee on Governmental Affairs.

EC-1575. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on the efforts to promote the use of frequent traveler programs by Federal employees; to the Committee on Governmental Affairs.

EC-1576. A communication from the members of the United States of America Railroad Retirement Board, transmitting, pursuant to law, a report relative to referrals, matters transmitted, hearings conducted, and actions to collect civil penalties for fiscal year 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 288. A bill to abolish the Board of Review of the Metropolitan Washington Airports Authority, and for other purposes (Rept. No. 104-166).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1139. A bill to amend the Merchant Marine Act, 1936, and for other purposes (Rept. No. 104-167).

By Mr. ROTH, from the Committee on Finance, with an amendment:

S. 1318. An original bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL:

S. 1378. A bill to combat public corruption, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 1379. A bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 1380. A bill to require forfeiture of counterfeit access devices, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are involuntarily unemployed to withdraw funds from individual retirement accounts and other qualified retirement plans without incurring a tax penalty; to the Committee on Finance.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. 1382. A bill to extend the Middle East Peace Facilitation Act; considered and passed.

By Mr. STEVENS:

S. 1383. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Westfjord*; to the Committee on Commerce, Science, and Transportation.

S. 1384. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *God's Grace II*; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. DASCHLE, and Mr. HOLLINGS):

S. 1385. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare program; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. SHELBY):

S. 1386. A bill to provide for soft-metric conversion, and for other purposes; to the Committee on Governmental Affairs.

By Mr. NUNN:

S. 1387. A bill to provide for innovative approaches for homeownership opportunity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S.J. Res. 42. Joint resolution designating the Civil War Center at Louisiana State University as the United States Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL:

S. 1378. A bill to combat public corruption, and for other purposes; to the Committee on the Judiciary.

THE ANTI-CORRUPTION ACT OF 1995

Mr. MCCONNELL. Mr. President, I rise to introduce the Anti-Corruption Act of 1995, a bill which will strengthen the ability of Federal law enforcement officials to combat election fraud and public corruption by State and local officials. A few excerpts from recent news articles will demonstrate the need for this bill:

The San Diego Union-Tribune writes on October 1 of recent reports,

> [T]hat cats and dogs are on the state's voter rolls, that God is registered to vote in

Hollywood, and that a San Francisco man who died in 1982 has consistently voted for the past decade.

The St. Louis Post-Dispatch reports on the same day of the city comptroller who, a few days earlier, pleaded guilty to—

> [I]ncome tax evasion in exchange for dismissal of charges that he conspired with others to defraud voters in the comptroller's election two years ago.

The Dallas Morning News reports on September 30, of citizens in rural Costilla County, CO, who,

> [S]purred an investigation by the state attorney general that led to a raft of indictments and guilty pleas for election fraud [and p]rompted a second investigation by the attorney general that found fraud and embezzlement by county officials.

The Hartford Courant reports on August 28, of new efforts to combat voter fraud because of irregularities, including,

> [T]wenty-seven felons who voted in 1994 in the race for the 2nd District Congressional seat.

It is no wonder the American people become more disgusted with our system every day. Allegations of vote buying and cries of "voting irregularities" pervade every close election.

We would like to think that the losing candidates are only motivated by sour grapes. But too often, investigations turn up cases where a dead, nonetheless patriotic, American manages to roll out of his eternal slumber to do his or her civic duty before the polls close.

Americans' faith is further eroded by daily scandals involving public officials reported in their local paper. This past summer, officials formally closed a nearly 5-year corruption investigation that rocked my own State of Kentucky. Operation BOPTROT resulted in more than a dozen convictions of State legislators, appointed State officials and lobbyists. The BOPTROT sting operation involved bribery and influence peddling at the highest level of Kentucky State government. Although the BOPTROT investigation was closed in early August, FBI officials made it clear that the State has not yet been cleansed of public corruption: "Public corruption remains the FBI's No. 1 priority in Kentucky," according to the lead FBI investigator.

A central problem in preventing corruption in elections and government operations is a lack of Federal guidelines defining what is illegal. Another problem is the jurisdiction over this illegal activity. This bill I am introducing aims at correcting both of these problems.

The bill simply states that if anyone engages in any activity to deprive people of the honest services of their public officials, they will be fined and face a possible 10-year sentence in Federal prison. This includes rigging elections, intimidating voters, buying votes, and bribing officials.

And, this bill makes every act of elections fraud—at every level of government—a Federal offense. It gives Federal prosecutors the jurisdictional authority they need to investigate and prosecute entrenched local corruption.

We have made dramatic changes to the voter registration laws; while it is easier to register and vote, it is also easier to commit election fraud. This bill is needed to discourage those who would seek to defraud the government and abuse the public trust.

Moreover, as we ask the States to assume more responsibility for providing government services, we must ensure that we possess the tools for weeding out and punishing corrupt practices.

The bill also addresses public corruption as it relates to drug trafficking. The facilitation by public officials of drug trafficking would be classified as a class B felony under title 18 of the United States Code.

And, anyone attempting to bribe or actually bribing a public official for help in drug trafficking would be guilty of a class B felony.

Drug use and drug trafficking are back on the rise. It is a lucrative business. Aiding and abetting it can offer a huge stipend to public officials, worth many times their government salaries. This bill would make drug stings sting a lot more—for the pushers and for corrupt politicians.

Mr. President, I have spoken out repeatedly over the years on these issues and on this specific piece of legislation. In past years, this bill, included as an amendment to other pieces of anticrime legislation, has passed the Senate with overwhelming, bipartisan support. But it has never made it to the final conference report.

The bill has also had wide support among the U.S. attorneys, who would be on the front lines prosecuting these crimes. In fact, two former U.S. attorneys in Kentucky have endorsed this bill.

Mr. President, I ask unanimous consent that their letters in support of this legislation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ROBINSON & MCELWEE,
Lexington, KY, October 26, 1995.

Hon. MITCH MCCONNELL,
Russell Senate Building, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing in support of the Anti-Corruption Act you are introducing. As you know, Kentucky has been victimized by public corruption at the highest levels of state government. My first-hand experience in Operation BOPTROT, resulting in the conviction of almost two dozen officials, made me aware of the gaps in federal law and jurisdiction over influence peddling and corruption.

Your bill would provide federal law enforcement officials with the necessary tools to fight these plagues on the taxpayers. And, it would send a message to public officials everywhere that there will be grave consequences for failing to uphold the public trust.

The American people grow more and more cynical about our government and much of the blame can be laid at those who breach the confidence placed in them by the voters. Your bill will help restore the faith citizens should have in our great system.

I am confident your bill will be widely supported among your colleagues and I wish you every success in speedy passage.

Sincerely,

KAREN K. CALDWELL.

JOSEPH M. WHITTLE,
Prospect, KY, October 16, 1995.

Hon. MITCH MCCONNELL,
Russell Senate Building, Washington, DC.

DEAR SENATOR MCCONNELL: I am pleased to write in support of your Anti-Corruption Act, a bill you have introduced in previous Congresses and which has been adopted by a majority of the Senate.

Since the bill addresses election fraud and corruption by government officials, it is of particular importance to Kentucky in view of the 5-year Operation BOPTROT effort. My involvement in Operation BOPTROT made me aware that current federal law is not fully adequate to deal with public corruption. This bill will give federal law enforcement agents the power and authority to vigorously fight election fraud, influence peddling and public corruption.

Most of all, your bill will help restore confidence the American people should have in their government and public servants.

I wish you success in getting the bill passed. I know it has enjoyed wide support in the past, and I am confident that the bill will continue to have support among your colleagues.

Respectfully,

JOSEPH M. WHITTLE.

Mr. MCCONNELL. Mr. President, I am confident this bill will gain the support of the Attorney General.

I am certain that in our renewed effort to gain the public trust, this legislation will be received with resounding approval. I urge my colleagues to support this much-needed legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Corruption Act of 1995".

SEC. 2. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election through one or more of the following means, or otherwise—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information;

"(D) through the filing of any report required to be filed under Federal or State law regarding an election campaign that contains false material information or omits material information; or

"(E) through engaging in intimidating, threatening, or deceptive conduct, with the intent to prevent or unlawfully discourage any person from voting for the candidate of that person's choice, registering to vote, or campaigning for or against a candidate,
shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, deposits or causes to be deposited any matter or thing to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility in interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce;

"(C) in the case of an offense described in paragraph (1), the honest services of the official or employee relate to a governmental office of a State or political subdivision of a State which receives funds derived from an Act of Congress in an amount not less than $10,000 during the 12-month period immediately preceding or following the date of the offense; or

"(D) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action in any court of competent jurisdiction and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) the amount of backpay;

"(iii) a penalty of two times the amount of backpay;

"(iv) interest on the actual amount of backpay; and

"(v) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) To obtain recovery under subsection (c)(2)(A) (iii) or (v) against a State or political subdivision, the employee or individual bringing the action shall establish by a preponderance of evidence that any violation of this section was—

"(i) the result of widespread violations within the State or political subdivision; or

"(ii) the result of conduct authorized by a senior official within the State or political subdivision.

"(C) In cases in which a State or political subdivision is sued and found liable for recovery under subsection (c)(2)(A) (iii) or (v), the State or political subdivision may bring an action for contribution for such recovery from any employee or official whose action led to the recovery under subsection (c)(2)(A) (iii) or (v).

"(D) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(E)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and include any person acting or pretending to act under color of official authority; and

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 3. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by inserting ", or uses or causes the use of any facility in interstate or foreign commerce," after "sounds"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility in interstate commerce.".

SEC. 4. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State, shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty, shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, commonwealth, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, commonwealth, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

By Mr. SIMPSON:

S. 1379. A bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FAIR DEBT COLLECTION PRACTICES AMENDMENTS ACT OF 1995

• Mr. SIMPSON. Mr. President, today, I am introducing legislation to make technical amendments to the Fair Debt Collections Practices Act.

The original act was passed in 1977 to stop the abusive debt collection practices of third-party debt collectors. In that regard, it has worked well.

Debt collectors were told that if they ran honest, ethical operations they would not have problems with the act—that only the lawless collectors would be penalized. The law-abiding among them would thus not need to worry nor would they have to hire lawyers to interpret the act.

In that regard, the act may well have reached too far. Certainly, unscrupulous collectors have been forced to play by the rules, but many law-abiding collectors have found themselves unjustly burdened by many minor provisions found in the act. There have been hundreds of lawsuits based on technical and totally unintentional violations of the act.

We should remember that collection agencies are, in most cases, the smallest of small businesses. Also, some 38 percent are owned or operated by women, one of the highest of such percentages in all business categories.

These companies cannot afford huge legal bills and they certainly cannot get free legal representation. Because of the large increase in the number of such lawsuits, many collection agencies have seen huge increases in their insurance premiums.

The most distressing result is that small and highly dedicated group of attorneys is using the act to extort money from collection agencies. For example, the act has a $1,000 minimum statutory damage provision, even for the smallest, technical violation. These attorneys will comb collection files to find the smallest violation and then sue collection agencies for the $1,000 amount. The agency is usually forced to pay a settlement because, even if they have done nothing wrong, the legal fees required to defend such an action will run many thousands of dollars. Some agencies have even set aside money each month to pay off the demands of these lawyers, even though the company knows it has not violated the spirit of the act.

Let me cite some examples of ridiculous lawsuits that would be eliminated under this legislation.

A Nevada agency was sued for allegedly violating the prohibition against third-party contacts after the agency sued the debtor in court to obtain a judgment. The consumer attorney felt that communicating with the court was a third-party violation.

An agency that collects students loans for the Department of Education was similarly challenged in court. At issue was the language used by the agency in its letters as required by the Department. The language stated that no legal action is required for the Department to enforce an administrative garnishment against a debtor. The attorney argued that the notice was deceptive because it did not state that the debtor has a right to a hearing before the garnishment is enforced.

What about the collectors who are big enough to fight back? In many cases, collection agencies that can afford this costly litigation are not bothered by claimant attorneys. So effectively, the act has served to selectively penalize the small collector. To compound confusion, different courts have handed down totally contradictory decisions and opinions regarding the provisions of the act. Thus we have a Federal law requiring collectors to follow procedures that vary from State to State. The situation has become so confusing that the Federal Trade Commission has asked Congress to clarify the opposing court decisions and that, in part, is one of the purposes of this legislation.

In addition, the bill gets rid of the $1,000 statutory damages "carrot" that has, through its misuse, become a winning lottery ticket for some lawyers. Certainly a debt collector who wrongfully damages a debtor should be required to pay for those damages—and the legislation will preserve such compensation. A collector will be held responsible for actual damages, but not for an arbitrary standard that is not imposed by most other consumer laws.

Additionally, when Congress passed the Truth in Lending Simplification Act in the 1980's, it cleared up a major problem in class action lawsuits by limiting the total damages and number of such suits that could be filed against one defendant. Because of an oversight, the Fair Debt Collections Practices Act was not made part of the legislation and today debt collectors face a legal financial burden that other companies covered by consumer protection enforcement laws are protected against. This legislation corrects that oversight.

The legislation would allow judges to award defendants the cost of their actions plus legal fees if one of these suits is brought in bad faith. Rule 68 of the Federal Rules of Civil Procedure would now apply to lawsuits associated with the Fair Debt Collections Practices Act. Under that standard, when a defendant offers a settlement and the plaintiff refuses, if the ultimate court award is equal to or less than such an offer, the plaintiff has to pay the defendant's legal costs. This rule has worked well and should help end technical lawsuits.

Collectors are also being attacked by another class of attorneys—district or county attorneys who are setting up "for profit," collection agencies that compete directly with private enterprise. Under a very narrow reading of the act, these State and local officials contend they are not covered by the legislation. In some areas, these public officials are telling merchants that they will not accept debts for collection if they have previously been turned over to a private collection agency. At present, the local government collection agencies are only collecting bad checks but they may well branch into other collection fields. Do not be fooled. These public officials are not collecting bad checks as part of their government function. No, only merchants who join the program can get this type of law enforcement. Individuals who have received bad checks cannot use the service. This amounts to law enforcement judged by the size of your wallet.

This legislation would still allow local officials to operate such collection activities but they would have to comply with the Fair Debt Collections Practices Act. No longer would such operations be able to charge a consumer $120 for a $5 returned check as has happened in some cases.

The legislation does not remove any of the other basic consumer safeguards that are in the act. Still in place are the restrictions against harassment by collectors, calls in the middle of the night, informing employers about debts and the all important safeguard that makes it illegal for a collector to do anything in a deceptive manner.

Mr. President, the amount of debt owed to American businesses that goes unpaid is skyrocketing. In the latest figures available, 226.2 million accounts totaling $79 billion were turned over to third-party collection agencies in 1993. It is estimated that bad debt cases cost every man, woman, and child in America $250 per year. That means that a family of four will pay $1,000 more for goods and services during each year. The figures for bad checks are even more staggering. On average, Americans write more than 1.5 million checks a day that are subsequently dishonored by U.S. banks.

In 1992 some 533 million checks totaling $16 billion were returned to U.S. banks. Projections for 1995 estimate that 619 million checks will "bounce." By the year 200 the estimate is that 731 million will be returned. Our Nation's economy can't afford such losses and businesses deserve the services of an affordable collection industry that is not bogged down by the technical and nuisance lawsuits.•

By Mr. D'AMATO:

S. 1380. A bill to require forfeiture of counterfeit access devices, and for other purposes; to the Committee on the Judiciary.

FORFEITURE LEGISLATION

• Mr. D'AMATO. Mr. President, I introduce legislation that will close a loophole which has proven to be a bonus to counterfeiters and a detriment to law enforcement. Simply stated, this legislation allows equipment used to counterfeit access devices to be treated like any other contraband and forfeited.

Currently under law, certain items are designated as contraband. Narcotics, illegal firearms, and counterfeit currency often come to mind when the issue of contraband is raised. Contraband also includes property designed or intended as the means of committing a criminal offense. Since narcotics are contraband, illegal drugs can be seized from a suspected drug dealer, as well as the vehicle in which the drug transaction occurred.

This bill would allow counterfeit access devices to be treated as contraband. Access devices are the means in which the account owner can access his or her own account, including credit cards and cellular phones. Counterfeiters can gain entry to this account and, in a matter of minutes, reach the owner's cash or use the owner's service. Criminals who perpetuate credit card fraud use equipment, such as an embosser and encoder, to imprint new numbers onto a piece of plastic. They are then able to use the credit cards to the limit for cash withdrawal using a valid credit card number. In telecommunications fraud, the offender can use an electronic serial number reader [ESN] to attract cellular phone numbers and store them for unauthorized use. By using a computer and a device called an E-chip, the offender can reprogram any cellular phone to call on another person's bill. Once the legitimate owner of the stolen cellular phone number realizes that their phone has been used by a criminal, the criminal is using another innocent owner's cellular number.

Law enforcement agencies do all they can to catch the offenders. The New York Times reported on an imaginative operation devised by the U.S. Secret Service to find perpetrators of cellular phone fraud, through the use of a computer bulletin board. I ask unanimous consent that the text of this article be included in the RECORD, Mr. President, and I would like to take this opportunity to congratulate the Secret Service for working to end fraud on this and other fronts.

The problem, however, is that when the perpetrators of credit card and cellular phone fraud are apprehended, and even convicted, the equipment used by the offenders is often returned to them after their sentence is served! Although this process seems preposterous, it is real. A credit card counterfeiter frequently receives his or her embosser and encoder once released from custody. The apparatus used to commit the cellular phone theft of services is also frequently remitted to the user, even if he or she was convicted. With their equipment intact, they are ready to commit fraud again if they so desire. The problem of counterfeit access devices costs the cellular phone companies and the banks billions of dollars every year. These costs get passed on to the customer.

Remittance of equipment used in counterfeiting access devices is certainly not the intent of law enforcement or prosecutors. These dedicated officials work tirelessly to do the right thing. Why is it that the devices are not forfeited? It is simply because the law has not been updated to keep up with technology.

The process is already in place for other contraband, such as narcotics, counterfeit currency and illegal firearms. It should not be too much of a stretch to extend the same procedures and safeguards that are available for these contrabands to counterfeit credit cards and cloned cellular phones.

This legislation will not end the counterfeiting of access devices but it will end the practice of returning tools to those who may use it for illicit purposes. Any hurdle that we can create for the repeat offender should be clearly established in law. The message from this Congress must be: for every ingenious way that criminals can commit their crimes, Congress is prepared to stop them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORFEITURE OF COUNTERFEIT ACCESS DEVICES.

Section 80302(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking "or" the last place it appears;

(2) in paragraph (5), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6) a counterfeit access device, device-making equipment, or scanning receiver (as those terms are defined in section 1029 of title 18).".

[From the New York Times, Sept. 12, 1995]

SECRET SERVICE GOES ON LINE AND AFTER HACKERS

(By Clifford J. Levy)

It was a classic sting operation, the kind of undercover gambit that has nabbed bad guys for decades: Federal agents disguised as big-time thieves set up shop and put the word out on the street that they were eager for business. Soon shifty characters were stopping by, officials said, peddling stolen goods that were worth millions of dollars.

But as the agents revealed yesterday, the meeting place for this subterfuge was not some grimy storefront. It was a computer bulletin board that the United States Secret Service has rigged together to troll for people who are illegally trafficking in the codes that program cellular phones.

The "computer service," which led to the arrests of at least six suspected hackers and the possibility of more, is the latest indication that law enforcement agencies are being forced to try novel strategies to keep up with the startling growth in computer-assisted crime. Cellular-phone fraud alone cost companies $482 million last year, the cellular-phone industry estimates.

According to the criminal complaint in the case, a Secret Service agent used the Internet, the global computer network, to announce that the bulletin board catered to those involved in breaking into computers and in cellular-phone and credit-card fraud.

"People all over the country responded," said Peter A. Cavicchia 2d, the special agent in charge of the Newark office of the Secret Service, which ran the investigation. "They felt they could do this with impunity."

The Secret Service, which is the Federal agency charged with going after cellular phone and credit card fraud, has long been known to monitor commercial computer online services like Prodigy and America Online, as well as smaller, private computer bulletin boards, for illegal activities.

But officials said this case represented the first time that the Secret Service had created an entirely new computer bulletin board, which is basically a system that links different computer users, allowing them to chat with and leave messages for each other. There have been a few instances of other law enforcement agencies creating bulletin boards for investigations.

"If they are selling the stuff in cyberspace, law enforcement has to be willing to go there," said Donna Krappa, an assistant United States Attorney in Newark, who is on the team prosecuting the case. "And the way to do that is to have a fence in cyberspace."

As Federal law enforcement officials detailed it, the investigation unfolded much like a traditional sting that draws in people hawking stolen televisions, jewelry or cars. The agents made contact with the suspects, then worked to gain their confidence and allay their suspicions.

The difference, of course, was that most of these discussions were conducted with computers talking over telephone lines.

Last January, a Secret Service special agent, Stacey Bauerschmidt, using the computer nickname Carder One, established a computer bulletin board that she called Celco 51.

It is relatively easy to put together a private computer bulletin board, requiring only a computer, a modem, phone lines and communications software. Special Agent Bauerschmidt was assisted by an informer with experience as a computer hacker, officials said. The equipment and phone line for the scheme were located in a Bergen County, N.J., apartment building.

After buying hundreds of the stolen phone codes, the Secret Service conducted raids in several states late last week, arresting the six people and seizing more than 20 computer systems, as well as equipment for making cellular phones operate with stolen codes, said the United States Attorney in Newark, Faith S. Hochberg.

Officials said that of those arrested, two of them, Richard Lacap of Katy, Tex., and Kevin Watkins of Houston, were particularly sophisticated because they actually broke into the computer systems of cellular phone companies to obtain the codes.

It is more common for thieves to steal the codes by using scanners that intercept the signals that the phones send when making calls.

"We consider this to be one of the most significant of the wireless fraud busts that have come down so far," said Michael T. Houghton, a spokesman for the Cellular Telecommunications Industry Association, a trade group. "These guys took it another degree."

The others arrested were identified as Jeremy Cushing of Huntington Beach, Calif., Al Bradford of Detroit, and Frank Natoli and Michael Clarkson, both of Brooklyn.•

By Mr. LAUTENBERG:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are involuntarily unemployed to withdraw funds from individual retirement accounts and other qualified retirement plans without incurring a tax penalty; to the Committee on Finance.

INDIVIDUAL RETIREMENT ACCOUNTS LEGISLATION

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation to allow persons who are involuntarily unemployed to withdraw funds from individual retirement accounts [IRAs] and other retirement plans, without the tax penalty that would otherwise apply.

Mr. President, over 7.5 million people were unemployed in September, which translates to an unemployment rate of 5.6 percent. Many of the unemployed will find themselves with no income, substantial fixed expenses, and severely impaired ability to make ends meet.

In most cases, these Americans have been laid off not because they are poor workers, or because they do not try hard enough. They are simply the innocent victims of corporate down-sizing, or other forces larger than themselves.

For those unlucky enough to be laid off when business slows, the experience is often traumatic. There is a sense of rejection and betrayal. There is anger. And perhaps most importantly, there is fear—fear for oneself, and for one's family.

The fear is understandable. While their short-term employment prospects are often bleak, the unemployed face enormous financial pressures. As mortgages and rent payments come due, and bills pile up, millions of American families find themselves trapped by high fixed expenses, and without a paycheck to make ends meet.

Unemployment insurance can help, but it often falls far short of families' real needs, particularly in areas like my home State of New Jersey, where the costs of housing and other basic necessities are unusually high. Even if a family manages to survive on unemployment compensation, there may not be enough to overcome joblessness by relocating, or training for a new job. Compounding matters, the benefits of the long-term unemployed often expire.

Yet in many cases, Mr. President, the unemployed do have their own savings in an IRA or other retirement plan. These savings can provide a financial life raft to get through this unexpected financial storm. Unfortunately, it is a life raft with a large hole, because, for those under age 59½, withdrawals generally trigger a stiff, 10-percent tax penalty.

Mr. President, Americans do not believe in hitting people when they are down. And I believe there is something fundamentally wrong with imposing a heavy penalty on those who want to gain access to their own money to cope with unemployment.

The bill I am introducing proposes to eliminate the 10-percent penalty for people who have been laid off and who are trying to find work. It is targeted to people who need it—those who have been eligible for unemployment compensation for at least 30 days.

I think that is only fair.

Mr. President, while the bill's primary purpose is to provide relief to the unemployed, it would also provide at least two additional benefits.

First, it should increase the savings rate, by encouraging Americans to participate in IRA's and other retirement plans. Currently, many people, particularly young people, are reluctant to tie up their money for decades in a retirement plan. They're concerned, understandably, that their savings would be inaccessible in an emergency, such as an unexpected period of unemployment, without the imposition of a heavy penalty.

Allowing greater flexibility during periods of involuntary unemployment, Mr. President, should reduce this concern, and that should lead to increased savings.

The bill also should provide another indirect benefit. By unlocking savings and injecting money into the economy during periods of high unemployment, the legislation would provide a modest countercyclical stimulus. This would help revive a slow economy to the benefit of all Americans.

Mr. President, the concept of allowing early withdrawals from retirement plans for specific compelling reasons is not new. In fact, I first introduced this proposal a few years ago, and it has been included in previous legislation adopted by the Senate.

In sum, Mr. President, this bill would provide relief to the unemployed, increase our Nation's savings rate, and provide an automatic stimulus to the economy during slow periods.

I urge my colleagues to support the bill, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF EARLY DISTRIBUTION PENALTY DURING PERIODS OF INVOLUNTARY UNEMPLOYMENT.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FOR PERSONS WHO ARE INVOLUNTARILY UNEMPLOYED.—Any distributions which are made during any applicable involuntary unemployment period. For purposes of this subparagraph—

"(i) the term 'applicable involuntary unemployment period' means the consecutive period beginning on the 30th day after the first date on which an individual is entitled to receive unemployment compensation and ending with the date on which the individual begins employment which disqualifies the individual from receiving such compensation (or would disqualify if such compensation had not expired by reason of a limitation on the number of weeks of compensation); and

"(ii) the term 'unemployment compensation' has the meaning given such term by section 85(b)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.•

By Mr. STEVENS:

S. 1383. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel Westfjord; to the Committee on Commerce, Science, and Transportation.

S. 1384. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *God's Grace II;* to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION LEGISLATION

• Mr. STEVENS. Mr. President, today I am introducing separate bills to provide certificates of documentation for the vessels *Westfjord* and *God's Grace II.*

The *Westfjord,* hull number X-53-109, is a 53′ Chris Craft recreational vessel owned by Gary and Neoma Scheff of Craig, AK. It was built in Algonac, MI in 1954. Because records of the vessel have been lost, it has been determined to be ineligible to be documented for use in the coastwise trade. The Scheffs intend to use the vessel as a charter vessel.

The *God's Grace II,* Alaska registration number AK5916B, is a 32′ commercial fishing vessel owned by Winston Gillies of Kenai, AK. It was built in North Vancouver, BC in 1965. The vessel was originally built for one of the Kenai packing companies and has been used for fishing off Alaska for 30 years.

Because the *God's Grace II* is less than 5 gross tons, Mr. Gillies has been able to operate the vessel in the coastwise trade without documentation. Mr. Gillies would now like to extend the boat to 36′ in order to be able to fish in the Class C, 35- to 60-foot, category of the halibut and sablefish individual fishing quota [IFQ] program. If he extends the vessel, the vessel will exceed 5 tons and he will be required to have documentation.

I ask for unanimous consent that these two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United State Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel *Westfjord* (Hull number X53-109).

S. 1384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel *God's Grace II* (Alaska registration number AK5916B).•

By Mr. BREAUX (for himself, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. DASCHLE, and Mr. HOLLINGS):

S. 1385. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program; to the Committee on Finance.

THE COLORECTAL CANCER SCREENING ACT OF 1995

• Mr. BREAUX. Mr. President, I introduce a measure that I believe should garner widespread support in both parties. The Colorectal Cancer Screening Act of 1995 would provide screening under Medicare for the third most prevalent type of cancer, cancer of the colon and rectum, which will strike 138,200 Americans this year. The bill would provide screening in a cost-effective manner which would ensure that doctors and their patients, not the Federal Government, decide which of the several recommended screening procedures are used. I am joined by Senators CONRAD, DORGAN, KERREY, DASCHLE, and HOLLINGS.

Let me share with you some of the frightening facts about colorectal cancer. According to the American Cancer Society, 55,300 Americans will die this year from this disease. Of the 138,200 new cases that will be reported, about half will be among men—70,700—and half among women—67,500. Only lung and prostate cancer attack more Americans. In my own State of Louisiana, 2,000 citizens will get this type of cancer this year.

As with most cancers, early detection is key to surviving colorectal cancer. About 90 percent of colorectal cancer victims whose cancer is detected in an early localized stage survive beyond 5 years. That number drops to between 50 and 60 percent when the cancer has spread regionally and to less than 10 percent when it has spread more widely.

Mr. President, colorectal cancer is a major cost to the Medicare Program. According to the Centers for Disease Control, 168,000 seniors were hospitalized with colon or rectum cancer in 1991—the most recent year for which data is available. The average hospital stay for these patients was 16 days.

While private health plans are beginning to provide coverage for colorectal cancer screening, Medicare—which serves older Americans who are most at risk—does not. According to a report from the Congressional Officer of Technology Assessment released earlier this year, screening for colorectal cancer is more cost-effective than many of the other procedures the Medicare Program already covers. Screening provides benefits at a cost of about $13,000 per life-year saved, versus $40,000 to $50,000 per life-year saved for some preventive and other services that Medicare already covers. At a time when we are looking for ways to control the overall cost of the Medicare Program, we must continue our efforts to use those limited funds in ways that are cost-effective.

Mr. President, I know that other Members of this body have introduced a bill to provide for colorectal cancer screening. This measure differs from theirs in only a few ways. First, this bill is not procedure-specific. It would provide Medicare coverage for all of the colon cancer screening recommended by the American College of Physicians and which the Office of Technology Assessment found to be cost-effective. Second, they would allow the Secretary to add new procedures once they are developed. This is critically important to encouraging innovation and research in this area. As a number of medical companies have explained in recent correspondence, legislation that "limits Medicare reimbursement to only a few of the current screening technologies does not allow for the development and diffusion of new medical procedures which might ultimately prove more effective and cost-efficient in the detection of colorectal cancer." Mr. President, I believe Medicare should cover all types of recommended screening and let the patient and his doctor, not the Federal Government, decide which one is appropriate.

This bill would follow the guidelines approved by the American College of Physicians on April 23, 1990, which read as follows:

Recommendations:

1. Screening with fecal occult blood tests is recommended annually for individuals age 50 and older.

2. Screening with sigmoidoscopy is recommended every 3-5 years or with air-contrast barium enema every 5 years for individuals age 50 or older.

3. For individuals age 40 and older who have familial polyposis coli, inflammatory bowel disease, or a history of colon cancer in a first degree relative, i.e., parent or sibling, screening with air-contrast barium enema or colonoscopy in addition to annual fecal occult blood tests, is recommended every 3-5 years.

For individuals over the age of 50 who are on Medicare and at average risk of colorectal cancer, this bill would allow payment for: every 12 months, a fecal blood test; and every 5 years, a sigmoidoscopy, barium enema, or other procedure approved by the Secretary. For individuals at high risk of colorectal cancer, the bill would allow Medicare reimbursement for: every 12 months, a fecal blood test; and every 2 years, a colonoscopy, barium enema, or other procedure approved by the Secretary.

Here's how the American Cancer Society described these different procedures in its 1995 Cancer Facts and Figures report:

The stool blood test is a simple method to test feces for hidden blood. The specimen is obtained by the patient at home and returned to the physician's office, a hospital, or a clinic for analysis. The Society recommends annual testing after age 50.

In proctosigmoidoscopy, the physician uses a hollow lighted tube or a fiberoptic sigmoidoscope to inspect the rectum and lower colon. To detect cancers higher in the colon, longer, flexible instruments are used. The American Cancer Society recommends sigmoidoscopy, preferably flexible, every 3 to 5 years after age 50.

If any of these tests reveal possible problems, more extensive studies, such as colonoscopy (examination of the entire colon) and barium enema (an x-ray procedure in which the intestines are viewed), may be needed.

Mr. President, if we are to provide screening for colorectal cancer, which I believe is desperately needed, we should allow all types of procedures recommended by the American College of Physicians and described by the American Cancer Society. This bill would do just that. I know that other Members of this body have indicated their support for colorectal cancer screening under Medicare. My hope is that we can all join together on a proposal that will give seniors and their doctors the maximum choice and protection from this dreaded disease.

I ask unanimous consent that the full text of the Colorectal Cancer Screening Act of 1995 and the recommendations from the American College of Physicians on screening for colorectal cancer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorectal Cancer Screening Act of 1995".

SEC. 2. MEDICARE COVERAGE OF COLORECTAL SCREENING SERVICES.

(a) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by inserting after subsection (d) of following new subsection:

"(e) FREQUENCY AND PAYMENT LIMITS FOR COLORECTAL SCREENING PROCEDURES.—

"(1) SCREENING FECAL-OCCULT BLOOD TESTS.—

"(A) PAYMENT LIMIT.—In establishing fee schedules under section 1833(h) with respect to screening fecal-occult blood tests provided for the purpose of early detection of colon cancer, except as provided by the Secretary under paragraph (3)(A), the payment amount established for tests performed—

"(i) in 1996 shall not exceed $5; and

"(ii) in a subsequent year, shall not exceed the limit on the payment amount established under this subsection for such tests for the preceding year, adjusted by the applicable adjustment under section 1833(h) for tests performed in such year.

"(B) FREQUENCY LIMITS.—Subject to revision by the Secretary under paragraph (3)(B), no payment may be made under this part for a screening fecal-occult blood test provided to an individual for the purpose of early detection of colon cancer if the test is performed—

"(i) on an individual under 50 years of age; or

"(ii) within the 11 months after a previous screening fecal-occult blood test.

"(2) PERIODIC COLORECTAL SCREENING PROCEDURES FOR INDIVIDUALS NOT AT HIGH RISK FOR COLORECTAL CANCER—

"(A) PAYMENT AMOUNT.—The Secretary shall establish a payment amount under section 1848 with respect to periodic colorectal screening procedures provided for the purpose of early detection of colon cancer that is consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to subsection (a)(2)(A) of such section. The Secretary shall establish a single payment amount for periodic colorectal screening procedures, which shall be based on the cost of a flexible sigmoidoscopy or barium enema procedure, as the Secretary determines appropriate.

"(B) FREQUENCY LIMITS.—Subject to revision by the Secretary under paragraph (4)(B), no payment may be made under this part for a periodic colorectal screening procedure provided to an individual for the purpose of early detection of colon cancer if the procedure is performed—

"(i) on an individual under 50 years of age; or

"(ii) within the 59 months after a previous periodic colorectal screening procedure.

"(D) PERIODIC COLORECTAL SCREENING PROCEDURE DEFINED.—The term 'periodic colorectal screening procedure' means a flexible sigmoidoscopy, barium enema screening procedure, or other screening procedure for colorectal cancer, as determined by the Secretary.

"(3) SCREENING FOR INDIVIDUALS AT HIGH RISK FOR COLORECTAL CANCER.—

"(A) PAYMENT AMOUNT.—The Secretary shall establish a payment amount under section 1848 with respect to each eligible procedure for screening for individuals at high risk for colorectal cancer (as determined in accordance with criteria established by the Secretary) provided for the purpose of early detection of colon cancer that is consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to subsection (a)(2)(A) of such section. The Secretary may establish a payment amount for a barium enema procedure pursuant to this paragraph that is different from the payment amount established pursuant to paragraph (2) for a periodic colorectal screening procedure for an individual not a high risk for colorectal cancer so long as the payment amount established pursuant to paragraph (2) is not based on the cost of a barium enema procedure.

"(B) ELIGIBLE PROCEDURES.—Procedures eligible for payment under this part for screening for individuals at high risk for colorectal cancer for the purpose of early detection of colorectal cancer shall include a screening colonoscopy, a barium enema screening procedure, or other screening procedures for colorectal cancer as the Secretary determines appropriate.

"(C) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (4)(B), no payment may be made under this part for a screening procedure for individuals at high risk for colorectal cancer provided to an individual for the purpose of early detection of colon cancer if the procedure is performed within the 23 months after a previous screening procedure.

"(D) FACTORS CONSIDERED IN ESTABLISHING CRITERIA FOR DETERMINING INDIVIDUALS AT HIGH RISK.—In establishing criteria for determining whether an individual is at high risk for colorectal cancer for purposes of this paragraph, the Secretary shall take into consideration family history, prior experience of cancer or precursor neoplastic polyps, a history of chronic digestive disease condition (including inflammatory bowel disease, Crohn's Disease or ulcerative colitis), the presence of any appropriate recognized gene markers for colorectal cancer and other predisposing factors.

"(4) REDUCTIONS IN PAYMENT LIMIT AND REVISION OF FREQUENCY.—

"(A) REDUCTIONS IN PAYMENT LIMIT.—The Secretary shall review from time to time the appropriateness of the amount of the payment limit established for screening fecal-occult blood tests under paragraph (1)(A). The Secretary may, with respect to tests performed in a year after 1998, reduce the amount of such limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that such tests of an appropriate quality are readily and conveniently available during the year.

"(B) REVISION OF FREQUENCY AND DETERMINATION OF ELIGIBLE PROCEDURES.—

"(i) REVIEW.—The Secretary shall review periodically the appropriate frequency for performing screening fecal-occult blood tests, periodic colorectal screening procedures, and screening procedures for individuals at high risk for colorectal cancer based on age and such other factors as the Secretary believes to be pertinent, and shall review periodically the availability, effectiveness, and cost of screening procedures for colorectal cancer other than those specified in this section.

"(ii) REVISION OF FREQUENCY AND DETERMINATION OF ELIGIBLE PROCEDURES.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which such tests and procedures may be paid for under this subsection and may determine that additional screening procedures shall be considered to be 'periodic colorectal screening procedures' or an eligible procedure for the screening of individuals at high risk for colorectal cancer, but no such revision shall apply to tests or procedures performed before January 1, 1999.

"(5) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

"(A) IN GENERAL.—In the case of a periodic colorectal screening procedure provided to an individual for the purpose of early detection of colon cancer or a screening provided to an individual at high risk for colorectal cancer for the purpose of early detection of colon cancer for which payment may be made under this part, if a nonparticipating physician provides the procedure to an individual enrolled under this part, the physician may not charge the individual more than the limiting charge (as defined in section 1848(g)(2)).

"(B) ENFORCEMENT.—If a physician or supplier knowing and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(b) CONFORMING AMENDMENTS.—(1) Paragraphs (1)(D) and (2)(D) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) are each amended by striking "subsection (h)(1)," and inserting "subsection (h)(1) or section 1834(e)(1),".

(2) Section 1833(h)(1)(A) of such Act (42 U.S.C. 1395l(h)(1)(A)) is amended by striking "The Secretary" and inserting "Subject to paragraphs (1) and (3)(A) of section 1834(e), the Secretary".

(3) Clauses (i) and (ii) of section 1848(a)(2)(A) of such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended by striking "a service" and inserting "a service (other than a periodic colorectal screening procedure provided to an individual for the purpose of early detection of colon cancer or an eligible screening procedure provided to an individual at high risk for colorectal cancer for the purpose of early detection of colon cancer)".

(4) Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "and" at the end;

(ii) in subparagraph (F), by striking the semicolon at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(G) in the case of screening fecal-occult blood tests, periodic colorectal screening procedures, and screening procedures provided for the purpose of early detection of colon cancer, which are performed more frequently than is covered under section 1834(e);"; and

(B) in paragraph (7), by striking "paragraph (1)(B) or under paragraph (1)(F)" and inserting "subparagraphs (B), (F), or (G) of paragraph (1)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to services furnished on or after January 1, 1996.

[From the American College of Physicians]

SCREENING FOR COLORECTAL CANCER

DISEASE

Invasive colorectal cancers arise from adenomas or originate (de novo) from the mucosa of the colon. Progression from adenoma to invasive cancer takes about five years.

Colorectal cancer accounts for 150,000 new cases each year and 61,000 deaths. It is the second most common form of cancer in the US. On the average, it deprives patients of nearly 10 percent of their expected life span.

Risk factors for colorectal cancer include inflammatory bowel disease, familial ployposis syndromes, family history, and a previous history of noeplasms. A diagnosis of familial polyposis syndrome or inflammatory bowel disease requires monitoring.

SCREENING TEST(S)

Several tests and procedures have been proposed for colorectal cancer screening; the most common are digital examination, fecal occult blood tests (FOBT), and sigmoidoscopy. Air-contrast barium enemas and colonoscopy have been proposed for screening individuals at high risk of developing colorectal cancer.

The digital rectal examination entails a manual exploration of the rectum.

Fecal occult blood tests entail smearing a stool specimen on a slide and submitting the specimen for analysis. Recommended practice is to take two samples on each of three consecutive days, while on a diet designed to reduce the frequency of false positives.

Sigmoidosocpy is the inspection of the interior of the colon through an endoscope inserted via the rectum. Sigmoidolscopes vary in length and may be rigid or flexible. When available, use of a flexible scope is preferred; otherwise, a rigid scope is acceptable.

Air-contrast barium enema and colonoscopy allow the inspection of the entire colon. The former involves the administration of barium into the rectum, followed by x-ray study of the entire intestine; the latter introduction of a fiberoptic instrument.

RECOMMENDATIONS

1. Screening with fecal occult blood tests is recommend annually for individual age 50 and older.

2. Screening with sigmoiodoscopy is recommended every 3–5 years or with air-contrast barium enema every 5 years for individuals age 50 and older.

3. For individuals age 40 and older who have familial polyposis coli, inflammatory bowel disease, or a history of colon cancer in a first degree relative, i.e., parent or sibling, screening with air-contrast barium enema or colonoscopy in addition to annual fecal occult blood tests, is recommended every 3–5 years.

RATIONALE

Although there is little direct evidence of the effectiveness of colorectal cancer screening, there is indirect evidence, based on the natural history of the disease and the effectiveness of screening tests, that screening should reduce colorectal cancer incidence and mortality.

Risks associated with colorectal cancer screening include perforations from sigmoidoscopy, colonoscopy and barium enema and the extensive diagnostic tests associated with false-positive results of fecal occult blood testing.

Individuals at high risk for colorectal cancer due to familial polyposis coli or inflammatory bowel disease, a history of colorectal cancer in a first degree relative should be encouraged to have a complete examination of the colon. Factors influencing the choice between air contrast barium enema and colonoscopy include cost and access to qualified physicians able to perform safe and accurate studies.●

By Mr. NUNN:

S. 1387. A bill to provide for innovative approaches for homeownership opportunity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOMESTEADING AND NEIGHBORHOOD RESTORATION ACT OF 1995

Mr. NUNN. Mr. President, I rise today to discuss one of our Nation's most critical problems—the lack of affordable housing for low income people. As my colleagues know, housing is one of the most basic human needs. Lack of it is a problem which plagues every State, in both urban and rural areas. Today I would like to remind my colleagues of an organization founded on the belief that this is unacceptable. This organization is Habitat for Humanity International.

Habitat is a nonprofit, ecumenical Christian housing ministry founded in 1976 by Millard and Linda Fuller and based in Americus, GA. Its ambitious goal is nothing less than to eliminate poverty housing and homelessness from the world. Since 1976, Habitat has constructed 40,000 homes worldwide, in every U.S. State and in 45 other countries. As a result of Habitat's efforts, a quarter of a million people worldwide are living in safe, decent, and affordable housing.

Though Habitat has chapters all over the globe, its work is done on a truly grass roots, individual basis. Through volunteer labor and tax deductible donations of money and materials, Habitat joins with the partner family to build or rehabilitate a house. Habitat houses are then sold to partner families at no profit, financed with affordable loans with no interest. The homeowners' monthly mortgage payments go into a revolving fund which finances the building of more houses.

As the numbers I mentioned a moment ago demonstrate, this has been a fantastically successful concept. In my view, though, the idea at the heart of Habitat's success is the idea of "sweat equity." Part of the deal presented to a potential homeowner is that they must contribute their own hard work and sweat to the construction of their home and the homes of others. In this way, the family builds a tangible bond to the finished product, and therefore has a strong interest in maintaining it. In addition, the contribution of sweat equity leads new homeowners to a stronger sense of community responsibility—contributing to the decency and safety of their street and neighborhood.

In this way, Habitat not only builds new homes, it also helps rebuild the internal sense of community that has declined in our Nation. By giving families a home—not a handout from a faceless Government bureaucrat, not a benefit check, but an opportunity to dedicate their hard work to owning their own home—Habitat helps to combat the despair and apathy evident in so many of our communities.

For these reasons, I am introducing today the Homesteading and Neighborhood Restoration Act of 1995. This legislation, which is supported by such diverse interests as former President Carter, Speaker GINGRICH, and HUD Secretary Cisneros, directs the Secretary of Housing and Urban Development to reprogram $50 million in existing HUD funds into a grant program for Habitat for Humanity and other low cost housing organizations. In keeping with Habitat's policy of refusing to accept Government funds for actual construction work on dwellings, the funds could only be used for land acquisition or infrastructure improvements, and only in the United States. The bill directs that half of the reprogrammed dollars would be granted to Habitat, and the other half would be held in reserve for other similar organizations to compete for. Any funds not claimed by qualified organizations would be granted to Habitat.

My estimates indicate that the funds included in this legislation would allow Habitat to begin construction on 5,000 new dwellings across the Nation immediately. Additionally, as new homeowners begin to pay back their loans, the money would be recycled to build even more homes.

So many times we in Congress must allocate Government dollars based on a sense of trust—with very little assurance that the taxpayers' funds will actually yield any results at all. Thankfully, this legislation does not necessitate Congress taking such a leap of faith. The successes of Habitat for Humanity are standing already in brick and mortar in 40,000 places around the world. This legislation will enable them to expand their successes to many more locations. This is a private initiative that really works, and I urge my colleagues to support it.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S.J. Res. 42. A joint resolution designating the Civil War Center at Louisiana State University as the U.S. Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War, and for other purposes; to the Committee on Energy and Natural Resources.

U.S. CIVIL WAR CENTER JOINT RESOLUTION

• Mr. BREAUX. Mr. President, today I am introducing a joint resolution on behalf of myself and Senator JOHNSTON to designate the U.S. Civil War Center as the flagship institution charged with planning and facilitating the sesquicentennial of the American Civil War in 2011.

While the date may still seem far off, it is important to remember that this will be a particularly important anniversary as it will be the last opportunity for most of us to commemorate the Civil War. The Civil War Center at Louisiana State University in Baton Rouge, LA, offers the most appropriate setting for the organization of this remembrance. There is no other center in the United States that currently studies the war from the perspective of every conceivable discipline, profession, and occupation. The center will be able to coordinate with the numerous Civil War commemorative organizations throughout the Nation. Funding for the activities throughout the sesquicentennial will come from private donations and grants.

Since the end of the commemoration of the centennial of the war in 1965, the United States has come a long way toward healing some of the lingering wounds of the war. Recent events have emphasized that many of them still must be addressed, as racism, violence, and regional economics remain problems in our united Nation. If we are to continue to learn from our differences, the commemoration of the sesquicentennial offers the opportunity to reflect on where we once were and where we will next go.

I urge my colleagues to join me in the designation of the U.S. Civil War Center as the flagship institution for the sesquicentennial.

Mr. President, I ask unanimous consent that the text of the joint resolution and the letter of support from the center's advisory board be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 42

Whereas the sesquicentennial of the beginning of the Civil War will occur in the year 2011;

Whereas the sesquicentennial will be the last significant opportunity for most Americans alive in the year 2011 to recall and commemorate the Civil War;

Whereas the Civil War Center at Louisiana State University in Baton Rouge, Louisiana, has as principal missions to create a comprehensive database that contains all Civil War materials and to facilitate the study of the war from the perspectives of all ethnic cultures and all professions, academic disciplines, and occupations;

Whereas the 2 principal missions of Civil War Center are consistent with the commemoration of the sesquicentennial; and

Whereas advance planning to facilitate the 4-year commemoration of the sesquicentennial is required: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF UNITED STATES CIVIL WAR CENTER.

The Civil War Center, located on Raphael Semmes Drive at Louisiana State University in Baton Rouge, Louisiana, shall be known and designated as the "United States Civil War Center".

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the center referred to in section 1 shall be deemed to be a reference to the "United States Civil War Center".

SEC. 3. FLAGSHIP INSTITUTION.

The center referred to in section 1 shall be the flagship institution for planning the sesquicentennial commemoration of the Civil War.

U.S. CIVIL WAR CENTER ADVISORY BOARD

DEAR SENATOR: As members of the United States Civil War Center's Advisory Board, we strongly encourage your cosponsorship of Senator John Breaux's resolution to designate the United States Civil War Center as the flagship institution charged with planning and facilitating the Sesquicentennial of the American Civil War in the years 2011–2015.

The Civil War Center at Louisiana State University in Baton Rouge, Louisiana, offers the most appropriate facility to ensure that the commemoration embraces all of the possibilities for an experience that will affect all Americans profoundly and that will have longlasting effects.

Knowing that we all have much to learn from the five years our nation was at war with itself, we urge you to join Senator Breaux in cosponsoring this resolution.

Ed Bearss, Historian; Ken Burns, Florentine Films; William C. Davis, Historian; Rita Dove, U.S. Poet Laureate and Consultant to the Library of Congress; William Ferris, Director, Center for the Study of South Culture.

Shelby Foote, Novelist, Historian; Grady McWhitney, Historian; T. Michael Parrish, Historian; R.E. Turner, Chairman of the Board, Turner Broadcasting; Tom Wicker, Novelist, Journalist.•

ADDITIONAL COSPONSORS

S. 607

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 704

At the request of Mr. SIMON, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Virginia [Mr. WARNER], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 837

At the request of Mr. WARNER, the names of the Senator from California [Mrs. BOXER], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1265

At the request of Mr. LEAHY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1265, a bill to authorize the Secretary of Agriculture to make temporary assistance available to support community food security projects designed to meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems, and for other purposes.

S. 1274

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1274, a bill to amend the Solid Waste Disposal Act to improve management of remediation waste, and for other purposes.

S. 1329

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1329, a bill to amend title 38, United States Code, to provide for educational assistance to veterans, and for other purposes.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

S. 1372

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1372, a bill to amend the Social Security Act to increase the earnings limit, and for other purposes.

S. 1375

At the request of Mr. BURNS, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1375, a bill to preserve and strengthen the foreign market development cooperator program of the Department of Agriculture, and for other purposes.

AMENDMENTS SUBMITTED

THE SENIOR CITIZENS' FREEDOM TO WORK ACT

ROCKEFELLER AMENDMENT NO. 3043

Mr. ROCKEFELLER proposed an amendment to the bill (S. 1372) to amend the Social Security Act to increase the earnings limit, and for other purposes; as follows:

At the appropriate place insert the following: "It is the sense of the Senate that the conferees on the part of the Senate on H.R. 2491 should not agree to any reductions in Medicare beyond the $89 billion needed to maintain the solvency of the Medicare trust fund through the year 2006, and should reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality."

THE FAT, OILS AND GREASES DIFFERENTIATION ACT OF 1995

CHAFEE (AND OTHERS) AMENDMENT NO. 3044

Mr. DOLE (for Mr. CHAFEE, for himself, Mr. BAUCUS, Mr. PRESSLER, Mr. LUGAR, and Mr. HARKIN) proposed an amendment to the bill (H.R. 436) to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable orgin, and other oils and greases, in issuing certain regulations, and for other purposes; as follows:

On page 2, line 8, after "to" insert "the transportation, storage, discharge, release, emission, or disposal of".

On page 2, line 9, strike "any" and insert "that".

On page 2, line 18, strike "such" and insert "that".

On page 2, line 22, strike "different" the first place it occurs.

On page 2, line 23, strike "as provided" and insert "based on considerations".

On page 3, line 12, strike "carrying oil in bulk as cargo or cargo residue".

On page 3, line 13, after "carried" insert "as cargo".

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands to consider four miscellaneous land bills. The first is S. 1371, the Snowbasin land exchange bill, to exchange certain lands in Utah. S. 590, a land exchange for the relief of Matt Clawson, and S. 985, to exchange certain lands in Gilpin County, CO, will also be the subject of the hearing. The last bill to be considered is S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, ID. The subcommittee will not receive testimony on S. 901 and S. 1169 as previously announced.

The hearing will take place Tuesday, November 7, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6470.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. GREGG. I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, November 2, 1995, beginning at 10 a.m. in room SD–215, to conduct a markup of S. 1318, the Amtrak and Local Rail Revitalization Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, November 2, 1995, at 9:30 a.m. for a hearing on S. 704, the Gambling Impact Study Commission Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. GREGG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, November 2, at 10 a.m. to hold a hearing to discuss Medicare and Medicaid fraud.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. GREGG. Mr. President, I ask unanimous consent that the special committee to investigate Whitewater development and related matters be authorized to meet during the session of the Senate on Thursday, November 2, 1995, to conduct a hearing on the handling of the documents in Deputy White House Counsel Vincent Foster's office after his death.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, November 2, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony from academicians and State and local officials on alternatives to Federal forest land management. Testimony will also be sought comparing land management cost and benefits on Federal and State lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, November 2, at 10 a.m., hearing room SD–406, on courthouse construction and related GSA public buildings program matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FOREIGN OPERATIONS APPROPRIATIONS CONFERENCE REPORT

• Mr. McCAIN. Mr. President, during the vote yesterday on an amendment I offered to the Senate amendment to the amendment in disagreement in the foreign operations appropriations conference report, there was some confusion over the administration's position despite the assurances in my statement that the administration supported my amendment. To clarify this issue, I ask that a letter of support from Assistant Secretary of State for Legislative Affairs Wendy Sherman be included in the RECORD.

The letter follows:

DEPARTMENT OF STATE,
Washington, DC, Nov. 1, 1995.

Hon. JOHN McCAIN,
Senate.

DEAR SENATOR McCAIN: In response to your inquiry regarding the Department's position on counternarcotics assistance to Burma, I would like to reiterate the comments contained in the Department's September 14 letter to Senators McConnell and Leahy commenting on key provisions in the FY 1996 Foreign Operations Appropriations bill, as reported by the Subcommittee.

In that letter, the Department of State noted that:

"The existing political situation in Burma precludes significant cooperation on drug control, but we need flexibility to decide whether it is in our interest to cooperate in specific, limited cases as they arise. Burma is the world's number one heroin producer and sixty percent of the heroin that comes to the streets of the United States originates in Burma. The Administration must have the opportunity to work against a problem which affects the daily lives of the American people in such a harmful way."

The Department's opposition to legislative restrictions on counternarcotics aid to Burma remains unchanged.

I trust that this information is responsive to your inquiry. The Department of State greatly appreciates your continuing support for our position and we continue to support the substance of your legislative language to facilitate limited and carefully structured counternarcotics cooperation with Burma while at the same time maintaining our policy on human rights and democracy. If you need further information, please do not hesitate to contact us.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary Legislative Affairs.•

ARCTIC NATIONAL WILDLIFE REFUGE

• Mr. HARKIN. Mr. President, I was greatly disappointed by the vote of the Senate last Friday to open the ANWR to oil exploration. This was a tremendous mistake that, if uncorrected, will be a significant blow to the environment.

Mr. President, it is time for government to practice fiscal responsibility. However, we should not destroy the Arctic National Wildlife Refuge [ANWR] in an effort to balance the budget. Our children do not deserve to inherit a huge debt. However, they do deserve to inherit our Nation's abundant wildlife and wilderness in the same or better condition as we did. Cheating our children of this inheritance is not sound fiscal policy.

The attempt to open the ANWR for the exploration of oil is not something new. In fact, a battle has been developing for over 15 years. Congress has voted to protect this area in the past and must continue to fight this battle and preserve the ANWR in the future.

The Budget Committee claims that opening the ANWR for oil exploration may generate $1.4 billion in leasing revenues during a 4-year period. This sounds like a lot of money and is a lot of money. Yet, this figure represents a mere two-tenths of 1 percent of the budget deficit. Should we sacrifice a unique ecological environment whose value is priceless in order to pay off less than one-half of 1 percent of our total debt? This just does not make sense.

Oil is valuable and can be priced. But how can we price the 150,000-member porcupine caribou herd that migrates to the ANWR each year to give birth to their calves? How can we price the culture of the Gwich'in people who have been in northeast Alaska for 20,000 years? How can we price an entire ecosystem that is the life support of over 165 different species?

Mr. President, inclusion of the ANWR provision in our budget reconciliation plan is unacceptable. It is not fair to our children and future generations to come. I urge the conferees to drop this ill-advised antienvironment provision from the bill.•

SOCIAL ROULETTE

• Mr. LUGAR. Mr. President, I ask unanimous consent that the attached article be printed in the CONGRESSIONAL RECORD at the appropriate place.

The article follows:

[From the Washington Post, Sept. 22, 1995]

SOCIAL ROULETTE

The spread of legalized gambling is the political issue that has yet to roar, but may do so soon—and should. In a decade, casino gambling has spread from two states to at least 35. Gambling is done on riverboats, on Indian reservations, in well-established downtowns. Native American tribes (including some that have rediscovered their existence for the primary purpose of setting up casinos) are the best publicized entrepreneurs in this field, partly because they can operate free of many regulations. Estimates on how much money is involved here are all over the lot, depending on what sorts of gambling are counted in, but a study by U.S. News & World Report concluded that counting state lotteries and the like, $330 billion was wagered legally in 1992, up 1,800 percent since 1976.

Rep. Frank Wolf (R–Va.), along with Sens. Paul Simon (D–Ill.) and Richard Lugar (R–Ind.), thinks the country ought to take a long look as it hurtles toward turning itself into one gigantic open town. They have introduced useful bills to create a national commission that would undertake, as Mr. Wolf puts it, "an objective, credible and factual study of the effects of gambling" on communities, including its impact on crime rates, political corruption and family life, and also to examine its economic costs and benefits.

Those pushing casinos into communities make large claims about their economic benefits, but the jobs and investment casinos created are rarely stacked up against the jobs lost and the investment and spending forgone in other parts of a local economy. The Commission's study could be of great use to communities pondering whether to wager their futures on roulette, slot machines and blackjack. The Wolf bill wants a report from the commission in three years; the Simon-Lugar bill wants it in half that time. We're inclined to think the quicker the better.

The "gaming industry," as it calls itself, is fighting these proposals. One hopes that at next week's House Judiciary Committee hearing on the Wolf bill, gambling's representatives will be asked why they fear a national commission. If all their claims about gambling's beneficial effects are true, a commission would presumably verify them. If critics of gambling are wrong in seeing it as being linked to crime, corruption and social breakdown, the commission would presumably find that out too. Could it be that those with an interest in the spread of gambling fear what a fair study will find?

True to form, gambling now has its own trade association, and gambling interests—

tribal and others—have stepped up their campaign contributions to both parties. To pick a few examples: Golden Nugget, the well-known Las Vegas casino, gave $230,000 in "soft money" to the Republican Party last year; Frank Fertitta Jr., chairman of Station Casinos Inc., also gave $230,000 to the GOP; the Mashantucket Pequot Tribe gave $365,000 to the Democrats in the 1993-94 election cycle and covered its bets with $100,000 to the Republicans in November of 1994.

The country is in the presence of a powerful and growing industry and an important social phenomenon. At the least, the federal government should help the country figure out what is going on, which is why what Mr. Wolf, Mr. Lugar and Mr. Simon are doing is so important.●

THE MILLION MAN MARCH

● Mr. SIMON. Mr. President, the significance of the Million Man March in Washington will be debated a year from now, and perhaps then with greater understanding. But we should not wait a year to learn from it.

From my perspective there was both good and bad to the assemblage. The good included:

Hundreds of thousands—the latest estimate is 800,000—of African American men came to Washington to send a message to the Nation and to their black male counterparts. To the Nation the message of the gathering was simple: There is still too much racism and injustice. To other African American men: We must do better.

To have close to a million men as part of a demonstration and not have a single incident that called for police action is a tribute to participants and to those staging the event.

Those cleaning up the inevitable debris from such a huge gathering, I am told, found not a single beer can. These were men gathered for a mission, not a party.

The size of the crowd, coupled with the decision in the recent O.J. Simpson trial and the Rodney King episode, has the Nation talking about race more candidly, though the barriers of prejudice or embarrassment or awkwardness make candid talk between whites and blacks less common than it should be.

Inevitably, comparisons are made with the 1963 throng that Martin Luther King addressed. The 1963 gathering had these advantages over the recent gathering:

It was inclusive. It was a call for the Nation to come together. Both the crowd and the message were impressive. And partly as a result of that gathering, great strides were made against the cruder forms of segregation and injustice. In a brief message, Dr. King called upon all of us—across the barriers of race and sex and religion and ethnic background—to do better.

The anti-Jewish message that Minister Farrakhan has delivered—though not at this gathering—should be offensive to all thoughtful people.

I am old enough to have been part of the civil rights efforts of the 1950s and 1960s. The whites who were with us disproportionately in that struggle to secure opportunity for African Americans were not Lutheran, which I am, not Catholic, which my wife is, nor Methodist nor Presbyterian nor Baptist, but Jewish. The Jews have experienced centuries of discrimination, and rose in significant numbers in behalf of others discriminated against. It is ironic that people of little understanding but large ambition have mistakenly believed that you can build blacks up by tearing Jews down.

My son is a professional photographer. He took pictures at this event, and when one of the marchers saw his credentials and read the name "Martin Simon," he asked my son: "You're Jewish, aren't you?" And not in a tone of pleasant inquiry. We are not Jewish, but what if we were? Should that make any difference?

In contrast to Martin Luther King, Minister Farrakhan delivered a lengthy speech with no coherence. He had an opportunity to ask the nation for two or three things of importance, but he muffed the opportunity. That he is a person of considerable ability, no one can question. Like all of us, he can grow in the future—away from some of his prejudices. He accurately sensed the dissatisfaction level among African American men. The 1963 gathering will be remembered for the huge crowd and the message. The 1995 gathering will be remembered for the huge crowd.

One other concern: The anti-white and anti-Jewish inflammatory rhetoric of some of the pre-march rallies led by Minister Farrakhan's followers will do nothing for either blacks or whites. At one meeting, which David Jackson, a white reporter for the Chicago Tribune, attended—and was the only white at the gathering—a speaker said, "We ought to just turn the lights out and boot your * * * out." A small group grabbed him and roughly threw him out of the meeting. That type of conduct does no one any good.

Let me add, I am not anti-Muslim. I sponsored the first Muslim to lead the Senate in prayer. I recognize the discrimination that Muslims encounter, and like all forms of discrimination, it is wrong.

What all of us must do: Talk candidly about the injustices that still exist in our society. And talk not just with "our" group.

Recognize that U.S. poverty exceeds that of any other Western, industrialized nation. Poverty falls disproportionately on minorities and women. We act as if being poor was an act of God, rather than what it is, flawed policy.

Support those who would bring us together as a Nation, and be wary of those who would further divide us.●

THE 35TH ANNIVERSARY OF THE AMERICAN COUNCIL FOR THE ARTS

● Mr. JEFFORDS. Mr. President, 35 years ago, the American Council for the Arts [ACA] was established under the name Community Arts Councils, Inc., as an organization supporting the arts and artists in this country. Over the three-and-a-half decades since its founding, the American Council for the Arts has played a major role in the dramatic increase in the availability of the arts to the American people.

In the early 1960's, ACA served as one of the earliest advocates for the creation of the National Endowment for the Arts and the National Endowment for the Humanities. Nancy Hanks served as one of ACA's first presidents before becoming Chair of the National Endowment for the Arts in 1969. Over the years, ACA board members have included David Rockefeller, Jr., Joanne Woodward, Jane Alexander, Harry Belafonte, Ralph Ellison, Colleen Dewhurst, Joseph Papp, Lane Kirkland, and Kitty Carlisle Hart, among others. In the 1970's, due to the broadening of ACA's objectives and the increasing demand for special constituent services, two separate organizations were spun-off from ACA: the National Assembly of State Arts Agencies and the National Assembly of Local Arts Agencies.

From arts advocacy to publishing, from founding the National Coalition of United Arts Funds, to working on behalf of arts education initiatives, ACA has worked tirelessly on behalf of the arts and culture of this Nation. Every spring, ACA mounts Arts Advocacy Day and the Nancy Hanks Lecture on the Arts and Public Policy in Washington, DC. Advocacy Day brings together arts advocates from across the country to work on behalf of a strong Federal role in funding the arts and culture, and the Nancy Hanks Lecture, now in its 9th year, has quickly become one of the most important public forums on the relationship between Government and the arts. Nancy Hanks Lecturers have included Arthur Schlesinger, Jr.—1988, Leonard Garment—1989, Maya Angelou—1990, John Brademas—1991, Franklin Murphy—1922, Barbara Jordan—1993, David McCullough—1994, and Winton M. Blount—1995. The 1996 lecturer will be Carlos Fuentes.

ACA's National Arts Clearinghouse contains a wealth of arts policy information, and other arts studies, magazines, journals, and documents—an invaluable resource for the study of arts policy. Over the years, ACA has commissioned studies and produced books for artists, arts administrators, policymakers, students, educators, and others. ACA commissioned the first Lou Harris poll on "Americans and the Arts" in 1973 and has recommissioned the poll five times.

ACA has made an enormous contribution to the wealth and vitality of our great Nation. Please join with me in celebrating ACA's 35 years of service to the arts.•

CULTURAL DIVERSITY VERSUS AFFIRMATIVE ACTION

• Mr. INOUYE. Mr. President, it has come to my attention that a recently published book, "Managing Plurality: Beyond Diversity to Effective Organizational Changes," by the past president of the American Psychological Association, Dr. Donald E. Fox, and his colleague, Dr. J. Renae Norton, sensitively explores issues relating to diversity in the labor force and affirmative action. I agree with their contention that affirmative action is not really the problem; but, rather it is the manner in which it is implemented and managed that seems to cause the most difficulties.

I have observed over the last 3 or 4 years that criticisms of affirmative action programs have increased and some people are even calling for their complete elimination. Historically, affirmative action has been particularly beneficial in bringing women and minorities into the work place. Today affirmative action is needed more than ever to insure that all individuals have equal access to opportunities for advancement and positions of more responsibility.

We would all readily admit that when affirmative action is implemented as a numbers game that merely counts how many women or minorities are employed, it works against the needs of business as well as the people it was designed to help. However, our society is changing so rapidly that a diverse work force is becoming the rule rather than the exception. For example, it is estimated that in the very near future, 85 percent of the new jobs in the labor force will be filled by women, minorities, and immigrants. Organizations that are looking to their future will have to evaluate the impact that diversity in our society will have on the marketing of their products or services. What better way for an organization to ensure innovation than through the cultivation of a diverse work force. For example, in my own State of Hawaii, cultural diversity is the rule, not the exception. This diversity is not only accepted, but sought after by organizations seeking to compete in the international market.

Projections show that as the labor pool becomes more diverse, the number of people with technical skills will shrink. It would, therefore, seem logical that the contributions of every employee should be maximized. Organizations would benefit from recruiting and retaining the best and the brightest employees that are in the available labor pool. It should then be easy to see that diversity is not something that organizations create, but something that occurs naturally in every organization.

Frequently, when organizations introduce programs to manage or value diversity, the programs have a tendency to promote group differences rather than exploring the mutual interests of the individuals within the organization. Although I am not a psychologist, in my judgment, it would seem that an organization would do substantially better if they would encourage individuals to maintain their cultural differences and individuality while participating in and contributing to the goals of their organization, and thus hopefully creating a pluralistic work environment. If the organization uses its diversity to its benefit by managing plurality, it can focus on common goals and experiences rather than on the differences among groups, and at the same time address bottom-line business issues. The experience of the military over the past 40 years has, I believe, demonstrated the value of cultural diversity—especially as the military deploys into nations throughout the world on various missions. So, simply stated, it makes eminent sense to me that with proper management, diversity is an asset to the organization and affirmative action is a part of the solution, not the problem.•

CONTINUE SUPPORT FOR BYRNE GRANT FUNDING

• Mr. HARKIN. Mr. President, the Edward Byrne Grant Program is one of the most successful Federal-State crime prevention efforts ever. Working in partnership with State and local governments, the Byrne Program helps local law enforcement improve their criminal justice systems and make communities safer by helping to prevent crime.

Law enforcement officials all across Iowa have told me of the success they have had as a result of these funds. Drug enforcement task forces, improved law enforcement technology, the DARE Program, domestic violence intervention, and countless other valuable antidrug and anticrime efforts have been possible because of the Byrne Grant Program.

Unfortunately, Mr. President, violence, like a communicable disease, has spread to every part of our country and our State. To eradicate this epidemic of violence we must attack both the problem and the symptoms. While the Federal Government cannot have all the answers, the Byrne Program is an important part of the solution. Byrne funding enhances law enforcement initiatives focused on battling criminals already invading our streets, as well as aiding law enforcement in their ongoing efforts to help communities prevent crime before it happens.

The Byrne Program also promotes cooperation among State and local law enforcement agencies to improve the efficiency of their criminal justice systems. A shining example in Iowa is the multijurisdictional drug task forces that form the backbone of Iowa's effort to combat drug related crimes. These task forces are composed of State and local law enforcement officers as well as State and local attorneys. They cover almost 70 of Iowa's 99 counties. Officers pool resources and equipment to carry out drug investigations and the attorneys provide legal advice to ensure a sound drug investigation. In Waterloo, IA, the State and local task force even works with the U.S. attorneys office to form a Federal, State, and local crime fighting team.

And Mr. President, like a one-two punch, the Byrne Program's special emphasis on drug abuse prevention gets to the heart of the problem and moves us toward a long-term solution to crime prevention. Violent crimes committed by youth have increased over 50 percent from 1988 to 1992 and drugs are a major factor in many violent crimes. DARE—drug abuse resistance education programs, put police officers in schools talking to kids about drug abuse. DARE programs serve 70,000 Iowa students. Traditional drug abuse programs dwell on the harmful effects of drugs. Iowa's DARE programs help students recognize and resist the many subtle pressures that influence them to experiment with alcohol and other drugs.

Violence in this country will be reduced because of officers on the front line making a difference in their community and getting the resources they need to do the job. The Byrne Grant Program is a critically important component in halting the increased incidences of crime and violence in our society.

I was pleased that our push for increased funding for the Byrne Grant Program paid off. The fiscal year 1996 Commerce, State, Justice bill passed by the Senate, provides a $25 million increase over last year's funding. We need to build on the progress we have made in our fight against crime and continue to support successful and effective programs such as the Edward Byrne Memorial State and Local Law Enforcement Assistance.•

LAWSUIT ABUSE AWARENESS WEEK

• Mr. ROCKEFELLER. Mr. President, I proudly acknowledge a group of citizens in West Virginia who are hard at work to address an issue affecting every citizen of our State: Lawsuit abuse.

In many areas of West Virginia, local citizens are getting involved with a group they call Citizens Against Lawsuit Abuse, with the goal of making the public more aware of the costs and problems stemming from excessive numbers and kinds of lawsuits.

The CALA effort focuses on education. These citizens are speaking out about an issue that has statewide and national consequences. The costs of lawsuit abuse include higher costs for consumer products, higher medical expenses, higher taxes, and lost business expansion and product development.

The mission of Citizens Against Lawsuit Abuse is to curb lawsuit abuse. Here is an example of West Virginians devoting energy and effort toward solving problems that cost our State jobs, profits, and opportunity.

My own work in this has focused on the problems of our product liability system, and I got involved when I saw the terrible consequences of the country's confusing, patchwork, slow, and often unfair system of product liability rules that badly need reform. The help of individuals, including members of the legal profession, involved in Citizens Against Lawsuit Abuse in West Virginia, has been crucial to the legislative success we are finally with the product liability reform bill that I introduced once again early in this Congress. In May, working closely with Senator GORTON of Washington State, we succeeded in winning Senate approval of our bill and we are now hoping to engage in a conference with the House of Representatives to develop a final bill for the President's signature.

Legal reform of any kind is not a simple issue. The legal system must function to provide justice to every American. But that does not mean that the status quo is necessarily perfect. When lawsuits and the courts can be used in excess or result in imposing costs on other parties, from individuals to non-profit agencies to businesses, without reason, the system should be reviewed and reformed if possible.

Through CALA in West Virginia, nonprofit groups have raised local funds to run educational media announcements and are speaking to local organizations and citizens groups across the State to raise public awareness on the lawsuit abuse issue.

Citizens Against Lawsuit Abuse groups have declared October 30 through November 3, 1995, as "Lawsuit Abuse Awareness Week" in West Virginia.

I want to commend these citizens for their dedication and commitment and to acknowledge this week as a time of public awareness on the serious issues associated with lawsuit abuse.•

A DEEPLY FLAWED IMMIGRATION BILL

• Mr. SIMON. Mr. President, now that the House Judiciary Committee has passed comprehensive immigration reform legislation, many eyes will be turning to the Senate to see what efforts in this area will take place here.

One fundamental question facing the Senate is whether to address illegal and legal immigration reform in the same legislation. Though the House has thus far chosen this path, I do not think the Senate should follow its example. At the very least, we in the Senate ought to limit the drastic and unwarranted cuts in legal immigration that appear in the legislation passed in the House Committee, and should approach the issue of backlogs in family categories with the fairness on which we pride ourselves.

I ask to have printed in the RECORD an October 23, 1995, editorial in the Chicago Tribune entitled "A Deeply Flawed Immigration Bill." The editorial aptly notes that while Congress should take decisive and quick action to enforce our laws against illegal immigration—such as those endorsed on an unprecedented basis by the Clinton administration, it "can approve those without agreeing that legal immigrants are a problem in need of such harsh solutions." I agree with the Tribune's position, and urge my colleagues not to penalize those who have played by the rules for the conduct of those who have chosen not to play by the rules.

The editorial follows:

[From the Chicago Tribune, Oct. 23, 1995]

A DEEPLY FLAWED IMMIGRATION BILL

Since its creation, the United States has been a country of immigrants that welcomed new immigrants. But if Republicans on the House Judiciary Committee get their way, as they seem likely to do, the welcome will be quite a bit chillier for many foreigners who would like to come here legally and become part of America.

This is being done partly in the name of combating illegal immigration, which most Americans rightly think is warranted. But the bill being debated in the Judiciary Committee treats both legal and illegal immigrants as undesirable and out of control.

On illegal immigration, the measure sponsored by Rep. Lamar Smith (R-Tex) has much to recommend it. It authorizes the hiring of more Border Patrol agents and Labor Department inspectors to police the border and the workplace, raises penalties for the use of phony documents, provides money to build fences between the U.S. and Mexico, and streamlines deportation procedures for foreigners who arrive without proper documents.

It also attempts to crack down on employment of illegals by establishing a telephone registry to let employers verify that new hires are cleared to work. The registry, supposedly a pilot project, is probably too ambitious for a useful experiment, since it would affect all employers in five of the seven states getting the most foreigners—California, Texas, Illinois, Florida, New York, New Jersey and Massachusetts. But a smaller undertaking, as suggested by the Clinton administration, could yield valuable lessons.

The real problem lies in the proposed treatment of legal immigrants. First, the bill would drastically reduce the number allowed in, cutting the annual intake from 800,000 to fewer than 600,000. This approach presumes that people who come here legally are a burden, instead of the enriching source of renewal they always have been.

Second, among the categories of people who now get preference in the immigration queue are brothers and sisters, adult children and parents of citizens and legal permanent residents. The Smith bill would eliminate these explicitly or in effect, limiting "family reunification" to spouses and minor children of those already here.

This new priority does not seem misguided. But it can be legitimately criticized on grounds that it would leave in the lurch thousands of people who applied under the old rules and have waited to be admitted—some of them 10 or 15 years.

Barring new applicants in these categories is not unreasonable, but rejecting those already waiting would be callous in the extreme. Yet last week the committee balked at even refunding the $80 application fee these aspiring immigrants have each paid. Slam the door in their face, but only after taking their money—it's not exactly the American way.

Members of Congress from both parties should have no trouble with the bill's resolute measures to fight illegal immigration. But they can approve those without agreeing that legal immigrants are a problem in need of such harsh solutions.•

ORDERS FOR FRIDAY, NOVEMBER 3, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Friday, November 3; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator THOMAS, 60 minutes; Senator DASCHLE or his designee, 60 minutes; Senator MURKOWSKI, 20 minutes; Senator GRAHAM of Florida, 20 minutes; Senator GRAMS, 10 minutes; Senator GRASSLEY, 10 minutes, and Senator CRAIG, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 1 p.m. At 1 p.m. the Senate could turn to any legislative item cleared for action. Therefore, votes are a possibility.

Also, Senators should be reminded that the majority leader has announced that the Senate will adjourn for the Thanksgiving holiday at the close of business on Friday, November 17, to reconvene on Monday, November 27.

This coming Monday, it is hopeful that the Senate will be able to turn to the State Department reorganization bill, which has a previous consent of 4 hours. However, no votes will occur on Monday.

Mr. President, let me indicate that I know there are a number of matters that will be coming out of committee in the next few days. It may be that there will be an opportunity to proceed to some minor—I should not say minor, they are very important pieces of legislation, but are those which have no opposition or real problems from either side. We would like to dispose of some of those bills in the next 2 weeks.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:44 p.m., adjourned until Friday, November 3, 1995, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, November 2, 1995*

The House met at 10 a.m.

The Reverend Lou Sheldon, Traditional Values Coalition, Washington DC, offered the following prayer:

Loving and living Lord, we greet You in the name of Jesus Christ. Our hearts and minds stand in awe of Your creative order of all things.

Please convert our hearts to believe and obey Your ways as taught in the Holy Scriptures.

We know that life is so short and Your desire is for all people to come to a saving knowledge of Your redeeming grace and have a personal relationship to You.

Forgive us for our sins and lead us to reject temptation in our lives. May we become sensitive to those with whom we work, especially our wives, children, and family. Give us strength to help the helpless and love the hurting ones.

May we learn from Your Holy Word what is morally right and what is morally wrong. May we come to fully understand that the nation whose God is the Lord is the nation that shall be blessed. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. OBEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME REV. LOU P. SHELDON

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, it gives me great pleasure to welcome my dear friend, Rev. Lou Sheldon. We are all very blessed to have Reverend Sheldon with us today.

I want to thank him for his uplifting words of prayer for today's session. Indeed, we must pray each day for the strength to uphold the spiritual and moral principles that have guided our great Nation.

Since his ordination, Reverend Sheldon has pastored churches for more than 20 years. Today, he works tirelessly to educate and inform the 31,000 churches with whom he is affiliated. He has been a wise counselor and good friend to me.

His dedication to the Almighty and his strong moral convictions are an inspiration to us all. All of us are grateful for your good work and dedication to the Almighty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAMBLISS). The Chair will receive fifteen 1-minutes on each side this morning.

ENDING WELFARE FOR LOBBYISTS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the Wall Street Journal reports that by almost a 3-to-1 margin, the American people agree tax dollars should not be used to fund groups to lobby the Government. I certainly agree with that principle, and I believe that as part of our reforms, we have got to end welfare for lobbyists.

People in groups have every right to petition their Government. They ought to do more of it. But the American people should not have to pay more and more taxes so that some lobbying group that receives money from the Federal Government can spend more and more money up here lobbying to receive more and more money to come up here to lobby for more and more money. That is a vicious spending circle. It has got to stop. No wonder previous Congresses have been unable or unwilling to balance the budget.

Those trying to fight this much-needed reform say it is draconian. But 96 percent of the nonprofit groups who have not abused the process would not be offended. Let us pass this legislation now.

INDEPENDENT COUNSEL TO INVESTIGATE THE SPEAKER

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Ethics Committee investigation into allegations against Speaker GINGRICH makes the O.J. trial look like swift justice.

Since the beginning of this Congress, the Ethics Committee has been meeting to discuss the various charges against Mr. GINGRICH. The complexity of the charges coupled with the fact that they are leveled against the highest ranking Member of the House are two reasons why this inquiry has dragged on. They are also two reasons why we need an outside counsel to take over.

For several months, government watchdog groups like Common Cause and Public Citizen have been calling for the appointment of an outside counsel in this case. They believe, as I do, that the appointment of a fully independent, outside counsel is the only way to assure a fair, thorough, nonpartisan investigation of the Speaker. It is the only way to lift the ethical cloud that hangs over this House.

LOBBYING REFORM

(Mr. NEY asked and was given permission to address the House for 1 minute.)

Mr. NEY. Mr. Speaker, I just want to stand today and agree with my colleague, the gentleman from Ohio [Mr. CHABOT], who just told us about the importance of ending the subsidies that the American taxpayers pay for groups to lobby.

It is a critical issue. We are talking about lobbying reform. Currently, we are talking about PAC reform. These are important issues that should be discussed, but we should not have a fear because a group says you are stifling my voice.

Let us make it clear in this debate. This is an important issue. These are

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

government dollars, taxpayers' dollars, that are going into these advocacy groups.

In recent research, what was told us is that 70 percent of Americans want to see this changed. We have got to address this in the debate. This has to come before the Halls of Congress. We also have to make it clear that these groups should be advocates for their position. A lot of these groups I agree with. They would be free to advocate their position, but the taxpayers of this country should be free from paying for it.

UNCLE SAM IS NOT THE WORLD'S POLICEMAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, everybody wants peace in Bosnia, but that is not the only issue here. The issue is whether American troops should be the peacekeepers.

Now every time there is a problem in the world these foreign leaders bow down and call America the superpower. Yes, truly we are a superpower. But we are not the only power, ladies and gentlemen. I say, if peacekeepers are needed in Bosnia, where is Great Britain? Where is Italy? Where is Spain, ladies and gentlemen? All of a sudden did they become third-world pushovers? The Constitution did not make Uncle Sam the policeman for the world, and Congress should not make Uncle Sam the neighborhood crime watch leader, either.

I say, before one American gets sent to Bosnia, there must be a consent, approval, and authorization of the Congress of the United States of America.

A BALANCED BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what did my constituents send me to Washington to do? They sent me here to downsize the bloated Federal bureaucracy, cut spending, and most importantly balance the budget. And why do they want the budget balanced? Because of the benefits it will bring them.

A balanced budget means lower interest rates on home mortgages, car loans, and student loans. A balanced budget results in a stronger economy, which means more jobs. A balanced budget means that Government spending is under control and taxes will be cut rather than increased.

Mr. Speaker, for too long Washington bureaucrats have come up with excuse after excuse for not reining in Government spending. But enough is enough. No more Washington gimmicks, and no more excuses. It is time to balance the budget. It is the right thing to do for America's future.

MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, yesterday my Republican colleague followed me here and talked about the difference between the debt and the deficit.

Well, I know very well the difference between the debt and the deficit. I know we have almost a $5 trillion debt. The deficit, though, in 1992 under a Republican President was $290 billion. For that year, that deficit.

Last year it was only $163 billion. That is what I call progress, and it was not done during the 1980's. In fact, during the 1980's, our debt exploded to that $4.9 trillion or whatever it is.

But the truth is really out. We need to balance our budget, but we do not need to do it on the backs of education or Medicare, and that is wrong. That is what the American people are saying in all the polls.

Mr. Speaker, the comments of our Speaker and also the leader of the other body last Sunday in the Washington Post demonstrate the true sentiments of the Republicans on the Medicare plan. Cut health care for seniors as much as necessary to pay for that tax cut, not balancing the budget but for a tax cut.

□ 1015

It is disgusting to see a PR campaign used to provide for a tax cut. Mr. Speaker, I hope the conference committee and the President will veto that plan.

WHY WE ARE HERE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, with all of the speculation about whether the President will sign or veto the Congress' plan to balance the budget in 7 years, we need to remember why we need to balance the budget. A child born today must pay $187,000 during her lifetime just to pay for the interest on the almost $5 trillion national debt.

That is before paying for any government services—Social Security or Medicare for her parents and grandparents—or national defense for herself.

We have to balance the budget for our children's future. We have spent over $5 trillion in Federal welfare programs since 1965 and Americans have concluded that the current welfare system perpetuates dependency and offers no hope for a better future.

We have to reform welfare because it is what Franklin Delano Roosevelt described as "a subtle destroyer of the human spirit."

While American families sent 2 percent of their income in taxes to Washington in 1950—today they send almost one-quarter.

That is why we must provide tax relief to families.

Without reform, Medicare will be bankrupt in 7 years with no legal authority to pay hospital bills for seniors.

These are the stakes.

Americans sent us to Washington to fix these problems.

I hope the President chooses to sign the only budget plan that will address these problems.

WHO PAYS FOR THE TAX CUT?

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Members of the House, last week the Republicans voted to dramatically slash Medicare by $270 billion, Medicaid by $180 billion. They voted to raid the pension plans of working men and women in this country and to slash educational opportunities for those who seek a college education.

Why did they do it? They did it so they can pay for a tax cut to the wealthiest people in this country. The vast majority of their tax cut goes to the upper 5 percent of the people in this country. They have asked the children, they have asked our college students, and they have asked our pensioners to pay for it.

They say if the President does not agree to it, they are going to force the Government to default. If the Government defaults now, they are going to ask the pensioners once again to pay for it. They are going to ask the retirees to pay again. They are going to ask those people who get an income tax refund to pay again. They are going to ask homeowners with mortgages to pay again. They are prepared to ask everybody to pay in the country, except the wealthiest people in this country, for that tax cut.

They should not be allowed to force this Government to default to provide an unfair tax cut to the wealthiest people in this country.

THE AMERICAN PEOPLE ARE TRYING TO SEND A MESSAGE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, I looked at the cover of the U.S. News and World Report which talks about the death of the Democratic Party. I think all you have to do is listen to the last speakers that have been up here to understand why.

A few speakers ago, we had somebody come to the floor and said he was disgusted with the tax cuts, that we should take pride in the fact the deficit has gone down over the past year or two. What he does not tell you is he is proud of what has happened in the past year or two because he voted for the largest tax increase in the history of the world. He voted for taxes on seniors who they claim to protect. He voted for tax increases on working men and women they claim to protect. He voted for taxes on middle-class people who they claim to protect. He voted for taxes on small businesses that create jobs.

Now it just absolutely amazes me that the Democratic Party despises the jobmaker but loves the jobs. I mean, let us get real here. Read the cover of U.S. News and World Report and figure something out.

The American people are trying to send a message, and that is, "Get government off our backs and lower our taxes."

AMERICA MUST BE CONCERNED ABOUT A DEFAULT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, a few days ago Speaker GINGRICH went to New York, and he stood defiant to default, proclaiming, "I don't care if we have no executive offices and no bonds for 60 days, not this time."

Well, in order to counter that kind of extremism, the Republicans got a couple of their big campaign contributors from Wall Street to come down here to Washington yesterday and tell them not to be concerned.

I would suggest the American people have every reason to be concerned if we continue to pursue this approach of, "It's NEWT'S way or no way, even if it means the first default in the history of this great Nation." Indeed, perhaps our Republican colleagues would be well advised to read this morning's Washington Post and the comments of one of their senior Members, our colleague, the gentleman from New York [Mr. HOUGHTON], who says, "I think the whole thing is nuts. Nobody knows the potential impact. If you play this hand and lose, you can really do a lot of damage."

It is like threatening to explode an atom bomb in your own backyard. Yes, that is the approach. These Gingrichites who defaulted to the people on Medicare ought not to default to the rest of America as well.

DEMANDING FURTHER INFORMATION ON THE WELFARE, WELL-BEING, AND WHEREABOUTS OF JOURNALIST DAVID ROHDE

(Mr. LONGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONGLEY. Mr. Speaker, I am pleased to report that this morning, about 3 hours ago, the United Nations confirmed that the American journalist, David Rohde, who has been reported missing in Bosnian Serb territory, is alive and in Serbian hands. According to Clayton Jones, international editor of the Christian Science Monitor, a high-level Bosnian Serb official informed the United Nations Mr. Rohde is being held in a Bosnian Serb stronghold of Polje.

Mr. Rohde, the Monitor's East European correspondent, has not been heard from since last Saturday. I think it is an important message to send to the Bosnian Serb Government that we demand an immediate accounting of Mr. Rohde's whereabouts, his health and safety, and that we want to make it absolutely clear they will be held responsible for his safety.

In the context of the peace talks that are currently beginning in Dayton, it seems to me the entire integrity of the process rests on whether in fact these governments actually control the territory that they presume to control, and I call for David Rohde's immediate release and return to this country.

THE BIGGEST PENSION RAID IN THE HISTORY OF THE COUNTRY

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, 95 to 4, by a vote of 95 to 4 the Senate overwhelmingly rejected a House Republican proposal to remove solvency safeguards on private pension funds.

In the 1980's $20 billion was yanked out of private pension funds, often the workers' own retirement funds, which were used to finance hostile takeovers that resulted in downsizing and restructuring, ultimately costing them their very jobs.

On three separate occasions, Congress put in place protections to preserve the solvency of these vital pension funds. Now, without so much as a hearing, House Republicans have sought to remove these protections so companies can yank money out of their pension funds. They estimate that $40 billion will be pulled from private pension funds under their proposal.

When we sought a separate vote on this issue, we were rejected. It was included in the budget. And so now, without so much as a hearing, without so much as a separate vote, House Republicans are moving forward a proposal that would allow the biggest pension raid in the history of the country. They must be stopped.

AN HONORARY GEORGIAN FOR THE DAY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today we in the Georgia delegation pick up a new Member. To the young men and women from Magnificent High School, I know this is shocking.

But as your own gentleman from Ohio [Mr. HOKE], who for the day, as part of being on the losing side of the World Series, becomes an honorary Georgian. Here is a State flag for him, a tomahawk. I am going to give him some of the other Georgia products off the floor, but in the meantime I yield to him, and I want him to show the American people that he is truly an Atlanta Brave for the day, and he is wearing a Braves tie.

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding, and I do thank him for this gift and these other gifts. These really are very thrilling, and of course I am fulfilling my side of a bet here.

Because I have to admit any team that could beat the team that had the very best record in all of baseball in the past 40 years, any team that could beat the team that had the highest batting average in the past 40 years of any baseball team, any team that could beat the team that won going away by over 30 games this year, and I am talking about the Cleveland Indians, then the Atlanta Braves do deserve credit.

It was an agreement both with you and also with the Speaker of the House that if I lost these bets I would wear this tie for the day, and in addition, I am going to be sending pirogies to a hunger center on behalf of NEWT GINGRICH and some bratwurst and some other good Cleveland food, and I offer my congratulations to the Atlanta Braves, to the great people of Georgia, and if I do not get hives too badly, I will wear this all day pursuant to my agreement.

Mr. KINGSTON. You will wear it all day. You may want to wear it next season as well.

MEDICARE SHOULD NOT WITHER ON THE VINE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, Speaker GINGRICH may use warm and fuzzy words like "preserve" and "strengthen" when he is talking about Medicare in front of the cameras.

But when he is talking to the special interests, he sings a different tune.

Last week, he said that while the new majority did not get rid of Medicare in "round one * * * we believe it's going to wither on the vine." I repeat, wither on the vine.

Well, Mr. Speaker, I am from Marin and Sonoma Counties, CA—the home of the world's greatest grapes and wines—and I can tell you that the only things we let wither on the vine are grapes plagued by disease or ruined by drought.

Never, however, would the people of Sonoma and Marin Counties let Medicare—the root of economic and health security for seniors and their families—wither on the vine.

We know that Medicare must be cared for and preserved for generations to come.

Mr. Speaker, if there is anything rotten and sick around here that deserves to wither on the vine it is the Gingrich Medicare scheme, and not Medicare—one of the most popular and successful programs ever created.

OPPRESSION OF THE CUBAN PEOPLE CONTINUES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, while his decrepit road show passed through the United States, Cuban dictator Fidel Castro made a cynical statement during a pathetic rally in his support, sponsored by our Democrat colleague from the Bronx and attended by some other congressional groupies. Castro commented that "life changes," referring to his acceptance of foreign capitalist investment, to save his failed, repressive revolution.

Life might change for Castro in his desperation to keep power, but not for the Cuban people who continue mired in misery and oppression. In Cuba, human rights violations continue. Political persecution continues. State control over the economy and the press continues. Persecution against those who practice their religion continues. Nothing, nothing has changed over Castro's 37 years of tyranny.

Yes, life changes, but not for the oppressed people of Cuba. Life will only change for the Cuban people once the Communist tyrant is eliminated from power and the Cuban nation can reclaim its freedom.

INTRODUCTION OF THE NO-BUDGET, NO-PAY PLAN

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the Wall Street Journal reported this morning that by a margin of almost 2 to 1, American families are counting on President Clinton to veto the Gingrich budget plan. They know the Gingrich plan cuts Medicare too deeply. It hurts working families, and it cuts education and also cuts health care for the poor in this country. They want the President to reject it.

So how will Speaker GINGRICH put pressure on President Clinton? He will try to shut down the Government. For the first time in our history, the first time in the history of the Nation, Speaker GINGRICH wants the United States of America to default on its national debts. That is not only a disgrace, it is something that will hurt working families across America. It will raise interest rates, causing that mortgage payment to go up. It will mean in some instances people will not see their checks coming from the Government on time. That is disgraceful.

That is why I have introduced the no-budget, no-pay plan. Quite simply, if we follow the Gingrich idea, default, close down the Government, Members of Congress are not paid. Pretty simple, but I think Members of Congress will get the message.

WHERE ARE THE PRESIDENT'S COUNTERPROPOSALS?

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, only in Washington do they describe an increase as a cut.

Mr. Speaker, the time has come to balance the budget and finally regain control of the ever expanding deficit. Not only have Republicans put forth a plan to balance the budget in 7 years but we have passed it through the House and the Senate. Now the President wants to veto the Republican plan. Well I just have one question. Where are his counterproposals?

President Clinton supports the Republican goals—a 7-year balanced budget, real welfare reform, middle class tax relief, and a sound Medicare system. The administration is trying to have it both ways. They agree with our principles but are unwilling to make the hard decisions necessary to achieve these goals. Americans are tired of the Washington gimmicks and political excuses—if the White House is serious about what they say, it is time to lay their plans on the table.

□ 1030

SAVE MEDICARE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I could stand here and tell you that Republicans in Congress want to end Medicare.

But do not take it from me.

Take it from them.

Here is what the Speaker said about Medicare to a group of insurance lobbyists:

> Now, we don't get rid of it in round one because we don't think that's politically smart and we don't think that's the right way to go through a transition period. But we believe it's going to wither on the vine because we think people are voluntarily going to leave it.

In a recent campaign speech, the leader of the other body bragged, and I quote:

> I was there, fighting the fight, voting against Medicare, one out of twelve, because we knew it would not work in 1965.

Well, Medicare turned out to be one of the most successful Government programs in American history.

The Republicans say they want to save Medicare.

I say, we need to save Medicare from the Republicans.

UNITED STATES COURTING INTERNATIONAL DISASTER

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, the United States under the misguided leadership of President Clinton, is courting another international disaster. President Clinton did not learn in Somalia, where he turned a humanitarian mission into a bungled fiasco, costing dozens of lives and billions of dollars.

President Clinton did not listen when he sailed into Port-au-Prince Harbor and then retreated, leaving us with hundreds of Haitian opponents dead and a costly legacy for which the American taxpayer is still paying billions.

President Clinton did not hear the pleas for a Pan African force to prevent and preempt a slaughter in Rwanda, where nearly 1 million died, and now we are still paying the United Nations billions.

President Clinton did not support the lifting of an arms embargo to allow Bosnians to defend themselves, and thousands died, and now we are paying the United Nations and NATO billions.

President Clinton still did not get the message when 315 Members of this Congress said we do not want 20,000 American troops in Bosnia, we do not want Americans killed and held hostage, we do not want our military under the U.N. command, and we do not want to spend billions on another fiasco.

REPUBLICANS CUTTING MEDICARE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, in 1965, Democrats enacted Medicare into law over the objections and strong opposition of the Republicans. That was then; this is now.

Then, in 1965, before Medicare, 50 percent of America's elderly had no health care insurance.

Now, in 1995, 99 percent, almost everyone, of our seniors have health care insurance.

Then, in 1965, almost one-third of all senior citizens lived in poverty.

Now, in 1995, the poverty rate among elderly Americans had declined to a little more than one-tenth.

According to all reliable information, the Republicans are cutting Medicare by at least $100 billion more than the trust fund needs for solvency.

That is now.

Then, in 1965, the Republicans paid no attention to the solvency of Medicare. They fought and voted against the program. One can but imagine what they will do now that they are pushing us back to then.

TRAVEL AND TOURISM

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, sometimes here in Congress the really important events go unnoticed, so I want to report to the Congress that the travel and tourist industry, the largest employer in each one of your districts, met here for a White House conference. The President, the Vice President, the Speaker, and key leaders, appeared before the conference.

Travel and tourism provides more jobs in America than any other industry except one. Travel and tourism stood united in its request that we in Congress help establish a private-public partnership, a bold, new, innovative approach, and, in the transition period, to agree with the Senate appropriation request for the U.S. Travel and Tourism Administration.

I ask Members to focus on travel and tourism in their respective districts. While we know of many industries which are downsizing or have downsized, here is one industry that is growing, and the growth potential is nothing short of phenomenal.

MEDICARE CUTS OFFENSIVE

(Mr. FRAZER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRAZER. Mr. Speaker, I rise in opposition to the views regarding Medicare that my colleagues on the other side of the aisle have consistently taken.

The leader of the other body says that Medicare has never worked and he is proud that he opposed its creation 30 years ago; further he supports its dismantling today.

In this body, the Speaker has said that this is the first step to dismantling the program entirely. He also states that this is the road toward historic change. If this is the road toward historic change, then I hope the record clearly reflects who was responsible for the new course America took regarding the disabled and senior citizens health care services. It is not fair to our elderly who have invested in a health care system for decades to spend their golden years wondering if they can afford to pay for a prescription.

These cuts in Medicare are outrageous and I hope that the President will veto this offensive legislation.

REPUBLICAN LIMBO DANCE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, the exercise that we are going through here in this budget battle reminds me of the limbo. How far will the Republicans go to give a tax break to the wealthiest Americans?

First we see the pole at a level they have to go under where they will affect America's seniors, cutting benefits to seniors while increasing their premiums in Medicare. Next, Medicaid, where they remove a guarantee for health care to America's seniors, at the same time removing standards for nursing homes.

Let us move that pole down as the Republicans come around in this dance again, and see what they do for children. Reductions in school nutrition programs, reductions in student aid programs, removing millions of children from guaranteed health care while removing Medicare as an entitlement for them. And what about those children's families? Here they come again, lower the pole in this limbo dance. How low can you go to give a tax break to the wealthiest Americans, while raising taxes on millions of Americans under $30,000 a year?

Mr. Speaker, today it even gets worse. In addition to this limbo dance, today the Republicans are going to hit Americans where they live by cutting over $5 billion in housing, and that, Mr. Speaker, shows just how low they will go to increase homelessness in order to give a tax break to the wealthiest Americans.

Mr. Speaker, I urge our colleagues to vote "no" on this bill today.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 317, nays 88, answered "present" 1, not voting 26, as follows:

[Roll No. 760]

YEAS—317

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Dellums
Deutsch
Dickey
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Ewing
Fattah
Fawell
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood

Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (FL)
Zeliff

NAYS—88

Abercrombie
Becerra
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Crane
Davis
DeLauro
Dicks
Dingell
Dooley
Durbin
Engel
Everett
Filner
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gillmor
Green
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Jackson-Lee
Jacobs
Johnson, E.B.
Kaptur
LaFalce
Lantos
Latham
Lewis (GA)
Lincoln
Longley
Martinez
Meyers
Miller (CA)
Moran
Neal
Ney
Oberstar
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pombo
Richardson
Roybal-Allard
Rush
Sabo
Sanford
Schroeder
Scott
Slaughter
Tanner
Taylor (MS)
Thompson
Thurman
Torkildsen
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Wise
Woolsey
Wyden
Wynn
Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—26

Conyers
de la Garza
DeFazio
Diaz-Balart
Ensign
Farr
Fazio
Fields (LA)
Gejdenson
Hoyer
Maloney
Mfume
Moakley
Nadler
Pastor
Portman
Smith (WA)
Stockman
Tejeda
Thomas
Tucker
Volkmer
Weldon (PA)
Williams
Wilson
Young (AK)

□ 1103

Mr. PAYNE of New Jersey changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 760 on the Journal, I was unavoidably detained. Had I been present I would have voted "yea".

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1868) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes," with an amendment.

APPOINTMENT OF CONFEREES ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. STOKES moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2099, be instructed to agree to the amendment of the Senate numbered 66 insofar as it strikes 17 provisions limiting the use of funds appropriated to the Environmental Protection Agency.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield 10 minutes of my time to the gentleman from New York [Mr. BOEHLERT], and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nearly 3 months ago, on July 28, 1995, this body voted to strip the VA-HUD appropriations bill of nearly 20 legislative riders. These riders were added by the Republican leadership for the sole purpose of reversing this Nation's progress toward clean streams, lakes, clean air, safe drinking water, and other national environmental goals.

Like many other provisions the majority party has adopted this year, there were no hearings on the legislative riders, no negotiations with the minority, and no public give or take. Instead, these riders showed up in the chairman's mark of this bill at the time of the subcommittee markup.

Mr. Speaker, we now know plenty about these riders. We know the secrecy that surrounds them was designed by the proponents for a very good reason. They knew that when the public learned of the unprecedented rollbacks in environmental protection, of the special interest deals, of the complete disregard for public health, they would be furious. Now, because of the debate and vote last July, the people did learn of the surprises in the fine print of this bill, and they are furious. They are furious because this bill rolls back and cuts back and sweetheart special interest deals simply go too far.

These riders go too far when they totally stop any and all development or implementation of water quality standards for the Great Lakes, which supply drinking water for 23 million Americans.

These riders go too far when they totally stop any development of new emission standards for industrial water pollution, thus allowing pharmaceutical manufacturers, the pulp and paper industry, and metal producers, to continue to pour millions of pounds of toxic pollutants into the Nation's waterways.

These riders go too far when they repeal this Nation's wetlands protections, thus allowing developers to destroy thousands of acres of marshes and streams that would be protected even under the radical revisions to the Clean Water Act that the Republicans passed earlier this session.

These riders go too far in prohibiting EPA from doing anything to keep radon and arsenic out of the Nation's drinking water.

These riders go too far in saying to EPA, "Don't you dare ask industry to disclose more about their use and release of toxic chemicals to local health officials," to local fire departments, to citizens who live in the shadows of polluting smokestacks.

These riders go too far in carving out special interest exemptions and protections for oil refineries and hazardous-waste-burning cement kilns.

Mr. Speaker, now we have a third chance, once and for all, to rid this bill of these poisonous riders on this bill which President Clinton has described as the Polluters Protection Act. My motion at the table instructs the conferees to agree with the Senate amendments deleting the House riders.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to ask a question of my colleague, the gentleman from Ohio [Mr. STOKES], the ranking member.

Mr. Speaker, the gentleman from Ohio [Mr. STOKES] points with some alarm to a series of riders that are connected with EPA and riders that would impact the way they exercise their regulatory authority and sometimes, in my judgment, go beyond their regulatory authority.

As I understand the gentleman's motion, it would essentially instruct us to remove all of those riders, and that would be the position of the House as we go to conference; is that correct?

Mr. STOKES. If the gentleman would yield, my chairman is absolutely correct. My motion would strike all 17 of these riders from the bill.

Mr. LEWIS of California. That would mean that if a Member of the body, for example, is very concerned with the way EPA is implementing inspection and maintenance of vehicle programs connected with clean air across the country, that we would be unable to address the way we do address that question in these riders. In other words, we would not be able to move forward with a rider that would essentially limit the way EPA is exercising that questionable authority; is that correct?

Mr. STOKES. If the gentleman would yield further, I want to be able to respond accurately to him.

As my distinguished chairman of the subcommittee knows, there is a Senate rider that bars centralized testing, using language previously adopted when we were in conference previously on the rescissions bill.

That language, as my chairman knows, states as follows: That the House-Senate conferees on the rescission bill adopted straightforward language barring EPA from mandating centralized testing or applying any automatic discounts or alternatives adopted by States. Similar language is in the Senate version of H.R. 2099, the bill which we are on here on the floor today.

Mr. LEWIS of California. Mr. Speaker, the point I would make is that I do know there is a rider like that on the Senate side sponsored by the Senate. But my colleague is striking all the language that we would have and essentially saying I should not be taking action and moving forward relative to inspection and maintenance and other items.

Under those circumstances, Members should know that if the House votes with the ranking member, I intend to go to the conference and fully express the role of the House, and actions on inspection and maintenance will have to be opposed. Indeed, it could undermine the House position and the House concern regarding that matter. The same point applies to any number of other riders.

Really, my point here, Mr. Speaker, is that to have the House suggest that we go to conference with the Senate and strike all of this consideration when there is another option available is highly questionable policy, and I think it deserves the attention of the House.

Mr. Speaker, it is very important for our colleagues to know that there is a great deal of interest in a number of these riders. We will be dissuaded from acting in connection with them. Later in the day, we will have an opportunity, perhaps, to consider another approach, which would instruct our conferees to go to the conference and to consider each and every one of these riders separately and individually and consider them based upon their impact on the economy, upon jobs, upon the environment. That could only occur if, at the end of this discussion, we essentially procedurally open the door to allow us to consider that alternative. So we are going to be urging my colleagues to vote no on the previous question to allow that process to go forward.

It is not fair for us to tie the hands of the Members in connection with these very important regulatory areas, and the motion by my colleague would specifically do that. We would not be able to represent Members well regarding these issues in conference if this motion passes.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, these riders are a terrible idea. The riders dramatically change, in a very damaging way, laws which have been subject to the legislative process, were fully and extensively debated and gained the support of Members from both sides of the aisle.

We have a legislative process through which we amend existing law. It involves committees and subcommittees where Members have devoted much of their careers to understanding complicated important issues and to knowing how to deal with them.

In this case, the Committee on Appropriations decided to authorize, or better, to deauthorize in this appropriations bill certain established laws. This is a bad idea.

Let me demonstrate why by asking four questions:

Do Members really want to stop enforcement of wetlands protection?

Do Members really want to stop enforcement of permits on raw sewage overflow?

Do Members really want to stop enforcement of programs addressing stormwater runoff?

□ 1115

Do Members really want to stop implementation of the Great Lakes initiative? These only deal with the Clean Water Act. There are 15 other issues that are of equal importance.

I urge a "yes" vote on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds.

I think it is important for me to respond to the statement made by the distinguished chairman of the subcommittee. I think the Members should know and understand that Amendment 81, which I made reference to, is in the Senate bill, and there is no reason why in conference, notwithstanding any action taken here, if the Stokes motion wins, we can still agree to that motion in conference. There is no reason why, as conferees, we cannot.

What every State should understand is that no State faces a loss of Federal highway funds if they do not adopt a decentralized or test-only inspection program. That Members should understand.

Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, of all the words that appear in the Contract With America, the word "environment" never appears once.

They never told us they were going to repeal the Clean Water Act.

They never told us that they were going to sell off public lands, make it easier to pollute the Great Lakes, or cut funds we need to keep our drinking water safe. But over the past 10 months, Gingrich Republicans have trashed the environment at every single turn. It is not just what they have tried to do, but how they've tried to do it.

They knew they could not pass a bill to allow oil drilling in the Alaskan wilderness. So they snuck a provision into the reconciliation bill that allows drilling in Alaska.

They knew they could not just repeal the Clean Water Act. So we have a bill before us today that uses legislative riders to gut the Clean Water Act in 17 different ways.

This is environmental destruction by stealth, pure and simple.

Now does anybody really think it is a good idea to let arsenic in our drinking water?

Does anybody really think it is a good idea to exempt industrial plants from water pollution control? Read the fine print—that is exactly what these riders do.

All over America, local communities need help with sewage problems. This bill freezes all new wastewater treatment projects dead in their tracks.

All over America, local communities are trying to make their drinking water safe. This bill makes it impossible for safe drinking water permits to be enforced.

This bill may be a bonanza for polluters but it is going to damage our environment, poison our water, and hurt local communities all over America.

For more than two decades, this country has had a bipartisan commitment to protecting our environment. Any way you look at it, this bill rolls back 25 years of progress on clean water.

The VA-HUD bill is a disaster from the word go. The least we can do is instruct conferees to get rid of these destructive riders once and for all.

I urge my colleagues: Vote "yes" on the previous question, vote "yes" on the motion to instruct, and help keep our environment clean.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I urge my colleagues, in their zeal for reform, to refrain from the wholesale repeal of fundamental environmental safeguards. Repeal is exactly what we are being asked to do in voting for a funding bill that has 17 legislative riders attached to it.

Whole sections of the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act are rendered meaningless by these riders. For example, one rider completely halts EPA enforcement of wetlands protection. We cannot afford the widespread destruction of the Nation's remaining wetlands that would occur if this rider is signed into law. As documented in the National Research Council's report—a report done at the request of Congress—wetlands provide an indispensable natural filtration system and habitat essential to commercial and recreational fishing supplies. My State for one cannot afford the economic devastation that would occur from further pollution to its waterways, particularly the Chesapeake Bay.

This is just 1 of the 17 riders to the EPA bill. Others block implementation of tap water standards for arsenic and radon in our drinking water supplies; prohibit further cleanup of Superfund sites after the end of the year; carve out special exemptions for petroleum refineries from critical air toxic standards; and shield polluters who admit (but do not necessarily correct) their wrongdoing.

These changes undercut the foundation of environmental protection that both Republicans and Democrats have worked hard to build over the past 25 years. We should not be making such changes in an appropriations bill, with no hearings and little debate.

Let us instead make any revisions in the appropriate authorizing committees where Members are working hard to review and improve various environmental laws. All of the riders in this bill are inappropriate. While some of them concern important issues that should be addressed, none of them should be attached to this bill.

I urge a "yes" vote on the Obey-Stokes motion and a "yes" vote on the previous question.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the distinguished majority whip, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, my friends, the distinguished minority whip represents a party that used to be the only thing to fear is fear itself; now, all they have to offer is fear itself.

I rise in very, very strong opposition to this motion to instruct. Do not be fooled. . . .

And what do they do? They prevent——

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down. The gentleman's words go to the motives of the sponsor of this amendment. They are outrageous. They ought to be withdrawn.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the words.

Mr. DELAY. Mr. Speaker, I ask unanimous consent to withdraw the offending words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. I will not object if the gentleman understands that I raised the objection because what he essentially said is that the sponsors of the amendment were not interested in a clean environment, they were interested in spreading misleading words on the floor of the House. That is my objection. If he is willing to withdraw that, I have no objection to their being withdrawn.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DELAY] may proceed in order.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Speaker, do I get to start over with my time?

The SPEAKER pro tempore. Time was not taken away from the gentleman. The gentleman may start over.

Mr. DELAY. Mr. Speaker, maybe I mischaracterized personally the authors of this motion. Let me restate it this way: Those on the outside of this Chamber that support this motion are not interested in good environmental policy or public health. They are interested in the status quo, in regulatory excess, and in spreading misleading and distorted information on what these environmental riders do.

And what do they do? They prevent the EPA from going beyond its statutory authority so we do not have unelected, overzealous bureaucrats implementing their own agendas at the expense of our environment and the American public. They require EPA to use the most up-to-date data when making regulatory decisions.

Do the opponents of the riders believe the EPA should be allowed to develop a refinery MACT rule, using data that is 15 years old when data exists from 1993? Is that protecting the public health?

They direct EPA to use real world data instead of bureaucratic computer models based on faulty assumptions. EPA is trying to force our constituents into centralized emissions testing, claiming this system works the best, but just a few weeks ago, 12 cars rigged to fail passed by a Colorado centralized testing facility. Is that effective environmental policy? None of these riders change present law, not one. Not one of these riders repeal present law.

Chanting right along with the effort to scare and mislead the public on what this Congress is doing, our Vice President accused this Congress of prohibiting the EPA from taking arsenic out of drinking water. But who is asking for a delay in the rulemaking? In a letter dated this February, the EPA stated it has decided to seek to delay rulemaking on the arsenic regulations in order to conduct further research.

Needless to say, the Vice President's office later said he misspoke.

Mr. Speaker, these riders are about common sense, sound science and flexibility. They are about making sure that we get real benefits out of our regulatory requirements, so that the burden we have placed on Americans and on our businesses makes sense, and for those who claim that this appropriations bill is no place for these legislative riders, get real. Every bill is the right place to deal with government fraud, abuse of process and misspent resources.

Vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, 1 month into the fiscal year, only 8 percent of the appropriations in the budget are done for the fiscal year. At that rate, it will take an entire year to finish 100 percent of the appropriation items.

Eighty-five percent of the appropriated dollars in the budget, in defense, in labor, HEW, in the EPA appropriation bill, are all tied up in very large measure because of extraneous legislative language added to what is supposed to be budget bills.

In this bill before us today, these 17 riders would, among other things, exempt oil refineries from air toxic standards under the Clean Air Act. They would allow 1 million tons of hazardous waste from cement kilns to be exempted from air toxic requirements.

They would stop enforcement of the law with respect to the dumping of raw sewage into our rivers. They would stop enforcement of the arsenic standards.

These 17 rules, in my view, are a lobbyist's dream, and I would simply suggest that the idea that we ought to try to consider each of them separately on an appropriation bill, simply the effect of that gives lobbyists 17 different opportunities to pick off enough people on this floor to win 1 or 2 or 3 of those items, because of special sectional pressures.

In my view, these do not belong in a budget bill. We ought to deal with budget issues clean.

I want to say one other item, or I want to make one other point. I want to say to my Republican friends on this side of the aisle, we have not made a single bit of environmental progress through the years without bipartisan cooperation because the two parties.

□ 1130

Do not let that cooperation stop now. Do not walk away from the tradition of Teddy Roosevelt. The Republican Party and the Democratic Party jointly have fine bipartisan traditions of moving environmental protections forward. Let us keep those traditions moving forward today by supporting the Stokes motion.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong opposition to the Stokes motion to instruct.

Mr. Speaker, if you listened only to the supporters of the motion, you would think its defeat will result in the wholesale environmental destruction of our lands, waterways, and air quality.

Folks, this is nothing more than good, old-fashioned scare tactics, dressed up in a pretty green wrapper.

It's not the environment that's at stake here—it is the power of the House.

Every Member knows that many of these riders will never make it out of conference—and those that do survive will represent sound, environmentally neutral policy.

But every Member also needs to know that these riders represent bargaining power for the House.

The riders are leverage we can use to achieve meaningful spending cuts—protect important veterans programs—and pare back some of the other body's ill-advised housing language.

Yes, this may well be the feel-good environmental vote of the year, but I ask you: is it really worth it to sell out the House conferees for a press release?

Mr. Speaker, we need to stick together as a team on this one. We need to reject the easy vote, and cast the right vote.

Defeat the previous question—vote for the substitute motion.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Stokes motion.

This is the third time that we have voted on these riders. First during the Committee of the Whole, Members voted 212 to 206 to delete these special interest provisions. Not satisfied with that result, a separate vote in the House was demanded and by a vote of 210 to 210 the provisions were retained. Lets put this issue to bed once and for all today, by sending a strong message to the members of the House and Senate conference that the appropriations process is no place to make environmental policy.

The Appropriations Committee should not have included the legislative language regarding EPA in its HUD–VA bill. These issues must be left to the authorizing committees, who have the responsibility to devise environmental protection policy under the standing rules of the House.

In addition to my strong opposition to this process, I strongly disagree with the underlying policy objectives of these legislative riders.

In years gone by the Republican Party has been a leader in environmental protection. In fact, it was President Nixon who created the EPA in the first place.

And the American people have come to agree overwhelmingly. They want a healthy environment for the children and their grandchildren.

Despite that fact, the VA–HUD appropriations bill includes an unprecedented number of legislative riders which will severely restrict or eviscerate the ability of the Environmental Protection Agency to implement key provisions of environmental laws such as the Clean Air Act, the Federal Water Pollution Control Act, and the Federal Food, Drug and Cosmetic Act. Many of these riders have been included in the bill even though there have been no hearings, little public discussion, and no congressional debate on the issues. This is a terrible way to make law and creates enormous uncertainty for businesses trying to plan the future and make appropriate investments.

These ill-advised riders would wreak havoc with public health and safety. They are penny wise and pound foolish and go far beyond reforms. They gut legislations. Listen to this extreme legislation: Stopping enforcement of existing programs addressing storm runoff, wetlands protection, and raw sewage overflow, as my colleague Mr. SAXTON has outlined; prohibiting EPA from issuing a tap water standard for arsenic—a known carcinogen—radon, and other radionucleides; threatening communities right-to-know about toxic emissions; prohibiting action to avoid childhood lead poisoning; and allowing cement kilns to burn hazardous waste without regard to environmental and health effects.

And these are just some of the 17 objectionable riders that have been included in this bill. Have we lost our senses?

These provisions will drastically reshape or nullify the key laws protecting water and air quality. They represent a serious threat to the hard-fought, but well-deserved, progress that we have made in cleaning up our environment in the last 25 years. In New Jersey alone, many of these riders would prevent or delay progress in solving some of our highest priority problems.

For those that want to reform the regulations and the laws, let's go through the normal authorizing process. The quality of our water, air, and food is far too important to decide in this type of piecemeal approach. Moving too quickly on something as important as the environment is the best way to make mistakes—mistakes that could be devastating to the health and safety of the public.

Finally, my colleagues, this summer I received a letter from my grandson Jimmy Kuhns' kindergarten class expressing their support for the Clean Water Act, and I quote, "Dirty water can hurt you too, Congresswoman."

Out of the mouths of babes. Those 5 year olds were writing to me, but speaking to all of us, my colleagues. Health and safety first. Remember—dirty water and environmental poisons can hurt you, too.

Support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, "I hate clean air. I do not want to breathe clean air. I want the dirtiest possible air possible for me and my household and my constituents."

That is what the supporters of this motion want people to believe about our position on these riders. You know that is absolutely untenable. I voted for the Clean Air Act. I want clean air for my people and for myself and for my household, and I voted for it. But I did not vote for the EPA, in trying to enforce the Clean Air Act, to arbitrarily, with a strong right arm, unheeding to the popular will or to even common sense, to mandate certain procedures on auto emissions testing that are going to be costly to the individual automobile owner, costly to the citizens of the States that are affected, and ineffective in what they are trying to do, and that is to purify the air.

If I am convinced that is true, that the EPA is going about it in the wrong business, should I not do something about it as a representative of my people?

I resent any implication that I am against clean air. I am for the EPA doing their job properly. They have taken steps to mandate 16 States, to put them under sanctions, California being one, Delaware, the District of Columbia, Georgia, Illinois, Louisiana, Maryland, Massachusetts, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, and I think Texas has been added to that list, mandatory types of centralized testing or sanctions will be visited upon those States.

That is arbitrary, in view of the fact that the standards that they want to employ are obsolete and have been proved in independent testing not to work on the purity of the air. Therefore, we are saying in this rider, no repeal, no destruction of the EPA, no harboring of ill against any of the administration people in the EPA; but, rather, hold back. Look what you are doing. We say pause and allow a new grade of testing to occur at your own hands, if you want, in which we will take sampling of the air for the next period of time until we can develop together, with you, EPA, a standard that everybody can live with and accept with confidence. That is what this rider is about.

Mr. Speaker, I do not know about lead poisoning and all of these other fear things that have been posed on the floor. But I do know that I want to support that one rider at least on auto emissions.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds, because I feel compelled to respond immediately to my colleague from Pennsylvania.

Mr. Speaker, I want to point out that no State faces sanctions for failure to implement centralized inspection and maintenance programs. I want to provide for the RECORD a copy of an October 30 letter from the Administrator of the Environmental Protection Agency, Ms. Browner, which states those States face a loss of Federal highway funds if they do not adopt a centralized or test-only inspection program.

Further, let me point out, one does not have to be a Democrat. Just as Governor Pete Wilson of California, Christine Todd Wittman of New Jersey, two Republicans, they worked it out.

Mr. Speaker, the letter referred to follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, October 30, 1995.

Hon. NEWT GINGRICH, *Speaker of the House, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing to correct information in a recently distributed "Dear Colleague" letter about the Clean Air Act's motor vehicle emissions inspection program. Unlike the claims of the "Dear Colleague" letter, no state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program.

First it is important to note that inspection and maintenance programs are one of the most cost-effective ways to control urban smog and protect public health. These programs provide significant protections of public health and the environment which is why Congress required them as part of the Clean Air Act Amendments of 1990.

EPA's inspection and maintenance regulations provide states with a great deal of flexibility to design automobile emissions testing programs that make economic and environmental sense for their citizens. States can, and have, chosen programs where the emissions tests are done at service stations and auto dealerships. Also, states that have had test-only programs for many years are choosing to continue them because they work. All but two states have submitted complete inspection and maintenance plans and are under to threat of sanctions. The remaining two states have failed to submit any plan at all.

States have a wide range of choices in program design, but scientific data from over 15 years of inspection programs in states around the country shows that some programs lower auto emissions more effectively than others. Contrary to the letter's contention, this conclusion is not based on theoretical models, but on actual tailpipe tests of thousands of vehicles in the field. I am sure you would agree that the most sensible approach is to use real world data from each state and base credit on the actual performance of the local programs—that is the approach that EPA is taking.

I hope that the House of Representatives will consider this accurate information before it votes on the riders in the VA-HUD-Independent Agencies Appropriation bill—not the mistakes propounded by those who would weaken important public health protections.

Sincerely,

CAROL M. BROWNER.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds, just to also reply to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. Speaker, only 2 of the 16 States listed are under a sanctions threat, that in Pennsylvania and Vermont, for failure to submit plans, not for failure to implement centralized. So the statements are inaccurate.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, these riders were wrong back in July when a majority of the House voted against them, and they are still very wrong today. I heard the gentleman from Texas [Mr. DELAY] say earlier the riders do not change the current law; but in fact they do. They would severely cripple the enforcement and implementation of the laws that are the very backbone of our environmental protection. What good is having good environmental laws on the books if you cannot enforce them? That is basically what this bill does with the riders. It says you cannot enforce the existing law.

By allowing the riders to remain in the bill, we are also once again creating an unlevel playing field in terms of the environmental standards states are being required to uphold. The message to the States is wait it out. If enough of us hold out, the standards will eventually come down or be removed altogether.

We must remember that pollution recognizes no State boundaries. Unless all States are held up to the same standards , then States that are not in compliance are putting a larger burden on the States that making an effort to preserve our natural resources for future generations.

Mr. Speaker, I ask the Congress not to make enforcement a moving target, and to support this motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Speaker, I rise in opposition to the motion and urge that we support the gentleman from California, Chairman LEWIS, on this important issue. These riders can and should be dealt with one by one. I think the chairman needs to have that discretion. There may be some that are good, there may be some that are bad, but I think he needs that discretion.

Let me just talk about a couple of these riders. One, on the Delaney clause, everybody in this room knows that the Delaney clause is unenforceable. EPA even sued because they knew they could not enforce this law. Let us get it off the books.

The second one, regarding testing, small towns all over New York State have to test for arsenic that does not occur naturally within 1,000 miles of those towns, but they are forced to test for those heavy metals because the EPA has a nationwide policy. It is very expensive for the towns to do that testing.

Let us get this burdensome regulation cleared up as quickly as possible. This bill is the only vehicle we have.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds to respond to my colleague from New York.

Mr. Speaker, there is a matter of principle here, and I would like to point this out to my colleagues: For 40 years, the Republicans have been in the minority. For 40 years we have been bitterly complaining about the heavy-handedness of the then Democrat majority legislating in an appropriations bill without the benefit of full and open hearings.

Mr. Speaker, I will tell my colleagues this: A number of these riders are meritorious in terms of their objective. They should go through the full and open public hearing process, and not be put in appropriations bills without the benefit of full and open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support this motion to instruct the conferees on H.R. 2099 to drop these riders which will cripple our program to protect our air and water.

I know there is special concern in Pennsylvania that the loss of the rider on centralized emission testing may open the State to the possibility of highway funding sanctions.

EPA Administrator Carol Browner is committed to solving the centralized testing problem in Pennsylvania, as she has in every other State, including California and New Jersey.

No State has been sanctioned and there is no reason to believe that Pennsylvania will lose highway funds simply because the law allows sanctions. It does not require sanctions and it is unlikely that any penalty will be imposed while EPA and the State are making a good-faith effort to develop an alternative system.

The issue before us, however, is that the overall impact of these 17 riders would be so devastating to our efforts to protect our air and water that they should be struck from the bill.

These 17 riders don't make the practical, commonsense reforms that will improve the implementation of the environmental programs while protecting our Nation's air and water.

The riders are a sledge hammer that will bring our environmental programs to a screeching halt.

These environmental riders will mean dirtier water for all Americans.

The riders simply say stop protecting the air and water that are so important to the health of the American people.

The rider on stormwater discharges would halt efforts to control acid and metal runoff pollution from abandoned mines, the number one source of water pollution in the State of Pennsylvania.

We are likely to see more threats of contamination to drinking water sources and lower water quality.

With these riders, pollution would continue to pour into the Nation's waters. There is special danger for the beaches and fishing areas that are located near the older urban areas of the Northeast.

The riders would allow millions of pounds of toxic chemicals to pour into our Nation's waters.

These riders are a backdoor method of gutting the Clean Water Act when we should be working to make Government enforce the protections that are already on the books.

The American people want us to continue the cleanup of our rivers, lakes, and streams.

The riders give the American people the last thing they want: less cleanup of air and water pollution.

These 17 riders will do serious harm to the Clean Water Act Program. They are a special deal for special interests at the expense of the health of the American taxpayer.

I urge support of the motion offered by the gentleman from Ohio.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, those speaking in favor of the Stokes motion to instruct conferees seem to believe that the appropriations process is not the proper forum for discussing environmental priorities. As chairman of the Oversight Subcommittee of the House Commerce Committee, I can assure you that many of the important issues covered by these riders were the subject of extensive hearings and review before our subcommittee and many others. Through coordination of effort between the appropriations and authorizers, we were able to craft positions that advance the cause of regulatory reform in this Nation while maintaining our strong commitment to protecting the environment.

The appropriations riders have been subject to harsh, unyielding, and unfair disinformation campaign by environmental organizations that often devote 10 times the resources to political advocacy than their business opponents. Let me address a few of the more shrill criticisms I have heard:

The language dealing with combustion of hazardous waste as an alternative fuel in cement kilns does not reduce the regulation of that activity. On the contrary, these cement kilns are already highly regulated and EPA region 7 stated this month that the regulations are more comprehensive than those currently in place for commercial incinerators. The riders merely force EPA to follow the letter of the law and process we established under the Clean Air Act, the Resource Conservation and Recovery Act, and the Administrative Procedure Act. EPA has nothing to fear from the law.

I would also point out for the record the recent statement of Barry McBee, the head of the Texas Natural Resource Conservation Commission—our State's EPA—regarding the use of waste fuels in the cement kilns in my district. Chairman McBee noted that the kilns in Midlothian had been subject to "the most extensive monitoring operation" ever undertaken by the TNRCC. The result: "Because our research was so thorough, the TNRCC is confident that the emissions from these plants present no discernible long-term or short-term health threat." Mr. Speaker, this study was based upon several thousand air and soil samples testing for hundreds of contaminants. That is the kind of sound science the riders are based upon!

The language dealing with title V operating permits allows the States to move forward with their programs without the heavy hand of Federal regulation stifling innovation or creating confusion among members of the regulated community.

The language dealing with the clean air standards for refiners forces EPA to consider the most up-to-date information. Before my subcommittee, EPA frequently expressed the desire to embrace sound science and the best data. Supporting the refining appropriations provision is an opportunity for EPA to demonstrate their actual commitment to this principle.

But Mr. Speaker, we have reviewed the substance of these riders time and again. The point is that we should let our conferees be conferees. They should be able to negotiate in good faith with the Senate and to produce the best bill possible under the circumstances. Simplistically treating all the riders the same does no one any good.

Please vote against the Stokes motion to instruct.

Response to Administrator Browner's Letter to Speaker Gingrich

1. "No state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program."

I/M State Implementation Plans were due this year. Because many states were in turmoil over I/M, EPA decided that they would require a two step process in approving a I/M state program. First, a determination of completeness, and second a determination of whether the plan was satisfactory. The completeness showing has a very low threshold (one State commented that the plan need only pass the laugh test). To my knowledge, every state has submitted I/M plans that have been determined complete. Therefore, there are no sanction clocks currently running.

EPA has not made determinations as to whether state I/M plans are sufficient. In fact, EPA could determine at any moment that a States program is not sufficient. After this finding, sanctions would automatically kick in after 18 months, however, if the Administrator determines the State has acted in bad faith, EPA could apply the sanctions immediately.

As an example of EPA's bad faith on this issue please see attachment 1. This is a fax from Gene Tierney of EPA to the State lobbyist, of Envirotest, the centralized testing contractor for that state, stating that if a Pennsylvania Senate amendment adopting decentralized testing was passed, EPA would disapprove their State Implementation Plan and Pennsylvania would lose its highway funds. The fax was circulated by the Envirotest lobbyist in an attempt to kill the amendment. The Amendment ultimately passed anyway.

2. "Inspection and maintenance programs are one of the most cost effective ways to control urban smog" . . .

We do not disagree with this, although their is scant evidence that a command and control I/M program will be more effective than allowing States, as laboratories, to find more effective ways to operate I/M programs, such as the adoption of remote sensing.

3. "EPA's inspection and maintenance regulations provide States with a great deal of flexibility to design automobile emissions testing programs" . . .

That is not what states are telling Congress. In a hearing before the Oversight and Investigations Subcommittee of the House Commerce Committee, republican and democratic state representatives complained about the lack of flexibility.

Here are some quotes from their testimony:

Mr. Mike Evans (R–28th), Georgia State Representative:

For over a year now we have been hearing about EPA's new flexibility. It seems that recently there have been small advances in the direction, due in large part to the November elections and EPA's hopes that they can preempt Congress from revisiting the Clean Air Act. However, EPA's assertion that they have been more flexible is simply not so. We have not seen it in Georgia, and I do not believe other states have seen it either. The only thing we have heard from EPA is sanctions, sanctions, sanctions. It has been EPA's way or the highway, I mean no highway—as— in —no highway transportation funds."

State Governor Gerald LaValle of Pennsylvania a democrat stated that when he attempted to offer an amendment changing the State of Pennsylvania's program from centralized to decentralized:

". . . EPA's response at that time was that no changes in EPA policy would be forthcoming and that any move by Pennsylvania to delay or alter its program would be met by sanctions. In other words, Mr. Chairman, there were no options."

4. "Also, States that have had test-only programs for many years are choosing to continue them because they work"

States that have had centralized programs do not keep them because they work, but because EPA gives the States 100 percent credits for operating such a system.

States that have attempted to go to centralized testing in the last several years have been nearly run out of town by motorists. Programs started in Maine are now on hold, as well as Maryland. Pennsylvania which had contracted to go centralized has now announced it will go decentralized plan, and Texas has backed away from its centralized testing plan as well.

5. ". . . scientific data over the last 15 years of inspection programs in States around the country shows that some programs in States around the country lower auto emissions more effectively than others."

That may be true, but it does apparently depend on whether the program is centralized or decentralized.

For instance a RAND report in October 1994 finds "[i]n terms of program effectiveness, our research finds no empirical evidence to require the separation of test and repair." (centralized)

A February 1995 report that the California Inspection and Maintenance Review Committee concluded "[w]hether an I/M program is centralized or decentralized has not been an important factor in determining historical I/M program effectiveness."

Other studies call into question whether EPA has the evidence needed to support a 50 percent discount for decentralized programs. The General Accounting Office before the Oversight and Investigations Subcommittee in 1992 that while some of the audit and tampering data EPA refers to shows "test-and-repair is less effective, it does not provide quantifiable support for the 50 percent reduction."

6. "Contrary to the letters contention, this conclusion is not based on theoretical models but not on tailpipe tests of thousands of vehicles in the field."

The fact is that EPA has never been able to prove enhanced centralized testing achieves the emission reductions they claim.

When asked by Senator Faircloth if the centralized I/M240 achieves its own performance standard, EPA responded "There are two IM240 programs currently in operation. Both have been operating for less than a year and, hence, are too new to have had a complete evaluation."

In other words EPA does not have this proof.

□ 1145

Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in very strong support of the Stokes motion and I want to commend my colleagues on the other side of the aisle who are courageously speaking out against this outrageous assault on public health and the environment.

This bill's 33 percent cut in the EPA's budget is bad enough, but loading it with an array of legislative riders requested by industrial polluters and other special interests that will prevent the EPA from doing its job is an outrage. And shame on those who would sacrifice public health and environmental stewardship to the highest bidder. Shame on those individuals. The vast majority of all of their constituents, all of our constituents, regardless of whether they are Democrat or Republican, want clean air, clean water, and food free of deadly pesticides, and they recognize that the Government has a role in ensuring these most basic guarantees. This bill rejects all that.

Mr. Speaker, where I come from in New York these riders will allow more sewage in Long Island Sound, more contamination of the New York City watershed, more pollution in our air, and more risk from pesticides in our food.

To the supporters of these riders, take note: The American people are watching. They have had enough of your assaults on health and environmental safeguards.

Let us make sure we pass the Stokes motion.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST], another of the many Republican leaders sensitive to the environment.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding me time.

I want to make a comment, Mr. Speaker, on the gentleman from Texas. I think he made the argument for a yes vote on the previous question because he is dealing with these issues in a committee. There is a tremendous amount of confusion, really, if we think about it, on both sides of the aisle, among most of the Members, as to exactly what does the repeal of the enforcement provisions for these 17 riders do. What exactly happens if we zero out enforcement.

Well, we do not all exactly know. We have fears and we have reservations. There is ambiguity here and there is certainly confusion here. So I think the most intelligent thing to do as a result of that confusion is vote yes on the previous question, let us move forward with these hearings so that we have some understanding about what is going on.

What we are virtually doing here is changing the Clean Water Act. We are. Do we want to do that without hearings? We are virtually changing the Clean Water Act and do we want to do that without hearings? I do not think so. Vote yes on the previous question.

Mr. BOEHLERT. May I ask, Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from New York [Mr. BOEHLERT] has 5 minutes, the gentleman from Ohio [Mr. STOKES] has 8½ minutes, and the gentleman from California [Mr. LEWIS] has 14 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me time and I wanted to address this issue. I served on the committee that oversaw EPA and tried to bring some common sense in my first 2 years in this body to the mass of regulations that are pumped out by EPA and other Federal regulatory agencies.

This debate is really all about bringing power and central control here in Washington, and that is what all the last election was about. People are rebelling about this. It is about how many people we have in EPA. In the last 10, 12 years we have gone from 11,000 to 18,000 Federal employees in EPA; 8,000 of them are here in the city of Washington regulating and mandating.

These riders sent a message and that message needs to be heard. And if we were not listening, we did not get the message here. The other body cut EPA 20 percent. This body recommended 30 percent cuts. Why? Because of the regulations. These riders each address an abuse by these agencies and this Congress who have not gotten the message.

Cement kilns. If we want to look at cement kiln regulations, we were on our way until we found out the President's biggest contributor had a big investment in cement kiln regulation. It is not these riders, it is the politics that is stopping this process. And until we stop regulating and mandating from this city in an arbitrary and unreasonable fashion, without common sense, we will see these riders come back and more appeals for less regulation in this city that wants to maintain that power and that oppression on the States and local governments and the citizens of this country.

Mr. STOKES. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in favor of the motion to instruct.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I strongly support this motion to instruct. This is one of the worst pieces of environmental legislation I have ever seen. It slashes the EPA overall operational budget by one-third and its environmental enforcement by one-half. What this will mean is that EPA will not have the ability to implement and enforce the law. But it does not stop there. It is loaded with riders that are a radical attack on our environmental laws.

Mr. Speaker, this is not the way to pass environmental legislation. In 1990 we passed the Clean Air Act where 400 Members supported it and President Bush signed it. We worked through long hearings. We tried to reach a consensus. If we need to fix a problem in that Clean Air Act, let us fix it. Let us deal with an inspection and maintenance problem.

There was a grain elevator problem that the gentleman from Iowa [Mr. NUSSLE] and I worked together to resolve. Let us work together in a bipartisan and genuine way, otherwise we will get awful policy or gridlock. I support the motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to say that I could not help but recall, as I listened to my colleague from California, Mr. WAXMAN, speak that he and I have worked for years in California in the clean air field. As he knows, I was very much involved in the politics as well as the policy dealing with clean air in California when we were in the State legislature together.

Clearly, one of the most important things that has happened in my lifetime in public affairs is the fact that in the late 1970's the public discovered the word "environment." We did not know much about this whole subject area before that point. Indeed, many of us expressed great concern about what was happening in the environment, including our air, and involved ourselves in changing the policy in positive ways within our State.

But, Mr. Speaker, over time, there is little question in the mind's eye of most Americans that one way or another Uncle Sam has gone much too far with burdensome regulations that do little to actually improve the environment. Indeed, a concern about the environment led to the creation of the EPA. The EPA is now an agency of over 18,000 employees and those employees seem to spend most of their time creating regulations on top of regulations. This has become so overwhelming that now in the West, people are talking about the war on the West, where regulatory efforts are undermining our economies and impacting jobs.

Mr. Speaker, these regulations are impacting people's ability to make sense out of their economy or their economic circumstance in the name of protecting the environment. Indeed, we have gone far too far.

Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] has the right to close.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is the most important and closely watched environmental vote of the year. The old bipartisan coalition that protected the environment over the years is slowly coming back today and today it should make the difference. Moderate Republicans deserve credit for bucking their leadership.

The 17 riders that roll back environmental protections for streams, lakes, soil, air, food, and drinking water constitute the most devastating attack on the environment since Earth Day in 1970. When we combine that with cuts in EPA's budget, 32 percent overall, and 50 percent for enforcement, we can count on the most important environmental vote of the year.

Mr. Speaker, protecting the environment should not be a Republican or Democratic issue. It should be an American issue, and today we should make a start in reversing that trend.

Mr. BOEHLERT. Mr. Speaker, I yield myself 2 minutes.

Mr. BOEHLERT. Mr. Speaker, it is astounding we are even having this debate. The facts seem so clear. The rules of the House clearly discourage legislating in appropriations bills, and for good reason. Because we do not set policy in a committee that does not have full and open hearings on the subject matter. We want that to be in the authorizing process. The public clearly opposes the rollback of environmental protections. The supporters of these 17 riders are expecting us to blithely ignore these two essential facts.

Has any Member of this body received a letter from an individual, not a special interest, but an individual pleading to push through environmental changes with no time for adequate debate and with no regard for standard procedure? I doubt it. Has any Member of this body received a letter from an individual, not from a special interest, but an individual pleading to be exposed to lead or arsenic or pleading for Congress to exonerate polluters or any of the other goals these riders would accomplish? I doubt it.

The public does not support these riders which are a motley collection of some good ideas being pushed in the wrong context, good ideas being moved forward with the wrong language, and just plain bad ideas. None of them belongs in an appropriation.

The chairman, the very distinguished chairman of the Committee on Appropriations, constantly reminds us of the fact that we should not be legislating in an appropriations measure. The substitute that will be offered does nothing to allay the public's fears and support for it will be scored as an antienvironment vote.

The substitute allows the conferees to do anything they want on the riders. What kind of instruction is that? They say to the conferees, go forth and be good citizens. That is their job. We want to be specific.

Now, Mr. Speaker, this will be one of the key votes of this Congress and it is going to come on a procedural question. Vote "yes" on the previous question. Vote "yes" on the motion to instruct the conferees. Vote to protect the air we breathe, the water we drink and the food we eat. Vote for the American people.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

□ 1200

Mr. LIVINGSTON. Mr. Speaker, I appreciate the remarks of the gentleman from New York pointing out my own admonition that we might be better off in the appropriations process had we not bridged the gap with so many authorization riders.

The fact is, he is absolutely right. We have slowed down the process to a significant degree. Had I had my druthers, we probably would have addressed all of these meaningful, substantive issues in the authorization process. But there is so much to be done, so much to be done after 40 years of constant, steadfast movement toward increased regulation and centralized government that, frankly, the appropriations bills are the only bills in town that are available to address this situation.

Our membership is anxious to change the course of America; and if we cannot change it on the appropriations bills, frankly, we cannot change it at all under the current circumstances with the political environment we have. So this is an opportunity to address many of the issues that have arisen in this bill.

The riders that we are talking about deal with the environment, which as the gentleman from New York admits, some are good, some are bad, are important to everyone who has sponsored them.

The issues should be addressed. If they are swept aside, if the previous question is adopted, they will not be considered; and it may be another year, 2 years, 5 years before they are addressed.

The fact is, I come from Louisiana; and we have many areas in my district and all throughout the State of Louisiana that have been declared wetlands. Some of those are valuable, meaningful estuaries that provide breeding grounds for all sorts of wildlife and fish. They have to be protected and, frankly, we are not doing enough overtly to protect them. Others have been declared wetlands that are surrounded by urban areas and levees, borders and other high ground that are simply declared wetlands because they are damp or because they have certain vegetation that, under current interpretation, says that they are wetlands.

I believe very strongly that the interpretation from Washington has been misguided, it has been too broad, and it has dictated what is a wetland or what is not a wetland in Louisiana without any foresight, without any knowledge, without any understanding of the real wetlands in Louisiana. As a result, I would like to see some of these regulations released.

I do not think that it is too much to ask that we not simply say all of these riders should come off with this vote, that we send these issues to the conference. It will not be over. Some of the riders will be abolished. Some of them will be simply ignored or eliminated. But some that are really worthwhile and meaningful will be retained by the conferees.

Give the conferees the flexibility to determine the good from the bad, to make a decision, and vote no on the previous question so that we do not simply say everything, all of the riders, are bad for the future of America. They are needed. Some of them are needed, and the only way we can get to them is to vote "no" on the previous question.

Mr. BOEHLERT. Mr. Speaker, I yield myself 15 seconds to respond to the distinguished chairman of the Committee on Appropriations.

Mr. Speaker, the last time I checked since November 8, 1994, the Republicans have the majority in the House. We chair every single committee. We chair every single subcommittee. We can move with dispatch through the authorizing process which permits full, open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the Stokes-Boehlert motion to instruct conferees.

The restrictions and riders in this legislation would allow backdoor repeal of protection from raw sewage overflows, would reduce protection of wetlands, would stop many State clean water programs in the tracks. That is now what the American people want or expect.

Every Member who voted to rid this bill of the riders has put himself or herself on record as opposed to backdoor, closed-door, back-room efforts to roll back environmental protection.

The vote to delete the riders was reversed at a time when many Members were absent, many of the Members who would have voted to keep the bill clean of those riders, and even then the reversal came only on a tie vote. So if you voted right last time, you need to vote right this time, and this time let us do what is right for the American people, what is right for the environment, what is right for future generations. Let us vote to rid this bill of the waivers, loopholes, and rollbacks that are included in these riders.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], another Republican leader in the environmental movement and former Governor of Delaware.

Mr. LEWIS of California. Mr. Speaker, I yield an additional 1 minute to the gentleman from Delaware.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Delaware is recognized for 2 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentlemen for yielding me the time.

Mr. Speaker, I strongly oppose the inclusion of the 17 legislative riders contained in the VA-HUD appropriations bill. I have looked at this from the perspective of my own State, and I think if you magnify that by 435, because my State is, after all, a congressional district, you get some idea of the problems in this bill and with these riders.

For example, in clean water, we would lose $1.8 million to treat wastewater pollution, and this means that we would have raw sewage potentially pour into our local waters reaching our beaches, and we depend upon the tourism industry, from the outdated treatment systems at 38 locations around Delaware. It would also affect recreational and commercial fishing.

We are going to have next Monday a celebration of a cleanup of a Superfund site in the State of Delaware. We would not be able to start a new one next year if these riders pass.

We have a problem with an oil refinery. We tried to work with them. But this rider would halt efforts to protect the health of communities living near that refinery in Delaware which emitted more than 100,000 pounds of toxic air in 1993, obviously affecting, potentially, the health of a lot of people in the State of Delaware. These riders essentially prevent a lot of things from happening in the environmental area that should go ahead.

Every American should be concerned by the fact that these riders will specifically benefit certain special interests. In fact, there are winners in this, clear winners, the cement kiln industry, the oil industry, the paper and pulp industries, and there are losers. The losers, as far as I can ascertain, are practically everybody else in America, individuals and some corporations. These riders undermine laws that prevent harmful exposure to lead, arsenic, and other toxins and can literally affect the quality of our air and our water.

The bottom line is that, as written, these are not reasonable reforms but special breaks to a few industries. The antienvironmental riders are bad policy, bad politics and bad for the health and safety of the American people, and they should be dropped from this bill.

If the riders are allowed, the bill will be an environmental disaster and a special-interest bonanza. I would encourage all of us to vote "yes" on the previous question to support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me mention one more time, these riders have been described incorrectly in many a fora. In the case that my colleague just mentioned regarding clean water programs, the problem with those programs is they have not been reauthorized. Those who controlled the committees in the past Congresses have failed to reauthorize them, so we are kind of in a bind and there is a need to have mechanisms for moving forward. In part, we are attempting to affect EPA in this connection by way of these riders.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me tell Members what this debate is all about. It is about this glass of drinking water and others like it across America. When you pour a glass of drinking water for your children, you can be confident that it is safe for them to drink it. The confidence, of course, is based on sensible government monitoring and regulation.

This appropriation bill has 17 different environmental protection laws repealed without 1 day of hearing, 17 different protections for American families so that there is not arsenic in this water, benzene, dioxin, lead, and known carcinogens.

Why in the world would some of the extreme Republicans, unlike the gentleman from New York [Mr. BOEHLERT], want to repeal this protection? Because the special interests demand it. They are in the corridors of this Congress right now watching this debate. They want to see this bill go through. They want these provisions that protect our families repealed, because they can make more money.

What is more important? If this Government cannot protect the water that we drink, then we have lost our soul.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA] to respond to those outrageous comments.

Mr. MICA. Mr. Speaker, let me tell Members about this water and this debate. Under this water, the citizens died and got sick in Milwaukee under our current rules and great regulations. Under this water, you could not drink the water in Washington for several days under the current rules and regulations. That is what this debate is about.

This debate is about the inflexibility, because this Congress mandates 53 water contaminants, that you must look at, because this Congress is unreasonable, because this Congress in every one of its environmental programs has gone off the deep end.

There is no one on this side who does not want to have clean water and clean air. They spend billions of dollars on Superfund. Eighty-five percent of the money goes to attorneys' fees and studies. And what do we get? We do not get the sites cleaned up. We are forced to drink crummy water.

Most of these Members who are telling you about the special interests, that is a lot of baloney. The special interest is the people of this country who are paying the taxes and should have clean water and fresh air to drink and to breathe.

Mr. BOEHLERT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1¾ minutes.

Mr. BOEHLERT. Mr. Speaker, I want to thank the distinguished gentleman from Florida for pointing this out. This water is very important and precious to all Americans.

I would suggest to you that in December 1993, when 104 people in Milwaukee died because cryptosporidium was in the water supply, it was not because the Government was doing too much. It was because the Government was doing too little to protect the American people.

Ladies and gentlemen, I can count, and I know what elections are about. Let me tell you what the last election was about. The American people were sending us a very clear message. They want smaller government, less costly government, less intrusive government, and yet more efficient government.

I have yet to find the first American who wanted to vote to dismantle the Government. I have yet to find the first American who does not agree that we need regulations to control toxic emissions from oil refineries. I have yet to find the first American who does not agree that we need regulations controlling arsenic in our drinking water. I have yet to find the first American who does not agree that it poses a very serious public health problem if we cannot regulate sewer overflow into America's streets. The American public is watching this debate very clearly.

The Republicans are getting very high marks in dealing with issues involving our economy. Quite frankly, our score card is getting low marks with respect to the manner in which we deal with the environment.

Ladies and gentlemen, this is not a Republican versus a Democrat issue. You have witnessed Republican after Republican coming before us to say vote "yes" on the previous question, vote "yes" on the instructions to the conferees to protect the air we breathe, the water we drink, and the food we eat.

We did not inherit the earth from our ancestors. We are borrowing from our children, and we have to give an accounting of our stewardship. Today is the day to do it.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

□ 1215

Mr. LEVIN. Mr. Speaker, here is the October 5 headline from the Washington Post: "Experts are at a loss how to stem toxic flow into Great Lakes." Tucked into this bill is a provision that would gut the Great Lakes Water Quality Initiative.

The GLI is a product of 9 years, 9 years of work to reduce the flow of toxic chemicals being dumped into the Great Lakes.

Look, I do not want to leave it to the conferees to bargain away the future of the Great Lakes. There is a plea here, leave it to the conferees. No, do not leave the Great Lakes at the mercy of those who want to continue to dump mercury, lead, and dioxin into our Great Lakes.

Support the Stokes motion and strip these 17 antienvironmental riders from this bill.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, these EPA riders restrict or eliminate the ability to set environmental standards and enforce regulations that are designed to protect the public health. The riders prohibit regulations controlling the amount of arsenic and radon in our drinking water, prevent the reduction of toxic air pollutants from hazardous waste incinerators, restrict citizens' right to know about the toxic substances that are released in their communities, and limit the reduction of toxic air pollutants from oil refineries.

In fact, in my district in Connecticut, in the third district, this would allow for the influx of raw sewage into the Long Island Sound.

The American people need to know that the public interest is being sold to the highest bidder here in the people's House. These riders are a direct result of the political culture that allows the pollution lobby undue influence to ramrod special interest legislation through this House. This is an auction.

Reject the appeals of the special interest pollution lobbyists and vote for the Stokes-Boehlert motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I yield myself this time by way of essentially saying to my colleagues, and also to the public that might be listening, that it is very important to note that opposition to this effort on our part to eliminate these riders has been carried to the extreme in many a forum, and to suggest that those who are against striking the riders are obviously somehow against the entire environment, illustrated by the last several speakers who have referred to arsenic in drinking water and radon in drinking water.

Mr. Speaker, it is very important that the House know, that the people know that across the country there are trace elements in drinking water everywhere of this kind. What the EPA is proposing, they are proposing regulations that are so extreme in their form to control harmless traces, harmless traces, that it is going to escalate the cost of drinking water in districts across the country. Water districts responsible for drinking water across the country are calling for our effort to impact the EPA's work in this field.

It is very, very important that we know that the EPA is at fault here, not our effort to include these regulations.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, this vote today is probably the most important environmental vote that will be taken in the 104th Congress.

The riders in the bill that the gentleman from Ohio [Mr. STOKES] is trying to strike would prohibit the EPA from regulating or setting standards for a number of different sources of toxic contamination of air and water.

Safe drinking water in America can no longer be taken for granted. EPA is under court order to set standards for arsenic and radon in drinking water. Both are known carcinogens.

The bill would prohibit EPA from complying with these court orders, thus subjecting millions of Americans to carcinogenic substances in their drinking water, not tracer elements, but elements of sufficient quantity to cause cancer.

The number of people subjected would be 35 million for arsenic, 45 million for radon, exposed to these carcinogenic chemicals. This comes on the heels of recent scientific findings that exposure of children to hazardous chemicals can be much more dangerous for them than previously thought, because they are smaller, obviously; nevertheless they consume the same quantity of water.

Let us protect our children. Let us protect the health of Americans. Let us defeat these riders. Let us pass the Stokes amendment.

Mr. STOKES. Mr. Speaker, may I inquire as to what the time situation is now with reference to each side?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Ohio [Mr. STOKES] has 1½ minutes, and the gentleman from California [Mr. LEWIS] has 3½ minutes. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

Mr. STOKES. Mr. Speaker, do I understand I have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. LEWIS of California. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, it is with no small amount of discomfort that I rise on the floor and oppose so very strongly the motion by my ranking member, the gentleman from Ohio [Mr. STOKES]. Indeed, if we had had the opportunity to discuss what these riders were about before he decided to go forward with this motion, I think we might have relieved the House of all of this debate time. Clearly, a thorough discussion of the excesses of EPA might have made a difference in the decision to go forward with this notion.

Mr. Speaker, I want my colleagues to know that this Member and the Members who are joining me in opposition to the motion offered by the gentleman from Ohio [Mr. STOKES] are not Members who are opposed to strengthening the quality of our environment. We are committed to making sure that we are doing all that is necessary to assure clean air and clean water across the country. Indeed, one of the better things that has happened in the whole processes of public affairs was the fact that a couple of decades ago we began really working to improve the environment.

But in the meantime, the EPA's excesses have raised enough serious questions that it is time for those who really care about the environment to stand together and take action. I have communicated to the House that in the past much of my political work in public affairs involved concerns about clean air. In California I was the chairman of an air quality committee that dealt specifically with that problem that is impacting my district like no other district in the country.

That work led to the creation of the toughest air quality management district in the country. A district that itself has extended regulations that are, to say the least, very difficult regulations to meet. Nonetheless, their work is causing us to see serious progress in the direction of clean air.

There is no doubt that government has a role to play, but excessive regulation upon regulation is undermining the public support for environmental concerns.

Indeed, the credibility of this effort is threatened by these excesses. For that reason, our subcommittee and the full House have reviewed where the EPA has taken us in the past, and where they would take us in the future.

These riders on the EPA portion of my bill are designed to begin that point of rethinking the process and give a clear direction to the EPA that the Congress is more than concerned. We are absolutely insisting that they rethink where they have been regarding some of these regulations. The EPA is an agency that has grown like Topsy. Currently, the EPA is designed simply for regulatory purposes. This is not necessarily helpful to that effort of improving the environment. Because of this pattern, I urge my colleagues to do the following: First, recognize that the Stokes motion would strike all of these riders and impact very significantly our ability to begin this process of review. Second, at the end of this time, the previous question will be asked. At that point, when a vote is requested, a "no" vote will allow us to consider an alternative, another approach, that will cause our conferees to consider each of these riders separately and individually, measure how they impact the economy and, in turn, make recommendations of the full House to the conference.

I will be urging the Members at the time of the previous question to vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the Stokes-Boehlert instruction and urge my colleagues do as well.

Mr. STOKES. Mr. Speaker, let me in closing stress my appreciation to the gentleman from New York [Mr. BOEHLERT] and to the other Members on the other side of the aisle who have supported the Stokes motion to instruct.

Mr. Speaker, the last time this issue was on the floor—the day my amendment to strike failed as a result of a tie vote—I said to the House that this is an issue that is not going away. I've been true to my word, ladies and gentleman; here it is again.

I also said to you on that occasion that, by virtue of that tie vote which meant that the motion lost, that I didn't lose—the American people lost. This is the third chance to protect the American people.

These riders are poisonous. They restrict or eliminate EPA's ability to set environmental standards or enforce regulations designed to protect public health. These riders prevent reduction of toxic air pollutants from hazardous waste incinerators, limit citizens' right to know about toxic substances released in their communities, and limit protection against toxic air pollutants from oil refineries.

This is a critical and visible vote. This is the environmental vote of the year. The right vote for the American people is "yes" on the previous question and "yes" to the Stokes motion to instruct.

Mr. PACKARD. Mr. Speaker, I rise to oppose the Stokes motion to instruct conferees on the fiscal year 1996 VA–HUD appropriations bill. These so-called riders are commonsense reforms to prevent Federal agencies from promulgating ineffective and expensive regulations and should therefore remain in the bill. Supporters of the motion to instruct argue that these riders will wreak havoc with public health and safety. However, nothing could be further from the truth.

One such rider will prohibit EPA from issuing regulations under the Delaney clause. My colleagues with farms in their districts are very familiar with this clause. This clause bans any additive in processed food that has been shown—in any amount—to cause cancer in humans or laboratory animals.

"What is wrong with that," you may ask. Well I will tell you—this clause was enacted in 1958 when technology allowed scientists to test for chemical traces in quantities of about one in a million. Current technology now allows us to test for these chemicals in quantities of about one in a quadrillion—a million billion, which means that one person could be harmed by the substance every 10,000 years or so.

Even EPA Administrator Carol Browner has called for a change in this law, but the EPA's strict interpretation of the Delaney clause means that it will continue to be an enormous drain on our agriculture economy.

It is ridiculous regulations such as these that put a stranglehold on our economy. I urge my colleagues to support commonsense regulatory reforms by opposing the Stokes motion to instruct.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of the motion to instruct conferees on the VA–HUD appropriations bill.

If we pass this bill with its 17 riders, we will make it easier for harmful pollutants to poison our air and water.

We will make it easier for pesticides and radon to threaten our constituents.

And we will make it easier for polluters to get off scot-free without paying for their accidents.

Worst of all, we will do so not through the appropriate legislative process, but with a congressional shell game. A must-pass funding bill is no place to attach unpopular and unnecessary special interest legislation. This bill leaves us with a Hobson's choice—either swallow these propolluting riders whole, or deny an array of agencies and programs the funding they need to operate.

We know these riders cannot survive in the cold, harsh light of day.

I urge my colleagues to support the motion to instruct conferees.

Mr. JONES. Mr. Speaker, I rise in opposition to the Stokes motion. However, I do so with one serious reservation.

Mr. Speaker, as you know, the 1996 VA–HUD appropriations bill has been controversial. It has been controversial because of significant spending cuts. But has also been controversial because of the riders that were included.

Mr. Speaker, I originally voted for these riders when first presented to the House because I believed—and continue to believe—that they represent one of the few approaches available to Congress to halt regulatory abuses by the Environmental Protection Agency.

Therefore I must oppose the motion to instruct the conferees to drop all of the riders.

However, Mr. Speaker, subsequent to those votes new scientific evidence has been brought to my attention which has caused me to alter my position on two of the riders. I have concluded that serious questions exist about the cement kiln method of disposal of high-level hazardous waste, and thus the riders which affect that industry.

In addition to scientific evidence, there have been recent televised news reports which detail shockingly high rates of mental and physical birth defects in the vicinity of cement kilns. These kilns have unacceptably high emission levels of some of the most hazardous substances know.

The EPA has noted that cement kilns burning hazardous waste produce dust—a byproduct of burning hazardous waste—that contains 70 to 700 times more dioxins than kilns which do not burn hazardous waste.

According to the EPA, cement kilns are the second largest source of toxic mercury emissions. Annually over 2,400 newborns and infants will be exposed to, and subsequently poisoned by, mercury emissions from cement kilns.

The EPA points out that cement kilns are the third highest source of toxic and cancer-causing emissions right behind medical waste incinerators and municipal waste incinerators. None of the 24 hazardous waste burning cement kilns operates under final permits subject to public review, although EPA is beginning the process at some of the kilns.

Most citizens surrounding these plants do not even know that the kilns are burning the same hazardous wastes that commercial hazardous waste that commercial hazardous waste incinerators must manage under very restrictive conditions.

So, Mr. Speaker, while I must oppose the motion to instruct the conferees to disregard all of the riders, it is my hope that they will be made thoroughly aware of all of the scientific evidence in this matter—not just that of one side—and that they will drop the two riders pertaining to the cement kiln method of hazardous waste disposal.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this motion to instruct the conferees.

As all of you who have served with me know, I was a strong critic of EPA long before it became fashionable. And even though I believe that poor judgment and overzealous regulation continue there—such as with the so-called combustion strategy—I cannot support the majority's efforts to make major changes in this Nation's environmental laws through legislative riders.

As all of you are aware, I have also long fought any attempts to have the Appropriation Committee engage in legislative actions. And today we are presented with a measure that contains a plethora of half-baked legislative amendments to the Clean Water Act, Clean Air Act, Safe Drinking Water Act, and our other environmental statutes. Nearly every one of these riders is poorly drafted and will lead to consequences well beyond the intentions of the proponents.

Why is this so? For the simple reason that in their haste to circumvent committee debate, to hide the interests that are behind the riders, to avoid the glare of the public spotlight, to shield these riders from the normal pulls and pushes of the legislative process, the proponents have created bad legislation.

By comparison, during consideration of the Clean Air Act Amendments of 1990, my committee heard testimony and solicited views from all sides—from the Bush administration and EPA, from Governors and mayors, from industry and unions, from environmental groups and ordinary citizens, and from Republicans and Democrats. Every word of that measure was exhaustively debated at subcommittee, at full committee, and on the floor of the House. As a result, I am proud to say that the measure had strong bipartisan support throughout every step of its journey through the House of Representatives, and, indeed, through the Senate and conference committee as well. Similar public debate and bipartisan participation marked passage of the Water Quality Act of 1987 and other environmental statutes.

But these riders have not undergone this kind of scrutiny. There has been no authorizing committee consideration of the environmental roll backs and special interest contentions. There has been no fair and full debate on the best way to implement any changes the majority may wish to make.

One additional point, Mr. Speaker. This motion to instruct will not cure what ails this bill.

Even if we pass this motion, this bill still slashes EPA's budget by one-third and cripples enforcement of the Nation's environmental laws through a targeted 50-percent cut in EPA's enforcement budget.

Even if we pass this motion, this bill will still stand as the worst assault on this Nation's duty to house its people since the new deal.

Even if we pass this motion, this bill will still shrink health services for this Nation's veterans. Indeed, according to Veterans Secretary Jesse Brown, the cuts mandated by the Republican budget plan will require 41 veterans hospitals to close their doors and will mean that more than 1 million veterans will be denied health care. The Republican plan will also force the elimination of roughly 60,000 health care positions and the cancellation of 40 construction projects.

Even if we pass this motion, my conscience will not allow me to vote for this bill.

However, the motion is a strong first step toward rehabilitation and I urge a "yes" vote.

Mr. HASTERT. Mr. Speaker, I rise today in opposition to the motion to instruct offered by the gentleman from Ohio and urge Members to defeat the previous question so we can substitute his amendment with a superior one.

Mr. Speaker, the Congress created the Environmental Protection Agency in the 1970's to ensure a safe, clean, and healthy environment for our country. I wholeheartedly support those important goals—every American needs clean air to breathe, safe water to drink, and a healthy environment free of toxic pollutants. However, when Congress crated the EPA, it did not make the agency infallible. Over the years, we have all seen that there are many ways that the EPA can do a better, more efficient, and more cost effective job. It is our duty as a Congress to the American people to see to it that this happens.

Mr. Speaker, the Members of this body, in approving H.R. 2099 earlier this year, sought to address several specific issues of EPA regulation. By narrowly restricting a specific use of EPA funds, the Congress is saying, give us a chance to stop and look at what the EPA has been doing. As a Congress, it is our duty to evaluate the effectiveness of Government regulatory policy.

The gentleman from Ohio offers us an all-or-nothing proposal. His motion would have us instruct our conferees to drop every one of these riders, regardless of their merits. Although the gentleman and his supporters would have us believe that his is the only way for us to proceed, I believe that the House should not be limited in choosing only all of the riders or none of the riders. Instead, we should instruct conferees to review each proposal on its merits.

Mr. Speaker, if we vote "no" on ordering the previous question, it will give us an opportunity to consider another, superior motion, that will instruct our conferees to consider each one of these riders on their merits as they rightfully should.

To support the gentleman from Ohio's all or nothing approach, I would be encouraging Conferees to drop a provision that forces the EPA to rethink its silly, forced carpooling system. This is a program which even the EPA admits is a failure in helping us clean up our air. It would cost employers in Illinois hundreds of millions of dollars to implement and unnecessarily inconvenience one out of four commuters. How can I support the EPA spending money to administer this foolish program when serious environmental problems like the clean-up of radioactive thorium in West Chicago really need the attention of EPA officials.

Mr. DELAY. Mr. Speaker, I rise in very strong opposition to this motion to instruct. Don't be fooled—the authors of this motion aren't interested in good environmental policy or public health—they're interested in status quo, in regulatory excess and in spreading false, misleading, and distorted information on what these environmental riders do. And what do they do?

They prevent the EPA from going beyond its statutory authority so we don't have unelected, overzealous bureaucrats implementing their own agendas at the expense of our environment and the American public.

They require EPA to use the most up-to-date data when making regulatory decisions. Do the opponents of the riders believe EPA should be allowed to develop a refinery MACT rule using data that is 15 years old when data exist from 1993? Is that protecting the public health?

They direct EPA to use real world data instead of bureaucratic computer models based on faulty assumptions. EPA is trying to force our constituents into centralized emissions testing claiming this system works the best—but just a few weeks ago 12 cars rigged to fail were passed by a Colorado centralized testing facility—is that effective environmental policy?

Chanting right along with the effort to scare and mislead the public on what this Congress is doing, our Vice President accused this Congress of prohibiting the EPA from taking arsenic out of drinking water.

But who's asking for a delay in the rulemaking? In a letter dated this February, the

EPA stated it has "decided to seek to delay rulemaking on the arsenic regulation in order to conduct further research." Needless to say, the Vice President's office later said he misspoke.

Mr. Speaker, these riders are about common sense, sound science, and flexibility; they're about making sure that we get real benefits out of our regulatory requirements so that the burden we place on Americans and on our businesses make sense.

And for those who claim that this appropriations bill is no place for these legislative riders—get real—every bill is the right place to deal with government fraud, abuse of process, and misspent resources—not to mention that the former Democrat-controlled Congress used this process for years.

In fact, the radon rider in this bill is the same legislative rider that has been included in this bill for 3 years when the author of this motion served his tenure as chairman. Make no mistake, my colleagues, a vote for the Stokes motion is a vote to force your communities to implement a very costly, ineffective rule on regulating radon in drinking water.

Now, some of my colleagues may have concerns with some of the riders and that's legitimate. But those concerns ought to be considered in the context of the conference. The conference must be given the ability to evaluate each provision on its merits.

Mr. Speaker, at the end of debate on this motion, Members will be asked to defeat the previous question so that the motion to instruct can be amended. The amendment to the motion is a real vote on protecting the environment and it provides the House conferees the negotiating flexibility necessary to conduct an effective conference.

I urge my colleagues to be responsible and use common sense—don't buy into the fearmongering of those who refuse to acknowledge the facts.

Vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I move the previous question on the motion to instruction.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the motion to instruct.

The vote was taken by electronic device, and there were—yeas 231, nays 195, not voting 6, as follows:

[Roll No. 761]

YEAS—231

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—195

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fields (TX)
Fowler
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—6

Chenoweth
Conyers
de la Garza
Fields (LA)
Tucker
Weldon (PA)

□ 1247

Messrs. BUNN of Oregon, ROBERTS, BURR, NUSSLE, CLINGER, BONO, and McCOLLUM changed their vote from "yea" to "nay."

Messrs. THOMPSON, TAYLOR of Mississippi, MATSUI, and KINGSTON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. STOKES].

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 194, not voting 11, as follows:

[Roll No. 762]

YEAS—227

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton

Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
Cunningham
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—194

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Emerson
Everett
Fields (TX)
Fowler
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Radanovich
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—11

Clement
Conyers
de la Garza
Duncan
Fields (LA)
Hunter
Serrano
Smith (WA)
Tucker
Velazquez
Weldon (PA)

□ 1256

Mr. ROYCE and Mr. BROWNBACK changed their vote from "yea" to "nay".

Mr. FARR changed his vote from "nay" to "yea".

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I was unavoidably detained and missed casting my vote to eliminate the 17 riders on the Environmental Protection Agency. Had I been present, I would have voted "yea" on rollcall 762.

PERSONAL EXPLANATION

Mr. SERRANO. Mr. Speaker, it has been brought to my attention that I am not recorded as having voted on rollcall No. 762, a motion to instruct House conferees on the conference report on H.R. 2099, the VA–HUD–independent agencies appropriations bill for fiscal year 1996.

Moments before, I voted to order the previous question. I should have been recorded as voting "yes" on the motion to instruct, because I am opposed to the 17 riders restricting EPA's regulatory power and ability to enforce numerous air and water pollution regulations.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 252 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2546.

□ 1257

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House met on Wednesday, November 1, 1995, an amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] had been disposed of and the bill had been read through page 58 line 4.

Are there further amendments to the bill?

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I took this time, because of the limited debate time and the request for so many Members to speak, as a way of saying a couple of things that I think are important. For those who were not paying attention yesterday, I want to begin by extending again my personal thanks to the gentleman from New York [Mr. WALSH], the gentlewoman from the District of Columbia [Ms. NORTON], and the gentleman from California [Mr. DIXON], for all the cooperation between them and their staff, and the gentleman from Virginia [Mr. DAVIS], as well, from the District of Columbia Committee, and certainly the gentleman from Pennsylvania [Mr. GOODLING], and all my colleagues on the Committee on Economic and Educational Opportunities, the gentleman from North Carolina [Mr. BALLENGER], and others, for all of their work in this effort to try to bring about a consensus on this issue.

□ 1300

As many of my colleagues are aware, the Washington Post today said in their editorial, "This is an education vote that counts," encouraging every Member on both sides of the aisle to vote "yes" on the District of Columbia school reform amendment that I am about to call up.

Mr. Chairman, the reason I wanted to ask for special time, however, is because I think it is important that we deal head on with what is the misunderstanding by so many Members about this voucher issue. When this process began we had obviously the education reform movement in this country that said, "You are not going to give new money to D.C., you are not going to give them more opportunities to expand education funding, unless you get some real reforms."

On the other side we had the public education community that said very clearly, "We are not about to support a package that creates a tool for taking public education dollars to fund private education initiatives."

Mr. Chairman, I thought, frankly, they were both fair. So, we have very carefully, very methodically, over a long period of time, negotiated out what is the best possible compromise we can achieve on this issue.

Under a private school voucher program, if a student leaves a public school to attend a private school, their per capita funding goes with them. Money leaves that public school and goes into that private school.

Mr. Chairman, I can tell my Democratic friends, I have never once voted for a private school voucher program during my tenure in Congress. I am as opposed to that as my Democrat colleagues are. This bill does not, does not, does not include a private school voucher. It is very important that Members understand that.

In exchange for that, what we have done is we have said we will set up a scholarship program for District of Columbia students. We will provide some start-up money at the Federal level, whatever the appropriations process down the line will bear. And let us be honest, based on the present circumstances, it is not going to be a lot, but whatever that will bear.

We will then allow the scholarship board, made up of seven District of Columbia residents, again, I underline seven District of Columbia residents, to go out and raise private contributions. Whatever those two sources of revenue produce can be used in an equal number of public school scholarships and private school scholarships.

Mr. Chairman, I think it is very important as we begin this process to understand if 100 students were to leave the District of Columbia public schools and to go to private schools, not one dime would leave the District of Columbia public school system. Not one dime would leave the public school system.

We are not taking money from public schools to put it into private schools. This is a carefully crafted compromise. We cannot authorize $20 million in new education initiatives, leveraging probably twice that much in private resources to repair the buildings and equip the schools with technology equipment, without working out some kind of compromise on the reform issues.

Mr. Chairman, this is as good a compromise as we can get. My colleagues' vote today will decide whether we have District of Columbia school reform, because we cannot work out an agreement that does not have this kind of a carefully crafted balance and get support on both sides of the aisle.

Mr. DIXON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Wisconsin [Mr. GUNDERSON] is absolutely correct. The time is very limited and so I would just like to take this opportunity to register my opposition, for I have a great number of speakers.

Mr. Chairman, regarding the amendment that the gentleman from Wisconsin is about to present, the gentleman should be congratulated on the fact that he has tried to reach a consensus. The gentleman has worked with a lot of people. Unfortunately, in my view, the gentleman has not reached a consensus.

Mr. Chairman, there are at least 20 organizations, including the Secretary of Education, the American Association of School Administrators, the Americans United for Separation of Church and State, that are all opposed to this.

This is a 142-page amendment. It authorizes $100 million. It does not appropriate one dime. It belongs in the Committee on Economic and Educational Opportunities.

There is great philosophical discord about this amendment. Mr. Chairman, $42 million could possibly go to private schools, and the bill is silent on whether those could be religious schools. I am not clear if they would have to be in the jurisdiction of the District or could be outside the District.

Basically, this is public money, some $5 million over a 5-year period, public funds going to private schools.

Mr. Chairman, I would oppose the amendment that the gentleman is about to offer.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment, made in order by the rule.

The CHAIRMAN (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUNDERSON:

At the end of the bill, add the following:

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance", when used with respect to a school and a period of time, means the aggregate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

(B) the pupils of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership", when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

(ii) the pupils of the school are under the guidance and direction of teachers.

(B) GROUPS OF SCHOOLS.—The term "average daily membership", when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term "control period" means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means

the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term "District of Columbia government" means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term "District of Columbia government" does not include the following:

(i) The Authority.

(ii) A public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term "District of Columbia government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term "District of Columbia public school" means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through the 12th grade; or

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.

(13) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The term "District of Columbia public schools" means all schools that are District of Columbia public schools.

(14) DISTRICT-WIDE ASSESSMENTS.—The term "district-wide assessments" means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) ELIGIBLE APPLICANT.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) ELIGIBLE CHARTERING AUTHORITY.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.

(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term "facilities management" means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) LONG-TERM REFORM PLAN.—The term "long-term reform plan" means the plan submitted by the Superintendent under section 2101.

(20) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(21) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) MINOR STUDENT.—The term "minor student" means an individual who—

(A) is enrolled in a District of Columbia public schools or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(23) NONRESIDENT STUDENT.—The term "nonresident student" means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) PANEL.—The term "Panel" means the World Class Schools Panel established under subtitle D.

(25) PARENT.—The term "parent" means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(26) PETITION.—The term "petition" means a written application, submitted by an eligible applicant to an eligible chartering authority, to establish a public charter school.

(27) PROMOTION GATE.—The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include achievement on district-wide assessments that, to the greatest extent practicable, measure student achievement of the core curriculum.

(28) PUBLIC CHARTER SCHOOL.—The term "public charter school" means a publicly funded school in the District of Columbia that is established pursuant to subtitle B. A public charter school is not a part of the District of Columbia public schools.

(29) SCHOOL.—The term "school" means—

(A) a public charter school; or

(B) any other day or residential school that provides elementary or secondary education, as determined under State or District of Columbia law.

(30) STUDENT WITH SPECIAL NEEDS.—The term "student with special needs" has the meaning given such term by the Mayor and the District of Columbia Council under section 2301.

(31) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(32) TEACHER.—The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools.

(B) The creation of a performance-oriented workforce.

(C) The construction and repair of District of Columbia public school facilities.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

(E) The implementation of an efficient and effective adult literacy program.

(2) OTHER INFORMATION.—For each of the items in subparagraphs (A) through (G) of paragraph (1), the long-term plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals must be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term plan to the appropriate congressional committees. Any amendment to the long-term plan shall be consistent with the financial plan and budget for fiscal year 1996 for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert an existing District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(b) INDEPENDENT OR PRIVATE SCHOOL.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, private, or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2152.

SEC. 2152. CONTENTS OF PETITION.

A petition to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the school, which includes, at a minimum—

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which a such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(6) A description of the proposed rules and policies for governance and operation of the school.

(7) Copies of the proposed articles of incorporation and bylaws of the school.

(8) The names and addresses of the members of the proposed Board of Trustees.

(9) A description of the student enrollment, admission, suspension, and expulsion policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(10) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws and regulations of the Federal Government and the District of Columbia.

(11) An explanation of the qualifications that will be required of employees of the proposed school.

(12) An identification, and a description, of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) SCHEDULE.—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the authority shall hold a public hearing on the petition to gather the information that is necessary for the authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL OR DENIAL.—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

(1) the authority determines that the petition satisfies the requirements of this subtitle; and

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that does not exceed 30 days.

(g) EXPLANATION.—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) CHARTER.—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

(i) SPECIAL RULES FOR FIRST YEAR.—During the one-year period beginning on the date of the enactment of this Act, each eligible chartering authority—

(1) may approve not more than one petition filed by an eligible applicant seeking to

convert an existing independent or private school into a public charter school; and

(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) EXCLUSIVE AUTHORITY OF CHARTERING AUTHORITY.—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except the eligible chartering authority with which the petition was filed.

SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with—

(1) this subtitle;

(2) any other provision of law applicable to the school; and

(3) all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as its school facilities, from public or private sources.

(3) To receive and disburse funds for school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of other Federal or private funds.

(6) To solicit and accept any grants or gifts for school purposes, if the school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.

(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in its own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency, with respect to any contract proposed to be awarded by a public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) AUDITS.—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(7) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(8) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(9) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file it with the eligible chartering authority that granted the charter. The provisions of section 2153 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(10) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Authority. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) Student performance on any districtwide assessments.

(ii) Grade advancement for students enrolled in the public charter school.

(iii) Graduation rates, college admission test scores, and college admission rates, if applicable.

(iv) Types and amounts of parental involvement.

(v) Official student enrollment.

(vi) Average daily attendance.

(vii) Average daily membership.

(viii) A financial statement audited by an independent certified public accountant.

(ix) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal or exceeding $500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) STUDENT ENROLLMENT REPORT.—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form that permits the Mayor and the District of Columbia Council to comply with subtitle E.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Pre-school.

(B) Pre-kindergarten.

(C) Any grade or grades from kindergarten through 12th grade.

(D) Adult community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be a parent of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the selection or election criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's intellectual or athletic ability, measures of achievement or aptitude, or a student's disability. A public charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where such a limitation is consistent with the charter granted to the school.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert an existing public, private, or independent school into a public charter school, is approved, the school shall give priority in enrollment to—

(1) students enrolled in the school at the time that the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of an existing public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to a public charter school at the current rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student has enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2157. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979, (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2) .

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979, (D.C. Code, sec. 44-216 et seq.) to a student attending a District of Columbia public school.

SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2160. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(C) NUMBER OF ELIGIBLE PUPILS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) AGGREGATE NUMBER OF ELIGIBLE PUPILS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(ii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(iii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a private or independent school;

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

(III) resided in an attendance area of a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124A(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if they were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the number described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the charter school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5), (8), and (9) of section 1112(b).

(B) Subsection 1112(c).

(C) Section 1113.

(D) Section 1115A.

(E) Subsections (a), (b), and (c) of section 1116.

(F) Subsections (a), (c), (d), (e), (f), and (g) of section 1118.

(G) Section 1120.

(H) Subsections (a) and (c) of section 1120A.

(I) Section 1120B.

(J) Section 1126.

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to the school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to the school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the authority has granted a charter to produce any book, record, paper, or document, if the authority determines that such production is necessary for the authority to carry out its functions under this title.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to a public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

SEC. 2162. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of 5-year periods.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

(1) the school committed a material violation of the conditions, terms, standards, or procedures set forth in the charter; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(e) BOARD OF EDUCATION RENEWAL REVIEW.—

(1) NOTICE OF DECISION TO RENEW.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

(A) shall provide a copy of the decision to the Superintendent, the Board of Education, and the school not later than 3 days after the decision is rendered; and

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) RECOMMENDATION OF SUPERINTENDENT.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintendent may recommend to the Board of Education, in writing, that the decision be reversed.

(3) STANDARD OF REVIEW BY BOARD OF EDUCATION.—The Board of Education may concur in a recommendation of the Superintendent under paragraph (2), and reverse a decision approving an application to renew a charter granted to a public charter school, if the Board of Education determines that—

(A) the school failed to meet the goals and student academic achievement expectations set forth in the charter, in the case of a school that has a student body the majority of which comprises students with special needs; or

(B) the average test score for all students enrolled in the school was less than the average test score for all students enrolled in the District of Columbia public schools on the most recently administered the district-wide assessments, in the case of a school that has a student body the majority of which does not comprise students with special needs.

(4) PROCEDURES FOR REVERSING DECISION.—

(A) NOTICE OF RIGHT TO HEARING.—In any case in which the Board of Education is considering reversing a decision approving an application to renew a charter granted to a public charter school, the Board of Education shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed reversal. The notice shall inform the Board of Trustees of the right to an informal hearing on the proposed reversal.

(B) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under subparagraph (A), the Board may request, in writing, an informal hearing on the proposed reversal before the Board of Education.

(C) DATE AND TIME OF HEARING.—

(i) NOTICE.—Upon receiving a timely written request for a hearing under subparagraph (B), the Board of Education shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(ii) DEADLINE.—An informal hearing under this paragraph shall take place not later than 30 days after the Board of Education receives a timely written request for the hearing under subparagraph (B).

(D) FINAL DECISION.—

(i) DEADLINE.—The Board of Education shall render a final decision, in writing, on the proposed reversal—

(I) not later than 30 days after the date on which the Board of Education provided the written notice of the right to a hearing, in the case of a proposed reversal with respect to which such a hearing is not held; and

(II) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed reversal with respect to which a hearing is held.

(ii) REASONS FOR REVERSAL.—If the Board of Education reverses a decision approving an application to renew a charter, the Board of Education shall state in its decision, in reasonable detail, the grounds for the reversal.

(E) JUDICIAL REVIEW.—

(i) AVAILABILITY OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) STANDARD OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2163. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed revocation. The notice shall inform the Board of the right of the Board to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON REVOCATION.—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING AUTHORITY.

(a) NOTICE.—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) PETITION BY SCHOOL.—A public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall file a petition with another eligible chartering authority described in subsection (c)(2). The petition shall request that such other authority assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school. The petition shall be filed—

(1) in the case of a public charter school that received a timely notice under subsection (a), not later than 120 days after such notice was received; and

(2) in the case of a public charter school that did not receive a timely notice under subsection (a), not later than 120 days after the date on which the eligible chartering authority ceases to act in the capacity of an eligible chartering authority with respect to the school.

(c) CHARTERING AUTHORITIES REQUIRED TO ASSUME DUTIES.—

(1) IN GENERAL.—If any of the eligible chartering authorities described in paragraph (2) receives a petition filed by a public charter school in accordance with subsection (b), the eligible chartering authority shall grant the petition and assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school.

(2) ELIGIBLE CHARTERING AUTHORITIES.—The eligible chartering authorities referred to in paragraph (1) are the following:

(A) The Board of Education.

(B) Any other entity established, and designated as an eligible chartering authority, by the District of Columbia Council by enactment of a bill after the date of the enactment of this Act.

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—Except as provided in this section, the powers and duties of a public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall not be affected by such discontinuance, if the school satisfies the requirements of this section.

SEC. 2165. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally-established institutions shall explore whether it is feasible for the agency or institution to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) DETERMINATION.—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.

Subtitle C—Even Start

SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:

"(b) EVEN START.—

"(1) IN GENERAL.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

"(A) for fiscal year 1996, $2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;

"(B) for fiscal year 1997, $3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;

"(C) for fiscal year 1998, $5,000,000 for continued funding made in fiscal years 1996 and 1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

"(D) for fiscal year 1999, $5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

"(E) for fiscal year 2000, $5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2).".

(b) EVEN START FAMILY LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting "(1)" after "1002(b)";

(2) in section 1202(b), by inserting "(1)" after "1002(b)";

(3) in section 1202(d)(1)—

(A) by inserting "(1)" after "1002(b)"; and

(B) by inserting "or under section 1211," after "subsections (a), (b), and (c),";

(4) in section 1202(d)(3), by inserting "(1)" after "1002(b)";

(5) in section 1202(e)(4), by striking ", the District of Columbia,";

(6) in section 1204(a), by inserting "intensive" after "cost of providing";

(7) in section 1205(4), by inserting ", intensive" after "high-quality";

(8) in section 1206(b)(1), by striking "described in subsection (a)"; and

(9) by adding at the end the following new section:

"SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

"(a) D.C. PROGRAM AUTHORIZED.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the 'National Evaluation of the Even Start Family Literacy Program', such as providing intensive services in parent training and adult literacy or adult education.

"(b) DEFINITION OF 'ELIGIBLE''.—For the purpose of this section, the term 'eligible entity' means a partnership composed of at least—

"(1) a public school in the District of Columbia;

"(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education; and

"(3) a private nonprofit community-based organization.

"(c) USES OF FUNDS; COST-SHARING.—

"(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

"(2) COST-SHARING.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary's satisfaction that such entity otherwise would not be able to participate in the program under this section.

"(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than $250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

"(A) such entity needs additional funds to be effective; and

"(B) the increase will not reduce the amount of funds available to other programs that receive funds under this section.

"(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

"(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of parent training and adult literacy or adult education.

"(e) ELIGIBLE PARTICIPANTS.—

"(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

"(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, who—

"(i) is eligible to participate in an adult education program under the Adult Education Act; or

"(ii) is attending, or is eligible by age to attend, a public school in the District of Columbia; and

"(B) any child, from birth through age 7, of an individual described in subparagraph (A).

"(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

"(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(g) SELECTION OF GRANTEES.—In awarding grants under this section, the Secretary shall—

"(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

"(2) give priority to applications for programs that—

"(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(b) shall apply to grants made under this section, except that—

"(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

"(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

"(i) TECHNICAL ASSISTANCE AND EVALUATION.—

"(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to eligible entities, including providing funds to one or more local nonprofit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building, and for the evaluation conducted pursuant to paragraph (2).

"(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) in any fiscal year to contract with the National Center for Family Literacy to provide technical assistance to eligible entities.

"(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

"(i) intensive and high quality services in adult literacy or adult education;

"(ii) intensive and high quality services in parent training;

"(iii) coordination with related programs;

"(iv) training of related personnel in appropriate skill areas; and

to determine if the grant amount provided to grantees to carry out such projects is appropriate to accomplish the goals of this section.

"(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

"(ii) In order to determine a program's effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

"(C) The Secretary shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Economic and Education Opportunities of the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Governmental Affairs of the Senate a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report by March 1, 1998.".

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

PART 1—WORLD CLASS SCHOOLS PANEL

SEC. 2251. ESTABLISHMENT.

There is established a panel to be known as the "World Class Schools Panel".

SEC. 2252. DUTIES OF PANEL.

(a) IN GENERAL.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

(1) A core curriculum for kindergarten through the 12th grade developed or selected by the Panel.

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits the following comparisons to be made:

(A) Comparisons among individual schools and individual students in the District of Columbia.

(B) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other States and the Nation as a whole.

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) CONTENT.—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) "world class", including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations whose students historically score high on international studies of student achievement); and

(2) appropriate for the District of Columbia public schools.

(c) SUBMISSION TO SECRETARY.—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

SEC. 2253. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

(A) is a parent of a minor student enrolled in a District of Columbia public school; and

(B) is active in a parent organization.

(b) EXPERTISE.—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

(c) TERMS.—The term of service of each member of the Panel shall begin on the date of appointment of the member and shall end on the date of the termination of the Panel, unless the member resigns from the Panel or becomes incapable of continuing to serve on the Panel.

(d) CHAIRPERSON.—The members of the Panel shall select a chairperson from among them.

(e) DATE OF APPOINTMENT.—The members of the Panel shall be appointed not later than 30 days after the date of the enactment of this Act.

(f) COMMENCEMENT OF DUTIES.—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

SEC. 2254. CONSULTATION.

The Panel shall conduct its work in consultation with—

(1) officials of the District of Columbia public schools who have been identified by the Superintendent as having relevant responsibilities;

(2) the consortium established under section 2604(e); and

(3) any other persons or groups the Panel deems appropriate.

SEC. 2255. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the chairperson or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISION.—

(1) PROHIBITION ON PROXY VOTING.—No individual may vote, or exercise any other power of a member, by proxy.

(2) FINAL DECISIONS.—In making final decisions of the Panel with respect to the exercise of its duties and powers, the Panel shall operate on the principle of majority vote.

(d) PUBLIC ACCESS.—The Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

(e) NO PAY FOR PERFORMANCE OF DUTIES.—Members of the Commission may not be paid for the performance of duties vested in the Commission.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2256. GIFTS.

The Panel may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services, except that no donations may be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of the Panel.

SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) APPOINTMENT.—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

SEC. 2258. TERMINATION OF PANEL.

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.

SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $2,000,000 for fiscal year 1996. Such sum shall remain available until expended.

PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES

SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.

(a) IN GENERAL.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) DEADLINE.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.

SEC. 2262. ASSESSMENTS.

(a) ADMINISTRATION OF ASSESSMENTS.—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) DISSEMINATION OF INFORMATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) LIMITATION.—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C 1232g).

SEC. 2263. PROMOTION GATES.

(a) KINDERGARTEN THROUGH 4TH GRADE.—Not later than August 1, 1996, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from kindergarten through and including the 4th grade.

(b) 5TH THROUGH 8TH GRADES.—Not later than August 1, 1997, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 5th grade through and including the 8th grade.

(c) 9TH THROUGH 12TH GRADES.—Not later than August 1, 1998, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 9th grade through and including the 12th grade.

(d) INTERIM DEADLINE.—Not later than February 1, 1996, the Superintendent shall designate the grade levels with respect to which promotion gates will be established and implemented.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish a formula which determines the amount—

(A) of the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) of the annual payment to each public charter school for the operating expenses of each such public charter school established in accordance with subtitle B.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2302 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2302 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTION.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

(A) to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels; and

(B) to increase the amount of the annual payment if the District of Columbia public schools or each public charter school serve a high number of students with special needs (as such term is defined under paragraph (4)).

(4) DEFINITION.—The Mayor and the District of Columbia Council shall develop a definition of the term "students with special needs" for purposes of carrying out this title.

SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15 of each year, beginning in fiscal year 1997, each District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

(2) SPECIAL RULE.—Not later than April 1 of each year, beginning in 1997, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2303(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools established in accordance with this title.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Comptroller General of the United States $75,000 for fiscal year 1996 for the purpose of carrying out this subsection.

SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) 1997 INITIAL PAYMENT.—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) 1997 FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year.

(ii) If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated $200,000 for any fiscal year for the purpose of carrying out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) that has not yet been paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under 2301(b) by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection.

Subtitle F—School Facilities Repair and Improvement

PART 1—SCHOOL FACILITIES

SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) AGREEMENT PROVISIONS.—The Agreement shall include the following:

(1) GENERAL AUTHORITY.—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the "Preliminary Facilities Master Plan 2005" (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century) to repair and improve District of Columbia public school facilities, including a list of facilities and renovation schedule that prioritizes facilities to be repaired and improved;

(C) to accept private goods and services for use by District of Columbia public schools, in consultation with the nonprofit corporation referred to in section 2603;

(D) to recommend specific repair and improvement projects in District of Columbia public school facilities by members and units of the National Guard and military reserve, consistent with section 2351(b)(1)(B); and

(E) to access all District of Columbia public school facilities and any records or documents regarding such facilities.

(2) COOPERATION.—Assurances by the Administrator and the Superintendent to cooperate with each other, and with the nonprofit corporation referred to in section 2603, in any way necessary, to ensure implementation of the Agreement.

(c) DURATION OF AGREEMENT.—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

SEC. 2352. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) PROCEEDS.—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identify and designate long-term funding for capital and maintenance of such facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for repair, maintenance, improvement, and management of District of Columbia public schools.

SEC. 2353. DEFINITIONS.

For purposes of this subtitle, the following terms have the following meanings:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(2) FACILITIES.—The term "facilities" means buildings, structures, and real property.

SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 1996 and 1997, $2,000,000 to the District of Columbia public schools for use by the Administrator to carry out this subtitle.

PART 2—WAIVERS

SEC. 2361. WAIVERS.

(a) IN GENERAL.—All District of Columbia fees, all requirements found in the document "The District of Columbia Public Schools Standard Contract Provisions" published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) LIMITATION.—

(1) WAIVER APPLICATION.—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) INSURANCE REQUIREMENTS.—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

SEC. 2362. APPLICATION FOR PERMITS.

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.

Subtitle G—Department of Education "D.C. Desk"

SEC. 2401. ESTABLISHMENT.

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the "D.C. Desk").

SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

SEC. 2403. DUTIES.

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy

by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2101;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

Subtitle H—Residential School

SEC. 2451. PLAN.

(a) IN GENERAL.—The Superintendent may develop a plan to establish a residential school for the 1997–1998 school year.

(b) REQUIREMENTS.—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2452. USE OF FUNDS.

Funds under this subtitle shall be used for—

(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

SEC. 2453. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, City Council, the Authority, the Appropriations Committees of the House of Representatives and the Senate, the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee, and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee, non-Federal funding sources for operation of the residential school.

SEC. 2454. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District $2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in the District of Columbia, of which not more than $100,000 may be used to carry out section 2451.

Subtitle I—Progress Reports and Accountability

SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than 60 days after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the reforms described in section 2502.

SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than August 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, and the District of Columbia Council a progress report that includes the following:

(1) The status of the approval by the Board of Education of the core curriculum—

(A) recommended by the Panel under section 2252(a)(1); or

(B) selected or developed by the Superintendent under section 2261.

(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.

(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.

(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.

(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student ("Public School Vouchers") and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

Subtitle J—Low-Income Scholarships

SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation" (referred to in this subtitle as the "Corporation"), which is not an agency or establishment of the United States Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program, and to determine student and school eligibility.

(3) CONSULTATION.—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) ORGANIZATION AND MANAGEMENT, BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members to be chairperson.

(4) RESIDENCY.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of $150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) CITIZENSHIP.—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

(4) SERVICE.—All officers and employees shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants. The audits shall be conducted at the place where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person conducting the audit.

(2) REPORT.—The report by each such independent audit shall be included in the annual report to Congress required by section 2602.

SEC. 2552. FUNDING.

(a) FUND.—There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(b) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(d) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund—

(A) $5,000,000 for fiscal year 1996; and

(B) $7,000,000 for fiscal year 1997, and $10,000,000 for each of fiscal years 1998 through 2000.

(2) LIMITATION.—Not more than $500,000 may be used in any fiscal year by the Corporation for any purpose other than assistance to students.

SEC. 2553. SCHOLARSHIPS AUTHORIZED.

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K–12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District of Columbia public school, public charter school, or independent or private school participating in the tuition scholarship program.

(c) NOT SCHOOL AID.—A scholarship shall be considered assistance to the student and shall not be considered assistance to the school.

SEC. 2554. ELIGIBILITY.

(a) IN GENERAL.—A student who is entitled to receive a public school education in the District of Columbia and who meets the requirements of section 2553(a) is eligible for a scholarship under subsections (c) and (d) of section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996, priority shall be given to students currently enrolled in a District of Columbia public school or preparing to enter kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal years, priority shall be given to scholarship recipients from the preceding year.

SEC. 2555. SCHOLARSHIPS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award scholarships and make payments, on behalf of the student, to participating schools as described in section 2559.

(b) NOTIFICATION.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) TUITION SCHOLARSHIP AMOUNT.—

(1) BELOW POVERTY LEVEL.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school's tuition; or

(B) $3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LEVEL.—For a student whose family income is greater than the poverty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) 50 percent of the cost of a school's tuition; or

(B) $1,500 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) Fee or Transportation Scholarship Amount.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) $500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) Proportion of Different Types of Scholarships.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the number awarded for fees or transportation shall be equal, to the extent practicable.

(f) Funding Shortfall.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) Exception.—Subsection (e) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.

(a) Application.—A school that desires to accept tuition scholarship students for a school year shall file an application with the Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students,

(2) assure that it will comply with all applicable requirements of this subtitle; and

(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) Eligibility Certification.—

(1) In general.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program.

(2) Continuation.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) Exception for 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) New Schools.—

(1) In general.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition scholarship program for a single school year by providing to the Corporation not later than July 1 of the preceding calendar year for which such school intends to begin operations—

(A) a list of the organization's board of directors;

(B) letters of support from not less than 10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations with not less than 25 students; and

(F) assurances that it will comply with all applicable requirements of this subtitle.

(2) Certification.—Not later than 60 days after the date of receipt of the information referred to in paragraph (1), the Corporation shall certify in writing the school's provisional eligibility for the tuition scholarship program unless good cause exists to deny certification.

(3) Denial of certification.—If certification or provisional certification is denied for participation in the tuition scholarship program, the Corporation shall provide a written explanation to the applicant school of the reasons for such decision.

(d) Revocation of Eligibility.—

(1) In general.—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) Explanation.—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION REQUIREMENTS FOR INDEPENDENT AND PRIVATE SCHOOLS.

(a) Independent and Private School Requirements.—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;

(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) Compliance.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) Withdrawal from Program.—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining days in the school year on a pro rata basis. If a school withdraws during an academic year, it shall permit scholarship students to complete the year at their own expense.

SEC. 2558. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act.

SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.

(a) In General.—

(1) Proportional payment.—The Corporation shall make tuition scholarship payments to participating schools not later than October 15 of each year equal to half the total value of the scholarships awarded to students enrolled at such school, and half of such amount not later than January 15 of the following calendar year.

(2) Pro rata amounts for student withdrawl.—

(A) Before payment.—If a student withdraws before a tuition scholarship payment is made, the school shall receive a pro rata amount based on the school's tuition for the number of days the student was enrolled.

(B) After payment.—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) Fund Transfers.—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.

(a) In General.—A school enrolling tuition scholarship students shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) Confidentiality.—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.

SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.

(a) Policies and Procedures.—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program.

(b) INFORMATION DISSEMINATION.—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

SEC. 2563. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public school students of similar background, including by income level;

(2) comparison of graduation rates between tuition scholarship students and District of Columbia public school students of similar background, including by income level; and

(3) satisfaction of parents of scholarship students.

(b) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees.

SEC. 2564. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) JURISDICTION.—The United States District Court for the District of Columbia shall have jurisdiction over any legal challenges to the tuition scholarship program and shall provide expedited review.

(2) PROTECTABLE INTERESTS.—Parents and children shall be considered to have a separate protectable interest and entitled to intervene as defendants in any such action.

(3) TIMELY REVIEW.—The court shall render a prompt decision.

(b) APPEALS.—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

Subtitle K—Partnerships With Business

SEC. 2601. PURPOSE.

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology, to establish a regional job training and employment center, to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools, and to coordinate private sector investments in carrying out this title.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and

(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT.—The corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" or "DELTA Council" (in this title referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties of the corporation.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the corporation, not later than 90 days after the date of the enactment of this Act, shall provide for an assessment of the current availability of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the corporation—

(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) IMPLEMENTATION.—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(4) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The corporation shall establish a center to be known as the "District Employment and Learning Center" or "DEAL Center" (in this title referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortia of colleges, universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work-experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of Columbia public schools, which provide a "school-within-a-school" concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) CONDUCT OF PROGRAM.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be, except that in fiscal year 1996, such professional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to section 101, and other proposals to be submitted to the Superintendent, the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Administrator of the General Services Administration, or the Congress; and

(3) a program of rewards for student accomplishment at participating local businesses.

SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit organization established under section 2602(2) shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist the District of Columbia public schools and public charter schools established in accordance with this Act in organizing and implementing a school-to-work transition system with a priority on providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit organization, consistent with the policies of the nationally-recognized Jobs for America's Graduates, Inc.—

(1) shall establish performance standards for such program;

(2) shall provide ongoing enhancement and improvements in such program;

(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

SEC. 2606. MATCHING FUNDS.

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, $1 for every $1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, $3 for every $1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, $5 for every $1 of Federal funds provided under this title for section 2604.

SEC. 2607. REPORT.

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(2); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; WORKFORCE PREPARATION INITIATIVES; OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—There are authorized to be appropriated to carry out subsections (a), (b), (d) and (f) of section 2604 $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c) $2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—There are authorized to be appropriated to carry out section 2604(e) $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2605—

(A) $2,000,000 for fiscal year 1996; and

(B) $3,000,000 for each of the fiscal years 1997 through 2000.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

SEC. 2651. ESTABLISHMENT.

(a) POLICY.—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) WITHHOLD BENEFITS.—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.

SEC. 2652. SUBMISSION OF PLAN.

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits; and

(5) long-term plans for the program.

SEC. 2653. REPORTS TO CONGRESS.

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Chairman, I submit the following for the RECORD.

LEGISLATIVE HISTORY

During the first few months of the 104th Congress, Speaker Newt Gingrich appointed Representative Steve Gunderson (R-WI) to lead an education task force to help establish a world class education system in the Nation's capital. As a part of the task force activities, Representative Gunderson convened numerous meetings with individuals and interested groups in the District of Columbia, including the office of the Mayor of the District of Columbia, District of Columbia Delegate Eleanor Holmes Norton, the Superintendent of the District of Columbia Public Schools, the President of the District of Columbia Board of Education, Board of Education members, educators, union members, parent education reform groups, National education reform experts, and many others.

Additionally, Delegate Eleanor Holmes Norton, together with Speaker Gingrich, convened a town meeting at Eastern High School to hear from District of Columbia citizens about their concerns with the current education system.

Legislatively, the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee held hearings on the subject of District of Columbia education reform on May 12, 1995, June 8, 1995 and June 27, 1995. Withnesses included, among others, the President of the Board of Education, the Superintendent of the District of Columbia Schools, the Committee on Public Education, Parents United for District of Columbia Public Schools, City Council members William Lightfoot and Kathleen Patterson, principals of public schools, the National Urban Coalition, Ted Kolderie of the Center for Policy Studies, the President of the Washington Teachers' Union, the President of the American Federation of Teachers, the Education First Coalition, parents, and a representative of the Office of the Mayor.

The education amendment to the District of Columbia Appropriations legislation is the end product of these meetings and hearings. It represents a balancing of many competing interests, and is designed to transform the current education system into one of the best in the world.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

Subtitle A—District of Columbia Reform Plan

Subtitle A of Title II of the bill requires that the Superintendent of Schools, with approval of the Board of Education, develop a long term reform plan for the District of Columbia School Public System. This provision builds on the efforts currently underway by the District. The long term reform plan outlined in the legislation uses the same philosophy outlined by School Board President Wilma Harvey and Superintendent Franklin Smith in the one-year action plan entitled "Accelerating Education Reform in the District of Columbia: Building on BESST" that was submitted to Rep. Steve Gunderson on July 13, 1995.

Subtitle A requires that the plan be consistent with the financial plan and budget for the District of Columbia required by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8). The legislation requires that the Superintendent consult with the Board of Education, Mayor, District of Columbia Council, and the Authority. The Superintendent is also required to include the public and any interested groups or organizations in the development of this process—similar to the approach outlined by the Superintendent in the District of Columbia's "Planning Guide for Local School Restructuring Teams" report.

The long term report focuses on how the District of Columbia is preparing to become a world-class education system and model for the nation. The legislation asks the District of Columbia to describe how it plans to accomplish certain goals and objectives. Any amendments to the plan shall be submitted by the Superintendent, with the approval of the Board of Education, to Congress and must be consistent with section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

Subtitle B of this amendment authorizes the establishment of public charter schools. On October 23, 1995, the Education and Libraries Committee of the DC Council passed, by a vote of 4-0, legislation authorizing the establishment of independent public charter schools. The DC Council legislation is very similar to this subtitle. A recommendation that either the DC Council or Congress enact legislation authorizing independent public charter schools was also included in the reform plan submitted by the Superintendent and the president of the Board of Education on July 13, 1995, to Rep. Steve Gunderson.

Public charter schools represent a new type of public school that maintains the essential elements of public education: public charter schools are funded by the public, are open to the public, and are accountable to the public for results. Public charter schools are different, however, from traditional public schools in that they are not required to be managed by a government bureaucracy. Educators may establish new schools and have an opportunity to realize their educational vision for what constitutes a quality education. A public charter school may not charge tuition, except to nonresidents, and must be open to any student regardless of aptitude. A school may limit admission to certain grade-levels and may choose to have an instructional focus, such as the arts, science, or advanced technology.

Public charter schools are a key component of a comprehensive reform strategy. Public charter schools would encourage innovation and entrepreneurialism by educators. They would be free from many of the burdensome rules and regulations that educators find interferes with their ability to provide excellence in education. Public charter schools have full control over their day-to-day operations, including budgeting and personnel, but they must be non-sectarian and non-profit. Public charter schools may enter into contracts or leases for any service, but contracts over $10,000 in value must be reviewed by the District of Columbia Financial Responsibility and Management Assistance Authority.

The amendment also contains safeguards to ensure that a two-tiered system of public schools would not result from the creation of public charter schools. Eligible chartering authorities are required to give special consideration to petitions to establish public charter schools that would focus on students with special needs, such as students with disabilities, disruptive students, or students who have dropped out. In addition, the new funding formula for public education described in subtitle E is expected to result in additional funding for public charter schools serving students with special needs. As a result, I would expect that quality programs would be encouraged that would serve such students, improving equity and raising the quality of their education.

In order to encourage a diversity of public charter schools, as well as to encourage healthy competition, multiple entities must be permitted to approve charter petitions. This subtitle designates as eligible chartering authorities the Board of Education and five public or federally-chartered universities located in the District of Columbia. To ensure common standards of quality, this subtitle designates a detailed list of issues that petitions to establish public charter schools must address and a uniform procedure for their consideration, regardless of which eligible chartering authority is reviewing such a petition. Mindful of the fact that the legislation passed by the DC Council Education and Libraries Committee also establishes a charter schools commission, which is not included in this Act, this subtitle allows the DC Council to designate additional entities as eligible chartering authorities.

While this subtitle would designate multiple chartering authorities, a common framework for accountability is desirable for public charter schools. Therefore, this subtitle authorityes the Board of Education, upon the recommendation of the Superintendent, to deny renewal of a public charter school if its students are performing below average on the assessments to be established pursuant to subtitle D. Parental choice, informed by a school's performance on the common student assessments and other factors that a parent may deem important, constitutes another important aspect of accountability. Further, the charter of a school may be revoked at any time for financial mismanagement or violation of this Act or other applicable laws.

Within this framework of accountability for results, public charter schools will provide teachers with an unprecedented degree of flexibility and professional opportunity. Public charter schools also offer families a greater degree of choice, enabling parents to select the educational environment that best suites their children's needs. Because charter schools are supported through the enrollment-based per capita funding formula described in subtitle E, a public charter school must satisfy the parents of students enrolled at the school or it will cease to exist.

Subtitle C—Even Start

The inclusion of Even Start as a part of the D.C. schools reform package is a reflection of Rep. Bill Goodling's belief, as well as my own, in the power of family literacy to insure positive educational outcomes for young children. Even Start is based on the knowledge that children who have parents who can help and support them in their educational endeavors are more likely to succeed than those who have parents with low literacy skills and little knowledge on how to help their children succeed in school.

In the recent national adult literacy survey there were approximately 40 million adults who scored in the lowest level of the literacy scale. Twenty percent of the population of this country have been found to have minimal basic skills. This is a strong indication that there is a high level of illiteracy in our country. What is of major concern is that many of these individuals are parents.

As a result, it is difficult to believe that any effort to increase the likelihood of school success for young children in the District of Columbia will be completely effective if it does not address the whole family. What is needed is a comprehensive family literacy program which, in addition to parent training, raises the literacy skills of participating adults. The Even Start program meets this criteria.

In order to avoid the duplication of programs serving the District of Columbia, eligibility for the District of Columbia to participate in the basic Even Start Grant program has been eliminated. The current Even Start law has been amended to provide a separate authorization amount for Even Start programs in the District of Columbia. Funding for Even Start programs funded under current law would be maintained under this new authorization.

Under the provisions of this legislation, the Department of Education would be responsible for selecting grantees and oversight of Even Start projects in the District of Columbia. Five percent of available funds is provided to the Secretary to provide technical assistance to eligible entities, including one or more local nonprofit organizations, to provide technical assistance to eligible entities in the area of community development and coalition building. An additional five percent would be provided to the National Center for Family Literacy, a recognized authority in this field, for technical assistance to eligible entities. It is expected that the National Center for Family Literacy will assist in ensuring that funded projects are of high quality and provide the intensity of services necessary for success.

In order to reach those individuals in greatest need of services and families whose children are at greatest risk of educational failure, eligibility for the District of Columbia Even Start Program has been focused on those individuals eligible to participate in an adult education program (i.e. those without a high school diploma or GED or with low levels of literacy). Parents who are still attending, or who are eligible by age to attend, a public school in the District of Columbia are also eligible in order to ensure that they receive an adequate education and, therefore, are able to assist their children to receive the best possible education. It is recognized that teenage parents are at great risk at becoming welfare dependents and that their children often suffer because of their poor parenting skills and low levels of education. Therefore, it is important to include this group of young parents in the list of those eligible for services under this program. However, it is also the intent of this amendment that these teenage parents receive the educational component of the Even Start program as part of the regular education program offered in District of Columbia schools. Further, any child of a parent who meets criteria outlined above and who is under the age of seven is eligible for services.

Finally, a priority is given to targeting services to families living in a school attendance area where schools are conducting a schoolwide program under Title 1 of the Elementary and Secondary Education Act. In this way, services will be focused on those families in greatest need.

The most recent report distributed by the Department of Education indicated that the average Even Start project did not provide sufficiently intensive instruction and did not obtain significantly greater gains when compared to a control group. Approximately 50 percent of the projects had their adults in adult education for fewer than 9 hours a month. Many parents participating in Even Start have very low literacy levels. It takes between 100 and 150 hours of instruction to raise an individual one grade level. As a result, 9 hours per month is not going to make the type of difference in the lives of participants to enable them to become—and remain—their child's first and most important teacher. Therefore, the District of Columbia Even Start initiative requires programs to be built on the findings of the "National Evaluation of the Even Start Family Literacy Programs," including the provision of intensive services in parent training and adult literacy or adult education. It is clear that programs which are of greater intensity produce superior results. Therefore, it is imperative that only those projects which meet this requirement participate in the District of Columbia Even Start program.

In addition, the Chapter 1 Even Start Program is amended through this legislation to include comparable language on intensity of services. It is estimated that a quality Even Start Program requires $225,000 per year to operate. The District of Columbia Program authorization level assumes this level of funding for each program by limiting the number of projects which can be funded in a given year. Since this legislation eliminates funding for the District of Columbia under the basic Even Start program, the authorization amount for the first year would include funds for the existing Even Start projects as well as six new projects. Funding for the remaining years under this authorization would allow for the addition of six new projects each year as well as continued funding for the original projects.

Projects are also required to meet the matching requirements contained in the basic Even Start law. However, these requirements may be waived, in whole or in part, should the eligible entity demonstrate to the satisfaction of the Secretary that they will otherwise be unable to participate in the program.

Due to inclusion of the match provision, and the possibility that projects will utilize the entire amount appropriated for this purpose, language has been included which provides for a redistribution of excess funds among grant recipients which can demonstrate additional need.

Provision is made for an independent evaluation of the District of Columbia Even Start program in order to determine their effectiveness in providing high quality family literacy services. This evaluation should be completed by March 1, 1999, with an interim report issued by March 1, 1998. The results of the evaluation are to be used for purposes of program improvement and for determining the number of appropriate grants to be awarded by the Secretary in fiscal year 2000. Although the amount authorized assumes a funding level of $225,000 for each project fund, it may become apparent, after the evaluation, that this amount is higher or lower than necessary to provide high quality Even Start Programs. It is, therefore, important that the Secretary be able to adjust the number of grants awarded to reflect the results of the evaluation.

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

Subtitle D provides the assistance and the guidance necessary for the District of Columbia public schools to begin on the path toward a world-class education system. The core of education is the curriculum. While schools should have discretion with respect to some portions of the curriculum, and full discretion with respect to instruction and inputs, there is a legitimate public interest in ensuring that public schools teach students a core of vital concepts, factual knowledge, and skills. This care should address at least the key academic content areas of English, mathematics, science and history. There is a further legitimate public interest in ensuring that students' competence in this core curriculum represent a high level of achievement, in fact that it be world-class.

To assist the District, in particular the Superintendent and Board of Education, in establishing such a core curriculum, a panel of experts is established: the World Class Schools Panel. In order to provide the perspective of parents, one appointee is a parent of a student in the District of Columbia public schools. The proposal to establish such a panel has as its origin the request by the Superintendent and the president of the Board of Education, in a reform plan submitted to Rep. Steve Gunderson on July 13, 1995, for approximately $2 million for the development of new curricula and assessments. Such a need exists in the District public schools, but a nationally-established panel of experts is the proper vehicle for such an effort. Further, the panel is also directed to recommend model teacher training programs that individual schools, or the school system, may adopt.

Because even the formal adoption of a high-quality curriculum constitutes only a minimal improvement if there is no way to determine how well students are mastering the curriculum, assessments that provide such information are also vital. To be of maximum use, assessments must inform parents of their child's progress, as well as the progress of the child's school. Such information needs to be placed in the context of the performance of other schools, the District, other states, the nation, and especially, other nations that historically perform well on international comparisons of student achievement, such as Germany, France, Japan, and South Korea. Tools useful for developing such assessments are becoming increasingly available, such as through the third international math and science study, now underway, or through publicly-released items from the national assessment. Further, it is also important for such assessments to satisfy professional standards of reliability and freedom from bias, as established by the American Psychological Association and the American Education Research Association. To the degree that new assessments address such technical standards, it is also useful to have such assessments exemplify the range of knowledge and skills that students are intended to master in the core curriculum. It is the responsibility of the World Class Schools Panel to develop, or adopt, the appropriate assessments to accomplish these important purposes.

While the Board of Education is free to reject the recommendations of the Panel, if it chooses to do so it must still establish its own core curriculum and assessments that meet the requirements of this subtitle. The establishment of new promotion criteria ("promotion gates") by the Superintendent and Board of Education, another reform included in the reform plan submitted to Rep. Steve Gunderson on July 13, 1995 by the Superintendent and president of the Board of Education, is also required under this amendment. To ensure coherence in the system, the new assessments measuring achievement of the core curriculum will serve as one criterion for such "promotion gates," though not necessarily the only criterion.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

Subtitle E of Title II of the bill directs the District of Columbia to develop a per pupil formula for funding K–12 education starting in FY 1997. This uniform formula will be used to provide operating budgets on the basis of enrollment for the school system as a whole and for individual public charter schools. According to a January 1995 report by the District of Columbia Committee on Public Education, "Of the 40 largest school systems in the country, the District ranked first in per pupil expenditures." The report further states that, "By almost any measure, student academic performance has worsened." This information is disturbing and as a result the District of Columbia is directed to establish a uniform formula for funding the education of students enrolled in either public charter schools authorized in subtitle B of this amendment or the District of Columbia School System, and to have the General Accounting Office do an audit of the student enrollment count.

To account for appropriate differences in the costs of educating different types of students, the formula shall take into account such variations for students at different grade levels as well as for students with special needs. The District will define "special needs," but it is expected to address such categories as students with disabilities, students that have dropped out, and highly disruptive students. Such a formula will clarify and focus decisions regarding funding for public education around students' needs.

For FY 1996, $75,000 is authorized for the General Accounting Office (GAO) to audit the student enrollment count of the school system. For FY 1996 through FY 2000, $200,000 is authorized for each year for transition costs associated with starting public charter schools. These funds are necessary due to the school year beginning in September while the fiscal year begins in October, therefore resulting in a one month funding gap for any new public charter school.

Subtitle F—School Facilities Repair and Improvement

Subtitle F of this amendment begins to address the facilities problems that plague the District of Columbia schools. It is appalling that the schools of our Nation's capital have had to be closed, as a result of judicial intervention, because they were deemed unsafe for children. This subtitle encourages assistance by the private sector and government agencies to bring new life to the bricks and mortar of the District of Columbia schools.

A January 1995 report by the District of Columbia Committee on Public Education entitled "Our Children Are Still Waiting" noted that the "District must generate a sense of urgency in the business and philanthropic community and re-enlist them in targeted support for very particular, concrete school reform goals." Congress agrees with this statement and is asking the General Services Administration to step in and help guide the District of Columbia Public School System through school facilities repair and improvements. It is not the intent of this amendment for Congress to take over the maintenance of the school system, but rather to become a partner with the school system to help repair and improve school facilities. This is not a long-term arrangement, but shall last no more than two years. It is also the expectation of Congress that this partnership will make appropriate use of the "Superintendent's Task Force on the Education Infrastructure for the 21st Century: Preliminary Facilities Master Plan 2005 for the District of Columbia Public Schools". As the plan notes, "this preliminary plan is a first step in obtaining the District of Columbia's assessment of its public school facilities, the children served by them and a sense of their entitlement to high quality services."

The report further states that "While this preliminary plan creates a framework for moving forward, it does not complete the planning task. It suggests a considerable departure from business as usual and requires the disciplined coordination among all components of DCPS, other city entities and community stakeholders that are currently intervening to impact both student population trends and quality of life in the city." It is the hope of Congress that this report will be useful as a starting point to complete the task at hand and that cooperation, innovation and efficiency will prevail. Further, it is the hope of Congress that such a revitalization of school facilities will take hold and become a permanent fixture in the school system of our Nation's capital.

Subtitle G—Department of Education "D.C. Desk"

Subtitle G of Title II of the bill requires the Department of Education to establish a "DC Desk" to help coordinate efforts by the District of Columbia school system to apply and receive federal grants. The Director of the DC Desk shall be appointed by the Secretary of Education and shall not be paid more than a GS–15 rate of the General Schedule.

The duties of the Director of the DC Desk shall include coordinating with the Superintendent a comprehensive technical assistance strategy, identifying federal grants for which the District of Columbia public schools may be eligible and identifying private and public resources that could be made available to the District of Columbia Public School System and public charter schools established under subtitle B of this amendment. By providing this additional resource at the federal level to the District of Columbia, it is expected that greater resources will be infused into the District of Columbia Public School System to provide new and innovative approaches to learning.

Subtitle H—Residential School

Subtitle H of Title II of the bill authorizes funds for the planning and initial capital costs to develop a residential school within the District of Columbia. Two million dollars are authorized in FY 1996 to develop and initiate a residential school program, of which no more than $100,000 may be used for planning purposes.

In a July 13, 1995 reform plan submitted to Representative Steve Gunderson, the president of the District of Columbia Board of Education and the Superintendent of the District of Columbia Public School System proposed allowing the District of Columbia to establish a public residential school. This amendment provides funds to the District to establish such a school. The District of Columbia Public School System has indicated that it intends for such a school to be designed for highly disruptive or troubled youth and this is my expectation.

Several school systems have public residential schools operating. Chicago is experimenting with the idea in a public housing complex. As the Washington Times reported: "For centuries, the children of the rich have been sent to boarding schools in search of a tightly controlled educational environment . . . Now in Chicago, children of the not-so-well-to-do will soon get to try something similar."

By providing a residential school in the District of Columbia, as has been done in Chicago, Texas, North Carolina and several other jurisdictions, a new alternative will be created for District of Columbia students to learn and thrive. By offering a new opportunity for District of Columbia residents and their children, D.C. children will have another way to succeed in school and in their future.

Subtitle I—Progress Reports and Accountability

Subtitle I of Title II of the bill, requires that no later than 60 days after enactment of this Act, the District of Columbia Council must submit a report to Congress describing actions the Council has taken to facilitate first-year reforms within the District of Columbia Public School system. In order to allow for local legislative discretion as well as responsibility, this amendment does not include a number of legislative components that would facilitate public school reform in the District, including implementation of the first-year reform agenda of the District of Columbia Public School System. In response to this demonstration of respect for the principle of Home Rule, it is the expectation of Congress that the DC Council will act swiftly to enact such legislation following the enactment of this Act by Congress.

Subtitle I also requires that the Superintendent submit to Congress, no later than August 1, 1996, a report regarding the status of implementation of a far-reaching first-year reform agenda. This agenda is based on the reform plan submitted by the Superintendent and the president of the Board of Education to Rep. Steve Gunderson on July 13, 1995, "Accelerating Education Reform in the District of Columbia: Building on BESST." While ambitious, the agenda described in this subtitle does not include every single item contained in the July 13, 1995, reform plan, only those that are most critical and of the highest priority. This year, Congress is resisting the temptation to micromanage, abolish or replace the institutions governing the DC Public School System this year, on the expectation that comprehensive reform will be implemented. Over the course of the next year Congress will conduct appropriate oversight. When considering the FY 1997 budget for the District, Congress will evaluate the progress of this implementation and decide whether to intervene more directly to redesign the governance arrangement for public education in the District.

Subtitle J—Low Income Scholarships

Subtitle J of Title II of of the bill establishes a low-income scholarship program. Under the program, a non-profit corporation is established to administer two kinds of scholarships for District of Columbia residents: (1) tuition scholarships; and (2) scholarships for after school activities or the costs of transportation. The program is part of a broader education reform package whose goal is to expand the range of choices for low-income families and to improve the quality of education in the District of Columbia. Within this broader framework, existing private and independent schools in the District and surrounding jurisdictions are only one component.

The tuition scholarships will cover the full costs of tuition, up to $3,000, for students below the poverty level. For students between 100 percent and 185 percent of the poverty level, the scholarship will equal one half the costs of tuition, up to $1500. Tuition scholarships may be used at participating private schools in the District as well as public or private schools in surrounding jurisdictions.

The scholarships for after school activities or transportation will cover the full costs of such activities, up to $500. Eligible students are those whose family incomes are no more than 185 percent of the poverty level. Such scholarships are available for use within the District of Columbia at either traditional public schools, public charter schools as established under this legislation, or private schools. Such scholarships are envisioned to be used, among other things, for payment of the costs of after school tutoring, rental of band instruments, the costs of summer school, or the costs of traveling across town to attend a new public charter school.

The corporation established to administer the program is directed to award, to the extent feasible, an equal number of the two types of scholarships (i.e. tuition scholarships and after school or transportation scholarships).

A seven member Board of Directors will oversee the operations of the nonprofit scholarship corporation. Six members are to be appointed by the President from nominations submitted by the Speaker of the House of Representatives and the Majority Leader of the Senate. One member will be appointed by the Mayor of the District of Columbia.

During hearings held by the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee, testimony supporting the scholarship concept was received from several sources. First, at the Subcommittee hearing of June 27, 1995, Eenid Simmons, Director of the Office of Policy for the Mayor of the District of Columbia, spoke in favor of private school choice, though with limitations. The Office of the Mayor has advocated means-testing for any choice program. This amendment recognizes the wisdom of such a provision, and accordingly has made the scholarships available to those families with incomes at or below 185 percent of the poverty level.

Second, at the same Subcommittee hearing, Otis Troupe, the Chairman of the Vouchers Committee of the Education First Coalition, strongly endorsed private school choice as a means of improving the education of District children, though he endorsed a different mechanism than that contained in this amendment. He noted:

"I am a particularly enthusiastic proponent of voucher-supported public education. . . . To my mind, a program of voucher-supported fully accredited alternative schools will very quickly bring a flexibility of choice to the sterile landscape of 'non-options' that are currently offered to parents of DC school children. . . . Once operational, vouchers would immediately and drastically expand the choices available to participating parents. Immediately, children in the vouchers program would experience a drastically expanded range of choice [sic] for schools and academic programs."

Because of the concerns of some in the District that a voucher system would remove local public funds and send them to private schools, such an approach is not contained in this amendment. The concept of permitting greater choice among all schools for low-income families who cannot afford choice at present, however, is maintained in this amendment.

Third, the Education and Libraries Committee of the District of Columbia Council responsible for education legislation unanimously (5-0) "embraced," in an official committee report dated July 21, 1995, a Federally-funded scholarship program. It is this approach that is embodied in this subtitle.

Fundamental to the concept of this scholarship program is the maximization of equality of opportunity for low income families. The tuition scholarships will provide such families with the same kinds of choices—including private schools in the District as well as public or private schools in surrounding jurisdictions—that higher income families already have available. The after school activities and transportation scholarships are similarly targeted toward low income families.

Some establishment clause concerns have been expressed regarding whether this amendment provides direct Federal assistance to sectarian schools. It does not, however, provide direct Federal assistance to any participating schools. Rather, the assistance is to the student. The intent of section 2553(c) of the bill is to make clear that the students are the primary beneficiaries of the scholarships, and not the schools. This amendment envisions no discrimination for or against private schools on the basis of religion in the operation of this program, but instead neutrality.

Section 2557(a)(1) of the bill prohibits independent and private schools from discriminating on the basis of a student's disabilities if the school is equipped to provide an appropriate education. This part of section 2557(a)(1) is intended to reflect current law requirements under section 504 of the Rehabilitation Act of 1973 (29 USC 794).

The low-income scholarship program was carefully designed to satisfy Constitutional requirements under the First Amendment. Over the past 12 years, the U.S. Supreme Court consistently has upheld programs that provide assistance for students who attend private schools. In *Mueller* v. *Allen*, 463 U.S. 388 (1983), the Court upheld Minnesota's income tax credits for educational expenses, most of which were incurred in religious schools. In *Witters* v. *Department of Services for the Blind*, 474 U.S. 481 (1986), a program paying for a blind student to pursue training for the ministry at a religious seminary was upheld. In *Zobrest* v. *Catalina Foothills School Dist.*, 113 S. Ct. 2462 (1993), the Court sustained the use of funds under the Individuals with Disabilities Education Act to pay an interpreter for a deaf child attending a Catholic High School.

In these cases, the Court established that such assistance is permissible if (1) the choice where to use assistance is made by parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The proposed scholarship program fulfills these criteria. Like the G.I. Bill and federal daycare assistance, the choice of where funds are expended is made not by the government but by the scholarship recipients. Because the tuition scholarships amount only to the cost of tuition or some lesser amount, the program does not create a financial incentive to choose private schools. Scholarships are also available to pay costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only those regulations necessary to ensure that reasonable educational objectives are met, and does not create entanglement between the government and religious schools.

The scholarship program does not impermissibly establish religion, but instead serves to expand educational opportunities for children who desperately need them.

Subtitle K—Partnerships With Business

Within the context of limited public resources and an ever increasing demand for additional and more effective services—Subtitle K of Title II is intended to facilitate a process and develop an infrastructure under which private sector contributions are effectively leveraged to bring about positive change in the community.

The centerpiece of this Subtitle is the establishment of the District Education and Learning Technologies Advancement (DELTA) Council. The DELTA council will bring together representatives of business, community leaders, and others willing to contribute time, energy and resources to carry out a variety of activities related to education, training and employment within the District of Columbia.

The DELTA Council (established by a nonprofit corporation selected by the Superintendent of DC schools) has many important functions, including coordinating donations from the private sector so that they are used in a comprehensive and effective manner with full accountability. It is expected that the corporation, through the DELTA council, will not only meet, but surpass, the goals set forth in the legislation to match the Federal grant amount at an increasing rate (up to 5:1) over the three year authorizing period. It is intended that the DELTA council will work with the General Services Administration in the coordination of donated services related to the repair and improvement of schools.

The integration of up-to-the minute educational technology into an inner-city school curriculum has shown impressive results. A recent article in the National Journal focused on the impact such an initiative had on schools in Union City, N.J.:

"Bell Atlantic Corp., the Philadelphia-based regional Bell operating company, provided computers and wired the classrooms and homes of students, teachers and administrators to join them all in an electronic network. It then connected the network to the Internet and a host of multi-media education programs. 'We initiated the project to test the technology—which works'; John G. Grady, the manager of Bell Atlantic's Video Service, explained 'But we were surprised in a wonderful way with the educational outcomes.' Truancy and dropouts plummeted; test scores soared. All the schools in the district raised their levels of attendance and student achievement."

Under this legislation, the DELTA council, in conjunction with the Superintendent, students, parents and teachers will establish and implement strategies to ensure access to state-of-the-art educational technology. This process will begin with a comprehensive technology assessment which, to the extent possible, shall be done pro bono by a qualified private sector firm. Based on this assessment, the DELTA council will facilitate the development of a short-term technology plan to be carried out in conjunction with the schools, students, parents and teachers.

It is recognized that computers, hardware, software and access to emerging technologies do not, by themselves, ensure success. In fact, they are worthless if they are not utilized effectively and constructively. As such, teachers need to be knowledgeable both on how to use these technologies as well as how to teach such technology and the applications of such technology.

Under this legislation this vital link is established through the creation of a Professional Development Program for Teachers and Administrators. This program will bring together teachers, school administrators and universities within the District of Columbia in order to provide professional development for teachers. This training will include private sector training of teachers in the use, application, and operation of state-of-the-art technology in education. This program will also provide training for school principals and other school administrators in effective private sector management practices.

The unemployment rate for 18–25 year olds in the District of Columbia is simply too high. There needs to be an effective effort, beyond school reform, to assist these individuals in gaining the skills necessary to obtain and retain employment. Subtitle K provides for the District of Employment and Learning Center, "DEAL Center". The center will provide the district with a regional institute to provide job training and employment assistance for these individuals. The basic premise behind this center is that one of the most effective approaches to employment programs is the combination of on-the-job and classroom training. As such, the center will focus on job placement, including temporary work assignments, combined with training opportunities. This training may be supported with needs-based payments in order to make training a viable option for those individuals who may otherwise not be able to afford the time to participate in such a program.

The center will use funds from a variety of sources (beyond what is made available under this section), including funds leveraged through the private sector by the DELTA council and through partnerships with other governmental agencies and appropriate federal employment and training programs.

It is recognized that there are currently efforts in this Congress aimed at streamlining the multitude of Federal job training and employment programs and providing a simpler framework for state and local implementation of such federal programs. This subtitle encourages such reforms to be started within the District by the Mayor as soon as possible and further supports full accountability for these funds. It is further encouraged that the Mayor and other local officials coordinate the design and implementation of such reforms with the efforts of the DELTA council and with the efforts of the DEAL Center.

It is also expected that initiatives will be carried out with District of Columbia Public School System and interested public charter schools at the secondary level to facilitate the integration of rigorous academic studies with workforce preparation programs. In particular, it is the intent of this amendment to promote the expansion and quality of current high school career academy programs as established in certain District of Columbia schools.

This amendment also recognize the value of implementing nationally-proven programs. One such example is the Jobs for America's Graduates (JAG) program. According to the 1994 Annual Report issued by JAG, the program has benefited over 175,000 youth in 22 different states and 400 communities. Over 90 percent of them have successfully completed high school and over 80 percent, at the end of nine months after leaving school are either on the job, in the military or enrolled in postsecondary education or training.

This amendment provides funding for a Jobs for D.C. Graduates Program modeled after the JAG program and consistent with Jobs for America's Graduates, Inc. This program would assist schools in workforce preparation initiatives. Specifically, these initiatives assist at-risk and disadvantaged youth in graduating from high school and in finding and maintaining quality jobs thereafter. It is expected that FY 1996 funding would serve at least half of all 12th grade students and funding authorized in future years would include all interested 12th grade students.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

Subtitle L of Title II of the bill authorizes the Mayor to condition welfare benefits on parent attendance and participation in parent-teacher conferences once every 90 days. The Mayor must submit to the Secretary of Health and Human Services a plan for implementation of such a program. The plan must state how the Mayor plans to administer the program, conduct evaluations of the program, monitor the participation of parents, withhold and reinstate benefits, and long-term plans for the program. Beginning October 1, 1996, the District of Columbia is required to annually submit a report to the Secretary of Health and Human Services and Congress on the progress of this program.

The idea for such a program arose at one of the many consensus meetings I held to develop this comprehensive reform package. It was suggested by teachers who emphasized the need to ensure greater parent involvement. Further, it is consistent with the overall philosophy of the reforms proposed by District of Columbia school officials. In a July 13, 1995 letter to Representative Steve Gunderson, Mrs. Wilma Harvery, president of the District of Columbia Board of Education, and Franklin Smith, Superintendent of the District of Columbia Public Schools, cited the value of parent involvement in the success of both schools and students. "Parent and community involvement are critical to student and school success . . . Research show parent involvement is a crucial component in school success."

The Carnegie Corporation issued a report in June 1989 entitled "Turning Points: Preparing American Youth for the 21st Century". The report states the need to re-engage families in the education of our children and to have them become more actively involved in the school. "Reversing the downward slide in parent involvement and closing the gulf between parents and school staff with mutual trust and respect are crucial for the successful education of adolescents." It is intended that this subtitle on parental involvement will re-engage parents to become actively involved in the education of their children.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I would plead with my colleagues to listen to only one special interest group today, and that is the special interest group that is never heard. That special interest group is the children's special interest group. That special interest group is the children's special interest group of low-income families.

Mr. Chairman, I ask my colleagues to please not listen to any of the others. We had that kind of consensus, until all of the sudden special interest groups decided that we should forget about the children. Let us only think in terms of whatever it is that we think is important, and I am asking my colleagues to think about children.

Mr. Chairman, I am also asking Members to think about the amount of time that was put into developing this in a cooperative fashion. The gentleman from Michigan [Mr. HOEKSTRA] had 20 people from all segments of the District of Columbia society come and testify. The gentleman from Wisconsin [Mr. GUNDERSON] has gone all over this community.

Mr. Chairman, we had a town meeting downtown, and I closed the town meeting, my part of the town meeting, by saying that it is my hope that as adults we will think as adults and not act like children. My fear is that we will act like children and children will suffer.

We are always talking about demonstration projects around here. Mr. Chairman, here is a golden opportunity to see a demonstration project first-hand right here. We owe it to the community. We owe it to the children. We can watch it right here in the Nation's Capital.

Mr. Chairman, I would encourage Members to understand I too have always opposed vouchers. I oppose vouchers now. We are not talking about vouchers. What we are talking about is a scholarship. Not to the wealthy. We are talking about a scholarship to low-income youngsters who cannot benefit from any other program that is presently out there. We are talking about what it is we can do to help parents become the first and most important teacher a child will ever have. That is what this is all about.

Mr. Chairman, let us speak for the children today. Let us not pay any attention to any other special interest group; just the children. The children of the District of Columbia and the parents of District of Columbia children with low-income. Mr. Chairman, I plead with Members to ignore all other special interest groups.

Mr. DIXON. Mr. Chairman, I rise in opposition to the Gunderson amendment.

I do so with a great deal of respect for the distinguished gentleman from

Wisconsin who has spent countless hours on the most laudable of goals—improving educational opportunities for thousands of children in the District of Columbia. I know that he has consulted, cajoled, and compromised with District officials, and others intimately involved with this effort, to develop a consensus education reform package that could move the District public schools toward a world class education system.

Nevertheless, Mr. Chairman, the Gunderson plan, no matter how laudable the effort, simply does not belong on this appropriations bill. This amendment is a 142-page bill that authorizes some $100 million over 5 years for a variety of initiatives relating to the District of Columbia public schools. This amendment does not appropriate one additional dime to the District of Columbia. This is a proposal that should have been considered by the Government Reform Committee and the Economic and Educational Opportunities Committee. Those are the committees that have jurisdiction over this matter, not the Appropriations Committee.

Attaching this legislative proposal to this bill will most certainly result in a protracted conference with the Senate over this matter, and will most certainly result in a delay in getting critically needed funds to the District of Columbia.

Moreover, we cannot escape the fact that there is a deep disagreement over the substance and underlying philosophy of this proposal. It is deeply flawed in several respects. First, more than 40 percent of the new authorizations in the bill—some $42 million—is for so-called low-income scholarships. These funds would not be spent improving the quality of the District public schools—the stated intent of the Gunderson plan.

Rather, almost half of the additional funding in the measure would be spent to provide Federal funds for scholarships to low-income District students to attend private and religious schools in the District and the suburbs. Call it what you will, this is no different than a private school voucher plan. The Secretary of Education who also believes that it is a private school voucher plan says that "This aspect of the draft act is highly objectionable as a matter of good public policy."

Mr. Chairman, I cannot support the Gunderson amendment with its provisions to divert limited Federal resources to private and religious schools, with little or no public accountability for how the funds would be used. The proposal contains virtually no requirements that schools receiving these vouchers be accountable to the public for the type or quality of education they provide. There are no requirements governing quality of curriculum or teaching.

Moreover, this program is unconstitutional. The Supreme Court has consistently struck down aid programs that constitute public subsidies of religious schools.

Mr. Chairman, the Gunderson plan would also authorize the creation of so-called charter schools in the District of Columbia — a concept that the District Board of Education has already addressed. I have to ask the question why Congress must step in to tell the District school board to do what it already has the power and authority to do.

Of course, the answer is that this is all about the Republican ideology to promote privatization. There is a political agenda here to permit private schools to receive public education funds—pure and simple. The Gunderson plan would allow almost anyone to set up a taxpayer-funded charter school with minimal requirements. The Gunderson plan would simply drain resources from District public schools to these new charter schools, increasing the financial burden on a school system already fighting near collapse.

Under Gunderson, charter schools would operate independently—free of any meaningful requirements to ensure academic standards, preserve students' civil rights, or protect school employee rights. Charter schools would not be required to meet standards to ensure that teachers are qualified to teach or even have a minimal level of education. Charter schools would be outside the protections and rights of collective bargaining agreements between the public school system and employee unions. Charter schools would be outside standards that apply to other schools regarding health, safety, and other measures that affect the well-being of pupils and staff.

Mr. Chairman, these provisions strike at the heart of public education. This plan does not promote meaningful educational reform in the District of Columbia's public schools. I urge a no vote.

Mr. DIXON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY] the ranking member of the Committee on Economic and Educational Opportunities.

Mr. CLAY. Mr. Chairman, I rise to oppose the Gunderson amendment because it mandates a voucher program to finance the education of students from the District of Columbia in private and religious institutions. These vouchers could be used not only in private schools in the District of Columbia, but in surrounding jurisdictions as well. Mr. Chairman, a voucher by any other name is still a voucher.

As a preliminary matter, this provision violates home rule. The citizens of this great city should not be blackmailed by Congress into measures detrimental to the well-being of their schoolchildren simply because we hold power over the District's purse. The elected leaders of this city have not asked us to impose a program on its school system that strikes at the heart of public education.

The voucher provisions of the Gunderson amendment are contrary to the cause of school reform and may be unconstitutional. Furthermore, they do not promote overall improvement of education for all children, rather they drain much needed resources from underfunded public schools. I never thought I would see the day that this Congress would allow Federal funds to be diverted to schools which will be free to discriminate against students, including the disabled, even in their admissions policies.

Mr. Chairman, in my committee we have struggled to examine the consequences of vouchers. A little over a week ago, we conducted a field hearing in Milwaukee, WI, in a bipartisan attempt to assess what lessons a voucher program there held for national education policy. The answers are far from clear, and there is no sound evaluation data from which we can draw reliable conclusions.

The Gunderson proposal does not address those questions, but it does raise many others. How would District schools benefit from diverting funds to Montgomery County and Fairfax County schools? I do not dispute the obvious fact that some individual students may profit, but how in the world would that improve educational quality in the District for those not privileged to be accepted by private schools in neighboring States?

Mr. Chairman, the Congress has no right to establish a laboratory for radical experiments in the District of Columbia that would treat its children as guinea pigs. We would not impose the same ridiculous conditions on free citizens of any other jurisdiction. I urge my colleagues to oppose the Gunderson amendment.

Mr. GUNDERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. DAVIS], the chairman of the Subcommittee on the District of Columbia.

Mr. DAVIS. Mr. Chairman, the city schools are in crisis, and I want to compliment the gentleman from Wisconsin for working with many myriad of business and civics groups to bring this proposal before the House today.

Mr. Chairman, the city schools are in crisis. Less than 43 percent of eligible students are graduating from high school, and the students who graduate from high school, who are lucky enough to receive that diploma, in many cases are unable to go forward with a college education or vocational education or even to find jobs.

Mr. Chairman, what I have heard from the other side of the aisle is no proposals, no solution. If money were the answer, we would have solved this problem a long time ago. Over $9,000 per student, higher than any State in the United States, is the average that the city is spending on students today. But pouring money into this is not by itself the solution, although this proposal gives more money to the city than they currently get today. More money for Even Start; charter schools, bringing entrepreneurial modes into this.

We have heard a lot of talk about vouchers and opposition to scholarships. The city already does this. They do it under the ADA proposals for handicapped students today. Millions of dollars are going into private schools from the city, some of them out in Fairfax County. Accotink Academy, the School for Contemporary Education, giving people who qualify, under those laws passed by Congress, an opportunity.

Mr. Chairman, why cannot we extend this to the poor in the city as well, instead of condemning them to an educational system which has given them nothing but failure to date. We have a higher responsibility in this body than to just turn our heads.

This has been worked very closely with local citizen groups, with the local business community, to try to bring as much of a consensus that we ever can to these very difficult problems in the District of Columbia.

Mr. Chairman, I think this is a great start for the students in the city who are not hurt in this debate. The interest groups who are afraid of some kind of precedent are opposed, and some of the unions are opposed, but the students are the ones that really should be our interest.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, earlier this year the Republican majority approved cuts of $3.5 billion from discretionary education programs, including over a billion dollars in title I. The District of Columbia will share in those reductions. The harmful effect of those cuts will far outweigh any benefit, potentially, that may accrue to the District under the Gunderson amendment.

Mr. Chairman, my fundamental objection is that this amendment should not be here on this bill in the first place. We are 1 month into the beginning of the fiscal year. Ninety-two percent of the Federal budget is still being held up on the appropriated side of the budget.

Mr. Chairman, it is because amendments like this are being attached. This is a legislative issue. It ought to be dealt with by the legislative committee. It is a 144-page add-on which our committee has had absolutely no hearings on and which we should not be passing on here today.

Mr. Chairman, I know that most Members will vote for or against the amendment. I am profoundly opposed to this amendment. Not only because it should not be on the appropriation bill, but also because I think it has profound national implications as well. But even if I am the only one, as I was yesterday, I am going to vote "present" when the vote comes on this bill to simply indicate my objection to the constant practice of bringing legislative items to this bill that should not be here.

Mr. Chairman, I was not elected to be a city councilman for the District of Columbia. I was not elected by District residents in order to decide what their education rules are going to be. If they do not like what the Congress does here today, they cannot vote against us.

□ 1315

That breaks the principle of accountability. It indeed means taxation without representation. It means the establishment of policy without representation. That, in my view, means that this amendment constitutes an illegitimate legislative act. That is why I am going to vote "present" on these and all other legislative items, because we have no business in this forum, in this committee, voting on this issue.

If the gentleman from Pennsylvania [Mr. GOODLING] likes the idea, then, fine, do your duty and bring it out of your committee. That is the committee of jurisdiction.

Mr. GUNDERSON. Mr. Chairman, pointing out that there are no mandates in this bill on D.C. schools, I yield 1½ minutes to the gentleman from New York [Mr. WALSH], the chairman of the D.C. Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. GUNDERSON], my good friend and distinguished colleague, and I rise in support of his amendment and offer him my deep gratitude for the work that he has done.

Mr. Chairman, we did, in fact, have hearings in our subcommittee regarding education where we discussed the issues with parents, students, teachers, school board members and other interested parties. The schools and the kids need help, Mr. Chairman. Our subcommittee received many requests to make changes in the District's public schools. We considered cutting the pay of school board members. We considered cutting their staff. We considered forcing other changes. But we held back.

The work of the control board and the work that the gentleman from Wisconsin [Mr. GUNDERSON] has done I think, will have a dramatic and positive effect in the very near future on the quality of education in the District of Columbia.

Mr. Chairman, this vote is for the kids of this city. Wealthy families in Washington, DC, have had, and continue to have, the choice, the opportunity, to send their kids to private schools or public schools. What we are suggesting is that we are in favor of middle-class families and poor families having those same choices.

We believe that there is no greater gift that parents can give their children than a quality education. That should not be just for wealthy families, Mr. Chairman. That should be for poor families, middle-class families and all families in the District of Columbia. This goes a very short way in helping that to happen. I am hopeful that success will breed success and others will contribute to this scholarship program.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from the beautiful State of Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, this is a critical critical issue that has been at great debate for 200 years in this country. Religious institutions, including schools, have an absolute, unhampered, unbroken, historic tradition, constitutionally protected right to practice religion with no government restraints.

The public, on the other hand, has an absolute right to require, through government, accountability and responsibility from any institution that takes its money. Therefore, 200 and plus years ago, the Founders said, thus, no government public money shall go to aid any particular religion or religion generally. They were trying to avoid the entanglement of mandates and regulations from this body or any government body over religious institutions. That is why we oppose vouchers by any name, whether you call them scholarships or parochial aid.

Understand, my colleagues, this money just does not go to the District of Columbia. It goes to Montgomery County, Prince George's County, Arlington County, Fairfax County, and Alexandria County.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to my colleague in arms, the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in strong support of the Gunderson amendment which would drastically improve the schools in our Nation's Capitol.

Early this year, after Congressman GUNDERSON was chosen to lead the D.C. school reform effort, he asked me if I would help. For many years, my wife and I have helped get money and equipment to help build and equip hospitals, orphanages, and fire departments all over the world. In our hometown, we helped found, fund, and build a day care center for welfare mothers, so when the gentleman from Wisconsin called on me, I was excited to have the opportunity to help.

Approaching businesses for donations is something I have done all my life and so I understand the concept of lining up suppliers of construction materials. Next I approached local construction firms to see if they would assist in the effort. Their reaction was positive but they warned me that they had been involved before and that soon after the repairs had been completed, the repaired schools had been vandalized. They also advised me that the many regulations affecting construction in the District of Columbia made their efforts more difficult because of wasting money. The Davis-Bacon Act and the Fair Labor Standards Act restrictions on volunteers topped the list. Unfortunately, due to the opposition of Delegate NORTON and others, the Gunderson amendment does not include these waivers, which will be a disincentive to participation by the local construction industry.

Raynard Jackson, an aggressive young Republican, offered to line up volunteers and suggested getting additional volunteers from local industrial schools to help in the areas for which they were being trained such as carpentry, plumbing and electrical work. This would help provide on-the-job training for these young people and help them gain skills for the future. This effort is also in jeopardy because the waiver on volunteers was not included.

Although the opposition to these waivers has made the job of repairing D.C. schools more difficult, I am still willing to help and I still support the Gunderson amendment. That is really saying something, because my colleagues know how much I oppose the Davis-Bacon Act. Without being critical, I would offer an old adage to the D.C. Delegate and other leaders; "Don't look a gift horse in the mouth." Many of us care about the District of Columbia and want to help. Do not throw roadblocks in our way. Let us not let partisanship jeopardize the future of D.C.'s school children. Let us not waste this opportunity. Support the Gunderson amendment.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise today in admiration of the gentleman from Wisconsin [Mr. GUNDERSON] and in opposition to his amendment.

Mr. Chairman, like the gentleman from Wisconsin [Mr. GUNDERSON], I am a strong supporter of reforming public education in the district and find a number of ideas contained in his bill to be promising and worthwhile. But I oppose this amendment's language that would authorize use of Federal taxpayer funds to pay for private school vouchers or scholarships or whatever it is that we choose to call them.

I appreciate the efforts of the gentleman from Wisconsin [Mr. GUNDERSON]. He has met tirelessly with representatives of the community and those with a stake in the schools. Unfortunately, it is not enough simply to have meetings.

We have before us today an amendment that would create a very broad-based experiment in the lives of children. The gentleman from Wisconsin [Mr. GUNDERSON] has called this the best compromise we can achieve, and yet the committee of jurisdiction has not held one hearing on this detailed plan, much less a markup or any working compromise among Members that might have achieved real consensus.

My greatest concern is that there is little or no public accountability on how these dollars would be used. This amendment fails even to define what a school is for the experimental purposes under this plan and who can be a teacher in one of those experimental schools. There are provisions for a report to Congress, but nothing to ensure that the scholarship schools raise the achievement of students, nothing to ensure that we are not using Federal money to transfer students from one environment to another, with no real benefit to the kids.

At the same time, there is no real provision in this bill that provides for an effective, unbiased, comprehensive, scientific evaluation of the program that would give us an accurate picture of any positive or negative results as the plan proceeds.

For the reasons I have just outlined and a thousand questions unasked and unanswered, the dollars provided for in this amendment are highly questionable as a matter of good public policy. Maybe that is too strong. Maybe it is just uncertain as to whether it is sound public policy.

If we are to truly respect the long-standing tradition of this body to conduct careful deliberation, then I urge Members to vote "no" on this amendment so the committee with jurisdiction in matters of education may undertake even the most basic work and study that this significant change in policy requires.

A school is eligible to receive Federal voucher funds if it enrolls 25 or more students and can produce a financial statement. If it is a newly created school, it needs to produce 10 letters of support from the community. This is not a responsible reform that will benefit children. It is a business opportunity that has no way of guaranteeing a better schooling for the children involved. It is an invitation for fraud and misuse of funds. There are provisions in this amendment for a report to the Congress, but nothing to ensure that the scholarship schools raise the achievement of the students—nothing to ensure that we are not merely using Federal money to transfer students from one environment to another with no real benefit to the child.

At the same time there is no provision in this bill that provides for an effective, unbiased, and comprehensive scientific evaluation of the program that would give us an accurate picture of any positive or negative results. The evaluation component of this amendment is so minimal, and only applicable after 4 years, that it will not tell us anything reliable. In an experiment such as this we need to be able to discover what is working, what is not working, what problems have come up—foreseen and unforeseen. We need information about how the children did in their previous schools, what changes in behavior occur, the list goes on and on. The simple statement that an evaluation should be done after 4 years, with only a few specifications on what should be evaluated, will not produce the detailed results we need to hold this program accountable.

This amendment is also a lesson in illusions. There are fewer than 10 schools already operating in the District of Columbia that have tuition at or below the voucher level. In an informal survey, my staff found only a handful of slots open for students to enroll in these schools. These schools also seem to include many hidden costs, fees, and no provisions for transportation. The Speaker offered to fully fund this program for low-income students in the District, but there are not nearly enough openings in private schools in the surrounding areas to accommodate all of those children. There are instances where public schools in the surrounding areas will take students from outside their own district, but those instances are rare and much more costly than the voucher provides. Why then, are we tying up these millions of Federal taxpayer dollars for this program when they could be used to improve the public schools that serve all children in the District?

There are also no provisions in this bill to assure that students who want to participate in this program will be protected by civil rights laws once they are in these private schools. There are no provisions to provide for the disabled students, who often carry with them the need for costly special services. These same services are required by law to be provided by the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON], also a member of our committee.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Gunderson amendment.

Mr. Chairman, I would like to say that I was one of the Members who went to Milwaukee to see what the people in Milwaukee had to say about their school voucher program. One of the conclusions that I could not help but make there is that the kids, the moms, the dads in the program love it. They think it is wonderful. The academics, the school education officials who are involved with the unions, they do not like it.

I remember one young lady by the name of Yolanda who came up to me, she was in the audience, and told me about how much this program has impacted her and about how she has gone from a grade point average of 1.4 to 4.0 and how she thought we needed to expand the program in Milwaukee and indeed expand it all over the country.

That is what my good friend from Wisconsin is trying to do here in this bill, to do something for these kids.

The opponents of this amendment have nothing to offer. I feel that we should all support this amendment. It is a good amendment.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from California [Mr. DIXON] for yielding me the time.

Mr. Chairman, I would like to commend the gentleman from Wisconsin [Mr. GUNDERSON], my colleague on the committee, for his genuine concern and dedication to education. But even with that I must oppose his amendment. Major authorizing legislation like this should be given careful consideration in a separate bill and obviously should not be attached as an amendment to an appropriations bill. It should go through the Committee on Economic and Educational Opportunities that I serve on with the gentleman from Wisconsin [Mr. GUNDERSON]. I believe that the proposal should go through that committee and have full hearings.

In fact, the Gunderson amendment could actually be instituted by the local community without having to have the structure coming through this Congress. They can create their own programs that they want to, and it does not have to be through the U.S. Treasury. They could do that if they wanted to, without this Congress telling them. Let the local people make the decision, whether it be in my district or here in D.C.

The Gunderson amendment could have dramatic effect because of the private school issue and the Constitution. But let me also say that the concern I have is it may be cherry-picking or picking good students out of the D.C. school district and only to go to certain other school districts. I am concerned because we need those children in the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF], my friend, my classmate and my colleague.

Mr. WOLF. Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. GUNDERSON] for offering this amendment. This is our chance to help the students in the District of Columbia.

Mr. Chairman, my daughter taught for a year in the District of Columbia. I want to tell you, the schools are not doing very well. We are losing young people year after year. If I were a parent and had children in the District of Columbia schools, I would want this bill so badly, and no one in this body should oppose this bill.

Mr. Chairman, how many Members of this Congress, Republican and Democrat, who live in this region have their children in the District of Columbia schools? The answer is probably few or maybe none.

I commend the Speaker. I commend the gentleman from Wisconsin [Mr. GUNDERSON]. If this bill goes down, you will lose children. To vote against the Gunderson amendment is to vote against the young men and boys and girls in this school, in this District of Columia.

None of you would send your kids to these schools. None of you would send your kids to these schools.

This is a good bill. The Gunderson amendment is a good amendment. The Speaker should be commended. It will disgrace this body if this amendment fails.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in opposition to this amendment that allows the use of Federal funds in education for the so-called low-income scholarships. This proposal will establish a voucher program, will only serve to worsen the situation that my colleague from Virginia pointed out, because the vast majority of students will be left behind in a school system with even less resources than they have now.

This amendment will not increase parental choice. In a voucher program, the parents do not have the choice. The private schools have the choice. They will choose the students already in their schools first and then the students who excel in academics next.

In the hearing in Milwaukee to which there was reference, we found that the vast majority of students will be left behind in a school system with less funding than could have been available had they not had the voucher program.

Mr. Chairman, this amendment will do nothing to improve the situation in the Washington, DC, public school system. I urge my colleagues to join the Washington, DC, residents themselves who have already spoken in opposition to this idea in a referendum and reject this amendment.

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Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS], also a member of our committee.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding and for his tremendous initiative and leadership in this area.

I am very glad to follow the gentleman from Virginia. I have a lot of respect for him. A couple of weeks ago we were both in Milwaukee for a field hearing of the Opportunities Committee. We looked at that school system's implementation of school choice for low-income families.

What did we hear? The parents and families participating in that program have a high degree of satisfaction with the program, that school choice is increasing parental involvement in public education, and that is what the Gunderson amendment is all about. It is about shifting the educational paradigm, changing focus from providers of education to consumers of education. This is not about Republican or Democrat, conservative or liberal. It is about empowering low-income families and giving low-income parents the same choice that more affluent parents have to provide educational opportunity for their children.

Mr. DIXON. Mr. Chairman, I yield one-half minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, in the hearing in Milwaukee we did hear great satisfaction for those who were in the program, but the fact is we did not hear from those who were left behind with fewer resources.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I want to commend my friend, the gentleman from Wisconsin [Mr. GUNDERSON], for a well-intended attempt to help D.C. schools. But the message I bring is that the people who live in the District know how their youngsters should be educated.

We have said in this Congress that this Congress is tired of micromanaging and passing down things to States. Use that same rule of thumb in dealing with the D.C. school system.

I am sure each of us has some well-intended desires, but it took under, President Bush's administration, 2 years to even study, to get to Education 2000. Now we are going to do this on an appropriations bill.

It is very, very inadequate planning in education. This is a crucial thing, the education of the youngsters in the District of Columbia.

I want to let this Congress know that the youngsters in the District of Columbia have every right to a good education that is well thought out and well constructed and a systematic approach leading to education. No one-shot-overnight deal for them is going to work.

So be sure, before you vote for anything, to vote against this amendment. No matter how well intended it is, it is a very dangerous initiative.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I have great respect for the commitment of the gentleman from Wisconsin to education. I am a bit shocked that he has allowed himself to be used to make this kind of presentation.

What the American people fear most is Federal interference in education. Here is a situation where the children of the District of Columbia will be made guinea pigs of the radical right. You will have a private plantation system developed where without any kind of accountability, experimentation will be run out of the Speaker's office. It is the worst kind of situation where Federal money is going to be used in a very partisan way to set some precedents that then will be used for the rest of the country.

The precedent with respect to vouchers has been discussed a great deal. We have discussed vouchers. We have gone through that. The American people rejected vouchers for private schools. To come through the back door in this way, using the power of the Speaker's office and holding out carrots for a District which is desperate for funds, is the wrong way to do it. The American people will not tolerate it.

I hope we will withdraw this amendment.

Mr. DIXON. Mr. Chairman, I have one additional speaker remaining.

Mr. GUNDERSON. Mr. Chairman, I am honored to yield the balance of my time to the Speaker of the House of Representatives, the gentleman from Georgia [Mr. GINGRICH].

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 4½ minutes.

Mr. GINGRICH. Mr. Chairman, let me say first of all I am a little disappointed at some of how the D.C. bill has evolved, because last year when we were in the minority and we were approached about helping at a point where it would have been impossible for the Democrats to get votes for the District of Columbia appropriations bill, a number of us did everything we could to be helpful and provided the margin of passage. We did it because we thought this was our National Capital, and we had an obligation to do it.

But I am even more disappointed in the consistent refusal of Members, who ought to know better, to deal directly with the problems of children in terrible schools. Now, this is an article from yesterday's Washington Post: "D.C. school in chaos, Teachers' Union says; reports of violence cause fear at Ballou; officials say principal is in control."

This is a quote:

> Members of the Washington Teachers' Union complained yesterday that Ballou Senior High School, in Southeast Washington, is so out of control that some teachers and students have been staying home. "There have been robberies at the school, assaults, cherry bombs," union president Barbara Bullock said. "When we saw the chaos, we had to speak out. Teachers are afraid for themselves and the students." She said some teachers have called the union and said. "They are stressed out. You can't teach with all that hell-raising going on outside in the hall." Patricia Laster, an English teacher, said there is "constant traffic in the halls, there is open smoking of marijuana. Some of the students can be absolutely incorrigible. there have been threats made on teachers. Because of scheduling mix-ups, she said, some students still do not have class assignments and simply roam the halls.

Now, I would say to my friends, how long are you going to abandon the children? How long is the next unionized bureaucrat going to matter more than the child? How long is the next political support from the local teachers' union or political support from the local bureaucrats going to matter more than the children?

Somebody said they were worried about children being left behind. I will make you an offer. If the Democratic Party or if any significant faction is prepared to make this scholarship program available for every child in the District of Columbia who is below the poverty level, I will work with you to find the funding in the next 30 days for every child in the District of Columbia who is below the poverty level. Do not tell me about the Republicans favor the rich. Do not tell me that class warfare baloney.

On this program, the gentleman from Wisconsin [Mr. GUNDERSON] worked with the local community to develop a program targeted to the poorest children in this city, the children that every one of you knows is being cheated today, today. The President knows they are being cheated. His daughter goes to a private school. The Vice President knows they are being cheated. His go to a private school.

We are trying to give the poorest people in this city the same opportunities of the President and the Vice President.

Mr. DIXON. Mr. Chairman, will the gentleman, the Speaker, yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, as I understand this bill, there is $42 million over 5 years dedicated to this, and there is to be an effort to raise private funds. Do you think that that is going to fund the children of the District?

Mr. GINGRICH. I just said, I will say to my good friend, I just said to you if you will support this, in the next 30 days I will work with you. We will put together full funding, full funding for every child below the poverty level. It is time that somewhere in America somebody had the guts to stand up and say that in the inner cities of this country, on the American Indian reservations of this country, and in some rural areas, in that order, we are cheating these children, and we are cheating them on behalf of teachers' unions, and we are cheating them on behalf of bureaucrats. We stand around and say we ought to do better.

We have an article on page 1 today that says 60 percent of the kids in this country who are seniors cannot do any American history; they failed the history test for the most basic items. This country is in a crisis.

We had a Million Man March out here that said they are sick of the welfare state, they are sick of being cheated, they are sick of living in neighborhoods with fear of drug dealers.

We had an article in the Washington Post yesterday describing precisely the kind of school the gentleman from Wisconsin [Mr. GUNDERSON] is trying to save.

Now, you want to call my bluff? Then you support the Gunderson amendment and let us sit down and see who is prepared to help the poor children. Do not tell me when Democrats vote for the teachers' union, against the poorest children in this city, when Democrats vote for the bureaucrats against the poorest children in this city, do not tell me who is the party of the rich. We are prepared to help the poorest children. We will do what we can.

But no citizen should look at this Congress and watch somebody come in there and vote "no" on Gunderson and I think they care about the children. People who vote "no" on Gunderson are voting for the unions and the bureaucrats, no matter what the damage is to the kids.

The gentleman from Wisconsin [Mr. GUNDERSON] has done a heck of a job reaching out to everybody, and as the Washington Post said very clearly, there are a lot of groups who helped him until, in fact, there was strong opposition.

Where does the opposition come from? It comes from the bureaucrats who do not want to have to change. It comes from the tenured teachers who are incompetent, who do not want to be challenged.

Now, we should quit requiring the children of D.C. to go to violent schools, drug-ridden schools and schools that are dens of illiteracy and dens of ignorance, and we should give them a chance to have a scholarship and go to a decent place, and if the Black Caucus will vote with us, I will work with you to find the rest of the money.

But do not use some lame excuse about leaving kids behind. This is an important first step. It is a vital first step, and if you will call our bluff, we will get you the resource.

Mr. BRYANT of Texas. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. If I have time, I will. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. I thank the gentleman for yielding.

Will you pull this bill for 30 days, let us find that money, and then bring the bill back to the floor so we know for sure what you are saying is what you will do?

Mr. GINGRICH. If you will give me your word, if Mr. DIXON gives his word, we will not have to take 30 days. You two give us your word that you are going to vote "yes" on final passage when it comes back and you are going to vote for the Gunderson amendment when it comes back. We will find the money.

Mr. BRYANT of Texas. Before I give you my word, Mr. Speaker, how much money are you promising?

Mr. GINGRICH. Let us see how much it is going to take for children under poverty.

Mr. BRYANT of Texas. How much money do we need to do this?

Mr. GINGRICH. Let us see how much it is calculated.

Mr. BRYANT of Texas. If you do not know how much money is needed, Mr. Speaker, you cannot promise you are going to bring it back in 30 days and fix it and then ask us to vote for it on the basis of your promise, if you do not know how much money is needed.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. WALSH. I think the city government would have a big problem if we held up this bill for another 30 days. They spend that Federal formula money the day that it arrives.

Mr. DIXON. If the gentleman will yield, as I listened to the Speaker here, it would be worth it to hold it up to fund all the kids in private schools in the District of Columbia. It certainly would be worth holding up the bill to do that.

Mr. GINGRICH. I did not say all the kids. I said children below the poverty line.

Mr. DIXON. That includes, Mr. Speaker, 92 percent of the kids in the school district here.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I was just going to point out that we are only talking about students who "are at 185 percent of the poverty level or less," who want to apply for some kind of a scholarship. Now, we are happy to do a survey, and before this bill comes back from conference, I think we are going to be able to have some understanding of exactly what the cost will be.

Mr. GINGRICH. If the Chair will indulge, let me say one last thing, because I have been generous in trying to yield. Let me say one last thing. The gentleman from Texas just implied if the scholarship money was available, every child in the D.C. schools would leave. If the gentleman truly believes these schools are so bad that every child in the D.C. schools would leave, then the gentleman ought to wonder why he is trapping them in a monopoly that is failing. If you will vote "yes," before we come back from conference we will find the money.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to point out I think games are being played again. You see, we are forgetting all about the opportunity we have to get the private sector involved in fixing schools that need fixing in the worst way. We are talking about getting some seed money in there to make sure that the private sector can come and help with the scholarship program. But all we want to do is talk around the issue and forget about kids. That is the tragedy.

Mr. GINGRICH. I have run out of time. The Chair is being indulgent. Let me just say if you will vote "yes," we will do the survey. We will find out how many children want to leave. In fact, I hope the D.C. schools will cooperate. We will do the survey even if you vote "no." Your predicate is that every child will want to leave, so it will cost too much, so let us keep them trapped where they are being destroyed, because we do not have the nerve to face up to how many want to leave. We are prepared to serve the children. You vote "no" for the bureaucrats. We will vote "yes" for the children. Morally we should vote "yes."

Mr. BRYANT of Texas. Will you tell us how much money, Mr. Speaker, and we will consider whether to vote for it or not.

Mr. DIXON. Mr. Chairman, I think this is a very interesting dialog. I ask unanimous consent that we have 5 minutes to continue it.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GUNDERSON. Mr. Chairman, reserving the right to object, I did not hear the request.

Mr. DIXON. I asked unanimous consent to have 5 minutes to continue this dialog.

The CHAIRMAN. Is that per side, 5 minutes per side?

Mr. GUNDERSON. Is it 5 minutes for the Speaker? Is that what it is?

Mr. DIXON. I was asking. The Speaker can ask unanimous consent.

Mr. GINGRICH. For a dialog or for more speeches?

Mr. DIXON. Mr. Chairman, I ask unanimous consent that I have 5 minutes to speak out of order.

Mr. GUNDERSON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair can only entertain an even-handed request.

The gentleman from California has 3 minutes remaining of his time. If there is an extension of that time, the time must be equal on each side.

The gentleman from California has 3 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

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Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding me time.

Let us talk Turkey here. They are talking about what they want to do for the children of the District of Columbia. Let me say they have already denied Head Start to 690 children in the District with their budget cuts. They have already denied 2,500 District of Columbia children Basic and Advanced Skills. They have eliminated Goals 2000, denying improved teaching and learning, to as many as 21,500 children in the District. They eliminated summer jobs for 2,029 in the District.

Now they are talking about improving the quality of education in the District by awarding 14 scholarships, 14 scholarships, to some 65,000 school children in the District of Columbia.

I say this is another farce they are trying to perpetrate on the public.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GUNDERSON. Mr. Chairman, I just want to indicate we increased Head Start in 5 years 180 percent. Guess how many youngsters got included? Thirty-nine percent. 180 percent increase in money, 39 percent increase in participation.

Mr. CLAY. Mr. Chairman, that argument is part of the farce. That is part of the farce.

Mr. DIXON. Mr. Chairman, I yield myself one minute.

Mr. Chairman, this is certainly a very interesting conversation. Once again, let me say to the gentleman from Wisconsin [Mr. GUNDERSON], he has done an excellent job, but there is major opposition to the bill and major concern about the bill. The bill has never had a hearing.

The chairman of the subcommittee talked about a hearing. I think the gentleman from Wisconsin [Mr. GUNDERSON] will concede he came to our committee, which is not the appropriate committee, took about 20 minutes, and gave us some generalization about what the gentleman intended to include in the bill.

But more importantly, the scholarship program, or voucher program, whatever it is called, could be applied to schools outside of this jurisdiction, and could be applied to religious schools.

But, more importantly, to address the Speaker's concern, my personal view is that we should improve the public schools in the District of Columbia. That is where the problem is. Because there are not enough resources in this country to voucher or give scholarships to all the needy children.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. All time has expired on the side of the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. DIXON. Mr. Chairman, I believe I have 3 minutes to close.

The CHAIRMAN. There was no extension of time by unanimous consent.

Mr. DIXON. There was no objection to the unanimous-consent request.

The CHAIRMAN. The Chair advised the gentleman from California [Mr. DIXON], if the unanimous-consent request was to extend the time controlled by the gentleman, under the rule, the same extension would have to be given to the other side. The rule adopted by the House so constrains the committee.

Mr. DIXON. Could the Chairman tell me how much time I have left?

The CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that each side be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DIXON] still has the right to close.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, I just cannot resist, because I think this is such a wonderful moment. Correct me, because the gentleman from Wisconsin has done this work and it is magnificent, but as I understand it, the gentleman has provided $3,000.

Mr. GUNDERSON. If the gentleman will yield, the maximum is $3,000.

Mr. GINGRICH. The maximum amount to be provided is $3,000. So if the student in the case that has been hypothesized says, "Can I have $3,000," we currently spend, I believe, $9,000.

Mr. GUNDERSON. Between $8,000 and $9,000.

Mr. GINGRICH. So in fact the taxpayer will be saving $5,000 for every child who decided to go over. So for every child who decided to go over, we could have two more scholarships for the next two children, because the current school system is spending between $8,000 and $9,000 on bureaucrats and people who are failing. Understand this, they are currently spending between $8,000 and $9,000.

We are suggesting a scholarship program for the poorest children in the worst schools, and it is almost self-funding. So I just think it is ironic, it is fascinating, that in the last possible defense of the worst possible system with the least possible excuse, we are now being given rigmarole.

We will find the money. The gentleman from Florida [Mr. YOUNG], on the Committee on Appropriations, said we will find the money. So do not suggest to us this is about money. This is about whether you are for the unionized bureaucracy and the teachers that are failing and the schools that are dangerous, or whether you are for the poorest children in D.C., in the poorest neighborhoods, in the worst schools, having the same opportunity as the Gore family, the same opportunity as the President's family, and, by the way, in a city where only 28 percent of the teachers send their children to public schools, because the teachers know better, and they will not send their children to public school. We are giving the poorest children the same opportunity for less cost to the taxpayer. I think there is no excuse for voting "no."

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in praise of the gentleman from Wisconsin, STEVE GUNDERSON, as a human being, as a colleague, and as a Member. The gentleman is rare. I rise in praise of the gentleman from Pennsylvania [Mr. GOODLING] as well. These Members have worked so beneficially and fruitfully with me and many in my district.

I rise in gratitude to the Speaker, who has appointed a task force, which has diligently worked with us on a home rule basis.

If Members had conducted themselves as the gentleman from Wisconsin [Mr. GUNDERSON] has during what I have come to call the Gunderson round, this would not be a polarized Congress. The gentleman has been an example of problem solving that the entire Congress needs to emulate.

The gentleman has tried desperately for a win-win situation, and has virtually made it. The gentleman has respected local democracy in the District of Columbia. The gentleman has spent countless hours, not only with District officials, but with individual residents whose name no one will ever know.

In the very beginning, when the Speaker's task force was appointed and the notion of vouchers, call them scholarships, got in the press, the residents of the District of Columbia, I can tell you, were up in arms, and they called and they screamed, and they wanted to know more about vouchers than they wanted to know about the financial authority being imposed on them. I think that is because there has been a referendum in the District of Columbia, and in that referendum, a program of the kind that is a small part of the bill of the gentleman from Wisconsin [Mr. GUNDERSON] was voted down overwhelmingly.

I ask Members of the other side what you would do if there had been a referendum in your district and people voted this down, not because of money, but because overwhelmingly my constituents believe it is the District public schools that must be improved.

So in the end we agreed to a compromise that was a private scholarship fund for private schools, and anybody could apply. For us, the compromise was that we knew some of our students who were best and most conscientious would leave, but that was the compromise.

It was in Mr. Gunderson's own Republican conference where there was an insistence that there not be only private scholarship funds, which all of us would try to raise money for, but Federal funds as well.

Mr. Chairman, this is not an ordinary issue. Each side feels itself bound by principle. This has been for me a principle. That is why I have looked for a compromise all during this time. This is a collision of principles, and pejorative comments on either side do not truly respect the principles that are at stake here. And on top of the principles involved in private funding, we have religious schools.

The good news is I have been meeting on a daily basis and will continue to meet on a daily basis. The Gunderson proposal is too important to throw away. I refuse to give up on this bill. I regret it has for many of us, as in a Greek tragedy, a fatal flaw.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DIXON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 177, answered "present" 1, not voting 14, as follows:

[Roll No. 763]

AYES—241

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham

LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—177

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—1

Obey

NOT VOTING—14

Berman
Boucher
Chapman
Conyers
de la Garza
Fields (LA)
Gephardt
Miller (CA)
Moakley
Pelosi
Rangel
Stokes
Tucker
Weldon (PA)

□ 1415

The Clerk announced the following pair: on this vote:

Weldon of Pennsylvania for, with Mr. Conyers against.

Messrs. ORTIZ, BATEMAN, SKELTON, and STUPAK changed their vote from "aye" to "no".

Mr. CRANE changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1415

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the bill before us puts this Member in an untenable position. The bill has gone through needless water torture. There are amendments that openly invite confrontation and a possible veto—that can only be solved in conference. There are cuts so large that it will bring the District crashing down around this body one day while it is in session if no accommodation is reached in conference.

Yet, Mr. Chairman, I cannot honestly stand here and say to my side that more of what the District wants it will get if this bill goes down in final passage.

Mr. Chairman, to the other side I say, they cannot get anything more because they have gotten virtually everything they want, including a devastating cut, the most severe antichoice provision in the United States ever enacted in a bill, and now an appropriation in a bill, and much more.

Mr. Chairman, neither side has anything more to gain by stopping this bill and putting the District of Columbia at risk. We have heard much about the D.C. government during this debate. It has been castigated as if the District were not reflective of the problems of urban America. It has been castigated as if Congress itself had not put a financial authority in place which has not had time yet to begin the vital and indispensable work of reform.

We have heard nothing about what the District has done, that the gentleman from New York [Mr. WALSH], the chairman of the subcommittee, could and should have taken some credit for. I was forced to get on the floor with that record: the establishment of a financial authority; twice as many positions saved as the Congress required; a torturous cap that has brought services to barely breathing.

Mr. Chairman, this morning's paper talks about an example of what the District has done all on its own. "This fall, the University of the District of Columbia collapsed five colleges into two and 60 departments into 18."

A study, Apple Seed Center, a group of conservative lawyers, has put out a report indicating that the Federal payment should not be $600 million, but over $1 billion.

Most of all, if I could continue to have my colleagues' attention, in my city $2 out of $3 are earned by nonresidents. Leave aside the notion of a commuter tax, we do not have any State that could recycle some of that money back the way they do in Syracuse and Philadelphia and elsewhere.

Most of all, my colleagues have not heard about the innocent bystanders. When people come before this Congress, they talk about the D.C. government. They do not talk about the people I represent.

Mr. Chairman, the Washington Times a few days ago wrote an article about the people I represent. I want to leave Members with what it said so that they will know that what I have said about the cut must be rectified.

"Deteriorating Services Drive Out Middle-class." Mr. Chairman, let me just read a little bit of what they say.

"I am giving up," said Gail Barnes, a 14-year District resident and advisory neighborhood commissioner in Ward 4. "I don't want any more potholes beneath my knees, street lights that are out, trees that are untrimmed."

Mr. Chairman, another part, "The latest essential service to blink out is repair of street lights and traffic signals. The District owes Potomac Electric Power Co. about $20 million for light repair and citywide electric bills * * * Since its contract with PEPCO ran out September 25, the city has tried to handle repairs itself, but the Department of Public Works has been unable to keep up with the demand."

Mr. Chairman, I appreciate that the Speaker has called PEPCO to say, "Hold on. Somehow the money will get to you," but if that is not a case study in desperation for this city, I do not know what is.

"Hundreds of police officers," the article says, "have left the department in recent months. Arrests have plummeted as overall crime has risen 11 percent compared to the first nine months of last year."

We are told that, "* * * the police lack paper to copy reports, new tires and parts for cruisers and scout cars." We are told that, "* * * during the summer, five of the city's 53 fire companies were closed each day in order to cut costs, and during the past week, six of the city's 16 ladder companies were out of service because of mechanical problems."

Mr. Chairman, any Members who think this city is not in a state of crisis should read their own Washington Times.

Mr. Chairman, I appreciate what Members have gone through having to suffer through a bill that is not their own and has nothing to do with them. This bill puts the District in an untenable financial position. It will not be improved if we vote it down.

Mr. WALSH. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I beg the indulgence of my colleagues just for a moment. This has been my first opportunity to chair a Subcommittee on Appropriations and bring a bill to the floor. It has been an amazing journey.

Mr. Chairman, let me just briefly explain what we have done. We pay the District of Columbia $660 million in lieu of taxes for property occupied by the Federal Government in the District. Basically, we are paying rent. We also give them $52 million for the pension programs for police, firefighters, teachers, and judges.

Mr. Chairman, $712 million, that is what this bill is really all about. This year is the first time that the funds will go to the control board, directly to them. They will then allocate those funds, and they will make the cuts in agency and program budgets.

What are the cuts? We are about $85 million under last year's funding level. For some, that is not enough; for others, it is too much.

We have also asked the control board to look at a number of items like rent control, privatization, and the District's health care system. We did that to preserve home rule to let the District make their own decisions.

Mr. Chairman, what are the other issues, the ones that take up all the debate? Abortion. For those on the right, this bill has the toughest language ever on a District of Columbia appropriations bill. On the left, the NEA amendment was defeated. There should be something in there to make every Member in this room happy.

Mr. Chairman, I ask for bipartisan support. I ask my colleagues to set their one issue aside, if they would. We have work to do. We complain about our constituents having one issue. They are with us 95 percent of the time. We go off the ranch for 5 minutes, and they are angry and upset with us. We are doing the same thing here. I ask my colleagues to set their one issue aside. Help us to pass this bill.

Mr. Chairman, a reporter did a profile of me recently. He accused me of being dour and humorless. I said to him, "If you had spent 250 out of the last 300 days working on trying to solve the District of Columbia's problems, you would be suicidal, let alone dour."

Mr. Chairman, the District is a mess. We all know it. No Member has been tougher on the District of Columbia than I have, but there is progress. The CFO is starting to assert himself. He is starting to take over the finances of the District. The District is responding to pressure.

We have a responsibility. We have talked a lot about our rights, but we have a responsibility to pay our rent to this city. We are not talking about the national debt. That comes next week.

Mr. Chairman, let me just finish with a story. I had the opportunity not to long ago to attend a prayer breakfast where Chuck Colson spoke. Those Members who are old enough to remember Watergate will remember Chuck Colson. He went to jail for what he did in Watergate, and now he runs a jail ministry, and he does a wonderful job with people.

Mr. Chairman, he talked about a statement that he made when he was in Washington. He said, "I would go over my mother's back to pass a bill, a certain bill." For him, winning was everything, and sometimes it is for us now.

Do my colleagues know what that bill was? It was postal reform. Now, I do not know if that gets my colleagues' juices flowing, but it does not get mine.

Mr. Chairman, the point here is that we have got to set our differences aside and do our job. This is an appropriations bill. We have to pass it sooner or later, and I would strongly request that my colleague, the gentleman from California [Mr. DIXON], reach across the aisle, as I did last year, and help us to pass this bill.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to the Gunderson amendment which establishes a publicly funded education voucher program within the District of Columbia.

I do not wish to deny the District of much needed Federal assistance for their school system, but this amendment should be defeated because it is unconstitutional, it has broad implications regarding Federal education policy, and it goes against the wishes of the District population.

This amendment will establish a program in which Federal dollars can be used for direct support to private and religious institutions, with no accountability for the use of those dollars. This is clearly unconstitutional. Time and time again the U.S. Supreme Court has held that public funds cannot be used to pay, either directly or indirectly, for religious education or the religious mission of parochial schools. Yet under the Gunderson amendment religious schools cam receive direct payment from the Federal Government for tuition costs.

Mr. Chairman, establishing a voucher program will no doubt benefit a few students whose parents have the drive and ambition to stake out better opportunities for their children. But it does nothing for the many students who are not accepted to the school of their choice or cannot participate because there is not enough money.

The concept of a public education system is based on a belief that everyone should have access to basic level of quality education for all students. Unfortunately, many of our public schools are not providing that level of education. But instead of improving that quality of education for all children through our public system, the private school voucher solution benefits the few at the expense of the many.

I fear that this amendment signifies the approach the Republican majority intends to take for Federal educational assistance to throughout the country. It is the wrong way to go. And with our precious Federal education dollars shrinking rapidly the effects will be even more devastating.

Mr. Chairman, this amendment also goes against the will of the people of the District of Columbia. In an overwhelming referendum in 1981 the District population opposed a voucher program and again this year, the District of Columbia School Board reaffirmed this decision. While the Republican majority continues its rhetoric about local control and giving power back to communities and localities, when it comes to the District of Columbia they impose a program which the public does not support.

I urge my colleagues to vote against the Gunderson amendment.

Mr. TORKILDSEN. Mr. Chairman, the horror of Halloween took on new meaning Wednesday when I learned that one of my constituents, Gloucester City Councilor Valerie Nelson, was hit by a car while visiting the District. This accident was not due to her or the driver's negligence. It was due to the fact that the District had not paid its power bill. The crosswalk lights at 14th and Independence were not functioning, along with hundreds of other lights throughout the city.

The District not paying its bills is the height of irresponsibility, and epitomizes the type of mismanagement that has brought the District to its own present state of disrepair. Living and visiting the Nation's Capital should be a safe and special experience. While the city cannot insure all people against tragedy, paying the bills to maintain basic public safety is just that—basic.

What started out as a great family experience turned into a nightmare for Mrs. Nelson. She was walking in the crosswalk with her 12-year-old daughter on the way to visit the Smithsonian. Her young daughter watched in horror as her mother was sent flying onto the hood of a car and then rushed to the hospital with a crushed pelvis. It is reprehensible that this family is suffering because of the incompetent District government. While this is one family in my district, we all know thousands of families who visit our Nation's Capital every year. All of our constituents—and District residents—are at risk.

It is ironic that Americans travelling to our Nation's Capital to view the Government at work are imperiled because the functions of the local government aren't functioning. I call on the District to prioritize their spending. Bills related to public safety must be paid first—before the school board salaries, even before the Mayor's salary. There is absolutely no excuse for not paying bills that facilitate the health and well-being of citizens and tourists. What other important bills are not being paid? How many people have to be injured—perhaps killed—before the District will govern this city?

Congress and the tax-paying residents of the District deserve to know the answers.

Mr. CLAY. Mr. Chairman, my amendment is very simple. It prohibits the use of Federal tax dollars to subsidize vouchers for private and religious school education. While many aspects of the Gunderson amendment propose improvements in public school education in the District of Columbia, the voucher proposal will harm the District's public schools.

My amendment does not speak to how the District of Columbia can use its own funds. It is limited strictly to the use of Federal tax dollars.

The private school vouchers in the Gunderson amendment would allow Federal tax dollars to be funneled into private and religious institutions. The U.S. Supreme Court has consistently struck down programs that constitute public subsidies of religious institutions, so the Gunderson provision is probably unconstitutional.

Mr. Chairman, we should not permit Federal tax dollars to be used to support private schools that are under no accountability to the Federal Government for the type and quality of education they provide. These schools would receive Federal taxes even though they might discriminate against students, including the disabled, or would cherry pick from among only the best and brightest DC school children.

I urge my colleagues to support my amendment.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "District of Columbia Appropriations Act, 1996".

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

□ 1430

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 245, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 191, not voting 18, as follows:

[Roll No. 764]

YEAS—224

Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Christensen
Clement
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pombo
Porter
Portman
Pryce
Radanovich
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—191

Abercrombie
Ackerman
Allard
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chenoweth
Chrysler
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Coyne
Cunningham
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gilman
Gonzalez
Goss
Gutierrez
Hancock
Hansen
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Kolbe
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Minge
Mink
Molinari
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rahall
Ramstad
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Slaughter
Stark
Stockman
Studds
Stump
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—18

Berman
Boucher
Conyers
de la Garza
Fields (LA)
Gephardt
McHugh
Miller (CA)
Moakley
Nadler
Pelosi
Quillen
Quinn
Rangel
Riggs
Stokes
Tucker
Weldon (PA)

□ 1449

Mr. PALLONE and Mr. LUTHER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 764, I was unavoidably detained by a conflicting meeting and inadvertently missed the vote. Had I been present, I would have voted "yea."

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, under the authority granted in clause 6 of rule X, the Speaker appoints as additional conferees from the Committee on Commerce for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. HASTERT and Mr. GREENWOOD.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this 1 minute for the purpose of engaging with the distinguished majority leader to find out what the schedule will be like for tonight and for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas, the majority leader.

Mr. ARMEY. Mr. Speaker, we just had the last vote of the day and of the week. The House will not be in session tomorrow.

Mr. Speaker, the House will meet in pro forma session on Monday, November 6. There will be no votes on Monday.

On Tuesday, November 7, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider the following 12 bills under suspension of the rules:

H.J. Res. 69, reappointing Homer Alfred Neal to the Smithsonian Board of Regents;

H.J. Res. 110, appointing Howard H. Baker, Jr., to the Smithsonian Board of Regents;

H.J. Res. 111, appointing Anne D'Harnoncourt to the Smithsonian Board of Regents;

H.J. Res. 112, appointing Louis Gerstner to the Smithsonian Board of Regents;

H.R. 2527, permitting electronic filing and preservation of Federal Election Commission reports;

H.R. 238, providing for the protection of free-roaming horses in the Ozark National Scenic Riverways;

H.R. 207, the Cleveland National Forest Land Exchange Act of 1995;

H.R. 2437, providing for the exchange of certain lands in Gilpin County, Colorado;

H.R. 1838, providing for the exchange of lands with the Water Conservancy District of Washington County, Utah;

H.R. 1585, the Modoc National Forest Boundary Adjustment Act;

H.R. 1581, land conveyance, city of Sumpter, Oregon; and

H.R. 1163, land exchange at Fire Island National Seashore.

After consideration of the suspensions, the House will take up the conference report for H.R. 1977, the Department of Interior Appropriations Act for fiscal year 1996.

It should be noted, Mr. Speaker, that any recorded votes ordered will be postponed until 6 p.m. on Tuesday, November 7.

On Wednesday and Thursday, Mr. Speaker, the House will meet at 10 a.m. We plan to consider the conference reports for S. 395, the Alaska Power Administration Sale Act, and H.R. 1058, the Securities Litigation Reform Act, both of which are subject to rules.

The House will also take up a continuing resolution for the 1996 fiscal year, which is subject to a rule.

Of course Members should be advised that additional conference reports may be brought up to the floor at any time.

Mr. Speaker, we expect to conclude legislative business for the week by around 6 p.m. on Thursday, November 9. There will be no legislative business on Friday, November 10, in observance of Veterans Day.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I have one or two inquiries to my friend from Texas.

There is, as the gentleman has stated, a very important conference report on the Interior bill that you have scheduled for Tuesday evening, and, given the lightness of the schedule on Wednesday, would it not be possible to move that bill to Wednesday and do it in the light of day instead of late in the evening on Tuesday?

Mr. ARMEY. I thank the gentleman for making that request, but we have already very carefully developed the schedule for the purpose of having Members in attendance on Tuesday night, and there will be no change.

Mr. BONIOR. What is the status of the product liability bill; may I ask my friend from Texas?

Mr. ARMEY. If the gentleman will yield, we expect perhaps the motion to go to conference sometime next week.

Mr. BONIOR. Sometime next week.

And I note there was also another continuing resolution that the gentleman from Texas mentioned in his remarks, which means that I guess we expect that we will not meet the second deadline for finishing the appropriation bills, and so my question, I guess, to my friend from Texas would be:

When do you expect us to do that and can you give us a sense of how long the extension will be?

Mr. ARMEY. We expect to do the CR on Wednesday, and of course we expect to continue working on the appropriations.

Mr. BONIOR. Have you picked a date yet?

Mr. ARMEY. I respond to the gentleman by saying as soon as possible we will be bringing them back from conference.

Mr. BONIOR. But my question was to how long the extension might be, the CR, through what date.

Mr. ARMEY. The exact details of the time frame for the CR are still in the discussion stage. We will not have that determined until perhaps sometime tomorrow.

Mr. BONIOR. Mr. Speaker, I thank my friend for his observations and comments.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MINORITY SIDE

Mr. BONIOR. Mr. Speaker, I, on behalf of the Democrat leaders, am pleased to announce that the official objectors for the private calendar for the minority side for the 104th Congress are as follows: Mr. BOUCHER of Virginia, Mr. MFUME of Maryland, and Ms. DELAURO of Connecticut.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MAJORITY SIDE

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the official objectors for the private calendar on the majority side for the 104th Congress are as follows: Messrs. SENSENBRENNER of Wisconsin, COBLE of North Carolina, and GOODLATTE of Virginia.

ADJOURNMENT TO MONDAY, NOVEMBER 6, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, NOVEMBER 7, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 6, 1995, it adjourn to meet at 12:30 p.m. on Tuesday, November 7, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE DEMOCRATS: AFRAID THE PARTY IS OVER?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, earlier this morning I was amused by what I heard from many of the Members on the Democratic side coming up and talking about how off base the new Republican majority was in planning to balance the budget and cut taxes. We heard one Member come up and say it was going to be the end of the Republican Party; that they were going to pay, because they were absolutely outraged at these tax cuts that we were forcing on the American people.

Another Member came up and said that he was proud of what they did in 1993, that they helped bring down the debt, and that the Republicans were being mean-spirited because these tax cuts would hurt senior citizens, these tax cuts would hurt middle-class Americans, these tax cuts would hurt everybody: dogs, cats, you name it. The Democrats think if you cut taxes, it is going to hurt all of America.

The facts are these: Americans are taxed more today than they have ever been. Those Members that came up, proud of what they did in 1993 and not liking what we are doing today, forgot to mention one thing. In 1993, the Democratic Party, without the help of one Republican vote, passed the largest tax increase in the history of America. What did that tax increase do to those senior citizens who they now claim to want to protect? It raised taxes on senior citizens. In fact, it stole money from senior citizens and their Social Security funds by raising the tax rate to 85 percent.

If that was not enough, if their assault on Social Security was not enough in the 1993 tax increase, they decided to make sure that seniors would be punished for being productive. So what did they do? They lowered the earnings level from $34,000 to $14,000. Heaven forbid that our senior citizens dare to make a positive impact on our economy after they retire and get on Social Security.

I tell you, they talk about wanting to help the working class, and then they criticize tax breaks that are going to help the working class. Somehow they have not gotten past the old, worn-out 1960's radical notion that you can love jobs and you can love job creation, but you have to hate the person that creates the jobs. It makes absolutely no sense.

I guess all these Democrats coming out and kicking and screaming, saying no, please, please, save the American people from tax cuts; explain why on the cover of U.S. News and World Report this week there is a story that says "The Democrats: Is the Party Over? They know they are in trouble, and it is even worse than they think."

I would suggest that one of the reasons that the party is over for the liberal Democratic Party in America is because they have consistently been enemies of working-class Americans. They have consistently voted for higher and higher taxes. Any Democrat you hear speaking today on the budget most likely voted in 1993 for the largest tax increase in the history of America.

Despite what they say about wanting to protect senior citizens' wages and wanting to protect Medicare and wanting to protect Social Security, facts are a hard thing to shake. The fact is, it was the Democratic Party that voted to raise taxes on senior citizens and on Social Security recipients. How they can come up 2 years later with a short memory and criticize the Republican Party in the most just absolutely extreme terms imaginable is beyond me. They call us Nazis because we want to preserve and protect Medicare.

My gosh, the spokesman for the President of the United States said we wanted Medicare to die and probably wanted senior citizens to die, also. This is not the talk of a rational party, this is the talk of people who know that the curtain is coming down on 40 years of the most radical governing concepts that have ever invaded Washington, DC. We are moving beyond that, we are daring to make a difference, we are daring to empower American taxpayers and the middle class again. That is what we do. Hopefully the Democrats will come on board.

CONTINUATION OF REPORT INTO TAXPAYER SUBSIDIZED LOBBYING IN WASHINGTON, DC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I wanted to continue our report on the Subcommittee on Regulatory Relief's investigation into taxpayer—subsidized lobbying that goes on here in Washington. Most recently, our subcommittee has uncovered a group known as the National Council of Senior Citizens that receives 95 percent of its funding, or $73 million, from the taxpayer each year.

The NCSC, as it is known, is organized as a nonprofit 501(c)4 corporation. It gets its grant money mainly to operate programs that are to benefit senior citizens, including the senior community employment program, and the chairman of the subcommittee who has oversight over that program, the gentleman from California, Mr. DUKE CUNNINGHAM, this morning announced that the GAO had done an investigation into the NCSC and various groups who administer those programs and found that they had been misdirecting much of the taxpayer money to pay for their Washington operations, and that this misuse of the taxpayer funds was leading the gentleman from California to say that we need to fundamentally redo this program.

Part of what happens with the NCSC is that they have set up a political action committee. That political action committee, or PAC, spent $400,000 in the last 4 years giving contributions to candidates who were running for President, for Senate, and the House of Representatives. Remember, this is the group that receives 95 percent of its money from the Federal Government. They have set up a political action committee. It is virtually an extension of the Federal Government.

If you think about it, would we want to have the IRS setting up a political action committee, or the Treasury Department setting up a political action committee, or maybe OSHA setting up a political action committee? I do not think so. The taxpayer would not put up with that. That is virtually what is happening with this group here.

Even more disturbing to me was the notion of how they raised their funds from the private sector. In our investigation we discovered that in one of their housing projects for senior citizens who are on low income, they send out letters from the management urging them to pay dues to the NCSC. I want to read to the American people from a letter from one of the management in the Robert Sharp Towers in Florida.

It says to the members of that housing unit, all of whom are senior citizens, who are retired, living and barely subsisting on Government pensions or Social Security, the letter says:

> There are many reasons for joining the NCSC. First of all, you have the privilege of living in these beautiful buildings, protected with security, free from financial worries of high rent and big raises.

Then it goes on to say:

> The NCSC is well known and a powerful national organization, with political clout in Washington. To carry on, the organization needs money for these worthwhile projects, such as lobbying and letter writing, which take paper, stamps, envelopes, and hard work. Dues are payable June 1.

The message is, if you want to stay in this senior housing project, you had better pay your dues to the NCSC. That type of intimidation I think is unconscionable. It goes to fund lobbying efforts by this group to spend more taxpayer dollars, and it is something, quite frankly, that we should no longer allow to occur in this Congress.

I will submit for the RECORD, Mr. Speaker, a copy of that letter, along with a recent policy statement by the NCSC saying that as of October 13, when we brought this matter to their attention, they are no longer allowing their management staff to issue such letters recruiting funds from their senior housing members, thereby admitting that it is a disastrous idea to have that conflict of interest.

The material referred to follows:

ROBERT SHARP TOWERS, NCSC HOUSING MANAGEMENT CORP.,
Miami, FL, June, 1995.

DEAR TENANT: All TENANTS are asked to become Members of the NATIONAL COUNCIL OF SENIOR CITIZENS (N.C.S.C.).

The Dues are $12.00 a year for an individual or a couple and can be paid in the office.

The N.C.S.C. is responsible for building ROBERT SHARP TOWERS, and have always been active in Benefits for SENIOR CITIZENS—Social Security, Medicare, Senior Aide Program.

There are many Reasons for joining N.C.S.C.

First of all you have the privilege of living in these beautiful buildings, protected with Security, and free from financial worries of high rent and big rates, which people are forced to pay in privately-owned apartments.

The N.C.S.C. is well-known and powerful National Organization with political clout in Washington. To carry on, the Organization needs money for these worthwhile Projects such as Lobbying and letter writing, which takes paper, stamps, envelopes and hard work.

Dues are payable the First of JUNE.

Please cooperate and pay your $12.00 DUES as soon as possible.

Sincerely,

MARJORIE MCDONALD,
Manager.

NCSC TALKING POINTS FOR HOUSE FLOOR, PREPARED FOR CONGRESSMEN MCINTOSH, ISTOOK, HAYWORTH—NOVEMBER 2, 1995

NCSC received 95% of its annual budget ($73 million) from government grants last year.

NCSC is a 501(c)(4) non-profit organization.

NCSC gets most of grant money to provide jobs to low-income seniors through a program called the Senior Community Service Employment Program (SCSEP), which is funded under Title V of the Older Americans Act and administered by the Department of Labor.

Half of NCSC's Annual Report for 1994 is dedicated to its political and legislative activity. Only four pages are dedicated to its job programs.

NCSC's PAC made $405,000 in contributions in the last 4 years to Presidential, House and Senate candidates.

NCSC is participating in a labor-based coalition that is directing a multi-million dollar TV ad campaign against Congress' efforts to balance the budget and save Medicare.

One of NCSC's wholly-owned subsidiaries—the NCSC-Housing Management Corporation—operates dozens of seniors' housing projects nationwide. In one of these projects—the Robert Sharp Towers in Miami—the NCSC threatened to take away housing if tenants refused to pay NCSC dues.

[NCSC's THREATENING LETTER IS ATTACHED].

When NCSC was confronted with this letter in October 1995, it is immediately adopted a policy prohibiting its employees from soliciting tenants to join NCSC.

[NCSC's NEW POLICY IS ATTACHED (policy is in italic)].

A recent GAO Report cites NCSC, along with 9 other groups, for improperly spending $20 million in SCSEP grant funds on excessive administrative expenses.

McIntosh, Cunningham and Hayworth held a press conference this morning [SEE ATTACHED PRESS RELEASE] to focus attention on these outrages, and to call for:

(1) block granting Title V funds to the states to eliminate groups like NCSC that do nothing but waste money on administrative expenses; and

(2) adopting the Istook/McIntosh/Ehrlich/Simpson/Craig amendment to the Treasury Postal Appropriations Bill to end welfare for lobbyists like NCSC.

Section III

SITE STAFF RESPONSIBILITIES

3-3 It is not intended that the members of the Board of Directors of the Owner Corporation implement the various daily administrative operations of the property where a Managing Agent has been contracted for such purposes. Dependent upon the extent of Board involvement in the property, many policy and procedural aspects necessary for the operation of the property are delegated to the Managing Agent. However, in all instances, the staff employed for the property are responsible to the Site Manager who, in turn, is responsible to the Property Manager and/or representatives where designated.

As the Managing Agent, NCSC-HMC expects from Site staff the utmost care and respect to be given all residents and the general public in dealing with site activities. Questions asked of you by the residents must be answered promptly and politely. If you cannot provide an accurate response, bring the question or issue to the attention of the Site Manager/Property Manager for a response.

Volunteers who work under the direction of the Site Manager should regularly convene, as should other site staff, to work out problems, bring themselves up-to-date on procedures, and to offer recommendations to NCSC-HMC on improving the conditions existing within the property.

Only authorized site staff are permitted to handle the property funds, Resident records and matters regarding sensitive property issues, (e.g., recertification/verifications, etc.). Should you have a question with respect to your role as an employee, do not hesitate to bring the matter to the attention of your immediate supervisor.

Managers and all staff of properties are prohibited from soliciting for membership, products or services to be purchased by tenants. Managers and all staff are prohibited from sending out informational material utilizing project stationary or signing such solicitation utilizing your title as manager. Any violation of this policy will result in severe disciplinary action.

CONGRESSMAN DAVID M. MCINTOSH,
Washington, DC, November 2, 1995.

MCINTOSH BLASTS LOBBYING GROUP NCSC FOR INTIMIDATING OLDER AMERICANS

WASHINGTON—Leading the drive in the House to end taxpayer subsidies to lobbyists who launder those funds for political activities, freshman Rep. David McIntosh, R-Ind., on Thursday blasted a taxpayer-subsidized lobbying group for intimidating seniors into paying dues to that group.

The National Council of Senior Citizens receives 95 percent of its annual budget, or $73 million, in taxpayer grants—making it virtually an arm of the federal government. One of its subsidiaries, the NCSC-Housing Management Corp., operates dozens of seniors' housing projects nationwide. In one housing project, Robert Sharp Towers in Miami, the NCSC threatened to take away seniors' housing if they refused to pay NCSC dues.

In a June letter to residents of Robert Sharp Towers, NCSC asked for membership dues (see attached letter). The letter also said benefits of NCSC membership include "the privilege of living in these beautiful buildings . . . free from financial worries of high rent and big raises, which people are forced to pay in privately-owned apartments."

McIntosh said the letter is the worst form of intimidation and prays upon vulnerable senior citizens who depend on NCSC for housing.

"The message to seniors from this thinly veiled threat is clear—either pay NCSC dues or you're out on the street," McIntosh said. "Not only is NCSC using our tax dollars to pay for its lobbyists, but it also is threatening and coercing vulnerable older Americans—and that's an outrage.

"While taking more than $73 million from taxpayers, NCSC lobbies, operates a PAC to make political contributions and buys advertising against congressional efforts to balance the budget. The activities of NCSC are a scandal and an affront to every taxpayer because we're the ones subsidizing NCSC's lobbying and intimidation—taxpayers are subsidizing welfare for lobbyists."

Each year the government hands out as much as $160 billion in taxpayer grants to thousands of nonprofit groups. While many of these groups do charitable work that benefits society—feeding the poor, housing the homeless or cleaning the environment—others engage in highly sophisticated lobbying and political advocacy. And some nonprofits even do their lobbying at taxpayers' expense.

During the last six months, the House Government Reform and Oversight subcommittee on Regulatory Affairs—on which McIntosh serves as chairman—has held four hearings into the money laundering of taxpayer funds for Washington lobbyists. Each hearing has been a window into the world of high-powered Washington lobbying and the lengths to which some lobbyists will go to hide their taxpayer subsidy.

On the NCSC, McIntosh has found that while taking in $73 million in taxpayer grants NCSC also operates an aggressive political action committee that during the last four years has made $405,000 in contributions to candidates for the House and Senate. NCSC also is participating in a labor-based coalition—comprised of other lobbyists that also receive taxpayer grants—that is directing a multi-million dollar television advertising campaign against congressional efforts to balance the budget and save Medicare. The ads include attacks against specific lawmakers.

In an investigative series on lobbying by taxpayer-financed groups, the New York Post reported last month that the "first 15 pages of its (NCSC's) 32-page annual report detail NCSC's extensive 'advocacy' activities, including * * * lobbying for Clinton's health care plan and against the balanced budget amendment."

The Post also highlighted the NCSC housing subsidiary and the motivation for its lobbying: "The NCSC successfully fought cuts in a program especially important to its bottom line: the Section 202 federal housing subsidy for seniors, which brings in tens of millions to its subsidiary, NCSC-Housing Management Corp."

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. McINTOSH. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. One of the questions I had, Mr. Speaker, to the gentleman, as the gentleman knows, I offered an amendment similar to his, vis-a-vis the military-industrial complex contractors and other people who, really, 100 percent of their money was coming through the Federal Government through contracts. As you know, they also send out letters to their management saying everyone must give, they must give cheerfully, and they must give to the following people, and so forth. That went down.

Can the gentleman tell me, what is the distinction between the charitable nonprofit side and these for profits?

Mr. McINTOSH. Mr. Speaker, I ask unanimous consent to continue for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. McINTOSH. Mr. Speaker, the key difference there is that contractors are already covered by Government regulations and have very strict limits on what they can do for lobbying. There has also been a misunderstanding about our bill. It is not only applying to charities and nonprofit groups, but also to for-profit groups, including Government contractors when they receive grants, such as research grants. So the gentleman from Colorado [Mr. SKAGGS], who does not agree with our legislation, pointed out that many businesses would be limited by our bill in how much lobbying that they could in fact do.

Let me, if I might ask the gentlewoman, if we incorporated her provision into the bill, would she then be able to work with me to try to get this passed?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will continue to yield, one of the reasons I offered this is because I think it is unbelievable we are going after the Girl Scouts and not after the Lockheeds and the big military people. I am shocked at the people who voted to go after the Girl Scouts, but not to go after that. I think we ought to be evenhanded. I would prefer we go after neither.

Mr. McINTOSH. Let me say, Mr. Speaker, we are not going after the Girl Scouts.

THE EFFECT ON THE AMERICAN PEOPLE OF THE POTENTIAL CRISIS IN THE BUDGET AND CUTS IN SOCIAL PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, we come to this podium to raise several issues, and so many are before us. I do think in terms of the philanthropic limitations on pressing their points, we do trample on constitutional rights of first amendment speech when we deny the Boy Scouts and Girl Scouts and United Way to press their issues before the U.S. Congress. I hope we will consider that.

What I would hope that we would also consider as we proceed this week is to not talk about Democrats and Republicans, frankly, but really to talk about the American people and the potential crisis that we are not facing in light of some very argumentative language and mean-spirited language about holding this country hostage, about train wrecks and refusing to lift the debt ceiling, which for many people might sound extremely confusing, but we are not at a point with a budget reconciliation proposal, dominated and proposed by the Republican majority, that cuts $270 billion from Medicare and $182 billion from Medicaid, cuts education, training, and cuts the opportunity for research and development, clearly not a direction this country should go in as it relates to the needs for our young people to be educated, cutting and burdening our students in colleges by increasing the amount of student loan payments they have to make by taxing them during the time they are in college.

We find that really, whatever persuasion the American people are, you will find now cited in the Wall Street Journal that 73 percent of Americans prefer smaller Medicare and education cuts over a 10-year budget.

No one is denying that there should be an opportunity to balance this budget. Most of us in our right mind are concerned about the future of this country, and those of us who have come from local government and State government, I have come from local government in the city of Houston, have balanced budgets. But it is patently unfair as the American people, these are not Democrats and Republicans, who have said 73 percent prefer a 10-year budget plan and much smaller cuts, because they know what they will face as working Americans when their children who are in college, whether it be community college or whether it be a 4-year college or graduate school, will have interest accruing on their student loans. They understand what it means when we have cut 30 percent of research and development, the very crux of creating jobs in America for those who come out with their diploma and are told that there is no employment. They, frankly, know what it means when 61 percent ask for the President of the United States, as I have done by way of a letter to him, to veto this Budget Reconciliation Act.

□ 1515

My challenge and charges to the Republican majority and to the Speaker is that we should not hold this Nation hostage with respect to the debt ceiling. We have bonds that may be in default, we have the potential for mortgage rates to go up over this period of time, car payments to go up over this period of time, and we are facing a crisis that will not allow us, frankly, to consider the concerns of Americans.

I have to look at, in the summer of 1996 in Houston, TX, the loss of some 6,000 summer jobs for our young people. Now, many have accused those positions that come through the Houstons works program and come through funding through the Department of Labor as being baby-sitting positions.

Well, let me tell my colleagues what it does for high school students who have never been exposed to the work world. It gives them a challenge. It gives them income in many instances to provide for their parents who need to have extra income to make ends meet, it helps expose them to career opportunities, and yes, it sometimes provides them with the simple things like food, clothing, and the opportunity to go back to school in the fall. Yet, because of cuts in programs that have been constructive all over the Nation, job training programs and summer work programs, of which I am a product of, we will have a crisis in the summer of 1996.

Mr. Speaker, this crisis can be avoided if we take a moment to look at this budget reconciliation package and acknowledge that it is the absolutely wrong direction to take this country. We are remembering the 1981 tax cuts of which this $270 billion will be used, and let me say to those who are making under $50,000 and may have two or more children, you will not see any tax cut, for they have cut sizably the earned income tax credit.

Many of our citizens who consider themselves middle income and make $28,000, they will not receive that benefit, and they have cut the earned income tax credit that has been really a support system and a reward system for those working individuals making under $50,000. We will not get that with the $270 billion in Medicare cuts that are supposed to be for tax cuts for those making over $300,000.

So my point is, let us not hold this Nation, Americans, hostage on this issue of the debt ceiling. It is time to extend it so that we do not go into default, and that we acknowledge that we have a responsibility worldwide to keep this country's system, economic system stable, so that real discussions can be had: Do we want to cut student loans. I mean, frankly, do we want to do that. Do we not want to look reasonably at the Medicare cuts to ensure that Medicare is stable for those of you who are now working Americans, but yet not burden the elderly Americans who would have to pay the higher premiums, and do we want you today to have higher mortgage payments and car payments because we are not frankly dealing with the American people.

Lift the debt ceiling for a while, let us have a budget reconciliation package that really responds to the American public, all of us, some 73 percent who want this country to work.

AGREE TO DISAGREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, one of the great things about this Nation is the fact that we can come here and agree to disagree, the fact that we are free to have a variety of different opinions.

The gentlewoman from Texas [Ms. JACKSON-LEE] who preceded me in the well has some very definite opinions that differ from mine, as is her right, and really, there is so much information that begs a response that I just think it is appropriate to point out a couple of things.

No. 1, with reference to first amendment rights of freedom of expression, this is what the Constitution says: "Congress shall make no law abridging the freedom of speech."

Nowhere in the Constitution of the United States does it state that the Congress will subsidize with American tax dollars someone's right to politically organize. Mr. Speaker, it is not really free speech when you and I are required with our tax dollars to pay for it, point No. 1.

Point No. 2, with reference to the comments of my friend from Indiana, I find it incredibly shocking that a public housing project would be involved in what amounts to a senior shakedown. The language needs to be repeated, because it needs to be amplified. All tenants are asked to become members of the National Council of Senior Citizens, NCSC. That in itself would not be so bad, a simple request. Of course, the American people need to know that over 95 percent of the funding for the NCSC comes from you and I and other taxpayers. But still, that money is not enough. There has to be more that comes from seniors.

There are many reasons for joining NCSC. First of all, you have the privilege of living in these beautiful buildings protected with security and free from financial worries of high rent and big raises which people are forced to pay in privately owned apartments. The NCSC is a well-known and powerful national organization with political clout in Washington. To carry on, the organization needs money for these worthwhile projects, such as lobbying and letter writing which takes paper, stamps, envelopes, and hard work. Dues are payable the first of June.

Now, certainly, Mr. Speaker, every organization has a right to ask for membership, but is it the role of the Federal Government of the United States to step in with taxpayer dollars and be a party to what in essence is a letter that I believe tries to intimidate seniors involved in the shakedown.

It was interesting, too, to listen to some of the rhetoric that is brought forth to the well of this House. My good friend from Texas just talked about cuts. Again, my friends on the liberal side of this House fail to understand simple mathematics. When expenditures are increased, there are no cuts. Average spending for a Medicare recipient will rise from $4,800 this year to $6,700 in the year 2002. That is an increase of 45 percent per beneficiary. Yet, in the twisted mathematics of Washington, replete with Orwellian news speak, people come to the floor of this House time and time again to talk about cuts.

The gentlewoman said we were holding the American people hostage with reference to making a decision to finally balance the budget.

Mr. Speaker, I submit, if we do not face economic facts, we will continue to hold future generations of Americans hostage. If we fail to answer this clarion call to action, we will be acting without any responsibility or regard for the real work at hand. Make no mistake, this talk of cut is absolute fiction. This is absolutely false. We are restraining the rate of growth in Government; we are not making cuts. That is patently true.

The fact is that we are moving now to save the very programs that folks claim are being sacrificed, to save the very programs that will work for this generation of seniors and to provide the framework to continue those programs on. That is the absolute fact in front of the American people.

In this debate, let people of goodwill with disagreements come to this floor and indeed, write their Congress people, but let them do it without tax dollars, without the largesse of the hardworking men and women of America, because face it, friends, one of the big truths is this: Money does not emanate from the Government, it comes from you and me, from working and paying our tax dollars. That supplies the money, and we should be held accountable for the way in which that is spent.

Now, absolutely good people can disagree, and I would champion the right of my friend from Texas to disagree with me, as she often does. But let us level with the American people.

Mr. Speaker, we will continue this at a later time. The debate goes on.

HOLD THE CHILDREN HARMLESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I would like to pick up a bit where the gentlewoman from Texas left off, because we are going to hear so much about the budget and reconciliation and balancing the budget, and I do not know about anyone else, but when I talk about this at home, folks' eyes glaze over. They hate their own budgets, so why should they want to listen to what is going on here.

Let me talk just a bit about why there is so much passion, why there is not an agreement, and why we have certain Members willing to take the full faith and credit of this great Nation and hold it hostage, so that they can get their way on the budget.

Mr. Speaker, if we took a kitchen table in America and sat everyone around it and you were trying to do a family budget, and let us assume you have to cut spending, as we have to cut it in this body. Here is the big difference between the two sides, here is the big difference: We do not want to take money from the children in Head Start education and college, we do not want to do that, and we do not want to take grandma and grandpa's money sitting at that table so we can send $20,000 to the rich uncle who lives in Chicago that makes half a million dollars. That is what this budget fight is about.

Now, they are going to say, oh, but the rich uncle who lives in Chicago is the guy who creates the jobs, so he has to get the money. But that is bottom line what this is about.

We are saying, this is not the time to send a present to the rich uncle. I think at every kitchen table in America when times are tough you try to hold the children harmless so they can get their education, they can get their nutrition in the school lunch program, and they have a chance to go to college, because they are the future. You try as long as possible and as hard as possible to hold the seniors harmless, because they have not caused this. But this is just like your budget, only bigger, by a magnitude of gazillions of dollars, and the thing is, who pays?

The gentleman from New York is going to have a very eloquent session on this, talking about education. People do not know how badly we have hurt education. In my State alone, the estimate for the increase of 9th to 12th graders in the next few years is almost 28 percent. Twenty-eight percent more kids are going to be hitting those senior high schools. So the Federal Government is backing away from all sorts of programs, plus it zeroed out summer jobs for those kids, and it did all sorts of other things that is going to impact their future.

So this is what it is about. People know they cannot get enough votes here to override a veto, so they have to take this debt ceiling thing, the thing that guarantees our money, the thing that guarantees the bonds of this Nation, the thing that guarantees the full faith and credit of this Nation, and hold it hostage and say, we will not lift the ceiling unless you let us have our way so we can take money from the little kids and money from grandma and grandpa and send it to the rich uncle in Chicago. Hey, if you think that is a good plan, you have to be really happy, that is what is going on. But when you get behind everything else, that is exactly what is happening here. So try and keep that in mind.

I must also say, this being the 75th anniversary of women having had the right to vote, this has been a very hard week for me in this body. We have seen all sorts of things change, and you would wonder if women could vote at all.

We have seen charts being allowed on this floor that were not medically certified, that were inaccurate, that should never have been here and that were never here before, but suddenly the rules are going to allow that. We have seen the rules expanded for the other side so that they can talk; we have seen women's health and women's lives being taken away as a reason for doctors to treat them. Is that not amazing?

So I really hope that the women of America start waking up, and the men too, that are really understanding this.

We heard the debate about whether the nonprofits should be able to lobby here. Well, I want to tell you, let me tell you who is lobbying here, and that is the military industrial complex. That is why you have $8 billion worth of B-2 bombers that nobody wants and all sorts of add-ons to the defense bill. They can do it and they are doing it with 100 percent Federal money, because a lot of them work in companies where all their money is Federal money. Nobody wants to turn them off. But they are so afraid that the senior citizens may come in here and talk about Medicare cuts or the Girl Scouts might come and talk about what happens if they lose some of the money in jobs programs for the summer, or the schools and teachers come in and talk about Head Start or what happens if we cut back, that those people must be gagged.

Mr. GUNDERSON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair can only entertain an even-handed request.

The gentleman from California has 3 minutes remaining of his time. If there is an extension of that time, the time must be equal on each side.

The gentleman from California has 3 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

□ 1530

Mr. CLAY. So we gag them. But when I offer my amendment to say, OK, if you are going to gag them, we ought to gag the defense contractors, no, we do not do that.

These are not American priorities that I know unless this is a different America than the one I know. I hope we find some way to break through the clutter and noise and try to bring to people what these real issues are, and people get engaged in this.

Government is not the hokey-pokey. You cannot just put your hand in or your foot in. You have got to put your whole self in, understand the issues, and start working to make a difference or you are going to be awakened in a couple of years and wonder what happened.

PRESIDENT UNWILLING TO LEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, throughout our history Americans have looked to their President for leadership in meeting the challenges and crises we as a country have faced. George Washington led us through the birth of our Nation, Abraham Lincoln preserved the Union and freed the slaves, Franklin Roosevelt led us out of the Great Depression and into victory in World War II, and Ronald Reagan faced a challenge of double-digit interest rates and double-digit inflation and gave us the greatest peacetime economic expansion in history while bringing about the collapse of communism.

But today, as we face the challenge of finally getting America's fiscal house in order and balancing the budget for the first time in 26 years, we see a President who is not willing to lead. In fact, we see a President who has abdicated his responsibility to lead just when the value of personal responsibility is undergoing a revival in America. Instead of submitting a balanced budget of his own to offer as an alternative to the Republican budget, President Clinton proposed a phony budget that did not balance at all.

The nonpartisan Congressional Budget Office, CBO, the budget office that President Clinton said we should all go by, says the President's budget leaves us with a $209 billion deficit in the year 2005, a bigger deficit than we have today. In fact, have a little chart that shows the budget deficit growing under the President's so-called balanced budget plan from $196 billion today in fiscal year 1996 to $209 billion in fiscal year 2005.

The President's so-called balanced budget is such a joke not a single Democrat would even vote for it. Indeed, when Republican Senators HATCH and SANTORUM offered the President's budget in the Senate, the Senate defeated it by a vote of 96 to 0.

Instead of submitting a plan to save Medicare, which his own Medicare trustees said would be bankrupt in 7 years, President Clinton has ignored the problem, refused to work with us in Congress, the majority party, anyway, to save Medicare, and has engaged in a Medicare campaign designed to frighten and deceive senior citizens about the Republican plan.

Instead of coming forth with a bill to end welfare as we know it, as the President promised when he ran for President, the President remains silent throughout the welfare debate. Instead of delivering on a middle-class tax cut, as he also promised when he ran for President, and it is interesting that Candidate Clinton said one thing and President Clinton did another thing although, but instead of delivering on a middle-class tax cut as he promised during his Presidential campaign, the President pushed through the biggest tax increase in history, a tax increase that the President has recently admitted was a mistake. In fact, he said down in Houston at a fund raiser:

> Probably there are people in this room still mad at me for that budget because you think I raised your taxes too much, and it might surprise you to know that I think I raised them too much, too.

That is what the President said. But, characteristically, the President blamed someone else for his own mistake, in this case the Republican Party in the Congress, which voted unanimously against the Clinton Democratic tax increase.

So, Mr. Speaker, at a time when Americans are embracing the value of personal responsibility, what does the President do but blame everyone else for his own lack of leadership?

Well, Mr. Speaker, Republicans in this Congress are different. We are keeping our promises, and we are stepping up to the Nation's challenges. No more excuses, no more Washington gimmicks, no more blame game. Republicans are providing the leadership that President Clinton promised but which, unfortunately, he lacks, the leadership that America needs.

It took less than a year for us Republicans to accomplish what President Clinton, in the most powerful office in the world, the most powerful political office, could not deliver in 3 years. In fact, just last week, we passed historic landmark legislation which balances the Federal budget for the first time in 26 years. We actually will balance the budget by the year 2002 by limiting the increase, not the decrease, in Federal spending to approximately 3 percent per year between now and 2002.

Second, we preserve and we protect and strengthen Medicare while allowing Medicare spending to increase for every senior every year. The increase in California, where I come from, is from $5,000 per Medicare beneficiary today to $8,000 per Medicare beneficiary in the year 2002. In fact, over that 7-year period, we plan to spend an aggregate of $50,000 per Medicare beneficiary in California.

Third, genuine welfare reform that requires work, that emphasizes the family, and gives people hope for the future.

Last and very importantly, tax cuts for families and for economic growth and job creation in the private sector which gives us most of our new, good-paying jobs.

Mr. Speaker, it is time for the President to follow the Republicans' lead, do the right thing for America's future and support a budget, our budget, that truly reflects America's values.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2492. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1382. An act to extend the Middle East Peace Facilitation Act.

THE HORRIBLE TRUTH ABOUT TAXES IN LIGHT OF BUDGET AND APPROPRIATION PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, the budget and appropriation process is behind schedule. I think that it has seldom been as far behind as it is now. But, as we all know, it is moving, and the critical high point is about to arrive. The negotiations between the Democratic President and the Republican-controlled Congress will mark the high point of this whole process.

Already there have been preliminary negotiations, I understand, at the White House; and we are beginning to enter that process. I think it is important at this point to take stock of where we are and to have the American people understand their vital role in this process.

I would like to, first, congratulate the American people, because the polls show that American common sense is again on target. American common sense, despite all the confusion, the double talk, the contradictions, the obfuscation, the diversions, despite it all, the American people understand basically what is going on; and their common sense has prevailed, and we have to listen to it.

According to the Wall Street Journal, 61 percent of the people want the President to veto the Republican budget. Yes, the Republican budget produced by this House of Representatives and the Senate, both controlled by Republican majorities, 61 percent of the American people, according to the Wall Street Journal, want the President to veto that budget. Thirty-two percent said it is OK.

Seventy-three percent of the American people prefer smaller Medicare and education cuts, and they prefer a 10-year budget, according to the Wall Street Journal. Seventy-three percent prefer a 10-year budget and smaller cuts. Only 22 percent would go with a 7-year budget and the deep cuts that are proposed by the Republican majority.

Common sense is on target. Congratulations, American people, congratulations to democracy.

When the decisionmakers and the people who are locked into the closets of Washington lose their way and cannot understand the obvious, the American people can bring them back to reality.

Yes, the American people are on target right now, but I fear, as we move closer and closer to the climactic point of this whole process of budget and appropriations that there is going to be more attempts to confuse the American people. There will be more obfuscation and more diversions thrown at the American people.

So we have to be careful. Contradictions will be rampant. There will be a refusal to acknowledge certain things, like they will not acknowledge the horrible truth about taxes in America.

I believe we should have a tax cut. I believe American individuals and families, certainly those making $50,000 or less, must have a tax cut. It is only fair, because they have been swindled, they have been swindled since 1943 by having the great shift in the proportion of the revenue burden borne by individuals and families versus corporations.

That is my chart that always bring because there is no truth more fundamental, no truth more important than the truth of this chart, which shows how the tax burden shifted from American corporations to American individuals and families.

Herein lies the solution to the problem of the deficit, herein, lies the solution to the problem of a balanced budget, and herein lies the solution to the problem of giving some relief to the American people who have borne such high taxes for so many years.

There might have been a justification during the era when we were fighting the cold war. So the American people made sacrifices. They bore the high taxes. The cold war is over now. There is no reason to continue, and there certainly is no reason why you had the shift which is so dramatic from the corporate world bearing the great portion of the tax burden to a situation now where the corporate world bears a very tiny portion of it and individuals and families are forced to bear most of it.

I will come back to that, but that is one of those acknowledgments, one of the pieces of truth that both the White House and the Republican-controlled Congress refuse to acknowledge. We are going to have negotiations at the White House, and I certainly support my Democratic President. I am glad that you have the President there instead of a Republican President. We are going to have a little more balance, but I worry about it.

I recall several years ago when negotiations took place at the White House between the Republican President, George Bush, and the Democratic Congress, at that time I also worried, because the same phenomenon was under way, where corporations were still getting away with murder. Corporations were still being allowed to pay less and less taxes. Democrats will have to take responsibility for that.

I remember at that time I wrote a rap poem which started:

In that great white D.C. mansion there's a
    meeting of the mob.
And the question on the table is which beggars will they rob.
There's a meeting of the mob.
Now I'll never get a job.

I wrote that from the point of view of the average person out there who deserves to have at least an economy which is producing jobs and an economy which is not going to take away too great a portion of his wages after he is able to get a job and make some wages.

So this contradiction will not be discussed at the White House at great length. They are going to just give in to the phenomenon which exists, give in to corporations, and that is most unfortunate. We cannot let them do that.

I think if the American people understood what is going on in a better way, that common sense out there, that common sense which makes our democracy work among the people, that common sense would be communicated up the ladder to both the Members of the Republican-controlled Congress and the President and his staff in the White House.

There is a refusal to acknowledge the great income gap that exists in America right now, that is getting greater, the gap between those who are richest and those who are poorest, has never been larger. We are at the top of the countries in the world in terms of income gap. We used to be in the middle. Great Britain had a greater income gap between the very rich and the very poor. Now it is in America.

Democratic America now has the greatest gap between the very rich and the very poor. We have to acknowledge that. If we acknowledge that, then at the White House they would be discussing an increase in the minimum wage.

The Republican-controlled Congress says, "We will not discuss an increase in the minimum wage. We will not increase the minimum wage even one penny." That is what they have said. They will not discuss it because we want to bring the wages of American workers down to the level of the cheapest labor in the world. The labor in Mexico is cheap but it is even cheaper in Bangladesh. We want to make our workers come down to that level so our products will become competitive.

☐ 1545

What they mean is so our profits will skyrocket even more than they are now. We are making the highest profits in the history of Wall Street, in the history of American corporations. They are doing very well, but they want to go down, wages to go down even lower so that they can make even bigger profits. That is a contradiction. That is a problem that they will not acknowledge on one side of the table at the White House. The President is on record that he is willing to raise the minimum wage, but not the Republican-controlled Congress. They will not acknowledge the fact that all of this talk about giving block grants to the States and having the States take over programs, especially the programs that are for the poor, that that has a big contradiction built into it. It is not sound at all.

They imply that certain States, like my home State of New York, are wasteful States, that we spend too much money on Medicare and Medicaid, and yet the facts are that New York State as a State consistently pays more into the Federal Treasury in terms of Federal taxes than any other State in the Union.

In 1994, we paid in almost $19 billion more than we got back from the Federal Government. It went as high as $23 billion 1 year, what New York State was paying into the Treasury, $23 billion more than we were getting back.

On the other hand, the States of the South all pay less into the Federal Treasury than they get back. They get back more from the Federal Government than they pay in, all of the States of the South, except Texas, and the difference is they paid a little bit more in 1994. They paid a little bit more in than they got back.

But $68 billion more was received from the Federal Government by the southern States than they paid in. It is the Northeast States, it is the Great Lakes States, those are the States that are paying more in.

If you want to have block grants, if you want to push these programs down to the State level, you are going to hurt, you are going to hurt the southern States. You are going to hurt the poorest States. If you gave New York all of its money and said, "Look, you take care of yourself," we would have in New York $19 billion more than we have now. Nineteen billion more would be available to take care of the problems of New York State if they did not have to go to the Federal Government.

You know, that kind of contradiction is built into all of this talk about States being given the priority to run programs, all of this criticism of States like New York State that has a higher expenditure for Medicare and Medicaid. We spend our money taking care of people. You know, what do the other States spend their money on? What is wrong? What is more noble than taking care of the health of people? That is another acknowledgment that needs to take place if these discussions are going to go on at the White House.

They ought to come back to the American people's level. They ought to come back to the common sense level. They ought to acknowledge that there are generous, giving States and ungrateful, receiving States. Because those Representatives of the ungrateful, receiving States are always up talking about how horrible it is that you have so much money being spent on Medicare and Medicaid in places like New York, they do not acknowledge the fact that they are getting more money from the Federal Government than they paid in on a consistent basis.

There is also a refusal, and this is a very costly refusal, a refusal by one side of the table, the Republican-controlled Congress side of the table, to recognize education as a priority investment, and to give education top priority. Again, there is a contradiction here, because we just had today on the floor an amendment related to giving certain additional funds to the District of Columbia for certain items related to education that the Speaker finds very pleasant and thinks, in his own commonsense opinion, a good idea, and we were going to add money to the D.C. budget for that purpose while, at the same time, the almost $4 billion in cuts in education by the Federal Government, when you take away the D.C. portion of that cut, it means that D.C. has lost a tremendous amount of money as a result of actions taken by the Speaker and his Republican-controlled Congress. They are taking away far more than they are giving.

It is like the slaves used to have to live under abominable conditions all year long. They had the worst possible housing, they had to wear flax shirts that scratched, they could not sleep in decent beds, they were fed the worst kind of food. At Christmas time the master always made sure everybody got as much as they wanted to eat. You could eat ham on Christmas day, and people rejoiced and they loved the master all year around sometimes because of what he did for them on Christmas.

So there is an attempt in this D.C. budget that the Speaker has proposed for education to create Christmas time in D.C. and let everybody be grateful for some extra money that is going to be dropped in there while they cut the basics away from the education aid that comes from the Federal Government.

So for education, health care, and other vital programs, we need to act here in Washington in a way which puts us in touch with the common sense out there in the rest of America. The rest of America is on course. We in Washington do not seem to get it. We are caught up in our own rhetoric. We are confused by all the entanglements, and we just do not understand what the basic American people understand.

The budget and the appropriations process goes forward. The Senate and the House Appropriations Committees are now going to finalize a budget that they both agree on. In both the Senate budget and the House budget, there are horrible cuts to very vital programs. There is not much that can be done. That process is in motion, and if the two reach some kind of agreement on the basis of what they both have, the results will still be horrible, because they both have passed budgets and appropriations and the reconciliation package that, in the final analysis, cannot be salvaged. There is no salvaging of the budget between the Senate and the House for Medicaid. Medicaid as an entitlement is taken away. It is no longer there in the House-passed reconciliation bill. They did not do Medicaid the honor of having Medicaid be put in a separate bill so we could vote on Medicaid by itself and discuss the various aspects of what is being lost through these budget cuts. They would not give Medicaid that honor.

They had Medicaid treated with great contempt. After all, Medicaid is a program for poor people. They had the worst of contempt for Medicaid, so they just folded Medicaid into the reconciliation bill. Medicaid does not even get a discussion, but the cuts in Medicaid are horrendous, $180 billion, more than $180 billion over a 7-year period. That is a greater percentage cut in Medicaid than the $270 billion cut in Medicare. The percentage cut in Medicaid is greater than the cut in Medicare.

Who is getting cut?

Mr. Speaker, the budget appropriation process goes forward. The good news is that the American people are on target. The common sense in America will redeem that situation if common sense is allowed to prevail, if common sense is not subjected to a lot of manipulation, a lot of confusion between now and the time the budget is finally decided during the negotiation process between the White House and the Republican-controlled Congress. Common sense says that the Republican budget should be rejected.

Again, 61 percent want the President to veto the Republican budget. Thirty-two percent are willing to live with it. Again, among the American people, common sense says that 73 percent of Americans prefer smaller Medicare and education cuts and a 10-year budget.

In other words, they say balance the budget over a 10-year period. Do not do it over a 7-year period, because that means that you have to throw certain groups of people overboard, deny them vitally needed services, and create a mean America, an extreme America that does not have to exist. They have come to that conclusion.

At the time when Washington, when in Washington both Democrats and Republicans are wavering and nobody can see a clear path on a 10-year budget course, we once had that proposed by the President, then it became 9 years, 8 years, there was a lot of seesawing back and forth. The American people said, "Look, what makes sense is to have a balanced budget, and if you do it in 10 years, that is good enough, because you can do it then without inflicting great amounts of pain and suffering on large amounts of people."

Why destroy the fabric of the Nation in an attempt to get the budget under control, if you can get it under control over a longer period without inflicting all of the destruction and pain? Why deliberately dismantle the New Deal, the Great Society programs which large numbers of people benefit from, and they have not been heard from in terms of their not wanting to have these programs continued. They want Medicaid to continue. They want Medicare to continue. They want the small Federal investment in education to continue.

Federal investment in education is not that great. So why have that 7 percent of the total education budget for the whole country, why have that cut back? You know, most of the education funds spent in this Nation are supplied by the States and by local governments. The Federal Government only provides 7 percent of the total. About $360 billion-plus is spent on education in all forms. For the last years the figures are available, $360 billion-plus, and of that amount 7 percent only are expenditures that were Federal. So it is the other two levels of government that bear the education burden.

The Federal Government bears a portion of it that is vital, however. It is very critical that there be some kind of research and development in education, very critical that there be guidance in terms of standards. It is very critical that what the States themselves would find very inefficient to do, because one State having to bear the burden of educational research means that you have a budget for research that is out of proportion with the total budget.

Why do that when you can have the benefit of the economies of scale and have education research, since we all are Americans? We all are living in the same society and the same economy, basically. Why can you not have research with respect to how to improve our schools, how to teach better, how to make better use of our facilities, how to use new educational technology, equipment, why can you not have that done on a national basis by a Department of Education, and have all of the benefits of that research and development shared? That is common sense again, and we do not want to divert from that common sense.

So we will have a situation where the commonsense approach that the American people have shown will be under attack, under assault. They will be trying to confuse the issue, trying to manipulate opinions, and the contradictions will be rampant. The contradictions, things that just do not make sense, keep coming out of Washington. Things that just do not make sense are proposed by the Republican-controlled majority.

It does not make sense that you have cut education by almost $4 billion, the Federal aid to education, and when you cut Federal aid to education, you are cutting Federal aid to Washington, DC.

It does not make sense to cut that so drastically and then come back in a D.C. appropriations bill, District of Columbia appropriations bill, and offer $45 million for vouchers for poor children in the D.C. public schools. You are taking away some money that they had for lunches, you are taking away the money or part of the money they had for title 1 programs, you have taken away part of the money they had for Head Start programs, you have taken away Aid to Families with Dependent Children, so poor children may not have decent clothes or a decent place to stay. You have taken all of that away. Now your are proposing here on the floor to spend $45 million just for vouchers for children in the District of Columbia. You are going to start a voucher system so that children can go to private schools, instead of improving the public schools, and you are going to do that using a special approach which is totally out of sync with the rest of what the education laws are doing.

□ 1600

You are going to do that without using the Department of Education? You are going to do that in a way which would allow the worst kind of intrusion into education by the government?

Government at any level should not have partisan interference with education. We work very hard to try to keep partisan interference with education at a minimum. But here the Federal Government is feared most of all. We went for years without having the Federal Government have any role in elementary and secondary education, because the American people did not want dominance by the Federal Government on education matters.

I have always said this fear on education matters is an unfounded fear, because the tiny portion of the education funds provided by the Federal Government will never place it in a position to dominate education. If we are only providing 7 percent of the funds and the States and local governments are providing the rest of it, how can we come in and dominate education with only 7 percent of the funds?

Even if you move that up to 25 percent, and I think it ought to go that way, I think we ought to have the Federal Government participating in the education process in the United States of America to the point where they are at least bearing 25 percent of the cost. If we went up to 25 percent of the cost, then State and local governments control 75 percent of the revenue and the funding, and they would have control of the decisionmaking.

Any democracy, if you have 75 percent of the control, then you are in control. Nobody can take 25 percent and come in and dominate how our schools are run.

But if you have a program as the Speaker is proposing here in Washington, where they are going to set up their own private foundation with Government money and the Government money is flowing as a piece of largess from the Speaker, the master of the plantation will provide for Christmas some special goodies, and the master of the plantation wants to sit back and talk about his schools in the District of Columbia, his students in the District of Columbia and what they are doing and play games with it in a way which constitutes dramatic Federal interference into local school activities.

That may lead to a lot of good. Christmastime was better than nothing. To be treated like animals all year long, given the least in food, clothing, and shelter, was the lot of the slaves for 232 years. They had to live that way. But if 1 day a year the master decided at least to give some decent food and let them take the day off to eat well and to be free to have a little fun, then Christmas stood out.

We do not want that kind of situation in the funding of American schools. I do not see why the D.C. schools have to be a plantation, run by a benevolent Speaker, to have a situation where he can reach in and play with the resources, using Federal money, and dictate the degree to which students go to private schools, can use the powerful office of the Speaker to attract private money.

There is a whole lot of interference there, which may be good, but, in the final analysis, will take away the decisionmaking and will set precedents that will be poisonous throughout the whole of America in terms of local school control all over the Nation.

So that is one of those contradictions. That is one of the kinds of things you have to sort out.

There were people who came to the floor and said, "Should I vote for that Christmas gift on the plantation approach to D.C. schools? Should I make sure that some handful of kids get some benefits? Or should I vote for the principles of not having Federal interference to play with the schools in the District of Columbia?"

It was not an easy decision, because when the Speaker hands out a possible Christmas gift of $45 million, it is kind of a hard gift to turn down. It is hard to say to the children of the District of Columbia, you cannot have this gift, because, in the long run, it is going to poison the whole Federal relationship with local governments. This will be a precedent that will certainly lead downhill. Every powerful politician in the Congress, in Washington, will want at some time to play with the education budget in order to be able to have his own plantation and give out Christmas gifts as he sees fit.

That is not the way to go. It is dangerous. Despite the fact it passed the House today, I hope that wisdom will prevail and we will never see the Christmas gift approach to Washington schools, turning them into a plantation, take place.

That is a contradiction you ought to take a hard look at. Take a hard look at the details, American people, with all your common sense. I leave it up to you to evaluate that and see it for what it is worth.

Let me give you another example of the kind of contradictions you have to live with. In the great White House negotiations on the budget, neither side is going to be truthful about the waste of more than $28 billion by the Central Intelligence Agency. The budget of the CIA, an intelligence operation of the United States, is admittedly $28 billion or more. Nobody knows that secret figure. Who can tell it? The few people who know it are sworn not to tell it. So the $28 billion that goes into the CIA is supported by both parties.

Along with some colleagues, I brought a bill to the floor which would cut the CIA budget by 10 percent over a 5-year period. Now, over a 5-year period, if you got 10 percent of $28 billion, you would get $2.8 billion per year over a 5-year period. That is not bad in terms of funds that could be transferred to education.

You are cutting education specifically by $3.8 billion, almost $4 billion. You are cutting job training programs. You are cutting the Summer Youth Employment Program. With a $2.8 billion cut from the CIA budget, and it still would have 90 percent of its budget, we only cut it by 10 percent a year, if you got that $2.8 billion from the CIA budget, you would have some way to give money back to some of these vitally needed programs that have been cut. It is as simple as that.

But the CIA budget will not be touched. We brought the motion to the floor. We had the amendment on the floor to cut it by 10 percent. The first year, we got 57 votes. The last time we brought it up, we got 54 votes. We are going in the opposite direction.

Why do Democrats and Republicans all want to keep a CIA funded at the level of $28 billion when the cold war is over and half of the role of the CIA was to spy on the Soviet Union? And they missed out on that because they did not predict the collapse of the Soviet Union.

Since we brought our bills to the floor, there have been some recent developments in the CIA that even more justify the fact that the CIA is a great waste of the taxpayers' money. I am not saying to cut it out completely, but you could streamline and downsize the CIA, probably by cutting the budget in half.

Because it is obvious that half of the people there are nothing but fumblers and bunglers, old boys in the network, who have a good time. They use the safe houses for illicit sex. They run up expense accounts that nobody can really control. They come up with slush funds.

Recently, it was announced they had a slush fund, a petty cash fund, that was more than $1.5 billion. Can you imagine a petty cash fund in an agency for more than $1.5 billion, and the head of the agency does not know about the petty cash fund? Nobody in authority. The Director of the CIA stated he did not know that there was a petty cash fund of $1.5 billion or more. They do not give figures exactly, but I know from good sources it was at least $1.5 billion.

Nobody knew about it. The President did not know. We have got two intelligence committees, one in the House and one in the Senate. Whenever you talk about cutting the CIA budget, they always have spokesmen from those committees come forward and talk about the great work the CIA is doing and they need every penny. Here is a slush fund out there nobody knew about.

The CIA also built a building for $370-some million near the Dulles Airport. They had a building going up under construction, and the Federal Government did not know who was constructing it. The intelligence committees here in Congress did not know that the CIA was constructing that building.

How can you construct a building which costs $370 million near the Dulles Airport, and it be invisible? I suppose that may be an example of how wonderful the CIA is, how masterful their work is. They can construct a building for $370 million and you do not know it is there, that takes real skill. I do not know whether it is espionage skill or skill in manipulating, but it takes some kind of skill to have a building that costs $370 million constructed near the Dulles Airport, and it be invisible to the members of the Permanent Select Committee on Intelligence and the President and the people who should know about it.

So what I am saying is that while this great budget cut is going forward, while we are trying to balance the budget, while we are saying that we want to bring the Federal Government under control, we want to streamline the Government, while we are saying that the Medicare Program must make sacrifices to the tune of $270 billion, while we are saying we have to take away the Medicaid entitlement and Medicaid has to make a sacrifice to the tune of $180 billion, while we are saying we can have no more Summer Youth Employment Program, while we are doing all these horrendous things to streamline the budget and balance the budget in 7 years, we are still willing to keep funding the CIA at the same level. We are still willing to keep tying up taxpayer money in an enterprise that has discredited itself.

We will not even cut it 10 percent, let alone one-half. Of course, you all know the Aldrich Ames story. I conclude finally with the CIA and the Aldrich Ames story.

The last time we had our amendment on the floor, an amendment which called for cutting the CIA by 10 percent, the Aldrich Ames story was outthere. We knew that Aldrich Ames, a key figure, a key person in the CIA, responsible for counterespionage or espionage with Eastern Europe and the Soviet Union, was a spy for the Soviet Union. That was a fact that had been let out there. The CIA probably would have wanted to keep it secret, but circumstances were such that it could not be kept secret. Ames used safe houses for illicit sex. He was a drunkard. I am sure his petty cash vouchers were never correct. Everything you can imagine, Aldrich Ames did it for years and years in the CIA. Yet they kept pushing him upstairs. They kept promoting Aldrich Ames.

He got away with so much, he decided to go for broke, and he was on the Soviet Union's payroll for millions of dollars.

Aldrich Ames is still arrogantly challenging the CIA. Aldrich Ames still has not told everything. But the Inspector General of the CIA has conducted an investigation, and the recent conclusion, it is not a secret, it is in the papers, the conclusion is that Aldrich Ames not only caused the death of more than 10 agents in the employ of the United States, not only caused the death of all those people, but he also had a system which was passing on false information up the ladder. Even when the supervisors in the CIA became suspicious of the information that they were getting, they passed it on anyhow, as high as the Secretary of Defense and the President. They let the information go through without saying there is a problem here, or there might be a problem here. The supervisors and the whole old-boy network within the CIA was contaminated to the point where they were knowingly passing on false information to all the Presidents in the past 10 years.

That was going on while Aldrich Ames was in charge of spying on Eastern Europe and the Soviet Union. This is known. Yet we have in the budget an untouchable item. The negotiations at the White House will go forward and say yes, we can get rid of the Summer Youth Employment Program, 32,000 youngsters in New York City, all the big cities across the country, where we have thousands of youngsters who get summer employment from the program. We can get rid of that, but must keep every dime in the CIA.

These contradictions are what the American people need to know about, so you can keep your focus. You are right. You are on track when you say that the President should veto the Republican budget and when you say we should not cut Medicare and Medicaid so drastically; when you say we should spread the budget cuts out for a 10-year period and balance it over a 10-year period instead of 7 years. You are on target. American people, you are on target. Congratulations, democracy. Do not let anybody turn you around. Keep remembering the CIA and that kind of waste. Keep remembering the D.C. Christmas present, the D.C. plantation Christmas present that comes from the Speaker at a party that has cut education across the country by almost $4 billion.

I have one more example, and then I will stop giving examples of contradictions that are running rampant. The final example I give you is an example taken from the Washington Post magazine. This magazine, October 29 of this year, the Washington Post. I give you the documented source. You can get a copy of this, there is no problem. Rush Limbaugh does not have to put his researchers to work to put this out. If Rush Limbaugh wants his researchers to check out the Washington Post, he has enough to do that, and he can do that. But this is a story of monumental waste that every taxpayer should be indignant about.

□ 1615

Monumental waste. And yet it took place in the defense budget. The defense budget is being increased, Mr. Speaker. Over a 7-year period the defense budget will go up.

The defense budget will be increased at a time when there is no more evil empire in the Soviet Union, at a time when we can certainly close down most of our overseas bases, at a time when we do not need any more *Seawolf* submarines, do not need any more high cost nuclear aircraft carriers, at a time when star wars is ridiculous. We are going to continue funding some of those same items.

So the contradiction, the greatest contradiction is in the insistence by the Republican controlled majority in the Congress that we continue to build up the defense budget. A sad portion of that contradiction is that the Democrats in Congress and the White House do not challenge that assumption. Democrats have not proposed, as a party, that we cut the defense budget.

Oh, yes, the Congressional Black Caucus proposed deep cuts in wasteful defense expenditures, but Democrats will not touch it and Republicans want to increase it drastically. That contradiction the American people should bear in mind. They should keep their commonsense head on.

Mr. Speaker, listen to this. According to the report in the Washington Post, October 29, 1995, the magazine section, the Pentagon spent $3 billion on a stealth bomber that was never built. Pentagon spent $3 billion on a stealth bomber that was never built. Now, $3 billion would almost keep the education programs, 70 education programs. Education programs were cut drastically. Some were zeroed out. The overall cost was $3.8 billion in cuts, to be exact. $3.8 billion.

If we just got back $3 billion from the waste in the Pentagon on this stealth bomber, we would be way ahead of the game in terms of funding education programs that are vitally needed. So understand the relationship, the refusal of the White House, the refusal of the Republican controlled Congress to talk about the waste in defense, which generates suffering and pain in the rest of the budget and it prevents us from investing in vitally needed programs like education and job training.

Mr. Speaker, we vitally need education programs and we vitally need job training programs. We cannot do that if we continue to waste money like this. We spent $3 billion to build a stealth bomber and it was never built. Here is the additional information that the American people need to know. We may have to spend $2 billion more in order to get it finally canceled. Listen. We have already spent $3 billion on a stealth bomber that was never built, never flew, but we may have to spend $2 billion more because the companies that were supposed to build this bomber are now suing the Government and stating that the taxpayers owe them another $2 billion.

This is going on right here in Washington, DC at a time when Medicare is being cut drastically, at a time when Medicaid is being cut, at a time when education is being cut by almost $4 billion.

Mr. Speaker, listen to this. I read from the Washington Post magazine:

> It looks like something out of a sci-fi movie. A flying triangle, 37 feet long and 70 feet wide. A plane that does not have wings but it is one big wing. It is sitting in a huge hangar in a defense plant in Fort Worth propped up on a makeshift trailer. Bill Plumley, the man who saved it from the scrap heap, stands on his tiptoes, reaches up to the plane's lightweight underbelly, he sticks his right had into its innards, he taps on the landing gear and he says, "It is all plastic", he says with a smile. That makes sense. After all, this is a model. This is a model plane. It is a full-sized mock-up constructed to test whether all the parts would fit together. But now it is all that remains of the United States Navy's A-12 Avenger.

This is what the stealth bomber was called, the A-12 Avenger.

> A plane that has never flown and never will. It is a procurement fiasco that has already cost the American taxpayers more than $3 billion and is quite likely to cost them $2 billion more.
>
> The A-12 was killed in 1991, smothered in its cradle by Dick Cheney, who was then Secretary of Defense. Cheney was angry that the plane was at least a billion dollars over budget and a year behind schedule.

He was angry because those were the facts, but he was also angry because the Navy and its contractors had concealed from him until after he testified to Congress the fact—they told him the A-12 project was proceeding just fine. In other words, the Secretary of Defense came to Congress and testified the A-12 is on schedule and it is not exceeding its cost, and shortly after that he discovered that not only was it not on schedule, it was a year behind schedule and it was at least a billion dollars over the projected cost.

Inevitably, because this is America, the A-12 has spawned a lawsuit. The Secretary of Defense killed it. He said, no, we will not go further. I will not waste any more of the taxpayers' money. This project is over. We have spent $3 billion, the plane is not here, it does not fly, it is continually mounting in overrun costs, it is canceled. But he found he could not do that. The company sued.

It is a gargantuan and seemingly endless case, described in various newspaper accounts as the largest claim ever filed against the Federal Government and the most expensive lawsuit ever. In other words, the American taxpayers have paid out already $3 billion and now these suits will cost them another $2 billion, these lawsuits that the companies are bringing.

At issue is a huge sum of money. The Navy wants the contractors to return

$1.35 billion of the money that they have already received for the plane that they never built. All this has happened and no one has gone to jail yet. Only in America could this happen and no one ever go to jail. Even in Europe the head of NATO was recently told he is under investigation and probably will be indicted for some crooked things he did in terms of procurement of weapons. But in America nobody has been indicted; nobody is being investigated for wasting $1.35 billion.

Mr. Speaker, the contractors now have the nerve to say not only did they not build the plane and wasted the taxpayers' money, but they want the taxpayers to pay $1.6 billion more. Nobody expects this case to end any time soon, and one attorney for the contractors said it could drag on until the year 2007. The government could lose this case merely because the Secretary of Defense eagerly took responsibility and said I will not let this swindle of the American taxpayers go on any longer. He took action quickly and hastily, and they say he had no authority to take that action. Somebody else was supposed to make that decision. And that is the basis of a court suit that will rob the American people probably of another $2 billion.

Mr. Speaker, the taxpayers have spend $3 billion on a plane that cannot fly. Three billion dollars. Three billion dollars is the cost of all the cuts in education except a few. We could take that $3 billion and restore most of the cuts in education programs.

$1.1 billion has been cut from title I programs. Title I programs go all across the country to schools where poor children exist. Three hundred million dollars has been cut from Head Start programs all across the country. The only time Head Start has been cut since its existence. President Nixon funded Head Start with an increase, President Bush increased Head Start, President Reagan increased Head Start and President Carter increased Head Start. We have never cut Head Start since it came into existence.

Now we have cut Head Start, but we will continue to pour money down the drain on this weapon system we have already decided to cancel. And in this reconciliation package, which is summarized here, the one place where there are increases in the budget is in the defense budget. Great increases take place here in defense.

Mr. Speaker, the American people are on target. Remember what I said in the beginning. The American people said the President should veto this budget. He should veto the budget that contains these increases. He should veto this budget that contains all these increases for defense while cutting education, while cutting Medicare, while cutting Medicaid. Sixty-one percent of the American people said veto the budget. Seventy-three percent of the American people say we prefer smaller Medicare and education cuts, and we prefer a balanced budget over a 10-year period. Common sense is on target.

The contradictions are what we have to watch in order for the American people to maintain their common sense and in order for the American people to understand they are right and people are wrong here in Washington; that the Republican-controlled Congress is wrong. The Republican-controlled Congress is dangerously wrong. The American people are right and the Republicans are wrong. The American people should keep their heads on. They should not let all these contradictions I just talked about confuse them.

Mr. Speaker, another thing the American people have to worry about, and the reason why they are right and the Republicans are wrong here, is because the Republicans refuse to acknowledge basic facts like the ones exhibited by this chart. They refuse to acknowledge the horrible truth about taxes in America.

The horrible truth about taxes in America is that families and individuals have been grossly swindled. And I cannot say this too often, because nobody else in Washington is willing to say it. Here is the answer. Yes, we need a tax cut. The American people need a tax cut. Families below $50,000 deserve a tax cut. They should have a tax cut. I think the President's proposal for a tax cut is on target. The gentleman from Missouri, Mr. Gephardt's proposals for a tax cut is on target. When we combine the two, we can get a sensible tax cut that takes care of trying to correct a wrong that has been done to the American people.

The red line here is corporate America's share of the tax burden. The blue line here is the share of the tax burden borne by individuals and families. In 1943, the first year for these two charts, individuals and families were paying only 27.1 percent of the total tax burden.

If Rush Limbaugh and his various researchers want to check these figures out, these figures come from the U.S. Office of Management and Budget. They can go to the Congressional Budget Office. These are not the kind of figures that there is any controversy about. These figures are all hard figures.

In 1943 27.1 percent of the tax burden was borne by the families and individuals, while 39.8 percent, almost 40 percent of the tax burden was borne by corporations. Corporations, where they are making the greatest amount of money now. Individuals are making less money. Wages have gone down but corporations are making more. At that time they were bearing more of the burden.

We had a great change take place in 1983 when Ronald Reagan first proposed his trickle-down theories. It was not just Ronald Reagan by himself. He had to have some cooperation by the Democratically-controlled Committee on Ways and Means. So the burden for this one is borne by all of the Washington decisionmakers.

It shot up from 27.1 percent in 1943 to 48.1 percent of the tax burden being borne by individuals and families in 1983, 40 years later. 48.1 percent of the tax burden while corporations dropped all the way from 39.8 percent of the tax burden to 6.2 percent.

Mr. Speaker, the American people should listen and let their common sense go to work. They should let their common sense look at these figures. There is no common sense in Washington. Somehow it all gets clouded. There are a lot of factors that go into motion here which make it impossible for Democrats to see this chart and makes it impossible for the Republicans to see this chart. There are obvious answers that jump out at us from this chart.

□ 1630

Are things better now in 1995 than they were in 1983? Yes, they are slightly better. Individuals and families are paying 43.7 percent of the tax burden, instead of 48.1 percent of the tax burden. So individuals are paying a little less than they were before.

Corporations are paying 11.2 percent of the tax burden instead of 6.2 percent, which was the low point they achieved under Ronald Reagan's trickle-down theory. There has been an adjustment. It is a little bit better. But look at the discrepancy here. We still have 48.7 percent of the tax burden being borne by families and individuals, while 11.2 percent is borne by corporations.

Do Members want to balance the budget? Do Members want to lower the deficit. Do Members want to give a tax cut all at the same time? We do not need to use magic. Magic is not necessary. Cut the defense budget that is wasteful that I was talking about before and we get rid of the corporation loopholes.

Mr. Speaker, no Democrat wants to be caught raising taxes. No Republican wants to raise taxes. We can raise this figure here, the share of the revenue that is contributed by corporations can be raised without increases taxes. What we do is close the tax loopholes.

Close the tax loopholes which allow foreign corporations, American corporations with foreign operations, to pay less taxes than corporations in this country totally. Corporations who have all their operations in this country and give all their jobs and business to American workers and pour it into the American economy, they do not get the same benefits as corporations who have foreign operations.

Mr. Speaker, if we just eliminated that loophole, we would raise this figure a little bit. If we eliminated the subsidies that go to corporations for advertising products in foreign markets, we would raise it a little bit more.

In our Congressional Black Caucus alternative budget we eliminated enough loopholes to raise the revenues of the corporations up to 16 percent. If we raise it up to 16 percent and we cut the defense budget, the waste in the defense budget, we can end up with a balanced budget and we do not cut Medicare and Medicaid 1 cent.

We could end up with a balanced budget and not cut education. Instead of cutting education, education was one area where we increased the budget by 25 percent. In the Congressional Black Caucus alternative budget, education was increased by 25 percent.

Mr. Speaker, education is an investment that America needs to make. It is an investment that the Federal Government needs to make, and we gave it the highest priority. We can do that and still balance the budget and eliminate the deficit and give a tax cut, but we have to deal with the corporate tax loopholes. We have deal with the swindle, the great swindle down from 39.8 percent to 11.2 percent.

We do not have to be geniuses. Any sophomore in high school could do the figures and see, calculate the percentages and see what this figure is. It got as low as 6.2 percent. The scandal was so great, until there was an agreement that we had to do something about this figure. Corporations were paying in 1983 as little as 6.2 percent of the total tax burden, and individuals were all the way up to 48.1 percent.

What am I talking about? I am saying that there are facts and circumstances which the negotiators at the table who are going to decide on the budget that is going to set the course for America for a long time to come will not even acknowledge. They will not acknowledge this chart provides the key to balancing the budget, ending the deficit, and giving a tax cut. They will not acknowledge that a great swindle took place.

So, Mr. Speaker, I present it to you. The American people have common sense who show in the polls that they know what is happening. I say to the American people, "You be the judge. You be the judge of what ought to be happening here in Washington." This is a truth that must be acknowledged.

Another truth that must be acknowledged is the fact of the income gap. Those people who are lucky enough to have a job, the only way that they can get more income is if we lower the taxes. They deserve a tax cut. Families and individuals making $50,000 or less must get a tax cut. I am in agreement with the President and the gentleman from Missouri [Mr. GEPHARDT] on the kind of tax cut that we ought to have.

Mr. Speaker, we lower this figure so that the income of these people would be increased. That is justice, to bring down the tax here. It would be justice if we brought them up here, so that we do not increase the deficit at the same time.

The minimum wage would not cost the American people anything. Taxpayers do not pay a penny in terms of minimum wage increases. It means that we pay a decent wage to people in corporations and private businesses. The government sector also would have to pay additional money, although there are almost no government jobs still that are paying minimum wage. They are already above the minimum wage.

Mr. Speaker, the minimum wage is low, $4.25 an hour. The President and the Democrats in Congress have proposed to increase this $4.25 an hour by 90 cents over a 2-year period; 45 cents 1 year and 45 cents another year. That is the least we can do to deal with a situation which has steadily grown worse.

As the minimum wage has stagnated and stood still, the earning power of these families has gone down. So, we have a situation now where what workers make at the minimum wage pays for far less than it used to.

The minimum wage as a percent of the average nonsupervisory wage has dropped from 52 percent in 1960, to a current low of 37.7 percent. In other words, people in supervisory positions, executive positions, as a percent of wages, minimum wage earners are making 37.7 percent where they used to make about half as much as what the bosses made. The gap in the income is great and it must be attended to.

This is the 57th anniversary for the minimum wage. It was started October 24, 1938. American workers were guaranteed 25 cents an hour wage to protect them from exploitation and to be sure that their work was fairly compensated. We need to increase the minimum wage. Nobody wants to deal with the truth of the income gap and increase minimum wage.

Mr. Speaker, nobody wants to deal with the truth or the fact that as they move all of these programs, like Aid to Families with Dependent Children, like the school lunch program, like portions of Medicare, programs are being pushed down, education programs, to the State and local level. They are saying that the State and local level can handle them better and they are saying that Washington is wasteful. But in America, many States would not have these programs at all if they had to pay for them alone.

Franklin Roosevelt knew what he was doing. He was not naive. Lyndon Johnson knew what he was doing. He was not naive. They understood when they created the New Deal programs that we had a situation where the wealth of the East and Northeast would be translated and go to the poorer States.

Mr. Speaker, let me wind up by saying my message is that Americans are on track. Their common sense, the way they read the situation in Washington, is the one that is correct.

Mr. Speaker, I say to Americans, "Do not allow anybody to confuse you. Maintain your common sense. America needs your common sense in order to get through this budget crisis."

THREE MAJOR GOALS OF THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, thank you for taking the time to allow me to address the House. I would like to say that I will basically be making some comments and then yielding to my good friend, the gentleman from Kansas [Mr. TIAHRT], who will demonstrate some of what I am saying and amplify and also go on into other areas.

Mr. Speaker, really what I wanted to address the House about was why we are doing what we are doing and what are we doing.

Mr. Speaker, we have three basic goals as this Republican majority. Our first goal is to get our financial house in order and balance our Federal budget. We would like to do that no later than 7 years. We would like to do it sooner, but 7 is the outer limit to balancing that Federal budget.

Our second task is to save our trust funds, particularly Medicare, which starts to go insolvent next year and becomes bankrupt in 7 years.

Our third effort is to transform our social and corporate welfare state into an opportunity society.

Mr. Speaker, the bottom line to this effort is: Get our financial House in Order; balance our budget; save our trust funds, particularly Medicare, which is going bankrupt; and transform our social and corporate welfare state into an opportunity society.

Mr. Speaker, we have heard a lot of dialog in the last few months about whether we are cutting or increasing. The gentleman from Kansas is going to be able to demonstrate what truly is a cut and what is not, but I would like to begin to start that dialog by dealing with five issues that our colleagues on the other side of the aisle refer to as cuts.

One is the earned income tax credit; another is the School Lunch Program; another is the Student Loan Program; a fourth is the Medicaid Program; and a fifth is the Medicare Program.

Mr. Speaker, in none of these five areas did we cut the programs. We increased spending. We allow these programs to grow significantly. What we did is we slowed their growth, and slowing their growth is absolutely essential.

I have been in Congress now 8 years, but before that I was in the State House in Connecticut. As a State legislator, I had to balance our State budget. I was basically amazed that a Member of Congress could seven vote for a budget that was not balanced. Unless, obviously, our country is in hard economic times and we need an economic generator, but to do it continually when times were bad and when times were good, to continue to deficit spend.

I always vowed that if I came to Washington, that my first issue would be to get our financial house in order and balance our Federal budget. One of my first recognitions was, however, that I only got to vote on a third of the budget. I only got to vote on what came out of the Committee on Appropriations.

Mr. Speaker, we refer to what comes out of the Committee on Appropriations as discretionary spending. It is the spending that funds the domestic discretionary funding, and also foreign aid, what we call international expenditure, and the third is defense spending. All of that is voted out on 13 separate appropriations bills by the Committee on Appropriations. Sometimes we collect them all into one bill.

Mr. Speaker, what we did not get to vote on, and what I have never voted on in my now eight years in Congress, I have never been able to vote on significant changes to entitlements. Entitlements are Social Security; they are Medicare; they are Medicaid; they are certain welfare programs; they are certain farm aid programs. If a citizen fits the title, they get the expenditure.

Mr. Speaker, this Republican majority made a determination that we were not going to change Social Security, but the rest of the budget, the 75 percent that is left over, 76 or 77 percent that is left over, we would begin to address; not just the one-third that is the discretionary spending.

We made a determination with our Contract With America, which by the way is a positive plan that does not criticize Democrats, does not criticize President Clinton. It was a plan that we agreed to. Not just the individuals who are incumbent Members, but those who were challengers. We agreed that if we were elected and were the majority, we would move forward on 8 reforms in the opening day of the session and 10 reforms during the first 100 days.

One of those reforms was a balanced budget amendment. We made a determination with the balanced budget amendment that we would not just vote for a balanced budget amendment, but we would vote to balance the budget. The only way we can do that is to address the incredible challenge that we have with our entitlements, particularly Medicare and Medicaid.

Now, what happens with the earned income tax credit? This is basically an affirmative payment that the Government makes to those who make the very least amount in our country. It is basically for the working poor, primarily. It is an attempt to get them off of welfare and not see a significant drop where they start to pay a lot of taxes. It is an effort to say they will actually get an assistance from the Government to get them up to the level where they get a livable wage.

Democrats, the minority party on the other side of the aisle, they say that we are cutting the earned income tax credit. What is happening with the earned income tax credit is that it is going from $19.8 billion this year to $27.5 billion in the seventh year, the year 2002. Only in this place, in Washington, when we go from $19.8 billion to $27.5 billion could anyone literally call it a cut.

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It is nothing, it cannot even come close to being called a cut. It is going to grow, and it is going to expand. We are going to see a significant increase. Same thing with school lunch. School lunch over a 5-year period, now it is $6.3 billion, it will grow to $7.8 billion. How can you say when something goes from $6.3 billion to $7.8 billion it is a cut? You cannot call it a cut. You could say we slowed the growth of spending, but that even is a 5-year plan. It continues to go up even more.

Student loan really gets me. The argument that we are cutting student loans is an absurdity. It goes from $24.5 billion this year. In the fifth year it grows to $33 billion. In the sixth year, it grows to $36 billion.

In the 7th year, so from 24 to 36, it grows by 50 percent basically in 7 years. Only in Washington when you see such a large growth in student loans do people call it a cut.

What are we doing? We are saying that grace period, when you have left school and then you get a job, that grace period where the Government would pay the interest rate, we defer the payment for that grace period, but then you have to pay the interest rate. If you had a loan of $17,000, and that $17,000 loan during the course of payment, you would be paying an additional $9 more a month, basically the cost of a movie and a soda, popcorn or basically the cost of a pizza, once a month.

Now, I am just going to address two issues, Medicaid and Medicare, and then I am going to yield to my colleague from Kansas.

I serve as the chairman of the task force, the working group on the Committee on the Budget overseeing health. We basically served into this process the issue of Medicaid and Medicare.

Medicaid and Medicare collectively are 17.6 percent of our budget. They are growing, doubling basically every 6 or 7 years. They are becoming so large in their expenditure that they are squeezing out the rest of the budget, so that our domestic discretionary, our defense spending, our international, that appropriated item keeps coming down and down. We even spend, because of our incredible deficits, $233 billion just on interest on the national debt. But what are we doing with Medicaid and Medicare?

We are going to allow Medicaid to grow with what it is today at $89 billion to $124 billion in the seventh year. We are going to spend, we spent in the last 7 years $444 billion on Medicaid. In the next 7 years we are going to spend $773 billion. We are spending $329 billion more in the next 7 years for Medicaid. That is a 73 percent increase in spending over the next 7 years as opposed to the last 7 years. Only in this place, in this city, when you spend so much do people call it a cut.

Now, what are we doing with Medicare? Medicare is where I will end by basic comments and then yield to my colleague from Kansas. Medicare is a plan that I am so excited about. Yet, when I have gone back into my district, I have had people describe to me a plan they think we are voting on that has nothing to do with what we are voting on. I think I am against that plan. What are we doing? We spend $178 billion today. In the seventh year we are going to spend $273 billion. That is a 54-percent increase from now until the seventh year.

In the last 7 years we spent $926 billion. In the next 7 years we are going to spend $1,600 billion, or $1.6 trillion. That is $674 billion of new money in the next 7 years, a 73-percent increase again. But people say, OK, you are spending more, but what about all the new beneficiaries, all the new elderly? Had you added up all the new elderly on a per beneficiary, per elderly basis, we are going to go from $4,800 per beneficiary today to $6,700 per beneficiary in the seventh year, a 40-percent increase. So we are going to spend 40 percent more per beneficiary. Only in this city when you spend 40 percent more per beneficiary do people call it a cut.

We are spending far more than the inflation rate necessary to have an excellent program. What we are going to do is slow the growth of this program. But to do that, we have no increase, we create no new copayment and increase no copayment. We create no new deductible or increase any deductible. The beneficiary premium, part B, stays at 31.5 percent, and the taxpayer pays 68.5 percent. That is the difference, that is what the taxpayers are paying. They will continue to pay 68.5 percent. The beneficiary will continue to pay 31.5 percent. As health care cost go up, that 31.5 percent will mean that beneficiaries from part B will pay an additional amount per month as they have during each of the last 7 years where they have paid more.

Then people say, OK, I see that. I understand that. No increase in deductions. No increase in copayment. My premium stays the same. It does change for one group. If you make over $100,000 and you are single, you pay all of Medicare part B. If you are married and you make over $150, you pay all of Medicare part B. You still get Medicare part A as is. That has not changed.

Then the last argument is, the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Kansas [Mr. TIAHRT], can I keep my doctors? Why are you kicking me out of this program? We are not. You can stay in this program. If you want the traditional Medicare Program, this 1960's model fee-for-service program with your doctors, just the way it has gone before, you get to keep that plan.

But if you want to get eyeglass care or dental care or a rebate in your copayment or a rebate in your premium or a no deduction, you will be able to join a host of plans that will be provided giving you this kind of choice.

Concluding my remarks, I get health care from the Federal Government. I pay 28 percent of the cost. The Government and the taxpayers pay 72 percent of the cost. I get choice in my health care plan. My constituents have said, I want choice like you have it. We are allowing Medicare patients to have choice. They can keep what they have or they can get into whole new different programs that are going to be provided which we call MedicarePlus.

I will conclude my comments. I am delighted to yield to my colleague from Kansas who really can show much of what I have said and elaborate on that, but candidly provide new information just illustrating from charts that he has, how important it is for us to get our financial house in order.

I intend to be here for part of his dialog. I might interrupt him on occasion, but I yield to the gentleman from Kansas [Mr. TIAHRT]. I look forward to hearing what he has to say.

Mr. TIAHRT. Mr. Speaker, I think it is very interesting as you were laying out the Contract With America provisions and talking about the balanced budget provision, the Reconciliation Act, that you have got very good reasons why we should support the President's plan, our plan to balance the budget, and why the President should sign the Seven-Year Balanced Budget Reconciliation Act.

Not only are there important points there to sign but also, as you talked about the Contract With America, I want to make the point that it is really capturing the vision that Americans have. There is a passage in Proverbs that says, without a vision, the people perish. I think the people of America have had a vision for a very long time.

For 2 decades they had a vision of a balanced budget, just like this. They sit down at their kitchen table on a weekly or a monthly basis. They balance their budget through their checkbooks, paying their bills, weighing it with what their income is. So it is their vision that this Government should be balancing its own books.

I think they have had a vision of a retirement plan that is free from worries about health care. So we are in this Reconciliation Act trying to preserve and protect Medicare, as stated so eloquently by the gentleman from Connecticut. I think the people of America have also had a vision of safe streets, of safe schools, of safe America.

I think that provisions that we are putting in, if you look at any yardstick in America today, whether it is drug abuse or illegitimacy or domestic violence or just violence itself, we are failing miserably. I think many of these problems have their roots in our current welfare system that is obviously broke. It is antifamily, it is antiwork, it teaches exactly the wrong thing for a free economy and a system of self-governance.

So I think as we look at this, and the last thing that I want to pick up on what the gentleman from Connecticut [Mr. SHAYS] said was that he talked about some of these tax credits. I think it is very important. I think we are alluding to it, that it is really their money. It is not our money. As was mentioned, the taxpayer is paying for a portion of our health care, it is their money. I think that, if there is a legacy that this Congress can leave behind, it is that it is not the Government's money that we are dealing with. It is the taxpayers' money. It is your money.

In the past, I think the people have felt out of touch with the Congress. Last November 8, almost a year ago to the day, many of us freshman Congressman came in and joined individuals like the gentleman from Connecticut who were in touch with America and saw what their vision was, saw this vision of a balanced budget, preserve Medicare, welfare reform and of tax breaks.

They kind of have sent a message to us. I think we are still hearing it today in our town halls. We are hearing it in the coffee shops, Main Streets. I hear it when I visit manufacturing facilities in the Fourth District of Kansas.

I have brought a chart to kind of illustrate the marching orders that we have been given, this 104th Congress. In this chart it starts out saying, Congress' marching orders. The very first thing is balance the budget in 7 years. I think we cannot emphasize enough how important that is.

I would like to elaborate on it a little more as we go through. Briefly the rest of the marching orders are saving Medicare from bankruptcy, preserving and protecting it, as the gentleman from Connecticut talked about reforming welfare, and again providing tax relief for families and job creation. I think understanding back to this first one, balancing the budget, we really should illustrate it by showing what the real problem is.

I have a chart that illustrates that. It is called The Debt: 1960 to 2000, "Growing Out of Control." On this chart, briefly, it is difficult to see, I know, but it starts out in 1960. It goes to 2000 across the bottom. On the left side it starts at 0 trillion and goes to 7 trillion. As you can see, the red indicates how much Federal debt we have. It stays pretty well below $1 billion until we get to the middle of the 1980's. At that time when our social programs kind of started spinning out of control, it started to climb until today, this year, we are right at approximately $5 trillion in Federal debt. We are approaching $5 trillion.

This is a legacy that we are passing on to our children. I have three children, and my older is 14 years old, Jessica. It has been 25 years since we have balanced this budget. If I look at the next 7 years, that makes her 21 years. If it takes as long to get out of this problem as it did to get into the problem, my daughter will be 53 years old. We have literally passed our problems onto the next generation. I think that we have an obligation, a moral obligation to our children and to this country to see that we have a balanced budget.

Mr. SHAYS. I would just make the point that, even with our 7 years plan, the national debt goes on another trillion dollars. Here we are having people saying we cannot do it in 7 years and that we need to stretch it out. Even then, we are allowing the debt to go up because we are trying to have a glide path where ultimately our expenses, slowing the growth of our expenses runs into revenue. But to me that 7 year balanced budget is the outer limit of what we should be doing.

Mr. TIAHRT. I think the glide path is a good example.

On my next chart, I am showing the difference between the second budget that we received from the administration and what we are looking at with this Reconciliation Act. You can see the glide path. Those who fly, it is very clear. As you approach a runway, you get down to touch down, and that is called the glide path. As you are slowly descending to the runway, this looks to go steeper than I like to land. But it illustrates the point fine. The administration's budget really does not balance over the next 7 years. But the plan that we have before us, in the Reconciliation Act and why it is so important for the President to sign, is that it does get to a balanced budget by the year 2000.

Mr. SHAYS. Just looking at that, the point needs to be made that the Congressional Budget Office has scored the President's budget and said his annual deficits are over $200 billion during each of the next few years. That blue line just shows how we are going to get those deficits down to zero in the seventh year.

Mr. TIAHRT. As the gentleman pointed out, I want to talk to why we think it is important. Again it goes right back to the children. This chart says why the Republican Congress is balancing the budget. First, for our children. I have three children, Jessica as I mentioned earlier. I also have two boys, John and Luke. I am worried about their future. The reason I got into politics is because I want to secure a future for them.

Just about a year and a half ago, there was a survey where two-thirds of Americans believed that their children would not have the same opportunity that they had. I think that is a sad statement for a system of self-governance. So we are trying to restore hope for our children so that they have more hope for the future, more opportunities for the future than we had growing up.

No. 2, to accelerate long-term economic growth, if we do want to balance long-term economic growth, if we do want to balance the budget, we have to see our economy grow. A balanced budget does do that.

No. 3, it reduces long-term interest rates. We will talk a little bit more about the significant impact it has on the American family and on the college students to reduce interest rates.

And to strengthen the financial markets, and again that is tied to No. 2. If you hope to have long-term growth, you have to have a strong financial market.

No. 5 is to raise productivity. No. 6, reduce inflation, very important. And No. 7, to strengthen our dollar. We have seen a dramatic slide in the dollar over the last 20 years. It is time for us to strengthen the dollar to keep those strong markets that we have.

I think that this was illustrated again by Alan Greenspan, who is the chairman of the Federal Reserve. I have a chart here that shows some of the things that he named as the benefits of balancing the budget. They are significantly common to what the Republicans are trying to do.

No. 1, he says that the children will have a higher standard of living than their parents. We are talking once again about restoring the hope for our children. I want to pass on a legacy to my children so that they will have more opportunities, a better future than I had growing up. I have had some wonderful opportunities.

So I agree with Alan Greenspan, the chairman of the Federal Reserve.

No. 2, improvement in the purchasing power of incomes. We have seen a dramatic slide. I think the working man has been hit the worst. Inflation and loss of purchasing power has really hit them in the pocketbook. It has made it difficult.

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And I think that is quite often why we see two-income families now, because if you look at the taxes that we have here at the Federal Government, which is about 25 percent of the income, you add in the State taxes, local taxes, hidden taxes. When I think about the wheat farmers in Kansas and how they start to pay taxes on their land, and some of their equipment, and their parts, sales taxes, how they are tied in there, that the wheat goes to the miller to make flour, and then to the baker to make bread, and then to the grocer to be distributed, and there is taxes that are hidden in there, and by the time you add all those up, Americans pay more than 50 percent of their income to taxes. So it is no wonder we have two incomes. One person works just to pay the taxes while the other one tries to provide something for their family.

So we are trying to improve their purchasing power. Again rising productivity; we have done it with the previous chart; reduction in inflation. We have seen, as you mentioned, double-digit inflation in the past, and we want to keep our inflation rate down. Strengthening of financial markets—and, coming from the chairman of the Federal Reserve, I think that is a significant statement—acceleration of long-term economic growth and a significant drop in long-term interest rates.

Now I think that when you talk about the American families and how this is going to impact them, I have got a chart——

Mr. SHAYS. Before you leave Alan Greenspan, I would just like to mention that he made a point to us in the committee. Some members said, "Well, Mr. Greenspan, isn't there a danger that Congress could cut too much and slow the growth of our economy?"

And he gave a very interesting response. He said to this Congressman—he said, "Congressman, Congressman I don't go to sleep at night fearful that when I wake up the next morning Congress will have cut too much."

His biggest point to us, his biggest point to us was, that, if we balance the Federal budget, interest rates will drop significantly, and I think you have a chart that illustrates the significance of that, if you, for instance, could just explain it.

Mr. TIAHRT. The chart starts out by saying Benefit to an American family of a balanced budget: Annual savings from a 2-percent interest reduction, just a reduction of 2 percent, and again it goes back to Mr. Greenspan saying that, if we would balance the budget, interest rates would drop 2 percent because the Government would not be out there competing for debt, which in turn competes for credit. So this is a 2-percent reduction in interest rates. On the average car loan of $15,000 it would be an annual savings of $180. On a student loan of $11,000, it would be savings annually of $216. But the biggest-ticket item of course is the mortgage, and right now, about the average mortgage, somewhere around $100,000. If it was $100,000, it would be reduced, just by going down 2 interest points, $2,162 per year, a total annual savings of $2,558.

And I think that talks about, you know, it reflects restoration of hope, getting more purchasing power for the dollar. It is a very important issue, that we balance the budget.

Mr. SHAYS. The other point I would just make, that if businesses have less interest to pay on their plant and equipment, they are going to invest more in higher productivity, they are going to build new plants and equipment, create more jobs, and the American worker, the American worker, is going to be more productive. If the American worker is more productive, they are going to get more dollars for what they do.

Mr. TIAHRT. You made a point earlier when you talked about student loans, CHRIS, and I just want to follow up on that because I have a chart that has exactly the same numbers that you referred to. We have heard that we are cutting student loans; we heard it just earlier this afternoon; but we are not cutting student loans. This is the estimated annual student loan spending starting in 1995 and going to the next year's budget. This is in the reconciliation plan, and you can see it is an increase. It starts at $24.5 billion and it goes up to $36.4 billion by the year 2002.

Now I do want to make one point, that we are going to take away some of the subsidies on interest payments for students once they graduate. There used to be a period of 6 months from the time they graduated until they made their first payment that the Government picked up those interest payments, but we do think people should work, and we want to encourage them to get into the work force and be productive, so we are not going to subsidize those, and it is going to mean about $7 or $8 a month, which we do not think is a significant fee.

Mr. SHAYS. That is for the student who has borrowed the maximum of $17,000, and there still will be the grace period. We defer the payment on that interest and allow them to amortize it over the course of their entire loan.

Mr. TIAHRT. When we talked about a student loan—I am glad you pointed out the maximum amount of $17,000—but I am going to go back to an $11,000 student loan just to match my chart here.

A 2-percent interest reduction, which is $2,167 over the life of an $11,000 student loan; you know, there is a big current 8-percent interest rate. It is going to cost for that $11,000 loan $18,574 by a simple reduction of 2 percentage points. This is why it is so important, even for the student. It goes down to $16,411.

So now we are increasing spending. I do not want to confuse this because we are increasing spending for each student, as we mentioned on this chart, going from $24.5 billion to $36.4 billion.

Mr. SHAYS. If I can just qualify that and make the point that no student is going to be allowed a student loan. They are going to get their student loans. What we do with this increased money is allow for more student loans. So we are going to go from about 6,700,000 in the 5th year, which is that $33 billion. There are going to be 8,400 students getting student loans.

So more students are going to get student loans, and that is why this number goes up. There is going to be a lot more money in this system.

Mr. TIAHRT. More money in the system, student loans are going up, but for the individual student himself, for the one who is going to make the payments after he has received his education, if we can just lower his interest rate 2 percent, we can save that person some money, that American, that person with a vision for the future.

Mr. SHAYS. Significantly less more money.

Mr. TIAHRT. It goes from again $18,578 down to $16,411, a savings of $2,167.

Now we are—I want to talk next about how the balance budget will lower interest rates, and in this chart here I think that we have talked—we have heard a lot about cuts, cuts here and cuts that, but in balancing the budget over the next 7 years we are still going to increase spending, and I brought a chart to illustrate that. And I think there has been kind of a misconception that is nothing but cuts, cuts, cuts, cuts. There really are not any cuts. We are really slowing the growth of Government, is what we are doing. We are slowing the growth of Government, not cutting. There are some true cuts like in defense, on outlays. Our outlays last year for fiscal year 1995, for defense was $276 billion. This year, fiscal year 1996, is going to be $267 billion in outlays. So there are some cuts, in defense for example, but overall Government, if you look between 1989 and 1995, we spent $9.5 trillion, and looking forward over the next 7 years, 1996 to 2002, we are going to increase spending to $12.1 trillion.

Now, if we did not do anything, if we did not try to balance the budget, and progressed, for example, on the President's plan, we would be spending $13.3 trillion, so what we are doing is limiting the size of growth in the Federal Government, and I think that is one of the things that is very important.

Mr. SHAYS. I would just like to elaborate on this. I mean the significant point is that in overall spending of the Government and the taxpayer we are going to spend $12.1 trillion in the next 7 years. We could, if we did nothing, like President Clinton basically advocated in his February budget and his budget of 2 years ago, we would go to $13.3 trillion. What we are trying to do is slow the growth so ultimately spending will intersect with revenue in that 7th year, and I just make the point that I want to elaborate a little bit about we made some cuts, and we are proud of some of the cuts that we have made. We slowed the growth in other programs, and our disagreement with our colleagues on the other side of the aisle is sometimes they call a cut a cut when the spending is going to go up significantly, and that is where we disagree with them. It is true we have a cut in foreign aid. We cut foreign aid. We are going to spend less dollars next year than we spend this year. That is a cut. I am willing to take the heat for that, but we did not cut EITC, we did not cut Medicare, we did not cut Medicaid, we did not cut the School Lunch Program, we did not cut the Student Loan Program and so on. A lot of the entitlements will still be allowed to grow.

Mr. TIAHRT. Those are excellent points, and I want to talk just briefly about one of the areas that we did cut just as an illustration.

We are going to dismantle the Department of Commerce and save, I believe, about $3 billion, and this chart kind of symbolizes how we are going to do it. Basically what we are doing is we are eliminating duplication inside the Government. We are trying to do away with any waste, if we can find it, and then we are getting rid of some of the unnecessary bureaucracy, but you can see some of these areas, like the National Institute of Science and Technology, is going to be consolidated along without others, some of them like technical policy are going to be eliminated, so through a process of consolidation and elimination we are going to get rid of the waste, we are going to get rid of any abuse, we are going to consolidate part of the bureaucracy, and that is part of the cuts that I think are good, commonsense guts that people do in their everyday lives when they have to limit their growth.

Mr. SHAYS. One of the points that I love about what we are doing with the Commerce Department, we are going to take all the trade functions and put them under one category because we do believe that a significant part of our economic growth is going to be the products that we export overseas. So we are going to consolidate our Trade Representative and all the trade functions within the Commerce Department under the Trade Representative. Makes a lot more sense, it seems to me, to do it that way.

Mr. TIAHRT. This is one of the items that was in the Seven-Year Balanced Budget Reconciliation Act that we hope the President will sign. Next year we are going to look at some other agencies like the Department of Energy and see if there is some duplication we can reduce. I think that the balanced budget is, again, restoring the vision of the American people, trying to get government to conform with the way they live their lives, and I think if we are successful in doing this, we will help fulfill the promises that the American people want from Washington, DC, not necessarily from a Republican, or from a Democrat, or from the administration, but from all of us here in Washington, DC.

That brings us to the second point that I think we want to talk about because we have heard so much about the cuts in Medicare. I first want to emphasize the point that we have a problem with Medicare, and it was emphasized on April 3, 1995. The top of this chart says the conclusion of the Medicare trustees. The quote here is, and it is right out of their report——

Mr. SHAYS. Will the gentleman slow down a little bit? This is really important, and we have time to really make sure that we are making this point clear.

Mr. TIAHRT. OK. I guess I am getting just a little bit excited.

Mr. SHAYS. Yes, there is plenty to talk about, but this is very important.

Mr. TIAHRT. The President's board of trustees for Social Security and Medicare issued this report. We have duplicated three of the signatures. There are other signatures there, but these are the Members from the President's Cabinet. This report talked to us about the impending crisis in Medicare. It says the present financial schedule for Medicare programs is sufficient to insure that payments and benefits only over the next 7 years, and I have a second chart that will kind of help illustrate how Medicare is in fact——

Mr. SHAYS. This is the President's own Cabinet that said this in addition to the head of the Social Security trust fund, basically saying that Medicare becomes insolvent next year, and then what happens?

Mr. TIAHRT. This chart illustrates that, as the gentleman from Connecticut is pointing out. The part A trust fund is going to be empty in 2002; in other words, it is going to be bankrupt. This chart is in billions of dollars on the left-hand side, it has zero in the middle, the bottom being minus 150 billion, the top being 150 billion, which is approximately where the fund is today, and over the next 7 years you can see this red line goes down until it crosses zero, and in 2002 we actually would achieve bankruptcy if we do not do anything to preserve and protect Medicare.

Mr. SHAYS. I wonder if I could just point out what those numbers are in the trust fund in 1995 there is $136 billion. It only drops a billion next year to 135, but in 1997, it goes to 129, then it goes to 117, then it goes to 98. In the year 2000, it goes to 72; in the year 2001 it drops 37, and then in the year 2002 it will have a minus 7 billion. That is the fund that pays for all the hospital care. And then the only way that if we do not save this fund from bankruptcy the only way hospital care will be taken care of is, as the payroll tax brings in money it immediately is grabbed out, but there is not enough to pay for all the costs of the Medicare part A trust fund needs of hospital care.

Mr. TIAHRT. I have a chart here to illustrate how spending is going to increase in Medicare and still save what is going to be a bankrupt fund if we do not do something about it. We have heard, and the reason I bring this chart I think is important to note and we have heard it here on the floor this afternoon, that there are cuts in the Medicare program of $270 billion. This is something that has been spread, I think, nationwide. I have heard it in some of my town meetings, and so I go to great pains to try to explain to people how we are increasing spending in Medicare and still going to make the funds solvent, as the gentleman from Connecticut [Mr. SHAYS] has pointed out.

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This chart says "Medicare spending per recipient in the Republican budget." It starts out here in 1995 with $4,816, and then projected over the next 7 years we will be spending $6,734. I think you made a very good point when you were speaking earlier. You said there will be more people in the Medicare system in 2002, more people in the system, and they will be receiving more financial benefits and still make the system solvent.

Mr. SHAYS. It is really amazing when we think about it. We have taken a program that will have $4,800 per beneficiary and in the 7th year they will have $6,700 per beneficiary, so that takes into consideration all the new people in the system, more than we need even to deal with the basic inflation. Yet people, and you have it right at the bottom of your chart, where is the cut? Where is the cut? Where is the cut?

Mr. TIAHRT. To try to make it a little more understandable, if you were a baseball player, maybe you could understand it if we put 48 baseballs in one basket and in another basket we put 67 baseballs, and ask them, "Which basket has more balls?" I think they would say the one with 67 baseballs in it has more. That would be an increase, would it not?

Mr. SHAYS. Yes, it sure would.

Mr. TIAHRT. Like a golfer. If you had 48 golf balls in one cart and 67 golf balls in the other cart, is that an increase or decrease in golf balls? It is very simple.

I want to emphasize this, I would say to the gentleman from Connecticut, because I think what is important here is that we have heard so much about cuts. We are starting to see a widening gap in credibility. There are no cuts. As this chart says: "Where is the cut?"

Mr. SHAYS. Mr. Speaker, does the gentleman have another chart on Medicare? I would love to just make the point by saying we save money in the program by doing a host of things, but one of the things we do, we provide that health care fraud will now be a Federal offense, and not just Medicare frauds, but Medicaid fraud and other not private health care fraud will be a Federal offense, and we are going to go after the extraordinary waste in the system.

Do you know that in Medicare, I would just make the point, when we look at what HCFA, who runs this program, is able to do, believe it or not, HCFA cannot tell you what hospitals were given what money a month after the fact, 2 months after the fact. They cannot tell you why the hospitals were given certain sums of money.

Home Depot, on the other hand, when they open their store at 6 o'clock in the morning, at 9 o'clock in the morning they can tell you what products sold in their store from 6 to 8:59. They have already started to reorder their inventory.

There is extraordinary waste, fraud, and abuse in this system. I have men tell me that they have been sent bills for giving birth. I have women tell me that they have been charged for operating that are not humanly possible on a woman. We have had story after story of how people can abuse this system, and we are, for the first time, going to be in a very focused way getting at the waste, fraud, and abuse in this system.

That is where we get some of the savings. We get some of the savings by the fact that people will opt into private care, which is far more efficient, and will provide a better service for a lower cost. So the actual beneficiary, though, pays no more in copayment, no more in deduction. The premium stays the same, unless you are very affluent. You can stay in your fee-for-service system, and if you want, and only if you want, you can leave. If you leave and you do not like it, for the first 2 years you can go back every month into your old fee-for-service system. Only in the 3d year are you locked into that program for a whole year.

Mr. TIAHRT. I think you make a good point, that if you just do absolutely nothing and you are a senior, your Medicare benefits will continue as they were before, but if you choose to move into a managed care plan, another type of plan, then it is your selection, it is your alternative, it is your choice.

I think that is a very important difference between what we saw with the old Medicare plan, which was a 1960's Blue Cross-Blue Shield plan that has been frozen in time for 30 years, the rest of health care increasing, maturing, developing for 30 years. Now we are just trying to bring Medicare up to date, allow some options. But if a senior, again, chooses not to do a thing, they will stay in the current Medicare program.

Mr. SHAYS. If they stay in the current system they cannot be removed. In other words, they can only be changed into private care if they proactively ask to. It is not like the telephone, where you find yourself switched. You can stay right where you are.

Mr. TIAHRT. I want to talk about one of the visions I think the American public had, and that is reforming our welfare system. We have heard a lot about it in the campaigns for the last dozen years. Now we have a plan that is in our 7-year Balanced Budget Reconciliation Act. This is, again, another reason why we think the President should sign this bill into law.

In welfare reform, I think we have been kind of attacked in saying that we are cutting spending for welfare. If you look at the chart I have brought, it talks about welfare reform the last 7 years compared to the next 7 years. On the left side here we have spending which is in billions, and across the bottom we have three columns. The first is 1989 to 1995, or in other words, the last 7 years. That is $492 billion, which is a lot, half a trillion, a lot of money. The next 7 years we are going to increase that $346 billion over what we did in the first column of 1989 to 1995. So from 1996 to 2002 we are going to increase spending.

If we did nothing and took current projections, we would spend up to $949 billion, but by moving block grants on welfare to the States and trying to get the solution closer to the problem, we are going to save some money over the next 7 years.

I just have to tell you one story about a lady that I talked with in Wichita, KS. She works for the Social Rehabilitation Services, which is how welfare is conducted, the agency that conducts welfare in the State of Kansas.

She said, "I am very concerned about block grants, because how will this Federal guideline be affected and how will that Federal guideline be affected?" I said, "Ma'am, if you could have the autonomy and the authority to take this money that you receive in your budget and apply it to the problem, could you do a better job than what these guidelines say?" And she said, "Oh, absolutely." I said, "That is what we are trying to do. We are trying to move the solution closer to the problem and give that worker in Wichita, Kansas, the autonomy and the authority to meet the problem, the funding to meet the problem."

Mr. SHAYS. I would love to weigh in on this. I represent an urban area, I think I am one of the probably few Republicans that represents an urban district. I represent Stanford, Norwalk, and the city of Bridgeport. The city of Bridgeport—a few years ago—attempted to go bankrupt and, candidly, it is getting itself back in line and getting its financial house back in order as well. As someone who has been involved in government and has voted for a lot of welfare programs, I have had to ask myself, what have I done?

This is what I look at and see. I see 12-year-olds having babies, I see 14-year-olds selling drugs, 14-years-olds. I see 15-year-olds killing each other. I see 18-year-olds who cannot read their diplomas. I see 24-year-olds who have never had a job, or if they had a job, say, at McDonald's', they would say it was a deadend job. If I ever said that to my dad, he would say, "Son, how many hours are you working?" and if I said "Dad, I am working 10 hours," he would have said "It just increased to 15," because he knew the value of waking up in the morning, earning my keep, and being of service, being useful to society in a very proactive way.

Then I think of my 80-year-old grandparents. We have created a legacy that has to change. We have to be willing to confront how we have voted in the past, how we can change it.

I want to be part of a caring society. We have been a caretaking society. In the process of being a caretaking society, I think we have destroyed generations of young people who now cannot be productive. We have given them the food, we have not taught the how to grow the seed. For our Republican revolution to have a positive impact ultimately, we have got to teach people how to grow the seed. That is what we are trying to do with our welfare reform.

Mr. TIAHRT. Exactly right. Mr. Speaker, I want to tell the gentleman about some of the other things we have. We are going to consolidate some of these programs, 22 current programs to eliminate child abuse, consolidate them, again reducing some of the redundancy, making it more efficient. We are going to consolidate child care programs, increasing the spending to $2 billion per year, and nutrition programs. I think this is something that the Republicans took an unfair hit on.

We heard last spring that the Republicans were cutting what was going to be spent for children and that they would be starving. I have heard absolutely no reports in the Fourth District of Kansas or anywhere in the Nation that there are kids starving right now. In fact, I was in the Dodge Edison School in Wichita, KS, and saw the lunch program. They are doing very well. They are thinking about contracting it outside. Overall, we are increasing spending for nutrition programs 4.5 percent per year, and over the next 7 years that is going to be a $1 billion increase. There will be no starving children under this.

Mr. SHAYS. Could I just jump in here under the school lunch program, Mr. Speaker, because we talk in our circles about not ever being school-lunched again. It was the first time we encountered where we were going to increase a program and people called it a cut. Instead of it growing 5.2 percent a year, we allow it to grow 4.5 percent a year.

But we do something very important. We allow the local communities to adjust 20 percent of the cost, because a lot of wealthy communities get 30 cents per child. We are going to allow States to say wealthy communities maybe should not get that, and a poorer city, maybe like Bridgeport, can have a breakfast program. So we are going to allow States the discretion to focus these programs where they think it is most needed, but they are going up.

Mr. TIAHRT. I want to move on to the last thing. This is talking about the reduction in taxes that we have in the 7-year Balanced Budget Reconciliation Act, and why I think it is important to fulfill the vision of the American people, and also to stay on this plan, why the President should stay on it.

The President did say on October 17 in a roomful of people, he said, "The people in the room are still mad about the 1993 budget, and they think I raised their taxes too much." He said, "It might surprise you to know that I think I raised taxes too much, too." I just illustrate a point, because I think what he has captured here is the vision of the American people. We have to go back to the premise that it is not the Government's money, it is the taxpayers' money, it is their money. I think the President has captured that.

When we look at who is going to be benefiting from this family tax credit of $500 per child, and now this is based on the plan that went out of the House, and because of your committee work, I would say to the gentleman from Connecticut [Mr. SHAYS], I know he has some further information and may want to correct the chart a little.

First I want to say one thing, I heard there was a person who was going to get a $20,000 break in their taxes, some alleged rich individual. I got to thinking about that. At $500 per child, he would have had to have had 40 children to get a $20,000 tax break. I hope that he is wealthy if he has 40 children. But if you look at the plan that we have, 75 percent of the people, 74 percent of the people, who will benefit from this make below $75,000, and 10 percent only make over $100,000. So a large majority of the people who will benefit from what is in the current plan are making less, they are not the wealthy people.

Mr. SHAYS. I would love to weigh in on this issue. My parents raised four boys. I was the youngest of four boys born in the mid-1940's. My parents, in today's dollars would have been able to deduct, per child, $8,200 per child. That is $32,800 off the bottom line of their income. But a family today can only deduct $2,500.

What we are trying to do with our family tax credit is give families today the same basic purchasing power, at least get them closer to the kind of purchasing power, that my folks had. I might make this point as well. My parents probably paid less than 12 percent of their total income in Federal, State, and local taxes, maybe 15 percent, Federal, State, and local. A family today pays anywhere from 25 percent to 40 percent, plus, in Federal, State, and local taxes. This eminently makes sense. We may end up where, when we agree with the Senate, that it will apply to any family making less than $100,000. So then what you will have, you will have it focused primarily on those with the most need.

Mr. TIAHRT. I am not here to defend the rich, because that has been kind of the premise of the argument, is that the rich are getting the tax break. I really do not think that is true at all.

Mr. SHAYS. That is not true, to start with.

Mr. TIAHRT. No. 1, it is not true, and No. 2, it is not fair. But I want to say one thing, I received some information, it was published in Human Events, on page 9 of their November 3 issue. It says that the top 29 percent of individuals who pay income taxes, they pay $4 out of every $5 that is paid into the Federal Government in the form of taxes.

The top 25 percent, which a lot of people think that is the wealthiest people, and they should be paying $4 out of $5 in taxes. But let me tell you where the top 25 percent hits. That is everyone who makes $41,000 or above. If you make $41,000, I do not consider you rich. In fact, to get to the top 5 percent, you go up to $87,000. There is some question there, if people are well off at $87,000, but the bottom 50 percent of individuals who pay Federal income taxes only pay 5 percent of the tax burden. That is $1 out of every $20 that comes into the Government. Really, that is what this per-child tax credit is designed to hit, that bottom 50 percent. It will mean the most to them. They need the break.

I think about my brother-in-law who is currently on strike, an employee at the Boeing Co. They are on strike. He has three boys. I want him to know there is $1,500 available for him next year to catch up from the strike. It may go on through the rest of the year.

Mr. SHAYS. What it is is a tax credit. In other words, the taxes he paid, he will get $1,500 back in taxes he paid.

Mr. TIAHRT. That is exactly right. That makes a very good point.

I want to go back to the point the gentleman made earlier about the earned income tax credit, because we heard that we were dramatically cutting and trying to balance the budget on the backs of the poor people. If you look at the last 7 years, how much spending there has been in the earned income tax credit, it was $71 billion. We are going to increase that, under this plan that we hope that the President will sign, we are going to increase it to $173 billion.

□ 1730

Now, that is a very big increase, a 144 percent increase. So we are not balancing the budget on the backs of the poor.

I want to talk a little bit about where the cuts are coming from, because they are not coming from Medicare, they are not coming from Medicaid, they are not coming from nutrition, they are not coming from the earned income tax credit.

Mr. SHAYS. Mr. Speaker, if the gentleman will yield, it is because we are spending more money in all of those areas.

Mr. TIAHRT. Mr. Speaker, that is absolutely right, and a very good point. We are spending more money in all of those areas.

These are where the cuts are going to come from, the tax cuts, and they are already paid for; I want to emphasize that, they are already paid for. We have made $151 billion worth of cuts in the discretionary spending.

Mr. SHAYS. Mr. Speaker, if the gentleman would further yield so that I could just elaborate, that is what we do in our appropriations votes, when we vote out our appropriations bills to fund the Treasury Department or to fund HUD or any of these other programs, we reduce the amount of money that we are allowing these departments to have.

Mr. TIAHRT. Mr. Speaker, we are just trying to run government more effectively.

The next one is by consolidating. We went through some of the programs and we are consolidating and reducing some of the growths through block grants to the States, and we are going to reduce our welfare through welfare reform $89 billion; through reform in the Federal workplace and retirement, we are going to reform that $10 billion.

We are going to save, by extending the spectrum, when we auction off different waive lengths for radio and television, we are going to see a tax cut paid for with $15 billion from extending the spectrum auction. We are going to sell off some of the raw resources we have. The uranium enrichment privatization plan is going to save $1.7 billion.

Our total spending cuts are $268.3 billion, if we add all of that up, and what are our tax cuts? Our tax cuts are $245 billion.

Mr. SHAYS. Mr. Speaker, I don't see anywhere in there, any savings in Medicare or Medicaid that contributed to the tax cuts. The tax cuts were funded, taken care of before we ever voted on Medicaid or Medicare.

Mr. TIAHRT. Mr. Speaker, the gentleman from Connecticut [Mr. SHAYS] makes a very good point. It is totally unrelated, and it addresses the credibility gap that we have seen widening.

Mr. SHAYS. Mr. Speaker, if the gentleman will yield, we have about 3 more minutes, and I want to make sure that the gentleman is able to finish up on those issues that are important to him.

Mr. TIAHRT. Mr. Speaker, I want to quote my Uncle John Armstrong. He said, "If you want something bad enough, any excuse to get it is a good excuse."

I think about how we have had a shift in power and we have seen some of the top switch and we have had kind of a problem or a widening in the credibility gap. They said we are cutting student loans; they are going up. They have said that we are cutting Medicare; we are increasing spending. The income tax credit, we just talked about that. Nutrition programs, we just talked about that.

What we are talking about, though, is restoring the vision of the American people. That is why I believe that the President should sign the Seven-Year Balanced Budget Reconciliation Act. That is why I think the American people want him to do that.

Mr. Speaker, if my colleagues would look at the provisions inside the bill, it encapsulates the visions of America, to having a balanced budget to secure hope for the future for their children, to preserve and protect Medicare, to reform welfare, and to give the tax breaks to the kids so that the parents can spend the money on them rather than the government. I think that restores the vision that the American public holds. So I hope that the President will sign the bill.

Mr. SHAYS. Mr. Speaker, I would like to thank the gentleman from Kansas [Mr. TIAHRT] for joining me in this effort, and I have learned a lot from his charts.

I would like to say that I have never been more proud to be part of a new majority than this Republican majority that candidly is trying to take on getting our financial house in order, balancing our budget, saving our trust funds, particularly Medicare, and transforming the social and corporate welfare state into what has to become an opportunity society. All of the new Members that we have have made an incredible difference in this effort. They have been the driving force with some of the sophomore class as well, and it has just been absolutely a thrill to welcome our new Members and it has been a wonderful opportunity for me to share in this essential order, and I thank the gentleman from Kansas for his extraordinary good work, his dedication, and giving us the opportunity to be in the majority.

VACATION OF SPECIAL ORDER

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from American Samoa?

There was no objection.

U.S. ACCESSION TO SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my deep sense of pride and to share with our colleagues and our great Nation an event of historic importance to the countries of the Pacific region.

On Friday, October 20, at the United Nations, the United States, France, and Great Britain formally announced they have decided to join the South Pacific Nuclear Free Zone Treaty and will complete signing of the protocols to the treaty by mid-1996.

The South Pacific Nuclear Free Zone Treaty, commonly referred to by its acronym "SPNFZ," is known formally as the Treaty of Rarotonga since it was signed by the leaders of the Pacific nations on the island of Rarotonga in the Cook Islands.

The Treaty of Rarotonga came into force in December 1986 after ratification initially by eight countries, thereby establishing the South Pacific nuclear free zone to combat nuclear weapons proliferation and the reckless disposal of nuclear wastes. Today, 11 Pacific Island nations—Australia, the Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tuvalu, and Western Samoa—are members of the treaty.

By banning the testing, stationing, manufacturing, and use of nuclear weapons in the zone, the Treaty of Rarotonga is a symbol for the peoples of the South Pacific, expressing their high level of concern regarding nuclear weapons and the possibility of a nuclear disaster in the region. The treaty also prohibits parties from dumping radioactive waste at sea in the treaty zone, and provides for verification safeguards by the International Atomic Energy Agency. The treaty protocols, in addition to the foregoing, require the nuclear weapon states not to use or threaten to use nuclear weapons in the zone or against any South Pacific signatory of the treaty.

Mr. Speaker, the South Pacific nuclear free zone covers a vast area extending from the western coast of Australia and the Papua New Guinea-Indonesia border in the west, along the Equator in the north, to the boundaries of the Latin American nuclear free zone in the east, and the Antarctic nuclear free zone in the south.

I want to express my deepest appreciation and thanks to President Clinton for his decision to support the South Pacific nations in their desire to keep the region safe from nuclear destruction. The President's global leadership on nuclear nonproliferation, along with international outrage over France's resumption of nuclear testing in the Pacific, no doubt influenced France and Britain to join America in this historic development.

Mr. Speaker, the Clinton administration has identified nuclear proliferation as one of the greatest threats to United States and global security. I and many of our colleagues have long argued that to enhance U.S. credibility to build international support for successful extension of the nuclear Non-Proliferation Treaty [NPT] and negotiation of the Comprehensive Test Ban Treaty [CTBT], the administration should join the nuclear-free zone in the Pacific.

Mr. Speaker, since the Rarotonga Treaty took effect over 8 years ago, the island nations have eagerly sought United States support for a nuclear-weapon-free South Pacific. By refusing to sign the treaty, however, the United States was increasingly perceived as indifferent to the aspirations and concerns of our South Pacific allies—many of whom fought at our side during World War I, World War II, the Korean war, the Vietnam war, and supported United States operations during the cold war. Ironically, while the democratic nuclear powers failed to act, both Russia and China have long been signatories to the treaty protocols.

There was no good reason for America not to support her Pacific allies by joining the Treaty of Raratonga. The treaty advances United States nonproliferation objectives without undermining United States security policy in the South Pacific, as past administrations have conceded while testifying before Congress. The treaty was carefully drafted, with considerable input from the Reagan administration, to accommodate U.S. interests, including our policy to "neither confirm nor deny" the presence of nuclear weapons or American warships or aircraft; and it specifically protects free transit through the zone by U.S. vessels and planes carrying nuclear weapons.

The United States already supports nuclear-weapon-free zones around the world, and has signed treaties prohibiting nuclear weapons in Latin America, the Antarctic, the ocean floor, and outer space. Not long ago, the White House lauded Argentina, Chile, and Brazil's entry into the Latin America Nuclear Free Zone Treaty, noting the treaty has been a critical building block for peace and stability in the Western Hemisphere, our backyard, while reinforcing the worldwide nonproliferation movement.

With cessation of the cold war, justification for much of our Nation's past reluctance to join the treaty of Rarotonga has evaporated. The Soviet nuclear threat in the Pacific no longer exists. Instead, the United States and Russia are committed to deep reductions in their nuclear arsenals, the United States has removed tactical nuclear weapons from its surface fleet, and the prospects for a comprehensive test ban treaty are good in 1996.

Mr. Speaker, in this new postcold-war era of lessened nuclear tension, I commend the Clinton administration for heeding the calls for assistance by our Pacific allies by signing the protocols of the South Pacific Nuclear Free Zone Treaty as part of a comprehensive nuclear nonproliferation policy. Joining the treaty of Rarotonga is visible proof of America's commitment to continued progress with the indefinite extension of the NPT and negotiation of a genuine, zero-yield comprehensive test ban treaty.

Mr. Speaker, in welcoming this action we have pursued with three successive administrations, I want to thank and recognize the invaluable bipartisan support of my esteemed colleagues—Representatives JIM LEACH, LEE HAMILTON, BEN GILMAN, GARY ACKERMAN, CHRIS SMITH, HOWARD BERMAN, DOUG BEREUTER, TOM LANTOS, CONNIE MORELLA, RON DELLUMS, JIM MCDERMOTT, PETE STARK, MATTHEW MARTINEZ, NEIL ABERCROMBIE, PATSY MINK, and ROBERT UNDERWOOD.

In particular, my former colleagues on the House Asia-Pacific Affairs Subcommittee, Chairman Stephen Solarz and Representative Bob Lagomarsino, must be recognized for their early and instrumental role in laying the foundation for these historic developments. I would also thank Dr. Zachary Davis, international nuclear policy analyst with the congressional research service, for his excellent service to Congress which greatly assisted the decision for U.S. accession to the South Pacific Nuclear Free Zone Treaty. Last, I would recognize and give credit to Ambassador Winston Lord, Assistant Secretary of State for Asia-Pacific Affairs, for his considerable involvement in the President's decision.

Mr. Speaker, while France has also agreed to accede to the protocols of the Rarotonga Treaty by mid-1996, it is apparent the French Government still intends to carry out its latest series of nuclear bomb detonations in French Polynesia. Clearly, France's accession to SPNFZ is meant to supposedly appease the world community's great outrage and condemnation of their nuclear testing program in the Pacific.

France should be commended for joining the SPNFZ treaty protocols, which clearly entails permanent closure of their testing facilities in Moruroa and Fangataufa atolls. However, this should not be construed as acceptance of a cheap "quid pro quo" that excuses and condones France's continued detonation of nuclear bombs that threaten the welfare of some 28 million men, women, and children of Oceania. If French President Chirac wants to be taken seriously on his commitment to the treaty of Rarotonga, he should terminate immediately all testing.

Mr. Speaker, I would call upon our colleagues and the international community to further increase pressure on France to cease this insane and deplorable and reckless nuclear testing in the Pacific which is inconsistent with the spirit of the South Pacific Nuclear Free Zone Treaty.

Mr. Speaker, there is a little newspaper article that says, the photos show cracks in the nuclear test site. Well, these photos were taken by the famous oceanographer Jacques Cousteau in the testing program or the study that he conducted in 1987.

Mr. Speaker, I submit to my colleagues and to the American people, there are cracks on the Moruroa Atoll and nothing could convince me otherwise. Mr. Speaker, if you have exploded 165 nuclear bombs and there is one atoll in this volcano, something has got to give. The great President Chirac is going to explode six more nuclear bombs on this same atoll and the French are saying, it is OK, everything is all right. Not so, Mr. Speaker. Since 1986 the Jacques Cousteau report indicates cracks of about 9 to 10½ feet wide and several miles long.

□ 1745

Yet, the French military officials continue to deny that this atoll is full of contamination, nuclear contamination, I submit. It has been estimated that this atoll probably has the equivalence of 10 Chernobyls all packed in this volcano.

Mr. Speaker, I can just imagine if the leaks and the cracks start coming out of this volcano, it is going to go right into the Pacific Ocean. Not only is it going to affect the health and the lives and the safety of some 200,000 people who live in these islands, the 28 million people that live in the Pacific region are going to be affected.

Mr. Speaker, I ask the good people of Japan, in their conscience on a voluntary basis, since we cannot get the governments to agree on this, that on behalf of some 290,000 Japanese men, women, and children who died as a result of nuclear explosions, that maybe they should send a message to France by not purchasing French wine, French products, or goods. That way, President Chirac will get the message that he does not need to explode 6 more nuclear bombs to improve his nuclear mechanism, or whatever trigger he needs to do to provide for his arsenal of nuclear weapons.

Mr. Speaker, what hypocrisy, the height of hypocrisy, that here the most industrialized countries, democratic, that we outlaw germ warfare and chemical and biological warfare and yet it is all right to explode nuclear bombs. I am absolutely at a loss on how we are so very much wanting to get rid of this, and yet we have nuclear bombs ready made and available if that crisis ever comes.

Thank God, we never had to explode one bomb during the cold war. These weapons are ready made and available to kill not one or two people. No, we want to kill them by the hundreds and thousands at a time. That is what nuclear holocaust means.

Mr. Speaker, the concern these people have living on these islands, all they want to do is live as a people. They would like to fish from the ocean, knowing that the ocean is free of any contamination, especially nuclear at that. That is all they are asking for.

I want to express my sincere appreciation to the chairman of our Asia Pacific Subcommittee on the Committee on International Relations, the gentleman from Nebraska [Mr. BEREUTER] and also the gentleman from California [Mr. BERMAN] the ranking member. We are going to hold a hearing on this issue next week, and we are going to find out exactly what the situation is, because the United States is also a Pacific State.

This is what bears the slight difference that we have here, Mr. Speaker. France is 14,000 miles away from the Pacific. France is not a Pacific State. We have got these States like California, Oregon, and Washington State right along the Pacific coast. Also the State of Hawaii. I sure hope to God that this will never happen, but there have been estimates made to the effect that if there is to be leakages and contamination coming out of this volcano that the French have been exploding nuclear bombs in for the past 20 years, and if these leakages should come out it would affect the lives of American citizens living in the territories of American Samoa, Guam, and how about the State of Hawaii or California, or maybe even Oregon and Washington?

Mr. Speaker, the Humboldt Current does not stand still. It tends to move. We do not live in a stagnant pool of water. The Pacific Ocean is constantly moving. There are earthquakes and tidal waves. Any time there is something going on underneath there, we have these disasters.

I would venture to say, Mr. Speaker, that these atomic bomb explosions that the French Government continues to do in the Pacific will definitely have a tremendous impact on the lives of the people that live in the Pacific.

So, while President Chirac, as I have said this before and I will say it again, while President Chirac is sitting in his palace in Paris drinking his sweet French wine, we the people in the Pacific are going to be catching hell from this volcano that is the equivalent of several Chernobyls in there. That is not a comforting thought for people of the Pacific who have been given this kind of present from President Chirac who lives 14,000 miles away from the Pacific.

Mr. Speaker, I would sincerely hope that our President and the Congress would seriously look at this situation and not take for granted the disaster that we could be facing with this atoll, this volcanic atoll that is already as full of contamination, of nuclear contamination.

I know that passively we say it is all right. It is thousands of miles away. Mr. Speaker, I submit that it is not too far away if that volcano does start to crack and there are leakages, contamination coming out of there, and it gets into the life cycle, gets into the plankton, the fish, and all forms of marine life.

We are the ones who are going to be the recipients of something that I do not even want to describe. I sincerely hope that President Chirac will seriously look at the seriousness of the problem of exploding six more nuclear bombs.

I understand quite imminently President Chirac is going to explode another nuclear bomb in the South Pacific, despite the outrage of 160 countries in the world; despite the fact that 60 percent of the people in France do not want him to conduct nuclear testing.

Perhaps he should pay a little more attention to the unemployment problem that he is facing in France. Perhaps he should be paying a little more attention to the problems in Algeria, rather than looking at doing more harm by conducting this insane practice of exploding more nuclear bombs, putting at risk the safety and the lives and the health of the people in the Pacific. I think it is absolute arrogance on the part of President Chirac to do this and I think he should stop.

Mr. Speaker, I submit the following for the RECORD:

[From the Honolulu Advertiser, Oct. 12, 1995]

PHOTOS SHOW CRACKS UNDER N-TEST SITE

FRANCE DENIES FISSURES EXIST BENEATH ATOLL

PARIS.—Raising new questions about the safety of French nuclear tests, a newspaper published photos yesterday that it says show cracks in one of the South Pacific atolls where the underground explosions took place.

Ouest-France said the photos contradict government claims that the tests caused no damage to Mururoa Atoll in French Polynesia.

Critics say the nuclear tests could cause the atoll to break apart, spewing radioactivity into the water and air in what many consider to be one of the world's last paradises.

The government denied a similar report last week in the respected daily Le Monde.

Ouest-France said the photos were taken in 1987 and 1988 by a diver several dozen yards under the Mururoa Lagoon. The cracks are about 9 to 10½ feet wide and several miles long, the newspaper said.

It did not reveal the photographer's identity or say who he was working for.

Normally only military personnel and scientists working on the French nuclear program have access to the isolated atoll, 750 miles southeast of Tahiti.

After the Le Monde report, French Foreign Minister Herve de Charette told the National Assembly that "no crack of any sort has ever been discovered" on the atoll.

French Atomic Energy Commission experts said some fractures were created by the first tests carried out directly under Mururoa's reef. But they said there had been no further cracks since tests were moved to the middle of the lagoon.

France has exploded two nuclear devices in the South Pacific since President Jacques Chirac announced the resumption of the nuclear testing last June after a three-year moratorium.

[From the Honolulu Advertiser, Oct. 14, 1995]

NOBEL PEACE WINNER ATTACKS N-TESTS

LONDON.—In the New Mexico desert during World War II, young Polish physicist Joseph Rotblat worked on the Manhattan Project that built the first atomic bomb. Ever since, he has campaigned tirelessly and often controversially to keep the genie of mass destruction from escaping again.

Yesterday, Rotblat and the loose association of maverick scientists he heads divided the $1 million 1995 Nobel Peace Prize.

At a news conference in London, the 86-year-old Rotblat lost no time in launching a new attack on the French and Chinese, calling their recent nuclear tests outrageous.

He said French President Jacques Chirac had begun a series of tests in the South Pacific "because he is a true Gaullist, and he learned from Gen. (Charles) de Gaulle that a sign of greatness is to have nuclear weapons."

Asked what message he would give to Chirac, he said: "Stop being a Gaullist, and try being a human being. I hope he will perhaps have one more test and then stop."

Meanwhile, he said, protests against the tests should continue. He said he hoped the award would be "a message not only to the French but to the Chinese as well."

The Norwegian Nobel Committee saluted Rotblat, a British subject since 1946, and the Pugwash Conferences on Science and World Affairs for their efforts "to diminish the part played by nuclear arms in international politics and in the longer run to eliminate such arms."

"I hope the recognition will help other scientists to recognize their social responsibility," said Rotblat.

Rotblat, professor emeritus of physics at the University of London, fled to England as a refugee after losing his wife in the Holocaust. He worked on developing the atomic bomb with American scientists at Los Alamos, N.M., but quit the project late in the war, believing that defeat-bound Germany had scrapped its own atomic plans. "The only reason I started in 1939 was to stop Hitler using it against us," Rotblat said.

He said he was devastated when the United States dropped bombs on Hiroshima and Nagasaki. "The whole idea of making the bomb by us was that it should not be used."

[From the New York Times, Oct. 11, 1995]

A DAY OF DISCONTENT IN FRANCE AS PUBLIC EMPLOYEES STRIKE

(By Craig R. Whitney)

PARIS, Oct. 10.—Trains ran sporadically or not at all, buses and subways limped, garbage rotted uncollected and 20-mile traffic jams clogged highways across France today as more than half of the five million public-sector employees went on a one-day strike.

The strike was against a Government budget to freeze state payrolls next year as part of a plan to cut a swollen deficit.

Prime Minister Alain Juppé has pledged to cut the Government deficit in half by 1997 as he will have to do under the terms of a European Union treaty if France is to qualify to join a common European currency by the end of the century. So far only Germany appears likely to meet all the terms, and currency speculators who doubted France could meet its targets drove the value of the franc down against the German mark in recent trading until the French national bank took action to support it on Monday.

"We want to make the Government rescind the freeze," said Jean-René Masson, one of tens of thousands of union-led demonstrators who marched through Paris today in protest, part of the biggest national manifestation of discontent since the mid-1980's.

Mr. Masson seemed to think it would have the desired effect. "After 1996, we'll be in a pre-election period again, and I would be very much surprised if the Government didn't give us all a raise then anyway," he said.

The Government's main problem is one all continental Western European countries have: How to keep the comfortable post-World War II welfare state routines of annual raises above the rate of inflation, unlimited health insurance and unemployment benefits, and state-supported pension systems from throttling the economic competitiveness they need to create jobs and stay prosperous in the 21st century.

Despite the inconvenience of today's strike, more French taxpayers seemed to want the Government off the strikers' backs than off their own. One national public opinion poll published in Le Parisien showing 57 percent of the sample supporting the public employees in their battle with the Government. Another poll showed 47 percent supporting the strikers.

For Mr. Juppé, the lesson of all this may have been to make sure you've tightened your own belt before you tell other people to tighten theirs.

Prosecutors are now considering whether to charge him with malfeasance for obtaining below-market leases on city-ownedapartments in choice Paris neighborhoods for himself and his son when he was Deputy Mayor of Paris in charge of supervising city public housing for Mayor Jacques Chirac in the early 1990's. Mr. Chirac became President and named Mr. Juppé Prime Minister in May.

Mr. Juppé denied any wrongdoing and dismissed rumors that he planned to resign, but he announced last Friday night that he and his children would soon vacate their bargain apartments.

Mr. Juppé announced his plan for a general wage freeze for Government employees on Sept. 1, after rejecting a call by his first Finance Minister, Alain Madelin, to take a look at the pension benefits for public servants, which can amount to up to 96 percent of their basic salaries.

The system was breaking even in 1993 and will require $14.2 billion from Government coffers this year. But laying a hand on it has long been taboo and so Mr. Madelin handed in his resignation on Aug. 25 and was replaced by Jean Arthuis. "It's not by deploring social gains that we will bring about conditions for greater solidarity," Mr. Juppé said then.

He later proposed a budget that raised general sales taxes on most goods and services to 20.6 percent, and promised to hold the deficit to 5 percent of Gross Domestic Product this year, with a target of less than 3 percent in 1997.

The 25-nation Organization for Economic Cooperation and Development commented in a study of the French economy last month: "Additional measures, especially in terms of continuing health care reform, are likely to be needed in order to achieve the assumed expenditure restraint. There is a clear need to pursue reforms of the social security system vigorously."

Now, doubts persist whether either Mr. Chirac or Mr. Juppé has the nerve to continue telling the French that they have to wean themselves from what the Government and business leaders call excesses of the comprehensive European welfare state.

For a President and a Government who came to office pledging to reduce France's chronically high unemployment rate—now 11.5 percent—by cutting back Government spending and reducing the burdens that state-run social security and health insurance systems impose on employers, the power of today's strike and the public reaction to it were not good omens. Advisers to Mr. Chirac say that he is worried about the possibility of an outburst of social unrest like the 1968 riots that doomed his mentor, Charles de Gaulle. Mr. Chirac was Prime Minister during the last big wave of student demonstrations, in 1986.

Students and school administrators made up a good deal of a four-hour parade of strikers that wound its way across Paris today from the Place de la Bastille, site of the prison destroyed in the French Revolution, to the Church of St. Augustin.

Mr. Masson, the labor protester, said that French unions were willing to talk with the Government about reducing working hours. "We're even ready to discuss salaries with them," he said. But he expressed horror at the idea that five to six weeks; annual vacation for beginning employees might not be sacrosanct, in a country where the first week of August is normally referred to as "the departure" and the last week of that month as "the return."

"Vacations are untouchable," he said.

[From the Honolulu Advertiser, Oct. 12, 1995]

A HOSTAGE TO NUCLEAR TESTING

(By Carl T.C. Gutierrez)

AGANA, GUAM.—Why is France testing its nuclear devices under an obscure atoll halfway around the world from Paris? Because it can.

France can put the lives of its Polynesian people in jeopardy because it is a colonial power with absolute control over the approximately 200,000 French citizens living in the South Pacific paradise. If the heat gets too bad in French Polynesia, France need only look to another of its colonies, New Caledonia, for another area to explode nuclear devices that the people of Paris would never allow to be detonated anywhere close to their city.

The nuclear testing actually highlights two real problems that need real solutions: (1) As President Clinton has proposed, there should be an immediate and absolute ban on all nuclear testing, and (2) there should be another cry, just as loud, for an end to absolute colonial control by superpowers over the islands they possess.

Nuclear testing is not a horror being practices only by France. China has also exploded devices, but these tests did not receive the worldwide outcry the French Polynesian explosion prompted.

The issue of the superpowers using their colonies for their own interests deserves equal billing with the nuclear issue. No matter how much "paradise" you put into the equation, use and misuse of island possessions by colonial powers is still a violation of basic human rights.

I am the governor of an American colony: Guam. We, like the people of French Polynesia, have a great deal of our lives controlled by our governing "benefactors." Unlike the Tahitians, we do not have to deal with the billion-year "half-life" of nuclear testing. But we could. The people of Guam live every day with the realization that important decisions affecting their lives are made in Washington. Laws on shipping, endangered species, "land grabs," immigration inundation and the exploitation of our waters are all decisions in which we cannot participate. In fact, these decisions are made for us without any semblance of a democratic process.

Our people have asked Congress to hold hearings on our political status. We have had a Commonwealth Draft Act begging for attention for nearly a decade but have yet to have our day in Congress. President Clinton has shown his support for Guam by appointing a series of commonwealth negotiators to review the draft act and submit a position to the president. We hope Congress will show the same kind of commitment to the American citizens living in Guam by listening to our pleas for a voice in how our islands will be governed.

Two hundred and nineteen years ago, the people living in the British colony of America threw off the yoke of imperial rule. After nearly 100 years of colonial rule by the United States, Guam is asking for the same rights the Founding Fathers of the United States demanded. It is the basic right of all people to have a say in how their lives, and the lives of their children, are lived.

[From the Samoa News, Oct. 30, 1995]

WORLD CONDEMNS FRANCE'S LATEST NUCLEAR BOMB TEST

PARIS.—Denouncing France's latest nuclear test, Greenpeace activists swamped the main post office Saturday with tons of petitions addressed to President Jacques Chirac.

Worldwide, nations harshly condemned the underground blast Friday on Mururoa Atoll in French Polynesia—France's third nuclear test in a series that began in September. The day before the blast, Chirac said there probably would be six tests in all—scaled down from eight originally planned.

In Paris, a group of about 50 Greenpeace activists took the city's main post office near the Louvre by surprise Saturday—depositing what the group said was two and a half tons of protest petitions with 7 million signatures. The packages of letters, sent by registered mail, were all addressed to Chirac at the Elysee Palace.

The hundreds of packages amounted to a huge headache for postal workers, who must process the mail free of charge. In France, no postage fees are required for letters to the president.

"We expected Chirac to finally listen to the world protest. Apparently he is deaf to that, so we condemned it and here behind me are 7 million witnesses who are, together with us, very angry," said Greenpeace spokeswoman Fransce Verdeuzeldonk, from the group's Dutch office.

Police had prevented Greenpeace activists from delivering some of the petitions to Chirac's office in September, so the group decided to dump it all at the post office—thus guaranteeing they would reach the Elysee Palace.

As police looked on Saturday, the activists unloaded the packages from six cars and a van and brought them into the post office, where officials scrambled to accommodate the mountains of mail by opening a special booth.

The signatures were collected in about 30 countries "from Japan to Colombia," said Greenpeace spokesman Jean-Luc Thierry.

In Japan, protesters gathered Saturday at Nagasaki's Peace Park, where the world's second atomic attack after Hiroshima was centered in World War II.

Japanese Prime Minister Tomiichi Murayama called the test "extremely regrettable." Foreign Minister Yohei Kono summoned the French ambassador to ask for an official explanation.

Australian Prime Minister Paul Keating said the testing had seriously damaged France's international reputation. His government delivered a formal protest to the French ambassador Saturday.

In Sydney, a Paris-bound Air France jetliner from New Caledonia was grounded after Australian airport workers refused to refuel it until Sunday to protest the blasts.

Paris "seems impermeable to world opinion," New Zealand Prime Minister Jim Bolger said.

Iermia Tabai, who heads the 16-nation South Pacific Forum, denounced how France uses "our backyard to test nuclear weapons, putting at risk the Pacific environment and the health of Pacific peoples, not their own."

The United States, Russia, Norway, Sweden, South Korea and Belgium all said they regretted France's decision to set off another blast.

A French Foreign Ministry official, speaking on customary condition of anonymity, said the government wouldn't comment on the latest worldwide barrage of criticism.

But Paris appears unphased by the outcry.

"The program provides for one test per month," Jacques Baumel, vice-president of the French parliament's defense committee, was quoted as saying in Saturday's editions of Le Parisien newspaper.

Chirac has pledged to halt all tests by next spring, then sign a global test ban treaty. France says the testing is needed to develop computer simulations, thus making more tests unnecessary.

There was little reaction in France to the latest blast. The Green party and former environmental minister Segolene Royal denounced it. The conservative Rally for the Republic party, the senior partner in the government coalition, announced its support.

Britain so far is the only country to show sympathy for France's nuclear testing. In an interview published Saturday by the Paris daily Le Monde, British Prime Minister John Major said the decision by Chirac was "difficult to take" and that he was sure Chirac "did it because he was persuaded he had to."

Friday's blast was about 60 kilotons, the equivalent of 60,000 tons of TNT, or three times the force of the bomb that destroyed Hiroshima.

The Australian Geological Survey said it packed the punch of a magnitude-5.6 earthquake.

Governments and environmental groups across the globe have condemned France for breaking a 1992 moratorium on nuclear tests. All nuclear powers except China had adhered to the moratorium.

The first test was conducted Sept. 5 beneath the same atoll, 750 miles southeast of Tahiti. A second blast was set off Oct. 2 beneath neighboring Fangataufa Atoll. Rioting broke out in Papeete, capital of French Polynesia, when the first bomb was detonated. The city was quiet Saturday.

ISSUES OF IMPORTANCE TO AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I want to tell you that while listening to the excellent peroration of my colleague, the gentleman from American Samoa [Mr. FALEOMAVAEGA] about the danger to one of the most beautiful parts of the world from nuclear testing, a heartfelt report, I had prior to that listened to the special order of the distinguished gentleman from Kansas [Mr. TIAHRT]. I really appreciated the education that the gentleman gave us on the budget and why the Republican party is trying to keep its promises.

Mr. Speaker, I have missed the opportunity to engage in several different special orders over the last 2 weeks because of the rush of events. I am on two different conferences; one on national security, one on intelligence. There is so much work coming at us. But there are so many things happening in the history of our country that are worthy of discussing on this House floor, that I am going to have a compartmentalized special order and touch on several things.

First of all, I want to comment on one aspect of the debate yesterday. A statement of statistics that I made on the House floor that is so utterly tragic, I want to give the precise statistics right now.

Mr. FALEOMAVAEGA. Mr. Speaker, if the gentleman from California [Mr. DORNAN] would yield.

Mr. DORNAN. Mr. Speaker, I would be happy to yield to my good friend.

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to thank the gentleman for his kind comments. I certainly would like to submit to my colleagues that I could not have found a more perfect gentleman to travel with in the Pacific.

The gentleman is so knowledgeable also, not only of our presence there at the time that we were at an international crisis there during World War II, but I would like to say to my good friend from California that I would enjoy the next instance and the opportunity of being with him to see how some of our soldiers and sailors fought bravely, especially during World War II. We visited Guadalcanal and other areas. I want to compliment the gentleman for his kind remarks on the floor.

Mr. DORNAN. Mr. Speaker, reclaiming my time, I would say thank you, ENI, and I could not think of a better person to traverse the Owen Stanley Mountain Range, on the spine of the dual countries of Irian and Papua, New Guinea. And if I had been lost, I know the gentleman would have brought me out. It was excellent also walking the battlefields of the Solomon Islands, particularly Guadalcanal with the gentleman.

AIDS DEATHS COMPARED TO DEATHS IN WORLD WAR II

Mr. Speaker, I am going to briefly refer to World War II death statistics and give the exact figures that I rounded off yesterday on the most life-threatening venereal disease in modern times. And it is a sexually transmitted venereal disease, although it is never called that because it is not politically correct, speaking of the AIDS immuno-destroying virus. It is also, coincidentally because it is blood-borne virus, spread by dirty narcotics needles, which ties it into another crisis on every continent in the world now.

What I said in debate yesterday about the deaths of people in the prime of their lives, generally, to the AIDS virus finally reaching World War II statistics, and I pointed out that I had said way back in 1985 on this House Floor, I think at this other desk, when the beloved movie star, Rock Hudson, died of AIDS, I believe that was toward the end of 1985, 10 years ago this month, I think, that some day this disease, if we did not change our culture, and use preventive behavioral conduct, it was easy to project out within a decade that we would reach more deaths than died in World War II. Here are the statistics.

In World War II, we had killed in combat 291,557. I would hope for serious discussions across our country and out in ENI FALEOMAVAEGA's Guam, and Hawaii, and up to Alaska, and down to Puerto Rico and the Virgin Islands. That people, Mr. Speaker, would get a pencil and take these statistics down. It will cause some serious discussion down to high school and grade school levels about what drug use and sexual promiscuity will bring in the toll of not only lost man hours, but lives destroyed in their early years.

World War II, in the jungles, on the seas, under the seas, desert heat of North Africa, the freezing cold of the Aleutians, and all around this world; as I said in the waters surrounding every continent, the Indian Ocean, Atlantic, Pacific, North, South, Mediterranean, American men and many nurses died to bring freedom back to the most sophisticated and educated part of the world: Europe, and the bigger cities of Asia.

Mr. Speaker, 291,557 Gold Star mothers, widows, children never to know their heroic parent.

We have now passed that with death by AIDS by a large margin. It not only passed it during the last quarter; it went way past it. Dead by AIDS: 308,417. That is 17,000 more than died in World War II in combat. Broken down, tragically by children, it is stunning. Children: 3,812 children dead, most of them because their mother used narcotics or slept around before or during the pregnancy.

Children still alive with AIDS, I am not discussing anybody who is infected with HIV and has not manifested, medically, AIDS. Children with AIDS dying right now: 2,966. Mr. Speaker, 57 percent of the children infected are already dead.

□ 1800

That is under 12, not 12, 11 and under, excuse me, 12 and under—6,777, 12 and under dying or dead, unbelievable. The adult figure, those that have AIDS and are suffering now, 184,880. When I first came back to this Congress, after a 2-year break in service, came back, instead of Los Angeles County, West Los Angeles, Orange County, the third largest county in California from the first largest county, when I came back in 1985, this was just still taking off. And I pointed out then that without massive behavioral changes, without a concerted effort by those people who understand what is meant by faith and family, an effort to discourage sex outside of marriage, hetero or homosexual sex, that we would be facing statistics that would make Legionnaire's disease look like a tiny little medical blip or tragedy. In those days the death toll was in the hundreds. Of course, Legionnaire's disease was in the thirties. Since then tuberculosis has come back with a punch because it has been augmented by the virus problem with AIDS, because it is an opportunistic disease that will hit people who are HIV positive with their immune system always going into a weaker and weaker and weaker situation.

Let me give you the adult statistics, reported 489,485. Already dead adults, 304,605. That is a 62 percent death rate for adults. I repeat, 56 percent death rate for children. So there it is. Total number of AIDS cases dead or dying, 496,263.

If you take our World War II killed in action figure, 291,557, and add all the noncombat deaths, the billions killed in the Philippines when they were attacked by the Japanese warlords, innocent people killed, caught up by combat all around, American citizens, not the 55 million killed by Hitler, Tojo, and Mussolini by starting this worst war in all of history, our noncombat American deaths, 113,842.

I have not added those together. It is 405,399 Americans dead, killed in action, noncombat, and we are already now in AIDS cases pressing 500,000. Two years from now, in many cases in only 6 months, in all cases within 5 years, we will have added 100,000 more to the death toll, and it will have passed all deaths from World War II, just within the next few months, already passed the combat deaths. What a tragedy that more candidates other than myself and Alan Keyes are not discussing the moral crisis and meltdown we have.

When we come back into session next Tuesday night, Mr. Speaker, for votes at 6:00, it will be Tuesday November 7. The date of the Presidential election next year is November 5. I have a countdown watch quite seriously to remind me of that date every day, several times during the day. It is only 445 days to the inauguration of hopefully a new President. But it is 76 days in the interregnum from the election on November 5 to January 20, 1997.

So let us just talk about the election. We will be inside the Presidential election year by 2 days after I am through speaking when this House next convenes. It is a leap year, so there will be 364 days left to the election.

Now, have we gotten into a serious discussion, a debate between the 10 Republican candidates, that is with the two millionaire CEO's involve, Mr. Morey Taylor and Steve Forbes, good men both, with the eight millionaires and the two of us who are nonmillionaries, Alan Keyes and myself, have we had a chance to exchange one question between one another? No, we have not. Every Presidential forum has been a job interview, put your best foot forward, try to be gentle to the other candidates. Most of us are except one. When you are running No. 2, it is tempting I guess to try and tear down No. 1. But we have not had an exchange.

I hope that will come up on the 17th and 18th in mid-Florida in Orlando with what Jeb Bush, the organizer of it, has proudly called Presidential 3. Maybe we will get to exchange questions. And maybe I can get some of my worthy competitors, the other nine, to answer some of the questions that they are all asking Colin Powell to answer. And foremost among those questions, and I have the 22 that I proposed in the well last evening, and I finally have here the 22 questions that George Will proposed, I am going to put all 44 in the RECORD, but let me first ask five questions of our leader in the Senate, which will take me into a heartbreaking situation that I have just learned about this week and discussed in depth in the Rayburn Room just off the Democratic cloakroom. It involves our missing in action.

There are five items in the Republican conference bills for Chairman BEN GILMAN's Committee on International Relations, authorization and/or appropriations bills, and for the Committee on National Security, formerly known as the Armed Services Committee, in our authorization and appropriations bills that are now in the hands of the Republican majority in the Senate. And its leader is the leading Presidential candidates. In most general polling in our 50 States, ROBERT DOLE has more percentage points, now that we are almost within a few days of being inside the election year itself, he has got more points than all the rest of the other nine put together. So I propose, Mr. Speaker, through you to my good friend, and he knows I admire him, Mr. DOLE, the five following questions:

One, when are you going to crack the whip, use your whip—my pal, who I served with for a decade in the House here, Mr. TRENT LOTT, Senator LOTT of Mississippi—when are you going to crack the whip, use your leadership powers to resolve the Ben Gilman-Bob Dornan-Floyd Spence language on the missing in action, missing persons office under the secretary of defense, the POW missing in action, secretary of defense office for missing persons, military persons? When will that be resolved so that we do not have a repeat of the agonizing situation I am about to discuss that is before me, involving a funeral, a forced funeral next Wednesday of an air crewman from an AC–130 Hercules Spectra gunship. So, Mr. Leader, in the Senate, through you, Mr. Speaker, I ask for action on this.

Item No. 2 in BEN GILMAN's bills are words from our Contract With America that I wrote together with Congressman JOHN DOOLITTLE of northern California, no U.S. soldiers, Marines or pilots under foreign officers, under U.N. command or any other command unless there is a ratified treaty such as NATO where we have trained together, in the case of NATO it is almost half a century, a few years shy of half a century of training together, no U.S. troops under U.N. command, and we will not have the nightmare of E–5 specialist Michael Nu who has no recollection of ever raising his right hand and swearing to uphold any Constitution other than the one written by James Madison and worked over and perfected in this very Congress 200 years ago and the other body. He has no recollection. Senator, has anybody in the United States military ever been asked under oath to defend the U.N. charter, let alone to wear regalia or insignia of any other military force in Bosnia or anywhere else?

I want to know what is the status of that, Mr. Speaker, what is our leader doing to nail that down in the next few days? We were supposed to have adjourned a month ago. A year from now we will have been adjourned for an election, on or about October 1st. So there is only 11 months left, no matter what, before we all go home for at least a month to campaign for the 1996 election.

No. 3, in Mr. GILMAN's legislation, authorization/appropriations, again I was one of the authors of this, together with a freshman, BOB BARR of Georgia, we only had one speaker on the Floor, probably the preeminent hero, military hero in this Chamber, SAM JOHNSON of Texas spoke about no money for the normalization of any relations with Hanoi until we have resolved lots of remaining agonizing missing in action cases.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NETHERCUTT). The Chair reminds Members that it is not in order in debate to specifically urge the Senate to take a certain action or to characterize Senate inaction.

Mr. DORNAN. I knew that, Mr. Speaker, and it had slipped my mind.

Then it is up to this Congress, both Chambers, to resolve in conference that no money for normalization with Hanoi, passed unanimously by voice vote in this Chamber with only Mr. SAM JOHNSON of Dallas, TX retired Air Force Colonel, 7-year prisoner in Hanoi, speaking for 2½ minutes. One objection from the other side by a fellow POW who had not undergone the severe torture and solitary confinement that a senior officer like Mr. SAM JOHNSON of Texas had undergone, and he only spoke for less than half a minute and said, I object, but did not call for a vote. That sits over on the Senate, that sits now in conference. The House is standing on its position.

No. 4, we have passed my language on no abortion in military hospitals, not once, Mr. Speaker, not twice or 3 or 4 or 5, 6 times in this House, on authorization bills and appropriation bills, we have voted to protect the Dornan language on no abortions in military hospitals without a single military doctor, male or female, Navy, they covered the Marine Corps also, Army or Air Force, Pacific or Europe, Mediterranean, nowhere in the world has a doctor written to me as the chairman of military personnel and said, I want to perform abortions in the military. As a matter of hard fact, I fought this through subcommittee and full committee and sustained in debate my own language through six House recorded votes. I did this at the behest of men and women who wear the uniform of our services, who are medically trained doctors, and who are ob/gyn doctors that told me that in the military they defend life, they do not take life.

That vote yesterday, again, I keep track of my own particular religious denomination, 41 people, Mr. Speaker, who put Roman Catholic after their name in their official congressional biographies, mercifully only 4 Republican Catholics and 37 on the other side of the aisle who put Catholic in their biography voted against stopping the killing by sucking out the brain tissue of a fully formed late stage fetus child after it is fully brought down the birth canal except for the head, and they voted to allow that procedure to continue, that brutal procedure that, as Mr. HYDE said on the floor, would be damned if it was done to animals, animals without a soul, not made in the image and likeness of God. What an amazing vote that was on the House floor yesterday.

I am going to remember it always with a little rhyme. The votes, including 15 Republicans, to maintain this barbaric procedure were 1, 2, 3; 1, 2, 3, I only care about me. On the Republican side, it was 2, 8, 5, I know when a baby is alive, 285 to 123. As I said in the well, probably the most important prolife vote, and Members will lose their seats who voted wrong on that one, maybe only a handful, but it will pull down some people. And nobody who voted to end that barbaric savage inhuman process will lose their seat because of an "aye" vote sustaining CHARLES CANADY of Florida's language.

So the no abortions in military hospitals, why is that still being argued in conference?

And No. 5, it relates to the statistics that I just gave on AIDS deaths, absolute plague based on human conduct, it is not some Ebola virus that we are trying to contain. It is spread by human God-given free will. The no HIV positive tested persons with the AIDS virus remaining on active duty.

We have nobody left on military active duty, not a single person that any one of the services can tell me about who got it through a contaminated blood transfusion. It is all from one of three causes, all of them in violation of the Uniform Code of Military Justice. Rolling up your white, khaki or blue uniform sleeve and sticking a contaminated filthy needle in your arm. They die the most quickly because it is direct blood to blood contamination.

□ 1815

Heterosexual sex with prostitutes in an off-limits prostitution house where all of the prostitutes are infected with the AIDS virus, that is violation of orders of your commander and general understood orders under the UCMJ, and the third category that seems to drive this whole thing politically, having unprotected sex with strangers in some hideaway or men's room somewhere, high-risk sex with strangers that is homosexual, that it involves again transferring the AIDS virus. Why is that being demanded as a separate vote in the other Chamber when it has won overwhelmingly about four times in subcommittee, and committee and on the floor? So there are five things that I would like to see done on the other side.

I will close, with whatever remarks I have, with the 22 questions of George Will, which I did not put in last night, to my friend and man of great character, Colin Powell, great character, but a little short on answers lately, and then I will resubmit again my 22 questions, and I added one, and to keep it to 22 I made it a two-part question on one aspect of foreign policy sanctions, and that was to heed the eloquent plea last night of my colleague from south Florida, Mr. DIAZ-BALART, about the war criminal, human-rights criminal, first-degree murderer, savage, evil human being, Fidel Castro, who has left friends of his, let alone adversaries, rot in prison for a quarter of a century, some of them stark naked in solitary confinement for up to a decade, only inquiring about them every 5 or 10 years, and here he is the toast of the town in New York at a posh apartment on Fifth Avenue owned by Mort Zuckerman.

I know Mort. I went to the gulf war, March 15, 1991, with him on the first Kuwaiti 747 to go back into newly liberated Kuwait. We saw the devastation together. He seems to be an intelligent person. Why would he host at his apartment a first-degree murderer?

If some of us think O.J. Simpson is a first-degree murderer who savagely, brutally killed two human beings and got away with it, that is two, two. Castro has done that thousands of times over, and there he is with Canadian Peter Jennings, Diane Sawyer, the chronicler of Richard Nixon, an elegant lady and probably her husband, a talented stage director, with her. There is Dan Rather giving him a baseball bat, putting a baseball bat into the hands of a man who has ordered people to be beaten to death with baseball bats. What kind of insane Kafkaesque world do we live in?

Two other little items, and then I will get into this missing-in-action tragedy.

A week ago, the first legislative day following the 800,000-plus-1 march; I say "plus 1" because I was there as an observer, so I guess the helicopters counted me on their grids; my son, Mark Dornan, sent me a fax. Mark recently got a degree in history from UCLA. He did not know I was going to the march, and this was waiting for me in my fax machine when I got back here in—just outside the beltway. He says, "Dad, why does Al Sharpton, the racist Farrakhan had not spoken of, why does Al Sharpton blast the political right when this march is all about Republican conservative ideals?" Big question mark. "I.e.," Mark writes, "self-reliance, the family unit." He has Dan Quayle in quotes, in parentheses, afterward. "No government cheese," It is a line he got from the comedy of the highly talented Wynans family of television fame. "It is about stomping out crime. It is about striking sexist, violent rap lyrics, gangster rap. It is about strengthening the black economy," and most of all, my son tells me, "Evoking the name of Jesus Christ and God's name, something a white politician is criticized for doing. Also, Dad, talk of sin and redemption. Are these black American men conservatives who don't know it yet?"

I told Mark that I liked that fax so much I was going to put it in the CONGRESSIONAL RECORD. Done.

One other item.

One of my staff called the Council on Foreign Relations up in New York City, the island of my birth, 68th Street off Fifth Avenue. They are sending a delegation to Vietnam, to Hanoi, next week to lay the groundwork for a war criminal who has become a multimillionaire in the Federal payroll and the World Bank payroll which is taxfree where he drew over a quarter of a million dollars a year and all sorts of unbelievable perks for 13 years, right up until 1981, until Ronald Reagan forced him out, and I am speaking of Robert Strange McNamara. He is going back to Vietnam to tear open the wounds of all the missing-in-action families and all the families of the 58,500-some young men, 8 women, whose names are on the Vietnam Memorial wall, who I believe, quoting again President Reagan, were involved in a noble cause, that although it was a significant part of the melting down of the evil empire, they—well, they know the answers, they are all in heaven, but their families have never been able to find full mental peace because this country has not formally, at least since Ronald Reagan, ever acknowledged that every life lost in Vietnam was part of the twilight struggle that Kennedy talked about, the President who first sent our young heroes to Vietnam. The twilight struggle that would go on for the rest of this century ended much sooner than we thought it would when the wall came down on November 9, 1989. Kennedy said, paraphrasing Lincoln, the world cannot remain forever half slave and half free, and these young men died in Vietnam, some not so young. Those who gave their lives, 33,629 in combat, 53,000 overall in Korea, they also were the two major, very bloody, very hard-fought battlegrounds of what people still incorrectly say was a cold war won without firing a shot. How about all the four-engine and two-engine aircraft that—and U-2's that flew ferret missions on reconnaissance and intelligence-gathering missions all around the periphery, including the Arctic, the periphery of the evil empire? What about all of those people that disappeared into the mist of history?

We just had a funeral. I do not know if the families wanted this funeral, a mass funeral up at Fort Meade which was National Security Agency headquarters, major listening post of the free world for an RB-29, a World War II B-29 that was shot down over the Sea of Japan a few days after the cessation of fighting in Korea, and for years, decades, the family members were lied to, lied to. It was considered a necessary intelligence-world lie that the plane was lost in weather when all that time buried in the bowels of NSA and the archives of the Pentagon were the transcripts of the pilots' voices telling how MiG's were firing at them, closing in on them, and killing them.

And that brings me, thinking about the war criminal, Robert, middle name truly Strange—that is his real middle name, Robert Strange war criminal McNamara is off to Vietnam to bring pain to the families I am about to discuss.

Mr. Speaker, I just left the Rayburn Room, as I mentioned, discussing with two primary family members and their friends a funeral that is going to take place next Wednesday. That will be November 8, the 1-year anniversary of this earth-shaking election last year. There will be a funeral at Arlington against the will of most of the family members where our Government is going to—my Government is going to bury—I wish that we had the camera capability—we could have it, if we wanted—to zoom in for a closeup that is available on any television show, program, in the 100 or so channels around this country, around the world, but this is too small a picture for any camera to pick up. But that is the sum total of human remains, a small group that you could hold in your two hands cupped together, of bone fragments, none of them any bigger than a few inches, and it could be all one person. The Pentagon is claiming that it is the remains of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 people, and it is going to be a funeral with a single gravesite for this tiny amount of bone fragments. They will not do DNA on them. They claim it is too expensive. I thought there was no expense that we would not go to for our heroes from the Vietnam war, and all of these 10 men, they are all males, there are no females in combat positions on April 22, 1970, when this AC-130 Spectre; that is the name for gunships, Hercules gunships; crashed in Laos, and one man was returned from captivity, Eugene Fields. He has not been made available to the other 10 families.

Not only that, in trying to avoid the unending pleas of the family members to discuss his recollections of his bailout and who was left on the—this big four-engine Lockheed C-130 and who was not left on it, he finally told one of the family members that he had been threatened that he would lose his retirement benefits as an Air Force retiree if he divulged to any family member any of his debriefing.

I am adding legislation to the aforementioned POW-MIA Secretary of Defense Office for Missing Persons, legislation that no reprisals must ever be taken against anybody who wants to talk to family members and also that no source will ever be burned who gives information in a debriefing to ferret out every little fact surrounding the disappearance of one of our American fighting heroes.

Now let me at this point, Mr. Speaker, give the 10 names of 8 regular Air Force folks and 2 reservists: Charlie B. Davis, Jr. He was a navigator or two navigators. His wife, Ginger, watching this special order closely; I will meet with her after this special order.

□ 1830

She only received a statement, a final statement of death, on her Charlie just this last week. It was prepared 12 September, and I do not know what took it so long to get to Ginger Davis. I will come back to that.

I just met the daughter of Charles S. Rowley, the senior navigator. The daughter, Patty, says she has had a terrible time trying to get to Eugene Fields, the one survivor who bailed out.

At this point before I give the other names, I want people to be thinking about this who follow the special orders of this House, Mr. Speaker. Eugene Fields had a position back of the aircraft, and I was just on one of these AC-130 gunships in Brindisi, Italy; they have been flying hot combat missions, or they did on the night of August 30.

I was there when they briefed to go into combat over Bosnia. Then they went in August 31 and alternately during the next 10 days into September. AC-130's flew hot combat missions for the first time since the gulf war, where we lost one, hit when the sun came up at daylight over Kuwait, crashed into the Mediterranean, and we recovered about 10 of the 14 bodies. The rest disappeared out to the Gulf of Oman and the Arabian Sea.

The back of the aircraft, a big airplane loaded with guns and firepower and hot ammo and flares and 105-recoilless millimeter shells, and Bofors Gun 40-millimeter shells, and lots of Gatling gun information, it is a flying munitions arsenal, and the parachutes are strategically placed around. They wear their harnesses with a quick snap-on. You do not care whether the chute is on your chest or back, you just want out of that burning airplane before it explodes in a massive fireball.

He worked his way to the front of the aircraft, Eugene Fields, and could feel a tremendous draft. Then he saw what it was. There are no ejection seats. The bailout trap door behind the forward crew compartment where the pilot, copilot, and navigator sit, it was open. He looked into the flight deck and there was no pilot, no copilot, and hence, no navigators. They were all gone. He found his chute and he bailed out.

He made it back, and yet all these family members are told that all the people on the flight, including all the other gunners and support people throughout this aircraft that had 11 crewmen on it, they all died in the crash. They gave Ginger her husband's dog tag. I am sorry, I forgot how Ginger told me she got this. I think it came from the Central Investigative Laboratory at Hickham Air Force Base in Hawaii. It is darkened beyond the polished silver, but it might take up that color just sitting on a shelf for 25 years. It is not bent. None of the letters are destroyed. Clearly, you can see blood type, positive; the religion; the full Air Force serial number; Davis, Charles B., no "junior." There is his dog tag. At one point that was hanging around Charlie's neck on a combat mission in the fight for freedom over Laos.

They gave Ginger a story that seems incredible, that his sidearm was found by a very talented and skilled gentleman who ran the missing-in-action POW office in Hanoi for 2 years, Bill Bell, that he found the sidearm of this Air Force officer in the War Museum in Hanoi. How did that 45 Colt automatic sidearm get from Laos up to the War Museum in Hanoi? What a painful fact for a family member to have to absorb in seeking to know the fate of Ginger's Charlie.

Here is the report of casualty. It reads, at the bottom, in Remarks: "Under the provisions of section 555, title 37, U.S.C., and upon direction and delegation by the Secretary of the Air Force, the assistant Deputy Chief of Staff Personnel for military personnel finds this individual to be dead." He was officially reported as missing in action on 22 April 1970. He was continued in that status until 24 May 1974, 4 years, 1 month later. "The date of death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities, as stated in section 555, title 37, U.S.C. The remains of Colonel Davis were repatriated by the Laos Government, the Communist government, on 12 November 1993, 2 years ago next week. "Positive identification was confirmed by the Armed Forces Identification Review Board September 1, 1995. Lump sum payment, $20,000," all these years later.

Here are the other eight names. By the way, for a time line, Mr. Speaker, 22 April 1970, Lenin's birthday, by coincidence, was the first Earth Day. The lady who is now a billionaire, a billionaire, that is a thousand millionaires, several times over, because she is married to Ted Turner, she was out here on the West front, Jane Fonda, with her then husband, Tom Hayden, and I do not even think they were married then, and the Governor of California. No, it could not have been, because Ronald Reagan was still Governor. That was a few years later on this day, that was the first Earth Day, and a few Earth Days later when she had married Hayden, been to Hanoi, sat in the gun pits, she and Hayden, and then Gov. Jerry Brown, he served from 1974 to 1982 so it must have been Earth Day of 1975, they stood out there on that April 22, never thinking at all about how many men had died on this particular April 22 day, and looked out across America and thought about how wonderful it was that the left would soon be in ascendancy in this country some day.

Here are the other crewmen, all involved in this mass burial of this tiny little bit of bone fragments, all 10 who will supposedly be honored at Arlington Cemetery next Wednesday:

William L. Brooks, colonel; Donald G. Fisher, colonel.

This is not their rank at time of shootdown, but rank that built up while they were missing in action.

John C. Towle, captain; Robert N. Ireland, chief master sergeant; Thomas Y. Adachi, senior master sergeant; Stephen W. Harris, tech sergeant; Ronnie L. Hensley, chief master sergeant; and Donald M. Lindt, senior master sergeant.

Now listen to this letter, Mr. Speaker, dated 7 November, a year ago, 1994. "For the Commander, U.S. Army, CIL," Central Identification Laboratory, not investigation, Hickman Air Force Base, HI. I have visited it a dozen times. "Proposed identification of," and they give the code name for this group, "Group remains. Background and acquisition. On 22 April, 1970 Major William L. Brooks and First Lietenant John C. Towle were pilot and co-pilot, respectively, of an AC–130 A in a flight of three aircraft on a night-armed reconnaisance over Xekong Province, Laos." Also manifested on board the aircraft were Lt. Col. Charles Davis. Here are their ranks at time of shootdown: Lt. Col. Charles Rowley, Maj. Donald Fisher, they were all navigators. That is how important these night missions were, and to navigate this big aircraft so close to the ground to try and destroy trucks along the Ho Chi Minh Trail.

"Master Sergeant Bob Ireland was the flight engineer, Staff Sergeant Eugene Fields," he is the one who is one survivor that came out of captivity, Sgt. Thomas Adachi, Stephen Harris, and A1c. Donald Lindt were all gunners, Gatling gunners, Bofors gunners—I do not know if they had the Bofors—and the recoilless cannon, and Sgt. Ronnie O. Hensley was the illumination operator, which also made the operation severely dangerous, loaded with big flares. If the flares were ever hit by ground fire, the plane turned into a flying torch.

The aircraft was attacking antiaircraft positions approximately 2.5 kilometers southeast of "ban", which means village in Laos, "Ban Tanglou, when the pilot radioed that his aircraft had been struck near the tail by 37 millimeter antiaircraft fire." That is the kind of antiaircraft that Fonda was sitting in the gunpit with, radar-directed antiaircraft fire, effective day or night. It is made in Russia, by the way.

"Shortly thereafter the aircraft crashed and burned. Sergeant Fields was able to successfully exit the aircraft prior to its impact, and subsequently was rescued." I stand corrected. He was not returned as a POW, but he was rescued, so there was a very active rescue operation. "In his debrief, Sergeant Fields indicated that he had seen the aircraft impact, but had not observed any other parachutes." That is only half of the statement. "Sergeant Fields did indicate, however, that he had not seen Sergeant Adachi at his crew station as he was bailing out of the aircraft, and speculated that Sergeant Adachi might have been able to also exit the airplane."

What about the prior story I told? It is not here. That is why I, as the chairman of the Subcommittee on Military Personnel of the Committee on National Security, will have to, and if he is listening, or a relative or friend is listening, Mr. Speaker, I hope Sergeant Fields, Eugene Fields, retired, will please call me so I can help these families get to the truth. That is what this office I am trying to get set up out of the authorization bill this year with the Senate, this is what that will prevent, this type of suffering for these families for years.

"Search and rescue attempts detected no electronic beeper signals, and no other parachutes or signs of survivors were observed." Where? How extensive a search? This is a combat area, with 37-millimeter antiaircraft guns firing. "The incident was designated REFNO 1600. Colonels Davis, Rowley, Brooks, Fisher; Captain Towle, Sergeants Ireland, Adachi, Harris, Hensley, and Lindt, all, all subsequently promoted, are carried in the status of dead, body not recovered."

Paragraph C: "On 18 January a United States-Lao Peoples Democratic Republic joint investigation team surveyed the crash site, interviewed purported witnesses to the incident. One of the informants reported seeing dead or badly burned bodies at the crash site. Personal records were recovered from the surface. Some of the records subsequently could be correlated with the REFNO–16 aircraft and the site was recommended for recovery.

"In March of 1993 a joint task force full accounting," that is the JTFFA, "archival research team reported finding material relating to the incident in the Central Armed Forces Museum in Hanoi, Vietnam."

Again, this proves again, for the millionth time, Mr. Speaker, that North Vietnam, Hanoi, the Communist government, still in power, had access to all of the crash sites along the Ho Chi Minh trail, including all of those inside

Laos. President Nixon was absolutely wrong when, after the last freedom flight left Hanoi on March 27, 1973, and he said, "All the prisoners from Laos are home," that was not a fact. My best friend, David Hrdlicka, was there; CIA civilian Eugene D. Brown was there; Charlie Shelton, who has been shot down, a father of five, his wife was a friend of mine until she tragically died, Marian Shelton, he was shot down on his 33d birthday, 29 April, 1965. My pal, Dave Hrdlicka, was shot down 18 May of 1965.

They were known to be prisoners in Laos right up through this period when Nixon tragically said they were all accounted for, and we have all the memos now that they were not accounted for. All those people in the Nixon administration, including some who went to jail for other lying, they knew they had a hot potato here and they were trying to just sweep it all away; get rid of the war, so that he could continue on in his second term without a hostage crisis on his hands.

So this material turns up in the Central Armed Forces Museum in Hanoi, which I visited, and with the gentleman from California, Mr. DAVID DREIER, reached through one of the cases and rolled tightly an American flag so we would not have to look at the Stars and Stripes upside down, in a museum case, in a Communist museum, where they think they won a war, where they never won a battle and never had air or naval supremacy, and just bled off their teenaged kids down to 12 and 13 years of age against McNamara's designed firepower, without any plan for victory. I have been in that museum, and we took pictures of some material that had yet to be turned over to us, proving that there were last known alive cases not resolved.

"Among the items was a receipt for two .38-caliber revolvers." I stand corrected again. I told the family members I would make some mistakes, because I have not had a chance to go over these in detail an hour ago. They were not .45's, they were Smith and Wesson revolvers, .38 caliber, purportedly from a C–130 aircraft shot down by troops, "Station 35, group 559."

That is North Vietnamese people inside a nation that was then a member of the U.N. Laos and Cambodia were members of the U.N. from the early 1960's, late 1950's, and here was a Communist country that was not a member of the U.N. violating their sovereignty.

"Group 559," Hanoi, Communist union, "in Truongson Province."

□ 1845

A geographic reference to the Ho Chi Minh Trail region in southern Laos. One of the serial numbers listed on the receipt correlates to a revolver issued to Colonel Fisher. Again, I stand corrected, another one of the four navigators, not Charlie Davis, as I had said.

Paragraph E: On September 1, 1993, the Vietnamese Government provided JTFFA with the record of enemy aircraft shot down from 1965 to 1975, which indicates that nine pilots died in the shootdown of an AC–130 that closely matches the date, it was just off 1 day.

In October 1993, this is paragraph F, the recovery team begins the excavation. Identification tags for Colonel Brooks, Davis, Rowley, Sergeants Ireland, Hensley, and Adachi, the individual staff Sergeant Fields thought may have exited the aircraft, and Sergeant Lindt, were recovered from among thousands of pieces of AC–130 aircraft wreckage.

In addition, approximately 1,400 bone fragments and human teeth were recovered; 1,400 sounds like a lot, but when you put them all together, they are so tiny, I repeat, you could hold them in two hands in a small sack. That is what will be buried next Wednesday at Arlington.

Paragraph G: The skeletal and dental remains were escorted by a representative of the recovery team to the SIL at Hickam on November 15, 1993, where they were assigned a processing number, it gives the number.

Section 2, summary of findings. JTFFA analysts concluded the recovery site was the location of a nonsurvivable crash of an AC–130. Proper assembly serial number and identification media found the recovery links. They go through the anthropological analysis, indicates that the skeletal remains consist of human cranial, post cranial bones of at least one male adult who suffered parimortem trauma consistent with an air crash and subsequent fire. It talks about the fragmentation and charring of other remains, and then it gives some dental remains consisting of four intact, unrestored human teeth, and it describes them and their location in the jaw, but they could not link them up with any one person.

While consistent with one or maybe more of the individuals associated, none of the teeth could be individually associated. The size and condition of the remains precludes identification through the use of metroclondrial DNA. Given the current state of that technology, the families want more reassurance in that area, and then here is the recommendation, section 3.

It is not currently possible to positively associate the skeletal or dental remains with this crash with any specific individual. However, based on wreckage analysis that indicates the crash site was that of the AC–130 involved.

It goes on to say that including the identification tag for the one individual that the Staff Sergeant Fields speculated may have successfully exited the aircraft, and here is our problem, Mr. Speaker. Did Sergeant Fields, who feels under threat, tell family members that he could see none of the people on the flight deck in the aircraft as he was exiting?

A demonstrable chain of custody, key words in any missing person, chain of custody for both the remains and the personal effects and the laboratory analysis, which indicate that the recovered remains are for more than one individual who suffered trauma, it is reasonable to assume that the skeletal and dental fragments designated are the only remains recoverable, and on that they list all of the people, and this has led us to this funeral ceremony coming up.

Now, look at these pieces of evidence that the families have given to me. Here is finally an unclassified former secret document that I was given tonight, and here is a narrative. This, I believe, is of one of the F–4 pilots, we will find out. The two accompanying aircraft were Air Force fighters, two men each. PAC Air Force Major Webber advises the following: AC–130, let me get a date on this. No, it is blocked out. Maybe it is somewhere else on here.

AC–130, cross sign Ablib, 1954 that is the year it was manufactured, 1625, 16 special operations squadron out of Udorn, one of our five major air bases in Thailand. It says that Ablib reported he had been hit and was going to RTB, recovery, probably in the Confenon. A report came from an escort aircraft, cross sign Killer II that the crew was bailing out. Shortly after that beepers and voice contact, beepers and voice contact, totally contradicting the final official reports.

I cannot see because of blacked out ink what this says. With at least 1 of the 13 crew members on board. Was that Sergeant Fields? Killer II advised the crew members to dig in for the night. Voice contact was made with number 12 man who reported he has burns. Did Sgt. Eugene Fields have burns? This is not a Surprise Package aircraft. Code unknown to this former Air Force officer.

This AC–130 was put in as a substitute for Surprise Package because of maintenance on Surprise Package, probably another backup aircraft of that type. The date on this, when somebody looked at it, is December 27, 1973, a year-and-a-half after the incident. This is out of Saravane, Laos, and I cannot find a date on here. It says date, time, location. Date, 21. This is April 21, and the time is 1359 eastern. So this is the date of the report. I am sorry, the report is the 23d of the next day.

Now, there is another piece of evidence, and I will go over all of this with the families as soon a my special order is finished.

This is a forensic anthropology report. With all of the aging criteria taken into consideration, a rough age range of 25 to 40 years is suggested for all of the remains.

Let me just close with the one line out of this. They give a race assessment, Mr. Speaker, a stature assessment, a trauma assessment, and conclusions, and it is still so vague that the families are asking before there is a funeral next Wednesday, could they not put it off to all of the family members, and they work together as a group now, to get their questions answered through the full cooperation of the Pentagon and the Missing In Action Office over there, and all have a chance to talk to Sergeant Fields so that they could go to a funeral ceremony like this, so that I could go to it with them, and enjoy, memorialize the sacrifice of this great Air Force crew.

Mr. Speaker, I will return to this issue when we come back next week.

Mr. Speaker, I include for the RECORD the aforementioned articles.

[From the Wall Street Journal, Aug. 3, 1995]

HOW NORTH VIETNAM WON THE WAR

What did the North Vietnamese leadership think of the American antiwar movement? What was the purpose of the Tet Offensive? How could the U.S. have been more successful in fighting the Vietnam War? Bui Tin, a former colonel in the North Vietnamese army, answers these questions in the following excerpts from an interview conducted by Stephen Young, a Minnesota attorney and human-rights activist. Bui Tin, who served on the general staff of North Vietnam's army, received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the People's Daily, the official newspaper of Vietnam. He now lives in Paris, where he immigrated after becoming disillusioned with the fruits of Vietnamese communism!!

Question: How did Hanoi intend to defeat the Americans?

Answer: By fighting a long war which would break their will to help South Vietnam. Ho Chi Minh said, "We don't need to win military victories, we only need to hit them until they give up and get out."

Q: Was the American antiwar movement important to Hanoi's victory?

A: It was essential to our strategy. Support for the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark and ministers gave us confidence that we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she was ashamed of American actions in the war and that she would struggle along with us.

Q: Did the Politburo pay attention to these visits?

A: Keenly.

Q: Why?

A: Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor. America lost because of its democracy; through dissent and protest it lost the ability to mobilize a will to win.

Q: How could the Americans have won the war?

A: Cut the Ho Chi Minh trail inside Laos. If Johnson had granted [Gen. William] Westmoreland's requests to enter Laos and block the Ho Chi Minh trail, Hanoi could not have won the war.!!

Q: Anything else?

A: Train South Vietnam's generals. The junior South Vietnamese officers were good, competent and courageous, but the commanding general officers were inept.

Q: Did Hanoi expect that the National Liberation Front would win power in South Vietnam?

A: No. Gen. [Vo Nguyen] Giap [commander of the North Vietnamese army] believed that guerrilla warfare was important but not sufficient for victory. Regular military divisions with artillery and armor would be needed. The Chinese believed in fighting only with guerrillas, but we had a different approach. The Chinese were reluctant to help us. Soviet aid made the war possible. Le Duan [secretary general of the Vietnamese Communist Party] once told Mao Tse-tung that if you help us, we are sure to win; if you don't we will still win, but we will have to sacrifice one or two million more soldiers to do so.

Q. Was the National Liberation Front an independent political movement of South Vietnamese?

A. No. It was set up by our Communist Party to implement a decision of the Third Party Congress of September 1960. We always said there was only one army in the war to liberate the South and unify the nation. At all times there was only one party commissar in command of the South.

Q. Why was the Ho Chi Minh trail so important?

A. It was the only way to bring sufficient military power to bear on the fighting in the South. Building and maintaining the trail was a huge effort, involving tens of thousands of soldiers, drivers, repair teams, medical stations, communication units.

Q. What of American bombing of the Ho Chi Minh trail?

A. Not very effective. Our operations were never compromised by attacks on the trail. At times, accurate B-52 strikes would cause real damage, but we put so much in at the top of the trail that enough men and weapons to prolong the war always came out the bottom. Bombing by smaller planes rarely hit significant targets.

Q. What of American bombing of North Vietnam?

A. If all the bombing had been concentrated at one time, it would have hurt our efforts. But the bombing was expanded in slow stages under Johnson and it didn't worry us. We had plenty of time to prepare alternative routes and facilities. We always had stockpiles of rice ready to feed the people for months if a harvest were damaged. The Soviets bought rice from Thailand for us.

Q. What was the purpose of the 1968 Tet Offensive?

A. To relieve the pressure Gen. Westmoreland was putting on us in late 1966 and 1967 and to weaken American resolve during a presidential election year.

Q. What about Gen. Westmoreland's strategy and tactics caused you concern?

A. Our senior commander in the South, Gen. Nguyen Chi Thanh, knew that we were losing base areas, control of the rural population and that his main forces were being pushed out to the borders of South Vietnam. He also worried that Westmoreland might receive permission to enter Laos and cut the Ho Chi Minh Trail.

In January 1967, after discussions with Le Duan, Gen. Thanh proposed the Tet Offensive. Thanh was the senior member of the Politburo in South Vietnam. He supervised the entire war effort. Thanh's struggle philosophy was that "America is wealthy but not resolute," and "squeeze tight to the American chest and attack." He was invited up to Hanoi for further discussions. He went on commercial fights with a false passport from Cambodia to Hong Kong and then to Hanoi. Only in July was his plan adopted by the leadership. Then Johnson had rejected Westmoreland's request for 200,000 more troops. We realized that America had made its maximum military commitment to the war. Vietnam was not sufficiently important for the United States to call up its reserves. We had stretched American power to a breaking point. When more frustration set in, all the Americans could do would be to withdraw; they had no more troops to send over. Wow!

Tet was designed to influence American public opinion. We would attack poorly defended parts of South Vietnam cities during a holiday and a truce when few South Vietnamese troops would be on duty. Before the main attack we would entice American units to advance close to the borders, away from the cities. By attacking all South Vietnam's major cities, we would spread out our forces and neutralize the impact of American firepower. Attacking on a broad front, we would lose some battles but win others. We used local forces nearby each target to frustrate discovery of our plans. Small teams, like the one which attacked the U.S. Embassy in Saigon would be sufficient. It was a guerrilla strategy of hit-and-run raids.

Q: What about the results?

A: Our losses were staggering and a complete surprise. Giap later told me that Tet had been a military defeat, though we had gained the planned political advantages when Johnson agreed to negotiate and did not run for re-election. The second and third waves in May and September were, in retrospect, mistakes. Our forces in the South were nearly wiped out by all the fighting in 1968. It took us until 1971 to re-establish our presence, but we had to use North Vietnamese troops as local guerrillas. If the American forces had not begun to withdraw under Nixon in 1969, they could have punished us severely. We suffered badly in 1969 and 1970 as it was.

Q: What of Nixon?

A: Well, when Nixon stepped down because of Watergate we knew we would win Pham Van Dong [prime minister of North Vietnam] said of Gerald Ford, the new president, "he's the weakest president in U.S. history; the people didn't elect him; even if you gave him candy, he doesn't dare to intervene in Vietnam again." We tested Ford's resolve by attacking Phuoc Long in January 1975. When Ford kept American B-52's in their hangers, our leadership decided on a big offensive against South Vietnam.

Q: What else?

A: We had the impression that American commanders had their hands tied by political factors. Your generals could never deploy a maximum force for greatest military effect.

[From the Washington Post, Oct. 29, 1995]

22 QUESTIONS FOR COLIN POWELL

(By George F. Will)

Colin Powell, his literary life completed, has gone to earth with advisers to ponder a political life. These advisers, for whom he is a ticket to the circus and who therefore will urge him to run, should quickly help to equip him with answers to questions like:

During Nelson Rockefeller's 14 years as New York's governor, the top income tax rate more than doubled and state and local taxes more than tripled. Not surprisingly, the growth of private-sector jobs was four times faster in the nation as a whole than in New York, which experienced a 1,000 percent increase in welfare spending. The state had fewer than 400,000 welfare recipients when Rockefeller became governor but had 1.4 million when he left. You call yourself a "Rockefeller Republican." Why?

You say you are in the "sensible center." Does that mean people to the right of center are not sensible?

Your friend Bob Woodward, the reporter writes that after you watched the Conservative Political Action Conference convention on C-SPAN you said to a friend, "Can you imagine me standing up and talking to these people. What is it about "these people" that makes talking to them hard for you to imagine?

Reviewing your book in the New Republic, Nicholas Lemann notes that in 600 pages you do not "display the tiniest hint of wanting fundamentally to shake up the political system, or any system." Are you fundamentally content with the status quo?

Which parts of the Contract With America do you consider "a little too hard, a little too harsh, a little too unkind"?

You call yourself "a fiscal conservative with a social conscience." Who else would you describe that way? How would your social conscience express itself in fiscally conservative politics?

Talking with students before a San Antonio speech you said, in the context of a question about the balanced-budget amendment, "I hate fooling with the Constitution." Does that mean you oppose the amendment?

In a Jan. 31 story about one of your public appearances, the New York Times reported that your "ideas sometimes seem so inclusive as to be contradictory," giving as an example the fact that "while discussing 'the need to recreate the American family,' he said, gesturing to a person in the audience who had criticized the military's policy on admitting homosexuals, 'It doesn't even have to be a two-gender family.'" Could you elaborate?

You opposed lifting the ban on gays in the military, citing the military's unique nature and mission. However, in 41 states it is legal to fire a person because of his or her sexual orientation. Should it be? If not, should there be a federal law making discrimination regarding sexual orientation akin to racial discrimination in hiring and housing?

Who lied, Anita Hill or Clarence Thomas? Who more closely resembles your idea of the ideal Supreme Court justice, Thomas or Earl Warren? Should Robert Bork have been confirmed?

You favor some forms of affirmative action. What about the federal program of racial set-asides for minority ownership of television and radio stations, under which you and some partners acquired a Buffalo television station? To Henry Louis Gates Jr., who was writing about you for the New Yorker, you said, "But it's black owned. If you got a bunch of white guys with a brother fronting for them, get rid of it. That doesn't serve any purpose for us." What public purpose is served by government granting to affluent investors racial entitlements to communications media?

As president, would your budget include money for public television and the arts and humanities endowments?

You object to the use the Bush campaign made of Willie Horton in the 1988 campaign. Do you know who first raised the issue of Horton and the Massachusetts furlough program? (Hint: He raised it during the Democrats' New York primary and is now vice president.) What exactly was objectionable about citing Horton and his rape victim as a consequence of that prisoner-release program?

After the O.J. Simpson verdict you said, it is a racist society. All you have to do is listen to Mark Fuhrman." Does that mean most, or a great many, Americans resemble Fuhrman. Or that racism is the principal impediment to African American advances? Prof. Glenn Loury of Boston University, a leading African American intellectual, has said that if with a magic wand you changed the color of the skin, of the people on Chicago's south side or in south-central Los Angeles you would not appreciably change their life prospects. Do you disagree?

There, Twenty-two questions. Twenty-two more, on request.

TWENTY-TWO QUESTIONS FOR COLIN POWELL

1. General, do you oppose the use of U.S. ground troops in Bosnia?

2. Should the debt ceiling be raised without a specific plan to balance the federal budget?

3. Should the $500 child-tax credit be a part of this year's budgetary plans to help ease the financial pressures on the American family?

4. Should the Consumer Price Index be lowered in order to reduce payments to federal beneficiaries?

5. Should agricultural policy be fundamentally changed in order to adhere more to free market principles?

6. Should capital gains tax cuts be made?

7. Should U.S. troops ever be placed under foreign/U.N. command officers and NCOs and if yes, should Congress place strict limits on such command and control arrangements?

8. Should women be allowed into combat? Can they opt out on eve of deployment where raping and torture of POWs is common practice?

9. Why didn't you resign as Chairman of the JCS in protest over President Clinton's policy of lifting the ban against homosexuals in the military or the equally offensive cancellation of the regularly scheduled pay raise for active duty soldiers?

10. After supporting the Bush Base Force Plan, why did you then support the Clinton Bottom-Up Review defense plan which, by some accounts, is under funded by as much as $150 billion?

11. What would you do with regards to the growing threat of ballistic missiles including specific programs such as Navy upper-tier and the 24 year old ABM Treaty with the melted down Evil Empire?

12. Should foreign aid to the former Soviet Union (including our DoD funding) be conditioned to ensure Russia actually dismantles offensive nuclear, biological, and chemical weapons programs?

13. Should dual-purpose technology be transferred to communist China while China proceeds with dramatic military buildup?

14. Should human rights and democratic principles be heavily considered in granting Most-Favored-Nation trading status to totalitarian nations like China or Vietnam? Should we keep sanctions against Fidel Castro's oppressive regime?

15. Should the United States have diplomatically recognized Vietnam while questions remain unanswered by the communists in Vietnam about what they know concerning Americans still listed as POW/MIA, such as extensive Politburo and Central Committee records?

16. Should Clinton have been allowed to financially bail-out Mexico without congressional approval or oversight?

17. Should the nations of Poland, Hungary, the Czech and Solvak Republics be allowed into NATO? If so when? Why not Poland in 1996?

18. Should Chile be allowed to join as a member of NAFTA?

19. Should partial-birth abortions be outlawed? And, except for life-of-the-mother, what about banning all abortions in military facilities?

20. Should groups that receive federal money be allowed to lobby Congress for further funding, i.e. the AARP?

21. How should the U.S. better protect its sovereign borders to illegal immigration and enforce U.S. laws?

22. Should Hillary Clinton be subpoenaed to testify in regard to her phone conversations with Maggie Williams and Susan Thomases the morning of July 22, 1993, the day that Bernard Nussbaum blocked investigators from properly searching Vince Foster's office?

P.S. Can you tap your friends in the National Security Community for believable cost figures on Haiti and Bosnia through September 30, 1995?

TRIBUTE TO JUDGE RAYBURN WAYNE LAWRENCE

The SPEAKER pro tempore (Mr. NETHERCUTT). Under a previous order of the House, the gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Texas. Mr. Speaker, today in Palestine, TX, Third Judicial District Judge Rayburn Wayne Lawrence retires, and the judiciary loses one of its most outstanding jurists.

For 30 years, Judge Lawrence has dispensed justice from the bench of the Third Judicial District, but, for a lifetime, he has served his community, his State, his Nation, and his fellow citizens.

Judge Lawrence, the son of Robert Crittenton and Arizona Adams Lawrence, was born in Logan, TX, on November 3, 1920. He completed Groveton High School in 1936, the College of Marshall in 1939, and the University of Texas in 1941.

When his country called, Judge Lawrence responded. In the U.S. Navy during World War II, this patriot saw nine Pacific campaigns during 33 months at sea from Munda to Okinawa.

After his wartime service, he earned his law degree at Baylor University and hung out his shingle to practice law in Palestine, TX, a city that grew to love him and surely regrets, as I do, his retirement from public service.

He was appointed municipal judge for the city of Palestine, and was subsequently elected Anderson County judge, the chief executive officer of the county.

Then, in 1965, he won election as district judge of the Third Judicial District. And he won every election since, until he chose this day—1 day short of his 75th birthday—to retire.

The 30 years Judge Lawrence has spent on the Third Judicial District bench is longer than the tenure of any of his outstanding predecessors in the 159-year history of the court.

His judicial tenure has been as remarkable for its service to justice and community as it has for its duration.

Recognizing his nearly three decades on the bench in 1992, the Texas Bar Foundation recognized Judge Lawrence as the Outstanding Texas Jurist, the most prestigious honor that the State Bar of Texas can award to a Texas judge and one he richly deserves.

His record rightfully places Judge Lawrence alongside his great predecessors on this historical court, of which he has proudly been the historian.

As James N. Parsons III, a mutual friend and lawyer before Judge Lawrence's court, recently observed, "During his years on the bench, Judge Lawrence has always keep the history of the Third Judicial District before the participants in his courtroom. All of us who have been there have been educated as to the heritage of the great court and certainly, Judge Lawrence stands as one of the men of significance who have occupied that bench."

So it is important in knowing who Judge Lawrence is to share with you a bit of the history of the court on which he has served so long as so well. It is Judge Lawrence who has written the history of the court.

I quote here from the history of the court written by him:

> The Third Judicial District is one of the oldest such districts in Texas, dating back to December, 1836, when the First Congress of the Republic of Texas created four judicial districts to cover the entire Republic.
>
> The Third District has operated without interruption since that date and, during its long history, its bench has been occupied by men of prominence, not only in the law, but in the affairs of Texas. Two Texas counties—Williamson and Mills—bear the names of Third Judicial District judges. Baylor University was founded by another. Several of the court's judges have been members of higher courts, and all have been men of distinction.
>
> In many ways, the history of the Third Judicial District is a study of the legal, political, and geographical evolution of Texas. The court has served in thirty-one Texas counties, and each of those counties points with pride to the accomplishment of the court and its judges. The minutes of the court reveal the daily life of the communities in which it was a participant. The names in the minute books are a roll call of the famous as well as the infamous, and are a reminder to us of the importance of the district courts in our society.
>
> The district courts are the chief trial courts and the very cornerstone of the Texas judicial system. These courts have been involved, not only in settling disputes between persons, but also in interpreting the state constitution and, at times, even interpreting federal laws and the federal constitution. Their history is one of steady growth from meager beginnings.
>
> The early District Courts are remarkable, not only for the quality of their jurisprudence, but simply for the fact that they were able to operate at all. Richard Walker, Judge of the Third District Court from 1877–1879, spoke of the incredibly difficult problem of finding common ground upon which to work: "Questions of interstate law . . . were necessarily the result of peopling a country from every state in the union. Indeed, ingenuity, itself, can hardly invent any additional elements for complicating the perplexing and difficult varieties of legal responsibilities with which the bench and bar had to contend. I know of the settlement of no country in the world where the conditions have been so exacting and so difficult to administer the law as those which prevailed in the early history of Texas . . . a people transplanted to a new country found themselves surrounded with conditions novel, unprecedented, and were bound neither to a previous policy nor influenced by precedent or tradition."
>
> Complicating this situation was the fact that, "in most of the counties but few books were accessible to the bench and bar, forcing both alike to habits of self-reliance . . . and which involved the habit of resolving every question upon the most thorough analysis of those legal principles which a solution of it required. The conditions of successful advocacy often depended upon the amount of light which the lawyer could supply from the laboratory of his own mind, and his ability to manifest the correctness of the theory of his case by his power for its logical demonstration."
>
> The district courts of Texas not only survived these dilemmas, they prevailed. Judge Walker notes their special place in the lives of early Texans: "The sessions of the district courts in those early days were bi-annual epochs in most of the counties of the state; the entire population looked to these events as an intellectual, political, and social, as well as a legal festival at which, irrespective of personal interest in attending court, they were to meet old acquaintances, hear political discussions, and to be instructed and entertained in hearing the trials of causes in the courthouse . . . It is handed down among the traditions of the past, that in those days, in the humblest log courthouses, and oft times under the shade of a spreading oak, were heard legal efforts which have not been equaled in these later days."
>
> One common factor in the early history of the District Courts was the attitude of fierce independence of the participants—so typical of the early Texas settlers. These early litigants wanted to be able to express that independence through the courts—and they frequently did. And yet, it is the fact that the district courts throughout their history have tried the case and not the individual that has given these courts their strengths and their longevity.
>
> The influence of the district courts on the development of the state can hardly be overstated, even though the vast majority of Texans are seldom aware of their decisions or of how those decisions will ultimately affect their lives. Those persons who find themselves a part of this judicial process—as parties, witnesses, jurors, attorneys, or judges—participate in an increasingly rare event. In no other governmental context does an individual have the opportunity to take a problem to a decision maker who represents the full force and power of that particular branch of government. This direct interchange between the individual and the state is the very heart of the American democratic process.[8] The district courts enable the individual, regardless of background or circumstance, to invoke the rule of law, i.e. to call upon all the forces of government if need be to consider the matter that he brings.
>
> Throughout their history, the district courts, have been a reflection of the times. The courts have codified the beliefs of the people as, under the courts' jurisdiction, the law has been subjected to the constant scrutiny of parties, witnesses, juries, judges, and attorneys. Thus the district courts are, and have been, a marvelous vehicle for change or conservation, depending on the forces of society. These evolutionary forces have been channeled by the judges who direct these courts and who have, over the years, insured that the district courts meet the high standards required and expected by all the citizens of Texas. The process continues today.

Throughout Judge Lawrence's life in Palestine he has been a stalwart activist in the community he helped shape and nurture. In the Palestine Rotary Club, the American Heart Association, the Salvation Army, the Howard Gardner Post No. 85 of the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, Judge Lawrence has contributed his time, his talent, his wisdom, and his resources to better the world in which he lives.

Judge Lawrence shared his life with Evelina Martin of Apple Springs, TX, from their marriage in 1949 until her death and, since 1993 with his wife, Layneigha Chapman.

Today, Judge Lawrence returns to private life. It is a much deserved retirement for him, but an inestimable loss to those of us who so admire and value his long and honorable service of justice in his beloved Third Judicial District.

No matter how distinguished his successors, Judge Rayburn Wayne Lawrence will always be a guiding presence in that courtroom and in the dispensing of justice everywhere.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, today and on November 8.

Ms. ROS-LEHTINEN, for 5 minutes, on November 7.

Mr. SMITH of Michigan, for 5 minutes each day, today and on November 8.

Mr. DIAZ-BALART, for 5 minutes each day, on November 7 and 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TOWNS.

Mr. LANTOS.

Mr. BONIOR.

Mr. PASTOR.

Mrs. SCHROEDER.

Mr. CLEMENT.

Mr. HOYER.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SHAW.

Mr. RADANOVICH.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. BECERRA.

Mr. MARKEY.

Mr. HILLIARD.

Mr. SCHAEFER in two instances.

Mr. ROTH.

Mr. PAYNE of New Jersey.

Mr. RAHALL.

Mr. MOAKLEY.

Mr. SHAW.

Ms. HARMAN.

Mr. CLAY.

Mr. HAMILTON.

Mr. ROHRABACHER.

Mr. PACKARD.

Mr. MORAN.

Mr. HINCHEY.

Mr. CONYERS.

Mr. KIM.

(The following Member (at the request of Mr. BRYANT of Texas) and to include extraneous matter:)

Mr. BURTON of Indiana.

ADJOURNMENT

Mr. BRYANT of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, November 6, 1995, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1587. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to renew lease of one naval vessel to the Government of Brazil, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1588. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1589. A letter from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting the Committee's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1590. A letter from the Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 1995, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform and Oversight.

1591. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1592. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's final environment impact statement [FEIS] on the effects of implementation of the expanded east coast plan [EECP] over the State of New Jersey, pursuant to Public Law 101-508, section 9119(c) (104 Stat. 1388-369); to the Committee on Transportation and Infrastructure.

1593. A letter from the Secretary of Transportation, transmitting the Department's annual report entitled "Transportation Security" for calendar year 1994, pursuant to Public Law 101-604, section 102(a) (104 Stat. 3068); to the Committee on Transportation and Infrastructure.

1594. A letter from the Chairperson, U.S. Commission on Civil Rights, transmitting the Commission's report entitled "The Chicago Report," pursuant to 42 U.S.C. 1975; jointly, to the Committees on the Judiciary and Economic and Educational Opportunities.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 1816. Referral to the Committee on Commerce extended for a period ending not later than November 17, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEUTSCH (for himself and Mr. GIBBONS):

H.R. 2575. A bill to amend the Sugar Price Support Program to establish a special assessment for raw cane sugar marketed from production in the Everglades production area in the State of Florida to be used for restoration of the Everglades ecosystem; to the Committee on Agriculture.

By Mr. GILMAN:

H.R. 2576. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 1, 1995, and for other purposes; to the Committee on International Relations.

By Mr. EWING (for himself and Mr. LAHOOD):

H.R. 2577. A bill to amend the Soybean Promotion, Research, and Consumer Information Act to reinstate the right of soybean producers to demand and receive refunds of assessments imposed on producers under the act, to require a referendum on termination of the soybean research and promotion order issued under the act, and to require additional referendums at the request of a simple majority of soybean producers; to the Committee on Agriculture.

By Mr. MOAKLEY:

H.R. 2578. A bill to clarify the provision of section 3626(b) of title 39, United States Code, defining an institution of higher education; to the Committee on Government Reform and Oversight.

By Mr. ROTH (for himself, Mr. SKELTON, Mr. CLEMENT, Mr. PETRI, Mrs. MORELLA, Mr. FRAZER, Mr. GEJDENSON, Mrs. LINCOLN, Mr. ABERCROMBIE, Mr. OXLEY, Mrs. VUCANOVICH, Mr. ZELIFF, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. DIXON, Mr. ROEMER, Mrs. SEASTRAND, Mr. MCCOLLUM, Mr. PICKETT, Mr. OBERSTAR, and Mr. FARR):

H.R. 2579. A bill to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself and Mr. CONYERS)

H.R. 2580. A bill to guarantee a republican form of government to the States by preventing paramilitary violence; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 2581. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office; to the Committee on House Oversight.

By Mr. KIM:

H.R. 2582. A bill to designate the Republic of Korea as a pilot program country for 1 year under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. MARTINEZ:

H.R. 2583. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to prevent the construction of a thermal destruction facility at the OII site east of downtown Los Angeles unless the local community agrees to the location; to the Committee on Commerce.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 2584. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of simple retirement accounts, and for other purposes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. Oberstar.

H.R. 357: Mr. Doyle.

H.R. 359: Mr. Weller.

H.R. 387: Mr. Sensenbrenner.

H.R. 528: Ms. Rivers, Mr. Sanford, Mr. Hinchey, and Mr. Bonior.

H.R. 732: Mr. Miller of Florida.

H.R. 861: Mr. Weldon of Florida.

H.R. 864: Mr. Spratt.

H.R. 891: Ms. Lofgren and Mr. Owens.

H.R. 1090: Mr. Weldon of Florida.

H.R. 1404: Mr. DeFazio, Mr. Skaggs, Mr. Schiff, Mr. Neal of Massachusetts, and Mr. Payne of New Jersey.

H.R. 1546: Mr. Rush.

H.R. 1612: Mr. Shays.

H.R. 1640: Mr. Frisa and Mr. Herger.

H.R. 1787: Mr. Royce, Mr. Coburn, Mr. Martinez, and Mr. DeLay.

H.R. 1884: Mrs. Clayton, Mr. Gene Green of Texas, and Mr. Evans.

H.R. 1893: Mr. Gejdenson, Ms. Molinari, and Mr. Crane.

H.R. 1946: Mr. Istook, Mr. Weldon of Florida, Mr. Livingston, Mr. Baker of California, and Mr. Barrett of Nebraska.

H.R. 1972: Mr. Barcia of Michigan, Mr. McKeon, Mr. Andrews, Mr. Coburn, Mr. Barton of Texas, Mr. Bonilla, and Ms. Harman.

H.R. 2071: Mr. Jefferson.

H.R. 2090: Mr. Franks of New Jersey.

H.R. 2098: Mr. Goss.

H.R. 2132: Mr. Bishop.

H.R. 2185: Mr. Underwood, Mrs. Clayton, Mr. Dellums, Mr. Foglietta, Ms. Lofgren, Mrs. Mink of Hawaii, Mr. Miller of California, Miss Collins of Michigan, Mr. Evans, Ms. Brown of Florida, Ms. Jackson-Lee, Mr. Jefferson, Mr. Frazer, Ms. Danner, Mr. Fazio of California, and Mr. Kennedy of Massachusetts.

H.R. 2214: Ms. Pelosi.

H.R. 2216: Mr. Sensenbrenner.

H.R. 2338: Mr. Jefferson.

H.R. 2429: Mr. Hinchey and Mr. Brown of Ohio.

H.R. 2447: Mr. Wamp and Mr. Smith of Michigan.

H.R. 2507: Mr. Calvert and Mr. Dornan.

H.R. 2524: Mr. McDermott.

H.R. 2540: Mr. Stearns, Mr. Istook, Mr. Blute, Mr. Sam Johnson, Mr. Young of Florida, Mr. Callahan, Mr. Weldon of Florida, Mr. Shadegg, Mr. Gutknecht, Mr. Calvert, Mr. Smith of Texas, and Mr. Christensen.

H.R. 2550: Mr. Condit, Mr. Parker, Mr. Smith of Texas, and Mr. Weldon of Florida.

H.R. 2565: Mr. Houghton.

H.R. 2572: Mr. Wise and Ms. Pelosi.

H. Con. Res. 79: Mr. Barrett of Wisconsin.

H. Res. 220: Mr. Gejdenson and Mr. LaFalce.

EXTENSIONS OF REMARKS

THE TRAVEL AND TOURISM PARTNERSHIP ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. ROTH. Mr. Speaker, as chairman of the Congressional Caucus on Travel and Tourism, I have introduced legislation today to strengthen our tourism promotion efforts in the international travel market.

Earlier this week, the White House conference endorsed a new plan to bring together the resources of the private sector and the resources of the Government in a public-private partnership to improve the promotion of international travel and tourism to the United States. This partnership would be a successor to the U.S. Travel and Tourism Administration.

The partnership concept has been developed jointly by a group of industry leaders and officials of the Commerce Department.

A group of us has been working for weeks to prepare this legislation. We took the first step on September 28 when I held a hearing in my Trade Subcommittee. We used that hearing to focus congressional attention on the problems we are having in the international travel market.

Let me review the findings from our hearing. International tourism is now a $300 billion market. The world market has tripled in the last 10 years and it will double again in the next decade. But our market share is dropping. Two years ago, the United States had 19 percent of the international tourism market.

In 1993, nearly 48 million visitors came to the United States and spent $74 billion while in our country. In the past 2 years, the total world market has grown 10 percent, but our share dropped to less than 17 percent.

This year, we will have 2 million fewer visitors from abroad than 2 years ago. This drop has cost us 177,000 jobs which should have gone to American workers. But those jobs went to our competitors in other countries.

What's worse, this is not a temporary trend. If we stand still in our promotion efforts, our share of the world market will keep dropping. In 5 years, we will have less than 14 percent of the world travel market.

The question is: How can we turn this around? The White House conference has urged a stronger promotion effort in the overseas market. This is where we are falling down. The United States ranks 33d in tourism promotion, lower than Tunisia and Malaysia. We are being outclassed and outgunned. But, how do we get a stronger promotion program in a time of decreasing Federal spending?

The answer is the public-private partnership, which my legislation would set up. The idea is to combine together the resources and creative talents of the American tourism industry with the overseas presence and data-bases of the U.S. Government.

First, we would set up a national tourism board. This board would be comprised of industry leaders, State and regional tourism directors, and Federal officials. The board would devise a comprehensive strategy to increase our share of the world market. The board would advise the President, Congress, and the industry itself on specific steps to take.

To coordinate a new promotion campaign, we would set up a nonprofit corporation—the national tourism organization. This organization would be directed by the private sector. We would combine the advertising talents of the private sector with market data and staff help from the Federal Government. The new organization would design tourism promotion advertisements aimed at the international market and it would carry out a new and more vigorous advertising campaign. The campaign would be coordinated with the advertising that the industry already does on its own.

Initially, this new organization will get operational help from both the industry and the U.S. Government. But one of the first jobs for the tourism board will be to devise a long-term plan for financing this operation.

When this plan is up and running, we would have a two-fold campaign: First, to attract more international visitors to the United States, and second to steer them toward American companies for every part of their trip.

Finally, my legislation would direct all of our overseas missions to make tourism promotion a priority. It would require our overseas posts to cooperate with the national tourism organization in attracting more international visitors.

This is a new concept. We are breaking new ground. The U.S. Government is not used to working with private industry in a coordinated way on a promotional campaign. The leadership of the travel and tourism industry has convinced me that this can be done.

My goal is to enact this bill into law by this time next year. This year, we will have 44 million international visitors to the United States with this partnership in place, our goal should be to increase that total to 100 million over the next 10 years.

THE TRAVEL AND TOURISM PARTNERSHIP ACT OF 1995

(By Congressman Toby Roth, Chairman, Subcommittee on International Economic Policy and Trade Chairman, Travel and Tourism Congressional Caucus)

FACT SHEET

Implements a central recommendation of the White House Conference on Travel and Tourism.

Forms a "public-private partnership" between the travel/tourism industry and the federal government to strengthen the promotion of international travel to the U.S.

Establishes a 36-member National Tourism Board (75% private sector) to advise the President and Congress on policies to improve the competitiveness of the U.S. travel and tourism industry in global markets, appointed by the President with the advice of the travel and tourism industry.

Establishes a National Tourism Organization as a not-for-profit corporation under federal charter to implement the tourism promotion strategy developed by the National Tourism Board; to develop and operate a marketing plan in partnership with U.S. travel and tourism firms to increase the U.S. market share of the world travel market; governed by a 45-member board of directors, reflecting the breadth of the travel and tourism industry; board of directors develops a plan for long-term financing; interim funding from industry; and data and staff resources provided by federal government.

Requires federal agencies and U.S. overseas missions to cooperate in implementing promotion strategy developed by National Tourism Board.

TRIBUTE TO JOHN BILBRA TALMAGE, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, I want to recognize John Bilbra Talmage for his life's work and achievements. John was born in Anniston, AL, and moved to New York City in 1961. He was formerly the administrator in the school of engineering, at Columbia University. Additionally, he has been an aide to Abe Gerges, and Councilman Ken Fisher.

Mr. Talmage is the founder and first chairman of the Columbia University Federal Credit Union. He has also served on the Metrotech Business Improvement District Board of Directors. Mr. Talmage has served on other prestigious community boards dealing with issues of health, religious affairs, and waste storage.

John is a tireless and eager servant. His work and enthusiasm are infectious. It is my honor and pleasure to highlight this gentleman's contributions.

HONORING RAOUL WALLENBERG

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. SCHAEFER. Mr. Speaker, in April of last year, the House voted unanimously for a resolution providing for the placement of a bust of Raoul Wallenberg in the U.S. Capitol. Raoul Wallenberg was a young Swedish diplomat who risked his own life in rescuing many tens of thousands of Hungarian Jews during World War II. Through great acts of personal bravery, Wallenberg saved many would-be victims of the Nazi exterminators by providing Swedish protective passports to thousands of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Jews he had never met. He pulled some out of death trains and others from the ranks of death marches.

In one notable incident, Wallenberg, a slightly built 32-year-old, boldly threatened a Nazi general preparing to bomb to the ground a Jewish ghetto. Through this intervention alone, some 70,000 Jews were saved from death. He demonstrated how a strong character and unwavering determination could force even the brutal Nazi occupiers to spare some of the Hungarian Jews who had been marked for death.

Wallenberg's implacable hostility toward oppression made him a target of Soviet military officials, who arrested him early in 1945. After his arrest, he disappeared into a Soviet gulag prison camp, never to emerge again. Though the Soviets claimed in 1957 that he had died in 1947 of a heart attack, reliable eyewitnesses report sightings of Wallenberg long after that year. To this day, no one outside of Russia knows what truly happened to Wallenberg, whether he is still alive, or when he may have died.

Today, Mr. Speaker, in the rotunda of the U.S. Capitol, a stirring ceremony was held to unveil the bust of Raoul Wallenberg and to honor his enormous contribution to humanity. You were among those who paid tribute to his great works, along with many other distinguished persons such as House International Relations Committee Chairman GILMAN, Mr. PORTER, the cochair of the Congressional Human Rights Caucus, and Senator DASCHLE. Others who spoke included Supreme Court Justice Ruth Bader Ginsburg, Miles Lerman, chairman of the U.S. Holocaust Memorial Council, and the Speakers of the Parliaments of Hungary, Israel, and Sweden.

I would now like to recognize three individuals who played especially important roles in making today's ceremony in honor of Raoul Wallenberg possible. My colleague from California, TOM LANTOS and his wife, Annette, survivors of the Holocaust themselves, have worked tirelessly for years to bring the Wallenberg case to public attention. Their hard work and determination to human rights, and especially to the Wallenberg case, serves as an example to me and my colleagues in the House.

Finally, I want to recognize Lillian Hoffman of Denver, CO, who purchased and donated the bronze bust of Raoul Wallenberg. Lillian has spent more than two decades herself on the Wallenberg case and has demonstrated tireless devotion to the cause of human rights wherever they are violated. As the chair of the Colorado Committee of Concern for Soviet Jewry, she has helped numerous people herself who were persecuted in Russia and the Soviet Union because of their religious beliefs. She helped them to obtain exit visas so they could start new lives in Israel and the United States. It has been a pleasure knowing and working with Lillian for so many years.

I salute Lillian Hoffman for her generosity in donating the bust of Raoul Wallenberg to the people of the United States. Lillian's generosity will help ensure that Raoul Wallenberg's great deeds of humanity will be remembered by many generations of people to come. Thank you, Lillian Hoffman, for helping us to remember Raoul Wallenberg.

HONORING EDWARD A. PALLADINO

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. HINCHEY. Mr. Speaker, I want to ask my colleagues to join me in honoring Edward A. Palladino. Ed's life recalls a life that was more common in the past, in the "olden days". He spent most of his entire career in one place, at one of my local newspapers, the Kingston Freeman, working his way up from right out of high school to becoming managing editor.

Ed is a pillar of our community in ways that still mean something to people. More than a local legend for his coverage of sporting events of all levels in our area, Ed is a genuine sportsman himself, embodying the principles of hard work, fairness, and real passion on and off the playing field. I ask my colleagues to join me in celebrating 40-plus years of excellence and the life of my great friend, Ed Palladino.

A TRIBUTE TO ART JOHNSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. CONYERS. Mr. Speaker, I want to take a few minutes to tell you about a man who has spent his life working as a healer but he is not a medical doctor. He has not repaired any broken bones or mended any human hearts. But he has devoted his life to healing the bitter and gaping rifts that separate the races in our county.

The man I am describing is Dr. Arthur Johnson, my longtime friend in the struggle for justice, who retired September 30, 1995, as vice president for university relations and professor of education sociology at Detroit's Wayne State University, which just happens to be my alma mater.

His title and his long list of degrees and commendations might lead some to believe he concentrated his civil rights work in the academic arena. That was not the case. His activism, which has spanned six decades, has taken him repeatedly into hostile and dangerous territory. In the 1950's, as executive director of the Detroit branch of the National Association for the Advancement of Colored People, he helped organize sit-ins at Detroit lunch counters that refused to serve African-Americans.

In the early 1960's, he was at the front of civil rights marches to protest unfair housing practices in Detroit suburbs. Almost 40 years later, these suburbs still hold the dubious distinction of being the most segregated in the Nation.

In the 1970's, he struggled to bring order out of the social chaos in the Detroit public schools where militant young students disrupted classes and shut down schools to demand a curriculum that reflected their African heritage.

In the last two decades, Dr. Johnson has kept up his hectic pace and worked on numerous projects to increase understanding among the races. He has written passionately about the question of race which still divides this country.

As he recently said, "My experience kept me close to the issue of race and race oppression. The struggle is a part of me." But no matter how harsh the struggle, he never became embittered. He remained outwardly calm, refusing to let the enemy destroy him in anger. The enemy began testing him at an early age.

Born in Americus, GA, in 1925, he grew up in an atmosphere poisoned by hatred and supremacy. But instead of creating hatred in him, that environment made him a determined fighter against the evils of racism.

One incident in his youth helped shape his views. He was 13 years old and his family had moved to Birmingham. The memory of what happened is still vivid in his mind. One time he was walking in downtown Birmingham early in the evening with his uncle, who was about 20 years old. Suddenly they found themselves walking behind a white family—a father, a wife, and a little girl who was about 6 or 7. The girl was not paying attention to what she was doing, and she walked across young Arthur's path. He put his hand on her shoulder in a caring fashion to prevent her from stumbling. When her father saw that, he began to beat on Johnson as if he had lost his mind.

During the entire beating, Johnson's uncle stood frozen in fear. For years, his uncle's failure to respond troubled him. Only later, when he himself was a grown man, did he fully understand why his uncle just stood there. In the racist climate, the uncle would have been killed for challenging a white man on a public street.

Once he understood what had happened, he did not focus his anger on the specific individuals involved in that incident. Instead, he focused on a perverted system that filled whites with blind rage and blacks with terror. He knew that the ravenous monster called racism had to be attacked. His lifelong struggle began on that Birmingham street.

Johnson's parents were hard-working people who valued education. His mother was a domestic servant and his father worked in the coal mines and the steel mills. After graduating from Birmingham's Parker High School, he attended college through the help of his grandmother, also a domestic servant. She used the little money she earned to help put him through Morehouse College in Atlanta.

During those Morehouse years, he was part of a class that included students who would alter the course of this Nation: the young Martin Luther King, Jr., Ebony magazine publisher Robert Johnson, and noted historian Lerone Bennett whose work on African-American history has successfully linked generations of black Americans with their past.

Those young men studied in an atmosphere that was carefully crafted by the late Dr. Benjamin Mays, Morehouse president and one of the Nation's premier and dignified voices for social change. Dr. Mays' message wasn't lost on them. "Dr. Mays challenged us not to accept any measure of racial discrimination we did not have to," he once reflected. "Above all else, he told us to keep our minds free. He told us that nobody can enslave your mind unless you let them."

While on campus, Johnson organized the school's first chapter of the NAACP. Armed with an undergraduate degree in sociology from Atlanta University, Art Johnson moved to Detroit in the early 1950's to take a job as executive secretary for the Detroit branch of the NAACP. He planned to stay in Detroit 3 years so he could get the urge to change the world out of his system before returning to academia. Those 3 years turned into 40.

He remained at the helm of the NAACP for 14 years, guiding the organization through some of the most turbulent years in Detroit. In the 1950's, blacks were blatantly discriminated against in the job market, the housing market, and in hotels and restaurants. The NAACP led protest marches and sit-in demonstrations that battered the door of institutional racism and forced some change.

The group's activism attracted a record number of new members. The Detroit chapter grew from 5,000 members to 29,000 during his tenure. Detroit proudly claimed the title of the largest NAACP chapter in the United States.

Under this guidance, the Detroit chapter initiated the NAACP Freedom Fund Dinner which has become the most successful NAACP fund raiser in the country. Held each year, the event draws thousands of people and has been labeled the largest indoor dinner in the world.

Art Johnson took a struggling local organization and helped it develop into a major force in the local and national struggle for civil rights.

One reason for his success was his uncanny insight into society's problems. During a speech he gave some 35 years ago, he pinpointed six crucial issues facing African-Americans: voting rights, civil rights, segregated housing, inadequate medical care, job discrimination, and segregated schools. Despite some progress, those issues still remain at the top of our agenda.

In 1964, he left the NAACP to become deputy director of the newly crated Michigan Civil Right Commission, the first such body in the Nation. The commission needed someone with proven skills. No one doubted that Art Johnson had them.

In one of his first official statements, he made it clear that he hadn't forgotten that 13-year-old boy who was beaten without cause years earlier. In his low-key, no-nonsense fashion, he said that the struggle for equity and fairness in jobs, housing, education, and police community relations would keep the commission busy.

He spent 2 years getting the commission on a solid footing, then he waded into one of the biggest challenges of his career. The Detroit public schools hired him as deputy superintendent for school community relations at the most turbulent time in the history of the schools. The wrenching social upheavals in the streets during the 1960's registered in the classrooms as well. And Arthur Johnson was right in the middle of it all.

In July 1967, Detroit exploded in a civil disturbance that claimed 43 lives and destroyed hundreds of millions of dollars' worth of property. Rather than watching the flames from the safety of his office, Johnson joined those who told the rioters to calm themselves and told the police to immediately cease their wanton and often deadly attacks on the citizens.

Conditions were tense in the classroom, too. Students were riding a wave of militancy, and Detroit was at the crest of that wave. Young protesters shut down schools and disrupted board meetings to air their grievances about a curriculum that largely ignored African-American culture.

During one such protest, a group of determined young students seized Johnson and held him captive for 2 hours in a school library to call attention to their demands.

When he wasn't caught up in the thick of debates with parents, students, and administrators, he was arguing with publishers whose textbooks failed to accurately and fairly reflect the experiences and contributions of African-Americans. More than once, he infuriated publishers by refusing to accept books that directly or indirectly fostered notions of black inferiority.

After that demanding stint in the public schools, most people would take it easy, but he didn't.

In the early 1970's, he traded one group of protesting students for another when he left the public school system and joined Wayne State University, a hotbed of student activism.

As the vice president for university relations and as professor of educational psychology, he was right in the middle of the fray. Students demanded increased and immediate access to the decisionmaking process. They tried, as many good students do, to reshape the school in their image. Art was there, mediating, challenging, explaining, and listening. Sometimes the volume of the debate was so high that it was nearly impossible to hear the words, but he persevered.

To me, the most amazing thing about Art Johnson is that he never lets problems trigger an emotional outburst in him. His studied calm has become his trademark.

He has used his intellect to reason with friends and foes. He has walked into hostile and dangerous territory to push for freedom. He has maintained his composure and his dedication despite numerous threats and insults.

When he suffered painful setbacks in the struggle for human rights, he never gave up hope or bowed to temporary defeat.

Throughout his life, he carried the words of his teacher with him. He never allowed anyone to shackle his mind. He has fought consistently and tirelessly against such efforts.

In 1988, he was working at the university, active in a number of community groups and deeply involved in the local NAACP chapter as president, a position he held from 1987 to 1993. During this period he also served as cochair of the race relations task force for the Detroit strategic plan. As cochair, he wrote an insightful commentary on race relations that was published in the Detroit News.

He wrote:

> When we freely examine racism for what it is—through our individual experiences and as exposed in the Race Relations Task Force report and other studies—it becomes clear that the problem of race and racism in its structural and institutional aspects . . . is in reality the form and practice of our own apartheid.

Because of his insight and his singular dedication to civil rights, Art has been awarded so many honors that it would take far too long to list them all. He wears his well-deserved praise with the humility of a man who realizes he is only doing what is just and right.

In 1979, Morehouse College awarded him the honorary degree of doctor of humane letters in recognition of his scholarship in the field of sociology and his leadership in the battlefield of civil rights.

His other honors include the Distinguished Warrior Award from the Detroit Urban League, the Greater Detroit Interfaith Round Table National Human Relations Award, the Afro-Asian Institute of Histadrut Humanitarian Award, the Greater Detroit Chamber of Commerce Summit Award, and the Crystal Rose Award from the Hospice Foundation of southeastern Michigan. The NAACP conferred five Thalheimer Awards upon Art for outstanding achievement.

Art is a member of a variety of community groups. He sits on the board of directors of the Detroit Science Center, the Detroit Symphony Orchestra, and the American Symphony Orchestra League. Like me, he has a love of music. He is also a trustee for the Founders Society of the Detroit Institutes of Arts and president emeritus of the University Cultural Center Association.

Art is the father of five children. He and his wife, Chacona Winters Johnson, a development executive for the University of Michigan, still live in Detroit.

Even though Art Johnson has retired, he is busier than ever. When it comes to the struggle for justice, he just can't pull himself from the front lines.

The Detroit community, and indeed the Nation, have benefited from his efforts to promote understanding and healing. It is with joy and sincerity that I thank Arthur Johnson. Because he never allowed anyone to shackle his mind, he made it possible for others to know the beauty of freedom.

POOR CHOICE FOR DAILY INVOCATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. MORAN. Mr. Speaker, I rise to express my disappointment that the Rev. Lou Sheldon provided the invocatory prayer before the House of Representatives today. Reverend Sheldon was a poor choice to give the daily invocation. I think Members may want to know what he has advocated in his public remarks which arguably reflect on his worthiness to deliver such an invocation. He is malicious in his attacks upon lesbian and gay Americans. He is against AIDS education, information on birth control and disease prevention in the public schools, and uses scare tactics to further his hateful agenda. I, for one, believe that these aggressive provocations, which represent a radical extreme position and which have nothing to do with religious belief in God's will and forgiveness, should not be rewarded.

Mr. Speaker, following are some specific quotes that I believe prove my point that Reverend Sheldon does not represent the spiritual or intellectual views of this body.

On the issue of homosexuality, we are in the same place we were in the 1930s with alcoholism. Back then, we said "once a drunk, always a drunk." But now we know many alcoholics can recover. (Washington Times, 2/5/90)

I don't have to tell you what these homosexuals are going to be doing when they're not running a race. That's right . . . they're going to be spreading their deadly disease right here in the U.S. (Traditional Values Coalition newsletter, 4/94)

"Joined together in holding back satan," was how Mr. Sheldon signed an April 1994 letter to pastors in Los Angeles, urging them to enlist their congregations against pride month. "We must protect our children and youth from this homosexual recruiting," he declared. (New York Times, 12/19/94)

TRIBUTE TO VIOLA D. GREENE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, Hilton Head, SC, is quite a distance from Brooklyn, NY. But one former resident of Hilton Head, Viola Greene, departed to become a resident of East Flatbush, Brooklyn. The borough truly gained an asset with the arrival of Viola 23 years ago.

Viola graduated from Brooklyn College where she received a degree in economics. Subsequently, she was employed by the city of New York, where she worked in a variety of capacities, including, neighborhood school worker, legislative aide, administrative assistant, and district manager of Community Board No. 16. As district manager she is responsible for the daily monitoring and coordination of municipal services to the residents of Ocean Hill-Brownsville.

Ms. Greene is a member of Berean Missionary Baptist Church where she serves as a member of the board of trustees, and the Women's auxiliary. She is also a member of the Brownsville Family Preservation Program Advisory Board. Additionally, Ms. Greene is the recipient of several awards, most notably the Community Service Award from the Brooklyn Branch of the Key Women of America, the Carter G. Woodson Cultural Literacy Project, and the Rachel J. Mitchell Scholarship Foundation.

WIND AND BIOMASS: IMPORTANT ENERGY SOURCES FOR OUR FUTURE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. SCHAEFER. Mr. Speaker, on October 31, 1995, I and 83 other Members of Congress representing 31 States and both parties signed a letter urging budget reconciliation conferees to preserve the 1.5-cent tax credit for wind and closed-loop biomass energy systems.

With American imports of foreign oil at an all-time high, I believe it is important that we encourage the development of alternative energy sources. This tax credit helps do just that.

Mr. Speaker, I would now like to enter into the RECORD the text of the letter my colleagues and I sent to conferees on October 31:

DEAR CONFEREE: As you consider the FY 1996 budget reconciliation package in conference, we urge you to accede to the Senate Finance Committee's provisions omitting the repeal of the 1.5 cent production tax credit for wind and closed-loop biomass energy systems. The House reconciliation package contains a repeal of this important tax credit, mandated by Congress as part of the Energy Policy Act of 1992 ("EPAct '92").

This production tax credit is designed to encourage the development and export of wind and biomass energy technologies and to recognize the many tax benefits offered to competing energy choices.

This credit met all the necessary criteria when endorsed by the House and Senate by large bi-partisan margins just three years ago: It provides returns to the taxpayer based on increased production as opposed to increased investment; it includes a phase-out provision in the event energy prices reach certain levels; it reduces the credit in proportion to any state or federal grant monies received; and it includes a sunset provision of June 30, 1999.

Despite overwhelming public support and impressive cost reductions, the market for large-scale commercial renewable energy development in the United States is just beginning to emerge. Repealing the production tax credit for wind and closed-loop biomass places these industries in an inequitable and unjustifiable position to compete in the U.S. and global energy marketplace.

We urge you to oppose repeal or revision of the wind and biomass tax credit.

Sincerely,

Dan Schaefer, David Minge, Robert T. Matsui, Martin Olav Sabo, Bernard Sanders, Vic Fazio, Scott L. Klug, Lynn N. Rivers, Tim Johnson, Peter A. DeFazio, Bruce F. Vento, Gerry E. Studds, Dale E. Kildee, Jim McDermott, Edward J. Markey, Steve Gunderson, Thomas J. Manton, Ron Wyden, Sue Kelly, Earl Pomeroy, John Lewis, Bill Richardson, Carlos Moorhead, Lucille Roybal-Allard, Collin C. Peterson, José E. Serrano, Toby Roth, Sherwood L. Boehlert, Michael G. Oxley, Elizabeth Furse, William P. Luther, Bill Baker, Chet Edwards, Neil Abercrombie, Henry Bonilla, Major Owens, Sam Gejdenson, Cynthia McKinney, Nancy Pelosi, James B. Longley, Jr., Frank Riggs, Joe Skeen, Roscoe G. Bartlett, Donald M. Payne, Chaka Fattah, Patricia Schroeder, Jerrold Nadler, Barbara Cubin, David E. Skaggs, Sheila Jackson-Lee, Matt Salmon, Jennifer Dunn, Bennie G. Thompson, Barbara B. Kennelly, John Conyers, Jr., Charles E. Schumer, Sonny Bono, Constance A. Morella, James L. Oberstar, John M. Spratt, Jr., Alcee L. Hastings, Michael Bilirakis, Peter G. Torkildsen, Blanche Lambert Lincoln, Bob Filner, Rick Lazio, Wayne T. Gilchrest, Gene Green, Victor O. Frazer, Jim Ramstad, Karen L. Thurman, Joseph P. Kennedy II, Gil Gutknecht, Doug Bereuter, Wayne Allard, Bill K. Brewster, Gerald Kleczka, Jim Bunn, Eliot Engel, Anna Eshoo, Jon D. Fox, Harold L. Volkmer, Ken Calvert, Jerry Lewis.[1]

LEGISLATION TO SUPPORT THE UNITED STATES' VALUABLE ALLY—SOUTH KOREA

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. KIM. Mr. Speaker, I rise today to ask all of my colleagues to support my efforts to further enhance and solidify our commitment to one of the United States' most valuable allies—South Korea. Today I have introduced legislation which will have a positive economic impact in the United States—especially in the tourism industry. My legislation calls upon the inclusion of South Korea in the Visa Waiver Pilot Program [VWPP]. Specifically, it waives the requirements of section 217 of the Immigration and Nationality Act, allowing South Korea to be included in the VWPP for a 1-year trial basis after which the Secretary of State and Attorney General will have the authority to determine the continued participation of South Korea in this program.

My reasons for introducing this legislation are twofold: First, the current situation at the U.S. Embassy's Consular Affairs office in Seoul is embarrassing and unacceptable. This problem stems from two counter-acting forces—the lack of sufficient space and personnel in the Consular's Office and the ever increasing number of South Korean's request of nonimmigrant, visitor visas.

Currently, the Consular's Affairs office in Seoul is under-staffed, over-worked and unable to meet the demands of reviewing over 2,000 visa applications per day. This unfortunate situation has resulted in extremely long lines of potential tourists and businessmen to the United States who are growing more and more impatient, annoyed and disheartened with the way they are being treated. While these long lines may not be something new for consular affairs offices throughout the world, the inhumane treatment of the people in those lines is.

During a recent trip to South Korea, I personally witnessed the most shameful treatment of human beings. One potential tourist, in search of a visa as part of his honeymoon plans, told me that he had been waiting in line for 3 days. Three days. He had come all the way from the southern end of South Korea, since the United States does not have any other consular affairs offices in Korea. Another woman, who appeared to be in her thirties, explained her frustration at having to stand outside during a thunderstorm because there is no shelter from the elements available. I was personally ashamed, as I suspect many of colleagues would have been by these tales of inhumane treatment.

These are but two examples of the growing frustration and disappointment many South Koreans are vocalizing, which has resulted in a growing sentiment of discontent with the United States. They rightly point out that this is no way for friends to treat friends. If we are to retain our place in the hearts of the Korean people we must do something to reverse this trend. In that regard, I feel it is important that we begin to treat the South Korean people with more respect by extending to them our trust and support through their inclusion in the VWPP.

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[1] Signed letter after delivery to confereee.

My second reason for introducing this legislation is pure economics. Currently, South Korea is the sixth largest trading partner with the United States. This has resulted in total U.S. exports equaling over $14 billion with a cumulative direct investment of over $1 billion by United States companies in South Korea. This ever growing market has allowed for a continued growth in personal incomes for the South Korean people. The net result has been an increased demand by Korean tourists to visit the United States.

According the Travel and Tourism Administration, South Korean arrivals are expected to reach over 600,000 in 1995, up an astonishing 900 percent from the 1987 levels. Of the over 400,000 South Korean travelers who came to the United States in 1993, 35 percent came for vacations or holidays with another 35 percent coming to visit friends or relatives. Most of such travel has been to California, New York, Hawaii, Arizona, and Florida. With an estimated $1 billion in potential tourism dollars to spend, it is easy to see the importance of promoting easier access to the U.S. tourist market which has experienced considerable losses over the past few years. Simply put, more Korean tourists equals more business and jobs in the United States.

My home State of California is a perfect example of how important tourism is to the United States. According to the California Division of Tourism, California's travel and tourism industry generates $55.7 billion annually, which is 6.5 percent of the gross State product. Overall, California would rank eighth in terms of international tourism as a separate nation, ahead of Switzerland, Singapore, Mexico, Canada, and Japan.

On a more national front, travel and tourism is the third largest employer in the Nation after business and health services. In fact, travel exceeds the combined payrolls of the U.S. steel and motor vehicles manufacturing industries. Between 1983 and 1993, travel-related employment and payroll has steadily increased—with payrolls nearly doubling and the number of jobs rising 38 percent. These kinds of numbers only further the argument that travel and tourism will double in size over the next decade, resulting in more job opportunities for people throughout the world. The United States must work to ensure its place in the travel and tourism industry by opening our doors to an economy which has been growing continuously over the past decade—South Korea. America has always been the first choice of destination for almost all Koreans.

However, under the current situation of long lines and endless delays, many Koreans are fed up with waiting and are going instead to Canada—which has a waiver policy toward Korea—Europe or Australia. We stand to loose millions of dollars and thousands of American jobs because of our broken visa system.

As the Tourism Promotion Conference convenes this week in Washington, I understand that the issue of reforming the United States visa issuance process for South Korea will be raised and discussed. I welcome the input of the United States tourism industry and look forward to examining their recommendations as to how we can best achieve a larger place in the tourism market, especially with respect to South Korea.

In the interim, however, I believe that in an effort to ward off a serious decline in South Korean support for United States policy while increasing the ability of South Koreans to visit the United States, this legislation should be seriously considered as a solution to this embarrassing situation. In fact, I believe that if we reduce the bureaucratic barriers to the South Korean people, we will achieve greater compliance with our own immigration laws and promote good relations with a valuable ally. Therefore, I call upon all of my colleagues to support this 1 year, trial basis legislation which is so important to the South Korean people and to our foreign policy in Asia. After all, 25 countries are already in the visa waiver program.

ISRAEL COULD GAIN GROUND BY EXITING SOUTH LEBANON

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. RAHALL. Mr. Speaker, I bring to the attention of my colleagues in the House an oped piece which appeared in the October 23 edition of the Christian Science Monitor written by Frederic C. Hof, a former U.S. Army officer and State Department official and currently a partner in Armitage Associates. Mr. Hof illustrated, in my opinion, a solution for Israeli withdrawal from southern Lebanon, thereby preventing further attacks on Israeli soldiers by Hizbullah which so poison the Israeli-Syrian peace negotiations.

Mr. Speaker, I traveled to Lebanon in August, including southern Lebanon, the home of my grandfathers. After discussions with people, political, religious, educational, and military leaders most importantly Gen. Emile Lahoud the very capable commander-in-chief of the Lebanon Army, there is no doubt whatsoever that given the political go-ahead the Lebanon Army can control every inch of Lebanese territory and prevent cross-border attacks upon Israel. This is confirmed by our U.S. Embassy.

Mr. Hof's op-ed follows:

[From the Christian Science Monitor, Oct. 23, 1995]

ISRAEL COULD GAIN GROUND BY EXITING SOUTH LEBANON

(By Frederic C. Hof)

The recent deaths of Israeli soldiers patrolling the "security zone" in southern Lebanon grimly illustrate an inescapable fact: that Israel's continued occupation of Lebanese territory is a liability both for Israel and for the Middle Eastern peace process. The time is right for Israel's leaders to take a fresh look at how best to secure their northern border.

Israeli forces have been on Lebanese territory since March 1978, when they consolidated a security zone nominally administered by a Christian Lebanese officer. The purpose of the zone was twofold: to place Israeli territory beyond the reach of Palestinian gunners, and to place on the table a strong Israeli card in the high-stakes game of determining Lebanon's political future.

In June 1982 Israel moved decisively to destroy the Palestinian military presence in southern Lebanon and rearrange the Lebanese political scene to its advantage. The fist objective was achieved as Palestinian forces were driven back to Beirut and eventually evacuated from Lebanon. The second was frustrated by Lebanese political disunity and skillful Syrian subversion. By 1984 Israeli forces were essentially back within the security zone, with a new and more potent opponent—one enjoying the support of Iran and Syria.

In a 1984 study of security and water disputes in the Galilean region, I noted that "In the long run, unless Israel is willing to assume complete responsibility for the economic and political aspirations of the volatile Lebanese Shi'a community in the south, there will be no peace for Galilee without a real government for Lebanon." Lebanon is still—in the south—without a real government, and over the past decade Israel's occupation of southern Lebanon has acted as a magnet for Syrian-supported Hizbullah attacks on Israeli forces, Israel's surrogates, and Israel itself.

It may well be that 25 years of cross-border violence has rendered a "solution" to the current impasse impossible. There may be no one in Israel still interested in embracing the Lebanese "tar baby," but how to let it go is the issue. Is there a way Israel might extricate itself from Lebanon and, at the same time, enhance the security of its citizens? Must such an extrication await a formal peace treaty with Lebanon, or might its unilateral implementation help break the logjam blocking the Israel-Syria-Lebanon track?

One hypothesis worth testing is that neither Hizbullah nor Syria will have any compelling reason to attack Israeli territory from Lebanon if the occupation ends and Israeli forces withdraw to Israel's side of the international boundary. The fighters of Hizbulla claim to be motivated by a desire to end Israel's occupation. A unilateral Israeli withdrawal might suit them fine. Having "Liberated" southern Lebanon, would it make sense for them to press the attack into Israel proper?

It can be argued, no doubt convincingly, that no Israeli government could permit Hizbullah to claim "victory" in this manner and that nothing could "guarantee" in this manner and that nothing could "guarantee" the security of Israel's northern towns. A corollary to this argument is that neither Hizbullah nor Syria is to be "trusted," and a unilateral withdrawal would convey to Israel's enemies a sense of "weakness" sure to be exploited.

If, however, it is just possible that Israel's security would be enhanced as a result of evacuation, it is worth asking anew whether the cost of trying it would be prohibitive. In view of the fact that Israel makes no claim on Lebanese territory, is there any issue except the security of Israeli citizens worth considering in a withdrawal scenario? How might the government of Israel proceed in a manner defensible both in terms of internal Israeli politics and the safety of Israeli citizens?

The government of Israel could consider declaring unilaterally its intention to withdraw all of its forces from Lebanese territory within 90 days. It could request that the UN Interim Force in Lebanon (UNIFIL) convene, as soon as possible, a meeting of Israeli and Lebanese military officers to work out the details of a professional handover. Israel could make it clear at the outset that its forces will be gone in 90 days and that no amount of stalling, hand wringing, or haggling would alter the timetable.

Coupled with this declaration should be another statement designed to fix, once and for all, the responsibility of Israel's neighbors to respect the inviolability of Israel's borders. Israel could declare that it will hold the governments of Lebanon and Syria fully responsible for ensuring that no party in Lebanon, to include all of Syria's Palestinian and Lebanese surrogates, violates Israeli sovereignty in any way. Israel could make it especially clear that it will make no return of territory to Syria unless the border with Lebanon becomes as quiet as the cease-fire line on the Golan Heights. Indeed, the willingness of Syria and its Lebanese proxies to act responsibly in Southern Lebanon before, during, and after the evacuation of Israeli forces will instruct the Israeli people as to the advisability of a territorial settlement with Syria.

In the manner the liability presented by southern Lebanon can be converted to an asset in the hands of those sincerely interested in a comprehensive Arab-Israeli peace settlement. Should new attacks on Israeli territory be mounted from Lebanon, direct retaliation by Israeli forces on those responsible for maintaining law and order in Lebanon would be warranted. Instead of creating massive flows or embittered refugees, Israel would be striking at the actual malefactors. Who, under such circumstances, could blame Israel?

Israel's occupation of southern Lebanon helps perpetuate an ambiguity that does not exist on the Golan Heights, arguably the most peaceful spot on earth for over 20 years. Syria has exploited this ambiguity to strike indirectly at Israel by encouraging fighters who claim to be waging a war of national liberation. Israel alone can remove this ambiguity by withdrawing and forcing its neighbors to accept full responsibility for their actions. Such an action could hardly be characterized as a defeat.

LILLIAN HOFFMAN'S LETTER TO RAOUL WALLENBERG—A HERO TO FOUR GENERATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. LANTOS. Mr. Speaker, today, on the occasion of the dedication of the bust of Raoul Wallenberg in the Rotunda of the U.S. Capitol, two tributes stood out as singularly accurate reflections upon the extraordinary acts of this Swedish-American hero.

The first, a letter to Raoul Wallenberg by my granddaughter, Chelsea Lantos-Swett, read at the dedication of the Holocaust Memorial Museum and again at today's ceremony has already appeared in the CONGRESSIONAL RECORD. The second, which I ask be placed in today's RECORD, is a letter to Wallenberg from Ms. Lillian Hoffman, who donated the bust which we unveiled today in the Capitol Rotunda.

These two letters, which span four generations, are testimony to the endurance of Raoul Wallenberg's legacy and lessons. He was an inspiration to Lillian Hoffman, of the World War II generation, and, four generations later, he is an inspiration to Chelsea. I am confident that, four generations from now, our great-grandchildren will look upon Raoul Wallenberg's image in the U.S. Capitol, and reflect upon the strength of the individual human spirit and the ability of each and every one of us to make the world a better place.

Mr. Speaker, I invite my colleagues to take a moment to read Lillian Hoffman's letter and to pause by the bust of Raoul Wallenberg:

AN OPEN LETTER TO OUR DEAR FRIEND, RAOUL WALLENBERG

(By Lillian Hoffman)

Dear Raoul:

No, you are not "the forgotten hero." Wherever you are, we are gathered here to celebrate your unique historic valor. We know that somewhere you are out there and very much aware of the great love and indebtedness we Americans feel for you.

It is with considerable humility and emotion that we write to you to express our gratitude and admiration for your remarkable feat. The brilliant imagination, daring and compassion that you exerted to rescue over 100,000 Jewish souls was breathtaking and monumental. In the heart of every Jew there is a special memory of this accomplishment.

You have long deserved this special commemoration for your contribution to all freedom-loving people everywhere.

Here we stand under the historic roof of the Congress of these United States amidst our nation's leaders and friends. The echoes of the heartbeats of American heroes, whose busts are encircling us, remind us of what an exceptional privilege it is to place your bust among these heroes.

My children and I are filed with immense pride to donate Mirri Margolin's bust of you to the U.S. Congress. Finally, you are being recognized and lauded for your great spirit and exceptional courage. Only in the United States could decendents of immigrants join with our nation's leaders to herald the life of a leader like you.

Thank you, Raoul; thank you for showing the world what one determined individual can achieve in a daring battle against the forces of evil; thank you for restoring to so many of us our faith in mankind—the faith which is the first prerequisite, the strongest stimulant, and the greatest asset for all who seek to build a better world.

With great admiration,

LILLIAN HOFFMAN,
Denver, CO.

TRIBUTE TO NATALIE HELENE JACOBS CAVE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, Mrs. Natalie Helen Jacobs retired after 50 years of exemplary Federal service to America's veterans on September 30, 1995. This daughter of a Baptist minister—Rev. Frank Walter Jacobs—and a school teacher—Mrs. Natalie Taylor Jacobs—was born in Norfolk, VA. She received her early education at the Alabama State Teachers College Laboratory in the public schools of Bridgeport, CT. In 1943 Natalie received her degree, with honors from Bennett College in Greensboro, NC. And in 1944 Mrs. Cave received her graduate degree in social work from Atlanta University.

For 50 years Natalie practiced social work in a variety of capacities, including a stint as a case worker at the Veterans Administration Hospital in Tuskegee, AL. She met her husband, Dr. Vernal Cave while working in Alabama. They subsequently transferred to Brooklyn, NY where they still reside.

Mrs. Cave holds numerous memberships in various professional organizations, including the Auxiliary of the National Medical Association, of which she is a former national president. Her other memberships include the Advisory Board of the Public Affairs Committee, the Brooklyn Chapter of Links, Inc., the YWCA, the NAACP, and the Kings County Medical Society Auxiliary. Additionally, she is an active archousa of the Sigma Phi Pi Fraternity, and a trustee of the Brooklyn Botanic Garden.

Mrs. Cave has traveled extensively, including six countries in Africa, and a trip around the world.

In adminstering to the needs of our Nation's veterans and those of the society at large, this gracious and empathetic lady has contributed greatly to making this a better world. I am immensely proud of one of Brooklyn's best and dedicated citizens.

MESSENGER AND MESSAGE DO NOT MEET STANDARDS

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. WARD. Mr. Speaker, every day when the House meets for morning hour, we begin with an invocation that is designed to acknowledge this country's belief in God and our dedication to our moral beliefs and to our duties that we are about to execute. I am afraid, however, that this morning's invocation did not adhere to this tradition. Instead of inspiration, we were greeted with a message and a messenger who does not meet the standards of this respected institution. The Reverend Lou Sheldon of the Traditional Values Coalition has consistently expressed a message that is exclusive rather than inclusive. With the challenges that face this body every day, I believe that the invocation should be a positive and uplifting message which cannot come from someone who has dedicated his life to a message of hate and divisiveness. I call on you, Mr. Speaker, to review the policies regarding guest chaplains and ensure that they adhere to the high standard that the U.S. House of Representatives deserves.

SEAL BEACH SAYS NO THANKS TO 1993 CRIME BILL

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. ROHRABACHER. Mr. Speaker, during 1993 and 1994 Congress debated H.R. 3355 of the 103d Congress. Many of us believed that the amount of assistance that this bill was to provide to fight crime was being greatly oversold. None of the provisions were more oversold than the number of additional local police that would be paid for by the so-called "free" Federal money provided in the bill.

This was because there was a catch to the "free" money for additional police. The catch is that after 4 years the local community has to continue to pay the full cost of these "free" policemen or the citizens and towns would have to return the grant funds.

The Seal Beach, CA City Council in my district has taken a close look at what the real cost of this program will be to them in the outyears. After consideration they voted unanimously not to apply for this "free" assistance.

I am inserting at this point in the RECORD a copy of the minutes of the Seal Beach City Council meeting where they unanimously said, "No thanks.".

GRANT APPLICATION—COPS AHEAD GRANT

The Interim City Manager reported that the City has been informed of a second round of the COPS Program, the City having previously received authorization for one Police Officer under the COPS FAST Program, this item simply authorization to submit the grant application for the second program.

The Manager expressed concern with the future ability to fund the officer if the application were approved, noting that the first three years would be of benefit to the City, the costs would be minimal in terms of cost benefit, however the City would assume all costs upon the fourth year, and if the grant is accepted the City must agree to pay its share of the total cost for the grant period as well as make a good faith effort to keep that position in the budget thereafter with an assurance to the Department of Justice that keeping that position will not eliminate another.

He pointed out that the officer obtained through the COPS FAST Program will cover the downtown/pier/beach area and it is understood that the City committed to retaining that officer at the end of the grant period. The Manager asked for direction from the Council as to the desire to file the application, if granted a determination can then be made as to whether or not to accept, or the application could be filed with a notation that the City may not accept for a period of time however that would likely jeopardize any approval.

Councilman Brown inquired if the officer acquired through the grant program could be retained as a replacement should another officer resign for one reason or another, or does the personnel contingent need to be maintained. The Manager responded that the requirement is not to keep the individual rather to keep the position, as an example, if there are twenty patrol officers and a twenty-first is obtained through the grant, at the end of the three years the agency must make a good faith effort to keep the twenty-first position. Councilman Laszlo posed questions with regard to the City's costs relative to the grant officer(s).

The Manager advised that costs borne by the City under the first grant will be $180,000 for the period of three years which includes salary, benefits, hard costs, there are other costs that are not included in the grant however they are relatively minor, in turn the grant pays $75,000 of that, thus the cost over three years will be $105,000, pointing out that $35,000 was included in this years budget for that officer with the assumption that the officer would be employed by the first of July, however, in actuality will not be employed until about September 22nd or 23rd.

As to a second officer should this application be approved the Manager once again expressed concern as to the source of funding after the three year grant period, and with regard to the first officer, the position will be part of the budget process next spring and should there be inadequate revenues the Council will need to make some priority choices. Councilman Laszlo expressed concern as a result of the County losses as well.

He offered that the City has good police officers however said they are the second lowest paid in the County, and expressed his opinion that this action could take money away from raises that they are deserving of. The Mayor said it is likely that if the City could not fund the position in the future the officer would probably be cut and the City would need to refund the grant.

Hastings moved, second by Forsythe, to not authorize the grant application for a second police officer under the COPS AHEAD Program.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. PACKARD. Mr. Speaker, I applaud all my colleagues who voted yesterday to protect the lives of the most vulnerable of Americans—the unborn. The House stood up and said no to the radical left and their militant agenda in promoting this brutal and inhumane procedure.

Even though the American Medical Association took no official position on the bill, it was backed by the AMA's council on legislation who voted unanimously to recommend that the AMA board of trustees endorse the bill outlawing this grotesque procedure. Sadly, the bill was not supported by the radical pro-abortion movement who showed their true colors by calling the attempt to outlaw the procedure "extreme." Opposition to the bill is extremism. Physicians are trained to save lives, not take them in this abhorrent procedure.

Mr. Speaker, in passing the Partial-Birth Abortion Ban Act by a vote of 288 to 139, this House has declared to the whole world that this form of elective infanticide has no place in our society and it will not be tolerated.

TRIBUTE TO MICHAEL OLMEDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, I would like to introduce my colleagues to Michael Olmeda. Michael's story is a testament to overcoming personal adversity. At one point in his life he succumbed to substance abuse, but through personal resolve, he continues to escape the lure of chemical reliance and self-indulgence.

Mike presently works for Assemblyman Darryl Towns, and cut his political teeth working for Senator Ada Smith. In his current capacity, he works with senior citizens and a substance abuse rehabilitation program.

Mr. Olmeda is married to his wife of 14 years, Cecilia, and they have three children, Steven, Raquel, and Travis. He lives by a philosophy that is his source of renewal, "Each One, Teach One." Truly, the experience of Michael Olmeda is a profile in courage and success.

VETERANS DAY 1995

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to our veterans who have served their country with honor and valor. This November 11, as we celebrate Veterans Day, we must recognize the commitment made by these men and women and reaffirm our Nation's commitment to honor their great sacrifices.

Whether on the beaches of Normandy, the jungle of Vietnam, the desert of Iraq, or in Korea, American men and women were there, protecting America and her allies from foreign aggressors. We, as a nation, owe a debt of gratitude to our veterans, whose accomplishments shaped America and the world.

Several events have made 1995 quite a testimony to the successes of our veterans. This year marks the 50th anniversary of the United Nations, which rose above the disaster of World War II to provide assistance, hope, and peace to millions of people around the world. A new prospect for peace has arisen in the Middle East due to the historic signing of a peace accord between the P.L.O. and Israel. A Korean War Memorial was dedicated this year in our Nation's Capital finally giving due recognition to the veterans of a war that was largely forgotten. And finally, and most importantly, this year marks the 50th anniversary of the end of World War II. Fifty years ago, our troops courageously halted the Nazi and Japanese advance. Today, as a testimony to their efforts, these two nations are among our closest allies.

It is imperative that we remember the patriotism of these great men and women. If our forces had not succeeded, the course of history would have been altered. The peace and prosperity that we have come to expect in America is directly attributable to the sacrifices made by the millions of American soldiers who risked their lives for the ideals of freedom and democracy. Let us continue to recognize their commitment to us, and let us reaffirm our commitment to our veterans on this Veterans Day, 1995.

TRIBUTE TO M. STELLA POLANCO ROSARIO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, the contributions of Ms. Stella Polanco Rosario are vital and valuable. She has been directly responsible for dramatically improving the achievement results of Harlem's performance on the testing assessment placement [TAP] exam for adults. Ms. Rosario began her work in this area in 1982 when she became employed with the New York City Department of Employment. At the time, the Harlem center was ranked No. 9, but through Stella's diligent efforts, the center achieved No. 1 performance status in meeting the city's benchmark for client service and program initiatives.

Among her other contributions, Ms. Rosario has been instrumental in developing interdisciplinary planning programs for economically and socially disadvantaged youth. For the past 7 years, Ms. Polanco Rosario has been an education representative in Con Edison's Brooklyn public affairs department.

Always willing to assist in meeting community needs, Stella has served on boards of directors for a number of not-for-profit community organizations in Brooklyn. She has raised money, planned events, and done whatever was necessary to make a positive difference. I am pleased to acknowledge the contributions that she has made to enrich the lives of many in the Brooklyn community.

STUDENT BORROWERS TO PAY HIGHER LOAN COSTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. CLAY. Mr. Speaker, House Republican estimates of the cost savings from eliminating the grace period interest subsidy for student loan borrowers grossly understate the actual out-of-pocket costs to students. The $3.75 billion figure that CBO arrived at shows the savings to the Federal Government, and not the cost to students. The impact on students is much, much worse.

Student borrowers will pay, out-of-pocket and over life of their loans, $8.31 billion more in loan payments than they would under current law. If you add to that amount the impact of the 30 percent increase in the interest rate on parents' loans, middle-class families will pay an extra $9.2 billion in college costs.

These cuts are terribly unfair. Not only do Republicans make it more difficult for children from middle-class families to attend college, Republicans use the savings to finance their tax cut for the rich.

House Republican conferees should pledge today to protect students and parents from higher college costs. House Republicans should drop their proposal to eliminate the grace period interest subsidy and to raise the interest rate on parents' loans. Ninety-nine Members of the Senate last week voted to drop virtually identical provisions from their proposal. Republicans should come to their senses and stand with, and not against, students and parents.

Conferees should also retain the direct lending program to keep choice and competition in the student loan system. Members need only read their mail to know that the students and parents who use it like it.

EXPANDING SECOND CLASS POSTAL RATES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. MOAKLEY. Mr. Speaker, today, I am introducing legislation that would narrowly expand the definition of second class postal rates to include Elderhostel.

Elderhostel is an independent, nonprofit organization that combines the traditions of a college education and youth hostels for people over the age of 60. Inspired by the world wide success of youth hostels, Elderhostel, offers retirees a host of educational programs at university campuses, community centers, museums, and even in State and national parks. More than 1,900 colleges and universities throughout the United States, Canada, and 47 other countries participate in the international program.

Elderhostel offers retirees the ability to return to school. Participants can study history, astronomy, geology, jazz, or just about any subject they are interested in. The programs are relaxed, no-pressure, learning experiences. Seniors have the opportunity to expand their mind, meet new friends, and improve the quality of their lifestyle.

Seniors are not the only ones who benefit. State and local economies benefit as well. Many seniors who participate in the program travel to other States and cities for classes. Thus, increasing the rate of travel and tourism to many States throughout our country. Elderhostel generates huge resources for many States, including Massachusetts, New York, Maryland, California, Alaska, Florida, Ohio, Hawaii, and Indiana.

Elderhostel enrolls its students through the mail. It sends course catalogues free of charge to thousands of older Americans who request them. The problem is postal rates are increasing and Elderhostel is unable to continue to offer these courses at modest costs.

Elderhostel currently mails its course catalogues at a third class, nonprofit bulk rate. The catalogue is not eligible for second-class rates because it is not a publication of a regularly incorporated nonprofit institution of learning—even though colleges and universities that participate in the program are eligible.

My legislation would expand the definition of second class postal rate to include Elderhostel. Specifically, the definition of "an institution of higher learning" would be amended to include Elderhostel because it operates a central course catalogue for all levels of classes offered by regular institutions of learning.

I urge my colleagues to support this legislation.

TRIBUTE TO J. RICHARD (DICK) SEWELL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to a great Floridian and dear friend who recently passed away. J. Richard "Dick" Sewell, a former congressional aide and retired Washington representative for Florida Power & Light Co., died October 26 in a Washington hospital. He had lung cancer.

A native of Orlando, Dick was well known and loved in Washington and Florida. He moved to Washington in 1963 to become administrative assistant to Congressman Charles Bennett, a senior member of the House Armed Services Committee and chairman of the first House Ethics Committee. In 1966, he served as staff coordinator for the ad hoc ethics committee and helped Bennett draft legislation which resulted in a permanent House Ethics Committee. He was a former president of the Burro Club, an organization of Democratic congressional aides. In that capacity, he hosted a 1967 visit to Capitol Hill by President Lyndon Johnson and members of his Cabinet. President Johnson, himself a former Burro Club president, reminisced to the membership at length about his own experiences as a congressional assistant in the early 1930's.

Dick left Bennett's staff in 1971 to become director of public affairs for the National Association of Food Chains. In 1972, he assisted Senator Henry M. Jackson (D–WA) in his campaign for the Democratic Presidential nomination, serving as the campaign's executive director in Florida. He became director of Federal Government affairs for Florida Power & Light Co. in 1973 and was the utility's chief Washington representative until his retirement, due to illness, in 1994. He was highly effective in energy, environment, and tax issues pending before Congress and Federal agencies, and was the author of numerous published articles on those subjects.

In 1986–87, he directed FPL's campaign to establish a national award to recognize quality performance by American corporations. Partly through those efforts, Congress in 1987 enacted the Malcolm Baldridge National Quality Improvement Act, under which companies compete for the Malcolm Baldridge Award. Named for the former Commerce Secretary, the awards are given annually by the Department of Commerce to corporations of all sizes in various categories.

Dick was a past president of the Washington Business-Government Relations Council and the Washington Representatives Research Group. He served on the board of directors of the Public Affairs Council and as a charter member of the board of governors and treasurer of the Bryce Harlow Foundation. His club memberships included the Congressional Country Club, Metropolitan Club, National Press Club, Burning Tree Club, National Democratic Club, Capitol Hill Club, and the Jefferson Islands Club.

After graduating from public high school in Orlando, he studied journalism at the University of Florida and received his degree in 1959. From 1957 to 1959, he was sports editor of the Orlando Evening Star. After college, the joined the sports staff of the Atlanta Constitution. He later moved to Jacksonville, FL, where he opened his own public relations and advertising agency.

A lifelong loyal Floridian, he was a former president of the Florida State Society in Washington and the Washington Chapter of the University of Florida Alumni Club. He received the University's Distinguished Alumnus Award in 1979.

Dick was an avid golfer and sports fan.

His survivors include his wife, Margaret "Peggy" Sewell, and their two children, Jane and Michael Sewell, all of Washington; his mother Bertie Sewell of Orlando; and a brother, Walter Sewell, also of Orlando.

All of us from Florida will miss Dick, a great American, a great friend.

TRIBUTE TO M. STELLA POLANCO ROSARIO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, the contributions of Ms. Stella Polanco Rosario are vital and valuable. She has been directly responsible for dramatically improving the achievement results of Harlem's performance on the testing assessment placement [TAP] exam for adults. Ms. Rosario began her work in this area in 1982 when she became employed with the New York City Department of Employment. At the time, the Harlem center was ranked No. 9, but through Stella's diligent efforts, the center achieved No. 1 performance status in meeting the city's benchmark for client service and program initiatives.

Among her other contributions, Ms. Rosario has been instrumental in developing interdisciplinary planning programs for economically and socially disadvantaged youth. For the past 7 years, Ms. Polanco Rosario has been an education representative in Con Edison's Brooklyn Public Affairs Department.

Always willing to assist in meeting community needs, Stella has served on boards of directors for a number of not-for-profit community organizations in Brooklyn. She has raised money, planned events, and done whatever was necessary to make a positive difference. I am pleased to acknowledge the contributions she has made to enrich the lives of many in the Brooklyn community.

TRIBUTE TO GIRL SCOUT COUNCIL OF GREATER ESSEX COUNTY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in extending much deserved recognition of Sunday, November 5, 1995 as Girl Scout Unification Day.

In a time when much of America's youth is often left without hope or direction, it is indeed inspirational to consider the wonderful work that is being done by the Girl Scouts, both nationally, and locally, in my home State of New Jersey.

The unification of Essex County and Hudson Counties' Girl Scouts is designed to produce a stronger base of resource for all of the girls and adult volunteers that so proudly serve their area.

On Sunday, November 5, 1995, there will be a celebration involving approximately 800 girls and adults representing more than 11,000 members from Hudson and Essex Counties. The Girl Scouts will march from both sides of the Jackson Street Bridge, meeting in the center to symbolically unite themselves into one acting body.

The Girl Scouts continue to be an incredibly positive influence in America's communities, teaching responsibility and leadership to our Nation's youth. The Girl Scouts have been able to bridge the gap between young women of all racial, ethnic, religious, and socio-economic groups.

With the unification of the Girl Scout Councils of Essex and Hudson Counties, we can look forward to continued success and great accomplishment. It is with great pride that I urge my colleagues to join me in recognizing Sunday, November 5, 1995 as Girl Scout Unification Day.

SPEECH BY MARK ROBINSON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. HAMILTON. Mr. Speaker, I would like to take this opportunity to insert in the RECORD a speech given by Mr. Mark Robinson to the Men's Fellowship of the St. John United Presbyterian Church in New Albany, IN, on September 13, 1995.

Mark has worked for many years at the New Albany office of the Legal Services Organization of Indiana. I have the greatest respect for him and the efforts he has made on behalf of numerous residents of southern Indiana.

Mark makes in his speech an eloquent and passionate defense of legal services. He provides an illuminating look into the mission of legal service organizations in Indiana and around the country—namely, providing desperately needed legal assistance to the indigent.

I hope all of my colleagues will take a moment to read this speech:

THE CHALLENGE OF CIVIL JUSTICE

(By J. Mark Robinson)

Old Testament Roots: For more than 20 years I have been challenged by, indeed captivated by, an Old Testament question. It is a simple question. But the straightforward, yet profound answer, and the consequences arising therefrom, can be life altering. It has been for me. The Question is this: What does the Lord require of you? Personalizing the question, it becomes: What does the Lord require of Mark Robinson?

God—through the Prophet Micah (6:8)—reveals this answer: to do justice, to love, kindness, and to walk humbly with your God. Doing justice within the framework of our American legal system has been my calling for the past seventeen (17) years.

New Albany Office: In early November 1978, I opened a New Albany Office of Legal Services Organization of Indiana, Inc. Our Congressional Mission was to provide high quality legal services to poor people, for a wide variety of civil legal problems. We conduct no criminal practice; that is the province of the Public Defenders.

Civil legal problems include: housing issues, typically on behalf of tenants; family law, including domestic violence against women and children; consumer concerns; public benefits such as S.S.I. and Medicaid; educational matters like a school expulsion; and mental health law. Since I know some of you have agonized over the Tax Code, let me assure you that it has a jealous sibling, known as the Medicaid Manual! Few lawyers will touch it, let alone represent persons who are trying to access health care by Medicaid.

Judge Paul Taggart: After my first hearing in Floyd Circuit Court in late 1978, Judge Paul Taggart called me into his chambers. I expected the worst! To my great surprise he said: "I'm glad you're here." To a young lawyer's ears those words were "glad tidings of great joy". Judge Taggart went on: "For years, I have been the unofficial legal aid office of Floyd County. I have talked to countless tenants and consumers. They have nowhere to go for advice, and I can't turn them away. For the most part, they are good people, just poor, and they have done no harm to society or to our community."

He went on to contrast how sad it was, in his opinion, that convicted criminals—many of whom had inflicted serious harm on members of society—had almost unlimited access to free legal resources, court fees waived, free transcript of the trial court proceeding, free appellate counsel, often access to the Supreme Court of Indiana. But a poor, law abiding person, who has a marriage problem, or a problem with a landlord or merchant . . . for them . . . "no one is there to help—but I've helped", so concluded the Honorable Paul Taggart. For the past 17 years, I and our small professional staff have tried to carry forward his vision, and his concern.

My Background and Commitment: Why do I do this kind of legal work? Our present accusers in Congress are still seeking to abolish the Legal Services Corporation, saying, among other things, that I and all my colleagues are "liberal, left-wing ideologies who use the law to accomplish a social agenda." I take exception! I am not a bleeding heart liberal. I am: (a) a Purdue engineering graduate; (b) as a young engineer, I worked in the nuclear reactor industry for Babcock & Wilcox Co.; (c) we manufactured nuclear reactor vessels for, among others, Admiral Rickover's nuclear navy fleet. No one has ever characterized these acts as "liberal activities".

I worked as an engineer until I had saved enough money for graduate school. At the

Louisville Presbyterian Theological Seminary in the early 1970's were many draft resisters; rest assured, my work in the nuclear industry hardly caused me to be their "soul mates". Furthermore, my Purdue education had not equipped me to engage in protest marches, or food boycotts.

Upon graduating from Law School and Seminary in the Spring of 1974, I returned to corporate America as in-house legal counsel for Chemetron Corporation's four divisions in Louisville. But in-house counsel didn't try cases. I wanted to try cases in court. So, I went to the U.S. Army Corps of Engineers for three years doing nothing but trying cases in federal courts. And although we took people's land, and homes, and farms . . . for the "common good" (Patoka Lake, Lake Monroe, etc.) . . . the Corps was never accused of "liberal activities".

Then, after 4½ years of lawyering, I was privileged to open the New Albany Office of Legal Services Organization of Indiana, Inc. Not because I was a bleeding heart—I wasn't—but because I could try cases, and wanted to do so very much on behalf of poor people. You see, I grew up in a relatively poor family, and I, for one, have not forgotten my roots.

My Motivation: In light of the above, why would I want to represent poor people in the American justice system? Because, finally, my theology was shaping my loves, life, work and values. From seminary professors, solid biblical textbooks, and the Old and New Testaments, I was discovering that this God—worshipped in our Judeo-Christian tradition—is a God who consistently stands with the poor, the oppressed, the wretched and cursed people of society. As typified magnificently by the Exodus from Egypt, whenever there is a clash between powerful people and powerful institutions on one hand, and the poor on the other, . . . Yahweh will always be found on the side of the poor. That is what my reading of Scripture tells me. but not only that, Scripture seems to reserve its harshest words for all those who oppress the weak, the poor, the orphans and widows of society. And so, as a lawyer, and as a Presbyterian minister, I have unashamedly represented the poorest members of our society—in our great courts of law—from Lawrenceburg to English, an eleven (11) county area in southeastern Indiana with 38,000 poor persons, for the past 17 years. It has been a great privilege.

See and Hear Their Problems: What do legal problems of poor people look like? What do their voices plead for? Let me sketch out several real cases from my practice here in southeastern Indiana.

A. Domestic violence: 1. A Woman from Salem.—Our office received a call from the Spouse Abuse Center; it was an emergency; the time was approximately 3:30 p.m. When she arrived in our offices her first words were: "Don't anyone touch me, not my shoulders, and please don't even shake my hand". Strange initial words. We quickly learned why.

Her husband had finally managed to strike the decisive blow. He had hit her with such intensity that the blow had pulverized the bone structure around her left eye; there was no effective socket to hold in the eyeball. She was scheduled for facial reconstructive surgery the next morning at Floyd Memorial Hospital. Any slight jar of her body might cause the eye to pop out! After years of physical abuse, this was the defining moment; she knew the marriage must end.

I ask each of you: if she were your daughter, or your sister, would you not agree with her decision, and support her fully?

By 4:30 p.m., an hour after her arrival to our office, we had gathered all relevant information, prepared all necessary legal pleadings, motions and orders and sent her back to her protective shelter.

By 9:00 a.m. the next morning, before Judge Henry Leist of the Floyd Circuit Court, the case was filed and the Temporary Restraining Order was immediately issued.

This woman needed the remedies offered by our civil justice system. She had no money. She depended on Legal Services lawyers to make the civil justice system of our country work for her. Making civil justice work, even for the poor, is why President Richard M. Nixon in 1974 signed into law the Legal Services Corporation Act. My friends, if there is only one system of justice, then the poor must have access to our courts. Yet that very Act, 21 years after Nixon signed it, is now at genuine risk of being abolished by our present Congress.

2. A Woman in Jeffersonville.—In Clark Superior Court I, a young "twenty-something" caucasian mother of two small children testified: "When he threw me on the carpet and stomped on my chest with his combat boots on, that was bad enough, but I took it." "But the last straw was when I was giving our baby its evening bottle. I was in our living room, in the rocker, in front of our window. My sister was sitting across the room; we were just talking. My husband threw a brick through the window, and shattered glass went flying everywhere; it hit my sister, it hit me, it hit our baby." This mother, trying hard to rear two children, knew one thing with certainty: "I've got to get out!"

The issues which arise in dissolving a marriage involve custody, support, visitation, medical expenses for the children's care, who gets the car, the refrigerator, the bills; all are issues worked through in our civil courts.

3. An Amish Woman.—Here is one last glance at violence in modern marriage. She is an Amish woman, living near New Albany, married, mother of 4, three of whom are teens. A person of considerable faith, she described how her religious community might shun her if she did what she knew she had to do. I can't imagine anyone here at St. John engaging in such insensitive conduct; but to her, the possibility of being shunned caused her real fear. She described her husband as oppressive and dictatorial. She could not leave the house without a listing of each place she planned to go; upon return, there awaited an inquisition. He demanded a strict accounting of time and place. But, she had managed for years to bear that reality.

What broke her heart was the husband's insistence that the three teens—each evening—scavenge food from dumpsters and bring their bounty home for his inspection. She said: "This isn't right. It's not even healthful; and, I can't bear it anymore." A judicial decree, an order of child support, and a protective order all came from our civil courts, which rarely make the Jeffersonville Evening News or the New Albany Tribune.

Fellow believers, please hear, and understand, what is now happening in our nation. The so-called "Christian" Coalition, under Ralph Reed's leadership, wants our Congress to stop all funding for the Legal Services Corporation because Legal Services lawyers—meaning me—are contributing to the destruction of the American family because of all the divorces we do. I resent that characterization of my professional work!

In all three examples I've given you, all meaningfulness in human relationships was destroyed long before these women sought my legal help.

"Faith, hope, love—abide these three" writes the Apostle Paul. But I ask each of you: Where is faithfulness at work in any one of those relationships? Where does hope find expression in any one of those relationships? Where does love abound in any one of those relationships?

There is no faith, no hope, no love in those marriages. The marriage needed to end, so these three women concluded. Respecting their decision, I helped each one use our civil justice system to accomplish their goal.

Because of our civil justice system, and these women's access to it, they finally began to get a glimpse of new life; new beginnings; re-birth; a sense of hope for their future, and their children's future; a renewed faith that once again love might find them, and surround them, and nurture and sustain them. It is exactly what each of us wants in our lives.

I tell you truthfully, when I face my Maker, there are parts of my life for which I will not be proud; but, I will always be proud to have represented these three women, and many, many more like them, Ralph Read notwithstanding.

B. Housing: Few of us—maybe not one of us—will go home tonight worried about losing our house. Right now I have six (6) clients who do worry—daily—about whether they will get to keep their subsidized apartments, for themselves and their children. Let me share one example from rural southern Indiana.

My client is in her 30's, divorced mother, head of household with two children. For reasons known only to God, she is mentally short-changed, with an I.Q. possibly of 70. She contributes 30% of her available monthly income for rent. H.U.D. pays the balance to achieve market rent. She has a small two bedroom apartment. She says, very slowly: "Mr. Robinson, it's the nicest house I've ever had." The apartment complex has sued her and wants to evict her and her children. This has been going on since July. Hence, she worries daily.

Why does management want her out? There are only two (2) allegations: (1) unclean living conditions and (2) an unauthorized over-night guest. Without a lawyer, she has virtually no chance of receiving a just and fair decision, and it has nothing to do with the presiding Judge, but rather with court procedure.

How can that be? The case was filed in Small Claims Court. In Small Claims Court, hearsay is permitted. Thus, the apartment manager, with her lawyer's help, will tell the Judge what a maintenance worker saw (without the worker being personally present in court), and what one of her Indianapolis owners saw (without the owner being personally present), and what certain "notes" in the folder say about unclean conditions. Obviously this tenant can't cross-examine the maintenance man who isn't present, or the Indianapolis owner who isn't present. Even if they were present, my client doesn't know how, and probably is mentally incapable of conducting an effective cross-examination. With a lawyer, however, the scales of justice are again balanced. We filed the appropriate motion to move the case to the Court's Plenary Civil Docket. Now, hearsay basically falls by the wayside. And if the maintenance man appears, I will vigorously cross-examine.

Let me tell you that as to the accusation of uncleanliness, I have been in her home, with my legal assistant, three times. It has always been neat, tidy and clean (as I understand the plain meaning of those words).

As to the allegation of an unauthorized guest, the facts are these. After the funeral for her infant child, in her grief, she did request a friend to stay with her for two nights; the friend did. Overnight guests are *not* categorically prohibited under the lease; management simply doesn't want extended visitors—and rightly so. But one visitor, for two nights, following this traumatic event, is neither unreasonable, nor a violation of her lease. My client, however, could not make that argument on her own! She needs a lawyer. And for now, at least, she has one.

C. Child survivor benefits: the Social Security Administration.—We represented a 5 year old child who never knew her daddy. While she was still in utero, her daddy drowned in a tragic boating accident on July 4th. Her mother and father had not yet married, but were making plans to marry. They had already talked with both sets of parents, and had their full support. The pregnant mother lived at home with her own parents, in part because the medical costs of pregnancy and delivery were covered by her father's health provider. The child's daddy finally had a pretty good paying job, but of course no benefits.

Because of the untimely death, there was never a marriage. Paternity was never established because everyone knew who the daddy was. Eventually the mother applied for her daughter's Social Security Survivor's benefits. Her initial application was denied. Then came the hearing before the Administrative Law Judge; the child's application was again denied. Next came Appeals Council, located in Arlington, Virginia, and she was again denied. Now the real question: Whether to sue the Secretary of Health and Human Services in Federal District Court? The United States would be defended by the U.S. Department of Justice, through the U.S. Attorney's Office in Indianapolis. At this time, the 7th Circuit Court of Appeals in Chicago (whose cases generally have binding precedent on Indiana federal judges) had three (3) decided cases, each on point, and each against our client's position. There was not much to be hopeful about.

Nonetheless, we sued in federal court. We briefed the issues. We carefully distinguished each of the three 7th Circuit cases. The legal issue was whether daddy, before his death, had "substantially contributed to the care of the child." As an aside, let me tell you that if daddy and his pregnant fiance had been living together, without marriage, then our government would have given the child the requested benefits. It would have been relatively straightforward. But, this couple had chosen to live with their parents, not each other.

The end of this long and painful journey is that we won. The Federal Judge, the Honorable S. Hugh Dillin, issued a carefully crafted decision, following almost exactly our argument. And, the Justice Department decided not to appeal. That sizable award of money, invested until age 18, secured this small child's college education. It was accomplished by a Legal Services lawyer, namely me.

Closing: Floyd County is unique among our 11 counties in southeastern Indiana. The Floyd County Bar Association has had a Pro Bono Project for the past year. I serve on that committee. About 20 lawyers have volunteered up to 50 hours per year of free legal services to poor people. That also means that about 120 lawyers have not. But 20 is an excellent start for the project's first year. I'm proud to say that an attorney in this congregation is one of those 20 lawyers committed to serving the poor through this project.

In closing, with the substantial reduction in Congressional funding for the Legal Services Corporation, and its very possible complete elimination, may each of us here tonight remember the Prophet Micah's challenge to the people of God to "Do Justice", as thousands of poor people in southeastern Indiana increasingly realize that not only is Justice hard to achieve, but that access to justice is in very short supply.

Thank you for your concern.

THE MACOMB MOSAIC

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. BONIOR. Mr. Speaker, I am privileged to represent the 10th Congressional District of Michigan. It includes most of Macomb County, which is where I was raised. Although there are rural parts of Macomb, most of the residents live in what is a portion of suburban Detroit. The economic opportunities in the area have drawn people here, including my family, for close to a century. Because of this, Macomb County has developed a rich ethnic, racial, and religious diversity.

In the ongoing effort to build a stronger and better sense of community, several organizations have designated this as "Macomb Mosaic Week." On Saturday, November 4, the week will culminate with a Morning Forum at Macomb Community College. The focus of this forum is to create greater understanding, respect, and appreciation for the diversity of backgrounds and experiences of the people who live in and around Macomb County. The morning's events include an international and multicultural festival, several workshops, and a performance by actor and comedian, Teja Arboleda.

The Macomb Intermediate School District [MISD], Macomb Community College [MCC], and the Interfaith Center for Racial Justice are the main sponsors of this worthwhile endeavor. With the diversity of students that the MISD and MCC are responsible for educating, I am pleased to see their commitment to ensuring that school is a place where all students may receive the skills necessary to live a good life while developing an appreciation for the diversity that exists in our community. The Interfaith Center for Racial Justice was formed after the civil disturbances in the late 1960's with the belief that education was the key to creating a more understanding society. I applaud these three groups and the many other organizations and individuals who share a commitment to building respect and tolerance through education.

Ignorance often constructs and maintains the walls of misunderstanding. However, through this educational effort, the bridges of understanding will be strengthened and the colorful mosaic that is Macomb will grow brighter. I wholeheartedly support the Macomb Mosaic and I urge my colleagues to join me in saluting the sponsors and participants in this important and valuable project.

TRIBUTE TO TRAVIS ROY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. MARKEY. Mr. Speaker, I rise today to recognize the strength, courage, and determination of Travis Roy, a freshman player for Boston University's world-class hockey team. On October 20, 1995, Travis was paralyzed from the neck down while playing in his first collegiate hockey game.

Born on April 17, 1975, Travis spent his childhood in Yarmouth, ME, a closely-knit town of 6,000 people. He was designated an all-State player at Yarmouth Academy, where as a freshman he told his father that he dreamed of playing Division I hockey. He played his junior and senior years at Tabor Academy, where he was a New England All-Select pick both years. A highly recruited forward, Travis landed one of only six coveted spots on the defending national champion Boston University hockey team.

Less than 2 weeks ago, 11 seconds into his first shift as a BU Terrier, Travis fell head first into the boards, fracturing a vertebrae in his neck. He was quickly attended to by trainers, doctors, and his father, Lee. Even during the most terrifying moment of his life, Travis focused on achieving his goal of playing Division I college hockey. While lying on the ice, motionless and without sensation, Travis looked to his father and said, "I made it".

Travis has made a career out of challenging the odds. Now, with his parents Lee and Brenda Roy by his side, Travis faces the biggest challenge of his life. While doctors predict a difficult road ahead, I have faith that Travis can overcome the odds this time as he has done so successfully in the past. With the support of his family and friends, I know that Travis is going to "make it".

WATER, AGRICULTURE, AND BANKING: CENTRAL VALLEY ESSENTIALS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. RADANOVICH. Mr. Speaker, this week the American Banker called its readers' attention to top agricultural leader, and banker, Tom Stenson. As a farmer and a former banker myself, I agree with Stenson as he talks of the importance of agriculture to banking, and of water to valley agriculture.

In order for my colleagues to better understand this issue, I take pleasure in sharing with you the article:

[From the American Banker, Oct. 30, 1995]

WATER GREASES AG LENDING IN ARID CENTRAL CALIFORNIA

(By Barbara F. Bronstien)

FRESNO, CA.—Agricultural lending in central California's San Joaquin Valley, with its more than 250 crops, from cotton to nuts to vegetables, has been a whole new world to a farm lender originally from Iowa.

"The diversity is just amazing here, compared to other agriculture areas in the country," said Tom Stenson, senior vice president of Fresno-based Valliwide Bank, who heads the company's agribusiness group. "The only limiting factor is water."

Water, clearly, is something agricultural lenders cannot take lightly in the West, where irrigation is king and rainfall limited. If farm customers don't have an affordable plan to procure water, their business is a no-go.

"This area would be a desert without irrigation," said David Pruitt, a customer of Mr. Stenson's who manages 2,000-acre Santa Rita Ranch in nearby Merced County.

California farmers get their water from two sources: underground wells on site and surface delivery systems controlled by the state's numerous irrigation districts.

Farmers historically have had long-term contracts with the government for water rights through these districts.

When lenders evaluate a prospective farm loan, water sources and costs are among their top questions.

"It is always a major concern to anybody here in California who is a lender," said Michael C. McFadden, assistant vice president of $50 million-asset Kings River State Bank, Reedley, Calif., whose agricultural customers mainly grow fruit trees and grapes. "We need to see that they've got water. Without water, they're dead."

Speeding by the fruit and nut trees lining the highways of the western San Joaquin Valley, Mr. Stenson explained how his $1.2 billion-asset bank and other western agricultural lenders deal with the water issue when evaluating loan requests.

Lenders want to know where the operation is located, the source and cost of its water supply, and any past water problems, particularly during the seven-year drought that lasted through the 1993-94 growing season.

He or his department's other six agricultural lenders also examine income and expenses and require a water plan from prospects in areas without shallow underground water sources. In addition, nonlender farm experts on staff or third-party analysts evaluate crops and equipment.

"Otherwise, you run the risk as a lender of financing the planting of a crop * * * and halfway through the season, the guy runs out of water," Mr. Stenson said. "Then, you're stuck with only one alternative, and that's to fund the purchase of very expensive water. Or, the other choice is to let the crop go. Then where are you?"

Cindy Nicoletti, a partner in the Santa Rita Ranch, said that lenders' increasing concerns have meant more documentation for her operation to procure the $500,000 to $700,000 a year it borrows in production loans.

"We wouldn't do a lot of it if we didn't have to because of the lending," Ms. Nicoletti said. 'We have to ensure the bank that we are doing all of the right things."

Lenders have paid even closer attention in recent years as farmers' water costs have escalated.

"All farmers have had significant capital expenditures in the last five years to either make their existing water go farther or to gain additional water," Mr. Stenson said. "And that ripples through their balance sheet."

Some customers have changed to potentially higher-return but riskier crops in an effort to cover rising water costs, he said. For instance, they'll switch from cotton to something like tomatoes or peppers.

"To us as lenders, we're concerned because traditionally fresh market vegetables tend to be very cyclical," Mr. Stenson said.

"You can make a bundle or you can lose your shirt in one year, which is not the case with cotton or other more standard crops."

At Valliwide, whose agribusiness group targets farms loans of $500,000 to $2 million and whose branch network does smaller agricultural loans, "no loan has been collected as a result of water or lack of," said Mr. Stenson, who previously worked for the Farm Credit System in Iowa, New England, and Nebraska before moving to Fresno eight years ago. He joined Valliwide two and a half years ago.

"I know of others, through loan requests that we have had that we denied, that clearly the stress, the high-priced water, and the drought have put them on the brink of destruction."

To compound matters, farmers are just one of three interests that continue to vie for the state's water, along with communities, such as the Los Angeles metropolitan area, and environmentalists.

And the tug-of-war may not bode well for farmers.

"We have water rights here, and we have been assaulted from all directions" by people trying to take them, said Mr. Pruitt of Santa Rita Ranch.

In some cases the government wants to renegotiate farmers' long-term water contracts, Mr. Stenson said.

"That sends shivers up the spine of a lender."

The thought of Angelinos, and others who far outnumber farmers, clamoring for their water frightens many lenders in the state's agricultural belt.

"They want it to fill their swimming pools; we want it for our farmers," said James C. Holly, president of Bank of the Sierra, Porterville, Calif., who had an ominous prediction for farmers: "They're going to get it."

TRIBUTE TO SIMON PELMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, as each of us moves down the roadway of life to our golden years, it is comforting to know that there are caregivers and service providers who specialize in attending to the needs of the senior population. Simon Pelman is such a person.

For over 20 years, he has devoted his time, talents and energy to bettering the lives of the elderly. He has been instrumental in raising the standards of care in nursing homes throughout the State of New York. Beginning with Greenpark Care Center, a 400-bed long-term care facility, Simon has always endeavored to care for his elderly clients with the utmost of devotion and respect. His zeal to be efficient and considerate is clearly evidenced by his pursuit of two master's degrees in geriatrics. As a matter of fact, he has also received prestigious quality of life awards for his service.

Very active politically, Simon has utilized his abilities to assist people in the community, particularly as the district representative on the legislative committee of the New York State Health Facilities Association. He is also very active in promoting the needs of the learning disabled, and has been recognized by the board of education. I am delighted to salute Mr. Pelman for his impressive and important work.

ERITREA RAISES ITS FLAG IN WASHINGTON, DC TOMORROW

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. BURTON of Indiana. Mr. Speaker, tomorrow the Embassy of the State of Eritrea will raise its flag in Washington, DC, for the first time. This is a momentous occasion. The Eritrean people won their long struggle for freedom in 1991, and declared independence in 1993, after a referendum.

The people of Eritrea have earned the admiration of the entire world for their perseverance, commitment, and dedication. They are an inspiration to us all, and it is an honor for our country to have the Eritrean flag flying in our Capital. I would like to salute President Issaias Afwerki, Foreign Minister Petros Solomon, Ambassador Amdemicael Kahsai, and the entire Eritrean nation on this happy day.

I commend to the attention of my colleagues an article in the Washington Times based on an interview with President Issaias. In it, he boldly calls for increasing self-sufficiency and development of resources in Africa, and emphasizes the limited utility and effectiveness of foreign aid. I hope that we can all pay close attention to these wise words.

I also wish to highlight the recent cooperation in the medical field between Eritrea and Israel as reported in Eritrea Profile. The health minister of Israel, Dr. Ephraim Sneh, recently visited Eritrea and signed an agreement to provide incubators for Eritrean hospitals. Israel has an exemplary recorded of International cooperation and I hope that this particular relationship is able to expand.

Finally, I wish to insert into the RECORD an article from the Economist about the problem of Sudanese subversion in the Horn of Africa, and Eritrea's courageous response.

[From the Washington Times, Sept. 25, 1995]

STRUGGLING ERITREA AGREES U.S. SHOULD CUT FOREIGN AID

(By Terry Leonard)

ASMARA, ERITREA.—U.S. lawmakers intent on cutting foreign aid have unlikely allies in this small, poor nation that receives more of it per person than any other country in Africa.

"Aid is used and abused, so why not cut it?" President Isaias Afewerki said in an interview. "We favor the new American approach to reconsider aid."

He said the country must not depend on aid to survive. "If we here have faith in foreign aid as the maker and breaker of Eritrea, then that is the end of Eritrea."

Eritrea, Africa's newest country, is determined to avoid the same trap that has mired so many African nations in debt and dependence on foreign handouts.

"We believe we need aid. But we don't believe aid can solve our problems," Mr. Afewerki said.

The country desperately needs help as it emerges from 30 years of devastating war that finally brought independence from Ethiopia in 1993. But Mr. Afewerki and other government leaders say they would like to see aid limited to projects that promote development and not rely on handouts.

"The effective use of aid is to free society from any dependence on outside sources," the president said.

Eritrea was the most industrialized country in Africa before war took its toll. Now the economy and the infrastructure are in shambles. Average life expectancy is 46 years. Annual per capita income is less than $150.

Two-thirds of Eritrea's 3 million people rely on food aid. Although most citizens make their living from agriculture, only 25 percent of the land is arable, and only about 10 percent of that is under cultivation.

This year, the U.S. government has promised Eritrea $13.2 million in development aid and $6.2 million in direct food aid. Under expected reductions for next year, development assistance is to fall to $9.6 million and direct food aid to just over $4 million.

Saleh Meky, Eritrea's U.S.-educated minister of marine resources, said he does not believe Eritrea will suffer from the reduction.

He said the United States is giving his ministry computers and teaching his people how to use them to determine the sustainable yield from Eritrea's bountiful fishing grounds in the Red Sea. They were virtually untouched during the three decades of war.

America provides up to 30 percent of Eritrea's food aid and is spending $2.3 million to help analyze food security problems and develop strategies to solve them.

Overall, American contributions amount to only about 5 percent of the total bilateral aid to Eritrea, officials said.

U.S. aid is improving the woefully inadequate primary health care system in an effort to make the work force healthier and more productive. Washington proposes to spend $3.7 million on that project next year and on support for family planning. The birthrate here of 6.8 children per woman threatens to double the population in 23 years.

The United States also intends to spend $1.5 million helping the government transform the state-controlled economy into one dominated by private business.

Although U.S. lawmakers are still wrangling over which programs will be eliminated or reduced, reductions to all aid programs are expected to average more than 30 percent.

Eritrean, officials have not said how they intend to make up the difference except that they want to become self-reliant.

"We get lots of offers of technical aid. Experts of all sorts, many of which have no use," said Nerayo Teklemichael, director of the Eritrean Relief and Rehabilitation Agency. "We need projects that eventually will make us self-reliant in food. We must have more food, and we must cultivate more land for food."

PRESIDENT RECEIVES ISRAELI MINISTER

President Isaias Afwerki yesterday held talks with Israeli Minister of Health, Dr. Ephraim Sneh, who is on a working visit to Eritrea. During the meeting, the President and Mr. Sneh said both sides will work towards developing Eritrean-Israeli cooperation in the health sector.

On August 10, the Israeli Minister handed over, on behalf of his ministry, two modern incubators donated to the maternity section of Asmara's Mekane Hiwot Hospital. He also visited different sections of the hospital. The director of the Maternity Section of the hospital, Dr. Abdu Mahmoud Taha, said the donation will facilitate the work of the section, besides easing the shortage of equipment. An average of 15 mothers are admitted to the maternity section a day, while 25 others are examined in the clinic under its administration.

Dr. Sneh arrived in Asmara on Thursday.

[From the Economist, Oct. 14, 1995]

WE WON'T TAKE ANY MORE

Eritrea has at last lost patience with the Islamist government in Sudan. Relations between the 2½-year-old state and its far larger neighbour have worsened rapidly this year. Now President Issaias Afwerki has told The Economist flatly: "We are out to see that this government is not there any more. We are not trying to pressure them to talk to us, or to behave in a more constructive way. We will give weapons to anyone committed to overthrowing them."

Bold words, maybe rash ones, you might think, from a much smaller country. So why, exactly? Mr. Issaias accuses the Sudanese of trying to destabilize the whole region. They stand widely accused of trying to murder Egypt's president, Hosni Mubarak, while he was visiting Ethiopia in June this year for an Organisation of African Unity meeting. Mr. Issaias says they have kept fighting going in Somalia, by backing certain factions. And Eritrea itself is vulnerable. Its populations is almost evenly divided between Christians and Muslims. In fighting to break free from Ethiopia, the Eritreans overcame these differences. But with 450,000 Eritreans still refugees in Sudan, the government fears infiltration of armed fundamentalists across its western border.

Relations have not always been bad. Mr. Issaias's Eritrean People's Liberation Front used Sudan as a rear base in its long struggle for independence. It had a political office in Khartoum, and used Port Sudan for bringing in supplies. It worked closely with certain Sudanese officers; one of them, Abdul Aziz Khalid, now in opposition to his own government, is active these days in Sudanese opposition circles in Eritrea. And in his early months of power the Eritrean president thought he could handle the men in Khartoum through diplomacy.

Now, says Mr. Issaias, he regrets the time wasted in trying to talk to them: "We have tried to develop some kind of partnership. But our goodwill has been abused. We have done enough, and it's not going to work." Late last year Eritrea cut diplomatic ties, and in June it publicly hosted a meeting of all Sudanese opposition movements under the umbrella of the (Sudanese) National Democratic Alliance, which has been allowed to broadcast calls for revolt from a radio station in Eritrea.

Who will he arm and with what? Mr. Issaias isn't saying. Possible recipients of his bounty include the northern political parties, now banned in Sudan, as well as the Sudan People's Liberation Army, a mainly southern movement which has been riven by splits and defections in the past three years. "But we won't give weapons to factions," he says. In arming these diverse groups, he is anxious that they do not use his weaponry on each other. He is insisting on a unified political stand. The June meeting of the Sudanese opposition committed all groups—at least in words—to a referendum on self-determination for the south of their country.

Until now Sudan's neighbours have tried to engage its government in dialogue and bind it into agreements. But, they claim, the regime seems determined to press ahead, spreading its version of Islam throughout the region. There were several attacks on government posts in western Eritrea last year, which were assumed to have been instigated by Sudan. There is also strong evidence that a rebel movement in northern Uganda has recently been armed by the Sudanese. President Meles Zenawi of Ethiopia recently claimed to have evidence that Sudan's security forces had a hand in the attempt to kill Mr. Mubarak; Ethiopia is demanding the extradition of three men whom it believes to have been directly involved. Of Sudan's eastern neighbours, Kenya remains on speaking terms, but even in Nairobi there are doubts about trying to contain Khartoum's ambitions by talking.

Could the Eritreans' open readiness to arm the Sudanese opposition lead to war? It seems unlikely. The two countries' border runs through remote, difficult terrain. And though Eritrea is small, it evidently does not fear open attack. It has an experienced fighting force and plenty of weapons left over from its war of independence.

As to Sudan, what could worry it more is the risk that Ethiopia might follow the Eritrean example. A cease-fire in Sudan's south has held for six months now, but with the onset of the dry season few expect it to last much longer. If the southern rebels and other groups could operate across the whole of Sudan's eastern border, the regime would be in real trouble.

SENATE—*Friday, November 3, 1995*

The Senate met at 10 a.m., and was called to order by the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

The Moses motto for living gives us the secret of making this a great day. He said, "So you shall rejoice in every good thing which the Lord Your God has given you."—Deuteronomy 26:11.

Gracious God, this is a day for rejoicing over the manifold good things You have given us. Help us to take nothing and no one for granted. As we move through this day we want to savor the sheer wonder of being alive as citizens of this land of freedom and democracy. Thank You for the intellectual ability to think, understand, and receive Your guidance. We praise You for the people of our lives. Help us to appreciate the never-to-be-repeated miracle of each personality. Give us patience and sensitivity for those who are troubled. We are grateful for work to do, challenges that make us depend on You more, and opportunities beyond our abilities that force us to trust You for wisdom and strength. We rejoice over Your daily interventions to help us. Today, we even rejoice in our problems, for we know that they will be occasions for You to show us Your power to provide solutions. Rather than saying, "Get me out of this!" help us to pray, "Lord, what do You want me to get out of this?" Then free us to rejoice in the privilege of new discoveries. In all things, great and small, we rejoice in You, gracious Lord of All. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. JEFFORDS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

ENDING WELFARE FOR LOBBYISTS

Mr. GRAMS. Mr. President, on the heels of welfare and lobby reform, Congress is just beginning to address the issue of welfare for lobbyists.

Both Houses of Congress have passed legislation aimed at curbing the abusive practice of forcing taxpayers to subsidize lobbying activity. Even so, we are coming dangerously close to returning to business as usual in Washington.

The Treasury-Postal appropriations conferees have been debating the welfare for lobbyists issue for weeks. The only agreement so far has been an agreement to disagree.

Mr. President, each year, the American taxpayers give more than $39 billion—that is "billion," with a "B"—to organizations which turn around and use those dollars to lobby Congress for more taxpayer dollars.

Over the past several months, we have seen those 39 billion tax dollars hard at work here in Washington.

During this summer's Medicare debate, one of the most vocal contributors to the Medi-Scare campaign of misinformation was AARP, an organization which received more than 70 million taxpayer dollars during a 1-year period between July 1993 and June 1994—70 million taxpayer dollars.

Here are just a few other examples of American's hard-earned tax dollars at work: $250,000 went to the Child Welfare League of America, which turned around and launched a vicious ad campaign aimed at increasing welfare spending; its ad against the Contract With America's welfare reform proposal screamed, "More children will be killed. More children will be raped;" another $1 million went to the American Nurses Association, which proudly announces their mission to "lobby Congress and regulatory agencies on health care issues;" $150,000 went to AFSCME, which denounced the recent welfare plan, claiming it "will drive more families into poverty and turn its back on hard-working Americans who fall on hard times;" $2 million went to the AFL–CIO, which, over the Memorial Day congressional recess, used that $2 million to pressure Members of Congress on labor issues. The union's "Stand Up" campaign included radio ads and direct mail.

Now, Mr. President, I recognize that not all of the tax dollars used to subsidize these groups goes directly to political advocacy. And not all of these dollars go to organizations with a political agenda—many are directed to worthwhile charities that are doing the right thing in their communities.

But many of these organizations are really lobbying and political front groups that are taking taxpayer dollars and spending them on political activities.

All Americans are guaranteed the first amendment right to speak out, but they do not have the right to speak out at taxpayers' expense.

Thomas Jefferson made this point nearly two centuries ago when he said, "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical."

Not only are we compelling taxpayers to pay for the propagation of ideas they do not believe in, we are doing it behind their back, and we are adding to the Nation's enormous deficit to do it.

Mr. President, Americans work too hard for their money to see it spent for them promoting political causes they oppose. And they work too hard for their money to give it to lobbyists in the form of welfare.

Now the evidence that this welfare for lobbyists really does exist was never more obvious than earlier this year, during the lobbying reform debate.

When we came close to passing a strong provision in Treasury-Postal appropriations limiting taxpayer-financed lobbying—the compromise provision reached between Senator SIMPSON and our colleague in the House, Representative ISTOOK—our offices came under siege from groups lobbying to protect their special interest.

Now, this is not going to effect the efforts of many major groups such as the American Red Cross, the Boy Scouts, the Girl Scouts, the American Cancer Society, the United Way, and the hundreds of other organizations which still manage to lobby effectively without financial assistance from the taxpayers will attest.

Mr. President, all the Simpson-Istook compromise does is require Federal grantees to act like true charities.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It is important to understand that there is not an absolute prohibition on lobbying. The Simpson-Istook compromise recognizes that there are gray lines between activities such as providing information to Congress, and actually lobbying Congress.

For this reason, no organization will be capped at less than $25,000 and many organizations will still be able to spend up to $1 million for their lobbying activities here in Washington.

Yet even with these generous limits, opponents have cranked up a propaganda machine unequaled in any debate this year. They have even formed the so-called Let America Speak Coalition, whose members have been quoted as saying that, "If Istook passes, nonprofits will no longer draft [regulations]. * * *"

Mr. President, why are nonprofits that receive taxpayer funding writing Federal regulations in the first place?

These groups go even further by calling this legislation a gag rule that is unfair and un-American. But I would suggest to them that free speech is not free at all if Uncle Sam's taxpayers are footing the bill for it.

The amount of disinformation being spread by these groups has been astounding.

We have all heard how those who rely on Government assistance such as students, farmers, and welfare recipients will supposedly lose their right to lobby.

The House language specifically exempts this type of Government assistance—yet the untruths continue.

The Senate needs to pass strict reforms that will require full disclosure of all Federal money spent by grantees, reforms that will truly eliminate all Federal funding of political advocacy.

We also need to stop the political games in which a grantee supports an affiliate who does the lobbying for them. And there needs to be tough penalties for organizations that knowingly violate the rules.

Mr. President, I have no desire to limit the ability of people to exercise their right to free speech—as long as it's with their own resources and their own money. But there is no place for taxpayer-subsidized political advocacy in a truly free society.

The hard-earned tax dollars that we ask working Americans to send to Washington should be reserved for those who truly need them, and not to provide welfare for these lobbying groups.

I urge my colleagues to end the tyranny Thomas Jefferson warned against and support real reform that will put money in the pockets of taxpayers and keep those taxpayer dollars basically out of the pockets of lobbyists.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Alaska is recognized to speak up to 20 minutes.

MEASURE PLACED ON THE CALENDAR—H.R. 1833

Mr. MURKOWSKI. Mr. President, I have been asked by the leader to make the following statement.

I understand there is a bill at the desk that is due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions.

Mr. MURKOWSKI. I understand by previous order this bill will be considered at 11 o'clock on Tuesday, November 7.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Does the Senator object to further proceeding?

Mr. MURKOWSKI. The Senator does object to further proceeding.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

ARCTIC OIL RESERVE

Mr. MURKOWSKI. Mr. President, yesterday I had an opportunity to take some of the Senate's time in the morning to discuss the issue of the Arctic oil reserve and ANWR, which are, in effect, one in the minds of most people, but in reality there is a significant difference. Let me just very briefly review the significance of this area and put it in a perspective that I think can perhaps be more easily understood.

First of all, we have the area in green and the area in yellow and the small area in red, representing, in the minds of most Americans, the Arctic National Wildlife Refuge. This is a very, very small piece of Alaska, up near the Canadian border that overlooks the Arctic Ocean.

The significance of this, of course, is that in 1980, Congress acted and designated specific land uses. The uses included putting 8 million acres in a permanent wilderness. That is the area in green with the black slashes. At the same time, they put approximately 9.5 million acres in a refuge. This is represented by the green area. These were placed in a permanent status.

However, they left 1.5 million acres of the coastal plain for designation in the future because of the promise of oil and gas discoveries in those particular areas.

The red area is native land, primarily occupied by a few hundred Eskimos in the village of Kaktovik.

What we have before us is a decision by the Congress on whether or not to allow a sale of approximately 300,000 acres in the coastal plain to take place. In both the House and Senate reconciliation package, we have included the authorization for the sale. The anticipated lease sale is about $2.6 billion. That would be split between the Federal Government and the State of Alaska on a 50–50 basis.

What I would like to point out in my description is that the entire 19 million acres is not in question by any means. It is that 1.5 million acres would be authorized for the lease sale, and that portion that would be utilized in the actual sale would be 300,000 acres.

What is the footprint? With the advanced technology that we have seen in the development of the Prudhoe Bay field, which has been contributing about 25 percent of the total crude oil produced in the United States for the last 18 years, we have seen significant development in lessening the footprint. We had a field called Endicott about 7 years ago which came in as the 10th-largest producing field. The footprint was 56 acres. Industry tells us that, if we are lucky enough to find a major discovery in this area, footprint can be produced dramatically. The first comparison was about 12,500 acres, which equates to the size of the Dulles International Airport, assuming the rest of Virginia were a wilderness. Now they say they can do it in about 2,000 acres.

So what we have here is clearly a manageable footprint. We have the technical expertise and the American engineering commitment to do it safely.

So clearly it is good for America. It is good for our national security interests. If one concludes for a moment that in 1973 when we had the Arab oil embargo we were about 36 percent dependent on foreign imports, today we are 50½ percent dependent on oil exports.

What about jobs, and what about the economy? If the oil is there, this would be the largest single construction activity in North America. Probably 80 percent would be union jobs because the skills required to develop an oilfield and provide a pipeline over to the existing pipeline are such that it would provide a tremendous opportunity for skilled workers, and the unions are the only ones that have that abundance of skilled workers.

So from the standpoint of jobs it is estimated that there would be somewhere between 250,000 and 735,000 jobs, and virtually every State would be affected. So it does have a dramatic impact on the economy. Furthermore, it would not require $1 of Federal funding. This lease sale would take place with private capital coming from the purchasers of the lands, and development would occur from private sector financing over an extended period of time.

There is some suggestion that there are environmental problems. And I would be the first to acknowledge that there is a concern over the environment—a valid concern. But we have the technical expertise to overcome that as evidenced by the development of Prudhoe Bay. Prudhoe Bay is the best oilfield in the world. You might not like oilfields. But the technology, the application, the permitting, and so forth that are mandated there clearly point out that it is the exception to all oilfields throughout the world relative to its compatibility with the ecology and the environment.

As far as the congressional interest in this sale, the idea of generating $1.3 trillion into the Federal Treasury is a significant inducement. And as a consequence of that, that in itself merits the consideration and support of this body. However, the real value is to lessen our dependence on imported oil because Prudhoe Bay is in decline. It has been producing about 2 million barrels a day. It is down to about 1.5 million barrels a day. As a consequence, by the time Prudhoe Bay is in further decline, we will either be importing more oil or we will be able to develop some of our domestic reserves. And the most promising one in North America is in this 1002 area which I refer to as the Arctic oil reserve.

Where is the base of support for this? I think it is interesting to note that we have a letter from former President Bush that I think cites very explicitly the concern, and I ask unanimous consent that the letter be printed in the RECORD at this time, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSTON, TX,
October 6, 1995.

Senator FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR FRANK: I write in enthusiastic support of opening up ANWR for oil exploration and production.

My support is based on the conviction that we must not continue to become increasingly dependent on foreign oil. A major lesson from Saddam Hussein's brutal invasion of Kuwait is that we must not become totally dependent on foreign oil. Right now we have good and reliable friends in the Middle East, but it is only prudent that we find and develop our own petroleum reserves.

I am totally convinced that ANWR oil can be developed in an environmentally sound way, and that there will be no damage to the caribou indigenous to the area. I understand that some of the same extreme voices that were heard in the 1970s, voices that predicted the extinction of the caribou, refuse to admit that they were wrong. Indeed, not only are the caribou not extinct, but they have proliferated.

In addition, as you know better than anyone, the development of ANWR means jobs for American workers. That in itself is a worthy objective. I hope Congress will promptly remove all barriers to ANWR development.

Sincerely,

GEORGE BUSH.

Mr. MURKOWSKI. Mr. President, to highlight the letter dated October 16 from President Bush, it reads:

> I write in enthusiastic support of opening up ANWR for oil exploration and production.
>
> My support is based on the conviction that we must not continue to become increasingly dependent on foreign oil. A major lesson from Saddam Hussein's brutal invasion of Kuwait is that we must not become totally dependent on foreign oil. Right now we have good and reliable friends in the Middle East, but it is only prudent that we find and develop our own petroleum reserves.

The President further states:

> I am totally convinced that ANWR oil can be developed in an environmentally sound way, and that there will be no damage to the caribou indigenous to the area. I understand that some of the same extreme voices that we heard in the 1970's, voices that predicted the extinction of the caribou, refuse to admit that they were wrong. Indeed, not only are the caribou not extinct, but they have proliferated.
>
> In addition, as you know better than anyone, the development of ANWR means jobs for American workers. That in itself is a worthy objective. I hope Congress will promptly remove all barriers to ANWR development.
>
> Sincerely,
>
> GEORGE BUSH.

Mr. President, I would like to show very briefly the picture of the area that is currently producing near Prudhoe Bay. This gives you some idea of the number of caribou which just happen to be in this particular shot. You see the pipeline. You see an oil well being drilled. That oil well and that derrick will be removed. But clearly there is an abundance of caribou. To suggest that the caribou in the area of ANWR will be damaged, or depleted, or reduced as a consequence of activity just does not bear the essence of reality in the comparison that we have had with the central Arctic herd. And as a consequence, Mr. President, it is pretty hard to buy the argument that the caribou indeed are endangered by this.

We have had statements and testimony from former Secretary of State Larry Eagleburger who indicates that it is in the national security interests of our Nation to lessen our dependence on imported oil. He points out the reality that we have seen in the Mideast, Iran, Iraq, Saddam Hussein, Libya—a situation that is very volatile. It actually affects the national security interests of Israel as well, and, if the United States becomes more and more dependent on the Mideast sources, we are exporting our jobs, exporting our dollars, and it is contrary to our national energy security interests.

I point out, as the Presiding Officer is well aware, that in 1990 we fought a war in the Persian Gulf. That, Mr. President, was a war over oil. Make no mistake about it. We have had Secretaries of Energy—Schlesinger, Watkins, Hodel—all very, very concerned about our increased dependence on imported oil. As late as just 7 months ago our Secretary of Commerce, Secretary Brown, put out a very, very interesting and challenging statement that indeed the national energy security interests of our Nation are at stake because of our increased dependence on imported oil.

So it is just a matter of time before we are held hostage by the situation in the Mideast, a situation that will be advanced as a consequence of our increased dependence.

As far as support for this, I think it is paramount to note that in my State of Alaska—I think we have a larger chart here of the State.

The people of the Arctic are primarily the Eskimo people, and they frequent the area of Barrow, Wainwright, Kaktovik. They are nomadic in a sense traditionally. They live a subsistence lifestyle, but as a consequence of the development of Prudhoe Bay, an alternative lifestyle has been available to the people of the Arctic, and that lifestyle has provided them with a tax base. That tax base has provided them with additional necessities of life that you and I take for granted: running water and sewage disposal, as compared to the honey buckets which they previously had—an indoor bucket, and as a consequence the honey bucket man comes around once in a while.

Here is a map of the State of Alaska. Where we are talking about is these areas in the very, very far north. If you look at the map, you will see the Arctic Circle moving across here, so we are north of the Arctic Circle. It is truly a hostile environment. It has its own unique beauty, but living there in a land of permafrost where it is virtually impossible to dig because of the frozen ground, the opportunity for utilities as we know them, running water and sewage, simply do not exist. By providing the opportunity for jobs, for a tax base, these people now have a standard of living that is much superior to what they previously had. They have an opportunity for jobs if they want them. There is job training available. There is transportation available to the Prudhoe oilfields.

So my point is that the Alaska Federation of Natives, which is the organization that speaks with virtually one voice for Alaska's Native community, has come out in support of opening up the Arctic oil reserve for competitive lease sale. There is one group of Natives, the Gwich'ins, that continue to object to opening that up. And this is a relatively small group. Most of the Gwich'ins are in Canada, the area of the Arctic villages of Venetie and Fort Yukon. There are 300 to 400.

Unfortunately, efforts to try to address their concerns of the Porcupine caribou herd have been offset by extreme efforts by America's environmental community focused on the argument that, indeed, in their opinion their livelihood—the Porcupine caribou—is at risk. The proposal is to mandate that no exploration occur during the time that those caribou migrate from Canada into the area. They calve in the general area, calve in an 8-million-acre area, but there would be activity to ensure that there would be no harm to the caribou occurring at that time.

As the picture that I showed you earlier shows, we have a very, very healthy herd in the Central Arctic. What happens to the caribou herds is rather interesting. We have 34 herds in Alaska, about 990,000 caribou. About three-quarters of them are increasing, about 10 percent are in decline, another 15, 20 percent are stagnant. But as anyone knows who observes the tendency of animals that graze, if some of them overgraze the area, they decline. If there are too many predators, they decline. If there are hard winters, they decline. So they are continually going up and down. But we have had an excellent experience with our caribou, and to suggest that the Porcupine herd would be in jeopardy is just not based on any sound scientific fact.

There is opposition to this by others than the Gwich'ins. We continually see rhetoric by the environmental communities. We have recently seen the USGS develop some new figures relative to what the reserves might be. Nobody knows what the reserves are going to be until you drill, because when you look for oil, you do not usually find it. We had an oil sale out here off Prudhoe Bay called Mukluk. The oil industry assumed that there was going to be a great reserve found there. The bids went up over $1 billion. Several companies, one of which is no longer in business, bet the farm on the lease sale. They drilled. They did not find oil. The oil had been there eons ago, but it is gone now.

So the Secretary of the Interior has come up with figures that show a substantial reduction in reserves over the figures that were previously put together by USGS showing a higher reserve. The point is nobody knows.

Then there has been suggestion that the State of Alaska is not going to share this revenue. Well, we can reflect on the rhetoric. We can discuss the merits of whether or not a major portion of this area of ANWR will be damaged, and clearly, as I have pointed out, it will not.

Some people say that ANWR would only produce 3.5 billion barrels of oil. Somebody has equated that to a 6-month supply so why open this area for such a small amount. In reality, Prudhoe Bay was a supply that was anticipated to be, what, 200 days or thereabouts? The significance of that comparison is that Prudhoe Bay has been supplying the Nation with 25 percent of its total crude oil production for the last 18 years. So when you put forth an example that suggests it is only going to be a 6-month supply, you are assuming that there is going to be no further oil development anywhere in the United States as far as production; you are going to shut them all down, and therefore this becomes a 600-day supply. That is a bogus argument.

We have seen from the USGS a quick turnaround on a study that was requested by the Secretary of the Interior. The rather interesting thing was that that study was done by the California USGS people. They did not include the extended experience that was accumulated over many, many years by USGS personnel in Alaska. These were people who were trained in Arctic evaluation. Why they were not included is something that we are all a little concerned about. The Secretary of the Interior has yet to explain it. As a matter of fact, we anticipate having a hearing into that because it is inexcusable that the Secretary would not use his best expertise to get an evaluation, the best evaluation available.

The rhetoric concerning the habitat is rather interesting to reflect on. As I have said very briefly, there is no evidence that the wildlife would be harmed. That means we do not have any scientific justification to suggest we cannot open the area safely. I have indicated that the Porcupine caribou herd, which is the herd in question, has experienced a vast movement in numbers. In 1972, there were about 100,000 in the herd; in 1989, 178,000; I think today about 160,000 or thereabouts.

Some suggest, well, what about the polar bear in this area? They den in this area. People who know the polar bear know that they do not den on land; they den at sea. If you are a caucasian U.S. citizen, you cannot hunt polar bear. If you are a Native, you can take polar bear for subsistence. Very few of them are taken. But you can go over to Canada and hire a guide and go out and shoot a polar bear. It might cost you $10,000.

So when you talk about conservation of the polar bear, why, charity begins at home. We do not allow in the United States the taking of polar bear by caucasians. You can take them if you are a Native for subsistence only. So I get a little frustrated by my Canadian friends when they give their opinion relative to protecting the caribou. They are very happy to take a $10,000 bill from a hunter to go out and get a polar bear trophy.

We talk about wolves. We talk about bear. We talk about geese. There are increasing numbers. There is no suggestion that there is any decline in the wild animal population of the area, nor would there be any significant reduction as a consequence of any development.

Some say that this is the only place in the United States where the Arctic is protected. Well, there are 450,000 acres of the coastal plain—this area up here. It is already set aside in wilderness. There are over 1,000 miles of Arctic coastline in Alaska. Very, very little of that area is disturbed. And the production would be concentrated in one area, I think Kaktovik, where there is a small village, a few hundred Eskimos.

There is a radar site. There are two other abandoned radar sites. You would not know, Mr. President, one area from the other along that coast, that plain, because it is so flat and it is so much the same.

Some suggest there is no need for the oil, we have a lot of oil in the world, we can rely further on Russia. Well, as I have said earlier, we have heard from President Bush, Secretary Eagleburger, Secretary Schlesinger. We are now moving toward a 60- to 70-percent dependence on the Middle East. Too much dependence lets others manipulate us.

What about Russian oil? Well, we have seen in Russia a series of environmental disasters, the Komi oilspill. The environmental record is absolutely unacceptable and in an unstable political situation. We have seen American companies go over there, and the infrastructure is so difficult to penetrate many of them are wondering if they made good investments.

Let me go back to USGS, which is the agency that has the obligation to make forecast predictions with regard to oil and gas in areas throughout the United States on public land.

As I indicated, we are going to have a hearing on November 8. But in 1987 the Interior Department took several years to complete the evaluation based on its estimate of what the reserves were. And we saw a few weeks ago the Department of the Interior come out in 3 days, almost with a back-of-the-envelope study, a study, as I have indicated, where it did not involve the arctic experts they had in Alaska. It was done in California. It was timed to coincide with the committee, the Energy Committee's ANWR votes.

Let me tell you what some of the career scientists over at the USGS have to say about the Interior study.

This came from a lifelong Federal geology professional.

> It is all too obvious that this latest ANWR reevaluation is a rather blatantly self-serving exercise in politically directed pseudoscience, a disgrace to the agency and the personnel involved.

And from a current USGS employee in Alaska:

> Who is ever going to believe our numbers anymore if we start producing back-of-the-envelope assessments every time the Secretary of the Interior snaps his fingers at us? The Secretary and our director seem dead set on destroying our reputation and destroying the geological division as an organization in pursuit of short-term goals.

Finally, Mr. President, there has been discussion that somehow the

State of Alaska is going to renege on this deal, that the 50–50 split somehow is going to be changed as a consequence of State action against the Federal Government. Well, that is a red herring, Mr. President.

I ask unanimous consent to have printed in the RECORD a letter from our Governor and a letter from the president of our State senate and the speaker of our State house.

I am going to just read a portion of those letters.

This is from Drue Pearce, State president, and Gail Phillips. And I would ask they be included in the RECORD, as well as that of Governor Knowles. Both these letters are dated October 17.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ALASKA STATE LEGISLATURE,
Juneau, AK, October 17, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, Rayburn HOB, Washington, DC.

DEAR SPEAKER GINGRICH: On behalf of the Alaska State Legislature, we would like to thank you for taking the time to meet with us during our recent visits to Washington, D.C. and for your support of oil and gas leasing in ANWR.

As the Republican leaders of the state Senate and House, we would like to state our unqualified support for current congressional plans to allow oil and gas development on the coastal plain of ANWR and to share lease revenues 50–50 between the state and federal governments.

We are aware that some House Republicans have expressed concern about this revenue sharing in light of Alaska's right under its statehood compact to receive 90% of revenues from oil and gas leases on federal lands.

Governor Tony Knowles announced on September 28th before the National Press Club that he backs the 50–50 state-federal split of ANWR lease revenues as proposed in the budget reconciliation act. He is on record saying he will introduce legislation to change the statehood compact to provide a 50–50 revenue split for ANWR lease revenues.

As the U.S. House and Senate works to complete action on the budget reconciliation act, Members of Congress should know that we will do everything in our power to ensure that such a bill passes the Alaska State Legislature and becomes law.

Sincerely,

DRUE PEARCE,
Senate President.
GAIL PHILLIPS,
House Speaker.

STATE OF ALASKA,
Juneau, AK, October 17, 1995.

Hon. FRANK MURKOWSKI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR MURKOWSKI: During my recent visit to Washington, D.C., it became clear to me that a central issue in the debate related to oil development in the Arctic National Wildlife Refuge (ANWR) is the allocation of the revenue between the State of Alaska and the federal government. Accordingly, I am writing to you to reiterate my position on this issue.

By your legislation, and that of Congressman Young, you have concluded that fifty percent of the revenues of ANWR should be used to reduce the Federal budget in order to accomplish Congressional approval.

The state is entitled to receive ninety percent of oil and gas revenues generated from federal lands in Alaska. According to your reports, Congressional action is highly unlikely unless Congress sees some direct benefit to the federal budget. In addition to all of the other strong arguments in support of opening ANWR, it has been made clear to us that a fifty-fifty split of the revenue is necessary to attain favorable Congressional action. I support your strategy to split the revenues evenly between the state and federal governments.

If there is federal enactment of the fifty-fifty revenue split, it would constitute an amendment of the Alaska Statehood Act. According to the Alaska Department of Law, an amendment to the Statehood Act requires state concurrence. This concurrence must occur through the enactment of a bill by the Alaska Legislature and approval by the Governor.

Therefore, I will introduce and pursue legislation to accept such a change if Congress adopts a fifty-fifty revenue split. In this way, Alaska's elected officials in Juneau will have a full opportunity to debate the merits of agreeing to any modification of the ninety-ten revenue formula.

I firmly believe any amendment of the ninety-ten revenue split should apply to ANWR only. I will continue to insist, by way of the statehood compact lawsuit, that Alaska receive its full entitlement on the development of other federal lands in Alaska.

The State of Alaska stands ready to assist you in attaining Congressional approval of opening ANWR.

Sincerely,

TONY KNOWLES,
Governor.

Mr. MURKOWSKI. I thank the Chair. The first is from Drue Pearce, senate president and Gail Phillips, house speaker.

> As the Republican leaders of the State Senate and House, we would like to state our unqualified support for [the] current congressional plans to allow oil and gas development on the coastal plain of ANWR and to share lease revenues 50–50 between the State and Federal Governments.

Further:

> Governor Tony Knowles announced on September 28 before the National Press Club that he [supports] the 50–50 State-Federal split of ANWR lease revenues as proposed in the budget reconciliation act. He is [further] on record saying he will introduce legislation to change the statehood compact to provide [for] a 50–50 revenue split for ANWR lease revenues.

Further, Mr. President, a letter from the Governor.

> . . . it has been made clear to us that a fifty-fifty split of the revenues is necessary . . .
>
> Therefore, I will introduce and pursue legislation to accept such a change if Congress adopts a fifty-fifty revenue split. In this way, Alaska's elected officials in Juneau will have a full opportunity to debate the merits of agreeing to any modification . . .

So, Mr. President, for the record, you have a commitment from the State of Alaska relative to the revenue sharing. And, Mr. President, our word is good.

Now, in conclusion, let me just point out one of the disturbing things that is occurring on this issue. And I find it difficult to bring this to the attention of the body, but for a period of time the Secretary of the Interior has chosen to represent one segment of the issue, and that is the segment fostered by and supported in conjunction with the Gwich'in people, with the backing of the preservationists and environmental groups in this Nation.

The disturbing feature is that now we have a Secretary who is not representing the majority of Alaska's Native people. On the other hand, he is representing a small minority. Somewhere less than 10 percent.

As I indicated in my opening remarks, the Native people of Alaska, the Eskimo people of Alaska, who have lived for generations on a subsistence lifestyle have gone through an extraordinary transition. Previous to the welfare system, to the food stamps, these proud people were dependent on hunting, fishing for their subsistence. As a consequence of that dependence, they generated a small amount of cash from trapping, fishing, for the necessities of life, gasoline for their outboard motors, their snow machines, rifles, shells, and over an extended period of time, when food stamps came in, where they qualified. So there was a transition. After food stamps came in they did not have to depend to the same extent on subsistence.

I am reminded, I might say by my staff, I said that the Secretary was representing about 10 percent of Alaska's Native people. I am told Gwich'ins consist of about 1 percent of the Native people. So, it is even smaller. But my point is, in this transition of the Native people of our State, as a consequence of food stamps, they have become less dependent on subsistence. Subsistence played a vital role, but they did not have the total dependence. So, as a consequence, trapping was reduced and a little later we began to expand the welfare system.

So, today in Alaska we have a significant portion of our rural residents, most of them Native residents, dependent on subsistence and welfare. Now we are going to cut welfare. Welfare is going to be reduced. We all know that. The BIA, that plays a major role in the lives of many of Alaska's Native people, is going to be cut. Now, these people want jobs. They want jobs at home. These are good-paying jobs associated with resource development, oil and gas. So 99 percent of America's Native people, I should say 99 percent of Alaska's Native people, support, through their Federation of Natives, or thereabouts, opening this area. We have job training capabilities in Alaska.

We have a Job Corps center. We have a good experience of utilizing some of our Native people in Prudhoe Bay. But here is a long-term job opportunity. And the Secretary of the Interior has taken a position against a majority of

Alaska's Native people in favor of that 1 percent, the Gwich'ins people who oppose opening up this area for competitive leasing. The justification for that is going to have to be the Secretary explaining to the Native people of Alaska why he has chosen to represent this minority.

Mr. President, I am going to be talking further next week on some aspects that I feel are important to this body. I think what we will do the first of the week is to go into some of the fact and fiction, because America's environmental community has found this issue to be very attractive in raising funding-generated membership.

I was in one Senator's office the other day. The Sierra Club had evidently contracted with one of our Nation's communications firms. The way it worked is that the Sierra Club provided the communications firm with telephone numbers of people who were members of the Sierra Club in that particular State.

They were able to dial in simultaneously, two calls in one. They would phone a Mr. Brown in the State of Arkansas and say, "Mr. Brown, we have the Senator's office on the line. We would like you to express your opinion about the possible drilling in the Arctic oil reserve which would ruin this area and wipe out the animals in the area." Immediately, the call would come in—Mr. Brown would be on the phone—to the Senator's office and be able to log in a call.

This is a pretty significant effort. It costs a lot of money. We do not have those capabilities to explain our side of the story. What we do have is 18 years of experience producing oil from Prudhoe Bay. Where would this Nation be today without that oil, that 25 percent? We would be even more dependent on the Persian Gulf.

We have the finest oilfield in the world in Prudhoe Bay, and we are proud of that. We built an expertise in the Arctic with our geologists, with our USGS personnel showing that we can open this area safely, we can do it compatibly with the environment and the ecology, as evidenced by this picture of the caribou flourishing in Prudhoe Bay. The same set of circumstances can happen in ANWR.

So we have the can-do spirit. The only difference is today we have nearly 20 years of experience. We can make the footprints smaller. We can provide more jobs in this Nation. We can reduce our national security exposure to more dependence on the Mideast. We can provide for the largest single identification of jobs in the United States which will help our unions, help our economy, and, lastly, Mr. President, what it will do is it will address our balance of payment deficits. Half the balance of payment deficit is the price of imported oil.

I want to thank the President for his attention, and I wish he and my colleagues a good day.

Mr. President, I yield the floor.

TRIBUTE TO JOHN W. ANDERSON

Mr. HEFLIN. Mr. President, I want to pay tribute to an outstanding longtime member and president of the Alabama Farmers Cooperative [AFC], John W. Anderson, who retired from his post effective September 30, 1995.

John was named president of AFC on December 13, 1989. He became a member in 1969. During those 26 years, he served in various capacities at AFC, including his management of the Anderson's Peanuts Division from 1984 to 1989.

Anderson's Peanuts was founded in 1933 by John's father, Robert B. Anderson, and acquired by AFC in 1969. Since that time, the peanut division has grown steadily and now includes buying points, shelling plants, and storage facilities in more than 20 locations. It is a major supplier of both domestic and export peanuts.

John currently serves on the board of directors of the Mississippi Chemical Corp., and has previously served on the boards of the National Peanut Council, the Southeastern Peanut Association, Commercial Bank, and Andalusia Hospital. He is a past president of the Alabama Crop Improvement Association and was selected as its Man of the Year in 1988.

A native of Andalusia, AL, John and his wife, the former Evelyn Wilder, have three grown children and five grandchildren. He has a degree in industrial management from Auburn University. He will spend—and no doubt enjoy—his retirement in Destin, FL, near two of the children. So, they will be properly surrounded by grandchildren.

John's leadership at AFC will be sorely missed, but his friendship, guidance, and example will continue to benefit the organization for many years to come. I commend him for a job well done, and wish him all the best for a long, happy, and healthy retirement.

Mr. COVERDELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is my understanding we are functioning in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct, in 5 minute intervals.

TAX BURDEN ON AMERICAN FAMILIES

Mr. COVERDELL. Mr. President, several months ago, I was reviewing some data about the tax burden on the American family. I have mentioned it more than once here, but it was absolutely intriguing—one of the thousands of pie charts we see around here—showing the growth of taxes from 1950 to 1970, 1970 to 1980, and so on.

I was struck by this because in 1950—it always makes me think of Ozzie and Harriet, the sort of television portrayal of the average family of that time—and that family, Ozzie and Harriet, would have been sending, of every dollar they earned, 2 cents to Washington—2 cents. And outside of their local taxes and the like, the balance of what they earned they used to house that family, clothe that family, educate that family and provide for the health of the family.

What was stunning to me was if Ozzie was here today in 1995, he would be sending 24 cents of that dollar to Washington and about that much to the State and local government. So that family has lost enormous resources. They work over half the year now for one of the governments; a quarter of the year just for the Federal Government.

When I was a youngster, everybody always told me that the largest investment that an American family will ever make is for the home. That is the single largest investment by far the vast majority of Americans will ever make. That is not true anymore. Now the largest investment they will ever make is to the tax collector. That is the single largest consumer of the earnings of an American family today—the Government.

It made me curious because that is an enormous force and pressure on that family. If somebody comes by the door and takes half of what you have, it is bound to have an effect. So I started looking for what that effect may have been.

One of the first things that comes to mind, as we all know, is that there are far more families with both parents working today in 1995 than there were in 1950. So I began to measure the growth line of taxes, because I had it in the back of my mind, "I will bet you that line is absolutely identical to the number of families that have decided both parents have to work."

Sure enough, the lines are absolutely parallel, within 6 percentage points. As we took more from the family, more of those families had to put both parents in the workplace and, of course, we all know the problems that follow that.

Everybody has a different reason for the altered behavior of the American family today. Our leader suggested maybe it was Hollywood. The First Lady is suggesting it is capitalism, turbocharged capitalism, that is affecting the American family. A lot of writers today think it is greed, that the American family has to have another electric can opener or an addition on the house or another car, and that is what has caused so much change in the behavior of the American family.

I reject all of those. I am sure they have had their effect, but nothing has had the effect—nothing—no institution has had the effect comparable to the Government that has taken so much of the resources out of the family. The effect is that we have marginalized those families.

How often have you read, Mr. President, that the American family is not saving today? What is left to save?

If you take an average family of $40,000 a year and take half of it, and they have $20,000 to $24,000 to provide for all of the needs of the family, of course they are not saving. About every way you look at that family—two parents working, savings down, divorce up—the impact has been staggering.

Mr. President, the point I am making is that it is absolutely appropriate in our deliberations over balanced budgets that a major piece of the equation be to lower—to lower—the tax burden on the average family, to push it down, to give more resources to the family, which is a central component of building American life, give them the resources to do it.

The balanced budget bill that we passed just last Friday, a week ago today, does just that. It has the effect on the average family of putting around $2,000 in disposable income on that kitchen table, or increasing the disposable income of the American family an average of 10 to 20 percent.

How do we do that? Well, interest rates are dropping because of the balanced budget battle. If they have an average mortgage of $50,000, we will save them over $1,000 a year in reduced interest payments. We will save them almost $200 a year on the interest payments on their car. We will save them $200 a year on the interest payments on the credit cards, or the addition on the house, or the student loan.

The average family has two children. They are going to save $1,000 a year right off the top of the tax bill with the children's tax credit of $500 per child. That is $2,000 to $3,000 for the average family. That is where the work of America is done. That is who we depend on to house a family, that is who we depend on to educate, that is who we depend upon to provide the health. It is our duty to find our way, Mr. President, to get the resources back to that family.

It is almost unbelievable that we have come to the point that the largest single investment an American family makes is to the tax collector. It used to be the home, as I said earlier. That was the single largest investment a family ever made. Not so anymore. No, it is Washington. Twenty-four percent of every dime they earn, we bring to this city. I have to tell you, Mr. President, as good sounding as all these bills you hear about are here—to educate, to house, health—no one, certainly not a Washington program, does as much for taking care of America as does her families. That is where we need to get the resources, Mr. President. That is why the reduction in taxes that we have talked about in this balanced budget resolution is so terribly important.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, am I correct that I have been designated for 20 minutes during morning business?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from Florida is recognized for up to 20 minutes.

Mr. GRAHAM. I thank the Chair.

AN AMERICAN SUCCESS STORY

Mr. GRAHAM. Mr. President, for the past 30 years, the Medicaid Program has been the lifeblood of the United States health and long-term care delivery system for millions of Americans. Today, I will begin a series of presentations on the Medicaid Program. Today, I will be refuting the false notion that the Medicaid Program has been a failure and that it should therefore be abandoned. The fact is that Medicaid is an American success story.

Next week, I will continue by exposing the bogus economic basis upon which the block grant proposal is built and which is used as a purported replacement of our current Federal-State Medicaid partnership. I will suggest to the Senate through a side-by-side analysis what we know to be the demand for health care services under Medicaid and what has actually been provided under the Senate-passed bill.

Finally, I will conclude with a proposal on how a consensus can be reached which would accomplish an objective of reducing the cost of the Medicaid Program, potentially by tens of billions of dollars, over the next 7 years without destroying the essential Federal-State partnership.

The word "failure" has been used frequently and casually as a justification for why this country must abandon the Federal-State partnership in health care for poor children and their mothers, for the frail elderly, and for the disabled. Critics have bellowed that Medicaid is a failure, and in the next breath they say that since Medicaid is a failure we can go ahead and back out $187 billion from what has been projected as the necessary amount of money to meet the needs of those traditionally served under Medicaid.

There is a story that needs to be told. That story is an American success story, and the name of that American success story is Medicaid.

If my colleagues truly pondered the significance of this Federal-State partnership, they would not seek to plunder $187 billion from Medicaid at the expense of the health and safety of the 37 million—I repeat, 37 million—Americans who depend upon Medicaid.

The Medicaid Program truly is an American success story. The Senate should be building upon that success story, not retreating from it. The truth is the Medicaid Program has been a lifesaver. One need only look at the role Medicaid has played in reducing infant mortality in America.

When I was Governor of the State of Florida, the Southern Governors Association under the leadership of the then Governor of South Carolina and now Secretary of Education, Richard Riley, decided to tackle the unacceptably high infant mortality rate among Southern States—a rate which put the Southern States on par with some developing countries around the world. So in 1984, we formed the southern regional infant mortality project. We decided to tackle infant mortality through enhancing prenatal care, screening pregnant mothers to identify at-risk babies, and making sure that nutrition services and other resources were brought to bear on the infant mortality rate.

During the period 1984 to 1992, national infant mortality decreased 21 percent. A great deal of that progress was due to the improved performance of the Southern States. My own State of Florida knew that it had a scandalously high infant mortality rate so that it made a conscious decision to decrease infant mortality, low birthweight deliveries, and the number of women lacking prenatal care. The Federal Government was a full partner with each of the Southern States to help achieve their impressive results. The name of that full partnership, the name of that American success story is Medicaid.

What happened in just a decade? In 1985, Florida had a rate of 11.3 stillbirths for each 1,000 live births. By 1992, that number had dropped to 8.8, a decline of over 22 percent. I am pleased to say that that rate of infant mortality in Florida continues to decline. Today the rate is 7.6 per 1,000 to live births.

Mr. President, nearly 1,000 Florida children are alive today who, had we continued the rate of infant mortality of a decade ago, would have died at birth but for the Medicaid initiative called Healthy Start.

Mr. President, prevention pays because healthier babies were born due to earlier intervention efforts, and tens of millions of dollars, Federal and State, have been saved. Florida, through the

Medicaid Program, has been able to invest in success rather than simply pay for failure.

Success stories like that where States are willing to make a commitment to improve the lives of their citizens found a willing Federal partner. Those States cry out for the continuation of the Federal-State partnership, the American success story called Medicaid.

In total, Medicaid pays for more than one-third of the births in America. I would like to repeat that, Mr. President. Medicaid pays for more than one-third of the births in America. Medicaid covers one-fourth of all of America's children's health care. The great majority of those 1-in-4 children are children who are living in homes with working but uninsured parents.

In Florida, that translates into 991,000 children, children who, because of Medicaid, are eligible for immunizations, checkups and other preventative measures. So many of these Medicaid recipients are the casualties of the private sector's retreat from the health insurance needs of their employees and the families of their employees. The General Accounting Office reported that between 1989 and 1993, the percentage of children with employment-based health insurance declined 9 percent.

This could have resulted in a national crisis in health care for poor children. How was that crisis averted? A success story was written in America, and the name of that American success story is Medicaid. Because of Medicaid, the number of uninsured children did not increase when employers were dropping coverage for those children.

As the General Accounting Office has reported, as the private sector retreated from the provision of private health insurance to their employees, and particularly to the dependents of their employees, Medicaid has become the lifesaver for those poor children. It has been the lifeline for those children who otherwise would have been an American crisis, health crisis.

Mr. President, Medicaid has also been a lifeline for our Nation's frail elderly. Over 60 percent of the nearly 2 million nursing home residents in this country qualify for Medicaid, many qualifying only after their life savings have been depleted by successive medical crises in their own lives.

Approximately a quarter of a million older Floridians receive Medicaid, and 70 percent of Florida's Medicaid budget goes to pay for services to the elderly and disabled. Great strides have been made in improving the quality of care for our elderly who depend on Medicaid for their survival.

I would like to look for a moment at the qualified Medicare beneficiary program which covers Medicare premiums, deductibles, and copayments for beneficiaries who have incomes below the Federal poverty level. Mr. President, there are 5 million low-income elderly Americans who qualify for Medicare but could not pay the $46.10—soon to be almost double that amount—of monthly payments in order to participate in the voluntary Medicare Program to provide physician services. They could not afford to pay the $100 deductible—soon to be a $210 deductible—but for the fact they were able to receive the financing for that deductible through the Medicaid Program.

They did not have the private resources to pay for prescription medication. And, therefore, Medicaid came to the aid of 5 million poor older Americans to provide critically needed prescription medication. This program has meant the difference between preventive care in a doctor's office and intensive care in a hospital or acute care in a nursing home.

Medicaid is an American success story. Mr. President, the individuals whose lives have been bettered through the Medicaid Program each have their own story to tell.

I ask unanimous consent that a sampling of those stories provided by Families USA Foundation and the Long Term Care Campaign be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I appreciate your accepting those stories, which are profiles in courage, the courage of a loving family trying to deal with health setbacks and scarce resources. These families could have been your family, they could have been my family, they could have been any American family.

We cannot turn our backs on our citizens who have given so much to our country, nor can we retreat on the gains we have made in providing a decent quality of life for our Nation's developmentally disabled citizens. We all remember when a consensus emerged from across the country, "Stop warehousing the handicapped in those shamefully large institutions." That was the goal, an ambitious goal, to get as many people out of institutions and into community-based home settings as possible.

The Federal-State partnership called Medicaid became the framework to achieve that national objective. Medicaid said to the States, "If you are interested in providing a more humane living environment for your vulnerable citizens, we will be a full partner with you." Some States, many States, moved quickly. Unfortunately, others chose not to do so.

That is one of the attributes of the Medicaid Program. It is a Federal-State partnership, but the results for those States which did move speak for themselves. In 1967, there were 194,000 mentally retarded or developmentally disabled persons living in State institutions. By 1994, there were 67,600.

When you look at the cost of care, it costs $65,000 per year per institution bed. It costs the State and the Federal Government $26,000, on average, to provide a home waiver bed.

These numbers provide some sense of the huge cost savings which the American success story of Medicaid has made available to American people while at the same time enhancing the quality of lives of some of our most vulnerable fellow citizens. But even more impressive than the savings are the number of people whose families stayed together, at home, because of Medicaid.

Mr. President, that incredible effort at deinstitutionalization of the handicapped and helping them live at home or in home-like settings is a success story. And the name of that American success story is Medicaid.

Today, some 6 million disabled Americans are covered under Medicaid. I submit that there is a compelling national interest in assuring a humane quality of life for the disabled and the infirm. The nursing home standards, the Medicaid waiver programs, the spousal impoverishment provisions, these and so many more tools have helped to build a decent quality of life for persons who live at our mercy and their families.

Recently, Mr. President, I visited the Arnold Palmer Clinic at the Orlando Regional Medical Center. I was struck by the number of infants and toddlers who were developmentally delayed or disabled and that were being served at the Arnold Palmer Clinic. The directors of the clinic stressed that if you can bring therapy and treatment to those children from infancy to the age of 3, you can avert many of the problems that will otherwise occur in later life.

I was impressed with the results that I saw. What they are doing at the Arnold Palmer Clinic is writing a success story. And the name of that success story is Medicaid. Fully two-thirds of the children who were participating in the Arnold Palmer Clinic for handicapped and disabled children were being served under the Medicaid part H program.

Yet, the children, the disabled, the elderly, are not the only ones with a huge stake in the Medicaid debate. So often the debate on Medicaid has been dominated by doctors, hospitals, nursing homes, and those whom they serve. We forget how the mentally ill and those overcoming substance abuse problems will be affected by the pending proposal to cut $187 billion out of the projected needs for Medicaid over the next 7 years.

In fact, those will be some of the first to feel the pain, the first to be cut, because they do not have lobbies, Mr.

President, they do not have political action committees.

They do not have much political muscle. That statement is not a scare tactic. This is not a residue from Halloween, this is a fact.

Last year, when the State of Florida had to cut back on its Medicaid Program due to a State budget crisis, the mentally ill and their providers were the first to feel the sharp edge of the budget cutting knife. Children's mental health programs were cut, payments to providers were reduced, and this year the cutbacks are expected to be even more severe.

Has anyone on the Senate floor discussed how Medicaid funds the institutions for the mentally ill? Has anyone talked about how it is possible to cut costs in caring for persons who are found not guilty by reason of insanity or incompetent to proceed to trial? How do you cut costs here? Do you put them on the honor system? Do you cut back in security at the facilities?

Yes, Mr. President, it is a well-kept secret, but Medicaid helps to keep our streets safe. In Florida, a full $50 million in Federal dollars this year primarily through Medicaid goes to the residential and treatment service for forensic patients. In total, Medicaid covers 41 percent of the budget for State mental health programs. Let me repeat that, Mr. President, because I do not believe that many of our colleagues understand that fully 41 percent of the budget for State mental health programs is financed through a program that we are proposing to cut $187 billion from projected needs over the next 7 years.

In some States, the percentage is substantially higher than 41 percent, particularly in those States which have abused the disproportionate share of funding for hospitals.

Next week, I intend to talk in detail about the abuses that have occurred in the disproportionate share program. Believe it or not, we are about to reward the very abusers of the Medicaid system and even worse, Mr. President, to pay for those rewards by raiding the Social Security trust fund. That is what happened a week ago today.

Of course, because of the blind rush to pass sweeping changes in Medicaid without so much as a hearing, the U.S. Senate has not fully heard from the children who have been sexually abused and mentally scarred, children whose chance to have a normal life hinges on mental health services that are funded through Medicaid.

The Nation currently has over 300,000 children who have been abused while living in foster homes. So many of them receive little or no mental health services. The State of Florida has over 9,000 foster children and is in Federal court as a defendant because of the lack of mental health services for these children. It is not ironic that the Senate will maintain the entitlement status of its foster care title IV program while gutting the entitlement that helps foster children get mental health treatment. It is not ironic, it is schizophrenic.

We are saying to foster children that we will keep the entitlement that covers the cost of a roof over their heads, but we will no longer help them deal with the wounds of their heart. We are going to cut $187 billion and, of course, that means that mental health, AIDS, program for the handicapped are on the chopping block first. What a shame it would be to abdicate responsibilities to such populations where so many great strides have and are being made.

The Presiding Officer now represents the State of Mississippi, one of the States that participated in the program that I referred to earlier, the effort across the South to reduce infant mortality. I mentioned, Mr. President, that in my State of Florida when this effort began in 1985, we had a ratio of 11.3 stillbirths for every 1,000 live births, and today, largely because of the kind of initiatives that Medicaid has funded, that has been reduced in the State of Florida to 8.8 per 1,000. You might be interested, in the State of Mississippi, in 1985, the rate of infant mortality was 13.7 per 1,000 live births. Today, that has been reduced to 11.9, or a 13.1-percent reduction, in the period from 1985 to 1992.

That is illustrative of the kind of success stories that are attributable to the Federal-State partnership of Medicaid.

I say shame on the Governors of the States who are now cheerleading for the destruction of that partnership. I have a warning for them, or more accurately a proverb for them. The proverb goes as follows: Fish see the worm not the hook.

These Governors who are salivating, who are so anxious to gobble up block grants being proposed, will feel the hook when their economies stumble, when an epidemic strikes, when a natural disaster hits, when inflation creeps up again, or when their population grows. Worst of all, they will be held accountable in history for killing a program that actually had achieved its objectives and nurtured a national pride in providing basic health care for fragile and vulnerable citizens.

I have strained my eyes to see and my ears to hear the justification, the policy basis for the amount of $187 billion. What is the rationale? What is the health policy behind reducing this program $187 billion over the next 7 years, reducing it below what its current projections are that will be necessary in order to continue to provide health care to poor children, their mothers, the disabled, and the frail elderly?

The response to this is dim words and inaudible whispers. There is no answer to the question of what is the policy rationale behind the reduction in terms of health care for the American people.

Is it any wonder that millions of Americans, including this Senator, are left to conclude that the measuring stick being used for the $187 billion Medicaid cut is the width of the wallets that will be fattened by the tax cut, a cut taken in part out of the lives of working people and defenseless people?

To tout Medicaid's success is not to ignore its faults. There is work to be done to improve its accountability, to combat fraud and waste, and to monitor its growth in spending. Next week, I will talk about how we can achieve these objectives without discarding the Federal-State partnership that has helped to maintain this country as a Union of States and has helped to maintain a basic American value: That we care about all of our people; that we particularly care about poor children; that we particularly care about the health of the mothers of those poor children; that we particularly care about those who live in the shadows of life, the disabled, and the frail and elderly.

I have only skimmed through the pages of 30 years of the success story which is Medicaid. I urge my colleagues to think twice before closing this chapter of America's history. Medicaid has not been a failure, it has been a success. This success story needs to be told and retold from the healthy infant born to the frail elderly living in dignity; from the disabled adult to the handicapped child; from the abused child to the immunized child. These are the faces of the success story that is called Medicaid. These are the faces that are watching the Senate at this defining moment of American history.

EXHIBIT 1

[From "Hurting Real People: The Human Impact of Medicaid Cuts"]

FAMILIES WHO DEPEND ON MEDICAID'S LIFELINE

Here's a sampling of stories of people on Medicaid. For more names and numbers, call Greg Marchildon.

CALIFORNIA

Angela Mack, Los Osos, CA.—Angela, 43, was employed as a journalist until she suffered from a rare spinal cord disorder. She is now quadriplegic. For two years, she lived in a nursing home, but now she is able to get four hours of personal care paid by Medicaid per day and live at home. Medicaid pays this monthly cost of $1032, pays some of her prescriptions and pays the share of doctor bills not paid by Medicare. Angela receives $990 monthly in social security disability benefits and pays $350 of it as her share of medical costs. She is fortunate to live in HUD assisted housing. Still, when she finishes paying for medical supplies not covered by insurance, a high-fiber diet, and other necessary expenses, she ends the month with $0 to $2. Recently, she was notified that Medi-Cal will cover six prescriptions per month. Right now, she takes seven. Her monthly prescription bills total $185.

DELAWARE

Sharon and Bob Dudek, Delaware.—Before Medicaid came to their aid, Bob had to tell his sons they would not be able to play Little League. "[They] needed the money to help mommy feel better." Their mom, Sharon, has progressive Multiple Sclerosis and is bedridden. She is unable to care for herself, much less their two sons. Bob had to enroll the kids in day care so that he could continue working. He tried his best for a year to care for Sharon himself, but then he realized how much he was neglecting his children. He was also taking away from their futures. Their college funds were dwindling as were the rest of the family's funds. He asked Medicaid for help. Now Medicaid pays for a nurse's aide, nursing care, physical therapy, medical supplies and a hospital bed. This care would cost the Dudeks $34000 a month. Bob has employer health insurance that pays for Sharon's acute care. But he said that Medicaid has allowed him to keep his family together. Without it, he would not be able to keep Sharon at home and take care of his boys.

DISTRICT OF COLUMBIA

Millie Ross, Washington, DC.—Ms. Ross has high blood pressure, high cholesterol, ulcers, infective cysts and a problematic intestine. She had surgery on her left eye and her colon last year. The hospital bills helped her qualify for Medicaid under the medically needy program. She paid 50 cents for each of eight prescriptions. Her Medicaid coverage ended in March and she must now meet a new spend-down of over $1,000 to be covered. Meanwhile, her drugs cost over $200 a month. Her monthly income is only about $720. She has had to save money by limiting her food and drug purchases. She credits Medicaid for enabling her to buy more nutritious food when she was covered.

INDIANA

Argene Carson, Indianapolis, IN.—Argene, 80, has arthritis and has had cataract surgery. Without Medicaid, her costs would be astronomical for the drugs and the supplies necessary to properly care for herself. Medicaid allows her to have a home nurse and the funds to pay for specialized equipment. With this kind of assistance, she can live at home and remain independent.

KANSAS

Inez Williams, Kansas City, KS.—Inez, 62, worked hard running a day care center before she became ill in 1991 from heart disease and high blood pressure. Her medical treatment quickly totalled $150,000 and she had to rely on getting Medicaid to pay her bills. She had an artery transplant and a throat operation last year. She had to pay $25 copayments for each of these treatments, which was already a stretch on her family's $500 monthly income. If she had been required to pay more, she would not have been able to get the lifesaving treatment she needed.

LOUISIANA

Denise and John Oehlerts, Baton Rouge, LA.—Denise learned that she was pregnant when her husband was in a masters program in landscape architecture at LSU. Denise was working as a floral designer, but did not receive health benefits and they had a very low income. Their small income qualified them for Medicaid and allowed them to receive the prenatal care necessary to have a healthy child. Their baby, Katie, is covered by Medicaid until October, when the Oehlerts must reapply for coverage. John is now a part-time student and works full time in a landscape architecture firm. Denise still works full time as a floral designer. Neither of their jobs offers health insurance.

Karen, Dan and Alison Higginbotham, Opelousas, LA.—Alison is seven years old, but functions like an 18-month-old child. She has physical and mental disabilities from a rare seizure disorder called infantile spasms. She cannot attend to her personal needs and she cannot speak. She uses a wheelchair to travel any distance. Alison needs physical, occupational, and speech therapy every week. Her care would total $30,000 a year in doctor and therapy fees. Medicaid covers the expenses of her specialists and treatments as well as her specialized equipment. Karen also gets respite and personal care assistance through a home and community based waiver. At first, Danny's company health insurance was paying for part of Alison's care and Medicaid was paying the rest. Danny was earning $23,000 a year until he was let go by the company without any explanation. Danny has found another job and is making $19,000 a year, but the company does not offer health benefits. Medicaid covers most of Alison's expenses.

MARYLAND

Emily Holloway, Baltimore, MD.—Ms. Holloway, 73, was a history teacher and a counselor, but retired without a pension. She now receives only Social Security and SSI. Her monthly income is $478. Though she has been relatively healthy, Medicaid pays for two or three prescriptions, yearly checkups and flu shots that Ms. Holloway could not otherwise afford. A recent biopsy showed potentially scary results. Ms. Holloway is thankful that Medicaid will pay for further testing and treatment.

Bill Mauer, son of Leopoldini Mauer, Bowie, MD.—Mr. and Mrs. Mauer saved over $70,000 during their working careers. Mr. Mauer was a head waiter and Mrs. Mauer worked part time in school cafeterias. They lived modestly, and invested in stocks and land. Sixteen years after her husband's death, a series of ministrokes left Mrs. Mauer with dementia and she went to live with her son's family. Then she fell and fractured her hip. She was admitted to a hospital and then to a nursing home in 1992. Medicare paid for the first two weeks of care. After that, all of Mrs. Mauer's life savings went to pay for the nursing home. Now she has $2,500 remaining. She contributes her monthly social security check to the nursing home. Without Medicaid, she would not be able to pay the remaining cost of her nursing home care, which is over $3,400 a month.

MISSOURI

Katherine Williams, Kansas City, MO.—Katherine, 42, is legally blind and has asthma. Her esophagus is closed and she can only drink fluids and small amounts of food. She hasn't seen a doctor in three months because she knows he will tell her she has to have surgery, but she can't afford it. She has been trying to get Social Security for two years and she still hasn't been given an official decision. Medicaid pays for her doctor appointments and medicine.

OHIO

Melvin and Toi Patrick, Columbus, Ohio.—Melvin and Toi have six children, three of whom have asthma. They have some health insurance through Melvin's company, the Central Ohio Transit Authority. However, the children's asthma is considered a pre-existing condition and care for that ailment is not covered. The children's medical care, including hospital stays, daily medications and treatment, costs thousands of dollars each year. "Had it not been for Medicaid," Toi said, "the high costs of my children's health care would have bled us dry. Medicaid assistance has enabled us to remain financially independent."

Yvette Elkins, Columbus, OH.—After giving birth to her first child, Yvette stopped working to stay home with her baby. Shortly after she resigned, she learned that she was pregnant again. Soon after, her husband left her and the baby. For the first time in her life, Yvette began receiving welfare. Two weeks after her second child was born, Yvette began interviewing for full-time jobs. She depended on Medicaid to bridge the gap between homelessness and gainful employment. Medicaid paid for prescription drugs, doctor visits, and emergency visits; all critical services since Yvette's younger child suffers from chronic ear infections. Transitional Medicaid allowed Yvette to catch up on back bills and advance far enough to obtain a job that offers benefits.

PENNSYLVANIA

Lester Thomas, Philadelphia, PA.—Lester thought that everyone had insurance and only lazy people were unemployed—until he was laid off and left without insurance. The computer cabinet manufacturing company to which he had devoted 17 years of his life, went out of business. Lester was left to provide for his wife and daughter with no income and no medical coverage. Six months before the layoff, Lester had been diagnosed with diabetes. His wife has chronic sinusitis that requires almost $200 a month in prescription drugs. His daughter has occasional sinusitis. After some time and some guidance from the Philadelphia Unemployment Project, Lester got his medical assistance card. Medicaid covered his family for the next 14 months while Lester looked for another job. He found employment with Paper Manufacturers in Pennsylvania, until that business had to downsize. Lester was let go once more. He went back on Medicaid for nine months until he got a new job.

SOUTH DAKOTA

Jackie Nies, Draper, SD.—Jackie's father has Alzheimer's disease. She and her brother worked very hard to care for him and help him live at home for almost four years. But when he started to show up at his son's home for breakfast about 15 times a day, and would scorch pans because he left the stove on all night, they realized that it was not safe for him to live at home any more. He needed round-the-clock care so he wouldn't wander off or injure himself. Nursing home costs in South Dakota are very expensive. The home Jackie chose for her dad costs $23,000 a year. In a few short years, she and her brother had spent more than $65,000 on their dad's care. Their families had nothing left. For two years now, Medicaid has paid the nursing home fees that her dad's Social Security checks won't cover. Jackie and her brother can now rest a little easier because they know their dad's getting good care, and their families won't have to face total financial devastation.

TENNESSEE

Donna Guyton, Nashville, TN.—A mosquito bite is generally irritating, but hardly ever life-threatening. After a fateful family vacation to Michigan in 1990, Donna's son, Patrick, contracted viral encephalitis, possibly from a mosquito bite. He was hospitalized for three and a half months and suffered from severe seizures. He eventually had to be placed in a drug-induced coma. Until September of 1991, he was covered under his father's health insurance. Then his father's company was bought out, and when they reenlisted in the plan, Patrick was not covered. Patrick was covered by COBRA for 29 months and in November 1992, he was enrolled in the Medicaid Model Waiver Program. Patrick then enrolled in Vanderbilt

HMO so that he could receive care from the specialists he needed. But Vanderbilt's medical director consistently denied the care that the specialists requested. As a result of poor attention and insufficient medication, Patrick has been out of school for eight months and has had other health emotional problems.

TEXAS

Peggy Sackett, Austin, TX.—Peggy 36, got freon gas poisoning while working through a temp agency. She now has Respiratory Airway Dysfunction Syndrome (RADS) and is totally disabled. Her husband works for SAM's Club and their health insurance company considers Peggy too high of a risk. She is insured through her previous company, but only for the next two years and she is only covered for problems relating to her lung injury. They almost lost the house paying for medical bills while trying to support two children. She is not able to work anymore so they are supporting the household on one income. She is on Medicaid and Medicare.

Doris Brisson, Mesquite, TX.—Doris is only able to pay for two of the four medications her doctor prescribed for her. She is a low-income widow and received SSI and Medicaid until she was 62, when she started collecting her late husband's social security. She then lost her SSI. She does qualify for the QMB benefits, but that does not cover her drug costs. Right now she can only afford to pay for arthritis and high blood pressure medication. She goes without the anti-depressants and the stomach medications her doctor prescribed.

VIRGINIA

Edna Faris, Alexandria, VA.—Mrs. Faris is 76 years old. Her husband, Wilson, worked hard most of his life. After he served his country in the Navy, he spent 23 years working as a science teacher during the day, and at a supermarket in the evening. In 1990, Mr. Faris was diagnosed with Alzheimer's disease. Mrs. Faris took care of her husband at home for three years, feeding, dressing and bathing him. His condition progressively worsened, until he became combative, and Mrs. Faris was forced to place him in a nursing home. The Farises did not have anywhere near the $48,000 yearly fee for a nursing home, so Mrs. Faris applied for Medicaid. Now Medicaid picks up most of the nursing home's tab, and allows Mrs. Faris to keep a portion of her small income to live on.

WASHINGTON

Vicki and Sean Russell, Lynnwood, WA.—Sean, 4, has a-gamma globulin anemia, an immune deficiency. In order for Sean to live, he must get infusions of gammamune into his bloodstream every three weeks. Each infusion cost about $800. Sean was insured through his father's Blue Cross/Blue Shield plan, but when his parents were separating, his father stopped paying the premiums. Vicki works part time as an administrative assistant at a law firm and as a beauty consultant—neither job offers health benefits. The only way Vicki can afford Sean's lifesaving treatment is through Medicaid. Sean has been on Medicaid since last August.

WEST VIRGINIA

Joyce and Amy Altizer, Huntington, WV.—Joyce's daughter, Amy, now 20, suffers from a multiple congenital anomaly which has left her severely mentally retarded. She has lost 70 percent of her hearing, she has a seizure disorder as well as behavioral problems. Through the Medicaid Home and Community Based Waiver Program, Any receives case management therapy, day and residential habilitation, and medical care. Her family gets respite care so they can spend time with Amy's sister and do other things typical families take for granted. Amy has also learned to be more independent with therapy.

WISCONSIN

Nathan and Hannah Iverson, Plum City, WI.—Nathan, age three, and Hannah, age five, both receive well-child visits, immunizations, treatment of ear infections and bronchitis, and prescription medicines through Medicaid. Nathan has a speech disorder. The area of his brain which controls his mouth is not fully developed. Medicaid covers his speech therapy, and, with this help, Nathan has just started to speak. Mr. and Mrs. Iverson are farmers. They have had trouble finding private insurance for their family due to Nathan's problems. They have only been able to purchase limited family coverage with a $3,000 deductible. Their policy would help pay expenses for a serious accident or illness, but is not useful for routine health care, nor for Nathan's therapy. The Iversons live modestly. Their farm income is about $12,000 per year. Because the Iverson's income is close to the poverty line, the children qualify for Medicaid.

[From the Long-Term Care Campaign]

THE FACES OF MEDICAID

Claudia and Harvey, Council Bluffs, IA.

A family struggles to pay for nursing home care.—Harvey began exhibiting the symptoms of Alzheimer's disease in his mid-50s. He lost his job as a credit manager, and tried to find work he could still handle, working as a janitor at Creighton Unviersity for a while. But eventually, Alzheimer's caught up with him, and for the past 7 years, he has lived in a nursing home. After years worlding in department stores, Claudia had just opened her own small women's clothing store. But when the bills for Harvey's care began to come in, she had to give that up. Within two years, they used all of their savings to pay over $80,000 in nursing home bills: and Harvey now qualifies for Medicaid. Most of his social security check—$755 a month—still goes to the nursing home. (Medicaid picks up the balance.) Claudia gets $253 Harvey's check, under spousal improverishment rules. She works in a local department store to get enough money to make the house payments, pay for insurance, utilities and food. As she says, she goes from pay day to pay day, never knowing for sure whether there will be enough to make ends meet. (Claudia is starting a new job with a new store that is just opening. It means a slight increase in her salary, but she will not have any more money because the amount she is allowed to keep from Harvey's check will be reduced—and that will go to the nursing home.) Harvey's nursing home now costs over $3,000 a month. They have no way to pay that bill without Medicaid.

David, New London, NH.

Medicaid allows a young man to work and live independently.—David is a 30 year old man who lives independently and works three days a week at the Granite State Independent Living Foundation as a Public Information Coordinator. In 1990 when he was a college student, David had an accident that left him a quadriplegic. After a three month hospital stay and another three months of rehabilitation, David was ready to continue with his life. Medicaid home and community-based services allows David to do just that. Medicaid paid for the purchase of an electric wheelchair which enables David to be mobile and independent. Medicaid pays for the Personal Care Attendants who assist David in his home daily. PCA services are provided eight hours a day and they help David bathe, dress, transfer, prepare food, do laundry and work on range of motion exercises. David's employer provides health insurance coverage, but the policy does not include the long term services and supports David needs to live independently and work in the community. Medicaid has made it possible for David to rent his own place and work several days a week at a job he enjoys.

Bob and Sharon, Wilmington, DE.

A family struggles to keep their mother at home.—Bob and Sharon met at the Rochester Institute of Technology, married and moved to Wilmington in 1981 when Bob went to work for DuPont. Sharon was stricken with multiple sclerosis in 1983 while she was pregnant with her second son, Matthew. Though bedridden for two years, Sharon fought back, even re-qualifiying for her driver's license. In 1988, her condition deteriorated rapidly and she became completely disabled. She cannot talk and communicates only by signaling "yes" or "no" with her eyes. She eats and takes medication through a tube in her stomach and is bedridden 24 hours a day. Sharon's two sons, Matthew and Mark help their dad care for her. Medicaid home care allows her to live with her family, providing the care that allows her to stay out of a nursing home. Bob says, "My objective is to keep my wife and family together for as long as possible. . . . Cuts in Medicaid would force us to put her into a nursing home."

Elaine and Stewart, Central Michigan.

A family spends everything they have and Medicaid provides a safety net.—Stewart spent 17 years in a small law practice, then was ordained a Lutheran minister and spent the next 25 years as a pastor. He and Elaine raised their children and saved for their retirement. Then Stewart got Alzheimer's disease. Elaine cared for him at home as long as she could, but she became ill and simply couldn't provide all the care he needed. When Stewart finally had to move to a nursing home, Medicare was no help because the kind of care he needed was considered "custodial". Elaine liquidated every asset they had—life insurance, savings, IRAs—and spent it to pay for his care. Finally, she spent everything except the $17,000 Michigan allows her to keep under spousal impoverishment rules. Elaine now spends half of her remaining income on her share of the nursing home bill; Medicaid pays the balance. This leaves her with about $1,200 a month to live on. With nursing home expenses running $100 a day, even if Elaine spent every penny she had left, she would not have enough to pay the bill without help from Medicaid. Bringing Stewart home again is not an option—Elaine is just not strong enough to provide the round-the-clock attention and physical care he requires.

Louise and Stewart, Pinellas Park, FL.

Home and community-based services allows a husband to keep his wife out of a nursing home.—Stewart has been a caregiver for his wife Louise for eight years. For seven of the past eight years, Louise has been able to remain at home with her husband with the help of Medicaid home and community-based services. When she first received services in 1988, she was unable to walk and communication was difficult—consisting of an occasional word or sentence. Louise needed assistance with all activities of daily living and instrumental activities of daily living. Today, Louise is bedbound. She can no longer speak and must be fed. Though working hard to provide care for Louise, Stewart has health problems of his own, including prostate cancer and an injured back which prevents him from doing any lifting. Because of these problems, Stewart is unable to give Louise all the care that she needs. But the home and community-based services Louise receives has allowed her to remain at home. An aide comes to their home for two hours a day, five days a week to give Louise a bath, feed her and change the bed. During these two hours a day, Stewart is able to run errands, go to the grocery store, and attend a support group. The long term care services Louise receives at home costs $9,224 a year. Without these services, Stewart would have no other option than to place Louise in a nursing home. He says "I feel secure knowing Louise is getting the best of care." Several weeks ago, Stewart spilled hot grease on his right hand. He did not request additional services because he doesn't want to use any more than he absolutely needs.

Mary, Rogue River, OR.

A woman receives long term care at home and doesn't need to be institutionalized.—Mary is living at home with her husband and is able to visit with her grandchildren and friends on a regular basis in spite of physical problems which would have otherwise confined her to a nursing facility years ago. For four decades Mary has suffered from severe arthritis and several years ago her activities were curtailed even further because she had a stroke. Her health problems also include diabetes, edema, and depression. Mary needs assistance with bathing, transferring, mobility, meal preparation, medication management, and transportation. Until recently, her husband provided all this care that she needs. Three years ago, because he found it difficult to keep up with the physical demands of providing care as he got older, Mary's husband enlisted the help of a in-home aide for 26 hours per month. The aid helps with bathing, medication management and meals. The state pays $144.56 per month for this home-based long term care. The family's only source of income is Social Security. Medicaid pays for all Mary's medications. Without Medicaid supplementing her husband's care, Mary would need to be in a nursing home.

Jonathan, Debra and Doug, Lakeview, IA.

Medicaid allows a family to keep their child with special needs at home.—Twelve year old Jonathan attends fifth grade in a public school hopes to join a junior bowling league next year. But Jonathan has severe cerebral palsy and developmental disabilities. Jonathan began receiving Medicaid at the age of two because of his severe disabilities. He has undergone four surgeries and hundreds of medical appointments. His disability will require ongoing medical treatment and the use of customized durable medical equipment and assistive technology. Medicaid pays for his electric wheelchair so he can go to school and get around. Jonathan's family provides the care he needs with the help of Medicaid which provides thirty hours a month of supported community living. These hours help Jon become more independent in the community by helping him with mobility, money management and other skills. "It's far cheaper to raise a child with a disability in their home than it is to institutionalize a child. Plus it just is better for families and better for communities," says his mother Debra. "I think my biggest fear is that they'll cut back on services or tighten guidelines on how much they'll pay on a piece of equipment."

Dana, Chicago Heights, IL.

Medicaid helps a woman care for her sister who has mental retardation.—Dana and her sister have lived together for the last 30 years. Dana has partial paralysis on her left side and mental retardation; she requires assistance with personal care, housekeeping, laundry, shopping, errands, and meal preparation. Dana's sister, along with her nephew, and in partnership with Medicaid, has provided that care for the last thirty years, keeping Dana out of an institution. Her sister is limited in her ability to care for Dana due to health problems of her own. Dana's income is about $275 a month from Social Security, and another $145 a month from SSI. At the same time, she pays about $50 for her medications. Dana, Dana's sister, and even Dana's nephew have all pitched in to try and make things work. But without Medicaid, Dana would be forced into an institution—and Dana's sister would face the difficult task of placing her in that institution.

Fredda, Salt Lake City, UT.

A blind woman struggles to remain in the community.—Fredda is a 68 year old woman who has diabetes. She is legally blind, hypertensive, has chronic heart failure and joint disease—and is firmly determined to maintain her independence. An educated woman, books have long been an important part of her life, and the loss of her ability to read was traumatic. In response, Fredda soon became connected to the library system's book-on-tape program. But as much as Fredda values her independence and her ability to live on her own, she could not make it without Medicaid. Her income is a mere $500 a month, and conditions make it impossible to make it alone. Medicaid helps her pay for prescriptions and also provides needed services. An aide helps her with her bathing, housekeeping, and runs basic errands for her. Fredda lives alone and thrives on her independence. Medicaid helps make that happen.

Betty and Howard, Paducah, KY.

Medicaid helps a wife keep her husband at home.—Betty and Howard married 35 years ago. Betty was in the WAVES in World War II, then came back to a job in their County Court House, from which she is now retired. Howard started as a farmer, sold cars, and finally worked as a guard for a private security force. Neither of them ever had high paying jobs, but they paid off their mortgage and saved what they could for their retirement. Now, at the age of 71, Betty provides round-the-clock care for Howard, age 79, who has Parkinson's and Alzheimer's disease, diabetes, and congestive heart failure. They live on their combined retirement income of less than $1,000 a month. After spending down their savings to spousal impoverishment levels, Howard now qualifies for Medicaid waiver services. That gives them about $150 worth of help a week—Howard goes to a day care center for 4 hours two days a week, and Betty gets help with him at home for another 6-8 hours a week. This is the only time she has for uninterrupted sleep, to shop for groceries and Howard's diapers and medications, or to take care of herself. Betty and Howard do not have children. Their three siblings are all in their 70's and 80's and have their own health problems. With help from Medicaid, Berry is managing enough time to keep herself reasonably healthy and to keep Howard at home. Without these services, Betty says, both she and Howard would quickly end up in a nursing home (with no money to pay the bill).

The PRESIDING OFFICER (Mr. COCHRAN). The time of the Senator from Florida has expired. Can the Senator suggest the absence of a quorum?

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAPANESE BANKS

Mr. FAIRCLOTH. Mr. President, yesterday, it was announced that a Japanese bank, Daiwa, will be closed in the United States and charged with fraud and conspiracy for hiding over $1 billion in losses.

The Federal Reserve has done the right thing on this issue—closing down a fraudulent bank. But of greater concern, however, is that the Federal Reserve has announced it will bail out Japanese banks in the United States should they suffer a short-term money crisis. The plan was put into place and finalized in September, but only recently was it announced to the public.

Mr. President, I think it is very important that the United States not become the lender of last resort for every country in the world, and we are rapidly moving ourselves in that direction. First, it was Mexico, and now it is Japan. Who is next around the world? Once you open this door, it is going to be extremely difficult to close. And we are opening it.

Further, if we cannot get our own budget affairs in order and our deficit under control, who will bail us out? Particularly with this President, we are getting very little cooperation from the White House in our efforts to get the budget in balance in a timely fashion.

Mr. President, everyone is well aware that Japanese banks are having extreme financial problems. News accounts indicate that Japan's 21 largest banks have $136 billion in nonperforming loans. Some have even estimated, and probably more correctly, that this figure could be as high as $400 to $600 billion in bad loans.

This is why I was concerned and dismayed that the Federal Reserve has under consideration a plan to meet the short-term credit needs of Japanese banks here in this country with the amount of problems they have in Japan.

The Fed has assured us any loans to the Japanese banks will be fully securitized with U.S. Treasury securities. But this totally misses the point and is beside the point. The principle should never be established that the United States is responsible for meeting the credit needs of foreign banks. This is a responsibility of the Japanese Minister of Finance. I repeat, we should never get in the position and start the precedent of bailing out banks around the country.

I might add that the Japanese Minister of Finance was aware of the Daiwa scandal for 6 weeks before it informed our own Federal Reserve Board. This is their financial problem, not our financial problem. I do not seem to recall any offer from the Japanese to help rescue our savings and loans.

Domestic bailouts are bad enough. It is bad enough that the U.S. taxpayers had to put up, pay for $100 billion to correct the savings and loan crisis. It was bad enough when our own banks were in trouble and the U.S. Treasury had to increase the FDIC's line of credit from $5 billion to $30 billion to support the banking industry.

Now, in a new twist, we have embarked on international rescues. What would compel anyone in this Government to think it is the role of the United States to rescue overseas banks?

This year we loaned $12.5 billion to Mexico. The money came from the Exchange Stabilization Fund, a fund used to help maintain the value of U.S. currency. A good part of that fund has been used in Mexico.

The United States taxpayers may have to and probably will have to replenish this fund if Mexico does not pay its loan back. We have had the first indication that they will not pay or will be slow paying because they have had to roll over one loan four times already.

The President did all this on his own. The President did all this without congressional approval. Now comes this new plan without any congressional approval input in any way to rescue Japanese banks.

Mr. President, this whole policy needs to be examined by the Congress. We have to make clear that we are not the world's banker. We have to make it clear to the world that we are not the lender of last resort. We cannot be the lender of last resort.

I strongly urge the Federal Reserve to cancel any plan it has to engage in this bailout.

Financial bailouts with tax dollars have to stop, and it is the responsibility of the Congress to stop it. Moreover, I cannot think of a less worthy use of tax dollars than bailing out foreign banks, particularly Japanese banks, when Japan has a positive trade balance of over $100 billion.

Mr. President, since 1980 we have spent $4 trillion we did not have. We have borrowed and borrowed. Soon, we will raise the limit to $5 trillion. We cannot afford to continue spending this way. This is the first place I think we should stop it—in bailing out foreign banks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. KERREY. Mr. President, yesterday's long-awaited testimony by Speaker Newt Gingrich on the subject of campaign finance reform was, to say the least, disappointing for me. I hope it does not represent a roadblock in the path of needed legislation to reform our campaign finance system in a fashion that does give citizens the sense that they have more power or control over the political process then they currently do.

It seems to me, the top of the list of items I would put on an agenda of things needed to be done in order to restore people's confidence in democracy would be to change our laws that govern campaigns for election either to the U.S. Senate or to the U.S. House of Representatives.

We had legislation. I actually did not support the legislation last year because I thought it created a new, publicly funded entitlement, and I did not like that. We had legislation last year that came close. The now-majority leader has indicated he believes it is a top priority. A lot of us talk about campaign finance reform. We always get right to the end and we say, "Yes, I am for campaign finance reform, but there is something about this proposal I do not like," and there is always a good excuse not to do it.

The decision I made earlier this week was, in part, a response to that. I am the chairman of the Democratic Senatorial Campaign Committee, a legal organization—there is a Republican counterpart as well—that is designed to go out and find candidates and support candidates for office. It is a later subject, as to whether or not those committees themselves ought to be part of campaign finance reform. I certainly would like to see them as part of it. There is something unsavory about going out and campaigning against people you are working with all the time. But, as I said, I will leave that for a later discussion.

I, this week, endorsed and became a cosponsor of a piece of legislation that has been developed by Senator McCain of Arizona and Senator Feingold of Wisconsin, as well as Senator Thompson of Tennessee, Senator Simpson of Wyoming, and a number of others. It has a bipartisan group of people in the House of Representatives who are supporting it as well. Not just to say I support this legislation. There are changes I want to make in the legislation, particularly as it relates to smaller States such as mine, that I think might not be positively affected by this. What it represents is an effort to say to Republicans: Look, on this issue we have to, at some level, set down our political party concerns and embrace legislative change that will, perhaps, increase the risk to us as incumbents. It seems to me at the end of the day that becomes one of the most important risks that personally one factors in, when thinking about whether or not to support a particular piece of legislation.

I feel strongly we cannot continue to give the American people an excuse as to why we cannot do it. It seems to me that is what we always do. We say, "I am for campaign finance reform, but * * *." That is what I did last year. I do not want to do it this year. I want to be able to stand here as a Democrat with Senator McCain, a Republican, Senator Thompson, a Republican, Senator Simpson, a Republican, and vote for final passage of legislation that has an opportunity of being conferenced with the House bill, if not in this calendar year certainly in this session of this Congress. I find, in the Speaker's recommendation, some things I simply cannot support. He is recommending a 16-member commission on power and political reform in the information age.

It goes on. There is an article here I am holding that says, in typical expansive, characteristically expansive fashion, he urges all of us, if we really want to understand campaign finance reform and get to the heart of the matter, he urges all of us "to study ancient Greece and Rome, pre-Civil War United States and the words of Thomas Jefferson, James Madison, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, and Henry Cabot Lodge."

Mr. President, I have read most of those. I have been educated far more on these matters listening to the distinguished Senator from West Virginia, I must point out, than almost any other speaker on this floor. We have, it seems to me, not a shortage of historical information. What we have is a shortage of will to vote for something that might put our own political careers at risk.

I would object personally to being told that what I have to do is what the Speaker is recommending—that we are going to have a 16-member commission. They are going to decide. If two-thirds of them vote for a specific proposal, then we have to vote for it up or down. That is a recipe, it seems to me, that on the one hand we are saying we are not going to get involved—Senator McCain, Senator Feingold, Senator Thompson, Senator Simpson, myself, and Senator Dodd, and many others of us are saying it is time for us to enact legislation that we can reach agreement on. I reject that premise on the one hand. On the other hand, what it calls for is another delay. This commission is supposed to make its report on the 1st of May of next year. That will, in my judgment, likely cause us to not be able to enact legislation.

Second, I must say with respect to the Speaker's proposal that he has broadened this thing to a point where it is almost a self-defeating mission. By broadening it, I mean he wants to include not just campaign finance reform but the power of private sector individuals in the information age. Specifically, he references in here and compares in here, a multi-millionaire broadcaster on ABC News being given tremendous access to the American people. That individual does not represent political power; whereas, the thousand-dollar contribution being written by the broadcaster's spouse does. Then he says—and I must say, in his typically characteristic way, only the Speaker seems to be able to come up with these sorts of phrases—"This is simply a nonsensical, socialist analysis based on hatred of the free enterprise system."

Anybody that does not see it the way the Speaker sees it hates the free enterprise system and is a socialist. Interesting argument. I will leave it to somebody else to figure that one out.

Mr. President, the Speaker knows quite well that there are many free enterprise organizations that give you—for example, Rupert Murdoch put $10 million into a magazine called American Standard. He has a political orientation there. We do not restrict that activity. I hope the Speaker is not suggesting that we get into that kind of activity because it is a self-defeating mission, if that is what we are going to do. He may not like the views of somebody on television, or somebody writing an editorial page, or something like that. But, for gosh sakes, that is not the issue.

The issue is people who decide to run for office. Once we get to office, we have power that a challenger does not have. Specifically, in my own case in the last Senate reelection campaign, I started off the campaign with nearly 100 percent name recognition. Anybody who wants to challenge me will have to spend $1 million, let us say, on the TV just to get their name up as a credible candidate. That really is a hurdle that an individual has to be able to get over if they are going to be competitive against an incumbent.

So the legislation that Senator MCCAIN and Senator FEINGOLD have put together—the reason, it seems to me, that it has merit—deals with this problem of financing head on. The Speaker, on the other hand, says—it is a remarkable headline. I cannot remember exactly. I cannot see the print. I did not bring my glasses. But he said something to the effect that there is a great myth going on in the country today that we spend too much on campaigns. That is a myth? I think he is maybe the only person in America who has discovered that is a myth, that we spend too much. That we do not spend too much is the Speaker's view. He says it is not that we spend too much, but that we do not spend enough. What we need, instead of $4 million Senate races in Nebraska, are $8 million Senate races.

Mr. DODD. Mr. President, if my colleague will yield, I have my glasses on. I was very excited to hear my colleague from Nebraska over here, so I decided to join him.

The quote here is, rather than limit campaign spending, GINGRICH said, "One of the greatest myths in modern politics is that campaigns are too expensive. The political process, in fact, is not overfunded but underfunded."

So that quote in that particular instance is one of the great myths I have ever heard about. I do not know about the Speaker, but I can tell you as someone who has been through seven elections, that for the average Senate race, either Republican or Democrat, candidates must raise $12,000 a week every week for 6 years to meet the cost of the average Senate campaign in the United States. If the Speaker thinks that is underfunded, then he lives on a different planet than I do.

One of the problems is too many Members spending too much time—way too much time—out there raising the money, sitting down with the people who can raise and give them the kind of resources necessary. I promise you, if we continue on the path we are going, it is going to destroy this process in this country. It has to stop.

Mr. KERREY. Mr. President, I appreciate that comment. I would like to ask the Senator from Connecticut, he is the chairman of the Democratic National Committee, and when we earlier this week endorsed what is genuinely a bipartisan bill where at the moment there are at least more Republicans on it than Democrats—what we are trying to do is get Chairman Barbour and Chairman D'AMATO, not necessarily because they like every detail. I do not like every detail in the bill, nor does the distinguished Senator from Connecticut like it. But to say we know—I think Chairman Barbour knows and Chairman D'AMATO knows. They are out there a lot with the people making contact with citizens, and citizens are saying loud and clear to us, "Change this electoral system. Change it so that we feel like we have more power, more control, and more opportunity to participate."

One of the things that I hope comes out of this is, rather than this just being a couple of Democrats coming down to the floor of the Senate, I am not trying to seek partisan advantage as a consequence of what Speaker GINGRICH says. I am not going after Chairman Barbour or any Republicans down here at all. Indeed, quite the opposite. I am praising Republican leadership in recognizing, as Senator MCCAIN has, and Senator THOMPSON and Senator SIMPSON have, that this process has to change. I am hopeful that leadership of our parties can say to the American people, "OK, we are going to put our swords down. We are going to stop cranking the fax machine for a while, and we are going to let the legislative process work."

The Members of the Senate and the House go home over the weekends. They know what is going on. You ask at the townhall meeting for a show of hands for how many favor limiting campaign spending and for reform of the process. If it is an audience of 100, you will get 100 hands. If you ask the audience how many think we do not spend enough in political campaigns, not a single hand will go up, unless somebody owns a television station and wants to spend more money or something like that.

I really believe that we know. I doubt that there is a single Member of this body who would say that the campaign laws ought to stay the same as they are. My guess is 100 out of 100 know this thing ought to change.

I hopeful, at least on this issue, that we can stop being partisan for a moment and be Americans instead and pass legislation that the American people are saying is a top priority for them.

Mr. DODD. If my colleague will yield, I want to underscore, Mr. President, what the Senator from Nebraska has said today with his leadership on this issue. The author of the legislation that the Senator from Nebraska and I are speaking about is our colleague from Arizona, Senator MCCAIN. And in the House of Representatives, similar legislation is sponsored Representative LINDA SMITH, who I gather is a freshman Member of the House—I do not know her personally, and I do not know if we have ever met. CHRISTOPHER SHAYS, a House Republican Member and a colleague of mine from the State of Connecticut whom I know, is another sponsor of the House legislation. To suggest that what we are doing is somehow partisan, is to belie the facts. I have been a strong supporter, as my colleague has, for years on campaign finance reform.

What we see with this legislation being offered by our colleagues from Arizona—and Washington and Connecticut in the House—is an opportunity to get beyond the partisanship; and, that is, to join together here, Republicans and Democrats who believe that despite whatever differences we may have on other issues and on this issue of trying to slow down and limit the proliferation of money in these campaigns, it is a worthy cause.

Whatever other differences we may have on this issue, we ought to be able to come together. By supporting a bipartisan piece of legislation, we can achieve it. How anyone can believe what the Speaker says—I read what the Speaker says here, and I quote him:

> I would guess that over half of the money I raise is spent offsetting the weight of the Atlanta Journal-Constitution.

Half the money is spent running against a newspaper in Georgia. The last time I heard, my opponent was not the newspaper. I normally end up with someone on the other side I debate with and face.

So now let me see if I understand this. We raise this much money because we have to take on our local newspapers and radio stations? That is ludicrous, Mr. President, absolutely ludicrous to make that case, for the Speaker of the House to make the case, that we need to spend more money so we can take on the media.

That is what this is about. I have never heard that argument before. I have heard other arguments about why we do not want to limit campaign expense, but never the suggestion that somehow we have to do it in order to beat back our local newspaper and columnists.

Mr. KERREY. If the Senator will yield on that one point, I find it rather ironic; Speaker NEWT GINGRICH at the start of the session made Rush Limbaugh an honorary Member of Congress, so apparently if the views line up with your views——

Mr. DODD. It is OK.

Mr. KERREY. You make them an honorary Member. I would say it is more than just ironic that the Speaker, on the one hand, is willing to make Rush Limbaugh an honorary Member of Congress because he believes that he and talk radio have been enormously helpful, but the Atlanta-Constitution is an enemy.

The Senator from Connecticut is lucky; he has Bob Shrepf in that State so he does not have that problem. There have been many views expressed by media highly critical of the Senator from Nebraska. I think they have been wrong, almost never justified. Always some outrage boils up inside of me, and I have said, "This is not fair."

Well, that is free speech. It is fair. That is the press. I walked into the arena, and I should not look for somebody to blame for the problems I have. It seems to me the American people have said overwhelmingly—I do not know about Connecticut but in Nebraska over and over they say to me, "We're sick of all that money." I had trouble in 1994 getting people excited about my campaign because very often they would say to me, "We give too darned much money. We are sick of it. We are tired of seeing these 30-second ads over and over. We get sick of your face. We would like to have a race that is a bit more on the issues, a bit more opportunity for people to become competitive."

I can think of 100 reasons why not to vote for campaign finance reform. I have a lot of reasons why I would not want to vote for it, and they are all good. I do not like public finance. I do not like this. I do not like limits. There are all kinds of reasons why I would not want to support it. But it seems to me one of the dominant things that occurs is, gee, is this going to hurt the Democratic Party or is this going to hurt the Republican Party or is this going to hurt me as an incumbent? I think we are hurting democracy the longer we wait to change this political system so the American people feel they do have more power, more control, and more opportunity to participate.

Mr. DODD. Mr. President, I just want to echo the comments made by my colleague from Nebraska. As I mentioned a moment ago, we are all too familiar with the cost of these campaigns, the ever-increasing costs. To give you an idea, 20 years ago, the most expensive race statewide ever in the history of Connecticut was when Ella Grasso ran for Governor; she spent about $400,000 in a statewide race. I am told that in 1998, should I seek reelection, the cost of a competitive race in my State, given the price of New York media, Boston media, my own State media, would hover somewhere between $4.5 and $6 million. That is in 20 years.

That is the average cost, by the way, nationwide, taking California on the one hand, the extreme case, because of the size of that State and on the other hand a State I suppose like Rhode Island. Or maybe that is not a good example—maybe a smaller State in population, Montana, Idaho, whatever it may be—the average cost is roughly $4.5 to $5 million.

That means the average Senator would have to be raising $12,000 a week every week for 6 years—from the day they arrive and are sworn in in the Chamber of this Senate, from that day forward, $12,000 a week every week.

When you consider as an incumbent the advantage of that, considering someone who might 2 years out decide to take a shot at being a U.S. Senator, what are their chances? What is the population pool from which we are likely to draw candidates for the Senate?

If you decide 24 months out that you would like to run for the Senate, you have to raise not $12,000 a week; you have to raise something like $50,000 or $60,000 or $70,000 a week, or you have to have the wealth yourself.

Last year we saw in California one individual spend $28 million of his own money, and I do not think people want to see an institution proliferated by either people who have only the personal wealth that allows them to run or that have only the access to that kind of wealth—knowing the kinds of commitments that get made in this business, have them come here already in a sense committed on a whole host of issues where the public interest would be jeopardized.

So again, I emphasize I think Congresswoman LINDA SMITH had it right, with her opinion on this idea of a commission. We have had many commissions and many studies on this. No one is fooled by that one. Forming a commission to go out and study this issue again is laughable. There has been much analysis and much study on this. The question is whether or not we have the intestinal fortitude to come to terms with an issue that demands resolution.

So I hope that these commission ideas would be shelved, and that we would get about the business here of putting a bill in the Chamber. Let Senator MCCAIN and Senator FEINGOLD bring up their bill. Let amendments be brought up to moderate and change it. As the Senator from Nebraska said, he and I may have some modifications to offer to that legislation, but we are never going to have that chance if it does not get called up.

So, while I may disagree with Congresswoman SMITH on many, many issues, on this one she is right. Senator MCCAIN is right. We better get about the business of allowing this bill to go forward.

I am saddened when I see the continued call for more and more money being spent. And to suggest somehow that you need to spend more, as this headline says, "Gingrich Calls For More Not Less Campaign Cash," because he has to take on the Atlanta Constitution, is going to be met I think with the kind of derision that it ought to be. No one buys that argument. Not a single person in this country will buy that argument.

And so I hope that our colleagues will support what Senator KERREY and I have done over the last several days. Get behind the McCain-Feingold bill. Senator SIMPSON has done so. Our colleagues as well, several, have offered this. Senator NUNN and Senator SIMON on our side over here have been supportive of it. I believe it is on the right track.

Again, it is not going to be perfect in every detail, but certainly it is the only way that I can see in the short run we are going to get anything done on this.

Believe me when I tell you that Senator KERREY and I have certainly been challenged in our own party for cosponsoring this bill. This was not met with wild applause by everybody who wears the label of Democrat.

And so do not misunderstand us here today. This is not something that is greeted with great applause in every quarter. But we happen to believe as the leaders of our respective groups, as chairman of the Democratic Senatorial Campaign Committee and chairman of the Democratic National Party, this is truly in the national interest. It is truly in the national interest to put a stop to what I would, I think, appropriately call the obscene amount of money being spent in American politics. It is turning people off by the day in this country. They are sick of it. They want it to stop. They want choices that they can make when they go to the polls, and they see the amount of money being spent is a real detriment in that effort. So we urge the leadership to allow the bill to come to the floor for a vote.

Mr. KERREY. Mr. President, one last comment and I will yield the floor. I see the Senator from Pennsylvania is here. He and I just had a couple of minutes of conversation on this subject.

Polls are very popular methods of trying to determine the attitudes and views of the American people or some segment of the American people, and sometimes those polls are encouraging and sometimes those polls are discouraging. One of the most, if not the most, discouraging polls that I have ever read was a poll that asked the American people who has the most power in Washington, DC, the President of the United States, the Congress, the special interests?

I understand that the special interests can mean one thing to one person and another to another. I can be a good special interest and a bad special interest. But by a margin of 3 to 1 the American people believe that the special interests have more power than a Member of Congress does or than even the President of the United States.

That is a very disturbing fact. We all know that perception becomes reality. If that is the belief of the American people, that means they would say we do not have any opportunity. If we want to change a law, if there is something that we would like to influence in Washington, DC, we would like to bring in an idea and have it become incorporated into a piece of legislation, we just do not think we have a fighting chance.

We have to change that perception.

I believe, among other things, campaign finance reform can be a means to that end. There may be other things that people have on the list, but I would put that very high—indeed, I would put that at the top of my list in the ways to change the law so we can begin to change that perception, so the American citizens out there can say, as, for example, Sarah Brady did, we can change the law. It may not be a popular change, maybe it will produce a lot of heartache where people will have to take a position on legislation we want to change, but we want to fight to change the law.

We have to change the perception that people have that there is no opportunity for them to come to Washington, DC, and change the law of the land. If we are able to do that, not only will we get increased participation at the day of the election, we will get increased participation all year long from citizens who feel this really is a government of, by, and for the people.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I believe that campaign finance reform is long overdue. I have just had a conversation with the distinguished Senator from Connecticut—if I could have the attention of the Senator from Connecticut—and one of the real problems in the electoral process involves the soft money, where, on both sides of the political spectrum, Republicans and Democrats have sought enormous sums of money with the $100,000 contribution being made which is totally outside the system.

I have just talked to Senator DODD about that. And I am glad to know his acquiescence on the issue of eliminating the soft money, because you can have all the limitations you like in many other respects, but if that soft money is available, it is all for naught. So I thank my colleague from Connecticut.

Mr. DODD. If my colleague would yield.

The bill does do that. And I think there is value in that. I neglected to say to my colleague in our private conversation that I think you might be able to make a case, for instance, in the area of local—not national—but local, statewide elections, and so forth, where you want to promote a certain activity, that you might find a way to have some exceptions and caveats.

In the underlying point, I think the Senator from Pennsylvania is correct, but I can also see where some modifications in that might meet the concerns of the Senator from Pennsylvania and my concerns, what he properly describes as the proliferation of this kind of resource that comes into our national coffers, in a way to promote, I think, sound, intelligent, and worthwhile political activity at the grassroots level.

Mr. SPECTER. If I may pursue that discussion for one more moment with the Senator from Connecticut.

I get concerned when you say caveat. What kind does the Senator have in mind?

Mr. DODD. I do not have one in mind. I think, like the Senator from Nebraska said, this 60-percent requirement, that the funds be 60 percent from your State, that might be fine in California, Pennsylvania, even Connecticut, but in some other States you may want to have some flexibility in that, small States that do not have that kind of population. You may want to modify that.

That is what I mean by some of the provisions here. I support this bill. I am a cosponsor of it. I think that speaks volumes about where we stand. I am willing to consider ways in which we can accommodate some legitimate questions being raised.

But my view is it is better to get behind a bill you fundamentally support so we have some possibility of reform, than to not support the bill at all. If I had as my standard here that I disagreed with a couple of points here and believed that there needed to be some modifications before I could support it, we would never get anything done in this area. In all the years I have supported campaign finance reform, that is what has happened here. The Democrats offer a bill, the Republicans offer a bill, and nothing ever gets done. We both go out and issue our press releases saying how much we are for campaign finance reform.

What the Senator from Nebraska and I have decided to do here backs our colleague—here is a colleague from the other side of the aisle who cares deeply about the issue, with two Members of the House, both of the Republican Party, Congressman SMITH and Congressman SHAYS, along with some Democrats, who offer a proposal. Because there are a number of Republicans and Democrats who endorse the McCain bill, we thought maybe, just maybe, we might be able to get beyond what has been the traditional response, Mr. President, to the historic way we have dealt with this issue, and that is a couple of bills and the press releases go out.

I am not going to endorse every aspect of this bill. I would not expect everyone else to. In the soft money area, my general view is we ought to get out of it. You may make some exceptions on the local level or State level. That may have some value. But I still believe honestly we ought to get behind this bill and get something on the floor that would change the way we run our campaigns in this country.

INTERNATIONAL TRIBUNAL ON WAR CRIMES

Mr. SPECTER. Mr. President, I have sought recognition today to lend my support to a request made by the prosecutor on the International War Crimes tribunal on the Bosnian situation, where the International tribunal on War Crimes in Bosnia has formally asked the United States to make the surrender of the indicted suspects a condition for any peace accord.

As we know, right now in Dayton there are negotiations underway to try to resolve the Bosnian conflict. But indictments have already been issued for Gen. Ratko Mladic, the Bosnian Serb military commander, and Radovan Karadzic, the Bosnian Serb leader, on indictments which specify their leadership role in the ethnic cleansing and reported massacres and organized rapes that marked the first months of the Bosnian war.

The tribunal prosecutor, the distinguished lawyer Richard J. Goldstone, has been pursuing these matters with real diligence, and it poses a real test for the international community. Part of the test arises because the President of Serbia, President Slobodan Milosevic, is involved in these negotiations. He was identified some time ago by the then-Secretary of State, Lawrence Eagleburger, as having been involved possibly in international war crimes in connection with the Bosnian Serbs' ethnic cleansing in the early months of that campaign.

I am pleased to note that ranking Clinton administration officials have committed that there will be no amnesty granted, but I think it is very important as a matter of international law that these prosecutions go forward and the United States cooperate with these prosecutions.

For more than a decade, Mr. President, I have urged the formation of an international criminal court to deal with crimes such as hostage taking, terrorism, and drug dealing where we find that there are people in custody who they will not extradite to the United States; for example, in Colombia where there are drug leaders and drug criminals who ought to be brought to trial, but because of domestic politics in Colombia, they are not willing to extradite them to the United States. If there were an international criminal court, then I do believe there would be a tribunal set up where the political disadvantage of extraditing, say, to the United States would not be present.

And I note today, Mr. President, that there are ceremonies marking the tragedy of Pan Am 103, where indictments have been issued for two Libyans implicated in the tragedy of Pan Am 103, and the intransigence of the Libyan Government and their leader, Mu'ammar Qadhafi, who is refusing to allow those suspects to be tried in the United States or in Scottish or in British courts.

Were we to have an international criminal court, there is at least a chance that those individuals would be extradited to be tried in an international criminal court. Perhaps if such a court were in existence, Qadhafi would find another reason for declining to allow that trial to take place, but at least it would provide a possible alternative for such a trial.

The rule of law is indispensable, Mr. President, in a civilized society. We have benefited enormously in those countries which do have the rule of law. It is a high priority in the United States, obviously, with our constitutional rights.

We should have established an international criminal court a long time ago. It has been on the horizon. It has received favorable comment from the U.S. Senate and from the House on sense-of-the-Congress resolutions. But we ought to be moving to really put it into effect. With the Bosnian war crimes tribunal, we have a chance to advance the rule of law internationally. So I do hope that we will see to it that the request made by the international tribunal on war crimes to have the surrender of these indicted suspects be made as a condition to any peace accord that will take place.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Wyoming.

EXTENSION OF MORNING BUSINESS

Mr. SIMPSON. What is the parliamentary situation, Mr. President?

The PRESIDING OFFICER. The Chair advises the Senator from Wyoming that morning business was to have closed at 1 o'clock, although the Senator would have an option to extend it.

Mr. SIMPSON. Mr. President, I do not like to do that, and do not do it often at all; however, I will do so.

I ask unanimous consent that I may be allowed an additional 35 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank the Chair because I know full well that it is the staff that needs the recess as much as we do. I cannot tell you how much we appreciate what they do for us, especially when we have had a week where there were 39 rollcall votes one day and some 20 the next or the day before, everybody back behind these halls that we do not see, the reporters—I never like to take advantage of that. But I have an important measure, Mr. President.

(The remarks of Mr. SIMPSON and Mrs. FEINSTEIN pertaining to the introduction of S. 1394 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

POLITICAL ACTIVITIES OF SECRETARY OF VETERANS AFFAIRS, JESSE BROWN

Mr. SIMPSON. Let me just now refer briefly to my work on the Senate Veterans' Affairs Committee. I chaired that committee.

Mr. President, each and every day the Secretary of Veterans Affairs apparently greets his employees with a memo on their computer. Usually that memo recognizes the accomplishments of individual employees, notes the significance of a particular date in terms of this country's military history, or exhorts VA employees to a higher level of service to America's veterans. Nothing at all wrong with that.

But, on August 21, the Secretary took a leap beyond that boundary. In that day's message, he launched into his old stump speech about the woeful VA budget. About the same time, he also communicated with all VA employees by means of a similar message printed on their own personal pay stub.

I ask unanimous consent that these messages be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MESSAGE FROM SECRETARY JESSE BROWN PRINTED ON A RECENT VA EMPLOYEE PAY VOUCHER

The Administration and the Congress have outlined dramatically different budget approaches designed to balance the budget, reduce taxes, and create a leaner government. As I have been telling the nation's veterans organizations this summer, the Administration's plan is much better for veterans and their families. The President recommended a good FY 1996 VA budget, with a $1.3 billion increase, including nearly $1 billion for health care. On the other hand, the House of Representatives has approved a plan to increase veterans health care $563 million by taking money from our construction account and preventing us from building badly needed hospitals in Florida and California, hospitals which the President proposed be fully funded. And we will lose some of the money we need to renovate older facilities. The House also voted to stop compensation to some incompetent veterans. This is nothing but a means test that will push some service-connected veterans into poverty. We hear a lot these days about making sacrifices. We need to point out that veterans and their families have already paid their dues.

SECRETARY BROWN'S MESSAGE SENT AUGUST 21, 1995

This is what our veterans' budget future boils down to: the President has proposed a 10-year plan to eliminate the deficit, while protecting critical programs. He has proposed no new cuts in veterans entitlements. Congress has adopted a budget resolution outlining a 7-year plan to eliminate the deficit, which would be devastating to veterans' programs. The President has recommended a $1.3 billion increase in VA's FY96 budget, nearly a billion of which is targeted to veterans' health care. The congressional budget resolution effectively freezes VA funding for veterans' health care at 1995 dollar levels for the next 7 years. This means eliminating 61,000 health care positions by 2002 and denying care to more than a million veterans. The House budget would also cancel plans for two badly needed VA replacement hospitals in central Florida and northern California. When it comes to meeting veterans' needs, gratitude and penny-pinching don't mix.

SECRETARY BROWN'S DAILY MESSAGE ON OCTOBER 6, 1995

I am being attacked publicly for telling you through various forums what is going on with our budget. Rest assured I do not intend to stop. I believe VA employees had a right to know about the public and Congressional debate on VA's future and the impact our lawmakers' decisions can have on benefits and services for veterans. Is this a partisan endeavor? Absolutely not! As Secretary of Veterans Affairs, I have a responsibility to keep you informed on issues that affect your careers, livelihood an roles as members of the VA team. And certainly I have the right to let our valued constituency—veterans and their families—know that their programs may be adversely affected. It is important that employees be made fully aware that tens of thousands of VA jobs may be eliminated over the next seven years as a result of current budget proposals. I am not calling on you to act, but I think you have the right to know the facts. Stay tuned!

Mr. SIMPSON. Mr. President, these messages, and their distribution to all VA employees, are highly political, and seem to me to be wholly inappropriate.

They all state a biased, partisan perspective of the Department's budget and its implications. This is a perspective with which I wholeheartedly disagree.

Nothing new in that either. Reasonable men can disagree.

However, my disagreement regarding the effects of the Congressional budget for veterans' programs is fully supported by a General Accounting Office [GAO] analysis of the budget conducted for the Chairman of the House Veterans Affairs Committee.

GAO documented that, on the merits themselves, Secretary Brown's criticisms of the VA budget which was approved by the Congress are indeed "exaggerated."

GAO also points out that if Secretary Brown were to analyze the President's budget using the same assumptions he used when he analyzed the budget approved by the Congress, he would find that veterans are better off under the Congressional budget—than under the President who appointed him.

In short, Mr. President, veterans should not be misled. Veterans are better off under the budget that Secretary Brown is attacking than they are under the President's budget he is defending.

Please hear that clearly. The VA knows this. The Secretary knows this.

Secretary Brown complains that the Congress will force him to close hospitals. What he doesn't tell us, and what he doesn't tell the VA employees who are pretty much compelled to read his daily ration of propaganda, is that, using the very same pessimistic assumptions, the President's own budget would require him to close 6 additional hospitals than he would have to close under the Republican Congressional budget. Hear that too.

Secretary Brown then uses—rather misuses—the power of his fine office to scare the wits out of VA employees, and the veterans they serve, by asserting that the Congressional budget would "force" VA to treat fewer veterans.

What he does not tell them is that under his budget, using these very same pessimistic assumptions, again VA would provide 283,000 fewer outpatient visits—and treat 12,500 fewer veterans—than VA would be treating under the very Congressional budget he is attacking. Hear that.

In short, Mr. President, the Secretary of Veterans Affairs is playing plenty fast and loose with the facts in order to divert attention away from the tough and necessary budget decisions made by our President. He is our President. I find that offensive.

That is cheap politics and demeans his office. But, it is certainly not unheard of in this town.

What is absolutely unacceptable is his use of taxpayer funded VA resources to place his purely political message in the hands of every VA employee—and on the screen of every single VA computer when it is cranked up every morning.

What is absolutely unacceptable is his use of the full authority of his office, and the latent power of his supervisory position over VA's 240,000 employees, to add to the weight of his opinions. Stump speeches are for out on the road Mr. Secretary, not for the taxpayers' computers.

Mr. President, Secretary Brown has stepped right up to the plate of public service and there are now two strikes in the count.

Strike one is found right there in Secretary Brown's message.

It is distorted and it is wrong. And the distortions serve a clear political purpose. The distortions serve to create the impression that this Republican Congress is hell bent on—and is—harming our veterans.

Strike two is found in Secretary Brown's delivery.

He piously then states that he is not trying to provoke any action on the part of VA employees. He is not "calling on you to act" he says, in the computer.

No, not much. He is only keeping his loyal employees informed of what is happening in Washington. But let us just think about that a moment, Mr. President. These messages are on employee pay slips. What do you think the average worker in America would think if their pay slip included a message from their boss attacking the Congress?

I do not know about others, Mr. President, but it does not take a rocket scientist to figure out that many employees might take that as a pretty good hint to take some action or at least say something to somebody. Come on.

If it talks, walks and quacks like a duck, it is probably a duck. And Secretary Brown's belated attempt to put some latter invented public service label on his inappropriate lobbying cannot pluck the feathers from the manipulative and political duck he has hatched out.

Why do we think Secretary Brown is keeping in such close touch with his myriad empire of employees—240,000 of them to be exact? Just being a genial communicator of the morning hour? Maybe like Don Imus? Give us a break.

I have been here now for 17 years and I have never seen a VA Administrator or Secretary—Democrat or Republican—misuse VA's internal communications methods in this blatant fashion.

It is wrong.

It should stop.

The World Series is over, Mr. Secretary, and you already have these two big strikes against you. But you should put down your big bat, reflect a bit, cease abusing your fine office in this fashion and step up to the plate one more time.

And this time, Mr. Secretary, do not resort to unfortunate distortion and childish scare tactics in a desperate attempt to enlist America's fine veterans to be used—and that is the word—"used" as point men to try to turn back a historic effort to protect the future of the next generation by balancing the budget of those living in this one.

When you do that, you dishonor yourself and you dishonor the veterans you profess to serve. And many of them do not believe you any more. That is sad.

Mr. Secretary, finally, those of us who are veterans served to protect the future of our country. I am very proud to have been one. We served to provide for a better future for our children and grandchildren. The budget you take pleasure in attacking is an honest and forthright budget that keeps faith with America's veterans by keeping faith with America's future.

If a balanced Federal budget is to be defeated by the ugly forces of reaction and fear, then all that America's veterans fought to achieve will also be lost.

If this very stirring movement for a truly balanced Federal budget is turned aside, whether or not you agree with it, then all the sacrifices of the servicemembers who died or were wounded in the service of our country will have been in vain. It sounds dramatic, does it not? No more dramatic than the words the Secretary uses in his standard stump speech.

If we fail to balance this Federal budget, the inevitable collapse of the American economy will destroy the future that we American veterans wanted to ensure.

This inevitable collapse of the American economy will also destroy the ability of our country to be able to fund the benefits upon which many veterans depend.

So, Mr. Secretary, when you face that third pitch, there is a message that you can share with America's veterans on the taxpayer's computers linking up with the 240,000 VA employees who are committed to serve them.

You can tell them about the strength of America's commitment to her veterans and the willingness of the Congress—Democratic and Republican alike—to reinforce that commitment with hard bucks.

During my own time here in the Senate, I have watched the budget of the Department of Veterans Affairs nearly double—from $20 billion in 1978 to nearly $40 billion now.

And that growth will only continue. Indeed, even under the rigorous budget constraints applicable to us today, the VA budget is anticipated to increase by nearly $4 billion more under these evil Republicans by the year 2002.

And the growth in the VA health care budget has been real growth. We are not just "keeping up" with inflation. In the time I have been in the Senate, the number of VA physicians has increased by 9.6 percent.

The number of VA registered nurses has increased by 40 percent.

The total Veterans Health Administration staff has increased by 10.8 percent. These are real increases in the real numbers of real health care professionals who provide real increased services to real veterans. Forget the other hokum the Secretary puts out in the old stump speech and remember we are talking about real, real things.

In contrast to the proposed congressional, that is Republican budget, which protects VA health care spending to the fullest, the President's budget proposes a reduction in the veterans' health care account. Hear that.

The Secretary knows that too. And it irritates him greatly because he knows the President is on mighty thin ground with many veterans anyway.

The budget the President has sent to the Congress would actually reduce VA health care spending from $16.2 billion in 1995 down to $15.4 billion at the turn of the century. The Secretary knows that.

Secretary Brown is caught complaining about a budget with no reductions while at the same time ignoring his own President's budget which would provide $337 million less bucks than the Congressionally approved budget he is continuously and hysterically attacking.

I have said to Secretary Brown in the past: "Every man is entitled to his own opinion—but not to his own facts." These are the cold hard unrefuted facts.

This Nation has been absolutely unstinting in its support of her veterans over the years. No Nation on earth has been more generous to her veterans. Why is it this Secretary never acknowledges that? He should.

Our own Senate Appropriations Subcommittee on VA, HUD and Independent Agencies, so ably chaired by my old friend Senator KIT BOND, recently reported out an extremely generous budget for veterans—to include a $285 million increase over fiscal year 1995 for veterans' health care.

Items eliminated from the budget, as originally requested in it, include hospitals in East Central Florida and Travis Air Force Base, CA.

In a consensus document expressing the views and estimates on the administration's budget proposal, the Senate Veterans' Affairs Committee expressed its own reservations about the need for this additional construction of infrastructure at a time when the veteran population is declining at a rate of 2 percent per year. The GAO recently reported to Congress that with the veteran population declining—even in Florida—there is no documented need whatever for another VA hospital there. We take awfully good care of our veterans. We should—those who bore the battle and their widows and orphans.

So let it be recorded that I personally was incensed, as I know some VA employees were, to see the partisan political message the Secretary sent out to his troops on August 21. I consider it grossly wrong to use employee's pay vouchers or access to the VA computer system to circulate that type of hoorah.

Secretary Brown may—and I think often does—perceive his mission to be a purely political one, to toe the line for this President. But he steps over that line when he uses his access to, and his control over, the taxpayer provided resources of the Department of Veterans Affairs as a means to preach a political message to his civil service subordinates. It is wrong and he knows it is wrong.

Mr. President, Secretary Brown owes it to the veterans he serves, to the Congress, and to the Department he leads, to change his course away from a path of politicized, distorted and exaggerated rhetoric on the stump speeches and toward a course of statesmanlike and steady leadership.

Mr. Secretary, you are now headed toward treacherous shoal waters and it is long over due time for a change in course. Many of us will be watching more closely than ever before.

Save the politics for when you no longer serve in this type of position of trust.

I thank the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 1389 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ROLAND L. "SONNY" MAPELLI

Mr. BROWN. Mr. President, last month, the University of Denver College of Law opened the Mapelli Brothers' Place in the Yegge Student Center. Mapellis' Place recognizes the wonderful contribution the Mapelli family has made to Colorado and Denver University. It was in commemoration of the Mapelli family who has given so much to the State of Colorado, and particularly to Denver University. It also commemorates the fact that a number of years ago, in the World War II era, the Denver University Law School used to be adjacent to the Mapelli Meat Market. A generation of Colorado attorneys took their legal education within the sight and the sound, and even the smell, of that meat market. Perhaps it even influenced those attorneys throughout their career.

The Mapelli family is typical, I think, of American families who have contributed so much to this Nation. The Mapellis started their meat market in 1906 and, one by one, the brothers were drawn over from Italy coming to this country, some as small children, literally coming on a boat with a name and a location pinned on their clothes, and they would eventually find their way to Denver, CO.

Their story is a story of success for hard workers. To me, the Mapelli Law School will also be a reminder of Sonny Mapelli. He is someone I worked for for many years, and his example of love and devotion to community serves as an example for all Coloradans and, yea, even Americans, for what someone can accomplish when they love their country and love their community and make a project of serving it.

The Mapelli meat market used to be adjacent to the Denver University College of Law when it was located in downtown Denver. A generation of attorneys received their legal education within the sound, sight, and smell of the Mapelli meat market.

To me, the Mapelli Place will always call to mind Roland L. "Sonny" Mapelli. Sonny passed away on January 19, 1995, but the memory of his warmth and wisdom will stay with all who knew him.

Sonny and his brother, Gene, were owners-operators of Mapelli Brothers Co. which was founded by their father and his brothers in 1906. In 1969 Mapelli Brothers Co. merged into Monfort of Colorado. Under Sonny's direction, 50 Mapelli Food Distributing Co. branches were operated throughout the United States. Sonny was also owner-operator of Mapelli Farms & Ranches.

Sonny was a faithful and devoted husband and father. He was devoted to his faith and believed in serving his community, State, and Nation. Sonny also served on several boards ranging from Loretto Heights College in Denver to Colorado State University Land

Council in Ft. Collins and Norwest Bank in Greeley. He was a member of the Colorado Cattle Feeder's Association, Mountain/Plains Meat Association, and the National Cattlemen's Association.

Sonny received numerous awards. He received the Knute Rockne Award for outstanding civic achievement in 1961 as well as Who's Who in Finance and Industry in 1984. He was honored by the Colorado Meat Dealers as Man of the Year in 1975; by the Longs Peak Council, Boys Scouts of America as Weld Distinguished Citizen of 1994, along with many other distinguished awards.

Sonny had a distinguished military career. He enlisted in the U.S. Air Force in August 1942. He subsequently served 3 years overseas with the 8th Air Force, serving in the European Theater in Normandy, Northern France, and the Rhineland campaigns. Sonny was commissioned a warrant officer in London, England, in 1944. He received a Commendation for Outstanding Achievements from the 8th Air Force commanding general. He was commissioned as a second lieutenant in 1945 and remained in the U.S. Air Force Reserve until 1955.

You could not see Sonny and not come away with a smile on your face. Colorado voters loved him and elected him to the Denver City Council from 1955 to 1959. He was appointed to the State House of Representatives for 1961–62 and won election to the State Senate in 1962 by the largest margin of anyone in Denver.

Sonny's remarkable success in business and politics came from his genuine concern about others and a wonderful sense of humor. All who came in contact with him felt a little better about themselves and the world.

Everyone has their favorite Sonny story. They reflected his common sense, his love of others, and an extraordinarily humorous view of the world. When you write out his stories, though, they lose something. It was not so much the story itself that was funny, but Sonny Mapelli himself. Without him those stories and perhaps our lives lack some of the sparkle that makes life a joy.

Sonny Mapelli is survived by his wife Nomie, and daughters Terri DeMoney and Jerri Gustafson; by his grandchildren Travis, Tyler, and Lindsey DeMoney, and Drew and Karly Gustafson; and by his brother, Eugene Mapelli.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY TO MOE BILLER

Mr. DASCHLE. Mr. President, today I want to extend warmest 80th birthday wishes to a stalwart of the trade union movement—Moe Biller, president of the American Postal Workers Union. Moe was born November 5, 1915, in New York City, where he graduated with honors from Seward Park High School. After attending City College of New York, he served in the Army's Adjutant General Corps from 1943 to 1945.

He began his professional career as a postal clerk in New York City in 1937. After returning from the service, Moe recognized the strength and importance of the union. He became active in the New York area, where he was elected to many union positions of trust and leadership. At various times, he has held virtually all leadership positions within his own union, and has been elected to the executive council of the AFL–CIO, the organization's policy-setting body. He is also executive vice president of the AFL–CIO Public Employee Department.

In the military, the highest accolade that can be given to a commanding officer is that he was a soldier's general. For his leadership, Moe Biller has been known as a member's leader.

In New York's sometimes tumultuous labor history, Moe never let his members down; and, in turn, they have always given him their confidence and support. He has not failed them at the bargaining table, and he has never been afraid to lead. He has always been a strong, effective, powerful voice for working men and women. It was not always easy. Recognizing the winds of change, Moe was a key player in the committee that brought the merger of five predecessor unions into what is now the APWU.

Beyond dealing with employers, Moe Biller has also served the interests of his members in the society at large and worked to extend the reach of the union to those who were sometimes excluded. He has been active in many outreach organizations, especially Cornell University's Trade Union Women Studies Program and the A. Philip Randolph Institute.

Moe has also gone beyond the union movement to serve others. Among the numerous charitable organizations to which he has contributed his considerable talents are the Leukemia Society of America, the Muscular Dystrophy Association, United Way International, and the Combined Federal Campaign.

As we wish Moe, his sons Michael and Steven and his wife Colee and daughter Aleesa our best on his 80th birthday, we should all remember he always went the extra mile for his members, his union, and his country. Happy birthday, Moe Biller.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, November 2, the Federal debt stood at $4,982,592,325,829.97. We are still about $27 billion away from the $5 trillion mark, unfortunately, we anticipate hitting this mark sometime later this year or early next year.

On a per capita basis, every man, woman, and child in America owes $18,914.00 as his or her share of that debt.

NOTE

In the RECORD of October 26, beginning on page S15773, the statement of Mr. JEFFORDS was improperly printed. The permanent RECORD will be corrected to reflect the following version.

Mr. JEFFORDS. Mr. President, let me briefly remind everybody that a while back, when we were dealing with the budget resolution, 67 of us voted not to cut more than $4 billion out of higher education. This amendment would bring this level closer to where we in the Senate voted earlier this year to be—a $5 billion cut from the $10.8 billion. I remind my colleagues of that. I hate to see anybody be inconsistent with their voting, and since 67 voted for something a little more draconian than this, I hope Senators will stay with us on this amendment.

Our amendment restores the 6-month grace period, eliminates the .85 percent institution fee, and lowers the interest rate on PLUS loans, reducing the Labor Committee's instruction from $10.85 billion over 7 years to $5 billion.

Let me lay aside the issue of reducing education cuts for one quick moment and explain why this amendment is so important. As I mentioned just a few moments ago, the amendment offered by my Democratic colleagues restores direct lending to current law—or a transition to 100 percent. I simply cannot support such a provision. I have always been a supporter of testing the direct lending program and am on record as opposing the Labor Committee's bill to limit it to 20 percent. Twenty percent in my view is too small, it cuts out schools that currently participate in the program, and that to me is wrong.

However, as I stated during debate of the 1993 reconciliation, I believe in a slow, implementation of direct lending. It should be undertaken thoughtfully and carefully. The amendment offered by my Democratic colleagues is tantamount to a phase-in of direct lending. A phase-in suggests something very different than a thoughtful analysis of the two programs. My fear is that we have already made the decision to go full force without really looking at the advisability of such a move. It is like saying "ready, fire—and then aim". For this reason I support a firm cap on direct lending. That cap, in my mind should be set at a point which protects the schools that are current participants and allows some room for growth. I suggest that number be set between 30–40 percent.

Mr. President, that is not the amendment we are currently considering. I offered that suggestion to my colleagues as a bipartisan approach. Unfortunately, that amendment coupled with billions of dollars in additional student aid, was rejected by the Democrats and interestingly also by groups purporting to represent higher education. In particular the American Council on Education.

There is agreement that we must balance the budget and do so in a way that protects students, parents, and institutions. That is what this amendment does. It strikes the .85 percent institution fee, restores the 6-month grace period, and eliminates the increase in the PLUS interest rate. Support for this amendment will provide important savings to these students, their parents, and institutions of higher learning.

Eliminating the interest subsidy during the 6-month grace period could increase the debt of an undergraduate who borrows the maximum $23,000 by almost $1,000, resulting in additional payments of nearly $1,400 over the life of the loan. For a graduate student who borrows the maximum $65,500, the result would be $2,700 in additional debt and almost $4,000 in additional payments. Raising the interest rate and the interest rate cap on PLUS loans would increase the total payments of parents who borrow $20,000 for their children's education by $1,300.

It simply does not pay to cut education.

Consider the following: More highly educated workers not only earn more, but they work and pay taxes longer than less educated workers. According to a recent study, between 1973 and 1993, median family income dropped by over 20 percent for families headed by a person with a high school diploma or less; but it held steady for those families headed by someone with 4 years of college; and increased for families head by someone with 5 years of college or more.

We need to encourage our young people to pursue higher education both to keep us competitive and to help balance the budget. Unfortunately, the opportunity for individuals to go on to postsecondary education is getting slimmer and slimmer. Pell grant awards have not kept pace with college costs. Students have had to increase borrowing in order to make up the difference. In 1985–86, the actual maximum Pell grant of $2,100 paid 58 percent of the total annual cost of attendance for a 4-year public institution ($3,637). In 1993–94, the maximum Pell grant of $2,300 paid only 36 percent of the total cost ($6,454).

Because Federal grant programs have grown much more slowly than the cost of attending college, loans now (1994–95) account for 56 percent of all student aid, up from 49 percent in 1985–96.

Borrowing has skyrocketed in recent years to such an extent that the amount borrowed through the FFEL program from 1990 to 1995 is greater than the total amount borrowed from its inception in 1965 through 1989.

With such statistics it is no wonder that polls show more and more students and families deciding that college is simply out of their reach. In fact, close to 20 percent of students consider leaving school because of debt. Considering the impact on our economy and the future earning potential of individuals with a postsecondary degree, this statistic is most disheartening.

So again, I urge my colleagues to support this amendment and tell the Nation that the issue of education spending is a bipartisan issue.

A TRIBUTE TO BILL MOTT

Mr. PRESSLER. Mr. President, I want to take a moment to pay tribute to Bill Mott, a South Dakotan who has become one of our Nation's truly great horse trainers. Last weekend, at Belmont Park in New York, a thoroughbred bay named Cigar won the finale of the Breeders' Cup Classics. The finale was Cigar's 12th straight track victory. With that victory, Cigar secured Horse of the Year honors, and is on track for even greater glory next year. Cigar could break the all-time record of 16 consecutive track victories, which was done by the legendary Citation, and could surpass Alysheba as horse racing's all-time money winner.

Of course, Cigar would not have achieved excellence on the track if it was not for the training excellence of Bill Mott. It was Bill who put Cigar on the path of greatness by switching the bay from grass racing to dirt. Though bred for grass, Cigar won only 1 race in 11 starts on turf. Bill's move to dirt has moved Cigar to the ranks of the unbeaten.

For Bill Mott, his success as a horse trainer is nothing less than a childhood dream come true. It was while he was in high school at Park Jefferson in South Dakota that Bill Mott began his career as a horse trainer. At the age of 16, Bill won the South Dakota Thoroughbred Futurity. After graduating high school, Bill left South Dakota to pursue his dream. Bill learned from many great trainers, including Bob Irwin, Jack Van Berg and D. Wayne Lukas. Now, young, aspiring trainers no doubt will be seeking Bill out.

Today, Bill Mott is at the peak of his profession. Bill trains more than 100 horses across the country. Bill is the best because he knows how to bring out the best in the horses he trains. His record is proof: Last year, Bill's horses won 137 races; this year, his victory total reached 140.

Bill Mott is an inspiration not just to aspiring horse trainers, but to all who set their sites to be the very best in their profession. I am sure all who know Bill Mott, especially his friends and family back home in South Dakota, are very proud of him. In fact, Bill's brother Rob, a pilot who lives in Mobridge, SD, just returned to our State after being with Bill during his latest achievements at the Breeders' Cup Classics.

One of the best parts of my job is when I can speak of the great accomplishments of South Dakotans like Bill Mott. Through hard work and determination, Bill Mott is living a dream come true. My wife, Harriet, and I wish Bill Mott continued success in the years ahead.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 1833. An act to amend title 18, United States Code, to ban partial-birth abortions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1395. An original bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes (Rept. No. 104–168).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1388. A bill to designate the United States courthouse located at 800 Market Street in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse"; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 1389. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. PRESSLER:

S. 1390. A bill to amend the Federal Water Pollution Control Act to permit a private person against whom a civil or administrative penalty is assessed to use the amount of the penalty to fund a community environmental project, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRESSLER (for himself and Mr. CAMPBELL):

S. 1391. A bill to amend the Federal Water Pollution Control Act to prohibit the imposition of any civil or administrative penalty against a unit of local government for a violation of local government for a violation of the Act when a compliance plan with respect to the violation is in effect, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS:

S. 1392. A bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes; to the Committee on Finance.

By Ms. MOSELEY-BRAUN (for herself and Mr. SIMON):

S. 1393. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Natural Resources.

By Mr. SIMPSON:

S. 1394. A bill to amend the Immigration and Nationality Act to reform the legal immigration of immigrants and nonimmigrants to the United States; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1395. An original bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. PRESSLER (for himself and Mr. EXON):

S. 1396. A bill to amend title 49, United States Code, to provide for the regulation of surface transportation; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 192. A resolution making majority appointments to the Joint Committee on the Library and the Joint Committee on Printing; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1389. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

THE SENATE CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1995

Mrs. FEINSTEIN. Mr. President, I rise today to address an issue of great concern and importance to me, and I believe, to the integrity of our democratic system of Government: campaign finance reform.

I supported the legislation introduced and passed by this body in 1993, and I came back to Washington in 1995 with renewed commitment to pursuing meaningful reform of our Nation's campaign finance laws.

Mr. President, I completed in November my 10th political campaign—10 of them. Three of them were very big. One was for Governor of the State of California, and two were for the U.S. Senate.

I would like to tell you what I raised in just those three campaigns: In 1990, for Governor, $19,770,062; in 1992, $8,540,222; and in 1994, $14,407,179. That totals in three campaigns $42,231,463.

Mr. President, I am a walking, talking, case exhibit for campaign spending reform. And I would like to submit that the time has come for the Senate and the House to rally to the challenge, and produce some legislation which can reduce the impact and the need for fundraising and dollars in American political national House and Senate campaigns.

I supported the legislation introduced and passed by this body in 1993. And I came back to Washington after this last campaign really with a renewed commitment. I raised $14 million. My opponent outspent me by better than 22 to 1. That should not be the case for a U.S. Senate seat, even in a State as big as the State of California.

The bill I introduce today addresses what I believe are the areas most in need of reform: curbing the astronomical amounts of money that flood campaigns today, creating a level playing field between wealthy candidates who finance their own campaigns and candidates who cannot, and honesty in campaign advertising.

Among the bill's key provisions are:

Voluntary spending limits based on voting-age population;

Provisions relating to spending from personal funds and creating a level playing-field for their opponent; and

Disclosure requirements for political advertisements.

SPENDING LIMITS

For almost 20 years now this Congress has studied and debated the issue of campaign spending reform. Last year in the Senate, we passed out a bill. It did not move forward in the House. During that time, though, spending in Senate races has increased more than 500 percent while the cost of living has roughly doubled.

The last election cycle exemplifies the absurd levels campaign spending has reached. According to the Federal Election Commission, congressional candidates in 1994 raised and spent over $724 million—the highest amount ever recorded in any election cycle in the Commission's 20-year existence.

The fundraising pressure on candidates to meet ever-growing demand is enormous. I know it firsthand. It increases with every election cycle, and it clearly discourages otherwise qualified candidates from running.

So the legislation which I put forward today is very limited and very simple. Not a lot of it is new. There are a few new twists. But it really is combining three things that were presented before that I think go to reduce spending, create that level playing field, and particularly to reduce the inordinate costs of media.

Voluntary spending limits would be based on each State's voting age population ranging from a high of $8.2 million in a State like California to a low of $1.5 million in a smaller State like Wyoming.

The rules are the same as those that were sent out by the Rules Committee in the Senate bill of last session.

In return for voluntarily controlling spending, a candidate receives a bonus. This is the carrot to go along with the voluntary limit.

In return for voluntarily controlling spending, a candidate would be entitled to receive: 30 minutes of free broadcast time, a proposal which is based on a bill Senator DOLE introduced in the 102d Congress; a 50-percent discount on television time over and above the free time, and a reduced postage rate on two pieces of mail to each voting-age resident in their State.

These latter two benefits were in the bill passed by the Senate in the last Congress.

Previous spending limit proposals have been seen as pro-incumbent measures and a barrier to challengers who have to spend more money to compete against an incumbent with high name recognition.

This bill evens the playing field a little by making critical advertising time available to challengers and incumbents alike—30 minutes of broadcast time free, and the rest at half the price.

With 30 to 40 cents of every dollar raised—sometimes well over half—going to media advertising, free media time and a 50-percent broadcast discount rate will not only reduce campaign costs but will also serve as a powerful incentive for candidates to agree to voluntary spending limits.

PERSONAL FUNDS

This legislation, which mirrors parts of the campaign finance bill introduced by the majority leader, Senator DOLE, in the last Congress, attempts to limit the ability of a wealthy candidate to buy a seat in Congress.

This is where the provisions are a little different than anything anybody has introduced prior. But let me say what they are.

Under this bill, after qualifying as a candidate for the primary, a candidate must declare if he or she intends to spend more than $250,000 of their own funds in the election. If the candidate says, Yes, I am going to spend more than $250,000 of my own money in this election, then the contribution limits on his or her opponent are raised from $1,000 to $5,000. If a candidate declares that he or she will spend more than $1 million on the race from their own pocket, then the contribution limit on his or her opponents are removed entirely.

As with my case, where somebody came forward and said, I will spend $30 million of my own—that still is disbelief to me to even say that huge amount of my own money on this race—there is no way, no matter how proven a fundraiser you are, that you can compete with that amount of money. This would enable an individual to compete because the spending limits are off of them.

I believe this requirement will minimize the advantage of enormous personal wealth in campaigns, while maximizing the opponent's time to pursue a campaign on the issues, rather than being caught in a quicksand of fundraising.

Let me speak for a moment about honesty in campaign advertising, which I really did not believe that we should deal with. I really thought that, well, campaigns are freewheeling. They are rough and tumble. I participated in very hard mayoral races, rough and tumble in San Francisco. But I never saw the degree to which negative ads permeate the campaign spectrum as I did in the last campaign.

So honesty in campaign advertising is of great interest to me. I think it is critically important to the voters who are now saying, well, a pox on both their houses, and I do not believe any of them, as we restore some level of credibility and respect to the political process. Honesty will do it. Honesty in campaign ads will go a long, long way.

One issue of great concern to me and one that, I believe, is critically important to restore some level of credibility and respect to the political process, is honesty in campaign advertising. In recent years, the amount of negative advertising and personal attacks in campaign ads has exploded. And all the experts are predicting in the next set of races that it is going to get even worse. You see it beginning to start with someone who may be a probable or possible Presidential candidate even before he gets into the race.

Campaigns that rely on unchecked character assassination—with no regard for the validity or truth of the charges—have contributed to unprecedented voter cynicism and apathy.

In the 1994 campaign, negative ads, groundless attacks on character, distorted facts dragged political advertising to this new low. In my campaign, at least two televisions stations and one radio station ran a disclaimer before my opponent's ads in an attempt to absolve their station of responsibility and liability for the content of the ads and noting that the reason they ran the ads is because they were required by law to do so.

Campaign advertising has become a virtual arms race, and in some cases is based upon a deliberate strategy of alienating voters to depress voter turnout. The result again is this public turn-off, the cynicism, the pox on both your houses, and the enormous disaffection people feel with political leaders and the political process itself.

Most of us would like but we are limited in our ability to curtail negative advertising because of first amendment considerations. We can hold candidates and campaign committees more responsible for what they do or we can individually just decide not to do it ourselves. I resolved not to do it myself, not to respond, and my poll numbers went like this. And when we did the focus groups, what we found was that the negatives blasted through and the positive credentials did not. People just did not believe them. They tend to believe the negatives, but they would not believe the positives. And that is a sad, sad case in American political affairs.

So what has happened—and I believe this is fairly typical across the United States—is campaign consultants are finding that the negative ads blast through and the positive ads do not, so the tendency on an increasing basis is to go to negative campaign advertising.

The provisions of my bill would set minimum standards for disclosure in print, on radio, and on television. The bill would require disclaimers in TV ads to appear for at least 4 seconds with a reasonable degree of color contrast between the background and the printed statement. It requires a clearly identifiable photograph or other image of the candidate if the ad is paid by a candidate or the candidate's committee by the candidate, and the statement at the end of the ad by the candidate saying, "This is DIANNE FEINSTEIN. I have approved the content of this ad."

The thrust of this is to connect the responsibility between the consultant who does the ad and the candidate whose campaign runs the ad. After all, the candidate is eventually responsible.

The bill also would require sponsors of other advertisements such as independent campaigns to indicate in a statement that they are responsible for the veracity of the content of the ad.

Now, what is not contained in this bill? What is not contained in this bill is public financing of campaigns. It is my belief that the American people are not ready to accept public financing of campaigns. Tax dollars are hard fought for, and that situation is not going to get better; it is going to get worse. Therefore, even a checkoff for public financing of campaigns I think is unworthy of the priorities that we face as legislators.

So there is no direct public financing in this legislation.

Some have opposed spending limits as contrary to the Supreme Court's decision in Buckley versus Valeo which rejected mandatory limits unless they are imposed—for example, in exchange for public benefits. This bill attempts to strike a balance called for in that decision by making the spending limits voluntary and tying them to public benefits.

I supported initial campaign spending reform that would curb the influence of political action committees, and in the $14 million that I raised in the last campaign, about 16 percent was from political action committees. But I believe distinctions need to be made to protect small contributors who pool their resources, share information, and involve themselves in the process by supporting candidates or causes in which they believe.

A blanket ban on all political action committees in a sense throws the baby out with the bath water. I think we need to be encouraging people to be involved in politics, not discouraging them. And virtually every legal scholar I know who has examined this question believes that a complete ban is unconstitutional.

The Congressional Research Service has advised the Senate:

> A complete ban on contributions and expenditures by connected and nonconnected PAC's appears to be unconstitutional in violation of the first amendment.

The Supreme Court has repeatedly held that campaign contributions and expenditures are a form of political speech protected by the first amendment to the United States Constitution. While the activities of some political action committees certainly need to be scrutinized, others give the small person, the ordinary person a voice in politics. They allow many people who cannot afford to make only small contributions to band together so that their voices can be heard. For those PAC's whose practices violate the letter or intent of Federal election law, the full weight of the FEC enforcement should be brought to bear. But I do not believe we should silence the voice of small contributors in our efforts to curb the influence of big special interest PAC's.

One example is the League of Conservation Voters. The average contribution to their PAC is $40. Individually, these donors cannot take out ads supporting environmental legislation or candidates. But by pooling their resources, they can purchase an ad announcing their support. Surely this is not the type of political influence that warrants an outright ban on political action committees. Yet, other legislation being considered by this body would do just that. And that is where I split.

I was encouraged when President Clinton and Speaker GINGRICH agreed to set up a bipartisan commission to study and perhaps finally act on campaign finance reform. But apparently that agreement seems to have since become bogged down with political baggage. This issue has been studied and studied and studied not only by this Congress for 20 years but by a bipartisan commission whose recommendations were made to the Congress in 1990.

I think it is time for Congress to act. And what we have tried to do in this legislation is take concepts that have stood the test of time, put them together in a limited package of three major areas where I believe there is a consensus in both political bodies and around which I think there can be forged no real opposition that is credible and worthy to taking these three steps as a first and meaningful step in campaign spending reform.

So I submit the legislation, and I welcome the discussion and the debate.

I thank the forbearance of the Chair, and I yield the floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senate Campaign Spending Limit and Election Reform Act of 1995".

SEC. 2. AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of Campaign Act; table of contents.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

Sec. 101. Senate election spending limits and benefits.
Sec. 102. Transition provisions.
Sec. 103. Free broadcast time.
Sec. 104. Broadcast rates and preemption.
Sec. 105. Reduced postage rates.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Candidate expenditures from personal funds.
Sec. 202. Restrictions on use of campaign funds for personal purposes.
Sec. 203. Campaign advertising amendments.
Sec. 204. Severability.
Sec. 205. Expedited review of constitutional issues.
Sec. 206. Effective date.
Sec. 207. Regulations.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE ELECTION SPENDING LIMITS AND BENEFITS.

FECA is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (c) and (d);

"(2) meets the primary and runoff election expenditure limits of subsection (b);

"(3) meets the threshold contribution requirements of subsection (e); and

"(4) does not exceed the limitation on expenditures from personal funds under section 502(a).

"(b) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—

"(1) IN GENERAL.—The requirements of this subsection are met if—

"(A) the candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000; and

"(B) the candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) INDEXING.—The $2,750,000 amount under paragraph (1)(A)(ii) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1995.

"(3) INCREASE BASED ON EXPENDITURES OF OPPONENT.—The limitations under paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, that are required to be reported to the Secretary of the Senate with respect to such period under section 304(c).

"(c) PRIMARY FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files with the Secretary of the Senate a certification that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (b); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(C) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b).

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(d) GENERAL ELECTION FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (b); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (b), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(C) the candidate and the authorized committees of the candidate—

"(i) except as otherwise provided by this title, will not make expenditures that exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b), reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(v) will cooperate in the case of any audit and examination by the Commission; and

"(D) the candidate intends to make use of the benefits provided under section 503.

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'allowable contributions' means contributions that are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor; and

"(B) the term 'applicable period' means—

"(i) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on the date on which the certification under subsection (c)(2) is filed by the candidate; or

"(ii) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election.

"SEC. 502. LIMITATION ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) SOURCES.—A source is described in this subsection if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal loans incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—

"(1) IN GENERAL.—Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) EXCEPTION.—In the case of an eligible Senate candidate in a State that has not more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) INDEXING.—The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(b)(2).

"(4) INCREASE BASED ON EXPENDITURES OF OPPONENT.—The limitations under paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, that are required to be reported to the Secretary of the Senate with respect to such period under section 304(c).

"(c) PAYMENT OF TAXES.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local taxes with respect to earnings on contributions raised.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATES ENTITLED TO RECEIVE.

"An eligible Senate candidate shall be entitled to receive—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the free broadcast time provided under section 315(c) of such Act; and

"(3) the reduced postage rates provided in section 3626(e) of title 39, United States Code.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—Not later than 48 hours after a candidate qualifies for a general election ballot, the Commission shall certify the candidate's eligibility for free broadcast time under section 315(b)(2) of the Communications Act of 1934. The Commission shall revoke such certification if it determines a candidate fails to continue to meet the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final, except to the extent that they are subject to examination and audit by the Commission under section 505.

"SEC. 505. REPAYMENTS; ADDITIONAL CIVIL PENALTIES.

"(a) EXCESS PAYMENTS; REVOCATION OF STATUS.—If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the value of the benefits received under this title.

"(b) MISUSE OF BENEFITS.—If the Commission determines that any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify the candidate and the candidate shall pay an amount equal to the value of such benefit.".

SEC. 102. TRANSITION PROVISIONS.

(a) EXPENDITURES MADE PRIOR TO DATE OF ENACTMENT.—(1) Expenditures made by an eligible Senate candidate on or prior to the date of enactment of this title shall not be counted against the limits specified in section 502 of FECA, as amended by section 101.

(2) For purposes of this section, the term "expenditure" includes any direct or indirect payment or distribution or obligation to make payment or distribution of money.

(b) RELATIONSHIP TO OTHER TITLES.—The provisions of titles I through IV of the Federal Election Campaign Act of 1971 shall remain in effect with respect to Senate election campaigns affected by this title or the amendments made by this title except to the extent that those provisions are inconsistent with this title or the amendments made by this title.

SEC. 103. FREE BROADCAST TIME.

(a) IN GENERAL.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a)—

(A) by striking "within the meaning of this subsection" and inserting "within the meaning of this subsection and subsection (c)";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting immediately after subsection (b) the following new subsection:

"(c)(1) An eligible Senate candidate who has qualified for the general election ballot shall be entitled to receive a total of 30 minutes of free broadcast time from broadcasting stations within the State.

"(2) Unless a candidate elects otherwise, the broadcast time made available under this subsection shall be between 6:00 p.m. and 10:00 p.m. on any day that falls on Monday through Friday.

"(3) If—

"(A) a licensee's audience with respect to any broadcasting station is measured or rated by a recognized media rating service in more than 1 State; and

"(B) during the period beginning on the first day following the date of the last general election and ending on the date of the next general election there is an election to the United States Senate in more than 1 of such States,

the 30 minutes of broadcast time under this subsection shall be allocated equally among the States described in subparagraph (B).

"(4)(A) In the case of an election among more than 2 candidates, the broadcast time provided under paragraph (1) shall be allocated as follows:

"(i) The amount of broadcast time that shall be provided to the candidate of a minor party shall be equal to the number of minutes allocable to the State multiplied by the percentage of the number of popular votes received by the candidate of that party in the preceding general election for the Senate in the State (or if subsection (d)(4)(B) applies, the percentage determined under such subsection).

"(ii) The amount of broadcast time remaining after assignment of broadcast time to minor party candidates under clause (i) shall be allocated equally between the major party candidates.

"(B) In the case of an election where only 1 candidate qualifies to be on the general election ballot, no time shall be required to be provided by a licensee under this subsection.

"(5) The Federal Election Commission shall by regulation exempt from the requirements of this subsection—

"(A) a licensee whose signal is broadcast substantially nationwide; and

"(B) a licensee that establishes that such requirements would impose a significant economic hardship on the licensee."; and

(2) in subsection (d), as redesignated—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) the term 'major party' means, with respect to an election for the United States Senate in a State, a political party whose candidate for the United States Senate in the preceding general election for the Senate in that State received, as a candidate of that party, 25 percent or more of the number of popular votes received by all candidates for the Senate;

"(4) the term 'minor party' means, with respect to an election for the United States Senate in a State, a political party—

"(A) whose candidate for the United States Senate in the preceding general election for the Senate in that State received 5 percent or more but less than 25 percent of the number of popular votes received by all candidates for the Senate; or

"(B) whose candidate for the United States Senate in the current general election for the Senate in that State has obtained the signatures of at least 5 percent of the State's registered voters, as determined by the chief voter registration official of the State, in support of a petition for an allocation of free broadcast time under this subsection; and

"(5) the term 'Senate election cycle' means, with respect to an election to a seat in the United States Senate, the 2-year period ending on the date of the general election for that seat.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to general elections occurring after December 31, 1995 (and the election cycles relating thereto).

SEC. 104. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "(b) The changes" and inserting "(b)(1) The changes";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in paragraph (1)(A), as redesignated—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(4) by adding at the end the following new paragraph:

"(2) In the case of an eligible Senate candidate (as described in section 501(a) of the Federal Election Campaign Act), the charges for the use of a television broadcasting station during the 30-day period and 60-day period referred to in paragraph (1)(A) shall not exceed 50 percent of the lowest charge described in paragraph (1)(A).".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315), as amended by section 102(a), is amended—

(1) by redesignating subsections (d) and (e) as redesignated, as subsections (e) and (f), respectively; and

(2) by inserting immediately after subsection (c) the following subsection:

"(d)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1)(A), of a broadcasting station by an eligible Senate candidate who has purchased and paid for such use pursuant to subsection (b)(2).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "the candidacy of such person, under the same terms, conditions, and business practices as apply to its most favored advertiser".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the general elections occurring after December 31, 1995 (and the election cycles relating thereto).

SEC. 105. REDUCED POSTAGE RATES.

(a) IN GENERAL.—Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and the National" and inserting "the National"; and

(ii) by inserting before the semicolon the following: ", and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(B) in subparagraph (B), by striking "and" after the semicolon;

(C) in subparagraph (C), by striking the period and inserting a semicolon; and

(D) by adding after subparagraph (C) the following new subparagraphs:

"(D) the term 'principal campaign committee' has the meaning given such term in section 301 of the Federal Election Campaign Act of 1971; and

"(E) the term 'eligible Senate candidate' has the meaning given such term in section 501(a) of the Federal Election Campaign Act of 1971."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to that number of pieces of mail equal to 2 times the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to the general elections occurring after December 31, 1995 (and the election cycles relating thereto).

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1)(A) Not later than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend during the election cycle an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), the limitations on contributions under subsection (a) shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C), if the candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph in an amount exceeding $250,000;

"(B) expends such funds in the primary and general election in an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1).

"(3) For purposes of paragraph (2)—

"(A) the limitation under subsection (a)(1)(A) shall be increased to $5,000; and

"(B) if a candidate described in paragraph (2)(B) expends more than $1,000,000 of funds described in paragraph (1) in the primary and general elections the limitation under subsection (a)(1)(A) shall not apply.

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) No increase described in paragraph (3) shall apply under paragraph (2) to noneligible Senate candidates in any election if eligible Senate candidates are participating in the same election campaign.

"(6) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office not later than 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.".

SEC. 202. RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR PERSONAL PURPOSES.

(a) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—Title III of FECA (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR PERSONAL PURPOSES

"SEC. 324. (a) An individual who receives contributions as a candidate for Federal office—

"(1) shall use such contributions only for legitimate and verifiable campaign expenses; and

"(2) shall not use such contributions for any inherently personal purpose.

"(b) As used in this subsection—

"(1) the term 'campaign expenses' means expenses attributable solely to bona fide campaign purposes; and

"(2) the term 'inherently personal purpose' means a purpose that, by its nature, confers a personal benefit, including a home mortgage payment, clothing purchase, noncampaign automobile expense, country club membership, vacation, or trip of a noncampaign nature, and any other inherently personal living expense as determined under the regulations promulgated pursuant to section 302(b) of the Senate Campaign Spending Limit and Election Reform Act of 1995.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Federal Election Commission shall promulgate regulations to implement subsection (a). Such regulations shall apply to all contributions possessed by an individual at the time of implementation of this section.

SEC. 203. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '____________ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 204. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 205. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 206. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act.

SEC. 207. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act not later than 9 months after the effective date of this Act.

By Mr. PRESSLER:

S. 1390. A bill to amend the Federal Water Pollution Control Act to permit a private person against when a civil or administrative penalty is assessed to use the amount of the penalty to fund a community environment project, and for other purposes; to the Committee on Environment and Public Works.

THE LOCAL ENVIRONMENTAL IMPROVEMENT FACILITATION ACT

Mr. PRESSLER. Mr. President, I rise today to introduce legislation to allow companies that violate the Clean Water Act the option to invest fines in improving their local environment. This bill makes good sense. Clean Water Act fines could be invested in the community where the violation occurred, rather than sent to Washington to be spent by bureaucrats.

In May 1995, the Environmental Protection Agency began a new program to encourage local environmental projects through EPA fines. My bill would adopt as law the goals of this program—to give Clean Water Act violators the option to perform community services by targeting their fines to local pollution prevention and remediation activities.

Under my legislation, companies found guilty of violating the Clean Water Act would be given the option of contributing to a community environmental project in lieu of paying fines directly to the Treasury. Violators could negotiate with State and local officials to determine an appropriate project. The money would then be paid by the violator directly to cover project costs.

The benefits to this legislation are clear. Passage of this bill would express Congress' support for local environmental projects. In addition, this legislation represents community empowerment. It gives the local community the opportunity to right a wrong done to its citizens by one of its own. It is common sense. Clean Water Act violations inadvertently can punish the community where the violation occurred. It's only fair that when a violator is punished, the community should receive some compensation. This option certainly is preferable to sending penalty dollars back to Washington to pay for more bureaucracy.

At the State and local level, many of those who violate the law are directed to perform community service. That tradition deserves a place in our Federal system as well. The legislation I am introducing today would do just that.

Senator CHAFEE, chairman of the Environment and Public Works Committee, has stated his intent to hold hearings on efforts to reform the Clean Water Act in the near future. I look forward to working with him to make sure that fines collected under the Clean Water Act can continue to be used for the benefit of the community where violations occurred. I urge my colleagues to support this commonsense legislation.

By Mr. PRESSLER (for himself and Mr. CAMPBELL):

S. 1391. A bill to amend the Federal Water Pollution Control Act to prohibit the imposition of any civil or administrative penalty against a unit of local government for a violation of the act when a compliance plan with respect to the violation is in effect, and for other purposes; to the Committee on Environment and Public Works.

CLEAN WATER ACT PENALTIES LEGISLATION

Mr. PRESSLER. Mr. President, I am introducing legislation today to lift the unfair burden of excessive regulatory penalties from the backs of local governments that are working in good faith to comply with the Clean Water Act.

Mr. President, earlier this year we worked on legislation to bring common sense to the regulatory process. That legislation is still pending. It is my hope that we will return to that bill and pass it. Everyone from small business persons to city mayors want real relief from Federal regulatory overreach. That is the goal of my bill as well.

Under current law, civil penalties begin to accumulate the moment a local government violates the Clean Water Act. Once this happens, the law requires that the local government present a municipal compliance plan for approval by the Administrator of the Environmental Protection Agency [EPA], or the Secretary of the Army in cases of section 404 violations. However, even after a compliance plan has been approved, penalties continue to accumulate. In effect, existing law gives the EPA the authority to continue punishing local governments while they are trying to comply with the law.

When I talk with South Dakotans, few topics raise their blood pressure faster than their frustrating dealings with the Federal bureaucracy. Government is supposed to work for us, not against us. Mr. President, this is clearly a case where the Government is working against those cities and towns trying in good faith to comply with the Clean Water Act.

In South Dakota, the city of Watertown's innovative/alternative technology wastewater treatment facility was built as a joint partnership with the EPA, the city and the State of South Dakota in 1982. The plant was constructed with the understanding that EPA would provide assistance in the event the new technology failed. The facility was modified and rebuilt in 1991 when it was unable to comply with Clean Water Act discharge requirements. Unfortunately, the newly reconstructed plan still was found to violate Federal regulations. The city now faces a possible lawsuit by the Federal Government and is incurring fines of up to $25,000 per day.

The city of Watertown, under the very capable guidance of Mayor Brenda Barger, has entered into a municipal compliance plan with the EPA. Under the agreed plan, Watertown should achieve compliance by December 1996. However, that plan does not address the issue of the civil and administrative penalties that continue to accumulate against the city.

Under the law, Watertown could accumulate an additional $14 million in penalties before its treatment facility is able to comply with the Clean Water Act requirements.

Mr. President, no city in South Dakota can afford such steep penalties.

My legislation would offer relief to cities like Watertown. Under my bill, local governments would stop accumulating civil and administrative penalties once a municipal compliance plan has been negotiated and the locality is acting in good faith to carry out the plan. Further, my bill would be an incentive for governments to move quickly toward achieving compliance with the Clean Water Act.

This legislation is designed simply to address an issue of fairness. Local governments must operate with a limited pool of resources. Localities should not be forced to devote their tax revenues both to penalties and programs designed to comply with the law. It defies common sense for the EPA to penalize a local government at the same time it is working in good faith to comply with the law. My legislation restores common sense and fairness to local governments. By eliminating unfair penalties, local governments could better concentrate their resources to meet the intent of the law in protecting our water resources from pollution.

Mr. President, I hope my colleagues will join me in supporting this commonsense legislation for our towns and cities.

By Mr. BAUCUS:

S. 1392. A bill to impose temporarily a 25-percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes; to the Committee on Finance.

EMERGENCY TIMBER LEGISLATION

Mr. BAUCUS. Mr. President, I rise to introduce legislation to give our timber industry emergency relief in the face of a surge of subsidized lumber imports from Canada.

I have said before that when it comes to trade Canada does not play for the love of the game. Canada plays rough. Canada plays to win. Canada plays hardball.

You see that in fisheries, wheat, beer, intellectual property, and maybe most of all in timber. And if the game is hardball, we have to put on our helmets, pick up our bats and show that we can play too.

PROVISIONS OF LEGISLATION

That is what my bill will do. It contains three tough but fair measures:

First, temporary duty: We impose a temporary 25-percent tariff on Canadian lumber. This figure is based on the best estimates of the value of Canadian subsidies to Canadian timber exporters.

Second, countervailing duty investigation: We direct the Department of Commerce to investigate Canadian subsidization. At the end of the investigation, the temporary duty would be lifted.

If Commerce finds subsidization and damage to U.S. industry, the International Trade Commission would impose a permanent countervailing duty at a level appropriate to the damage. If the investigation were to find no subsidy, Commerce would refund the money collected under the temporary duty. Likewise, if the damage were under 25 percent, the difference would be refunded to Canada.

Third, renegotiate dispute settlement panels: We declare that no American judicial function or authority can be delegated to an international body under any trade agreement and give the President authority to renegotiate the so-called chapter 19 dispute settlement panels of the United States-Canada Free-Trade Agreement and NAFTA.

The general effect of this would be to eliminate the jurisdiction of international dispute settlement panels over our countervailing duty decisions. In the specific case of timber, it would repeal the 1992, 1993, and 1994 decisions of the United States-Canada dispute panels which have barred us from using our countervailing laws against subsidized Canadian softwood lumber exports.

Now, some will say, "MAX, gee, that is pretty tough." I agree. Sometimes tough measures are necessary. That is because today we face a surge of imported timber which has depressed prices, closed mills, and put Americans out of work.

The first two sections of this legislation respond to this crisis in a reasonable, fair way. We have the right to emergency relief under our domestic laws, and all our trade agreements so provide. This is a case where we definitely need it.

The third section responds to the longer term, but equally grave problem with the decisions dispute panels have made on United States-Canada timber disputes. Again, it does so in a tough but limited way. So, yes, this is tough but it is also fair.

Now, let me explain the situation and my proposed response in more detail. We will begin with the facts and figures on the immediate crisis, the Canadian subsidies and the import surge they have created.

Our bill deals with two forms of subsidies. The first is the extremely low stumpage fees the Canadian provinces charge for logging on their public land. Do not forget almost all the land in Canada on which timber is harvested is public land, called Crown land—the land owned by the provinces: very low stumpage; timber sale, very low, low prices.

The other subsidy is Canada's ban on all export of raw logs, which lowers the price of logs in Canada's market and gluts Canadian mills.

Some have a broader definition of subsidy. The Raincoast Conservation Society, a Canadian environment group based in Victoria, BC, says.

> * * * low stumpage rates, unsustainable rates of timber cutting, inadequate environmental controls, and the continued destruction of natural habitat constitute a massive network of public subsidies to the British Columbia timber industry.

Canada's timber practices have created an environmental disaster. British Columbia, for example, requires neither sustainable forestry; we do. Nor environmental assessments of forest practices; we do. It has minimal riparian protection; we have a lot. Allows clearcuts up to four times what is legal in the United States and requires no protection of endangered species and habitat.

Compare that with our Endangered Species Act. It gives the public virtually no role in forest management. Think of all the appeals and all the private rights of action we have in our country. If you take a boat up the coast of Washington State, you can literally see the border because Canadians have cut right down to the shore.

Our bill defines subsidies much more narrowly. All by themselves, the artificially low-stumpage rates on the ban on raw log exports have caused a trade disaster as profound as the environmental disaster in British Columbia.

Imports of Canadian lumber have risen 121 percent since 1991, from $2.56 billion to $5.65 billion last year. During this period, Canada's share of the American lumber market rose from 27 percent to 36 percent.

Mr. President, 36 percent of all the softwood timber consumed in the United States is Canadian. Last year we imported more than 16 billion board feet of timber; 3 billion board miles of softwood timber. That is enough to build a wooden bridge to the Moon 12.5 feet wide.

By comparison, we sold Canada about .3 of a billion board feet of lumber. That is a fiftieth of Canada's exports.

Canada's subsidies vastly inflate our imports of timber. We estimate that they cost American timber companies about $829 million last year and cost American workers 25,100 jobs.

This is an emergency. Every mill worker and mill operator in Montana can tell you the pressure from these subsidies is intolerable and the situation is getting worse all the time. That is the reason for part 1 of the bill, the temporary duty, and also for part 2, under which the Commerce Department will investigate Canadian timber practices and arrive at a long-term countervailing duty.

Now, let us turn to part 3. That is renegotiation of the application of the dispute settlement panels established in chapter 19 of the United States-Canada Free-Trade Agreement to our domestic countervailing duty or CVD decisions. To start, we need to review a bit of history.

During the drafting of the United States-Canada Free-Trade Agreement in the 1980's, a Canadian negotiator told the American side:

> You must understand that the Canadian people are committed to helping their industries that cannot compete. Our Constitution requires that funds be transferred to assist companies in noncompetitive locations to compete in international trade.

That is to say, in areas where free trade means a competitive United States industry will do well, Canada will subsidize its own industry to do its best to make sure that we cannot do well.

This sort of practice is, for obvious reasons, the most controversial issue we considered when the Reagan administration negotiated the United States-Canada Free-Trade Agreement in the 1980's. The Canadians, as was their right, refused to change their subsidy policies, but they also asked us to guarantee that we, Americans, would not use our countervailing duties laws against their subsidies.

Obviously, that was unacceptable. A free trade agreement which let Canada subsidize exports, while we gave up our right to combat the subsidies of domestic trade laws, would not be a free trade agreement at all. It would have been an agreement to give Canada a captive market, and we would have opposed it.

So we essentially agreed to disagree. Canada did not give up its subsidies and neither did we give up our trade laws. We agreed that the United States would continue to settle subsidy disputes through our domestic CVD laws. That is, dispute settlement panels setting up in the agreement's so-called chapter 19 would be available to Canada in these cases only to make sure that we had properly used our laws. That was the only point of that provision.

That was fine in theory. Unfortunately, at least in the timber case, it has not worked very well in practice. The past 10 years of this dispute have gone as follows.

On December 30, 1986, Canada and the United States signed, agreed to a joint memorandum of understanding on softwood lumber, under which Canada agreed to charge its timber companies a 15-percent export tax to make up for the value subsidies. Canada agreed.

In September 1991, 5 years later, Canada unilaterally abrogated this memorandum of understanding—just walked away from it, threw it in the trash bin. On October 1991, a month later, the Commerce Department opened up, as we obviously should have done, an investigation of the Canadian lumber subsidies.

In June 1992, this legislation ended with a finding that the subsidies damage the American industry. The ITC imposed countervailing duties, as is our right and is what we really should have done and did do.

Canada then challenged this finding at the dispute panels set up under chapter 19 of the United States-Canada Free-Trade Agreement. Later in 1992, and in appeal decisions in 1993 and 1994, the panels split along national lines and upheld Canada's cases. In each one, Canada had a majority of judges. There were more Canadian judges than American judges. At least two of the judges had serious conflicts of interest and one had even worked for the Canadian timber industry. In each case they all voted as a bloc to deny justice to the U.S. industry.

The last of these cases, our appeal to the Extraordinary Challenge Committee, which decided in the spring of 1994. Judge Malcolm Wilkey was the only American panelist and he describes the decision this way:

> The Panel started, of course, by giving us the litany of the standard of review of administrative agency action as enunciated in United States law, all thoroughly familiar. The Panel then preceded to violate almost every one of those canons of review of agency action * * *. This Binational Panel Majority opinion may violate more principles of appellate review of agency action than any opinion by a reviewing body I have ever read.

That is the opinion of the American panelists—the only American panelists; the rest are Canadian. As Wilkey says, "The panel reached egregiously wrong results." Those are his words. It was allowed to review only whether we applied our CVD laws as the United States Code requires. That is what we were supposed to do.

Instead, the panel declared our laws should not apply at all. That is what the panel said, totally above and beyond its jurisdiction. The panel had no right to make that decision, but it made it. Under the United States-Canada Free-Trade Agreement, the panel has no right to make such decision, yet the Canadian majority went ahead and did it anyway. Worst of all, have been the concrete real results of these decisions.

Since 1993, imports of Canadian timber have skyrocketed. The price of lumber has fallen by more than a third. Mills have closed in Superior, Libby, Bonner, and elsewhere in Montana, putting hundreds of good folks out of work. The same thing has happened all over America.

Our timber workers have been cheated, cheated by the dispute panels. There is no other word for it. We need to make sure nobody else suffers the same injustice.

Since Canada refuses to a fair settlement through negotiation, I see no alternative other than to remove the cause of the trouble.

Now, these are tough measures, but if your partner is playing hard ball, you need more than a golfing cap and a whiffle bat, you need a hard plastic helmet and Louisville slugger. You need tough measures like the ones my bill will provide.

I say let us stand up, restore fairness in the timber market, let us give a hand to some workers who have suffered grave injustice. I ask support for my bill, which I think, once enacted, we can restore the playing field so it is fair and give people in our country the justice they deserve.

By Ms. MOSELEY-BRAUN (for herself and Mr. SIMON):

S. 1393. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Natural Resources.

HYDROELECTRIC PROJECT LEGISLATION

• Ms. MOSELEY-BRAUN. Mr. President, the bill I am introducing today, on behalf of myself and Senator SIMON, grants the city of Alton, IL, a 6-year extension of its Federal Energy Regulatory Commission [FERC] license to begin construction of a hydroelectric power project next to lock and dam 26R on the Mississippi River. This extension is necessary because the Alton license expired October 15, 1995.

A license to permit construction for this proposed plant was first issued by FERC to the Missouri Joint Municipal Electric Utility Commission [MJMEUC] on October 15, 1987. MJMEUC transferred the license to the city of Alton with FERC approval on April 5, 1990. At the time of the transfer, the city of Alton entered into an agreement with Sithe Energies, a developer, which was granted a licensing extension pursuant to the Federal Power Act and Public Law No. 102-240, 105 Stat. 1914, section 1075 (b) of the Intermodal Surface Transportation Efficiency Act of 1991.

Between 1990 and 1995, Sithe Energies developed plans for a hydroelectric plant. However, there were several problems with its proposal. Sithe Energies was depending on State subsidies to support the estimated $190 million cost of the plant. The Illinois General Assembly did not provide those subsidies. Further, Sithe Energies was unable to comply with several FERC license requirements. For example, Sithe was unable to meet the FERC requirement for a fish mortality study. The proposed plant could have had a substantial effect on fish and other aquatic life in the Mississippi. Finally, due to the high rate per kilowatt hour that would be required to retire the debt that would be associated with the project and provide an attractive return on investment, Sithe Energies was unable to negotiate a purchase and sale agreement for the plant's electricity.

In May 1995, Sithe Energies terminated its relationship with the city of Alton. Subsequently, the city was contacted by Bedford Energies with a new plan that happens to be more economically feasible. Bedford Energies is proposing a smaller plant, using turbines that move more slowly and which should therefore reduce the plant's impact on fish and aquatic life in the Mississippi. The cost of the project is estimated to be $110 million—much less than the Sithe Energies' project. The projected costs per kilowatt hour is approximately one-half of Sithe's estimates.

The city of Alton and the River Bend area have been hit hard by plant closings and the loss of manufacturing jobs over the past 20 years. During the 1980's, Alton alone lost nearly 4,000 jobs. Alton's per capita income is significantly below the State of Illinois' average per capita income and, since 1970, Alton's population has declined from 39,700 to 33,064 residents. Alton's unemployment rate currently exceeds 9 percent and has consistently exceeded State and national averages. One-hundred to one-hundred fifty jobs are expected to be created during the 2- or 3-year construction phase of this project, and 6 to 12 permanent power plant operator jobs will be created once the plant is operational. The royalties from power sales will provide revenue to the city for capital improvements and other needed city projects which impact employment.

Lock and dam 26R on the Mississippi was designed and constructed for a hydroelectric plant. Because of the difficulties the city experienced with Sithe Energies, there was simply no way that construction could have begun in accordance with the schedule anticipated by the current license. This FERC license extension is a reasonable proposition for the residents of Alton who are counting on this project. Mr. President, this type of license extension has precedent in previous congressional action, and it is my hope that the Congress can move this noncontroversial bill forward as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE FOR HYDROELECTRIC PROJECT IN THE STATE OF ILLINOIS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 3246, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until October 15, 2001, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend until October 15, 2001, the time required for commencement of construction of the project.•

By Mr. SIMPSON:

S. 1394. A bill to amend the Immigration and Nationality Act to reform the legal immigration of immigrants and nonimmigrants to the United States; to the Committee on the Judiciary.

THE IMMIGRATION REFORM ACT OF 1995

Mr. SIMPSON. Mr. President, I have stood before my good colleagues so many times over the last 15 years seeking their support for reform of the immigration laws of our country. Today I do so once again, and this time the proposed change is fundamental.

The bill I am introducing today is the product of many years. It would reform the law relating to legal immigration—to reduce the level and to revise the criteria of selection. Many of the proposals are consistent with recommendations of the U.S. Commission on Immigration Reform and its very able Chairwoman, that remarkable and impressive woman, former Congresswoman Barbara Jordan. She and a bipartisan group of people put together some very important recommendations for us. The members of the Commission were appointed by the Speaker, by the Republicans, by the Democrats, by the majority leader, the minority leader. I ask unanimous consent that their names be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

MEMBERS OF THE COMMISSION

Barbara Jordan, Chair.
Lawrence H. Fuchs, Vice Chair.
Michael S. Teitelbaum, Vice Chair.
Richard Estrada.
Harold Ezell.
Robert Charles Hill.
Warren R. Leiden.
Nelson Merced.
Bruce A. Morrison.

Mr. SIMPSON. They are wonderful, contributing members of this society.

Mr. President, there are those in this country, including some in this body, who eternally say, "If it ain't broke, don't fix it." I have heard that old, tired canard too many times. They assert that the present immigration-related problems of this country relate entirely to illegal immigrants, to the failure to prevent rampant violation of immigration law—not only by the hundreds of thousands per year who cross this border illegally, but also by a perhaps equal number of persons who enter legally on temporary visas, and then remain here even after their approved period of stay has expired.

Mr. President, illegal immigration is, indeed, a major problem, and I introduced legislation earlier this year which would greatly improve our ability to combat that. In June, that bill, S. 269, was favorably reported out of the Immigration Subcommittee, which I have the honor to chair.

Perhaps the most important element of that bill is its proposed enhancement of the employer sanction system that is so necessary if we are ever to control both forms of illegal immigration, visa overstays, as well as illegal border crossing. The employer sanction system has been left incomplete and ineffective in the years since enactment of the 1986 immigration reform bill, because expected improvements in the system that is used to verify work authorization have never been made. S. 269 would require a series of pilot programs and within 8 years a final verification system. This system would be used not only for employment but for welfare or any other form of public assistance.

The proposals for an improved verification system have been controversial. Ironically, I point out to my colleagues that anyone getting on an airplane in the United States in the last 3 weeks has been asked to present a picture ID of themselves. I have not seen much media squawk about that, or any concerned and high-emotion editorials about the "slippery slope," or threats to our privacy or civil liberties. Perhaps it was partly because no Federal card was involved. Yet, even when the President held up before the joint session of Congress 2 years ago a card and said, "This is a health care card and everyone will have one," not much was said about "the card" then—a great deal about health care but not much about "the card."

Maybe it was also because such actions have to do with their personal interest and their health and safety.

In any case, the system I favor would involve no "national ID card," no new card of any kind—just improvements in various ID and other systems that are already in use. I refer to telephone verification of a Social Security number—a service already available to employers—plus improvements in the State driver's license or ID card, and in the birth certificate. That would be it. I honestly do not believe the American people have any reason for concern, and I honestly do not believe that they will be concerned, else we would have heard a little bit about that in these past weeks with what is happening to them at each and every airport in this country.

But, Mr. President, curbing or even stopping illegal immigration is not enough. Why do I say this? A major reason is that the American people are increasingly troubled about the impact legal immigration is having on their country. Poll after poll shows us this.

The people have made it so very clear they believe the level of immigration is too high. The people have been saying more or less the same thing for a very long time.

According to a recent article in the American Enterprise, which reviewed 11 major polls taken since 1955, well over 60 percent of the American people favor a reduction in immigration, according to most polls since 1980—and that has always included legal immigration whenever it was specifically asked about.

Yet, what do people see going on, year after year after year? They see steady increases. In 1953, 170,000 new legal immigrants. In 1963, 306,000; 1973, 400,000; 1983, 560,000; in 1993, 904,000. Thus, in these 40 years since 1953, the annual level of new immigrants has gone up fivefold, rising from 170,000 to 904,000.

The American people have become increasingly restless and dissatisfied at seeing their will ignored. Proposition 187 may be only the first of many indicators of their real displeasure.

Mr. President, there are individuals and groups who are actively and obsessively working against the efforts of those of us here and in the other body—and on the Commission on Immigration Reform—who are all doing our level best to develop and enact into law an immigration policy that will better promote the long-term best interests of this entire Nation. These individuals and groups form an unholy alliance composed of, one, those wanting to preserve the historically high current level of immigration and all aspects of current law which enable a person to bring to this country extended family members, not even part of the nuclear family—a nuclear family being spouses and minor children—joined with, two, certain employers who want to avoid paying wages high enough to attract U.S. workers, or to preserve their "right" to bring in the employee they really want, notwithstanding the impact on any U.S. workers.

I submit that we must break through all of this clatter. We must not allow these defenders of the status quo to deter us from the national interest-based policy the American people so deeply want—and deserve.

Now, I have recently read that one in the other body claimed that to reduce legal immigration is to "punish legal immigrants" for the actions of the illegals. That is surely quite an extraordinary claim. To use the word "punish" in this way is another fine example of rhetorical exuberance—not uncommon around this village, of course. But, still, let us try to keep at least one foot on the ground.

No one has the "right" to immigrate to the United States. Hear that. There are apparently hundreds of millions who would like to do so, but none of them has any "right" to do so. For the citizens of this country and their legislators to decide to reduce the level of legal immigration is not to "punish" anybody. "Punishment" is something imposed because of a judgment that the punished person has done "something wrong." It is most usually meted out with an intent to encourage more acceptable behavior.

The issue involved in legal immigration reform is not whether individual aliens abroad, who would like to be legal immigrants—or even aliens who have already succeeded in becoming legal immigrants—have done anything "blameworthy." It is simply that the annual addition of 800,000 new residents, including hundreds of thousands of new workers, has some major consequences—and some of these consequences are ones the American people simply and clearly do not want. No mystery here; no evil reasoning.

Taking it as a given that a majority of the American people believe that immigration, under current law, has consequences which are harmful to their interests, it is appropriate that they demand change. And that is exactly what they are doing: demanding change—not punishment—but change.

Mr. President, the American people are so very fed up with being told—when they want immigration laws enacted which they believe will serve their national interest and when they also want the law to be enforced—that they are being cruel and mean-spirited and racist. They are fed up with the efforts to make them feel that Americans do not have that most fundamental right of any people: to decide who will join them here and help form the future country in which they and their posterity will live.

We must not allow ourselves to be distracted by these wretched rhetorical excesses and the confused non sequiturs and the babble used by so many of the opponents of the direly needed reform. Let us focus our attention always on the main issue: What will promote the best interest of the entire Nation.

We are so fortunate in having the substantial assistance in our efforts of the U.S. Commission on Immigration Reform, who have worked so diligently and so well to produce their recommendations on changes to be made to the system of legal immigration. Their ideas have been of immense help to me. As I describe my bill, I will refer frequently to their well-founded and thoughtful recommendations.

We are also most fortunate in having such talented and dedicated legislators working in a consistent, bipartisan fashion in the other body, the House of Representatives—especially my friends, LAMAR SMITH and JOHN BRYANT. The steady, patient, and fair way they have proceeded in the processing of a bill under the chairmanship of Senator HENRY HYDE—a lovely friend of many years—is something we would do well to keep in mind as we go forward with our work here. I and my immigration sidekick here in the Senate, Senator TED KENNEDY, will heed their lessons.

Mr. President, the people are demanding change—and soon—and they are so right.

Most immigration to our United States is of a legal nature and, thus, many of the impacts the people find most troubling are due to legal immigration.

For too many U.S. workers, the impact of immigration includes adverse affects on their own wages and individual job opportunities.

At this time—when major U.S. employers like IBM, AT&T, and GM are laying off workers by the tens of thousands, when the defense industry has undergone a major downsizing, when we read of the difficulty so many young American college graduates are facing in finding a job in their own field—we must then reconsider some of the increases that we authorized in 1990, before so many of these events had occurred and when certain experts were predicting to us shortages of scientists and engineers, shortages that would not have occurred even if the 1990 increases in immigration had not come about.

The current major reform of the Nation's welfare system, which we will complete this session, is another reason why we must revise the present system. It is expected that these reforms will add large numbers of unskilled workers to the labor market. That is how the law will read: "After 2 years on welfare, if you are able bodied, you will work." As a result, it is increasingly inappropriate for U.S. employers to be able to continue to petition for unskilled or low-skilled workers. That adversely affects the job opportunities and wages of the least-advantaged U.S. workers.

Mr. President, the bill I am introducing today contains new and lower limits on immigration; and assigns a "higher priority" to immigrants with skills and other characteristics that are consistent with the needs of the entire Nation—rather than primarily the needs or wishes of those abroad who would wish to come to this country, or the fraction of our own population who wish to bring in their relatives or who want to employ foreign workers.

Mr. President, in 1990 the level of legal immigration was increased substantially, by 37 percent. This was done partly because Congress and the President believed that the 1986 immigration reform law had instituted workable measures—including sanctions against employers who knowingly employ illegal aliens—that would greatly reduce illegal immigration. Unfortunately, the belief was overly optimistic. As a result, total immigration—legal plus illegal—had been in excess of 1 million per year.

For this reason—and because the American people so clearly want it—the annual level of legal immigration to the United States must—at least for the time being—be significantly reduced.

The bill I am introducing today would reduce the annual level of regular nonrefugee legal immigration from 675,000 to about 540,000. This would include 90,000 employment-related immigrants, plus 450,000 family immigrants—composed of 300,000 of the "nuclear family," that is, spouse and minor children citizens and permanent residents, and 150,000 per year to reduce the backlog of spouses and unmarried minor children of permanent residents who are already eligible to come here.

Mr. President, I believe my colleagues should be aware that most other bills in this area introduced in this Congress and in the last Congress have proposed nonrefugee totals much lower than mine. Most have proposed 300,000, or even less.

Now, I do know that some do find the constant talk about numbers to be quite distasteful, but I sense that many who feel this way are not in very close touch with the American people—who observe firsthand just how much these "numbers" mean to conditions in the heavily impacted areas of this country. Yes, the issue of "numbers" is an essential element of the problem and the people will not let us forget that.

Yes, I know full well that the numbers represent human beings—human faces—and that to reduce immigration because it is in the interest of the entire Nation, nevertheless has its cost. And this cost may, indeed, involve many fine individuals in many places outside of this country giving up their dreams of a lifetime. This is not easy for us, and that is why we must keep focused always on the ultimate issue of what will promote the long-term best interests of the American people—those of us here.

It is time to slow down, to reassess, to make certain that we are assimilating well the extraordinary level of immigration the country has been experiencing in recent years. Yes, I say "assimilating." Barbara Jordan uses that term, too. That should not be a "politically incorrect" term. Terms like "assimilation" and "Americanization" should not be "politically incorrect."

Mr. President, my bill also proposes major reform of the criteria for selecting immigrants, including both family-sponsored and employment-based immigrants.

The bill would reserve family-sponsored immigration for those most likely actually to be living with the relatives in the United States with whom they are in theory being "reunited."

Mr. President, in 1965 the United States adopted an immigration law that was primarily oriented toward family reunification. With some modifications, this emphasis has continued ever since.

The policy has not been limited to reunification of the closest family members, those most likely to actually live together in the United States; that is, spouses and unmarried minor children: what is called the "nuclear family"—the family unit the American people believe is most conducive to the raising of healthy, productive, and happy children.

No, the current policy has also given preference to adult or married children, parents, and brothers and sisters, who are much less likely to live with the U.S. relative who has petitioned for them. Last year, family immigrants outside of the nuclear family totaled more than 150,000.

This policy of admitting immigrants who are relatives of citizens and immigrants but outside of their nuclear families is serving primarily the interests of the immigrants themselves and those of their relatives in the United States.

Because the American people want immigration reduced, and because eliminating the preferences for non-nuclear family would not greatly offend the family values of the American people, this is an area where significant change should be made.

Accordingly, the bill would narrow the presently numerically unlimited category of "immediate relatives" of U.S. citizens to include only: spouses and unmarried minor children, plus parents 65 or older, if the greatest number of their sons and daughters reside in the United States. It would also reserve numerically limited family immigration for spouses and unmarried minor children of lawful permanent resident aliens—"green card" holders—at an annual ceiling of 85,000, still above the current level of new petitions coming in on behalf of such immigrants.

The Commission on Immigration Reform also recommends this elimination of most family classifications not related to the nuclear family.

In addition, "special immigrant" status would be provided for severely disabled adult sons and daughters of citizens or permanent residents, which is again consistent with the recommendations of the Commission on Immigration Reform. This provision would require a showing of being able to provide adequate medical and long-term care insurance for any such dependent immigrants.

The bill would also provide for a very generous program to reduce the current backlog of spouses and unmarried minor children of permanent residents—now 1.1 million. The bill would authorize 150,000 additional visa numbers per year until all who are now "on the waiting list" have been reached. This too was recommended by the Commission.

Mr. President, I want to remind my colleagues of a final point on family immigration. Neither the Government of these United States, nor the American people are responsible in any way for "breaking up" extended families abroad. Please hear that. No, immigrants who have come here consciously chose to do so and, by doing so, they personally chose to leave most of their family behind—to "break up" their family. No one else is responsible.

The American people will continue to generously favor allowing individual citizens and permanent residents to "sponsor" members of their immediate family—their spouse or unmarried minor children, even those disabled sons and daughters and elderly parents who they want to have live with them. But it is not in the best interests of the American people to continue to allow the immigration of the entire "rest of the family" they made a conscious choice to leave behind, and then witness the spawning of the chain migration of the in-laws, and in-laws of in-laws, to which this clearly leads.

Mr. President, the bill's proposed changes in the employment-related classifications are intended to protect the wages and job opportunities of our U.S. workers, especially those who are first entering upon their careers, and to preserve long-term incentives for Americans to acquire needed skills and education, and for employers to continually encourage them to do so.

We have a wonderful group of fine young people who have acquired an excellent and often very expensive education—and much of it, interestingly enough, paid for directly or indirectly by the U.S. taxpayers. It is in the national interest that their learned and natural abilities be fully utilized before employers are permitted to employ foreign workers.

At this time then I will review briefly the bill's employment-related provisions.

REFORM OF PREFERENCE REQUIREMENTS

Section 103 would reform the "employment-based" preference classifications, generally again along the lines recommended by the Commission. Two of the three components of the existing first preference—priority workers—would be essentially retained in the first two new preferences: First, aliens with extraordinary ability—the "superstars"—and second, executives and managers of multinational firms. The first would be modified, as recommended by the Commission, by the addition of aliens with the clear potential for extraordinary achievement. The second provision, relating to multinational executives and managers, would be modified by the addition of a definition of the current multinational firm and a requirement for meeting a longer period of prior work experience.

Both of these classifications would be exempt from the new labor certification requirements I will also explain.

Also exempt from the labor certification requirement would be two other classifications in current law: third, investors and fourth, "special immigrants," which includes clergy and other religious workers, as well as several other classifications, such as former employees of the U.S. Government.

The "outstanding professors and researchers" category would be dropped, but please be assured that more than enough "numbers" would be provided under our "extraordinary ability classification" to accommodate all of these genuinely outstanding individuals.

In addition to the four classifications that would not be subject to the new labor certification requirements, the bill proposes three classifications that would then be subject to labor certification: fifth, professionals with an advanced degree and at least 3 years experience in the profession practiced outside of the United States after the receipt of their degree, sixth, professionals with a baccalaureate degree and at least 5 years experience in their profession practiced outside of the United States after the receipt of their degree, and (7) skilled workers with at least 5 years experience gained outside of the U.S., plus having at least a high school education, and 2 years of college or of specialized vocational training.

The foreign work experience requirement is basically intended to provide protection for U.S. workers who are just beginning their careers.

These three classifications would also require a minimum score on a test of the English language. Again, this is employment-based only. We are not talking about family. No test there.

NEW LABOR CERTIFICATION REQUIREMENTS

Section 104 proposes that the present labor certification process be replaced with a new system involving two alternative approaches. Under the first alternative, a petitioning employer would be required to pay a fee equal to 25 percent of annual compensation and to demonstrate they have made appropriate efforts to recruit U.S. workers, including the offering of at least 100 percent of the actual wage paid by the employer for such employment or 105 percent of "prevailing wage," whichever is higher. The fees would be paid into private, industry-specific funds that would use the money solely to finance training or education programs or in other ways to reduce the industry's dependency on foreign workers.

This section also proposes that the permanent resident status to be obtained under the preferences subject to the labor certification would be "conditional"—as is the status obtained as the result of marriage. The conditional status would become full permanent resident status after 2 years if the alien were still employed by the petitioning employer and had also received the required wage.

This first approach to labor certification generally follows the recommendations of the Commission, although they did not recommend a particular amount for the fee. Twenty-five percent was chosen because it is a balance between the standard fee charged by recruiters in the computer programming industry and "recruitment" for other positions. The goal is to make an employer's "cost" of obtaining and employing a foreign worker at least as expensive as the cost of paying a professional recruiter to find a U.S. worker and then paying all of the worker's wages and benefits.

Under the second approach, the Secretary of Labor would be authorized to determine that a nationwide labor shortage or labor surplus does exist in the United States with respect to one or more occupational classifications. If there was a determination of labor shortage made, a labor certification would be deemed to have been issued. The fee would still be required, in order to provide funding for the private, industry-specific funds mentioned earlier, and to maintain the basic incentive of employers to seek—and to take action to increase the supply of—U.S. workers. If there were a determination of a labor surplus, no labor certification could be issued.

NUMERICAL LIMIT FOR EMPLOYMENT-BASED IMMIGRANTS

Section 112 would reduce the total for employment-related immigrants to 90,000. Although the total immigrants allowable under current law, as the result of the 1990 act, is 140,000, the actual entries in fiscal year 1994 were about 93,000—excluding unskilled workers and immigrants under the Chinese Student Adjustment Act. Thus, this provision of the bill would reduce the employment-based numerical limit to about the current level of new immigrants under the skilled-worker categories. We believe it to be fair.

NONIMMIGRANTS

The bill also contains provisions relating to nonimmigrants, including temporary foreign workers.

PROHIBITION OF "DUAL INTENT"; REDUCTION OF MAXIMUM STAY TO 3 YEARS

Section 201 would, first, prohibit what is commonly known as "dual intent" for the visa classifications of H-1B—temporary foreign worker in a "specialty occupation"—or L—intracompany transferee.

Before 1990, an overseas consular officer could refuse a visa applicant if the officer thought the applicant "intended" to remain in the United States permanently—in other words, if he or she had the intent to become, ultimately, an immigrant, as well as the similar intent to be, initially, a temporary worker. The 1990 act authorized this "dual intent" for H-1B and L visas.

After the change proposed by my bill, those visas would once again not be issued unless the applicant had a "residence" in a foreign country which he had no intention of ever abandoning—which is the rule for all other temporary visas.

The second change proposed by this section is that the "maximum stay" under these visas would be reduced to 3 years—from 6 years—for H-1B and H-2B—or from either 5 or 7 years—for L. A 3-year maximum is more consistent with the "supposedly" temporary nature of the job—and of the stay of the worker. It would also reduce the total number of such foreign workers who could be in the United States at any one time.

ANNUAL FEE; RECRUITMENT AND OTHER ATTESTATIONS; FOREIGN EXPERIENCE REQUIREMENT

Section 202 would require the petitioning employer to pay an annual fee in order to employ an H-1B worker. The fee would be used for the same purposes as the fee for immigrants that I mentioned earlier, although the H-1B fee would be lower—5 percent in the first year, 7.5 percent in the second, and 10 percent in the third.

The section would also require petitioning employers to make several "attestations" in addition to those that are required under current law before entry of an H-1B worker could be approved: the employer would have to agree: First, to pay the H-1B worker at least 100 percent of the actual compensation as paid by the employer for such workers or 105 percent of the "prevailing wage," whichever is higher; second, not to replace U.S. workers with H-1B workers unless each replacement worker were paid at least 105 percent of the mean of the compensation paid to the replaced workers; third, to take "timely, significant, and effective steps" to end dependence on foreign workers; and fourth, if it is a job contractor, to require its clients to make the same attestations as would the direct employers. The employer would also have to attest that it had attempted to recruit a U.S. worker, offering at least 100 percent of the actual compensation paid by the employer for such workers or 105 percent of the "prevailing wage," whichever is higher.

Finally, the section would require that all H-1B workers have 2 years experience in their specialty while working outside of the United States after obtaining their most recently received degree. Similar to the foreign work experience required for immigrants, this is intended basically to protect job opportunities for U.S. workers who are just entering their careers.

DEFINITION OF MULTINATIONAL FIRM FOR L VISAS

Section 203 would apply to L visas—intracompany transferees—the same definition of "multinational firm" as is contained in the bill for purposes of describing the employment-based immigrant classification as used for certain multinational executives and managers.

CONCLUSION

Mr. President, the citizens of this Nation very much want, and they do surely deserve, an immigration policy that is designed primarily to promote their own long-term interests—their Nation's—and the interests of their descendants. This has thus been the fundamental criterion in the drafting of my own bill—together with my own intuition and feelings about the realities of today's political world. We must remain reasonable and responsive in pursuing this legislation and avoid the efforts of extremists, revisionists, and restrictionist. And be assured, this fundamental national-interest criterion will be my constant and steady guide as I move the bill through the ofttimes treacherous waters of the legislative process.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE IMMIGRATION REFORM ACT OF 1995

This bill would amend provisions of the Immigration and Nationality Act, primarily those relating to the numerical limits and selection criteria for immigrants and nonimmigrants.

CHANGES IN FAMILY CLASSIFICATIONS

Sec. 101. Immediate relative classification.

This would narrow the immigrant classification "immediate relatives" of U.S. citizens (a numerically unlimited classification). At present, the classification includes spouses and unmarried minor (under 21) children of citizens, plus parents of adult citizens. After the change, only a portion of the parents would be included: those 65 or older, whose sons and daughters reside for the most part in the United States (the latter is often called the "Australian rule"). The goal is to provide immigrant visas to "reunify" the parents most likely to live with their U.S. citizen sons or daughters, but only if there is not another country with a greater number of sons and daughters with whom the parent could live.

The section also proposes an amendment to the "public charge" exclusion that would condition admission of these parents on adequate medical and long-term care insurance.

Parents not qualified to immigrate to the U.S. under the new "immediate relative" classification would be able to immigrate through one of the employment-related classifications or to visit their U.S. relatives with a tourist visa.

Sec. 102. Family-sponsored preference classifications.

This would limit family preferences to the nuclear family (spouse and unmarried minor children) of lawful permanent residents. (However, severely disabled sons and daughters of citizens or permanent residents would have "special immigrant" status; see below.)

Thus, the section would eliminate or greatly narrow several non-nuclear family preferences, as recently recommended by the U.S. Commission on Immigration Reform:

4th (brothers and sisters of adult citizens)

3rd (married sons and daughters of citizens)

1st (unmarried adult sons and daughters of citizens)

2B (unmarried adult sons and daughters of permanent residents)

These classifications would be eliminated, except that bill section 105 would create a new "special immigrant" classification for "disabled" adult sons and daughters of citizens or lawful permanent residents, consistent with the Commission's recommendations.

CHANGES IN EMPLOYMENT PREFERENCES AND SPECIAL IMMIGRANTS

Sec. 103. Employment-based preference classifications.

This would reform the employment-based preferences. Two of the three components of the existing 1st preference (priority workers) would be essentially retained in the first two new preferences: (1) aliens with extraordinary ability (the "superstars"), and (2) executives and managers of multinational firms. The first would be modified, as recommended by the Commission, by the addition of aliens with the potential for extraordinary achievement. The second provision, relating to multinational executives and managers, would be modified by the addition of a definition of multinational firm and a requirement for a longer period of prior work experience. These classifications would be exempt from the new labor certification requirements (see below).

Also exempt from the labor cert. requirement would be two other classifications in current law: (3) investors and (4) "special immigrants." The investor classification would be modified to eliminate the "set-aside for targeted employment areas" and by a requirement that the new jobs which must be created be for citizens or lawful permanent residents (not "other immigrants lawfully authorized to be employed in the United States;" thus, for example, jobs for H-1B temporary workers would not be counted).

"Special immigrants" include, among other classifications (e.g., former employees of the U.S. government), clergy and other religious workers. One proposed change: the required two years of experience in religious work would have to have been abroad. (The major change for the "special immigrant" classifications, however, would be the addition, in section 105 of the bill, of a new classification: severely disabled adult sons and daughters of citizens and lawful permanent residents.)

The outstanding professors category would be eliminated, but more than enough numbers would be provided for the extraordinary ability classification to accommodate professors who are genuinely outstanding.

In addition to the four classifications not subject to the new labor certification requirements, the bill proposes three classifications that would be subject to labor certification: (5) professionals with an advanced degree and at least 3 years experience in the profession outside the U.S. after receipt of the degree, (6) professionals with a baccalaureate degree and at least 5 years experience in the profession outside the U.S. after receipt of the degree, and (7) skilled workers with at least 5 years experience outside the U.S. and at least a high school education plus two years of college or specialized vocational training. The foreign work experience requirement is intended to provide additional protection for U.S. workers just beginning their careers.

The latter three classifications would also require a minimum score on a test of English.

The first of the seven employment-based classifications would have complete priority over the second (only the visa numbers available after demand under the first classification had been completely satisfied would be available for the second). Similarly, the 2nd classification would have complete priority over the 3rd, the 3rd over the 4th, and so on—with two exceptions: (a) there would be a numerical limit on most "special immigrants" under the 4th classification, and (b) the 5th classification (professionals with an advanced degree) and 6th classification (professionals with a baccalaureate degree) would each be allocated half of the numbers available after demand in higher classifications had been satisfied. The allocation between the 5th and 6th classifications reflects their current relative levels, as well as the fact that a professional with a baccalaureate degree in a particular field may contribute more to the economy than a professional with an advanced degree in a different field, one in less demand.

Sec. 104. Labor certification.

This proposes that the present labor certification process be replaced with a new system providing two alternative approaches. Under the first alternative, a petitioning employer would be required to pay a fee equal to 25% of annual compensation and to demonstrate appropriate efforts to recruit U.S. workers, including the offering of at least 100% of the actual compensation paid by the employer for such employment, or 105% of "prevailing compensation," whichever is higher.

The lawful permanent resident status obtained under the preferences subject to labor certification would be conditional (like the status obtained as the result of marriage). The conditional status would become full lawful permanent resident status after 2 years if the alien were still employed by the petitioning employer and had received the required wage (105% of prevailing wage). This section of the bill contains many provisions describing the procedure to be followed to upgrade the conditional status. Such provisions are modeled on INA section 216 (intended to combat marriage fraud).

Such approach generally follows recommendations of the Commission. The Commission did not recommend a particular amount for the fee. 25% was chosen because it is in the middle of the range of fees charged by professional recruiters in various industries. The goal is to make an employer's cost of obtaining and employing a foreign worker at least as expensive as the cost of paying a professional recruiter to find a U.S. worker and then paying the worker's wages and benefits. The fees would be paid into private, industry-specific funds, which would use the money to finance training or education programs or in other ways to reduce the industry's dependence on foreign workers.

Under the second approach, the Secretary of Labor would be authorized to determine that a nationwide labor shortage or labor surplus existed in the United States with respect to one or more occupational classifications. If there were a determination of labor shortage, a labor certification would be deemed to have been issued. The 25% fee would still be required, in order (a) to provide additional funding for the industry-specific private funds, and (b) to maintain the incentive of employers to seek—and to take action to increase the supply of—U.S. workers. If there were a determination of a labor surplus, no labor certification could be issued.

Any person could request that the Secretary make such a determination, by submitting evidence relevant to whether or not the claimed labor shortage (or surplus) existed. The burden of proof would be on the person making the request. The request could not be considered unless the requester had provided notice to other persons with an interest (as determined by the Secretary). Such other persons, or anyone else, could submit documentary evidence relevant to the Secretary's determination.

Sec. 105. Special immigrant classifications.

This section would create a new "special immigrant" classification for severely disabled sons or daughters of citizens or lawful permanent residents. It contains a definition of "disabled son or daughter" which would require a "severe mental or physical impairment" that is likely to continue indefinitely and that causes "substantially total inability to perform functions necessary for independent living." Providing such a classification is consistent with recommendations of the Commission.

The definition is based on several Federal statutes relating to disability, modified to refer to the degree of disability consistent with the policy of this "special immigrant" classification. Such policy is that it should cover only the sons and daughters who cannot take care of themselves and whose parents in the U.S. want to care for them at home.

The section also proposes an amendment to the "public charge" exclusion that would condition admission of these disabled sons and daughters on a showing of adequate medical and long-term care insurance. Failure to provide such insurance would subject the sponsor to civil penalties.

NEW PROVISION ON THE EFFECT OF AN APPROVED IMMIGRANT VISA PETITION

Sec. 106. Effect of approved immigrant visa petition.

This would reduce a problem in current visa practice which arises from the division of visa responsibility between INS and the State Department. At present, when an applicant is found ineligible for an immigrant visa by a consular officer—e.g., because the alien does not have the claimed occupation or family relationship—the officer may only "suspend action" and return the petition to INS. At that point, INS caseload is frequently such that the petition is once again approved, without additional investigation, and sent back to the consular officer. If the officer does not have additional factual evidence indicating that the alien is not entitled to immigrant status, the visa is issued. Section 106 would authorize the officer to deny the visa and return the petition to INS for appropriate action. This section is based on the view that the consular officer, who has the petition beneficiary before him, is in a better position to make the final determination of eligibility than an INS officer considering only the paperwork, usually hundreds of miles from the petitioner and thousands of miles from the beneficiary.

NEW PROVISION ON JUDICIAL REVIEW OF AGENCY ACTIONS ON VISA PETITIONS

Sec. 107. Judicial review.

This would establish limitations and conditions on judicial review of agency actions relating to petitions for a visa or adjustment of status.

CHANGES IN NUMERICAL LIMITS FOR FAMILY PREFERENCES

Sec. 111. World-wide numerical limitation on family-sponsored immigration.

This would reduce the numerical limit for family preference immigrants to 85,000, approximately the current level of new petitions for spouses and unmarried minor children of permanent residents (the only remaining family preference classification in the new system). Unused visa numbers would not carry over from one year to the next.

The result would be a decrease of about 140,000 from the current annual total of about 226,000 (for the full current group of 4 family preferences). Together with the likely reduction of at least 35,000 in "immediate relatives" of citizens that would result from limiting the admission of parents to those 65 or older, this provision would result in a level of family immigrants of about 300,000, a reduction of about 175,000 per year. Most of this saving (up to 150,000 per year) would be devoted to reducing the 1.1 million backlog in spouses and unmarried minor children of lawful permanent residents, resulting in overall family immigration of about 450,000 until the backlog is eliminated.

CHANGES IN NUMERICAL LIMITS FOR EMPLOYMENT PREFERENCES

Sec. 112. World-wide numerical limitation on employment-based immigration.

This would reduce the limit to 90,000. The total allowable under current law is 140,000. However, the actual entries in FY94 were about 93,000 (excluding unskilled workers and immigrants under the Chinese Student Adjustment Act). Thus, this provision of the bill would reduce the annual numerical limit for employment-based immigrants to approximately the current level of new immigrants under the skilled-worker categories.

CHANGES IN THE PER-COUNTRY LIMIT

Sec. 113. Numerical limitation on immigration from a single foreign state.

This would reestablish the per-country limit of 20,000 for preference immigrants in effect before 1990 (a 40,000 limit is proposed for "contiguous countries" and 5,000 for "dependent areas"). The limit would not, however, affect spouses and unmarried minor children of lawful permanent residents as long as the backlog-clearance numbers were being provided (see sec. 114 below).

As under current law, this limit would not restrict the level of "immediate relatives" of citizens. However, the bill proposes to reduce the limit for a particular foreign state in a fiscal year by the number of immediate relatives of citizens above the 20,000 (40,000 for "contiguous countries" and 5,000 for "dependent areas") such foreign state sent in the prior year. For example, if in fiscal year 1995 the number of nationals from a non-contiguous country who entered as immediate relatives was 30,000, then the per-country limit for such country for fiscal year 1996 would be 10,000 fewer than the normal 20,000.

BACKLOG REDUCTION

Sec. 114. Transition for certain backlogged spouses and children of lawful permanent residents.

This would authorize 150,000 additional visa numbers in the first fiscal year beginning on or after the bill's effective date for reduction of the current backlog of spouses and unmarried minor children of permanent residents (now 1.1 million). After such first year, the quantity of backlog reduction numbers would be equal to the lesser of 150,000 and the amount by which the level of family immigration in the prior fiscal year was below the current level of about 475,000. The full 150,000 would be available, for example, if the level of nuclear family of permanent resident aliens were 85,000 (the limit provided in the bill) and the level of immediate relatives of citizens were no more than about 240,000 (if the bill's provisions were now in effect, the current level would be no more than 215,000, probably much less). The goal is for the total level of family immigrants (including those using backlog reduction numbers) to be no higher than currently.

The backlog numbers would go first to the spouses and children of permanent resident aliens who had not obtained immigrant status through the amnesty program of the Immigration Reform and Control Act of 1986 ("IRCA"). Backlog numbers would be provided for as long as anyone now on the waiting list had not been reached.

REVIEW OF NUMERICAL LIMITS BY CONGRESS

Sec. 115. Congressional review of numerical limitations.

This would require that after the present backlog of spouses and children of permanent resident aliens had declined to 10,000, or 5 years after enactment, whichever came later, the Judiciary Committees of the House and Senate each hold a hearing on the subject of whether the annual numerical limitations on family-sponsored or employment-based immigrant classifications should be changed. If, within 30 days of such a hearing, a bill pertaining solely to such a change was reported, that bill would be considered by the House and Senate under expedited procedures described in this section.

NONIMMIGRANTS

Sec. 201. Changes in H and L classifications.

This would, first, prohibit "dual intent" (present intent to work temporarily, but with the ultimate intent to immigrate permanently). After the change, an H-1B (temporary foreign worker in a "specialty occupation") or L (intra-company transferee) visa could not be issued unless the applicant had a residence in a foreign country which he had no intention of abandoning, which is the rule for all other nonimmigrant visas.

Second, the maximum stay under these visas would be reduced to three years—from six years (for H-1B and H-2B) or from either five or seven years (for L).

Sec. 202. Changes in H-1B classification.

This would require a petitioning employer to pay an annual fee in order to employ an H-1B temporary foreign worker. The fee would be used for the same purposes as the fee under bill section 104.

The section would also require petitioning employers to make several additional attestations before entry of an H-1B worker could be approved: the employer must agree (1) to pay the H-1B worker at least 100% of the actual compensation paid by the employer for such workers or 105% of the prevailing compensation (whichever was higher); (2) not to replace U.S. workers with H-1B workers unless each replacement worker were paid at least 105 percent of the mean of the compensation paid to the replaced workers; (3) to take "timely, significant, and effective steps" to end dependence on foreign workers; and (4) if it is a job contractor, to require its clients to make the same attestations as direct employers. The employer would also have to attest that it had attempted to recruit a U.S. worker, offering at least its current actual compensation for the job, or 105 percent of the prevailing compensation in the area, whichever was higher.

The section would also provide that "prevailing compensation" for an occupational classification, such as researcher, could not be considered to vary depending on the characteristics of the employer, except to the extent there is a difference in either (a) working conditions (for example the presence or absence of conditions that could make the job so attractive or unattractive relative to similar jobs for other employers that wages would be affected), or (b) the functional requirements of the job.

Finally, the section would require that all H-1B workers have two years experience in their specialty outside the U.S. after obtaining their most recently received degree.

Sec. 203. Changes in L classification.

This would provide the same definition of "multinational firm" contained in bill section 103 for purposes of the new employment-based immigrant classification for certain multinational executives and managers.

Sec. 204. Pilot program on information and tracking system relating to nonimmigrant foreign students.

This would establish a pilot program to collect from colleges and universities certain information relating to nonimmigrant students and make it available in electronic form to selected U.S. consulates and INS officers. Such information would include whether an alien is enrolled, or has been accepted for enrollment, in a U.S. college or university; current U.S. address; and whether the alien is a full-time or part-time student and is making normal progress toward the degree.

NOTE ON TOTAL NUMBERS

Under the bill, the numerical limits are: 85,000 for family preferences and 90,000 for employment preferences. The current level of spouses and children of citizens, plus parents 65 or older, is appropoximately 215,000. These numbers together total 390,000. Adding the backlog reduction of 150,000 brings the total to 540,000 (not including refugees).

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would very much like to commend the Senator from Wyoming for his work on immigration.

I am privileged to serve on his subcommittee on immigration on the Judiciary Committee, and it has been very wonderful for me to be able to watch him work out various problems in what has been a most difficult arena in which to legislate.

So I would just like to say to him, I am delighted he has presented his bill. I look forward to reading it. I hope I will be able to cosponsor it. I look forward to work with him in the committee as this bill is moved.

I think, Mr. President, that the Senator from Wyoming understands the need to move a bill in this session of the Congress. So I would like him to know that I am very respectful and grateful for his work in this area.

By Mr. PRESSLER (for himself and Mr. EXON):

S. 1396. A bill to amend title 49, United States Code, to provide for the regulation of surface transportation; to the Committee on Commerce, Science, and Transportation.

THE INTERSTATE COMMERCE COMMISSION SUNSET ACT OF 1995

Mr. PRESSLER. Mr. President, today I am introducing the Interstate Commerce Commission Sunset Act of 1995. I am very pleased to be joined in this effort by Senator EXON. It is a bipartisan bill and I urge my colleagues' bipartisan support as we work toward what must be very swift passage. Let me also make it clear at the outset that this bill is a work in progress. I introduce it today as the next step in a process of discussions and revisions that have been ongoing for months. This process will continue.

I would like to begin by outlining some of the underlying philosophy that went into its drafting. In addition, I will address the procedural posture in which we find ourselves in relation to this bill.

In preparation of the legislation we are introducing today, Senator EXON and I have worked together very closely. In fact, much of this legislation initially was written by my good friend and distinguished coauthor. Compromise and cooperation have produced what I feel is a balanced bill, addressing the immediate and compelling needs driving this legislation.

Our staff members and those of other committee members have collaborated throughout this process. They have spent many long hours in joint meetings with various interest groups and constituents who have raised concerns or urged additions. We have worked very hard to address legitimate concerns, and have made numerous changes to the previously circulated staff draft in an effort to address those concerns. However, as hard as we have worked to please all parties, our policy decisions ultimately were driver, in part, by the need to produce a bill which could be passed and signed into law this year. In short, the clock is running.

For reasons I shall address in a moment, however, we have made a conscious effort to avoid addressing broader transportation policy issues than those directly related to sunsetting the ICC and transferring its essential functions to its successor. To that extent, the Senate bill is more limited in scope than its House counterpart. Indeed, it remains largely unchanged from the staff draft which was circulated some time ago.

Mr. President, I introduce this legislation with mixed feelings. On the one hand, I am a firm believer in a less-is-better approach when it comes to government. Too often in Congress, we gage accomplishment by quantity rather than quality. We need to reduce Federal Government. In that sense, this is historic legislation. The ICC is our oldest independent agency, yet its functions can and should be reduced. Indeed, this could be said about every agency, every executive department, and both Houses of Congress. Less would be better. Our bill moves us in that direction.

However, the positive and necessary adjudicatory role of the ICC should not come to a screeching halt. Indeed, the ICC has performed and continues to perform important functions. For example, without its abandonment public interest review authority, my home State of South Dakota would today have hundreds of miles less rail service than we presently enjoy.

Quite honestly, budget constraints and appropriations legislation which terminate the agency's functions at the end of this year renders moot any debate over whether or not we should keep the ICC. Given the realities of the budget situation, the issue is not whether the ICC should be terminated, but how it will be dismantled.

Therefore, we must determine what ICC functions can continue to be effectively performed by a successor with a greatly reduced budget. Which functions can be subsumed into the Department of Transportation? Is there an ongoing need for a review process independent of political pressures? These are questions this legislation is designed to address.

This bill provides a reasoned approach designated to ensure continued protections against industry abuse while at the same time assure the economic efficiencies of our Nation's surface transportation system can continue. We propose to sunset the ICC and transfer its necessary residual functions to an independent Intermodal Surface Transportation Board within the U.S. Department of Transportation. The Board would administer the residual regulations over rail carriers and pipelines and provide limited adjudicatory oversight over the motor carrier industry. The Secretary of Transportation would inherit the residual nonadjudicatory functions governing the motor carrier industry.

Fundamentally, the approach taken in this legislation was to limit its scope to the most efficient and simplest sunset and transfer bill, as opposed to a wholesale rewrite of transportation policy. But the very nature of the task—which is to close down an entire Federal agency—there is of necessity a need to sunset certain of its functions, however, some changes to these functions also had to be made in light of the budget realities which will confront the remaining agency.

None of this is to say concerns raised during the process through which this legislation was developed are not legitimate. Indeed, I believe they are. I am particularly concerned about the concerns of small rail shippers and operators in light of recent and continuing industry trends toward overwhelming industry concentration. More and more of this Nation's rail infrastructure is owned by fewer and fewer railroads.

Competitive concerns continue to increase, and the leverage of the smaller shippers and small feeder railroads relative to the class I railroads decreases. I recall chairing a hearing in 1985 which addressed some of those concerns. Since that time, my concern has only heightened.

Some have urged us to re-regulate the rail industry in this legislation. They argue that since the Staggers Act greatly deregulated the rail industry, shippers have been faced with difficult if not impossible relief mechanisms. They point out that the potential for shipper abuse increases with industry concentration. Their arguments are not entirely unpersuasive. However, a return to a pre-Staggers approach is not the answer at this time.

The shipper complaint procedure at the current ICC is hopelessly complicated to the point where shippers with a legitimate grievance generally do not have an effective remedy available. The real question in my mind is the extent to which legitimate grievances can be identified, aired, and resolved. Most of the suggestions raised involved some form of re-regulation.

Even though I voted against the Staggers Act over a decade ago, I must say it has proved to be extraordinarily successful in reviving a failing industry and on balance has been positive for shippers and industry alike. Therefore, at this juncture, it is premature to attempt to re-regulate, without a clearer identification and articulation of the problem, and an established record which provides some reasonably compelling evidence that the solution proposed actually fixes the problem.

On both counts, it seems more effort could be made by all parties to attempt to develop industry solutions before seeking Government solutions. The fundamental problem I see developing in the industry today is that the shippers and others are, as I said, increasingly losing leverage in their relations with the class I railroads. In many ways, shippers and small railroads are in the same boat.

Due to these concerns, I am proposing to establish a rail-shipper transportation advisory council in an attempt to give them a stronger voice, and a mechanism to resolve many of the concerns within the industry, rather than having the Government address them. It is clearly and intentionally weighted in favor of small shippers and small railroads in an effort to address the many issues in which they have mutual and legitimate public interest concerns. After a reasonable opportunity has been made available to review the varied issues confronting small shippers and railroads, I would anticipate a series of oversight hearings to review the advisory council's findings or recommendations, and, if necessary, appropriate legislative action will be taken.

Whether the council is an effective tool or not will depend largely on the reasonableness of the small shippers and railroads position. It would be as much of a mistake for them to overplay their hand as it would for the large railroads not to treat their concerns seriously. If the smaller railroads and shippers overplay their hand by making unreasonable demands, the council will quickly lose credibility, both within the industry and with policy makers. At the same time, if class I's are indifferent or unresponsive to legitimate concerns raised, legislative solutions far more expansive than any proposed to date will be seriously considered. Re-regulation, antitrust protection, and everything else will be on the table.

Mr. President, let me say it again. This chairman knows the concerns of the shippers and small railroads are very real. They need to be addressed. The message to both the rail industry and to shippers is simple. Be reasonable. Define and solve your problems to the best of your ability. Excessive Government involvement is a last resort. It will not happen without compelling need and a demonstration of good faith effort by those seeking Government intervention, that all reasonable avenues to develop a reasonable industry compromise have been blocked by relative unreasonableness.

With respect to labor, there have been attempts to reach a negotiated solution to that issue as well. We have included language which is far less satisfactory in my view than the House bill, but I agree to it with the expectation that the parties can agree to compromise on this issue. It remains an issue that is unresolved, but which shall—as with other provisions of the bill—be addressed further.

ADDITIONAL COSPONSORS

S. 847

At the request of Mr. GREGG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 939

At the request of Mr. SMITH, the names of the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. INHOFE], the Senator from Indiana [Mr. COATS], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1219

At the request of Mr. MCCAIN, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. KERREY], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1289

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 192—MAKING MAJORITY PARTY COMMITTEE APPOINTMENTS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 192

Resolved,

The following are named majority party members on the part of the Senate to the Joint Committee on the Library:

Mr. Hatfield (Chairman), Mr. Stevens, and Mr. Warner.

The following are named majority party members on the part of the Senate to the Joint Committee on Printing:

Mr. Warner (Vice Chairman), Mr. Hatfield, and Mr. Cochran.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will hold a business meeting to mark up S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, a bill to transfer certain lands to the Salt River Pima-Maricopa Indian community and the city of Scottsdale, AZ, followed immediately by a hearing on S. 1159, a bill to authorize a National American Indian Policy Information Center. The markup and hearing will take place on Tuesday, November 7, 1995, beginning at 10 a.m. in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 9, 1995, at 9:30 a.m., instead of 2 p.m., as previously scheduled, in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 231, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; H.R. 562, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; S. 342, a bill to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado; S. 364, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; H.R. 629, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; S. 489, a bill to authorize the Secretary of the Interior to enter into an appropriate form of agreement with the town of Grand Lake, CO, authorizing the town to maintain permanently a cemetery in Rocky Mountain National Park; and S. 608, a bill to establish the New Bedford Whaling National Historical Park in New Bedford, MA.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the information of the Senate and the public that the November 16, 1995, hearing which had been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources to receive testimony on S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio, has been canceled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Friday, November 3, 1995, session of the Senate for the purpose of conducting a hearing on the nominations of S. Jane Bobbitt, to be Assistant Secretary for Legislative and Intergovernmental Affairs at the Department of Commerce; Charles A. Hunnicutt, to be Assistant Secretary for International Aviation at the Department of Transportation; and Nancy E. McFadden, to be general counsel of the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DESPITE COMPLEX TAX CODE, IRS MUST TREAT TAXPAYERS WITH FAIRNESS AND RESPECT

• Mr. MACK. Mr. President, death and taxes may be the only two things in life that are unavoidable, and the Federal Government has even found a way to combine them. Federal estate—death—and gift taxation represents punitive double taxation and unfairly transfers income from families to the Government. They tax money that has already been taxed once, if not twice. The steep 55 percent top estate tax rate frequently forces many families to liquidate or sell their businesses or farms just to pay the tax collector rather than being able to pass those belongings onto their next generation—often wiping out a lifetime of hard work.

Unfortunately, many taxpayers are punished even when they play by the rules. Because of the complexity of the Tax Code, many unsuspecting taxpayers get caught up in a situation in which they have to capitulate to the demands of the IRS or have to spend huge sums of money in the hopes of a fair tax court decision. Federal estate and gift taxation creates some of the most egregious cases. For example, hypertechnical IRS interpretation of the interplay between Code sections 2034 and 2038 have transcended any intent of Congress. Unforeseen technical traps in the Tax Code were not meant to be revenue raisers for the Federal Government at the expense of unsuspecting taxpayers.

Our complex and punitive Federal tax system is in need of a complete overhaul. Americans now waste some $190 billion and 6 billion man-hours just complying with our onerous Tax Code each year. That's the equivalent to the man-hours it takes to produce all the cars, trucks, and airplanes in this country each year. Tax reform is critical to simplifying the Tax Code and enhancing our Nation's long-term economic growth. And, as always, this will likely take several years to accomplish. In the meantime, taxpayers must always be treated with fairness and respect by the IRS as they comply with our current complex system.•

LOAN PLAN GOOD FOR SCHOOLS, STUDENTS

• Mr. SIMON. Mr. President, the interim chancellor of the University of Illinois at Chicago, David C. Broski, had a letter to the editor in the Chicago Tribune about direct lending.

Because our colleagues are trying to figure out right now what to do on direct lending, I thought they would be interested in seeing the perspective of a college administrator.

I ask that the letter to the editor be printed in the RECORD.

The letter to the editor follows:

LOAN PLAN GOOD FOR SCHOOLS, STUDENTS

CHICAGO.—I couldn't agree more with the Tribune's editorial opposing the changes in the Federal Direct Loan Program that have been suggested by the banking industry ("Cooking the books on student loans," Sept. 11).

The program received a big boost last year when rules were changed to allow the government to lend directly to students at some universities, without running the money through banks. But it could lose all it gained if Congress succumbs to pressure from banking interests and goes back to the old system. The debate in Washington has centered on arcane—and conflicting—reports from accountants. Some say the new program is more costly; others say it's not.

I'm not qualified to analyze the accountants' reports (though I don't understand how eliminating a middleman can cost you money). But I do know that the new program has benefited the people it was supposed to help: the students and the universities.

At the University of Illinois at Chicago, the direct-lending program has cut the average processing time for a student loan from seven weeks to three. And it has saved time and effort for our financial-aid staff because they don't have to deal with a multiplicity of banks. As a result, students get their money sooner and UIC saves money in reduced staff time and processing costs. We expect to process more than $40 million in direct student loans this academic year. At our sister campus in Urbana-Champaign, direct lending resulted in 2,500 more students receiving their loan proceeds at the beginning of the fall semester, compared with the previous year.

A Harvard University official echoed the sentiments of our financial-aid people when he said, "Now that we're no longer caught up in the paper chase from many lending institutions and guarantee agencies, we have more time to deal with real issues."

There's another good thing about the direct lending program that was not mentioned in your editorial. It offers a greater variety of repayment options. In addition to the standard repayment plan spread out over 5 to 10 years, students can choose: an extended repayment period with lower monthly payments, a plan in which payments increase over time, a plan with payments pegged to the borrower's income.

The advantage of these options, of course, is that they give college graduates the freedom to take lower-paying but socially useful jobs and still repay their student loans.

Federally guaranteed bank loans haven't been abolished. In fact, they make up more than half of the $25 billion in annual student loans. But UIC, like most of the state universities in Illinois, has switched to direct lending—with excellent results. The program is good for our students and good for Illinois taxpayers, and it shouldn't be abolished or weakened.—David C. Broski.•

IRANIAN BEHAVIOR

• Mr. D'AMATO. Mr. President, I rise today to comment on Iranian behavior and the continued need for sanctions to be placed upon this barbarous regime.

The Iranian regime's stubborn insistence on actions which only serve to isolate that nation and its people, threaten to cast Iran into total deprivation. The sponsorship of international terrorism, continued efforts to build weapons of mass destruction, and human rights violations against innocent Iranians, threaten to throw the country back into medieval times, where all the technology of the West and the ease of our daily life will be absent from the Iranian nation, due directly to the abusive rule of this primitive regime.

Iran is isolated and universally viewed as a pariah state. Its actions are abhorrent to the civilized world. As long as this warped, terroristic regime continues to punish the Iranian people with its misrule, this condition will continue. The tyrants in Tehran must understand their aggression and abuse of the good people of Iran will not last, and one day they will be brought to task for their actions.

While the tyrants continue to rule in Tehran, sanctions are a clear way to keep up the pressure on Iran and to deny them the ability to carry out their aggression on the outside world as well as against their own people. We do not take these issues lightly. It is a pity that the regime cannot act like a civilized country and not be so abusive. If only Iran would not conduct these brutal actions, we would not have to place sanctions on it.•

CUTTING TAXES NO MATTER THE COST

• Mr. SIMON. Mr. President, our colleague, Senator RUSS FEINGOLD, has been leading the charge in trying to get us to use common sense and not have a tax cut at this point.

I have been pleased to join him in this effort.

The Chicago Tribune, a newspaper that is independent but with a slight Republican leaning, had an editorial titled, "Cutting taxes no matter the cost" that makes a great deal of sense.

I ask that the editorial be printed in the RECORD.

The editorial follows:

CUTTING TAXES NO MATTER THE COST

Republican lawmakers who know better will swear that a tax cut is necessary, that the savings from balancing the budget and shrinking government should go to small businesses, families with kids and others who will spend it better than Congress.

The same lawmakers will insist that they must honor a House-Senate compromise reached last summer to cut taxes by $245 billion, even though a few will acknowledge that a smaller number—or better yet, no tax cut at all—would make their job of balancing the budget in seven years that much easier.

But for now, as Republicans on the Senate Finance Committee clearly showed last week, the need to maintain party unity, appease the party's conservative elements and confront President Clinton on the budget is overriding sound judgment, economic logic and tax policy.

On Friday, Republicans on the tax-writing panel announced they had agreed to a $245 billion package of tax cuts over seven years that includes a permanent $500-per-child tax credit, significant reductions in capital gains taxes and breaks for corporations. The unanimous agreement insured that the measure will pass the full committee this week and made it likely it will be added to a budget-balancing bill for a full Senate vote later this month.

The deal also ended weeks of growing GOP division over tax cuts. Several weeks ago, for example, Sen. Bob Dole of Kansas candidly suggested that a smaller tax cut package might be appropriate and that it made sense to let the expensive family tax credits expire in five years. He was attacked immediately by rival presidential candidate Sen. Phil Gramm of Texas for backpedaling on the promised GOP tax cuts. Soon after, Dole ditufully got back in line.

In fact, the $500-a-child tax credit is the package's costliest provision, yet does nothing to boost long-term economic growth. But Gramm and conservative constituencies like the Christian Coalition believe families that forgo income to raise children deserve an allowance, and they're insisting on nothing less.

What many Republicans still don't get, however, is that their own analysis say the tax cuts will add $93 billion in extra debt and interest payments to the $5 trillion of red ink that the nation has collected.

Any savings earned from balancing the budget should be used to shrink the national debt, not to finance tax breaks. That would be the fiscally prudent course. But, as the Finance Committee has shown, politics outweighs prudence of any kind these days.•

GAMBLING FEVER

• Mr. LUGAR. Mr. President, I ask unanimous consent that the attached article be printed in the RECORD.

[From the New York Times, Apr. 10, 1995]

GAMBLING FEVER

(By William Safire)

HARPERS FERRY, W.VA—At the age of 14. I was standing on a landing in the stairwell at Joan of Arc Junior High School in Manhattan, watching a crap game, when I felt the heavy hand of a teacher on my shoulder.

My protest that I didn't even have a bet down was unavailing: four of us, all seniors, were branded as gamblers. The shaming punishment: though permitted to be graduated, I was refused a place at commencement and denied a diploma.

That was back when gambling was viewed as wrong: when bookies and numbers racketeers were considered the scum of society; and when a lust for something-for-nothing was looked upon as a weakness of character.

Today, state-sponsored gambling is the national pastime. Nearly 100 million casino visitors, video gamblers and sports bettors wager close to a half-trillion dollars—with $40 billion going to the "house."

And today, aboriginal Americans are exploiting those of us who followed in neon casinos on their reservations. The tribes are becoming a nation of croupiers, in league with national gambling interests, while pretending ill-gotten profits are used primarily to educate their children.

The "gambling industry"—none of its pious proponents call it the gambling racket—is the source of the greatest sustained, bipartisan political hypocrisy of our time.

Liberals, professing a horror of regressive taxation, turn a blind eye to the way state-sponsored gambling redistributes income upward, and how new casino permissions snatch welfare checks to fatten per-share earnings of casino stockholders.

Conservatives, ostensibly upholders of public morality, approve government advertising campaigns to entice citizens to gamble in lotteries and play the ponies at off-track betting parlors.

Gullible voters were sold this notion: since many people liked to gamble anyway, why not turn gambling's profits to public benefit?

But the result is the gambling epidemic, with its associated money laundering by criminals, corruption of public officials and "cannibalization" of local economics. Thanks to the public blessing of gambling by government, the moral stigma was removed and the high roller has become a folk hero.

The media cannot escape their share of the blame. From the hysterical hype of the Publishers Clearing House to the front-page and primetime publicity given sweeptakes winners (nobody covers the losers), we have glorified the pernicious philosophy of something-for-nothing.

Nothing is for nothing. Crime always goes hand-in-hand with gambling. Here in the relatively poor state of West Virginia, a former governor confessed to taking bribes from racetrack operators and a lottery director was jailed for rigging a video lottery contract. Disgusted, church groups recently leaned on legislators to reject riverboat gambling, and the pols suddenly realized that a pro-casino vote could be a loser.

Now the media are at last awakening. Gee-Whiz stories touting the craze are out and hard reporting of the spreading addiction is in.

The Economist cast into doubt the claim that gambling salvages local economies. USA Today headlined: "Nation raising 'a generation of gamblers,'" focusing on the ring corrupting schools in suburban Nutley, N.J. The best reporting was in Sports Illustrated's detailed expose of the gambling addiction rampant in the nation's colleges.

But television news is still gambling's friend. With young gamblers relying heavily on the sports ticker that runs at the bottom of CNN's Headline News, that network has a special responsibility to show how the lives of many students are being ruined by the compulsion its ticker helps feed. A "Gambling is for suckers" crawl among the scores would do for starters.

Will the pols sense the coming voter revulsion at the "painless" revenue source that failed? Representative Frank Wolf of Virginia has introduced a bill to establish a "National Gambling Impact and Policy Commission"; let's see if the casino lobby can buy the votes to avert scrutiny and resigmatizing.

The yen to gamble is a personal weakness, but state-sponsored gambling is a banana-republic abomination that undermines national values. My gratitude goes to that tough teacher at Joan of Arc who stopped me before I started.

OPPOSITION TO THE WELFARE BILLS IS GROWING

• Mr. MOYNIHAN. Mr. President, as there will be no rollcall votes in the Senate today, some Senators are away and may have missed the open letter to the President from Marian Wright Edelman, entitled "Say No to This Welfare 'Reform,'" in this morning's Washington Post. She writes:

> As President, you have the opportunity and personal responsibility to protect children from unjust policies. It would be a great moral and practical wrong for you to sign any welfare "reform" bill that will push millions of already poor children and families deeper into poverty, as both the Senate and House welfare bills will do. It would be wrong to destroy the 60-year-old guaranteed safety net for children, women and poor families, as both the Senate and House welfare bills will do.

An accompanying Post editorial makes a further point about the Senate welfare bill:

> Now here is the part you need especially to know: *Mr. Clinton's own advisers have told him that it would likely consign as many as a million more children to poverty, and it would provide several billions less for child care than his own proposal of a year ago.* [Their italic.]

Mr. President, something important is happening here. There is a growing recognition that the Senate made a terrible mistake 6 weeks ago. We voted 87 to 12 to repeal title IV–A of the Social Security Act—with almost no understanding of what the consequences might be.

Fortunately, the hard evidence has begun to come out. I only hope it is in time. Last Friday, the Los Angeles Times ran a front-page story about a September 14 report prepared by the Department of Health and Human Services. The report, which has yet to be officially released, concludes that the Senate bill would plunge 1,100,000 dependent children into poverty, and would also significantly deepen the poverty of children who are already living below the poverty line. I had the report made a part of the RECORD on November 1, and I hope every Senator will read it carefully.

Another analysis will become available in official form early next week. The Office of Management and Budget—in response to a request from this Senator along with Representative SAM GIBBONS and 10 other members of the conference committee on welfare—will release a report on Monday or Tuesday on the effects of the Senate and House bills on children. I fully expect that this new analysis will confirm what the earlier estimates indicated: either bill would be Armageddonic for children.

Over the years Congress may have missed opportunities to help dependent children, but never in our history have we calculatedly set out to injure them. The administration's own analysis shows that this is precisely what will occur under either bill now before the conference.

Mr. President, I ask that the open letter to the President from Marian Wright Edelman and the editorial from today's Washington Post be printed in the RECORD.

The material follows:

[From the Washington Post, Nov. 3, 1995]

SAY NO TO THIS WELFARE REFORM

(By Marian Wright Edelman)

AN OPEN LETTER TO THE PRESIDENT

I am calling for your unwavering moral leadership for children and opposition to Senate and House welfare and Medicaid block grants, which will make more children poor and sick.

As president, you have the opportunity and personal responsibility to protect children from unjust policies. It would be a great moral and practical wrong for you to sign any welfare "reform" bill that will push millions of already poor children and families deeper into poverty, as both the Senate and House welfare bills will do. It would be wrong to destroy the 60-year-old guaranteed safety net for children, women and poor families as both the Senate and House welfare bills will do.

It would be wrong to leave millions of voteless, voiceless children to the vagaries of 50 state bureaucracies and politics, as both the Senate and House bills will do. It would be wrong to strip children of or weaken current ensured help for their daily survival and during economic recessions and natural disasters, as both the Senate and House bills will do. It would be wrong to exacerbate rather than alleviate the current shameful and epidemic child poverty that no decent, rich nation should tolerate for even one child.

Both the Senate and House welfare bills are morally and practically indefensible. Rather than solve widespread child deprivation, they simply shift the burden onto states and localities with far fewer federal resources, weakened state maintenance of effort and little or no state accountability. As you well know, these block grants are not designed primarily to help children or to make families more self-sufficient. They are Trojan Horses for massive budget cuts and for imposing an ideological agenda that says that government assistance for the poor and children should be dismantled and cut while government assistance for wealthy individuals and corporations should be maintained and even increased. Do you think the Old Testament prophets Isaiah, Micah and Amos—or Jesus Christ—would support such policies?

Neither the Senate nor House welfare bill is an example of the good competing with the perfect. Both are fatally flawed, callous, anti-child assaults. Both bills eviscerate the moral compact between the nation and its children and its poor.

If child investments are unfairly and indiscriminately cut by many billions of dollars, there is perhaps some prospect of recouping the money over time when new child suffering becomes apparent, as it did after the Reagan cuts and as it will this time as pending cuts are many times worse. *But longer-term and perhaps irreparable damage will be inflicted on children if you permit to be destroyed the fundamental moral principle that an American child, regardless of the state or parents the child chanced to draw, is entitled to protection of last resort by his or her national government. If any piece of the framework or cornerstone of the laws—AFDC, Medicaid, family and child nutrition—is dismantled, we may not get them back in our lifetime or our children's.*

What a tragic step backward for America when so many children already are left behind. Both you and I know that there are lessons from American history, including the end of Reconstruction, when the immoral abandonment of structures of law and equity led to decades of setbacks for powerless Americans and battles we still are fighting today. What a tragic irony it would be for this regressive attack on children and the poor to occur on your watch. For me, this is a defining moral litmus test for your presidency.

We cannot heal our racial divisions or prepare our nation for the future unless we give poor black, brown and white children a healthy and fair start in life. These pending block grants will make that task so much harder. Together with the proposed tax policies, they widen the income gulf between America's haves and have-nots. You have spoken too eloquently and worked too long for children to wipe it out with your signature now.

It is nonsense for congressional leaders to argue that they are protecting children from a future debt children did not create by destroying the vital laws and investments children need to live, learn and grow today. That is the domestic equivalent of bombing Vietnamese villages in order to save them. It is moral hypocrisy for our nation to slash income, health and nutrition assistance for poor children while leaving untouched hundreds of billions in corporate welfare, giving new tax breaks of over $200 billion for non-needy citizens, and giving the Pentagon almost $7 billion it did not request.

The Children's Defense Fund wants welfare reform. But we want fair reform that does not pick on and hurt children and that provides parents jobs and safe child care. We want reform that prepares our children for the new millennium—not reform that pushes them back to past inequities within and among states.

We want to "end welfare as we know it." But we do not want to replace it with welfare as we do not want to know it. We do not want to codify a policy of national child abandonment.

Franklin Delano Roosevelt correctly said: "Better the occasional faults of a government that lives in a spirit of charity than the constant omissions of a government frozen in the ice of its own indifference." Every president since FDR—Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan and Bush—preserved the minimal national guarantee of income assistance for poor children. It is a precedent I hope and trust you will uphold. What was right and compassionate in FDR's day is right today and will be right tomorrow.

There is an even higher precedent that we profess to follow in our Judeo-Christian nation. The Old Testament prophets and the New Testament Messiah made plain God's mandate to protect the poor and the weak and the young. The Senate and House welfare bills do not meet this test.

[From the Washington Post, Nov. 3, 1995]

THE WELFARE FADE

Now President Clinton has walked away from the welfare bill he sent to Congress last year, just as the week before he renounced the tax increase he pushed to passage in 1993. What next? Perhaps he'll say he didn't mean to send up last year's health care reform proposals either. Mrs. Clinton made him do it. It becomes increasingly difficult to know what this president stands for, or whether he stands for anything.

Mr. Clinton telephoned the columnist and author Ben Wattenberg last week. Mr. Wattenberg is a conservative Democrat who thinks the party has drifted too far from majority values to which it ought to return. Among much else, he thought the welfare plan the president submitted last summer was too weak—and guess what? The president agreed with him. Mr. Wattenberg wrote in a column that Mr. Clinton told him, "I wasn't pleased with it either."

The White House went to its familiar battle stations. The president, after all, wouldn't want the many people in and out of the administration who helped formulate the plan, to say nothing of the many in Congress whom he had urged to support it, to think he was abandoning them. His spokespeople therefore once again had to scurry to explain what it was that he had really meant. What he had really meant was that the budget made him do it, his press secretary said. For lack of child-care money, he hadn't been able to draw up a plan to force as many mothers off the rolls as he would have liked. But that's not what really happened. It's a misleading and self-serving, not to say self-deluding, account of the history of this bill, as fictional as was the president's account of the history of the tax increase.

Campaigning in 1992, Mr. Clinton suggested that he would force people off the welfare rolls after two years; that was the top of the message, which people heard. It was followed by all kinds of footnotes saying he would force them off only under certain conditions. The government, as part of the process of moving them off the rolls, would offer increased support in the form of training, an extension of their Medicaid, child care—even a job itself, if necessary. The families would be off "welfare," but government spending on their behalf would meanwhile go up, not down. That's how it has to be, of course, but in the campaign, that not-so-popular part of the message was played down. One still could have hoped and even believed he meant it, of course.

In office, the task of marrying the slogan to the footnotes fell mainly to the Department of Health and Human Services. The secretary hired some of the best people in the country to do the work. They did it well. Last summer the president loved it, or seemed to. "If we do the things we propose in this welfare reform program, even by the most conservative estimates, these changes together will move one million adults who would otherwise be on welfare into work or off welfare altogether by the year 2000," he said in announcing its submission.

But the president's plan was swept aside by Republican and other congressional conservatives who pocketed his proposal for time-limited welfare and went beyond it. Mr. Clinton started and in a sense legitimized a process that he then lacked the votes and stature to stop. No action was taken on welfare last year; this year, with Republicans in command of both houses, the House and Senate have passed much tougher bills than Mr. Clinton proposed.

Both are bad by the standards the president enunciated last year. They are punitive, would pull the federal floor out from under welfare, could lead to the breakup of the food stamp program as well, and would likely end up stranding some of the most vulnerable people in the society. Most of those are children. The president has nonetheless climbed aboard and said he would sign the Senate version. Now here is the part you need especially to know: *Mr. Clinton's own advisers have told him that it would likely cosign as many as a million more children to poverty, and it would provide several billions less for child care than his own proposal of a year ago.* But, well, it's better than the House bill, and surely you couldn't ask a president who promised to end welfare as we know it to begin the election year by vetoing a welfare reform bill that he himself did so much to beget.

Mr. Clinton could have fought for the right result on welfare. He knows the issues by heart; he has the power; and when he still had the courage to voice them, he had the better arguments. What he has done instead is acquiesce for political reasons in the wrong result—and then give false reasons for the acquiescence. He thinks he gains by such behavior, but he diminishes himself.●

FLAG-DESECRATION AMENDMENT COULD MAKE MATTERS FAR WORSE

● Mr. SIMON. Mr. President, George Anastaplo, who teaches law at the Loyola University of Chicago, is a longtime battler for first amendment rights. Recently, he had an item in the Chicago Sun-Times about the flag amendment to the Constitution that we will be confronting before too long.

One of the points he mentions is that the amendment in the Constitution would elevate the flag above the Constitution. It does strike me as ironic that flag desecration would be enshrined in the Constitution, while if you burn the Constitution, nothing happens. Should we then have another amendment for that? And perhaps another amendment for anyone who would burn the Bible? Where does this stop?

I also have noted flags made into shirts and even pants. I confess, I find this offensive, but I don't think we need to amend the Constitution because of offensive conduct.

I ask that the George Anastaplo item be printed in the RECORD.

[From the Chicago Sun-Times, Sept. 11, 1995]

FLAG-DESECRATION AMENDMENT COULD MAKE MATTERS FAR WORSE

(By George Anastaplo)

The occasional flag-burning display permitted during the last decade by the U.S. Supreme Court is generally offensive. But the proposed constitutional amendment authorizing the government to punish physical abuse or desecration of the flag may make matters far worse, however patriotic the motives of the amendment's sponsors.

One implication of such an amendment is that all other forms of desecration in this country would be thereafter considered beyond government supervision. Also, the flag would be elevated above the Constitution, even though that document alone is granted special status in the Constitution. (Every federal and state officer of government in this country is required to take an oath to support the Constitution of the United States.)

A likely effect of legislation grounded in the proposed flag-desecration amendment would be to increase the number of publicized flag-burnings in this country. Those impassioned flag-burners who want to provoke the authorities to act against them are protected, and in effect discouraged, these days by Supreme Court rulings.

Routine abuses of the flag will continue, no matter what the Constitution and laws happen to say. Most of these abuses, keyed to commercial exploitation, have always been ignored by a public that is aroused only by those abuses that take the form of hostile flag burnings. Highly selective official enforcement of flag-desecration laws, even if a constitutional amendment should be ratified, would continue to raise First Amendment issues.

The proposed flag-desecration amendment is but the latest of a series of exercises in constitutional frivolity that have diverted recent Congresses.●

OUTREACH TO THE SMALL AND DISADVANTAGED BUSINESS COMMUNITY

● Ms. MOSELEY-BRAUN. Mr. President, on September 21, 1995, I hosted a procurement fair, along with the Congressional Black Caucus Foundation, that I hope will help open up the economic activities of the Federal Government and private sector to small and disadvantaged businesses and entrepreneurs. I was extremely pleased to see nearly 80 Federal agencies and private corporations participate as exhibitors in the fair, providing hundreds of small business owners an opportunity to understand the rules governing Federal and private contracting, as well as how and where to look for contracting opportunities. This fair, modeled on an old-fashioned trade fair, will help bridge the gap that has existed between the small and disadvantaged business community and key procurement staff within the government and private sector.

The Department of Health and Human Services was one of many Federal agencies who shared important procurement information at the fair. I thank them for their participation and commend the Department of Health and Human Services on their active efforts to reach out to small, disadvantaged, and women-owned businesses.

Mr. President, I ask that the full text of remarks by Mr. John Callahan, Assistant Secretary for Management and Budget at the Department of Health and Human Services, be printed in the RECORD.

The text follows:

STATEMENT OF JOHN J. CALLAHAN

Honored Participants and Members of the Caucus:

Good Morning, I am John J. Callahan, Assistant Secretary for Management and Budget and Chief Financial Officer for the Department of Health and Human Services. I bring you greetings and well wishes from Secretary Shalala and Deputy Secretary Walter Broadnax for a most successful gathering. They would like to commend Senator Carol Moseley-Braun for her efforts in putting together this Federal Procurement Fair and Congressman Donald Payne as Chairman of the Caucus during this 25th legislative forum weekend.

I would like to convey HHS' strong commitment to the participation of small businesses and small disadvantaged businesses in the work of our department. HHS has an outstanding record in this field, and has steadily increased the number of prime and subcontract awards being made to small businesses in general, and to small disadvantaged businesses in particular.

Our top staff who are here today, Ms. LaVarne Burton, our Deputy Assistant Secretary for Budget Policy Initiatives, and Mr. Verl Zanders, the head of the Department's OSDBU, made it a special point to insure that HHS maintains a strong commitment to the participation of small and disadvantaged businesses in the HHS federal acquisition process. Let me just give you a few highlights of our effort.

Our Office of Small and Disadvantaged Business Utilization establishes and maintains outreach programs to provide a flow of information about HHS' Small Business Programs to small, small disadvantaged, and women-owned businesses. OSDBU staff provided personal counseling and marketing assistance to over 2,500 interested small businesses during Fiscal Year 1994.

OSDBU also developed and distributed 8,000 copies of various publications designed to assist individuals and organizations in understanding our mission and programs of HHS.

In Fiscal Year 1994, HHS awarded approximately 41 percent (over $1.2 billion), of its total acquisition awards to small businesses; and of that amount approximately 13 percent (over $390 million) was awarded to small disadvantaged businesses. We think this is particularly noteworthy.

In addition, small disadvantaged businesses received approximately 8.2 percent ($31 million) of the total subcontracting dollars from prime contracts awarded by the Department.

Historically, HHS has exceeded all of the statutory goals for small business participation on a consistent basis.

These achievements are made possible because of broad institutional acceptance and support of these programs throughout the Department.

HHS remains committed to the development and expansion of acquisition opportunities which can, and will, encourage many more small businesses and small disadvantaged businesses to participate in our programs.

In short, we are proud to be a part of one of the best small and small disadvantaged business programs in government!

I would also like to remind everyone about the HHS exhibit table which is staffed by our Departmental small business experts who will have various printed materials and information on hand. Please take full advantage of this opportunity to learn "How to do Business With the Department of Health and Human Services."

Thank you.●

BETTING ON A LOSER

● Mr. SIMON. Mr. President, Kristina Ford, the executive director of the New Orleans City Planning Commission, had an op-ed piece in the New York Times about casino gambling in New Orleans. Because it touches on a subject that we have not seriously examined as a nation, I believe it merits the attention of my colleagues.

Let me remind you also that Senator LUGAR and I have a bill in to establish a commission to take an 18-month look at where we are and where we should go in this whole question of legalized gambling.

I ask that the article be printed in the RECORD.

The article follows:

[From the New York Times, Oct. 18, 1995]

BETTING ON A LOSER

(By Kristina Ford)

NEW ORLEANS.—In New York State, opposition to gambling has crumbled in the face of a budget that apparently is to be balanced by windfalls from games of chance. Keno is trumpeted as a solution to the state's $5 billion deficit, and both the tourist-hungry Catskills and Niagara Falls hope for casinos. Promises of prosperity have also paved the way for a casino in Bridgeport, Conn.

After the oil and gas industry largely abandoned the New Orleans area a decade ago, we heard similar stories, and we can offer advice to lawmakers who believe their fiscal problems can be solved by a roll of the dice.

This week, just five months after Harrah's opened a casino here, The New Orleans Times-Picayune characterized it as "beleaguered." It is bringing in only a third of the projected $33 million monthly revenue.

The whole gaming experiment here has been disappointing. Two of our four riverboat gambling operations have failed and another is reported to be sinking. Casino operators are seeking waivers from city building regulations that were designed to preserve the historic French Quarter from gaudy marketing schemes more appropriate to the Las Vegas strip.

Two years ago, when the city planning commission asked casino operators what effects they predicted for New Orleans, they gave us revenue projections based on Harrah's experiences in Atlantic City, a city very different from ours in demographics and spirit. They also claimed there would be no limit to the demand for gambling, saying the proof was in the state of Mississippi, where riverboat profits were paying off their loans in 12 months and cities were reducing property taxes. (Seven of the Mississippi gambling boats have failed since then.)

Despite the assurances, we knew that legalized gambling is at best a crapshoot whose projected effects are most frequently stated in terms of anecdotes, cooked-up numbers and promises. The one clearly foreseeable result—families bankrupted by parents with uncontrollable urges to gamble—is often overlooked.

Public policy should not depend on who can fashion bigger promises but on how gambling will really effect a city. Yet as we debated the issue, it was impossible to get a clear picture of how it would transform civic life. Would it increase or decrease our considerable crime rate? What would be the effect on our poorest neighborhoods? How would it effect our essential tourist business?

So the city has instituted a five-year study to assess what gambling will do to our fiscal well-being and community life. We will study how the industry has affected other businesses, determine whether tourists perceive the city's attractions differently now and measure the consequences of gambling on families. Harrah's is paying for the research, but the work is being conducted by a consortium of local universities, which will make annual reports.

Arguments over casino regulation will dominate the City Council's agenda for years. Our study should give us reliable information for these debates. Should we permit restaurants in the casinos? Should we allow large billboards and flashing light displays in our downtown? With any luck, policy decisions will be based on something other than developers' promises and entrepreneurial baloney.

New York and Connecticut would be wise to pay attention to our experience and to establish their own commissions to measure performance against promises and to fight facts with facts.●

RETURN TO SOMALIA

● Mr. SIMON. Mr. President, the former U.S. Ambassador to Somalia, Frank Crigler, had an op-ed piece in the Washington Post on Somalia.

The first few paragraphs may have been written tongue-in-cheek. I am not sure. If not, Ambassador Crigler is wrong.

But the remaining three-fourths of his op-ed piece are correct.

When he talks about "the Somalia disaster," if he is referring to what we did, there is no question that hundreds of thousands of lives were saved. I do not count that a disaster.

Some mistakes were made. We had a retired American military officer, acting for the United Nations, who made some decisions that probably looked correct from a military point of view, but would not have been made had he consulted with former Ambassador Robert Oakley. That decision resulted in the needless deaths of 19 American service personnel, 1 of whom we saw dragged through the streets on our television sets. The combination of this repulsive action, and our being there to help save lives, caused many in Congress to say that we should pull our troops out. In reality, in 1993, there were more cab drivers killed in New York City than American service personnel killed in Somalia.

Ambassador Crigler describes the Somalia action as "George Bush's embarrassing last hurrah," my own guess is that history will view it as his finest hour. George Bush made the right decision, a courageous decision. Without that decision, many lives would have been lost, and the attitude in the Moslem nations of the world, would have hardened against the United States. They would have rightly sensed that if

Somalia had been a white, Christian, or Jewish nation, the United States would have responded. Ambassador Crigler says that the Somalia action "was Bill Clinton's first big foreign policy flop." There is some truth to that. It is difficult to move from Governor of Arkansas to become the most influential person in foreign policy, particularly if you have not been interested in foreign policy that much prior to this occasion. Had Bill Clinton been able to explain to the American people why we were there and that we were going to stay there for a while until some semblance of order was restored, the American people would have understood, and American leadership would have become more trusted in the world.

In terms of the three basic lessons that Ambassador Crigler mentions, he is right on No. 1: "Overwhelming military force can help to halt fighting, end suffering and save lives. Hundreds of thousands of lives, in fact."

He is right on No. 2: "You cannot do peacemaking unless you swallow the risk, go where the fighting is and dirty your shoes." One of the difficulties of our foreign policy right now is that there has been a real reluctance to recognize that risk-taking is part of leadership. You cannot maintain stability in the city of Chicago without having the police take risks, and you cannot maintain stability in the world without those in the Armed Forces also taking risks.

Lesson No. 3 is: "Even overwhelming force cannot solve another people's political problems. They must do that for themselves."

I do not question that, if it is properly understood, but it could be used as a reason for not acting responsibly in Bosnia, for example. No. 3 needs to be rephrased in order to be universally applicable.

I ask that the article by Ambassador Frank Crigler be printed in the RECORD.

The article follows:

[From the Washington Post, Oct. 15, 1995]

Return to Somalia—In a Land Americans Want To Forget, Some Modest Signs of Success

(By Frank Crigler)

BAIDOA, SOMALIA.—Last month, far away from this forlorn "City of Death" where anarchy and hunger had once claimed tens of thousands of lives, Gen. Colin Powell said some remarkably upbeat things about our military misadventures in Somalia. That Powell was willing to talk about the subject at all was newsworthy. Most people would just as soon forget the Somalia disaster.

For Republicans, Somalia was George Bush's embarrassing last hurrah; for Democrats, it was Bill Clinton's first big foreign policy flop. And for the average American, it was one more example of foolish leaders getting our fine young troops killed in places they never should have been sent.

But for Colin Powell, Somalia had been this nation's first grand attempt at humanitarian military intervention, and it taught some lessons worth remembering—some we might want to review as we debate sending our troops to Bosnia on yet another rescue mission.

Powell's argument, in a nutshell, is that we were right to answer the 911 fire alarm when the Somalis' house was burning down. But we should not have hung around afterward pretending to solve domestic squabbles we didn't understand.

"Where things went wrong is when we decided, the U.N. decided, that somehow we could tell the Somalians how they should live with each other. At that point we lost the bubble," Powell said in an interview with The Washington Post, offering an odd but apt description of the tragic sequel to Operation Restore Hope.

It's now been six months since the last U.N. peacekeeping troops retreated in frustration from Somalia. Almost all civilian relief agencies and non-governmental personnel left with them or soon after. Almost everyone predicted that without their help, Somalia would quickly sink back into its nightmarish misery.

Little was left to show for the enormous investment in time, money and human lives we and our allies had made trying to put this East African Humpty Dumpty back together. The country still lay in ruins, with no functioning government, no public services, no viable economy, no judicial system. The feuding clan warlords who had trashed it still ruled in their fiefdoms, unbowed and uncompromising, making and breaking alliances among themselves.

What surprised me when I returned here a few weeks ago, however, was that Somalia had refused to relapse into its earlier spasms of violence. Inexplicably, the truce U.S. Ambassador Robert Oakley compelled the feuding warlords to sign back in December 1992 (with the robust backing of nearly 30,000 heavily armed allied troops) generally seemed to be holding. People were not starving again. As Powell himself noted, "There has been no image of swollen-bellied kids on our CNN screens [after all]."

Somalia Lesson No. 1: Overwhelming military force can help to halt fighting, end suffering and save lives. Hundreds of thousands of lives, in fact.

I wanted to see what was happening for myself, so when one of the warlords invited me to come take a look, I jumped at the chance. Five others—among them a respected U.S. historian, two clerical types looking for a responsible agency to distribute medical supplies from their parishioners and an American entrepreneur hoping to sell a telephone system—accepted his invitation as well, all of us willing to risk being "used" for public relations purposes in order to judge the state of things first-hand.

Our host was the most celebrated warlord of them all, a man with a PR problem to rival that of Attila the Hun: Gen. Mohamed Farah Aideed. But his people told us that "President" Aideed (his clan confederates had bestowed the title on him in June, shortly after the last U.N. peacekeepers fled) wanted to make a new start with Americans.

At the outset, anyway, Aideed's new Somalia seemed a lot like his old one. When en route to Africa, we'd heard reports that his heavily armed militia forces had captured Baidoa as part of a major new military offensive. Trapped there as virtual hostages were said to be 23 foreign relief workers (including five Americans) loosely affiliated with U.N. aid agencies.

Unanimously, our group determined that we were not going to let our visit be used to sanction hostage-taking, and we sent word ahead that we wouldn't budge from Nairobi until the United Nations itself assured us the relief workers were safe and sound. Soon a reply came back via the United Nations that everything had been sorted out and the "hostages" were free to go where they pleased. So we proceeded directly to Baidoa, hoping to help evacuate those who wished to leave and then get on with our own visit.

But there were no grateful relief workers in sight when we landed, no welcoming committee, no explanation. Instead, armed militiamen trundled us off to the general's field headquarters and dumped us without ceremony in the middle of a presidential Cabinet meeting. It was instantly apparent that a high-level debate was raging over what to do with the unfortunate relief workers, our friends from the United Nations—and now ourselves.

On one side of the debate were ranged an assortment of senior "state security" agents whose type I knew well from my previous service in Somalia (I realized I had not missed them one bit). The agents, we learned, had discovered evidence that some of the foreigners were suspiciously cozy with trouble-making dissidents in Baidoa. This group was urging Aideed not to release them until charges were thoroughly investigated.

Ranged on the other side were, let's say, an "internationalist" faction concerned about the embarrassment of yet another incident with the United Nations, particularly in the eyes of the distinguished guests who had just arrived. This group was urging a more statesman-like approach on Aideed, and we did what we could to reinforce their arguments.

With occasional concessions and much posturing, the debate ran on for two more days. In the end it was Aideed who stepped forward with a grand face-saving compromise, dismissed the rumors, released the detainees and even apologized to the United Nation and to us for the "misunderstanding" his overzealous security agents had caused. Maybe we were going to see a "new" Somalia after all!

As for us distinguished visitors, we felt we had validated another timely precept:

Somalia Lesson No. 2: You can't do peacemaking unless you swallow the risk, go where the fighting is and dirty your shoes.

As promised, Aideed made himself quite accessible, so we took advantage to question him more closely about his Baidoa offensive. He bridled when we used the word "capture," however. He had only come to mediate a local clan dispute, he insisted, not to impose his rule or grab territory. There was no need to "capture" a town whose people had long ago joined his camp.

He pointed out, and we had to agree, that we had seen no signs of recent fighting in Baidoa and that its streets and shops were full of people peacefully going about their business.

He reminded us that he had spent most of the previous day and night in marathon meetings with local clan elders, working to untangle the strands of their dispute (the very one in which our relief workers were alleged to have meddled).

He also reminded us that we'd watched thousands cheer his promises of political peace, regional autonomy, a free market economy and multiparty elections at a rally staged to welcome him at the Baidoa soccer field. Did they look to us like "captured people?" he asked.

(We granted him these points, although I still suspect what we saw was more akin to Powell's doctrine of overwhelming military superiority: Deploy enough firepower, and even your bitterest enemies will turn out to cheer for you.)

With the "hostage" crisis resolved, our group was finally able to take the closer look we'd come for. In and around Baidoa, much of what we saw looked like the same old Somalia to me—battered buildings, broken-down trucks, burned-out warehouses.

But if you squinted just right, you could see some encouraging signs too: City streets were crowded, tea shops thriving, markets bustling. Goods seemed plentiful for those who could pay, and people seemed relaxed and friendly to outsiders.

Later, on the highway down to the coast, we found buses and trucks piled high with passengers coming from somewhere, merchandise going elsewhere. But we also saw more signs of serious fighting between two subclans whose dispute Aideed claimed he was attempting to resolve, and sensed more nervousness on the part of our escorts.

But in the agricultural heartland at Afgoi and along the Shebeli River, we passed sorghum fields carefully banked and plated, sesame and cotton growing tall, citrus for sale in heaps on the highway, barrels of ripe tomatoes on donkey carts bananas ripening, camels copulating and cattle fattening for shipment to Red Sea butcher shops.

And in Mogadishu at last (where some areas were still "off limits"), we pushed through incredible traffic jams and ate at crowed restaurants. Ships were loading bananas in the port. The central market was teeming, protected by its own private police force. The Somali shilling was trading at stable rates—with no protection at all. And a half-dozen crude newspapers were circulating freely.

Most hopeful of all, we saw practically no guns on the street and heard almost none at night. Disarmament, the elusive goal of American and U.N. peacekeepers, finally seemed to be occurring in their absence, perhaps spontaneously.

To be sure, the only schools operating were Koranic schools. The only regularly scheduled air service carried bales of khat, the Somalis' narcotic of choice. The only telephones were satellite links. The only electricity came from noisy private generators, though it was often shared among neighbors. The only water came from private wells, and there wasn't much of it.

Hospitals were dismal and might as well have been closed. Drugs cost a fortune. Rubble and wreckage still choked the streets. Some buildings had been cleaned up, windows replaced and shell holes patched, but we saw little major renovation. And the big problem on everyone's mind was how to create jobs for the youngsters who'd gone to war instead of to school. In a word, there was more poverty than progress in Aideed's "new" Somalia—but at least no one seemed to be starving.

Was this just a "show" for foreign guests, as several Aideed critics whispered to us? Or were Somalis themselves finally putting their nation and their political system back together again, absent our help?

As Powell observed of the people here: "They had been solving their political problems for a thousand years before Jeffersonian democracy came upon the scene."

Somalia Lesson No. 3: Even overwhelming force can't solve another people's political problems. They must do that for themselves.

When we lunched with Aideed one afternoon before leaving Baidoa, I read him some excerpts from The Post's interview with his old adversary. He was fascinated. It was no surprise that he agreed with Powell's central point: We should have stopped while we were ahead.

But what bothered Aideed wasn't so much our arrogance as our ignorance. "I think if Americans had tried to understand our system, our traditions, our history, our way of life before sending troops and experts into Somalia to change everything," he reflected, "we would still be close friends."

Perhaps. But it was fortunate for Somalia that Americans hurried to lend a helping hand, even as we were slow to understand how a nation can collapse in turmoil and misery. Had we delayed our intervention until we "understood" the conflict's root causes, many thousands more would have died and clan warfare might yet be raging.

Gen. Powell would probably agree.•

HEAD-IN-THE-SAND FOREIGN POLICY

• Mr. SIMON. Mr. President, the Washington Post on Monday, October 16, 1995, ran a column by Jessica Mathews that is absolutely on target.

My colleagues have heard me speak before about the need for a more responsible foreign policy.

I thought it was particularly fascinating to note the quotation in the Jessica Mathews column that it costs $600 million less to run the United Nations than it does the New York City police department.

How foolish we are to fail to do what we should in support of a more enlightened and responsible international policy.

I ask that the Jessica Mathews column be printed in the RECORD at this point, and I urge my colleagues to read it.

The column follows:

HEAD-IN-THE-SAND FOREIGN POLICY

(By Jessica Mathews)

A dispassionate foreign observer of Congress's budget choices would have to conclude that Americans' only international aspiration is to be global policemen. Or, to be scrupulously fair, policeman with a handout for refugees and the most wretched victims of disaster.

That isn't what Americans want, but its' what—unless drastic adjustments are made in the next few weeks of bargaining—they're going to get. In both the House and Senate versions of next year's budget every means of keeping the peace short of military action and every other cost of international leadership or national self-interest—political, economic, environmental, humanitarian—is stripped to near or below the minimum while more money than the Pentagon thinks it can usefully spend is crammed down its throat.

In round numbers, Congress has added $7 billion to a $220 billion military total that already dwarfs what all of the rest of the world outside NATO spends on defense. Meanwhile, in the name of deficit reduction, it is planning to cut $3 billion to $4 billion from all other international spending. That may not sound like much but it amounts to 15 percent to 20 percent of the $20 billion total in international affairs spending and includes reductions for most international agencies of 25 percent to 60 percent.

The cuts mean that U.S. embassies and consulates will close when a globalizing economy and more independent countries mean that more should be opening. They translate into fewer foreign service officers, hamstrung diplomacy and less of the most cost-efficient means of intelligence gathering. They mean long lines and poor services for Americans at home and abroad. All of that is tolerable, if neither sensible nor necessary, given defense increases.

What will really hurt American interests—indeed already has—are the cuts to the United Nations, the World Bank's fund for the poorest countries and the host of small international agencies that provide hundreds of services Americans need and value and underpin agreements that both parties have spent years of tough negotiating to achieve.

Where the cuts are in dues for which the United States is legally committed, as are its U.N. dues, the cost will be measured in an unraveling of international law not limited to finances. If the United States can renege on its funding obligations why can't X on Y (fill in the country and topic of your choice)?

Even where the cuts are in voluntary contributions, the result of a U.S. pull back from the international community along a front that reaches from peacekeeping to environmental protection will be a declining interest on the part of other countries in supporting U.S. initiatives. That will fuel further disenchantment in the United States etc., with results that no one wants.

The cycle has already begun. The United States owes the U.N. $1.5 billion, a debt that threatens to tip that institution into insolvency. The U.N. is limping along by not paying what it owes to contractors and to countries that supply its peacekeeping troops. In effect, the likes of Pakistan and Bangladesh are covering our bad check.

Congress wants to see organizational reforms at the U.N. before it will consider even a partial payment. But for the rest of the world, the No. 1 item on the agenda is that a country that can afford to do so does not pay its dues year after year. As Britain's foreign secretary remarked to an appreciative audience, the United States seems to want "representation without taxation."

Part of what has brought us to this sorry pass is too many years of cheap shot—and now almost obligatory—political rhetoric that has inflated the self-evident need for U.N. reform into a problem of unrecognizable dimensions in the minds of most Americans. Even while defending the U.N., U.S. Ambassador Madeline Albright called it "elephantine." It took Australia's Gareth Evans to provide some perspective by pointing out that the U.N.'s secretariat and core functions (in New York, Geneva, Vienna, Nairobi and the Hague) cost $600 million less than the New York City Police Department. Adding the development, environment and population agencies, the huge refugee operation, UNICEF and others, the total is still less than Congress's defense add-on.

Having launched a last-minute effort to reduce U.N. funds and the rest of the international affairs budget, the administration is battling a sentiment it helped create by blaming the United Nations for its own mistakes in Somalia and Bosnia, and an attitude on the part of congressional freshmen for which the politest description is a profound and willful ignorance of America's role in the world, its obligations, its interests and what it takes to meet them.

However long it takes, this struggle deserves attention and public support. No American doubts the need for a superlative military. But it should be obvious by now that the best-armed force in the world cannot meet more than a fraction of the threats of the post-Cold War world nor help seize most of its opportunities. An America served by a rich military budget and impoverished funding for every other international function will be a country both poorer and less secure than it should be.●

ALL BETTER NOW

● Mr. SIMON. Mr. President, a longtime friend who headed my Illinois operation for many years and still is associated with me, Jerry Sinclair, once again showed why he is a valuable friend by sending a column that appeared in World Business in their September–October 1995 issue.

It deals with the Canadian health care system written by Diane Francis, the editor of Canada's foremost business newspaper, the Financial Post. It views things from a business perspective. She is the author of five books on business.

Ms. Francis spells out very clearly why the Canadian health care system is far superior to the United States system.

The propaganda spread against the Canadian system here in the United States by those who profit from the present system terribly distorts what the Canadians have. This column helps to balance that.

I would add, in the last poll I saw of Canadian citizens, exactly 3 percent of them said they would prefer the United States system of health care to theirs. That does not, as this column points out, suggest there are no problems with the Canadian system. But they deliver superior health care to their citizens. We spend more and do a worse job.

Ms. Francis quotes a Peat Marwick 1995 study titled, "A Comparison of Business Costs in Canada and the United States."

Listen to this analysis: "Costs of hospitals, surgical, medical, and major medical insurance premiums are the prime reason for the difference in costs. These insurance premiums represent a cost of 8.2 percent of gross pay in the United States compared with 1.0 percent in Canada."

American businesses who, frankly, fell down on the job, when they should have been backing the Clinton plan, ought to be taking a good look at what is happening in Canada.

I ask unanimous consent that the Diane Francis column be printed in the Congressional Record at this point.

The column follows:

All Better Now

Among the health care systems of the world's wealthiest industrialized countries, the United States' is the most expensive; even worse, it fails to provide health care for all Americans. Canada, on the other hand, provides excellent, comprehensive coverage to all of its citizens. Its system, administered jointly by the federal government and the twelve provincial governments, provides Canadian business with an enormous competitive advantage. And yet vested interest in the United States—including doctors, privately owned health care facilities, and insurance companies—have lobbied against government systems such as Canada's. They say that Canadians must wait months for procedures. This is simply not the case. They would also have Americans believe that Canadian hospitals are second-rate, and that Canadian physicians are poorly trained. These are also not so.

The same type of lobbying took place in Canada in the late 1960s, when the government-run plan was first implemented. It is interesting to note that Vice President Al Gore became a fan of Canada's health system after his seriously brain-injured son was successfully operated on in Toronto by one of the world's best neurosurgical pediatrics teams.

A look at the facts leaves little doubt that the Canadian system is superior. An average of 6.3 out of every 1,000 babies born die before the age of 1 in Canada, as opposed to 8.3 in the United States. Life expectancies in Canada are 81 years for women and 74.5 for men, compared with 78.9 and 72.1 years, respectively, in the United States. Yet the Organization for Economic Cooperation and Development, an international monitoring group, reports that while Canada spends just 10.2 percent of its gross domestic product on health care services for all its citizens, the United States spends 14.1 percent and still has millions of citizens with inadequate or nonexistent coverage.

It isn't just the individual that benefits from Canada's comprehensive health program. The Canadian system affords business many advantages, including reduced employee costs and an expanded, healthier labor pool. According to a March 1995 study by KPMG Peat Marwick called "A Comparison of Business Costs in Canada and the United States," Canadian employers spend less on employer-sponsored benefits than their American counterparts. "Costs for hospital, surgical, medical and major medical insurance premiums are the prime reason for the difference in costs," the study says. "These insurance premiums represent a cost of 8.2% of gross pay in the United States compared with 1.0% in Canada."

Unlike in the United States, Canadian health coverage is not tied to welfare benefits; unskilled workers can take low-paying entry-level jobs without fear of losing access to government-paid health care. This removes the possibility of creating an entrenched underclass with health problems who are handcuffed to welfare because of medical-cost issues.

Businesses in Canada are also able to hire workers regardless of their health history. This is particularly important when it comes to using the talents and efforts of senior citizens, or people with chronic illnesses. Canadian workers aren't trapped in dead-end or unsatisfactory jobs because they are afraid of losing company-provided health benefits.

Reduced labor costs are not the only corporate benefit of the Canadian system. Individuals rarely file the type of high-stakes personal injury lawsuits commonly seen in the United States. Because all citizens are guaranteed quality medical care, catastrophic medical expenses, generally the largest component of a settlement, are usually not sought when such suits are filed. In the United States, product liability insurance converge costs corporations upwards of $500 million a year, and the premiums are growing by 20 percent to 30 percent annually. Insurance costs are dramatically lower in Canada—unless a manufacturer is exporting to the United States.

Canada's government-run workers' compensation plan is managed by the provincial governments, in contrast to the patchwork quilt of private and public systems at various levels of government in the United States. The workers' compensation premium for a Canadian autoworker in London, Ontario, is 4.56-percent of his or her wages; for an American autoworker in Minneapolis, it is 9.07 percent, according to the KPMG comparative report.

Business should be free to conduct business, and in Canada this is so. There is no need for every company to have personnel employed just to handle the paper burden of private-sector workers' compensation or health care.

Canada's systems is not perfect; nor is Canadian business able to outcompete American business at every turn as a result of cradle-to-grave medical care for its population. But the advantages to citizen and business alike are very real. And as American health care costs outpace economic growth and the country's population ages, a dose of Canadian medicine may cure what ails it. Failing that, the United States' system will make its insured workers increasingly expensive to employ and its uninsured workers increasingly unable to afford proper health care.

Diane Francis is editor of Canada's foremost business newspaper, The Financial Post, and the author of five books on business. She also writes a monthly column for Maclean's, Canada's national news magazine.●

RACIAL HARMONY IS CONTACT SPORT FOR ILLINI COACH

● Mr. SIMON. Mr. President, recently, the Wall Street Journal had an article that deals with sports; but much more important than that, it deals with where we are in our society and what one enlightened leader, Coach Lou Tepper, is doing to bridge the gap that exists between people in our society.

The leadership he is showing on this is leadership that should provide an example to coaches all over the country, not simply to coaches but to schools, churches, civic organizations, and many other groups.

I ask unanimous consent that the Wall Street Journal article by Frederick C. Klein be printed in the Record.

The article follows:

[From the Wall Street Journal, Oct. 13, 1995]

Racial Harmony Is Contact Sport for Illini Coach

(By Frederick C. Klein)

Champaign, IL.—By now, I think, most people have come to understand that the interracial harmony they see on fields of play is more apparent than real. Black and white teammates may exchange high-fives or even hugs to celebrate moments of triumph, but once the games are over they go their separate ways, in keeping with the patterns of the society as a whole.

Mention race relations to people in sports in any capacity, and the likely response is a shrug. Few volunteer to discuss the subject, and when it does come up it's quickly brushed off. The unspoken but clear consensus is that teams exist to win games, and what their members do on their own time is their own business.

There is, however, at least one exception to this rule. Lou Tepper, the head football coach at the University of Illinois in this city amid the cornfields 150 miles south of Chicago, believes that as long as young men must get along on the gridiron in order to succeed, it'd be a shame if they didn't get to know one another better in other ways. He's made racial integration a part of his program, requiring his players to promise to get to know teammates of the other race and putting them in situations that promote such contact.

"This is a university, and I'm here as an educator," he says. "I think there ought to be more to the sports experience than what appears in the box scores."

Lest anyone get the impression that the earnest, bespectacled Mr. Tepper is insufficiently concerned with X's and O's—a high crime in big-time-college-coaching circles—he's quick to set them straight. His record is 21–19–1. He puts in the 100-hour weeks that are standard at his level of his profession, and goes around honorably bleary-eyed from his scrutiny of game films. He tells a recent visitor that the only reason he has time for more than a quick chat about next Saturday's Illinois foe is that, on the week in question, there was none, his team having that Saturday off.

That said, however, he became more expansive. "Maybe I come at coaching from a different perspective than some people," he remarked. "Maybe I come at life that way, too."

That life began 50 years ago in Keystone, Pa., a hamlet 50 miles south of, and, maybe, 30 years behind, Pittsburgh. Sixty-one people lived in Keystone at the time, and 31 of them were his relatives. His father, whose education ended with the eighth grade, was a janitor, and his family lived on and worked a plot of land he calls "too small to be a farm but too big to be a garden."

On his first day at the area's consolidated high school, an hour's bus ride from his home, he learned what it was like to be an outsider. "I found out quick I was a bumpkin," he says. "I talked and dressed different from the other kids. I smelled different, too; that happens when you start your day feeding pigs and chickens. Being an athlete helped me gain acceptance, but I've never forgotten how it felt to be an object of prejudice."

Mr. Tepper says that feeling drew him close to the blacks he met while attending Rutgers University on a football scholarship. His determination to bridge racial gaps, fed in part by his active Christianity, grew during the 24 years he spent as an assistant coach at a half-dozen schools before Illinois promoted him to head coach from defensive coordinator in late 1991. "My wife, Karen, and I told ourselves that if I ever got a top job, we'd make it reflect our views about how people should be treated," he says.

Those views are contained in a "mission statement" that's sent to everyone Illinois recruits for football. One of its provisions is a "family concept" that asks team members to treat each other with "love and discipline." In case anyone misses the point, Mr. Tepper tells them it especially applies white-to-black and vice versa, and requires the lads to pledge to do that before they sign scholarship papers. The school has lost several recruits as a result. "I've had whites balk [at the pledge], but never a black," the coach notes.

Players quickly get the chance to prove their words. Seats at all team meetings are assigned on a black-white-black-white basis. Room assignments for summer practice before classes start, and for team road trips, are made the same way. The process is facilitated by the fact that the team is almost 50-50 white and black.

Thursday team dinners in season are designated as "Unity Nights," and players are encouraged to eat next to ones they don't know well. Players joke that this can mean that defensive players sit next to members of the offense, but the dinners also are occasions for interracial fraternizing.

Some of the ties fostered in those ways have flowered in others: Several whites and blacks on the team now are full-time roomies, and interracial team parties, the exception in pre-Tepper days, have become the rule.

Team members admit their white-black relationships are, mostly, no more than skin deep; "serious" racial issues, such as the O.J. Simpson trial, go undiscussed. "We like to keep things light," says Chris Koerwitz, an offensive lineman from Oshkosh, Wis. But while most of the Fighting Illini continue to take their ease with others of their race, it's with the knowledge that it could be otherwise.

"You might say I was prejudiced before. I knew very few black people, and accepted the negative things white people say about them," says Paul Marshall, a defensive lineman from almost-all-white Naperville, Ill. "Here, I've seen that the negatives aren't true, and that, given the chance, guys want to be friendly."

"Yeah, I signed coach's pledge, but I thought it was just recruiting stuff. Then I got here and, right away, I had this white guy for a roommate," says David James, a linebacker from almost-all-black East St. Louis, Ill. "It wasn't so bad," he smiles. "I played some rap for him and he played some Van Halen for me. We still do it sometimes."•

AID FOR THE WORLD'S POOREST

• Mr. SIMON. Mr. President, one of the most shortsighted things we can do is to cut back on our foreign assistance, which is already far behind what other Western nations do in terms of the percentage of our budget and in terms of the precentage of our national income.

The New York Times had an excellent editorial titled, "Aid for the World's Poorest."

I ask unanimous consent that the editorial be printed in the RECORD.

The editorial follows:

AID FOR THE WORLD'S POOREST

The new Republican majority in Congress wants to eliminate government services that private markets could also provide. Yet it has aimed its budget knife at a valuable program—economic aid to the world's poorest countries—that could not possibly survive without Federal funds. Drastic cuts approved by the House and Senate threaten to grind dreadfully poor people into deeper poverty.

Under President Bush's leadership, the United States committed itself to contributing about $1.3 billion next year to the International Development Association, an affiliate of the World Bank that provides very-low-interest loans to poor countries. As part of its deficit reduction program, the House and Senate want to renege on that commitment and reduce the contribution to between $577 million, the House figure, and $775 million, the Senate's figure.

Neither figure makes fiscal or ethical sense. The I.D.A. loan program is cost-effective. Every dollar in American contributions leads to $4 or $5 more in contributions from other industrialized countries. To save a few hundred million out of a $10 billion-plus foreign aid budget, Congress would trigger a $3 billion reduction in I.D.A. loans.

The loan program is also politically effective. By inviting poor countries to open their economies to trade and adopt market reforms, I.D.A. loans are a cheap way for Congress to spread capitalism. The program's multilateral nature insulates recipient countries from pressures to warp their economic programs to suit the narrow export interests of individual donors. I.D.A. programs worked well in Korea, Thailand, Turkey and Indonesia. They are working well in Ghana and Bolivia.

Critics of the I.D.A. say that third-world countries would become more prosperous more rapidly if they relief more on private capital and far less on World Bank handouts. This criticism applied, at least until recently, to World Bank loans for dams and other infrastructure projects. As the new president of the World Bank concedes, private capital markets are willing and able to extend such loans. But private investors will not bail out sub-Saharan Africa and other economic disasters. Over 70 percent of private lending to developing nations goes to fewer than a dozen countries. Sub-Saharan Africa claims only 2 percent.

The I.D.A., not private capital, fights the spread of AIDS. The I.D.A. helps pay for schools. The I.D.A. finances women's health and childhood nutrition programs. The World Bank has shifted its priorities from investing in concrete to investing in people. No one else can take on this role. Do American taxpayers really prefer to save themselves about $2 a year rather than leading the world to help those eking out an existence on less than $2 a day?•

AFFIRMATIVE ACTION IS AS "AMERICAN AS THE CONSTITUTION"

• Mr. SIMON. Mr. President, as my colleagues know, I believe that affirmative action is a very good thing for our country; even though, like any good thing, it can be abused.

Prof. Steven Lubet of Northwestern University had an interesting article that points out that affirmative action is part of the U.S. Constitution.

My colleagues, who may be startled at that bit of information, will find the Steven Lubet article of interest.

I ask unanimous consent that the article be printed in the RECORD.

The article follows:

AFFIRMATIVE ACTION IS AS "AMERICAN AS THE CONSTITUTION"

(By Steven Lubet)

Opponents of affirmative action say the idea is contrary to basic American principles because it unfairly disadvantages blameless individuals, needlessly emphasizes group rights and enshrines an ethic of victimization. Affirmative action, they say, is a failed experiment from the despised '60s.

The real truth, however, is that affirmative action originated in the '80s. Not the 1980s, but the 1780s—1789, to be exact. Here is what the United States Constitution (Article I, Section 3) says about affirmative action:

"The Senate of the United States shall be composed of two senators from each state." That's affirmative action—in fact, a quota system—for small states. There is no denying that the framers designed the Senate to protect group rights, notwithstanding any disadvantage to blameless individuals, and all on a theory of possible victimization. While any specific instance of affirmative action may be unnecessary or ill-advised, the concept has been with us from the beginning.

The size of a state's delegation in the House of Representatives is determined on the basis of population, in keeping with the democratic principles articulated in the Declaration of Independence. In the Senate, however, small states are given special treatment. They are afforded representation far out of proportion to population, to ensure that they will not be victimized, oppressed or subjected to discrimination by the majority.

There is no clearer example in our history of institutionalized group rights. Based upon accidents of birth and geography, the citizens of small states, such as Delaware and Maine, enjoyed the benefits of a quota system that made their political influence comparable to that of New York and Virginia, the giants of the time. In the 1990s, the same quota operates to the advantage of Alaska (one senator per 300,000 citizens) and to the detriment of California (one senator per 15,000,000 citizens). Is it unfair to count the vote of an Alaskan at 50 times the vote of an Californian? Sure it is, but we have become so inured to the Senate that it just seems natural.

That's our system. That's the way it works. And so it is; but it is also group-based affirmative action.

We are all familiar with the original arguments in favor of the Senate. One concern was that the interests of small states would not be respected in a Congress constituted strictly on the basis of population. Another consideration was the need to protect minorities (primarily meaning political minorities) from the temporary passions of transient majorities. And after more than 200 years, there is far-reaching agreement that the Senate has well served its intended functions. State-based affirmative action has worked according to plan.

So let's compare the establishment of the Senate to current programs of race-based affirmative action. To be sure, the parallel is inexact, but certain principles do overlap. In 1789, the small states feared the possibility of future discrimination under the newly-proposed Constitution. They were not willing to accept promises of benevolence or paternalism, but insisted on structural protection even at the cost of proportional democracy.

Today, racial minorities and women fear not only the hypothetical possibility of discrimination, but the persistence of a proven historical fact. They, too, decline to trust benign intentions and demand a structural remedy. A requirement of special treatment or attention to women and minorities similarly assures that they will be protected from the "passions" of today's majority, which, in the case of upper-level decision-makers, still consists overwhelmingly of white males.

It is true that the non-proportional Senate came about as the result of a political compromise. The small states extracted it as the price of their acceptance of the new national government. They had the right to withhold ratification of any constitution that did not satisfy their perceived needs.

Today's minorities, African-Americans in particular, do not have that power. Their ancestors were brought here involuntarily, without the ability to agree or disagree with the political or economic system. Certainly, though, there must be something about democracy that prevents us from saying that affirmative action was a one-time-only phenomenon, imposed only at the insistence of certain framers and never to be repeated for the benefit of future minorities. To accept that argument would transform constitutionalism from an enduring philosophy into little more than an 18th Century version of "Let's Make a Deal."

I do not want to make too much of this analogy. Many recent efforts at affirmative action have been ineffective or counter-productive. The wisdom or appropriateness of any particular program ought to be subject to continuous review. But when Sens. Orrin Hatch (R-Utah) or Alan Simpson (R-Wyo.) inveigh against affirmative action, they ought to do so with some sense of humility, if not irony. After all, they owe their Senate seats to affirmative action's first appearance in our national life.

It is simply wrong to say that affirmative action—as a tool for achieving political equity—is out of place in the American system. To the contrary, it is as American as the Constitution.●

SYMPOSIUM: UNITED STATES POLICY TOWARD IRAN: FROM CONTAINMENT TO RELENTLESS PURSUIT?

● Mr. SIMON. Mr. President, I am sure I know less about what is taking place in Iran than some members of the Senate. I have followed the news, but I have not tried to become as knowledgeable about Iran as I am some areas of Africa and other areas of the world. I read about a symposium in the publication Middle East Policy in which Ellen Laipson, Director of Near East and South East Affairs from the National Security Council, discusses the Iran situation with Prof. Gary Sick of Columbia University, and Prof. Richard Cottam of the University of Pittsburgh.

Ms. Laipson gives an administrational line on what is taking place in Iran. But coming from a base of limited understanding, it appears to me that Gary Sick and Richard Cottam make a great deal of sense. What I kept thinking, as I read the discussion, was that our attitude toward Iran is very similar to our attitude toward Cuba. There is no question that our Cuban policy has been counterproductive, appealing to the national passion rather than the national interest. I have the uneasy feeling that our policy toward Iran is the same.

I ask unanimous consent that their discussion be printed in the RECORD at this point and urge my colleagues to particularly read the discussion by Professor Sick and Professor Cottam.

The material follows:

SYMPOSIUM: U.S. POLICY TOWARD IRAN: FROM CONTAINMENT TO RELENTLESS PURSUIT?

(By Ellen Laipson, Gary Sick, Richard Cottam)

ELLEN LAIPSON, DIRECTOR OF NEAR EAST AND SOUTH ASIAN AFFAIRS FOR THE NATIONAL SECURITY COUNCIL

It will come as no surprise that Iran has been a major challenge for the Clinton administration's foreign policy. Today's forum is well-timed, because it gives us a chance to review the recent debate over the policy and the changes that the president announced just about a month ago. I welcome the chance to discuss this important issue and hear your views as well, and to be able to bring those ideas back to the debate that we have within the government.

We all recognize the importance of Iran in the Middle East region—the complexity of its society, the richness of its cultural traditions, and the very troubled history of U.S.-Iran relations in recent years. I think no one would disagree with the proposition that the last decade and a half has been a difficult time in the relationship between Iran and the United States. But it is our view that the situation we're in today does derive from the conditions in the region and from our efforts to protect our critical interests there.

I will divide my remarks into three simple questions. First, what is the policy? Second, why did the president make the changes that were announced on April 30? And, lastly, where do we go from here?

To give you the current state of play in the policy, it's important to note that our approach focuses on Iran's actions—not the nature of the regime, not what they call themselves, not the Islamic character of the regime, but the specific actions that we have observed the Iranian government get involved in. These include, first and foremost, their involvement in terrorism, particularly that which undermines the peace process in the Middle East—and their pursuit of weapons of mass destruction. In addition, we focus a lot of our concern on their efforts to subvert friendly governments in the region, their unfortunate human-rights record, and their conventional arms buildup which could, if realized, pose real threats to small Persian Gulf states that are friends of the United States.

At the same time, we also have to focus on the long-term challenge from Iran—not just the actions of today, but the potential, the capability that Iran could have, if it were to fulfill its ambitions, particularly in the weapons area. We are not trying to argue that today Iran poses a major military threat to the United States, but we are working to prevent it from doing so. We are looking at Iran's ambitions and intentions, not just its current military capabilities.

The policy is trying to capture, on the one hand, our efforts to address Iran's behavior today and, on the other hand, to develop a strategy that tries to anticipate a future Iran that would be a stronger and more formidable player in the region. Our approach combines pressure with other measures. We are trying to give Iran's leadership a chance to make a strategic choice. They could change their policies in order to serve Iran's interests, which we believe are fundamentally, among other things, economic growth and political stability. We think that Iran's government has the chance to adapt its behavior in ways that would make it conform more with international norms.

There has been no change in our policy on the question of a dialogue. We are still willing to engage in a dialogue with authoritative representatives of the Iranian government. We believe that pressure and dialogue can go together. This would be normal. By the rules of diplomacy, it would be possible to have both.

Let me give you a little more detail on what the pressure tactics involve, since they have recently changed. The policy of containment, which was declared when the Clinton administration first came to office, involves a comprehensive series of unilateral measures and a series of multilateral efforts as well. Until recently, the dimensions of our economic policy towards Iran consisted of an arms ban, a ban on dual-use technologies, a total import ban on Iranian products coming into this country, controls on certain items for export to Iran, and a diplomatic position of blocking all lending to Iran from international financial institutions.

After four to five months of internal debate, the president announced on April 30, and signed on May 6, an executive order that is an important reinforcement or strengthening of our policy towards Iran. He announced that, from now on, we will prohibit all trade, financing, loans and financial services to Iran. We will ban U.S. companies from purchasing Iranian oil overseas, even if it is for resale overseas. And new investment by American companies in Iran is prohibited. The president's executive order also bans their re-export to Iran from third countries of those goods or technologies that are on controlled lists for direct export from the United States to Iran. In addition, it prohibits U.S. persons and companies from approving or facilitating transactions with Iran by their affiliates.

The executive order does not have exterritorial application to foreign subsidiaries of U.S. companies. It does not ban the import of informational materials from Iran. And it does not block Iranian assets or ban private remittances to and from Iran by private Iranian nationals.

As you can see, these are very strong, but not total, economic measures. They form part, but not all, of our policy effort *vis-á-vis* Iran. The economic pressure, in a way, has to be seen in both the political and diplomatic context that is our overall policy. We are working and will continue to work hard multilaterally to make sure that the arms ban, the limits on credit and aid, the ban on support for Iran from international financial institutions, and cooperation with Iran in nuclear matters continue. We have enjoyed, up until now, what we consider to be good support from most of the advanced Western countries in these areas, and we would like to see more.

We initially worked within the G-7 context. But as you know, in the past year, we have expanded our diplomatic efforts to include Russia, China and all other potential suppliers to Iran of these high-technology and weapons-related items.

President Clinton and President Yeltsin last summer announced an agreement that would involve the future ban of all Russian arms sales to Iran. I think you will see more of these kinds of agreements with others of Iran's would-be suppliers.

We also have political talks with out major allies, both in the West and in the Middle East, about Iran. These political talks, in and of themselves, form a kind of pressure because Iran is very aware of these discussions, and that we are sharing information about our concerns over Iranian behavior in these discussions. We hold the talks with the European Union, with Canada, with Japan, with Russia, with most of our Middle Eastern allies.

In these talks, we discuss the merits of our approach—an approach of economic pressure, and the approach of our allies. Some of our allies prefer critical dialogue, which is the formula that the European Union uses. Some prefer constructive engagement, which is, I think, how the Japanese would characterize their policy. And others would use other formulas to describe their approach to Iran. It is true that we all continue to believe that there's room for some disagreement over what is the best approach to Iran. But we are of the view that the president's recent measures have very much caught the attention of our allies and will create a new dynamic in our discussion on this important topic.

We also share our concerns about the long-term threat that Iran could pose if it achieved both its conventional and its non-conventional military objectives—the threat that it would pose to the Persian Gulf countries, and to the region as a whole. I believe the Middle Eastern allies, in particular, see the American military presence in the Gulf—which most recently has been in response to Iraqi aggression—as helpful to sending a deterrent message to Iran.

Let me address why the change. The Clinton administration began a review in the fall of last year that, in some ways, was a very thoughtful assessment as we approached the midpoint of the presidential term. We thought it was a natural time to do an assessment of what has worked and what hasn't, where the policy can be refined, where it can be improved or enhanced.

We examined how Iran has responded to American policy until now and whether Iran's behavior had changed in the areas that we had expressed greatest concern about. We identified that, while in some areas Iran's behavior was more or less as it had been a few years ago, in certain areas, we thought it had worsened. In particular, we believe that the rise in terrorism against the Middle East peace process that began in the fall of 1994 has some links to Iran, and is deeply disturbing to one of our principal objectives, not only in the region, but worldwide: the achievement of a comprehensive peace between Israel and its neighbors.

We also saw continuing and, in some ways, accelerating signs of Iran's efforts to procure the materials and technology needed for a weapons-of-mass-destruction program. So, in those two key areas, it was our judgment that the situation was in fact getting worse and required some new policy responses.

Second, I would cite, as a reason for the change, the increasing challenge from our allies. They saw and told us that they saw an inconsistency between our containment policy and the fact that we continue to trade with Iran. That charge—even if based on a misleading use of trade statistics—was harmful to our efforts to maximize the consensus among Western partners that we consider to be a key part of our overall policy success. We feel strongly that Iran should hear to the maximum extent possible, the same signal from the United States that it hears from its other Western trading partners. This would have the greatest impact of the calculation that Iran needs to make about how its economic interests are affected by its own policy choices.

Third, and more recently, we did witness some erosion in the domestic consensus that we have enjoyed over our Iran policy. We saw a domestic debate, initiated here in the halls of Congress, over the need to pursue a tougher policy towards Iran. Until now, I would say that we have enjoyed considerable domestic support for containment, and we wanted to restore that degree of support. It was our view that an unresolved debate, questioning whether the policy was effective enough, would limit our effectiveness in communicating with Iran.

The administration conducted a thorough review of the policy options, and they were debated with some vigor among both the national-security agencies and the economic-policy factors within the U.S. government. We tried to balance a complex and, I think, difficult set of considerations. We asked ourselves, how would new economic measures, new sanctions, affect Iran's behavior? Would they affect the Iranian government or the Iranian people? How would they affect American competitiveness and American jobs, and how would they affect the willingness of our allies to work with us in a coordinated fashion on the Iran problem?

It is true that no one of the options that we considered would maximize all of these factors. There were trade-offs. There were policy options that made some of these issues easier and some harder. But we took them all into account.

Let me just end with what we see as the next steps. We do not exaggerate our chances for any quick success on the dramatic announcement the President made on April 30. We don't have any illusions that, overnight, Iran will stand up and publicly say that it is changing its behavior. But we do see a number of important signs already. We know that the President's announcement has had an impact on Iran. And I think those of you who follow the currency market are well aware of the dramatic fall in the value of the rial since the President's announcement. We know that we have the attention of the Rafsanjani government—witness his invitation to prominent American media to try to explain the government's side of the story, denying charges of terrorism, denying that there is a weapons program, etc. To me, this very much manifests the Iranian government's concern with the perception of its behavior that the President's announcement has evoked.

We think this is a process, an ongoing process that will require a lot of diplomatic engagement, a lot of hard work, and we are certainly aware that it has had some costs to various interests. We will have to measure our success in careful ways. We will continue to look for the supplier restraint that we have already created, to a certain extent, and for some other indicators. Will Iran need to think hard about the trade-offs between what it wants economically and its political behavior? We certainly hope so. Will the allies accept, now, the firmness of our resolve and our commitment to a containment policy? Will the allies join us in similar measures? We hope and expect to see more restraints in aid to Iran—loans, credits—and hopefully more political convergence in our overall approaches.

We are doing a number of things. There are intensive diplomatic efforts leading up to the Halifax meeting [of the G-7] that will take place next week in addition to bilateral meetings in which the Iran question is almost inevitably raised. We are sharing more information with our allies about terrorism and their nuclear plans, since some countries have said that this will be a critical factor in determining whether they change their policies or not. We don't know whether this is a political posture for them or if they really mean it. But we will make the extra effort to share with them the information that we have found so compelling and so persuasive, and hope that they will agree to conduct an evaluation of their own policies and see what else is possible.

And immediately and within Washington, we are engaging with U.S. businesses to ensure a fair and prompt implementation of the president's executive order. We are aware that the policy has had some costs and has inflicted some short-term dislocations on some of our interests. The president made his decision because he believed it was commensurate with the threat—both in the short-term and the long-term—that Iran's behavior poses. We hope very much that this recent decision will enhance our ability to exercise leadership with our allies. It has already, in part, restored the domestic consensus over our Iran policy.

GARY SICK, DIRECTOR, GULF 2000 PROJECT AND ADJUNCT PROFESSOR, COLUMBIA UNIVERSITY

I agree with Ellen on many points. There are aspects of Iran's behavior that are indeed troubling and that we should try to change. Iran's record on human rights is deplorable. The bounty that the revolutionary organization has placed on the head of Salman Rushdie, which amounts to an incitement to murder, is detestable. Iran's opposition to the peace process is a complicating factor, and if that opposition takes the form of money, arms and training for terrorist operations, it is unacceptable.

The same holds true for the funding of terrorist operations in any other country. Iran's development of military capabilities that go beyond its legitimate needs for self-defense and which pose a potential threat to its neighbors is both destabilizing and unhealthy. No one wants to see Iran acquire nuclear weapons or other weapons of mass destruction.

On these issues, there is agreement not only in this room, I think, and in Washington, but also in the capitals of virtually every country in the world. The question is how to pursue these objectives, and it is on that question that I disagree most vigorously with the policies that are being pursued by the Clinton administration.

There are two cardinal tests, it seems to me, that should be applied to any foreign policy initiative. First, is there a realistic prospect that the policy will accomplish its intended objective? Second, does it do more harm than good? Present U.S. policy fails both of these tests.

Economic sanctions are always problematic, as we've seen in the case of Iraq, where the entire international community is united. But unilateral sanctions do not work. The United States is a powerful country and arguably the sole superpower in the world. However, it cannot impose its will on Iran without the support of many other countries that maintain diplomatic and commercial relations with that country. At present, there are only two countries in the world that think the U.S. embargo strategy is a good idea; the United States and Israel. If you like, we can add Uzbekistan to that list. (Laughter.)

But not one of Iran's major trading partners has indicated a willingness to join in this embargo.

This was not a surprise. The U.S. government did not consult in advance with any other government before the signing of the executive order on May 6. We knew that no other government would support it, so we didn't bother. Although this is a form of economic warfare, we did not raise it at the U.N. Security Council because we knew our position would attract no support.

We took this very grave step for our own reasons in the certain knowledge that it would not have the kind of international support that would, in fact, make it successful.

The United States in the past has undertaken unilateral sanctions as a matter of principle, even when we were unable to forge an international consensus. One example is the grain embargo against the Soviet Union. However, in that case, there was a triggering event: The invasion of Afghanistan. In this case, as Ellen just pointed out, there was no triggering event.

We knew other nations would not follow our lead—in fact, we counted on it. Although we have chosen not to purchase any Iranian oil, we really do not want to have Iran's 2.5 million barrels a day of exports withdrawn from the world market. That would create chaos in the oil markets and a very substantial increase in price that could affect our own rate of inflation as well as that of the rest of the world.

In reality, we have been hurting Iran very, very severely over the past several years. Oil, as you know, is denominated in dollars, and the decline in the value of the dollar has substantially reduced Iran's purchasing power. To put it another way, in recent years, the real price of oil for Japan has declined by over 70 percent because of the dollar's decline against the yen. This has a real effect on the Iranian economy but is inadvertent and unrelated to the sanctions we are adopting.

One of the weaknesses of our policy is its disproportionality. We are in the process of adopting much more stringent sanctions against Iran than we imposed against the Soviet Union, which was a real threat to U.S. national security, even at the height of the Cold War.

Let me give you a couple of small examples. Against all odds, the Coca-Cola Company managed to reestablish itself in Iran some years ago. Local soft-drink producers in Iran were outraged. Many of them are owned by parasitic revolutionary so-called foundations. This, they said, was a reintroduction of the Great Satan into Iran. Even worse, it cut into their profits. They asked their leader for a *fatwa* prohibiting good Iranians from drinking Coca-Cola, but he refused. However, the Clinton fatwa will succeed where the hard-line revolutionaries failed, by forcing Coca-Cola to withdraw from the Iranian market.

Tehran is holding its annual book fair this month. Several American publishers withdrew from the exhibition after hearing of the executive order. Frankly, I wish Iranians had access to American books. I think that's our loss.

Federal Express and UPS have both terminated their service to Iran. I was planning to send some materials to a colleague of mine in Iran, a political scientist, about a conference that we have planned, and I'm now going to have to find some other way to do it.

Can I subscribe to an Iranian journal or newspaper, or is that trade with Iran?

Although the executive order is not intended to interfere with normal academic contacts and freedom of expression, it's going to have a chilling effect in many little ways. It will impede or interrupt our few existing channels of reliable information about what is being said and though and done in Iran, and we need that information.

Our policy is also based on some false premises. I was struck by Secretary [of State Warren] Christopher's recent statement to an interviewer. He said, "We must isolate Iraq and Iran until there is a change in their government, a change in their leadership."

That statement recalls a very similar comment made by Defense Secretary [Casper] Weinberger some years ago, when he said, "There must be a totally different kind of government in Iran, because we cannot deal with the irrational, fanatical government of the kind they now have."

These offhand comments, calling, in effect, for the overthrow of the government, seem more consistent with U.S. actions and the reality of U.S. policy than the repeated official assurances that we heard this morning that we accept the Iranian revolution as a fact and that it is not our objective to try to overthrow it. The voices of our leaders suggest otherwise, at least when they are caught off guard.

Our policies do make Iran's life more difficult in many ways, but the notion that we're going to drive it into bankruptcy and thereby bring down the Islamic government are romantic and infantile pipe dreams. The Iranian government is under great stress due to its own mismanagement of its economy. About one-third of Iran's oil revenues this year will go to pay off its creditors as a result of a consumer import binge following the end of the Iran-Iraq War.

Iranians are dissatisfied with the economy and they are not shy about making their views known. There will be change, but it will take the shape of reforms to the existing system, not of collapse or overthrow. There is no viable political alternative to the present system. We may not like this regime, but we're going to have to live with it. We are not going to bring it down by an act of self-flagellation.

Our policy of demonizing Iran has affected our own credibility in a number of areas. For example, the recent State Department report on international terrorism in 1994 states that Iran is still the most active state sponsor of international terrorism. But if you read the report—and I have read it now three or four times—it is remarkably silent on evidence.

When Secretary Christopher recently claimed that Iran was responsible for the bombing of the Argentine-Israel Mutual Association in Buenos Aires last July, the Argentine foreign minister immediately wrote a letter to Christopher asking him for any verification or evidence that he had, but he said to reporters at the same time that he wrote the letter, "We do not expect any news. There is no more information now than there was in December." There have been no arrests. The principal U.S. source, who was a paid informant of the CIA, has been discredited, and the Argentine government is resuming normal relations with Iran.

There are other major flaws in the terrorism report that in some respects, make it more of a propaganda tract than a serious statement of fact. The United States is reportedly spending $4 million on a propaganda campaign designed to destabilize Iran. It's one thing to conduct propaganda against another state, but there is a real danger if we start believing it ourselves.

The nuclear issue is simple. We do not want Iran to get the bomb, and on that we are joined by virtually every government in the world, notably including Russia, which does not want to see the emergency of a nuclear-weapons state on its southern borders. Again, the question is not the goal, but, rather, how we get there from here.

The United States, in my view, has manufactured an unnecessary crisis by focusing its attention on the sale of nuclear power stations to Iran. Granted, all of us might prefer to see Iran completely devoid of any nuclear infrastructure, but we have diluted our moral and political authority by attempting to deny to Iran a right that is enshrined in the very terms of the Nuclear

Nonproliferation Treaty [NPT] that we just recently fought so hard and successfully to sustain.

The NPT explicitly promises in Article IV that states in compliance with the treaty will have access to peaceful nuclear technology. Iran is in compliance. The power stations that Iran is buying from Russia and China are no different from those we are offering free to North Korea in order to gain their compliance with the NPT.

Our decision to focus on the sale of power stations is a case of superpower swagger. We suggest that the rules of international law apply only when we say they apply. That attitude is not popular even among those states which have good reason to fear Iran.

I believe that one of the reasons Iran is seeking nuclear power stations is as part of a broader effort to develop a nuclear infrastructure that would permit it to build a nuclear weapon. Iran fought a bloody eight-year war with Iraq, and I am sure that they were just as shocked as we were to discover how close Saddam Hussein had come to having a nuclear weapon, especially knowing that it most likely would have been used on them, just as chemical weapons were.

They may also have the mistaken notion that nuclear weapons will provide some form of insurance against superpower intervention, having watched Iraq go down to defeat with such apparent ease after they themselves had been beaten on the battlefield by that same army. The Iranians almost certainly wish to shorten the time required to build their own weapon if they see the threat again emerging on one of their borders.

It's worth noting in passing that we should be careful about using the argument that Iran does not need nuclear power because it has so much oil and gas. The two are really not mutually exclusive. Russia has the greatest gas reserves in the world. It also has the largest nuclear power industry in the world.

In reality, Iran is currently short of gas. Every bit of Iran's gas is being used domestically, and there is no surplus. It is also, increasingly, short of energy. Its domestic needs for electricity and heating are increasing faster than it can produce them.

In addition to nuclear power, which may be a silly solution, Iran is involved in major efforts to develop wind power, thermal power and hydroelectric power. I would note in passing that the Japanese loans that we are arguing so hard to try to stop are for a dam on the Karun River in the south that is designed to produce hydroelectric power.

The Conoco deal that we were so outraged about and interfered with was an attempt to develop a gas field in the south that would increase their supply of gas. I argue that we are shooting ourselves in the foot repeatedly. Our recent policies have tended to thwart Iran's development of non-nuclear alternative energy sources.

But these facts, regardless of one's interpretation, are not an argument for complacency about the nuclear issue. Instead, in my view, our policy should focus on the central issue of nuclear-weapons development. A sensible U.S. policy should have the following objectives: First, we and our allies and all prospective nuclear suppliers should convince Iran to renounce technologies that provide direct access to weapons fuel, specifically enrichment. That, of course, includes centrifuge technology and reprocessing.

To that end, we should pressure Russia to reaffirm its adherence to the nuclear suppliers' guidelines which go beyond the NPT in restricting export of these two dangerous technologies. We should also do everything in our power to tighten the international regime, the successor to COCOM, to prevent sale of long-range delivery systems which could be used with nuclear weapons.

Second, any training of Iranians should be limited to what it takes to operate a reactor, rather than providing broad access to nuclear technology.

Third, we should insist on clear-cut agreements about the disposal of spent fuel from the reactors. Iran has said that it would return the nuclear waste to Russia, but we need to ensure that there are safeguards at every stage to ensure that both the fuel is returned and that Iran exercises no control over that fuel once it has been returned—again, a crucial point, and something that can be done in the agreements that Russia is signing with Iran.

Finally, we should take Iran at its word that it will permit frequent and intrusive inspections by the IAEA [International Atomic Energy Agency] on demand and with little or no advance notice. That should be an absolute condition of any continuing nuclear power assistance which Iran will require for the next decade or more. I would also add that might be useful to explore this idea that's been raised recently by the United Nations Association of a nuclear rapporteur who would conduct independent investigations to explore evidence of nuclear-weapons development around the world and report directly to the Security Council.

All of these steps are things that we could do, and a negotiating package that is composed of these elements and perhaps others of a more technical nature would be greeted by understanding and sympathy by most if not all of our friends and allies. It is consistent with international law and is in the immediate national interests of potential nuclear suppliers themselves. In short, it offers what our present policy does not: a workable strategy to achieve our most important objectives.

Our present policy is not really a strategy, since it lacks a definable endgame. It rails against Iran's behavior, but really doesn't offer anything like a credible roadmap for changing it. And pious hopes that Iran is suddenly going to change its spots really don't suffice, especially when we're making such stringent efforts as we are.

So, in closing, let me suggest a five-point framework for U.S. policy. I do so in the full understanding that any such suggestions are probably fated to fall on deaf ears in the present political climate in Washington.

First, we should cool the rhetoric for a while. At times lately, we have sounded more shrill and ideological than the ayatollahs. Let's put the thesaurus aside for a while. We don't need any more synonyms for rogue, outlaw, or even backlash, whatever that means.

Second, let's take some time to get our priorities straight. Iran may be bad, but it's not all bad, and some of the actions are worse than others. If the nuclear issue is at the top of our agenda, and that's where I think it should be, let's put together a strategy that addresses the central issues, rather than painting everything with the same brush.

Third, let's begin to develop a strategy that engages our allies and lets us work with them, instead of bullying them and ignoring their own legitimate interests. Despite what Ellen said, I think that's what we've been doing.

Fourth, we should adopt a policy of selective neglect. When we disagree with Iran or find its behavior outrageous and unacceptable, we should say so, but where we see improvement in their policies—and there are, in fact, areas of improvement that we could talk about—we should not be afraid to acknowledge them or at least to remain silent. Distorting the truth in the pursuit of a policy is demeaning to us as a nation and ultimately self-defeating.

Finally, we should apply the Waco test. Yes, we have over there what we perceive as an encampment of religious extremists. They propound ideas that offend us. They are armed, and they may represent a danger to the neighborhood. But we should never forget that no matter how bad it is, our policies, if misconceived, can make it worse for everyone concerned.

RICHARD COTTAM, UNIVERSITY PROFESSOR OF POLITICAL SCIENCE EMERITUS, UNIVERSITY OF PITTSBURGH

I want to talk about two things primarily: one, the long-run trends in Iran; two, Iranian intentions, as I see them.

I want to begin with something you all remember but I think need to be reminded of and that is in December of 1978, on a religious holiday, eight million people, journalists tell us, demonstrated in Iran against that shah's regime. That would be one out of every five, even though they knew that attack helicopters could be used against them. Two months later, the revolution was successful. It was without question, I think, the greatest populist revolution in human history.

In days following that revolution it began to unravel, and the liberal element, which was very important in the directorship of the revolution itself, began to desert or to be regurgitated. A terrible process began to take place that we haven't noted enough the development, wherever resurgent Islam appears, of a polarization of the populations with two sections of people, one religious and one secular, starting to dislike each other to a point of intensity that is almost genocidal. It takes place everywhere. In a better world, what we on the outside should want to do is to try to bring about some kind of reconciliation of these forces. Strangely enough, our policy in Algeria seems to show slight signs of doing exactly that.

Within a year of the revolution, the polarization was pretty well complete in Iran. There was a regime pole, which I would estimate, for what it's worth, at about 20 percent of the population. And that pole followed Khomeini's great leadership (that was their view of him). And within that group there were two major factions or tendencies as they called them, one you could call reform and one revolutionary. Khomeini's decisional style was such that he didn't allow either of these factions really to win and consolidate.

The result was that within the bureaucracy itself, many bureaucrats reported to very different elements in the revolutionary elite. Although there has been some consolidation of control, this is still a phenomenon and probably has a lot to do with explaining the assassinations of Iranian dissidents abroad.

An intransigent opposition developed that looked almost exclusively to the United States for salvation. And then there appeared the phenomenon of a substantial majority of the Iranians—a large acquiescing and accommodating majority of the country—who saw no alternative to the regime, accepted it and wanted to go on with their lives.

Fifteen years later, the change is very substantial. The radical leadership has been defeated. It was rather decisively defeated, although remnants, I believe, still are in the bureaucracy. Its support base has shrunk even further. I'm not allowed in Iran, one of the few Americans who is not acceptable there. But people whom I respect who go all the time have estimated that between 15 and 1.5 percent of the population really supports the regime. It's a very dangerously low level of support. I agree with Gary Sick that it's not likely that there will be any kind of revolution. But what is possible with this level of support is a spontaneous uprising against a miserable economic situation which could get out of control and go to something unpredictable.

I think the major failing, though, of the regime has been its failure to recruit a significant section of the intelligentsia. The revolution has lost its vitality. It is now a revolution striving to survive. [Ali] Khamenei, the supreme leader of Iran is, a sincere advocate of the Islamic movement, but he did participate in the defeat of the radical element. And the president, [Ali Akbar Hashemi] Rafsanjani, is, I believe, a realistic individual who's very interested in reconciliation and would move far in the direction of bringing people together if he had the latitude to do that.

The intransigent opposition, I think, can be largely disregarded. It's important in the expatriate community, but it seems to have virtually no real meaning within Iran itself. Center stage today is held by the accommodationists and the acquiescers. This is now a huge majority that dominates the universities to a striking extent, both faculty and student body. It dominates the progressive element of the economic community. It's omnipresent even in the bureaucracy and in the professions. It therefore has created a picture that is very different from what we've seen in the past and one that we should take seriously into account.

This large majority grants the regime very little legitimacy and in the past has been unwilling even to explore the possibility of engaging it and becoming part of the system. It is right now showing signs of a willingness to do that. The Freedom Front, for instance, has openly told American reporters that it's thinking of running for parliament in the elections. They certainly believe the liberalization process and the growth of pluralism are a real possibility in Iran.

In foreign policy, this group is very different from the regime. It has no interest in messianic Islam. It isn't interested in the peace process or the Arab-Israeli dispute. There is very little support from this large majority of the Iranian people for an activist policy in support of what we think the Iranian government is up to. I think this is a fact that is extremely important.

This majority is, however, extremely nationalistic. And those barren islands [Abu Musa and the Tunbs] sitting in the Gulf are more important to it than any of these other issues I've mentioned. We could easily offend this very nationalistic element of the population. It yearns for rapprochement with the United States and for a return to the international system. It doesn't like to be a pariah state. It wants to interact. It wants to become prosperous. It's deeply disappointed in U.S. hostility, finding it increasingly bemusing.

To return to the question of the regime's intentions, first, I would say, is to position itself favorably in the global economic system. A good competitive position for its oil is vital for the survival of the regime itself. I believe it will make that its first priority in its foreign policy.

Second, this regime believes that America, collaborating with Israel, is ineluctably hegemonic in its ambitions. The Iranian regime feels terribly threatened and believes that the danger is from us. When it thinks in terms of arming itself, it's almost pathetic. It can't seriously think in terms of deterring us if we took it on directly. It can only think in terms of deterring our puppets, as they see it, who might attack them.

The most difficult part for me in making this case to you, I believe, is this point: that as far as Islam is concerned, the regime has stopped talking about becoming the great leaders of an Islamic state. The *imam* of the *umah* was the title for Khomeini, the leader of the entire community of believers. In its place there is a much more defensive concern.

I don't mean to understate the importance of Islam for this regime. There are four external communities that it is particularly interested in helping, Islamic communities that it sees as under attack. These are the Shia communities of Iraq and Lebanon, the Palestinians and the Bosnian Muslims. It sees its support for all four of these as an integral part of the same policy.

It understands that some of these groups resort to the tactics of terror, but I have not seen evidence to indicate that Iran ever pinpoints any appropriations, any money that it gives, for that purpose. It would trivialize the communities we're talking about to assume so. Iran does not see itself as supporting terrorism. It sees itself as supporting regimes that are fighting for their lives or for the return of their property, of their territory. And it's a sincere belief. They are bemused, again, by our depicting all of this as support for terrorism.

I want to quickly give Iran's rationale for opposing the peace process because I think it is underestimated and misunderstood. It's not an irrational position. They argue thus: one, the Arab-Israeli conflict is obviously highly asymmetrical, and that asymmetry in Israel's favor is declining. The reason for this is the appearance of major popular movements. Hezbollah and the intifada in particular, have improved the overall power picture in the relationship between Israel and the Palestinians. Given this favorable trend, this is the wrong time for peace negotiations.

Second, the negotiations are being mentored by Israel's protector, a country that promises the Israelis eternal superiority in dealing with the Arabs. This adds to the asymmetry and is not a format that the Iranians think they would like to participate in.

Third, there has been no effort in this major movement to deal explicitly with Islamic spokesmen in a process that affects their lives intensely. This seems to indicate that this large and vital movement is to be disregarded. Iran's position, therefore, I believe, is exactly the same as the position of resurgent Islam everywhere, and it isn't one they can just bargain away. That's not a possibility for them. They believe that even if there is a resolution between Israel and the Palestinians, it will not last, because too much of the population has been disregarded in the process.

At the same time, if you look in terms of man hours spent on diplomacy, Iran is expending extremely little effort in opposing the process. It has, in effect, said that if [Syrian president Hafiz al-] Asad makes an agreement with the Israelis, it will think it's a mistake, but it will go along with the agreement.

I need to spend also just a minute on a very big subject which Gary Sick has talked about: nuclear weaponry. I do not believe the United States has seriously addressed the problem of Iran, the Arab states and many other countries in the world on this issue. There are many states that believe they may someday be given a nuclear ultimatum with no possibility of support from another nuclear power.

In the Middle East, the nuclear power that they expect the ultimatum from is Israel. And no one in that area believes for one second that the United States or any other nuclear power would help them if Israel were to issue an ultimatum. Consequently, since they think this is a realistic scenario, they are going to try to defend themselves against it. I think they have done very, very little in that direction so far. They've made clear that they want a nuclear-free zone in the area, but I would assume that any Iranian government, including a future Iranian nationalist government, would have to develop nuclear weapons unless this point is dealt with by the international community. I do not believe we have been serious on this issue at its most fundamental level.

In summary, then, I'm arguing that the United States has misread Iran's intentions. Much more seriously, it has misread basic fundamental trends in Iran, most of which are favorable to American goals, and is taking actions that are likely to reverse those trends. The worst case in my view is for American policy ultimately to so anger Iranian nationalists that they will become as hostile to the United States as Iranian nationalists were under the shah's regime. Therefore, the policy that I would prefer is the policy Gary Sick calls "playing it cool."

I don't think dialogue means much at all. There are too many misperceptions of each other's intentions. To have people who totally misunderstand each other talking doesn't seem likely to produce much. But let's just stop punishing Iran gratuitously and allow trends that are moving in the direction of a real change in the area to proceed as they're proceeding.●

KIDS PAY THE PRICE

● Mr. SIMON. Mr. President, we still are not doing what we should to control the proliferation of weapons in our country, despite the overwhelming evidence of the need to do that.

The Bob Herbert column in the New York Times recently was powerful evidence once again of the need to face up to these problems.

I commend him, I commend Oprah Winfrey, I commend Paul Newman, and anyone else who has played a part in putting together what, apparently, is a powerful, two-part program on "The Oprah Winfrey Show."

I ask unanimous consent that the Bob Herbert column be printed in the RECORD at this point.

The column follows:

[From the New York Times, Oct. 30, 1995]

KIDS PAY THE PRICE

(By Bob Herbert)

Paul Newman, in the 30-second television spot, is reading from a newspaper: "Matilda

Crabtree, 14, jumped out of a closet and yelled 'boo' to scare her parents." He pauses very briefly before adding, "And was shot to death when her father mistook her for a burglar." Mr. Newman continues: "Matilda was supposed to be sleeping at a friend's house but decided to sneak home and play a joke on her family. Her last words were, 'I love you, Daddy.'"

This is followed by a stark message displayed full-screen against a black background: "A gun in the home triples the risk of homicide in the home."

We then hear Mr. Newman say, "Before you bring a gun in the house, think about it."

The Newman spot is one of many compelling moments in a special two-part Oprah Winfrey program devoted to the terrible toll that gun violence is taking on young people, especially children. The first part airs today.

The program opens with Ms. Winfrey standing in front of a blackboard that says 15 children are killed by guns in the United States every day, and that a teen-ager commits suicide with a gun every six hours. "If we were to build a memorial" to the kids killed by gunfire in the last 13 years, Ms. Winfrey says, "the names on that memorial would outnumber" the American lives lost in Vietnam.

The program uses the terms children and kids in the broadest sense, so that they cover the entire period from infancy through the teen years. In 1992, the last year for which complete statistics are available, 37,776 people were killed by firearms in the U.S. Of those, 5,379 were 19 years of age or younger. Those are extraordinary numbers, and they have risen since 1992.

And yet we pay very little attention to the problem of guns and children, in part because of denial, and in part, as Ms. Winfrey points out, because "the frequency of death has numbed us to what the death of one child really means."

Today's show takes a step toward remedying that. For example, we see glimpses of the exuberant life of Kenzo Bix from home videos and a photo album and the comments of his mother, Lynn. We see him as a toddler, and in that angelic guise peculiar to the first grader, and romping as a teen-ager.

"He was kind of whimsical," his mother said. She shows us a Mothers Day memo he posted: "Do not go in the kitchen. Your gifts are in there."

"That was actually the year just before he died," she said.

When he was 14, Kenzo was accidentally shot and killed by a friend who was playing with a gun.

One of the things that comes through in Ms. Winfrey's program that is usually missing from news accounts of homicides and suicides is the sheer suddenness of the absence of the one who dies. Those who knew the child, were close to the child, loved the child, cannot believe that he or she is gone, and gone for good—gone irrevocably because of the absurdity of the pulling of the trigger of some cheap and deadly mechanism, usually for some cheap and stupid reason.

Larry Elizalde, 18, was a high school track and football star, and Olympic team hopeful, who was shot to death on the street in Chicago by gang members who mistook him for someone else.

Mr. Elizalde died in the arms of a young seminarian, a stranger named Doug Mitchell, who happened to have witnessed the shooting. Mr. Mitchell, in an interview with Ms. Winfrey, said he did not want "the hatred of the gun, the violence of the gun" to be the last thing that mortally wounded youth would experience, but rather the love and concern of another human being."

This was clung to as a blessing by Mr. Elizalde's anguished mother, Lynette, who at first had harbored the desperate fear that her son had died alone.

Throughout the program, Ms. Winfrey offers us evidence of the humanity that is sacrificed—not just the lives lost, but the humanity in all of us that is sacrificed by our acceptance of the mass manufacture, mass sale and mass use of firearms in this country.

She tries to lift at least a corner of our blanket of denial to disturb and maybe even awaken us.

After all, she seems to be saying, children are dying.•

CAN AMERICA'S RACIAL RIFTS BE HEALED BY A BLACK PRESIDENT?

• Mr. SIMON. Mr. President, one of the finest journalists in our Nation today is David Shribman.

He writes a column that appears, among other places, in the Chicago Tribune.

He recently had a column that suggests solving the problems of race in our country cannot be done dramatically by any one leader or person.

That does not suggest that a President, Senator, Governor, or leader in any capacity cannot have an impact. But his column reflects on the depth of the problem that we have in our country, and I would urge my colleagues to read it.

I ask unanimous consent that the column be printed in the RECORD.

The column follows:

CAN AMERICA'S RACIAL RIFTS BE HEALED BY A BLACK PRESIDENT?

(By David Shribman)

WASHINGTON.—Yes, there is a national political angle to the O.J. Simpson murder trial. And yes, it's as troubling as the social angle, the criminal-justice angle, the media angle and the commercial angle.

It's this: Next year's election is going to be conducted in a country that is so racially divided that one side can't comprehend why the other side sees things the way it does. And the irony is that the greatest imponderable in this landscape of confusion is an African-American man.

Right now, as O.J. Simpson begins a new life, retired Gen. Colin L. Powell contemplates his plans. Both are embarking on uncharted paths. Both will be watched carefully by the public. Both will in no small way shape the country we become in the next century.

Simpson and Powell, to be sure, have so little in common that it's almost stilted to connect them. One is a star athlete, man about town, a bit of a libertine: fast on his feet, fast in his life. The other is a war hero, a man of probity, a paragon of discipline: slow to judge, slow to rile.

But the murder trial of the one has opened up racial rifts so wide that the temptation is to say that the steely drive of the other might help the healing.

American voters know that the risk of hiring President Powell isn't substantially different from the risk of hiring President Dole or the risk of rehiring President Clinton. But there is something about the Powell boomlet that carries echoes from the tortured and tortuous American life of Orenthal James Simpson. And those echoes are warning signals:

Colin Powell can't fix everything.

But that's not what you're hearing from the commentators, handicappers, analysts, instant experts and grandstand big mouths who proclaim their opinions on national politics much the way they proclaim their opinions on, say, the National Football League.

Many of them suggest that a Powell campaign could be the George Washington Bridge of modern American politics, a wonder of political architecture spanning wide distances—between Republicans and Democrats, between liberals and conservatives, above all between blacks and whites. It's an appealing, even an intoxicating, notion: Bring centuries of racism, violence, suspicion and repression to an abrupt end by electing a black president.

But listen, too, to the undertow of the American conversation. This is what many whites say about Colin Powell: He doesn't seem black. He moves so easily between the races. His accomplishments are so vivid that they are without color content.

That's what some blacks say, somewhat warily, about Powell as well: Not really black. Moves between the races. Without color content.

And that, of course, is what everyone said about O.J. Simpson. He was black but not too black. He was everybody's favorite golf partner. He was the most fabulously appealing black corporate spokesman of his time. When O.J. ran—and I saw this myself two decades ago, at Buffalo Bills training camps in Niagara Falls and again in Rich Stadium in Orchard Park, N.Y.—the whites cheered as lustily as the blacks.

Everybody said that Simpson transcended race. He didn't. Everybody says that Powell transcends race. He doesn't.

The wounds of America's centuries-long signature struggle are too deep to be bandaged by one man. Winning the respect of George Bush, who is privately urging Powell to run, isn't enough to end tensions that have been festering since the early days of colonial Virginia. It's a start, but it isn't a finish.

Now that the trial of O.J. Simpson is over, the nation's newspapers and television networks can start chronicling another American drama: the 1996 presidential campaign. The first subplot is Powell's decision, expected next month, about whether to run for president.

One thing, however, is sure: A Powell candidacy can't become a feel-good experience—or an excuse for not talking about race.

Everyone now knows—press your TV remote and you'll see it reinforced on O.J. retrospectives, talk shows, town meetings and news broadcasts—that racial misunderstanding and mistrust can't be overestimated in this country.

And so the Simpson trial isn't irrelevant to the campaign. It tells us that race is more than skin deep, and so is racism. It tells us that the leader who takes America into the 21st Century will have to understand these gaps, not paper them over. It tells us the president will have to say something about things that, for many years, were better left unsaid—about racism, injustice, fear. It tells us that, after all these years, we still must summon what Lincoln called the "better angels of our nature."•

THE UNITED NATIONS AT 50: LOOKING BACK AND LOOKING FORWARD

• Mr. SIMON. Mr. President, in response to a question I asked Dr. Jessica Mathews about an op-ed piece that appeared in the Washington Post, she sent me a speech made by Foreign Minister Gareth Evans of Australia.

I took the trouble to read the speech, and it is a good summation of where the United Nations is, where it has been, and where it should go.

Foreign Minister Evans points out the successes of the United Nations, like El Salvador, Cambodia, and Mozambique, as well as areas where there are deficiencies. He calls upon the nations to move quickly on a chemical weapons convention, and I hope the United States would join in that effort.

Of no small significance is his comparison of the costs of running the United Nations compared to other entities.

Note these sentences from his address:

> The core functions of the U.N. (involving the Headquarters in New York, the Offices in Geneva, Vienna and Nairobi, and the five regional Commissions) cost just $1.2 billion between them: to take just one comparison last year the annual budget of just one Department in one United States city—the New York Police Department—exceeded that by $600 million.
>
> The total number of personnel needed to run those U.N.'s core functions is around 10,700; compare the local administration of my own national capital, Canberra—again just one city in one of the U.N.'s 185 member states—which employs some 22,000 people on the public payroll.
>
> The cost of the U.N.'s peace operations last year—in Cyprus and the Western Sahara and the former Yugoslavia and thirteen other locations—was $3.2 billion: that's less than what it takes to run just three New York City Departments (Police, Fire and Corrections).
>
> Add to the core functions of the U.N. all the related programs and organs (including UNDP, UNFPA, UNHCR, UNICEF, UNCTAD and International Drug Control) and you are talking about a total of around 33,000 people and a total budget (including both assessed and voluntary contributions) of $6.3 billion: that sounds like a lot, but not quite so much when one considers, for example, that the annual global turnover of just one international accounting firm, Price Waterhouse, is around $4.5 billion.
>
> Go further, and add to the core functions and the related programs all the other specialized programs and agencies of the entire U.N. family—that is, add agencies like the FAO, ILO, UNESCO and WHO, plus the IABA, and put into the equation as well the Bretton Woods Institutions (the World Bank group and the IMF, which between them employ nearly 10,000 people and spend nearly $5 billion annually) and you are still talking about total U.N. personnel of just around 61,400 and a total U.N. system dollar cost of $18.2 billion.

He also praises Canada's leadership in suggesting that we have a more effective system of responding to world emergencies, and I join him in lauding what Canada has done.

I ask unanimous consent that the full statement be printed in the RECORD.

The statement follows:

THE U.N. AT FIFTY: LOOKING BACK AND LOOKING FORWARD

(Statement to the Fiftieth General Assembly of the United Nations by Senator Gareth Evans, Foreign Minister of Australia, New York, 2 October 1995)

Mr. President, I congratulate you on your election to the Presidency of this great Assembly. Your election is a tribute both to you and to Portugal, and Australia will work with you to ensure that this historic Fiftieth Session is as memorable as it could possibly be. And I join in warmly welcoming, as the UN's 185th member state, our fellow South Pacific Forum member, Palau.

If we are to effectively prepare for our future we must first be able clearly to see our past. If we are to see where we must go, we must know where we have been: we must be conscious of our failures, but we should be proud of our successes.

The structure of today's world community—of sovereign, self-determined, independent states working together on the basis of equality in a framework of international law—simply did not exist before the Charter of the United Nations. There were imaginings of it in the minds of many for a very long time, and we saw emerge, between the World Wars, a pale approximation of it with the League of Nations. But it was at that special moment in San Francisco, fifty years ago, that today's concept of a community of nations was first truly born. And that concept has passed the test of fifty years of life.

Gifted though the authors of the Charter were, they would I think be awed to see how very much their vision of a globalised world has now been answered, and exceeded. Today's world is one world, a world in which no individuals and no states can aspire to solve all their problems or fulfill all their dreams alone. The ideas of San Francisco have entered into the unconscious of people all over the world. Those who refuse to acknowledge the global character of our world, or recoil from it and retreat into unilateralism or, worse, isolationism, have simply not understood the new dynamics that are at work. Ours is an age in which we are called to more, not less, cooperation—and to ever more, and more responsible, sharing of our common destiny.

The ideas of San Francisco have assumed many concrete forms, which have deepened and expanded over the last five decades. States now habitually, virtually automatically, conduct their relations with each other on the basis of the United Nations Charter. We have added continually to the corpus of international law and agreements made pursuant to the Charter, in ways that have touched every aspect of modern life. We have built institutions that have sought to deliver to the peoples of the world their most basic needs—for peace and security, for economic well-being, and for dignity and liberty.

It was natural that, following a devastating World War and the hideous brutality which accompanied it, that the Charter would have at its heart the maintenance of international peace and security. So far anyway, we have passed the test of ensuring that the world would never again be subjected to global conflict. The United Nations has been, of course, deeply challenged in the maintenance of peace, from the very beginning and ever since. There are areas in which its attempts to maintain and restore peace have been flawed, and where the UN has faltered. But for all that has gone wrong in places like Bosnia and Somalia and Rwanda we should not forget the successes, like those in El Salvador, Cambodia and Mozambique. To go back a generation, no one should forget the role that was played by the Security Council and the Secretary-General in that desperate month of October 1962 when the hands of the clock were seconds before midnight, and the world faced potential nuclear holocaust. And no one should forget the role that the Nuclear Non-Proliferation Treaty has played in falsifying the almost universal prediction in the 1960s that within two decades there would be twenty or more states possessing nuclear weapons.

In development, in seeking to fulfil its commitment to promote "social progress and better standards of life" the United Nations has laboured hard, sometimes in very difficult circumstances. The gap between developed and developing countries still remains unacceptably high; there have been and continue to be difficulties with the availability of resources for development assistance; and we have to acknowledge the awful reality, according to the World Bank, that 1.3 billion of our people still live in absolute poverty. But in food and agriculture, in employment and labour standards, in health, in education and in building the infrastructure so vital to communities in the developing world—roads, bridges, water systems—the United Nations and its agencies have worked relentlessly in the service of the human family. It is because of UNICEF that today 80 percent of the world's children are immunised against six killer diseases. And this is just one of hundreds of similar stories that the UN can and should be telling.

Basic to the United Nations' concept of the world community was that it should operate under and foster the development of law, justice and human rights. A fundamental commitment of the United Nations is to establish conditions under which justice may prevail, international law will be respected and peace can be built. In fulfilment of this charge, the United Nations has provided the setting for the negotiation of over three hundred major treaties, including in such crucial fields as arms control, transport, navigation and communications. This very practical area of international cooperation has formed the framework of a globalised world.

The Charter of the United Nations spoke not just of securing better standards of life, but of those better standards being enjoyed "in larger freedom". And the articulation, development and implementation of human rights standards across the whole spectrum of rights—economic, social and cultural as well and political and civil—has been one of the UN's most important and constructive roles.

One of the worst of all denials of personal and political freedom was that imposed by apartheid. The triumph over that evil was above all a victory for those South Africans and their leaders whose freedom and dignity apartheid had so long denied. But it would ignore the testimony of history not to recognize the importance of the role played by the General Assembly and the Security Council in creating the conditions for that to occur.

For the peoples of the world, no political right has been more important than the right to self-determination. The achievements of the United Nations in this field alone are testimony to the indispensable role it has played in human affairs, with hundreds of millions of people having exercised their right to self-determination in these last fifty years. It is the great movement of decolonisation, as much as the Cold War and its aftermath, that defines the modern world as we know it, and which shapes the world's agenda for the years that lie ahead.

The United Nations of the future will need to be, above all, an organisation which works and speaks for all its members, no matter how large or small, and whose legitimacy is thus without question. It must be an organisation better oriented to performance, to delivery to people of the things they need and have a right to expect. And it must be an organisation which seeks to reintegrate, and better coordinate, the implementation of the UN's three basic objectives so clearly articulated at San Francisco fifty years ago—the objectives of peace (meeting the need for security), development (meeting economic needs) and human rights and justice (meeting the need for individual and group dignity and liberty).

THE PEACE AGENDA

Disarmament and arms control continue to be of crucial importance in the peace agenda, and a major challenge immediately ahead will be to maintain the momentum of multilateral disarmament and non-proliferation efforts. The decision by the Nuclear Non-Proliferation Review and Extension Conference to extend the Treaty indefinitely was, and remains—despite what has happened since—the right decision. The work on a Comprehensive Nuclear Test Ban Treaty must be brought to conclusion, as promised, in the first half of 1996. We must also begin as soon as possible negotiations on a treaty to ban the production of fissile material for nuclear weapons purposes. A further helpful step, although more difficult to achieve, would be a regime requiring all states to declare and account for their present stocks of fissile material. The basic objective in all of this is to move towards the goal that is agreed by all—and it should never be forgotten that it has been agreed by all—that we will, ultimately, eliminate all nuclear weapons.

It is in this context, particularly, that the decisions by France and China to continue nuclear testing are to be so strongly deplored. The environmental consequences are bad enough of setting off an explosion more than five times the size of that which destroyed Hiroshima—as France did yesterday on the fragile soil of Fangataufa in Australia's Pacific neighborhood. But the nuclear policy consequences are even worse. This is not the time to be reinforcing nuclear stockpiles and asserting their ongoing deterrent role; the world wants and needs to be moving in the opposite direction.

This is the time to be negotiating away those stockpiles, and building verification systems of the kind we did with the Chemical Weapons Convention—which needs still to be ratified into effect (and I urge those states who have not yet acceded to it to urgently do so). This is not the time to be encouraging skepticism about the Nuclear Non-Proliferation Treaty, as the French and Chinese tests are doing. It is, rather, the time for the nuclear powers to be encouraging its universal observance in the way that they best can—by showing that they themselves are absolutely serious about moving to eliminate nuclear weapons from the face of the globe. The best way for them to do that right now is for France and China to immediately end their testing programs; for all the nuclear weapons states to sign on to the nuclear weapons free zone treaties that now exist in the South Pacific and elsewhere; and for those states to commit themselves wholeheartedly to negotiating a genuinely comprehensive zero-threshold CTBT into place by the middle of next year.

The past few turbulent years of United Nations experience on the ground in peace keeping and peace enforcement has underlined the need for it to improve the effectiveness of its work in these important fields. Australia has welcomed the Secretary-General's further work in this area in his very lucid January 1995 Supplement to An Agenda for Peace. In our own contributions to the debate on these issues, we have argued for the clearest possible thinking to be given to the achievability of objectives right across the whole spectrum of responses to security problems—from peace building to peace maintenance to peace restoration to peace enforcement.

We have consistently argued, and I make the point again briefly today, that if the United Nations is to be able to meet effectively the security challenges of the post-Cold War world it must begin to devote more resources to preventive strategies than to reactive strategies. It makes more sense to concentrate on prevention than on after-the-event peace restoration, both for inter-state conflict and in the unhappily now far more common case of intra-state conflict. Violent conflicts are always far more difficult and costly to resolve than non-violent disputes, and failed states are extreme difficult to piece back together.

All that said, it has been encouraging to see the progress made in recent days toward resolving the conflict in the former Yugoslavia, and in moving the Middle East peace process a substantial new step forward. The UN should always be prepared to lend its support and encouragement to preventive diplomacy and peace making efforts taking place outside the formal framework of the UN system, and it should remain particularly alert to the opportunities envisaged in the Charter for advancing the peace agenda through regional organisations. In this context, we in the Asia Pacific have been pleased with the rapid evolution of the ASEAN Regional Forum over the last two years as a new vehicle for dialogue, and trust and confidence building, in our own region.

Particular attention has been given recently to the question of improving the United Nations' rapid reaction capability, and I warmly commend the work that has been done to clarify our thinking on these issues by the Netherlands and Danish Governments, and particularly in the major Canadian report, Towards a Rapid Reaction Capability for the United Nations, just presented to the Assembly. The very useful emphasis of the Canadian study is on the idea of improving the UN system's capability at the centre first—particularly in the area of operational planning—and thereby encouraging greater willingness by troop contributors to give practical and more urgent effect to standby arrangements. No organizational arrangements will substitute for clear-eyed decision-making by the Security Council on the responses and mandates that are appropriate to particular situations, but the implementation of changes of this kind should make us much better equipped as an international community to deal in the future with situations like that in Rwanda, where last time our response was so tragically inadequate.

THE DEVELOPMENT AGENDA

The security agenda tends to dominate most popular perceptions of the UN's role, but we in the international community must never allow our attention to be diverted from the demands of the development agenda, now as pressing as ever. When historians hundreds of years hence look back at this last half century, the Cold War and its aftermath will not be the only great international current to be remembered: it will be the giant step of decolonisation that looms at least as large.

Decolonisation led to the emergence of a world economy which for many years has been seen as divided principally into two categories—the developed and developing countries. But today the picture is more complicated. Mainly for reasons of change in technology and information systems, we now live in a global economy. No part of it is entirely separate from the whole, and no-one can act in that economy in an effective way entirely alone. Because we live in a global economy a key part of our action to deal with the problems of development must be multilateral. And the key problem facing us—both multilaterally and in our bilateral donor roles—is that within the global economy the gap between rich and poor countries, despite all efforts to resist this, has grown. The fact that some 1.3 billion of the 5.7 billion people alive today live at an unacceptable level of poverty is morally insupportable, and dangerous.

The United Nations of the future must, as a matter of the most urgent priority, forge a new agenda for development and reshape its relevant institutions to implement that agenda effectively. This is as important as any task it faces in the service of the human family, and in re-creating itself as an institution fit for the 21st Century. The agenda is available for all to see. It has been fulsomely described in the six global conferences held by the United Nations in the last four years—the conferences on children, the environment, human rights, population, social development and women. There have also been important studies by the international financial institutions and by academic institutions. We know now what we need to do. We must resolve, politically, to do it.

In pursuing these various themes it is important, however, for us not to lose sight of those geographic regions where particular focus is still required, and where the UN's role is more vital than ever. Africa's influence and importance continues to be felt throughout the world in every field of human activity and culture. Exciting political developments, including the ending of apartheid, have been accompanied by major new efforts to restructure and reform national economies: those efforts demand the continued support of the international community, and in particular the UN system. Other regions where the UN needs to play a particular role to facilitate economic and social development are the Central Asian republics, the Middle East, the Caribbean, and in a number of areas in the Indian Ocean region.

The Indian Ocean region is one where Australia, as an Indian Ocean country, has been promoting, with others in the region, both governmental and non-governmental efforts to enhance regional cooperation, particularly on economic and trade issues. The success to date of APEC in developing cooperative strategies in the Asia Pacific region to promote prosperity and stability, complementing the UN's broader work for these goals at the international level, offers one possible model for the countries of the Indian Ocean Rim to consider.

The institutions of the United Nations relevant to economic and social development are urgently in need of reform. The General Assembly has created the high-level working group needed for political consensus on this. It must complete its work in this Fiftieth Anniversary year, and it must do so creatively, setting aside past vested interests in the system. We must implement the development agenda of the future in a way which ensures a productive and fair place in the global economy for all states.

HUMAN RIGHTS

The complex and inter-linked system of principles, legal regimes and machinery that the United Nations has established to promote human rights is one of its major achievements. It must be built upon and strengthened, recognizing always that the human rights whose universality and indivisibility we assert, are about economic, social and cultural rights just as much as the civil and political rights on which developed countries tend to focus their attention. Priority must be given to the major international human rights instruments and machinery and the committees which monitor their implementation. By this means we can provide a frank, non-confrontational and constructive dialogue amongst states parties.

The advisory services and technical assistance activities of the United Nations can also play a role in promoting the observance of human rights and the implementation of democratic principles around the world. Programs to help countries develop national institutions and systems to promote and protect human rights will enhance their capacity to prevent violations and make a direct contribution to human security.

THE ORGANIZATIONAL AGENDA

It cannot be emphasized enough that the peace and development and human rights agendas I have mentioned are all interlinked. We need to avoid the compartmentalisation that occurred throughout the Cold War years, in which peace and security issues, development issues and human rights and justice issues were isolated in completely different conceptual and institutional boxes. Any viable modern concept of international peace, let alone peace within states, must recognize that "peace and security" and "development" are indissolubly bound up with each other: there can be no sustainable peace without development and no development without peace. And human rights, in the fullest sense, have to come into the equation too; there is unlikely to be sustainable peace in any society if material needs are satisfied, but needs for dignity and liberty are not.

No agendas of substance, no matter how clear in concept and well-coordinated in principle they may be, will mean anything to people if they are not able to be implemented through effective organizational structures and instruments. There has been widespread recognition in recent years that the structure of the United Nations that grew up during the last fifty years is simply not adequate to the tasks of the next.

We now have an embarrassment of riches with respect to ideas and proposals for change to the United Nations organization. Just as it is urgent that we complete work on An Agenda for Development in this fiftieth year, it is equally urgent that we complete the work of the high-level working group on the reform of the United Nations system, also within the fiftieth year.

The structural problem that it is probably the most urgently necessary to resolve, if the credibility of the UN system is to be maintained, is that of the Security Council. The debate on this subject has been long and detailed and is familiar to all of us. Australia's definite view is that it has been going on for long enough, and we are now at the time where action is required. Last year we submitted some illustrative models on the basis of which consideration could be given to an expansion in the membership of the Council. Others have made very specific proposals. Again, in this field there is no lack of ideas. What we must now do is move to the stage of forging political consensus on a new Security Council which will be effective, represents the whole membership of the United Nations and sensibly reflect the realities of today and the future, not those of 1945.

There are many structural changes and personnel reforms that could and should be made within the UN system to improve its efficiency. But ultimately the quality of that system depends on what we are prepared to pay for it.

It is important to appreciate at the outset the order of magnitude of the sums we are talking about. The core functions of the UN (involving the Headquarters in New York, the Offices in Geneva, Vienna and Nairobi, and the five regional Commissions) cost just $US 1.2 billion between them: to take just one comparison last year the annual budget of just one Department in one United States city—the New York Police Department exceeded that by $600 million.

The total number of personnel needed to run those UN's core functions is around 10,700: compare the local administration of my own national capital, Canberra—again just one city in one of the UN's 185 member states—which employs some 22,000 people on the public payroll.

The cost of the UN's peace operations last year—in Cyprus and the Western Sahara and the former Yugoslavia and thirteen other locations—was $3.2 billion: that's less than what it takes to run just three New York City Departments (Police, Fire and Corrections).

Add to the core functions of the UN all the related programs and organs (including UNDP, UNFPA, UNHCR, UNICEF, UNCTAD and International Drug Control) and you are talking about a total of around 33,000 people and a total budget (including both assessed and voluntary contributions) of $6.3 billion: that sounds a lot, but not quite so much when one considers, for example, that the annual global turnover of just one international accounting firm, Price Waterhouse, is around $4.5 billion.

Go further, and add to the core functions and the related programs all the other specialized programs and agencies of the entire UN family—that is, add agencies like the FAO, ILO, UNESCO and WHO, plus the IAEA, and put into the equation as well the Bretton Woods Institutions (the World Bank group and the IMF, which between then employ nearly 10,000 people and spend nearly $5 billion annually) and you are still talking about total UN personnel of just around 61,400 and a total UN system dollar cost of $18.2 billion.

61,400 may sound like a lot of people, but not when you consider that more than this number—65,000 in fact—are employed by the three Disneylands in California, Florida and France. Three times as many people—183,000—sell McDonald's hamburgers around the world as work for the UN system.

And $18.2 billion might be a lot of money, but just one major multinational corporation, Dow Chemical, which happens also to have 61,000 employees world-wide, has an annual revenue in excess of $20 billion.

When you put the UN's financial problems into this kind of perspective, the solutions do not look quite so hard. Surely between us the 185 member states, with our combined defence expenditure alone of around $767 billion (as calculated in the UNDP's 1994 Human Development Report), can find that kind of money? But of course the problem of paying for the UN has now become critical because of the unwillingness, or inability, of so many of the member states (including the biggest of us all) to pay their assessed contributions—notwithstanding that the cost of these for the major developed country contributors works out at between $7 and $15 per head per year, the price of no more than one or two movie tickets in this city.

We have a short-term problem, which can and should be solved within the UN system by allowing the UN to borrow from the World Bank. But we also have a longer-term problem which, frankly, does not look as though it is going to be solved—however much we continue to work at adjusting assessment scales, and however much we exhort member states to pay up, and remind them of the consequences under Article 19 of the Charter if they fail to do so.

So what are we to do about all this? In my judgment, it is time to look again—this time very seriously indeed—at the options which do exist for supplementing member states' contributions by external sources of finance. The practicability of collecting a levy on every one of the $300 thousand billion worth of foreign exchange transactions that now occur every year remains to be fully assessed, but simple arithmetic tells us that if we strike a rate for such a levy of just .001 per cent—which hardly seems likely to have any significant economic consequences—we could generate $3 billion. And we know that if we could levy international airline passengers just $10 for every international sector flown—which would be very easily collectable indeed—we could also raise $3 billion, nearly the whole annual cost of UN peace operations.

There are as well other revenue options that have, to a greater or lesser extent, the same rational nexus with UN costs that these do, in the sense that they involve transactions which are international, which take place within a framework of law and cooperation provided by the United Nations, and can be harmed by a breakdown in international peace and security—precisely the areas in which the United Nations has a fundamental responsibility.

But traditionally a threshold objection of principle has been mounted against any such talk. Member states, it has been said, should themselves own the UN system; if the Secretariat had direct access to non-member state revenue, who knows what adventures it might be inclined to get up to. But ownership and control are totally separate issues. The UN operates on a sovereign equality principle which means that, for example, those six states which presently between them pay over 55 per cent of the UN's regular budget should under no circumstances have greater authority over how it is spent than the overwhelming majority of members who each pay much lesser proportions of the total.

Surely, whatever the funding sources involved, the crucial question is how and by whom the money is spent: it is absolutely crucial that there be appropriate control of funds by member states, with all the accountability mechanisms that implies, but that doesn't mean that those member states should themselves have to prove all the funds in the first place.

In talking to many of my foreign ministerial colleagues from a wide range of countries and across all continents on these issues over the last few days, I have found an almost unanimous reaction that the UN's present and likely continuing financial crisis demands that these issues be looked at again, without any pre-judgments of the questions of principle or practicability involved.

I would suggest, accordingly, that the time is right for the Secretary-General to convene once again a high-level advisory group, like the Volcker/Ogata group established in 1992, with a mandate explicitly to think through what has hitherto been more or less unthinkable—how to fund the UN system in a way that reaches out beyond the resources that member states are prepared to directly put into it. Such a group could report to, or work with, a committee of representatives of member states—one in existence already (like the High Level Working Group on the Financial Situation of the United Nations) or one newly created for the purpose.

A great deal of work has been already, or is being, done on many of these issues, and it should be possible for such a group to report within six months or so, and certainly within a year. The parameters of the debate have to be changed, and for that to happen we need an authoritative new statement of the art of the possible.

Here as elsewhere, we have to move forward. We have to look to new ideas. We have to encourage humankind's ingenuity to search for better ways for states to deal with each other as relationships take new shape, as new states emerge and as problems which could not have been conceived of a few years ago become the challenges of the day.

We will fail to meet those challenges if we adhere solely to the ideas and dogma of the past. The United Nations was itself founded on a mixture of idealism and pragmatism. Both were essential to build a new world fifty years ago, and in the past fifty years that idealism has not disappeared. It was an important force in bringing about the end of the Cold War, and more than anything else it was idealism that lay behind the process of decolonisation which shifted the tectonic plates of history.

To some, idealism will always be the enemy of practicality. But to others, it will always involve, more than anything else, the courage to take advantage of new opportunities, ensuring that at least some of today's ideals will become tomorrow's reality. Perhaps now, fifty years beyond San Francisco, we need to renew that idealism, and walk down some of the uncharted paths that idealists have always been prepared to tread.

WHAT THE UN SYSTEM COSTS

[1994: $US million]

Elements of UN system	Assessed contributions	Voluntary contributions	Total budgets	Personnel
Core functions (Secretariat [New York, Geneva, Vienna and Nairobi], ICJ and regional Commissions)	1,182.9	315.4	1,498.3	10,743
Peace operations (UNFICYP, UNDOF, UNIFIL, UNIKOM, MINURSO, UNAVEM, UNOMIG, UNOMIL, UNAMIR, UNMIH, UNTAC, UNPROFOR, ONUMOZ, UNOSOM II, ONUSAL, UNMLTIC)	3,234.9	0.0	3,234.9	[71,284]
Related programs and organs (UNCHS, UNCTAD, UNDP, UNEP, UNFPA, UNHCR, UNICEF, UNIFEM, UNITAR, UNRISD, UNRWA, WFP, International Drug Control, International Trade Centre and OPCW)	1,512.2	3,322.1	4,037.3	22,515
Independent specialized agencies (FAO, ICAO, ILO, IMO, ITU, UNESCO, UNIDO, UPU, WHO, WIPO, WMO and IAEA)	2,113.1	1,671.4	3,784.5	18,179
Bretton Woods Institutions (IBRD, IDA, IFC, IFAD and IMF)	444.1	4,436.9	4,881.0	9,991
Total	8,490.2	9,745.8	17,436.0	61,428

Notes.—Budget data: for core functions, derived from 1994–95 data in proposed budget for biennium 1996–97 (A/50/6), halved to produce annual figure; for peace operations, provided by the Peacekeeping Financing Division; for specialized agencies and IAEA, derived from relevant biennium budgets, halved in produce annual figure; for related organs and programs and Bretton Woods Institutions, derived from UN and World Bank sources and compiled by Department of Foreign Affairs and Trade and ALISAID, Canberra. Personnel data: core function personnel include both established and extra-budgetary posts; peace operations figures as at 30 June 1994 from Report of the Secretary-General on the Work of the Organization in 1994 (A/48/1).

POLITICS AND THE DEAD ARTS OF COMPROMISE

• Mr. SIMON. Mr. President, when the New York Times "Week in Review" section had an article by Adam Clymer titled, "Politics and the Dead Arts of Compromise," I read it and cut it out for my future reference. I have just reread the article, and it is such a significant insight into where we are and where we're going or where we're not going, that I want to insert it into the RECORD.

We have become increasingly an excessively partisan body. I do not blame either party specifically for that. I have seen that grow over the years, and it has hurt our country, and it has hurt the two-party system.

What is essential is not that we win public relations battles, but that we work out practical compromises to govern. That's what Adam Clymer understands, and that's what we have to understand.

I ask unanimous consent that his observations be printed in the RECORD.

The observations follow:

[From the New York Times, Oct. 22, 1995]

POLITICS AND THE DEAD ARTS OF COMPROMISE

(By Adam Clymer)

WASHINGTON.—The most serious debate in at least three decades over the role of government in American life is being conducted in the nation's capital these days—with all the dignity of a 30-second spot.

Polls are used to consider timetables for possible negotiations, as each side ponders its moment of maximum advantage. Television spots about Medicare have employed slogans only minimally more civil than "liar, liar, pants on fire!"—which, of course, is their underlying message.

And focus groups scripted the debate that preceded the House's vote Thursday to curb $270 billion in spending for Medicare and make wrenching changes in the centerpiece of Lyndon Johnson's Great Society. Democrats may not have needed any research before accusing the Republicans of slighting the elderly to help the rich; that may be not be thoughtful, but it is instinctive. But when Republicans said "preserve and protect," over and over, they were following their pollsters' advice, not engaging in a serious discussion.

Even the most ordinary tasks of Congress are subordinated to political tactics. Only three of the 13 spending bills that Congress had promised to complete before the fiscal year began three weeks ago have gone to the White House. Some of those bills have real problems, and may be hard for even Republicans to agree on.

But a few days ago Speaker Newt Gingrich explained the delay in purely tactical terms. He said he thought President Clinton would try to make headlines by vetoing them, and snapped, "I'm not going to give his Presidential campaign new cheap-shot photo-ops." (In past Congresses, the dynamics were only a little different: Democrats invited vetoes by passing bills they knew Presidents Reagan and Bush would reject, seeking campaign issues for the next election.)

ARRANGING SURRENDER

One reason that major legislation and national issues are being approached with the winner-take-all-quality of elections is that the normal process of getting things done in Washington, compromise, has become synonymous with capitulation. If compromise is evil, then who needs negotiations? All that's needed to arrange are the terms of surrender.

Kathleen Hall Jamieson, dean of the Anneberg School of Communications at the University of Pennsylvania and an expert on political language, suggests the problem is more than rhetorical. "The thing that the word 'compromise' was designed to describe—the process by which you forge consensus—is no longer an acceptable part of the political process," she said. That was especially true in the House, she said, where "institutional courtesies" like consideration for the minority and civility in debate have fallen into disuse.

Republicans, driven by a huge and unbending freshman class, offer no apologies. Representative David M. McIntosh, an Indiana freshman, explained last week: "When we went home in August, we all heard from the public, 'Don't back down, don't give in to the Senate or the President.' We came back and we told the leadership that we won't back down, and we haven't."

Mr. Gingrich knew what was coming, for right after the election last year he proclaimed himself "very prepared to cooperate with the Clinton Administration," but "not prepared to compromise." And even Senator Bob Dole, the majority leader, who has built a considerable legislative reputation on making deals, said last month, "This will not be an autumn of compromise, make no mistake about it."

Mr. Clinton does not always spurn compromise. But he has not given it a good name, either. Last week he even seemed to be trying to cut a deal with himself on the subject of taxes, first sounding contrite that he had raised taxes "too much" in 1993 and then pronouncing himself proud of that year's budget. But he has been attacking many of the Republicans' spending cuts as "extremist," so he risks being accused of surrender if he reaches an agreement with them on next year's budget.

FEATS OF CLAY

House Democrats will oppose almost any deal that involves spending cuts; they don't believe in them. But Mr. Clinton also fears attacks from the press, which cannot believe that Mr. Clinton can give ground to help the country, but only because he is wishy-washy.

Compromise was once highly prized in American politics, at the Constitutional Convention, in the Republic's early days, and when Henry Clay, the dominant lawmaker of the first half of the 19th century, was hailed as the "Great Compromiser."

But in the years leading up to the Civil War, compromise lost its good name. Abolitionists held slavery to be a moral abomination, and Abraham Lincoln himself rejected a pre-inaugural effort to preserve the Union by guaranteeing slavery forever in the states where it then existed.

Joel Silbey, a Cornell University historian, noted that compromise again fell into disrepute just before the Progressive Era, when "government seemed to be forever compromising with evil power." Like the Civil War period, and like today, he said, that was a time when outsiders got involved in the political process and scorned its traditions.

An important House Republican leadership aide said the same circumstances prevailed today: "The American people think that politicians, once they get to Washington, are all too willing to give up their principles, wedded to a system of selling out."

Today's politicians find a lot of moral imperatives, like the difference between achieving a balanced budget in 2002 and, say, 2003. Not Mr. Clinton, who has said at various times that it would take five years, seven years, eight years or nine. But seven years is what the Republicans say they must have—or else.

There are Democrats who speak of cuts in Medicare in the apocalyptic terms they would use if faced with a bill completely repealing this greatest of the Great Society's programs. And there are Republicans, like Mr. McIntosh, who look in absolute terms on a pet project of his and Representative Ernest Istook's—an effort to prohibit groups that get any Federal money from lobbying the Federal Government, ever. They threaten to hold all other legislation hostage until they get that prohibition adopted.

Norman Ornstein, the Congressional scholar from the American Enterprise Institute, says there may be 100 House Republicans "who believe, deep down, that compromise is a bad thing." He said the leaders were giving themselves very little breathing room by leaving only three weeks to get major bills passed and then settle things before the debt limit expires Nov. 12. "It's a dangerous end game," he warns.

Earlier this month, it seemed both sides might negotiate. But the Clinton side thought the Congressional quest for Medicare cuts was hurting the Republicans and saw no reason to give ground. It may be only when both sides think the public will blame them for stubbornness that they may sit down together.

If so, politicians may be too busy testing attack phrases—like "tax cut for your wealthy contributors," or "a joke wrapped in fraud and shrouded by farce"—to judge the public clearly.

Peter D. Hart, a Washington pollster, said a recent poll conducted for NBC News and The Wall Street Journal showed that a majority of Democrats wanted the President "to make adjustments to reach compromise" with Congressional Republicans on budget issues and that a majority of Republicans wanted their lawmakers to compromise with Mr. Clinton.

"Compromise may be a dirty word in Washington," he said. "But out among the public it is a very positive term."•

The PRESIDING OFFICER. The Senator from West Virginia is informed that, under the circumstances, morning business would have been closed. Does he ask consent to continue that for a time in excess of 5 minutes?

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET RECONCILIATION PROCESS

Mr. BYRD. Mr. President, last Friday, in the early hours following midnight, the Senate passed S. 1357, the Budget Reconciliation Act of 1995. Here it is; it is 1,949 pages. The passage of that bill was not one of the Senate's finest hours. It was the latest, and perhaps the most striking, example to date of the misuse of the Budget Act's reconciliation process to ram through the Senate a 1,949-page monstrosity—there it is—a gigantic monstrosity, which will permanently change a vast number of statutes in ways that no Senator can possibly understand.

The fast-track reconciliation procedures that were established in the Congressional Budget Act of 1974 were never intended to be used as a method to enact omnibus legislative changes under expedited, non-filibusterable procedures. I know, because I helped to write the Congressional Budget Act in 1974, and it was never in my contemplation that the reconciliation legislation would be used in this fashion and for these purposes—never! I would not have supported it; I would have voted against it.

As a matter of fact, I would have left some loopholes in that legislation, which would have saved us, and which would continue to save us from stultifying ourselves by using such procedures to pass legislation which otherwise would be debated at great length, amended many times, and assure the American people that their representatives here knew what they were doing when they passed the legislation. So it was never intended to be used in that fashion. Yet, that is what has occurred under the reconciliation process.

Beginning in 1981, the Senate Budget Committee has piled together whatever changes the authorizing committees have recommended, and that is in accordance with the law. The Budget Committee has to do that. It has no alternative. It has no recourse. It cannot amend, substantively, measures that come to it from the authorizing committees. And the Budget Committee then must present this package to the Senate in the form of a reconciliation bill, often with little regard as to whether there was any deficit reduction purpose for such provisions, as was intended by the 1974 Budget Act.

The temptation to get such extraneous provisions into reconciliation acts is almost irresistible because of the fact that reconciliation bills, as I say, cannot be filibustered, opportunities to amend reconciliation bills are extremely limited, and the time for consideration of the measure is super extremely tight.

That was the reason for my amendment to the Budget Act in 1985. In offering what is commonly called the "Byrd Rule"—I have noted that in the press it was referred to as the "so-called" Byrd Rule. I do not know what the press means by the "so-called" Byrd Rule. It is the Byrd Rule. My purpose was to curb this tendency to throw everything, including the kitchen sink, into reconciliation acts.

Now, the Byrd Rule has proved its efficacy. It might well be compared to Cerberus, which was—as referred to by Hesiod, the Greek epic poet, who lived in the 8th century B.C.—a hydra-headed dog that had three heads, according to Hesiod, and it guarded the entry into the infernal regions. That is what the Byrd Rule does. It may be termed a "hydra-headed" piece of work, but it guards the entry into the regions of legislation, the entry of extraneous matter—Cerberus. Since its adoption, the Byrd Rule has had some success—considerable success, I would say—in removing extraneous matter from reconciliation bills.

In this year's reconciliation bill, for example, the Democratic staff of the Budget Committee identified almost 250 provisions in the reconciliation bill, as reported by the Budget Committee which were, in their view, violations of the Byrd Rule. The list prepared by the Republican staff totaled almost 200 Byrd Rule violations. So it is obvious that Senators are going to continue to attempt to use the reconciliation bill as a vehicle to which they hope to attach their favorite legislative programs and provisions, whether such provisions are extraneous or not.

Mr. President, I have here at the desk—and I have already shown it once to the viewers—the Senate reconciliation bill, S. 1357. It consists of two volumes and a total of 1,949 pages.

Now, Senators received these two volumes—these 1,949 pages—on Wednesday of last week. They showed up on our desks on Wednesday. That was the same day that the 20-hour clock started ticking on this reconciliation bill. Debate is limited to 20 hours on the reconciliation bill. Can you imagine? Twenty hours on these two volumes, 1,949 pages!

The bills just appeared the same day. A motion to proceed to take up that bill was not debatable, and so when the motion was made, the bill was ipso facto immediately before the Senate, and the clock was running.

I would hope that the American people who are viewing what I am saying here through that camera can put themselves into the shoes of those of us who are elected by those people to represent them in this great legislative Chamber.

People expect out there, expect us to know what we are doing. Passing the reconciliation bill was like playing blind man's bluff at a blind man's ball.

Imagine walking around here with a handkerchief around one's head and over one's eyes, voting blind. It cannot be aptly described in any lesser fashion. Not one Senator—not one—and there are some pretty bright Senators in this body, excepting myself—not one Senator really knew what he was voting on when he voted for that bill.

No committee held hearings on this bill. Several committees held some hearings on portions of it but no committee held hearings on the whole bill. There was no committee report, nothing by which we might be guided, except our own staffs. They were hit with the same problem at the same time.

Yet, we only had 20 hours on which to act on the bill. Everything counted against that 20 hours except, say, the reading of amendments, the time that was consumed on rollcalls, the time consumed on some quorum calls, and the time consumed by the Chair in response to parliamentary inquiries and so on.

That was an impossible—impossible—assignment. When the Senate completed action on its version, the 1,949 pages, it was only partly done with its work because the conference will now take place between the two Houses on the two differing versions of the reconciliation bill.

I now hold in my hand the House version. This is the House version of the reconciliation bill as passed by the House and sent to the Senate—two volumes, 1,839 pages. The House did its work, in less time. The House only had 6 hours!

That is beyond my imagination or comprehension, really, that a body of 435 persons could work its will in a knowledgeable, knowing, wise way in 6 hours on a bill consisting of 1,839 pages—that was 110 pages less than we saw on the Senate bill. That is the House bill.

Now, when the Senate completed its work, it ended up with a bill consisting of 1,862 pages—two volumes. So when the House and Senate conferees go to conference, this is what they have to contend with—these four volumes I hold in my hands. They are supposed to resolve the differences between the two Houses on the separate versions of the bill as passed by both Houses.

When the conference is completed, the conference report will come before the Senate under a time limitation of 10 hours—10 hours. We are going to get this thing back! We are going to get the conference report on this Leviathan. The conference report, we will have all of 10 hours to debate that.

There will surely be a number of brand-new items and provisions that will be included in the conference report which have not yet been considered by the Senate. Yet, as I say, Senators will have only 10 hours to debate that conference report and amend it—if there is an opportunity to amend, if there are amendments in disagreement.

The 20-hour cap on reconciliation bill and 10-hour cap on conference reports to reconciliation bills is simply woefully inadequate for Senators to carefully examine these massive, nearly 2,000-page reconciliation bills and to offer and debate their amendments.

So that is why I offered an amendment during the debate on this reconciliation bill to extend the 20-hour cap to 50 hours on reconciliation bills and to extend the 10-hours to 20 hours on reconciliation conference report.

Do you know what happened? My amendment died on what was almost a party-line vote. One Republican, I believe, the able Senator from Vermont [Mr. JEFFORDS], voted to extend this time.

Mr. President, the lack of time allowed for Senate debate on reconciliation bills, means in fact that extremely narrow and often very unwise provisions can be easily hidden in these huge reconciliation packages. This year's bill for example appears to be very close to a repeat of Reaganomics. What do I mean by that? Massive tax cuts for the wealthy, together with a huge military build-up, paid for by devastation in public investments for transportation, education, and research, and by steep cuts in medicare.

During the campaign for the Republican nomination in 1980, candidate Bush had said that the Reagan revolution was based on "voo-doo" economics. And, we should not forget the warning of Majority Leader Howard Baker that the 1981 Reagan tax cut amounted to a "river boat gamble."

Mr. President, we lost that gamble.

The Nation is still paying the price for that "river boat gamble" in terms of the national debt and the interest on it that was run up during President Reagan's eight years. On the day that Mr. Reagan took office, the national debt stood at $932 billion. It took the Nation 192 years and 38 different Presidents (39 different administrations) to reach a debt of $932 billion. Yet, on January 20, 1989, the day that Mr. Reagan left office, the national debt was $2.683 trillion.

Mr. President, how much is $1 trillion? How long would it take to count $1 trillion, at the rate of $1 per second? Would it surprise you to know that it would take 32,000 years to count $1 trillion at the rate of $1 per second?

So, the national debt had mushroomed like the prophet's gourd, overnight, to $2.683 trillion.

In other words, after the eight years of the Reagan Presidency, the budget was not balanced, as he had promised. Instead, the "river boat gamble" had left us with an 8-year string of record breaking deficits and a resulting increase in the national debt of $1.751 trillion. Yet, we, supposedly intelligent men and women, have embraced that same failed economic theory all over again in this reconciliation bill that we just recently passed. Reaganomics was a disastrous policy and it is unbelievable that our learning curve is so flat.

I have been reading about the poor performance of American students in history, American history, and many other subjects, for that matter. I noted just a day or so ago in the newspapers—and I can believe some of what I read in them—that the performance of American students in American history classes is dismally poor—dismally poor. That is not to be compared with our own performance, which is much worse. It is unbelievable that our learning curve is so flat, so flat that in passing that reconciliation bill we would do it all over again. Do what all over again? Embrace the same failed economic policies that failed during the administration of Mr. Reagan. But that is exactly what has happened.

We have dusted off old, tired, discredited Reaganomics, rechristened it a "Contract With America" and slammed-dunked it into law through this crazy, crazy, convoluted process called Reconciliation. The so-called Contract With America.

Mr. President, among the 1,949 pages of that reconciliation bill, there appeared provisions calling for $245 billion in tax cuts over the next 7 years—$245 billion in reduced Federal revenues at the same time that we are trying to balance the budget.

I hear this blather in here practically every morning on the Senate floor by a few Senators who think the reconciliation bill was something akin to the Second Coming. We have reached the millennium, to hear them talk about it. They talk about how great this reconciliation bill was, how we have balanced the budget, and how we have lifted the burden off our children and grandchildren because we have balanced the budget with this reconciliation bill—they say.

Aristotle said of Callisthenes, "He is eloquent indeed, but he wants common sense."

So that is the way it is. We hear a great many eloquent speeches about what a tremendous step we have taken in lifting the burden off the backs of our children and grandchildren by passing this reconciliation bill. We will have balanced the budget in 7 years.

But at the same time, out of the same mouths, we hear that we have also cut the taxes, cut taxes for the American people to the tune of $245 billion. How can you do both? How can we possibly balance the budget on the one hand in 7 years, and on the other, hand out $245 billion in tax cuts? It does not make sense!

I sometimes hear the Senate referred to as the Cave of the Winds—pretty aptly named. The world record for wind speed was 231 miles per hour, and it was recorded on April 12, 1934, the year in which I graduated from high school, 1934. That is the world's record for wind speed, 231 miles per hour. It was recorded on Mount Washington in the State of New Hampshire.

I know of no recording of the wind speed that we experience in this Chamber, but I daresay that climbers, who are on their way to the Himalayas and the Antarctic, would do very well to get some training in this Chamber because they would be acting under similar conditions as to wind speeds. To listen to these eloquent speeches about how much we have done for the American people and for our children and grandchildren in passing the monstrosity that no Senator—no Senator, none, not one—knows the alpha and the omega of what he did or she did in passing that legislation—is a joke, but not a funny one.

The perpetrators of this fiscal irresponsibility tell us that they can balance the budget and reduce taxes in 7 years. That is one of the mistakes that President Clinton also made in coming out for a tax cut. No, he was not going to cut the taxes $245 billion, but he was still proposing to cut the taxes—$63 billion over 5 years. That is folly! Folly, to think of cutting the taxes under these conditions—by gutting Medicare, by raising our Nation's domestic discretionary investments, and by spending so-called fiscal dividends, dividends that do not even exist, dividends that do not yet exist and may never exist.

We have seen the CBO err many times in the past in its projections as to future deficits. And over a period of 15 years—over a period of 15 years—it was in error on the average of $45 billion annually. It was off in its estimates of the deficits on the average of $45 billion a year. So we cannot believe, on the basis of CBO's projections, that the budget will be balanced in 7 years. And just one recession will knock those projections into a cocked hat. There will not be any dividend. But the tax cut will have been put in place.

Our Republican colleagues have found a way to claim that they have balanced the budget in 7 years, and provided a $245 billion tax cut—at least on paper. In reality, Mr. President, we do not know what the next 7 years will bring. And we ought to admit that right up front to the American people. We do not know. Nobody knows what the interest rates will be, what the unemployment rate will be, what the rate of growth will be, what the inflation rate will be. Nobody knows. Only God knows. And there is nobody around here who can claim to be God.

We ought to admit that right up front to the American people. We certainly cannot know for sure—despite the imprimatur of the Congressional Budget Office—that a $170 billion fiscal dividend will rise from the dust like the phoenix from the ashes, from the dust of this budgetary demolition. All we can be sure of is that, if this reconciliation bill ever becomes law, there will be a $245 billion tax cut—right up front. You can hang your hat on that. Not many people wear hats anymore. But if you have one, you can hang it on that. There will be a $245 billion tax cut for the well-to-do. That is all we can say for sure right now in October 1995.

Mr. President, I cannot claim to know for certain the intentions of my colleagues on the other side of the aisle who promulgated this imprudent tax cut. But I can intuit what appear to be the roots of this fiscal irresponsibility. These roots were planted in the so-called "Contract With America." I did not sign on to it. I have never read it.

This is my contract with America. I carry it in my shirt pocket. It cost 19 cents when I bought it at the Government Printing Office several years ago. It is the Constitution of the United States of America. I swore to abide by that Constitution. That is my contract with America! And I have sworn to uphold that contract, to support and defend that contract with America—13 times upon entering into office over the past 49 years. That is my contract with America. I did not swear on to the impostor, the so-called "Contract With America." My people did not ask me to support the "Contract With America" when they elected me last year. I did not get any mandate to support the so-called "Contract With America."

The roots of the imprudent tax cut were planted in the so-called "Contract With America"—the legislative promissory note used by Members of the other body to ride the tide of voter hostility to power. In fact, many of the numerous tax breaks—such as the ever-popular $500 child credit and the capital gains tax reduction—came directly from that document, I am told, because I have not read it. I have read in the newspapers that it was created by the political pollsters for politicians running for office.

I was a politician running for office last year. I did not read it.

Now those same politicians are Members of Congress, with a responsibility above and beyond political paybacks. Yet, they continue to adhere to the ill-conceived doctrine that tax cuts are more important than balancing the budget. You see, the so-called "Contract With America" contained the promise of a balanced budget amendment. My colleagues in the Senate had the courage to defeat that constitutional hoax. And I am proud of it.

I am not above amending the Constitution of the United States. Article 5 tells us how this Constitution, this contract with America, may be amended—in article V.

So my colleagues in the Senate had the courage to defeat that constitutional hoax called a constitutional amendment to balance the budget, and I am proud of it. It is unfortunate that Senators did not find that same backbone to prevent these reckless tax cuts at a time when we are running a substantial fiscal deficit with nearly $4.9 trillion in public debt outstanding.

Let us all disabuse ourselves of the notion that tax cuts at this time are in the best interests of the people of the United States of America. They are not. They are not in the best interests of the United States of America at this time.

It is easy to vote for tax cuts. In my 49 years in public office and in voting for tax cuts, I have found from time to time that it is an easy thing to do. It does not require any courage to vote to cut taxes. I do not believe that tax cuts at this time are in the best interests of the people of the United States.

They are fiscally irresponsible, akin to feeding chocolate to a diabetic, or like giving an alcoholic a case of bourbon for Christmas. We do the country no favor with this pandering. The voters will pay later with the toothaches of poor social and medical health services, declining public infrastructure, and the hangover of continuing huge budget deficits. And they are going to remember it.

The time will come when they will remember the advocates of this so-called "Contract With America." They will remember those who advocated the tax cuts. That worm is going to turn! The only question is when.

I am reminded of Croesus who was defeated by Cyrus the Great at the battle of Thymbra in 546 B.C. Cyrus the Great did not execute Croesus but, instead, he attached Croesus to his court as an adviser. Croesus was one of the richest men in the world, King of Lydia. But he was conquered by Cyrus. Cyrus sought to extend his dominions and to enlarge them. He had been very fortunate in numerous battles. And Cyrus sought to extend his dominions beyond the Caspian Sea.

According to Herodotus, Cyrus prepared to launch a war against the Massagetae, whose ruler was a queen, Queen Tomyris. Before Cyrus crossed the river into the dominions of the Scythians, he called his generals about him, his wise men, and asked them for their advice.

He finally asked Croesus for his opinion. Croesus said, "You have been very fortunate in adding land to land and dominion to dominion, and in winning many battles. There is a wheel on which the affairs of men revolve, and its movement forbids the same man to be always fortunate." Cyrus invaded and lost the battle. He had been warned by this queen not to invade. She had said, "Oh, Cyrus, you have been fortunate. You have added land to land, province to province, dominion to dominion, but don't invade my country. You control a vast empire. You don't need additional land. If you invade my country, I will give you your fill of blood."

There was a great battle and Cyrus was beaten. After the battle, she sent her men out on the field to look for Cyrus. He was dead. They brought Cyrus to her. She cut off his head. She had a bag of skin filled with human blood, and she thrust the head of Cyrus into that bag of blood, saying, "You wanted your fill of blood. I promised you that I would give you your fill of human blood. I have kept my pledge!"

So the wheel turns, as Croesus said, and this wheel, too, is going to turn. And those who are crowing about this great Contract With America and how they have balanced the budget with this monstrosity and how they are giving the American people their money back, a tax cut to the tune of $245 billion, how they are lifting the burden from the children's backs, they are going to eat those words. That is my guess. That is my opinion. The worm will turn. The wheel will turn.

I have stated time and time again on this floor that I am opposed to any tax cuts at this time—I was led down that parlous path more than a decade ago. But if we in this body are going to approve tax cuts, as we have at this time, I wish all Members had looked a little closer at exactly what was imbedded in this mammoth legislation. Mr. President, a close look at the individual components of the Republican-proposed tax cuts brings to light some striking revelations. We must pay careful attention to a Joint Committee on Taxation estimate that predicts that the tax "cut" provisions approved by the Senate Finance Committee will actually raise taxes for all taxpayers earning under $30,000 in the year 2000, and that this tax "cut" will result in a tax increase for nearly half of all American taxpayers in that same year. We must comprehend that, according to the same estimate by the Joint Committee on Taxation, those taxpayers earning over $200,000 in the year 2000 will receive an average tax break of $1,500 that year. It is interesting, even that a large part of these so-called tax cuts would not help our most needy citizens at all, while those same Americans—seniors and low- and middle-income working families—will bear the brunt of this reconciliation bill's spending restraints—the classic double whammy.

Mr. President, this reconciliation bill is an abomination. It is a travesty. It is a bad joke.

We just rubber stamped what was sent to the Senate by the Budget Committee. It was forced under the law to send to the Senate what was given to it by other committees in carrying out their instructions from the Senate. We voted for it. I did not, but the Senate adopted it—just blindfolded itself. Put the blindfold on. Rubber stamped it.

It represents a serious breach of faith. We have played fast and loose with the livelihoods and the health care of the very people who sent us here. And I doubt, I just have to doubt that any Senator fully comprehends what was in this behemoth package.

Some may claim that they knew full well what was in this package when they voted for it, but they did not really know. They did not know. Yet, whole sections of the House bill that came over here, the first House bill that came over here had whole sections of it missing on the day that we began the debate. We began the vote on this bill with no committee report, no explanatory statement to guide us and with only 20 hours to consider this mountain of paper—this bill and the House bill, one with 1,949 pages and the other with 1,839 pages. That weighs more than my little dog Billy.

The American people are angry, but as Mr. Reagan used to say, "You ain't seen nothing yet." Wait until they find out, wait until they understand the hoax that has been played on them by the passage of that monstrosity.

I know they are angry. Reportedly, they have had enough of ethics problems, enough of false promises, enough of Government meddling, and so on. They have every right to be mad, to use a colloquial expression, but I submit that they are mad about the wrong issues. They ought to be mad about what just happened on this floor last Friday, last Friday night past midnight when we passed that bill. They ought to be furious about the fast shuffle we just gave them on this Senate floor that night.

If the people fully understood the blatant disregard for any semblance of responsible legislating—that is not responsible legislating—the callous dismissal of any attempt to actually represent their views or to act in their best interests, they would be out in the streets looking for us! They would be ready to vote an amendment to the Constitution saying that Members of the House and Senate could be sent to death by a bill of attainder. A bill of attainder sends one to death without a trial. If the people really understood just what went on here, they would storm this city and dismantle this Chamber brick by brick by brick!

Yet, the supporters of this bill will gloriously claim that the revolution has come—long live the revolution! But, make no mistake about it, this is no grassroots revolution. It is, rather a revolution run by the elite. It has been accomplished by the politicians, behind closed doors, for the wealthy and the big contributors, and the important lobbyists. It is a revolution of the powerful by the powerful for the powerful. Tax breaks for football coaches—can you imagine that, tax breaks for football coaches—tax breaks for motorboat enthusiasts, special benefits for a Delaware Power and Light Company, special exemptions for newspaper companies, so that they won't have to pay unemployment or payroll taxes for certain employees, tax free conversion from trust funds to mutual funds, mineral rights give aways, large corporate farm loopholes which allow them to receive below-cost water, land sales for nuclear waste dumping, these were in the bill that came to the Senate floor. I do not know how many of them will remain in the bill—or remain in it now, as a matter of fact. I did not know what was in the bill when it passed. I voted against it. That was the best thing to do. If one does not know what is in a bill, he ought to vote against it. Do no harm. These are hardly provisions which benefit the beans and bacon crowd.

No, no, this is strictly a caviar and champagne revolution! No ordinary commoners need apply.

And it gets worse when one focuses on the fact that what I have just listed represents only the tip of the iceberg. It is only the small amount of information on special tax breaks which I so far have been able to glean regarding the blue-ribbon character of this very select revolution.

So, the rich and the powerful and the oh so very comfortable will continue to sip their white wine and murmur ever so joyously about their exclusive little "gimme gravy" revolution. But, while this private tea party is going on in some circles, health care for the elderly has been slashed in order to foot the catering bill.

So, mark this down as a time when the so-called "world's greatest deliberative body," deliberated very little and produced nothing even close to "great." We tinkered around the edges with amendments, when all the while most of us had no real idea of what was buried in the underlying bill and were provided with little time or opportunity to inform ourselves or to inform the American people about these far-reaching changes.

This reconciliation process has been twisted out of all recognizable shape. It has become the antithesis of solid thorough legislating, and it makes a mockery of minority rights and the tradition of extended debate here in the Senate.

This Senator is fond of saying, "Est deo gratia pro Senatus!" "Thank God for the U.S. Senate." But, with regard to this sorry spectacle, I will have to alter my usual exclamation and say, "Thank God for the Presidential veto," not the line-item veto, but the veto which the President is given in the Constitution of the United States—the real contract with America.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. Leaders' time has been reserved.

FAST-TRACK AUTHORITY

Mr. DOLE. Mr. President, Congress is now trying to put in place a plan that will reduce the tax burden on the American people, produce growth, create jobs, and put us on a responsible path to a balanced budget.

In the midst of this monumental undertaking, President Clinton would like to get Congress to give him new fast-track trade negotiating authority. He wants to negotiate more trade agreements with more countries. In fact, he has already started negotiations for new trade agreements even without fast-track authority.

Mr. President, I believe it would be a mistake to extend new fast-track authority at this time.

There are a number of good reasons, but in my view first and most important is President Clinton's complete failure to explain to the American people why we need yet another trade agreement at this time. I believe the President's effort to get new fast-track authority has most Americans shaking their heads, wondering "Why does the President seem to want to rush into more free-trade agreements with as many countries, regions, or trading blocks as he can?"

Mr. President, the fact is we recently concluded two major trade agreements, GATT and NAFTA. I believe it only makes good common sense to step back a little and assess the results.

The ink is hardly dry on the largest trade agreement in history, the Uruguay round of the GATT, which came into force on January 1 of this year.

We do not really know what the impact of that agreement will be. We had many predictions last year, favorable and unfavorable, about the potential impact. But the agreement is unprecedented in its coverage, creating new rules for textiles, agriculture, services. It makes massive tariff cuts and lowers barriers worldwide. It establishes an entirely new and untested dispute settlement regime.

We need time to assess the impact of what amounts to the largest restructuring of our trading relationships ever.

No private entity, no corporation, no small business going through a fundamental restructuring would consider a new merger or acquisition in the middle of that process. Indeed it would be irresponsible. It could endanger the enterprise. So too for the United States as we implement the recent major restructuring of our trade relationships.

Instead of new trade agreements, let us proceed with a proposal I made last year to ensure that our sovereignty is not compromised by the new world trade organization. Although I believe the United States stands to gain overall from the GATT Agreement, many Americans remain unconvinced that the WTO will benefit them in the long run. Indeed, there is one important way the WTO could be harmful, and that is if the new dispute settlement system runs out of control. We must never submit to decisions by an unelected WTO bureaucracy if it oversteps its mandate and pursues its own agenda. My legislation, which I had hoped to have passed by now, and I hope we can pass in the near future, would set up a Dispute Settlement Review Commission that would allow us to withdraw from the WTO if our rights are being trampled by bureaucrats in Geneva.

This is the kind of legislation we need right now. We need this legislation because it will help to protect American workers and American jobs. We need to have this protection in place as soon as possible before the first WTO decisions start to come. In fact the administration supports my legislation. And yet the administration has been silent on this issue. We have had no cooperation in trying to pass and enact into law a bill that everyone agrees is good for America, good for working Americans, and good for the multilateral trading system. It provides insurance against harm, it is an insurance policy for our sovereignty. What could be more important? Certainly not more trade agreements, because we are choking on new agreements right now.

It was just 21 months ago that we entered into another major trade agreement, the North American Free-Trade Agreement. The record for NAFTA is a work in progress. The verdict is not yet in. This is so for a number of reasons. The peso crisis is the most significant, but there has also been significant disappointment with the operation of that agreement, and with the level of cooperation we have experienced since it went into effect. The operation of the NAFTA dispute settlement mechanism for unfair trade cases has also raised serious concerns in Congress and in the private sector.

So we need time to assess the real results of NAFTA as well. I do not know how President Clinton explains to the American people that the provisions of NAFTA, good and bad, should be extended to other countries when we do not yet have a clear picture of how NAFTA has benefited working Americans. We need to know how this agreement has helped the American family.

Mr. President, I believe we need to step back from this unprecedented whirlwind of new trade agreements. We need a cooling-off period, a time to digest the results. We need to focus on our domestic house, on the actions we can take here at home that will improve our global competitiveness.

But for some reason, the administration seems to be in a great hurry to pile on not just one, but many more trade agreements as soon as possible from Latin America to Asia to Europe. President Clinton seems to be saying "Don't worry about it—I'll cut a new trade deal now and we'll figure out later if it was good for the American people."

I have no quarrel with any country that, as part of a program of overall economic reform, pursues a trade agreement with the United States. I admire and applaud countries that eliminate barriers to trade, that reform their economies, that improve the standard of living for their people, that attempt to open up to world trade, to reverse years and decades of ill-conceived, statist policies. Getting the dead hand of government off the backs of the private sector results in explosive economic growth. The evidence of this is irrefutable as countries around the world throw off the shackles of protectionism, high tariffs, and trade barriers, to the great benefit and enrichment of their people.

The United States is the most desirable market in the world. I understand why countries seek to gain ever better access to our market through trade agreements.

And no one has been a bigger supporter over the years of breaking down trade barriers worldwide than I have.

But, Mr. President, a responsible, sober trade policy for America is not measured by the number of trade agreements we conclude with the rest of the world.

A responsible, sober trade policy for America is measured by the benefit to the American people, to the American worker, and the American family.

Mr. President, another concern that I have, and that Republicans generally have, with fast-track relates to our experience during approval of the two previous trade agreements.

This administration has promised that it will add extraneous issues, such as labor and environment and maybe other issues, to any trade agreement it negotiates. I believe that linking trade to the agendas of worker rights and environmentalist activists would be a serious mistake and in the end would harm working Americans.

Mr. President, I supported the NAFTA and GATT agreements because I support increased trade and opening foreign markets to U.S. goods and services.

However, I did not support the way in which this administration used, and some would say abused, the fast-track procedures for those trade bills.

The fast-track rules were the result of an agreement between the Congress and the President. The President agreed to consult with the Congress regularly and indepth on the details of trade agreements under negotiation. In return, Congress agreed to give up the right to amend legislation implementing a trade agreement after its submission to the Congress, and further agreed to consider the implementing legislation in a limited time concluding with an up-or-down vote, without amendment.

The fast-track rules were crafted to provide a sensible way for negotiating the elimination of trade barriers with other countries. The purpose of requiring considerable consultation between the President and the Congress was to arrive at a consensus on the content of an acceptable agreement. If you did that, you did not need a lot of amendments. That was the original intent.

The fast-track rules were never meant to operate as a vehicle for matters that lay well outside any consensus.

Fast-track was never meant to be a vehicle for matters on which there was fundamental disagreement.

The fast-track procedures were used effectively for a long time. Through four administrations trade agreements were negotiated and submitted to Congress under fast-track rules, and the process worked pretty well.

But when the Clinton administration arrived, this changed.

Despite warnings from Republicans, then in the minority, the administration insisted on labor and environment side agreements accompanying the NAFTA. We opposed these side deals for a simple reason: linking trade to other issues like these winds up hurting us more than others.

Now the President has stated that if Congress gives him fast-track authority, he is committed to extending these labor and environment provisions to other countries in any trade agreement he concludes with them.

Mr. President, this is unacceptable. We cannot and must not burden our trade relationships with the agendas of any number of special-interest groups. The President seems to want to use fast-track once again to advance interests other than trade. We must not permit that to happen.

During the GATT debate, we had a similar experience. Despite numerous warnings from Republicans, the President submitted an implementing bill that was full of provisions that had nothing to do with trade. One in particular was an incredible multi-million-dollar handout for a few telecommunications companies. It had no reason to be in that bill. It was strictly special interests, and some would say really special interests because of their links to certain people in the administration.

These additional provisions could not be removed, because of the fast-track rules. Members of Congress in both Houses were powerless to act against this abuse of the fast-track procedures.

Mr. President, most of us remember these events very clearly. We explicitly warned the administration at the time that stretching the fast-track rules to the breaking point would jeopardize reauthorizing fast-track in the future.

Well, Mr. President, as they say, the future is now. I do not believe Congress should extend new fast-track authority until we have had an adequate cooling-off period following the 2 recent major trade agreements and until there is no possibility that the fast-track procedures can be abused. I also believe this is the view of the majority of the American people, and I happen to believe it is the majority of those of us in the Senate on each side of the aisle.

The American economy is the most innovative, most technologically advanced, and most productive economy in the world. I want to keep it that way. I want to make sure American goods, commodities, and services get a fair opportunity in the world marketplace. I want to tear down unfair trade barriers and make it clear to our trading partners that unfair trade practices that harm American companies and jeopardize American jobs will not be tolerated.

Mr. President, we do have an obligation to set a higher standard for the world in the matter of trade relations and economic policy. And in discharging that obligation, we must never give in to the temptation to sacrifice real gains for mere appearances.

We do have an obligation to demonstrate to our trading partners our seriousness of purpose in bringing about a more open world trading system.

But this is not achieved through a haphazard rush to sign more trade deals with more countries as quickly as possible. Trade agreements are not trophies. A policy that treats them as trophies is wrong and is not in the best interests of America or of working Americans.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. DOLE. Mr. President, I ask unanimous consent that the committees have until the hour of 5 p.m. today to file any legislative or executive matters, and further, that the RECORD remain open until 5 p.m. today for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY APPOINTMENTS TO THE JOINT COMMITTEE ON THE LIBRARY AND THE JOINT COMMITTEE ON PRINTING

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 192, submitted today by this Senator.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 192) making majority appointments to the Joint Committee on the Library and the Joint Committee on Printing.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 192) was agreed to, as follows:

S. RES. 192

Resolved,

The following are named majority party members on the part of the Senate to the Joint Committee on the Library: Mr. Hatfield (chairman), Mr. Stevens, and Mr. Warner.

The following are named majority party members on the part of the Senate to the Joint Committee on Printing: Mr. Warner (vice chairman), Mr. Hatfield, and Mr. Cochran.

ORDERS FOR MONDAY, NOVEMBER 6, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m., Monday, November 6; that following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI, 20 minutes; Senator FEINSTEIN, 10 minutes; Senator DASCHLE or his designee, 60 minutes; Senator THOMAS, 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Monday until 1 p.m. At 1 p.m., it is the hope of the majority leader to turn to the consideration of the State Department reorganization bill, S. 908, if agreement can be reached. The Senate may also be asked to turn to other legislative items cleared for action. Senators are reminded that there will be no rollcall votes during Monday's session of the Senate. Under a previous unanimous-consent agreement, the Senate will begin consideration of H.R. 1833, the partial-birth abortion bill, at 11 a.m. Tuesday, November 7.

Senators should be reminded that the Senate will adjourn for the Thanksgiving holiday at the close of business on Friday, November 17, to reconvene on Monday, November 27. That is always subject to change without much notice, depending on whether we get all the work done with reference to increasing the debt ceiling and continuing resolution and, hopefully, passage of the conference report on the reconciliation bill and all that going to the President for his review.

ORDER FOR ADJOURNMENT

Mr. DOLE. If there be no further business to come before the Senate, I ask that after the statement by the distinguished Senator from Montana, Senator BAUCUS, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1392 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ADJOURNMENT UNTIL 10 A.M., MONDAY, NOVEMBER 6, 1995

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., Monday, November 6.

Thereupon, the Senate, at 4:01 p.m, adjourned until Monday, November 6, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 3, 1995:

DEPARTMENT OF THE TREASURY

JOSHUA GOTBAUM, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ALICIA HAYDOCK MUNNELL, RESIGNED.

DEPARTMENT OF LABOR

ANNE H. LEWIS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL:

JOHN E. SHKOR
PAUL E. BUSNICK
JOHN D. SPADE
DOUGALS H. TEESON
EDWARD J. BARRETT

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF)

JOSEPH J. MCCLELLAND, JR.
JOHN L. PARKER
PAUL J. PLUTA
THAD W. ALLEN

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. ARMY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE

To be lieutenant general

LT. GEN. PAUL E. FUNK [redacted] U.S. ARMY.

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3371, 3384 AND 12203(A):

To be major general

BRIG. GEN. JORGE ARZOLA [redacted]
BRIG. GEN. WILLIAM E. BARRON [redacted]
BRIG. GEN. TOMMY W. BONDS [redacted]
BRIG. GEN. WILLIAM N. CLARK [redacted]
BRIG. GEN. GEORGE W. GOLDSMITH, JR [redacted]
BRIG. GEN. RALPH L. HAYNES [redacted]
BRIG. GEN. WILLIAM B. HOBGOOD [redacted]
BRIG. GEN. CURTIS A. LOOP [redacted]
BRIG. GEN. JAMES M. MCDOUGAL [redacted]
BRIG. GEN. WILLIAM C. MERCURIO [redacted]
BRIG. GEN. EVO RIGUZZI, JR [redacted]

To be brigadier general

COL. PATRICIA J. ANDERSON [redacted]
COL. WILLIAM S. ANTHONY [redacted]
COL. DAVID R. BOCKEL [redacted]
COL. ROBERT W. CHESTNUT [redacted]
COL. RICHARD E. COLEMAN [redacted]
COL. JAMES M. COLLINS, JR [redacted]
COL. PERRY V. DALBY [redacted]
COL. WILLIAM N. KIEFER [redacted]
COL. ROBERT M. KIMMITT [redacted]
COL. ROBERT A. LEE [redacted]
COL. PAUL E. LIMA [redacted]
COL. RICHARD D. LYNCH [redacted]
COL. ROBERT G. MENNOMA, JR [redacted]
COL. H. DOUGLAS ROBERTSON [redacted]
COL. JON R. ROOT [redacted]
COL. JOHN L. SCOTT [redacted]
COL. GERRY G. THAMES [redacted]
COL. THOMAS A. WESSELS [redacted]

SENATE—*Monday, November 6, 1995*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of the nations of the world, today we share a profound grief with Israel and all peace-loving people at the slaying of Prime Minister Yitzhak Rabin. Just a few days ago, here in the rotunda of the Capitol, we heard him speak of his commitment to peace as we celebrated the 3,000th anniversary of the city of Jerusalem. Only a few days before that we saw him sign the peace agreement and seal it with a historic handshake with Yasser Arafat at the White House. All of this was the fruit of his efforts in the negotiations at Oslo and subsequently his leadership in the 1993 agreement with the Palestinians. Oh God, this great and gracious man defied the risks and faced the dangers of being a peacemaker among his own people and in the Middle East. All because of the mandate for peace You placed as a passion in his heart.

We abhor the violent, radical fanaticism that would viciously motivate a countryman to cause Rabin's untimely death. Now Lord, we ask You to stay the evil hand of terrorism in our time. We pray for the peace of Jerusalem, for Shimon Peres as he becomes acting Prime Minister, for President Clinton, and Secretary of State Christopher as they seek to stabilize the implementation of the peace agreement, may they be encouraged by our support. Oh, Jehovah Shalom, fill our hearts and minds with Your peace as we commit ourselves anew to be peacemakers. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today there will be a period for the transaction of morning business not to extend beyond the hour of 1 p.m.

Following morning business, the Senate is expected to consider a resolution in honor of Israeli Prime Minister Rabin.

There will be no rollcall votes today.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 5 minutes each.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go," as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to add up a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that is $27 billion away from $5 trillion.

To be exact, as of the close of business Friday, November 3, the total Federal debt—down to the penny—stood at $4,984,800,213,988.31. This figure is approximately $27 billion away from $5 trillion. Another depressing figure means that on a per capita basis, every man, woman, and child in America owes $18,922.39.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. GORTON). In my capacity as a Senator from the State of Washington, I ask unanimous consent that further proceedings under the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks unanimous consent that the Senate now stand in recess until the hour of 12:30 p.m.

There being no objection, the Senate, at 11:24 a.m., recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CRAIG).

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for Mr. DOLE (for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. HELMS, Mr. PELL, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE)):

S. Con. Res. 31. A concurrent resolution honoring the life and legacy of Yitzhak Rabin; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1250

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico [Mr. BINGAMAN) was added as a cosponsor of S. 1250, a bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations.

SENATE CONCURRENT RESOLUTION 31—HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

Mr. LOTT (for Mr. DOLE, for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. HELMS, Mr. PELL, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Whereas Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922;

Whereas Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967;

Whereas Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977 and from June 1992 until his assassination;

Whereas under the leadership of Yitzhak Rabin, a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, continued with the conclusion of a peace treaty between Israel and Jordan on October 26, 1994, and continues today;

Whereas on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker;

Whereas shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a chance for peace . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people.";

Whereas Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people;

Whereas on November 4, 1995 Prime Minister Yitzhak Rabin was assassinated in Tel Aviv, Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) Condemns the heinous assassination of Prime Minister Yitzhak Rabin in the strongest possible terms;

(2) Extends its deepest sympathy and condolences to the family of Prime Minister Yitzhak Rabin and to all the people of Israel in this moment of tragedy;

(3) Expresses its admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service;

(4) Expresses its support for the government of Acting Prime Minister Shimon Peres;

(5) Reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(6) That when the Senate completes its business today, it stand adjourned as a further mark of respect in honor of the late Yitzhak Rabin, and

(7) Directs, the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

ADDITIONAL STATEMENTS

HONORING SOUTH CAROLINA EDUCATORS

• Mr. HOLLINGS. Mr. President, I would like to take this opportunity to pay tribute to three outstanding South Carolina teachers: Barbara Weston, Abraham Funchess and Jeanne Sink. Recently, they were recognized by the Milken Family Foundation of California for outstanding work in their South Carolina classrooms.

Barbara Weston is a 20-year educator who now teaches at the Five Points School in Columbia. This school is an alternative program designed to prevent students from dropping out of high school. It is at that school that Mrs. Weston has taken on the role of teacher, counselor, and mentor with relish.

The school is small—just 50 students. And Barbara Weston knows them all by name—and more. She exchanges phone numbers with parents of her students and encourages contact. As her students have learned, it is hard to get away with nonsense when your teacher knows your parents and knows how to find you.

Barbara Weston, a native of South Carolina who was raised in Eastover, teaches English. Her students say she is a caring teacher who lives by the creed: "There's nothing you can't do." You cannot expect much more of a teacher than that. The Milken Foundation is not the first to recognize her achievements. Last year, she was named the Richland District I Teacher of the Year and was a State finalist for the South Carolina Teacher of the Year Award.

Mrs. Weston, a graduate of South Carolina State College, is married to Samuel Weston and they have two sons.

Mr. President, Abraham Funchess is a sixth-grade science teacher at John Ford Middle School in St. Matthews, the town where he was born, raised, and educated.

Mr. Funchess has been a fixture in the education system of Calhoun County for 28 years. He has touched the lives of thousands of children there. He teaches them the joys of nature in his outdoor laboratory where students plant a garden and watch it grow. On other occasions, they uncover the mysteries of the forest's sights and sounds during nearby nature walks.

In the classroom, Mr. Funchess guides his students through laboratory experiments and watches their excitement as they compare answers with students in other cities through a linkup on the Internet.

"I don't teach books; I teach students," is the way Mr. Funchess describes his teaching philosophy. His is a hands-on teaching style that shows every student the joy of learning. There is a motto in large letters above his chalkboard that says: "I see; I hear; I forget. But when I do, I understand." It is a motto Mr. Funchess has embraced and one for which his students are thankful.

Abraham Funchess has been named Teacher of the Year at John Ford Middle School for the past 2 years. He received his undergraduate degree at South Carolina's Claflin College and his master's at South Carolina State. He also has served on the State Board of Education. Mr. Funchess is married to the former Bernice Legette of Rains, SC, and they have three children.

Mr. President, last but certainly not least, we recognize Jeanne Sink—a teacher at St. Andrews Parish High School in Charleston where my wife Peatsy used to teach.

Mrs. Sink teaches a subject that was not around when I was in high school. She guides students through the world of technology. As we move into the 21st century, this is certainly a subject that our students need to understand, and no one explains it better than Jeanne Sink.

She teaches all kinds of practical technology lessons. Gone are the old days of written reports. In Jeanne Sink's class, students learn how to give multimedia presentations. They have become pros with today's computer systems and use sophisticated programs to scan pictures, add sound and type in text. The presentations they give are polished and to the point.

Students in Mrs. Sink's class also employ their technology lessons to publish the school newspaper on the Macintosh. As such, they are able to practice their English, grammar, journalism, and computer skills all at once. Mrs. Sink also teaches special classes for students with a history of academic difficulties and has piloted a program to work closely with students who have been expelled and are enrolled at other schools.

Mrs. Sink has been teaching for 17 years and credits the kudos she has received to her philosophy that all students can be successful. Her students have not always had great academic track records, but she does not let that discourage her—or them. She tries to turn them on to education by showing them affection, respect, and lots of patience.

It should come as no surprise to learn that Jeanne Sink has been named South Carolina Teacher of the Year and has won several other teaching awards. She received her undergraduate and graduate degrees at the College of Charleston. She and her husband Eddie have three children.

Mr. President, these three teachers demonstrate the incredible impact that committed teachers can have. Combined, they have 64 years of classroom experience and have made a tremendous contribution to South Carolina. I appreciate this opportunity to express my respect and gratitude and to wish them all the best.•

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

Due to a printing error, the RECORD of November 2 contains incorrect text, upon passage, of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes. The permanent RECORD will be corrected to reflect the following text.

Resolved, That the bill from the House of Representatives (H.R. 2546) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $150,721,000 and 1,465 full-time equivalent positions (end of year): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $29,500,000 is used for a pay-as-you-go capital project of which $28,000,000 is available to develop and implement a new financial management information system and $1,500,000 is available for a needs assessment study: Provided further, That the District of Columbia Financial Responsibility and Management Assistance Authority shall have given prior approval to the work plan and procurement documents for necessary hardware and software before work on phase 3, as described in the Authority's August 15, 1995 report, is begun.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $142,711,000 and 1,692 full-time equivalent positions (end-of-year): Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $960,747,000 and 11,544 full-time equivalent positions (end-of-year): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That $250,000 is used for the Georgetown Summer Detail; $200,000 is used for East of the River Detail; $100,000 is used for Adams Morgan Detail; and $100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D. C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National

Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $800,080,000 and 11,670 full-time equivalent positions (end-of-year), to be allocated as follows: $585,956,000 and 10,167 full-time equivalent positions for the public schools of the District of Columbia; $109,175,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $81,940,000 and 1,079 full-time equivalent positions for the University of the District of Columbia; $20,742,000 and 415 full-time equivalent positions for the Public Library; $2,267,000 and 9 full-time equivalent positions for the Commission on the Arts and Humanities: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,859,622,000 and 6,469 full-time equivalent positions (end-of-year): Provided, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,568,000 and 1,914 full-time equivalent positions (end-of-year): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER TRANSFER PAYMENT

For the Washington Convention Center Fund, $5,400,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with an Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of an Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $257,787,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

For repayment of interest on short-term borrowing, $9,698,000.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000: Provided, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1995 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of $500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

If a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease the rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: Provided, That the Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.

OUTPLACEMENT

For outplacement $1,500,000.

CAPITAL OUTLAY

For construction projects, $82,850,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That $105,660,000 appropriated under this heading in prior fiscal years is rescinded.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $243,853,000 and 1,024 full-time equivalent positions (end of year), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the Fiscal Year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $229,950,000 and 88 full-time equivalent positions (end of year), to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,351,000 and 8 full-time equivalent positions (end of year), of which $572,000 shall be transferred to the General Fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $6,580,000 for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D. C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by the Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $115,034,000, of which $56,735,000 shall be derived by transfer from the general fund.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1–711), $13,440,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board and 11 full-time equivalent positions (end of year): Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $10,516,000 and 66 full-time equivalent positions (end of year).

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,500,000.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

PERSONAL SERVICES ADJUSTMENT

The Mayor, in consultation with the Council and the District of Columbia Financial Responsibility and Management Assistance Authority, shall reduce appropriations and expenditures for personal services costs in the amount of $11,264,000 within one or several of the various appropriations headings in this Act.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: Provided, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): Provided, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104–8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the

highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93–198; D.C. Code, sec. 47–326), as amended, is amended by striking "sold before October 1, 1995"and inserting "sold before October 1, 1996".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 128. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 129. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC 130. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 131. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 132. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93–198; D.C. Code, secs. 11–1524 and title II, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11–1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

(b) Section 433(b)(5)(title 11, App. 433) is amended to read as follows:

"(5) Member of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93–198; D.C. Code, sec. 1–1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 calendar days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.".

CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47–812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.".

(B) A new subsection (a–2) is added to read as follows:

"(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.".

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not for-profit organizations" in its place.

REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, ARC, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and ARC within each responsibility center, for appropriated funds, nonappropriated funds, and capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and ARC, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and ARC; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENT—UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for appropriated funds, nonappropriated funds, and capital funds.

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 140. None of the Federal funds appropriated under this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

ANNUAL REPORTING REQUIREMENTS

SEC. 141. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 142. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs first, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other than personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

BUDGET APPROVAL

SEC. 143. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 144. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

POSITION VACANCIES

SEC. 145. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), disallows the full-time equivalent position reduction provided in this Act in meeting the maximum ceiling of 39,778 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant

position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides.

CAPITAL PROJECT EMPLOYEES

SEC. 146. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council and the Committees on Appropriations of the Senate and House of Representatives a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

SEC. 147. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1.603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

''(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.''.

(2) A new paragraph (15A) is added to read as follows:

''(15A) 'School administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.''.

(b) Section 801A(b)(2) (D.C. Code, sec. 1–609.1(b) (2)) is amended as follows:

(1) By striking the semicolon at the end of subparagraph (L).

(2) By adding a new subparagraph (L–i) to read as follows:

''(L–i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;''

(c) Section 2402 (D.C. Code, sec. 1–625.2) is amended by adding a new subsection (f) to read as follows:

''(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit non-school based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.''.

SEC. 148. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from non-school based personnel who shall not compete with school-based personnel for retention purposes.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1–625.1) is amended by amending the third sentence to read as follows: ''A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.''.

(b) A new section 2406 is added to read as follows:

"SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1996.

''(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

''(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

''(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

''(d) An employee effected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

''(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

''(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

''(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

''(1) An employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2–38; D.C. Code, sec. 1–2543); and

''(2) An employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

''(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:

''(1) Four years for an employee who qualified for veteran's preference under this Act, and

''(2) Three years for an employee who qualified for residency preference under this Act.

''(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

''(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

''(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

''(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.''.

DELAY IN CONVEYANCE OF PROPERTY TO COLUMBIA HOSPITAL FOR WOMEN FOR NATIONAL WOMEN'S HEALTH RESOURCE CENTER

SEC. 150. Effective as if included in the enactment of Public Law 103–67, section 1(c)(1) of Public Law 103–67 (107 Stat. 687) is amended by striking ''1 year'' and inserting ''3 years''.

This title may be cited as the ''District of Columbia Appropriations Act, 1996''.

TITLE II—DISTRICT OF COLUMBIA SCHOOLS IMPROVEMENT ACT

Subtitle A—Establishment and Organization of Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 201. DEFINITIONS.

For purposes of this subtitle—

(1) COMMISSION.—The term ''Commission'' means the Commission on Consensus Reform in the District of Columbia Public Schools.

(2) BOARD OF EDUCATION OR BOARD.—The term ''Board of Education'' or ''Board'' means the Board of Education of the District of Columbia.

(3) AUTHORITY.—The term ''Authority'' means the District of Columbia Financial Responsibility and Management Assistance Authority.

(4) EDUCATIONAL PLAN.—The term ''Educational Plan'' means the System-Wide Educational Reform Goals and Objectives Plan developed and implemented under this Act.

(5) MAYOR.—The term ''Mayor'' means the Mayor of the District of Columbia.

(6) COUNCIL.—The term ''Council'' means the Council of the District of Columbia.

SEC. 202. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established the Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) MEMBERSHIP.—The Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate;

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives;

(C) 2 members to be appointed by the President, 1 who shall represent the local business community and 1 who is a teacher in the District of Columbia public schools.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the District of Columbia Board of Education.

(F) The Superintendent of Public Schools of the District of Columbia.

(G) The Mayor and Council Chairman shall each name one non-voting ex-officio member.

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

(3) TERMS OF SERVICE.—The members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall appointed for a term of 3 years.

(4) VACANCIES.—Any vacancy in the membership of the Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) QUALIFICATIONS.—Members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be city residents with a knowledge of education.

(6) CHAIR.—The chair of the Commission shall be chosen by the Commission from among its members, except that the President of the Board of Education and the Superintendent of Public Schools shall not be eligible to serve as chair.

(7) NO COMPENSATION FOR SERVICE.—Members of the Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Commission.

(b) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Commission. The Executive Director shall be paid at a rate determined by the Commission, except that such rate may not exceed the highest rate of pay payable for level EG16 of the Educational Service.

(c) STAFF.—With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) The Board shall reprogram such funds, as the chairman of the Commission shall in writing request, from amounts available to the Board.

SEC. 203. GENERAL POWERS.

(a) IN GENERAL.—The Commission shall have the following powers:

(1) Financial control over the District of Columbia public schools exercised through the Authority.

(2) To approve and monitor the development and implementation of the Board's Educational Plan.

(3) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the Board's Educational Plan.

(4) To promulgate rules concerning the management and direction of the Board, as deemed necessary, to address obstacles to the development or implementation of the Educational Plan.

(b) LIMITATION.—Except as otherwise provided in this subtitle, the Commission shall have no powers to involve itself in the management or operation of the Board in the implementation of the Educational Plan.

SEC. 204. SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) BOARD PLAN.—The Board shall develop, adopt, and submit to the Commission on or before March 1, 1996, a System-Wide Educational Reform Goals and Objectives Plan with respect to the 1996–1997 school year. Thereafter, the Board shall develop, adopt and submit to the Commission on or before March 1 of each year an Educational Plan for the coming school year. The Board shall have an Educational Plan for every year.

(b) COMMISSION APPROVAL.—The Commission shall approve or reject, in whole or in part, the Educational Plan submitted to it by the Board within 30 days of its receipt. No Educational Plan shall have force or effect without approval of the Commission.

(c) DEVELOPMENT AND CENTERS FOR APPROVAL PLAN.—Each Educational Plan shall be developed, submitted, approved, and monitored in accordance with the following procedures:

(1) Each Educational Plan shall include specific provisions designed to accomplish the following objectives and reflect the cumulative effect of the Local School Restructuring Team (LSRT) in terms of student needs, financial requirements, and timeliness for implementation:

(A) To ensure, to the extent possible with available categorical funds designated for this purpose, the provision of education services to all eligible children for the 1997–1998 school year and thereafter.

(B) To increase the level of parental involvement in the education of their children.

(C) To enhance the range of authority, responsibility, and accountability of principals.

(D) To restructure the relationship of the Board and its administrative staff to local schools so that the relationship is characterized by less centralized control.

(E) To ensure that all personnel have access to appropriate training opportunities.

(F) To ensure the provision of sufficient staff and facility resources for compliance with court orders.

(G) To ensure the equitable distribution among the schools and programs of funds budgeted by the Board in accordance with applicable laws, rules and regulations.

(H) To ensure that more schools are given the opportunity to operate with more autonomy.

(I) To ensure a new, fair, demanding evaluation process and more and better opportunities for teacher preparation.

(J) To generate a sense of urgency in the business and philanthropic community and enlist them in targeted support for very particular, concrete school reform goals.

(K) To address the school governance issue, and to recommend, within 1 year from the date of the appointment of the members of the Commission constituting a quorum, to the Council, the Mayor, and the relevant committees of the Congress an alternative to the current structure that will eliminate the division of responsibility and accountability among the Board of Education, the District Council and the Mayor.

(2) Each Educational Plan shall include specific provisions to ensure the best possible utilization of public school space, including provisions—

(A) to prepare a plan for adaptive reuse of schools and consolidation;

(B) to develop a five-year capital improvement plan to carry out an approved facilities master plan which provides for a system-wide modernization of public schools;

(C) to institute management systems to support the implementation of the capital plan, in consultation and cooperation with the Mayor and Authority; and

(D) to identify and develop revenue sources for the approved capital improvement plan.

SEC. 205. ELEMENTS OF THE SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) PLAN GOALS.—Each Educational Plan shall contain a detailed description, including estimates of financial costs and expected dates of completion, of—

(1) the Board's school reform goals and objectives;

(2) the Board's strategy for implementing its school reform goals and objectives;

(3) the Board's plans and strategy for implementing applicable District laws enacted to affect school reform;

(4) the Board's strategy for developing and implementing district-wide guidelines, rules, and procedures with respect to local school decision making as provided by applicable District law enacted as part of any school reform legislation;

(5) the Board's goals and objectives for the 2-year period subsequent to the school year for which the Educational Plan applies, as prescribed by the Commission; and

(6) such other information and detail as may be prescribed by the Commission.

(b) STANDARDS AND PROCEDURES.—The Commission may prescribe any reasonable time, standards, procedures, or forms for preparation and submission of the Educational Plan.

(c) APPROVAL CRITERIA.—The Commission shall approve an Educational Plan submitted by the Board if, in the Commission's judgment, the Educational Plan is—

(1) complete;

(2) reasonably capable of being achieved;

(3) supported by demonstrably sufficient and available funding;

(4) responsive to any Commission directives or requirements;

(5) consistent with applicable District laws enacted to affect school reform; and

(6) reasonably capable of achieving substantial progress toward improving the educational achievement of the students and is consistent with the Bringing Educational Services to Students (BESST) agenda, the District of Columbia Reform Agenda, and the District of Columbia Public Schools Goals 2000 Plan.

(d) REJECTION AND REVISION.—If the Commission rejects an Educational Plan submitted by the Board, the Commission may prescribe a procedure and standards for revision and resubmission of the Educational Plan by the Board. If, within 60 days after the Commission notifies the Board of the Commission's rejection of the Board's Educational Plan and of the procedures and standards for revision and resubmission, the Board fails to approve and resubmit a revised plan acceptable to the Commission, the Commission may make revisions and adopt a final Educational Plan and direct the Superintendent to implement.

(e) REPORTING REQUIREMENTS.—The Board shall report to the Commission, at such times and in such manner as the Commission may direct, concerning the Board's implementation of each approved Educational Plan. The Commission may review the Board's operations, obtain educational and financial data, require the Board to produce reports, and have access to any other information in the possession of the Board that it deems relevant. The Commission may issue recommendations or directives within its powers to the Board for the implementation of the approved Educational Plan. The Board shall produce such reports and other information and comply with such directives.

(f) NOTICE OF MODIFICATION.—After approval of each Educational Plan, the Board shall promptly notify the Commission of any material change in any matter contained in the approved Educational Plan. The Board may submit to the Commission or the Commission may require the Board to submit, a modified Educational Plan based upon revised information. The Commission shall approve or reject each modified Educational Plan pursuant to subsection (c).

SEC. 206. CONSISTENCY WITH SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) LIMITS ON CONTRACTING.—The Board shall not enter into any contract, agreement, or other obligation unless it is consistent with the Educational Plan in effect.

(b) COMMISSION AUTHORITY OVER CONTRACTING.—The Commission shall have no power to impair any existing contract or obligation of the Board; except, however, that the Commission may direct the Board to modify or amend the Board rules or policies that the Commission

deems necessary to facilitate development or implementation of the Educational Plan.

(c) REVIEW OF CONTRACTS.—The Commission may request that the Authority review proposed or existing contracts or leases pursuant to section 203(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 118).

SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.

The Commission may examine and audit records of the Board or require the Board to examine and audit its records at such time and in such manner as the Commission may prescribe to assure, monitor, and evaluate the performance of the Board with respect to compliance with an approved Educational Plan and its overall educational achievement. The Commission shall conduct an annual audit of the educational performance of the Board with respect to meeting the goals of the Educational Plan for such year. The audit technique, content, and procedures shall be determined by the Commission. The Board shall cooperate and assist in the audit as requested by the Commission.

SEC. 208. INVESTIGATIVE POWERS.

The Commission may investigate any action or activity which may hinder the progress of any part of an approved Educational Plan. The Board shall cooperate and assist the Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board, Superintendent of the District of Columbia Public Schools, the Mayor, the Council, the Authority, the Committees on Appropriations of the Senate and House of Representatives.

SEC. 209. RECOMMENDATIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may at any time submit recommendations to the Board, Mayor, the Council, and the Congress on actions the District government or the Federal Government should take to ensure implementation of the approved Educational Plan.

(b) RESPONSE TO RECOMMENDATIONS FOR ACTIONS WITHIN AUTHORITY OF THE BOARD OF EDUCATION.—

(1) IN GENERAL.—In the case of any recommendations submitted under subsection (a) which are within the authority of the District of Columbia government to adopt, not later than 90 days after receiving the recommendations, the Board, shall submit a statement to the Commission which provides notice as to whether the Board will adopt the recommendations.

(2) IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.—If the Board notifies the Commission under paragraph (1) that the Board will adopt any of the recommendations submitted under subsection (a), the Board shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the Board has adopted the recommendation; and

(B) a schedule for auditing the Board's compliance with the plan.

(3) EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.—If the Board notifies the Commission under paragraph (1) that the Board will not adopt any recommendation submitted under subsection (a) which the Board has authority to adopt, the Board shall include in the statement explanations for the rejection of the recommendations.

(4) COMMISSION REACTION TO NONRESPONSE FROM BOARD OR REJECTION OF RECOMMENDATION.—(A) In the instance where there is no response from the Board at the end of 90 days the Commission shall immediately notify, including the written recommendation submitted under subsection (a) to the Board, the other elements of the District of Columbia government and the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

(B) The Commission may then direct the Superintendent to carry out such recommendation.

SEC. 210. VACANCY IN SUPERINTENDENT OF PUBLIC SCHOOLS.

(a) Notwithstanding any other provision of law, the Board shall notify the Commission within 10 days of the occurrence of a vacancy in the Superintendent of Public Schools.

(b) Upon receipt of the notice described in (a) the Commission shall, as soon as is practicable, conduct a search for candidates for the office of Superintendent of Public Schools and submit the names of 3 candidates to the Board.

(c) Within 30 days of the receipt of the names described in (b) the Board shall choose one to be the Superintendent of the District of Columbia Public Schools.

SEC. 211. IMPROVING ORDER AND DISCIPLINE.

(a) DRESS CODE.—

(1) IN GENERAL.—Not later than the first day of the 1996–1997 school year, the Commission shall develop and implement, through the Board of Education and the Superintendent of Schools, a uniform dress code for the District of Columbia Public Schools.

(2) CONSIDERATIONS.—The dress code—

(A) shall include a prohibition of gang membership symbols;

(B) shall take into account the relative costs of any policy for each student; and

(C) may include a requirement that students wear uniforms.

(b) COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.—

(1) IN GENERAL.—Any student suspended from classes at a District of Columbia Public School who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) EFFECTIVE DATE.—This subsection shall take effect beginning on the first day of the 1996–1997 school year.

(c) EXPIRATION DATE.—This section and the membership provided in section 202(a)(2)(H) shall expire on the last day of the 1997–1998 school year.

(d) REPORT.—The Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in schools and report its findings to the appropriate committees of Congress 60 days before the last day of the 1997–1998 school year.

SEC. 212. EXPIRATION DATE.

This subtitle shall expire on September 30, 2016.

Subtitle B—Charter Schools

SEC. 213. PURPOSE.

The purpose of this subtitle is to permit the District of Columbia to establish charter schools to improve the education of students and encourage community involvement in education.

SEC. 214. DEFINITIONS.

For purposes of this subtitle—

(1) CHARTER SCHOOL.—The term "charter school" means a public school that—

(A) operates under a charter granted for a period of 5 years by the Commission on Consensus Reform in the District of Columbia Public Schools or the Board of Education of the District of Columbia and functions independently of the D.C. Public Schools as a local education agency and is exempted from significant local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to other requirements under this subtitle;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, or an existing non-public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) is governed by a Board of Trustees;

(H) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(I) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(J) agrees to comply with the same Federal and District of Columbia audit requirements as do other elementary and secondary schools in the District of Columbia, unless such requirements are specifically waived for the purpose of this program; and

(K) meets all applicable Federal and local health and safety requirements.

(2) DEVELOPER.—The term "developer" means an individual or group of individuals (including a public or private organization) which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means an authorized public chartering agency participating in a partnership with a developer to establish a charter school.

(4) PUBLIC CHARTERING AGENCY.—The term "public chartering agency" means the Commission on Consensus Public School Reform and the District of Columbia Board of Education.

SEC. 215. APPLICATION.

(a) IN GENERAL.—A petition for a public school charter shall be a written proposed agreement between an eligible applicant seeking to establish a public charter school and an eligible chartering agency.

(b) CONTENTS OF APPLICATION.—The application shall contain—

(1) a description of the objectives of the local educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the local educational agency to inform teachers, parents, and communities of the local educational agency's charter school grant program;

(2) a description of how the program will enable all students to meet challenging student performance standards as established by the local educational agency;

(3) the grade levels or ages of children to be served;

(4) the curriculum and instructional practices to be used;

(5) a description as to how the charter school will be managed;

(6) a description of the charter school's objectives and the methods by which the charter school will determine its progress toward achieving those objectives;

(7) a description of the administrative relationship between the charter school and the authorized public chartering agency;

(8) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(9) a request and justification for waivers of any Federal statutory or regulatory provisions

that the applicant believes are necessary for the successful operation of the charter school, and a description of any local rules, generally applicable to public schools, that will be waived for, or otherwise not apply, to the school;

(10) a description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school; and

(11) an assurance that the eligible applicant will annually provide the Secretary of Education, the Congress, and the local educational agency such information as may be required to determine if the charter school is making satisfactory progress.

SEC. 216. SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.

Charter schools shall be selected by the public chartering agency by taking the following factors into consideration:

(1) The quality of the proposed curriculum and instructional practices.

(2) The degree of flexibility afforded by the local educational agency.

(3) The extent of community support for the application.

(4) The ambitiousness of the objectives for the charter school.

(5) The quality of the strategy for assessing achievement of those objectives.

(6) The likelihood that the charter school will meet those objectives and improve educational results for students.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

SEC. 302. ENERGY SAVINGS AT DISTRICT OF COLUMBIA FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency of the District of Columbia for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

SEC. 303. PAY OF MEMBERS OF CONGRESS AND THE PRESIDENT DURING GOVERNMENT SHUTDOWNS.

(a) IN GENERAL.—Members of Congress and the President shall not receive basic pay for any period in which—

(1) there is more than a 24 hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code has been reached.

(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited in accordance with subsection (a) may be paid retroactively.

The PRESIDING OFFICER. The Republican whip.

HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

Mr. LOTT. Mr. President, on behalf of Senators DOLE and DASCHLE, I send to the desk a concurrent resolution in honor of Israeli Prime Minister Yitzhak Rabin, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) honoring the life and legacy of Yitzhak Rabin:

Whereas Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922;

Whereas Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967;

Whereas Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977 and from June 1992 until is assassination;

Whereas under the leadership of Yitzhak Rabin, a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, continued with the conclusion of a peace treaty between Israel and Jordan on October 26, 1994, and continues today;

Whereas on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker;

Whereas shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a chance for peace . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people.";

Whereas Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people;

Whereas on November 4, 1995 Prime Minister Yitzhak Rabin was assassinated in Tel Aviv, Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) Condemns the heinous assassination of Prime Minister Yitzhak Rabin in the strongest possible terms;

(2) Extends its deepest sympathy and condolences to the family of Prime Minister Yitzhak Rabin and to all the people of Israel in this moment of tragedy;

(3) Expresses its admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service;

(4) Expresses its support for the government of Acting Prime Minister Shimon Peres;

(5) Reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(6) That when the Senate completes its business today, it stand adjourned as a further mark of respect in honor of the late Yitzhak Rabin; and

(7) Directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. If there is no objection, the concurrent resolution and the preamble are agreed to.

So the concurrent resolution (S. Con. Res. 31), with its preamble, was agreed to.

Mr. LOTT. Mr. President, I would like to take a moment to comment on the concurrent resolution that has just been adopted, and I do want to emphasize that all Senators' names will be added as cosponsors and additional remarks can be placed in the RECORD until 2 o'clock today.

The world truly was shocked by the brutal assassination of Israeli Prime Minister Rabin late last Saturday in Tel Aviv. As Israel's greatest war hero and architect of the stunning Israeli victory in the 1967 war, Rabin was instrumental in turning Israel into a world-class military power that was in a position to serve as America's foremost ally in the crucial Middle East.

His equally impressive, and perhaps more important, contributions as peacemaker during his two terms as Prime Minister from 1974 to 1977 and 1992 to 1995—the disengagement agreement with Egypt in 1975; the Oslo I, Gaza-Jericho, and Oslo II agreements with the PLO in 1993 to 1995; and the peace treaty with Jordan in 1994—helped stabilize the Middle East and strengthen America's position in the region.

And by ordering the rescue operation in Entebbe on America's bicentennial, Rabin dealt a heavy blow to international terrorism from which the United States greatly benefited.

During the last 3 years, Rabin brought the United States-Israeli relationship to unprecedented heights. At his meeting with President Bush in Kennebunkport and at several meetings with President Clinton, he established extremely close relations with the two Presidents and their most senior aides.

In all spheres—political, military, and economic—the relationship has blossomed like never before.

Prime Minister Rabin will be remembered as a peacemaker. He expressed his vision of peacemaking when he spoke to a joint meeting of Congress on July 26, 1994:

> I have come from Jerusalem in the name of our children, who began their lives with great hope and are now names on graves and memorial stones, old pictures in albums, fading clothes in closets. Each year as I stand before the parents whose lips are chanting "Kaddish," the Jewish Memorial Prayer, ringing in my ears are the words of [Archibald] MacLeish who echoes the plea of the young dead soldiers:
>
> "They say: We leave you our deaths. Give them their meaning."
>
> Let us give them meaning. Let us make an end to bloodshed. Let us make true peace. Let us today be victorious in ending war.

Prime Minister Yitzhak Rabin truly was a warrior who became a warrior for peace. "Blessed are the peacemakers, for they shall inherit the Earth."

Mr. HATCH. Mr. President, an assassin's gun silenced a great man this weekend. When Yitzhak Rabin fell on Saturday in Tel Aviv, his family lost a husband and father; Israel lost a great patriot; America lost a great friend and ally; and, the world lost a brave soldier for peace.

I wish to extend my heartfelt sympathy and prayers to the Rabin family. I know that the people of Utah and all the people of our Nation share with them this deep grief over the violent loss of Prime Minister Rabin.

Yitzhak Rabin was one of the outstanding figures of the modern Jewish State. Born in the land he loved, he made history throughout his life, as a soldier, general, ambassador, Minister of Defense, and—twice—Prime Minister. History will regard him as the brave, sometimes lonely, figure who fought fiercely and brilliantly to secure his beloved Israel, and as the leader who tried to bring his nation into an era of peace.

His greatest campaign remains unfinished. We cannot now say what the outcome of the peace process will be. We could not predict the outcome 1 month ago, with so many elements of the process uncertain, as we could not predict that we would never be able to greet our friend Yitzhak Rabin again. What we can say is that we stand with Israel today in grief, and we join the millions around the world who mourn the loss of a great peacemaker.

The pursuit of peace is dangerous. Here in Washington, not even 1 month ago, Prime Minister Rabin said, at the signing of the latest in the autonomy accords with the Palestinians:

> Today we are more sober. We are gladdened by the potential for reconciliation, but we are also wary of the dangers that lurk on every side.

Yitzhak Rabin led the life of a hero. As a soldier, he faced battle time and again and, as he often recalled, he saw many people die around him. Having spent over two decades with the defense forces of Israel, he knew the cost of war.

Peace would exact a higher personal cost from Prime Minister Rabin. He knew the risks of peace, but because he was a brave man, a hero, he spent the last years of his life trying to build a lasting peace in that violent part of the world. He led the peace process because he truly believed the peoples of the region truly wanted peace. He also led the peace process because he knew the great cost that the nation of Israel paid to wage violence against its domestic and foreign opponents. Minutes before he was shot, Prime Minister Rabin said

> Violence erodes the basis of Israeli democracy. . . It is not the way of the state of Israel.

Mr. President, Yitzhak Rabin knew that Israel is a land of laws. It is a land where the people rule democratically. That is one of the reasons our country has always been able to stand by our closest ally in that region, the only democracy in the Middle East. No assassin's bullet will change that.

We will grieve for the loss of Yitzhak Rabin. And we will grieve for what this loss means for the people of Israel, and for the peace-loving peoples of the Middle East. But we need not grieve for the State of Israel, whose strength Prime Minister Rabin built but whose democratic institutions will not change due to the violence of one hate-filled individual.

Let us honor the memory of Yitzhak Rabin today. Let us honor this great warrior, who died engaged in the greatest battle of his life: the battle for peace. And in honor of his memory, let us rededicate ourselves to a real peace in the Middle East.

• Mr. THOMPSON. Mr. President, the assassination Saturday of Yitzhak Rabin, Prime Minister of Israel, was a tragic, cowardly act that must serve to strengthen the peace process in the Middle East, not slow it down or end it.

Rabin was one of the toughest and most successful military leaders in his nation's history. He was a legendary warrior whose leadership helped establish Israel and preserve it through numerous trials, from the Six Day War to the freeing of hostages at Entebbe in 1976.

Perhaps it was only a man like Rabin—a warrior forged in conflict and steeled in battle—who could have led his nation toward peace with their historic enemies. Perhaps it was only a man like Rabin who could have persuaded his embattled countrymen to give peace a chance.

And that is what he did. And like other great martyrs before him—individuals like Abraham Lincoln, Mohandras Gandhi, and Anwar Sadat—he gave his life for his people and for his nation, and for peace. The pursuit of peace is often more dangerous and difficult than the pursuit of war.

Now, the heirs of Yitzhak Rabin must stand off the terrorists bent on hatred, destruction, and war, and continue with their agenda for peace in the Middle East.

Israel is a democratic society, and democracies do not depend on a single, individual leader. While Israel and the world mourn for Yitzhak Rabin, and for the cause of peace, already his successors are picking up his mantle.

I am certain that Israel can emerge from the circumstances of this heinous crime stronger and even more dedicated to a final and lasting peace. Only moments before he was gunned down at the peace rally in Tel Aviv, Rabin said:

> I believe there is now a chance for peace, a great chance, and we must take advantage of it. . . Violence . . . should be condemned and wisely expunged and isolated. It is not the way of the state of Israel. There is democracy. Peace is not only in prayers . . . but it is the desire of the Jewish people.•

Mr. PRESSLER. Mr. President, I join with millions around the world to express my shock and sorrow for the loss of Israeli Prime Minister Yitzhak Rabin.

My thoughts and prayers are with the Rabin family and the people of Israel. A family, a nation, a world will be without an extraordinary human being.

Throughout my career in Congress, I always have had a special interest in Israel. A special bond exists between the people of the United States and the people of Israel. It is bond based on shared ideals—for freedom, for democracy, and for peace.

Yitzhak Rabin made these ideals his own, and sought their preservation for future generations. I am fortunate to say I met Yitzhak Rabin on a number of occasions. Through intelligence, savvy, and sheer will, Yitzhak Rabin was a significant participant in virtually every major chapter of Israel's modern existence: He served as a brigade commander during Israel's struggle for independence; he was Chief of Staff of the Israeli Army during the 1967 Arab-Israeli war; he was Prime Minster and architect of the legendary Entebbe rescue mission in Uganda; and of course, he was Prime Minister during the historic peace process.

On meeting Yitzhak Rabin, it becomes clear why he was a leader of Israel. For in this man, one can see a nation's characteristics: Tough, intelligent, fair, determined, and yes, compassionate. Yitzhak Rabin, like all Israelis, loved his country, and was willing to give his life to defend his country and bring real peace to his people. Abraham Lincoln referred to this extreme level of personal sacrifice, "the last full measure of devotion." Indeed, Yitzhak Rabin demonstrated the fullness of his devotion to Israel to the very end.

Yitzhak Rabin devoted and ultimately gave his life to bring about what was considered impossible: a lasting peace in Israel and throughout the Middle East. Now the people of Israel need to come together and see that his cause for peace is achieved and maintained for all time. That is a challenge shared by all nations who have an interest in peace in the Middle East. No man had a greater role in shaping the current peace process than Yitzhak Rabin. And no man has played a greater part in placing the peace process in jeopardy than the cowardly thug who killed Prime Minister Rabin by shooting him in the back.

However, as the people of the United States know all too well, the cause of peace and freedom must not fall victim to violence and hate. Yitzhak Rabin would agree. The pursuit of peace is above any one man's capability to add to it, as well as any one man's audacity to destroy it. No matter what form violence may take, it must not stop nor slow our collective quest for peace and freedom in the Middle East.

Mr. President, again, I extend my best wishes to the Rabin family and the people of Israel. We have lost a great man, but his dream, his legacy of a strong, vibrant Israel at peace with her neighbors is very much with us still. It must not perish with him.

Mr. CRAIG. Mr. President, I join the many mourners who share in the loss of Israel's Prime Minister, Yitzhak Rabin. It is ironic that the man who has spent his life in working for peace has now given his life for peace. When I first heard the news, my reaction was disbelief. As all Americans who lived through the loss of President Kennedy know, the loss of a leader at the hands of one of your own, is a great loss to bear.

But, as this Nation also knows, the best way to honor the loss is to continue on, and accomplish what has been left undone. It is my hope that Prime Minister Rabin's death will serve a purpose, it will help guide Israel and her neighboring nations in the Middle East into a lasting peace.

A man's life can be ended, Mr. President, but his work, his legacy can live on. Prime Minister Rabin's dedication to peace is alive and well in Israel, and will serve the Israelis well as they work through this very difficult time.

There are many moments in a great man's life that we can take time to recall: The award of the Nobel Peace Prize, his life as a soldier, and his life as a leader. Yitzhak Rabin lived a life of service to his people, and the nation of Israel. One only need note the number of people who, at one time his foe, sat beside him in the peace process as partners, and who have shared in the mourning of his death.

Mr. President, I also would like to add in my support for the work that remains to be done. Shimon Peres, the acting Prime Minister and partner in peace with Rabin, having served as his Foreign Minister, will face many challenges in the coming days—may the road ahead rise to meet him.

Mr. President, before closing I would just note an interesting quote in a Washington Times article today from a young Israeli, Eyal Mandelbaum, age 16:

> We were brought up on the idea that we are a Jewish nation and that never could a Jew kill another Jew . . . in our history, we lost the war against the Romans because we were divided. If we are divided, we lose.

Mr. President, Mr. Mandelbaum's words carry an important message. I hope that it will be heard, because there is a great deal of work that remains to be done on the road to peace. Israel and her people are at a critical juncture. I share in the support that has been expressed by our President, my colleagues in the Congress, and my fellow Americans, to continue to support the Middle East peace process.

Mr. President, this will test the strength of peace in the Middle East, but it is my earnest hope that peace, in the end, will win.

Ms. MIKULSKI. Mr. President, I rise to honor the life and legacy of Prime Minister Yitzhak Rabin—a great soldier, statesman, and peacemaker.

I saw the Prime Minister just 10 days ago—at a joyous occasion. It was a ceremony in the U.S. Capitol to celebrate the 3,000th anniversary of Jerusalem. It is the city where he was born, where he led the Israeli Army to its greatest victory—and, sadly—where he is now buried.

The life of Prime Minister Rabin matched the life of Israel. He was the first native-born Israeli Prime Minister. He wanted to be a farmer—but he spent most of his life as a soldier. He fought in Israel's war of independence in 1948. In the six day war, he was the general who unified Jerusalem. He was a decorated war hero who helped build the Israeli Army into one of the best in the world. It had to be. For most of its history, Israel was surrounded by enemies who sought nothing less than Israel's destruction.

Only a soldier who knew war as he did could ask his country to take risks for peace. Israelis trusted and respected Yitzhak Rabin—and enabled him to reach out to those who Israelis had only met across a battlefield. Prime Minister Rabin's courage and perseverance led to the historic handshakes on the White House lawn between Israel and its former enemies. When he died, the dream of peace was not yet achieved—but it was in sight.

I send my deepest sympathy to Prime Minister Rabin's family and to the people of Israel. We in the United States know all too well what they are feeling. The assassination of a leader shakes the nation's sense of confidence and security. The pain is all the greater when the murderer is one of their own.

But while Yitzhak Rabin's death is a tragedy—his life was a triumph. His legacy is Israel—a country that is strong, free, and confident enough to take risks for peace. I will honor his life and legacy by continuing to stand by Israel as it builds a just and lasting peace with its neighbors.

Mr. LOTT. Mr. President, I ask unanimous consent that the names of all Senators be added as cosponsors of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open today until the hour of 2 p.m., in order that Senators may submit statements regarding the death of Prime Minister Rabin only.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 7, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m., Tuesday, November 7, that following the prayer, the Journal of proceedings be approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and there then be the period for the transaction of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions, Senator MURKOWSKI for 20 minutes and Senator GRAHAM for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, following morning business on Tuesday, at 11 a.m., under the previous order, the Senate will turn to consideration of H.R. 1833, an act to ban partial-birth abortions.

I ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. on Tuesday in order to accommodate respective party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Rollcall votes are expected throughout the day on Tuesday on amendments to H.R. 1833, or any other items cleared for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of Senate Concurrent Resolution 31, in honor of the late Israeli Prime Minister Rabin.

There being no objection, the Senate, at 12:39 p.m., adjourned until Tuesday, November 7, 1995, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, November 6, 1995*

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. KOLBE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 6, 1995.

I hereby designate the Honorable JIM KOLBE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts and souls join with so many others as we mourn the tragic death of Yitzhak Rabin and we express this prayer of condolence to all who sorrow. May Your peace, O God, that passes all human understanding, be with his family and those near and dear to him.

O gracious God, the creator of the whole Earth, who lifts up leaders to do the works of justice and peace, we ask Your blessing on the work that he began and carried on with such strength and determination. We are overwhelmed, O God, by the thought that a song of peace was sung and so quickly followed by the shot of death. Our hearts and minds and spirits reach out in prayer this day that the message of peace for which he gave his life will be translated into acts of reconciliation and will continue with Your grace and with Your benediction in all the days to come. In Your name, O God, do we pray. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from West Virginia [Mr. WISE] come forward and lead the House in the Pledge of Allegiance?

Mr. WISE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1097. An act to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR, as the "David J. Wheeler Federal Building," and for other purposes.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the chairman of the Finance Committee, announces a change in the membership of the Joint Committee on Taxation. Mr. CHAFEE has been added to the Joint Committee. Therefore the membership of the Joint Committee on Taxation is as follows: Mr. ROTH, Mr. CHAFEE, Mr. HATCH, Mr. MOYNIHAN, and Mr. BAUCUS.

YITZHAK RABIN: A SOLDIER FOR PEACE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today all Americans mourn the tragic death of Yitzhak Rabin, the Prime Minister of Israel. Every American has memories of this great world leader. We all remember this soldier, standing in the White House Rose Garden offering his hand as a peacemaker to Yasser Arafat, this soldier talking about the need to stop the killing, so their grandchildren may have a future.

I have a personal memory, along with a number of other Members of Congress several years ago, being able to meet with Yitzhak Rabin before he was Prime Minister. I was struck then by a strong personality, and later I could see how it was that it was a soldier who led his nation in war who could also lead his nation and a region to peace.

So we have a new memory as well in our grief. We also now have the memory of an Arab King standing before the casket of a slain Israeli leader. Perhaps there is hope, that hope only brought about because of the efforts of Prime Minister Rabin.

Finally, Mr. Speaker, if we can take anything out of this, as we have lost a world leader in the fight against extremism, let us remember we are each soldiers in that fight as well. Perhaps in a personal way, each unto ourselves, we can dedicate ourselves to fighting extremism and rooting it out wherever it is, not just in the Mideast, but wherever it is in our hearts, our lives, and our country. That may be the ultimate memory and testimony for Yitzhak Rabin.

YITZHAK RABIN'S DREAM MUST BE KEPT ALIVE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today we all feel we are part of one great global family, cloaked in sadness as we try to deal with the senseless assassination of Yitzhak Rabin. I think every one of us feels very helpless and impotent that we could not prevent such a senseless act by a killer who killed one of the great soldiers and dreamers who was acting on peace. But I must remind all of us on this day that while we could not prevent the killing, we can prevent the killing of his dream. We must not let the feeling of helplessness and impotence descend upon us to not go forward with his dream of peace.

Instead, it must rekindle the flame even brighter, even harder, and we must work even more vigorously to bring peace to that region that has known so little, and to carry on the great dream and vision he had for that region, his home.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF ISRAELI PRIME MINISTER YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

99-059 O—97 Vol. 141 (Pt. 22) 15

Mr. BENTSEN. Mr. Speaker, today the world mourns the loss of one of the greatest statesmen of our time, Yitzhak Rabin. A soldier who knew too well the price of war, Prime Minister Rabin spent his life in defense of Israel. But his legacy will be his pursuit of an enduring peace for the entire Middle East.

Rabin's time in office was short in the long history of the Middle East. That makes what he accomplished all the more remarkable—a peace treaty with Jordan, mutual recognition between Israel and the PLO, and the initiation of historic talks with Syria. All this was considered impossible only a few years ago.

Prime Minister Rabin's most remarkable accomplishment was the transformation of the Middle East from a region divided between Arabs and Jews into a region divided between those who want to move forward with peace and those frozen by the hatred of ages.

We here in the U.S. Congress must not waiver 1 inch in our commitment to peace. Our continued strong support for Israel and her quest for peace and freedom should be a tribute to the man who gave his life for it.

Today Israelis mourn the loss of Yitzhak Rabin and the entire world grieves with them. We should all honor the memory of Yitzhak Rabin by giving life to his enduring words: "Enough of blood and tears. Enough."

SMOKELESS TOBACCO CONSUMPTION AND REDUCTION AND EDUCATION ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, today I just want to notify my colleagues that I am reintroducing a bill that addresses a very serious public health crisis. That is the growing number of especially adolescents and children who are using smokeless tobacco. This bill would hopefully begin to deter the smokeless tobacco industry by raising the Federal excise tax to at least the level of that on cigarettes. We are seeing children being targeted constantly in commercials by all sorts of popular figures, trying to lure them into snuff and chewing tobacco, and saying it is a safe alternative.

Let me just point out to parents and so many people, this is not a safe alternative, and in fact, some of the health consequences of smokeless tobacco are even more immediate than that of cigarettes. In fact, evidence shows that smokeless tobacco contains 2 to 3 times the amount of nicotine that cigarettes have, and that people become much more subjected to addiction than with cigarettes.

What the users are at such health risk for is developing gum, tongue, cheek, larynx, and other oral cancers. Can you imagine anything worse? Every year some 29,000 Americans are diagnosed with oral cancers, and 8,000 people die of it; 75 percent of those are attributed to the use of smokeless tobacco or cigarettes.

Mr. Speaker, I take this well to say I as a parent get so tired of people seeing children and adolescents solely as consumers, and that if you can lure them in and tell them these things are cool, it only helps your profit and loss statement.

I think it is time we as lawmakers, and all of us in this country, join to say that these children are our future and we should not allow profits to get in the way, luring them in to be consumers, to getting them addicted to nicotine, and to getting them into habits that will haunt them the whole rest of their life.

Mr. Speaker, adolescents develop the habits that they are going to have with them the whole rest of their life during this period. They are terribly vulnerable, they are terribly vulnerable to peer pressure. I think to say that this is a safe alternative and to allow this to continue is wrong.

I thank the cosponsors who are joining with me. I hope many others join with me, and I hope we can begin to attack one more group that is out there preying on our children and going after their pocketbooks for their own aggrandizement.

Mr. Speaker, today I am reintroducing a bill that addresses a severe public health crisis—the growing number of people, especially adolescents and children, who are using smokeless tobacco. This bill would deter smokeless tobacco use by raising the Federal excise tax on snuff and chewing tobacco to that of cigarettes. It would also create a trust fund to educate the American public about the health effects of using smokeless tobacco.

While cigarette use has been declining for the past 7 years, the use of smokeless tobacco has risen for the fourth year in a row. In fact, since 1972, the number of users has tripled. Smokeless tobacco is now the only tobacco product for which consumption is increasing. More than 10 million Americans use snuff and chewing tobacco, and, sadly, 3 million of those users are under the age of 21. Statistics show that more than 35 percent of high school boys are occasional or frequent users. What is worse, the average smokeless tobacco user starts his or her habit at age 9; 25 percent of users start by age 5.

Smokeless tobacco marketers are smart, engaging in intense and well-funded marketing efforts. They target young males with visions of sports fame and rugged masculinity. They ease adolescents into their habit with snuff flavored with mint and cherry.

Most importantly, the health consequences of smokeless tobacco are even more immediate than that of cigarettes. Evidence shows that smokeless tobacco contains 2 to 3 times more nicotine than cigarettes, making snuff users more susceptible to addiction than smokers.

Users are at a serious risk of developing gum, tongue, cheek, pharynx, and other oral cancers and of developing cancers of the larynx and esophagus. Some 29,000 people are diagnosed with oral cancer a year and 8,000 people die of it—75 percent of those cases are attributed to the use of smokeless tobacco or cigarettes.

Children and adolescents who use smokeless tobacco are at a special risk of damage to teeth, gums, and bone tissues. Nicotine and other carcinogenic substances absorbed from smokeless tobacco use can aggravate human illness in progress and accelerate the development of coronary artery disease and hypertension.

Ten percent of the revenue generated by my bill will be placed into a trust fund for programs to educate the public of these health risks and for other programs to reduce consumption. Higher taxes and an educational trust are one step toward helping kids kick the habit. Join with me in protecting America's youth.

TRIBUTE TO YITZHAK RABIN AND ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I have not in my 15 years as a Member of this House felt sadder on taking the well. The murder of Yitzhak Rabin is one of the most despicable, frightening acts we have witnessed, because it was not simply the murder of one of the genuinely great men of our time; a man who, having excelled in war, a war forced on him and forced on his countrymen, a war they never wanted but a war of self-defense, a war which they had to fight from the moment of their birth for their very existence; a man who, having excelled at that war, excelled at peace; but of a man who, which is rare in politics, risked everything to make peace.

We talk of those who stand up to their enemies, but that is easy to do. Standing up to your friends, to your brothers and sisters, to the people to whom you have been closest, that takes a real kind of moral courage. Yitzhak Rabin did it. It is not simply the murder of this great man. It is an assault on democracy. It is an assault on one of the great accomplishments that we have seen in this world, in this century. That was the creation of the democratic State of Israel out of the terrible horrors of the Holocaust.

It is appropriate for us today, in expressing our deep sorrow at the murder of this great man, to remark on the extraordinary society which gave birth to him, not in the physical sense but in the political sense, because he is one of the men who brought Israel into existence, but his political career then thrived within Israel.

It is a terrible tragedy that just as he appeared to be on the verge of success in bringing about a true peace, a thoughtful and sensible peace, he was murdered. Israel was created, through no fault of its own, in the midst of war. This small nation had to fight for its very existence from the moment of its existence. After five decades, nearly, of a war of self-defense, Israel society was taking great risks for peace.

We in the United States can be very proud of the role that has been played by the United States, by the Clinton administration, by this Congress, by American society, in giving Israel the necessary support that it needed as a small nation in the midst of what was once a sea of hostility to go forward to making peace.

Mr. Speaker, in addition to mourning the death, in addition to condemning the despicable act, and condemning also those who condoned this in advance, I think it is appropriate to pay tribute to Israeli society, and at this moment of greatest sorrow for Israeli society, to express my confidence, my pride as a Jew, as well as an American, in the relationship that our country has had with Israel, but also in the ability of Israeli society, in the midst of an effort to wipe it out before it came into existence, to foster its own security and at the same time democracy.

Many have argued at times of stress that democracies have to give up on their basic rights. The Israeli experience is, of course, a repudiation of that, because the Israeli society has been one of the freest and most democratic in the world at the same time it has been under attack. Now that society, that great democracy, is going to be called on, as few societies have been called on. But that is not new for the Israelis. They have had to go through this before.

I am confident that in the midst of this terrible tragedy and mourning, the strong democratic nation of Israel will rise to the task, and those who tried to murder peace by murdering this great man will fail. I believe that the democratic society of Israel will repudiate this effort, and I am proud to say that as a Member of the United States House of Representatives, I look forward to working with all of my colleagues in continuing to provide Israel with the kind of support and reassurance it needs to go forward on the path that Yitzhak Rabin had begun.

THE DEATH OF YITZHAK RABIN AND ITS SIGNIFICANCE FOR AMERICA AND THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I want to take this time to continue for just a moment discussing the death of Yitzhak Rabin, and what it means to the world, and certainly to us. I have grappled with this all weekend, as I know many Americans and citizens across the world have, about the meaning, because once again a great leader, who has already accomplished much and pointed the world in a new direction, has been struck down.

There is a sense of horror and tragedy and shock at this, and in many ways, hopelessness. But at the same time, out of this sense we have to resolve to go on, to remember this man who was a patriot and leader of Israel, who led Israel in one of its major wars, who commanded armies, who knew military arms, and yet could also bring a nation to peace.

I have thought many times that probably it was only Prime Minister Rabin who could do that; having been such a successful general, he could be the only one whose word and authority could be accepted when he would say there could be peace.

I put him in the same category as many other great leaders who have been struck down in the Mideast. Of course, in 1981 another one who dared to strive for peace and was struck down by an extremist within his own country was Anwar Sadat, the President of Egypt. Before him, the grandfather of the President King Hussein, King Abdullah, was struck down in Jerusalem by the same extremist type of person. People who did not want to see a dream succeed are those who would strike down such leaders.

The death of Yitzhak Rabin, though, really has meaning far beyond Israel. Obviously, we focus on the Mideast, and I think if there is a success story for the United States, it is that there has been a true bipartisan support of the nation of Israel and its strivings and endeavors and struggles.

Obviously, the Mideast is a large part of what we focus on today, but what Yitzhak Rabin was about and what struck him down is not just the Mideast, it is an extremism that is in all parts of our society worldwide; it is an extremism that says "We do not have to work through democratic principles; if your dream differs from ours, we will cut you down."

That is what we have to root out. That is something we have to do as individuals as well. We cannot just count on there being Yitzhak Rabins on every street corner. They depend upon us, ordinary citizens, to lead that fight as well, to be the soldiers, if you will. So I hope that is something, that we redouble our efforts. As we focus on the Mideast and the sorrow and grief that we feel today and we are going to feel for quite a while, and the absence we are going to feel for quite a while, so let us focus on what needs to be done across the world as well.

Mr. Speaker, in closing, I just want to ask that all of us as Americans redouble our efforts to deal with extremism no matter where it is: Left, right, religious, racial, however it comes up. That is what this is about. That is the struggle that must be led.

As I watched excerpts of the funeral I was struck by something, Mr. Speaker, You could not help but feels tears well up, to see, of course, not only Prime Minister Rabin's granddaughter so eloquently eulogize her grandfather, as a person who knew him well, better than anyone else, I think, but also to see his former adversary, the King of Jordan, whose soldiers had fought and he had fought against Israel several times before, stand beside the bier of his former fallen foe and call him friend; the Arab King, the Israeli flag-draped casket, side by side; two men who dared, two leaders who dared to reach out.

Now they call, I think, upon us, all of us, to dare to reach out the same way, for if we are to gain anything out of this great tragedy, if we are to try to pull anything out of this, that is what we must double and triple our efforts to do, which is to heed that call and to dare to reach out to each other.

PERMISSION TO FILE CONFERENCE REPORT ON S. 395, ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the managers be given until midnight tonight, November 6, 1995, to file a conference report on the Senate bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE LOSS TO ISRAEL, THE MIDDLE EAST, AND THE WORLD WITH THE ASSASSINATION OF PRIME MINISTER YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, it is with a great sense of personal sadness and political sadness that I rise today to talk about Israel's loss with the assassination of Prime Minister Yitzhak Rabin, the loss for the Middle East, and the loss for the world.

As generations of Americans have talked with a great deal of sadness about the loss of our President, President Kennedy, and they talk about where they were when that event happened, and how it shook America to its foundations, I think many people will never forget where they were when they heard the news of this tragic murder of Prime Minister Rabin.

I think it is tragic for many reasons. It is tragic because, at a time when so many people are critical about the political process, they complain about the vacuum of leadership in politics today, and the lack of courage in politics today. Here was a man that would never, he would never lick his finger and put it to the wind and say "What should I do next?" This man was a tornado, a wind tunnel who would create the winds of change, and try to convince and control and persuade the Israeli people that his attitudes about the peace process were the just ones and the right ones, and, we all know, the courageous ones.

I have met Prime Minister Rabin three or four different times, one time just recently in Israel, when he talked at length about his efforts toward the peace process in the Middle East. Prime Minister Rabin, I do not think, would meet some Americans' definition of "charismatic." He was not particularly the backslapping type. He was not always the first one to tell you a joke. He had a charisma of toughness, of vision, of courage. He would smoke his cigarette and let the American Members of Congress know that nothing was going to deter him from his efforts to achieve an everlasting peace for the people of Israel and the people of the Middle East and the people of the world.

I do not think many Americans or people anywhere in the world, for that matter, can forget the historic occasion of the handshake on the White House lawn a year and a half ago. I think everybody remembers with a great deal of pride as Americans that this took place in America, when Prime Minister Rabin and Mr. Arafat shook hands on the White House lawn, making all of us feel that almost anything was achievable; that if these two people could come to a peace and an understanding and a commitment to work together, certainly that was an inspiration to many Americans that we can do the same kinds of things; that anything is possible to all of us.

Mr. Speaker, I just want to say that Mr. Rabin was a lawyer, a general in 1967, a warrior for victory in 1967 in a war that meant everything to the Israeli people. Over the decades he was a patriot for peace to his people, winning the Nobel Peace Prize in 1994. I want to express, on behalf of my constituents in northern Indiana, and maybe on behalf of some Members of the House of Representatives, as many Members are currently over in Israel right now, the deep sense of loss that Americans feel as Mr. Rabin leaves us.

We extend our prayers and our thoughts and sympathies to Mr. Rabin's family, and also to the people of Israel, who are our good friends and who are going to be going through a very difficult time, not only by losing a Prime Minister through assassination, but in many ways, the State of Israel has lost a bit of its innocence with this very tragic act. We know that they can overcome this, and we know the people of Israel and the people of America will continue to work together in the efforts to sustain the legacy that Mr. Rabin leaves all of us: One of hope and commitment to work with other people, even your enemies, at times, and the hope and commitment to attain a just and everlasting peace.

DEBATES ON BALANCING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from South Carolina [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

EXPRESSING CONDOLENCES TO THE FAMILY OF YITZHAK RABIN AND THE PEOPLE OF ISRAEL

Mr. SCARBOROUGH. Mr. Speaker, I also wish to express my condolences not only to Mr. Rabin's family, but also to the people of Israel on behalf of my family and my district. It obviously was a devastating loss for a peace process that began some time back, with the Camp David accords, and has now seen two great leaders and visionaries slain on behalf of peace in the Middle East, and how ironic it is that Anwar Sadat was assassinated by an extremist, an extremist Arab group that wanted to do anything they could to stop peace in the Middle East, and that now the Prime Minister was slain by an extremist in his own land. It shows the divisions that run deep in this conflict that have been going on for thousands of years, but is yet another step in a painful process toward peace, and one that we, obviously, must have, and must press forward to secure.

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I just thank him for all he did during his lifetime to help secure that peace.

Today I wish to speak on a matter that is pressing at home regarding the balanced budget debate. We have heard much over the weeks, we have heard much over the past months and over the past year on how we balance our budget and what we do to balance our budget.

Mr. Speaker, I went home this past weekend and spoke at some meetings across the district, both formal and informal, and talked to people and tried to get a sense of what they were thinking about our plan to balance the budget. We are the first balanced budget plan in over a generation.

As I came back, it really did hit me after talking to those Americans that the plan that now is before Congress, and the one that we have passed, with all of its flaws, really does give the American people the best chance they have had in some time to put their financial house in order, really for the first time in a generation.

Mr. Speaker, look what has happened over the past 40 years, over the past 40 years of liberal spending policies and liberal taxing policies in this House. Of course, everybody knows that it has been 40 years since we have really had a true, bona fide, balanced budget plan and that this year we are $4.9 trillion in debt. Think about that for a second. $4.9 trillion. That is a lot of zeros.

We right now are spending $270 billion on interest alone, paying off the interest on the debt, $270 billion. We are spending as much money paying off interest on the American debt as we are spending on our Department of Defense budget. Think about that for a second.

We spend as much money paying off interest on the debt as we spend on tanks, jets, B-2 bombers, *Seawolf* submarines, our military infrastructure, paying all of the personnel costs, all the health care costs, all of the defense-related costs, $270 billion, and yet it seems ironic to me that all of those liberals that stand up and scream and tell us that we are spending too much money on the defense budget that in the end is to protect the shores of this great country and to protect American interests across the globe, those same liberals are saying, OK, $270 billion is too much to protect our country, but on the other hand, it is not too much to protect our financial future. They have no objection with us continuing to throw $270 billion away per year on interest payments alone. That is money that goes right down the drain, that does not support any programs whatsoever, that does not support Medicare or Social Security, or support anything.

Yet, today, every child is spending, or every child has a debt of $20,000 on their head. If a child is born today, that child will pay well over $150,000 over their working lifetime on taxes alone simply to pay off their portion of the debt that is on this country right now.

Let me say, Mr. Speaker, it disturbs me to hear them complaining about the fact that we finally stepped up to the plate and were willing to do what needs to be done to balance the budget. They talk about it as being radical, they talk about it as being mean spirited.

Mr. Speaker, I ask you this. What could be more mean spirited, what could be more mean spirited than to continue doing for the next 40 years what we have been doing for the past 40 years, where we are literally reaching our hands into the pockets of our children and our grandchildren, and stealing money from them and from future generations, only to throw them away on political programs that have clearly failed over the past 40 years?

Sure, it may help some Members here get reelected to push for those programs, but yet they are not willing to stand on the floor and to say, this program is so important that I am going to tell you how we are going to pay for it. Instead, they propose one budget after another that does not balance the budget. We have had it for 40 years, since the checkbook has been in the hand of the Democrats, and this year, finally, we step forward with a plan to balance the budget, to make sure that we do only the same thing that middle class Americans have to do: We only spend as much money as we take in.

Mr. Speaker, what is so radical about that? What is so radical about the fact that right now the Federal Government spends $4 for every $3 that it takes in, but we want to have the Federal Government pay $3 if it takes in $3. If it takes in $2, it spends $2. But all we hear is, this plan to balance the budget is radical. It is mean spirited, and we are cutting way too much.

Mr. Speaker, let me tell you a little secret, and it is a secret that has not gotten out yet. This plan does not cut too much. In fact, it does not cut at all. I have a chart here to show that.

If we look at this chart, this is how much money we have spent as a Federal Government from 1989 to 1995: $9.5 trillion; $9.5 trillion. Now, over the next 7 years, from the year 1996 to the year 2002, in this radical budget plan that supposedly cuts too much, over the next 7-year time period, we will be spending $12.1 trillion. So over the last 7 years we have spent $9.5 trillion, and over the next 7 years we will be spending $12.1 trillion, an increase of almost $3 trillion over the same 7-year time period.

Now, where I come from that is a pretty significant increase. In fact, that is an increase of $2.6 trillion.

Now, let us look and see what the difference is between what the Republicans have suggested we do over the next 7 years and what the Democrats have suggested we do over the next 7 years. If we do nothing, if we continue to let this run-away train go down the tracks and go off the tracks and move us toward bankruptcy, then we will be spending $13.3 trillion over the next 7 years.

But you see, Mr. Speaker, it is not that radical. It is not radical at all, in fact. We are talking about spending $2.6 trillion over the next 7 years instead of $3.8 trillion over the next 7 years. Where I come from, this is less than this; $12.1 is more than $9.5. I wonder about this Washington new math where a spending increase is called a spending cut. It makes no sense to me.

I was in committee, and now they are working it the other way. We talked about abolishing the Department of Commerce because it is the last great bastion of corporate welfare in America, and you know what they call that? They call that spending cut a spending increase. Ron Brown stood before our committee and in sworn testimony said it will cost more money, it will cost billions of dollars for us to abolish the Department of Commerce. So now it has made a full circle. In Washington, DC, a spending increase is now called a spending cut, and a spending cut is now called a spending increase.

We have a Member from Ohio who, when faced with this sort of logic, screams into the microphone, beam me up, Scottie, I cannot take it any more. Well, that is how I feel sometimes. I feel it when I go back to the district and some people say to me, gosh, is it true that you are slashing spending too much in Washington? I give them the figures, and they cannot believe it.

It is the same thing with Medicare. We hear time and time again that the Medicare cuts are too radical. You are cutting Medicare. How many people have heard, you are cutting Medicare, you are cutting Medicare. That is all we hear. The fact of the matter is, over the next 7 years, spending on Medicare will increase by 45 percent, from about $850 billion to $1.8 trillion. Forty-five percent. Some people still have the nerve to sit on the floor and speak into the microphone with a straight face and call that a spending cut.

I do not understand it. Quite frankly, even the President of the United States, supposedly the leader of the Democratic Party, does not understand it. After saying for years that we did not need a balanced budget, the President has come out recently saying we do need a balanced budget, and we need it in 10 years or 7 years or 8 years or 9 years. It is hard to nail him down exactly, but he is saying at least we need a balanced budget in some period of time.

The Democrats' response to that has been anger. They have been extremely angry that their President has dared to step forward and echo what about 90 percent of Americans are now saying, that a balanced budget amendment this year has to be the top priority.

I just cannot imagine that, though, for a second. I cannot imagine that members of a party would be angry with their party head for simply saying that the Federal Government should only spend as much money as it takes in. Does that help explain the ideological demise of the liberal wing of the Democratic Party? I think it does. Does that mean that this plan is radical No, it is not radical. Again, 88 percent of Americans support the plan that we are going to pass.

Furthermore, if we look at what happened 1 year ago on November 8, 1994, about 1 year ago, Americans agreed overwhelmingly that we needed to more forward with the balanced budget amendment, with a balanced budget plan, with cuts in spending, and we needed to do it because our future depends on it, and they agreed with us at the voting booths.

Remember all of the liberal press members who said what a serious mistake the Contract With America was, that we should not put all of these things out there and should not make all of these promises that we were going to try to pass a balanced budget plan. They said it would destroy the Republicans' chances.

Well, the fact of the matter is, we put our program out there and got the most unambiguous mandate in the history of off-year elections. Of course, the Republicans gained control of the Senate and the House, but also, think about this. This is shocking, but not a single House incumbent Republican, not a single Senate Republican incumbent and not a single gubernatorial candidate who was an incumbent and a Republican got defeated in 1994, all across America. Absolutely staggering.

So no, Mr. Speaker, this is not a radical plan; no, we are not too far ahead of the American people. The fact of the matter is, this is what the American people elected us to do and it is what we are going to be doing.

Let us talk for a second about what the plan does, Mr. Speaker. First of all, it rewards wise investment. Now, some debate, and I have debated, at times, the necessity for some of the tax cuts and their ability to stimulate the economy. Some have also preferred a 5-year plan. I personally think that I would have preferred that we try to balance the budget in 5 years, but obviously, the Democrats do not think we should balance it in 50 years, let alone 5 years.

There are, of course, some pet programs that we created over the 40 years of the Democratically controlled House that do not get zeroed out as quickly as I would like, and we still have the question of the Social Security trust fund. I think it needs to be offbudget, I do not think we need to calculate that in when we are trying to figure out how to balance the budget.

My gosh, with all of the resistance that we have had to put up with with this very moderate 7-year plan, I would hate to think what would happen if we dared to move even further. On balance, it really is our only hope to achieve the goal that 88 percent of Americans have asked us to achieve, and that is to balance the budget for future generations, which leads to the next question.

Why is it so important? Well, I can give you a personal anecdote. This morning early at 6 o'clock in my home town of Pensacola, FL, I had to leave to catch a plane to come up to Washington, DC, and as I did, I had to say goodbye to my 7-year-old boy and my 4-year-old boy and tell them that I had to come back to Washington, DC.

As I looked at my 7-year-old, especially, I thought to myself how quickly he had grown. I do not know the numbers. I am sure I could call CBO and get the estimates, but I am sure in his 7 years the budget has absolutely exploded, the budget deficit has exploded. The fact of the matter is, what we do today is going to effect his life and the lives of his children and the lives of their children for generations to come.

I really cannot say this any more straightforwardly, because when you put all of the political rhetoric aside, one fact remains, and it is this one, that we, as a Congress, we as a Congress for the past 40 years have been stealing money from our children, from my 7-year-old boy and my 4-year-old boy, and from other children, simply to pay off political programs that help Members of Congress get reelected. That is what it comes down to. It comes down to power.

I hear people, I hear them trying to scare 85-year-olds, I hear them lying about Medicare. I hear them lying about this balanced budget plan. I step back and I ask myself, what is so important about this job that you would deliberately scare our senior citizens and deliberately scare those who need comfort in their retirement, and would deliberately mortgage my children and their children's future? I mean, at what price do you hold your seat in the House of Representatives or in the U.S. Senate or at the White House? It is not worth it. It is simply not worth it.

So let us get some basic facts out on the table. If we do nothing, then very shortly down the road, in the next year or two, we are going to be spending more money on servicing the debt than we are spending on our entire defense budget. If we do not do something about balancing the budget now under this plan, not only are we going to be doing that, we are also going to come to a time in America where the only things we are spending money on are going to be servicing the debt and those mandatory programs.

Mr. Speaker, there will be no money for children's programs. There will be no money for environmental protection. There will be no money for defending our shores, and in the end, that translates to defending our children. There will be no money for any school lunch programs that liberals have fought so hard to say we need to increase on the Federal level, and there will be no money for any programs that liberals complain were so essential.

This balanced budget plan is ideologically neutral. It is about getting our financial house in order. If we do not do that, again, we are going to be paying for it.

So I do not understand why the Democrats are doing what they are doing. I do not understand why they are misleading the American people and talking about massive cuts. I do not understand why holding their seat is so important that they would deliberately mislead Americans.

It is the same thing with Medicare. I had a meeting with some senior citizens this weekend and I also had a separate meeting with some physicians to talk about Medicare. Mr. Speaker, the physicians told me that senior citizens would come into their office and thank them for what they had done, but they would say, I guess I will not be able to see you when this Medicare plan passes because they are going to be doing away with Medicare. I mean, that is absolutely unbelievable. Of course, the physicians would explain that that is not the case, that that was just a lot of political rhetoric, but there are a lot of seniors out there that have been deliberately misled.

So let us get the facts out on the table, because obviously we are not going to be getting them from the liberal Democrats. I agree with the Speaker. I really think it shows the demise of the liberal Democratic Party when the last tactic comes down to trying to scare 85-year-old senior citizens.

Here are the basic facts. First, Medicare is broken. Who can deny this? The President of the United States cannot deny it, because in April the President had the Medicare trustees come up with a report to tell him what the status was of Medicare. Was it solvent? Did it need fixing?

The Medicare trustees came back with some dire warnings for the President of the United States. They said, Medicare, as we know it, will be broken and bankrupt in 7 years. Medicare will cease to exist in 7 years if we do not undertake dramatic reforms now.

That was in April. The fact of the matter is, three of the President's own Cabinet members served on that Medicare trustees' board and signed off on the recommendations that Medicare had to be saved.

Well, it is broken. But the plan that is before the Senate and the House and the President today fixes Medicare. It protects and preserves Medicare, but it does something more than that. It moves Medicare into the 21st century, and it does it several ways. But before we talk about all of the changes that are going to be coming to Medicare, I think it is important to point out one basic fact that senior citizens do not know about, and if they do not know about it, it is because they have been misled.

The main fact to understand if you are a senior citizen about Medicare is under this plan, if you liked your Medicare plan, you can keep it. That is right. Nobody is saying that we are going to make you get off of Medicare as you know it. You get to keep Medicare, you can stay enrolled in the same Medicare plan today if that is what you choose to do.

Now, of course, many believe that it was passed in 1965 with few changes since, and it is in the end a 1965 Blue Cross/Blue Shield plan codified into law run by a Government bureaucracy, but if you like that, you can keep it. But, if you want to be caught up with all of the changes that have happened over the past 30 years, you can also do that too.

First of all, you can enroll in what is called Medicare-plus. You can do one of three things. You can have a medical savings account called Medisave, and in that medical savings account, you can take out a medical IRA, and then use that as your Medicare plan, and you and your physician can decide how you want to apply that money. It gives you the power, it gives you the choices, it gives you the decisions.

Second, of course there is an option for HMO's. If you like HMO plans, you can use them. Some seniors love them, some seniors hate them. But again, the important thing is that the choice is going to be taken out of the hands of the bureaucrats and given to the senior citizens so that they will be empowered.

Let me tell you, the third choice that seniors will have beyond staying on Medicare as they know it is that they are going to be able to enroll in what is called PSN's, provider service networks.

Now, what does that mean? That means that doctors can get together with other doctors, doctors can get together with hospitals, and they can come up with a plan between themselves and between their patients on how they want to treat a patient and how Medicare patients can enroll in their own plans. The best part of it is, it keeps the third parties out of there, it keeps the middle man out of there, and it is going to cut costs.

Insurance companies may not like it, because insurance companies have a lot of middle men in HMO plans that can make a lot of money. But the fact of the matter is that these provider service networks allow the senior citizen to get together with the doctor and come up with a plan that makes the best sense for them.

A lot of people have told me that senior citizens will not like this because it involves changes. Well, I think that is underestimating senior citizens a little bit, because you are giving senior citizens hundreds of options that they never had before. But again, more important, along with all of that change, you are giving them stability. If they want to stay in the plan as they know it today, they are welcome to do that. Who could ask for more?

I have to admit, Mr. Speaker, there is not a whole heck of a lot that I ever thought was very exciting about medicine, about Medicare, about Medicaid, about digging through all of the mess that you have to dig through, but what is exciting about the Medicare reform plan is we are finally infusing the free market and free enterprise into our medical system.

So the senior is empowered, and so the senior and the physicians can make the decisions. You are talking about the consumer of a good and the supplier of a good without a third-party payer stepping in. That is going to cut down on a lot of waste, fraud, and abuse.

There was a TV show this past week that talked about a lot of waste, fraud, and abuse, and it is highlighted. I held 25 townhall meetings in the month of August. A lot of seniors asked me questions about Medicare, but at the same time they told me about the rampant waste, fraud, and abuse that was occurring in the system. If you added up all of that waste, fraud, and abuse, where people were being overcharged, of not being billed or being billed too much, you could see why this system is in the trouble that it is in.

I had some of these seniors tell me that they called medical providers and said, you have overcharged me, and the medical providers said, well, do not worry about it. But the seniors said, but you have overcharged me, please correct this. They said, you are on Medicare, right? The seniors said, yes. The medical provider said, do not worry about it, it is not your problem. The senior would say, but it is my problem. You have overcharged me; take it off the bill. Finally, the medical provider would say at the end, do not worry, it is not your money. Just do not worry about it, we will take care of it.

Well, the fact of the matter is, it is the seniors' money and it is all Americans' money. We have to cut back on waste, fraud, and abuse and make this system solvent, not only for future generations, but for those that are on Medicare right now for my 92-year-old grandmother, and also for my parents who will be enrolling in Medicare in the next few years. Too much depends on it.

Finally, the third part of the balanced budget plan is welfare reform. Look what this one plan is doing. We are saving Medicare, we are balancing the budget, and we are overturning a welfare system that for the past 30 years has been devastating to this country.

So many people will stand up and say, what will we do without the welfare program that we have today? We should not dare to change it, we should not dare to reform it. Well, the proof is in the pudding, and I challenge anybody who tells me or who tells you that the welfare system has been a success over the past 30 years, I challenge them to drive through south central Los Angeles, or drive through Gary, IN, or drive through the south Bronx, and look at the devastation in those inner cities and tell me that this welfare system has been a plus.

We have spent $5 trillion over the past 30 years on the Great Society, on this so-called war on poverty that in the end has been a war on hard work, a war on discipline, a war on families, and a war on the very things that made America great.

Mr. Speaker, all you have to do is again, look at the fabric of the inner cities. It is just horrible. As the Speaker has said before, we find ourselves in a country, in this welfare state, where 12-year-olds are having babies, and 15-year-olds are shooting each other, and 18-year-olds are graduating from high schools with diplomas that they cannot even read. Yet, we are told that it would be mean-spirited to end those welfare programs.

I think the reverse of that is the truth. Washington, DC, does not have the answer to every single solitary problem. If our $5 trillion and our 30 years of social experimentation have shown us anything, it has shown us that social policy cannot be micromanaged from Washington, DC.

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Instead, the answer lies, where our Founding Fathers knew it lay, in the communities, in the States and in the hometowns and not in Washington, DC.

You know, Thomas Jefferson said that the Government that governs least governs best, and James Madison said we have staked the entire future of the American civilization not upon the power of Government, but upon the capacity of each of us to govern ourselves, control ourselves and sustain ourselves according to the 10 Commandments of God.

Read the Constitution, read the 10th amendment. It says all powers not specifically given to the Federal Government are reserved to the States and to the citizens. Well, I believe 30 years after we embarked on this social experimentation program called the Great Society, it is time to turn the power back to where our Founding Fathers knew the power belonged, with individuals, with families and with hometowns. The answers do not lie in Washington, DC, and those 30 years of getting failed social experimentation have shown us in the end that the best social policy is a job.

How do we create jobs? Not through some massive job program in Washington, DC, that socializes even the job process. No, instead, we create jobs by balancing the budget, by bringing down interest rates, by cutting taxes, by cutting regulations and by cutting spending in Washington, DC.

We have had so much testimony before us, and the facts bear it out, that if we dare to balance the budget, we will see interest rates drop at least 2 or 3 percentage points. Alan Greenspan has said that America will see unprecedented economic growth, growth that it has not seen since the end of World War II, if we will only dare to balance the budget. And that is a challenge that I am willing to take up today. That is a challenge that most Members of the Republican Party and many Members of the Democratic Party will dare to take up.

Again, it is not a perfect plan. I voted against one of the plans because it raised the debt ceiling to $5.5 trillion, but I voted for the balanced budget plans the other times they passed through Congress earlier this year.

It is time for us to stand up and dare to make a difference, and that is exactly what we are going to do. We are going to return government to where it belongs, at home, and we are going to start doing what middle-class Americans have been doing for 200 years, and that is only spending as much money as we take in. America's future depends on it, and more importantly, my children's future depends on it.

CONFERENCE REPORT ON S. 395

Mr. YOUNG of Alaska submitted the following conference report and statement on the bill (S. 395), to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–312)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395), to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

TITLE I—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Asset Sale and Termination Act".

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) The term "Eklutna" means the Eklutna Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Eklutna Purchase Agreement.

(2) The term "Eklutna Purchase Agreement" means the August 2, 1989, Eklutna Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Eklutna Purchasers, together with any amendments thereto adopted before the enactment of this section.

(3) The term "Eklutna Purchasers" means the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc. and the Matanuska Electric Association, Inc.

(4) The term "Snettisham" means the Snettisham Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Snettisham Purchase Agreement.

(5) The term "Snettisham Purchase Agreement" means the February 10, 1989, Snettisham Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Alaska Power Authority and its successors in interest, together with any amendments thereto adopted before the enactment of this section.

(6) The term "Snettisham Purchaser" means the Alaska Industrial Development and Export Authority or a successor State agency or authority.

SEC. 103. SALE OF EKLUTNA AND SNETTISHAM HYDROELECTRIC PROJECTS.

(a) SALE OF EKLUTNA.—The Secretary of Energy is authorized and directed to sell Eklutna to the Eklutna Purchasers in accordance with the terms of this Act and the Eklutna Purchase Agreement.

(b) SALE OF SNETTISHAM.—The Secretary of Energy is authorized and directed to sell Snettisham to the Snettisham Purchaser in accordance with the terms of this Act and the Snettisham Purchase Agreement.

(c) COOPERATION OF OTHER AGENCIES.—The heads of other Federal departments, agencies, and instrumentalities of the United States shall assist the Secretary of Energy in implementing the sales and conveyances authorized and directed by this title.

(d) PROCEEDS.—Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchasers.

(f) CONTRIBUTED FUNDS.—Notwithstanding any other provision of law, the Alaska Power Administration is authorized to receive, administer, and expend such contributed funds as may be provided by the Eklutna Purchasers or customers or the Snettisham Purchaser or customers for the purposes of upgrading, improving, maintaining, or administering Eklutna or Snettisham. Upon the termination of the Alaska Power Administration under section 104(f), the Secretary of Energy shall administer and expend any remaining balances of such contributed funds for the purposes intended by the contributors.

SEC. 104. EXEMPTION AND OTHER PROVISIONS.

(a) FEDERAL POWER ACT.—(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of Part I of the Federal Power Act (16 U.S.C. 791a et seq.), except as provided in subsection (b).

(2) The exemption provided by paragraph (1) shall not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

(b) SUBSEQUENT TRANSFERS.—Except for subsequent assignment of interest in Eklutna by the Eklutna Purchasers to the Alaska Electric Generation and Transmission Cooperative Inc. pursuant to section 19 of the Eklutna Purchase Agreement, upon any subsequent sale or transfer of any portion of Eklutna or Snettisham from the Eklutna Purchasers or the Snettisham Purchaser to any other person, the exemption set forth in paragraph (1) of subsection (a) of this section shall cease to apply to such portion.

(c) REVIEW.—(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than 90 days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than 90 days after the challenged act implementing the Program, or be barred.

(d) EKLUTNA LANDS.—With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

(2) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

(3) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508; 72 Stat. 339), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(e) SNETTISHAM LANDS.—With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508; 72 Stat. 339).

(f) TERMINATION OF ALASKA POWER ADMINISTRATION.—Not later than one year after both of the sales authorized in section 103 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) submit to Congress a report documenting the sales; and

(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(g) REPEALS.—(1) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date that Eklutna is conveyed to the Eklutna Purchasers.

(2) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date that Snettisham is conveyed to the Snettisham Purchaser.

(3) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

(h) DOE ORGANIZATION ACT.—As of the later of the two dates determined in paragraphs (1) and (2) of subsection (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E) respectively; and

(2) in paragraph (2) by striking out "and the Alaska Power Administration" and by inserting "and" after "Southwestern Power Administration,".

(i) DISPOSAL.—The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the "Surplus Property Act of 1944" (50 U.S.C. App. 1622).

SEC. 105. OTHER FEDERAL HYDROELECTRIC PROJECTS.

The provisions of this title regarding the sale of the Alaska Power Administration's hydroelectric projects under section 103 and the exemption of these projects from Part I of the Federal Power Act under section 104 do not apply to other Federal hydroelectric projects.

And the House agree to the same.

Amendment numbered 2:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

TITLE II—EXPORTS OF ALASKAN NORTH SLOPE OIL

SEC. 201. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), or Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271–76) to prohibit exports.

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.".

SEC. 202. GAO REPORT.

(a) Review.—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review three years after the date of enactment of this Act and, within twelve months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) Contents of Report.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

And the House agree to the same.

Amendment numbered 3:

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

SEC. 203. GRANT AUTHORITY.

(a) In General.—The Secretary of Transportation ("Secretary") may make grants to the Multnomah County Tax Supervising and Conservation Commission of Multnomah County, Oregon ("Commission") in accordance with this section, not to exceed the amount determined in subsection (b)(2).

(b) Finding and Determination.—Before making any grant under this section not earlier than one year after exports of Alaskan North Slope oil commence pursuant to section 201, the Secretary shall—

(1) find on the basis of substantial evidence that such exports are directly or indirectly a substantial contributing factor to the need to levy port district ad valorem taxes under Oregon Revised Statutes section 294.381; and

(2) determine the amount of such levy attributable to the export of Alaskan North Slope oil.

(c) Agreement.—Before receiving a grant under this section for the relief of port district ad valorem taxes which would otherwise be levied under Oregon Revised Statutes section 294.381, the Commission shall enter into an agreement with the Secretary to—

(1) establish a segregated account for the receipt of grant funds;

(2) deposit and keep grant funds in that account;

(3) use the funds solely for the purpose of payments in accordance with this subsection, as determined pursuant to Oregon Revised Statutes sections 294.305–565, and computed in accordance with generally accepted accounting principles; and

(4) terminate such account at the conclusion of payments subject to this subsection and to transfer any amounts, including interest, remaining in such account to the Port of Portland for use in transportation improvements to enhance freight mobility.

(d) Report.—Within 60 days of issuing a grant under this section, the Secretary shall submit any finding and determination made under subsection (b), including supporting information, to the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation to carry out subsection (a), $15,000,000 for fiscal year 1997, to remain available until October 1, 2003.

And the House agree to the same.

Amendment numbered 4:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

TITLE IV—MISCELLANEOUS

SEC. 401. EMERGENCY RESPONSE PLAN.

(a) In General.—Within 15 months after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a plan to Congress on the most cost-effective means of implementing an international private-sector tug-of-opportunity system, including a coordinated system of communication, using existing towing vessels to provide timely emergency response to a vessel in distress transiting the waters within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca.

(b) Coordination.—In carrying out this section, the Commandant, in consultation with the Secretaries of State and Transportation, shall coordinate with the Canadian Government and the United States and Canadian maritime industries.

(c) Access to Information.—If necessary, the Commandant shall allow United States nonprofit maritime organizations access to United States Coast Guard radar imagery and transponder information to identify and deploy towing vessels for the purpose of facilitating emergency response.

(d) Towing Vessel Defined.—For the purpose of this section, the term "towing vessel" has the meaning given that term by section 2101(40) of title 46, United States Code.

And the House agree to the same.

Amendment numbered 5:

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301. SHORT TITLE.

This title may be referred to as the "Outer Continental Shelf Deep Water Royalty Relief Act".

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)), is amended—

(1) by designating the provisions of paragraph (3) as subparagraph (A) of such paragraph (3); and

(2) by inserting after subparagraph (A), as so designated, the following:

"(B) In the Western and Central Planning Areas of the Gulf of Mexico and the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, the Secretary may, in order to—

"(i) promote development or increased production on producing or non-producing leases; or

"(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

"(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

"(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated

with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv)(I), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

"(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

"(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

"(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

"(iv) For purposes of this subparagraph, the term 'new production' is—

"(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

"(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

"(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.".

SEC. 303. NEW LEASES.

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337(a)(1)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (I);

(2) by striking "or" at the end of subparagraph (G); and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease; or".

SEC. 304. LEASE SALES.

For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

SEC. 306. SAVINGS CLAUSE.

Nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

And the House agree to the same.

Amendment to title:

That the House recede from its amendment to the title of the bill.

For consideration of House amendment No. 1:

DON YOUNG,
KEN CALVERT,
TOM BLILEY,

For consideration of House amendment No. 2:

DON YOUNG,
KEN CALVERT,
WILLIAM THOMAS,
TOM BLILEY,
HOWARD COBLE,
LEE H. HAMILTON,
JIM OBERSTAR,

For consideration of House amendment No. 3:

FLOYD SPENCE,
JOHN R. KASICH,

For consideration of House amendment No. 4:

TILLIE K. FOWLER,
JIM OBERSTAR,

For consideration of House amendment No. 5:

DON YOUNG,
KEN CALVERT,
Managers on the Part of the House.
FRANK H. MURKOWSKI,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
WENDELL FORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

House amendment numbered 1 struck title I of the Senate bill. House amendment numbered 2 struck sections 201 through 204 of the Senate bill and inserted the text of H.R. 70, as passed by the House. House amendment numbered 3 struck section 205 of the Senate bill. House amendment numbered 4 struck section 206 of the Senate bill. House amendment numbered 5 struck title III of the Senate bill.

With respect to House amendment numbered 1, 2, 3, 4, and 5, and Senate receded from its disagreement to each House numbered amendment with an amendment.

The differences between the Senate bill, the House amendments, and the amendment agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION

SENTE BILL

Title I of the Senate bill provides for the sale of the Alaska Power Administration's (APA) assets, an the termination of the APA once the sale occurs. It also provides for the exemption of the two hydroelectric projects from the licensing requirements of Part I of the Federal Power Act.

HOUSE AMENDMENT NUMBERED 1

The House amendment struck Title I of the Senate bill.

CONFERENCE AGREEMENT

The House receded to the Senate with an amendment.

The Conference Report adopts the Senate language with minor changes. The APA's assets will be sold pursuant to the 1989 purchase agreements between the Department of Energy and the purchasers. The Snettisham hydroelectric project and related assets will be sold to the State of Alaska. the Eklutna hydroelectric project and related assets will be sold jointly to the Municipality of Anchorage, the Chugach Electric Association, and the Matanuska Electric Association. For both projects, the sale price is determined by calculating the net present value of the remaining debt service payments the Treasury would receive if the Federal Government retained ownership.

This provision and the separate formal agreements provide for the full protection of fish and wildlife. The purchasers, the State of Alaska, the National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (USFWS) have entered into a formal agreement providing for post-sale protection, mitigation, and enhancement of fish and wildlife resources affected by Eklutna and Snettisham. This provision makes that agreement legally enforceable.

As a result of the formal agreements, the Department of Energy, the Department of the Interior, and NMFS all agree that the two hydroelectric projects warrant exemption from the Federal Energy Regulatory Commission (FERC) licensing under Part I of the Federal Power Act. The August 7, 1991, formal purchase agreement states:

NMFS, USFWS and the State agree that the following mechanism to develop and implement measures to protect, mitigate damages to, and enhance fish and wildlife (including related spawning grounds and habitat) *obviate the need for the Eklutna Purchasers and AEA to obtain FERC licenses.* [Emphasis supplied.]

The Alaska Power Administration has 34 people located in the State of Alaska. The purchasers of the two projects have pledges to hire as many of these as possible. For those who do not receive offers of employment, the Department of Energy has pledged it will offer employment to any remaining APA employees, although the DOE jobs are expected to be in the lower 48 States.

The House-passed bill did not contain any comparable provisions. The Conference Agreement adopts the Senate-passed bill with two material changes.

First, section 104(a)(1) of the Conference Agreement provides an exemption for Eklutna and Snettisham only from Part I of the Federal Power Act (hydroelectric licensing), not from the entire Federal Power Act. That was intended by the Senate. By making this change, the Conferees do not intend to imply that the purchasers who are already exempt from other aspects of the Federal Power Act lose that broader exemption. Nor do the Conferees intend to imply that merely by reason of this provision the other parts of the Federal Power Act apply to Eklutna and Snettisham. They apply if they would have applied in the absence of this provision.

Second, new section 104(b) provides that upon sale or transfer of any portion of Eklutna or Snettisham from the purchasers to any person (i.e. a person other than a purchaser defined in section 102), the exemption from Part I of the Federal Power Act shall cease to apply to that portion of Eklutna or Snettisham. However, the exemption from Part I will continue to apply if the sale or transfer is from one purchaser to another purchaser, as defined in section 102. The elimination of exemption from Part I for a sold or transferred portion of Eklutna or Snettisham does not mandate the licensing of that portion, it only eliminates the exemption from the application of Part I. If licensing is not otherwise required under Part I of the Federal Power Act for that portion, it is not required by reason of section 104(b). The disposition of a portion of the Eklutna or Snettisham assets does not affect the remaining portions. The one exception to this rule is a subsequent assignment of interests in Eklutna by the Eklutna Purchasers to the Alaska Electric Generation and Transmission Cooperative Inc. pursuant to section 19 of the Eklutna Purchase Agreement will not result in the elimination of the exemption from Part I of the Federal Power Act for that interest.

Sections 104(d) and 104(e) address selection and transfer of Eklutna and Snettisham lands. It is the intent of these provisions that notwithstanding the expiration of the right of the State of Alaska to make selections under section 6 of the Alaska Statehood Act, the State may select lands pursuant to this provision and the Eklutna and Snettisham Purchase Agreements. Likewise, it is the intent of this legislation that the Secretary of the Interior shall convey lands selected by the State of Alaska, notwithstanding any limitations contained in section 6(b) of the Alaska Statehood Act.

The Conferees agree that the circumstances justifying exemption from licensing under Part I of the Federal Power Act for these two Federally-owned hydroelectric projects are unique, and that they would not justify a similar exemption for any other Federally-owned hydroelectric project if sold. The Conferees agree that if other Federally-owned hydroelectric projects whose generation is marketed by other Federal power marketing administrations are privatized, these circumstances would not justify an exemption from Part I. This is reflected in section 105 of the Conference Agreement.

TITLE II—EXPORTS OF ALASKAN NORTH SLOPE OIL

SENATE BILL

Sections 201 through 204 of Title II of the Senate bill authorized exports of Alaskan North Slope (ANS) crude oil; mandated the filing of additional information in an annual report under the Energy Policy and Conservation Act; and required a study by the General Accounting Office (GAO).

HOUSE AMENDMENT NUMBERED 2

The House amendment similarly authorized exports of ANS crude oil and provided for a GAO study.

CONFERENCE AGREEMENT

The Senate receded to the House language with an amendment.

Under section 201, Committee of Conference recommends authorizing exports of ANS oil under terms substantially similar to, and drawn from, both the Senate bill and the House amendment.

Paragraph (1) authorizes ANS exports, making inapplicable the general and specific restrictions on these exports in Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. §2406(b)), Section 28(u) of the Mineral Leasing Act of 1920 (30 U.S.C. §185), Section 103 of the Energy Policy and Conservation Act (42 U.S.C. §6212), and the Short Supply regulations issued thereunder. However, the export of the oil can be stopped if the President determines (within five months of the date of enactment) that they would not be in the national interest. (Other statutory restrictions on the export of U.S. crude oil either inapplicable or superseded with respect to ANS exports are 10 U.S.C. §7430 and 29 U.S.C. §1354, restricting exports of crude oil from the Naval Petroleum Reserve and the outer continental shelf.)

Before making the national interest determination, the President must consider an appropriate environmental review (to be completed within four months of enactment). Consistent with the 1973 Trans-Alaska Pipeline Authorization Act, the President also must consider whether exports would diminish the total quantity or quality of petroleum available to the United States. The President must also consider whether exports are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, in particular in noncontiguous States and Pacific territories.

In a comprehensive report submitted to Congress, the Department of Energy found "no plausible evidence of any direct negative environmental impact from lifting the ANS crude export ban." Based on this finding and the weight of the testimony, section 201 of the Conference Agreement directs, as the "appropriate environmental review," an abbreviated four-month study. The environmental review is intended to be thorough and comprehensive, but in light of the prior Department of Energy findings and the compressed time frame, neither a full Environmental Impact Statement nor even a more limited Environmental Assessment is contemplated. If any potential adverse effects on the environment are found, the study is to recommend "appropriate measures" to mitigate or cure them.

In making the national interest determination, the President is authorized to impose appropriate terms and conditions, other than a volume limitation, on ANS exports. However, nothing in this section or Title IV of the Conference Agreement authorizes the imposition of new requirements for oil spill prevention and response in locations which would not be affected by ANS exports, such as the Strait of Juan de Fuca or within the boundaries of the Olympic Coast National Marine Sanctuary.

The Conference Agreement takes cognizance of the changed condition of national oil demand and available oil resources. Title II is intended to permit ANS crude oil to compete with other crude oil in the world market under normal market conditions. To facilitate this competition and in recognition that section 201 specifically precludes imposition of a volume limitation, the President should direct that exports proceed under a general license. In further recognition that some information (such as volume and price) will be needed to monitor exports, the President may wish to impose after-the-fact reporting requirements as may be deemed appropriate by the Secretary of Commerce.

Given the anticipated substantial benefits to the Nation of ANS exports, the Conferees urge the President to make the national interest determination as promptly as possible. If the President fails to make the required national interest determination within the statutorily imposed deadline, ANS oil exports are authorized without intervening action by the President or the Secretary of Commerce.

Section 201 requires, with limited exceptions, that ANS exports be carried in U.S.-flag vessels. The only exceptions are exports to Israel under the terms of a specific bilateral treaty that entered into force in 1979 and exports to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency. The Committee of Conference concurs with the Administration's assessment that the U.S.-flag cargo reservation requirement is consistent with U.S. international obligations and is supported by ample precedent, including in particular a comparable provision in the U.S.-Canada Free Trade Agreement, as implemented under U.S. law.

Section 201 preserves any authority the President may have under the Constitution and the enumerated statutes to prohibit ANS exports in an emergency.

Section 201 also directs the Secretary of Commerce to issue any rules necessary to govern ANS exports within 30 days of the President's national interest determination. In light of the clear benefits to the Nation of ANS exports, the Conferees urge the Secretary of Commerce to promulgate any rules necessary to implement that determination, including any licensing requirements and conditions, contemporaneously with the determination.

Section 201 further provides that, if the Secretary of Commerce (after consulting with the Secretary of Energy) later finds that exports have caused sustained material oil shortages or sustained prices significantly above the world level and that the shortages or high prices have caused or are likely to cause sustained material job losses, the Secretary must recommend appropriate action, including modification or revocation of the authority to export ANS oil. The President has the discretion to adopt, reject, or modify any recommendation made by the Secretary. In recognition that prices fluctuate and supply patterns change under normal market conditions, the authority of the Secretary is limited to addressing activity that causes the specified sustained unanticipated price and supply effects.

Finally, section 201 provides that administrative action is not subject to notice and comment rulemaking requirements or other requirements of the Administrative Procedures Act.

Under section 202, the Committee of Conference recommends that a GAO report be submitted four years after the date of enactment. The report must contain a statement of principal findings and recommendations to address job loss in the shipbuilding and ship repair industry on the West Coast and Hawaii, if any, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, if any, that the Comptroller General attributes to ANS exports. The Committee believes that the market should be given a reasonable period of time to operate before submission of the report. The Conferees want to be sure the Comptroller General has a solid basis on which to make his analysis and offer any recommendations for Congress and the President.

SENATE BILL

Section 205 of Title II provided for the retirement of certain costs incurred for the construction of a non-Federal publicly-owned shipyard.

HOUSE AMENDMENT

House amendment numbered 3 struck section 205 of the Senate bill.

CONFERENCE AGREEMENT

The Senate receded from its disagreement with an amendment (now designated as section 203).

Under section 203(a) of the conference amendment, the Secretary of Transportation is authorized to make grants to the Multnomah County Tax Supervising and Conservation Commission of Multnomah County, Oregon. The grants may be used only for the relief of port district ad valorem taxes that would otherwise be levied under Oregon law. In addition, at the conclusion of the grant payments under this section, any remaining funds (plus interest) would be transferred to the Port of Portland for making transportation improvements to enhance freight mobility.

Under subsection (b), before issuing any grant, the Secretary must find on the basis of substantial evidence that Alaskan North Slope oil exports are a contributing factor to the need to levy certain port district taxes. In addition, the Secretary must determine the amount of the tax levy attributed to the oil exports. The amount of the grants is limited to the amount of the tax levy attributed to the oil exports.

Before receiving any grant under this section, subsection (c) requires the Commission (by agreement with the Secretary) to establish a separate account for the funds, to use the funds as directed, and to terminate the account and transfer any remaining funds to the Port of Portland at the conclusion of the grants.

Under Subsection (d), the Secretary must report to the relevant Congressional Committees on any findings and determinations made under subsection (b) within 60 days of issuing a grant under this section.

Subsection (e) provides an authorization for appropriations of up to $15 million for fiscal year 1997, to remain available until October 1, 2003.

SENATE BILL

Section 206 of the Senate bill included a provision that would amend Title VI of the Oil Pollution Act of 1990 (OPA '90) by adding a new section 6005 that would impose a requirement for an additional towing vessel to be listed in, and available to respond under, vessel response plans developed in accordance with section 311(j) of the Federal Water Pollution Control Act (FWPCA), as amended by OPA '90, for tank vessels operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca near the coastline of the State of Washington. In particular, the provision would require an emergency response tugboat capable of towing tank vessels, initial firefighting, and initial oil spill response to be repositioned in the area of Neah Bay, the western-most harbor in the Strait.

HOUSE AMENDMENT

The House amendment numbered 4 struck section 206 of the Senate bill.

CONFERENCE AGREEMENT

The Senate receded from its disagreement with an amendment (now designated as Title IV of this Act). See explanation below.

Title III—Outer Continental Shelf Deep Water Royalty Relief

SENATE BILL

Title III of the Senate bill would provide royalty relief for leases on Outer Continental Shelf tracts in deep water in certain areas of the Gulf of Mexico.

HOUSE AMENDMENT

The House amendment numbered 5 struck title III of the Senate bill.

CONFERENCE AGREEMENT

The Senate recedes from its disagreement with the House with an amendment.

The amendment agreed to by the committee of conference is the text of Title III of S. 395 as passed by the Senate with several technical corrections and a new provision clarifying that nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

Title IV—Miscellaneous

OPA '90 contemplates a comprehensive approach to oil spill prevention and response, with the Coast Guard given an instrumental role in implementing all aspects of that Act. In addition to establishing a new liability and compensation scheme for oil spills, OPA '90 amended existing law to broaden the Coast Guard's authority under the Ports and Waterways Safety Act (PWSA) regarding navigation and vessel safety and protection of the marine environment and the FWPCA regarding oil spill prevention and response. Under OPA '90 (as delegated by the President), the Coast Guard is the principal Federal agency charged with conducting Federal removal and prevention activities in coastal areas. Accordingly, the Committee of Conference believes that the Coast Guard is the most appropriate agency to evaluate emergency response services in the Olympic Coast National Marine Sanctuary and the Strait of Juan de Fuca.

Subsection (a) of title IV requires the Commandant of the Coast Guard to submit to Congress within fifteen months of enactment a plan on the most cost effective means of implementing an international private-sector tug-of-opportunity system to utilize existing towing vessels to provide emergency response services to any vessel (including a tank vessel) in distress transiting the waters within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca.

Subsection (b) provides that the Commandant, in consultation with the Secretaries of the State and Transportation, is to coordinate with the Canadian Government and with both Canadian and American maritime industries.

Subsection (c) provides that if necessary, the Commandant is to allow United States non-profit maritime organizations access to Coast Guard radar imagery and transponder information to identify and deploy towing vessels for the purpose of facilitating emergency response.

Subsection (d) provides for the definition of "towing vessel" as that term is defined under title 46, United States Code. Section 2101(40) of title 46, United States Code, defines towing vessels to mean "a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside." The reference to this section ensures that, at a minimum, all commercial towing vessels are included in the definition and, therefore, are covered by the provisions of this section.

Section 206 of the Senate bill was developed to respond to a perceived threat to the marine environment of Puget Sound and the Straits of Juan de Fuca from tank vessel traffic. The Committee of Conference believes that, absent convincing information to the contrary, the marine environment of Puget Sound is adequately protected under the existing vessel response plan requirement found in FWPCA, as amended by OPA '90. The Senate provision is therefore unnecessary because the Coast Guard's existing authority under OPA '90 to prevent and respond to oil spills, as well as under PWSA and FWPCA (particularly as those two statutes have been amended by the OPA '90), to evaluate and to impose vessel operating requirements to minimize the risks of navigation and vessel safety and risks to the marine environment is fully sufficient to address the needs of the waterways of the United States, including Puget Sound and the Strait of Juan de Fuca.

Accordingly, the Committee of Conference does not believe that the mandate implicit in the Senate provision is required nor is it related to any authorization to export Alaskan North Slope crude oil. The Committee believes that the more appropriate step is to require the Coast Guard to examine the most cost-effective method to use existing towing vessel resources in a tug-of-opportunity system within the authority of existing law to respond to any vessel (including a tank vessel in distress). Consequently, nothing in this section or in section 201 is intended to authorize the President or the Coast Guard to impose additional oil spill preventing and response requirements in the Strait of Juan de Fuca or within the boundaries of the Olympic Coast National Marine Sanctuary in excess of those in the relevant Area Contingency Plan for those areas as a result of requiring the Commandant to submit this plan to Congress nor to impose requirements under any national interest determination or implementing regulations regarding the export of Alaskan oil.

For consideration of House amendment No. 1:

DON YOUNG,
KEN CALVERT,
TOM BLILEY,

For consideration of House amendment No. 2:

DON YOUNG,
KEN CALVERT,
WILLIAM THOMAS,
TOM BLILEY,
HOWARD COBLE,
LEE H. HAMILTON,
JIM OBERSTAR,

For consideration of House amendment No. 3:

FLOYD SPENCE,
JOHN R. KASICH,

For consideration of House amendment No. 4:

TILLIE K. FOWLER,
JIM OBERSTAR,

For consideration of House amendment No. 5:

DON YOUNG,
KEN CALVERT,
Managers on the Part of the House.
FRANK H. MURKOWSKI,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
WENDELL FORD,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. BENTSEN, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. BOEHNER.

Mr. PALLONE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1097. An act to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the "David J. Wheeler Federal Building," and for other purposes; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 7, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1595. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Kelly Air Force Base, TX, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1596. A letter from the Secretary, Department of the Treasury, transmitting a copy of the sixth monthly report pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1597. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to authorize financial institutions to disclose to the Office of Personnel Management the names and current addresses of their customers who are receiving, by direct deposit or electronic fund transfer, payments of Civil Service retirement benefits under chapter 83 or Federal employees' retirement benefits under chapter 84 of title 5, United States Code; to the Committee on Banking and Financial Services.

1598. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting semiannual reports on the activities and efforts of the RTC, the Federal Deposit Insurance Corporation, and the Thrift Depositor Protection Oversight Board, pursuant to 12 U.S.C. 1441a(k); to the Committee on Banking and Financial Services.

1599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-60-95), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on International Relations.

1600. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Israel (Transmittal No. DTC-58-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1601. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-56-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1602. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Egypt (Transmittal No. DTC-59-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to the Netherlands (Transmittal No. DTC-5-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Israel (Transmittal No. MC-1-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1605. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-146, "Rental of Public Structures in Public Space Temporary Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1606. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's 1995 annual report, pursuant to 16 U.S.C. 1404; to the Committee on Government Reform and Oversight.

1607. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Agency's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1608. A letter from the Office of Special Counsel, transmitting the annual report for fiscal year 1995, pursuant to Public Law 101–12, section 3(a)(11) (103 Stat. 29); to the Committee on Government Reform and Oversight.

1609. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the report to the President and Congress 1994–95, pursuant to 16 U.S.C. 470(b); to the Committee on Resources.

1610. A letter from the Chair, Administrative Conference of the United States, transmitting a copy of the report entitled: "Building Consensus in Agency Rulemaking: Implementing the Negotiated Rulemaking Act," pursuant to 5 U.S.C. 569(d)(3); to the Committee on the Judiciary.

1611. A letter from the Chairman, Administrative Conference of the United States, transmitting the report on agency activity under the Equal Access to Justice Act for the period October 1, 1993, through September 30, 1994, pursuant to 5 U.S.C. 504(e); to the Committee on the Judiciary.

1612. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Oil Pollutions Prevention Training Study," pursuant to Public Law 101–380, section 4117 (104 Stat. 523); to the Committee on Transportation and Infrastructure.

1613. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for accrual accounting of retirement costs for Federal civilian employees, and for other purposes; jointly, to the Committees on Government Reform and Oversight, International Relations, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2437. A bill to provide for the exchange of certain lands in Gilpin County, CO; with an amendment (Rept. 104–305). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1838. A bill to provide for an exchange of lands with the Water Conservancy District of Washington County, UT (Rept. 104–306). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1585. A bill to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes (Rept. 104–307). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1581. A bill to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the city of Sumpter, OR (Rept. 104–308). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 924. A bill to prohibit the Secretary of Agriculture from transferring any National Forest System lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill (Rept. 104–309). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 207. A bill to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, CA, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes; with an amendment (Rept. 104–310). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2539. A bill to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes; with an amendment (Rept. 104–311). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on S. 395. An act to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes (Rept. 104–312). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Submitted November 3, 1995]

H.R. 994. The Committee on Commerce discharged. Referred to the Committee on the Judiciary extended for a period ending not later than November 7, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. SCHROEDER (for herself, Mr. ACKERMAN, Mr. DURBIN, Mr. ROMERO-BARCELO, Mr. EVANS, Mr. LAFALCE, Mr. LIPINSKI, and Miss COLLINS of Michigan):

H.R. 2585. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on smokeless tobacco to an amount equivalent to the tax on cigarettes and to use the resulting revenues to fund a trust fund for programs to reduce the use of smokeless tobacco; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. WELDON of Florida.
H.R. 632: Mr. BRYANT of Texas.
H.R. 773: Mr. BISHOP.
H.R. 1046: Mr. EVANS, Mr. FOGLIETTA, Mr. CLEMENT, and Mrs. LOWEY.
H.R. 1834: Mrs. CUBIN and Mr. LUCAS.
H.R. 1971: Mr. SCHUMER.
H.R. 2008: Mr. WAXMAN.
H.R. 2463: Mr. OWENS.
H.R. 2535: Mr. STUMP.
H.R. 2551: Mr. JEFFERSON.

EXTENSIONS OF REMARKS

TRIBUTE TO CLARK KOLP

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1995

Mr. BOEHNER. Mr. Speaker, I want to recognize Mr. Clark Kolp, who is retiring as the Van Wert County Republican chairman.

Carl Kolp served his country during World War II as a navigator in the European theater. He later served his country and the citizens of Ohio as administrative assistant to Bill O'Neill when he served as both attorney general and Governor. Over his political career, Clark has built a reputation as a strong manager and a leader. He continued his tradition of civic service by serving as Van Wert County Republican Party chairman.

Gentle, serious and always brutally honest, you can count on Clark to "give it to you straight." Like the father of the Republican Party, Abraham Lincoln, Clark values honesty and integrity. At a time when these values are certainly not synonymous with politics, Clark led the Van Wert County Republicans with a steady hand and honest approach to do the right thing.

Abraham Lincoln said, "Stand with anybody that stands right. Stand with him while he is right and part with him when he goes wrong." Like Abe Lincoln, Clark Kolp attained success, admiration, and a positive image by maintaining his integrity and honesty. Although there may have been some who questioned his political affiliations or strategies, they never doubted his integrity.

It is no coincidence that Van Wert County is a bastion of Republican voters. It just didn't happen. Clark Kolp made it happen. For years, Clark has worked to promote Republican values and elect those who share his vision for better government. Clark is known throughout the State of Ohio. Here is the political veteran who GOP leaders throughout the State seek out for wisdom when running for office.

Mr. Speaker, it is with great pride and admiration that I rise to recognize Clark Kolp for his service as Van Wert County Republican chairman. For those of us who know him for his service to his community and to his country, we are grateful. For those of us who are fortunate to call him our friend, may God bless him with a long and fruitful retirement.

THE 10TH ANNIVERSARY OF BROOKDALE COLLEGE'S GUAYAQUIL, ECUADOR, LEARNING CENTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1995

Mr. PALLONE. Mr. Speaker, this year marks the 10th anniversary of the Guayaquil Learning Center in Guayaquil, Ecuador. The learning center is under the auspices of Brookdale Community College in Lincroft, NJ, a wonderful educational facility which serves thousands of my constituents. I am extremely proud to extend my congratulations to Brookdale, the County College of Monmouth, on this important occasion.

Mr. Speaker, the program in Ecuador was established in September 1985 with 29 students. Over the past 10 years, the center has served 1,481 students. Located in the Los Ceibos neighborhood of Guayaquil, the center provides college counseling for local residents, an intensive Spanish language program for Monmouth County residents, and a volunteer social service program for residents of our county. In addition, the center provides an international study site for more than 120 students a year from colleges all over the United States. The center serves two major consortia: The College Consortium for International Studies, which includes 170 colleges, and the Partnership for Service Learning, consisting of 155 colleges. Many U.S. colleges have selected the center as their study site in Latin America. The University of South Carolina and Florida Atlantic University have selected the center as a site to offer their programs in business administration. Guayaquil is one of the biggest international U.S. community college programs in the world.

But, Mr. Speaker, the services provided by the Guayaquil Center do not only benefit New Jerseyans or others from around the United States. The center is also a study site for some 450 Ecuadorian students before they transfer to Brookdale and more than 600 other colleges in the United States. Thus, we can clearly see that the Guayaquil Center provides excellent educational opportunities for people from both cultures.

While the success of Guayaquil Center is a tribute to the energy and talents of many people, I would like to pay tribute to some of the principals involved both in the opening and currently. Dr. Bob Barringer, Dr. Margaret Gwynne, Dr. Gregory DeCinque, Arnold Gelfman, James V. Palumbo, Elaine Baran, and Albert Eyde were involved in the founding of the program. Currently involved are Dr. Johanna Kobran, Paul Zigo, Harvey Schmelter-Davis, and Al Eyde. Brookdale's president, Dr. Peter Burnham, also deserves great credit for his leadership.

Mr. Speaker, the Guayaquil Learning Center places Brookdale Community College as a leader in international education. For me, and all people of Monmouth County, it is yet another reason for great pride in our excellent county college, which provides educational opportunities for people of all ages and interests. I am honored to pay tribute to Brookdale on the occasion of the 10th anniversary of the Guayaquil Learning Center.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 7, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 8

9:00 a.m.
Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold hearings to examine the courthouse construction program.
SD-342

9:30 a.m.
Labor and Human Resources
Business meeting, to mark up S. 1324, to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and to consider pending nominations.
SD-430

10:00 a.m.
Judiciary
To hold hearings to examine mandatory victim restitution.
SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:00 p.m.

Small Business

To hold joint hearings with the House Committee on Small Business to examine small business concerns regarding railroad consolidation.

1100 Longworth Building

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

NOVEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR–253

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 231 and H.R. 562, bills to modify the boundaries of Walnut Canyon National Monument in Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in Colorado, S. 364 and H.R. 629, bills to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, and S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts.

SD–366

Governmental Affairs

To hold hearings on H.R. 1271, to provide protection for family privacy.

SD–342

Select on Intelligence

To hold hearings to assess the damage to U.S. intelligence activities resulting from the Adler Ames case.

SD–G50

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

NOVEMBER 14

10:00 a.m.

Judiciary

To hold hearings to examine the operation of the Office of the Solicitor General.

SD–226

NOVEMBER 16

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

CANCELLATIONS

NOVEMBER 9

2:00 p.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 231 and H.R. 562, bills to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, S. 364, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and H.R. 629, the Fall River Visitor Center Act.

SD–366

NOVEMBER 15

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.

SD–226

SENATE—*Tuesday, November 7, 1995*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Father Paul E. Lavin of St. Joseph's Catholic Church, Washington, DC.

PRAYER

Father Paul E. Lavin, St. Joseph's Catholic Church, Washington, DC, offered the following prayer:

Let us pray:

In Psalm 25, David sings:

I wait for you, O Lord,
I lift up my soul to my God.
In you I trust: do not let me be disgraced;
do not let my enemies gloat over me.
No one is disgraced who waits for you
but only those who lightly break faith.
Make known to me your ways, O Lord;
teach me your paths.
Guide me in your truth and teach me,
for you are my God and Savior.
For you I wait all the long day,
because of your goodness, Lord.
Remember your compassion and love, O Lord
for they are ages old.
Remember no more the sins of my youth,
remember me only in the light of your love.

We praise You O God and we bless You; You have called us to life and given us so many gifts. We have sought and accepted offices of public trust, and now put our trust in Your compassion and love.

Direct now all our actions by Your holy inspiration and carry them on by Your gracious assistance so that every prayer and work of ours may reflect Your will.

May our lives and voices give glory to Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Alaska is recognized.

ORDER TO PROCEED TO H.R. 1833 AT 2:15 P.M. TODAY

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that notwithstanding the previous order, the Senate begin consideration of H.R. 1833 at 2:15 today and that morning business be extended until 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MURKOWSKI. Mr. President, today there will be a period for the transaction of morning business until 12:30 p.m. The Senate will stand in recess between the hours of 12:30 and 2:15 today in order to accommodate the respective party luncheons.

At 2:15, the Senate will begin consideration of H.R. 1833, a bill to ban partial birth abortions. Rollcall votes can, therefore, be expected to occur on amendments to H.R. 1833 or on any other items cleared for action.

Mr. President, I believe I have 20 minutes reserved for morning business?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. With the permission of the Chair, I would like to proceed.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 20 minutes.

OPENING THE ARCTIC OIL RESERVE

Mr. MURKOWSKI. Mr. President, for a number of days I have been sharing with my colleagues my observations on the opening of the Arctic oil reserve, or ANWR. Briefly, for those Members who are not familiar with this, let me just do a quick review. In the Congress and in the reconciliation package in both the House and the Senate is the authority to initiate a lease-sale in ANWR. There are many misconceptions relative to the proposal because a number of people believe that the entire area is at risk.

This area in green, including the yellow area, consists of about 19 million acres. That is an area the size of the State of South Carolina. In 1980, Congress withdrew and set in permanent status the green area, consisting of 8 million acres of wilderness, which is shown in green and black here, and another 9½ million acres of refuge, leaving the coastal plain for disposition by the Congress.

This area in red is the area retained by the Eskimo people of the village of Kaktovic. You will notice that they have no access out of that area other than into the coastal plain which is Federal land. The lease-sale we are talking about is a proposal to lease 300,000 acres out of this million and a half acres because the other 17 million acres has already been withdrawn. So we are talking about a very small area.

To suggest that the entire area is at risk clearly is a misinterpretation of the facts. We log our telephone calls in our office, as do most Members of the Senate, because it is important that we have public reaction. It is kind of interesting to note that, as calls come in relative to my speaking on this issue, there is a perception that we in Alaska are initiating an activity that somehow is irregular or a departure from what is happening in other States. I can only respond to that by suggesting that our State has only been a State for 36 years.

As a consequence, we are today establishing our land patterns in this huge area of Alaska, which is one-fifth the size of the United States. It has 33,000 miles of coastline. Other States were established—such as the State of Virginia, nearly 200 years ago, and Washington, Oregon, California, 100 years ago. So as a "new kid on the block," so to speak, as we attempt to develop resources, whether it be timber, fish, oil and gas, or mining, we are trying to take advantage of the science and technology that is available today and learn from the mistakes of others and balance and develop an economy.

I do not think many people have a total understanding or an appreciation of that. They think that the limited development in Alaska is somehow not in keeping with the times. The reality is that we have to have natural resources, develop those natural resources. We have a job base, and those jobs are high-paying jobs in construction, timber, mining, oil and gas. If we do not develop those resources, we simply get the materials from other countries, export our jobs overseas and export our dollars.

The significance of developing this area is that geologists tell us this is where a major discovery might be made. Because Prudhoe Bay is in decline—this area has been producing 25 percent of the total crude oil produced in the United States in the last 18 years. As this area declines, the question is: Can we, or should we, replace it by bringing on line this area, the small footprint here in the coastal plain known as ANWR?

Clearly, we can do it safely. We have been able to develop Prudhoe Bay. We have developed an 800-mile pipeline. We had a bad accident with the *Exxon Valdez* vessel, but that is something that had nothing to do with a pipeline. It was one of those human failures. The ship went aground in a 10½-mile channel.

The point I want to make here this morning, Mr. President, is that we developed a small field adjacent to Prudhoe Bay 10 years ago. That was the 10th largest producing field. History tells us that if the oil is here, they

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can develop it in about 2,000 acres. To get back to some of the comments which I think have prompted me to try and give a little more explanation as to why Alaska should be attempting to develop its energy resources, there are suggestions that somehow we are beholden to an oil lobby as a delegation, that we should be giving more concern to the environment, that they think we have financial ties to the oil companies.

One woman indicated she felt so strongly about it that she had worked to get a moratorium on elephants in Africa and she was going to go to work to make sure we got a moratorium not to develop oil in Alaska.

I would like to think that these people who are obviously very interested would have a full understanding of the implications and an argument relative to the pros and cons of responsible development.

With that background, let me just proceed briefly, because I think that there is need for some reflection on what Congress intended in 1980. The name of Senator Scoop Jackson of Washington is familiar to all Members of the Congress. He was a beloved and long-time Member of this body. It was at his insistence that this area, the 1002 area, be left out of the wilderness area and the refuge withdrawals to be setup specifically for Congress to address the prospects of oil and gas. That was done in 1980, Mr. President.

As a consequence of that, now is the time for the decision to be made, and since it is in the reconciliation package, we look forward to discussing the merits.

One of the most significant considerations is the reality that this Nation is now 51 percent dependent on imported oil. That oil comes in from the Mideast, and of course we send the dollars and the jobs to the Mideast.

In the last few days we have seen a crisis in the Mideast, a very unfortunate situation, but, nevertheless, it proves the frailty of that part of the world, and our increased dependence on oil eventually will result in some kind of a crisis occurring as we look at Iran, Iraq, Libya and their moves toward nationalism.

It is kind of interesting to reflect on the attitude of some of the opinionmakers that have had a responsibility with regard to our increasing dependence on imported oil.

Former President Carter's Energy Secretary Schlesinger has testified in support of developing this area, stating that we can develop it safely, that we should reduce our dependence on imported oil.

Some of the Orthodox Jewish organizations in the United States are the biggest supporters. They see increased dependence on the Arab States as a threat to Israel's security interests. Union support—the significance of what this activity would generate for America unions; it would be the largest concentration of construction in North America. The Teamsters, the laborers, the IBEW, the maritime unions all support this. This is a significant job issue.

It is estimated that the lease sale would bring about $2.6 billion in revenue. That revenue, half of which would go to the Federal Government, the other half to the State of Alaska, would be raised in the private sector of the United States without one cent of Government funding.

Now, there is a suggestion that some Alaskans do not support ANWR, some of the Native people in Alaska do not support opening.

Mr. President, I want to take that fiction and state it factually. The Alaska Federation of Natives, which is the native organization in our State, voted two to one in favor of opening the area. I think it is unfortunate that the Secretary of the Interior, as he represents and has an obligation to represent all the Native people of our State, has chosen to represent a very small segment, the Gwich'ins, representing about 1 percent of the Native people in Alaska. The Gwich'ins are fearful that the Porcupine caribou will somehow be at stake. The justification for that is not supported by any evidence as I will show in the next chart.

This happens to be a picture taken of Prudhoe Bay which shows the oil pipeline, shows a well being drilled, and it shows a number of caribou, pointing out the reality that the caribou are very adaptable.

To suggest that the porcupine caribou cannot be managed by a joint management team of the Gwich'ins, the U.S. Fish and Wildlife Service and the State department of fish and game is not based on any factual evidence by any means.

That herd is about 165,000. Most of the animals, about 4,000, are taken by the Canadian Gwich'ins on the Canadian side and 400 by the Alaskan Gwich'ins.

The point is, as we look at the development of this area, there are huge areas of wilderness and refuge that will be protected forever, and that the Alaska delegation stands behind them. Again, the footprint is .1 of 1 percent of the area, about 2,000 to 3,000 acres at the maximum.

Let me just talk a little bit more about the caribou because it has a warm and cuddly aspect to it, as it should. The caribou range over vast areas and their range is dependent on basically three factors. One is predators. If there are a number of predators, or the predators are at an all-time high, like the wolf, obviously it will have an effect on the young caribou. The winter kill is a consequence of a tough winter, resulting in a decline of the herd. There is overgrazing, which will also cause a decline in the herd.

As a consequence, it is fair to say of the approximately 34 herds in Alaska, two-thirds of them are on an increase, about 10 percent are on a decline, and the rest of them are stagnant but cyclical, as many of the ranging land animals in the wild.

Now, we also have a presumption by the Secretary of the Interior that he is protecting our future by blocking access to opening up this area. I suggest the Secretary of Interior is actually gambling with our future.

We sent troops to the Persian Gulf. We recall the gas lines in the 1970's. We are exporting our dollars and jobs. We are making less environmentally conscious nations produce oil.

Another fiction is, this is a battle between rich and greedy oil companies and poor and saintly environmental groups. I want to talk about some of the environmental groups tomorrow, Mr. President. Environmentalism in the United States is big business. There is nothing wrong with it. We should recognize it simply for what it is.

Now, the oil industry is big business in the United States. It provides jobs. It provides our Nation with energy security, as well.

We should not kid ourselves. The battle here is in many aspects between the very rich national environmental lobbyists and some of our poor Alaska Native people who want alternative lifestyles. They want to have running water. They want to have sewage disposal rather than honey buckets. They want to have jobs. They want to relieve themselves of the dependence on welfare. They are being deprived of these opportunities by the suggestion that we cannot open up this area safely.

Sometimes we see a double standard, a standard that suggests that this idealistic election of not allowing responsible development—there is no consideration of the human element, there is no consideration of the people that live in the area of what they feel they should have is a right to a job, a right to a good education, a right to have a future for their children, other than welfare.

As a consequence, Mr. President, there is one overwhelming fact in this debate. All Americans stand to benefit from ANWR exploration. Those benefits are: Jobs, as I have already outlined; security, by eliminating the necessity of our increased dependence on imported oil, which is already 51 percent. We can do it without any significant harm to the environment, using our technology, our engineering skills, our can-do capability. And one other item that this body spends a lot of time and effort on, and that is the concern over the deficit, balance of payments. In other words, the fact we are buying more overseas than people are buying from us.

What is that deficit made up of? Nearly $56 billion, half of it, is the price of imported oil. The other half is our trade imbalance with Japan. So, here we have, in this particular issue, responsibly opening up this area in our State with a very small footprint, utilizing our technological capability, an opportunity to address some concerns that we all have—jobs, national security, the ability to develop this in harmony with the environment, and an opportunity to balance the budget.

I was also considering the merits of two articles that appeared in the Wall Street Journal and New York Times on October 27. They both concern themselves with the increase in the price of oil, to show you how fragile the world of oil is relative to any crisis that exists throughout the world. We have seen crises in the Mideast in the last few days, but we are also seeing one in Russia. "Concerns About Yeltsin's Health Help To Push Oil Prices Higher." "Prices of Oil Futures Jump on Report of Yeltsin Having Health Problems." Clearly, the former Soviet Union has a tremendous capability to produce oil. On the other hand, their infrastructure is such it is not a very attractive market.

Finally, let me just comment on one point relative to the people of the area, because the people of the area are so often left out of any equation that affects the environment or the ecology.

The people of Kaktovik, the people of Point Barrow, the Eskimo people, these are people working their way out of Federal dependency. Because of our success, we are now opposed, seemingly at every turn, by, among others, a Secretary for Indian Affairs, Ada Deer. She now has gone on record as opposing successful Native corporations and organizations that are developing the resources in our State. She wants us to go back, and our people to go back, and be dependent on the Bureau of Indian Affairs. But, as we have seen, dependency brings despondence, it brings a dependence, it kills self-initiative, it breeds a welfare society. Alaska's Native and Eskimo people want to follow the American way, the way of independence, the way of self-help, individual responsibility, family values, a sense of community. Yet we are seeing spokespersons, including the Secretary of the Interior and Ada Deer, Assistant Secretary for Indian Affairs, actively opposing this development in the area where these people live.

This is a tragic day, in a sense, for the nearly 8,000 Eskimo people, because this is the first time any Secretary of the Interior has rejected his trust responsibility to pursue the naked political objectives of those opposed to the interests of Native Americans. It seems like the Secretary is almost penalizing hard work and success. On one hand they champion dependency, welfare and allegiance to an incompetent Bureau of Indian Affairs. Then, on the other, they put commercial fundraising interests of environmental organization over those of the Eskimo people who need help, who need this opportunity.

So, we see an administration, now, that opposes opening the coastal plain. Yet they are actively selling OCS oil and gas leases in the Arctic Ocean adjacent to the coastal plain. They say that is OK, that is all right. Secretary Babbitt and the others have their priorities backwards. Oil development on the land is safe. Oil development in the isolated wind-driven reaches of the ocean is risky; it can be hazardous.

Mr. President, I see my time is up. I thank the Chair. I appreciate the indulgence of my colleagues. Tomorrow, or the first opportunity I can get time in morning business, I intend to comment at some length on the issue of environmentalism as big business in the United States, what it consists of, who it involves, what salaries are being paid, and a list of the assets of the various organizations so the public can understand the other side of the issue. On one side we have big business and oil. On the other side we have big business and the environmental community.

I thank the Chair and wish the Chair a good day.

The PRESIDING OFFICER. The Senator from Missouri.

YITZHAK RABIN

Mr. ASHCROFT. Mr. President, I rise to extend my deepest personal sympathies and condolences to Mrs. Rabin, Mr. Rabin's children and grandchildren, to the people of Israel, and to the Jewish community of Missouri and the United States.

Yitzhak Rabin was a warrior. As a young man, he left behind boyhood dreams and assumed the mantle of a soldier for a country that was still a dream to him and many others. He helped liberate 200 of his brothers in a heroic and legendary raid. He fought in the siege of Jerusalem and kept open the vital lines of supply. In 1967, it was General Rabin who was the architect of the determined fury of an Israeli Army that was victorious over three substantial enemies in what would become known as the Six Day War.

Nevertheless, his prowess as a warrior was exceeded only by his courage as a peacemaker. He was an Ambassador to the United States. He made the first visit ever by an Israeli Prime Minister to West Germany. He tried to open peace negotiations with King Hussein of Jordan in the late 1970's. And, in a move that would ultimately cost him his life, he made peace with some of Israel's most substantial enemies.

He need not have been a peacemaker. He could have gone quietly into the annals of history as a warrior, a Prime Minister, a father, and a grandfather. But Yitzhak Rabin was, from his earliest days, a Zionist. His goal, both in war and in peace, was the preservation of a land that God had promised. In the end, he saw in peace and through diplomacy what military victory might never bring—security for his home, for his land, for his nation.

Unfortunately, it was not a journey which he was able to see through to completion. In his life, Yitzhak Rabin defined courage—the courage to fight in war and the courage to fight for peace. His legacy will be judged finally not only by what he started, but also by what Israel and her neighbors will eventually accomplish and achieve.

That is a task which they must pursue and that they must complete. It is a task for which we will all be held accountable. So, when the mourning is completed—and mourn we must and should—may we resolve to do what he started and may the resolve linger in all of us to complete that which he began.

As a boy, Yitzhak Rabin wanted to learn how to make the fertile soil of his land produce crops more abundantly. As a man and as a leader, Prime Minister Rabin plowed and harrowed the rocky ground of peace. It was both his hope and his vision that out of that ground would grow a tree bearing the unknown fruit of peace in a land and for a people that had seen so little of it.

In his finest hour, 2 years ago, at the White House, Prime Minister Rabin acknowledged this aspiration, as he said:

> Let me say to you, the Palestinians, we are destined to live together on the same soil in the same land. . . . We have no desire for revenge. We harbor no hatred towards you. We, like you, are people—people who want to build a home. To plant a tree. To love—live side by side with you. In dignity. In empathy. As human beings. As free men.

It is all of our prayers that his dream will live on.

Mr. President, I thank you.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

PRESIDENT CLINTON AND THE FORGOTTEN MIDDLE CLASS

Mr. GRAMS. Mr. President, if you had been in New Hampshire on Thursday, January 9, 1992, and had been near a television, you might have seen the premiere of a new political advertisement—the first, early ad of the presidential campaign for a candidate who was not yet a familiar face.

The setting is an office. Piano music plays gently in the background, and the candidate speaks to the camera with an American flag as his backdrop.

"In the 80's," he begins, "the rich got richer, the middle class declined, poverty exploded, politicians in Washington raised their pay and pointed fingers, but no one took responsibility."

The candidate promises a tax cut for the middle class, even offers viewers a copy of his "Plan for America's Future" if they call the number on their television screen.

"I hope you'll join us in this crusade for change," he says earnestly.

> Together we can put government back on the side of the forgotten middle class and restore the American dream.
>
> I'm Bill Clinton, and I believe you deserve more than 30-second ads or vague promises.

Mr. President, Bill Clinton evoked the image of the forgotten middle class throughout his campaign for the White House, tantalizing the voters—while separating himself from the rest of his Democratic opponents—by promising he would cut taxes for working-class Americans.

"I am not in this thing to pander," he told Business Week in a June 1992 interview.

> The way I came to the across-the-board, middle-class tax cut didn't have a relationship to the polls. . . . I came back to the middle-class tax cut as a down payment on fairness.

As that "down payment on fairness" took shape, Bill Clinton reached out to the overtaxed middle class by focusing his tax cut plan on families, advocating ideas that seemed more in line with the Republican vision than the Democrat policies of the past. "It is very much harder to raise a child for a middle-class family today than it was 40 years ago," said candidate Clinton. "Our country used to take the position that the way to build strong families was to enable the working people to have enough money to raise their families."

"We're still getting a disproportionate amount of taxes from the middle class," he emphasized.

During the Presidential campaign, candidate Clinton promised to reduce the taxes paid by families and shield them from future tax increases.

"Virtually every industrialized nation recognizes the importance of strong families in its tax code; we should too," he wrote in "Putting People First," his campaign's economic outline for the country.

"We will lower the tax burden on middle-class Americans."

Mr. Clinton's plan began to take shape with a focus on tax relief for families with children. "The main portion of the middle-class tax cut for me in its present form is the children's tax credit," he said back in 1992.

He promised that he would cut taxes for average, middle-class families by 10 percent, giving them a choice between a phased-in, $800 per-child tax credit or a "significant reduction in their income tax rate."

Those election-year promises helped turn candidate Bill Clinton into President Bill Clinton when frustrated Americans went to the polls that November.

But like so many promises made in the political heat of an election year, Mr. Clinton's tax-cut intentions of 1992 melted like summer snow in 1993.

By then, Republicans in Congress were rallying around the $500 per-child tax credit I had authored as a Member of the House, making it the centerpiece of our budget alternatives in both the House and Senate.

But the Democrats, led by the President, pushed through a package of tax hikes on the middle class—a historic tax increase that affected every segment of American society.

Promises made, promises broken.

Mr. President, in 1995, this Congress has not forgotten our promise to the middle class.

We have passed a budget that recognizes, just as President Clinton did in 1992, that working-class Americans have paid more than their fair share of taxes over the last 40 years.

Families in 1950 sent just $1 of every $50 they earned to Washington, but families today are turning over $1 out of every $4.

That is money they could have spent for a child's education, health insurance, groceries for an elderly parent, or something as simple as birthday presents and Christmas gifts.

But instead, they are handing it over to the Washington bureaucrats, who spend it for them—often recklessly—in ways that often have no benefit at all to the folks who foot the Government's bills.

For more than 40 years, the only economic and fiscal discipline exercised by Congress has come at the expense of the American taxpayers.

The budget plan we will soon be sending to the President is based on our deeply held belief that the weekly paycheck is not the Government's money—that families can spend their own money better than a Government that demands those dollars to spend on their behalf.

We are certain that 250 million Americans, empowered to make their own spending decisions, will make better choices than Congress and the President could ever make for them.

With our budget, Congress is dedicating $245 billion to tax relief, the vast majority of which will go to working-class American families through the $500-per-child tax credit.

The child tax credit means Minnesota families would get to keep $477 million of their own dollars every year, to spend wherever they needed help the most.

The $500-per-child tax credit would return $150 million annually to families in President Clinton's own State of Arkansas. And it would completely erase the tax liability for 38,411 Arkansas residents.

Well, it has been nearly 4 years since that first campaign commercial in New Hampshire promised tax relief for the beleaguered middle class. An election is on the horizon, and once again, like the swallows returning to Capistrano, candidate Clinton is talking about cutting taxes.

He laid out the framework in his most recent State of the Union address. He said: "I have proposed the middle-class bill of rights * * * It will give needed tax relief and raise incomes in both the short run and the long run, in a way that benefits all of us."

We say "welcome back aboard" to the President. We need President Clinton with us as the budget process continues. He has a critical role as we move forward.

We cannot enact our groundbreaking legislation without his signature. We cannot carry out the people's agenda without the people's President behind us.

And President Clinton needs us, too. So we have prepared a budget that meets the objectives outlined at both ends of Pennsylvania Avenue. Yes, Congress and the President may disagree about some of the specifics, but not our goals.

The budget must balance. It must protect and preserve Medicare. It must restore hope to those who have been trapped in the welfare system. And it must cut taxes for the middle-class, with the same child tax credit President Clinton promised in 1992, and again this year.

President Clinton considered family tax relief such a fundamental concept that he outlined it as a priority in that very first television ad of his Presidential campaign. "Together we can put government back on the side of the forgotten middle class and restore the American dream," he told New Hampshire television viewers.

The time for vague promises is long past. If he still believes in the words he delivered with such conviction in 1992—and in the child tax credit that will turn those words into action—then the President must sign the budget bill we send him in 1995.

Thank you, Mr. President.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, I want to take just 1 minute.

WE SHOULD TALK ABOUT THE ISSUES

Mr. FORD. Mr. President, I have never understood why the Senate should become a political arena. I have never heard so many speeches and so many names called and so many TV spots referred to. I can refer to the TV spots "read my lips," or I can refer to the vote on President Reagan's budget of 425 to 0 in the House.

I think we ought to get down to the issues. I voted for the tax bill in 1993, and 12,500 taxpayers in my State paid additional taxes and 315,000 paid less. Everybody else paid the same. We have less unemployment today in Kentucky than we had 3 years ago.

Let us talk about the issues, and let us not make this Chamber so political.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, if I could yield to the Senator from Minnesota who has a unanimous-consent request.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that following the Senator from Florida I have 10 minutes and the Senator from North Dakota have 10 minutes in succession.

The PRESIDING OFFICER. Is their objection? Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. GRAHAM. Mr. President, I ask unanimous consent that my time, which is currently 20 minutes, be extended to 30 minutes as I wish to make a preliminary statement relative to Prime Minister Rabin.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

THE PEACEMAKER, YITZHAK RABIN

Mr. GRAHAM. Mr. President, it is with deep sadness and great respect that I offer my profound tribute to the memory of Prime Minister Yitzhak Rabin of Israel. Mr. Rabin was a warrior, brave in battle. He was a visionary, with the courage to seek peace. This Nation and this institution will miss him and his leadership. We will mourn with Israel in its time of loss.

Citizens of my State of Florida are honored that Yitzhak Rabin visited our State on many occasions. We were proud to host a man of such dignity, purpose, and resolve. And we join the world in prayer for healing as this great man was buried yesterday near the place of his birth 73 years ago. We extend our deepest sympathy to his family, but we rejoice in the life of this special man, who has earned the biblical truth, "Blessed are the peacemakers."

AN AMERICAN SUCCESS STORY

Mr. GRAHAM. Mr. President, on Friday of last week, November 3, I began a series of remarks about America's Medicaid Program. I plan to continue that series throughout this week.

In my opening remarks on Friday, I debunked the myth that Medicaid has been a failure. In fact, Medicaid, the Federal-State partnership for health care for poor children and their mothers, for the disabled and for the elderly, has been an American success story. The Senate should be building upon that success story, not retreating from it.

Thanks to Medicaid, the Nation's infant mortality rate dropped 21 percent during the period 1984 to 1992. In 1985, the infant mortality rate in the United States was 10.6 per thousand live births. In 1992, that had dropped to 8.5. The number of babies who were alive in 1992 who would not have been alive had we continued at the 1985 rate of infant mortality—8,000. That is an American success story.

Thanks to Medicaid, 18 million children have access to hospital, physician care, and to prescriptions as well as immunization and other preventive programs.

Thanks to Medicaid, senior citizens can live in dignity in a nursing home when their own private resources are no longer there and there is no family member to care for them.

Thanks to Medicaid, nearly 5 million low-income Americans receive help through the qualified Medicare Beneficiary Program which pays things like their part B, physician's Medicare monthly premiums, copayments, and deductibles as well as paying for prescription medication for the Medicare population, which is also medically indigent. For these qualified Medicare beneficiaries, Medicaid means the difference between a visit to the doctor's office instead of the use of the emergency room.

Thanks to Medicaid, this Nation has decreased its population of severely handicapped residents living in large State institutions from 194,000 to today's less than 70,000. Today, 6 million disabled Americans are covered under Medicaid.

Thanks to Medicaid, children with catastrophic health problems or other special needs get treatment and care. In Florida alone, $284 million is spent a year through Children's Medical Service, a Medicaid public-private partnership of national renown which last year served 128,000 Florida children. This Federal-State partnership, serving 37 million Americans, has been an American success story.

I have strained my ears to hear the justification, the policy basis, the rationale for the $176 billion that is being cut from the projected needs of the Medicaid Program which, until $11 billion was added back at the last minute, had been a $187 billion cut.

Today I wish to examine why Federal spending on Medicaid has increased. In addition, I wish to look at the basis for the projected needs of those served under Medicaid as America enters the 21st century. Why has Medicaid grown? Why is Medicaid expected to continue to grow? Such an examination will debunk yet another myth. That myth is that you can cut $176 billion from Medicaid without risking the deaths of infants or the neglect of the elderly or the unnecessary institutionalization of the disabled.

Wednesday and Thursday I wish to discuss how the Senate proposes to reward bad, manipulative behavior in the Medicaid Program and how the inappropriate plan to raid Social Security will be used as a means of paying for the reward in the plan that we sent to Congress. And, finally, I wish to suggest a better alternative, an alternative of genuine reform.

The key argument against Medicaid is that they say Medicaid needs to rein in spending because it is growing out of control. That is the principal argument of the critics. Let us look at the overall figures.

In 1988, Medicaid cost $51.3 billion in Federal and State funds. We know the Medicaid Program is a partnership between the Federal Government and the States, each contributing to the total cost. In 1993, Medicaid costs had grown to $125.2 billion. That sounds alarming, and virtually everyone agrees we must restrain the rate of growth of Medicaid. But no one has done a very credible job of explaining the policy basis for cutting $176 billion.

Today I wish to examine why Medicaid has grown. There are two main factors that drive the cost of the health care system. First, how many people are served, and, second, the cost of serving each one of those people. In the case of Medicaid, we should put the second factor, that is, the cost of providing services to individual Americans who are covered under Medicaid, in perspective.

In the private sector, the growth rate and the cost per person served is estimated to be 7.1 percent per year. That is projected from the years 1996 through the year 2002. The source of this projection is the Congressional Budget Office. This is higher than the projected growth rate for Medicaid, says the same Congressional Budget Office, which calculates that the Medicaid annual growth rate is 7 percent.

What is, therefore, causing this alarming growth in Medicaid? The rate of growth per person is commensurate with, even less than, the average of all Americans' health care cost increases, that in spite of the fact that Medicaid is serving one of the most vulnerable populations—the frail elderly, the disabled, poor children, and their mothers.

There are several key factors that explain why Medicaid has grown so rapidly. First, a fundamental reason why Medicaid has grown is because Americans are living longer. This is a positive trend for America. Greater longevity means that more people are not only living longer and more qualitative lives, but it also means that more people are relying on Medicaid for longer periods.

In 1970, life expectancy at birth in the United States was just over 70 years. By the year 2010, the projected life expectancy in the United States will be almost 80 years. In a period of 40 years, the average life expectancy of an American will grow from 70 to 80. The segment of our population 65 years and older is also living longer, much longer. If you had reached age 65 at the beginning of this century, you could have expected to have lived another 11 years.

Those who reached 65 in 1990 could expect to live an average of an additional 17.2 years, according to the U.S. census. Millions of Americans are living longer, and a higher proportion of our population is reaching senior status.

In 1900, about 40 percent of the population could expect to reach the age of 65. By 1990, 8 out of 10 Americans lived to be 65 years or older.

Why is this relevant? It is relevant because Medicaid pays for half of the total nursing home care in the United States. Nationally, Medicaid pays 35 percent of all long-term care services. In Florida, 70 percent of our Medicaid spending goes to benefits for seniors and disabled.

Mr. President, let me just insert one more set of statistics to underscore the fact that a principal reason why Medicaid is expanding in its expenditures is because Americans are extending their life expectancy.

In 1980, 15 years ago, there were 15,000 Americans over the age of 100. By 1990, that population had nearly doubled. Today, in 1995, there are 56,000 Americans of the age of 100 or older. No one can deny this longevity trend, not Democrats, not Republicans. So when we hear claims about the growth of Medicaid, let us remember one of the fundamental reasons for that growth, thankfully, is as a people we are enjoying the benefits of longer life.

In addition to the aging of our population, there is a second main reason for the growth in Medicaid spending, and that is we have asked the Medicaid system to do more. As an example, we have tackled the infant mortality rate, which was unacceptably high. In my State of Florida in 1991, at the urging of Gov. Lawton Chiles, the Florida Legislature enacted Healthy Start to improve access to prenatal and infant care. As I mentioned in my floor statement on Friday, Healthy Start is an example of a Medicaid success story. In 5 years, Florida went from being above the national average in infant mortality, with an infant mortality rate of 9.6 per thousand live births, to below the national average, at a rate of 8.1 per thousand live births, and the most recent Florida statistic shows that rate continues to fall and is now 7.6 infant deaths per thousand live births. Nationally, the infant mortality rate has declined from 10.6 per thousand live births in 1985 to 8.5 in 1992.

By providing prenatal and postnatal care, we are saving lives, and we are confident that costly medical services will be prevented in later years.

Mr. President, I would like to take just a moment to recall one of the giants of this institution who represented senior citizens across America, the late Hon. Claude Pepper, a Member of the U.S. Senate from 1937 to 1951 and later served a distinguished career in the U.S. House of Representatives.

When I was elected Governor of Florida in 1978, Senator Pepper, then serving in the U.S. House of Representatives, made one request of me. He asked me to expand the Medicaid program in Florida to cover an optional two services: eyeglasses and artificial limbs.

I am proud that one of my first acts as Governor was to sign legislation, inspired by Senator Pepper, to achieve these goals. Senator Pepper said there were too many poor seniors without vision and without limbs. So, yes, Senator Pepper, we have expanded Medicaid so frail seniors can read and walk.

I challenge those who would cut $176 billion to tell us if they are ready to dismantle this legacy of Senator Claude Pepper, if they are ready to take away the eyeglasses of poor seniors, if they are ready to deny coverage of artificial limbs or return to the infant mortality rates of yesterday.

There is a third reason, in addition to the aging of the population and the additional demands that we have asked of the Medicaid program, and that is that there have been expansions that we have made legislatively. There are, in addition, more and more children who used to get health coverage through their parents' jobs who have now lost their private sector insurance.

Consider this trend line, Mr. President. In 1977, the Census Bureau says that the proportion of children with private health insurance coverage was 71 percent; 71 percent of American children had health insurance coverage through private coverage primarily through their parents' place of employment. By 1987, that percentage had dropped to 63 percent; by 1993, to 57 percent; and the projection for the year 2002, which happens to be the seventh year of the budget plan upon which we are currently deliberating, is that it will be 47.6 percent. Less than half of the American children will be covered by insurance at the point of their parents' employment.

The cumulative result of these factors—the aging of the population, the increased expectations of Medicaid and the decline of the percentage of children covered by private insurance plans and, therefore, who are now eligible for and are being covered by Medicaid—has contributed to the expansion of the Medicaid program.

In my State of Florida,.as an example, in 1970, shortly after Medicaid was available, 4.3 percent of Florida's population received Medicaid, those recipients who are eligible for Medicaid based on those who were eligible for aid to families with dependent children or supplemental security income. You had to be at one of those two classes in order to be eligible for Medicaid. The percentage of Floridians receiving Medicaid was fairly constant, in the range of 4 to 6 percent, from its inception in 1970 until the program began its expansion in the mid-1980's.

By the 1993 fiscal year, 11.6 percent of Floridians were eligible for Medicaid. Today, that has grown to 12 percent, compared to the national figure of 14 percent of Americans being covered by the Medicaid Program.

In sum, the percentage of Floridians eligible for Medicaid has nearly tripled since the program started a quarter of a century ago. It has tripled primarily because of the aging of the population, because of policy decisions, such as the decision to attack infant mortality, and by the dramatic decline in children covered by private insurance programs and, therefore, becoming eligible for Medicaid and receiving benefits through that program.

Before I move on to my next point, I want to underscore that there are also some adverse reasons why Medicaid is growing. First, we must do a better job of suppressing fraud. Our colleague from Maine, Senator COHEN, estimates that Medicare and Medicaid suffer a combined loss of $33 billion a year due to fraud and abuse. At last week's hearing before the Senate Select Committee on Aging, the senior Senator from Maine said something that we all know is true. Senator COHEN said: "It is appallingly easy to commit health care fraud."

In Florida, the Florida Supreme Court has just impaneled a grand jury for a year as part of our attack on Medicaid fraud.

In addition to fraud and abuse, there is another adverse reason why Medicaid is expanding. There has been abuse in the provision known as disproportionate share hospitals, sometimes referred to by the acronym DSH. Today, one out of seven Medicaid dollars is spent on disproportionate share hospitals. The proposal that this Senate adopted 11 days ago will make those payments virtually permanent within our Medicaid system. I will talk more about this phenomenon on Wednesday.

Mr. President, having discussed some of the principal reasons why the Medicaid Program has grown dramatically over the last few years, let us now talk about the basis of projections for Medicaid. We are being asked to cut $176 billion from Medicaid's projection over the next 7 years. What is the medical rationale for the $176 billion cut? What is the policy rationale?

Mr. President, I have been seeking a good answer to those questions, and until I get one, I will have to assume that there is no sound rationale for $176 billion of cuts in Medicaid. I will have to assume that there are other reasons and that those reasons are to fund huge tax breaks, which will go, disproportionately, to the wealthiest Americans.

Mr. President, we are not at a loss because our experts, the Congressional Budget Office, has looked ahead. It has projected an annual rate of increase for Medicaid spending at 10.2 percent through the year 2002.

How did CBO arrive at that figure? The key factors driving the CBO projections were these:

About 45 percent of the CBO-projected increases over the 7-year period are due to additional caseload; 45 percent of the reason why Medicaid is supposed to grow is because it will serve an increasing number of Americans—basically, the same Americans that have led to its growth in the last 10 years, the increasingly elderly population in need of nursing home care, the number of poor children who no longer have health insurance at the point of their parent's employment, and through policy directions to attack the issue of infant mortality.

Do those who want to cut $176 billion from the Medicaid dispute this projection? Do they claim that we will be serving fewer people? If so, who will we not be serving? Shall we say to that frail senior citizen with poor eyesight who needs glasses that their glasses should be taken away? Will their neighbor who needs an artificial limb be denied? Will the preschooler who needs to be immunized tell us who will not be covered so that we can pay for the tax breaks?

Medicaid serves multiple clienteles. One of the most costly groups served by Medicaid is the disabled. The chronically ill cost at least seven times what it costs to provide for nondisabled children per year. It costs the Medicaid Program seven times per person to serve a disabled person than it does the poor child.

CBO says the projected rate of growth in the number of disabled children to be served is expected to rise 4.1 percent a year, which is higher than the growth rate for all other Medicaid categories. The most expensive category of Medicaid service is the category that is growing the most rapidly. Do those who want to cut $176 billion for Medicaid suggest that the needs of the numbers of the disabled will not grow at this rate? If they have some basis for that, we look forward to them presenting that to us.

A second reason for the projection of Medicaid increase is that some 30 percent of the projected increase in Medicaid outlays would be caused by increased costs, including national medical inflation—a factor that no individual State can control.

Mr. President, one of the independent expert groups that has explored these tough questions of the future of Medicaid is the Kaiser Commission on the Future of Medicaid. The Kaiser Commission issued a report in May 1995 based on Congressional Budget Office data that indicates what Medicaid will look like in the year 2002. The report assumes that States would first do the following things in order to achieve savings: They would enroll individuals in managed care plans; they would reduce provider payment rates; they would cut optional services. The States would do all of those before they would take the next step, which is to reduce enrollment in the program.

Based on these assumptions—enrolling individuals in managed care, reducing provider payment rates, and cutting optional services—Kaiser has projected the changes in covered beneficiaries. Under the most optimistic scenario, States would somehow reduce growth in spending per beneficiary to the rate of overall inflation.

Under another slightly less optimistic scenario, States would reduce real spending to the rate of inflation plus 1.9 percent per year per beneficiary. That number happens to be half the historical rate of growth for Medicaid. Either way, cost control would be more successful than that achieved by the private sector or by any public program, Mr. President, including the program that we have adopted for Federal employees. We are asking Medicaid, under these two scenarios, to be significantly more efficient than either the private sector or the public sector, including the judgment that we have made about our own health insurance program.

Even with such a faith in State government's ability to cut health care costs, let us look at what we can expect in just one State—California. What will the Medicaid landscape look like in the year 2002 in the largest of America's States? California is currently projected to receive $95.7 billion in Medicaid funds from the Federal Government between the years 1996 and the year 2002.

The Senate reconciliation bill would limit California to $77.7 billion, which is an $18 billion reduction over that 7-year period. In the year 2002 alone, California would have been expected to have received $18 billion. The Senate bill would limit California to $13.1 billion, a $4.9 billion reduction from current projections of need in the 1 year of 2002.

Now, let us make some assumptions. Assume that California holds expenditure growth to inflation—a remarkable achievement. Having done so, and having also met the other assumptions, including moving all of those potentially into managed care and reducing the rates to providers, California would have to remove 320,548 people from the expected 6½ million Medicaid beneficiaries; 320,000 people would be removed from the Medicaid rolls.

Suppose California was not quite as successful, and instead of being able to hold health care costs to the rate of inflation, California was able to hold health care costs to the rate of inflation plus 1.9 percent. In that event, California would have to remove 1,065,823 of its 6½ million Medicaid beneficiaries.

Are we saying that in the year 2002, assuming that California has done a better job of reducing costs than the private sector, the public sector, including the Federal Government, that we are willing to allow between a third of a million to over 1 million people to lose their health care coverage in the year 2002 in the State of California? What happens if California is not able to reduce its costs? Is the Governor of California ready to accept responsibility for allowing perhaps millions of our country's most needy people to go without health care coverage?

Mr. President, my comments this morning boil down to some simple mathematics. Take the projected need in the Medicaid Program to the year 2002, which is $954 billion, and then subtract the amount of the proposed cuts, $176 billion; that amount of money that is left, $778 billion is now going to pay for $954 billion in projected needs.

Mr. President, the simple math tells us that the block grants will come up short, that they do not add up, that States will not have a sufficient amount of resources in order to meet the projected needs of the frail elderly, the disabled, poor children, and their mothers.

This brings me, perhaps, to the most repugnant feature of the Medicaid block grant proposal—the unmitigated cowardice of Congress for failing to admit, on the record, that these cuts will mean real suffering in the lives of real Americans.

It is as if the U.S. Senate has adopted a policy of "Don't ask, don't care."

The fact is, Mr. President, that the designers of these massive Medicaid cuts do not want to know who is really going to have to pay for the tax breaks that this $176 billion will, in part, fund. Leave those messy details to the States. Take the high road. Take the cake and ice cream of doling out $245 billion in tax breaks.

The truth is that the price for these tax breaks for the wealthy will be paid for in the currency of suffering, preventable illness, inadequate or unavailable care, and, yes, even the death of infants.

What we saw orchestrated on the Senate floor 11 days ago was an elaborate ritual of plausible deniability. No hearings or debate on how many infants could die because of slackened prenatal care efforts. No hearings or debate on how many elderly will languish in nursing home warehouses because of deregulation and lower provider payments.

Mr. President, that is precisely what happened when the 20 hours of debate ran out on a 1,500-page bill with no discussion, no accountability, no honest admission that cutting $176 billion from the projected needs of human beings that millions of Americans would suffer.

In effect, the Senate sent to the States and county governments the dirty work, the painful decisions. That is what we do when we embrace the don't-ask, don't-care standard for the formulation of public policy.

Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, the standard for formulation of public policy seems to be "let the States and counties figure out who gets care and who does not. Their fingerprints will be on those decisions, not ours."

Make no mistake about it, these Medicaid cuts will cost infants and frail elderly and the disabled. Congress cannot wash its hands so easily with the pathetic refrain that "We didn't know." Congress did not know because it did not ask. It did not ask because it did not want to know. That is cowardice.

I never cease to be amazed how quickly the hands of Congress reach out to give tax breaks and favors and how quickly the same hands hide when it comes time to assume responsibility.

The record, Mr. President, is clear. The majority of both Houses of Congress, with callous aforethought, siphoned $176 billion in health and long-term care of needy Americans without even a cursory concern for the human consequences.

Mr. President, I am sure that no Member wants to leave that kind of mark on America. There is still time to reform Medicaid without hurting people. There is still time to deliberate the actual effects of cutting $176 billion in health and long-term care services for millions of Americans.

Such a deliberation will bring us face to face with the families, with the children, with the frail elderly, and with the disabled who will pay the price of this tax break.

Up to this point, Mr. President, the Senate has denied accountability and responsibility. That denial is not plausible.

The PRESIDING OFFICER. The Senator from Minnesota, under the order, will have 10 minutes.

Mr. McCONNELL. Will the Senator yield for a unanimous-consent request?

Mr. WELLSTONE. Of course.

Mr. McCONNELL. I ask unanimous consent I be allowed to proceed after the Senator from Minnesota.

The PRESIDING OFFICER. Under the order the Senator from North Dakota follows the Senator from Minnesota.

Mr. McCONNELL. After the Senator from North Dakota, I ask unanimous consent that I may proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEDICATION TO THE PEACE PROCESS

Mr. WELLSTONE. Thank you, Mr. President.

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

Mr. President, words of Noa Ben-Artzi Philosof, 17, granddaughter of Prime Minister Rabin, at yesterday's service in Israel.

I ask unanimous consent that her statement at the service be printed as part of the RECORD of the U.S. Senate and therefore the record of our country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 7, 1995]

GOODBYE TO A GRANDFATHER: WE ARE SO COLD AND SO SAD

(The granddaughter of Yitzhak Rabin, Noa Ben-Artzi Philosof, 17, spoke at his funeral. Her remarks were translated and transcribed by the New York Times)

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I know that people talk in terms of a national tragedy, and of comforting an entire nation, but we feel the huge void that remains in your absence when grandmother doesn't stop crying.

Few people really knew you. Now they will talk about you for quite some time, but I feel that they really don't know just how great the pain is, how great the tragedy is; something has been destroyed.

Grandfather, you were and still are our hero. I wanted you to know that every time I did anything, I saw you in front of me.

Your appreciation and your love accompanied us every step down the road, and our lives were always shaped after your values. You, who never abandoned anything, are now abandoned. And here you are, my ever-present hero, cold, alone, and I cannot do anything to save you. You are missed so much.

Others greater than I have already eulogized you, but none of them ever had the pleasure I had to feel the caresses of your warm, soft hands, to merit your warm embrace that was reserved only for us, to see your half-smile that always told me so much, that same smile which is no longer, frozen in the grave with you.

I have no feelings of revenge because my pain and feelings of loss are so large, too large. The ground has been swept out from below us, and we are groping now, trying to wander about in this empty void, without any success so far.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

Mr. WELLSTONE. Mr. President, I said to my wife, Sheila, this morning that there is nowhere on Earth I would have rather been than in Jerusalem yesterday for this service to honor a very courageous man, Yitzhak Rabin.

Mr. President, I will never forget the long lines of the people in Jerusalem in Israel as we drove to the service, as I drove to the service with my colleagues—Democrats and Republicans—to look out of the window and to see the sadness of the people, to see the sadness of the people.

Mr. President, I will never forget the words at the service, the words of our President, President Clinton, the words of the Prime Minister's granddaughter. Her words were heard and felt by people all over the world. Nor will I forget the words of King Hussein of Jordan who said, "I remember my grandfather being assassinated"—the King as a little boy was next to his grandfather—"and now my brother"—my brother; he called Prime Minister Rabin his brother. He said, "I am not afraid. I am not afraid. If I have to meet that fate," the King said, "so be it, but I am committed to this peace process."

Mr. President, I just would like to say on the floor of the U.S. Senate that I owe a tremendous debt of gratitude to my State of Minnesota for giving me an opportunity to be a U.S. Senator and giving me an opportunity to be invited to be able to go and to be at that service.

I believe that the way that I can honor Prime Minister Rabin—I believe the way that all of us can honor Prime Minister Rabin—whether we are Democrats or Republicans, as leaders in the

U.S. Congress, is to dedicate our services to this peace process.

Mr. President, the Prime Minister knew that the status quo was unacceptable. He knew that the status quo extended to the future would only mean that Israeli children and Palestinian children would be killing each other for generations to come.

He gave his life for peace. He was a general. He defended his country. He was a military hero. But in the last analysis, at the very end, he gave his life for security for his country and for peace for the peoples of the Middle East.

His loss is not only the loss of Israel, his loss is the loss of the peoples of the Middle East, and his loss is the loss to all of us—all of us—who live in this world.

So, colleagues, I think that the way that we honor this man, Prime Minister Rabin, is by dedicating ourselves to the peace process. Whenever our country can facilitate negotiations, we should do so. Whenever our country can continue the work of Dennis Roth and others who have been so skillful in helping to mediate and keep these negotiations going, we should do so.

When there are terms of the agreement that we are asked to follow through on such as financial aid, economic development, aid to Palestinian people, that the Prime Minister was so much for, we should support that.

Mr. President, I hope this does not lead to a period of darkness. Certainly, it feels that way now. This is a nightmare of the world. Let us dedicate ourselves to the peace process. Let us do as public servants what the Prime Minister was able to do. He took the moral position. He did not know how the elections would turn out, but he did what he thought was the right thing.

His example of leadership was an example of leadership not just for Israel but for all us that are in public service in all countries throughout the world.

As a Senator from Minnesota, as the son of a Jewish immigrant from the Ukraine and Russia, LEON WELLSTONE, as the son of a daughter of Ukrainian immigrants, Mincha Daneshevsky, as a father, grandfather, a Senator from Minnesota, and an American Jew, I was so proud to be there yesterday.

I hope I can live my life, with my family and in my community, and as a Senator, in such a way that I honor this man.

I yield the floor.

The PRESIDING OFFICER. Under the order, the Senator from North Dakota has 10 minutes.

YITZHAK RABIN

Mr. DORGAN. Mr. President, I did not hear the entire statement of the Senator from Minnesota, but I visited with him on the way to the Chamber today about his trip to Israel to the funeral. I commend him for what I did hear him say.

I think all of us join in offering our prayers and condolences to the people of Israel and the family of Yitzhak Rabin.

I have had on my desk for slightly over a year, a printed copy of the remarks Yitzhak Rabin gave to a joint meeting of Congress in 1994. The reason the remarks have been on my desk for a year is I was so moved when I heard him speak, in the House Chamber, in such eloquent terms about his search for peace in the Middle East, that I thought I had not in many, many years heard anything quite so beautiful or so profound or so powerful as those words. I have kept them near for some long while. All of us grieve for what has happened to Yitzhak Rabin and for the people of Israel in these days of tragedy.

A HOUSING PROGRAM FOR MIDDLE-AGED RICH MEN

Mr. DORGAN. Mr. President, in these days of government spending cutbacks there is one notable exception: public housing programs for middle-aged rich owners of professional sports teams.

Yesterday's announcement that the Cleveland Browns will move to Baltimore demonstrates once again that these rich folks who play monopoly games with their football, baseball, and basketball team franchises can play city off against city to hammerlock officials and fans to pay for expensive, new taxpayer financed sports stadiums in which they can house their privately owned teams.

There is insufficient money for public housing for poor people in America, but the sky is the limit for public housing for those rich folks who own professional sports teams and who insist the taxpayers build them a place to play.

No owner of a professional football, baseball, basketball, or hockey team will ever be homeless. Governments—local, State, and Federal—will see to it that there are enough public resources available to build stadiums worth hundreds of millions of dollars with sky boxes for the affluent. Governments will virtually guarantee that money from parking, concessions, and sky boxes will make rich owners richer and overpaid athletes financially fat and happy.

The thing about this that irritates me is that taxpayers in our part of the country: North Dakota, South Dakota, Montana, and Wyoming—help in both direct and indirect ways to pay for this housing program for rich sports owners.

But there will never be a press conference in which a major sports team owner announces he is moving his team to Bismarck or Cheyenne or Helena.

This little monopoly game that bestows enormous economic awards on certain regions of the country is a private domain played between the wealthy sports owners and the largest cities of America. The rest of us are required, through lost tax revenue, to help pay the bills.

Yesterday's announcement about the Cleveland Browns moving to Baltimore is apparently a result of a promise of a new $200 million stadium in Baltimore to be used rent-free for 7 years by the Browns' owner. Skybox, parking, and concession revenues go to the owner as well. In addition, the owner apparently received $75 million as a bonus for moving the team.

I do not know the owner of the Cleveland Browns from a cord of wood so I am not judging him. And he is not alone in moving a sports team in search of more money. And team owners are no different than athletes: they are two peas in a pod. They jump ship and leave town in search of more money. It is all about money—money for the owners and money for the athletes.

Fans are the pawns who end up paying the bills through ticket prices and taxes. Fans are reduced to rooting for uniforms rather than people. The star athlete in one city one week may well end up playing against that city the next week as a result of trades or moves by athletes and owners in search of the highest dollar.

In circumstances where monopolies rule the day—and they do in professional sports—you cannot start an NBA team in Bismarck, or you cannot start an NFL team in Sioux Falls. Money and control replace the benefits of competition, and everyone pays except the owners and the athletes.

I would not take the time to comment on this issue, except that what is happening in professional sports is a perversion. This is about big guys and big money, and the little guy be damned. And guess who ends up paying for the sports stadiums and who ends up paying for those lucrative salaries for the athletes and handsome profits for the owners? The little guy. The fact is, professional sports is sticking its finger in the fan's eye.

A story last week pointed out the cost of taking a family of four to a National Basketball Association professional game this season has risen to $192, up 10 percent from last year. It costs about $130 for four tickets, an average of $32 per ticket, and you have to add some hot dogs, a program and a cap so the cost for four people adds up to nearly $200 to attend a game. Something is wrong; something is terribly wrong in professional sports when we have come to that. And ticket prices for hockey and football are even higher.

I think that Congress ought to hold some hearings on the subject of professional sports: where it has been; where it is going; who profits, by how much, and at whose expense.

Why is it in 1995 that the only healthy public housing program is one to build sports stadiums for rich, middle-aged sports owners? Why, when so many cities would like to host a professional sports team, do the leagues restrict expansion unreasonably, so that existing teams can extract outrageous ticket prices from citizens who have no alternatives?

I think it is reasonable for our country to ask whether these monopolies, where a few rich owners can make judgments about where to bestow hundreds of millions of dollars of economic benefits to one region or another or one city or another, are in concert with the interests of our economy and our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will take a moment to bid farewell to my friend Yitzhak Rabin. I was unable to attend the funeral due to some family responsibilities, but had an opportunity to get to know the Prime Minister well in his visits to the United States. And to speak to him three or four times a year about the foreign aid program for Israel and other issues related to the Middle East.

Not only has Israel lost a great statesman but the world has lost one of the premier figures of this century.

CAMPAIGN FINANCE REFORM

Mr. McCONNELL. Mr. President, I noted with interest last week the testimony of the Speaker of the House before the House Oversight Committee on the subject of campaign finance reform and the reaction to the Speaker's speech here in the Senate last Friday by two of our colleagues.

Let me say, we are back into it again. The biennial assault on the first amendment has begun anew.

The Speaker of the House last week, in addressing this issue in some of the most skillful and brilliant testimony I have seen or been privileged to hear, pointed out that this debate is about the first amendment. We are talking about free speech and the doling out of the ability to communicate in a free society.

Some of my colleagues here on Friday ridiculed the Speaker for stating what is perfectly obvious—that we do not spend enough on campaigns in this country, not nearly enough.

As a matter of fact, it is interesting to note that in the 1993-94 cycle, the most recent 2-year cycle of congressional elections, congressional campaigns spent about what the American public spent in 1 year on bubble gum. I repeat, Mr. President, in the last congressional cycle, we spent on congressional campaigns what Americans spend in 1 year on bubble gum. And about half of what they spend on yogurt, and about half what they spend on potato chips.

So where did this notion get going that we were spending too much in campaigns? Compared to what? Compared to what? When you look at any sensible comparison, we are spending a pittance communicating with voters and expressing ourselves in the American political system.

Commercial advertising in 1992 was $44 billion. The cost of democracy, if you will, in the 1993-94 cycle was $724 million—as I said, roughly what Americans spent on bubble gum that year. Another way of looking at it, Mr. President, per eligible voter spending was about $3.74. That would get you an extra-value meal at McDonald's. The equivalent of a burger, fries, and a Coke is not too much to spend to communicate with the American voter.

Prof. Bradley Smith, in a work released by the Cato Institute, recently observed that Sony is spending more to promote Michael Jackson's latest album than the 1994 Republican Senate nominee in California spent. That is a race that a lot of people like to focus on, even though on a per capita basis there was less spending in California than in a number of other States.

Newsweek columnist Robert Samuelson noted in an August 1995 column that campaign spending is tiny—five or six one-hundredths of 1 percent of the gross domestic product. This is up from three one-hundredths of one percent in the 1960's. As Samuelson put it, it hardly seems a high price to pay for democracy.

David Broder in the Washington Post in June of 1993 said:

> Communication is the heart of campaign politics, and candidates are competing, not just with each other, but with all the other messages being beamed at the American public. The added cost of the 1992 campaign was the direct byproduct of a very desirable change—a marked increase in competition. There were 1,200 more congressional candidates in 1992 than in 1990—a 63 percent increase.

So Broder pointed out that:

> It is illogical to welcome the infusion of energy and ideas represented by the largest freshman class in 44 years and condemn the cost of their campaigns.

He is talking about the 1992 class.

Broder concluded in that article:

> Few politicians in today's cynical climate want to tell the voters the truth. If you want competitive politics, make up your mind that it is going to be relatively expensive. Democracy, like other good things, is not cost-free.

But expensive compared to what? It is said time after time on the floor of the Senate that campaign spending is out of control. It is just not true. There is no basis for that. And it is repeated as if it were fact.

We spend a pittance on politics in this country. And, as the Speaker pointed out last week, we really ought to be spending more. To the extent that our speech is restrained by some artificial Government-imposed effort to restrict it, others will fill the void. As the Speaker pointed out, the void left by the limits—if we had limits on our speech—would be further filled by the media, in addition to other powerful entities.

A Member of this body on this floor last Friday blasted as "ludicrous" the Speaker's observation that over half the money he raises is to offset the Atlanta Journal and Constitution. The Senator further noted that his opponent is not the newspaper. Maybe this colleague of ours who was lambasting the Speaker enjoys a great relationship with his newspaper, but he ought to try to be on this side of the aisle doing battle with the liberal newspapers across America. To conservatives, the undeniably and repeatedly proven liberal slant of the media is an opponent. Of course, all those newspapers would love to restrain our speech so their speech would be enhanced.

I have ruminated at some length on this over the years, including a 1994 piece for the New York Times entitled "The Press as Power Broker," and another for USA Today, also last year.

Mr. President, I ask unanimous consent that both of those articles be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1994]

THE PRESS AS POWER BROKER

(By Mitch McConnell)

WASHINGTON.—In political campaigns, paid advertisements are speech amplifiers—the only practical way for candidates to speak directly to large numbers of voters. That is why the Supreme Court ruled, in Buckley v. Valeo (1976), that involuntary spending limits are an unconstitutional infringement of free speech.

Now, in the name of campaign reform, the Senate and House have both passed "voluntary" spending limits for Congressional campaigns. But while they aim to equalize spending between candidates, these limits would distort the political process, creating a whole new set of power brokers—including, perhaps not coincidentally, some of the loudest cheerleaders for the new spending limits: America's largest newspapers.

To get around the Supreme Court ruling, the bills would not explicitly require spending limits. Instead, candidates would be bludgeoned into compliance by a panoply of heavy penalties. These schemes, which have the enthusiastic support of the New York Times, among other papers, are voluntary in name only.

Under the Senate bill, candidates who refused to abide by the limits would have their campaign receipts taxed at the full corporate rate, currently 35 percent. They would be required to include self-incriminating disclaimers in their ads and their campaigns would be saddled with extra reporting requirements. That is just for starters.

When noncomplying candidates went even a penny over the "voluntary" limit, their opponents would receive a Government grant equal to one-third of the limit. The more that noncomplying candidates spent above the limit, the more tax dollars their complying opponents would get.

The Senate bill also provides for Government grants to counteract independent expenditures by private citizens or groups for or against any complying candidate. If David Duke decided to run for the Senate and the N.A.A.C.P. or B'nai B'rith decided to spend money in opposition to his candidacy, he would be eligible for dollar-for-dollar matching funds to fight back. And ask yourself this: if an independently financed ad urged people to "Support Senator X—she voted 50 times to raise your taxes," which candidate would get the money to counteract it?

The more a candidate's campaign was hamstrung by a limit on spending (and speech), the more powerful other players would become—labor unions, religious groups, anyone with an agenda to promote. In particular, newspapers would emerge unscathed from this "reform," perfectly situated to fill the communications void created by the spending limits. Their power to make or break candidates would increase as the candidates' ability to communicate through paid advertisements was severely limited.

Most campaign spending goes toward getting an unfiltered message to voters. This requires expensive television, mail and newspaper advertisements. Simply speaking from the courthouse steps, as in days gone by, would be cheaper; but it is impossible to reach most voters that way.

The "reform" effort based on spending limits is obviously unconstitutional, yet the nation's largest newspapers proceed full steam ahead in their promotion of it. Perhaps they do not fully appreciate that newspapers could be but a loophole away from having their election-related editorials regarded as "independent expenditures" under Federal election law. Or perhaps their true campaign finance goal is to tilt the political playing field in their own favor.

[From the USA Today, Oct. 24, 1994]

DON'T LIMIT SPENDING

(By Mitch McConnell)

In 1992, congressional campaigns spent about $3.63 per eligible voter—comparable to a McDonald's "extra value meal." The truth is campaign spending is paltry compared to expenditures for commercial advertising. Yet advertising is the only practical—and most cost-efficient—means of communicating to large electorates. That is why the Supreme Court has said that in political campaigns, spending is speech, and therefore involuntary spending limits are unconstitutional.

Had the Senate not mercifully killed it, this year's version of USA TODAY's beloved "reform" scheme would have self-destructed in the courts. It was a blatantly unconstitutional attack on citizens' freedom to participate in elections. And, its spending/speech limits were not "voluntary."

For example, if the NAACP had the audacity to oppose a Senate candidacy by David Duke, this "reform" would direct tax dollars to Duke to "counteract" the NAACP! Candidates who didn't "voluntarily" limit spending would have their campaign funds taxed, lose broadcast and mail discounts, be forced to run self-incriminating ad disclaimers, be choked with extra red tape and trigger matching funds for their opponents if they exceeded the speech/spending limits. That's why the American Civil Liberties Union opposed the bill.

The National Taxpayers Union opposed what amounted to an entitlement program for politicians, providing communication vouchers ("food stamps for politicians") to House candidates and a host of benefits to Senate candidates. Political scientists opposed the spending/speech limits because they advantage incumbents over challengers, celebrities over unknowns—the political haves over the have-nots.

Republicans opposed the scheme for all these reasons and more. USA TODAY misdiagnoses the problem and prescribes a constitutionally toxic cure. Perhaps USA TODAY would consider a dose of its own medicine: tax dollars to candidates to "counteract" hostile newspaper editorials and an aggregate word limit for articles. This would help "level the playing field," alleviate the political "headline chase" and lessen the annoying din of media coverage.

The premier political reform is the First Amendment. If those freedoms were protected only for the press, newspapers would be omnipotent. Perhaps that is why USA TODAY so casually dismisses the First Amendment concerns of others.

Mr. McCONNELL. Mr. President, in the New York Times piece I referred to the fact that the media factor is codified in law in which they are specifically exempted from the definition of campaign expenditure. The reason that they need to be exempted is because the assumption is that media activities would be a political expenditure. Right here in the Federal election campaign laws compiled by the Federal Election Commission on page 6, it is pointed out that the term "expenditure" does not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station, and so on.

The point this makes is that you could assume that is an expenditure in a campaign. So there is a need to specifically exempt it. The Speaker is absolutely correct. To the extent that the speech of an individual campaign is artificially restrained by some Government-imposed speech limit, the speech of others will be enhanced. Most particularly the liberal media of this country who love to limit anybody else's speech so their speech will be louder and more penetrating.

An objective observer unconcerned or unfamiliar with the Constitution might call that media exemption a loophole. But the point fundamentally, Mr. President, is that we are not, as the Speaker indicated, spending too much on politics in this country. We ought to be spending more. Any effort to restrain the speech of campaigns, to shut up the campaigns, will enhance the speech of others. To rearrange speech in this democracy is not a desirable goal.

So we begin again the seemingly endless debate that has certainly dominated the Senate during my period here about the desirability of clamping down on American campaigns and shutting up candidates so they will not speak too much and providing some kind of subsidy—a bribe, if you will—to get them to shut up.

The Supreme Court has said that spending is speech and cannot be limited. But it did say that you could offer a public subsidy to candidates if you wanted to sort of pay them to shut up. That is the Presidential system, and the reason even candidates like Ronald Reagan, who stated that he would take taxpayer funding and said, "I will take it. I cannot afford not to. The subsidy is so generous."

The various schemes we discussed here in the Congress do not have as generous a subsidy. It has been proposed that we have the broadcasters pay for our campaigns, or that we have the Post Office customers pay for our campaigns through broadcast discounts and postal subsidies, as if this somehow was not real money. Well, it is real money. And make no mistake about it, the goal of all of these schemes is to clamp down on political speech, which, of course, will in turn limit the participation of Americans in the political system. There is much more to be said, and I expect we will have an opportunity next year to say it.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Minnesota.

RELEASE OF PRISONERS FROM VIETNAM

Mr. GRAMS. Mr. President, I was very pleased to learn of the release today of two American prisoners in Vietnam. They are Mr. Nguyen Tan Tri and Mr. Tran Quang Liem. Both Mr. Tri and Mr. Liem will arrive in the United States today.

The American citizens were detained 2 years ago, along with Steven Young, a constituent of mine and a well-known promoter of democracy in Vietnam. The three Americans were in Vietnam organizing a conference on democracy with Vietnamese activists.

Unfortunately, the right to free speech is not yet recognized in Vietnam, and the three Americans were detained without charge. Steve Young was released within a few days, but Tri and Liem languished in poor health in a Vietnamese prison for nearly 2 years before they were charged, tried, and convicted of treason in mid-August. Sentences of 7 years for Tri and 4 years for Liem were then issued.

As a member of the Foreign Relations Subcommittee on Eastern Asia and Pacific Affairs, I made this matter a top priority. On September 19, I passed Senate Resolution 174, which was cosponsored by my colleagues Mr. DOLE, Mr. HELMS, and Mr. THOMAS. The resolution called for U.S. Government intervention at the highest levels to secure freedom for these Americans. At the time it did not appear that Secretary-level contact had been made in this matter, something that I believed was essential after the normalization with Vietnam. Suitable contacts were subsequently made, allowing us to communicate how important the release of these two Americans was to our Government and to the relationship between our two countries.

On October 12, I met with family members of Mr. Tri and Mr. Liem, who had traveled to Washington from Texas and California to urge the Government to give this matter the same priority that it gave to the release of Harry Wu. The families were concerned about the health of the American prisoners, as well as the poor prison conditions to which they were subjected. They were informed by the State Department officials that release had become a top priority for the administration.

Mr. President, shortly after this meeting, it appeared that the Vietnamese were becoming more interested in resolving this matter. The rumors out of Vietnam were rampant. Several times we heard that there would be a retrial. We heard that there would be a release about the same time of President Le's visit to the United States to attend the U.N. anniversary celebration. We then heard the retrial would occur the weekend of October 28, followed by conviction and expulsion from the country. Finally, a commitment was made that the release would occur this past weekend in Vietnam.

While all of this goes to show that freedom of speech and due process are still scarce in Vietnam, I am pleased that normalization has apparently given us more tools to pursue issues of dispute with the Vietnamese Government. The two Americans have now been released, but many political prisoners, whose only crime has been to address issues of religious and political freedom, remain locked away in Vietnamese prisons.

I am encouraged as well that the Vietnamese have been more forthcoming with the release of information about MIA's and POW's after normalization. We must continue our efforts with Vietnam to pursue a full accounting, as my resolution also has requested.

Again, I applaud the personal intervention of Secretary Warren Christopher and Secretary Lord on this important matter, and I also look forward to working with them to pursue our mutual goals now that we have normalized our relationships with Vietnam.

To Mr. Tri and to Mr. Liem I say, Welcome home.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

HOLD THE LINE—NO COMPROMISE

Mr. GORTON. Mr. President, recently I received a letter from a constituent named Sue Magruder, who lives in Snohomish, WA. This is what she wrote:

> DEAR SENATOR GORTON: Hold the line. If the President decides to veto and the Government shuts down, so be it. We don't need all this Government, and compromise is out of the question.
>
> Please pass this sentiment on to the rest of your colleagues. We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mrs. Magruder and her husband are small business people in the town of Snohomish, WA. They feel—and I think they feel justly—that they are overburdened with regulation and with taxes, with attempting to support themselves, with attempting to make both their own family and their community a better place in which to live. And they, together with millions of other Americans like them, want us to continue on the course that we set out at the beginning of this year—the course that will bring the budget into balance, a course that will remove at least some of the duplicative and unnecessary regulations from their backs, a course which will lessen the burden of taxation, which governments at all levels impose on them.

They, unlike many Members of Congress, believe that the money that they earn is their own, and that they can be asked to give some of that to support common purposes. They disagree, however, that somehow or another everything they earn belongs to the Government, which, in its generosity, will allow them to keep some of it. That is a fundamental disagreement that they have with many Members of this body and many others who live and work in this Capital of the United States. They know that every penny the Government gets comes out of the pocket of some hard-working American citizen or some other person who lives and works at some point or another in this country.

Sue Magruder wrote that there is no more to give. In that line, she was concentrating on herself and her family and her community. But at least an equally undesirable—no, immoral element in the way in which this Government has been run during the course of the last 20, 30, or 40 years is that we spend money by the hundreds of billions of dollars that we are not taking directly from our citizens in the form of taxes, but are borrowing, at interest, and sending the bill not to the citizens who live and work in the United States now, but to their children and our children and grandchildren. That, Mr. President, is a greater imposition, a greater wrong done to them than can possibly be done by any control over the increase in spending policies, by the cancellation of any marginal Government spending program.

We simply do not have the right to spend the money on consumption today and ask our children and their children and their children to pay the bill. That is the central issue; that is the central question which separates us from a White House that believes in the status quo and believes that there really is nothing wrong with the continuation of multi-billion-dollar deficits year after year, as far as the eye can see. And it is on that proposition, Mr. President, that I do not believe that constructive compromise is possible. Once the White House, once the administration realizes the depth of our feeling on this issue, once it comes to its senses and is willing to join us in the goal of balancing the budget in 7 long years, on the basis of realistic projections, then, Mr. President, I think many things are said to be compromised. Many elements of the spending program can go up while others go down. I do not believe that there is any absolute bottom line after we have reached that conclusion. Under those circumstances, compromise will be a constructive activity. But to compromise away the proposition that we must stop spending more than we take in would be essentially wrong, would be a repudiation of the commitments that those in the majority made to our voters last year. Mr. President, I am convinced it cannot and will not be done.

So, if I may, I will end these comments by repeating one part of Sue Magruder's letter:

> We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mr. President, that is correct and that is the line that we are going to continue to hold.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 2546

The PRESIDING OFFICER. Under the order of November 2, 1995, the Chair is authorized to appoint conferees on the bill, H.R. 2546.

The Presiding Officer appointed Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUYE conferees on the part of the Senate.

THE DEATH OF ISRAEL PRIME MINISTER YITZHAK RABIN

Mr. ROBB. Mr. President, it is with a sad heart that I offer a few final words today on behalf of Yitzhak Rabin—

statesman, military war hero, peacemaker, and friend.

His burial in Jerusalem on Monday casts a pall over Israel and the Middle East. The resilient people of Israel will overcome this tragedy, but his assassination reminds us of the extremist poisons that continue to threaten Yitzhak Rabin's dream—peace between Israel and the Arab world.

I first met Yitzhak Rabin when he served as Ambassador to the United States beginning in 1968. It was one of many leadership posts he held in a long and distinguished career. From brigade commander in the 1948 war of independence to Army Chief of Staff during the historic 6-day success in the 1967 war to Ambassador and then Prime Minister on two different occasions, Yitzhak Rabin embodied the fighting, and now peacemaking, Jewish spirit.

I had the good fortune of visiting with him many times over a period of three decades. Following the raid on Entebbe, he honored my mother-in-law, my wife, and me with a state dinner in Jerusalem in 1973. During visits to Israel since then, and on his trips to Washington, I continued to learn from Yitzhak Rabin's political wisdom and insights, as well as appreciate the difficulty of living in a world surrounded by declared adversaries. His was a voice of reason, forged by the fires of war and tempered these last few years by yearnings for peace.

Because of my own military background, Yitzhak Rabin shared additional insights with me on the strength and force of Israeli defense forces and difficult combat environment they faced. I respected him enormously for the military prowess he demonstrated during his years of service and afterwards. His fighting skills in 1948 and 1967 earned him accolades as an authentic war hero. Most would agree that his military leadership was invaluable in securing the birth, and continuing security, of the Jewish State.

But Yitzhak Rabin left the battlefield for the political trenches in the 1970's, initially implementing iron fist policies during his first term as Prime Minister that brooked no dissent from the enemies of Israel. Hostile states, terrorist organizations committed to the destruction of the Jewish State, and other inimical forces would not push Israel into the sea.

After a stint as Defense Minister in the 1980's and then a Labor-Likud powersharing arrangement, Yitzhak Rabin returned to the Prime Minister's Office and began to lay the groundwork for comprehensive peace with the Palestinians and Arab Nations. It was not an easy decision to make, trading land for peace, but no one was more respected or qualified to lead Israel away from the bloodshed of its past to a more secure future.

The 1993 Declaration of Principles has started us down that road. I will not forget the Prime Minister's words that sunny September morning 2 years ago on the White House lawn when the accord was signed. "The time for peace has come," he said. "We, the soldiers who have returned from battles stained with blood * * * say in a loud and clear voice: Enough of blood and tears. Enough."

King Hussein appropriately eulogized Yitzhak Rabin as one who "died as a soldier of peace." We can only hope that his assassination imbues the peace process, pushing implementation of the Oslo II agreement forward. In earlier times Shimon Peres and Yitzhak Rabin espoused different views and styles within the same Labor Party tent, but in an ironic twist the two forged a personal alliance these last few years in the name of peace. I have high hopes for the Acting Prime Minister carrying forward with Rabin's good work.

For if he were with us today, I think Yitzhak Rabin would urge us to finish the job he has begun. It only saddens me that this courageous leader did not live to enjoy the fruits of his own labor to create a better future for Israel.

THE DEATH OF YITZHAK RABIN

Mr. ROTH. Mr. President I, rise today to express my profound grief over the death of Israeli Prime Minister Yitzhak Rabin—a man who was brave in the conduct of war and courageous in the pursuit of peace.

Yitzhak Rabin's life embodied the very concept of leadership. He was a warrior of great skill, an accomplished diplomat, and, in the fullest sense of the term, a statesman. His leadership was a catalyst of reconciliation and peace in a region long torn by animosity and war. The dramatic progress we have witnessed over the last 2 years in the Middle East peace process would not have occurred without the leadership of Yitzhak Rabin.

One of his key strengths as a leader was his ability to bond realism with optimism. It is a trait that is all too rare and all too necessary in regions beset by conflict.

Rabin combined his acute understanding of the obstacles to peace in the Middle East with his recognition that peace was essential to security of his nation. The product is the historic roadmap in the Middle East we must now follow. It has not, nor will not, be an easy path. It will be all the more difficult in his absence.

In such endeavors, leaders matter. Rabin's tenure as Prime Minister demonstrated this clearly. Despite setbacks and ever present dangers, Rabin never allowed himself to become disillusioned with prospects for peace. He forged ahead. He marshalled support for what were initially unpopular, but nonetheless necessary, steps toward Arab-Israeli reconciliation. Rabin kept the process on track.

The death of Yitzhak Rabin is clearly a blow to the peace process. However, Mr. President, his assassination is not a reflection of the fragility of peace he has helped bring to the Middle East. It is a reflection of the urgency with which we must work to consolidate that peace.

We must remember that while leaders matter, it is their visions that are enduring. Yitzhak Rabin left to Israel and the Middle East, indeed to the world, a vision of reconciliation that will be his lasting legacy. Our greatest contribution to the memory of Yitzhak Rabin must not be our grief over his departure, but determination to ensure that his vision of peace and reconciliation becomes an enduring reality in the Middle East.

REMEMBERING YITZHAK RABIN: WARRIOR FOR PEACE

Mr. HOLLINGS. Mr. President, I rise today with a heavy heart to remember one of America's greatest friends—my friend Yitzhak Rabin—who was tragically murdered Saturday in Israel. His sudden death is even more shocking because he was assassinated just after making an impassioned speech for peace in the Mideast.

Mr. President, Yitzhak Rabin was the strongest leader in today's world. Period. As he guided the ship of Israel through a sea of hostility, he forcefully led the troubled Mideast toward peace. We can only hope that we continue to seek the Prime Minister's goal—peace among Moslem, Christian, and Jew—and continue to turn away from the violence that always bubbles just under the surface in that part of the world.

Yitzhak Rabin trained to be a farmer. Like one of our greatest Presidents, Harry S. Truman, Prime Minister Rabin had the plain-speaking, straightforward, blunt common sense of farmers. But also like Truman, Rabin's destiny led him to the army and to becoming a world leader whose strategic intellect was respected all over.

Just 6 years ago, Senators DANIEL INOUYE, Jake Garn, and I spent several hours with Rabin when he was Israel's Defense Minister. To this day, I will not forget the time that Mr. Rabin spent showing us the intricate desert defense preparations made by Israel. His courtesy, combined with his intense attention to detail, made our mission a learning success.

Mr. President, if there is one thing that I have realized in recent years, it is that Yitzhak Rabin was a warrior for peace in the Mideast. When Israel's security was in grave danger, he fought and led military battles, notably the Six-Day War in 1967. But over time, he came to embrace peace as the only way for Mideast stability.

Just 90 minutes before he was gunned down in Tel Aviv, Prime Minister Rabin stood before more than 100,000 people at a rally to implore them to harvest the fruits of peace. He said, "I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those standing here, and for those who are not here." A few moments later, he added, "The people truly want peace and oppose violence. Violence erodes the basis of Israeli democracy."

Mr. President, today, in our grief, as we remember our friend Yitzhak Rabin, let us all look to his last words for the guidance to achieve the greatest legacy we can give our friend—a lasting peace.

Mr. President, an editorial in today's edition of the State of Columbia is a fitting tribute to Prime Minister Rabin. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RABIN: "BEST IN WAR, BUT * * * GREATEST IN PEACE"

Among the thousands who will experience the funeral of Yitzhak Rabin in front of an international audience today, the thoughts should be on the peace process the Israeli prime minister was setting up when an assassin struck him.

As Foreign Minister Shimon Peres said, Mr. Rabin was "at his best in war, but at his greatest in peace."

There was more truth than hyperbole in this. The man was a warrior who served as chief of staff of the Israel Defense Forces, overseeing the dramatic victory over Arab armies in the Six-Day War of 1967. He had risen to this position after more than 20 years as a soldier, a career that began in the Jewish underground before independence, as a commando in Haganah.

That victory gave Israel territory in the Sinai that was released when Egypt's Anwar Sadat made peace with the Jewish state. And it also brought Israel captured land that his country is giving back now in negotiations with the once-hated Palestinians.

Mr. Rabin's superb marks as a warrior helped position him as a man of steel, one who could be depended upon to hold the security of Israel foremost as he slipped into his role as statesman.

He became ambassador to the United States after the Six-Day War. By 1973 he was back in Israel as a Labor Party member, becoming prime minister in 1974 in the wake of the difficult Yom Kippur War. He became the first sabra—native-born Israeli—to serve as prime minister.

A minor scandal helped send Mr. Rabin packing in 1977 when the Likud conservative party took over for some years. Then in 1984, he returned to government as defense minister in a coalition regime headed by Likud leaders. His political rehabilitation was kindled by the Palestinian intifada (uprising) that began in 1987 and caused the defense minister to order the breaking of limbs instead of shooting. Ultimately, he lost faith in that policy, and came to believe that territorial concessions to the Palestinians were a requirement for peace.

The election of 1992 restored Labor and made Mr. Rabin prime minister again. An old Labor rival, Mr. Peres, became foreign minister and soon started the Olso talks that set up the first meeting between the PLO's Yasser Arafat and the Rabin-Peres team at the White House. That was the beginning of the current West Bank talks.

Those discussions enraged the Israeli right. Right-wing Israelis paraded effigies of Mr. Rabin as a Nazi officer or portrayed him wearing a kafflyeh (Arab head dress). And so it was that on Saturday, after a peace rally with 100,000 Israelis, a Jew broke a commandant never to shoot a Jew. Like Egypt's Anwar Sadat, Yitzhak Rabin was killed by one of his own people. In the assassin-filled Mideast, he is the first Israeli prime minister to die at a terrorist's hand.

Despite a seven-day period of mourning, the Labor Party has already reestablished itself under Mr. Peres. Likud leader Benjamin Netanyahu has lamented, "We debate, we shout, we don't shoot." But it does not appear that Netanyahu will seek another election soon, although about half the populance seems to be on his side. Among them are the zealots who must be restrained.

As the architect of peace, Mr. Peres knows the process and the principal players. He can lead if he's not considered too dovish. Maybe a Rabin is necessary to act firmly. Let's hope not.

Let peace, not war, be Yitzhak Rabin's legacy. His own countrymen, more so than the 40 heads of state at his funeral today, hold the key to this.

GORDON ELDREDGE

Mr. BAUCUS. Mr. President, I rise today to honor a man who has made a substantial investment in the future of my State of Montana. Gordon Eldredge is retiring as executive director of the Boys and Girls Club of Billings after 25 years.

I believe it is important for people to know about someone like Gordon. Many children already do. They know and trust him as a man who understands them, their families, their problems, their hopes and dreams. He gives them a safe haven and a sense of belonging. We should all take heed of his example.

Gordon will give credit for his success to his father, his family, his board and the families he serves before taking any for himself. His background is steeped in the Boys and Girls Club tradition, with his father and two brothers serving as executive directors for clubs and his own career encompassing 37 years.

Gordon has established the club's reputation for being one of the best-equipped clubs in the Nation. The club, which has about 1,000 members, has built its soccer program into one of the premier youth sports activities in Billings. The inviting new building serves not only club members, but any child who cares to participate.

This is all due to the vision and compassion of one man, the man I am so proud to recognize today. To quote from the play, "The Fantasticks," "a man who plants a garden is a very happy man." Gordon, enjoy your retirement. You have tended your garden well.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the skyrocketing Federal debt, now slightly in excess of $15 billion shy of $5 trillion, has been fueled for a generation by bureaucratic hot air—sort of like a hot air balloon whirling out of control—which everybody has talked about, but almost nobody even tried to fix. That attitude began to change, however, immediately after the November 1994 elections.

The 104th Congress promised to hold true to the Founding Fathers' decree that the executive branch of the U.S. Government should never be able to spend a dime unless and until it had been authorized and appropriated by the U.S. Congress.

So, when the new 104th Congress convened this past January, the House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. On the Senate side, all but 1 of the 54 Republican Senators supported the balanced budget amendment.

That was the good news. The bad news was that only 13 Democrat Senators supported it, and that killed the balanced budget amendment for the time being. Since a two-thirds vote—67 Senators, if all Senators are present—is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote during the 104th Congress.

Here's today's bad debt boxscore:

As of the close of business Monday, November 7, the Federal debt—down to the penny—stood at exactly $4,984,737,460,958.92.

That amounts to $18,922.15—on a per capita basis—for every man, woman, and child in America.

A TRAGEDY FOR ISRAEL AND THE WORLD

Mr. MACK. Mr. President, the death of Yitzhak Rabin was many things—the loss of a hero, a blow to the momentum of the peace process, a vile act of political terror. Israel, whose people are accustomed to tragedy and unspeakable inhumanity, has been confronted with something unexpectedly sinister. An attack from within. While Israel has taught the rest of the free world to bear the burden of terrorism and fight back, it has never had to cope with the assassination of a leader by a fellow citizen. Something has changed forever with the death of Yitzhak Rabin. But much more remains the same.

In the aftermath of the tragedy, Israelis poured out into the streets, lighting candles and keeping an all night vigil of prayer. The next day, as Yitzhak Rabin lay in state at the Knesset, a million mourners—a quarter of Israel's population—paid their respects. Israelis of all political viewpoints united to mourn their prime minister. In a unique and historic tribute, leaders of Arab countries, including King Hussein of Jordan and President Mubarak of Egypt, and a Palestinian delegation, attended the funeral alongside mourners from all over the world. Finally, Israel's leader in war and peace was laid to rest at Mount Herzl, Jerusalem's military cemetery, near graves of other soldiers who died defending Israel.

Just before the funeral began, a siren sounded across Israel, signaling Israelis everywhere to observe a moment of silence. Every year, on Israel's Memorial Day, this siren signals Israelis to stop whatever they are doing to honor the nation's fallen soldiers. On Monday, heads of state and royalty from all over the world paid tribute to Yitzhak Rabin. Yet it is the image of Israel's people, making pilgrimages to his home in Jerusalem, lining the route of the funeral procession, and standing silently during the siren that epitomizes for me the death of a hero.

Time and time again, Israel has endured crises and tragedies. Time and time again the Israeli people have grown stronger and more committed to their Zionist mission. The people of Israel have, in a short time, accomplished many dramatic successes. They have farmed the desert. They have welcomed hundreds of thousands of Jewish immigrants from diverse backgrounds, not to mention refugees from Vietnam, and Bosnia. They have fought wars, and repelled terrorist attacks, while establishing a democratic Jewish state, based on the rule of law. I have been to Israel and met with its leaders and ordinary citizens. Now, as Israel faces yet another difficult challenge, I have faith that the Israeli people will come together in their grief to carry on Israel's role as the strongest democracy and United States ally in the Middle East.

It is very difficult to imagine Israel without Yitzhak Rabin. His life and career tracked the dramatic events of Israel's founding. He oversaw the development of its army, commanding it at one of its most perilous moments, the 1967 Six-Day War, and overseeing Israel's defense during the difficult period of the Intifada. He worked to strengthen the United States-Israel alliance as Israel's Ambassador to Washington. As Prime Minister, he worked for peace while safeguarding Israel's security. Finally, let no one forget, he gave his life for peace. There is a Hebrew saying invoked in times of mourning, "May his memory be a blessing." Yitzhak Rabin's life was a blessing to Israel, and to the world. His memory will serve as an inspiration to all of us in the difficult days ahead.

OSCAR DYSON, A FRIEND OF FISHERIES

Mr. MURKOWSKI. Mr. President, I rise today to note with great regret the passing of one of Alaska's most prominent citizens, Oscar Dyson, on Saturday, October 28.

Oscar Dyson was a true pioneer and an authentic Alaskan sourdough who epitomized the can-do spirit of the Last Frontier.

Born in Rhode Island, he first came to Alaska in 1940, after working his way across the country. When World War II began, he went to work building airstrips for the Army Corps of Engineers. When Japanese airplanes attacked Dutch Harbor and invaded the Aleutian Islands, Oscar Dyson was there.

After the war, Oscar truly came into his own. He started commercial fishing in 1946, beginning a career that would span generations and would make him one of the most well-known and admired figures in the U.S. fishing industry.

Over the years, Oscar pioneered fishery after fishery. Starting as a salmon and halibut fisherman after the war, he branched out into shrimp, king crab, and ultimately, in groundfish. In 1971, he made the first-ever delivery of Alaska pollock to a shore-based U.S. processor, starting an industry that now has an annual harvest of over 3 billion pounds—the largest single fishery in the United States and the fourth in value—which now represents a full 30 percent of the United States commercial harvest.

In the 1970's, while remaining an active fisherman, Oscar also diversified, joining with several other fishermen to purchase what became a highly successful and innovative seafood processing company.

Oscar thought of himself—first, last, and always—as a fisherman. But to those of us who knew him, he was far more. He knew that good citizens must be ready to give something back to this great Republic, and he was as good as his word. He served 13 years on Alaska's Board of Fisheries, and three terms on the Federal North Pacific Fishery Management Council. He also served his country as an advisory and representative in international fishery negotiations with Japan and Russia.

He did not stop there. He was a founding member of the United Fishermen's Marketing Association and the Alaska Draggers Association. He gave his time to the Kodiak City Council, the Kodiak Community College, the Alaska Seafood Marketing Institute, and the Alaska Governor's Fishery Task Force, to name a few of many. And he worked tirelessly toward the goals of the Alaska Fisheries Development Foundation, and Kodiak's Fishery Industrial Technology Center. Always, he helped lead his fellow fishermen toward a stronger, sustainable future.

In 1985, Oscar was chosen by National Fisherman magazine to receive its prestigious Highliner of the Year awards. And this year, just days before the fatal accident that took his life, he was made the National Fisheries Institute's Person of the Year, the institute's highest honor.

Finally, Oscar believed strongly in our Nation's youth. Both by example and by application, his kindness, humor, understanding, and sage advice guided generations of young people. He helped them "learn the ropes," and they gained the confidence to go out into the world and—like Oscar himself—to make it better. There can be no greater memorial.

ISRAELI PRIME MINISTER YITZHAK RABIN

Mr. D'AMATO. Mr. President, I rise today to pay tribute to the late Yitzhak Rabin who served his people in war and in peace and did both with great bravery. The Government of Israel and the people of Israel have suffered a deep wound that will take a great deal of time to heal.

Just 2 weeks ago, I along with many of my colleagues, stood with him in the rotunda of the Capitol to present to him, a copy of the bill which would move the American Embassy in Israel from Tel Aviv to Jerusalem, the Holy City. I was most proud then and most proud now to have been there. One could not, of course, guess that only 2 weeks later, this horrible, cowardly act would occur.

The Prime Minister's goal of peace for Israel, after so very many years of blood and tears, is one that cannot be abandoned. I am sure that Israel will find the strength to move forward. Peace, like Israel's security, is of vital importance to Israel and the United States alike. Yet, one cannot argue the point that Israel will not be the same without him. He was a hero and a towering figure of his time.

My heart goes out to the Rabin family at this most unfortunate time. They can take solace in the fact that Yitzhak Rabin will forever be remembered as a peacemaker for his people—a peacemaker for Israel.

FAREWELL TO PRIME MINISTER YITZHAK RABIN

Mr. PELL. Mr. President, today I wish to pay my respects to a man who will be remembered as one of history's giants.

I know that all of us in the Senate—indeed, throughout the Nation—were shocked and saddened by the news of the assassination of Israeli Prime Minister Yitzhak Rabin. Having just returned from accompanying President Clinton to the Prime Minister's funeral, I can also bear witness to the devastating, emotional impact of the assassination on the fabric—indeed, on every fiber—of Israel's society.

Yesterday, the Senate passed a resolution paying tribute to Prime Minister Rabin's legacy and expressing support for the people of Israel and the government of acting-Prime Minister Shimon Peres. Those are fine and appropriate sentiments, and I was pleased to cosponsor the resolution. It is indeed proper for the Senate to act quickly to reaffirm its unique and unwavering commitment to the State of Israel.

Yet in a certain sense, the words in the resolution we passed yesterday could never do justice to the rich, complicated, and ultimately heroic life of Yitzhak Rabin.

Prime Minister Rabin did not inspire love as much as confidence. Even if they disagreed with him, his countrymen could be assured of his commitment to their safety and security. To me, the grieving Israelis, whose pictures we have seen on television and in the papers, are probably not moved entirely by sentiments and emotions—although that is surely part of it. But I think the real reason they seem so fragile is because they have lost their anchor, and as a result are uncertain of their world. It is a measure of Rabin's greatness that his passing could have so profound an impact.

Prime Minister Rabin was the quintessential soldier—his thinking strategic, his analysis solid and calculating, his style terse, and his authority unquestioned. These qualities, which served him so well on the battlefield, were also the distinguishing characteristics of his political career. Although the ends he pursued seemed contradictory—decisive military victory on the one hand, peaceful coexistence on the other—the means by which he pursued them never changed. He brought to the peace table the same dogged determination, the same self-confidence that he possessed in the war room.

One of the quirks of world politics is that revolutionary change often springs from the most unexpected sources. The political pundits of the 1970's, for instance, would never have guessed that President Nixon would be the first to visit China. A decade later, no one could have predicted that President Reagan would be the one to sign far-reaching arms control agreements with the Evil Empire, the Soviet Union. By the same token, it was equally improbable that Rabin, who arguably was more concerned with the security of Israel than many of his compatriots, would take such unprecedented risks for peace. It defies expectation even more that this gruff soldier-turned-statesman could speak so ardently and passionately in defense of his decisions.

I think that many amongst us will always associate Prime Minister Rabin with his historic appearance on the White House lawn in September 1993, when he shook Yasir Arafat's hand in full view of the world. I well remember that sun-spilled morning, a day full of hope and promise. Some moments in history are so dramatic, so full of vitality, that they will never fade. Such was that day. For me, the defining moment came when Prime Minister Rabin uttered the unforgettable words I now shall quote:

> We are destined to live together on the same soil in the same land. We, the soldiers who have returned from battles stained with blood; we who have seen our relatives and friends killed before our eyes; we who have attended their funerals and cannot look into the eyes of their parents; we who have come from a land where parents bury their children; we who have fought against you, the Palestinians, we say to you today in a loud and a clear voice: Enough of blood and tears. Enough!

Those, Mr. President, are not the words of a warrior, but of a poet. I do not know if there is more unlikely an author for such stirring prose than Prime Minister Rabin, but it serves to remind us of the depth of his character, the multifaceted nature of his personality.

The complexities that so were evident in Rabin go to the very heart of leadership. In every democracy, there often emerges a struggle between the will of the people and the best instincts of their representatives. Prime Minister Rabin's decisions on the peace process were not always popular or well-received, but he was able to move his country in a new direction because of the strength and courage of his convictions. He came to believe as relentlessly in peace as he did in military strength, and brought a reluctant nation along with him. That, Mr. President, is the essence of leadership.

The United States has lost a trusted and valued friend, and Israel has lost one of its fiercest, and most noble lions. While nothing has changed that is fundamental between us, our two countries will never look at each other quite the same. That will be the result of having lost, in such a sudden and unthinkable way, one such as Prime Minister Rabin. Our Nation mourns his loss, and grieves with his family and friends.

Soldier, diplomat, leader, a peacemaker, Nobel laureate—to be successful at any one of these is more than enough for a rich and fulfilling life. Prime Minister Rabin excelled at all of them, and for that, history will forever remember and revere him.

THE DEATH OF MARTHA MOLONEY

Mr. FORD. Mr. President, I rise to speak today on a matter that brings me great personal sadness. A loyal and trusted member of my staff, Martha Moloney, passed away over the weekend, after a long battle with cancer.

I know that many of my colleagues will understand when I say that my staff is like a second family to me. And perhaps, it is even more pronounced for me, because of the length of time my staff has continued to serve me with such loyalty and dedication. Martha was one of those staffers, working with me for 18 years, nearly my entire service in the Senate.

Over the years, I had the privilege to see her develop her legislative acumen, having a hand in numerous historic legislative achievements and working on airport projects all across my State.

I depended immensely on her political sense and her knowledge of aviation and telecommunications issues. Her work certainly did not go unnoticed in Kentucky. Because of her commitment of time and energy, officials at one of our largest airports named a street after her. I will be forever grateful for the countless times that her advice and counsel helped me make the best decisions for Kentucky and the Nation. I know that many Kentuckians will share my belief that she will be impossible to replace.

I also saw her confront a terrible illness and turn it into a series of personal triumphs. Because of her bravery and commitment, last year's National Race for the Cure on behalf of breast cancer, had over 200 participants who ran, walked, and said, "Doing it for Martha." As a result of the personal outpouring of support on her behalf, the entire race will be dedicated in Martha's honor next year. It is the largest 5 kilometer race in the world.

If you look simply at her 25 years of public service, first in her native Kentucky and then in Washington, you cannot help but be impressed by her commitment to a State and its people. But, that really does not begin to define a woman whose gifts and talents were many.

I know my fellow Kentuckians will agree when I say she was a true southern woman in the best of that tradition. She was intelligent and articulate, not a bit afraid to speak her mind, a gracious hostess and talented artist creating beautiful quilts and needlework, and to the end, compassionate and giving.

She was the accomplished cook who was as proud of the meal she cooked at Christ House or Carpenter's homeless shelter as she was of the gourmet spread you were guaranteed when invited to dinner.

She was the woman who faced death much too early, yet was determined in the last months to needlepoint the Christmas ornaments her friends and colleagues had. come to expect each year, before it was too late.

Not long ago, I read the words of a pastor who said that "If you look hard enough, you can see God's image even in someone whose life is foreign to yours, and you can have compassion for him." In the end, I believe that is the life Martha had come to live, turning the skills that led to an accomplished career, into the large and small acts of kindness and generosity that touched all those who knew her and many who did not. My thoughts and prayers go out to her friends and family.

PRIME MINISTER YITZHAK RABIN

Mr. SANTORUM. Mr. President, the hills of Jerusalem were quiet yesterday as world leaders gathered to pay tribute to Prime Minister Yitzhak Rabin, a man who served and led Israel for more than 50 years both in war and in peace. Yitzhak Rabin was a true leader in every sense of the word. A man who, after having led his nation in war battling for freedom, turned to his own countrymen to seek peace for the long-term security of Israel.

In the days since his tragic death, much has been said of Yitzhak Rabin's unique role in brokering peace in the Middle East. Friends and former foes agree Mr. Rabin achieved progress where perhaps no other Israeli leader was capable. Because of his strong military record, Yitzhak Rabin brought legitimacy to his quest to stop the bloodshed of Israelis. Only a man who led his country to great victories in war could argue effectively against concerns that Israel was giving up its security in negotiating peace with her neighbors.

From Yitzhak Rabin's early days as a young soldier in the Palmach, to his meteoric rise to Chief of Staff of the Israeli Army, he was credited worldwide as having one of the most insightful military minds of his time. He was primarily responsible for creating the army which led Israel to victory over Egypt, Jordan, and Syria and included the capture of the Old City of Jerusalem in the Six-Day war. Yet it may have been his close contact with war that led him to eventually realize that the only true prospect to ending the Palestinian question was negotiation, and not a military solution.

One of the most tangible examples of what his efforts for peace have garnered was the presence of King Hussein and President Hosni Mubarak at the funeral services at Mount Herzl Cemetery. These men, once enemies, joined over 30 other world leaders to honor a man they had faced on the battlefield and then again at the equally difficult peace table.

Yitzhak Rabin inspired in most Israeli citizens a sense of confidence that in these troubled times he was acting in the interest of Israel's long-term prosperity. He viewed peace negotiation as a necessity to secure Israel's future in the Middle East, putting aside whatever personal remembrances he may have carried from his days as a soldier. The pinnacle of his career was witnessed by millions of people on September 13, 1993, when he and Yasir Arafat shook hands on the White House lawn after the signing of the Declaration of Principles. On that day, he spoke words meant for Israel's Arab enemies but now tragically apply to fellow Israelis, "We are today giving peace a chance—and saying to you and saying again to you: enough. Let us pray that a day will come when we all will say farewell to the arms."

TRIBUTE TO PRIME MINISTER YITZHAK RABIN

Mrs. MURRAY. Mr. President, like so many of my colleagues, I want to rise today and pay tribute to the late Israeli Prime Minister Yitzhak Rabin, who lost his life in the name of peace this past Saturday in Tel Aviv.

Many of us have spent the last several days mourning the loss of a great man—not only for Israel but also for the world. On Monday, Kings, Presidents and Princes gathered in Jerusalem to pay tribute to this finest of leaders—the late Israeli Prime Minister Yitzhak Rabin. But as I listened to the statements of praise and honor, I was struck most by the words of his granddaughter, who spoke of his place in Heaven more than his place in history. "Grandfather," she said, "may the God of Israel that keeps over all of us keep you in Heaven, as you merit."

Heaven now cradles the man who spent his life fighting wars and waging peace on behalf of the great nation of Israel. And so it is left to those of us still living to carry his torch—that "pillar of fire" described by his granddaughter, that lit a path toward peace few thought possible. Yitzhak Rabin, we will miss your vision and courage. But we will not let the message of your life be lost. Today it falls to each of us, citizens and leaders of all nations, to guarantee that your legacy of peace is fully realized.

Yitzhak Rabin was trusted by Israelis first for his military knowledge, and later for his political leadership. He has been a central actor in his nation's history since its founding in 1948, leading his country through times of war and peace. His was truly a remarkable life, held together by a singular, unwavering commitment to the security of Israel.

Yitzhak Rabin once said that he worked to end the hostilities in the region so that his children and his children's children would no longer "experience the painful cost of war." Today, on behalf of Yitzhak Rabin's granddaughter and all the children of Israel, we must not ask if the Middle East peace process can survive, but rather, how. We must devote ourselves to that goal with unity and courage.

For my part, my commitment to ensuring a strong and secure Israel remains steadfast. As always, Israel has a true and lasting friend in the United States. Since its founding, the American people have stood by Israel in the search for peace and stability. Today, as Israeli citizens mourn, we stand by our friend. In the months ahead, we will stand by Israel's side as that nation heals, and as it finds the courage to take the next step toward peace.

Shalom, Yitzhak Rabin. We praise your life and the gifts you gave to Israel and the world community.

CONDOLENCES TO ISRAEL

Mrs. HUTCHISON. Mr. President, I take this opportunity to add my voice to those that have been raised all over the world to say how sad we are today to have lost a great leader in the peace process in the Middle East. I, as a member of the Armed Services Committee, have met with Prime Minister Rabin, and I, like so many others who have spoken for the last few days, had great respect for him.

I want to say at a time like this, you look to your friendships for support and comfort. Clearly, America is there for the support and comfort of our friend, our ally, and our strong, strong compatriot, the State of Israel. We are there to make sure that we get through this testing period strong in body together.

Mr. President, I think as I look back on the events of the last few days, what struck me the most is how far the leadership of Prime Minister Rabin, along with his predecessors, brought us. The funeral itself would never have happened in our dreams. We would never have seen the President of Egypt, the King of Jordan, and even the good wishes of the PLO chief, coming together to say we are able to speak in one voice that this should not have happened, that we want to seek peace. I think now everyone believes that peace is achievable in the Middle East. That could not have happened 10 years ago.

Just seeing what we saw at the funeral yesterday makes us realize how far we have come. It makes us miss all the more the leadership that Prime Minister Rabin has given in this country for so long, first as a military spokesman, a military strategist, a hard-liner, if you will.

The Prime Minister saw how the strength of Israel was one and how the strength of Israel could be made to continue and endure into the future generations. I think he saw that peace was the answer that they had come to where they were by sheer grit and sheer determination. But he saw that it took more to have a lasting place in the Middle East, and he was coming around to bringing the people of Israel with him.

So I add my voice and say that my condolences go to the people of Israel, to Prime Minister Rabin's widow, and just say that the comfort that is there in seeing the funeral for the fallen leader of Israel and the diversity of people from around the world, leaders of country, who came to pay their respects, said more than anything else, that we are at the cusp of a time when we will see peace in the Middle East.

I just want to reiterate this Senator's strong position, that America will be there, hand-in-hand with our friends, to make sure that Prime Minister Rabin's dreams will not die. They will be carried on by his successors in office and by the future generations of leaders of Israel.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will inform the Senator we are scheduled, under previous consent, to be in recess at 12:30.

Mr. EXON. Mr. President, I ask unanimous consent I be yielded 5 minutes or a short period of time thereafter, and under that unanimous-consent request the 12:30 hour for recess be set aside temporarily, so that I might finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

THE ASSASSINATION OF PRIME MINISTER RABIN

Mr. EXON. Mr. President, I would like to briefly address the shocking loss to the world caused by the assassination of Prime Minister Rabin, the beloved Prime Minister of our friend, the State of Israel. I have heard several of my colleagues' remarks on the sadness of this moment, the terrible loss that we feel here in the United States and the terrible situation that is going on inside the State of Israel today; people obviously in dismay and disbelief. This is a very, very sad event.

I have listened with great interest this morning to my friend and colleague, the Senator from Minnesota. I simply say he said everything so well, I think it will suffice to say that I wish to associate myself with the remarks by Senator WELLSTONE on the floor of the Senate earlier today. He summed it up so very, very well that I cannot add to it.

Those of us who had our lives touched by Prime Minister Rabin, those of us who knew him, those of us who were with him, those of us who listened to his sound advice with regard to world leadership for peace over the years, feel a terrible loss. Our hearts go out to his family, to his constituents in the State of Israel, where he led so courageously and so bravely.

A true warrior of peace has been struck down. We all should recognize and realize this is a time, possibly, to have this terrible loss solidify the drive for peace in the Middle East.

THE BALANCED BUDGET

Mr. EXON. Mr. President, there is a great deal of rhetoric going on today about where the Nation is going with regard to the balanced budget that this Senator supported for a long, long time. I remind the Senate it was this Senator who voted with the near majority to reach the required number of votes for setting a constitutional amendment for a balanced budget. I have been known as a conservative Democrat for a long, long time, who has been against the wild-eyed spending that has engulfed our Nation for far too long. I stand ready with Senators on both sides of the aisle to march forward if we can, in a bipartisan fashion, not dictated by the budget resolution that was passed in the Senate.

The first thing I would like to do is address some of the talk that is going on today, talk I am very fearful is impinging upon the basic tenets of our Government. It seems to me the majority of Republicans in the Senate and the majority of Republicans in the House, at least their leadership, are now, unfortunately, working their way to try and thwart the rightful duties guaranteed under the Constitution to the President with regard to the veto process.

This is all centered now around the extension of the debt ceiling. I think it is time, now, we strip aside the facade that the Republicans have fashioned about their objections to raising the debt limit.

If you examine the Republican bill and reasonably add up the numbers, you discover the necessity by the Republicans to raise the debt ceiling by $1.8 trillion, from its present $4.9 trillion to $6.7 trillion by the year 2002. This is the best kept secret in Washington.

It is necessary for them to raise the debt ceiling to help accommodate their $245 billion tax break for the wealthy and cover the ever-increasing interest costs resulting therefrom. It is significant to note that in the Republican bill, they are increasing in the short term the National debt by $600 billion in the years 1996 to 1997.

Since this is the Republican's clearly needed goal, why do they refuse to do it now—to avert the threat of a train wreck? Such action, if it were taken by the Republicans, would avert playing Russian roulette with the economy and would avert the cloud on the economy that would be caused. Clearly, if we do not raise the debt ceiling, it would result possibly in closing down Government and defaulting on Uncle Sam's obligations for the first time in its history in not issuing Social Security checks.

Mr. President, this is wrong. The process that the Republican leadership in the House and Senate are on right now in this regard is wrong from every standpoint, as I see it.

I am sure that the Republican majorities in both the House and the Senate will pass the conference report. I am just as sure that President Clinton will veto that bill, and he would be right to do so.

The Republicans do not have the votes to override a Presidential veto. And I am glad they do not. We will eventually have to sit down and start crafting a workable budget together.

I pledge cooperation, but not capitulation. To that end, all should know where this Senator stands and where many other Senators stand who want a balanced budget. Playing games with the debt ceiling is not a yearly casino night at the local men's club. The Republicans should not be gambling with the full faith and credit of the United States.

These budget negotiations are delicate, and they will take time. At the very least, we should extend the debt ceiling into early next year.

The same is true with the next continuing resolution. We should not be taking hostages in these negotiations.

Second, we cannot, and will not, accept the Republican's current level of reductions in projected Medicare and Medicaid requirements. These are extreme, and they are excessive. They must be pared back if there is any hope of winning Democratic approval.

The same is true with tax breaks for the rich and the tax increases for working families eligible for the earned-income tax credit. Deny it as much as you want, but there is a relationship between the size of the tax breaks for the wealthy and the Medicare expenditures. The tax breaks have to be scaled back and targeted more toward middle-income Americans.

There are, of course, many others areas that will be on my list, particularly with regard to rural America which has been mauled in this budget. But I wanted to give you at least what I believe is the starting point for a balanced budget that will win bipartisan congressional support and the signature of the President of the United States.

I say to my colleagues on the other side, instead of trying to see who will blink first, why do not we try to see eye to eye on a few of these issues? That is what the American people want. That is what they deserve.

I stand ready to be of assistance to anyone on either side of the aisle in coming together where both sides are going to have to give, and give on issues that they feel very strongly about. It is in the interest of the United States of America, though, to get away from this Russian roulette that we are now headed toward, obviously with regard to the debt ceiling extension.

Mr. President, I say again, come, let us reason together.

Mr. President, I thank the Chair. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Helms).

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT

Mr. DOLE. Madam President, we have agreed to take this bill up at 2 o'clock to accommodate a lot of our colleagues who were on a plane all night. I thank the Senator from New Hampshire for not objecting to that process.

We are going to take up H.R. 1833, which is a bill to ban partial-birth abortions, and I think it is worth noting this bill passed by an overwhelming majority in the House. I know there will be efforts to amend the House bill and refer the bill to committee. I urge my colleagues to reject those efforts, because it is a straightforward bill. This isolates one procedure, one used up to the ninth month of pregnancy, and one procedure alone. It is not calling into question some of the larger abortion issues that so often divide us.

The American Medical Association's Council on Legislation voted unanimously to enforce H.R. 1833. A member of that council described it as not "a recognized medical technique."

The overwhelming majority vote in the House—including both those who consider themselves pro-choice and pro-life—underscores that this bill deserves immediate passage. After hearings and committee work in the House, nothing will be served by further delay. Those who seek to amend it are in effect trying to deprive this bill of any real meaning or significance.

The only people in America trying to defeat this bill are abortion extremists who believe that no compassion, no common sense, should ever get in the way of an anything-goes approach. I do not think reasonable people, whatever their views on abortion, agree with that position.

Opponents of this bill know that. As a result, we will instead hear soothing claims that opponents only want to amend the bill. There are those, for example, who argue that this bill needs to be amended to provide for an exception in cases where the life of the mother is at stake.

However, the bill already provides an affirmative defense in such cases. More to the point is the fact that arguments about life or health of the mother are designed to scare people and ignore the facts. The facts are these: This procedure is a 3-day procedure—that is right, 3 days. This is not something where a quick medical decision is called for in a life-and-death situation and opponents know it.

Doctor Pamela Smith, director of medical education in the department of obstetrics and gynecology at Mount Sinai Hospital in Chicago, IL, put it best:

Doctor Smith states unequivocally:

> There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

This is a straightforward and balanced bill that allows the Congress to do something it rarely has a chance to do: Step past divisive abortion arguments of the past, stand up for those who cannot defend themselves and do it in a bipartisan way.

I urge my colleagues not to allow those who have a very different agenda to defeat or delay this bill's passage.

I hope as we get into the debate that we can debate this bill and not get into unrelated matters that have no possible reference to this bill. This is an important issue.

So, hopefully, we can complete action on it or do whatever the opponents wish to do, if they are going to send it back to committee. I think there are a couple Members absent who support that approach and a couple absent who support another approach. Perhaps we can have that vote tomorrow. This is worthy of debate, and I thank my colleagues for letting us proceed to it.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

> A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortion.

The Senate proceeded to consider the bill.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I rise today to support very strongly H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. I might also point out that this is identical legislation to legislation I introduced on the Senate side. It was originally cosponsored by Senator GRAMM of Texas and had some dozen or so cosponsors, including the distinguished majority leader. But I decided that it would be just as easy to take the bill from the House side rather than to encumber the process with another piece of legislation.

So I am delighted to be here, frankly, on behalf of small children who really do not have the opportunity to be here to speak for themselves.

Last Wednesday, Madam President, was an extraordinary day in the history of the Nation's ongoing debate about abortion. There was a coalition of Members of the House from both political parties, from all across the philosophical spectrum. They were pro-choice. They were pro-life. They had different degrees of what their pro-choice or pro-life positions were—Democrats, Republicans, liberals, conservatives, pro-choice, pro-life. But they came together to form a supermajority, a two-thirds majority to pass this bill in the House, H.R. 1833.

Two of the highest ranking Members of the House minority leadership, Congressman GEPHARDT and Congressman BONIOR, joined together with the two highest ranking leaders of the majority leadership, NEWT GINGRICH and DICK ARMEY, in voting to pass this bill. I point this out, Madam President, because this is quite different from the debates that we have had here in the past on the issue of abortion. I think it goes right to the heart of how different this particular bill is to some of the other debates. Perhaps even more significant, the House's two-thirds majority for this bill, again, transcended the usual voting patterns of abortion-related issues.

It is interesting some of the names that came out of this debate: Pro-choice Democrats PATRICK KENNEDY of Rhode Island and JIM MORAN of Virginia joined with pro-choice Republicans like SUSAN MOLINARI of New York and CHARLIE BASS and BILL ZELIFF of my own State of New Hampshire to pass this bill to ban partial-birth abortions.

This does not mean that anybody compromises their views to do that. What it means is people looked at this issue very carefully with an open mind and realized what a bad, disgusting process this really is and decided that America, in no way, should be a participant or in any way add the weight of this great country in this issue to this horrible, horrible process and procedure.

So, Madam President, this great coalition, this supermajority—Democrats, Republicans, pro-choice, pro-life, liberal, conservative—came together. That does not very often happen around this place, and I think that says something about this issue and the seriousness of it.

They came together because they came to see this bill as presenting a fundamental question, a very fundamental question, and that question is a question of human rights.

The question of whether the very youngest, tiniest, most innocent of Americans, those babies whose living, moving bodies have been brought into the birth canal—into the birth canal—who, indeed are in the very process—the very process—of being born are deserving of the protection of the law of the United States of America, because that is the fundamental question we are going to face today when we vote on this issue: Is this baby, moving 90 percent through the birth canal, except for the head, is this little baby in the birth canal 3 inches from full birth—3 inches from full birth—is this baby deserving of the protection of the law as depicted in the Constitution of the United States? That is the issue we face today. No other issue. No other issue. No other issue do we face today other than that one.

The House of Representatives, to their great credit, Madam President, answered that fundamental question, and they answered it with a very resounding yes, by a supermajority of 288 to 139. When you look at the numbers, you know that was not all Democrats on one side or all Republicans on one side or all pro-life people on one side or all pro-choice people on one side, it was a mix. They answered emphatically yes, yes, yes. These little children deserve the protection of the Constitution of the United States.

I was never prouder, in the 11 years I have spent here in Congress between the House and the Senate, than I was that day when people on both sides of that issue came together. It was a magnificent day for the House and a great day for this Nation. It was a great victory for the cause of human rights, a great victory for the protection of an innocent child in the birth canal, three inches away from birth.

It is hard for me to believe that it is necessary for me, or anyone else, to stand here on the floor of the Senate today and have to fight for that protection. It is hard for me to believe that. It has always been hard for me to believe that, but it is difficult for me to accept the fact that is necessary, that there are those who would deny that protection, as if somehow this was some generic process that did not impact young children.

But beginning today, Madam President, the U.S. Senate, too, is going to face that same question. They are going to face the same question that the House faced: Will we vote to extend the protection of the law to the youngest of our fellow Americans, those whose little bodies have emerged from womb into the birth canal and are in the process of being born? That is the question we have to ask ourselves, and that is the question we are going to have to answer today.

As we start this debate, I just want to say a word to my pro-choice colleagues. I do not agree with their positions on some matters of abortion, but I respect their right to have that position. This is America. This is not a pro-choice/pro-life debate as we know it under the other circumstances of the debate. It is certainly a life or death debate.

As you listen to this debate, I say to my pro-choice colleagues, ask yourselves, why did DICK GEPHARDT, PATRICK KENNEDY, SUSAN MOLINARI, or any others, vote for this bill? You all know them. You are their pro-choice colleagues. You know them and respect them, and you understand their views. Why did they do this? Why did 73 House Democrats vote for this bill? I believe that if my pro-choice friends will keep an open mind and try to listen to this debate, as I try to honestly lay that debate out before you today, they will come to understand how and why that magnificent supermajority in the House came together to pass this bill.

Madam President, the one and only purpose of H.R. 1833 is to ban a single method of abortion that is first performed—not last, but first—at 19 to 20 weeks of gestation. That is a 5-month-old baby in the womb. That is the beginning. It then goes beyond that. It goes to the 21st, 22d, 23d, 24th, right on up to birth, right on up to 9 months—any particular time in this period. It is often later than 19 or 20 weeks that this process can be performed. These are late-term babies, the youngest of whom may have a fighting chance to live on their own outside of the womb, and the older of whom unquestionably could live outside womb.

Those of you who are parents, or have been parents, have gone through the process of feeling the heartbeat of your child—if you are a woman, inside your womb, and if you are a man, feeling that heartbeat inside womb of your wife.

Mr. HELMS. Madam President, will the distinguished Senator yield for just a moment?

Mr. SMITH. I am happy to yield to the Senator from North Carolina.

Mr. HELMS. First of all, this is not a question; it is a statement of fact for the RECORD. I admire my friend from New Hampshire for taking this responsibility on the Senate floor. I have been here many times on the abortion issue along with others, and I am very, very proud of BOB SMITH. I hope the people of New Hampshire understand that he is making a gallant fight.

Now, my question: Has the distinguished Senator from New Hampshire seen the Chicago Tribune editorial of November 5?

Mr. SMITH. I answer that yes, and I have it right here.

Mr. HELMS. I wonder if he would read the first paragraph for me.

Mr. SMITH. Yes, this is the Chicago Tribune editorial of November 5 of this year, entitled "Method and Madness on Abortion." It starts:

> In the national debate on abortion, the activists on both sides invariably stake out absolutist positions. In so doing, they often harm their respective causes by distancing themselves from the people who make up the vast, ambivalent middle ground of America.
>
> Those who champion the pro-choice position fell into that trap last week.

Mr. HELMS. If the Senator will hesitate a moment, now we get to the meat of the coconut. When the subject of abortion comes up and questions are asked of me, I have a ready question of my own to ask before we begin the discussion. I have asked it of young people, individuals who border on militancy on the abortion issue, and many others. It is a rather compelling question and it is this: What is an abortion?

Now, I hope the people of America understand the question, and I hope they understand the answer. I ask the Senator from New Hampshire to answer that question.

Mr. SMITH. Well, the answer to that question, from the perspective of the Senator from New Hampshire, is, I say to the Senator from North Carolina, that it is the process which interrupts the life of an unborn child.

Mr. HELMS. I ask the Senator, it does not just interrupt the life, it concludes the life, does it not?

Mr. SMITH. That is correct.

Mr. HELMS. Would it be fair to say that an abortion is a deliberate intent to destroy the most innocent, most helpless of human life? Is that reasonably correct?

Mr. SMITH. That is certainly my position. I think that if there were not to be any life there, there would not be any need to perform the action of abortion because there would not be anything to abort. So I draw from that conclusion that it is a life and, therefore, somebody had to take action to terminate that life.

Mr. HELMS. I wonder if the Senator is familiar with the quotation so often attributed to the late Douglas MacArthur. General MacArthur said: "In all of recorded history, there is no nation that survived in prosperity that lost its moral and spiritual motivation."

Is the Senator familiar with that statement by Douglas MacArthur?

Mr. SMITH. I have heard that statement, yes, sir.

Mr. HELMS. The point is—and I ask the Senator further—Douglas MacArthur was talking about a whole range of things, was he not?

Mr. SMITH. Yes.

Mr. HELMS. MacArthur was speaking in terms of how a nation can self-destruct by losing its sense of personal responsibility, its diligence, its willingness to work and to be constructive. I think the Senator is doing a great job on this issue, and I am not going to take up much more of his time.

Again I ask the Senator to please read the fourth paragraph of the Chicago Tribune editorial, if he will.

Mr. SMITH. "One can support abortion rights and still be horrified at such a procedure. The argument that this particular method could be essential to save the woman's life was unconvincing."

Mr. HELMS. Now move back to the immediately preceding paragraph.

Mr. SMITH. "The House, by more than a 2-1 ratio, voted to outlaw a gruesome form of late-term abortion. It involves the pulling the fetus, feet first, through the birth canal and suctioning out the brains so the skull collapses and the entire fetus is more easily removed."

Mr. HELMS. Will the Senator read the sentence again beginning with "It involves"? Read it slowly so that everybody watching on television or sitting in this Chamber can understand exactly what is being discussed here today.

Mr. SMITH. It involves the pulling of the fetus feet first through the birth canal and suctioning out the brain so the skull collapses and the entire fetus is more easily removed.

Mr. HELMS. Now, let me clarify one more point with the Senator, and then I will conclude this particular line of questioning.

One person said this procedure, in addition to being gruesome and cruel, is just 3 inches away from being totally unlawful.

Mr. SMITH. That is correct.

Mr. HELMS. What does the Senator think he meant by that?

Mr. SMITH. I think that my interpretation, were it 3 inches further, if it were 3 inches further, the head would be delivered through the birth canal and it would be a living child under the full protection of the law.

Mr. HELMS. And the law, until fairly recently, took one position with respect to the deliberate, intentional destruction of innocent human life.

What did the law say the penalty was to a doctor who did that?

Mr. SMITH. Well——

Mr. HELMS. It was murder. And why murder? Because it was intentional?

Mr. SMITH. If it was intentional, that is correct.

Mr. HELMS. I will be back with some more questions but I want to compliment the Senator, and I thank him for yielding.

Mr. SMITH. I thank the Senator from North Carolina for his comments and remarks. He has been a long-time supporter of the right to life.

Since the Senator from North Carolina brought up the Chicago Tribune editorial, I will read a couple of other lines from it because I think it makes the point very, very well. "While the majority in the Nation may support a woman's right to choose an abortion, most of the people who make up that majority do not take an absolutist view. Reasonable restrictions, such as parental notification requirements in the case of teen pregnancy, have significant national support. Public support for abortion also becomes much more tenuous in the case of fetuses that are near the point of viability outside of the womb."

These are not my positions, but I believe a life is a life. I also believe that there are many in America who do not go to the extreme that this particular procedure does.

In conclusion, the editorial writer says, "Indeed this may cause moderates who generally support abortion rights to rethink their comfort level with other forms of late-term abortion, particularly when they see in this last week's debate there was a method to the madness."

Madam President, a few weeks ago I took to the floor of the Senate and I used a series of medical drawings and a photograph of a child that was prematurely delivered. That is all I showed in terms of charts or graphs.

From that particular presentation that I made I was amazed at the irresponsibility of the press in terms of how they reported that. Now, I assume that the media that reported on it either watched the tape from C-SPAN, saw the debate from the galleries, or took somebody else's word for it.

Unfortunately, those who took somebody else's word for it did not get the truth. It was reported that I had shown graphic photographs of aborted fetuses—wrong. It was reported that I had somehow violated a woman's right to privacy by showing photographs of a woman with a child in the birth canal—wrong. Also photographs of an aborted child. It went on and on and on to the point of the ridiculous.

Today I am going to try again to see if the press can get it right. I hope they can.

These are medical drawings, medical drawings accepted by the American Medical Association. They are not photographs of women. They are medical drawings. They are straightforward depictions of the procedure as described in an 8-page paper written in 1992 by Dr. Martin Haskell who has performed over 1,000 of these abortions. In a tape recorded interview with the American Medical News on July 5, 1993, Haskell himself said "The drawings were accurate from a technical point of view."

During a June 15, 1995, public hearing before the House Judiciary Constitution subcommittee, Prof. J. Courtland Robinson, M.D., testifying on behalf of the National Abortion Federation, was questioned by Congressman KENNEDY about the same line drawings displayed in poster size next to the witness table. Dr. Robinson agreed they were technologically accurate, and also added "This is exactly probably what is occurring at the hands of the two physicians involved," just as we see this.

Also Prof. Watson Bowes of the University of North Carolina at Chapel Hill, who is an internationally recognized authority on fetal and maternal medicine, coeditor of the obstetrical and gynecological survey wrote a letter to Senator KENNEDY: "Having read Dr. Haskell's paper, I can assure you these drawings accurately represent the procedure described therein."

I hope the media this time would get it right so I do not have to read editorials about me showing photographs of aborted fetuses and photographs of women in the birth position and all this other nonsense that people have been reporting. Get it right this time, please, those of you in the media.

I will show my colleague with these charts what is done to these late-term babies in the partial birth abortion procedure, because you need to know. You are going to be voting on whether or not to stop this practice, so therefore you should know what you are voting on.

Many, if not most of you, have already seen the illustrations. They have appeared in advertisements in Roll Call, Congressional Quarterly, the Hill, and other publications as well as medical journals all over the country.

Now, some have tried to say that they are inaccurate and you will probably hear that, but they have been published in the American Medical Association's own publication, which did not question their medical accuracy.

Moreover, medical witnesses before the House Judiciary Committee hearing on this bill, even those who opposed the bill, conceded the illustrations are accurate from a technical point of view. So remember that.

Now, in this first chart, with the aid of ultrasound, the abortion doctor or the abortionist, the aid of ultrasound, finds out what the position of the baby is. Then using forceps—remember now, these children, these babies, this is 20-week minimum, 19 to 20 week, 5-month fetus and beyond; it could be 6 months, 7 months, 8 months; that is the beginning—reaches into the womb with the forceps, takes the child by the foot, as you can see in this picture here and pulls the leg around.

Why do they do that? To turn the baby around so that the baby is delivered by the feet first. Why? Because if the child comes through the birth canal feet first, the child is not breathing. If it is head first, that is a birth—a live birth, my colleagues, and we have a living baby under the protection of the law.

So we have to turn it around and do it feet first. That is what the abortionist does. Put the forceps on the tiny leg of this little child, turn it around in the womb so that it can be delivered feet first.

In the third chart, Madam President, we see that the abortionist here is pulling the child all the way out of the womb and into the birth canal with the exception of the child's head. That is what is happening in this particular chart.

Now, I want to pause for a moment. I hope that everyone will think very seriously. I want everyone to think very seriously about what is happening here.

I have witnessed the birth of my three children. It was the most beautiful thing I have ever witnessed in my life, and I am proud to say I was there. I am glad I was and I will never forget it; three children born into the world. It happens every day. Many will be born while I am speaking. Many will be aborted while I am speaking.

But here we have the hand of what could be a doctor but it is not a doctor. It is a doctor, but his goal or her goal is not to save a life; it is to take one. Picture, if you can, those of you who have witnessed a birth or can imagine what it might be like, these hands taking this child—little feet, little legs, little torso, little behind—the arms, the fingers moving as they do move. Oh, yes, there are fingers and toes at 5 months and beyond. You bet. And there is a heartbeat. It is a living, breathing child. That little body 90 percent through the birth canal, everything but the head, is 3 inches from the protection of the Constitution of the United States, in the hands of this doctor or abortionist; totally at their mercy.

Were it to be a doctor who was trying to deliver this child, it would be a beautiful thing. If it were a premature baby, we would rush that baby to what is called the preemie ward, hook it up to whatever tubes and essentials were necessary for life support to try to bring that child to where they can come home with their mother.

But that is not the case here. That is not the case here. You see there is a different objective. The next part is the worst part. It is very difficult for me, frankly, to talk about it. That I have to stand here on the floor of the Senate and talk about it is necessary because by standing here on the floor of the Senate and talking about it, I might save one or more of these children from this horrible procedure. Let us look at what happens, my fellow Americans. Let us look at what happens.

In the hands of the abortionist, the feet, the legs, the torso, the arms right to the neck—in the hands of the abortionist—moving feet, moving hands, beating heart—you can feel it. The abortionist takes a pair of scissors, no anesthetic—takes a pair of scissors, inserts the scissors into the back of the skull, pulls the scissors apart, opens up a hole in the back of the skull, inserts a catheter and sucks out the brains of the child so that the skull compresses and then he removes this dangling lifeless form from the womb. Think about it.

Yes, I have to stand here and defend this life, and I am proud to do it. I am proud to do it, because this child cannot do it. We can get off into the generic concept of abortion and talk about the generalities of abortion, a woman's right to choose and all that. That is not the issue here, folks. That is not the issue here. This is not the way to do it—a lifeless form.

I had occasion, a couple of occasions, frankly—many of you have—to take a pet that was old—it was very difficult. I had a dog one time, most recently, that I had to do this to, named Muffin; 12 years old. You know how close you get to pets. They are like—only they are not—children. But they are like children. I took that dog, who was so old that she could not get around anymore, to the vet and I said, "I have to do this. I don't know if I can handle it."

He said, "You know, you ought to come in and watch me do it rather than leave her here, because you will feel better when you see it because it is peaceful. It is not painful. We give this dog a needle and she goes to sleep. No pain."

So I did. I am glad I did, really, because I feel better about it.

Can you imagine—could you possibly imagine the pain of this child, without any anesthetic, having scissors put in the back of its neck and having its brains sucked out? Can you imagine the pain? This is the United States of America. Why are we doing this to our children? Could somebody please tell me why we are doing this? Why are we doing this? Give me a reason. I cannot wait until I hear the other side. For what? Why are we doing this?

At the beginning of this process we had an unborn child, an unborn child safe in her mother's womb. And yes, it could be a her, I say to my colleagues, pro-choice women of the Senate, it could be a her. We tend to use the word "him" but it could be her. We had an unborn child safe in her mother's womb.

Mrs. BOXER. Will the Senator yield? I just want to ask a parliamentary question.

Mr. SMITH. I am not going to yield.

Mrs. BOXER. I would inquire if the Senator is going to finish his statement or answer in debate?

Mr. SMITH. I am not going to yield. I want to finish my remarks.

Mrs. BOXER. If he will answer, could the Senator give me a sense of how long that will be? I need to know so I can plan my response.

Mr. SMITH. I do not know. I honestly do not know.

Mrs. BOXER. Could be an hour?

Mr. SMITH. I do not know.

Mrs. BOXER. The Senator can expect me to take an equal time.

Mr. SMITH. We had an unborn child safe in the womb of her mother, in that little protected area. A watery mass, if you will—safe. Safe.

You know, late-term babies have sleep cycles and wake cycles. They hear their parents. They hear their mother. You can feel them kick when they are excited, when they are awake. Any expectant mother knows that. They are moving. They are kicking. They are happy. They suck their thumb. Their little hearts are beating. Their little brains are working. It is a living thing.

Many experts will testify that newborn babies hear their mother's voice. Not only do they hear it, they recognize it. It soothes them. It calms them down.

Suddenly, however, Madam President—suddenly the baby's safe, warm, watery world is invaded by the forceps of an abortionist.

The journey from the womb through the birth canal to birth, the miraculous journey, the so beautiful journey which so many of us have witnessed—especially women who give birth to those children, and those of us husbands who have been lucky enough to witness it—this miraculous journey that every one of us, every single one of us, we have all taken this journey on our birthday.

(Mr. COATS assumed the chair.)

Mr. SMITH. The Senator from Indiana, in the chair, took that journey. The Senator from California took that journey. We all took that journey down that birth canal. And in most cases we needed a little help, we needed a little help.

But, when I look at that fourth picture—I am 54 years old. Maybe I do not look it but I am. I have seen a lot of rough things. I served in the Vietnam war. I have seen people die. I have seen people in agony, in near-death situations, with horrible diseases. I have seen quite a lot.

But I cannot imagine a country as great as this one is where a people would sanction—I do not care what you call yourselves, pro-choice or pro-life. I do not care. How could you sanction this? How could you sanction that? Did those of us who are veterans fight to defend that? I did not.

Mr. President, if this baby, if the head of this little baby, comes through the uterus, the child would slide right out of the mother's body and straight into the protection of law, just so easy—not so easy for the woman. But that little child comes out and is born kicking, hands and fingers and feet moving—you can picture that little baby—straight into the protection of law.

But, you know, that is a problem in this procedure for the abortionist. Do you know what they call it when the baby manages to come out? The dreaded complication. That is what they call it. That is the term that the abortionists use, the "dreaded complication." That is a live birth, a live birth—the dreaded complication. That is the last thing an abortionist wants. So what do they have to do? They stop the child's head from coming through the birth canal. They have to. Otherwise it is a live birth and then they have a problem—the dreaded complication.

I just want to remind my colleagues that when this procedure is taking place with the scissors and with the catheter, this child is alive. This is a child that moments before was happily kicking, moving its fingers and hands, listening to the sounds in the womb.

In the final illustration, Mr. President, the scissors are then removed from the baby's head, and the abortionist inserts the suction catheter, completing the partial-birth abortion procedure—sucks the child's brains out, the skull compresses, collapses, and the baby's small lifeless body is then removed from the birth canal, and it is over. The work is done. Is it not interesting—the contrast? Is it not interesting?

What could have been, but for somebody's decision? God knows it was not the baby's decision. It could have been a beautiful birth. We could have had nurses scrambling running to get the baby into the incubator, into the preemie ward. No. That was not to be. What we have seen that could have been a beautiful birth is now an unspeakable, brutal, ugly death, more brutal and more ugly than the way you would put any pet. Even livestock today that we eat are killed more humanely than that.

A doctor who took the Hippocratic oath to do no harm—to do no harm—has done the worst possible harm to the most innocent and defenseless little person, little patient, that he could possibly have. Here in America—700, 400, 500 times a year. Who knows? It happens.

Mr. President, we know all about the partial-birth abortion procedure in all of its sickening and grotesque detail because two doctors who have performed it hundreds of times, Dr. Martin Haskell and Dr. James McMahon, have spoken and written frankly about it in the past several months. But the most moving testimony of all comes from a registered nurse, a beautiful lady. Her name is Brenda Pratt Shafer. This is her picture. She is here today for this debate, and I had the privilege of meeting her just an hour or so ago. She assisted Dr. Haskell in performing a partial-birth abortion. She was a nurse, pro-choice, and assisted Haskell in performing a partial-birth abortion.

Brenda Shafer described what she saw in a letter to her Congressman, Representative TONY HALL, Democrat of Ohio. This is what she said. I hope the cameras can pick this up. Listen. These are not my words. These are the words of a nurse who took basically the same pledge to save lives as doctors do. But this is what she said:

> The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping, and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall.

If you can think of your child in that situation.

That is what she described the procedure as. She further states that:

> I am a registered nurse with 13 years of experience. But one day in September 1993 my nursing agency assigned me to work at a Dayton, Ohio, abortion clinic, and I had often expressed strong pro-choice views to my two teenage daughters. So I thought this assignment would be no problem for me.
>
> But I was wrong. I stood at a doctor's side as he performed the partial-birth abortion procedure—and what I saw is branded forever in my mind. The mother was 6 months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor went in with the forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head just inside the uterus.
>
> The baby's little fingers were clasping and unclasping. And his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall.
>
> The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby was completely limp. I never went back to that clinic. But I am still haunted by the face of that little boy—it was the most perfect, angelic face I have ever seen.

America, Mr. President, America this is happening in—6 month child.

God bless Brenda Pratt Shafer for having the courage to come forward with her testimony and her story because, without people like her, we would not know it happened.

I have been in the Congress for 11 years, Mr. President, and until just a few months ago—I must confess my ignorance—I did not know that this procedure was performed in America.

A registered nurse, very moving testimony, self-described pro-choice, who witnessed this procedure at the hands of Dr. Haskell. Thankfully, Nurse Shafer did tell Congressman HALL what she saw.

I might just say to my colleagues, Nurse Shafer is here today. If you would like to talk with her, she is off the floor. You can talk with her. I think my colleagues now may have some understanding as to why the House voted to ban this barbaric, brutal, gruesome, inhumane procedure.

By the 19th or 20th week of gestation, the point at which this unspeakably brutal method of abortion is used, the child is clearly capable of feeling what is happening to her. This is a living human being, one who, as I said before, if it had been born alive, would be called a preemie. If you read the commentary from neurologists, they would tell you that premature babies born at this stage of pregnancy actually may be more sensitive to pain stimulation than others.

Earlier this year, I attended a press conference at which a neurologist spoke to that effect. He later so testified before the House Judiciary Committee's hearings on this bill. He does surgery on babies all the time, and he indicated there is really no doubt—no doubt, he said—that the unborn child who is attacked and killed in the partial-birth procedure suffers not just pain but horrible, intense, excruciating pain.

I would ask you, all of us, as human beings, a few seconds, a few inches, and you are a living being, human being protected not only from pain but protected by the Constitution of the United States, and yet for a few inches, a few moments, you are the victim of the abortionist procedure, how could you not be appalled at this procedure? How could you possibly justify this procedure?

As I said, I did not even know this took place 6 months ago, but I know it now. And if it takes the last breath in my body, I am going to stop it. I am going to stop it.

Do you know why I am going to stop it, Mr. President? Because I believe in my heart that the American people will no longer tolerate this. I believe in my heart that people of good faith who differ on this issue, who listen to this debate, listen to this procedure, are going to make a decision. They are going to take the heat from the militant pro-choice people, and they are going to vote with us. We are going to stop this horrible procedure, as the House did. We are going to put it on the President's desk.

President Clinton, I hope that you will pick up that pen and put your signature on that bill to stop it.

It is very interesting; President Clinton was at one time an unborn child, like the rest of us, and his mother was in a very difficult situation, and his mother chose life. It is very interesting.

I just say to my colleagues, this is the greatest country in the world, founded with a Declaration of Independence that speaks of a God-given and "unalienable" right to life, liberty, and the pursuit of happiness. What happened to the right to life of this child? What happened to it? Why cannot she be given the opportunity to enjoy the blessings of liberty? Why cannot she be given the chance to laugh, to cry, to get married, to have children, to go to college, to be in a high school play? Why? Why does she not have that right?

The tragedy of accidents in life are bad enough. You lose a child to an accident because of alcohol; some alcoholic runs over a child. Those kinds of things happen every day in America, and they are terrible. But this is a deliberate act that stops this child from ever having the opportunity to do these things.

This is the land of the free and the home of the brave. If freedom has come to this, if freedom has come to meaning the freedom of abortionists to execute children—because that is exactly what they are doing. Let us call it exactly what it is. That is exactly what they are doing in this case. They are executing little children just as they emerge in the birth canal, inches away from birth. If that is what freedom means, then we ought to be brave enough to do what the House of Representatives did last Wednesday and pass this bill and stop this horrible, horrible procedure.

Defenders of this partial-birth abortion, whom you will hear from shortly, have a big job to do. They really do. It is almost an impossible job in trying to rationalize how you can be in favor of this process, because you will hear it all: We are getting in the way between a woman and a doctor. They will do everything they can to talk about something else other than this. They are not going to talk about this because they cannot talk about it. So they have to go use some other issue. They try to get you on to something else. As you listen to the debate, they will be off on something else because they cannot be on this.

One of the ways is to say partial-birth abortions are rare; they are obscure; they are almost never used. Well, Dr. Martin Haskell, the abortionist whose brutal handiwork Nurse Shafer witnessed, had claimed personally that he did 700 of them as of 1993. So I do not know what "rare" means—700 babies by one doctor.

As I look at that depiction of that little baby in the womb, hanging there limp, you know what I say to myself? How many U.S. Senators are in that 700? How many doctors, lawyers, Nobel Peace Prize winners, teachers? How many? I do not know. We will never know. We will never know. The first black President, is he or she in there? We will never know. First Hispanic President? We will never know. First woman President? We will never know. Cure for cancer? It may be 1 of those 700. We will never know. They will never have had a chance to be that little human being, to develop from that little human being to the ultimate that they are allowed under the Constitution of the United States. We will never know that that little life could have been a life like this. We all grow up to be our own personal beings. We are all different—a lot of life but very different little personalities. We will never know. We will never know.

They are gone. Gone. Not by accident, not in an automobile accident, not in war. No. Stabbed in the back of the neck with a pair of scissors with their brains sucked out by a catheter.

There was another abortionist by the name of James McMahon who died a few days ago. He made late-term abortions his specialty. He was profiled in a 1990 article in the Los Angeles Times. In that article, McMahon coldly claimed credit for having developed the partial-birth method, and this is very interesting. He did not call it partial-birth abortion. He called it "intrauterine cranial decompression." In English, that means crushing the skull while it is inside of the womb. That is a nice clinical description, is it not? But you see, we have to use terms like that because we cannot talk about this, because this is so obnoxious and so sickening and so disgusting and so outrageous that we have to talk about something else. So we use terms like "intrauterine cranial decompression." I like plain English. Killing a child in the womb that is 90 percent born, that is what it is.

Dr. McMahon continued, saying "I want to deal with the head last because that's the biggest problem."

That is what he said. Those are the feelings he had. When I read that, I thought to myself, "That little baby in the womb who happens to have Dr. McMahon, if it had been Dr. FRIST or Dr. anybody else, they would have been allowed to be born, they would have been allowed to grow, to become a President, to become a lawyer, to become a father, a mother, but through no choice of their own, it was Dr. McMahon who was there, not with gentle loving caring hands but with the hands of destruction," this physician who took the Hippocratic oath to do no harm.

Sadly and perversely, he came to see it as his role as a doctor to deal with the problem of the head of a little baby in the manner that I described here today—a problem. According to the American Medical News, Dr. McMahon performed abortions through all 40 weeks of pregnancy. Think about that. It made no difference to him—8½ months, 9 months, a couple days overdue, call Dr. McMahon, he will take care of it. He said he would only do elective abortions through the first 26 weeks. How thoughtful of him.

Mr. President, you see, when you hear this discussion, and my colleagues, about how rare this is, it is not rare. It is not rare. It is rare if you want to compare it to the number of births in America. A few hundred versus several million who are born in America. That I suppose you could call rare, but it is not rare to the 700 or so babies who have had that procedure, is it?

After last week's House vote, an article in the New York Times, relying on data from the pro-choice National Abortion Federation, among others, estimated that the partial-birth abortion procedure is performed more than 400 times a year. In other words, on the average, more than once a day, and that is a conservative number. Those are the ones we know about. That is 400, more than 1 a day. I do not think that is rare. That is 400 babies. It is certainly not insignificant.

Yesterday, the New York Times ran another article that indicates that the number of partial-birth abortions performed each year may, in fact, be much higher. The New York Times quotes a physician who it identifies as a gynecologist at a New York teaching hospital who spoke on the condition of anonymity.

Mr. President, I ask unanimous consent to have printed in the RECORD this article from the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 6, 1995]

WIDER IMPACT IS FORESEEN FOR BILL TO BAN TYPE OF ABORTION

(By Tamar Lewin)

Public health officials and doctors who perform abortions say the bill passed by the House of Representatives last week that would ban a type of later-term abortion is so broadly written and ill defined that it could affect many more doctors than originally thought.

Indeed, they say, it could criminalize almost any doctor who performs abortions in the second trimester, or after 12 weeks of gestation, and might force doctors to turn to less-safe methods to avoid the possibility of prosecution. Some also say that it would shrink the pool of doctors who perform second-trimester abortions.

The sponsors of the bill, and the anti-abortion groups they worked with, said their goal was to ban what they call "partial-birth abortions," in which a fetus at 20 weeks of gestation or more is partly delivered, feet first, and then to make it easier for the fetus to pass through the birth canal, the skull is collapsed.

But the House bill approved on Wednesday, the Partial-Birth Abortion Ban Act, provides a far looser definition, with no reference to fetal age or to the specifics of inserting scissors into the neck to create a hole through which the brains can be suctioned out to collapse the skull.

The legislation, which will be considered in the Senate this week, says only that "the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

That language is so broad—and the term "partial-birth abortion" so unfamiliar in the medical community—that many doctors who perform only earlier abortions, by the most common methods, say they have done procedures that would probably be prosecutable under the law.

"I'm sure I've had a situation, with a 14- or 16-week pregnancy, when the fetus presented feet first, where I did something that a Federal prosecutor might take to court under this language," said Dr. Lewis Koplik, who performs abortions up to 20 weeks in Albuquerque, N.M., and El Paso. "The decision about what method to use is made in an individual setting based on an individual woman's situation. It's not one-size-fits-all, and it shouldn't be. I don't want to make medical decisions based on Congressional language. I don't want to be that vulnerable. And it's not what I want for my patients."

Those who drafted the legislation said they did not believe it would interfere with second-trimester abortions performed by the standard method of dilation and evacuation, or D&E.

"An element of the crime is that the prosecution has to prove beyond a reasonable doubt that the baby was living," said an assistant counsel to the Constitution subcommittee of the House Judiciary Committee, Keri Harrison, who helped draft the bill. "In a D&E, there's not a living fetus being delivered. They're in there suctioning and cutting, and what they deliver is body parts. This would not cover that."

Ms. Harrison said that in drafting the legislation, she and others had rejected specifying the gestational age or abortion technique it would cover. "This isn't about a viable baby or a nonviable one," she said. "And we did not want anything about inserting scissors into the base of the skull, because we didn't want them to come up with a slightly different technique and avoid the statute. What we want to make a crime is the abortionist starting to deliver a baby and then killing it."

About 13,000 of the nation's 1.5 million abortions a year are performed after 20 weeks' gestation. And only two doctors, who perform a total of about 450 of these abortions a year, have said publicly that this method is the safest and best. So most discussion of the proposed ban has been based on the assumption that the method is rarely used, and only by a small number of doctors.

But the National Abortion Federation, which represents several hundred abortion providers, says that more doctors have recently reported that they sometimes use the method, which they call "intact D&E." And since the House vote, some gynecologists at prominent hospitals have acknowledged that they often use the method in late-term abortions.

"Of course I use it, and I've taught it for the last 10 years," said a gynecologist at a New York teaching hospital, who spoke on the condition of anonymity. "So do doctors in other cities. At around 20 weeks, the fetus is usually in a breech position. If you don't have to insert sharp instruments blindly into the uterus, that's better and safer.

"Even in earlier abortions," the doctor continued, "it can happen that after you prepare the patient by dilating the cervix, the feet move down, and the procedure might be covered by this law."

"This legislation would be a disaster for women's health," the doctor said.

Most of the doctors interviewed said they saw no moral difference between dismembering the fetus within the uterus or partially delivering it, intact, before killing it.

Several said they saw the bill as an opening wedge to outlawing all second-trimester abortions—and conceded that anti-abortion groups had won an important public-relations victory by focusing so much attention on late-term abortions, which are the least common but most emotionally fraught procedures.

According to the Alan Guttmacher Institute, a private group that studies reproductive health issues, almost nine out of 10 abortions are performed in the first trimester, when the procedure is relatively simple. About 164,000 abortions a year are performed during the second trimester, that is, at 13 to 26 weeks of gestation, but more than 9 out of 10 of these are before the 20th week.

Although second-trimester abortions are legal throughout the nation for any reason, few doctors perform abortions after 20 weeks, and while third-trimester abortions are legal in some states only a few hundred take place each year. Third-trimester abortions are performed almost exclusively by a handful of doctors who get referrals from obstetricians whose patients have serious health problems or are carrying fetuses with profound abnormalities.

Dr. Allan Rosenfield, dean of the Columbia University School of Public Health and a professor of obstetrics, said that he and a group of other doctors discussing the legislation had been unable to agree on what the law would cover—but did agree that it posed a threat to anyone who did second-trimester abortions.

"In a standard D&E, the fetus generally doesn't come out intact," Dr. Rosenfield said. "But you might very well bring down a leg at the start of the procedure, and if the definition is a beating heart, potentially any second-trimester abortion could fit this bill. My big worry is that if this becomes law, doctors will feel they have to go back to the less-safe second-trimester abortion methods we did until the 1980's, the installation procedures, in which the uterus is flooded with saline or urea."

Many of the doctors interviewed expressed concern that the legislation would shrink the pool of doctors willing to perform late-term abortions, especially since many of these doctors already face demonstrations and threats, and may not be willing to take on an additional worry about criminal prosecution.

"It really is such nonspecific and bizarre legislation that it's hard to tell what exactly they're trying to ban," and Dr. Mary Campbell, medical director of Planned Parenthood of Metro Washington. "Clearly they're anxious to prosecute anybody who's doing second- or third-trimester abortions. I know people who have said that this would be the end of their third-trimester practice, and probably their second."

Mr. SMITH. Mr. President, here is what this doctor said on the condition of anonymity: "Of course I use it"—partial-birth abortion procedure—"and I've taught it for the last 10 years."

"I've taught it," said a gynecologist at a New York teaching hospital who spoke on the condition of anonymity.

"So do doctors in other cities. At around 20 weeks, the fetus is usually in a breech position. If you don't have to insert sharp instruments blindly into the uterus, that's better and safer.

"Even in earlier abortions," the doctor continued, "it can happen that after you prepare the patient by dilating the cervix, the feet move down, and the procedure might be covered by this law. This legislation would be a disaster for women's health. . . ."

Not a word about the baby. And by the way, we cannot find much evidence of any concern at all about women's health in this particular issue.

It is clear that the doctors that we referred to, McMahon and Haskell, respectively, are not the only abortionists who employ the partial-birth abortion procedure. You see, we do not know. People are not going to come out and admit this. So we do not know how prevalent it really is. In fact, given that Times story yesterday, we may be sitting on the tip of an iceberg we do not even know about.

Besides trying to rationalize the opposition to this bill by claiming that partial-birth abortions are rare and insignificant, although I find it difficult to understand how insignificant that would be for the child, you are also going to hear on the floor of this Senate opponents that are going to try to rationalize their position by saying that the bill interferes with the doctor's professional discretion and invades the doctor-patient relationship. You are going to hear that because, again, we have to talk about things like that because we cannot talk about this. That is why I am talking about it.

Mr. President, the American Medical Association's council on legislation did not see it that way. They voted not once but twice to endorse this bill, to stop this practice. Twelve doctors on that board, practicing physicians, AMA members all, leaders of their profession voted unanimously to endorse H.R. 1833—unanimously.

A member of the AMA council later publicly commented that the partial-birth abortion procedure used by Drs. Haskell and McMahon is simply not even recognized as a medical procedure. Think about that, it is not recognized as a medical procedure. They got it right. You know why? Do you know why it is right? Because medicine is supposed to heal people, that is why they got it right. Thank God they had the courage to vote the way they did. Even though they could not get the rest of the AMA to do it, the council did. They got it right. A doctor is supposed to heal. A doctor who does a partial-birth abortion is not practicing medicine. Can any reasonable person take the floor of the Senate and tell me this doctor who does this is practicing medicine, healing? He is playing executioner, that is what he is doing.

I ask my colleagues to keep the AMA legislative council's action in mind as the opponents of this bill try to argue, and they will, that this bill interferes with the practice of medicine. You are going to hear it. The American Medical Association council on legislation carefully and thoughtfully considered it and they said it does not. They endorse this bill, because they recognize that partial-birth abortions simply do not constitute the practice of medicine. It is not a medical procedure that they do not agree with, they do not even think it is medicine at all. And yet you are going to hear all about it, how this interferes with the doctor and his patient and this is a medical process. They will tell you it is not even necessary.

Mr. President, the opponents of this legislation try to rationalize their opposition by claiming that the grotesque and inhumane partial-birth abortion procedure is only used in the most extreme circumstances. This is where we get right down to the nitty-gritty and hear a lot about this, such as when the mother's life is in danger or her health is at serious risk or when the unborn child has what they call "severe congenital abnormalities incompatible with life." I do not know what that means. We will talk about that in a few minutes.

Once again, the facts belie their claims. McMahon and Haskell, doctors—I hesitate to use that term—are the only two abortionists with the brazen temerity to go public. They went public because they were proud of it. That is why they went public. They had no problem with it. They were not trying to hide it. They went public about their use of this procedure and to identify themselves personally with it. They advocate this partial-birth abortion method as the "preferred method for elected late-term abortions."

Haskell advocates the partial-birth abortion method for 20 to 26 weeks of pregnancy and Haskell told the American Medical News that most of the partial-birth abortions he performs are, in fact, elective. Speaking with what I would call chilling candor, Haskell told the AMA News, "I'll be quite frank, most of my abortions are elective in that 20- to 24-week range and probably 20 percent are for genetic reasons and the other 80 percent are purely elective."

For genetic, 20 percent and the other 80 percent are purely elective.

So there you have it, I say to my colleagues. You will hear it all. You will hear some of our colleagues claim this hideous and cruel procedure is only reserved for the hard cases, the tough cases.

Now we know the truth. Now we know that is not true. So when you hear it, I just gave you the facts. You have it straight from the horses mouth, from the people who do it. We heard from Martin Haskell—the proud practitioner of partial-birth abortions, the one Nurse Shafer witnessed in his grisly work—who told the American Medical Association's own newspaper that 80 percent of the partial-birth abortions that he performs are "purely elective." He does them. It would be interesting to see where the other facts come from when we hear the other side of the argument.

The National Abortion Federation—the official national organization of the Nation's abortion industry—has publicly acknowledged that partial-birth abortions are routinely done for purely elective reasons. Here is what they say. They told their members this in this memorandum. In anticipation of this debate, this was sent out to their members:

> Don't apologize. There are many reasons why women have late abortions . . . lack of money or health insurance, social [or] psychological crisis, lack of knowledge of human reproduction . . ."

That does not sound like dire emergency to me, Mr. President. Maybe I am missing something. What is the emergency about that? I told you what a partial-birth abortion is. I have read you Nurse Shafer's haunting eyewitness account. I have told you what the abortionists who have done partial-birth abortions have said about them. I have given you all that.

Let me tell you what H.R. 1833—the bill in question—actually does because you are going to hear that distorted, too. They are going to have all kinds of lines on what this bill does and does not do. What it does do: The barbaric and brutal partial-birth abortion procedure that I have described and illustrated on the floor of the Senate today can, should, must and will be outlawed. It will be because I am not going to leave this Senate until it is outlawed. If we lose the vote today, it is going to come back. I am going to bring it back until we win it.

Simply stated, H.R. 1833 does that. It outlaws that procedure. If you did not like what you saw on those charts, that is your vote. There is nothing else. Do not be swayed by the other arguments because they are not relevant. If you think what we saw in the charts is appropriate, then you should vote against me and this bill. If you think that process is OK, vote against me. I would not want you to vote otherwise. If you agree with me that this is wrong, then vote with me for H.R. 1833.

It amends title VIII of the United States Code and provides that "whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both." The abortionist, not the woman. The abortionist is fined. That is the punishment for killing the child in this manner.

You will probably hear that the woman is going to be punished. Not true. Read the law.

H.R. 1833 defines a "partial-birth abortion" as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

That is what they do. Can anybody who sat here and listened to this debate honestly tell me that inserting scissors in the back of the head and sucking the brains out of a living, breathing child is not killing it? Beats me. But you will probably hear that it is not.

H.R. 1833 would ban not only the brain suction, partial-birth abortion that I have described, but any other abortion that involves the partial delivery of the child into the birth canal before he or she is killed. So the abortionist who commits this horrible act will not be able to escape culpability under the law by pulling the baby into the birth canal and stabbing her through the heart rather than sucking her brains out through a hole. There are any number of ways. Would that be any more barbaric? They could have stabbed her in the heart with the scissors.

Let me say it again. H.R. 1833 authorizes the prosecution only of the abortionist. When you hear otherwise, not true. Not the mother of the child upon whom the partial-birth abortion is performed. That woman is the innocent victim because she was advised to do something that was barbaric or to agree to do something that was barbaric. This bill is aimed at the abortionists; it is aimed at the brutality of this act; it is aimed at the gross violation of just basic human rights that are protected under the Constitution of the United States of America, for everybody, including a baby who comes out of that birth canal.

Finally, Mr. President, even though you are going to hear otherwise, H.R. 1833 provides a life of the mother exception. Absolutely, it provides a life of the mother exception.

Frankly, my jaw has dropped every time I heard one of the opponents of this bill try to say with a straight face that there is no life of the mother exception in this bill. They are going to say there is no life of the mother exception, and they will say it with a straight face, and they will give you all kinds of documentary evidence. There has always been such an exception since the day the bill was first introduced. I introduced it on this side. I know what it says, and it is in there.

The life of the mother exception is in the form of what we would call an "affirmative defense." You will find it in section "e" of H.R. 1833. Look at it. You will see it. So when you are told it is not in there, read it, and it is there. Look it up. The next time somebody says it is not there, read it. It is right there.

That is the way this situation is dealt with in the United States Code. There are 31 affirmative defenses in the United States Code. Under H.R. 1833, if a doctor reasonably believes a mother's life is in danger and that a partial-birth abortion is the only procedure he can employ to save her life, he has an affirmative defense—written right into the statute. In other words, if what the doctor faced truly was a life-of-the-mother circumstance, he cannot be convicted of violating the law.

I might also say there are very few, if any, opportunities where the life of the mother would be threatened here. Let me say it again. No doctor who reasonably believes that a mother's life is in danger and a partial-birth procedure is the only way to save it can be convicted of a crime, period.

The key word in subsection "e," Mr. President, is "reasonably." No doctor who reasonably believes that the mother's life is in danger and that no other procedure could have saved her life can be successfully prosecuted under this bill. The word "reasonably" provides protection against an abortionist like Dr. Haskell or Dr. McMahon, who may otherwise try to abuse the life of the mother exception by claiming that every partial-birth abortion they do involves a threat to the life of the mother. We are not going to let them get away with that.

Doctors have a way of projecting themselves as absolute. The doctor says it, so it must be true. The doctor says you have to have an abortion this way; it must be true. No. Doctors are human like everybody else. They are not God, and they are wrong sometimes. They are wrong when they say this is necessary procedure to save the life of the mother in all cases. A doctor against whom charges were brought under the new law would be required to demonstrate that his judgments were "reasonable." He can have other medical doctors who are in the area, who are there, who can testify to that effect, that it was an emergency that had to be done.

A doctor who abused the life of the mother exception in this bill obviously could not meet that burden. By the same token, a doctor acting in good faith to save the life of the mother obviously could and would meet that burden.

To those who try to argue that this specific, carefully drafted life of the mother exception—in the form of an affirmative defense—somehow does not adequately protect doctors who act to save the life of the mother, I say that the American Medical Association's Council on Legislation formally voted on whether to endorse this bill twice. They endorsed it, flat out, with the affirmative defense as it is written in the bill before us, H.R. 1833. They did not qualify their endorsement by saying that the life of the mother provision should be changed or modified. They endorsed it. The life of the mother affirmative defense was fine with them.

Again, all 12 doctors, the AMA legislative panel, voted unanimously, voted twice to endorse H.R. 1833—every last word. Every last provision. No exceptions.

Why would they endorse the bill if they thought the life of the mother—affirmative defense does not adequately protect doctors who try to save the life of the mother? Why would they do it? They are in the business of protecting doctors. They did not do it. They said the bill was OK.

This is a historic piece of legislation Mr. President, that originated, was voted on in the people's House, from Representative CANADY. It is the most representative body of our Nation's democracy, and as the House considered this bill as I indicated in my earlier remarks, a magnificent majority, a supermajority, a two-thirds supermajority came together—liberals, conservatives, Democrats, Republicans, pro-choice, pro-life—many voted for this bill. SUSAN MOLINARI to PATRICK KENNEDY to DICK ARMEY and NEWT GINGRICH.

We can do the same here in the Senate, Mr. President. We can look at this for the brutal act that it is and end it—never mind getting off into the generic discussion of abortion.

Look at the facts—a baby about to enter from the birth canal into the world, denied that opportunity. Put aside the other differences; put aside where a life begins. I happen to believe it begins at conception. Others of my colleagues do not agree with me. That is not the issue today. Or whether there are fetal brain waves at such-and-such a month. That is not the issue today.

Some say abortion should be legal for sex selection. That is not the issue today. They may think a couple who have a girl unborn child and prefer a boy can go ahead and abort the girl. That is not the issue today.

The partial birth ban will protect girl and boy babies alike. That is the issue today. We can all agree that a 19- or 20-week fetus in gestation at the onset of viability outside the womb is a human being. I would be interested to hear why it is not. I would like to know what it is if it is not a human being.

We should put aside the other differences. I had debates here with the Senator from California and others on the abortion issue. That is not the issue here today. The issue is this process. The bill is about abortion in the late second and into the third trimester of pregnancy—a brutal, horrible way.

Poll after poll consistently shows that the divisions among Americans over a abortion narrow and narrow as the pregnancy progresses into the second and third trimester. Even the most pro-choice Americans become pro-life at some point in the process. That is not the issue today.

This bill is about basic human rights, fundamental human rights, Mr. President. The right of a little baby to be born, grow up, to have a life. They do not depend on the polls. Do we really have to take a poll to find out whether a little baby should have the right to proceed and develop his little personality? They do not depend on politics. What do they know about politics? What do they know about polls?

Do you know what they know? They know that they hear sounds outside their mother's womb and they have sensed that protection. They are in that little fluid sac where they have protection, but they invade that. The abortionist invades that—pulls them feet first to their death.

Even the Supreme Court in the Roe versus Wade decision recognized that a born child—a born child—is a person entitled to the equal protection of the laws under our Constitution.

Now we are starting to talk a little bit differently. Now we have a problem with the semantics. What is a partially-born child? Feet out? Nothing else? Feet-knees? Feet-knees-behind? Torso? All the way to the neck? What is a partially born child? What is it?

What makes it a nonchild while it is inside, while its inside is inside the womb or its shoulders or its torso? A few inches? A few moments. Does that make it something else?

Is not a partially born child one whose entire body, except for her little head, is already in the birth canal, just as much a human being? Is she no less a human being? Is the line of a baby a nonentity who can be brutally slaughtered really just a matter of a few inches? A few moments?

This is the world's greatest deliberative body, Mr. President. I am proud to be a Member. I hope and I believe that because we are the world's greatest deliberative body that we will rise to the challenge that the House has given us.

That is the reason why I did not touch that bill. I did not use my own. I wanted that bill to come right over here and bring it right up without amendment. I want to pass it today if I can, tomorrow if necessary, whatever it takes, whatever time it takes, I want to pass it and I want to put it on the President's desk.

Once it gets there, I hope that President Clinton will sign it into law. I hope that he will look at this brutal act and put an end to it because after all, his pen, William Jefferson Clinton—will stop the process. One signature, done. No more partial-birth abortions. Hundreds of innocent children saved.

President Clinton, you were an unborn child once. The President's father died, you know, while his mother was pregnant. Is that not interesting? She faced a very tough decision. Do I raise a child alone without a father? Bill Clinton's mother chose life.

Regardless of party, regardless of ideology, I think we could say we are thankful. He became a President of the United States. He could have been a victim. Bill Clinton could have been a partial-birth abortion. We never would have known. We never would have known.

Think about it, my colleagues, because this is a very personal matter. Each and every one of us—each and every one of us—started out in life as an unborn child. Just like the one depicted in the first illustration that I showed earlier today.

When you were born as you came through that birth canal your little fingers moved, your little feet moved, you kicked your legs, you moved your arms, and when you finally came into the world with a little slap on the behind, you started to cry.

Every one of us came down that birth canal the same way—little bit differently sometimes but we came down the birth canal. We slept, we woke, we felt pain, we were happy, we were sad, our quarters were close, but we always heard our mother's voice. Our mother's voice was always there to soothe us.

As I close, I am reminded of a great maxim. Do unto others as you would have them do unto you. Do unto others as you would have them do unto you.

You and I deserved to be protected by law from a partial-birth abortion when you and I lived in our mother's womb.

There are two reasons why we are here today. Either/or: one, because our mothers chose life and had no concern about aborting us; second, because there was no abortionist there to end our lives. We had value. We had worth. We had rights. We became U.S. Senators. And those little babies have the same rights that we have under the Constitution.

As the Old Testament tells us, Almighty God knew us even then, and He loved us. Our fellow human beings, these youngest of Americans, deserve no less.

My colleagues, I implore you for the sake of God, for the sake of life, for the sake of innocent children, pass this bill.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, first I thank my colleague from New Hampshire for agreeing to begin this debate at a little later hour than originally scheduled. Many of us, who are on both sides of this debate, went to the Middle East with the President and a bipartisan delegation, and we literally have not had any rest for many hours. So, it really gave us a chance this morning to get that first bit of rest. This is a difficult debate and I think we all needed to have that rest. I thank my colleague from New Hampshire and I thank the majority leader and minority leader for agreeing to bring this up at 2 o'clock rather than 11 a.m.

I stand here in favor of committing H.R. 1833 to the Judiciary Committee for at least one hearing on this bill, and to report back with any amendments, if they so deem, within a 45-day period.

There are many reasons that I believe are quite rational for doing this, which I will get into in the course of the debate. But I want to say the motion that will be made to send this bill to committee will be a Republican motion offered by Senator SPECTER and supported by six other Republicans.

This is a bipartisan issue. This is the first time, in my knowledge, that a particular procedure has been criminalized. And I agree with my colleague from New Hampshire when he says—and he has said it many times—the Senate is the greatest deliberative body. Therefore, let us make sure before we do this for the first time in history that we have held a hearing that brings all sides to the table where there can be a discussion with medical experts.

We have one physician in the U.S. Senate. He was never an OB/GYN. We do not have anyone in the U.S. Senate who truly can understand the ramifications of criminalizing what has been a life-saving procedure. So I think the course of sending this bill to Judiciary is the proper course.

I will cover a lot of ground. My colleague took almost a couple of hours. I do not think I will take as much time, but my presentations are usually quite brief. This will not be as brief because I think we have heard my colleague without possibility to, if you will, correct the RECORD or insert differing opinions. We have not had that chance. I would like to take this time to cover a good deal of ground.

I think it is important to debate this bill, every word of this bill, the ramifications of this bill, the justifications for this bill and the tragedy that is addressed by this bill. But the one thing I hope I do not have to be lectured about is the joys of childbirth. Unlike my colleague from New Hampshire, I have had it. I have had it. I have had the joy of childbirth. I have had the joy of bringing two of the most wonderful people into this world, and now I have the joy of grandparenting. So I really do not need to be lectured about the joys of the travel down the birth canal because I have experienced it in my own body.

I had two premature babies who were not safe in my womb. They were not safe in my womb toward the end of the pregnancy, and they had to struggle for their lives, and we won that struggle. They were difficult births, and very unpredictable as to what would happen.

Now I am a grandmother, and we had complications in that one. This baby is our joy—my joy, his other grandmother's joy, his grandpa's joy, his uncle's and aunt's. So I know about the joy of children very personally, the joy of grandparenting.

But do talk to me about the bill. Do talk to me about, for the first time that we can find in history, why we at the national level should outlaw a particular procedure that is sometimes the only way to save a woman's life or to avoid the most serious, long-lasting consequences to her health. Talk to me about that. Talk to me about that.

Do not tell me that you speak for all the little children who cannot speak for themselves when you talk about this bill, because I want to talk to you about little children. Let us take a little child that is happy and alive, living in a wonderful family environment, and his mom gets pregnant and everything is wonderful and everything is joyful and they have a name picked out for the baby—if it a girl or a boy—and they think everything is right, and suddenly they learn that it is not right. I would tell you if that little child could talk—let us say he is just 2 or 3—he would say, "Don't let my mommy die." So don't tell me you are talking for all children. We cannot speak for all children.

I am going to give you a few cases. Viki Wilson, a registered nurse, a practicing Catholic, and her husband Bill, a physician, they were the parents of two children and planning for a third. In the 8th month of pregnancy, an ultrasound showed the baby's brain was growing outside of the baby's skull. The brain was twice the size of her actual head and lodged in Viki's pelvis, causing pressure on what little brain the baby had.

This was a wanted baby. They picked out a name for the baby. If Viki had carried the baby to term, Viki's cervix could not have expelled the baby. Viki's cervix would likely have torn or ruptured, causing massive hemorrhage and infection.

I do not have a chart that shows what it looks like when there is a massive hemorrhage. I do not have a chart to show you what it looks like when the cervix is torn and ruptured. I do not have a chart that shows you what your wife would look like if she had to go through this circumstance, or your daughter. I do not have a chart that shows what the baby's skull would have looked like as it was crushed by passage through the birth canal. I do not have a chart that shows that. But we do know this. If the baby had survived somehow, at most she would have lived a few short agonizing moments gasping for air. Most likely she would have suffocated the moment the umbilical cord was cut, unable to breathe through her mouth.

I do not have a chart. Viki Wilson is a practicing Catholic. If you want to meet her, you can meet her. If you want to talk to her, you can talk to her. She came forward in her grief because she could not stand to see what was happening here. She said, "My daughter's death was with dignity instead of subjecting her to a process that would have taken away all her dignity."

I have other stories. I am going to share them with my colleagues. But let me tell you of a little child who thought his mother was going through that. He would say, "Save my mother and do not allow my sister to go through this agonizing procedure."

The Senator from New Hampshire said, "Do not listen to what opponents say. They will distort this bill."

I have a copy of the bill. I have read this bill over and over again. In every case when we have voted to restrict a woman's right to choose, there have been exceptions in the bill for the life of the mother, at least in every single case. Not here, not here. Oh, yes. When the doctor is thrown in jail, he can say in his defense, "I had to do it." That is not the same as making exceptions to the life and the health of the mother.

My colleague said, Look at the numbers of votes in the House. Well, the far-right forces in the House will not allow a vote on a moderating amendment for the life of the mother, for the health of the mother. They will not allow a vote on any of this. So there was no choice for people.

I am so pleased that in the Senate we have the ability to get a vote, to stop the extremism, to stop the danger. We have a chance to do that. No. The House did not allow an amendment. That is why you had the vote that you had. I know because I did speak to some of the people over there. They said, "Barbara, we did not have a chance to vote on any moderating language we wanted so desperately. We tried to, and the Rules Committee shut us down."

So we know what this is about. It is about politics. It is about politics because if it was about substance they would have allowed a vote.

I have to say that I am not a doctor—and I am not God—and there are none in the Senate, except for one doctor who is not an OB-GYN, nor is anyone else. And no one is God.

And people invoke the name of God. And I am glad that they do that because they feel it deeply, and I feel it deeply. And if one believes in God, one believes that God has made sure that there are medical procedures in place to help save lives.

There were so many misstatements made on this Senate floor regarding this issue, and I am not going to take them on here because I am not a doctor. But I know about giving birth, and when babies are born, except in rare cases, the head comes first. The way this is described is it is described as if the woman is having a baby, and suddenly people say, "We do not want this baby." The mother is given anesthetic, large doses of it—this is a serious, complicated situation—large doses that go right to the fetus.

That is just one example of the misstatement here. That is why we need hearings on this—to find out the facts.

Even the name of this, "partial-birth abortion"—there is no such terminology. That is not a medical term. And, yet, it is outlawing "partial-birth abortion" when there is no such medical term. It is a term being used for political reasons, in my view. There is not a birth here. This is a late-term abortion, and it is tragic. It is tragic. And that is what we are talking about.

There is talk here on the floor by men who never had the experience about what it is like for the baby to flow in the water, as it was said. That is the ambiotic fluid. Sometimes something happens in a woman, and the baby is not safe in the womb. And the ambiotic fluid is not there. We hope everything goes just right. We want everything to be just right. When we get to that stage of our pregnancy—I never got to those stages; I had two preemie babies. By then we were so excited about this event.

And to make it sound like women are brutal, that doctors who take a Hippocratic oath are brutal, and that is their goal in life—is to be brutal. And they wake up every day saying, "I am going to wait until the end of my pregnancy, and I am not going to have it, and I am going to be brutal." If you listen to this, calling doctors abortionists—abortion is a legal procedure in this country. They are not without laws. They try to change it on the floor of the Senate all the time. They do not have the votes to do that. Do not call a doctor an abortionist. And do not try to be a doctor. You cannot be a doctor. You are not a doctor. You do not know the truth.

We need a hearing in the Judiciary Committee. We have people on both sides of this issue on the Judiciary Committee. And, therefore, it will have a hearing in the Judiciary Committee, and both sides will be brought out. And they will have panels on one side and another.

And when the word "elective" is used, let us straighten that out right here and now. Elective means anything but for the life. It can be the health. It can be the most severe health consequence which is given the term "elective."

Let me talk about the organizations that are cited. The AMA my colleague from New Hampshire cited. The council he talked about—12 or 13 people are on the council—voted to endorse the bill. There was not one OB-GYN on the council. The only testimony heard in the AMA was of the staff of the person who wrote the bill, and the AMA Board of Trustees unanimously rejected the recommendation of the committee. And they did not take it. So let us get that straight.

The AMA does not support this bill. There are some organizations that oppose it—that oppose it: the American Medical Women's Association, the California Medical Association, which is the largest State organization in the country, the American College of Obstetricians and Gynecologists. They oppose this legislation.

Now, we believe, those of us who believe we should commit this to the Judiciary Committee for a report back in 45 days on the bill, that before Senators are asked to cast a vote on a measure that would criminalize a legal medical procedure, which is used under rare and tragic circumstances, the Judiciary Committee should have an opportunity to review it.

I have raised some of the questions here today, and I am going to raise them again. This is what I think the committee ought to look at, whatever your view on this issue. They ought to look at the fact that there is no such term as partial-birth abortion, in any medical text, and that it was invented by the authors. And let us get down to what we are talking about here. They should also look at the fact that a doctor is threatened with criminal prosecution for trying to save a woman's life. They should look at that.

What kind of chilling effect would it have on a physician? Oh, sure, there is an affirmative defense. That is like saying, "I will arrest you if you disagree with me, but once you are in court you can have your chance to explain why you disagree with me." It is an affirmative defense. You put it in the bill. You have a right to go to court and affirmatively say, "Save the life of a mother." Let us look at what that means: Doctors threatened with criminal prosecution for trying to save the life of a woman. Let us look at that.

Let us look at the fact that there are medical problems that compel women to seek late-term abortions that range from the extremely serious to the potentially fatal, including severe heart disease, kidney failure, and cancer in need of immediate treatment. Let us have those women who have had this tragedy befall them and their husbands and their families and their children, who some here said they speak for, come forward and say how they felt when they heard unless their mother could go through an emergency medical procedure, they would lose that mother forever. Let us hear from those people. The greatest deliberative body in the world, my colleague from New Hampshire says—and I agree—let us deliberate.

The procedure that this bill would outlaw is often considered considerably safer than other alternatives. Let us look at that from a doctor's perspective. I think it is inappropriate that the Senate vote on this bill without fully exploring these questions and others.

I also have to address another issue, the issue of late-term abortion. The author of this bill—and there is a similar bill in the Senate—now the proponent of this House bill, in many ways by implication says that horrific things are going on in the country; let us stop it now; it is immediate; it is a crisis; does not tell you that under Roe versus Wade, which is the law of the land, the landmark decision in 1973, which has not been overturned by this Court, which has not been overturned by this Congress, says that in the late term of a pregnancy the States have the full and absolute right to make the rules governing these abortions. Now we have for colleagues to see the rules and regulations in every single State, and I urge my colleagues to look at that.

What you will see is that in all States of the Union there are controls. In many States of the Union, there are stringent controls which require not only the attending physician but other physicians to sign on, and this is not considered likely in the States.

What really interests me is that the party that controls this Congress—and, in particular, the people offering this legislation—always are on this floor saying let the States decide. They are closer to the problem. They are closer to the people. Let them decide. And yet they would overstep all the States, outlaw a specific procedure which we believe is the first time in the history of the country it has ever been done, and trample on all the States that have very serious regulations on this. And we will go into what some of those regulations are.

I ask unanimous consent to place in the RECORD a number of editorials.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

OUTLAWING AN ABORTION METHOD

The House of Representatives succumbed to emotional blackmail this week when it approved a bill that would ban a specific abortion procedure and impose criminal penalties on doctors who use it. The House action would undermine a woman's constitutionally protected right to choose to terminate a pregnancy and a doctor's right to determine what is best for his patient. The Senate would be wise to exercise more restraint.

The procedure to be banned, known as intact dilation and evacuation, is used only in late-term abortions, after 20 weeks of gestation, and even then its use appears modest. About 13,000 of the nation's 1.5 million abortions each year take place after 20 weeks, usually because of special circumstances, such as a threat to the mother's health or severe fetal abnormalities.

While there are no reliable statistics, most late-term abortions involve a procedure that breaks the fetus apart before it is suctioned out of the uterus. But some doctors, those who would be affected by the House bill, use a procedure that involves partially extracting the fetus into the birth canal and collapsing the skull in order to let it be extracted. Anti-abortion groups call this a "partial birth" abortion. They circulated graphic drawings in their inflammatory campaign to impose a ban.

The House majority allowed its distaste for the particular procedure to start it down a course that could undermine the constitutional right to abortion as outlined in Roe v. Wade. Roe recognized a woman's right to end a pregnancy, in consultation with her doctor, during the first trimester. I also recognized the state's interest in imposing some restrictions on abortions as a pregnancy progresses through the second and third trimesters. But it did not try to dictate the methods that could be used.

The House bill would erode the judgment in Roe and subsequent cases that while abortion's after fetal viability can be forbidden, exceptions must be allowed to preserve the mother's life or health. True, the bill would allow a doctor, if criminally charged, to argue that the procedure was needed to save the life of the mother and that no other procedure would suffice. But that leaves scant room for a doctor to exercise sound medical judgment as to the safest procedure in a particular abortion.

The House bill is harsh and intrusive. The Senate should have more respect for women, and responsible doctors and for Roe.

[From the Los Angeles Times, Nov. 3, 1995]

A GRUESOME PIECE OF LEGISLATION

THE HOUSE—SHOWN BLOODY PHOTOS—VOTES TO OUTLAW A FORM OF ABORTION

There is no question that the "partial-birth abortion" procedure that the House voted Wednesday to outlaw is gruesome. No woman undergoes this late-in pregnancy procedure without great psychological and physical pain. Few physicians perform it, and those who do may experience deeply conflicting emotions.

The procedure is done typically only to avert an outcome as gruesome as the operation itself—the death of the woman—or to remove a severely deformed fetus that would not survive after birth.

One measure of the pain and conflict surrounding the partial-birth abortion is its extreme rarity. It accounts for only about 200 of the 1.5 million abortions done annually in this country.

The nature of the procedure should have been beside the point; many medical procedures are bloody and hard to witness. Nevertheless, supporters of the bill displayed photographs of partial-birth abortions in the House chamber to manipulate the emotions of Congress members.

In banning this form of abortion, the House has set a precedent with dangerous ramifications.

Wednesday's vote is the first time a house of Congress has asserted federal authority to ban a specific, established medical procedure. As such, the action represents an important legal and political step for anti-abortion forces.

Under the House bill, doctors who perform this abortion could face up to two years in prison or monetary fines or both. A doctor must prove that no other procedure would have sufficed. In effect, Congress is telling physicians that the government will now supersede the medical judgment of a woman's physician.

Will Congress members, few of whom are physicians, now outlaw other lifesaving procedures because they are difficult to watch? Will this Congress, despite its promise to reduce the intrusion of government into private life, increasingly assert its authority at the medical bedside?

The Senate should stop this perilous slide when the legislation comes its way. And the President should be prepared to veto.

[From the Des Moines Register]

MEAN AND MEANINGLESS

PHYSICIANS, NOT MEMBERS OF CONGRESS, SHOULD DECIDE ON ABORTION METHODS

The House vote Wednesday to ban one method of late-term abortion and send doctors who perform it to prison is mean and meaningless.

It is mean because late-term abortions often are done to preserve the health of the mother or because the fetus is terribly deformed and not expected to live. About 13,000 of 1.5 million abortions performed in the United States are at 20 weeks or later. The bill puts an absurd burden on the doctor being prosecuted to prove that this particular method was necessary to save the life of the woman and that "no other procedure would suffice for that purpose."

It is meaningless because the legislation does not address alternative ways of terminating a pregnancy at late stages, among them Caesarean section and induced labor.

The method the House would criminalize is intact dilation and evacuation. The doctor pulls the fetus from the womb feet first, through the birth canal, leaving only its head inside. Surgical scissors pierce the skull, and the brain is suctioned out, the skull collapses, and the fetus is taken out.

It is hideous. It may also be the best procedure under certain circumstances. The New York Times reported that Colorado physician Warren Hern, author of the standard textbook on abortion practice, said: "The medical community has not determined the very best way to do late-term abortions, which are uncommon anyway. This method is a minor variation on what I've done for 20 years and could be absolutely necessary under some medical circumstances. But what's important is that the decision be left to the doctor."

Certainly, it should not be left to Congress, with medical issues so complex and personal issues so wrenching, when a mother's health is in danger or the fetus is severely damaged.

Of course, when the mother is well and the fetus is potentially viable but merely unwanted, a late-term abortion is unacceptable by any method.

"Yet this Congress is determined to interfere unthinkingly in any way it can, regardless of circumstances. This is the first time since Roe vs. Wade that it has acted to ban a specific abortion method, but numerous other efforts to stop abortion are under way, such as keeping funding from international groups involved in abortion overseas. The Supreme Court's landmark 1973 decision said states could not limit the right to abortion in the first trimester of pregnancy, but could regulate it in the second trimester to protect a woman's health, and could limit or prohibit it in the third trimester when the fetus is potentially viable. Today, 41 states, including Iowa, have laws prohibiting late abortions under most circumstances.

The House vote Wednesday to ban one method of late-term abortion, and a similar bill introduced in the Senate, mark the determination of politicians to pander to anti-abortion forces.

[From USA Today, Nov. 3, 1995]

ATTACK ON RARE ABORTION PROCEDURE INVITES MISERY

OUR VIEW: THESE CASES ARE TRAGIC, THESE CASES ARE PERSONAL, LEGISLATION IS A CLUMSY AND PAINFUL RESPONSE

Abortion is a wrenching decision under any circumstance. In the later stages of a pregnancy, it's a nightmare.

So it doubly painful to find the House of Representatives voting to make the nightmare worse. It did so Wednesday, voting to outlaw a last-report procedure to terminate some late-term pregnancies.

The procedure is one that would make anyone cringe. The fetus dies from an overdoes of anesthesia given to its mother. Sometimes, its skull is then drained so the fetus can be aborted intact without risk to the mother (not to cause death as critics of the procedure often claim).

It's a process undertaken in desperate circumstances. Just ask Viki Wilson, a 39-year-old registered nurse, doctor's wife, and mother of two in Frenso, Calif. She was eagerly awaiting the birth of her baby when the bad news arrived. Just four weeks before her delivery date, she learned what previous tests had failed to detect: two-thirds of her unborn daughter's brain was in a sac outside the skull. The fetus was suffering seizures and Viki Wilson's life was in danger. The baby was doomed to die outside the womb no matter what was done.

After consulting with specialists, the Wilsons opted for "intact dilation and evacuation," the procedure banned by the House.

> The anesthesia was administered and a needle used to draw fluid from the baby's enlarged head so it could pass through the birth canal without damaging her mother.
>
> "This wasn't about choice, this was about medical necessity," Wilson says.
>
> That's the case for most late-term abortions. A mother's pregnancy is complicated by health problems such as cancer or heart disease, so that continuing the pregnancy endangers her life. Or an unborn baby is found to have unthinkable deformities.
>
> If the Senate agrees with the House, other families won't get the option available to the Wilsons. Or other choices. The House language is so vague it can be read as outlawing all late-term abortions. It bans "partial-birth abortions," a term not found in medical dictionaries. Doctors, facing jail terms, may refuse to perform any late-term pregnancy terminations.
>
> And that is the real story of this legislation. Its backers say it is a wedge to challenge abortion rights broadly.
>
> The idea of aborting a healthy, late-term fetus for mere convenience is reprehensible to all sides. And rare is the doctor who would participate in such an abortion. Only a handful will even perform late-term abortions for the more compelling reasons.
>
> The legislation just isn't needed. And the broader assault will do nothing to alter the national division on abortion.
>
> After 20-plus years of debate, there's no sign of national consensus to ban abortion. And absent such social agreement, the choice must be a personal one.
>
> Abortion's dilemmas are indeed painful. But they are best resolved by appeals to hearts and minds, not dictates of law like this one.

Mrs. BOXER. I thank the Chair. One is from the Los Angeles Times. It says in part:

> In banning this form of an abortion, the House has set a precedent with dangerous ramifications. Wednesday's vote is the first time a House of Congress has asserted Federal authority to ban a specific established medical procedure. Under the House bill, doctors who perform this abortion could face up to 2 years in prison or monetary fines, or both. A doctor must prove that no other procedure would have sufficed. In effect, Congress is telling physicians that the Government will now supersede the medical judgment of a woman's physician.

"Government will supersede the medical judgment of a woman's physician."

Wonderful, just what we were elected to do, decide what medical procedures should be used under what circumstances. We have never done that in history as far as I can tell. And this is a procedure that is used in most tragic, rare circumstances involving a woman's very life, and we are going to decide, without a hearing, unless we support the Specter amendment for a hearing—and I hope we do—this should be banned.

I think this editorial raises another interesting point.

> Will Congress Members, few of whom are physicians, now outlaw other lifesaving procedures because they are difficult to watch? Will this Congress, despite its promise to reduce the intrusion of Government into private life, increasingly assert its authority at the medical bedside?

What is next, I ask? Then the editorial concludes.

> The Senate should stop this perilous slide. When the legislation comes its way, the President should be prepared to veto it.

And the President has clearly stated that abortion should be legal and rare, and his standard is life and health of the mother. This bill makes no such exception.

Then the New York Times says:

> The House bill is harsh and intrusive. The Senate should have more respect for women and for doctors and for Roe—

Meaning Roe versus Wade,

> the Supreme Court decision that gives the right to the States in the last trimester to set the rules and the standards.

USA Today: "Attack on rare abortion procedure invites misery."

They say:

> These cases are tragic. These cases are personal. Legislation is a clumsy and painful response.

And then the Baltimore Sun, and I see my colleague from Maryland is here, I think gets right to the heart of it:

> When a late-term abortion is necessary, usually to protect the health or life of the mother, a physician should not have to base his decision on how to proceed on the politics of the issue.

So under the House bill, we are not only putting physicians in peril for doing what they think is right, according to their medical training and their experience, to save a woman's life, we are putting them in peril, putting them in jail but we are bringing politics into the operating room as well, because make no mistake about it, this is about the agenda of the far right in this country, who put together a contract. They want to do away with the woman's right to choose, and even though late-term abortions are regulated by the States, this is high on their agenda.

I know the phones are ringing off the hook. That is OK, that is fine, because they are ringing off the hook on both sides. Then we see the Des Moines Register, and they talk about this legislation as mean and meaningless. They say:

> Physicians, not Members of Congress, should decide on abortion methods.

Look, what procedure are we going to get into next? What are we going to ban next? What are we going to outlaw next? I mean, the sky's the limit if we go down this slippery slope, and that is why having a hearing is so important.

I got a call today, they just sent it over to me: "Please, Senator BOXER, tell these people that the women they are talking about are someone's baby."

And they talk about babies. The woman who is in peril was somebody's baby and now she is somebody's daughter and somebody's granddaughter. Let us talk about that baby, because, yes, my baby may be 27 years old and have her own baby, but she is still my baby, and she will be my baby until the day that I am not here.

So this woman puts it into perspective. She wants me to put her name out. I do not know this woman. Dorothy Fox, from Santa Barbara, thank you for calling my office. "Please, Senator BOXER, tell these people that the women they are talking about are someone's baby. My daughter had this procedure, and I would have done anything to save my baby, my 36-year-old daughter who had to endure this horrible procedure to save her life and her reproductive health so that she could have healthy children in the future. Please tell them"—meaning the supporters of this bill—"that the fetus isn't the only baby involved. Those women were once somebody's baby."

I want to talk about the nurse that the Senator from New Hampshire points out, her emotional testimony about being in the room and seeing this procedure. And she is here to take questions, and that is good. I am glad she is here, because I have a lot of people here, too, whose stories you are going to hear.

Here is a letter from the Women's MedPlus Center in Cincinnati, OH, where this nurse worked.

I want to point out that the nurse worked at the clinic for 3 days; she worked at the clinic for 3 days. This is the woman who now comes here as an expert on this procedure. So you should ask her about that experience.

The letter we have here is from Cristy Galvin, RN, and here is what she says:

> I am a registered nurse and have worked since July 1993 in the Dayton office of Dr. Martin Haskell. In this capacity, I was the nurse that supervised the training of Brenda Pratt during her brief temporary employment at the Women's Medical Center of Dayton.
>
> As you know, we initially conducted a search of our employment records under the name "Brenda Shafer," as this was the name she signed to the letter which was given to us.
>
> When provided with the correct last name, we did, in fact, find the record of her 3-day employment at our Dayton facility.
>
> The information provided by Ms. Pratt as to our practices at the Women's Medical Center at Dayton is largely inaccurate. First, she describes Dr. Haskell performing one 25-week and one 26-week abortion. Dr. Haskell does not perform abortions past 24 weeks of pregnancy. This is a self-imposed limit to which he has scrupulously adhered to throughout the time I have worked for him.

So let us not be fast and loose with a doctor's lifetime commitment to health.

> Second, Dr. Haskell does not use the ultrasound in the performance of second-trimester procedures. We use ultrasound only to determine the pregnancy's gestation. Therefore, her entire description of her experience when viewing the second-trimester abortion, which includes Dr. Haskell's using the ultrasound while doing the procedure, is clearly questionable.
>
> Finally, at no point during a D&E is there any fetal movement or response that would

indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second-trimester dilation and extraction since it is a highly technical procedure and would not be performed by someone in a temporary capacity. If, indeed, Ms. Pratt entered the room at any point during a D&E procedure, she clearly either is misrepresenting what she saw or remembers it incorrectly.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WOMEN'S MEDICAL CENTER,
Dayton, July 17, 1995.

DEAR CONGRESSWOMAN SCHROEDER: I am a registered nurse and have worked since July, 1993, in the Dayton office of Dr. Martin Haskell. In this capacity, I was the nurse that supervised the training of Brenda Pratt during her brief temporary employment at the Women's Medical Center of Dayton. As you know, we initially conducted a search of our employment records under the name "Brenda Shafer," as this was the name she signed to the letter which was given to us. When provided with the correct last name, we did in fact find the record of her three-day employment at our Dayton facility.

The information provided by Ms. Pratt as to our practices at the Women's Medical Center of Dayton is largely inaccurate. First, she describes Dr. Haskell performing one 25-week and one 26-week abortion procedure. Dr. Haskell does not perform abortions past 24 weeks of pregnancy. This is a self-imposed limit to which he has scrupulously adhered throughout the time I have worked for him.

Second, Dr. Haskell does not use ultrasound in the performance of second-trimester procedures. We use ultrasound only to determine the pregnancy's gestation. Therefore, her entire description of her experience when viewing a second-trimester abortion, which includes Dr. Haskell's using the ultrasound while doing the procedure, is clearly questionable.

Finally, at no point during a dilatation and extraction or intact D&E is there any fetal movement or response that would indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second-trimester dilatation and extraction, since it is a highly technical procedure and would not be performed by someone in a temporary capacity. If, indeed, Ms. Pratt entered the operating room at any point during D&X procedure, she clearly either is misrepresenting what she saw or remembers it incorrectly.

If you have any further questions, please feel free to contact our office.

Sincerely,

CHRISTIE GALLIVAN, RN.

Mrs. BOXER. Mr. President, I need just about another 10 minutes to finish my response, and I know that my colleagues here will participate.

We are talking about pain and suffering. We are talking about tragedy, and I am going to read a couple of other stories of women who have had to face this. If you notice on the chart, when the chart is shown, there is no face of a woman shown. There is no face of a woman shown. There is no talk of the woman and the peril to her health and the horrible consequences of what could happen to her if she carried the fetus to term.

I want you to hear about Coreen Costello. Coreen was 7 months pregnant with her third child when she discovered through ultrasound there was something seriously wrong with her baby. The baby, named Katherine Grace, had a severe neurological disorder. The movements Coreen had been feeling were not the healthy kicking of a baby. They were nothing more than bubbles and amniotic fluid which puddled in Coreen's uterus rather than flowing through the baby.

The baby had not been able to move for months. Not move her eyelids, not move her tongue, nothing. The baby's chest cavity was unable to rise and fall to stretch her lungs to prepare them for air. Her lungs and chest were left severely underdeveloped, almost to the point of nonexistence.

The doctors told Coreen and her husband the baby was not going to survive. They considered all the options, but all brought severe risks to the mother. If Coreen waited to go into labor naturally, there was concern her uterus would rupture. I am not going to go into all the detail of what that looks like. I am not going to show a chart. They considered inducing labor, but were told it would be impossible due to the transverse position of the baby, and the fact that the baby's head was so swollen with fluid, while the baby's body was stiff.

Coreen and her husband faced a tragedy that most people never even have to face, thank God. In the end, they made a decision to save the mother's life, to save Coreen's life. She underwent a late-term abortion, and because of this procedure, she is alive today caring for her husband and her remaining two children.

Michele Brydon was 23 weeks pregnant with her third child when she went for a routine ultrasound to ensure that her baby was doing OK. The result of this ultrasound turned Michele's family life upside down. The doctors informed them that the baby—a girl—was suffering from a diaphragmatic hernia. The diaphragm protects and separates the heart and lungs from the stomach and intestines. A diaphragmatic hernia is a hole in the diaphragm, which leaves the baby's heart unprotected and pushes abdominal organs, such as her stomach and intestines, into the chest. Because of the intrusion of the abdominal organs, there was no lung growth. Michelle sought answers from specialists and a pediatric surgeon, who might try to fix the hernia. She was told the baby would not live; the baby was not compatible with life. She chose, in this particular case, to have this procedure.

In October 1992, Claudia Crown Ades was 6 months pregnant with her first child. Everything was perfect. At age 33, she was told there was no need for an amniocentesis. But, for some reason, she began to get anxious, and her doctor sent her to an ultrasound specialist to ease her mind. Three days and four doctors later, Claudia and her husband Richard were informed their baby was plagued with severe anomalies, including brain damage, heart complications, extra digits, and more. The abnormality is known as trisomy-13.

Claudia and Richard were told their baby would likely not survive the pregnancy, and would have little or no chance of living through the first year. They were devastated. They were devastated. I do not have a chart to show you that they were devastated. They wanted this pregnancy, and they were faced with the most agonizing of decisions.

After Tammy Watts and her husband found out she was pregnant in October 1994, they did everything prospective parents do—they discussed names, what kind of baby's room they wanted, whether it would be a boy or a girl. Everything looked fine.

Then in a routine 7-month ultrasound, after a few minutes, the doctor said, "There is something I did not expect to see." A mass appeared outside the fetus' stomach.

Tammy was sent to several specialists for more tests to determine if something was indeed wrong with the fetus, or whether the ultrasound machine was wrong. The doctors and the genetic counselor gave Tammy the worst possible news—the fetus, which was a girl, had no eyes, six fingers, six toes, and enlarged kidneys which were already failing. The mass on the outside of the stomach involved her bowel and bladder, and her heart and other major organs were affected.

This condition is known as trisomy-13, where on the 13th gene there is an extra chromosome. The trisomy-13 was causing the slow death of their daughter in utero. If Tammy's baby had died in utero, it would have begun to breakdown, releasing fatal toxins into the woman's bloodstream.

Tammy and her family made the hardest decision of their lives, but one that saved Tammy's life. These people are here to talk to you. Listen to them, look in their eyes, and look at how they love their families and their children.

Women in their late-term pregnancies do not desire, do not anticipate, want, or even think about abortion. Women in the late term of their pregnancies are anticipating the joy of child birth, the fulfillment of motherhood and family.

Doctors know late-term abortions are dangerous and difficult. They are emergency medical procedures done in the most tragic and painful circumstances. Yet, this bill would outlaw an emergency medical procedure. It will put a doctor in jail because he tried to save a woman's life. It is going to happen without a hearing in the Judiciary Committee, unless the Republican motion to commit, which will be offered by Senator SPECTER, passes. We were not elected to be doctors, and we were not elected to be God. And the States control late-term abortions. We have the list.

I ask unanimous consent to have printed in the RECORD this list of the States with the postviability restrictions. Every single State has restrictions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATES WITH POST-VIABILITY RESTRICTIONS

ALABAMA

No abortion may be performed after viability at an abortion or reproductive health center unless immediately necessary to preserve the woman's life or physical health. Admin. Code r. 420-5-1-.03(2)(c) (Supp. 1990).

ARIZONA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §36-2301.01 (1993).

ARKANSAS

No abortion may be performed after viability unless necessary to preserve the woman's life or health or the pregnancy is the result of rape or incest perpetrated on a minor. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§20-16-705, -707 (Michie 1991).

CALIFORNIA

No abortion may be performed after the 20th week of pregnancy. Health & Safety §25953 (West 1984). The Attorney General has issued an opinion stating that this provision is unconstitutional as applied to pre-viability abortions and abortions necessary to preserve the woman's life or health. 65 Op. Att'y Gen. 261 (1982).

CONNECTICUT

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §19a-602(b) (West Supp. 1993).

DELAWARE

No abortion may be performed after the 20th week of gestation unless continuation of the pregnancy is likely to result in the woman's death. Tit. 24, §1790 (1987 & Supp. 1992). The Attorney General has issued an opinion stating that this provision is invalid and inconsistent with *Roe* v. *Wade*, 410 U.S. 113 (1973).

FLORIDA

No abortion may be performed in the last trimester of pregnancy unless two physicians certify in writing that the abortion is necessary to preserve the woman's life or health. §390.001(2) (West 1993). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point which varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti* v. *Franklin*, 439 U.S. 379, 388-89 (1979).

GEORGIA

No abortion may be performed after the second trimester unless three physicians certify that an abortion is necessary to preserve the woman's life or health. §16-12-141(c) (Michie 1992). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti* v. *Franklin*, 439 U.S. 379, 388-89 (1979).

IDAHO

No abortion may be performed after viability unless necessary to preserve the woman's life or unless the fetus, if born, would be unable to survive. §§18-608(3), 18-604(6) (1987). This law unconstitutionally prohibits post-viability abortions in cases in which an abortion is necessary to preserve the woman's health. *See Roe* v. *Wade*, 410 U.S. 113, 165 (1973).

ILLINOIS

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Ch. 720, act 510 §§5,6 (Michie 1993).

INDIANA

No abortion may be performed after viability unless necessary to prevent a substantial permanent impairment of the life or physical health of the woman. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§16-34-2-1(3), 16-34-2-3(b) (West Supp. 1993). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe* v. *Wade*, 410 U.S. 113, 164-165 (1973).

IOWA

No abortion may be performed after the end of the second trimester unless necessary to preserve the woman's life or health. §707.7 (West 1979). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point which varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti* v. *Franklin*, 439 U.S. 379, 388-89 (1979).

KANSAS

No abortion may be performed after viability unless the attending physician and another, financially independent physician determine that an abortion is necessary to preserve the woman's life or the fetus is affected by a severe or life-threatening deformity or abnormality. §65-6703 (1992 & Supp. 1993). The Attorney General has issued an opinion stating that abortion cannot be prohibited at any time when a woman's health is at risk, and has filed a lawsuit requesting a court order stating that this law is unconstitutional and enjoining its enforcement. Op. Att'y Gen. No. 91-130 (Oct. 15, 1991); *Stephan* v. *Finney*, No. 93-CV-912 (Kan. D. Ct. filed Aug. 4, 1993).

KENTUCKY

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §311.780 (Michie/Bobbs-Merrill 1990).

LOUISIANA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §40:1299.35.4 (West 1992).

MAINE

No abortion may be performed after viability unless necessary to preserve the woman's life or health. Tit. 22, §1598 (West 1992 & Supp. 1993).

MARYLAND

Abortion may be prohibited after viability unless necessary to preserve the woman's life or health or unless the fetus is affected by genetic defect or serious deformity or abnormality. Health-Gen. §20-209 (Supp. 1993).

MASSACHUSETTS

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life or to prevent a substantial risk of grave impairment to her physical or mental health. Ch. 112, §12M (West 1983). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

MICHIGAN

Any person who intentionally causes an abortion that is not necessary to preserve the woman's life is guilty of manslaughter if the abortion occurs after quickening. §750.323 (West 1991) (enacted 1931). A court has ruled that this law is not unconstitutional as applied to viable fetuses. *Larkin v. Cahalan*, 208 N.W.2d 176 (Mich. 1973). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortions prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *See Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law is also unconstitutional as applied to post-viability abortions necessary to preserve the woman's health. *See Rose v. Wade*, 410 U.S. 113, 165 (1973).

MINNESOTA

No abortion may be performed after the second half of the gestation period (20 weeks) unless necessary to preserve the woman's life or health. A second physician must be immediately accessible at a post-viability abortion to take all reasonable measures to preserve the life and health of the fetus. §§145.412(sub. 3), 145.411(sub. 2), 145.423(sub. 2) (West 1989). A court has ruled that the provision restricting abortion after 20 weeks is unconstitutional.

MISSOURI

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §188.030 (Vernon 1983).

MONTANA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §50-20-109(1)(c) (1993).

NEBRASKA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §28-329 (1989).

NEVADA

No abortion may be performed after the 24th week of pregnancy unless that is a substantial risk that continuance of the pregnancy would endanger the woman's life or gravely impair her physical or mental health. §442.250 (1991). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortions prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *See Colautti v. Franklin*, 439 U.S. 379, 388–89 (1979). This law is also unconstitutional as applied to some post-viability abortions necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

NEW HAMPSHIRE

No abortion may be performed after quickening, unless necessary to preserve the woman's life. §585:13 (1986). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and which may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

NEW YORK

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life. When an abortion is performed after the 20th week of pregnancy, a second physician must be in attendance to provide medical attention to the fetus. Penal Law §125.05(3) (McKinney 1987); Pub. Health §4164 (McKinney 1985). These provisions are unconstitutional to the extent that they prohibit pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and which may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

NORTH CAROLINA

No abortion may be performed after 20 weeks of pregnancy unless there is a substantial risk that continuance of the pregnancy would threaten the woman's life or gravely impair her health. §14-45.1(b) (1986). These provisions are unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S.C. 379, 388–89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve a woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

NORTH DAKOTA

No abortion may be performed after viability unless the attending physician and two other licensed physicians who have examined the woman concur that the procedure is necessary to preserve the woman's life or continuation of the pregnancy would impose on her a substantial risk of grave impairment to her physical or mental health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§14-02.1-04, 14-02.1-05 (1991). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113,165 (1973).

OHIO

No abortion may be performed after viability unless two physicians certify in writing that it is necessary to preserve a woman's life or to prevent a serious risk or substantial and irreversible impairment of a major bodily function. The physician must use the abortion method most likely to result in fetal survival, a second physician must be in attendance to provide medical attention to the fetus, and the abortion must be performed in a health care facility with access to neonatal services for premature infants. This law is scheduled to become effective on November 15, 1995. A lawsuit has been filed challenging the constitutionality of these provisions. *Women's Medical Professional Corp. v. Voinovich*, (S.D. Ohio filed Oct. 27, 1995).

OKLAHOMA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Tit. 63, §1-732 (West 1984).

PENNSYLVANIA

No abortion may be performed after the 24th week of pregnancy unless the attending physician and another physician who has examined the woman concur that the procedure is necessary to preserve the woman's life or to prevent a substantial and irreversible impairment of a major bodily function. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Tit. 18, §3211 (Supp. 1994). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

RHODE ISLAND

No abortion may be performed after viability unless necessary to preserve the woman's life. §11-23-5 (1981). This law unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

SOUTH CAROLINA

No abortion may be performed after the 24th week unless the attending physician and another independent physician certify that the abortion is necessary to preserve the woman's life or health. §§44-41-20(c), -10(k), (l) (Law. Co-op. 1985 & Supp. 1990). A court has ruled that this provision is unconstitutional as applied to pre-viability abortions. *Floyd v. Anders*, 440 F. Supp. 535 (D.S.C. 1977), *vacated without opinion on other grounds*, 440 U.S. 445 (1979).

SOUTH DAKOTA

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life or health. §34-23A-5 (1986). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388–89 (1979).

TENNESSEE

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §39-15-201(c)(3) (1991).

TEXAS

No abortion may be performed after viability unless necessary to prevent the death or a substantial risk of serious impairment to the physical or mental health of the woman or if the fetus has a severe and irreversible abnormality. Art. 4495b, §4.011(b), (d) (West Supp. 1994). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

UTAH

No abortion may be performed after 20 weeks unless necessary to preserve the woman's life, to prevent grave damage to the woman's medical health, or to prevent the birth of a child that would be born with grave defects. §§76-7-302(3) (1990 & Supp. 1993). A court has ruled that this provision is unconstitutional. *Jane L. v. Bangerter*, 61 F. 3d 1493 (10th Cir. 1995).

VIRGINIA

No abortion may be performed subsequent to the second trimester unless the attending physician and two other physicians certify that continuation of the pregnancy is likely to result in the woman's death or substantially and irremediably impair the woman's physical or mental health. §18.2-74 (Michie 1988). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the pregnant woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

WASHINGTON

No abortion may be performed after viability unless necessary to protect the woman's life or health. §§9.02.110, 9.02.120 (Supp. 1994).

WISCONSIN

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §940.15 (West Supp. 1993).

WYOMING

No abortion may be performed after viability unless necessary to protect the woman from imminent peril that substantially endangers her life or health. §35-6-102 (1988). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113,165 (1973).

Mrs. BOXER. So this is about politics. I can only conclude that it is about a zeal to outlaw all abortion. We had that. I lived through that. Others lived through that. Women died because they could not get access. That is what this is about.

I can only conclude that it is about a commitment to the extreme right, who has made this a litmus test issue. I can only conclude that their commitment to State rights which, by the way, when they repealed nursing home standards, they said let the States set those standards. We said, wait a minute, we need to have Federal nursing home standards because our seniors will go back to the days when they were scalded in the bathtubs, sexually abused, and worse. They said, no, no, no, we believe in States rights. Well, here they are overstepping the States. The States control this in the late term of a pregnancy.

It is their desire to take the most painful and difficult and tragic circumstances and turn them into a political win. Without any hesitation, I can state that if it passes—and I know the President will not sign it because he already said he will not because it makes no exception to preserving the life and health of the mother—but if something happened that and President was not there and it was another President and that President signed the bill, women will die, and they will be our babies that we raised. Those are the babies that will die.

What kind of country do we want to be? I say to my friend, we have to look at that. Is this going to be a country which outlaws a medical procedure that is used to save a woman's life? Are we going to put women to their death? What is next, the Government deciding when people should die? Maybe we will withhold life procedures that Senators do not think are nice, and they will have charts and say withhold that procedure from your grandmother. Well, not on my watch, not on my watch.

I want to close by asking every male Senator to picture this: Your 32-year-old daughter or your 28-year-old daughter comes home to you—or, more likely, you get a call from the emergency room at the hospital, and the doctor says, "I do not know how to tell you this, but if I am going to save your child's life, your baby's life, I have to act now because she is in danger and in jeopardy"—I beg my colleagues to put themselves in that position and be honest about this issue because you know what you would say. You would ask questions; you would find out if there is any way to save this pregnancy, if there is any way to save her life or the baby's. But if it came down to that, after you checked and double checked and found out that this one emergency procedure, and only that, could save her life, you would say, "Doctor, with the help of God, do what you were trained to do and save my baby's life." I think if Senators are really honest, they will vote to send this bill to the Judiciary Committee, where it will be in front of the committee that is sharply divided on the issue of abortion, where doctors can come forward, where nurses can come forward, where women can come forward, where they can be questioned, where a nurse who said she saw this can be questioned, where a doctor who performs this can be questioned, so that we can have all the information that we need.

I ask my colleague from Maryland if she would like me to yield to her because I know she has been waiting here for hours.

Ms. MIKULSKI. I appreciate that, but I also note there is another Senator here. I have a very short statement. But I know the Senator has been waiting for some time, as well.

Mr. DEWINE. Either way. It does not matter.

Ms. MIKULSKI. Is the Senator's statement long?

Mr. DEWINE. Mine is probably about 10 minutes.

Ms. MIKULSKI. Why do we not stick to the tradition of alternating. If I might respond to the Senator from California, I think the most important thing in a debate like this is for us to maintain civility and the traditions of the Senate. I will be happy to wait my turn. I thank the Senator for her concern.

Mrs. BOXER. I say to my friends, I really appreciate the spirit with which we entered this debate. I hope it will be the spirit that we have throughout this debate. It surely is difficult.

I think I have made the case for why I think it is important to send this bill to the committee. I think I have made the point that when we talk about babies we have to talk about all of the life involved in this: My daughter and your daughter, your baby, the fetus in a late term which is so desperately wanted by the family, and why this is such a tragic decision for families.

And why for the first time in history, for Congress to ban a medical procedure that sometimes is the only way to save the woman's life is getting us down a slippery slope, and why it is very important to have a closer look at this, to be the greatest deliberative body in the world.

I thank my colleagues. I yield the floor.

Mr. DEWINE. Let me thank my colleague from Maryland for her graciousness in regard to alternating back and forth on the two sides of the aisle regarding this bill.

I rise today in strong support for the partial-birth abortion bill. I think everyone knows, in this Chamber at least, that I am pro-life. But the comments I make today are not really directed directly at those in the Chamber who are pro-life, but at those who would consider themselves to be pro-choice.

I will address some of the concerns that might be raised in regard to this bill by people who do consider themselves pro-choice.

As my colleague has so eloquently pointed out, when the House of Representatives took this bill up and ultimately voted on it, there were a number of people who I am sure still today describe themselves as pro-choice, who voted for this bill: Representative BONIOR, Representative GEPHARDT, Representative SUSAN MOLINARI, Representative PATRICK KENNEDY. So I think it is clear that people who consider themselves pro-choice can, in fact, vote for this piece of legislation.

I think it is important as we debate today, Mr. President, that we narrow the focus of the debate to the specific bill in front of us, to the language contained in that bill. I believe that, if Members of this Chamber will do that, they will find that the legislation does deserve the support, not just of those of us who consider ourselves pro-life, but also of those who consider themselves pro-choice.

I have seen it quoted in the paper that there are those who argue that this particular piece of legislation will rollback Roe versus Wade. I do not think that is true. In fact, I know it is not true.

It is perfectly possible, Mr. President, and intellectually coherent and intellectually consistent, to endorse this legislation and at the same time support the decision in Roe versus Wade. I do not happen to support Roe versus Wade, but I do believe that by narrowly focusing on this piece of legislation—what it will do, what it will prevent—a person would come to the conclusion that it is not inconsistent with Roe versus Wade.

This bill, Mr. President, is not a ban on abortions. It is not even a restriction on when an abortion may be performed. Let me repeat that. It is not a restriction on when an abortion may be performed.

Restrictions of that kind were actually envisioned by Roe versus Wade. If you carefully read Roe versus Wade, it is clear that was envisioned by the Court. Roe versus Wade did make the distinction between the different trimesters.

Even though Roe versus Wade allowed for that kind of restriction, this bill does not restrict the timeframe for a woman contemplating an abortion. All this bill does is abolish one particular procedure. All this bill does is abolish one particular procedure.

My friend and colleague from New Hampshire has described this procedure in great detail. It was unpleasant to listen. At one point I literally walked off the floor. But I compliment him for having the courage to come to this floor and to talk about the facts and to lay out before this Senate and before the American people what, exactly, we are talking about.

Stripping away the pleasant rhetoric that is usually used in describing in great detail exactly what this single procedure and what this bill is about, and what it actually does. I think we all can agree that this procedure is especially cruel, unusual and inhumane.

Prof. Robert White is the director of the Division of Neurosurgery and Brain Research Laboratory at Case Western Reserve University. He testified before the House Judiciary Subcommittee on the Constitution.

Let me just stop at this point in response to my colleague from California, her comment that this bill should be sent back, sent back to the Judiciary Committee of the Senate for hearings. There were significant hearings held in the Judiciary Committee in the House of Representatives that covered both sides of this particular issue.

I think in this case, at least, any additional hearings would be redundant. The facts are basically here in front of us.

Let me go back to the quote from Professor White when he testified before the House Judiciary Subcommittee on the discussion. He said that fetuses that are subjected to this procedure are "fully capable of experiencing pain;" "fully capable of experiencing pain."

Mr. President, they endure that terrible procedure that we have heard described, and they are fully capable during that time of experiencing this pain.

We should, Mr. President, take some comfort in the fact that the procedure is not performed very frequently. It is rare. The fact is it should not be performed at all. It is an unnecessary procedure. Even from the perspective of the pro-choice community.

Mr. President, some Senators have expressed concern about whether the mother will be adequately protected without the availability of this procedure. If you talk to the medical community about this they will tell you that if a mother's life is in danger they certainly have more humane ways of terminating the pregnancy to save her.

Let me turn, if I could, Mr. President, to a matter that has been raised already on this floor and that I know will be raised again. That is, the exception for the life of the mother. In this bill, there is such an exception. It is called an affirmative defense.

Let me read from the statute of the proposed bill.

> It is an affirmative defense to a prosecution or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was before a physician who reasonably believed, one, the partial-birth abortion was necessary to save the life of the mother and, two, no other procedure would suffice for that purpose.

This is the only way, I submit, that as a practical matter such an exception can be included in this type of legislation.

Affirmative defenses are not new. Affirmative defenses, as the occupant of the chair, the Presiding Officer knows very well, go back throughout history. They include things that we all know about: insanity, for example, or self-defense. In fact, they are contained in the Federal Code in 30 or 31 different statutes.

For those who have prosecuted at the State level, we all know about affirmative defenses, as well. Affirmative defenses are usually written into the statute when the knowledge about the fact is uniquely in the hands or control of the defendant.

I submit that is true in this particular case. To not have it included as an affirmative defense, but rather to write it directly into the statute, would pose a situation that would be virtually impossible to deal with in court, as the prosecutor would have to basically prove a negative in every single case and then would, in fact, have to get inside the mind of the defendant. This is the type of situation where affirmative defenses are historically used. In the Federal Code, 30 or 35 times affirmative defenses are mentioned and are, in fact, built into the statute.

The legal test, guilt beyond a reasonable doubt, never changes. Every element has to be proven. It has to be proven beyond a reasonable doubt. The question of the affirmative defense comes in as raised by the defendant and there, when it is raised by the defendant, the legal standard is a very, very low standard; that standard is preponderance of the evidence, evidence which is of greater weight, more convincing than the evidence which is offered in opposition to it. It is a balancing test. That is all the defendant has to do.

To summarize, to those who are especially concerned about the life of the mother in this regard, as we all should be, this bill does contain an affirmative defense for doctors who act with a reasonable belief that this procedure is necessary to save the mother's life. As a former prosecutor, I can state it is relatively common in criminal law, both at the Federal level and State level, to provide this exception, to provide exceptions to general rules. Among the most common examples are self-defense and the insanity defense. There are more than 30 of these affirmative defenses in the current Federal law.

For example, to a charge of witness tampering, there is an affirmative defense that the intent of the defendant was to encourage truthful testimony. In cases of failure to appear, there is an affirmative defense of uncontrollable circumstances. In cases of knowing endangerment, there is an affirmative defense that the endangered person consented to a professionally approved medical treatment.

These protections for defendants are relatively common, and the Federal courts know how to deal with them. The affirmative defense in this bill is a sensible and rational provision to protect doctors and patients.

We should not lose sight of the real health issue involved here. According to Dr. Pamela Smith of the department of ob-gyn at Mount Sinai Hospital in Chicago, the procedure of partial abortion itself poses risks to the health of the mother. She cites several examples, and then she concludes:

> There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

This is a pretty clear medical conclusion. Frankly, as I examine the facts, I see no reason why this Senate—those who consider themselves pro-life and those who consider themselves pro-choice—should not approve overwhelmingly this bill. This debate will continue, I am sure, into the night tonight and into tomorrow.

I ask, again, that my colleagues listen to the narrow focus of the debate. Look at the language in the bill. Recall the basic facts that we have in front of us in regard to what this medical—medical procedure—actually entails.

I think, after Members do this, there is only one logical conclusion that they can come to, and that is, whether pro-life or pro-choice, they have to vote to ban this horrible, brutal operation.

I thank my colleague from Maryland, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in opposition to the pending business before the U.S. Senate. Let me say at the outset, I believe that good people can differ on the matter of abortion. I believe this is an issue so profound that it requires the utmost thoughtfulness and the utmost dignity, even as we debate this.

I would also like to state what pro-choice means. We often use the phrase pro-choice or pro-life. We pro-choice people happen to think we, too, are pro-life. We are not anti-life. For us, the question is not what is decided; the question is who decides. For the pro-choice community, we believe that decisions related to abortion should not be made on the floor of the U.S. Congress but should be left in the doctor's consultation room.

So our position, when we say pro-choice, is that we believe it is a decision not to be made by Congress, not to be made by a conference committee, not to be determined through a Presidential veto, but should be determined between a physician and the patient. That is why we say we are pro-choice.

There are any number of circumstances why an abortion is either medically necessary or medically appropriate. There is no way the U.S. Congress can look at these issues or even anticipate what a variety of these medical circumstances are. Within this great institution, there is only one physician, and I know there are no nurses. Some have strong scientific background, but we are not capable of that. These are decisions that need to be made on a case-by-case basis, based on the medical circumstances and the religious convictions of the individual families that are involved, not the collective wisdom or lack of it by the U.S. Congress.

This is why, when we say we are pro-choice, I say we are not anti-life. We are for appropriate decisions to be made based on what is medically appropriate and what is the individual family circumstances and their own religious convictions. So that is a general statement. But on this bill, I would like to say, too, that this bill requires very careful study. It is far reaching. It strikes, too, at that very core of the doctor-patient relationship that I have just commented upon.

I bring to everyone's attention, there have been no hearings on this bill in the U.S. Senate. Yes, there was a hearing in the House. But this is the U.S. Senate. If a House hearing counted, we would not hold hearings on anything. We would have not held hearings on the tax bill, we would not hold hearings on the budget, we would not hold hearings on welfare reform. We, the U.S. Senate, must act as our own body, and I believe it is up to the Senate to conduct its own hearing on this most sensitive, most difficult issue.

The ban that is being proposed would have an effect far beyond the issue of abortion. For the first time, the Congress would be directly regulating what medical procedures a doctor can and cannot provide. It is a tremendous intrusion into medical practices.

I know tomorrow morning, the Senator from Pennsylvania, Senator SPECTER, will be offering a motion to send the bill back to the committee for a hearing, with a time certain for reporting it back. I will support the motion, and I want everyone to understand that the motion to recommit for a hearing is not dodge ball, where we, by referring it back, we avoid the vote. It is to be sure that when we do vote, we will have heard from all who have an interest in this legislation.

Under this legislation, I want to bring out that Congress could make criminals out of doctors who perform a procedure which, in their expert opinion, is medically necessary to save a woman's life or to prevent serious adverse risk to her health. Supporters of the legislation like to point out that the bill contains a so-called affirmative defense which allows for procedures performed to save a woman's life. But what does that mean? If you read the bill carefully, you see that this is not a life exception. It means that after a doctor has suffered the humiliation of arrest, being handcuffed, forced to hire an attorney, and posted bond and a trial is underway, the doctor can testify that he or she believed the procedure was the only method that would have saved the woman's life. This completely shifts the burden of proof to the doctor after an arrest has been made. We criminalize this. The doctor has to prove that the procedure was the only procedure that could have saved the woman's life.

What is more, there is no such affirmative defense for cases where the woman and her doctor have decided the procedure is necessary to preserve the woman's health and future fertility.

The bill before us is a tremendous assault on Roe versus Wade. Under Roe, the Supreme Court has consistently upheld the constitutional right of women to seek an abortion, and has rejected as unconstitutional those laws that do not allow for late-term abortions necessary to preserve the life or health of the mother. The Court has repeatedly affirmed the right of the physician to make that decision, along with the woman, as to what is in the best interest. The Court has rejected laws that would require the physician to put the health of the fetus before the health of the woman. In decision after decision, the Court has affirmed that the woman's health must remain the doctor's paramount concern. This bill would overturn that premise.

So this bill is carefully crafted to directly attack the underpinnings of Roe versus Wade, and the bill's sponsors, particularly in the House, have already served notice that their intention is to completely outlaw abortion, one procedure at a time.

Mr. President, I believe this bill is radical and far reaching. This bill has not been the subject of a single day of hearings in the Senate. We have not heard from one witness, especially the medical community. No committee has deliberated on the language of the bill and understands the full consequences of this. This is simply unacceptable.

The abortion issue is a sensitive and controversial one. Emotions run high whenever we debate this issue. That is why it is so crucial that, before we vote on this bill, it should be subject to the careful study that committee hearings and deliberation would provide. I would support a limit on the time being referred to the committee, a 30- to 40-day limit. We could vote before this Congress adjourns for the holiday recess.

For myself, I would like to hear the testimony from the proponents of the bill about why they believe Members of Congress are better able than physicians to decide what medical procedures are appropriate for women facing the tragedy of a late-term abortion. I think the Senate should hear from women who face the painful decision of terminating a wanted pregnancy, and whose doctors have selected this method.

I think the Senate should hear from the physicians who perform this procedure so that we can understand why it is sometimes necessary, and what would happen to these women if this procedure were banned. I want to hear from the American College of ob-gyn's. They are the experts in this field. The Senate should hear their testimony about what they think about this bill. I have been informed that they think it is misguided. Let them present the testimony. Let us have a discussion with that.

There are 13,000 physicians of the American Medical Woman's Association who oppose this bill. We should hear why. Is it the procedure, or is it the Federal intrusion? We hear so much about the Federal intrusion into people's lives. This is the most profound of Federal intrusions. But again, let us hear from the doctors. Let us hear from the doctors about this issue.

This issue is too complex, and its implications too profound to let it come to the floor for debate without due consideration through the committee process. Regardless of any Senator's views on abortion, I believe that every Senator should support the motion that will be offered by the Senator from Pennsylvania to send the bill to the committee. This is not an undue delay. It is a responsible thing to do. The Senate is known as the world's greatest deliberative body. On something so sensitive, and so complex, I do believe that we should hear from the American medical community who can give us guiding advice on this, and also for those women who face this issue, many of whom will tell us their story, and others who have faced this issue and chose another path.

I believe the Senate should be openminded, listen to advice, and then in a rational and deliberative way which is characteristic of both this body and I believe those in the House who even differ on the abortion—that our decisions be based on a rational set of information going through the traditional committee process in which there can be the questioning back and forth of the witnesses.

So, Mr. President, I urge my colleagues to support the motion that will be offered by the Senator from Pennsylvania tomorrow and urge, if that does not pass, the defeat of this amendment.

Mr. President, I thank you for your attention. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Hampshire.

Mr. SMITH. Mr. President, I believe Senator ASHCROFT will speak momentarily, and I will be happy to yield to the Senator when he gets here.

Mrs. BOXER. Will the Senator yield?

Mr. SMITH. Certainly.

Mrs. BOXER. I understand Senator KENNEDY will be here momentarily.

Mr. SMITH. If Senator KENNEDY gets down, or Senator ASHCROFT, I would be happy to yield.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the motion that will be offered by several of our Republican colleagues to refer this bill to the Judiciary Committee.

Many of us oppose this legislation and believe it should not pass in any form. This measure is the latest attack by some of our colleagues in their continuing all-out assault against a woman's constitutional right to choose whether to continue her pregnancy. The proponents of this misguided legislation make no secret that their goal is to ban all abortions.

The procedure involved in this case is extremely rare. It involves tragic and traumatic circumstances late in pregnancy in cases where the mother's life or health is in danger. These cases should not be dealt with by the criminal law, and our colleagues are wrong to try to criminalize them.

Who in this Chamber would second-guess the medical judgment of a physician if such a case arose affecting a member of a Senator's own family?

Who in this Chamber would sacrifice a wife or daughter by rejecting the medical procedure needed to save her life?

Surely, the debate by the Senate on the serious issues raised by this bill should take place after, not before, the Senate Judiciary Committee has had a reasonable opportunity to consider it fairly and hear testimony on both sides.

It is sad to see the leadership of the Senate so bent on meeting the right-wing's antiabortion litmus tests that they are willing to trample the integrity of the Senate legislative process.

Clearly, this legislation is not ready for final action by the full Senate at this time. It is a travesty of responsible deliberation for some Senators to pretend that it is. It is irresponsible for supporters of this measure to insist on such action without benefit of regular committee consideration.

Extremely important issues are at stake, and the Senate should not be stampeded by the shock tactics of the shock troops of the extremists who oppose all abortions at any stage of pregnancy.

The Senate has a duty to act responsibly, and to hear from both sides in this controversy, especially the views of the medical profession. Let us reject this Alice in Wonderland approach to serious legislation—sentence first, verdict afterward.

Clearly, in light of the far-reaching questions raised by the purpose of this bill and the confusing details of its provisions, it would be premature for the Senate to act.

Enactment of this legislation would represent the first time in American history that Congress has outlawed a specific medical procedure.

It would represent the first time in American history that Congress has threatened doctors with prison terms for practicing their profession.

It would threaten the life or health of hundreds of American women each year.

It would undermine the Supreme Court's landmark 1973 decision in Roe versus Wade, which guarantees a woman's right to choose whether or not to continue a pregnancy. In fact, the legislation is so poorly drafted that it is likely to be ruled unconstitutional by the Supreme Court under Roe and subsequent decisions.

This issue raises fundamental questions about the Federal Government's proper role, if any, in the doctor-patient relationship. Few aspects of the lives of ordinary citizens are as sensitive and as deserving of privacy as the relationship between patients and their physician. Yet this bill puts the Federal Government directly into the doctor's office in the most intrusive way, by attempting to substitute Congress' political judgment for a doctor's medical judgment.

Despite the importance and complexity of these issues, this bill has received no consideration whatever by any Senate committee. The bill was passed by the House of Representatives last week. It had only 1 day of hearings in the House, and that day could hardly be called fair or balanced or objective.

A Senate bill similar to the House bill was introduced earlier this year by Senator SMITH.

But it was placed directly on the Senate Calendar—in an obvious effort to avoid the kind of committee consideration it clearly needs.

This bill is not a resolution to establish National Ice Cream Week, or to honor a sports championship team. This is a bill that would criminalize a particular medical procedure and send doctors who use it to prison.

The bill purports to ban a procedure that the bill's proponents refer to as "partial-birth abortion." The term was invented by politicians, not doctors. It appears in no medical textbook and has no well-understood meaning in the medical or scientific community.

Medical experts should have an opportunity to testify about any bill that presumes to rewrite medical procedures and ban them, especially when Congress is defining and naming a medical procedure that the medical profession does not recognize. If Congress wants to play doctor, it should hear from doctors first.

The Judiciary Committee should also hear from constitutional scholars about the constitutionality of this bill under Roe versus Wade and subsequent Supreme Court decisions.

In addition, the committee should hear from constitutional scholars about its constitutionality under the void-for-vagueness doctrine. As recent press reports make clear, this bill's terminology is so vague that doctors will not know what it means or which medical procedures are actually being criminalized.

Obviously, the proponents of this legislation are making a political statement with this bill.

One purpose of their vague language is to intimidate as many physicians as possible by threatening them with possible prosecution if they perform medical procedures that could be covered by the vague nonmedical language of this bill in its present form. Those who want to ban all abortions do not mind this kind of vagueness in a criminal statute—but the Constitution does.

The Supreme Court is likely, therefore, to rule that this bill is unconstitutional twice—once under Roe versus Wade, and once under the void-for-vagueness doctrine.

When this bill was debated in the House, its proponents actually boasted that it was the first step in an effort to reverse Roe versus Wade and deny women the constitutional right to choose whether or not to bear a child.

I believe that a solid bipartisan majority of the Senate supports Roe versus Wade and a woman's right to choose, and that this legislation will ultimately be defeated.

But that is not the issue here. The motion to send this bill to the Judiciary Committee protects all sides in this controversy. It directs the Judiciary Committee to hold hearings on the bill and report it back to the full Senate with amendments, if any, in 45 days.

Surely, legislation so far-reaching and unprecedented deserves at least that degree of responsible consideration. What are its proponents trying to hide?

I urge the Senate to refer the bill to the Judiciary Committee.

Mr. SHELBY. Mr. President, I rise in strong support H.R. 1833, the Partial-Birth Abortion Ban Act. When the Founding Fathers drafted the Constitution of the United States, they made it abundantly clear that one of the most crucial roles of government is to "secure the Blessings of Liberty to ourselves and our Posterity."

Yet, over the past few decades, the value of life in America has been substantially cheapened, and the opportunity for liberty diminished. The rise in drive-by shootings, gang warfare, and abandoned babies, all point to the fact that life in America is not considered as precious as it used to be.

One of the most gruesome indicators of the decline in the value of life is the practice of partial-birth abortions. A partial-birth abortion is an abortion in which the person performing the abortion partially delivers a living baby before killing the baby and completing the delivery.

H.R. 1833 will bring an end to this grisly procedure. Opponents of this bill try to disguise partial-birth abortions as reproductive health services, but a close examination of the procedure shows it is no such thing. When performing a partial-birth abortion, the individual first grabs the live baby's leg with forceps and pulls the baby's legs into the birth canal. He then delivers the baby's entire body, except for the head; jams scissors into the baby's skull and opens them to enlarge the hole. Finally, the scissors are removed and a suction catheter is inserted to suck the baby's brains out. This causes the skull to collapse, at which point the dead baby is delivered and discarded.

Mr. President, this procedure is cruel and indefensible, and it is an assault to the common values of the American people. Listen to what nurse Brenda Pratt Shafer, who witnessed one of these abortions, had to say in her letter to Congressman TONY HALL:

> The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while his little head was still stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out. I almost threw up as I watched him do these things.

Mr. President, several medical experts have recently stated that this is not a medically necessary procedure. The American Medical Association's Council on Legislation—which unanimously supports banning this procedure—also stated that partial-birth abortions are "not a recognized medical technique" and concurred that the "procedure is basically repulsive."

I agree this procedure is repulsive; it is the grotesque killing of a new-born baby. Its feet are out, its hands are out, its legs are kicking, its arms are reaching. It is a new-born baby. Think of what kind of society we live in when we fine and arrest people for affecting the habitat of an endangered kangaroo rat but explicitly allow the abhorrent practice of sucking out the brains of a new-born baby.

Moreover, most partial-birth abortions are performed for purely elective reasons. Martin Haskell, who is one of the chief advocates of this procedure, stated to AMA News in a July 1993 interview that, "I'll be quite frank: most of my abortions are elective in that 20–24 week range. In my particular case, probably 20 percent are performed for genetic reasons. And the other 80 percent are purely elective. * * *"

Despite the consensus in the medical community that these procedures are not used to save the life of the mother, H.R. 1833 contains a safeguard for any practitioner who reasonably believes this procedure is necessary to save the life of the mother. This legislation is balanced and well-reasoned, and it merits our support.

Mr. President, we need to return to the premise that life in America is precious and sacred. Our Nation's children are our hope and our future, and government at all levels has an incumbent responsibility to protect these children who cannot protect themselves. I support this legislation and urge my colleagues to support it as well.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that there be debate only during the remainder of today's consideration of H.R. 1833, and at 9:30 a.m. tomorrow Senator SPECTER be recognized to make a motion to commit the bill to the Judiciary Committee, and that a vote occur on the motion at a time to be determined by the majority leader after consultation with the Democratic leader, with no amendments in order during the pendency of the motion to commit; and further, that the time between 9:30 and 12:30 tomorrow morning be equally divided between Senator SMITH and Senator SPECTER.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, and I shall not object—as a matter of fact, I think this is an excellent request—I just want to clarify with my friend that we are looking at a vote around the 12:30 hour. In other words, it is our intention certainly by 1:30 to have disposed of the motion. Is that his understanding of it?

Mr. SMITH. That is correct. We anticipate a vote sometime in the vicinity of 12:30, not before 12:30. It could be 12:45 or 1:30. But there is no intention to delay matters beyond that. It is our intention to have any speakers who may wish to speak this evening or tomorrow morning on the bill on either side, and we would divide that time equally.

Mrs. BOXER. Clearly, I say to my friend, if we do decide to go over another 45 minutes, we could equally divide it in the same fashion. I know that is not in the request, but I am sure that is the way we would work together.

Mr. SMITH. I have no objection to that.

Mrs. BOXER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, in light of this agreement, on behalf of the majority leader, I will announce that there will be no more votes during the remainder of today's session.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I want to begin by thanking the senior Senator from New Hampshire for his work on this legislation. Few have done more for the unborn than has Senator SMITH, I am pleased to join him as an original cosponsor of the bill before us today.

In just the past several months our work has been witness to acts of terror in Oklahoma City and again over the weekend in Israel. Each of these cases has been surrounded by voices of concern for the harsh rhetoric many feel provoked the atrocities. While I do not know how thoroughly I agree with that analysis, it does point out the need for our national debate on even the most divisive issues to be civil, to be reasoned—to win, arguments must not merely move the heart, they must persuade the mind.

And so today, that is what I want to accomplish—to speak with civility and reason about the horror of partial-birth abortions which literally rip a child from its mother's womb.

As I mentioned earlier, abortion is the divisive moral issue of our day. It hits at our deepest notions of liberty and questions our most fundamental assumptions about life.

For more than 20 years now, abortion-on-demand has been the law of the land. I think it a poor law and I think it an immoral one. But for now it is the law and it must be observed.

The bitter fruits of this law have been the death of over 30 million human begins who will never know what it means to learn and live and laugh among us. The inhumanity of this loss can never be gauged, never be measured, never fully be felt. We saw yesterday humanity's grief at the funeral of Yitzhak Rabin. A great man was mourned by a grateful world. How much greater the grief of 30 million lives that will never know peace, never know love, never know the warmth of a father's embrace or the strength of a mother's love?

Mr. SMITH. Mr. President, I want to thank the Senator from Missouri for his comments on the bill and on the procedure and for his comments with regard to my involvement in this issue. I appreciate it. No one in the Senate is more committed to this issue and a more honorable man. I appreciate very much his friendship and support on this bill.

Mr. President, I would like to make a couple of comments on this motion to refer back to the Judiciary Committee. As a recap here, bear in mind that the House Judiciary Committee held a number of hearings. The Judiciary Committee held a hearing. They had a subcommittee markup, a committee markup, they had a committee report. The House had a full debate. It passed after that full debate by a vote of 288–139. And so to say that somehow we need to refer this bill back to committee, back to the Judiciary Committee, is nothing more than a dilatory process. And really the reason for it is quite simple. It is an effort not to have to make this vote. It is a reason to avoid the tough question. It is a reason for those who basically want abortion on demand to not have an opportunity to vote on this procedure, which we have all heard is the most outrageous procedure.

In addition, the AMA Legislative Council voted twice to endorse it. They did not need further study. They are the experts. We are having a full debate here on the Senate floor.

I just want to point out to my colleagues, if you do not approve of this process, this motion to refer is a hostile motion to that issue. If you refer this matter to the Judiciary Committee, you are saying that you want this process to continue. That is really what you are saying. Some will say that is not true, we want to study it more and have more hearings. How much more study do you have to have than what we have already had with the process that we see? Why do we have to study something as obvious as this is? We have all the medical experts, we have all the testimony from people who worked in abortion clinics, who have observed Dr. Haskell and others. We have the nurse's testimony. We have the testimony of the abortion doctors. We have the testimony of other medical doctors. It is an effort to make sure that the full Senate does not have to face this matter.

This is one of the things about politics and politicians that just turns the American people off. Whatever your position is, if you feel that taking the life of a child with only its head in the womb is right, then vote that way. Go ahead and vote that way. That is your right. You have the right. That is your vote and I respect that.

But to delay it further and send it back to the Judiciary Committee—the chairman of the Judiciary Committee does not want the bill sent back. Yet, apparently, Senator SPECTER is going to try to send it back there against the wishes of the chairman. I hope that we will respect the wishes of the chairman of the Judiciary Committee, not some member of the committee, who simply supports this process, who wants this bill to be delayed. This is the reason for it. It is not to have hearings. We can have hearings until hell freezes over. It is not going to change anything. How many more hearings do you have to have? How many more people do you have to have testifying saying that we are killing babies this way? How many more times do you have to hear it? How many more times do you have to see these charts? How many more times?

So I want my colleagues to understand when you come in here tomorrow and we deal with this issue between the hours of 9:30 and 12:30, that there will be an effort here to send this bill back to Judiciary Committee—not to have hearings. That is just a facade. It is to delay the bill and eventually kill it so that we do not have to vote on it.

You are killing more than a bill if you do this, you are killing hundreds of children. On average, remember, there is at least one partial-birth abortion per day. So every day we delay it, there is one more child. We are not talking about the debate. I happen to believe that, after conception, it is a living child. That is not what we are talking about. We have been through this before. I will not repeat it all. But we are talking about a child in the birth canal, and one a day is killed.

So I just say to my colleagues, is there really anything that you are going to hear or see in the Judiciary Committee hearings that is going to change your mind? You either support this procedure or you do not. If you do not support it, do not delay it by sending the thing back to the Judiciary Committee.

So I encourage my colleagues, if you have something to say on this, to be here tomorrow and be prepared to express yourself. Please bear in mind that delaying this accomplishes nothing except delay. That is what the American people get so upset with us about—that we do not make decisions. We just debate and talk.

Let me tell you, if debate and words could solve the world's problems and America's problems, we would sure do it here on the floor of the Senate because we are all good at debating. But that does not get the job done. Do you support this process of taking the life of an unborn child—partially-born child—or do you not? If you do not, then do not vote to delay further the vote to stop it. That is the issue, pure and simple.

The American people, I think, are up to here, Mr. President, with everybody dodging issues. I really think they are up to here with it. Why do we not just face up to it? I would respect that. Let us face up to it and just say that we are going to have an up-or-down vote, we are not going to have these phony issues of sending it to the Judiciary Committee or maintaining that there is not a life of the mother exception when there is one, or that there is deformity, or that somehow it is right to take a child that is deformed from the womb. Let us deal with the issue at hand, which is this process, this procedure. Let us have an honest up-or-down vote on it, tomorrow hopefully, and get it to the President's desk. That is what the issue is about.

Mr. President, at this time, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I think we are winding down debate this evening and we will have an opportunity tomorrow to cast a very important vote on a motion by Senator SPECTER, a Republican Member of the Senate, cosponsored by six other Republican Members of the Senate, to take an issue that is precedent-setting, precedent-breaking, and refer it to a committee that needs to look at it. Why do I say that? I say that because if this House bill passes the Senate as it is, this would be the first time, that anyone around here can verify, that a medical procedure has been banned by the Congress of the United States of America—a medical procedure that is used in the most tragic, most difficult circumstances, where a life is at stake, a life of the mother, with serious health implications for the mother.

As one of my constituents who called during the debate said, there is more than one baby involved here, because the mother was somebody's baby at one time.

As I said, I ask Senators not to dodge this at all, but before they vote, close their eyes and think it was their daughter—their daughter—who they adore, where there was an emergency call and the doctor they respected and admired who had brought other children into the world said, "Your daughter is facing a tragic situation. If I do not perform a particular medical procedure, she could be dead. I cannot guarantee that she would live if I use any other procedure."

You would say, I believe—believe me, I am not putting words in your mouth, this is what I think you would have said—"Have you double checked? Have you triple checked? Have you tried another idea? Have you tried another approach? How do you know? Have you done all the tests?"

If the doctor answered those questions to your satisfaction, you would say, "With the help of God, save my child."

I think that is what we are coming down to here—not somebody's contract, not somebody's ideology, but with a human decision that must be made, tragically, by too many American families.

So we have never before banned a medical procedure as far as we can verify. This is one where it is used in these tragic circumstances—and I went through some of those circumstances —we have people here willing and ready to talk to colleagues, people who have gone through this procedure, who have gone through this tragic choice, who are happy to talk about it.

They are not political. I do not know what party they are in. I can just tell you they are human beings, they suffered, they struggled, and they want to spare other people, frankly, not only the pain, but the loss of life that will ensue if a lifesaving procedure is, in fact, outlawed by this Congress.

It is not about ducking issues; it is about making informed choices here for us.

How can we make an informed choice, I say to my friends and colleagues, if the committee that writes the laws about criminalization does not even have a look at this, and this would criminalize a procedure that is used by a doctor in tragic and terrible circumstances. We are going to put that doctor in jail. This greatest deliberative body in the world is not even going to hold a hearing.

I am very pleased to see seven Republican colleagues put this motion forward. It is common sense. It is highly appropriate.

I happen to believe if we did this willy-nilly and President Clinton was not there and there was another President who did not believe that it is important to save the life of the mother or protect her health and another President signed this, women would die.

Why do I say that? Not to be sensationalist. I do not have charts. I do not have pictures. But we know this is used in tragic circumstances. I think we should come together as a Senate, regardless of our view on this issue, and send this to the Judiciary Committee.

There is a time certain. It is 45 days. It could be sooner. It could be sooner. That is an outside date.

I just hope colleagues will consider this, recognize the precedent-setting nature of this House bill, and vote to send it to the Judiciary Committee, which is a very, very fair committee to send it to in terms of its membership. We get a fair hearing. Hear from the doctors.

Do not have Senators come on the floor who never spent a day in medical school describe a procedure, tell you how it feels when a baby comes down the birth canal. I know how that feels. I can talk about that. But I am not a doctor. We are not doctors. We are certainly not God.

I believe that we need to do the prudent thing here: Send this to the Judiciary Committee. They will look at some amendments. Yes, there is an affirmative defense for a physician. If he uses this procedure because he thinks under the Hippocratic oath, this is the only way he can save the life of this mother, he has committed a criminal act—he or she, as the case may be. That physician—in the bill—yes, can go to the court and defend himself or herself and explain why he did this.

What kind of society is this where we will haul a doctor into a courtroom for saving a woman's life? That is not a society that is a good society. That is not a society that looks after its people.

We are not doctors here. We are not God. We have to do the best we can to make wise and sound decisions.

It always strikes me as being very strange when we hear States' rights advocated on this floor of the Senate day in and day out. We even voted in this Senate, the Republicans did, with a couple of exceptions—not many—to completely abolish nursing home standards, and when we won a vote to restore them, that was overturned by the Roth amendment, which says there is a waiver in the process so States could have no Federal standards for nursing homes. Why? They said, "Oh, we trust the States."

Well, my friends, under Roe versus Wade the States control abortion after the first trimester. That is clear. I have printed in the RECORD a list of every State and all the restrictions in those States. This would wipe out all those restrictions.

I find it amazing that some of my Republican friends, and certainly not all—some—would argue States rights in repealing Federal standards for nursing homes, but then come right around and say, "We do not trust the States when it comes to late-term abortion."

This is about a whole other agenda. That is why I hope we can rise above a political agenda—this is a political agenda—and do what is right for the American people.

Let me say this. We do not put people in jail for political crimes in this country. This is what is so great and unique in America. We do not put people in jail for political crimes.

But I honest to God believe this, that if we outlaw a procedure which might be the only procedure to save a woman's life, and a doctor uses it and the doctor does wind up in jail because there is no exception for the life of the mother in this radical legislation, he would be serving time for a political crime. He would be in there for a political reason—somebody's agenda. I just hope that we can come together.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

THE MINERALS ISSUE

Mr. REID. Mr. President, I have been here many times discussing a very important issue for the State of Nevada, and that is mining. This statement today is a follow up of the conference which was completed with the House in recent days. It was during that conference that I was reminded of the old "Dragnet" program where Jack Webb, who was Joe Friday on the program, when interviewing the witnesses, would say, "Just the facts ma'am," or "Just the facts, sir." Many times we need this as we debate mining.

As the Chair knows, the debate on this issue has centered in recent years between the Senator from Nevada and my good friend, the senior Senator from the State of Arkansas. And during the course of that debate, and the conversations and the discussion we had during the conference, my friend from Arkansas on a number of occasions referred to one of the big employers in Nevada, the Newmont Mining Co., as a foreign corporation. I wanted to make sure that I was right. I on a number of occasions questioned my friend from Arkansas.

I think it is important that we understand the motives for raising this issue are clear—the desire of some to arouse fear that somehow the minerals industry has been taken over by people from outside the United States. The fact of the matter is that the vast, vast majority of investors in the mineral industry are American citizens.

Mr. President, Newmont Mining Co., as I have indicated in recent weeks, in recent years, recent months, has been the target of some very negative statements and rhetoric by the Secretary of the Interior, Bruce Babbitt, and the senior Senator from Arkansas.

The latest tirade that was offered against this company was the fact that they had been issued a patent by the Interior Department of some 118 acres in the State of Nevada.

Now, in the State of Nevada, keep in mind, we are a State of approximately 72 million acres, and this was a patent of a little over 100 acres.

Both the Secretary and my friend from Arkansas continue, as I have indicated, to refer to Newmont as a foreign company taking title to U.S. land and resources. First of all, understand, Newmont Mining Co., was formed in the United States, in the State of Delaware, in 1921. The name Newmont comes from the two areas where the company at that time was operating—New York and Montana. Therefore, the name Newmont.

Putting aside, Mr. President, the larger debate that foreign ownership should not, I believe should not even be an issue, when you understand that Newmont Mining Co. has invested over $1.5 billion, now approaching $2 billion in its Nevada operations, and has paid about $700 million in wages and about $600 million in payroll, property, sales and net proceeds taxes, including Federal income taxes since they have been there—not bad—Newmont Mining Co. is not now and never has been a foreign company.

Newmont Mining Co. stock has been publicly traded on the New York Stock Exchange since 1925. If anyone in this room decided they wanted to go buy some Newmont stock, they could walk into any stock dealer in the United States and purchase shares of Newmont stock. No one is asked for proof of U.S. citizenship or should they be, when purchasing stock in U.S. companies.

At the present time, records show that about 95 percent of Newmont's stockholders are U.S. citizens or institutions or U.S. residents. The largest single stockholder in Newmont Mining Co., owning some 13 percent of the stock, is a man by the name of Mr. George Soros, who has a very interesting background—a man who escaped from Communist Hungary in 1956, came to America, settled in New York where he made a fortune.

Mr. Soros owns not only 13 percent of Newmont Mining Co. but various pieces and sometimes the whole of various U.S. companies. No shareholder owns more than 13 percent of the stock that Mr. Soros owns in Newmont Mining Co.

The next largest shareholders are very important institutions in the United States: the Ohio Public Employees Retirement System; the State of Wisconsin Investment Board, which manages pensions for Wisconsin State government retirees, is a large holder of Newmont stock; the State of New York Employees Retirement Fund holds a very large block of Newmont stock; Fidelity Investment Management of Boston, the largest mutual fund organization in the United States, owns a large block of Newmont stock; Ark Assessment Management, a New York City pension management firm, owns a large block of Newmont stock.

Mr. President, this information is readily available to be obtained either by the Secretary of Interior or my good friend from the State of Arkansas. I think the time has come that we should stop attempting to degrade, in any way belittle this fine mining company that has invested almost $2 billion in the State of Nevada.

I think it is time, as I stated at the start of this discussion, we deal just with the facts. Let us deal just with the facts. As Jack Webb, I repeat, the Joe Friday of the "Dragnet" series, said, we need to deal with the facts, have this discussion on the facts, not rhetoric that has no bearing on the issues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 457. An act to authorize the Secretary of the Army to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio.

H.R. 1715. An act respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1577. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–03; to the Committee on Appropriations.

EC–1578. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–17; to the Committee on Appropriations.

EC–1579. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation and the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting jointly, pursuant to law, the report of unaudited financial statements for the six-month period ending September 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1580. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation security; to the Committee on Commerce, Science, and Transportation.

EC–1581. A communication from the Administrator of the Energy Information Administration, the Department of Energy, transmitting, pursuant to law, the report entitled, "Emissions of Greenhouse Gases in the United States, 1987–1994"; to the Committee on Energy and Natural Resources.

EC–1582. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1583. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the report for fiscal years 1994–1995; to the Committee on Energy and Natural Resources.

EC–1584. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the report for fiscal years 1994 and 1995; to the Committee on Energy and Natural Resources.

EC–1585. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on reasonably identifiable Federal and State expenditures for endangered species in fiscal year 1993; to the Committee on the Environment and Public Works.

EC–1586. A communication from the Lieutenant General of the Defense Security Assistance Agency, transmitting, pursuant to law, a notice concerning delivery of defense articles to Ecuador relative to Presidential Determination 93–27; to the Committee on Foreign Relations.

EC–1587. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on oil pollution prevention training; to the Committee on the Environment and Public Works.

EC–1588. A communication from the Chief Financial Officer of the National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, the report on mixed waste activities; to the Committee on the Environment and Public Works.

EC–1589. A communication from the Chairperson of the Department of the Navy Retirement Trust, transmitting, pursuant to law, reports relative to the 1993 annual pension report; to the Committee on Governmental Affairs.

EC–1590. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-114 adopted by the Council on October 10, 1995; to the Committee on Governmental Affairs.

EC–1591. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a revised report entitled "Audit of the District of Columbia's Recycling Program"; to the Committee on Governmental Affairs.

EC–1592. A communication from the Special Counsel of the United States, transmitting, pursuant to law, a report relative to the fiscal year 1995 audit and investigative activities of the Office of Special Counsel; to the Committee on Governmental Affairs.

EC–1593. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the annual audit for fiscal year 1995; to the Committee on Governmental Affairs.

EC–1594. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report on audits and investigations during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1595. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC-1596. A communication from the President and Chief Executive Officer of the United States Enrichment Corporation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1316. A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes (Rept. No. 104–169).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KYL (for himself and Mr. FAIRCLOTH):

S. 1397. A bill to provide for State control over fair housing matters, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself and Mr. BROWN):

S. 1398. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. EXON, Mr. ROCKEFELLER, Mr. KERREY, and Mr. CONRAD):

S. 1399. A bill to amend title 49, United States Code, to ensure funding for essential air service program and rural air safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself, Mr. DODD, and Mr. JEFFORDS):

S. 1400. A bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. FAIRCLOTH):

S. 1397. A bill to provide for State control over fair housing matters, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE KYL-FAIRCLOTH STATE FAIR HOUSING LAWS RECOGNITION ACT OF 1995

Mr. KYL. Mr. President, I rise to introduce the Kyl-Faircloth State Fair Housing Laws Recognition Act of 1995. I thank Senator FAIRCLOTH for his cosponsorship of this bill, and his leadership in States rights issues. I am pleased to introduce this amendment which will prohibit the Department of Housing and Urban Development [HUD] from enforcing a complaint of discrimination on the basis of a housing provider's occupancy standard, and thereby transferring from HUD to the States and localities the authority to set occupancy standards.

Mr. President, an occupancy standard specifies the number of people who may live in a residential rental unit. In July of this year, HUD general counsel Nelson Diaz issued a memorandum which, in effect, supplants the traditional two-per-bedroom occupancy standard, and may force housing owners to accept six, seven, eight, or even nine people in a two-bedroom apartment. HUD should not be establishing national occupancy standards.

HUD was created in 1965 with the best of intentions: to build and fund housing for the poor. But the agency's regulations have gone far beyond the scope of that intent. Housing is first and foremost a local issue. The Federal Government should play a limited role in it. State officials are closer to the situation and can tailor standards to meet the needs of their communities.

HUD has accepted a two-per-bedroom standard as reasonable in enforcing fair housing discrimination laws under the Fair Housing Act. Most public housing units subscribe to that standard. That is, until Henry Cisneros became Secretary of HUD. Secretary Cisneros and his then Deputy, Roberta Achtenberg, disagreed with the traditional occupancy standard, arguing that it discriminates against larger families.

The new HUD standard is without factual foundation. Mr. Diaz has used the Building Officials and Code Administrators [BOCA] Property Maintenance Code as a foundation for his occupancy standard. The BOCA code, however, is a health and safely code specifically drafted by engineers and architects to provide guidance to municipalities on the maximum number of individuals who may safety occupy any building. It was never intended to alter the minimum number of family members HUD could require owners to accept under fair housing law.

The code was adopted without any consultation, public hearings, or analysis of its impact on the Nation's rental housing industries. That is wrong. Secretary Cisneros, through HUD's general counsel, has circumvented the Federal Government's rulemaking process by imposing this standard through an advisory without public hearings.

Mr. President, the Manufactured Housing Institute, Arizona Association of Homes and Housing for the Aging, and the Arizona Multihousing Association endorse the bill. Arizona Gov. Fife Symington, speaker of the Arizona House of Representatives Mark Killian, and president of the Arizona Senate John Greene have sent me a letter in support of this bill. I ask unanimous consent that their letter be printed in the RECORD.

States and localities should establish occupancy standards, not a Federal bureaucracy. Several States have an occupancy standard including my own home State, Arizona. And it has worked well. It is time we begin returning a certain amount of authority back to the States. Public housing laws are a good place to start. That is why I introduce this bill which blocks HUD's attempt to set a national occupancy standard, and transfers that authority to the States and cities. I urge my colleagues to cosponsor this bill. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION OF STATE FAIR HOUSING LAWS.

(a) AMENDMENT OF FAIR HOUSING ACT.—Section 807(b)(1) of the Fair Housing Act (42 U.S.C. 3607(b)(1)) is amended—

(1) by striking "(b)(1) Nothing" and inserting "(b)(1)(A) Nothing"; and

(2) by adding at the end the following:

"(B) A State law regarding the number of occupants permitted to occupy a dwelling—

"(i) shall be presumptively reasonable for the purposes of determining familial status discrimination in residential rental housing; and

"(ii) shall not form the basis of any action by the Secretary to withdraw equivalency status from any State, locality, or agency.

"(C) The Secretary shall not establish a de jure or de facto national occupancy code.

"(D) Each State, locality, or agency with HUD equivalency status shall have complete and final control over fair housing cases involving occupancy standards within its jurisdiction without the intervention of the Secretary.".

(b) ENFORCEMENT.—Notwithstanding any other provision of this Act, no funds shall be available to the Department of Housing and Urban Development under this Act to carry out the Fair Housing Act unless the Department complies with the amendment made by subsection (a).

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to cases filed on or after December 31, 1995.

ARIZONA STATE LEGISLATURE,
Phoenix, AZ, October 16, 1995.

Hon. JOHN KYL,
U.S. Senate,
Russell Building, Washington, DC.

DEAR SENATOR KYL: Thank you for your prompt and decisive action regarding the issue of federal intervention in the area of occupancy standards as outlined in our joint letter of August 15, 1995. As you know, the issue has been a very divisive one in Arizona, and has now spread to other states nationwide.

We believe that your proposed legislation will resolve the issue by reaffirming the right of each state to set standards that it deems most appropriate. We especially applaud your requirement that HUD shall not establish a national occupancy standard, but defer to authorized state agencies in the administration of cases involving occupancy standards.

We fully support your legislation and by this letter have notified other Members of the Arizona delegation of our support. We appreciate your leadership on this issue and compliment your excellent staff for their work on the bill. If we may assist you in any way to promote the passage of this legislation, please let us know.

Sincerely,

FIFE SYMINGTON,
Governor, State of Arizona.
JOHN GREENE,
President, Arizona Senate.
MARK W. KILLIAN,
Speaker, Arizona House of Representatives.

By Mr. BREAUX (for himself and Mr. BROWN):

S. 1398. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

FEDERAL CRIME PENALTIES LEGISLATION

• Mr. BREAUX. Mr. President, I was honestly shocked to learn of the huge difference that exists between the Federal penalties for trafficking powder cocaine and for trafficking the exact same amount of crack cocaine.

Right now, selling 5 grams of crack cocaine results in the same 5-year mandatory minimum prison term as selling 500 grams of powder cocaine. Selling 50 grams of crack cocaine gets you a 10-year minimum sentence, while you'd have to sell 5,000 grams of powder cocaine to get the same 10 years in prison.

While these penalties are vastly different—100 times greater if you sell crack cocaine—the damage caused by these criminal acts are the same. Lives are lost, families are destroyed, careers are ruined, and our Nation itself is seriously threatened.

Tough penalties are necessary to send a clear signal that the United States will not tolerate selling illegal drugs. The answer to the problem presented by this wide difference in penalties is not to lower penalties for selling crack cocaine but to increase the penalties for selling powder cocaine.

Therefore, my legislation is very simple and very clear. Trafficking—that is the manufacture, distribution or sale—of 50 grams of powder cocaine will result in a 10-year minimum sentence—the same as dealing in crack cocaine.

Manufacture, distribution or sale of 5 grams of powder cocaine will result in a 5-year minimum sentence—the same as dealing in crack cocaine.

I'm pleased that Senator HANK BROWN of Colorado has joined me as a principal cosponsor of this important legislation.•

By Mr. DORGAN (for himself, Mr. EXON, Mr. ROCKEFELLER, Mr. KERREY, and Mr. CONRAD):

S. 1399. A bill to amend title 49, United States Code, to ensure funding for essential air service program and rural air safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RURAL AIR SERVICE SURVIVAL ACT

• Mr. DORGAN. Mr. President, today I am introducing legislation that will help preserve air service in rural areas and save the Essential Air Service [EAS] Program for the future. I am pleased that my colleagues Senator EXON and Senator ROCKEFELLER are joining me as original cosponsors of the Rural Air Service Survival Act.

Last week, the Senate passed the conference report for the Transportation appropriations bill which cut the EAS Program by one-third, reducing appropriations from $33 million in fiscal year 1995 to $22 million in fiscal year 1996. Under these reductions, dozens of communities will experience reductions in air service. As my colleagues understand, the EAS Program provides support to maintain air service in remote rural communities that would have no air service at all. EAS is a critical program that plays an essential role in the economic viability for many rural communities. It is also an indispensable component to our national transportation system, connecting remote rural areas with hub airports. If the EAS Program is terminated—as some in the Congress and in the administration have proposed—then dozens of rural communities will lose the only air service available to them. In the grand scheme of things, the EAS Program does not amount to a lot of money, but to the over 60 rural communities dependent upon EAS, it determines the very survival of air service.

When the airline industry was deregulated, the EAS Program was established as a means to ensure rural areas continue to have air service. In several rural communities in North Dakota, EAS support is the only means to maintaining some kind of air service. These communities are at least 100 miles from the nearest airport which offers jet service.

Over the past few years, the only constant in the EAS Program has been funding cuts. Each year, the administration proposes to eliminate EAS and those of us who understand the critical importance of this program are forced to fight for funding. The dramatic cuts for fiscal year 1996 should be a sign that the current budget process is not working for EAS and without the establishment of a permanent financing mechanism, the future is too uncertain for the rural communities that rely upon EAS support.

This legislation that would provide a permanent financing mechanism for the EAS Program. It seems to me that the EAS Program ought to be removed from annual appropriations battles and be given more secure financing. Looking at the trend over the past few year, it is unrealistic for anyone to expect the EAS Program to last very long unless we develop a new financing mechanism to sustain the program.

Under this legislation, a 10-cent fee would be imposed on every enplanement. The revenue raised would fund the EAS Program. The legislation would ensure that any administrative cost to carriers in collecting this small fee would be reimbursed. Any unobligated funds would be used to enhance the airport improvement program, directing that any excess funds be made available for small community airports for maintenance projects.

This legislation would assure passengers and the industry that this financing mechanism will only be used for its intended purpose. The price of a dime will ensure that all areas of our country are accessible by air travel. It seems to me that we need to work to restructure the EAS Program and save air service in rural areas and this approach would provide a solution protected from annual Washington budget battles.

I realize that given the present budget situation, those of us who really care about programs like EAS have to think of new solutions. We cannot continue to put new wine into old wineskins. We need to develop new financing mechanisms and make the most of limited Federal funding.

Our transportation system in this country is vital to our economic health and national security. It is of critical importance that, despite tight budgets, we finds ways to maintain a truly national transportation system that links every region and State in the union. That is why we need to save the EAS Program and establish its own financing mechanism.

It seems to me that we need to make some changes in aviation policy in this country and stop ignoring the fact that rural regions are suffering a serious decline in air service. The airline industry has undergone many changes since deregulation in the early 1980's. The invisible hand of competition replaced the assuring hand of Government in the aviation marketplace. As a result, some areas of the country have seen lower prices and more choices in service. In other parts of the country, namely in rural areas, we have seen dramatic losses in air service and higher prices.

It is my view that our Nation's small communities, especially in rural areas, have not fared well under deregulation: One hundred sixty-seven nonhub communities have lost all air service since 1978 while only 26 have gained new services. Several hundred more have had jet service replaced by high-cost turboprop or piston aircraft. The result for small communities has been a deterioration of the quality of service and increase in prices.

The legislation will secure a reliable source of financing for the EAS Program. The EAS Program is essential to our Nation's national transportation system and this legislation will ensure that this program continues. The legislation has been endorsed by Communicating for Agriculture.

I urge my colleagues to support this legislation and I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Air Service Survival Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) air service in rural areas is essential to a national transportation network;

(2) the rural air service infrastructure supports the safe operation of all air travel;

(3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;

(4) rural air service has suffered since deregulation;

(5) the essential air service program under the Department of Transportation—

(A) provides essential airline access to rural and isolated rural communities throughout the Nation;

(B) is necessary for the economic growth and development of rural communities;

(C) is a critical component of the national transportation system of the United States; and

(E) has endured serious funding cuts in recent years; and

(6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.

SEC. 3. FUNDING FOR SMALL COMMUNITY AIR SERVICE.

Section 40117 of title 49, United States Code, is amended by adding at the end thereof the following:

"(j) ADDITIONAL FEE.—

"(1) IMPOSITION OF FEE.—Each eligible agency that may impose a passenger facility fee under this section shall impose a 10-cent fee under this subsection for each enplanement to provide funds to support a national aviation system, rural airspace safety, and rural air service.

"(2) FEE TO BE SEPARATELY ACCOUNTED FOR.—The proceeds of fees imposed under this subsection shall be accounted for separately from the proceeds of any fee imposed under subsection (b).

"(3) FEES TO BE USED FOR SMALL COMMUNITY AIR SERVICE.—

"(A) IN GENERAL.—Fees collected under this subsection shall be immediately made available to the Secretary for use in carrying out the essential air service program under subchapter II of chapter 417 of this title.

"(B) DISPOSITION OF EXCESS FUNDS.—Any funds that are not obligated or expended at the end of the fund's fiscal year for the purpose of funding the essential air service program under such subchapter shall be made available to the Federal Aviation Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under subchapter II of chapter 417 of this title.

"(C) COMPENSATION OF AIR CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Secretary shall prescribe regulations under which any air carrier or its agent required to collect fees imposed under this section is permitted to retain, out of the amounts collected, an amount equal to the necessary and reasonable expenses (reduced by any interest earned on the deposit of such amounts during the period between collection and remittance) incurred in collecting and handling the fees.".

SEC. 4. SECRETARY MAY REQUIRE MATCHING LOCAL FUNDS.

Section 41737 of title 49, United States Code, is amended by adding at the end thereof the following:

"(f) MATCHING FUNDS.—No earlier than 2 years after the date of enactment of the Rural Air Service Survival Act, the Secretary may require an eligible agency, as defined in section 40117(a)(2) of this title, to provide matching funds of up to 10 percent for any payments it receives under this subchapter.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this section shall take effect on the first day of October next occurring after the date of enactment of this Act.•

By Mrs. KASSEBAUM (for herself, Mr. DODD, and Mr. JEFFORDS):

S. 1400. A bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts; to the Committee on Labor and Human Resources.

THE ERISA CLARIFICATION ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, I rise today along with Senator DODD and Senator JEFFORDS, to introduce the ERISA Clarification Act of 1995.

This legislation is designed to protect pension plan participants and beneficiaries by removing the threat of retroactive liability based on the way life insurance companies have historically organized and managed pension assets. Importantly, the legislation would not affect any ongoing civil action.

For nearly 20 years, the insurance industry relied on an interpretive bulletin issued by the Department of Labor, as well as an Internal Revenue Service ruling, which stated that assets held in an insurance company's general account were not considered plan assets under the Employee Retirement Income Security Act [ERISA]. In December 1993, however, the Supreme Court ruled in John Hancock versus Harris Trust that this long-standing practice of including pension assets as part of a general account could violate certain provisions of ERISA. The Court recognized that its decision created the possibility of serious disruptions in the way pension assets were managed. As such, it commented that problems arising from the decision should be addressed legislatively or administratively.

The Department of Labor is working closely with all parties to develop rules, consistent with Harris Trust, for dealing with prospective insurance company activities. However, without additional legislative authority, the Department of Labor may be unable to grant protection for retroactive activities which might expose insurance companies to significant liability and threaten the security of pension assets.

Mr. President, in the nearly 20 years before the Supreme Court's decision in Harris Trust—and in the 2 years since that decision—there has been little evidence that plan participants have been harmed by the insurance industry's long-standing practice of managing benefits, or that the insurance industry is especially prone to the problems of asset mismanagement that gave rise to ERISA. In fact, there were no enforcement proceedings initiated by the Department of Labor against insurers resulting from the mismanagement of pension assets prior to the Harris Trust decision.

I believe, however, that our failure to address this issue could threaten the safety and security of pension assets by exposing the insurance industry to millions of dollars of retroactive liability. Therefore, I believe we should consider, and enact, this important legislation as quickly as possible. I look forward to working with my cosponsors, and with other Members of this body, to do so.•

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1181

At the request of Mr. STEVENS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1181, a bill to provide cost savings in the medicare program through cost-effective coverage of positron emission tomography (PET).

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1340

At the request of Mr. DASCHLE, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1340, a bill to require the President to appoint a Commission on Concentration in the Livestock Industry.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Energy and Natural Resources Committee to review the decisionmaking process of the Department of the Interior in preparing and releasing the U.S. Geological Survey [USGS] 1995 estimates for the 1002 areas of the Arctic National Wildlife Refuge [ANWR].

The hearing will take place on Tuesday, November 14 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Joe Meuse at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, November 7, at 2:30 p.m., hearing room (SD–406), to receive testimony from Dr. Phillip A. Singerman, nominated by the President to be Assistant Secretary of Commerce for Economic Development, Department of Commerce; and Rear Adm. John C. Albright, National Oceanic and Atmospheric Administration, nominated by the President to be a member of the Mississippi River Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 10 a.m., in room 485 of the Russell Senate Building to mark up S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, a bill to transfer certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, AZ, and immediately following the mark up to conduct a hearing on S. 1159, a bill to authorize a National American Indian Policy Information Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 10 a.m. to hold a hearing on contingency fee abuses.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 2:30 p.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SMITH. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, to conduct a hearing pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. SMITH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, November 7, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1371, the Snowbasin land exchange bill, to exchange certain lands in Utah; S. 590, a land exchange for the relief of Matt Clawson; S. 985, to exchange certain lands in Gilpin County, CO; and S. 1196, to transfer certain National Forest System lands adjacent to the townsite of Cuprum, ID.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CASINO GAMBLING SURGES IN THE UNITED STATES, TEMPTING MORE TEENAGERS

• Mr. LUGAR. Mr. President, I ask that the attached article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, Feb. 17, 1994]

CASINO GAMBLING SURGES IN UNITED STATES, TEMPTING MORE TEENAGERS

(By David Holmstrom)

A new gambling industry survey indicates that casino gambling has grown explosively in the United States.

Four years ago, only two states—New Jersey and Nevada—offered casino-style gambling. Now, 23 states offer the roll of dice and spinning roulette wheels. Another dozen states are considering legislation approving casinos.

According to the survey by Harrah's Casinos and the polling firm Yankelovich Partners, the number of "household" visits to casinos has almost doubled since 1990. In 1993, the number of visits was 92 million, up from 46 million visits in 1990. (A "household" visit, as defined in the survey, averages out to 1½ persons from the same family.)

Spokesmen in the industry now define gambling as "entertainment" and refer to it as the "new American pastime" because the number of people visiting casinos last year outnumbered total attendance at major league baseball games. "The experience we want guests to have at a casino is enjoyment in an atmosphere that is not intimidating but memorable," says Bala Subramanian, corporate director for marketing information and planning for the Memphis-based Promus Company, the parent company of Harrah's.

Casino gambling, for years legal only in Nevada, has grown rapidly as states, cities, and Indian tribes have turned to gambling to try to generate economic development and jobs. Dozens of tribal reservations across the US now offer casino gambling, and riverboat casino gambling is legal in six states along the Mississippi.

Estimated casino revenue for 1993 is $12.9 billion, up from $8.3 billion in 1990. The Harrah's survey compiled results from a questionnaire developed by Home Testing Institute on Long Island, N.Y., and mailed to 100,000 households. From that mailing, 18,600 casino players were identified. Their responses were then combined with responses from 2,500 adults in an annual national survey of American values and attitudes by Yankelovich Partners.

Even though 51 percent of the adults in the survey said casino gambling is "acceptable for anyone," the acceptance percentage declined by 4 percentage points from Harrah's 1992 survey. The 1993 survey attributes this decline to casino referendums in southern states that caused heated public debate about gambling.

Critics of gambling say its rapid growth in the US has a dark side, particularly among youngsters and teenagers. "Kids today have grown up in an atmosphere where gambling is promoted by the state, churches, and synagogues, and the availability of it is everywhere," says Tom Cummings, director of the Massachusetts Council on Compulsive Gambling.

"We are getting more and more calls from desperate high schools asking us to put on programs to help kids deal with gambling." A council study of the effects of illegal gambling on 3,000 students found that 32 percent of students who do not gamble said they felt their refusal to partake in it was not normal. "There was tremendous peer pressure on them to gamble," Mr. Cummings says.

In 1992, some 280,000 teenagers were denied entrance to Atlantic City casinos, and another 29,000 were led out of the casinos. Harrah's Casinos has implemented "Project 21" to keep underage gamblers out of casinos by stopping them at the doors or ejecting them once inside.

A second program, "Operation Bet Smart," includes posters around casino floors saying: "Know when to stop before you start."

Harrah's president, Phil Satre, told the National Press Club in Washington recently: "Just like car manufacturers build safety devices into new automobiles, responsible casino operators must take action on the issue of problem gambling. * * * We are not in business to capitalize on compulsive behavior. We are in the business to entertain our customers."

The problem is that gamblers lose money, Cummings says, "and that is millions and millions of dollars diverted out of the mainstream economy. Somebody has to lose all that money."•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE ASSASSINATION OF YITZHAK RABIN

• Mr. BIDEN. Mr. President, I rise today to express my deep sorrow, my shock, and my anger over the cowardly assassination of Prime Minister Yitzhak Rabin.

Yitzhak Rabin will be remembered as a man of extraordinary courage and unusual vision who lived in a time when both of these traits were scarce.

I first met Yitzhak Rabin when I called on Prime Minister Golda Meir during my first visit to Israel in 1973. As two individuals who shared a commitment to Israel's well-being, our paths crossed on numerous occasions over the course of the next 23 years. I saw him for the last time in October when he came to Washington to commemorate the 3,000th anniversary of King David's entry into Jerusalem.

Yitzhak Rabin was a man who did not mince words—a quality which earned him the respect and trust of a country which has a reputation for toughness. To anyone who encountered him, it was immediately evident that his overriding concern was for the security of his fellow countrymen.

He was born into the small community of Jews in Palestine, which later formed the core of the nascent State of Israel. He went on to play a key role in the war of independence; commanded the army that unified the city of his birth; served in key Government posts; and, in perhaps his finest hour, he drew upon the lessons of half a century of defending his people to pursue the path of peace which promises to secure the future of the nation he helped create.

Yitzhak Rabin's ability to distill the fundamental choices facing his nation was a quality born of his unique experience as a soldier and a statesman. He articulated in stark terms the reasons why Israel's long-term security hinged on the success of the peace process. He viewed the status quo as unacceptable, because it meant continued violence into the indefinite future and possibly the eventual loss of Israel's Jewish character. He saw that possibility clearly and he believed Israel had to reject it in favor of a path of enlightened self-interest—pursuing an agreement on the basis of land for peace, preserving Israel's Jewish character, achieving normalcy with long-hostile neighbors, and securing Israel's long-term survivability.

Mr. President, many are now suggesting that this terrible assassination was the isolated act of a madman. I wish it were true. But I think that all of us know better.

This act was not perpetrated in a vacuum. It occurred against a backdrop in which a culture of hate and violence was being promoted actively by people who should have known better and behaved more responsibly. The extreme rhetoric was not confined to Israel. Unfortunately, some in this country added their voices to the alarmist cries.

There is a lesson in this for all of us. For while words alone do not kill, they can encourage others to do so. Those who employed hyperbolic rhetoric for the sake of political gain must bear some measure of responsibility for creating a climate in which a cold-blooded assassination could be contemplated as a patriotic and pious act.

I hope that those who irresponsibly stoke the fires of hatred will use this slaying of a great man to look deeply within themselves and change their ways.

Mr. President, this is in many ways Israel's most difficult and emotionally wrenching hour since her creation 47 years ago, because the assassin's bullet was aimed not only at Yitzhak Rabin but also directly at the very heart of the democratic process in Israel. It is a commitment to democracy that has distinguished the Israeli nation from its neighbors in the Middle East and has been the enduring foundation of the long, traditional friendship between Israel and the United States.

As one of the founders and defenders of the independent State of Israel, as its Prime Minister, and most of all as a devotee of democracy, Yitzhak Rabin personified the process that made possible the progress toward peace in the Middle East. He also understood how violence could threaten both the process and the peace—just moments before he was shot he spoke against violence, which he said had recently taken, in his words, "* * * A shape which damages the framework of fundamental values of Israeli democracy."

It was that framework of democratic values the assassin was out to destroy—and it is designs of just such antidemocratic violence which Israel and the friends of Israel must deny in memory of Yitzhak Rabin.

I believe that we have already begun to erect that memorial. I believe that this assassination, as deeply as it has shaken us personally, will serve to reinforce the bonds of friendship between Israel and the United States. I believe that we will summon the resolve to successfully complete the unfinished journey on the path of peace embarked upon by Yitzhak Rabin. I believe that his last and greatest gift to his people, to all the peoples of the Middle East, and to the entire world will come to pass, and he will not have died in vain.

And I will remember him as a friend, as a great soldier and statesman—and not as a man who lost his life to violence, but as a man of peace who renewed the life of his Nation.•

AMENDING THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 1103 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1103) to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1103) was deemed read three times and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 8, 1995

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, November 8; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of H.R. 1833, with Senator SPECTER to be recognized as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, under a previous consent agreement, at 9:30 a.m. tomorrow, Senator SPECTER will make a motion to commit the bill, H.R. 1833, an act to ban partial-birth abortions. The majority leader has announced that the vote on the motion to commit will not occur prior to 12:30 tomorrow. Senators can therefore expect rollcall votes during Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Wednesday, November 8, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 1995:

PANAMA CANAL COMMISSION

MARKOS K. MARINAKIS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION, VICE JOHN J. DANILOVICH.

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3385, 3392, AND 12203(A):

To be major general

BRIG. GEN. STANHOPE S. SPEARS [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

MONKIA K. BOTSSCHNER [redacted]
DAVID R. FINK [redacted]
GARRY T. HICKS [redacted]
RICHARD D. KING [redacted]
PAUL J. MADSON [redacted]
DELILAH R. MORGAN [redacted]
PAUL T. PEROVICH [redacted]
DENNIS S. SARKISIAN [redacted]
KARL E. SCHRICKER [redacted]
GEOGE R. SKUODAS [redacted]
TIMOTHY B. WOJESKI [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

SANDRA L. DARULA [redacted]

BIOMEDICAL SCIENCE CORPS

To be lieutenant colonel

DAVID B. MORRISON [redacted]

MEDICAL CORPS

To be lieutenant colonel

ANTHONY B. BASILE [redacted]
MARSA L. MITCHELL [redacted]
JOSEPH M. PASCUZZO [redacted]

NURSE CORPS

To be lieutenant colonel

SALLY A. JONES [redacted]
PHILLIP W. UNDERWOOD [redacted]

DENTAL CORPS

To be lieutenant colonel

NORA E. TOWNSEND [redacted]

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, line, USN, permanent

BRIAN G. BUCK [redacted]
JOHN M. COONEY [redacted]
GREGORY S. KASHOUTY [redacted]
KENDALL O. SMITH [redacted]
PRESTON H. SPAHR III [redacted]
ERIC M. VAN METER [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, November 7, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. SHAYS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 7, 1995.

I hereby designate the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY] for 5 minutes.

H.R. 1833, THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

Mr. CANADY of Florida. Mr. Speaker, the National Abortion Rights Action League has called H.R. 1833, the Partial-Birth Abortion Ban Act of 1995, "[O]ne of the most extreme, outrageous, and anti-choice measures ever to come before Congress."

Mr. Speaker, this must come as news to the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from Arkansas [Mrs. LINCOLN], and the gentleman from Rhode Island [Mr. KENNEDY], three of the many staunchly pro-choice Members who voted for the bill.

One Member who had a 100-percent voting record with the National Abortion Rights Action League said, and I quote, "I'm not just going to vote in such a way that I have to put my conscience on the shelf." He continued by stating that it "undermines the credibility of the pro-choice movement to be defending such an indefensible procedure."

So, how have abortion advocates mounted a defense of such an indefensible procedure? They do so by ignoring the painful reality, by denying the undeniable truth, and by twisting and distorting the well-established facts.

Abortion advocates claim that H.R. 1833 would jail doctors who perform lifesaving abortions. This statement makes me wonder whether the opponents of H.R. 1833 have even bothered to read the bill. H.R., 1833 makes specific allowances for a practitioner who reasonably believes a partial-birth abortion is necessary to save the life of a mother. No one can be prosecuted and convicted under this bill for performing a partial-birth abortion which is necessary to save the life of the mother. Anyone who has any doubt about that should take a look at the text of the bill itself.

Of course, there is not a shred of evidence to suggest that a partial-birth abortion is ever necessary to save a mother's life. In fact, the American Medical Association Council on Legislation, which includes 12 doctors, voted unanimously to recommend that the AMA board of trustees endorse H.R. 1833. The council "felt [partial-birth abortion] was not a recognized medical technique and agreed that the procedure is basically repulsive." In the end, the AMA board decided to remain neutral on H.R. 1833, but it is significant that the council of 12 doctors did not recognize partial-birth abortion as a proper medical technique.

The truth is that the partial-birth abortion procedure is never necessary to protect either the life or the health of the mother. Indeed, the procedure poses significant risk to maternal health, risks such as uterine rupture and the development of cervical incompetence.

Dr. Pamela Smith, director of medical education at the department of obstetrics and gynecology at Mount Sinai Hospital in Chicago has written, and I quote, "There are absolutely no obstetrical situations encountered in this country which require a partially-delivered human fetus to be destroyed to preserve the health of the mother. Partial-birth abortion is a technique devised by abortionists for their own convenience, ignoring the known health risk to the mother. The health status of women in this country will only be enhanced by the banning of this procedure."

Proponents of the partial-birth abortion method have also claimed that the procedure is only used to kill babies with serious disabilities. Focusing the debate on babies with disabilities is a blatant attempt to avoid addressing the reality of this inhuman procedure.

Remember the brutal reality of what is done in partial-birth abortion. The baby is partially delivered alive, then stabbed through the skull. No baby's life should be taken in this manner, whether that baby is perfectly healthy or suffers from the most tragic of disabilities.

Further, neither Dr. Haskell nor Dr. McMahon, the two abortionists who have publicly discussed their use of this procedure, claim that this technique is used only in limited circumstances. In fact, Dr. Haskell told the American Medical News, and I quote, "I'll be quite frank: Most of my abortions are elective in that 20- to 24-week range. Probably 20 percent are for genetic reasons and the other 80 percent are purely elective."

Dr. McMahon claims that most of the abortions he performs are nonelective, but his definition of nonelective is extremely broad. He describes abortions performed because of a mother's youth or depression as "nonelective." I do not believe that the American people support aborting babies in the second and third trimesters because the mother is young or suffers from depression.

Dr. McMahon sent me a graph which shows that even at 26 weeks of gestation, half the babies he aborted were perfectly healthy, and many of the babies he described as flawed had conditions that were compatible with long life, either with or without a disability. For example, Dr. McMahon listed nine partial-birth abortions performed because the baby had a cleft lip.

The National Abortion Federation, a group representing abortionists, has admitted that partial-birth abortions are performed for many reasons. In 1993, the National Abortion Federation counseled its members, and I quote, "Do not apologize. This is a legal abortion procedure," and stated, "There are many reasons why women have late abortions: Life endangerment, fetal indications, lack of money, health insurance." All of these are reasons that are advanced, and have been advanced in the past, these are not reasons that justify this terrible procedure. This procedure should be banned by the Senate.

Mr. Speaker, the supporters of partial-birth abortion seek to defend the indefensible by misrepresentations and deception. But House Members, who voted by more than two-thirds in favor of H.R. 1833, did not fall victim to the ferocious campaign of deceit waged by the supporters of partial-birth abortion. It is my hope that Members of the Senate will also see the truth and support H.R. 1833.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

99-059 O—97 Vol. 141 (Pt. 22) 17

In the October 16 issue of the New Republic, feminist author Naomi Wolf made an observation that I think should be taken to heart by abortion advocates as the Senate considers the Partial-Birth Abortion Ban Act. Ms. Wolf wrote:

> What Norma McCorvey [the plaintiff in Roe v. Wade] wants, it seems, is for abortion-rights advocates to face, really face, what we are doing. "Have you ever seen a second-trimester abortion?" she asks. "It's a baby. It's got a face and a body, and they put him in a freezer and a little container." Well, so it does; and so they do.

In a partial-birth abortion, a baby—who has a face and a body—is delivered, feet first, until all but the baby's head is outside the womb. The abortionist then forces blunt scissors through the base of the baby's skull creating a hole. The abortionist then inserts a suction catheter and extracts the baby's brains. Mr. Speaker, it is time for abortion advocates to admit the truth about this terrible procedure—and to stop their campaign to conceal the truth from the American people.

GOVERNMENT ATTACKS ON AMERICAN INDIANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized during morning business for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, on January 25, 1995, I and my good friends, Mr. GEORGE MILLER, Mr. BILL RICHARDSON, Mr. PAT WILLIAMS, and Mr. PETER DEFAZIO, introduced the Indian Federal Recognition Administrative Procedures Act of 1995. H.R. 671, is an effort to create an efficient and fair procedure for extending Federal recognition to Indian tribes. In my remarks at that time, I stated that introduction of the legislation was only the starting point for further discussions and debate and that I looked forward to the advice and input of colleagues, the agency, and tribes. I hope to continue to work with Chairman MCCAIN Cochairman INOUYE, and the members of the Senate Committee on Indian Affairs to craft a bill which provides a fair and timely procedure to provide Federal recognition to Indian tribes.

Mr. Speaker, the current test is not fair, nor is it administered in a timely manner. I have recounted from this floor many times the process we have put Indian tribes through. The current recognition process requires tribes to provide written records of tribal governments during periods when the U.S. Government disbanded the tribes and told them to assimilate into the larger society. Decades after we told them to stop keeping records and assimilate, now we tell them they are not Indian because they do not have written proof of tribal activities during these periods. The poor Lumbee Indians of North Carolina have been seeking recognition for over 100 years, and even though they have been Indians all that time and much longer before that, the Bureau of Indian Affairs thinks the current system of recognizing tribes is just fine as it is.

Mr. Speaker, the current system is terrible, and I intend to fix this deplorable mess. I am making every effort to see this bill become law during the 104th Congress so we can replace the current process created by administrative regulation with a system approved by elected officials.

Mr. Speaker, I also feel compelled to comment on how repugnant I find the process of having to go through any form of recognition process. The racist 50-percent blood test, the measurement of teeth and head shape is demeaning and meaningless. We need to move forward, and while we should have done so years ago, it does not mean we should not take action now.

Mr. Speaker, since January a number of occurrences have provided me with some of the discussion and input that I was looking for on the acknowledgement process. The Senate Committee on Indian Affairs held a hearing in July on S. 479, a bill very similar to H.R. 671. Nonrecognized and recognized tribes, the Bureau of Indian Affairs, Indian organizations, and experts submitted testimony on the bill and the existing recognition process. In addition, the White House has held a number of meetings with nonrecognized tribes so that they could discuss recognition with administration officials. As a direct result of those meetings, the Department of the Interior set up a task force of administration people and representatives of nonrecognized tribes to assist the Department in formulating a position on whether the recognition criteria could be improved. Further, only this month an administrative law judge, in the first challenge to a decision against recognition, has essentially reversed the Bureau of Indian Affairs. In doing so, the judge was critical of the Bureau's methodology and interpretation of their own criteria. The judge's views of the existing criteria can be considered a suggestion that the criteria could be improved.

Mr. Speaker, I have reviewed all of those developments and taken into account the views of the interested parties. As a result, I have modified H.R. 671 to improve both the procedures and the criteria that were in the original bill. The modifications will advance the goals of recognition reform legislation—providing a more objective, consistent, and streamlined standard for acknowledging groups as federally recognized Indian tribes.

Mr. Speaker, I have made the following changes to H.R. 671. The procedures under which the independent commission would hear and decide petitions for recognition have been slightly modified. Provisions that would have excluded groups from petitioning for recognition or continuing to seek recognition have been removed. Most importantly, the criteria for recognition have been improved. The improvements take into account the almost unanimous view of the experts and affected tribes that the criteria used in the existing administrative process, which were carried into H.R. 671, do not really test whether a group should be recognized or not and that it is only through these changes that we will enact a process that is both fair and able to resolve the recognition issue in the time frame anticipated.

Mr. Speaker, the changes I have outlined this afternoon and which will be incorporated into legislation I am introducing today are important because there are 545 Indian nations within our country, plus scores of tribes seeking recognition, all of which will be affected in one way or another by this legislation.

Mr. Speaker, I also want to take a few minutes to speak out in opposition to the proposed tax on Indian gaming.

The history of how this Nation has treated the American Indians is deplorable. We have taken their lands again and again, and we have negotiated treaties and reneged those same treaties again and again. I thought those times had passed, but even as I speak, the assault continues.

Last month the House adopted a tax on Indian gaming as part of its budget reconciliation bill. For the first time the Congress is considering taxing other governmental entities on income which is used for governmental purposes such as building roads, hospitals, medical clinics, and providing education to children. My analysis of why this tax of up to 35 percent of net revenue is being considered only on Indian tribes, and not on the gaming activities of State and local governments, led me to the conclusion that our new majority believes they can use the Indians yet again as a political punching bag to beat up on and take advantage of. Why is it that the party which comes to this well everyday to decry the "tax and spend Democrats" is so anxious to raise a new tax, but only on American Indians?

I was not surprised when the Washington Post published an editorial in opposition to this proposed tax, but today even the Washington Times editorialized against the idea. When this action is considered in the context of the 11-percent cut in funding for the Bureau of Indian Affairs contained in the Interior appropriations conference report we will consider later today, it is clear that the assault on America's favorite whipping boy has resumed. This action is especially hard to accept when money which could be used to provide educational opportunities to the poor, the same problem our Speaker spoke so forcefully in favor of last week, will be used to give tax breaks to those making up to $200,000 per year.

Mr. Speaker, this is not the course we should be taking, and I urge my colleagues to vote against these attacks on the American Indians.

Mr. Speaker, I also urge my colleagues to provide a better procedural format so that Indians could be recognized. Mr. Speaker, we have 545, to my last reading, sovereign Indian tribes as part of our Nation's heritage. Yet, after these processes over the years, our first policy was let us kill off the Indians, then let us assimilate and make them part of the American society; and then after that, no, let us terminate them. Now, Mr. Speaker, we are going through the process of let us recognize them again.

Mr. Speaker, it is time we make these changes to better the needs of the first Americans.

Mr. Speaker, I submit the following editorial for the RECORD:

[From the Washington Times, Nov. 7, 1995]

TAXING THE TRIBES

Given all the hype about gambling on Indian reservations, it's Foxwoods—the wildly successful casino complex run by the Pequot tribe in Connecticut—that probably comes to mind when the subject comes up.

But Foxwoods is not representative of all tribal gaming efforts. Most reservations are in remote locations, far from the sort of densely populated cities that provide customers for the Pequots; without the same volume of business enjoyed by the Pequots, most tribes' casinos struggle to produce modest revenues. Even so, conferees on the budget reconciliation bill will be deciding whether to impose a new federal tax on those gaming revenues, a tax that will range from 15 percent to 35 percent of casino income. The Republican Congress should not be in the business of instituting new taxes: The Indian gaming tax should be discarded in conference.

House tax writers seem to have fixed on tribal gaming as a convenient source of revenue for the federal Treasury. In political terms it is understandable: At least at Foxwoods and a few other well-placed Native American casinos, there is a lot of money being generated; and Indians are not a potent voting bloc. In other, substantial cash can be had without generating substantial constituent backlash. But in constitutional terms, the tax is dubious at best.

The way the tax is written, tribal governments are treated as non-profit organizations, and the gaming revenues are treated as "unrelated business income." It must be news to the tribes that they are mere charities, rather than sovereign governmental entities. On reservations, tribal authorities are the local governments, both in fact and in well-established law. Yet the House would treat these recognized governments differently than every other non-federal governmental entity: That is, there is no proposal to tax the gaming revenues produced by state-sponsored gambling.

Tribal governments have been struggling for decades to develop businesses and enterprise on reservations, often with little luck. Conditions are bleak enough on many reservations that alcoholism is high and life expectancy is low. Gambling may not be an economic panacea, but the casino business has helped provide an economic base that many tribes have used for building prosperous communities with diverse industries. When tribal governments use gaming revenues to build housing and infrastructure and employment, they are engaged in legitimate governmental activities, not unlike states that use their lottery proceeds for road construction, prison building or education.

The more that tribes are able to build thriving economies in their own territories, the less they will be dependent on funding from Washington. This is not just an issue of whether in the long run the balance sheet will be positive or negative with new Indian gaming taxes, it is an issue of paternalism. Even if Washington were to return to the tribes, in the form of aid, all the money it takes away in taxes—frankly, an unlikely prospect—the problem would remain that the federal government would be hindering Indian self-sufficiency.

Most tribes engaged in federally approved gaming already pay taxes on benefits of one sort or another to the states in which their reservations are located. Foxwoods, for instance, pays the state of Connecticut some $200 million. To add a federal tax to that burden, especially when the state's competing lottery games are not taxed, is simply unfair. The Senate version of the spending bill does not call for the new tax on the tribes. If for no better reason than that Republicans should not be in the business of increasing anybody's taxes, conferees should stick with the version and jettison the House tax on Indian gaming.

A DARK DAY FOR WOMEN ON CAPITOL HILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I thank the Speaker for recognition, and I rise to say this is really a very dark day for women in this Capitol, because is appears that what we did with such rush in this House last week is going to be rushed through the Senate even faster; that they are going to move expeditiously to outlaw a certain procedure and criminalize doctors that do it for late-term abortions, without having any hearings.

Mr. Speaker, in this House we acted on a 2-hour hearing where only one of the two panels was able to participate. The doctor who was accused was not able to come, and many other things; with drawings that have been discredited. Now, they seem to be actively moving to only compound the error.

Mr. Speaker, I must say no matter what anyone's position on abortion is, I feel these are ones that if you sat down and gave the life stories and the circumstances around them, almost every family, almost every grandmother in America would feel that the woman and her family had the right to that kind of medical treatment.

I have just come from a rally going on outside the Supreme Court where, again, women came forward and explained their very, very tragic circumstances around having to have this procedure.

Today a woman named Vicki Seles stood up and said she was diabetic. Everything went very well until about her 28th week, and at that point they realized that the fetus had so many anomalies they were totally inconsistent with life and that her life too could be threatened, because being a diabetic they had to be very careful about what kind of procedures she could and could not go through. And so it was with great pain, great sorrow, great everything that this pregnancy was ended with this method which was determined to be the safest for her because it preserved her reproductive organs. It kept the bleeding to a minimum, which is so important for diabetics and so many other things. But I do not want to pretend that I am practicing medicine without a license because obviously I do not have a medical license.

□ 1245

But she stood out there on the steps of the Supreme Court saying she is now 30 weeks pregnant with a healthy fetus, that this is going along well, how excited she is. She has had this opportunity to once again try to become a mother and that she and her husband have been so excited about this happening. It appears now that all of this is going well and that she would not have had that option had the fetus died in utero, which it appeared it could, and then all sorts of emergency procedures start happening and probably in all instances her entire reproductive system would have been removed in some kind of an emergency procedure.

Now, these are the types of things that we criminalized last week. We did not even allow an amendment for the life of the mother or the future health of the mother to be considered. I find that absolutely astounding, that this body would shut off that kind of debate and ram it through here only to be even more astounded this week that the other body is going to ram it through even faster if they possibly can.

I think the real reason this issue is so terribly painful is that you are talking about the life of the mother plus a future life of a potential fetus. But do we really, as a Congress, men and women, think we have the right to come down and make that determination. And do we really have the right to criminalize any doctor, to accuse him of being a criminal for providing that procedure. If you read the bill, it is very clear that the doctor can only use the woman's life as a defense after he is arrested and on trial, and then only if that doctor alleges there was no other procedure available—not a safer procedure, just no other procedure.

Of course, you can have a total removal of the organs; you could have all sorts of other procedures that might be much more dangerous for the women, but that is not a defense. So I must say, it is a sad day, Mr. Speaker.

Mr. Speaker, I include for the RECORD a letter that I have sent to

Members of the other body about this issue and another letter, dealing with the inaccuracies of the drawings this body was exposed to last week, done by a doctor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 6, 1995.

DEAR SENATOR SPECTER: I understand that H.R. 1833, the Canady-Smith bill to ban late term abortion procedures, will be before the Senate tomorrow. The issue before you is about one of the greatest tragedies that can befall a family—a wanted pregnancy that goes terribly wrong, either because serious fetal anomalies are discovered late in the pregnancy, or because the woman develops a life-threatening medical condition that is inconsistent with continuing the pregnancy.

The bill you will debate on Tuesday would horribly burden these families. It would preclude many women from having access to the best option available to them in terms of reducing the risk to their lives, their health, and their future fertility. Please, on the behalf of these families, send this bill back to the appropriate Senate committee for thorough hearings.

The House bill is based upon an incomplete hearing record and a cursory House debate. The legislation criminalizing an abortion procedure is unprecedented and demands a hearing record and debate more thorough than the House conducted.

As a member of the House Judiciary Subcommittee on Constitutional Rights, I can attest that the hearing record was incomplete. First, we held only one two-hour hearing. Two panels were originally scheduled to testify. The hearing was cut short and the scheduled second panel to deal with legal issues did not occur. The only scheduled witness was to present the proponents' legal interpretation of the bill. Only the Ranking Democrat, Rep. Barney Frank (D-MA), was allowed to ask questions of the first panel. It was only after considerable protest that I or any other members opposed to the legislation were allowed to ask further questions.

Second, no one with first-hand experience with the procedure testified. Dr. Martin Haskell, whose words were taken out of context and used as arguments to pass the legislation, never got a chance to testify, although as the enclosed letter explains, was willing to.

Further, proponents of H.R. 1833 pointed as reasons for passing the bill, an "eyewitness" account by Nurse Brenda Shafer who worked for three days as a temporary nurse in Dr. Haskell's office, yet Ms. Shafer never testified and her account has been contradicted and discredited by both Dr. Haskell and his head nurse Christie Gallivan, who supervised Ms. Shafer.

Third, throughout the hearing, proponents of H.R. 1833 displayed an illustrator's interpretation of the procedure. Yet, the illustrations were never medically certified by a qualified physician with first hand knowledge of the procedure attesting to its medical accuracy. In fact, Dr. J. Courtland Robinson, an M.D., M.P.H. from Johns Hopkins University School of Hygiene and Public Health, has labeled these illustrations "highly imaginative and misleading." (See attached letter.)

The rule in the House barred any amendments from being offered and provided only one hour of debate. Opponents of the bill were not able to offer amendments to allow doctors the discretion to use the proposed banned procedures if the life or health, including a woman's future fertility, were endangered. The short time allotted for debate did not allow opponents time to discuss the type of health problems that would cause a family to consider this procedure. Nor did it give us any time to discuss why this option for some women may be the safest option for their situation.

It would be a legislative travesty if this bill is hurriedly passed based upon the House's deficient hearing process. American families who may find themselves in these tragic situations deserve better.

Sincerely,

PATRICIA SCHROEDER,
Member of Congress.

JUNE 28, 1995.

Hon. CHARLES CANADY,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN CANADY: I would like to submit, for the record, a clarification regarding statements I made in the House Judiciary subcommittee hearing on H.R. 1833, July 15, 1995. Evidently these statements are being misinterpreted by those who support your legislation to imply that I revised earlier comments submitted to Members of Congress. These interpretations are incorrect.

When discussing drawings presented to the hearing which purport to be depictions of an intact D&E or, as it is sometimes called, a D&X abortion, I stated that the drawings presented were "technically correct." This is true—the drawings are "technically correct" in that they represent a rough characterization of what is present, and in what position, during such a procedure. A representation—in words or pictures—can be technically accurate, however, and still fall far from the mark in representing the truth of what it describes.

There are many substantive inaccuracies in the drawings presented. For example, the clear implication of the drawings is that the fetus is alive until the end of the procedure, which is untrue. The stylized illustrations further imply that the fetus is conscious and experiencing pain or sensation of some kind—which is also obviously untrue. Finally, the fetus depicted is shown as perfectly formed (indeed, proportionally larger in relationship to the woman than it ought to be), when in fact a great number of such procedures are performed on fetuses with severe genetic or neurological defects. All of these factors, as well as the rudimentary, even crude, nature of the sketches added up to a picture that is, as I previously stated, highly imaginative and misleading.

Just as the drawings presented misrepresent the nature and practical reality of the surgery, your edited public distribution of some of my words misrepresents the substance of my statements. I would respectfully request that you and your staff refrain from further mischaracterizations of my comments and my medical opinion on this matter. Please include this letter as part of the formal record of the above-mentioned hearing.

Sincerely,

J. COURTLAND ROBINSON, MD, MPH.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). The Chair will remind the Member not to characterize the action of the other body, the Senate.

MORE ON H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT OF 1995

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Tennessee [Mr. BRYANT] is recognized during morning business for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, it is my pleasure to come down and speak this morning on behalf of the bill that passed this House last week by an overwhelming majority. In fact, what is known up here as a veto-proof majority, one that would survive a President's veto, should the President veto it.

This is H.R. 1833, the bill that has already had some comments from this House floor this morning. I was proud to support this bill because I think it is a fair bill, and I think it is one that does away with a very grisly medical procedure. By the number of votes that it had last week in its passage in this body by a margin of 288 to 139, we see that there were Members on both sides of the aisle who joined in in support of this bill.

I am proud to say that I do not particularly like labels, but if you want to use pro-choice and pro-life labels up here in Washington, which is apt to happen on occasion, there were many, I would be pro-life in that category. There were many on the other side who were pro-choice, I am proud to say, many of our colleagues on both sides of the aisle who are pro-choice who voted in support of this amendment. In fact, it is a procedure that is grisly, that is gruesome.

Probably, taking aside all the issues of morality or lack of morality of choice or of no choice, taking religion out of this issue, I think one of the most persuasive factors that caused Members to vote for this was the vote that the AMA's own Council on Legislation had on this particular bill. This is a group of 12 doctors, the Council on Legislation, as a part of the American Medical Association. The American Medical Association, of course, long ago recognized abortion rights. So they are no great fan of the so-called pro-life movement. In fact, they have supported abortions over the years. They, as a body, took a neutral stance on this bill, but again, at the recommendation of their own Council on Legislation, which voted 12 to zero to endorse this bill, 1833.

This particular council endorsed the gentleman from Florida, Mr. CANADY's bill, 1833. I know for a lot of us that took away some of the sting of these arguments that we hear about how doctors are going to have to make terrible decisions and how they are going to be confronted with the idea that they may go to jail and how women's lives are going to be put at risk. To me it is important to see doctors who represent doctors who perhaps do this procedure take this type of stance that they know that it is such a terrible procedure, and they know that many of these things that are being said simply are not true or else they chose to ignore them because again they voted 12 to 0 in favor of endorsing, in favor of supporting this bill. Some even said that this procedure had no recognized medical value.

I think one on that council called it repulsive. So I think for a lot of us, again, on both sides of the aisle, on both sides of the pro-choice, pro-life issue, this support from the Council on Legislation, which again is a body within the AMA, meant a lot to a lot of people.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Tennessee. I will yield briefly, if the gentlewoman can be brief. She had her 5 minutes, and I want as much of my 5 minutes as possible.

The SPEAKER pro tempore. Both Members will suspend. Time is not being deducted from the gentleman. He has the floor. The gentleman from Tennessee has the floor and has not yielded.

Mr. BRYANT of Tennessee. Let me finish because I had one other major point I would like to make. This is, talking about this procedure, I alluded to this when I spoke originally on the floor in support of the 1833 bill. That was the manner of this technique is so gruesome that as a person who is a former prosecutor and familiar with the death penalty and all those things that go with it, I think I can stand up here and say in an unqualified fashion that this particular partial birth abortion procedure would never be used as a form or as a means of execution in a capital murder case. Even the most gruesome murderer, and I mentioned, I believe, Charles Wayne Gacey and Ted Bundy who have been executed, even they had certain basic rights of due process of law and an infliction of a capital punishment, a method that was not so cruel and inhuman as to violate the Constitution.

Recently in Washington State, a man out there very overweight was able to avoid hanging because of the fact he might be decapitated. Again, I am proud to support this bill H.R. 1833 and hope that it will pass through both bodies and the President will sign it.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

During these times when so much of our consciousness reflects on the violence and the outrage of past days, we pause in prayer to commit ourselves to patterns of peace in all we do or say or think. Your word, O gracious God, a word of shalom, of peace, of understanding, is a word that commits us to be Your messengers of accord in our Nation and Your stewards of good will in all the world. May Your spirit, O God, remind us to use our voices in ways that bring tolerance and greater understanding so that our actions will be deeds of justice and righteousness, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. COOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. BROWN] come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title:

> H.R. 2546. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists its amendment to the bill (H.R. 2546) "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

> S. Con. Res. 31. Concurrent resolution honoring the life and legacy of Yitzhak Rabin.

REPORT TO THE HOUSE ON THE TRIP TO JERUSALEM AND THE FUNERAL FOR PRIME MINISTER RABIN

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I just want to take a minute to brief my colleagues on the trip to Jerusalem and on the funeral for Prime Minister Rabin. Let me say that I commend the President for having put together, on very short notice, a very powerful bipartisan delegation. The leadership of the Congress on both sides of the aisle were there, and President Carter, President Bush, former Secretary Shultz, and former Secretary Vance. I was told personally last night by acting Prime Minister Perez that it was a very powerful symbol of our commitment to stability and our commitment to the peace process that such a strong delegation would go to represent the United States in a tragic moment.

I think we all have to recognize that even with all of the violence which has occurred in the Middle East, the assassination of Prime Minister Rabin was an unusually shocking moment which has left the people of Israel, I think, genuinely in a state of deep mourning and, frankly, deep shock that it could have happened within Israeli society.

I believe for our part, we in the Congress have an obligation to continue to work toward the dream of a peaceful and prosperous Middle East, a Middle East in which Israeli's national security is ensured within a framework of friendship and comity with its neighbors. It is a long and a difficult process, but I think any Member or citizen of this country who watched on television, who listened to the heart-rending personal statement of Prime Minister Rabin's granddaughter, anyone who saw the historic moment in which the Russian Prime Minister stood next to the American President, who stood next to the premier of Spain, who stood next to the King of Jordan; to see King Hussein back in that part of Jerusalem for the first time since his grandfather was killed while seeking peace, and then to see President Mubarak of Egypt, it was truly a historic moment, a moment that I think must have made Rabin proud to know that he had contributed with his life's work and ultimately with his life to begin to move the Middle East toward peace.

I hope all Members will join in expressing our commitment and support. I hope all of us will remember that one person can make a difference, and that this sacrifice does not have to have been in vain. I hope all of us will continue to work to strengthen the prospects of having a genuine and lasting peace in the Middle East.

LET US DEDICATE OURSELVES TO THE CAUSE OF PEACE TO ENSURE THAT PRIME MINISTER RABIN DID NOT DIE IN VAIN

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the violent death of Israel's Prime Minister Yitzhak Rabin is a tragedy, not only for his family and for Israel, but for the entire world. His life spanned Israel's painful struggle for birth and survival.

His military background gave him the credentials to lead Israel in search of a secure peace. General Rabin knew how to wage war. Prime Minister Rabin knew how to make peace.

In the immortal words of Abraham Lincoln, he has given the last full measure in his devotion to peace for Israel.

We can ensure that Yitzhak Rabin will not have died in vain if we the living rededicate ourselves to the cause of peace, to carry the torch that Yitzhak Rabin held high on the road to peace for Israel and for her neighbors throughout the Middle East.

YITZHAK RABIN: WARRIOR FOR PEACE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. LEWIS of Georgia. Mr. Speaker, I have just returned from Israel, where I attended the funeral of Prime Minister Yitzhak Rabin.

Today our condolences and our hearts go out to the people and friends of Israel, the Rabin family, and lovers of peace everywhere.

Prime Minister Rabin was a great man, a great statesman, and a great peacemaker. He lived his life protecting the people of Israel and gave his life trying to bring an end to the cycle of violence that has plagued his nation. He was a warrior for peace and that will be his legacy. No assassin's bullet can extinguish the flame, the dream, that Yitzhak Rabin ignited in the hearts and minds of his people. Yitzhak Rabin may no longer be with us, but his dream for a safe, secure Israel, an Israel at peace with itself and its neighbors, lives on.

We have all lost a great leader, a great man, a man of peace. Bless him.

EMULATING THE COURAGE AND DEDICATION OF PRIME MINISTER RABIN IN SUPPORTING THE PEACE PROCESS

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, today we all come together, Christian and Jew and Moslem. We come together as people of different races and ethnicities, but we come together as Americans all, to join in mourning the tragic death of Israel Prime Minister Yitzhak Rabin. There is absolutely no question, Mr. Speaker, of the singular greatness of Prime Minister Rabin. He was always a man of strength who lived a life of conviction and courage. Yitzhak Rabin gave his life in a passionate search for peace for all people in the Middle East.

The only question, the only question that remains: Will we who live on be as courageous and as dedicated in picking up where he left off, in standing up for a real and just peace in the Middle East?

INTERIOR APPROPRIATIONS CONFERENCE REPORT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I commend all the previous speakers for their eloquence on the assassination of Prime Minister Rabin.

Mr. Speaker, later this week the House will consider for the second time the conference report on H.R. 1977. Even though this bill was sent back to committee, the new reported version is still completely unacceptable.

This conference report undermines our commitments to native Americans, our National Park System, and our precious national culture.

This bill slashes the budget of the National Park System at a time when more of our constituents are using the parks.

In this bill the budget for the National Park System is cut by $68 million.

This bill provides only $1 for management of the Mojave National Preserve, a newly established California park.

It eliminates $15 million for efforts to improve visitor safety and security at National Parks.

Despite public outcry about exploiting our national resources, this bill allows clearcutting in the Tongass National Forest.

This bill also undermines our commitments and treaty obligations to native Americans.

In this conference report native American programs will be cut by $184 million from last year's levels.

The crippling reductions targeted at tribes will significantly reduce support for essential tribal government services such as law enforcement, housing improvement, health care, Indian child welfare, and adult vocational training.

This conference report cuts $136 million more from Indian programs than the original House bill.

Make no mistake that this bill also jeopardizes the ability to provide important cultural, education, and artistic programs for communities across this country.

This bill eliminates 39 percent of funding for the National Endowment for the Arts. These cuts mean less dollars for communities in your district to help them bring ballet and orchestra, opera, and theatre performances to your constituents.

I urge my colleagues to do what is right to protect our environment, to do what is right for native American children and our cultural heritage. Vote "no" on the Interior appropriations conference report.

IT IS TIME TO SAY GOODBYE TO THE DEPARTMENT OF COMMERCE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, when this historic Congress convened, a number of us in the new majority promised our constituents that we would work hard to eliminate wasteful Federal agencies that cater to special interests. Soon we will have an opportunity to do just that by eliminating the Department of Commerce.

The Commerce Department, which was ostensibly created to promote American business interests, has evolved into a mish-mash of ineffective and outmoded programs which soak the American taxpayer for hundreds of millions of dollars while providing precious little in return.

We promised we would balance the budget, not by raising taxes but by cutting wasteful spending. This is a perfect example, the Department of Commerce, of wasteful spending.

Mr. Speaker, we have to crack down on corporate welfare, and the Department of Commerce is a good place to begin. It is little more than a welfare department for big corporations. We should have the courage to eliminate it.

ART MODELL MUST OBEY CLEVELAND'S LAWS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, year in and year out, the Cleveland Browns averaged 70,000 paying fans a game, but owner Art Modell says that is not enough. He said he is losing money. Who is kidding whom? This move to Baltimore is nothing but a sweetheart deal for Modell and a raw deal for the city of Cleveland.

Mr. Speaker, what is the surprise? Anyone who would fire Paul Brown, trade Paul Warfield, and cut outright Bernie Kozar does not know the meaning of loyalty or community. I am asking the Ohio attorney general to enforce the contract between Cleveland Browns and the city of Cleveland. If the fine print is binding on those in the dog pound and Mayor White, the fine print should be binding on Art Modell.

THE DEMOCRATS' STRANGE VIEW OF THE BUDGET PROCESS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, over the last several weeks, we have heard some fascinating dialog as we have discussed the budget. I think it has been particularly interesting. The Democrats, bless their hearts, have a very strange view of this whole budget process.

For example, when we actually cut spending, as we are doing in the Defense Department, so we are spending less in 1995 or in 1996 than we spent in 1995, they call that an increase; but when we increase spending in programs like Medicare above what we are spending in 1995, they call that a cut. No wonder the budgets of the United States were so screwed up for 40 years while they managed this place.

THE REPUBLICANS' ONGOING WAR AGAINST MEDICARE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, 2 weeks ago this Congress cut $270 billion in Medicare while increasing Pentagon spending $7 billion more than the Pentagon itself even asked for. Why? The Speaker has said and the Republican majority has said they want to preserve and protect Medicare. They want to save it by cutting it.

Let us look at a bit to history. In 1965, when Medicare was created, 87 percent of Republicans voted against its creation.

□ 1415

In the next 20 and 30 years, Republican Members of Congress continued to try to cut Medicare. In this year, Speaker GINGRICH said, now, we did not get rid of Medicare in round one because we do not think that is politically smart, but we believe it is going to wither on the vine. That is why they are cutting Medicare. They are cutting Medicare in order to let it wither on the vine and they are cutting Medicare in order to give $245 billion in tax cuts to the wealthy. Mr. Speaker, it simply does not make sense.

NOW IS THE TIME TO BALANCE THE BUDGET

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, the discussion going on here in Congress about balancing the Federal budget will continue on the floor this week. I think it is important to remember that every day, all across this country, millions of American families gather at the kitchen table to balance the family budget. They do not make excuses, they just do the right thing for the family.

I believe now is the time for the House and Senate to gather around the kitchen table of America and do what is right for America's future. We need to balance the budget, reform welfare, and cut taxes so that the American family will be able to keep more of their own, hard-earned paycheck. The growing expectation for a balanced budget has already caused long-term interest rates to fall, according to Alan Greenspan.

No more talking about balancing the budget, no more reading about it. Let's just do it. Let's work together at the kitchen table for the good of our Nation.

HOSPITALS WILL BE FORCED TO CHARGE MORE

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is not just seniors who will be asked to pay more under the Republican Medicare bill. Businesses and working people can expect to see that their health care costs are going to rise as well. In today's health care system, private patients and their insurers pay the price for the uninsured. This cost shifting will accelerate under the Republican Medicare proposal.

According to a story that ran this weekend in the New York Times, as Medicare payments fall short of covering the cost of care, hospitals will be forced to make up the difference by charging their private patients more. Many people who work for small businesses could also lose their insurance altogether.

An independent health care research firm, Lewin VHI, estimates that $66 billion will be shifted on to the privately insured. That is too big of a burden for our small businesses, and yet another reason to oppose the Republican Medicare cuts.

A HERO IN WAR, HE DIED FOR PEACE

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, the epitaph of Prime Minister Yitzhak Rabin could fill volumes. He served his country tirelessly. He helped lead her to triumph in the 1967 war. He won the Nobel Prize for his efforts to bring her an everlasting peace.

Prime Minister Rabin had the rare ability to bring diverse people together in the pursuit of peace. He earned the admiration and the respect of the people of Israel and people throughout the world. I am shocked and saddened that such a brave man would be brought down so brutally.

So, in the great shadow of his loss, this is a sad time for Israel, America, and the world. Our thoughts and prayers are with Mr. Rabin's family and with the people of one of America's closest allies, Israel. He will go down in history as a hero in war, he died for peace.

DAVID ROHDE HELD HOSTAGE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, as the peace negotiations between the warring parties in the Bosnian conflict continue in Dayton, an American journalist continues to be incarcerated and held hostage by the Bosnian Serbs.

David Rohde, a journalist for the Christian Science Monitor, was responsible for exposing the killing fields near Srebrenica in eastern Bosnia. He is now being held in captivity, detained by those responsible, the Bosnian Serbs. They have charged him with, and I quote, "Illegal border crossings and falsifying documents." He has been tried and convicted by what our own State Department has called, rightfully, a kangaroo court. He has, Mr. Speaker, become a pawn of the Serbs in their peace negotiations.

I suspect that Milosevic and his gang think they can use David Rohde as a bargaining chip in order to have us reduce our demands that the Serbs remove war criminals Karakzic and Mladic from their commands as part of any peace agreement. They are wrong.

Mr. Speaker, I am today urging the Clinton administration to demand that David Rohde and other noncombatant personnel, including all U.N. military and civilian personnel, be immediately released.

CONGRESSIONAL LIBERALS VOICE BOGUS CLAIM

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, liberals here in Congress and in the White House love to claim that Republicans are raising taxes on the poor because of our efforts to reform the earned income tax credit. This claim is bogus and is an outright scare tactic.

EITC was set up in the 1970's to help working, poor families. It was designed to be a tax refund program. Since then, EITC has turned into a welfare program. In fact, only one-quarter of the $21 billion spent on EITC actually go to tax refunds. The other three-fourths go to welfare grants. The program has expanded far beyond its original intent.

In the last 10 years, spending on the program has increased 1,220 percent. This is unsustainable growth.

Mr. Speaker, the American people need to know that we are not raising taxes on poor people. Every family covered by EITC will receive the $500 per-child tax credit and it is an outright fabrication to suggest that reforming EITC is a tax increase.

CLINTON ADMINISTRATION AND AMERICAN PEOPLE HAVE DIFFERENT PRIORITIES

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the Clinton administration's top concern these days seems to be raising the debt ceiling; in other words, increasing the Government's credit limit, which will be paid by our grandchildren.

For 11 months now, the Republican Congress has been writing a budget which will be balanced in 7 years. Throughout the whole process, the President has been missing the whole point. He needs to build consensus and accept the agenda of the American people.

Now the President wants us to raise the debt limit when he has not even stated he will sign the balanced budget amendment over a 7-year period, nor has he said he will sign legislation to save Medicare or reform welfare. He wants to increase the debt ceiling and he is fighting nearly every Republican proposal to cut spending and reduce the size of Government.

Mr. Speaker, the Clinton administration's priorities are not the same as the American people. The American people want to clean up this fiscal mess, not increase the Government's credit limit without balancing the budget.

YITZHAK RABIN DEDICATED TO LASTING PEACE

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I rise today in remembrance of one of the giants of the 20th century, a true hero, Prime Minister Yitzhak Rabin.

Prime Minister Rabin, who was tragically taken from us over the weekend, could best be described as one of the Founding Fathers of the State of Israel, and a man dedicated to lasting peace in the Middle East.

As a soldier, he led troops during Israel's War of Independence in 1948. As chief of staff of the Israel Defense Forces, he led Israel to a victory over Arab forces in 1967. As Defense Minister, he strengthened Israel's armies to defend against external threats, and as Prime Minister, he pursued peace with Israel's enemies. Above all else, he was a true patriot, whose commitment to the people of Israel and a secure future for all of its generations to come was unequivocal.

For those of us here in America, he was a friend, a comfortable friend, who we came to know during his time as Israeli Ambassador to the United States.

This past August, my wife, Barbara and I, had the good fortune of spending some time with the Prime Minister and his lovely wife, Leah. During that visit as I toured Israel, it was clear that Prime Minister Rabin was undergoing tremendous pressure from external forces as well as internal forces, as he so valiantly pursued the process of peace. This and so much more shall serve as an enduring legacy of hope and optimism that characterized the rich and full life of Prime Minister Rabin. Our prayers are with the Prime Minister's family and with all Israelis during the most difficult time.

PRIME MINISTER'S LEGACY TO MOVE FORWARD FOR PEACE

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, as a Member of the congressional delegation that attended Mr. Rabin's funeral, let me share with you some of my observations from returning from Jerusalem.

Mr. Rabin was truly a unique individual who pursued peace, and his loss will be deeply felt in the peace process, make no mistake about that. We have lost a unique individual who was committed to bringing about peace.

As President Clinton remarked and as King Hussein of Jordan remarked, the legacy of Mr. Rabin must be to move forward in the peace process. The best way to honor Mr. Rabin's memory is for all of us to rededicate ourselves to peace in the Middle East.

My observations of what is happening in Israel today is that the Israelis are more united, more committed to peace than ever before, and I think that is a fitting tribute to Mr. Rabin's work.

YITZHAK RABIN'S ASSASSINATION

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, on Saturday, November 4, the world suffered a great loss. Prime Minister Rabin's leadership and commitment to peace in the Middle East will be missed.

His untimely death is nothing less than tragic, not only to his family and the people of Israel, but to everyone who yearns for the end of bloodshed in the Middle East.

The United States has always stood beside Israel. Now more than ever, we must reaffirm our commitment to the parties involved in the peace process to ensure that Yitzhak Rabin's vision becomes a reality.

Mr. Speaker, our hearts and prayers go out to the people of Israel and Prime Minister Peres.

The challenges of the future are large, but not insurmountable. Mr. Rabin has shown us that courage and perseverance can win the day. Let us learn from his example.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

REAPPOINTMENT OF HOMER ALFRED NEAL TO THE SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 69) providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Homer Alfred Neal of Michigan on December 6, 1995, is filled by the reappointment of the incumbent for a term of six years, effective December 7, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 69 which provides for the reappointment of Homer Alfred Neal to the Smithsonian Institution's Board of Regents.

□ 1430

The Smithsonian is governed by a 17-member board composed of the Chief Justice, the Vice President of the United States, three Members of the House of Representatives, three Members of the Senate, and nine citizen members.

Homer Neal will complete his first 6-year term as a citizen regent on December 6. His extensive knowledge about science and his expertise as vice president for research and professor of physics at the University of Michigan have provided a significant contribution to the Smithsonian as a regent. Mr. Neal is being renominated for an additional 6-year term.

Mr. Speaker, regents oversee America's preeminent cultural institution. the Smithsonian's museums preserve, study, and present our cultural and scientific heritage through the vast collections that they hold in trust for the Nation. The Smithsonian is also a leading research center for the arts, history, and science, with facilities, as we know, here in the District of Columbia along the Mall but also in eight other States and in the Republic of Panama. We are most familiar with the Smithsonian based upon its exhibitions, 16 museums, galleries, and of course the National Zoo. They receive 29 million visitors every year, and every one of those visitors visit for free.

The Smithsonian is in essence the Nation's attic. They preserve unique records of art, history, plant and animal life. The total number of objects is estimated at more than 140 million. Some 120 million of those objects are specimens in the National Museum of Natural History, and there are more than 16 million postage stamps and related objects at the National Postal Museum.

The Smithsonian is a unique American institution. The Board of Regents are an important functioning aspect of the Smithsonian.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], one of the regents of the Smithsonian Institution of the House of Representatives, the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from California the distinguished chairman of the Committee on House Oversight for yielding me the time.

Mr. Speaker, I would like to thank him also and also the gentleman from California [Mr. FAZIO], the ranking member, who cannot be here today, for moving these regent nominations so quickly through their committee and onto the House floor. The actions we take today will allow the Board of Regents to have a full complement as the Smithsonian begins to celebrate its 150th anniversary this January.

The Board of Regents is indeed, as the gentleman from California [Mr. THOMAS] has pointed out, the governing body for the Smithsonian Institution. Its 17 members include the Vice President, Chief Justice, three Senators, three Members of the House, and nine citizen regents. The gentleman from Texas, Mr. SAM JOHNSON, and I are honored to be two of those regents.

A replacement will soon be named for Norm Mineta, who resigned on October 10. The nine citizen regents are appointed by joint resolution of Congress for 6-year terms.

The caliber of the people who are willing to serve in these positions reflects well upon the Smithsonian Institution, and each of the appointments will ensure that the Smithsonian continues its 150 years of success. Each of the joint resolutions that we will consider today, as the gentleman from California [Mr. THOMAS] will explain in detail, will appoint nationally respected individuals who are leaders in their respective fields. Each are distinguished Americans. I am honored to serve with them all.

Mr. Speaker, I will not elaborate on the individual nominees since the gentleman from California on each of the resolutions will do that. But I would be remiss if I did not add that I will be introducing a bill later this week to allow for a commemorative coin to celebrate the 150th anniversary of the Smithsonian. The proceeds from the coin will help to pay for sending Smithsonian exhibits across the country over the next 2 years to celebrate the 150th anniversary and to display the Smithsonian's treasures for many communities across America. For the first time we will help the Nation's coin collectors by devoting 15 percent of the proceeds for the numismatic collection at the Museum of American History.

Mr. Speaker, I again thank the chairman and the ranking member for their speedy consideration of the bill. I urge the adoption and the appointment of the citizen regents.

Mr. THOMAS. Mr. Speaker, I thank the gentleman, and that sounds like we have at least one more object to add to the Smithsonian's collection coming soon.

Mr. Speaker, I urge Members to support House Joint Resolution 69.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague from California in support of the four joint resolutions before us today. They were all passed out of committee unanimously and will serve to continue the excellent stewardship that has been the tradition of the Smithsonian Institution.

The four resolutions before us are complementary and will bring a diverse group of skills and experience to the board. Together, the nominees bring backgrounds in the sciences, arts, business, and the Federal Government.

The Smithsonian Institution is the crown jewel among our Nation's fine museums and research facilities. Every day, hundreds of Americans, and indeed, visitors from around the world, visit the Smithsonian museums and marvel at their wonders. Whether it is school children seeing the remarkable pictures from the Hubble telescope at the Air and Space Museum and starting on their journey into the marvels of science or a grandmother seeing Dorothy's red shoes that she first saw years ago on the magical silver screen, the Smithsonian is like no other place.

The first resolution, House Joint Resolution 69, reappoints Homer A. Neal, vice president for research at the University of Michigan. House Joint Resolution 110 appoints Howard Baker, former Senator and Chief of Staff to President Reagan. House Joint Resolution 111 appoints Anne Harnoncourt, the director of the Philadelphia Museum of Art, and House Joint Resolution 112 appoints Louis Gerstner, chairman of the board and CEO of IBM Corp.

The Smithsonian is governed by a 17-member board and all of these nominations are noncontroversial and worthy of this House's full support. I urge my colleagues to support each of these measures and am pleased to join my friend from California in recommending these distinguished nominees to the House.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 69.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF HOWARD H. BAKER, JR., TO SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 110) providing for the appointment of Howard H. Baker, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 110

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Jeannine Smith Clark of the District of Columbia on August 25, 1995, is filled by the appointment of Howard H. Baker, Jr. of the District of Columbia. The appointment is for a term of six years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Maryland [Mr. HOYER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 110, which provides for the appointment of Howard Baker, Jr., to the Smithsonian Institution's Board of Citizen Regents.

I do not have to tell anyone that Howard Baker has had a long and distinguished career in public office. He served in the U.S. Senate from 1967 to 1985. He was President Ronald Reagan's Chief of Staff from February 1987 to July 1988.

Mr. Speaker, rather than go into a more detailed background, it is my privilege to yield as much time as he may consume to the gentleman from Tennessee [Mr. HILLEARY], who represents the once and current home of Howard Baker.

Mr. HILLEARY. I thank the gentleman from California for yielding me the time.

Mr. Speaker, it is my honor today to rise in support of House Joint Resolution 110 which provides for the appointment of Howard H. Baker, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

It is a pleasure and honor to be able to call Senator Baker my friend. He is a true patriot who has had a long, dedicated career in public service.

I believe one of the earliest offices he held was that of student body president at the University of Tennessee in 1949. After receiving his law degree from UT, he began a career as an attorney and businessman in Huntsville and Knoxville, TN, where he soon developed an outstanding reputation in these communities and throughout the State.

In 1966 Senator Baker was first elected to the U.S. Senate. He was the first Republican since Reconstruction to be elected to the Senate from Tennessee. Later he was reelected twice more by the people of Tennessee, in 1972 and 1978.

While he is known to us in Tennessee as being instrumental in building it into a two-party State, the country knows him better for his dedication to setting partisanship aside for the good of our country.

As vice chairman of the Senate Watergate Committee in 1973, he shouldered the difficult and unpleasant task of investigating a Republican White House. The leadership he provided on that committee propelled him into the national spotlight. His goal was the truth, wherever it might have led.

Senator Baker then served as Senate Republican leader, first in the minority from 1977 through 1980, and then later in the majority from 1981 until he retired in 1984.

Senator Baker brought people together. When important legislation got bogged down in the Senate, he used his personal talent for bringing opposing factions together at the bargaining table to reach compromise suitable to all sides.

In 1988 President Reagan asked Howard Baker to take over as his White House Chief of Staff, and always being the willing patriot, he readily accepted. His presence as the head of the White House staff gave it instant credibility and integrity. He completed his task given to him by President Reagan, and again retired from public service.

He may no longer hold any public office, but his knowledge and understanding of both Tennessee and Washington continues to have tremendous influence. It is with great pride that I pay this tribute to my most famous and most distinguished constituent, Howard H. Baker, Jr. He is a great man who has dedicated his life to public service and we all owe him a great debt of gratitude.

Senator Baker is interested in serving on the Smithsonian Board of Regents, and this country could not have a better person to serve there. It is with great pleasure that I urge all of my colleagues to support House Joint Resolution 110 to appoint Howard H. Baker, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mr. THOMAS. Mr. Speaker, I think all of us know that Howard Baker is also an avid photographer and I look forward to being able to view future pictures of the Smithsonian from the inside out. I urge Members to support House Joint Resolution 110.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise once again in behalf of this resolution. On our side of the aisle, we know Howard Baker to be a partisan Republican, but he was much more and is much more than that. He was appropriately, as a leader in his party, partisan when partisanship was called for. But he was, as the gentleman from Tennessee has said, an American first, not only a great leader in his own right but the son-in-law of a great Republican leader as well, Everett Dirksen.

Howard Baker is the kind of politician that America needs. In a time when we tend to yell and scream at one another, in a time when we tend to try to embarrass one another and show one another up, Howard Baker is an example of the best of public service.

Howard Baker revered the U.S. Senate, and in his career brought luster to that institution as well as to his own name, because Howard Baker understood that Americans expected us and expect us still to work together, recognizing our differences but recognizing that consensus in the final analysis is the way we make progress.

Therefore, as a member of the other party, if you will, but a friend of Howard Baker, and not only that, an admirer of Howard Baker, and an admirer of that for which he stood as a public servant, I gladly, on behalf of my party as well as on behalf of the Democratic side of the aisle and the committee, rise in support of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 110.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

APPOINTMENT OF ANNE D'HARNONCOURT TO THE SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 111) providing for the appointment of Anne D'Harnoncourt as a citizen Regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Samuel Curtis Johnson of Wisconsin on December 4, 1995, is filed by the appointment of Anne D'Harnoncourt of Pennsylvania. The appointment is for a term of six years and shall take effect on December 5, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Maryland [Mr. HOYER] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Joint Resolution 111 provides for the appointment of Anne D'Harnoncourt to the Smithsonian Institute's Board of Regents. Ms. D'Harnoncourt serves as the director of the Philadelphia Museum of Art. In addition to her current position, she has worked at the Tate Gallery in London and the Art institute of Chicago. The knowledge she possesses from her vast arts background will obviously prove beneficial to the Smithsonian's Board. I urge my colleagues to support House Joint Resolution 111.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume and join my colleague, the gentleman from California [Mr. THOMAS], in strong support of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 111.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF LOUIS GERSTNER TO SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I have moved to suspend the rules and pass the joint resolution (H.J. Res. 112) providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 112

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Ira Michael Heyman of California on May 27, 1994, is filled by the appointment of Louis Gerstner of Connecticut. The appointment is for a term of six years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Maryland [Mr. HOYER] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

House Joint Resolution 112, which provides for the appointment of Louis Gerstner to the Smithsonian Institution's Board of Regents is, I think, equally luminous. Louis Gerstner's impressive credentials begin with his current position as chairman of the board and chief executive officer of the IBM Corp. Prior to his work at IBM, Mr. Gerstner has held top positions at RJR Nabisco, American Express, and the management consulting firm of McKinsey & Co.

While Mr. Gerstner obviously offers a diverse and impressive business background, I think it is especially significant with his appointment as a regent of the Smithsonian to emphasize that Mr. Gerstner, throughout his lifetime, has had a continuous commitment to improving our system of education, and this seems to be an excellent appointment as a citizen regent. I urge my colleagues to support House Joint Resolution 112.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Once again I am pleased to join the chairman of the Committee on House Oversight, Mr. THOMAS, in support of this resolution. The nominee will, I am sure, make a very outstanding contribution to the work of the Smithsonian Board of Regents.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 112.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Joint Resolution 69, House Joint Resolution 110, House Joint Resolution 111, and House Joint Resolution 112, the resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LAND CONVEYANCE TO CITY OF SUMPTER, OR

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass bill (H.R. 1581) to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the City of Sumpter, Oregon.

The Clerk read as follows:

H.R. 1581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, CITY OF SUMPTER, OREGON.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the city of Sumpter, Oregon (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property of approximately 1.43 acres consisting of all of block 8 of the REVISED PLAN OF SUMPTER TOWNSITE in the City, as shown in plat recorded March 6, 1897, in Plat Book 3, page 26; including the alley running through such block, vacated by Ordinance No. 1966–3, recorded December 14, 1966, in Deed 66–50–014.

(b) ADDITIONAL DESCRIPTION OF PROPERTY.—The real property to be conveyed under subsection (a) consists of the same property that was deeded to the United States in the following deeds:

(1) Warranty Deed from Sumpter Power & Water Company to the United States of America dated October 12, 1949, and recorded in Vol. 152, page 170 of Baker County records on December 22, 1949.

(2) Warranty Deed from Mrs. Alice Windle to the United States of America dated October 11, 1949, and recorded in Vol. 152, page 168

of Baker County records on December 22, 1949.

(3) Warranty Deed from Alice L. Windle Charles and James M. Charles to the United States of America dated August 8, 1962, and recorded in Book 172, page 1331 on August 27, 1962.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City use the conveyed property only for public purposes, such as a city park, information center, or interpretive area.

(d) RELEASE.—Notwithstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), upon making the conveyance required by subsection (a), the United States is relieved from liability for any and all claims arising from the presence of hazardous materials on the conveyed property, and the City shall thereafter be liable for any and all such claims.

(e) REVERSIONARY INTEREST.—If the Secretary of Agriculture determines that the real property conveyed under subsection (a) is not being used in accordance with the condition specified in subsection (c) or that the City has initiated proceedings to sell, lease, exchange, or otherwise dispose of all or a portion of the property, then, at the option of the Secretary, the United States shall have a right of reentry with regard to the property, with title thereto revesting in the United States.

(f) AUTHORIZED SALE OF PROPERTY.—Notwithstanding subsections (c) and (e), the Secretary of Agriculture may authorize the City to dispose of the real property conveyed under subsection (a) if the proceeds from such disposal are at least equal to the fair market value of the property and are paid to the United States. The Secretary shall deposit amounts received under this subsection into the special fund in the Treasury into which funds are deposited pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act. The disposal of the conveyed property under this subsection shall be subject to such terms and conditions as the Secretary may prescribe.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon, [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1581, sponsored by myself, which would authorize the transfer of the Sumpter Guard Station in my district from the U.S. Forest Service to the city of Sumpter, OR.

The Sumpter Guard Station was established in the 1940's, and the site consists of three very primitive buildings. Two of the buildings, made from railroad boxcars, are considered usable if the electrical wiring is brought up to current standards. The third building is a small outhouse and is not longer usable.

The station is located on 1.43 acres of land in the city of Sumpter, OR, and the site and buildings were recommended for disposal when the real property utilization survey was completed in 1988. Disposal of the property was contingent upon a thorough inventory of the cultural resource values and an assessment of any hazardous wastes at the site.

The Oregon State Historic Preservation Officer has concurred that the site is not eligible for the National Register of Historic Places and that transfer of ownership would not be an adverse effect. The hazardous materials report has been completed; no hazardous materials remain on the site.

The U.S. Forest Service fully supports the transfer, has no further use of the Sumpter Guard Station, and wishes to dispose of the property. The city of Sumpter, on the other hand, is eager to receive the property and utilize it immediately for public benefit as a park facility.

H.R. 1581 was reported favorably by the Committee on Resources by voice vote, and is noncontroversial. This is very sensible legislation for all interests, and I urge the Members of the House to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good piece of legislation. Basically what it is is a conveyance from the Secretary of Agriculture to the city of Sumpter, OR, all right, title and interest of the United States to a parcel of land that is approximately 1.43 acres, as described in the bill. The conveyance will be subject to the condition that the city use the conveyed property for only public purpose, such as a city park, information center, or interpretive area.

The United States is relieved of liability for claims arising from the presence of hazardous materials on the conveyed property. If the city does not use the property in accordance with the conditions of the bill, then the Secretary has the option to take possession of the property, and, notwithstanding any provisions of the bill, the Secretary may authorize the city to dispose of the property.

The Secretary of Agriculture may require additional terms and conditions as are appropriate to protect the interests of the United States.

Mr. COOLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1581.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CLEVELAND NATIONAL FOREST LAND EXCHANGE ACT OF 1995

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 207) to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes, as amended.

The Clerk read as follows:

H.R. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cleveland National Forest Land Exchange Act of 1995".

SEC. 2. LAND EXCHANGE, CLEVELAND NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE BY THE SECRETARY OF AGRICULTURE.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (b), the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall convey to the Orange County Council of the Boy Scouts of America all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) located in the Cleveland National Forest. The parcel conveyed by the Secretary shall be subject to valid existing rights and to any easements that the Secretary considers necessary for public and administrative access.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) consists of not more than 60 acres of land in Section 28, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(b) CONVEYANCE BY THE BOY SCOUTS OF AMERICA.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (a), the Orange County Council of the Boy Scouts of America shall convey to the United States all right, title, and interest to the parcel of land described in paragraph (2). The parcel conveyed under this subsection shall be subject to such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) shall be approximately equal in value to the lands described in subsection (a)(2) and shall be at least the Southerly 94 acres of the Westerly ½ of Section 34, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(c) BOUNDARY ADJUSTMENT.—Upon the completion of the land exchange authorized under this section, the Secretary shall adjust the boundaries of the Cleveland National

Forest to exclude the parcel conveyed by the Secretary under subsection (a) and to include the parcel obtained by the Secretary under subsection (b). For purposes of section 7 of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–9), the boundary of the Cleveland National Forest, as modified by this Act, shall be considered the boundary of the forest as of January 1, 1965.

(d) INCORPORATION INTO CLEVELAND NATIONAL FOREST.—Upon acceptance of title by the Secretary, the parcel obtained by the Secretary under subsection (b) shall become part of the Cleveland National Forest and shall be subject to all laws applicable to such national forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. COOLEY. Mr. Speaker, I rise in support of H.R. 207, sponsored by Mr. COX, which would clear up a problem between the Boy Scouts and the Cleveland National Forest. The Lost Valley Scout Reservation, located in a remote area of northern San Diego County and bordered by the Cleveland National Forest, is the principal summer camp for the 80,000 youth now served annually by the Orange County Council of the Boy Scouts of America. This 1,400-acre property was acquired by the council in 1956 through deeds based on an 1880 survey.

In 1987, the Forest Service surveyed the shared boundaries, and finding the 1880 surveys to be inaccurate, discovered a number of encroachments on Forest Service land. These included permanent buildings, a year-round residence, an unauthorized road, and buried water and electrical lines. The land is also heavily impacted by Scout use, as it lies between two camp activity centers.

The bill would authorize the exchange of the 43 acres of the Cleveland National Forest presently encroached upon or heavily impacted by the Lost Valley Scout Reservation for 94 acres now owned by the council.

H.R. 207 is noncontroversial and was reported favorably by the House Resources Committee by voice vote. I commend the sponsor for his work on this measure and urge the Members of the House to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

□ 1500

Mr. Speaker, we will be supporting this bill. This is a good piece of legislation. I think, as the gentleman from Oregon [Mr. COOLEY] explained, the Lost Valley Scout Reservation in California was built according to an 1880 survey. In 1987, a survey conducted by the Forest Service found that the Boy Scouts had encroached onto Cleveland National Forest in several locations. These locations include a year-round residence, an unauthorized road, and buried electrical and water lines.

Further, the land has been heavily impacted from Boy Scout use. This bill would authorize the Secretary of Agriculture to exchange the encroached land to the Boy Scouts for land owned by the Scouts elsewhere in Orange County.

Mr. Speaker, I support this transfer which will allow the Orange County Council of Boy Scouts of America to use this land unencumbered for years to come.

Mr. Speaker, I am always pleased to pass good legislation that benefits the gentleman from California [Mr. COX], the Boy Scouts, and does away with unneeded bureaucracy.

Mr. Speaker, I reserve the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. COX], the author of this legislation.

Mr. COX of California. Mr. Speaker, I thank my colleagues, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON], for the kind words that they have just spoken in behalf of this bill.

Mr. Speaker, it should not take an act of Congress for kids to go to summer camp, but that really is what this bill is going to facilitate. For several years, the facilities used by up to 10,000 Boy Scouts in the Orange County area have been deteriorating. They have been unable to build improvements on their land because a master plan cannot be approved by San Diego County until this boundary dispute, which as the gentleman states goes back to 1880, is resolved.

Mr. Speaker, like good neighbors, the Boy Scouts who discovered this problem with their property some 30 years after acquiring it from the Federal Government, worked with the Forest Service in good neighborly fashion to resolve it and they have now done so.

Mr. Speaker, I would like especially to take a moment to thank Mike Harrison, Kent Gibbs, and Craig Reide of the Orange County Council of the Boy Scouts of America for the extraordinary work they have done in getting this bill this close to passage. I am also grateful to the gentleman from Utah [Mr. HANSEN] and other members of the Subcommittee on National Parks, Forests and Lands.

Mr. Speaker, I first introduced this bill in 1992, along with California Senator John Seymour. It has taken us a great deal of hard work and effort to get to this point. Instrumental in our success was the work of my colleague, the gentleman from southern California [Mr. CALVERT], who also authored this legislation with me, and who has worked tirelessly to make certain that Members of this body recognize the special urgency of this legislation. While the gentleman from California [Mr. CALVERT] wanted to be here to mark the passage of this legislation, he has been unavoidably detained off the Hill.

Mr. Speaker, H.R. 207 may not be the most significant piece of legislation that this Congress considers, but it will have an immediate, tangible, and lasting positive impact on the lives of the thousands of Boy Scouts who spend their summers at the Lost Valley Scout Reservation.

H.R. 207 is the legislative route to implement the agreement that has been reached by the Boy Scouts and the Federal Government. Under the bill, up to 60 acres of the Cleveland National Forest presently encroached upon or heavily impacted by the Lost Valley Scout Reservation will be exchanged for 94 acres now owned by the Boy Scouts. The 94 acres of land do border the existing national forest and will expand the size of the Cleveland National Forest. Additionally, the Boy Scouts have agreed, at their own expense, to pay for new surveys and place monuments which will clearly mark the new boundaries.

Mr. Speaker, H.R. 207 is supported by the Forest Service, which testified earlier this year that enactment of this legislation will "benefit the management of the National Forests by solving boundary, encroachment issues."

Mr. Speaker, in conclusion, I cannot stress enough the special urgency of this legislation. The county of San Diego has denied building permits for needed improvements at Lost Valley Scout Reservation, pending a master land use plan as I have mentioned. That master land use plan depends on passage of this bill. For all of these reasons, time is of the essence.

Mr. Speaker, I am delighted that the leadership of this Congress has made passage of H.R. 207 a priority and I urge my colleagues on both sides of the aisle to join with me in supporting a bill that is good for our national parks, good for the Federal Government, and good for the Boy Scouts and good for about 10,000 campers.

Mr. PACKARD. Mr. Speaker, today we will have the opportunity to bring an ongoing boundary issue to rest. H.R. 207, introduced by my colleague, Congressman COX, is long overdue and reinforces the Republican-led Congress' commitment to the concerns of ordinary citizens.

As a former Boy Scout myself, I understand the importance of the Lost Valley Scout Reservation to the tens of thousands of young people in southern California served by the facility since 1954. In 1987, the U.S. Forest Service conducted a border survey and found that a small portion of land in use by the Boy Scouts was actually on Federal land. Since that time, the camp has been denied permits by the county of San Diego to make necessary repairs to the facility until the property rights issue was resolved.

This no-nonsense legislation simply exchanges land between the Forest Service and the Boy Scouts. As simple as that may sound, it has taken a considerable amount of time for the bill to be considered. It was first introduced in 1992, but no action was taken by the Democrat-controlled Congress. It was again introduced in the 103d Congress, but efforts were stalled by the Clinton administration's refusal to issue an official Forest Service opinion.

I applaud Congressman COX for his tenacity and commitment to our young people. I urge all of my colleagues to put aside petty politics and support the Cleveland National Forest land exchange.

Mr. CALVERT. Mr. Speaker, I strongly support H.R. 207 as introduced by my esteemed colleague from California [Mr. COX]. This is a matter of importance to my district and with that in mind I ask for passage of this bill.

Time is of the essence in this case. The county of San Diego has decided to disallow all building permits on the Lost Valley Scout Reservation until a master land plan is approved. This approval cannot come until this boundary dispute is resolved.

Lost Valley needs building permits now. The scout population at Lost Valley has increased 150 percent in just the past 3 years. As a result, repairs, and capital improvements must quickly commence. The Reservation is in dire need of 18 new staff cabins and a new dinning hall. In fact, the local health department has only allowed the existing dining hall's continued operation with the understanding that it will be replaced in the near future.

This bill is a fair settlement to end this boundary dispute and I urge its passage.

Mr. RICHARDSON. Mr. Speaker, as I stated, I strongly support this legislation, and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I want to thank the gentleman from California [Mr. COX] for introducing this legislation. I think it is a very worthy cause, and I urge my colleagues also to support this.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 207, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTION OF WILD HORSES IN THE OZARK NATIONAL SCENIC RIVERWAYS

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 238) to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses, as amended.

The Clerk read as follows:

H.R. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREE-ROAMING HORSES.

Section 7 of the Act entitled "An Act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes", approved August 27, 1964 (16 U.S.C. 460m–6), is amended to read as follows:

"SEC. 7. (a) The Secretary, in accordance with this section, shall allow free-roaming horses in the Ozark National Scenic Riverways. Within 180 days after enactment of this section, the Secretary shall enter into an agreement with the Missouri Wild Horse League or another qualified nonprofit entity to provide for management of free-roaming horses. The agreement shall provide for cost-effective management of the horses and limit Federal expenditures to the costs of monitoring the agreement. The Secretary shall issue permits for adequate pastures to accommodate the historic population level of the free-roaming horse herd, which shall be not less than the number of horses in existence on the date of enactment of this section nor more than 50.

"(b) The Secretary may not remove, or assist in or permit the removal of, any free-roaming horses from Federal lands within the boundary of the Ozark National Scenic Riverways unless the entity with whom the Secretary entered into the agreement under subsection (a), following notice and a 180-day response period, substantially fails to meet the terms and conditions of the agreement or in the case of an emergency as defined in the agreement.

"(c) Nothing in this section shall be construed as creating additional liability for the United States for any damages caused by the free-roaming horses to property located inside or outside the boundaries of the Ozark National Scenic Riverways.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 238, legislation which would direct the Secretary of the Interior to permit free-roaming horses to continue to inhabit Ozark National Scenic Riverway.

Free-roaming horses have existed in the vicinity of Ozark National Scenic Riverway for at least 50 years. For nearly 25 years after the park was established in 1964, the National Park Service coexisted in apparent harmony with the small number of horses which roam on lands both inside and outside the park boundary. Then suddenly, in about 1990, the National Park Service decided that the horses would have to be completely removed.

The only reason cited by the National Park Service to justify removal of the horses is that agency policy calls for removal of non-native plants and animals. However, the agency policy also calls for the National Park Service to conduct research to determine the effects of non-native animals on the park prior to initiating any such removal. The National Park Service has never conducted the required research, and has been unable to supply the committee with any scientific evidence documenting the impacts of these horses on park resources. Further, while the Park Service claims that the removal action is required under their policy, there are at least six areas in the park system where the National Park Service permits free roaming horses to exist, with no attempts to remove them. In other words, it appears that the national policies of this agency are applied on an arbitrary and selective basis by the field managers.

When the National Park Service attempted to remove these animals, they encountered massive public opposition from all corners within the State of Missouri. That opposition was ignored. Volunteer groups appeared at the doorstep of the National Park Service and offered to manage the horses at no cost to the Federal Government. The door was slammed in their face. In fact, the National Park Service testified before our subcommittee that the only way to prevent future removal of the horses was to enact this legislation.

I know that the gentleman from Missouri [Mr. EMERSON] has worked long and hard on this issue, an am witness to his extensive efforts to resolve this administratively. While such a solution may have been preferable, it is apparently not possible. Therefore, I commend this bill to my colleagues, urge they support it, and recommend its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for decades now locals and visitors to the Ozark National Scenic Riverways have come to enjoy the sight of the free-roaming horses which inhabit the area. When the National Park Service recommended removal of the horses in order to protect the riverways area, a fierce debate broke out.

Mr. Speaker, I would like to see the National Park Service and the local community work together to allow a small number of horses the freedom to roam the area unencumbered. The bill before us will allow for the Wild Horse League of Missouri, or a similar group, to manage and care for the feral horses in the area. The Wild Horse League, or similar groups, will also be responsible for any damage caused by the horses.

Further, the bill directs the National Park Service to provide grazing land for the horses.

Mr. Speaker, I want to commend the author of this bill, the gentleman from Missouri [Mr. EMERSON] and I see that the gentleman from Missouri [Mr. SKELTON] is here and will be speaking on the bill. Both gentlemen are outstanding Members of this body. The gentleman from Missouri [Mr. EMERSON] has had wide interest in this issue. We are going to make sure that this bill passes. We hold the gentleman in extremely high regard. We wish the gentleman a very, very speedy recovery. We see the gentleman here.

Mr. Speaker, I reserve the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. EMERSON], the author of this bill.

Mr. EMERSON. Mr. Speaker, I certainly want to thank the manager of the bill, the gentleman from Oregon [Mr. COOLEY], and the gentleman from New Mexico [Mr. RICHARDSON] for their diligent work in bringing this bill before us today. I also thank the gentleman from Utah [Mr. HANSEN], chairman of the Subcommittee on National Parks, Forests and Lands, and the gentleman from Alaska [Mr. YOUNG], chairman of the full Committee on Resources, for moving this bill through the legislative process.

Mr. Speaker, the Ozark Wild Horses Protection Act of 1995 is of high importance to the folks in my congressional district in southern Missouri, and to the folks in the district of my neighbor and colleague, the gentleman from Missouri [Mr. SKELTON], who represents the neighboring district. Mr. Speaker, I am just delighted to have the gentleman, and our other Ozark colleague, the gentleman from Missouri [Mr. HANCOCK], as cosponsors of this legislation. We can say we have all of the Missouri Ozarkian Congressmen behind this particular measure.

The Ozark Wild Horses Protection Act has been around a while, but it should be noted that it is a very straightforward measure. It combines common sense and the will of the people to answer what has turned into a very, very complex problem.

Mr. Speaker, in order to fully explain why my legislation is necessary, I want to give a little brief history about the wild horses that freely roam the Ozark scenic riverways. There are about 25 to 30 animals in the herd which have been around for 60 years or more, if not longer. Some new horses have been born into the herd while others have died off. In this time, however, the animals have never become overpopulated nor a physical nuisance to the lands or waters in which they roam. In fact, the folks of southern Missouri, the people who live there and own the land there, want the horses to stay for future generations to enjoy. They, as I, want this legislation to become law in order to protect the wild horses from being rounded up and carted away.

Mr. Speaker, all told, the wild horses have become a symbol of American freedom and certainly a case in point of the little guy versus government bureaucracy. It is very clear that the horses should be allowed to freely roam the scenic riverways, but due to an arbitrary decision by a local park superintendent some time ago, the National Park Service and the Interior Department, the issue now demands and deserves congressional resolution.

Remember, one of the goals of the 104th Congress is to return power to the people, government to the governed, and by passing the Ozark Wild Horses Protection Act we will be doing just that.

Members should know that there is precedence for allowing horses to remain in a National Park. In the 1980's, a similar case occurred in the Roosevelt National Park in North Dakota where the NPS wanted to proceed with removal, but the local folks wanted them to stay because of their image of the "roughrider spirit." In the final analysis, the Park Service relented and allowed them to remain, because NPS determined that the wild horses are scenic, historic, and cultural.

Unfortunately, in our case, congressional action has been deemed necessary by the Interior Department bureaucracy. Since 1990, park officials have been so adamant about removing the Ozark's wild horses and, I might add, changing their rationale every time as to why they want to, that they have spent countless taxpayers' dollars to take the issue up the court of appeals ladder.

□ 1515

Additionally, this entire time an unwieldy bureaucracy was fighting an amenable, rational, no cost solution strongly and vocally urged by the Missouri Wild Horse League and the public at large—that rationale being simply leave the horses alone.

In fact, on one, including myself, necessarily wanted to pursue legislative action; however, we were forced to seek this route. In a three-page letter dated September 28, 1994, the Park Service stated that "any amendatory or corrective legislation would have to be initiated by the U.S. Congress" to keep them from rounding up the horses. Thus, representing the folks of southern Missouri together with the gentlemen from Missouri, Mr. SKELTON and Mr. HANCOCK, I had no other choice but to proceed with this legislation to amend the Ozark National Scenic Riverways Act.

In closing, let me say that the horses are a strong part of the regional lore, scenic beauty, and culture in southern Missouri. They also serve as a meaningful attraction for vacationing visitors who come to our area to fish, hunt, canoe, raft, or simply take in the great outdoors. The Ozark Wild Horses Protection Act will hopefully provide justice—once and for all—for the horses and the people who have stood beside them throughout these legal and bureaucratic hurdles.

I urge strong passage of the Ozark Wild Horses Protection Act today, so that the measure can be pursued in Congress' other body. I have been working with our two Senators, Senator BOND and Senator ASHCROFT, and they are ready to proceed with similar legislation in their Chamber following successful action today in the House. We must invoke the will of people unto the bureaucracy and not the other way around. As one of the slogans about the horses back home goes: "Wild and Free—Let 'em Be."

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman from New Mexico for yielding time to me.

First, let me commend my friend, my colleague, the gentleman from southeast Missouri [Mr. EMERSON], for this piece of legislation. But let me tell Members, it is a shame. It is a shame, Mr. Speaker, that this has to be done. The National Park Service, using good judgment, in its bureaucracy should have let the horses stay where they have been for some 60 years. And now they say, the only way they are going to stay, to our friend, the gentleman from southeast Missouri [Mr. EMERSON], is to get legislation passed.

To his credit, he is doing it. I certainly hope we will pass it here in the House unanimously. I certainly hope that the U.S. Senate will follow suit.

There is such a thing as tradition in this country. There is such a thing as seeing things as they were in yesteryear in this country. We want tourists to come to Missouri. We want tourists to come to this country. We want them to see what happens, what has been around, what makes Americans Americans and Missouri Missouri. And the people understand that who live in our State.

The Missouri Wild Horse League is going to work with the National Park Service under this bill, no expense to the Federal Government. Shame on the bureaucracy and the National Park Service. Let us get this done. And hooray and congratulations to our friend, BILL EMERSON, from the State of Missouri.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Again, I urge passage of this bill. I want to commend the gentleman from Missouri [Mr. EMERSON] for excellent work and the eloquence of these two gentlemen from Missouri is nonpareil. I would like to simply add, let the horses go wild and free.

Mr. Speaker, for decades now locals and visitors to the Ozark National Scenic Riverways have come to enjoy the sight of the free-roaming horses which inhabit the area. When the National Park Service recommended removal of the horses in order to protect the riverways area, a fierce debate broke out.

I would like to see the NPS and local community work together to allow a small number of horses the freedom to roam the area unencumbered. The bill before us will allow for the Wild Horse League of Missouri or a similar group to manage and care for the feral horses in the area. By taking on the management of these horses, the Wild Horse League or similar group will also be responsible for any damage caused by the horses. Further, the bill directs the National Park Service to provide grazing land for the horses.

I support passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I, too, wanted to commend the gentlemen from Missouri, both of them on both sides of the aisle for putting forth, especially Mr. EMERSON, this legislation. I think it is good legislation, and I urge my colleagues to support it unanimously as well.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 238, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAND EXCHANGE AT FIRE ISLAND NATIONAL SEASHORE

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1163) to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the village of Patchogue, Suffolk County, NY, as amended.

The Clerk read as follows:

H.R. 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF EXCHANGE.

The Secretary of the Interior may exchange all right, title, and interest of the United States in and to certain National Park Service lands in the Fire Island National Seashore in the State of New York, described in section 2, for all right, title, and interest of the Village of Patchogue, Suffolk County, New York, in and to certain lands in the Village of Patchogue, described in section 2, without further consideration.

SEC. 2. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) NATIONAL PARK LANDS.—The National Park Service lands in the Fire Island National Seashore, in the State of New York, referred to in section 1 are the lands generally depicted on the map entitled "Fire Island National Seashore Land Exchange—Proposed", dated October 1994.

(b) VILLAGE OF PATCHOGUE LANDS.—The lands in the Village of Patchogue, Suffolk County, New York, referred to in section 1 are the lands generally depicted on the map entitled "Village of Patchogue Land Exchange—Proposed", dated October 1994.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the Office of the Director of the National Park Service.

SEC. 3. LANDS ACQUIRED BY SECRETARY.

The lands in the Village of Patchogue that are acquired by the Secretary of the Interior under section 1 shall be added to and administered as part of the Fire Island National Seashore.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1163, sponsored by Mr. FORBES, which would authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the village of Patchogue, Suffolk County, NY.

H.R. 1163, introduced by Mr. FORBES authorizes the Secretary of the Interior to exchange approximately 8 acres of riverfront property currently within the Fire Island National Seashore for approximately 2 acres owned by the village of Patchogue, NY.

The village of Patchogue intends that the riverfront area be lightly developed with retail shops and restaurants. Currently, the Patchogue land consists of a large paved area and a few buildings. Fire Island needs the property for overflow parking, vehicle maintenance, and perhaps some office space.

I urge the Members of the House to support this measure that was favorably reported by the House Resources Committee by unanimous voice vote and commend its sponsor for his hard work.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would authorize the exchange of land located in Fire Island National Seashore for land owned by the village of Patchogue, NY. This is a good bill. It is a good exchange between the local and Federal governments with respect to the area.

It is a good tradeoff for both sides. It is expected that Fire Island National Seashore would use the acquired land to address the needs for overflow parking, vehicle maintenance, and office space, while the village of Patchogue would use its acquired land for commercial development, including retail shops and restaurants. As I said, this bill will satisfy the needs of both the local and the Federal governments with respect to the area, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I want to thank my colleagues on the Committee on Resources for their expeditious handling of this vital piece of legislation.

H.R. 1163 would authorize an exchange of two small parcels in the district I am privileged to represent on eastern Long Island. It would be basically an even exchange involving no money.

Mr. Speaker, the Fire Island National Seashore, which is one of the pristine parks on Long Island, and the village of Patchogue have worked hand in hand to bring about this exchange of land. The first parcel is about 1½ acres. It is undeveloped property along the Patchogue River with literally about 20 percent of the parcel under water. And it currently is part of the Fire Island National Seashore.

The second parcel is 1.1 acres and it is a paved area currently owned by the village of Patchogue and being used as a parking lot. The Fire Island National Seashore is in need of a facility, a paved facility, where they can administer their vehicles and have a storage area and for other activity such as overflow parking, storage, et cetera, and a parcel of land, that they do not want to be dependent upon a waterfront location.

Likewise, the village of Patchogue would like riverfront parcels for the purposes of providing for economic development. Patchogue has fallen on difficult times in recent years, and working hand in hand with the mayor of Patchogue, Franklyn S. "Whitey" Lewendowsky, and the village board, they are working tirelessly to look for ways for economic development in the village of Patchogue. The village of Patchogue, being affectionately referred to as the downtown area of Brookhaven town.

Patchogue is hoping that this responsible economic redevelopment with the use of capital and job creation will help put a shot in the arm for Patchogue and help to revitalize this critical area in my district.

The exchange is supported by all sides. This is certainly a wonderful example of where local and Federal Government can work hand in hand for the benefit of all the people. The Park Service has several compliance measures that they need to deal with before the actual exchange can take place, but if we authorize it today, everything will be in order when the Park Service completes those vital steps.

I ask for unanimous consent to pass this important piece of legislation.

Again, I thank my colleagues for their assistance in making possible the passage of this measure.

Mr. RICHARDSON. Mr. Speaker, I urge passage of this bill.

I would like this body to note the outstanding bipartisanship, especially exhibited by the minority, in the passage of all of these majority Republican bills that are going through and the equanimity and the collegiality in making these bills a reality.

Mr. Speaker, I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I want to thank the gentleman from New Mexico for his benevolence. I do appreciate that very much. I also want to thank the gentleman from New York [Mr. FORBES] for this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1163, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MODOC NATIONAL FOREST BOUNDARY ADJUSTMENT ACT

Mr. COOLEY. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 1585) to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes.

The Clerk read as follows:

H.R. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Modoc National Forest Boundary Adjustment Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain private lands presently owned by the Bank of California, N.A. Trustee, are adjacent to the Modoc National Forest and are logical extensions of the forest.

(2) A boundary adjustment will facilitate a land exchange which involves approximately 4,240 acres of National Forest land and 11,804 acres of private land, of which only 760 acres are outside the present Modoc National Forest boundary.

(3) Bank of California, N.A. Trustee, and the Forest Service are prepared to exchange these lands under existing authority of the Secretary of Agriculture which will benefit both the private landowners and the United States by consolidating their respective landownership patterns, providing reduced costs for each party in implementing their land management objectives, providing increased recreation opportunities and fishery habitat for the American public, and providing commercial timber lands to the private landowners.

SEC. 3. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Modoc National Forest is hereby modified to include and encompass 760 acres, more or less, on the following described lands: Mount Diablo Meridian, Lassen County, California, T. 38 N., R. 10 E., sec. 5, SE¼NW¼, E½SW¼; sec. 8, E½NE¼, NE¼NW¼, NE¼SE¼, sec, 16, W½; sec, 25, Lots 13, 14 and 15 (S½SW¼, SW¼SE¼); T. 37 N., R. 11 E., Sec. 20, NW¼SE¼.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundary of the Modoc National Forest, as modified by this Act, shall be considered to be the boundary of that National Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1585, sponsored by Mr. HERGER, which would expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A., Trustee, and to facilitate a land exchange with the Forest Service.

The Ash Creek Exchange was entered into by the Bank of California, N.A., Trustee [BankÇal], and the Forest Service to consolidate their respective holdings in parts of the Lassen, Modoc, and Plumas National Forests. Because certain private lands subject to the exchange were outside but contiguous to the boundary of the Modoc National Forest, the exchange was structured in two phases.

The first phase was completed in June 1993. In phase 1 of the transaction, 11,044 acres of private land were exchanged for 3,757 acres of Forest Service land. Phase 2 of the transaction, which is the subject of this legislation, would transfer approximately 11,804 acres of private land to the Forest Service and approximately 4,240 acres of Forest Service land to private ownership.

The remaining 760 acres of private land is located outside, but contiguous to, the proclamation boundary of the Modoc National Forest. The proposed boundary adjustment will provide for these lands to be acquired by the Forest Service.

H.R. 1585 was favorably reported by the Committee on Resources by unanimous voice vote. I commend the work of my friend, Mr. HERGER, on this measure and urge the Members of the House to support this bill.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this authorization will authorize the final phase of a two-step process to consolidate lands in parts of the Lassen, Modoc, and Plumas National Forests. It will facilitate the transfer of approximately 11,804 acres of private land to the Forest Service in exchange for the 4,240 acres of Forest Service land to be transferred to private ownership. This bill has been worked out with all interested parties and is supported by the administration.

It is a good bill, introduced by the gentleman from California [Mr. HERGER], who has worked very hard on this issue. We welcome passing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HERGER], the sponsor of this bill.

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1585. I would like to thank the gentleman from Utah [Mr. HANSEN] and the gentleman from Oregon [Mr. COOLEY] for their strong support, and also the gentleman from New Mexico [Mr. RICHARDSON] on the minority side.

Mr. Speaker, this is a noncontroversial bill that completes an equal value land exchange between the Modoc National Forest and the Bank of California. This legislation enjoys strong support from the Forest Service and local communities in the Lassen and Modoc Counties of northern California.

The land exchange was commenced by the Bank of California and the Forest Service to consolidate their respective holdings in parts of the Lassen, Modoc, and Plumas National Forests. Because the transaction would require a boundary change in the Modoc National Forest, the exchange was structured in two phases. The first phase was completed in June 1993. This legislation will help complete phase 2 of the transaction. The land that will be added to the Modoc National Forest is currently used for grazing and tree production, both of which are consistent with the current land management plan.

Mr. Speaker, this exchange will not adversely affect any existing property or land use rights, and will complete a reasonable and fair transaction. By consolidating Federal landholdings, it will reduce land management costs, increase fishery habitat, and provide additional recreational opportunities within the Modoc National Forest.

Mr. Speaker, I give this bill my full endorsement, and strongly urge my colleagues to vote in favor of final passage.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1585.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXCHANGE OF LANDS WITH THE WATER CONSERVANCY DISTRICT OF WASHINGTON COUNTY, UT

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1838) to provide for an exchange of lands with the Water Conservancy District of Washington County, UT.

The Clerk read as follows:

H.R. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF LANDS WITH THE WATER CONSERVANCY DISTRICT OF WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Subject to the provisions of this Act, if within 18 months after the date of the enactment of this Act, the Water Conservancy District of Washington County, Utah, offers to transfer to the United States all right, title, and interest of the District in and to the Bulloch Site, the Secretary of the Interior shall, in exchange, transfer to the District all right, title, and interest of the United States in and to the Sand Hollow Site, the Quail Creek Pipeline and Quail Creek Reservoir, subject to valid existing rights.

(b) WATER RIGHTS ASSOCIATED WITH THE BULLOCH SITE.—The water rights associated with the Bulloch Site shall not be included in the transfer under subsection (a) but shall be subject to an agreement between the District and the Secretary that the water remain in the Virgin River as an instream flow from the Bulloch Site to the diversion point of the District at the Quail Creek Reservoir.

(c) WITHDRAWAL OF MINERAL INTERESTS.—Subject to valid existing rights, the mineral interests underlying the Sand Hollow Site, the Quail Creek Reservoir, and the Quail Creek Pipeline are hereby withdrawn from disposition under the public land laws and from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from the operation of the Geothermal Steam Act of 1970, and from the operation of the Act of July 31, 1947, commonly known as the "Materials Act of 1947" (30 U.S.C. 601 et seq.).

(d) GRAZING.—The exchange of lands under subsection (a) shall be subject to agreement by the District to continue to permit the grazing of domestic livestock on the Sand Hollow Site under the terms and conditions of existing Federal grazing leases or permits, except that the District, upon terminating any such lease or permit, shall fully compensate the holder of the terminated lease or permit.

SEC. 2. EQUALIZATION OF VALUES.

The value of the lands transferred out of Federal ownership under section 1 either shall be equal to the value of the lands received by the Secretary under section 1 or, if not, shall be equalized by—

(1) to the extent possible, transfer of all right, title, and interest of the District in and to lands in Washington County, Utah, and water rights of the District associated thereto, which are within the area providing habitat for the desert tortoise, as determined by the Director of the Bureau of Land Management;

(2) transfer of all right, title, and interest of the District in and to lands in the Smith Site and water rights of the District associated thereto; and

(3) the payment of money of the Secretary, to the extent that lands and rights transferred under paragraphs (1) and (2) are not sufficient to equalize the values of the lands exchanged under section 1.

SEC. 3. MANAGEMENT OF LANDS ACQUIRED BY UNITED STATES.

Lands acquired by the Secretary under this Act shall be administered by the Secretary, acting through the Director of the Bureau of Land Management, in accordance with the provisions of law generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

SEC. 4. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.

The exchange of lands under this Act is not subject to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 5. DEFINITIONS.

As used in this Act:

(1) DISTRICT.—The term "District" means the Water Conservancy District of Washington County, Utah.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) BULLOCH SITE.—The term "Bulloch Site" means the lands located in Kane County, Utah, adjacent to Zion National Park, more particularly described as follows:

BULLOCH SITE

	Section		Acres
T 39 S R 9 W (Private)	32	S½	320
	33	SW¼, S½ SW¼ NW¼	180
		Total	500
T 40 S R 9 W (State)	5	S½, SW¼ NE¼, NE¼ NE¼	400
	6	S½, NE¼	480
		Total	880
		GRAND TOTAL	1,380

(4) SAND HOLLOW SITE.—The term "Sand Hollow Site" means the lands located in Washington County, Utah, more particularly described as follows:

SAND HOLLOW RESERVOIR SITE

	Section		Acres
T 42 S R 14 W	13	SW¼	160
	23	E½, E½ W½	480
	24	All	640
	26	NE¼, E½ NW¼, N½ SE½	320
	25	All	640
T 42 S R 13 W	19	W½, SW¼ SE¼	360
	30	W½, W½ NE¼	400
		GRAND TOTAL	3,000

(5) QUAIL CREEK PIPELINE.—The term "Quail Creek Pipeline" means the lands located in Washington County, Utah, more particularly described as follows:

QUAIL CREEK PIPELINE

	Section		Acres
T 41 S R 12 W River-pipeline	30	NW¼ NW¼	40
		Total	40

(6) QUAIL CREEK RESERVOIR.—The term "Quail Creek Reservoir" means the lands located in Washington County, Utah, more particularly described as follows:

QUAIL CREEK RESERVOIR

	Section		Acres
T 41 S R 14 W	23	Tract 38	9.51
	23	Lot 2	40.00
	23	SW¼ SW¼ SE¼ SE¼	2.50
		Total	52.01
	25	W½ SW¼ NW¼	20
	25	SE¼ SW¼ NW¼	10
	25	W½ SE¼ SE¼ NW¼	5
	25	NW¼ SW¼	40
	25	W½ W½ NE¼ SW¼	10
		Total	85
	26	Lot 1	15.97
	26	Lot 8	40.00
	26	Lot 12	17.45
	26	Lot 15	42.23
	26	Lot 16	42.39
	26	SE¼ NE¼	40.00
		Total	198.04
	35	E½ E½ NW¼	40.00
	35	SW¼ NE¼	40.00
	35	W½ SE¼ NE¼	20.00
	35	NE¼ SE¼ NE¼	10.00
	35	N½ NW¼ SE¼	20.00
	35	NW¼ NE¼ SE¼	10.00
	35	N½ SE¼ NW¼ SE¼	5.00
		Total	145.00
		Grand Total	480.05

(7) SMITH SITE.—The term "Smith Site" means the lands located in Washington County, Utah, adjacent to Zion National Park and more particularly described as follows:

SMITH PROPERTY

	Section	
T 40 S R 11 W	5	Lots 3, 4, 5, 6, 7, 8, 9, 10, & 11 E½ SW¼, SE¼ NW¼

SMITH PROPERTY—Continued

	Section	
	6	Lot 1, S½, NE¼ and beginning at a point 2 rods west of the northeast corner of the northeast quarter of the southeast quarter; thence east 2 rods; thence south 80 rods; thence west 16 rods; thence in a northeasterly direction to the point of beginning
	8	E½ NW¼, E½ SW¼ and lots 1 & 2 excepting the south 1200 feet of the SE¼ SW¼
T 39 S R 11 W	30	W½ NE¼, W½ SE¼, SE¼ SW¼, W½ SE¼ NE¼, W½ E½ SE¼
	31	E½, E½ SW¼ and lots 3 & 4
	32	SW¼
		Containing 1,550 acres more or less

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1838, sponsored by Mr. HANSEN, which would allow the Water Conservancy District of Washington County, UT, and the Department of the Interior to achieve a number of high priority objectives. As a result of the legislation, the conservancy district will be authorized to acquire lands needed for the proposed Sand Hollow offstream water storage reservoir and lands inundated by the existing Quail Creek Reservoir and other lands essential to reservoir operation.

In exchange, the Department of the Interior would receive the Bulloch water storage reservoir site and other lands adjacent to Zion National Park, which are important to preserve instream flows and operation of the natural hydrograph of the North Fork of the Virgin River through the park. Exchange of these lands is an essential component in the resolution of the parks water flow agreement with the State of Utah. The exchange will also allow the Department of the Interior to acquire critical habitat for the desert tortoise, a threatened species.

The Bulloch Reservoir site lies above Zion National Park and its acquisition has been a goal of the National Park Service for many years. Locating an alternative water storage site in Sand Hollow is a good-faith effort by the water district to accommodate this concern.

This noncontroversial bill was favorably reported by the Committee on Resources by voice vote. I commend the chairman of the subcommittee for his excellent work on this measure and urge the Members of the House to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this land exchange will allow the Department of the Interior to acquire needed land for the Bulloch Water Storage Reservoir Site as well as lands adjacent to the Zion National Park in exchange for lands needed by the Washington County Water Conservancy District for water storage. The exchange will also provide the Department of the Interior with critical habitat lands for the desert tortoise.

The administration supports this land exchange, and I encourage my colleagues to support it.

Mr. Speaker, I urge support of this bill and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1838.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXCHANGE OF CERTAIN LANDS IN GILPIN COUNTY, CO

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2437), to provide for the exchange of certain lands in Gilpin County, CO, as amended.

The Clerk read as follows:

H.R. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, Canon City District, United States Bureau of Land Management;

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher values for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

(b) PURPOSE.—It is the purpose of this Act to authorize, direct, facilitate and expedite the land exchange set forth herein in order to further the public interest by disposing of Federal lands with limited public utility and acquire in exchange therefor lands with important values for permanent public management and protection.

SEC. 2. LAND EXCHANGE.

(a) IN GENERAL.—The exchange directed by this Act shall be consummated if within 90 days after enactment of this Act, Lake Gulch, Inc., a Colorado Corporation (as defined in section 4 of this Act) offers to transfer to the United States pursuant to the provisions of this Act the offered lands or interests in land described herein.

(b) CONVEYANCE BY LAKE GULCH.—Subject to the provisions of section 3 of this Act, Lake Gulch shall convey to the Secretary of the Interior all right, title, and interest in and to the following offered lands—

(1) certain lands comprising approximately 40 acres with improvements thereon located in Larimer County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled "Circle C Church Camp", dated August 1994, which shall upon their acquisition by the United States and without further action by the Secretary of the Interior be incorporated into Rocky Mountain National Park and thereafter be administered in accordance with the laws, rules and regulations generally applicable to the National Park System and Rocky Mountain National Park;

(2) certain lands located within and adjacent to the United States Bureau of Land Management San Luis Resource Area in Conejos County, Colorado, which comprise approximately 3,993 acres and are generally depicted on a map entitled "Quinlan Ranches Tract", dated August 1994; and

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,700 acres and are generally depicted on a map entitled "Bonham Ranch-Cucharas Canyon", dated June 1995: Provided, however, That it is the intention of Congress that such lands may remain available for the grazing of livestock as determined appropriate by the Secretary in accordance with applicable laws, rules, and regulations: Provided further, That if the Secretary determines that certain of the lands acquired adjacent to Cucharas Canyon hereunder are not needed for public purposes they may be sold in accordance with the provisions of section 203 of the Federal Land Policy and Management Act of 1976 and other applicable law.

(c) SUBSTITUTION OF LANDS.—If one or more of the precise offered land parcels identified above is unable to be conveyed to the United States due to appraisal or other problems, Lake Gulch and the Secretary may mutually agree to substitute therefor alternative offered lands acceptable to the Secretary.

(d) CONVEYANCE BY THE UNITED STATES.—(1) Upon receipt of title to the lands identified in subsection (a) the Secretary shall simultaneously convey to Lake Gulch all right, title, and interest of the United States, subject to valid existing rights, in and to the following selected lands—

(A) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 18, Lots 118–220, which comprise approximately 195 acres and are intended to include all federally owned lands in section 18, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994;

(B) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72

West, Sixth Principal Meridian, Section 17, Lots 37, 38, 39, 40, 52, 53, and 54, which comprise approximately 96 acres, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994; and

(C) certain unsurveyed lands located in Gilpin County, Colorado, Township 3 South, Range 73 West, Sixth Principal Meridian, Section 13, which comprise approximately 11 acres, and are generally depicted as parcels 302–304, 306 and 308–326 on a map entitled "Lake Gulch Selected Lands", dated July 1994: Provided, however, That a parcel or parcels of land in section 13 shall not be transferred to Lake Gulch if at the time of the proposed transfer the parcel or parcels are under formal application for transfer to a qualified unit of local government. Due to the small and unsurveyed nature of such parcels proposed for transfer to Lake Gulch in section 13, and the high cost of surveying such small parcels, the Secretary is authorized to transfer such section 13 lands to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate to carry out the basic intent of the map cited in this subparagraph.

(2) If the Secretary and Lake Gulch mutually agree, and the Secretary determines it is in the public interest, the Secretary may utilize the authority and direction of this Act to transfer to Lake Gulch lands in sections 17 and 13 that are in addition to those precise selected lands shown on the map cited herein, and which are not under formal application for transfer to a qualified unit of local government, upon transfer to the Secretary of additional offered lands acceptable to the Secretary or upon payment to the Secretary by Lake Gulch of cash equalization money amounting to the full appraised fair market value of any such additional lands. If any such additional lands are located in section 13 they may be transferred to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate as long as the Secretary determines that the boundaries of any adjacent lands not owned by Lake Gulch can be properly identified so as to avoid possible future boundary conflicts or disputes. If the Secretary determines surveys are necessary to convey any such additional lands to Lake Gulch, the costs of such surveys shall be paid by Lake Gulch but shall not be eligible for any adjustment in the value of such additional lands pursuant to section 206(f)(2) of the Federal Land Policy and Management Act of 1976 (as amended by the Federal Land Exchange Facilitation Act of 1988) (43 U.S.C. 1716(f)(2)).

(3) Prior to transferring out of public ownership pursuant to this Act or other authority of law any lands which are contiguous to North Clear Creek southeast of the City of Black Hawk, Colorado in the County of Gilpin, Colorado, the Secretary shall notify and consult with the County and City and afford such units of local government an opportunity to acquire or reserve pursuant to the Federal Land Policy and Management Act of 1976 or other applicable law, such easements or rights-of-way parallel to North Clear Creek as may be necessary to serve public utility line or recreation path needs: Provided, however, That any survey or other costs associated with the acquisition or reservation of such easements or rights-of-way shall be paid for by the unit or units of local government concerned.

SEC. 3. TERMS AND CONDITIONS OF EXCHANGE.

(a) EQUALIZATION OF VALUES.—(1) The values of the lands to be exchanged pursuant to this Act shall be equal as determined by the Secretary of the Interior utilizing comparable sales of surface and subsurface property and nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(2) In the event any cash equalization or land sale moneys are received by the United States pursuant to this Act, any such moneys shall be retained by the Secretary of the Interior and may be utilized by the Secretary until fully expended to purchase from willing sellers land or water rights, or a combination thereof, to augment wildlife habitat and protect and restore wetlands in the Bureau of Land Management's Blanca Wetlands, Alamosa County, Colorado.

(3) Any water rights acquired by the United States pursuant to this section shall be obtained by the Secretary of the Interior in accordance with all applicable provisions of Colorado law, including the requirement to change the time, place, and type of use of said water rights through the appropriate State legal proceedings and to comply with any terms, conditions, or other provisions contained in an applicable decree of the Colorado Water Court. The use of any water rights acquired pursuant to this section shall be limited to water that can be used or exchanged for water that can be used on the Blanca Wetlands. Any requirement or proposal to utilize facilities of the San Luis Valley Project, Closed Basin Diversion, in order to effectuate the use of any such water rights shall be subject to prior approval of the Rio Grande Water Conservation District.

(b) RESTRICTIONS ON SELECTED LANDS.—(1) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be contingent upon Lake Gulch executing an agreement with the United States prior to such conveyance, the terms of which are acceptable to the Secretary of the Interior, and which—

(A) grant the United States a covenant that none of the selected lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(B) permanently hold the United States harmless for liability and indemnify the United States against all costs arising from any activities, operations (including the storing, handling, and dumping of hazardous materials or substances) or other acts conducted by Lake Gulch or its employees, agents, successors or assigns on the selected lands after their transfer to Lake Gulch: Provided, however, That nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the selected lands prior to or on the date of their transfer to Lake Gulch.

(2) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be subject to the existing easement for Gilpin County Road 6.

(3) The above terms and restrictions of this subsection shall not be considered in determining, or result in any diminution in, the fair market value of the selected land for purposes of the appraisals of the selected land required pursuant to section 3 of this Act.

(c) REVOCATION OF WITHDRAWAL.—The Public Water Reserve established by Executive order dated April 17, 1926 (Public Water Reserve 107), Serial Number Colorado 17321, is hereby revoked insofar as it affects the NW¼ SW¼ of Section 17, Township 3 South, Range 72 West, Sixth Principal Meridian, which covers a portion of the selected lands identified in this Act.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) DEFINITIONS.—As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Lake Gulch" means Lake Gulch, Inc., a Colorado corporation, or its successors, heirs or assigns.

(3) The term "offered land" means lands to be conveyed to the United States pursuant to this Act.

(4) The term "selected land" means lands to be transferred to Lake Gulch, Inc., or its successors, heirs or assigns pursuant to this Act.

(5) The term "Blanca Wetlands" means an area of land comprising approximately 9,290 acres, as generally depicted on a map entitled "Blanca Wetlands", dated August 1994, or such land as the Secretary may add thereto by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Act or such other moneys as Congress may appropriate.

(b) TIME REQUIREMENT FOR COMPLETING TRANSFER.—It is the intent of Congress that unless the Secretary and Lake Gulch mutually agree otherwise the exchange of lands authorized and directed by this Act shall be completed not later than 6 months after the date of enactment of this Act. In the event the exchange cannot be consummated within such 6-month time period, the Secretary, upon application by Lake Gulch, is directed to sell to Lake Gulch at appraised fair market value any or all of the parcels (comprising a total of approximately 11 acres) identified in section 2(d)(1)(C) of this Act as long as the parcel or parcels applied for are not under formal application for transfer to a qualified unit of local government.

(c) ADMINISTRATION OF LANDS ACQUIRED BY UNITED STATES.—In accordance with the provisions of section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), all lands acquired by the United States pursuant to this Act shall upon acceptance of title by the United States and without further action by the Secretary concerned become part of and be managed as part of the administrative unit or area within which they are located.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2437, sponsored by Mr. MCINNIS, which would authorize an equal-value exchange under which the United States would transfer about 300 acres of BLM-managed public lands near the city of Black Hawk, in Gilpin County, CO, to a named company, which would transfer to the U.S. specified lands, amounting to about 8,739 acres, elsewhere in Colorado.

The Gilpin County lands are 133 parcels, ranging from 38 acres to .01 acre; 90 are less than 1 acre. They were originally acquired by the United States from France in the Louisiana Purchase. From extensive gold discoveries, the area is criss-crossed with patented mining claims; the 133 parcels are intermingled fragments that are essentially unmanageable, and have been identified as suitable for disposal by the Bureau of Land Management. However, the U.S. cannot readily realize their fair-market value through normal BLM disposal procedures because of the high costs of surveys and other necessary administrative expenses.

H.R. 2437 is intended to enable the U.S. to obtain the value by the acquisition of designated lands.

The lands that have been identified for the U.S. to receive would include about 40 acres within the Rocky Mountain National Park, nearly 4,000 acres in Conejos County, and about 4,700 acres—known as Bonham Ranch—intermingled with BLM-managed lands along Cucharas Canyon in Huerfano County, CO.

H.R. 2437 was reported favorably by the Committee on Resources by voice vote. I commend the sponsor of this bill on his hard work and urge the Members of the House to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS], the author of this bill, who developed this legislation, shepherded it, and it is in his congressional district. I wish to commend the gentleman for this good piece of legislation, which he has been working on for many years.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, Mr. Speaker, I want to express my thanks to the gentleman from New Mexico [Mr. RICHARDSON] for his help in moving this legislation, as well as the help of the chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN], and the gentleman from Oregon [Mr. COOLEY], in managing this bill today. I especially appreciate, as well, the assistance of my colleague, the gentleman from Colorado [Mr. MCINNIS], who is the sponsor of this legislation. I have been very glad to have the chance to work with him on this bill.

As the gentleman from Oregon [Mr. COOLEY] indicated, this is a pretty straightforward proposition, one that I think serves both the local and the national interest in a nice way. We are exchanging some 300 acres in 133 separate parcels near the town of Blackhawk, CO, in my congressional district, for some 8,700 acres of now privately-owned land in other parts of the State of Colorado.

The current BLM-owned lands near Blackhawk are very fragmented and unmanageable, and really do not lend themselves at all to the normal sorts of appraisal and transfer processes that involve expensive surveys and all the rest. This bill enables both the Government and some interests that are proposing private development near Blackhawk to make a match that will be in everyone's long-term interest.

The three major tracts that will be acquired by the Federal Government in exchange for these properties involve a very important 40 acres within Rocky Mountain National Park known as the Circle C Church Camp, an area that the Park Service has been anxious to bring under Park Service management for a long time; about 4,000 acres along the La Jara Canyon in Conejos County, again, important for both management, wildlife, and recreational purposes; and some 4,700 acres in Huerfano County, again involving very important scenic, recreational, and wildlife habitat areas in a beautiful canyon there.

This is legislation that I think has no opponents and has all of the right proponents, including all of the interested parties in the State of Colorado, the local governments, and all the rest. Again, I thank all involved in this on the Committee on Resources for their assistance in moving it along, and I urge my colleagues to vote for it.

Mr. Speaker, I want to thank the subcommittee chairman, Mr. HANSEN, and Ranking Member BILL RICHARDSON for bringing this bill to the floor today. I appreciate their good work, and I also greatly appreciate all that my colleague from Colorado, Mr. MCINNIS, has done in connection with this legislation that affects both our districts. I am very glad to have had the chance to work with him on this bill.

This is a straightforward and I believe a noncontroversial measure. It provides for a land exchange under which the public will receive more than 8,700 acres of Colorado lands that are important for recreational and environmental purposes, in exchange for about 300 acres near the town of Black Hawk, in Gilpin County, that are appropriate for development.

Under the exchange, the Gilpin County lands, located in my congressional district, would be transferred from Federal ownership to Lake Gulch, Inc., a private firm, in exchange for Lake Gulch's transfer to the United States of the other lands specified in the bill.

These Gilpin County lands comprise 133 separate parcels, ranging in size from 38 acres to one one-hundredth of an acre—in fact, 90 of them are less than an acre. These lands were originally acquired by the United States from France through the Louisiana Purchase. After the discovery of gold in Gilpin County, most of the immediately adjacent lands—also Federal public domain lands acquired in the same way—were claimed under the mining laws and thus passed into private ownership.

However, the 133 parcels covered by the bill are still in the public domain. For the most part, they are left-over fragments, intermingled with private lands. They are essentially unmanageable, and have been identified as suitable for disposal by the Bureau of Land Management. That means that BLM has the legal authority to dispose of them for fair market value.

The problem, though, is that the fragmented nature of the lands, and the resulting very small size of many tracts, makes it very difficult for the Government to obtain that fair market value because of the high costs of surveys and other necessary administrative expenses.

This bill responds to that problem. It will enable the United States to realize the value of these Gilpin County lands by transferring them to the Lake Gulch corporation in exchange for other lands of equal value that have resources, including potential for recreational uses, which give them priority status for acquisition by Federal land-management agencies.

These lands that the United States will receive include: About 40 acres within Rocky Mountain National Park—known as the "Circle C Church Camp" tract—that has been a long-time acquisition priority for the National Park Service; nearly 4,000 acres in Conejos County—known as the Quinlan Ranches parcel, bordering on the scenic La Jara Canyon, that is intermingled with Federal lands managed by the BLM and the Forest Service and that has recreational values as well as elk winter range and other wildlife habitat; and about 4,700 acres—known as the Bonham Ranch, now intermingled with BLM-managed lands along Cucharas Canyon in Huerfano County, whose acquisition will enable BLM to protect more than 5 miles of the scenic canyon, with its important wildlife habitat—including raptor nesting areas, cultural resources, and recreational uses.

The bill also would authorize the Secretary of the Interior to agree to transfer certain additional adjacent Gilpin County lands in exchange for additional lands acceptable to the Secretary or payment of the fair market value of any such additional Gilpin County lands.

I want to stress that the bill authorizes only an equal-value exchange. If it's determined that the value of the Gilpin County lands is greater than the value of the lands transferred to the United States, Lake Gulch will be required to pay the difference. Any such payment would be used to acquire from willing sellers land or water rights in the BLM-managed Blanca wetlands near Alamosa, an area with crucial winter habitat for bald eagles and a very productive area for ducks and geese.

Mr. Speaker, this bill is good for economic development in Gilpin County and good for the environment and outdoor recreation in Colorado. The administration supports the bill, and it also has the support of Governor Romer, the Colorado Division of Wildlife, and affected local governments including Black Hawk, Central City, and Gilpin County, as well as local and national environmental and conservation organizations. I urge its passage by the House.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Gilpin County land parcels currently managed by the BLM consist of 133 parcels ranging in size from one-tenth acre to 38 acres. I think, as the gentleman from Colorado [Mr. SKAGGS] mentioned, this bill is pretty straight forward. These are fragments scattered in an area crisscrossed with patent and mining claims, making their management extremely difficult.

What this legislation does, it would authorize an equal value land exchange, and my colleague, the gentleman from Colorado [Mr. SKAGGS], as I said, has worked for some time on this issue with the administration and the local parties affected. I commend the gentleman from Colorado [Mr. MCINNIS], too, for his efforts, and my colleagues on the majority side. This bill has wide support.

Mr. Speaker, I urge my colleagues to vote in favor of passage, and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

For the record, Mr. Speaker, I want to state that the gentleman from Colorado [Mr. MCINNIS] wanted to be here, but he could not make it here today. I would note that for the record. I also want to thank the gentlemen from Colorado, Mr. MCINNIS and Mr. SKAGGS, for their cooperative work on this issue. I think it is time we straightened up these small parcels and get some uniformity. I think this is a good piece of legislation, and I appreciate the statements made by the gentleman from New Mexico [Mr. RICHARDSON]. I think it is helpful in a bipartisan way to get some of this straightened out.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 2437, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1545

GENERAL LEAVE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the 7 measures just considered.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Oregon?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHAYS) at 6 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to clause 5, rule I, the Chair will now put the question on approval of the Journal and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: Approval of the Journal de novo; House Joint Resolution 69, by the yeas and nays; House Joint Resolution 110, by the yeas and nays; House Joint Resolution 111, by the yeas and nays; and House Joint Resolution 112, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REAPPOINTMENT OF HOMER ALFRED NEAL TO THE SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 69.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 69, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 765]

YEAS—386

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas

Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—46

Ackerman
Andrews
Baker (CA)
Baker (LA)
Barr
Bartlett
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Hoke
Inglis
Jacobs
Kennedy (MA)
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Meehan
Menendez
Mfume
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Rush
Slaughter
Stokes
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

☐ 1825

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 765, I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted "yea".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

APPOINTMENT OF HOWARD H. BAKER, JR., TO SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 110.

The clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, H.J. Res. 110, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 766]

YEAS—389

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Ackerman
Andrews
Baker (CA)
Baker (LA)
Barr
Bartlett
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Hoke
Inglis
Jacobs
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Menendez
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Rush
Slaughter
Stokes
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

☐ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolutin was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 766, I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted "yea."

APPOINTMENT OF ANNE D'HARNONCOURT TO THE SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 111.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 111, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 767]

YEAS—389

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Ackerman
Andrews
Baker (LA)
Barr
Bartlett
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Hoke
Inglis
Jacobs
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Menendez
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Rush
Slaughter
Stokes
Studds
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

□ 1842

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 767, I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HOKE. Mr. Speaker, I was unavoidably detained by a late plane for three of the first four rollcall votes.

Had I been present, I would have voted "yea" on rollcall votes 765, 766, and 767.

APPOINTMENT OF LOUIS GERSTNER TO SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 112.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 112, on which the yeas and nays are ordered.

The SPEAKER pro tempore. Members are reminded this is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 768]

YEAS—390

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)

Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—42

Ackerman
Andrews
Baker (LA)
Barr
Bartlett
Bateman
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Inglis
Jacobs
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Menendez
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Slaughter
Stokes
Studds
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

☐ 1850

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Miss COLLINS of Michigan. Mr. Speaker, during rollcall votes numbers 765, 766, 767, and 768 taken on November 7, 1995, and relating to House Joint Resolution 69, House Joint Resolution 110, House Joint Resolution 111, and House Joint Resolution 112, I was unavoidably detained due to the cancellation of my scheduled air flight.

Had I been present, I would have voted "aye" on each of the said votes.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present because my plane was late for the four rollcall votes taken on November 7, 1995.

Had I been present, I would have voted "yea" on rollcall votes 765, 766, 767, and 768.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 768, I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted "yea."

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 395, ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–314) on the resolution (H. Res. 256) waiving points of order against the conference report to accompany the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil and for other purposes, which was referred to the House Calendar and ordered to be printed.

MIDDLE EAST PEACE FACILITATION ACT OF 1994 EXTENSION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 2589) to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes, and I ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from New York?

There was no objection.

The text of H.R. 2589 is as follows:

H.R. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES.

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended by Public Law 104–30, is amended by striking "November 1, 1995" and inserting "December 31, 1995".

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to November 14, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2589 temporarily extends the Middle East Peace Facilitation Act of 1994 which expired on November 1, 1995. That act was previously extended by Public Law 104–17, by Public Law 104–22, and by Public Law 104–30. H.R. 2589 extends the act until December 31, 1995, and includes the transition provision to permit the President to immediately exercise the authorities granted him by this extension.

Mr. Speaker, I ask my colleagues to support the measure.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, with Senate amendments thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection appoints the following conferees: Mr. GILMAN, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, and Messrs. KING, DIAZ-BALART, HAMILTON, GEJDENSON, TORRICELLI, and MENENDEZ.

There was no objection.

MAKING IN ORDER ON WEDNESDAY, NOVEMBER 8, 1995, CONSIDERATION OF SENATE CONCURRENT RESOLUTION 31, HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, November 8, 1995, to consider Senate Concurrent Resolution 31 in the House, and that the previous question be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question, except 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EDIBLE OIL REGULATORY REFORM ACT

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 436), to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, and vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes, with Senate amendments thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 8, after "to" insert: "the transportation, storage, discharge, release, emission, or disposal of".

Page 2, line 9, strike out "any" the second time it appears and insert "that".

Page 2, line 18, strike out "such" and insert "that".

Page 2, line 22, strike out "different" the first time it appears.

Page 2, line 23, strike out "as provided" and insert: "based on considerations".

Page 3, line 12, strike out "carrying oil in bulk as cargo or cargo residue".

Page 3, line 13, after "carried" insert "as cargo".

Mr. BILBRAY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DE LA GARZA. Mr. Speaker, reserving the right to object, I would like to yield to the gentleman from California [Mr. BILBRAY] so that he could tell us the changes made in the Senate version as related to the original House revision.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, the Senate has included the reference in the first section A to include the transportation, storage, discharge, and release of emissions or disposal thereof, which actually was part of our original bill that came out of committee. They have retained the other sections, except for in reference to cargo and transportation.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman.

Mr. Speaker, in behalf of the Committee on Agriculture, we have no objection.

Mr. EWING. Mr. Speaker, today the U.S. House of Representatives has an opportunity to finally remedy one of the unnecessary and illogical Federal regulations that led to the creation of corrections day. H.R. 436, the Edible Oil Regulatory Reform Act, which I introduced early this year, along with Ms. DANNER of Missouri, will restore common sense to the Federal regulatory process by requiring Federal agencies to recognize the obvious differences between edible oils and toxic oils when issuing and promulgating regulations.

In addition to thanking Ms. DANNER, I also want to thank Speaker GINGRICH, who deserves special credit for establishing the corrections day process which allows the Congress to take expedited action to correct unnecessary, and sometime foolish, regulations which hurt our economy and frustrate the American public. Lastly, I want to thank Chairman BLILEY, Chairman ROBERTS, Chairman SHUSTER, and the corrections day task force for all of their cooperation and assistance, which has allowed the House to reach this point, adopt H.R. 436, and send the bill to the President for his signature.

The agricultural oils covered by H.R. 436 are nontoxic, natural products, like cooking and salad oils, which many of us eat every day. Their unnecessarily stringent regulation forces producers, shippers, and manufacturers to comply with costly and counterproductive requirements, without providing any additional measure of protection to the environment or enhancing the health and safety of our citizens.

Simply stated, H.R. 436 will require Federal agencies to differentiate between edible oils and petroleum-based oils when promulgating regulations under the Oil Pollution Act of 1990. This common sense legislation does not change or weaken the underlying principles of the Oil Protection Act of 1990 or other related statutes like the Clean Water Act.

In passing H.R. 436, Congress is sending a strong message to Federal regulators. It is the Congress' intent for Federal agencies to recognize, and not ignore, the differences between animal fats and vegetable oils and all other oils, including toxic petroleum oil. Specifically, H.R. 436 requires Federal agencies charged with regulation of the transportation, storage, discharge, release, emission, or disposal of oil to establish a separate class for animal fats and vegetable oils and to consider the differences in characteristics of these edible oils and other types of oils.

While an agency may consider the characteristics of animal fats and vegetable oil and determine that for a particular regulation no differentiation is required, the agency may only do that where there are no differences in the characteristics that are relevant to that regulation. For example, in the case of regulations dealing with oil spill response, common sense dictates that the non-toxic, biodegradable, and nonpersistent characteristics of animal fats and vegetable oils be recognized and reflected in the oil spill response regulations. It seems clear to everybody except Federal regulators that the Oil Pollution Act was designed to reduce the risk of, improve the response to, and minimize the impact of catastrophic oil spills like the one in Prince William Sound, Alaska—not to regulate edible agricultural products.

In fact, vegetable oils have been used to help clean up beaches fowled with petroleum, and vegetable oils are also being explored as substitute lubricants for machinery in environmentally sensitive areas. This not only demonstrates the significant difference between vegetable oils and petroleum oils, it highlights the fact that animal fats and vegetable oils do not pose the same risk to human health and the environment, and should not be treated the same way.

The financial responsibility relief provided in H.R. 436, as amended, applies only to exclusive shippers of animal fats and vegetable oils, and it brings industry insurance and bonding requirements back into line with the value of the product. Like the rest of H.R. 436, nothing in this section exempts edible oils from all regulatory requirements. The net effect will be to place transporters of edible oils on par with other shipments of nontoxic products, and it will allow U.S. agricultural oils to be more competitive in world markets.

Although the House has already acted three times on this issue in the 104th Congress, H.R. 436 should be adopted as a stand-alone measure because similar language was adopted twice in the House and once in the Senate during the 103rd Congress, only to see the underlying bills die at the end of 1994. I know of no objection to the substance of H.R. 436 from any Member of this body, or from the administration. H.R. 436 passed on voice votes in both the Commerce and Agriculture Committees, and in the House on October 10. In fact, judging from the bipartisan mix of cosponsors, H.R. 436 enjoys broad support and is absolutely non-controversial.

Again, Mr. Speaker, I want to thank all of the Members—from both sides of the aisle—who have worked hard to see H.R. 436 enacted, for their input and cooperation on this issue. It is time to finally solve this problem.

I urge my colleagues on both sides of the aisle to support H.R. 436.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 436, the Edible Oil Regulatory Reform Act, as amended by the Senate. The legislation passed the House, as part of the Corrections Day Calendar, on October 10, 1995. The Senate passed the bill with minor amendments on November 2, 1995.

The bill embodies the overwhelming sentiment that Congress can and should interject common sense into various Federal regulations.

H.R. 436, requires that Federal regulations differencies between animal fats and vegetable oils on the one hand, and petroleum products on the other. It does not exempt animal fats and vegetable oils from any regulatory requirement. The bill simply requires Federal regulators to consider the different physical, biological, and chemical properties of these oils as opposed to petroleum based oils.

The Transportation and Infrastructure Committee has already passed language very similar to H.R. 436 in two separate contexts: section 413 of H.R. 1361, the Coast Guard Authorization Act for fiscal year 1996, and section 506 of H.R. 961, the Clean Water Amendments of 1995. Both bills subsequent passed the House of Representatives by wide margins.

Over the last several years, the Committee has gathered testimony and other data indicating that the need for this legisaltion stems primarily from the current or proposed regulations under the Oil Pollution Act of 1990 and the Clean Water Act—statutes which are under the jurisdiction of the Transportation and Infrastructure Committee.

When Congress passed the Oil Pollution Act of 1990, in the wake of the *Exxon Valdez* oil spill, the focus was on crude oil and other petroleum products, not on animal fats or vegetable oils. Although the definition of oil under both the Oil Pollution Act and the Clean Water Act can be read to include these products, regulating them under standards developed for petroleum oils make no sense. This is a prime example of the kind of regulation run amok that has given rise to the corrections calendar.

This is a common sense reform. It does not say that animal fat and vegetable oil should be exempt from regulation. It merely requires Federal agencies to take a second look at these substances and regulate them according to their relative threat to the environment.

We believe substances that are biodegradable, nonpersistent in the environment, and are essentially components of human and wildlife diets should not be treated the same as crude oil. It's that simple. In addition, these products are shipped in much smaller quantities than petroleum based products and they have a safety record that is the envy of the marine industry. Only 4 tenths of 1 percent of the spills from 1986–1992 were from animal fats or vegetable oils.

I would also add a note of thanks to the bill's primary sponsors, Representative EWING and Representative DANNER, and other supporters, for their efforts. Because it was drafted in a generic, agency-wide manner, H.R. 436 was initially referred to the Commerce and Agriculture Committees. All of us know, however, that the primary purpose of the bill is to address problems under the Oil Pollution Act and the Clean Water Act, which are under the jurisdiction of the Transportation and Infrastructure Committee. Therefore, I also want to thank the leadership of both Committees for their cooperation in getting this important legislation to the House floor, through the other body, and—I hope—on its way to the President.

I urge my colleagues to support the bill.

Mr. DE LA GARZA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 436, and the Senate amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. METCALF. Mr. Speaker, I rise to ask unanimous consent to address the House for 30 seconds, and to revise and extend my remarks.

Mr. Speaker, pursuant to the provisions of rule 28, clause 1(c), I am announcing that tomorrow I will offer a motion to instruct the House conferees on the bill, H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

The text of the motion is as follows:

Mr. METCALF moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill H.R. 2126 be instructed to insist on sections numbered 8102 and 8111 of H.R. 2126 as passed by the House restricting the deployment of United States Armed Forces in the former Yugoslavia.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I am deeply saddened by the tragic assassination of Israel's Prime Minister Yitzhak Rabin. I offer my sympathies to the Rabin family, to the Israeli people, and to all who mourn the loss of this great man.

Yitzhak Rabin was an Israeli patriot and courageous leader whose life will be forever intertwined with the history of Israel. As a general, he led the heroic effort to secure Israel's existence. As a statesman, he made the historic decision to seek peace for his nation. Only a man who so fully understood the struggle to create a secure and democratic Israel could seize the moment to pursue peace.

It is tragically fitting that Prime Minister Rabin's last act was to speak in support of the peace process—a difficult yet vital process to which he devoted the past 2 years of his life.

I can add little to the words Yitzhak Rabin spoke on his last day. He said: "I was a military man for 27 years. I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those who are standing here, and for those who are not here—and they are many. I have always believed that the majority of the people want peace and are ready to take a chance for peace."

Yitzhak Rabin has done as much as anyone to build the Jewish state, defend it in time of need, and foster relationships with Israel's neighbors so that future generations will know peace instead of war. We mourn the loss of Yitzhak Rabin and pray that his life's work may continue.

CALLING FOR ABOLITION OF ELECTORAL COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, 1 year from now, 1 year from this week, the entire Nation will be watching the results of the 1996 Presidential election. As 1992 had a lot of suspense to it, including three candidates, 1996 could be a real roller coaster ride.

That is why I am introducing legislation today that would amend the Constitution of the United States to do away with the Electoral College and the winner-take-all system that says that a Presidential candidate who wins even by 1 percent of the votes in a State therefore takes all the electoral votes in that State.

The reason I am calling to do away with the Electoral College is because I think 1 year from today we should not have the kind of possible suspenseful outcome that could happen. Because, Mr. Speaker, 1 year from today, as I read the newspapers and as I look at the tea leaves, we could have as many as four presidential candidates on the ballot.

We could have the Democratic nominee, presumably William Clinton. We could have the Republican nominee. We could have the Independent United We Stand nominee, Ross Perot or someone else. I have heard talk of Jesse Jackson running as an Independent candidate. And who knows who else that may be running and winning a significant number of votes? As the system stands, if there is no one that is a clear winner in the Electoral College, then that election comes to the House of Representatives.

In 1992, if that had been the outcome, I suspect that the Republican candidate would have been concerned about coming into the House of Representatives, which was controlled by the Democratic Party. And so in 1996 it is fair to say the Democratic candidate may have some hesitation about coming to the House of Representatives controlled by the Republican Party. But I will tell you who really ought to be upset, would be an Independent candidate who has to come to a House that they do not have any votes, Republican or Democrat, in.

Why do we not end this anachronism, this vestige of the past, this Electoral College, by simply saying that the candidate that gets over 40 percent of the vote, the popular vote, is the winner. And indeed, if no candidate gets 40 percent of the vote, then the top two vote-getters have a runoff until one wins. That is what the American people deserve.

Some will say, well, if you do away with the Electoral College, this winner-take-all system whereby, if a presidential candidate gets 1 more vote in the State of West Virginia than the other candidates, that Presidential candidate takes all 5 of our State's electoral votes, or if they get 1 more vote of the popular vote in the State of California, they get all 54 of those electoral votes, some say that small States may lose out on this. I do not buy that.

First of all, to be honest with you, Presidential candidates do not drop in a great deal on us small States. They may fly through occasionally, have a tarmac press conference at the airport, but they are not spending a lot of time. They are going after the big populous States.

But the second thing is this. Why is it that if I vote and I vote for the winning candidate in West Virginia, my vote in effect is multiplied times five? My vote equals five electoral votes. But somebody with the winning candidate in California, their vote is multiplied by 54, the number of electors from California.

So for these reasons, I think it is essential that we make sure that the American public feels secure about the election process, and understands that it cannot be taken away and that the person who gets the most votes is the person who ends up being elected President; not the person getting the most votes, perhaps getting outdone and politically outmaneuvered in the House in a later election.

That is why I hope that we can pass this constitutional amendment to do away with the Electoral College once and for all. This is a college that ought to lose its certification.

TOLEDO COMMUNITY REMEMBERS AND PAYS TRIBUTE TO YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last evening on November 6, the greater Toledo community gathered at Temple Shomer Emunim to pay tribute to the heroic life of Israeli Prime Minister Yitzhak Rabin. Our citizenry humbly assembled—Jew, Muslim, Hindu, Christian, people of all faiths and denominations—to stand together as free people, of diverse heritage, to light candles of commemoration and of peace. Our people wished to demonstrate that here in the United States—a Nation dedicated to justice, human betterment, and "E Pluribus Unum"—One from many—we stand at one with people of peace, wherever they reside.

We witness through our unity as well as our deep sorrow that the hope for peace for which Prime Minister Rabin laid down his life will enlarge the resolve of the entire world to bring its human and spiritual resources to bear on the Middle East peace process. May the cause for which he so nobly shed his blood be sanctified.

The heartfelt remarks of Rabbi Alan Sokobin, cochair community relations of the Jewish Federation of Greater Toledo, delivered with eloquence, offered deep comfort and inspiration. Let them be inserted in this RECORD as historical evidence of the international understanding of our Toledo community and the deep desire of all our people for reconciliation.

Those officiating at the ceremony included: Michael Berebitsky, president of the Jewish Federation of Greater Toledo; Rabbi Samuel Weinstein, Temple Shomer Emunim; Cantor Judy Seplowin, Temple Shomer Emunim; Cantor David Friedes, Temple Bnai Israel; Rabbi Arnold Bienstock, Temple Bnai Israel; Judah Segal, executive director of the Jewish Federation of Greator Toledo and Jewish community representatives; Cantor Evan Rubin, Congregation Etz Chayim; Rabbi Edward Garsek, Congregation Etz Chayim; and Rabbi Sokobin.

Mr. Speaker, Rabbi Sokobin spoke on behalf of our entire community when he said of the death of Prime Minister Rabin: "We all now share a pain which will not go away."

Then he reminded us of the life of Prime Minister Rabin:

[All his life, almost all his years were years of war. He was a first generation Sabra born of parents who fled persecution in Europe. His parents met when they fought side by side defending the Jews of the Old City who were defenseless when attacked in the orchestrated riots, the pogroms, of 1920. As a child of the thirties he was aware of tragedy enveloping the Jews of Europe. In Palestine, there were descriptions of horror as European Jewry was being wrapped in bloody shrouds of hatred. He was very conscious, deeply affected, by both the hatred of Jews in Europe and the enmity of Arabs.

His youthful passion was agronomy. He wanted to plant, to cultivate, to inspire the sacred soil to flourish. A young man of exceptional intelligence, at Kadoorie Agricultural School, he was the number one student. He achieved the highest score, comparable to one SAT scores, in Palestine. But he gave up his personal dream and accepted onerous responsibility. He became a soldier. He dropped the plowshare and took up the sword. His adult life was the sword. His army service was dedicated to killing. As a young man he killed, personally. Later, as a military commander he directed others that they might kill. He was well acquainted with death.

His final evening of life, at a rally for peace he joined in singing the song: Shiru shir la-shalom, sing a song of peace].

Mr. Speaker, it is our desire as the Toledo community on an interfaith and interdenominational basis to journey to the Middle East and to Israel as we recommit ourselves as witnesses to peace and in his memory and in our own way help Prime Minister Rabin's dream of peace reach ultimate fulfillment.

May God rest his soul and give comfort to his family, the people of Israel, and peace-loving peoples everywhere.

Mr. Speaker, I include the remarks of Rabbi Sokobin for the RECORD, as follows:

I have stood before you and represented you in other dolorous occasions. During moments of personal grief when your beloved lay before you and your grief required articulation you turned to me for words to tell of the immensity of your sorrow. I spoke for you other times as well. When we all were gripped by unbearable excruciating communal anguish such as that time of evil when the Israeli athletes were massacred at Munich. Who can forget our emotions when there was that craven attack on Yom Kippur, our holiest of days. We have gathered together as caring community too many times when implacable enemies used the sword and inflicted unbearable pain.

Each time that I spoke to and for the community, I faced my own humanness and my own personal limitations. I could not explain those verities which were beyond my ken. I could not really interpret the activities of others that were outside of my understanding. I could not and still cannot understand, comprehend, the depth of hatred in some that they would wage war and commit terrorism. I could not and still cannot understand the malignity and cruelty of human beings who are willing to, who desire to, inflict excruciating pain on others.

But in the past it was enemies of the Jewish people who were uncompromising and unrelenting in their hostility. It was enemies who had views of destruction on their lips. This is the first time where the ripping, searing pain was caused, generated, not by a foe. What crushes my soul, causing agonizing soul searching, is what so many have said with simple majesty, "Jews don't kill Jews." Until now it has been a truism, an irrefutable axiom, that the political and ideological cannibalism that infects and contaminates other societies has not tainted Jewish life. Until now!

Yitzhak Rabin's life was taken by a senseless, irrational, stupid and unthinking act. That the finger that pulled the trigger had pointed to words in Torah is unthinkable! That a Jew could denigrate all that we represent, our ideals, our sanctified mission, the visions enunciated in our tradition, our God given flawless purposes is monstrous. We all now share a pain which will not go away. That this pain would be generated by the assassination of Yitzhak Rabin is also unthinkable. He in his life represented Israel's and the Jewish people's highest hope. In the moments prior to his death he exemplified and epitomized the torturous path of our people in our generation.

All his life, almost all his years were years of war. He was a first generation Sabra born of parents who fled persecution in Europe. His parents met when they fought side by side defending the Jews of the Old City who were defenseless when attacked in the orchestrated riots, the pogroms, of 1920. As a child of the thirties he was aware of tragedy enveloping the Jews of Europe. In Palestine, there were descriptions of horror as European Jewry was being wrapped in bloody shrouds of hatred. He was very conscious, deeply affected, by both the hatred of Jews in Europe and the enmity of Arabs.

His youthful passion was agronomy. He wanted to plant to cultivate, to inspire the sacred soil to flourish. A young man of exceptional intelligence, at Kadoorie Agricultural School, he was the number one student. He achieved the highest score, comparable to our SAT scores, in Palestine. But he gave up his personal dream and accepted onerous responsibility. He became a soldier. He dropped the plowshare and took up the sword. His adult life was the sword. His army service was dedicated to killing. As a young man he killed, personally. Later, as a military commander he directed others that they might kill. He was well acquainted with death.

His final evening of life, at a rally for peace he joined in singing the song: Shiru, shir la-shalom, sing a song of peace! He was blessed with active intelligence, deep commitment, dedication and unusual ability but he was not endowed with a singing voice. But he sang, Shini Shir la-shalom which is the Israeli equivalent of sixties song. "All we are asking, is give peace a chance." This was his final vision, his hope. He wanted the blessing to live to see his Israel proud, strong, productive, living in amity and concord in the family of nations. He wanted to lead his country and his people who had been tortured by generations of war, a people who knew well the torment of mangled bodies and hasty funerals, to peace. He had walked with grieving families accompanying their loved ones to their place of peace in the military cemetery. Now he asked them to walk with him on a path of hope, not of promises, but trust and faith. He asked them to sing a new song, a song of peace.

We have gathered together on this sorrowful and melancholy evening not to mourn a man. By any measurable standard he was immensely successful and fulfilled. he was a richly loved and loving husband, parent and grandparent. He was an eminent soldier and statesman, honored by the world for his achievements. Beyond these accomplishments, which reflected both his leadership qualities and his humaneness, Yitzhak Rabin fulfilled a fundamental Biblical mandate

And they shall beat their swords into plowshares

And their spears into pruning hooks

Nation shall not lift up sword against nation

Neither shall they learn war anymore. (Micah 4:3)

This memorial service honors Yitzhak Rabin, a planter and a soldier. He protected his people, their ideals, and planted within them new hope. A hope which is ours as Jews. But our service is not only a memorial. It is our response to our initial question. How could a Jew slaughter another Jew? I have heard, as you must have as well, numerous commentators refer to the "loss of innocence" in Israel. Innocence meaning naivety, perhaps. But innocence meaning purity, integrity, utopian idealism is not lost. No one can take this from us. Not as long as we maintain those ideals, those sacred purposes. We are a sanctified people. We are not pragmatic: we are prophetic. For us, this is our moment of recommitment. Now we dedicate ourselves to share with our fellow Jews of Israel, our brethren throughout the world in all our habitations to seek a path of reconciliation and equitable peace.

We would have a peace predicated upon the ancient principles enunciated in our sacred tradition. We must devote ourselves to ancient the mandate given us by the great Rabbi Hillel.

Be of the disciples of Aaron.

Love peace, pursue peace.

Reach out to your fellow human being. (Ethics of the Fathers).

We must stretch forth our hands, reaching across the gulf of hostility, to create peace, amity, concord and hope.

MARKING MARINES BIRTHDAY IN LIGHT OF CONSIDERATION OF COMMITTING TROOPS TO BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, November 10 will mark the 220th birthday of the U.S. Marine Corps.

I would like to take this opportunity of the Marine birthday to express some thoughts that have come to mind as we consider a long-term commitment of United States ground forces in Bosnia.

With the dread of flag-draped coffins arriving back to America from the Balkans in mind, I drove to the Beirut Memorial yesterday, and that is at the Marine base at Camp Lejeune, NC.

The Marines have a spirit, and they call it Esprit d'Corps, which bonds all Marines together as they march in lockstep doing their country's bidding overseas. They march forward with a flame in their heart which symbolizes the best of what makes this country great.

When I went to the memorial there in North Carolina, next to the Marine base, there is a wall which memorializes the 240 Marines that were blown up in 1983 when a mad bomber burst into their encampment and blew up the building in which they were sleeping.

These Marines are heroes. Their names are not on the Vietnam Wall, although many of the Marines who were killed were actually Vietnam veterans. One of the Marine names, Sgt. David Battle, was my brother's best friend and our families were very close.

Now as we talk about deploying troops, we should not forget the tragedy of what happened there in Beirut in 1983, over 10 years ago now. It was very similar to what we see in the Balkans. It was a very confusing situation.

In fact, very shortly after the arrival, the political situation was so confused, and the Marines became so entangled, that the State Department set down a policy that the Marines were to have no ammunition, no bullets in their guns. And when eventually a bomber came to break through the perimeter to get to the Marines with a truck laden with explosives, the Marine guard did not have a bullet in his gun to stop that truck.

We did not do right by the Marines by sending them into that situation, and we should keep them in mind and keep in mind that there are people who sacrifice and lose their lives when we make decisions like sending people to the Balkans.

Unless it is in part of America's interest, we should not be putting our people's lives at stake.

Looking at that memorial with the 240 names listed, the statue of the fallen Marine and the words "They Came in Peace" on the wall of the memorial this weekend at Camp Lejeune, I wrote the following poem which I would now like to read and have inserted into the RECORD.

It is entitled "Marines in Beirut."

□ 1915

I am sorry if it sounds schmaltzy to some people, or if it sounds a little too patriotic or whatever, but this reflects my feelings after having visited this memorial to those Marines who died in Beruit.

MARINES IN BERUIT

(By Dana Rohrabacher)

They came in peace to a distant shore.
The gallant warriors of the Corps
To risk their lives yet once more
Always faithful, ever more.

It's "Yes sir, can do"
The Marines salute, and then come through.

They landed in Beruit's bloody scene
Such is the life of a Marine.
On deadly turf confused and mean—
Political pawns in a foolish scheme.

But it's, "Yes sir, can do"
The Marines salute, and then come through.

They knew that something had gone wrong
When their short mission went on and on
With no objective, yet they stayed strong.
Courage sometimes means holding on.

Holding ground where snipers reign,
Hold faith in our country's game,
Their bullets pouched. It's insane,
but Marines take orders and don't complain.

It's "Yes sir, can do"
The Marines salute, and then come through.

For the fools in charge they had to pay
And on the dawning of that day
Death could not be held at bay
By guards whose bullets were stashed away.

The explosion killed our gallant men.
Yet we know they'd go again
if called by country, or country's friend.
These heroes, alas, won't fight again.

Never send Marines to die
Unless it's clear the reasons why.

for heroes must know that we will try
to take to heart their families' cry.
For it's "Yes sir, can do"
The Marines salute, and then come through.
We let them down, but we won't do it again.

VACATION OF SPECIAL ORDER

Mr. POMEROY. Mr. Speaker, I would ask unanimous consent to vacate my request for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

BUDGET PLACES WORKER PENSIONS AT RISK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Dakota [Mr. POMEROY] is recognized for 60 minutes as the designee of the minority leader.

Mr. POMEROY. Mr. Speaker, in the course of my time this evening, and I am not going to use the entire 60 minutes, I will be discussing the issue in the budget that places at risk worker pensions. I will be discussing that in some detail.

Before beginning that topic, I want to say a couple of things. First, I would commend my colleague. I thought the poetry which he professes to have authored was excellent. Very, very distinct and captures, I think, a lot of the emotions many of us have around the Lebanon tragedy.

Second, I would also express my deep feelings of sadness about the death of Yitzhak Rabin. I have, as a second term Member of this Chamber, heard the presentations of many world leaders from the podium here. No one has so impressed me as Yitzhak Rabin when he spoke about the long march toward peace.

He had committed his life for his country, he had been his country's leading warrior, and now he felt the moment was right for peace. The sheer courage and moral authority he brought to the leadership of his country in trying to react and trying to result in peace was really overpowering. He could convey it personally and he could even convey it through the television, for those of us that watched him in that forum as well.

Mr. Speaker, his loss is a real tragedy to the world.

Now, on to the pension issue.

One of the proposals that concerns me the most, Mr. Speaker, in a budget reconciliation act that is full of proposals that concern me, is a plan that would allow the withdrawal of pension funds across this country of $40 billion. I will be discussing this plan over the next 7, 8, 9, maybe 10 minutes. I have an hour. I invite any Member of this Chamber, any Member of the House of Representatives that favors this proposal, to join me on the House floor. Because I would be very happy to debate it in its technical dimension or in its public policy dimension.

So if Members are watching this presentation, I would urge them to come to the floor and try to make their case. I do not think there is much of a case to be made for a proposal that would jeopardize workers' pensions to the tune of $40 billion across this country.

Mr. Speaker, the issue, as I see it, is should protections that presently exist within the law, protecting solvency of pension programs, be maintained. The House budget has proposed eliminating the excise tax that prevents the withdrawal of pension funds exceeding 125 percent of termination liability. They would eliminate the excise tax altogether until July 1, 1996 and then impose a 6.5-percent tax thereafter.

The process leading up to the inclusion of this provision in the House budget is, in my opinion, truly startling, even for a Congress that is full of startling shortcuts. In process, this one takes the cake. Forty billion dollars in workers' pension funds placed at risk for a proposal that did not have a single hearing. No hearing. It was placed in the Budget Reconciliation Act in the context of a Committee on Ways and Means markup. They eliminated the solvency protections, allowed corporations to grab those excess funds, for any purpose, notwithstanding the fact that there might be a resulting threat to solvency. So much as a 1-percent interest downturn would take these 125 percent of termination liability plans and put them under water. Notwithstanding that risk, no hearings.

Mr. Speaker, when one of the Members offered an amendment that said, well, at least notify the workers that we are going to take their pension funds, that amendment was also defeated. So we have no hearing, no opportunity for public input, the defeat of a provision that would have allowed for at least worker notification if their pension fund is robbed. Then some of us, because of the magnitude of this proposal, and let me tell my colleagues that $40 billion places at risk the pensions of millions of workers, and because of that we sought a rule. We sought a rule that would allow an amendment. Straight-up vote. We think this is a horrible idea, let us air it out on the floor of the House straight up or down. Give us a vote.

We were denied the vote. The Committee on Rules did not allow us to offer an amendment striking this provision out because they wanted it sewn tightly into that huge Budget Reconciliation Act. They wanted to pass it in the sheer weight of this many hundreds of pages of proposals.

I ask myself, Mr. Speaker, why in the world would they put worker pension funds at issue? We recognize as a country we have a savings crisis. People are not saving enough for their own pensions. In fact, this is the very budget that takes a run at Medicare, reduces what people will have under Medicare in the future. So why in the world, if we are going to reduce things like Medicare, which are public programs helping people in their retirement, why would we put at risk their private pension funds?

The answer is one of two. First, let me give you the budgetary answer they have floated. If $40 billion comes out of pension funds, the U.S. Treasury collects a tax on it. It adds about $9 billion to the pension budget picture in the short run. It might strike the American people as more than a little curious that they would jeopardize long-term worker pension needs for a short-term hit to the budget, but that seems to be the gamesmanship underlying this proposal.

Maybe there is another answer. The other thing that I can think of is that somebody has some powerful friends, and that somebody, corporation somewhere, wants to get at their pension kitty, and they have convinced this Congress, the Committee on Ways and Means and congressional leadership, to allow them to get at those pension funds because they want them.

It has to be one of two, a short-term budget gimmick or unbelievable favors for special friends. In any event, it deserves more debate.

Mr. Speaker, I want to talk a couple of minutes about the history of this. Having been an insurance commissioner during the eighties, I was responsible for regulating the solvency of insurance companies. As I did that, I also watched carefully what was happening to the solvency of pension plans, and what I saw I did not like; because in the go-go eighties, the mentalities of corporate takeovers, we began to see a run on corporate pensions.

Often predators, trying to buy in a hostile buyout situation, a corporation would use the workers' own pension funds to finance the buyout. The great irony for workers is that their retirement savings, the pension fund, would actually be used to finance the hostile takeover that resulted in their loss of jobs. When the takeover artists enacted their downsizing and their cutbacks, their own pension funds financed the hostile takeover resulting in their loss of a job. Can you imagine anything worse?

Over the 1980's, Mr. Speaker, we began to see acceleration in the tendency of money to flow from pensions. In 1982, $44 million. In 1983, you can see the amounts accelerating, until the total tally of money that flew out of pensions in the 1980's was estimated at $20 billion. Twenty billion dollars. And I will tell the American people, Mr. Speaker, that some of the pension funds that experienced those raids never came back, and some of the employees covered by those pensions did not receive what was owed to them in retirement savings. We can see the dramatically accelerating raid on pensions.

To deal with this situation, past Congresses, operating on a bipartisan basis, because they understood that this country has an interest in having people have healthy pension funds, on three separate occasions enacted restrictions on people's ability to pull money out of their pension funds intended for their workers. First, they enacted an excise tax that was going to slow that up. They enacted a 15-percent excise tax to slow down the growth.

That was not enough, and, as we can see on this chart, money continued to flow out. So they added to that the penalty for withdrawing from the pension funds and the amounts slowed, and the amount virtually stopped at the present protection, 50 percent excise tax on the withdrawal of the excess funds in pension funds. That left, as I mentioned earlier, a total of $20 billion out of those funds. Compare that to the $40 billion projected under the plan to come out if the protections are removed as proposed in the House-passed budget.

Now, the resulting exposure if pension plans start going bust all over the country, because people have pulled out all this $40 billion, hits in two ways. First of all, it hits the worker that does not get their full benefits because the pension plan is under water; second, it hits taxpayers. We all have a stake in this because the pension programs are guaranteed by an insurance program ultimately funded by taxpayers. Guaranteed by taxpayers kind of like the savings and loan insurance deal that cost taxpayers billions. This is insured by the Pension Benefit Guaranty Corporation. The PBGC.

So, ultimately, workers get less on their pensions and taxpayers are asked to pick up the difference. Tremendous future liability exposure to taxpayers under this proposal. That is why, Mr. Speaker, when I first saw the proposal I asked the Pension Benefit Guaranty people what they thought of it. Their response was unequivocal. At the PBGC they believe this proposal places distinctly at risk the pensions of millions of workers across the country.

They have done various studies that show that plans which are healthy today would, if they drew down to the limit allowed in the budget, be in serious financial shape in the future.

□ 1930

This thing has got to be stopped, and I will tell my colleagues my deep concern as we go into conference committee in the budget. It was initially proposed in the Senate as well. Now, the Senate can do something that we cannot in the House. They can have straight-up votes on whether this is a good proposal that ought to move forward. In response to the amendment offered in the Senate that we were precluded, prevented from offering in the House, the Senators voted 95 to 4 to take this out of their proposal.

It is still in the House version, and I have every reason to believe that there is very strong feeling in the House for the passage of this particular proposal. They will try and blow it through in conference committee and tuck it into the folds of this massive Budget Reconciliation Act. And so the time for us, Members of Congress, who have a concern about this raid on workers' pensions is now. We must let the conferees on the budget know that it is not acceptable to place employees' pensions at risk in this fashion.

I would hope that we would be joined in this effort by workers across the country whose future retirement security depends on the solvency of their pension funds. I would like these workers across the country to write to their Congressmen and let them know what they think of a proposal that would allow $40 billion to flow out of that pension fund. Those workers should know, as they write to their Congressman, that if their Congressman happens to be a Republican Member of this body, he or she has already voted for this pension raid. It is not too late to correct this mistake, but we better get after it, every Republican member having voted for this raid on pension funds.

It is unacceptable, and although I have issued an invitation to any Member who cared to come down and debate the other side to supply to us how in the world they would allow a worker pension program to be raided to the tune of $40 billion, what was their motive in doing it, no one has joined me in the well or in the Chamber to conduct that kind of debate.

Mr. Speaker, I let that challenge stand, and I will be back this week on other special order presentations fully prepared to debate with all comers this pension issue. It is a ripoff for working men and women, make no mistake about it, and will happen in one of three ways. Predator companies that want to take over a corporation will assess how fat their pension fund is, how secure their workers' retirement is, and they will base their takeover on whether they can bleed out pension funds to finance the takeover. We have seen it in the eighties, and we are going to see it in the nineties under this proposal.

Second scenario, a corporation that cares a lot about the future retirement of its workers that has really tried to prudently manage their pension plan for solvency, that understands that they succeed as a corporation only because of the work of their workers and wants to be steadfast in their commitment to their retirement, will have to look again at their pension fund because they will know that the predators out there, the ones that I described under the first scenario, are taking a look at whether they can take over this corporation and use the workers' pensions to pay for it. Not only the predators will come after the pension funds, but even excellent corporations that fear takeover are going to have to look at whether they need to draw down in the pension fund, place the workers' pension funds at risk to avoid a hostile takeover.

There is a third scenario, one that I used to watch as insurance commissioner. This is the struggling corporation, a corporation that is being badly managed, needs money, and cannot quite function in terms of meeting operating costs based on revenues. They have a couple of options. They can go to a bank, they can try and raise money privately, stock offerings and the like, but either of those prospects bring questions. How come you are being managed at a cash-flow loss? Why are you not doing more to improve your efficiency and productivity?

Those are questions that go right to the caliber of the leadership of that corporation. Maybe they do not want those questions asked. Maybe the CEO's know they are not going to pass muster. It is real easy to dip in the workers' pension fund and take a little out of the pension kitty to fund cash flow. If they qualify on the reserves, no one is going to look.

I saw this a little bit when I was insurance commissioner. The first indication of an insurance company heading into insolvency was that they would underfund their future liabilities. They would underfund the amount they are expected to pay in the future.

That was a way of reducing the amount they were committing to the future and maximizing what they had available for cash flow, even though that was an incompetent management team that should have been replaced. Well, we are going to see it again. Incompetently run corporations are going to steal from their workers' pension cash kitty, forestalling the day of reckoning that faces that corporation and jeopardizing the solvency of the workers' pension fund while they are at it.

Any way you slice it, these are unacceptable outcomes for our workers. It is unacceptable that Members would propose a $40 billion hit on the private pension funds of our workers and try and justify it. This is a case of where the Republican agenda has gone way too far. This is a case where I cannot understand for the life of me, and I try to be a bipartisan Member of this Chamber, I think we need more of that in the country, not less, but I cannot understand why they would walk lockstep on a proposal that so brazenly assaulted the sanctity of private pension funds necessary for the retirement obligations of their workers.

We have got to stop this proposal, and that is why again in closing I would urge every Member of Congress to write, to contact, to call the House of Representatives in the budget conference on this issue. I would hope that we would be joined in this effort by workers across the country to contact their Member of Congress and say, "Enough. Enough foolishness out of Washington. Do not place our pension funds at risk."

IN MEMORY OF YITZHAK RABIN

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I was unable to get back from the presidential straw poll in Maine in time to join the CODEL, the congressional CODEL that left a few hours before Air Force One to go over to Jerusalem, the most beautiful city on this small delicate earth and pay my respects to Rabin, but I wanted to share something with my colleagues that I have been sharing with my rather large family all week.

Mr. Speaker, that is for some wonderful reason I had at least 10 minutes, maybe more, alone with Prime Minister Rabin in the old House of Representatives Chamber, Statutory Hall. We both went over to get a Coca-Cola, a Pepsi. I started talking to him and for some reason people respected us engaged in conversation.

Mr. Speaker, I asked him about a line that he made in his closing remarks in the ceremony in our wonderful Rotunda under the Capitol dome for the 3,000th anniversary ceremony here on Capitol Hill for the founding of the beautiful city of Jerusalem, when David bought a small hilltop from a man named Ornan, O-R-N-A-N.

When I was in Israel on 1 of my 15 trips there, I obviously memorized that name as I heard it because I put D, for David, in front of Ornan and got DORNAN. That as a way of remembering it. When he bought Mount Zion and Mount Moriah and started that tiny little city, David then still not much older than the shepherd boy who had killed Goliath, the Philistine, little did he know how many times he would offend God or how many times he would please God, or write the most beautiful of all poetry, the Psalms, or that he would father the great Solomon, the next Israeli king after himself.

I pointed out to Mr. Rabin that he had used a line in his remarks in the Rotunda speaking about the chill of the handmade armored cars among the pines.

Mr. Speaker, I knew what he was referencing. In little workshops in Tel Aviv they had built handmade armored cars. They took small, old trucks, some of them pre-World War II trucks, in the 1948 war, put sheets of metal around them. Welded them. They looked for all the world like something out of Jules Verne in the middle of the 1800's.

Then they would take these trucks southeast up from Tel Aviv up to the top of the beautiful mountainous area where Jerusalem is. There are pine trees all along that route. I have been in Israel when it has snowed. It gets extremely cold, biting cold in those hills on the way up to Jerusalem, and that is what Mr. Rabin meant.

Mr. Speaker, I said, "Were you a brigade commander then?" And he said, "Yes, the 10th Brigade. Those were my armored cars." I hope they never take them away to widen the road, which was attempted this last year. The rusted armored cars where people where machine gunned and killed in those cars. They are still at several points along that beautiful, winding road up to Jerusalem.

We talked about his age. He was 26 years of age. I said, "How did you get to be a brigade commander at such a young age?" And he said, "Well," in that distinctive style of his, "you must remember the ages of your own revolutionary heroes in your War of Independence." And I said, That is right. Hamilton, 23; Lafayette, whose picture is here, the only other person's portrait on the floor other than the father of our country, they were both 23. That is right.

And at 45 years of age he was the overall field military commander for all the Israeli defense forces. I still wear my Israeli defense force belt buckle that they gave me when I flew a Kafir in my freshman year, January 8, 1978, with one of their triple aces, Ovi, last name still to be kept secret for obvious reasons. I talked about how at 45 years of age he commanded it all.

This wonderful moment I will treasure forever. I did not have to be at the ceremony to have tears running down my face, because out of my five children, four are freckle-faced red heads. I have my first freckle-faced red head in a ninth grandchild, Liam, who is staying with me this week. And when his beautiful granddaughter got up, Noa, N-O-A, and said to all the leaders from around the world these simple words: "Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather."

Mr. Speaker, I have a 10th-grandchild, son or daughter, due in January, and I would like to put all of her words in, Mr. Speaker, that follow from that, because it is the most beautiful eulogy I believe I have ever heard from a child or grandchild about one of their elders in my entire life.

At some point I will read all of her words into the RECORD. I want them to ring forever in this Chamber. Thank you Mr. Speaker, and I thank my colleague.

Mr. Speaker, I submit the following for the RECORD.

GOODBYE TO A GRANDFATHER: WE ARE SO COLD AND SO SAD

The granddaughter of Yitzhak Rabin, Noa Ben-Artzi Philosof, 17, spoke at his funeral. Her remarks were translated and transcribed by The New York Times.

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I know that people talk in terms of a national tragedy, and of comforting an entire nation, but we feel the huge void that remains in your absence when grandmother doesn't stop crying.

Few people really knew you. Now they will talk about you for quite some time, but I feel that they really don't know just how great the pain is, how great the tragedy is; something has been destroyed.

Grandfather, you were and still are our hero. I wanted you to know that every time I did anything, I saw you in front of me.

Your appreciation and your love accompanies us every step down the road, and our lives were always shaped after your values. You, who never abandoned anything, are now abandoned. And here you are, my ever-present hero, cold, alone, and I cannot do anything to save you. You are missed so much.

Others greater than I have already eulogized you, but none of them ever had the pleasure I had to feel the caresses of your warm, soft hands, to merit your warm embrace that was reserved only for us, to see your half-smile that always told me so much, that same smile which is no longer, frozen in the grave with you.

I have no feelings of revenge because my pain and feelings of loss are so large, too large. The ground has been swept out from below us, and we are groping now, trying to wander about in this empty void, without any success so far.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

STAY THE COURSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. JONES] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, before I introduce those that are joining me tonight, I am pleased to share with those that might be viewing that tomorrow will be 1 year since the new Republican majority was elected. Tonight, I am pleased to have at least five or six of my colleagues, freshmen colleagues from throughout the United States of America. The gentleman from Arizona [Mr. SALMON], the gentleman from California [Mr. RADANOVICH], the gentleman from Arizona [Mr. HAYWORTH] the second gentleman from Arizona, and the gentleman from Texas [Mr. STOCKMAN]. Possibly, before we finish the 1 hour, the gentleman from Florida.

Mr. Speaker, we all are freshmen that were elected last year to help change America. To build a better America, if you will.

□ 1945

With that, Mr. Speaker, I am going to yield my time so that the gentleman from Arizona can kind of be the floor leader to keep this dialog for 1 hour going and that we can help to inform the American people that might be watching.

With that, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from North Carolina, and I am pleased to join with him and our friend from California and my neighbor from Arizona as well as my good friend from Texas this evening.

History demands that we recall the historic moment that occurred 364 days ago, the first Tuesday following the first Monday of November 1994. An election that literally shook the foundations of this institution, when for the first time in four decades the old order that talked about more and more government spending and more and more debt on our children and more and more authority resting in a massive centralized bureaucracy with little accountability to the people, that philosophy was rejected.

Now as America prepares to confront a new century with leadership truly passed to a new generation, those of us here and assembled on this floor tonight and, Mr. Speaker, I daresay, those who join us via the technology of television, deserve a status report on what has transpired. Forty weeks of governing in the wake of 40 years of liberal rule, and the people need a status report. Though it is not my intent to go in alphabetical order, Mr. Speaker, I do see my good friend from my neighboring district in Arizona, Mr. SALMON. Mr. Speaker, what is he hearing at home?

Mr. SALMON. Mr. Speaker, we just had a townhall this weekend. I think it was our 30th since I was elected to serve in the 104th Congress.

The folks back home are a lot smarter than I think the media gives them credit for. The answer that they gave to me resoundingly was stay the course, stick to your guns. You have started a revolution, but it is just the tip of the iceberg. We expect you to see through to the many promises that you made in the campaign.

No. 1, that you would balance the Federal budget and quit financing failed social programs of yesterday on the backs of our children and our grandchildren. It is immoral, stop it. Get the job done. That is what we sent you there for.

The other thing that I heard, I hear all this rhetoric from folks back here about folks back home not wanting to have tax cuts. As I talked to folks back home, especially those that feel the pinch, those that are trying to raise children in today's society and those that feel that maybe they just know a little bit better than the Federal bureaucrats here what might be best for their family and how their dollars might be spent, I heard again very clearly from them. We are sick and tired of money going back to Washington and going down a rathole. It costs $1.50 to produce 50 cents worth of services at the Federal level, and it has got to stop. We think we are a little bit better qualified to address our family's priorities than some nameless, faceless bureaucrat in Washington, DC.

That is what I heard resoundingly, stick to your guns, stay the course and do what we sent you there to do. If you are going to be like Congresses of old and buckle and put a Band-Aid on problems like Medicare and not really save the program for future generations but put a Band-Aid on so you can get through the next election, if those are the things that you intend to do, you are no different than the Congresses we sent there in the past and we do not want you back.

Mr. HAYWORTH. Mr. Speaker, I see that one of our friends from Florida has joined us who was also a part of that historic night but even more importantly is part of this new history-making majority in the House of Representatives. As we yield to our friend from Florida, I would imagine that, even though the gentleman from Arizona and I reside in neighboring districts and hear much the same message, I have to believe that the gentleman from Florida hears similar things from his constituents.

Mr. SCARBOROUGH. Mr. Speaker, it is absolutely amazing. As I campaigned last year, I was an unknown. I had never been involved in any political process. Most of my friends here were never involved in the political process until last year. We campaigned. It was an underfunded campaign, but we believed that we had the ideas that would make a difference in my campaign.

I talked in very general concepts. I talked about the tenth amendment, which I hear all of us talking about, where the tenth amendment says all the powers not specifically given to the Federal Government are reserved to the States and the citizens. I quoted Thomas Jefferson, who said the government that governs least governs best. Perhaps my favorite quote and the centerpiece of my campaign was the James Madison quote which really encapsulated what my campaign was all about.

Madison, who was one of Framers of the Constitution, said all powers not specifically—I am sorry—said, we have staked the entire future of the American civilization not upon the power of government but upon the capacity of the individual to govern himself, control himself and sustain himself according to the Ten Commandments of God. I thought I was this visionary, that nobody else was talking about the tenth amendment because I did not hear anybody in Congress talking about the tenth amendment. I did not hear anything coming out of Congress or the White House about the tenth amendment or talking about Madison or Jefferson. I thought that these were archaic ideas that our Founding Fathers talked about but that somehow this liberal Congress had forgotten all about.

I come up to Washington, DC and I find out that everybody else, you and the gentleman from Washington [Mr. METCALF], on the other side of the continent were saying the same exact thing. There was just this undercurrent that swept us into Washington, and people do not understand why we are so committed to do what we promised to do. It is because our people put faith in us when nobody else, when the political pros and the pundits and the New York Times, which personally came to my district and said there is no way you are going to elect radicals like SCARBOROUGH.

I am sure all of my colleagues here have the same stories. Nobody else believed in us, believed in the ideas of Madison and Jefferson. But my constituents did, and I will be darned if I am going to spend my time in Washington compromising with a liberal Democratic Party that never represented my district well and never represented the views and ideals of the Founding Fathers that laid the great foundation of this country. That is my responsibility, to carry through on that promise.

Mr. HAYWORTH. Mr. Speaker, the gentleman said something very interesting, paraphrasing friends from the fourth estate who sometimes seem to step across that bound of reporting into advocacy for those who always propose bigger government programs and a highly centralized state.

It was interesting to hear that description of your candidacy as radical. Of course, the amazing thing is that only to those who exist inside the beltway were our candidacies or is this new majority in any sense radical. Quite the contrary, to the people in the heartland of America, from California to Florida, through Texas and in Arizona and in the great State of North

Carolina, throughout this country, it is not radical; it is rational and reasonable.

And therein we find the difference. Despite what the media axis between New York and Washington would report and promote and quite often distort, the American people in their infinite wisdom cut through all of that and understood what was at stake. I think we have a prime example here on the floor tonight in our good friend from Texas, the pundits called, as you will remember, the giant killer, who was able to win election to the Congress of the United States after many tries and some talk from the pundits that he ought to maybe not think about public life.

Mr. STOCKMAN. Mr. Speaker, we just had a town hall meeting. We had several town hall meetings. I thought after reading the papers, I stated believing, Mr. Speaker, some of those issues and wrongly so. Some of those issues are, we are doing the wrong thing, we are going in the wrong direction. But, Mr. Speaker, let me say something. I went to those town hall meetings. The chairman, the former chairman of the Democrat Party, the country judge there stood up and he said, sir, I have been a Democrat all my life and I stand behind what you are doing; not because it is Republican, not because it is Democrat, because it is the right thing to do.

I was amazed as people came forward that knew and understood what we were doing and the knowledge that they had. They said to me, please continue what you are doing, do not stop. Quite frankly, I was astounded. I came away from that wondering whether the people that act as our fourth estate really comprehend that the rebellion that took place was at the grassroots level.

Mr. Speaker, we had $1.2 million spent against us, $1.2 million. That is a lot of money. He was going to be the dean of the U.S. House, the dean of the House. Everything was going great. He had been here 42 years, 42 years. You would think that everything, the world was wrapped around his finger; but the people spoke, and the people felt their power for the first time in 42 years and stood up and said, we want change.

When change came, they were standing next to me and saying, keep it up, that is what we voted for. But our friends from the fourth estate say, no, no, no, no. We are losing our grip, we are losing what we fought for, what we got for 40 years. Socialism is slipping away, and we hear those cries back in our district, no, it is not what we want, socialism. We want you to stay the course.

I know one thing, we are not going to punt. We are not going to punt. We are going to do exactly what this says. Our good friend, the gentleman from Oklahoma [Mr. LARGENT], freshman, signed it. I said, do not drop the ball. Pass the budget.

I cannot think, Mr. Speaker, of a greater gift for Christmas than to give our children and our grandchildren a balanced budget. I know that, as you know, we are going to stay the course. We are going to give the best Christmas present of all, a balanced budget.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for his comments. I think he absolutely sets forth the dynamic at work here. The question is, Are we willing to love generations yet unborn enough and those youngsters who are now in our homes—and I think of my children, one of them in college but two not even in grade school yet—do we love them enough to leave them a country where they will not continue to pay our debts?

I think the gentleman from Texas offers an embodiment of part of the change that took place last year on that fateful Tuesday in November, a change that continues around the country tonight. Indeed, as I heard the words of my friends from Texas, I thought of my good friend from North Carolina who went on a personal journey, both intellectually, philosophically, and finally politically. For the gentleman from North Carolina had his dad serving in this House, a conservative man who yet sat on the other side of this aisle. I yield to our friend who reserved this special time to talk about what has gone on not only in his own life politically but what has gone on in his district in North Carolina.

Mr. JONES. Mr. Speaker, I thank the gentleman from Arizona. I appreciate him making reference to my father who did serve for 26 years in the U.S. Congress representing the First District of North Carolina. It is very humbling to hear comments from both Democrats and Republicans, the elevator operators as well as those on the police force, how much they thought of him as a fair man and a good man. I really appreciate you mentioning his name.

I will tell you that my father and I both discussed my change of party affiliation. I used to be a Democrat, served 10 years in the North Carolina General Assembly. Quite frankly, as you mentioned, my father was a conservative. He said to me, he said, WALTER, I do not think that you nor myself, he was speaking, belong in the Democratic Party because they have become so liberal. They are out of touch with the people.

I think my friend from Arizona as well as my friends from Texas and yourself have mentioned that this country needs leadership. When a child is born in this country today—and I know I have said it 100 times, and each one of you, but it is so important. A child born in this country today, 1995, the time they take their first breath they owe $187,000 in taxes.

If they live to be 75 years of age and we do not balance the budget, then they will pay $187,000 in taxes just to pay the interest on the debt.

Our children deserve the American dream, not the American debt. That is why this new Congress, my fellow freshmen, you and the gentlemen from Texas, Arizona, and California and the gentleman from Florida that just had to leave, we know what the American people want. We are here to make those decisions.

Yes, I will tell my colleagues, they are tough decisions. But I will also share with my colleagues and those watching that, when I go home every weekend but four in 11 months, and I drive home and drive back, I see the people. The people say to me, WALTER, do not stray, stay committed, balance this budget, because where the liberals forget, they try to scare the senior citizens about Medicare.

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Yet we are promising an increase in Medicare. We are promising choices for our senior citizens. We are giving them the choices that they deserve to have. We are giving them the security that they deserve to have. Yet, the other side keeps trying to scare the senior citizens.

I would tell the gentleman from Arizona [Mr. HAYWORTH], it is not working in my district. The people in my district have enough confidence in me and my fellow colleagues that they trust us to do what is right to preserve, protect, and strengthen Medicare.

The other point I would like to make before closing is that when you have a country where the average working family in this country today will spend more on paying taxes than that same average working family will spend on clothing, housing, or food, how can they ever realize the American dream? They cannot. That is why they turned to the Republican party last November, almost 365 days ago, because they said, "We want a change. We want to believe that this is the greatest country in the world. We think that you, under the new Republican conservative leadership, you will give us the hope that the liberals have taken away from us through taxes and regulations."

Yes, I am pleased to be with you tonight. I am proud to be part of the new majority that cares about America.

Mr. HAYWORTH. If the gentleman will continue to yield, I thought of another familial relationship, a parental bond. You described the service of your father in this House, and how both of you made that philosophical journey. As we turned to our friend, the gentleman from California, a couple of distinctions, Mr. Speaker, that are worth being noted in the RECORD.

First of all, we heard our good friend, the gentleman from Florida, speak of Thomas Jefferson. Mr. Jefferson was indeed a man of many talents, including that of being a vintner, a winemaker. It is our privilege to have someone from the real world, from the wine country of California, a vintner, here serving with us in this freshman class; but also he draws a distinction, and it is akin, it comes back to the Sixth District of Arizona, for his mother was born an inspiration by the Inspiration Mine, in the Sixth District of North Carolina, so in a sense, I know that my colleague, the gentleman from Arizona, or the Sixth District of Arizona and I would like to claim him as at least an honorary Arizonan, the vintner of the House of Representatives with a very, very sober reflection on what has transpired in these last 40 weeks.

Mr. JONES. I yield to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, I want to say that I am proud to be associated with all three of you gentlemen here today, to talk about what has happend in the last year since our eve of election about a year ago today.

I, too, spent the weekend going home and traveling in the district and making many stops. I stopped in Lemon Cove, the Sequoia Middle School, to address the 7th, 8th, and 9th graders. In particular, a lot of the message that I state, and of course, being on the Committee on the Budget we deal with budget issues, and I talk budget issues there, and I go home and I explain what we are really doing as far as reform and expanding the Medicare system and offering choices, and limiting government, decentralizing government, privatizing government, localizing government through the budget process.

They all realize, too, that we are coming to the point now where there are threats of a budget train wreck, and there is the issue about raising the debt ceiling, and a standoff between the Congress and the administration, the executive branch. By and large, people are concerned in general.

The bottom line is, Mr. Speaker, and I think it can be articulated, in one of my Monday morning meetings I met with the Parcel Post Service in Fresno, which is a distribution center; I met with about 100 truck drivers and the management of this company, who presented a $25,000 check to the West Fresno Christian Academy for them to be able to fix their restroom floors. I was honored to be in the middle of this presentation. I was able to speak and give them an idea of what we were doing.

I explained to them with regard to the upcoming brinksmanship that we are in now with the budget, in that we had not too long ago, last week, four experts from Wall Street sit down and talk to our Republican conference and deliver a very strong message, and the message was that even if we have to go through short-term economic disheveling in order to get a balanced budget, that it is worth it for the future economic health of this country to go through something short term, if we have to. It is imperative to get a legitimate balanced budget passed this year. That was the message that the Wall Street Journal experts, I think, conveyed to all of us.

I took that message home and explained to my group of employees there at United Parcel Service, and the message got applause when I said this is what Wall Street was willing to come up and say: "If there is brinksmanship here, let all the stops go, but just make sure you get a balanced budget." Their message to me was "Do not come home without a balanced budget." They are serious. They want government out of their face. This budget begins that process. It does that.

The response that I get from people in my district is just leave me alone, let me run my own life, do not try to be my mommy, do not try to be my daddy, do not try to be my pastor, and do not try to be my employer. That is really the message that I come back with.

Basically, Mr. Speaker, they sent me back here saying if I drop the ball, do not come back to Fresno. They are that serious about it. My commitment is that, that we pass a legitimate balanced budget, one that is scored by the Congressional Budget Office, which is the legitimate scoring agency in the House here; not by the Office of Management and Budget, like the administration wants their budget scored.

Mr. JONES. Mr. Speaker, I would say to the gentleman from California, I think I was in that same meeting, but I would appreciate if the gentleman would reaffirm what I thought I heard from those four economists, one statement they made: Since the Republican majority had been the majority, that the interest rates had dropped by 2 points, and if we should pass a balanced budget, because many of the markets feel that maybe it is more talk than action, but that if we did balance the budget, that it was accepted and we balanced the budget, that the rates could almost within a certain number of months drop to 5 percent. Does the gentleman remember that?

Mr. RADANOVICH. What I can relate is that we met with—on a number of occasions Alan Greenspan with the Federal Reserve met with the Committee on the Budget, and in that, he expressed supreme confidence in two things: No. 1, that business, health, and the economy and the country was directly related to our good intentions, and we had better prove it all out in passing a balanced budget, but the effect of that would have a minimum of a 2-percent decrease in interest rates. So that is something that comes from the chairman of the Federal Reserve, and backed, actually, by scoring in the budget that we have right before us today.

I want to make one brief comment. That is that people in America have to be really concerned about what their representatives say and what kind of numbers they quote. The best example I can give is the Congressional Budget Office is the legitimate scoring agency for budgets in town, and everybody, including the OMB, recognizes that the CBO is the more legitimate scorer. If you take the President's 10-year budget that balances to the CBO and have it scored, it still has annual deficits of $60 billion.

Mr. HAYWORTH. A very key point, and if the gentleman will yield, I think it is important before, Mr. Speaker, we end up in a type of alphabet soup when we talk about the Congressional Budget Office or OMB, the Office of Management and Budget, that we make this clear distinction. Indeed, it happened prior to us joining this institution, prior to the historic shift: The President of the United States stood at the podium here behind us at the outset of the 103d Congress and he said, with great oratorical flourish, that his administration would always use the figures provided by the Congressional Budget Office, because year in and year out, they were the most reliable numbers.

Yet, the same dichotomy and indeed the same reversal that we have seen on so many issues came with our friend at the other end of Pennsylvania Avenue, when somewhere along the line, camped out in the Rose Garden, was that mythical figure, Rosie Scenario. Rosie Scenario set up shop with the President's budgeteers in the Office of Management and Budget, and quite frankly, Mr. Speaker, Rosie Scenario and those at OMB cooked the numbers for a 10-year plan that my friend, the gentleman from California [Mr. RADANOVICH], is absolutely correct in stating gives us no type of balanced budget, throws the numbers out the window that this same President said were the most reliable numbers. And, clearly, this dichotomy is behavior and rhetoric and instant revision of history calls into question just how serious the gentleman at the other end of Pennsylvania Avenue is in joining with our new majority in the legislative branch to truly govern.

My friend, the gentleman from Arizona, I know we have talked about it on several occasions, this flip-flop, and I think it is incumbent upon the incumbent President to join with us and govern.

Mr. SALMON. If the gentleman will yield, Mr. Speaker, I have talked to some of my Democrat friends on the other side. I think they know full well that there is going to be a lot of rhetoric, there is going to a be a lot of theatrics from the White House, and ultimately he is going to have to do the right thing because the American people are demanding it. This is a President that constantly has his wet finger in the air, testing which way the wind is blowing. He knows that the winds of change, they run hard and they are pushing us toward balancing the budget.

I would say to the gentleman from Arizona, this is not rocket science. Most folks understand that if they keep spending and spending and spending with their charge cards and their revolving debt and all those things that get us into trouble, that before too long there is a time that you have to pay the piper. When you have to pay the piper, you either decide that you are going to cut back on your spending in your family budget or you are going to find a new source of revenues.

At the Federal level that new source of revenues is the cash cow. It is the taxpayer. That is where Congress has gone in past years, taxed basically out of oblivion. Last Friday I went and spoke to two senior classes, government classes, at Tempe High School. I looked into their eyes and I asked them if they understood the implications of a budget that would not be balanced; if they understood full well that right now we have a $5 trillion debt—and your eyes kind of glaze over when you hear $1 trillion, because nobody has ever held, smelled, or touched $1 trillion—and when we explain to them that the first 33 cents out of every tax dollar that they send to Washington goes just to pay the interest on the debt, and under the current budget scenario, with $200 billion deficits, in 5 years we reach another trillion. Then before too long it is $10 trillion. Do you know what happens when we reach $10 trillion. Everything, everything that we have right now in the form of revenues is consumed just to pay the interest on the debt. Everything. We have nothing left for programs unless we go back and raise taxes.

I further went on to explain to them, those kids, most of them 17- and 18-year-old kids, when they reach my age, if we continue with the trends of yesteryear under the failed old tactics of the Democratic-controlled Congress, then they would be facing an 85- to 90-percent tax bracket. That means that $9 out of every $10 that you earn goes to Washington, DC. That is immoral. We cannot continue to do that.

No family would do that. No family would put themselves so far into debt that they would leave to their children, instead of an inheritance, all the Master Card bills and Visa card bills to pay. Nobody would do that. It is laughable. Why then would we conglomerately as a country do that to our children? It is the same exact principle.

Let me talk just for a minute about the tax cuts, too, because we hear so much from the other side that we are providing tax cuts for the rich. In my town hall meeting I asked this question: How many of you have children? Almost everybody raised their hand, I would say about 80 percent of the people in the town hall raised their hand. Then I asked, them "Out of those of you who have children, how many of you paid at least $500 last year to the IRS?" I ask those of you listening on C-Span to consider the same equation: How many have children, how many have paid at least $500?

According to the liberals here in Congress, you are the rich. You are part of the problem. I think most of us understand that if you fall into those parameters, you are not a wealthy person. That is mainstream America. That is mom and pop America, who are trying so desperately to raise their children and trying to take care of their family's needs, but they are not able to because they are sucked up here in Washington. It is time we change, and it is time we realize that those people are not the wealthy, they are not the ones to be despised so we can rob the middle class to pay for failed social programs.

It is time to make a difference. We came here to make a difference, and is it so unique? Is this so historic that we finally have a body that has the integrity to keep its word? That is what this is all about.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Arizona, and I think we see why I have such ample evidence of the pride I take in having such a responsible neighbor, because it is a pleasure to serve alongside him in this House, and geographically, to have our districts alongside one another.

My friend, the gentleman from Arizona, makes a very good point when it comes to personal finance and the family gathered around the kitchen table, trying to decide budget priorities. It is irresponsible to the 10th degree to imagine a family transferring its debt from Master Card to Visa in a type of credit card kiting scheme. And yet, and yet, Mr. Speaker, in common parlance here, as a Member of Congress, many of us have come to call the card that I hold here now, our voting card, in an attempt to laugh to keep from crying, we call this voting card that each of us has, the world's most expensive credit card.

There is an element of humor in the truth. Again, I think we cite it to laugh to keep from crying, so absurd has this equation gotten over the years, so overreaching has this Government come into the pockets of Mr. and Mrs. America. The reason we call our voting card the world's most expensive credit card is because when my colleagues and I received ours, each came with a debt of almost $5 trillion.

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The gentleman from North Carolina.

Mr. JONES. If the gentleman from Arizona would yield for just a moment, because the comments that the gentleman has made, as well as the other gentleman from Arizona [Mr. SALMON], I wanted to share this with my colleagues, because as we talk about the debt, roughly $4.9 trillion, $5 trillion, and we talk about the debts of this Nation, I want to share this with my colleagues, that the bipartisan Concord Coalition reports that debt and deficit spending have lowered the income of American families by an average of $15,000 a year.

Very quickly, let me repeat that. The bipartisan Concord Coalition reports that debt and deficit spending by this Congress have lowered the income of American families by an average of $15,000 a year. You are absolutely right. That is why the new majority is here and I am proud to be a part with you gentlemen tonight.

Mr. STOCKMAN. Mr. Speaker, if the gentleman would yield, trying to grasp $1 trillion, think about it, I am trying to grasp $1 trillion. I asked an economics individual one time, I said, how much is $1 trillion? He said $1 trillion was $1 bills laid on top of each other like this going from the Earth to the Moon and back again. That is $1 trillion. Think about that.

What kind of a legacy are we leaving? We are talking $5 trillion, five trips to the Moon and back, and yet we are so addicted to spending that we cannot stop.

Mr. Speaker, as I was running, somebody said, we had a great hurricane in 1900, in fact, the largest disaster in the United States to this day. Wiped out the whole town of Galveston, killing thousands of people. They built a seawall and on the other part of the seawall, the gentleman said, Steve, he said, we need a seawall. Can you get us Federal dollars? We know that your opponent will get us Federal dollars to build a seawall. I said, I cannot do that. I said, if you want a seawall, you maybe should vote for my opponent. Because see, if I promise you that, I am not spending your money, I am not spending your child's money or even your grandchild's money. I am spending your great-grandchild's money to buy your vote, and I, for one, cannot look in the mirror and say I bought your vote with your great-grandchild's money. That would be morally wrong. So I suggest if you want a future for your great-grandchildren, vote for me. But if you want a lousy bridge or road, vote for my opponent. I suggest to you, future is better, because we owe it to our great-grandchildren to do better and we will do better—$5 trillion.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would yield, he makes a point so profound, and I think it demonstrates why the people of his congressional district had the great and good sense to end a long term for his predecessor and to make a change for the better in Texas, and indeed, as we see what goes on, the question remains, not the worthiness of some projects, because some projects are exceedingly worthy when viewed in a vacuum, when viewed without the reality of the budgetary constraints in which we live. And for those at home, Mr. Speaker, who may be watching saying, yes, but, yes, but, what about the role of government as charity, I would simply suggest this: Nowhere in the document of the Constitution, in the preamble especially, do you see the word charity. Indeed, it is not the province of the Federal Government to be the charity of first recourse. This Government exists, it derives its powers, from the people to serve the people, and indeed, my friend from California who serves on the Committee on the Budget has been dealing with the heavy lifting and the harsh realities of the numbers we confront. In one sense, in Washington or Orwellian Newspeak, it is an incredible, monumental task and exceedingly difficult. And yet, in real-world numbers, it is a challenge that must be met.

Mr. Speaker, I would like to ask the gentleman from California [Mr. RADANOVICH], what struck him most about the entire budgetary exercise on the committee and seeing this through to fruition with the reconciliation package?

Mr. RADANOVICH. If the gentleman from Arizona will yield, the point that you bring up and also the point that the gentleman from Texas brings up are very good examples of I think some of the changes that we want to see coming down in the next few years.

One thing, the biggest lesson I think that I learned being exposed to the national budget for the first time in January and the learning process that I went through is that this is a journey of 1,000 miles that begins with one step, and this budget truly is one step.

Now, you had mentioned one thing in particular, and that is the role of charity in government and how it got there, and how the one thing that we are going to have to learn when we are budgeting is if there is a need, it should not always be presented to government. I think that if you will look a little more closely in a few other books, the role of Good Samaritian was found in the Bible, not in the Constitution, and yet this is a responsibility that government is for some reason deemed necessary to pick up over the last few years. When something is not inherently someone's responsibility, that person is not going to do a very good job with that responsibility, as evidenced by what government has done with charity, via welfare, during these last 30, 40 years.

Mr. STOCKMAN. If the gentleman will yield quickly, I just wanted to point something out. Do you know that if you had one dollar and you wanted to help somebody, and as you may know in this body I was homeless, and you wanted to give it to some organization and you wanted it to be the most effective dollar you could use, you could give that dollar to the Federal Government or you could give it to Red Cross or some private charity, or your church or your synagogue, do you know that the Federal Government takes 80 cents to 90 cents to give to a bureaucrat and only gives 20 cents to the poor? It is the exact opposite in private enterprise. Is that compassion, is that true compassion to give $1 to the Federal Government seeing 89 cents of it wasting and only 10 cents or 20 cents ending up with the poor?

Mr. JONES. If the gentleman will yield, the point that I want to make too is that not only are we starting to eliminate the deficit, but what we want to do is to begin to reduce this $5 trillion debt that we are talking about, and then after we are done with that, then we can start reducing further Federal income taxes and really shift control of the State and local levels, so that if Texas wants a sea wall, they can go to their State and local authorities and fund that and have dollars that go a lot farther to solve the problem, and we can contribute to our churches' and charities' nonprofit organizations to take care of the poor and needy and for once be effective doing it.

Mr. SALMON. Mr. Speaker, if the gentleman will yield, I would just like to comment also, we hear so many times from people as we look at, not cutting programs, because I do not think we are really cutting anything. In fact, I know we are not cutting anything. The Federal budget is still rising dramatically, as we all know. When we hear of cuts to Medicare, again, I think Mr. GINGRICH probably put it best when he said it is really a problem with remedial math. The people really do not understand that when you go from $4,500 to $6,400 that that is an increase, that is not a cut. But we hear from folks, whether it is the arts or the humanities or you name it, all of these wonderful, wonderful things that the Federal Government has done, but it is a good program and it is good for society. I think back to when I was in college and I was a junior in college and I was married and we had our first child, and I remember a really high-pressure encyclopedia salesman came to our house. He made a good case and he made me feel guilty, he said how I really needed to think about my child's future and this was such a worthy program, like we hear so much in Washington, that this was something that was good. I ended up making the decision not to buy those encyclopedias. No. 1, they were very expensive, but No. 2, at that time I was working full-time, I was a full-time student, my wife was working full-time, and we were having a hard time making ends meet. We were having a hard time putting food on the table. We had priorities. Yes, it was a worthy program, but do I put food on the table for my daughter, for my family, or do I buy this worthy program? I think that is the kind of choice that we are faced with now.

Mr. JONES. Mr. Speaker, if the gentleman would yield, I enjoyed your comments, and you made the statement that we are really not cutting programs. I want to share this with you. The total government spending over the next 7 years under the Republican plan would continue to grow an average of 3 percent per year. Social Security spending is slated to rise about 5 percent per year, and Medicare growth will average 6.4 percent. So when the liberals keep saying we are cutting, we do not care about the poor, they are so wrong, we do care about the poor and we care about every American's future.

Mr. STOCKMAN. My wife would like that kind of cuts in her own private life.

Mr. JONES. That is a personal problem.

Mr. HAYWORTH. If the gentleman will yield, I think that is vitally important, and indeed we should address some of our comments, Mr. Speaker, to those who may be looking in who say to us, gee, you have not really gone far enough. And what I can say, Mr. Speaker, to those who have that idea, I would say, perhaps you are right. But it is exceedingly difficult in the span of 40 weeks to change a culture that has grown up over 40 years, not impossible, because we have taken the first steps to do so. But in this climate, within this beltway, with the Orwellian Newspeak that ignores the realities which mathematics bears out that the so-called cuts in fact are reductions in future expenditures, that have no place on any legitimate number line, but only on the squiggle that seems to meander around this district, from Federal office to Federal office, we need to have straight talk with the American public. The fact is, we are taking some steps that while they may be called momentous, history will record, perhaps as modest, but as my friend from California said, the journey of 1,000 miles begins with a single step. My journeys yesterday took me to the town of Eloy, AZ, and to the town of Casa Grande, and in Eloy I had an assembly with the entire student body of Santa Cruz High School and the question came up, Congressman, how would you rate yourself on education spending? And indeed, some of the folks who may be looking in, Mr. Speaker, are looking to the Department of Education and saying, well, there is an area, there is a project left undone. And it surprised me when I explained to the student body and to one of the questioners, I felt it was important, again, echoing the comments of the gentleman from California, I believe it is important to take the billions of dollars spent on a bureaucracy directed by a friend of mine, former Governor Riley of South Carolina, a fine and decent gentleman, but a centralized bureaucracy spending billions of dollars, I would far rather return that money to the States and counties and localities and to the school boards and ultimately to the front lines, to help children learn than to continue to perpetuate a vast bureaucracy. Indeed, as we look at the so-called Information Age, at the technological advances that we have now, what do they echo, what resounds from them in this new computer age? It is what we find in the Constitution, it is what we find in the writings of Madison, which is the power of the individual, and so that is our mission, to help empower the citizenry, to understand the value and the power of one, and to rejoice in the fact that yes, we unify on key questions and yes, even as we have differences of philosophy within this Chamber, sometimes I think exaggerated too greatly in the theater of politics, yet we have this mission to allow people to live up to their fullest potential, not due to the dictates of government, but to the dignity of their respective person. That is what this revolution encompasses, not what is radical, what is exceedingly reasonable, and much remains to be done.

I yield to my friend from California.

Mr. RADANOVICH. Mr. Speaker, if the gentleman will yield, the only thing that I would add to the comments of the gentleman from Arizona is that the hope is, too, that looking out even a little farther, is that some day that dollar, that education dollar that we send down to Casa Grande will never have to leave Casa Grande to come to Washington in the first place. So that as you well know, and I think we articulated, that dollar on its round trip to Washington and back to Arizona loses a lot on the way, and if we get to the point where we eliminate the deficit and we pay off the debt and start shifting these taxing responsibilities down to the State and local level, if Casa Grande wants its education dollars to go to the State and local government, raise your taxes and fund your own programs there.

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Mr. JONES. If the gentleman will yield, this has been a great hour I really have enjoyed and appreciate everybody that has joined us. I know we are getting down to the last 2 or 3 minutes, but to share with those that are watching tonight, that all the good that can come from the balanced budget, always remember that if we balance the budget, that we can create 6.1 million new jobs in the next 10 years.

We are not just talking about, as I mentioned earlier, a child born this year, we are talking about the good that can come to this country in the way of new jobs and new opportunities for our people. I thank each and every one. I know we are not quite through, but thank you for joining me and I have enjoyed being with you.

Mr. SALMON. If the gentleman will yield, I would just like to follow up on that. I think maybe that is one thing that we do not talk about enough. The gentleman mentioned that there would be 6.1 million more new jobs.

How does that occur? That occurs when you lower people's taxes. What do they do? They invest it in their businesses. And their businesses grow. When their businesses grow, there are more jobs for people. When the interest rates drop by 2 percent, once we balance the budget, they can expand their businesses, they can grow their businesses and jobs grow. And what happens when jobs grow?

Have you seen the bumper sticker that says "The Best Kind of Welfare Is a Job"? Truer words were never spoken, in many ways, because it helps that person preserve dignity and self-respect and feel like they are a contributing member of society.

How many of our other social programs would turn around when people felt that they had that kind of dignity and empowerment to take charge of their own lives? What is going to happen to our society is we have less reliance on social programs, on failed social programs, I might add, because there will be jobs and we will be an opportunity society as we once were.

America was great because our grandparents and our grandparents' parents that came to this land because it was the land of opportunity where you could become anything you wanted be. I think we have lost that vision but we are regaining it in this 104th Congress. That is the ball we have got to keep our eye on. That once that budget is balanced, we will be having an opportunity society again for everybody.

Mr. HAYWORTH. As I heard my colleague from Arizona, I think of our colleague from Texas who perhaps more than anyone in this institution has lived the American dream, who knows what it is like to pull up from the bootstraps. I would ask the gentleman from Texas, coming through the experiences he has, knowing the ultimate fabric and value and truth of our society, what does he see as the mission for the future?

Mr. STOCKMAN. Mr. Speaker, I am deeply touched by how after a year we still see the grassroots and I want to thank everybody who went out today. I have to tell you, I went out today and voted this morning at a little church near our home.

I did start out at night, looking up, in Fort Worth at the clock, it also had the temperature, it never dropped below 80 degrees in 1980, and I was sleeping on the concrete slab and had a lot of introspect and thought, a lot of different things.

I had to say, how did I get here and were do I want to go? But I realized one thing, that I could have easily taken food stamps. I could have easily gotten in welfare and got into the system. But that is not the road I chose. The reason I did not choose that road is because that is a dead-end road.

What Republicans are doing is opening up the road. We are not giving them the fish. We are teaching them to fish. We do not count how many people are on welfare. We count how many got off welfare and are productive members of society. That is what this revolution is about. I think tonight as the vote count is coming in, the revolution will continue.

I ask, Mr. Speaker, that this freshman class commit to, no matter what the media up here says, that we commit to the revolution of lower taxes and lower and less government.

Mr. HAYWORTH. I thank the gentleman from Texas. I would simply conclude by thanking our good friend from North Carolina, having the foresight to schedule this special hour on an auspicious night where we rejoice in the fact that we changed things through ballots and not bullets, where we rejoice, in the freedom of our society, in the basic dignity of the American people which we hope again to empower through a revolution that is not radical but is reasonable, rational, and we will see through.

POLITICAL GAMESMANSHIP IN BASE CLOSINGS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the Chair recognizes the gentleman from Georgia [Mr. CHAMBLISS] for 60 minutes.

Mr. CHAMBLISS. Mr. Speaker, tonight I am going to be joined by two of my distinguished colleagues on the Committee on National Security, my good friend, the gentleman from Utah [Mr. HANSEN], as well as my good friend, the gentleman from Oklahoma [Mr. WATTS]. We want to discuss an issue that is of great importance to our constituents.

It is also an issue that ultimately, Mr. Speaker, we view to be an issue of importance to every American, because it concerns the ability of our U.S. Air Force to protect this great Nation.

The issue is privatization in place, and it refers to a plan that has been hatched by the current administration in the White House, that makes military effectiveness and efficiency take a back seat to political gamesmanship. We will use the next hour to discuss the President's plan and offer our thoughts about the future of our military maintenance system.

Privatization in place is an issue that has come out of the White House recently because of the closing of two military bases, one in San Antonio, TX, Kelly Air Force Base, and one in California, McClellan Air Force Base. These two Air Force bases are two of the five air logistics centers that are currently operated by the U.S. Air Force.

What is the problem with the depot system? Why are we here tonight talking about the issue of privatization in place?

We are talking about that issue because of the fact that the Air Force has determined, and the Department of Defense has agreed, that we have excess capacity within the U.S. Air Force depot system from a maintenance standpoint. We have too much capacity out there to do the work that we have to do. Therefore, certain bases need to be considered from a downsizing standpoint or possibly from a closure standpoint.

The U.S. Congress has a mechanism in place called the BRAC process to deal with this specific issue. The BRAC process is not a very well thought of issue within this body. The reason is because it has a very drastic effect on areas where it is determined that bases are no longer needed and must be closed.

But the BRAC process is a nonpolitical process that was established by this body and by the U.S. Senate several years ago, and is a process that is designed to take politics out of making decisions on whether or not military bases should remain open or whether or not military bases should be closed.

As everyone knows, since the end of the cold war we have been downsizing the size of the force structure of our various militaries. We have downsized the Air Force, we have cut back on the number of people that we have in that blue uniform. We have downsized the Army, the number that we have in that green uniform; and the Navy, the Coast Guard and so forth and so on.

As we continue to downsize our military, it is necessary that we look at other areas that serve that force structure. For example, with respect to the Air Force, we now have less airplanes than we had flying 10 years ago. We have less pilots to fly those airplanes. Therefore, we have less maintenance work to be done on those airplanes. That is why we have the excess capacity that has led to this issue of privatization in place.

The BRAC process, as I say, was not a very popular item within this House, but the BRAC Commission was established several years ago to review all of the military bases all across this country from the standpoint of can we afford to operate without those military bases due to the fact that we have begun to downsize the force structure.

We do not have as many people in uniform. We need to look to see whether or not we can make savings in the amount of money that the Government spends, no only from the standpoint of paying the salary of those personnel but from the standpoint of maintaining the airplanes, of maintaining the trucks, for maintaining tanks, for maintaining ships, whatever it may be with respect to each particular branch of the service. That is why BRAC was established.

During the past 6 years, we have had three BRAC Commissions to take action with respect to military bases all across this country. Those BRAC Commissions have taken into consideration the fact that we have downsized our force structure, and they have made decisions regarding certain military bases, be they depots or be they nondepots.

Those BRAC Commissions have made decisions that are not popular decisions within this body, to close military bases, but those decisions needed to be made.

They were good judgment decisions that have been made to make certain base closures.

In this particular instance, the BRAC Commission came to consider certain bases to determine whether or not they should be closed during the 1994 year and 1995 year. They considered the Air Force depots, of which there are five, that maintain all of the Air Force equipment that is used by the personnel in this country.

Those five bases are Hill Air Force Base, which is located in Utah, represented by my friend, the gentleman from Utah [Mr. HANSEN], who has joined us; Tinker Air Force Base in Oklahoma, represented by our friend, the gentleman from Oklahoma [Mr. WATTS]; Robins Air Force Base in Warner Robins, GA; McClellan Air Force Base in Sacramento, CA; and Kelly Air Force Base in San Antonio, TX.

Those were the five U.S. Air Force depots that were in existence that were under consideration by the BRAC Commission.

At this time, I am going to ask my friend, the gentleman from Utah [Mr. HANSEN] if he will to step in and tell us a little bit about this, and explain a chart that he has there concerning the excess capacity issue that I have alluded to, why that issue was important and what the BRAC Commission decided with respect to that excess capacity.

Mr. HANSEN. I appreciate my friend, the gentleman from Georgia, yielding to me on this very important issue that he has brought up tonight, and I thank the gentleman for coming up with an issue that I think is so very important to the people of America.

Mr. Speaker, with permission of the gentleman from Georgia, I would like to explain a little about air logistics centers, if I may. Air logistics centers are some of the largest industrial complexes in the Department of Defense. They provide the critical maintenance and logistics support to sustain our ability to meet the national military strategy.

ALC's, along with other maintenance depots, Army arsenals and Navy shipyards, provide a ready and controlled source of technical competence and repair and maintenance capability to respond to our Nation's national security needs. This core maintenance capability must include sufficient skilled personnel and capital equipment and facilities owned and operated by the Department of Defense to meet any contingency or mobilization, and must be assigned sufficient work load to ensure cost efficiency and technical proficiency in time of peace.

That is what the Under Secretary of Logistics said, why a core depot maintenance capacity is so important. Core exists to minimize operational risk and to guarantee required readiness for these weapons systems.

Those reasons, to minimize risk and guarantee readiness, are even more important in today's leaner force structure, and in fact make the armed services' new policy of two-level maintenance possible. Under two-level maintenance, a weapons system is either fixed right at the unit level or shipped back for depot level repair. Only consolidated maintenance depots under the direct control of the Department of Defense can guarantee a full service, flexible and on-time response for a predictable price in time of peace and war, without risking readiness for our troops in the field.

In the First District of Utah, I represent Hill Air Force Base which contains the Ogden Air Logistics Center. I am proud to say that Hill Air Force Base was the only installation in the Air Force to be rated in the top tier as both an operational base and a maintenance depot.

Let me just say a little about what Ogden ALC provides. Ogden is the logistics manager and depot for the world's largest aircraft fleet, the F-16, used by 21 nations around the world. Ogden is the world's largest overhaul facility for landing gear, struts, wheels and brakes, accommodating over 70 percent of DOD's work, with the capacity actually to do it all. Ogden is also the only maintenance site for the Nation's ICBM fleet, with a work force cited by the Vice President as heroes of reinvention.

These are just a few of the tremendous assets the Ogden ALC brings to the Air Force. In combination with two champion F-16 fighter wings in the vast Utah Test and Training Range, Hill Air Force Base is simply the best of the best.

In a January 1995 letter to the Secretary of Defense, the Commander of U.S. Air Force in Europe put it this way: "The combination of Hill Air

Force Base," and I am quoting, "and Utah Test and Training Range is an irreplaceable national asset." I could not agree more.

While Hill Air Force Base represents the future fighter aircraft of the Air Force, it is Tinker Air Force Base in the great State of Oklahoma that is the future of jet engines. I have noticed, my friend from Georgia, that our friend from Oklahoma has joined us. I think that we should yield to him regarding Tinker.

□ 2045

Mr. WATTS of Oklahoma. Mr. Speaker, I want to say to the gentleman from Georgia [Mr. CHAMBLISS] that I am delighted to be a part of this tonight and have an opportunity to talk about the BRAC process and the three facilities that survived the BRAC procedures.

I want to take an opportunity at this time to share a little bit about Tinker Air Force Base, which is there in the Fourth District of Oklahoma, the district I represent, in Midwest City, OK. My colleagues owe it to themselves to come and take a look at Tinker Air Force Base sometime. It is a state of the art facility for the repair and maintenance of the world's most sophisticated aircraft engines.

The work force is a blend of military, civilian and contractor support to provide for our fighting force the fabrication of parts to keep our most sophisticated aircraft, like the B–2 bomber, in a mission ready state, or the management of missiles, such as the air launch cruise missile, the short range attack missile, the Navy's harpoon, and an advanced cruise missile.

Tinker has the responsibility of managing more than 17,000 jet engines. The Department of Defense' own depot maintenance operations indicators report states that during the period ending in the second quarter of fiscal year 1994 Tinker's average engine process days was greater than one-third, one-third better than the competition.

Additionally, Tinker's schedule indicator index for the period between April of 1993 and February of 1994 was the second best in the entire Air Force. Tinker is leading the fleet in the area of technology innovation and partnering. Tinker has formed a number of technology advancement coalitions to address a wide spectrum of environmental issues. One such venture will join all Department of Defense installations in Oklahoma as a coalition to cross feed information on compliance concerns or compliance actions and improve the partnership between the Environmental Protection Agency and other Federal agencies.

Also, Tinker has blazed a trial in alternative fuel use by adapting some 551 vehicles to run on propane, compressed natural gas, and electric battery power. Nearly 300 fleet vehicles have been converted to dual fuel clean natural gas, giving Tinker the distinction of having one of the largest dual fuel armadas in the Nation.

Tinker Air Force Base, as we went through the BRAC process, we continued to find that Tinker was well ahead of its competition and in productivity and efficiency. As a matter of fact, Tinker got out about 98 percent, or over 98 percent of its work on time.

The Oklahoma City Air Logistics Center entered into its first technology transfer agreement with private industry in November of 1994. The signing of the cooperative research and development agreement between Tinker and Savalitch Prosthetic and Research Center represents the first medical involvement for practical application between an air logistics center and a private entity.

There is a partnership between the Air Force and the Navy at Tinker Air Force Base. They share resources, some of the finest resources and skills and some of the best technology in human resources available.

Mr. Speaker, in closing, I have visited several military facilities around the country, as I serve with these gentlemen on the Committee on National Security. So I have the opportunity to travel around the country and look at different Air Force facilities and ask questions. Of course, any time anyone goes into a military facility, they feel great pride knowing that they are on grounds of responsibility and commitment and sacrifice and dedication to protect our Nation's national resources or to protect our Nation's interests around the world.

I find it quite interesting to walk on the grounds of Tinker Air Force Base and see how the general there, the commander, General Eichman, and his leadership and the management there and the civilian employees, the military employees, the contractors have created an air of expectancy, where they expect to be at the top of what they do. They expect to do things well. They expect to compete well, and they expect to come out ahead whenever they are given a task or given a challenge to do something for our Nation's forces.

I am just quite proud to be a part of Tinker and representing them in my district, and that even just makes me feel a little worse, as I understand the pride and the quality and the work that they do there, to be on the short end of this BRAC process, as the way it is being recommended by the President.

So with that, I will yield back to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. HANSEN. Mr. Speaker, may I ask the gentleman, has he commented on the strengths of Warner Robins, GA?

Mr. CHAMBLISS. I have not yet, but I will take a moment to do that. As my colleagues are both deservedly proud of the work done at Tinker and the work done at Hill, I cannot tell them how proud I am to represent the Eighth District of Georgia, which is the home of Robins Air Force Base in Warner Robins, GA.

Robins Air Force Base has a $2.1 billion economic impact on the State of Georgia, and all of central Georgia sort of evolves around Robins. It is the largest industrial employer in the State of Georgia. I get filled with a sense of real pride every time I go on that military base and I see those men and women dressed in blue, knowing that not only the military but the civilian personnel at Robins Air Force Base are absolutely totally and firmly committed to ensure that they do the very best work on every job assigned to them.

At Robins Air Force Base we have worldwide management and engineering responsibility for several of the workhorses in Desert Storm, the F–15 Eagle, the C–130 Hercules, the C–141 Starlifter, home of the electronic warfare and avionic centers. We do all the maintenance work on the helicopters operated by the United States Air Force, and we do all special operations aircraft.

It was quite ironic that Robins Air Force Base competed with every other Air Force Base in the World over the last couple of years and received the award as the best Air Force Base in the whole world. It was really ironic that that announcement was made back in the spring, and the next week Robins Air Force Base was placed on the BRAC Commission list to be considered for closing.

Mr. Speaker, thank goodness we had a great experience in going through the BRAC process. As I worked with each of these gentlemen and some other gentlemen that were involved frankly in representing Kelly and McClellan, it was competition that we all participated in. Our bases participated and our bases were fortunate to come out on top. We want to talk a little bit about what happened in that process and why we are here considering the privatization in place. But let us be clear about the fact that the personnel at McClellan Air Force Base and the Kelly Air Force Base are very capable and competent, but there are just valid reasons why bases need to be closed occasionally.

We went through the BRAC process. That is part of the reason why we are here tonight to talk about the privatization in place, and I yield back to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman continuing to yield, and I appreciate we are all justly proud of these Air Force Bases we represent. People in America should realize these ALCs are some of the largest military bases in the world and the largest we have in the Air Force.

Now, the question comes down, the Navy has closed three out of their six aviation depots. If BRAC 95 goes through, as I recall, the Army will have six out of nine of theirs closed. But here of these depots are five ALCs. What is the problem? What are we talking here tonight? What is the problem the American people face?

The problem can be put into two words: Excess capacity. That is why we have this chart up here to show the people of America what we are talking about.

As everyone is aware, the Department of Defense has experienced dramatic downsizing over the last 6 years. In the wake of the victory of freedom and democracy over tyranny and communism and the end of the Cold War, our armed forces have experienced a real cut in spending of over 40 percent and a force structure reduction of over a third. Comparatively, even after full implementation of all three rounds of base closures, the department will only have closed 20 percent of its industrial capacity. In the Air Force, while we have only half the number of planes, we still have all five of the depots designed to maintain them.

As I pointed out, the Navy has closed three of six; the Army six of nine. Let us take a look at this chart.

The long black lines represent capacity, and they are fixed. Capacity in this sense measures industrial facilities and the design capability of real facilities and buildings. The only way to decrease this obvious excess capacity is to make the hard choices and close installations.

The white lines represent workload. These will continue to decline as we complete the downsizing of our armed forces.

The gray lines that we see show just how much of the current depot work loads are core and, as such, would remain in the organic depot system.

The problem displayed so clearly on this simple chart is obvious. Our depot infrastructure does not match our current or planned workload and, thus, significantly increases the cost of each and every product by spreading a massive and expensive infrastructure over a smaller and smaller workload.

I guess the question we have to face is, how can we solve this problem and eliminate the capacity?

Mr. WATTS of Oklahoma. Mr. Speaker, if the gentleman would yield, under this privatization-in-place plan, I believe Tinker's capacity would be around 42 percent. So, if the objective in the BRAC process was to eliminate capacity, as the gentleman from Georgia mentioned a few minutes ago, two words, excess capacity, they want to eliminate that, under this privatization-in-place plan, Tinker Air Force Base would have 42 percent of their capacity full.

It does not take a rocket scientist to see that the privatization-in-place process is going to create even more problems for the existing facilities. I think, again, it does not take a rocket scientist to understand that. The winners in this progression become the losers because we have even more capacity in all five of the air depot facilities around the country.

We have added to that excess capacity problem rather than resolving that problem, which is what the BRAC process was all about.

Mr. CHAMBLISS. Mr. Speaker, let us put this in the perspective of a business decision, which really it is. This body runs the world's largest business. Unfortunately, if every other business in this country was run the way Congress has been run for the last 25 years, there would not be many left, because we have been spending more than we make.

What we have been talking about is the fact that we have capacity at all of the five Air Force depots all across the country to do a certain amount of work. We have capacity of 100 percent of the work that each base can produce. But what the gentleman from Oklahoma [Mr. WATTS] is saying is that at his base he is producing 42 percent of what he could produce. That is an excess of 58 percent up there, and it is about the same all the way across at all of our bases.

It only made sense for the BRAC commission to say, hey, something is not right here. We are costing the American taxpayer money by having all of these bases open and all of this excess capacity out there that is costing so much just to open the gates every morning. What we have to do is, from a business standpoint, we have got to close some of those bases to narrow that capacity down and try to provide for work to be done during surge periods, such as Desert Storm or any other catastrophe that might arise or war that may break out somewhere, we have to leave capacity there for that, but we can do that and, at the same time, save the American taxpayer billions and billions of dollars. And this is the way we do it. We consolidate the work at less depots than what we have now.

Mr. Speaker, as the gentleman from Utah said, the Navy has done it, the Army has done it, and it was time for the Air Force to do it, and that is what we have done.

Mr. HANSEN. Mr. Speaker, let me respond to what the gentlemen have both said.

I want to talk about the base analysis of how this came about. I do not know if the people in America realize that prior to the base closing law how many bases were closed. We know the answer to that was zero. Not one. Because any Congressman worth his salt could come in here and he could just stop it one way or another because all of his buddies did not want to have his closed.

□ 2100

So they would close them all. People would come in, and they would not allow them to be closed. And they would go out to their districts and brag how well they had done.

Was it necessary to do a base closing? I think absolutely it was necessary. There is no way we could continue with the amount of money we were putting in defense, when we were facing the old evil empire, the old Soviet Union. At that point we had to pour billions and billions of dollars into defense. And because of that, we were able to bring them to their knees.

I still remember when Mr. Gorbachev gave his concession speech. A man that I knew from the Soviet Union said, you spent us under the table. Your technology was so great. We could not run with you. You are way ahead of us.

Well, we did that, but then we cannot keep it going at that level. We all know that. It could not happen. So we passed the base closing law out of that. That is Public Law 101–510. It established the independent Base Closure and Realignment Commission. And incidentally, there is not one of those for parks, in case anyone wants to bring that up. This independent commission was designed to shield the difficult issue of base closure from the political pressure of an individual congressional district and political favoritism of the President and the administration. In other words, we said, Mr. President, you do not have anything to do with it. Congressman Oklahoma, Georgia, Utah, you guys do not have anything to do with it. We are going to put this independent commission there to get this job done. Because if the political element there is, it is not going to happen.

This process has worked well. We have closed well over 100 major installations with project savings of billions and billions of dollars. The reason it works is because decisions are made on certified, objective data designed to reevaluate military value and are reviewed by an independent BRAC commission. Each community, each political leader, we are all given a shot. We all had our shot. We all realized our bases were on the base closing list. So we said, come on, you can go in there.

They came to our bases respectively. We toured them around. We made the best pitch. We got people in there from our community to put up thousands of dollars. They had bands playing and kids yelling and giving out lollipops and the whole bit to try to influence the BRAC commission. And every one was a big boy. We all knew we were taking our chances, but the main thing was not the balloons and the lollipops. The main thing was the information that they got from where? From the Pentagon.

And I happen to have here a base analysis, and this was flashed up in front of the BRAC commission, put there by the U.S. Air Force. I recalled, as you gentlemen did, on the last day when the BRAC commission decided whether or not to close some of these ALCs. The Navy has done it. The Air Force has done it.

They asked the question, is this the chart you looked at, will you stand by that chart? And the answer from the Secretary of the Air Force, General Fogleman, was yes, we stand by that chart.

As you both pointed out, we have nothing against our good friends at McClellan. We have nothing against our good friends at San Antone, but they came in last in both these instances. So it was easy for the BRAC commission to look at this. Look at the tiers. Look at how they rated them. Look at the cost to close. Look at the annual savings, the return on investment, the economic impact. It was simple to do that. It did not take a rocket scientist to look that up. This was the military. This was the Air Force's own version of what should happen.

It is not something that we came up with, even though we were doing our very best to show the best side of our bases, and we were right, our bases were excellent. But it came up from those people.

We know about the BRAC process in my home State of Utah. Utah has had a base closed every round of BRACC. From 1987 to 1993, Utah dropped from 5th to 15th in defense-related expenditures. With the closure of the second largest employer in the State, Twill Army Depot in BRACC 1993, Utah has dropped from 23d to 48th nationally in total defense dollars in the State. And we had to go through that. We cannot selfishly say, yes, hurt you, hurt them and do not hurt me. That was the reason behind BRACC.

And now the question comes up, what did the 1995 BRACC commission decide and why? Would either of my colleagues like to respond?

Mr. CHAMBLISS. Well, what the BRAC commission decided was that it was time to look very closely at the five Air Force depots and make a decision as to whether or not any of them ought to be closed as opposed to the downsizing in place of all five, as was recommended by the Air Force. The Air Force wanted to keep them all five open just in case there was a major outbreak of war. And they had a plan designed where they thought they could keep operating, but the BRAC commission thought that was not the right thing to do.

The BRAC commission took the numbers that the gentleman has on the chart right there and went down the list of each of the eight criteria that the BRAC commission set forth. And they made a decision based on the consideration of all of those eight criteria that it was in the best interest of this country from a taxpayer standpoint and from a national security standpoint that two of those bases be closed, that we could handle all of the depot maintenance capacity at Hill Air Force Base, at Tinker Air Force Base and at Robins Air Force Base. Based upon their decision to do that, they made the recommendation that those two bases be closed.

And it was right interesting what evolved from that decision, which was made back July 1, I believe, is the date that that was done and the President had about 15 days to come back and either accept that recommendation along with the BRAC recommendation with respect to all other bases all across the country, or he could reject it. And then Congress had the same option of either accepting it or rejecting it. And it was interesting that the president started playing politics immediately.

There are 53 electoral votes in California. There is 40 something in Texas. Those two States are very important to any President who wants to get reelected. He knew that this would have a negative, closing of those two bases would have a negative effect on his reelection campaign in 1996. So what did he do? He began immediately playing the role of what can I do to preserve my position with respect to those two huge military facilities and hopefully be able to save the votes that are going to be necessary for me to secure the electoral votes in California and Texas.

And I have in front of me the letter that the President wrote back to the Congress when he reported back on his decision following the BRAC commission's recommendation. I would like to read just a couple of sentences out of there because we want to get both of you gentlemen to talk about what privatization in place is and why we are here tonight talking about it.

The President said as follows:

> In a July 8, 1995 letter to Deputy Secretary of Defense White, Chairman Dixon confirmed that the commission's recommendations permit the Department of Defense to privatize the work loads of the McClellan and Kelly facilities in place or elsewhere in their respective communities. The ability of the Defense Department to do this mitigates the economic impact on those communities while helping the Air Force avoid the disruption in readiness that would result from relocation as well as preserve the important defense work forces there.

First of all, let me just say, did the gentleman from Oklahoma have any conversation with members of the BRAC commission concerning this issue of privatizing in place that the President has referred to here?

Mr. WATTS of Oklahoma. Yes, I did. It is interesting, before I get into some of the letters I had written, I wrote all of the commissioners of BRAC and they reported back to me. I got responses back from several of them. I will read those here in just a second. But it is quite interesting to me that these commissioners had a very, very difficult job to go into these communities, every one of these communities, these five different communities, Hill, Tinker, Robins, Kelly, and McClellan, go into these communities and look in the eyes of every one of the taxpayers, every one of the people in those communities that were dependent on these jobs and finally conclude that these two have to be closed is what we are going to recommend for closure. That was a very, very difficult job.

I think it is a sad commentary on what the President has done and just kind of, in my opinion, kind of backhanding the commissioners and saying, I am going to ignore all the trials and tribulations and difficulties and burdens you went through and try to be fair and being apolitical and saying we are not going to play politics, Republican or Democrat, and we are not going to consider that one is in Oklahoma City or in Georgia, Utah, California, Texas, that is not important to us. We are after excess capacity. Went in and made some difficult decisions. They recommended two facilities be closed. And they also went on to say that over a 7-year period of time that if these recommendations were implemented or executed, that $19 billion, $19 billion would be saved over a matter of 7 years.

When you talk about the electoral votes in California and Texas, that tells me that if the President is going to ignore saving $19 billion over the next 7 years because of electoral votes, that is a pretty doggone expensive campaign, $19 billion. That is, boy, you are talking about campaign reform. We really need campaign reform from that.

As you said, my friend from Georgia shared that I have written the commissioners and got some responses back from them. I want to share with you, with my colleagues, what I got back from these commissioners, the response that I got back from several of them.

First of all, I had written a letter asking them questions about what their intentions were, did they intend to privatize in place or recommend that or encourage that. And I shared with them a letter that the President had proposed for the privatize-in-place option for McClellan and Kelly air logistics centers. However, I questioned the viability and merit of this plan. Simply put, I have thought through Dr. White's proposal and cannot make sense out of it. A few questions come to mind, and I asked them these questions.

My primary concern results from an apparent contortion of the BRAC recommendations. By any reasonable standard, the winners appear now to be the losers, and I refuse to accept that after the long and hard battle was fought and won by Tinker Air Force Base and the other two facilities, how privatization in place results in reducing excess capacity cited by the BRAC commission without reducing infrastructure at the three other air logistics centers.

I went on to ask, did the BRACC truly intend privatization in place as a viable option for McClellan and Kelly. I know it was recommended at two of the other locations, but why was it not specifically mentioned for McClellan and Kelly if it was intended as a BRACC recommendation? If privatization in place is such a good idea, why was this strategy not brought to light in hearings or at the final vote?

Why was privatization in place not mentioned as part of the Air Force's original proposal? How does privatization in place at McClellan and Kelly provide for and enhance national security position?

I believe, and I shared with the commissioners, I said, I believe in the BRACC and do not want to see a political strategy overtake a responsible and reasonable approach to downsizing our defense structure. I encouraged them to give me an apolitical answer. I shared with them a letter. I seek an apolitical answer to these questions. And these are some of the comments that I got back as I went through the responses.

One of the commissioners said:

> Moreover, not allowing the remaining ALCs, all of which ranked higher in military value, to compete for the additional workload would cause them to become increasingly less cost competitive in the future. Even beyond common sense issues of most effectively utilizing our limited defense resources, I am at a loss to understand why it would be in the Air Force's interest to protect its lowest ranking depots at the expense of its three superior installations.

He went on to say:

> As difficult as it was to vote for the closure of two facilities of this size and quality, the commission voted 6 to 2 to do so because we felt that it was in the best interest of the air force, DOD and the American taxpayers.

This is one I really found interesting:

> If any commissioner had offered a motion to privatize in place as the President proposes, I am 100 percent certain that such a motion would have been defeated handily.

That sounds like to me that this commissioner is pretty confident that this privatization in place or deal was never meant to be by any of the commissioners.

Mr. HANSEN. Is the gentleman saying, from what he has in front of him, that the commissioners said, if that motion had been made by any one of the eight commissioners to privatize in place like the President of the United States is now changing the BRACC law to do, that it would have been soundly defeated? Is that what they said?

Mr. WATTS of Oklahoma. Soundly defeated. As a matter of fact, the words of the commissioner were, "I am 100 percent certain that it would have been defeated unanimously." "I am at a loss to understand why" were some of the other comments that I got from the response. I am at a loss to understand why it would be in the Air Force's best interest, as I said, to protect its lowest ranking depots at the expense of its three superior installations. We had one commissioner that said, he did not provide a written response to me but I talked to him on the phone.

□ 2115

He said, "Privatization in place would not have been approved if offered before the BRACC." I said one Commissioner told me they were 100 percent certain it would have been defeated unanimously. Do you stand behind that? He said, "You bet I do. I, too, am 100 percent certain that it would have been defeated unanimously." There is another Commissioner who said, "The Commission's review clearly documented significant excess capacity in the five Air Force logistics centers. Privatization in place of all of the workload of Sacramento and San Antonio air logistics centers could result in privatizing excess capacity rather than eliminating it." That was the objective of the BRACC, to eliminate the excess capacity, not privatize it.

Mr. HANSEN. Mr. Speaker, I think this is fascinating, what the two gentlemen have brought up, absolutely damning evidence, if I may say so. First, the BRAC Commission took the response from the Air Force. We all know the Air Force said, "Keep all five of them open." The BRAC Commission looked at it and said, "We've got too much excess capacity," which is what we are talking about.

The General Accounting Office reviewed that and agreed completely with the BRAC Commission. There were so many. So here are the words that the BRAC Commission came up with in the final report after they had done this exhaustive study, all of this work with all these high-paid staffers. "The Commission found that significant excess capacity and infrastructure in the Air Force depot system requires closure of McClellan Air Force Base and the San Antonio Air Logistics Center, and the Commission found the closure of the McClellan Air Force Base and San Antonio Logistics Center permits significantly improved utilization of the remaining depots and reduces DOD operating costs."

So if we go to this next chart, we see if we close those in this capacity, here we are without BRACC, and here we are with BRACC. We are now up to 73 percent. That is about where we ought to be, considering that contingencies come along. We do not know when it is going to play that peak and valley thing predicated upon conditions in the world, so this is principal, the ultimate place to be, 73 percent.

However, you gentlemen have both brought another factor into this. After the BRACC wisely made this decision, after they had finished their work which they had to do under public law, they then submitted it to the President of the United States. May I ask the gentleman from Georgia [Mr. CHAMBLISS] what were the choices the President had under the law as you understand it by your legal mind?

Mr. CHAMBLISS. The President had the right to either accept the recommendations of BRACC or reject the recommendation of BRACC. There was not option one way or the other.

Mr. HANSEN. I would ask the gentleman, does he have any third alternative to this? Does the law say you could bring an additional thing to it, or does he just have those two options?

Mr. CHAMBLISS. Those are the only two options he had.

Mr. HANSEN. That is the way the gentleman from Oklahoma understands it.

Mr. WATTS of Oklahoma. That was my understanding. The President called a play that was not in the playbook. What he was doing was never an option, it was never intended by the Commissioners of BRACC. I think those charts are very telling of the dilemma that this privatization-in-place plan puts the Air Force in.

Mr. HANSEN. Those of us who were here when that law went through and those of us who argued it thought it was crystal clear. Our attorneys thought it was crystal clear. The Pentagon attorneys thought it was crystal clear. At that time the Reagan and Bush administration thought it was crystal clear, or I guess it was the Bush administration. They thought it was all crystal clear.

Now we come along and, all of a sudden we have a new play that was not in the playbook.

Mr. CHAMBLISS. If it was not crystal clear, why was not the privatization-in-place issue brought up by the White House prior to the time the BRACC decision was made?

Mr. HANSEN. A great question to bring up, is it not?

Mr. CHAMBLISS. Also what if Tinker Air Force Base and/or Robbins Air Force Base and/or Hill Air Force Base had been closed? Did you gentlemen receive any indication that the President would have stepped forward and, said "Mr. WATTS, we want to privatize in place out at Oklahoma City and keep your employees out there and continue to pay these folks?" Was that ever mentioned to you?

Mr. WATTS of Oklahoma. That was never mentioned, no.

Mr. CHAMBLISS. No.

Mr. HANSEN. Possibly for this discussion tonight, we should read into the RECORD what the law really says, so people who are listening could see this for themselves. Public law 101-510 states:

If the President approves all the recommendations of the Commission, the President shall transmit a copy of said recommendation to the Congress, and if the President disapproves the recommendation of the Commission, in whole or in part, the President shall transmit to the Commission and the Congress the reasons for the disapproval. The Commission shall transmit to the President a revised list of recommendations. The law gives the President no authority to forward the list of recommendations to the Congress with any changes or specific guidelines for its implementation.

If that is the case, what happened here? What did we get out of this after the President of the United States looked at the recommendation that the BRAC Commission worked all that time on, all that money, all that effort, all that work of the best heads in America? What did we get?

As the gentleman from Georgia brought up, no one had ever heard of this term "privatization". Where did this idea come from? If that is the case, there are 71 bases out there besides the ones we are talking about tonight, and I bet if we send a letter to the folks there, do you know what they would say? "Privatize me, too. How come I am being discriminated against? Privatize me, defense depot Ogden, Tooele Army depot," as I mentioned, in my State, and we can mention in all the States the same thing, "Privatize us."

But the gentleman from Georgia and the gentleman from Oklahoma hit upon why that is. It seems abundantly clear, and sadly, too, I may add; 52 electoral votes in one State and 47 in another State. Why would the President make those promises when he knew he would be in violation?

Mr. WATTS of Oklahoma. If the gentleman will continue to yield, I think it is very clear, and I want to reiterate that again, this privatization-in-place plan was not about jobs, it was about one job, the job that allows you to occupy that big white house down there on Pennsylvania Avenue. Again, I just think it is really unfortunate that we have circumvented a very—that a very sound, apolitcal process has been circumvented. I think, too, this hurts the credibility of a system that has been used for some time, the BRACC process, and I think it obviously will hurt the credibility of the BRACC process if we ever go through this again, simply because people just will not have any confidence in it anymore, so we are not just fighting for the facilities that we represent. We are fighting for the integrity of the process, the integrity of those Commissioners that went in and faced those citizens and those taxpayers.

I remember, the day after the recommendation had been made public, seeing the Oklahoma City paper the next day and seeing the faces of some of the people down in San Antonio that had been around for 37, 38 years and had been employed there, and people were talking about what they were going to do now.

To have the Commissioners go through that torture of making some very, very difficult decisions, and any one of the three of us could have been in the same position, going into the process. We did not know who was going to be saved, we did not know who was going to make the cut. We had no idea. All I had ever asked in the process is, judge us on our merits, judge us on our quality, judge us on the standards of the leadership at Tinker and the community of Midwest City and the surrounding communities, and the employees and the contractors of Tinker. Judge us on the standard that they have created for themselves, created of expectancy, judge us on that. We can live with that.

We went through that, we won, and through this process now all three of us become the losers.

Mr. HANSEN. Do you not think that the United States of America and this Congress and the administration owes a great debt to eight very courageous people?

Mr. WATTS of Oklahoma. That is right.

Mr. HANSEN. They did one whale of a job. The others were good. I have lived through those. I think these eight individuals did a super job. They laid politics aside and they did what they thought was the best for America, and no one moved the goalpost on them, no one came up with some new rules. They played by the rules they knew.

I guess the question we have to look at as we wind up our special order here tonight is, does the President have the right—he did not have the right, which is very clear with everybody, and I do not know anyone that disputes that, that he had the right to privatize. That was not even part of it. It was not even a consideration in the entire BRACC hearing. No one even brought it up until he did. Then the question comes up: Would he have the right to privatize under the law of the land as we know and understand the law? Is anybody above the law?

I sat on the Ethics Committee for 12 years and I went through 29 cases. In those 29 cases, from time to time we would find a Member of Congress who thought he could bend it, break it, or get away with something. I remember distinctly being in charge on the Republican side of the check-cashing area, and how many of our colleagues thought that they could bounce checks. A lot of them, they would go to jail if they were in the private sector; but no, they went ahead and did it, and did not think it would ever come home to roost.

I remember one President that we all honor and respect, FDR, who thought he could pack the Court. That blew up in his face. There is no man who is above the law. There is no woman above the law.

Now I would like to put up another chart which shows four specific parts of the law that privatization would violate. I would like to know if someone could respond as to how anyone thinks they could get around this, or why they should, or why it even should be on the table.

Mr. CHAMBLISS. As the gentleman mentioned, this is a bipartisan issue, too. This has happened to Democratic Presidents, it has happened to Republican Presidents. When they were called and asked, "Why are you violating the law?" when they do not have a response to it, that they have to be dealt with accordingly.

Mr. HANSEN. I would like to point out here in this chart, if people could see, we have four specific areas of the law. We give the code number. You are welcome to look it up, debate it, talk about it, and bring it into your legal circuit. This one identifies a requirement for core organic logistic functions. This second one requires studies and reports to Congress prior to transfer of work from DOD civilian to contracted performance. The third one requires no more than 40 percent of depot-level maintenance performed by private contractors. The fourth one requires merit-based competition prior to transfer of any workload valued over $3 million per year.

I do not think any of us do not think that something should be privatized. Of course something should be. But Congress has established the rules of what can and cannot be. I do not think any of us want to turn around and say to the industrial defense complex, "You have the whole thing. You fly the airplanes. You take care of it. You drive the tanks. You drive the submarines." It would not work. We would lose. We know that.

How do you say to a McDonnell Douglas, "Pack up and go to the Persian Gulf and fight right now?" They are private people. They do not work for the Government. We have to maintain that. Whether it is right I guess is debated, but we think that we have worked out a good compromise between core maintenance work done at our military installations, our depots, and what goes to the private sector. That is the issue that we are looking at here.

I would hope that the President of the United States, that Mr. White over at the Pentagon, that Secretary Perry in the Pentagon and all those people, and especially their legal heads, would carefully examine these four requirements that we have in front of us at this point, fully knowing the Congress will not back down from this stand, that we fully intend to carry this out to its conclusion, and if they do not like that, they should change the law.

Every one of us in our lives have been at the dinner table or at a meeting with our friends or at a public meeting of the PTA and somebody gets all excited and says, "Doggone it, something is wrong here." The answer is, "Change it, then." I think most of the 435 of us who are in this Chamber are here because we wanted to change the law somewhere. We wanted to see a different direction for America. We wanted to see something happen.

We do not say "violate it" when people come up to me and say, "You do not have to pay your taxes." Do you know what is going to happen to you? You are going to be looking out the other side of the bars, because you have to pay your taxes. If you do not like that, run for Congress and get it changed. If Mr. White, Mr. Perry, and Mr. Bill Clinton do not like this, then change it, but right now this is the law of the land, and I expect the President of the United States, the Secretary of Defense, and all of us to uphold the law. What is so wild about that?

Mr. CHAMBLISS. The gentleman makes a good point on the issue of privatization. We happen to all three be Republicans. We believe in privatization. We think we need to get the Federal Government more out of our daily lives and out of our business lives than we have right now. I think all three of us are totally committed to trying to downsize the Federal Government. We think the Federal Government is doing too many things now that we ought not to be doing.

But there is one key difference in privatizing military depots and privatizing other agencies where the Federal Government is involved. That issue is exactly what the gentleman just spoke to. In times such as Desert Storm, times of Korea and times of Vietnam, and going all the way back in every war that we have fought, we have had military personnel going to the scene of the battles, going to the location where wars were fought and making sure that our tanks ran, that they started when we turned the switch, that our airplanes flew, that our ships rode high in the seas to provide the security that this country demands. If we do not have that security, then we will never remain the world's greatest military power. Thus, we will never remain the world's greatest country that we are right now.

□ 2130

I think it is absolutely ludicrous to think that we can go to the private sector and say, okay, you hire folks, train them, and tell them that if war breaks out, they have to go dodge bullets, they have to go stand on the front lines and make repairs to the vehicles and the airplanes and the ships or whatever it may be that the military is going to require, and you have to get those people on line and have them ready to go and dodge those bullets; we know that is not going to happen. We have good, qualified, trained military personnel to carry out those functions now. That is the difference in the privatization that we are talking about right now and the privatization of other agencies that we have in this country.

Mr. Speaker, a good example of privatization is Fannie Mae. Fannie Mae is something that was privatized years ago. It works well. It got the government out of that particular business of financing. The government was losing money in it. We turned it over to the private sector. It works. Let us not do something that is going to make us look back 10 years from now and say gee whiz, why in the world did we ever think that we could turn the maintaining of military equipment over to the private sector and cost the lives of our young men and women who are going to the forefront of the battle.

Mr. WATTS of Oklahoma. Mr. Speaker, I have nothing further to say, except that I think what we have tried to do is state the facts and that is what we have done. The gentleman from Utah [Mr. HANSEN] has four different statutes there before us that all Americans can see. Anyone that would be a proponent of privatization in place can see that you can neither circumvent, nor ignore, what is on the books.

So I think we have spoken the facts this evening. I think we have shared with the American people how the President has just totally ignored the law, and I think it is important that we continue to fight this battle and continue to say to all of those that would support this effort of privatization in place that it will not work.

One more thing, Mr. Speaker, before I yield back to the gentleman from Utah, is that it is interesting how I have been contacted by, and my office has been contacted by people out at Kelly saying that we do not want to privatize in place. We would prefer that these jobs go to Tinker or Utah. We would prefer that they go there and give us the opportunity to follow these jobs.

So the employees, many of the employees at Kelly have said, we are not even supportive of the privatization in place. So again, there are a lot of statutes, a lot of law, a lot of common sense and wisdom surrounding this thing, and those who are proponents of this privatization effort, they are just totally ignoring these laws.

Mr. HANSEN. Mr. Speaker, I think the gentleman makes an excellent point. Those people that have worked long and hard, many of those people have come into being civilian workers for the military, and have been there many, many years, and now privatization in place does not mean any sure bet for them, none whatsoever. But if their job moves, they could move with their job, and that is something that a lot of them would want, to see out their careers, to retire as Federal employees. Can anyone fault them for that? I cannot.

Mr. Speaker, I would like to make one point, and that is, when we stand up and debate in this hall about the authorization of the defense bill, we have people stand up constantly and say, the Cold War is over, we do not need submarines, we do not need bombers, we do not need fighters, we do not need all of these things. Why do we have them? Let us put it in some social program.

Admittedly, some of the social programs have their genesis in very worthwhile projects, some of them probably do not. But it really amazes me that America today, most of us, the three of us here, those in this room, those people that are listening at this particular time, were able to raise our families, get our education, get to whatever professional thing we wanted to do, build our business, because we were all raised for the last 40 years with a nuclear sword over our heads. But we did that without firing the shot that everyone thought would be.

When I first came to Congress there was a survey done that said, 85 percent of the people in America felt there would be an exchange between the old Soviet Union and the United States by the turn of the century. Well, that did not happen, and it did not happen because Congress, America, basically, had the will and the wisdom to keep a strong core maintenance of people keeping this Nation free.

So a lot of us have gone on criticizing the government, doing what we do in our business, whatever we want to do, and you have done it because there has been a strong military presence in the world today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, are there any bad guys left out there that we need this for? Well, think about it. I also sit on the Committee on Intelligence. I am not saying anything that should not be said, but we all know there is a lot of bad guys still there. They may be bad guys, but they are not dumb guys, and they know very well what they could do to this country and would very likely like to do if they had the option to do it.

When we had our trips over to the Persian Gulf, does anyone think Saddam Hussein would not mind lobbing two or more in here? Do you think Kim Il-song likes us any better? Do you think some of these other nations are our best friends? No, they are not.

You go to work every morning, you send your kids to school, you have the benefits and beauties and blessings of this country, and a lot of it is because we have fine young men and young women who have the courage to keep this Nation free. The least we can do for them is give them the right and adequate equipment, depots, airplanes, to keep this Nation free. We cannot let down on that promise. We would be betraying our oath of office if we did.

Mr. CHAMBLISS. Mr. Speaker, if the gentleman would yield, the gentleman makes an excellent point that the cold war certainly is over. The Soviet Union is not a threat to us right now, although they may become a threat again. We do not know where it may be 10 years from now; it is in some uproar over there right now.

As Members of the Committee on National Security, we have been debating a very hot issue in our committee, and that is Bosnia. I bet if you took a vote among the three of us, I think all three of us would be voting the same way of having very grave doubts about whether or not we ought to ever send troops to Bosnia. Unfortunately, the President appears to be headed in that direction.

We have airplanes flying over there right now. We had one airplane shot down over there. That pilot I think took some resolve in the fact that he knew that his rescue team was going to be Americans flying in there in American-made equipment and American-maintained equipment. Those are the type of things that our military personnel right now rely on. They know that their equipment is maintained by the very best that America has to offer, and it always will be, as long as we maintain the depot structure in all of our military branches. But if we ever get outside of it, if we lose control of it, we will never get that control back again.

Let me just say that I thank both of you for participating in this tonight, and I think we are about to wind down, and as the gentleman from Utah said a little earlier, the three of us, and I would venture to say that most everybody in this body, intends to take this issue head-on with the Department of Defense and with the White House and we are going to win it. We are going to ensure that our depots are maintained and that our men and women that wear the uniforms in this country always have equipment that is maintained by military personnel in the best manner possible. Thank you very much.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Without objection, pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. Dreier] at 11 o'clock p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–326) on the resolution (H. Res. 257) providing for the consideration of the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WELDON of Pennsylvania (at the request of Mr. ARMEY), for the week, on account of medical reasons.

Mrs. MYRICK (at the request of Mr. ARMEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. TATE, for 5 minutes, on November 9.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, today and on November 8.

Mr. TORKILDSEN, for 5 minutes, on November 8.

Mr. BURTON of Indiana, for 5 minutes each day, today and on November 8.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. KENNEDY of Massachusetts.

Mr. TORRES.

Mr. UNDERWOOD.

Mr. MATSUI.

Mr. MANTON.

Mr. HASTINGS of Florida.

Mr. VISCLOSKY.

Mr. LIPINSKI.

Mr. PALLONE in two instances.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mr. SANFORD.

Mr. SOLOMON.

Mr. DAVIS in two instances.

Mr. MANZULLO.

Mr. CUNNINGHAM.

Mr. SHUSTER.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Ms. MCCARTHY.

Mr. FORBES.

Mr. UNDERWOOD.

Mr. ALLARD.

Mr. LATHAM.

Mr. RICHARDSON.

Mr. FRANKS of New Jersey.

Mr. PALLONE.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1715. An act respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act; and

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 8, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1614. A letter from the Director, Defense Finance and Accounting Service; transmitting notification that the Defense Finance and Accounting Service is initiating a cost comparison study of the DFAS vendor pay function supporting the Defense Commissary Agency [DeCA], pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

1615. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

1616. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1617. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-2: Determination and Certification for Fiscal Year 1996 concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa-2; to the Committee on International Relations.

1618. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-1: Determination and Certification Concerning Brazil's Ineligibility Under Section 101 of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa(b); to the Committee on International Relations.

1620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-3: Determination and Waiver of Argentina's and Brazil's Ineligibility Under Section 129(2)(C) of the Atomic Energy Act of 1954, as Amended, to Receive Certain U.S. Nuclear Exports; to the Committee on International Relations.

1621. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of S. 1254, S. 227, and S. 268, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Reform and Oversight.

1622. A letter from the Chief Financial Officer, Export-Import Bank, transmitting the Bank's 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1623. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled "Federal Employee Tax Reimbursement Act of 1995"; to the Committee on Government Reform and Oversight.

1624. A letter from the Executive Vice President, United States Institute of Peace, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1625. A letter from the Secretary of the Interior, transmitting the annual report on reasonably identifiable Federal and State expenditures for endangered species in fiscal year 1993, pursuant to 16 U.S.C. 1544; to the Committee on Resources.

1626. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting the Department's biennial report on the implementation of section 1135 of the Water Resources Development Act of 1986, as amended, pursuant to 33 U.S.C. 2294 note; to the Committee on Transportation and Infrastructure.

1627. A letter from the Director, Office of Management and Budget, transmitting the Director's concerns with respect to the House-passed budget reconciliation bill containing language allowing companies to remove pension assets freely and use this money for any purpose whatsoever; to the Committee on Ways and Means.

1628. A letter from the Secretary of Health and Human Services, transmitting the Department's report on data necessary to review and revise the Medicare Geographic practice cost index [GPCI], pursuant to Public Law 103-432, section 122(c) (108 Stat. 4409); jointly, to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 994. A bill to require the periodic review and automatic termination of Federal regulations; with an amendment (Rept. 104-284, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1163. A bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY; with an amendment (Rept. 104-313). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCINNIS: Committee on Rules. House Resolution 256. Resolution waiving points of order against the conference report to accompany the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil and for other purposes (Rept. 104-314). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 657. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas (Rept. 104-315). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 680. A bill to extend the time for construction of certain FERC licensed hydro projects (Rept. 104-316). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1011. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio (Rept. 104-317). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1014. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; with an amendment (Rept. 104-318). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1051. A bill to provide for the extension of certain hydroelectric projects located in the State of West Virginia (Rept. 104-319). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1290. A bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; with an amendment (Rept. 104-320). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1335. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia (Rept. 104-321). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1366. A bill to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope waterpower project (Rept. 104-322). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2366. A bill to repeal an unnecessary medical device reporting requirement (Rept. 104-323 Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 2366. A bill to repeal an unnecessary medical device reporting requirement (Rept. 104-323 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2494. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of bad debt reserves of savings associations which are required to convert into banks, and for other purposes; with an amendment (Rept. 104-324). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2586. A bill to provide for a temporary increase in the public debt limit, and for other purposes; with an amendment (Rept. 104–325). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 257. Resolution providing for consideration of the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–326). Referred to the House Calendar.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2366. A bill to repeal an unnecessary medical device reporting requirement.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 2586. A bill to provide for a temporary increase in the public debt limit, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES:

H.R. 2587. A bill to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 2588. A bill to nullify the 25-percent pay increase afforded to Members of Congress by the Ethics Reform Act of 1989, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 2589. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes; to the Committee on International Relations.

By Mr. ALLARD (for himself and Mr. ROBERTS):

H.R. 2590. A bill to better target loans to family farmers and income-producing activities, to provide for the improved management of the portfolio of loans made under the Consolidated Farm and Rural Development Act, to assure the prompt repayment of such loans, and to consolidate Federal rural development programs into a single program of capitalization grants to States for rural development, and for other purposes; to the Committee on Agriculture.

By Mr. FALEOMAVAEGA:

H.R. 2591. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2592. A bill to reduce the fiscal year 1996 budget for intelligence activities by $1 billion; to the Committee on Intelligence (Permanent Select).

By Mr. LATHAM:

H.R. 2593. A bill to enable processors of popcorn to develop, finance, and carry out a nationally coordinated program for popcorn promotion, research, consumer information, and industry information, and for other purposes; to the Committee on Agriculture.

By Mr. LIVINGSTON:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on House Oversight, Government Reform and Oversight, Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. WISE:

H.J. Res. 117. Joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. GILMAN:

H. Con. Res. 112. Concurrent resolution honoring the life and legacy of Israeli Prime Minister Yitzhak Rabin; to the Committee on International Relations.

By Mr. SOLOMON:

H. Res. 254. Resolution making technical corrections in the Rules of the House of Representatives; to the Committee on Rules.

By Ms. RIVERS:

H. Res. 255. Resolution to amend the Rules of the House of Representatives to provide that a Member, officer, or employee may not accept a gift or expense reimbursement from any entity which has an interest in actions taken by the Congress; to the Committee on Standards of Official Conduct.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 79: Mr. SHAYS.

H.R. 109: Mr. METCALF, Mr. FRAZER, Mr. CRAMER, Mr. ENGLISH of Pennsylvania, and Mr. MCDERMOTT.

H.R. 119: Mr. REED.

H.R. 123: Mr. UPTON.

H.R. 142: Mr. HEFLEY.

H.R. 359: Mr. TAUZIN.

H.R. 497: Mr. GREENWOOD, Mr. BACHUS, Mr. SISISKY, Mr. WARD, Mr. RIGGS, and Mr. CHRYSLER.

H.R. 559: Ms. FURSE.

H.R. 573: Mrs. THURMAN and Mr. GEJDENSON.

H.R. 580: Mr. MARTINI.

H.R. 783: Mr. BONIOR and Mr. BEREUTER.

H.R. 835: Mr. STUDDS.

H.R. 957: Mr. STUMP.

H.R. 969: Mr. ABERCROMBIE.

H.R. 1003: Mr. NUSSLE.

H.R. 1024: Mr. CHRYSLER and Mr. MANZULLO.

H.R. 1083: Mr. FORBES.

H.R. 1161: Ms. DUNN of Washington.

H.R. 1201: Mr. HALL of Ohio, Mr. BALDACCI, Ms. JACKSON-LEE, and Mr. WAXMAN.

H.R. 1210: Mr. QUINN.

H.R. 1226: Mr. CHRISTENSEN, Mrs. MEYERS of Kansas, and Mr. FUNDERBURK.

H.R. 1499: Mr. SHAW and Mr. RIGGS.

H.R. 1619: Mr. BISHOP and Mr. MARTINI.

H.R. 1627: Mr. ISTOOK and Mr. WATT of North Carolina.

H.R. 1733: Mr. EWING, Mr. SALMON, Mrs. MALONEY, and Mr. GENE GREEN of Texas.

H.R. 1747: Mrs. KELLY and Mr. KILDEE.

H.R. 1776: Mr. UPTON.

H.R. 1856: Mr. LUTHER, Mr. HEFLEY, Mr. ROEMER, MR. JONES, and Mr. TIAHRT.

H.R. 1863: Mr. MCHALE, Mr. FORD, and Mr. FRELINGHUYSEN.

H.R. 1884: Mr. GONZALEZ.

H.R. 2090: Mr. PETERSON of Minnesota.

H.R. 2098: Mr. CLINGER.

H.R. 2190: Mr. GOODLING, Mr. PORTER, Mr. CLINGER, Mr. EMERSON, and Mr. STUMP.

H.R. 2244: Mr. ENSIGN and Mr. GRAHAM.

H.R. 2245: Mr. WATT of North Carolina.

H.R. 2270: Mr. WAMP, Mr. INGLIS of South Carolina, and Mr. ROYCE.

H.R. 2306: Mr. FILNER.

H.R. 2323: Mr. BUYER.

H.R. 2333: Mr. CRANE, Mr. CHAPMAN, and Mr. KILDEE.

H.R. 2335: Mr. KINGSTON, Mr. BROWDER, Mrs. THURMAN, Mr. BEVILL, Mrs. MYRICK, Mr. BAKER of Louisiana, Mr. COOLEY, Mr. MCCRERY, Mrs. SMITH of Washington, Mr. BREWSTER, Mr. LUCAS, and Mr. DICKEY.

H.R. 2337: Mr. WICKER.

H.R. 2341: Mr. SENSENBRENNER and Mr. THORNBERRY.

H.R. 2342: Mr. WATTS of Oklahoma, Mr. HUTCHINSON, and Mrs. LINCOLN.

H.R. 2400: Mr. FOLEY and Mr. MCDERMOTT.

H.R. 2429: Mr. HOUGHTON and Mr. CASTLE.

H.R. 2435: Mr. TAYLOR of North Carolina, Mr. CLINGER, and Mr. JEFFERSON.

H.R. 2447: Mr. HOKE.

H.R. 2463: Ms. JACKSON-LEE.

H.R. 2468: Mrs. ROUKEMA, Mr. FOX, Mr. RICHARDSON, Mr. TORKILDSEN, and Mr. TIAHRT.

H.R. 2509: Mr. JOHNSON of South Dakota.

H.R. 2519: Mr. BREWSTER, Mr. MCDERMOTT, and Mr. RAMSTAD.

H.R. 2525: Mr. SERRANO, Mr. WELLER, Mr. FLANAGAN, Mr. EHLERS, Mr. BREWSTER, Mr. STUMP, and Mr. MCDERMOTT.

H.R. 2528: Mr. COOLEY, Mr. HERGER, and Mr. CALVERT.

H.R. 2550: Mr. CHRYSLER, Mr. HAYWORTH, Mr. EMERSON, Mrs. SMITH of Washington, and Mrs. WALDHOLTZ.

H.R. 2555: Mr. HANSEN.

H.R. 2572: Mr. LAFALCE.

H.R. 2579: Mr. HOUGHTON, Ms. DELAURO, Mr. UNDERWOOD, Mrs. WALDHOLTZ, and Mr. BATEMAN.

H.J. Res. 70: Mr. RICHARDSON, Mr. FOX, Mrs. COLLINS of Illinois, Mr. MATSUI, and Mr. WATT of North Carolina.

H.J. Res. 97: Mr. SANDERS.

H.J. Res. 114: Mr. FROST, Miss COLLINS of Michigan, and Mr. ENGEL.

H. Con. Res. 79: Mr. BORSKI.

H. Con. Res. 91: Mr. KIM.

H. Con. Res. 102: Mr. JOHNSTON of Florida, Mr. ACKERMAN, Mr. STARK, Mr. LEACH, Ms. FURSE, Mr. OWENS, Mr. BORSKI, Mr. BONIOR, Mr. JEFFERSON, Mr. PETRI, Mr. HINCHEY, Mr. GILMAN, and Mr. MANZULLO.

H. Con. Res. 105: Mr. LEVIN, Mr. UPTON, Mr. STUPAK, Mr. COBLE, Mr. FROST, and Mr. BONIOR.

H. Res. 30: Mrs. WALDHOLTZ, Ms. DELAURO, and Mr. DEFAZIO.

H. Res. 220: Mr. OLVER, Mr. ROMERO-BARCELO, Ms. NORTON, and Ms. MCKINNEY.

EXTENSIONS OF REMARKS

TRIBUTE TO VETERANS OF SOUTH CAROLINA

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. SANFORD. Mr. Speaker, I rise to pay tribute to the men and women of our armed services from South Carolina who have a long tradition of valor in times of national crisis. From the large communities of Charleston, Georgetown, Myrtle Beach or small towns like Ridgeville, Goose Creek, Aynor, or Awendaw—soldiers, sailors, airmen, and marines have served our Nation well in war. There is no greater service than to fight for the safety of one's nation and the security of the world. From the Marne to the Philippines, and from the Chosen Reservoir to Khe Sahn, South Carolina has sent its best and its brightest to defend freedom and democracy.

As Veteran's Day approaches, I find my self reflecting upon the sacrifices that these men and women made for these United States. Hundreds of South Carolina servicemen in World War I, World War II, Korea, and Vietnam paid the ultimate price through the sacrifice of their lives and lie buried in cemeteries and watery graves around the globe. But for many, the possibility of a simple military grave marker, the return of their remains to their families and loved ones, or even an accounting of their whereabouts still eludes them. South Carolina's First District has no less than 15 POW/MIA's still unaccounted for from Korea and 9 POW/MIA's from Vietnam. To those families and friends who have lost a loved one, and those today who still seek a final determination as to the fates of their loved ones, I pay tribute for the sacrifice of these brave men.

Recently, I have worked with organizations such as the Veterans of Foreign Wars, the Vietnam Veterans Association, AMVETS, the American Legion, Jewish War Veterans, Catholic War Veterans, and other groups to determine how our country might best care for our veterans. People like Tom Burch and Bonny Stilwell of the Vietnam Veterans Coalition who take up the cause of veterans from every era, especially Vietnam veterans, are to be commended for their tireless efforts. As a member of the International Relations Committee's Subcommittee on Asia, I have heard their pleas for an absolute accounting of all servicemen in Southeast Asia. As a member of that committee I voted for language which would mandate a complete accounting of all of our servicemen in Southeast Asia and give immigration preference to those who help identify U.S. servicemen remains or clarify their status as MIA/POW. For all of the veterans' groups, especially to Anne and "Tank" Lanford of the South Carolina Vietnam Era Veterans Association I pledge my continued support to bring all of our boys home and put an end to the uncertainty that their families face day in and day out.

I would like to leave you all with a story I once heard about our Nation and its veterans. I think that it might act as a reminder to us all of our veterans' sacrifices and our country's duty to them.

While camped on the plain at West Point, NY, on a cold winter's night General Washington met with his officers who had gathered in a small hut to discuss the possibility of the Continental Army seizing control of the Congress because of their lack of pay and land grants to the soldiers. After listening to eloquent and inspired speeches from many of the officers who urged their brothers to declare the Government dissolved, General Washington, who had previously sat quietly in the back of the room, rose to his feet. Suddenly, the lively and spirited debate ceased and still fell over the room. General Washington slowly, and deliberately unfolded a letter from a Member of Congress who had written him to urge his soldiers to keep their posts until spring when the Government might be more secure. After unfolding the letter Washington stared at the page for a moment then, for the first time ever in front of his troops, Washington reached into his tunic and unfolded a pair of spectacles, gently placing them on his nose saying, "Gentlemen, please forgive me for my trouble in reading this letter. For you see, I have not only grown gray, but almost blind in the service of my country."

That night General Washington read that letter but no one heard it. It was drowned out with the soft sobs and cries of the officers present who had served the country in its struggle for independence. After Washington left the building the officers voted unanimously to continue to serve without pay and our Nation survives today. Years later, on the only occasion when then President Washington spoke of the incident, he simply said, "A nation can only ensure its longevity and its security by assuring its care of its veterans. Otherwise it cannot hope to muster any army for its defense in the future." Mr. Speaker, I cannot agree more.

Now, over 200 years, later, it is time for us to renew our commitment to our veterans. I plan to begin by remembering their contributions and sacrifices and continuing the fight for a full accounting of all of our men. As citizens we owe every veteran at least that much. The patriot, John Adams once said, "I study war so that my son may study politics, so that his son might study philosophy and art." This is a dream that I know all veterans share.

CELEBRATING THE 35TH ANNIVERSARY OF RIO HONDO COMMUNITY COLLEGE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. TORRES. Mr. Speaker, I rise today in recognition of Rio Hondo Community College in Whittier CA, which is celebrating its 35th anniversary and the appointment of its 8th superintendent/president, Dr. Jesus "Jess" Carreon.

Rio Hondo Community College District encompasses a 65.5-square-mile area which includes the cities of Whittier, Pico Rivera, Santa Fe Springs, South El Monte, and portions of Norwalk, La Mirada, Downey, La Puente, Industry, and El Monte. According to the 1990 census, the population of the district is approximately 318,000 with nearly 107,000 households.

As part of the great growth in community colleges in the late 1950's early 1960's period, the district was established by election in 1960, with the first independent board of trustees elected in 1962. In 1963, classes were offered for the first time at a local elementary school, Little Lake. The present campus opened in the fall of 1966 with an enrollment of 3,363 day students and 2,682 evening students. The site of the present campus was part of the former Pellissier dairy estate.

The combination of a convenient urban location with a scenic rural setting enhances the college's well deserved reputation for dedication to excellence in teaching, student services, and innovative programs. Rio Hondo annually draws approximately 15,000 culturally diverse students to its hillside campus.

Dr. Jesus "Jess" Carreon, superintendent/president, was named at the board of trustees meeting in April, 1995, and assumed leadership of the college on July 1. Throughout my tenure in Congress, I have visited the college countless times and have held numerous seminars and conferences at its facilities. I have always been impressed with the college's staff and appreciate the strong professional support they have provided me.

Mr. Speaker, it is with pride that I rise to celebrate the Rio Hondo Community College District's 35th anniversary and I ask my colleagues in the House of Representatives to join me in extending our best wishes and congratulations to the college's President Carreon, and the board's members, President Maria Elena Martinez, Vice President David Siegrist, clerk Don L. Jenkins, and members, Dr. Barbara Stone and Alex Morales.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO THE SHERIDAN HIGH SCHOOL BAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to take a moment to pay tribute to a great high school band in my district. The Sheridan High School Band, from Sheridan, IN, recently won the annual class D, Indiana State Band Championship.

All too often, Mr. Speaker, we pay homage to athletic teams, and fail to recognize the other accomplishments to which our young people aspire. Unfortunately, in our culture, sports seems to dominate the fascination of our minds. As many of our young people will learn as they get older, athletics is not everything. Many of them will gain an appreciation for other things as well. Whether its learning and playing an instrument, expanding their knowledge by reading books and other literature, or writing creatively, there are many other positive things our young people can participate in and enjoy for the rest of their lives in addition to athletic competition.

It is in that spirit that I would like this House to recognize the hard work and long hours of practice that the Sheridan High School Band has put in over the years in order to be the best. Mr. Speaker, I ask that you and my other colleagues now join me in saluting the extraordinary efforts of band director Jim Haskell and the Sheridan High School Band by extending to them well-deserved congratulations.

THE 75TH ANNIVERSARY OF THE ASSOCIATION NOTRE DAME DE CAMBRIDGE

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to congratulate the association Notre Dame de Cambridge on the occasion of their 75th anniversary.

The association, also known as the French Club, was founded in 1920 by a group of French-Canadian men of the parish of Notre Dame de Pitie in North Cambridge. They established the club to foster, encourage, and promote unity, benevolence, charity, and sociability among its members.

The French Club was initially a home to French-Canadians who spent their summers working at the New England Brick Co. and their winters in Quebec. Gradually, these members found permanent work and sent for their families, establishing a French-Canadian community in North Cambridge.

Following, the end of World War II, bylaws were amended to allow guest members to join. Association Notre Dame became a place to come together for all. Although it is still affectionately called the French Club, it is truly a melting pot with a combined membership of over 200.

Over the years, this club has been instrumental in promoting community spirit. Through the efforts of members, North Cambridge Little League baseball is now a reality. They also sponsor a Christmas party for children in the community, award annual scholarships, and contribute to a variety of charitable causes, such as the Jimmy Fund.

On the celebration of their diamond jubilee, I would like to commend the Association Notre Dame for their community involvement, and wish them continued success.

TRIBUTE TO SIGMUND SADOWSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. VISCLOSKY. Mr. Speaker, I am proud to rise today to honor Mr. Sigmund Sadowski, of Indiana's 1st Congressional District, who will celebrate his 80th birthday on November 19, 1995.

According to one of his biggest fans—his sister, Ms. Wanda Boris—Sigmund continues to live a full and giving life. When Sigmund was just 26 and married for 1 year, he lost his father. This left his mother to care for six unmarried children, and, at that time, Sigmund took over as the patriarch of the family. Wanda says that Sigmund has always been viewed as a father-figure and a selfless, gentle man.

Beginning his career in retail as a stock boy and a key registrar in the Hammond store, Sigmund dedicated 48 years of service to Goldblatts Department Store. After just 2, short years, he was promoted to manager of the fabric and knitting department of the Gary store. Between 1941 and 1945, he and his wife, Michalene, worked for the Government as civilians for the Navy in Hawaii. After the war, he returned to the region and resumed working for Goldblatts as supervisor of the textile department. In 1960, he was voted boss of the year at Goldblatts. Sigmund was also the first to initiate a program with Roosevelt High School for underprivileged students to work part time at Goldblatts and receive school credit with pay. This is where he stayed until Goldblatts closed in 1980. Since then, Sigmund has remained in the retail business.

Sigmund also found time to give to some area charities. He served on the board of directors for the Goodwill Industries and was a member of the Downtown Gary Merchants Association, the Gary Chamber of Commerce, and the Better Business Bureau. He was also a member of the Knights of Columbus and the Junedale Little League.

Mr. Speaker, Sigmund's wife of 55 years, Michalene, and his two sons, Gregory and Mark, as well as his grandchild, Jefferey, should be very proud of this selfless man. Sigmund has truly made Indiana's First Congressional District a better place to live. I ask you, and my other congressional colleagues, to join me in wishing Sigmund a very happy birthday, with hopes for many more.

REV. DR. CAESAR ARTHUR WALTER CLARK: NOTING MILESTONES IN RELIGIOUS HISTORY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the many accomplishments of the Reverend Doctor Caesar Arthur Walter Clark, pastor of the Good Street Missionary Baptist Church in Dallas, TX.

There are many milestones in our lives by which we can mark the significance of our works. Most are directly influenced by the people with whom we come in contact. Rarely are we privileged to have someone like the Reverend Doctor Caesar A.W. Clark influence our lives so richly and so deeply.

Dr. Clark this year celebrates 65 years in the pulpit. He has led the Good Street Baptist Church congregation for 45 of those years. Those years were enhanced by a wealth of religious, academic, civic, and community service involvement. He has mentored hundreds of younger preachers. He is a much-in-demand evangelist who is constantly called upon to preach the gospel across this Nation and beyond. His ageless wisdom expands the globe.

Twice Dr. Clark has been cited by Ebony Magazine as one of the Nation's 15 greatest black preachers. He is considered the dean of preachers by many pastors, ministers, and laity as well, who marvel continually at the power of his messages and the depth of his theology.

Pastor Clark is a quiet, generous, and warm-spirited person whose keen insight serves to bring sharp focus to many of the perplexing issues of our times. The Louisiana native credits his mother with giving him the tenacity to stay in school and the fortitude to continue in the church through the many difficult early years out of Shreveport.

Born December 15, 1914, Reverend Clark is an only child who began preaching at age 13. Reverend Clark left school prior to graduation to work full time on his family's farm. With his mother's strong determination deeply instilled in him, he returned to school and earned a bachelor's degree from Bishop College, then in Marshall. TX. Along with an honorary degree from Bishop, he has received numerous other earned and honorary degrees.

Dr. Clark's ability as a mediator is without parallel. He brings moderation and even-mindedness to the most hotly contested situations. When he speaks, others really do listen.

Dr. Caesar Clark is indeed one of the Nation's most outstanding religious scholars. His reputation as a theologian when combined with his oratorical abilities make him a continually sought-after speaker and teacher. His keen talent, special skills, and generous nature have caused him to excel at his craft and have taken him many miles from his birthplace in Clarence, a town in Natchitoches Parish, LA.

Reverend Clark's awards and accolades from officials, organizations, and citizen groups large and small fill walls and volumes. He has been cited by communities and elected bodies across America. In his honor, a portion of the street where the Good Street

Church is located has been named Dr. C.A.W. Clark Plaza by the Dallas City Council. He is respected and loved.

Currently, he is president of the Baptist Missionary and Education Convention of Texas. Previously, he has served in many elected and appointed positions with the National Baptist Convention USA, Inc., the 115-year-old organization that is home for more than 8 million African-American Baptists.

Reverend Clark preached his first sermon on the fourth Sunday in April 1928. He was first called to serve as pastor of the Little Union Baptist Church in Shreveport. Today, as shepherd of the Good Street Church, Dr. Clark leads a congregation known for its generosity and service to the community. The more than 2,000-member church operates a variety of programs for young people, families, and the elderly including a 332-unit low-income housing complex, a social service center, and two child care facilities. The church has a credit union with assets of nearly $2 million. Its enthusiastic and longtime support of foreign missions has led the Good Street Church to build a sister Good Street Church in Vrede, South Africa.

Dr. Clark's rich and productive history make him an integral and valuable part of Texas and national religious life. In the days ahead, his value as a leader becomes all the more important to the religious community as it must be capable of meeting the increasing challenges presented by generations of African-Americans who are seeking to revitalize their spiritual resources.

Dr. Clark is a visionary and a quintessential leader whose rare blend of innate biblical knowledge and scholarship makes him well suited for the many challenges that are routine occurrences in our society. Although he has a lengthy list of awards and accomplishments, Dr. Clark is most proud of the young people who have come to Christ because of his inspiration and teaching.

We are pleased that the Reverend Doctor Caesar Arthur Walter Clark resides in Texas's 30th Congressional District. Furthermore, I am proud of his many deeds and milestones as a pastor, an evangelist, a leader, and a citizen. I wholeheartedly offer commendations in recognition of his 65 years as an outstanding preacher and pastor. Today, I join members of the clergy, church members, Dallas citizens, and others to show appreciation and to acknowledge the many contributions and achievements by Dr. Clark, a man well worthy of praise.

HONORING BERNADETTE A. BUDDE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. DAVIS. Mr. Speaker, I rise today to honor Bernadette A. Budde, a woman who is legendary in Washington and across the Nation for her political acuity and her forthright personal style.

Bernadette A. Budde came to BIPAC in 1970 as a research analyst. In 1974, she was promoted to director of political education, and vice president, political education in 1984. She was named vice president in 1993.

She is responsible for the development and implementation of all BIPAC's political analysis programs that guide executives and business owners in effective political participation. These include the organization's conferences, briefings, and publications.

She edits Election In*Sight, a comprehensive monthly report on congressional campaigns, politics, and election regulation. Known as the bible for politically active business managers, Elections In*Sight is BIPAC's flagship production. Ms. Budde also is responsible for editorial direction of other BIPAC publications, including two quarterly newsletters, Politics and Action Report.

Her guidance on political campaigns, election law, and campaign finance is widely sought by congressional candidates and incumbents. She has authored a number of published articles, and speaks frequently to business and educational audiences.

Ms. Budde holds degrees from Marquette University and the University of Maryland.

Mr. Speaker, I know my colleagues join me in honoring Ms. Bernadette A. Budde for all of her accomplishments not only to BIPAC, but to national politics as a whole.

TRIBUTE TO PRIME MINISTER YITZHAK RABIN

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to express my sincere grief over the tragic and unexpected death of Prime Minister Yitzhak Rabin. Mr. Rabin was a great peacemaker, a great leader, and a great man, one who will be remembered for generations to come. To the entire world community, his death is a great loss.

Yesterday, at the funeral ceremony, the President said that Yitzhak Rabin was not only a martyr for peace, but also a victim of hate. Mr. Speaker, in the 1990's this kind of hate has plagued the world with its destruction. We saw it in the refugee camps of death in Rwanda; in the embattled streets of East Timor; and in the mass graves of Bosnia.

Now, on the verge of a lasting peace in the volatile Middle East, we see this hatred in Israel. We see it in the bus bombings and in the gun shots in the Gaza Strip. And most recently we see it in the assassination of Yitzhak Rabin, a man who helped to bring about an agreement between Israel and Palestine on the White House lawn that in years past, people had only seen in their dreams.

It is said that you can kill a man, but not an idea. Mr. Speaker, I challenge those who yearn for a new era of peace and an end to the hatred that fuels conflict throughout this world to join Israel, the Palestine Liberation Organization, the United States, and all other parties to help find a path to peace, so that Mr. Rabin's death will not be in vain.

A TRIBUTE TO PRIME MINISTER YITZHAK RABIN

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FORBES. Mr. Speaker, reflecting on Rabin's life, I realize that he has much in common with the prophets of the Bible. Like Abraham and Moses, Rabin pursued a vision amidst tremendous adversity. Rabin sought to fulfill the dream of establishing a Jewish state, of making his people a nation among the nations. In pursuing this vision, he demonstrated tremendous courage and leadership.

Rabin was the pragmatic general who understood that one cannot rely on diplomacy alone, but must also be prepared to defend oneself. To that end, he built up Israel's Defense Forces and led troops to victory against tremendous odds in Israel's numerous wars. In Israel's war of independence in 1948, Rabin played an integral role by serving as the commander of the Palmach's Harel Brigade and by repelling Egyptian forces from the Negev desert. In the 1967 six day war, as chief of staff of the Israel Defense Forces, Rabin brilliantly commanded Israel's defense forces in taking the West Bank, the Gaza Strip, and the Golan Heights. As Prime Minister in 1976, Rabin authorized the legendary Entebbe military operation, in which Israel rescued 103 airline passengers held hostage by the PLO.

Rabin's chief concern was always the security of the state of Israel. As Ambassador to the United States from 1968 to 1972, Rabin strengthened relations between the United States and Israel, persuading the United States to supply Israel with arms essential to its survival. As Defense Minister from 1984 to 1990, Rabin continued to strengthen Israel's military establishment. Rabin's focus on security is also apparent in his joint service as both Prime Minister and Minister of Defense from 1992 until his assassination.

Rabin was not just a superb strategist and war hero, but also a peacemaker. Although he witnessed thousands of soldiers die in the six day war and possessed a profound understanding of the strategic importance of the territories, Rabin pursued the dream of peace by signing an interim peace agreement with the Palestinians. In pursuing peace, Rabin hoped that Israel would become a normal state, a state no longer at war with its neighbors and a state that would no longer have to constantly sacrifice its young men to wars.

Rabin's leadership on the battlefield and at the peace table provides great lessons to us all. Unlike so many of our political leaders of our time, Rabin did not consult the polls to determine his policies. Instead, he followed a bold vision and refused to allow extremists to prevent him from realizing his vision of peace. No matter how low his public approval ratings were and no matter how many funerals he attended of Israeli victims of suicide bombings, Rabin remained steadfast in his commitment to implementing the Oslo agreement. Rabin was willing to make the ultimate sacrifice for peace and was justly rewarded for doing so when he was awarded the Nobel Peace Prize.

The legacy of Rabin's life is tremendous. Nearly 100 years after the First Zionist Congress, convened in Switzerland in 1897, Rabin brought his country closer than ever before to peace with its neighbors. Those who came to pay their respects yesterday were a testament to the tremendous changes he brought about in the region. The attendance of 40 world leaders, including Jordan's King Hussein and Egypt's Hosni Mubarak, demonstrates the respect he instilled in so many people for his leadership, including his former enemies.

The assassination demonstrates that the peace process is a fragile process and therefore, the United States must remain unequivocally committed to our close ally Israel.

Rabin served Israel as both a warrior and a peacemaker, continually pursuing the dream of political normalcy for Israel. May his memory be a blessing to us all and may we learn from his extraordinary example of leadership, vision, and courage. Our thoughts and prayers are with his wife Leah, his loving family, and all the people of Israel during this sad and difficult time.

TRIBUTE TO TAMARAC VICE MAYOR IRVING KATZ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. HASTINGS of Florida. Mr. Speaker, today I'd like to pay tribute to Irving Katz, a dedicated community leader in Tamarac, FL. Irving lead a life filled with community involvement which was exemplified by his service as vice mayor until he passed away earlier this month of leukemia. Yet, despite his illness, Irving stayed very active, working up to 2 days before his death.

Indeed, Irving loved city government and spent years trying to develop his community. And develop it he did. A retired building contractor, Irving spent years advocating on behalf of economic development projects that would revitalize the community. When the Tamarac Commerce Park project came to fruition this year, Irv's hard work, expertise in construction, planning, and community development were recognized, and, more importantly, appreciated.

Not only was Irv a builder of community centers, but he was also a builder of community. Each year, Irv could be found walking for the March-of-Dimes and participation in Tamarac Elementary School events. Irv gave back to his community and for this we are grateful. He was also a loyal friend to me for many, many years. Irv, you will be missed.

THE 100TH ANNIVERSARY OF CALVARY BAPTIST CHURCH RED BANK, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. PALLONE. Mr. Speaker, this week marks a very special occasion for all of the people of the Calvary Baptist Church in Red Bank, NJ. For the week beginning on November 6, and culminating next Sunday, November 12, the church will mark its 100th anniversary. On Saturday, November 11, an anniversary banquet at Lane Hall at Fort Monmouth will be held to commemorate this joyous occasion.

Mr. Speaker, throughout its long and illustrious history, Calvary Baptist Church has been an important institution—not only for its members, but for the entire community. The church has played a central role in both the spiritual and secular lives of its members. While many changes have confronted the church, the Red Bank community, and indeed, our entire society over the past century, the church has stood as an anchor of stability, strength, hope, and sustenance for its members.

Mr. Speaker, on this occasion, it gives me great pride to offer my congratulations to Rev. Dr. Dwight Crist Northington, pastor, John C. Dixon, Jr., and Donald Cameron, cochairpersons of the board of trustees, Ann Byron, church clerk and publicity cochairperson, and Peggy Allgood, publicity cochairperson, and all of the members of Calvary Baptist Church as they celebrate the 100th anniversary of the Calvary Baptist Church.

WINNING THE COLD WAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. SOLOMON. Mr. Speaker, the revisionist drumbeat has been deafening lately, this time in an attempt to belittle the accomplishment of President Ronald Reagan in winning the cold war through his policy of peace through strength.

We are being told that the Soviet Union fed us tainted information, causing us to overspend wildly on defense. The best response to this disinformation campaign came in today's Washington Times editorial, which points out that it is dubious, at best, that the former Soviet Union would want us to overspend on the defense buildup which contributed to winning the cold war.

Mr. Speaker, I suspect that this entire campaign is inspired by those who want to unilaterally disarm this country and transfer Pentagon funds to their favorite social programs. Beyond that, I will be glad to let the times editorial speak for itself, and proudly place it in today's RECORD.

[From the Washington Times, Nov. 7, 1995]

FIGHTING THE COLD WAR (WITH SOME SUCCESS)

"[T]he tainted reports tended to overstate Soviet military and economic strength, perhaps to deter America from confrontation, perhaps to encourage excessive defense spending."—New York Times editorial, Nov. 2, 1995.

"Just as Ronald Reagan undertook (with some success) to challenge the Soviets to a bankrupting economic and technological competition, did the Kremlin then try to make Americans waste their assets and energies too?")—Washington Post editorial, Nov. 3, 1995.

Well, now we know. The revitalization of national defense during the Reagan presidency, which led directly to victory in the Cold War and contributed to the collapse of the Soviet Union's Evil Empire, not only was a waste of money. But it was a commie plot, too.

The New York Times vigorously opposed both the Strategic Defense Initiative (SDI) and President Reagan's indomitable determination to rebuild U.S. national defenses in order to avoid negotiating strategic and conventional arms reductions from a position of weakness. History has confirmed the wisdom of Mr. Reagan's policies. But with the perfect vision of hindsight, the Times wants to nitpick about a fighter program here or a radar system, there, even as defense spending is plunging toward 2.9 percent of gross domestic product (GDP) by 2000.

Considering that the Soviets were keenly aware (even if the CIA wasn't) of their growing economic weakness relative to the economically reinvigorated United States, their double agents might understandably have sought to deter confrontation by providing tainted information. After all, not only was the Soviet economy on the verge of collapsing under the unsustainable weight of peacetime military spending approaching 25 percent of GDP. But the entire world witnessed the indisputable inferiority of Soviet conventional arms (fighter aircraft, surface-to-air missiles and tanks) during the 1982 Middle East war as the U.S.-equipped Israeli air force destroyed the Soviet-supplied Syrian forces.

What's harder to make sense of is the notion that the gremlins of the Kremlin were providing tainted information "to encourage excessive defense spending" or to "try to make Americans waste their assets and energies"? The Times argues that these Soviet-supplied tainted assessments, which the CIA forwarded to U.S. policymakers, "may have contributed to billions in misdirected [defense] spending."

But which weapons systems, exactly, was the Kremlin seeking to promote? Why on earth would Moscow want us to develop a new generation of stealth aircraft, from the strategic B–2 bomber to the Air Force's F–22 fighter or the Navy's carrier-deployed (since canceled) A–12 bomber? Stealth cruise missiles? Indeed, as the F–117A stealth fighter-bomber demonstrated over Baghdad in 1991, stealth technology essentially rendered worthless the massive surface-to-air-missile defense systems that the Soviets had invested hundreds of billions of dollars to deploy. Yet the Times complained about this year's outlay for the F–22, and The Post reported about possibly unnecessary expenditures for aircraft radar systems. The Soviets tricked us into buying weapons that would exploit their vulnerabilities? Very clever.

Despite the incessant catcalling of his opponents—including Bill Clinton's Oxford roommate and deputy secretary of state, Strobe Talbott—Mr. Reagan relentlessly pursued his "peace through strength" policy, eventually proving all the naysayers wrong. Take another look, for example, at Mr. Talbott's then widely acclaimed 1984 book, "Deadly Gambits," which attacked Mr. Reagan's strategy on intermediate nuclear forces. In 1987, no less a personage than Mikhail Gorbachev completely vindicated Mr. Reagan's policies by agreeing to eliminate the SS–20 missiles—the so-called "zero option" that Mr. Talbott derided.

Forced to acknowledge that Mr. Reagan met the Soviet challenge—note the begrudging parentheses "(with some success)"—The

Post and other revisionists still insist on portraying his brilliant defense buildup strategy as extreme, overblown and partly unnecessary. Here's some unsolicited advice for them: Ronald Reagan won the Cold War. Deal with it. Get over it. Get on with life.

IN SUPPORT OF SELLING A CONGRESSIONAL HOUSE OFFICE BUILDING

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, in January, the House Republican Conference passed a resolution calling for:

> The sale of a congressional building to the private sector as a clear statement to the American people of our commitment to shrink the size of the Federal Government.

In order to meet that commitment, a task force of interested Members was created in order to develop a proposal that would allow the Republican Conference to meet its commitment to "sell a congressional building."

As a member of that task force, I am here to voice my support of the plan to sell 501 1st Street, SE, in order to fulfill the House Republican Conference resolution. According to the Architect of the Capitol, it is my understanding that this property could bring an estimated sale price of over $2 million. I can't think of a better way to show the American people Congress' intention to shrink the size of the Federal Government than by divesting itself of this property.

Upon the sale of 501 1st Street, the task force proposes the relocation of the Architect of the Capitol engineering and related support activities to the Ford House Office Building and the transfer of the House Child Care Center also to the Ford House Office Building.

Considering that Congress abolished three standing committees, a quarter of all committee staff, and eliminated all the legislative service organizations, the Architect's office estimates that there is enough room available in Ford for the Architect's employees and the House Child Care Center.

Mr. Speaker, the sale of 501 1st Street would prove to the American people that the new majority in Congress is committed to shrinking the size of the Federal Government by downsizing itself and using that space that it owns more efficiently. I urge my colleagues to support the task force's plan to sell 501 1st Street, SE, and keep our promise to the American people.

THIRD ANNUAL CALIFORNIA AVOCADO DAY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of California Avocado Day and wish to share the significance of this special event with my colleagues. As some of you may know, November 7 marks the most important day of the year for avocado growers—California Avocado Day.

For the third consecutive year, California Grower magazine has organized a full day of events devoted to the California avocado industry. The events will feature important panels and presentations, the California Avocado Commission's annual meeting, as well as the industry's largest trade show. "The Road Ahead" is this year's theme for California Avocado Day. In light of the recent events in the avocado industry, I believe the theme to be quite fitting. It is obvious that the avocado industry is at a crossroads, and the future for avocado growers is uncertain.

I am honored that today's ceremonies are taking place within my district at the Escondido Center for the Arts. Two months ago, the U.S. Department of Agriculture [USDA] Animal Plant Health Inspection Service [APHIS] held hearings at the same site to discuss the proposed rule to modify the 81-year-old quarantine on the importation of fresh Mexican Hass avocados. I joined with the thousands of members of the avocado industry to voice my concerns to any change in the United States policy with regard to Mexican Hass avocados that is not based on sound science.

It is apparent that certain species of fruit flies and seed weevils are known to attack and destroy avocados. For years, Mexican avocado growers have been unable to eradicate pests from their crops despite the use of chemical methods unavailable in the United States. With the 1994 avocado harvest in excess of 550 million pounds, I believe the proposal to allow Mexican Hass avocados into the United States would put the crop at risk. In fact, these insects could very well devastate U.S. avocado production, altogether.

Mexico is currently requesting access to United States markets for fresh Hass avocados based on conclusions from a research study and pest survey data. However, I believe that the scientific data submitted by Mexico to support its request is weak, lacking integrity, and does not justify any change to the current quarantine policy. I am also concerned with the conclusions of the risk analysis performed by APHIS. The USDA must rely on a sufficient amount of credible, hard data before a change is to be made. Never before has the USDA been responsible in designing a system of this type or scale. Therefore, before such an undertaking is to occur, I believe that the science must be sound; the model used to estimate insect outbreak must be as accurate as possible; control mechanisms must be in place; and adequate resources must be available to allow for proper monitoring of the complex system.

The USDA's proposed changes would allow for the importation of avocados into the 19 designated States in Northeastern United States. As one might guess, transshipment of the avocados is inevitable. However, I am not confident that APHIS has established a reliable control system to prevent the transport of avocados into States vulnerable to pest infestation, such as Florida and California. It is quite likely that the United States and Mexico avocados will come into contact with one another. If the pests are present in the Mexican avocados, you can be sure that the United States avocados will be susceptible to infestation. Therefore, I believe this poses a great threat to U.S. crop. The United States should deny, or at least postpone, the importation of Hass avocados until we are convinced that no threat is apparent. This issue is of critical importance to the future of our country's avocado crop.

Again, I wish to congratulate the industry for joining me in sending a clear message to the Department of Agriculture regarding their views on the proposed rule. An overwhelming 1,800 public comments were filed, with a majority of the comments in opposition to the proposed rule. Surely, the sentiments of such a united front cannot be ignored. I agree with the members of the avocado industry who are demanding that the avocado industry not be put in jeopardy as a result of such a dramatic policy change. The avocado growers' request that credible and sound science be employed with the decisionmaking process should be granted.

SALUTE TO GUAM'S VETERANS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. UNDERWOOD. Mr. Speaker, on November 11, our Nation will observe Veterans Day, a day dedicated in honor of the people who have, in times of war and peace, willingly and unselfishly offered their services to the American people. We, on Guam, appreciate the important contributions of our veterans. We recognize the sacrifices they have made in order to preserve for us the blessings of liberty.

In the same respect, we also commend the importance of veterans and their personal commitment to our communities. Most veterans return to their hometowns to actively participate in community affairs. On Guam, their unsolicited contributions have made the island a better place to live in. By virtue of their outstanding achievements and numerous contributions, they serve as effective role models to all members of the community, especially the young people. They are vital forces of development and growth.

In recognition of this, island leaders have made it a point to acknowledge the contributions of Guam's distinguished veterans. Village mayors and veterans organizations all over the island submit names on an annual basis to be included in an elite list of the top veterans of the island.

This year the village mayors have each selected the following people as their awardees: Vicente Tuncap of Agana, Jose P. Javier of Agana Heights, Carmen J. Balajadia of Agat, Fidel L.G. Jesus of Asan-Maina, Joseph L. Aguon of Barrigada, Nicolas F. Borja of Chalan Pago-Ordot, Juan P. San Nicolas of Dededo, Joaquin L. Paulino of Inarajan, Manuel U. Fejeran of Mangilao, Richard Barcinas of Merizo, Alfred M. Cruz of Mongmong-Toto-Maite, Roque M. Mendiola of Piti, Joseph B. Chargualaf of Santa Rita, Joseph C. Gogo of Sinajana, Antonio T. Pablo of Talofofo, Felix E. Edelo of Tamuning-Tumon, Francisco Q. Sanchez of Umatac, William A. Burger of Yigo, and Jose Mabayag of Yona.

The island's veteran's organizations also included to the list the following names: Clyde Blackie Barnes of the American Legion Post 53, Jesus M. Camacho of the Army Retirees Association, Juan M. Taijito of the Chamorro Military Society, Antonio Deligreen of the Fleet Reserve Association Branch 73, Juan C. Wusstig of the Guam Combat Patrol, Adrian C. Sanchez of the Guam Navy Club, Alejandro B. Toves of the Korean War Veterans, Vicente (Ben) Gumataotao of the National Association for Uniformed Services, Alfredo Somera of the Philippine Scouts Association, Don Kimmel of the V.F.W. Hafa Adai Post 1509, Cris N. Quintanilla of the V.F.W. Ga'an Memorial Post 2917, Jesus H. Aguon of the Vietnam Veterans of America Guam Chapter No. 668, Antonio Peredo of the Wake Island Defenders, Celestin Babauta of the Air Force Retirees Association, Jose S. Reyes of the Guam Civilian Scouts, and Peter C. Siguenza of the Third Marine Division Association.

On this year's Veterans Day commemoration, I would like to once again commend all the men and women who have truly been instrumental to the great success of this Nation. On behalf of the people of Guam, I offer all of our Nation's veterans my sincerest thanks and appreciation for their contributions and sacrifices.

A special commendation is also in order for the top veterans of Guam for the year 1995. They have truly distinguished themselves as vital contributors to the growth of the island. I commend and congratulate this year's selectees for all their accomplishments and contributions to the community.

HONORING PRIME MINISTER YITZHAK RABIN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the late Prime Minister of Israel, Yitzhak Rabin. Of the many tributes paid him, during the memorial service at Congregation Olam Tikvah of Fairfax, VA, on November 6, 1995, in my opinion Rabbi Melvin J. Glazer's was most poignant and moving.

Mr. Speaker, I believe that my colleagues will appreciate hearing the words of Rabbi Glazer, and I am pleased to have Rabbi Glazer's tribute to Prime Minister Rabin entered into the RECORD.

STATEMENT BY RABBI MELVIN J. GLAZER

YITZHAK RABIN, MEMORIAL SERVICE, OLAM TIKVAH NOV. 6, 1995

This morning on the radio, one of those who visited the Israel Embassy to pay his respects to Prime Minister Rabin, was asked the question, "why are you here?" to which he answered, with tears in his eyes and a lump in his throat, "because I care." And that is why we are here as well, because we care. We care about the State of Israel, and we care about the peace process. We care about a human life being snuffed out like a candle, and we care about a grieving wife and a family who have lost their husband, their father, their grandfather. We care about an entire nation of men and women who have lost their leader, their guide, their beacon.

Yitzhak Rabin was not killed by one man, even though only one man pulled the trigger. Yitzhak Rabin was killed by a group of fundamentalist Jews who simply could not accept the reality of the new world in which they lived. A little less than 2 weeks ago, Yitzhak Rabin was protrayed as a Nazi; several months ago a group of Orthodox rabbis said it was God's will not to obey the orders of Israel's military if you did not agree with them. In this week's issue of the Jerusalem Report, there is an article which tells of a Kabbalistic curse placed on the Prime Minister. He was cursed with "pulsa denura," lashes of fire, for his heretical policies. And so, say these mystics, he must die. As the Aramaic text stated, "we have permission to demand from the angels of destruction that they take a sword to this wicked man, to kill him, for handing over the Land of Israel to our enemies, the sons of Ishmael." This curse was issued on Yom Kippur, Oct. 4, and it was to take place with 30 days. Mr. Rabin was killed Nov. 4.

The stage had been ably set for the tragedy that was soon to become a reality. Violence, physical violence, was talked about openly, even encouraged, and the Prime Minister of the State of Israel was shot and killed.

How do we make sense out of this act which makes no sense at all? How could it happen? Our Tradition says plainly, Thou Shall Not Murder. Our Tradition says plainly, "Love thy neighbor as thyself." Our Tradition says plainly, "these and these are the words of the living God. "But not everyone hears these words the same way. There are those who arrogate to themselves the truth, those who believe that theirs is the only way, the only interpretation, the only truth. There are those who forget that GOD is the only truth, and when we take on that role, life, all of life, is in jeopardy. Jewish fundamentalists, especially those who live in the State of Israel and who do not serve in the Israeli army or pay taxes to the state of Israel but who insist on proclaiming that the Messiah will come only when Israel gives in to their demands, perhaps should not be allowed to remain in the state of Israel. If these right-wing fanatics were non-Jews, we would rightfully, call them anti-Semites and demand they be banished.

Those Jews who kill, they are not our people, and they deserve none of our respect, only our contempt. I believe they should be expelled from decent society, they have no place among humanity. First we had Baruch Goldstein killing Moslems at prayer and now we have Yigal Amir killing our Prime Minister at a peace rally, both of them taking life into their own hands. Why should they and their supporters be allowed to remain? We do not need our own Jewish Hamas, they are a shame and a disgrace to every decent Jew and non-Jew on the face of this earth. And even worse, they are shame and a disgrace to God, who surely cries at their narcissism even as he deplores their violence. Yitzhak Rabin stood for peace, they stand for taking human life. Yitzhak Rabin preached reconciliation, they take the law into their own hands. Yitzhak Rabin reached out his hand to his and our former enemies, they would live in a world of hatred forever. These are not our people, my friends. These Jews are to be rejected and expelled and shamed by the rest of us. We must not let ourselves ever become like them, otherwise they will win, and we can never, ever let that happen.

That is why the peace process will go on. Rabin was a warrior for peace, and now there will be others who will take his place. But he was the first. He was the man who liberated the Kotel, the Western Wall of the Temple in 1967, and he is the man who shook Arafat's hand and began the search for peace in earnest. He will be remembered not as a martyr, but as a peacemaker, as a head of state, as a loving husband, a caring father and a doting grandfather.

One or two concluding thoughts. I remember where I was the day President Kennedy was shot, as I suspect you do as well. I look back upon the past 32 years since that terrible day, and I see here in the United States the steady rise of violence, political, racial and marital. Kennedy's assassination made the unthinkable suddenly thinkable. I am sacred, no, I am terrified that that same tolerance and acceptance for violence will now come to the Jewish state as it came to America. If anything could possibly be worse than the death of Yitzhak Rabin, that would be it. I pray that sanity will prevail, that Israelis will stop and reflect, and let Yitzhak Rabin the peacemaker be their teacher in death even as he was in life. He stood for peace, we can do no less.

Finally, I am touched by so many expressions of mourning and sympathy shown the Jewish people and the State of Israel from around the world. In Israel itself, more than 1 million people came to the Knesset in Jerusalem to say goodbye to their leader. That is ⅕ the population of the entire nation. I see them, and I am proud. I see them and I am hopeful. Perhaps there is hope. Perhaps the good people of Israel will yet rise up to support the hard choices of peace rather than the easy way of killing and death. Perhaps we will yet see peace in our lifetime between the children of Israel and the children of Ishmael. If so, and I pray for that peace daily, as I am sure you do, then once again God's Chosen People will have been a light unto the nations, showing the world that hatred need not last forever, that peace is the handiwork of God and the gift to our children and their children after them. What a fitting memorial that would be for our beloved Yitzhak Rabin, to know that his efforts brought the world closer to God's gift of shalom. I pray that it come to pass soon.

TRIBUTE TO LOUISE PEREZ

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. MATSUI. Mr. Speaker, I rise to give recognition to an individual that has demonstrated strong commitment to the improvement of education in California. In December, Ms. Louise Perez will be completing a year as president of the California School Boards Association [CSBA], after several years in leadership positions with that organization. She is the first Hispanic woman to serve as the CSBA president. I know that through her work with CSBA, Ms. Perez has had a very positive impact on California's education system.

In addition to this statewide leadership role, Ms. Perez has been a trustee of the Sacramento City Unified School District since 1982. She is also the executive director of Sacramento's Community Resource Project, Inc., a nonprofit organization involved in housing and education issues. Previously, she worked as a program developer for the California Department of Aging and as a work experience coordinator for the Washington Unified School District in Yolo County, CA. She has also served on the State House Conference on Aging and the State House Conference on Children and Youth.

Although these professional roles represent a very significant contribution to the community, Ms. Perez has not been satisfied with this work alone. She has taken on a variety of other community service projects including involvement with the Education Committee of the Cal-Neva Community Action Association, the Private Industry Council, the Sacramento County Affirmative Action Committee, the Junior Women's League, the Child Abuse Task Force of Sacramento County, the Mayor's Committee on Hispanic Affairs, and the Mayor's Committee on Child Care.

Ms. Perez' achievements have been recognized by a variety of organizations. She has been honored as the Sacramento YWCA's Woman of the Year and Mujer Inc.'s Hispanic Woman of the Year. She has also received the Outstanding Contribution in the Field of Education Award from the California Department of Justice, the Community Service Award from the Hispanic Chamber of Commerce, and the Outstanding Contribution to Head Start from Sacramento Employment and Training.

As we approach the 21st century, California and the Nation face serious challenges in the area of education. The dedication of individuals like Louise Perez will be absolutely essential if we are to achieve our goals in this area, which is so vital to our future well-being. In her role as CSBA president, she has called on all of us to recommit ourselves and take responsibility for the education of all of our Nation's children. I thank Ms. Perez for her efforts in delivering this vitally important message and deeply hope that her call will be answered.

COL. DAVID A. NAPOLIELLO, HONORABLE SOLDIER AND PUBLIC SERVANT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, today, I rise to pay tribute to a fellow Vietnam War veteran and a dedicated member of the U.S. Army upon his retirement after more than 27 years of dedicated service to his country. Colonel Napoliello is most deserving of our tribute. His career accomplishments reflect the type of military leader this Nation has depended upon for over 20 years in both war and peace. I would like to take a few minutes to highlight Dave's career milestones.

After graduating as a distinguished military graduate from the University of Nebraska with a bachelor of science degree in business administration and the field artillery officer basic course in 1968, Colonel Napoliello served with a 175/8″ battery in Vietnam. Upon completion of his tour of duty in Vietnam, he was assigned to Germany where he commanded a sergeant missile battery.

Upon his return to the United States, he was assigned as an assistant professor of military science at Creighton University and then served with the U.N. Truce Commission on the Golan Heights and in the Sinai.

In 1979, he was assigned to Fort Lewis, Washington and served as operations officer and executive officer for a 155/8″ artillery battalion and subsequently as division artillery executive officer. After a tour at the Pentagon with the Department of the Army, he commanded a 155/8″ artillery battalion at Fort Ord, CA.

In recent years he has served as director of resource management at the U.S. Army Quartermaster School, special assistant to the commanding general, Training and Doctrine Command, and as the first project manager for the Army's Advanced Field Artillery System at Picatinny Arsenal, which resides in New Jersey's 11th Congressional District. For the past 20 months he has served as the senior military assistant to the Under Secretary of Defense (Comptroller).

Colonel Napoliello holds a masters of business degree from the University of Utah and a master of arts in international relations. Additionally, he is a graduate of the Army Command and Staff College, the Armed Forces Staff College, the Army War College, and the Naval War College.

He has received, the Defense Superior Service Medal, two awards of the Legion of Merit, five Meritorious Service Medals, five awards of the Air Medal, the Army Commendation Medal, the Army Achievement Medal, the U.N. Observer Medal, the Army and Department of Defense Staff Identification Badges, and the Air Crewman's Badge.

Colonel Napoliello is married to the former Sharon Holmquist and they have two children.

Mr. Speaker, it is a great honor for me to present the distinguished personal and professional credentials of Col. David A. Napoliello before the Congress today. It is clear, through his stated accomplishments for his country, that he has been a man who daily dedicates himself to the peace and freedom we enjoy as a Nation. All his actions reflect a true leader with a clear sense of purpose, conviction, and conscience of service to his country. We wish him continued success in all his future endeavors.

NEW MEXICO'S ATOMIC MUSEUMS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. RICHARDSON. Mr. Speaker, as our great Nation celebrates the 50th anniversary of the end of World War II, many of our citizens are visiting my home State of New Mexico, the birthplace of the atomic weapons which made the war's ending possible.

It was in 1942 when scientists first arrived in Los Alamos, NM, to work on a super secret program called the Manhattan project. The few inhabitants of this remote mesa were relocated and by 1945 some 7,000 scientists, engineers, construction workers, and their families lived in Los Alamos and worked on a project no one could talk about.

Today, of course, many are talking about the atomic bomb developed at Los Alamos, the first test at the Trinity site in southern New Mexico, and of course the two bombs dropped at Hiroshima and Nagasaki.

While we in New Mexico couldn't say much about the project 50 years ago, we are doing plenty of talking today. There are several museums devoted to our State's atomic role and all worth a visit. In Los Alamos, the Bradbury Science Museum has interactive exhibits, photographs, models, and a film called, "The Town That Never Was." The Los Alamos Historical Museum has geological and anthropological exhibitions and re-creations of wartime life in Los Alamos. The National Atomic Museum at Kirtland Air Force Base in Albuquerque is also a must-see for those interested in understanding our Nation's atomic history and New Mexico's proud role.

The incredible story of the development of atomic energy is also the story of incredible people. These wonderful museums are not only a legacy to the defense of our Nation, but a fitting tribute to the endeavors of thousands of New Mexicans united in common cause over 50 years.

I urge my colleagues to join me in recognizing New Mexico's contribution to the atomic age, praising our outstanding museums which have recorded our achievements, and saluting the thousands of men and women who played a critical role in the development of atomic energy.

ARMENIAN PRESIDENT TER-PETROSIAN WORKS TO BUILD DEMOCRACY, STABILITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. PALLONE. Mr. Speaker, on October 25, 1995, the Armenian Assembly of America presented a tribute in honor of Levon Ter-Petrosian, President of the Republic of Armenia. Along with distinguished colleagues from both houses of Congress and both parties, representatives of the administration and the diplomatic corps, and hundreds of Armenian-Americans, I had the great honor of welcoming the Armenian President on his visit to our Nation's capital.

As the founder and, along with the gentleman from Illinois [Mr. PORTER], Co-Chairman of the Congressional Caucus on Armenian Issues, I consider United States-Armenia relations to be one of our key foreign policy objectives. The Armenian people, having survived the genocide perpetrated against them by the Ottoman Turkish Empire, and seven decades of Soviet-oppression, have struggled valiantly to rebuild their country as a democracy while establishing good relations with the world community. It has not always been easy, given the blockades imposed upon Armenia by her neighbors Turkey and Azerbaijan. But with the strong support of the United States and the solidarity of the Armenian-American community, I believe that this very young country—yet very ancient nation—will prevail.

Mr. Speaker, the following is the text of President Ter-Petrosian's speech from October 25. I urge my colleagues to read this statement to gain a greater insight into the challenges facing the people of Armenia and the prospects for the entire Caucasus region.

STATEMENT OF ARMENIAN PRESIDENT LEVON TER-PETROSIAN

Dear compatriots, your eminencies, senators, members of the House of Representatives, representatives from the Clinton administration, ambassadors—I hope I have this in correct protocol order. In this hall there are so many members of Congress, I suppose we could hold a session of Congress and resolve all of our differences right here.

In the speeches given here today, Armenia was presented in such a wonderful way that I have very little left to say myself. In any case the people who are here in this hall have been with us from day one; they have participated in the building of the country, and they are very well informed about the goings on in Armenia. For that reason, I am not going to speak about Armenia's problems and Armenia's economic situation. Instead, I am going to speak about our principles and about the ideology of our state.

You consider the elections that took place this summer to be a new step toward democracy in our country. I agree. But, it must be noted that there has been a more important development. With the election of July 5, Armenia got rid of Communism once and for all. The Communists now have only seven seats in Parliament. This is not the case in any other former Soviet republic, or even in any other former socialist republic. Communism is buried once and for all in Armenia.

This means that Armenia has selected its path in a very clear manner. That path is democracy and the free-market system. This is our state ideology today, and we are going to follow this path until the end. I cannot promise that, during the time of my administration, we will succeed in creating a complete democracy and a complete free-market economy—I cannot promise this, and I do not promise this. But I do promise that our administration will do everything in its power to make democracy and the free market irrevocable. This is the issue we face, and in this matter, we cannot take steps backward—we will not waver. We will continue until the end.

The next important principle of our ideology is the matter of national security. Here, too,we are not trying to implement some sort of a very complicated philosophy. Rather, we see resolution of this as a very simple issue. We find that no security system and no superpower—be it the United States or Russia—can guarantee our security.

We believe that the key to our national security is our friendship with our neighbors. Armenia does not want to have any enemies. Nor does Armenia consider any country to be its enemy—not even Azerbaijan. We do not consider Azerbaijan to be our enemy. Azerbaijan is a country with which we have serious political problems. And we must resolve the problems. We must resolve our political problems with Azerbaijan—not be deepening enmity—but through peaceful negotiations as a serious political process. And that resolution must guarantee the dignified and secure existence of Nagorno Karbagh.

Even though Armenia is starting to stand up on its feet in an economic sense today—and that is thanks, not only to our efforts in the area of the economy, but also to the efforts and assistance of the international community, and especially the United States of America—but, nonetheless, we are still in a very difficult economic situation. We have complex issues in the area of energy. We are hopeful that this winter will be less severe than last winter. We are better prepared for the winter than we were last year and in years past. Soon our atomic energy plant will also be supplying electricity, certainly by winter.

But, I believe that there is a more important precondition than energy for Armenia's economic future. That is the means of communication between Armenia and the outside world. This is more important, in economic terms, than all other issues. Until we are able to have open access to the outside world through all our neighbors—Azerbaijan, Iran, Turkey and Georgia—we cannot have a normal economy. Our economic destiny depends on two things: the pace of economic reforms in Armenia, and how fast Armenia can become integrated into the international economic system. This is the issue that we must resolve together with you.

I want to express my deep gratitude to all of you for the great efforts which you have made on behalf of Armenia—efforts which are already showing fruition. And through the people who are gathered here, I consider it my duty to express my gratitude to the people and the government of the United States of America. The aid that the United States has given to Armenia over the past four years has been vital to Armenia.

I have several aspects in mind: first, the great humanitarian assistance that has been given to Armenia; second, the role of the United States in the huge assistance that the International Monetary Fund and the World Bank have given Armenia starting last year; and, third, the great role that the United States has played in maintaining peace and stability in our region, and in developing a political resolution to the issue of Nagorno Karabagh. This is such an important contribution toward putting our country on its feet, that we can consider the United States to be a participant in the establishment of Armenian statehood.

A few moments ago, Senator McConnell pointed out that aid to Armenia not only emanates from the interests of Armenia, but also from the interests of the United States. This is true. It is true because Armenia has the opportunity—of course, with your help—to become a model—a model in terms of democracy, a model in terms of the free market, and this is the realization of the faith of the United States.

In conclusion, I want to express my deep gratitude to each and everyone of you. First, from day one, you have stood by our government unconditionally, and I hope that we have not let you down. I am sure that, hereafter in the same manner, you will show the same faith and the same unconditional spirit in standing by us—both in our difficult days and in our bright future, which I am sure is going to come.

I also want to emphasize the role of the Armenian Assembly—headed by my friend, Hirair Hovnanian—in these years of our independence. This is an opportunity to say that you are the organization which has proven that it is possible—without political ambitions—to help Armenia in a much greater way than otherwise. And I think this should be a model for the diaspora.

In conclusion, I want to put aside this official mask for a moment—I am a human being, after all—and say a few words of appreciation to a man who, as a friend in our most difficult times—in our coldest and darkest days—was with us, and was also a key person in creating close relations between Armenia and America. That was Harry Gilmore. Ambassador Gilmore set such a serious foundation for relations between our countries that, on the base of this foundation, Amb. Tomsen, who is now in Yerevan, is continuing.

I also want to express special thanks to the man who worked the hardest and suffered most this evening, Amb. Edward Djerejian.

I feel an obligation to say that the honor you are giving me this evening is your way of expressing your debt of honor to our heroic people's patience and stamina. I would like to see us all, together, keep the honor of our people high.

Thank you.

RECOGNITION OF AMSA ON THE OCCASION OF ITS 25TH ANNIVERSARY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. SHUSTER. Mr. Speaker, on behalf of myself and JIM OBERSTAR, the ranking Democrat of the Transportation and Infrastructure Committee, I wish to take this opportunity to congratulate the Association of Metropolitan Sewerage Agencies [AMSA] on the occasion of its 25th anniversary. AMSA is the only national trade association exclusively representing the unique interests of our country's largest wastewater treatment agencies. As the first line of defense in our national campaign against water pollution, AMSA members are responsible for the high degree of water quality that we now enjoy in the United States.

The emergence of AMSA as a nationally recognized leader in environmental policy and a sought-after technical resource on water quality and ecosystem protection issues has paralleled the maturation of the Nation's most successful environmental law—the Clean Water Act. AMSA was established in 1970 by representatives of 22 municipal sewage agencies to secure Federal funding for municipal wastewater treatment and serve as a forum to discuss emerging national interest in improving the quality of the Nation's waters. Based upon the shared goal of effectively representing the interests and priorities of publicly owned treatment works, they formed AMSA.

In the quarter century that followed, the association grew and its interests diversified. Today, AMSA is a dynamic national organization involved in all facets of water quality protection and representing over 160 municipalities. Viewed as a key stakeholder in both the legislative and regulatory arenas, AMSA has built credible and collaborative relationships with Members of Congress, Presidential administrations and the Environmental Protection Agency. Recent years have reflected heightened involvement for the association in a broadening array of environmental laws and regulations, including the gamut of ecosystem issues encompassed under the umbrella of watershed management, among them nonpoint source pollution control and the protection of air quality and endangered species. As chairman of the Transportation and Infrastructure Committee, I am in a good position to observe that AMSA has met the goal of its founders and continues to pursue every opportunity to develop and implement scientifically based, technically sound and cost-effective environmental programs.

AMSA's active membership, prominence as a nationally recognized leader in environmental policy, and a close working relationship with Congress and EPA, will undoubtedly allow it to help shape the course of environmental protection into the next century.

POPCORN RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. LATHAM. Mr. Speaker, today I am introducing the Popcorn Research, Promotion, and Consumer Information Act which will allow the U.S. Department of Agriculture to issue an order establishing a popcorn checkoff program. This would be similar to other agricultural checkoff programs for dairy, beef, pork, eggs, potatoes, and soybeans, to name only a few.

Americans consume 17.3 billion quarts of popcorn annually, or 68 quarts per man, woman, and child. It is one of the most wholesome and economical foods available. Last year, over 7,500 acres in popcorn production were harvested in my home State of Iowa, which is also home to several of the major popcorn processors.

The popcorn industry has always rallied to promote and market its product. As a result of these efforts, total popcorn sales have grown throughout the past several years, but a great potential exists to accelerate this trend with a larger, cooperative effort.

Under a popcorn checkoff program, popcorn processors would first vote to determine whether the program should go into effect. If a majority votes in favor, each popcorn processor would pay a small assessment on each pound of popcorn marketed. The Secretary of Agriculture would then select a popcorn board, made up of people from the industry to administer the program, with oversight by the USDA. The funds collected would be used for research, promotion, and consumer information projects with the goal of increasing consumption of popcorn.

I look forward to full consideration of the Popcorn Research, Promotion, and Consumer Information Act by the House of Representatives. This proposal will provide great benefits to the production of popcorn—and at no cost to the Federal Government.

A SPECIAL TRIBUTE IN HONOR OF REV. WALLACE HARTSFIELD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Ms. MCCARTHY. Mr. Speaker, it is with great pride and respect that I rise today to bring to your attention, and to the attention of the House, the outstanding work and commitment of Rev. Wallace Hartsfield for the last 29 years to parishioners of the Metropolitan Missionary Baptist Church in Kansas City.

Reverend Hartsfield was born in Atlanta, GA, November 13, 1929. He was an only child, raised by his mother, Ruby Morrissatte. Reverend Hartsfield received a bachelor of arts degree in 1954 from Clark College in Atlanta and a master of divinity degree from Gammon Theological Seminary in Atlanta, in 1957. His first pastorate was at a Baptist church in Pickens, SC.

Reverend Hartsfield is married to Matilda Hopkins and this year on August 28 they celebrated their 38th wedding anniversary. Reverend and Mrs. Hartsfield are the proud parents of four wonderful children: Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield II.

I have known Reverend Hartsfield over the years through his extensive involvement in the community. He has been a leader in many worthwhile causes and a wonderful role model for our city's young people.

Reverend Hartsfield recently chaired the capital fund campaign to expand and update Kansas City's Swope Parkway Health Center, which provides invaluable assistance to many people who could not otherwise afford or have access to quality, state-of-the-art health care. Millions of dollars were raised and the new health center stands as a testament to the untiring efforts of committed and dedicated people like Reverend Hartsfield.

His leadership was invaluable, also, in redeveloping a blighted part of Kansas City when he led the Baptist Ministers Union of Kansas City in their efforts to demolish the old St. Joseph's Hospital and replace it with a much-needed new shopping center, the Linwood Shopping Center. Residents of the city's central core had to travel some distances to buy groceries, drop off dry cleaning, and have a prescription filled, before the new development became a reality. Reverend Hartsfield successfully led the charge to come up with sufficient investment capital for the project, when resources for new development in that area of the city were scarce. He was also instrumental in the construction of a low-income 60-unit housing development, known as Metropolitan Homes, in that same geographical area.

Reverend Hartsfield has received numerous awards, including the One Hundred Most Influential Award from the Kansas City Globe newspaper; the Greater Kansas City Image Award, presented by the Urban League; he was named "One of the Top 50 Ministers in America" by Upscale magazine of Atlanta, GA; he received an honorary doctor of divinity degree from both Western Baptist Bible College in Kansas City and also from the Virginia Seminary and College of Lyncher, VA; he received the Minister of the Year Award from the Baptist Ministers Union of Kansas City; a Public Service Award from the Ad Hoc Group Against Crime; the Role Model for Youth Award from Penn Valley Community College, in Kansas City; and a Community Service Award from Kansas City, MO, and then-mayor Richard Berkeley, among others.

Reverend Hartsfield is also chairman of the Economic Development Commission of the National Baptist Convention of America, Inc.; second vice president of the National Baptist Convention of America, Inc.; president of the Greater Kansas City Chapter of Operation PUSH; and an adjunct professor of the Central Baptist Theological Seminary in Kansas City, KS.

Reverend Hartsfield is a member of the board of directors for the national organization of Operation PUSH, the Congress of National Black Churches in Washington, DC, and the Morehouse School of Religion in Atlanta, GA, among others.

We are celebrating Reverend Hartsfield's 29th anniversary as pastor at the Metropolitan Missionary Baptist Church in Kansas Ctiy, and recognizing all of his good work and the leadership he has provided in the community over that span of time. He has blessed the lives of so many. Reverend Hartsfield loves people and he loves helping people. He has made a difference in the city he calls home, Kansas City, and we're proud to have him as one of its outstanding citizens.

Today, Mr. Speaker, I ask that you and our colleagues join with me and the congregation of the Metropolitan Missionary Baptist Church, the family of Reverend Hartsfield, and the citizens of Kansas City, MO, in congratulating Reverend Hartsfield for his 29 years of service to his church and his community, and in wishing him many more wonderful years as pastor of the Metropolitan Missionary Baptist Church.

SENATE—*Wednesday, November 8, 1995*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, for tomorrow and its needs we do not pray, but keep us, guide us, strengthen us, just for today. Help us to live in day-tight compartments by being faithful and obedient to You in this new day You have given us. Yesterday is a memory and tomorrow is uncertain. But today, if we live it to the fullest, will become a memorable yesterday and tomorrow will be a vision of hope. A great life is an accumulation of days lived, one at a time, for Your glory and by Your grace. Anything is possible if we take it in day-sized bites. Help us make today a day to be that different person we've wanted to be, to start doing what we've procrastinated, and to enjoy the work we have to do. We want this to be a special day to love You, serve You, and be an encourager of others around us. One day to live, it will go so fast; Lord, make it a good memory, before it's past. In our Lord's name. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT

The PRESIDENT pro tempore. Under the previous order, 9:30 a.m. having arrived, the Senate will now resume consideration of H.R. 1833, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortion.

The Senate resumed the consideration of the bill.

MOTION TO COMMIT WITH INSTRUCTIONS

The PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania [Mr. SPECTER] is recognized to make a motion to commit with the time until 12:30 p.m. equally divided and controlled between the Senator from New Hampshire [Mr. SMITH] and the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank the Chair. I thank the distinguished President pro tempore.

Mr. President, on behalf of Senators JEFFORDS, SNOWE, CAMPBELL, KASSEBAUM, SIMPSON, and COHEN, I move to commit H.R. 1833 to the Committee on the Judiciary with instructions to hold not less than one hearing on this bill and report the bill with amendments, if any, back to the Senate within 19 days.

The motion to commit with instructions is as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. SPECTER (for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. CAMPBELL, Ms. KASSEBAUM, Mr. SIMPSON, and Mr. COHEN) moves to commit the bill H.R. 1833 to the Committee on the Judiciary with instructions to hold not less than one hearing on such bill and report the bill, with amendments (if any), back to the Senate within 19 days.

Mr. SPECTER. Mr. President, I have selected a bare minimum amount of time, which is really only a 9-day commitment from today, November 8, until November 17 when the Senate will go out of session under a previously announced recess period by the majority leader. And then there would be an additional 10 days while the Senate is in recess, from November 17 to November 27, for a total of 19 days. But the effective period of this referral, as I say, will only be for 9 days.

After considerable thought, I have abbreviated the referral period to this very short time to emphasize to everyone the importance of the issue and the need to have very prompt consideration and to allay any concern or reject any argument that this referral is being made to, in effect, defeat the bill.

Mr. President, I submit that this kind of consideration and this kind of a hearing is really indispensable because of the very complex matters which are involved in this issue. I would enumerate them as humanitarian considerations, medical considerations, statutory interpretation considerations, and constitutional considerations.

The humanitarian considerations have been broached to a significant extent in terms of the circumstances of the mother and the circumstances of the fetus with considerable doubt as to what actually occurs during these so-called late-term abortions. It is a very complicated picture as to what pain and suffering is sustained by the fetus, a subject which requires our very thorough consideration because of the very serious humanitarian implications on pain and suffering to the fetus during the course of this medical procedure.

The matter has had a very, very brief hearing in the House of Representatives—as I understand it, for less than a full day.

Mr. President, I ask unanimous consent that at the conclusion of my statement the full transcript of the hearing before the House of Representatives may be printed in the RECORD so that everyone in the Senate who will be considering this matter in the course of the next day or two, or however long it takes, will have an opportunity to see the brevity of those hearings and the impossibility of consideration of the many complicated issues which are involved in this matter.

The PRESIDING OFFICER (Mr. INHOFE.) Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, there is no question about the chilling effect of this medical procedure. It is something that, I submit, has to be understood thoroughly on all sides.

I say candidly that I am not sure what my ultimate judgment would be on this kind of a medical procedure if, as some claim, it is really infanticide. I have spent a large portion of my career as a district attorney being very much concerned about the issue of homicide, which takes many, many forms. And, if we genuinely have an issue of infanticide—the killing of an infant—that is something which existing law does not tolerate, and that is something which has to be considered very, very carefully on the basic question of whether there is an infant where the medical procedures would take the life of the infant, or whether we do not have an infant in the contemplation of the law. And that is something which has to be considered carefully.

There has been considerable controversy as to just what the medical circumstances are with the children who are involved. One case, which I have had referred to me through the media, involved a fetus where the brain had grown outside the skull so that on the medical procedure involved it was not a question of whether the baby would die, not a question of whether the fetus would die, but only a question of when and how.

Other matters that I have heard about involve situations where the mothers and the fathers were desperately interested in saving the pregnancy but the medical facts were such that there was such severe brain damage and heart damage that there really was not a live human being.

There will doubtless be considerable discussion on the floor of the Senate today about the status of the fetus on these medical procedures.

I suggest that while argument and debate is obviously a very important part of our process, a more important part of our process involves the hard medical facts as to what is involved.

That really requires medical testimony as opposed to the kinds of arguments which are traditionally made on the Senate floor. Those arguments have real value, but they have to be evaluated and judged in the context of what the hard medical evidence is. On this date of the record, at least from the House hearings, there is not much to go on. So that I think this is a matter which cries out for that kind of a hearing and the establishment of the evidence to enable the Senate to make a judgment.

I find it, candidly, a little hard to understand the procedures which brought this legislation to the floor without a hearing by the Judiciary Committee. But facing the procedural posture of this matter, the remedy is to move from the decision of the majority leader to put this matter in the Chamber to having consideration by the full Senate as to what is the appropriate course. It is rumored that this is going to be a close vote. I do not know whether that is true or not. But if we send this matter to committee for hearings, we may be saving considerable time because if the vote is close on a motion to commit as to having a simple majority, I think it is fair to say it is unlikely there would be the 60 votes present to cut off debate. So that prompt action by the Senate in sending the matter to committee may well save us time, not only in the long run but in the short run as well.

Beyond the considerations of humane treatment for the fetus and the mother, we then come to very, very complex questions of statutory interpretation which I submit have not been thought through by the proponents of this bill in the House or by the hasty action that it went through in the House and the heavily emotionally charged context.

According to the information provided to me, there is a real question as to the applicability of this statute in the broader terms of how a fetus is delivered. Subsection (b) provides that a partial-birth abortion is defined as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

On a note, a statutory interpretation—and again, candidly, I think this needs further verification and further analysis, but according to this definition the prohibition established in H.R. 1833 would not apply to (1) abortions performed by C section or hysterectomy, that is, where the fetus is not extracted vaginally, and it would not apply either to abortions in which the fetus is acted upon prior to being moved into the birth canal.

So what we may realistically be doing here is to be legislating in a halfway manner in the area of vaginal births without other ways of dealing with the issue which ought to be dealt with in terms of effective legislation, if this is, indeed, an issue with which we feel we ought to deal.

Subsection (c) then establishes an affirmative defense to the prosecution of a physician performing a partial-birth abortion if it is established by a preponderance of the evidence that the physician reasonably believed that "the partial-birth abortion was necessary to save the life of the mother; and no other procedure would suffice for that purpose."

As a matter of statutory interpretation, there are very complex issues involved where you provide for an affirmative defense as opposed to making those elements of proof a part of the prosecutor's case. In a criminal case, the Government has the burden of proving beyond a reasonable doubt all of the elements in a prosecution, and it may well be that this language is ineffective as a matter of law to shift the burden of proof to the defendant.

There are many items which have been affirmative defenses such as alibi, not being present at the time the offense was committed, which have been incorporated into the prosecutor's affirmative duty to show beyond a reasonable doubt all elements of the offense. There is no indication that any consideration has been given on that complex subject by the House of Representatives.

The constitutional issues are present here because the Supreme Court of the United States has held that the States may prohibit an abortion in late term—"may proscribe an abortion except where it is necessary in an appropriate medical judgment for the preservation of the life or health of the mother," language from Roe versus Wade.

That involves making the life of the mother an affirmative defense, and it also opens a broader context as to whether the health of the mother would be an exception to the prohibition against the State's eliminating late-term abortions.

This is a very shorthanded description, in the course of having a relatively limited amount of time available for this issue in this Chamber because of our crowded calendar, but these are matters which could be taken up in some detail in the course of the 9 days between now and the 17th, when the Senate is in session or when the Judiciary Committee may see fit to interrupt the recess process. And I can speak for myself. I would be glad to be here to take whatever time is necessary on a hearing or hearings so that these matters may be inquired into and we may legislate, if at all, in a rational way.

There is another consideration involved here that I do not intend to dwell on, but that is the consideration which is articulated so frequently in this Chamber. That is the appropriate area of legislation for the Federal Government in terms of federalism generally and in terms of the 10th amendment where Members of this body are proud to pull from their vest pocket the 10th amendment which specifies that all matters not expressly given to the Congress are reserved to the States.

Subsection (a) provides:

> Whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years or both.

It raises a real question basically as to whether this is a matter appropriately for the Congress. Provisions of the criminal law are traditionally left to the States. Recently, the Supreme Court of the United States in the Lopez case sharply limited the authority of the Congress of the United States to legislate in areas which have long been viewed as areas where the Congress had authority. So that we do have State legislatures ready, willing, and able to act affirmatively on the subject.

On this date of the record, I do not know what States, if any, have moved to legislate on late-term abortions. But I think it ought to be at least mentioned with whatever degree of emphasis we choose to make on it as to the Federal considerations which are involved here.

Customarily, when you have issues involving jurisdiction, our pattern has been to move a little fast over any such considerations, as we have been known to move a little fast over constitutional considerations, leaving those matters ultimately for the courts.

But where you have a matter of overwhelming importance on the constitutional issue of life of the mother, or health of the mother, and especially where even the most restrictive interpretations on abortion have always carved out an exception for life of the mother, this statute does not do that.

This statute purports to have it raised only as an affirmative defense, which is very different from even under the restrictive interpretations of when an abortion may be performed excepting life of the mother.

Then the issue of jurisdiction, again, not often focused on the floor of either the Senate or the House of Representatives, is worthy of consideration.

But I would say, Mr. President, that the fundamental considerations really here involve the humanitarian considerations: What is actually happening to the fetus? Is the fetus subjected to pain and suffering? If so, is there a way that the legislation could encompass a procedure which would eliminate that pain and suffering? What are the humanitarian considerations involved for the life of the mother?

If it is determined medically that it is preferable to have the fetus acted upon vaginally, as opposed to alternatives which are apparently not covered by the statute, a C section, hysterotomy, or where action is taken on the fetus prior to removal from the birth canal, why should the Congress of the United States rush to judgment to criminalize a medical procedure which is in the vaginal channel as opposed to a hysterotomy or C section or action prior to the entry of the fetus into the vaginal channel, where those matters are really matters for the medical profession as opposed to the Congress? At least should not the Congress be informed as to the intricacies of these matters before we pass judgment on a matter of this great importance?

EXHIBIT 1

HEARING ON PARTIAL-BIRTH ABORTION BEFORE THE HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON THE CONSTITUTION, COMMITTEE ON THE JUDICIARY, JUNE 15, 1995

The subcommittee met, pursuant to notice, at 10:23 a.m., in room 2237, Rayburn House Office Building, Hon. Charles Canady (chairman of the subcommittee) presiding.

Present: Representatives Canady, Hyde, Inglis, Sensenbrenner, Hoke, Goodlatte, Frank, Conyers, and Schroeder.

Also Present: Representative Jackson Lee.

Staff Present: Kathyrn Hazeem, chief counsel; Keri Harrison, counsel; Jennifer Welch, secretary; Jacquelene McKee, secretary; and Robert Raben, minority counsel.

Mr. CANADY [presiding]. The subcommittee will come to order. I am pleased to have the opportunity to hold this hearing to examine the partial-birth abortion procedure. We will hear primarily from medical experts today. They will describe the partial-birth abortion procedure in which a live baby's entire body, except for the head, is delivered before the baby is killed, after which the practitioner completes the delivery. They will testify regarding whether the baby undergoing this procedure feels pain.

We invited two of the abortionists who specialize in and advocate the use of this type of abortion. They agreed to testify. But apparently after further consideration, they found that their position was a position they did not wish to speak to the subcommittee about today. I am very disappointed to report that both practitioners canceled at the last minute.

This hearing focuses on partial birth abortion because while every abortion sadly takes a human life, this method takes that life as the baby emerges from the mother's womb while the baby is in the birth canal. The difference between the partial-birth abortion procedure and homicide is a mere three inches.

A fundamental principle on which our country was founded is that we are endowed by our creator with the unalienable right to life. Roe v. Wade alienated that right from a powerless group by taking away their legal personhood. Richard John Neuhouse correctly stated that, "We need never fear the charge of crimes against humanity so long as we hold the power to define who does and who does not belong to humanity." The Supreme Court instituted abortion on demand by deciding that unborn human beings do not belong to humanity.

Partial-birth abortion procedures go a step beyond abortion on demand. The baby involved is not unborn. His or her life is taken during a breech delivery. A procedure which obstetricians use in some circumstances to bring a healthy child into the world is perverted to result in a dead child. The physician, traditionally trained to do everything in his power to assist and protect both mother and child during the birth process deliberately kills the child in the birth canal.

Because we believe it is an inhuman act, Barbara Vucanovich, Tony Hall, Henry Hyde, and I introduced a bill yesterday with 28 of our colleagues to ban the performance of partial-birth abortion. Partial-birth abortion is defined in the bill as, and I quote, "An abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

On June 12, the National Abortion Federation sent a letter to Members of Congress in response to a letter Barbara Vucanovich and I sent to inform our colleagues of our intention to introduce the partial-birth abortion ban. The National Abortion Federation letter made a number of claims about the partial-birth abortion procedure that are inconsistent with the statements of Drs. McMahon and Haskell, two abortionists who use and advocate the use of the procedure.

The letter claims that the drawings of the partial-birth abortion procedure that we included with our Dear Colleague are highly imaginative and misleading. But Dr. Haskell himself told the American Medical News that the drawings were accurate from a technical point of view.

Professor Watson Bowes of the University of North Carolina at Chapel Hill, a distinguished physician and prominent authority on fetal and maternal medicine, and coeditor of the Obstetrical and Gynological Survey, reviewed an article by Dr. Haskell describing a partial-birth abortion procedure and confirmed that the drawings are an accurate representation of the procedure described in the article by Dr. Haskell.

The National Abortion Federation letter also claims that the fetal demise is virtually always induced by the combination of steps taken to prepare for the abortion procedure. Both Dr. Haskell and Dr. McMahon, however, told American Medical News that the majority of fetuses aborted this way are alive until the end of the procedure. In a Dayton News interview, Dr. Haskell referred to the scissors thrust that occurs after the baby's entire body is delivered and only the head of the baby is still lodged in the birth canal as the act that kills the baby. He said, and I quote, "When I do the instrumentation on the skull, it destroys the brain sufficiently so that even if it," that is, the baby's head, "falls out at that point, it definitely is not alive."

After his review of Dr. Haskell's article, Professor Bowes concluded that the fetuses are alive at the time the partial-birth procedure is performed. Indeed, Dr. Bowes notes that Dr. Haskell explicitly contrasts his procedure with other procedures that do induce fetal death within the uterus.

The National Abortion Federation letter implies that partial-birth abortions are performed only in unusual circumstances. Neither Dr. Haskell nor Dr. McMahon claims that this technique is used only in limited circumstances. In fact, their writings advocate this method as the preferred method for most late-term abortions. Dr. Haskell prefers the method from 20 to 26 weeks into the pregnancy. Dr. McMahon uses the method throughout the entire 40 weeks of pregnancy. In fact, a previous National Abortion Federation memo to its members counsels them not to apologize for this legal procedure, and states, "There are many reasons why women have late abortions, life endangerment, fetal indications, lack of money or health insurance, social, psychological crises, lack of knowledge about human reproduction," et cetera.

It is my hope that we can have a candid debate on the realities of this procedure without disinformation or euphemisms. I believe that when they are informed about the truth about the procedure, my colleagues who value the dignity of human life and believe in common decency, will agree with me that partial-birth abortion is inhuman and should be banned.

Mr. Frank.

Mr. FRANK. Mr. Chairman, I have very strong views on this. But given the importance of this particularly to women, I am going to yield my time to the senior woman in the U.S. Congress, the gentlewoman from Colorado.

Mrs. SCHROEDER. I want to thank the ranking member for yielding. I mean that very sincerely, because as the senior woman in this House, this is a day I had dreaded. I see us really rolling back on women's rights.

I think what we are doing here today is bad medicine, it's bad law, it's bad public policy, and it's intrusive Government at its very, very worst.

What this bill is doing is saying that doctors should put aside their best medical judgment in favor of some political judgments made by Washington politicians. I do not know of any other area where we go in and legislatively mandate medical practices. In other words, some of the written testimony I have seen on this has said that what we are really doing is legislatively mandating malpractice.

First of all, the partial-birth procedure is not a medical term. It is a political term. We all know that what people are really trying to get at here is the fundamental right of women to receive medical treatment that they and their doctors determined to be safest and best for them. That is the essence. That is a constitutional right. That right has been around for more than 20 years. Today we are moving to try and tamper with that.

Today we are going to try and make a procedure sound so terrible and so awful that only women who are demons would consider doing this. Only doctors who are demons would consider doing this. It is almost reinciting witchcraft of a sort, trying to see women as witches. Well, let's talk about this.

There are very, very, very few of these procedures. These procedures are heartbreak procedures. These are procedures that nobody wants to engage in. But sometimes everything goes wrong. Everything goes wrong and it is left to a woman, her spouse, her doctor, to sit down and make hard choices. I do not think we want the Government in Washington taking those choices away.

When you hear from some of the women who had to make these hard choices, they came to them by medical science. Things that we thought were progressive. Things such as amniocentesis and many of the procedures now that tell us more about what is happening along the different markers of birth. I must ask, are we going to do away with those things too? Are we going to do away with all medical procedures and go back to the Dark Ages?

I remind you that in World War I, more women died in childbirth in this country than American solders died in World War I. We have gone a long way to making all of this safer for women. I hate to see us rolling back.

We are going to see a gruesome parade of photos today. That is going to be part of why they are going to say this should all be banned. But I must say that you could do that with almost any medical procedure. All of us are a little squeamish about medical procedures of almost any kind. Do you want to see liver transplants? Do you want to see heart transplants? Do you want to make people squirm? You can start doing all of that.

The issue is, is this a valid life-saving medical procedure that a doctor could reach under reasonably difficult situations. I think that we have all agreed, yes.

I want to say there are some very brave women that are sitting here in this hearing. I don't know how they are doing it. First there is Vicky Wilson, who is a nurse married to an emergency room physician. She had to end a wanted pregnancy because of devastating fetal malformations. She is standing. I want to say I salute you and your husband for being here and listening to this.

There is also Tammy Watts, a California woman, who terminated a wanted pregnancy because the fetus was so horribly deformed and could not live outside the womb. I think you are a very brave woman to be here and stand up to this too.

Vicky Smith, who is an Illinois mother of two children ages 7 and 11, had to end a wanted pregnancy because again, the fetus was microcephalic, had multiple fetal deformations. Vicky Smith is now pregnant again. Vicky, thank you for having the courage to come here.

I also want to say that none of these people engaged in this process lightly. I think that is why they have the courage to come here and say do not demonize them. These were very difficult decisions for them to make and their doctors to make. Who are we, as politicians, to say we know better?

Also, I would like to offer for the record a letter from Rabbi Shira Stern and her husband Rabbi Donald Weber. They wrote to count their experience with abortion. They said, you don't have to show us pictures of fetuses in jars. We held our own shortly after the abortion. Don't talk to us of pain. We worked for 5 years as volunteer chaplains on the pediatric floor of the Memorial Sloan Kettering Cancer Center in New York, and we watched countless children die in agony. Our baby would have died at birth with pain sensors that were much more sophisticated at its full gestational age than they did at the time of the abortion. We have all sorts of problems. This is very painful.

I think because this bill begins the imposition of restrictions on abortion, and that will also increase the medical risks to the life and health of women, it should be considered unconstitutional. I know and I hope that the American women will say this is unacceptable. This is a beginning of chopping away at a right we have spent much too long in trying to ascertain. One of the fundamental rights under the constitution is one, to health care, and to be treated fully as an adult.

I must say again, as the only woman, what a sad day this is. I hope that the women in America will wake up, realize what is happening. Your rights are at stake today. My rights are at stake today. Physicians' rights are at stake today. If we want the physicians to treat us to deal with their best medical judgment and not have political judgments slapped all over their training, this is the day to draw the line in the sand and say, "No more." It's our choice. It is not politicians' choice. I thank the gentleman from Massachusetts again for yielding.

Mr. CANADY. Mr. Hyde.

Mr. HYDE. Well, I thank the chairman. It's always instructive to hear the gentlelady from Colorado. I radically disagree with her. She cited some tragic examples of children born with deformities who were aborted because of that. When I hear cases like that I think of Terry Wiles, who was born from a woman who had taken phalitimide. He was born without arms, legs, with one eye, a little lump of flesh left in an alley in London, found by a bobby, and taken to a home run by an eccentric, wealthy woman called The Guild of the Brave Poor Things.

Little Terry was there until he was aged 10, when he was adopted by a couple in Britain who had lost their own three children, had been taken away from the mother by the court. She was adjudicated an unfit mother, but she was fit enough to adopt Terry, and her husband, an unemployed war veteran. They became quite a family. Terry wrote a book called, "On the Shoulders of Giants." Prince Phillip comes to visit occasionally to get his spirits bolstered, because this little grotesque lump of flesh was so grateful that his mother permitted him to live, at least didn't exterminate him, which is what abortion is, even though he was a little lump of flesh.

I think of Gregory Wattin, whom I watched get an Eagle Scout badge, although he was confined to a wheelchair, profoundly affected by cerebral palsy, could not speak, pointed to letters on an alphabet card. I saw him with a chest full of merit badges I couldn't have earned in the best day of my life, the best year of my life. Hike 10 miles. He crawled on his knees 1 mile, pushed himself 9 miles in a wheelchair.

Do we need people like that? People that have gotten the short end of the stick. When we get depressed, when we think the world is piling up on us, people who have been given so little and have done so much. I think so.

So for all of these cases, there are other cases that inspire us. Beethoven conducting his premier of the Ninth Symphony in the Vienna Opera House and can't hear a note. He said, "I am wretched. I cannot hear." Yet he wrote and conducted this divine music and had to be turned around to face the audience so he could see what he couldn't hear.

So there are cases and there are cases and there are cases, that abortion is the intentional and direct killing of a human life once it has begun. To do that, some people may say is a right. I say for every right there is a responsibility. We have a responsibility to protect human life where and when we can.

So this is an endless discussion. It never ends. It goes on and on and on. Perhaps that's a good thing in a democracy. I thank the gentleman.

Mrs. SCHROEDER. Would the gentleman yield?

Mr. HYDE. Sure. With pleasure.

Mrs. SCHROEDER. I just want to say that I think all of us would attribute great inspiration to the cases that you talk about. But I hope that we also listen with open ears, and I think we'll find that the women did exercise these rights with great responsibility. Their lives were in jeopardy, or maybe other things. I think there's two, you know, we really need to listen to the whole thing, because there is the woman's life that we are also looking at. I know the gentleman from Illinois——

Mr. HYDE. I would say to my dear friend, that a life for a life is certainly an even trade. And that when a mother's life is threatened, that the tradeoff is equal. But when something less than a life is at risk, then I don't think the trade is equal. I stand in awe of the gentlelady of Colorado, who presumes to speak for all women. I certainly wouldn't pretend to speak for——

Mrs. SCHROEDER. Well, if the gentleman will yield further. I don't believe I ever said I spoke for all women. I must say that I do think that when we start talking about how we start measuring rights and responsibilities, those are very serious issues. But one of the great things about this country is that we have tried to keep the Federal Government out of coming down very hard on one side or the other. I think that's what I am——

Mr. HYDE. I couldn't agree more with the gentlelady. When they force taxpayers to pay for abortions, they are involving us coercively in something that we abhor. Again, it seems to me the purpose of Government is to protect the weak from the strong. Otherwise, there's no reason for Government.

While I am a Republican, I am no libertarian. I believe there is a use for the Government, sometimes a unique use. When a pregnant woman, who should be the natural protector of her child in her womb, becomes her child's deadly adversary, the Government ought to intercede to protect the weak, there's nothing weaker than the defenseless pre-born child, from the strong. But you and I can go on indefinitely. Let's do that some time. We'll hire a——

Mrs. SCHROEDER. Well, Mr. Chairman, I'd be more than happy. Again, let's not demonize.

Mr. CANADY. Mr. Frank.

Mr. FRANK. I should note first that everything that gentleman from Illinois has said applies not to partial-birth abortions or however you want to describe them. It applies to all abortions. The gentleman from Illinois has given, with his usual eloquence, his objection to any form of abortion whatsoever.

That is relevant because this is the first step in a sincere effort by some people who believe that all abortion should be outlawed, and if they can not be outlawed because the Supreme Court will not be made to change its position, they should be made as unavailable as possible. As I said, this is the first step.

People should understand that nothing in what the gentleman from Illinois said differentiates this particular type of abortion from any other. He is consistently and conscientiously against all abortions. This is the first step in that effort.

But I have some problems even with it as done. The gentleman from Illinois said when the pregnant woman who should be protector turns on the child. Well, why then would you pass a law if you believe that the woman who volunteers to have such an abortion, if you believe that the woman who seeks out a doctor, and by the way, as far as speaking for all women, I believe myself that on this issue, the gentlewoman from Colorado speaks for most women, but the key point is, that none of us are proposing to——

Mr. CANADY. Let me tell the members of the audience that we appreciate your being here, but no matter which side you are on, we would ask that you not express your approval or disapproval of the statements by the members or of the statements of any of the witnesses. Thank you.

Mr. FRANK. I think making faces is OK. The key point is this. The gentlewoman from Colorado and I are not proposing a law for all women. We are not presuming to tell all women what to do. We recognize that this choice, the choice that was described of some of the brave people who were here, is a very difficult one. We don't think the Federal Government ought to make it for them. We are not saying all women must do one thing or must do another. We are saying this is the most intimate and difficult choice, and people should make it within their own families and within their own views.

But what does this bill say? If you commit an act that people here are describing as a terrible act, if you the woman do that, not only are you subject to no penalty whatsoever, but you can sue the doctor who you asked to perform it. That is in this bill.

What about your notions of personal responsibility? We are told on the conservative side that people should be held to a standard of personal responsibility. We are presented with a bill which says you can seek out a doctor, ask that doctor to perform this procedure which you think is a terrible procedure, voluntarily participate in the procedure. Indeed, you are obviously indispensable at procedure. And then turn around and sue the doctor and get money from the doctor who did what you asked him to do, and which you participated in.

That goes so contrary to your notions of personal responsibility that it is puzzling. It can only be a recognition that for all the rhetoric, this is obviously not something that you want to really treat as criminal. Why else would you take the woman whose participation is the essential element in all this? The woman who makes the decision, the woman who seeks out the doctor, the woman who goes to the doctor and submits to the procedure. She comes out in this as someone who has a right to sue the doctor who simply did what she wanted.

That shows to me a fundamental ambivalence in the minds of the people who say this. Because if it were everything that you said it was, you would be at least punishing, you would be punishing the woman in a logical sense if she has participated in a murder. You certainly would not be empowering her to sue. Now would you be empowering others to sue, and for psychological damages.

That is just the other great inconsistency we have here. We have been told on the conservative side that we should return things to the States. This is a matter the States have full jurisdiction over right now. This is not anything preempted by the Federal Government. I am not talking constitutionally now. I am talking about the matter of public policy.

How can people who talk about how they want to return things to the States now come and say we're going to have this Federal statute regulating abortion. The States are fully free to do it. If the overwhelming majority in a State think this is a bad thing and they have a way to do it constitutionally, then they can do it. In some States, provisions like this do exist.

The argument for doing it on the Federal level is, that there are some States that have chosen not to ban it. My conservative colleagues believe that the States have no business exercising their judgment in this regard. I understand that. I have never claimed to be Thomas Jefferson without the wig. But don't come to me on the one hand and say, "We're for State's rights. We are going to undo this Federal monolith." And then for the first time in my memory, inject intimate decision.

So I think that this is flawed in several regards. I would just reaffirm what the gentlewoman from Colorado has said. We are not trying to make any decision for anybody. We are respecting the individual integrity of this very difficult decision, and therefore, I hope that this legislation does not go anywhere.

Mr. CONYERS. Mr. Chairman.

Mr. CANADY. Yes.

Mr. CONYERS. I would like to make a comment or two.

Mr. CANADY. Well, you will be recognized in turn. Mr. Inglis has been here. I will recognize him now. We'll come back to you.

Mr. CONYERS. Thank you.

Mr. INGLIS. Thank you, Mr. Chairman. I start any comments I make by saying this. That we're now on the probably one of the most volatile issues that we can possibly face. I always try to start that discussion by indicating compassion for the victims of abortion that are walking around today. The fact is, there are a lot of victims of abortion that are alive. They are the women that were deceived, and now realize that they wish they had not had an abortion.

If we look in our families, somewhere in the family somebody has had an abortion, a sister, a mother, a cousin, an aunt. Somebody in almost every family has had an abortion. That is why this is such a huge tragedy.

So I start anything I say by way of compassion for the victims of abortion who are walking around today, that are still dealing with the guilt of what they now realize they did. With that opening, I would also say that I am really quite disappointed. I thought we might have found some common ground here. I thought that there wouldn't be anybody who would rise in defense of this type of abortion. I guess I'm too Pollyanna. I thought the gentlelady from Colorado, for example, would say well surely this is a case where we can agree, that this is a horrible procedure and one that we should not make legal.

But I guess I am finding out just how radical the other side is on this issue. It's a really interesting thing to see the radical nature of someone who would defend a procedure in which a live child is halfway delivered and then killed on the way out. I just can not imagine anything more radical than that position.

So I thought really we would find some common ground here and agree that yet this is something that people of good faith can agree on. That surely this is a type of abortion that we can't abide in a civilized society, where a child if it were just literally inches in a different realm, inches away from life, inches away from the protection of the Constitution, is murdered, and a civilized society defends it as some sort of a right.

I think what it rises to is it indicates that this is really some sort of sacrament in a very perverted religious system almost. Some sort of a statement that we've got to have abortion and you can't stop us from having it. Some sort of an assertion of—I'm really not sure what it is, but a rather strange assertion that literally inches from life and protection of the Constitution, we murder a child. I am really surprised that we wouldn't have found some common ground, particularly, I look forward to the panelists making it clear that the real world here is that this is not going on that often in the cases that the gentlelady from Colorado cited about people in hard decisions. It is rather going on in people's minds who choose conscientiously to go to a place that is going to, in the gentleman's word from Illinois, exterminate a living human being. They are not involved in a normal healthy delivery. They are going to a place that specializes in the extermination of human life.

So in the real world, contrary to what the gentlelady has indicated, the real world, this is happening in abortion chambers. This is happening where people pay another person to exterminate a human being that is literally inches from life and protection of the Constitution.

Mrs. SCHROEDER. Would the gentleman yield?

Mr. INGLIS. I'd be happy to. Maybe you could explain to me why this isn't radical.

Mrs. SCHROEDER. This is happening by some of our best educated medical minds making a decision that this is the safest procedure for the woman's health. Now I think it's——

Mr. INGLIS. Let me reclaim my time. Let me reclaim my time because—let me reclaim my time because the gentlelady persists in not living in the real world. The gentlelady is not living in the real world. We are talking places where one consciously decides to go to pay another person——

Mrs. SCHROEDER. A doctor's office.

Mr. INGLIS. To exterminate.

Mrs. SCHROEDER. A doctor.

Mr. INGLIS. Another human being.

Mr. FRANK. Would the gentleman yield?

Mr. INGLIS. I will not because I'm not finding any common ground. I'm not finding any rationality in what the woman has to say.

Mr. FRANK. Will the gentleman yield to me?

Mrs. SCHROEDER. You are trying to——

Mr. INGLIS. Reclaiming my time, I want to make clear that this is a very—I mean, I listened as the gentlelady talked about how hard decisions and medical professionals—you are not in the real world.

The real world is that people are going to a place, consciously deciding to engage the services of a specialist who is good at pulling a baby within inches of life and then sucking the brains out of the child. That is not a medical specialist who is involved in a hard decision.

Mr. CONYERS. Would the gentleman yield?

Mr. INGLIS. That is a radical procedure.

Mr. CANADY. The gentleman's time is expired. Mr. Conyers.

Mr. FRANK. Would the gentleman yield to me for 15 seconds at the outset?

Mr. CONYERS. Thank you, Mr. Chairman, I would yield to Mr. Frank.

Mr. FRANK. I would just then say to my friend from South Carolina, he talks about someone who makes this conscious choice to go and do this, and then apparently he votes for a bill which would allow her to then to sue and get damages for it.

So if this is such a terrible decision this woman is making, why are you then going to vote for a bill if you are going to vote for this, which lets her then sue the person? I am just baffled by that evaluation of human life. The person who submits to what you consider murder, who is indispensable to the murder, then makes a profit off it.

Mr. CONYERS. Ladies and gentleman, it is obvious that this is one of these subjects that are very personally and tenaciously held by people that oppose abortion. It is the law that allows abortion. It is the law that we are examining.

But what we are doing here today is continuing a strategy, an obvious one, of limiting abortion rights since we can't—we don't have the support or the legal justification for changing the law, is that we're going to begin in this new conservative Congress to cut back in every place we can. What more convenient strategy than to start off here in one of the most painful, difficult, unhappy decisions in the abortion arena than this politically claimed decision or title that we have on this subject matter here today.

I submit to you that there is no medical term called partial-birth abortion. I am getting drawn further and further into this dispute because I sense the difference between those who fight to curb abortion and their difficulty in helping to deal with the children who are born, who come out of the birth circumstance, and what do we do after they get a life? What do we do in terms of training them and educating them and trying to build up their families? Well, we cut back. That's what we do.

We say well, this is an incredible right, that we know when life occurs in the fetus. But after it does, let's abolish the Department of Education. Let's cut back on Aid to Families With Dependent Children. Let's reduce the budgets for the children of the poor. All these wonderful statements that are being made about this period from the beginning of life to the existence as a fetus. Yet we are faced with a society with more and more dysfunctional families, more children that are leading lives of despair, more joblessness. But those are different subjects, these are people alive. But when we get to this, we're going to impose our views on you.

So I see this as a strategy. I am prepared to withstand it. I always like to hear people talking about Government funded abortions. Why should taxpayers pay for abortions. Why should taxpayers that don't like war pay for wars? Why should taxpayers that don't like anything else have to pay for it? Because we have determined that is the appropriate way that we have to run a system to raise money for the government.

So I don't see any real value in Beethoven not being raised as a case on one side or the other on this issue. I think the fact that he was deaf is totally irrelevant to these proceedings.

But it is a sad moment when we are in the biggest frenzy of cutting the funds necessary for children and families and health to flourish in this country, that we are now here meeting in a committee of this importance over a subject which I think is probably very low on the list, Partial-birth Abortion Ban Act of 1995. I deplore it.

Mr. CANADY. The gentleman's time is expired. Mr. Goodlatte.

Mr. GOODLATTE. Thank you, Mr. Chairman. I very much appreciate you holding these hearings. I appreciate your courage in addressing this issue, because I think it's an issue that every American should be aware of and consider and think about. Quite frankly, I am appalled that there would be objection to not being willing to ban a procedure like this, that if the doctor would bring that baby a few inches further into full delivery, would clearly have the full protection of the law.

Mr. Frank and Ms. Schroeder have spoken eloquently about a woman's right to choose. You know, if there were only one right involved, if there were only one life involved, I think there would be nobody in this room who would disagree with that. But therein lies the responsibility of Government, and responsibility of every one of us to have Government intercede when there is more than one right involved. We do have to act responsibly in protecting those who can not protect themselves.

One of the individuals on the other side mentioned bringing this up about what could be the most unhappy decision that not only a woman, but hopefully a man too, might be involved in making a decision about this. Well here we have the opportunity to take away what is clearly not only an unhappy decision, but a wrong decision, to be allowed to do something like this. I think that we are clearly on the right track in addressing this issue today. Thank you, Mr. Chairman.

Mr. CANADY. Thank you, Mr. Goodlatte. Mr. Hoke.

Mr. HOKE. Thank you, Mr. Chairman. I will be brief because I want to hear the testimony of the witnesses, as do you. I want to thank you as well and commend you for bringing this hearing today. I think it takes a tremendous amount of courage and is the sort of thing that this committee should be doing. I am very grateful that you decided to do it.

I also want to make a quick observation regarding the State that I come from, Ohio, where we recently outlawed or made this specific procedure illegal. It was the right thing to do there. It will be the right thing to do here as well.

I am particularly looking forward to the testimony of Dr. White, who is one of this Nation's most preeminent neurosurgeons. He is from Cleveland. I mentioned him particularly, because I am interested in not only what he has to say about the ability of a fetus to experience pain, but also because I make the observation that he trained my own father who is also a neurosurgeon, I won't say how many years ago, to protect all of those that are involved.

Finally, the other observation I would like to make is that I am particularly appalled at this procedure for the reasons that have been described already, but also because this is a procedure that can only take place, that only takes place after the 20th week, and usually takes place much later than that. I have been consistently opposed to any abortions that would take place in the second or third trimesters, except under the most extraordinary circumstances to save the life of the mother. So I look forward to this hearing, Mr. Chairman. Thank you.

Mr. CANADY. Thank you, Mr. Hoke. I'd like to now ask that the other witnesses on our first panel please come forward and take their seats. I'll introduce all the members of our panel, and then we'll recognize them in turn.

First we will hear from Dr. Pamela Smith, who comes to us today from the Department of Obstetrics and Gynecology at Mt. Sinai Hospital in Chicago, where she is the Director of Medical Education. In addition to serving as president-elect of the American Association of Pro-Life Obstetricians and Gynecologists, Dr. Smith has written several articles for medical journals on the subject of pregnancy and issues relating to complications during pregnancy.

Second, Dr. J. Courtland Robinson will testify. Dr. Robinson is from the school of hygiene and public health at Johns Hopkins University.

Third, we will hear from Dr. Robert J. White. Dr. White is Professor of Neurosurgery at the Case Western Reserve University School of Medicine, and is director of the Division of Neurosurgery and the Brain Research Laboratory at the Metro Health Medical Center. He is internationally known for his expertise in clinical brain surgery. He has been the recipient of several honorary doctorate degrees and visiting professorships.

Fourth, we will hear from Ms. Tammy Watts, with us today from California. Ms. Watts has had personal experience with abortion.

Finally, Mary Ellen Morton, a nurse specializing in neonatal care will testify. Mrs. Morton has developed a program on neonatal and pediatric pain control that she presents to health care professionals. For the past 5 years she has practiced as a flight nurse with Med Flight, an air medical program in Columbus, OH, where she helps to stabilize and transport premature or ill infants to Columbus Children's Hospital.

I would like to ask each of our witnesses to please summarize your testimony in no more than 10 minutes. If you can summarize it in less than 10 minutes, that would also be appreciated. Without objection, the entirety of your prepared statements will be placed in the record.

Our first witness, Dr. Smith.

STATEMENT OF PAMELA SMITH, DIRECTOR OF MEDICAL EDUCATION, MOUNT SINAI HOSPITAL; ACCOMPANIED BY J. COURTLAND ROBINSON, JOHNS HOPKINS UNIVERSITY, SCHOOL OF HYGIENE AND PUBLIC HEALTH, ROBERT J. WHITE, PROFESSOR OF SURGERY, CASE WESTERN RESERVE UNIVERSITY, TAMMY WATTS, AND MARY ELLEN MORTON, NEONATAL SPECIALIST

Statement of Pamela Smith

Dr. SMITH. Thank you, Mr. Chairman, and honorable members of the subcommittee. Abortion provides claim that participation in intrauterine dismemberment or a D&E, dilation and evacuation techniques, often cause severe psychological ill effects in counseling staff and surgical providers. Partial-birth abortion techniques, which are distinctly different surgical procedures, compound this problem even further.

The partial-birth abortion method is strikingly similar to the technique of internal podalic version, or fetal breech extraction. Breech extraction is a procedure that is utilized by many obstetricians with the intent of delivering a live infant in the management of twin pregnancies, or single infant pregnancies complicated by abnormal positions of the pre-born infant.

In fact, when I describe the procedure of partial-birth abortion to physicians and lay persons who I know to be pro-choice, many of them were horrified to learn that such a procedure was even legal.

The development and growing use of the partial-birth abortion method is particularly alarming when one considers the recent actions of the Accreditation Council for Graduate Medical Education. This council, whose members include a nonvoting Federal official, has tremendous power. It is responsible for accrediting medical education programs. Nonaccredited programs are not eligible for Federal funding, and students who graduate from nonaccredited programs may not be able to obtain State licenses, hospital privileges, or board certification.

ACGME is requiring obstetrics and gynecology residency training programs to provide abortion training either in their own program or at another institution. This policy will undoubtedly be used to coerce individuals and institutions to participate in procedures that violate their moral conscience. Physicians throughout this country therefore will encounter the ethical dilemma of participating in an abortion procedure which under Roe versus Wade is literally seconds and inches away from being classified as a murder by every State in the union. I believe that this factor among others, fully justifies the banning of this particular abortion technique.

What I would like to do at this time is to demonstrate for you, using this model, which is a replica of how small the average baby would be that is subjected to this procedure. This is the length and a model of a 19 to 20 week old infant. I would like to just go through this very quickly, the procedure, to show you the similarities between this procedure and the procedures that are used by obstetricians not to destroy the baby's life, but to save the baby's life.

Breech presentation is when the buttocks or the feet are coming first. This area here is the bottom of the womb of the cervix. Normally, when you are trying to deliver a premature baby that may be breech, what you would like to do is to have the bag of waters intact around the baby, because that serves two things. It can buffer the baby as you are pulling the baby out. It also serves to keep the cervix open, so that the head does not get trapped.

When you do partial-birth abortion, however, because you want the head to be trapped, you don't want the bag of waters there, particularly when the baby is premature. So the bag of waters is ruptured.

You then grab the feet. If the infant is very small, you would use the forceps that are there. If the infant is larger, you would probably put your hand in, the same way we would do if we did an internal podalic version, grab the feet and start to pull the baby down the cervix and into the vagina.

Normally when I do this with the intention of delivering the baby alive, I like to have the back toward the mother's bladder, which would be here, because it will be easier for me once the head gets to the level of a cervix to flex the head and deliver the baby safely.

When you do partial-birth abortions, you want the head here in this position, so that you can have access to the neck. Again, when you are delivering a breech baby, cervical entrapment is a complication. It's a complication that we basically handle by either cutting the cervix with a certain kind of incision to release the head, or by doing a cesarian section sometimes. Especially if it's a large baby and that doesn't work.

With the abortion technique that we are describing today, however, you want the head to get trapped, because if the baby gets passed there and slips out, then his status changes from an abortus to a living person. So what you do to make sure that the baby does not move the few inches that is required is you hold your hands here. Basically, when you want to deliver the baby live, you use your hands in this position to buttress the baby. Again, you usually have an assistant up here pressing and flexing the mother's abdomen to deliver the head.

But when you are doing an abortion technique, you are steadying the baby so that the baby won't slip out. Then you take the Metzenbaum scissors, which are these scissors here. Put them in the back of the baby's head. Push them in to try to sever the cord, the spinal cord, open the scissors up to create a hole big enough to put a catheter in. You then put the catheter in and suck out the baby's brains. That way, the baby is dead. When the baby comes out that ends the abortion technique.

Of course when you are doing this to deliver a live baby, the differences are primarily at the level of the cervix. If by change the cervix is floppy or loose and the head slips through, the surgeon will encounter the dreadful complication of delivering a live baby. The surgeon must therefore act quickly to ensure that the baby does not manage to move the inches that are legally required to transform its status from one of an abortus to that of a living human child.

Although the defenders of this technique proclaim that it is safe, they have not substantiated these claims. Only two individuals have provided any kind of data to evaluate. Included in this scanty amount of data, there is a report of a hemorrhagic complication that required 100 units of blood to stabilize the patient, along with an infectious cardiac complication that required 6 weeks of antibiotic therapy.

I have also been shown a copy of a letter dated June 12, signed by the executive director of the National Abortion Federation. This memo makes a number of remarkable claims regarding the partial-birth abortion method, claims that are flatly inconsistent with the recorded statements made by physicians who specialize in performing these procedures. I will refer to statements made by Dr. Martin Haskell, who wrote a monograph explaining in detail how to perform this type of procedure, which was distributed by the National Abortion Federation in 1992. I will also refer to statements made by Dr. James McMahon in various interviews and in written materials that he has distributed.

The National Abortion Federation letter states that fetal demise is virtually always induced by the combination of steps taken to prepare for the abortion procedure. But in interviews with the American Medical News, quoted in an article published on July 5, 1993, edition, both Dr. Haskell and McMahon said that the majority of fetuses aborted this way are alive until the end of the procedure.

Dr. Haskell himself further elaborated in an interview published December 10 in the Dayton News, that it was the thrust of the scissors that accomplished the lethal act. I quote him, "When I do the instrumentation of the skull, it destroys the brain sufficiently so that even if the fetus falls out at that point, it's definitely not alive."

Professor Watson Bowes of the University of North Carolina at Chapel Hill, a prominent authority on fetal and maternal medicine, and coeditor of the Obstetrical and Gynecological Survey, reviewed Dr. Haskell's article and noted that Dr. Haskell quite explicitly contrasts this procedure with other procedures that do induce fetal death within the uterus. Professor Bowes concurred that the fetuses are indeed alive at the time that the procedure is performed.

The National Abortion Federation letter also claims that the drawings of the partial-birth procedure distributed by Congressman Canady and others are highly imaginative and misleading. But Dr. Haskell himself validated the accuracy of these drawings, as reported in the American Medical News. Again I quote. "Dr. Haskell said the drawings were accurate from a technical point of view, but he took issue with the implication that the fetuses were aware and resisting."

Professor Bowes also reviewed the drawings and wrote that they are an accurate representation of the procedure described in the article by Dr. Haskell.

I would invite the members of the subcommittee to review the drawing of the fetal breech extraction method that I have attached to my written testimony, reproduced from Williams Obstetrics, a standard textbook. You can see that the method described by Dr. Haskell is an adaptation, or I would rather say a perversion, of the fetal breech extraction and that the textbook drawings are strikingly similar to the disputed drawings of the partial-birth procedure. I would also invite the members of the subcommittee to examine an accurate model of a fetus at 20 weeks and the Metzenbaum surgical scissors that are used in this procedure, and decide for yourselves who is being misleading.

The National Abortion Federation letter also suggests that these partial-birth abortions are commonly done in a variety of unusual circumstances, such as when the life of the mother is at grave risk. I have practiced obstetrics and gynecology for 15 years and I work with indigent women. I have never encountered a case in which it would be necessary to deliberately kill the fetus in this manner in order to save the life of the mother.

There are cases in which some acute emergency occurs during the second half of pregnancy that makes it necessary to get the baby out fast, even if the baby is too premature to survive. This would include for example, HELLP syndrome, a severe form of preeclampsia that can develop quite suddenly. But no doctor would employ the partial-birth method of abortion, which as Dr. Haskell carefully describes, takes 3 days.

Dr. McMahon also lists maternal conditions such as sickle cell trait, uterine prolapse, depression and diabetes as indications for this procedure, when in fact, these conditions are frequently associated with the birth of a totally normal child.

The National Abortion Federation letter of June 12 also states, "This is not a different surgical procedure than D&E." This statement is erroneous. The D&E procedure involves dismemberment of the fetus inside the uterus. It is cruel and violent, but it is quite distinct in some important respects from the partial-birth method. Indeed, Dr. McMahon himself has provided to this subcommittee a fact sheet, that he sends to other physicians in which he goes into a detailed discussion of the distinctions between intrauterine dismemberment procedures, which he calls disruptive D&E, and the procedure that he performs, which he calls intact D&E.

This brings us to another important point. There is no uniformly accepted medical terminology for the method that is the subject of this legislation. Dr. McMahon does not even use the same term as Dr. Haskell, while the National Abortion Federation implausibly argues that there is nothing to distinguish this procedure from D&E.

The term you have chosen, partial-birth abortion, is straightforward. Your definition is straightforward, and in my opinion, covers this procedure and no other.

Mr. CANADY. Doctor, if you could summarize and continue and conclude in another couple of minutes, I'd appreciate it.

Dr. SMITH. I'll just summarize by saying partial-birth abortions are being heralded by some as safer alternatives to D&E. But advances in this type of technology do not solve the problem. They only compound it. In part because of its similarity to obstetrical techniques that are designed to save a baby's life and not destroy it, this procedure produces a moral dilemma that is even more acute than that encountered in dismemberment techniques. The baby is literally inches away from being declared a legal person by every state in the union. The urgency and seriousness of these matters therefore require appropriate legislative action. Thank you.

Mr. CANADY. Thank you, Dr. Smith. Dr. Robinson. I will point out before Dr. Robinson's testimony that the two doctors, McMahon and Haskell that Dr. Smith referred to in her testimony, were the doctors we had invited and who had agreed to appear for this hearing, but who canceled at the last minute. We wanted to give them the opportunity to be here to testify and explain the procedure. But they were——

Mrs. SCHROEDER. If the Chairman will yield. I think one of the reasons that we have to be very honest about this, is doctors have been harassed and sometimes don't feel very secure in this environment that we live in. I think it is only fair to put that on the record.

Mr. CANADY. Thank you. Dr. Robinson.

Statement of J. Courtland Robinson

Dr. ROBINSON. I would like to thank the Chairman and the members of the subcommittee for inviting me to be here today. My name is J. Courtland Robinson, associate professor on the full-time faculty in the Department of Gynecology and Obstetrics at the Johns Hopkins University School of Medicine, and a joint appointment with the Johns Hopkins School of Hygiene and Public Health.

I have been involved in all aspects of reproductive health care for women for over 40 years, including complete obstetrical care, abortion, special oncologic and gynecological care, with an extra interest in family and sterilization. I am here on behalf of the National Abortion Federation, the national professional association of abortion providers.

My experience with abortion began in the 1950's, when as a house officer at the Columbia Presbyterian Medical Center in New York City, I watched women die from abortions that were poorly done. Over a 5-year period when in training at the medical center, many women died before our eyes. Many survived only with aggressive pelvic surgery. On occasion, we did save the very sick.

These are not events learned from books, but reality that I painfully experienced and witnessed. This experience with poorly performed abortions was further extended during my 11 years as a medical missionary with the Presbyterian Church while I worked and taught in Korea.

In 1971 at Baltimore City Hospital, we were already doing legal first and second trimester abortions before the Roe versus Wade decision came down. We did about 1,000 a year. Thirty percent were second trimester. At that time, the method of management of second-trimester abortions was saline induction. When the saline did not work, it was often my task to carry out an evacuation in order to meet the patient's needs in a safe and timely manner. I have performed abortions in different settings, and have performed second-trimester abortions using different techniques, depending upon the clinical situation.

When a woman is faced with a need to terminate a pregnancy, the physician can manage the surgical procedure using a number of techniques, hypotonic glucose, saline, urea, prostoglandins, potossin, suction, D&C, D&E. We have used different techniques over the years as our skill and understanding of basic physiology has become clearer. As in all of medicine we develop techniques which are more appropriate, study the long-term impacts, and determine which is safer.

The physician needs to be able to decide, in consultation with the patient, and based on her specific physical and emotional needs, what is the appropriate methodology. The practice of medicine by committee is neither good for patients nor for medicine in general.

This legislation appears to be about something you are referring to as partial-birth abortion. I now am beginning to learn a little about what you think it means, but I did not know it until a few days ago. Never in my career have I heard a physician who provides abortions refer to any techniques as a partial-birth abortion. That, I suspect, is because the name did not exist until someone who wanted to ban abortions made it up. Medically, we do not do partial-birth abortion. There is no such thing.

When an intact fetus is removed in the process of abortion, as is sometimes done, fetal demise is induced either by an artificial medical means or through the combination of steps taken as the procedure is begun. Thus, in no case is pain induced to the fetus. If neurologic development at the stage of the abortion being performed even made this possible, which in the vast majority of cases it does not, analgesia and anesthesia given to the women neutralizes any pain that may be perceived by the fetus.

So when I read in your legislation that you seek to, "Ban an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery," my reaction is that you are banning something that does not happen. To say partially vaginally delivers is vague, not medically oriented, just not correct. In any normal second-trimester abortion procedure done by any method, you may have a point at which a part, an inch of cord, for example, of the fetus passes out of the cervical os, before fetal demise has occurred. This does not mean you are performing a partial birth.

I have seen the sketches that have been passed around. I have read your description of a particular physician's method of performing this procedure, a method by the way which is not at all common. It represents a particular surgical decision by that physician, one which works in his practice. The sketches in any case are not particularly correct. They may in a very technical sense represent an approximation of what occurs in some cases, but they do not represent medical or scientific accuracy. Rather, they are designed to be upsetting and inflammatory for the lay person. They do not advance medical practice.

The words of the legislation are equally inflammatory. No one doing this procedure is partially delivering a fetus. So then, I have to wonder what you are trying to ban with this legislation. It sounds to me as if you are trying to leave any late abortion open to question, to create a right of action, and in fact, a criminal violation. To force doctors to affirmatively prove that they have not somehow violated such a law.

I know that a number of physicians who have performed abortions for years who are experts in the field, look at this legislation and do not understand what you mean or what you are trying to accomplish. It seems as if this vagueness is intentional. I, as a physician, can not countenance a vague law that may or may not cut off an appropriate surgical option for my patient.

Women present to us for later abortions for a number of reasons, including congenital anomalies, of which I have a few pictures if necessary. I can tell you from my long experience that women do not appear and ask for any abortion, particularly those that I saw die in the 1950's, particularly a later abortion, cavalierly or lightly. They want an answer. It is a serious and difficult decision and has been for centuries for women to make. It is not my place to judge my patient's reason for ending a pregnancy, or to punish her because circumstances prevented her from obtaining an abortion earlier.

It is my place to treat my patient, a woman with a pregnancy she feels certain she cannot continue, to the best of my ability. That includes selecting the most appropriate surgical technique using my skill and knowledge developed from experience, to determine what method is safest for this woman at all times and in all circumstances.

Sometimes, as any doctor will tell you, you begin a surgical procedure expecting that it will go one way, only to discover that a unique demand, the case requires you to do something different. Telling a physician that it's illegal for him or her to adapt a certain surgical method for the safety of the patient is absolutely criminal and flies in the face of the standards for the quality of medical care.

For many physicians, this law would amount to a ban on D&E entirely, because they would not undertake a surgery if they were legally prohibited from completing it in the best way they saw fit at the time the procedure was being done. Because the law itself is so vague and bizarre, leaving them to wonder whether they are open to prosecution or not.

This means that by banning this very rare technique, you end up banning D&E, essentially recognized as the safest method of performing second-trimester abortions. That means that women will probably die. I know. I have seen it happen.

With all due respect, the Congress of the United States is not qualified to stand over my shoulder in the operating room and tell me how to treat my patient. If we are to allow women of this country the right to decide when and whether to bear children, we, as their doctors, must be allowed to be doctors and treat them to the best of our abilities and according to their sense of personal control. Thank you.

Mr. CANADY. Thank you Doctor. Dr. White.

Statement of Robert J. White

Dr. WHITE. Mr. Chairman, members of this distinguished panel. I am delighted to have the opportunity to testify before you. I appreciate Mr. Hoke's remarks, whether true or otherwise.

I come before you as not an obstetrician or a gynecologist. I come before you as a brain surgeon and as a neuro scientist. When I was undergoing my training at Harvard Medical School and was working at Children's Hospital in Boston, when I saw the efforts that the pediatricians and the neonatalogists were putting forward to save children, infants, it had a mark on my consciousness and on my practice. I have been trained through all of my years, including many years at the Mayo Clinic, to save lives. Not to take lives.

I go back to a time in American medicine when abortion was abhorred by the medical profession. The thing that we have to consider here is we are dealing with a human being, a fetus. By the 20th week of gestation and beyond, has in place the neurocircuitry to appreciate pain. Now I'm not going to bore this distinguished panel by going through the neuroanatomy and the neurochemistry and the studies that are on board that reflect that these fetuses can perceive and appreciate pain. As a matter of fact, there are studies that demonstrate at 8 weeks through 13 weeks, there's enough neurocircuitry present so that pain noxious stimuli could be perceived.

It is well to remember at this particular time, beyond the 20th week of gestation, that not only are the fiber tracks in place from the surface of the skin in through the spinal cord and to special areas of the brain where pain can be appreciated. But the system which is equally important in the modulation and suppression of pain is not yet as mature as the one conducting pain. Some authorities feel that fetuses at this age can perceive pain to a greater degree than the adult. So I would like to come before you emphasizing that within the framework of the fetus, his nervous system, pain can be perceived and appreciated.

Now, I am not an obstetrician. But as I view and understand this particular procedure, the compression, the pulling, the distortion must be a painful experience for the fetus as it is advanced into the birth canal. But for me, what is most disturbing is the procedure itself. You are talking about a brain operation on a fetus who could have reached an age where I would be called upon as someone trained and experienced in pediatric neurosurgery to operate.

We operate on preemies within this range, conducting brain surgery to save their lives.

We would never consider any procedure giving us access to that preemie's central nervous system without sophisticated anesthesia.

As I read as you do that the procedure to terminate the fetus' life requires the opening of the scalp, the entering of the spinal canal. Now interestingly, I am really wondering if these people who conduct this procedure really know what they are doing in a technical way. We operate on infants beyond the 24th week of gestation using magnification. Some of the most sophisticated instrumentation allows us to enter these areas.

I can conceive that these people eventually sucking out the brain have not even divided the upper cervical cord, which incidentally, and we should think about that, is the area where Mr. Reeves has been injured. We're bringing to bear the greatest technology, and he's being treated by some of the finest neurosurgeons in this country, to save his life.

The obstetrician who conducts this type of partial abortion, is attempting to undertake brain surgery. There is no description in any of the doctors' articles or responses who do these procedures, to give me any indication whether they are operating on the upper cervical spine or cord, or on the brain stem.

Now it is true, once you sever that area, then of course the capability of respiration and so forth has been separated, as has happened to Mr. Reeves. But I can believe that these are not trained neurosurgeons. In the process of terminating this child by removing its brain, could be even conducted in a poor infant whose pain situation, capabilities, the tracks, the neurocircuitry, could be in place because they are not trained to carry out even this dastardly procedure.

Members of the panel, we are talking about a procedure, and I have no idea how often it is conducted, by individuals who are not trained neurosurgeons. We are trained to save lives.

Since I became involved in this, as I sit at the operating table, spending hours utilizing intensive medication, special instrumentation, to remove blood from the brain, to direct specially developed hydraulic tubing into the fluid passages of the brain, in infants of this age or perhaps a little older, to save their lives it frankly disgusts me to think that other medical professionals are undertaking these procedures that we have spent years of study and training to undertake to save lives, are being conducted to terminate lives.

I would also remind you that the animal rights groups in this country have displayed great concern over animal rights, particularly as it relates to pain and to medical experimentation. It seems to me that we have reached a point where far greater care would have to be exercised by the veterinarian or the medical scientist experimenting on animals in terms of pain reduction or elimination, than is a part of this particular procedure. It is almost as if, from an ethical standpoint, it would be more disturbing, even morally incorrect and inappropriate, to cause pain in a rat than a human fetus.

I doubt very much, ladies and gentlemen, if this type of procedure, and as I said before I am not an expert as to how often it would be undertaken, were conducted within the framework of the lower animal, I am sure that the animal rights groups would be able to bring sufficient pressure on Congress and within the media to have it totally eliminated.

In conclusion, the fetus is at an age of gestation where he or she can perceive pain and possibly more exquisitely, than he or she would if they were allowed to go on to be born. The procedure itself is a brain operation. But the details of it are so limited and so ghastly, that it seems to me that it is impossible to believe that medical colleagues at another specialty would carry it out. Thank you, ladies and gentlemen.

Mr. CANADY. Thank you, Dr. Ms. Watts.

Statement of Tammy Watts

Ms. WATTS. Good morning. My name is Tammy Watts. I would like to thank the subcommittee for inviting me here today. My story is one of heartbreak, one of tragedy, but also one of compassion.

When I found out I was pregnant on October 10, 1994, it was a great day, because on the same day, my nephew, Tanner James Gilbert was born. We were doubly blessed. My husband and I ran through the whole variety of emotions, scared, happy, excited, the whole thing. We immediately started making our plans. We talked about names, what kind of baby's room we wanted, would it be a boy or girl. We told everyone we knew, and I was only 3 weeks pregnant at the time.

It was not an easy pregnancy. Almost as soon as my pregnancy was confirmed, I started getting really sick. I had severe morning sickness, and so I took some time off of work to get through that stage. As the pregnancy progressed, I had some spotting, which is common, but my doctor said to take disability leave from work and take things 1 month at a time.

During that leave, I had a chance to spend a lot of time with new newborn nephew, Tanner, and his mom, Melanie, my sister-in-law. I watched him grow day by day, sharing all the news with my husband. We made our plans, excited by watching Tanner grow, thinking, "This is what our baby is going to be like."

Then I had more trouble in January. My husband and I had gone out to dinner, came back and were watching TV when I started having contractions. They lasted for about a half an hour and then they stopped. But then the doctor told me that I should stay out of work for the rest of my pregnancy. I was very disappointed that I couldn't share my pregnancy with the people at work, let me watch me grow. But our excitement just kept growing, and we made our normal plans, everything that prospective parents do.

I had had a couple of earlier unltrasounds which turned out fine. I took the alphafetoprotein test, which is supposed to show fetal anomalies, anything like what we later found out we had. Mine came back clean.

In March, I went in for a routine seven month ultrasound. They were saying this looks good, this looks good. Then suddenly, they got really quiet. The doctor said, "This is something I did not expect to see." My heart dropped. He said he was not sure what it was, and after about an hour of solid ultrasound, he and another doctor decided to send me to a perinatologist. That was also when they told us we were going to have a girl. They said, "Don't worry. It's probably nothing. It can even be the machine."

So we went home. We were a little bit frightened so we called some family members. My husband's parents were away and wanted to come home, but we told them to wait. The next day the perinatologist did ultrasound for about 2 hours, and said he thought the ultrasound showed a condition in which the intestines grow on the outside of the body, something that is easily corrected with surgery after birth. But just to make sure, he made an appointment for me in San Francisco with a specialist.

After another intense ultrasound with the specialist, the doctors met with us along with a genetic counselor. They absolutely did not beat around the bush. They told me, "Your daughter has no eyes. Six fingers and six toes, and enlarged kidneys which were already failing. The mass on the outside of her stomach involves her bowel and bladder, and her heart and other major organs are also affected." This is part of a syndrome called trisomy-13, where on the 13th gene there's an extra chromosome. They told me, "Almost everything in life, if you've got more of it, it's great, except for this. This is one of the most devastating syndromes, and your child will not live."

My mother-in-law collapsed to her knees. What do you do? What do you say? I remember just looking out the window. I couldn't look at anybody. So my mother-in-law asked, "Do we go on? Does she have to go on?" The doctor said, "no," that there was a place in Los Angeles that could help if we could not cope with carrying the pregnancy to term. The genetic counselor explained exactly how the procedure would be done if we chose to end the pregnancy, and we made an appointed for the next day.

I had a choice. I could have carried this pregnancy to term, knowing that everything was wrong. I could have gone on for 2 more months doing everything that an expectant mother does, but knowing my baby was going to die, and would probably suffer a great deal before dying. My husband and I would have to endure that knowledge and watch that suffering. We could never have survived that, and so we made the choice together, my husband, and I, to terminate this pregnancy.

We came home, packed, and called the rest of our families. At this point, there wasn't a person in the world who didn't know how excited we were about this baby. My sister-in-law and best friend divided up our phone book and called everyone. I didn't want to have to tell anyone. I just wanted it to be over with.

On Thursday morning, we started the procedure. It was over about 6 p.m. Friday night. The doctor, nurses, and counselors were absolutely wonderful. While I was going through the most horrible experience of my life, they had more compassion than I have ever felt from anybody. We had wanted this baby so much. We named her Mackenzie. Just because we had to end the pregnancy didn't mean we didn't want to say goodbye. Thanks to the type of procedure that Dr. McMahon uses in terminating these pregnancies, we got to hold her and be with her and love her and have pictures for a couple of hours, which was wonderful and heartbreaking all at once. They had her wrapped in a blanket. We spent some time with her, said our goodbyes, and went back to the hotel.

Before we went home, I had a checkup with Dr. McMahon and everything was fine. He said, "I'm going to tell you two things. First, I never want to see you again. I mean that in a good way. Second, my job isn't done with you yet until I get the news that you have had a healthy baby." He gave me hope that this tragedy was not the end, that we could have children just as we had planned.

I remember getting on the plane, and as soon as it took off, we began crying because we were leaving our child behind. The really hard part started when I got home. I had to go through my milk coming in and everything you go through if you have a child.

I don't know how to explain the heartache. There are no words. There's nothing I can tell you, express or show you, that would allow you to feel what I feel. If you think about the worst thing that has happened to you in your life and multiply it by a million, maybe then you might be close. You do what you can. I couldn't deal with anybody, couldn't see anybody, especially my nephews. It was too heartbreaking. People came to see me, and I don't remember them being there.

Eventually, I came around to being able to see and talk to people. I am a whole new person, a whole different person. Things that used to be important now seem silly. My family and my friends are everything to me. My belief in God has strengthened. I never blamed God for this. I am a good Christian woman. However, I did question.

Through a lot of prayer and talk with my pastor, I have come to realize that everything happens for a reason, and Mackenzie's life had meaning. I know it would come to pass some day that I would find out why it happened, and I think it is for this reason. I am supposed to be here to talk to you and say, you can't take this away from women and families. You can't. It is so important that we be able to make these decisions, because we are the only ones who can.

We made another painful decision shortly after the procedure. Dr. McMahon said, "This will be very difficult, but I have to ask you. Given the anomalies Mackenzie had so vast and different, there is a program at Cedars-Sinai which is trying to find out the cause for why this happens. They would like to accept her into this program." I said, "I know what that means, autopsies and the whole realm of testing." But we decided how can we not do this? If I can keep one family from going through what we went through, it would make her life have more meaning. So they are doing the testing now. Because Dr. McMahon does the procedure the way he does, it made the testing possible.

I can tell you one thing after our experience, I know more than ever that there is no way to judge what someone else is going through. Until you have walked a mile in my shoes, don't pretend to know what this was like for me. I don't pretend to know what someone else is going through. Everybody has got a reason for doing what they have to do. Nobody should be forced into having to make the wrong decision. That's what you'll be doing if you pass this legislation. Let doctors be free to treat their patients in the way they think is best, like my doctor did for me.

I understand this legislation would make my doctor a criminal. My doctor is the furthest thing from a criminal in the world. Many times I have called him my angel. They say there are angels working around the world protecting us, and I know he is one. If I was not led to Mr. McMahon, I don't know how I would have lived through this. I can't imagine where we would be without him. He saved my family, my mental stability, and my life. I could not have made it through this without him and I know there are a great many women out there who feel the same.

I have still got my baby's room and her memory cards from her memorial service. Her foot and hand prints. Those are good things and good memories, but she's gone. The best thing I can do for her is continue this fight. I know she would want me to. So for her, for Mackenzie, I respectfully ask you reject this legislation. Thank you.

Mr. CANADY. Thank you. Mrs. Morton.

Statement of Mary Ellen Morton

Ms. MORTON. Mr. Chairman, members of the committee, thank you for the opportunity to testify. With your permission, could I use slides to illustrate my testimony?

Mr. CANADY. Certainly.

Ms. MORTON. Could we lower the lights? Thank you. My name is Mary Ellen Morton. I am here today to challenge and to dispel the notion that unborn babies would not feel agonizing pain before they are reduced to human rubble during the partial-birth abortion procedure.

Now I have practiced as a nurse for 12 years. Nine of those have been in the neonatal intensive care units. Taking care of babies like this little neonate.

[Slide.]

Now a neonate is defined as a baby that is born, whether premature or full term, until the time they about 4 weeks of age. As you see, this little baby is about 1½ pounds. He falls right into the time line of when this partial-birth abortion procedure is routinely done. He is not even on life support systems. As you see, that's an adult 02 mask there for size. This little boy, named Al, is just about 26 weeks along at this point along in the picture.

As the Chairman stated, I am a flight nurse in Columbus, OH. A portion of my flights is dedicated to picking up the smallest of premature babies and transporting them via air back to Columbus Children's Hospital in an isolet. Viability is an arbitrary term to medical people like myself. The reason for that is, is because it's a measure of the sophistication of the external life supports that is available to us. We know that that is ever changing.

[Slide.]

In fact, this little boy, Donnie, is in the midst of all that technology. He was born at 24 weeks. He is now at about three pounds. That is him laying on his tummy under an oxygen hood.

Now the reason viability is arbitrary, because it varies from institution to institution in my experience. It also varies from baby to baby, because neonatologists, when they call a gram weight or a gestational age as when a baby is viable, you will always have a baby that will prove the definition wrong. It also increases, of course, with our sophisticated technology.

[Slide.]

Now this little baby, it's kind of hard to see, but she was born at 23 weeks gestation in Columbus, OH. She had multiple operations done. One of them was to restore intestines that were born outside of her tummy. It is the standard of care that a baby like this would receive narcotic analgesics for pain control after surgery. It is also the standard of care that these babies would receive skeletal muscle relaxant drugs, such as valium. Also, that has kind of an amnesic effect, so the baby will not remember the painful experience. Also, an antianxiety effect.

It is also the standard of care that these babies receive anesthetic for any kind of surgical procedure. That could be from a central line insertion, chest tube insertion, even to a circumcision. Now the reason we have standards of care, nurses know that it promotes the physical well-being of that baby. More importantly, it is the compassionate thing to do for these little ones, and it holds the medical community accountable for what we do.

I fought long and hard for 12 years to get adequate pain control for these little babies. As Dr. White can probably testify, it has been a long time coming. It has been a struggle. But finally, we are using more and more pain technology and we realize that hospitals should not be a place of torture and torment, but use the adequate pain technology available to us.

[Slide.]

Now I have ample experience as a nurse to assess the pain experience in the smallest of babies. Just to give you an idea from this drawing, there are breathing tubes, there are oral gastric tubes that need to be inserted. We do vena punctures, arterial punctures. We draw blood from the heels of these babies. Their skin, especially the 21 to 23 week babies, they have very sensitive skin. So it requires that we take much caution when we remove electrodes from their skin. We use electrodes for heart monitoring, for oxygen monitoring through the skin, for temperature monitoring. So how is it that nurses know that this little babies are in pain? What it is that I have discovered over the 12 years of taking care of them?

[Slide.]

Well, this just kind of sums it up for you. But basically, we see differences in their vocalizations. There's different kinds of cries. Even your small babies can actually moan, just like an adult would. The facial expressions. We see chin quivering, eye squeezing, we see eye rolling, all kinds of brow bulge, a square chin when they are experiencing pain activity. We see differences in their sleep wake cycles. We see a lack of consolability. Their sucking ability changes when they are in pain. There general appearance, their color actually deteriorates because they deoxygenate their blood when they are in severe pain. We also see posture motor responses, such as jitteriness and arching, when they are exhibiting a pain stimulus.

[Slide.]

Now this little girl, Sarah, she's under a pound. She is only 420 grams with 454 grams being 1 pound. When she was born at 23 weeks gestation, it required that she have a medication called Adavan, which is like valium, administered to her, and also she was on a fentanyl drip at different points. That is actually a pain killer for the discomfort of all the technology.

[Slide.]

This is her a little bit older. As you see, it was very important to even swaddle her while she's on a breathing machine there. It was important for her parents to put a tape into her isolet, where she could be nurtured by the parents verbally. We even gave a pacifier that she can suck on around that breathing tube. We also play internal womb sounds to these babies to kind of console them.

[Slide.]

Now here she is several years ago with the same little doll. As you can see, she has grown quite a bit. But nurses have known this for years, that babies that have adequate pain control and they have people, whether it just be the nurses or adoptive parents, whoever is caring for the child, to give them emotional care. Those babies fare better. They gain weight better. They have less incidence of inner-cranial bleeds. We see a lot of good outcomes.

[Slide.]

Now unquestionably as Dr. White has said, the research has shown that these premature babies, they possess full sensation. This is a summary of the research that has been done. I just want to show you that this validates what nurses have always known for years. I have already told you a few of these, eye rolling, breath holding, jitteriness, eye squeezing, chin lip quivering, limb withdrawal. We also see physiological changes. Their heart rates will race when they are in pain. Or small babies, it will go down. Their oxygen levels, they also have stress hormones that go off the wall. Cortisol, adrenalin levels, will increase during pain.

[Slide.]

Now this is Kelly Thorman of Toledo, OH, born in 1971. As you see, she doesn't require much sophistication of external life supports. In the 1970's, there probably wasn't very much.

[Slide.]

This is her at 368 grams. That is three-quarters of a pound. That is her nurse's wedding ring on her wrist.

[Slide.]

Now as depicted on the front of Life Magazine. This is a baby that is the same age and weight as Kelly Thorman, the baby I just showed you. I have to ask, what is the difference? Both of those babies, whether inside or outside the womb, can perceive pain and experience it. But the difference is, the baby outside the womb is required to have humane care inside of the hospital. But this baby inside of the womb can be pulled violently down into a breech position, partially delivered, only to experience an agonizing death.

[Slide.]

Now this little girl from Columbus, OH, is shown here in two different stages of her life. At 23 weeks gestation and just over a pound, she is full of technology there you can see at the bottom. But you know, as a premature neonate at the bottom and also as a preschooler, do you know that she can experience the same things. She can breath, digest, swallow, taste, hear. This baby can feel pain at both stages in her life. In fact, at both of these stages in her life, she had a learned response to pain. I will show you one of the reasons we know this.

[Slide.]

This baby on his 3-month birthday, when he reached about 3½ pounds.

Mr. CANADY. Ms. Morton. There's a vote taking place on the floor. If you could conclude your remarks in about a minute or two. We are going to have to go to the floor to vote.

Ms. MORTON. I am closing right now. This is the last statement. This baby, before he has blood drawn, it requires that we warm his heel as you see on his right heel. After doing this several times to these babies, they actually know when that pain response is coming, because they will start to become agitated. Their heart rates will race when we put the warm pack on.

In closing, as a nurse and also as a mother, I am really disturbed that this abortion procedure could be permitted on these babies. I believe that I have shown that there is unmistakable humanity. I hope with proposed legislation before you, that it will stop that. Thank you.

Mr. CANADY. Thank you, Ms. Morton. I want to thank all the members of this panel. As you know, there is a vote taking place on the floor of the House. The members of the subcommittee must go to the floor to vote. We will return and reconvene as soon as the vote is concluded. The committee will now stand in recess.

[Recess.]

Mr. CANADY. The subcommittee will come to order. I apologize to our panel for the interruption. I will also tell you that the subcommittee will have to conclude its proceedings somewhat in advance of 1 o'clock due to the fact that the full Judiciary Committee has a meeting scheduled at that time. I regret that. I wish we could have an extended session here of questions, but that is not going to be possible

In light of that, I would like to at this point recognize Mr. Hyde. We're going to switch places, and I'll let Mr. Hyde proceed with questions at this point. Then when it would have been Mr. Hyde's turn, it will be my turn. Mr. Hyde.

Mr. HYDE. Well, I thank you for that gesture. Dr. White, I have yet to find a doctor who performs abortions that calls himself an abortionist. They all say they specialize in reproductive health. I have racked my brain and I try to find something reproductive about abortion. It is contrary, reproductive. Of course health is irrelevant for the fetus that has been exterminated. It just seems ironic that this is the surgery that dares not speak its name.

Dr. Robinson, over the years, about how many abortions have you performed?

Dr. ROBINSON. I really have great difficulty going back to 1953 when in New York City, we didn't do them except under rather limited and special conditions when a committee of four or five physicians would get together and have vote concerning was this a reasonable reason for this young woman to interrupt this pregnancy, just as we had committees to decide whether a woman could have her tubes tied or not. This was all done by committee.

In Korea, since I was working with the Presbyterian Church, I was active in teaching, therefore others in the community were doing the abortions.

When I came back in 1981 or 1971, then at City Hospital I began getting involved in it. I can't give you any sense. It has not been a major job. On the other hand, I have on many occasions introduced myself at church meetings as an abortionist.

Mr. HYDE. You have?

Dr. ROBINSON. Oh, yes.

Mr. HYDE. You are the first then.

Dr. ROBINSON. I'm a Christian abortionist.

Mr. HYDE. That is an interesting juxtaposition.

Dr. ROBINSON. Well, we have Christian crusaders. We have the Christian inquisition in Spain. We have a lot of Christian militants. We have lots of Christians——

Mr. HYDE. Some more nominal than others, I daresay.

Dr. ROBINSON. I daresay.

Mr. HYDE. I have read a statement by Dr. Bernard Nathanson, who was one of the founders of the modern abortion movement and who ran the biggest abortion clinic in New York for years. He said that he can't escape the notion, he said, I can't escape the notion that I have presided over 50,000 deaths. Do you think your record could equal that?

Dr. ROBINSON. I doubt it.

Mr. HYDE. Or is Dr. Nathanson ahead of you?

Dr. ROBINSON. I doubt if that number—on the other hand, the thing that he left out of his statement is that he found 50,000 women who were incredibly pleased.

Mr. HYDE. Who were what?

Dr. ROBINSON. Incredibly pleased with the outcome.

Mr. HYDE. No doubt.

Dr. ROBINSON. One of the pleasures of doing abortions is that no longer do I have to go to a committee. When women leave on the occasions that I have been involved or where the units do, these are very happy women.

Mr. HYDE. Do you ever find that remorse sets in? Do you ever find women who have had an abortion are troubled by it in later years?

Dr. ROBINSON. I find remorse occurs in many women. I do a hysterectomy in women and they grieve later on, because they have lost their ability. Grieving over illness and problems is very common. I think careful studies have indicated that grieving over this issue, as Koop said many years ago as Surgeon General, that this isn't any more common than anybody else. It is an event of life.

Mr. HYDE. You have said that you have spent in your medical experience, you have witnessed women who have died from botched abortions. We are aware that that happens. The statistics are there. The mortality rate for the unborn in abortions is 100 percent though. Isn't it?

Dr. ROBINSON. It better be.

Mr. HYDE. It had better be?

Dr. ROBINSON. Yes.

Mr. HYDE. Thank you Doctor. I have no more questions.

Mr. CANADY. Thank you, Mr. Chairman. I would like to continue, Dr. Robinson, with a couple questions for you.

Dr. Martin Haskell prefers an abortion technique which he calls dilation and extraction. Dr. James McMahon prefers a similar technique and calls it intact dilation and evacuation. The same basic technique has also been called interuterine cranial decompression. Are you familiar with the abortion techniques that are used by Dr. Haskell and Dr. McMahon that are referred to by these particular terms?

Dr. ROBINSON. I must confess, Mr. Chairman, that up to about a week ago, I had never heard anything about this at all. I am in an academic center in which varying issues are discussed. I was totally unaware that even people were talking about it.

Mr. CANADY. Well that was a week ago. So you didn't know anything about the subject you came to testify on today until starting a week ago?

Dr. ROBINSON. I know a lot about abortion. I know a lot about the attempts to describe what is being done. But as a medical piece of information, this is not widely known. It is not generally known. It has not been published in literature. It has not been published in scientific journals. It hasn't even been mentioned in throw-away journals.

Mr. CANADY. Let me ask you this. Would you consider yourself to be familiar, have some familiarity with the subject now? You have been expressing opinions on it.

Dr. ROBINSON. I am very familiar with the subject right now.

Mr. CANADY. OK. Very good. Glad to hear that. Now are you familiar with the paper by Dr. Haskell entitled, Second Trimester DNX 20 Weeks and Beyond, which was presented as part of the National Abortion Federation's Second Trimester Abortion From Every Angle Risk Management Seminar held in September of 1992?

Dr. ROBINSON. As I have testified before, I did not attend that particular meeting of NAF. I was not present. I have not seen that publication.

Mr. CANADY. Oh. You have not seen Dr. Haskell's publication on that subject at all?

Dr. ROBINSON. I have not seen what he has published.

Mr. CANADY. Have you consulted any other literature on this subject?

Dr. ROBINSON. There is no published literature in what we consider the normal medical literature. If I did a Med-Line search, I would not find this term anywhere in the Med-Line search covering about 6,000 medical journals.

Mr. CANADY. What term is that?

Dr. ROBINSON. Med-Line search, it's a way——

Mr. CANADY. No, no, no, no. You said you would not if you did a Med-Line search find this term.

Dr. ROBINSON. The term being used in the legislation.

Mr. CANADY. I refer to some other terms. Dilation and extraction, intact dilation and evacuation, interuterine cranial decompression. What about those terms?

Dr. ROBINSON. If I was to look up the word dilation and extraction, a standard D&E, this is an accepted and considered by many one of the safer methods of accomplishing a second trimester abortion. With that I am familiar with and have done it.

Mr. CANADY. Dilation and extraction?

Dr. ROBINSON. D&E.

Mr. CANADY. OK. Let me ask you this. Now a letter has been sent out by the National Abortion Federation in which you were quoted as saying that the drawings in some materials that I distributed, which are identical to these drawings on the posters, had little relationship to the truth or to medicine.

Now in your prepared testimony, which you submitted to the subcommittee, you said I have seen the sketches that have been passed around. They are medically inaccurate and not designed to advance proper understanding of a surgical procedure. Rather, they are designed to be upsetting and inflammatory to the lay person. Now there you said they were medically inaccurate. When you were giving your testimony a few minutes go, I thought you said something a little different than what is in your written statement. Could you tell me what your current view is of these?

Dr. ROBINSON. I apologize to the committee. Coming down here I took advantage to read what I had prepared and did a little maintaining.

Mr. CANADY. I have no problem with people changing their minds if they get additional information that convinces them that an earlier view is not correct.

Dr. ROBINSON. My view is essentially that those drawings would not appear in a textbook. These drawings would not appear in a journal.

Mr. CANADY. Do you think they are technically correct?

Dr. ROBINSON. They describe, the first one where he is reaching up there. I think they have taken some artistic license to sort of move things around.

Mr. CANADY. But you do think they are technically correct?

Dr. ROBINSON. That is exactly probably what is occurring in the hands of the two physicians.

Mr. CANADY. OK, well, I appreciate that. I think that's a very different thing than what was referred to in the letter sent out by the National Abortion Federation, in which you were quoted as saying they had little relationship to the truth or to medicine. I am glad to clarify that point.

Now, there's some controversy here about whether a baby is, in fact, being delivered or whether it is correct to call this partial-birth abortion. I just want to quote this paper you have not seen. I will be happy to provide a copy of it to you, you might find it of interest, that was prepared by Dr. Haskell, in which in describing this procedure he says, "With the lower extremity in the vagina, the surgeon uses his finger to deliver the opposite lower extremity, then the torso, the shoulders, and the upper extremities." The term deliver is specifically used by I think one of the leading practitioners of this particular procedure. I just wanted to note that.

I will now turn to Mr. Frank and recognize him.

Mr. FRANK. Thank you, Mr. Chairman. I'd like to ask I guess Ms. Smith, Dr. White, Ms. Morton, your opposition to abortion on the various grounds, does that extend beyond this particular procedure, Ms. Smith?

Dr. SMITH. Dr. Smith, please.

Mr. FRANK. Sorry. Dr. Smith.

Dr. SMITH. Excuse me. You want to know whether or not I have a problem with abortion in general?

Mr. FRANK. Do your objections extend beyond this particular procedure?

Dr. SMITH. OK. I was asked today to come and speak about this procedure.

Mr. FRANK. I understand, but I'm asking you to talk about other things.

Dr. SMITH. As the president of the American Association of Pro-Life OB/GYN's, I think that should be quite obvious that I have a problem with abortion.

Mr. FRANK. I will be honest with you. I don't always read people's biographies. I like to ask them questions and get answers.

Dr. SMITH. I'm sorry. I thought you knew. I'm sorry.

Mr. FRANK. I'm sorry you find that an imposition, but I'm asking you your position. I won't do that again, if that's bothersome. Dr. White.

Dr. WHITE. The answer is yes.

Mr. FRANK. Now do you feel that one of the points you made and I heard Ms. Morton make too, was that the fetus, the baby, feels pain. That is true with regard to other procedures besides this one, I assume? That the fetus would feel pain?

Dr. WHITE. I so testified.

Mr. FRANK. Yes. Again, I apologize. I can't always be everywhere at the same place. So the pain point then applies to others as well. Ms. Morton.

Ms. MORTON. You are saying the babies, that it would undergo any other surgical procedure?

Mr. FRANK. Would also feel pain?

Ms. MORTON. Yes. They certainly do.

Mr. FRANK. OK. Well, my point then is that if there is consensus that pain is felt in every situation, to my mind that does not become a basis for differentiating between abortion and this situation and abortion elsewhere. I understand there are people who think abortion is wrong. But the question is, why we would single this out.

Let me then ask also the three witnesses whom I just addressed. This particular legislation says that not only would the pregnant woman be subject to no penalties whatsoever, but she could, in fact, sue the doctor who performed the procedure.

Dr. White, do you think that is appropriate, that a woman who decided to have this done, sought out the doctor, went to the doctor's office voluntarily, submitted to the procedure, and then with no malpractice or anything, we're not talking here about malpractice, because I don't want to get doctors really upset. We are talking only about the doctor who performs the procedure exactly as described and it has exactly the results projected, and the woman then can sue him. Do you agree with that part of the law?

Mr. CANADY. Could I just——

Mr. FRANK. If I get extra time.

Mr. CANADY. Absolutely. You'll get extra time. It is my understanding that under tort law, it is generally the case that it is considered malpractice to perform a procedure which is illegal. I just would point that out.

Mr. FRANK. Yes. I understand. But this statute, if it was simply general tort law you wouldn't have to do it in the statute. I assume this is not going on my time, because I am responding to the gentleman, but what the gentleman is saying is, please don't pay attention to the law I broke. I mean if that was general tort law, what did you put it in the statute for? You clearly meant to do more than general tort law. That's the principle that is explicitly written in here.

So Dr. White, do you think that a woman in that situation should be allowed to recover damages from the doctor who performed the procedure exactly as she asked him to?

Dr. WHITE. I'm no legal expert, Mr. Frank.

Mr. FRANK. This is a matter of policy. It is not a question of what the law is.

Dr. WHITE. But I find the procedure so inhumane and so nonscientific, that if this particular part of the bill became law, I could accept it.

Mr. FRANK. You think the woman should be allowed to sue. Dr. Smith?

Dr. SMITH. I would like to answer your question. First of all, I don't know how the people who do abortions do their practice. I do know that most of the times when women ask about abortion, and people do come to me and talk to me about it, they don't usually go in saying I want a particular procedure. They usually go in saying I don't want to be pregnant any more, or in a particular case if they find out that they have a baby that has an abnormality that is incompatible with life, they generally don't ask you, do you do D&Es.

Mr. FRANK. What if they do? Ms. Watts said she did, and she had it explained to her.

Dr. SMITH. I'm telling you——

Mr. FRANK. I understand, but I am asking the question.

Dr. SMITH. I am answering your question.

Mr. FRANK. No, you are not, Dr. Smith.

Dr. SMITH. Well, let me try to. OK?

Mr. FRANK. You are not answering it. Let me explain to you why. Maybe I better rephrase the question better. The bill covers every situation. You are talking about there may be situation where the woman was mislead. The bill would allow the woman to sue in situations where it was explained to her exactly, as it apparently was to Ms. Watts.

My question to you is, where it was explained to a woman exactly what was going to happen, and that's what happened, should she be allowed, as this bill would allow her, to sue the doctor?

Dr. SMITH. If the doctor is doing something illegal and he hurts the woman, then first of all, if it's a law, he is breaking the law.

Secondly, if he is doing an experimental procedure.

Mr. FRANK. No——

Dr. SMITH. I am trying to answer your question. If he is doing an experimental procedure——

Mr. FRANK. You are not answering my question.

Dr. SMITH. We must tell the woman that this is what I am doing, and therefore, do you agree to it. Most patients do not ask their doctors for a specific abortion technique.

Mr. FRANK. You are evading the question.

Dr. SMITH. They ask, I don't want to be pregnant.

Mr. FRANK. Yes, Dr. Smith. You are deliberately evading the question.

Dr. SMITH. I am not evading the question.

Mr. FRANK. Excuse me, Dr. Smith. I am going to finish. You are deliberating evading the question. I said to you where we have circumstances where the woman explicitly is told by the doctor what is going to happen, it's not experimental, et cetera.

Mr. CANADY. The gentleman's time is expired.

Mr. FRANK. With my extra time?

Mr. CANADY. Yes. I think you got more than the time I took.

Dr. SMITH. Can I just ask question? Can I ask him a question, please?

Mr. CANADY. No. I'm sorry. We're going to have to recognize Mr. Inglis at this point. Then we'll have another round of questions. Hopefully, Mr. Frank will have another opportunity on the second round. Mr. Inglis.

Mr. INGLIS. I would love for you to ask your question.

Dr. SMITH. I would like to know, you are setting up a situation where you are telling me that my patient is coming in and asking me to do something that I know is against the law? And then you are supposing that the doctor knows this is against the law and then is going to ask, cahoots with the patient to do something that is against the law when they have another alternative to help that person if they don't want to be pregnant not to be pregnant?

I guess the reason I didn't understand your question is that I don't assume that doctors break laws that they know they are not supposed to be breaking. So if you are asking me if two people want to conspire together to do something that is criminal, I don't know how to respond to that. You'd have to ask a doctor who does that. I don't do that.

Mr. FRANK. Would the gentleman yield for me to answer the question?

Mr. INGLIS. Sure. Just briefly though. I've got another question.

Mr. FRANK. Well, you yielded to her to ask me a question. It would seem to be only fair.

The answer to you is that you seem to think it was a stupid question. But what you really mean is that it is a stupid bill, because I asked you the question that came from the bill. It is the bill that sets up those circumstances. You say you are presuming these circumstances. I am reading from the bill. The bill is the one that assumes that there will be a doctor who will do that and the woman will sue. So your discussion——

Mr. INGLIS. Let me reclaim my time.

Mr. FRANK. Is about the bill itself. I was asking you a circumstance from the legislation.

Mr. INGLIS. I'm going to reclaim my time and yield to the Chairman for a response to that attack on the bill.

Mr. CANADY. I hope and presume that there will never be any prosecutions under this law once it is enacted. I believe that respectable practitioners will not violate this law. So I think what we have in the bill is a mechanism to ensure that there is a consequence if they do. That will encourage their compliance with the law. I will yield back to the gentleman——

Mr. FRANK. Will the gentleman yield?

Mr. INGLIS. No, no. I am going with the question. I have got another question. I am very interested in, and understand I am running back and forth between two subcommittee hearings, but I understand that Dr. Robinson, you testified that partial birth is a misnomer, that this is not really what it is. I would ask you, sir, distinguish for me the difference between the child let's say on these charts that is—I'm not a medical expert, but I assume it's about 5 inches, maybe less than that. Maybe 2 inches difference.

In other words, when the child is once delivered, which is a matter of inches I take it, can you explain to me the difference in your opinion, between the child that has been delivered and the difference between the child whose head is still in utero?

Dr. ROBINSON. Actually, I am not clear what the question is.

Mr. INGLIS. You said that there was not a——

Dr. ROBINSON. We have in our tradition we have other terms. I am surprised the word partial extraction was not used. This is a standard term in obstetrics that we use for delivering. That could have been used. The use of the word living, these types of——

Mr. INGLIS. Let me refine the question a little bit. Do you understand that if you did this procedure it would be legal, but if the child were delivered out of the canal, and you took your same instruments and whacked off its head, do you understand a legal difference between the way you might be treated there?

Dr. ROBINSON. Well, as a younger resident before we had a lot of sophisticated techniques, I was often faced with the delivery of a breech, in which I found the baby at that point still alive, with an enormous head. Yes. I have upon occasion——

Mr. INGLIS. No, no, no, no, no. You are missing the question. Let me explain the question. I want you to explain to me the difference between the child that you may legally kill inside, with its head inside the canal, and the situation that would occur if you were once it was delivered those last few inches, to whack off its head. What is the difference between what would happen to you?

Dr. ROBINSON. If the law was passed, I have no idea what would happen. The law has not passed. I know that I am under law right now, permitted to meet my patient's needs in providing her an abortion.

Mr. INGLIS. OK. Let me ask you this. Now we are talking about the legal. Tell me how you justify in your own soul, if you will, the difference in treatment between the last few inches. I mean describe for me the status difference of that human being. What is the difference in status? One, it's almost all out. In fact, I think the shoulders are out, are they not, and the head is simply in. In the other, the head is out.

I have witnessed four beautiful births of my four children. I recall that that's a rather triumphant moment. Can you tell me the difference in the status in your own mind, between those children? The one that's head is inside, and the one that's head is outside?

Mr. CANADY. If you could do so briefly, please, because the gentleman's time is expired.

Dr. ROBINSON. In my situation, I am dealing with a woman who has come to me for reasons that she wants to interrupt her unplanned, unwanted pregnancy. There are congenital anomalies. In some cases, the babies may be partially dead or won't live when it is on the outside. The conditions under which I, my staff, the nurses in which we are delivering this, as was described, the support and the concern.

The other than you are describing when I am dealing with a patient who is desperately trying to have a live child, and through the mistake of nature, delivers early, prematurely. In most cases, I would probably not have delivered that baby this way. I would have done a caesarian section.

Mr. CANADY. The gentleman's time is expired. Mr. Hoke.

Mr. HOKE. Dr. Robinson, you had stated that in no case is pain induced to the fetus. The fetus feels no pain at all. We have heard a lot of conflicting testimony regarding that, from a nurse and a neuro scientist.

If the baby is alive right up until the very end of the procedure, do you still stand by that testimony?

Dr. ROBINSON. I am not a neuroscientist. I have read some of the literature, although it's not an area that I spend a great deal of time at. I have listened to the nurse testify as to what instinctively she has learned. Instincts, of course, are not the way we learn.

Mr. HOKE. What do you base your statement that there is no pain?

Dr. ROBINSON. Because I'm not sure I know what pain is. Spinosa called it a chronic condition. I am an expert in chronic pain. I deal with a lot of people with chronic pelvic pain. What is it, where does it start.

Mr. HOKE. How about when like if you took a knife and you were cutting a tomato and you sliced into your finger, would you experience something that you might describe as pain?

Dr. ROBINSON. That would be an acute pain reaction. Yes.

Mr. HOKE. Al right. Well then if we can use that definition, which I think is probably one that many people share. Using that kind of definition, are you saying that in no case is that kind of pain induced to the fetus? Is that what you meant by your testimony?

Dr. ROBINSON. I am sure that if you had the fetus outside and had it sophisticated, you would see EKG changes, you would see certain reactions. But this simply the passage of information from a no-susceptive sensor up to the brain. Whether that is pain or not pain, I do not know the answer to that.

Mr. HOKE. Well, Dr. White, the testimony that we had heard from Dr. Robinson was that if there was pain, and apparently there is some question in Dr. Robinson's mind about that, whether or not there is pain, that it wouldn't be felt because under the circumstances there's an anesthetic that has been given to the patient, to the woman. Would an anesthesia, would local anesthesia affect the fetus or would the fetus be inside the uterine sack, would it be different, a different set of circumstances?

Dr. WHITE. Well, there are certain pharmacological agents that are administered as anesthetics, mainly in the use of general anesthetics, which do transfer through the placenta, and at a significantly reduced amount do reach the child.

There isn't the number of studies that we need on that. I think the difficulty is that under these circumstances and the evidence we have in terms of cardiovascular responses, certain chemistries that have been drawn from the fetus under these circumstances, demonstrate the fact that there is considerable stress and indeed, overwhelming pain.

There are enough studies in children of this age. Much in the age range that the nurse has demonstrated to us. I think there is really very little argument any longer that the fetuses that we are talking about in the gestational age, the idea is, they do receive pain and appreciate it. I don't want to bore you certainly in the question period, evidence and so forth. I personally think it is incontroversial.

But going back to what is said here, that when you actually attempt to divide, and it's not clear whether it's the spinal cord or the brain stem, and then suck out the brain, in a sense, modern medicine feels that the brain is the very essence of human existence. That is what the concept of brain death is based on, equals human death. You might as well cut the head off under those circumstances, because you are destroying the very organ that is the essence of humanhood.

But it is the procedure itself. The idea as Dr. Smith has shown, of a scissors being introduced into this area. I doubt these people even know where they are operating. I need a microscope to see this area. So it is very possible they could be removing this brain in this tragic way of extraction, sucking, whatever you want to call it, when the child is still alive under those circumstances.

Mr. HOKE. I guess what I don't understand about this when I hear the testimony is why those who are proponents of the procedure are trying to jump through such extraordinary hoops to say that it is not painful or that it is not inhumane, or that somehow there is—I mean, let's call it exactly what it is, and then if in fact under those circumstances it's something that a nation can tolerate, then that's fine. But let's not pretend that somehow this is not grotesquely painful to the fetus that it's been subjected upon.

I wanted to, there's one other—yes, Doctor.

Dr. WHITE. Sorry to interrupt. You are absolutely correct. Because the two papers that have been cited over and over again, and unfortunately Dr. Robinson hasn't read it, are the two experts in this field that do this sort of abortion. You will note that in their papers they do not stress the fact that because of the anesthesia administered to the mother, if indeed any, that the child, the infant, the fetus, is not suffering pain. That is not a part of their written remarks.

Mr. CANADY. The gentleman's time has expired. The time for this meeting has about expired. We're going to have to adjourn this hearing.

Mrs. SCHROEDER. Mr. Chairman.

Mr. CANADY. I'm sorry. There's a——

Mr. FRANK. Excuse me, Mr. Chairman. I thought we had a 1 o'clock meeting of the full committee. But Mrs. Schroeder not to be able to ask questions, we do have until 1 o'clock.

Mr. CANADY. The Republicans on the committee have a caucus which we are late for at this point, preliminary to the meeting.

Mrs. SCHROEDER. Mr. Chairman.

Mr. FRANK. Mr. Chairman, I do have to object. You guys scheduled these two meetings. To deprive our members of a chance to ask questions. Then be a few more minutes late or leave one person behind. But to deprive Ms. Schroeder and Ms. Jackson-Lee of a chance to answer questions while the panel is here, over 10 minutes.

Mr. CANADY. Mrs. Schroeder, you will be recognized for 5 minutes. I'm sorry, Ms. Jackson-Lee, you are not a member of this subcommittee. We will have to conclude at the end of your 5 minutes. Please proceed.

Mrs. SCHROEDER. Well, Mr. Chairman, I appreciate that. I was a little startled. I am sorry. I had an amendment on the floor so I was a little late getting back.

But let me just say my understanding is while I was gone, that the witnesses that testified for the bill said they really were against abortion at any stage. I take it that all of you would agree with the premise that this bill should go forward even if a doctor were to ascertain this medical procedure was much better for a woman who was seeking abortion. Is that correct?

Dr. SMITH. No. First of all, there has been no proof that this procedure is safe for anybody.

Mrs. SCHROEDER. Wait a minute. Let me take back my time. That was not my question. I said if it is proven, and if a doctor says this is safer for the woman, would you still want this to pass? You still want to outlaw this procedure?

Dr. WHITE. I don't think that is possible. It is not scientific. I mean, you are going to violate science.

Mrs. SCHROEDER. I mean we have two big views of what science really is. We are hearing about pain. My understanding, birth is also painful for babies.

But one of the things I think we should do as we—Dr. Robinson, I understand you had some slides. Is that correct?

Dr. ROBINSON. Just pictures of congenital anomalies such as has already been adequately discussed here. I don't think it would necessarily enhance the proceedings. It would prolong it. They are simply standard pictures of babies in very poor shape.

Mrs. SCHROEDER. Because of the interest. I think it is very important that we have some balance there.

Dr. White, when you were talking about humanity comes from a brain. Does that mean if a baby does not have a brain then this procedure would be OK? Is that then not human?

Dr. WHITE. Well, even the anacephalic child has a brain stem. While we have a great deal of difficulty defining brain death, as we can do in adults, in children and certainly in infants, it is not true that under ordinary circumstances, a child would be born or would be at these gestational ages, totally without even a brain stem. I mean it's not impossible, but I mean the thing is, in general, the anacephalic child has a brain stem. Therefore, they have a part of a brain.

Going to your question, would I consider this appropriate under those circumstances, that is, with the brain stem retained. My answer would be no.

Mrs. SCHROEDER. And then what if it were a mole? Well, never mind.

Dr. WHITE. I don't know what you mean.

Dr. SMITH. He doesn't know what a mole is.

Mrs. SCHROEDER. I guess I feel a lot of pressure because the Chairman doesn't want me to ask questions. I have got many questions that I want to ask here.

One of the things I am so troubled by is I think as Congress moves in and starts micromanaging what OB/GYN's can teach, what the medical profession is saying, what kind of procedures are legal and illegal, where is the line, are you going to have Federal people in these operating rooms watching this?

You know what I think is going to happen is it is going to be very difficult to get high quality docs ever wanting to deal with women's issues, women's health issues, because who needs this, who needs this. It is the only area of medicine where I know that there is this kind of micromanaging.

I see two distinguished members of the medical profession sitting side by side. I think traditionally you would say that they have had very high ethics. You have had your own oath, you have had your own policing.

Mr. CANADY. There are three physicians here and another medical practitioner.

Mrs. SCHROEDER. Three physicians, I'm sorry. Three sitting side by side and a nurse. So we have four, OK. But let me say, you have had high standards. I don't think we probably need to get Congress into micromanaging down to the details of what is going on. That is why I am very troubled by this beginning, because I see this as a tremendous erosion. I see it as a backsliding.

I have talked to many deans of medical schools who are very troubled by this, who say, you know, we're not sure we really want to continue even dealing with obstetrics and gynecology. Long term, I think that hurts all women, because you don't have the safe standards. We know women's health has not been dealt with very well in this country any way. To begin this, I think is very troubling.

So, Mr. Chairman, I have a lot of questions that I would like to ask for the record, if that's OK, since you would like me to be quiet. I would like to yield the remaining time to Ms.——

Mr. CANADY. I have not wanted you to be quiet. As a matter of fact, we recognized you at the beginning of the hearing, and you will have the last word in the hearing as well, because your time is now expired. The full committee is commencing a meeting in about two minutes. In light of that, we're not going to be able to continue with this subcommittee meeting. I wish we could. There's an additional witness. Prof. David Smolin of the Cumberland Law School, who has come for the hearing today. I apologize to you, Professor, that due to this meeting of the full committee, that it was only scheduled yesterday, because of our inability to finish the work we had to conclude yesterday. We will not be able to continue.

I want to again thank all of the members of this panel for being here. We appreciate your valuable testimony. The subcommittee is adjourned.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 68½ minutes.

Mr. SPECTER. I thank the Chair and yield the floor to my distinguished colleague from New Hampshire.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Who yields time to the Senator from California?

Mr. SPECTER. How much time would the Senator—5 minutes.

Mrs. FEINSTEIN. I will do my best.

Mr. SPECTER. We have a number of Senators who have already requested time. I yield the Senator 5 minutes.

I say to my distinguished colleague from California that I wish we had more time, but we have many requests. I think it is important to hear the intentions of those in opposition who wish to respond. But I do yield 5 minutes to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, I rise to support the motion to commit to the Judiciary Committee, and I do that as the only woman in the U.S. Senate on the Judiciary Committee. This is a matter which basically affects women, and I think it really is appropriate to have the hearings that have been requested and to come to grips with some of the problems that are inherent in this legislation.

I would like to give you my major reasons for suggesting that hearings in the Judiciary Committee are appropriate.

I believe that the language in this bill is unduly vague. It is not based on medical terminology. The bill holds a doctor criminally liable for a procedure that is defined not in medical terms but in a description devised by legislators. I think we need to come to grips with that and find out exactly which procedures would be impacted by this legislation.

Second, Roe versus Wade already provides for States to legislate in the third trimester. And, in fact, 41 States do already have statutes on the books which govern abortions in the third trimester. There are also very strong writings and beliefs that this bill would violate the Constitution. I think that is worthy of a hearing.

Finally, there is a very real human dilemma in this. Unfortunately, the genetic code which carries out God's creation is sometime's tragically faulty. And this produces heartbreaking circumstances in which children have developed in the fetus without brains, children have developed with the brain outside of the skull, children develop without eyes or ears, whose stomachs are hollow, and the materials having to do with intestines and bladder are created outside of the physical structure of the individual.

When we consider the nature of these heartbreaking pregnancies, these very dire circumstances, we must also consider the life and health of the mother. So I believe very strongly that this is the correct action to take, to have these hearings and to report this bill back to this body within a specified period of time.

Let me just very quickly speak to certain issues. In 1973, in Roe versus Wade, the Supreme Court established a trimester system to govern abortions. In that system, in the first 12 to 15 weeks of a pregnancy, when 95.5 percent of all abortions occur, and the procedure is medically the safest, the Government may not, under Roe, place an undue burden on a woman's right to an abortion.

In the second trimester, when the procedure in some situations poses a greater health risk, States may regulate abortion, but only to protect the health of the mother. This might mean, for example, requiring that an abortion be performed in a hospital or performed by a licensed physician.

In the later stages of pregnancy, at the point the fetus becomes viable and is able to live independently from the mother, Roe recognizes the State's strong interest in protecting potential human life. On that basis, States are allowed to prohibit abortions, except in cases where the abortion is necessary to protect the life or the health of the woman. I repeat, the life or the health of the woman.

Contrary to the many myths put forward by opponents, abortion in the latest stages of pregnancy is extremely rare and performed almost exclusively under the most tragic of circumstances—to protect the life or health of a woman who very much wanted that pregnancy, or in the case of a severe and fatally deformed fetus.

As I said, 41 States have enacted laws restricting abortions in the later stages of pregnancy. Even when such abortions have been restricted, States have, in nearly every case, made exceptions to protect the life and the health of the mother.

States such as Alabama, Arkansas, Florida, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, Nebraska, Nevada, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Utah—all these States, and many more, have recognized the crucial need to consider risks to a woman's health, in addition to risks to a woman's life, in balancing the important considerations of both the fetus and the mother. To do otherwise would be to fail to accord consideration to the safety and well-being of our Nation's women. To do otherwise would be callous, and cruel.

Certain States have chosen to remain silent on the issue—most likely because these abortions are so rare and considered so tragic, that new laws are not necessary to interfere with what many believe is a medical decision between a woman and her doctor.

THE FEDERAL GOVERNMENT SHOULD NOT BE STEPPING IN HERE

There are several compelling reasons why the Federal Government should not step in and interfere in this medical decision between a doctor and a patient.

First, there is no need to. Except in the rarest of cases, abortions late in the pregnancy simply do not occur, and when they do, as I have said, it is due to the most tragic of circumstances. Only one-half of 1 percent of all abortions are performed after the 20th week of pregnancy. Fewer than four one-hundredths of 1 percent (.04) occur in the third trimester, and nearly all of these are performed due to severe fetal abnormalities or grave risks to the health or life of the pregnant woman.

Many of the people pushing this legislation profess to believe in States' rights, and keeping Government off our backs. Why, then, do they suddenly think Big Brother should step in when the issue is abortion? Roe versus Wade gave States the authority to regulate and even ban abortion after viability. Why, then, is there a compelling need for the Federal Government to interfere?

Lets be candid. Although this Congress has seen a host of back-door efforts to restrict women's access to abortions, this legislation represents a direct, and blatant, challenge to Roe versus Wade. Proponents of this measure openly admit that this is a strategic milestone in the road toward making abortion illegal in this country. If this measure passes and is enacted into law it will be a significant victory for the antichoice forces.

THIS IS A MEDICAL DECISION

Finally and most importantly, the reason politicians should stay out of this is because this is a medical decision, not a political one. It is important to remember that in the heartbreaking cases where medical intervention in pregnancy is warranted—these were wanted pregnancies. The decision to have an abortion for these women and their families was one that they desperately tried to avoid. And the Federal Government has no business making that decision any harder on these families. Take the case of Viki Wilson:

Viki Wilson is a nurse who lives in Fresno, CA, with her husband, Bill, an emergency room physician, and their two children, Jon and Kaitlyn. Viki and Bill very much wanted more children and she became pregnant in August 1993 with a baby girl.

After what seemed to be a normal, healthy pregnancy filled with baby showers, a freshly painted nursery, and family members touching Viki's stomach to feel the baby kick, Viki received the worst imaginable news: her beautiful baby girl had a fatal deformity, known as encephalocoeles—a condition where the brain forms outside the skull and is always, unconditionally, fatal.

Viki and Bill would have done anything on Earth to save their baby girl, whom they named Abigail. But she had no chance of survival.

Viki was warned that, if she continued the pregnancy, she risked rupturing her uterus, or causing a massive infection that would leave her unable to have more children. After consulting with their physicians, Viki and Bill decided that the safest thing to do was to abort the pregnancy.

An abortion at this late stage of pregnancy is not easy, and Viki's doctor recommended a procedure known as intact dilation and evacuation. In layperson's terms, it means attempting to induce cervical dilation artificially and removing the fetus intact. In cases such as Viki's, the deformed head of the fetus could not fit through the cervix, and fluid had to be extracted in order to complete the delivery safely.

This abortion procedure saved Viki Wilson's health and perhaps her life. It is the same procedure that opponents of abortion have called a "partial birth abortion," in order to mislead people into believing that a live and healthy fetus is being disposed of. Nothing could be further from the truth.

After Viki Wilson's story was published, I received a letter from a constituent of mine who had been through a similar tragedy. She wrote:

> My husband and I lost our baby on March 10, 1995. Our baby was diagnosed with a herniated diaphragm . . . preventing its heart and lungs from growing normally. My husband and I had to make the most devastating decision of our lives during my 19th week of pregnancy. This baby was our first child, and we had so much love and excitement for its birth. The doctors gave us two choices: terminate the pregnancy, or continue the pregnancy with surgery in utero, understanding that [the baby] would only live for a few weeks under life support after birth . . . My health was at risk if I carried to term and

my baby would not live for even one month on this earth.

This woman needed the same procedure that Viki Wilson had, the same procedure that this bill would outlaw.

And a woman named Karen Ham became critically ill with diabetes during her second trimester and had to be flown 450 miles to a clinic in Colorado for an abortion necessary to save her life. When she arrived, she was in shock and about to go into cardiac failure.

THE NEED FOR HEARINGS

This body is attempting to legislate a complicated medical decision without even so much as an adequate public hearing on the matter. I listened to Senator Smith on the floor some months ago. It was the first time I had seen photos depicted on C-SPAN full screen. With all due respects, I believe that his presentation was one-sided and fully misleading. If this legislation is to go forward, it is essential that the Judiciary Committee hold hearings on the bill, as this bill would create criminal liability for doctors who perform this late-term procedure.

We need to hear from the experts—the doctors and other health professionals, and from the parents who have been through this procedure.

There are many health risks that women can face during pregnancy, risks that could worsen during pregnancy, requiring a late-term abortion: heart disease, cancer, diabetes, just to name a few. These risks cannot be dismissed as we consider legislation that would ban what may be the only medically safe option to terminate a pregnancy.

S. 939 REPRESENTS A DIRECT CHALLENGE TO ROE VERSUS WADE

Every Senator in this Chamber should make no mistake about what this bill is: This bill is a direct challenge to Roe versus Wade.

Roe versus Wade firmly established that, after viability, abortion may be banned as long as an exemption is provided in cases where the woman's life or health is at risk. This provision was explicitly reaffirmed by the Court in Planned Parenthood versus Casey.

This bill is unconstitutional on its face because it allows for no exception in the case where the banned procedure may be necessary to protect a woman's health. Even further, the bill holds the doctor criminally liable unless he or she can prove that the banned procedure was the only one that would have saved a woman's life. The doctor must go to court to prove this. This places an undue burden on access to late-term abortions to save a woman's life under Roe versus Wade.

The Smith bill also ignores the viability line established in Roe and reaffirmed in Casey. The bill would criminalize use of a particular abortion procedure, virtually without exception, even before fetal viability. This again constitutes an undue burden—prohibiting a procedure that for some women would be the safest in light of their medical condition.

The proponents of this bill know quite well the challenges to Roe this legislation presents. That is their intent. The magnitude of this bill is enormous for the long-term preservation of safe and legal abortion in this country. It will have an immediate and direct effect on the lives of women facing tragic and health-threatening circumstances. This bill needs to be considered thoroughly before it is brought to the floor for a vote.

I urge my colleagues to vote for the motion to commit S. 939 to the Senate Judiciary Committee for hearings.

I would like to enter into the Record a letter written to the American Medical Association by a San Francisco physician, David Grimes.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. May I have 1 minute?

Mr. SPECTER. The Senator may. Let me say we are going to have to proceed on a limited basis. I already have requests from about 10 Senators to speak. The Senator may have 1 additional minute.

Mrs. FEINSTEIN. I thank the Senator very much.

I would like to enter a letter into the Record from a physician, an obstetrician, a surgeon, who served as chief of the Abortion Surveillance Branch at the Centers for Disease Control in Atlanta, where he did some preliminary work in evaluating third-trimester abortions, and finds this issue to be largely a smokescreen for those opposed to abortion. He points out the rarity of these abortions. He points out that in a study in Atlanta, the rate of third-trimester abortions was 4 per 100,000 abortions. I think this letter provides some accurate and vital testimony.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of California,
San Francisco,
San Francisco, CA, October 11, 1995.

Re H.R. 1833/S. 939.

Ross Rubin, J.D.,
Legislative Council, American Medical Association, Chicago, IL.

Dear Mr. Rubin: As a member of the AMA and a long-time provider of abortions, I write to express my concern about the reported intention of the AMA to endorse a ban of certain abortion techniques. As background, I have conducted research on the safety of abortion for two decades. Some of that research has appeared in JAMA. I am Board certified in both obstetrics and gynecology (for which I am an Examiner) and in preventive medicine. In the 1980's, I served as Chief of the Abortion Surveillance Branch at the Centers for Disease Control in Atlanta, where I was the principal federal agent responsible for determining the safety of abortion in the U.S. I have served as a consultant to the Planned Parenthood Federation of America and the American College of Obstetricians and Gynecologists concerning abortion issues. I currently chair the Steering Committee for the World Health Organization Task Force on Post-Ovulatory Fertility Control, which studies abortion internationally. I have testified before Congressional subcommittees several times concerning abortion issues.

First, the term being used by abortion opponents, "partial birth abortion," is not a medical term. It is not found in any medical dictionary or gynecology text. It was coined to inflame, rather than to illuminate. It lacks a definition.

As I understand the term, opponents of abortion are using this phrase to describe one variant of the dilation and evacuation procedure (D&E), which is the dominant method of second-trimester abortion in the U.S. If one does not use D&E, the alternative methods of abortion after 12 weeks' gestation are "total birth abortion:" labor induction, which is more costly and painful, or hysterotomy, which is still most costly, painful, and hazardous. Given the enviable record of safety of all D&E methods, as documented by the Centers for Disease Control and Prevention (Lawson et al. Abortion mortality, United States, 1972 through 1987. Am J Obstet Gynecol 1994;171:1365–1372), there is no public health justification for any regulation or intervention in a physician's decision-making with the patient.

Second, the issue of alleged "third-trimester abortion" is largely a smoke screen of those opposed to abortion. Abortions after 24 weeks are exceedingly rare in the U.S. Indeed, my colleagues and I at the Centers for Disease Control investigated two years' worth of reports of such abortions in Georgia. Nearly all were coding errors concerning gestational age or fetal death in utero. We found two uterine evacuations for anencephaly, and one case with inadequate documentation. The rate of third-trimester abortion was 4 per 100,000 abortions. (Spitz et al. Third-trimester induced abortion in Georgia, 1979 and 1980. Am J Public Health 1983;73:594–595)

According to Congress Daily, the legislative council felt that some unspecified D&E variation is not a recognized medical procedure. If so, this may reflect only the composition and medical background of the legislative council. Several variations of the D&E technique have been widely used in the U.S. over the past twenty years (Grimes et al. Midtrimester abortion by dilation and evacuation: a safe and practical alternative. N Engl J. Med 1977;296:1141–1145) and are well known to gynecologists and others who provide abortions.

In summary, abortions after 24 week's gestation are exceedingly uncommon and are done for compelling fetal or maternal indications only. Variations of D&E are by far the most common means of abortion in the U.S. after 12 weeks' gestation. Outpatient D&E dramatically reduces medical costs and patient suffering, while having morbidity and mortality comparable to labor induction. From a public health perspective, any intrusion of Congress into this medical issue is both unwarranted and unjustified. I hope that the AMA will strongly oppose any such regulation of the practice of medicine by anti-abortion activists.

If I can be of help to the legislative council by providing references or by meeting with your group in Chicago, I would be glad to do so. Thanks very much for your consideration.

Sincerely yours,
DAVID A. GRIMES, M.D.,
Professor and Vice Chair.

Mrs. FEINSTEIN. I thank the Chair, and I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Hampshire.

Mr. SMITH. Mr. President, I yield whatever time I may consume to myself.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH] is recognized.

Mr. SMITH. Mr. President, I rise in opposition to Senator SPECTER's motion to refer H.R. 1833 to the Committee on Judiciary.

Make no mistake about what this motion is. Let us not kid ourselves. It is a motion made by the opponents of the bill that is intended to get the bill off the Senate floor, to get it out of the public spotlight, to spare the full membership of this body from having to face up to the grisly reality of partial-birth abortions. That is what this motion is all about. Nothing else.

They do not want to see what happens in this grisly, disgusting procedure. They do not want the American people to see it. That is why they want to move this bill off the floor and send it back to Judiciary.

But frankly, Mr. President, the American people are sick and tired of politicians doing just this: Ducking and weaving and dodging. The Ali shuffle, that is what it is here in the Senate: Let us not face up to reality, do not make the tough choice, do not give us a recorded vote, do not come out here and vote your conscience; shuffle it off to committee.

Originally, the Senator from Pennsylvania was going to make it a 45-day motion, which would have taken us to December 23, which means it would have taken us into the next year. Then he surprised us, I suppose, in this element of surprise which is so common here, and he now brought it back to December 7, 19 days, where he says we will report the bill with amendments, if any. Of course, what he does not say is they could report the bill with a recommendation to defeat it. He does not point that out.

This is dilatory. It is an act of cowardice. It is a refusal to face reality, to face the issue. That is what this is about.

I want to make it very clear to my colleagues, I may lose on this motion today. I hope not. I think when we get finished with the debate you will know why I hope not. But if I do, and this motion carries, I want my colleagues to understand that we are going to vote on this. We will vote on it on the next bill that comes in here if it is an hour after this, a day after this, a week after this, a month after this. The next time I can get this amendment attached, it is going on and we are going to vote on it because I am not going to let the U.S. Senate back off from going on record on this issue.

Not tomorrow, not after some hearings. We have already had hearings. The House has had hearings. The House has had a subcommittee markup, a committee markup, a report. We have had all of that. We have had a debate. Senator BOXER and I debated last night on two national programs.

Everybody knows what happens here, especially the opponents. They know what happens here in this process. I am going to show you what happens here in this process in a few moments. Everybody knows what happens, and you will notice the opponents do not talk about that. "What we are talking about here is broad legal concepts, legalese," I hear from the Senator from Pennsylvania. This is not legalese.

Three inches from the head coming into the world with the rest of the baby's body, 3 inches and maybe 3 or 4 seconds, the difference between when that needle or if that needle, Mr. President, is injected into the head of that child. That is what we are talking about here, I say to my colleagues. That is what the issue is. That is why nobody wants to talk about it on the other side. Of course, they do not want to talk about it because it is a horrible, grisly, grotesque, gruesome killing of a child that is 3 inches from completion through the birth canal.

So 3 inches and 3 seconds before that happens, you insert the scissors in the neck, you open up a wound, you insert the catheter and you suck the brains out. But for 3 more seconds and 3 more inches, that child is under the full protection of the Constitution of the United States and, as the Senator from Pennsylvania pointed out, under the protection of the law. Three seconds and 3 inches; 3 seconds and 3 inches.

The opponents voted down an effort to send the matter back to the Rules Committee and did the job the American people sent them here to do in the House of Representatives 288 to 139—288 to 139. The House of Representatives had the courage to face this issue. It was debated, they had hearings, they had markups, subcommittee and full committee hearings, votes, full floor debate, committee report.

As if the American people would not know, as if the Senators here do not know what is going on. Does anybody really believe some Senator is going to change their vote as a result of 19 more days? Give me a break.

I have been called an extremist for pointing this out, I say to my colleagues—an extremist. It was said on the floor yesterday, not directly attributed to me, but it was said on the floor that those of us who support this bill are extremists. Senator KENNEDY said it. Senator BOXER said it. Others have said it.

Well, here is a list of some of those extremists: The Democratic leader in the House, RICHARD GEPHARDT; Democratic Whip DAVID BONIOR; Representative JOHN DINGELL, ranking Democrat on the Commerce Committee; Representative LEE HAMILTON, ranking Democrat on International Relations; Representative DAVID OBEY, ranking Democrat on Appropriations; Representative JOE MOAKLEY, ranking Democrat on the Rules Committee; Representative JOHN LAFALCE, ranking Democrat on the Small Business Committee; Representative PATRICK KENNEDY, Democrat of Rhode Island; Representative BLANCHE LAMBERT LINCOLN, Democrat of Arkansas, and on and on and on. MARCY KAPTUR, Democrat of Ohio, all extremists. Welcome aboard.

This is not an extremist issue. If we are extremist for wanting to stop this, what are the people who do it, who commit this act? It is really fascinating to hear the defense of this procedure on the floor of this Senate.

Let me tell you how they defend it. Listen carefully, I say to my colleagues, as you listen to the debate. Find one individual, just one, who will point to these charts that I am going to show you in a minute and talk about what happens to this baby when it comes out of the birth canal. Find me one.

No, no, we are not going to hear about that. We are going to hear about legal procedure, legalities, hearings. That is what we hear about, because nobody wants to accept reality here, and not only that, they do not even want to vote on it. The Senator from Pennsylvania does not even want to vote on it.

I want my colleagues to know what it is. I want them to know what this procedure is and, as I said yesterday on the floor of the Senate, I hope this time the press will get it right because last time, in case you missed it—I said this yesterday, I will repeat it—the press accused me of showing photographs of aborted fetuses, showing photographs of women giving birth, showing photographs of dead babies. None of it was true but, of course, that does not matter, just put it out there.

Here is what I am showing you: A medical drawing approved by the American Medical Association. A medical drawing.

Here is what happens. This is supposed to be an emergency, I hear the Senator from California say, and others, to save the life of a mother. If it is an emergency to save the life of the mother, why does the process take 3 days? Can anybody tell me that? Why is it that when the head is ready to come through the birth canal, the abortionist stops the child from being born by holding it, not letting the child come out of the birth canal, and stops it to kill it?

Tell me how that helps preserve the life of the mother. My God, this is the United States of America. Do we not have more important things to do than this? This is not a simple debate about pro-choice and pro-life. There are people who differ on this issue, and I respect that. That is not what this debate is about. This is about a specific, brutal, cruel way to kill a child. But for 3 inches, or 3 seconds, it is a child—after 3 inches more and 3 seconds. Here is a fetus that we can destroy.

I ask you—anyone, any of my colleagues, any American citizen listening to me now, if tomorrow morning you picked up your newspaper and the announcement in your community was on the headline of your paper that the local humane society, with a surplus of pets, reluctantly had to come to the conclusion to destroy surplus pets because nobody would adopt them, and they said they would use this method to destroy them, no anesthetic, open up the back of the skull with a pair of scissors, insert a catheter, suck the brains out of the dog or cat or horse, whatever it is; how would you feel about that? You would be outraged. There would be people screaming.

But do you know what? Not here on the floor of the U.S. Senate. We cannot even get a vote on it. We want to refer it back to committee, let alone stop it.

Let us look at what happens. They hate to hear this. I have to say it again, as I said it yesterday, because you are not going to hear this from the other side, but you need to know. This baby is inside this womb, anywhere from 20 weeks on, snug and warm inside womb. You know that baby has feelings, moves its fingers, its feet, kicks, it hears its mother. It is in that womb, snug and warm. Then come the forceps. Those forceps go up there and they take the feet of that child and turn the child so that the feet come out first.

As you can see in the next picture, why do we do that? Why do we do that? You know why? Because if the child is born head-first, it is breathing, it is alive. Now we have a problem, do we not? We cannot have a live birth. Oh, no, we cannot have that. So the baby, tiny little legs, moving toes—moving—clamp it on and pull the child from the birth canal.

The third illustration. This is the part that is the worst, the most sickening. If you think I enjoy standing on the floor of the U.S. Senate having to talk about this, you are wrong. If you think I enjoy standing on the floor of the U.S. Senate having to defend against this, to stop this, you are wrong. We should not have to be doing this. This is a basic right for this little baby to come into this world. It is a basic right.

I do not care what Senator SPECTER says about all his legal jargon. This is a baby. This is not some vague concept about choice. This is a baby. And that doctor, or abortionist—call him what you may—takes that child in his hands and those of you that have had children—and I have witnessed the birth of all three of mine and know what a beautiful thing that is—he takes that baby, moving feet, moving legs, moving fingers, holds it in his hands, feels the legs, feels the feet, feels that little bottom, soft as they are with these little babies, takes the torso, brings the arms and shoulders out and then stops it—stops it firmly, holds it. Do not let the baby be delivered.

The next picture. Then what? No anesthetic, no painkiller at all. Scissors are inserted into the back of the skull, open up the scissors, insert the catheter, and that little moving child is now hanging limp, dead—in the United States of America. People here on the Senate floor—it is bad enough they would vote not to stop it; they do not want to vote. The Senator from Pennsylvania and seven of his colleagues do not want to vote on it. They want to have more hearings on it. One baby a day dies like this that we know of. So 19 will die by the time we get the bill back here, if we do not stop it.

As I said yesterday, 19 babies—who knows who might be in that 19, the first black President, the first woman President, another Senator, somebody who cures cancer or AIDS? Who knows? We will never know, will we? Snuffed out. But that is choice, is it not? That is the nebulous concept of choice. That is what that is.

Ladies and gentlemen, this is a brutal procedure that is not necessary. We have statements everywhere that it is not necessary to do this. If it is truly an emergency, why do we stop the baby from being born? Why do we stop it from being born? Why do we hold the head, refuse to allow the head to be delivered? It has nothing to do with the life of the mother—nothing. It has to do with the life of the child because when this child is born, that is the problem for the abortionists.

I am absolutely amazed—amazed—at the number of people who have taken the floor and spoken on this issue and have talked about deformities, as if we had the right to play God on deformities. What do you tell a young man or woman today with Down's syndrome, or some other deformity—perhaps a missing limb, perhaps they had some disease and they are in a wheelchair, but they are human beings and they are contributing to their country, making a life for themselves? What do they tell them? "Gee, if we only thought of this procedure when you were in the uterus, we could have gotten rid of you and would not have had to deal with you."

I am absolutely flabbergasted that we would make those kinds of decisions—that anybody would want to make those kinds of decisions. Down's syndrome—what do you use? What is the excuse? Let me be honest with you. Even though the deformity case is a horrible reason, the truth of the matter is that 80 percent of these types of cruel abortions—80 percent, and this is testimony from the doctors who perform them, not my numbers—80 percent of these types of abortion, they say, are elective. They are elective. It has nothing to do with deformities or anything else. It is just elective. We do not want the child and we are going to do it this way.

Now, that is Dr. Haskell himself. He stated, "I will be quite frank. Most of my abortions are elective in that 20-to-24-week range. In my particular case, probably 20 percent are for genetic reasons, and the other 80 percent are purely elective."

Pamela Smith said, "In the situation where a mother's life was in danger, no doctor would employ the partial-birth method of abortion, which, as Dr. Haskell carefully describes, takes 3 days."

It is all a phony argument. It is a phony argument to keep from getting to the facts of what is happening.

I say to my friends who claim to be pro-choice, let me repeat and go back to the basic issue here: 3 inches, 3 seconds. That is what we are talking about, the difference between living and dying.

What is the difference, Senator SPECTER, what is the difference between a child whose head is in the womb 3 inches from birth, 3 seconds from birth, and a child whose head is removed from the womb, 3 inches and 3 seconds later? Who are we to say that one should live and one should die? What is the difference?

Mr. SPECTER. Does the Senator yield for a response to a question?

Mr. SMITH. I yield for a response to that particular question.

Mr. SPECTER. The difference is the standards established by the laws of the United States as determined by State assemblies, by Congress, and permitted by the courts.

How does that differ upon a C section? Or how does that differ before the child has gone into the vaginal cavity or the vaginal canal?

Does the Senator from New Hampshire say that those late-term abortions are satisfactory? There you have a situation where you do not have the 3 inches which you talk about but you have reaching the fetus the same substantive contents, through a C section.

I ask the Senator to address that question. If you reach the fetus through a C section or you reach the fetus some other way before the fetus comes into the vaginal cavity, does that make it satisfactory in terms of the Senator from New Hampshire?

Mr. SMITH. No.

The Senator from New Hampshire believes wherever that fetus is, that is a life. That is not what we are talking about here.

I assume from the Senator's response that he assumes that this process is acceptable, that this process is acceptable because the head still remains in the vaginal canal; therefore, this is an acceptable procedure.

Mr. SPECTER. If I may respond.

Mr. SMITH. Is it acceptable?

Mr. SPECTER. I have not said it is acceptable. I do not know, and I do not know because I do not know the facts. I describe it as a chilling matter.

When the Senator from New Hampshire cites two doctors, neither of those doctors has testified, I want to know a little more than the short statement which appears on the chart. That is not enough for this Senator to legislate on a matter of great importance. That is just not enough.

If the Senator from New Hampshire says that it is not acceptable to have a C section on a late-term abortion or not acceptable to have an abortion which occurs before going into the vaginal canal, then let us make this legislation effective, if you really want to deal with this problem.

Does the Senator from New Hampshire disagree with the conclusions I stated in my opening statement, that this legislation would not reach a C section on a late-term abortion?

Mr. SMITH. This is a very specific, I say to the Senator from Pennsylvania, this is a very specific procedure that is so cruel in the way that it is performed that it ought to be outlawed.

The Senator knows, and I think I know his position—he knows mine—on the issue of abortion. That is not what we are talking about here.

We are talking about a specific process, procedure, which is cruel, which is used to abort a child. And indeed, some would say, to kill a child. I say to kill a child. That is the issue.

I do agree, I say to the Senator, I believe it is the taking of a life, yes, when it is a C section. That is my personal opinion. I am not engaging in that personal opinion in this debate. I am engaging in the particular procedure that we are talking about.

This procedure, when a child is that close to being born, whether or not this is not a cruel procedure to use against an unborn child that is 90 percent born, with feeling. That is the issue here.

Mr. SPECTER. If the Senator would yield for one final question on this subject, would the Senator not prefer a statute which dealt with a late-term fetus, in the same medical condition which also precluded a C section?

Mr. SMITH. The answer to that question is yes, but that is not what we are talking about here.

Mr. SPECTER. You may have that if it is referred back to the Judiciary Committee.

Mr. SMITH. I am smarter than that. I know what will happen when it goes back to the Judiciary Committee. I know full well what the Senator's position is.

The issue here is whether or not this type of abortion, and indeed whether it is an abortion—is that what we define as an abortion—a child that is brought purposely into the birth canal, 90 percent of which comes into the world with only 10 to 15 percent of the child still remaining in the birth canal, whether or not that is a birth or not. So we talk about partial birth.

Mr. INHOFE. Would the Senator yield for a couple of minutes, and before yielding, would the Senator read a statement from the registered nurse I discussed yesterday? I want to have that read before I make a comment.

Mr. SMITH. We have that and are happy to provide that to the Senator from Oklahoma.

Mr. INHOFE. If the Senator would not mind reading the statement of Brenda Shafer.

Mr. SMITH. This is a nurse named Brenda Pratt Shafer, an RN who assisted Dr. Haskell, I believe, in the clinic, or at least assisted a doctor who performed this. She was so overcome by what she saw that she basically quit—she quit the clinic where this was performed and then became an advocate against this procedure.

What she says is very heartrending, frankly. I will read what she says, and it is up here on the chart.

> The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping, and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall.

Then she goes on to say, "I'm Brenda Pratt Shafer, a registered nurse with 13 years of experience." And she goes on to talk about being there. She said she thought this assignment would be no problem for her to work in this clinic because "I am pro-choice, but I was wrong. I stood at the doctor's side as he performed the partial-birth abortion procedure and what I saw is branded in my mind forever."

The mother is 6 months pregnant, the baby's heart beat was clearly visible on the ultrasound. The doctor went in with forceps and grabbed the baby's legs and pulled them into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head inside the uterus. "The baby's little fingers were clasping and unclasping and his feet were kicking." Then the doctor put the scissors through the back of the head, the baby's arms jerked out and the doctor opened up the scissors, stuck a high-powered suction tube into opening and sucked the baby's brains out. Now the baby was completely limp.

The last line, and I yield to the Senator, that the nurse said is particularly compelling: "I never went back to that clinic. But I am still haunted by the face of that little boy—it was the most perfect angelic face I have ever seen."

I yield to the Senator from Oklahoma whatever time he may consume.

Mr. INHOFE. First of all, Mr. President, I was not planning to make any remark, but as I was presiding a few minutes ago and listening to some of the arguments, I remember that yesterday I had an occasion to meet the registered nurse, Brenda Shafer.

What was impressed upon me was that she went into that position as an acknowledged pro-choice nurse. That was the way she felt. When she went through the experience that was just expressed by the Senator from New Hampshire in such an emotional way—I have a hard time listening to that and maintaining composure—she changed her whole philosophy because she saw a child, a living child, dying in their hands and she was in some way a part of that.

I wish there were a way of getting her on the Senate floor to tell the story she had to tell. I say to the Senator from Pennsylvania, I do not mean this in a personal way, but as I was presiding a few minutes ago, I have never been so thankful that I am not a lawyer, because to have to try to find provisions in the law where you can almost rejoice in saying we found a loophole so we can take this baby's life and expand this whole idea of abortion to someone who is just about to take that first breath. And, when you say perhaps we need—that is the subject of this discussion right now, submitting it to a committee, if we did that.

Let us just say the committee reported it out and it passed. Let us say it took 3 weeks, that is an average time for something like this. We are talking about 400 more of these little babies who would have this procedure done to them.

Then the Senator talked about, under the 10th amendment, this is, perhaps, something that should be addressed by the States. I have been a defender of the 10th amendment. I think it has been abused too much, and I agree this is something that should be approached on a State level. But during that period of time, you are not talking about 4 weeks, now. You are talking about months and years. To quantify that in lives—I have not done the math yet so I cannot do that. But if you see one of these procedures, then you do not have to quantify it because one is enough.

Then we talk about how much pain there is. This is something that is difficult to quantify, too. But when you have this procedure taking place, as was described in such an articulate way by the Senator from New Hampshire, you know there is pain. You know the pain would be unbearable. But there is a loophole in the law that allows us to inflict that pain.

My wife and I have four children and we have three grandchildren. Actually, our third grandchild is not yet born, but it is still a grandchild. I am looking forward to Christmas Day when he will be born.

I do not think there has ever been any woman who has gone through a pregnancy and has reached, say, the 9th month or 8th month and has not gone through some degree of depression during that time. Certainly my wife did. It is a very difficult thing to go through.

I think this particular procedure is one where these people can fall prey, because in the event you go through some type of depression and you want to have this procedure, think of what that person must go through the rest of her life if she realizes what she has done.

I will conclude by only saying, if we had read that someplace back in ancient history, in some barbaric land or sometime in our history, this procedure had been used to perform abortions or to kill young children, we would look back and say, how in the world, back in those paganistic days, could they have taken a life in such a cruel way?

I think history, 400 years from now or 500 years from now, will reflect back to this moment saying here this body met in a deliberative way to stop this barbaric practice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before yielding to the distinguished Senator from Maine, I want to make a few further comments.

I find the comment by the Senator from Oklahoma curious, to put it mildly, that he has never been so thankful he is not a lawyer.

I hope the Senator from Oklahoma never needs a lawyer. But if he does, he might like to have a lawyer, especially a good lawyer, to protect his interests and to protect his constitutional rights. Sometimes we lawyers help to get it right. This is not a matter for broad gestures and grandiose statements. We are dealing here with matters which involve the Constitution. Pardon me——

Mr. INHOFE. Does the Senator yield?

Mr. SPECTER. No. And, pardon me—and pardon me if we need a lawyer or judges to help interpret the Constitution of the United States, which protects the rights of all of us.

Now that I finished my sentence, I will be glad to yield if it is on the time of the opponents of the motion.

Mr. INHOFE. I do want to respond. I hope I have made it abundantly——

Mr. SPECTER. Is it on Senator SMITH's time? I will yield on Senator SMITH's time.

Mr. SMITH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 54 minutes 30 seconds.

Mr. SMITH. I yield the time.

Mr. INHOFE. Mr. President, I hope the Senator from Pennsylvania was listening when I said I mean nothing personal about it. I have a great deal of respect for him. When I talk about being thankful that I was not a lawyer at this time, I was talking about looking for ways, loopholes around this thing, so this procedure can take place.

I acknowledge to the Senator that on two occasions in my 60-year life I have needed lawyers and I was thankful to have them at that time.

Mr. SPECTER. If I may respond——

Mr. INHOFE. On your time.

Mr. SPECTER. I am not getting involved now, as to whether I take it personally or not. But it has not just been this lawyer. It is the whole profession. It is the whole profession that somehow comes into disrepute, not just when we are talking about tort reform or product liability or medical malpractice—we are talking about the Constitution.

How about those nine lawyers across the street, the Supreme Court of the United States? How about Justice Thomas? Did Justice Thomas ever need a lawyer? How about all those pro-life Justices whom this Senator has supported because, as a matter of principle, they are lawyers and they have some useful function to perform?

So, when the comment is made that this Senator is engaged in legalese—and now, Mr. President, I will go to my time because I want to respond to the Senator from New Hampshire—I am just a little concerned, candidly, about some of the personal invective.

When the Senator from New Hampshire says that the Senator from Pennsylvania does not even want to look to see this, he is wrong. As soon as he puts his chart up, I go down and take a look at it.

When the Senator from New Hampshire says, I don't care what Senator SPECTER says about—legal jargon, I would say to the Senator from New Hampshire two things. First of all, he ought to be concerned about the Constitution. If he wants to call that legal jargon and minimize it, that is up to him. But these are not unimportant matters.

And when the Senator from New Hampshire says that there are people who do not want to see this matter come to the vote, that he is "sick and tired of the ducking," this Senator does not duck. I have proved that again and again and again.

When the Senator from New Hampshire says people do not want to come out here and vote their conscience, I object to that. I do vote my conscience. And I do not call the Senator from New Hampshire an extremist. I do not get involved in those pejorative, name-calling matters. But I do expect that there be an accurate representation, that I am not talking legalese when I start off and I say the first two considerations that I have are the humanitarian matters and the matters of the medical procedure. That is before I get to the Constitution, before I get to statutory interpretation. Not that those matters are insubstantial.

I have heard the Senator from New Hampshire say "grisly" three times and "cruel" four times and "brutal" and "horrible" and "grotesque" and "sickening."

This Senator is very concerned about that. This Senator also witnessed the birth of his two sons, and this Senator held the placenta of his older son right after his son was born. And this Senator has a grandchild. And, like the Senator from Oklahoma, this Senator has another grandchild expected in December. And I am very much concerned about the pain and suffering.

When the Senator from New Hampshire says that there is no anesthetic, no pain killer, he may be right. And if he is right, there ought to be something done about it. That ought to be done in terms of what this body takes into consideration in the law. If the Senator from New Hampshire is right that this is an unacceptable procedure, then let us not just limit it to the vaginal canal. Let us cover C sections or let us cover conditions before it gets to the vaginal canal, if the Senator from New Hampshire is right.

If he says this Senator changed the 45 days, that is not true. Others had talked about the 45 days. My staff had talked about the 45 days. They do not make decisions for me. When I took a look at it, I said we ought to do it as fast as possible. And I will be willing to do it in 9 days. Let the Senate report it back by a week from Friday.

But the fact is, we are going to be in recess for 10 days beyond that time. So the 10 days do not really hurt anyone. It may be necessary in the hearings to call some other witnesses. We may not be able to get it all done in the snap of a finger. It is a matter which may require some time. So what I want to do is find out what this case is all about, what this statute is all about, and what this medical procedure is all about. I do not want to have it decided on a poster with three sentences from two doctors. I want to hear what they have to say. I may have a question or two that I want to ask.

When the Senator from New Hampshire and the Senator from Oklahoma say when the time passes other children are going to be involved—they could have brought this matter to the floor last week, last month, last year if they want to legislate on the subject, if they are concerned about every day. And this Senator is concerned about every day. That is why I talked about 9 days plus the recess time. So that is what I want to accomplish.

I now yield 5 minutes to my distinguished colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, first of all, I want to thank the Senator from Pennsylvania for offering this motion. I am pleased to join him as a cosponsor to commit this bill to the Judiciary Committee for where it should be so that we can hold hearings on this legislation. As a Member of the Senate, I think it is absolutely critical that we have a hearing on an issue that raises profound constitutional questions. As a woman, I believe the failure of this body to hold hearings on this legislation represents an appalling disregard for the life and health of the mother.

I am concerned that all of a sudden we are saying we do not need to have hearings on this very significant piece of legislation. We have heard that the House has had hearings. The House had debate. The House heard the proponents and the opponents of this legislation. The last time I checked this was the U.S. Senate. We are two distinct bodies, and we are entitled to hold our own hearings, to make our own decisions, to ask our own questions on this very, very important question.

To hear the debate, at times I think that people actually believe that women casually and blithely make this decision about having an abortion under any circumstances. It is a difficult decision, but even more so when we are talking about late-term abortions. They are rare. They are exceptional. They are there because a woman's health is in danger. So it makes this decision all the more tragic. And it certainly is a nightmare for the woman. It is not something that she just does casually.

I think it is unfortunate that many have made this sort of impression about how women arrive at their decision. Twenty-two years ago the U.S. Supreme Court issued a landmark decision in the form of Roe versus Wade. It carefully crafted and balanced that decision, and said that a woman's interest in making the decisions about her reproductivity is paramount. But it also said that imposed a liability; that the States had the right to prohibit abortion so long as they allowed an exception for when a woman and her health is in danger. That is an important exception that this legislation does not allow. No matter what the Senator from New Hampshire says, it does not allow it. Oh, sure. Offer it as an affirmative defense. Once the doctor performs this procedure the doctor ends up in court and then he has to prove that. That burden of proof is going to be enormous.

So that is what we are talking about. There is no exception for the doctor making that medical decision. So now we are saying in this climate today where the doctors have already been killed on the issue of abortion—with death threats, intimidation, and harassment—they are now saying you are going to face criminal prosecution because you performed a procedure in order to save the life of the mother. That is what we are saying in this legislation.

I think they say, "Well, what are the alternatives to this?"—which is what we should be discussing in the hearings—but what are the alternatives? It is easy for them to say the alternative is a Caesarean section, which interestingly enough has four times the risk of death, or induce labor, or potentially a life-threatening disorder such as cardiac edema, a hysterectomy, which means a woman cannot have any more children.

So that is what we are talking about in terms of tradeoff in this legislation—the life and health of the mother in order to avoid criminal and civil prosecution of her doctor. That is how this legislation is structured.

I hope that we will give this matter serious regard and hearings because this is an unprecedented intrusion in what should be properly a decision made between the doctor and his or her patient on what is a very, very critical decision for a woman having to make in these rare instances. I emphasize that because these are rare instances. And when the Senator from New Hampshire says, "Well, these are elective procedures, that 80 percent are elective," let us talk about that. There is no medical definition for "elective." It is when someone has to make the decision.

For example, if a person had a heart attack and they are in a coma and somebody performed CPR, that is not elective because they were not involved in the decision. But if a person went to a doctor and the doctor said you have a serious heart condition, if you do not go tomorrow to the hospital and have surgery, you will die, that is elective because that person has made the decision.

So I think that there has been a lot of misrepresentation. This is a serious issue. We should have hearings. I cannot understand why anybody would be afraid of the facts. Why are we so afraid of the facts? Why are we so concerned that we cannot in opposition have hearings and hear the facts, and everybody have a chance to speak before the legislative committee?

So I urge the Members of this Senate to support the motion made by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Forty-eight minutes.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont, Senator JEFFORDS.

The PRESIDING OFFICER. The Senator from Vermont [Mr. JEFFORDS] is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I rise today in support of the motion to commit the bill before us to the Judiciary Committee, and in defense of the constitutional right to privacy, as well as to protect the life of mother.

This bill has not been considered by any Senate committee, nor have Senators had the benefit of learning more about this bill from Senate hearings. It passed the House less than a week ago. I suggest that we need more time to study the broad-ranging implications of this bill. This motion suggests a time limit of 19 days, a very short time considering the complexity of this issue. But at least we will have an opportunity to learn more about what this procedure is, and why it is being utilized.

Mr. President, for the committee to consider and hold hearings on this far-reaching bill is of critical importance. I am disturbed by the misinformation that is floating around about this bill. This bill outlines a particular late-term abortion procedure subjecting the doctor who performs it to both criminal and civil suits. It matters not whether a procedure is medically necessary to save the life or health of the woman. That is the critical question here.

We all need to be clear about what exactly it is that we are not voting on today. We are not voting on whether or not we believe in the sanctity of human life. We are not voting on whether or not certain medical procedures can be described in grisly detail. We are not voting on whether or not we will intercede between pregnant women and their doctors to determine what medical procedures are or are not personally medically and ethically appropriate for all women in all circumstances. No. The women who have had these procedures speak passionately about their children, their families, and their sorrow at losing their pregnancy.

They also speak patiently in defense of keeping this procedure, this best of several difficult options for them and their families—to keeping it safe, available, and legal. Their lives were, and their lives are at stake.

This is an unprecedented intrusion into the practice of medicine. Congress has never before acted to ban any medical procedure. The American College of Obstetrics and Gynecologists, in writing about the bill—and I quote them:

> . . . does not support H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. The college finds it very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of the woman.

Twenty-two years ago, the U.S. Supreme Court handed down a landmark decision, Roe versus Wade. The Court's decision established, under the right to privacy, a woman's right of self-determination in matters regarding her pregnancy and reproductive health, and I emphasize "especially when her right to life is threatened." Since that time, we have seen many challenges to Roe in both Congress and in the courts, but the wisdom and structure of that decision has for the most part endured.

This bill has been designed as a direct challenge to that historic decision's protection of women's lives and health. While the decision acknowledged a State interest in fetuses after viability, the Court wisely left restrictions on postviability abortions up to the States. This strikes me as quite consistent with much of the legislation we have recently considered on many other matters, choosing to leave regulation to the States.

Roe versus Wade had a caveat, though, about these State-imposed postviability restrictions. States may not—may not—under any circumstances outlaw abortions necessary to preserve the life or health of the woman.

Also, subsequent Supreme Court decisions have held that States may not outlaw using specific abortion procedures in cases that endanger the woman's life or health.

These court decisions and, in my view, decency and common sense dictate that doctors must be able to put the welfare of their patient, the woman, first. Doctors must be able to use whatever procedure will, in their professional judgment, be safest for their patients.

This is a basic tenet of the practice and regulation of medicine in this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JEFFORDS. There are expert professional licensing boards, accreditation councils, and medical associations that guide doctors' decisionmaking in the complicated and difficult matters of life and death. Let us continue to leave it to the professionals.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator from Nebraska?

Mr. EXON. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield time? Who yields time to the Senator from Nebraska?

Mr. SMITH. I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair and I thank my friend. I have been following this debate with great and keen interest, and I have listened to the "Nightline" program last night that featured Senator BOXER and Senator SMITH. I have listened to the debate this morning as much as I could.

After the remarks just made by my great friend and colleague from Vermont, it leads me to ask this question which is troubling to this Senator. I have heard lots of remarks about people's experience in this regard in this Chamber. I do not know that I am a champion, but for 25 straight years I have been privileged to represent my constituents in high public office, and during that 25 years the matter of abortion keeps coming up again and again and again, and here we are again. It is one of these things that troubles America today. I am not sure that regardless of where you fall on the pro-life or pro-choice spectrum, anyone is always totally comfortable with their position. But we have to make these decisions, and therefore I think this is a very important vote.

As a father of three and a grandfather of eight, I have had some experience with regard to family and to family values that I hold very, very dear. From the very beginning on abortion, I have held, rightly or wrongly, that I was not in support of abortion except to save the life of the mother—underline that, save the life of the mother—or in promptly reported cases of rape or incest.

Now, a lot of people disagree with me, but at least that has been my position from the beginning all the way through these 25 years. What I come back to is the matter of conscience that I am very much dedicated to. So I ask this question of my friend and colleague from New Hampshire with regard to the saving of the life of a mother.

I have heard the Senator from New Hampshire say on numerous occasions that if the life of the mother is in jeopardy, under the procedures that we are debating right now, there are provisions in the bill that would allow the doctor to proceed even with this late-term abortion, call it what you will, the doctor could do that if the doctor was convinced that this was the only procedure that would likely save the life of the mother if, indeed, the life of the mother was in danger.

Would the Senator from New Hampshire please explain to me if I have this correctly interpreted because it will be a key factor in the way I vote on this matter.

Mr. SMITH. I respond to the Senator from Nebraska by saying the Senator has it exactly right. There is a life-of-the-mother exception here. I will specifically refer to it in a moment. I would just say that in this process, this partial-birth abortion process, a lot of the medical experts that we have have indicated it is a very rare opportunity when the mother's life would be in danger, but if it is, we take care of that, and I will point that out in a second.

However, the issue here is that where you forcibly stop a birth by not allowing the head to be delivered, it would just seem to me, if the mother's life was threatened at that point, you would allow the baby to be born. Whatever happens to the baby after that, if your focus is on the mother, then let the baby be born. I cannot see how keeping the baby from being born and then going through the process that we have already described here helps or enhances the mother's health or life.

Mr. EXON. If I might interrupt then, if I understand what the Senator is saying, since for all practical purposes under the procedure outlined the birth has already taken place and therefore the mother's life could not be more in danger by allowing the head to emerge into the world—in other words, at this particular point it is not a test of whether or not the mother's life is in danger?

Mr. SMITH. At that point. Were that to be the case, then there are provisions here, and let me specifically refer to it so that the Senator will not have any concerns.

If it were to be the case—and I cannot imagine where it would be, but were it to be the case in subsection (e) of the bill, which we have here, it says that if a doctor reasonably believes that a partial-birth abortion is necessary to save the life of the mother, then he or she, that doctor, simply proceeds and cannot be convicted of the violation of the law, simple as that. So the life of the mother exception is there.

Again, I just want to point out that where you have a procedure that takes a period of 3 days, including dilation and anesthesia and all the things in preparation for this, the preparation is for the abortion so this is not an emergency as has been described on the floor by others in the sense there is some immediacy to save the life of the mother. Were there to be a complication—I am not a doctor, I do not want to interfere with the doctor-patient—this is a matter that the doctor would deal with and simply would not be convicted.

We have the right of self-defense. If someone broke into your home and you shot them, somebody could accuse you of murder, but you certainly were within your rights to do what you did to protect yourself, as a mother would be within her rights to protect her rights should this child, fetus, whatever, be an immediate threat to her life. We protect that.

Mr. EXON. I thank my friend for that explanation, and I thank him for yielding time to straighten this out to make sure I understood what I thought I understood. After listening to the Senator, I think that he has given me a satisfactory explanation of the legitimate concern in this Senator's mind.

Mr. SMITH. I appreciate the Senator's inquiry, and I am delighted to respond to it.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Madam President, no one else at the moment is interested in time. How much time is remaining?

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from New Hampshire has 47 minutes, 48 seconds.

Mr. SMITH. Madam President, I yield myself whatever time I may consume.

I just want to respond to a couple of points; they are minor points at this point in the debate. But in response to Senator SPECTER regarding this motion, we received a copy of a motion to commit with 45 days written on it. We came here today on the floor expecting to see that. Then it was changed to 19. It was crossed out. I will accept the Senator from Pennsylvania's word that he changed his mind or overruled his staff. That is fine. But this Senator received information from the Senator's staff that said 45 days, which would have delayed the bill on to the next year.

But regardless, in any case, the issue here is still dilatory and it is also the issue of killing the bill. You would have to not have any sense of humor whatsoever to not realize what is going on here.

There was a press conference yesterday with Kate Michelman.

Question: "Do you have any read on the breakdown on the Judiciary Committee if it goes to the Judiciary Committee?" [That is the bill.] "And does it differ from the Senate as a whole? Do you have a better shot at getting the kind of changes you might want in it?"

Michelman: "Which is our goal, is to have it end there."

Question: "What is the read on the committee makeup?"

Michelman: "So the committee, the constitution of the Judiciary Committee and where we hope to see the demise of this legislation really is a mirror of the Senate as a whole. There—I think that there are some anti-choice Democrats, some pro-choice Republicans, but I think the committee—I don't remember the whole committee—but I would say it's going to be very close, a very close vote. But it does give us the possibility of really making some very important rational arguments, presenting some expert testimony that we won't have the opportunity to do if this bill comes up today in such a rush, a mad rush to pass this legislation.

"So I think there's a great chance of, again, having a more moderating influence over the House-passed legislation if we can get it to the committee today."

In other words, it is to kill the bill. That is all there is to it. I respect the right of the Senate to defeat the bill. I respect that. Of course, I do. That is democracy. But I would also like to have Senators step up to the plate and vote yes or no.

I am going to again repeat that this Senate will vote on this before we go out for the Thanksgiving recess. We will vote on it on the debt limit, or on Bosnia, or on anything else that comes here. The next vote that comes through here that I can get this on, it is going on if this thing goes to committee. We are going to vote on it because I want Senators on record either saying yes to this procedure or no to this procedure.

We are going to have that vote. I make that commitment. I promise you we will have this vote. So I am hopeful that we are not going to have this thing referred to committee to basically repeat a process that has been going on for weeks and weeks and weeks, months in the House of Representatives.

There has been plenty of materials written and plenty of studies, been plenty of hearings—a hearing in the House, markups, committee meetings, and so forth. So that is not the issue. If we were going to use as a prerequisite in the U.S. Senate not voting on anything that has never had a hearing, we could reduce the votes around here dramatically, believe me, probably by as much as 75 percent, because about 75 or 80 percent of our votes are on things we never had hearings on. So when it comes to something like this, one of the most important issues of our time, we want to shuffle it off to committee and try to kill it, because that is exactly what the goal is here as stated by Kate Michelman and other opponents of this bill.

Madam President, at this time I yield whatever time the Senator may consume to the Senator from Indiana.

Mr. SPECTER addressed the Chair.

Mr. COATS. I thank the Senator for yielding.

I wonder if my colleague from Pennsylvania has a question or——

Mr. SPECTER. No.

Mr. COATS. I would be happy to yield for a question.

Mr. SPECTER. I would be glad to withdraw my request for recognition.

Mr. COATS. Madam President, I thank the Senator from New Hampshire for yielding. I had asked him for some time, and I appreciate the opportunity to speak to this issue.

This is not a pleasant issue to debate on the Senate floor. It is not a comfortable issue to debate on the Senate floor, but we are not elected to come here just to discuss and debate pleasant issues. We are likely to face some of the most difficult issues that the country has to face, face them honestly and openly, and in the end cast our position either for or against.

There probably is no issue that is potentially more divisive and certainly more emotional than the issue of abortion because it goes to the issue of the meaning of life itself. I am a pro-life Senator. I have argued on this floor a number of times that we, as a nation, as elected representatives of the American people, as individuals of conscience and conviction ultimately need to confront the issue of abortion, its impact on the question of life, and the meaning of life, to talk about the broader issue itself.

Advances in science and medical technology clearly will require that we will confront, both now and in the future, some ethical questions and some judgmental questions that are profoundly disturbing and profoundly important.

Science and medical technology reveals the unborn child as undeniably and uncomfortably human. We treat the unborn as a patient. We provide it with blood transfusions. We perform surgery. We know it is sensitive to pain. We know that it can be a victim of drug and alcohol abuse. And I think all of our best impulses are to reach out to help those that are considered the weakest in society.

Our history as a nation, our history as a Senate, has been to broaden access to participation in this wonderful experiment in democracy. Our history has been one of inclusion, not exclusion, and to try the find ways to incorporate into the human family ever-larger classes, to reach out to the disadvantaged and to the weakest. I find it somewhat ironic that some of the most outspoken, courageous, forward leaders of the movement of inclusion takes such a firm stand against inclusion of the weakest in our society.

And I think that is a debate that we have to pursue and continue. However the debate today is not on that issue. The debate today is on a much more specific medical procedure. It has been well-discussed on the floor, well-documented on this floor. It is difficult to discuss, difficult to view the graphic illustration of the procedure itself. Yet I think it is necessary. I will not repeat that graphic discussion.

But I think it is incumbent on every Senator before they vote to fully understand the medical procedure involved, fully understand just exactly what is taking place surgically and medically in the partial-birth abortion, or whatever term any Senator wants to place on this procedure. You do not have to call it partial-birth abortion. You do not have to label it at all. But it is extraordinarily important, I believe, for everyone to at least avail themselves of an understanding of what is taking place here medically, what the procedure is, because I think an understanding of this procedure, regardless of what label you give it, has to do more than just give us pause. It forces us to ask ourselves some very basic questions concerning whether or not we, as a society, have an obligation to state in law whether or not we condone or support such a procedure.

If this procedure were done in another country, we would not be standing here labeling it as a violation of human rights. If it were done in a war, we would call it a crime against humanity. But here we are trying to calmly, rationally discuss a procedure which is shocking in its description and which many have called descent into almost barbarism.

Madam President, I do not believe this is just another skirmish in the running debate between left and right. I believe this is an issue that raises some of the most basic questions that ought to be asked in any democracy: Who is my neighbor? Who is my brother? Who do I define as inferior and cast beyond my sympathy and beyond my protection? Who do I embrace and who do I value in both law and in love?

I do not believe this should be a matter of ideology. I think it is a matter and a question of humanity. It should not be a matter of what constituency we ought to side with. This is not just a matter of our Nation's politics, but a matter of our Nation's soul and how our Nation will be judged by God and by history.

In this body, we can agree and disagree on other matters of social policy, yet I think we ought to come together and agree on this: That a born child should not be subject to violence and to death. Surely, there is no disagreement on that. The question is, should an unborn child be subject to the same protection?

I hope that at least in this body we could come together, Republicans and Democrats, liberals and conservatives, and begin to define those situations in which an unborn, yet almost born, seconds from being technically born, but clearly a child defined by its physical appearance, defined by its medical condition, defined by its very aliveness can receive some protection from violence, can receive some protection which every other human being in this country receives.

Can we at least acknowledge there is a line that we will not cross, a line that we can say, "While we may have disagreement over other aspects of when life begins, whether abortion is appropriate or not, at least here with this procedure, with this so obvious, visible view of the beginning at least of life that we will not terminate that, that we will refuse as a body to cross that line"?

This vote today is an opportunity to take a different path, an opportunity for Republicans and Democrats, liberals and conservatives, even for those who oppose abortion and those who support it, because by voting for this measure, we can begin to define some common ground: that every child born in America will be embraced by our community; that no one is expendable; that no one will be turned away from participation in this experiment in freedom and democracy.

We are faced with a vote in a short amount of time on a motion to commit. We have all participated in this exercise. We all know what it means. It means that we do not want to vote, we do not want to vote on the issue itself, we do not want to stand up and be counted on one side or the other; it is too politically sensitive, it is too uncomfortable, it is too difficult; I do not want to have to deal with this issue. So we are attempting to retreat to a time-honored procedural technique: We need to know more about this; we need to consign this to a committee so that they can study it and they can have hearings.

There is not anybody in this body who does not know what we are dealing with here. There is not anybody who has not had an opportunity to examine the medical procedure, to think through the question, to come to a conclusion. We are not elected to commit difficult issues, uncomfortable issues to an abyss of committee consideration that we know will paper over and delay and push a decision to some unknown point in the future. There is no lack of information available to Members. There are no unanswered questions outstanding relative to this procedure. All the materials are available for every Senator to look at and to discuss and to examine and to form a conclusion over.

So the motion to commit is what it is: It is a procedure to allow us to avoid dealing with an uncomfortable subject. Everyone needs to know that a motion to commit is simply an unwillingness to take a stand, to let people know where you stand.

There is nothing that is going to be gained by committing this to a committee so that they can deep six the issue. It is an issue we are going to be confronted with in the future anyway, so we might as well deal with it now. Let us have some courage to stand on our convictions one way or the other. Those who have spoken on the floor both for and against this procedure speak out of conviction. I am not here to question their motives. I accept their conviction. But we are not elected to avoid expressing that conviction by our vote. If cynicism exists in our electorate, it is because we keep playing these games.

The scriptural injunction is let your yea be yea and your nay be nay. Do we not at least have the courage to let our yea be yea and our nay be nay on the most fundamental question and issue probably facing this body, the very issue of the meaning of life? Are we going to take a pass? Are we going to say that is too tough for us to take? Are we going to say it is politically too sensitive?

Now, if we have learned anything about the opinion of the electorate toward this elected body, it is that it has almost gotten to the point of dangerous cynicism about our ability to stand up and say what we believe and accept the consequences of that. I think what the public is looking for are some people with conviction one way or another, who are willing to stand up in front of a group of people back home and say, "Look, this is what I believe. If you support that, I would like your vote. If you do not support that, that is fine, my life does not begin or end on whether or not I am elected to this office or any other office." But this is what I believe. We are not here to bide our time. We are here to express our convictions, as supported by the people in our States.

If this legislation is passed, it will mean that the circle of protection in our democracy begins to expand just a little bit more. We have brought in people of different ethnic backgrounds, different racial backgrounds, people with disabilities, an ever-expanding circle of protection provided by a democracy that promotes independence and liberty, but also guarantees the right to life.

This is a test of a just civilization. I think it is a standard by which each of us is going to be tested as well.

Madam President, I thank the Senator from New Hampshire for the time.

I yield the floor.

Mr. SPECTER. Madam President, before yielding to my colleague from Michigan, I want to make a few comments in response to what has been argued in opposition to the pending motion.

I agree with a good bit of what the distinguished Senator from Indiana just had to say, and I think that it is necessary to draw a line. I am prepared to do that. I must say that this Senator is not unwilling to take a stand. This Senator is not unwilling to have the courage of my convictions. I understand that I have been elected to take stands on tough issues and not to avoid expressing my views. And I concur that on the meaning of life, life does not begin or end on an election to the U.S. Senate. I have lost my share of elections, and I am prepared to do so in the future if my constituents do not agree with my views. I intend to express them forcefully and forthrightly.

But I point to the calendar here—if I may have the attention of the Senator from Indiana—as to what happened. This is not a matter of delay. This is not a matter to kill this bill in the Judiciary Committee. Whatever may be said by others—and the Senator from New Hampshire has quoted a Miss Michelman, who is not on the committee, and the idea to commit was ARLEN SPECTER's idea. My staff had a lot of ideas, like for 45 days, but we all know that sometimes Senators make their own decisions as to how we are going to proceed. The Senator from New Hampshire chuckles, and we agree on one item. Occasionally, it is healthy and helpful for Senators to make decisions instead of staffers.

So when the Senator from Indiana talks about sending this to an abyss, delay it until some unknown time in the future, that is not what is going to happen here. Under the express terms of the motion to commit, it has to be reported back and it has to be reported back, really, what is in 9 days of the life of the Senate. We would go out on recess on the 17th, so it is 9 days from today that we will be in session and 10 days when we come back, and it has to be reported on the 27th. It may be that in the interim, during Thanksgiving week, we will have hearings on that. I am prepared to do that in the Judiciary Committee. But it will be back in this Chamber, so that when the Senator from Indiana talks about the meaning of life, I am prepared to come to terms with that.

I would just like to know what the medical profession says about the pain and suffering, what the medical profession says about alternatives, if it is a C section, if it is not in the vaginal canal. I am not prepared to accept the debate on "Nightline." I have been on "Nightline," and sometimes on "Nightline" not a whole lot of usefulness is accomplished. So that when you have the sequence of events in the House of Representatives—this is really quite a sequence—I think we ought to focus on it.

This bill was introduced on June 14 in the House. The next day they had a 2½-hour hearing and did not get some medical experts on the other side of the issue. They marked it up the same day. That is on June 15. Then we know what our congressional schedule has been. It has been hectic, to put it mildly. We did have some time off in August and in September, and October we have been fully occupied on the reconciliation bill and the budget. Then it came up on November 1, where they voted. That is the state of the record. Now it comes to this body and we are asked to pass upon it without any hearing having been held. I have taken a look at the rules of the Senate—rule XIV and rule XV. It was only relatively recently in the life of the Senate that we have had no hearings on a bill. It used to be mandatory that the bill be referred under rule XXV. And now there is more latitude under rule XIV. But I question the propriety, or at least the wisdom if not the propriety, of putting this bill on the calendar for this kind of action. But I am not going to delay.

Mr. COATS. Will the Senator yield for an observation?

Mr. SPECTER. Yes, on the time of Senator SMITH.

Mr. COATS. My only observation is that the Senator indicated that a 45-day procedure is only 9 days of Senate time. Only in the U.S. Senate could an institution take 45 days to accomplish 9 days of work. I understand that is how this process works.

I thank the Senator for his explanation of the procedure in terms of the way this bill will be handled.

Mr. SPECTER. I thank my colleague from Indiana for those comments. I think we are entirely too dilatory around here. We had an issue that came to my Judiciary subcommittee on the Bureau of Alcohol, Tobacco and Firearms, and we had some problems with the Justice Department getting the witnesses in. We got them in and we did it in prompt time. Whenever we could find hearing days, we did it. We are about ready to issue a report. I think we ought to move with dispatch.

I am prepared to see us work on the Thanksgiving recess to come to terms here. When the Senator from New Hampshire says he is going to get a vote on it, he may or may not. This may be a matter of filibuster. I suggest we will not lose any time in this commitment.

I yield 5 minutes to the Senator from Michigan.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 36 minutes. There are 26 minutes on the other side.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend from Pennsylvania. I, too, think the Senate should vote, but only after there has been a reasonable length of time, and a few weeks is a reasonable length of time for the Judiciary Committee to consider and to report back to us on a number of very, very important issues in this case.

Under this bill, the Congress would be imposing a determination not of when an abortion may be performed, but of how it may be performed. The procedure addressed by this bill would be prohibited from being used even in the second trimester.

So this is a question of whether or not we should make a particular procedure criminal, whenever it is used. There are a number of important issues. Why have the States—with, I think, one exception—not criminalized this procedure? Under Roe versus Wade, States are given the authority to regulate abortions in the third trimester, except they cannot prohibit an abortion where the life or the health of the mother is at risk. Why have 49 States not made this particular procedure illegal, even in the third trimester?

The States are the place where Roe v. Wade says that abortion should be regulated in the third trimester, and yet with, I think, one exception States have left this particular procedure legal.

Now, this bill not only makes illegal and criminal a procedure that is not made criminal in all but one State, this bill leaves legal other procedures which can be used in the third trimester.

Are those other procedures as safe for the mother? Are those other procedures different in terms of the vividness as to the impact on the fetus? What are those other procedures? Why are they left legal, although at least arguably, less safe for the mother, while one procedure, which in the eyes of many doctors is the safest for the mother, is made criminal?

Surely, it would be worth spending a few weeks to have a hearing in the Judiciary Committee to find out why one procedure is made criminal and other procedures are not. Other procedures, including inducing labor and delivery with drugs, is left legal despite the evidence of risk to the mother. Other procedures, including a Caesarean operation called a hysterotomy, is left legal even in the third trimester to save the life or protect the health of the mother.

Another procedure left legal by this bill is called standard D and E. This procedure does not deliver the fetus intact, but instead removes the fetus from the uterus piece by piece. Again, this procedure is left legal by this bill.

Should we not be told by the Judiciary Committee following a hearing from medical witnesses as to why other procedures, arguably in many cases apparently less safe for the mother, are left legal while this one procedure is made criminal, again, although all but one State has left the procedure at issue in this bill legal? That is worth finding out.

Of course, we should vote. I happen to agree with my good friend from Indiana; we should vote on this issue. But there is something else we should do. We should vote based on information from reliable and credible sources that have had an opportunity to present evidence at a hearing before a Judiciary Committee that can explore these kinds of issues.

There are other issues which I think we can usefully obtain some guidance on. One of those is the question of the affirmative defense. Of course, affirmative defenses have been approved by the Supreme Court in many cases but not in cases where there is a constitutional right as exists here, a right to have an abortion even in the third trimester where the life of the mother is involved.

We have a Congressional Research Service opinion on this issue. The Congressional Research Service has written us that cases that have permitted affirmative defenses have not permitted a Government to turn a constitutional right into an affirmative defense. If you have a constitutional right to an abortion to save the life of the mother, can we then make it a crime to provide such an abortion unless the doctor carries the burden of proof that he is acting constitutionally? Not according to the cases analyzed by the CRS.

Madam President, I ask unanimous consent that I have printed in the RECORD at the end of my statement the full report of the CRS on this issue and a Department of Justice letter that also addresses this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. I simply say that there are a number of very important issues for which we should have at least some guidance and witnesses in a report from the Judiciary Committee. This is not a case of trying to evade an issue. It is a case of trying to deal with an issue based on a record of witnesses testifying on some very, very critical issues and some excruciatingly difficult issues for everyone.

In the situation we are discussing, the Supreme Court has ruled that the Constitution prohibits the Government from criminalizing abortions that are necessary to save the life of the mother. In the context of this bill Congress cannot constitutionally criminalize the abortion procedure at issue if such abortion were necessary to save the life of the mother.

The CRS memo explains it this way:

> In *Patterson* and *Martin* [the leading cases authorizing affirmative defenses in criminal cases], the Court specifically noted that the legislature was fully within its legislative authority to establish all the elements of the underlying offense, and that the defenses were established as affirmative grants to a defendant. As one commentator has indicated, a key factor in the Court's holding in *Patterson* was that the state could have constitutionally criminalized and punished the crime in question as defined, even absent the defense provided.

The opposite is true here. Under established law the Government cannot criminalize an abortion necessary to save the life of the mother. It would seem, therefore, that under the applicable Supreme Court cases, the Government must prove beyond a reasonable doubt that the mother's life was not at risk. It cannot, it would seem, shift its burden on this element of the case to the defendant the way the bill before us does. Surely we should at least have the benefit of a hearing to address this issue, and the benefit of a Judiciary Committee report.

Finally, even if an affirmative defense approach is allowed, the vagueness of the bill's affirmative defense language requiring the defendant to prove that no other procedure would suffice, leaves it unclear how a physician defendant would prove that no other procedure except intact D and E would have sufficed. What if the physician defendant could have performed another procedure that would have doubled the risk of death to the mother? Does that suffice? Under the bill before us, what is the measure of how much greater risk another procedure would or could impose on the mother's life in order not to suffice?

I don't think doctors facing criminal charges when acting to save a woman's life should face such uncertainties. But what do experts think? What does the Judiciary Committee think? Is it worth taking a few weeks to find out? I think so.

There are a number of serious issues raised by this legislation. We should send this bill to the Judiciary Committee for prompt hearings and report back. We should then vote. The impact of this legislation is potentially too grave to do less.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 7, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: This letter represents the Department's views on H.R. 1833, a bill that would ban what it calls "partial-birth abortions." This legislation violates constitutional standards recently reaffirmed by the Supreme Court. Most significantly, the bill fails to make adequate exception for preservation of a woman's health. Even in the post-viability period, when the government's interest in regulating abortion is at its weightiest, that interest must yield both to preservation of a woman's life and to preservation of a woman's health. *Planned Parenthood* v. *Casey*, 112 S. Ct. 2791, 2804, 2821 (1992). This means, first of all, that the government may not deny access to abortion to a woman whose life or health is threatened by pregnancy. *Id.* It also means that the government may not regulate access to abortion in a manner that effectively "require[s] the mother to bear an increased medical risk" in order to serve a state interest. *Thornburgh* v. *American College of Obstetricians and Gynecologists*, 476 U.S. 747, 769 (1986) (invalidating restriction on doctor's choice of abortion procedure because could result in increased risk to woman's health). That is, the government may not enforce regulations that make the abortion procedure more dangerous to the woman's health. *Id.; see also Planned Parenthood of Missouri* v. *Danforth*, 428 U.S. 52, 79 (9176) (invalidating ban on abortion procedure after first trimester in part because it would force "a woman and her physician to terminate her pregnancy be methods more dangerous to her health than the method outlawed").

If Congress were to ban this method of abortion, it appears that "in a large fraction of the cases" in which the ban would be relevant at all, *see Casey*, 112 S. Ct. at 2830 (discussing method of constitutional analysis of abortion restrictions), its operation would be inconsistent with this constitutional standard. It has been reported that doctors performing this procedure believe it often poses fewer medical risks for women in the late stages of pregnancy.[1] If this is true, then it is likely that in a "large fraction" of the very few cases in which the procedure actually is used, it is the technique most protective of the woman's health. Accordingly, a prohibition on the method, in the absence of an adequate exception covering such cases, impermissibly would require women to "bear an increased medical risk" in order to obtain an abortion.

H.R. 1833 would provide for an affirmative defense to criminal prosecution or civil claims when a partial-birth abortion is both (a) necessary to save the life of the woman, and (b) the only method of abortion that would serve that purpose. This provision will not cure the bill's constitutional defects. First, as discussed above, the provision is too narrow in scope, as it fails to reach cases in which a woman's health is at issue. Second, the provision does not actually except even life-threatening pregnancies from the statutory bar. *Cf. Casey*, 112 S. Ct. at 2804 (even in post-viability period, abortion restriction must "contain[] exceptions for pregnancies which endanger a woman's life or health"). Instead, the provision would require a physician facing criminal charges to carry the burden of proving, by a preponderance of the evidence, both that pregnancy threatened the life of the woman and that the method in question was the only one that could save the woman's life. By exposing physicians to the risk of criminal sanction regardless of the circumstances under which they perform the outlawed procedure, the statute undoubtedly would have a chilling effect on physicians;' willingness to perform even those abortions necessary to save women's lives.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

EXHIBIT 1

LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, November 6, 1995.

To: Senator Carl Levin, attention: Peter Levine.

From: American Law Division.

Subject: Validity of requiring a defendant to bear the burden of persuasion regarding a constitutionally mandated defense.

This is to respond to your rush request to evaluate the validity of requiring a defendant to bear the burden of persuasion regarding a constitutionally mandated defense. Specifically, you requested an analysis as to the constitutionality of the requirement under S. 939[1] that, in order to avoid criminal liability, a defendant prove that the performance of a "partial-abortion" was necessary to save the life of the mother.[2]

H.R. 1833 provides that a person who performs a "partial-birth" abortion shall be fined or imprisoned not more than two years.[3] If the person can prove, however, that the "partial-birth" abortion was necessary to save the life of the mother, and that no other procedure would suffice for that purpose, then the person is relieved of criminal liability.[4] Under the proposed bill, the defendant must carry the burden of persuading the judge or jury of this defense by a preponderance of the evidence.

The Supreme Court has held that the Due Process Clause of the Fourteenth Amendment protects a defendant against conviction unless the government establishes every fact necessary to constitute the crime beyond a reasonable doubt.[5] The Court has extended this reasoning to provide that legislation may not impose a burden of persuasion upon a defendant regarding an element of a

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[1] *See Hearings on H.R. 1833 Before the Subcomm. on the Constitution of the House Judiciary Comm.* (June 23, 1995) (statement of James T. McMahon, M.D., Medical Directive, Even Surgical Centers) (procedure shown to be safest surgical alternative late in pregnancy); *Id.* (June 15, 1995) (statement of J. Cortland Robinson, M.D., M.P.H.) (same); *see also* Tamar Lewin, *Wider Impact is Foreseen for Bill to Ban Type of Abortion*, The New York Times, November 6, 1995, at B7; Diane M. Gianelli, *Shock-Tactic Ads Target Late-Term Abortion Procedure*, American Medical News, July 5, 1993, at 3; Karen Hosler, *Rare Abortion Method Is New Weapon in Debate*, Baltimore Sun, June 17, 1995, at 2A.

Footnotes at end of article.

crime which the government is required under the relevant statute to prove as part of its case.[6] Thus, in the case of *Mullaney* v. *Wilbur*, the Court held that because the Maine homicide statute included a requirement of malice aforethought in order to obtain a murder conviction, that the government could not then require a defendant to carry the burden of disproving malice aforethought by showing that a killing occurred in the heat of passion.[7]

Two years later, however, the Court held that a state could require a defendant accused of murder to carry the burden of persuasion that the defendant had acted under the influence of extreme emotional disturbance. In *Patterson* v. *New York*, the Court distinguished the case by noting that the definition of murder under New York law merely required an intentional killing, and did not include a requirement of malice aforethought.[8] Consequently, the defense of extreme emotional disturbance did not go to disproving an element of the underlying crime, but was a separate issue which the defendant could be required to carry as the burden of persuasion.[9]

The Court reaffirmed this holding in *Martin* v. *Ohio*, noting that even if the elements of a case and a defense overlapped, that a statute which did not shift the full burden of that element to the defense would be valid.[10] In *Martin*, the Court upheld an aggravated murder statute which required that the government prove that the killing had been planned, but which also required a defendant pleading self-defense to carry the burden of proving self-defense.[11] The Court held that, because a defendant could theoretically have planned a murder but then have subsequently killed the victim in self-defense, the defense was not inherently inconsistent with an element of the crime.[12] Thus, the requirement that the defendant prove that the killing was in self-defense was upheld.

In the bill in question, it could be argued that the proposed crime of knowingly committing a "partial-birth" abortion, like the New York statute, simply forbids the intentional performance of the described procedure. Consequently, the proposed defense, that the procedure was necessary to save the life of the mother, does not appear to require the defendant to negate any of the elements of the proposed crime. Thus, the argument can be made that under *Patterson* and *Martin*, the affirmative defense requirement as set forth in S. 939 is constitutional.

It would appear, however, that the cases of *Patterson* and *Martin* can be distinguished. In *Patterson* and *Martin*, the Court specifically noted that the legislature was fully within its legislative authority to establish all the elements of the underlying offense,[13] and that the defenses were established as affirmative grants to a defendant.[14] As one commentator has indicated, a key factor in the Court's holding in *Patterson* was that the state could have constitutionally criminalized and punished the crime in question as defined, even absent the defense provided.[15] Thus, the question arises as to whether the Congress has the authority to pass S. 939 without including a defense for when a "partial-birth abortion" is necessary to save the life of the mother.

It would appear that Congress does not have the authority to punish a person for performing a "partial-birth" abortion which is necessary to save the life of a mother. In the case of *Roe v. Wade*, the Supreme Court held that the "privacy" interest of the Constitution limited the ability of a state to restrict a woman's ability to have an abortion during the first two trimesters, and provided that even in the third trimester a state could not restrict a woman from having an abortion that is necessary to preserve her life and health.[16] Consequently, it would appear that Congress could not pass a statute banning "partial-birth" abortions where such an abortion was necessary to save the life of the mother.

As the government would appear to be constitutionally required to include an exception for abortions to save the life of the mother, it can be argued that it is a required element of the government's case, and that the reasoning of *Patterson* and *Martin* does not apply. Consequently, should a court find that *Patterson* and *Martin* are distinguishable, it would appear that the government would be under an obligation to carry the burden of persuasion that a "partial-birth" abortion was not necessary to save the life of a mother, and that a requirement that a defendant carry such a burden would be unconstitutional.

KENNETH R. THOMAS,
Legislative Attorney, American Law Division.

FOOTNOTES

[1] 104th Cong., 1st Sess.

[2] This memorandum does not address the issue of whether the prohibition on "partial-birth abortions" contained in S. 939 is a violation of the right to privacy protected under the Fourteenth Amendment.

[3] S. 939, 104th Cong., 1st Sess. §2(a) & (b) provides the following:

(a) Whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

(b) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

[4] S. 939, 104th Cong., 1st Sess. §2(e) provides the following:

(e) It is an affirmative defense to a prosecution or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was performed by a physician who reasonably believed. (1) the partial-birth abortion was necessary to save the life of the woman upon whom it was performed; and

(2) no other form of abortion would suffice for that purpose.

[5] *In Re* Winship, 397 U.S. 358, 364 (1969).

[6] Mullaney v. Wilbur, 421 U.S. 684, 701 (1974).

[7] 421 U.S. at 704 (1974).

[8] 432 U.S. 197, 212–16 (1976).

[9] 432 U.S. at 207 (1976).

[10] Martin v. Ohio, 480 U.S. 228 (1996).

[11] 480 U.S. at 230 (1986).

[12] 480 U.S. at 234.

[13] 480 U.S. at 233 ("[t]he State did not excess its authority in defining the crime of murder as purposely causing the death of another with prior calculation and design"); 432 U.S. at 197 (1976) ("[b]ut in each instance of a murder conviction under the present law, New York will have proved beyond a reasonable doubt that the defendant has intentionally killed another person, an act which it is not disputed the State may constitutionally criminalize and punish").

[14] 432 U.S. at 197 ("[i]f the State nevertheless chooses to recognize a factor that mitigates the degree of criminality or punishment, we think the State may assure itself that the fact has been established with reasonable certainty).

[15] Paul Robinson, *Criminal Law Defenses* §5(b)(3)(1984).

[16] 410 U.S. 113, 163–64 (1972).

Mr. SPECTER. Madam President, I am delighted to yield 5 minutes to the Senator from Washington.

Mrs. MURRAY. Thank you, Madam President.

Madam President, I rise in strong support of the motion offered by my colleague from Pennsylvania, Senator SPECTER, to commit S. 939 to the Judiciary Committee for a public hearing. This legislation deserves full and comprehensive hearings before we vote on it, and I am very concerned about the implications of proceeding without the benefit of a full, open committee process.

I was very disturbed by the debate on this bill in the House of Representatives; the misinformation and factual distortions put forth by the proponents of this legislation were staggering. And, now here in this Chamber, there is an effort to bring the bill before the full Senate without first going through the traditional committee process.

There is no justification for moving ahead without fully examining the consequences of this bill. I appeal to my colleagues to send this bill to committee where we can hear from the public and the experts about its impact and ramifications.

Because, make no mistake, this bill has dangerous, far-reaching, and precedent-setting implications.

Madam President, this is the first time in our Nation's history that Congress is even attempting to get involved in telling physicians what medical procedures are and are not acceptable. And this is the first time in our Nation's history that Congress is considering banning an abortion procedure. This bill directly challenges the Supreme Court ruling, Roe versus Wade. And this bill carries with it severe consequences for the women of this country whose health and lives will be compromised, and possibly even sacrificed, to further the agenda of an extreme few.

I cannot imagine the U.S. Senate would railroad this bill through without a single public hearing. To do so would be an appalling disrespect for the legislative process, and for the lives and health of the women involved.

This legislation sets a dangerous precedent—it criminalizes doctors for performing a legal, rare, and medically necessary procedure. Surely, there is not a Member of this body who could defend the notion that a bill with this intent is not worthy of a committee hearing. Surely, I am not the only Member of this Senate with questions, concerns, and reservations.

I do not want to get into the details of this bill. We have all seen the graphic photographs; we have heard the vivid and disturbing rhetoric. But, what many of us haven't seen or heard are the tragic stories of the women who have lived through the tragedy of a difficult pregnancy, or of a life-threatening complication which required them to have this procedure.

And, many of us have not had the benefit of the facts—as presented by the doctors and health professionals who can set the record straight.

I have spoken with women who had no choice but to give up a baby they desperately wanted to have. I have listened to their tragic stories. And, I have heard from doctors who are angry and offended by the misrepresentation of facts and mischaracterization of a life-saving, emotionally traumatic medical procedure.

That is what is at issue here today; we have the ability to ensure access to accurate and complete information. We need to do the right thing, and let the public and all the Members of this body have a real opportunity to look at this bill, and examine what it will mean for doctors, for women, their lives and their health.

I urge my colleagues to vote for the Specter motion to commit, so that we can have the opportunity to fully understand what this bill means for our Nation. Madam President, it is the right thing to do.

I yield my time back to the Senator from Pennsylvania.

Mr. SMITH. How much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 26 minutes and 30 seconds; the other side has 25 minutes.

Mr. SMITH. In just a moment I will yield to the Senator from Ohio.

I might just ask the Senator from Washington while she is here if she wishes to respond and answer a question on my time, I am happy to have her do it.

Does the Senator from Washington support an abortion for the purpose of sex selection? If a woman wanted to have an abortion because she was having a female baby, would the Senator from Washington say that she has a right to do that?

Mrs. MURRAY. I will comment on the time of the Senator from New Hampshire and respond to the question that that is not what is being debated on this floor.

The procedure that we are debating is a medical procedure that is done at the end of a pregnancy or midterm of a pregnancy when a woman's life is at stake. That is a critical decision that we have not had the information on to make a decision at this time.

Mr. SMITH. Assume she wants to make that decision herself, which you say she has the right to do because it is a female baby, is that all right?

Mrs. MURRAY. I respond to my colleague, the legislation in front of us has to do with women making a decision because of a medical procedure that is involved, not because of sex.

Mr. SMITH. I am willing to respond to the Senator from Washington back on my time. She did not answer my question, of course, which is typical in this debate. This is not a medical procedure that deals with the life of a woman. This is a medical procedure—it is a procedure that takes the life of a child.

We have had all kinds of testimony here on the Senate floor saying how one can explain to me—I have not had it explained to me yet—why preventing a fetus from being born, literally restraining the fetus from coming into the world, how that helps the life or protects the life of the mother? I am intrigued by the fact that no one will answer that question. Senator BOXER refused to answer it last night on "Nightline," and we see it not answered again today on the floor.

I will, at this time, yield 5 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Madam President, I have had the opportunity to listen to this debate on the last 2 days. I will try very briefly to respond to a couple of points that have been made on the other side.

Yesterday, the senior Senator from Massachusetts very eloquently said the proponents of this bill employ terminology that is not recognized by the medical community. He said that the term "partial-birth abortion" is not found in medical school textbooks or in medical schools. I would say he is absolutely correct. I guess he and I come to a different conclusion, though, as to what relevance this has.

The Senator is correct. This procedure does not have an official medical name. The medical schools do not have a name for it. The medical textbooks do not have a name for it and doctors do not call it by that name. That really is exactly the point. The reason medical authorities do not have a name for it and the reason schools do not teach it is because the procedure is so inappropriate, so medically unnecessary, so bad that the medical community never had a reason to name it.

The doctors, the healers, will not even give it a name. They will not put it in their textbooks. They will not described it in their medical journals. It is so bad, in fact, that in September the American Medical Association, council on legislation, described the procedure as "basically repulsive," and voted unanimously this procedure was "not a recognized medical technique." That is why the procedure should clearly be banned.

Let me turn to another point that has been brought up by my friend and colleague from Maine as well as my friend and colleague from Michigan, that has to do with the affirmative defense issue.

It was stated earlier today by my colleague from Maine that having the affirmative defense in this bill creates an enormous burden on the defense. I respectfully disagree. It does not create an enormous burden. In fact, we have over 30 examples in the code, in the Federal Code, where the affirmative defense is used.

I know, as a former prosecutor at the State level and county level, it is used in virtually every State in the Union. The burden it places on the defense is a very, very low burden. It says, basically, in those instances where the defense has a unique capability of knowing and understanding the facts of what this defense would be, it is peculiarly in the knowledge of that person, that they then, after the prosecution has proven everything beyond a reasonable doubt, they have to prove by a preponderance of the evidence, the defendant does, which basically means it is more likely than not, that the procedure was in fact reasonable.

If you do not do it this way and if you place it into the statute, do not have an affirmative defense but put the exception in the statute, what it means is the prosecution would have to prove beyond a reasonable doubt that the partial-birth abortion was not necessary to save the life of the mother and would have to prove beyond a reasonable doubt that it was not true that no other procedure would suffice for that purpose. So this is, in the law, a commonly accepted way of dealing with this particular issue.

Let me conclude, if I could, by commenting on some of the debate I have heard. It seems to me the debate on the other side of the issue has really been stretching, really been reaching to try to justify this procedure. Maybe a more fair way of describing their argument is not that they were trying to justify the procedure—because I really did not hear very much of that, if any of that—but rather that we just should not talk about it, we just should not deal with it.

My reaction to that, to my prochoice friends, is simply this. Even if you are pro-choice, is there some limit to what a civilized society will accept? Is there not something that you view as so bad, so repulsive that in limited cases we say no, you simply cannot do this?

Let me just say that we spent a lot of time on this floor. I think my colleague from New Hampshire did a great job of stripping away the rhetoric and getting to the facts of this procedure. I would like to do the same thing about this motion to commit. Let no one who comes on this floor in the next hour and votes have any misconception about what this vote is about. This is not a procedural vote. It may be technically a procedural vote but what it really is, is a vote on the merits. This is the vote. This is the defining moment. As we vote, I would simply ask my colleagues to recall—particularly my colleagues on the other side of the aisle—one of my favorite quotes.

Madam President, I ask unanimous consent for 1 additional minute?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 1 additional minute.

Mr. DEWINE. Hubert Humphrey, in 1977, defined the proper role of Government. This is what he said. I think, when you listen to this, it summarizes very well what this debate is all about.

> It was once said that the moral test of government is how that government treats those who are in the dawn of life, those who are in the twilight of life, and those who are in the shadow of life—the sick, the needy, the handicapped.

That is what this debate and vote is all about. This is a vote that we will be casting on the merits. It is not just a procedural vote. This vote will determine whether or not this bill moves forward or does not.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I agree totally with the Senator from Ohio, there should be no misconception what this vote is about. And it is not to eliminate the bill. It is to send it to committee where there has been no hearing, and to do so for 9 days plus another 10-day recess. That is what the vote is about.

I agree totally with the Senator from Ohio about having a civilized society. What we are trying to do is to figure out what is an appropriate course in terms of humanitarian considerations on this matter. There was a colloquy earlier today about whether there was an exception for the life of the mother. I submit that the answer given by the Senator from New Hampshire to the question by the Senator from Nebraska was not correct. A number of Senators have raised this with me in the interim.

I have sent for the statute which shows how you make it an exception. In the current bill there is not an exception for the life of the mother. It is an affirmative defense, which is totally different. The way you provide an exception for the life of the mother is the way it was done in Public Law 103-333, on September 30, 1994, as follows:

> None of the funds appropriated under this Act shall be expended for any abortion except [then some irrelevancies] that such procedure is necessary to save the life of the mother * * * That is the way to provide an exception on the life of the mother, not by having it as an affirmative defense.

Before yielding to the distinguished Senator from Kansas, Madam President, I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 23 minutes.

Mr. SPECTER. How much time would the Senator from Kansas like?

Mrs. KASSEBAUM. Madam President, if I could have 4 minutes.

Mr. SPECTER. So granted.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 4 minutes.

Mrs. KASSEBAUM. Madam President, I heard earlier today on the floor that those of us who would support the amendment to commit to the Judiciary Committee are not willing to take a stand. I would like to just say that I do not believe that is the case. This has always been a very difficult and troubling issue. But most of us have taken a stand. For myself, I have always believed abortion should be legal. I also think there should be restrictions. But I have always been really very concerned when the life of the mother and the life and health of the mother are at stake.

In Kansas, we have a law which bans third trimester abortions except for the health and the life of the mother. I do not have a problem with that personally, and I support the Kansas law, but there is an exception for the life and the health of the mother. Those are rare cases, and they should be rare cases.

It was debated here earlier between Senator EXON and Senator SMITH about whether there really is an exception for the life of the mother. I would suggest there is not an exception for the life of the mother. There is an affirmative defense after the doctor has been charged with criminal action. The burden of proof then would be on the doctor, as I understand it, at that point. So there is not an exception. There is merely a matter of legal procedure with affirmative defense.

I believe that is an important distinction, Madam President, because I think we here in the Congress cannot get into trying to determine medical procedures, no matter how tragic it appears. That should be left to the medical community, and with the consultation of the mother, the family, and the doctor.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SMITH. Madam President, I yield 5 minutes to the distinguished Senator from Texas, Senator GRAMM.

The PRESIDING OFFICER. The distinguished Senator from Texas, Senator GRAMM.

Mr. GRAMM. Madam President, let me thank you for the recognition.

I want to begin by congratulating our dear colleague, the senior Senator from New Hampshire. I want to thank him for his leadership on this issue.

I first spoke on this issue when I came over to the floor of the Senate to speak on another issue. The distinguished Senator from New Hampshire was talking about partial-birth abortions. He was explaining how the process worked in its total gruesome details, and another Senator rose and talked about how offended that Senator was by the description that Senator SMITH had given. I felt compelled at that point to make what I think is the relevant point. If we are offended by the description of this brutal, violent act that the Senator's bill seeks to stop in America, should we not also be offended that the act is occurring? If the description of the act is offensive to us, then the fact that it is happening to living babies should be doubly offensive to us.

I think this is a very fundamental issue, Madam President. We have all heard the distinguished Senator from New Hampshire describe the partial-birth abortion, but it really comes down to this: This is a baby that is several inches away from the protection of the law. This is a baby that is in the process of being delivered. Only its head remains in the birth canal. It is several inches away from being protected by the law and by the Constitution as currently interpreted by the courts. And at this very moment, when the decision is life or death, this abortion process occurs which terminates the life of the child and crushes its skull. This is a process that I believe is offensive to any civilized society.

So the issue we are debating here, it seems to me, can be reduced down to a very simple issue. This is an act that any civilized society should find offensive. Even those who support allowing this to occur are offended by its description.

I believe America and the civilized world should be offended by the fact that it is occurring in our country. I think no civilized society can condone this action. I think it is very clear that if this bill is sent to the committee, it is going to be killed. We have an opportunity, since the House has acted by an overwhelming vote, to adopt this bill and to send it to the President.

I want to urge my colleagues to vote against the effort to send this bill to a committee where we will not see it again, where we will not have the opportunity to vote on it again, and where the righteous indignation of a civilized people will be thwarted because we do not take action to stop what we know is wrong and unacceptable in a civilized society.

I want to conclude, Madam President, by again congratulating Senator SMITH. I think it took great political courage to raise this issue. I think it is always very difficult when you are talking about the kind of act that we are debating here today. It is offensive. It is hard to talk about. I do not feel comfortable talking about it. But most importantly, I do not feel comfortable about the fact that it is happening in the United States of America. That is the point.

If it is hard for us to talk about in the environment of the greatest deliberative body in the history of the world, it seems to me that it ought to be hard for us to continue to condone. I do not condone it. I want it to stop. And that is why I am going to vote for the Smith bill. That is why I am going to vote against this motion to kill it.

I believe this bill should be passed, and we, as a civilized nation, should say no to these partial-birth abortions.

Thank you, Madam President.

Mr. SPECTER. Madam President, if the Senator from California seeks recognition, she may have 5 minutes of our time. But first let me inquire how much time remains.

The PRESIDING OFFICER. The Senator has 20 minutes and 40 seconds.

Mr. SPECTER. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Madam President. I want to thank the Senator from Pennsylvania for offering us this very sensible amendment.

We have never in this Senate voted to outlaw a medical procedure. We have never, never voted to outlaw a medical procedure. When I was debating this issue with the Senator from New Hampshire, yes, we voted to outlaw the mutilation of the genitals of a girl. We voted a sense of the Senate. I was glad to do that. That is a battery; that is not a life-saving procedure. We have never voted to ban a life-saving procedure. And if that is what we are going to do, we are going to become physicians, and we are going to go down that slope.

We ought to have a hearing and have people who know what they are talking about appear before the Judiciary Committee, which is very fairly divided between people who vote pro-choice and people who vote anti-choice.

So what is before us is a bill to outlaw a medical procedure that is rare, that is used in the most tragic circumstances. It is not used for sex selection.

Let me repeat that. It is not used for sex selection. It is not used as a whim. It is not used because a woman at the end of her pregnancy said, "You know, maybe I shouldn't have done that."

It is a dangerous procedure, a late-term abortion. It is a rare thing that happens. To make it look like it is a whim is a great disservice to the families of this country, deeply religious families often, that are faced with these terrible circumstances.

In Roe v. Wade, the judges in their wisdom knew that late-term abortion was a different situation, and so they gave the States full authority to regulate late-term abortions. And what are we doing? We are stepping right in, big brother. And of course, it was most of my friends on the other side who said let the States decide everything else. They even voted to repeal nursing home standards, Federal nursing home standards because the States know better. But now they are saying we are going to step over all of these State laws and get into the operating room and tell a doctor that he or she cannot use an emergency procedure.

There is no exception in this bill for life of the mother. I tell my friends to turn to page 3. We have made exception for life of the mother before in Medicaid funding. This is an affirmative defense. In other words, you arrest the doctor, charge him if he uses the procedure, and then you tell him:

> Oh, yes, Doctor. By the way, when you are in court, you can use as a defense the fact that this was your only choice, and you have to show a preponderance of evidence and that there was no other procedure.

Very nice. Very nice way to treat someone who has just saved a life. My friend from Ohio quoted Hubert Humphrey. I love Hubert Humphrey. I just got a Hubert Humphrey award. I am so proud of that. The shadow of life, we must think of someone in the shadow of life, and a woman whose life is threatened is in the shadow of life. Whether that call comes in to any Senator here, I say to my friends, think about it, that it is your daughter. I am a grandma, and we have a lot of grandmas and grandpas here. It is your baby; it is your daughter who is going to have a child, and the doctor calls in the middle of the night and says, "There is a horrible emergency. If I do not end this pregnancy, you will lose your child"—your baby.

I got a call yesterday during the debate from a woman from Santa Barbara who said, "Remind these Senators that I have a baby"—yes, she is 36 and she got pregnant—"she is always going to be my baby, and we had to make that horrible choice."

People like Viki Wilson, a registered nurse, a practicing Catholic, and her husband, Bill, a physician, were the parents of two children and planning a third. In the 8th month of pregnancy, they found out the baby's brain was growing outside the skull. The brain was twice the size of her actual head and lodged in Viki's pelvis.

May I have unanimous consent for 2 additional minutes off Senator SPECTER's time.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mrs. BOXER. The brain was twice the size of her actual head and lodged in Viki's pelvis, causing pressure on what little brain the baby had. If Viki had carried Abigail to term—yes, they had a name for the baby—Viki's cervix could not have expelled Abigail. Viki's cervix would have torn or ruptured causing massive hemorrhages and possible infection, and, yes, Viki would have been in the shadow of life. And if Viki was your daughter and the call came in, you would say to the doctor, "Did you do everything? Are you sure? Did you check? Did you doublecheck? Is there another way? Can we save the baby? Can we do an operation to save the baby?" And if the answer came back no, I believe in my heart, subject to anyone who wants to say anything different, that, yes, you, as a United States Senator, would say, "By the grace of God, save my child."

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mrs. BOXER. We should support the Senator from Pennsylvania. He is rational about this. Let us bring forward the people who know about this and then let us vote.

I thank my friend.

Mr. PELL. Mr. President, in recent weeks, there has been much press attention given to a heretofore obscure procedure used to terminate late-term pregnancies. With this attention has come substantial public distress and alarm regarding the nature of this procedure, a discomfort that indeed, I share and understand. I must certainly agree that the procedure, as described by the proponents of the pending legislation, is repugnant on its face and one that is hopefully resorted to in only the rarest circumstances.

But today as the Senate considers legislation to ban the use of this procedure, we must make sure that our deliberations are thoughtful, reasoned, and considered.

It is very unfortunate that we are here debating this bill without having the benefit of the normal, established procedure of committee referral, hearings, and review from which a comprehensive record would have evolved detailing the pros and cons of the many complex and controversial issues at stake. This is particularly troubling because the issue at hand is so divisive and charged with emotion that, absent a thorough airing of the issues involved, it would be all too easy to retreat to a position on doctrinaire certitude and defiantly declare normal victory regardless of whether or not it is appropriate public policy.

The Senate has a long and established tradition of careful deliberation precisely because of its rules and procedures for legislating such difficult issues with thorough and adequate review. It is only rarely that we circumvent those procedures and then only when the matters are noncontroversial and relatively noncomplex.

Here, the bill was introduced and not referred to any Senate committee. Consequently, no hearings have been held in the Senate despite a myriad of questions that need to be answered about the bill's provisions. These include: What are the alternatives? What are the ramifications for other abortion procedures as a consequence of the current vague definitions in the bill? Is it wise or desirable to create a Federal criminal statute governing medical procedures? I believe that it would be premature to attempt to come to a conclusion about whether to support or oppose this legislation without having the answers to these and other troubling questions.

Therefore, I intend to support the motion to refer this legislation to the Judiciary Committee where I hope it will be thoroughly reviewed and made the subject of public hearings to discuss the issues involved. At that point, the Senate will have a much more adequate record than it does now upon which it can make the reasoned, careful decision that is incumbent upon us as elected representatives to make.

Mr. KERRY. Mr. President, the U.S. Government is one of the least intrusive governments in the world. We pay the lowest taxes of any industrialized country. We have a constitution that guarantees an extensive list of freedoms upon which the government cannot infringe. Many believe that one of the causes of the 1994 election results was a desire by the public to minimize government's role in the everyday lives of its citizens. Yet Senators have brought a bill to the floor that would require women to risk their lives.

Perhaps the sponsors of this bill do not understand the issue at hand. The Supreme Court has ruled that abortions are legal. It is completely legal for a woman who wants to have an abortion to obtain the services of a doctor who is willing to provide an abortion. Now we as a legislature are going to start decreeing to both pregnant women and their physicians which procedures a woman can choose? This is not our role. We are not obstetricians, and we should not insert ourselves in this picture.

Yet proponents of this bill come to the floor to introduce legislation that would force women whose lives are most at danger, whose fetuses are usually malformed in some way, to either endure the painful and life-threatening procedure of birth or to endure another form of abortion that may be more dangerous or painful. This is tantamount to torture and I am appalled that we are standing here debating this issue.

But I know why we are here. In fact, every Member of this body knows why we are here. We are here because abortion opponents are exploiting this painful, rare surgical procedure to try to convince the public that all abortions are similar to this procedure.

Mr. President, any surgical procedure is disgusting if described to a layman. I could stand here and describe any number or legal medical procedures and probably convince someone out there that the procedure sounds terrible and wrong. But describing and discouraging a legal medical procedure is not my job. I could also stand here and describe the horrible details of a birth of a malformed fetus that kills both the fetus and the mother and does so in the worst and most chilling fashion. But unlike others who have held this floor, I see no benefit to scare tactics.

Mr. President, proponents of this bill hope that this bill and the proceedings surrounding it will further stigmatize abortion and humiliate women who have had or who may someday have legal abortions. They also hope to chip away one piece at a time the constitutional right to terminate a pregnancy. Theirs is an unbecoming effort.

I believe this effort will fail. I believe that the public knows more and is more perceptive than this bill's proponents think. I urge my colleagues to stand in opposition to this bill. Send it to the Judiciary Committee when it can be properly analyzed.

Mr. CRAIG. Mr. President, there are very few issues that provoke the kind of passionate debate abortion policy continues to provoke. It's unfortunate the debate has deteriorated into pro-choice and pro-life labels because, in reality, it is a hugely significant conflict over when life begins and what life comprises. That's perhaps why it divides people along unpredictable lines; even in my State of Idaho, people of like political beliefs can take different positions on this issue.

I mention this because today we are dealing with an aspect of the abortion issue that even causes divisions among those who generally find abortion acceptable. What we saw in the House of Representatives just a few days ago demonstrated this. The overwhelming vote in support of the bill included many who usually identify themselves as pro-choice.

Let me repeat that: Even those who accept abortion found this particular procedure so objectionable they voted in favor of banning it.

A ban is an extraordinary step for Congress to take—but then, this is an extreme and hideous abortion procedure. We've heard it described in detail; we've seen diagrams that those performing this procedure have certified to be accurate. And Mr. President, I have seen strong men and women look away, to avoid dealing with the reality of this procedure.

I urge any of my colleagues who have reservations about this bill to take the time to understand exactly what's involved. Then you will understand why even abortion proponents draw the line here.

To put it simply, we're talking about causing and then stopping a delivery, to kill a baby mere inches and seconds before he or she is protected by our laws as a living human being.

Some would like to defend this procedure by claiming it is only used when the life of the mother is at stake or when the baby is shown to have genetic deformities. However, the testimony from those who perform these late-term abortions contradicts these arguments. Even Dr. Martin Haskell, who originated the technique, estimated as many as 80 percent of the procedures he performed were elective, not for genetic or life-saving reasons.

It's important to note that this bill contains an exception for situations in which the life of the mother truly is at stake and no other procedure can save it. Those who are honestly worried about this issue should be reassured. But it's also important to note that this procedure is hardly risk-free to the mother; medical professionals agree it poses dangers to both the lives and the future reproductive health of the women involved.

Mr. President, we all are thankful for today's life-saving advances in medical technology. It's appalling to think this particular procedure twists those advances in a legalistic game, with a human life in the balance.

In closing, I urge all my colleagues not to let political labels blind them to the facts. This radical, barbaric procedure goes much too far. Let's draw the line here, now, and pass the Partial-Birth Abortion Ban Act.

Mr. ABRAHAM. Mr. President, during the debate on the partial-birth abortion ban, opponents have made claims about this procedure and this legislation that simply are not supported by the facts. I ask unanimous consent that a fact sheet by the National Right to Life entitled "Partial-Birth Abortions: A Look Behind the Misinformation" and a letter from Barbara Bolsen of the American Medical News along with the accompanying material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARTIAL-BIRTH ABORTIONS: A LOOK BEHIND THE MISINFORMATION

(Congress is currently considering legislation that would place a national ban on the partial-birth abortion method (H.R. 1833, S. 939). The bill was approved by the House Judiciary Committee on July 18. Pro-abortion lobbying groups have made claims regarding this abortion method, and about the legislation, that are contradicted by substantial evidence. Yet, some of these erroneous claims have been uncritically adopted by various editorial commentators and reporters. This factsheet addresses some of the major disputed issues. All documents quoted in this factsheet may be obtained from the National Right to Life Committee, Federal Legislative Office, (202) 626-8820)

WHAT TYPE OF ABORTION IS BANNED BY H.R. 1833/S. 939?

H.R. 1833 is sponsored by Congressman Charles Canady (R-Fl.), with 150 House cosponsors. The companion bill, S. 939, is sponsored by Senator Bob Smith (R-NH). The purpose of the legislation is to ban those abortions that are performed by (1) partially delivering a living fetus into the vagina, and then (2) killing him or her. Under the bill, this method of killing a human fetus/baby could only be used if there was no other way to save a woman's life.

The bill is aimed at the basic method described and practiced by Dr. Martin Haskell of Dayton, Ohio, and Dr. James McMahon of Los Angeles—and by some other abortionists who have not chosen to widely publicize the fact.

The Los Angeles Times accurately described this abortion method in a June 16 news story: "The procedure requires a physician to extract a fetus, feet first, from the womb and through the birth canal until all but its head is exposed. Then the tips of surgical scissors are thrust into the base of the fetus' skull, and a suction catheter is inserted through the opening and the brain is removed."

In 1992, Dr. Haskell wrote a paper on this abortion method, which was sent out to members of the National Abortion Federation (those being abortionists and abortion clinics). The paper ("Dilation and Extraction for Late Second Trimester Abortion") described in detail, step-by-step, how to perform the procedure, which Dr. Haskell said that he employed beginning at 20 weeks—4½ months in layman's parlance—through 26 weeks into pregnancy. (Dr. McMahon uses essentially the same procedure to a much later point—in some cases, to 40 weeks, which is full term.) [1]

Dr. Haskell's "how-to-do-it" paper was obtained and publicized by the National Right to Life Committee. The National Abortion Federation (NAF) quickly claimed that NRLC was making distorted claims about the procedure. During the course of investigating this controversy, the American Medical News—the official newspaper of the American Medical Association—in 1993 conducted tape-recorded interviews with both Dr. McMahon and Dr. Haskell. These interviews originally were quoted in an article titled "Shock-tactic ads target late-term abortion procedure," which appeared in the July 5, 1993 edition of American Medical News. The American Medical News article is often quoted by supporters of the proposed legislation; the article is cited several times in this factsheet.

Recently, for the first time, the National Abortion Federation and Dr. Haskell attempted to disavow some of the most revealing quotes from the article. In response, on July 11, 1995, American Medical News released transcripts of the portions of a tape-recorded 1993 interview to prove that Dr. Haskell was indeed quoted accurately on certain key points (e.g., that "80%" of the partial-birth abortions he performs are "purely elective"), and that the fetuses are usually alive when he performs the procedure on them.

ACTIONS BY THE AMERICAN MEDICAL ASSOCIATION

On September 23, the national Council on Legislation of the American Medical Association (AMA) voted unanimously to recommend AMA endorsement of the Partial-Birth Abortion Ban Act (H.R. 1833). (Congress Daily, Oct. 10.) The Council on Legislation is made up of about 12 physicians of different specialities, who are charged with studying proposed federal legislation with respect to its impact on the practice of medicine. According to an October 23 letter from AMA headquarters in Chicago, "The AMA Board of Trustees has determined that it will not take a position on H.R. 1833 at this time."

THE CASE OF VIKI AND ABIGAIL WILSON

Critics of the bill have relied heavily on the personal account of Viki Wilson, whose unborn daughter Abigail died at the hands of Dr. McMahon during the ninth month of the pregnancy. Abigail's brain had developed partly outside of her skull. Setting aside for the moment all that might be said about the ethics of what was done to Abigail, the procedure utilized in this case, if performed as described in published accounts quoting Mrs. Wilson, would not be banned by the Partial-Birth Abortion Ban Act. That is because the baby's life was ended before the baby was moved into the birth canal (according to Mrs. Wilson); under the bill, this is not a "partial-birth abortion." Moreover, Mrs. Wilson has asserted that continuing the pregnancy "possibly" would have endangered her life. H.R. 1833 allows a physician to utilize the defined procedure on the basis of a reasonable belief that no alternative medical intervention would save the mother's life.

HOW MANY PARTIAL-BIRTH ABORTIONS ARE PERFORMED?

Dr. Haskell said in his 1992 paper that he begins using the procedure at 20 weeks (4½ months). There are 13,000 abortions annually after 4½ months, according to the Alan Guttmacher Institute (New York Times, July 5, 1995), which should be regarded as a conservative estimate. The National Abortion Federation now says that Drs. McMahon and Haskell between them perform about 450 such abortions every year. [2]

Both practitioners have been enthusiastic advocates for the method; Dr. Haskell's paper explains in detail how to perform it, and Dr. McMahon is director of abortion training at a major teaching hospital. There is no way to know how many other abortionists are now using the method, but without writing papers or giving interviews on the subject as Drs. Haskell and McMahon have done. The National Abortion Federation acknowledges that the method is probably employed at times by other practitioners, and the 1993 American Medical News report spoke of "a handful of other doctors" employing the method. In short, there is insufficient information on which to base a reliable estimate of how many partial-birth abortions are performed in the United States.

Even with respect to Drs. Haskell and McMahon alone, the figure of "450" may be low. Dr. McMahon has circulated literature in which he refers to having performed a "series" of "more than 2,000" abortions by the method. However, in the article by Karen Tumulty that appeared in the January 7, 1990 issue of Los Angeles Time Magazine, Dr. McMahon was quoted as saying, "Frankly, I don't think I was any good at all until I had done 3,000 or 4,000," referring to abortions "in later pregnancies." That article also reported that Dr. McMahon performs 400 "later abortions" a year. In literature he has circulated seeking abortion referrals, Dr. McMahon strongly advocates the partial-birth method for later abortions, so presumably most of his late abortions are being done using this method.

As for Dr. Haskell, he said in his 1992 paper that he had performed "over 700" such abortions.

His wife recently told an Ohio paper that he performs "less than 200" a year.

Defenders of partial-birth abortions often stress that they are "a small percentage" of all abortions. Yet, for each individual, unique human being who ends up at the pointed end of the surgical scissors, each such procedure is a 100 percent proposition.

SHOULD THE PROCEDURE BE CALLED THE "PARTIAL-BIRTH ABORTION METHOD," OR BY SOME OTHER TERM?

In his 1992 paper, Dr. Haskell referred to the method as "dilation and extraction" or "D&X"—noting that he "coined the term." However, that nomenclature is rejected by Dr. McMahon, who refers to the method as "intact dilation and evacuation" and (in an interview in the Los Angeles Times Magazine in 1990) as "intrauterine cranial decompression." There are also some variations in the procedure as performed by the two doctors. Dr. Haskell's 1992 paper refers to Dr. McMahon's approach as "a conceptually similar technique."

Some critics of the bill, such as the National Abortion Federation (a trade association of abortion providers) complain that the term "partial-birth abortion" is "a non-medical term," is "inaccurate," and is "offensive and upsetting." They also insist that it is "vague." It is quite evident, however, that NAF's problem with the term "partial-birth abortion" is not that it is too vague, but precisely that it is much too explicit. They prefer euphemistic pseudo-medical jargon that conveys nothing substantive regarding the nature of the procedure.

However, none of the terms that the abortion practitioners prefer would be workable as a legal definition. The bill creates a legal definition of "partial-birth abortion," and would ban any variation of that method—no matter what new idiosyncratic name any abortionist may invent to refer to it—so long as it is "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

Congress establishes such legal definitions all the time—often, in ways not entirely pleasing to the industries or practices being regulated. For example, by act of Congress, firearms that incorporate certain specified features are now legally defined as "assault weapons," even though manufacturers, gunsmiths, and users refer to these same firearms in other fashions. Likewise, if H.R. 1833/S. 939 is enacted, abortions that involve partial vaginal delivery of a live baby, followed by killing, will be legally defined as "partial-birth abortions," even if apologists for late-term abortions would continue to prefer a term that is not so explicitly descriptive.

Beyond the legal point, the term "partial-birth abortion" is accurate and in no way misleading. In explaining how to perform the procedure in his 1992 instruction paper, Dr. Martin Haskell wrote: "With a lower [fetal] extremity in the vagina, the surgeon uses his fingers *to deliver* the opposite lower extremity, then the torso, the shoulders and the upper extremities." [Haskell paper at page 30, emphasis added]

Dr. J. Courtland Robinson, a self-described "abortionist" who testified on behalf of the National Abortion Federation at a June 15 hearing before the House Judiciary Constitution Subcommittee, said, "Never in my career have I heard a physician who provides abortions refer to any technique as a 'partial-birth abortion.'" But Dr. Robinson's objection seems a mere quibble in light of his later testimony: "In our tradition we have other terms. I am surprised the word 'partial-extraction' was not used. This is a standard term in obstetrics that we use for delivering. That [term] could have been used."

Professor Watson Bowes of University of North Carolina at Chapel Hill School of Medicine, co-editor of the Obstetrical and Gynecological Survey and a leading authority on maternal and fetal medicine, wrote in a letter dated July 11, 1995: "The term 'partial-birth abortion' is accurate as applied to the procedure described by Dr. Martin Haskell in his 1992 paper entitled 'Dilation and Extraction for Late Second Trimester Abortion,' distributed by the National Abortion Federation. . . There is no standard medical term for this method. The method, as described by Dr. Haskell in his paper, involves dilation of the uterine cervix followed by breech delivery of the fetus up to the point at which only the head of the fetus remains undelivered. At this point surgical scissors are inserted into the brain through the base of the skull, after which a suction catheter is inserted to remove the brain of the fetus. This results in collapse of the fetal skull to facilitate delivery of the fetus. From this description there is nothing misleading about describing this procedure as a 'partial-birth abortion,' because in most of the cases the fetus is partially born while alive and then dies as a direct result of the procedure . . . "

IN WHAT CIRCUMSTANCES ARE PARTIAL-BIRTH ABORTIONS PERFORMED?

Misinformation: The New York Times (June 19, 1995): "[H.R. 1833/S. 939 is] a bill to outlaw one of the rarest types of abortions—a highly specialized procedure that is used in the latter stages of pregnancy to abort fetuses with severe abnormalities or no chance of surviving long after birth." National Public Radio Morning Edition (July 14, 1995): "Anti-abortion groups call it partial-birth abortions . . . Doctors resort to this rare procedure only for late-term abortions if the fetuses have severe abnormalities and no chance of survival."

Critique: Alarmed by the progress of H.R. 1833 in Congress, lobbying groups representing the abortion industry and pro-abortion advocacy groups have recently claimed that the partial-birth abortion method is used mainly in rare circumstances involving danger to the life of the mother or very grave disorders of the fetus. Many editorial writers and columnists (e.g., Ellen Goodman, Richard Cohen) have uncritically embraced such claims. So have some reporters, such as those quoted above. Indeed, the NPR assertion that the procedure is used "only . . . if fetuses have severe abnormalities and no chance of survival" is an even more egregiously erroneous statement than the claims made by the abortion-clinic lobby itself.

In truth, there is ample documentation to establish that many—indeed, most—partial-birth abortions do not involve "severe abnormalities and no chance of survival" or danger to the life of the mother.

In 1992, after NRLC's publicizing of Dr. Haskell's paper engendered considerable controversy, the American Medical News—the official newspaper of the AMA—conducted a tape-recorded interview with Dr. Haskell, in which he said: "In my particular case, probably 20% [of this procedure] are for genetic reasons. And the other 80% are purely elective."

This single statement from Dr. Haskell's own lips shreds the most widely disseminated piece of disinformation regarding partial-birth abortions. But there is much more.

Dr. James McMahon—who has performed at least 2,000 of these procedures—told American Medical News that he also uses the method to perform what he calls "elective" abortions up to 26 weeks (six months). Moreover, after the 26-week point, Dr. McMahon said, he uses the method to perform "non-elective" abortions (all the way to 40 weeks, which is full term). In materials provided in June to the House Judiciary Constitution Subcommittee, Dr. McMahon revealed that his definition of "non-elective" is extremely expansive. For example, he listed "depression" as the largest single "maternal indication" for such so-called "non-elective" abortions.

Dr. McMahon's materials also show that he uses the method to destroy "flawed fetuses," as he calls them. These include unborn humans with a wide variety of disorders, including conditions compatible with a long life with or without disability (e.g., cleft palate, spina bifida, Down syndrome). True, some of the babies have more profound disorders that will result in death soon after birth. But these unfortunate members of the human family deserve compassion and the best comfort-care that medical science can offer—not a scissors in the back of the head. In some such situations there are good medical reasons to deliver such a child early, after which natural death will follow quickly.

After conducting interviews with Dr. McMahon, reporter Karen Tumulty wrote in the Los Angeles Times Magazine (January 7, 1990): "If there is any other single factor that inflates the number of late abortions, it is youth. Often, teen-agers do not recognize the first signs of pregnancy. Just as frequently, they put off telling anyone as long as they can."

It is also noteworthy that when NRLC originally publicized the partial-birth abortion procedure in 1993, the then-executive director of the National Abortion Federation (NAF) distributed an internal memorandum to the members of that organization which acknowledged that such abortions are performed for "many reasons": "There are many reasons why women have late abortions: life endangerment, fetal indications, *lack of money or health insurance, social-psychological crises, lack of knowledge about human reproduction, etc.*" [emphasis added]

Likewise, a June 12, 1995 letter from NAF to members of the House of Representatives noted that late abortions are sought by, among others, "very young teenagers . . . who have not recognized the signs of their pregnancies until too late," and by "women in poverty, who have tried desperately to act responsibly and to end an unplanned pregnancy in the early stages, only to face insurmountable financial barrier."

DOES THE BILL MAKE ALLOWANCE FOR JEOPARDY TO THE LIFE OF THE MOTHER?

The bill contains a provision under which a doctor could utilize the partial-birth abortion method if no other medical procedure would suffice to save the mother's life. Eminent medical authorities, including Prof. Watson Bowes of the University of North Carolina at Chapel Hill and Dr. Pamela Smith, head of the obstetrics teaching program at Mt. Sinai Hospital in Chicago, have said that no such case would ever arise—nevertheless, the bill makes allowance for such a circumstance. In a letter to Congressman Charles Canady (R-Fl.), prime sponsor of HR 1833, Prof. Bowes said: "Critics of your bill who say that this legislation will prevent doctors from performing certain procedures which are standard of care, such as cephalocentesis (removal of fluid from the enlarged head of a fetus with most severe form of hydrocephalus) are mistaken. This procedure is not intended to kill the fetus, and, in fact, is usually associated with the birth of a live infant . . . [Also,] the technique of the partial-birth abortion could be used to remove a fetus that had died in utero of natural causes or accident. Such a procedure would not be covered by the definition in your bill, because it would not involve partially delivering a live fetus and then killing it."

ARE THE DRAWINGS OF THE PARTIAL-BIRTH ABORTION METHOD CIRCULATED BY NRLC ACCURATE, OR ARE THEY MISLEADING?

Misinformation: On June 12, the National Abortion Federation—an association of abortion providers—sent a letter to House members in which NAF claimed—on the authority of Dr. J. Courtland Robinson of Johns Hopkins Medical School—that the drawings of the partial-birth abortion procedure distributed by Congressman Canady in a letter to House members were "highly imaginative" and "misleading." These drawings had earlier been distributed by the National Right to Life Committee.

Critique: Three days after the mailing of the letter quoted above, Dr. Robinson testified before the House Judiciary Constitution Subcommittee, representing the National Abortion Federation. However, under questioning from subcommittee chairman Rep. Charles Canady, Dr. Robinson admitted he had not to that day even read Dr. Martin Haskell's unique 1992 paper describing how to perform the procedure. Questioned by Mr. Canady about the drawings—which were displayed in poster size next to the witness table—Dr. Robinson agreed that they were "technically accurate," and added: "That is exactly probably what is occurring at the hands of the two physicians involved."

Moreover, American Medical News (July 5, 1993) reported: "Dr. Haskell said the drawings were accurate 'from a technical point of view.' But he took issue with the implication that the fetuses were 'aware and resisting.'"

Professor Watson Bowes of the University of North Carolina at Chapel Hill, wrote in a letter to Congressman Canady: "Having read Dr. Haskell's paper, I can assure you that these drawings accurately represent the procedure described therein. Furthermore, Dr. Haskell is reported as saying that the illustrations were accurate 'from a technical point of view.' Firsthand renditions by a professional medical illustrator, or photographs or a video recording of the procedure would no doubt be more vivid, but not necessarily more instructive for a non-medical person who is trying to understand how the procedure is performed."

IS THE BABY ALREADY DEAD BEFORE BEING PULLED INTO THE BIRTH CANAL DURING THE PROCEDURE?

In the partial-birth abortion method, a woman visits the abortion clinic on three successive days. On the first two days, her cervix (the opening to the uterus) is mechanically dilated with materials called laminaria. The baby is removed on the third day. American Medical News reported in 1993, after conducting interviews with Drs. Haskell and McMahon, that the doctors "told AM News that the majority of fetuses aborted this way are alive until the end of the procedure."

Recently, after introduction of the proposed federal ban, Dr. Haskell and NAF for the first time disputed this and other revealing quotes in the American Medical News story. In response, the editor of American Medical News sent a letter to the Judiciary Committee, dated July 11, stating: "AM News stands behind the accuracy of the report. . . . We have full documentation of these interviews, including tape recordings and transcripts." She also released the transcript of the tape recording of the pertinent portions of the interview with Dr. Haskell. The transcript contains the following exchange:

American Medical News. Let's talk first about whether or not the fetus is dead beforehand.

Dr. HASKELL. No it's not. No, it's really not. A percentage are for various numbers of reasons. Some just because of the stress—intrauterine stress during, you know, the two days that the cervix is being dilated [to permit extraction of the fetus]. Sometimes the membranes rupture and it takes a very small superficial infection to kill a fetus in utero when the membranes are broken. And so in my case, I would think probably about a third of those are definitely are [sic] dead before I actually start to remove the fetus. And probably the other two-thirds are not.

In another interview, quoted in the Dec. 10, 1989 Dayton News, Dr. Haskell again conveyed that the scissors thrust is usually the lethal act: "When I do the instrumentation on the skull * * * it destroys the brain tissue sufficiently so that even if it (the fetus) falls out at that point, it's definitely not alive, Dr. Haskell said."

On July 9, 1995, Brenda Pratt Shafer, R.N., sent a letter Congressman Tony Hall (D-Ohio), in which she related her experience as a nurse whose agency assigned her to work at Dr. Haskell's Dayton abortion clinic in 1993. Nurse Shafer said she had no difficulty accepting the assignment because she was strongly "pro-choice." But she quit after witnessing three partial-birth abortions close up. "It was the most horrifying experience of my life," she wrote.

Here"s how Nurse Shafer described the end of the life of one six-month-old "fetus": "The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while his little head was still stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out. I almost threw up as I watched him do these things."[3]

That the babies are generally alive at the time of their "extraction" is further supported by the account of an eyewitness very sympathetic to Dr. McMahon: Dr. Dru Elaine Carlson, who is a perinatologist and director of Reproductive Genetics at Cedars-Sinai Medical Center in Los Angeles. In a June 27, 1995 letter to Congressman Henry Hyde opposing the bill, Dr. Carlson wrote: "Since I refer Dr. McMahon a large number of families, I have gone to his facility and seen for myself what he does and how he does it * * * Essentially he provides analgesia for the mother that removes anxiety and pain and as a result of this medication the fetus also is *sedated.* When the cervix is open enough for a safe delivery of the fetus he uses altrasound guidance to gently deliver the fetal body up to the shoulders and then very quickly and expertly performs what is called a cephalocentesis. Essentially this is removal of cerebrospinal fluid from the brain *causing instant brain herniation and death*" [emphasis added]

It is impossible to reconcile eyewitness accounts such as those of Nurse Shafer and Dr. Carlson with the claim made by NAF in a July 27 letter to Congress that "fetal demise does in fact occur early on in the [three-day] procedure."

DOES THE BABY FEEL PAIN DURING THE PARTIAL-BIRTH ABORTION PROCEDURE?

In his 1992 paper, Dr. Haskell says that he performs the procedure after giving the woman "local anesthesia" and nitrous oxide ("laughing gas"), neither of which would prevent pain in the baby.

Dr. McMahon says in a June 23 written submission to the House Judiciary Constitution Subcommittee: "The fetus feels no pain through the entire series of procedures. This is because the mother is given narcotic analgesia at a dose based upon her weight. The narcotic is passed, via the placenta, directly into the fetal bloodstream. Due to the enormous weight difference, a medical coma is induced in the fetus. There is a neurological fetal demise. There is never a live birth."

The New York Times (July 5, 1995) interpreted this statement by Dr. McMahon to mean that the drug causes "brain death" in the baby, which does indeed seem to be the impression that Dr. McMahon attempts to convey. But his claim cannot survive critical scrutiny.

Dr. Watson Bowes, an internationally recognized authority on maternal and fetal medicine, is a professor of both obstetrics/gynecology and pediatrics at the University of North Carolina at Chapel Hill School of Medicine. In a July 11 letter, Professor Bowes wrote: "Dr. James McMahon states that narcotic analgesic medications given to the mother induce 'a medical coma' in the fetus, and he implies that this causes 'a neurological fetal demise.' This statement suggests a lack of understanding of maternal/fetal pharmacology. It is a fact that the distribution of analgesic medications given to a pregnant woman result in blood levels of the drugs which are less than those in the mother. Having cared for pregnant women who for one reason or another required surgical procedures in the second trimester, I know that they were often heavily sedated or anesthetized for the procedures, and the fetuses did not die. . . . Although it is true that analgesic medications given to the mother will reach the fetus and presumably provide some degree of pain relief, the extent to which this renders this procedure pain free would be very difficult to document. I have performed in-utero procedures on fetuses in the second trimester, and in these situations the response of the fetuses to painful stimuli, such as needle sticks, suggest that they are capable of experiencing pain."

In June 15 testimony before the House Judiciary Constitution Subcommittee, Professor Robert White, Director of the Division of Neurosurgery and Brain Research Laboratory at Case Western Reserve School of Medicine, said: "The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain." Prof. White analyzed the partial-birth procedure step-by-step and concluded: "Without question, all of this is a dreadfully painful experience for any infant subjected to such a surgical procedure."

DOES THE BILL CONTRADICT SUPREME COURT PRECEDENTS?

In written testimony submitted to the House Judiciary Constitution Subcommittee, David Smolin, a professor at Cumberland Law School at Samford University, testified that he believed that the Partial-Birth Abortion Ban Act could be upheld even under the Supreme Court precedents that block most government limitations on abortion. "The spectre of partially delivering a fetus, and then suctioning her brains, may mix the physician's disparate roles at childbirth and abortion in such a way as to particularly shock the conscience. . . . It is possible that at least some of the fetuses killed by partial-birth abortions are constitutional persons. The Supreme Court in *Roe* v. *Wade* held that the word 'person', as used in the Fourteenth Amendment, does not include the unborn." The Court, however, has never addressed the constitutional status of those who are "partially born." [Prof. Smolin's complete testimony is available on request.]

However, pro-abortion advocacy groups insist that even the partial-birth abortion procedure is completely protected by *Roe* v. *Wade*. If this is true, it will be news to a lot of people—and it is a powerful argument for re-examining *Roe* v. *Wade*.

ENDNOTES

[1] Unfortunately, some lawmakers and some other observers demonstrate bias or "denial mechanisms" that resist exposure even to impeccable documentation. For example, after sitting through a July 12 House Judiciary Committee meeting in which many of the documents quoted herein were cited and circulated, Associated Press reporter Nita Lelyveld wrote, "Opponents of the bill say the scissors method is very rare if it exists at all." Actually, however, not even the National Abortion Federation has been audacious enough to suggest that the "scissors method" may not "exist at all." Dr. Haskell's readily available paper, which has been provided to Ms. Lelyveld and other reporters, refers five times to the use of scissors. For example, Dr. Haskell writes, "the surgeon forces the scissors into the base of the skull." The scissors are described as a Metzenbaum surgical scissors, which is about seven inches long.

[2] Some press accounts have mistakenly reported that the bill would affect only "third-trimester" abortions. In fact, the bill would ban use of the partial-birth abortion method in either the second or the third trimester of pregnancy. It is noteworthy that there is a dispute over how many third-trimester abortions, by all methods, are performed every year. American Medical News (July 5, 1993) reported. "Former Surgeon General C. Everett Koop, MD, estimated in 1984 that 4,000 *third-trimester* abortions are performed annually. The abortion federation [National Abortion Federation] puts the number at 300 to 500. *Dr [Martin] Haskell says that 'probably Koop's numbers are more correct.'" [Emphasis added]*

[3] At a July 12 meeting of the House Judiciary Committee, Congresswoman Patricia Schroeder (D-Co.) charged, based on a July 12 letter from Dr. Haskell, that Brenda Shafer had never worked at the clinic. Rep. Schroeder abandoned this charge (although without apology) after committee members were provided with copies of the bill sent to Dr. Haskell's clinic by the nursing agency, which contained the nurse's license and social security numbers. Dr. Haskell's letter also disputed Shafer's account of witnessing abortions at 25 and 26½ weeks because, he claimed, he observes a "self-imposed and established limit of 24 weeks." But Dr. Haskell's own 1992 paper, explaining how to perform the procedure, said that he employs the method from 20 to 26 weeks into pregnancy.

AMERICAN MEDICAL NEWS,
Chicago, IL, July 11, 1995.

Hon. CHARLES T. CANADY,
Chairman, Subcommittee on the Constitution, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CANADY: We have received your July 7 letter outlining allegations of inaccuracies in a July 5, 1993, story in American Medical News, "Shock-tactic ads target late-term abortion procedure."

You noted that in public testimony before your committee, AMNews is alleged to have quoted physicians out of context. You also noted that one such physician submitted testimony contending that AMNews misrepresented his statements. We appreciate your offer of the opportunity to respond to these accusations, which now are part of the permanent subcommittee record.

AMNews stands behind the accuracy of the report cited in the testimony. The report was complete, fair, and balanced. The comments and positions expressed by those interviewed and quoted were reported accurately and in-context. The report was based on extensive research and interviews with experts on both sides of the abortion debate, including interviews with two physicians who perform the procedure in question.

We have full documentation of these interviews, including tape recordings and transcripts. Enclosed is a transcript of the contested quotes that relate to the allegations of inaccuracies made against AMNews.

Let me also note that in the two years since publication of our story, neither the organization nor the physician who complained about the report in testimony to your committee has contacted the reporter or any editor of AMNews to complain about it. AMNews has a longstanding reputation for balance, fairness and accuracy in reporting, including reporting on abortion, an issue that is as divisive within medicine as it is within society in general. We believe that the story in question comports entirely with that reputation.

Thank you for your letter and the opportunity to clarify this matter.

Respectfully yours,
BARBARA BOLSEN,
Editor.

Attachment.

AMERICAN MEDICAL NEWS TRANSCRIPT

AMN. Let's talk first about whether or not the fetus is dead beforehand . . .

HASKELL. No it's not. No, it's really not. A percentage are for various numbers of reasons. Some just because of the stress—intrauterine stress during, you know, the two days that the cervix is being dilated. Sometimes the membranes rupture and it takes a very small superficial infection to kill a fetus in utero when the membranes are broken. And so in my case, I would think probably about a third of those are definitely are (sic) dead before I actually start to remove the fetus. And probably the other two-thirds are not.

AMN. Is the skull procedure also done to make sure that the fetus is dead so you're not going to have the problem of a live birth?

HASKELL. It's immaterial. If you can't get it out, you can't get it out.

AMN. I mean, you couldn't dilate further? Or is that riskier?

HASKELL. Well, you could dilate further over a period of days.

AMN. Would that just make it . . . would it go from a 3-day procedure to a 4- or 5-?

HASKELL. Exactly, the point here is to effect a safe legal abortion. I mean, you could say the same thing about the D&E procedure. You know, why do you do the D&E procedure? Why do you crush the fetus up inside the womb? to kill it before you take it out?

Well, that happens, yes. But that's not why you do it. You do it to get it out. I could do the same thing with a D&E procedure. I could put dilapan in for four or five days and say I'm doing a D&E procedure and the fetus could just fall out. But that's not really the point. He point here is you're attempting to do an abortion. And that's the goal of your work, is to complete an abortion. Not to see how do I manipulate the situation so that I get a live birth instead.

AMN, wrapping up the Interview. I want to make sure I have both you and (Dr.) McMahon saying 'No' then. That this is misinformation, these letters to the editor saying it's only done when the baby's already dead, in case of fetal demise and you have to do an autopsy. But some of them are saying they're getting that misinformation from NAF. Have you talked to Barbara Radford or anyone over there? I called Barbara and she called back, but I haven't gotten back to her.

HASKELL. Well, I had heard that they were giving that information, somebody over there might be giving information like that out. The people that staff the NAF office are not medical people. And many of them when I gave my paper, many of them came in, I learned later, to watch my paper because many of them have nver seen an abortion performed of any kind.

AMN. Did you also show a video when you did that?

HASKELL. Yeah. I taped a procedure a couple of years ago, a very brief video, that simply showed the technique. The old story about a picture's worth a thousand words.

AMN. As National right to Life will tell you.

HASKELL. Afterwards they were just amazed. They just had no idea. And here they're rabid supporters of abortion. They work in the office there. And . . . some of them have never seen one performed.

Comments on elective vs. non-elective abortions:

HASKELL. And I'll be quite frank: most of my abortions are elective in that 20–24 week range . . . In my particular case, probably 20% are for genetic reasons. and the other 80% are purely elective . . .

[From the American Medical News, July 5, 1993]

SHOCK-TACTIC ADS TARGET LATE-TERM ABORTION PROCEDURE—FOES HOPE CAMPAIGN WILL SINK FEDERAL ABORTION RIGHTS LEGISLATION

(By Diane M. Gianelli)

WASHINGTON.—In an attempt to derail an abortion-rights bill maneuvering toward a congressional showdown, opponents have launched a full-scale campaign against late-term abortions.

The centerpieces of the effort are newspaper advertisements and brochures that graphically illustrate a technique used in some second- and third-trimester abortions. A handful of newspapers have run the ads so far, and the National Right to Life Committee has distributed 4 million of the brochures, which were inserted into about a dozen other papers.

By depicting a procedure expected to make most readers squeamish, campaign sponsors hope to convince voters and elected officials that a proposed federal abortion-rights bill is so extreme that states would have no authority to limit abortions—even on potentially viable fetuses.

According to the Alan Guttmacher Institute, a research group affiliated with Planned Parenthood, about 10% of the estimated 1.6 million abortions done each year are in the second and third trimesters.

Barbara Radford of the National Abortion Federation denounced the ad campaign as disingenuous, saying its "real agenda is to outlaw virtually all abortions, not just late-term ones." But she acknowledged it is having an impact, reporting scores of calls from congressional staffers and others who have seen the ads and brochures and are asking pointed questions about the procedure depicted.

The Minneapolis Star-Tribune ran the ad May 12, on its op-ed page. The anti-abortion group Minnesota Citizens Concerned for Life paid for it.

In a series of drawings, the ad illustrates a procedure called "dilation and extraction," or D&X, in which forceps are used to remove second- and third-trimester fetuses from the uterus intact, with only the head remaining inside the uterus.

The surgeon is then shown jamming scissors into the skull. The ad says this is done to create an opening large enough to insert a catheter that suctions the brain, while at the same time making the skull small enough to pull through the cervix.

"Do these drawings shock you?" the ad reads. "We're sorry, but we think you should know the truth."

The ad quotes Martin Haskell, MD, who described the procedure at a September 1992 abortion-federation meeting, as saying he personally has performed 700 of them. It then states that the proposed "Freedom of Choice Act" now moving through Congress would "protect the practice of abortion at all stages and would lead to an increase in the use of this grisly procedure."

ACCURACY QUESTIONED

Some abortion-rights advocates have questioned the ad's accuracy.

A letter to the Star-Tribune said the procedure shown "is only performed after fetal death when an autopsy is necessary or to save the life of the mother." And the Morrisville, Vt., Transcript, which said in an editorial that it allowed the brochure to be inserted in its paper only because it feared legal action if it refused, quoted the abortion federation as providing similar information. "The fetus is dead 24 hours before the pictured procedure is undertaken," the editorial stated.

But Dr. Haskell and another doctor who routinely use the procedure for late-term abortions told AMNews that the majority of fetuses aborted this way are alive until the end of the procedure.

Dr. Haskell said the drawing were accurate "from a technical point of view." But he took issue with the implication that the fetuses were "aware and resisting."

Radford also acknowledged that the information her group was quoted as providing was inaccurate. She has since sent a letter to federation members, outlining guidelines for discussing the matter. Among the points:

Don't apologize: this is a legal procedure.

No abortion method is acceptable to abortion opponents.

The language and graphics in the ads are disturbing to some readers. "Much of the negative reaction, however, is the same reaction that might be invoked if one were to listen to a surgeon describing step-by-step almost any other surgical procedure involving blood, human tissue, etc."

LATE-ABORTION SPECIALISTS

Only Dr. Haskell, James T. McMahon, MD, of Los Angeles, and a handful of other doctors perform the D&X procedure, which Dr. McMahon refers to as "intact D&E." The more common late-term abortion methods are the classic D&E and induction, which usually involves injecting digoxin or another substance into the fetal heart to kill it, then dilating the cervix and inducing labor.

Dr. Haskell, who owns abortion clinics in Cincinnati and Dayton, said he started performing D&Es for late abortions out of necessity. Local hospitals did not allow inductions past 18 weeks, and he had no place to keep patients overnight while doing the procedure.

But the classic D&E, in which the fetus is broken apart inside the womb, carries the risk of perforation, tearing and hemorrhaging, he said, So he turned to the D&X, which he says is far less risky to the mother.

Dr. McMahon acknowledged that the procedure he, Dr. Haskell and a handful of other doctors use makes some people queasy. But he defends it. "Once you decide the uterus must be emptied, you then have to have 100% allegiance to maternal risk. There's no justification to doing a more dangerous procedure because somehow this doesn't offend you sensibilities as much."

BROCHURE CITES N.Y. CASE

The four-page anti-abortion brochures also include a graphic depiction of the D&X procedure. But the cover features a photograph of 16-month-old Ana Rosa Rodriquez, whose right arm was severed during an abortion attempt when her mother was 7 months pregnant.

The child was born two days later, at 32 to 34 weeks' gestation. Abu Hayat, MD, of New York, was convicted of assault and performing an illegal abortion. He was sentenced to up to 29 years in prison for this and another related offense.

New York law bans abortions after 24 weeks, except to save the mother's life. The brochure states that Dr. Hayat never would have been prosecuted if the Federal "Freedom of Choice Act" were in effect, because the act would invalidate the New York statute.

The proposed law would allow abortion for any reason until viability. But it would leave it up to individual practitioners—not the state—to define that point. Postviability abortions, however, could not be restricted if done to save a woman's life or health, including emotional health.

The abortion federation's Radford called the Hayat case "an aberration" and stressed that the vast majority of abortions occur within the first trimester. She also said that later abortions usually are done for reasons of fetal abnormality or material health.

But Douglas Johnson of the National Right to Life Committee called that suggestion "blatantly false."

"The abortion practitioners themselves will admit the majority of their late-term abortions are elective," he said. "People like Dr. Haskell are just trying to reach others how to do it more efficiently."

NUMBERS GAME

Accurate figures on second- and third-trimester abortions are elusive because a number of states don't require doctors to report abortion statistics. For example, one-third of all abortions are said to occur in California, but the state has no reporting requirements. The Guttmacher Institute estimates there were nearly 168,000 second- and third-trimester abortions in 1988, the last year for which figures are available.

About 60,000 of those occurred in the 16- to 20-week period, with 10,660 at week 21 and beyond, the institute says. Estimates were based on actual gestational age, as opposed to last menstrual period.

There is particular debate over the number of third-trimester abortions. Former Surgeon General C. Everett Koop, MD, estimated in 1984 that 4,000 are performed annually. The abortion federation puts the number at 300 to 500. Dr. Haskell says that "probably Koop's numbers are more correct."

Dr. Haskell said he performs abortions "up until about 25 weeks" gestation, most of them elective. Dr. McMahon does abortions through all 40 weeks of pregnancy, but said he won't do an elective procedure after 26 weeks. About 80% of those he does after 21 weeks are nonelective, he said.

MIXED FEELINGS

Dr. McMahon admits having mixed feelings about the procedure in which he has chosen to specialize.

"I have two positions that may be internally inconsistent, and that's probably why I fight with this all the time," he said.

"I do have moral compunctions. And if I see a case that's later, like 20 weeks where it frankly is a child to me, I really agonize over it because the potential is so imminently there. I think, 'Gee, it's too bad that this child couldn't be adopted.'

"On the other hand, I have another position, which I think is superior in the hierarchy of questions, and that is: 'Who owns the child?' It's got to be the mother."

Dr. McMahon says he doesn't want to "hold patients hostage to my technical skill. I can say, 'No, I won't do that,' and then they're stuck with either some criminal solution or some other desperate maneuver."

Dr. Haskell, however, says whatever qualms he has about third-trimester abortions are "only for technical reasons, not for emotional reasons of fetal development."

"I think it's important to distinguish the two," he says, adding that his cut-off point is within the viability threshold noted in Roe v. Wade, the Supreme Court decision that legalized abortion. The decision said that point usually occurred at 28 weeks "but may occur earlier, even at 24 weeks."

Viability is generally accepted to be "somewhere between 25 and 26 weeks," said Dr. Haskell. "It just depends on who you talk to.

"We don't have a viability law in Ohio. In New York they have a 24-week limitation. That's how Dr. Hayat got in trouble. If somebody tells me I have to use 22 weeks, that's fine. . . . I'm not a trailblazer or activist trying to constantly press the limits."

CAMPAIGN'S IMPACT DEBATED

Whether the ad and brochures will have the full impact abortion opponents intend is yet to be seen.

Congress has yet to schedule a final showdown on the bill. Although it has already passed through the necessary committees, supporters are reluctant to move it for a full House and Senate vote until they are sure they can win.

In fact, House Speaker Tom Foley (D, Wash.) has said he wants to bring the bill for a vote under a "closed rule" procedure, which would prohibit consideration of amendments.

But opponents are lobbying heavily against Foley's plan. Among the amendments they wish to offer is one that would allow, but not require, states to restrict abortion—except to save the mother's life—after 24 weeks.

Ms. MOSELEY-BRAUN. Mr. President, today, as it has been since the landmark 1973 Supreme Court Decision of Roe versus Wade, the concept of reproductive freedom is under assault.

Choice is a matter of freedom. Choice is a fundamental issue of the relationship of female citizens to their Government. Choice is a barometer of equality and a measure of fairness. Choice is central to our liberty. While I do not believe in abortion, I do believe, fundamentally, in choice.

In spite of the fact that the majority of the American people embrace the freedom to choose reproduction, the efforts to use Government intervention as a bar to the right to choice have taken on a new ferocity. And today, some in the U.S. Senate would prevent Senators and citizens alike from the chance to even hold hearings on the latest assault on a woman's right to choose.

The newest assault is H.R. 1833/S. 939, an unconstitutional, vague ban on a rare medical procedure used to terminate pregnancies late in the term, when the life or health of the mother is at risk, and or when the fetus has severe abnormalities.

The procedure that is the intended focus of this bill involves giving anesthesia to a mother over a period of days while gradually dilating her cervix—the fetus dies during the first dose of anesthesia—then draining the brain fluid after death so that the cervix is forced to withstand less trauma as the fetus is removed, preserving the woman's ability to conceive.

H.R. 1833/S. 939 would make it a criminal offense to perform certain types of late term abortions. A doctor who performed such an abortion would face up to 2 years in prison and fines.

The doctor and the hospital or clinic where he or she worked would also be liable for civil action brought by the father of a fetus or the maternal parents of the woman if she was under 18.

Instead of providing an exception for cases where the banned procedure is used to save the life of the mother, doctors would be required, after being reasonably believed that no other method would have saved the woman's life.

Before I talk about the constitutional and policy implications of H.R. 1833/S. 939, I want to tell the story of Vikki, she is from Naperville, in my home State of Illinois.

Vikki and her husband were expecting their third child. At 20 weeks she went for a sonogram and was told by her doctor that she and her child were healthy. She named the boy Anthony.

At 32 weeks Vikki took her two daughters with her to watch their brother on the sonogram. The technician did not say a word during the sonogram and then asked Vikki to come upstairs to talk with the doctor. Vikki thought maybe it was because the baby was breach. She is a diabetic and any complications could be serious.

The doctor was too busy to see Vikki, but called at 7 a.m. the next morning to say that the femurs—leg bones—seemed a little short. He assured her that there was a 99 percent chance that nothing was wrong, but asked her to come in for a level 2 ultrasound.

Vikki and her husband found out that their child had no brain. There were eight abnormalities in all.

Vikki had to make the hardest decision of her life. This is how she explained it: "I had to remove my son from life support —that was me."

For Vikki, the hardest thing for a parent to do is to watch her child hurt. It is hard enough just watching a child get teased at the bus stop.

The procedure took four visits to the doctor. She received anesthesia on the first visit. Her son stopped moving the first night. She knew he was gone. This was before the procedure to remove the fetus took place.

Having an D&E procedure was particularly important because Vikki wanted to know if this was something that she would pass on to her two daughters.—With a D&E an autopsy can be performed.—Luckily, it was just one of those things and her girls will be able to have children of their own.

Vikki's D&E was the closest thing for her body to natural birth. She was able to preserve her fertility, and I am happy to say is now 30 weeks pregnant. The baby looks fine.

I wanted to tell my colleagues that story, because it is true, it is about a real woman, and it is about a family handling an awful, horrible situation in the best way that it can.

This is the kind of case where my colleagues want to substitute their judgement for the judgement of the family and their doctor.

Now what are the implications for banning these abortions, beyond the affect that it would have on the lives of women like Vikki and their families?

Doctors are going to be too scared to perform legal abortions and medically necessary abortions because of the threat of criminal or civil prosecution. H.R. 1833/S. 939 is vague. The definition of abortions covered under this legislation is "partial-birth." That is a term used for its shock value, not its medical value. There is no such medical term and doctors cannot agree on what the legislation is intended to ban.

Women are going to face life and health risks as well as the loss of fertility as they undergo more dangerous procedures. H.R. 1833/S. 939 is dangerous. If a doctor chooses to perform an abortion covered by this bill, it is because he or she considers the procedure to be the most medically sound for the woman. By choosing to arbitrarily prohibit one type of procedure, but not others, regardless of which procedure most protects the life, health, and fertility of the woman, Congress is micro-managing decisions best made in a doctor's office.

Women's constitutional rights will be taken away. H.R. 1833/S. 939 is unconstitutional. Under Roe versus Wade and Planned Parenthood versus Casey, the Supreme Court standard is that a state may not prohibit post-viability abortions necessary to preserve the life or health of a woman. Under H.R. 1833/S. 939, there is an exception only for life and then only by way of an affirmative defense.

While H.R. 1833/S. 939 is focused on late-term abortions, doctors who perform early-term abortions by the loosely defined means covered by the bill are subject to the same liability. Choosing to have an abortion when the fetus is not yet viable is clearly a constitutionally protected right under Roe versus Wade.

These are some of the policy implications of H.R. 1833/S. 939. This threat to a doctor's ability to care for his or her patient, disregard of a woman's health, and attack on a woman's constitutional rights are all part of a broader attack on choice.

The 104th Congress has already seen a dramatic erosion in the right of a woman to choice.

First came the Hyde amendment. Poor women were limited in their reproductive choices because Government contributed to payment of their health care. Their rights became more than their pocketbooks could protect.

Then came the battle of parental notification. Very young women were limited in their reproductive choices, except in cases of rape or incest, because of their age—not their condition—teens became the victims of bad timing and thus the State asserted a right to intervene.

Then came the women in the military—who by virtue of their own decision, or that of their spouse, to serve their country, would be limited in their reproductive choices.

Then came legislation earlier this year, which eliminated abortion coverage from Federal health insurance. Employee benefits for Federal workers are now restricted in ways which, I hope, would be unthinkable in the private sector.

Now comes a bill to fine or jail doctors who perform abortions for women who need them late in their term because their life and health are in danger or because of the severity of the deformities of their fetus.

These actions remind me of a famous poem by Martin Niemoller, a Protestant minister interred in a German concentration camp for 7 years. I would like to read you my own, more contemporary version of his parable. I call it "The Assault on Reproductive Rights."

First they came for poor women
and I did not speak out—
because I was not a poor woman.
Then they came for the teenagers
and I did not speak out—
because I was no longer a teenager.
Then they came for women in the military
and I did not speak out—
because I was not in the military.
Then they came for women in the federal government
and I did not speak out—
because I did not work for the government.
Then they came for the doctors
and I did not speak out
because I was not a doctor.
Then they came for me—
and there was no one left
to speak out for me.

What we are faced with here today is another attempt to erode a woman's right to choose. And we must remember, the fight for choice is a quintessential fight for freedom.

I do not favor abortion. My own religious beliefs hold life dear, and I would prefer that every potential child have a chance to be born.

But I am not prepared to substitute the Government's judgement for the judgements of women, their families, and their doctors in this most personal of all decisions.

When Vikki made the decision to remove her child from life support—her body—she made a decision, with the help of her husband and her doctor, that only she could make.

And the fact that the Senate would even consider placing our judgement above hers without holding hearings—without fully understanding the consequences of our actions, without hearing from women, their families, and their doctors first hand—is appalling.

For the first time in history, the Senate is attempting to make a specific medical procedure criminal, and none of the work has been done. The Senate is attempting to prohibit a woman from undergoing a medical procedure that could save her life and her ability to conceive, and none of the work has been done. Well I say, we must do the work.

The State has no right to intervene in this relationship between a woman and her body, her doctor, and her God.

At the very least, I urge my colleagues to support Senator SPECTER's motion to commit this legislation to the Judiciary Committee.

Ms. SNOWE. Mr. President, I rise to speak as a cosponsor of the motion made by my colleague from Pennsylvania, Senator SPECTER, to commit this bill to the Senate Judiciary Committee for hearings.

I rise to speak because I am deeply concerned that we stand here on the floor today to discuss legislation on such a serious issue, without ever having held any hearings on the matter.

As a Member of the Senate, I am deeply concerned that hearings have not been held on this legislation which raises significant constitutional questions.

But as a woman, I believe that the failure of this body to hold hearings demonstrates an appalling disregard for the lives and health of women across this Nation.

There is no question that any abortion is an emotional, wrenching decision for a woman and her family under any circumstance. When a woman must confront this decision during the later stages of a pregnancy because she knows that the pregnancy presents a direct threat to her own life, such a decision becomes a nightmare.

Mr. President, 22 years ago, the Supreme Court issued a landmark decision in Roe versus Wade, carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions.

This decision held that women have a constitutional right to abortion, but after viability, States could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

Let me repeat—as long as they allowed exceptions for cases in which a woman's life or health is endangered.

The Supreme Court has reaffirmed this decision time and time and time again. And to date, 41 States—including my home State of Maine—have exercised their right to impose restrictions on post-viability abortions. All, of course, provide exceptions for the life or health of the mother, as constitutionally required by Roe.

H.R. 1833, however, does not provide an exception for the life or health of the mother. Let me repeat, it does not provide an exception for the life or health of the mother. And, as a result, it represents a direct, frontal assault on Roe and on the reproductive rights of women everywhere.

And despite the apparent unconstitutionality of this legislation, the Senate has not held hearings on the subject. Not in the Judiciary Committee. And not in the Labor and Human Resources Committee.

I find the Senate's lack of hearings on this issue deeply disturbing for another reason as well. Not since prior to Roe versus Wade has there been efforts to criminalize a medical procedure in this country. But that's exactly what this bill does.

This legislation is an unprecedented expansion of congressional regulation of women's health care. Never before has Congress intruded directly into the practice of medicine by banning a safe and legal medical procedure that is absolutely vital to protect the health or lives of women.

In effect, the Senate is clearly attempting to substitute congressional judgment for that of a medical doctor regarding the appropriateness of a medical procedure.

As quoted in the New York Times, one doctor said: "I don't want to make medical decisions based on congressional language. I do not want to be that vulnerable. And it is not what I want for my patients." He is right.

This legislation sets new, frightening precedents for congressional action to limit on a wide range of medical procedures. It is open to even wider legal interpretations that may have an even broader impact on women's lives.

Because of the vagueness of the bill, doctors across the Nation may interpret the language differently at the expense of the health and life of the mother involved.

Now, some of my colleagues may rise to insist that the legislation somehow contains an exception for the life of the mother. However, this is simply untrue, and I urge my colleagues not to be misled by this rhetoric.

As it now reads, the legislation only provides doctors with a so-called affirmative defense. I say so-called because there is nothing affirmative about this law for doctors. And there is no genuine defense allowed for them under this legislation because the guilty verdict is rendered the moment they attempt the medical procedure.

It means that a doctor cannot avoid criminal prosecution if he or she uses their best medical judgment and decides that it is necessary to perform this procedure to save the life of a patient.

Mr. President, it is only after that doctor is on trial that he is finally given an opportunity to prove that the procedure was necessary to save the life of that patient and that no other procedure would have sufficed—an almost impossible burden to prove. But that is exactly the intent of this bill.

In other words—in a twisted angle on one of our most cherished judicial tenets—these doctors are presumed guilty until proven innocent. Thus, doctors will refuse to perform this procedure, which they know to be medically safer for their patient, even when the woman's life is threatened.

Not only that, but doctors would also be subject to civil lawsuits brought on by the parents of the mother who undergoes the procedure or by the father. This opens up an entire new realm of judicial proceedings and civil lawsuits.

Even if a doctor is able to survive the trial phase of affirmative defense, then he or she would be subjected to a further judicial hurdle of civil lawsuits. The possibilities go on and on.

But—in the larger context—look at what this legislation does overall, and its intent is perfectly clear: First, intimidate doctors with prison terms.

Second, threaten them with horrendous Federal fines in the vicinity of $250,000. Third, harass them with possibility of civil lawsuits—and that should keep anyone from wanting to perform any kind of medical procedure involving women's reproductive health.

We're going to do this in a climate where—according to a recent statistic—94 percent of all American counties no longer have or never had a provider of full reproductive services for women. We're going to do this in a climate where doctors already face demonstrations, death threats against them and their family, and even violence.

Now, we are telling them they must face the additional concern of criminal prosecution, jail, and costly trials. We are doing this to doctors who are only really trying to save the lives of women in dire circumstances to the best of their medical expertise. In this sense, it is a chilling frontal assault on every women's rights.

How chilling? The proponents of this legislation are willing to risk the lives and health of women facing medical emergencies.

My opponents will say that a number of other alternatives are available to these women.

What alternatives? The only alternatives I know of are far more dangerous and traumatic. Has anyone asked the physicians? Has anyone looked at the medical evidence? This is another reason why we should be holding hearings:

Are C-sections, which cause twice as much bleeding and carries four times the risk of death as a vaginal delivery—really an option?

Is induced labor, which carries its own potentially life-threatening risks such as cardiac edema—really an option?

Are hysterectomies, which leave women permanently unable to conceive—really an option?

In the end, this legislation would order doctors to set aside the paramount interests of the woman's health, and to trade-off her health and life and future fertility in order to avoid the possibility of criminal prosecution.

Yes, despite these significant risks to a woman's life and health created by this legislation—and despite the historic new precedents that are set—the Senate has never held hearings on this subject.

We enter this debate today on H.R. 1833 with profound and critically important questions—legal, moral, and medical—unanswered and unconsidered. Why the rush? Why the hurry?

That's why hearings deserve to be held. And that's the course of action that this Chamber must take. No one truly knows the legal ramifications. No one here truly knows the medical statistics or facts. No one has had the time to ask questions and receive answers. No one has anticipated the court challenges that will ensue.

Doctors will be threatened. Physicians will be intimidated. The medical profession will wonder where the next assault on health care by the Federal Government will come from or where it will be felt.

And what about the women? Who has thought about them? They will be more scared than ever before. Their rights will be more restricted than ever before. Their lives—their lives—will be more threatened than ever before.

Mr. President, I urge my colleagues to think of the women who are faced with this procedure. I urge my colleagues to consider the effect on doctors. And I urge my colleagues to support the motion to commit this bill to the Judiciary Committee.

Thank you, Mr. President. I yield the floor.

Mr. HATCH. Will the Senator from New Hampshire yield some time to me?

Mr. SMITH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes, 45 seconds.

Mr. SMITH. How much time does the Senator need?

Mr. HATCH. If the Senator will yield 5 minutes, I will try to conserve that.

Mr. SMITH. I will yield 5 minutes to the distinguished chairman of the Judiciary Committee, Senator HATCH.

Mr. HATCH. I thank my dear friend.

Mr. President, a number of my colleagues have inquired of my view toward referring the pending bill to the Judiciary Committee. I have no objection to the full Senate taking up H.R. 1833 at this time, and I intend to vote against this motion.

The Senate over the years has conducted a lot of hearings on the subject of abortion. The other body has done the same. There is nothing unique about this bill except its approach toward what really amounts to third trimester abortions, something that I have trouble understanding why anybody would fight.

I remind my colleagues that on February 10, 1964, the other body overwhelmingly voted in favor of the Civil Rights Act of 1964, a sweeping landmark civil rights bill—one that I would have voted for had I been here at the time. Then-Senate majority leader Mike Mansfield placed the bill on the Senate Calendar, just like this one was. A motion was made to refer the bill to the Judiciary Committee. The Senate rejected the motion. Why? Because it was sincerely believed that such a referral would kill a landmark civil rights bill.

Today, the strategy for killing the pending measure is the same—send it to the committee. As a matter of procedure, if the Senate could take up the sweeping Civil Rights Act of 1964 directly from the Senate Calendar, it can today do the same with a bill that addresses one aspect of the whole abortion issue.

My present purpose in mentioning the procedural precedent of the 1964 Civil Rights Act is not to engage in a comparison of the rights at stake then and the ones at stake in the Chamber today.

I understand that there are strong views on both sides of the underlying issue. I respect those who disagree with my views on this issue. But many of us believe that the rights of the unborn present important enough issues to justify a procedure allowing the Senate to vote up and down on the merits of H.R. 1833. There is, indeed, Senate precedent for doing so if the cause is urgent enough.

I believe the cause is sufficiently urgent, and I ask my colleagues to keep in mind we are talking about one particular abortion procedure that kills the fetus in the most heinous way by sucking the brain out of the baby. It is hard for me to understand why anybody would fight this bill. We are not even talking about the entire framework of abortion rights here, but just one procedure.

Let me also say that if I had my way, we would abolish all late-term abortions except to save the life of the mother. There are between 14,000 and 20,000 of those abortions a year. I think morally it is very difficult to justify that type of a thing.

One final thing. As the chairman of the Judiciary Committee, I must correct a legal misunderstanding being expressed here. The Clinton administration and other opponents of this bill claim that this bill is unconstitutional because it permits a doctor to justify a partial-birth abortion only as an affirmative defense to a prosecution. The fact that the bill provides the exception required by the case law in an affirmative defense does not unduly burden the right to an abortion.

Many of our constitutional rights arise only as an affirmative defense. Many of the protections of the Bill of Rights—freedom of speech, freedom of religion, freedom of assembly, freedom of petition, the right to bear arms, freedom from unreasonable searches and seizures, the right to grand jury, the right against double jeopardy, the right against self-incrimination, the right to a speedy trial, the right to indictment, the right to assistance of counsel—sometimes can only be raised as a defense to a prosecution. Indeed, any of us may be innocent of a crime and prosecuted and make our claim of innocence only as a defense in court.

To claim that the right to an abortion is not protected by an affirmative defense demeans the explicit protections of the Bill of Rights, and it raises abortion above any right mentioned in the Constitution.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mr. HATCH. I ask unanimous consent that I be given another 1 minute.

Mr. SMITH. I yield 1 more minute.

Mr. HATCH. Accordingly, I will vote against the motion to commit to the Judiciary Committee this bill that I believe is fully legal under the true meaning of the Constitution and under the Supreme Court's current abortion jurisprudence.

To me it is amoral, except to save the life of the mother, to kill these infants in this way. We are talking about children after 20 weeks in the mother's womb, most of whom are capable of living outside the womb. We are not talking about when the spirit comes into the body or any of the other questions that have arisen concerning the abortion issue. We are talking about fully developed children.

Now, I can understand both sides of the abortion issue. I know how sincere are those who are on the other side. But on this issue I have trouble understanding the logic that they are using. I know my colleague from Pennsylvania is sincere in his motion here today, but I do not see any reason why we need to go to that motion. I think we ought to face it, and vote up or down. Everybody understands this issue. We ought to face it right here and now.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Wisconsin?

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator has 13 minutes 47 seconds.

Mr. SPECTER. I yield 5 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Pennsylvania.

Mr. President, I support the motion to commit this bill to the Judiciary Committee for hearings before the Senate acts upon this measure. And I want to particularly thank the senior Senator from Pennsylvania and the junior Senator from California for their leadership and courage in trying to do the right thing on this issue, making sure that there is a proper hearing in the Judiciary Committee on the matter.

This bill, as it is currently drafted, would criminalize the actions of physicians who perform medical procedures which they believe may be necessary to save the life or protect the health of their patient. It is a very serious matter that the Senate ought not to act upon without deliberation and consideration.

There have been no Senate hearings on this measure. The chairman of the Judiciary Committee refers to hearings on abortion as a general subject. But there have been no hearings on this particular and very difficult topic. The bill before us was simply placed on the Senate Calendar.

Unfortunately, there has been a fair amount of misinformation communicated concerning the nature of the procedure being considered. There has been little focus by the proponents of the bill on the risk to the health of women if this alternative is not available, the types of health problems that compel late-term abortions in the first place, and the important question of the constitutional implications of withholding access to a procedure that may, in fact, be necessary to save the life or preserve the health of a pregnant woman facing a tragic pregnancy.

Mr. President, let me stress that I have very grave reservations about the wisdom of this body acting upon a measure that would insert the Federal Government into the decisionmaking process of physicians as to what medical procedures are appropriate in a particular case.

In just this last Congress we had an extensive and heated debate over whether Congress or the Federal Government ought to be designing a national health care system. Yet today many of the very same individuals who argued strenuously against the Federal Government's role in health care policy are now urging that we literally legislate the specific procedure that a doctor may choose in dealing with a very difficult and painful pregnancy. I think the decision about abortion ought to remain a private and personal decision between a woman and her doctor.

I recognize that this is a tremendously divisive and emotional area. And I do respect the views of people on both sides of the issue. But, fundamentally, I do not think we should be substituting the judgment of Members of

Congress for the judgment of those directly involved, particularly where issues of the life and health of the woman are at stake.

Late-term abortions under Roe versus Wade can be restricted to those cases where the woman's life or health are at stake. That means that the procedures at issue take place in those most tragic circumstances where a pregnancy threatens a woman's life or health. For the Senate today to step into this area and legislate without even the benefit of hearings, where all sides of this issue can be heard, seems, to me, to be irresponsible at a minimum.

It is particularly important that we exercise caution in this area that is so emotionally charged. The proponents of this measure have made assertions about the procedures at issue that have been strenuously challenged by the opponents. And the opponents have raised a number of serious issues about the circumstances under which alternative procedures will increase the risk to the woman's life or health. These are important questions that actually should be addressed before we vote. If the Senate decides to legislate in this area, it certainly ought to do so only on the basis of a significant record which thoroughly explores these issues.

For example, Mr. President, we need to know what alternatives, if any, would be available to women who must have a late-term abortion. What are the increased risks for these alternative procedures for the survival of the woman or her future ability to bear children? Those are just a couple of the questions that, at a minimum, must be asked before the Senate acts upon this measure. It is also important that a record be developed which sets out the reason why late-term abortions are performed in the first place. It is estimated we are talking about roughly 600 abortions per year that take place under the most dire circumstances.

Now, some of the proponents of this legislation have distorted the debate by asserting that the majority of late-term abortions are elective, misusing medical terminology to imply that the termination of pregnancy at this stage is somehow by choice. In fact, these abortions take place only when the life or health of the woman is at risk. We need to be fully aware of the pain and suffering that is endured by these families when a much-wanted pregnancy turns into a nightmare. We need to be careful that the Federal Government does not make these tragic situations even more difficult and painful for these families.

Mr. President, let me also say that if the motion to commit this bill to the committee fails, I will support amendments to be offered that will make it clear that this legislation is not to be construed to prohibit any physician from carrying out any medical procedure which the physician in his or her medical judgment determines necessary to preserve the life or health of a woman.

At a minimum, no physician should be placed in a position where he must sacrifice the life or health of his patient, because the Federal Government has chosen to substitute its judgment for professional medical judgment.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SMITH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 28 seconds.

Mr. SMITH. I will yield 4 minutes to the Senator from Missouri.

Mr. ASHCROFT. Thank you.

Abortion is, and always has been, one of the most divisive moral issues of our day. It strikes at the very core of who we are as a people and as a nation. It challenges us to define life and to measure liberty—difficult things both. But it is an issue that will not go away and so it demands of us civil debate and reasoned discourse. And so I rise to speak today in tempered tones about the untempered terror of partial-birth abortions.

Lest there be any confusion, what we are talking about is an abortion procedure that allows a child to be partially removed from the mother's womb only to have its skull crushed and brain extracted by a doctor pledged to "do no harm."

What message do we send by allowing this slaughter of innocents to continue? What does it say about who we are? What does it say about the moral condition of America when people of faith are unfaithful to the most vulnerable among us? I would suggest that a nation that allows this mindless brutality to continue is a nation out of touch with the most basic dictates of humanity.

The procedure in question is so cruel and so inhumane as to defy rational, reasoned support. Advocates of partial-birth abortions are attempting to defend the indefensible—and they cannot. So, instead, they raise the specter of confusion, introduce rhetorical nonsense, and obfuscate with absurdity. We are almost tempted to forget that which we are debating. This amendment is not about the right of choice, it is about the right of this Nation to act in a manner befitting its founding. It is about the right of America to say that it will not allow the brutality of partial-birth abortions to continue.

Over 30 million lives have perished since Roe versus Wade became the law of the land. An almost incomprehensible number. I am pained to my core by this tragedy and stand ready to reverse it. We can begin by putting an end to a medical procedure which takes an unborn child, one able to be sustained outside the womb, and kills it.

The question is simple: Do we want to continue to allow that procedure or do we want to outlaw it? The American people clearly want the latter. They overwhelmingly oppose this barbarism. They know to be true that which we are forced to debate. Namely, that this procedure has no place in a civilized society.

A final point. There is a legitimate place for hearings. They can be important. They can be illustrative. They can be used for probing areas of uncertainty. Mr. President, there is no uncertainty here. We do not need hearings to determine that partial-birth abortions are the monstrous, barbaric, and hideous destruction of human life. We do not need hearings to say, "No more partial-birth abortions."

The House of Representatives passed this measure last week with 288 votes. Let us lend our voice to their cause. For our party must be about more than a higher standard of living. It must also be about a higher standard of character.

The task before us is a simple one. It is to reaffirm humanity, reject brutality, and ban partial-birth abortions.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania has 8 minutes. The Senator from New Hampshire has 2 minutes 30 seconds.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there have been requests from other Senators to speak in support of the motion. I remind my colleagues that if they choose to do so, we are in the last stage of the debate—it is now 12:22—under a 3-hour time agreement, with the time having started at 9:30.

In the absence of any of my colleagues who choose to speak, I will make a comment or two with respect to the issue on the life of the mother.

I tried to write down what the Senator from Missouri had said contemporaneously with his statement when he said the issue of the life of a mother is nonsense, I believe he put it. I strenuously disagree with him about that. The life of the mother has been a recognized exception to any prohibition on abortion of all time, and the current legislation does not provide for an exception for the life of a mother.

There is a major difference between having an affirmative defense and between having an exception. The customary language that is used in the appropriations bill was cited earlier and illustrated by Public Law 103-333, September 30, 1994, where there is an exception. The language is plain:

> None of the funds appropriated under this act shall be expended for any abortion except—

And then irrelevant language, but commenting on any abortion except—

. . . that procedure is necessary to save the life of a mother.

In the pending legislation, there is no such exception. There is a provision only for an affirmative defense so that the criminal prosecution can be brought against the doctor under this statute, because there is no exception for the life of a mother.

After the criminal prosecution is brought, then it is a matter of affirmative defense which has to be proved by the defendant doctor as opposed to having an exception in the statute.

Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes twenty seconds. The Senator from New Hampshire has 2 minutes 30 seconds.

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, permit me to summarize briefly, and I yield myself 2 minutes, reserving the remainder of the time for others.

What we have here is a bill which has been placed on the calendar in an unusual way. Until relatively recently, the provisions of rule XXV of the Senate require a referral to committee. That has been changed by an interpretation of rule XIV, but I question the propriety and especially the wisdom of having this matter proceed without having a hearing.

In the House of Representatives, the bill was introduced on June 14 and one day later, there was a hearing, and on the same day there was a markup. Very limited testimony was presented. The House was then engaged virtually continuously on the budget matters, except for the August recess. They took the matter up on November 1, and they passed the bill. Then it came to the Senate, and now we are on November 8, just 7 days later, when action is requested on this bill without any hearing in the Judiciary Committee.

I have made a motion for referral to committee on a very limited basis, really for 9 days, between today, November 8, and November 10 when the Senate is scheduled to go out of session, and then the extended time over the recess for 10 more days, from November 17 until November 27.

There are very important considerations which we need to inquire into on humanitarian grounds. The question has been raised of anesthetic, which has to be fairly taken up, a very substantial controversy on the medical evidence, complex issues on medical procedures, as well as the humanitarian concept, and then the formulation of the law itself, since this statute can be circumvented in a number of ways on medical procedures through C section or otherwise.

Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes thirty seconds.

Mr. SPECTER. I yield the floor and reserve the remainder of my time.

Mr. SMITH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes twenty-five seconds.

Mr. SMITH. I yield the remainder of my time to the only physician in the U.S. Senate, Dr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise today in support of the partial-birth abortion ban and against the motion to refer this bill to committee. I have had the opportunity over the last several weeks to consult with a number of my colleagues in obstetrics and gynecology, and with those at academic health care centers and tertiary health care centers who would most likely be faced with performing this procedure. And I can say after these consultations that I know of no doctor who uses or approves of this procedure as described in this bill.

Among these colleagues that I contacted are people who perform abortions in the third trimester under very selected circumstances, and they have told me that they condemn this procedure. They tell me that it is an unnecessary procedure and has no place in the medical armamentarium.

Mr. President, it is understandable that over the last 2 days a number of people have expressed concern for the life of the mother. But this bill provides for the mother. It only requires a doctor to show that he or she reasonably believed that this procedure was necessary to save the mother's life. I will repeat, this bill does not endanger the life of a mother in any way.

I do not want new laws. As a physician, I can tell you that physicians do not want new laws dictating their practice in any way. No physician does. But this procedure is so brutal, so uncalled for, so inhumane, and so unnecessary that this ban is justified.

We have broad bipartisan support for this bill, both pro-life and pro-choice, and I think that shows this is an important issue that goes beyond the debates of pro-life and pro-choice. We have that support because the partial-birth abortion procedure, as described specifically in the bill, deeply offends our sensibilities as human beings, and as people who care for one another and feel people deserve to be treated with respect, dignity, and compassion.

The PRESIDING OFFICER. The Senator's time has expired. The Senator may ask for additional time with consent.

Mr. FRIST. I ask unanimous consent for an additional 1 minute.

Mrs. BOXER. Reserving the right to object, and I will not object. I want to make sure that I can ask my friend a question before he gets the additional minute. I ask unanimous consent to make it a 2-minute request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I say to my friend, he said he talked to a lot of doctors—gynecologists and obstetricians. Is he aware that the American College of Obstetricians and Gynecologists has written a letter to Senator DOLE objecting very strenuously to this bill?

Mr. FRIST. Yes, he is.

Mrs. BOXER. I thank the Senator.

Mr. FRIST. Mr. President, this procedure, as described, is a brutal procedure. It is a procedure that I consider inhumane, as do a number of people, including obstetricians. I just got off the telephone with one who, again, performs abortions in that third trimester. He told me, point blank, that "it is unnecessary."

Those of us who oppose this procedure do care deeply about women, about their health care, and about the horrific circumstances and situations they face. But how can we answer to our children, to our patients, to our constituents, and to others if we continue to allow babies to be aborted through this unnecessarily brutal partial-birth procedure?

Mr. President, it is with compassion, but with steadfast resolve, that I register my support for the partial-birth abortion ban.

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes 30 seconds.

Mr. SPECTER. Mr. President, I express my very high regard for the distinguished Senator from Tennessee, who is our only doctor in the Senate. I can understand the consultations which he has had, but I emphasize as forcefully as I can that consultations that anyone has are not the same as having hearings. The Senate has had no hearing on this matter. The House had only one limited hearing, and the pending motion is a very limited one, for 9 working days in the Senate, from today, November 8, until November 17, including the weekend and then the recess period. I think the comprehensive answer to the submission by Senator FRIST is from the American College of Obstetricians and Gynecologists, who wrote to Senator DOLE on November 6.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF,
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, November 6, 1995.

Hon. ROBERT DOLE,
Majority Leader,
Washington, DC.

DEAR MAJORITY LEADER DOLE: The American College of Obstetricians and Gynecologists (ACOG), an organization representing more than 35,000 physicians dedicated to improving women's health care, does not support HR 1833, the Partial-Birth Abortion Ban Act of 1995. The College finds very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman. Moreover, in defining what medical procedures doctors may or may not perform, HR 1833 employs terminology that is not even recognized in the medical community—demonstrating why Congressional opinion should never be substituted for professional medical judgment.

Thank you for considering our views on this important matter.

Sincerely,

RALPH W. HALE, MD,
Executive Director.

Mr. SPECTER. Mr. President, I ask unanimous consent that the opinion of the U.S. Department of Justice that the pending legislation is unconstitutional be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, November 7, 1995.

Hon. ROBERT DOLE,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: This letter represents the Department's views on H.R. 1833, a bill that would ban what it calls "partial-birth abortions." This legislation violates constitutional standards recently reaffirmed by the Supreme Court. Most significantly, the bill fails to make an adequate exception for preservation of a woman's health. Even in the post-viability period, when the government's interest in regulating abortion is at its weightiest, that interest must yield both to preservation of a woman's life and to preservation of a woman's health. *Planned Parenthood* v. *Casey*, 112 S. Ct. 2791, 2804, 2821 (1992). This means, first of all, that the government may not deny access to abortion to a woman whose life or health is threatened by pregnancy. Id. It also means that the government may not regulate access to abortion in a manner that effectively "require[s] the mother to bear an increased medical risk" in order to serve a state interest. *Thornburgh* v. *American College of Obstetricians and Gynecologists*, 476 U.S. 747, 769 (1986) (invalidating restriction on doctor's choice of abortion procedure because could result in increased risk to woman's health). That is, the government may not enforce regulations that make the abortion procedure more dangerous to the woman's health. Id.; see also *Planned Parenthood of Missouri* v. *Danforth*, 428 U.S. 52, 79 (1976) (invalidating ban on abortion procedure after first trimester in part because would force "a woman and her physician to terminate her pregnancy by methods more dangerous to her health than the method outlawed").

If Congress were to ban this method of abortion, it appears that "in large fraction of the cases" in which the ban would be relevant at all, see Casey 112 S. Ct. at 2830 (discussing method of constitutional analysis of abortion restrictions), its operation would be inconsistent with this constitutional standard. It has been reported that doctors performing this procedure believe it often poses fewer medical risks for women in the late stages of pregnancy.[1] If this is true, then it is likely that in a "large fraction" of the very cases in which the procedure actually is used, it is the technique most protective of the woman's health. Accordingly, a prohibition on the method, in the absence of an adequate exception covering such cases, impermissibly would require women to "bear an increased medical risk" in order to obtain an abortion.

H.R. 1833 would provide for an affirmative defense to criminal prosecution or civil claims when a partial-birth abortion is both (a) necessary to save the life of the woman, and (b) the only method of abortion that would serve that purpose. This provision will not cure the bill's constitutional defects. First, as discussed above, the provision is too narrow in scope, as it fails to reach cases in which a woman's health is at issue. Second, the provision does not actually except even life-threatening pregnancies from the statutory bar. Cf. Casey, 112 S. Ct. at 2804 (even in post-viability period, abortion restrictions must "contain [] exceptions for pregnancies which endanger a woman's life or health"). Instead, the provision would require a physician facing criminal charges to carry the burden of proving, by a preponderance of the evidence, both that pregnancy threatened the life of the woman and that the method in question was the only one that could save the woman's life. By exposing physicians to the risk of criminal sanction regardless of the circumstances under which they perform the outlawed procedure, the statute undoubtedly would have a chilling effect on physicians' willingness to perform even those abortions necessary to save women's lives.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. SPECTER. Mr. President, on a matter of this enormous import, where we are talking about the meaning of life, as articulated by the Senator from Indiana earlier, we ought to have a hearing in a limited period of time. We ought not to rely upon hearsay statements that are brought to the floor of the Senate, where we do not have an opportunity to question and elicit more detailed information.

We ought not allow "Nightline," as urged by some on the floor of this body, to substitute for deliberations by the U.S. Senate. This is a matter which could have been brought to the floor at any earlier time, and certainly for the world's greatest deliberative body, it is not asking too much to have a very brief period of time—some 19 days—for the Judiciary Committee to hold hearings, report this matter back, and then the Senate could express its will in accordance with Senate procedures.

The PRESIDING OFFICER. The controlled time has expired.

Mr. SPECTER. Has all time expired on the amendment, Mr. President?

The PRESIDING OFFICER. The time for controlled debate has expired.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. BOXER. Mr. President, I object.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Objection is heard. The clerk will continue to call the roll.

The bill clerk continued with the call of the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, that I be allowed to speak for 5 minutes as if in morning business, and that the business of the Senate will then return to a quorum call and to its present state.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object—I will not object—I want to make sure from my friend that morning business is nothing about the pending bill.

Mr. PRESSLER. It is nothing about the pending bill.

Mrs. BOXER. I shall not object.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from South Dakota [Mr. PRESSLER] is recognized to speak as if in morning business for 5 minutes.

AIR SERVICE OPPORTUNITIES IN CONTINENTAL EUROPE

Mr. PRESSLER. Mr. President, I rise today to discuss existing and emerging air service opportunities on the European Continent for U.S. passenger and cargo carriers. These opportunities include not only serving destinations within Europe, but also points beyond such as the Middle East and Asia-Pacific markets. As the British continue to refuse to open their skies to our carriers, developments in other countries represent alternatives that are increasingly attractive and are taking on greater significance.

Unfortunately, recent negotiations with the United Kingdom seeking to liberalize our air service relationship with that country have hit an impasse. At this time, it is unclear whether that impasse is insurmountable. As is often the case with the British, the primary sticking point is our request for greater access to London Heathrow Airport, the main hub of British Airways. Access to Heathrow is particularly important to our carriers since it is an international gateway airport offering connecting service opportunities beyond the United Kingdom to markets virtually worldwide.

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[1] *See Hearings on H.R. 1833 Before the Subcomm. on the Constitution of the House Judiciary Comm.* (June 23, 1995) (statement of James T. McMahon, M.D., Medical Director, Eve Surgical Centers) (procedure shown to be safest surgical alternative late in pregnancy); *id.* (June 15, 1995) (statement of J. Cortland Robinson, M.D., M.P.H.) (same); *see also* Tamar Lewin, *Wider Impact is Foreseen for Bill to Ban Type of Abortion*, The New York Times, November 6, 1995, at B7; Diane M. Gianelli, *Shock-Tactic Ads Target Late-Term Abortion Procedure*, American Medical News, July 5, 1993, at 3; Karen Hosler, *Rare Abortion Method Is New Weapon in Debate*, Baltimore Sun, June 17, 1995, at 2A.

Another key and often overlooked area of disagreement is our request for full liberalization of air cargo services between and, importantly, beyond our two countries. Currently, the ability of our cargo carriers to serve the United Kingdom, load additional freight there, and fly on to other countries is severely limited by the United States-United Kingdom bilateral aviation agreement. British negotiators continue to reject our requests for fully liberalized air cargo opportunities, despite a March 1994 recommendation by the House of Commons Transport Committee to that effect. What does all this mean?

The answer to that question is contained in the insights of one aviation authority who wrote recently "[a]irlines and passengers are free agents. If extra capacity is not developed at Heathrow, the airport will not be able to satisfy demand and airlines will expand their business at continental airports." The author added "if airlines are denied the opportunity to grow at Heathrow, many will choose Paris, Frankfurt, or Amsterdam."

Mr. President, this is not rhetoric. It is not a threat by U.S. interests designed to gain negotiating leverage. To the contrary, the author of these quotes is BAA plc, the British company that owns and operates Heathrow as well as other United Kingdom airports. BAA is very perceptive. Obviously, BAA recognizes that in today's global economy the long-term consequence of protecting one's air service market amounts to little more than the stimulation of competitive opportunities elsewhere. One need only look across the English Channel to continental Europe to confirm that already is taking place.

There was a time when geographic factors and the limited range of commercial aircraft made the United Kingdom the international gateway of necessity for United States carriers serving Europe and beyond. Times have changed. New generation long-range aircraft have made the option of overflying the United Kingdom viable from both an operational and economic standpoint. Simply put, if the British do not want the business of our air carriers, United States carriers can and will look to the European Continent for new gateway airport opportunities. Today, I wish to discuss a few of these existing, emerging, and potential air service opportunities.

First, there is tremendous growth in international passenger traffic at Amsterdam's Schiphol Airport. This is due, in large part, to the successful alliance between Northwest Airlines and KLM Royal Dutch Airlines, and clearly demonstrates BAA's prediction already is coming to pass. How did it happen? Recognizing the significant mutual benefits that result from free trade among nations, in 1992 the Netherlands signed an open-skies agreement with the United States. That agreement permits the marketplace, not Government restrictions, to determine air service between the two countries. The results speak very loudly.

Between 1992 and 1994, total passenger traffic between the United States and the Netherlands grew an astounding 56 percent while total passenger traffic between the United States and the United Kingdom grew just 7.5 percent. In 1992, 18.6 million international passengers arrived and departed from Schiphol. By 1994, that number grew to 22.9 million passengers—an increase of more than 23 percent. It is anticipated this growth will continue with nearly 28 million international passengers using Schiphol by 2000. What does this illustrate? Among other things, it clearly demonstrates Schiphol is drawing passenger traffic originating in the United States away from United Kingdom airports, particularly Heathrow.

Cargo opportunities also are booming at Schiphol. In 1992, nearly 725,000 metric tons of international cargo were loaded and unloaded at the airport. By 1994, that number grew to 838,127 metric tons, an increase of nearly 12 percent. By the year 2000, it is estimated 1.2 million metric tons of international air cargo will pass through Schiphol.

Consistent with that forward-looking view of aviation relations, the Dutch also have in place a long-term airport growth plan to enable Schiphol to accommodate the rapidly expanding traffic the United States-Netherlands open skies has spurred. The goal is no less than making Schiphol one of the major European hubs for intercontinental passenger and cargo traffic. By the year 2015, that plan calls for Schiphol to have the capacity to serve up to approximately 56 million passengers and 4 million metric tons of cargo annually.

Mr. President, the Dutch clearly want the business of United States carriers. Based on the growth of international passenger and cargo traffic at Schiphol, it is clear U.S. carriers are responding to this message.

Second, our recently completed nine-nation European open-skies initiative should stimulate additional new continental gateway airport opportunities. The nine European countries with which the United States recently signed open-skies agreements are Austria, Belgium, Denmark, Finland, Iceland, Luxembourg, Norway, Sweden, and Switzerland.

Brussels Zaventem Airport illustrates my point well. Even before the United States-Belgium open-skies agreement was signed a few months ago, international passenger and cargo growth at Brussels Airport was impressive. For instance, between 1993 and 1994 international passenger traffic grew to more than 11 million, a 12-percent increase. During the same period, international freight passing through Brussels Airport rose a remarkable 24 percent to more than 380,568 metric tons.

No question, Brussels Airport is emerging as an important European gateway airport for intercontinental traffic. The recent open-skies agreement should cause existing growth to accelerate. To ensure this comes to pass, the Belgians recently expanded Brussels Airport to put it in a position to fully capitalize on new service opportunities. Earlier this year, a new terminal opened at Brussels Airport which has more than doubled the airport's capacity from 10.5 to 21 million passengers annually. This terminal expansion initiative, coupled with significant runway capacity, will make Brussels very attractive to U.S. carriers.

Indeed, a number of U.S. passenger carriers already provide nonstop service from the United States to Brussels. Delta Air Lines, through its code-sharing alliance with the Belgian national carrier Sabena, also provides nonstop service from key United States gateway cities including New York, Boston, and Chicago.

One clear indication the United States-Belgium open-skies agreement will be a catalyst for increased transatlantic service from the United States to Belgium appeared in a recently filed application by Delta seeking antitrust immunity for its alliances with Sabena as well as Swissair and Austrian Airlines. In that filing, Delta indicated it plans no less than to use the Delta-Sabena alliance to make Brussels Airport one of a multihub network in continental Europe. No wonder, Brussels Airport is regarded as Europe's only true hub-and-spoke operation.

Third, a potentially tremendous opportunity for United States carriers may soon emerge in Germany. The United States and Germany commenced air service negotiations in July which I very much hope will result in an open-skies agreement. It is my understanding those talks are progressing well.

What would an open-skies agreement with Germany mean for United States carriers? In short, it would mean significant new air service opportunities for our carriers between the United States and Germany. Equally important, German airports would provide well-situated gateway opportunities for our carriers to serve points beyond Germany such as the booming Asia-Pacific market.

One such opportunity is the airport in Frankfurt which already is being used by some U.S. carriers as an alternative to Heathrow. Frankfurt-Main Airport's ideal location in Europe already has fueled tremendous growth for that facility. As a matter of fact, it already ranks as the second busiest airport in Europe next to Heathrow. Last year, for instance, 27.6 million international passengers passed through Frankfurt as well as more than 1.2 million metric tons of air freight. Each total represented nearly a 10-percent increase over 1993 traffic levels.

Frankfurt Airport is not resting on its laurels. In fact, the Germans have ambitious plans to ensure Frankfurt Airport can meet rapidly expanding demand. Last year, a new terminal complex was completed which enables the airport to handle an additional 12 million passengers annually. In addition, the runways at Frankfurt Airport already have the capacity to handle nearly as many aircraft movements per hour as those at Heathrow.

By the year 2010, forecasts indicate Frankfurt Airport will handle approximately 53 million passengers. As far as air cargo is concerned, new freight facilities are expected to more than double air cargo passing through Frankfurt from its current level of 1.2 million metric tons. Unquestionably—particularly under an open-skies regime—Frankfurt represents an attractive option for U.S. carriers who are frustrated by their inability to gain or expand access at Heathrow.

There also are other important air service opportunities elsewhere in Germany. Last year, 8.3 million international passengers passed through the airport in Munich. Plans by Lufthansa to make Munich its second largest hub, including using it as a gateway for some Asia-Pacific service, should spur additional international passenger growth at the airport. An additional option is Dusseldorf's Rhine-Ruhr Airport which last year served 10.3 million international passengers.

A United States-Germany open-skies agreement undoubtedly will foster additional growth in the number of international passengers using the airports in Frankfurt, Munich, and Dusseldorf. Also, it could accelerate construction of a planned new airport in Berlin. The new Berlin-Brandenburg airport would offer yet another gateway opportunity for U.S. carriers.

Mr. President, as I have said on other occasions in statements to this body, we must continue pressing for a liberalized air service agreement with the United Kingdom. We owe that to consumers on both sides of the Atlantic who unquestionably would be the biggest winners if such an agreement were reached.

Concurrently, however, I believe we should intensify our efforts to secure an open skies agreement with Germany. In combination with existing and emerging opportunities for United States carriers in continental Europe, such an agreement would put tremendous competitive pressure on the British to open Heathrow to United States carriers. Moreover, if the British doubt that the restrictive United States-United Kingdom bilateral agreement is forcing United States carriers to overfly the United Kingdom to European continental airports, an open-skies agreement with Germany that furthers the exodus of United States flights to the continent would dramatically make this point. If Britain does not want our business, clearly there are other nations who do.

Mr. President, may I proceed for 2 more minutes on the same subject?

The PRESIDING OFFICER. Is there objection?

No objection is heard. Without objection, it is so ordered. The Senator is recognized for 2 additional minutes.

Mr. PRESSLER. Mr. President, to summarize what I have said, as a chairman of the Commerce Committee and a member of the Aviation Subcommittee, I am very eager to see us move forward on efforts to liberalize our bilateral aviation agreement with the United Kingdom. I am very concerned about the problem of access to Heathrow and resulting limitations on the ability of our carriers to serve markets beyond the United Kingdom. Also, I am disturbed by British restrictions on the beyond rights of our cargo carriers. Similarly, I am also concerned about attempts by the Government of Japan to prevent our carriers from fully participating in the booming Asia-Pacific market beyond Tokyo.

Very frankly, what these countries try to do is they have a system to block out U.S. passenger and cargo carriers as well as to prevent our carriers from serving beyond markets. I believe we should put the emphasis on jumping over Heathrow if the British are unwilling to cooperate by opening their skies to United States carriers. I have urged our Secretary of Transportation, Secretary Peña, who I think does a good job in international aviation negotiations, to treat international aviation as a trade issue and to focus on maximizing economic benefits for our country. I understand this is very difficult for Secretary Peña to do since each time he attempts to follow this course, a group of Senators and Representatives who represent a certain airline criticize what he is doing. We have to support our Secretary of Transportation when he is trying to negotiate these difficult agreements. We need to put the interests of the U.S. economy first.

The situation with the British is very frustrating and unacceptable. Britain is dragging its feet on liberalizing our air service agreement. They are stalling. I think we should make it very clear to the British if they continue to severely restrict opportunities for our carriers to serve the United Kingdom and points beyond, United States passenger and cargo carriers will turn to Germany and Amsterdam and other points in Europe. I would hope that continued progress in liberalizing our aviation relations with countries in continental Europe, and the continued exodus of United States carriers to capitalize on these opportunities, will drive home this point. Simply put, our carriers are not being treated fairly by the British. Unfortunately, the same is true in Japan where the Government of Japan is trying to prevent our carriers from fully participating in the rapidly expanding Asia-Pacific market.

I hope our Secretary of Transportation stands firm with the British and the Japanese. I support him, and I urge the Members of this body to do so. He is doing a good job in international aviation matters under difficult circumstances.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to continue as in morning business, not in reference to the pending business, but another matter, with the understanding that, if there is someone seeking recognition not under the same standard, then we return to a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO YITZHAK RABIN

Mr. LEAHY. Mr. President, my wife and I were in California visiting my youngest son and his wife this past weekend. After what had been a very pleasant day out hiking and walking about, we came back to their home, and there were a series of messages for me from the White House and my chief of staff. I called back and heard the terrible news about Yitzhak Rabin. I was also asked if it would be possible to make the connection back to Washington in time to accompany the President and the others to Israel.

Mr. President, like so many millions of people, I turned to the radio and the television in disbelief. I hoped, even though the first news was so discouraging, that somehow he had survived the assassin's bullet. It seemed inconceivable that an old soldier who had survived so much, who had risked his life so many times, could be struck down this way, following a rally for peace.

Those unable to attend the ceremony in Jerusalem watched it and wept. For all the reasons said so eloquently by so many people—and I think of our own President, President Clinton, Jordan's King Hussein, the man who had a close personal relationship, one based on trust and respect, with Prime Minister Rabin, and Egypt's President Mubarak, and perhaps most of all Prime Minister Rabin's granddaughter Noa. We listened to them and know we will not forget Yitzhak Rabin.

Prime Minister Rabin was a man of great courage, of great vision, of great warmth, and, above all, great love for his country. In fact, for me it is almost impossible to think of Israel without thinking of him. My heart's hopes go out, not only to his family, but to Shimon Peres, who now takes on the awesome duties of Prime Minister at such a difficult time. To him I offer my support with the deep respect he knows I feel for him.

In remembering Prime Minister Rabin, it was his undying love for Israel, his absolute commitment to Israel's survival, that enabled him to change course, to choose the path of peace in his final years. It was a choice and a challenge for all of us, but especially the people of the Middle East. It was a choice that was embraced by a majority of Israelis and Palestinians. It was spurned only by those too blinded by hate to see the historic opportunity that Yitzhak Rabin had seized.

Like so many others in the Senate, I was fortunate to know Yitzhak Rabin, for nearly a generation. I am going to miss him very, very much. I will miss that great and wonderful voice, and his strength and his wisdom which you could feel just standing next to him.

I had the privilege to accompany President Clinton to Aqabah last October, a year ago, for the signing of the Israeli-Jordanian peace agreement. I remember standing there in 110 degree heat, the wind blowing across the desert, as I listened to those two soldiers, Yitzhak Rabin and King Hussein, men who had fought against each other but who now stood with voices filled with emotion speaking of the need for peace.

I knew from my private conversations both with Prime Minister Rabin and with King Hussein that these were men who could rely totally and utterly on each other's words, on each other's commitment, on each other's integrity and on each other's ability for leadership. And when the ceremony ended and the grandchildren of those who had fallen in the war, Jordanians and Israelis, came and presented flowers to the leaders, you knew that it was the leadership of Yitzhak Rabin and those who joined with him made that moment possible.

Israel and the world have suffered a terrible and irreplaceable loss. We all remember the immeasurable loss after the assassination of President John Kennedy. I was not old enough to vote for President Kennedy. I was a student here in Washington when he died. And like everybody else who was old enough to know that day, I remember precisely where I was, exactly what I was doing, and the emotions I had at the time. And like so many other Americans, I wondered how we might go on.

I know that there are those same feelings in the minds of people in Israel today. But I do not fear for Israel because we can find hope in the outpouring of love and respect for Yitzhak Rabin's memory by Jews, by Arabs, by people of all faiths around the world, because more than anything, it was Yitzhak Rabin's commitment to peace that inspired that outpouring of love and respect. So many generations have yearned for it, but it was Yitzhak Rabin who defied the prejudice, hatred, and violence of the past to make it possible for us to believe that peace is possible in the Middle East. That was the message of the handshake on the White House lawn. It is our challenge and our duty to complete Prime Minister Rabin's vision.

The Congress can be a potent force for peace. Too often we have seen some Members of Congress make fervent speeches and sponsor amendments that may have won points with constituencies here or at home but actually serve to sow divisiveness and undermine progress toward peace in the Middle East.

Just as Prime Minister Rabin pleaded so passionately at the White House for an end to blood and tears, let us put an end to partisan political maneuvering on a subject so important and fragile as peace in the Middle East. Let us stop conceiving of ways to legislate obstacles to the very policies of those who are risking their lives for peace. Let us remind ourselves that even though we might get some short-term political gain by trifling legislatively with the peace process in the Middle East, we do it here in the safety of this Chamber, we do it in the safety of our home States, but it is the lives and the aspirations and the hopes and the dreams of the people in the Middle East who are affected. Let us put an end to these political games and wholeheartedly support peace in the Middle East.

Let us do that for the memory of Yitzhak Rabin. Let us be united in continuing his legacy. Let each of us join the millions of Israelis who put their faith in him to prove the enemies of peace wrong. Let us listen to the words of Leah Rabin, his wife of so many decades, that wonderful woman who calls on us to unite in support of peace.

Mr. President, it was only a couple of weeks ago, here in this building, that I and Leah Gluskoter of my office last spoke with Prime Minister Rabin. I remember him coming over and putting his arm around me and we chatted as the friends I was proud we had become.

We talked a little bit about a longer conversation we had a couple of weeks before. In that conversation, he had thanked me for something I had been able to do for him that he felt helped the peace process. He said I had taken some political risks. I said, "Mr. Prime Minister, you are the one who takes the real political risk. You risk your political life every day." I paused and I said, "No, you risk your life, your actual life every day."

In that deep and wonderful voice, he responded he did not worry about that. He really did not fear for his life. He only feared for the continuation of the peace process. This is a man whose own political life, his own future, his own actual life was secondary to what he was trying to accomplish.

I told him in that conversation that I felt when the history of this century is written, there will be a handful of people who will stand out as true peacemakers of this century, and he will be among them. He will be one of the most noted, certainly, of my lifetime.

Now he is gone, and it is our job to go forward. Let me say again that we can give the greatest respect to Yitzhak Rabin's memory by supporting those who believe, as he did, that Israel and its Arab neighbors have seen enough of hatred, of occupation, of bloodshed, and that there is another way. The other way is the peace process he began and which will now be carried on by acting Prime Minister Shimon Peres. Our country remains a partner with Israelis and Arabs in this effort. Let us go forward in the memory of a great man who gave his life for it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. SMITH. Mr. President, I ask unanimous consent that a vote on the pending question occur on the motion to commit at 3:30 this afternoon, and that the time divided between now and then be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH. Mr. President, at this time, I will say for my colleagues that Senator SPECTER is en route to the floor.

At this point, I suggest the absence of a quorum, and ask unanimous consent that the time be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, so much has already been said about the pending legislation, but, prior to the vote, I want to very briefly articulate my position and urge my colleagues to express themselves in the vote at 3:30 in opposition to the legislation as currently drafted and in support of the Specter motion to refer the bill to Judiciary and report back in 19 days.

I say that for a couple of very important reasons. First of all, there are extraordinarily complex issues surrounding this medical procedure that ought to be explored through the normal hearing process.

There are medical issues. There is the need to hear from physicians and others on the ramifications of a strict ban on late-term abortions. This is an emergency medical procedure reserved for cases where the life and health of the mother could be endangered or where severe fetal abnormalities are a major factor in the decision made by a woman and her physician. Whether or not we can delineate very clearly and legislatively when a doctor should and should not perform that very difficult procedure is something that ought to be explored in ways other than those we have employed so far on the Senate floor. So, clearly there are medical issues that this debate simply does not allow us to discuss and consider adequately prior to making a fundamental decision about the legality or justifiability of this procedure in various cases.

Second, there are constitutional issues. As the distinguished Senator from California and others have laid out very clearly, this is a challenge to the fundamental decision made in Roe versus Wade. Decisions relating to whether or not States ought to have the ability to restrict late-term abortions in cases where the life and health of the mother is endangered—that, to me, is a question that ought to be pursued much more carefully, much more deliberately, much more clearly than we have done in the debate in the last couple of days.

Finally, there are legal issues. This bill would criminalize a medical procedure for the first time. There ought not be any mistake about that. It would be an unprecedented intrusion by Congress into the practice of medicine. If a doctor is convinced it is an emergency procedure needed to save the life of the mother, he can use that affirmative defense only in the context of a criminal prosecution. Should doctors be prosecuted for saving a woman's life? I do not think so. In an emergency situation, do we want doctors hesitating to perform life-saving measures because they fear they will face criminal prosecution for doing so? I do not think we ought to put any doctor, or any woman, in that position.

So there clearly are situations here where we owe it to doctors, we owe it to mothers, we owe it to women, we owe it to the American people, to explore far more carefully than we have so far the far-reaching implications of this legislation. So, for those reasons if nothing else, this legislation ought to be referred to the committee for very, very careful consideration.

Second, Madam President, if the procedure is being abused, then we should consider restricting it. But it is unclear that it is being abused. There is a lot of confusion and misinformation about this procedure. We need hearings to clarify whether or not abuse has ever been documented and, if so, how best to stop it.

There have been no hearings in the Senate and only one hearing in the House. Without having had the opportunity to listen to one expert, every Senator in this Chamber is being asked to make a decision that I do not think they are prepared to make. I am not prepared to make it.

I doubt that anyone, regardless of whether they have read the record or not, is capable of deciding today whether in these extraordinary circumstances a woman is going to be protected from life-threatening circumstances, a doctor is going to be protected from criminal prosecution for saving a life, and the rights of all Americans are going to be considered.

So let us let the experts give us their guidance. Let us make a considered decision, not a rush to judgment.

The motion to refer to the Judiciary Committee is completely reasonable. But if the facts show that restrictions are necessary, we can base our actions on those facts at that time. Let us take time to get the facts and consider the implications.

All we are asking is for the bill to be considered in the next 19 days. Is that too much to ask? Is it too much to ask to give the Senate 19 days to consider this issue more carefully, to bring in the experts, to look at each one of these concerns, and make a decision? There is nothing wrong—in fact, there is everything right—with delaying our decision to make sure we get it right.

That is what this vote is all about at 3:30. That is why it is so important that the majority of Members of this body now support the Specter motion. And that is why I strongly support it this afternoon.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Madam President, how much time remains?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. SMITH. As I said yesterday, this bill is a straightforward and much needed remedy to a procedure that deserves to be condemned. Senator DOLE and I believe, as many of my colleagues do, that this procedure cannot be defended on its merits. But as I understand it, opponents of this bill are arguing that they need a hearing in committee to explore the issues involved here.

Senator DOLE and I have discussed this. While neither one of us think this is necessary, we do think it may not be a bad idea in that the more one learns about this horrible procedure the harder it is to defend it. So our view is that we are willing to be fair. Let us go ahead and hold a hearing. After that, this bill will return to the calendar in 19 days, and we can consider it again.

Senator DOLE and I hope to take the bill up again, and I hope that the opponents of this bill will be as fair to us as we are being to them. And, when the time comes, I hope they will allow us to have an up-or-down vote on the merits and not engage in procedural tactics designed to kill this important bill.

So with that, Madam President, in behalf of Senator DOLE and myself, we are asking our colleagues to support the Specter amendment.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Madam President, I ask for a couple of minutes of leader time to respond to the distinguished Senator from New Hampshire.

I am very pleased with this announcement. This comes as somewhat of a surprise. But I think it confirms what we have said—that, obviously, having the opportunity to listen more carefully to the experts, to consider more carefully the ramifications of something that is certainly in everyone's best interests, there is an acknowledgment of that on both sides of the aisle.

I expect now a unanimous vote. I want to thank him, thank the majority leader, and thank those, including the distinguished Senator from Pennsylvania and the Senator from California, for their work on this effort in the last couple of days.

I yield to the distinguished Senator from California.

Mrs. BOXER addressed the Chair.

Mr. SMITH. Parliamentary inquiry. How much time is remaining?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader has minority leader time.

Mr. SMITH. Did the minority leader yield?

Mr. DASCHLE. That is correct.

Mrs. BOXER. I thank the distinguished Democratic leader for yielding. I thank my friend from New Hampshire. I think what happened as a result of this is we avoided a very, very difficult split in this Senate, a split that really was not along party lines at all.

I think this is a wise decision. I think with a hearing in the Judiciary Committee, which is really equally divided on this issue, which is important, every side would be heard. Physicians who deal with this will come forward and testify to this; nurses; families who have gone through the tragedy; and then all of us can make a far more reasoned judgment.

I thank the Senator from Pennsylvania [Mr. SPECTER], for his extraordinarily courageous leadership on this issue. I think the way he handled debate was exemplary. I also want to say to my friend from New Hampshire, we are friends, and we were never disagreeable. We just disagreed. This is, I think, a good thing for the Senate.

I thank again the Democratic leader for yielding me this time. I yield the floor.

The PRESIDING OFFICER. The question is now on agreeing to the motion.

Mr. SPECTER. Madam President, I ask for the yeas and nays, if they have not been ordered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to commit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the chamber who desire to vote?

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 563 Leg.]

YEAS—90

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—7

Coats
Cochran
DeWine
Faircloth
Frist
Gramm
Helms

NOT VOTING—2

Bradley
Lugar

So the motion to commit was agreed to.

Mr. SPECTER. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. FORD. Madam President, may we have order, please? We need to hear the Senator.

The PRESIDING OFFICER. May we have order in the Chamber? We cannot proceed unless we have order in the Chamber.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has recognition.

Mr. CRAIG. Madam President, I yield to the majority leader.

MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1402 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(Mr. BENNETT assumed the chair.)

THE DEMOCRATS ARE ALIVE AND WELL

Mr. DORGAN. Mr. President, on November 6, 1995, one of the leading periodicals in our country hit the newsstands—U.S. News & World Report. It says "The Democrats: Is the Party Over?" It is one of those stories about "the Democrats are dead."

Well, I encourage the U.S. News & World Report to get some airline tickets for some of those reporters and move them around the country today and ask what happened in the country yesterday. I suggest that they go to Kentucky, go to Maine, travel to New Jersey, visit with some folks who have pitched their tents on principles, once again, and see the campfires all around this country of Democrats, who stand for things that are important to the future of this country.

I think it was Mark Twain who said, in response to a report in the newspaper that he had died, "The reports of my death are greatly exaggerated." Well, those who, for months, have been dancing around the bonfire chanting about "the death of the Democratic Party," the resurrection of the Republican Party, and the lasting control of the Republicans in the American political system, might want to take a deep breath and look around at the results of yesterday's elections in our country.

Yes, it is true that yesterday, as is almost always the case, the Democrats were badly outspent. In many cases in these races, it was 4-to-1, 6-to-1, 8-to-1. The Republicans had more money. But the Democrats were never outworked, and never will be in our political system. Yesterday, county to county, town to town, all across this country, Democrats sent a message that we are alive, well, fighting, and winning, for things that are important to our country's future.

I think part of it yesterday was the American people responding again to our agenda about creating a growing economy, building good jobs with good incomes, educating our children in the world's finest schools, cleaning up our environment, and standing for the values and virtues that made this a great country and will make it a great country in the future. And, yes, even more than that, people from Kentucky, to Maine, to New Jersey, to the west coast, yesterday, also stood up and not only spoke for Democratic candidates—candidates who ran on a platform of hope and opportunity, a platform of building for the future, understanding we have always had the burden of being the builders.

If you look at almost anything that has been built in this country that represents hope and progress, it has been the Democrats who decided that is what ought to be done for America's future. We have had folks that always had seat belts on saying, no, we do not want to move ahead, do not want to do this or do that.

I am proud of our legacy and heritage, and I am proud to note that although we may be outspent, we are not outworked, and there are lots of Democrats across this country who are willing to stand for and fight for the kind of policies that will build a better future in America.

Yesterday, voters also spoke, in my judgment, about another agenda, the agenda of the new Speaker, Mr. GINGRICH, the Contract With America, and leadership in that direction.

I think the American people rejected yesterday an agenda that has as its centerfold tax cuts for the wealthiest Americans and budget cuts for the rest of Americans; an agenda that says we do not have enough money to provide an entitlement for a poor kid to have a hot lunch at school, that says we do not have enough money for health care for the elderly and the poor, but an agenda that says we have plenty of money for star wars, we have plenty of money for B-2 bombers nobody ordered, F-16's and F-15's that nobody asked for, for planes, ships, and submarines that nobody wanted. We have lots of money for those things, but we do not have enough money for the 55,000 kids now on Head Start who get kicked off.

That is what the voters were saying. Those priorities are out of whack. Those are not mainstream values. Those are extreme kinds of positions that the voters have told Speaker GINGRICH and others we reject.

I am proud, today, proud that so many around our country, men and women, State after State, were willing to stand up and speak out as part of our political process and stand for the values and the things that we believe in as Democrats—fought and won, in many cases, against the odds. When you are outspent, when the other side has more resources, you have to work harder.

I say in the context of this, I am proud of everybody that participates in this political process, Republicans and Democrats. The easiest thing for people to do is do nothing and complain about it. The toughest thing is to stand in the ring and stand up and speak out for things you believe in.

I believe everyone who participates is owed a debt of thanks in our system, but I am especially proud in light of the kind of things we see in our country, written about a party that I am proud of, things that say the Democrats maybe are dead; the Democratic Party, the party is over for you folks.

I am particularly proud yesterday that all across this country we had people, American people—yes, Democrats—sending a message back to those who pronounced our death, and say, as Mark Twain did, "Reports of our death are greatly exaggerated."

We believe in something special for the future of this country. We preach hope and opportunity. We preach values and virtue. We preach a return to the days in this country where everybody can understand that we are doing things for America as a whole.

We believed, in North Dakota years ago when the wagon trains forged West, we believed in that lesson that was learned the hard way, that no wagon train ever moves ahead by leaving some wagons behind.

We have a policy in this country these days by those who have the votes to enforce it that says some folks are out of fashion. If you are poor, tough luck. If you are old, that is even tougher luck. Somehow if you did not make your way, you are left behind.

That is not the best of our country. Our country will be strongest and our country will meet the future with the kind of opportunity we should have forever, when we decide that public policies that invest in jobs, expanded opportunities and education are the kind of policies that will come out of the U.S. House and the U.S. Senate.

In the coming weeks and months, my hope is the American people, having sent a message yesterday through the ballot box, my hope is the American people will see the best of this political system. The best of this system will provide that those on the Republican side of the aisle and those on the Democratic side of the aisle will offer their best ideas and will choose from those good ideas, that menu of good news that comes from all sides, and then use those ideas to move America ahead. That will be the best our political system can offer to the American people. It is my hope for the coming months.

I wanted to take the floor today to say that yesterday, at least for me, was wonderful news. I think for our country it was good news. Our country needs a healthy two-party system. Those who believe somehow that on this side of the aisle we do not have the strength, vitality or ideas to compete in America's political system any more are dead wrong. That was proved yesterday in the elections across America, and it will be proved again and again leading up to the Presidential elections and elections for Congress and State and local offices all across this country in November 1996.

Then, I think U.S. News and other periodicals will write another headline, another cover page. I have a hunch I know what that cover page will be. I hope to come on the floor with a broad smile and say that happy days are here again and the vision and the hope and the dreams of Democrats for a better America will be realized again and again and again in the future.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent I be allowed to proceed for up for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONCILIATION

Mr. GRAHAM. Mr. President, on Friday of last week and again yesterday, I began a series of talks on the Medicaid Program. In my first discussion, I pointed to the successes of Medicaid—successes at reducing infant mortality by 21 percent in this Nation between 1984 and 1992.

Yesterday, I discussed trends that have led to the growth in Medicaid spending. These included: demographic changes, including the fact that our population is living longer and that this greater longevity means more people are relying on Medicaid for longer periods; problematic changes that have expanded coverage to combat infant mortality among our Nation's children and to provide long-term care for our Nation's frail elderly and disabled; and the loss of private-sector health insurance, the fact that a shrinking percentage of America's children are insured through their parents' employer.

This last point, Mr. President, was reaffirmed in today's Journal of the American Medical Association, which says that 3 million children lost private health insurance between 1992 and 1993.

Mr. President, I ask unanimous consent that today's article in the Washington Post, entitled "Medicaid's Safety Net for Children Could Be Imperiled," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. These, Mr. President, are major factors that have contributed and will contribute to Medicaid growth.

Today, I want to talk about the policies of the Senate which have been adopted for the future of Medicaid.

Mr. President, Halloween came early this year. In the dark of night, immediately prior to the passage of the Budget Reconciliation Act on the Friday before Halloween, the Medicaid formula was written by the architects on the reconciliation package.

Amazingly, the rewritten, revised Senate bill handed out treats—treats in the form of $10.2 billion mainly to States that were the prime abusers of Medicaid disproportionate share hospital funds in recent years. The Senate is preparing to reward States that have manipulated the Medicaid system by making permanent their past misdeeds.

How did the authors of this amendment pay for these treats dished out on the Friday night before Halloween? They imposed trickery on the elderly by raiding $12 billion from the Social Security trust fund.

What are these Medicaid misdeeds that are about to be rewarded and made permanent? They are what is referred to in Medicaid as the disproportionate share hospital program, known as DSH.

What is disproportionate share? The intent of the disproportionate share hospital payments originally enacted in 1981 is to assist hospitals that treat high volumes of Medicaid and low-income uninsured patients with special needs. Recognizing that these hospitals would have a small private insured patient base with which to recover funding for the cost of treating these uninsured, Congress intended that these disproportionate share hospitals receive payments to supplement their other Medicaid payments.

In fiscal year 1989, Federal funding for Medicaid DSH payments was just $400 million.

However, in coming up with their share of those funds, some States begin to see the huge potential in the use of donations and provider tax revenue as the State share of Medicaid expenditures.

Provider taxes and donations allowed States to draw down Federal Medicaid funds while backing out of providing their State matching share and sometimes effectively pocketing the Federal share of money meant for disproportionate share hospitals.

The original good intention, to meet the special need of hospitals, was creatively abused by States across the Nation.

Abuse was so great that, between fiscal year 1989 and fiscal year 1993, Federal spending for Medicaid disproportionate share hospital payments grew, if you can believe this, from $400 million in 1989 to $14.4 billion in 1993, a 3,600-percent increase.

By 1993, DSH payments amounted to one-of-every-seven Medicaid dollars.

According to the Kaiser Commission on the Future of Medicaid, DSH payments were roughly equal to the sum of Medicaid spending for all physician, laboratory, x-ray, outpatient, and clinic services that year.

In Alabama, Connecticut, Louisiana, Maine, Missouri, New Hampshire, and South Carolina, Medicaid disproportionate share hospital payments actually exceeded regular Medicaid payments for inpatient hospital services.

This rapid growth, a 3,600-percent increase in just 4 years, was a major factor in the overall Medicaid growth from 1989 to 1993.

I discussed that issue in more detail in my remarks delivered yesterday.

The Urban Institute, in a 1994 publication, estimated that between 1990 and 1991, DSH payments accounted for 20 percent of all Medicaid spending growth. In that 1-year period, DSH payments were 20 percent. But, between 1991 and 1992, DSH payments were responsible for 51 percent of Medicaid spending growth.

How did this occur? According to the Health and Human Services Inspector General Richard Kusserow, who served during the administration of President Bush, in a report dated July 25, 1991:

> The growing popularity of provider [tax and donation] programs, in our opinion, is due to States' awareness that a window of opportunity exists for them to alleviate their own budget programs to the expense of the Federal Government.
>
> States are fully aware that they had better take advantage of this opportunity while it exists.

One State official went so far to say that "State officials might be regarded as derelict if they did not take advantage of the Federal law."

Incredibly, this occurred in a manner that, although named the disproportionate share hospital program, provided some heavily impacted Medicaid hospitals with little or no benefit.

This and other types of scams by States were detailed by the Prospective Payment Assessment Commission in a report requested by Congress and completed on January 1, 1994.

As the Commission noted,

> Although State Medicaid programs reported spending $20 billion more in fiscal year 1992 than in fiscal year 1990 for inpatient services in short-term hospitals, these hospitals received substantially less than a $20 billion increase in Medicaid revenue. Part of this discrepancy is attributable to situations in which State Medicaid programs allocate DSH payments to hospitals that never actually received or controlled the payment as revenue.

In an April 1995 report, the General Accounting Office noted that States often churned or even laundered Federal Medicaid dollars through State hospitals.

The GAO report said:

> State hospitals received $4.8 billion in DSH payments. However, hospital officials indicated that only a small share of the gains were actually retained and available to pay for health care services, such as uncompensated care. Instead, most of the gains were transferred back to State general revenue accounts.

In sum, paper transactions without paper money.

In fact, researchers at the Urban Institute concluded that:

> [A] high share of the funds are being diverted from direct health care to general state coffers. It is reasonable to ask if Medicaid is an appropriate vehicle for general revenue sharing between the Federal Government and the States.

In reviewing such scams, analysts at the Health Care Financing Administration have estimated that the actual Federal share of Medicaid funds in 1993 was 64.5 percent instead of the reported 57.3 percent, primarily because of the manipulation of the DSH Program.

Good news: As a result of these scams, illusory tactics, and raids on the Federal treasury, Congress enacted legislation in 1991 and again in 1993 to create State-specific ceiling limits on each State's spending for DSH payment adjustments to 12 percent of the State's total Medicaid spending for the year. That is, no State could have more than 12 percent of its total Medicaid in the category of disproportionate share hospitals.

This limit, combined with other changes to the amount of money a single hospital can receive and the definition of what constitutes a provider tax, have been effective at controlling these costs.

In fact, the 20 States that have 12 percent of their overall Medicaid spending in DSH payments are capped at the absolute dollars they received in 1993.

For example, New Hampshire, which has over 50 percent of its entire Medicaid Program budget included in disproportionate share payments, is capped at a Federal disproportionate share payment of $196 million.

As a result, according to CBO estimates, Federal Medicaid DSH payments increased slightly from $9.6 billion in 1993 to $9.8 billion in 1994.

In fiscal year 1995, CBO projects that Federal DSH spending to drop to $8.5 billion, then increase by approximately half a billion dollars annually over the next 5 years. That is the good news. The Congress saw the problem. Congress acted. The actions tended to suture the hemorrhage.

Now the bad news. Incredibly, Congress is prepared to reward and make permanent the raids made on the Federal treasury in the past.

How was this done?

This was accomplished in the dead of night on the Friday before Halloween in an amendment that trimmed the Federal reduction in Medicaid from $187 billion to $176 billion.

Some of the winners and losers are well known by now.

Approximately $11.2 billion in additional Medicaid dollars will be distributed to States with two Republican Senators over the next 7 years, in the Senate proposal, while States with two Democratic Senators will lose an additional $3.6 billion. That has been well reported.

Less well known is the fact that States which have excessive Medicaid disproportionate share programs in the past are also the big winners.

New Hampshire and Louisiana, the most renowned examples of excess, have special fixes in the Senate bill which allows those two States to not have to fully match the Federal funding they will receive over the next few years.

Meanwhile, nine other States—Texas, Missouri, Connecticut, Kansas, Alabama, New Jersey, South Carolina, Tennessee, and Michigan—all which have disproportionate share programs that far exceed the national average and some that have been well documented as having schemed the Federal treasury in the past, those nine States will receive $14.8 billion in increased Medicaid funding over the next 7 years as a result of the late Friday evening deal, that currently would cap these "high-DSH" States' programs.

The Senate Finance Committee bill would have cut off excessive disproportionate share payments above 9 percent of overall Medicaid Program costs.

That was the bill that we had on the floor on that Friday before the late night raid which eliminated that constraint on the use of disproportionate share, and resulted in $14.8 billion flowing to those States that had been the primary abusers of the disproportionate share program.

However, the late evening deal would allow these States to not only keep what they had in the past and make it permanent, but would also allow them to increase that money annually, based on the larger base year funding which the inclusion of their full disproportionate share amounts allowed them to have. Thus, the $14.8 billion windfall for nine high DSH States.

The rest of the Nation's States—mostly low-DSH States—will lose another $3.6 billion from an amendment that added $10.2 billion to the Medicaid Program.

This is a perverse Washington logic where spending is saving—where bad is good—and locking in the past is heralded as reform.

But rewarding some States that had abused the disproportionate share of the hospital program was not enough bad policy for one night. The Friday night raid went on. The Senate made it worse by paying for these supplemental Medicaid allocations through mandating a 2.6 percent cost-of-living adjustment for 1996.

Mr. President, I ask unanimous consent that a Washington Post editorial on this subject entitled "Medipork" printed on November 6 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAHAM. Mr. President, under the Roth amendment that we adopted on that Friday night before Halloween, the money to fund the additional payments, largely to the States which had previously abused the Medicaid system, this money was found when the Government declared that the cost-of-living adjustment for 1996 would be 2.6 percent, which was lower than the 3.1 percent projected when the budget bills began moving through Congress last spring.

The result of the lower cost-of-living factor, said proponents, would be lower outlays for programs tied to the Consumer Price Index such as Social Security.

Mr. President, at first glance that sounds reasonable. Upon closer inspection, however, the logic fails, and it becomes clear that we have two choices. Either the funding is phony, nonexistent and, therefore, contributes to an additional deficit by spending funds without an equivalent additional source of revenue or—what I am afraid is the more likely alternative—a raid on the Social Security trust fund.

In order to understand this, I want to briefly discuss how the Federal budget is scored.

In March of this year, the Congress established an economic baseline. This baseline forecasts the level of Federal revenues and expenditures for the next 7 years predicated on current law and current and projected economic data. In making these economic projections, the Congressional Budget Office makes assumptions regarding a number of factors. The factors that are included in the assessment of the economic baseline include inflation, interest rates, number of qualified beneficiaries for the principal programs such as the number of beneficiaries for Social Security, the gross domestic product, revenues, and court decisions that might affect Federal policy.

Those are some of the factors which are included in arriving at the economic baseline.

From that baseline, the Congressional Budget Office can estimate the impact that changes in law will have on Federal revenues or expenditures.

Almost 8 months have passed since the economic baseline was established. Some of the assumptions turned out to be too high; others too low. For example, inflation has been lower than expected. The gross domestic product has been slightly higher than expected. Interest rates have been higher than projected. Obviously, if the economic baseline was updated to reflect actual experience in the last 8 months, we would obtain a more accurate picture of our Federal income statement and balance sheet for the next 7 years.

Mr. President, that was not what was done. Instead, we reached in and took just one economic factor—the fact that the Consumer Price Index increased only 2.6 percent and we require that legislation follow this monofactor directive. The Congressional Budget Office says it does not update its economic baseline unless it takes into account all economic and other factors—not just one.

The reason? If it could pick and choose, then Congress would cherry pick the positive economic changes and ignore the negatives. The result would be a budget deficit much greater than anticipated because we had predicated our economic actions on unsound assumptions because the only economic changes unclaimed would be those generating higher outlays and lower revenues than expected.

In fact, if on October 27 the Congressional Budget Office had taken all economic factors into account—gross domestic product, interest rate, court decisions affecting Federal obligations and inflation—the deficit in the year 2002 would have been higher than anticipated last March. We would not have had a $12 billion false figure to use to finance additional Medicaid payments. We would actually have had to find additional revenue because, taking into account all of those factors, the Congressional Budget Office would have said our deficit had grown—not diminished—since March.

In other words, while the 1996 cost-of-living will be 2.6 percent rather than 3.1 percent resulting in $13 billion in lower outlays, this will be more than offset by other factors, such as higher interest rates, that increase outlays or decrease revenues.

That is why some would say that the Senate's financing of the additional Medicaid funds is phony. That is why I asked Senator DOMENICI on the floor whether these savings were real or not. He responded, "they are real dollars." And I assume that the Republicans intended that they use real money to finance their changes and to finance the additional spending through Medicaid.

So assuming that these funds are not phony, where does this money come from? Let us look at the language of the Roth amendment which was adopted on that Friday night.

> Notwithstanding any other provision of law, in the case of any program within the jurisdiction of the Committee on Finance of the United States Senate which is adjusted for any increase in the consumer price index for all urban wage earners and clerical workers (CPI-W) for United States city average for all items, any such adjustment which takes effect during fiscal year 1996 shall be equal to 2.6 percent.

Mr. President, this clearly specifies that the money comes from programs or outlays. Exactly what outlay programs are we talking about? Are we talking about the Pentagon, the Department of Defense outlays? No. Those are not under the jurisdiction of the Finance Committee. Are we talking about funding for roads and bridges? Are we talking about funding for foreign aid? No. Those programs are not under the jurisdiction of the Finance Committee. Just what outlays are within the jurisdiction of the Finance Committee?

There happen to be a number of those programs. But I am afraid that I must report that the overwhelming majority of dollars in those programs—$12 billion of the $13 billion removed—is Social Security.

So the only conclusion is that the Senate has taken $12 billion from the Social Security trust fund to pay for more Medicaid allocations to a selected few States—States which in large numbers had been those that had abused the Medicaid system in the past.

How can that be, you ask? How can a half of 1-percent reduction in the CPI constitute a raid on the Social Security trust fund? Let us look more closely still.

The Roth amendment takes into account only outlays impacted by the lower 2.6 percent cost-of-living adjustment. But there are other ramifications of the lower cost of living. For example, many workers' salaries are tied to the Consumer Price Index, and if those salaries only rise by 2.6 percent rather than the previous estimated 3.1 percent, then what happens to payroll? What happens to payroll taxes? They are both lower, and, therefore, less money will flow into the Social Security trust fund than would have flowed had the cost of living been at the earlier projected 3.1 percent.

The correct question is not how will a lower cost of living impact Social Security outlays. The proper question is what is the net effect of all of the economic changes this year to the Social Security trust fund?

The answer has two components: outlays, expenditures, and revenues.

The Social Security outlays will be reduced by a total of $18 billion—$12 billion from the COLA reduction, the 2.6 percent, and $6 billion from other changes.

But the economic data accumulated since March also will affect revenues going into the Social Security trust fund, and according to the Congressional Budget Office updating the economic baseline will result in a $62 billion decrease—decrease—in Social Security trust fund revenues over the next 7 years.

Accordingly, the net effect to the Social Security trust fund of revising congressional economic estimates is not to increase the size of the trust fund but, rather, to decrease it by $44 billion.

So if we want to face economic reality, the Social Security trust fund will have $44 billion less in it than our budget assumes. And while the Social Security trust fund is losing $44 billion as a result of economic changes since March, the Senate has approved diverting an additional $12 billion from the Social Security trust fund.

It is difficult for me to believe that this Senate actually wants to raid the Social Security trust fund to pay for anything. Just yesterday, House Republicans were threatening to attach provisions to a limited debt ceiling extension that would have had the effect of precluding the Secretary of the Treasury from utilizing Social Security trust funds for anything other than Social Security obligations.

I am afraid this sounds like selective enforcement.

It is ironic that the House Republicans would be so concerned about the Social Security trust fund that they would tie Secretary of the Treasury Rubin's hands to preclude him from even borrowing from the trust fund, but at the same time the Senate Republicans seem quite willing to raid the Social Security trust fund to finance additional Medicaid allocations.

We cannot have it both ways. If the reduction in the cost of living is not a real cut in spending but merely reflecting reality, then it does not represent savings and should not qualify to offset real new Medicaid spending. If, however, the reduction in the cost of living is real, then it constitutes a diversion of funds from the Social Security trust fund.

Either conclusion justifies jettisoning this midnight amendment that changed the Medicaid funding formula, rewarding the States that abused the disproportionate share hospital program.

Mr. President, I conclude by saying we should look instead for an alternative allocation solution, and I will present that alternative solution tomorrow and urge careful consideration of a better way to achieve our goal of fiscal responsibility and fairness.

Thank you, Mr. President.

EXHIBIT 1

[From the Washington Post, Nov. 7, 1995]

MEDICAID'S SAFETY NET FOR CHILDREN COULD BE IMPERILED, REPORTS WARN

CHANGES MAY CUT COVERAGE TO SOME IF PARENTS LOSE PRIVATE INSURANCE

(By Spencer Rich)

For years Medicaid has picked up the slack when children lost health insurance based on changes in their parents' employment situation, but that safety net could be weakened substantially by Medicaid changes moving rapidly through Congress, according to today's Journal of the American Medical Association.

The result could be highly damaging to the health of children and also could eventually increase health costs per child, according to articles in the association journal.

"From 1992 to 1993 an estimated 3 million children lost private health insurance" as people lost jobs or employers stopped providing health insurance, Paul Newacheck of the University of California and five co-authors said in one journal article.

But until now, increases in Medicaid coverage, resulting from past legislation that broadened eligibility and from more people sinking into poverty and becoming eligible, "largely offset the changes that occurred in private health insurance coverage," the authors said.

Statistics developed by the Urban Institute for the Kaiser Commission on Medicaid support this assertion. In 1988, 66 percent of all children under age 18 had health insurance based on the employment of a family member, and 16 percent were covered by Medicaid. But in 1994, the share with employer-based insurance had dropped to 59 percent and the Medicaid percent had jumped to 26 percent.

However, now that situation is about to end as Republican-sponsored Medicaid changes already approved by both chambers of Congress in different form impose a "cap" that would cut the growth of program spending from about 10 percent a year to 4 percent, and give states far more latitude than now in deciding whom to cover, Newacheck and his co-authors said.

"If federal spending is capped as proposed," they said, "states, at a minimum, will have to reduce the scope of their existing Medicaid program" and will be unable to keep picking up children who have lost employer-based coverage.

Passage of the Medicaid proposals, said physician Stephen Berman in an editorial, would "reduce the capacity of the public sector to absorb the increasing number of children losing private insurance [and] would swell the number of uninsured children." The impact of gaps in health insurance for children was sketched out in a third journal article, written by Michael D. Kogan of the Centers for Disease Control and Prevention and six others.

The article did not address the current legislative proposals but reported on a nationally representative sample of 8,129 children whose mothers were interviewed in 1991 when the children were about 3 years old.

Based on the survey, the article said, "About one-quarter of U.S. children (22.6 percent) were without health insurance for at least one month during their first three years of life. Over half of these children had a health insurance gap of more than six months."

About 40 percent of the children, estimated conservatively, did not receive care continuously at a single site—for example, the office of a family doctor—and breaks in insurance coverage are often the cause of sporadic medical care at this critical stage of physical development.

"Children are in particular need of primary care providers who can track developmental milestones, assure the maintenance of immunization and other health maintenance schedules, monitor abnormal conditions and serve as the first contact of care," wrote Kogan and his co-authors, especially in finding and treating "emerging disabilities, chronic illnesses or birth defects" and in providing preventive care.

"A schedule of routine primary care is much easier and usually more cost-effective when these activities are carried out in an organized manner over time with successive office visits at the same site," they said.

Berman said, "Having a regular source of care has been shown to reduce child expenditures by 21.7 percent compared with not having a regular source of care."

EXHIBIT 2

[From the Washington Post, Nov. 6, 1995]

MEDIPORK

When the current Congress set out on the path of turning the major programs for the poor into block grants, Sen. Daniel P. Moynihan (D-N.Y.) issued an interesting warning. Once Washington gives up on making policy and instead just ships off billions and billions to state governments, he said, politics will turn away from substance and instead become one big formula fight as states and regions battle over who will get the biggest pots of cash.

His prediction has become fact, as a report in The Post by Judith Havermann and Helen Dewar documented last week. In the scramble to pass their budget, Republican leaders in the Senate found they had to pass around billions of extra dollars in Medicaid payments to states to buy the votes of—pardon us, we mean secure the support of—Republican senators. It seems that many senators are worried about the impact of the Medicaid proposal on their state budgets.

They should be. The pressure this budget puts on the program that serves the poor and many among the elderly and the disabled is simply too much. Facing potential rebellion, the leadership kept rejiggering the formula to please wavering senators. And given that the leadership knew it would have to find votes for its budget from Republican senators, guess what? The increases largely went to states represented by Republicans. The cuts were mostly reallocated to states with Democratic senators whose votes the leadership knew it couldn't win anyway.

Thus, an analysis by Sen. Bob Graham (D-Fla.) found that states with two Democratic senators lost a net of $3.6 billion in the Medicaid reshuffling; states with two Republican senators gained $11.2 billion. Texas alone (with two Republican senators) gained about $5 billion; California (represented by two Democrats) lost $4 billion.

Ginny Koops, a Senate Finance Committee aide, had it about right when she said: "This formula will be redone again in conference and again and again. It is just incredibly difficult to come up with something that makes 5 states happy; somebody always complains."

Ms. Koops' comment goes to the heart of what's wrong with his whole Medicaid approach: Of course many will keep complaining about the formulas of a so-called reform that dumps upon the states the responsibilities of running Medicaid and then asks them do do that job with huge cuts in the rate of expected growth in the program.

Medicaid costs do need to be contained; the Republicans are right about that part. But this budget's approach to Medicaid will not only keep producing comical mathematical games; it will also cause real harm to the states and to the medical care of many among the most vulnerable Americans.

GREAT FALLS CHURCH DESECRATION

Mr. BAUCUS. Mr. President, last weekend, somebody in Great Falls, MT, spray painted satanic icons and racist slogans on the walls of the Mount Olive Christian Fellowship. The congregation of Mount Olive is mostly African-American, and they were the direct target of this perverted mind. But this attack really was on the whole community, and I am very proud to say that the whole community responded.

I congratulate and thank all of the 200 citizens of Great Falls, MT, who came to the church on Monday to show their support for the Reverend Phillip Caldwell. Members of the congregation, city manager Lawton, our State Representative Deb Kottel, and many others turned out. I am proud of them, and like the vast majority of Montanans, I am with them in our State's fight against hate groups. On my next visit to Montana, I hope to attend services at Mount Olive.

The desecration of Mount Olive is a sickening event and one which shows that as a State and a country, we still have a long way to go in our fight against hate. But its aftermath also shows us something else. Many Americans are concerned, and rightly so, about a decline of civic spirit, a growing indifference to our neighbors, and a general loss of moral values in our country.

However, the rally this Monday showed us that our courage, our willingness to meet our responsibilities as citizens, and our basic decency are stronger than the pessimists admit.

Thank you, Mr. President. I yield the floor.

MIKE WALLACE CAN DISH IT OUT BUT NOT TAKE IT

Mr. GORTON. Mr. President, for 27 years, Mike Wallace has been a hard-hitting, pull-no-punches investigative journalist primarily on "60 Minutes." Relentless in pursuing a story, there are few tactics he will not employ—bullying, insults, confrontation, ambush journalism.

That is fine, because however you feel about Mr. Wallace, he works in America, and here in America the first amendment secures our right to free speech. We Americans can say or write just about anything we like, and, no matter how offensive it may be, how distasteful, repugnant, however uncomfortable it may be to others, we have the right to express our views. Mike Wallace has the inestimable privilege of expressing those views on network television to tens of millions of people.

I had been under the impression that, given his profession and his unorthodox modus operandi, Mr. Wallace was a first amendment advocate, but in today's Washington Post we find evidence that suggests the venerable Mr. Wallace has a peculiarly narrow devotion to free speech.

Yesterday, Marlin Fitzwater, a longtime spokesman for Presidents Reagan and Bush, was waiting to appear on the cable television show "Politically Incorrect." Mr. Fitzwater has just published his memoirs of his time in the White House, and in that book he offers some mild criticism of both "60 Minutes," calling it "liberal" and always framed in terms of "good versus evil," and of Mr. Wallace himself. I quote:

> As a small boy . . . I would watch Mike Wallace . . . as he insulted his talk show guests, drove women to cry and performed his pioneering version of talk show extremism.

Mr. Fitzwater's book also mentions Mr. Wallace's son, ABC reporter Chris Wallace, criticizing the younger Wallace for his privileged background.

All this is prefatory to the main event. The studio in which the cable show "Politically Incorrect" is taped is located in the CBS building in New York. While Mr. Fitzwater was waiting to go on the air, Mr. Wallace called Mr. Fitzwater in the studio and began shouting at him and then swearing at him over his book. A few minutes later, the Post reports, Mr. Wallace stormed into the studio and continued with the shouting and swearing and obscenities. Mr. Fitzwater, wisely, I believe, and astounded, left the studio posthaste.

Now, as they say, Mr. President, what is the deal? What is going on? The Lexis-Nexis system would blow a fuse if you tried to reach all the times Mr. Wallace criticized others on the air. After all the years that he has been in this peculiarly tough field of journalism, you would think he would be accustomed to criticism. A few years ago, for example, "60 Minutes" ran a program on the pesticide Alar and helped destroy the living of a significant number of Washington State apple growers without justification.

I see no evidence that that bothered Mr. Wallace in the least. But now he throws a temper tantrum over a mere slight. Indeed, Mr. President, after all the hard-hitting pieces Mr. Wallace has run on people, institutions, and even whole governments, one is amazed at his vitriol and verbal attacks on Marlin Fitzwater.

Perhaps, Mr. President, Mr. Wallace's support for the first amendment is a single-edged sword. He can use it, but it cannot be used against him. Perhaps Mr. Fitzwater's criticisms struck a raw nerve. Either way, one fact is certain. Mike Wallace can dish it out, but he cannot take it. Shameful, Mr. President, but funny at the same time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. FAIRCLOTH. Mr. President, on the rollcall vote number 563, I voted aye, and it was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote, and this will in no way change the outcome of the vote. It has been cleared with the leadership of both parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thank you, Mr. President, and I yield the floor.

(The foregoing tally has been changed to reflect the above order.)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

TRIBUTE TO BLUEFIELD STATE COLLEGE

Mr. BYRD. Mr. President, a century ago, a college was opened in the city of Bluefield, West Virginia. For the past 100 years, Bluefield State College and its antecedents have performed an outstanding service in providing a reasonably priced and quality education for thousands of students from Southern West Virginia, Southwestern Virginia, and other States throughout our country as well as many foreign nations. Today, I join the alumni, students, the faculty, parents, and admirers of Bluefield State in hailing its 100th anniversary as a premier institution of higher education—an institution oriented toward, and dedicated to, the preparation of men and women of widely separated age groups for quality careers in health care, education, business, and other important occupations.

Following its inception a century ago, Bluefield State College quickly gained acclaim as one of the country's outstanding traditionally black colleges. Bluefield State has built upon its early strengths and has become a major center of practical education in

Southern West Virginia and Southwestern Virginia. The college is a fully accredited coeducational institution offering a variety of programs at the associate and baccalaureate degree levels and provides ready educational opportunities to people impacted by the declining coalfields.

Bluefield State College attracts students from a broad segment of the population and helps make the American Dream real for many of them. This institution attracts large numbers of adult students with its extensive evening program, and it provides reasonably priced education with quality standards and quality outcomes, with an emphasis on preparing its students for a solid future.

Created to provide better educational services for black Americans in the area, the college later expanded its regional influence by enhancing its curriculum to provide formal teacher training. In the ensuing years, to keep up with the ever-changing job market, new academic areas such as engineering technology, computer science, business administration, and health science were added to the curriculum.

I particularly salute Dr. Robert Moore for the outstanding leadership that he has provided to this educational institution in my home State, and I congratulate the faculty and staff of Bluefield State for the professional and caring fashion in which they teach and guide their students. In those areas served by graduates of Bluefield State College, the reputation of the graduates of this school is one of growing admiration and esteem—hallmarks of the well-grounded and pragmatic performances being rendered by the alumni of Bluefield State College.

Too often, unfortunately, colleges and universities set themselves above the needs of the communities and the students whom they were instituted to serve. The growing favor that is developing for Bluefield State College throughout its service area is an indication that Bluefield State has not fallen into the trap of academic pride. Rather, Bluefield State has dedicated itself to preparing industrious men and women to play productive and profitable roles in whatever walks of American life they enter, and to contribute patriotically and unselfishly to the upbuilding, both economically and morally, of the cities, towns, counties, and States in which those graduates find themselves.

Again, Mr. President, I congratulate Bluefield State College, Bluefield, WV, as it celebrates its centennial year, and I know that I speak for citizens throughout Southern West Virginia and Southwestern Virginia in expressing my admiration for this institution of higher education and my appreciation for all that it has come to mean to the people of the Southern Appalachian Highlands. Since its founding in 1895, this fine institution has flourished, and I hope that the next 100 years will prove to be as prosperous and as beneficial.

Mr. ROCKEFELLER. Mr. President, I rise with Senator BYRD today to recognize Bluefield State College as it celebrates its centennial.

Since its founding in 1895, Bluefield State College has been committed to providing quality education in southern West Virginia. These many years are a heroic story of hard-won and remarkable achievement, truly an inspiring legacy.

Founded to improve education for African-American students in the region, the college began as the Bluefield Colored Institute [BCI]. It served the segregated schools of turn-of-the-century coal camps. Through the dedication of local citizens and its first president, Hamilton Hatter, BCI flourished, even operating for 2 years without State funds.

As time went on, the school established formal teacher instructions. By 1954, Bluefield became an integrated school serving all students in southern West Virginia.

Over the years, the school has worked to strengthen the institution and to expand its curricula to serve the changing needs of its students. Recent efforts include expanding Bluefield State College's degree program into areas including engineering technology, computer science, business administration, and the health sciences. These new fields of studies are designed to prepare the students of today for the challenges of the 21st century.

Mr. President, as Bluefield State College celebrates its centennial, Senator BYRD and I think it is fitting to praise its dedicated faculty and staff, including current President Robert Moore, for their educational vision and creative spirit.

Bluefield State College, proud of its strong past, stands ready to meet the changing needs of an expanding and dynamic region of the State. It has done an exemplary job of offering educational opportunities to many students in southern West Virginia. We join every West Virginian in congratulating Bluefield State College for 100 years of dedicated education and community leadership. We wish it continued success for the next century. This fine institution has made all of us very proud.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO YITZHAK RABIN

Mr. LAUTENBERG. Mr. President, before the events of the last few days fade from memory, and the recollection of the assassination of Prime Minister Yitzhak Rabin gets obscured by other events in the world, I want to take this opportunity to reflect somewhat on my visit there during the funeral and just to discuss, for a moment, my view of this man, this great man, someone I knew very well for a period of more than 25 years.

Mr. President, the world now knows so well that the Israeli people have lost a courageous, visionary leader, and the world has lost a peacemaker. As Prime Minister Yitzhak Rabin was laid to rest on Monday in the holy city of his birth, Jerusalem, millions witnessed the funeral and grieved at the loss. His brutal assassination represents the worst of so many tragedies in Israel's recent history. It demonstrated too vividly the depths to which intolerance can drag the human spirit. The people of Israel are in shock, stunned and saddened by the senseless, cold-blooded murder of their unique leader, soldier turned peacemaker.

Many felt the pain of the bullet that took away their Prime Minister, and that the assassin tore asunder at the same moment the spirit and the soul of Israel. The residents of the community, and those that know the Jewish people, cannot comprehend how one Jew could kill another in the name of God, when all, at times, have been victims.

I, along with millions of Americans, share their grief and sense of loss. At this delicate time in Israel's history, the United States Government must remain unequivocal in showing its strong support for the Government of Israel and in its leader, acting Prime Minister Peres, as the head of the Government. He has the credentials to ably lead the people of Israel in the tumultuous days ahead. The United States commitment to Israel will remain strong. It cannot be shattered by an assassin's bullet.

Mr. President, during the decades in which Yitzhak Rabin faithfully served his government, the American people observed, with great admiration, his evolution from soldier to statesman to politician to peacemaker. Always, he had our respect as an outstanding leader.

Yitzhak Rabin was a man of great courage and determination. His concern, to his last moments, was for the security of the people of Israel and the attainment of peace. Though his life was cut short by the bullet of an intolerant, self-righteous assassin, his legacy of peace will live on with his countrymen in future generations of Israeli citizens. In his memory, I believe that the peace process will continue to move forward at, perhaps, an even faster pace. Because the Jewish extremists took up arms against the peace process, Israel must not be dissuaded from pursuing and strengthening regional peace. To abandon the process now would give succor to the extremists and terrorists of all religious persuasion.

Because Rabin was a man of such character and courage and so deeply committed to peace, dignitaries and government officials from 80 different nations came to his funeral in Israel to pay him their last respects. Five thousand guests were invited from all around the world. President Clinton and former Presidents Bush and Carter attended the funeral, along with Secretary of State Christopher and former Secretaries Vance and Shultz. Thirty-five Members of Congress attended.

Heads of State, Cabinet Ministers, and government officials from the international community traveled to Jerusalem to mourn the loss of this great leader, many of whom did not really know him but knew about him, read about him, heard about him, and saw his commitment—unyielding commitment—to his people to show support for continuation of the peace process.

The global gathering at his funeral was testament to the fact that under Rabin's leadership Israel had been welcomed into the international family of nations as never before. Nowhere was his accomplishment in ushering in a new era of acceptance for his country more evident than in the reputation from Middle Eastern countries.

Never in their wildest dreams could people imagine that Jordan's King Hussein would stand in Jerusalem, the city where his grandfather was assassinated—which he mentioned in his comments—in 1951 by Islamic militants, people in his own religion, his own communities, the city that was reunified by Israel in 1967. He came to say farewell to his former foe, Yitzhak Rabin calling him a brother—a brother, a colleague, and a friend. I saw him wiping tears from his eyes.

Never did I imagine that the Egyptian President, Hosni Mubarak, who had traveled to Jerusalem to pay Prime Minister Rabin his last respects—even dignitaries from countries like Oman and Qatar, which have no diplomatic relations with Israel, came, beyond their formalities, to cross the border to say farewell to this visionary leader.

I, too, Mr. President, was at the funeral on Mt. Herzl where so many of Israel's military and spiritual leaders are buried. As the siren sounded throughout the country announcing a 2-minute period of silence and mourning for his death, I recalled many of the heroic moments of Yitzhak Rabin's life.

I saw the flag of Israel draped over his coffin and envisioned Soldier Rabin leading the fight to keep the supply link between Jerusalem and the sea in the war of independence. We traveled that road from the airport to Jerusalem where along the roadbed still were the hulk of trucks and tanks and weapons that are left there as a reminder of what the price was that was paid to keep that road open and to create the independent State of Israel.

I remembered reading about his exploits and how heroic this very young man at the time was. He was a brigade commander still in his early twenties. I envisioned Army Chief of Staff Rabin strategizing to recapture the city of Jerusalem and claim victory in the 6-day war of 1967. I recall the Ambassador to the United States Yitzhak Rabin arguing for a strong United States-Israel relationship from his Embassy office in Washington. I could almost sense Minister of Defense, twice Prime Minister, Rabin's steely determination in defending the security of the people that he loved so dearly, the people of Israel.

Mostly, however, I recalled the day that Prime Minister Rabin did the inconceivable and made peace with enemies. I recalled sitting on the lawn of the White House and how still the world was as he shook hands with Chairman Arafat after signing the Declaration of Principles, then the day that he and King Hussein of Jordan did the same, in the same location, after making peace.

Those are handshakes of courage and of bravery, of hope for attaining, at long last, safety and security through peace as opposed to security with weapons.

History will say that Yitzhak Rabin, who fought in so many of Israel's wars, gave his life for peace, a task to which he devoted himself completely. It is appropriate, therefore, that his last words were of peace.

> I was a military man for 27 years. I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those who are standing here, and for those who are not here—and they are many. I have always believed that the majority of the people want peace and are ready to take a chance for peace. Violence erodes the basis of Israeli democracy. It should be condemned and wisely expunged and isolated. It is not the way of the State of Israel. There is democracy. There can be disputes but the outcome will be settled by democratic elections.

He said in his remarks, "Peace is not only in prayers * * * but it is in the desire of the Jewish people. This rally," as he addressed the group, "must broadcast to the Israeli public, to the world Jewish public and many in the Western and outside world, that the people of Israel want peace, support peace."

It is my profound hope that the people of Israel will strive to heal the wound and the national spirit that Yitzhak Rabin's assassination has caused and that they will be able to move forward as a unified nation, continuing in the quest for peace.

That would be Prime Minister Rabin's greatest legacy and most fitting tribute. It is something that the United States and all the nations of the world must strongly support.

As I said, I was there to say goodbye to this man who was an old friend, someone who commanded the respect and affection of millions who did not know him but respected his commitment, respected the fact that he was willing to take the risks that he took, risking his own life.

The most disappointing moments of his days, he told me 2½ weeks ago in New York City, was when people from his own faith, some of them religious leaders, reportedly religious leaders, said he should be a target for assassination because he was giving away too much of his country. This man who fought to create the state, this man who gave his life unflinchingly to the well-being of his people, criticized, called traitor, depicted in Nazi uniforms, outrageously berated in his quest to secure the safety and well-being of the State of Israel and its people.

The messages that came from people who spoke at the funeral, from our President, President Clinton, who said that he was a man chosen by God. King Hussein, who I mentioned, saluted him, his memory as a pro, and compared the assassination of his grandfather to the assassination of Yitzhak Rabin. He was standing there, wearing traditional dress, a headdress common to the Arab world, proud of his heritage, but willing to recognize that this leader of the Jewish people was someone whom had respected and wanted to acknowledge as a friend.

President Mubarak, President of the first Arab nation to make peace with Israel, he was there in his first visit ever to the country. And other leaders who spoke—the President of the European Union, the Prime Minister of Russia, and then, finally, his family.

I think the world listened very attentively as his 17-year-old granddaughter spoke about her grandfather and declared him as a light unto nations. It is almost a Biblical intonation. She said her grandfather's life would continue to light the way for peace, but the light that he gave her was extinguished, that she would no longer see the light nor bask in his glow of love and affection. Elegant, elegant words for a 17-year-old, but expressing what so many failed to see because they did not have the personal contact. But they were reminded that included in the greatness of this individual was a very significant human side.

One of his senior, most dedicated staff members stood, a man named Eitan Haber, who wrote some of Prime Minister Rabin's speeches. I kind of joked with him at a few meetings, because I said I wished that I could find such a speech writer. And he reminded me that the speech writing was the least significant part of a great speech.

It took a great speech deliverer to make a memorable talk.

Through his tears, through Mr. Haber's tears as he stood in front of the thousands gathered there and the millions watching across the world, he took out a piece of paper that the prime minister had in his pocket. As Shimon Peres, now the Acting Prime Minister, said, it was the first time in all the years of public service that Yitzhak Rabin had ever, ever agreed to sing in public, and he joined in a chorus in this rally of more than 100,000 people, singing a song of peace that was written to be sung by those gathered there and throughout the country. And he sang the song.

This was a man who was not comfortable making speeches or in large public gatherings. Even though the greatness that he had internally shown through, you could see, when he was with the President or on public platforms, he was always ill-at-ease, always moving around, his body language indicating some insecurity.

He sang the song, the first time and last time that he ever sang a song in public. And Mr. Haber, the speech writer, read from that song at the funeral ceremony when he took out this blood-spattered song. Because the bullet hit close to where the song was stored in Prime Minister Rabin's breast pocket.

What an anomaly, this man singing for the first time in public, for peace, putting the song, the music for the song in his pocket, and then struck down by a bullet. There is something in the coincidence of those movements that perhaps none of us will ever quite understand, but it certainly is a symbol that will always be remembered.

This was quite a week in the history of Israel, the history of democracy, the history of man. Lessons were taught in a short burst of gunfire that must caution us that extremes in language, in gesture, in tone, can turn into much more menacing things. Civility has to come back to our people, to people across the world, to democratic nations.

Mr. President, we see it in the Congress of the United States, where anger and rage takes over discussion. It has an effect that pervades our society. We should not let it happen and this tragic incident should remind us all that we have to control our speech, our relationships, our view, if our mission is to make peace. One does not have to be in a formal war to want to make peace.

So, we say goodbye with heavy hearts to this great man who proved by his own existence, his own experience, that making war could not save lives, it could not have people living in peace together, but a serious effort at shaking hands across a sea of differences could make the difference.

When I saw Chairman Arafat in his traditional dress that I had come to despise over the years—he wore a gun on his hip when he went to the United Nations—I could not forgive him for their terrorist activities. But I forgave him when he came here and shook hands. That was the moment that he earned my respect.

So, from that place where it all began in the Middle East, in those holy sites, perhaps the time has come when we will be, once again, able to make peace with one another. That is the proper place. This is the proper time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

DIRECT LENDING PROGRAM

Mr. SIMON. Mr. President, it so happens that today is the 30th anniversary of the signing of the Higher Education Act of 1965 by President Lyndon Johnson. Everyone knows it was a great step forward.

Today, according to press reports, the conferees on reconciliation agreed that they would cut back on assistance to higher education and direct lending, which is now used by more than 1,300 colleges and universities in this Nation, including some colleges and universities in Oklahoma, every one of whom wants to keep the system.

There is not a college or university that is using direct lending that wants to shift back into the old system. Let me just say, the new system reduces paperwork, makes it much easier for students and colleges and universities, and the new system is good for taxpayers. The old system has all kinds of paperwork. The old system says, "If you have a student loan, you have to pay back x number of dollars whether you're employed or unemployed."

The new system permits a student to have an income-contingent loan, so that if a student wants to become a teacher and not earn so much, then the student could pay back a smaller percentage or a smaller sum; while if a student became a lawyer, or a stockbroker, maybe earning quite a bit of money, that student would pay back a larger sum. If a student was unemployed, while that student was unemployed, you would not pay back anything.

What happened in conference is they have agreed to cut back from 40 percent assistance, 40 percent of the schools, which is the cap now, down to 10 percent.

Now, I do not know who is going to tell those students in Oklahoma which three out of four of them are going to be out of the direct loan program. I am glad I am not going to have to make that decision. And I am pleased that the President, I think, is going to veto this.

Who benefits by cutting it back to 10 percent, giving a 90 percent monopoly to the banks and to the guaranty agencies? The banks and the guaranty agencies do. The guaranty agencies, incidentally, were created by us. These are not free enterprise operations. The guaranty agencies have the Federal Government guarantee. The one in Indianapolis, for example, the chief executive officer of the guaranty agency in Indianapolis is paid $627,000 a year. We pay the President of the United States $200,000 a year. And they are spending $750,000 to lobby against us.

It is very interesting, Mr. President, my chief cosponsor on direct lending was the distinguished Republican Senator from Minnesota, Senator David Durenberger. And Senator Durenberger said in response, when he was asked about this, "Shouldn't we let the free enterprise system work?"—that is what I want; I want to see competition; I want to see the schools in Oklahoma and Illinois and every other State have a choice between the old system and the new system and have competition—but Senator David Durenberger said, "This is not the free market. It is a free lunch."

It is not competition. We say in the law, banks get the Treasury rate plus 3.1 percent. We write into the law what their profits are, and they do not want to give it up.

Now, if we want to have a banking assistance act, let us call it that. But if we want to have a student assistance act, then let us try and see what we can do to help the students.

I hear all kinds of speeches about paperwork on both sides of the aisle. Here is a program that cuts down dramatically on paperwork, and we are going to put it back in. I just do not think it makes sense.

There is an article in Rolling Stone. I confess, I am not a regular reader of Rolling Stone, Mr. President, but here is an article on this. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rolling Stone, Oct. 19, 1995]

STUDENT LOANS—THE PRICE OF POLITICS

(By David Samuels)

It was a nightmare," says Karen Fooks, director of financial aid at the University of Florida, recalling the bad old days of guaranteed student loans. "We have about 35,000 students, who come from all over the country, and so every time a student came in to find out what was going on with his loan, it became a game of hide-and-seek: Was it a student problem, a bank problem, a guarantee-agency problem? Nobody knew." With 8,000 banks making loans and 38 guarantee agencies backing the loans with support from the government, Fooks' confusion is understandable. "At the beginning of the year," says Susan O'Flaherty, acting director of financial aid at the University of Colorado at Boulder, "we ran a phone bank with six or seven full-time people. And 70 to 80 percent of the calls that came in had something to do with student loans."

Vanishing checks and bureaucratic red tape, however, are only bad memories now at Florida, CU-Boulder and more than 100 other schools nationwide, where last year the federal direct-lending program replaced multiple applications, banks and guarantors with a single application and a single lender: the federal government. This fall, direct lending is debuting on an additional 1,400 campuses nationwide and will cover close to 40 percent of all student loans. What should students expect from the new direct-loan system? "We can answer students' questions," O'Flaherty says. "And our counseling staff was like 'Wow! We're not spending all our time chasing paper. We're actually talking to students.'" Karen Fooks is more enthusiastic still. "Students understand it; we understand it; the money comes in faster," she says. "We think we died and went to heaven." Students have even more reason to like direct lending: They can pay back their loans over 25 years as a percentage of income—between 3 percent and 15 percent, depending on their salary and number of children.

If direct lending is a success on campus, however, a very different story is now unfolding in Washington, where Congressional Republicans are threatening this fall to use the budget-reconciliation process to kill what one Colorado State University student called "the best thing since microwaveable brownies." What is odd here is that direct lending is as much the brainchild of Republicans as of Democrats: Direct lending was proposed—and a pilot program implemented—by George Bush's Department of Education; Rep. Tom Petri, R-Wis., has long been direct lending's leading advocate in the House. With the Republican Congress having promised to balance the federal budget, direct lending should be more appealing than ever: Slashing federal subsidies to banks and guarantors will save taxpayers as much as $12 billion during the next five years.

Why are Republicans turning against a program they sponsored? One explanation may be what Sen. Paul Simon calls "pure commercial politics": What students and taxpayers gain under direct lending, banks and guarantee agencies will lose. Short of high-interest credit cards, guaranteed student loans are the most profitable loans a bank can make, miles ahead of auto loans and home mortgages. The "guarantee" in every guaranteed student loan means that it is impossible for the banks to lose money: 98 to 100 percent of every loan is guaranteed by the government, along with a built-in profit of 3.1 percent above the prime lending rate, plus fees and bonuses. The subsidies paid out to guarantee agencies alone—including the interest on $1.8 billion in taxpayer funds they control, a bonus of 27 percent of every defaulted loan on which they collect and borrowers' fees that can climb as high as $80 for every $1,000 in loans—add up to an annual $638 million tax-free gift from the federal government. "This is not the free market," former Republican Sen. Dave Durenberger famously remarked of the guaranteed student loan, "it's a free lunch."

Students struggling to make ends meet on borrowed dollars will be interested to learn how the guarantee agencies divide their share of the student-loan pie. Assistant Inspector General Steven McNamara, a nonpartisan Education Department employee, has conducted audits of guarantee agencies under presidents Reagan, Bush and Clinton. "We looked at 12 guarantee agencies, which accounted for 68 percent of new-loan volume," McNamara says, citing the inspector general's recent report on the seamier side of the student-loan business. "Nine of the 12 were affiliated with organizations that they were required by law to monitor, and our conclusion was that these potential conflicts of interest placed about $11 billion in student-loan funds at risk."

State by state, the guarantee agencies' record of fraud, conflict of interest and other abuses demonstrates that they are as cavalier with taxpayer dollars year-round as they are with loan checks at the beginning of the semester:

In South Dakota, the directors of the Education Assistance Corp. used federal funds to purchase an office building from themselves for $150,000, while buying furs, artwork and cars for the enjoyment of the corporation staff. Board meetings and retreats were held in such educational locales as the Don CeSar resort, in Florida, and the Marriott Desert Springs resort, in California.

Indiana's USA Group built itself a palatial 30-acre headquarters, including a 450-seat employee cafeteria and a 150-seat theater—and paid its CEO, Roy Nicholson, $619,949 in 1993. Nicholson's salary is exceeded only by the amount USA plans to spend this year on lobbying Congress—$750,000, according to one published report.

In Massachusetts, officers of American Student Assistance set up a corporation that billed their own guarantee agency $540,000, a use of public-sector funds that—under current law—is legal.

The Texas Guaranteed Student Loan Corp. gave the Austin law firm of Ray, Wood & Fine a loan-collection contract worth $5 million. Subsequently, the firm contributed at least $10,000 to the reelection campaign of Lt. Gov. Bob Bullock, who sat on the Texas board. "Buck Wood happens to be a good friend of mine," Bullock told the *Houston Chronicle*. "I talk to him frequently about a lot of things." The inspector general's investigation found that Wood's law firm didn't bother to write the required semiannual collection letter to 104 out of 136 randomly selected students. Conflicts of interest at the Texas guaranteed-student-loan agency have reportedly cost taxpayers $178 million.

Pennsylvania's state guarantee agency has 2,000 employees—as many as are employed in the Department of Education's headquarters in Washington. Jobs at the agency are such political plums that President Jay Evans was offered a $1 million "platinum parachute" to retire so Gov. Robert Casey could put a top aide in the job. When Evans declined to retire, he was given a no-show job with the agency at a salary $20,000 higher than the governor's.

Inefficiency and outright fraud are so common under the guaranteed-student-loan system that even some Republicans have broken with their party's traditional support for corporate interests. According to Charles Kolb, assistant secretary for planning, budget and evaluation in the Bush Education Department, "Conservatives in Congress are being terribly misled" by loan-industry lobbyists anxious about preserving their profits. "I'm a conservative Republican," Kolb says, "and I'm a big believer in what Newt Gingrich has done. If what you're trying to do is reduce the role of the government, you ought to be in favor of eliminating the middlemen and all the red tape." Asked whether direct lending will replace private enterprise with hundreds of government bureaucrats, as some Republicans have charged, Kolb laughs. "If socialized profits are private enterprise, then, yeah, maybe, sure."

Rep. William Goodling of Pennsylvania, chairman of the Committee on Economic and Educational Opportunities, which will determine the fate of direct lending in the House, has his doubts. "We have no idea whether the Education Department can be the biggest bank in the country," he says, "and the biggest debt collector as well." Legislation that Goodling sponsored last term in the House would have limited direct lending to 40 percent of existing loans; he is now in favor of eliminating direct lending entirely, he says, because he believes it will save money, and because of the "arrogance" of the Education Department officials. "I'm not the person who drove us to this point," Goodling says, sounding—in this moment, at least—less like a believer in the merits of the old guaranteed student loan than like a man whose toes have been stepped on once too often. "It was their president who said to us, bluntly, 'You go jump in a lake. We're doing this in two years no matter what happens.'"

The fate of direct lending in Congress this fall may have more to do with partisan politics than with the merits of either the old guaranteed student loans or the new direct loans. What Bill Goodling objects to the most, it seems, is what he describes as a White House ploy to turn direct lending into "the cornerstone of this president's term in office." He points to the multimillion-dollar Education Department publicity campaign—including television commercials, print ads and millions of individual letters to borrowers—trumpeting the merits of what it calls "President Clinton's New Direct Student Loan Program." Are the Democrats playing politics with student loans, too? Secretary of Education Richard Riley defends the advertisements, noting that "if the program was a failure, it would surely be President Clinton's program."

With both Democrats and Republicans intent on turning direct loans into a political football, students may find themselves facedown in the dust. Which is a shame, because, as Richard Riley puts it, "borrowing is easier and faster, and students I talk to are almost elated about the difference. And it's clearly a savings for taxpayers." The banks and guarantee agencies that disagree with Riley are already having their say in Congress; students, so far, have been silent.

Mr. SIMON. Mr. President, it says:

> State by State, the guarantee agencies' record of fraud, conflict of interest and other abuses demonstrates that they are as cavalier with taxpayer dollars year-round as they are with loan checks at the beginning of the semester.

Another quotation:

> The fate of direct lending in Congress this fall may have more to do with partisan politics than with the merits of either the old guaranteed student loans or the new direct loans.

It should not be political. One of the things—and I am sure the Senator from Oklahoma, who is presiding, has heard me say this before—one of the things that is bad about Congress, worse than when I came to Congress 21 years ago, is the increasing partisanship on both sides. Both parties are to blame. But this is an issue that should not be partisan. It was originally conceived of by Congressman Tom Petri of Wisconsin, a Republican. I took the idea from him and introduced it in the U.S. Senate.

It is interesting, the "BOND Buyer," a publication also I do not read regularly, I have to say, Mr. President, talking about this new agreement of a 10-percent limit, says:

> This is an important step in the right direction for State guarantee agencies.

I want to take an important step for students, for colleges and universities.

It also points out that these agencies have tax-exempt bonds for those who are interested in the tax-exempt bond market. One of the pluses of direct loans is, frankly, they do not use tax-exempt bonds, so the Federal Treasury gets additional income, one of the things that is not calculated in this skewed calculation we make.

This is one program the President of the United States really understands. He came to my office when he was a candidate, and we talked about this. He gave a speech at Georgetown University about direct lending and how we have to simplify loans and reduce the paperwork and do a better job for the students of the United States. He spoke about it frequently on the campaign trail. He was down in Carbondale, IL, which is near my home, just a few weeks ago at Southern Illinois University and spoke about the program. He has spoken about it at Rutgers and elsewhere.

I hope when we get past the Presidential veto; that we sit down and ask ourselves, No. 1, what is best for the students; No. 2, what is best for the colleges and universities; and No. 3, what is best for the taxpayers. I think if we ask those three simple questions, then I hope we will come to the conclusion the best way is to give people the option: If you want to go with the old program, you can go with the old program. If you want to go with the new program, you can go with the new program. But to say to the schools in Oklahoma and Illinois, three-fourths of you who like the new Direct Loan Program, three-fourths of you are going to have to get rid of that program, I do not think we should do that. Talk about unfunded mandates. They not only reduce paperwork, they reduce the work of personnel in colleges and universities. That is what we ought to be about.

So, Mr. President, I hope we do the right thing after we get through this first phase of reconciliation that is going nowhere, and then sit down and work together and come up with what is sensible for the students, for the future of our country.

It is interesting that some years back, prior to your being here or my being here, Mr. President, right after World War II, there was a big debate among veterans organizations. The American Legion wanted to have an education program, and the other veterans groups wanted to have a cash bonus. Fortunately, the American Legion won out, and we had the GI bill, which has been a huge plus for the country. If we had had the cash bonus, it would have been frittered away, and we would have gotten nothing out of it.

We kind of face the same thing now. Do we cut back on assistance to students, or do we have this tax cut? The tax cut is $345 billion, and the cutback on students is only $10 billion. We can have both, but I do not think you build a better, finer America by cutting back on educational opportunities.

THE 30TH ANNIVERSARY OF THE HIGHER EDUCATION ACT—AN UNHAPPY BIRTHDAY

Mr. KENNEDY. Mr. President, 30 years ago today President Johnson signed into law the Higher Education Act of 1965. I served on the committee that approved the bill, and it passed the Senate by voice vote, without opposition.

When he signed the bill at Southwest Texas State College, in San Marcos, TX, President Johnson noted that: "The President's signature upon this legislation passed by Congress will swing open a new door for the young people of America. For them, and for this entire land of ours, it is the most important door that will ever open—the door to education."

Yet today, for the first time in 30 years, we are in danger of closing that door. The Republican budget proposes the largest education cuts in the Nation's history—$36 billion over the 7-year budget period. This is an extraordinarily severe cutback that will harm schools and colleges, parents and children across the country.

Under the Republican plan, student loans for college will be cut by $4.9 billion. The remainder of the cuts will come from Pell grants, College Work Study, Head Start, Title One, Goals 2000, and other initiatives that Congress has passed with strong bipartisan support.

This is no time to cut education. When we passed the Higher Education Act, the post-war baby-boom students were entering college in record numbers. In the years ahead, the sons and daughters of that generation will be applying to colleges in record numbers—yet Congress will be slamming the door on them.

The Republican budget means that 1,000,000 students will lose the chance for Pell grants, or see them reduced in value by 40 percent. It will dismantle the direct loan program that has brought lower costs and better service to students and colleges. It will slash aid to public schools across the country. Cutting education as we enter the information age is like cutting defense at the height of the cold war. It is wrong, and it makes no sense.

For 30 years, we have honored the principle that education is the key that unlocks the American dream. On this anniversary, I urge Congress to recommit itself to that fundamental principle. There is still time to do the right thing for education in the current budget battle.

THE 30TH ANNIVERSARY OF THE HIGHER EDUCATION ACT

Mr. SARBANES. Mr. President, today marks the 30th anniversary of the enactment of the Higher Education Act of 1965 and I am pleased to take this opportunity to comment on what is, in my view, a truly landmark piece of legislation in this country.

Every nation puts a premium on education in order to develop the skills and talents of its people in order to succeed in a modern, complex economic society. That is true whether the country is governed as a democracy or a dictatorship or somewhere in between—each is concerned with enhancing the skills of its people in the workplace. Improving the skills of the American worker and providing education opportunities for all are goals which epitomize the spirit of what it means to be an American. They are worthwhile, honorable goals that have always been a priority of this Senator.

The Higher Education Act, enacted in 1965 to provide disadvantaged students with greater educational opportunities, recognized the shared benefit of providing every American a chance to maximize his or her potential. As a result of the passage of this legislation, doors have been opened to millions of citizens who otherwise would not have had the access or the resources to obtain a higher education. Although the act has been amended over the years through the reauthorization process, the central purposes of the legislation has remained the same—to ensure access, choice and opportunity in higher education.

In light of the tremendous success of this legislation, I am disturbed by the draconian budget cuts being advanced by the current congressional leadership which would effectively undermine the directives of the Higher Education Act. It is particularly distressing when you realize that those who are now seeking to draw back from the American commitment to education through the cuts included in budget reconciliation are, at the same time, propounding the necessity for America to compete more successfully in the world's economy. In my view, they are asserting a basic contradiction. Our success as a competitor in the world's economy rests upon educating our future generations.

Republican budget proposals would dramatically decrease educational opportunity in order to finance tax cuts for the wealthy and to meet arbitrary deficit reduction targets. In my view, Republican budget proposals clearly renege on our historical commitment to improving access to higher education by placing an undue burden on students and their families over the next 7 years. It makes little sense to cut investments in programs which give people the skills to function in a modern, complex society. It makes even less sense to do so in a document which is repeatedly purported to be a budget for our Nation's future.

As you know, the Senate was successful in eliminating several of the more onerous provisions in the education portion of the budget reconciliation—including the .85 percent tax on colleges and universities on their Federal student loan volume, the 6-month post graduation interest-free grace period on student loans, and the interest increase on PLUS loans. However, I remain concerned about what will be contained in the final package.

I also regret that efforts to retain current law with respect to the Federal direct lending program were unsuccessful. The Republican budget plan severely curtails the Federal direct lending program by placing a 20 percent cap on loan volumes. The Department of Education estimates that by the close of the current academic year, direct lending will represent between 35-40 percent of this year's student loan volume. Should this provision become law, nearly half of the students involved in the direct loan program will have their financial aid disrupted, subjecting them to additional conversion fees and the tremendous anxiety involved in having your financial aid in question.

I have heard from students and educators from across Maryland who have expressed their deep concern about proposed modifications to the direct lending program. One of the first campuses to offer direct lending to its students is in my hometown of Salisbury. The president of Salisbury State University, as well as the chancellor of the University of Maryland System—which enrolls more than 130,000 students, strongly support the direct lending program as beneficial to both students and university administrators.

Mr. President, education in this country has always provided an essential ladder of opportunity for our people and the Higher Education Act has been and continues to be a critical rung in this ladder. In a nation which believes that a person's merit and talent should take them as far as they can go, we must continue to foster a path which allows them to maximize this potential. Many of us here today have benefited from this philosophy and have achieved certain levels of success as a direct result of the opportunities afforded by such principles. It is ironic, at best, that many of those who have utilized these opportunities to advance themselves are now trying to severely limit them for others through draconian budget measures.

As we commemorate the enactment of the Higher Education Act of 1965, it is important to understand that the value of programs authorized by this bill cannot be measured simply in terms of dollars spent. Without Federal support, millions of Americans would not have been able to attend college or receive the advanced training required to make them contributing, productive members of society. If this Nation is to continue to thrive in an ever-evolving global economy, we must not underestimate the value of the Federal Government's commitment to higher education. The celebration of the passage of this bill affords us the opportunity to reaffirm the Federal role in making certain that education remains a top national priority.

THE 30TH ANNIVERSARY OF THE HIGHER EDUCATION ACT

Mr. PELL. Mr. President, 30 years ago today, president Lyndon B. Johnson signed into law the Higher Education Act. We should not let this anniversary pass without recognizing the profound effect this act has had in opening the doors of higher education for millions of deserving Americans who otherwise would have found a college education beyond their financial reach.

I have said many times that education is a capital investment. No piece of Federal legislation is more compelling evidence of the benefit of that investment than is the Higher Education Act. Every study we know demonstrates that an individual's climb up the economic ladder is directly related to the amount of education he or she receives. Without question, the opportunities provided because of the higher Education Act and its reauthorizations over the past 30 years demonstrate not only the importance of this investment but also the gains we have made because of this act.

It is through the Higher Education Act that vital programs such as guaranteed student loans, aid to developing colleges, and educational opportunity grants have developed into the critical initiatives that they are today. It was within the context of this legislation that we developed the Pell grant program, which combined with the guaranteed loan program, has become far and away the largest source of aid for low- and middle-income students. Today, Federal student aid constitutes more than 75 percent of all aid available to students to pay for a college education.

Over the years, it is unquestionable that without Federal student aid, literally millions of American students would have been unable to attain a college degree and to pursue productive, meaningful careers that otherwise would have been beyond their reach.

I am honored to have been here when this act began, and to have strongly supported its establishment. Through my work on the Education Subcommittee, I am honored to have played a part in refining it over the years. And I am especially honored to be here today to acknowledge its very significant achievements.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned that the total Federal debt which is about $15 billion shy of $5 trillion—which will be exceeded this year. Of course, Congress is responsible for creating this monstrosity for which the coming generations will have to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I wanted to make a matter of daily record the precise size of the Federal debt which as of yesterday, Tuesday, November 7, stood at $4,985,913,011,032.65 or $18,926.61 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Monday, November 6, 1995—shows an increase of $1,175,550,073.33. That increase is equivalent to the amount of money needed by 174,311 students to pay their college tuitions for 4 years.

YITZHAK RABIN

Mr. FRIST. Mr. President, Israel and the world have lost one of the greatest leaders of our generation. As so many great men before him, Yitzhak Rabin lost his life at the hands of an assassin: an angry young man, a spoiler of peace, and a traitor to his people and all those who sought peace in that troubled region.

Yitzhak Rabin was first a military hero and, late in life, a soldier for the cause of peace. It is as this role as peacemaker that we Americans have come to know him best. He was the man who did what none would have thought possible by extending his hand to shake the hand of his long-time enemies, and to begin to deliver peace to his nation and to its neighbors.

It is the sad reality of a violent world that great men make many enemies and the peacemaker is the object of the hatred of those who do not believe in peace. However, this great leader has left a legacy for all to carry on and, someday, to reap the rewards. Yitzhak Rabin helped give his nation its first breath of life, and has led his nation toward a better future. He helped bring flowers to a desert usually covered in blood, and has given to future generations the gift of the prospect of peace in our time. Yitzhak Rabin will surely be missed by his countrymen and by Americans alike; his family, his country, and those who will carry on his legacy are in our thoughts and prayers.

TRIBUTE TO DOROTHY HUSTEAD

Mr. PRESSLER. Mr. President, today I pay tribute to Dorothy Hustead, the woman who helped put Wall Drug on maps all over the world. Dorothy, who recently passed away, was a charming and pleasant woman who inspired many people. Dorothy was a South Dakota legend in her own time. She took great pride in her work, her family, her community, and her faith. She was an example of the commonsense values that are typical of a true South Dakotan.

It was Dorothy Hustead who invented the famous "free ice water" slogan that helped transform a small, struggling drugstore in the geographical center of nowhere into one of South Dakota's top tourist attractions, drawing 15,000 to 20,000 people a day during the busy summer months. The Hustead Drugstore, better known simply as Wall Drug, officially opened on December 31, 1931. On a hot Sunday afternoon in July 1936, Dorothy came up with the idea to use highway signs to advertise free ice water—a scarce item in that decade. Today, 270 highway signs advertise the drugstore, including one strategically placed in my Senate office reception room. It reads, "1,523 miles to Wall Drug".

Even though the first 7 years of business were painfully hard, Dorothy was always optimistic. Success was inevitable with her enthusiasm and dedication. Mrs. Hustead once summed up her philosophy: "I believe any person with patience, faith, humility, and courage can—by hard work, enthusiasm, and by following a plan—succeed."

Born on August 29, 1904, Dorothy began her rich and fulfilling life in the town of Colman, SD. This small town upbringing and her strong family ties instilled in her a deep respect for traditional values. She graduated from Colman High School and attended the University of Nebraska at Lincoln, where she was a member of the Delta Delta Delta Sorority. It was there that she met her husband, Ted Hustead of Aurora, NE. Dorothy graduated from the University of Nebraska with a degree in English and taught English and drama at Cathedral High School in Sioux Falls, SD.

The young Husteads lived and worked in several South Dakota towns—Colman, Dell Rapids, Sioux Falls, Oldham, and Canova—before purchasing their small drugstore in Wall. Throughout the years, Dorothy worked steadfastly beside Ted as a full partner at Wall Drug, acting as one of the floor managers in charge of receipts. She was on the board of directors of Wall Drug Inc. until her recent death.

Dorothy was a member of the Society of Mayflower Descendants, the Wall Book Club—of which she was one of the founders—and St. Patrick's Catholic Church. She, along with Ted, received the first Ben Black Elk Award in 1979, for excellence in the travel industry. November 12, 1988, was proclaimed by South Dakota Gov. George Mickelson as "Dorothy and Ted Hustead Day".

Dorothy Hustead was a true friend to me and to thousands of other South Dakotans, as well as visitors to our State. I always will remember her fondly.

HENRI TERMEER WINS THE ADL TORCH OF LIBERTY AWARD

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to congratulate Henri Termeer on receiving the Torch of Liberty Award from the Anti-Defamation League of the New England Region.

As chairman, chief executive officer, and president of Genzyme Corp., the largest biotechnology company in Massachusetts and the fourth largest in the world, Henri Termeer is well known to many of us in Congress as a leader of the industry and as chairman of the Biotechnology Industry Organization. In the course of his distinguished career, he has received numerous awards and extensive national recognition for his accomplishments.

He also believes very deeply in the importance of public service, and his career is an excellent example to others in the business world. He serves as chairman of the Mount Auburn Corporate Fund for Free Care, which provides free hospital care to homeless citizens and others in need. He is also a director of the Massachusetts Cystic Fibrosis Foundation and a member of the Massachusetts Bay Endowment Committee of the United Way.

Henri also has a strong commitment to education at all levels. He has organized a variety of programs to enhance math and science education in public schools in the Boston area. In addition, Genzyme sponsors scholarships for local high school students to pursue college studies in biotechnology and medicine, and the company conducts an extensive summer internship program for local youths. Genzyme also provides grants to the Tactical Training Initiative Program, which retrains displaced workers for manufacturing positions in the biotechnology industry.

Henri's service as a trustee of the Boston Museum of Science and co-chairman of the museum's Biotechnology Committee has emphasized the preparation of minority youths for careers in biotechnology. Last year, he received an award from the Biomedical Science Careers Project for his leadership in supporting the education of minorities. The project is a cooperative effort of Harvard Medical School, the New England Board of Higher Education, and the Massachusetts Medical Society.

In presenting the Torch of Liberty Award, the Anti-Defamation League also praised Henri for his commitment to human rights. As the ADL statement says,

> Henri's leadership on issues of human rights and in the promotion of understanding between people of diverse religious, ethnic, and racial backgrounds makes him an example by which others can be measured. The Anti-Defamation League is proud to honor a man who has demonstrated a lifetime of commitment to the goals and ideals which so closely match the ADL's mission.

I commend Henri Termeer for this well-deserved award. Massachusetts is proud of his leadership, and all of us who know him are honored by his friendship.

THE ASSASSINATION OF PRIME MINISTER YITZHAK RABIN

Mr. FORD. Mr. President, just over 2 years ago, I watched as Chairman of the Palestinian Liberation Organization Yasir Arafat and Prime Minister Yitzhak Rabin shook hands across a centuries old divide. With that handshake, they shed the weight of the past so they might find strength to conceive a different future.

Even the desk where they signed the Declaration of Principles establishing Palestinian self-rule was symbolic of the long road they had taken. It was the same desk used in 1979 by Egyptian President Anwar Sadat and Israeli Premier Menachem Begin when they signed the Camp David Accord.

But Saturday's assassination showed us all too painfully that even such powerful symbols cannot prevent the evil that is borne of extremism. They certainly can never prepare us for the deep sense of loss that cuts across religious, political and national lines.

And too, Rabin's assassination is an unfortunate reminder that all too often, it is death and crisis, rather than life and peace, that binds us one to the other.

A writer for the Washington Post commented that Rabin's casket "looked too small somehow to contain the enormity of his passing," and a store owner in Jerusalem put up a closed sign with the message, "We are all orphans now."

They understood the enormity of Rabin's passing, yet it was the smallest voice—the voice of his grandaughter—that reminded all of us what the universal struggle for peace is all about. She understood that our fallen heros are the mothers and fathers, sons and daughters, brothers and sisters of a country. And for those they've left behind, there is no consolation.

When she spoke, the world understood that the stain of her grandfather's death would forever cast a shadow over the ultimate goal of peace—a chill felt by the millions of others who have lost someone in that quest.

It was upon his descent into the inferno that Dante said "I would not have thought, death had undone so many * * *." But he might just as well have been speaking about Israel as the country mourned the loss of a remarkable leader, a remarkable man.

Mr. President, let me close by joining the countless others who have expressed their sadness and regret at this senseless loss, and their renewed commitment to the peace process.

OSCAR DYSON, A FRIEND OF FISHERIES

Mr. MURKOWSKI. Mr. President, I rise today to note with great regret the passing of one of Alaska's most prominent citizens, Oscar Dyson, on Saturday, October 28.

Oscar Dyson was a true pioneer and an authentic Alaskan sourdough who epitomized the can-do spirit of the Last Frontier.

Born in Rhode Island, he first came to Alaska in 1940, after working his way across the country. When World War II began, he went to work building airstrips for the Army Corps of Engineers. When Japanese airplanes attacked Dutch Harbor and invaded the Aleutian Islands, Oscar Dyson was there.

After the war, Oscar truly came into his own. He started commercial fishing in 1946, beginning a career that would span generations and would make him one of the most well-known and admired figures in the U.S. fishing industry.

Over the years, Oscar pioneered fishery after fishery. Starting as a salmon and halibut fisherman after the war, he branched out into shrimp, king crab, and ultimately, into groundfish. In 1971, he made the first-ever delivery of Alaska pollock to a shore-based U.S. processor, starting an industry that now has an annual harvest of over three billion pounds—the largest single fishery in the United States and the fourth in value—which now represents a full 30 percent of the U.S. commercial harvest.

In the 1970's, while remaining an active fisherman, Oscar also diversified, joining with several other fishermen to purchase what became a highly successful and innovative seafood processing company.

Oscar thought of himself—first, last, and always—as a fisherman. But to those of us who knew him, he was far more. He knew that good citizens must be ready to give something back to this great Republic, and he was as good as his word. He served 13 years on Alaska's Board of Fisheries, and three terms on the Federal North Pacific Fishery Management Council. He also served his country as an advisor and representative in international fishery negotiations with Japan and Russia.

He didn't stop there. He was a founding member of the United Fishermen's Marketing Association and the Alaska Draggers Association. He gave his time to the Kodiak City Council, the Kodiak Community College, the Alaska Seafood Marketing Institute, and the Alaska Governor's Fishery Task Force, to name a few of many. And he worked tirelessly toward the goals of the Alaska Fisheries Development Foundation, and Kodiak's Fishery Industrial Technology Center. Always, he helped lead his fellow fishermen toward a stronger, sustainable future.

In 1985, Oscar was chosen by National Fisherman magazine to receive its prestigious Highliner of the Year awards. And this year, just days before the fatal accident that took his life, he was made the National Fisheries Institute's Person of the Year, the institute's highest honor.

In all his endeavors, Oscar was strengthened and encouraged by the loving support of his wife, Peggy, who is herself known far and wide for radio weather reports that have for years enhanced the safety of life at sea and provided the daily comfort of a familiar and friendly voice to mariners.

Finally let me note, and let us all remember, Oscar's strong belief in our Nation's youth. Both by example and by application, his kindness, humor, understanding, and sage advice guided generations of young people. He helped them learn the ropes, and they gained the confidence to go out into the world and—like Oscar himself—to make it better. There can be no greater memorial.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NOTICE OF THE CONTINUATION OF THE EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and of the means of delivering such weapons, I issued Executive Order No. 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the *Federal Register* and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am hereby advising the Congress that the national emergency declared on November 14, 1994, must continue in effect beyond November 14, 1995. Accordingly, I have extended the national emergency declared in Executive Order No. 12938 and have sent the attached notice of extension to the *Federal Register* for publication.

As I described in the report transmitting Executive Order No. 12938, the Executive order consolidated the functions of and revoked Executive Order No. 12735 of November 16, 1990, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930 of September 29, 1994, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery.

The following report is made pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), also known as the "Nonproliferation Report," and the annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102-182).

The three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

In the 12 months since I issued Executive Order No. 12938, 26 additional countries ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) for a total of 42 of the 159 signatories; the CWC must be ratified by 65 signatories to enter into force. I must report my disappointment that the United States is not yet among those who have ratified. The CWC is a critical element of U.S. nonproliferation policy and an urgent next step in our effort to end the development, production, stockpiling, transfer, and use of chemical weapons. As we have seen this year in Japan, chemical weapons can threaten our security and that of our allies, whether as an instrument of war or of terrorism. The CWC will make every American safer, and we need it now.

The international community is watching. It is vitally important that the United States continue to lead the fight against weapons of mass destruction by being among the first 65 countries to ratify the CWC. The Senate recognized the importance of this agreement by adopting a bipartisan amendment on September 5, 1995, expressing the sense of the Senate that the United States should promptly ratify the CWC. I urge the Senate to give its advice and consent as soon as possible.

In parallel with seeking Senate ratification of the CWC, the United States is working hard in the CWC Preparatory Commission (PrepCom) in The Hague to draft administrative and implementing procedures for the CWC and to create a strong organization for verifying compliance once the CWC enters into force.

The United States also is working vigorously to end the threat of biological weapons (BW). We are an active participant in the Convention on the Prohibition of the Development and Stockpiling of Bacteriological (Biological) and Toxic Weapons and Their Destruction (BWC) Ad Hoc Group, which was commissioned September 1994 by the BWC Special Conference to draft a legally binding instrument to strengthen the effectiveness and improve the implementation of the Convention. The Group convened its first meeting in January 1995 and agreed upon a program of work for this year. The first substantive meeting took place in July, making important progress in outlining the key issues. The next meeting is scheduled for November 27 to December 8, 1995. The U.S. objective is to have a draft protocol for consideration and adoption at the Fourth BWC Review Conference in December 1996.

The United States continues to be active in the work of the 29-member Australia Group (AG) CBW nonproliferation regime, and attended the October 16–19 AG consultations. The Group agreed to a United States proposal to ensure the AG export controls and information-sharing adequately address the threat of CBW terrorism, a threat that became all too apparent in the Tokyo subway nerve gas incident. This U.S. initiative was the AG's first policy-level action on CBW terrorism. Participants also agreed to several amendments to strengthen the AG's harmonized export controls on materials and equipment relevant to biological weapons, taking into account new developments since the last review of the biological weapons lists and, in particular, new insights into Iraq's BW activities.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC will be the only way to achieve a permanent global ban on CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support these goals.

Australia Group participants are taking steps to ensure that all relevant national measures promote the object and purposes of the BWC and CWC, and will be fully consistent with the CWC upon its entry into force. The AG considers that national export licensing policies on chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Moreover, inasmuch as these measures are focused solely on preventing activities banned under the CWC, they are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the CWC.

The AG agreed to continue its active program of briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further awareness and understanding of national policies in these areas.

The United States Government determined that two foreign companies—Mainway Limited and GE Plan—had engaged in chemical weapons proliferation activities that required the imposition of sanctions against them, effective May 18, 1995. Additional information on this determination is contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The United States carefully controlled exports which could contribute to unmanned delivery systems for weapons of mass destruction, exercising restraint in considering all such proposed transfers consistent with the Guidelines of the Missile Technology Control Regime (MTCR). The MTCR Partners continued to share information about proliferation problems with each other and with other possible supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems.

The United States worked unilaterally and in coordination with its MTCR partners in multilateral efforts to combat missile proliferation by nonmembers and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. Three new Partners were admitted to the MTCR with U.S. support: Russia, South Africa, and Brazil.

In May 1995, the United States participated in an MTCR team visit to Kiev to discuss missile nonproliferation and MTCR membership criteria. Under Secretary of State Davis met with Ukraine's Deputy Foreign Minister Hryshchenko in May, July, and October to discuss nonproliferation issues and MTCR membership. As a result of the July meeting, a United States delegation traveled to Kiev in October to conduct nonproliferation talks with representatives of Ukraine, brief them on the upcoming MTCR Plenary, and discuss U.S. criteria for MTCR membership. From August 29–September 1, the U.S. participated in an informal seminar with 18 other MTCR Partners in Montreux, Switzerland, to explore future approaches to strengthening missile nonproliferation.

The MTCR held its Tenth Plenary Meeting in Bonn October 10–12. The Partners reaffirmed their commitment to controlling exports to prevent proliferation of delivery systems for weapons of mass destruction. They also reiterated their readiness for international cooperation in peaceful space activities consistent with MTCR policies. The Bonn Plenary made minor amendments to the MTCR Equipment and Technology Annex in the light of technical developments. Partners also agreed to U.S. initiatives to deal more effectively with missile-related aspects of regional tensions, coordinate in impeding shipments of missile proliferation concern, and deal with the proliferation risks posed by transshipment. Finally, MTCR Partners will increase their efforts to develop a dialogue with countries outside the regime to encourage voluntary adherence to the MTCR Guidelines and heightened awareness of missile proliferation risks.

The United States has continued to pursue my Administration's nuclear nonproliferation goals with success. Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) agreed last May at the NPT Review and Extension Conference to extend the NPT indefinitely and without conditions. Since the conference, more nations have acceded to the Treaty. There now are 180 parties, making the NPT nearly universal.

The Nuclear Suppliers Group (NSG) continues its efforts to improve member states' export policies and controls. Nuclear Suppliers Group members have agreed to apply technology controls to all items on the nuclear trigger list and to adopt the principle that the intent of the NSG Guidelines should not be undermined by the export of parts of trigger list and dual-use items without appropriate controls. In 1995, the NSG agreed to over 30 changes to update and clarify the list of controlled items in the Nuclear-Related Dual-Use Annex. The NSG also pursued efforts to enhance information sharing among members by establishment of a permanent Joint Information Exchange group and by moving toward adoption of a United States Department of Energy-supplied computerized automated information exchange system, which is currently being tested by most of the members.

The increasing number of countries capable of exporting nuclear commodities and technology is a major challenge for the NSG. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to control nuclear exports in accordance with the NSG guidelines. Members continued contacts with Belarus, Brazil, China, Kazakhstan, Lithuania, the Republic of Korea (ROK), and Ukraine regarding NSG activities. Ambassador Patokallio of Finland, the current NSG Chair, led a five-member NSG outreach visit to Brazil in early November 1995 as part of this effort.

As a result of such contacts, the ROK has been accepted as a member of the NSG. Ukraine is expected to apply for membership in the near future. The United States maintains bilateral contacts with emerging suppliers, including the New Independent States of the former Soviet Union, to encourage early adherence to NSG Guidelines.

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No. 12938 during the period from May 14, 1995, through November 14, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 8, 1995*.

MESSAGES FROM THE HOUSE

At 10:29 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 436) to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. GILMAN, Mr. BURTON, Ms. ROS-LEHTINEN, Mr. KING, Mr. DIAZ-BALART, Mr. HAMILTON, Mr. GEJDENSON, Mr. TORRICELLI, and Mr. MENENDEZ as the managers of the conference on the part of the House.

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 2589. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes.

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the following bills and joint resolutions:

H.R. 207. An act to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes.

H.R. 238. An act to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses.

H.R. 1585. An act to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes.

H.R. 1838. An act to provide for an exchange of lands with the Water Conservancy District of Washington County, Utah.

H.R. 2437. An act to provide for the exchange of certain lands in Gilpin County, Colorado.

H.R. 1163. An act to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, New York.

H.R. 1581. A bill to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the City of Sumpter, Oregon.

H.J. Res. 69. Joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 110. Joint resolution providing for the appointment of Howard H. Baker, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 111. Joint resolution providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 112. Joint resolution providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

ENROLLED BILL SIGNED

The message also announced that the Speaker signed the following enrolled bill:

H.R. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 31. Concurrent resolution honoring the life and legacy of Yitzhak Rabin.

At 5:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent and referred as indicated.

H.R. 207. An act to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 238. An act to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses; to the Committee on Energy and Natural Resources.

H.R. 1163. An act to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, New York; to the Committee on Energy and Natural Resources.

H.R. 1581. A bill to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the City of Sumpter, Oregon.

H.R. 1585. An act to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1838. An act to provide for an exchange of lands with the Water Conservancy District of Washington County, Utah; to the Committee on Energy and Natural Resources.

H.R. 2437. An act to provide for the exchange of certain lands in Gilpin County, Colorado; to the Committee on Energy and Natural Resources.

H.J. Res. 69. Joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

H.J. Res. 110. Joint resolution providing for the appointment of Howard H. Baker, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

H.J. Res. 111. Joint resolution providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

H.J. Res. 112. Joint resolution providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

MEASURE COMMITTED

The following bill was committed as indicated:

H.R. 1833. An act to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on November 8, 1995 he had presented to the President of the United States, the following enrolled bill:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

James Charles Riley, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2000.

Elisabeth Griffith, of Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Foundation for the remainder of the term expiring September 27, 1996.

Theodore M. Hesburgh, of Indiana, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

Walter Anderson, of New York, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

C. Richard Allen, of Maryland, to be a Managing Director of the Corporation for National and Community Service.

Louise L. Stevenson, of Pennsylvania, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 1999.

Anne H. Lewis, of Maryland, to be an Assistant Secretary of Labor.

Susan Robinson King, of the District of Columbia, to be an Assistant Secretary of Labor.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. COCHRAN, from the Committee on Agriculture, Nutrition, Forestry:

Michael V. Dunn, of Iowa, to be an Assistant Secretary of Agriculture.

Michael V. Dunn, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

John David Carlin, of Kansas, to be an Assistant Secretary of Agriculture.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, Mr. THOMAS, Mr. SIMPSON, Mr. WARNER, and Mr. HATCH):

S. 1401. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that Act with respect to surface coal mining and reclamation operations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself, Mr. JOHNSTON, and Mr. KEMPTHORNE):

S. 1402. A bill to amend the Waste Isolation Pilot Plant Land Withdrawal Act and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 1403. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 1404. A bill to enhance restitution to victims of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST:

S. 1405. A bill to eliminate certain benefits for Members of Congress; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. THOMAS, Mr. SIMPSON, Mr. WARNER, and Mr. HATCH):

S. 1401. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that act with respect to surface coal mining and reclamation operations, and for other purposes; to the Committee on Energy and Natural Resources.

THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 AMENDMENTS ACT OF 1995

Mr. BENNETT. Mr. President, today I am introducing legislation in behalf of myself, Senators THOMAS, SIMPSON, WARNER, and HATCH to amend the Surface Mining Control and Reclamation Act of 1977. I encourage my colleagues to support this legislation.

The Surface Mining Control and Reclamation Act [SMCRA] was signed into law by President Carter in the aftermath of the energy crisis, when coal regulation was considered crucial to the success of his national energy program. In 1977, when this legislation was passed, there were more than 6,000 operating coal mines. Today, the number of operating mines has been reduced approximately to half of the 1977 level. The questions which were first raised back then regarding the States' abilities to effectively operate regulatory programs have been satisfactorily answered and now is the time that we should reexamine the role of OSM and the effectiveness of the current law.

When Congress passed SMCRA, it was agreed that the time had arrived for tougher environmental standards for surface mining operations. SMCRA established specific environmental guidelines for surface mines, including requirements for water and soil treatment and remediation as well as reclamation requirements for old and abandoned mines. It also established the Abandoned Mine Reclamation Fund and the Office of Surface Mining. Most importantly, it established a framework under which States and the Federal Government could work in unison to administer this new law.

SMCRA was hailed as a model of cooperative State and Federal efforts. Congress passed it with the understanding that after an initial phase-in period, the States would assume responsibility for administering the law. It was understood that once States established environmental standards which were equally as tough as Federal standards, States would assume primacy and could administer their own administrative and environmental programs subject to approval of those programs by the Office of Surface Mining.

Today 23 of the 26 coal producing States have assumed the role as the SMCRA regulating authority in these States. These primacy States have their mining programs periodically reviewed by OSM, which has occasionally exercised its Federal regulatory authority as necessary and expected under the SMCRA agreements.

Unfortunately, OSM has not relinquished full administrative oversight of SMCRA and still retains a great deal of regulatory authority that rightly belongs to the primacy States. The result has been the creation of a problematic, dual regulatory scheme in which OSM regularly issues notice of violations [NOV's] directly to coal mine operators in primacy States whenever OSM is dissatisfied with the way these States are administering their own programs. This daily intervention in State program matters impacts the coal operators most who are often caught in between Federal-State disputes.

For example, the State of Utah obtained primacy for the administration of SMCRA in 1983. We mine 24 million tons of coal annually from 13 active mines. These mines operate in compliance with the environmental requirements of the Utah regulatory program and the mined lands are being returned to productive nonmining uses. In short, the regulatory program is working and the intent and purpose of SMCRA is being fulfilled.

Since January 1993, OSM has taken five direct Federal enforcement actions against Utah. All five were based on disagreements between OSM and the State of Utah over interpretation of the program's language. Not one of the five violations concerned any environmental safety or environmental hazard. Three of the five enforcement actions were dismissed by the Department of Interior's own administrative law judges. The other two concerned a dispute between OSM and Utah concerning the jurisdictional reach of the regulatory program. Both these disputes concerned coal handling and processing equipment located at power plants. One has since been upheld and the other is pending an appeal. In each instance, OSM cited the operator for a practice or condition which had already specifically been approved by the Utah program. Again, none of the violations concerned adverse off-site environmental impacts.

Direct Federal enforcement has not helped protect the citizens of Utah or the environment. Instead it has diverted scarce resources away from other, more productive work conducted by OSM, Utah, and Utah coal operators. Longstanding disagreements between OSM and the primacy States have retarded the development of State regulatory programs, and continue to inhibit effective implementation. While significant improvements have been made by OSM in recent months, several structural problems continue to interfere with effective and efficient implementation of the coal regulatory program. Again, the most troublesome of these problems is the dual enforcement authority. Direct Federal enforcement in Utah has not only been ineffective and expensive, it has been counterproductive environmentally.

Clearly there is a need to amend SMCRA to return the balance of authority to the primacy States as originally intended by the law. This legislation would make several technical amendments designed to acknowledge the role of those States as the primary regulatory agency where there is an approved State program. These proposed revisions would eliminate the redundancy and confusion that occurs when duplicative State and Federal program provisions are applied directly to mining operations.

This legislation would also clarify that the authority to issue notices of violations [NOV's] in primacy States rests exclusively with the State regulatory authority, unless OSM first determines that the State regulatory authority has failed to properly administer the program, in which case direct Federal authority can be implemented. We have also deleted the redundant reference to the Federal program provisions to avoid any implication of Federal oversight authority to suspend permits in a State with an approved regulatory program. I believe this clarifies the intent of SMCRA as originally passed.

The legislation would clarify that an operator's responsibility is to conform his operations to the terms and conditions of the approved permit for the mine. It also clarifies the regulatory agency's authority to require revisions to a permit as necessary to ensure compliance with the program requirements. Since many decisions of the administrative law judges remain pending on appeal before the Interior Board of Land Appeals for several years before a decision is issued under the existing format, the legislation would eliminate the unnecessary requirement that, as established in OSM's rules, appeals of certain agency decisions proceed through two layers of administrative review prior to seeking judicial review. Finally, this legislation would place a 3-year time limitation upon commencement of actions for alleged violations. This would encourage the more prompt initiation of any administrative or other actions.

In conclusion, Mr. President, the coal regulatory program created by SMCRA has provided great benefit to the environment, the citizens of Utah, and the coal-mining community. The issues raised by this legislation are not the fault of coal regulation itself, but are the products of an unclear delineation of responsibilities and authorities between the Federal OSM and the primacy States. These amendments will reestablish the intent of SMCRA by reinforcing the role of the States in administering their own regulations. This legislation makes good sense and I encourage my colleagues to join me in cosponsoring this legislation.

By Mr. CRAIG (for himself, Mr. JOHNSTON, and Mr. KEMPTHORNE):

S. 1402. A bill to amend the Waste Isolation Pilot Plant Land Withdrawal Act and for other purposes; to the Committee on Energy and Natural Resources.

THE WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

Mr. CRAIG. Madam President, today Senators JOHNSTON, KEMPTHORNE, and I are introducing legislation to expedite the opening of the waste isolation pilot plant. This legislation removes unnecessary and delaying bureaucratic requirements, achieves a major environmental objective, saves the taxpayers money and, most significantly for the Nation and Idaho, begins the process of successfully cleaning up and decommissioning the nuclear weapons complexes and temporary storage facilities.

The waste isolation pilot plant is located in southeast New Mexico. It is truly a unique project. Its specific purpose is to provide for the safe disposal of transuranic radioactive and mixed waste resulting from defense activities and programs of the U.S. Government. The importance of WIPP, however, extends beyond its stated mission.

Idaho currently stores the largest amount of transuranic waste of any State in the Union, but Idaho is not alone as a waste storage State. Washington, Colorado, South Carolina, and New Mexico also have large amounts of transuranic waste in temporary storage. Until the WIPP opens, little can be done to clean up and close these temporary storage sites.

The agreement recently negotiated between the State of Idaho, the DOE, and the U.S. Navy, states that transuranic waste currently located in Idaho will begin to be shipped to WIPP by April 30, 1999. This legislation will assure this commitment is fulfilled.

We cannot solve the environmental problems at sites such as Idaho's National Engineering Laboratory, or

Rocky Flats Weapons Facility, or Savannah River, or others, without this facility in New Mexico. The reason is obvious, Madam President. Without a place to dispose of the waste, cleanup is impossible. Without cleanup, further decommissioning cannot occur.

The goal of this bill is simple: To deliver on Congress' longstanding commitment and open the WIPP facility by 1998.

This bill amends the Waste Isolation Pilot Plant Withdrawal Act of 1992 in several very important and significant ways.

It deletes obsolete language of the 1992 act. Of particular importance is the reference and requirements for test-phase activities. Since the enactment of the 1992 act, the Department of Energy has abandoned the test phase that called for underground testing in favor of aboveground laboratory test programs. Thus, the test phase no longer exists, as defined in the 1992 law, and needs to be removed so it does not complicate the ongoing WIPP process.

Most important, this bill will streamline the process, remove duplicative regulations, save taxpayers dollars—repeat, save taxpayers dollars, hundreds of millions of dollars—and have the following effects:

The existing law contains a 180-day waiting period between the time the Secretary of Energy makes a decision to operate the WIPP and the actual commencement of disposal operations. My bill eliminates this waiting period. The 180 days constitutes an unnecessary delay. Eliminating 180 days saves $140 million or more in operational expenses during the waiting period and will start the removal of this type of waste from the aboveground storage in Idaho and other affected States 6 months earlier than now scheduled.

The bill requires the Secretary of Energy to determine if engineered or natural barriers in the facility are necessary. This change is consistent with the concept of allowing actions at the WIPP to be based on the technical needs of the WIPP.

Section 7, "Compliance With Environmental Laws and Regulations," will streamline DOE's compliance with applicable environmental laws.

In other words, Madam President, we are not stepping aside from the current environmental commitment. We are assuring that all of it is met, but that it is met on time and under standard.

Section 8 repeals the retrievability requirement which was an outgrowth of below-ground testing. With the replacement of the test phase by laboratory testing, retrievability no longer is needed. All tests are now performed in the laboratory and no transuranic waste is used in testing at the WIPP.

The bill deletes the need for a decommissioning plan which is a duplicative and costly legislative mandate. This plan is covered by the disposal standards of the Land Withdrawal Act of 1992 and thus is not needed.

It deletes the requirement for a no-mitigation determination. In a letter to Senator KEMPTHORNE and me dated September 8, 1995, the Environmental Protection Agency started that a no-mitigation variance is duplicative because the WIPP is held by the other statutes to a higher standard. EPA states, "A demonstration of nonmitigation of hazardous constituents will not be necessary to adequately protect human health and the environment." Despite this view, EPA further states that unless the current law is amended, the WIPP will be forced to comply with the no-mitigation standards. This unnecessary duplication would be time consuming and costly.

It allows the Secretary of Energy to dispose of a small amount of non-defense transuranic waste in the WIPP. In my opinion, this is a cost effective and safe way to dispose of a relatively minor amount of waste.

But just as important, I would like to make clear what my bill does not do.

This bill does not remove EPA as the DOE regulator of the WIPP. DOE has stated numerous times that it does not want to self-regulate. The Department believes that having EPA as the regular will instill additional public confidence in the certification process and the facility itself, once it opens.

I am skeptical regarding EPA. EPA has a poor record of meeting deadlines. The WIPP, as a facility, is ready to operate now and is basically waiting on EPA's final approval. The schedule DOE has established to meet the opening dates is an aggressive but not entirely workable timetable. It is aggressive only if EPA can accomplish its tasks on time. Because of EPA's demonstrated inability to meet schedules and to avoid imposing unnecessary large financial burdens on the taxpayer, there is a strong sentiment in the Congress to remove EPA from the WIPP regulatory role. Based on assurances made to me by the EPA, my bill does not follow this course. However, if EPA again falters, I will have to reconsider this position in future legislation.

Idaho and the Nation need to have the WIPP opened sooner rather than later. Each day of delay is costly, and the potential dangers to the environment and human health resulting from the temporary storage of this waste continue.

It is time to act. We must, if we are to clean up sites such as Idaho's. We must act to dispose of this task permanently and safety for future generations. This bill clears the way for action.

I encourage my colleagues to become cosponsors of this legislation. We hope to move it expeditiously through the necessary committee and hearing process so that it can become law.

By Mr. INOUYE:

S. 1403. a bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

• Mr. INOUYE. Mr. President, on August 14, 1945, Japan signed a declaration of surrender, facilitating the end of World War II. This year we celebrated Victory Over Japan Day, to commemorate those who valiantly fought for humanity and those who were the victims of unspeakable acts of racism, hate, and violence during World War II. We must also remember those who were forced to endure Japanese occupation during World War II. For nearly 3 years, the people of Guam endured war-time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within 3 days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the U.S. Navy under the authority of a Presidential Executive order. It was also populated by then-American nationals. For the first time since the War of 1812, a foreign power invaded U.S. soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II.

The Guam War Restitution Act would establish a Guam Restitution Claims Fund, which would provide specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: First, $20,000 for the category of death; second, $7,000 for the category of personal injury; and third, $5,000 for the categories of forced labor, forced march, or internment.

This act would also establish a Guam Restitution Trust Fund to provide restitution to the heirs of those individuals who sustained injuries during the war but died after the war. Eligible heirs would receive restitution in the form of postsecondary scholarships, first-time home ownership loans, and grants for other suitable purposes. In addition, the trust fund could provide research and public educational activities to honor and memorialize the war-time events of Guam.

The U.S. Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious claims act on November 15, 1945 (Public Law 79-224). Unfortunately, the claims act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended to make Guam whole. The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a 1-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it become secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79-225 and 79-583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess Federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage below $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for their "inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks." Secretary Ickes termed the procedures as "shameful results."

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation program was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the U.S. Congress enacted the War Claims Act of 1948 (Public Law 80-896), which provided reparation relief to American prisoners of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this act because they were American nationals and not American citizens. In 1950, the U.S. Congress enacted the Guam Organic Act (81-630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide for claimants who were nationals at the time of the war and who became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided over $390 million in reparations to the Philippines, and over $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan. In addition, the United States provided over $2 billion in postwar aid to Japan from 1946-51. Further, the United States Government liquidated over $84 million in Japanese assets in the United States during the war for the express purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 2041, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. H.R. 2041, however, includes a provision assessing a 0.5 percent fee on the sale of United States military equipment to Japan. My bill does not include the fee provision because, in my view, it would cause U.S. manufacturers to be less competitive with other foreign manufacturers. Imposing such a fee could lead to the loss of American jobs, which is of concern in light of the decline in defense spending.

The issue of reparations for Guam is not a new one for the people of Guam and for the U.S. Congress. It has been consistently raised by the Guamanian Government through local enactments of legislative bills and resolutions, and discussed with congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this act would recognize our Government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guam War Restitution Act".

SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 36. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

"(a) DEFINITIONS.—For purposes of this section:

"(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

"(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

"(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

"(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

"(A) Death.

"(B) Personal injury (as defined by the Commission).

"(C) Forced labor, forced march, or internment.

"(5) GUAMANIAN.—The term 'Guamanian' means any person who—

"(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944; and

"(B) was a United States citizen or national during such portion.

"(6) PROOF.—The term 'proof', relative to compensable injury, means any one of the following, if determined by the Commission to be valid:

"(A) An affidavit by a witness to such compensable injury.

"(B) A statement, attesting to compensable injury, which is—

"(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

"(ii) made before a committee of the Guam legislature;

"(iii) made in support of a claim filed with the Guam War Reparations Commission;

"(iv) filed with a private Guam war claims advocate; or

"(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

"(7) TRUST FUND.—The term 'Trust Fund' means the Guam Trust Fund established by subsection (e).

"(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION—

"(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

"(A) the name and age of the claimant;

"(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;

"(C) the approximate date or dates on which the compensable injury occurred;

"(D) a brief description of the compensable injury which is the basis for the claim;

"(E) the circumstances leading up to the compensable injury; and

"(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

"(2) GENERAL DUTIES OF COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

"(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

"(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

"(c) ELIGIBILITY.—

"(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

"(A) The claimant is—

"(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or

"(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

"(B) The claimant meets the requirements of paragraph (3).

"(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

"(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

"(B) The claimant meets the requirements of paragraph (3).

"(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

"(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

"(B) The claimant furnishes proof of the compensable injury.

"(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after the date of the appointment of the ninth member of the Commission.

"(4) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS—

"(A) AWARDS.—

"(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

"(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

"(B) BENEFITS.—

"(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

"(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

"(d) PAYMENTS.—

"(1) CERTIFICATION.—The Commission shall certify for payment all awards and benefits that the Commission determines are payable under this section.

"(2) AWARDS.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

"(A) $20,000 if the claim is based on death.

"(B) $7,000 if the claim is based on personal injury.

"(C) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

"(3) BENEFITS.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

"(A) $7,000 if the claim is based on personal injury.

"(B) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

"(4) REDUCTION OF AMOUNT TO COORDINATE WITH PREVIOUS CLAIMS.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

"(5) FORM OF PAYMENT.—

"(A) AWARDS.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

"(B) BENEFITS.—In the case of a claim for a benefit—

"(i) IN GENERAL.—Payment under this subsection shall consist of—

"(I) provision of a scholarship;

"(II) payment of medical expenses; or

"(III) a grant for first-time home ownership.

"(ii) METHOD OF PAYMENT.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in clause (i).

"(C) DEVELOPMENT OF PROCEDURES.—The Commission shall develop and implement procedures to carry out this paragraph.

"(6) PAYMENTS ON CLAIMS WITH RESPECT TO SAME DECEDENT.—

"(A) AWARDS.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

"(B) INDIVIDUALS PROVING CONSANGUINITY WITH CLAIMANTS FOR BENEFITS.—Each individual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

"(7) ORDER OF PAYMENTS.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

"(8) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

"(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

"(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

"(9) TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Awards and benefits paid to eligible claimants—

"(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

"(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

"(e) GUAM TRUST FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

"(2) INVESTMENTS.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

"(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

"(4) DISPOSITION OF FUNDS UPON TERMINATION.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust

Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

"(A) the funds are invested as described in paragraph (2);

"(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

"(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

"(f) GUAM TRUST FUND COMMISSION.—

"(1) ESTABLISHMENT.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

"(2) USE OF TRUST FUND.—The Commission may make disbursements from the Trust Fund only for the following uses:

"(A) To make payments, under subsection (d), of awards and benefits.

"(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

"(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

"(3) MEMBERSHIP.—

"(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

"(B) TERMS.—

"(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a length determined pursuant to subparagraph (F).

"(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

"(C) PROHIBITION OF COMPENSATION OTHER THAN EXPENSES.—Members of the Commission shall serve without pay, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

"(D) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

"(E) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

"(F) SUBSEQUENT APPOINTMENTS.—

"(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

"(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

"(4) STAFF AND SERVICES.—

"(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

"(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

"(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-15 of the General Schedule under section 5332(a) of such title.

"(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

"(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

"(6) TERMINATION.—The Commission shall terminate on the earlier of—

"(A) the end of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

"(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

"(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

"(h) REPORTS.—

"(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

"(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

"(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

"(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

"(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

"(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

"(B) the status of the Trust Fund and the amount of any existing balance thereof.

"(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

"(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

"(B) the final status of the Trust Fund and the amount of any existing balance thereof.

"(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

"(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.".●

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 1404. A bill to enhance restitution to victims of crime, and for other purposes; to the Committee on the Judiciary.

THE VICTIM RESTITUTION ENHANCEMENT ACT OF 1995

• Mr. GRASSLEY. Mr. President, I introduce the Victim Restitution Enhancement Act of 1995, an important piece of legislation—called for in the Contract With America—which will help victims of crime. I have long thought that swift and decisive congressional action is needed in order to change some of the basic injustice associated with our criminal justice system. I believe that the way to do this is to change the focus of our energy and time to assisting and protecting victims of crime. And some of the bills that have been introduced by Senator NICKELS and Senator HATCH do an admirable job of changing the focus.

Mr. President, this morning the Judiciary Committee, under the able leadership of Senator HATCH, conducted a very thorough hearing on mandatory victim restitution. At that hearing, we heard testimony from a number of excellent witnesses, and one theme was particularly evident: We in Congress need to make sure that victims can actually receive the restitution they are due.

First and foremost, I am a practical man—somebody who looks at the way good ideas and good legislation actually functions in reality. My concern with victim restitution is making sure that crime victims actually receive the restitution they are entitled to.

That is why I am introducing the Victim Restitution Enhancement Act to make sure that crime victims receive full restitution from criminals.

In drafting this bill, I consulted with former U.S. attorneys and others who have actually participated in the current system for victim restitution. And I have incorporated practical, real world suggestions from these seasoned professionals.

Let me briefly summarize the key provisions of my bill:

First, my bill forces criminals to submit sworn affidavits listing their assets after being convicted. If criminals try to hide their assets, or lie about them, they can be prosecuted for perjury, since their asset listing is under oath.

Second, my bill requires that criminals pay off their restitution debts immediately, or at least within 5 years; currently, some criminals have been able to stretch payments over an extended period of time, making victims wait longer for their due.

Third, my bill provides that bankruptcy proceedings will not discharge a criminal's duty to pay restitution.

Fourth, my bill establishes an automatic lien on all of a criminal's assets immediately upon conviction for an offense which gives rise to restitution liability.

Fifth, importantly, my bill provides that prisoners who file prisoner lawsuits must notify their victims in writing of the lawsuit and turn any monetary award over to the victims if the prisoner has not fully satisfied his duty to pay restitution. I think this will help deter many prisoner lawsuits, because criminals will realize that even if they hit the jackpot they can't keep the money.

That is what the bill does. It makes sure that good pieces of legislation, like the draft bill circulated by Senator HATCH, will really work in the real world.

Mr. President, ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victim Restitution Enhancement Act of 1995".

SEC. 2. RESTITUTION.

Section 3663 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) by striking paragraphs (1) through (3);

(B) by inserting the following new paragraph:

"(1)(A) The order of restitution shall require the defendant to—

"(i) submit a sworn statement listing all assets owned or controlled by the defendant; and

"(ii) make payment immediately, unless, in the interest of justice, the court provides for payment on a date certain or in installments.

"(B) If the court provides for payment in installments, the installments shall be in equal monthly payments over a payment period prescribed by the court unless the court establishes another schedule.

"(C) If the order of restitution permits other than immediate payment, the payment period shall not exceed 5 years, excluding any term of imprisonment served by the defendant for the offense.";

(C) by redesignating paragraph (4) as paragraph (2); and

(D) by amending paragraph (2), as so redesignated, by striking "under this section," and all that follows through the end of the paragraph and inserting "under this section.";

(2) in subsection (h)—

(A) by striking "(h) An order" and inserting "(h)(1) Subject to paragraph (2), an order";

(B) by redesignating paragraphs (1)(A), (1)(B), and (2) as subparagraphs (A)(i), (A)(ii), and (B), respectively; and

(C) by adding at the end the following new paragraph:

"(2) Notwithstanding any other law that applies a shorter time limitation, a victim may bring an action to enforce an order of restitution on or until the date that is 20 years after the date of the order."; and

(3) by adding at the end the following new subsections:

"(j) No discharge of debt pursuant to a bankruptcy proceeding shall render an order of restitution under this section unenforceable or discharge liability to pay restitution.

"(k)(1) An order of restitution imposed pursuant to this section or by any State court is a lien in favor of the designated agent for a victim of crime entitled to restitution by reason of any Federal or State law, or if such victim cannot be identified, in favor the United States or any State agency charged with providing restitution to victims of crime, upon all property belonging to the person against whom restitution is ordered. The lien arises at the time of the entry of the order and continues until the liability is satisfied, remitted, or set aside. The court ordering restitution shall notify all potential claimants entitled to restitution. On application of the person against whom restitution is ordered, the Attorney General or any other person or entity holding a lien pursuant to this section, shall—

"(A) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(B) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this subsection, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the restitution ordered.

"(2) The provisions of sections 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1986 and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to an order of restitution and to the lien imposed by paragraph (1) as if the liability of the person against whom restitution is ordered were for an internal revenue tax assessment where the Attorney General is the lienholder, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this paragraph references in the preceding sections of the Internal Revenue Code of 1986 to 'the Secretary' shall be construed to mean 'the Attorney General' and references in those sections to 'tax' shall be construed to mean 'order of restitution'.

"(3) A notice of the lien imposed by paragraph (1) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with section 1962 of title 28, United States Code, of the judgment under which an order of restitution is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1986.

"(4) Notwithstanding any other provision of this subsection, an order of restitution may be enforced by execution against the property of the person against whom it is ordered in like manner as judgments in civil cases.

"(5) No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable.

"(6)(A) If a person against whom restitution is ordered and whose assets are subject to a lien under this subsection files any civil action seeking money damages, including an action filed during a period of incarceration, such person shall serve notice, at the expense of that person, of the filing of the action upon each person entitled to receive restitution, or the designated agent of such person, and the Attorney General.

"(B) Failure to timely provide actual notice shall be grounds for dismissal of the underlying civil action.

"(C) A person entitled to receive restitution under this section, the Office of Victims of Crime of the Department of Justice, or any agency or instrumentality of any State charged with providing restitution to victims of crime, may intervene in the civil action described in subparagraph (A) if the court determines that such intervention would be in the interests of justice.".

SEC. 3. COSTS RECOVERABLE.

Section 1918(b) of title 28, United States Code, is amended by inserting before the period the following: ", including any amount advanced to purchase contraband in a sting operation during the investigation resulting in the conviction".•

By Mr. FRIST:

S. 1405. A bill to eliminate certain benefits for Members of Congress; to the Committee on Governmental Affairs.

THE CITIZEN CONGRESS ACT OF 1995

• Mr. FRIST. Mr. President, I rise today to introduce the Citizen Congress Act of 1995, a bill that ends many of the perks and privileges that separate Members of Congress from the American people.

The Founding Fathers envisioned a Congress of citizen legislators who would leave their families and communities for a short time to write legislation and then return home to live under the laws they helped to pass. Unfortunately, we have strayed far from that vision. Enacting term limits would be the best way to recreate a citizen legislature, and I remain committed to passing a term-limits amendment to the Constitution. In the meantime, reforming congressional pensions, pay, and perks offers an immediately achievable step toward making Congress more directly responsible and accountable to the American people.

A strong perception exists among the American people that elected officials in Washington have placed themselves above the laws and have separated themselves from the public with perks and privileges. With enactment of the Congressional Accountability Act and lobbying and gift reform earlier this year, we have begun to address this problem in a bipartisan way. However, we still have a long way to go. To restore confidence in Congress and our democratic form of Government, we must restore confidence in the lawmakers who serve there.

The Citizen Congress Act begins reform of our Government with the Members of Congress themselves. That is why, today, on the 1-year anniversary of last year's elections, I am introducing this important legislation.

I thank the Chair and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizen Congress Act".

SEC. 2. LIMITATION ON RETIREMENT COVERAGE FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective at the beginning of the Congress next beginning after the date of the enactment of this Act, a Member of Congress shall be ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System, except as otherwise provided under this section.

(b) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Notwithstanding subsection (a), a Member may participate in the Thrift Savings Plan subject to section 8351 of title 5, United States Code, at anytime during the 12-year period beginning on the date the Member begins his or her first term.

(c) REFUNDS OF CONTRIBUTIONS.—(1) Nothing in subsection (a) shall prevent refunds from being made, in accordance with otherwise applicable provisions of law (including those relating to the Thrift Savings Plan), on account of an individual's becoming ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be) as a result of the enactment of this section.

(2) For purposes of any refund referred to in paragraph (1), a Member who so becomes ineligible to participate in either of the retirement systems referred to in paragraph (1) shall be treated in the same way as if separated from service.

(d) ANNUITIES NOT AFFECTED TO THE EXTENT BASED ON PRIOR SERVICE.—Subsection (a) shall not be considered to affect—

(1) any annuity (or other benefit) entitlement to which is based on a separation from service occurring before the date of the enactment of this Act (including any survivor annuity based on the death of the individual who so separated); or

(2) any other annuity (or benefit), to the extent provided under subsection (e).

(e) PRESERVATIONS OF RIGHTS BASED ON PRIOR SERVICE.—(1) For purposes of determining eligibility for, or the amount of, any annuity (or other benefit) referred to in subsection (d)(2) based on service as a Member of Congress—

(A) all service as a Member of Congress shall be disregarded except for any such service performed before the date of the enactment of this Act; and

(B) all pay for service performed as a Member of Congress shall be disregarded other than pay for service which may be taken into account under subparagraph (A).

(2) To the extent practicable, eligibility for, and the amount of, any annuity (or other benefit) to which an individual is entitled based on a separation of a Member of Congress occurring after such Member becomes ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be) by reason of subsection (a) shall be determined in a manner that preserves any rights to which the Member would have been entitled, as of the date of the enactment of this Act, had separation occurred on such date.

(f) REGULATIONS.—Any regulations necessary to carry out this section may be prescribed by the Office of Personnel Management and the Executive Director (referred to in section 8401(13) of title 5, United States Code) with respect to matters within their respective areas of responsibility.

(g) DEFINITION.—As used in this section, the terms "Member of Congress" and "Member" mean any individual under section 8331(2) or 8401(20) of title 5, United States Code.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply with respect to any savings plan or other matter outside of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

SEC. 3. DISCLOSURE OF ESTIMATES OF FEDERAL RETIREMENT BENEFITS OF MEMBERS OF CONGRESS.

(a) IN GENERAL.—Section 105(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a; Public Law 88–454; 78 Stat. 550) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary of the Senate and the Clerk of the House of Representatives shall include in each report submitted under paragraph (1), with respect to Members of Congress, as applicable—

"(A) the total amount of individual contributions made by each Member to the Civil Service Retirement and Disability Fund and the Thrift Savings Fund under chapters 83 and 84 of title 5, United States Code, for all Federal service performed by the Member as a Member of Congress and as a Federal employee;

"(B) an estimate of the annuity each Member would be entitled to receive under chapters 83 and 84 of such title based on the earliest possible date to receive annuity payments by reason of retirement (other than disability retirement) which begins after the date of expiration of the term of office such Member is serving; and

"(C) any other information necessary to enable the public to accurately compute the Federal retirement benefits of each Member based on various assumptions of years of service and age of separation from service by reason of retirement.".

(b) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 4. ELIMINATION OF AUTOMATIC ANNUITY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

The portion of the annuity of a Member of Congress which is based solely on service as a Member of Congress shall not be subject to a COLA adjustment under section 8340 or 8462 of title 5, United States Code.

SEC. 5. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) PAY ADJUSTMENTS.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) CONFORMING AMENDMENT.—Section 601(a)(1) of such Act is amended—

(1) by striking "(a)(1)" and inserting "(a)";

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ", as adjusted by paragraph (2) of this subsection".

SEC. 6. ROLLCALL VOTE FOR ANY CONGRESSIONAL PAY RAISE.

It shall not be in order in the Senate or the House of Representatives to dispose of any amendment, bill, resolution, motion, or other matter relating to the pay of Members of Congress unless the matter is decided by a rollcall vote.

SEC. 7. TRAVEL AWARDS FROM OFFICIAL TRAVEL OF A MEMBER, OFFICER, OR EMPLOYEE OF THE HOUSE OF REPRESENTATIVES TO BE USED ONLY WITH RESPECT TO OFFICIAL TRAVEL.

(a) IN GENERAL.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the House of Representatives may be used only with respect to official travel.

(b) REGULATIONS.—The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flier mileage, free travel, discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means, with respect to the House of Representatives, travel performed for the conduct of official business of the House of Representatives.

SEC. 8. BAN ON MASS MAILINGS.

(a) IN GENERAL.—(1) Paragraph (6)(A) of section 3210(a) of title 39, United States Code, is amended to read as follows:

"(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail.".

(2) The second sentence of section 3210(c) of title 39, United States Code, is amended by striking "subsection (a) (4) and (5)" and inserting "subsection (a) (4), (5), and (6)".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 3210 of title 39, United States Code, is amended—

(A) in subsection (a)(3)—

(i) in subparagraph (G) by striking ", including general mass mailings,"; and

(ii) in subparagraphs (I) and (J) by striking "or other general mass mailing";

(B) in subsection (a)(6) by repealing subparagraphs (B), (C), and (F), and the second sentence of subparagraph (D);

(C) by repealing paragraph (7) of subsection (a); and

(D) by repealing subsection (f).

(2) Section 316(a) of the Legislative Branch Appropriations Act, 1990 (39 U.S.C. 3210 note) is repealed.

(3) Subsection (f) of section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(f)) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the Congress next beginning after the date of the enactment of this Act.

SEC. 9. RESTRICTIONS ON USE OF MILITARY AIR COMMAND BY MEMBERS OF CONGRESS.

(a) RESTRICTIONS.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following:

"§2643. Restrictions on provision of air transportation to Members of Congress

"(a) RESTRICTIONS.—A Member of Congress may not receive transportation in an aircraft of the Military Air Command unless—

"(1) the transportation is provided on a space-available basis as part of the scheduled operations of the military aircraft unrelated to the provision of transportation to Members of Congress;

"(2) the use of the military aircraft is necessary because the destination of the Member of Congress, or an airfield located within reasonable distance of the destination, is not accessible by regularly scheduled flights of commercial aircraft; or

"(3) the use of the military aircraft is the least expensive method for the Member of Congress to reach the destination by aircraft, as demonstrated by information released before the trip by the member or committee of Congress sponsoring the trip.

"(b) DESTINATION.—In connection with transportation provided under subsection (a)(1), the destination of the military aircraft may not be selected to accommodate the travel plans of the Member of Congress requesting such transportation.

"(c) AIRCRAFT DEFINED.—For purposes of this section, the term 'aircraft' includes both fixed-wing airplanes and helicopters.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2643. Restrictions on provision of air transportation to Members of Congress.".

(b) EFFECT ON MEMBERS CURRENTLY RECEIVING TRANSPORTATION.—Section 2643 of title 10, United States Code, as added by subsection (a), shall not apply with respect to a Member of Congress who, as of the date of the enactment of this Act, is receiving air transportation or is scheduled to receive transportation in an aircraft of the Military Air Command until the Member completes the travel plans for which the transportation is being provided or scheduled.

SEC. 10. PROHIBITION ON USE OF MILITARY MEDICAL TREATMENT FACILITIES BY MEMBERS OF CONGRESS.

(a) PROHIBITION.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

"§1107. Prohibition on provision of medical and dental care to Members of Congress

"A Member of Congress may not receive medical or dental care in any facility of any uniformed service unless—

"(1) the Member of Congress is eligible or entitled to such care as a member or former member of a uniformed service or as a covered beneficiary; or

"(2) such care is provided on an emergency basis unrelated to the person's status as a Member of Congress.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1107. Prohibition on provision of medical and dental care to Members of Congress.".

(b) EFFECT ON MEMBERS CURRENTLY RECEIVING CARE.—Section 1107 of title 10, United States Code, as added by subsection (a), shall not apply with respect to a Member of Congress who is receiving medical or dental care in a facility of the uniformed services on the date of the enactment of this Act until the Member is discharged from that facility.

SEC. 11. ELIMINATION OF CERTAIN RESERVED PARKING AREAS AT WASHINGTON NATIONAL AIRPORT AND WASHINGTON DULLES INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Effective 30 days after the date of the enactment of this section, the Airports Authority—

(1) shall not provide any reserved parking areas free of charge to Members of Congress, other Government officials, or diplomats at Washington National Airport or Washington Dulles International Airport; and

(2) shall establish a parking policy for such airports that provides equal access to the public, and does not provide preferential parking privileges to Members of Congress, other Government officials, or diplomats.

(b) DEFINITIONS.—As used in this section, the terms "Airports Authority", "Washington National Airport", and "Washington Dulles International Airport" have the same meanings as in section 6004 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2453).●

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 1035

At the request of Mr. DASCHLE, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1072

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1072, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1200, a bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1249

At the request of Mr. FRIST, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1249, a bill to amend the Internal Revenue Code of 1986 to establish medical savings account, and for other purposes.

S. 1279

At the request of Mr. DOLE, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1279, a bill to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes.

S. 1316

At the request of Mr. KEMPTHORNE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1316, a bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the

"Safe Drinking Water Act"), and for other purposes.

S. 1396

At the request of Mr. PRESSLER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1396, a bill to amend title 49, United States Code, to provide for the regulation of surface transportation.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. LOTT, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution to authorize the Newington-Cropsey Foundation to erect on the Capitol Grounds and present to Congress and the people of the United States a monument dedicated to the Bill of Rights.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 8, 1995, at 10 a.m., to hold a hearing on mandatory victim restitution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, November 8, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate Committee on Small Business hold a joint hearing with the House Committee on Small Business regarding "Railroad Consolidation: Small Business Concerns" on Wednesday, November 8, 1995, at 2 p.m., in room 2123 of the Rayburn House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, November 8, 1995, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, November 8, 1995, at 4 p.m., to hold a closed briefing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Wednesday, November 8, and Thursday, November 9, 1995, to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, be permitted to meet during a session of the Senate on Wednesday, November 8, 1995, at 9 a.m., to hold a hearing on oversight of the courthouse construction program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PENSION REVERSION PROVISIONS IN BUDGET RECONCILIATION LEGISLATION

• Mrs. KASSEBAUM. Mr. President, the budget reconciliation legislation passed by the House of Representatives includes a measure that would generate approximately $10 billion in tax revenue by doing away with penalties Congress imposed in 1990 on pension fund withdrawals. The House proposal allows companies to withdraw so-called excess funds from pension plans for any purpose, without informing plan participants or beneficiaries.

As my colleagues know, the Senate on October 27 voted overwhelmingly to remove a similar provision from the Senate reconciliation legislation. While the Senate reversion provision was more narrowly tailored in many respects than its companion in the House bill, 94 members of this body voted to remove it.

The reason that members of this body rejected that proposal so resoundingly, I believe, is because even the more modest provisions contained in the Senate bill would have represented a significant shift in pension policy. Moreover, the Senate Committee on Labor and Human Resources Committee has not considered fully the ramifications of such a change.

And those ramifications are, potentially, tremendous. There are approximately 22,000 pension plans covering 11 million workers and 2 million retirees that have assets in excess of 125 percent of current liability, and the Joint Committee on Taxation estimates that the pension reversion provisions contained in both the House and Senate bills could result in the removal of tens of billions of dollars in surplus assets from these plans.

The last time Congress did address the reversion issue, we acted decisively to enact strong measures to protect workers' pensions. In response to a wave of corporate takeovers and pension raids in the 1980s, Congress in 1990 imposed a 50 percent excise tax on pension fund reversions, except in limited circumstances. The idea was to make it costly for companies to take assets from their pension plans. And, in fact, the raids on assets ceased almost entirely. Before this change, however, about $20 billion was siphoned from pension funds in just a few years, many pension plans were terminated, and thousands of workers saw their pensions replaced by risky annuities that in many cases provided lower benefits.

Let me be clear. There may be valid reasons to reconsider this policy. I believe strongly, however, that any changes in this area, and of this magnitude, should be made based on sound pension policy and not to satisfy budgetary demands. Therefore, I do not believe that changes to the current pension reversion policy should be included in budget reconciliation and I strongly urge the Senate conferees to insist on the Senate position.

Having said that, Mr. President, I realize the difficult task ahead for all budget conferees. While the Finance Committee budget conferees have a strong vote to bolster the Senate position, I realize that the House will be equally insistent.

If pension reversion provisions are to be included in the final reconciliation package, they should be carefully and conservatively constructed to ensure—above all—that each pension plan retains a cushion sufficient to weather changes in the current business climate, and ultimately to meet its obligations to participants and retirees. In this regard, I would like to associate myself with the very excellent and thoughtful remarks made on October 26 by Representative HARRIS W. FAWELL. Representative FAWELL is one of the most knowledgeable Members of the House on issues regarding employee benefits, and he has been an outspoken leader on the issue of pension reversions.

Because the threshold beyond which assets may be withdrawn under the House proposal can be less than the threshold of assets required in the event of an actual plan termination, the House proposal effectively would allow even companies in bankruptcy to terminate a plan or remove funds from a plan with no guarantee that the remaining assets would be sufficient to pay for all plan benefits. This clearly is unacceptable.

To ensure that pension assets are as safe as possible, it is essential that the formula for allowing employers to remove funds from pension trusts be based on the most conservative of actuarial principles. Therefore, I believe companies should be required to use a minimum asset cushion based on the greater of 125 percent of termination liability based on PBGC assumptions, rather than current liability, or accrued liability, whichever is greater.

To further ensure that pensions are secure, companies must be required to use conservative actuarial assumptions for interest, mortality, and expected retirement based on the guidelines issued by the Pension Benefit Guaranty Corporation [PBGC]. I realize some would prefer to leave this calculation to the discretion of a company's actuary. However, I do not believe it is prudent to allow absolute discretion without more fully considering the possible risks that may result from allowing the use of differing assumptions.

For example, the PBGC estimates that a plan whose current liability is 125 percent funded may in fact be less than 100 percent funded for purposes of its liability at plan termination. While the PBGC calculations may not be perfect, the risk to participants and taxpayers from an underfunded plan dictates that companies taking reversions rely on these assumptions.

In addition, there should be real limits both on the use of excess pension funds, and on the types of situations in which companies are allowed to take reversions. For example, a company generally should not be allowed to withdraw funds for new plant and equipment while it leaves another pension plan underfunded or fails to meet its obligations toward a defined contribution plan. Nor should a company in bankruptcy be allowed to take a reversion without further protections.

Finally, as the Senate provision originally provided, plan participants and beneficiaries must be given notice of pension withdrawals in advance, and must be afforded all the protections normally provided under title I of the Employee Retirement Income Security Act [ERISA].

Mr. President, let me emphasize again that I strongly prefer that no changes be made in this area—at least until such changes can be properly considered by the Labor Committee. But if, and when, such changes are to be made, they must be crafted carefully and conservatively to protect participants, retirees, and taxpayers; they must include protections normally provided to participants and retirees under title I of ERISA; and, most importantly, they must be premised on principles of sound, long-term pension policy instead of temporary revenue generation.

Because of the extreme complexity of this issue, it is difficult to believe that all aspects have been appropriately considered. To cite just a few examples, there may need to be special consideration given to employee contribution plans, and to plans covering a very small number of participants. Neither the House nor the Senate proposals take these situations into consideration.

In closing, therefore, I would like my colleagues to know that the Labor and Human Resources Committee may very well consider the issue of pension reversions early next year. Should a pension reversion proposal emerge from the House-Senate reconciliation conference that varies markedly from the goals I have outlined here, there is a much greater likelihood that the Labor and Human Resources Committee will revisit this issue.

Thank you, Mr. President. I yield the floor. •

CHEMICAL WEAPONS CONVENTION

• Mr. LAUTENBERG. Mr. President, a constituent of mine who teaches at Rutgers University in New Jersey, Adjunct Professor Leonard A. Cole, recently joined in organizing an appeal calling on the Senate to ratify the Chemical Weapons Convention. I believe the Senate should debate this convention without delay and ask that the text of a letter from Mr. Cole, along with a news article on the appeal he helped to organize be printed in the CONGRESSIONAL RECORD.

The material follows:

RUTGERS UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
Newark, NJ.

DEAR SENATOR: Having organized the effort to produce the enclosed statement in The New York Times, I wanted to bring the matter to your attention. The statement urges support for the Chemical Weapons Convention, a treaty to ban chemical weapons from the face of the earth. It was paid for and signed by 64 leaders from every sector with a close interest in chemical weapons issues—from the scientific, intelligence, military, diplomatic, arms control, and business communities. The list includes eight Nobel laureates.

The terms of the treaty were negotiated with scrupulous care by nations around the world, and received input from every affected U.S. interest group. It enjoys broad support. Before the U.S. signed in 1993, 75 senators went on record in favor of the treaty. Nevertheless, as you may know, the chairman of the Foreign Relations Committee, Jesse Helms, has expressed reluctance to allow a vote on ratification.

Current U.S. inaction on the treaty sends a very dangerous message to the rest of the world. By our failing to ratify, other countries can only believe the U.S. does not think banning these weapons important. U.S. leadership is crucial to maintaining a moral atmosphere that does not allow for these weapons. Without the treaty, more and more countries are likely to arm themselves with these low-cost, low-tech weapons of terror and mass destruction.

In the interest of this nation, indeed of all humanity, we hope you will join in a vigorous effort to press for ratification of the Chemical Weapons Convention. If you would like to talk further about this, please do not hesitate to contact me. Thank you.

Sincerely,

LEONARD A. COLE,
Adjunct Professor.

[From Chemical & Engineering News, Oct. 23, 1995]

SCIENTISTS, OTHERS URGE SENATE TO RATIFY CHEMICAL ARMS TREATY

Sixty-four prominent scientists, military and government officials, academicians, and business figures have endorsed an appeal in the form of an ad, for the U.S. Senate to ratify the Chemical Weapons Convention. The treaty bans the production, use, storage, and distribution of chemical weapons. The U.S. is among 159 countries that have signed the treaty. Forty nations—but not the U.S. or Russia—have ratified it. "Many countries are waiting for the U.S. to act," says Leonard A. Cole; an adjunct professor at Rutgers University. Cole and prominent Harvard University biochemist Matthews S. Meselson, who are among those signing the appeal, spearheaded the ad effort. The treaty has the support of the Clinton Administration, the Pentagon, intelligence community spokesmen such as former CIA Director William E. Colby, arms control experts, and the Chemical Manufacturers Association (CMA). It also has the bipartisan support of a large number of senators. Among the ad's signers are Nobel Laureate chemists David Baltimore, Ronald Hoffmann, and Glenn T. Seaborg. Will D. Carpenter, who represented CMA during treaty negotiations, has also signed the appeal. Sen. Jesse Helms (R-N.C.), chairman of the Foreign Relations Committee, is holding the treaty hostage.•

KENO GAME USHERS IN NEW ERA OF GAMBLING IN NEW YORK

• Mr. LUGAR. Mr. President, I ask that the attached article be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 7, 1995]

KENO GAME USHERS IN NEW ERA OF GAMBLING IN NEW YORK

(By Ian Fisher)

Bill Fox played the numbers in his birthday, his wife's birthday, the birthday of a grandson, and then for good measure, plucked a few random digits from his head.

"Ahhh, it's a shot," he said after betting—and losing—$5 a short time after New York State's new Quick Draw keno game went on line yesterday morning.

The little colored balls that bopped around the video screen at the Blarney Stone on Ninth Avenue, and at hundreds of other businesses across the state, bounced New York into a new era of gambling, the most significant expansion in the state lottery's 28-year history. Starting at 10 A.M. yesterday, the state began holding lottery drawings every 5 minutes for 13 hours a day in bars, restaurants, bowling alleys, Offtrack Betting parlors—even a hardware store or two—2,250 by the end of the month, lottery officials project.

Gov. Mario M. Cuomo, who pushed for the keno game to help close several budget gaps, used to liken it to bingo. Pataki administration officials say it is simply another lottery game, no different from Pick 10. Critics, though, say that the game's pace makes it more akin to casino-style gambling—and more prone to pocket-draining abuse.

But Mr. Fox and other newly minted keno players were not interested in moralizing. Although the game seemed to get off to a slow start in the morning, as several bars in Manhattan complained that the equipment did not work or was still not installed, those who played early said they liked Quick Draw precisely because of the promise of a quick reward.

"You don't have to wait," said Mr. Fox, a 46-year-old plumber who played a few games at his lunch break. "It's right there in front of you: you are a winner or a loser."

A small taste of the critics' fears played out at Handyman Hardware and Paint in the Oakwood Shopping Center on Staten Island, where three tables and a dozen chairs became a makeshift keno parlor.

"I came here a half an hour ago to buy milk and diapers," said Katherine Petersen, 37, a marine-insurance broker. "I'm still here. It's addicting."

"I play the daily number, but you have to wait until 7:30 to know," she said. "This is quicker—five minutes—it's like being in Atlantic City."

"I won a dollar," she said. "I bet $7. I have no more money for the diapers and the milk. But I had fun."

New York is the eighth state to offer keno, a game that Republicans and Democrats alike had opposed in Albany for years.

But it was approved this year with apparent reluctance in the face of a nearly $5 billion deficit, as lawmakers scrambled to find money to prevent increases in college tuition or cuts in welfare and Medicaid. The game is expected to bring in $180 million in its first full year of operation.

"There was a line we were drawing in the sand, and we had to be more open, I should say, to new additional revenue sources," said Patricia Lynch, a spokeswoman for Assembly Speaker Sheldon Silver, a Manhattan Democrat who had been a staunch opponent of keno. "That's the bottom line."

Lawmakers, especially Democrats, were also courted aggressively by half a dozen lobbyists hired by the Gtech Corporation of West Greenwich, R.I., which runs the game on behalf of the lottery. The company will be paid 1.525 percent of the sales.

Except for the pace and setting, Quick Draw is played like any other keno-style lottery game. A player picks 1 to 10 numbers from a field of 80, filling out a card that is fed into a lottery machine by the bartender or other employee. The player bets $1, $2, $3, $4, $5, or $10 each game and may play a maximum of 20 games or $100 on each card. But players can effectively bet whatever they like by simply filling out more than one card.

Every five minutes, a central computer at the lottery's headquarters spits out 20 random numbers, which zip through phone lines and are displayed simultaneously on terminals around the state. Players win according to how many numbers they match and how much they bet: the highest prize for a $1 bet is $100,000, if the player bets on 10 numbers and matches all of them. If the player matches five numbers on that bet, he would be paid $2.

Like any other lottery game, players can redeem prizes of up to $600 on site. For larger prizes, they must file a claims form and receive their winnings from the lottery department.

The businesses that install keno games receive 6 percent of the total sales, with no extra commission for any winning tickets they sell. That percentage is less than what many establishments earn for food and drinks, but many bars and restaurants agreed to the game in the hope of attracting customers both to gamble and, they hope, to spend more on food and drink as well.

But many bars have turned down Quick Draw, both because of worries it may not pay off financially and because they feel it essentially turns their establishments into betting parlors.

"I think it demeans my restaurant and bar," said Don Berger, owner of the Riverrun in TriBeCa. "It smacks of Atlantic City, honky-tonk and we don't do that. I am not interested in that one bit."

In Massachusetts, which has run a keno game for a year and a half, a debate has ignited over placing keno terminals in convenience stores—which critics say brings gambling into places where children can watch. In New York, the law was written to exclude most convenience stores by requiring outlets to have a minimum of 2,500 square feet. But the game is being installed in some liquor stores, supermarkets, pharmacies and other outlets that do meet the space requirements.

It is too early to know whether any strong opposition to Quick Draw will emerge, but if the experience of other states is any guide, the game will probably be popular among those who play.

"People are going to gamble anyway, if not in New York, then in New Jersey," said Geno Gulli, a retired barber, as he placed a losing $2 bet in Keenan's bar on 231st Street and Broadway. The profits to the state, he said, were "good for the state for a good cause."

As he spoke, Bert Patel, a candy store owner, basked in the glow of a $10 win. "I just got my beer money back," he said.

SALE OF POWER MARKETING ADMINISTRATIONS

• Mr. DORGAN. Mr. President, recently during the debate on the fiscal year 1997 energy and water appropriations conference report, attention was called to some of the fine print within that report regarding the sale of power marketing administrations.

It was agreed in the conference report to retain the prohibitions against the six Federal public power authorities from conducting studies related to pricing hydroelectric power and against the executive branch to study or take other actions to transfer federal power marketing authorities out of Federal ownership.

I am very pleased that the Senate prevailed in its position and overturned efforts within the House of Representatives to forward a bad idea that would have had consequences at a bad time for rural America.

There simply is no reason for Congress to have to repeatedly say "No" to the sale of our Nation's power marketing administrations. Such sales would be both poor public policy and shortsighted fiscal policy.

Yet I am not convinced that the perpetrators of this bad idea have gotten the message.

Within the report is the following statement:

> The conferees agree that the statutory limitations do not prohibit the Legislative Branch from initiating or conducting studies or collecting information regarding the sale or transfer of the power marketing administrations to non-Federal ownership.

This statement is factually correct. The prohibitions in law that were retained by the conference report were that neither the power marketing administrations nor the executive branch could use Federal funds to study this bad idea.

This language however does not mean that such studies by the legislative branch would be a good idea. This language should not be interpreted as an invitation for the legislative branch to once again spend money pursuing a bad idea.

Those who would pervert this language as some form of authorization for a study by the legislative branch simply haven't understood the message.

The message is simple—if we prohibit one branch of Government from foolishly spending money pursuing a bad idea, it would be just as foolish for another branch to use tax dollars for similar studies.

We do not need any more studies to confirm that this is a bad idea, with bad consequences, at a bad time for rural Americans. It is time to understand the will of Congress and move on and leave this bad idea in the trash can where it belongs.•

TRIBUTE TO JIM HAUTMAN

• Mr. GRAMS. Mr. President, I want to take this opportunity to congratulate a fellow Minnesotan, Jim Hautman of Plymouth, MN, on submitting the winning entry for the 1994–95 Federal Duck Stamp Design Competition.

What is particularly impressive about the selection of Mr. Hautman's entry as the winner of this year's Federal duck stamp competition is that this is the second time he has won the contest, having also produced the winning entry in 1989. In fact, the Hautman family has a history of submitting winning entries into the competition. Brother Joe Hautman's entry won the competition in 1991, while brother Bob Hautman won a second place award in 1994.

Each year, the U.S. Fish and Wildlife Service sponsors the duck stamp design competition to determine the final design of the following year's stamp. The artwork is judged by a panel of art, waterfowl, and stamp experts who must select the winning design from up to 1,000 entries.

The contest is the only annual art competition sponsored by the Federal Government, with the winning entry released for sale to sportsmen and women and stamp collectors each June 30. The revenues generated by the sales of each year's winning entry are used by the Federal Government to buy or lease habitat lands for migratory waterfowl species.

Since the Federal Duck Stamp Design Program was first initiated in 1934, Minnesota has produced nine winners of the annual competition, more than any other State. As this year's winner, Mr. Hautman not only continues this impressive tradition of competition winners from Minnesota, but also a tradition of producing winning entries within his own immediate family. For the RECORD I am pleased to submit yesterday's Washington Post article on the Hautman family's legendary success in the duck stamp contest.

Mr. President, as a Senator representing a State which has a proud history of maintaining and providing waterfowl and wildlife habitat, I want to again congratulate Mr. Hautman on winning this prestigious contest for the second time and also recognize and laud the achievements of the Federal Duck Stamp Program in providing habitat for migratory waterfowl species.

The article follows:

[From the Washington Post, Nov. 7, 1995]

QUACKERJACK ARTISTS; FOR THE STAMP CONTEST, THE HAUTMAN BROTHERS HAVE THEIR DUCKS IN A ROW

(By William Souder)

PLYMOUTH, MINN.—The ducks have pretty much taken over Bob Hautman's house. There are loaded decoy bags in the middle of the living room floor, and loose decoys—fat bluebills and graceful canvasbacks—are scattered about seemingly everywhere. Stuffed ducks, locked in perpetual flight, rest on shelves that are a few weeks between dustings. Out on the driveway a dun-painted duck boat sits on a trailer hooked up to Hautman's car, which is pointed toward the street for an easy pre-dawn exit.

"Fixing these guys up," Hautman says, turning over a freshly spray-painted bluebill decoy. He is tall and thin, dressed in jeans and a zippered camouflage sweat shirt. The decoy he is holding is a gamy smudge of black and light gray. "I was out hunting today, and I thought they looked pretty beat up. I am going out again in the morning."

For Hautman, 36, it is another autumn, another duck season, another chance at waterfowling immortality. He interrupts his hunting this week to come to Washington for the annual federal duck stamp competition—far and away the most prestigious honor in wildlife painting and surely one of the richest art prizes in the world. Hautman is one of 453 wildlife artists from around the country who submitted entries in September, and while many of the others will be too nervous to attend the judging today and tomorrow [see related article, Page E6], Hautman will be right there in the audience waiting to see if his 7-by-10-inch painting will become next year's stamp.

And why not? After all, he finished second in last year's contest and came in fourth the three years prior to that. Plus, he is a Hautman—a member of America's ruling duck stamp dynasty—and he is due.

The current $15 duck stamp—the one riding around on the backs of more than 1 million hunting licenses—was engraved from a painting of a pair of mallards submitted last year by Hautman's younger brother Jim. That made two wins for Jim, who at the age of 25 had become the youngest winner ever with a painting of black-bellied whistling ducks that appeared on the 1990 stamp. Jim got married earlier this year and moved out of the house on the hill in Plymouth, but he still has studio space there in a cluttered bedroom down the hall from Bob's. Because artists cannot enter the contest for 3 years after a win, Bob will not be competing against Jim this week.

But then there is Joe, another Hautman brother, who is back in the hunt this year after winning in 1992 with a spectacled eider. Joe, 39, lives in Jackson, N.J., and has a PhD in physics. He gave up science after doing postdoctoral research at the University of Pennsylvania so he could become a full-time wildlife artist, too. Jim and Joe are the only brothers ever to win the federal competition. Joe's submission this year is a Barrow's goldeneye, one of the four ducks the U.S. Fish and Wildlife Service has solicited for the 1996 stamp. Bob, the shyest of the three brothers and the one most anxious about the competition, would not say which bird he painted for the contest.

If Joe were to win again, Bob would at least get a chance every other wildlife artist in the country covets, the chance to compete next year without going up against a Hautman.

"We do get calls every year from artists wanting to know if the Hautmans are going to be in the contest," says Terry Bell, special events coordinator for the Federal Duck Stamp Program. "They are all a little intimidated."

THE DUCK MARKET

Duck stamp painting is a high-stakes subspecies of wildlife art—itself a genre held in low regard by the fine-art world but adored by millions of sportsmen and collectors. The stamp paintings are intensely realistic—anatomical correctness is required of every entry—but the rewards of winning a stamp competition are decidedly unreal. Officially, the Federal Duck Stamp Program offers the winner only a sheet of stamps and a handshake from the secretary of the interior. But there is a thriving private-sector market for limited-edition prints of the winning painting.

That market peaked in the mid-1980s, when winners of the federal competition could count on making a minimum of $1 million in fees and royalties from their prints, not to mention the overnight increase in the value of their other works. For a variety of reasons—including large print runs that glutted the market, careless investments by speculators, and a continuing decline in the number of duck hunters—the payoff for winning the federal contest is not what it used to be, though it remains enormous. This year's winner can expect to earn somewhere between $500,000 and $1 million.

"When you win, the phone does not stop ringing for days," says David Maass, another Minnesota artist who's won the federal competition.

"This is the Olympics of wildlife art," says Robert Lesino, chief of the Federal Duck Stamp Program. "No other event in the life of an artist can launch a career like this can. When you win the federal duck stamp, everything changes."

SHOOTING AND SKETCHING

"I never really thought the boys showed that much artistic talent," says Elaine Hautman of her sons. "They always had their crayons, and they could always draw nicely. I guess other people thought that was unusual, but to us it was just sort of normal."

Hautman, who worked in the 1940s as a commercial artist in Minneapolis and who remains a sharp-eyed critic of her sons' work, says they got their love of the outdoors from her late husband, Tom, who took them hunting and taught them how to look at game in its natural environment. "I think by the time they could talk they could already tell one bird from another," she says.

Joe Hautman says that he, Jim and Bob have never thought of themselves as being unique.

"It seems sort of natural to us," he says. "There are seven kids in the family, so it is not like we are all into this. The three of us have always done art, and I do not think we tend to see ourselves in the same way others see us. I guess it is like the way people in the same family sometimes do not think they look like each other when in fact they do.

"The three of us just got back from a long hunting trip in Minnesota and Manitoba, and in two weeks we did not talk about art at all."

It is one thing to be a genetically predisposed wildlife artist. It is another thing altogether to set out purposefully to win duck stamp competitions. Besides the federal stamps they've illustrated, the brothers Hautman have collectively won 15 State duck or pheasant stamp competitions, and Jim has won the Australian national contest. No wonder other artists are spooked. The Hautmans are not prolific—none of them produces more than a dozen paintings a year, and they publish only a fraction of their output for collectors—but when a bird flies off one of their easels there's a very good chance it will land on a hunting stamp.

Everyone into duck art recognizes that the Hautmans share an uncommon natural talent, just as they recognize the brothers' distinctive style—the strong lighting, the stark contrasts so well suited to the engraving process, the meticulous anatomical perfection. But what seems to have really separated them from other artists is their singlemindedness.

"More than any other wildlife artists I know, they are students of duck stamp design," says Frank J. Sisser, editor and publisher of U.S. Art magazine in Minneapolis and one of the five judges for the 1992 competition. "They study what's been successful. And they make no bones about painting primarily for stamp competitions. They are not as distracted by other projects as many artists are.

"But they are also brothers and best friends who serve as each other's harshest critics. If they can survive having their paintings inspected by one another, they are going to have a very good chance at winning."

The Hautmans have traveled to Kodiak Island to observe and shoot species found only near the Bering Sea. They have hunted snow geese and the ubiquitous mallard in the marshes of Manitoba, Canada. They always hunt in Minnesota, and Bob says he wouldn't mind getting down to Texas sometime to look for the little-seen mottled duck, a brown-on-brown bird similar in appearance to a hen mallard and one of the four North American ducks that has never been on the Federal stamp.

When the brothers failed to bag a rare spectacled eider in Alaska a few years ago, Joe's research for his winning painting took him to the Philadelphia Zoo, which had a live hen, and to a natural history museum up in Ottawa, which had a collection of dead eiders that had been shot by Eskimos early in this century.

"I thought they would be mounted," says Joe, "but they were just in drawers, kind of laid out flat. The museum let me examine them, and I made a lot of photographs and sketches."

Whenever they can, the Hautmans shoot their own specimens and have them mounted, to study and work from over time. "You can bend them into whatever pose you want if you work on them when they are still wet from the taxidermist," says Jim.

Of course, they do not always have to go so far to find them, either. Minnesota lies between two major migratory routes—the Mississippi Flyway on the east side of the State and the Central Flyway on the west. Every fall a great southward movement of birds that breed all the way up to the Arctic Circle sweeps down across Minnesota—thousands of geese and ducks and swans in an immense, colorful profusion. Minnesota is duck country, and, in a way, the capital of American duck culture. Nine Minnesotans, more than from any other State, have won the Federal duck stamp competition, and several of them—including Jim Hautman, David Maass and the legendary Les Kouba—have won twice.

The process is meticulous. Bob Hautman says finding the right image involves many false starts and dead ends as he makes preliminary sketches.

"I am trying to find an effect that will make the painting alive as opposed to lifelike," he says. "A photograph looks realistic, but frozen. But with a painting, when you look at it you should see something that looks living.

"Surprisingly, the background is often the hardest part. Sometimes it takes weeks. Sometimes it takes months."

Robert Lesino thinks the Hautmans' methodical approach is not typical of many wildlife artists.

"A lot of the guys who enter the stamp competition wait until the last minute and then hurry the painting to get it in on time," Lesino says. "The Hautmans start a year ahead of time. They just put in more effort than other people do."

"I start thinking about the next painting right after the contest," says Jim. "I am a slow painter. It takes me a long time."

THE PARADOX

The results of those long labors are breathtakingly beautiful to duck aficionados and more or less a complete mystery to everyone else. Despite the insistent realism, duck art is variable in its effect. Some stamp images die in front of your eyes—they're accurate but cataleptic. Others are quite arresting. Dan Smith, another Minnesota painter, won the Federal contest in 1988 with a moody, suggestive image of a lone snow goose winging along a foggy lake shore at dawn. The painting was a marvel of depth and technical wizardry. Smith said at the time that painting a snow goose—which is basically a white oval with wings—was "like trying to paint an egg."

To non-hunters, duck art is contradictory all the way around—an art with no aesthetic. Why shoot a duck so you can paint it to raise money for habitat for more ducks to shoot? The answer, for painters from John James Audubon to the Hautman brothers, is ineffable, but the fundamental assumption—that hunting is heartless and hunters are unfeeling—is problematic. The truth is that hunters are hopeless sentimentalists, filled with nostalgic longing for days spent in frigid sloughs under steely skies. They are touched to the core by images of birds on the wing in blustery weather.

"Some people just cannot relate to duck hunting or to duck hunters," says Bob Hautman. "I understand that. Sometimes when you are out there in a boat in a swamp wringing a duck's neck, I guess you might think to yourself that it is kind of a tough sport. But it is where I start. Wildlife artists are generally hunters first."

Randy Eggenberger, president of Wild Wings, a leading wildlife art publisher based in Lake City, Minn., which has handled the Hautmans' work for 10 years, thinks wildlife art is simply democratic art.

"These are paintings that appeal to the masses," he says. "And that is what I think art should be about—creating something that Joe Blow can hang on his wall and enjoy."

Jim Hautman says whatever it is about duck painting that people like cannot really be analyzed.

"I guess hunting is a paradox to many people," he says. "And what I do is hard to explain. All I can say is that if I did not love ducks, I wouldn't hunt them."

DUCK TALE: BIRTH OF A STAMP

The Federal Duck Stamp Program was created by Congress in 1934 to raise revenue to purchase and manage waterfowl habitat within the National Wildlife Refuge System. The first stamps, which cost $1, were painted by artists commissioned by the U.S. Fish and Wildlife Service. Since 1949 the image engraved on the stamp, which now costs $15, has been chosen in an annual open competition. It is the only art competition officially sponsored by the Federal Government, and one of the longest-running and most successful conservation programs in the country. Ninety-eight percent of the revenue from duck stamp sales goes directly to purchase wetlands. Since its inception, the program has generated half a billion dollars in revenue and added more than 4 million acres of wetlands to the refuge system.

Federal duck stamps are required on all duck hunting licenses in the United States, and hunters will purchase about 90 percent of roughly 1.5 million stamps that will be sold this year. The remainder are bought by conservationists and stamp collectors.

This year's competition opened yesterday, in the auditorium at the Department of the Interior building at 18th and C streets NW, when all 453 entries went on display. Judging begins today, from 10:30 a.m. to 4:30 p.m., with an initial in-or-out elimination round that will winnow the entries down to 50 or so paintings. Tomorrow, judges will score the paintings, with announcement of a winner expected around noon. All sessions are free and open to the public.

The identity of the five judges, who are picked from all over the country each year, is kept secret before the competition. However, program chief Robert Lesino confirms that one judge this year will be Jane Alexander, chairman of the National Endowment for the Arts.

The Fish and Wildlife Service limits the competition in alternating years to those ducks that have never appeared on the Federal stamp—the so-called "ugly ducks." This is an ugly duck year, with the black scoter, surf scoter, Barrow's goldeneye and mottled duck to choose from.

TRIBUTE TO OUR NATION'S VETERANS

• Mr. LEVIN. Mr. President, this Saturday, November 11, 1995, is Veterans Day. This is the day when citizens across the country honor the men and women who have served in our Nation's armed services. I would like to take this time to acknowledge the contributions of all those who have served the United States as members of the armed services. In particular, I would like to highlight the achievements of the many women who have served our Nation in the military.

This year is especially significant because it marks the 50th anniversary of the end of World War II. It was during World War II that our Nation's women showed the country what they have to offer to the military. While women had always actively supported our Nation's military, World War II saw an increased number of women volunteers breaking new ground in the uniformed services. Women served in all four branches of the military and the Coast Guard, filling such varied roles as assembly line workers, pilots, and nurses. During World War II, more than 100 women from my State of Michigan volunteered for military service. I thank these women for their response to the call of duty and their sacrifices on behalf of their country.

Over the past 50 years, women have continued to prove that they can contribute to our Nation's military. In order to honor the women who serve and have served in the armed services, Women in Military Service for America broke ground on the construction of a memorial this past June. It is the hope of Women in Military Service in America to place into this memorial a comprehensive list of all the women who have served our country.

This Veterans Day, when we reflect on the many who have volunteered to protect our freedoms, I hope that there will be renewed pride in the contributions women have made. The women who served before them and beside them, those who have paved the way for the achievement gained in rank, honor, and respect are highly deserving of our recognition on this day. •

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through November 6, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget, House Concurrent Resolution 67, show that current level spending is below the budget resolution by $2.1 billion in budget authority and above the budget resolution by $4.5 billion in outlays. Current level is $44 million below the revenue floor in 1996 and $0.7 billion below the revenue floor over the 5 years 1996 to 2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $250.2 billion, $4.6 billion above the maximum deficit amount for 1996 of $245.6 billion.

Since my last report, dated October 25, 1995, Congress cleared and the President signed the Fishermen's Protective Act Amendments of 1995—Public Law 104-43. The President has also signed the Alaska Native Claims Settlement Act—Public Law 104-42. Congress also cleared for the President's signature the following appropriation bills: Energy and Water Development—H.R. 1905, Transportation—H.R. 2002, and Legislative Branch—H.R. 2492. These actions changed the current level of budget authority and outlays. In addition, the revenue aggregates have been revised to reflect the recommended level in House Concurrent Resolution 67. My last report had revised the revenue aggregates pursuant to section 205(b)(2) of House Concurrent Resolution 67 for purposes of consideration of S. 1357.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 8, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through November 6, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated October 25, 1995, Congress cleared and the President signed the Fishermen's Protective Act Amendments of 1995 (P.L. 104-43). The President has also signed the Alaska Native Claims Settlement Act (P.L. 104-42). Congress also cleared for the President's signature the following appropriation bills: Energy and Water Development (H.R. 1905), Transportation (H.R. 2002) and Legislative Branch (H.R. 2492). These actions changed the current level of budget authority and outlays. In addition, at the request of Budget Committee staff, the revenue aggregates shown for the budget resolution have been changed to reflect the recommended levels in H. Con. Res. 67.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, *Director*).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS NOVEMBER 6, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current level [1]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,285.5	1,283.4	−2.1
Outlays	1,288.1	1,292.6	4.5
Revenues:			
1996	1,042.5	1,042.5	−0.[2]
1996–2000	5,691.5	5,690.8	−0.7
Deficit	245.6	250.2	4.6
Debt subject to limit	5,210.7	4,893.6	−317.1
OFF-BUDGET			
Social Security outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS NOVEMBER 6, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	(200,017)	(200,017)	
Total previously enacted	630,254	840,958	1,042,557
ENACTED THIS SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	(100)	(885)	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	(3,149)	
Agriculture (P.L. 104–37)	62,602	45,620	
Military Construction (P.L. 104–32)	11,177	3,110	
Authorization Bills:			
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		([1])	
Self-Employed Health Insurance Act (P.L. 104–47)	(18)	(18)	(101)
Total enacted this session	73,684	44,679	(101)
PENDING SIGNATURE			
Appropriation Bills:			
Energy and Water (H.R. 1905)	19,336	11,502	
Legislative Branch (H.R. 2492)	2,125	1,977	
Transportation (H.R. 2002)	12,682	11,899	
Total pending signature	34,144	25,378	
CONTINUING RESOLUTION AUTHORITY			
Continuing Appropriations, FY1996 (P.L. 104–31)[2]	410,247	249,857	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	135,049	131,736	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS NOVEMBER 6, 1995—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total Current Level [3]	1,283,378	1,292,609	1,042,456
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution	2,122		44
Over Budget Resolution		4,509	

[1] Less than $500,000.

[2] This is an estimate of discretionary funding based on a full year calculation of the continuing resolution that expires November 13, 1995. It includes all appropriation bills except Agriculture and Military Construction, which have been signed into law, and Energy and Water, Legislative Branch and Transportation, which have been cleared for the President's signature.

[3] In accordance with the Budget Enforcement Act, the total does not include $3,400 million in budget authority and $1,590 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Note.—Detail may not add due to rounding. Numbers in parentheses are negative.•

THE RIGHT WAY TO REDUCE THE CAPITAL GAINS TAX

• Mr. **LEAHY**. Mr. President, as I speak today, the Republican leadership of this Congress is discussing an issue of great importance to the family farmers and small businessmen of America: the capital gains tax.

Current law in the area of capital gains leaves something to be desired. I grew up in a small business family. My father owned his own printing shop, and he poured his heart and soul and countless late hours into that business. My father's printing shop was more than his livelihood. It was his investment in his retirement and his family's future. I know many hardworking Vermonters are in the same position. They work hard all their lives to build up their farms and small businesses. The capital gains tax, when they decide to sell the farm or business to fund their retirements, can be close to punitive.

I am receptive to a capital gains reduction that favors Americans who save for retirement by investing in their personal business, primary residence, or family farm. When these taxpayers retire, they sell their business, home, or farm to live off their lifetime investment. We ought to be encouraging that kind of investment, not punishing it.

I am concerned, however, that the Republican plan to reduce taxes on capital gains targets the wrong type of investment and cost too much. The capital gains tax break that the Republican leadership is discussing will benefit primarily people other than family farmers and small businessmen.

Current law taxes capital gains at a lower rate than other forms of income. Under the 1993 Budget Reconciliation Act, the maximum tax rate on capital gains remains 28 percent, as compared to 39.6 percent for ordinary income. In addition to the lower rate, the tax on capital gains is deferred until the capital asset is sold and the tax is forgiven at death. Given those preferences, and given the fact that most proposals to reduce the capital gains tax benefit mostly very wealthy investors, I am very wary of making changes in the tax law right now.

I agree with the targeted capital gains approach adopted in the 1993 Budget Reconciliation Act. The act allows investors who purchase newly issued stock in small companies to exclude from their income 50 percent of the gain when they sell the stock if it is held for at least 5 years. For stock to qualify for the tax break, the company must have less than $50 million in gross assets. This approach encourages long-term investment in small businesses—the engine of job growth in the 1990's.

By contrast, the capital gains tax breaks in the House and Senate versions of the Republican budget reconciliation bill are part of gigantic tax giveaway packages that will increase the deficit and mostly benefit well-heeled Wall Street investors.

Under the Senate bill, the corporate capital gains rate is reduced from 35 percent to 28 percent. Individuals would be able to exclude 50 percent of capital gain income from taxation. I voted against the bill when it was debated in the Senate, but it passed by a vote of 52–47. The House included a larger capital gains reduction in its version of the budget bill. The corporate capital gains rate is reduced to 25 percent and the individual rate is capped at 19.8 percent. In addition, the House indexes capital gains for inflation. Let us remember that according to the Congressional Research Service, over half of all capital gains—excluding personal residences—are earned by corporate stock and real estate investors. Farmers and small business owners account for a relatively small portion of capital gains.

The Treasury Department estimates that the House capital gains proposal would cost $170.4 billion over the next 10 years, and would mostly benefit people earning over $200,000 a year. The Senate bill is not much better. At a time when the national debt is approaching $5 trillion, we just cannot afford that kind of a tax giveaway going mostly to people who do not need it.

As House and Senate conferees discuss changes in the capital gains tax, I hope they will consider ensuring that it does not mostly benefit very wealthy investors but rather is targeted toward small businessmen and family farmers who have poured sweat equity into their businesses.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
France	Franc	4,211.04	849.00					4,211.04	849.00
Steven J. Cortese:									
France	Franc	4,211.04	849.00					4,211.04	849.00
Charlie J. Houy:									
France	Franc	3,918.40	790.00					3,918.40	790.00
Peter Dean Lennon:									
France	Franc	3,850	776.21					3,850	776.21
Kimberly Davis Range:									
France	Franc	4,161.04	839.33					4,161.04	839.33
Total		4,103.54							4,103.54

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Aug. 2, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY COMMITTEE ON APPROPRIATIONS, FROM JUNE 30 TO JULY 8, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Vietnam	Dollar		1,210.00						1,210.00
Thailand	Baht	3,697.50	150.00					3,697.50	150.00
Senator Dale Bumpers:									
Vietnam	Dollar		859.28						859.28
Thailand	Baht	5,250.50	213.00					5,250.50	213.00
Senator Frank Lautenberg:									
Vietnam	Dollar		1,000.74						1,000.74
Thailand	Baht	5,250.50	213.00					5,250.50	213.00
Peter Reinecke:									
Vietnam	Dollar		1,050.00						1,050.00
Thailand	Baht	5,250.50	213.00					5,250.50	213.00
Peter Rogoff:									
Vietnam	Dollar		1,150.00						1,150.00
Thailand	Baht	5,250.50	213.00					5,250.50	213.00
Mark Van de Water:									
Vietnam	Dollar		1,150.00						1,150.00
Thailand	Baht	5,250.50	213.00					5,250.50	213.00
Delegation expenses:[1]									
Vietnam							3,166.24		3,166.24
Thailand							2,114.82		2,114.82
Total			7,635.02				5,281.06		12,916.08

[1] Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and Senate Resolution 179, agreed to May 25, 1977.

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Sept. 5, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn:									
Denmark	Krone	100	18.45					100	18.45
Norway	Krone	1,475	236.37					1,475	236.37
United States	Dollar		22.21						22.21
John W. Douglass:									
Denmark	Krone	755.5	139.35					755.5	139.35
Norway	Krone	1,806.25	289.46					1,806.25	289.46
United States	Dollar				188.50		129.90		318.40
Charles S. Abell:									
Germany	Mark	595.49	401.00					595.49	401.00
United States	Dollar				795.00				795.00
Senator John Warner:									
Italy	Lira	38,250	202.00						202.00
Croatia	Kuna	1,285.20	238.00						238.00
Senator Jeff Bingaman:									
China	Dollar		1,005.00						1,005.00
China	Dollar		968.00						968.00
Japan	Dollar		1,248.00						1,248.00
Japan	Dollar		1,071.00						1,071.00
South Korea	Dollar		1,268.00						1,268.00
South Korea	Dollar						374.71		374.71
Steve Clemmons:									
China	Dollar		1,005.00						1,005.00
China	Dollar		968.00						968.00
Japan	Dollar		1,248.00						1,248.00
Japan	Dollar		1,071.00						1,071.00
South Korea	Dollar		1,268.00						1,268.00
Steve Clemmons:									
South Korea	Dollar						374.71		374.71
Patrick Von Bargen:									
China	Dollar		1,005.00						1,005.00
China	Dollar		968.00						968.00
Japan	Dollar		1,248.00						1,248.00
Japan	Dollar		1,071.00						1,071.00
South Korea	Dollar		1,268.00						1,268.00
South Korea	Dollar						374.71		374.71
Total			18,226.84		983.50		1,254.03		20,464.37

STROM THURMOND,
Chairman, Committee on Armed Services, Sept. 25, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brent Franzel:									
Switzerland	Franc	1,695.50	1,475.00		2,804.35			1,695.50	4,279.35
Patrick A. Mulloy:									
Switzerland	Franc	1,695.50	1,475.00		2,804.35			1,695.50	4,279.35
Robert Giuffra, Jr.:									
England	Dollar		852.00		577.15				1,429.15
Total			3,802.00		6,185.85				9,987.85

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Oct. 31, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gregory D. Vuksich:									
Croatia	Dollar		1,128.00		168.00				1,296.00
Yugoslavia	Dollar		572.00		547.00				1,119.00
United States	Dollar				2,226.15				2,226.15
Total			1,700.00		2,941.15				4,641.15

PETE V. DOMENICI,
Chairman, Committee on the Budget, Oct. 30, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Larry Pressler:									
United States	Dollar				4,341.85				4,341.85

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Kingdom	Pound	1,123.78	1,776.00					1,123.78	1,776.00
Michael E. Korens:									
United States	Dollar				957.85				957.85
United Kingdom	Pound	1,123.78	1,776.00					1,123.78	1,776.00
Carl W. Bentzel:									
United States	Dollar				913.85				913.85
United Kingdom	Pound	1,498.36	2,368.00					1,498.36	2,368.00
Total			5,920.00		6,213.55				12,133.55

LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, Oct. 12, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Bennett Johnston:									
China	Yuan	11,731.50	1,442.00					11,731.50	1,422.00
Mongolia	Dollar		918.00						918.00
United States	Dollar				6,979.93				6,979.93
Eric Silagy:									
China	Yuan	11,731.50	1,422,00					11,731.50	1,442.00
Mongolia	Dollar		918.00						918.00
United States	Dollar				4,405.37				4,405.37
Total			4,680.00		11,385.30				16,065.30

FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Oct. 20, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Nancy L. Kassebaum:									
China	Yuan	20,427	2,476.00					20,427	2,476.00
Hong Kong	Dollar	5,634	728.00					5,634	728.00
United States	Dollar				4,899.00				4,899.00
Peter Cleveland:									
Israel	Dollar		812.00						812.00
Jordan	Dollar		470.00						470.00
Syria	Dollar		1,280.00						1,280.00
United States	Dollar				4,469.65				4,469.65
Bonnie L. Coe:									
Thailand	Baht	14,000	560.00					14,000	560.00
Indonesia	Dollar		1,167.00						1,167.00
United States	Dollar				6,176.65				6,176.65
Michael Haltzel:									
Croatia	Kuna	5,076	940.00					5,076	940.00
United States	Dollar				3,367.75				3,367.75
Michael G. Harper:									
China	Yuan	20,427	2,476.00					20,427	2,476.00
Hong Kong	Dollar	5,634	728.00					5,634	728.00
United States	Dollar				4,899.00				4,899.00
Elizabeth Lambird:									
Thailand	Baht	3,189,888	1,278.00					3,189,888	1,278.00
United States	Dollar				2,047.00				2,047.00
Robyn Lieberman:									
Ethiopia	Dollar		626.20						626.20
Uganda	Dollar		538.00						538.00
Rwanda	Dollar		392.00						392.00
Kenya	Dollar		530.00						530.00
United States	Dollar				6,004.35				6,004.35
Todd D. Lyle:									
Colombia	Dollar		324.00						324.00
Michelle Maynard:									
Turkey	Dollar		524.00						524.00
Turkey	Lira	51,036,560	1,078.00					51,036,560	1,078.00
United States	Dollar				4,469.00				4,469.00
Patricia McNerney:									
Ukraine	Dollar		160.00		140.00				300.00
Russia	Dollar		1,200.00						1,200.00
Kazakhstan	Dollar		400.00						400.00
United States	Dollar				5,419.05				5,419.05
Christopher Moore:									
Israel	Dollar		1,458.00						1,458.00
Syria	Dollar		1,620.00						1,620.00
United States	Dollar				3,088.65				3,088.65
Diana Ohlbaum:									
Ethiopia	Dollar		626.20						626.20
Uganda	Dollar		538.00						538.00
Rwanda	Dollar		392.00						392.00
Kenya	Dollar		475.00						475.00
United States	Dollar				6,004.35				6,004.35

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
George Pickart:									
Israel	Dollar		812.00						812.00
Jordan	Dollar		470.00						470.00
Syria	Dollar		1,280.00		161.30				1,441.30
Turkey	Dollar		200.00						200.00
United States	Dollar				3,294.65				3,294.65
Danielle Pletka:									
Israel	Dollar		1,458.00						1,458.00
Syria	Dollar		1,620.00						1,620.00
United States	Dollar				3,088.15				3,088.15
Tunisia	Dinar	155,841	166.00					155,841	166.00
Morocco	Dirham	815,926	950.00					815,926	950.00
United States	Dollar				3,623.55				3,623.55
Daniel Shapiro:									
China	Dollar		1,682.00						1,682.00
United States	Dollar				3,867.95				3,867.95
Timothy P. Trenkle:									
China	Yuan	20,427	2,476.00					20,427	2,476.00
Hong Kong	Dollar	5,634	728.00					5,634	728.00
United States	Dollar				4,899.00				4,899.00
Christopher Walker:									
Thailand	Dollar		1,384.00						1,384.00
United States	Dollar				3,087.00				3,087.00
Anne V. Smith:									
Ukraine	Dollar		200.00		140.00				340.00
Russia	Dollar		1,300.00						1,300.00
Kazakhstan	Dollar		600.00						600.00
United States	Dollar				5,419.05				5,419.05
Peter Cleveland:									
United States	Dollar				4,670.25				4,670.25
Senator Hank Brown:									
Taiwan	Dollar		173.00						173.00
Cambodia	Dollar		216.02						216.02
Myanmar	Dollar		110.90						110.90
India	Dollar		401.46						401.46
Pakistan	Dollar		192.20						192.20
Syria	Dollar		272.36						272.36
Israel	Dollar		103.77						103.77
Egypt	Dollar	424.88	157.04					424.88	157.04
Belgium	Franc	7,900	293.93					7,900	293.93
F. Carter Pilcher:									
Taiwan	Dollar		200.00						200.00
Cambodia	Dollar		160.00						160.00
Myanmar	Dollar		105.00						105.00
India	Dollar		392.06						392.06
Pakistan	Dollar		300.00						300.00
Syria	Dollar		254.80						254.80
Israel	Dollar		286.89						286.89
Egypt	Dollar	333.52	123.27					333.52	123.27
Belgium	Franc	5,000	186.03					5,000	186.03
Thomas J. Callahan:									
S. Africa	Dollar		904.00						904.00
Zimbabwe	Dollar		390.00						390.00
Ghana	Dollar		212.00						212.00
Botswana	Dollar		422.00						422.00
Morocco	Dollar		456.00						456.00
Total			45,435.13		83,235.35				128,670.48

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 20, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert Lockwood:									
Germany	Dollar		150.00		3,175.65				3,325.65
Paul Matulic:									
Hungary	Forint	2,396	24.00					2,396	24.00
	Dollar		300.00		1,197.35				1,497.35
Senator Orrin Hatch:									
Hungary	Forint	2,396	24.00					2,396	24.00
	Dollar		300.00		1,197.35				1,497.35
Total			798.00		5,570.35				6,368.35

ORRIN HATCH,
Chairman, Committee on the Judiciary, Aug. 4, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Trina Vargo:									
United States	Dollar				1,286.95				1,286.95

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ireland	Pound	700.52	1,145.00	304	185.99			1,004.52	1,330.99
United Kingdom	Pound	477.41	803.00	27.50	18.70			504.91	821.70
Total			1,948.00		1,491.64				3,439.64

ORRIN HATCH,
Chairman, Committee on the Judiciary, Oct. 2, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Robert Kerrey			795.00		3,574.55				4,369.55
Christopher Straub			780.00		3,269.55				4,049.55
Arthur Grant			848.00		3,269.55				4,117.55
Senator Richard Shelby			4,777.63						4,777.63
Tom Young			4,421.44						4,421.44
Peter Dorn			2,500.99						2,500.99
Senator Kay B. Hutchison			384.83						384.83
Donald Stone			1,487.00						1,487.00
Don Mitchell			1,596.00						1,596.00
Melvin Dubee			2,206.00						2,206.00
Gary Reese			2,356.00		4,403.25				6,759.25
Lorenzo Goco			2,356.00		4,403.25				6,759.25
Alfred Cumming			1,197.50		3,803.35				5,000.85
Senator Arlen Specter			1,547.60						1,547.60
Charles Battaglia			464.00						464.00
William Morley			1,544.00						1,544.00
Patricia Hanback			308.00						308.00
Total			29,569.99		22,723.50				52,293.49

ARLEN SPECTER,
Chairman, Select Committee on Intelligence, Oct. 24, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JULY 1, TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ronald A. Marks:									
Vietnam	Dollar		1,155.00						1,155.00
Thailand	Baht	5,250.50	213.00					5,250.50	213.00
Sally Walsh:									
Vietnam	Dollar		1,150.00						1,150.00
Thailand	Baht	5,250.50	213.00					5,250.50	213.00
Randy Scheunemann:									
Haiti	Dollar		448.00		648.95				1,096.95
Total			3,179.00		648.95				3,827.95

ROBERT J. DOLE,
Republican Leader, Oct. 23, 1995.

ORDERS FOR THURSDAY, NOVEMBER 9, 1995

Mr. DASCHLE. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, November 9; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 12 noon, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI, 20 minutes; Senator GRAHAM, 20 minutes; Senator HATCH, 10 minutes; and Senator BINGAMAN, 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Mr. President, for the information of Senators, it is the hope of the majority leader to begin consideration of the continuing resolution tomorrow at 12, following morning business. It is also the hope of the leader to consider the debt limit extension during Thursday's session. Rollcall votes are therefore expected to occur during Thursday's session of the Senate and a late night session could be anticipated in order to complete the action of these measures.

ORDER FOR ADJOURNMENT

Mr. DASCHLE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks I am about to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION RESULTS

Mr. DASCHLE. Mr. President, before the day closes, I wanted to comment on yesterday's election results from around the country. I have had the opportunity now to consult with people around the country in many of the States in which the elections were held. I think it is very clear that the country sent a rejection notice to the extreme agenda of the right wing.

The message to many Republicans should be very clear: Back off, you are going too far. It is time to work together. It is time to achieve a bipartisan consensus. It is time to recognize that in many of the extreme proposals now being offered by the Republicans the American people have now concluded they go too far. They cannot agree with the Republican direction.

Democrats retained control of the statehouse in Kentucky and the legislature in Virginia. We have retained control of the Maine House of Representatives and even made gains in the New Jersey Assembly despite being outspent by more than 4 to 1.

In particular, the elections in Virginia and Kentucky are very instructive. The Republican State party in Virginia made this election a referendum on the extreme politics that Democrats have been fighting against. In Virginia, voters called for a halt in the GOP assault. In Kentucky, the Democratic Governor-elect made it clear in his campaign he was running against the Gingrich Contract, against the cuts in Medicare, against cuts in education. In short, he ran against everything that the Republican budget would accomplish—and was affirmed at the polls.

Mr. President, this was a victory of priorities over politics, a realization that the so-called GOP revolution is too extreme for mainstream America, a realization that I believe had much to do with General Powell's decision today. In today's Republican Party, moderation is off message. People now understand that the Republican policies we have been fighting on this floor hurt working families and reward special interests.

The American people cannot abide a budget that guts Medicare to pay for huge tax cuts. Americans are coming home to the Democratic message of opportunity and fairness. Voters in the States are speaking directly to Republican leaders in Washington: Your cuts are too extreme.

We want to balance the budget but Democrats will not let the ends justify the means. We believe we have a contract with the American people, and its elements are ones we have been talking about for 10 months: We will protect Medicare. We are going to invest in our children. We will enhance our educational system. We are going to preserve the environment. We will provide jobs and opportunity for the future.

Speaking for this side of the aisle, the results of this election will serve to redouble our efforts in the crucial budget battle ahead. I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in adjournment until 10 a.m. Thursday, November 9, 1995.

Thereupon, the Senate, at 6:28 p.m., adjourned until Thursday, November 9, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 8, 1995:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

NORMAN I. MALDONADO, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999, VICE MARGARET TRUMAN DANIEL, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WALLACE D. MCRAE, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1993, VICE ROBERT GARFIAS, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 618, 624, AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be colonel

TRAVIS L. HOOPER [redacted]
JULIUS G. SCOTT, JR [redacted]
WAYNE D. TAYLOR, JR [redacted]
STEPHEN D. WILSON [redacted]

To be lieutenant colonel

FREDERICK B. SEEGER [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY COMPETITIVE

To be lieutenant colonel

BOBBY T. ANDERSON [redacted]
ROBERT A. CHILDERS [redacted]
GREGORY P. DAVIS [redacted]
JOHN F. D'AGOSTINO [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, November 8, 1995*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 8, 1995.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Deliver us, O God, from any type of violence that does damage to the human endeavor, from any kind of arrogance that allows us to think we are the only ones who know Your will. While we may know our own beliefs and attitudes and we make our best judgments as to the verities of life, we pray that we will reveal humility and contrition when we think of Your will for other people and for our world. Temper our minds and language and our actions in such manner that we truly seek truth and do so with humility that should ever be with us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore [Mr. RADANOVICH]. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1103. An act to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that fifteen 1-minute speeches will be allowed on each side.

THE NEW MAJORITY IS KEEPING ITS PROMISES; PRESIDENT CLINTON SHOULD TOO

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, many of us promised the people back home that when we got to Washington, we would work hard to cut the Federal spending here in Washington, lower taxes for the middle class, and overhaul welfare. Come to think about it, President Clinton campaigned on much the same platform. The difference is, we delivered on our end of the bargain by adopting those very reforms. The President, on the other hand, has had second thoughts, and third thoughts.

He promised to end welfare as we know it. Now, he threatens to veto welfare reform legislation. He promised a middle-class tax cut. Instead he engineered the largest tax increase in peacetime history.

Now, he threatens to veto legislation that will cut the taxes of millions of American working men and women. He promised to cut government spending and reduce the Federal deficit. Instead, he threatens to veto legislation that will do just that.

Mr. Speaker, we in the majority have delivered on our promises and we hope that the President will follow up on his end of the bargain.

JAPAN'S COMPLAINT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Daiwa Bank of Japan has been indicted. They covered up billions of dollars of losses. They embezzled millions. There was mail fraud, wire fraud, conspiracy. And what is really unbelievable, the Japanese Government knew of Daiwa's crimes. The Japanese Government did nothing about Daiwa's crimes and the Japanese Government, furthermore, never, let me repeat, never notified Uncle Sam about these problems.

After all this, Japan has the nerve to complain about the Central Intelligence Agency checking out their trade programs. Unbelievable. I say, right on, John Deutch. It is time the CIA gets in the kitchen. These are threats. Shame, Japan, hide your face.

BALANCE THE BUDGET WITH THE RECONCILIATION BILL

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, it is late in the fourth quarter, the score is tied. The outcome is uncertain. The American taxpayers are on the edge of their seats. Will Congress and the President keep their promise to balance the budget? I do not know of anyone who ran against a balanced budget. We all said we were responsible enough, we were smart enough, we were tough enough to make the hard decisions. Even the President ran on balancing the budget in 5 years. So are we going to keep our word? The American public wants to know. They are tired of the excuses, the nitpicking, the pet programs.

Mr. Speaker, they know that it is their money, not the Government's money. It is time to do what every American household does, what every American business does, what common sense cries out for. Let us balance the Federal budget and do it with the Reconciliation Act.

STOP THE VIOLENCE

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, as we stand here in sorrow still in the shadow of the terrible assassination of Yitzhak Rabin, we say to the far right, particularly the religious far right in the country and around the world, put aside your ugly poster. Still the mean words. Support a sane, safe separation of church and State. Stop the violence, far right. Put down you guns.

BALANCED BUDGET WITHIN OUR GRASP

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, for the first time in a generation, a real balanced budget is within grasp. For the first time in a long time, Congress has acted responsibly. It has held itself accountable. It has made tough decisions and is doing the right thing for America's future.

This time, Congress has laid aside the excuses that previous Congresses made for not balancing the budget and then passing its financial responsibilities to future generations.

This time, this new Congress has said no to the Washington-style budget gimmicks that never work and always cause the American people to lose confidence in our system of government.

Today, the national debt stands at $4,984,737,460,958.92.

For the first time in years Congress is serious about balancing the budget. We owe it to our children to secure for them the American dream and not to keep adding to the American debt.

AMERICAN PEOPLE REJECT EXTREMISM OF REPUBLICAN REVOLUTION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, some people just do not get it. Last night, as voters all over the country were rejecting the extreme agenda of the Gingrich revolution, House Republicans were working behind closed doors to raise Medicare premiums.

Medicare part B premiums were scheduled to drop to a 25-percent rate, but late last night, Republicans voted to raise those premiums to 31.5 percent. That means instead of $42 a month, seniors will pay $53 a month beginning on January 1.

The Gingrich revolution means that seniors will pay more for Medicare, students will pay more to go to college, and middle-class working families will pay more in taxes. That is wrong.

Yesterday, the American people rejected the extremism of the Gingrich revolution. Today, Members of this body should follow their lead and reject the continuing resolution that will increase Medicare premiums for seniors.

WE MUST BALANCE THE BUDGET

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, it is a common fact that you cannot spend money that you do not have and expect to get away with it. We all must repay our own personal debts or face harsh consequences if we do not. But it seems that here in Washington debt is consistently ignored by the people who are spending the taxpayers money.

Mr. Speaker, our Federal Government has run up a debt of nearly $5 trillion by spending money that it does not have. The consequences to future generations if this behavior continues will be severe. The irresponsibility practiced by previous Congresses will be the burden that future generations will be forced to bear. No one deserves that kind of treatment.

So what do we need to do to make sure this does not happen? We must balance the budget—not only this year, but every year. Our children and all that follow are depending on us.

MERRY CHRISTMAS, SENIORS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, there is a chill in the air in many cities in America, so people start thinking about the holidays and doing their holiday shopping.

Well, if my colleagues have any people on their holiday list, like I do, who are on Medicare, the Gingrich Republicans have just shown what they better given them, because last night, and today, they are giving them a huge increase in part B premiums.

So, if my colleagues have Medicare people on their shopping list, get a pretty box and stuff cash in it, because what they are going to need is another $11 a month, $132 a year, just to get through 1996.

"Merry Christmas, seniors," from the Gingrich Republicans.

AMERICAN PUBLIC SEES THROUGH MEDIGOGUERY

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, the part B premium that we have been hearing about from the other side is going to remain fixed at 31.5 percent. That is what it is at now; that is what it will remain at. That is what the President's plan called for it to stay at, and the Democrats know, they absolutely know, that in order to save Medicare, it must stay at that.

The part B premium will go up from about $47.10 to around $53. That is $6. At the same time, the average Social Security monthly benefit will go up about $25, obviously a net increase for seniors.

Mr. Speaker, the American public can see through the demagoguery and medigoguery that is being brought by the other side. I want to share from polls that were just released last week. This is the CBS–New York Times poll. "Who do you think can handle the most important problems facing the United States, congressional Republicans or President Clinton?" Forty percent said Republicans; 30 percent said President Clinton.

"Which party better represents your views on national issues?" Fifty-five percent said Republicans; 25 percent said Democrats.

ELECTION RESULTS SHOW AMERICANS REJECT REPUBLICAN REVOLUTION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I notice the other side is not talking about the elections yesterday. Voters around the country yesterday put the brakes on the Republican revolution with this message: "You are going too far and too fast to the right, and we are sending you a message to cool it." Voters want the mainstream rather than the extreme; the center, rather than the right.

A broad cross-section of Americans yesterday rejected Republican plans to cut Medicare and education for a tax giveaway and gutting the environment. The American people want to go forward, not to the right. As a start, the majority should stop playing default politics with the debt limit and the country's financial stability.

ELECTIONS ARE A POSITIVE FOR REPUBLICANS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my dear friend from New Mexico talk about the voting last night, and with typical Orwellian Newspeak and an inability to capture basic mathematics. Once again, the gentleman misses the point.

When the dust clears, the Republican party will have picked up three key seats and one through five major elections. The fact is for the first time in 28 years, a Republican made huge gains, even though we did not win the Governor's mansion in Kentucky. While work is going on, while we have a 50-seat majority in the New Jersey House, while we will see the governorship come to us in Louisiana, while we saw a reaffirmation of our policies in Mississippi, the American people have their eyes on what goes on in this Chamber. The fact is the American people want to see us balance the budget.

I listened with all due interest and due respect to the gentlewoman from Colorado [Mrs. SCHROEDER] talk about giving a Christmas gift. Well, the greatest Christmas gift we can give seniors and we can give youngsters and we can give everybody in this Nation is balancing our budget, getting our fiscal house in order. Those are the most important numbers.

□ 1115

CONSPIRACY CONTRACT SHAM

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, the Republicans and their rich medical doctor friends have entered into a conspiracy contract sham to take money earmarked for Medicare benefits from the elderly middle class.

The middle class seniors worked for years and the Government took a part of their salaries each pay period, and put it in a trust fund so that when they stopped working or got sick, money would be available for their medical care.

The conspiracy contract between the Republicans and their rich doctor friends allow the doctors to continue to charge high fees, and in some cases, for unnecessary medical procedures and for this, the rich doctors, through the American Medical Association, endorsed the Republican cutback of Medicare benefits.

Mr. Speaker, this is a Republican conspiracy sham in another Republican contract against America.

THE NATIONAL DEBT

(Mrs. SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. SMITH of Washington. Mr. Speaker, today, the national debt stands at $4,984,737,460,958.92.

This is a problem that has to be dealt with right now. We cannot afford to wait for another Congress somewhere down the road to balance the budget. It is way too late for excuses.

The American people want results, they want an end to the blame-game excuses, and they want a balanced budget.

Last week, Federal Reserve Chairman Alan Greenspan had this to say if Congress and the President fail to deliver a balanced budget: "If, for some unknown reason, the political process fails, it would signal that the United States is not capable of putting its fiscal house in order, with serious, adverse consequences for financial markets and economic growth."

Mr. Speaker, Congress is doing its part and when it comes time, I hope the President will do his part and sign a real balanced budget that really puts people first.

ELECTION RESULTS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, voters all across the country yesterday voted against the Republican Medicare cuts and the Republican cuts in education. They voted to put Democrats in office at the local level. And yet last night what were the Republicans in the House of Representatives, and the U.S. Senate doing? They were secretly negotiating to bring about the first installment of the withering of Medicare that the Speaker has said he supports and endorses. They are going to start to wither Medicare by raising the part B premiums today in the debt limit.

They are going to ask senior citizens to step up and take these cuts in Medicare benefits at a time that they still want to continue to press forward for a $245 billion tax cut for the wealthiest people in this country.

Yes, the Republican votes today will be to let Medicare wither. We ought to reject those votes. We ought to reject that proposition, and we ought to do what the people of this country voted yesterday to do and that is to protect Medicare, to make sure that it is not used as a piggy bank for tax cuts for the wealthy.

BALANCE THE BUDGET

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, it is atrocious that more than 39 cents of every dollar spent in Federal income taxes goes to pay for the interest alone on the national debt. This does not even touch the national debt itself, which is the result of over 25 years of reckless liberal spending.

The new Republican majority is working hard to bring responsibility back to government spending, which will benefit the people of this country and the economy. First, by eliminating the annual deficit, we can start to pay off our $4.9 trillion national debt. Second, the economy will be boosted due to a drop in interest rates as a result of the balanced budget. This will save students money on their college loans, as well as make it easier for people to own their homes.

A balanced budget will improve the lives of hard-working American families. Let's do the right thing and balance this budget.

REPUBLICANS GO TOO FAR

(Mr. BRYANT of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I think we are all for balancing the budget, in response to the last speaker, but I would suggest to Members that the American people do not think that we ought to grant a $245 billion tax cut to the wealthiest Americans while cutting Medicare for average people as the way of doing it. That is the Republican agenda.

The fact of the matter is, Speaker NEWT GINGRICH and his new Republican majority have simply gone too far. The American people recognize it. Yet they apparently do not. Because last night while the election returns were coming in all around the country that clearly rejected this extreme agenda, the Republicans were in a meeting up here changing the current situation with regard to Medicare part B premiums which were scheduled to drop to a 25-percent rate. They decided to raise those premiums to 31.5 percent, which means that instead of a $42-a-month premium, seniors will pay $53 a month beginning on January 1.

Thank you very much, Republican new majority, led by Speaker NEWT GINGRICH. You are big talkers when it comes to talking about middle-class America, but when it comes to elderly people, you want to balance the budget on their backs.

CLASS WARFARE

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, all this class warfare nonsense and the Medicare tactics are designed to do one thing, disguise the fact that the Members on this side of the aisle, the Democrat minority, have no plan to balance the Federal budget.

We have already made history. We have passed the first balanced budget in 26 years. And President Clinton and the congressional Democrats had 3 years to do that job. In fact, America is still waiting for the President's balanced budget plan. And if he has a better way to balance the budget than we do, we would like to see it.

President Clinton has offered no budget that balances in 7 years. He has offered no budget that balances ever, and these are the deficits projected by the Congressional Budget Office based on his budget plan, $200 billion deficits as far as the eye can see. So we are waiting on this side of the aisle, colleagues. Let us see your balanced budget plan.

THE CONTINUING RESOLUTION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I am glad my colleague from California, as a new Member of this House, talked about the balanced budget. But in 1992, under the Republican leadership, we had a $290 billion deficit. And last year, under this current year, we have $164 billion. It is going in the right direction without cutting Medicare and Medicaid.

It is now November 8, 40 days after the beginning of the fiscal year and only 5 days before the current continuing resolution expires. And what have we seen under this revolutionary Congress? We only have two bills that have been signed into appropriations bills, 40 days late for our fiscal year.

Is that fiscal responsibility? We are aiming for default by the extremist Republican majority. In fact, only two bills at 5 percent of the Federal discretionary funding have been approved. What we are seeing is gambling with the stability of our economic system in the United States based on the Republican majority.

They are too busy cutting Medicare, cutting education funding to make government do its job, and that is really to have a balanced budget.

MEDIGOGUERY

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, the folks on this side of the aisle talk about $245 billion in tax cuts. Divide that by 7, that is $35 billion a year on a 1.5 trillion budget: These so called tax cuts represent less than 2 percent of the budget; maybe it is 1 percent over 7 years. It is a blip on the screen. To make that a main issue, it is like the Washington Post said, it is medigoguery. Remember these tax cuts are less then the Clinton tax hikes of 1993.

Speaking of the Washington Post, look at this quote from their November 3, 1995, editorial. It said,

> Now President Clinton has walked away from the welfare bill he sent to Congress last year just, as the week before he renounced the tax increase he pushed to passage in 1993. What next? Perhaps he will say he did not mean to send up last year's health care reform proposals either. Mrs. Clinton made him do it. It becomes increasingly difficult for us to know what the President stands for or whether he stands for anything.

Mr. Speaker, this is a stinging indictment, considering the source. I rarely ever agree with the Washington Post, but in this case, I really think they are onto something.

WEEKLY READER STUDY

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, last week a study from the University of California concluded that the "Weekly Reader,"—a staple of American classrooms—had been used as an instrument of propaganda by the tobacco industry.

For 5 years, between 1989 and 1994, the largest shareholder of RJR Nabisco owned the Weekly Reader. Look at the poster. RJR Nabisco, the epitome of corporate responsibility, uses Joe Camel as its spokesman.

During the period when RJR owned the Weekly Reader, 68 percent of the articles on tobacco reflected the industry's viewpoints. One of the articles went so far as to actually debate whether or not Joe Camel encourages kids to smoke.

Mr. Speaker, the Weekly Reader study further explains why Joe Camel is more recognizable to 5-year-olds than Ronald McDonald and why the smoking rate among eight-graders has jumped up in the last 5 years.

Tobacco giants, like RJR Reynolds and Philip Morris, have been—and continue to—target our kids. They plaster their misleading messages on every billboard, magazine, and convenience store in sight. And the penetration of the youth market to pre-adolescents, now extends to the classroom. What is next, the Marlboro Man math book?

COMMENDATION TO MR. DINO CORBIN

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I rise today to commend one of my northern California constituents, Mr. Dino Corbin. As the general manager of KHSL–TV in Chico, CA, Mr. Corbin showed great courage and leadership by canceling the Jenny Jones Talk Show and replacing it with more family-oriented programs. In a television world that is becoming increasingly seamy, Mr. Corbin is the first and only broadcaster to stand up for the standards and best interests of his community of which he is morally and legally bound to uphold.

Instead of mindlessly exploiting the problems of our culture, the television industry and all Americans should be working to solve them. As a concerned parent and legislator, I congratulate and thank Mr. Corbin for his courage and unwavering moral judgment and hope that the television industry heeds this call.

DEBT CEILING PROPOSAL TIES PRESIDENT'S HANDS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, last night Democrats were called to the Committee on Ways and Means to mark up debt ceiling legislation, but it immediately became clear we had been called to a holdup, not a markup.

No responsible Member of Congress wants the Government to default, but the Republican debt ceiling proposal makes default more likely because it would tie the President's hands in managing the debt.

Why are Republicans going to the brink to put heat on the President to accept their extremist agenda? In a word, to blackmail the Presidency. Republicans are playing with fire but the whole Nation could be burned. Adjustable mortgage rates would go up, then fixed mortgages, car loans, credit cards.

Democrats never tried to tie the hands of a President like this. The Nation's full faith and credit is too important to be a political pawn for the extremist agenda of the Speaker.

The Speaker is toying with the unspeakable. So let us say no to default. Say no to extremism. Say no to the Republican holdup.

THE NATURE CONSERVANCY

(Mr. COOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, the practice of using the taxpayer's money to subsidize lobbying—either directly or indirectly—is wrong and it should be stopped.

The clearest example of tax dollars being used for lobbying involves The Nature Conservancy [TNC], America's richest nonprofit organization, with assets exceeding $850 million. In 1993, TNC received a $44,100 grant from NOAA to "support volunteer outreach and public affairs programs for the Florida Keys National Marine Sanctuary." Documentation from TNC and NOAA clearly indicates that some of this money was used to engage in blatant political advocacy, including lobbying local county officials to vote against holding a referendum on the sanctuary.

TNC's lobbying efforts in south Florida were summarized in a quarterly report sent to NOAA. This describes a TNC contractor's very interesting activities performed under that grant, which included: "developed and directed plan to counter opposition's push for a county-wide referendum against the establishment of the Sanctuary * * * Plan was successful in blocking referendum and generated many positive articles and editorials using many of the messages discussed in plan." TNC denies lobbying with grant funds, relying on a filmsy crutch regarding segregated funds and the like. However, TNC has yet to produce any itemization to explain how the $44,000 was spent. TNC's shrouded activities are questionable enough that they have received considerable press in Florida.

TNC's lobbying schemes are but the tip of the iceberg for taxpayer-funded lobbying activities. Later today my colleagues will have the unique opportunity to finally bring an end to these unjustified lobbying shenanigans, and I urge my colleagues' support in this effort. Enough is enough.

MEDICARE

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, Medicare cuts, now an $11 premium increase on part B, all to pay for a tax break for the wealthy.

My constituents are concerned. And in fact, a recent letter from one of my constituents said:

> DEAR REPRESENTATIVE STUPAK: I have been out of circulation for a while because of illness. I do hope my letter will not be too late for your consideration.
>
> We are deeply concerned about the health care programs, particularly Medicare and Medicaid and also Social Security. Granted they need attention. It seems the first move should be to take the graft out and better bookkeeping. There are also many programs that are fleecing America which could be cut to help balancing the budget!
>
> My husband and I have worked very hard all our lives and strived to make a decent retirement situation. We have been community workers giving our time and money. We thought we were in good condition until my husband and downed with Alzheimer's Disease and I have been in the hospital 9 times in recent years. My husband worked for the Post Office thirty-seven and a half years, the last 15 as Postmaster.
>
> We should have a good retirement but instead we are going broke. Please consider what you are doing to the middle class.

To my GOP colleagues, as my constituent asked, it is not too late to reject the Republican Medicare cuts to pay for a tax break for the wealthy.

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PRESIDENT SHOULD SIGN THE BALANCED BUDGET

(Mr. TATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TATE. Mr. Speaker, the voters of the Ninth Congressional District have sent a clear message to me. They want less taxes, and less government, and less spending, and that is exactly what the Republican Congress is doing. We are going to balance the budget for the first time in a generation, the second time in my lifetime, which will lower interest rates and create more jobs for the people of Washington State. We will reform the welfare system which has been a failed system by anyone's standards by increasing personal responsibility. We will save Medicare which President Clinton's own board of trustees said was going broke by preserving, protecting, and strengthening Medicare by giving seniors more choices and weeding out waste, fraud, and abuse and giving it more competition. We will also provide tax relief for working families in the form of a $500-per-child family tax credit.

Mr. Speaker, we challenge the President to join with us, and balance the budget, and work for these types of reforms. Mr. President, no more gimmicks. Mr. President, no more tricks. It is time to do the right thing for America's future. Sign the balanced budget.

KENTUCKY REJECTS REPUBLICAN ASSAULT ON AMERICA

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, the people of Kentucky yesterday rejected the Republican assault on America and elected Democrat Paul Patton as our next Governor. I rise today to congratulate him, and I have today's Louisville Courier-Journal, which I will give to the Speaker because, make no mistake about it, Speaker GINGRICH, this Kentucky election was a sharp repudiation of the Republican contract and devastating Medicare cuts imposed by you. This election serves as clear and convincing evidence that the American people do not support these draconian cuts to our Nation's safety net, and that was before today's news that Speaker GINGRICH late last night moved up the date to January 1, next year, when our seniors will have to begin paying the higher part B premium. Take the time to balance the Federal budget carefully without hurting our seniors, our children, our students. We can do it. We just have to do it carefully.

Mr. Speaker, that is the message from Kentucky.

REJECTION OF REPUBLICAN EXTREMISM

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, Earth to the Speaker. Earth to the Speaker. Come in Mr. Speaker.

Yesterday people from Kentucky to New Jersey, from Niagara Falls to Staten Island rejected Republican extremism.

They rejected gutting Medicare to pay for tax cuts for the rich. They rejected cuts to student loans and education. They rejected the extremism of the Contract on America.

And today, Colin Powell is announcing that he will not run for President as a Republican. Why? Because Republican extremists will reject General Powell—a moderate, pro-choice, pro-gun control war hero.

Yet, as if he had not heard the news, the Speaker woke up this morning and said, "Today's a perfect day to raise Medicare premiums for our seniors." Republicans are actually bringing to the floor today a $100 increase in next year's Medicare premiums as part of the stop-gap spending bill.

And like lemmings, this extremist Congress follows him over the cliff.

Earth to the Speaker. Come in Mr. Speaker.

The American people do not want your type of revolution. They want change that makes sense. And yesterday, they said overwhelmingly that the Speaker's extremism just does not make sense.

WATCHING AND WAITING

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the votes have been tallied, the results are in and the message is clear: Voters across the country have rejected the extremist right-wing Republican agenda. In Kentucky, Maine, Mississippi, Virginia, and New Jersey, Democrats were victorious.

The voters said no to the Republican cuts in Medicare. They said no to Republican tax breaks for the rich. They said no to Republican assaults on our environment. And they said no to Republican cuts in student loans and education.

Mr. Speaker, heed the message of the 1995 elections. America is watching and waiting, waiting for 1996. Waiting to stop Republican attacks on the elderly, the poor, students, and working-class Americans; 1995 is a prelude.

MESSAGE OF VIRGINIA ELECTION

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, we had an election in Virginia yesterday, and the Republicans in this House ought to sit up and take notice.

Our Republican Governor tried to make the election a referendum on his program of tax cuts. Under the Governor's plan, tax cuts would be paid for by slashing spending for colleges and universities, law enforcement, and important social services. In Virginia, the Republicans' tax cuts would take effect right away, but painful spending cuts would be put off for the future.

Does that sound familiar?

The people of Virginia got a good look at the Allen plan, and despite the Governor's tireless campaigning, they rejected his program by a big margin. They defied the odds and kept the Virginia General Assembly in Democratic hands.

Mr. Speaker, the message from yesterday is clear: People do want tax relief, but not if it means gutting programs that help our children and help make our communities strong, and not if it means putting balancing the budget at risk. It is a lesson that we ought to learn here in Washington.

HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

Mr. GILMAN. Mr. Speaker, pursuant to the order of the House of yesterday, I call up the Senate concurrent resolution (S. Con. Res. 31) honoring the life and legacy of Yitzhak Rabin, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 31

Whereas Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922;

Whereas Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967;

Whereas Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977 and from June 1992 until his assassination;

Whereas under the leadership of Yitzhak Rabin, a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, continued with the conclusion of a peace treaty between Israel and Jordan on October 26, 1994, and continues today;

Whereas on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker;

Whereas shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a chance for peace. . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people.";

Whereas Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people; and

Whereas on November 4, 1995, Prime Minister Yitzhak Rabin was assassinated in Tel Aviv, Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns the heinous assassination of Prime Minister Yitzhak Rabin in the strongest possible terms;

(2) extends its deepest sympathy and condolences to the family of Prime Minister Yitzhak Rabin and to all the people of Israel in this moment of tragedy;

(3) expresses its admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service;

(4) expresses its support for the government of Acting Prime Minister Shimon Peres; and

(5) reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors.

SEC. 2. When the Senate completes its business today, it stand adjourned as a further mark of respect in honor of the late Yitzhak Rabin.

SEC. 3. The Secretary of the Senate is directed to transmit an enrolled copy of this resolution to the family of the deceased.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to the order of the House of Tuesday, November 7, 1995, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will be recognized for 45 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with deep sorrow and a sense of personal loss that today we consider legislation that memorializes the life and legacy of Israel's slain Prime Minister, Yitzhak Rabin. Prime Minister Rabin, who was gunned down on Saturday night by a lone assassin, was attacked by an extremist who was opposed to his efforts at reconciliation and peace with the PLO, initiated 2 years ago with the signing of the Declaration of Principles.

The shocking circumstances of Prime Minister Rabin's death magnify the tragedy of his loss. I was honored to participate in the Presidential delegation that attended Prime Minister Rabin's state funeral in Jerusalem. It was gratifying to see an extensive list of Heads of State and international dignitaries in attendance, including representatives of nations with which Israel does not have diplomatic relations, and to hear many eloquent speakers reiterate their commitment to a lasting peace throughout the region.

This distinguished gathering mourned the life and legacy of Yitzhak Rabin, a soldier-statesman who became his nation's first native born Prime Minister. Born in Jerusalem in 1922, as a young man, Yitzhak Rabin fought for Israel's independence by defending the Tel-Aviv-Jerusalem highway. He distinguished himself on numerous occasions, none more so than when, as Chief of Staff of the Israeli Defense Forces, he led Israel's troops through the Old City to the Wailing Wall during the Six-Day war of 1967. This memorable event brought about the reunification of all Jerusalem, and Rabin's birthplace, and Israel's capital.

General Rabin also distinguished himself in his service to his country as Ambassador to the United States for 5 years. He contributed significantly to the close United States-Israel partnership that persists today. His commitment to that relationship, as well as his personal and unstinting commitment to peace with security, were evident throughout the remainder of his political career, both as Minister of Defense and as Prime Minister of Israel.

Just 2 weeks ago Congress celebrated the 3,000th anniversary of Jerusalem as Israel's capital. As Jerusalem's most famous native son, Prime Minister Rabin participated with us in the rotunda delivering deeply moving remarks. His presence still echoes in our hallway. It is with a sense of utter disbelief that we consider this legislation today.

Prime Minister Rabin will forever be remembered as a man who not only led Israel to victory in war, but who also led her citizens in pursuit of peace. At this troubled time in Israel's history, we express our support for Israel's transition government, and reaffirm the congressional commitment to a lasting peace between Israel and her neighbors.

Our thoughts and prayers are with the Rabin family, for Acting Prime Minister Shimon Peres, and for all the people of Israel at this time.

Mr. Speaker, I reserve the balance of my time.

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Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today to urge all of my colleagues to support this resolution—to pay tribute to one of the greatest soldiers of peace the world has ever known.

Like all Americans, I was shocked and saddened at the senseless murder of Prime Minister Rabin this past Sunday. And the great irony is that he died as he lived—celebrating and advocating the cause of peace in the Middle East.

To me, Yitzhak Rabin was the very essence of leadership, because up until the last moments of his life, he did not do what was easy; he did not do what was popular—he did what was right.

He not only brought his nation to the brink of a real and lasting peace—he rallied millions of Israelis, and millions of people all over the world, in support of that crusade.

Many of us in this Chamber had the opportunity to travel to Israel on Monday—to grieve along with the people of Israel. And for me, as for so many of us, the loss was as personal as it was political.

For I know Yitzhak Rabin as a kind and caring man—as someone who carried a love for his people, and an abiding belief in peace, deep inside him. To talk with him—even to stand in the same room with him—was to feel his generosity of spirit, and his profound humanity.

Yitzhak Rabin may be irreplaceable—and his kind of leadership may come once in a generation, perhaps once in a century. But there is one thing that each Member of this House can do to honor his name, and that is to keep his dream alive, to put into practice the peace agreement he has already secured, and to keep waging his battle for a comprehensive peace throughout the Middle East. If we can do that, if we can give meaning to the dream that sustained Yitzhak Rabin both in life and in his work, then we will know that the did not die in vain.

Mr. Speaker, I urge Members to support this resolution to honor the name and the work and the commitment of a great human being, Yitzhak Rabin.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to pay tribute to and speak words on behalf of Yitzhak Rabin. I had the privilege of meeting Prime Minister Rabin in August 1995 with a very small delegation which was hosted in his office in Jerusalem. We spent about an hour, an hour and a quarter, with the Prime Minister. I recognized immediately that this was a man who was a giant, because he put ahead of his own personal ambition, ahead of his party's political ambitions, ahead of any personal thought, obviously even of personal welfare and safety, he put first and foremost his love for the state of Israel and his commitment to the long-term preservation and viability and existence of the nation of Israel, and he was, in that sense, utterly unique in that he brought these qualities of genuine selflessness to the work that he did and to the Israeli people.

It is a tremendous sense of loss, not just with respect to the leadership that is gone, this man who was in fact both the George Washington and ultimately the Abraham Lincoln of his people, but it is also a sense of personal loss that makes me very sad about the events of this past weekend, the falling of this extraordinary figure, a figure who, first and foremost, put love of nation, and who set an example for leadership everywhere. I support this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to support this resolution. In our times, we have found out that giants do not get to die in bed: John F. Kennedy, Martin Luther King, Anwar Sadat, and now Yitzhak Rabin. Because these giants have the courage to stand up and speak out on controversial issues and take risks, all too often they are the victims of the assassin's bullet.

Yitzhak Rabin was indeed a giant. Among his last comments at the peace rally before his assassination he said, "People really want peace." This was the idea that guided the last few years of his life. Because Rabin was both a realist and a visionary, he understood that the use of force alone would not solve the problems of the Middle East. He also understood that the road to peace would be long and difficult. He understood that a political solution would require consideration of politically unpopular terms, and direct talks with people he often believed were directly responsible for the deaths of hundreds of Israeli citizens. He understood that it is sometimes necessary to do that which is unpleasant for the sake of a greater good.

I believe this led him to shake hands with former adversary PLO leader Yasser Arafat on the White House lawn for the sake of peace. He leaves us a legacy that should not die. A giant has died. Let his legacy of peace live on.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the distinguished chairman of the committee for yielding time to me.

Mr. Speaker, the United States and Israel share many ideals, beliefs, and goals. We both cherish peace, but will gladly fight to maintain democracy and freedom. Now, sadly, regretfully, we also share the martyrdom of a national hero.

Like our Nation's first martyr, Abraham Lincoln, Yitzhak Rabin dedicated his life to building a whole and free nation. Both men were shaped by the tragic necessity of war, though war did not take them from us. Instead, assassins stole these men of peace with senseless acts of vengeance.

We both know the tragedy of mindless violence. America has learned to recover, and, you, too will heal as America has healed. While that healing will always be darkened by the memory of this tragedy, the life cut down while leading Israel, the memory should also be brightened by Yitzhak Rabin's life, and leading Israel and the world to peace in the Mideast.

Following Abraham Lincoln's assassination, Herman Melville wrote "The Martyr," and spoke of the endurance of the American spirit, a spirit that Israel shares:

> He lieth in his blood,
> The father in his face,
> They have killed him, the Forgiver,
> The Avenger takes his place.
> There is a sobbing of the strong,
> And a pall upon the land
> But the people in their weeping,
> Bare the iron hand.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, the last time that Yitzhak Rabin spoke to us right here in the U.S. Congress, he invoked a phrase from Archibald MacLeish, and used it in reference to Israel's young dead soldiers: "Their tombstones say, 'We leave you our deaths. Give them their meaning.'" Last week God said to us, "I give you his death. Give it its meaning."

Throughout the course of human history, when the mortal lives of our great leaders have been sacrificed to the cause of peace, brotherhood, and progress, the moral force of their message takes on an immortal life of its own within the human character. Yitzhak Rabin takes his place alongside those responsible for the evolution of the human spirit: Rabbi Akiba, who recited the Shema as he was being tortured to death for having preached during his life that "Thou shalt love thy neighbor as thyself," through Jesus Christ, Mahatma Ghandi, Anwar Sadat, Martin Luther King, and so many others whose shoulders we stand upon.

Today, our task, our responsibility, for which future generations will hold us accountable, is to be true to their memory, to give the life of Yitzhak Rabin its deserved, its lasting, and its great meaning.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman form New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I had the great honor of meeting with Yitzhak Rabin, both before he was Prime Minister and when he was Prime Minister, in two visits to Israel, being impressed by this strength, the understanding, and the strategic vision of the man, and his love for his nation and for his people.

As one of thousands of New Jerseyans who attended a memorial service for slain Israeli Prime Minister Yitzhak Rabin, I was moved by the outpouring of emotion for one of the world's great leaders.

As a Jew, I was stunned and sickened to learn that Rabin was killed by another Jew in an act of despicable cowardice. We must not allow Rabin's heroic efforts to be tarnished by those who would seek to exploit his tragic death as an opportunity to further divide the Israeli people. In the words of Rabin himself, before a joint meeting of Congress last year:

> I have come from Jerusalem in the name of our children, who began their lives with great hope and are now names on graves and memorial stones, old pictures in albums, fading clothes in closets. Each year as I stand before the parents whose lips are chanting "Kaddish," the Jewish Memorial Prayer, ringing in my ears are the words of Archibald MacLeish who echoes the pleas of the young dead soldiers:
>
> "They say: We leave you our deaths. Give them their meaning."

He continued:

> Let us give them their meaning. Let us make them an end to bloodshed. Let us make true peace. Let us today be victorious in ending war.

The loss of Yitzhak Rabin casts a darkness on the world, but I believe his light will continue to shine.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, it is very difficult for me to come on the House floor today to talk about the loss that the world has felt as a result of the death of Yitzhak Rabin. With my children, I learned of the news on Saturday evening, and it brought back such a flood of memories of other times in our family's history and in this country's history.

Our hearts go out to the Rabin family and to the people of Israel, and to peace-loving people throughout the world, to recognize that yes, Yitzhak Rabin was a man who was a soldier for peace, who fought for his country, but nevertheless, who gave his life to preserve a peace for his country.

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And all of us that commit ourselves to trying to find peace for Israel find the inspiration in his life and what he stood for and for the caring that he continues to provide this world through his life and its meaning.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise to join my colleagues in paying tribute to Israeli Prime Minister Yitzhak Rabin, who was gunned down in Jerusalem, November 4.

Prime Minister Rabin was an extraordinary leader. The story of his life is the story of the State of Israel: He served his people for more than 50 years: as a soldier, a diplomat, a politician, and finally a statesman. He was at the center of every major event in his country's brief history. He dedicated his life to Israel's security, survival and freedom:

As commander of the Harel Brigade, he helped to win Israel's 1948 war of independence;

As Chief of Staff of the Israel Defense Forces, he planned and executed a quick victory over Arab armies that threatened Israel in 1967;

As Defense Minister, he worked to strengthen Israel's ability to defend against outside threats;

As Prime Minister, he pursued peace with Israel's former enemies, with the same fervor, dedication, and courage he had exhibited in war.

Yitzhak Rabin was a patriot. He was also a person of extraordinary strength and character. I was impressed by his honesty and his realism. He was not an ideologue or a romantic. He was direct. There was about him no pretense, no deception, no subterfuge.

Though a successful politician, he was also a nonpolitician: he had no use for the pomp and pretensions of high office. He did not do things just to stay in power. He did them because he was trying to build a peace.

Prime Minister Rabin developed close ties with the United States. He respected America's leadership role in the world and acknowledged its efforts on behalf of Middle East peace. He was a close friend of every President since Lyndon Johnson, and those friendships helped create a unique bond between Israel and the United States. It is fair to say that no single leader in either country contributed more to this close and vital relationship.

Most of us will remember Yitzhak Rabin for what he achieved in the last years of his life. We will remember him, and we honor him today, for his dedication and his courage in the search for peace.

Yitzhak Rabin had a vision of Israel as both a Jewish state and a democratic nation. His policy toward the peace process grew directly out of that vision. He led his people toward an historic compromise with the Palestinians to share the land. He favored a policy of negotiation, including direct talks with the PLO and territorial concessions in exchange for real peace.

Yitzhak Rabin understood that military rule over the territories meant endless war and that subjugation of a people was contrary to Jewish tradition. He understood that annexing the territories would dilute the Jewish character of the State of Israel. He understood that a negotiated peace was the only solution.

Some of those who lavish praise on Yitzhak Rabin today are the same voices who, just days ago, sought to undermine the peace process.

We must be clear about what he stood for, and what he gave his life for: To honor Yitzhak Rabin is to support the peace process.

Let me quote from his final remarks, delivered at a peace rally in Jerusalem just four days ago:

> I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those who are standing here, and for those who are not here—and there are many. I have always believed that the majority of the people want peace and are ready to take a chance for peace.
>
> Violence erodes the basis of Israeli democracy. It should be condemned and wisely expunged and isolated. It is not the way of the state of Israel. . .
>
> Peace is not only in prayers . . . but it is the desire of the Jewish people.

This remarkable man led his country in war and in peace. His legacy stands for all of us to reflect on: A firm commitment, in the face of adversity, to security, democracy, and peace. The best tribute we can offer today to Yitzhak Rabin is to rededicate ourselves to a just, lasting and comprehensive peace in the Middle East.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX] who also accompanied the Presidential delegation to Jerusalem.

Mr. FOX of Pennsylvania. Mr. Speaker, the death of Israeli Prime Minister Yitzhak Rabin is a tragedy, not only for Israelis and Jews, but indeed for Americans and all those who strive for peace throughout the world.

The United States and Israel are partner in world affairs. As partners, we have built a foundation based on years of mutual respect and trust. Together, we share risks, rewards, and losses as we strive to make this world a better and safer place.

One of the rewards came just a month ago when Israel and the Palestinians signed the second phase of the Oslo accord. That document was the result of hard work and dedication to peace that was the hallmark of Prime Minister Rabin. Now, sadly we must share the loss of having him taken from us so prematurely and so violently. But sharing that loss makes the burden for both Israelis and Americans easier.

In the long run, I believe that those who resort to violence will find that it accomplishes little. Often, it spurs people on to completion of the task at hand, in this case peace in the Middle East.

Dr. Martin Luther King, Jr., once said:

> The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. * * * Returning violence multiplies violence and adds a deeper darkness to a night also devoid of stars. Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.

Mr. Speaker, I first met Prime Minister Rabin when he hosted a congressional delegation in Israel. I found him to be someone very special, someone who cared deeply about his country, cared deeply about world peace and making a difference.

I think what we can say about Prime Minister Rabin, while his work is not completed, it is up to those of us who are living to carry on his dream of making sure there is peace in the Middle East and making sure that we do the best as Americans and members of the world body to make sure that the world is a better place for our having made a mark in furtherance of his dreams and those that we all share.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, as we mourn the death of Yitzhak Rabin, we need as well to celebrate his life. Born of a Jewish family in a neighborhood of Palestine, he lived to see that neighborhood become a nation and those neighbors a people. As a young man, he was a common soldier. He lived to become a leader of one of the world's foremost fighting forces.

His life is woven through the fabric of what became a modern democracy, but mostly he achieved in his life what no Jewish family had been able to achieve in 2,000 years, because most certainly he once heard his mother pray, "Next year in Jerusalem." Jews have returned to Jerusalem, not simply during his life but because of his life. He lived to see that prayer achieved.

As the generations pass, many remember that as a soldier he made that return possible. They need to recall as well that as a statesman, he made that return to Jerusalem permanent.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, Israeli Prime Minister Yitzhak Rabin was one of the few people who do not just pass through this world, but enhance it. He was a brilliant strategist, a great thinker, a fierce warrior, a reluctant politician, a good diplomat, a pragmatist, and a visionary who spent his entire life working for the betterment of his country.

I am outraged that he was taken from us by a coward, by a pisher, by a hatred for his politics. I am heartbroken that he was murdered as he stood on the apex of his greatest success, gazing into the promised land of peace. I am saddened beyond words at his passing.

I am convinced that the escalation of violent rhetoric, the disintegration of civil political discourse, contributed to his death. I was recently viciously attacked for being critical of those who spew this kind of venom. But the assassination of Yitzhak Rabin has only reinforced my belief in what I said weeks ago. Words do matter. Disagreements with political leaders must be expressed at home in the voting booths, not by violence, effigies, and guns. And certainly not by manipulating the good intentions of the diaspora and well-meaning politicians across the ocean.

Yitzhak Rabin's sacrifices were not in vain. His goals, first to protect his land through war, and then maintain it through peace, are supported by the majority of Israelis and will be fulfilled. En route to the funeral I saw a sign held by a young girl. It said, "We knew war. Let's learn peace."

Mr. GILMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, we have a resolution before us that does not address the loss of an idea, but the death of a man.

Two years ago, the world echoed the words of Yitzhak Rabin: "Enough of blood and tears. Enough." But a madman decided there would be more blood and tears. So today, we mourn Yitzhak. Another soldier has given his life for peace; another leader has given his life for his country.

We trusted Prime Minister Rabin's strength to guide the peace process. We knew that he, as a soldier, understood the costs and risks of war. We were inspired that this man of courage could become one of the greatest peacemakers the world has ever known.

So, this event shakes to its foundation our faith in reason and in humanity. And it contains a lesson for all those who live in the world's democracies: Terrible dangers lurk at the extremes of politics.

As we pray for Yitzhak Rabin, his family, and the country of Israel that we all so love, we must also keep our own country in our prayers. The voices of reason must speak out louder. The lovers of peace must step forward to continue his great work, in the Middle East and here at home.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his kindness.

Mr. Speaker, I join all of my colleagues in extending our sympathies to the family of Prime Minister Rabin.

Mr. Speaker, I wanted to inform my colleagues that in the city of McAllen, TX, Sunday evening there was a memorial service conducted by Rabbi Lipper of the Temple Emmanuel. I was honored and privileged to have been asked to give a part of the eulogy, since I knew the Prime Minister for many years. Mr. Speaker, I would like for my colleagues to know, the passing of Prime Minister Rabin is a loss to the world.

Mr. Speaker, it is a loss to all of those that honor and love peace. I think that we should continue, and his legacy should be that there shall be peace throughout the Middle East, and that there should be the recognition that Israel is a land and a people and a democracy, and that we instill in all of the people in that area that this should continue and that we truly achieve a peace where all can live as equals under one God who made us all, and that we make this the legacy of Yitzhak Rabin.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I join with all the Members and rise strongly to support Senate Concurrent Resolution 31 honoring slain Prime Minister Yitzhak Rabin. As an Israeli war hero, both during the war of independence in 1948 and also the 1967 war to unite the historic Israeli nation, he served his nation and was an inspiration to people all over the world.

Mr. Speaker, I met Prime Minister Rabin several times and I was impressed not only with his commitment and dedication to his nation's security, but also to the realization that peace was not only in the interest of the Palestinians, but also in the interest of the Israelis.

He, more than any person I think I have ever met, Mr. Speaker, exemplifies a verse in the Old Testament, Isaiah 2:4:

> He will judge between nations and will settle disputes for many peoples. They will beat their swords into plowshares and their spears into pruning hooks. Nation will not take up sword against nation, nor will they train for war anymore.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Mrs. LOWEY].

□ 1215

Mrs. LOWEY. Mr. Speaker, just 11 days ago I joined with Yitzhak Rabin at the U.S. Capitol to celebrate Jerusalem's 3,000 anniversary. As I shook Prime Minister Rabin's hand to say goodbye, I said the words we all know so well: "Next year in Jerusalem."

Next year has come too soon. On Sunday I traveled to Jerusalem with a pain in my heart—a pain I know we all share.

Today we join with the Israeli people to commemorate the life of a great man. Yitzhak Rabin lived the life of the State of Israel. He fought for its independence, and he fought to keep it free and secure. He dedicated his life to the cause of creating and defending a homeland for the Jewish people.

To everything there is a season, Yitzhak Rabin said on the White House lawn. And when it was time for war, Yitzhak Rabin was the greatest of warriors. And when it was time for peace, Yitzhak Rabin was the greatest of peacemakers. With his own hands we waged war, and then, with his own hands, outstretched, he waged peace.

Of course Yitzhak Rabin did not choose peace because he loved Israel's former enemies. He chose peace because he loved Israel—as we all do.

And so today, let us rededicate ourselves to Yitzhak Rabin vision. Let us heed the words of one of Yitzhak Rabin's partners in peace, "Let us not keep silent. We are not ashamed, not are we afraid. Let our voices rise high to speak of our commitment to peace for all times to come."

Noa Ben-Artzi Philosof called her grandfather a pillar or fire, and so he was. May his spirit always shine brightly to show us the way.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, the shock that has a paralyzing effect on all of us and the sadness that envelopes us on learning of the assassination of Yitzhak Rabin makes it difficult to express as eloquently as we would like our feelings at this particular time.

This man, who was such an integral part of the reestablishment of a Jewish homeland after 2,000 years and fighting for its survival and security and whose commitment, as the gentleman from Indiana mentioned earlier, to a democratic society in this Jewish homeland was so strong, he was the personification of the State of Israel.

I think it is interesting, if my colleagues would remember when he and King Hussein came here to speak to a joint session of Congress, his words at that time.

> I have come from Jerusalem in the name of our children who began their lives with great hope and are now names on graves and memorial stones, old pictures in albums, fading clothes in closets. Each year as I stand before the parents whose lips are chanting "Kaddish," the Jewish memorial prayer, ringing in my ears are the words of Archibald MacLeish who echoes the plea of the young dead soldiers: "They say we leave you our deaths, give them their meaning."
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> Let us give them meaning. Let us make an end to bloodshed. Let us make true peace. Let us today be victorious in ending war.

We all join in saluting the great life of Prime Minister Rabin and mourn his passage.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

I want to rise in strong support of the resolution before the House and to join my colleagues in expressing my profound sense of loss on the death, the tragic death of Prime Minister Rabin. He was a man of great vision and fortitude and character and leadership and peace. We do not see his likes too often. And that makes it all the more tragic when someone of his magnitude leaves us.

But I have every confidence that the kind of example that he set is going to be an inspiration to others and, notwithstanding the tragedy of this event, I am hopeful that great good may come from it by virtue of the fact that other people in leadership positions will emulate what he has done.

I want to extend my sympathy to his family, to his wife, his children, and his grandchildren.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I rise to pay tribute to Yitzhak Rabin, a great soldier, a great leader, a great man.

I was honored to be in Jerusalem on Monday and humbled by the outpouring of affection and respect for the Prime Minister. It was not long ago that Israel was unfairly treated by some as an outcast among nations; yet on Monday, delegations from around the world embraced Israel and joined her in mourning the terrible tragedy, the loss of Yitzhak Rabin. The community of nations did this in part because Prime Minister Rabin made it impossible not to.

When I think of the Prime Minister's contributions, I think of his vision, his resolve, his love of Israel, and his steadfast dedication to her secure future. Most of all I think of his courage, as a young man fighting for Israel's survival and, in later years, fighting for a just peace.

He understood that doing what is right would bring contempt from some and considerable risk. But he thought of the generations yet to come.

He knew that unless he gave leadership, his grandchildren, and all children—Arab and Israeli—faced a future fraught with peril.

It wasn't possible not to be moved by the words of those who spoke at his funeral. And I will always remember the thousands of people lining the streets, filled with profound sadness and respect. Many told me that they felt comfort at seeing the outpouring of support from around the world.

But the greatest tribute is still to come. That tribute will be in Israel's continued commitment to the peace process and in our Nation's unwavering partnership and support.

My heartfelt wishes to Mrs. Rabin. May she and the family be comforted among the mourners of Zion.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today to honor a man who always fought when necessary, but only so that peace could be attained.

No one can claim that Yitzhak Rabin was not a warrior. Upon his graduation from high school he postponed his plans to study agriculture in the United States and instead joined the Jewish underground, which was then fighting for the very idea of independence and the existence of a Jewish homeland.

Yitzhak Rabin spent the rest of his life as a soldier, leading the men and women of the resistance, and eventually the Israeli military. Through battle after battle with the Arab countries of the region and molding the Israeli Defense Forces into one of the best trained and most motivated forces in the world; first as Israel's Army Chief of Staff, later as the Minister of Defense, and finally as Prime Minister.

Along the way he saw his friends and allies die. In one battle during the Arab-Israeli war of 1968, the Brigade he commanded lost close to 70 percent of its membership while fighting to relieve Jerusalem, the city of his birth, and to reopen supply lines with the Israeli forces in Tel Aviv. Today you can see the remains of this battalion as a memorial to the men who lost their lives in this struggle. But eventual victory was assured, as long as men like Yitzhak Rabin fought on.

These were the actions of a man who knew the value of a free and secure Israel. To further this dream, he knew a lasting peace would eventually have to be reached with Israel's Arab community as well as with the surrounding Arab nations. In 1992, while serving his first term as Prime Minister, he began the steady progress toward peace that earned him the Nobel Peace Prize in 1994. It was in a speech here in Washington, DC, in 1993 that Mr. Rabin said, "We are destined to live together on the same soil in the same land. We, the soldiers who have returned from battles stained with blood; we who have seen our relatives and friends killed before our eyes; * * * We who have fought against you, the Palestinian's, we say to you in a loud and clear voice: Enough of blood and tears. Enough!"

Last weekend's tragedy, the first assassination of an Israeli Prime Minister, ended one life. But it cannot end the dream that Yitzhak Rabin's life stood for: a free and secure Israel, at peace with itself and the world.

The Bible has an appropriate verse which describes our memory of Prime Minister Rabin and with which I would like to conclude, "Blessed are the peacemakers, for they shall be called the children of God." We should all remember Mr. Rabin; a warrior when necessary and a peacemaker when possible for his people and for all of Israel.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, a man of war, a man of peace, I think that most succinctly describes Yitzhak Rabin, the man we eulogize today. Only a man of his background and commitment could bring Israel to make the bold and courageous steps for peace so necessary in recent years.

I recall meeting with Yitzak Rabin in his office in Jerusalem the early part of this past June in which he gave graciously of his time and patience, I might add, for spirited discussion of the peace process, especially as it relates to Israel's northern neighbor and the land of my grandfathers, Lebanon.

I recall watching both he and the king of Jordan light each other's cigarettes just off the floor of this body following their speeches to a historic joint session of Congress.

These two soldiers of war and soldiers of peace had it right when they said, The peace process must survive. It is now time for all religious fanatics on all sides to stop the killing in the Middle East and to realize that the peace process must now be strengthened. Those who fuel the flames by their hotheaded rhetoric to satisfy these enemies of peace, including in this body, should pay the real tribute to Yitzhak Rabin and his family by supporting the peacemakers.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, it is a very difficult job to try to console someone like Mrs. Leah Rabin in this difficult hour. It is very difficult to match the eloquence of President Clinton with his words eulogizing this great leader.

It is difficult to match King Hussein's strength and commitment to the peace process and his words in Jerusalem. And it is impossible to better articulate what Noa Ben-Artzi Philosof, the granddaughter of Mr. Rabin, said in such moving words about her love for the leadership of her grandfather.

I would say that two of the things that I will just humbly attempt to cite, which were inspirational about Mr. Rabin that we will miss in Israel, in the Middle East, and America is that right now in politics there is a vacuum for leadership and courage. Mr. Rabin would never think of licking his fingers to the wind and testing where public attitudes were on issues. He was a wind tunnel of strength for looking at where in a visionary sense his country should go for the best interests of later generations. And in this peace process, he was willing to risk everything to lead his people toward this vision of courage.

Second, I think he teaches us in death that in a democracy, whether it be Israel or the United States, that the people in a democracy have a commitment to speak up for a policy that they believe in or that they disagree with, that they cannot afford to remain silent or on the sidelines.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the ranking member from Indiana for yielding time to me.

I want to raise my voice in support of this resolution and in praise of Yitzhak Rabin. He was a model, a model of peace and a model of strength and a model of resoluteness. Whether one agreed with Prime Minister Rabin or not, one knew one thing: He did what he believed.

In an age of conventional politicians across the world, you never saw Yitzhak Rabin putting his finger to the wind. Rather, he made up his mind and he did the right thing. As a military man, he was sometimes accused of being too tough, as after Lebanon. As a Prime Minister, he was accused of being too soft. But Yitzhak Rabin had only one thing at heart throughout his career, and that was the State of Israel and the Jewish people who lived in Israel.

□ 1230

He is a model for all of us, whatever our background, religion, or nationality, and our condolences to Leah Rabin and the Rabin family.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS], who also joined us in the congressional delegation to Jerusalem.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to pay tribute to a fallen soldier, a warrior, a warrior for peace * * * Yitzhak Rabin.

Today our condolences and our hearts go out to the people and friends of Israel, the Rabin family, and lovers of peace.

Prime Minister Rabin was a great man, a great statesman, and a great peacemaker. He lived his life protecting the people of Israel and gave his life trying to bring an end to the cycle of violence that has plagued his nation. He was a warrior for peace and that will be his legacy. No assassin's bullet can extinguish the flame, the dream, that Yitzhak Rabin ignited in the hearts and minds of his people. Yitzhak Rabin may no longer be with us, but his dream for a safe, secure Israel, an Israel at peace with itself and its neighbors, lives on.

We have all lost a great leader, a great man * * * a man of peace. Bless him.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, over the last 21 years I came to have a tremendous amount of professional respect and personal affection for Yitzhak Rabin. I remember after Camp David having a conversation with Anwar Sadat, and I asked him whether or not Camp David in his view represented a separate peace between Egypt and Israel or whether it would represent the first step in a comprehensive settlement. He said to me, "Well, it had better be the latter because, if it isn't, I'll be dead within 5 years," and he was.

Mr. Speaker, the last time I talked to Yitzhak Rabin he told me that without peace there was no real security for Israel, and he expressed his frustrations that his political opponents were lobbying this Congress to get in the way of the Israeli Government's efforts to move the peace process forward. Two days ago in Israel, at Mr. Rabin's funeral, a key member of the Knesset said to me, "We have our necks out a mile. Is it too much to ask that Congress stay out of the way?" He said, "You must understand we have to help the Palestinians to make their elections work so that we have something real to build on."

Rabin and Peres in Israel, Sadat of Egypt, John Hume of Northern Ireland, they and people like them risk their lives and their careers routinely to bring the security of peace to their people. The best tribute to Yitzhak Rabin on this floor will not be our words. It will be our actions in either furtherance of or in obstruction of the cause which he gave his life for and risked his life for on almost a daily basis.

Mr. Speaker, I will miss Mr. Rabin both professionally and personally. He was one of the most dedicated and determined, and yet calm, men I have ever had the privilege to know in my life. I think he will truly go down as one of the great men who all of us have had the privilege to know.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, being at the funeral on Monday was one of the most moving and troubling experiences in my life. The murder of Yitzhak Rabin was a personal, national, and an international tragedy. The national aspects were so well, so well spoken, at the funeral, as were the international aspects, by King Hussein, and President Mubarak, and President Clinton.

But those of us who were there and those who listened also were struck by the personal aspects. The granddaughter reminded the murderer and the world that when he murdered the Prime Minister he not only killed a great statesman, a great leader, but a grandfather.

What is there left for us to do? To grieve and to recommit ourselves to peace and the battle against extremism.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I was proud to know Yitzhak Rabin, who served his country superbly and simultaneously in dual roles as Prime Minister—and chief peace-maker—and Minister of Defense—and Commander-in-Chief. I was honored to be part of the Congressional delegation to his extraordinarily moving state funeral.

The major figures of the Arab world made their first trips to Israel to attend the Rabin funeral, perhaps the best tribute to the impact of the man we mourn. Our large American delegation was seated behind them, and I took strange comfort gazing over the Arab headgear to the plain, flag-draped coffin.

King Hussein's remarks were so moving. He called Rabin his brother and friend, and spoke of his own legacy as achieving peace for all the world's children—not just Jordan's. Back at the King David Hotel following the ceremony, our delegation encountered the King, sitting on the terrace gazing at the old city—his first gaze in 42 years since he witnessed the assassination of his grandfather.

At the Western Wall, our delegation toured the newly excavated tunnels around the Second Temple. Our guide pointed out that the Second Temple fell because Jews began to fight Jews. The air was redolent with the unasked question: Would this—Jerusalem's rebirth and the best chance for peace in the history of the Middle East—come apart because, once again, Jew is fighting Jew?

I pray not, and urge passage of Senate Concurrent Resolution 31 which pays tribute to one of the world's great leaders and reaffirms America's support for the peace process.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding me the time.

As we all mourn the tragic death of Yitzhak Rabin, let us also take a moment to celebrate his extraordinary life, to express a profound and abiding gratitude for what he was able to do during his days on this Earth, for that wonderful gravelly voice that always carried a kind of palpable wisdom with it, for his courage, courage defined as always being willing to take real risk for a greater good, in his case enormous political risk for the greater good of a lasting peace. He was not only a great leader for Israel, but for all of us who seek a world of security and stability and decency.

Mr. Speaker, we express our deep sympathy and respect to the family of Prime Minister Rabin, to the brave people of Israel as they struggle forward. In our sadness we must also keep faith with Yitzhak Rabin's determined mission. We all have a responsibility now to come together to persevere in his name and in his honored memory to complete Yitzhak Rabin's journey to peace.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, on Monday, a beautiful and sad teenage girl captured the attention of the world as she spoke softly in Hebrew.

The simple eloquent speech of Yitzhak Rabin's granddaughter, Noa, broke our hearts.

And Prime Minister Rabin's death breaks our hearts and tries to break our spirit.

The man who fought to create the State of Israel, led Israel to victory in bitter wars, and was leading his nation down the difficult path of peace, is gone.

But the Yitzhak Rabin who did all this would not want our spirits to be broken.

If only he could have seen the historic gathering Monday in Jerusalem: Former Arab enemies wept alongside Leah Rabin; dozens of countries which once had no use for Israel sent their Heads of State to his grave; the President of the United States spoke as movingly as if he had lost his brother.

The legacy of Yitzhak Rabin is a State of Israel that is strong, secure, and welcomed in the community of nations.

The best way to honor his memory is to ensure that his beloved nation can live and prosper in peace.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN], chairman of the Subcommittee on Africa.

Ms. ROS-LEHTINEN. Mr. Speaker, the assassination of Israeli Prime Minister Rabin came as a shock to all of us. We almost considered him an irreplaceable leader in the search for a lasting peace between Israel and its neighbors.

Rabin's death reminds us that sometimes the greatest physical and moral courage is not to be found among those who make war, but among those who seek to make peace. Fortunately, Israel is a democracy whose government's policies are not the whim of only one man. And, although we mourn the loss of a courageous leader, we can be comforted by the fact that the goals he set for himself and his country are goals that are widely shared in Israel and they will continue to be pursued.

Perhaps the greatest monument that could be erected to Prime Minister Rabin would be for all of us to renew our own efforts to erect a structure of peace that can bring genuine security and peace to the people of Israel and to all of its neighbors.

We simply cannot allow fanatics—be it those who killed Egyptian President Anwar Sadat or the young man who has been arrested for the assassination of Prime Minister Rabin—to determine what the future of Israel and the Middle East shall be. We must move forward toward our goal of a lasting peace and a secure Israel.

This process has already produced benefits. And those benefits were there for all to see at Prime Minister Rabin's funeral. We have seen Israel and Jordan successfully negotiate a peace treaty. King Hussein of Jordan attended Rabin's funeral—something that would have seemed impossible just a couple of years ago—and vow publicly, "we are not ashamed, nor are we afraid, nor are we anything but determined to conclude the legacy for which my friend fell."

We have seen the ending of some boycotts of Israel by the countries in the gulf, and I think it is important that ministers from two gulf countries had the courage to attend the Rabin funeral. Let us build on this and make Israel our strong ally.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, it is an honor and privilege for me to share with my colleagues and the American people the recent tragic event that took the life of one of the great leaders of the world and certainly of his native homeland, the state of Israel.

Mr. Speaker, for generations to come the name of Yitzhak Rabin will be enshrined in the hearts and minds of the men, women, and children of Israel. He was an outstanding warrior of the highest order, and a great man—because he also was a peacemaker. Truly the Almighty could not have said it better, Mr. Speaker, when he said, "Blessed are the peacemakers for they shall be called the children of God."

Yitzhak Rabin is honored foremost not for his leadership as a warrior and soldier, but as a peacemaker. On behalf of the American Samoan people we extend our fondest alofa, shalom, peace be with you, to the last Prime Minister Rabin, Mrs. Rabin, their children, and family.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO], a member of our Committee on International Relations.

□ 1245

Mr. MANZULLO. Mr. Speaker, I spoke at the Temple Beth El in Rockford a few nights ago and would like to share those same thoughts with my colleagues this afternoon.

Mr. Speaker, as a Member of the United States Congress, I had the rare opportunity to meet Yitzhak Rabin in the recent past. I recall a man of great intensity, and as he spoke in his baritone voice, my colleagues and I were mesmerized. A photographer captured my meeting with Yitzhak Rabin, and that photo hangs proudly in my office in Washington. As you peered into his deep-set eyes, it was apparent he was the consummate warrior and the ultimate peacemaker.

Yitzhak Rabin was the warrior who helped Israel become a nation in 1948, the warrior who led Israel against insurmountable odds in the Six Day War, the warrior who knew he had to rely on God's strength to protect his tiny nation. He persevered only because he believed that the cause of Israel was greater than Israel itself; a cause for freedom for all people who had been oppressed.

And Yitzhak Rabin was the peacemaker, the one who saw Israel's role in the world from the perspective of a lasting peace. The warrior was tired of fighting and turned his energies to making peace.

I met those whom he had touched deeply: King Hussein of Jordan and Hosni Mubarak of Egypt. They respected Rabin because of his strength. He was a strong man—strong at age 73—strong in his beliefs for free Israel and strong in his convictions for a lasting peace in the Middle East. They respected him because he respected them.

They're gone now: Moshe Dayan, Menachem Begin, Golda Meir, David Ben Gurion. Now, the only native-born Israeli Prime Minister, Yitzhak Rabin, has gone to rest.

At the funeral service Monday in Israel, King Hussein was visibly moved. Who would have thought we would have seen that happen in our lifetime, a once bitter enemy shaken by the loss of a comrade in peace?

And Rabin's granddaughter, who is preparing to go into the military, as do all young people in Israel, said, "as a pillar of light led our people through the wilderness, my grandfather led me, and who will lead me now?"

His memory leads us now. The memory of one who fought for peace, and who died for peace.

We honor the warrior turned peacemaker, the one who had the courage to believe the sons of Hagar and Sarah would someday reconcile, the one who believed Isaiah: "and he will judge between the nations, and will render decisions for many peoples. And they will hammer their swords into plowshares and their spears into pruning hooks. Nation will not lift up sword against nation, and never again will they learn war."

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 1 minute to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, over 2,500 years ago, a great prophet of Israel, Habakkuk, looked around and saw the violence and the war that wracked his nation, and he asked this question: "How long, Lord? How long before the violence ends and the peace reigns?" The Lord answered, as recorded in the Holy Scriptures, in the book of Habakkuk: "Write the vision and make it plain on tablets, that he may run who reads it, for the vision is yet for an appointed time, but at the end, it will speak and it will not lie; though it tarries, wait for it, because it will surely come."

Prime Minister Rabin's struggle, his vision for peace, will be rewarded. The peace will come; though it tarries, it will come.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jesery [Mr. MENENDEZ], a member of our Committee on International Relations.

Mr. MENENDEZ. Mr. Speaker, it goes without saying that America and Israel share much in common. Both countries are built on a fierce commitment to freedom, democracy, and liberty. Both nations are heroic reactions to prejudice and oppression. And both nations know all too well, the price that must be paid for holding true to an ideal.

Yet another one of those shared experiences is that we are both relatively new nations. We measure our history as countries in decades rather than millennia. But compared to even the United States, the modern state of Israel is a sapling in the world forest.

I touch on this because, as Americans it may be hard for us to imagine Yitzhak Rabin's place in modern Israel's brief history. To give an American a proper perspective, imagine being witness as George Washington was gunned down by a mad Tory.

It is, in fact, a fair and historically accurate comparison to mention Rabin and Washington in the same breath. Patriot soldiers who helped forge a nation, then went on to become elected leaders of the very nation they fought for so bravely. Seeing Rabin and Washington as comrades may shed some light on why this tragedy touches Israel and the rest of the world so deeply.

Yitzhak Rabin earned our respect with his deeds. We were willing to follow him on the path to peace because we knew that he had marched down the road of conflict. Simply put, we trusted him to win the peace because he had been trusted to win the wars.

One of my most meaningful privileges as a Member of Congress is that I was able to work with Prime Minister Rabin. As a member of the International Relations Committee I met with him in Israel an then, back in Washington just a few weeks ago. He was a true leader who inspired cooperation with his honesty, his courage, and his deeds.

Prime Minister Rabin was well aware of the risks to Israel and to himself in trying to make peace. But he understood that the risk of not making peace is far greater. Perhaps because he was a soldier, perhaps because he was a patriot, perhaps because he was a father and a grandfather, perhaps because of all of those things, Yitzhak Rabin knew that peace is the most universal of all goals.

And as Americans, we were proud to stand with him in the quest for a just, fair, and permanent peace in the Middle East. This tragedy will not make us waver in that noble pursuit. We are committed to his goals. The doubters will quickly come to understand what Rabin knew in his soul—that peace is stronger than any gun.

Yitshak Rabin was indeed a 20th century George Washington. And as was said of Washington, it can be said of Rabin:

"First in war.

"First in peace.

"First in the hearts of his countrymen."

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, all of us in this country and across the globe send our thoughts and our compassion to the Rabin family, but those of us involved in the politics of our Nation need to learn from Yitzhak Rabin's courage; not the courage to stand up to lunatics with guns, that is a different kind of courage, which he obviously also had, but the courage to stand up in a very tough political climate.

The most difficult thing for politicians is to stand up to an angry and vocal group of their own constituency. For those of us in this Congress, we see it on a daily basis. We have freedom of speech in this country, as they do in Israel. Oftentimes that speech is fiery and poisoned, the price that was paid by Yitzhak Rabin for all too many good people sitting by silently, as those who condemned him for engaging in the peace process, for those who stood by and did not join with him in speaking out in favor of peace.

In this country we have many voices that are extreme, that feel they too get their directions directly from on high. This democracy survives not just by its laws, but by the accommodation of thoughts, by the ability to come to this Chamber and have a dialogue. The extremism that exists in our land threatens our democracy, as that lone gunman threatened the life of Yitzhak Rabin. The peace process will continue. It will thrive. All of those in this Chamber and across the globe will understand how critical it is, and must not let their voices be muted. We must continue that effort.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I thank the gentleman from New York very much for yielding me this time.

Mr. Speaker, my time in Congress is almost the same as Israel's birth and growth. I was elected to the House for the first time in November 1948. Israel became a Nation in May 1948. I have known all of its leaders and Ambassadors to the United States, including Yitzhak Rabin with whom I established a firm friendship when he became Ambassador to the United States in 1965. We became close friends.

He was one of the giants of Israel, one of the long line who had developed Israel into the splendid nation it is today: Ben Gurion, Levi Eshkal, Golda Meir, Moshe Dayan, and the other stalwarts of that great State.

Yitzhak Rabin's contributions to Israel in peace and war were among the greatest in Israel's history. He had the courage to press for peace with his Arab neighbors over the objections and the extreme hostility of Arabs and Israelis both. His death, of course, will be an immense loss to the peace which he sought, and toward which he had done so much. In his memory, the peace process should bring Israelis and Arabs closer to the bargaining table to seek the peace for which Yitzhak Rabin gave his life.

Addie and I extend our profound sympathy to Leah and the Rabin family, whose courage and dignity have been an inspiration to the world.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I thank my friend and colleague, the gentleman from Florida, for yielding time to me.

Mr. Speaker, I join my colleagues in this Chamber in support of Senate Concurrent Resolution 31. This resolution condemns the assassination of Israeli Prime Minister Yitzhak Rabin, and extends our deepest sympathy to his family and the people of Israel.

The hearts of Americans are heavy and laden with grief. We join the Government and people of Israel in mourning the tragic loss of Prime Minister Rabin. The world pauses to pay final tribute to a leader whose last mission was a quest for peace.

Mr. Speaker, it has been said that Yitzhak Rabin dedicated his life to Israel's rebirth, its security, and its freedom. He was a soldier who led troops during Israel's war of independence. When he was elected Prime Minister, Mr. Rabin was able to forge a close relationship with the United States and other allies in the pursuit of peace in the Middle East.

Yitzhak Rabin was a warrior who came to believe the time had come to seek peace. He believed it in his heart, and he spent his days leading the nation of Israel toward that ultimate goal. In 1993, the eyes of the world turned to Washington, DC, as Prime Minister Rabin and PLO leader Yasser Arafat pledged a bond of peace between Israel and the Palestine people. Prime Minister Rabin harbored no hatred as he said:

> We have come to try to put an end to the hostilities so that our children, our children's children, will no longer experience the painful costs of war, violence and terror.

Mr. Speaker, the voice of Prime Minister Rabin has been silenced. But I am convinced that his quest and his longing for peace will be fulfilled. Those of us who are committed to peace realize the dangers when you dedicate your life to that goal. Here in America, the assassinations of President Abraham Lincoln, John F. Kennedy, and Dr. Martin Luther King, Jr., took from our midst other great men who were committed to peace and understanding.

The healing process that America has undergone far too often now confronts our friends in the Middle East. We stand aligned with our neighbors as they confront this challenge. Prime Minister Rabin died in the quest for peace. It is our responsibility to continue that quest with even greater commitment and urgency. This would be the greatest testament to the memory of Yitzhak Rabin.

During my tenure in the U.S. Congress, and throughout my life, I have enjoyed a close relationship with members of the Jewish community. On their behalf, and on behalf of the entire 11th Congressional District, we offer our condolences to the family of Prime Minister Rabin. We offer our support to the people and Government of Israel in this time of great loss.

Mr. Speaker, as we gather today to pay tribute to Prime Minister Rabin, I am reminded of the words of acting Prime Minister Shimon Peres who said,

> * * * I know a deep mourning has fallen on Israel, on our people, our neighbors, because he was a rare leader in our nation, and a rare leader in our world. When I look at the map of world leaders, I see no one who worked with greater resolve, skill, devotion and self-sacrifice than Yitzhak Rabin.

Mr. Speaker, hatred has, indeed, taken from our midst the dreamer. We cannot and will not allow hatred to end the dream.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 2 minutes to my good friend, the distinguished gentleman from New York [Mr. ENGEL], who was a member of the presidential delegation that went to the funeral of Prime Minister Yitzhak Rabin.

Mr. ENGEL. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding time to me. We had a lot of conversation on that plane. We did not sleep very much, but those of us that were privileged to be part of the official American delegation to Israel for the tragic funeral of Prime Minister Rabin will remember it and cherish it for the rest of our lives.

Mr. Speaker, when we arrived in Israel, we were given two badges. These were the badges we wore, which said that we were part of the official delegation and allowed us to get into the cemetery. What I saw in Israel, and I have been to Israel many, many times, what I saw in Israel was nothing that I have ever seen: throngs of people crowding each street corner, throngs of people crowding as the motorcades went by, as our bus went by, into the cemetery; people lighting memorial candles, people holding vigils, people holding signs. It was just something that will live with me for the rest of my life.

I was proud. We had 15 Senators and 19 House Members there as part of the official delegation. Although, again, I have been to Israel many times, and I feel so strongly about enhancing the United States-Israel alliance, which is a vital alliance for both countries and a good, strong alliance, I think that this time in Israel, short as it was—36 hours, and we did not even have a chance to sleep; we were there, we ran around, we came back—I think this trip had the most meaning for me.

Mr. Speaker, I was privileged and proud to know Yitzhak Rabin for many, many years. I was privileged and proud to call him my friend. I was privileged and proud to watch him, watch him grow, watch him change, in an evolutionary change. He fought on the battlefield and was a soldier in war when he felt that was the way to protect his nation, but he became a soldier for peace, understanding that peace was the only way to go, and the best way to ensure the security of his nation.

Let me say to my dear friend Yitzhak Rabin, "We will miss you, but we will never forget you. All of us will try to emulate you. Peace, shalom. That is the most important thing."

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in praise of Yitzhak Rabin, in sadness over his passing, and in support of the resolution today.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 31, which extends the deepest sympathy of this Congress to the family of Prime Minister Rabin and to the people of Israel. The world lost a great man on November 4, when an assassin's bullets took from our midst a true leader.

The eulogies for Yitzhak Rabin have been eloquent and heartfelt. His credentials, his accomplishments, his dedication, and his vision have been lauded by leaders around the world. Listening to these somber words of praise and mourning, of shock and grief, of public and personal memory, I have been struck by the resonance of this loss across diverse populations, across communities and across nations. It is not only the people of Israel who are mourning Prime Minister Rabin's tragic, untimely, and violent death. They have been joined in their grief by people around the world. This loss struck a chord.

I have thought deeply about how Yitzhak Rabin touched so many people. He was great in many ways. What stands out about Yitzhak Rabin, to me, what elevates him so far above the rest, was his courage to change. After pursuing one vision, the vision of the warrior, for the majority of his life, Yitzhak Rabin recognized, and then acted on his recognition, that the way to the future was through peace, not through war. He had the courage to change and through that courage, changed the course of the world.

The day that the peace agreement was signed on the White House lawn, Yitzhak Rabin proved that there is no conflict too old, too entrenched, or too deep to be resolved. His work and his handshake demonstrated that negotiations and compromise can produce results. He gave impetus to participants in other longstanding conflicts to start talking to their opponents; he gave hope to the victims of conflict that peace is possible.

Above all else, Prime Minister Rabin was a realist. He knew that proving peace was possible did not prove that peace was easy. His assassination is a tragic example of how difficult the pursuit for peace can be.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, on July 26, 1994, Yitzhak Rabin, Prime Minister and Defense Minister of the State of Israel, addressed the United States Congress. These are his words on that day:

> Each year, on Memorial Day, for the Fallen of Israel's war, I go to the cemetery of Mount Herzl in Jerusalem, facing me are the graves, headstones, the colorful flowers blooming on them, and thousands of pairs of weeping eyes. I stand there, in front of that large, silent crowd, and read in their eyes the words of, "The Young Dead Soldiers," as a famous American poet, Archibald MacLeish, entitled the poem from which I take these lines:
>
> They say;
> Whether our lives and our deaths
> were for peace and a new hope,
> we cannot say;
> it is you who must say this.

□ 1300

Today Yitzhak Rabin is among the fallen on Mount Herzl. He has given us his life; we must give it meaning. We must labor and live so that his life and death stands for peace and a new hope.

Prime Minister Rabin closed his remarks with an ancient blessing and a continuing plea for peace. Again, in his words: Blessed are you, oh, Lord, who has preserved us and sustained us and enabled us to reach this time. God bless the peace.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thank the distinguished gentleman from Florida [Mr. HASTINGS], and I rise to support this resolution in honor of Prime Minister Rabin and offer to those of us who would reflect how telling it is to hear that in the glaring headlines of the Israeli papers we have the family of the alleged perpetrator acknowledging the tragedy of this incident and the hopelessness that they feel, and asking for forgiveness. We can forgive but we must learn that violent talk can also bring about violent deeds.

The headlines rang out across this Nation over the weekend, but one that was more telling than any was one that said "Muslims, Christians and Jews share a prayer for the same, an uneasy peace."

We in America know about an uneasy peace, for we have been caught up in the turmoil of an assassination of President John F. Kennedy who rose in this Nation to speak of values of unity and unification, and we experienced sadly the short life of Dr. Martin Luther King, who himself was a promoter of peace. Therefore, I applaud and salute Prime Minister Rabin who after experiencing the tragedy of war embraced the idea that this world is better off if he spoke for peace and worked for peace even if there was those detractors who spoke violently against peace. Prime Minister Rabin risked his life and braved his enemies to stand up for peace for Israel and peace for the world.

So I come today to say that peace will prevail, peace will survive, for Prime Minister Rabin was a freedom fighter who turned his eyes toward being a fighter for peace. His life was one that reflected a sense of understanding that it was better to send home the military boys and girls of our families in Israel and the Arab world, in this Nation whole and in one complete piece. This can be done if we pay tribute to Prime Minister Rabin by our action to secure peace in the Mideast.

So this headline of "Muslims, Christians and Jews share a prayer for the same, an uneasy peace," should result in more than prayer, we should make peace happen.

To Mrs. Rabin and her family my deepest regret, I am privileged to have met him. But the words of his granddaughter captured his life better than others. She said "no one knows the caress that you placed on my shoulder and the warm hug that you saved only for us." I would simply add.

Shalom, peace, let us maintain peace in his name.

Mr. Speaker, I rise today to support Senate Concurrent Resolution 31 to honor the legacy of slain Israeli Prime Minister Yitzhak Rabin. I was extremely shocked and saddened when I heard the news that he had been killed. His life, which mirrored the life of the State of Israel, was committed to establishing security for his people and a lasting peace for the Middle East.

As a military leader, Mr. Rabin was a giant; he fought for the Independence of his country and was the Israeli Military Chief of Staff during the Six Day War in 1967. As a peacemaker, Mr. Rabin worked to establish a relationship with the Palestinians and signed Israel's second peace treaty, with Jordan.

Throughout history, many have given their lives in the pursuit of peace: Gandhi, John F. Kennedy, Robert F. Kennedy, Anwar Sadat, and now, sadly, Yitzhak Rabin. Mr. Rabin's death should not be the end of his vision of a lasting peace for the Middle East. As was evident by those who attended his funeral on Monday, the peace process is on a course that cannot be stopped. And, the United States should do all that it can to make sure that the process continues.

As the U.S. Representative for the 18th District of Texas, I am the caretaker of the Mickey Leland Kibbutz program. This program takes young people from Houston, and sends them to Israel. Ideas and cultural attitudes are exchanged. It is in this spirit of cooperation and peace that Yitzhak Rabin's dream will continue. The American/Israeli relationship is unflappable. The United States must, and will continue to support Israel and its people in their quest to live free from war and bloodshed.

During my last visit to Israel, I was struck by the similarities between our two peoples. We are both committed to democracy and free expression, to personal liberty, and to the pursuit of happiness. It is because of these similarities that the United States must continue to be Israel's strongest ally. We must stand by Israel and the Israeli people in this time of need.

Let us not let Yitzhak Rabin's murder be the ending of one man's vision. Let us make it the catalyst in a new, lasting commitment to bring to fruition Mr. Rabin's vision of a Middle East with open borders, peaceful and free. This must be our commitment, it must be our duty.

I say to the people of Israel, we will stand behind you. We will not forsake you. The peace process must be expedited. The days of death and bloodshed will end. Yitzhak Rabin's life has ended, but his dream lives on.

Peace, Shalom.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, blessed are the peacemakers; and the Prime Minister of Israel, Yitzhak Rabin, was truly one of this century's great peacemakers. To his family and to all Israelis, in fact to all Americans who came to know and honor this great man, I rise in support of this resolution.

Let us take this opportunity as well to embrace heartily the peace process and our hope that all parties in this peace process will move forward in the name of the Prime Minister, and that the Syrians and the Palestinians and all of those who want a stable and lasting peace for all of the people of the Middle East will take this opportunity in memory of the slain Prime Minister to wholeheartedly embrace the process, to live by the tenets of the Oslo accords and to once and for all bring stability to this vital and strategic area of the world.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Florida [Mr. DEUTSCH], my friend and colleague.

Mr. DEUTSCH. Mr. Speaker, I, too, today join my colleagues in rising in support of this resolution.

I had the honor to meet and interact with Yitzhak Rabin probably at least a dozen times. The last time I was in Israel I knew I was going to have an opportunity to spend some time with him, and I read his autobiography on the plane over to Israel, and his autobiography in a sense is really almost a history of the modern State of Israel.

From the time of a young man in his early twenties being the commander of the Hagana and Palmach troops that defended and really secured the existence of Jerusalem for the Jewish State, going on from the 1948 through 1967 war when he commanded Israeli defense forces into his first term as Prime Minister, his life truly is the life of the modern State of Israel.

Any death is a tragedy, and the tragedy that we see here is of untold, indescribable proportions. Brothers killing brothers. I think everyone in the world feels that pain. The pain that we feel is not just for the family, and we feel that pain, but really for the future as well.

Because those of us who know and understand some of Jewish history know that there has been brother killing brother that has destroyed prior States of Israel, and our hopes and our prayers is that that is not what this is about, but this is the act of a crazed one person, and that is the only act, and it is not tidings of worse things to come.

Many people who have been in this Chamber on a daily basis do not acknowledge or do not realize that right above us, actually straight in the center of us, is a wreath of Moses who looks down on us every day in this U.S. Congress, and for those who are watching on C-SPAN I would ask them when they come to Congress, and even those in the gallery can look.

I, too, know that God looks on us in our presence and through his help and strength that his will will be done in the future.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker and my colleagues, I did not know Prime Minister Rabin well, but I had an opportunity, like many of you, to hear him. I remember 2 years ago I stood on the White House lawn and saw that famous handshake that he said was so rare, but he felt should be so common, of people coming together, and we praised him then for his peace efforts.

I had the opportunity to join Chairman GILMAN and other Members of the new majority also in a bipartisan effort and flew to Jerusalem earlier this year; and we reassured the Prime Minister and other leaders that we were committed to peace, his peace efforts in the Middle East; and we lauded him at that time. But I got to see him firsthand; and I saw a tough man, a firm man, but a gentleman. Again, I did not know him that well, but I feel privileged to have had the opportunity to discuss peace with him and his efforts.

Then we heard not too long ago his admonition that the land of milk and honey should not be a river of tears and blood, and all of us listened, and we heard him again appeal to the Middle East and to the world for peace.

So we saw a man who was drawn into war, but who worked for peace, and he taught us a lesson, a lesson that we should be thankful for and remember toward world peace, Be prepared for war, but, in fact, that we should all work for peace. He will be missed by myself and many others who have had a brief opportunity to work with him, but we will work toward his legacy, and that legacy was one of peace.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois [Mr. RUSH], my friend and colleague.

Mr. RUSH. Mr. Speaker, as an individual who has dedicated his life to fighting for a better understanding of and more harmonious relationships between all the people of the world, regardless of their race, religion, or ethnic background, I was particularly wounded and shocked by the assassination of Prime Minister Rabin.

I had the unique opportunity to meet with Yitzhak Rabin 3 months ago when I visited Israel for the first time. It was through this unique visit that I had an opportunity to meet with Mr. Rabin. In his presence, I was immediately put at ease by his earthy style and his folksy, one might even say, laid back demeanor. I recognized his straightforward approach and his direct response to questions posed to him. I recognized an extraordinarily courageous man whose nobility was not camouflaged nor bolstered by pretense, pomp, or circumstance. I was particularly impressed with the strength that he displayed on the question of Hebron. The success of the peace process was paramount to this warrior for peace.

Yitzhak Rabin epitomized the phrase "an ordinary man who accomplished extraordinary things."

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. ACKERMAN], my friend and colleague.

Mr. ACKERMAN. Mr. Speaker, I want to thank the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] for bringing this to the floor.

Mr. Speaker, I rise in the strongest of support for this resolution. Almost 2 months ago, I was asked to speak during a synagogue service in New York about the hopes and dreams of both the American and Israeli people for an enduring and secure peace.

The assassination of Prime Minister Yitzhak Rabin last Saturday night cut to the very heart of those hopes and dreams.

During my remarks, I shared the profound experience I had with another assassination. I talked about how I rushed from school to my mother's apartment in Flushing when I heard the news that President Kennedy had been shot. We were part of an America that feared that we had lost our hopes and our dreams.

Flying to Israel for the funeral of another great leader gunned down for his beliefs and principals, I wondered whether Israel and its people would itself fall into hopelessness.

On Monday morning, the day of Mr. Rabin's funeral, my question was answered. There was despair, but there was hope as well. There was hope, because you cannot kill dreams with bullets. That hope was rekindled by the sight of presidents, prime ministers and ambassadors, who gathered atop Mount Herzl in Jerusalem from places across our planet. That hope was strengthened by the sight of international leaders wearing yarmulkes and listening to the recitation of Kaddish, the Jewish mourner's prayer. By the sight of Islamic leaders wearing Kafias. That hope was rejuvenated by the vision of former enemies gathered between Israeli flags unfurled in a soft breeze at the foot of the coffin of a former enemy-general, now felled in the war for peace.

And despite the nightmare of this assassination, the dream of peace was sustained, and even strengthened, at the extraordinary sight of Egypt's President Mubarak and Jordan's King Hussein reaching out to console the widow of a slain Israeli Prime Minister. The King calling her his sister, just as they have reached out to console the widows of their own citizens lost in the futility of the wars of the past.

The world must learn from this horrible deed. We must learn that words have consequences. That fundamentalist zealots on all sides are not part of any legitimate debate, and that those who encourage them have joined with the forces of darkness. And that real dialog is necessary.

Mr. Chairman, we honor the memory of Prime Minister Rabin by staying the course, and continuing our quest for a secure peace.

Mr. Speaker, the world has lost a leader. Many of us have lost a friend. But I am certain that the United States and Israel will continue to build on the hopes and dreams of both our people.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard expressions of support and deep sympathy for the Prime Minister now departed. We have also heard sympathy and condolences appropriately directed to the family of Yitzhak Rabin and the people of Israel in this moment of tragedy. This resolution expresses its admiration for the historic contributions made by Prime Minister Rabin over his long and distinguished career of public service. Also, it expresses support for the government of Acting Prime Minister Shimon Peres.

I was a member of the Presidential delegation that attended the funeral, after which we had the distinct privilege and pleasure of having Mr. Peres take from his busy time to come and thank all of the Americans who were a part of that delegation.

I also thought that President Clinton also used his time well to thank the members of the Knesset who sponsored a brief reception for the American delegation. It was an extremely moving experience to be a part of such an historic moment and to see the numbers of faces that lined the streets of Jerusalem that were in mourning and in sympathy for their and our departed leader.

As this resolution comes to the floor, I am hopeful that civil discourse will take on new meaning for all of us that at least should learn from these kinds of experiences, that we can be better in our disagreements.

The song says, "When will they ever learn? When will they learn?"

I hope from this sad tragedy that all of us will learn the lessons of peace.

Mr. Speaker, I yield back the balance of my time.

□ 1315

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to first express my appreciation that the Members of this House have had the opportunity today to eulogize Prime Minister Yitzhak Rabin. His tragic death will, we hope, serve as a catalyst to all those in the Middle East to come together and to move the peace process forward.

It is essential that extremists cease their hateful activity so that the nation of Israel can benefit from the tragic death of Yitzhak Rabin as a motivator for healing his nation.

Mr. Speaker, all of Israel's citizens must play a constructive role in determining Israel's future. Prime Minister Rabin's death can and should be a force for peace. But first, Israel's citizens need to listen to each other, to understand and recognize their hopes and fears, their dreams, and concerns.

Let us hope and pray that Yitzhak Rabin's shocking loss will spur leaders throughout the Middle East into a more active and a committed role for a long-lasting peace.

Mr. MANTON. Mr. Speaker, I rise today to express my outrage and sadness over the assassination of Israel's Prime Minister Yitzhak Rabin. There are few people who stand against incredible odds to achieve peace. Yitzhak Rabin was one such person—a great leader and laborer for peace.

Mr. Speaker, a crime this violent and thoughtless is unspeakable, especially when it is against a person so dedicated to promoting peace in an area infested with war and upheaval for so long. Prime Minister Rabin brought his people together to mend the wounds of the past and prepare them for the road of peace, a profound achievement for which he was recognized in 1994 when he received the Nobel Prize for Peace. His dedication to this cause was so great, he died for it. As it is said in the bible, "Blessed are the peacemakers, for they shall be called sons of God." This passage reminds us that Prime Minister Rabin's efforts in the peace process must continue and never be allowed to falter.

Only a short time ago, Prime Minister Rabin joined President Clinton and Palestinian leader Yassar Arafaat at the White House for a second peace treaty signing, ensuring that lasting peace would prevail in the Holy Land. We must not let this cowardly act of murder deter the people of Israel and Palestine from living together in harmony. Although the peace process between Israel and Palestine has not been an easy one and the murder of Rabin has made it more difficult, we as Members of Congress must help ensure it will not be further jeopardized by the ignorant.

Mr. Speaker, it is my hope that justice for those involved in this unspeakable crime will be swift and severe. A great friend of peace is lost and will never be forgotten. My deepest condolences go out the Rabin family and the nation of Israel.

Mr. CUNNINGHAM. Mr. Speaker, today I rise to honor the memory of Prime Minister Yitzhak Rabin. Prime Minister Rabin was a true hero who devoted, and eventually sacrificed his life for peace and democracy in the country of Israel. My heart goes out to this great peacemaker's family and the citizens of his country, all of whom will surely miss him.

Yitzhak Rabin was a courageous military leader who fought for Israel's freedom and spearheaded its rebirth. Just as he defended Israel from the threats of enemies, he also pursued peace with those who posed threats. As Prime Minister, he successfully achieved a very positive relationship with our country and won the hearts of several U.S. presidents.

The strong leadership and numerous accomplishments of Yitzhak Rabin will not soon be forgotten. Although his was a tragic death, this courageous leader's ideas and progress toward peace will continue. Prime Minister Rabin wanted a free, democratic Israel where peace prevailed throughout the land. I am confident that the peace process between Israel, the Palestinians and Arab countries will continue with the same vigor and spirit that the Prime Minister dedicated to this crusade.

In honor of this hero, I urge you to vote in favor of Senate Concurrent Resolution 31, Honoring the Life and Legacy of Yitzhak Rabin. Not only does this measure extend sympathy to the family and condemn the assassination, it also expresses our commitment, as legislators, to the Middle East peace process. Your vote in favor of Senate Concurrent Resolution 31 is of vital importance.

Mr. BARRETT of Wisconsin. Mr. Speaker, the date of June 26 will long be remembered by peace-loving people throughout the world. For it was on that date in 1992 when Yitzhak Rabin's fragmented Labor Party scored an upset victory in elections over the Likud Party on a platform of progress and peace.

In that election, the Israeli people spoke loud and clear. The Jewish State could no longer afford to shed the blood of its sons and daughters. Only by pursuing a real and lasting peace with its neighbors, would their country fulfill its prophecy as embodied in the national anthem Hatikva: "To be a free people in our land, in the land of Zion and Jerusalem."

With this weekend's senseless assassination of Prime Minister Rabin in the midst of the largest peace in rally in the nation's 47-year history, we are left to search for answers in the face of this horrible tragedy. Above all else we are left to wonder if this act of brutal cowardice will derail the tremendous strides Israel, its Arba neighbors, and the United States have made together since Rabin came to power.

Rabin was a skillful general who spent the better part of his life in the Israeli military, helping to protect his young homeland from constant attacks and acts of war. But in the end, Rabin will be remembered as a peace warrior, who would not back down from his mission, even at the price of his own life.

Now more than ever before, we must strengthen our resolve for peace. We must not waste a moment to move forward to fulfill the promise for which Yitzhak Rabin gave his life. If we need any clearer indication of the world's commitment to realizing Rabin's legacy, we need look no further than the outpouring of grief at Monday's funeral from leaders whose very attendance would have been unthinkable a few short years ago.

Just as we have since 1948, the United States and Israel will remain great allies. Here in America, and throughout the world the leaders of nations must follow the examples of Yitzhak Rabin's selfless determination and unfailing commitment. In doing so, we will begin the 21st century not in fear of war or hatred, but in the spirit of peace, progress and Hatikva: Hope.

Mr. HOLDEN. Mr. Speaker, it is with great sadness that I rise today to pay tribute to Yitzhak Rabin. Last Saturday was truly a sad day, because not only did Israel lose a fine Prime Minister, but the world lost a great leader. He began as a soldier fighting for his nation's freedom, and died as a soldier for peace.

The life of Yitzhak Rabin is the story of Israel. He was born in Jerusalem in 1922 and fought for Israel's independence. He worked his way through the ranks of the Israel Defense Forces, becoming Chief of Staff and the architect of the Israeli victory in the Six-Day War in 1967. He was first elected Prime Minister in 1974, and was again elected in 1992.

In a time when great leadership was needed, Yitzhak Rabin always stepped forward to serve his nation. He will be remembered as one of the greatest leaders of our century and as a man with the fortitude to lay down arms and embrace his enemy in the name of peace.

I had the great pleasure to meet Prime Minister Rabin in Jerusalem in May of this year and it was an experience that I will never forget. I still have a picture in my mind of him sitting in a conference room talking to us.

He was a man of great courage and vision. He had the foresight and bravery to fight for peace, to lead his country into a peace with people who had previously been bitter enemies.

I also had the privilege to be present on the White House lawn on September 13, 1993, when Prime Minister Rabin and Yasir Arafat signed a historic peace accord that has opened a new chapter of peace in the Middle East. It was the personal courage and leadership of Mr. Rabin that made the accord possible. Now the fight for peace continues, despite the loss of one of its finest soldiers.

The peace process must go on despite this tragic loss. The voices and acts of extremists cannot be allowed to stand in the way of progress. The greatest tribute which can be done for Yitzhak Rabin is continuing the peace process. He will not be forgotten, and his achievements will be memorialized in the future by the sight of Israelis and Arabs living together in peace.

Mr. GILMAN. Mr. Speaker, it is with deep sorrow and a sense of personal loss that I introduce legislation today that honors the life and legacy of Israel's slain Prime Minister. Yitzhak Rabin, who was gunned down on Saturday night by a lone assassin, was attacked by a killer who opposed Prime Minister Rabin's efforts at reconciliation and peace with the PLO, initiated 2 years ago with the signing of the Declaration of Principles between the parties.

The shocking circumstances of Prime Minister Rabin's death magnify the tragedy of his loss. I was honored to participate with the Presidential delegation that attended Prime Minister Rabin's state funeral yesterday. It was gratifying to see in attendance an extensive list of international dignitaries, including representatives of nations with which Israel does not have any diplomatic relations.

It was this gathering that mourned the life and legacy of Yitzhak Rabin, a soldier-statesman who became his nation's first native born Prime Minister. Born in Jerusalem in 1922, as a young man, Yitzhak Rabin fought for Israel's independence by defending the Tel-Aviv-Jerusalem highway. He distinguished himself repeatedly, and, as Chief of Staff of the Israel Defence Forces, was the architect of Israel's stunning victory in the Six-Day War of 1967, which saw Jerusalem, Rabin's birthplace, reunited as Israel's capital.

I came to know, to work with, and to respect General Rabin in his capacity as Ambassador to the United States, as Secretary of Defense, and as Israel's Prime Minister. He distinguished himself again and again, contributing heavily to the close U.S.-Israel partnership that exists today. His commitment to that relationship, as well as his personal and unstinting commitment to "peace with security", were evident throughout the remainder of his political career, whether as Minister of Defense or Prime Minister of Israel.

Israel's road to peace has been a difficult one. Yet, Prime Minister Rabin will forever be remembered as a man who not only led Israel to victory in war, but who also led her citizens in pursuit of peace. At this troubled time in Israel's history, we express our support for Israel's transition government, and reaffirm the congressional commitment to a lasting peace between Israel and her neighbors.

Our thoughts and prayers are with the Rabin family, with Acting Prime Minister Shimon Peres, and with all the people of Israel at this time.

Accordingly, Mr. Speaker, I request that the full text of our legislation, House Concurrent Resolution 112, be printed at this point in the CONGRESSIONAL RECORD.

H. CON. RES. 112

Whereas Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922;

Whereas Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967;

Whereas Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977 and from June 1992 until his assassination;

Whereas under the leadership of Yitzhak Rabin, a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, continued with the conclusion of a peace treaty between Israel and Jordan on October 26, 1994, and continues today;

Whereas on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker;

Whereas shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a chance for peace . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people.";

Whereas Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people; and

Whereas on November 4, 1995, Prime Minister Yitzhak Rabin was assassinated in Tel Aviv, Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the heinous assassination of Israeli Prime Minister Yitzhak Rabin in the strongest terms;

(2) extends its deepest sympathy and condolences to the family of Prime Minister Yitzhak Rabin and to all the people of Israel in this moment of tragedy;

(3) expressed its admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service;

(4) expresses its support for the government of Acting Prime Minister Shimon Peres; and

(5) reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 31, which condemns the assassination of Israeli Prime Minister Yitzhak Rabin, and extends Congress' deepest sympathy to the family of Mr. Rabin and the Israeli people. The measure also expresses support for the government of Acting Prime Minister Shimon Peres and its commitment to the process of building a just and lasting peace between Israel and its neighbors.

Mr. Speaker, on the night of November 4, 1995, the world lost one of its great leaders. Yitzhak Rabin was a warrior who fought bravely to create the State of Israel, and who fought hard to defend Israel. Yitzhak Rabin knew war, he knew all the destruction and suffering that war causes. More than any Israeli leader, Yitzhak Rabin yearned for a lasting peace.

In the last years of his amazing life he achieved many of the goals he worked so hard for throughout his life. Perhaps it took a man of Yitzhak Rabin's strength, fairness, integrity, and immense courage to forge a meaningful peace with Israel's neighbors and the Palestinian people.

More than anything, Yitzhak Rabin was a man of peace and a man of courage. He devoted his entire life to the security and well-being of his country. Ultimately, Yitzhak Rabin gave his life for the cause of peace. All those throughout the world who cherish peace mourn this enormous loss. Yitzhak Rabin will be long remembered as one of the great men of the 20th century.

I join my colleagues in saluting this great man, and in extending our deepest and heartfelt sympathies to his family and the people of Israel.

I also join my colleagues in expressing my sincere hope that the historic peace process that Yitzhak Rabin worked so hard to put in place, continues. Indeed, I can't think of a more appropriate and lasting monument to Mr. Rabin than the establishment of a lasting peace agreement between Israel, the Palestinian people, and Israel's neighbors.

Mrs. MORELLA. Mr. Speaker, I rise today with my colleagues to support Senate Concurrent Resolution 31.

We join with the people of Israel in mourning the death of Prime Minister Yitzhak Rabin, a plainspoken man of eloquence and courage. He was his country's greatest war hero and he was its greatest peacemaker.

A soldier, father, and grandfather, he knew too well the terrible price all the people of the Middle East, Jews and Arabs alike, have paid for decades of war and he knew too well the inconsolable grief of parents for their slain children.

The tragic loss of this great man, who moved his country to make peace with its greatest enemies—for which he received the Nobel Peace Prize—must be met with unwavering determination to finish the march toward peace, the "great and noble idea of peace," that he started. That must be the world's tribute to Yitzhak Rabin.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to honor a renowned world leader. Yitzhak Rabin's unwavering commitment to the security and future of his people leaves a legacy worthy of emulation. He lead his country to victories on the battlefield and paved the way for peace with his former enemies. Just minutes before his death Prime Minister Rabin reminded his country of the momentous crossroads at which it stands. "I was a military man for 27 years. I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it. * * *"

The Israeli democracy he crafted and protected so vehemently will continue to bring stability and peace to the land in his death. This is Israel's inheritance.

His courage and leadership proven in war and displayed in peace earned him global respect and admiration. The outpouring of leaders and friends to his funeral, many of them former enemies, is a testament to his leadership and accomplishments. He will be sorely missed.

Ms. WOOLSEY. Mr. Speaker, today we are pausing to remember Israel's courageous fallen leader, Yitzhak Rabin. Prime Minister Rabin was a rare leader, the kind the world sees once in a generation.

He was a valiant soldier who led the Israeli Army to victory in the Six-Day War. He united Jerusalem, and secured Israel's borders. He made it safe for Jews from around the world to pray at the Western Wall.

But it is for his tireless dedication to peace that he will always be remembered. As a former soldier, he knew all too well the price of war.

He made many sacrifices, and took many risks to make peace. He knew that his mission for peace was unsure and dangerous, but he also knew that peace for the Jewish State was a worthy and important goal.

In the fall of 1993, I had the privilege to meet Yitzhak Rabin in Israel, and was struck by his sincerity and humanity. Then, a month later, I was standing on the White House lawn the day that Prime Minister Rabin and Yasser Arafat took that enormous step toward peace. I remember the handshake, and the promise it held for a bright future for Jews and Arabs alike.

Now, an assassin's bullet has taken away one of the real visionaries of our time. And in a split second, the world became a great deal poorer.

Today,it is hard for us to make any sense of so tragic an act. But, we try by taking a minute to reflect on Prime Minister Rabin's enormous accomplishments, and by holding his life up as an example of courage, commitment, and dedication to peace.

As Representative of the Sixth Congressional District of California, I assure you that I will always make sure that the United States stays a strong and dependable ally of the State of Israel. We must stand by Israel always—but it is even more important at such a troubled moment. Further, we must all make sure that Prime Minister Rabin's heroic deeds are remembered forever—and that we give life to his dreams by dedicating ourselves to fulfilling his goal of a lasting peace for all.

Mrs. FOWLER. Mr. Speaker, as we heard in the eulogies at his funeral, Yitzhak Rabin was many things to many people—soldier, statesman, strategist, loyal friend, respected opponent, and beloved grandfather. The world, however, will remember him purely and simply as a hero—a hero in the one battle he said it was a pleasure to wage—the battle for peace.

Following Mr. Rabin's death, I went back and read a poem which I heard him quote before a joint session of Congress last year. The poem, by Archibald McLeish, is about soldiers who died to protect their homeland. Part of it goes like this:

> They say, Our deaths are not ours; they are yours; they will mean what you make them * * * They say, We leave you our deaths. Give them their meaning.

It is up to all people of good will to give Mr. Rabin's death meaning, by carrying on the great work for which he gave his life.

Mr. RADANOVICH. Mr. Speaker, on the sad occasion of Yitzhak Rabin's tragic death, I convey my deepest condolences to the nation of Israel. Mr. Speaker, as you and other world leaders return from a mourning Israel, I am certain you appreciate that Yitzhak Rabin's sudden death must not overshadow his prosperous life. The fallen leader now rests peacefully alongside other greats in Israel's history, comforted by the cypress and pine of Mount Herzel Cemetery. As this and future generations visit the cemetery, I am hopeful they will be struck by the peace of the setting which befits his most enduring legacy. Mr. Speaker, I ask that the following letter written to Ambassador Rabinovich be included in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 6, 1995.

Hon. ITAMAR RABINOVICH,
Ambassador of Israel,
Washington, DC.

DEAR MR. AMBASSADOR: On behalf of those I have the honor to represent in the 19th District of California, I wish to express our most sincere sympathy to the people of Israel on the loss of your leader, Prime Minister Yitzhak Rabin.

There is little I can add to the expressions of mourning—many of them so movingly eloquent—that have been heard from around the world. Indeed, I find my own feelings voiced best by what two others have said.

"The best memorial for Yitzhak Rabin is to continue what he started, which is the peace process. Only through our unwavering commitment to this objective can we truly honor the memory of this fallen hero of peace."—President Hosni Mubarak of Egypt.

"The Jewish people, who go back a long way, have always been inspired by fallen heroes like Yitzhak Rabin to reaffirm their faith."—William Safire, New York Times columnist.

To the end that our world no longer shall experience the painful cost of war, let us keep always before us the example of Yitzhak Rabin's courage, vision, and commitment to peace.

In sympathy,
GEORGE P. RADANOVICH,
Member of Congress.

Ms. FURSE. Mr. Speaker, Yitzhak Rabin was a great leader and a great peacemaker. He took tremendous risks for peace, including the ultimate sacrifice of losing his life.

In the aftermath of Mr. Rabin's assassination, there must be an international reckoning on violence and those groups who attempt to tear us apart. In my own State of Oregon, there are fringe organizations that employ inflammatory rhetoric and actions that are seeking to divide us. What we need instead are groups that are seeking to bring us together. Yitzhak Rabin was about bringing people together.

I concur with Leah Rabin, widow of the slain leader, who says we must speak out against acts of extremism. She asks of the radical groups' leaders to take responsibility for the effect of their extreme rhetoric.

In the case of our own Oklahoma City bombing, we learned that if our leaders are using radical rhetoric, it gives deranged individuals an opening to take extreme acts.

Across the world, violent talk leads to violent actions. I join my colleagues in mourning the loss of Yitzhak Rabin, and urge them to support this very important resolution.

Mr. MANZULLO. Mr. Speaker, as a Member of the U.S. Congress, I had the rare opportunity to meet Yitzhak Rabin in the recent past. I recall a man of great intensity, and as he spoke in his baritone voice, my colleagues and I were mesmerized. A photographer captured my meeting with Yitzhak Rabin, and that photo hangs proudly in my office in Washington. As you peered into his deep-set eyes, it was apparent he was the consummate warrior and the ultimate peacemaker.

Yitzhak Rabin was the warrior who helped Israel become a nation in 1948, the warrior who led Israel against insurmountable odds in the Six-Day War, the warrior who knew he had to rely on God's strength to protect his tiny nation. He perservered only because he believed that the cause of Israel was greater than Israel itself; a cause for freedom for all people who had oppressed.

And Yitzhak Rabin was the peacemaker, the one who saw Israel's role in the world from the perspective of a lasting peace. The warrior was tired of fighting and turned his energies to making peace.

I met those whom he had touched deeply: King Hussein of Jordan and Hosni Mubarak of Egypt. They respected Rabin because of his strength. He was a strong man—strong at age 73—strong in his beliefs for free Israel and strong in his convictions for a lasting peace in the Middle East. They respected him becaue he respected them.

They're gone now: Moshe Dayan, Menachem Begin, Golda Meir, David Ben Gurion. Now, the only native-born Israeli Prime Minister, Yitzhak Rabin, has gone to rest.

At the funeral service Monday in Israel, King Hussein was visibly moved. Who would have thought we would have seen that happen in our lifetime, a once bitter enemy shaken by the loss of a comrade in peace?

And Rabin's granddaughter, who is preparing to go into the military, as do all young people in Israel, said, "as a pillar of light led our people through the wilderness, my grandfather led me, and who will lead me now?"

His memory leads us now. The memory of one who fought for peace, and who died for peace.

We honor the warrior turned peacemaker, the one who had the courage to believe the sons of Hagar and Sara would someday reconcile, the one who believed Isaiah.

> And he will judge between the nations, and will render decisions for many peoples. And they will hammer their swords into plowshares and their spears into pruning hooks. Nation will not lift up sword against nation, and never again will they learn war.

Mr. LAZIO of New York. Mr. Speaker, I rise to honor the memory of the late Prime Minister of Israel, Yitzhak Rabin, whose tragic murder shocked and saddened us all.

I saw him for the last time just 2 weeks ago in Washington, at a ceremony in the Capitol commemorating the 3,000th anniversary of the holy city of Jerusalem. On Monday, Prime Minister Rabin was buried in Jerusalem, the city of his birth.

Yitzhak Rabin served his country with great distinction, starting as a young soldier in Israel's fight for independence. As a soldier and a statesman, he always fought with tremendous bravery for the ideals to which he was committed.

In 1948, bravery meant leading the defense of Jerusalem. In 1967, as army chief of staff, it meant defeating the combined enemies of Israel, which surrounded the country on every side. As Prime Minister in the 1970's, it meant sending Israeli commandoes across a continent to rescue a plane full of hostages at Entebbe. And as he resumed the office of Prime Minister in 1992, bravery meant taking heed of the commandment in the 34th Psalm to "Seek peace, and pursue it."

It took great courage to defend Israel from its enemies and perhaps even more courage to reach out his hand to those enemies in the cause of peace. Yitzhak Rabin was a very courageous man, a man dedicated to the cause of peace, which he saw as Israel's best chance for long-term security and prosperity.

Prime Minister Rabin knew, as it says in Ecclesiastes, "There is a time to love, and a time to hate; a time of war, and a time of peace." Now, he said, was the time to put aside hate and war, and to pursue peace.

Yitzhak Rabin is gone, so it is up to us who survive him to pursue peace and to ensure that he did not die in vain. Israel and its neighbors are poised at a critical junction. The peace process can continue, or extremists on all sides can doom the Middle East to continued hatred and war. All who love peace must raise our voices to echo what Yitzhak Rabin said at the White House in 1993, "Enough bloodshed and tears, enough!"

I am encouraged by the demonstration of support for Middle East peace from the more than 60 world leaders who flew to Israel to attend Prime Minister Rabin's funeral. Israel no longer is diplomatically isolated. In all, more than 86 nations were represented at the services in Jerusalem Monday.

The act of senseless violence that ended Prime Minister Rabin's life may well bring Israel together in support of further progress toward peace. How long that sense of unity will last is far from certain. Acting Prime Minister Shimon Peres said Monday that "Peace is irreversible," but history suggests peace is not inevitable unless men and women of good will speak for peace and demand it. Those who support the peace process must speak out.

The U.S. Government, with strong bipartisan support, must continue its commitment to full support for Israel in this difficult time.

Pursuing peace is never easy and always will entail risks. But the risks of continued violence and instability in the Middle East are far higher. A bullet can kill a man, but not an ideal. People of goodwill must not allow an act of political terrorism to succeed in stopping the peace process. My hope is that with the help and encouragement of the United States, Israel will continue to seek a lasting peace for all the people of the Middle East.

Mr. Speaker, today we treasure the memory of Yitzhak Rabin. As it says in the Book of

Matthew, "Blessed are the peacemakers: for they shall be called the children of God." Let us pray that lasting peace will be Prime Minister Rabin's enduring legacy. May God bless the soul of Yitzhak Rabin, the people of Israel and the United States of America, and all those who seek peace.

Mr. FARR of California. Mr. Speaker, last July, Yitzhak Rabin addressed a joint session of Congress together with King Hussein of Jordan. He spoke of the many Israelis who had suffered from war, whose friends and family had died in violence. During his speech, he said:

> Today, we are embarking on a battle which has no dead and no wounded, no blood and no anguish. This is the only battle which is a pleasure to wage: the battle for peace.

Alas, there is today both blood and anguish.

Yitzhak Rabin was a great man and a great leader. He was brave, wise, and he cared very deeply about his fellow country men and women.

Years ago, I had the opportunity to meet Mr. Rabin before he had become Prime Minister. I was struck by how much he cared about making the world a better place for his people. Indeed, it was his one goal, his only goal.

His whole life was spent in the service of Israel. He fought in many battles for Israeli independence, and later became chief of staff of the Israeli military. He held many posts in the Government, including Ambassador to the United States, Defense Minister, and a previous term as Prime Minister.

During his final years, Yitzhak Rabin dedicated his life to an extraordinarily difficult journey: bringing peace to the Middle East. Difficult, because people have always found it is easier to solve differences through violence. Difficult, because there are always those who oppose negotiation, for in it they see their own concessions rather than the great good it brings to all.

In his same speech before Congress, Mr. Rabin quoted from the poet Archibald MacLeish:

"They say: We leave you our deaths. Give them their meaning."

Today, it is our task to give meaning to Mr. Rabin's death. We cannot let his years of labor toward building a new and permanent peace in the Middle East come to nothing. The arduous journey to peace shall continue, and we must help Israel in fulfilling it.

Mr. LIPINSKI. Mr. Speaker, I rise to pay tribute to the memory of the distinguished Prime Minister of Israel, Yitzhak Rabin. His assassination on Saturday night following a peace rally in Tel Aviv was a tragedy for the citizens of Israel and people around the world.

We often speak of great leaders here, and I can think of none greater than Yitzhak Rabin. He was the essence of all that is good about Israel. Born in Jerusalem in 1922, Rabin was a military hero from the first days of Israel's existence. He fought in the 1948 siege of Jerusalem in an elite military unit, and served as Army Chief of Staff in the 1967 Six-Day War. Many say that it was because of Rabin's distinguished military career that he was able to move Israel so strongly toward peace.

Since he began his second term as Prime Minister in 1992, Rabin has led Israel toward a new era of Middle East peace. The Nobel Peace Prize he shared with PLO Chairman Yasser Arafat and Israeli Foreign Minister Shimon Peres in 1994 recognized the first important step toward achieving comprehensive peace, the 1993 agreement Rabin and Peres signed with the PLO. The next momentous occasion was the peace agreement between Israel and Jordan. Other milestones and honors for Rabin surely would have followed if not for this tragic event.

Yitzhak Rabin was a courageous man who built on his experience as a warrior to become a great peacemaker. I am optimistic that the other participants in the peace process will continue to work toward their goal. When Middle East peace comes, it will be a result of the legacy of Yitzhak Rabin.

It is traditional that when Jews mention the name of someone who has passed away, the name is following by an acronym representing the words "may his memory be a blessing." I have no doubt that Yitzhak Rabin's memory will indeed be a blessing.

Mr. Speaker, Yitzhak Rabin was a great man who will be missed. We can all learn from his life, all that he accomplished, and all that he would have if his life had not been suddenly cut short.

Mr. SANFORD. Mr. Speaker, in Prime Minister Yitzhak Rabin's last words he eloquently stated his vision for the future. "I believe there is now a chance for peace, a great chance, and we must take advantage of it for those who are standing here, and for those who are not here—and they are many. I have always believed that the majority of the people want peace and are ready to take a chance for peace. . . . Peace is not only in prayers . . . but it is the desire of the Jewish people." Rabin's life was dedicated to the state of Israel's rebirth, security, survival and freedom. It is only fitting that as we celebrate his life, we speak to what had become his vision—a democratic Israel at peace with its neighbors. His vision was for the future of the Jews, Israel, and the people of the Middle East. In a Joint Meeting of Congress in 1994 Rabin referenced the death of many young soldiers. "I have come from Jerusalem in the name of our children. . . . Each year as I stand before the parents whose lips are chanting "Kaddish," the Jewish Memorial Prayer, ringing in my ears are the words of [Archibald] MacLeish who echoes the plea of the young dead soldiers: 'They say: We leave you our deaths. Give them meaning.'" It is my hope and prayer, and that of many, that Prime Minister Rabin's death will be given meaning.

Mr. LATOURETTE. Mr. Speaker, the world continues to mourn the loss of Yitzhak Rabin, the proud and gracious leader of Israel, a man of great courage, resolve and goodness. His deep and abiding love of Israel is beyond reproach. He was that rarity in history, a leader who was revered and admired not only by his citizens, but around the world. He was a man of great integrity and selfless almost to a fault. His devotion to his country was unwavering, from his participation in the Jewish underground army, to his command of the Six-Day War, to his election as Israel's youngest Prime Minister.

But his greatest devotion and his greatest contribution, not only to Israel, but also the Middle East and the entire world, was achieving a lasting peace. That lasting peace was something few thought possible. However, in the mind of Yitzhak Rabin, a thoughtful and reasoned man, it was not only a goal that was possible, but a goal that must be achieved if Israel was going to survive.

Rarely in history do we find examples of such integrity and loyalty. This was not a man concerned with politics or appearances or his own popularity, but instead one who chose to lead his country, as he had been asked, and to live up to whatever challenge might face him, no matter the consequences. In one of the greatest challenges of the 20th Century, he embarked on a dramatic plan toward achieving lasting peace with the Palestinians. Against every possible obstacle, his dream was realized on the South Lawn of the White House on September 13, 1993, when a peace accord few thought possible was signed.

Israel and the world continue to weep and grieve over the senseless taking of the life of Yitzhak Rabin. It is the cruelest of ironies that a man so committed to peaceful resolutions would meet his demise at the hands of another Jew; it was an act of such senseless violence. Yitzhak Rabin will be replaced, and the world is hopeful that his legacy of peace will continue, but his are shoes that truly cannot ever be filled.

Yitzhak Rabin's love of country, his will, his great intellect and sense of compassion cannot be duplicated. His was a greatness that will go unparalleled in history.

Henry Wadsworth Longfellow once said of greatness:

> The heights by men reached and kept
> Were not attained by sudden flight,
> But they, while their companions slept,
> Were toiling upward in the night.

Yitzhak Rabin toiled upward in the night his entire life, for seven decades. He toiled for a country and a people he deeply loved, a people who surrounded him with a great deal of affection at the time of his death. America, Israel and the world will never forget Yitzhak Rabin or his lasting contribution to the betterment of all mankind.

Like Longworth said, the truly great toil upward in the night to reach the greatest of heights. In that darkness, Yitzhak Rabin dreamt the sweetest of dreams, one of true, lasting peace.

Mr. SABO. Mr. Speaker, I rise today to add my voice to the chorus of members condemning this horrible crime and extending our sympathy to Mr. Rabin's family and to the people of Israel. I am proud to support this resolution.

In the last few days, many have spoken of Yitzhak Rabin's transformation from soldier to statesman. As I see it, however, Yitzhak Rabin did not change. Throughout his life, Yitzhak Rabin lived as a patriot devoted to the creation, defense, survival, and success of Israel and its citizens.

Yitzhak Rabin did not undergo a radical transformation. Rather, he lived his life in steadfast defense of his nation. When Israel's very survival depended on its military might, Yitzhak Rabin led its forces in defense of his homeland. When his nation's future depended on its quest for peace, Yitzhak Rabin led that charge with equal fervor and tenacity. Yitzhak Rabin did not change, but he recognized the changes that had occurred in his country and in the world.

Prime Minister Rabin could see that Israel's destiny was not to remain an armed camp, a nation in which nearly every family has lost a member to war and violence. He participated in every war his nation fought, and he knew that his people had seen enough war, enough death, enough tears. In a move that was perhaps more courageous than any he had taken in battle, he entered negotiations with the Palestinians. In doing so, he discarded dogma in favor of a very real opportunity for meaningful peace, partnership, and progress.

Mr. Rabin was not simply a lofty dreamer. He was a hard-headed pragmatist who did not merely hope for peace. He knew that attaining peace was the only way Israel would achieve true security and satisfaction, and he knew that it would not be easy. The final years of his life were consumed with this pursuit of peace. In a short time, he achieved peace with Jordan and several agreements with the Palestinians, and up to the very end he sought an agreement with Syria. All of this was accomplished in the face of personal vilification and extremist opposition. The presence at his funeral of dignitaries from Arab nations across the region, even some that do not yet have formal ties with Israel, demonstrated the success of his yet incomplete efforts.

I join my colleagues in expressing support for the government of Acting Prime Minister Peres and its commitment to building a just and lasting peace between Israel and its neighbors. I call upon our Nation and the entire world to learn from the wisdom of Yitzhak Rabin. when his people needed a soldier to protect them, he took up arms. When it needed a statesman to shepherd them to peace, he had the strength and courage to shake hands.

Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in paying tribute to the assassinated Prime Minister of Israel, Yitzhak Rabin. I knew the Prime Minister well and I have met with him frequently, most recently just 2 weeks ago when he was here in the great rotunda of this building to mark the 3,000 anniversary of Jerusalem as Israel's capital and to mark the adoption by the Congress of legislation that will move the United States Embassy in Israel to Israel's capital, Jerusalem.

I wish to express to Yitzhak's dear wife, Leah, my sincere and heart-felt sympathy at the tragic personal loss that she and her family have suffered as a consequence of this senseless and reprehensible political murder. I also want to acknowledge my deepest admiration and my sincere appreciation for the heroic role which Prime Minister Rabin played—first, as an outstanding warrior and military leader in fighting to bring security and safety to the people of Israel, and second, as a bold political leader who took great risks in the effort to bring peace to Israel and its neighbors.

Mr. Speaker, international leaders from numerous countries have paid eloquent and moving tribute to Prime Minister Rabin—in statements issued at the time the world learned of the shocking and tragic death of the Prime Minister and in powerful eulogies to him on the occasion of his funeral in Jerusalem. I cannot add to those well-spoken phrases.

I do, however, wish to call the attention of my distinguished colleagues to the profound statements of others who have spoken of Prime Minister Rabin. Mr. Speaker, last Monday, I participated in the memorial service for Mr. Rabin that was held in Los Angeles at the Simon Wiesenthal Center. On that occasion, we heard the eloquent words of Rabbi Marvin Hier, Dean of the Holocaust Studies Center at the Simon Wiesenthal Center. I ask that his excellent statement be placed in the RECORD. I also ask that the wonderful statement by Israel's Consul General in San Francisco, Nimrod Barkan, be placed in the RECORD. Consul General Barkan's statement about Prime Minister Rabin was published in the San Francisco Chronicle in today's edition.

EULOGY DELIVERED BY RABBI MARVIN HIER MEMORIAL SERVICE IN MEMORY OF PRIME MINISTER YITZHAK RABIN—NOVEMBER 6, 1995

This is one of the saddest days in modern Jewish history. A day when the life of a courageous Prime Minister of Israel was snuffed out by one of our own. One supposedly schooled in law and morality, one versed in the Torah, in the Juridic principals of pluralism and democracy.

What shall we say. What words are there to comfort us in this dark hour when we are confronted by a killer who has the audacity to declare, "I do not regret what I have done. G-D spoke to me and told me to do it".

No, my friends. The G-D of Israel who commanded "Thou shalt not kill", the G-D of Israel who demanded of Cain . . . "Where is Abel thy Brother?" . . . "His blood crieth to me from the ground".

That G-D is much too clever to speak to such a fool. Much too humble to empower such arrogance and much too noble to dignify such deception.

No, it is not the words of the Almighty that the assassin heard that day, rather it is the cynical rhetoric of extremism. The anthem of fanatics that struck down Israel's Prime Minister.

A climate of going beyond the pale—beyond the parameters of legitimate criticism which is the sacred rite of every democracy. A climate that allows a man to hold up a placard showing Yitzhak Rabin dressed in an SS uniform, * * * justifying it by declaring—it's an expression of my opposition to his government's policies.

Such tyranny against a man who fought the Nazis when he was 19 years old during World War II when many others sat by silently.

Against a man who in 1945 launched a daring raid to rescue 200 holocaust survivors that the British had interred on a Greek island.

Such a placard against the deputy commander of the Palmach who kept the roads to Jerusalem open, enabling crucial supplies to get through during the War of Independence in 1948.

An SS placard against the Chief of Staff who brilliantly won the six-day war and who restored the Western Wall to the Jewish people for the first time in 2,000 years of exile.

A placard against a man who launched the raid on Entebbe * * * dealing a mortal blow to international terrorism.

And still the placards appeared and re-appeared and no one rose up to tear them down.

Such infamy breeds a climate of hatred. Such indignity gives birth to killers. Yes, even killers smart enough to work their way through law school.

What is especially painful, my friends, is that we are the people who walked away from the Holocaust and yet maintained our faith in G-D!

The people who walked away from the crematoria and still showed a capacity to love!

The people who moved away form the valley of the shadow of death to rebuild our lives in our communities without rancor! Fostering new dreams and singing new songs of hope for a better world and a better tomorrow, just as Yitzhak Rabin did only moments before he was gunned down.

Who can believe that this great leader in war and peace is no longer with us because he refused to believe that someone would open another front against him in an area where he was most vulnerable.

He had successfully fought a three-frontal war in 1967 and now he was engaged in an historic three-frontal effort for peace. But he never believed that someone from within would rise up and open a fourth front against him. One that would pit Jew against Jew and one in which 2,000 years ago was responsible for the destruction of Jerusalem and the burning of its temple.

My friends, Yitzhak Rabin is assured his place of honor in the rich history of the Jewish people. The bullet that killed him will not prevent future generations from learning the story of this noble warrior and this great man of peace who asked for nothing more than the right to bequeath his grandchildren and great-grandchildren a promised land free of war and want, rich in spirit and ideas where the words of the ancient prophet still ring true * * * righteousness, righteousness shalt thou pursue.

May the memory of Yitzhak Rabin be for a blessing and may the peace he gave his life for take hold and endure forever.

[From the San Francisco Chronicle, Nov. 8, 1995]

RABIN: STAR OF A HEROIC GENERATION

(By Nimrod Barkan)

I have cried many times during the past weekend and diplomats normally are not supposed to cry. I wept for the loss of Israel's and my personal political father figure. Yitzhak Rabin symbolized for me everything that was heroic in the generation that established and led the state of Israel, fighting his enemies while aspiring for a peace compromise.

It is said that old soldiers never die, and Yitzhak Rabin's legacy will never fade. He was always there as a soldier in the eye of the storm for the causes of Jewish history. He was a soldier for freedom from 1948 and a hard-nosed realistic soldier for peace ever since he participated in the Armistice Agreement negotiations in 1949.

I recall that when he became defense minister and prime minister, I was impressed, as were others in army planning and intelligence, at the fact that at every meeting they and their chiefs had with him, he was always more knowledgeable, more versed in details and more aware of grand-scale issues than any other participant.

Rabin was prime minister twice. From 1974 to 1977 and then again from 1992 until last Saturday. He dealt primarily with security and peace-making. Rabin's governments, however, were also governments of social reform. Under his guidance substantial social legislation was enacted. Rabin, the security leader, was also a major domestic reformer.

In 1987 he was faced with the "intifada," or Palestinian uprising. This strategic dove who continuously called for separation between Jews and Arabs was also a tactical hawk.

Always aware of the depth of Arab enmity toward Israel, he believed that Palestinian success in the intifada would harden their position and would thus prevent progress in the peace talks. On the other hand, Rabin knew all too well the limits Israel had to establish while dealing with the civilian population in the West Bank and Gaza.

Rabin's life story is the story of the Jewish struggle for independence and is the story of Israel. The bullet that killed him, shot by a messianic terrorist, was aimed not only at him but at the whole concept of Zionism of the possible, and not nationalism of zealotry that already led once to the destruction of the Second Temple, the beginning of the diaspora.

Yitzhak Rabin, our father figure, together with Shimon Peres, believed that the Jewish state should invest its energy and resources in its citizens and in Jewish immigrants from all over the world. Thus Rabin is the Real Zionist—a pragmatic doer and a believing visionary. Soldier for independence, economic development and social reforms, he believed that peace is the vehicle for achieving these goals in a secure Israel—deferring Israel's enemies while uniting in peace with potential Arab partners.

Rabin was not a people person, however. His shy personality was generous, kind and outgoing in more private settings. Rabin's granddaughter's moving words at his funeral about his famous, warm half-smile were a manifestation of that, so were the tears of his close friends Henry Kissinger and Bill Clinton.

His warm real nature showed itself when Rabin died a happy man—his smiling face during the last hours of his life indicated his satisfaction from the benefits of peace and from seeing so many of his supporters rallying to the flag as never before.

His last public act was to sing the peace song, the first and, how tragically, the last time he ever sang in public.

Yitzhak Rabin—it is because of you and your generation that we have a Jewish state. Farewell and shalom to you. As we weep in parting we vow to persevere in implementing your legacy.

Mr. WARD: Mr. Speaker, I rise today to pay my respects to a man who taught us the invaluable lesson. Peace is always an option, always attainable, and always a worthy cause. I extend my sympathies, along with millions around the world, to his family and the people of Israel.

The assassination of Prime Minister Rabin has shocked the conscience of the world and silenced one of the great peacemakers of our time. This tragic event serves as a stark reminder to the fact that we, in the United States as well as throughout the world, must strive to accept differing ideologies, religious and political, from that of our own.

I have always seen the State of Israel as the "can do" nation. Against all odds they have grown a nation steeped in democracy, prosperous despite limited resources, and gallant in battle. It is, therefore, even more shocking that such an event occurred there.

A soldier, statesman, father, husband, and peacemaker, Yitzhak Rabin ultimately gave his life to the cause of peace. If a general, who as a result of his military successes doubled the size of Israel, later came to believe that territorial compromise was necessary for peace, then I believe that this lesson can be learned by all Israelis. I believe that Israel's legacy and the legacy of Yitzhak Rabin, that peace and reconciliation are always possible, is a lesson for the Middle East and people all over the world.

On Monday evening, I attended a memorial service at The Temple in Louisville with about 500 others. Rabin's life, Rabin's dream, and Rabin's death have touched many throughout the world. Many have likened his death to that of Abraham Lincoln's who died in pursuit of healing a divided nation. We are reminded of the assassination of Anwar Sadat, a price he paid for peace. Rabin's willingness to take the risky road toward peace in light of its personal dangers demands that we all commit ourselves to ensure that peace is his true legacy.

Mr. SLAUGHTER: Mr. Speaker, I rise today to add my voice to the many who have already paid tribute to Yitzhak Rabin, a courageous soldier and an irreplaceable leader.

We were all shocked and deeply saddened to hear the tragic news of the death of this great man—a man who overcame immense obstacles and accomplished what many have said could never happen. He paid the highest price a man can pay in his attempts to save the lives of his brethren in Israel, and across the Middle East.

In this time of sorrow and uncertainty, we must remember what Yitzhak Rabin stood for, and what he would want us to do. He was dedicated to peace—and we must continue that commitment. We must press forward with the implementation of the already signed agreements, and we must move on with the negotiations with other Arab nations. The last thing Yitzhak Rabin would want is for us to give up.

My heartfelt condolences go out to his family, his friends, and his nation. Yitzhak Rabin was, indeed, a great man. We will miss our friend, our hero—Yitzhak Rabin.

Mr. HOYER: Mr. Speaker, Woodrow Wilson in a speech about President Abraham Lincoln, while he was President of Princeton University, said, "A great nation is not led by a man who simply repeats the talk of the street-corners or the opinions of the newspapers. A nation is led by a man who hears more than those things; or who, rather, hearing those things, understands them better, unites them, puts them into a common meaning; speaks, not the rumors of the street, but a new principle for a new age; a man in whose ears the voices of a nation do not sound like accidental and discordant notes that come from the voice of the mob, but concurrent and concordant like the united voices of a chorus, whose many meanings, spoken by melodious tongues, unite in his understanding in a single meaning and reveal to him a single vision, so that he can speak what no man else knows, the meaning of the common voice. Such is the man who leads a great, free, democratic nation."

Such was the man called Yitzhak Rabin. Mr. Speaker, I rise to join my colleagues and this nation in expressing its sorrow and grief over the untimely and tragic death of Israeli Prime Minister Yitzhak Rabin. I also join in condemning the callous assassination of this true warrior for peace in the Middle East.

Prime Minister Rabin was one of those people throughout the world who looked beyond an immediate electoral victory and took risks to ensure that Israel's children could someday live without the immediate threat of war. His positions were at many times unpopular, yet the soldier in him continued the fight for peace. His continuous efforts for peace earned him the Nobel Peace Prize and the admiration of millions the world over. Unfortunately, his commitment to peace also made him countless enemies. And it was these enemies that took our friend, Yitzhak away from us.

Of all those who eulogized Prime Minister Rabin, none I believed moved us as much as Yitzhak's 17-year-old granddaughter, Noa Ben-Artzi Philosof, when she spoke of her grandfather, "Your appreciation and your love accompanied us every step down the road, and our lives were always shaped by your values. You, who never abandoned anything, are now abandoned. And here you are, my ever-present hero, cold, alone, and I cannot do anything to save you. You are missed so much."

Mr. Speaker, we will all miss Yitzhak Rabin—a courageous leader who gave his life to create not only a better life for Israel, but for the world over. An old Proverb states that "Good men must die, but death cannot kill their names." Yitzhak Rabin's name will live on in the name of peace in the Middle East. Shalom Yitzhak. Shalom Israel.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of this resolution, and with a very heavy heart to join in the grief over the cruel death of a great hero of Israel, and a great friend of America.

Yitzhak Rabin epitomized all that we admire and appreciate about the state of Israel. He was a valiant and brave soldier who played a crucial role in Israel's war of independence in 1948. At that time, he commanded the brigade that protected the road to Jerusalem—Israel's very lifeline.

As chief of staff of the Israel defense forces during the Six-Day War in June 1967, General Rabin presided over a stunning victory in a war of self-defense that preserved Israel's very existence.

Yitzhak Rabin was Prime Minister of Israel in the mid-1970's, a period that saw the historic disengagement accords with Egypt and Syria, and the electrifying Entebbe rescue. He also helped to heal the national wounds in the aftermath of the 1973 Yom Kippur War.

When he became Prime Minister again in 1992, largely on the strength of his own personal popularity and credibility with the people of Israel, he courageously embarked on a search for peace and coexistence with Israel's Arab neighbors, a quest that is nothing less than a fulfillment of the Zionist dream. It was that brave quest which cost him his life.

Yitzhak Rabin's life story is a microcosm of the story of Israel—the fierce determination to persevere coupled with the tireless yearning for peace. As our hearts are broken over his passing, let us all determine to remember him, and to achieving what he strove for—a true peace with security for the people of Israel.

Mr. FRANKS of Connecticut. Mr. Speaker, I am deeply saddened by the assassination of Prime Minister Yitzhak Rabin and I wish to express my condolences to his family and to the nation of Israel.

Yitzhak Rabin was truly an extraordinary man. He was a war hero who won freedom and independence for the Israeli people and who was later called to defend and preserve that freedom and independence.

He was a great political leader who knew how to foster internal security and prosperity for his people while at the same time making sure the world knew that Israel would be a devastatingly effective adversary if attacked.

He knew that peace was the only route to true security and true prosperity. He overcame his instincts as a soldier and fighter and took up the olive branch. He sat, negotiated, agreed, and shook hands with a man and a people who had been his and his nation's mortal enemy. He did all of this because he felt that peace was the solution. Peace was the only way to create a meaningful future for, not only Israel, but for all in the Middle East. His reward was to be gunned down by an extremist who wished to fan the fires of hatred.

The extremists of this world, not only in the Middle East, but everywhere, must realize that hatred and divisiveness never foster well-being and prosperity. They destroy lives and the human spirit, they do not build them up. They must realize that the civilized world rejects their hate and warmongering and will not let them distract us from the goal of a peaceful world.

One of the most important tributes that can be made to Yitzhak Rabin, is for the peace process to continue, unimpeded. This is what Prime Minister Rabin fought and died for. We must not let extremists and assassins think for one moment that their methods will yield success. Any delay at all in moving forward with the peace process will provide these people with justification in their minds for their actions.

We must pick up where Prime Minister Rabin left off and work harder than ever to achieve our aim. We must let those who wish to kill peace know that there are not enough bullets to stop those who work for a more peaceful world.

I salute Prime Minister Rabin for his accomplishments and for his ultimate sacrifice to the cause of peace.

Mr. PAYNE of New Jersey. Mr. Speaker, I would just like to say that I was truly honored to be able to pay tribute to war hero and Nobel Peace Prize winner, Prime Minister Yitzhak Rabin. What I witnessed in Jerusalem on Monday by the people of Israel was a tremendous outpouring of love and affection.

I think I can say that I join the world in mourning the loss of a heroic leader who never wavered in his rule as peacemaker, who persevered in the face of danger and adversity, who chose hope over fear. In meetings that I attended with him both in Israel and Washington, I found him always to be thoughtful and deliberative, thorough and fair-minded. He most impressed me with his ability to weight all sides of controversial issues.

We can truly empathize with the people of Israel. The brutal slayings of President Kennedy in 1963 and Dr. King in 1968 are dramatic reminders of the lives that were lost in the struggles for peace.

We must continue the legacies that Rabin stood for—peace in the Middle East. We must show that our support for acting Prime Minister Shimon Peres, Rabin's partner in the long march Israel had undertaken toward peace with his Arab neighbors, will not waver. I would also like to say the support of the United States delegation to Israel was tremendous. The people of Israel expressed their gratitude.

The eulogies stated that the visionary had become a fighter for peace turned martyr for peace. Ultimately, we must remember that to us he was a hero and a true statesman but to Leah, his wife, his children, and grandchildren he was just a great man that they loved dearly. In their hour of mourning, let us be ever so mindful of their pain.

The fate of the Oslo Accord, signed in Norway by Rabin and Arafat in 1993, must be carried on. They include provisions for military and paramilitary troops, the occupied territories, the Gaza Strip, and the West Bank. The United States has a responsibility to help Israel on the long journey toward peace.

Ms. DUNN of Washington. Mr. Speaker, it is with great sorrow and a heavy heart that I rise today to pay tribute to Yitzhak Rabin, Prime Minister of Israel, whose life was tragically stolen from him on Saturday. He was a man of great courage, a man whose dedication to peace ultimately cost him his life.

In an ironic and fitting twist, the brief capsule of time it took to extinguish the life of Prime Minister Rabin—intended by his assailant to destroy the hard-fought peace process—will instead solidify Prime Minister Rabin's status as a legend. The outpouring of sympathy and love for Prime Minister Rabin by the world community is matched only by the expressions of condolence by his own beloved, grief-stricken countrymen.

The work of Yitzhak Rabin was pursued not just on behalf of the Nation of Israel and her citizens. Peace accomplished between Israel and the Palestinians is to all of humanity's advantage. Peace benefits Jews and Arabs living around the globe, and the region as a whole—a region which has experienced too many troubles over a span of thousands of years.

The grief-stricken people we have all seen on the news has left me stunned, but not without hope that continued vigilance in the pursuit of peace must be maintained. The violent outbursts of the man who would become Yitzhak Rabin's assassin, the poignant pictures of earth being placed over the flag-draped coffin, the moving remarks of Rabin's own granddaughter paying homage to her cherished hero, the shocking sight of those blood-stained long lyrics—all of these images are etched in my mind and will serve as a constant reminder that Prime Minister Rabin gave his life for a truly honorable goal: the Israeli-Palestinian peace accord.

At Saturday's event celebrating peace, Yitzhak Rabin eloquently stated, "There are enemies of the peace process, and they try to hurt us. But violence undermines democracy and must be denounced and isolated." We must ensure that from him we inherit a legacy of peace, not violence.

Mr. PICKETT. Mr. Speaker, I have had the pleasure of visiting with Yitzhak Rabin both in the United States and in Israel. Although intense and superbly focused on his leadership responsibilities for Israel, he maintained a steady and even demeanor that endeared him to all. His vision for the future of Israel had been clearly formulated in his mind and his every word and every motion appeared to be in execution and fulfillment of this vision. Whether you agreed with him or not you could never doubt his own confidence in this vision nor in his conviction and determination to see it become a reality.

He articulated his plans with clarity and precision. Regardless of the circumstances he would not yield to the temptation to sacrifice accuracy in the interest of saving time.

He loved his country intensely and was determined that his role in its leadership would be remembered for the good he achieved.

Yitzhak Rabin was a man of courage, a man of vision, a man of action, a man devoted to his country, and a man of God.

Only God will ever know why he was taken from us at this time and in this way. We know that we have lost a wise and forceful leader. We have lost a friend and we have lost a true believer in the virtue and dignity of peace.

May God rest his soul.

Mrs. ROUKEMA. Mr. Speaker, it is with deep sorrow I rise to reflect a moment upon the loss of Israel's brilliant and devoted prime minister, Yitzhak Rabin.

The assassination of Prime Minister Rabin was an unspeakable tragedy of worldwide proportions. Prime Minister Rabin was a statesman of the world and the genius of the Middle East peace plan. He dedicated his life to peace and in the end gave his life for peace. His contributions will never be forgotten.

Prime Minister Rabin was a leader among leaders. He was a soldier, politician, statesman and peacemaker at various points throughout his career of public service. It was Yitzhak Rabin the general who captured Arab territories in 1967 and Yitzhak Rabin the peacemaker who in 1993 shook hands with PLO leader Yasser Arafat and agreed to return much of that land in exchange for peace. To excel at any one of his callings alone could have been grounds for greatness. Instead, Prime Minister Rabin was a master of all his roles.

Prime Minister Rabin's commitment to peace in the Middle East came from early experience with the absence of peace. Arabs began attacking Jewish settlements when he was a boy of seven. He was 14 when he was trained in the use of arms during the Arab riots and general strike of 1936. In World War II, he served in the Allied forces. In 1945, he led a daring raid to free 200 Jews that is credited as the inspiration of the raid in the novel "Exodus." He was said to be the inspiration for the novel's hero, Ari Ben Canaan.

The world has lost Prime Minister Rabin, but the peace process in which he provided such exemplary leadership is still alive and is of critical importance to the entire world. We cannot permit his loss to destroy peace in the Middle East. Instead, the free world should do all it can for the Israelis and Palestinians to achieve that goal.

While peace must be our primary goal, we must also be certain that those responsible for the assassination of Prime Minister Rabin are brought to justice. His murder is an affront not just to the Rabin family, to Israel or to Jews, but rather to everyone who believes in the ideals for which he stood.

We cannot allow terrorists—terrorists of any religious or political persuasion—to rule the world. We must put our foot down and see that the peace process continues. We in the United States must offer moral leadership and do all we can to bring these parties together.

Mr. HEINEMAN. Mr. Speaker, I rise today to pay tribute and respect to a man whose mission was to bring about lasting peace in the

Middle East. Yitzhak Rabin, Prime Minister of Israel, lost his life in pursuit of his dream, a dream worthy of us all, peace in the Middle East. Mr. Rabin, a key army general during the 1967 war, was one of Israel's great leaders. A true visionary who pushed hard for peace even in the face of fierce opposition.

I hope that Mr. Rabin's murder will only push Israel and the other parties involved to work that much harder to complete the peace process. Mr. Rabin's death makes a difficult task, much more difficult, but I know it can be done because it must be done. Israel has a history of overcoming all obstacles. This tragedy is another obstacle that I know Israel will overcome.

Mr. WELLER. Mr. Speaker, I rise today to express great sadness.

America, and the world is saddened by the tragic loss of a great leader, and a man of peace.

Let no enemy of the peace process take comfort in the act of a madman. Yitzhak Rabin's legacy will live on as others step in and carry the banner to end what he recently, and so eloquently, referred to as bloodshed and tears in the heart of the land of milk and honey.

I recently had the opportunity to visit Israel for the first time, and to meet with Prime Minister Rabin. We have lost a unique and valiant man, and our prayers and heartfelt condolences go the Rabin family and the people of Israel.

To the people of Israel, and all who dream of peace in the Middle East, let me just say that we in America will not forsake your cause. We cannot and must not let the sacrifice that Prime Minister Rabin, his family, and you have paid this week to be in vain. We must all rededicate ourselves to the long and arduous journey begun by leaders of great vision, courage, and wisdom.

We must continue to work together, in a bipartisan fashion, to bring Arabs, Israelis, Palestinians, Muslims, Jews, and Christians together in peace.

Prime Minister Rabin is indeed a martyr to peace. But his dream lives on. Please know that we will continue to support Israel and the peace process and one day, God willing, we will celebrate with you a secure, comprehensive and lasting peace in the Middle East.

Mr. DIAZ-BALART. Mr. Speaker, I rise today to pay tribute to Israeli Prime Minister Yitzhak Rabin. It was with great sadness that I received the news of his tragic and untimely death on Saturday.

Prime Minister Rabin had a vision of a free and democratic Israel living in peace with its neighbors when lesser men could not even imagine the existence of a Jewish State in the Middle East. Yitzhak Rabin fought heroically in the Israeli War of Independence in 1948. He continued to serve and to lead as Chief of Staff of the Israeli Defense Forces during the victorious war of 1967. And as Defense Minister, he continued to lead to contribute to Israel's security not only through preparations for war, but also through preparations for peace.

I had the privilege of seeing firsthand the fruits of his leadership in Israel. Two years ago, as a freshman Congressman, I was able to travel to Israel and meet Yitzhak Rabin and see the country. Not only was I impressed with the man, I was impressed with the Israeli people and their desire for peace and security.

The next time I saw Prime Minister Rabin as last year at the historic ceremony which took place at the White House in which he and Yasser Arafat signed a historic peace accord. Without his leadership, that ceremony would never have occurred. With his leadership, the almost inconceivable peace with former enemies of Israel came closer to fruition.

The peace process and the democratic stability of Israel must serve as a living memorial to Yitzhak Rabin. The heinous act which robbed the world of his presence occurred at the end of a peace rally where he was exhorting others to carry on and support his peace efforts. Mr. Speaker, we must continue to support those efforts.

Mr. Speaker, I would like to conclude my remarks by reading excerpts from Prime Minister Rabin's last public statement, read by him just minutes before he was brutally assassinated.

> I was a military man for 27 years. I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those who are standing here, and for those who are not here—and they are many. I have always believed that the majority of the people want peace and are ready to take a chance for peace.
>
> Violence erodes the basis of Israeli democracy. It should be condemned and wisely expunged and isolated. It is not the way of the State of Israel. There is democracy. There can be disputes but the outcome will be settled by democratic elections. Peace is not only in prayers—but it is the desire of the Jewish people. This rally must broadcast to the Israeli public, to the world Jewish public and to many in the western and outside worlds that the people of Israel want peace, support peace.

Mr. Speaker, peace is the most wonderful of goals for which a man can give his life. Yitzhak Rabin gave his life for peace and for his people. He will never be forgotten.

Ms. ESHOO. Mr. Speaker, I rise today to express my sorrow at the passing of Israeli Prime Minister Yitzhak Rabin.

Few leaders in our lifetime have come to exemplify the spirit of a nation in the way that Yitzhak Rabin symbolized the State of Israel. Father, soldier, politician, statesman, architect of peace; Prime Minister Rabin was all of these things and more. He never shied away from taking up arms for Israel when necessary, nor did he hesitate to put an end to hostilities when the opportunity arose. Having had the privilege of visiting Israel before the current peace process began, I appreciate the obstacles he faced throughout his career, as well as the courage he needed to confront them.

One of my most vivid memories since coming to Congress is being seated on the White House lawn watching Prime Minister Rabin and Yasser Arafat sign the historic accord marking a new chapter in Israeli-Palestinian relations. The sense of joy and hope that Yitzhak Rabin helped create at that moment was repeated again when King Hussein of Jordan and he appeared before a joint session of Congress and talked about the promise of peace between their two nations. I will cherish these memories for the rest of my life.

At the same time, I will never forget the shock I felt when I first learned that Yitzhak Rabin had been assassinated. But my sorrow at the passing of this great leader was tinged with outrage at the senseless violence that brought his life to an untimely end. It is not enough to condemn the man who fired the shots that killed Prime Minister Rabin. We must also condemn the extremism that provided encouragement to Rabin's assassin and caution those who traffic in inflammatory rhetoric that their words can have consequences, sometimes terrible consequences, in Israel and elsewhere.

Mr. Speaker, like Anwar Sadat before him, Yitzhak Rabin has become a martyr for peace. The best way we can honor his legacy and memory is by aiding Israel in its pursuit of the cause for which he gave his life. Only when peace reigns in the Middle East will the vision of Yitzhak Rabin be fulfilled.

Mr. SHAW. Mr. Speaker, I rise today to remember and honor the life and legacy of Yitzhak Rabin, the great Israeli leader who, even after his tragic death, continues to inspire Middle East nations to search for peace.

I was filled with sorrow to learn of the horrible way in which Prime Minister Rabin was assassinated. It is a great irony for a man who devoted his life to peacemaking to fall by such senseless means. My condolences and my prayers go out to the Rabin family, the people and friends of Israel, and those who must carry on the peace process.

Prime Minister Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker. He served the people of Israel with great distinction in several government positions. And, under his leadership, the foundation for peace between Israel and the Palestinians was established which I pray will continue to grow. I will remember Yitzhak Rabin for his leadership, his vision, and his extraordinary devotion to peace. I wish God's speed to those who must carry on his legacy. Let peace rule in his honor.

Mr. HASTERT. Mr. Speaker, I am filled with sadness on the passing of Israeli Prime Minister Yitzhak Rabin. I want to extend my deepest sympathies to the Rabin family, and the friends and people of Israel.

Like Abraham and Moses before him, Rabin was an extraordinary leader of the Jewish people who had a vision of peace and prosperity for the Israeli Nation. His tremendous accomplishments are an inspiration to us all and reveal Mr. Rabin's dedication to God and his country.

Rabin's service to Israel is that of both a warrior and a peacemaker, continually pursuing the dream of normalcy and tranquility for Israel. Signing the Oslo accords at the Washington ceremony, he addressed the Palestinians with the following words: "We, like you, are people who want to build a home, to plant a tree, to love, to live side by side with you—in dignity, in empathy, as human beings, as free men." His memory is a blessing to each and every one of us because of the standards he defined for character, integrity, vision, courage, and leadership.

For his diligence and dedication to authoring a lasting peace, he was awarded the Nobel Prize for Peace. With his efforts, he served not only the people of Israel with great distinction, but that of the world as well. It is my hope that the foundation he created for peace between Israel and the Palestinians will continue to be built upon.

Its hard to understand why such tragedies occur. Yet, we must believe that good can come out of evil. We must hold to the belief that soldiers believe in their souls—with death, there is peace. As we devote ourselves to that, may we gain hope from our martyred friend that there will be peace in Israel.

For his unwavering devotion and undying vision for peace, I will not forget this man. Once again, my prayers go out to his wife, Leah, his loving family, and the people of Israel as they struggle through this tremendously sorrowful and trying time. May our memory of him prevail, so that his vision will not vanish.

Mr. FOGLIETTA. Mr. Speaker, Yitzhak Rabin was a noble warrior in his nation's struggle for independence, a cold realist to the dangers posed by her Arab neighbors during times of war, and ultimately a bold statesman in his country's crusade for peace. Today, we mourn the tragic passing of this truly remarkable soldier, statesman, and now peacemaker.

Yitzhak Rabin did not reach the pathway to peace easily. As a young man, he knew all too well the blood, tears and sweat in the fight for an independent Jewish homeland. As a soldier, he was the architect of many of Israel's greatest victories against her Arab neighbors bent on her demise.

Matching his courage on the field of battle, Yitzhak Rabin once again led the Jewish people in the quest for a new tomorrow. Putting down the sword and greeting his former enemies with a handshake, he demonstrated to the world that peace is possible.

His is a noble legacy.

But, to truly pay homage to this legacy, we must continue on the road to peace to which Yitzhak Rabin gave his life. The forces of darkness can only be vanquished and peace brought to this troubled land if we continue the dialogue which has brought former enemies together. However, this road will be difficult and filled with uncertainty, and it is for this reason that now more than ever the United States must stand shoulder to shoulder with the people of Israel as we continue this journey.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to pay tribute to the late Prime Minister of Israel, Yitzhak Rabin, and to his historical struggle for peace; a struggle which ultimately cost him his life.

Mr. Speaker, I was very fortunate and honored to have met Prime Minister Rabin just this summer during my first visit to the State of Israel. Prime Minister Rabin impressed me as an extremely determined man who was at once genuine, engaging, and impressive in his diplomacy. In the short time we met, I caught a glimpse of those exceptional personal and political traits that were responsible for the monumental change he brought to the peace table.

As was said at the funeral on Monday, Rabin was a "martyr" for peace. In fact, the primary reason we visited Israel was to better understand both the desire for peace and the formidable obstacles which stood in its way.

Once in Israel, it did not take long to realize the enormity of the task that Rabin committed every day of his life to achieving. Indeed, Rabin was a warrior for peace, which is why the peace process will go on—others will follow his unparalleled leadership.

The significance of his legacy was perhaps best exemplified by the world leaders who mourned his death. The attendance of 40 world leaders, including Jordan's King Hussein and Egypt's Hosni Mubarak, demonstrates the respect he earned from so many people of so many faiths from so many corners of the world. This respect was earned by his leadership and commitment to peace.

Mr. Speaker, on this 57th anniversary of Kristallnacht—the Night of Broken Glass that marked the true beginning of the Holocaust—let us remember and salute all that Yitzhak Rabin stood for, fought for, and died for.

We must remember so we never forget. We must further be united to his life's goal—a true and lasting peace for the State of Israel.

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a great patriot, statesman, warrior, peacemaker, and national leader.

Yitzhak Rabin was all of these things and more. He was a brave, tough, dedicated man who served his country faithfully for almost 50 years. He was a reserved public figure and a loving family man. He was a brilliant soldier who could plan successful military campaigns—and, paradoxically, he was also a visionary who could see the need for a peace agreement between the Israelis and the Palestinians.

Yitzhak Rabin began his service to his country before Israel even existed. He fought with the Haganah under British in Palestine during World War II. He fought in the Israel war of independence in 1948. He rose to the ranks of the Israeli Army and helped to build the military machine that won the Six-Day War in 1967. He served as Israel's Ambassador to the United States and as Irael's Defense Minister. Finally, he has been honored twice with the country's most important office—Yitzhak Rabin served as Prime Minister of Israel twice—nearly 20 years apart. In his first term as Prime Minister, he helped to negotiate the disengagement of Israeli and Egyptian forces in the Sinai Desert, paving the way for the Camp David accords. In his second term in office he embraced a bold plan to make peace with the Palestinians. This action cost him his life.

This gifted man—a man of great complexity and courage—was gunned down Saturday by one of his own countrymen, whose actions deprived Israel of the services of a wise, decisive leader at a critical time in the Middle East peace process.

All Americans share the grief of the Israeli people as the attempt to come to grips with the aftermath of this revolting murder. Our country, too, has seen important national leaders like Abraham Lincoln and Martin Luther King murdered by assassins just at the time when we needed their guidance and wisdom most. The assassination of other great Americans—John and Robert Kennedy being the most prominent—have undermined our faith in human nature and destroyed our sense of security and unity. Inevitably, political assassinations strike at the heart and foundation of civilized nations—particularly nations with democratic governments. Assassination is the antithesis of democratic government, which is predicated upon the peaceful resolution of conflicts between competing beliefs and interests.

Our hearts and prayers go out to the Israeli people as they mourn this tragic loss. It is my fervent hope that this tragic loss will not derail the ongoing peace process, but that the successful conclusion of negotiations between the Israelis and the Palestinians will be a lasting and most fitting tribute to the memory to this great man.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to the order of the House of Tuesday, November 7, 1995, the previous question is ordered.

The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 0, as follows:

[Roll No. 769]

YEAS—416

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)

Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Abercrombie
Brewster
Fields (LA)
Foglietta
Geren
Jefferson
Lantos
Moakley
Myrick
Peterson (FL)
Portman
Ramstad
Thornton
Tucker
Vucanovich
Weldon (PA)

☐ 1335

Mr. ALLARD changed his vote from "nay" to "yea."

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, during rollcall vote No. 769 on Senate Concurrent Resolution 31 I was unavoidably detained. Had I been present I would have voted "Aye".

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because of an unforeseen scheduling conflict, I was not in attendance for one recorded vote, rollcall vote No. 769 on the resolution regarding Israeli Prime Minister Yitzhak Rabin.

Had I been in attendance, I would have voted "yea" on rollcall vote No. 769.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, on Wednesday, November 8, 1995, due to illness, I missed rollcall vote No. 769, Senate Concurrent Resolution 31, legislation "Honoring the Life and Legacy of Yitzhak Rabin." Had I been here, I would have voted "yea."

Also, had I been able to attend the House proceedings, I would have risen to remember Prime Minister Yitzhak Rabin and his life of selfless public service. His tragic death only highlights the difficult road a nation must travel in order to achieve peace. He made the ultimate sacrifice for Israel in this most noble of goals, and countless generations will undoubtedly remember him as a pillar of peace.

PERSONAL EXPLANATION

Mr. FOGLIETTA. Mr. Speaker, due to a delayed flight to Washington, I was forced to miss the vote on Senate Concurrent Resolution 31, honoring Yitzhak Rabin. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON S. 395, ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 256

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration and to authorize the export of Alaska North Slope crude oil, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 256 is a simple resolution. The rule simply makes it in order to consider the conference report to accompany the bill S. 395 which authorizes and directs the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil. All points of order against the conference report and against its consideration shall be waived. This resolution was reported out of the Committee on Rules by an unanimous voice vote.

The purpose of the underlying legislation, S. 395, is to lift the ban on the export of crude oil produced on Alaska's North Slope and to provide for the sale of the assets of the Alaska Power Administration. Additionally, the conference report contains a targeted royalty relief provision which, according to the Secretary of Energy Hazel O'Leary, will "lead to and expansion of domestic energy resources, enhance national security, and reduce the deficit". This legislation has broad bipartisan support, including the support of the Clinton administration. By lifting the ban on exports we will create thousands of new jobs in this decade, and we will generate millions in receipts to the Federal Government.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule. This rule, as the gentleman from Colorado has explained, waives points of order against the consideration of the conference report on S. 395, a bill to lift the ban on exports of Alaskan oil and to privatize the Alaska Power Administration.

Mr. Speaker, this conference report also contains a provision which was not in the House-passed version of this legislation. This provision exempts oil and gas companies drilling under Federal oil and gas leases in deep waters offshore in the Gulf of Mexico, from paying royalties to the Federal Government. The inclusion of this provision is controversial in light of the instructions to conferees adopted by the House last July. That motion, offered by the gentleman from California [Mr. MILLER], instructed conferees to insist on the House position on this issue. The House bill, of course, deleted these provisions.

The conferees have, however, wisely included these provisions in the bill. Mr. Speaker, these exemptions will encourage exploration and drilling which will in turn increase the amount of available crude oil to U.S. markets. Mr. Speaker, increasing energy production is something our Government should encourage and the provisions in this conference report do just that. I would encourage my colleagues to support the conference report and to oppose the Miller motion to recommit this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Colorado for yielding time to me, and I rise in support of the rule and in support of the bill.

Mr. Speaker, I am pleased to support this effort.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I rise in support of this rule and of the substance of the conference report, although I shall support the efforts of the gentleman from California [Mr. MILLER] to strike an extraneous and controversial provision. This legislation is important because it is vital to preserving the independent tanker fleet and the cadre of skilled men and women who proudly sail today under our flag.

Mr. Speaker, I rise in support of the rule and the conference report on S. 395, legislation that authorizes exports of Alaskan oil carried in American-flag vessels. This bill will help enhance our national security by spurring energy production and by helping to preserve our domestic merchant marine. I urge my colleagues to vote in favor of the rule and to overwhelmingly support this legislation, as you did when it was on the floor in July.

According to recent press reports, a number of foreign governments continue to complain that the U.S.-flag requirement somehow violates our international obligations. As my colleagues may know, the U.S. Trade Representative has assured Congress that the bill does not violate our GATT obligations. To my knowledge, none of these governments complained when Congress enacted a comparable provision as part of the United States-Canada Free-Trade Agreement. In any event, for the benefit of those who persist in arguing without foundation that the bill poses a problem, let me lay out the case here.

This legislation is important because it is vital to preserving the independent tanker fleet and the cadre of skilled men and women who proudly sail today under the American flag. There can be little doubt that our Government has a compelling interest in preserving a fleet essential to national security, especially one transporting an important natural resource.

Specifically, section 201 of the conference report requires that, other than in specified exceptional circumstances, Alaskan crude exports must be transported by a vessel documented under the laws of the United States and owned by a U.S. citizen. As my colleagues know, current law already requires Alaskan oil to move to the lower 48, Hawaii, and Canada on so-called Jones Act vessels. When Congress authorized construction of the Trans-Alaska Pipeline system, it established export restrictions that had the effect of ensuring that North Slope crude would move to the lower 48 and Hawaii on U.S.-built, U.S.-owned, and U.S.-crewed vessels. Although the export restrictions have changed over time, there has been no change with respect to the requirement to use Jones Act vessels.

In 1988, when Congress passed legislation to implement the United States-Canada Free-Trade Agreement, it agreed to allow up to 50,000 barrels per day of ANS crude to be exported for consumption in Canada, subject to the explicit requirement that "any ocean transportation of such oil shall be by vessels documented under [46 U.S.C.] section 12106." By insisting that exports to Canada move on Jones Act tankers—even though not required by the specific terms of the agreement—Congress established the principle that exports must move on U.S.-flag vessels.

Consider also that in negotiating the North American Free-Trade Agreement, the Mexican Government reserved to itself the "transportation . . . [of] crude oil." The U.S. Government specifically agreed to this reservation in adopting article 602(3) of NAFTA. Additionally, in two major areas of commercial movements in foreign trade, the U.S. Government has long enforced preference for American vessels. Since 1934, the U.S. Export-Import Bank has reserved for American carriers 100 percent of all cargo the export of which it finances under various programs. The Cargo Preference Act of 1954 also reserves certain government-financed cargo to "privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates."

There are plenty of other examples of cargo reservation world wide. Our Government has entered into bilateral treaties with Latin American countries that preserve "government controlled" cargoes for national lines. These intergovernmental agreements are supported by pooling agreements among the lines that effectively divide all cargo—not merely controlled cargo—on the UNCTAD 40–40–20 basis, with the 20 percent being accorded to such third-flag lines as are admitted to the pools. Similarly, the French Government reserves for French-flag vessels substantial cargoes. The act of March 30, 1928, for example, requires that, unless waived, two-thirds of France's crude oil needs be carried on French-flag vessels.

Mr. Speaker, it is quite clear that longstanding precedent supports the U.S.-flag requirement in this bill.

Now let me address specific U.S. international obligations and explain why the legislation does not violate the GATS "Standstill Agreement," the General Agreement on Tariffs and Trade, or other of our international obligations.

GATS Standstill Agreement.—At the conclusion of the Uruguay Round of multilateral trade negotiations, the United States and other countries for the first time agreed to cover services, as embodied in the General Agreement on Trade in Services [GATS]. Maritime services were effectively excluded, however, because no commitments of any kind were made by the United States. Although a U.S. offer had been briefly tabled, it was withdrawn. Thus, the U.S. Government did not in any way restrain or limit its authority to maintain or promote an American-flag fleet.

The only commitment made by the U.S. Government was to continue negotiations until June 1996, with a view to determining whether to make any binding commitments at that time. The "Ministerial Decision on Negotiations on Maritime Transport Services" imposed this "standstill" commitment or "peace clause" for the period during which the negotiations would occur: "[I]t is understood that participants shall not apply any measure affecting trade in maritime transport services except in response to measures applied by other countries and with a view to maintaining freedom of provision of maritime transport services, nor in such a manner as would improve their negotiating position and leverage." Some foreign governments are now arguing that the enactment of the proposed legislation would violate this commitment. They are incorrect.

In a letter to me at the time, the U.S. Trade Representative stated that the "peace clause" is:

> Strictly a political commitment by the Parties to the negotiations not to take measures to "improve their negotiation position or leverage." In a worst case scenario, if one of the Parties to this negotiation were to conclude that the United States had taken a measure that contravenes the peace clause, their only remedy would be to leave the negotiating table.
>
> Let me assure you that there is nothing in the negotiations that would interfere with maritime reform legislation. . . . Discussion of promotional programs, including government subsidies, would, by no stretch of the imagination, be viewed as undermining these negotiations.

This understanding was confirmed by the Presidential Advisory Committee on Trade Policy and Negotiations. In filing its report at the conclusion of the Uruguay Round negotiations, the Committee said: "[A]ll existing maritime promotional and support laws, programs and policies continue in full force and effect. The United States also may enact or adopt such new measures as it wishes, including pending legislation to revitalize the maritime industry."

GATT.—The General Agreement on Tariffs and Trade covers goods, not services. Under longstanding precedent, vessels in international commerce are not themselves "products" or "goods" subject to GATT. For purposes of GATT, the relevant "product" is ANS crude, which would be transported on American-flag vessels. Requiring that this product be carried on these vessels, as currently required under the implementing legislation for the United States-Canada Free-Trade Agreement, does not conflict with GATT.

Article XI of GATT proscribes "prohibitions or restrictions other than duties, taxes or other charges whether made effective through quotas, import or export licenses or other measures" by a contracting party "on the importation of any product" or "on the exportation . . . of any product." These requirements apply to "products," which do not include vessels in transit between nations. Moreover, these requirements are limited to "products" and not to their transportation. This is made clear by the exceptions listed in ¶2, such as (a) measures to prevent or relieve "critical shortages of food stuffs or other [essential] products" and (b) restrictions to facilitate "classification, grading or marketing of commodities." Such exceptional restrictions are to be accompanied by public notice "of the total quantity or value of the product permitted to be imported." Thus, the transportation requirements of the committee print are not "prohibitions or restrictions other than duties" on goods proscribed under article XI.

Article III, the national treatment article, forbids internal taxes or other charges or regulations, affecting, inter alia, the transportation of goods, that discriminate in favor of domestic production. Requiring U.S.-flag vessels for the carriage of certain cargoes in international trade is not an internal regulation of transportation that discriminates against foreign goods. As I said earlier, vessels are not considered goods. Moreover, by operation of the Jones Act, foreign-flag vessels may not today carry ANS crude oil to the lower 48 or Hawaii. Having no claim to carry this crude today, foreign governments can not claim under article III that they somehow will be denied opportunities tomorrow as a result of a change in current law.

Article V, the freedom of transit article, requires that member nations permit goods, and also vessels, of other member nations "freedom of transit through the territory of each contracting party" of traffic in transit between third countries. The proposed bill, however, is not an inhibition of such movement of foreign goods or vessels within the United States. Article V thus does not apply.

GATT Grandfather Clause.—GATT 1994 contains an explicit exemption for the Jones Act. Annex 1A to the agreement establishing the World Trade Organization contains an exception relating specifically to national flag preferences for shipping "between points in national waters" enacted before a member became a contracting party to GATT 1947. The exception becomes inoperative if "such legislation is subsequently modified to decrease its conformity with Part II of the GATT 1994."

On its face, however, the proposed bill would not operate in commercial applications "between points in national waters," since it concerns the foreign trade. The proposed legislation would not amend the Jones Act and thus does not jeopardize the grandfathering of the Jones Act by Annex 1A. The conformity of the bill with international obligations of the United States does not depend on this exception, but on the terms of those obligations themselves. As I indicated earlier, the proposed bill does not conflict with articles III, V or XI of GATT.

OECD Code.—The OECD's Code of Liberalisation of Current Invisible Operations generally requires OECD member countries to liberalize trade in services, with certain specified exceptions. Note 1 to annex A, in defining invisible operations in the maritime sector, states in its first sentence that the purpose of the provision is "to give residents of one Member State the unrestricted opportunity to avail themselves of, and pay for, all services in connection with international maritime transport which are offered by residents of any other Member States." The second sentence of the Note lists "legislative provisions in favour of the national flag * * *" as among measures that might hamper the enjoyment of those rights. The Note concludes, however, unambiguously: "The second sentence of this Note does not apply to the United States." Whatever its applicability to the law of other nations, it would not apply with respect to the proposed legislation, which cannot therefore be contrary to it.

Thus, while some OECD members have subscribed to equating national flag requirements with disapproved "invisible operations," it is clear that the United States has not.

FCN Treaties.—Some foreign governments have raised questions about the propriety of flag reservation in light of various treaties of Friendship, Commerce and Navigation. The treaty clause invoked is this: "Vessels of either party shall be accorded national treatment and most-favored-nation treatment by the other party with respect to the right to carry all products that may be carried by vessel to or from the territories of such other party. * * *" Whatever this clause may appear to convey literally, its application in practice has allowed numerous national flag preferences identical with or otherwise indistinguishable in principle from the proposed measure.

As I indicated earlier, the most prominent instance is embodied in the United States-Canada Free-Trade Agreement. But there are many other examples. In the 1960's and 1970's, for example, the United States concluded with the former Soviet Union agreements for the sale of grain that, initially, reserved all carriage to American ships so far as available, and later not less than 30 percent. Against protests filed by a number of maritime powers having either national-treatment or most-favored-nation treaties, the United States responded in congressional testimony that, although the fact that the Soviet Union as a government was the purchaser did not alter the character of the transaction as purely commercial, "[t]he shipping arrangement worked out for the Russian wheat sale is a form of cargo preference involving a unique bilateral agreement between the U.S. and U.S.S.R. establishing a new trade where none existed before." This is the same reason the Department of State has advanced in defending preferences for government-financed cargo. So far as this may be considered a controlling factor, it is certainly applicable here, because the bill is clearly "establishing a new trade where none existed before."

In 1973, the President, by proclamation, instituted a system of licensing fees on imports of oil excess to prescribed quotas. Subsequently, however, the President in effect exempted products refined in American Samoa, Guam, the Virgin Islands or a foreign trade zone, if transported to the mainland on American-flag vessels. Like the present bill, the fee waiver was said not to reflect "a general administration position on reducing licensing fees when U.S.-flag ships are used". Although the stated purpose was to equalize refinery costs as between territories not subject to the Jones Act and the mainland, the administration suggested in congressional testimony that "a positive incentive has been provided by the administration for the construction and use of additional U.S.-flag tankers." In recent testimony before the Resources Committee on which I sit, the Deputy Secretary of Energy similarly emphasized the importance of the U.S.-flag requirement of the pending legislation in preserving U.S.-flag tankers and the skilled mariners who operate them.

In summary, Mr. Speaker, the U.S.-flag requirement of this bill is supported by ample domestic and foreign precedent, does not represent an extension of cargo preference into a new area, and does not violate our international obligations. There is no reasonable basis for a challenge to the legislation before the World Trade Organization or in other international forums.

I urge my colleagues to join me in supporting this legislation, which is so vital to preserving a fleet essential to national defense.

Mr. McINNIS. Mr. Speaker, I yield 3 minutes and 56 seconds to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, the United States is now importing 50 percent of our energy needs.

The Department of Energy projects 60 percent import level by 2010.

The United States has lost 450,000 jobs in the oil and gas industry.

The temporary royalty relief in S. 395 will enable the private sector to risk its own funds to find and produce domestic oil and gas to enhance national energy security and create jobs.

CBO scored the deep water Gulf of Mexico royalty provisions as a revenue gain of $100 million over 5 years. The Minerals Management Service estimates even greater revenue gains.

The administration's Sustainable Energy Strategy stated:

> The Administration supports targeted royalty relief to encourage the production of domestic oil and natural gas resources in deep water in the Gulf of Mexico. This step will help unlock the estimated 15 billion barrels

of oil-equivalent in the deepwater Gulf of Mexico, providing new energy supplies for the future, spurring the development of new technologies, and supporting thousands of jobs in the gas and oil industry and affiliated industries.

A letter from Hazel O'leary stated, "The royalty relief provisions in S. 395 as adopted by the conference committee is a targeted deepwater royalty relief provision that the Administration supports."

The letter concludes, "The ability to lower costs of domestic production in the central and western Gulf of Mexico by providing appropriate fiscal incentives will lead to an expansion of domestic energy resources, enhance national security, and reduce the deficit. Therefore, the Administration supports the deepwater royalty relief provision of S. 395."

The language in the conference report was changed in two important ways: First, it clarifies that the royalty incentives are applicable only to the western and central Gulf of Mexico west of the Alabama/Florida border. Second, the legislation has been amended to make it clear that it will not affect an OSC area that is under a pre-leasing, leasing, or development moratorium, including any moratorium applicable to the eastern planning area of the Gulf of Mexico located off the Gulf Coast of Florida.

The Minerals Management Service determined that the deepwater incentives will result in a minimum net benefit to the Treasury of $200 million by the year 2000.

These provisions will create thousands of jobs, enhance national security by reducing dependence on imported oil, and reduce the deficit. I urge my colleagues to support the conference report.

□ 1345

Mr. Speaker, I intend to vote for it, and I hope my colleagues will likewise vote for the rule, which I do support as well.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Speaker, as an original cosponsor of the underlying Alaskan oil export legislation, which passed the House on July 24 by a 324 to 77 margin, I rise in strong support of the rule and also the conference report for S. 395. With enactment of this historic legislation we will have a chance to benefit small, independent oil producers throughout this country.

Current law may have made a great deal of sense in 1973. But like any other laws, it is having unintended consequences that were not foreseen by our colleagues. We therefore should repeal the Alaskan oil export ban and authorize exports carried in U.S.-flag vessels.

What this will allow is to free up oil refining capacity on the west coast of the United States, which will help to encourage oil production and oil exploration in the west coast of the United States, much of that done by the independent oil producers. The California independent oil producers state a compelling case. Like them I was pleased that the Department of Energy similarly concluded last year that the export ban was depressing production and, if lifted, would benefit California and the Nation as a whole. The Department of Energy's comprehensive June 1994 study provides a strong factual basis to support this legislation. Among others, the following study concluded production will increase by 100,000 barrels per day, up to 25,000 additional jobs will be created, State and Federal revenues will increase by hundreds and millions of dollars, and these benefits will be achieved with little, if any, effect on consumer prices.

We now have a unique opportunity in this Congress to spur additional energy production and to create jobs. With imports meeting over 50 percent of our domestic consumption because of falling production, we must do something quickly to increase energy production in this country.

This legislation, this conference report, will achieve those objectives, and I urge my colleagues to support the rule and the report.

Mr. McINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise today and urge the support of the conference report which is of immense importance to California and to our Nation's economic and national security, as well as our well-being. This legislation will increase our domestic exploration and production of crude oil. It will mean that our reduced balance-of-payments deficit, the deficit in our balance of payments, will be reduced, and everyone agrees that the United States today is too reliant on the import of crude oil. This legislation will spur domestic production, thereby enhancing our national security. As I have just said, it will also affect in a positive way our balance of payments.

Mr. Speaker, this legislation lifts the ban on the export of Alaskan crude. This will contribute to reducing our trade deficit, and this legislation thus is good for job creation in the United States, and it is good for our economy in general.

My colleagues should not be swayed by side issues. This bill is not about side issues. It is about things that are fundamental to our economy. The legislation is about enhancing our economy and our national security. These things must be the overriding issues of importance, and we should not be sidetracked by some kind of fight over royalty holidays, holidays and other issues, that may be of importance in and of themselves, but coupled with this there is just no comparison. So today I suggest that we keep our eyes on the prize and we do not defeat this conference report on a side issue, and I would say that we should have a vote today for jobs, a vote for national security and thus I would suggest that we vote "yes" on the conference report and "yes" on the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I rise in strong support of this conference report, which will create jobs and help American energy companies compete in the global marketplace.

Investment in domestic energy exploration and production is vital to America's economic stability and national security. This conference report encourages such investment by lifting the ban on exports of Alaskan oil and providing royalty relief for energy companies that risk exploration in the deep waters of the Gulf of Mexico. These provisions will create jobs in the energy industry and further limit our reliance on foreign oil, which continues to rise as a percentage of our balance-of-payments deficit.

We know the Gulf of Mexico contains large oil reserves. Royalty relief will help uncover the 15 billion potential barrels of oil in the gulf and will also spur the development of new offshore technologies and provide thousands of new jobs in the industry. Our energy industry needs these incentives to compete against innovative technologies and an increasingly skilled work force abroad. This policy is supported by Members of both parties in Congress and the Clinton administration.

I want to underscore that royalty relief is not the free ride as some in Congress have portrayed it—the energy industry still must pay a substantial upfront bonus and they must also pay royalties when production exceeds the royalty relief period. In essence, this targeted royalty relief will provide the financial incentives to increase domestic energy exploration and production and to protect our national security. In the long run, by spurring exploration and development, this bill will generate more tax revenues for the Federal Government, not less. This conference report is sound economic policy and smart energy policy, and I urge my colleagues to support it.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I must say I think this is really offensive that we are being asked to consider this rule waiving points of order for this controversial conference report that will have a significant effect on our Nation's energy and fiscal policy.

There is no good reason at all for taking up this type of rule that waives, as it does, the very rules of the House that should be preventing the consideration of this controversial conference report in the first place.

We listened for years to arguments from our colleagues, harangues perhaps one could properly call them, who now constitute the majority about how irresponsible and reckless we Democrats were when we provided waivers of rules for even the most minor provisions or rules violations.

Yet here we are today being asked to waive a rule that should have prevented the conferees from including in their agreement a very controversial provision that not only is not germane to the House-passed bill, but which in fact the House voted not to include in the conference report.

I remind my colleagues that the bill passed by the House has one main purpose, to lift the ban on the export of Alaskan oil. One can properly question, I suppose, the wisdom of lifting that ban. It does mark a major change in the direction of our energy policy. I personally think it is probably a wise change for us to enact. But the House approved that change in our energy policy, and, as I said, I am not here to argue that point.

What the House did not approve—in fact, what the House voted 261-161 to prohibit—is granting royalty relief to U.S. petroleum producers operating in waters in the Gulf of Mexico. This controversial provision ought *not* to be a part of the conference report before us; we ought *not* to waive the rule requiring germaneness so that this controversial exemption for oil and gas producers—a provision the house voted to oppose—can become law attached to a much less controversial bill.

This royalty exemption is a giveaway that we will live to regret. We should not be taking actions that reduce the Government's revenues from large profitable industries especially at a time of great budgetary constraints, and for the leadership to permit the conferees to get away with including this exemption for certain oil producers in this conference report on an entirely different piece of legislation is, many of us believe, totally irresponsible.

Mr. Speaker, I urge our colleagues to join me in opposing this rule and in supporting the motion to recommit the conference report that will be ordered, I believe, by the gentleman from California [Mr. MILLER].

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, Members of the House, after we consider the rule on this legislation, we will get into general debate on a conference report, a conference report that comes back to us on the Alaska oil export bill of which there is relatively little controversy, but that bill has now been hijacked in the conference by a very controversial provision for a royalty holiday for the oil companies in this country that go into the Gulf of Mexico and drill in what this legislation calls deep water. Although I must tell my colleagues in the industry today and with the technology today where we give a royalty holiday under this bill it is no longer deep water. The technology, the investment, the risks, and the oil have all gone past this legislation. This legislation, the provision that is hijacking the Alaska oil export bill, was originally thought of around 1988 when the Gulf of Mexico was in an oil depression. Since that time the Gulf of Mexico has come roaring back. The oil companies are submitting record high bids in that region to compete for the right to drill out there, and it is, in fact, probably the hottest oil place in the world today.

□ 1400

That is not because I say so, that is because every oil and energy and gas periodical in the country says that, and all of the oil companies say this is where they are going. They have set forth their 5-year plan. They have set forth their 10-year plan. This is where they are going to make their investments, along with their other decisions.

What we do here is not going to change that. We are just going to decide whether or not we are going to give away the taxpayers' dollars to a lot of oil companies that do not need it, have not particularly asked for it, and understand that it is not going to change their decisions. They are going to the Gulf of Mexico because that is where the oil is. That is where the profitable oil is.

What you have here is you have, today you can be at the creation of corporate welfare because this does not exist today, but should you vote against the motion to recommit this conference report, you will be voting to create corporate welfare that CBO says will cost us $500 million.

Weigh that against the other decisions you are going to be asked to make later today: to increase Medicare premiums, to do all the things you are going to be asked to do in budget reconciliation, you will be asked to do in the continuing resolution, all the decisions this Congress has made about children's nutrition programs, about education, about science, about technology, about transportation; and in the middle of that, you are going to provide a royalty holiday to the oil industry of this country. I do not think that is what you want to tell your constituents.

There is no need for this. The problem with this is, it is mandatory. It is not that the oil company makes a showing that, but for this, they would have drilled the well, or that they need it. It is mandatory. When they sink the well, they get up to 72 million barrels of oil, royalty free, for simply being there, doing what they were already going to do. As I said, they have already bid on the lands. They have already made the investment calculations. They have already leased the rigs, they have already contracted to build new ones, all absent the royalty oil holiday.

This Congress should not be larding up, should not be larding up the budget of the United States with this kind of special privilege. That is what the motion to recommit is about. The motion to recommit is about, in the middle of when we are making the most difficult budget decisions on both sides of the aisle, we find here a provision that CBO says will net out a $150 million loss to the Treasury of the United States, and $500 million between the year 2000 and 2020. We should not be doing that to the taxpayers, we should not be doing that to people who are asking us to put some balance in the balanced budget provision.

The last time we had this provision before us, 100 Republicans and 161 Democrats joined to instruct the conferees not to take this provision. The conferees decided otherwise. That is why this rule waives all points of order, because this is a nongermane provision. This is simply a highjacking of a bill that many of this Congress believe is very important, very important, to do that.

For those who think if they vote for the motion to recommit they will be bringing down the bill, let me inform them that there is a conference committee scheduled today on the assumption that the motion to recommit will pass so that we can go back to conference, redo this bill, and send it out here. I have told the sponsor of this bill I would let it go on unanimous consent, so they can have the bill and they can stop the creation of new corporate welfare that just in no way can be justified.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to the gentleman from California that I was in the chair when we last heard these arguments. Frankly, I was convinced by what the gentleman said. In fact, I supported the gentleman from California, because, and I quote the gentleman's statement, he said it was simply a raid on the Treasury by the Senate and major oil companies.

Again today I hear the gentleman from California, and, in fact, I think he used the figure $500 million. After that vote, I had time to further examine the issue. In addition to that, I looked at what the CBO score did. I went through that accounting.

I can tell the Members that the representation by the gentleman is not the way that I interpret that particular statement. In fact, according to the Secretary of Energy, who has also assessed the CBO score, the deep water language will actually put the Federal Treasury $200 million ahead. Let me repeat that language:

> The Minerals Management Service has estimated that the revenue impacts of the new leasing under section 304 of Senate 395 for lease sales in the central and western Gulf of Mexico between 1996 and 2000, the deep water royalty relief provisions would result in an increased bonus of $485 million, $113.5 million in additional bonuses on tracts that would have been leased without relief, and $350 million in bonuses from tracts that would not have been leased until after the year 2000, if at all, without relief. This translates to a present value of $420 million if the time and value of money is taken into account.

However, the Treasury would forego, and I think this is the number that the gentleman from California is using, "an estimated $5.53 million in royalties that would otherwise have been collected through the year 2018." But you have to complete the formula.

But again, taking into account the time value of the money, this offset in today's dollars is only $220 million. Comparing this loss with the gain from the bonus bids on a net present value basis, the Federal Government would be ahead by $200 million.

Mr. Speaker, I think we have to look at the CBO score. I intend to support that today. I think the rule is fair, but I think we have to look at that score accurately. We have to disclose all the numbers.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I appreciate everything the gentleman from Colorado stated. CBO went through that exact analysis of the Department of Energy, of Mineral Management Services, and rejected that. I find it rather interesting that we now see the proponents of this royalty holiday relying on an agency that they do not trust to give them estimates in Alaska on reserves and costs, and on the Department of Energy, which they think should be abolished.

But they do not want to now look at what CBO, the agency they are relying on and we are all relying on to help us balance the budget, when they reject it and say flat out it is going to cost a net $150 million to the taxpayers. When you get through all of the offsets and you get through the leases that are going to be moved forward and the leases that are going to be moved backwards, what you have in fact is a $150 million net cost, $500 million gross costs in the years 2000 and 2020.

So CBO, the agency we are relying on, that you are relying on, that we have given credibility to, that has rejected the administration arguments in many, many instances, now says, "This is a net cost to the taxpayers of this country." That is why we should not be providing a royalty holiday to companies that do not need it. I thank the gentleman for yielding to me.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, clearly the gentleman from California and I disagree as to the value to the Treasury, but I would stand by my comments, as I think the majority of the people on both sides of the aisle will stand by, and that is that this is a positive. This puts money into the Treasury. At a time when we are facing this deficit, I think we need to look at that. It encourages jobs. It is a win-win deal. We have got jobs, we have money for the Treasury. I think we are going to have support from both sides of the aisle, in addition, of course, to the support from the Clinton administration. The Clinton administration has come out and endorsed this theory, this issue, and the way it has been put on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague, the gentleman from Texas, for yielding me the time.

Mr. Speaker, I rise in support of the conference committee report in its entirety of Senate bill 395, based on three reasons. One, it is safe for offshore drilling. We are only dealing with new leases or expanded leases, and also the jobs and economic growth that my colleague, the gentleman from Colorado, talked about.

Let me explain. We are talking about the impact on the current budget and this resolution will help balance our budget. The agreement requires the Department of the Interior to exempt from royalties only new leases, or expanded production; it is production that may not be utilized. We may not receive one penny in royalty, but if they do expand it, if they do have new leases, we will see additional revenue. That is where I see the plus for our Treasury.

This resolution also talks about expanded production under existing leases, but it mandates some of the royalty exemptions if the Interior Secretary determines this production will not be economic without royalty relief. We are giving the Department of the Interior the ability to say, "If you will do it, then we will give you that benefit." We are really just letting them say, "OK, depend on the market, and if it will work, it will help the Treasury and also help in the creation of jobs."

Let me talk about offshore drilling, because in Texas we do that a lot. I go to Galveston, TX, and see the wells out there and I am concerned, like everyone else, about the pollution in our waters. But, in the latest study I have, it shows that offshore oil production is responsible for only 2 percent of spills, whereas transportation is 45 percent of whatever pollution may be, and waste and runoff is 36 percent.

We can solve a lot of problems with pollution of our waterways and our bodies of water if we just clean up what we put into the sewers, but the offshore production is one of the safest, ways to produce energy. We have had production off our coasts, successful production. Again, this would benefit not only those of us who live along the Gulf Coast, but would also benefit the economic security of our Nation. That is why, Mr. Speaker, I encourage the adoption of the conference committee report.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to quote from a letter that we have just received from Citizens for a Sound Economy, and as we all know on both sides of the aisle, that is a very economically conservative organization. It watches very carefully for any type of legislation that would be a drain on the Federal Treasury.

Their position on this, and I quote:

> Providing some degree of royalty relief creates economic incentives to make such risky undertakings more feasible, while increasing the supply of a vital natural resource and providing increased employment opportunities. Moreover, the royalty relief is not corporate welfare. It does not place a burden on taxpayers or contribute to the deficit.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of the rule and in opposition to the motion to recommit offered by the gentleman from California. Enactment of the OCS Deep Water Royalty Relief Act will generate substantial revenues over the next 7 years as companies bid more for deep water leases and risk investing in leases that are currently too marginal to even consider. The revenues received by the Treasury for oil and gas leases are the combination of bonus bids received at the time of lease sales and royalties paid in the event a lease is developed and brought into production. Since the Federal leasing program began in 1954, $56 billion in bonus payments have been generated versus $47 billion in royalty revenues. In other words, we have received more money from producers paying for the option to produce leases than from actual production royalties. This is especially true in deep waters where only one out of 16 leases ever produce and pay royalties.

The Congressional Budget Office has officially stated that this provision will not reduce the receipts to the Federal Government under the pay-as-you-go procedures. The only revenues scored for the provision have been in the context of budget reconciliation where revenues from non-routine asset sales are being counted for deficit reduction purposes. The bottom line is that CBO has conservatively estimated this provision would generate additional revenues of $130 million over 7 years. I urge you to vote again the Miller motion to recommit.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong opposition to the rule, and believe it should be defeated. It is needed to circumvent the thorough consideration of this special interest's—oil interest's—benefits being placed into law.

Mr. Speaker, the Miller motion is our avenue to send this back to conference, as we did in August, or in July, by a vote of 261 to 155. We instructed conferees to reject the Senate language providing royalty holidays to companies drilling for oil and gas in federally controlled deep waters in the Gulf of Mexico.

The House voted against the Senate proposal because House Members saw this royalty holiday correctly for what it is. This policy is an unjustified giveaway, a tax break for big corporations at the expense of the American taxpayer. Unfortunately, House conferees completely ignored the wishes of the majority of the House and supported the corporate welfare approved by the Senate. This measure has not passed the House, but was slipped into the Senate measure and is being foisted upon the House through this conference measure, and facilitated by this rule, which I oppose.

The deep water royalty fails in terms of process and economics. Royalty holiday legislation has not been introduced in the House, and the committee process has been circumvented by those who want to push this giveaway through without complete consideration. If this is such good legislation, why not subject it to hearings and full debate? Why are we being asked to settle for a nongermane amendment to Alaskan oil export legislation? The reason is simple: that a royalty holiday will not stand up to the light of day.

□ 1415

Today, the big oil companies pay only a 17-percent tax rate, and the small independent companies pay almost nothing after deductions. That beats the rates paid by most American taxpayers and hardly suggests the need for further cutbacks.

Moreover, there is ample evidence that new technology has prompted a rush of bids in deepwater tracts in the gulf. The lease auction held last May was the fourth largest in gulf history, under the current tax and lease policies, and the American public would have lost an estimated $2 billion in future royalties if the proposed holiday had been in place then. Over the long haul, CBO estimates the royalty holiday will cost the taxpayers $420 million.

The claim that this measure is justified for economic growth should not be the basis for giveaway tax breaks. The fact is that when someone else gets a break in terms of the Tax Code or in terms of royalty, other taxpayers have to make it up. They have to pay for it. So the fact is that if we give this away fast enough, if we can burn dollar bills, that we can heat the house is not a very good justification for a tax policy or for an energy policy.

So I would suggest to my colleagues that we quit burning the dollar bills, we start dealing with the deficit by closing and not opening new loopholes, and that is what has happened throughout this Congress. The House tax bill that passed provided 75 percent of the benefits in 10 years went to corporations and to investors—to corporations and investors—not to individual taxpayers.

Mr. Speaker, I urge defeat of the rule and passage of the motion of the gentleman from California [Mr. MILLER] to recommit to conference this report.

Mr. McINNIS. Mr. Speaker, I yield 3½ minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, I rise this afternoon to support this important rule.

This afternoon we will have an opportunity to cast a vote that will create jobs, increase domestic production of crude oil and natural gas, decrease our dependence on foreign oil, and raise at least $100 million for the Federal Government over 5 years.

Almost every day news stories report more layoffs, more downsizing, more jobs destroyed as companies cut their payrolls. The men and women of the Nation's oil and natural gas industry know those stories too well, because they have lived them. Oil and gas workers have experienced more job losses than workers in any other American industry.

Since 1982, 450,000 jobs were lost in just the exploration sector of the U.S. petroleum industry. That is almost half the number of jobs lost in the entire domestic manufacturing sector. More than one out of every two workers who searched for oil and natural gas, or helped recover it, lost their job.

But today, Mr. Speaker we can begin to make a difference for oil and gas workers, for those in related industries, and for their families and communities. I urge my colleagues to vote for job creation by voting in favor of the rule to the conference report on S. 395.

Congress must provide incentives for deepwater drilling in the central and western Gulf of Mexico.

Deepwater incentives, which encourage oil and gas companies to risk their capital on new exploration and production, will create 20,000 new jobs for every $1 billion in private sector investment. These incentives will result in the creation of many new jobs in my State of Oklahoma, a State hundreds of miles from the gulf.

There are 378 petroleum equipment supply facilities in my State alone. And nationally, there are 3,532 such facilities spread across 40 States.

Deepwater incentives mean jobs not only for oil and gas workers. It means jobs in steel, in machine tools, in heavy equipment and in the high technology industries that support oil and gas recovery. Deepwater incentives will create new jobs in the gulf region, in my State, and throughout our country.

We have been going the wrong way for too long. The United States has sent many oil industry jobs overseas. And we rely too much on foreign oil suppliers, who now deliver over half the oil we use.

In just 15 years, the U.S. Department of Energy warns that we will rely on foreign sources for 60 percent of our oil.

Mr. Speaker, we must invest in American workers. It is time to turn this situation around, and rely on our own abundant oil and gas resources. And we must create the job opportunities that go with domestic oil and gas exploration and production.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support the rule, and the conference report and say yes to jobs.

Mr. McINNIS. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I rise in support of the rule, in support of the bill, and particularly in support of the Outer Continental Shelf deep-water incentives legislation; and I will be asking my colleagues later on to vote against the Miller motion to recommit.

Mr. Speaker, I think this legislation is a good idea; and particularly, Mr. Speaker, I believe the OCS deep-water incentives provisions are good for business, they are good for job growth and, most importantly, they are good for the taxpayers.

Let us look at the facts. Right now, restrictive royalties have effectively shut down deep-water drilling. Only 6 percent of the deep-water leases are in production. That is compared to 50 percent of leases which are in production in shallow waters.

My colleagues should not be fooled by the opponents of this measure. I believe their goal is to shutdown deep-water drilling with restrictive taxes. While Americans have continually rejected this approach to governing for the nonsense that it is, opponents have decided to change their approach to the charge of corporate welfare. So let us look again at this charge of corporate welfare.

The Congressional Budget Office, the office that we rely on for our estimates, has determined that this bill will generate $100 million over 5 years in tax revenues. Is that corporate welfare?

The Congressional Budget Office says that this bill will reduce our national deficit. Is that corporate welfare?

This bill will create jobs. That is not corporate welfare, Mr. Speaker. This bill makes sense for the taxpayers, for the Federal budget and for our national security.

What our friends who oppose this bill are not saying is the fact that the taxpayer benefits only if deep-water oil and gas production occurs. If they do not drill, they do not pay taxes. The taxpayer and producers are business partners. They both benefit from deep-water drilling.

So who is being taken advantage of by this provision? It is not the offshore workers who sit idle by the drills. It is not the taxpayer who stands to make $100 million over the next 5 years. The only people being taken advantage of in this bill are those who fall for the basic theory of corporate welfare by the opponents of the bill today. This bill will expand domestic energy resources, enhance our energy security, create jobs and reduce the national deficit.

Mr. Speaker, this is a good rule, this is good legislation, and I urge its adoption.

Mr. McINNIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my friend the honorable distinguished gentleman from Glenwood Springs, CO [Mr. McINNIS], for yielding me this time and for his management of this rule.

Mr. Speaker, I rise in support of this rule, and to thank the conferees on S. 395 for going the extra mile to address the concerns of the State of Florida with regard to the deep water drilling provisions contained in the conference report. I, along with many Members of the Florida Delegation, had reservations about the original Senate language that would have provided royalty relief for oil companies drilling in the deep waters of the Gulf of Mexico. The overwhelming majority of Floridians are opposed to taking risks with oil and gas exploration in our fragile coastal waters—risks that could jeopardize our tourism and housing industries. I am pleased that through the efforts of Mrs. FOWLER and others on the conference committee, the report now spells out in no uncertain terms that "nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the eastern planning area of the Gulf of Mexico located off the gulf coast of Florida." This clarification is consistent with our efforts to provide long-term protection for Florida's valuable coastline, and I support it's inclusion in this conference report.

Mr. Speaker, I recognize there are many other issues in this particular report, and they have not all been attended to in exactly the way that is going to make everybody exactly happy. I have never seen a piece of legislation that I can recall that has made everybody happy in this body, and I do not think I will live that long. I think that everybody fees they can improve on it.

But for the rule that we have here, I think that is a good rule; and I think it is important to point out that there has been a change and an improvement for the Florida interests that involve the protection of the Florida coastal waters; and I think those involved.

Mr. McINNIS. Mr. Speaker, I yield I minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am from Florida. This bill does not affect the State of Florida, does not affect drilling off of Florida. This does affect the taxpayers.

When I hear people get up and say that CBO has scored this one way or the other, that it is actually going to be $100 million plus, that is doublespeak that I have been hearing Democrats saying on the other side of the aisle, and how Republicans are saying this now for their own purposes shocks me.

The fact of the matter is, CBO has scored this, and in their scoring they said it would cost us $450 million. Now, how anybody can stand up after defending CBO numbers for a year and then stand up and say, "OK, CBO is right on everything but this one," absolutely strains any credibility any speaker has. CBO says it. It costs the American taxpayer $450 million. When you take to the microphone and say that you are helping the American taxpayers by shoveling more corporate welfare to big oil, you are lying to the American people.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would hope the gentleman from Florida [Mr. SCARBOROUGH] stays on the floor long enough to hear some rebuttal, because the gentleman from Florida has very little basis, especially using the kind of strong language that he has used.

I think we may have an honest disagreement here. I do not think either side in this situation is lying, as the gentleman from Florida might put it, or telling an untruth. In fact, the CBO has been I think fairly clear on its scoring of this. This will add to the Federal Treasury.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding time to me.

As a matter of fact, CBO did say this would yield $100 million to the Treasury in the next 5 years. Confusion has come up when CBO tried to go 25 years out and estimate income and revenue as opposed to losses under the program, and CBO did a classic economic mistake in that analysis. They failed to count the present value of money.

Minerals Management has done an analysis as well. Minerals Management, under the Secretary of Energy, has concluded that this bill will produce at least 630 additional leases which would be sold for a total increase in bonuses of $485 million over the next 5 years. Their analysis over the 25-year period is it not only reduces the deficit but it also adds, they believe, about $200 million to the Treasury.

Now, we can debate. Economists are arguing about what is going to happen 25 years from now. But one thing we cannot deny is that the 25-year outlook by CBO originally done, which has been corrected by Minerals Management and the Department of the Interior, failed to take into account a very simple economic principle, the present value of money. When you do that, this is a net gainer for the Treasury. It is a net gainer for the Treasury in the first 5 years. It is a net gainer over the 25-year period, if the bill were extended beyond the first 5 years.

In fact, this is good for the Treasury. This produces jobs, economy. It produces income for Americans, and it does something even more vital than that. It produces oil and gas in regions that would not otherwise be produced in the Gulf of Mexico, only in an area where, in fact, economies of scale and deep-water drilling would not permit those drills to occur. This is good for the country.

Too many of our young men and women have gone to battle to defend oil products in somebody else's land. It is about time we produce on the leases we have authorized to be produced here in the Gulf of Mexico. I would urge support for this rule and to keep the oil and gas relief bill intact when we send it back to the President.

□ 1430

Mr. McINNIS. Mr. Speaker, I urge my colleagues to support the rule. I have no further speakers.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, we have no other requests for time at this point. As my colleagues can see, there is some degree of controversy on this matter. I personally support the rule and support the bill, and I urge adoption of the rule, though there is some opposition, obviously, on both sides of the aisle on this question.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I too support the rule, and urge my colleagues to support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 54, answered "present" 1, not voting 16, as follows:

[Roll No. 770]

YEAS—361

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Packard
Parker
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velázquez
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—54

Becerra
Beilenson
Berman
Brown (FL)
Clay
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Deutsch
Evans
Fattah
Filner
Flake
Frank (MA)
Gejdenson
Gibbons
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hinchey
Kanjorski
Kildee
LaFalce
Markey
McHale
McKinney
Meek
Menendez
Mfume
Nadler
Olver
Pallone
Pastor
Payne (NJ)
Peterson (MN)
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Serrano
Slaughter
Stark
Stokes
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wynn
Yates

ANSWERED "PRESENT"—1

Engel

NOT VOTING—16

de la Garza
Fields (LA)
Foglietta
McKeon
Moakley
Moran
Peterson (FL)
Ramstad
Rose
Skelton
Tejeda
Thornton
Tucker
Volkmer
Waldholtz
Weldon (PA)

□ 1450

Ms. BROWN of Florida and Mrs. SCHROEDER changed their vote from "yea" to "nay."

Mr. HILLIARD changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, on rollcall vote No. 770, I am recorded as having voted "present." I would like the RECORD to reflect that I was opposed to this resolution.

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 256, I call up the conference report on Senate bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. McINNIS). Pursuant to House Resolution 256, the conference report is considered as having been read.

The text of the conference report and the statement of managers is as follows:

CONFERENCE REPORT (H. REPT. 104–312)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395), to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

TITLE I—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Asset Sale and Termination Act".

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) The term "Eklutna" means the Eklutna Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Eklutna Purchase Agreement.

(2) The term "Eklutna Purchase Agreement" means the August 2, 1989, Eklutna Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Eklutna Purchasers, together with any amendments thereto adopted before the enactment of this section.

(3) The term "Eklutna Purchasers" means the Municipality of Anchorage doing business as

Municipal Light and Power, the Chugach Electric Association, Inc. and the Matanuska Electric Association, Inc.

(4) The term "Snettisham" means the Snettisham Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Snettisham Purchase Agreement.

(5) The term "Snettisham Purchase Agreement" means the February 10, 1989, Snettisham Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Alaska Power Authority and its successors in interest, together with any amendments thereto adopted before the enactment of this section.

(6) The term "Snettisham Purchaser" means the Alaska Industrial Development and Export Authority or a successor State agency or authority.

SEC. 103. SALE OF EKLUTNA AND SNETTISHAM HYDROELECTRIC PROJECTS.

(a) SALE OF EKLUTNA.—The Secretary of Energy is authorized and directed to sell Eklutna to the Eklutna Purchasers in accordance with the terms of this Act and the Eklutna Purchase Agreement.

(b) SALE OF SNETTISHAM.—The Secretary of Energy is authorized and directed to sell Snettisham to the Snettisham Purchaser in accordance with the terms of this Act and the Snettisham Purchase Agreement.

(c) COOPERATION OF OTHER AGENCIES.—The heads of other Federal departments, agencies, and instrumentalities of the United States shall assist the Secretary of Energy in implementing the sales and conveyances authorized and directed by this title.

(d) PROCEEDS.—Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchasers.

(f) CONTRIBUTED FUNDS.—Notwithstanding any other provision of law, the Alaska Power Administration is authorized to receive, administer, and expend such contributed funds as may be provided by the Eklutna Purchasers or customers or the Snettisham Purchaser or customers for the purposes of upgrading, improving, maintaining, or administering Eklutna or Snettisham. Upon the termination of the Alaska Power Administration under section 104(f), the Secretary of Energy shall administer and expend any remaining balances of such contributed funds for the purposes intended by the contributors.

SEC. 104. EXEMPTION AND OTHER PROVISIONS.

(a) FEDERAL POWER ACT.—(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of Part I of the Federal Power Act (16 U.S.C. 791a et seq.), except as provided in subsection (b).

(2) The exemption provided by paragraph (1) shall not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

(b) SUBSEQUENT TRANSFERS.—Except for subsequent assignment of interest in Eklutna by the Eklutna Purchasers to the Alaska Electric Generation and Transmission Cooperative Inc. pursuant to section 19 of the Eklutna Purchase Agreement, upon any subsequent sale or transfer of any portion of Eklutna or Snettisham from the Eklutna Purchasers or the Snettisham Purchaser to any other person, the exemption set forth in paragraph (1) of subsection (a) of this section shall cease to apply to such portion.

(c) REVIEW.—(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than 90 days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than 90 days after the challenged act implementing the Program, or be barred.

(d) EKLUTNA LANDS.—With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

(2) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

(3) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508; 72 Stat. 339), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(e) SNETTISHAM LANDS.—With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508; 72 Stat. 339).

(f) TERMINATION OF ALASKA POWER ADMINISTRATION.—Not later than one year after both of the sales authorized in section 103 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) submit to Congress a report documenting the sales; and

(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(g) REPEALS.—(1) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date that Eklutna is conveyed to the Eklutna Purchasers.

(2) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date that Snettisham is conveyed to the Snettisham Purchaser.

(3) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

(h) DOE ORGANIZATION ACT.—As of the later of the two dates determined in paragraphs (1) and (2) of subsection (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E) respectively; and

(2) in paragraph (2) by striking out "and the Alaska Power Administration" and by inserting "and" after "Southwestern Power Administration,".

(i) DISPOSAL.—The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the "Surplus Property Act of 1944" (50 U.S.C. App. 1622).

SEC. 105. OTHER FEDERAL HYDROELECTRIC PROJECTS.

The provisions of this title regarding the sale of the Alaska Power Administration's hydroelectric projects under section 103 and the exemption of these projects from Part I of the Federal Power Act under section 104 do not apply to other Federal hydroelectric projects.

And the House agree to the same.

Amendment numbered 2:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

TITLE II—EXPORTS OF ALASKAN NORTH SLOPE OIL

SEC. 201. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), or Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271–76) to prohibit exports.

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.".

SEC. 202. GAO REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review three years after the date of enactment of this Act and, within twelve months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

And the House agree to the same.

Amendment numbered 3:

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

SEC. 203. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary of Transportation ("Secretary") may make grants to the Multnomah County Tax Supervising and Conservation Commission of Multnomah County, Oregon ("Commission") in accordance with this section, not to exceed the amount determined in subsection (b)(2).

(b) FINDING AND DETERMINATION.—Before making any grant under this section not earlier than one year after exports of Alaskan North Slope oil commence pursuant to section 201, the Secretary shall—

(1) find on the basis of substantial evidence that such exports are directly or indirectly a substantial contributing factor to the need to levy port district ad valorem taxes under Oregon Revised Statutes section 294.381; and

(2) determine the amount of such levy attributable to the export of Alaskan North Slope oil.

(c) AGREEMENT.—Before receiving a grant under this section for the relief of port district ad valorem taxes which would otherwise be levied under Oregon Revised Statutes section 294.381, the Commission shall enter into an agreement with the Secretary to—

(1) establish a segregated account for the receipt of grant funds;

(2) deposit and keep grant funds in that account;

(3) use the funds solely for the purpose of payments in accordance with this subsection, as determined pursuant to Oregon Revised Statutes sections 294.305–565, and computed in accordance with generally accepted accounting principles; and

(4) terminate such account at the conclusion of payments subject to this subsection and to transfer any amounts, including interest, remaining in such account to the Port of Portland for use in transportation improvements to enhance freight mobility.

(d) REPORT.—Within 60 days of issuing a grant under this section, the Secretary shall submit any finding and determination made under subsection (b), including supporting information, to the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out subsection (a), $15,000,000 for fiscal year 1997, to remain available until October 1, 2003.

And the House agree to the same.

Amendment numbered 4:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

TITLE IV—MISCELLANEOUS

SEC. 401. EMERGENCY RESPONSE PLAN.

(a) IN GENERAL.—Within 15 months after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a plan to Congress on the most cost-effective means of implementing an international private-sector tug-of-opportunity system, including a coordinated system of communication, using existing towing vessels to provide timely emergency response to a vessel in distress transiting the waters within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca.

(b) COORDINATION.—In carrying out this section, the Commandant, in consultation with the Secretaries of State and Transportation, shall coordinate with the Canadian Government and the United States and Canadian maritime industries.

(c) ACCESS TO INFORMATION.—If necessary, the Commandant shall allow United States nonprofit maritime organizations access to United States Coast Guard radar imagery and transponder information to identify and deploy towing vessels for the purpose of facilitating emergency response.

(d) TOWING VESSEL DEFINED.—For the purpose of this section, the term "towing vessel" has the meaning given that term by section 2101(40) of title 46, United States Code.

And the House agree to the same.

Amendment numbered 5:

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken by the House amendment, insert the following:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301. SHORT TITLE.

This title may be referred to as the "Outer Continental Shelf Deep Water Royalty Relief Act".

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)), is amended—

(1) by designating the provisions of paragraph (3) as subparagraph (A) of such paragraph (3); and

(2) by inserting after subparagraph (A), as so designated, the following:

"(B) In the Western and Central Planning Areas of the Gulf of Mexico and the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, the Secretary may, in order to—

"(i) promote development or increased production on producing or non-producing leases; or

"(ii) encourage production of marginal resources on producing or non-producing leases;

through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

"(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

"(ii) Upon submission of a complete application by the lessee, the Secretary shall determine

within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv)(I), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

"(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

"(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

"(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

"(iv) For purposes of this subparagraph, the term 'new production' is—

"(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

"(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

"(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.".

SEC. 303. NEW LEASES.

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337(a)(1)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (I);

(2) by striking "or" at the end of subparagraph (G); and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease; or".

SEC. 304. LEASE SALES.

For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

SEC. 306. SAVINGS CLAUSE.

Nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

And the House agree to the same.

Amendment to title:

That the House recede from its amendment to the title of the bill.

For consideration of House amendment No. 1:

Don Young,
Ken Calvert,
Tom Bliley,

For consideration of House amendment No. 2:

Don Young,
Ken Calvert,
William Thomas,
Tom Bliley,
Howard Coble,
Lee H. Hamilton,
Jim Oberstar,

For consideration of House amendment No. 3:

Floyd Spence,
John R. Kasich,

For consideration of House amendment No. 4:

Howard Coble,
Tillie K. Fowler,
Jim Oberstar,

For consideration of House amendment No. 5:

Don Young,
Ken Calvert,
Managers on the Part of the House.
Frank H. Murkowski,
Pete V. Domenici,
J. Bennett Johnston,
Wendell Ford,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

House amendment numbered 1 struck title I of the Senate bill. House amendment numbered 2 struck sections 201 through 204 of the Senate bill and inserted the text of H.R. 70, as passed by the House. House amendment numbered 3 struck section 205 of the Senate bill. House amendment numbered 4 struck section 206 of the Senate bill. House amendment numbered 5 struck title III of the Senate bill.

With respect to House amendment numbered 1, 2, 3, 4, and 5, and Senate receded from its disagreement to each House numbered amendment with an amendment.

The differences between the Senate bill, the House amendments, and the amendment agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION

SENATE BILL

Title I of the Senate bill provides for the sale of the Alaska Power Administration's (APA) assets, an the termination of the APA once the sale occurs. It also provides for the exemption of the two hydroelectric projects from the licensing requirements of Part I of the Federal Power Act.

HOUSE AMENDMENT NUMBERED 1

The House amendment struck Title I of the Senate bill.

CONFERENCE AGREEMENT

The House receded to the Senate with an amendment.

The Conference Report adopts the Senate language with minor changes. The APA's assets will be sold pursuant to the 1989 purchase agreements between the Department of Energy and the purchasers. The Snettisham hydroelectric project and related assets will be sold to the State of Alaska. the Eklutna hydroelectric project and related assets will be sold jointly to the Municipality of Anchorage, the Chugach Electric Association, and the Matanuska Electric Association. For both projects, the sale price is determined by calculating the net present value of the remaining debt service payments the Treasury would receive if the Federal Government retained ownership.

This provision and the separate formal agreements provide for the full protection of fish and wildlife. The purchasers, the State of Alaska, the National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (USFWS) have entered into a formal agreement providing for post-sale protection, mitigation, and enhancement of fish and wildlife resources affected by Eklutna and Snettisham. This provision makes that agreement legally enforceable.

As a result of the formal agreements, the Department of Energy, the Department of the Interior, and NMFS all agree that the two hydroelectric projects warrant exemption from the Federal Energy Regulatory Commission (FERC) licensing under Part I of the Federal Power Act. The August 7, 1991, formal purchase agreement states:

> NMFS, USFWS and the State agree that the following mechanism to develop and implement measures to protect, mitigate damages to, and enhance fish and wildlife (including related spawning grounds and habitat) *obviate the need for the Eklutna Purchasers and AEA to obtain FERC licenses*. [Emphasis supplied.]

The Alaska Power Administration has 34 people located in the State of Alaska. The purchasers of the two projects have pledges to hire as many of these as possible. For those who do not receive offers of employment, the Department of Energy has pledged it will offer employment to any remaining APA employees, although the DOE jobs are expected to be in the lower 48 States.

The House-passed bill did not contain any comparable provisions. The Conference Agreement adopts the Senate-passed bill with two material changes.

First, section 104(a)(1) of the Conference Agreement provides an exemption for Eklutna and Snettisham only from Part I of the Federal Power Act (hydroelectric licensing), not from the entire Federal Power Act. That was intended by the Senate. By making this change, the Conferees do not intend to imply that the purchasers who are already exempt from other aspects of the Federal Power Act lose that broader exemption. Nor do the Conferees intend to imply that merely by reason of this provision the other parts of the Federal Power Act apply to Eklutna and Snettisham. They apply if they would have applied in the absence of this provision.

Second, new section 104(b) provides that upon sale or transfer of any portion of Eklutna or Snettisham from the purchasers to any person (i.e. a person other than a purchaser defined in section 102), the exemption from Part I of the Federal Power Act shall cease to apply to that portion of Eklutna or Snettisham. However, the exemption from Part I will continue to apply if the sale or transfer is from one purchaser to another purchaser, as defined in section 102. The elimination of exemption from Part I for a sold or transferred portion of Eklutna or Snettisham does not mandate the licensing of that portion, it only eliminates the exemption from the application of Part I. If licensing is not otherwise required under Part I of the Federal Power Act for that portion, it is not required by reason of section 104(b). The disposition of a portion of the Eklutna or Snettisham assets does not affect the remaining portions. The one exception to this rule is a subsequent assignment of interests in Eklutna by the Eklutna Purchasers to the Alaska Electric Generation and Transmission Cooperative Inc. pursuant to section 19 of the Eklutna Purchase Agreement will not result in the elimination of the exemption from Part I of the Federal Power Act for that interest.

Sections 104(d) and 104(e) address selection and transfer of Eklutna and Snettisham lands. It is the intent of these provisions that notwithstanding the expiration of the right of the State of Alaska to make selections under section 6 of the Alaska Statehood Act, the State may select lands pursuant to this provision and the Eklutna and Snettisham Purchase Agreements. Likewise, it is the intent of this legislation that the Secretary of the Interior shall convey lands selected by the State of Alaska, notwithstanding any limitations contained in section 6(b) of the Alaska Statehood Act.

The Conferees agree that the circumstances justifying exemption from licensing under Part I of the Federal Power Act for these two Federally-owned hydroelectric projects are unique, and that they would not justify a similar exemption for any other Federally-owned hydroelectric project if sold. The Conferees agree that if other Federally-owned hydroelectric projects whose generation is marketed by other Federal power marketing administrations are privatized, these circumstances would not justify an exemption from Part I. This is reflected in section 105 of the Conference Agreement.

TITLE II—EXPORTS OF ALASKAN NORTH SLOPE OIL

SENATE BILL

Sections 201 through 204 of Title II of the Senate bill authorized exports of Alaskan North Slope (ANS) crude oil; mandated the filing of additional information in an annual report under the Energy Policy and Conservation Act; and required a study by the General Accounting Office (GAO).

HOUSE AMENDMENT NUMBERED 2

The House amendment similarly authorized exports of ANS crude oil and provided for a GAO study.

CONFERENCE AGREEMENT

The Senate receded to the House language with an amendment.

Under section 201, Committee of Conference recommends authorizing exports of ANS oil under terms substantially similar to, and drawn from, both the Senate bill and the House amendment.

Paragraph (1) authorizes ANS exports, making inapplicable the general and specific restrictions on these exports in Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. §2406(b)), Section 28(u) of the Mineral Leasing Act of 1920 (30 U.S.C. §185), Section 103 of the Energy Policy and Conservation Act (42 U.S.C. §6212), and the Short Supply regulations issued thereunder. However, the export of the oil can be stopped if the President determines (within five months of the date of enactment) that they would not be in the national interest. (Other statutory restrictions on the export of U.S. crude oil either inapplicable or superseded with respect to ANS exports are 10 U.S.C. §7430 and 29 U.S.C. §1354, restricting exports of crude oil from the Naval Petroleum Reserve and the outer continental shelf.)

Before making the national interest determination, the President must consider an appropriate environmental review (to be completed within four months of enactment). Consistent with the 1973 Trans-Alaska Pipeline Authorization Act, the President also must consider whether exports would diminish the total quantity or quality of petroleum available to the United States. The President must also consider whether exports are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, in particular in noncontiguous States and Pacific territories.

In a comprehensive report submitted to Congress, the Department of Energy found "no plausible evidence of any direct negative environmental impact from lifting the ANS crude export ban." Based on this finding and the weight of the testimony, section 201 of the Conference Agreement directs, as the "appropriate environmental review," an abbreviated four-month study. The environmental review is intended to be thorough and comprehensive, but in light of the prior Department of Energy findings and the compressed time frame, neither a full Environmental Impact Statement nor even a more limited Environmental Assessment is contemplated. If any potential adverse effects on the environment are found, the study is to recommend "appropriate measures" to mitigate or cure them.

In making the national interest determination, the President is authorized to impose appropriate terms and conditions, other than a volume limitation, on ANS exports. However, nothing in this section or Title IV of the Conference Agreement authorizes the imposition of new requirements for oil spill prevention and response in locations which would not be affected by ANS exports, such as the Strait of Juan de Fuca or within the boundaries of the Olympic Coast National Marine Sanctuary.

The Conference Agreement takes cognizance of the changed condition of national oil demand and available oil resources. Title II is intended to permit ANS crude oil to compete with other crude oil in the world market under normal market conditions. To facilitate this competition and in recognition that section 201 specifically precludes imposition of a volume limitation, the President should direct that exports proceed under a general license. In further recognition that some information (such as volume and price) will be needed to monitor exports, the President may wish to impose after-the-fact reporting requirements as may be deemed appropriate by the Secretary of Commerce.

Given the anticipated substantial benefits to the Nation of ANS exports, the Conferees urge the President to make the national interest determination as promptly as possible. If the President fails to make the required national interest determination within the statutorily imposed deadline, ANS oil exports are authorized without intervening action by the President or the Secretary of Commerce.

Section 201 requires, with limited exceptions, that ANS exports be carried in U.S.-flag vessels. The only exceptions are exports to Israel under the terms of a specific bilateral treaty that entered into force in 1979 and exports to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency. The Committee of Conference concurs with the Administration's assessment that the U.S.-flag cargo reservation requirement is consistent with U.S. international obligations and is supported by ample precedent, including in particular a comparable provision in the U.S.-Canada Free Trade Agreement, as implemented under U.S. law.

Section 201 preserves any authority the President may have under the Constitution and the enumerated statutes to prohibit ANS exports in an emergency.

Section 201 also directs the Secretary of Commerce to issue any rules necessary to govern ANS exports within 30 days of the President's national interest determination. In light of the clear benefits to the Nation of ANS exports, the Conferees urge the Secretary of Commerce to promulgate any rules necessary to implement that determination, including any licensing requirements and conditions, contemporaneously with the determination.

Section 201 further provides that, if the Secretary of Commerce (after consulting with the Secretary of Energy) later finds that exports have caused sustained material oil shortages or sustained prices significantly above the world level and that the shortages or high prices have caused or are likely to cause sustained material job losses, the Secretary must recommend appropriate action, including modification or revocation of the authority to export ANS oil. The President has the discretion to adopt, reject, or modify any recommendation made by the Secretary. In recognition that prices fluctuate and supply patterns change under normal market conditions, the authority of the Secretary is limited to addressing activity that causes the specified sustained unanticipated price and supply effects.

Finally, section 201 provides that administrative action is not subject to notice and comment rulemaking requirements or other requirements of the Administrative Procedures Act.

Under section 202, the Committee of Conference recommends that a GAO report be submitted four years after the date of enactment. The report must contain a statement of principal findings and recommendations to address job loss in the shipbuilding and ship repair industry on the West Coast and Hawaii, if any, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, if any, that the Comptroller General attributes to ANS exports. The Committee believes that the market should be given a reasonable period of time to operate before submission of the report. The Conferees want to be sure the Comptroller General has a solid basis on which to make his analysis and offer any recommendations for Congress and the President.

SENATE BILL

Section 205 of Title II provided for the retirement of certain costs incurred for the construction of a non-Federal publicly-owned shipyard.

HOUSE AMENDMENT

House amendment numbered 3 struck section 205 of the Senate bill.

CONFERENCE AGREEMENT

The Senate receded from its disagreement with an amendment (now designated as section 203).

Under section 203(a) of the conference amendment, the Secretary of Transportation is authorized to make grants to the Multnomah County Tax Supervising and Conservation Commission of Multnomah County, Oregon. The grants may be used only for the relief of port district ad valorem taxes that would otherwise be levied under Oregon law. In addition, at the conclusion of the grant payments under this section, any remaining funds (plus interest) would be transferred to the Port of Portland for making transportation improvements to enhance freight mobility.

Under subsection (b), before issuing any grant, the Secretary must find on the basis of substantial evidence that Alaskan North Slope oil exports are a contributing factor to the need to levy certain port district taxes. In addition, the Secretary must determine the amount of the tax levy attributed to the oil exports. The amount of the grants is limited to the amount of the tax levy attributed to the oil exports.

Before receiving any grant under this section, subsection (c) requires the Commission (by agreement with the Secretary) to establish a separate account for the funds, to use the funds as directed, and to terminate the account and transfer any remaining funds to the Port of Portland at the conclusion of the grants.

Under Subsection (d), the Secretary must report to the relevant Congressional Committees on any findings and determinations made under subsection (b) within 60 days of issuing a grant under this section.

Subsection (e) provides an authorization for appropriations of up to $15 million for fiscal year 1997, to remain available until October 1, 2003.

SENATE BILL

Section 206 of the Senate bill included a provision that would amend Title VI of the Oil Pollution Act of 1990 (OPA '90) by adding a new section 6005 that would impose a requirement for an additional towing vessel to be listed in, and available to respond under, vessel response plans developed in accordance with section 311(j) of the Federal Water Pollution Control Act (FWPCA), as amended by OPA '90, for tank vessels operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca near the coastline of the State of Washington. In particular, the provision would require an emergency response tugboat capable of towing tank vessels, initial firefighting, and initial oil spill response to be repositioned in the area of Neah Bay, the western-most harbor in the Strait.

HOUSE AMENDMENT

The House amendment numbered 4 struck section 206 of the Senate bill.

CONFERENCE AGREEMENT

The Senate receded from its disagreement with an amendment (now designated as Title IV of this Act). See explanation below.

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SENATE BILL

Title III of the Senate bill would provide royalty relief for leases on Outer Continental Shelf tracts in deep water in certain areas of the Gulf of Mexico.

HOUSE AMENDMENT

The House amendment numbered 5 struck title III of the Senate bill.

CONFERENCE AGREEMENT

The Senate recedes from its disagreement with the House with an amendment.

The amendment agreed to by the committee of conference is the text of Title III of S. 395 as passed by the Senate with several technical corrections and a new provision clarifying that nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

TITLE IV—MISCELLANEOUS

OPA '90 contemplates a comprehensive approach to oil spill prevention and response, with the Coast Guard given an instrumental role in implementing all aspects of that Act. In addition to establishing a new liability and compensation scheme for oil spills, OPA '90 amended existing law to broaden the Coast Guard's authority under the Ports and Waterways Safety Act (PWSA) regarding navigation and vessel safety and protection of the marine environment and the FWPCA regarding oil spill prevention and response. Under OPA '90 (as delegated by the President), the Coast Guard is the principal Federal agency charged with conducting Federal removal and prevention activities in coastal areas. Accordingly, the Committee of Conference believes that the Coast Guard is the most appropriate agency to evaluate emergency response services in the Olympic Coast National Marine Sanctuary and the Strait of Juan de Fuca.

Subsection (a) of title IV requires the Commandant of the Coast Guard to submit to Congress within fifteen months of enactment a plan on the most cost effective means of implementing an international private-sector tug-of-opportunity system to utilize existing towing vessels to provide emergency response services to any vessel (including a tank vessel) in distress transiting the waters within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca.

Subsection (b) provides that the Commandant, in consultation with the Secretaries of the State and Transportation, is to coordinate with the Canadian Government and with both Canadian and American maritime industries.

Subsection (c) provides that if necessary, the Commandant is to allow United States non-profit maritime organizations access to Coast Guard radar imagery and transponder information to identify and deploy towing vessels for the purpose of facilitating emergency response.

Subsection (d) provides for the definition of "towing vessel" as that term is defined under title 46, United States Code. Section 2101(40) of title 46, United States Code, defines towing vessels to mean "a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside." The reference to this section ensures that, at a minimum, all commercial towing vessels are included in the definition and, therefore, are covered by the provisions of this section.

Section 206 of the Senate bill was developed to respond to a perceived threat to the marine environment of Puget Sound and the Straits of Juan de Fuca from tank vessel traffic. The Committee of Conference believes that, absent convincing information to the contrary, the marine environment of Puget Sound is adequately protected under the existing vessel response plan requirement found in FWPCA, as amended by OPA '90. The Senate provision is therefore unnecessary because the Coast Guard's existing authority under OPA '90 to prevent and respond to oil spills, as well as under PWSA and FWPCA (particularly as those two statutes have been amended by the OPA '90), to evaluate and to impose vessel operating requirements to minimize the risks of navigation and vessel safety and risks to the marine environment is fully sufficient to address the needs of the waterways of the United States, including Puget Sound and the Strait of Juan de Fuca.

Accordingly, the Committee of Conference does not believe that the mandate implicit in the Senate provision is required nor is it related to any authorization to export Alaskan North Slope crude oil. The Committee believes that the more appropriate step is to require the Coast Guard to examine the most cost-effective method to use existing towing vessel resources in a tug-of-opportunity system within the authority of existing law to respond to any vessel (including a tank vessel in distress). Consequently, nothing in this section or in section 201 is intended to authorize the President or the Coast Guard to impose additional oil spill preventing and response requirements in the Strait of Juan de Fuca or within the boundaries of the Olympic Coast National Marine Sanctuary in excess of those in the relevant Area Contingency Plan for those areas as a result of requiring the Commandant to submit this plan to Congress nor to impose requirements under any national interest determination or implementing regulations regarding the export of Alaskan oil.

For consideration of House amendment No. 1:

DON YOUNG,
KEN CALVERT,
TOM BLILEY,

For consideration of House amendment No. 2:

DON YOUNG,
KEN CALVERT,
WILLIAM THOMAS,
TOM BLILEY,
HOWARD COBLE,
LEE H. HAMILTON,
JIM OBERSTAR,

For consideration of House amendment No. 3:

FLOYD SPENCE,
JOHN R. KASICH,

For consideration of House amendment No. 4:

HOWARD COBLE,
TILLIE K. FOWLER,
JIM OBERSTAR,

For consideration of House amendment No. 5:

DON YOUNG,
KEN CALVERT,
Managers on the Part of the House.
FRANK H. MURKOWSKI,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
WENDELL FORD,
Managers on the Part of the Senate.

The SPEAKER pro tempore. The gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are short of time. We have many speakers who would like to speak. I will not read the statement I had made, but I am happy to bring the conference report on S. 395 to the floor today.

Mr. Speaker, it contains four provisions: Title I sells the Alaska Power Administration. Title II lifts the ban on the export of crude oil produced on Alaska's North Slope.

Title III provides incentives to producers operating in the deep waters of the central and western Gulf of Mexico. Title IV contains the provision dealing with emergency tug services in the mouth of Puget Sound, an authorization for a grant program for the Port of Seattle.

Mr. Speaker, the controversial part about this conference report is, in fact, the deep water drilling holiday. I will not address that issue to the extent I would like to at this time because there are many other speakers. I believe very frankly that this provision does and will create new jobs for America. It will produce oil for America and it is not corporate welfare.

I listened to the debate on the rule, and I heard many comments made on both sides about the CBO scoring. I am not going to question either one of these statements about what scores what. What I am going to ask the Members of this House to consider, those that are going to make the motion to recommit this conference report and why they are doing so and what it will possibly do to the industry that we are talking about today, we no longer have a domestic oil industry in the United States today. We are importing today over $1 billion a week into the United States of foreign-produced fossil fuels. We have heard many statements about this is not necessary. I can understand that statement but I cannot understand the rationale.

I am going to suggest if we want to try to reestablish some form of domestic production off our shores, an area that has been supported by the Clinton administration and many other departments within this administration, then we ought to take and vote against the motion to recommit.

On the part about exporting oil, we all know the jobs it will create, many jobs for America. It will create possibly 25,000 new jobs. I would like at this time to thank the gentleman from California [Mr. THOMAS] for his efforts in leading this bill over the years.

Mr. Speaker, I am pleased to bring before the House the conference report on S. 395. The Conference Committee worked very hard to ensure that all provisions were retained. What we have before us is a well-reasoned conference report which I hope will pass with broad bipartisan support.

I want to thank the gentleman from California [Mr. THOMAS] for his hard work and dedication on this issue. He has been the prime sponsor in the House of legislation to lift the ban on the export of Alaska crude for many years. I know he is just as happy as I am to see a final product come to the floor today.

The conference report contains four titles: Title 1 sells the Alaska Power Administration; title 2 lifts the ban on the export of crude oil produced on Alaska's North Slope; title 3 provides incentives to producers operating in the deep waters of the central and western Gulf of Mexico; title 4 contains a provision dealing with emergency tug services in the mouth of Puget Sound and an authorization for a grant program for the Port of Portland.

Title 1 authorizes and directs the Secretary of Energy to sell the Alaska Power Administration to entities within the State of Alaska, according to purchase agreements with the Department of Energy. The sale has strong bipartisan support, including the administration. I am not aware of any opposition.

The Alaska Power Administration consists of two hydroelectric projects which were built to encourage economic development in Alaska. To date, these projects have served their intended purpose well. The State of Alaska and local electric utilities are set to manage the projects in a manner consistent with Alaska's future energy and development needs.

The sale will relieve the Federal Government of the responsibility of owning and operating the projects. Taxpayers' interests will be served by recovering nearly all of the original investment in the projects. The sale also addresses consumers' concerns that hydropower will continue to be provided without a significant increase in rates. Finally, Mr. Speaker, the sale of this power marketing administration is in no way intended to set a precedent for the sale of any others.

This provision has been considered by the House before and passed with broad bipartisan support.

Title 2 of the conference report lifts the ban on exports of Alaska North Slope crude and requires the use of U.S.-flag, U.S.-manned vessels to carry those exports. Alaska is the only State presently subject to such a ban on the export of its resources.

Present law requires that all oil transported through the Trans-Alaska pipeline be consumed in the lower 48 States. Alaska crude is forced into the west coast market, creating a glut and artificially low prices. This glut has allowed the west coast refiners to enjoy huge profits and purchase crude at a discount which they historically have not passed on to consumers.

Mr. Speaker, this ban no longer makes sense. Rather than decreasing our dependence on foreign oil, it has discouraged domestic production and made us more reliant on imported oil.

In June 1994, the Department of Energy issued a study which stated that lifting the ban would: create 25,000 jobs; preserve 3,300 maritime jobs; and increase U.S. oil production by as much as 110,000 barrels a day; all by the year 2000.

With the support of the administration, this provision passed the House with strong bipartisan support on July 24 by a vote of 324 to 77.

It is high time we lift the ban. Lifting the ban will create jobs, increase domestic production and investment.

Title 3 contains the deep-water provision. The conferees adopted an amended offered by Representative FOWLER to clarify that this inventive would in no way impact the Florida coast. This too is good policy that will create jobs, encourage domestic investment, and increase domestic production.

I urge support for this conference report which is long overdue.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. MILLER of California. Mr. Speaker, this debate today will not be about the underlying bill which is overwhelmingly supported in this House but, rather, it is about the hijacking of this bill by the Senate to include a royalty holiday for the major oil companies that drill in what the Senate says is deep water. That is a provision that we should not allow to stand because it simply cannot be justified. It cannot be justified because it is a raid on the taxpayers of this country to provide one of the wealthiest industries in this country help that they do not need.

They do not need that help because they are drilling in the gulf today. They are standing in line to drill in the gulf tomorrow. And they are putting many, many of their resources in the gulf. Why? Because they can make money. As one of them said, they can make serious money.

This has become of one of the hottest oil prospects in the entire world. Some of my colleagues have talked about 1982 and the loss of jobs in 1985. This is 1995. This is an area that is brimming with competition. The marketplace is working. People are competing. We have had record participation in the bids. They are looking to get their hands on these blocks so they can drill for oil and make money.

That is why we should not be providing a royalty holiday. A royalty holiday says, if you sink a well in 200 meters of water, which is not deep by today's technology or today's investment or today's activity, you get 17 million barrels of oil royalty-free. If you sink it in 800 meters of water, which by today's standard is not deep, you get a minimum of 85 million barrels of oil royalty-free. That means for those 85 million barrels of oil or more, each one of those barrels you dip into the taxpayers' pocket and you take out the royalty and give it to the oil company.

That should not be allowed. That should not be allowed because the marketplace is working. Yet we find people who say that this is what they do.

□ 1500

If my colleagues do not vote for the motion to recommit, what they are doing is creating new corporate welfare when in fact much of the debate in this Congress has been about how to eliminate some of that corporate welfare, and at the same time they are creating a new entitlement. This is an entitlement for the next 5 years because this is mandatory. This is not discretionary. It does not weigh the economic health of the lease, it does not weigh whether or not the lease will be drilled, it does not weigh the economic health of the company making that bid or drilling that oil. It is mandatory, when they sink the well into this water, that should not be allowed. That is an entitlement that the CBO tells us will cost us over $100 million.

Mr. Speaker, CBO has looked at all of the alternative ways that my colleagues want to talk about scoring this provision, present value, and leases forgone, and incentives and leases moved forward in time and backward in time. When they got all done with that scoring, CBO said,

> This costs the taxpayers in excess of $100 million. This is a big loser in the out years, in the out years when you're trying to keep the budget balanced, when you're trying to make up for some of the taxes, when you're trying to make up for those problems. We start to lose, and we start to hemorrhage, taxpayer dollars to the oil industry.

I would hope that my colleagues, the 261 who voted for the motion to instruct the conferees, would now say that they meant it that we do not want to create new welfare for the oil companies, we do not want to create an entitlement for the oil companies when we have all of the other budget decisions that confront us in the next 2 weeks.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, like many of my Republican and Democratic colleagues alike, I do not believe in the concept of corporate welfare, however I think it is important that we must enhance the domestic energy industry which for so long has been for hearing in contrast to foreign energy development. This royalty relief provision and this legislation, is only a prudent way to lower the barriers to commercial development for the greater good of a growing economy. I think it is important to note that today, only 6 percent of existing deep water leases are producing, whereas 50 percent of existing leases in shallow waters are producing. This needs to improve. And we need to clarify what this legislation actually says, it is not unbridled corporate welfare.

This is not a loss of income for all times, the energy companies will pay royalties to this Government after a reasonable period to allow the project to become commercially viable. It provides a real incentive to allow them to create the opportunity for jobs and to enhance the domestic energy industry, which I believe is vital for this Nation's national security.

This legislation helps create jobs. A recently completed deep water project in the Gulf of Mexico, a $1.3 billion project, employed 2,850 people in the United States. It also provided goods and services for 670 vendors, and it impacted 33 States economically, including my State of Texas.

This is a good bill. This is not corporate welfare. This is a bill we should support. The royalty relief provision can help create jobs.

Mr. Speaker, like many of my Democratic and Republican colleagues, I do not believe in the concept of corporate welfare, however, I do think that there are times when it is only prudent to lower barriers to commercial development for the greater good of society. The current issue of deep water royalty relief is such a case in point. Other Members of this body would have both us and the public believe that the royalty relief provisions of this bill force the Government to give away vast amounts of money to oil companies. I am here to refuse that claim and demonstrate that this assertion is patently incorrect and downright uninformed.

The economics of oil exploration and production are such that it may cost lessees anywhere from $75 to $200 million just to determine if oil or gas is present and up to $1 billion to bring production on line. Due to the expensive and speculative nature of deep water exploration and production, many deep water leases are not profitable enough under the current royalty system for production. Thus these royalties will never be realized as income for the Federal Government. As evidence, today, only 6 percent of existing deep water leases are producing, where 50 percent of existing leases in shallow waters are producing.

It is estimated, that this legislation will provide the Treasury with $200 million that it would not have realized if not for this bill. Not only does the Government come out ahead, but the citizens of this country do as well. According to the Bureau of Labor Statistics, each $1 million invested in the oil and gas sector creates 20 jobs throughout the economy. Thus, each deep water development project could generate an additional 20,000 jobs all over the Nation, jobs that would not have been created otherwise.

Let me clarify that this bill will not relieve companies from their royalty obligation, it will only mitigate that obligation enough so as to make the production commercially viable; we are not giving anything away by doing this. We are instead providing incentives aimed at offsetting the costs of developing leases in deep water until the capital costs are recovered, in order to spur increased domestic production.

Foreign countries have used this same royalty relief mechanism to stimulate deep water oil and gas development. Witness Britain and Norway which have done precisely this and as a result, have increased by 27 percent the first quarter 1995 production above 1993 levels.

Let me remind my colleagues that both the Clinton administration, and the Bush administration before it, support the deep water incentives legislation. And for clear, reasonable, and sound reasons so do I and so should you.

Mr. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, we are back to the bargain basement fire sale because we have got to make the next 7 years look good on revenue, and so we will do anything with the numbers that bring in a little cash up front, no matter how stupid it is long term.

Let me ask my colleagues one question: If you're confused about whether this brings in more money or less money, think about which side the oil companies are on. They're for the underlying bill. Why? Because they pay less. They would not be for a bill where they pay the Treasury more. They pay less.

And what are we doing? We have got this new Congress here that wants to run Congress like a business. I do not know anybody who has oil on their land that has oil companies lining up to buy the leases that says, "Wait, stop. Before you knock me over I want to lower the price and get less money."

Mr. Speaker, we are taking food away from children, we are taking health care away from senior citizens, so we can give a half a billion dollars to oil companies. If that is what is running this country like a business means, I am against it. This is wrong. It is ethically wrong. It robs the Treasury. We end up hurting children and young people so we can help oil companies.

A half a billion dollar switch from senior citizens and children to oil companies; if my colleagues want to stop that, vote for the motion to recommit. If my colleagues think the oil companies need the half a billion dollars more than the children and the old people, then vote for the underlying bill, and again, as to the question of which one gets more money back to the Treasury, the oil companies are for the underlying bill. They do not like the motion to recommit because the present program brings more money back to the taxpayers. It is a ripoff. My colleagues ought to be ashamed of themselves.

Mr. YOUNG of Alaska. Mr. Speaker, apparently the gentleman from Connecticut believes his President is a ripoff artist because his President supports this very strongly.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CALVERT], a member of the subcommittee.

Mr. CALVERT. Mr. Speaker, I rise in strong support of this conference report. This bill is about creating jobs and stimulating our economy and I urge a yes vote on this rule and on final passage.

Over a year ago, over 100 Members of Congress wrote to the President about the alarming deterioration of our domestic oil and gas industry. All across the Nation, small businesses have been forced to close and hard-working Americans have been let go.

Over a year later, we still have not done nearly enough to spur domestic production and preserve these vital jobs. Last year, for the first time, we had to import over a half of our domestic oil requirements because of decreased production within the United States. The Department of Interior has estimated that Alaskan exports would increase production in Alaska and California by 110,000 barrels per day by the year 2000. In addition, these exports could help create up to 25,000 jobs over the same period.

In my State, the oil and gas industry has been devastated in recent years. These are real people losing good jobs. This bill will create jobs, stimulate our economy, and raise State and Federal revenues. I urge a vote on the rule on the conference report, which rule we already passed. In addition, I understand that the gentleman from California [Mr. MILLER] will offer a motion to recommit to strike the deepwater royalty incentive.

There has been much misinformation regarding the deep-water provision in this bill. Let me make this clear, this provision will generate $130 million of revenues to the Treasury over the next 7 years. In addition, and more importantly, it will help offset some of the $50 billion that the United States currently spends to import oil.

The deepwater royalty provision is important because it will increase production in the central and western Gulf of Mexico. This area accounts for a full 25 percent of the Nation's estimated oil and gas reserves. By increasing the incentive to produce oil and gas in the deepwater of the gulf, this measure will result in a significant increase in domestic energy production.

Why is this provision needed? It is simple. The costs and difficulties of exploration and production in deep water are immense. These costs frighten companies from even bidding on available leases. Last year, only 18 percent of the deepwater tracts received multiple bids. The taxpayers are not receiving the compensation they deserve in this no-competition bidding process.

Mr. Speaker, it is important that my colleagues know that this legislation does not apply to shallow water leases, where bids are numerous and prices strong, but only to deepwater leases where startup capital can reach upward of $1 billion and risks are great.

If we do not pass this conference report as we receive it today, we are losing a golden opportunity to create thousands of jobs and generate millions in revenue. Do not listen to false claims of corporate welfare. Look at the facts. They bear out the truth—this bill is good for the taxpayer and good for the country. I urge a "no" vote to this motion to recommit.

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker and Members, I am reluctant, and I am sorry, and the gentleman from Alaska knows this, that I am reluctant to have to get up on this bill and speak on the issue that the chairman of my Subcommittee on Minerals has just spoken on. In all honesty this was not the intention of the House, and I think the bill that we had before was something, while there were arguments back and forth, we could deal with. But this has been attached to the bill, to the original bill and the intent of the bill, and I want to be consistent on this.

I have, as the chairman of our subcommittee, the gentleman from California [Mr. CALVERT], knows, and the gentleman from Alaska [Mr. YOUNG] knows, taken a consistent position with respect to the royalty payment. I think it is fair, I think it is straightforward, I think the competition is there. I do not intend to remake all the arguments. I do not believe that the deepwater drilling is going to be inhibited in any way by having the royalty element with it, as it should. I am one who favors drilling for oil in the gulf. I think that the environmental questions have been answered that may have existed in the past. I have no difficulty with that.

That is why to see this kind of thing come up now when we have essential agreement about what is being done just to give a holiday when other people have seen their wages stagnate and all the rest of it just seems to me to be incomprehensible as to why we would be doing that. I believe the House is being shoved at this point into something that it is really reluctant to do, and I think the vote previously showed that.

So I think if we go with this recommittal, we are not undermining in any respect what the House did before on a bipartisan basis. So I hope this does not come down to, oh, this is Republicans versus Democrats and, as my colleagues know, there is a party line that has to be followed here because that would not accurately reflect either the tenor of our conversations in the Committee on Resources, nor in the House of Representatives, on a bipartisan basis. I think the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. CALVERT] would agree, and I hope, by extension, the gentleman from California [Mr. THOMAS], although I have not spoken directly with him about it, that this bill, minus this provision, was fairly well agreed upon in the House by Democrats and Republicans and we came to a fair conclusion on it.

I think the Senate is taking advantage of us on this, and that is why I ask to support the recommittal, not to make arguments back and forth about the drilling or not drilling, but rather to assert ourselves as Members of the House who have come to a conclusion on a bill which now contains a provision from the Senate in which I think they are trying to take advantage of us. If we send it back to them with this recommittal, I think then the message will be clear that let us deal with the issues that the gentleman from Alaska [Mr. YOUNG] and the committee brought forward in the first place, which I think will receive the favorable approbation of this House.

So I speak in favor of the recommittal, not as some kind of a contest, not as some kind of confrontation, but as a reassertion of the authority of the House and the good sense of the original bill.

Mr. Speaker, on July 25 of this year, 261 of us expressed our opposition to the creation of a new form of corporate welfare—the deepwater royalty holiday—by voting to instruct the conferees to reject the nongermane rider to S. 395, the Alaska Oil Exports bill, added by the Senate.

Yet, today the conference report on that bill still includes the royalty holiday.

Why would the House conferees ignore our instructions? The royalty holiday would grant royalty-free oil and gas to corporations that bid on Federal leases in the Gulf of Mexico. The holiday's sponsors maintain that the royalty holiday will raise revenues for the Treasury even though the Congressional Budget Office [CBO] has repeatedly rejected this assertion.

The holiday's defenders argue that the earlier CBO cost estimate of a $500 million net loss to the Treasury is overly simplistic because it did not take into account the time value of money. However, in a November 2, 1995, letter, the CBO refuted the "net present value" analysis prepared by the holiday's proponents, and found that even using the discounting method preferred by the proponents, the royalty holiday would still be a net loss of about $150 million—not a net gain as asserted by Energy Secretary O'Leary and other defenders of the royalty relief proposal.

The CBO has carefully reviewed the royalty holiday several times this year and has remained steadfast in its position that the deepwater royalty will cost the Federal Government revenues in the long term, using either the standard cash basis or the net present value formula favored by the holiday's supporters. Either way it's a net loss.

On a cash basis—the holiday will cost taxpayers about a half billion dollars. Using discounted dollars, it will cost about $150 million.

So don't be fooled into thinking that this handout to the oil and gas industry will raise money.

It's a bad deal for the Federal Government and a bad deal for the taxpayers of this country.

Vote "aye" on the motion to recommit Mr. MILLER will offer when the conference report on S. 395 is brought to the floor.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. THOMAS], the sponsor of the bill, who has been a leader on this issue for many, many years.

Mr. THOMAS. I thank the gentleman fro Alaska [Mr. YOUNG], chairman of the committee, for this time and for his help over the years frankly.

I guess I am going to do something radical. I am going to talk about the legislation itself. I tell my colleagues I have to have a very high comfort level when the former chairman, the ranking member, says the underlying bill is not at issue, that it is, in fact, an item that was attached in the Senate that seems to be generating all of the debate. Well, I tell my colleagues that for a long time the underlying bill was the issue.

In the end of May 1986 I introduced a bill because I tried to understand the logic of having the No. 1 oil-producing State in the Union by Federal law required to ship all of its production to the lower 48 States, which meant by virtue of the west coast, the population, the consumption of the oil, that the vast majority of that oil would come to California. Since I have been in Congress I have represented Kern County. Kern County, if it were a State, would be the No. 4 State in oil production. Only Alaska, Texas, and Louisiana would produce more oil. By Government edict all of that Alaskan North Slope oil was required to come to the lower 48, the vast majority to California, depressing California oil prices.

Now I tried to understand the logic of those people who were here in the 1970's as to why you would require all of that production to be put in tankers, come down the coast of Alaska, the coast of Canada, the coast of Washington, Oregon, and California, in tankers jeopardizing that entire pristine coastline arguably to make sure that we were energy self-sufficient. When we depress a market, we do not get the production we would have gotten out of it, and in fact that California oil production has been depressed for years. So I introduced a bill that said let Alaska North Slope oil find its economic home. If it is California, bring it to California, but if it is someplace else, let it go someplace else.

□ 1515

In May 1986, I introduced a bill with one sponsor: me. The gentleman from Connecticut, in one of the subsequent Congresses, was the chairman of a subcommittee which basically told me to take a hike. So it is with some pleasure that I come to the floor with a bill in the 104th Congress that had 75 cosponsors, two dozen of the Democrats, and the Clinton administration in support of allowing Alaskan North Slope oil to find its economic home.

Why? Because it will make us more energy independent if we allow our Alaskan North Slope oil to find its economic home. It will produce more jobs, not just in the oil patch but in other areas as well. It is more environmentally sound to allow Alaskan North Slope oil to find its economic home, and on and on and on, including the maritime unions supporting what we are doing.

Frankly, I take the floor with some degree of satisfaction, knowing that a number of myths are being destroyed today. I also take the floor with some satisfaction, knowing that if the new majority was not the majority in this House, I would probably be in a subcommittee, bumping up against a subcommittee chairman telling me to take a hike. So it is with great pleasure that I come to the floor in support of this conference report, which finally after more than 20 years has decided that perhaps, to a small measure, economics ought to dictate what we do in the oil industry.

Mr. Speaker, It seems to me if we allowed economics to dictate more of what we do in the oil industry, we, frankly, would be less energy dependent, we would have more jobs, it would be more environmentally sound.

Today, I think ought to go down as a red-letter day that we finally corrected one of the mistakes of more than 20 years ago. There is a series of legislation working its way through the Committee on Resources and other committees which revisit those ill-conceived positions from the 1970's, and I hope we are able, on a bipartisan basis, to correct those ill-conceived pieces of legislation as well.

Mr. Speaker, I would ask all my colleagues to support the underlying measure that we have before us in the conference report.

Mr. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, first of all, I am one of those apparently few in this House who have some misgivings about the underlying bill itself. I continue to question the wisdom of allowing this precious resource of ours, located in Alaska, to be exported in this way when we know the price of oil is only going to go up, when we know that this is a finite resource, when we know that in the future we are going to have to be importing larger and larger quantities of oil from markets that are going to be, in all probability, more and more difficult.

That aside for the moment, however, the very idea that we are going to provide leases in the Gulf of Mexico to oil companies and not charge those oil companies the royalties, the 12½ percent royalty that they would under other conditions owe to the people of this country, is to my mind shocking.

There are people who come to these microphones and talk about the idea that we ought to let economics dictate, that the free market ought to dictate what we do, but when it comes to the special interests like the oil companies, they seem to forget their own words and their own advice. What are we doing in this particular case? We are giving away the patrimony of future generations, we are giving away the taxes of the people of the country.

At 12½ percent, it will amount to tens of millions, perhaps billions, of dollars, by which we could reduce the deficit, by which we could fund Medicare, by which we could improve the quality of education, by which we could keep the earned income tax credit, by which we could improve investment in education and research and jobs and job training, you name it; for all the things we need in this country, we are going to give away millions, perhaps billions of dollars to oil companies because somebody says they will not drill for the oil unless we give it to them. That is just absurd, totally absurd. They are salivating at the idea of getting at these leases.

This is the wrong thing to do. Let us vote for the motion to recommit and against this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I suggest respectfully that those speaking, none of them support drilling in other areas, they have never supported drilling in any area to produce any oil for the domestic market. None of the speakers on that side of the aisle that have spoken in opposition to this conference report have ever supported any development of any oil field anywhere. I challenge them to show me that if I am wrong.

Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN] who is very, very well acquainted with this issue.

Mr. TAUZIN. Mr. Speaker, I thank my friend, the chairman, the gentleman from Alaska, DON YOUNG, and I thank the chairman of the Committee of the Whole.

Mr. Speaker, I rise in opposition to the Miller motion to recommit this conference report to strike from it the deep water royalty relief provisions. I think it is important to understand what the provisions are.

Number one, they are temporary. They are a 5-year program. We authorize them again in 5 years, if in fact it has worked as well as our own Government believes it will work. Our President, the Secretary of the Interior, and the Secretary of Energy all support this provision.

Second, it applies both to new leases and existing leases. It is only eligible in existing leases if the Secretary determines that a drill will not occur unless there is some sort of new arrangement to encourage that, critical to drill, based on the economies of deep water drilling. I will explain that in a second.

Finally, it is not the same bill we voted on earlier. It has been amended now to say it only applies to the central Gulf of Mexico and the western Gulf of Mexico, not to any other area where moratoria or different laws apply to drilling offshore. It is not the bill you voted on earlier.

Finally, it is a bill that it likely, according to early CBO estimates and NMS refinements of later CBO estimates, to yield money to the Treasury of the United States. Why? Because we collect more money in this country in bonuses paid for the right to drill than we actually collect in royalties. If we can encourage people in fact to engage in more drilling, we are going to in fact ensure more money to the U.S. Treasury.

There is a bigger reason why this is essential. I want to show Members that big reason. The gentleman from California indicated we are not talking about deep drilling. This is a picture of what auger, the shell platform that costs $1.3 billion to build, looks like superimposed over Washington, DC. You say, "Wait a minute, Washington, DC does not have any tall buildings." So we imposed auger over the city of Houston, which does have tall buildings. You can see how tremendously deep these projects are. The bill says about 1,800 feet, 1,800 feet or more before you are eligible to qualify under this program.

Number two, you have to prove that you would not drill it anyhow, unless you get some kind of relief, the sort of deal two business people would make by saying we are not going to take dividends out of the project until we prove it works, until there is income for all of us to share.

Let me tell you what auger did for the rest of the country. Auger, this $1.3 billion project, produced contracts across America, not just in the Gulf of Mexico. This is good economy for the country, not only producing oil, not only producing more revenues to the Treasury, but producing jobs, 20,000 jobs across America.

When we look at the reasons why this is necessary, I think it is important to understand what is happening in terms of offshore drilling. What is happening is that there are very few high-production drills left in the offshore. What is left are marginal areas with a limited amount of production, but you have to go real deep to find them, and the economies are such that oil companies would much prefer to go produce offshore in somebody else's country than take a risk in the Gulf of Mexico.

Most of the new fields are smaller production fields, but in deep water. That is the problem.

Second, the second problem is that in terms of cost, what it costs you to get a drill platform going, when you look at drills on the shelf in shallow water compared to drills in deep water as this bill provides, you can see a huge increase in the cost of actually putting the drilling rig out there and drilling the wells. Not only are the facilities and platform much more expensive than on-shelf drilling, but drilling the wells themselves is much more expensive, a much bigger risk, not only to those who go out and put capital out there, but, indeed, to the country, because we need those resources.

Finally, if you look at the production delay impact, what it costs, how much longer it takes to produce a barrel of oil at the deeper limits of the outer Continental Shelf, you will see that the present value of a barrel of oil is only 50 percent of what the present value of a barrel of oil is if you drill onshore in America. It is simply high cost, terrible economics, and yet we need those resources.

Why? Why do we need to drill deep offshore? Here is a comparison of U.S. net oil consumption, U.S. net imports as opposed to oil consumption, and the United States' oil bill for imported petroleum. We are now at over 50 percent dependence upon foreign sources. I took this mike at another year, in another Congress, to make a speech one day. It was right after the Persian gulf war, when we discovered that more young men and women in Louisiana per capita had served in that war than any other State, and we wondered why.

It suddenly dawned on us why. Because they could not work in the oil fields in America, they signed up with the Army Reserve, they had signed up with the National Guard, and they found themselves, all of a sudden, fighting over somebody else's oil in the Persian Gulf instead of working to produce oil here in America.

This incentive bill will put Americans back to work producing oil for Americans. That is why it makes sense. It makes sense because it is going to produce areas that would not be produced otherwise. It will produce income to America that would not be produced otherwise. It will give us some decent hold on our reserves that we have in this country, that we ought to produce for the sake of our country. I urge Members to reject the Miller motion to recommit.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. MILLER of California. Mr. Speaker, the gentleman from Louisiana has made the case why we do not need a royalty holiday. The rig that he is discussing is built. The decision to lease in the tracts has been made. The money has been invested. It was based upon decisions that the oil companies made 1 year ago, 2 years ago, and 3 years ago.

This may come as a surprise, but after many, many years of watching the Government make policy, whether it is tax policy or depletion policy or resource policy, one of the CEO's of the major oil companies in my district said to me:

> George, understand something. We do not make our decisions anymore based upon what you are going to do. The money is so great now, we do it based upon profit. We do it based upon going to our shareholders and telling them, "This is the best decision we can make, whether it is to go to Russia or to Kazakhstan or to China or the deep Gulf."

Right now what the oil companies are telling their shareholders is that it is the deep gulf. That is why, in this last May, we had record numbers of bids. We had over 800 bids for some 500 tracts. Why? Why? Because that is where the money is. That is where the profit is. That is where you can convince your shareholders to stick with the management decisions. That is what is going on in the oil industry. The market is working. The rigs are being built.

Yes, they are $1 billion. That calculation has already been made without the oil royalty. That, Mr. Speaker, is the definition of corporate welfare. That is corporate welfare. The market does not demand it, the incentive is not needed, the industry is healthy, they are moving on their own, so there is no reason for a Government incentive, but you give it anyway. You give it anyway.

This plan was thought up back in the 1980's, when the gulf was in the doldrums, when the gulf was in a recession. That is not the Gulf of Mexico today. Listen to what they say in the Dallas Morning News:

> The analysts are projecting third-quarter profit increases of 400 percent over the 1994 period. The large reason for Zonac's success is its emphasis on deep water drilling in the Gulf of Mexico, perhaps the hottest niche market in business today.

The Houston Chronicle: "the demand for rigs now is so great that deep water rigs have been contracted out as far as 1998." No royalty holiday, long-term leases.

The Times Picayune:

> Texas is among the major oil companies starting to heavily spend in deep water at depths of 1,000 feet or more. This is definitely an area of strong interest among major oil companies.

□ 1530

The Oil and Gas Journal: A Texaco official says, "The deep water in the Gulf of Mexico is not the next frontier, it is the now frontier." As they said, you can make real money in the Gulf of Mexico at 1,500 feet. At 1,000 feet, you can make serious money. That is why they are going to their shareholders; that is why they are going to their lenders and asking for money to go to the Gulf of Mexico; not because we decide that all of a sudden 200 meters is deep water, they blew by that years ago. Six hundred meters is deep water. They are there now, and they are looking to go far out, far out beyond that, because of new technology.

Go to your major oil company if you live near one and ask them to look at the technology. Look at what they combine in terms of the 3-D geophysical information. Look at Forbes magazine 2 weeks ago about the subsea platforms that they can use today to reduce the cost of drilling.

The fact is, technology, computerization has blown right by many of the cost barriers to deep-water drilling. That is why the oil companies are going there. We should not now take, we should not now take the Government's money and give it to them to do that which they are already doing.

The gentleman from Louisiana [Mr. TAUZIN] said we receive much more money in bonus bids than we do in royalty. No, we do not. It is a 10-to-1 ratio. That is why many countries do not provide bonus bids. The would rather have the royalties. It is the royalties where you make money, and it is the royalties that we forgive.

In fiscal year 1995 the Treasury received $2.4 billion in royalties and $200 million in bonus bids. The fact of the matter is, we should not even be charging a bonus bid. Why would we want them to put their nonproductive money into the Treasury? Why do we not let them put that into drilling and take it out when they find oil share in a royalty? But they have chosen not to do that.

Listen to what the business journals, listen to what the experts in the industry, listen to what the officers in the industry are saying. Listen to what Wall Street and the banking industry in this country are saying. They are saying, these boys have it calculated about right, and that is why they are lending them record amounts of money. That is why their stocks continue to soar, because they now have the potential to find what they think may be larger than Prudhoe Bay at far less expense than they ever, ever envisioned, and that is a smart play.

It is protected in the good old U.S. of A. They do not have to cut a deal with Iran or with Turkey or with Azerbaijan or with the Russians or with the Kazakhstans, nobody. It is right here. That is why it is so valuable. That is why the marketplace is working. We ought to let the marketplace go. We ought to put this money back into the Treasury of the United States or give it back to the taxpayers, but there is no, no compelling economic reason to provide this kind of largesse to this industry at this given time.

They have made the decision, they made it based upon the free market system. They do not need the Government help. There is little indication they want the Government help, but yet we are going to force ourselves into doing something that will be tragic for the taxpayers of this country.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the royalty relief provision of S. 395, as adopted by the Committee on Commerce, has targeted deep water relief provisions that the administration supports for existing leases. It targets relief for only those leases that would not be economic without the release, and that is the Clinton administration.

I include for the RECORD a letter from Secretary O'leary on this subject, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, October 19, 1995.

Hon. DON YOUNG, Chairman,
Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Administration reiterates its support for the title providing deepwater royalty relief to the central and western Gulf of Mexico.

In the energy policy plan, Sustainable Energy Strategy: Clean and Secure Energy for a Competitive Economy in July 1995, the Administration outlined its overall energy policy stressing the goals of increased energy productivity, pollution prevention, and enhanced national security. To achieve these goals, "the Nation must make the most efficient use of a diverse portfolio of domestic energy resources that will allow us to meet our energy needs today, tomorrow, and well into the 21st century. The Administration continues to promote the economically beneficial and environmentally sound expansion of domestic energy resources." (page 33) In furtherance of this objective, "The Administration's policy is to improve the economics of domestic oil production by reducing costs, in order to lessen the impact on this industry of low and volatile oil prices." (page 35) One of the ways indicated to lower these costs is, "providing appropriate tax and other fiscal incentives to support our domestic energy resources industries." (page 34) Finally, the Strategy specifically targets the opportunities in the Gulf of Mexico.

One of our best opportunities for adding large new oil reserves can be found in the central and western Gulf of Mexico, particularly in deeper water. Royalty relief can be a key to timely access to this important resource. The Administration supports targeted royalty relief to encourage the production of domestic oil and natural gas resources in deep water in the Gulf of Mexico. This step will help to unlock the estimated 15 billion barrels of oil-equivalent in the deepwater of Gulf of Mexico, providing new energy supplies for the future, spurring the development of new technologies, and supporting thousands of jobs in the gas and oil industry and affiliated industries. (emphasis in original, page 36)

The royalty relief provision in S. 395 as adopted by the conference committee is a targeted, deepwater royalty relief provision that the Administration supports. For existing leases, it targets relief for only those leases that would not be economic to develop without the relief. Few new leases, the provision is targeted for a specific time period for only a specific number of barrels of production, and could be offset by increased bonus bids.

The Minerals Management Service has estimated the revenue impacts of new leasing under section 304 of S. 395. For lease sales in the central and western Gulf of Mexico between 1996 and 2000, the deepwater royalty relief provisions would result in increased bonuses of $485 million—$135 million in additional bonuses on tracts that would have been leased without relief, and $350 million in bonuses from tracts that would not have been leased until after the year 2000, if at all, without the relief. This translates to a present value of $420 million, if the time value of money is taken into account. However, the Treasury would forego an estimated $553 million in royalties that would otherwise have been collected through the year 2018. But again, taking into account the time value of money, this offset in today's dollars is only $220 million. Comparing this loss with the gain from the bonus bids on a net present value basis, the Federal government would be ahead by $200 million.

It is important to note that affected OCS projects would still pay a substantial upfront bonus and then be required to pay a royalty when and if production exceeds their royalty-free period. A royalty-free period, such as that proposed in S. 395, would help enable marginally viable OCS projects to be developed, thus providing additional energy, jobs, and other important benefits to the nation.

In contrast, in the absence of thorough reform of the 1872 Mining Law, hard rock mining projects on Federal lands can be initiated without paying a substantial bonus and are never required to pay a royalty on the resources developed. The end result is that the public is denied its fair share of the benefits from the resources developed.

The ability to lower costs of domestic production in the central and western Gulf of Mexico by providing appropriate fiscal incentives will lead to an expansion of domestic energy resources, enhance national security, and reduce the deficit. Therefore, the Administration supports the deepwater royalty relief provision of S. 395.

The Office of Management and Budget has advised that it has no objection to the presentation of these views from the standpoint of the Administration's program.

Sincerely,

HAZEL R. O'LEARY.

Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise in opposition to the motion to recommit this conference report on the issue of royalty relief.

As a conferee on another aspect of this bill, I have carefully studied the supporting documents and believe strongly that this does not represent corporate welfare as it has been characterized.

In addition to not being corporate welfare, this provision does not impact existing pre-leasing, leasing, or development moratorium, including any moratorium applicable to the eastern planning area of the Gulf of Mexico located off the Gulf Coast of Florida.

These incentives are very limited in that they only apply in water depths of 200 meters or greater. Further, I was able to work with my conferees to ensure that these royalties would only be available to the western and central areas of the Gulf of Mexico, west of the Alabama/Florida border.

Mr. Speaker, I support the royalty relief language contained in this conference report and urge my colleagues to do the same.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SCHAEFER] the subcommittee chairman.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, before I begin my remarks, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, two corrections. Number one is that oil was drilled because it is a huge reserve, what is left of small reserves, which are uneconomical.

Second, we received, since OCS drilling began, $56 billion in bonus bids versus only $47 billion in royalties. We receive more money in bonuses than we do in royalties today.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman from Louisiana [Mr. TAUZIN] for bringing that out.

Mr. Speaker, I rise in strong opposition to the Miller motion to recommit and certainly in support of this legislation.

The Miller motion is a clear attempt to undermine this important legislation. Currently, as has been stated, America is importing more than half of its oil needs, now, I might add, at a cost of over $50 billion a year. By the year 2010, we will be importing over 60 percent of this Nation's oil needs. This legislation will help reduce U.S. reliance on foreign oil.

In recent years, domestic oil production has been declining. As oil fields become depleted, the domestic oil industry must find new ways and new sources of oil if they are going to stay in business.

The deep water area of the Gulf of Mexico is one of the few remaining areas left in the United States which holds a promise of significant oil and gas reserves. Estimates of this reserve range from 10 to 15 billion barrels of crude oil equivalent. However, without this legislation, it is unlikely that these minerals will ever be produced.

The Miller motion would significantly roll back the advances promoted by this legislation, placing America's energy security at risk. It would eliminate royalty incentive provisions specifically designed by the U.S. Department of the Interior to encourage natural gas and oil exploration in the deep water areas in the Gulf of Mexico.

During the past three decades, Americans have come to realize the danger of relying on oil imports. From the 1970's embargo to the recent Persian Gulf war, the consequences of foreign oil reliance are very clear: economic instability and national security vulnerability. Encouraging deep water oil exploration will go a long way toward correcting this problem. We can give Americans jobs and the country a big step towards energy security.

The subcommittee I chair, the House Committee on Commerce Subcommittee on Energy and Power, has worked with the Senate and with the House Committee on Resources on other portions of this bill. We have crafted legislation that addresses other important energy issues, including privatization, the Alaska Power Administration, and allowing the export of Alaskan North Slope oil.

Mr. Speaker, I urge my colleagues to vote against the motion to recommit and support the bill. It will move the United States toward a reasonable and long-term energy policy.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, I rise in support of the bill and would urge rejection of the gentleman from California's motion to recommit.

To the gentleman from California I would say I would agree that this would be corporate welfare if it did not cost substantial millions of dollars to go out into the deep water to drill. To the gentleman from Connecticut that takes offense to oil companies, all I can say is, having being on the shores of Connecticut many times, I have never seen an oil rig out in their waters. So apparently he is not aware that my constituents and friends who work offshore do pay taxes and do, in fact, support senior citizens and children.

I would like to point out some of the inconsistencies that the gentleman from California [Mr. MILLER] has made in various statements about the cost.

On July 25, he told us that we stand to lose somewhere between $10 billion and $15 billion, and we have not even dealt with the issue of future leases. On October 12, he told us the royalty holiday would cost the Treasury more than $400 million. On October 13 he told us that the royalty holiday will cost the taxpayers nearly a half billion dollars in lost royalty revenues. On November 2, he told us that the CBO scores the royalty holiday as costing taxpayers at least $420 million and possibly much more, all inconsistent figures.

Then when you take into consideration the Secretary of energy, Hazel O'Leary's October 19, 1995 letter in which she states, comparing the gain from the bonus bids on a net present value basis, the Federal Government would be ahead by $200 million. So the Secretary of energy is telling us that this action we attempt to take here today in fact would be a net gain. Is this corporate welfare? The answer is no.

Mr. MILLER of California. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Texas.

Mr. Speaker, all of those figures that the gentleman from Texas referred to still stand. The first figure is a worst-case scenario. If everybody who is qualified for this in fact desires to take advantage of it, that is what the agency has told us. The other one is for the scoring of this legislation, and then the other one obviously is after they took a look at the MS figures and went back and forth on them, they still say it is a half a billion. So that is where we are.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, what I would like to do is do something we have not done in this debate up to this point which is to focus on the underlying legislation. What we are about to do this afternoon is to sell off two hydroelectric projects in Alaska, projects originally established in the 1950's. Frankly, I think this is a transaction long overdue. In fact, we have another 130 hydroelectric projects in this country that I think the Federal Government should sell off as quickly as possible.

Today's sale will net the Federal Government about $73 million. If we manage to move those 130 other dams located and stretched across the country from the Tennessee Valley up to the Pacific Northwest, we can literally bring billions and billions of dollars into the Federal Treasury and also eliminate nearly one-third of the bureaucracy at the Department of Energy.

Now the great tragedy in this is that it took 20 years to do this and 14 different studies on the subject of the privatization. I would like to applaud the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Alaska [Mr. YOUNG] for moving this legislation forward today, as well as our colleagues in the other House. But let me suggest with the Reagan, the Bush, and the Clinton administrations, the Alaska delegation, the State of Alaska, it should not take us long to sell the other dams as well.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I, of course, rise today in support of the deep-water royalty relief provision. Basically, I am interested in that. This provision is good fiscal policy, it is sensible economic policy, and, most importantly, it is very sound energy policy. By supporting deep-water royalty relief, we are ensuring that this country can maintain a very healthy and robust domestic oil and gas industry.

One of our best opportunities for adding new oil reserves can be found in the Gulf of Mexico, particularly in the deep water, where only 1 in 16 deep-water leases is even producing. By reducing costs and providing appropriate tax and other fiscal incentives, we can speed the production of sorely needed oil and gas reserves.

□ 1545

At the same time royalty relief will also generate revenue for the U.S. Treasury. Opponents who argue that deep-water royalty relief is a Government subsidy should know that which provides an increase in Government revenue cannot possibly be a Government subsidy.

In addition, deep-water royalty will also create thousands of good paying jobs that can be sustained well into the 21st century.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in strong support of the conference report on S. 395.

As a Member from the State of California, I particularly want to express my support for language to repeal the ban on the export of Alaska North Slope crude oil. While this prohibition seemed like the right thing to do during the 1970's, it violated free-market principles and inhibited domestic oil exploration in the western United States at a time when it should have been encouraged. The forced introduction of Alaskan oil to the west coast was particularly harmful to my own State of California.

Lifting the export ban will also increase revenue to the Treasury once the Elk Hills Naval Petroleum Reserve in California is sold by the Government. I have worked on the National Security Committee in support of this sale, and since repeal of the Alaska export prohibition will result in an increase in the price of California crude oil, the value of the price of California crude oil, the value of the reserve will also rise.

Mr. Speaker, the Clinton administration and Congress both agree that repealing the export ban is the right thing to do. I share this belief and urge support of the rule and the legislation before us today.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, I rise in support of this legislation and applaud Chairman YOUNG for the work that he has done, and against the motion to recommit offered by the gentleman from California.

There are two reasons: One is obviously energy independence is so important, and this is a provision I think that is well thought out and will certainly help us in that direction.

The other is domestic jobs. We have suffered greatly in western Pennsylvania over the years with the decline in the steel industry. The steel industry is now back on its feet. I have been deeply involved with the steel caucus for years trying to produce as many jobs as we can. This will take a lot of steel. It will create a lot of domestic jobs. We feel very strongly about it.

Western Pennsylvania at one time had as high as a 24-percent unemployment rate, and anything that helps bring it down, at the same time reduces our dependence on foreign oil, is a real asset to this country.

I applaud the gentleman from Alaska and am in strong support of his legislation and would ask the Members to oppose the gentleman from California's motion to recommit.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I rise in strong support of this legislation. Its passage is long overdue. In a recent study, the Department of Energy determined that lifting the ban on Alaskan oil from the North Slope would create 25,000 jobs on land and preserve 3,300 maritime jobs. Of particular interest to Californians is that the opening up of this part of Alaska in an environmentally sound way will increase American production by at least 110,000 barrels a day in Alaska and California combined.

With the export of Alaskan oil to the Far East, the trade deficit of the United States will be reduced. Instead of much of the Alaskan oil flowing into California, there will now be the opportunity for some of the very dormant California oil fields to come alive in meeting the needs of the western economy.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, let me just say I certainly have a great deal of respect for the chairman and, in fact, spoke with the chairman and also spoke with representatives from oil companies and others that said that this was good for America, after the first vote.

I said to them, if we come back with CBO estimates that show that this is revenue neutral, that it is not corporate welfare, I will write a letter to my colleagues whom I asked to oppose this royalty giveaway and tell them that I was wrong and to switch their position.

The fact of the matter is, and we have heard bantering going back and forth, but the bottom line is this: CBO has come back with an estimate, and it has said that this will cost the American taxpayer over $400 million. Cut it any way you want it. That is what CBO said.

Who did we have come in defending royalty relief? I am going to focus my remarks to Republicans, because I am speaking to you on some very sound Republican principles, and this is a great vote to put up or shut up.

Who did the oil companies go to get support? They went to Hazel O'Leary, Secretary of Energy. Their argument was, "Don't trust CBO. Trust Hazel O'Leary. Trust Bruce Babbitt." My goodness, there is a defender of Republican ideals and values. "Trust the Clinton administration. But, for heaven's sakes, don't trust CBO."

If CBO says that we are going to be costing the American taxpayers $400 million and this money is going to go to oil companies that are going to be drilling in the Gulf of Mexico anyway, let us ignore CBO estimates and instead trust the Clinton administration. I do not understand that.

Let me say right up front, this has been framed by many as a Florida issue. It is not a Florida issue. This is not about protecting Florida's shores. Florida was exempted from this process. This has nothing to do with Florida. This has everything to do with American taxpayers.

Any Republican that has heard me speak from the beginning of this session this year knows that I am a strident fiscal conservative. I think I am one of the only Members in Congress who believed that the balanced budget amendment did not go far enough, that we needed to cut more. You do not get any more probusiness. You do not get any more progrowth.

But, at the same time, how do I explain to people back in my district that even though we are saying let us cut the budget, even though we are depending on CBO to give us our estimates, that now we need to give oil companies $400 million to drill in the Gulf of Mexico in areas where they are going to drill anyway? It makes absolutely no sense. Any way you want to cut it, paying oil companies to drill in areas where they are going to drill anyway is corporate welfare.

Second, as a Republican, how many times have I heard my fellow colleagues talk about letting the free market prevail? We have got people going around with Adam Smith on their ties, the invisible hand of capitalism. Today the invisible hand of capitalism must have oil money in it, because now they are saying we have got to help oil companies go out and drill in an area where they would not drill anyway.

This is a kicker. This is from Citizens for a Sound Economy, a letter supporting this giveaway. They say here, "In particular, providing royalty relief for oil and natural gas production in this region will, quote, promote economic activity."

Is that not what we are fighting against? Is that not what this conservative revolution is fighting against, paying Federal money out to corporations to get involved in the free market and say we have got to pay these people off to stimulate growth?

I have heard other people talk about this being a Federal jobs program. We should know, as Republicans, as conservatives, for 30 years that the Federal Government throwing billions of dollars at job programs does not work. What works is letting the free market dictate what happens in the United States of America. Let the free market prevail, and if the free market will not support oil drilling off the coast of Louisiana, in Alabama, then what does that tell us as economic conservatives, as descendants of Adam Smith? That tells us that we as a Federal Government should not step in. We should let the market prevail. Yet I hear people talking out of both sides of their mouths.

If it makes good economic sense, go to it. Drill. If not, do not ask the taxpayers of America to spend $400 million so oil companies can go out there.

But the fact of the matter is, and this is not a dirty little secret, there is no secret at all to it, oil companies are lined up to go out and drill in the Gulf of Mexico. They are lined up stumbling over each other. That is the fact.

Read Business Week. Read the New York Times. Read the Wall Street Journal. They say the great oil rush of the 1990's is on, and it is occurring in the Gulf of Mexico, and oil companies that have left the Gulf of Mexico are now stumbling over each other to get back into the Gulf of Mexico.

Yet we are asking the American taxpayers in a year where we beat our chests in self-righteous indignation saying we have got to balance our budget, we are now asking them to divvy up almost another half billion dollars to oil companies to go drill in areas where they would drill anyway.

If they are not going to drill there anyway, then maybe that tells us that right now the free market does not support that economic activity.

It is a perversion of Republican ideas to push for this program; and, in the end, I understand the chairman has been put in a very difficult position and I have a great amount of respect for him, but in the end, this is a deal for Senator BENNETT JOHNSON. That is all it comes down to. The Clinton administration is trying to help BENNETT JOHNSON, so Hazel O'Leary and everybody else——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman will suspend. Members shall refrain from personal references to U.S. Senators.

Mr. SCARBOROUGH. Mr. Speaker, I apologize.

The SPEAKER pro tempore. The gentleman's apology is accepted.

Mr. SCARBOROUGH. Mr. Speaker, this is a deal for some Senators. That is all it comes down to.

Unfortunately, it is messing up a very good bill. The chairman has a good bill. This thing has been tacked on. It makes no sense. But now we have got the Clinton administration stumbling over each other, throwing out numbers from Hazel O'Leary and from Bruce Babbitt that skew reality, skew budgetary reality.

CBO says it costs the taxpayers. Let us get this thing straight. Do we trust CBO or not? We have been throwing out CBO numbers all year. Let us be consistent. Let us be consistent with CBO. Let us be consistent being supporters of the free market. Let us be consistent fighting corporate welfare, and let us be consistent protecting and defending the rights of the American taxpayers.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for his comments. I want to just say that the gentleman makes an important point. CBO considered all of the alternative analysis, all of the suggestions. They have been besieged with people asking them to rescore this, from the Department of Energy, to Minerals Management had another way, Members of Congress have gone to them, but when it was all done, 6 days ago, CBO said, "It loses $400 million," and that is the point I think the gentleman was making.

There are a lot of alternative ways to score it, but none of them as reliable as CBO. Most of them, the Members of Congress on both sides of the aisle would not accept in any other fight but they are accepting them for this fight, but the one that we have decided to trust for our scoring has said this is a $400 million loss to the taxpayers of this country.

Mr. Speaker, I include the following statement for the RECORD:

Mr. Speaker and my colleagues in the House, the integrity of the House, our responsibilities to the taxpayers, and our commitment to ending unnecessary spending and corporate welfare—all these reasons compel us to reject the conference report before us and to vote to recommit it to the conference committee.

Once again, the Senate has insisted that we accept a provision that is totally nongermane to the main subject of Alaskan oil exports. This is not the first time the Senate has sent us the deep water royalty holiday; we have rejected it each time in the past, and we should reject it here again today.

When the House considered this bill, we voted on a bipartisan basis to instruct our conferees to reject the royalty holiday in conference by an overwhelming vote of 261 to 161. Included in that 261-vote majority were Republicans and Democrats, liberals and conservatives—all in agreement that we should not spend hundreds of millions of taxpayers' dollars to encourage the oil industry to do what it is already doing: searching for oil in the deep water of the Gulf of Mexico.

Since that vote, oil company lobbyists have swarmed over the Hill. The oil corporations have hired Republicans, Democrats, anybody to plead their special interest case. And the lobbying has come from the Clinton administration, too, that cut a special deal with the oil industry.

It has been a massive lobbying effort. You'd spend a lot of money on well-connected lobbyists, too, if the prize was a half billion dollars for doing nothing more than you are doing right now. And I know what they're telling you: without a royalty holiday, no one will drill in the gulf; without a holiday, jobs will be lost; without a holiday, we will become more and more dependent on foreign oil.

And they tell you this holiday won't cost you anything; they show you estimates OMB whipped up.

Well, there's just one problem with their arguments: they are not supported by the facts.

We don't need to spend a half billion dollars to encourage deep water development in the gulf; we won't make money, we'll lose hundreds of millions of dollars; and most significantly, their own publications illustrate and confirm that deep water in the gulf is among the premier offshore leasing prospects in the world today.

They will deny all of the above today on the floor. But before you give into the pleas of the oil lobbyists, let's reexamine the facts.

FACT 1. THE ROYALTY HOLIDAY IS A BIG REVENUE LOSER

The holiday's proponents will recite MMS and OMB numbers asserting the holiday will make money. But CBO, the only official source of budget scoring, considered and rejected those same MMS and OMB assertions.

CBO definitively states that the royalty holiday will cost taxpayers—who own the oil and gas—at least $420 million, and possibly much more. Even using the specious accounting methods employed by OMB, but rejected as distorted by CBO, the royalty holiday loses over $150 million.

FACT 2. THE ROYALTY HOLIDAY WOULD BE MANDATORY FOR EVERY TRACT LEASED IN MORE THAN 200 METERS OF WATER FOR THE NEXT 5 YEARS

Proponents of the holiday, including Secretary of Energy Hazel O'Leary, have argued the Holiday is discretionary and would only be granted on tracts where the Secretary determines it is necessary to encourage development. This is absolutely false, as the legal division of the Congressional Research Service has advised. The Energy Department has admitted it erred in asserting that the holiday is discretionary.

Under the language of the conference report, all leases in more than 200 meters must be granted on a royalty-free basis for the next 5 years with no finding of need even though that need is the only rationale for granting the royalty holiday in the first place. Don't let anyone tell you the royalty holiday is discretionary for new leases. My amendment, offered in the conference, to make it clear the holiday is discretionary was voted down. So there should be no doubt: this holiday is mandatory, regardless of need, regardless of facts, regardless of cost.

FACT 3. THE GULF OF MEXICO—INCLUDING DEEP WATER AREAS—IS ONE OF THE HOTTEST OIL PROSPECTING REGIONS IN THE WORLD

The royalty holiday was dreamed up years ago when the oil industry was not interested in the "played out" gulf and technology was not yet developed for deep water development. But recent lease sales in the gulf have been record-setters, with active bidding on tracts in as much as 3,000 meters. The royalty holiday mandates royalty-free oil for tracts in as little as just 200 meters.

Here is just a small sampling of what the oil press says about deep water leasing:

New technologies cut the cost of deep-sea production * * * armed with new technology, U.S. companies are venturing into ever deeper waters. (Business Week, October 20, 1995).

Sonat Offshore Drilling Inc. * * * analysts are projecting third quarter profits to increase more than 400 percent over the 1994 period. A large reason for Sonat's success is its emphasis on deepwater drilling in the Gulf of Mexico and elsewhere, perhaps the hottest niche market in the business these days. (Dallas Morning News, October 24, 1995).

The demand for rigs is now so great that deepwater rigs have been contracted out as far as 1998, [a stock analyst at] Simmons [& Co.] said. (Houston Chronicle, September 21, 1995).

Texaco is among the major oil companies starting to spend heavily in the deepwater at depths of 1,000 feet and more. This is definitely an area of strong interest among major oil companies (Times Picayune, New Orleans, LA, September 19, 1995).

Our activity level is based on our commitment to the strategy of developing oil and gas in deep water, Mobile said * * * Texaco said bidding at sale 155 sustained the trend into deepwater that is driving exploration success * * * New technology capabilities are leading the industry farther and farther out into the gulf, a Texaco official said. Deep water in the Gulf of Mexico is not the next frontier, it's the now frontier. (Oil and Gas Journal, September 18, 1995).

These are just a few of the candid remarks by those most familiar with leasing and development deep water trends in the oil industry. And I mean real deep water, not the 200 meters that S. 395 defines as deep. Let's remember that the Ursa project is located in 3,950 feet of water, and "industry executives believe tension-leg platforms can be affordable in water as deep as 6,000 feet," according to the Wall Street Journal (January 25, 1995).

FACT 4. ALTERNATIVES TO THE ROYALTY HOLIDAY ALREADY EXIST TO PROVIDE THE INDUSTRY WITH INCENTIVES BUT WITHOUT COSTING TAXPAYERS HUNDREDS OF MILLIONS OF DOLLARS

In fact, I helped write the 1978 OCS law that allows use of bidding systems that forgive payment of a royalty until a tract is profitable. Unlike the royalty holiday, taxpayers would recoup the foregone royalty later in the production phase, as MMS originally proposed.

Proponents of the holiday are probably going to argue today that the conference accepted an amendment offered by Congresswoman FOWLER that addresses all of the environmental issues in the royalty holiday dispute by removing offshore Florida lands for coverage.

But the major objection to the royalty holiday has never been environmental: it is economic. The objection is not that offering leases will encourage offshore development near coastal communities. Indeed, CBO concludes that few leases that would not be leased anyway would be leased because of the royalty. They just might he bought sooner to qualify for royalty-free status.

The Fowler amendment fails to address a single one of the economic and subsidy objections I have raised or the House has voted on. It was an effort to defuse the opposition to the royalty holiday by appearing to fix the wrong problem. It should influence no one to change their vote on the motion to recommit.

The objection to the royalty holiday is not that it will damage the environment. The objection is that it will damage taxpayers to the tune of $450 million, and maybe much more, for no good reason whatsoever.

You may be told the Senate just voted for the royalty holiday in their reconciliation bill—because it's been stuck in there, too. But that is not true: the Senate never got to vote on the holiday because a parliamentary device was used to prevent a vote on the merits, just as we have been denied a chance here in the House, or in the Resources Committee, to consider this legislation on its merits.

Now, if this legislation is so important and so meritorious, why haven't we had a hearing on it? Why haven't its proponents in the House or the Senate put it before the committees and on the floor of both Houses and allowed a real debate and amendatory process to occur? Why does it always come to us, tucked into a nongermane bill, with no opportunity for testimony or examination?

The reason is because this proposal is an idea whose time has passed. Years ago, when leasing and drilling activity in the gulf was deteriorating, the industry and its friends cooked up the royalty holiday scheme. The world has changed, and the gulf—including the deep water gulf—is competitive and highly attractive. We have had two highly successful lease sales there in the past 6 months, including in the deep water.

So the issue here today is, having already voted 261 to 161 to reject the deep water scheme, are we going to cave into the oil lobbyists, are we going to cave into the phony financial projections that our own CBO rejects, are we going to cave into the Senate and let them cram this expensive, special interest, corporate welfare scheme down our throats?

Or are we going to say that this issue should be considered with deliberation and thoroughness by the Resources Committee and by the House of Representatives? Those who believe it is a good idea should come up here and testify for it and subject themselves to cross-examination instead of skulking around the Halls of Congress, lining up votes secretively, evading the public review that a half billion dollars in public money deserves.

The royalty holiday is bad policy and a terrible waste of taxpayer dollars. On those grounds alone, backed up by CRS, CBO, and the oil industry's own evidence, we should reject this provision and send this report back to the conference, where the royalty holiday will surely be stripped out. In fact, the conference has scheduled another meeting for this afternoon to strip it out if the House votes to do so.

But I believe there is another reason we should vote for the motion to instruct, and that is to stand up for the honor of this House. We voted to instruct our conferees to reject the royalty holiday, and those conferees ignored that direction. If this House will not reassert its position and again direct the conferees to reject the royalty holiday, we are giving up the powers of this House to the Senate and to a tiny number of senior Members who will make all the decisions for the rest of us, and that is not how decisions should be made.

Some Members have asked me why I care so much about this royalty holiday. Why am I so concerned about a scheme that will only cost us a few hundred million dollars at a time when tens of billions are being cut elsewhere?

Here is the reason: because this royalty holiday is wrong. It is the worst kind of special interest giveaway at a time when we are demanding that everyone in the country sacrifice. The oil industry already enjoys one of the lowest tax rates of any industry; they do not need more incentives to explore the Gulf of Mexico, and this House must have the courage to stand up to the international oil industry on behalf of the working men and women of this country who own that oil.

The evidence is overwhelming that we do not need the royalty holiday. I urge my colleagues to vote to recommit the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, let me first correct the record. If anybody is trying to help the Senator who was mentioned in his reelection bid, he is not running for reelection.

Second, if anybody assumes that people are rushing to the Gulf of Mexico to drill in those deep waters, let me point out, we have lost 180,000 jobs in Louisiana alone, 400,000 jobs in America because of the fact that people are rushing to somebody else's waters, somebody else's lands to drill because we have made it uninviting to drill and produce in America. That is the truth.

If anybody is coming to the Gulf of Mexico, it is because my friend from California and others have led the charge to make sure you cannot drill anywhere else in America offshore but in the Gulf of Mexico and in Alaska. That is the only place you can go.

While we are discussing it, let us discuss the numbers. The gentleman from California said in response to the gentleman from Texas, who quoted him, then when he said on June 25 it would cost $15 billion, and when he said today on the floor that it would cost $400 million, that he was right both times, the numbers still stand. That is a little over a 3,000-percent discrepancy, 3,000-percent differences, but he asks us to trust those numbers.

On the other hand, Minerals Management Service, who estimated what it would raise and what it would cost, estimated that this amendment would save the American Treasury not just the $200 million extra it would raise in royalty bonuses but about $600 million in interest payments on the Federal debt because that $200 million would cost that much over that 25-year period that nobody seemed to pay much attention to—$600 million in addition to the $200 million.

It just so happens that Minerals Management has been doing this kind of estimation for 10 years. What is their record of failure? They have missed it over the 10-year period by not 3,000 percent but by 3 percent.

So we are asked today on this floor to take the advice of folks who are estimating numbers who are going to miss it by as much as 3,000 percent as opposed to Minerals Management who has been wrong only 3 percent in all of their estimates for 10 years. Minerals Management Service, the people that run the offshore program for our country, the people that lease the lands and collect the royalties and collect the bonuses, tell us this thing is going to win for us $485 million of new bonus royalties.

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It is going to save the American taxpayer $600 million in interest payments over this 25-year period.

Who do you want to trust, Minerals Management or someone who comes to the floor and admits that his numbers are 3,000 percent different from June 25 to November 8, and those numbers still stand?

I want to say again this bill has changed. It only affects the Gulf of Mexico. It is not the same bill we voted on earlier.

Second, it is limited to 5 years. Even CBO estimates that, in that 5-year period, it is going to make $100 million for this country.

And, finally, if you believe in this country as we all do, if you believe in the strength of this country and its workers and its productive capacity, why would you not want to incentivize an industry that is moving offshore rapidly because we make no room for it in this country, particularly an industry that is producing energy for our people? Why would you want to depend upon people, when we have to go to war to defend those oil reserves, when you could produce it at home? That is the choice today.

Let us produce oil for Americans, by Americans, here in this country. That is what this is all about.

Vote "no" on the recommittal by the gentleman from California [Mr. MILLER].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

In closing, Mr. Speaker, I suggest voting "no" on recommittal.

We talk about a level playing field. There is no level playing field as long as the Federal Government is involved in leasing those lands.

This is an attempt by this administration, this Congressman and the rest of this Congress to give us the opportunity to take and further develop those areas that cannot be developed under the present system.

I urge a "no" vote on the motion to recommit.

Mr. Speaker, on this historic day for which the citizens of our great State have for so long waited, I am proud to bring before the House the conference report on S. 395. With adoption of this vital legislation, my State at long last will be authorized to export its most important resource, and thereby promote our national security, spur energy production, and create jobs.

Because of the gracious offer of the chairman of the Senate Energy and Natural Resources Committee, who along with our State's senior Senator has done so much to make this dream come true, I bring this bill before you as chairman of the conference committee. In that capacity, I rise to put title II in historical context and to describe in greater detail the substantive provisions of the bill, a discussion circumscribed by the more limited space available in the joint explanatory statement of the managers.

The ANS export restrictions were first enacted shortly after commencement of the 1973 Arab-Israeli war and the first Arab oil boycott. Many believed enactment of these restrictions would enhance our energy security. Following the second major oil shock in 1979, Congress went further and effectively banned exports.

Much has changed since then. In part due to significant conservation efforts and shifts to other fuel sources, total U.S. petroleum demand in 1993 actually was lower than in 1978. Net imports also were lower. Yet, for the first time, imports last year met more than half of our domestic demand—not because consumption had risen, but rather because domestic production had declined so significantly.

Even though imports are even higher today, they come from far more secure sources than in the 1970's. Over half of our imports now come from the Western Hemisphere and Europe. Mexico and Canada are among our largest suppliers. We have stopped buying crude from Iran, Iraq, and Libya. In addition, international sharing agreements are in place and the United States has filled the Strategic Petroleum Reserve with approximately 600 million barrels of crude oil. In short, our Nation is no longer vulnerable to the supply threats that motivated Congress to act in the 1970's.

While we have taken the steps necessary to reduce our vulnerability to others, we have not done enough to encourage domestic energy production. In fact, production on the North Slope has now entered a period of sustained decline, while production is falling in the lower 48 as well. My committee heard compelling testimony, for example, about the problems faced by small businesses in California, which have felt first hand the effects of the current ban. Small independent producers have been forced to abandon wells or defer further investments. Faced with glut-induced prices for their own crude, they have laid off workers. By precluding the market from operating normally, the export ban has had the unintended effect of discouraging further energy production. Through adoption of the conference report, we will at long last change that situation.

In addition to receiving testimony from small businesses hurt directly, my committee got advice from the experts as well. The Department of Energy, for example, provided Congress with a comprehensive study. The Department concluded that ANS exports would boost production in Alaska and California by 100,000 to 110,000 barrels per day by the end of the century. The Department also concluded that ANS exports could create up to 25,000 jobs. With the evidence now in, we know that the sooner we change current law, the sooner we can spur additional energy production and create jobs in Alaska and in California.

To achieve this objective, I bring before the House the conference report authorizing ANS exports under terms substantially similar to the underlying Senate and House bills. The conference report authorizes ANS exports, making inapplicable the general and specific restrictions in section 7(d) of the Export Administration Act of 1979, section 28(u) of the Mineral Leasing Act of 1920, section 103 of the Energy Policy and Conservation Act, and the Department of Commerce's short supply regulations, unless the President determines that they would not be in the national interest. This provision negates, as well, any other existing law, regulation, or executive order that might otherwise be interpreted to restrict ANS exports.

Before making his national interest determination, the President must consider an appropriate environmental review. We have given the President discretion to have a working group conduct the type of environmental review that would be appropriate under the circumstances. Because appropriate environmental review is not defined in the conference report or the National Environmental Policy Act, I think it particularly important to explain our intent in developing this term.

In its report, the Department of Energy found "no plausible evidence of any direct negative environmental impact from lifting the ANS crude export ban." In fact, the Department concluded that, "[w]hen indirect effects are considered, it appears that the market response to removing the ANS export ban could result in a production and transportation structure that is preferable to the status quo in certain respects." The Department found, for example, that "[l]ifting the export ban will reduce overall tanker movements in U.S. waters." The weight of the testimony taken before my committee and the Senate Committee on Energy and Natural Resources was to the same effect.

Thus, the conference report directs, as the appropriate environmental review, an abbreviated 4-month study. The environmental review is intended to be thorough and comprehensive, but in light of the Department's findings and the compressed timeframe, neither a full environmental impact statement nor even a more limited environmental assessment is contemplated. If any potential adverse effects on the environment are found, the study is to recommend appropriate measures to mitigate or cure them. In fact, the procedure set forth in the conference report tracks the well-recognized procedure whereby an agency may forego a full EIS by taking appropriate steps to correct any problems found during an EA. Under current law, if an EA reveals some potentially adverse environmental effects, an agency may take mitigating measures that lessen or eliminate the environmental impact and, thereupon, make a finding of no significant impact and decline to prepare a formal EIS. Similarly, as long as potentially adverse impacts can be mitigated by conditions on exports included in the President's national interest determination, NEPA is satisfied.

In making his national interest determination, the President is authorized to impose appropriate terms and conditions, other than a volume limitation, on ANS exports. The conference report takes cognizance of the changed condition of national oil demand and available oil resources. The conference report is intended to permit ANS crude oil to compete with other crude oil in the world market under normal market conditions. To facilitate this competition and in recognition that the conference report precludes imposition of a volume limitation, the President should direct that exports proceed under a general license.

Although crude oil exports historically have been governed through the use of individual validated licenses, this type of licensing procedure would not be appropriate here. The more appropriate model is the rule governing exports of refined petroleum products, which are permitted under a general license. First, the conference report explicitly negates the short supply regulations and the statutory authority underlying them as they relate to ANS exports. Our intent was to clear away two decades of accumulated obstructions to ANS exports. Second, the conference report specifically precludes the President from imposing a volume limitation. In almost every instance today, individual validated licenses on crude exports are necessary because of the need to deal with volume limitations, such as those imposed on exports of California heavy crude oil or ANS crude to Canada. Finally, it is our intent that the market finally be given an opportunity to operate. We do not want unnecessary paperwork to impede proper functioning of the market.

The conferees recognize that some information is needed to monitor exports. Again, petroleum products provides the proper model. Shippers of petroleum products, like all exporters, submit export declarations at the time of export. This information is compiled into trade statistics by the Department of Commerce. Similarly, exporters of ANS crude under a general license would routinely file export declarations. These filings will provide any information needed for monitoring.

Given the anticipated substantial benefits to the Nation of ANS exports, the President should make his national interest determination as promptly as possible. Of course, if the President fails to make the required determination within 5 months, ANS oil exports are authorized without intervening action by the President or the Secretary of Commerce.

As many Members of this body know, there has long been concern in the domestic maritime community that lifting the ban would force the scrapping of the independent tanker fleet and would destroy employment opportunities for merchant mariners. There can be little doubt that Congress has a compelling interest in preserving a fleet essential to our Nation's military security, especially one vital to moving an important natural resource such as my State's oil. In recognition of this, the conference report requires that ANS exports be carried in U.S.-flag vessels. The only exceptions are exports to Israel under a bilateral treaty and to others under the international emergency oil sharing plan of the International Energy Agency.

The U.S. Trade Representative has assured Congress that this provision does not violate our GATT obligations. Based on the testimony presented to my committee and the Senate Committee on Energy and Natural Resources, I concur with the administration's view that this provision is fully consistent with our international obligations. Moreover, it is supported by ample precedent, including in particular a comparable provision in the United States-Canada free trade agreement, as implemented under United States law.

The conference report also directs the Secretary of Commerce to issue any rules necessary to govern ANS exports within 30 days of the President's national interest determination. In light of the clear benefits to the Nation of ANS exports, the Secretary should promulgate any rules necessary contemporaneously with the determination.

In closing, let me emphasize that the current ban no longer makes economic sense. For too long, it has hurt the citizens of Alaska, it has damaged the California oil industry, and it has precluded the market from functioning normally. If left in place any longer, it will further discourage energy production, it will destroy jobs in Alaska and California, and it will ultimately hurt our seafaring mariners, the independent tanker fleet, and the shipbuilding sector of our Nation.

As chairman of the conference committee, I thus urge my colleagues to support this historic legislation. Through swift enactment and implementation of this legislation, Congress and the administration can demonstrate their ability to work together to promote our national security, to spur energy production, to reduce our net dependence on imports, and, above all, to create jobs.

Mr. RICHARDSON. Mr. Speaker, I urge the House to reject the attempt by the gentleman from California [Mr. MILLER] to recommit the conference report on S. 395 in order to strike the Outer Continental Shelf deepwater incentives provision.

This provision is urgently needed to provide incentives to produce more oil and natural gas in the very deep waters of the central and western portions of the Gulf of Mexico. Its enactment will strengthen U.S. energy security, bolster the economy, generate jobs for American workers, and help reduce the Federal deficit.

At a time when the United States is importing some 50 percent of its oil supplies, when oil industry jobs and investment are flowing overseas, and when the Congress is struggling to reduce the deficit, this is no time to reject such a critically needed provision.

Mr. Speaker, the Outer Continental Shelf currently produces about 14 percent of our oil and about 23 percent of our natural gas. The OCS contains approximately one-fourth of our estimated domestic oil and gas reserves. The deep waters of the Gulf of Mexico remain one of the most attractive areas for new oil and gas discoveries. But because of the extremely high cost of deepwater development, only about 6 percent of deepwater leases in the Gulf of Mexico have been developed. As a result, the Nation is not benefiting as much as it could from the large oil and gas resources of the Gulf—and the Federal Government is not earning as much as it could in bonus bids and royalty payments.

The deepwater incentives provision would temporarily reduce royalties on existing OCS leases in the central and western portions of the gulf, and delay royalty payments on new leases until a specified amount of production has occurred. The provision would have no effect in those areas covered by preleasing, leasing, or development moratoria.

Let me point out that the Congressional Budget Office officially scored the deepwater incentives provision as providing $100 million in additional Federal revenues over 5 years and $130 million over 7 years. And, on a present value basis, the administration has determined that the Federal Government would net as much as $200 million over 25 years as a result of this provision.

Mr. Speaker, I also favor the deepwater incentives provision because it will create jobs. According to the Bureau of Labor Statistics, each $1 billion invested in the oil and gas extraction industry generates 20,000 new jobs. These jobs are created primarily in industries which support and service the oil and gas exploration industry, including the steel, machine tool, heavy equipment, and high-technology industries. A healthy and productive offshore industry will mean new jobs in virtually every State of the Union. We cannot afford to throw these jobs away.

The deepwater incentives provision has bipartisan support. The Clinton administration strongly supports this provision. Secretary of Energy Hazel O'Leary had this to say in an October 19 letter to Senator BENNETT JOHNSTON:

> The ability to lower costs of domestic production in the central and western Gulf of Mexico by providing appropriate fiscal incentives will lead to an expansion of domestic energy resourcers, enhance national security, and reduce the deficit.

Mr. Speaker, there is no doubt in my mind that Secretary O'Leary is right. We do not have the luxury—in terms of energy, the economy, or U.S. jobs—to remove the deepwater incentives provision from S. 395. I urge you to defeat the motion to recommit the conference report.

There is a tendency to view the Gulf of Mexico as one oil and natural gas province. From an economic and technical viewpoint, however, the gulf should actually be seen as two hydrocarbon provinces: First, a developed but marginally economic shallow water shelf province and second, an undeveloped world-class frontier deep water province.

It is this deep water province that holds the potential for discoveries of large oil and gas reserves.

The deep water Gulf of Mexico offers a tremendous opportunity for the discovery and production of new world-class natural gas and oil fields. It is the only undeveloped domestic offshore area of high resource potential open for exploration and production today and can make valuable contributions to the country's energy and economic future.

Today, the Gulf of Mexico represents approximately 25 percent of this Nation's domestic natural gas and 13 percent of its domestic oil production.

While production from the mature shallow waters of the gulf is declining, the deep water is poised to sustain gulf production well into the next century. Without deep water production, Federal royalties, rents, and taxes from Gulf of Mexico production will continue to decline.

A report of the Department's OCS Policy Committee noted that there have been a number of deepwater discoveries but there are no plans for development "because proceeding is not economic."

The Department of Interior has estimated that in water depths of 200 meters or more there are more than 11 billion barrels of oil equivalent in the Gulf of Mexico.

The Gulf of Mexico is a significant contributor to U.S. natural gas supply, and continued production from this prolific natural gas basin must be encouraged if this Nation's growing demand for natural gas is to be met.

Even with the most accelerated switch to alternative fuels domestic crude oil demand will clearly outstrip domestic supply. It is therefore incumbent upon the Congress and the administration to make a deliberate and conscious decision regarding how that demand will be met—by increased domestic production or by more imported oil.

Gulf of Mexico deepwater incentives are needed if this Nation is to take full advantage of the reserve potential of this significant new natural gas and oil province. The royalty relief provisions in S. 395 should be supported. The provisions encourage full development of this resource and the achievement of important national economic and environmental goals—namely job creation, economic stimulation, much needed natural gas and oil reserves, and reduced U.S. dependence on imported oil.

Mr. BAKER of California. Mr. Speaker, today the House is honoring the memory of one of this century's most courageous soldiers for peace, Yitzhak Rabin. His tragic death was a profound loss for the State of Israel, for the entire Middle East, and for all who believe in the peaceful resolution of international conflict.

I well remember meeting with Mr. Rabin when, as a first-term Member of Congress, I traveled to Israel and talked with him in his office. He was warm, cordial, and informative, and reaffirmed to me the importance of the United States-Israel relationship.

Just 2 weeks ago, I again met the Prime Minister when I joined in the "Jerusalem 3000" celebration here in the Capitol. This wonderful ceremony recognized three millennia of Jerusalem's history, and Mr. Rabin spoke passionately both about Israel's precious heritage and its need for a peaceful future.

And now he is gone. His passing was so swift and sudden that we are still in a state of shock as we consider a world without Yitzhak Rabin. Yet his remarkable example lives on. Tenacious in battle, resolute in peace, dedicated to his country and its future, his statesmanship will remain with us for generations.

It is rare to find a leader who harnesses the tide of history and redirects it for the good of the world. Yitzhak Rabin's gift was his willingness to, in the words of Theodore Roosevelt, "dare greatly" for the sake of a just peace. It is a gift that no assassin's bullet can ever take away, and a legacy that will endure through the ages.

Mr. POMEROY. Mr. Speaker, I rise today to support the conference report on S. 395, the Alaska Power Administration Sale Act. I believe this bill is an important part of reducing America's dependency on foreign oil. A provision to provide royalty relief for deep offshore drilling is still contained in the bill. I previously opposed the royalty relief due to uncertainty about its need. Since the last vote, I have heard from North Dakota oil and gas producers about the importance of this provision to ensuring domestic oil security. I have also received new information from the Department of Energy indicating the importance of retaining this provision. According to DOE, enactment of this royalty relief will reduce our reliance on foreign sources of crude oil by unearthing the estimated 15 billion barrels of oil in deepwater Gulf of Mexico. Additionally, it is estimated that through new leasing revenues, enactment of this provision will result in a minimum net benefit to the Treasury of $200 million by the year 2000.

Mr. THOMAS. Mr. Speaker, I applaud Congress' decision to conduct a comprehensive overhaul of an archaic export policy. Today I am speaking in support of S. 395, which includes provisions to end the ban on exports of Alaskan North Slope crude oil. This is an opportunity to enhance the ability of the U.S. energy industry to compete in the arena of international trade.

The ANS ban has been in effect for over 20 years, and was supposedly created to, among other things, "safeguard our energy security." During this 20-year period, there has been no evidence to support this hypothesis. In fact, the evidence clearly demonstrates that our dependence on foreign oil has increased over this period. Domestic production is declining as a result of this export ban, while demand for oil continues to increase. The shortfall can only be met through increased imports, which helps to explain why we now import around 50 percent of all energy consumed in the United States. Perhaps the supporters of the ban could try to explain to the American people how a continued decline in domestic production, coupled with increasing consumer demand, has safeguarded our energy security?

It is critical that we recognize the importance of the ANS issue. Do we want to sell the naval petroleum reserves or increase its value? Do we want to help heavy oil producers maintain their economic viability through royalty relief proposals such as those offered by the Bureau of Land Management? Whatever options we choose with regard to these issues, we must repeal the ANS ban first, to ensure that we are dealing with the cause of the problems, and not just the symptoms.

This issue has been debated at length on the floor and in the Resources Committee. The Resources Committee passed the bill on a voice vote and the bill enjoyed wide bipartisan support in committee and on the floor, where it passed by a vote of 324 to 77. In addition, over 75 of my colleagues have already cosponsored H.R. 70, 23 Democrats and 55 Republicans, including 23 Californians.

Recently, there has been discussion in Congress of the possible sale of the naval petroleum reserves [NPR] at Elk Hills, CA. With the current price of crude artificially depressed due to the ban on the sale of ANS crude, eliminating the ban would greatly enhance the value of the facility and its return to the taxpayer would be subsequently enhanced. With the Defense bill resolution which included the sale of NPR having already passed the House and Senate, it is imperative that we move to reform this artificially distorted market to project the true value of this crude oil.

This bill truly has value in closing the deficit, for in addition to the $55 million in reduced Federal outlays which CBO has predicted over the next 5 years, the taxes payable on the 15,000 to 20,000 oil production jobs and increased oil production created through the repeal of the ban would be significant.

Government interference in this market has not worked and must be ended. Our economy is based on the operation of the market, and there is no economic argument that can be advanced to justify the continued market-distorting ban on exports of ANS crude. The market can and should dictate where this oil goes and the price for which it is sold.

Additionally, lifting this ban would lead to a reduction in the number of tankers, loaded with crude oil, traveling along nearly the entire Western coastline of the North American Continent. By allowing the export of ANS crude, some amount of this oil will be shipped to markets in the Far East. As a result, fewer tankers will make the trip along our coast to their current destinations in Washington and California, and it will eliminate movement of ANS crude oil to the gulf coast that involves multiple loading and unloading operations. This clearly translates into a reduced risk of oil spills, small and large, along both Canadian and United States coastlines.

For years, efforts to repeal the ban have been met with opposition from maritime unions, who were concerned that the repeal of the ban would adversely affect U.S. merchant fleet jobs. Now, a compromise has been reached which accomplishes the goal of lifting the ban while ensuring the interests of the maritime unions.

The unions now agree that ending of the ANS crude ban is consistent with the economic security and defense interests of the Nation in that it provides employment opportunities for American citizens and ensures the Nation a fleet of American-flag tankers.

Given the current declining North Slope production, the independent tanker fleet and the men and women who crew the vessels face a bleak future. By encouraging oil production, ANS exports can help secure their future and preserve jobs that otherwise would be lost.

On March 1, the administration announced that it was "convinced that there are economic and energy benefits that can be gained from permitting exports of ANS crude."

In setting forth requirements for inclusion in the final legislative language, the administration stated:

> All ANS oil must be exported in U.S.-flagged and U.S.-crewed vessels. Reforms should not transfer existing seafarer employment abroad. Legislation must provide substantial protection of seafarer employment opportunities for American workers.

As introduced, S. 395 satisfies this condition. Under the bill, ANS crude may be exported only if "transported by a vessel documented under the laws of the United States and owned by a citizen of the United States * * *"

In addition, our government's own energy experts have recently confirmed the substantial benefits to be gained in lifting the ban; 10 months ago, the Department of Energy [DOE] released a report, outlining the effects of lifting the current Alaskan North slope (ANS) crude oil ban. The report confirmed:

> There would be a net increase in U.S. employment of up to 16,000 jobs. By the end of the decade, job increases could reach 20,000.
>
> Oil production in Alaska and California could be increased by as much as 100 to 110 thousand barrels per day by the end of the decade. Reserve additions in Alaska alone could be as large as 200 to 400 million barrels of oil.
>
> Increased federal receipts related to royalties and sales of oil would total between $99 and $180 million.
>
> All of these benefits would occur without any significantly negative environmental implications.

All of the issues have been settled: The unions have agreed that this legislation will ensure an independent tanker fleet; the trade issues have been addressed, and the U.S. Trade Representative has noted that the U.S.-flag requirement does not present any legal problems to international trade; producers will benefit as increased revenues from marginal wells are realized.

Mr. Speaker, who can argue against national security, increased jobs, more domestic oil production, increased Federal revenues and reduced environmental danger? I urge my colleagues to give this issue careful consideration and not overlook the fact that our domestic oil industry is being harmed by this knee-jerk political reaction over 20 years ago. If we are truly serious about encouraging domestic production and exploration of our natural resources, we should pass S. 395 and end this market-distorting ban on the export of Alaskan oil.

Mr. RAHALL. Mr. Speaker, I noticed the other day that while it is still early November, Christmas decorations are already on the shelves at many stores. Each year, it seems, the holiday season begins earlier and earlier.

And with this in mind, it is perhaps fitting that today we are considering a bill that will grant a multibillion dollar royalty holiday, courtesy of the Republican majority, to some of the largest corporate conglomerates in the world.

As has already been explained, last July this body sent a bill over to the Senate that simply lifted the ban on exporting Alaskan oil.

But we were not blind to what the other body was contemplating. We also passed a motion to instruct our conferees not to accede to the Senate's desire to impose the deep water royalty holiday on the House.

The vote was taken on the motion to instruct, and is passed by a bipartisan 261 to 161. Yet, today we find that the majority will of this House has been ignored, in a very blatant fashion, and the royalty holiday crept its way into the pending legislation.

Today, when it is still questionable whether the Federal Government will be able to continue to operate after next Monday, I ask: Is it appropriate to pass legislation that will cost the Treasury nearly a half billion dollars in revenues?

Is it appropriate to grant a royalty holiday, at the taxpayer's expense, as an alleged incentive for these companies to do what they are already doing in the first place?

I would submit the answer is no.

We have copies of the vote taken last July on this issue here, and I would urge Members to be consistent. If you voted against the royalty holiday on July 25, there is no reason why you should not vote against it today.

I urge the adoption of the Miller motion to recommit this bill to conference so that the royalty holiday provisions can be deleted.

The SPEAKER pro tempore (Mr. MCINNIS). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MILLER of California. Mr. Speaker, yes; I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. MILLER of California moves to recommit the conference report on the bill S. 395 to the committee of conference with instructions to the managers on the part of the House to insist on the provisions of the House amendment No. 5 which strike title III of S. 395.

The SPEAKER pro tempore. This motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 160, nays 261, not voting 11, as follows:

[Roll No. 771]

YEAS—160

Abercrombie
Ackerman
Andrews
Baker (CA)
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Bunn
Cardin
Chabot
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hilleary
Hilliard
Hinchey
Hoekstra
Horn
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kelly
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty

Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Nadler
Neal
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Portman
Rahall
Rangel
Reed
Regula
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—261

Allard
Archer
Armey
Bachus
Baesler
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frisa
Frost
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hobson
Hoke
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kennedy (MA)
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lucas
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Skeen
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—11

Burton
Fields (LA)
Meyers
Peterson (FL)
Ramstad
Skelton
Thornton
Tucker
Volkmer
Waldholtz
Weldon (PA)

□ 1622

The Clerk announced the following pair:

On this vote:

Mr. Ramstad for, with Mr. Shelton against.

Messrs. METCALF, DE LA GARZA, EVERETT, and GOODLATTE changed their vote from "yea" to "nay."

Ms. BROWN of Florida and Mr. BUNN of Oregon changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, I was mistakenly recorded as not voting on rollcall vote 771 on November 8, 1995. However, I had inserted my voting card in the voting machine and voted "no," but was not registered.

The SPEAKER pro tempore (Mr. McINNIS). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 289, nays 134, not voting 9, as follows:

[Roll No. 772]

YEAS—289

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Towns
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—134

Abercrombie
Ackerman
Baesler
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dunn
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Gutierrez
Gutknecht
Hall (OH)
Harman
Hastings (FL)
Hefner
Herger
Hinchey
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Lantos

Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Minge
Mink
Moakley
Nadler
Neal
Neumann
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Rahall
Rangel
Reed
Rivers
Roth
Roybal-Allard
Rush
Sabo
Sanders
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Stark
Stokes
Stupak
Tate
Thurman
Torres
Torricelli
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
White
Whitfield
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Fields (LA)
Peterson (FL)
Ramstad
Riggs
Thornton
Tucker
Volkmer
Waldholtz
Weldon (PA)

□ 1645

The Clerk announced the following pair:

On this vote:

Mrs. Waldholtz for, with Mr. Ramstad against.

Mr. EWING changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany S. 395.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DREIER. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 257, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 257

Resolved, That immediately upon the adoption of this resolution the House shall without intervention of any point of order consider in the House the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except (1) one hour of debate on the joint resolution, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit, which may include instructions only if offered by the minority leader or his designee.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Woodland Hills, CA, Mr. BEILENSON, pending which I yield myself such time as I may consume.

Mr. DREIER. Mr. Speaker, this rule provides for consideration of House Joint Resolution 115, a continuing resolution making appropriations for fiscal year 1996 through December 1, 1995.

This modified closed rule provides for consideration of the joint resolution in the House, any rule of the House to the contrary notwithstanding, with 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

Finally, the rule provides for one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

Mr. Speaker, it is clear that we do not need a poll or a focus group to know what the American people want from the Federal Government. As General Powell said just a few minutes ago, the American people want a government that lives within its means. Instead, just talk to people in any shopping mall or grocery store. They want the Government to balance the books and to stop burdening their children with debt.

Only the most out-of-touch Washington liberals do not agree that chronic deficit spending must come to an end.

Mr. Speaker, the American people should take heart in two facts. First, despite what the defenders of big Government claim, it is possible to spend $1.5 trillion in a manner that meets our national priorities while reaching a balanced budget in 7 years. It can be done without reducing spending on important programs.

Second, this Congress is dedicated to following through with its promises. Mr. Speaker, we promised to balance the budget. We promised to reform the welfare system. We promised tax relief to families with children. We promised to cut the capital gains tax rate to encourage job creation and increase wages. We promised to save Medicare for a generation of retirees.

Mr. Speaker, as you well know, this Congress will keep those promises. While we know what we have to do, the process does take time. Restoring fiscal sanity to Government is the most significant change in American politics in decades. We are dedicated to looking at every program to make improvements and reduce wasteful spending. We are listening to people throughout the country to learn different approaches that we need to meet the needs within the constraints of a balanced budget. This all does take time.

Mr. Speaker, I would note that one reason balancing the budget is taking so much time is that the Government bureaucracy is actively fighting the efforts of their boss, the American people, to balance the books.

The greatest example that I saw was in yesterday's Washington Times and other press reports which have indicated that the Secretary of the Department of Veterans Affairs is sending partisan, self-serving, big-government propaganda to VA civil servants using Department resources.

The most shocking example was that the Secretary has been taking the propaganda put together by the President's political hacks and printing it on VA employee's pay stubs. Does anyone wonder why the Department of Veterans Affairs did not print on the pay stubs that without the 7-year balanced budget plan passed by Congress, we will mortgage the future of American children with an additional $1.2 trillion in debt? This is a gross example of the pervasive practice of Government agencies lobbying to maintain the debt-ridden budget process.

The appropriations process is caught up in this historic budget confrontation. Two appropriations bills have been signed by the President. The remainder are at various stages in the legislative process, including some under a threat of veto. In September, the Congress passed a responsible continuing resolution to keep the discretionary operations of the Federal Government from shutting down at the start of the fiscal year. It is again our intention to keep things going as we work all of the spending bills through the full process.

Mr. Speaker, the American people can rest assured that this continuing resolution is fiscally responsible. Funding is at a lower level than the current continuing resolution and below fiscal year 1995 amounts. However, we are not replacing the regular appropriations process. It is still critical to pass those bills and reorder the priorities of the Federal Government away from outdated bureaucracies and in favor of working families.

Mr. Speaker, as we work to make all of the changes that need to be accomplished to make the Federal Government serve people rather than the other way around, we do not need unnecessary Government shutdown to complicate our task. Therefore, I urge my colleagues to support this rule and support the joint resolution.

Mr. Speaker, the sooner we get through this, the sooner we can get back to the critical work of balancing the Federal budget, saving the Medicare system from bankruptcy, ending welfare as we know it, and implementing a growth-oriented tax cut that will create more jobs and increase the take-home pay of American workers.

Mr. Speaker, I submit the following for the RECORD.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of November 7, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	52	68
Modified Closed[3]	49	47	18	24
Closed[4]	9	9	6	8
Total	104	100	76	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 7, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 7, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 12, 1995.
Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: From 1977 to 1987, it was common practice to include entire appropriations bills in full-year continuing resolutions. Listed below (by calendar and fiscal years) are those bills carried in continuing resolutions for the full year:

Calendar year 1977 for fiscal year 1978—1 bill—Labor-HEW.

Calendar year 1978 for fiscal year 1979—1 bill—Energy and Water.

Calendar year 1979 for fiscal year 1980—3 bills—Foreign Operations; Labor-HHS; and Legislative.

Calendar year 1980 for fiscal year 1981—4 bills—Labor-HHS; Legislative; Commerce-Justice; and Treasury-Postal.

Calendar year 1981 for fiscal year 1982—4 bills—Commerce-Justice; Labor-HHS; Legislative; and Treasury-Postal.

Calendar year 1982 for fiscal year 1983—6 bills—Commerce-Justice; Energy and Water; Foreign Operations; Labor-HHS; Legislative; and Treasury-Postal.

Calendar year 1983 for fiscal year 1984—3 bills—Agriculture; Foreign Operations; and Treasury-Postal.

Calendar year 1984 for fiscal year 1985—8 bills—Agriculture; Defense; District of Columbia; Foreign Operations; Interior, Military Construction; Transportation; and Treasury-Postal.

Calendar year 1985 for fiscal year 1986—7 bills—Agriculture; Defense; District of Columbia; Foreign Operations; Interior; Transportation; and Treasury-Postal.

Calendar year 1986 for fiscal year 1987—all 13 bills.

Calendar year 1987 for fiscal year 1988—all 13 bills.

Since 1988, bills have not been carried for a full year in a continuing resolution except for the Foreign Operations bill in fiscal year 1992. In addition to the above, in calendar year 1950, 10 bills were included in the "General Appropriations Act, 1951. The only general bill not included was the District of Columbia bill.

Sincerely,
BOB LIVINGSTON, *Chairman.*

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank my colleague from California [Mr. DREIER] for yielding the customary half-hour debate time to me.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we strongly oppose this closed rule and the resolution it seeks to make in order. Let me begin by reminding my colleagues that we are debating this rule today for one reason and one reason only, and that is that Congress has not done its job.

Even though we are already 1 month into the new fiscal year, only 5 of the 13 appropriations bills have been passed by this Congress and sent to the President. Two have been signed into law. Two more await the President's signature, but the other nine bills are still being worked on in the Senate or in conference, and most have been delayed by the nongermane, extraneous, irrelevant legislative provisions that the majority has allowed to be included in appropriations bills despite the fact that they had to waive our rules to do so, and that now are causing intractable disagreements between Republican Members of the other House and Republican Members of this House.

Mr. Speaker, what we ought to be doing today is voting on a continuing appropriations measure that is a clean, straightforward extension of funding for the Government until the remaining 11 regular appropriations bills are passed and signed into law.

Unfortunately, we will not have that opportunity if this rule is adopted. When the distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, appeared before the Committee on Rules last night, he said, quite correctly, that passage of a continuing resolution is necessary in order to expedite the business of the House. But the gentleman came to us burdened by his leadership with the so-called Istook provision that prohibits any recipient of a Federal grant from spending any Federal funds on political advocacy, and that limits the amount of private funds that Federal grantees may use for political advocacy.

The Istook proposal may or may not be something that this Congress should pass; a great many of us believe it is not. But that is not the point. The point is that this language, which is strongly opposed by many in both Houses of Congress, has no business being included in this continuing appropriations resolution. It should be voted on separately, in the normal course of legislative business, like any other legislative proposal.

Its inclusion here by the Republican leadership, in order to pacify some of its newly elected, is an unworthy and mischievous act, and one that is calculated to prevent either passage of this bill by the Senate or its signing into law by the President.

Mr. Speaker, I say to my Republican friends that this action of theirs does not make much political sense either. The public does not understand this kind of game playing. We Democrats learned that the hard way and my Republican colleagues would be well-advised to take note and learn from our mistakes.

All the public sees, and will see, is a Republican-controlled Congress that is incapable of doing Congress most basic work: Passing appropriations bills. My colleagues are failing in their responsibility of governing, because they are bowing to ideological pressures within their own caucus that are going to make it very, very difficult, if not impossible, for them to govern effectively.

We know the other body will not accept the Istook language. They made it clear that they will not agree to this language on a separate appropriations bill. Indeed, many of our colleagues in the majority in this body oppose the Istook amendment. They will oppose this rule because it does not allow a separate vote to strip the language out of this measure. They state, quite correctly, that Congress has no business restricting the ability of businesses, private universities, and charitable organizations to participate in national and community affairs.

Mr. Speaker, some of our colleagues may hope that, by including the Istook language in this critical funding bill, they will force the President to accept this proposal or else shut down the Government services and programs that Americans depend on. But we believe this bill will not even get to the President's desk and that all we are doing is unduly extending a process that can, and should, be expedited.

We also should not be including the provision affecting the Medicare part B premium increases in this bill. That is a matter that is being addressed in the budget reconciliation bill, and that is where this provision making permanent changes in the law belongs.

Mr. Speaker, we ought not be playing these political games while holding the entire Government hostage. If the majority is seriously interested in preventing a costly shutdown of the Government, and doing that in the most expeditious manner possible, it will reconsider its decision to bring this legislation to the floor under this closed rule.

What we should be doing today, as I said earlier, is voting on a clean, unencumbered continuing resolution. If one were before us,it would pass easily. Democrats would vote for it, as would a great many Republicans.

It would give our colleagues, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY], and their colleagues on the Committee on Appropriations, time to resolve, with the President and with the Senate, most if not all of the remaining differences they have on the remaining appropriations bills.

Mr. Speaker, in the recent past, when Democrats were in charge around here, we usually did the right thing on these appropriations matters, at least. We did not attach partisan items to continuing resolutions. The House, as a matter of fact, passed 8 continuing resolutions in the last two Congresses, all of which were clean. Most did not even need a rule. They were considered under unanimous consent requests.

That is what we should be doing today if the majority really wants to get down to tending to the Nation's business. The country is obviously waiting for leadership, and for us to end these types of political games.

Mr. Speaker, I urge Members to turn down this rule and to turn, instead, to carrying out in a serious and responsible manner our duty to govern this great Nation.

Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, for yielding time to me.

Mr. Speaker, I rise in support of this rule. The existing continuing resolution runs out at midnight next Monday, November 13. The President has actually signed only 2 of the 13 general appropriation bills. That is the military construction and the agriculture bill, I believe. Congress has completed action on three additional bills, energy and water, the legislative branch, and the transportation bill. The remaining eight are in earlier stages of the legislative process, thanks to perhaps a lack of rules over in the Senate. Therefore it is absolutely clear that the additional time will be needed to complete the remaining bills.

This rule provides for consideration of the continuing resolution which will provide that additional time. This joint resolution extends funding for those Government agencies which are not covered by an enacted appropriation bill until midnight on Friday, December 1. That is shortly after we get back from the Thanksgiving break.

In addition to providing time, this continuing resolution includes several other very important issues. Of special significance is the Simpson-Istook-McIntosh provision which is designed to restrict a particularly outrageous waste of taxpayers' dollars.

Mr. Speaker, there are a large number of organizations which apply for Federal Government grants and receive taxpayer dollars. Then those same organizations turn around and they spend large sums of money lobbying the Federal Government to support their particular interest and, even worse, to lobby for more money. More, more, more, and more, that is all we ever hear around here. That is how we got into this fiscal mess we are in today.

In some cases, those interests are not bad things. But it seems to me that each organization should have to make a decision. Either it is going to take Government grants to perform functions that the Government needs or it is going to be a lobbying organization, in which case it should be funded with private money and not taxpayer dollars.

Mr. Speaker, nobody's freedom of speech is being denied. Any citizen can express himself or herself. However, if an organization is going to pay money for lobbying, then it should not at the same time be deriving a large portion of its funds from the Federal taxpayers' dollars, some of which may be vehemently opposed to that particular agenda. Why should the taxpayers have to pay for somebody's point of view that they do not support?

Mr. Speaker, this rule before us today provides a fair procedure for consideration of the continuing resolution. To those who would argue that other amendments should be made in order on this bill, I would note that in the last Congress, controlled by the other party, there were two rules on continuing resolutions and they were both closed rules.

In the previous Congress, also controlled by the other party, there was one rule on a continuing resolution and that was a closed rule as well. It is certainly true that we have in this Congress had more open rules than in previous Congresses, way more, almost double, but it seems to me that this one situation where a motion to recommit with instructions in sufficient to protect the rights of the minority.

For all those reasons, Mr. Speaker, I would ask my colleagues to support this rule and then come out here and vote for this continuing resolution.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I must say, every day I think I cannot hear anything more ridiculous but here we are. I am hearing things more ridiculous. Let me tell my colleagues what is happening. Imagine when you were in school showing up when your homework was 39 days late and asking for extra bennies. When the homework was due, only 2 out of 13 bills were done. Thirty-nine days later, you only have 5 of the 13 done, and I guess it is 4, I am corrected. We did not quite get to 5. So 4 out of 13 have been finished. It is only about 12 percent of the budget. And so the Gingrich Republicans have the chutzpah to say, just to continue Government going, we would like a few things put in here as like a bonus for not having done their homework.

No. 1, they would like the people who are on Medicare to pay about $11 more a month on their Medicare part B premiums. So Medicare part B goes up $11 a month because we did not get our homework done. That is nice. Then they would like to continue on the Istook gag-arama event, which says we have got to gag everyone in America. Heaven forbid people should be able to come here and petition their Government like the Constitution says. These people that wrote the Constitution must have gotten it wrong. We cannot let people in here.

If this Istook amendment goes through, it is going to be very serious. Let us talk about just Colorado. One little group, Project Safeguard, I worked very hard with them to find out what was going on in domestic violence issues and how well Government was out and enforcing different orders for battered women. They are not going to be able to come and talk anymore because they are going to be gagged.

Everybody is going to be gagged. I guess that will give us more time to sit around here and vote on things like who is going to be on the board of directors of the Smithsonian and avoid real homework.

This is unbelievable. Here we are, 39 days after we were supposed to have this done, we are nowhere close to done. Government is hanging by its fingernails and they want all these special things that they cannot get in the front doorway through the back door.

Please wake up. Please vote no against this rule. Bring up a clean continuing. I think we deserve a much better Government than that, and I think our young people deserve a much better example than that. Try and get your kids to do your homework, if you do not, Congress.

This is outrageous.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma City, OK [Mr. ISTOOK], a member of the Committee on Appropriations.

Mr. ISTOOK. Mr. Speaker, I rise in support of the rule and of the underlying legislation.

Mr. Speaker, I am pleased that we have within this legislation what is now being referred to as the Simpson-Istook amendment. Trying to correct the difficulty that we have with some $39 to $40 billion each year in taxpayers' money that is being used for taxpayer-subsidized grants to groups that unfortunately too often use that to help them come to Congress and ask for more money lobbying at the expense of the public.

I am sorry that the gentlewoman from Colorado has fallen prey to misrepresentations that many people have made. For example, someone who has the audacity to call this a gag rule because you see, they do not want to have to use their own money without Federal subsidies. They want the freedom to dip into the taxpayer's pocket and extract money from the taxpayer to promote their activity, to promote their political agenda, to help them with lobbying political advocacy.

I say, Mr. Speaker, that is something that they should expect to do without expecting a subsidy from the taxpayer.

We have, for example, one group, the National Council of Senior Citizens. Mr. Speaker, they get $73 million each year from Uncle Sam, from the taxpayers of the United States. That is 96 percent of their budget. Yet it is this very same group that is currently bragging to its members saying, we are engaging in a multimillion-dollar TV campaign trying to affect what is going on in Congress, saying that we are getting hundreds of thousands of people to contact Congress and contact the White House and promote the political agenda of the National Council of Senior Citizens.

Mr. Speaker, this is a group that gets 96 percent of its budget from the taxpayers. And yet they are a major lobbying group in Washington, DC. This legislation does not prohibit anybody from petitioning the Government for redress of grievances or from carrying on a political agenda. But it says, if they expect to receive taxpayer subsidies, which they have chosen to ask for, which they have chosen to accept, then they should limit the scope of their political activity.

We have applied an existing Internal Revenue Service formula that has been used for nonprofits called the 501(h) rule that gives them a $1 million cap. I ask, Mr. Speaker, what group that is dependent upon the taxpayers thinks that they need to spend more than $1 million a year in lobbying?

In addition, Mr. Speaker, for groups that are heavily dependent upon the taxpayers that receive more than a third of their budget from the taxpayers, we have a lower cap.

I realize there are groups which are dependent upon taxpayers' money that have been trying to whip into a frenzy charities across America. But, Mr. Speaker, we have an exemption in this bill that exempts 96 percent of the charities in this country from any limitation. That is the provision which states that only if they expend more than $25,000 in political advocacy do they come within any of these percentage limitations whatsoever. Niney-six percent of the 501(c)(3)'s in the United States, according to their submissions to the IRS, do not spend that much. It is a smaller number that has been abusive, and we are trying to target that abuse.

Mr. Speaker, I hope that no one will believe the ridiculous lies and accusations that have surrounded this issue because so many groups are so desperate to retain their hold on the taxpayers' wallet. I, therefore, urge Members to support the rule and, of course, to support the underlying resolution.

Mr. BEILENSON. Mr. President, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], the distinguished ranking member on the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, we are here tonight to transact business because the Republican Gingrich party has proven that it just cannot run this place. We are doing tonight what should have been done in July and August. One appropriation bill has become law. There are 12 floating around out there someplace that will, I hope, eventually become law. Maybe they will not. But we are doing more than just patching up that hole. We are out to, the GOP is out to get the old people again. The GOP is out to get the old people again.

The GOP is increasing their Medicare payments by $151 that they have got to pay every year or, for a small couple of Medicare beneficiaries, by over $300 per year in this resolution tonight. And all that really does is just reduce the Social Security benefit by that much money, because this money is automatically deducted before the Social Security payments go out from the Social Security beneficiaries. And to think that there are 8 million women, widows or single, that live on Social Security that get less than $8,000 a year. But they are going to charge those 8 million women $151 a year more to get the same or less Medicare benefits than they get today.

The good old party is at it again, the get the old people party is at it again. I cannot believe that they have talked all this time about trying to gag the Girl Scouts over there and have not even mentioned all of the 40 million people who are on Medicare who are getting stuck at least $151 a year in additional payments that they have got to make.

It is time to put an end to this stuff. I hope that the voters will go to the polls, Mr. Speaker, and throw you out of that chair. You cannot run this place. You have got no heart, and you have got no program that makes any human sense.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Bakersfield, CA [Mr. THOMAS], one of our GOP leaders, the chairman of the Subcommittee on Health.

Mr. THOMAS. Mr. Speaker, I thank my friend from California for yielding time to me.

I had not planned to talk during the rule debate. I will talk on the continuing resolution. But I do have to say that the continued outbursts from the gentleman from Florida have to be answered. What he did not mention, of course, in this continuing resolution was the fact that we discovered that Medicare does not pay for orally ingested drugs for certain types of breast cancer. If you inject it, it can be paid for. If it is taken orally, it does not. Why should we wait for a provision that fits it in a more general structure to move a decision and tell Medicare to provide those oral drugs for certain types of breast cancer? First, it will save lives. Second, it actually saves $157 million over 7 years. I will confess, that is on this CR. We thought it made sense.

□ 1715

In addition to that, for men who suffer from prostate cancer, and in fact it is incurable, there is a procedure, a medical procedure, which significantly eases the pain and prolongs life. It is a combination of injectable hormone drugs and orally taken hormone drugs. Medicare similarly will not pay for the orally taken drugs. Why? Because it is an old-fashioned system that needs to be updated.

Again we could wait for the updated procedure and have some people needlessly die. What we have done is included it on this CR so that we will tell the doctor that, if the program is a combination of injectable and orally taken hormone drugs to assist in easing the pain and prolonging someone's life who is suffering from prostate cancer, let us not wait around, let us move it on the first available product. That is in this CR.

In addition to that, we have said that it makes no sense whatsoever to blindly let law go forward, reduce the premiums to seniors, and then increase them later when we have to pay the piper. The argument that somehow Republicans are heartless because we have a program to save Medicare and part of the solution is asking seniors to stay with the current premium payment on part B; the seniors' groups themselves have said it is not an issue. As a matter of fact, in September in front of the subcommittee in many, many of the hearings, more than a dozen and a half that we had, the President of the AARP, Mr. Eugene Lerman, said:

> The House leadership proposal indicates that Medicare's part B premium would be set at 13.5 percent of the program costs. That's the current rate. Maintain the current rate. And the new affluence test premium would be imposed on higher income beneficiaries, meaning those people who can pay who are wealthy. This is a volunteer program, ought not to continue to be subsidized by young people who are paying taxes into the general fund, that if these people are wealthy enough to pay for this voluntary premium, they ought to pay for it.

He goes on to say—

> The outline goes on to say there would be no change in Medicare copayments and deductibles. We held the line. Just keep them at the current premium. That would be

the fair-share responsibility of seniors in solving the bankruptcy question under Medicare.

What they said was, "AARP is pleased that the proposal would limit these direct increases in beneficiary out-of-pocket costs."

Now what the Democrats want to do is be irresponsible, and demagog the issue, and get people to believe that they can in their old-fashioned way tell seniors they can pay less and they can keep the program. The program is going bankrupt. We have got to change the way we do business. The way they did business has bankrupted the program. We have to change the way we do business. It makes no sense whatsoever to sit blindly by waiting for the right vehicle to lock in the current rate that the seniors themselves have said is an acceptable rate. Instead it will blindly go down, and no one believes that we can reduce the premium to seniors and save the program.

What we have said is it is a fair-share responsibility structure, no copayments, no increase in the deductibles, but hold the line. Even the seniors say this is reasonable, but the Democrats, looking for arguments, looking for issues, say this is unfair. What is unfair is the irresponsible way Democrats continue to pander to seniors thinking that somehow will put them back in the driver's seat. Do my colleagues not understand they wrecked the car when they were in the driver's seat?

Mr. Speaker, what we have got is a solution to the program, and the seniors are agreeing it is a fair-share responsibility.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, the gentleman who preceded me in the well began to sell the preposterous issue that they voted to protect seniors or they will in this bill. It is wrong. That gentleman that was in the well and all Democrats, save one, voted to cut out an increase in prostate cancer screening to the level required by the National Cancer—because they want the extra $3 billion to give to the doctors in a late-night payoff that Speaker GINGRICH was making to the AMA. They vote against giving women annual mammograms, as required, because they did not have the money, and they come here and tell us that in this CR they are going to help the seniors. Nonsense.

Pay the piper? They are paying off the rich Republicans in tax cuts. That is why they need to increase $300 a year in the part B premium to the average senior in this country, and it will happen on January 1, 1996. None of that increase goes to save the Medicare trust fund. It all goes to pay tax cuts for the rich. None of the part B premium increase goes into the trust fund.

Let us get it straight. This is a sneaky way to increase the part B premium on the seniors. It kicks up their premium to $104.30 a month. It is more than even in the House-passed Republican reconciliation bill. They did not have enough money at the last minute.

Mr. Speaker, they cannot add straight, they cannot get to 20 with their shoes and socks on, they cannot run the Government, and they do not understand Medicare, so when they fail, they stick it to the seniors once again, and they stick it to the poorest of the seniors unfairly. They cut out their cancer screening so they could pay off the doctors big time. They increase the amount that poor seniors will have to pay so they can give tax cuts to the rich. It has got to stop. We cannot let them get away with this in the dead of night, trying to sneak these increases through on a continuing resolution.

Vote down the rule. Make them run this place the right way. make them tell the seniors how they are gouging them up front, how they are cutting back on their cancer screening, and how they are raising this money for tax cuts for the rich, and let us see if they dare vote up front to raise the part B premium for tax cuts for the rich. They do not have the nerve to vote for that.

Vote down the rule.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], my friend from Sanibel who is chairman of the Subcommittee on Legislative and Budget Process.

Mr. GOSS. Mr. Speaker, I thank my friend from greater San Dimas for yielding me this time. Mr. Speaker, as the Chairman of the Rules Subcommittee on the Legislation and Budget Process, I understand the concerns raised about coming to the floor with a second continuing resolution.

I know many people are confused about these procedures—perhaps even some of our Members. Our subcommittee is currently engaged in an examination of the entire budget process. There have been several helpful proposals on ways to improve and clarify the process, including the Barton-Stenholm-Cox package introduced today that would provide for an automatic mechanism to keep the Government running in these situations. But here and now, the fact is that we are facing two problems: first, spending for most agencies has not been given final approval. A stop-gap measure, a continuing resolution is needed to prevent a partial Government shutdown. Second, the Treasury is rapidly approaching the debt ceiling—a type of credit limit established by law. Unless this limit is extended, the Federal Government's ability to make payments on everything from Treasury bill interest to Social Security benefits will be limited.

The House is scheduled to address the debt limit tomorrow. It is our promise that in 7 short years we will no longer have to worry about increasing the Government's borrowing authority, because our budget will be balanced and the cash coming in will be equal to what is paid out.

But the important point to remember today is that unlike past years, Congress is considering a continuing resolution that is consistent with a balanced budget, not an ever-growing multibillion-dollar deficit.

But Mr. Speaker, this continuing resolution is certainly not a new phenomenon—indeed since the 1974 Budget Act became law we have seen many continuing resolutions. The last time Congress passed a reconciliation bill, in 1993, a total of four continuing resolutions were needed before the appropriations process was completed. In other years, entire appropriations measures have been funded simply through continuing resolutions. I commend Chairman Livingston and the Appropriations Committee members for the tremendous work that they have done in passing all 13 appropriations bills in the House, and in crafting this particular continuing resolution to meet the legitimate needs of the Federal Government, while taking steps to ensure that spending in this resolution stays well within the parameters to meet our balanced budget target in 2002.

Mr. Speaker, Congress faces a simple choice: pass this limited extension of the continuing resolution, or allow a partial and unnecessary shutdown of the Federal Government. The clear and responsible path is to approve this measure and get on with our pressing business. I urge my colleagues to support this rule. It fairly and timely brings this vital bill to the floor.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I rise in strong opposition to this rule. We are now 39 days into the new fiscal year, yet only 2 of 13 spending bills have been signed into law. Today, instead of moving the process along, we will again dawdle over unrelated issues such as the Istook amendment that has nothing to do with the budget and is unconstitutional and un-American. Because they can never get this legislation enacted because of its own demerits, the gentleman from Oklahoma [Mr. ISTOOK] and his supporters are willing to shut this Government down in order to shut the American people up.

But I do not want to be unfair. The Istook language says it is OK to speak if we follow generally accepted accounting principles, subject ourselves to a Federal audit, assume the presumption of guilt, and hold ourselves out to harassing lawsuits by individuals acting as private attorney generals. Then it is OK to speak.

I urge my colleagues strongly to vote against this rule. It represents everything bad in a closed and autocratic system.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I rise today to oppose both the Medicare premium increase and the Istook provision that were attached to the continuing resolution late last night. It is astounding that the Republicans believe they can double senior citizens' Medicare premiums in a must-pass bill. The Medicare increase has not even been signed into law, but the Republicans claim they need to force the President to approve it in order to get computers updated. This is outrageous. Are we going to force our seniors to pay for the tax break for the wealthy under the guise of updating computers?

Seniors know what is going on, but the Republicans are afraid of well-informed citizens. As if the Medicare provision was not bad enough, the continuing resolution also contains the so-called "revised" Istook amendment. Istook will sever a vital link between the people and their Government. Seniors and their advocates will have no opportunity to speak out on those matters that directly impact their lives. This is a clearly unconstitutional attempt to gag the voices of citizens who want to exercise the most basic American guarantee; the right to petition their Government. For our seniors and to preserve our basic rights as Americans, vote against the resolution.

□ 1730

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, yesterday, as millions of Americans across this country were sending a message to this Republican Congress to reject the Medicare cut plan, the Committee on Rules was meeting here in the Capitol to approve this rule, to call up a bill to raise premiums for Medicare recipients in January of this coming year. Will one dime of that raise in premiums go into the Medicare trust fund? No, it will not. It will go to pay for tax breaks for those at the top of the economic ladder.

The Republicans simply do not want to hear the complaints of the American people who say, "You broke your promise when you said you would not cut Medicare and Social Security. You are cutting it, you are raising our premiums. We will have to pay more and get less for health care."

Of course, they have been accomplishing all of this through their secret task forces. Now they are meeting in secret here in the Capitol. We even had bloodhounds out this afternoon trying to sniff out their secret meetings, because they do not want to do it in the bright light of day.

There is a direct connection with this so-called Istook amendment. Which lobby groups in America did they go after? The loophole lawyers? The people who put all the pork barrel in these appropriations bills? No, they are after the Girl Scouts and the Red Cross, those very dangerous groups like the Girl Scouts; and in this case, the National Council of Senior Citizens, because they had the courage to speak out against these Medicare cuts, and they just happened to administer a program with Federal money to help provide jobs for our seniors, the same people that are going to need these jobs after these Medicare cuts go into effect.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I take this time to comment on the incompetent management of this House by the Republican leadership. We have had bills pushed through without hearings, without an opportunity for debate, without a chance to offer amendments.

Today we have before us a continuing resolution, because the regular appropriations bills have not been passed in the regular order of the process in the Congress. Attached to this continuing resolution are two very offensive amendments. One is the Istook amendment, which would deny the opportunity for groups to lobby their own Government with their own funds. The second is the Medicare premium increase. This is an increase of premiums from $46.10 a month to $55, an increase of almost 20 percent of monthly payments by the elderly. Why this increase? It is certainly not to reform Medicare, it is not to protect the solvency of the hospital trust fund. It is, pure and simple, a way to take more money out of the pockets of the Medicare beneficiaries.

Mr. Speaker, I find this whole way of conducting business unprecedented. The Istook amendment is tremendously offensive. We will have no opportunity to offer amendments to this intrusion into the first amendment rights of American citizens. I urge opposition to the rule, I urge opposition to the underlying continuing resolution, and I would hope the Republican leadership would try to get their act together, get the bills on the floor, give people a chance to debate them, and move through a regular, normal process.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to the rule and in particular to the provisions in the continuing resolution which would enact one of the largest Federal regulatory structures in our history. I am disappointed that the Istook amendment was included in this resolution. The Silence America amendment is the most excessive, intrusive government regulation ever proposed. Republicans ran on a platform of less government, and now they want to impose a regulation that would affect more than just nonprofits, it goes so far as to regulate individuals and organizations which get something directly or indirectly from the Federal Government.

Mr. Speaker, this provision will prevent charities and organizations like Mothers Against Drunk Driving, and the YMCA from conducting their charitable mission. The Istook amendment is government overregulation at its worst.

And while this continuing resolution would allow government to interfere with the work of worthy charities and nonprofits, it tells millions of working families that government will barely lift a finger to help pay for heating.

Winter is fast approaching in my part of the country, but by cutting LIHEAP, the low-income heating program, we would force families to choose between paying for heat and paying for basic necessities.

Mr. Speaker, this continuing resolution does not represent basic fairness, and it certainly does not show good commonsense. I urge my colleagues to oppose this resolution and oppose this rule.

Mr. DREIER. Mr. Speaker, we have been listening to some pretty vitriolic attacks which have really obfuscated the issue.

To clarify it, I am happy to yield 2½ minutes to the gentleman from Metairie, LA [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from California, for yielding time to me.

Mr. Speaker, I love to hear the other side talking about how the process is not working. My goodness, you would think that they had never heard of a continuing resolution. When you look at the historical record of appropriations activities and find out that between 1977 and 1987, for example, when they controlled the House of Representatives, the Government operated on something like about 35 to 40 continuing resolutions. In some years, 1987 and 1988, the total appropriations process operated under continuing resolution for both entire years. It is ironic that we would hear some of these arguments.

For the folks on my side, I would have to say that if Members listen to them, they can find reason why they might not like this continuing resolution. But remember, it is only for 2 weeks, for crying out loud. The world is not going to come to an end if this continuing resolution passes. In fact, quite the contrary. This keeps Government business going. This continuing resolution is important to keep Government business going, and if the Members on our side vote against this rule, they give the other side ammunition for the argument that we cannot govern.

We are governing. The President, for some unforeseen and unknown reason, vetoed one of our bills. We decided we are not going to give him any more cheap vetoes. We have all of our bills working through the process, and within a very short period of time, perhaps within the next 2 to 3 weeks, we will have all the bills to him and he can sign them or he can exercise his right to veto them. But the process is moving. If this rule does not pass and if this continuing resolution does not pass, then the process stops, and then there will be a break in our work, but that is what the other side wants.

We have to show that we are governing. We need a little bit more time. We need another continuing resolution, and in order to get that continuing resolution we need this rule to pass.

Mr. Speaker, I just want to tell my friends, stop looking for every piece of legislation to be perfect. There is no such thing as perfect legislation. With a little bit of give on either side, we will get 90 percent of what we want. We will govern, we will balance the budget, we will stay on the glide path toward putting America back toward fiscal responsibility that the other side abdicated for 40 years, but we need to pass this rule. We need to pass this continuing resolution. We need to govern.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this bill has been described as a bill to continue the Government. In fact, it is just the opposite. It is a bill to bring the Government to a halt. If indeed this bill was intended to continue the Government, it would not come before us slashing education, cutting veterans' benefits, tying up every charity in the country, virtually, in red ink, jacking up Medicare premiums, and increasing the differences between the parties. It would, instead, be trying to bridge those differences.

Eighty-nine percent of the appropriations, which are supposed to be passed before the beginning of the year, have not yet become law. We have only 11 percent of the appropriations which have passed so far. That is not the fault of the President. This bill ratchets up the pressure on the President because he has not signed bills that Congress has not sent him yet. That is a legislatively impossible act, yet that is what they are asking him to do.

There are only four bills which have passed the finish line and gotten to the White House. Two have been signed, two more will be signed. This gap for every other major appropriation bill, representing 89 percent of the total appropriated items, is the fault of the Congress, not the President, because you have had fights between the Republicans in the Senate and Republicans in the House over abortion language, over environmental language, over the Istook language. That is what is holding us up.

This bill ought to be a simple continuing resolution for 1 month, rather than having all of these bells and whistles which will just cause problems.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply ask of the gentleman in the well, I would ask what percentage of the appropriations bills has the President indicated he will veto, having not participated in this process at all?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. OBEY. The President has the right to review every bill, once he gets it.

Mr. LIVINGSTON. Has he threatened to veto every appropriation bill so far?

Mr. OBEY. You are trying to blame the President for not signing bills you have not been able to send him yet.

Mr. LIVINGSTON. He certainly has not given any indication whatsoever that he wants to participate in this process.

Mr. OBEY. How can the President decide ahead of time what he is going to sign?

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, let me say, I rise in favor of the rule and in favor of the underlying legislation, and address one of the particularly important aspects of this legislation. That is the amendment that will be offered by the gentleman from Oklahoma, Mr. ISTOOK, Mr. SIMPSON in the Senate, the gentleman from Maryland, BOB EHRLICH, and myself to end welfare for lobbyists.

First, let me say this is real lobbying reform. For once we are going to say we are going to cut off the taxpayer dollars going to the big lobbying groups here in Washington. We are going to end the money laundering scheme that lets them take that money and come back and lobby us to spend more money.

Second, this reform is absolutely critical for us to reach the balanced budget. It is unbelievable, at a time when we are working to balance the budget, that people are saying we should allow $39 billion, billion with a B, in grants to go to groups who then turn around and hire lobbyists here in Washington to ask us to spend more money.

I think this proposal will allow us to balance the budget and will end the conflict of interest that has prevented Congress from doing that for 40 years. This proposal also is a reasonable compromise with Senator SIMPSON. It says we are going to screen out real charities who are doing real work and not have them be covered by these limitations, because they are already covered by the limitations in the IRS Code. But the lobbying groups back here in Washington, they will not like it, because they are going to be limited, and they are going to have a limit on using taxpayer funds to fund their lobbying operations.

Ultimately, what we need to do is to make it very, very clear that if you want to lobby, you need to do it on your own time, and with your own dime, rather than go to the taxpayer and say, "We want grants to subsidize our lobbyists in Washington, D.C."

Mr. BEILENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong opposition to this particular rule, which defies seniors and defies the nonprofits back home.

Mr. Speaker, I rise in strong opposition to the Istook provision.

One of the major supporters of this provision, Mr. MCINTOSH, said at a recent subcommittee hearing that his constituents are, and I quote, "shocked and outraged" when he tells them how, in his words, "tax dollars are being used to subsidize special interest's lobbying activities."

My constituents, Mr. Speaker, are not shocked by the activities of groups like the Red Cross, the YMCA, and Mothers Against Drunk Driving. They don't consider them a special interest. But the Red Cross, the YMCA, and MADD all oppose the Istook provision because it would force them to spend time filling out Government forms instead of helping people. It would force them to defend against harassing lawsuits by people who don't like what they're doing.

Mr. Speaker, I represent a lot of farmers. My farmers may receive crop insurance payments from the Federal Government. But the Istook provision would prevent farmers from getting these grants unless they could prove that during the previous 5 years they had spent less than 20 percent of their own funds on political advocacy.

Let me tell you, Mr. Speaker, what my constituents are telling me about this provision.

One of my constituents is a trustee of the Miami Museum of Science. I have here a letter he recently wrote to me opposing the Istook provision because it would make it more difficult for the museum to obtain funds from local governments. Why are we making it harder for local charities to get funding from local governments?

Another of my constituents is chairman of the Florida Association of Nonprofit Organizations. He wrote to me that the Istook provision would require 13,000 charities in Florida to maintain detailed records on how they spend their own money—not Federal money—their own money.

But let me tell you, Mr. Speaker, what really shocks my constituents. Hurricanes! Yes, hurricanes. Under the Istook provision my constituents—such as hospitals and private schools—might not be able to get emergency grants from the Federal Emergency Management Agency to repair their facilities after they're destroyed by a hurricane. Why? Because they spend their own funds on political advocacy with State and local governments. Even if they do get the FEMA grant, they'll have to keep detailed records on how much of their own funds they spend on political advocacy.

In conclusion, Mr. Speaker, I urge those Members who come from areas which have farmers, or local charities, or natural disasters—such as floods, hurricanes, or earthquakes—to join me in opposing this shocking and outrageous provision.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I oppose this rule and this bill. As Members know, the rule includes the so-called Istook provision, an extremist idea to restrict the ability of all types of organizations to use their own funds to participate in community and national affairs. It would restrict the Red Cross, Mothers Against Drunk Driving, the YMCA, the Heart Association, and hundreds of other charities in carrying out their mission of helping folks across this Nation.

The rule denies the House the chance to strike this ugly and un-American provision from the continuing resolution. Its 22 pages are stunningly irrelevant to any continuing resolution.

It is already, illegal to use Federal funds to lobby. What this provision is really about is regulating and restricting the way charities and other groups use their own private money to speak to their elected officials about what their communities need.

□ 1745

There are many reasons to oppose it: The massive redtape and bureaucracy forced on all of the tens of thousands of affected organizations as they have to file their annual political activity reports with the Federal Government. The audits that can be imposed on all grantees, individuals, small and large charities, businesses of all sizes. This provision's incredibly broad definition of political advocacy which goes way beyond traditional lobbying to include every conceivable kind of contact with any level of government, trying to inform the public about legislation, and, if you can believe this, a definition that even attributes to one organization the political advocacy activities of another with which it does business, if the other organization exceeds these silly limits on free speech.

The bounty hunter lawsuits that this provision encourages against all of those affected: individuals, businesses, churches that are swept up by this net. And the unreasonable shifting of the burden of proof to all of those individuals, churches, charities, businesses, to prove their innocence, to prove their compliance, not by the usual burden of proof of preponderance of the evidence, but by a very much higher standard, clear and convincing.

Finally, the broad definition of "grant," including not just funds, but anything of value that anyone receives from the Federal Government, again affecting literally millions of Americans.

At a time when we are asking more of charities in America, why in the world do we want to force the American Red Cross to limit its ability to work with local governments in emergency preparedness and making sure the blood supply is safe? Why in the world do we want to restrict the ability of Mothers Against Drunk Driving to work with State legislatures for safer highways? Why in the world do we want to gag the YMCA in its efforts in our local communities to improve daycare facilities and to fight the gang problem? Why, indeed?

Mr. Speaker, for these and many, many other reasons, we should defeat this closed rule, force a clear and separate vote on this misguided proposal. It is certainly the most egregious attack on the basic values of this democracy that we have seen in a long, long time.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to a hardworking new colleague, the gentleman from Langley, WA, Mr. METCALF.

(Mr. METCALF asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. METCALF. Mr. Speaker, pursuant to the provisions of rule XXVIII, clause 1(c), I am announcing tomorrow that I will offer a motion to instruct the House conferees on the bill H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the rule and particularly to the so-called Istook language that is in this bill. The reputation of an excellent nonprofit company in California has been sullied because of the inflammatory and the inaccurate information being circulated by proponents of the Istook amendment. There is an organization called HANDSNET which operates in California, which was supported heavily by Governor Deukmejian and operates a national on-line electronic communication network of 5,000 human service organizations. It is entirely supported by member fees and foundation and corporate grants. They recently received a $200,000 competitive grant from the Department of Commerce on the national infrastructure issues to support the training of national human service organizations to become more computer literate. The grant was matched by $200,000 additional foundation and corporate grants.

What is being lost in this rhetoric is that HANDSNET is a carrier, a conduit vehicle, for distribution of information, not a publisher. Do not shoot the messenger; in this case, HANDSNET, just because they are delivering a message that you do not like. I ask for defeat of the rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to our hardworking, thoughtful new Member, the gentleman from Timonium, MD, Mr. EHRLICH.

Mr. EHRLICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, they say timing is everything in life, and certainly that applies to what I have to say today. I rise in support of the rule.

HANDSNET receives Department of Commerce grant, Mr. Speaker, $100,000. HANDSNET in turn funds calls to action. I happen to bring these calls to action to the floor today because they are the essential element of this initiative. HANDSNET receives NTIA grant, Mr. Speaker, and then we get to the calls to action. Urgent: Save child nutrition programs, block Republican block grants. Oppose dismantling affordable housing, Mr. Speaker. Victory over Istook gag rule, Mr. Speaker. Slaughter resolution recording false document, Mr. Speaker. Stop English-only proposals in Congress, Mr. Speaker. Budget bill bad for family farms, Mr. Speaker. Istook amendment status update, stop budget reconciliation bill. Istook amendment, call your representatives. Efforts to kill Istook amendment are paying off.

Folks, these are your tax dollars used by one organization. It is exactly why this element is on the floor today; it is exactly why the majority feels as it does. Mr. Speaker, this is all about taxpayer-funded lobbying, it is all about writing this dirty little secret in this town. Mr. Speaker, it is all about accountability, and Mr. Speaker, at a bottom line, it is all about restoring the sense of mission that true charities, not this one, Mr. Speaker, but true charities who are truly interested in helping those in need in our society today.

Mr. BEILENSON. Mr. Speaker, I yield 2½ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is clear from some of the speeches today on the Istook amendment, including the previous speaker, that many new Members of Congress simply do not understand that lobbying with taxpayers' funds is now illegal in the United States. When citizens come to Washington and they walk around these buildings that house their Member of Congress, they are struck by the fact that the doors to the office of Members of Congress are all wide open, all wide open. In the Rayburn Building, in the Cannon Building, in the Longworth Building, you walk down the halls and your Congressman's door is open. It is a long tradition in this Congress, and it is in keeping with the unblemished access that this Congress has assured for the citizens to reach their elected officials. America has a 200-plus-year tradition of unhindered right of the citizen to petition their government.

Republicans ran for office saying they wanted Government off of our back. It turns out they want the citizens out of their offices. That is what the Istook amendment is all about.

Now, who are there groups, these awful, terrible groups that they would silence, and whose membership they would silence? American Red Cross, the YMCA, the American Heart Association, the Girl Scouts of America, the League of Women Voters, the American Lung Association. Are those groups so terrible that if they receive a pittance of public funding from the taxpayer that their right to petition the Government on behalf of their Members should be stricken for the first time in American history? It is outrageous. People should be allowed to reach us unhindered. That is why all of those congressional doors have been opened. Do not close them today with the Istook amendment.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, almost 3 years ago, General Powell made the announcement that he was not going to run for the President of the United States. But he said he is a Republican because he is convinced that the Republicans have the energy and ideas to move us towards a balanced budget. The real tragedy is that if we look over the last 40 years, unfortunately, the Democrats have driven us to this point of a horrendous, nearly $5 trillion national debt. We have the responsibility to govern. It is obvious that what is today the minority party will not, because they have not been able to. We have a responsibility to balance the budget; they have not been able to do it, and we are stepping up to the plate now and doing that. And, most important, we have a responsibility to be honest with senior citizens.

The Government is going to be paying 68.5 percent of part B premiums. There is a sense that we are somehow pulling the rug out from under senior citizens. Everyone recognizes that the system is headed toward bankruptcy. On April 3 of this year, three members of the President's Cabinet joined in recognizing that fact. We now are dealing responsibly with that issue.

This continuing resolution is very important, it is for a short period of time; the Democrats have used them for years and years and years, and sometimes the CR has governed for the entire year. Let us go with this very short period of time; let us responsibly deal with this. We are doing it as the majority party. I urge my colleagues to support this resolution to support the continuing resolution when it comes forward.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I oppose the rule and I oppose the bill. I want to associate myself with the remarks of the gentleman from Colorado [Mr. SKAGGS] and the gentleman from Montana [Mr. WILLIAMS] especially in opposition to the rule and the bill.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 210, not voting 7, as follows:

[Roll No. 773]

YEAS—216

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—210

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard

Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Fields (LA)
Peterson (FL)
Ramstad
Thornton
Towns
Tucker
Weldon (PA)

□ 1818

Mr. HALL of Texas changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 257, I call up the joint resolution (H.J. Res. 115), making further continuing appropriations for the fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. DREIER). Pursuant to the rule, the House will now immediately consider the joint resolution.

The text of House Joint Resolution 115 is as follows:

H.J. RES. 115

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

TITLE I

CONTINUING APPROPRIATIONS

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, and section 53 of the Arms Control and Disarmament Act;

The Department of Defense Appropriations Act, 1996, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1996;

The Energy and Water Development Appropriations Act, 1996;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1996;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996;

The Legislative Branch Appropriations Act, 1996, H.R. 2492;

The Department of Transportation Appropriations Act, 1996;

The Treasury, Postal Service, and General Government Appropriations Act, 1996;

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996: *Provided*, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided*, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided*, That where an item is funded in the applicable appropriations Act for the fiscal year 1995 and not included in the version passed by the one House as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1995 or prior years, for the increase in production rates above those sustained with fiscal year 1995 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1995: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) December 1, 1995, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, whenever an Act listed in section 101 as passed by both the House and Senate as of the date of enactment of this joint resolution, does not include funding for an ongoing project or activity for which there is a budget request, or whenever an Act listed in section 101 has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, and an item funded in fiscal year 1995 is not included in the version passed by the one House, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of the Act, the minimal level means a rate for operations that is reduced from the current rate by 40 percent.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, whenever the rate for operations for any continuing project or activity provided by section 101 or section 111 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

SEC. 113. Notwithstanding any other provision of this joint resolution, except sections 106, 111, and 112, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 114. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 115. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100-202, shall not apply for this joint resolution.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authority and conditions for the application of appropriations for the Office of Technology Assessment as contained in the Conference Report on the Legislative Branch Appropriations Act, 1996, House Report 104-212, shall be followed when applying the funding made available by this joint resolution.

SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, any distribution of funding under the Rehabilitation Services and Disability Research account in the Department of Education may be made up to an amount that bears the same ratio to the rate for operation for this account provided by this joint resolution as the number of days covered by this resolution bears to 366.

SEC. 118. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall remain in effect during the period of this joint resolution, notwithstanding paragraph (3) of said subsection.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 103-352, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 120. Until enactment of legislation providing funding for the entire fiscal year ending September 30, 1996, for the Department of the Interior and Related Agencies, funds available for necessary expenses of the Bureau of Mines are for continuing limited health and safety and related research, materials partnerships, and minerals information activities; for mineral assessments in Alaska; and for terminating all other activities of the Bureau of Mines.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 106, funds for the Environmental Protection Agency shall be made available in the appropriation accounts which are provided in H.R. 2099 as reported on September 13, 1995.

SEC. 122. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, shall be the amount provided by the provisions of sections 101, 111, and 112 multiplied by the ratio of the number of days covered by this resolution to 366 and multiplied further by 1.27.

SEC. 123. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations of the following projects or activities shall be only the minimum necessary to accomplish orderly termination:

Administrative Conference of the United States;

Advisory Commission on Intergovernmental Relations (except that activities to carry out the provisions of Public Law 104-4 may continue);

Interstate Commerce Commission;

Pennsylvania Avenue Development Corporation;

Land and Water Conservation Fund, State Assistance; and

Office of Surface Mining Reclamation and Enforcement, Rural Abandoned Mine Program.

TITLE II

SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT PRINTING.

(a) WAIVER.—The provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of any of the following measures of the first session of the One Hundred Fourth Congress presented to the President after the enactment of this joint resolution:

(1) A continuing resolution.

(2) A debt limit extension measure.

(3) A reconciliation bill.

(b) CERTIFICATION BY COMMITTEE ON HOUSE OVERSIGHT.—The enrollment of a measure to which subsection (a) applies shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

SEC. 202. DEFINITIONS.

As used in this joint resolution:

(1) CONTINUING RESOLUTION.—The term "continuing resolution" means a bill or joint resolution that includes provisions making further continuing appropriations for fiscal year 1996.

(2) DEBT LIMIT EXTENSION MEASURE.—The term "debt limit extension measure" means a bill or joint resolution that includes provisions increasing or waiving (for a temporary period or otherwise) the public debt limit under section 3101(b) of title 31, United States Code.

(3) RECONCILIATION BILL.—The term "reconciliation bill" means a bill that is a reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974.

TITLE III

TAXPAYER SUBSIDIZED POLITICAL ADVOCACY

PROHIBITION ON SUBSIDIZING POLITICAL ADVOCACY WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—Notwithstanding any other provision of law, the following limitations shall apply to any taxpayer subsidized grant that is made from funds appropriated under this or any other Act or controlled under any congressional authorization, until the enactment of specific exceptions in subsequent Acts:

(1) No taxpayer subsidized grantee may use funds from any taxpayer subsidized grant to engage in political advocacy.

(2) No person or organization may transfer funds from any taxpayer subsidized grant, in whole or in part, in the form of a taxpayer subsidized grant, to any person or organization that under this subsection would not be eligible to receive such funds directly from the Federal Government.

(3) No taxpayer subsidized grantee may use funds from any taxpayer subsidized grant for any purpose (including but not limited to extending subsequent taxpayer subsidized grants to any other individual or organization) other than to purchase or secure goods or services, except as permitted by Congress in the law authorizing the taxpayer subsidized grant.

(4) No restrictions are placed upon the use of an individual's non-Federal funds by this title.

(5) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible for the receipt of Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in such section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including the amounts of Federal funds received as a taxpayer subsidized grant.

(6) An organization shall not be eligible for the receipt of Federal funds constituting a taxpayer subsidized grant if, in the previous Federal fiscal year, such organization—

(A) received more than one-third of its annual revenue in the form of taxpayer subsidized grants; and

(B) expended on lobbying activities an amount equal to or exceeding whichever of the following amounts is less:

(i) $100,000; or

(ii) the amount determined by the formula set forth in paragraph (7)(B).

(7) No taxpayer subsidized grant applicant or taxpayer subsidized grantee, except an individual person, may receive any taxpayer subsidized grant if its expenditures for political advocacy for any one of the previous five Federal fiscal years exceeded its substantial political advocacy threshold. For purposes of the application of this paragraph in the five-year period following the date of the enactment of this Act, only the previous Federal fiscal years beginning after September 30, 1995, shall be considered. For purposes of this title, the substantial political advocacy threshold for a given Federal fiscal year shall be whichever of the following amounts is less:

(A) $1,000,000.

(B) The amount determined by the following formula:

(i) Calculate the difference between the taxpayer subsidized grant applicant's total expenditures made in a given Federal fiscal year and the total taxpayer subsidized grants it received in that Federal fiscal year.

(ii) For the first $500,000 of the amount calculated under clause (i), multiply by 0.20.

(iii) For the portion of the amount calculated under clause (i) that is more than $500,000, but not more than $1,000,000, multiply by 0.15.

(iv) For the portion of the amount calculated under clause (i) that is more than $1,000,000, but not more than $1,500,000, multiply by 0.10.

(v) For the portion of the amount calculated under clause (i) that is more than $1,500,000, but not more than $17,000,000, multiply by 0.05.

(vi) Calculate the sum of the products described in clauses (ii) through (v).

(8) During any one Federal fiscal year in which a taxpayer subsidized grantee, except an individual person, has possession, custody or control of taxpayer subsidized grant funds, such taxpayer subsidized grantee shall not use any funds (whether derived from taxpayer subsidized grants or otherwise) to engage in political advocacy in excess of its substantial political advocacy threshold for the prior Federal fiscal year.

(9) No taxpayer subsidized grantee may use funds from any taxpayer subsidized grant to purchase or secure any goods or services (including dues and membership fees) from any other organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded whichever of the following amounts is greater:

(A) $25,000.

(B) 15 percent of such other organization's total expenditures for such previous Federal fiscal year.

(10) The limitations imposed by paragraphs (5), (7), and (8) shall not apply to any taxpayer subsidized grant applicant or taxpayer subsidized grantee for any Federal fiscal year if, during the preceding Federal fiscal year, its total expenditures for political advocacy were less than $25,000.

(11) For purposes of applying the limitations imposed by this subsection (other than paragraph (4)), the members of an affiliated group of organizations (other than any member that does not receive a taxpayer subsidized grant) shall be treated as one organization.

(b) ENFORCEMENT OF TAXPAYER PROTECTIONS.—The following enforcement provisions apply with respect to the limitations imposed under subsection (a):

(1) Each taxpayer subsidized grantee shall be subject to audit from time to time as follows:

(A) Audits may be requested and conducted by the General Accounting Office or other auditing entity authorized by Congress, including the Inspector General of the Federal entity awarding or administering the taxpayer subsidized grant.

(B) Taxpayer subsidized grantees shall follow generally accepted accounting principles in keeping books and records relating to each taxpayer subsidized grant and no Federal entity may impose more burdensome accounting requirements for purposes of enforcing this title.

(C) A taxpayer subsidized grantee that engages in political advocacy shall have the burden of proving, by clear and convincing evidence, that it is in compliance with the limitations of this title.

(D) Audits pursuant to this subsection shall be limited to the utilization, transfer, and expenditure of Federal funds and the utilization, transfer, and expenditure of any funds for political advocacy.

(2) Violations by a taxpayer subsidized grantee of the limitations contained in subsection (a) may be enforced and the taxpayer subsidized grant may be recovered in the same manner and to the same extent as a false or fraudulent claim for payment or approval made to the Federal Government pursuant to sections 3729 through 3812 of title 31, United States Code.

(3) Any officer or employee of the Federal Government who awards or administers funds from any taxpayer subsidized grant to a taxpayer subsidized grantee who is not in compliance with this section shall—

(A) for knowing or negligent noncompliance with this section, be subjected to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office; and

(B) for knowing noncompliance with this section, pay a civil penalty of not more than $5,000 for each improper disbursement of funds.

(c) DUTIES OF TAXPAYER SUBSIDIZED GRANTEES.—Any individual or organization that awards or administers a taxpayer subsidized grant shall take reasonable steps to ensure that the taxpayer subsidized grantee complies with the requirements of this title. Reasonable steps to ensure compliance shall include written notice to a taxpayer subsidized grantee that it is receiving a taxpayer subsidized grant, and that the provisions of this title apply to the taxpayer subsidized grantee.

(d) DEFINITIONS.—For purposes of this title:

(1) AFFILIATED ORGANIZATIONS.—Any two organizations shall be considered to be members of an affiliated group of organizations if the organizations meet any one or more of the following criteria:

(A) The governing instrument of one such organization requires it to be bound by decisions of the other organization on legislative issues.

(B) The governing board of one such organization includes persons who—

(i) are specifically designated representatives of the other such organization or are members of the governing board, officers, or paid executive staff members of such other organization; and

(ii) by aggregating their votes, have sufficient voting power to cause or prevent action on political advocacy issues by the other such organization.

(C) The organizations—

(i) either use the same name or trademark, or represent themselves as being affiliated; and

(ii) coordinate their lobbying activities or political advocacy.

(2) AGENCY ACTION.—The term "agency action" includes the definition contained in section 551 of title 5, United States Code, and includes action by State, local, or tribal government agencies. Such term does not include any agency's action that grants an approval, license, permit, registration, or similar authority, or that grants or recognizes an exemption or relieves a restriction, on a case-by-case basis.

(3) AGENCY PROCEEDING.—The term "agency proceeding" includes the definition contained in section 551 of title 5, United States Code, and includes proceedings by State, local, or tribal government agencies.

(4) INFLUENCE LEGISLATION OR AGENCY ACTION.—

(A) GENERAL RULE.—Except as otherwise provided in subparagraph (B), the term "influence legislation or agency action" includes—

(i) any attempt to influence any legislation or agency action through an attempt to affect the opinions of the general public or any segment thereof; and

(ii) any attempt to influence any legislation or agency action through communication with any member or employee of a legislative body or agency, or with any government official or employee who may participate in the formulation of the legislation or agency action.

(B) EXCEPTIONS.—The term "influence legislation or agency action" does not include—

(i) making available the results of nonpartisan analysis, study, research, or debate;

(ii) providing technical advice or assistance (where such advice would otherwise constitute the influencing of legislation or agency action) to a governmental body or to a committee or other subdivision thereof in response to a request by such body or subdivision, as the case may be;

(iii) communications between the taxpayer subsidized grantee and its bona fide members with respect to legislation, proposed legislation, agency action, or proposed agency action of direct interest to the taxpayer subsidized grantee and such members, other than communications described in subparagraph (C);

(iv) any communication with a governmental official or employee, including any such communication required to apply for, administer, or execute a taxpayer subsidized grant; other than—

(I) a communication with a member or employee of a legislative body or agency (where such communication would otherwise constitute the influencing of legislation or agency action); or

(II) a communication the principal purpose of which is to influence legislation or agency action;

(v) official communications by employees of State, local, or tribal governments, or by organizations whose membership consists exclusively of State, local, or tribal governments; and

(vi) participating in a particular activity that is specifically and explicitly directed and sanctioned by an Act of Congress, and is specifically and explicitly approved in the contract or other agreement under which the taxpayer subsidized grant is made, except that such exception shall not apply to any such contract or other agreement that is first entered into after the date of the enactment of this Act, is renewed after such date, or is terminable or amendable after such date at the option of the government entity awarding or administering such grant, unless such activity is specifically and explicitly directed and sanctioned by an Act of Congress enacted after January 1, 1995.

(C) COMMUNICATIONS WITH MEMBERS.—

(i) A communication between a taxpayer subsidized grantee and any bona fide member of such organization to directly encourage such member to communicate as provided in subparagraph (A)(ii) shall be treated as a subparagraph (A)(ii) communication by the taxpayer subsidized grantee itself.

(ii) A communication between a taxpayer subsidized grantee and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either clause (i) or (ii) of subparagraph (A) shall be treated as a communication described in subparagraph (A)(i).

(5) LEGISLATION.—The term "legislation" includes the introduction, amendment, enactment, passage, defeat, ratification, or repeal of Acts, bills, resolutions, treaties, declarations, confirmations, articles of impeachment, or similar items by the Congress, any State legislature, any local or tribal council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, recall, confirmation, or similar procedure.

(6) LOBBYING ACTIVITIES.—The term "lobbying activities" means political advocacy (as defined in paragraph (8)), other than political advocacy relating to any judicial litigation or agency proceeding described in subparagraph (C) of such paragraph.

(7) ORGANIZATION.—The term "organization" means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, or any other association of persons that operates in or the activities of which affect interstate or foreign commerce.

(8) POLITICAL ADVOCACY.—Except as otherwise provided in paragraph (4)(B), the term "political advocacy" includes—

(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to, monetary or in-kind contributions, preparation and planning activities, research and other background work, endorsements, publicity, coordination with such activities of others, and similar activities;

(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including, but not limited to, monetary or in-kind contributions, preparation and planning activities, research and other background work, endorsements, publicity, coordination with such activities of others, and similar activities;

(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, local, or tribal governments are parties, other than litigation in which the taxpayer subsidized grantee or taxpayer subsidized grant applicant is a defendant appearing in its own behalf; is defending its tax-exempt status; or is challenging a government decision or action directed specifically at the powers, rights, or duties of that taxpayer subsidized grantee or taxpayer subsidized grant applicant; and

(D) allocating, disbursing, or contributing any monetary or in-kind support to any organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

(9) TAXPAYER SUBSIDIZED GRANT.—The term "taxpayer subsidized grant" includes the provision of any Federal funds, appropriated under this or any other Act, or other thing of value to carry out a public purpose of the United States, except the following: the provision of funds for acquisition (by purchase, lease or barter) of property or services for the direct benefit or use of the United States; the payments of loans, debts, or entitlements; the provision of funds to or distribution of funds by an Article I or III court; nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and the provision of grant and scholarship funds to students for educational purposes.

(10) TAXPAYER SUBSIDIZED GRANTEE.—The term "taxpayer subsidized grantee" includes any recipient of any taxpayer subsidized grant. The term shall not include any State, local, or tribal government, but shall include any recipient receiving a taxpayer subsidized grant from a State, local, or tribal government.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the prior Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, and setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3) either—

(A) a statement that the taxpayer subsidized grantee did not engage in political advocacy; or

(B) a statement that the taxpayer subsidized grantee did engage in political advocacy, and setting forth for each taxpayer subsidized grant—

(i) the taxpayer subsidized grant identification number;

(ii) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(iii) a brief description of the purpose or purposes for which the taxpayer subsidized grant was awarded;

(iv) the identity of each Federal, State, local, and tribal government entity awarding or administering the taxpayer subsidized grant, and program thereunder;

(v) the name and taxpayer subsidized grantee identification number of each individual or organization to which the taxpayer subsidized grantee made a taxpayer subsidized grant;

(vi) a brief description of the taxpayer subsidized grantee's political advocacy, and a good faith estimate of the taxpayer subsidized grantee's expenditures on political advocacy; and

(vii) a good faith estimate of the taxpayer subsidized grantee's substantial political advocacy threshold.

(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation one standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each taxpayer subsidized grantee is assigned one permanent and unique taxpayer subsidized grantee identification number.

FEDERAL ENTITY REPORT

SEC. 303. Not later than May 1 of each calendar year, each Federal entity awarding or administering a taxpayer subsidized grant shall submit to the Bureau of the Census a report (standardized by the Office of Management and Budget) setting forth the information provided to such Federal entity by each taxpayer subsidized grantee during the preceding Federal fiscal year, and the name and taxpayer subsidized grantee identification number of each taxpayer subsidized grantee to which it provided written notice under section 301(c). The Bureau of the Census shall make this database available to the public through the Internet.

PUBLIC ACCOUNTABILITY

SEC. 304. (a) PUBLIC AVAILABILITY OF TAXPAYER SUBSIDIZED GRANT DOCUMENTS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, audit of a taxpayer subsidized grantee, list of taxpayer subsidized grantees to which notice was provided under section 301(c), annual report of a taxpayer subsidized grantee, and that Federal entity's annual report to the Bureau of the Census.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

SEVERABILITY

SEC. 305. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

FIRST AMENDMENT RIGHTS PRESERVED

SEC. 306. Nothing in this title shall be deemed to abridge any rights guaranteed under the First Amendment of the United States Constitution, including freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

EXPEDITED CONSIDERATION AND APPEAL OF CERTAIN ACTIONS

SEC. 307. (a) DISTRICT COURT CONSIDERATION.—Any action challenging the constitutionality of this title shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such action, without regard to the sum or value of the matter in controversy. It shall be the duty of the district court to advance on the docket, and to expedite the disposition of, any action brought under this subsection.

(b) Appeal to Supreme Court.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order entered in any action brought under subsection (a). Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered. The Supreme Court shall, if it has not previously ruled on the question presented by such appeal, accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

CONSTRUCTION AND EFFECT

Sec. 308. Nothing in this title shall be construed to affect the application of the internal revenue laws of the United States.

TITLE IV—MEDICARE

SEC. 401. DETERMINATION OF MEDICARE PART B PREMIUM.

(a) Any percentage reference in subsection (e)(1)(A) of section 1839 of the Social Security Act for months in 1996 is deemed a reference to the amount described in subsection (e)(1)(B)(v) of such section, expressed as a percentage of the monthly actuarial rate under subsection (a)(1) of such section for months in 1995.

SEC. 402. MEDICARE COVERAGE OF CERTAIN ANTI-CANCER DRUG TREATMENTS.

(a) Coverage of Certain Self-Administered Anticancer Drugs.—Section 1861(s)(2)(Q) of the Social Security Act (42 U.S.C. 1395x(s)(2)(Q)) is amended—

(1) by striking "(Q)" and inserting "(Q)(i)"; and

(2) by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following:

"(ii) an oral drug (which is approved by the Federal Food and Drug Administration) prescribed for use as an anticancer nonsteroidal antiestrogen or nonsteroidal antiandrogen agent for a given indication;".

(b) Uniform Coverage of Anticancer Drugs in All Settings.—Section 1861(t)(2)(A) of such Act (42 U.S.C. 1395x(t)(2)(A)) is amended by adding (including a nonsteroidal antiestrogen or nonsteroidal antiandrogen regimen)" after "regimen".

(c) Conforming Amendment.—Section 1834 (j)(5)(F)(iv) of such Act (42 U.S.C. 1395m(j)(5)(F)(iv)) is amended by striking "prescribed for use" and all that follows through "1861 (s)(2)(Q))" and inserting "described in section 1861(s)(2)(Q)".

(d) Effective Date.—The amendments made by this section shall apply to drugs furnished on or after the date of the enactment of this Act

The SPEAKER pro tempore. Under the rule, the gentleman from Louisiana [Mr. Livingston] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. Obey] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. Livingston].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 115, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to bring to the House this joint resolution that would provide authority for most of the government to continue operations beyond November 13, the date the current continuing resolution expires.

The House and Senate Committees on Appropriations are continuing to work on the remaining regular funding bills in a manner that will allow us to present them to the President for his signature in the coming days. However, it is clear that many of the budget decisions will extend past November 13. Therefore, we need to continue to provide spending authority for those portions of the Government which are not covered by signed bills.

The following are key elements of the resolution before us: The resolution continues Government funding through December 1 or whenever a regular bill is enacted into law, whichever is sooner. The resolution provides temporary funding for the programs covered under 11 bills. Since two bills have been signed into law, military construction and agriculture, they have been omitted from this resolution.

All the projects and activities in the remaining 11 bills operate under a restrictive formula that provides rates that do not exceed the lower of the House-passed bill, the Senate-passed bill, or the fiscal year 1995 current level. The resolution provides that for programs that are proposed for termination in either the House or Senate version of the regular bill or are significantly reduced in these bills, they may continue, but at a minimum level not to exceed 60 percent of the current rate of operations. This is down from the 90 percent level provided for in the first continuing resolution.

All programs continued will be under the fiscal year 1995 terms and conditions.

This resolution contains the "no furlough" language that was contained in the first resolution. Early year distributions for programs that have historical high initial fund distributions are prohibited. This resolution contains the Simpson-Istook-McIntosh language regarding political advocacy, and no new initiatives can be started under the terms of this bill.

Section 123 of the resolution provides for the orderly termination of six specific Federal programs, which include the Administrative Conference of the United States, the Advisory Commission on Intergovernmental Relations, the Interstate Commerce Commission, the Pennsylvania Avenue Development Corporation, the State Assistance Grants from the Land and Water Conservation Fund, and the Rural Abandoned Mine Program. These are in addition to the elimination of the Office of Technology Assessment as well as the downsizing of the Bureau of Mines, which were contained in the first CR and included in this version as well.

There are two additional items that are in this resolution that are under the jurisdiction of the Committee on Ways and Means, and we heard them discussed during the debate on the rule. They deal with Medicare part B and funding for breast cancer treatment.

Mr. Speaker, this second continuing resolution maintains the four principles that we have used when we developed the first continuing resolution. In fact, this resolution provides funding at levels that are below the section 602 allocation provided for in the budget resolution. This is our part of the glide path to get us to a balanced budget by the year 2002. It prevents costly government furloughs and inappropriate program terminations, and it does not prejudice funding decisions for the remainder of the appropriations bills except for a limited number of program terminations that are agreed to by the President.

Finally, it provides a climate that is an incentive for all involved to conclude action on the regular appropriations bills. This is because as we move appropriations conference agreements and as the appropriations bills are signed into law by the President, all of the programs and agencies and departments contained within the jurisdiction of those appropriations bills are taken off the table and they are no longer subject to the terms and conditions of this restrictive continuing resolution.

Mr. Speaker, this second continuing resolution is necessary to keep a large part of the government operating for a very short period of time. It is restrictive, and it will keep the necessary pressure on both the Congress and the President to work out our differences on the remaining regular bills and get them enacted into law, and I urge the adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, about 5 weeks ago when we had neared the end of the fiscal year, the gentleman from Louisiana [Mr. Livingston] and I brought to the House a bipartisan proposal which had been worked out with the leadership of both parties in both houses, as well as the White House, which extended the business of the Government so that the Congress could complete its work. That was made necessary because, for the first hundred days of this session, the majority party proceeded with its so-called contract, and that meant that, in contrast to the previous year when we had finished all 13 of our appropriation bills before the end of the fiscal year, the Congress was left with an immense amount of work yet to be done, and we worked out a bipartisan way to keep the Government going so that innocent people would not be hurt.

☐ 1830

Now we are in need of a new extension, and the majority is proposing that we extend this conference report to the December 1. I think this is a big mistake, because this resolution, instead of building bridges and trying to overcome differences, it exacerbates the differences, it widens them and it puts everyone further apart, because it is a much more confrontational document. it is as though it were designed to fail.

It provides a 30-percent clobbering of programs such as low-income heating assistance, veterans benefits, some education items. It contains the controversial Istook language which would tie up every major charity in the country in red tape. It appears designed to ratchet up pressure on the President, because people are unhappy that the President has not signed bills which have not yet been sent to him.

We are now 11 percent into the fiscal year, and we have exactly 11 percent of this year's fiscal budget passed. We have two bills here, military construction and agriculture, which have crossed the finish line, represented by this red line, and they have been signed into law. Two others have crossed the legislative finish line. They are awaiting the President's signature at the White House, and it is my understanding they are going to be signed.

The leaves us with nine remaining horses that have yet to cross the finish line in the appropriations process. Now, those are not lagging behind because the President would not sign the bills. They are lagging behind because the Congress did not get its work done.

For instance, we have the Treasury-Post Office bill here, hung up by the same Istook language which is being placed in the continuing resolution. It is the Republican majority in the Senate which is refusing to accept the Republican majority language in the House on the Istook amendment. It is not the President.

The Interior Department, that appropriation bill is stuck in the Congress because we still do not have agreement between the two houses on extraneous legislative language that has nothing whatsoever to do with dollars in the bill.

The foreign operations bill went through both houses of Congress, but it is hung up because there is a difference between the Republicans in the House and the Republicans in the Senate on the issue of abortion and the Mexico City language. The VA-HUD and Commerce conferences have yet to meet.

The Defense conference has not met in some 3 weeks since its original product was voted down on the floor of this House. The President did not beat that bill. This House did.

The Labor-HEW appropriation bill, passed by the House, was so extreme that the Republican-controlled Senate will not even take the bill up.

So that is why 89 percent of our appropriations work is still not completed, far short of the finish line. Yet, instead of trying to recognize that this is a congressional failure, instead we have an effort to ratchet up the heat on the President because people are frustrated by the fact that the Congress itself has not been able to do its work. That makes no sense whatsoever.

In addition, we have another problem. This continuing resolution would extend the Government's ability to function for the remainder of November, down to December 1. It will have taken us from November 6 through about November 13 to get this done.

Now, you would think this would give us enough time to get our work done. But there is a little problem. That little problem is that Congress is scheduled to be out during these days, so the congressional recess cuts a huge hole in the extension provided under the continuing resolution.

There will be only 6 days in which the Congress can complete action on nine of the appropriation bills, if you take the 3 days before we go out next week and the 3 days afterward.

Does anybody really believe that the majority party is going to make enough progress in resolving the fights within their own caucus to complete action on these appropriation bills during that period of time? I do not know anyone that really believes that is going to happen.

So, we are going to be forced to be back here with yet another resolution. That makes no sense. We ought to be able to focus our energies on passing the appropriation bills that have not yet passed, rather than having to work 5 or 6 days to simply pass another continuing resolution because this one is so short it does not really mean anything.

I would simply suggest that we do not have to raise Medicare premiums in order to deal with this problem. You do not have to add the inflammatory Istook language, which we know the Republican majority in the Senate will not swallow. You do not need to widen the differences between people in this building.

We ought to be trying to bridge those differences and close those gaps in opinions. We ought to be trying to sit down and work out another simple extension.

That is why in my motion to recommit I will offer that. I will offer a simple 1-month extension without any additional bells and whistles, without any ideological gimmicks, just a simple, straight, neutral extension for 1 month so that we do have a realistic timeframe during which the majority party can resolve its intra-party differences, and we can also, in the process, send more of these bills down to the President so that we have a chance of closing out the appropriations cycle before we deal with the reconciliation matter, which is still likely to tie up the Government for a good long time.

I urge you to accept that recommit motion and not to go down this road.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a very distinguished member of the Committee on Appropriations and the chairman of the Subcommittee on Military Construction.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of House Resolution 115 because it is the right thing to do. We have all heard the pleas from men and women who have said keep our Government alive and well.

Beyond keeping our Government alive, it will help keep our Nation's men and women alive. Under this resolution we are expanding Medicare coverage to include oral hormonal drugs for treating breast and prostate cancer. For too long, Medicare has not paid for drugs like Tamoxifen, which are effective in treating breast cancer and are cost efficient. In fact, preliminary estimates show that oral cancer treatments for breast cancer could save up to $156 million over the next 7 years.

This is a win-win situation for the men and women in our country and a win-win situation for the American taxpayer. It is time to respect the men and women of our Nation and vote for this continuing resolution. American lives depend on it.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I hope we do not fall for the smokescreen which suggests that we have to pass this continuing resolution in order to take care of the breast cancer problems and the prostate cancer problems cited in the debate today. In my view, those are simply here in order to cover the tracks of people who are intending at the same moment to raise Medicare premiums by $9 or more a month.

If you want to deal with the prostate cancer and breast cancer problems that are dealt with in the continuing resolution, it is very simple. You can put this bill, which I will introduce today, on the suspension calendar. You can pass it in 20 minutes and send it to the other body, and you can resolve those problems without going this charade, which in my view is designed to cover the fact that those who vote for this resolution today are really simply trying to raise Medicare premiums by $9 or more per month.

I invite anyone in the House who would like to cosponsor this measure with me to put their names on the bill before I introduce it this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this continuing resolution, of course, is important to enable the Government to remain in business with the things that means to many people, but I am glad to say it does not mean business as usual; that the language in the legislation that is compromise language between proponents in the House and the Senate is in the bill to try to stop the problem of those who have an iron grip on what they believe is their vested right to take the taxpayers' money and use it for their own political lobbying activities.

The provisions in this bill have been much talked about; and, frankly, most of the things that I have heard from those opposing it are outlandish and outrageous and simply not true.

No one, and the U.S. Supreme Court has made this explicit, no one has a vested right to get gifts and handouts and subsidies from the taxpayers so that they can use that to assist them in lobbying activities. In fact, in a case in 1983, the U.S. Supreme Court said, "Congress is not required by the first amendment to subsidize lobbying." It is that simple, Mr. Speaker.

Groups that choose, that make a voluntary decision to come to Washington with their hands out asking for millions and millions and millions of dollars in grants from the Federal Government should expect that they should not have their money either directly or indirectly applied to lobbying or political advocacy activities.

Ninety percent of the charities in this country, Mr. Speaker, 90 percent of them, are exempted from this provision because they are not engaged in heavy-duty lobbying activity. But for those which are, still this does not prevent them from speaking out. It does not prevent them from voicing their concerns. It merely says if they want taxpayer subsidies, then there is a limitation on the amount that they can spend for lobbying activities.

That is it. That is all. It is straightforward. It is direct. It is what the U.S. Supreme Court has said. Congress is not required by the first amendment to subsidize lobbying. If groups want to operate without taxpayer money, there is no restriction on them whatsoever. But the moment that they come asking for a grant, for a handout from the Federal Government, then we merely ask them to comply with some commonsense limitations on what they do with it.

I certainly encourage support for this bill.

Mr. OBEY. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, there was a discussion about keeping our government alive by the gentlewoman from Nevada who chairs one of our subcommittees. The gentlewoman is right. That is what this is intended to do.

At the beginning of this Congress and throughout the course of this Congress, we have had a discussion about the Contract With America. Two of the first three items in the contract talk about responsibility, fiscal responsibility and personal responsibility. I suggest that every Member of this House ought to reject this continuing resolution, because I suggest to you it is fiscally irresponsible and personally irresponsible.

Now, why do I say that? Historically, both sides of the aisle have agreed that when the Congress could not accomplish its work in a timely fashion that it then should keep the Government running, because no one in this Congress or in this country intends to shut down all of government. They may not want all of it, but they do not intend to shut it down. Therefore, as a result of us not doing our work, we pass a continuing resolution which says we want the government to continue.

Usually, we agree that it ought to be a clean CR. What does that mean? That means that there should not be extraneous, non-appropriation, additional matters added to that continuing resolution. Why? Because all we are saying is we have not done our work. Government, you stay in operation at a certain level, 90 percent below what you did last year or some figure as that, while we continue in the democratic political process to debate the issues, to contend with one another as to our priorities, to level the funding and to matters that ought to be included in those bills.

☐ 1845

Now, the fact of the matter is the gentleman from Oklahoma [Mr. ISTOOK], who just spoke about his amendment, speaks of it as an amendment that, gee, just ought to be done because we are giving taxpayers' money to lobbyists. That is not true, of course. That is a crime if they use money that the Federal Government gives them to lobby the government.

The chairman, the distinguished chairman, the gentleman from Louisiana [Mr. LIVINGSTON] is a former prosecutor. I suggested that he bring to the attention of the appropriate U.S. Attorney any instances that he knew of where that was occurring. To my knowledge that has not yet been done.

Mr. Speaker, the chairman of this committee, the same gentleman from Louisiana [Mr. LIVINGSTON], said some months ago we ought not to put extraneous legislative matters on appropriation bills. We ought not to put these on. Why did he say that? Because he thought that would impede the legislative process, and, indeed, it has.

There is only one Republican on the conference committee that agrees with the Istook-Ehrlich amendment. Forget about the Democrats. They do not have a majority of their own party in the Senate on this amendment. And the Republican leadership knows that the President has said he will veto this bill if this is attached.

This is a blatant irresponsible attempt to bulldoze the President of the United States into signing something that he vigorously disagrees with, and he will not do it, but that does not seem to matter. The Treasury-Postal bill has been pending, ladies and gentlemen, for 50-plus days, and the President says he will sign it, but the Republicans cannot agree on the Istook amendment so it has not been added.

As a result, Mr. Speaker, the Treasury-Postal bill sits stuck in the mud of political partisanship. That is unfortunate. I do not think my chairman wants that to happen. I will not ask him to comment on that. If we want to be fiscally responsible and personally responsible, we will adopt the Obey legislation, which says pending our getting our work done in the Congress of the United States we will pass a clean continuing resolution to make sure the government continues to operate. I urge my colleagues to follow that responsible path.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds so that I might point out to the gentleman that if this bill passes, and it passes the Senate, the gentleman will get his Treasury-Postal bill right away because the Istook amendment will no longer be a problem.

Mr. HOYER. A small advantage, but not enough.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Speaker, I stand in support of the continuing resolution, and I admit I am a freshman, but I cannot help but be amazed at what I am hearing here tonight. I am hearing that the Republicans are being irresponsible because we do not have these bills to the President already, while I have heard that there are two separate years while the other side was in control that we operated on a continuing resolution for an entire year, and that happened twice.

I do not understand why they are so worried that we are not going to get our work done. We are certain we are going to get our work done. We are offering this continuing resolution because we want the Government to stay in business. We do not want the lives of the employees, the Federal employees, to be turned upside down, not to mention that of the recipients.

Mr. Speaker, another thing I have heard tonight, and I really just cannot believe I heard it right, is that we have to dismiss the issue of breast cancer and we have to dismiss the issue of prostate cancer as smoking mirrors; that it is not important. Well, I want to tell my colleagues something, Mr. Speaker. It is important to me. My aunt died of breast cancer. I have five friends who have died of breast cancer. And in this continuing resolution we are offering Tamoxifen, an oral anticancer drug, for women to be able to take. It works in about 50 percent of the breast cancer cases.

Again, I am absolutely appalled that we cannot consider this issue any time. It has already been told to us tonight that it will save $156 million. It will save lives. There is a statistic I would like to point out to Members, Mr. Speaker, and I think it is very startling and it will open everyone's eyes. In the 12 years of the Vietnam war about 58,000 Americans died. During those same 12 years 426,000 women died of breast cancer and nobody noticed. 426,000.

I do not care what bill we offer this cancer drug on. I am going to support it. It is important. We are not trying to twist the President's arm. Karen Curtis, Trudy Wilson, Freda McCoy, Barbara Clare, and Chris Linn, my friends who are dead from breast cancer and their families, would all want us to support this so that we can offer this life saving drug to patients of breast cancer that are now on Medicare.

Mr. Speaker, I urge everyone to support this continuing resolution.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, this continuing resolution is but the latest manifestation of the Republican Congress' all-out assault on Medicare. It will raise Medicare part B premiums on America's seniors by over $150 in 1996. Some politicians may not think that is a whole lot of money. Let me tell you, to people living on fixed incomes, that is a lot of money. For some older Americans, these cuts may mean choosing between medicine and food. I think that's wrong.

But I am not the only one alarmed by the radical agenda the Republican majority is ramming through this House. As Republican David Gergen observed in this week's U.S. News & World Report, "Congress now seems intent on imposing new burdens upon the poor, the elderly and vulnerable children while, incredibly, delivering a windfall for the wealthy." This extreme agenda goes too far, and the American people know it.

Mr. Speaker, I call on my colleagues to reject this latest raid on Medicare to finance tax breaks for the wealthy. Vote against this radical agenda. Vote against this continuing resolution.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], a distinguished member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I take the well only to try to keep some semblance of factualness to the discussion that we have here. That is the second or third Member of the minority party that has taken the well and said that we will increase the cost on seniors on the part B premium in the continuing resolution. Somebody has to get a calculator.

First of all, at a 25-percent premium under the President's program, the cost in 1995, $46. Current program, under our program, $46. What this does is increase it to $53.

Now, during the rule I went into the explanation that the seniors have agreed that keeping the premium where it is is a reasonable share of the seniors' responsibility in trying to fix Medicare. AARP testified in front of my subcommittee, the Subcommittee on Health of the Committee on Ways and Means, that that was a reasonable compromise. They are not opposed to what we are doing.

If we take a look at what the President proposed at a 25-percent premium, that 1996 figure, President Clinton's fiscal year 1996 budget submission on page 108 would make the difference $9. I do not care how many times you multiply 12 times 9, it does not come out $150.

The gentlewoman from Connecticut [Ms. DELAURO] is wrong. Those who have used that figure before are wrong. It is not my inclination to come to this well every time they misstate or try to create the impression different than what is in this bill. If that were the case, unfortunately, I would be on the floor every other speaker.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, under current law the part B premium would drop from $46 to $24.50. That is an increase of $11 per month under current law. If we multiply that by 12 months, it is a $132 increase that seniors will be faced with come January. It is a New Year's present for the seniors in this country.

Mr. OBEY. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] has 15 minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 16 minutes remaining.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I have in my hand all the continuing resolutions when the Republicans were in the minority and I would like to submit it for the RECORD. CR, after CR, after CR involved a tactic of spinning their will, and I want to submit this for the RECORD.

The information referred to follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 12, 1995.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: From 1977 to 1987, it was common practice to include entire appropriations bills in full-year continuing resolutions. Listed below (by calendar and fiscal years) are those bills carried in continuing resolutions for the full year:

Calendar year 1977 for fiscal year 1978—1 bill—Labor-HEW.

Calendar year 1978 for fiscal year 1979—1 bill—Energy and Water.

Calendar year 1979 for fiscal year 1980—3 bills—Foreign Operations; Labor-HHS; and Legislative.

Calendar year 1980 for fiscal year 1981—4 bills—Labor-HHS; Legislative, Commerce-Justice; and Treasury-Postal.

Calendar year 1981 for fiscal year 1982—4 bills—Commerce-Justice; Labor-HHS; Legislative; and Treasury-Postal.

Calendar year 1982 for fiscal year 1983—6 bills—Commerce-Justice; Energy and Water; Foreign Operations; Labor-HHS; Legislative; and Treasury-Postal.

Calendar year 1983 for fiscal year 1984—3 bills—Agriculture; Foreign Operations; and Treasury-Postal.

Calendar year 1984 for fiscal year 1985—8 bills—Agriculture; Defense; District of Columbia; Foreign Operations; Interior, Military Construction; Transportation; and Treasury-Postal.

Calendar year 1985 for fiscal year 1986—7 bills—Agriculture; Defense; District of Columbia; Foreign Operations, Interior; Transportation; and Treasury-Postal.

Calendar year 1986 for fiscal year 1987—all 13 bills.

Calendar year 1987 for fiscal year 1988—all 13 bills.

Since 1988, bills have not been carried for a full year in a continuing resolution except for the Foreign Operations bill in fiscal year 1992. In addition to the above, in calendar year 1950, 10 bills were included in the "General Appropriations Act," 1951. The only general bill not included was the District of Columbia bill.

Sincerely,
BOB LIVINGSTON,
Chairman.

Mr. Speaker, I would truly like to work in a bipartisan way, but when we talk about the real smokescreens before us, the minority has fought tooth, hook, and nail to delay, to gridlock every single appropriations bill we had. They fought against every one and they want to spend and increase in every one except one, and, of course, that is national security and defense, in which the Constitution specifically says we are $200 billion below the bottom-up review, which is the bare bones minimum to fight two conflicts. And, of course, the liberal left wants to attack that even more.

The real smokescreen is we want to balance the budget and have welfare reform, but not a single Republican or

Democrat voted for the President's package. If we want to take a look at the real meaning of Medicare, we want to positively come out and seek help, but yet it is Mediscare because of the 1996 elections. If we want to see a smokescreen, we should take a look at the President, who said I raised taxes too much. But the liberal left said, oh, do not say that. Please do not say we raised taxes too much, because they increased the rate on the middle class with the tax rate when they said they were going to give a tax break for the middle class.

They increased the tax on Social Security. They cut out the COLA of the military and they did everything opposite from what they promised that they would do. Now, we are quite on the opposite side. We are going to balance the budget, we are going to resolve Medicare and save it and preserve it. We are going to have a welfare reform package that helps America get off and out of slavery instead of this cruel system and we are going to give a tax package back to the people because their own President said we tax too much.

□ 1900

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding time, and also for his leadership in putting together this motion to recommit, as well as his leadership on many other issues in this Congress.

Mr. Speaker, there are many, many reasons to vote against this continuing resolution and to support the sensible motion to recommit. But I tell my colleagues it takes my breath away to think that our colleagues on the Republican side of the aisle as they vote for the continuing resolution today will be voting to increase the Medicare part B premium that senior citizens will have to pay for Medicare starting January 1.

By the admission of our colleague from California, Mr. THOMAS, the premium will be increased at least over $100 a year. Further to that, this continuing resolution makes a $13-per month increase in the premium. How can we do that to our seniors who are living on the margins? How can we given a tax break to the wealthiest Americans at the same time as we are increasing the premiums over $100 per year starting January 1 for our senior citizens?

In addition to the increase in Medicare, there is the famous redtape Istook amendment which places onerous regulatory burdens on Americans striving to exercise their right of freedom of speech to petition their Government. Others have spoken eloquently to that point. I point out that it is still present in its un-American form in this bill.

In addition to that, it is important for our colleagues to know what else is cut very seriously in this legislation: Low-Income Home Energy Assistance Program, Goals 2000 school reform programs, the President's AmeriCorps National Service program, Community Development Bank Initiative, National Biological Survey, Advanced Technology Program, drug courts and crime prevention block grants.

In addition to all of that, we are faced with this decision because the Republicans have not done their work. I commend our colleague for offering this motion to recommit as well as his anticancer-drug legislation.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a veteran of foreign wars and domestic, as I breathlessly take in some of the misstatements that were just made.

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I rise to speak in favor of the continuing resolution which is before us, but I must say I do so more in sorrow than I do in enthusiasm.

Mr. Speaker, first of all, I voted against the rule because it did not provide for an opportunity for my pet project, an instant replay proposition that would end continuing resolutions and the train-wreck possibilities for all time. I will try again; every time the Committee on Rules meets on a continuing resolution, I will try to convince them that we ought to have an automatic resurgence of the previous continuing resolution until the negotiators come up with a final budget, so that we will never have that lapse, that gap that comes too often in these negotiations.

Mr. Speaker, I also rise in sorrow because as a proponent of increased funding for NIH, just for example, the continuing resolution causes gaps where everybody might agree on increased appropriations, it causes gaps of reduced funding because of the formulas that are being applied to keep the lowest common denominator of funding viable through the temporary periods. Thus, if it is 6 weeks or 8 weeks, the increases that we all agree should go to NIH are not forthcoming, thereby slowing down vital research in new remedies and preventive medicine for our populace, and thus creating an unintended danger to the fulfillment of our biomedical research and NIH capacities.

This is why I will, of course, have to support the continuing resolution, because if we do not, we have that very same train wreck which I am trying to avoid by my type of legislation. So, let us go on with it. Let us pass this continuing resolution. I, for one, will continue to work for a no-train-wreck-possibility instant replay.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, the majority is very touchy when we raise the Medicare part B issue, and for good reason.

Mr. Speaker, I would like the facts to be clear. They do not need to be embellished. The premium is now $46.10. There is no reference in the law now to 31.5 percent. It works out that the $46.10 comes out at 31.5 percent, because the costs of health care were less than expected.

Under current law, the premium next year would go down to $42.50, because 25 percent is written into the law. There is no 31.5 percent. My Republican colleagues change current law and write into the bill 31.5 percent. That will raise the premium to $55.10, under their language in the continuing resolution; under the reconciliation bill, $53.40. Those are the facts.

What this is is the first step toward embodying what is in the Republican reconciliation bill, in the bill that has previously passed here, that would practically double the part B premium by the year 2002. The estimate is $88. It is now 46.10. Those are the figures.

Mr. Speaker, my colleagues on the other side are sensitive to it, they throw up all kinds of smoke screens, but those are the facts. They say, by the way, AARP supported 31.5 percent. I challenge them to find that anywhere. They have not done that.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for coming back to the well. We are talking about the part B premium. Is the gentleman aware that part B Medicare costs are escalating at a very high rate; 10, 12 percent per year?

Mr. LEVIN. Mr. Speaker, if the gentleman will yield, it depends what year we take. And the gentleman from Louisiana [Mr. MCCRERY] can argue whether or not they are increasing. They are. But the gentleman should not deny that what the gentleman and his colleagues are doing is raising the part B premium. They are doing that.

Mr. MCCRERY. Mr. Speaker, reclaiming my time, I appreciate the gentleman wanting to obfuscate the issue, but the fact is that part B costs of Medicare are escalating at an unsustainable rate. The President's own trustees say that in their trustees report this year.

Mr. Speaker, what the gentleman is suggesting is that in the face of escalating costs that are unsustainable, we drop, we reduce the premium. That is the very type of thinking that has gotten this Nation in the trouble that it is in. And so, yes, we are trying to stay at 31.5 percent of program costs.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. McINTOSH. Mr. Speaker, I wanted to further address the issue of ending welfare for lobbyists, which I think is a critical part of this bill.

Mr. Speaker, first let me say that I think the gentleman from Louisiana [Mr. LIVINGSTON] has done an excellent job of crafting a temporary continuation of the current spending levels at the lowest levels, which will create an incentive for us to get our job done and for the President to step to the table and sign these bills so that we can go back to the American people and say that we have delivered a balanced budget.

Mr. Speaker, I think the provision on ending welfare for lobbyists is absolutely critical to reaching that balanced budget. My very first weekend in office, I went back home to my district in Indiana and went around and held town meetings in six of the towns there. People were elated. This new Congress was going to keep its promises and deliver on the Contract With America and balance the budget.

In the midst of that, several people came up to me and said, "When you balance the budget, do everything you can to everybody's program, but keep my special spending program intact." And, unfortunately, when we add that one after another, it makes it impossible to make the spending reductions necessary to balance the budget.

Mr. Speaker, as a result of that type of lobbying by groups who are benefited from the $50 million of grants that we give out each year, it becomes increasingly impossible to actually deliver on our promise to balance the budget.

Mr. Speaker, our bill is very simple. It says if person or group benefits from taxpayer subsidies, then we are going to ask that they restrict their lobbying activities to what any charity does, and limit the amount of money that they spend on hiring lobbyists in Washington, on trying to influence Congress to spend more money on their program. If those individuals or groups do not accept any money from the taxpayers, there is no gag rule, there is no limit. They can come and petition Congress. They can hire lobbyists. They can do whatever they want to further their position.

Mr. Speaker, I urge my colleagues to vote for this bill. Vote to end welfare for lobbyists.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, it is clear that the Republican majority is intent on continuing its crusade to lock out those without assets, without money, from the political process. Once again, the Istook amendment takes direct aim at the poorest, those with the least power in society, to make sure that their voices cannot be heard.

It seems to me, from the very first day, they have made a mockery of their "openness in government" arguments. They came here arguing that we did not have enough open rules on the floor, and the first thing they did was virtually shut out all amendments. They came here complaining that there was not enough opportunity for hearings. They have moved major pieces of legislation without hearings and, in reality, they cannot even agree with their own majority in the other body to bring these bills to the President in the normal fashion.

Mr. Speaker, worst of all, today in this bill that is ostensibly set up to keep the Government running, they want to sneak in the last ax to make sure that seniors and the poor are unable to speak on their own behalf. Yes, earlier in the day we protected oil companies to make sure they get an extra half billion dollars, and tonight we are squelching seniors from speaking.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], because there have been so many misstatements about the Medicare inclusion in this bill.

Mr. THOMAS. Mr. Speaker, I guess we really do have to go back and take a look at history, because frankly it is irresponsible to pander to seniors, as the minority seems to need to do, without a truth-in-packaging.

Mr. Speaker, it is true, this year it is a $46.10 amount. That is because in 1990, Democrats said over the next 5 years there would be a fixed-dollar amount. The program, beginning in 1965, was a 50–50 split. In 1974, my colleagues on the other side would not do what they should do, and that was begin to reform the program to reflect the commitment of equal share.

Mr. Speaker, they let it slide at the Social Security inflation rate down to a 25 percent contribution, versus a 75 percent contribution of government money by young people who are also paying taxes. Now, what they are doing is after this agreement which produces the 31.5 percent figure, which is the $46.10, when everybody knows the program in Part A is going bankrupt and the program in Part B is going sky high, they honestly think they can take the floor continuing to pander to seniors and say the way to solve the problem is to have the premium go down next year.

Mr. Speaker, that is absurd. I will tell my colleagues, and I will repeat, all of the senior groups that came before us said: We are not opposed to holding the line on premiums. It makes no sense, at a time when we need to begin solving the problems, to go back to the old way my Democrat colleagues tried to maintain their majority. That is, pandering to seniors. That is why we are in the problem we are in today.

Mr. Speaker, it is minimally responsible to say to the seniors we are going to hold the line on the premium that is their fair share of responsibility as we reform the program. My colleagues on the other side do not seem to get it. People are not buying the idea that we will charge them less and they can keep the program. That is why it is going bankrupt.

Mr. Speaker, we are honest. We say, "Hold the line on premiums. That is your fair share responsibility." We will restructure the rest of the program to let the market forces that are reducing the cost of health care in the private sector into the government-run program.

□ 1915

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, I rise in opposition to the continuing resolution and in support of the motion of the gentleman from Wisconsin [Mr. OBEY]. I think that all of us, particularly the new majority in the Congress, should try to think about our responsibility to this nation.

First of all, this continuing resolution is not a continuing resolution. It is not going to become the law of the land. The President has said he is going to veto it, especially with the Istook amendment. It is not going to become the law. So we are going through motions again.

The appropriation bills that we were blamed for by one of the previous speakers, that the liberal left were holding up, the truth is, the facts are that the Republicans have the majority. They should pass those bills, in that there is not a conference committee that is in the majority of Democrats' hands.

You can move those bills over to the President so that we can move this process along. If you really want a continuing resolution, a clean one would in fact see the light of day and would be signed into law. Then the negotiations could move forward. I think that we are going through these motions but it should be clear to all of us, I think it is clear to people around this country, at least the ones who went to the polls yesterday, that they are not buying this story. I would hope that we would soon—and very soon—get to the point at hand.

Mr. LIVINGSTON. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Louisiana [Mr. LIVINGSTON] has 7 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 9 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes. Mr. Speaker, we have had a lot of side debates on a lot of issues that do not belong here today, but the main question facing us today is whether or not we are going to be able to pass a new continuing resolution which keeps the Government going because the majority party in this Congress has been unable to pass 89 percent of the appropriated portion of the budget.

They do not make that more likely by putting extraneous legislation in this proposal, which they know will be vetoed, which puts us on the path to virtually doubling Medicare premiums. What they are trying to do is to use this device to get this House to again endorse the majority party decision to virtually double Medicare premiums. We are not going to do that and neither is the President of the United States.

Second, they do not make it easier to pass a continuing resolution when they add the Istook redtape amendment to it, which would tie up virtually every charity in this country in massive redtape, language which has already tied up one appropriation bill for 51 days. That is not the way you solve an immediate crisis.

Now, the Istook amendment is masqueraded by its sponsor as being aimed at lobbyists. Baloney. What the Istook amendment would say to the Farmers Union, who we have asked to run the National Green Thumb senior jobs program so that we do not have to build up a bureaucracy in the Federal Government, what that would say to the Farmers Union is, "Because you are performing that service to the taxpayers, you cannot open your mouth to comment on what you think farm policy ought to be."

It also says to the National Council of Senior Citizens, who are being asked to run the senior aides program so we do not have to establish another Federal bureaucracy, they are being told: "Sorry, if you are going to perform that public service, then you cannot lobby and tell the Congress how you feel about Medicare." That is authoritarian and it is wrong and that is why the President opposes it and why we oppose it.

What we ought to be doing is very simply meeting the task before us, which is to find some way to bridge the differences between the Senate and the House and pass an extension of the budget so that we can continue to have some time to do our work. That is what we ought to do.

Instead we are being asked to add a bunch of ideological bells and whistles which are most assuredly going to bring this package down. They know the Senate will not accept the Istook amendment. Their own party will not accept the Istook amendment. And they know that the President will not accept doubling the Medicare premium.

This is not an effort to solve a problem; this is an effort to exacerbate it.

We ought to reverse course before it is too late and it hurts innocent people.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the debate is coming to a close, and I think that the Members should understand this is a very simple bill. It is simply a continuing resolution to keep Government operating for up to 2 weeks between November 13 and December 1.

It provides for the lowest level of funding in any particular program between the House, or the Senate, or fiscal year 1995 levels. For those programs that have been terminated or significantly reduced in either bill, it provides that levels can be raised to 60 percent of the amount that was appropriated last year. Yes, it has the Simpson-Istook-McIntosh language, which simply says that one cannot take tax dollars and come back to the Congress and lobby for more tax dollars. It is a very simple and straightforward amendment.

We have heard the gentleman from California [Mr. THOMAS] discuss the Medicare part B provision. All of the hysteria on the other side is just a smokescreen to keep from understanding that this body is trying to work its way toward a balanced budget and also provide for those who really are in need and keep the programs that we have available to senior citizens not only today but in the future.

It provides for Medicare payment for another medicine for breast cancer treatment and prostate cancer treatment. It is a good bill. It has been endorsed by the Citizens Against Government Waste. Mr. Tom Schatz has given us a letter, which I would like to make a part of the RECORD, that says, on behalf of their 600,000 members, they endorse the continuing resolution for fiscal year 1996. We should be applauded, they say, for meeting the targets set by the budget resolution saving taxpayers $24 billion in this fiscal year. And they also support the inclusion of the Simpson-Istook-McIntosh compromise in this resolution.

They say the reforms in this proposal would end welfare for lobbyists, preventing tax dollars from being used by nonprofit groups to push a political agenda.

This is a good bill, and I urge its adoption.

Mr. Speaker, I include for the RECORD the following correspondence:

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
November 8, 1995.

Hon. ROBERT LIVINGSTON,
Chairman of the Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I endorse the Continuing Resolution for FY 1996 (H.J. Res. 115). This resolution is crucial to put federal spending on a seven-year glide path toward a balanced budget.

Mr. Chairman, you and the other members of the committee should be applauded for meeting the targets set by the budget resolution, saving taxpayers $24 billion in FY 1996, and for crafting this legislation.

H.J. Res. 115 will set spending limits at levels approved in the budget resolution and in the appropriations bills passed by the House for FY 1996. More importantly, this resolution allows the process of shutting down unnecessary programs and departments targeted for elimination to go forward.

We also support the inclusion of the Simpson-Istook compromise in this resolution. The reforms in this proposal would end "welfare for lobbyists," preventing tax dollars from being used by non-profit groups to push a political agenda. Lobbying should be voluntary, not coerced. CCAGW opposes any attempt to strip this language from the bill.

We urge all members of the House to support this legislation and keep the promise that Congress made to taxpayers.

Sincerely,

THOMAS A. SCHATZ,
President.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute and 30 seconds.

Let me simply say, I think that the gentleman from Louisiana misspoke. This proposal does not make it illegal for lobbyists to use taxpayers' money to lobby. That is already in the law. That is a red herring. It is a phoney argument.

No group who receives Federal money under a grant from the Government of the United States can use one dime of that money to lobby and the gentleman knows it and ought not to imply otherwise.

Let me simply say that my motion to recommit will do what the committee ought to have done today. It will simply bring a simple 1-month extension to the floor of this House, stripped of any ideological bells and whistles on either side of the philosophical aisle. It will simply provide for a 1-month extension so that we do not hurt innocent people because the Congress has not been able to fulfill its work.

The President has not prevented these bills from becoming law. This Congress' own mismanagement has prevented these bills from becoming law.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 4½ minutes.

Mr. BONIOR. Mr. Speaker, my friend from Louisiana spoke just a second ago, and he said, in a modulated voice, that this was just basically a very simple bill.

Well, it is not a simple bill, if you are a struggling senior citizen and you are worried about the increases in part B of your Medicare. I would remind my friend from Louisiana that 60 percent of the seniors in this country have incomes of $10,000 a year or less, 60 percent. This bill is the first step on the way, as the gentleman from Wisconsin [Mr. OBEY] has indicated, to doubling those premiums over a period of years.

Now, all across the country, Mr. Speaker, yesterday in some of the most conservative areas of the country, the American people rejected Republican cuts to Medicare. They rejected Republican cuts to student loans. They rejected these tax breaks the Republicans are putting forward for the wealthy in our country. Yet here we are on the floor today, 24 hours after the polls have closed out in the East, considering a bill that raises the Medicare premiums for every senior citizen in America.

Under this bill, as of January 1, Medicare premiums for every senior citizen in America will go up. They just could not wait, they had to pull their Medicare premium increases out of their Medicare bill so they could make sure that on New Year's Day every senior citizen in America will get a surprise from Speaker GINGRICH, an increase in their Medicare premium. What a New Year's present. Of course, we were not told that this bill raises Medicare preimums. Senior citizens were not told. The American people were not told.

But last night, late in the evening, when most Americans had gone to sleep, I had been watching the TV looking at the election results and watching Democrats win all over this country, I happened to flip on to C-SPAN and I saw the Committee on Rules put in this increase for our seniors.

Did you really think that you would get away with this? Did you really think that nobody would notice?

Mr. Speaker, why are Gingrich Republicans so addicted to secrecy? It has been 2 weeks now since Republicans in the House and the Senate voted to cut Medicare in order to pay for tax breaks for the wealthy. In the House, Gingrich Republicans voted to double premiums and abolish nursing home protections. And over in the Senate where the Republicans control, they voted to double Medicare deductibles. Now it is time for both Houses to work out the details, but instead of holding public hearings, instead of holding public meetings, instead of letting the public see what you are up to, no one can even find your closed door meetings.

Now we see the evidence of your work on the floor this evening. Well, you can hide all you want to, and you can try to put one over on the American people. But you are not going to get away with it. Yesterday's election proved the American people know the truth.

I urge my colleagues to support the Obey motion to recommit. Vote against this bill and say no to cutting Medicare.

Mr. LIVINGSTON. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas [Mr. ARMEY], the majority leader.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Mr. Speaker, just a couple of program notes. First, we should be reminded that seniors in poverty have their Medicare premiums paid by the government. Second, I would ask my colleague from Michigan, the gentleman from Michigan, the distinguished whip, if in fact the actions to which he referred to as such secret actions were so secret, how is it he was in his home watching them on television?

Those points being made, Mr. Speaker, let me remind ourselves, and if I may, addressing my colleagues on the Republican side of the aisle with this reminder that it was just a year ago, on November 8, 1994, the American people turned to us and said, we would choose you to be the majority in the House of Representatives. We would choose you to take this Nation in a new direction. We would choose that we would have a smaller, less intrusive Government, a Government that had the decency to know the goodness of the American people and the discipline to respect that. And they set us on a course of change.

Change is a difficult business. And change, quite frankly, is an unnerving business. In those first heady days of this session of Congress, when things always seemed to go so swimmingly well, I think we became convinced that perhaps we could do everything without much difficulty.

□ 1930

I might take a moment to just mention, Mr. Speaker, that just a week or so ago I was musing with my wife about how difficult it has become to make this change, and I said, "Well, honey," I address my wife that way, "Honey" I said, "Do we think that the forces of opposition, the defenders of the status quo, the proponents of big government, would not fight back?" Yes, they are fighting back, and unhappily they are fighting back, it seems, without a great deal of regard for the accuracy of what the characterizations of their statements are, and, yes, change is an unnerving business. The process of change is scary because as we even leave those things which we know are failed policies and turn in a new direction, we must be concerned about what will be the outcome of this new direction, but when we know for sure things have not worked well in our lives, it is time to make that change, and we worked hard, and I have to tell my colleagues we have not gotten much help in the effort.

Mr. Speaker, we have had more hours in session in this Congress than any session I have ever seen. We have had more votes, and we have had more dilatorious procedural votes designed to do nothing other but throw sand in the gears of change of the American people's Congress in the process of making law to give change to the American people. No other purpose whatsoever except to stall, delay, obstruct, and obscure; so, yes, we are doing it, and we are unhappily, my colleagues, doing it on our own. And not only that, we do it each day with a gun to our head.

The President of the United States, who has disdained any invitation we have had to join the effort, to involve himself in the process, has sat comfortably in the White House or on the campaign trail and said, "Whatever you send me I will veto," and the last time we sent him a bill, and he vetoed it, he gave us not even a reason for his veto, and so, yes, we continue to work, and we are working hard, and we are staying on course toward a balanced budget.

Now we have had one continuing resolution, and it was a continuing resolution that was very stable, and still the President and his team did not involve themselves, and now we are at a point where we are offering another continuing resolution so we continue the work, and this continuing resolution is a continuing resolution that is designed to get the President's attention and have the President and his party respond to the continuing resolution. Come join the effort. Let's get this job done. Let's get a mark on the budget this year that moves us towards that balanced budget in 7 years. Let's make the reforms, let's make the revisions, let's change the programs, let's improve the programs, and in some dire cases of distress let's save the programs. Benign neglect is not good enough for those programs precious to our seniors, and those programs that are failing our children are no longer programs that we ought to be continuing, so it is time for change.

Mr. Speaker, tonight we are asking our Members to step up to the plate and to take this bill, this bill that makes a downpayment on our trip to the balanced budget and provides the invitation to the President to once again get involved, Mr. President, with the making of public policy. The Presidency of the United States is too important to just sit on the outside and not being involved, and then when we get to this point we will ask ourselves when we are asked to make this vote, "Will you vote to leave our children with the American dream or to leave our children with the American debt?" I will tell my colleagues on both sides of the aisle that I vote for the American dream, and I ask my colleagues to do the same. I ask my colleagues to vote "yes" and move this process forward, get everybody with responsibilities involved in this process. Let us give the American people the kind of government, the kind of programs, the kind of assistance that mixes understanding with compassion and knows, and understands, and responds to who they really are and what are their real needs.

I say, "Let's do it tonight, and, Mr. President, if you happen to be home watching us do this in secret, again I would address you and your administration. Get involved. It is time to get involved. Respond to the American people, exercise your responsibilities."

I say vote "yes."

The SPEAKER pro tempore (Mr. DREIER). All time has expired.

Pursuant to House Resolution 257, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. I think that is safe to say, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. OBEY moves that the joint resolution H.J. Res. 115 be recommitted to the Committee on Appropriations with instructions to report the joint resolution back to the House forthwith with the following amendment:
>
> Strike all after the resolving clause and insert the following:
>
> "That section 106(c) of Public Law 104–31 (109 Stat. 280) is amended by striking "November 13, 1995" and inserting "December 13, 1995"."

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, what this motion tries to do is to simply recognize we have a serious problem on our hands. It recognizes that the Congress has been unable to finish 89 percent of its appropriations work, and so what it attempts to do is to simply continue funding for the Government for another 30 days without any extraneous legislative riders whatsoever. It attempts not to raise new arguments or open new wounds so that we have a chance of getting the Senate to pass the same language that is passed by the House and, therefore, so that we have a chance to send something to the President which he will sign.

Mr. Speaker, it is our view simply that by adding the language of the Istook amendment, which has already tied down one bill for over 50 days, that we go in the opposite direction of the direction that we have to proceed in if we want to solve this immediate problem. We certainly do not believe that this is an appropriate vehicle to begin the process by which we double or virtually double Medicare premiums, and so that item is also stripped out of the motion to recommit.

This is an effort to bridge differences rather than create new ones. It simply continues the same language that the gentleman from Louisiana [Mr. LIVINGSTON] and the majority party brought to this House about 5 weeks ago. This is what we ought to do if we want to avoid innocent people being hurt with the Government shutdown, and I would urge Members to adopt it.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Under the rule, the gentleman must consume the entire 5 minutes.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON] for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, I doubt I will use all of my time, either. I appreciate the tenor of the gentleman's argument. I just happen to disagree with him, and I certainly urge the defeat of his motion to recommit, and I urge passage of this continuing resolution.

This is a continuing resolution that keeps Government working for 2 weeks. Two weeks. Nothing more than that. It keeps government going. It does include other issues, the Istook language and the Medicare part B language and the breast cancer and prostate cancer treatment language which is nothing more than spending money on cancer drugs to keep people alive. It would send those, because they are important, over to the Senate and asks them to take a look at these issues and to deal with them. but otherwise this bill simply provides a formula to keep government operating for 2 weeks.

Yes, it is more restrictive than the last continuing resolution because the idea is to encourage both the Members of this body, the Members of the other body, to pay attention to the appropriations bills that have already passed the House of Representatives and to also encourage the President to pay attention to those bills when they come to him and not frivolously veto them like he did the legislative branch bill.

Mr. VOLKMER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman from Missouri has demanded that words be taken down.

□ 1945

The Clerk will report the words.

The Clerk read as follows:

> . . . Yes, it is more restrictive than the last continuing resolution because the idea is to encourage both the Members of this body, the Members of the other body, to pay attention to the appropriation bills that have already passed the House of Representatives, and to also encourage the President to pay attention to those bills when they come to him and not frivolously veto them like he did the legislative branch bill.

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. VOLKMER] withdraw his demand?

Mr. VOLKMER. Of course not.

The SPEAKER pro tempore. Does the gentleman insist on his demand?

Mr. VOLKMER. I insist on my demand, because by using the word "frivolous" he has characterized the motive of the President in vetoing the legislation.

The SPEAKER pro tempore. In the opinion of the Chair, the words were not a personal affront to the President, and are not considered inappropriate.

The gentleman from Louisiana [Mr. LIVINGSTON] will proceed.

Mr. LIVINGSTON. Mr. Speaker, if I might continue where I was before I was so frivolously interrupted, the fact is that this House is completing its action on the glidepath toward a balanced budget. All of the appropriations bills that we have passed this year, plus the rescissions bills that preceded them in the spring of this year, have reaped the American taxpayer some $44 billion in savings. That is not frivolous. Those are real savings, savings under what would have been appropriated by the other side, had they acted as they did under their plans for some 40 years of frivolous misrule.

Mr. Speaker, we are trying to be logical, realistic, nonfrivolous here. We are about real things. We are about real things. We are about keeping the Government going. For the next 2 or 3 weeks we need to keep the Government operating. That is why we need this continuing resolution.

If we can keep the continuing resolution on track, if we pass it tonight, if the Senate passes it, if we can send it to the President, we can keep the Government operating and we can stay on that glidepath toward a balanced budget.

If we get that balanced budget, by even the chairman of the Federal Reserve, Mr. Greenspan's accounts, we will lower interest rates, we will increase productivity, we will create incredible opportunity for growth and jobs and wealth for ourselves, for our children, and our grandchildren.

We are getting this country back on the track of nonfrivolous economic sanity, and this bill is just one step in the process. I urge my colleagues, don't be frivolous, don't vote "no." Vote "aye" on the continuing resolution, send it to the Senate, and let us send it to the President so he cannot be frivolous, and sign the bill.

Mr. VISCLOSKY. Mr. Speaker, I rise in strong opposition to this rule and the irresponsible way the Republican leadership has decided to deal with our Nation's finances. The Constitution gives Congress the power of the purse. This is one of our most fundamental and basic responsibilities. It is essential that we meet it. We are now 39 days into the new fiscal year, yet only 2 of 13 spending bills have been signed into law.

Today, instead of moving the process along, we will again dawdle over unrelated issues such as the Istook gag amendment, which has nothing to do with the budget, and is unconstitutional and un-American.

Since they cannot get this legislation enacted because of its demerits, Mr. ISTOOK and his supporters are willing to shut this government down in order to shut the American people up.

The Istook language says it's okay to speak if you follow "generally accepted accounting principles," subject yourself to a Federal audit, assume the presumption of guilt and hold yourself out to harassing lawsuits by individuals acting as private attorney generals.

I urge my colleagues to vote against the rule. It represents everything bad in a closed and autocratic system.

Mr. MCINTOSH. Mr. Speaker, I would like to clarify a concern raised in the past by some Members about the scope of the exclusion for loans in the Istook-McIntosh-Ehrlich provision to end welfare for lobbyists. As you know, loans made by the government are expressly excluded from the definition of grant in the bill. Some Members of Congress have expressed concern about whether this exclusion touches on those who service or administer such loans. The sponsors of the bill intended this exclusion for loans to include compensation paid to those who provide services related to the making and administering of loans. I hope that this clarifies any confusion and resolves those concerns.

Ms. DUNN of Washington. Thank you, Mr. Speaker, I rise today to express my support of House Joint Resolution 115. Mr. Speaker, with House Joint Resolution 115 we are saying "No more excuses. No more Washington gimmicks. It's time to do the right thing for America's future." With our actions, today, we are making a down payment on our promise to balance the budget in 7 years and build a brighter future for our Nation.

I also want to take this opportunity to express my strong support of a provision in this measure that is a down payment on the lives of over 40,000 women annually. A provision that not only will save millions of lives but millions of dollars at the same time. Specifically, this bill includes a provision to expand Medicare coverage for oral hormonal cancer drugs for breast and prostate cancer victims. While Medicare currently provides coverage for some oral cancer drugs, it does not cover oral hormonal therapies which are used in the post-surgical treatment of approximately 50 percent of all breast cancer patients, as well as the thousands of men whose cancer has spread beyond the prostate.

Mr. Speaker, breast cancer strikes approximately one in eight women in their lifetime and is the second leading cause of deaths among women. In 1995 alone, an estimated 182,000 new cases of breast cancer are expected to be diagnosed, with almost 60 percent of those cases diagnosed in women over the age of 65. Medicare coverage of post-surgical treatment of estrogen receptive positive tumors is the next logical step in fighting both breast cancer and prostate cancer. The only drug to treat these breast cancers post-surgically is a chemostatic drug that deprives the tumor of the estrogen it needs to grow. Due to a technicality in the law, such drugs are not covered by Medicare because it was never previously available in intravenous or injectable form. It simply does not make sense that millions of lives should be left hanging in the balance because of a technicality in the law.

I commend all of my female colleagues, particularly Congresswoman NANCY JOHNSON and Congresswoman BARBARA VUCANOVICH, with whom I have worked to ensure an end to this discrimination. Mr. Speaker, when a nation prepares for war it sends in its most powerful armaments into battle. I would think every Member of this body would agree that breast cancer and prostate cancer patients deserve nothing less.

Mr. HASTERT. Mr. Speaker, the American people have spoken. A strong majority of Americans do not believe that special interest groups who receive funding from the Federal Government should, in turn, be using these funds, either directly or indirectly, to lobby the government.

During the week of September 26–30, the Luntz Research Companies conducted a national study of 1,000 adults on a variety of important national issues. Included among these questions were two questions relating to the issue of public funding of special interest groups who lobby the government.

By a margin of 70 percent to 26 percent, Americans agree that tax dollars shouldn't be used to fund groups to lobby government. In addition, the data clearly demonstrates that opposition to special interest group funding for lobbying knows virtually no party, ideological, gender, age, or attitudinal boundaries.

However, Mr. Speaker, I have saved the best for last. Over half of the people polled, 56 percent, would be less likely to support a Member of Congress for reelection if he or she opposed measures to stop such uses of taxpayers' funds.

Mr. Speaker, the message of the American people is clear: End taxpayer subsidized lobbying. I urge my colleagues to support the McIntosh-Istook-Ehrlich reforms.

Mr. STOKES. Mr. Speaker, I rise in opposition to House Joint Resolution 115, the second continuing resolution for fiscal year 1996. This measure is definitely not just a continuing resolution bill. Once you clear the smoke and mirrors you find that over 60 percent of the bill is devoted to provisions designed to generate funds for the Republicans' tax giveaway to the rich, and to silence the voice of those who speak out against injustices against the most vulnerable in our society.

House Joint Resolution 115 increases the cost of health care for seniors by requiring Medicare beneficiaries to pay higher premiums. In fact, the Medicare premiums contained in the Republicans' continuing resolution measure are even higher than those contained in their reconciliation bill. Under current law, in 1996, seniors' Medicare premiums are $42.50 compared to $55.10 under House Joint Resolution 115. This is a 30-percent increase in 1996 alone.

Mr. Speaker, the average income of Medicare beneficiaries is less than $18,000 per year, this compares to an average income of between $8,000 and $9,000 for the 11 million widows and never-married women on Medicare. There is no way that these seniors can afford a 30-percent increase in their health care premiums. Seniors must not be forced to choose between medicine and food, or between a doctor's visit and heat. It is just wrong to force seniors to suffer such hardships in order to pay for a tax cut for the rich. This is an insult to their dignity, and strips them of their self-respect.

Again, House Joint Resolution 115 is not just a continuing resolution. Contained within the Republicans' bill is a 22-page very controversial authorization bill for the Istook prohibition measure. The legislation is specifically designed to restrict the political advocacy rights of the American people. Keep in mind that no hearings have been held on this extreme, unprecedented, and unconstitutional measure. House Joint Resolution 115's restrictive political advocacy provisions threaten the ability of organizations to carry out their mission including the Red Cross, American Civil Liberties Union, National Minority Aids Council, National Caucus and Center for the Black Aged, Coalition for the Homeless, religious organizations—yes, the list goes on—and yes, it even includes the Girl Scouts.

Mr. Speaker, perhaps the Republicans believe an extensive political advocacy gag law is just what it takes to force the American people to stomach the pain, and suffering that will result from their life threatening cuts in healthy start, meals for the elderly, energy assistance, education for the disadvantaged, employment training, safe and drug free schools, the list goes on and on.

While the gag provisions are a blatant insult to the rights of the American people, it will take more than a legislative silencer to quiet the cry of children, the elderly, and families that would result from the Republicans' budget cuts in critical quality-of-life services.

Mr. Speaker, the Republicans' assault on the rights of the American people, and their targeted assault on seniors must be stopped. I strongly urge my colleagues to vote "no" to all measures and provisions that attempt to gag the American people. Vote "no" increasing the cost of health care for seniors. Vote "no" on House Joint Resolution 115.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 227, not voting 7, as follows:

[Roll No. 774]

YEAS—198

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit

Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Farr
Fields (LA)
Peterson (FL)
Ramstad
Thornton
Tucker
Weldon (PA)

□ 2008

Mr. YOUNG of Florida changed his vote from "yea" to "nay."

Messrs. HOYER, KENNEDY of Massachusetts, and DAVIS, and Mrs. MORELLA changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FARR. Mr. Speaker, I was unavoidably absent during rollcall 774 because I was attending to certain representational duties at an event across town. Consequently, I was unable to cast my vote during rollcall 774, the motion to recommit House Joint Resolution 115. Had I been present, I would have voted "aye" on the motion.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 197, not voting 6, as follows:

[Roll No. 775]

AYES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford

Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Fields (LA)
Peterson (FL)
Ramstad
Thornton
Tucker
Weldon (PA)

☐ 2025

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent to have my name removed from the list of cosponsors of H.R. 359.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY REGARDING PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–131)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and of the means of delivering such weapons, I issued Executive Order No. 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the *Federal Register* and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am hereby advising the Congress that the national emergency declared on November 14, 1994, must continue in effect beyond November 14, 1995. Accordingly, I have extended the national emergency declared in Executive Order No. 12938 and have sent the attached notice of extension to the *Federal Register* for publication.

As I described in the report transmitting Executive Order No. 12938, the Executive order consolidated the functions of and revoked Executive Order No. 12735 of November 16, 1990, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930 of September 29, 1994, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery.

The following report is made pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the "Nonproliferation Report," and the annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182).

The three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

In the 12 months since I issued Executive Order No. 12938, 26 additional countries ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) for a total of 42 of the 159 signatories; the CWC must be ratified by 65 signatories to enter into force. I must report my disappointment that the United States is not yet among those who have ratified. The CWC is a critical element of U.S. nonproliferation policy and an urgent next step in our effort to end the development, production, stockpiling, transfer, and use of chemical weapons. As we have seen this year in Japan, chemical weapons can threaten our security and that of our allies, whether as an instrument of war or of terrorism. The CWC will make every American safer, and we need it now.

The international community is watching. It is vitally important that the United States continue to lead the fight against weapons of mass destruction by being among the first 65 countries to ratify the CWC. The Senate recognized the importance of this agreement by adopting a bipartisan amendment on September 5, 1995, expressing the sense of the Senate that the United States should promptly ratify the CWC. I urge the Senate to give its advice and consent as soon as possible.

In parallel with seeking Senate ratification of the CWC, the United States is working hard in the CWC Preparatory Commission (PrepCom) in The Hague to draft administrative and implementing procedures for the CWC and to create a strong organization for verifying compliance once the CWC enters into force.

The United States also is working vigorously to end the threat of biological weapons (BW). We are an active participant in the Convention on the Prohibition of the Development and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction (BWC) Ad Hoc Group, which was commissioned September 1994 by the BWC Special Conference to draft a legally binding instrument to strengthen the effectiveness and improve the implementation of the Convention. The Group convened its first meeting in January 1995 and agreed upon a program of work for this year. The first substantive meeting took place in July, making important progress in outlining the key issues. The next meeting is scheduled for November 27 to December 8, 1995. The U.S. objective is to have a draft protocol for consideration and adoption at the Fourth BWC Review Conference in December 1996.

The United States continues to be active in the work of the 29-member Australia Group (AG) CBW nonproliferation regime, and attended the October

16–19 AG consultations. The Group agreed to a United States proposal to ensure the AG export controls and information-sharing adequately address the threat of CBW terrorism, a threat that became all too apparent in the Tokyo subway nerve gas incident. This U.S. initiative was the AG's first policy-level action on CBW terrorism. Participants also agreed to several amendments to strengthen the AG's harmonized export controls on materials and equipment relevant to biological weapons, taking into account new developments since the last review of the biological weapons lists and, in particular, new insights into Iraq's BW activities.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC will be the only way to achieve a permanent global ban on CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support these goals.

Australia Group participants are taking steps to ensure that all relevant national measures promote the object and purposes of the BWC and CWC, and will be fully consistent with the CWC upon its entry into force. The AG considers that national export licensing policies on chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Moreover, inasmuch as these measures are focused solely on preventing activities banned under the CWC, they are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the CWC.

The AG agreed to continue its active program of briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further awareness and understanding of national policies in these areas.

The United States Government determined that two foreign companies—Mainway Limited and GE Plan—had engaged in chemical weapons proliferation activities that required the imposition of sanctions against them, effective May 18, 1995. Additional information on this determination is contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The United States carefully controlled exports which could contribute to unmanned delivery systems for weapons of mass destruction, exercising restraint in considering all such proposed transfers consistent with the Guidelines of the Missile Technology Control Regime (MTCR). The MTCR Partners continued to share information about proliferation problems with each other and with other possible supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems.

The United States worked unilaterally and in coordination with its MTCR partners in multilateral efforts to combat missile proliferation by nonmembers and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. Three new Partners were admitted to the MTCR with U.S. support: Russia, South Africa, and Brazil.

In May 1995, the United States participated in an MTCR team visit to Kiev to discuss missile nonproliferation and MTCR membership criteria. Under Secretary of State Davis met with Ukraine's Deputy Foreign Minister Hryshchenko in May, July, and October to discuss nonproliferation issues and MTCR membership. As a result of the July meeting, a United States delegation traveled to Kiev in October to conduct nonproliferation talks with representatives of Ukraine, brief them on the upcoming MTCR Plenary, and discuss U.S. criteria for MTCR membership. From August 29–September 1, the U.S. participated in an informal seminar with 18 other MTCR Partners in Montreux, Switzerland, to explore future approaches to strengthening missile nonproliferation.

The MTCR held its Tenth Plenary Meeting in Bonn October 10–12. The Partners reaffirmed their commitment to controlling exports to prevent proliferation of delivery systems for weapons of mass destruction. They also reiterated their readiness for international cooperation in peaceful space activities consistent with MTCR policies. The Bonn Plenary made minor amendments to the MTCR Equipment and Technology Annex in the light of technical developments. Partners also agreed to U.S. initiatives to deal more effectively with missile-related aspects of regional tensions, coordinate in impeding shipments of missile proliferation concern, and deal with the proliferation risks posed by transshipment. Finally, MTCR Partners will increase their efforts to develop a dialogue with countries outside the Regime to encourage voluntary adherence to the MTCR Guidelines and heightened awareness of missile proliferation risks.

The United States has continued to pursue my Administration's nuclear nonproliferation goals with success. Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) agreed last May at the NPT Review and Extension Conference to extend the NPT indefinitely and without conditions. Since the conference, more nations have acceded to the Treaty. There now are 180 parties, making the NPT nearly universal.

The Nuclear Suppliers Group (NSG) continues its efforts to improve member states' export policies and controls. Nuclear Suppliers Group members have agreed to apply technology controls to all items on the nuclear trigger list and to adopt the principle that the intent of the NSG Guidelines should not be undermined by the export of parts of trigger list an dual-use items without appropriate controls. In 1995, the NSG agreed to over 30 changes to update and clarify the list of controlled items in the Nuclear-Related Dual-Use Annex. The NSG also pursued efforts to enhance information sharing among members by establishment of a permanent Joint Information Exchange group and by moving toward adoption of a United States Department of Energy-supplied computerized automated information exchange system, which is currently being tested by most of the members.

The increasing number of countries capable of exporting nuclear commodities and technology is a major challenge for the NSG. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to control nuclear exports in accordance with the NSG guidelines. Members continued contacts with Belarus, Brazil, China, Kazakhstan, Lithuania, the Republic of Korea (ROK), and Ukraine regarding NSG activities. Ambassador Patokallio of Finland, the current NSG Chair, led a five-member NSG outreach visit to Brazil in early November 1995 as part of this effort.

As a result of such contacts, the ROK has been accepted as a member of the NSG. Ukraine is expected to apply for membership in the near future. The United States maintains bilateral contacts with emerging suppliers, including the New Independent States of the former Soviet Union, to encourage early adherence to NSG guidelines.

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No. 12938 during the period from May 14, 1995, through November 14, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 8, 1995*.

☐ 2030

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BILBRAY). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMEMBER THE COMMITMENT OUR NATION OWES TO OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, on Saturday, November 11, Americans will once again pause to honor the brave men and women who proudly carried the American flag in conflicts great and small, and places famous and obscure. On Veterans' Day it is important that those who protected the freedoms and liberties we so cherish as a Nation be remembered for their service, their valor and dedication to duty.

Many times we have asked our veterans to interrupt their lives, to leave their homes, their families and their jobs so that our Nation might be protected. Some faced hardships most of us cannot even imagine. Many died so that our cherished national ideals of democracy and freedom might live on, and live they have.

While we celebrate Veterans' Day in thousands of ceremonies across America, I believe it is also important to remember that our Nation owes a commitment to our veterans every day of the year. We owe our veterans the security of knowing that the programs created for them are not weakened or destroyed. On that account, I am afraid we stand on the brink of failure.

The Republican budget recently passed by the House and Senate will cut veterans' programs by about $6.4 billion over the next 7 years, including increasing veterans' copayments for prescription drugs.

The severe strains this budget will place on the Nation's 26 million veterans was one reason I strongly opposed it on the floor of the House.

The second way veterans will be harmed is the budget bill contains $270 billion in cuts to the Medicare Program, $27 billion in Florida alone. Medicare cuts will force the 8.8 million veterans on Medicare, one-third of all veterans in the United States, to pay increased premiums for low quality care. This includes more than 4.3 million veterans with combat experience and 1.2 million veterans with disabilities connected to their service. In Florida, 648,133 veterans on Medicare would be affected.

Veterans will also be harmed by another provision in the Republican budget cuts in Medicaid totaling $170 billion. Florida will lose almost $10 billion as a result, and approximately 12,700 veterans in Florida will likely lose their Medicaid coverage in 2002.

Republican proposals to block grant and cut Medicaid would deny Medicaid coverage to as many as 171,900 veterans nationwide just in the year 2002, including 103,600 elderly veterans and 68,300 disabled veterans under the age of 65. Where will these veterans who lose their health coverage go?

Well, most veterans who lose their Medicaid coverage under the Republican budget simply cannot afford private health insurance. Seventy-eight percent of Medicaid-eligible veterans have incomes of less than $20,000.

The bottom line is this: Because of budget proposals that cut veterans' programs, Medicare and Medicaid, the Veterans' Administration estimates more than 400,000 veterans who have no private health insurance may find it necessary to seek health care in VA hospitals. However, due to financial limitations of the VA health system, many of these deserving veterans would find themselves left out in the cold.

Mr. Speaker, even as we seek ways to reduce the budget deficit, we cannot allow the burden of our efforts to fall hardest on those least able to carry it. In the name of fairness and equity and on behalf of the 26 million veterans of America, I believe we can achieve our budgetary goals without breaking faith with those who have already placed their lives and livelihood on the line in order to keep America strong and free.

REPUBLICANS ARE FAINT-HEARTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, the Republicans are faint-hearted. You know, we talk about balancing a budget. We are in the throes now of trying to say in 7 years we will balance the budget of the United States. That means we are going to quit borrowing money from what our kids and our grandkids have not even earned yet.

Here is why Republicans are faint-hearted. Number one, we are talking 7 years to do it.

Number two, after we finish this 7 years and brag that we have a balanced budget, Mr. Speaker, I wonder if the people of America know that we are still borrowing, in the year 2002, $100 billion from the Social Security Trust Fund and the other trust funds, and yet we see people apologizing.

Mr. Speaker, did you know that out of the 7 years, this first year is the easiest spending cut year? And you hear the whining and moaning about the big spending cuts this first year. How do you think we are going to go for the fifth year and sixth year and seventh year if we cannot get through this first year?

We have been calling the President of the United States and saying, "Look, at least agree to balancing this budget in 7 years, even if we continue to borrow $100 billion a year from the trust funds." He suggested that maybe 10 years is okay, but yet the budget that he sent to Congress, the budget he sent to Congress does not even balance ever. It continues to overspend $200 billion a year into infinity.

Guess, guess how much taxes a child born today is going to pay just to cover his or her share of interest on the public debt if we do not end up balancing the budget. $180,000, that is what, $187,000. That is what is going to be deducted from their paycheck.

There is a generation gap. You know, we have environmental checks. We should have a generation gap check for legislation that this body passes.

How many more burdens do we want to put on our kids and our grandkids? And it is not just the $4.9 trillion that we have in overspending. Look what we are doing in Medicare. In Medicare, we have now said that we are going to have an unfunded liability, and actuary debt, that amounts to another $5 trillion; social security, we have made promises over what we are going to be bringing in in the FICA tax. There is another $3.2 trillion.

Our obligation, now unfunded, to civil service retirees is another half a trillion. Guess what we just did in the last few years? We promised every private pension fund in the country that the Federal Government would make it whole.

Mr. Speaker, ladies and gentleman, it is time that we start getting tough. It is time we stopped apologizing and started living within our budget.

TOBACCO MARKETING PRACTICES TOWARD CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. WAXMAN] is recognize for 5 minutes.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to revise and extend by remarks.

We have all seen the full-page advertisements being published by the R.J. Reynolds tobacco company in major newspapers around the country. I have brought one with me. It says:

> Actions speak louder than words. . . . R.J. Reynolds Tobacco Company does not, under any circumstances, want kids to smoke. . . . R.J. Reynolds' policy, like that of all American tobacco manufacturers, prohibits the distribution [of cigarettes] to anyone underage.

Those are RJR's words. Let us look at its actions.

Last Friday, the TV news magazine, "A Current Affair," showed the results of its investigation of RJR marketing practices at stock car races. This investigation showed that as recently as last month, RJR employees were giving free packs of cigarettes to 16- and 17-year-old girls.

The "Current Affair" investigation also showed that RJR brings a kid's ride, called "Camel's Smokin' Joe Ride," to each race. This ride, which simulates a stock car race, is very popular with young kids. During the ride, cigarette advertisements for Camel and Winston cigarettes flash across the screen and are viewed by the children.

Mr. Speaker, I believe RJR's actions speak louder than words. At the very same time that RJR has been running advertisements that say children should not smoke, its own employees have been giving free cigarettes away to children, as well as showing cigarette advertisements to children.

Mr. Speaker, I submit a transcript of the "Current Affair" investigation for the RECORD.

[From "A Current Affair," November 3, 1995]

RACE SMOKES

Narration by reporter Mike Salort: You may have been these national ads from R.J. Reynolds and probably heard their reassuring executives.

Lynn Beasley, senior vice president in charge of marketing Winston and Camel cigarette brands, R.J. Reynolds. I hope no kid ever smokes, ever. I don't want kids to smoke.

But at three of the company's famous Winston cup races in their own backyard—North Carolina—we found thrills, spills, and the company appearing to break its word.

Christine Coltellaro, 16, Northern Virginia high school student, accepting cigarettes from a cigarette marketer: Do I keep these?

Marketer. Yeah.

Christine Coltellaro. Thanks.

Our hidden cameras caught marketers hired by the company handing out Winston and Camel cigarettes to underage smokers—two girls 16 and 17 years old, who simply said they were over 21.

Undercover video shots of the two girls getting cigarettes.

It's a major embarrassment for tobacco giant R.J. Reynolds, maker of Camel and Winston brands.

R.J. Reynolds on site marketing manager Jimmy Holder, as he covers the camera lens. Can we just stop this and talk of camera?

ACA Reporter Salort. No, absolutely not.

Why does he want our camera's off? This manager's company, R.J. Reynolds, has been caught at the worst possible time. President Clinton is trying to ban tobacco promotions from sports events because he feels they convince kids to smoke. The cigarette giveaway appears to be a graphic example of why the President is worried.

Christine Coltellaro. Compared to getting them at gas stations or 7-Elevens, or quickie marts, it was pretty easy.

Christine Coltellaro and Margie Bailey are underage smokers. We hired them to see if they could obtain promotional cigarettes at Winston Cup Races this fall.

Christine Coltellaro. They said, "Well, we need identification." I said, Well I don't really have any on me. They said "Don't worry about it."

In fact, listen close, this man says he's kidding.

Cigarette marketer, handing cigarettes to Christine: I need to see a major credit card and a license.

Christine. I don't have any major credit cards or license on me.

Marketer. I'm kidding.

ACA Reporter Mike Salort confronts marketer who has given cigarettes to the two girls. What are you told by the company that hires you. What you need to do before you give out——

Marketer. We're supposed to check ID.

Salort. You are. Then you're supposed to have a picture ID checked.

Marketer. Yes sir.

Salort. You do that in every case?

Marketer. If they look under 30, yes sir.

Salort, pointing at the two girls. Would you say these two look under 30?

Marketer. No sir.

Salort. They don't look under 30?

Marketer. I wouldn't say so.

So he says these kids look like women in their thirties! We asked the same question of the R.J. Reynolds boss for the race.

Salort, pointing at the girls. Would you say they look under 30?

Jimmy Holder, RJR manager. Yes sir, I would.

Salort. So, what's your policy here?

Holder. Our policy is, we've told 'em all, we stress for everyone to card people who look under age.

That's the official Reynolds policy anyway. Only who can produce a pack of their own, 21 and older are supposed to get the handouts. That's three years more than the legal age of 18, and it's true when we brought 13 year olds to the races, they were turned down. But it was a rare occasion when cigarette marketers refused our 16 year olds.

ACA Reporter Mike Salort interviewing Rep. Henry Waxman, D-Calif. Salort, handing Rep. Waxman three plastic bags filled with cigarettes. Ok, you've seen the tape, and this was their haul from three separate races. What's your reaction to that Congressman?

Waxman. There's a lot of cigarettes in this haul. The R.J. Reynolds company has run ads all over the country saying actions speak louder than words, and I think their actions on these tapes speak louder than words.

As much as the cigarette giveaway makes him burn, Congressman Henry Waxman of California suspects it's part of a larger scheme to get kids to start smoking.

Waxman. I just feel that the cigarette companies are hypocrites.

R.J. Reynolds Senior Vice President Lynn Beasley. I am really deeply, deeply upset by it.

She's Lynn Beasley, senior V.P. in charge of selling Camel and Winston brands. But flawed as she says her giveaway program was, Beasley denies it's part of a bigger scheme to expose kids to cigarettes. She says the sample smokes, the colorful booths, and the fancy merchandise are all for adults, and what about this . . . It's Camel's Smokin' Joe Ride, hauled to every Winston Cup stock car race. Inside that ride, on a screen in front, kids will tell you—

Young race fan, waiting in line for the camel ride: "It's a simulator. You start out on a rollercoaster and you go to, like, different rides."

Like an exciting car race video, jam packed with cigarette logos.

Shot of Winston and Camel logos flashing across screen, Audio from ride; "thank you for your support of Winston motor sports."

And when it's over, step outside and find yourself conveniently close—to one of those cigarette booths.

Lynn Beasley. We are not trying to appeal to kids.

ACA Reporter Mike Salort. So who does this ride appeal to?

Beasley. Adults. Ninety-seven percent of the people at these events are adults.

Salort standup. Even so there are still hundreds of kids at these events being exposed to that colorful Camel campaign. It's emblazoned on sweatshirts, banners, even pins. It's a sponsorship the government wants to ban because it believes the campaign pushes kids to smoke.

While R.J. Reynolds says giving cigarettes to kids was wrong, the company's Lynn Beasley makes no apologies for the festive tobacco marketing at sports events.

Beasley. Advertising does not cause kids to smoke, it doesn't. Look at the facts. Every study that has been done, study after study, shows the reason kids smoke is because of peer pressure and family influence.

Salort. Every study?

Beasley. Yes!

Incredibly Beasley says she hasn't even heard of a paper unveiled for the press just weeks ago, and published in the prestigious Journal of the National Cancer Institute. That report says promotions like these may well affect kids. It even says the number of kids smoking Camel's jumped after the introduction of the Joe Camel ad campaign, which Beasley worked on.

Salort. Does it disturb you that there's a study out there that says that what you're saying is absolutely wrong?

Beasley. I will take a look at it. I'm telling you, what I have seen is that the overwhelming evidence is that advertising does not cause kids to smoke.

And for that reason, Beasley says her company will still sponsor sports events. But after seeing our footage, she plans big changes for her cigarette giveaway.

Beasley. I think where we went wrong was not in absolutely requiring ID for everyone, regardless of what age they looked.

AN INCREASE IN MEDICARE PREMIUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to address the fact that today, once again, but this time in the context of the continuing resolution, the Republican leadership has imposed the increase in Medicare part B premium payments under Medicare. As we know, when the Medicare bill that was sponsored or that was advocated by Speaker GINGRICH and also by the Republican leadership came to the House floor a couple weeks ago, it actually doubled part B premiums under Medicare. That is, the Medicare Program that covers physician care, over the next 7 years would essentially double for Medicare recipients and those who participate in the Medicare Program.

We know that at this point the legislation, both the budget and the Medicare bill, are in conference. It was also included in the Budget Act, and the Senate and the House have yet to meet on the budget which includes those Medicare provisions.

But while that is pending, today in the context of the continuing resolution, the Medicare premium increase was included. Essentially under current law, as of January 1, the part B premium drops from 31 percent, 31.5 percent of the cost, down to 25 percent of the cost, which is what was scheduled under current law.

But the continuing resolution today would put the 31.5 percent back into law as of January 1, which is essentially an increase for millions of senior citizens who simply cannot afford to pay for that increase that would occur if this continuing resolution ultimately becomes law, which I hope it does not.

I wanted to point out—that so far the conferees on the budget—which includes the Medicare part B increases as well as the tax cuts for the wealthy that will be offset for the cuts in Medicare—so far the budget conferees have not met, and what we believe is happening is that the Republican leadership is essentially making Medicare deals in secret, meeting behind the scenes to see how they are going to implement this tax cut for wealthy Americans in order to offset the cuts in Medicare that are going to devastate the Medicare Program.

I was actually appointed by the Democratic leadership to be one of the conferees, but we have yet to have a public session. I think the reason for that is obvious, that they would rather meet behind the scenes. The Republican leadership would rather meet behind the scenes to see how they are essentially going to destroy and make these severe cutbacks in both Medicare care and Medicaid without the public and the media really knowing what is going on.

One of the things I am most concerned about as a conferee, and I hoped was going to take place, is we find some way, when we bring the two budget bills together between the House and the Senate, to continue entitlement status for Medicaid, for disabled people, for children, and also for pregnant women.

□ 2045

Right now, if an individual meets certain income requirements under Medicaid, they are entitled to Medicaid and they do have their health insurance coverage. Well, the House bill, the House budget bill basically eliminates that entitlement status and just gives money in block grants to the States and hopes that the States will provide Medicare health care coverage for various indigent people. But the Senate bill, fortunately, does continue to provide entitlement status, guaranteed health care coverage for children for the disabled and for pregnant women.

Mr. Speaker, today in the Washington Post there was an article that basically summarized what was in the Journal of the American Medical Association that pointed out that Medicaid has been a significant factor in guaranteeing health care coverage for children. Over the last few years, the number of children that have been provided with health care coverage, because their parents worked, through additional private insurance, has actually decreased and Medicaid has taken up the slack. The Federal Government has provided for the expansion of Medicaid and given money to the States so that they can provide that coverage for children.

Without the entitlement status, which is what we have in the House bill, without the guarantee that children would be covered, which is in the Senate bill, if for some reason the conference comes together and does not provide that guarantee for children, we are going to see that safety net for children, where they have the guaranteed health insurance, probably continue to be whittled away. Because States with the limited amount of block grant money they get from the Federal Government would not be able to continue to cover all the children that will continue to lose health insurance as the numbers continue to decrease of those who are covered by private insurance.

Mr. Speaker, I want to say lastly that yesterday in New Jersey we had elections at the State as well as the county and local level. It was abundantly clear that the message that Democrats have been trying to make, that Republican Medicare cuts and Medicaid cuts are really going to hurt people, we got that message, because a number of Democrats were elected yesterday because they made the point on the Medicare message and the fact that the Republican leadership is cutting Medicare.

AMERICAN WEST SEEKS TO REDRESS WRONGS PERPETRATED AGAINST ITS CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this evening on behalf of an oft misunderstood segment of our society, those who live in the American West. I bring before this House tonight a document signed by many of my constituents. The document, on parchment, was taken off the No. 2 liner board machine, which is now out of commission at Stone Container in Snowflake, AZ.

The document starts, in its preamble, with a quotation from our Declaration of Independence and then, in the main portion of this document, a statement of concerns about our freedoms issued October 6 of this year, the following is stated:

> In this year 1995, we again find a need to petition our government to redress wrongs being perpetrated against its citizens:
>
> 1. Congress has passed laws establishing Federal agencies, then has not monitored the severe impact of regulations put forth by the agencies which go far beyond the intent of the Congress. This represents a usurpation of power by agencies not delegated by Congress nor established by a vote of the people.
>
> 2. Congress has passed laws which are severe and inflexible, causing major economic and social damages to our citizens and to our communities. The Endangered Species Act is one such law.
>
> The Endangered Species Act is being used to stop all natural resource development; mining, oil, timber, farming and ranching. Destroying the wealth of our Nation and breaking economic hardship upon Americans.
>
> The Endangered Species Act is being used to close our forests, denying access to all people in Arizona for wood products necessary to sustain their families. Leaving our forests without the tools necessary to thin and maintain forest health.
>
> The Endangered Species Act is being used to deny citizens the right to protect their property from flooding.
>
> The Endangered Species Act is being used to take patented water rights and to stop development on private property.
>
> The Endangered Species Act is being used to close land to livestock use.
>
> At every stage of these oppressive actions we have petitioned for redress in the most humble of terms. Our repeated petitions have been answered by repeated injury. We, therefore, the undersigned citizens of the United States of America, appealing for the rectitude of our problems, do solemnly publish and demand that our rights be restored and that the abusive power of the numerous Federal agencies be curtailed and brought into conformity with the law; that severe and inflexible laws such as the endangered Species Act be reformed.
>
> We do declare this day that we the people will use every lawful means to bring our elected officials to accountability.

As one of those elected officials, Mr. Speaker, I was pleased to sign this document, because I believe it resonates with the freedoms outlined in this document, the Constitution of the United States, a document sacred in the ayes of many which is a document of limited and enumerated powers. And this Congress must stand, as we prepare to face a new century, to recognize the fact that, as this document outlines, quite often regulatory agencies have overstepped their bounds, especially in the western United States.

Mr. Speaker, I said at the outset that the citizenry of the western United States is oft misunderstood; that their intent is often maligned. It comes as no great surprise. Indeed, one such person, once called an advocate for Arizona, has become a disciple of the District of Columbia. The Secretary of Interior has told the American people at least on two occasions, once at Tufts University, he said and I quote, "Those holding opinions of the environment different from ours", and he was addressing people who felt as he did about the environment, and this is a direct quote, "are guilty of the worst sneak attack upon America since Pearl Harbor".

Mr. Speaker, that type of extremist rhetoric has no place in this debate. Good people can disagree, but there is no sneak attack being launched by the citizenry of the western United States. Instead, by regulatory fiat self-appointed legislators, both in the regulatory agencies and, indeed, on the Federal bench, have stepped forward to declare a war on the way of life, to declare a war on the hard working law abiding citizens of the western United States.

Friends, this is not about extremism, at least not from the standpoint of rural westerners. This is about what is reasonable and what is rational, not what is radical. Indeed, the radical talk comes not only from the Secretary of Interior but from the President of the United States, who, in his radio address last Saturday, used the most demagogic of terms to mischaracterize the plight of westerners.

Friends, what we seek is balance. Economic balance, environmental balance, and true conservation for the United States of America.

SAFETY IN OUR SKIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MASCARA] is recognized for 5 minutes.

Mr. MASCARA. Mr. Speaker, as a new Member of Congress I sought a seat on the important Committee on Transportation and Infrastructure and was fortunate to be appointed to the committee in July by my Democratic colleagues. I pursued the committee because I believed that a strong transportation system is the first step to a positive and sound economic growth. In fact, many studies around the world have shown a strong correlation between infrastructure and economic development and sustained economic growth.

I was on the board of county commissioners in Washington County, Pennsylvania, and was a proud participant of the Southwestern Pennsylvania Regional Planning Commission, which played an integral role in developing seriously needed infrastructure projects in southwestern Pennsylvania. I am working with my colleagues on the committee, including the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, to promote vital transportation projects in my State, including the Mon-Fayette Expressway and other such programs around the country.

But, Mr. Speaker, I rise today to address the House on a matter which is of extreme importance to thousands of Americans who fly in this country everyday, safety in our skies. Safety is and should be the No. 1 concern of all who oversee the management of our Nation's air transportation services, the Federal Aviation Administration; namely, the FAA.

Recently, I had the opportunity to visit the air traffic control tower at Greater Pittsburgh International Airport, which is in the 20th Congressional District. What at first was a tremendous opportunity to see the activities at such a busy FAA site and to meet the dedicated people who man the tower soon turned into an eye-opening experience. A very scary experience.

I was struck first by the age of some of the equipment, certainly not state-of-the-art by any stretch of the imagination. Although the airport is a new facility, with close to $900 million in investment, some of the equipment in the tower is from the old Pittsburgh tower.

We have all heard recently of the problems experienced at several air traffic control towers around the country, such as power failures, equipment breakdowns, and computer outages. Unfortunately, while I was in the Pittsburgh tower observing the radar room, the system experienced a brief but serious power outage. The back-up system kicked in, but for several seconds the controllers lost visual contact on their monitors and scrambled to establish verbal contact with each plane in the sky to try to determine their altitude and their speed.

Mr. Speaker, while power problems are not new to air traffic controllers around the country, the Pittsburgh tower has experienced roughly six power interruptions of various lengths over the last few months. Unfortunately, I am told this is not an isolated problem.

I have sent a letter to Secretary of Transportation Pena requesting that Pittsburgh receive funding to install a UPS system, an uninterrupted power supply system, which would eliminate any visual suspension of radar. I will also work with my colleagues on the Transportation Committee, Mr. Speaker, to remedy other problems at air towers around the country. Remember, a problem at Los Angeles causes a problem in Chicago, which, in turn, forces backlogs in New York and Pittsburgh.

Though the system is in a partial fix mode for some of the problems experienced by the FAA system, we need a long-term solution to the problem. We know there is a problem with some major radar systems in this country and they still use, remember, vacuum tubes to keep their screens operating. Some towers actually are using new ground radar systems which have yet to be authorized, even after several years of testing and millions of dollars in cost. These pieces of equipment are used simply to detect fog on the ground.

I am pleased that the FAA Administrator, David Hinson, has recently restated his commitment to providing modern equipment and computers to the busiest air traffic centers in the Nation. This is a step in the right direction. We need to continue those efforts which will lead to increased public confidence in our air traffic controller system.

The FAA procurement system must be revamped and reformed. We must work together, Congress, the FAA, and the airline industry. We must all work together to solve these problems, both Republicans and Democrats, on a bipartisan basis. The money is there. A 10-percent surcharge is assessed on all tickets purchased by airline passengers and is dedicated to the aviation trust fund. Funds amounting to approximately $4 or $5 billion are available, and I urge the Congress to correct the errors associated with the radar in the air traffic control system.

DEATH OF YITZHAK RABIN A TRAGEDY FOR AMERICANS AS WELL AS ISRAELIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX. Mr. Speaker, the death of Israeli Prime Minister Yitzhak Rabin is a tragedy, not only for Israelis, but indeed for Americans and all those who strive for peace throughout the world.

The United States and Israel are partners in world affairs. As partners, we have built a foundation based on years of mutual respect and trust. Together, we share risks, rewards and losses as we strive to make this world a better, safer place.

One of the rewards came just a month ago when Israel and the Palestinians signed the second phase of the Oslo accord. That document was the direct result of the hard work and dedication to peace that was the hallmark of Prime Minister Rabin. Now, sadly, we must share the loss of having him taken from us so prematurely and so violently.

In the long run, I believe those who resort to violence will find that it accomplishes little. Often, it spurs people on to completion of the task at hand—in this case, peace in the Middle East. Dr. Martin Luther King, Jr. once said:

> The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it * * *

Like others, I found the Prime Minister to be brilliant man whose compassionate nature was tempered by the fire of battle, tested by the trials of leadership and, ultimately, expanded by the promise of peace.

Prime Minister Rabin spent his life strengthening the State of Israel. He fought heroically in Israel's war of independence in 1948 and led Israel to victory in the Six-Day War in 1967. Yet despite his background on the battlefield, his vision of peace and security for Israel brought him to Washington 2 years ago to sign an historic accord with the Palestinians.

On Monday, I was witness to the burial of a great statesman and a man of peace. But I was also struck by the fact that Yitzhak Rabin was a husband, a father, a grandfather and a friend to many. I share Leah Rabin's grief and was moved by the words of her granddaughter, Noa Ben Artiz. When she looked at Yitzhak Rabin, she did not see the warrior. She did not see the statesman. She did not see the world leader. She saw only her gentle and loving grandfather who, despite his busy schedule and the demands made on his time, always made time for his family.

Accordingly, we must build upon the outstanding legacy of Yitzhak Rabin so that peace will be assured.

□ 2100

HOUSE JOINT RESOLUTION 115 PLACES PARTISAN POLITICS ABOVE THE BEST INTERESTS OF THE NATION.

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I rise today to express my concerns about House Joint Resolution 115, the continuing appropriations bill that passed the House of Representatives today. First we short change the process by having the resolution end on December 1, 1995, rather than December 13, 1995, which would allow time for reasoned solutions to this crisis.

First of all, the House Rules Committee provided for a closed rule on this bill. Since this bill involves temporary funding for the Federal Government, it has a significant impact on all Americans. With this closed rule, Members were not allowed to offer any amendments to the important bill.

Secondly, the bill includes many provisions that are inappropriate for a continuing appropriations bill. For example, one provision would place severe restrictions on political advocacy by certain groups. This provision would extend beyond prohibiting a recipient of a federal grant from spending any federal funds on political advocacy but would also limit the amount of privately raised funds that federal grantees could use for political advocacy.

An organization receiving more than one-third of its funds from Federal grants could spend no more than $100,000 of privately raised funds on lobbying.

Furthermore, this bill even prohibits grantees from using federal funds to purchase goods or services from other organizations that spent at least $25,000 on political advocacy.

Federal grantees would also be required to report to the Federal Government on whether they engaged in political advocacy and describe the type of advocacy and list the amount of funds spent on such advocacy.

These restrictions on political advocacy are un-democratic and un-American. It is shameful that this House is trying every maneuver by attempting to attach these restrictions to any bill before the House so that such provisions can become law.

The bill keeps the Medicare Part B premium in 1996 at 31.5 percent of costs instead of allowing the premium to automatically drop to 25 percent, as it would occur under current law. Millions of Americans depend upon Medicare Part B for physician and out-patient services.

This bill is also damaging because it contains a provision that would fund agencies scheduled to be eliminated in the 1996 appropriations bills at only 60 percent of their funding in fiscal year 1995.

These agencies include: The Low-income Home Energy Assistance Program; Goals 2000 Education Program; Americorps National Service Program; Community Development Financial Institutions Initiative; Commerce Department's Advanced Technology Program; and National Biological Survey.

These agencies are critically important to the quality of life for millions of Americans. This bill should have been more carefully considered by the House.

Again, Mr. Speaker, I must express my concerns about the extraneous material that has no place in this bill. In the future, I hope that on critical legislation, such as this continuing appropriations bill, we will put the best interests of the Nation above partisan politics.

TEN COMMANDMENTS FOR COMMITTING U.S. COMBAT FORCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I was going to spend all of my 5 minutes on one of the more offensive stories ever to appear in an American paper on foreign policy, and that is Robert Strange McNamara. That truly is his mother's name, "Strange." Robert Strange McNamara arrived in Hanoi yesterday, first time he has been back there since he was the architect of a no-win war, struggle, against communism that took the lives of 8 American women and over 58,600 American men, about 47,000 of those in combat against a tough Communist enemy. The story in today's Washington Times says McNamara looks for lesson in Vietnam, that he returns to ask Hanoi for documents.

Unbelievable. I will probably do a much longer special order on this war criminal. That is spelled w-a-r c-r-i-m-i-n-a-l, war criminal, Robert Strange McNamara, the most disgraceful Cabinet officer, and that includes some pretty bad financial scandals in the entire 206-year history of this country since the Father of our country, George Washington, was sworn in in April of 1789.

Before I talk about Bosnia, which is the main reason I am speaking tonight, let me just make mention of another ghastly footnote in American history.

The U.S. Senate sent to committee the infanticide bill, what some people call the partial-birth abortion, but it is infanticide of a living human body that is totally outside of the mother's birth canal except for its head. I watched one Senator slaughtered last night by both Ted Koppel and another Senator on "Nightline," and my friend, BOB SMITH of New Hampshire, is a stalwart and flying with the angels again on the floor of the Senate yesterday. But this is incredible, we cannot get this bill against infanticide out of this Congress. But we have not stopped fighting, and we will prevail.

Mr. Speaker, today to three distinguished panelists at a hearing at the National Security Committee, I gave them 10 commandments that should be followed before we commit U.S. combat forces to anywhere in the world, and then I analyzed each one of these commandments. I have submitted them for the RECORD maybe 10 times here on the House floor over the last 3 or 4 years, particularly since the slaughter of our fine young Delta Force rangers, helicopters pilots and Delta Force snipers in the filthy alleys of Mogadishu. I put an analysis to each one of these 10 commandments. The first 6, as I have said many times on the floor, are conceived, crafted, by a great Secretary of Defense, the antithesis to a McNamara; that is "Cap" Weinberger, and I added the other 4 in counsel with "Cap" Weinberger about these other 4, and I put it in Mosaic language, 10 "thou shalt nots." I will put them in the RECORD, and I will beg all million people, 1,300,000 that watch the proceedings of the world's greatest legislative body. I had asked them to write their Congressman and ask out of today's RECORD, the 1-year anniversary of the big upset election last year, ask for the RECORD of November 8, 1995, and get these commandments and my analysis of why we are violating each one, and in my remaining time I will read the Weinberger-Dornan commandments:

[From the Washington Times, Nov. 8, 1995]

MCNAMARA LOOKS FOR LESSON IN VIETNAM

RETURNS TO ASK HANOI FOR DOCUMENTS

HANOI.—Robert McNamara returned to Vietnam yesterday for the first time since the end of the war he helped escalate in the 1960s, and he hopes to persuade the country to open its archives on the conflict.

"We're here, obviously, for one reason—to see if Vietnam and the United States can draw lessons from what was a tragedy for both sides," Mr. McNamara told reporters after arriving in the Vietnamese capital.

The former U.S. defense secretary wrote in memoirs published in the spring that American participation in the Vietnam War was "terribly wrong." His current trip to the former enemy capital is to propose a conference of war-era decision-makers from both countries.

Mr. McNamara, who was defense secretary from 1961 to 1968 under Presidents Kennedy and Johnson, came as part of a delegation from the New York-based Council on Foreign Relations and Brown University.

Council Vice President Karen Sughrue said the group hopes Vietnamese leaders will release new archival materials and answer questions about their perceptions of American wartime policy.

"We want to understand the Vietnamese actions," she said. "The majority of the American writing on this subject is completely uniformed about Vietnamese decision-making."

The delegation plans closed meetings today and tomorrow with Vietnamese diplomats, historians and officials, including Deputy Prime Minister Phan Van Khai and Vice President Nguyen Thi Binh. A meeting also is tentatively planned with Gen. Vo Nguyen Giap, architect of Vietnam's victories over France and the United States.

Mr. McNamara was an ardent proponent of U.S. support for South Vietnam against the communist North, causing the war to be nicknamed by some "McNamara's War." But by 1964, he was privately advising Johnson that the South Vietnamese leadership was badly divided and the communist hold on the countryside too strong.

He resigned in 1968 but kept public silence until earlier this year, when he acknowledged in his memoirs that U.S. war policy was "gravely flawed" and the war unwinnable.

The belated assessment touched off bitter criticism in the United States, where many said he should have tried to halt the fighting and save lives. Vietnam's government, however, said simply that Mr. McNamara's assessment "squares with reality."

Ms. Sughrue said Mr. McNamara did not plan to discuss the war or his book with Vietnamese leaders, but simply to promote the proposed conference.

A council news release said conference topics might include why opportunities to prevent or shorten the war were missed. Mr. McNamara identified several missed opportunities in his book, "In Retrospect: The Tragedy and Lessons of Vietnam."

Vietnam has joined U.S. experts in several academic discussions of wartime strategies. But it has shown no interest in publicizing doubts or disagreements among its leaders during the war.

Vietnamese officials, more interested now in trade and investment than past battles, view war history as useful chiefly in contributing to the party's image of invincible leadership. They welcome Mr. McNamara because his memoirs echo their view that the United States' involvement was wrong and its defeat inevitable.

TEN COMMANDMENTS FOR COMMITTING U.S. COMBAT FORCES

[Developed by Congressman Robert K. Dornan and former Secretary of Defense Caspar Weinberger]

1. Thou shall not commit U.S. combat forces unless the situation is vital to U.S. or allied national interests.

2. Thou shall not commit U.S. combat forces unless all other options already have been used or considered.

3. Thou shall not commit U.S. combat forces unless there is a clear commitment, including allocated resources, to achieving victory.

4. Thou shall not commit U.S. combat forces unless there are clearly defined political and military objectives.

5. Thou shall not commit U.S. combat forces unless our commitment of these forces will change if our objectives change.

6. Thou shall not commit U.S. combat forces unless the American people and Congress support the action.

7. Thou shall not commit U.S. combat forces unless under the operational command of American commanders or allied commanders under a ratified treaty.

8. Thou shall not commit U.S. combat forces unless properly equipped, trained and maintained by the Congress.

9. Thou shall not commit U.S. combat forces unless there is substantial and reliable intelligence information including human intelligence.

10. Thou shall not commit U.S. combat forces unless the commander in chief and Congress can explain to the loved ones of any killed or wounded American soldier, sailor, Marine, pilot or aircrewman why their family member or friend was sent in harm's way.

ANALYSIS

1. Thou shall not commit U.S. combat forces unless the situation is vital to U.S. or allied national interests.

What vital interests are at stake? We already are preventing the spread of conflict with troops elsewhere in the Balkans such as Macedonia.

2. Thou shall not commit U.S. combat forces unless all other options already have been used or considered.

What about lifting the arms embargo? What about tightening trade sanctions? What about further air strikes?

3. Thou shall not commit U.S. combat forces unless there is a clear commitment, including allocated resources, to achieving victory.

Are 25,000 U.S. troops enough? Are there enough European forces?

4. Thou shall not commit U.S. combat forces unless there are clearly defined political and military objectives.

What are the political objectives—protect small "enclaves" in the middle of a civil war? What are the military objectives—seize and hold specific terrain or stand and become targets for all warring sides?

5. Thou shall not commit U.S. combat forces unless our commitment of these forces will change if our objective change.

Will we realistically be able to withdraw U.S. forces after a year if peace is not achieved, even if these forces are directly engaged in combat?

6. Thou shall not commit U.S. combat forces unless the American people and Congress support the action.

Neither Congress nor the American people support this operation. A recent CBS/New York Times poll indicated only 37% of Americans support the President's position on Bosnia. Further, 79% believe he should seek approval from Congress before sending any troops.

7. Thou shall not commit U.S. combat forces unless under the operational command of American commanders or allied commanders under a ratified treaty.

The command structure for U.S. troops involved in this operation seems confused at best with U.S. ground troops serving under deputy European commanders and a NATO council of civilian representatives from member states. Will France and Denmark have to approve U.S. combat requests for M-1 tanks and AC-130 gunships?

8. Thou shall not commit U.S. combat forces unless properly equipped, trained and maintained by the Congress.

Why has the President nearly doubled the defense cuts he promised in his campaign and under funded his own "Bottom Up Review" defense plan by as much as $150 billion? Shouldn't he restore spending if he plans to use our military as world policemen in Bosnia, Haiti, and elsewhere?

9. Thou shall not commit U.S. combat forces unless there is substantial and reliable intelligence information including human intelligence.

What reliable intelligence sources do we have in Bosnia? Will our sources be compromised through intelligence sharing agreements with non-NATO countries such as Russia?

10. Thou shall not commit U.S. combat forces unless the commander in chief and Congress can explain to the loved ones of any killed or wounded American soldier, sailor, Marine, pilot or aircrewman why their family member or friend was sent in harm's way.

Can we honestly make this case? American lives are at stake!

And this resolution, Mr. Speaker, was passed by the Republican Conference with only 5 dissents:

Whereas President Clinton has stated that he is prepared to deploy American forces on the ground in Bosnia-Herzegovina to enforce a settlement for as long as a year without prior Congressional authorization, and

Whereas the House of Representatives on October 30, 1995 adopted by a bipartisan vote of 315 to 103 a resolution stating that there should be no presumption that enforcement of any settlement in Bosnia will involve deployment on the ground of U.S. forces, and that no such deployment should occur without prior authorization by Congress, and

Whereas the President has publicly stated that he believes that this resolution would not have "any effect" on the settlement negotiations in Dayton, and

Whereas Representative Hefley has introduced legislation that would prohibit the use of Defense Department funds to deploy U.S. forces on the ground in Bosnia as part of any peacekeeping operation or implementation force unless funds for such deployment are specifically appropriated by Congress.

Now *therefore be it Resolved*, That the House Republican Conference supports prompt enactment of legislation providing that no Defense Department funds may be spent for the deployment on the ground of U.S. forces in Bosnia as part of any peacekeeping operation, or as part of any implementation force, unless funds for this purpose are specifically appropriated by Congress, and further urges that the leadership consider all appropriate vehicles for the implementation of this policy, including H.R. 2550, the Defense Appropriation conference report, and any continuing resolution that may be approved pending enactment of reconciliation.

□ 2115

SUPPORT THE BIPARTISAN EFFORT TO PROTECT AMERICAN PENSIONS

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, later tonight my colleague, the gentleman from North Dakota, EARL POMEROY, will come before the House on a special order for an hour, and talk about his concern and his experience as a former insurance commissioner in his State on the effort to support and protect American pensions. I rise tonight to talk about that and congratulate my colleague in his effort.

About 2 weeks ago—October 27—the Senate, by an overwhelming vote of 94 to 5, agreed to drop the pension reversion provision from the budget reconciliation legislation. In a bipartisan show of support for the working people of this country, the Senate said no to allowing companies to pilfer the savings of Americans.

Today, I join my colleagues in urging the chairman of the Ways and Means Committee to delete the House pension reversion provision from the budget reconciliation legislation. This type of provision does not belong in reconciliation. This provision should be addressed separately and the committees with jurisdiction and substantial interest should have time to hold hearings on the proposal.

This Republican proposal will allow companies to take money from employee pension plans that they say are more than 125 percent funded. These excess pension assets—the funds not needed to pay immediate pension benefits—can be used freely for purposes that are certainly not in the interest of retirees.

Allowing companies to strip so-called surplus pension assets from employee pension plans will take us back to the 1980's, when companies took away more than $20 billion from over 2,000 pension plans, covering nearly 2.5 million workers and retirees.

HISTORY OF PENSION REVERSIONS

Prior to the 1980's, the reversions of pension assets to employers were almost nonexistent. Pension assets were returned to employers only after the plan had been terminated, and after all benefits to plan participants were paid. However, as pension assets grew with the rising stock market in the 1980's, corporations began to take the excess pension funds.

In 1983, the Reagan administration issued guidelines making pension reversions easier. From 1982 to 1990, over $20 billion was taken from 2,000 retirement plans covering 2.5 million workers and retirees. From 1982 to 1985, the size and the number of reversions grew rapidly: $404 million reverted in 1982 to $6.7 billion reverted in 1985.

As retirees were left without an adequate retirement, Congress took strong action to stem the tide of pension reversions. Beginning in 1986, Congress imposed a series of excise taxes: a 10-percent excise tax on the amount of the reversion in the Tax Reform Act of 1986; a 15-percent excise tax in the Technical and Miscellaneous Revenue Act of 1988; and, in the Omnibus Reconciliation Act of 1990, and 20 percent tax when the employer established a successor pension plan with similar benefits, or a 50 percent tax if no successor plan was established. With these congressional measures, the number and size of reversions fell substantially.

EFFECT OF REVERSION ON THE AMERICAN WORKER

This Republican proposal will encourage employers to take billions of dollars out of pension plans, leaving them with insufficient funds to protect current and future retirees. Money previously set aside for workers' retirement will now be pocketed by corporations and used for almost any purpose. The removal of these funds from pension plans increases the risk of loss to workers, retirees and their beneficiaries just at a time when the need for a strong private pension system is great.

Pension funds are not the employers' money. Workers pay for pension fund contributions with lower wages. Under current pension and tax regulations, pension funds are in trust to be used only for the exclusive benefit of workers and retirees, and should not be considered as employer piggy banks. This irresponsible provision encourages employers to take workers' pensions. This proposal is bad public policy.

A pension plan with excess assets today, can quickly become underfunded if those assets are taken away. Because most pension plans are tied to the stock market, any downward turn will have a negative effect on the plan. In addition, a reduction in the interest rate of 1 percentage point together with an asset reduction of 10 percent reduces the funding level from 125 to 96 percent.

CONCLUSION

The American people have spoken. Taking money away from pension plans is wrong. Let's not permit companies to take pension assets from the American worker. Let's ensure that pensions will be safe and available for those who saved for their retirement. I urge the reconciliation conferees to delete this dangerous provision.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT, 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

Mrs. SEASTRAND. Mr. Speaker, it is an exciting time in my estimation to be a Member of this House of Representatives, because 25 years or so have passed since we talked about balancing a budget for our Nation. I would just like to remind people why we need a balanced budget for America.

I have two children. My son Kurt is 25. He graduated from college. He is a new entry into the job market, concerned about perhaps getting married, having a family and buying a home. My daughter Heidi is going to be graduating from college this semester, and she is very concerned about entering into the job market. Will there be opportunities for her, as there have been perhaps in the past for our graduates from college?

Sometimes we talk in terms I think in this House that really do not address the concerns of people back home. I would just like to remind Californians back home that overall, American taxpayers pay almost $3,300 billion just to service the debt we have already accumulated, and that every child born in America today will be greeted with a tax bill of $187,000 just to service the debt over his or her lifetime, an amazing amount of money.

The national debt as of 2 days ago, and as we know it is ticking away, was $4,984,737,460,958.92. Now, I do not know about people who are home on the central coast of California. All I can say is my checkbook, my personal checkbook, does not go up to those figures. Sometimes it is hard to relate with these figures. Sometimes it is hard to relate with these figures, but I would like to remind the people, especially on the central coast of California, when we talk about why it is important to balance the budget and to achieve a balanced budget so we can pay off the creditors of our Nation, and perhaps bring down the interest rates. The experts tell us we are going to see a drop of 2 percent in interest rates.

I would like to tell Californians that that means 497,000 new private sector jobs in California. We have suffered very much in California. We have been in the doldrums. I know what it means for people looking for jobs. It is very disappointing to know that in the past, the moving vans were leaving California, and not many people were using those vans to move back into California. But that is going to mean that the taxes of California families are going to be reduced by $23.8 billion over the next 7 years.

What does it mean to, perhaps, families looking at a home in Santa Barbara County, one of my counties in my district? A 2-percent drop in interest rates means that an average 30-year home mortgage will save families, as I said, in Santa Barbara County, my southern constituents, $111,000 over the life of a loan for a $225,000 home.

People might say, "My gosh, $225,000." I might remind people that in Santa Barbara, this is an average type cost for a home.

In San Luis Obispo, the median price for a home in 1995 was $163,000. Again, if we were to look at a 30-year home mortgage, we are going to save people with a 2-percent reduction in mortgage rates nearly $100,000 on a 30-year home mortgage, so it is very important for our families.

We have two big universities, Cal Poly in San Luis Obispo and the University of Santa Barbara in Santa Barbara. I know our students are looking at student loans. Let me tell you, a 2-percent drop in interest rate on an average 10-year student loan of $11,000 means that a graduate is going to save $2,160 over the life of the loan. Maybe there are some people out there that think, "Well, these are 10- and 30-year type loans we are talking about." On an average 4-year car loan of $15,000, a 2-percent reduction in interest rates will save families $9,300 over the life of that loan.

I would just say that, overall, we are going to save dollars in our Republican balanced budget plan, and I would remind my home State of California that total Federal spending in the Republican balanced budget plan will increase, and I want to underline that, increase, a plus sign, from $177 billion in the fiscal year of 1995 to $215 billion in the year 2002, an increase of 22 percent.

Over the past 7 years, the Federal Government's spending in California was $1.1 trillion. Under our plan, the total Federal spending in California will be $1.46 trillion, an increase of 31 percent. So while we hear a lot about cuts of this budget, what we are trying to do is slow that growth, the rate of growth down.

And Social Security payments to my senior citizens? In California we are going to see an increase of $15.9 billion over the next 7 years. Medicare payments to Californians will increase $9.2 billion over the next 7 years.

All of this is important to a State that, as I had mentioned earlier suffered, and we want to see California yet again become the Golden State. I am just looking forward in the next few weeks to discuss the balanced budget and to see that we do vote for a balanced budget in the next 7 years.

Why the need for a balanced budget?

Each year American taxpayers pay almost $300 billion just to service the debt we have already accumulated.

Without the Seven Year Balanced Budget Reconciliation Act, the share of the $1.2 trillion in additional new Federal debt placed directly on the backs of California's children over the next 7 years will be $140 billion. Each child born in America today will be greeted with a tax bill for $187,000 just to service the debt over his or her lifetime.

The national debt as of November 6, 1995, was $4,984,737,460,958.92.

EFFECTS OF SPENDING CUTS OF THE SEVEN YEAR BALANCED BUDGET RECONCILIATION ACT

Although the doomsayers will have you believe otherwise with their false scare tactics, the Congress is not imposing draconian cuts; we are just curbing the amount of wasteful spending Congress has been in the habit of authorizing over the past 40 years.

Our Medicare Preservation Act saves Medicare from bankruptcy, keeping our Government's commitment to traditional Medicare. It increases the average per beneficiary spending from $4,800 in 1996 to $6,700 in 2002. The Preservation Act simply slows the rate of growth of Medicare.

Under the Republican balanced budget plan, total Federal spending in my home State of California will increase from $177 billion in fiscal year 1995 to $215 billion in 2002, an increase of 22 percent. Over the past 7 years, the Federal Government spending in California was $1.1 trillion. Under the Republican balanced budget plan, total Federal spending in California will be $1.46 trillion, an increase of 31 percent.

Breaking these costs down.

Social Security payments to Californians will increase $15.9 billion over the next 7 years.

Federal welfare spending for food stamps, child care, cash welfare, child protection, school nutrition, and other such programs will increase $40 billion over the next 7 years.

Medicare payments to Californians will increase $9.2 billion over the next 7 years.

Medicaid payments to California will increase $3.4 billion over the next 7 years.

LONG-TERM EFFECTS OF THE SEVEN YEAR BALANCED BUDGET RECONCILIATION ACT

The balanced budget legislation will put our financial house in order while, it is estimated, creating 6.1 million new job opportunities in the early part of the 21st century. Income per family will rise by $1,000 a year and interest rates will decline by up to 2 percent, making loans for homes, cars, education, and start-up businesses more accessible. Most important of all, a balanced budget will give our children and children's children a higher standard of living, more job opportunities, and a country free from ever-increasing debt.

Again, breaking down the long-term benefits of this measure:

A drop of 2 percent in interest rates will create 497,000 new private sector jobs in California; in addition, it will reduce the taxes of California families by $23.8 billion over the next 7 years.

A 2-percent drop in interest rates means that an average 30-year home mortgage will save families in Santa Barbara County, CA, my southern constituents, $111,000 over the life of the loan for a $225,000 home. This is the median price for a home in that county in 1995; my northern constituents in San Luis Obispo County where the median price of a home in 1995 and $163,000 would save nearly $100,000 from a 2-percent reduction in mortgage rates.

On an average 10-year student loan of $11,000, a 2-percent reduction in interest rates means graduates will save $2,160 over the life of the loan.

On an average 4-year car loan of $15,000, a 2-percent reduction in interest rates will save families $900 over the life of the loan.

Lastly, I would like to elaborate on Chairman of the Federal Reserve, Alan Greenspan's thoughts on the GOP goal of balancing the budget by 2001.

In a speech earlier this month to the Concord Coalition, Greenspan said he believes that "progress this year in coming to grips with the budget deficit has been truly extraordinary." He attributes falling long-term interest rates with this recent progress.

In addition, Chairman Greenspan stated that "Unless the budget deficit is brought down before foreign funds become increasingly costly, domestic investment will be impaired, economic growth will slow, and pressure on monetary policy to inflate could re-emerge."

With such rosy predictions of the economic effects of our plan, I ask the doomsayers what are the true draconian effects of our plan to balance the budget over the next 7 years? Are your concerns legitimate or are they simply false scare tactics motivated by envy for not having your own legitimate plan? I tend to believe the latter.

In summary, the Seven Year Balanced Budget Reconciliation Act incorporates the most dramatic changes in Washington in more than 40 years. It balances the budget in 7 years, provides significant tax relief to American families, preserves, protects, and strengthens Medicare and replaces the current welfare bureaucracy with compassionate solutions that restore the dignity of work and strengthen families. This legislation provides a better future for our Nation's children. Thank you, Mr. Speaker.

PROVISION IN BUDGET RECONCILIATION BILL ALLOWS CORPORATIONS TO REMOVE EXCESS PENSION FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. NEAL] is recognized for 5 minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, we are here tonight to discuss a provision that was included in budget reconciliation. This provision would allow corporations to remove excess funds from overfunded pension plans for any reason. There is only one way to describe this provision and that is the raiding of pension plans.

Ten years ago we were faced with a similar situation. Let me read a quote from the Nov. 3, 1985 edition of the New York Times. The article was entitled "Raking in Billions from Company Pension Plan."

> At an increasing pace, some of the most familiar names incorporate . . . have already withdrawn or are trying to withdraw, $8 billion in surplus pension money. They are diverting this money to other corporate use, such as take over financing and capital investments and offering their employees substitute pension plans . . . Workers across the country are growing increasingly concerned that the stream of retirement income generated under the present pension system might disappear by the time they retire . . . Some blue-chip companies have been accused of cynically using pension funds bank accounts and tax exempt savings account.

It is almost eerie how this quote from 10 years ago applies today. This quote could have been in today's New York Times.

During the 1980's, approximately $20 billion in pension funds were drained by companies. Congress acted responsibly and passed legislation to protect pensions.

The pension provisions in the House budget would undo all the good Congress had done in one fell swoop. It has been estimated that this provision could result in $40 billion leaving pension funds.

Once again corporations are looking to take money from pension plans to use for their own whims. We cannot allow pension funds to be used as tax free corporate checking accounts.

I have been reviewing the newspaper clippings on this issue and all across the country it is perceived as a bad idea. I want to share with you some of these headlines.

"Leave Those Pension Funds Alone" Business Week October 23, 1995.

"The GOP Had Better Get Business Off The Dole, Too" Business Week October 16, 1995.

"Pension Pirates" New York Times, October 27, 1995.

"The Great Pension Fund Raid, Part II" Los Angeles Times, October 17, 1995.

"An Unconscionable Raid on Pensions" Chicago Tribune, October 2, 1995.

"Keep Paws Off Pension Fund Assets" Chicago Tribune, September 25, 1995.

"The New Tax-Free Corporate Checking Account" Newsday, September 21, 1995.

"Cut Now, Pay Later" Plain Dealer, Cleveland Ohio, October 3, 1995.

"Protect Pension Fund Assets" Sunday Patriot, Harrisburg, PA, October 1, 1995.

I could go on and on but I think I have made my point. Congress should protect pension plans. The Senate has heard this message. The Senate voted overwhelmingly by a vote of 94 to 5 to delete their more restrictive corporate reversion provision.

Mr. Speaker, why has the House not yet heard this message? The headlines have made it clear. This provision is an unconscionable provision.

Why is this provision needed? The House budget provides a huge tax cut to the wealthy and tax benefit to corporations at the expense of the middle class.

Our No. 1 economic problem is our low national savings rate. We have to encourage individuals to save for retirement. This provision does the opposite.

One of the main reasons for the Republican tax reform proposals is to increase the national savings rate. Our decline in savings can be attributed to declining private-sector contributions to employee pension plans. The provision in the budget is contradictory. This provision will allow corporations to immediately suck money out of pension funds.

The proponents of this provision argue this provision will free up money and put it to work for job creation. An analysis done by the General Accounting Office [GAO] shows that most pension money is invested such as stocks and bonds that yield a financial return and provide capital to other companies.

Plan fiduciaries are required by law to invest plan assets for the exclusive benefit of participants and to seek the highest rate of return for a given level of risk. The provision in budget regulation has no such safeguard.

I served on the Banking Committee during the S&L crisis and this is the ghost of the S&L crisis. We cannot afford to put the Pension Benefit Guaranty Corporation [PBGC] at risk. We cannot afford a taxpayer bailout of the PBGC.

I cannot think of one logical reason to include this provision in reconciliation. We cannot have a provision that is bad retirement policy. This provision does not belong in budget reconciliation. We have to protect the pensions of hard working Americans. We cannot let corporations siphon pension funds.

I have with me several editorials, letters to the editor, and articles about the corporate pension reversion which I will place in the Record.

The information referred to is as follows:

[From the Arizona Republic, Nov. 1, 1995]

Proposal Benefits IRS, Wall Street, Not Pension Plans

No better time than right now for pension-dependent retirees to contact Senators McCain and Kyl about a House-passed measure that would permit employers to withdraw "excess" assets from pension plans. The measure is prompted by the taxes that will be due on the monies withdrawn from pension plans by employers encouraged to do so by the prospect of plump after-tax windfalls to strengthen their balance sheets.

This revenue-raising idea starts with today's high-flying financial markets: plan asset valuations are looking fatter than needed to meet future benefit obligations. This, however, assumes that the stock market will continue to fly high. Returning today's paper-value cushion to employers transfers the risk of tomorrow's market-value loss to pensioners.

Bottom-line-driven corporate managers will be hard-pressed not to regard an immediate balance-sheet windfall as more important than a potential pension shortfall. It is naive to think that these decision makers, pressured by the demands and expectations of Wall Street, are likely to forego a windfall in deference to the best interests of a constituency of powerless retirees, when management can order up from its CFOs conveniently rosy, asset-value prognostications to justify its actions.

Dependent as I am on my pension, I am loath to accept the risk of this high-flying market crashing and burning just so my former employer can enjoy that one-shot balance-sheet windfall.

The (transitory) budget benefits gained through taxation of pension-asset drawdowns is an incipient threat to the financially weak Pension Benefit Guaranty Corporation, a federal insurance fund that protects pensioners from plan failures.

This ill-advised House measure—as shortsighted as all the past careless measures that have placed the Medicare and Social Security trust funds in jeopardy today—awaits Senate approval. Now is the time to write.—Arnold E. Buchman, Scottsdale.

[From the New York Times, Oct. 19, 1995]

Don't Let Companies Skim Pension Funds

To the Editor:

"A Hard-Hearted Tax Bill" (editorial, Oct. 12) neglects to mention one provision of the Republican tax bill that needs to be eliminated or modified: the proposal that makes it easy for companies to take "excess" assets out of employee pension plans, with little or no penalty, and to use those funds for non-pension purposes.

The Joint Committee on Taxation has estimated that the proposal would cause $40 billion of assets to be taken out of plans over the next five years. This could be disastrous for both taxpayers and retirees with private pensions.

Taxpayers would be at risk because a taxpayer bailout of underfunded pension plans would be more likely in an economic downturn. Retirees would be hurt because they would be less likely to receive cost-of-living increases in the future and because they would experience less security in their basic pensions.

The Pension Benefit Guaranty Corporation has indicated in a study the extent to which a plan that is overfunded can quickly become underfunded. A plan that is 125 percent funded could become underfunded with a 10 percent drop in the stock market, coupled with a 1 percent drop in interest rates.

Giving companies the right to extract $40 billion would only exacerbate that situation.

The main justification of House Republicans for this piece of corporate welfare is that it would raise an estimated $10 billion or more in corporate income tax revenues over seven years, thus helping to reduce the deficit. This is false economy, since it raises the possibility of another savings and loan association-type bailout and of retirees losing all or part of the pension they have earned.

Congress should either eliminate the provision from the tax bill, or modify it to allow employees and retirees to share a portion of whatever "excess" assets a company chooses to take out of its pension plan.—Charles Londa, Houston, Oct. 12, 1995.

[From the Valley Independent, Oct. 6, 1995]

Tell Congress to Let Our Pensions Alone

The outcry from the public should be loud enough to rattle the halls of the Capitol. The message should be don't mess with our pensions.

The House Ways and Means Committee has approved a measure that could endanger the retirement security of 13 million Americans.

At least that's the claim of three Cabinet members—Labor Secretary Robert Reich, Treasury Secretary Robert Rubin and Commerce Secretary Ronald Brown, who serve on the board overseeing the federal Pension Benefit Guaranty Corp.

By permitting companies to make withdrawals from pension plans at any time and for any purpose, Republicans expect the plan to raise $9.5 billion for the government because companies would pay corporate income taxes on the withdrawals. Currently, withdrawals are permitted only if the money is used for retirees' health benefits. The proposal is part of a bill intended to reduce the budget deficit by $38 billion over seven years.

The Cabinet trio say this measure would trigger the withdrawal of up to $40 billion from pension plans in the next five years—twice what was removed by companies during the corporate takeover frenzy of the 1980s.

"We are going to see raids on pension assets that will make the train robberies during the days of Jesse James pale in comparison," Reich said.

Ways and Means Chairman Bill Archer, R-Texas, calls these charges by Cabinet members a politically motivated attempt to scare people and claims the measure will give workers more retirement protection by encouraging employers to fund pensions at a higher level. He said the legislation would require corporations making withdrawals to leave an ample cushion of 25 percent more than needed to meet current liabilities.

But according to an analysis by the pension benefit agency, 20 to 50 plans on an underfunded watch list suffered withdrawals in the 1980s of what were then considered excess assets.

Also, the agency said an examination of 10 large plans shows the Ways and Means limit on withdrawals isn't enough to protect pension plans if the companies go bankrupt and their pension plans are terminated. Such plans would be left with less than 90 percent of the money needed to meet its obligations, the agency said.

Referring to the pension raids in the '80s, Brown said: "We know what happened when the barn door was open. We closed the barn door. This would reopen the barn door. It's illogical."

More than illogical, it is a violation of trust—the American workers' trust that the money for their pension will be there when they are eligible to retire.

Along with attempts to cut Social Security and Medicare, this threatens the ability of workers to afford retirement in the near future. If people reaching retirement age must keep working, this means less jobs will be available for the young. This is what's really illogical. It will be just another reason unemployment and welfare rolls will rise.

Don't let that barn door be reopened. Protect your future by letting your congressman know how you feel.

You can write Rep. Frank Mascara, D-Charleroi, at 1531 Longworth House Office Building, Washington, D.C., 20515.

[From the USA Today, Sept. 22, 1995]

Today's Debate: Pension Protection—Attempt To Trim Deficit Puts Pensions in Danger

Is your company's pension plan solid? If so, it may soon be ripe for picking—by your boss.

A proposal moving toward passage in Congress would allow corporate raids on business-financed pension funds. At risk—$80 billion in savings in those funds plus billions more in taxpayers' money because the funds are federally insured.

The technicalities of what House Republican tax-writers are doing sound safe enough. New rules would merely eliminate a 50% tax penalty on money withdrawn from pension accounts in excess of 125% of that needed to meet current liabilities.

Only the 125% cushion is bogus.

A study by the Pension Benefit Guarantee Corp. found that even such supposedly healthy funds, if terminated suddenly by, say, a business bankruptcy, could pay less than 90% of promised retiree benefits.

On top of which, even the surplus can quickly disappear if stocks go south or interest rates decline.

That's what's happened to a lot of pension plans that companies raided for their surpluses in the 1980s. For example, ASI Holding took $120 million from a supposedly overfunded plan in 1988. It's now $86 million underfunded. Enron Corp. took out $232 million in 1986 and is now $82 million underfunded. If either company goes out of business, taxpayers will pick up the bill.

Indeed, taxpayers are now liable for $71 billion from such underfunded plans. A bear stock market, and the GOP proposal could up that by $80 billion. And along with taxpayers, a lot of once comfortable pensioners will be at risk, too. Federal insurance only picks up $30,000 in annual benefits.

So, why are Republicans racing to take this gamble? To raise money to pay off hundreds of billions in tax breaks and yet balance the budget by 2002. Funds withdrawn from pensions are subject to corporate taxes. Authors estimate they'll raise $10.5 billion from them.

That misses the whole point of deficit cutting—to stop the government from draining away private savings needed for investment and growth. For every $1 this plan cuts from the deficit, $4 in pension savings and potential investment go out the window.

Still, such pension raids for deficit cutting aren't new. Reforms in 1982, 1986, 1987, 1993 and 1994 put limits on pension contributions, and even penalized companies for overfunding their plans, all in the name of deficit-reduction. The result: a steady decline in national savings—the key to growth—and a rise in underfunding of pension plans.

Now, the nation has little savings left. Congress should try to reverse the process, not exacerbate it.

[From Business Week, Oct. 23, 1995]

Leave Those Pension Funds Alone

Who "owns" the $100 billion in surplus money in Corporate America's pension plans, the retirees or the companies? Either way, Congress' proposal to allow corporations to tap surplus pension funds is a bad idea. It's a short-term policy that will generate quick tax bucks to help balance the budget at the expense of overall savings in the nation. It may be good for companies, it may not even hurt retirees, but it is bad government policy.

Virtually all U.S. retirement plans are shaped by the government's need for revenue rather than the family's or the economy's need for savings. Employee contributions to 401(k) plans are capped by the government at $9,240. This year, Congress actually cut the 401(k) contribution by not compensating for inflation. It needed more tax income to make up for a cut in revenues that occurred when trade tariffs were reduced. That's ridiculous, given that if people with 401(k)s could sock away more money for retirement, more capital would be available for economic growth and jobs.

The limits on individual retirement accounts are even tighter—$2,000 if you are not in another pension plan. Self-employed people with Keoghs get a much better deal: They can save up to $30,000 or 15% of their income annually tax-free. If entrepreneur can save that much for the future, why not corporate employees? Washington should be encouraging all to put more money into pension plans, not less.

[From Business Week, Oct. 16, 1995]

The GOP Had Better Get Business Off the Dole, Too

(By Mike McNamee)

Christmas came early on K Street. Washington's business lobbyists awoke one morning in late September to find a $40 billion present from Ways and Means Chairman Bill Archer (R-Tex.): a proposal to let companies reclaim and spend massive assets locked away in overfunded pension plans. The loophole was designed mainly to help budget-cutting Republicans, who will garner $10.5 billion in taxes if companies pull out $40 billion in assets, as expected. But Archer's gift was a big hit in Corporate America—and like the very best presents, it was pretty much a surprise. "We didn't ask for it," says a pension lobbyist, "but you can bet we're defending it now."

So much for ending "corporate welfare" as we know it. Early this year, Republican radicals swore they would erase the GOP's image as the Skybox Party. House Budget Chairman John R. Kasich (R-Ohio) targeted $30 billion in special corporate tax breaks for elimination. Strategists warned of a public-relations disaster if Republicans slashed the social safety net while leaving a cocoon of $86 billion in subsidies and breaks for Big Business.

UNCHALLENGED

Did the majority of Republicans get the message? No. Some have learned to talk the talk: Archer, for example, portrays his pension-raid plan as the centerpiece of "corporate tax reform." But in reality, "corporate welfare continues unchallenged," complains former Bush aide James P. Pinkerton. Even the GOP's struggle to carve $1 trillion from the budget over the next seven years can't shake its reflexive urge to shower business with federal largesse. If they can't repress that instinct, Republicans will never convince voters that they have been reborn as the champions of the middle class.

Most of the biggest corporate breaks were never in peril. Oil drillers and timber companies didn't lose any sleep over their loopholes—not with Texan Archer and, until recently, Oregon Senator Bob Packwood in charge of tax policy. Republicans who had long denounced the "socialism" of the Tennessee Valley and Bonneville Power authorities "got real quiet when their party started winning seats in the Northwest, the land of cheap electricity," says Robert J. Shapiro of the Progressive Policy Institute, a Democratic think tank. Big exporters will continue to enjoy sales help from the Export-Import Bank and the Agriculture Dept.'s marketing-promotion programs.

Even where budget-cutters did propose small nicks in corporate welfare, lobbyists have come roaring back. Iowa Republicans reminded House Speaker Newt Gingrich (R-Ga.) that they're hosting the first event of the 1996 primary season—and persuaded him to eliminate the Ways & Means panel's cap on tax breaks for ethanol, a boon to corn farmers and agribusiness giant Archer-Daniels-Midland Co. Home-state shipping interests prevailed over ideological purity for Senate Majority Whip Trent Lott (R-Miss.), who forced $46 million in maritime subsidies back into the budget.

Budget pressures ultimately may doom some subsidies. The imperative to cut $13 billion from farm programs, for example, may guarantee that something like the Freedom to Farm Act—a 7-year reduction in price supports—will prevail. The pork that's packed into the Pentagon's appropriation will certainly be trimmed in hard negotiations between Capitol Hill and the White House. And tax breaks for pharmaceuticals markers' Puerto Rican plants, long under assault, may slowly wither away.

That's a start—but it's not enough. A GOP that believes social welfare breeds personal dependency can't go on pretending that corporate welfare builds a strong economy. The party that's bold enough to reform health care for the elderly ought to show the same fortitude when tackling oil drillers and airplane manufacturers. If Republicans can't wake up to the glaring disparity in their positions, they can be sure the voters will.

[From the New York Times, Oct. 27, 1995]

Pension Pirates

By James H. Smalhout

Congress is playing politics with pensions and ignoring the financial risk to workers and taxpayers. A proposal in the House budget reconciliation bill, passed yesterday, would let any company with a strong pension fund take money out of it for any reason as long as the plan maintained a cushion of 25 percent more than the cost of paying current benefits. The Senate is debating a similar proposal.

Letting companies dip freely into pension funds is a bad idea. Federal pension laws understate the costs of keeping plans afloat, so even a 50 percent cushion might not be enough to withstand volatility. And the country already has a serious pension problem: about 25 percent of private plans together come up short of their current obligations by $71 billion.

Still, this flawed proposal, written by Bill Archer, chairman of the Ways and Means Committee, responds to a serious concern. Some companies with flush pension plans have become targets for hostile takeovers. Predators want to grab surplus pension money to shore up their own funds. This is one reason why WHX, a West Virginia steelmaker with a weak plan, has been trying to take over Teledyne, which has a $1 billion pension surplus.

The natural defense for target companies is to remove the attractive nuisance of surplus pension money. So employers with good plans are under pressure to take money out of them to survive. This was easy in the 1980's, when companies could simply terminate their plans and turn the liabilities over to insurance companies to pay the benefits. But these deals were often risky, so Congress set excise taxes as high as 50 percent, which have all but ended them.

Companies can take money out of their plans to cover retirees' health care premiums. But this provision has little value unless a company has many retirees. Dynamic young firms like Teledyne do not.

Concern about the plight of takeover targets should not move Congress to let these companies raid their pension funds at will. The contributions of a worker and his company become larger—and his benefits increase faster—the longer he stays on the job. So it doesn't follow that a pension plan has a healthy future just because it has a surplus today.

The sensible approach is to require plans to maintain a precautionary surplus. Without extra assets to protect against volatility and rising costs, a plan is just a long-term Ponzi scheme like Social Security. And that's very risky for taxpayers, who stand behind failing pension funds.

Last year, Congress and the Clinton Administration ducked the fundamental issue of how to provide workers with secure pensions while protecting taxpayers. They raised taxes on weak pension plans and passed slightly stricter financing requirements. But these measures were hopelessly inadequate. And by taxing companies with weak plans, they strengthened the urge to merge that puts companies like Teledyne under pressure from pension pirates.

That is why Representative Archer is proposing to allow companies to take extra pension money for any corporate purpose. In his favor, the Government does not do a good job of detecting which companies are strong enough to keep their pension promises. But his legislation is unwise. No law should let companies tap retirement money without recognizing the long-term financial costs.

There is a better way. Workers and taxpayers could be protected by requiring companies to secure their pension benefits with a guarantee from triple-A rated insurance companies. This would keep companies like WHX from ending up with weak plans. If the creditworthiness of the pension plan and the company was so weak that private insurance couldn't be obtained, benefits would be frozen. Companies in such sorry shape have no business making false promises to their workers.

President Clinton has vowed to veto the budget package, and the veto would likely be sustained. The House should use the opportunity to make sure that companies keep their pension plans in good shape, not to declare open season on workers who have paid to have safe and secure pensions.

[From the Los Angeles Times, Oct. 17, 1995]

THE GREAT PENSION FUND RAID, PART II

Americans covered by pension plans with defined benefits had better watch out for the frenzied congressional effort to allow companies to divert money from these employee retirement funds. Congressional Republicans are trying to lift safeguards that were imposed in 1990 to prevent raids on pension funds. Making it easier for some companies to withdraw so-called excess assets could put these plans at risk. This is one item in the huge tax package working its way through Congress that should be abandoned.

Under current law, companies may withdraw excess assets—defined as those exceeding 125% of the amount needed to meet projected pension obligations—without penalty, but only if the money is used for health benefits for retirees. For withdrawals for other purposes, companies must pay tax penalties of 25% to 50% as well as income taxes. Congress imposed the penalties five years ago in response to corporate raiders who took over companies in the 1980s and tapped surplus pension funds, a move that left both retirees and the government at risk. About $20 billion was pulled out of the private pension system then, according to the Pension Benefit Guaranty Corp., the federal agency that insures defined-benefits pension funds.

The House Ways and Means Committee has already cleared a bill, sponsored by Bill Archer (R-Tex.), to allow firms to withdraw funds for any purpose without notifying pension participants. The withdrawals would be subject to an excise tax of only 6.5% (in addition to income taxes). Any withdrawals before next July 1, would escape the excise tax—an undesirable inducement to use surplus funds quickly. The Senate Finance Committee is considering a similar measure.

Proponents stress that under the change the government stands to raise about $9.5 billion over seven years because many more companies would tap pension money. But a potentially negative effect of the legislation is that an estimated $30 billion in pension funds could be withdrawn. Raiding excess pension assets would be particularly tempting to financially weak companies.

Might current overfunded pension funds become underfunded? Yes. After all, companies are never absolutely sure of how much they will need to pay retirees in pension benefits. That depends on how long retirees live and other variables, such as interest rate fluctuations.

For all these reasons, these changes in the use of excess pension funds should be opposed. Pensions are a crucial factor in the national savings rate, and financial saving is something government policy should encourage, not discourage.

[From the Chicago Tribune, Oct. 3, 1995]

PENSION PROPOSAL AIDS RAIDS

(By Kathy Kristof)

In a move that both startled and horrified pension advocates, a key congressional committee passed a proposal making it easier for some companies to raid their employee pension plans.

The provision is a key of a sweeping tax overhaul that would save the government an estimated $30 billion over five years. As a result, it has a good chance of passing into law, despite the fact that everyone from the American Association of Retired Persons to the AFL–CIO is fighting against the pension provisions, Washington insiders say.

"This is going to make pension plans a tax-free checking account for companies," says Neil Hennessy, deputy executive director of the Pension Benefit Guaranty Corp. (PSGC), a government agency that backs defined benefit pension plans. "Nobody anticipated that Congress would do this."

"It's unbelievable," adds Cindy Hounsell, staff attorney at the Pension Rights Center. "It's a return to the 1960s."

What the provision would do is simple. It would drastically reduce tax penalties for taking money out of an "overfunded" pension, cutting the excise tax to 6.5 percent from penalties that range from 20 to 50 percent today. Indeed, it would actually give companies an incentive to raid their pensions quickly—before July 1, 1996—by waiving all tax penalties for taking surplus money out of pensions that have more than 125 percent of the money needed to pay future retiree benefits.

Under the proposed rules, the government would still make money if a company raided its pension, because any amount "distributed" from a pension is considered taxable income. Companies that raided their pensions before July 1 would pay income tax, but no penalties on the amounts withdrawn.

Currently, if companies take money out of a defined benefit pension, they must pay income and excise taxes on the amount withdrawn—similar to the taxes and penalties you would face if you withdrew money early from an individual retirement account. However, the corporate penalties are currently much more severe, amounting to between 20 and 50 percent of the withdrawn amount in addition to regular income taxes paid on the money.

In the end, a corporation that took money out of a pension today would lose 80 to 85 percent of the withdrawn amount to federal taxes, says Bruce Ashton, a Los Angeles-based pension attorney.

The high penalties were instituted in the late 1980s, after a wave of corporate raiders took over companies, spent their pension "surpluses" and ultimately left both retirees and the government at risk. The government, in the form of the Pension Benefit Guaranty Corp., insures defined benefit plans to specified limits, essentially putting taxpayers on the hook for any big losses to the pension system. However, some retirees are also at risk because the government insurance covers only up to set amounts—currently to about $2,574 in monthly benefits. Those who were promised more could lose any excess amounts in a pension plan failure.

How can it be risky to withdraw money from a pension when the company has more than 125 percent of the amount it needs to pay future benefits?

The tricky thing about pension surpluses—and shortages—is they're all estimated. In reality, companies don't know precisely how much they'll need to pay retiree pension benefits. The real cost will depend on how long employees live and collect monthly payments—and on how much the company earns on its savings in the interim.

The proposed law stipulates that companies that decided to withdraw funds from an overfunded plan would not be required to inform their workers, says Hennessy.

How much damage could this do to the income of future retirees?

"It's hard to judge," says Hennessy. "It is very difficult for consumers to stop a raid of their pension when the law allows it. But most people are paid what they are owed by their plan."

In fact, many believe the law has wings for one simple reason. It could allow the government to immediately collect billions in income taxes from companies that take money out of the pension and declare it as income. At the same time, the risks are hard to quantify, and the costs—anticipated in future pension plan failures—aren't likely to hit for years, probably long after today's congressional leaders are retired.

[From the Chicago Tribune, Oct. 2, 1995]

AN UNCONSCIONABLE RAID ON PENSIONS

Whenever the big fiscal squeeze is on in Washington—as it is now—politicians of all stripes are tempted to dip into money pots wherever they can find them.

One of the most inviting stashes is the nearly $5 trillion salted away in pension funds. Republicans on the House Ways and Means Committee recently sanctioned a raid on corporate pension funds as a way to raise new revenues and help them balance the budget.

Democrats blasted the tax-writing panel's action, contending it would threaten workers' nest eggs and could leave taxpayers with a sizable bill if any pension plans go belly-up as a result.

But with Congress cutting spending on social programs, the Clinton administration has been pushing to let private pension funds invest in low-income housing and other so-called economically targeted investments. While the White House is technically correct that this doesn't constitute a raid on pension funds, it's at least a thinly veiled sneak attack.

The point is that both parties should keep their grubby hands off pension-fund assets. Employers pay into retirement funds, hoping they will grow enough to cover the payouts promised to retirees. By law, fund managers should be concerned solely with investing to increase benefits for plan participants, and the money in a fund should be thought of as belonging to the participants.

House Republicans, however, decided to ease the rules so employers could withdraw "excess" money from pension funds—cash above future pension needs—and use it for anything they want. They said the companies would invest it in new plant and equipment and not jeopardize the funds because they still would be required to have a 25 percent cushion as insurance to meet future obligations.

Even with the cushion, Democrats contend the drawdown of assets will make some funds vulnerable to lower returns if the economy and stock market sour. Then, the administration argues, the government would have to come to the rescue of underfunded pensions, with taxpayers footing the bill.

Republicans would increase the odds for greater unfunded pension liabilities and for some funds to go under. Why? Because while the move would divert up to $40 billion from the pension system, companies would have to pay income tax on the money, raising nearly $10 billion over seven years.

It's a terrible gamble at the wrong time. Many pension funds already are underfunded. Workers aren't saving adequately for retirement and, early in the next century, Social Security will face serious financial woes. Republicans and Democrats alike should keep their hands out of the pension fund cookie jar.

[From the Chicago Tribune, Sept. 25, 1995]

KEEP PAWS OFF PENSION FUND ASSETS

(By Bill Barnhart)

Have you noticed? Squirrels are especially busy gathering nuts as fall begins this year. That means a harsh winter lies ahead, according to some nature lovers.

Well-heeled financial backers of the current Republican majority in Congress—perhaps sensing that the good days won't last much longer for them, either—are busy grabbing for everything they can get as fast as they can get it. Under cover of the high-profile debates about budget deficits, welfare reform and Medicare, they are stuffing their cheeks with smaller morsels that don't get media attention.

A few weeks ago legislation emerged to weaken the nation's securities laws that protect small investors in favor of the interests of the "entrepreneur." (This Republican Congress may be remembered best for giving entrepreneurship a bad name.)

The latest is a proposed raid on corporate pension funds, which represent the storehouse of retirement savings for millions of American workers. Instead of helping their employees gather retirement nest eggs that will withstand the vagaries of financial markets, certain employers have decided they want free access to the so-called excess dollars in company pension plans.

Many employees these days aren't being covered by pension plans at all, but are expected to sock it away themselves through such tax-advantaged programs as 401(k) plans and individual retirement accounts. A big worry is whether they are saving enough.

There is no provision in the rules for workers who have been fortunate enough to see their 401(k) or IRA portfolio value grow in the current bull market to declare an "excess" and withdraw funds for a vacation without paying a tax penalty.

But that's exactly what certain employers pushing a bill recently passed out of the House Ways and Means Committee want to do with employee pension fund assets. Only instead of a vacation, the fun and games could involve more ego-building mergers and acquisitions by a handful of financiers who would use pension fund assets to pay for their deals. It happened in the 1980s, and it can happen again.

"We though we'd put an end to those things," said Martin Slate, executive director of the Pension Benefit Guaranty Corp., which has the unenviable task of making good when employers skip out on their employee pension obligations.

Employers pushing this measure say they want to use the locked-up capital to grow and create jobs. That may be. But companies such as Chrysler, with large unrestricted cash amounts on their balance sheet often become sitting ducks for hostile takeover artists. Unlocked pension fund assets on the balance sheet are as inviting as cash to a raider. Certainly, the employees would not get to vote on the use of their "excess" pension funds.

Slate's agency estimates that $30 billion to $40 billion in pension assets would be raided if the provision now under consideration passes. That's $30 billion to $40 billion less of an already shrinking cushion of pension fund surplus. Meanwhile, the level of unfunded pension liabilities has been growing.

A law enacted in 1990, largely in response to the raids on pension funds during the previous decade, bans employers from withdrawing the alleged excess employee pension funds, except under limited circumstances to pay retiree health benefits.

Some companies advocate a limited change in the law to permit them to tap a conservatively derived surplus in their employee pension funds to pay health care benefits for active workers. That idea deserves consideration because it would benefit employees. But to turn any amount of pension fund assets into a company checking account for any purpose is dangerous public policy.

The ability and willingness of American workers to save adequately for their retirement is a major concern these days for individuals and the economy as a whole. Letting employers raid their employees' storehouse is no answer to the problem. The fat-cat squirrels should stick to their own nests.

Dumb question: Why doesn't the dividend yield figure relate to the price of the stock, so that when the price per share changes so does the yield statistics?

It does, but sometimes the change goes unreported in newspaper stock listings because of rounding. For example, a stock with a $2.40 per share annual dividend selling at $60 would have a reported dividend yield of 4.0 percent in the stock listings. If the stock price dropped to $59.125, the yield would rise to 4.05 percent, which still would be reported at 4.0 percent. If the stock price dropped to $59.00, the yield would be 4.06 percent, rounded up to 4.1 percent in the listings.

Recently, market commentators have noted that dividend increases have not kept up with stock price increases. To the extent that is true, the changes in reported dividend yields will be less frequent because the dividend represents a smaller part of the share price and the rounding problem becomes more pronounced.

[From the AARP Bulletin, November 1995]

PENSION FORECAST: NEW RAIDS COMING?

(By Robert Lewis)

A debate that everybody thought was settled five years ago over who owns pension assets—workers or employers—has suddenly reignited.

Touching off the controversy is a Republican plan in Congress to allow corporations to withdraw reserve assets from pension plans and use the funds for purposes other than pensions.

Under a provision included in a tax bill that recently passed the House Ways and Means Committee, employers could tap these assets just so long as they left a cushion of at least 25 percent over what is needed to pay current pension obligations.

Rep. Bill Archer, R-Texas, chairman of the Ways and Means Committee and author of the plan, said the "pension reversion" provision would be good for corporations, and also good for the overall economy.

"This will allow companies with excess money in their pension plans to put that money to use," he said in a prepared statement, "to create new jobs, opening up opportunities to expand the economy."

But critics see dangers for pension plans in the GOP proposal. They argue that a 25 percent cushion is not enough margin to prevent currently overfunded plans from becoming underfunded should their assets decline during economic downturns.

The Pension Benefit Guaranty Corp. (PBGC), the federal agency that insures pensions, calculates that a plan with a 25 percent cushion could become underfunded if the stock market dropped 10 percent or interest rates fell two percentage points.

"The [GOP plan] makes pensions vulnerable to stock market downturns," says

Karen Ferguson, of the Pension Rights Center, a Washington advocacy group. "It could place pensions at risk should firms get into financial trouble."

Clinton administration officials attacked the proposal, charging that it would allow companies to siphon up to $40 billion from pension plans and threaten the retirement security of 11 million workers and 2 million retirees enrolled in some 22,000 plans.

If the plan become law, Labor Secretary Robert Reich told reporters, "We're going to see raids on pension assets that will make the train robberies during the days of Jesse James pale in comparison."

AARP officials also criticized the GOP plan, contending it would "bring back the large pension raids of the late 1980's, "when employers diverted some $20 billion of pension funds to other purposes. Much of the money was used to finance corporate takeovers and leveraged buyouts.

In 1990, the federal government sought to curb pension reversions by making employers subject to a 50 percent excise tax if they withdrew pension assets and terminated the fund, or a 20 percent excise tax if they established a successor plan. Firms pay federal income taxes on top of that.

Archer's bill would repeal the excise tax for six months, then reduce it to 6.5 percent through 2000. Congressional analysts estimate companies, as a response to Archer's bill, would pull $40 billion from pension funds.

If they did, that would generate $10 billion in tax revenue, experts figure, suggesting this may be the real reason for the Archer proposal.

But Labor Secretary Reich says such a gain may be illusory, since the federal government insures the nation's 58,000 conventional company pensions covering 41 million workers.

When plans fail the PBGC steps in and runs them, keeping pensions flowing to beneficiaries. Although the PBGC is financed by insurance premiums paid by corporate pension sponsors, any shortfalls conceivably could end up being paid by taxpayers.

At the heart of the controversy is a question of who owns the assets of pension funds.

Lynn Dudley of APPWP—The Benefits Association, which represents large corporations, has no doubts about the matter. "Excess assets belong to the employer," she says.

But pension advocates say the money is deferred compensation and belongs to workers. Still other suggest the money belongs right where it is—in the pension trust. "Employers simply should not be permitted to put workers' pension-fund money at risk, as would happen with this proposal," says AARP lobbyist David Certner.

[From the Washington Post, Oct. 31, 1995]

TWO BAD IDEAS

The enormous budget-balancing bills that the House and Senate passed last week each contain some corporate tax increases. Two in the House version of the bill are bad ideas and ought to be dropped in the conference that now begins.

One would make it easier for corporations to remove supposedly excess funds from their pension reserves and use the money for other purposes. Though it would result in some increased tax payments, it is less a tax increase than a benefit that corporations actively sought—and that critics say would leave the affected pension funds in weakened condition.

The other would phase out a low-income housing tax credit meant to induce corporations to invest in such housing in return for somewhat lower taxes. Again, it is hardly the corporations that would be the primary losers were it to disappear.

Republicans have pointed to the corporate tax increases—they prefer to call them adjustments or reforms—as evidence that theirs is an evenhanded budget in which they squeeze their own traditional constituencies and not just those of the other side. But "corporate tax increases," the principal burdens of which would likely fall on retired workers and lower-income renters, prove nothing of the kind.

Current law imposes a prohibitive penalty in addition to the corporate income tax on withdrawals of supposedly excess amounts from pension funds unless the money is used to help pay retiree health benefits. The House bill would greatly reduce the penalty and in effect ease the definition of excess while permitting withdrawals for any purpose an employer wished.

Billions would likely be withdrawn, and since the withdrawals would still be subject to tax, it's true that revenues would go up. But organized labor, the Clinton administration and such groups as the American Academy of Actuaries have warned that the soundness of a significant number of pension funds could well be threatened in the process. They note that the value of pension fund assets are volatile; they go up when the stock and other securities markets are strong but can just as easily turn down again. It's hard to know exactly where to draw the danger line in a matter such as this, but it's easy to know on which side to err. The Senate last Friday wisely decided to err on the side of caution and knocked a similar pension provision out of its bill by a vote of 94 to 5.

The phase-out of the housing credit was never in the Senate bill. The credit is one of the few remaining devices for adding to the stock of low-income housing in the country. The subsidized housing programs on the spending side of the budget are being cut back, if not shut down, even as the need for such housing continues to grow.

The credit is probably not the most efficient way to produce the housing, but it has been a steady source of added supply at relatively modest cost, and it would seem to be the perfect Republican program in that the housing would be provided mainly through private initiative.

The House bill would use the proceeds from both these corporate "tax increases" mainly to finance the extension of other corporate tax breaks. For the corporate sector as a whole, they're a wash, while in social terms they would leave the budget more lopsided, not less. On these two issues, present law should be preserved.

[From the Philadelphia Inquirer, Oct. 3, 1995]

PENSION-MANIA

Workers and retirees will be hurt if Congress allows companies to raid pension funds easily.

It was a standard scam of the Decade of Greed: Corporate raiders skimmed off pension funds to pay their debt and line their pockets. Managements of companies such as Simplicity Pattern Co., Faberge Inc. and Pennsylvania Engineering Corp. removed a total of $21 billion from pension funds in the 1980s. Congress finally stopped this in 1990 with a prohibitive tax.

Lo and behold, only five years later, the House Ways and Means Committee has voted to end the special, 50 percent tax that has stopped companies from raiding pension funds. The panel's Republicans say, unpersuasively, the relief would apply only to pension funds holding millions more than they really need.

In reality, this change is a needless risk to workers, to retirees and to the federal corporation that safeguards the system. The Pension Benefit Guarantee Corporation is adamantly opposed to the change. Indeed, the PBGC says it would let companies use pension plans "as tax-free corporate checking accounts."

Considering how important pensions are to workers and retirees, it's not clear that the rules ought to be changed at all. When a company's pension-fund investments have done extremely well, creating a real excess, the company gets the benefit of going years without putting more money into the plan. Or, the company can transfer some or all of the excess, without penalty, to pay for health-care benefits for retirees.

Even those who say the 50 percent tax should be lowered must admit that the House Republican plan goes way too far. It proposes only a 6.5 percent tax on withdrawals of supposedly excess pension funds, and for the first half of 1996, no penalty at all!

This is a gimmick to raise revenue—since corporations would pay income tax on the pension money they withdraw. But lawmakers shouldn't be indulging in tax gimmicks at all, let alone one that could undercut the safety of pensions for millions of workers and retirees.

The biggest flaw in the House plan is how it defines a pension plan with truly "excess" funds: A plan that holds more than 125 percent of its current liabilities—that is, the pension benefits employees have already earned.

But the PBGC says that threshold isn't nearly high enough. A new report by a business group called the Committee for Economic Development, anticipating how baby boomers will burden the pension system, expresses similar concern.

The retirement security of American workers has been hammered in recent years by corporate downsizing, corporate raiders and the like. Now it's being shaken further by cuts in entitlements such as Medicare. A new raid on pension funds makes no sense whatsoever.

[From the Long Island (NY) Newsday, Sept. 21, 1995]

THE NEW TAX-FREE CORPORATE CHECKING ACCOUNT

(By Marie Cocco)

You can tell when something big is happening at the House Ways and Means Committee. The lobbyists all age by about 25 years and undergo sex-change operations, as the powerful replace the mere note-takers.

The power quotient was unimpressive this week as the panel crafted a measure billed as one to close corporate loopholes. Still lots of empty seats; still too many twentysomething women clutching cellular phones. And that got Rep. Jim McDermott (D-Wash.) wondering.

"Here we have a $10-billion tax increase and nobody cares," he noted. "So you have to ask yourself, what's wrong here?"

An appropriate question. Here's the answer: The $10.5-billion tax "hike" innocuously labeled "corporate pension reversions" on the committee's charts is in fact an invitation for corporations with rich pension funds to raid the accounts and use the money however they wish. Golden parachutes. Higher stock dividends. Corporate jets. You name it.

Students of the 1980s will recall that during the heyday of the leveraged buyout, a fat pension fund often put a company "in play." That is, the pension assets in excess of what was expected to be needed for retirees became a piggyback. Market-manipulators used the money to pursue other companies. Or a new owner who'd conquered a takeover target would terminate the pension plan, buy less generous annuities for the retirees and skim off the excess.

The Pension Benefit Guarantee Corp. says about $20 billion was siphoned from pension funds during this binge. But that's only about half the $30 to $40 billion the pension-insurance agency estimates would be drained out by reopening this scheme.

How does it work?

Under rules passed in 1990, a corporation can remove pension money without penalty only if the funds are used to pay retirees' health benefits. Otherwise, the company pays a stiff tax penalty on the withdrawal, in addition to income taxes.

The measure pushed through by committee Republicans would wipe out the penalty. Companies would pay only income taxes on the withdrawal. That's how the GOP estimates raising $10.5 billion in new revenue.

But that assumes corporations will actually pay taxes on the withdrawal. More likely, they will time them to coincide with tax losses. They could construct it so it's all a wash.

"It has the effect of creating a tax-free corporate checking account," said Assistant Treasury Secretary Leslie B. Samuels, who, with the Democrats on the panel, tried to dissuade the Republicans.

The opponents pointed out that even pension funds that are technically "overfunded" now could become underfunded with a stock market downturn or interest-rate change. They argued that pension money belongs to current and future retirees. They tried to warn them that, since the government insures pensions, the Republicans could be paving the way for the next savings-and-loan debacle.

The Republicans said Democrats just don't understand free markets. "I can't believe that they don't understand our economic system!" Rep. William Thomas (R-Calif.) shouted. Pension money should be used for productive investments, he argued, not left "just sitting there doing nothing."

Someone should let him know pension funds are the nation's largest source of capital; they own a fifth of all corporate stock. That would clear up the free-market argument. But it won't save the Republicans from themselves.

Days ago, they howled about protecting pensions from the clutches of the Clinton administration. The Labor Department provides information on investments in things like hospitals and small businesses to pension managers; the managers control where to invest. The House abolished the program.

"Our message is simple," Majority leader Dick Armey (R-Texas) crowed. "Keep your paws off our pensions."

It's a good sound bite. But nothing more than that.

[From the Pittsburgh Post-Gazette, Oct. 1, 1995]

PENSION RAID—DON'T RAISE REVENUES BY THREATENING PENSION BENEFITS

In the 1980s, corporate pirates didn't need a map to find the buried treasure—it was right there in the pension fund.

High interest rates and a galloping stock market had made many funds flush. Frequently a company with a very healthy pension became a takeover target—leverage buyouts were followed by termination of the pension fund and the use of the excess cash to pay off debt.

If workers' welfare had been insulated from all the high-finance brinkmanship, perhaps it wouldn't have been an issue. But often the plans were replaced with lesser-value pensions or, on occasion, no pensions at all.

Starting in 1986, Congress set up a system allowing corporations to draw down excess funds, but with a small excise tax—10 percent at first, later raised to 15 percent.

But that didn't shield workers. Many overfunded pensions ended up being underfunded. Twenty of the top 50 underfunded pension plans had been subject to "reversions," as the draw-down is called.

In 1990 Congress passed a 50 percent excise tax on businesses that terminate plans and fail to set up a successor plan with similar benefits. The tax is 20 percent on those that replace the plan. Reversions are allowed without penalty if the money is used to pay retirees' health benefits.

That's a fairly happy ending to the story. But watch out for the epilogue. Last week the House Ways and Means Committee voted to open pension plans up yet again. Plans that are funded at 125 percent or higher can be drawn down without penalty through June 1996. After that, the excise tax will be only 6.5 percent.

The gambit will raise $9.5 billion for the federal Treasury in corporate income tax, but congressional experts estimate that it will drain pension funds of some $40 billion in assets—double the amount that was drawn down in the 1980s.

The federal pension insurance program has decried the move. The three Cabinet secretaries that sit on its board—Commerce Secretary Ron Brown, Treasury Secretary Robert Rubin and Labor Secretary Robert Reich—cited a host of reasons why this is a bad idea.

A pension that is 125 percent funded on an ongoing basis may well be underfunded if it were terminated immediately and had to make good on its obligations. Most plans will not be terminated immediately, but some will and their beneficiaries won't be adequately covered. That will put a strain on the federal insurance system and will probably reduce benefits for some pensioners.

Even if the plans aren't terminated, interest rates and market conditions change. Plans that are overfunded today weren't three years ago and may not be three years from now. Keeping a cushion makes sense under those circumstances. In the 1980s, many overfunded plans that were drawn down ended up underfunded.

Another concern is that companies receive considerable tax advantages to contribute to pension funds, but will be allowed to withdraw with no penalty.

That will open the door to a lot of financial gamesmanship. Also, the pension raid would be encouraged despite the well-known need to bolster private savings.

Surely there are better ways to balance the budget then to gamble with the security of private pensions covering millions of Americans.

[From the Cleveland Plain Dealer, Oct. 3, 1995]

CUT NOW, PAY LATER

Congress should reconsider tax cuts rather than ask poor people and pensioners to pay for them.

Not surprisingly, members of Congress who approved a $245 billion tax cut earlier this year are struggling now with the delicate question of how to pay for such excess.

A bill recently adopted by the House Ways and Means Committee, for example, would help to finance the tax cut by raising about $39 billion over seven years. Some of the bill's provisions make sense. Others are downright foolish.

One of the most worrisome proposals would make it easier for companies to withdraw money from their pension funds. Under the bill, companies would no longer face severe penalties for withdrawals from pension funds as long as the maintained a cushion of 125 percent of the assets they needed to meet their pensions' liability. The proposal, which would allow companies to withdraw funds for any purpose, would increase federal revenue because companies must pay taxes on withdrawals.

Supporters of the change contend that a 125-percent cushion is adequate. But critics, including the federal Pension Benefit Guaranty Corp., warn that a seemingly comfortable cushion could vanish if the stock market tumbles, because many pension funds are heavily invested in the stock market.

Given the federal government's potential liability, and disasters like the savings and loan crisis, Congress should be wary indeed of loosening restrictions. Tough penalties on withdrawals were instituted precisely to avoid a taxpayer bailout of pension funds.

Another ill-advised House proposal would raise $23 billion by sharply reducing the earned income tax credit, which allows the working poor to receive a credit from the government even if they don't owe taxes. The Senate Finance Committee, meanwhile, is endorsing an even larger cut in the credit—$42 billion over seven years.

Lawmakers are hoping to limit the credit, which was expanded greatly in President Bill Clinton's 1993 economic package, in several ways. Some of the proposals merit consideration—including one that would make childless workers ineligible for the credit, and another that would take into account income from Social Security and other outside sources when determining eligibility for the credit.

Lawmakers should be wary, however, of reducing the value of the credit for the people it was principally intended to help—poor families struggling to survive on low wages. The earned income tax credit was designed to encourage poor breadwinners to take low-wage jobs instead of relying on welfare and related benefits. It is one of the last tax incentives that should be trimmed, not one of the first.

Congress clearly needs to balance its lopsided books. But lawmakers must take a long-term approach. Reducing pension protections and tax credits for poor breadwinners may swell the federal treasury in the short run. But such steps could increase government spending in the long run.

Senate Majority Leader Bob Dole, who raised the possibility Sunday of not providing the full $245 billion tax cut, is on the right track. If Congress wants to avoid blame for foolish tax increases, it should give up foolish tax cuts.

[The Harrisburg (PA) Sunday Patriot-News, Oct. 1, 1995]

PROTECT PENSION FUND ASSETS

During the wave of corporate buyouts in the 1980s, pension-fund monies were used to accomplish two-thirds of the largest mergers, according to Commerce Secretary Ron Brown. All told, about $20 billion was lifted from private retirement funds to facilitate corporate takeovers.

But if congressional Republicans have their way, that period of pension-fund raiding will seem modest.

Last week, the House Ways and Means Committee approved legislation that would allow corporations to remove $30 billion to $40 billion from pension funds over the next five years for other purposes. Republicans hope to capture about $9.5 billion of that in taxes to put toward balancing the budget.

In the process, they may well put some pension funds at risk. As most are government guaranteed, taxpayers could be the losers in the end, along with affected workers and retirees.

Proponents claim that the 25 percent cushion above current liabilities that the measure provides is more than adequate to protect the country's 11 million employees and 2 million retirees covered by private pension plans. In addition, they argue that if the surplus pension money is reinvested in plant and equipment it could mean more jobs and a stronger company.

According to Ways and Means Chairman Bill Archer, the proposal could actually make pension plans more attractive to business and encourage them to make larger contributions.

But as Labor Secretary Robert Reich noted, you couldn't prove that by what happened in the 1980s. An analysis by the federal Pension Benefit Guaranty Corp. found that of 50 pension funds on an underfunded watch, 20 experienced withdrawals in the 1980s of what were then considered surplus assets.

In addition, the agency said that an examination of 10 large pension funds found that the 125 percent limit was not sufficient to protect them if they were terminated because of corporate bankruptcy. Less than 90 percent of the money required to meet obligations would be available, according to the agency.

The agency further noted that funds currently considered sufficient could become underfunded by a modest shift in the market that reduced interest rates by one percent, combined with a 10 percent decline in the value of assets.

Even the pro-business Committee for Economic Development has warned that the present full-funded standard of 150 percent of liabilities is insufficient to ensure the long-term viability of pension funds.

The 1980s corporate-takeover frenzy, fueled in part by raids on pension funds, took a heavy toll on this country in terms of quality companies that were destroyed, thousands of jobs that were lost, damage inflicted on the environment to pay off debts, pension-fund depletions and the loss of employee trust in employers.

It boggles the mind to think that the stage might be set to go through that again, and at twice the rate of the 1980s.

[From the Fort Worth Star-Telegram, Sept. 22, 1995]

AND PENSIONS

And on the subject of ideas in new tax bills, one of the worst is the plan to allow corporations to withdraw money from their pension plans. The withdrawals would be taxed—an estimated $10.5 billion over seven years—but this is a bad idea for two reasons.

First, Americans are worried about their retirement years. What can they count on? Letting corporations use supposedly "excess" pension funds for other purposes merely adds to the public's unease about its old age.

Second, the federal Pension Benefit Guaranty Corp.—one of those federal insurance programs, like insured bank deposits, that are ignored until they cost the taxpayers billions of dollars—could have to rescue pension plans that become underfunded because of corporate withdrawals.

We do not need another S&L-style bailout because someone got greedy and saw a way to get more revenue without raising taxes.

[From the Spartanburg (SC) Herald-Journal, Oct. 2, 1995]

LEAVE PENSION FUNDS ALONE—CONGRESS SHOULDN'T ENABLE COMPANIES TO ENDANGER RETIREES' BENEFITS

Congress should back away from a plan to let companies spend "excess" funds in their pension programs.

The plan, which was approved by the House last week, is popular with businesses because it would allow companies to use funds that aren't needed to meet pension obligations.

It is popular with Republicans in Congress because it is expected to generate $9.4 billion in new federal revenue.

But it's likely to become unpopular with the rest of us if it ends up affecting our pensions, which it is likely to do.

A key question is: How much money in a pension fund is "excess?"

The proposed measure would apply to companies that have at least 25 percent more money in their pension funds than is needed to cover benefits already earned by their employees.

About 40 percent of the pension funds insured by the government fall into this category. Companies are expected to spend up to $40 billion of this money if the law is passed.

But 25 percent is not much of a safety margin when dealing with financial investments. The Pension Benefit Guaranty Corp., the government agency that insures pensions, requires more cushion than that when a company terminates a pension plan.

Most pension plan funds are used to buy stocks, bonds and other investment vehicles. The growth of those investments has led to the excess funds in the pension plans.

But what happens if the stock market plunges? If the investments of a plan go sour? All of a sudden, a pension plan that had excess funds no longer has the funds it needs to meet its obligations.

Who pays the pensions for the retirees then?

Taxpayers, through the Pension Benefit Guaranty Corp.

Does it sound familiar? Think Savings and Loan.

Companies were allowed in the '80s to use excess pension funds for business use. About $20 billion was taken out of pension funds then, according to the Guaranty Corp. The money often was used to pay for leveraged buyouts and mergers.

Workers at many of those companies had their pensions replaced by plans with much lower benefits.

In response, Congress placed a 50 percent excise tax on money taken from pension plans. The current proposal would eliminate that tax.

It should not be allowed to become law.

DON'T SUPPORT PENSION RAIDS

Smoke and mirrors would be preferable to a proposal approved by the House Ways and Means Committee last month to let healthy companies withdraw from their workers' pension funds.

The proposal is designed, primarily, to raise $10 billion in federal tax revenue at a time when the government is desperate for money. Giving companies access to large sums of money would also accommodate business expansion, helpful to the economy just about any time.

The problem is it would subject workers' pensions to unacceptable risk, which seems especially unwise during a time of such uncertainty for Social Security. And in the event of a few large defaults, it could pin the cost of a huge bailout by the federal Pension Benefit Guaranty Corp. on taxpayers. After the federal savings and loan debacle, that's the last thing we need.

The Republicans' plan is to let companies borrow from pension plans that have at least 125 percent of the money they are estimated to need to pay current employees' pensions. While such loans are now allowed, the government imposes penalties on them of 20 percent to 50 percent, and it taxes the money as ordinary income. Consequently, most companies choose other ways to raise money. Under the proposal passed by the Ways and Means Committee, the penalty would be eliminated until next July 1 and raised to only 6.5 percent thereafter.

This would undoubtedly encourage hundreds of healthy companies to raid their pension funds, providing a windfall for the government, which would continue to collect taxes on the money taken out. If everything goes according to plan, there wouldn't be a problem. But if the economy stumbled and the stock market tumbled—most pension funds are heavily invested in it—look out below.

In an instant, pensions would be dangerously underfunded, a situation that, uncorrected, could require massive infusions of cash from the PBGC. Without them, pension obligations might not be met. And with them, the government agency might have to turn to taxpayers—just as the Federal Deposit Insurance Corp. did when it had to bail out the S&Ls. A chilling thought.

Not surprisingly, there is widespread opposition to the plan among labor unions and the American Association of Retired Persons. The head of the PBGC is also against it. And that ought to convince President Clinton to veto the measure should the Republicans, as expected, muster enough votes to get it through Congress.

[From the Joplin Globe, Oct. 5, 1995]

PROPOSAL WOULD ALLOW CORPORATIONS TO RAID PENSION PLANS

It appears that little is immune from Congressional budgetary deliberations. If it can be cut or it will raise money, it seems to be fair game for Congress.

Now, pension funds are among the fair game.

The House Ways and Means Committee has approved a proposal to allow corporations to raid their pension plans, raising billions for the government through income taxes paid on the withdrawals.

Proponents say the measure would lead to greater retirement protection while raising $9.5 billion for the government. Corporations support the measure because they say withdrawal of excess assets from pension funds can help workers if the money is used to expand and create more jobs.

Opponents say it would endanger the retirement security of millions of Americans, just like it did in the 1980s, when companies legally tapped pension plans, leaving many under-funded as a result.

Among the opponents are three cabinet secretaries who are members of the Cabinet-level board overseeing the federal Pension

Benefit Guaranty Corp. (PBGC), which insures pension plans and takes over those that fail.

They say the proposal would trigger withdrawal of up to $40 billion from pension plans in the next five years—twice that removed by companies during the corporate takeover frenzy of the 1980s.

Under the provision, withdrawals from pension funds would be allowed at any time and for any purpose. Currently, withdrawals are allowed only for use in retirees' health benefits. The proposal would require corporations making withdrawals to leave a cushion of 25 percent more than needed to meet current liabilities.

Allowing companies to dip into their pension funds would lead more of them to make large pension contributions for cushioning or, if they don't already offer pensions, to create them, said Congressman Bill Archer, R-Texas, Ways and Means Committee chairman.

Labor Secretary Robert Reich, one of the PBGC board members, said it didn't happen that way in the 1980s. He said that at that time the money often was used to finance leveraged buyouts, sometimes leaving pension plans underfunded.

Luckily, participants in plans that are underfunded won't be blind-sided. The Retirement Protection Act, approved last year, will offer some protection.

Beginning this year, the act requires companies with more than 100 employees in under-funded pension plans to notify workers if the plan is less than 90 percent funded. That means, for example, that an 80 percent-funded plan could pay only 80 percent of its promised benefits, if the plan failed. The new ruling will apply to companies with fewer than 100 plan participants beginning next year.

These notifications must provide information about the plan's funding status and explain the maximum amount of benefits the PBGC would pay if the plan failed, said Robert Pennington, an academic associate at the College for Financial Planning, a division of the National Endowment for Financial Education. The maximum benefit the PBGC's insurance fund now pays to a participant is $2,574 a month.

The total pension shortfall of plans governed by the PBGC is $71 billion. Some plans are under-insured by more than 40 percent, according to the PBGC, whose own insurance fund is under-funded.

If you receive a notice that your plan is under-funded, Pennington said these are some of the things to consider:

How much is the plan under-funded?

Find out how the benefits are being funded.

Think about building a nest egg to cushion the losses.

[From the Burlington (IA) Hawk Eye, Oct. 1, 1995]

PENSIONS AT RISK

Congress: New budget plan would let companies raid funds.

Hidden in the congressional budget plan is a proposal that would allow unprecedented abuse of employee pension funds.

Never at a loss for an analogy, Labor Secretary Robert Riech said "You're going to see raids on pension assets that will make the train robberies during the days of Jesse James pale by comparison."

The provision would let companies withdraw funds from pension funds if their assets exceed 125 percent of the plan's current liability.

Companies could use the money for any reason.

The provision actually encourages companies to withdraw money by abating the federal excise tax on withdrawals made before next July. After that a 6.5 percent tax would apply.

Republicans gleefully predict that $40 billion could be withdrawn over the next five years. That could produce a windfall in taxes.

Their other argument is that companies could use the money to expand or create jobs, although the law does not require that. Companies could just as easily pay bonuses to top executives or finance the campaigns of friendly politicians.

A flurry of withdrawals would create a nightmare for pensioners—and taxpayers.

Since 1974, more than 2,000 pension funds have failed. They were bailed out by the Federal Pension Benefit Guaranty Corp.

The fund insures 56,000 pension plans and 33 million employees. It effectively obligates taxpayers to guarantee pensions when private businesses do not.

The obligation is substantial; at last report, U.S. pension funds were underfunded by $71 billion.

Reich argues soundly that pension plans whose principal is depleted today might not be able to meet their long-term obligations.

Lost in the debate is why companies should be allowed to raid pension funds at all. Or at least without any obligation to assure their solvency.

A compromise might allow companies to borrow, not simply appropriate pension funds. That would offer employees and taxpayers a reasonable assurance that the pensions will be there, while giving companies a low-cost and renewable source of money for expansion or other legitimate purposes.

But then reasonable solutions are not what Congress is necessarily searching for.

[From the Tribune, Meadville (PA), Sept. 17, 1995]

DON'T LET COMPANIES RAID PENSION PLANS—SURPLUSES MEAN FUTURE SECURITY FOR WORKERS

A House committee last week passed a new tax bill that would not only eliminate the earned income tax credit for many poor families, but would jeopardize the retirement income of millions of American workers.

The bill would allow corporations to spend surplus money in pension plans rather than preserve the funds for the health of the plans to ensure the future security of their work forces.

Companies with 25 percent more money in their pension plans than is needed to cover benefits would be able to use that money as they see fit. About 40 percent of the 58,000 pension plans insured by the Pension Benefit Guaranty Corp. currently fit that description, according to congressional estimates.

Legislators are looking at the funds as a means to help raise revenue to reduce the deficit. If companies were to use the money, it would generate about $10 billion in tax revenue over the next seven years.

The irony is that many of the pension plans in question have developed surpluses because companies use them as a tax dodge. By dumping money into the pension plans, the corporations are able to reduce their tax liability. If Congress wants to generate more tax revenue, it should legislate against the misuse of legitimate pension funds.

It is likely given the experience of pension fund raids in the 1970s and 1980s, that new raids by companies would help fund the current rage toward big mergers, resulting in untold layoffs and lost jobs.

Some of the pension surpluses also reflect accounting maneuvers rather than actual assets, raising the prospect that nationwide pension raids would jeopardize the solvency of some plans.

That's why the Pension Benefit Guaranty Corp. opposes the plan, which should be defeated or vetoed.

□ 2130

REPUBLICANS SHOULD TAKE NOTICE OF ELECTION RESULTS IN VIRGINIA

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Virginia [Mr. PAYNE] is recognized for 5 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, the Commonwealth of Virginia held an election yesterday, and the Republicans in this House ought to sit up and take notice at the results. Yesterday's outcome says a lot about the direction of this country, our priorities here in Congress, and public attitudes about the Republican tax cut.

George Allen, who is our State's Republican Governor, tried to make the election a referendum on his program of tax cuts. Under the Governor's plan, which was proposed and debated during this year's General Assembly session, deep tax cuts would be paid for by slashing spending for a host of vital public programs.

The Governor proposed $2.1 billion in long-term tax reductions, but only identified $400 million in spending cuts to pay for them. Future Governors would have been left to make the cuts that would have been necessitated by the Governor's tax plan.

And when it comes to the $400 million in spending cuts Governor Allen did specify, here is what was in the Governor's plan:

$10.5 million designed to keep students from dropping out of school;

$3.2 million designed to help low-income students finish high school;

$1.3 million for child health clinics;

$7.3 million for 4–H programs;

More than $90 million total for education, including Virginia's colleges and universities.

And on and on it goes. And when the Democratic majorities said no to this agenda, the Governor called them obstructionist. He pledged an all out effort to defeat the Democrats at the polls. And that is exactly what he attempted to do.

Does that sound familiar? Deep tax cuts that are paid for by deep cuts in important programs?

This is exactly the course that this House is following right now in the Republican Budget Reconciliation Act.

The people of Virginia got a good look at the Allen plan, and despite the Governor's tireless campaigning, they rejected his extreme program by a big margin.

They defied the odds and kept the Virginia General Assembly, in Democratic hands.

Under the leadership of the Democratic Party, in the General Assembly, Virginia enjoys a balanced budget, a triple A bond rating, and the reputation as one of the best fiscally managed States in the country. We will yield to no State in our belief in fiscal conservatism. But our citizens know that a tax cut that will give them a few dollars more each month isn't worth diminished colleges and universities, reductions in law enforcement, cuts in health care programs.

The message from yesterday is clear: people want responsible government, not a radical program that will gut programs that educate our children, protect our seniors, and help to make our communities strong. They also demand fiscal responsibility.

Having had the opportunity to personally campaign with many of our Virginia candidates, I am more convinced than ever that the course we are pursuing here in Congress is wrong. A budget reconciliation act that cuts Medicare, Medicaid, and other domestic initiatives just to pay for a $245 billion tax cut sounds a lot like the Republicans' program in Virginia. And we see how far it got them.

It's a lesson that we ought to learn here in Washington.

NEW GOVERNOR OF KENTUCKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WARD] is recognized for 5 minutes.

Mr. WARD. Mr. Speaker, I do not think I will be using the entire 5 minutes this evening, but I wanted to stand up to congratulate the new Governor of Kentucky, Gov. Paul Patton. He has been Lieutenant Governor for 4 years. Prior to that he was county judge of Pike County deep in Appalachia where he really turned things around. He really made things run differently from the way they were run before. So we are very proud in Kentucky that at this time of political upheaval, at this time of uncertainty and a negative feeling about anyone who is in office, that the Democrats, even though we have been in office for 24 years in Kentucky, have had the opportunity to send a new Governor to the Governor's mansion.

I mention this because we, in the last couple of weeks of the campaign, ended up talking about a number of national issues, issues which relate to what we are doing here. I think it is important to make note of the fact that these issues seemed to show us, the way the voters reacted to these issues, seemed to show us that the voters are very concerned about the changes that are being made here to the Medicare Program.

These changes to the Medicare Program really do seem to cut at the heart of the commitment that we have made to our seniors in this country, and seems to be fashioned in such a way as not only to provide some needed changes to the Medicare Program over the next 7 years, but to leave some money left over for a $245 billion tax break, over half of which goes to the top 12 percent of income earners in America.

These messages were put forward in this Governor's race in Kentucky, and the voters reacted. The voters responded. In fact, just this weekend, the Republican National Committee chairman and other folks over there who tend to talk about how elections are going to come out were saying that this was a definite pickup for the Republicans. What, in fact, turned out to be a win for the Democratic nominee.

I rise to first of all congratulate our newly elected Governor, but also to point out that in a State that actually has had some problems with an FBI sting in the legislature that left 15 members, either present or former members at the time they were indicted, indicted and pled guilty or convicted of felonies, 15 members.

Now, the Democrats have been in control in Kentucky of the Governor's office, in both branches of the legislature for years and years, 24 years for the Governor, and many people blame the Democrats, even though, in fact, of the 15, 7 were Republicans. It was a very evenly split situation.

But, being the party that was in, it was natural to take that out on the Democrats. What we found was that in spite of that, in spite of that, because of the national issues that came into play toward the end of the election, the Democratic Party was successful.

Again, I rise to congratulate our newly elected Governor, Paul Patton, and yield back the balance of my time.

UNITED STATES TROOPS IN BOSNIA SERIOUS FOREIGN POLICY BLUNDER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. CHABOT] is recognized for 60 minutes as the designee of the majority leader.

Mr. CHABOT. Mr. Speaker, I appreciate the opportunity to discuss a very important issue this evening, that being the President's plan to put United States troops into Bosnia.

Mr. Speaker, before we get into that, I would like to yield several minutes to the distinguished gentleman from Illinois [Mr. MANZULLO] to respond to some of the things that we have heard here this evening from the other side.

RESPONDING TO DEMOCRATIC RHETORIC

Mr. MANZULLO. Mr. Speaker, I thank the gentleman for yielding. Our 1 hour tonight is on Bosnia, but I just cannot stand to sit here and listen to some of the rhetoric that has come from the other side of the aisle without responding to it.

No. 1, if anybody read this morning's Washington Times, they would have seen an incredible quote by the Secretary of the Veterans' Administration, Mr. Brown, who admitted that under the Clinton budget plan, veterans would have suffered greater cuts than under the Republican plan that we have imposed. The Republican plan is more generous toward the veterans than the Democrats, and yet to listen to tonight's rhetoric, the Republicans are gutting and hurting and injuring the veterans that have fought so valiantly and have served so valiantly in the armed services. It is simply not true.

The Democrat budget that was set forth by the President has deeper cuts than those set forth by the Republican budget, and that is stated officially by the Secretary of Veterans Affairs, Mr. Brown.

No. 2, we have heard the rhetoric about the Republicans talking about taking over, taking the hands off the pension plan. I serve on the Joint Economic Committee, and we had a vote in this House about a month ago that said, we are on record as opposed to something called the economically targeted investments, the ETI, where the Clinton administration wanted to raid $4 billion from the pension plan in order to put it in the pork projects, in public housing projects, and very questionable projects all over the place.

Mr. POMEROY. Mr. Chairman, will the gentleman yield? We have all kinds of time.

Mr. MANZULLO. Mr. Speaker, I will not yield at this time.

Mr. CHABOT. Mr. Speaker, at this time I would like to hear what the gentleman has to say.

Mr. MANZULLO. So the Republicans had to fight back this incredible program, this incredible raid on the pension plans in this country called the economically targeted investments.

What were some of these investments? Well, we had teachers; pension plans in the eastern States losing millions of dollars on housing projects, and all over this country, one failure after the other, because there are $4 billion of private pension plans that Democrats could not wait to get their hands on.

The third thing that I would like to address is the rhetoric over the so-called tax break. Mr. Speaker, the tax break is not for the rich in this country, but the CBO shows, and several organizations show, that when the tax, so-called tax break goes into effect, those taxpayers in the highest quintile, in other words, those earning in the upper 20 percent, will end up paying more taxes, and in addition, 75 percent of the capital gains taxes in this country are paid by those earning under

$75,000 a year. That is not high income, and 87 percent of those who will gain from the tax cut for children earn under $75,000 a year.

I mean clearly, this is not high income, this is common sense, because we believe that the American people who have worked very hard for their dollars know much better how to spend their money than the U.S. Congress, and I just had to clear that up.

Mr. CHABOT. Mr. Speaker, reclaiming my time, the purpose of this special order tonight was to take some time to discuss the President's plan where he is considering putting United States troops on the ground in Bosnia as part of a proposed peace package.

Mr. Speaker, I feel very strongly that this could be one of the most serious foreign policy blunders in memory. This House sent a very clear message to the White House within the past couple of weeks stating very clearly that it is our opinion that no troops should be sent into Bosnia on the ground without the President first coming to Congress and making his case to Congress and to the American people.

□ 2145

He clearly has not done that to date. This was a bipartisan vote. Three hundred fifteen Members of this House voted this way, versus 103 who supported the President on this particular effort. Half of the President's own party in this body voted that way. So it was a very strong message. At least to date the President apparently has chosen to disregard this very clear message from Congress.

That vote was only a first step. We are now considering taking much stronger action which we are going to discuss here this evening in which we feel that it may perhaps be the appropriate action for us to tell the President up front that we are not going to funds any venture on putting United States ground troops into Bosnia.

I spoke with Vice President GORE several weeks ago in this building along with several other Members of Congress. One of the things I asked the Vice President at that time is did they have any casualty estimates, how many casualties, how many Americans did they project will lose their lives if we put ground troops into Bosnia. They had no answer. They are looking into it. We have not heard word one back from the administration on this yet.

There are many things which have not been addressed yet by the administration. The American people are not in favor of this effort. These are the types of things that we are going to be discussing here this evening.

Mr. Speaker, I yield to my good friend, the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Speaker, I thank the gentleman from Ohio [Mr. CHABOT].

Mr. Speaker, I spent 6 years of my life living in the Balkans. I am a historian of southeastern Europe. The Turkish word for the Balkans means "mountains." That is what Bosnia and former Yugoslavia are all about geographically. We do not need an American Afghanistan.

The other thing we learn from a history of the Balkans and Bosnia-Herzegovina is that centuries of ethnic strife and slights are alive and well today, irrationally. Part of the problem is that Orthodox Serbs still remember their defeat at the hands of the Ottoman Turks back in the 14th century and the 15th century and especially a battle in 1389, "The Field of Black Birds," where the Serbs were finally defeated. Many of the ethnic South Slav people were then converted to Islam by the conquering Turks, and the Orthodox Serbs who did not convert still consider the Muslims who were converted to be traitors to the South Slav nation.

So the world is faced with a place which was never a real country, with a real language or a real nation, that is, Bosnia-Herzegovina, this place being defended as something essential to America's security. What a joke. There was never a Bosnia nation, a Bosnia people, a Bosnia language. There are Orthodox Serbs, Muslims and Catholic Croats, all living together side by side in village after village during the past five centuries.

For Americans to presume that we understand the ethnic conflicts in the region and that we can easily pick out one side as the good guys and the other side as the bad guys is not very wise.

Of course, we stand with people anywhere who have been the victims of genocide and who have been attacked and killed by better-armed old Communist dictators, which is what the Serbian government is, and it is the strongest ally to the Bosnian Serbs. As a member of the CSCE, the Helinski Commission, and an advocate for human rights throughout eastern Europe, Russia, and the world, I deplore the legacy of the government in Belgrade, and I supported lifting the embargo and allowing the Bosnian Muslims to defend themselves.

The United States of America does not have any national interests, any strategic interests, any economic interest, any political interests or any other interests which would justify American soldiers dying in the mountains of Bosnia and Yugoslavia over an ethnic hatred dating back centuries.

In North Carolina, we know that Fort Bragg is getting ready to send American ground troops to Bosnia. We know preparations are under way, and we know that American soldiers like Michael New have already been commanded to wear the United Nations uniform and United Nations insignia in violation of their solemn oath to the Constitution of the U.S. in the area of the former Yugoslavia. We know that American soldiers sent to Bosnia could also well be asked to serve under U.N. command. If so, they will be violating their oath to the U.S. Constitution, and they will be killed needlessly in inhospitable terrain where the parties have been fighting for centuries and where the parties fight for their national survival, not caring who gets in the way. They will use any methods to survive, even when it means getting in U.N. uniforms or gathering together around a hospital. Anything for their ethnic survival.

So President Clinton wants to have his Kuwait, and he wants to earn some macho credentials as military commander-in-chief. But he will not have his Kuwait in Bosnia. It will not be that easy. Thousands of American soldiers will lose their lives, and for what American national security interest? And the United Nations will no doubt be involved. What is the mission? What is the goal? What is the objective?

The people's house here in Washington, the House of Representatives, will not have been consulted by the President. Most Congressmen and most Americans think we should stay out of Bosnia, but the President seems hell-bent on going ahead. To date, this foreign policy has been a disaster, and now he wants to make matters worse. If we have learned any lesson——

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. FUNDERBURK. I will not yield at this time.

The SPEAKER pro tempore (Mr. BILBRAY). The gentleman from Ohio controls the time.

Mr. CHABOT. I continue to yield to the gentleman from North Carolina.

Mr. FUNDERBURK. I thank the gentleman.

Mr. Speaker, if we have learned any lesson from any previous military engagement, it is that we do not enter into a foreign conflict or war without the strong backing and support of the American people. Clinton does not have that backing for sending 20,000 American ground troops into Bosnia. We have to speak loud and we have to speak clear and we have to make sure the President hears the voice of the American people before it is too late.

I support America defending its national security, and I support a strong national defense, which is provided for in the Constitution. But in this case, in this place, I strongly object to United States soldiers being sent to Bosnia and to them being sent there without the support of the American people and the Congress.

Wake up, Mr. President, avoid a tragic mistake, and stay out of Bosnia.

Mr. CHABOT. I thank the gentleman from North Carolina for his remarks. I think they are very insightful and I think he is right on point.

I represent the First District of Ohio. It is basically the city of Cincinnati. We have gotten a fair number of phone calls and letters. I have not gotten the first phone call yet of anybody who thinks that we should put United States ground troops into Bosnia. Not one phone call have I received yet.

I am going to yield to some of my fellow colleagues here in just a moment. I brought here a copy of an article which appeared in my hometown newspaper, the Cincinnati Enquirer. I just wanted to read a couple of paragraphs from this particular article.

The headline on this is "No Way." "Sending U.S. troops to Bosnia would be a disastrous blunder."

"It may throw a wet blanket on the United Nations' 50th birthday party, but someone besides Russian President Boris Yeltsin should ask some tough questions about the U.N. debacle in Bosnia."

"The echoes of Vietnam are unmistakable. Another war in which unsupported troops fight for unexplained goals in an ungrateful land. For all his recent rhetoric about rescuing NATO and performing a "peacekeeping" role, Clinton still has not offered a reason why one American life—much less 20,000—should be risked for a shameful paper "peace" that ratifies the rape and plunder of Bosnia."

It goes on. It says, "Sending U.S. troops into a flammable pit of ethnic hatred, where death has been a fact of life since 1992, will invite hostage taking and terrorism against our soldiers, to inflame American outrage against Clinton's policy. Somalia and the near loss of a U.S. flier in Bosnia should be fresh, painful reminders that it is sheer folly to gamble American blood in a game where our Nation has no cards to play.

"If that's not enough, Clinton can recall his own protests against Vietnam. "Instead, he threatens to invoke his presidential war powers to send troops, even if Congress balks," and it goes on.

Clearly a very strong message from my hometown newspaper, the Cincinnati Enquirer, that we ought to stay out of Bosnia. I agree completely.

Mr. Speaker, I yield to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. I thank the gentleman from Ohio.

It was interesting that you noted that you had not received one phone call. On the central coast of California, which consists of Santa Barbara and San Luis Obispo counties, I can also say that I have not received one call, one fax, one letter or any comments at town hall meetings.

The message is loud and clear: Do not send our men and women to Bosnia.

I think it is important to note that perhaps it is for more than 2 years that the Clinton administration has failed to articulate any clear policy in Bosnia. If you were to listen to the President since his Presidency began, you would be astounded at what he has said, or perhaps what he has not said.

One day the United States is sending troops to Bonsia, the next day we might be; the day after that, we are probably not; then the next day we probably will send troops.

One day the President pushes for more air strikes. After a U.S. plane is shot down and United Nations personnel are taken hostage, the President decides that air strikes are a bad idea. One day we have to pressure the Serbs with decisive action. The next day, well, do not want to provoke the Serbs.

So I think that the American people understand that there is no clear policy of why men and women should be sent to Bosnia.

It is interesting to note, I have a quote here from an ex-State Department official, Mr. Steven Walker, who resigned from the State Department over United States policy on Bosnia. He had this to say, back in June, about the administration's policy:

> The Bosnia policy has gotten consistently worse over the last 2 years. It's in more of a mess than it was before. The Clinton administration is still dealing with this on a day-to-day ad hoc basis. They wake up in the morning, they see what's in the newspapers, and they try and do whatever they can to get the pressure off the administration.

I believe it is a sad commentary, as Mr. Walker stated, on how the Clinton administration decided the Bosnia policy back then, and I wish the Clinton administration would read the newspapers today before getting and deciding on current policy. Because if they did, they would be aware of the fact that the public, the American people, do not support sending troops, our men and women, our young men and women, to Bosnia.

A recent New York Times poll found that 79 percent of Americans believe that President Clinton should get approval from Congress before sending troops to Bosnia.

A recent New York Times poll found that 79 percent of Americans believe that President Clinton should get approval from Congress before sending troops to Bosnia. It is going to be interesting in the debate in the next days to come of what leaves this House and what direction we will send to the President. I am going to do all I can to insist that he come before this Congress before he sends anybody to Bosnia.

Perhaps the Clinton administration would have come across the piece in the Washington Post with these words of wisdom, and I quote this article:

> The first law of peacekeeping is that when you have a real peace, you don't need peacekeepers. The second law of peacekeeping is that where there is no peace, sending peacekeepers is a disaster. The third law of peacekeeping is that Americans make the best targets. From which follows one of the rare absolutes in foreign policy; never send peacekeepers—and certainly never send American peacekeepers—to police a continuing unsettled war.

I think we have learned our lessons in faraway places like Beirut, Somalia, and Vietnam. I remember Vietnam very well. I remember the men and the women that came back in body bags. I remember shedding many tears with relatives, friends who had their loved ones come back from that horrendous war. I remember how we had a no-win policy. We were just sending troops. We had no reason, no feeling of how we were going to bring our troops home. We had prisoners of war. It was a sad time.

I do not believe we want to do and see a Vietnam all over again. Before we commit 25,000 of our sons and daughters to a mission, and the mom in me understands this very clearly, I have two children, before we send our sons and daughters to a mission that has no clear objective, no statement of our national security interest, no rules of engagement, no exit strategy, President Clinton has a moral obligation to ensure that these life-and-death questions are answered. American soldiers deserve to know that their combat missions and their potential sacrifices are underwritten by strong public understanding and support, and that does not exist today.

I firmly believe that the President and this administration should seek Congress' approval now before any ground troops are deployed to Bosnia. The American people deserve it. The men and women in our armed services definitely deserve it.

Mr. CHABOT. Reclaiming my time, I want to thank the gentlewoman from California for her remarks. I agree with her sentiments exactly.

It is interesting that that same Washington Post article that you mentioned here from Charles Krauthammer, I would like to read the last paragraph from this which I think is very good and right on point.

☐ 2200

He says:

> It is hard to think of a greater folly than trying to enforce a peace among unreconciled Balkan enemies. It is a folly that Clinton's fickle meanderings on Bosnia have backed us into, a folly that must be firmly rejected now before it is too late.

That is that same article, and I think his words should be heeded.

At this time I yield to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, in the next few days a monumental decision will come before the U.S. Congress. Mr. Speaker, I will request the House to instruct our conferees on the Defense Appropriation Act, that is, H.R. 2126, to insist on the House-passed version restricting the use of funds for any deployment of United States Armed Forces in the former Yugoslavia without prior congressional authorization.

Last Monday, this House passed a nonbinding resolution stating the sense of Congress that the peace conference in Ohio should not include deployment of United States troops as a precondition to a peace settlement in Bosnia. That measure passed this House 315 to 103 with broad bipartisan support.

My motion to instruct will impress upon the conferees the importance of retaining the original House language. This is not a partisan issue. Almost identical language was placed in the 1994 Department of Defense appropriations bill passed by the Democrats very wisely last year. So we are not inventing anything new.

The question is, shall the United States commit troops to Bosnia? The President has the constitutional authority to commit troops, but the Congress has the constitution responsibility to decide whether or not to fund those troops. So there is a balance of constitutional authority here.

Before this momentous decision is made, there must be a full debate in this House. The President must come to Congress and explain what is the objective, what vital United States interests are threatened, what will our United States troops do to protect those vital United States interests, if any are found, and there have not been any related to the House yet. Will the troops at all times be under United States military control and United States military officers?

The United States troops are truly not needed in Bosnia. Perhaps the greatest injustice is that U.S. troops are really not needed to implement a peace settlement. This is not just my opinion. This is the declaration by the current Chairman of the Joint Chiefs of Staff. When he testified to the Senate and the House last month, just last month, he stated that militarily U.S. troops are not necessary. He stated the Europeans were fully capable of carrying out this mission on their own.

As I say, the House has a constitutional responsibility to judge the validity and then authorize the funds or refuse to authorize the funds. President Clinton has stated he does not need congressional authority. He has not yet even agreed to come before the Congress to present his case.

Well, I have a deep concern about any ground troops in Bosnia, and I for one will not vote any money until those conditions are met, the President comes, lays out the plan, what are the vital interests and how do we protect those vital interests, if there are any. Until that time, I will not vote money for any adventure in Bosnia.

Mr. CHABOT. I would like to thank and compliment the gentleman from Washington for his leadership on this issue. He spoke out very eloquently this morning at the New Federalist group, which is a number of very committed freshmen who keep an eye on making sure we balance the budget and making the necessary cuts in certain areas that are necessary to do that.

He spoke up very eloquently as to why we should not put ground troops in Bosnia this morning, and then again at the Republican Conference, which is all Republican Members of Congress. The gentleman from Washington spoke up very eloquently there, as well, so I want to thank him for his leadership in this area and thank him for his comments this evening.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I sit on the Committee on International Relations, and we have had a couple of very disturbing committee hearings in the past several weeks concerning certain administration officials who are attempting, in all earnestness and desire and sincerity and honesty on their part, to explain to the United States Congress exactly what the policy, if any, of the President is with regard to Bosnia.

Let me take you back to a hearing that we had involving Secretary of Defense Perry, Secretary of State Christopher, and General Shalikashvili, the Chairman of the Joint Chiefs of Staff, and I asked this question. I said, "Is there a plan to arm Bosnia?" And I said I would like a simple yes-or-no on it. And the answers that came from all three were very cautious, very guarded, really, because they really did not know the answer to it.

The reason I asked that question is as follows: If there is a plan to arm the Bosnians, then the presence of American troops in Bosnia-Herzegovina would be for the purpose of holding at bay the Serbs until military parity were reached. And none of the three really wanted to tackle that question, because they knew that it was a trap and it was a loaded question. I loaded it on purpose, because if there was a plan to arm the Serbians—and I doubt if our colleagues in England and France would agree to it, because both Mr. Major and Mr. Chirac have been opposed to it, and they are a vital part of NATO—then it was obvious that American troops would be in harm's way. They would be in the role of a referee, and can you imagine that type of a policy, as we sent peacemakers there for the purpose of holding one side at bay while the other side has the opportunity to arm itself.

So none of the three could really come up with a reasoned answer. The problem is that the Clinton administration is seemingly trying to make American troops fight the war that we are not allowing the Bosnians to fight for themselves.

The problem is there has been a consistent policy by the United Nations, the dual key policy of the U.N. having to go back, NATO having to go back to the U.N., et cetera, that says there is something wrong with allowing the Bosnians to arm themselves, and when the United States insisted on going along with this multilateral embargo, this means that it has placed itself on the side of the Serbs in this war.

So why not allow the Bosnians to arm themselves and let them fight their own war?

The second problem is we had another hearing involving Richard Holbrook, Assistant Secretary of State for European Affairs, and he said it would take up to 100,000 troops in order to extricate the present U.N. troops. I said I do not understand that. I said if we simply served notice that the U.N. peacemakers are going to be withdrawn, I said, who is going to shoot at people who are withdrawing? And he could not answer that question.

I think the third thing that comes to my mind on this, Mr. Speaker, is the book that was written by former Secretary of Defense McNamara, who said it was a mistake and knew we could not win the war, and yet stood by to see thousands and thousands, hundreds of thousands of American troops sent to Vietnam.

Now, can you imagine that, a high administration official, the Secretary of Defense, writing his memoirs in a book, making money on it 20 years after 50,000 young Americans have given their lives, saying that at the time he knew the troops were going there that he knew we could not win the war?

I do not want to see that happen again, and 20 years from now have the Secretary of State or the Secretary of Defense write a book and say:

> Well, the President ordered those troops there; we knew we could not win the war, and yet we stood by because these are the directives of the President of the United States.

Mr. Speaker, I tell you, we have no business fighting a war in Bosnia, and as former Ambassador and now Congressman FUNDERBURK so eloquently stated, it is centuries of conflict, going all the way back to the Bosnian tribes and the Croats and the different parties involved in that very precious area around there. We have no business being involved in a war over there. We have a business to try to bring about the peace, but not at the price of American blood.

Mr. CHABOT. Mr. Speaker, I want to thank the gentleman from Illinois for taking the time this evening to share his thoughts with us, and I think you certainly put those remarks very eloquently, and we thank you.

You know, the one thing that keeps coming to mind to me in this whole situation is we have to remember we have got three groups of people that have essentially hated each other and fought with each other for hundreds of years in this area, and essentially what the

President is suggesting is that we put our young American men and young American women in between these different groups who have been shooting at each other for all of these years. I think it is clear at some point that these people will turn their targets on these American troops. I think that is the last thing in the world we should do.

I have also heard the argument from those few people in this House that agree with the President on this issue—and I have to stress that, the few—that we now have a volunteer Army and these are voluntary young men and young women who knew what they were getting into when they signed up, so it is not quite as bad when we put them in harm's way. I strenuously disagree with that line of thinking, with that argument. I think it is only in those circumstances where the United States interests, vital interests, are at risk that those troops should be put at risk.

I have also heard the argument that since—yes, and I have heard a few of my Republican colleagues espouse this point of view—that, yes, you know, we should not have done it, but now that the President has committed troops or is about to commit troops, that the United States might somehow lose prestige around the world if we stopped him at this point.

Again, I want to argue first of all that this is exactly the time to stop this President from making this very wrong move, because the troops are not there yet. It will be much more difficult once the troops are there, because then we are all going to rally around our troops and support them. This is the time to stop those young men and young women from losing their lives.

I have heard it argued that the U.S. might lose prestige around the world if we do not stick behind the President on this issue. I would argue that there is a much greater risk of us losing prestige around the world if this thing turns into the bloody debacle that just might occur, and that we all are so concerned about and trying to prevent.

At this time, I yield to my good friend, the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Thank you very much. To the gentleman from Ohio, I very much appreciate that. I appreciate the leadership of the gentleman from Ohio [Mr. CHABOT] on this issue he is taking on the Committee on International Relations and also here on the floor to be able to have this discussion taking place.

Mr. Speaker, today the Republican Conference voted overwhelmingly to support legislation introduced by our colleague, the gentleman from Colorado [Mr. HEFLEY], to prohibit the use of Department of Defense funds for deployment of United States ground troops into Bosnia without an express congressional authorization.

I think simply that the President must seek and receive congressional support for U.S. participation in this peacekeeping mission. More importantly, however, the President must take his case to the American people before a single United States soldier is deployed to Bosnia.

I would just like to raise a couple of questions I think the President needs to take to the American people. A number of questions already are raised here this evening, and raised quite well, but there are several others as well.

□ 2215

Take the case to the American people. The President has failed to answer so many questions about the peacekeeping operation, the American involvement in the operation, and most importantly, the justification for American involvement in the operation.

We heard earlier the statement, which I think is accurate, that if you have a peace there, you do not need peacekeepers, and if you do not have a peace there peacekeepers are not going to work. That just seems to make such fundamental sense.

I would like for the administration to explain how we intend to be perceived by the warring parties as neutral when we have bombed one of the warring parties and helped train one of the warring parties that are involved in this particular situation.

I would like to raise another question that came up earlier, actually even this year, and that was in regard to Haiti and the payment for the operation in Haiti. We have not talked yet this evening about the cost, the actual dollar cost of this operation, but what domestic programs is the President willing to cut, willing to reduce, to be paying for this operation in Bosnia? We have not talked dollar figures, because frankly, there are much more serious matters about the lives of our young men and women that are involved here. But if we have to get down to talking about dollars as well, Mr. President, where are you going to make the cuts to pay for this operation? I think that is a very legitimate point, as earlier this year we had to do a defense appropriation supplemental bill to pay for what the President's operation was that took place in Haiti. Where are we going to make those cuts?

The President has not explained to the American people to the point that they are able to believe that this is going to be a short-term peacekeeping operation, that there is not going to be a lot of bloodshed involved in this region of the world that has had bloodshed and hatred for centuries.

Finally, I would just raise a continued standard that I think we should look at with any operation like this. That is a simple one of, is the case sufficiently in front of us, is it sufficiently compelling, do we have a sufficient vital and strategic interest of the United States that I personally would go? Would I send my son to go, or my daughter to go into this operation? I would have to say a dramatic "absolutely not, in this case."

Mr. President, you have not made your case to the American people, you have not made your case to this Congress. Now we are talking about deploying troops before any of that takes place. That is wrong. Come to this Congress, come to the American people with your case, if it is so compelling that we can say with a good conscience, yes, I would go.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Kansas for his remarks this evening. I had mentioned earlier relative to the gentleman from the State of Washington [Mr. METCALF], that he had spoken up at the New Federalist meeting this morning. And I just wanted to make the point that the gentleman from Kansas [Mr. BROWNBACK] is the leader of that group, the head of that group, and has shown tremendous leadership in such issues as making sure we balance the budget, we stick to our guns and keep on top of things around here. I want to compliment him for that and his remarks here this evening.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, I almost feel after some of the remarks that have been made tonight that there is not really much to add to this discussion. But I think it is very important, and I want to congratulate the gentleman from Ohio [Mr. CHABOT] for having this special order tonight to talk about it, because I was one of those people who came of age, graduated from high school in 1969. I was fortunate enough to have a high enough draft number that I did not have to go to Vietnam, but a lot of my friends did.

I think sometimes we overutilize the Vietnam analogy, but I think there is one thing that is absolutely crystal clear in the comparison, and the analogy fits this particular discussion. We all saw what that war in Vietnam did to the American people, what it did to our society. It literally tore us apart.

The time to have this debate is now. The debate should not be going on a year from now, when we are bogged down in a no-win situation, when we have sent not 25,000 troops to that area of the world, but perhaps 50,000 or 100,000; because we can talk about 20,000 to 25,000 American troops today, but the truth of the matter is if we get bogged down in a guerrilla-type war in the mountains of the Balkans, it may well be that the generals will be saying, "What we really need are more troops, what we need are more air strikes, what we need are these things." We saw this all happen before.

The time to have this debate, not only in this Congress, not only on the floor of this House but in this country, is before we find ourselves in a situation where the answer to every question is, "We need more troops, we need more bombers, we need more air strikes, we need more materiel," and the potential for that, I think, is great.

The reason is that the whole policy that we are seeing evolve in that area of the world, and Mr. John Hillen, who is the defense policy analyst for the Heritage Foundation has really nailed it when he said that the peace plan we are talking about, the Clinton peace plan, is a classic example of putting the cart before the horse. Instead of making troop commitment that is tailored to support a known, specific, workable mission, Mr. Clinton made the commitment of 25,000 U.S. ground troops first, more than 2 years ago, without any peace plan at hand.

In fact, I think back then, between then and now, we have had something like 10 ceasefires and peace plans.

The U.S. military commitment only incidentally is related to the military conditions that may exist on the ground. This strategy is backwards, a formula for confusion and disarray, and Members of Congress are correct to question it now.

We should be having this debate before we make the commitment of American forces. In fact, I have told some of the people in my district that we hear a lot about the Vietnam analogy. Perhaps an even better analogy is what the Soviets did in Afghanistan. They found themselves bogged down in some warfare that had been going on in those mountains for years and years and years, and they never did win that war. They only lost thousands of young Russian soldiers in that area of the world.

The truth of the matter is we are all becoming much more aware of where Bosnia and Herzegovina is, but if the truth actually be told, I think if you were to ask Americans to locate Bosnia on a world map or a world globe, I daresay that less than 25 percent of the American people can even find it on the map. To say that it is of some major national interest is to exaggerate in the 10th degree.

The truth of the matter is, Americans have no real interest in what is happening in Bosnia, and most of them have little knowledge of the history of that area, but some of us in Congress have been forced over the last several months to become more expert in what the history is there. The more you learn about it, the more you begin to realize that this is a situation that has been going on for years. As a matter of fact, they have been fighting over there since the Turks first invaded in 1389, and there has been one form of conflict going on in that particular region of the world basically ever since.

I think it sort of underscores American arrogance; that we can somehow, by sending 25,000 ground troops at a cost of over $1.2 billion, somehow bring peace to a region that has been fighting that long is, I think, as I say, can only be described as arrogance.

When we talked, and many of the other points that needed to be made have been made tonight, but before we commit our troops anywhere in the world I think we have to have a clearly defined American interest, there needs to be a clearly defined mission statement of what it is we are trying to accomplish. We need to know the rules of engagement. Most importantly, I think we need to know, how will we know when it is time to come home? The truth of the matter is we have not had answers to any of those questions.

The interesting thing from my perspective, as a freshman Member of this body, is that many of the people that I would regard as hawks on national defense, many of the people that I think nonpolitical observers out in America would say, "These are the kinds of people who would be eager to commit American troops anywhere in the world, they are the hawks of this Congress," they are the ones who are the most dovish on this whole idea of Bosnia. The reason is they have asked those tough questions.

We have given the administration every opportunity to come up here to Capitol Hill, to talk about their plans, to explain exactly what they have in mind, and with every opportunity that they have taken, if anything, the administration in selling their particular proposals to Congress, has lost ground. At every occasion the hawks of this Congress have, perhaps, been the most aggressive in saying that there is no American interest in that region of the world, there is no American mission. We do not seem to know what we are trying to do. There is no peace to keep.

As the gentlewoman from California [Mrs. SEASTRAND] said earlier, the quote from the Krauthammer piece that appeared in the Washington Post says that the greatest targets people can have in the world are Americans, not only to shoot at them in some kind of guerrilla warfare but also to take them hostage. We have already seen that happen in that region of the world.

So before we make this critical mistake, before we find ourselves bogged down in an unwinnable war, before we allow our sons and daughters to become the unwilling pawns in this unwinnable war that has been going on for over 600 years, we ought to have these questions answered. The American people ought to have them answered. I think Congress has a special responsibility, especially to those young kids who wear the American uniform, to make certain that we feel good about what exactly they are going to be asked to do before we ask them to do it.

I think this is a huge mistake. I think the President needs to sit down with the American people and with this Congress, answer these tough questions, before we get into a war like we had back in the 1960s and 1970s that literally tore this country apart. The time for the debate is now, not after the troops are sent. The time for the Congress to get these answers is today, not next week, not next month, and not after the troops are sent in.

I want to congratulate the gentleman from Ohio [Mr. CHABOT], for having this special order. I think we need to do more of this. I think we need to encourage the American people to become engaged in this, because I will just close, and I know the gentleman from California wants to share a few words, but a week and a half ago I spoke to some of the Legion commanders from my congressional district. One of the issues I talked about was Bosnia. I asked for some input from them. I have to tell you, the American Legion people who were at that meeting that day do not support the basic notion of sending group troops to that area of the world. Frankly, if you cannot sell the American Legion and some of the veterans' groups on the importance of this particular mission, then you cannot sell the American people.

This is a mistake. We have to do all we can in the next several weeks to prevent it from happening, because all of those kids that we would be asking to go into that particular region have parents, they have lives of their own, and we cannot just offer them up on some altar just to protect the American ego. That is really, when you are talking about protecting American prestige, it seems to me that is too high a price when you are talking about real people, real kids who belong to real families, to send them into situations just to protect American prestige. In my opinion that is a huge mistake, and again, I want to thank the gentleman for yielding to me tonight. The gentleman from Ohio, again, is to be congratulated and thanked for having the special order.

Mr. CHABOT. Reclaiming my time, Mr. Speaker, I want to thank the gentleman from Minnesota for giving his talk and his points this evening. He happens to be one of the more articulate Members of this body. I think he did a tremendous job.

Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER], who serves on the Committee on International Relations with me, and has shown tremendous leadership on that committee. Many of us, particularly the freshmen on that committee, listen very well when this gentleman, Mr. DANA ROHRABACHER from California, speaks.

Mr. ROHRABACHER. Mr. Speaker, I have heard the analysis and the comparisons between this proposed operation and what happened in Vietnam. I think that the more accurate comparison would be made to Beirut in 1983. In Beirut in 1983, President Reagan made his worst mistake, the worst mistake of his presidency, and sent 2,500 Marines into what was an absolute cauldron of turmoil and bloodshed. When it was over, there was a great deal of American bloodshed on the ground, and we retreated, and our prestige was never lower in that part of the world than when we had to retreat from having lost 240 Americans. That would be the worst blow to American prestige today, would be the introduction of troops and then to have some sort of cataclysmic event, and the resulting American public opinion shift that would force American troops to withdraw under fire, which would then leave us in a position around the world that would really diminish our influence. That is not what we want.

What happened in 1983 was possible because we were in the middle of the cold war. During the cold war, we granted the President of the United States, every President of the United States, a great deal of power in terms of commanding troops. After all, there was a hostile power that sought to destroy the United States and western democracies, communism, as centered and in power in Moscow.

During that time period we knew we had to meet the threat. We had to cut off maneuvers by this hostile power. It meant that the President had to have extraordinary, extraordinary authority that is extraordinary to the traditions of the United States.

The cold war is over. What happened in Beirut unfortunately happened because the President had that authority, and unfortunately, we sent our Marines to places where they should not have gone. The cold war is over, and today when the President makes these decisions, the American people expect that their elected representatives in Congress will scrutinize the decisions and play a part in deciding where the funds that we spend, our funds on national defense, where they will be spent in terms of these foreign commitments.

□ 2230

I am not talking about isolationism. This is far different than isolationism. The charge of isolationism is nothing more than an attempt to stifle debate, honest debate, on this issue.

What is being proposed in the Balkans is contrary to our national interests. That does not mean we are isolationists for pointing that out. Mr. Speaker, let us note this: Yes, there has been squabbling, there have been hard feelings and fighting going on in that part of the world between the various ethnic groups for many years, many hundreds of years. But the Balkans is not the only place in the world where there have been intractable problems between neighbors, and it is not the only place in the world where the United States may be called to intervene in some way in order to have a presence or exert some sort of force, or to exercise some kind of influence over events in those far-off reaches of the world.

The peace plan now being contemplated, which includes 25,000 American troops on the ground in the Balkans for at least a year, is an absolutely insane plan. It will not work. So on top of the 25,000 people that we are putting at risk, the plan itself, which I have looked over, seems to me to be a bad plan, even for those people who are negotiating right now and being pushed into that direction.

We have seen for 4 years and heard the screams of agony and horror from the Balkans for 4 years, and yet, those people that were the architects of America's response to this event in history are now the very same people who have presented us this plan of sending 25,000 Americans into this caldron.

Well, the fact is, their policy for 4 years has failed. Their policy was basically to label all of those involved in the fighting as morally equivalent to place an arms embargo on everyone, a pox on all of your houses, and in some way with this aloof decisionmaking that we would in some way be able to effect a peace in that area. It was a peace that saw many United Nations troops in the area.

I can still remember vividly a United Nations armored personnel carrier in the middle of April, armored column of United Nations troops being stopped by Serbians and Serbians going to the armored personnel carrier, opening the door in front of heavily armed United Nations troops, hauling out the Vice President of Bosnia, and murdering him right in front of the United Nations troops. This was no coincidence. They understood what the policy was. They understood what the policy of the United States was. They understood what the policy of the United Nations was.

Over these last 4 years we have seen acts of aggression basically coming from Bosnia—excuse me, from Serbia in Bosnia and in Croatia in an attempt to grab land. It has not been a moral equivalency, because we have seen heavy artillery, heavy weapons, heavy tanks from Serbia committing acts of genocide and ethnic cleansing in neighboring countries. Yes, there have been some, there have been some murders and there have been some genocide and unfortunate acts committed by Bosnians as well as Croatians. But by and large there is no question that the aggression has been coming as part of an organized attempt by Serbia to grab land.

The peace that has been proposed now basically rewards the gangsters in Serbia who have been committing these horrendous acts against their neighbors. In fact, the peace plan in which 25,000 American lives will be at stake in order to enforce will not work without the good will of those very same people who have committed the most horrendous acts of genocide in that conflict.

Part of the peace plan, by the way, has been not only to send 25,000 Americans, but also to send 20,000 Russians, Russians, into the area as well. Thus, we will be relying on the goodwill of the Serbians, who have been murdering people, who have been committing acts of mass rape and genocide, we will depend on their good will not to get the United States into a conflict with Russian troops who are nearby. It is absolutely insane; it is a plan whose architects are the same architects who said we will have an arms embargo against the victims as well as against the aggressors.

Their plan for the last 4 years has brought heartache and misery and death to the Balkans. Because it left the aggressor, the Serbians with their heavy tanks and heavy artillery, outgunning, overwhelmingly outgunning the victims. And thus, they had an incentive to commit these horrendous acts, because they could get away with it with minimum loss.

I am not suggesting now that we should turn our backs on that aggression, but let me note I have been in that area several times, once just about a month ago. I was in Sarajevo, I was in Bosnia, I was in Croatia, I talked to people. The Bosnian people even now, after 4 years, and for 4 years they have never asked for American troops. Even now they are not asking for American troops.

The people that are asking for American troops are those people who have been the architects of the failed American policy for the last 4 years. The Bosnians have only asked for, as the Croatians, the ability to buy the weapons necessary to defend themselves.

This is not isolationism, to suggest that that is the strategy we should be following. If there is any American involvement in that area, and I will close with this thought, if indeed we decide to get involved in that area, besides lifting, just lifting the embargo, we should be using American air power. We have invested in aerospace technology, in smart bombs and planes that we could use or exercise our influence with the use of American might that would minimize the risk of the loss of American lives.

By lifting the arms embargo and using American air power, I believe we could force the Serbians aggressors back into Serbia and could bring peace in that way. Let those people bring peace to their own area. Instead, what we have before us is a plan that puts Americans at tremendous risk with very little chance of success.

The last time I saw this is when I sat in the White House in 1983, a member of President Reagan's staff, and I remember when the Marines were introduced into Lebanon. I ran from office to office asking, what are we doing? What is this all about? And I was told, and I was given a very convoluted plan, and I bet nobody has even heard of that peace plan now in Lebanon. But it was a plan that depended on, if we introduce American troops down there and we show up, we have a presence there, this is going to happen and that is going to happen and this is going to happen and the result was going to be peace in the Middle East. Not just peace in Lebanon, but peace in the Middle East. And that type of globalistic, just absolutely irrationalism, led to one of America's greatest humiliations and the loss of 240 marines and naval personnel.

Now, now, we hear about a plan to send 25,000 Americans to the Balkans and we say, what is this all about? Tell me, why? Why are we doing this? What is this all about? Nobody can give the answers except some nebulous plan of this, this and this, which will eventually lead to peace in the Balkans and peace in that part of the world. I have heard it before. We should not, we should not, give in to the notion that other people are going to solve this problem and will protect the lives of young Americans.

It did not happen in Beirut, it is up to us to take care of those young people who defend us. They march off to war or they march off to put themselves in harm's way and they salute and they are willing to do it because they know that we will do our very best in Congress and in the executive branch to make sure that they are not putting their lives on the line for something of little value or something that has little chance of success.

Today, we owe it to our defenders and we owe it to those young men and women to do everything we can to prevent them from being deployed to this area with a plan with so little chance of success.

Mr. CHABOT. Mr. Speaker reclaiming my time, I thank the gentleman from California for his insightful remarks on this important issue. The gentleman from California mentions a scenario which I think is very similar, and that is American involvement in Lebanon, a different administration.

Some years ago, but as the gentleman from California mentions, we went in there with good motivations, trying to keep peace, a peace which really did not exist. The mission really was not clear. There was no real exit policy out of there. We had a suicide bomber who went into the marine barracks and over 200 United States marines lost their lives.

I think another situation which is somewhat analogous, more recently was in Somalia. We went into Somalia with the best of intentions, again, a different administration, to feed people, and then that humanitarian mission then turned into peacekeeping, and democracy-building, and putting ourselves in-between these warlords, and they ended up shooting at us. We had helicopters shot down, we had 18 Americans who lost their lives, we had an American who had his body dragged through the streets.

We want to prevent that from happening again. That is why we are here tonight, and I want to thank all of those who took part in this special order here this evening.

PROTECTING AMERICA'S PENSION BENEFITS

The SPEAKER pro tempore (Mr. BILBRAY). Under the Speaker's announced policy of May 12, 1995, the gentleman from North Dakota [Mr. POMEROY] is recognized for 60 minutes as the designee of the minority leader.

Mr. POMEROY. Mr. Speaker, at the outset of my special order, let me express pretty substantial disappointment in the presenters that have occupied the last hour, filling this Chamber with rhetoric that often was not based in a single shred of fact.

Mr. Speaker, I think the people that follow the carryings on in this Chamber probably get mighty tired of just long, windy speeches after long, windy speeches. What might be kind of fun once in a while is to have some meaningful dialog, give and take. God forbid even an honest debate might break out here on the House floor, and we had that chance that evening. We had that chance in the hour that just passed, and repeatedly, as I asked for recognition to pose a question, simply a question or a clarification, or to straighten out a flat misstatement of fact, I was denied that opportunity.

Well, there are a couple of things I want to set straight at the outset of my comments. First of all, relative to Bosnia, the matter which we just heard a great deal about, there is no proposal before this Congress about sending troops, nor does the President have proposals that he is enacting about sending troops.

The action about Bosnia is taking place in Dayton, OH, where a terribly important peace conference is going on with leaders of the warring camps in Bosnia, seated at a peace table. Lord knows they have a long, tough road to hoe in front of them. Coming out of that, this administration has given this Congress the assurance that there will be no commitment of U.S. troops without prior opportunity for Congress to speak on that question.

At that time, this Congress will know exactly what is the plan of the administration, if any; how many troops, how many countries participating in the peace mission, what share might be ours, what is the mission, what is the length of time. Those are the questions we need to debate on this issue. This matter is not before the House, notwithstanding the representations of speaker, after speaker, after speaker that have just discussed this question ad nauseam.

Second point: One of the speakers even had the audacity to talk about harm posed by the Democratic plan relative to pensions. I am telling you, this is an outrageous misstatement, because there has been nothing advanced from this Congress on the Democratic side or this administration that would impact either the risk or return on pension funds.

□ 2245

Again, when I sought to pose the question to the gentleman, no, he would not yield any time, he did not want to discuss it, did not want to debate it.

We can do better than that. In fact, in the next hour, I want to make sure we extend an opportunity. We are going to be debating the $40 billion pension raid proposal contained in the Republican Budget Reconciliation Act which passed the House. I am going to be joined in discussion of this topic by the gentlewoman from Jacksonville, FL [Ms. BROWN] and the gentleman from Wisconsin [Mr. BARRETT]. But we do not propose to have all the information on this topic, and we would be very happy to entertain any from the other side of the aisle that might like to come and shed some light on how in the world a proposal makes sense for our retirees and future retirees that would allow the withdrawal of $40 billion from America's pension funds. Any time anyone wants to come to the floor and seek to engage us in debate, I guarantee right now I will yield time.

Let me give a little background before yielding to the other participants in our discussion this evening.

This issue is of significant interest to me because I spent the 8 years of my professional life prior to coming to Congress as an insurance commissioner charged with regulating the solvency of insurance companies. I understood very well that often people had everything tied up in the security offered by whatever type of insurance plan they had in force. Therefore, we had to make sure the companies had the solvency to make good on their obligation.

What do we have with pension plans? The very same thing. Retirees, today's retirees and tomorrow's retirees, need to know the companies can make good on their pension obligations to their workers. It is critical.

It is even more critical now than ever before, because the Budget Reconciliation Act reduces the future spending in Medicare, exposing seniors and future retirees to greater out-of-pocket costs for their health care bills. So they must understand that their private retirement savings are absolutely secure.

Quite incredibly, in my opinion, in the Budget Reconciliation Act is a proposal that would remove the penalties for raiding pension funds presently in the law. They estimate that $40 billion would flow out of pension funds under their proposal. Why in the world would they propose letting companies reach into the workers' pension funds and pull out $40 billion? One of two reasons.

The first is a budget one. Companies deduct income when they invest in pension funds. They are taxed on income they pull out of pension funds. They recapture some tax. In fact, $40 billion raided from pension funds would produce about $9 billion in tax.

Second, and a reason that I think has to have some bearing on this question, because the policy of raiding tomorrow's pension security simply to produce a little short-term revenue in the budget situation does not make any sense at all. That is absolutely cutting off your nose to spite your face in terms of long-term need. I have a sense that there must be some very well-placed companies out there with some powerful friends in the majority that want to get at their workers' pension money, and they have been accommodated beautifully by the Republican plan on the pension proposal.

First of all, let me briefly discuss the history of how we got the existing protections in place in law. Remember the go-go 1980's? This was the rock-and-roll period of booming financial activity, some of it which did a great discredit to commerce in this country. This was the type of activity where there was a great amount of hostile takeovers, one corporation buying another corporation through transactions known as leveraged buyouts. Ultimately, the debt used in acquiring the company often was retired by robbing out of the workers' pension funds to pay some of the leveraged buyout costs.

There is a public concern presented by this activity for two reasons. First, the workers often stand to get dramatically reduced pension benefits. Second, the Pension Benefit Guaranty Corporation ultimately supported by U.S. taxpayers guarantees the obligations.

Since 1974, the Pension Benefit Guaranty Corporation has paid $370 million for 2,000 failed pension plans. Last year, it paid $720 million in benefits alone. Among the failed pension plans, some you will have heard of, Eastern Airlines, Pan American Airlines. These pension plans do go down, and this taxpayer-backed entity does make the payment.

Now, when Congress saw pension plans flooding out to the extent they did in the 1980's they became mighty concerned. We can see exponential growth walking through the 1980's in revenues coming out of worker pension funds.

It became so critical and so obvious that on November 3, 1985, the New York Times, almost 10 years ago to the day, had a cover story in their business section about raking in billions from company pension plans, how corporate officials were raiding pension plans to fund a variety of things that had nothing to do with worker pension security and placing the retirement security of their workers at risk as a result.

This was unacceptable. This was totally unacceptable. It was not just one party that thought that, both parties thought this was unacceptable. On three different occasions they moved in place protections to stop the outflow of pension funds. In 1986, in 1988, and in 1990—on three different occasions—they moved in place serious excise penalties to stop the hemorrhage of pension funds, and it worked.

We see the activity in the latter 1980's up to the present day dramatically reducing in this chart essentially the flood of pension funds out of pension programs to pay for these leveraged buyouts and other unrelated activities has all but stopped under the present scenario.

The Republican plan would kick this into high gear. $20 billion flowed out of pension funds in the 1980's. The plan contained in the Republican majority Budget Reconciliation Act would have $40 billion, double the entire amount lost in the last decade, flowing out of worker pension funds.

No one serious about retirement security in this country believes that our biggest pension problem as a country is overfunding. We are underfunded. We have got to get private capital together so people can meet their own retirement needs.

In that vein, no one that I know of that is responsibly approaching this problem believes that the loss of $40 billion from pension plans makes the funding crisis we face with worker retirement obligations any easier. In fact, it makes it dramatically worse. The Pension Benefit Guaranty Corporation has said a plan like this is irresponsible and would expose workers' pension security.

When this matter came before the House, because of the importance of the issue, a number of us went to the Committee on Rules and tried to get a vote. We had a darned good case to make, because, as important to the country as $40 billion of pension funds, this matter did not have a hearing in the Committee on Ways and Means, not a hearing. It was just marked up and plunked in the Budget Reconciliation Act. We asked in the Committee on the Budget for a separate vote. This did not give us a separate vote. It was passed as part of the budget package.

In the Senate, a separate vote was demanded and ordered, because their rules do not allow the precluding of separate votes on issues of this consequence. By a vote of 94 to 5, the Senators rejected this proposal.

Even today, the proposal lingers in conference committee. Well, is it dead or is it not dead? This proposal is very much alive as we debate it tonight. I along with my colleagues have not stayed up in this Chamber till this late hour simply to hear ourselves speak. We are vitally concerned about the seriousness of this issue and the unrelenting efforts of some, including the Ways and Means chairman and others in this majority, that are insistent upon the enactment of this proposal. They will not come to the floor and debate it, as I offered on last night and have again issued this evening, but they will try and get this plunked into the budget reconciliation package in the dead of night, behind closed doors, and we are here to explain this proposal and its devastating consequences to the American worker.

In this respect, I yield to the very distinguished gentlewoman from Florida [Ms. BROWN], clearly a champion for workers' retirement interests.

Ms. BROWN of Florida. I thank the gentleman. First I would like to commend the gentleman from North Dakota for leading this special order, and also my other colleague. I am very proud of our class.

Once again, the party of the rich and famous is up to their old tricks again. The recently passed budget plan included a provision that would allow corporations to raid $40 billion from pension funds and use it for whatever reason they see fit. This provision is just plain wrong.

During the 1980's, as the gentleman indicated earlier, $20 billion in pension funds were drained by companies and in many cases used to finance corporate takeovers, leaving the retirement savings of millions of American workers at risk.

Mr. Speaker, why do the House Republicans want to risk losing the pensions of 11 million workers and 2 million retirees, a lot of them in the State of Florida? Why are the House Republicans digging up this ill-advised pension raid which failed in the 1980's and is certain to fail again? I think I know. It is another tax break for the wealthy at the expense of the working people and retirees. Or perhaps they are saving the pension fund the way they are going to save Medicare and Medicaid, saving it by raiding it.

The Senate rejected this language. I urge the budget conferees to reject it and all Members of this body, the people's House, to stand up for the people, the retirees, and the workers in this country.

Let me say one thing before I go. This is a pink slip. If the American people do not wake up, their pink slip is in the mail.

Mr. POMEROY. Reclaiming my time, and I would pose a question to the gentlewoman before she leaves.

In your district, men and women going to work every day, often finding really their entire future pension security riding on the solvency of the corporate pension fund that has been promised to them when they retire. Do you believe that they are aware that the majority party in this Chamber is proposing to expose their pension funds for a grab by those who control that corporation?

Ms. BROWN of Florida. I really think that the American people, and particularly the retirees, because we have so many of them in Florida, need to wake up. They have no idea what these Republicans are doing up here. They have no idea that these Republicans are trying to raid their pension funds. We need to inform them. They need to wake up.

If this goes on, this could be another S&L, would the gentleman not think?

Mr. POMEROY. There is no question about that. We have watched U.S.-taxpayer dollars amount to tens of billions, hundreds of billions of dollars paying off the obligations of failed savings and loans. The taxpayer had to weigh in because these entities were insured by a U.S.-taxpayer-backed insurance program. Pension funds have the same type of thing, a U.S.-backed insurance program. That does not mean that retirees get all their money, because the amount guaranteed may be well less than the amount obligated and committed to them under their pension program.

So it comes out the worst of both worlds. The worker gets stuck, the taxpayer gets stuck, and the corporation that fleeced the plan, those directors, are probably very long gone.

In terms of calling this to the attention of the American people, though, I must applaud the gentlewoman for her very vigorous efforts in her district and beyond to alert workers about the threat posed to their pension security.

□ 2300

Let me ask one question: If I am a retiree in Florida and my time comes for my pension that I have worked 30 years or 35 years or 40 years and the pension is not in, what happens? I mean, what if the company is no longer there?

Mr. POMEROY. That is a very good question. I will assume that you are talking about, and I will just answer in the context of an insured plan under the Pension Benefit Guaranty Corporation, the PBGC would pay a claim on that pension, would pay pension benefits. They may, however, not represent the entire amount of the pension that otherwise would have been paid had the pension fund not gone belly up.

There is a critical component of this that I think really reflects just how mean-spirited the Committee on Ways and Means action was. When they put forward the plan to allow corporations to withdraw from worker pension funds $40 billion, an amendment was offered. It was an amendment that simply would have allowed notification of the workers. You are going to take our pension funds, at least let us know. The notification amendment was voted down. The committee went on record to allow corporations to quietly, without notice, undermine the solvency of the worker retirement fund.

Ms. BROWN of Florida. I would just say that it is another example of the Republican extremists in this country, and remember, you think it is somebody else, but your pink slip is in the mail.

Mr. POMEROY. I really thank the gentlewoman very, very much for her participation this evening.

I now yield to my colleague, the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. It is a pleasure to spend some time with you and the gentlewoman from Florida [Ms. BROWN] here tonight.

I thought it was interesting, as we started this hour, that you invited Members from the other side to come down and debate this issue, because I think it is an issue that deserves a full debate, and a debate we obviously have not had on the floor here in Congress. It is a debate, frankly, we did not have in committee, because there was no hearing on this proposal as well.

But as you were making the invitation, it reminded me a little bit of "The Price Is Right": "Come on down let's talk about it. Come on down," I think "The Price Is Right" is a good television show to draw an analogy to here. It is clear what is going on here is the price is right. The price of $40 billion being taken out of the pension funds is what is going to hit the American people and is going to hit the American people very hard.

It is also ironic that the majority is marching lockstep behind the Speaker on this issue, and the Speaker, of course, is a history professor, but if there is one thing we seem to have forgotten in this whole debate, it is history, because we have been down this road before. This is not the first time that this Congress has gone down the road of having pensions bled out of companies at the expense of workers, so that workers who have worked, as the gentlewoman from Florida [Ms. BROWN] said, 30 or 40 years, and are hoping to have quiet years in retirement, are all of a sudden given a pink slip and told the retirement benefits are not there and they can go to the Pension Guaranty Corporation.

Many times the Pension Guaranty Corporation will fully fund them. Of course, there is a substantial cost to the taxpayers when they do so, but not always. It is not always the case that the Pension Benefit Guaranty Corporation will pay the whole benefit.

What I would like to do for the next half hour is have a casual dialogue about some of the real world problems, because unfortunately we have not had the hearing in the Committee on Ways and Means on this issue. We have not had a debate or a separate vote on this issue on the floor. And you have already indicated, even the workers themselves, when they are going to be affected directly by this, when their benefits are going to be directly affected by this, will not even be given notice.

The first, I guess, the first issue is are they their benefits. Maybe we have got down there a little card from one of our colleagues. Maybe we could take a quick look at that and see what one of our colleagues on the other side of the aisle has to say about pension benefits and whose money it is.

Mr. POMEROY. I think this is a pretty classic case where actions and words simply do not run in a very consistently way at all.

Not long before this issue came up, we had another pension issue. Now that, in my opinion, was a totally made up issue. It was about the issue of economically targeted investments which the other side has suggested was a proposal advanced by the Clinton administration that would allow the investment of pension funds in unworthy investment vehicles. They are flat out misrepresenting that issue.

No economically targeted investments would be appropriate unless they met standards of risk and return consistent with the fiduciary obligation of the people running the fund. In other words, no short cuts on solvency, no short cuts on return, no short cuts on risk if you are going to do one of these so-called economically targeted investments.

Anyway, that was a debate that is now past. But some of the statements offered by Members of the majority in the course of that debate, I think, underscored the importance of pensions and make their own votes in favor of the $40 billion pension grab very, very curious indeed. Here is a quote. "This is the people's pension money. Keep your hands off of people's retirement. Keep your hands off the pension," spoken by a freshman Member of the majority. I agree with everything he said.

The only thing is a vote for a $40 billion pension raid takes this statement and turns it right on its head.

Mr. BARRETT of Wisconsin. That is absolutely correct. I do not know if the gentlewoman from Florida [Ms. BROWN] wanted to add something at this point.

Ms. BROWN of Florida. As I always say, the Republicans talk a good game, but they do not walk that walk. When it comes to the American worker, clearly, you know, they do not stand up for the working people and not the retirees and not the veterans, and it just goes on and on and on.

Mr. BARRETT of Wisconsin. Let me, if I may, just sort of try to bring to the floor here how this issue came about, because earlier this year, of course, when the Republicans decided that they wanted to come forth with a budget, there was some criticism of them because they did not go after corporate welfare. There were Members of their own party who said, "Look, we are leaving corporate welfare alone. If we are going to ask people in their country to suffer, if we are going to ask kids on school lunch programs to take a cut, if we are going to ask students to have student loans cut, ask senior citizens to take a cut in growth of Medicare, how can we as a party with a straight face go to the American people and say we are not going to touch corporate welfare?"

They got together and said, "Let's go after corporate welfare. What can we do?" This is the corporate welfare they are going after; of the $25 billion in cuts that they are claiming as corporate welfare, $10 billion of it comes out of this program. Now, the $10 billion is achieved, because as you indicated, I say to the gentleman from North Dakota [Mr. POMEROY], their projections are the $30 billion to $40 billion will be taken out of pension funds in the next 5 years.

That is twice as much as was taken out in the 1980's when this was a big crisis in our country, so that as far as they are concerned, what happened in the 1980's through the entire decade, that was chump change. They are not going to kid around with $20 billion. They are going for the whole enchilada. They are going for $40 billion coming out of the pensions, and the pensions that belong to the workers in those companies.

And as that gentleman said from the other side of the aisle, this is the people's pension money, keep your hands off people's retirement, keep your hands off the pension. That is a quote from a colleague from the other side of the aisle.

So they have decided, "OK, if we get $30 billion to $40 billion that we can take out of the retirement funds, we will generate some tax revenues, because there is still the 25 percent or 35 percent, excuse me, corporate tax rate that they will basically have to pay, so that will generate $9 billion to $10 billion." That as their big push for corporate welfare, is they are going to take money away from people who are either about to retire or have retired.

Mr. POMEROY. You know, the very words "corporate welfare" would lead one to believe that some unfair break given to a corporation was going to be straightened out. Well, here, as you so well pointed out, they give corporations another big break, and it is at the expense of the worker.

Right now, the corporation is restricted from grabbing a worker's pension fund, and those restrictions are eliminated. The excise tax is eliminated, allowing any amount over the 125 percent continuing liability in the plan to be withdrawn for any purpose whatsoever at no excise tax level whatsoever between now and July 1, 1996. I call this the windfall window, because this is the time you would really see that pension money flow.

Then they move in place a 6½ percent excise tax, but that 6½-percent excise tax, compared to the 50-percent tax today, I believe the 6½-percent tax represents an amount cheaper than the corporations could borrow the money, and there would continue to be a very heavy draw on workers' pension funds.

Ms. BROWN of Florida. Do you have any idea what they could use these funds for?

Mr. POMEROY. That is a very good question, and I have been trying to think about what they could use them for. I have got basically three scenarios.

Mr. BARRETT of Wisconsin. Let us break it down. Maybe we can help out: I am a predator, I am a corporation that likes to go in and take over other corporations.

Ms. BROWN of Florida. I am a worker now.

Mr. BARRETT of Wisconsin. How does this help me as a predator corporation?

□ 2310

Mr. POMEROY. We have seen this before. This is the whole business that provided the financial underpinnings for the hostile takeovers that proliferated throughout this country in the 1980's, leaving so many of our corporations deeply leveraged and in debt, and so many workers unemployed. You are the predator, you want to buy a company; you basically want to use as much of this company's assets to pay the cost of buying it. In other words, you buy me and use my assets to pay off the purchase price. It is a heck of a deal.

Mr. BARRETT of Wisconsin. This will encourage a new round of predator leveraged buyouts.

Mr. POMEROY. Absolutely, predator companies taking hold of other companies and bleed out their pension funds to pay the purchase price.

Ms. BROWN of Florida. Let me ask the gentleman a question, Mr. Speaker. However, as a worker, when you are rightsizing and downsizing, you do not need me. So even though it is my pension, I lose my job.

Mr. POMEROY. That is the tragic irony. All so often in these leveraged buyouts where the worker's very pension funds finance the takeover, the worker loses his job because of downsizing and rightsizing and restructuring and every other darned thing that results in so many pink slips that have gone out in so many recent years.

Mr. BARRETT of Wisconsin. Let us assume that I am a family-owned corporation, a small corporation that does not want to be taken over, that has tried to be as extremely responsible as I could be, tries to be a good corporate citizen, so as a result, we have put in more than the 125 percent that is required by law. Let us say we have 150 percent in the fund. What kind of incentives is this going to put on me?

Mr. POMEROY. This is one of the most tragic aspects of how this would play out, because there are thousands of corporations that understand their success is because of the hard work of their workers, and just as their workers are committed to the corporation, the corporation is committed back to the worker, and they run healthy pension funds to make sure there is no question about their ability to meet their retirement obligations when their workers retire.

This corporation is going to have to think again, because a predator, just as we described earlier, could take this company over and use those pension funds to pay for the transaction, so actually, even those companies that highly value their employees and the importance of pension security are going to have to draw down the pension funds to avoid becoming a takeover target.

Mr. BARRETT of Wisconsin. In other words, I am going to have, as a defensive measure, even though I want to be a good corporation and take care of my retirees and the people who have worked for me for 30 or 40 years, as a defensive measure, so I am not attractive to corporate takeover, I am going to have to bleed out as much money as I can out of that pension fund and bring it down as close to 125 percent as possible; is that what you are saying?

Mr. POMEROY. That is exactly what I am saying. You might be the most responsibly-managed corporation ever in this country, but if your pension fund is over that 125 percent amount, you face exposure to a hostile takeover, financing the transaction by pulling ultimately from your workers' retirement.

Mr. BARRETT of Wisconsin. If I could, the third scenario, since you are an insurance commissioner, the third scenario that I could foresee is where you have a company that is not exactly doing that well and the pressures it puts on them. Maybe you can tell us your insights there.

Mr. POMEROY. What I saw with insurance regulation as one of the earliest signs of a company going under was when they would underfund their loss reserves. These are the reserves they put aside to pay claims in the future. When they start underfunding, it means they are underfunding tomorrow's obligation to meet today's cash flow.

If a corporation is incompetently managed, and losing money, it has a couple of options. It can try and raise money through private markets, it can borrow the money, but in either instance it is expensive, and very difficult questions may be asked about the competence of that corporation's management.

Would it not be easier to get rid of those penalties restricting that corporation management team from getting at the workers' pension money? And then would it not be easy for that corporation management team to pull off the workers' retirement kitty to meet cash flow demands of that corporation? That is exactly what would happen under this. That is exactly why the Committee on Ways and Means has allowed this money to be used for any purpose whatsoever; no notice to the employees when they pull money out of the pension funds, but it can be used for any purpose whatsoever. It could even be used for huge corporate bonuses, or any other lavish activity, unrelated to the workers themselves who, by their productivity, generated the success of the corporation and who are owed the retirement security in a well-funded pension plan.

Mr. BARRETT of Wisconsin. There are really a couple of issues here; there is the issue, first of all, of the majority policy change, where right now, under current law if corporations are going to take money out of this fund, it has to be used for the benefit of the employees, essentially. It has to be used for their health benefits, primarily. This change means they can use it, as you indicated, for corporate bonuses, for buyouts, for expensive vacations, anything they want. So we are really departing from the notion we have worked on for the last decade that this is the people's money. We are now moving from that to the notion that this belongs to somebody else, and these are in fact risky investments that they are going to be going toward.

I personally find it appalling that we have not had any debate in committee, we have not had a debate on the floor, and equally appalling is that the American workers, if this measure were enacted into law, might find out about a bleeding of their pension fund, funds they had invested for 30 or 40 years, only after reading about it on a business page that their corporation had been sold.

Mr. POMEROY. Or worse yet, they would find out when the pension fund was no longer sufficiently solvent to meet their obligation, and the PBGC was entering into it. But all the technical dimension of this pension issue aside, do you not think that this Congress owes it to the workers you represent that when they move forward a plan that represents the biggest threat to solvency of pension plans ever considered by this body, that at least they would have a hearing?

Mr. BARRETT of Wisconsin. You would think they would have a hearing, you would think they would have a vote, you would think they would hear testimony from people who are involved in this. That is why I think it is important for us to point out what the position is of the Pension Benefit Guaranty Corporation, because they were asked what their opinion was of this $40 billion raid. As Martin Slate, the executive director, stated on September 27, 1995: "Our analysis shows that removal of these funds would leave many pension plans with insufficient resources to protect retirees and the PBGC. These pension plans would not be adequately funded to pay all benefits, should they fail. This risk could grow with changes in interest rates and asset values, or if companies experience financial difficulty."

If the Republican leadership in this Congress would have asked the corporation, the government corporation, what its reaction was to their proposal, this is what they would have been told.

Mr. POMEROY. I think that is a very important point, because the PBGC is just like a regulator of pension funds. Just like insurance commissioners regulate insurance companies, and you would ask an insurance commissioner about a solvency question on insurance companies, the PBGC is the regulator of pension funds.

If you have something proposing a $40 billion hit to pension funds, you would think you would want to get the PBGC up and ask their opinion. It did not happen in the Committee on Ways and Means. Fortunately, the PBGC has stated their opinion anyway, and their opinion is no way, that is a terrible setback in the stability of pension funds. This threatens the security of worker pensions throughout the country.

Ms. BROWN of Florida. Mr. Speaker, if the gentleman will continue to yield, this reminds me, in the 1980's we had the foxes guarding the henhouse. Now we put the foxes in charge of the henhouse, and that is the U.S. Congress, the people's House of Representatives.

As a worker from Florida or a retiree, I am concerned. I am listening to you tonight. What can I do to turn this around.

Mr. POMEROY. I think that is an important question, because it is not too late for the workers across the country to get involved. I would answer you this way. I would hope that workers that become concerned about pension security would write to their Congressmen, their Congresswomen. Chances are if they are represented by a Republican Member of this body they have already voted not once but twice to allow a $40 billion raid on their pensions. That is unacceptable. Workers, I cannot understate the importance of it, have to let their Members know that their pension security is absolutely vital to them, and that playing with their pensions is simply unacceptable.

Ms. BROWN of Florida. I have always been so proud of serving in the people's House. I have served 10 years in the Florida House, and this is my third year here, but now I thank God for the other body, and I would say, contact your Senators also, because at least they have reasons, they have hearings. They just do not ram things through.

Mr. POMEROY. I think that is a good point, the fact that this Congress, when it began, was supposed to be the Congress of open rules, where we could debate, and what do we see? We see continually that we are not allowed to break out very vital policy questions and have a separate debate and vote.

□ 2320

And then, I think ironically, very typical tonight, they did not even want to ask questions or have a debate of any kind, even though we are here in fairly relaxed format the end of a very busy day. This is the opportunity where we could thrash this out; they were not interested.

Mr. BARRETT of Wisconsin. Congressman POMEROY, let us shift gears for a minute. I would imagine that if we had any Members on the other side who wanted to debate this, or perhaps even people who have followed this issue, they say we are yelling the sky is falling, we are crying chicken, and they would argue perhaps, although I do not share their argument, that 125 percent of current liability is more than sufficient to cover what is needed to pay for pensions. Can you address that?

Mr. POMEROY. I will address it this way, responding technically with the Pension Benefit Guarantee Corporation. They have done a study, in fact, of 10 corporations having that level of funding today. If it would be withdrawn, if the funds would be withdrawn as allowed under this proposal, they could very likely face solvency problems in the future.

In fact, an interest rate drop of as small as 1 percent, so dramatically effects future outlay projections in a pension plan actuarial analysis that many would be insufficiently funded to meet their worker obligations.

We have been down this road before. Mr. Speaker, here are some examples that my colleagues may recognize. In 1985, United Airlines drew $378 million out of their pension fund in a reversion. Today, they are underfunded by $1 billion in their pension fund. Goodyear Tire bought out $400 million in a reversion in 1988. Today, their workers know that that pension program is underfunded by $388 million in 1995. The act of the matter is that this level is not sufficient to protect them.

Ms. BROWN of Florida. If the gentleman will yield, it looks like the leader, the gentleman from New York [Mr. SOLOMON] has joined us.

Mr. POMEROY. Mr. Speaker, reclaiming my time, maybe we can get some debate.

But the 125 percent of current liability, among other things, does not address change in the relative position of the workers' advancement in position, all of which might require a heavier pension payout in the future. In other words, there are many that would tell you, including the Pension Benefit Guarantee Corporation, the Nation's pension regulator, that 125 percent of current liability is simply not sufficient.

Mr. BARRETT of Wisconsin. Mr. Speaker, if the gentleman will yield, speaking of risky investments, maybe the gentleman can share with us what one of our other colleagues had to say on this issue.

Mr. POMEROY. Mr. Speaker, another one of our colleagues on the Republican side of the House said after all, can you claim to stand for the American worker and at the same time advocate a risky investment strategy that undermines his or her retirement funds.

As far as I am concerned, that question has only one answer: No. You cannot claim to stand for the American worker and allow a program that places at-risk retirement funds. Again, to be fair, in this case they were talking about the earlier issue relative to pensions where there was no threat. How someone could make this statement and then vote for a proposal that allows a $40 billion raid on pension funds is beyond me.

Mr. BARRETT of Wisconsin. Mr. Speaker, if the gentleman will yield further, I think if we look at the current law where you have to have a minimum of 125 percent of current liabilities, and analyze that in the context of the current market and where we are right now, where we are at a situation in our history where the stock market is at an all-time high, if that stock market dropped 10 percent or 20 percent, the impact that that would have on a currently well-funded retirement plan would be devastating. If the assets went down 20 percent, your 125 percent cushion would be gone, it would be entirely gone.

If, at the same time, the assets dropped 20 percent in value, the interest rate dropped 1 percent in addition, you would only be at 86 percent. So all it would take is a little bit of a soft market and interest rates dropping 1 percent, and your 125 percent pension is down to funding at 86 percent.

What we are doing, and when I say we, Congress, and unfortunately, we have not had an opportunity to vote on this measure in Congress as a separate, standing bill, but the Speaker and his followers, what they are doing without a vote, without a hearing, without any opportunity to talk about this issue before the American people, they are putting the pensions of literally millions of American workers at substantial risk, and that is wrong.

Mr. POMEROY. Mr. Speaker, reclaiming my time, I think there is not even an internal consistency, because it is part of a budget plan which they boast will bring down interest rates. Now, what happens if they bring down interest rates? Well, if interest rates fall, we have resulting underfunding in the pension plans. So it is not even consistent internally. Part of their plan would expose worker pension plans at the very time that they brag on the other side about bringing down interest rates.

Mr. BARRETT of Wisconsin. Mr. Speaker, the gentleman is absolutely correct, because even if there was no change in the assets, but the interest rate dropped 2 percent, a plan that is currently funded at 125 percent would be funded at only 92 percent. So even if we accept their arguments that whatever action they take is going to have a positive effect on interest rates and bring interest rates down 2 percent, which is what we have heard time and time again, that means the big losers are the people who rely on pensions and whose employers have decided to bleed the money out of that fund. That is not what should be happening, and I share the concern of the gentlewoman from Florida [Ms. BROWN] and the concern of the gentleman from North Dakota [Mr. POMEROY] that we are setting the stage for another S&L-type debacle, or another return to the 1980s where we saw the go-go takeovers and the negative impact it had on millions of workers in this country.

Ms. BROWN of Florida. Mr. Speaker, if the gentleman will yield, I just want to say that I think that time is running out, not just for us tonight, but for the American worker, and they need to wake up and contact their Congress person or contact their Senator on this issue.

Mr. POMEROY. Mr. Speaker, I think that that point is extremely important. We are at the end of a very, very long day. I, like you, came to the Capitol earlier than 8 this morning, and it is now about a half past 11, and we are here tonight hammering on this issue because of the seriousness of the issue to American workers, but unfortunately, because of the continuing seriousness of the threat that this thing could actually be enacted. It is in conference committee now, and even though the Senate has overwhelmingly rejected it, it is in the House version.

We had a motion to instruct conferees considered by this body that would have instructed our conferees to go with the Senate position, not stick with the House position. You know what happened to that motion, it was defeated.

I am informed that there was a publication that carried news of this, even today, that they are still pressing ahead in spite of the Senate vote to make sure it is tucked quietly into the total picture. This would be a devastating result for the American worker.

There is one final quote that I think we could wrap this up on, because it really does, in my opinion, sum it up. This was offered in the earlier pension debate, but how people could say this in one pension debate and then move to advance a $40 billion pension rate a short time thereafter absolutely confounds me. This one is by our majority leader, DICK ARMEY. He said, on September 11, "Our message is simple: Keep your paws off our pensions."

Well, I think that Americans all over the country would be very, very well advised to give that message unequivocally to every member of this body and every Member of the Senate: Keep your paws off of our pensions. Clearly, the future, the retirement future of the American worker is at stake, and they deserve no less.

Final comments, Mr. BARRETT.

Mr. BARRETT of Wisconsin. There is a couple of comments that I want to make and I think that they are important enough that we should continue for a few more minutes on this.

As you indicated early in your comments, this issue first came to the American public's attention in the early 1970's, and maybe we could go to that graph for a second, the very first graph, the one that you had in front of us. We had seen it once before, but I want to look at it again just for a second.

□ 2330

This issue first raised its ugly head in the early 1980's. As we saw in the period from 1982 to 1986, there were $16.5 billion that was bled out of pension funds. That is when Congress stepped in and decided that it should do something so that the American workers and really corporate stability in this country would not be negatively impacted by corporate raids based primarily on the value of a company's pension fund. So Congress came in and enacted a 10-percent excise fee.

As you can see from that chart, the amount of reversions as they are called, I call it bleeding, dropped from $16.5 to $5.5 billion. In 1991 again, early 1990's, Congress again acted and basically on a bipartisan basis understood that this is not good for the American worker, increased the excise tax and basically we saw it drop to a trickle, where essentially now corporations that take funds out of their pension fund are doing so for legitimate purposes, for health benefits, maybe for some other employee stock option or basically for health benefits.

I think it is extremely important after we know what happened 12, 13 years ago and saw what a scandal it was 12 or 13 years ago to have people who worked 30 or 40 years of their lives, dedicated to a company, to see their pensions taken away, to put that in context to what is being proposed today, is being proposed today as we can see from this chart, is more than double what occurred in the early 1980's and essentially double of that which happened during the entire decade.

Again, you have to give credit where credit is due. This is a situation just as Willie Sutton used to say, "You rob banks because that's where the money is." What we are seeing right here in this Congress is the majority is going after those pensions because that is where the money is, and they are not going to kid around with a $100 million, $200 million, even $1 billion. They are going for $40 billion that belongs to the American workers, that the American workers have put into those funds.

I think it is wrong. I think the majority leader was correct when he said earlier this fall, "Keep your paws off that pension money." That is what we should be doing. We should be keeping our paws off that pension money. Fortunately, the Senate, at least in its first go around, recognized that, and I think that demonstrates the extreme nature of this body when it comes to this issue.

As we have talked about for the last hour, we have tried over and over and over again to get a hearing, to get notification of workers as to what is going on, to go before the Committee on Rules and ask them to have a separate vote on this very important issue, and time and time and time again we have been told, "Get away, kid, you bother me."

The Senate works a little differently. the Senate does allow free-standing amendments, and when there was some light shed on this issue, when the U.S. Senate had the opportunity to look at this issue and had to be accountable to the American people, what did they do? They voted on a 94-5 vote to take this provision out of the Senate bill.

We have not had that luxury here in the House of Representatives, because we cannot have a vote on it. That is why it is so important for the American people to let their Members of Congress know that they do not want Congress to put their paws on their pension money. The only way that is going to happen is if the American people contact their Congressmen and women.

I want to thank you again for putting this together.

I will turn it over to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman again.

Mr. Speaker, I would tell the American worker that this reverse Robin Hood that is going on in Congress, robbing from the working people again, robbing from the retirees to give to the rich is the legacy of the 104th Congress.

Mr. POMEROY. Mr. Speaker, in closing, we have spent the last hour trying to highlight what truly is the most substantial threat posed to workers' pension security ever considered by a Congress. It would be the complete elimination of protections on pension funds, keeping corporations from basically taking workers' pension money.

The Republican majority has projected $40 billion would flow out of pension funds, and they think that is a good thing. I think it is a bad thing. It is a very bad thing for the American worker.

I want to thank each of you for helping us highlight this issue tonight.

ADDRESSING THE FEDERAL DEBT

The SPEAKER pro tempore (Mr. BILBRAY). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. SOLOMON] is recognized for 24 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I realize the time is late. The Committee on Rules has been meeting all evening, and we have just produced a rule which will bring to the floor a debt ceiling extension.

This debt ceiling extension will extend the debt so that the American Government can meet its obligation to the debt holders. This is a bill that I have never voted for in my 17 years in the Congress because I have always objected to what I would call the irresponsible, reckless spending of this United States Congress.

A lot of people like to blame that on a President but the truth of the matter is, a President cannot spend a dime. Only Congress can spend the taxpayers' dollars.

I often look back to the early days of Ronald Reagan, who was a hero of mine, because Ronald Reagan attempted to do what we Republicans are doing right now, and that is why I call this year the second beginning of the Reagan revolution.

In 1981 when President Reagan took office, it was his intent to downsize the Federal Government, to shrink its power, and to return that power to the States, to the counties, to the towns and villages and cities, to the local school districts, and to the private sector where it belongs.

Because, ladies and gentlemen, over 200 years ago we formed this republic. A lot of people think this is a Federal Government, but it is not. We are a republic of States that was formed primarily for the sole purpose of defending these States against outside military aggression that would threaten the sovereignty of the States.

Unfortunately for these States over the years, we have lost many of the States rights. The Federal Government has usurped those rights, and this Federal Government has just ballooned into a bureaucracy that really infringes on the very freedoms of the people that we would try to protect.

When you look at the deficits that we have piled on the generations to come, we now have a national accumulated debt of almost $5 trillion, $4.9 trillion.

When we look at the debt service, in other words, the amount of interest that it takes just to pay the interest on that debt each year, it comes to almost $250 billion.

□ 2340

When you look at the whole pie of the Federal Government, one big round pie, and you take a slice out of it of $250 billion, that is a huge, huge slice. And if we had allowed these deficits to continue to accrue like they have over the last 10 or 15 years, the annual debt service, that is, the amount of taxes we have to raise just to pay the interest would have grown if we had adopted President Clinton's budget projections. We would have added $1 trillion to that debt over the next 5 years. That is, we would have gone from $5 trillion to $6 trillion.

What happens to the interest, then, that we have to pay, if we added another trillion dollars? The interest would have grown from $250 billion up to $350 billion, a larger slice of the pie, and less money then available to take care of those people that truly do need help.

I yield to my good friend, a member of the Committee on Rules, from Miami, FL, and who does yeoman work here in the Congress, the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. I thank the gentleman. I appreciate you very much yielding.

I am very proud of the work that the Committee on Rules has been doing over not only these 10 months but very specifically these last two nights. We have been working, like tonight, until just before midnight in the Committee on Rules, bringing to the floor, first, the legislation we brought to the floor today to keep the Federal Government running, functioning, until December 1, and that is an important, important task while we work on trying to resolve that issue for the next fiscal year, and hopefully at some point getting, obtaining some collaboration, some cooperation from the White House down Pennsylvania Avenue, just a few blocks, and, of course, then the work that we did tonight where we fashioned the rule, the guideline, the framework with which we will bring to the floor tomorrow the legislation that you, Mr. Chairman, just referred to now, which is the legislation that will permit the Government of the United

States to meet its fiscal responsibilities until December 12.

I think it is important, and obviously we discussed this in the Committee on Rules, as we focus in on these important pieces of legislation, which are obviously not only important but extraordinarily so, that we not, while we focus in on the trees, to use that analogy, we not lose sight of the forest. And that is very much related to what, Mr. Chairman, you were referring to just a few minutes ago.

I have to admit that I felt great uncertainty just months ago that we could actually in this Congress frame and pass a framework, a glide path toward balancing this budget in 7 years. Now, unfortunately, during those 7 years more debt will be accumulated, but at least what seemed very, very difficult and, in fact, is very, very difficult, is being done by this Congress, and that is we are in the process of passing a framework, a glide path that leads to an end of deficit spending by the year 2002.

And that sounds sometimes, Mr. Chairman, technical. Sometimes it sounds that is an issue simply of numbers, but there is no country in the history of the world that has been able to accumulate without end public debt and has not ultimately gotten to a position where its economy falters because of it.

It is true that we are the richest Nation in the world. We are, in fact, the most powerful Nation in the history of the world, but unless we would have done what the American people decided in the election of 1994 had to be done, and that is get the economic house in order and balance the budget in the Federal Government, I fear that we would have reached a situation in 7 or 10 or 15 or 20 years where we would have passed beyond the point of no return.

So, Mr. Chairman, these tasks that involve our committee and that I am so proud to be able to be a part of under your leadership, day in and day out, where we work these long hours and sometimes, as the hours pass, we never forget, but it is always important for us to keep our eye on the big picture of why we are doing this work, and it is for our children and their children, and that this economy will remain an economy because of what we are doing now and because of the tough decisions that we are engaged in now. And it will remain an economy where a child that is being born today will not only be able, after he finishes school, to find a job, but also to create a job if he or she wants to, and that is what we are doing.

I want to thank you, Mr. Chairman, for your work along with the rest of the leadership in this Congress in permitting the situation to come about where that child who is born today will be in an economy that will be the most competitive and the wealthiest economy in 20 or 40 years.

I thank the gentleman for yielding.

Mr. SOLOMON. I want to thank the gentleman from Miami, FL, for the great work he does on the Committee on Rules with me. He is a new member on that Committee on Rules this year. You have certainly been like a right arm to me, LINCOLN. I know the people you represent in Miami certainly appreciate it.

They appreciate something else, too. I do not know how many people know it, but LINCOLN DIAZ-BALART has been a fighter of communism for all of his life. I have been involved in it for some 40 years myself, ever since the outbreak of the Korean war back in 1950, and I know that one person that has stood firm against Castro and this atheistic, deadly philosophy of communism has been the entire Diaz-Balart family, and, LINCOLN, we deeply appreciate that.

It was because of standing up way back in those days that Ronald Reagan and the rest of this country and our allies were able to bring down the Iron Curtain, and now we see democracy spreading out all over the world instead of communism spreading out throughout all of the world.

One point the gentleman was making was that when great nations become debtor nations, when they become fiscally irresponsible, they usually fail shortly thereafter. And as I was talking just before the gentleman came in, when we talk about this escalating debt and the debt service that is required to pay to support that debt every single year, that pie continues to grow bigger and bigger, that slice of that pie, and I was about to say that if we had followed the Clinton programs of expanding that debt by another trillion dollars over the next 5 years, the debt service would have grown from $250 billion to almost $350 billion.

And if inflation had set back in, as it usually does when you have fiscal irresponsibility in this Congress, like in the days of Jimmy Carter when interest rates rose, inflation rose to 9, 10, 11, 12, even 13 percent, interest rates followed. That is, the amount of money small business has to borrow, the rate it borrows from the banks, went to 21.5 percent.

What kind of business can support itself paying out that kind of interest? None.

□ 2347

Mr. Speaker, consequently, we could not allow that to happen. That is why we have put ourselves on this glide path to a balanced budget. This bill that we will bring up tomorrow, this increase in the debt service, goes a long way toward keeping us on that glide path, because for one thing, it gives regulatory relief to business and industry in America. It shrinks the size further of this Federal Government, which means less tax dollars to support it, which means more money in the pockets of people in business and industry in America, so that this country can survive and compete and be profitable and create jobs for the high school graduates, for the college graduates.

That is really what we are about. We are not going to be deterred. We are going to complete this job. It is going to be tough, it is going to be difficult, but we will do it.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–328) on the resolution (H. Res. 258) providing for consideration of the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAMSTAD (at the request of Mr. ARMEY) for today, on account of serving as a pallbearer at the funeral of David Hetland, field director of his district office.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks, and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Mr. MILLER, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. PAYNE of Virginia, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. WARD, for 5 minutes, today.

Mr. MASCARA, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mr. POMEROY, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes each day, today and on November 9.

Mrs. KELLY, for 5 minutes, on November 9.

Mr. HAYWORTH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania for 5 minutes, on November 10.

Mr. RAMSTAD, for 5 minutes, on November 9.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, on November 9.

Mr. FOX of Pennsylvania for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. CONYERS, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,823.)

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. ENGLISH of Pennsylvania.
Mr. GALLEGLY.
Mr. TALENT.
Mr. SOLOMON.
Mr. BOEHLERT.
Mr. BURTON of Indiana.
Mr. QUINN.
Mr. FRELINGHUYSEN.
Mr. MCINTOSH.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Ms. KAPTUR in two instances.
Mr. FOGLIETTA.
Mr. LIPINSKI.
Mr. WAXMAN.
Mr. LANTOS.
Mr. UNDERWOOD.
Mr. TORRES in two instances.
Mr. HAMILTON.
Mr. POSHARD in two instances.
Mr. TOWNS.
Mr. MANTON.
Mr. OBEY.
Mr. NADLER.
Mr. FAZIO.

(The following Members (at the request of Mr. POMEROY) and to include extraneous matter:)

Mr. PACKARD.
Mr. MYRICK.
Mr. PORTMAN.
Mr. PASTOR.
Mr. FALEOMAVAEGA.
Mr. WAXMAN.
Mr. THOMPSON.
Mr. TANNER.
Mr. MARTINEZ.
Mr. CONYERS.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

H.R. 1103. An act to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On November 7, 1995:

H.R. 1715. An act respecting the relationship between worker's compensation benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

On November 8, 1995:

H.R. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, November 9, 1995, at 10 a.m.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLINGER: Committee on Government Reform and Oversight. S. 790. An act to provide for the modification or elimination of Federal reporting requirements; with an amendment (Rept. 104–327). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 258. Resolution providing for consideration of the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes (Rept. 104–328). Referred to the House Calendar.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Ms. MOLINARI, Mr. WISE, Mr. RAHALL, and Mr. LIPINSKI):

H.R. 2594. A bill to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota:

H.R. 2595. A bill to amend the Superfund Amendments and Reauthorization Act of 1986 to establish the reportable quantity for sulfur dioxide as 1,000 pounds; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAEFER:

H.R. 2596. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 1999, and for other purposes; to the Committee on Commerce.

By Mr. SOLOMON (for himself, Mr. LIVINGSTON, Mr. PAXON, Mr. BOEHLERT, Mr. CHAMBLISS, Mr. CLINGER, Mr. DEAL of Georgia, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Mr. HOUGHTON, Mr. MCHUGH, Mr. QUILLEN, Mr. QUINN, Mr. TAYLOR of North Carolina, and Mr. WALSH):

H.R. 2597. A bill to modify the price support program for milk; to establish a class IV account applicable to the products of milk; to modify the dairy export incentive program; and to consolidate and reform Federal milk marketing orders; to the Committee on Agriculture.

By Mr. SOLOMON:

H.R. 2598. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. STENHOLM, Mr. EWING, Mr. PETE GEREN of Texas, Mr. BALLENGER, Mr. HASTERT, Mr. MANZULLO, Mr. HALL of Texas, Mr. SENSENBRENNER, Mr. PETERSON of Minnesota, Mr. HAYES, Mr. BREWSTER, Mr. MINGE, Mr. CONDIT, Mr. FORBES, Mr. SHADEGG, Mr. PAYNE of Virginia, Mrs. LINCOLN, Mr. ORTON, Mr. BARR of Georgia, Mr. SHAYS, Mr. WAMP, Mr. SAM JOHNSON, and Mr. FOX of Pennsylvania):

H.R. 2599. A bill to reform the congressional budget process, establish binding spending caps, introduce fiscal integrity, discipline and accountability, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY (for himself, Mr. BEILENSON, Mr. FARR of California, Mr.

Skaggs, Mr. Kildee, Mrs. Thurman, Mr. Levin, Mr. Gilman, Mr. Waxman, Mrs. Kennelly, Mr. Williams, Mr. Murtha, Mr. Hoyer, Ms. Pelosi, Ms. DeLauro, Mr. Bonior, Mr. Kleczka, Mr. Barrett of Wisconsin, Ms. Waters, and Mrs. Clayton):

H.R. 2600: A bill to provide for coverage of certain anti-cancer drug treatments under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. Forbes and Mr. Hoke.

H.R. 89: Mr. Clinger.

H.R. 103: Mr. Olver and Ms. Furse.

H.R. 109: Mrs. Schroeder, Mr. Manzullo, Mr. Oberstar, Mr. McHugh, and Mr. Clement.

H.R. 156: Mr. Fox.

H.R. 266: Mr. Gonzalez, Mr. Porter, and Mrs. Schroeder.

H.R. 373: Mr. Laughlin, Mrs. Cubin, and Mr. Scarborough.

H.R. 497: Mr. Romero-Barcelo and Mr. Souder.

H.R. 520: Mr. Clinger.

H.R. 619: Ms. McKinney.

H.R. 620: Mr. Owens.

H.R. 682: Mr. Clinger.

H.R. 733: Mr. Lewis of Georgia.

H.R. 734: Mr. Mollohan.

H.R. 739: Mr. Shadegg, Mr. Ganske, Mr. Radanovich, and Mr. Cremeans

H.R. 777: Mrs. Thurman.

H.R. 778: Mrs. Thurman.

H.R. 789: Mr. Hunter.

H.R. 891: Ms. Velazquez and Mr. Hastings of Florida.

H.R. 1127: Mr. Tiahrt and Mr. Martini.

H.R. 1210: Mr. LaTourette.

H.R. 1222: Mr. Souder.

H.R. 1363: Mr. Radanovich.

H.R. 1446: Mr. Sensenbrenner.

H.R. 1448: Mr. Calvert.

H.R. 1496: Mr. Crapo.

H.R. 1684: Mr. Clyburn, Mr. Waxman, and Mr. Emerson.

H.R. 1701: Mr. Ramstad.

H.R. 1733: Mr. Ackerman and Mr. Sabo.

H.R. 1846: Mr. Jacobs.

H.R. 1856: Mr. Reed and Mr. Davis.

H.R. 1916: Mr. Calvert.

H.R. 1972: Mr. Combest, Mr. Frelinghuysen, Mrs. Waldholtz, Mr. Myers of Indiana, Mrs. Morella, Mr. McDade, Mr. Baker of Louisiana, Mr. Goodlatte, and Mr. Hansen.

H.R. 1993: Mr. Doolittle and Mr. Calvert.

H.R. 1994: Mr. Riggs.

H.R. 2009: Mr. Watt of North Carolina, Mr. Owens, and Mrs. Morella.

H.R. 2013: Mr. Tiahrt.

H.R. 2081: Mr. Stump.

H.R. 2128: Mr. Fields of Texas, Mr. Spence, and Mr. DeLay.

H.R. 2181: Mr. Olver and Mr. Thompson.

H.R. 2211: Ms. Jackson-Lee and Mr. Owens.

H.R. 2232: Mr. Durbin, Mr. Leach, Mr. Lightfoot, and Mr. Evans.

H.R. 2244: Mr. Watts of Oklahoma and Mr. Levin.

H.R. 2261: Mr. Levin.

H.R. 2276: Mr. Quillen.

H.R. 2372: Mr. Cramer, Mr. Bachus, Mr. Lewis of Kentucky, Mr. Bunning of Kentucky, Mr. Burton of Indiana, and Mr. Myers of Indiana.

H.R. 2416: Mrs. Myrick.

H.R. 2422: Mr. Engel and Ms. Velazquez.

H.R. 2458: Mr. Filner, Mr. Fox, Mr. Bunn of Oregon, Mr. Barcia of Michigan, Mr. Diaz-Balart, Mr. Meehan, Mr. Ehrlich, Mr. Cunningham, Mr. Lipinski, Miss Collins of Michigan, Mr. Engel, Mr. Frank of Massachusetts, Mr. English of Pennsylvania, Mr. Zimmer, Mr. Sanford, Mr. Funderburk, Ms. Pryce, Mr. Kasich, Mrs. Meek of Florida, Mr. McCollum, Mr. Traficant, Mr. Knollenberg, and Mr. Stark.

H.R. 2463: Mr. Dellums.

H.R. 2503: Mr. Kingston.

H.R. 2506: Mrs. Cubin.

H.R. 2507: Mr. Stearns, Mr. Lightfoot, Mr. Barton of Texas, Mr. Stockman, and Mr. Souder.

H.R. 2540: Mr. Chabot, Mr. Bliley, Mr. Sensenbrenner, Mr. Manzullo, and Mrs. Seastrand.

H.R. 2548: Mr. Gordon, Mr. Pete Geren of Texas, Mr. Gejdenson, Mr. Ehlers, Mr. Wamp, Mr. Lipinski, Miss Collins of Michigan, Mr. Hastert, and Mr. Bereuter.

H.R. 2557: Mr. Bryant of Tennessee, Mr. Combest, Mr. Cooley, Mr. Chambliss, Mr. McHugh, Mr. Emerson, Mr. Leach, Mr. Barrett of Nebraska, and Mrs. Lincoln.

H. Con. Res. 47: Ms. Rivers.

H. Con. Res. 50: Mr. Gejdenson.

H. Res. 250: Mr. Pomeroy, Mr. Bentsen, Mr. Castle, Mr. Poshard, Mr. Upton, and Mr. Blute.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Miss Collins of Michigan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2586

Offered By: Mr. Chrysler

Amendment No. 1:

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

SEC. 2001. SHORT TITLE.

This title may be cited as the "Department of Commerce Dismantling Act".

SEC. 2002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

Sec. 2001. Short title.
Sec. 2002. Table of contents.

Subtitle A—Abolishment of Department of Commerce

Sec. 2101. Abolishment of Department of Commerce.
Sec. 2102. Resolution and termination of Department functions.
Sec. 2103. Responsibilities of the Director of the Office of Management and Budget.
Sec. 2104. Personnel.
Sec. 2105. Plans and reports.
Sec. 2106. GAO audit and access to records.
Sec. 2107. Conforming amendments.
Sec. 2108. Privatization framework.
Sec. 2109. Priority placement programs for Federal employees affected by a reduction in force attributable to this title.
Sec. 2110. Funding reductions for transferred functions.
Sec. 2111. Definitions.

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

Sec. 2201. Abolishment of Economic Development Administration and transfer of functions.
Sec. 2202. Technology Administration.
Sec. 2203. Reorganization of the Bureau of the Census and the Bureau of Economic Analysis.
Sec. 2204. Terminated functions of NTIA.
Sec. 2205. National Oceanic and Atmospheric Administration.
Sec. 2206. National Scientific, Oceanic, and Atmospheric Administration.
Sec. 2207. Miscellaneous terminations; moratorium on program activities.
Sec. 2208. Effective date.

Subtitle C—Office of United States Trade Representative

Chapter 1—General Provisions

Sec. 2301. Definitions.

Chapter 2—Office Of United States Trade Representative

Subchapter A—Establishment

Sec. 2311. Establishment of the Office.
Sec. 2312. Functions of the USTR.

Subchapter B—Officers

Sec. 2321. Deputy Administrator of the Office.
Sec. 2322. Deputy United States Trade Representatives.
Sec. 2323. Assistant administrators.
Sec. 2324. Director General for Export Promotion.
Sec. 2325. General Counsel.
Sec. 2326. Inspector General.
Sec. 2327. Chief Financial Officer.

Subchapter C—Transfers to the Office

Sec. 2331. Office of the United States Trade Representative.
Sec. 2332. Transfers from the Department of Commerce.
Sec. 2333. Trade and Development Agency.
Sec. 2334. Export-Import Bank.
Sec. 2335. Overseas Private Investment Corporation.
Sec. 2336. Consolidation of export promotion and financing activities.
Sec. 2337. Additional trade functions.

Subchapter D—Administrative Provisions

Sec. 2341. Personnel provisions.
Sec. 2342. Delegation and assignment.
Sec. 2343. Succession.
Sec. 2344. Reorganization.
Sec. 2345. Rules.
Sec. 2346. Funds transfer.
Sec. 2347. Contracts, grants, and cooperative agreements.
Sec. 2348. Use of facilities.
Sec. 2349. Gifts and bequests.
Sec. 2350. Working capital fund.
Sec. 2351. Service charges.
Sec. 2352. Seal of office.

Subchapter E—Related Agencies

Sec. 2361. Interagency Trade Organization.
Sec. 2362. National Security Council.
Sec. 2363. International Monetary Fund.

Subchapter F—Conforming Amendments

Sec. 2371. Amendments to general provisions.
Sec. 2372. Repeals.

Sec. 2373. Conforming amendments relating to Executive Schedule positions.

SUBCHAPTER G—MISCELLANEOUS

Sec. 2381. Effective date.
Sec. 2382. Interim appointments.
Sec. 2383. Funding reductions resulting from reorganization.

Subtitle D—Patent and Trademark Office Corporation

Sec. 2401. Short title.

CHAPTER 1—PATENT AND TRADEMARK OFFICE

Sec. 2411. Establishment of Patent and Trademark Office as a Corporation.
Sec. 2412. Powers and duties.
Sec. 2413. Organization and management.
Sec. 2414. Management Advisory Board.
Sec. 2415. Independence from Department of Commerce.
Sec. 2416. Trademark Trial and Appeal Board.
Sec. 2417. Board of Patent Appeals and Interferences.
Sec. 2418. Suits by and against the Corporation.
Sec. 2419. Annual report of Commissioner.
Sec. 2420. Suspension or exclusion from practice.
Sec. 2421. Funding.
Sec. 2422. Audits.
Sec. 2423. Transfers.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 2431. Effective date.
Sec. 2432. Technical and conforming amendments.

Subtitle E—Miscellaneous Provisions

Sec. 2501. References.
Sec. 2502. Exercise of authorities.
Sec. 2503. Savings provisions.
Sec. 2504. Transfer of assets.
Sec. 2505. Delegation and assignment.
Sec. 2506. Authority of Director of the Office of Management and Budget with respect to functions transferred.
Sec. 2507. Certain vesting of functions considered transfers.
Sec. 2508. Availability of existing funds.
Sec. 2509. Definitions.

Subtitle F—Citizens Commission on 21st Century Government

Sec. 2601. Short title and purpose.
Sec. 2602. Citizens Commission on 21st Century Government.
Sec. 2603. Department and agency cooperation.
Sec. 2604. Hearings.
Sec. 2605. Commission procedures.
Sec. 2606. Framework for the Federal Government in the 21st century.
Sec. 2607. Proposal for reorganizing the executive branch.
Sec. 2608. Procedures for making recommendations.
Sec. 2609. Congressional consideration of reform proposals.
Sec. 2610. Distribution of assets.
Sec. 2611. Agency defined.

Subtitle A—Abolishment of Department of Commerce

SEC. 2101. ABOLISHMENT OF DEPARTMENT OF COMMERCE.

(a) ABOLISHMENT OF DEPARTMENT.—The Department of Commerce is abolished effective on the abolishment date specified in subsection (c).

(b) TRANSFER OF DEPARTMENT FUNCTIONS TO OMB.—Except as otherwise provided in this title, all functions that immediately before the abolishment date specified in subsection (c) are authorized to be performed by the Secretary of Commerce, any other officer or employee of the Department acting in that capacity, or any agency or office of the Department, are transferred to the Director of the Office of Management and Budget effective on that abolishment date.

(c) ABOLISHMENT DATE.—The abolishment date referred to in subsections (a) and (b) is the earlier of—

(1) the last day of the 6-month period beginning on the date of the enactment of this Act; or

(2) September 30, 1996.

SEC. 2102. RESOLUTION AND TERMINATION OF DEPARTMENT FUNCTIONS.

(a) RESOLUTION OF FUNCTIONS.—During the period beginning on the date of enactment of this Act and ending on the functions termination date specified in subsection (c)—

(1) the disposition and resolution of functions of the Department of Commerce shall be completed in accordance with this title; and

(2) the Director shall resolve all functions that are transferred to the Director under section 2101(b) and are not otherwise continued under this title.

(b) TERMINATION OF FUNCTIONS.—All functions that are transferred to the Director under section 2101(b) that are not otherwise continued by this title shall terminate on the functions termination date specified in subsection (c).

(c) FUNCTIONS TERMINATION DATE.—The functions termination date referred to in subsections (a) and (b) is the last day of the 3-year period beginning on the date of the enactment of this Act.

SEC. 2103. RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for the implementation of this subtitle, including—

(1) the administration and wind-up, during the wind-up period, of all functions transferred to the Director under section 2101(b);

(2) the administration and wind-up, during the wind-up period, of any outstanding obligations of the Federal Government under any programs terminated by this title; and

(3) taking such other actions as may be necessary to wind-up any outstanding affairs of the Department of Commerce before the end of the wind-up period.

(b) DELEGATION OF FUNCTIONS.—The Director may delegate to any officer of the Office of Management and Budget or to any other Federal department or agency head the performance of the Director's functions under this subtitle, except the Director's planning and reporting responsibilities under section 2105, to the extent that the Director determines that such delegation would further the purposes of this subtitle.

(c) TRANSFER OF ASSETS AND PERSONNEL.—In connection with any delegation of functions under subsection (b), the Director may transfer within the Office or to the department or agency concerned such assets, funds, personnel, records, and other property relating to the delegated function as the Director determines to be appropriate.

(d) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under this subtitle and subject to the availability of appropriations, the Director may—

(1) enter into contracts;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(3) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

SEC. 2104. PERSONNEL.

Effective on the abolishment date specified in section 2101(c), there are transferred to the Office all individuals who—

(1) immediately before the abolishment date, were officers or employees of the Department of Commerce; and

(2) in their capacity as such an officer or employee, performed functions that are transferred to the Director under section 2101(b).

SEC. 2105. PLANS AND REPORTS.

(a) INITIAL IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress specifying those actions taken and necessary to be taken—

(A) to resolve those programs and functions terminated on the date of enactment of this Act; and

(B) to implement the additional transfers and other program dispositions provided for in this title.

(2) CONTENTS.—The report shall include—

(A) recommendations for additional legislation, if any, needed to reflect or otherwise to implement the abolishments, transfers, terminations, and other dispositions of programs and functions under this title; and

(B) a description of actions planned and taken to comply with limitations imposed by this Act on future spending for continued functions.

(b) ANNUAL STATUS REPORTS.—At the end of each of the first, second, and third years following the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress which—

(1) specifies the status and progress of actions taken to implement this title and to wind-up the affairs of the Department of Commerce by the functions termination date specified in section 2102(c);

(2) includes any recommendations the Director may have for additional legislation; and

(3) describes actions taken to comply with limitations imposed by this Act on future spending for continued functions.

(c) GAO REPORTS.—Not later than 60 days after issuance of each report under subsections (a) and (b), the Comptroller General of the United States shall submit to the Congress a report which—

(1) evaluates the report under that subsection; and

(2) includes any recommendations the Comptroller General considers appropriate.

SEC. 2106. GAO AUDIT AND ACCESS TO RECORDS.

(a) AUDIT OF PERSONS PERFORMING FUNCTIONS PURSUANT TO THIS ACT.—All agencies, corporations, organizations, and other persons of any description which under the authority of the United States perform any function or activity pursuant to this title shall be subject to audit by the Comptroller General of the United States with respect to such function or activity.

(b) AUDIT OF PERSONS PROVIDING CERTAIN GOODS OR SERVICES.—All persons and organizations which, by contract, grant, or otherwise, provide goods or services to, or receive financial assistance from, any agency or other person performing functions or activities under or referred to by this title shall be subject to audit by the Comptroller General of the United States with respect to such provision of goods or services or receipt of financial assistance.

(c) Provisions Applicable to Audits Under This Section.—

(1) Nature and scope of audit.—The Comptroller General of the United States shall determine the nature, scope, terms, and conditions of audits conducted under this section.

(2) Coordination with other provisions of law.—The authority of the Comptroller General of the United States under this section shall be in addition to any audit authority available to the Comptroller General under other provisions of this title or any other law.

(3) Rights of access, examination, and copying.—The Comptroller General of the United States, and any duly authorized representative of the Comptroller General, shall have access to, and the right to examine and copy, all records and other recorded information in any form, and to examine any property within the possession or control of any agency or person which is subject to audit under this section, which the Comptroller General considers relevant to an audit conducted under this section.

(4) Enforcement of right of access.—The right of access of the Comptroller General of the United States to information under this section shall be enforceable under section 716 of title 31, United States Code.

(5) Maintenance of confidential records.—Section 716(e) of title 31, United States Code, shall apply to information obtained by the Comptroller General under this section.

SEC. 2107. CONFORMING AMENDMENTS.

(a) Presidential Succession.—Section 19(d)(1) of title 3, United States Code, is amended by striking "Secretary of Commerce,".

(b) Executive Departments.—Section 101 of title 5, United States Code, is amended by striking the following item: "The Department of Commerce.".

(c) Secretary's Compensation.—Section 5312 of title 5, United States Code, is amended by striking the following item: "Secretary of Commerce.".

(d) Compensation for Positions at Level III.—Section 5314 of title 5, United States Code, is amended—

(1) by striking the following item:

"Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration and Under Secretary of Commerce for Travel and Tourism.";

(2) by striking the following item:

"Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration."; and

(3) by striking the following item:

"Under Secretary of Commerce for Technology.".

(e) Compensation for Positions at Level IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following item:

"Assistant Secretaries of Commerce (11).";

(2) by striking the following item:

"General Counsel of the Department of Commerce.";

(3) by striking the following item:

"Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.";

(4) by striking the following item:

"Director, National Institute of Standards and Technology, Department of Commerce.";

(5) by striking the following item:

"Inspector General, Department of Commerce.";

(6) by striking the following item:

"Chief Financial Officer, Department of Commerce."; and

(7) in the item relating to the Bureau of the Census, by striking ", Department of Commerce".

(f) Compensation for Positions at Level V.—Section 5316 of title 5, United States Code, is amended—

(1) by striking the following item:

"Director, United States Travel Service, Department of Commerce."; and

(2) by striking the following item:

"National Export Expansion Coordinator, Department of Commerce.".

(g) Inspector General Act of 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 9(a)(1), by striking subparagraph (B);

(2) in section 11(1), by striking "Commerce,"; and

(3) in section 11(2), by striking "Commerce,".

(h) Effective Date.—The amendments made by this section shall be effective on the abolishment date specified in section 2101(c).

SEC. 2108. PRIVATIZATION FRAMEWORK.

(a) In General.—The Office of Management and Budget shall privatize each function designated for privatization under subtitle B within 18 months of the date of the transfer of such function to the Office. The Office shall pursue such forms of privatization arrangements as the Office considers appropriate to best serve the interests of the United States. If the Office is unable to privatize a function within 18 months, the Office shall report its inability to the Congress with its recommendations as to the appropriate disposition of the function and its assets.

(b) Role of the Federal Government.—No privatization arrangement made under subsection (a) shall include any future role for, or accountability to, the Federal Government unless it is necessary to assure the continued accomplishment of a specific Federal objective. The Federal role should be the minimum necessary to accomplish Federal objectives.

(c) Assets.—In privatizing a function, the Office of Management and Budget shall take any action necessary to preserve the value of the assets of a function during the period the Office holds such assets and to continue the performance of the function to the extent necessary to preserve the value of the assets or to accomplish core Federal objectives.

SEC. 2109. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY A REDUCTION IN FORCE ATTRIBUTABLE TO THIS TITLE.

(a) In General.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act

"(a)(1) For the purpose of this section, the term 'affected agency'—

"(A) except as provided in subparagraph (B), means an Executive agency to which personnel are transferred in connection with a transfer of function under the Department of Commerce Dismantling Act, and

"(B) with respect to employees of the Department of Commerce in general administration, the Inspector General's office, or the General Counsel's office, or who provided overhead support to other components of the Department on a reimbursable basis, means all agencies to which functions of those employees are transferred under the Department of Commerce Dismantling Act.

"(2) This section applies with respect to any reduction in force that—

"(A) occurs within 12 months after the date of the enactment of this section; and

"(B) is due to—

"(i) the termination of any function of the Department of Commerce; or

"(ii) the agency's having excess personnel as a result of a transfer of function described in paragraph (1), as determined by—

"(I) the Director of the Office of Management and Budget, in the case of a function transferred to the Office of Management and Budget; or

"(II) the head of the agency, in the case of any other function.

"(b) As soon as practicable after the date of the enactment of this section, each affected agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

"(1) are scheduled to be separated from service due to a reduction in force described in subsection (a)(2); or

"(2) are separated from service due to such a reduction in force.

"(c)(1) Each agencywide priority placement program shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of that agency if—

"(A) there is then available any individual described in paragraph (2) who is qualified for the position; and

"(B) the position—

"(i) is at the same grade (or pay level) or not more than 1 grade (or pay level) below that of the position last held by such individual before placement in the new position; and

"(ii) is within the same commuting area as the individual's last-held position (as referred to in clause (i)) or residence.

"(2) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this paragraph if such individual's most recent performance evaluation was at least fully successful (or the equivalent), and such individual is either—

"(A) an employee of such agency who is scheduled to be separated, as described in subsection (b)(1); or

"(B) an individual who became a former employee of such agency as a result of a separation, as described in subsection (b)(2).

"(d)(1) Nothing in this section shall affect any priority placement program of the Department of Defense which is in operation as of the date of the enactment of this section.

"(2) Nothing in this section shall impair placement programs within agencies subject to reductions in force resulting from causes other than the Department of Commerce Dismantling Act.

"(e) An individual shall cease to be eligible to participate in a program under this section on the earlier of—

"(1) the conclusion of the 12-month period beginning on the date on which that individual first became eligible to participate under subsection (c)(2); or

"(2) the date on which the individual declines a bona fide offer (or if the individual does not act on the offer, the last day for accepting such offer) from the affected agency of a position described in subsection (c)(1)(B).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended by redesignating the second section which is designated as section 3329 as section 3329a.

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to the second section which is designated as section 3329 and inserting the following:

"3329a. Government-wide list of vacant positions.

"3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act.".

SEC. 2110. FUNDING REDUCTIONS FOR TRANSFERRED FUNCTIONS.

(a) FUNDING REDUCTIONS.—Except as provided in subsection (b), the total amount obligated or expended by the United States in performing functions transferred under this title to the Director or to the Office from the Department of Commerce, or any of its officers or components, shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995.

(b) EXCEPTION.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) RULE OF CONSTRUCTION.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(1) ensure compliance with the requirements of this section; and

(2) include in each report under sections 2105(a) and (b) a description of actions taken to comply with such requirements.

SEC. 2111. DEFINITIONS.

For purposes of this subtitle, the following definitions apply:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) OFFICE.—The term "Office" means the Office of Management and Budget.

(3) WIND-UP PERIOD.—The term "wind-up period" means the period beginning on the date of the enactment of this Act and ending on the functions termination date specified in section 2102(c).

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

SEC. 2201. ABOLISHMENT OF ECONOMIC DEVELOPMENT ADMINISTRATION AND TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—The Public Works and Economic Development Act of 1965 (40 U.S.C. 3131 et seq.) is amended by striking all after the first section and inserting the following:

"SEC. 2. ADMINISTRATOR DEFINED.

"In this Act, the term 'Administrator' means the Administrator of the Small Business Administration.

"TITLE I—STATEMENT OF PURPOSE

"SEC. 101. FINDINGS AND DECLARATION.

"(a) FINDINGS.—Congress finds that—

"(1) the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment that cause hardship to many individuals and their families, and waste invaluable human resources;

"(2) to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development;

"(3) Federal financial assistance, including grants for public works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies and improved local conditions, if such assistance is preceded by and consistent with sound, long-range economic planning; and

"(4) under the provisions of this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

"(b) DECLARATION.—Congress declares that, in furtherance of maintaining the national economy at a high level—

"(1) the assistance authorized by this Act should be made available to both rural and urban areas;

"(2) such assistance should be made available for planning for economic development prior to the actual occurrences of economic distress in order to avoid such condition; and

"(3) such assistance should be used for long-term economic rehabilitation in areas where long-term economic deterioration has occurred or is taking place.

"TITLE II—GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES

"SEC. 201. DIRECT AND SUPPLEMENTARY GRANTS.

"(a) IN GENERAL.—Upon the application of any eligible recipient, the Administrator may—

"(1) make direct grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, within an area described in section 502(a), if the Administrator finds that—

"(A) the project for which financial assistance is sought will directly or indirectly—

"(i) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

"(ii) otherwise assist in the creation of additional long-term employment opportunities for such area; or

"(iii) primarily benefit the long-term unemployed and members of low-income families;

"(B) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located; and

"(C) the area for which a project is to be undertaken has an approved investment strategy as provided by section 503 and such project is consistent with such strategy;

"(2) make supplementary grants in order to enable the States and other entities within areas described in section 502(a) to take maximum advantage of designated Federal grant-in-aid programs (as defined in subsection (c)(4)), direct grants-in-aid authorized under this section, and Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act (68 Stat. 666), and the 11 watersheds authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887), for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share.

"(b) COST SHARING.—Subject to subsection (c), the amount of any direct grant under this subsection for any project shall not exceed 50 percent of the cost of such project.

"(c) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

"(1) AMOUNT OF SUPPLEMENTARY GRANTS.—

"(A) IN GENERAL.—Except as provided by subparagraph (B), the amount of any supplementary grant under this section for any project shall not exceed the applicable percentage established by regulations promulgated by the Administrator, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 percent of such cost.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), in the case of an Indian tribe, a State (or a political subdivision of the State), or a community development corporation which the Administrator determines has exhausted its effective taxing and borrowing capacity, the Administrator shall reduce the non-Federal share below the percentage specified in subparagraph (A) or shall waive the non-Federal share in the case of such a grant for a project in an area described in section 502(a)(4).

"(2) FORM OF SUPPLEMENTARY GRANTS.—Supplementary grants shall be made by the Administrator, in accordance with such regulations as the Administrator may prescribe, by increasing the amounts of direct grants authorized under this section or by the payment of funds appropriated under this Act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs.

"(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection shall be used for the sole purpose of increasing the Federal contribution to specific projects in areas described in section 502(a) under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law.

"(4) DESIGNATED FEDERAL GRANT-IN-AID PROGRAMS DEFINED.—In this subsection, the term 'designated Federal grant-in-aid programs' means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Administrator may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section.

"(5) CONSIDERATION OF RELATIVE NEED IN DETERMINING AMOUNT.—In determining the amount of any supplementary grant available to any project under this section, the Administrator shall take into consideration the relative needs of the area and the nature of the projects to be assisted.

"(d) REGULATIONS.—The Administrator shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures the Administrator shall consider among other relevant factors—

"(1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment; and

"(2) the income levels of families and the extent of underemployment in eligible areas.

"(e) REVIEW AND COMMENT UPON PROJECTS BY LOCAL GOVERNMENTAL AUTHORITIES.—The Administrator shall prescribe regulations which will assure that appropriate local governmental authorities have been given a reasonable opportunity to review and comment upon proposed projects under this section.

"SEC. 202. CONSTRUCTION COST INCREASES.

"In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has been increased because of increases in costs, the amount of such grant may be increased by an amount equal to the percentage increase, as determined by the Administrator, in such costs, but in no event shall the percentage of the Federal share of such project exceed that originally provided for in such grant.

"SEC. 203. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

"In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has decreased because of decreases in costs, such underrun funds may be used to improve the project either directly or indirectly as determined by the Administrator.

"SEC. 204. CHANGED PROJECT CIRCUMSTANCES.

"In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the purpose or scope of such project based upon the designs and specifications which were the basis of the grant has changed, the Administrator may approve the use of grant funds on such changed project if the Administrator determines that such changed project meets the requirements of this title and that such changes are necessary to enhance economic development in the area.

"TITLE III—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE

"SEC. 301. STATEMENT OF PURPOSE.

"The purpose of this title to provide special economic development and adjustment assistance programs to help State and local areas meet special needs arising from actual or threatened severe unemployment arising from economic dislocation (including unemployment arising from actions of the Federal Government, from defense base closures and realignments, and from compliance with environmental requirements which remove economic activities from a locality) and economic adjustment problems resulting from severe changes in economic conditions (including long-term economic deterioration), and to encourage cooperative intergovernmental action to prevent or solve economic adjustment problems. Nothing in this title is intended to replace the efforts of the economic adjustment program of the Department of Defense.

"SEC. 302. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE.

"(a) IN GENERAL.—The Administrator is authorized to make grants directly to any eligible recipient in an area which the Administrator determines, in accordance with criteria to be established by the Administrator by regulation—

"(1) has experienced, or may reasonably be foreseen to be about to experience, a special need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government); or

"(2) has demonstrated long-term economic deterioration.

"(b) PURPOSES.—Amounts from grants under subsection (a) shall be used by an eligible recipient to carry out or develop an investment strategy which—

"(1) meets the requirements of section 503; and

"(2) is approved by the Administrator.

"(c) TYPES OF ASSISTANCE.—In carrying out an investment strategy using amounts from grants under subsection (a), an eligible recipient may provide assistance for any of the following:

"(1) Public facilities.

"(2) Public services.

"(3) Business development.

"(4) Planning.

"(5) Research and technical assistance.

"(6) Administrative expenses.

"(7) Training.

"(8) Relocation of individuals and businesses.

"(9) Other assistance which demonstrably furthers the economic adjustment objectives of this title.

"(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—Amounts from grants under subsection (a) may be used in direct expenditures by the eligible recipient or through redistribution by the eligible recipient to public and private entities in grants, loans, loan guarantees, payments to reduce interest on loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profit-making entity.

"(e) COORDINATION.—The Administrator to the extent practicable shall coordinate the activities relating to the requirements for investment strategies and making grants and loans under this title with other Federal programs, States, economic development districts, and other appropriate planning and development organizations.

"(f) BASE CLOSINGS AND REALIGNMENTS.—

"(1) LOCATION OF PROJECTS.—In any case in which the Administrator determines a need for assistance under subsection (a) due to the closure or realignment of a military installation, the Administrator may make such assistance available for projects to be carried out on the military installation and for projects to be carried out in communities adversely affected by the closure or realignment.

"(2) INTEREST IN PROPERTY.—Notwithstanding any other provision of law, the Administrator may provide to an eligible recipient any assistance available under this Act for a project to be carried out on a military installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

"SEC. 303. ANNUAL REPORTS BY RECIPIENT.

"Each eligible recipient which receives assistance under this title from the Administrator shall annually during the period such assistance continue to make a full and complete report to the Administrator, in such manner as the Administrator shall prescribe, and such report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need it was designed to alleviate and the purposes of this title.

"SEC. 304. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

"Any loan, loan guarantee, equity, or other financial instrument in the portfolio of a revolving loan fund, including any financial instrument made available using amounts from a grant made before the effective date specified in section 802, may be sold, encumbered, or pledged at the discretion of the grantee of the Fund, to a third party provided that the net proceeds of the transaction—

"(1) shall be deposited into the Fund and may only be used for activities which are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

"SEC. 305. TREATMENT OF REVOLVING LOAN FUNDS.

"(a) IN GENERAL.—Amounts from grants made under this title which are used by an eligible recipient to establish a revolving loan fund shall not be treated, except as provided by subsection (b), as amounts derived from Federal funds for the purposes of any Federal law after such amounts are loaned from the fund to a borrower and repaid to the fund.

"(b) EXCEPTIONS.—Amounts described in subsection (a) which are loaned from a revolving loan fund to a borrower and repaid to the fund—

"(1) may only be used for activities which are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

"(c) REGULATIONS.—Not later than 30 days after the effective date specified in section 802, the Administrator shall issue regulations to carry out subsection (a).

"(d) PUBLIC REVIEW AND COMMENT.—Before issuing any final guidelines or administrative manuals governing the operation of revolving loan funds established using amounts from grants under this title, the Administrator shall provide reasonable opportunity for public review of and comment on such guidelines and administrative manuals.

"(e) APPLICABILITY TO PAST GRANTS.—The requirements of this section applicable to amounts from grants made under this title shall also apply to amounts from grants made, before the effective date specified in section 802, under title I of this Act, as in effect on the day before such effective date.

"TITLE IV—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

"SEC. 401. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—In carrying out its duties under this Act, the Administrator may provide technical assistance which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment to areas which the Administrator finds have substantial need for such assistance. Such assistance shall include project planning and feasibility studies, management and operational assistance, establishment of business outreach centers, and studies evaluating the needs of, and development potentialities for, economic growth of such areas.

"(b) PROCEDURES AND TERMS.—

"(1) MANNER OF PROVIDING ASSISTANCE.—Assistance may be provided by the Administrator through—

"(A) members of the Administrator's staff;

"(B) the payment of funds authorized for this section to departments or agencies of the Federal Government;

"(C) the employment of private individuals, partnerships, firms, corporations, or suitable institutions under contracts entered into for such purposes; or

"(D) grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations.

"(2) REPAYMENT TERMS.—The Administrator, in the Administrator's discretion, may require the repayment of assistance provided under this subsection and prescribe the terms and conditions of such repayment.

"(c) GRANTS COVERING ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Administrator may make grants to defray not to exceed 50 percent of the administrative expenses of organizations which the Administrator determines to be qualified to receive grants-in-aid under subsections (a) and (b); except that in the case of a grant under this subsection to an Indian tribe, the Administrator is authorized to defray up to 100 percent of such expenses.

"(2) DETERMINATION OF NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of such costs or expenses, the Administrator shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including contributions of space, equipment, and services.

"(3) USE OF GRANTS WITH PLANNING GRANTS.—Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants to assure adequate and effective planning and economical use of funds.

"(d) AVAILABILITY OF TECHNICAL INFORMATION; FEDERAL PROCUREMENT.—The Administrator shall aid areas described in section 502(a) and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas. The Administrator may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas described in section 502(a) and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

"SEC. 402. ECONOMIC DEVELOPMENT PLANNING.

"(a) DIRECT GRANTS.—

"(1) IN GENERAL.—The Administrator may make, upon application of any State, or city, or other political subdivision of a State, or sub-State planning and development organization (including an area described in section 502(a) or an economic development district), direct grants to such State, city, or other political subdivision, or organization to pay up to 50 percent of the cost for economic development planning.

"(2) PLANNING PROJECTS SPECIFICALLY INCLUDED.—The planning for cities, other political subdivisions, and sub-State planning and development organizations (including areas described in section 502(a) and economic development districts) assisted under this section shall include systematic efforts to reduce unemployment and increase incomes.

"(3) PLANNING PROCESS.—The planning shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program.

"(4) COORDINATION OF ASSISTANCE UNDER SECTION 401(c).—The assistance available under this section may be provided in addition to assistance available under section 401(c) but shall not supplant such assistance.

"(b) COMPLIANCE WITH REVIEW PROCEDURE.—The planning assistance authorized under this title shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds.

"TITLE V—ELIGIBILITY AND INVESTMENT STRATEGIES

"PART A—ELIGIBILITY

"SEC. 501. ELIGIBLE RECIPIENT DEFINED.

"In this Act, the term 'eligible recipient' means an area described in section 502(a), an economic development district designated under section 510, an Indian tribe, a State, a city or other political subdivision of a State, or a consortium of such political subdivisions, or a public or private nonprofit organization or association acting in cooperation with officials of such political subdivisions.

"SEC. 502. AREA ELIGIBILITY.

"(a) CERTIFICATION.—In order to be eligible for assistance under title II, an applicant seeking assistance to undertake a project in an area shall certify, as part of an application for such assistance, that the area on the date of submission of such application meets 1 or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available.

"(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(4) The area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) which the Administrator determines has one or more of the following conditions:

"(A) A large concentration of low-income persons.

"(B) Rural areas having substantial outmigration.

"(C) Substantial unemployment.

"(b) DOCUMENTATION.—A certification made under subsection (a) shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Administrator unless it is determined to be inaccurate. The most recent statistics available shall be used.

"(c) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date specified in section 802 shall not be effective after such effective date.

"SEC. 503. INVESTMENT STRATEGY.

"The Administrator may provide assistance under titles II and III to an applicant for a project only if the applicant submits to the Administrator, as part of an application for such assistance, and the Administrator approves an investment strategy which—

"(1) identifies the economic development problems to be addressed using such assistance;

"(2) identifies past, present, and projected future economic development investments in the area receiving such assistance and public and private participants and sources of funding for such investments;

"(3) sets forth a strategy for addressing the economic problems identified pursuant to paragraph (1) and describes how the strategy will solve such problems;

"(4) provides a description of the project necessary to implement the strategy, estimates of costs, and timetables; and

"(5) provides a summary of public and private resources expected to be available for the project.

"SEC. 504. APPROVAL OF PROJECTS.

"Only applications for grants or other assistance under this Act for specific projects shall be approved which are certified by the State representing such applicant and determined by the Administrator—

"(1) to be included in a State investment strategy;

"(2) to have adequate assurance that the project will be properly administered, operated, and maintained; and

"(3) to otherwise meet the requirements for assistance under this Act.

"PART B—ECONOMIC DEVELOPMENT DISTRICTS

"SEC. 510. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS AND ECONOMIC DEVELOPMENT CENTERS.

"(a) IN GENERAL.—In order that economic development projects of broader geographic significance may be planned and carried out, the Administrator may—

"(1) designate appropriate 'economic development districts' within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

"(A) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 502(a);

"(B) the proposed district contains at least 1 area described in section 502(a);

"(C) the proposed district contains 1 or more areas described in section 502(a) or economic development centers identified in an approved district investment strategy as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the areas described in section 502(a) within the district; and

"(D) the proposed district has a district investment strategy which includes adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Administrator;

"(2) designate as 'economic development centers', in accordance with such regulations as the Administrator shall prescribe, such areas as the Administrator may deem appropriate, if—

"(A) the proposed center has been identified and included in an approved district investment strategy and recommended by the State or States affected for such special designation;

"(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the areas described in section 502(a) of the district; and

"(C) the proposed center does not have a population in excess of 250,000 according to the most recent Federal census.

"(3) provide financial assistance in accordance with the criteria of this Act, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2), if—

"(A) the project will further the objectives of the investment strategy of the district in which it is to be located;

"(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

"(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district;

"(4) subject to the 50 percent non-Federal share required for any project by section 201(c), increase the amount of grant assistance authorized by section 201 for projects within areas described in section 502(a), by an amount not to exceed 10 percent of the aggregate cost of any such project, in accordance with such regulations as the Administrator shall prescribe if—

"(A) the area described in section 502(a) is situated within a designated economic development district and is actively participating in the economic development activities of the district; and

"(B) the project is consistent with an approved investment strategy.

"(b) Authorities.—In designating economic development districts and approving district investment strategies under subsection (a), the Administrator may, under regulations prescribed by the Administrator—

"(1) invite the several States to draw up proposed district boundaries and to identify potential economic development centers;

"(2) cooperate with the several States—

"(A) in sponsoring and assisting district economic planning and development groups; and

"(B) in assisting such district groups to formulate district investment strategies; and

"(3) encourage participation by appropriate local governmental authorities in such economic development districts.

"(c) Termination or Modification of Designations.—The Administrator shall by regulation prescribe standards for the termination or modification of economic development districts and economic development centers designated under the authority of this section.

"(d) Definitions.—In this Act, the following definitions apply:

"(1) Economic development district.—The term 'economic development district' refers to any area within the United States composed of cooperating areas described in section 502(a) and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Administrator as an economic development district. Such term includes any economic development district designated under section 403 of this Act, as in effect on the day before the effective date specified in section 802.

"(2) Economic development center.—The term 'economic development center' refers to any area within the United States which has been identified as an economic development center in an approved investment strategy and which has been designated by the Administrator as eligible for financial assistance under this Act in accordance with the provisions of this section.

"(3) Local government.—The term 'local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(e) Parts of Economic Development Districts Not Within Areas Described in Section 502(a).—The Administrator is authorized to provide the financial assistance which is available to an area described in section 502(a) under this Act to those parts of an economic development district which are not within an area described in section 502(a), when such assistance will be of a substantial direct benefit to an area described in section 502(a) within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for an area described in section 502(a); except that nothing in this subsection shall be construed to permit such parts to receive the increase in the amount of grant assistance authorized in subsection (a)(4).

"TITLE VI—ADMINISTRATION

"SEC. 601. APPOINTMENT OF ASSOCIATE ADMINISTRATOR; FULL TIME EQUIVALENT EMPLOYEES.

"(a) Appointment.—The Administrator shall carry out the duties vested in the Administrator by this Act acting through an Associate Administrator of the Small Business Administration, who shall be appointed by the President by and with the advice and consent of the Senate.

"(b) Pay.—The Associate Administrator shall be compensated by the Federal Government at the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(c) Full Time Equivalent Employees.—The Administrator shall assign not to exceed 25 full time equivalent employees of the Small Business Administration (excluding the Associate Administrator) to assist the Administrator in the carrying out the duties vested in the Administrator by this Act.

"SEC. 602. REGIONAL COOPERATIVE AGREEMENTS.

"(a) In General.—The Administrator shall make grants and carry out such other functions under this Act as the Administrator considers appropriate by entering into cooperative agreements with 1 or more States on a regional basis. Each State entering into such an agreement shall be represented by the chief executive officer of the State.

"(b) Terms and Conditions.—A cooperative agreement entered into under subsection (a) shall include such terms and conditions as the Administrator determines are necessary to carry out the provisions of this Act. Such terms and conditions at a minimum shall provide that no decision concerning regional policies or approval of project or grant applications may be made without the consent of the Administrator and a majority of the States participating in the cooperative agreement.

"(c) Participation Not Required.—No State shall be required to enter into a cooperative agreement under this section or to participate in any program established by this Act.

"SEC. 603. ADMINISTRATIVE EXPENSES.

"(a) Payment by States.—Fifty percent of the administrative expenses incurred by States in participating in a cooperative agreement entered into under section 602 shall be paid by such States and the remaining 50 percent of such expenses shall be paid by the Federal Government.

"(b) Determination of State Share.—The share of the administrative expenses to be paid by each State participating in a cooperative agreement shall be determined by a majority vote of such States. The Administrator may not participate or vote in such determination.

"(c) Delinquent Payments.—No assistance authorized by this Act shall be furnished to any State or to any political subdivision or resident of a State, nor shall the State participate or vote in any decision described in section 602(b), while such State is delinquent in the payment of such State's share of the administrative expenses described in subsection (a).

"SEC. 604. FEDERAL SHARE.

"Except as otherwise expressly provided by this Act, the Federal share of the cost of any project funded with amounts made available under this Act shall not exceed 50 percent of such cost.

"SEC. 605. COOPERATION OF FEDERAL AGENCIES.

"Each Federal department and agency, in accordance with applicable laws and within the limits of available funds, shall cooperate with the Administrator in order to assist the Administrator in carrying out the functions of the Administrator.

"SEC. 606. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

"(a) Consultation on Problems Relating to Employment.—The Administrator is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

"(b) Consultation on Administration of Act.—The Administrator may make provisions for such consultation with interested departments and agencies as the Administrator may deem appropriate in the performance of the functions vested in the Administrator by this Act.

"SEC. 607. ADMINISTRATION, OPERATION, AND MAINTENANCE.

"No Federal assistance shall be approved under this Act unless the Administrator is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"TITLE VII—MISCELLANEOUS

"SEC. 701. POWERS OF ADMINISTRATOR.

"(a) In General.—In performing the Administrator's duties under this Act, the Administrator is authorized to—

"(1) adopt, alter, and use a seal, which shall be judicially noticed;

"(2) subject to the civil-service and classification laws, select, employ, appoint, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

"(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Administrator may deem advisable;

"(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Administrator;

"(5) under regulations prescribed by the Administrator, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Administrator's discretion and upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Administrator in connection with assistance extended under this Act, and collect or compromise all obligations assigned to or held by the Administrator in connection with such assistance until such time as such obligations may be referred to the Attorney General for suit or collection;

"(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any real or personal property conveyed to, or otherwise acquired by the Administrator in connection with assistance extended under this Act;

"(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to the Administrator in connection with assistance extended this Act;

"(8) acquire, in any lawful manner and in accordance with the requirements of the Federal Property and Administrative Services Act of 1949, any property (real, personal, or mixed, tangible or intangible), whenever necessary or appropriate to the conduct of the activities authorized under this Act;

"(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Administrator, take any action, including the procurement of the services of attorneys by contract, determined by the Administrator to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance extended under this Act;

"(10) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

"(11) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Administrator or the Administrator's property;

"(12) make discretionary grants, pursuant to authorities otherwise available to the Administrator under this Act and without regard to the requirements of section 504, to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in a region from the funds withheld from distribution by the Administrator; except that the aggregate amount of such discretionary grants in any fiscal year may not exceed 10 percent of the amounts appropriated under title VIII for such fiscal year;

"(13) allow a State to use not to exceed 5 percent of the total of amounts received by the State in a fiscal year in grants under this Act for reasonable expenses incurred by the State in administering such amounts; and

"(14) establish such rules, regulations, and procedures as the Administrator considers appropriate in carrying out the provisions of this Act.

"(b) Deficiency Judgments.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Administrator.

"(c) Inapplicability of Certain Other Requirements.—Section 3709 of the Revised Statutes of the United States shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Administrator as a result of assistance extended under this Act if the premium for the insurance or the amount of the insurance does not exceed $1,000.

"(d) Powers of Conveyance and Execution.—The power to convey and to execute, in the name of the Administrator, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Administrator pursuant to the provisions of this Act may be exercised by the Administrator, or by any officer or agent appointed by the Administrator for such purpose, without the execution of any express delegation of power or power of attorney.

"SEC. 702. ESTABLISHMENT OF CLEARINGHOUSE.

"In carrying out the Administrator's duties under this Act, the Administrator shall ensure that the Small Business Administration—

"(1) serves as a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States; and

"(2) helps potential and actual applicants for economic development, economic adjustment, disaster recovery, and defense conversion assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance.

"SEC. 703. PERFORMANCE MEASURES.

"The Administrator shall establish performance measures for grants and other assistance provided under this Act. Such performance measures shall be used to evaluate project proposals and conduct evaluations of projects receiving such assistance.

"SEC. 704. MAINTENANCE OF STANDARDS.

"The Administrator shall continue to implement and enforce the provisions of section 712 of this Act, as in effect on the day before the effective date specified in section 802.

"SEC. 705. TRANSFER OF FUNCTIONS.

"The functions, powers, duties, and authorities and the assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records which are vested in or authorized to be transferred to the Secretary of the Treasury under section 29(b) of the Area Redevelopment Act, and all functions, powers, duties, and authorities under section 29(c) of such Act are hereby vested in the Administrator.

"SEC. 706. DEFINITION OF STATE.

"In this Act, the terms 'State', 'States', and 'United States' include the several States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Marshall Islands, Micronesia, and the Northern Mariana Islands.

"SEC. 707. ANNUAL REPORT TO CONGRESS.

"The Administrator shall transmit to Congress a comprehensive and detailed annual report of the Administrator's operations under this Act for each fiscal year beginning with the fiscal year ending September 30, 1996. Such report shall be printed and shall be transmitted to Congress not later than April 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 708. USE OF OTHER FACILITIES.

"(a) Delegation of Functions to Other Federal Departments and Agencies.—The Administrator may delegate to the heads of other departments and agencies of the Federal Government any of the Administrator's functions, powers, and duties under this Act as the Administrator may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) Department and Agency Execution of Delegated Authority.—Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act.

"(c) Transfer Between Departments.—Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

"(d) Funds Transferred From Other Departments and Agencies.—In order to carry out the objectives of this Act, the Administrator may accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Such transferred funds shall remain available until expended, and may be transferred to and merged with the appropriations under the heading 'salaries and expenses' by the Administrator to the extent necessary to administer the program.

"SEC. 709. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

"No financial assistance shall be extended by the Administrator under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise—

"(1) certify to the Administrator the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Administrator for assistance of any sort, under this Act, and the fees paid or to be paid to any such person; and

"(2) execute an agreement binding such business enterprise, for a period of 2 years after such assistance is rendered by the Administrator to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within the 1-year period ending on such date, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which the Administrator determines involves discretion with respect to the granting of assistance under this Act.

"SEC. 710. MAINTENANCE OF RECORDS OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE; PUBLIC INSPECTION.

"(a) MAINTENANCE OF RECORD REQUIRED.—The Administrator shall maintain as a permanent part of the records of the Small Business Administration a list of applications approved for financial assistance under this Act, which shall be kept available for public inspection during the regular business hours of the Small Business Administration.

"(b) POSTING TO LIST.—The following information shall be posted in such list as soon as each application is approved:

"(1) The name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof.

"(2) The amount and duration of the financial assistance for which application is made.

"(3) The purposes for which the proceeds of the financial assistance are to be used.

"SEC. 711. RECORDS AND AUDIT.

"(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"SEC. 712. PROHIBITION AGAINST A STATUTORY CONSTRUCTION WHICH MIGHT CAUSE DIMINUTION IN OTHER FEDERAL ASSISTANCE.

"All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision of this Act shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

"SEC. 713. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

"The Administrator may accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

"TITLE VIII—FUNDING; EFFECTIVE DATE

"SEC. 801. AUTHORIZATION OF APPROPRIATIONS

"There is authorized to be appropriated to carry out this Act $340,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000. Such sums shall remain available until expended.

"SEC. 802. EFFECTIVE DATE.

"The effective date specified in this section is the abolishment date specified in section 2101(c) of the Department of Commerce Dismantling Act.".

(b) CONFORMING AMENDMENTS TO TITLE 5.—Section 5316 of title 5, United States Code, is amended—

(1) by striking "Associate Administrators of the Small Business Administration (4)" and inserting "Associate Administrators of the Small Business Administration (5)"; and

(2) by striking "Administrator for Economic Development.".

(c) GAO STUDY.—On or before December 30, 1996, the Comptroller General shall submit to Congress a plan or plans for consolidating economic development programs throughout the Federal Government. The plan or plans shall focus on, but not be limited to, consolidating programs included in the Catalog of Federal Domestic Assistance with similar purposes and target populations. The plan or plans shall detail how consolidation can lead to improved grant or program management, improvements in achieving program goals, and reduced costs.

SEC. 2202. TECHNOLOGY ADMINISTRATION.

(a) TECHNOLOGY ADMINISTRATION.—

(1) GENERAL RULE.—Except as otherwise provided in this section, the Technology Administration is terminated.

(2) OFFICE OF TECHNOLOGY POLICY.—The Office of Technology Policy is terminated.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) REDESIGNATION.—The National Institute of Standards and Technology is hereby redesignated as the National Bureau of Standards, and all references to the National Institute of Standards and Technology in Federal law or regulations are deemed to be references to the National Bureau of Standards.

(2) GENERAL RULE.—The National Bureau of Standards (in this subsection referred to as the "Bureau") is transferred to the National Scientific, Oceanic, and Atmospheric Administration, established under section 2206.

(3) FUNCTIONS OF DIRECTOR.—Except as otherwise provided in this section or section 2207, upon the transfer under paragraph (2), the Director of the Bureau shall perform all functions relating to the Bureau that, immediately before the effective date specified in section 2208(a), were functions of the Secretary of Commerce or the Under Secretary of Commerce for Technology.

(c) NATIONAL TECHNICAL INFORMATION SERVICE.—

(1) PRIVATIZATION.—All functions of the National Technical Information Service are transferred to the Director of Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the National Technical Information Service shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) GOVERNMENT CORPORATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the Director of the Office of Management and Budget shall, within 6 months after the end of such period, submit to Congress a proposal for legislation to establish the National Technical Information Service as a wholly owned Government corporation. The proposal should provide for the corporation to perform substantially the same functions that, as of the date of enactment of this Act, are performed by the National Technical Information Service.

(4) FUNDING.—No funds are authorized to be appropriated for the National Technical Information Service or any successor corporation established pursuant to a proposal under paragraph (3).

(d) AMENDMENTS.—

(1) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(A) in section 2(b), by striking paragraph (1) and redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively;

(B) in section 2(d), by striking ", including the programs established under sections 25, 26, and 28 of this Act";

(C) in section 10, by striking "Advanced" in both the section heading and subsection (a), and inserting in lieu thereof "Standards and"; and

(D) by striking sections 24, 25, 26, and 28.

(2) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(A) in section 3, by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(B) in section 4, by striking paragraphs (1), (4), and (13) and redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (10), respectively;

(C) by striking sections 5, 6, 7, 8, 9, and 10;

(D) in section 11—

(i) by striking ", the Federal Laboratory Consortium for Technology Transfer," in subsection (c)(3);

(ii) by striking "and the Federal Laboratory Consortium for Technology Transfer" in subsection (d)(2);

(iii) by striking ", and refer such requests" and all that follows through "available to the Service" in subsection (d)(3); and

(iv) by striking subsection (e); and

(E) in section 17—

(i) by striking "Subject to paragraph (2), separate" in subsection (c)(1) and inserting in lieu thereof "Separate";

(ii) by striking paragraph (2) of subsection (c) and redesignating paragraph (3) as paragraph (2);

(iii) by striking "funds to carry out" in subsection (f), and inserting in lieu thereof "funds only to pay the salary of the Director of the Office of Quality Programs, who shall be responsible for carrying out"; and

(iv) by adding at the end the following new subsection:

"(h) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director of the Office of Quality Programs may accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.".

(3) MISCELLANEOUS AMENDMENTS.—Section 3 of Public Law 94-168 (15 U.S.C. 205b) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3), as so redesignated by subparagraph (B) of this paragraph, by striking "in nonbusiness activities".

SEC. 2203. REORGANIZATION OF THE BUREAU OF THE CENSUS AND THE BUREAU OF ECONOMIC ANALYSIS.

(a) TRANSFER OF FUNCTIONS.—All functions of the Secretary of Commerce relating to the Bureau of the Census and the Bureau of Economic Analysis of the Department of Commerce are transferred to the Secretary of Labor.

(b) TRANSFER OF BUREAUS.—The Bureau of the Census and Bureau of Economic Analysis of the Department of Commerce are transferred to the Department of Labor.

(c) CONSOLIDATION WITH THE BUREAU OF LABOR STATISTICS.—The Secretary of Labor shall consolidate the Bureaus transferred under subsection (b) with the Bureau of Labor Statistics within the Department of Labor.

(d) REFERENCES TO SECRETARY.—Section 1(2) of the title 13, United States Code, is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Labor".

(e) REFERENCES TO DEPARTMENT.—Section 2 of title 13, United States Code, is amended by striking out "Department of Commerce" and inserting in lieu thereof "Department of Labor".

(f) GENERAL REFERENCES TO SECRETARY AND DEPARTMENT.—The provisions of title 13, United States Code, are further amended—

(1) by striking out "Secretary of Commerce" each place such term appears and insert in lieu thereof "Secretary of Labor"; and

(2) by striking out "Department of Commerce" each place such term appears and inserting in lieu thereof "Department of Labor".

(g) SUBMISSION OF PLAN.—Within 180 days after the date of enactment of this Act, the President shall transmit to the Congress—

(1) a determination of the feasibility and potential savings resulting from the further consolidation of statistical functions throughout the Government into a single agency; and

(2) draft legislation under which the provisions of title 13, United States Code, relating to confidentiality (including offenses and penalties) shall be applied after the consolidation under subsection (c) has been effected.

(h) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Bureau of the Census or the agency established as a result of the consolidation under subsection (c) should—

(1) make appropriate use of any authority afforded to it by the Census Address List Improvement Act of 1994 (Public Law 103–430; 108 Stat. 4393), and take measures to ensure the timely implementation of such Act; and

(2) streamline census questionnaires to promote savings in the collection and tabulation of data.

SEC. 2204. TERMINATED FUNCTIONS OF NTIA.

(a) REPEALS.—The following provisions of law are repealed:

(1) Subpart A of part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.), relating to assistance for public telecommunications facilities.

(2) Subpart B of part IV of title III of the Communications Act of 1934 (47 U.S.C. 394 et seq.), relating to the Endowment for Children's Educational Television.

(3) Subpart C of part IV of title III of the Communications Act of 1934 (47 U.S.C. 395 et seq.), relating to Telecommunications Demonstration grants.

(b) DISPOSAL OF NTIA LABORATORIES.—

(1) PRIVATIZATION.—All laboratories of the National Telecommunications and Information Administration are transferred to the Director of the Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the laboratories of the National Telecommunications and Information Administration under paragraph (1) has not been made before the end of the period described in that paragraph, the laboratories of the National Telecommunications and Information Administration shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) TRANSFER OF FUNCTIONS.—The functions of the National Telecommunications and Information Administration concerning research and analysis of the electromagnetic spectrum described in section 5112(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 1532) are transferred to the Director of the National Bureau of Standards.

(c) TRANSFER OF NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FUNCTIONS.—

(1) TRANSFER TO USTR.—Except as provided in subsection (b)(2), the functions of the National Telecommunications and Information Administration, and of the Secretary of Commerce and the Assistant Secretary for Communications and Information of the Department of Commerce with respect to the National Telecommunications and Information Administration, are transferred to the United States Trade Representative. The functions transferred by this paragraph shall be placed in an organizational component that is independent from all USTR functions directly related to the negotiation of trade agreements. Such functions shall be supervised by an individual whose principal professional expertise is in the area of telecommunications. The position to which such individual is appointed shall be graded at a level sufficiently high to attract a highly qualified individual, while ensuring autonomy in the conduct of such functions from all activities and influences associated with trade negotiations.

(2) REFERENCES.—References in any provision of law (including the National Telecommunications and Information Administration Organization Act) to the Secretary of Commerce or the Assistant Secretary for Communications and Information of the Department of Commerce—

(A) with respect to a function vested pursuant to this section in the United States Trade Representative shall be deemed to refer to the United States Trade Representative; and

(B) with respect to a function vested pursuant to this section in the Director of the National Bureau of Standards shall be deemed to refer to the Director of the National Bureau of Standards.

(3) TERMINATION OF NTIA.—Effective on the abolishment date specified in section 2101(c), the National Telecommunications and Information Administration is abolished.

SEC. 2205. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) TERMINATION OF MISCELLANEOUS RESEARCH PROGRAMS AND ACCOUNTS.—

(1) IN GENERAL.—No funds may be appropriated in any fiscal year for the following programs and accounts of the National Scientific, Oceanic, and Atmospheric Administration:

(A) The National Undersea Research Program.

(B) The Fleet Modernization Program.

(C) The Charleston, South Carolina, Special Management Plan.

(D) Chesapeake Bay Observation Buoys (as of September 30, 1996).

(E) Federal/State Weather Modification Grants.

(F) The Southeast Storm Research Account.

(G) The Southeast United States Caribbean Fisheries Oceanographic Coordinated Investigations Program.

(H) National Institute for Environmental Renewal.

(I) The Lake Champlain Study.

(J) The Maine Marine Research Center.

(K) The South Carolina Cooperative Geodetic Survey Account.

(L) Pacific Island Technical Assistance.

(M) Sea Grant Oyster Disease Account.

(N) Sea Grant Zebra Mussel Account.

(O) VENTS program.

(P) National Weather Service non-Federal, non-wildfire Weather Service.

(Q) National Weather Service Regional Climate Centers.

(R) National Weather Service Samoa Weather Forecast Office Repair and Upgrade Account.

(S) Dissemination of Weather Charts (Marine Facsimile Service).

(T) The Climate and Global Change Account.

(U) The Global Learning and Observations to Benefit the Environment Program.

(V) Great Lakes nearshore research.

(W) Mussel watch.

(2) REPEALS.—The following provisions of law are repealed:

(A) The Ocean Thermal Conversion Act of 1980 (42 U.S.C. 9101 et seq.).

(B) Title IV of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447 et seq.).

(C) Title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.).

(D) The Great Lakes Shoreline Mapping Act of 1987 (33 U.S.C. 883a note).

(E) The Great Lakes Fish and Wildlife Tissue Bank Act (16 U.S.C. 943 et seq.).

(F) The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), except for those provisions affecting the Assistant Secretary of the Army (civil works) and the Secretary of the department in which the Coast Guard is operating.

(G) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a).

(H) Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)).

(I) Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is repealed effective October 1, 1998.

(J) The NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.).

(K) Public Law 85–342 (72 Stat. 35; 16 U.S.C. 778 et seq.), relating to fish research and experimentation.

(L) The first section of the Act of August 8, 1956 (70 Stat. 1126; 16 U.S.C. 760d), relating to grants for commercial fishing education.

(M) Public Law 86–359 (16 U.S.C. 760e et seq.), relating to the study of migratory marine gamefish.

(N) The Act of August 15, 1914 (Chapter 253; 38 Stat. 692; 16 U.S.C. 781 et seq.), prohibiting the taking of sponges in the Gulf of Mexico and the Straits of Florida.

(b) AERONAUTICAL MAPPING AND CHARTING.—

(1) IN GENERAL.—The aeronautical mapping and charting functions of the National Oceanic and Atmospheric Administration are transferred to the Defense Mapping Agency.

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Defense Mapping Agency shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(3) FUNCTIONS REQUESTED BY FEDERAL AVIATION ADMINISTRATION.—(A) Notwithstanding paragraph (2), the Director of the Defense Mapping Agency shall carry out such aeronautical charting functions as may be requested by the Administrator of the Federal Aviation Administration.

(B) In carrying out aeronautical mapping functions requested by the Administrator under subparagraph (A), the Director shall—

(i) publish and distribute to the public and to the Administrator any aeronautical charts requested by the Administrator; and

(ii) provide to the Administrator such other air traffic control products and services as may be requested by the Administrator,

in such manner and including such information as the Administrator determines is necessary for, or will promote, the safe and efficient movement of aircraft in air commerce.

(4) CONTINUING APPLICABILITY.—The requirements of section 1307 of title 44, United States Code, shall continue to apply with respect to all aeronautical products created or published by the Director of the Defense Mapping Agency in carrying out the functions transferred to the Director under this paragraph; except that the prices for such products shall be established jointly by the Director and the Secretary of Transportation on an annual basis.

(c) TRANSFER OF MAPPING, CHARTING, AND GEODESY FUNCTIONS TO THE UNITED STATES GEOLOGICAL SURVEY.—

(1) IN GENERAL.—Except as provided in subsection (b), there are hereby transferred to the Director of the United States Geological Survey the functions relating to mapping, charting, and geodesy authorized under the Act of August 7, 1947 (61 Stat. 787; 33 U.S.C. 883a).

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Director of the United States Geological Survey shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(d) NESDIS.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Environmental Satellite, Data, and Information System.

(e) OAR.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration (including global programs) that on the date immediately before the effective date of this section were authorized to be performed by the Office of Oceanic and Atmospheric Research.

(f) NWS.—

(1) IN GENERAL.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Weather Service.

(2) DUTIES.—To protect life and property and enhance the national economy, the Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, except as outlined in paragraph (3), shall be responsible for the following:

(A) Forecasts. The Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, shall serve as the sole official source of severe weather warnings.

(B) Issuance of storm warnings.

(C) The collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information.

(D) The preparation of hydro-meteorological guidance and core forecast information.

(3) LIMITATIONS ON COMPETITION.—The National Weather Service may not compete, or assist other entities to compete, with the private sector to provide a service when that service is currently provided or can be provided by a commercial enterprise unless—

(A) the Administrator of Science, Oceans, and the Atmosphere finds that the private sector is unwilling or unable to provide the service; or

(B) the Administrator of Science, Oceans, and the Atmosphere finds that the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(4) ORGANIC ACT AMENDMENTS.—

(A) AMENDMENTS.—The Act of 1890 is amended—

(i) by striking section 3 (15 U.S.C. 313); and

(ii) in section 9 (15 U.S.C. 317), by striking "Department of" and all that follows thereafter and inserting "National Scientific, Oceanic, and Atmospheric Administration.".

(B) DEFINITION.—For purposes of this paragraph, the term "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653).

(5) REPEAL.—Sections 706 and 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) are repealed.

(6) CONFORMING AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(A) in section 702, by striking paragraph (3) and redesignating paragraphs (4) through (10) as paragraphs (3) through (9), respectively; and

(B) in section 703—

(i) by striking "(a) NATIONAL IMPLEMENTATION PLAN.—";

(ii) by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(iii) by striking subsections (b) and (c).

(g) TERMINATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CORPS OF COMMISSIONED OFFICERS.—

(1) NUMBER OF OFFICERS.—Notwithstanding section 8 of the Act of June 3, 1948 (33 U.S.C. 853g), the total number of commissioned officers on the active list of the National Scientific, Oceanic, and Atmospheric Administration shall not exceed—

(A) 358 as of September 30, 1996;

(B) 180 as of September 30, 1997; and

(C) 0 for any fiscal year beginning after September 30, 1998.

(2) SEPARATION PAY.—(A) Commissioned officers may be separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration. Any officer so separated because of paragraph (1) shall, subject to subparagraph (B) and the availability of appropriations, be eligible for separation pay under section 9 of the Act of June 3, 1948 (33 U.S.C. 853h) to the same extent as if such officer had been separated under section 8 of such Act (33 U.S.C. 853g).

(B) Any officer who, under paragraph (4), transfers to another of the uniformed services or becomes employed in a civil service position shall not be eligible for separation pay under this paragraph.

(C)(i) Any officer who receives separation pay under this paragraph shall be required to repay the amount received if, within 1 year after the date of the separation on which the payment is based, such officer is reemployed in a civil service position in the National Scientific, Oceanic, and Atmospheric Administration, the duties of which position would formerly have been performed by a commissioned officer, as determined by the Administrator of Science, Oceans, and the Atmosphere.

(ii) A repayment under this subparagraph shall be made in a lump sum or in such installments as the Administrator may specify.

(D) In the case of any officer who makes a repayment under subparagraph (C)—

(i) the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Civil Service Retirement and Disability Fund, on such officer's behalf, any deposit required under section 8422(e)(1) of title 5, United States Code, with respect to any prior service performed by that individual as such an officer; and

(ii) if the amount paid under clause (i) is less than the amount of the repayment under subparagraph (C), the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Government Securities Investment Fund (established under section 8438(b)(1)(A) of title 5, United States Code), on such individual's behalf, an amount equal to the difference.

The provisions of paragraph (5)(C)(iv) shall apply with respect to any contribution to the Thrift Savings Plan made under clause (ii).

(3) PRIORITY PLACEMENT PROGRAM.—A priority placement program similar to the programs described in section 3329b of title 5, United States Code, as amended by section 2109, shall be established by the National Scientific, Oceanic, and Atmospheric Administration to assist commissioned officers who are separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration because of paragraph (1).

(4) TRANSFER.—(A) Subject to the approval of the Secretary of Defense and under terms and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the Armed Forces under section 716 of title 10, United States Code.

(B) Subject to the approval of the Secretary of Transportation and under terms and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the United States Coast Guard under section 716 of title 10, United States Code.

(C) Subject to the approval of the Administrator of Science, Oceans, and the Atmosphere and under terms and conditions specified by that Administrator, commissioned officers subject to paragraph (1) may be employed by the National Scientific, Oceanic, and Atmospheric Administration as members of the civil service.

(5) RETIREMENT PROVISIONS.—(A) For commissioned officers who transfer under paragraph (4)(A) to the Armed Forces, the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Department of Defense Military Retirement Fund

an amount, to be calculated by the Secretary of Defense in consultation with the Secretary of the Treasury, equal to the actuarial present value of any retired or retainer pay they will draw upon retirement, including full credit for service in the NOAA Corps. Any payment under this subparagraph shall, for purposes of paragraph (2) of section 2206(g), be considered to be an expenditure described in such paragraph.

(B) For commissioned officers who transfer under paragraph (4)(B) to the United States Coast Guard, full credit for service in the NOAA Corps shall be given for purposes of any annuity or other similar benefit under the retirement system for members of the United States Coast Guard, entitlement to which is based on the separation of such officer.

(C)(i) For a commissioned officer who becomes employed in a civil service position pursuant to paragraph (4)(C) and thereupon becomes subject to the Federal Employees' Retirement System, the National Scientific, Oceanic, and Atmospheric Administration shall pay, on such officer's behalf—

(I) into the Civil Service Retirement and Disability Fund, the amounts required under clause (ii); and

(II) into the Government Securities Investment Fund, the amount required under clause (iii).

(ii)(I) The amount required under this subclause is the amount of any deposit required under section 8422(e)(1) of such title 5 with respect to any prior service performed by the individual as a commissioned officer of the National Oceanic and Atmospheric Administration.

(II) To determine the amount required under this subclause, first determine, for each year of service with respect to which the deposit under subclause (I) relates, the product of the normal-cost percentage for such year (as determined under the last sentence of this subclause) multiplied by basic pay received by the individual for any such service performed in such year. Second, take the sum of the amounts determined for the respective years under the first sentence. Finally, subtract from such sum the amount of the deposit under subclause (I). For purposes of the first sentence, the normal-cost percentage for any year shall be as determined for such year under the provisions of section 8423(a)(1) of title 5, United States Code, except that, in the case of any year before the first year for which any normal-cost percentage was determined under such provisions, the normal-cost percentage for such first year shall be used.

(iii) The amount required under this clause is the amount by which the separation pay to which the officer would have been entitled under the second sentence of paragraph (2)(A) (assuming the conditions for receiving such separation pay have been met) exceeds the amount of the deposit under clause (ii)(I), if at all.

(iv)(I) Any contribution made under this subparagraph to the Thrift Savings Plan shall not be subject to any otherwise applicable limitation on contributions contained in the Internal Revenue Code of 1986, and shall not be taken into account in applying any such limitation to other contributions or benefits under the Thrift Savings Plan, with respect to the year in which the contribution is made.

(II) Such plan shall not be treated as failing to meet any nondiscrimination requirement by reason of the making of such contribution.

(6) REPEALS.—(A) The following provisions of law are repealed:

(i) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a–853o, 853p–853u).

(ii) The Act of February 16, 1929 (Chapter 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

(iii) The Act of January 19, 1942 (Chapter 6; 56 Stat. 6).

(iv) Section 9 of Public Law 87–649 (76 Stat. 495).

(v) The Act of May 22, 1917 (Chapter 20, section 16; 40 Stat. 87; 33 U.S.C. 854 et seq.).

(vi) The Act of December 3, 1942 (Chapter 670; 56 Stat. 1038.

(vii) Sections 1 through 5 of Public Law 91–621 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

(viii) The Act of August 10, 1956 (Chapter 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

(ix) The Act of May 18, 1920 (Chapter 190, section 11; 41 Stat. 603; 33 U.S.C. 864).

(x) The Act of July 22, 1947 (Chapter 286; 61 Stat. 400; 33 U.S.C. 873, 874).

(xi) The Act of August 3, 1956 (Chapter 932; 70 Stat. 988; 33 U.S.C. 875, 876).

(xii) All other Acts inconsistent with this subsection.

No repeal under this subparagraph shall affect any annuity or other similar benefit payable, under any provision of law so repealed, based on the separation of any individual from the NOAA Corps or its successor on or before September 30, 1998. Any authority exercised by the Secretary of Commerce or his designee with respect to any such benefits shall be exercised by the Administrator of Science, Oceans, and the Atmosphere, and any authorization of appropriations relating to those benefits, which is in effect as of September 30, 1998, shall be considered to have remained in effect.

(B) The effective date of the repeals under subparagraph (A) shall be October 1, 1998.

(C)(i) All laws relating to the retirement of commissioned officers of the Navy shall apply to commissioned officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors.

(ii) Active service of officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors who have retired from the Commissioned Officers Corps shall be deemed to be active military service in the United States Navy for purposes of all rights, privileges, immunities, and benefits provided to retired commissioned officers of the Navy by the laws and regulations of the United States and any agency thereof. In the Administration of those laws and regulations with respect to retired officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors, the authority of the Secretary of the Navy shall be exercised by the Administrator of Science, Oceans, and the Atmosphere.

(iii) For purposes of this subparagraph, the term "its predecessors" means the former Commissioned Officers Corps of the Environmental Science Services Administration and the former Commissioned Officers Corps of the Coast and Geodetic Survey.

(7) CREDITABILITY OF NOAA SERVICE FOR PURPOSES RELATING TO REDUCTIONS IN FORCE.—A commissioned officer who is separated from the active list of the National Oceanic and Atmospheric Administration or its successor because of paragraph (1) shall, for purposes of any subsequent reduction in force, receive credit for any period of service performed as such an officer before separation from such list to the same extent and in the same manner as if it had been a period of active service in the Armed Forces.

(8) ABOLITION.—The Office of the National Oceanic and Atmospheric Administration Corps of Operations or its successor and the Commissioned Personnel Center are abolished effective September 30, 1998.

(h) NOAA FLEET.—

(1) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Administrator of Science, Oceans, and the Atmosphere shall enter into contracts, including multiyear contracts, subject to paragraph (3), for the use of vessels to conduct oceanographic research and fisheries research, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Scientific, Oceanic, and Atmospheric Administration. The Administrator of Science, Oceans, and the Atmosphere shall enter into these contracts unless—

(A) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Scientific, Oceanic, and Atmospheric Administration of obtaining those services on vessels of the National Scientific, Oceanic, and Atmospheric Administration;

(B) the contract is for more than 7 years; or

(C) the data is acquired through a vessel agreement pursuant to paragraph (4).

(2) VESSELS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(3) MULTIYEAR CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), and notwithstanding section 1341 of title 31, United States Code, and section 11 of title 41, United States Code, the Administrator of Science, Oceans, and the Atmosphere may acquire data under multiyear contracts.

(B) REQUIRED FINDINGS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless such Administrator finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Administrator will request from Congress funding for the contract at the level required to avoid contract termination.

(C) REQUIRED PROVISIONS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless the contract includes—

(i) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(ii) a provision that specifies the term of effectiveness of the contract; and

(iii) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to clause (ii), the United States shall only be liable for the lesser of—

(I) an amount specified in the contract for such a termination; or

(II) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

(4) VESSEL AGREEMENTS.—The Administrator of Science, Oceans, and the Atmosphere shall use excess capacity of University National Oceanographic Laboratory System

vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

(5) TRANSFER OF EXCESS VESSELS.—The Administrator of Science, Oceans, and the Atmosphere shall transfer any vessels over 1,500 gross tons that are excess to the needs of the National Scientific, Oceanic, and Atmospheric Administration to the National Defense Reserve Fleet. Notwithstanding any other provision of law, these vessels may be scrapped in accordance with section 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(i)).

(i) NATIONAL MARINE FISHERIES SERVICE.—(1) There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions that on the day before the effective date of this section were authorized by law to be performed by the National Marine Fisheries Service.

(2) Notwithstanding any other provision of law, the National Marine Fisheries Service may not affect on-land activities under the Endangered Species Act of 1973 for salmon recovery in the State of Idaho (16 U.S.C. 1531 et seq.).

(j) NATIONAL OCEAN SERVICE.—Except as otherwise provided in this title, there are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Ocean Service (including the Coastal Ocean Program).

(k) TRANSFER OF COASTAL NONPOINT POLLUTION CONTROL FUNCTIONS.—There are transferred to the Administrator of the Environmental Protection Agency the functions under section 6217 of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b) that on the day before the effective date of this section were vested in the Secretary of Commerce.

SEC. 2206. NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.

(a) ESTABLISHMENT.—There is established as an independent agency in the Executive Branch the National Scientific, Oceanic, and Atmospheric Administration (in this section referred to as the "NSOAA"). The NSOAA, and all functions and offices transferred to it under this title, shall be administered under the supervision and direction of an Administrator of Science, Oceans, and the Atmosphere. The Administrator of Science, Oceans, and the Atmosphere shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive basic pay at the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code. The Administrator of Science, Oceans, and the Atmosphere shall additionally perform the functions previously performed by the Administrator of the National Oceanic and Atmospheric Administration.

(b) PRINCIPAL OFFICER.—There shall be in the NSOAA, on the transfer of functions and offices under this title, a Director of the National Bureau of Standards, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) ADDITIONAL OFFICERS.—There shall be in the NSOAA—

(1) a Chief Financial Officer of the NSOAA, to be appointed by the President, by and with the advice and consent of the Senate;

(2) a Chief of External Affairs, to be appointed by the President, by and with the advice and consent of the Senate;

(3) a General Counsel, to be appointed by the President, by and with the advice and consent of the Senate; and

(4) an Inspector General, to be appointed in accordance with the Inspector General Act of 1978.

Each Officer appointed under this subsection shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) TRANSFER OF FUNCTIONS AND OFFICES.—Except as otherwise provided in this title, there are transferred to the NSOAA—

(1) the functions and offices of the National Oceanic and Atmospheric Administration, as provided in section 2205;

(2) the National Bureau of Standards, along with its functions and offices, as provided in section 2202; and

(3) the Office of Space Commerce, along with its functions and offices.

(e) ELIMINATION OF POSITIONS.—The Administrator of Science, Oceans, and the Atmosphere may eliminate positions that are no longer necessary because of the termination of functions under this section, section 2202, and section 2205.

(f) AGENCY TERMINATIONS.—

(1) TERMINATIONS.—On the date specified in section 2208(a), the following shall terminate:

(A) The Office of the Deputy Administrator and Assistant Secretary of the National Oceanic and Atmospheric Administration.

(B) The Office of the Deputy Under Secretary of the National Oceanic and Atmospheric Administration.

(C) The Office of the Chief Scientist of the National Oceanic and Atmospheric Administration.

(D) The position of Deputy Assistant Secretary for Oceans and Atmosphere.

(E) The position of Deputy Assistant Secretary for International Affairs.

(F) Any office of the National Oceanic and Atmospheric Administration or the National Bureau of Standards whose primary purpose is to perform high performance computing communications, legislative, personnel, public relations, budget, constituent, intergovernmental, international, policy and strategic planning, sustainable development, administrative, financial, educational, legal and coordination functions. These functions shall, as necessary, be performed only by officers described in subsection (c).

(G) The position of Associate Director of the National Institute of Standards and Technology.

(2) TERMINATION OF EXECUTIVE SCHEDULE POSITIONS.—Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for levels I through V of the Executive Schedule under sections 5312 through 5315 of title 5, United States Code, in an office terminated pursuant to this section, section 2202, and section 2205 shall also terminate.

(g) FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.—

(1) FUNDING REDUCTIONS.—Notwithstanding the transfer of functions under this subtitle, the total amount obligated or expended by the United States in performing all functions vested in the National Scientific, Oceanic, and Atmospheric Administration pursuant to this subtitle shall not exceed—

(A) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 2205 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration; and

(B) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 22045 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration.

(2) EXCEPTION.—Paragraph (1) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in paragraph (1) pursuant to this subtitle.

(3) RULE OF CONSTRUCTION.—This subsection shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(4) RESPONSIBILITY OF NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—The National Scientific, Oceanic, and Atmospheric Administration, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in subparagraphs (A) and (B) of paragraph (1).

(5) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall include in each report under sections 2105 (a) and (b) a description of actions taken to comply with the requirements of this subsection.

SEC. 2207. MISCELLANEOUS TERMINATIONS; MORATORIUM ON PROGRAM ACTIVITIES.

(a) TERMINATIONS.—The following agencies and programs of the Department of Commerce are terminated:

(1) The Minority Business Development Administration.

(2) The United States Travel and Tourism Administration.

(3) The programs and activities of the National Telecommunications and Information Administration referred to in section 2204(a).

(4) The Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n).

(5) The Manufacturing Extension Programs under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(6) The National Institute of Standards and Technology METRIC Program.

(b) MORATORIUM ON PROGRAM ACTIVITIES.—The authority to make grants, enter into contracts, provide assistance, incur obligations, or provide commitments (including any enlargement of existing obligations or commitments, except if required by law) with respect to the agencies and programs described in subsection (a) is terminated effective on the date of the enactment of this title.

SEC. 2208. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle shall take effect on the abolishment date specified in section 2101(c).

(b) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—The following provisions of this subtitle shall take effect on the date of the enactment of this Act:

(1) Section 2201.

(2) Section 2205(g), except as otherwise provided in that section.

(3) Section 2207(b).

(4) This section.

Subtitle C—Office of United States Trade Representative

CHAPTER 1—GENERAL PROVISIONS

SEC. 2301. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Office" means the Office of the United States Trade Representative;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code; and

(3) the term "USTR" means the United States Trade Representative as provided for under section 2311.

CHAPTER 2—OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Subchapter A—Establishment

SEC. 2311. ESTABLISHMENT OF THE OFFICE.

(a) IN GENERAL.—The Office of the United States Trade Representative is established as an independent establishment in the executive branch of Government as defined under section 104 of title 5, United States Code. The United States Trade Representative shall be the head of the Office and shall be appointed by the President, by and with the advice and consent of the Senate.

(b) AMBASSADOR STATUS.—The USTR shall have the rank and status of Ambassador and shall represent the United States in all trade negotiations conducted by the Office.

(c) CONTINUED SERVICE OF CURRENT USTR.—The individual serving as United States Trade Representative on the date immediately preceding the effective date of this subtitle may continue to serve as USTR under subsection (a).

(d) SUCCESSOR TO THE DEPARTMENT OF COMMERCE.—The Office shall be the successor to the Department of Commerce for purposes of protocol.

SEC. 2312. FUNCTIONS OF THE USTR.

(a) IN GENERAL.—In addition to the functions transferred to the USTR by this subtitle, such other functions as the President may assign or delegate to the USTR, and such other functions as the USTR may, after the effective date of this subtitle, be required to carry out by law, the USTR shall—

(1) serve as the principal advisor to the President on international trade policy and advise the President on the impact of other policies of the United States Government on international trade;

(2) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, for developing and implementing international trade policy, including commodity matters and, to the extent related to international trade policy, direct investment matters and, in exercising such responsibility, advance and implement, as the primary mandate of the Office, the goals of the United States to—

(A) maintain United States leadership in international trade liberalization and expansion efforts;

(B) reinvigorate the ability of the United States economy to compete in international markets and to respond flexibly to changes in international competition; and

(C) expand United States participation in international trade through aggressive promotion and marketing of goods and services that are products of the United States;

(3) exercise lead responsibility for the conduct of international trade negotiations, including negotiations relating to commodity matters and, to the extent that such negotiations are related to international trade, direct investment negotiations;

(4) exercise lead responsibility for the establishment of a national export strategy, including policies designed to implement such strategy;

(5) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, issue policy guidance to other Federal agencies on international trade, commodity, and direct investment functions to the extent necessary to assure the coordination of international trade policy;

(6) seek and promote new opportunities for United States products and services to compete in the world marketplace;

(7) assist small businesses in developing export markets;

(8) enforce the laws of the United States relating to trade;

(9) analyze economic trends and developments;

(10) report directly to the Congress—

(A) on the administration of, and matters pertaining to, the trade agreements program under the Omnibus Trade and Competitiveness Act of 1988, the Trade Act of 1974, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after this Act; and

(B) with respect to other important issues pertaining to international trade;

(11) keep each official adviser to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements who is appointed from the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives under section 161 of the Trade Act of 1974 currently informed on United States negotiating objectives with respect to trade agreements, the status of negotiations in progress with respect to such agreements, and the nature of any changes in domestic law or the administration thereof which the USTR may recommend to the Congress to carry out any trade agreement;

(12) consult and cooperate with State and local governments and other interested parties on international trade matters of interest to such governments and parties, and to the extent related to international trade matters, on investment matters, and, when appropriate, hold informal public hearings;

(13) serve as the principal advisor to the President on Government policies designed to contribute to enhancing the ability of United States industry and services to compete in international markets;

(14) develop recommendations for national strategies and specific policies intended to enhance the productivity and international competitiveness of United States industries;

(15) serve as the principal advisor to the President in identifying and assessing the consequences of any Government policies that adversely affect, or have the potential to adversely affect, the international competitiveness of United States industries and services;

(16) promote cooperation between business, labor, and Government to improve industrial performance and the ability of United States industries to compete in international markets and to facilitate consultation and communication between the Government and the private sector about domestic industrial performance and prospects and the performance and prospects of foreign competitors; and

(17) monitor and enforce foreign government compliance with international trade agreements to protect United States interests.

(b) INTERAGENCY ORGANIZATION.—The USTR shall be the chairperson of the interagency organization established under section 242 of the Trade Expansion Act of 1962.

(c) NATIONAL SECURITY COUNCIL.—The USTR shall be a member of the National Security Council.

(d) ADVISORY COUNCIL.—The USTR shall be Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies established under Executive Order 11269, issued February 14, 1966.

(e) AGRICULTURE.—(1) The USTR shall consult with the Secretary of Agriculture or the designee of the Secretary of Agriculture on all matters that potentially involve international trade in agricultural products.

(2) If an international meeting for negotiation or consultation includes discussion of international trade in agricultural products, the USTR or the designee of the USTR shall be Chairman of the United States delegation to such meeting and the Secretary of Agriculture or the designee of such Secretary shall be Vice Chairman. The provisions of this paragraph shall not limit the authority of the USTR under subsection (h) to assign to the Secretary of Agriculture responsibility for the conduct of, or participation in, any trade negotiation or meeting.

(f) TRADE PROMOTION.—The USTR shall be the chairperson of the Trade Promotion Coordinating Committee.

(g) NATIONAL ECONOMIC COUNCIL.—The USTR shall be a member of the National Economic Council established under Executive Order No. 12835, issued January 25, 1993.

(h) INTERNATIONAL TRADE NEGOTIATIONS.—Except where expressly prohibited by law, the USTR, at the request or with the concurrence of the head of any other Federal agency, may assign the responsibility for conducting or participating in any specific international trade negotiation or meeting to the head of such agency whenever the USTR determines that the subject matter of such international trade negotiation is related to the functions carried out by such agency.

Subchapter B—Officers

SEC. 2321. DEPUTY ADMINISTRATOR OF THE OFFICE.

(a) ESTABLISHMENT.—There shall be in the Office the Deputy Administrator of the Office of the United States Trade Representative, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) ABSENCE, DISABILITY, OR VACANCY OF USTR.—The Deputy Administrator of the Office of the United States Trade Representative shall act for and exercise the functions of the USTR during the absence or disability of the USTR or in the event the office of the USTR becomes vacant. The Deputy Administrator shall act for and exercise the functions of the USTR until the absence or disability of the USTR no longer exists or a successor to the USTR has been appointed by the President and confirmed by the Senate.

(c) FUNCTIONS OF DEPUTY ADMINISTRATOR.—The Deputy Administrator of the Office of the United States Trade Representative shall exercise all functions, under the direction of the USTR, transferred to or established in the Office, except those functions exercised by the Deputy United States Trade Representatives, the Director General for Export Promotion, the Inspector General, and the General Counsel of the Office, as provided by this subtitle.

SEC. 2322. DEPUTY UNITED STATES TRADE REPRESENTATIVES.

(a) ESTABLISHMENT.—There shall be in the Office 2 Deputy United States Trade Representatives, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy United States Trade Representatives shall exercise all functions under the direction of the USTR, and shall include—

(1) the Deputy United States Trade Representative for Negotiations; and

(2) the Deputy United States Trade Representative to the World Trade Organization.

(b) FUNCTIONS OF DEPUTY UNITED STATES TRADE REPRESENTATIVES.—(1) The Deputy United States Trade Representative for Negotiations shall exercise all functions transferred under section 2331 and shall have the rank and status of Ambassador.

(2) The Deputy United States Trade Representative to the World Trade Organization shall exercise all functions relating to representation to the World Trade Organization and shall have the rank and status of Ambassador.

SEC. 2323. ASSISTANT ADMINISTRATORS.

(a) ESTABLISHMENT.—There shall be in the Office 3 Assistant Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Administrators shall exercise all functions under the direction of the Deputy Administrator of the Office of the United States Trade Representative and include—

(1) the Assistant Administrator for Export Administration;

(2) the Assistant Administrator for Import Administration; and

(3) the Assistant Administrator for Trade and Policy Analysis.

(b) FUNCTIONS OF ASSISTANT ADMINISTRATORS.—(1) The Assistant Administrator for Export Administration shall exercise all functions transferred under section 2332(1)(C).

(2) The Assistant Administrator for Import Administration shall exercise all functions transferred under section 2332(1)(D).

(3) The Assistant Administrator for Trade and Policy Analysis shall exercise all functions transferred under section 2332(1)(B) and all functions transferred under section 2332(2).

SEC. 2324. DIRECTOR GENERAL FOR EXPORT PROMOTION.

(a) ESTABLISHMENT.—There shall be a Director General for Export Promotion, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The Director General for Export Promotion shall exercise, under the direction of the USTR, all functions transferred under sections 2332(1)(A) (relating to functions of the United States and Foreign Commercial Service) and 2333 and shall have the rank and status of Ambassador.

SEC. 2325. GENERAL COUNSEL.

There shall be in the Office a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the USTR concerning the activities, programs, and policies of the Office.

SEC. 2326. INSPECTOR GENERAL.

There shall be in the Office an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by section 2371(b) of this Act.

SEC. 2327. CHIEF FINANCIAL OFFICER.

There shall be in the Office a Chief Financial Officer who shall be appointed in accordance with section 901 of title 31, United States Code, as amended by section 2371(e) of this Act. The Chief Financial Officer shall perform all functions prescribed by the Deputy Administrator of the Office of the United States Trade Representative, under the direction of the Deputy Administrator.

Subchapter C—Transfers to the Office

SEC. 2331. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

There are transferred to the USTR all functions of the United States Trade Representative and the Office of the United States Trade Representative in the Executive Office of the President and all functions of any officer or employee of such Office.

SEC. 2332. TRANSFERS FROM THE DEPARTMENT OF COMMERCE.

There are transferred to the USTR the following functions:

(1) All functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(A) The Under Secretary of Commerce for International Trade, and the Director General of the United States and Foreign Commercial Service, relating to all functions exercised by the Service.

(B) The Assistant Secretary of Commerce for International Economic Policy and the Assistant Secretary of Commerce for Trade Development.

(C) The Under Secretary of Commerce for Export Administration.

(D) The Assistant Secretary of Commerce for Import Administration.

(2) All functions of the Secretary of Commerce relating to the National Trade Data Bank.

(3) All functions of the Secretary of Commerce under the Tariff Act of 1930, the Uruguay Round Agreements Act, the Trade Act of 1974, and other trade-related Acts for which responsibility is not otherwise assigned under this subtitle.

SEC. 2333. TRADE AND DEVELOPMENT AGENCY.

There are transferred to the Director General for Export Promotion all functions of the Director of the Trade and Development Agency. There are transferred to the Office of the Director General for Export Promotion all functions of the Trade and Development Agency.

SEC. 2334. EXPORT-IMPORT BANK.

(a) IN GENERAL.—(1) There are transferred to the USTR all functions of the Secretary of Commerce relating to the Export-Import Bank of the United States.

(2) Section 3(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as follows:

"(c)(1) There shall be a Board of Directors of the Bank consisting of the United States Trade Representative (who shall serve as Chairman), the President of the Export-Import Bank of the United States (who shall serve as Vice Chairman), the first Vice President, and 2 additional persons appointed by the President of the United States, by and with the advice and consent of the Senate.".

(b) EX OFFICIO MEMBER OF EXPORT-IMPORT BANK BOARD OF DIRECTORS.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Export-Import Bank.

(c) AMENDMENTS TO RELATED BANKING AND TRADE ACTS.—Section 2301(h) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended to read as follows:

"(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The Commercial Service shall provide such services as the Director General for Export Promotion of the Office of the United States Trade Representative determines necessary to assist the Export-Import Bank of the United States to carry out the lending, loan guarantee, insurance, and other activities of the Bank.".

SEC. 2335. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) BOARD OF DIRECTORS.—The second and third sentences of section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) are amended to read as follows: "The United States Trade Representative shall be the Chairman of the Board. The Administrator of the Agency for International Development (who shall serve as Vice Chairman) shall serve on the Board.".

(b) EX OFFICIO MEMBER OF OVERSEAS PRIVATE INVESTMENT CORPORATION BOARD OF DIRECTORS.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Overseas Private Investment Corporation.

SEC. 2336. CONSOLIDATION OF EXPORT PROMOTION AND FINANCING ACTIVITIES.

(a) SUBMISSION OF PLAN.—Within 180 days after the date of the enactment of this Act, the President shall transmit to the Congress a comprehensive plan to consolidate Federal nonagricultural export promotion activities and export financing activities and to transfer those functions to the Office. The plan shall provide for—

(1) the elimination of the overlap and duplication among all Federal nonagricultural export promotion activities and export financing activities;

(2) a unified budget for Federal nonagricultural export promotion activities which eliminates funding for the areas of overlap and duplication identified under paragraph (1); and

(3) a long-term agenda for developing better cooperation between local, State and Federal programs and activities designed to stimulate or assist United States businesses in exporting nonagricultural goods or services that are products of the United States, including sharing of facilities, costs, and export market research data.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) place all Federal nonagricultural export promotion activities and export financing activities within the Office;

(2) provide clear authority for the USTR to use the expertise and assistance of other United States Government agencies;

(3) achieve an overall 25 percent reduction in the amount of funding for all Federal nonagricultural export promotion activities within 2 years after the enactment of this Act;

(4) include any functions of the Department of Commerce not transferred by this subtitle, or of other Federal departments the transfer of which to the Office would be necessary to the competitiveness of the United States in international trade; and

(5) assess the feasibility and potential savings resulting from—

(A) the consolidation of the Export-Import Bank of the United States and the Overseas Private Investment Corporation;

(B) the consolidation of the Boards of Directors of the Export-Import Bank and the Overseas Private Investment Corporation; and

(C) the consolidation of the Trade and Development Agency with the consolidations under subparagraphs (A) and (B).

(c) DEFINITION.—As used in this section, the term "Federal nonagricultural export promotion activities" means all programs or activities of any department or agency of the Federal Government (including, but not limited to, departments and agencies with representatives on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727)) that are designed to stimulate or assist United States businesses in exporting nonagricultural goods or services that are products of the United States, including trade missions.

SEC. 2337. ADDITIONAL TRADE FUNCTIONS.

(a) TERMINATION OF AUTHORIZATIONS OF APPROPRIATIONS.—

(1) NAFTA SECRETARIAT.—Section 105(b) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3315(b)) is amended by striking "each fiscal year after fiscal year 1993" and inserting "each of fiscal years 1994 and 1995".

(2) BORDER ENVIRONMENT COOPERATION COMMISSION.—Section 533(a)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473(a)(2)) is amended by striking "and each fiscal year thereafter" and inserting "fiscal year 1995".

(b) FUNCTIONS RELATED TO TEXTILE AGREEMENTS.—

(1) FUNCTIONS OF CITA.—(A) Subject to subparagraph (B), those functions delegated to the Committee for the Implementation of Textile Agreements established under Executive Order 11651 (7 U.S.C. 1854 note) (hereafter in this subsection referred to as "CITA") are transferred to the USTR.

(B) Those functions delegated to CITA that relate to the assessment of the impact of textile imports on domestic industry are transferred to the International Trade Commission. The International Trade Commission shall make a determination pursuant to the preceding sentence within 60 days after receiving a complaint or request for an investigation.

(2) ABOLITION OF CITA.—CITA is abolished.

Subchapter D—Administrative Provisions

SEC. 2341. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The USTR may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the functions of the USTR and the Office. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) POSITIONS ABOVE GS-15.—(1) At the request of the USTR, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in a grade level above GS-15 of the General Service, and in the Senior Executive Service, of a number of positions in the Office equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred by this subtitle and which were assigned and filled on the day before the effective date of this subtitle.

(2) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this subtitle and, on the day before the effective date of this subtitle, holds a position and has duties comparable to those of the position to which appointed under this subsection.

(3) The authority under this subsection with respect to any position established at a grade level above GS-15 shall terminate when the person first appointed to fill such position ceases to hold such position.

(4) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day before the effective date of this subtitle.

(c) EXPERTS AND CONSULTANTS.—The USTR may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the maximum rate of pay for a position above GS-15 of the General Schedule under section 5332 of such title. The USTR may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(d) VOLUNTARY SERVICES.—(1)(A) The USTR is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The USTR is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The USTR is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for individuals who provide voluntary services under subparagraph (A) or (B) of paragraph (1).

(3) An individual who provides voluntary services under paragraph (1)(A) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(e) FOREIGN SERVICE POSITIONS.—In order to assure United States representation in trade matters at a level commensurate with the level of representation maintained by industrial nations which are major trade competitors of the United States, the Secretary of State shall classify certain positions at Foreign Service posts as commercial minister positions and shall assign members of the Foreign Service performing functions of the Office, with the concurrence of the USTR, to such positions in nations which are major trade competitors of the United States. The Secretary of State shall obtain and use the recommendations of the USTR with respect to the number of positions to be so classified under this subsection.

SEC. 2342. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this subtitle, the USTR may delegate any of the functions transferred to the USTR by this subtitle and any function transferred or granted to the USTR after the effective date of this subtitle to such officers and employees of the Office as the USTR may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the USTR under this section or under any other provision of this subtitle shall relieve the USTR of responsibility for the administration of such functions.

SEC. 2343. SUCCESSION.

(a) ORDER OF SUCCESSION.—Subject to the authority of the President, and except as provided in section 2321(b), the USTR shall prescribe the order by which officers of the Office who are appointed by the President, by and with the advice and consent of the Senate, shall act for, and perform the functions of, the USTR or any other officer of the Office appointed by the President, by and with the advice and consent of the Senate, during the absence or disability of the USTR or such other officer, or in the event of a vacancy in the office of the USTR or such other officer.

(b) CONTINUATION.—Notwithstanding any other provision of law, and unless the President directs otherwise, an individual acting for the USTR or another officer of the Office pursuant to subsection (a) shall continue to serve in that capacity until the absence or disability of the USTR or such other officer no longer exists or a successor to the USTR or such other officer has been appointed by the President and confirmed by the Senate.

SEC. 2344. REORGANIZATION.

(a) IN GENERAL.—Subject to subsection (b), the USTR is authorized to allocate or reallocate functions among the officers of the Office, and to establish, consolidate, alter, or discontinue such organizational entities in the Office as may be necessary or appropriate.

(b) EXCEPTION.—The USTR may not exercise the authority under subsection (a) to establish, consolidate, alter, or discontinue any organizational entity in the Office or allocate or reallocate any function of an officer or employee of the Office that is inconsistent with any specific provision of this subtitle.

SEC. 2345. RULES.

The USTR is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the USTR determines necessary or appropriate to administer and manage the functions of the USTR or the Office.

SEC. 2346. FUNDS TRANSFER.

The USTR may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Office, except that no appropriation for any fiscal year shall be either increased or decreased by more than 10 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

SEC. 2347. CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the USTR may make, enter into, and perform such contracts, leases, cooperative agreements, grants, or other similar transactions with public agencies, private organizations, and persons, and make payments (in lump sum or installments, and by way of advance or reimbursement, and, in the case of any grant, with necessary adjustments on account of overpayments and underpayments) as the USTR considers necessary or appropriate to carry out the functions of the USTR or the Office.

(b) EXCEPTION.—Notwithstanding any other provision of this subtitle, the authority to enter into contracts or to make payments under this subchapter shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. This subsection does not apply with respect to the authority granted under section 2349.

SEC. 2348. USE OF FACILITIES.

(a) USE BY USTR.—With their consent, the USTR, with or without reimbursement, may use the research, services, equipment, and facilities of—

(1) an individual,

(2) any public or private nonprofit agency or organization, including any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States,

(3) any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or

(4) any foreign government,

in carrying out any function of the USTR or the Office.

(b) USE OF USTR FACILITIES.—The USTR, under terms, at rates, and for periods that the USTR considers to be in the public interest, may permit the use by public and private agencies, corporations, associations or other organizations, or individuals, of any real property, or any facility, structure or other improvement thereon, under the custody of the USTR. The USTR may require permittees under this section to maintain or recondition, at their own expense, the real property, facilities, structures, and improvements used by such permittees.

SEC. 2349. GIFTS AND BEQUESTS.

(a) IN GENERAL.—The USTR is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed on order of the USTR. Property accepted pursuant to this subsection, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(b) TAX TREATMENT.—For the purpose of Federal income, estate, and gift taxes, and State taxes, property accepted under subsection (a) shall be considered a gift or bequest to or for the use of the United States.

(c) INVESTMENT.—Upon the request of the USTR, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in subsection (a). Income accruing from such securities, and from any other property held by the USTR pursuant to subsection (a), shall be deposited to the credit of the fund, and shall be disbursed upon order of the USTR.

SEC. 2350. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—The USTR is authorized to establish for the Office a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the USTR shall find to be desirable in the interest of economy and efficiency, including—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Office and its components;

(2) central messenger, mail, and telephone service and other communications services;

(3) office space and central services for document reproduction and for graphics and visual aids;

(4) a central library service; and

(5) such other services as may be approved by the Director of the Office of Management and Budget.

(b) OPERATION OF FUND.—The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the USTR may transfer to the fund, less the related liabilities and unpaid obligations. The fund shall be reimbursed in advance from available funds of agencies and offices in the Office, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain the fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the USTR determines will be performed.

SEC. 2351. SERVICE CHARGES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the USTR may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance administered by the Office, and the USTR may change and abolish such fees and commissions. Before establishing, changing, or abolishing any schedule of fees or commissions under this section, the USTR may submit such schedule to the Congress.

(b) DEPOSITS.—The USTR is authorized to require a deposit before the USTR provides any item, information, service, or assistance for which a fee or commission is required under this section.

(c) DEPOSIT OF MONEYS.—Moneys received under this section shall be deposited in the Treasury in a special account for use by the USTR and are authorized to be appropriated and made available until expended.

(d) FACTORS IN ESTABLISHING FEES AND COMMISSIONS.—In establishing reasonable fees or commissions under this section, the USTR may take into account—

(1) the actual costs which will be incurred in providing the items, information, services, or assistance concerned;

(2) the efficiency of the Government in providing such items, information, services, or assistance;

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public rather than exclusively for the person to whom the items, information, services, or assistance is provided;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the USTR considers appropriate.

(e) REFUNDS OF EXCESS PAYMENTS.—In any case in which the USTR determines that any person has made a payment which is not required under this section or has made a payment which is in excess of the amount required under this section, the USTR, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 2352. SEAL OF OFFICE.

The USTR shall cause a seal of office to be made for the Office of such design as the USTR shall approve. Judicial notice shall be taken of such seal.

Subchapter E—Related Agencies

SEC. 2361. INTERAGENCY TRADE ORGANIZATION.

Section 242(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)(3)) is amended to read as follows:

"(3)(A) The interagency organization established under subsection (a) shall be composed of—

"(i) the United States Trade Representative, who shall be the chairperson,

"(ii) the Secretary of Agriculture,

"(iii) the Secretary of the Treasury,

"(iv) the Secretary of Labor,

"(v) the Secretary of State, and

"(vi) the representatives of such other departments and agencies as the United States Trade Representative shall designate.

"(B) The United States Trade Representative may invite representatives from other agencies, as appropriate, to attend particular meetings if subject matters of specific functional interest to such agencies are under consideration. It shall meet at such times and with respect to such matters as the President or the chairperson shall direct.".

SEC. 2362. NATIONAL SECURITY COUNCIL.

The fourth paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively; and

(2) by inserting after clause (4) the following new clause:

"(5) the United States Trade Representative;".

SEC. 2363. INTERNATIONAL MONETARY FUND.

Section 3 of the Bretton Woods Agreement Act is amended by adding at the end the following new subsection:

"(e) The United States executive director of the Fund shall consult with the United States Trade Representative with respect to matters under consideration by the Fund which relate to trade.".

Subchapter F—Conforming Amendments

SEC. 2371. AMENDMENTS TO GENERAL PROVISIONS.

(a) INSPECTOR GENERAL.—The Inspector General Act of 1978 is amended—

(1) in subsection 9(a)(1) by inserting after subparagraph (W) the following:

"(X) of the United States Trade Representative, all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of the Department of Commerce relating to the functions transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and"; and

(2) in section 11—

(A) in paragraph (1) by inserting "the United States Trade Representative;" after "the Attorney General;"; and

(B) in paragraph (2) by inserting "the Office of the United States Trade Representative," after "Treasury;".

(b) AMENDMENT TO THE TRADE ACT OF 1974.—(1) Chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"SEC. 141. FUNCTIONS OF THE UNITED STATES TRADE REPRESENTATIVE.

"The United States Trade Representative established under section 2311 of the Department of Commerce Dismantling Act shall—

"(1) be the chief representative of the United States for each trade negotiation under this title or chapter 1 of title III of this Act, or subtitle A of title I of the Omnibus Trade and Competitiveness Act of 1988, or any other provision of law enacted after the Department of Commerce Dismantling Act;

"(2) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agreements programs under this Act, the Omnibus Trade and Competitiveness Act of 1988, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after the Department of Commerce Dismantling Act;

"(3) advise the President and the Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs; and

"(4) be responsible for making reports to Congress with respect to the matters set forth in paragraphs (1) and (2).".

(2) The table of contents in the first section of the Trade Act of 1974 is amended by striking the items relating to chapter 4 and section 141 and inserting the following:

"Chapter 4—Representation in Trade Negotiations

"Sec. 141. Functions of the United States Trade Representative.".

(d) Foreign Service Personnel.—The Foreign Service Act of 1980 is amended by striking paragraph (3) of section 202(a) (22 U.S.C. 3922(a)) and inserting the following:

"(3) The United States Trade Representative may utilize the Foreign Service personnel system in accordance with this Act—

"(A) with respect to the personnel performing functions—

"(i) which were transferred to the Department of Commerce from the Department of State by Reorganization Plan No. 3 of 1979; and

"(ii) which were subsequently transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and

"(B) with respect to other personnel of the Office of United States Trade Representative to the extent the President determines to be necessary in order to enable the Office of the United States Trade Representative to carry out functions which require service abroad.".

(e) Chief Financial Officers.—Section 901(b)(1) of title 31, United States Code, is amended by adding at the end the following:

"(Q) The Office of the United States Trade Representative.".

SEC. 2372. REPEALS.

Sections 1 and 2 of the Act of June 5, 1939 (15 U.S.C. 1502 and 1503; 53 Stat. 808), relating to the Under Secretary of Commerce, are repealed.

SEC. 2373. CONFORMING AMENDMENTS RELATING TO EXECUTIVE SCHEDULE POSITIONS.

(a) Positions at Level I.—Section 5312 of title 5, United States Code, is amended by amending the item relating to the United States Trade Representative to read as follows:

"United States Trade Representative, Office of the United States Trade Representative.".

(b) Positions at Level II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Administrator of the Office of the United States Trade Representative.

"Deputy United States Trade Representatives, Office of the United States Trade Representative (2).".

(c) Positions at Level III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Administrators, Office of the United States Trade Representative (3).

"Director General for Export Promotion, Office of the United States Trade Representative.".

(d) Positions at Level IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; and

(2) by adding at the end the following:

"General Counsel, Office of the United States Trade Representative.

"Inspector General, Office of the United States Trade Representative.

"Chief Financial Officer, Office of the United States Trade Representative.".

Subchapter G—Miscellaneous

SEC. 2381. EFFECTIVE DATE.

(a) In General.—This subtitle shall take effect on the effective date specified in section 2208(a), except that—

(1) section 2336 shall take effect on the date of the enactment of this Act; and

(2) at any time after the date of the enactment of this Act the officers provided for in subchapter B may be nominated and appointed, as provided in such subchapter.

(b) Interim Compensation and Expenses.—Funds available to the Department of Commerce or the Office of the United States Trade Representative (or any official or component thereof), with respect to the functions transferred by this subtitle, may be used, with approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (a) who will carry out such functions until funds for that purpose are otherwise available.

SEC. 2382. INTERIM APPOINTMENTS.

(a) In General.—If one or more officers required by this subtitle to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this subtitle and notwithstanding any other provision of law, the President may designate any officer who was appointed by and with the advice and consent of the Senate, and who was such an officer on the day before the effective date of this subtitle, to act in the office until it is filled as provided by this subtitle.

(b) Compensation.—Any officer acting in an office pursuant to subsection (a) shall receive compensation at the rate prescribed by this subtitle for such office.

SEC. 2383. FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.

(a) Funding Reductions.—Notwithstanding the transfer of functions under this subtitle, and except as provided in subsection (b), the total amount appropriated by the United States in performing all functions vested in the USTR and the Office pursuant to this subtitle shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions.

(b) Exception.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) Rule of Construction.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) Responsibility of USTR.—The USTR, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in paragraph (1) and (2) of subsection (a).

(e) Responsibilities of the Director of the Office of Management and Budget.—The Director of the Office of Management and Budget shall include in each report under sections 2105(a) and (b) a description of actions taken to comply with the requirements of this section.

Subtitle D—Patent and Trademark Office Corporation

SEC. 2401. SHORT TITLE.

This subtitle may be cited as the "Patent and Trademark Office Corporation Act of 1995".

CHAPTER 1—PATENT AND TRADEMARK OFFICE

SEC. 2411. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE AS A CORPORATION.

Section 1 of title 35, United States Code, is amended to read as follows:

"§ 1. Establishment

"(a) Establishment.—The Patent and Trademark Office is established as a wholly owned Government corporation subject to chapter 91 of title 31, except as otherwise provided in this title.

"(b) Offices.—The Patent and Trademark Office shall maintain an office in the District of Columbia, or the metropolitan area thereof, for the service of process and papers and shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located. The Patent and Trademark Office may establish offices in such other places as it considers necessary or appropriate in the conduct of its business.

"(c) Reference.—For purposes of this title, the Patent and Trademark Office shall also be referred to as the 'Office'.".

SEC. 2412. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

"§ 2. Powers and Duties

"(a) In General.—The Patent and Trademark Office shall be responsible for—

"(1) the granting and issuing of patents and the registration of trademarks;

"(2) conducting studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law or the administration of the Office, including programs to recognize, identify, assess, and forecast the technology of patented inventions and their utility to industry;

"(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

"(4) disseminating to the public information with respect to patents and trademarks.

"(b) SPECIFIC POWERS.—The Office—

"(1) shall have perpetual succession;

"(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

"(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, subject to the provisions of section 8 of this title;

"(4) may indemnify the Commissioner of Patents and Trademarks, and other officers, attorneys, agents, and employees (including members of the Management Advisory Board established in section 5) of the Office for liabilities and expenses incurred within the scope of their employment;

"(5) may adopt, amend, and repeal bylaws, rules, and regulations, governing the manner in which its business will be conducted and the powers granted to it by law will be exercised;

"(6) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

"(7)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

"(8) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

"(9) may obtain from the Administrator of General Services such services as the Administrator is authorized to provide to other agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

"(10) may use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform functions on its behalf;

"(11) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946');

"(12) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office, in carrying out the functions of the Office, including for research and development and capital investment, subject to the provisions of section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note);

"(13) shall have the priority of the United States with respect to the payment of debts from bankrupt, insolvent, and decedents' estates;

"(14) may accept monetary gifts or donations of services, or of real, personal, or mixed property, in order to carry out the functions of the Office;

"(15) may execute, in accordance with its bylaws, rules, and regulations, all instruments necessary and appropriate in the exercise of any of its powers;

"(16) may provide for liability insurance and insurance against any loss in connection with its property, other assets, or operations either by contract or by self-insurance; and

"(17) shall pay any settlement or judgment entered against it from the funds of the Office and not from amounts available under section 1304 of title 31.".

SEC. 2413. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

"§ 3. Officers and employees

"(a) COMMISSIONER.—

"(1) IN GENERAL.—The management of the Patent and Trademark Office shall be vested in a Commissioner of Patents and Trademarks (hereafter in this title referred to as the 'Commissioner'), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent and trademark law, is especially qualified to manage the Office.

"(2) DUTIES.—

"(A) IN GENERAL.—The Commissioner shall be responsible for the management and direction of the Office, including the issuance of patents and the registration of trademarks.

"(B) ADVISING THE PRESIDENT.—The Commissioner shall advise the President of all activities of the Patent and Trademark Office undertaken in response to obligations of the United States under treaties and executive agreements, or which relate to cooperative programs with those authorities of foreign governments that are responsible for granting patents or registering trademarks. The Commissioner shall also recommend to the President changes in law or policy which may improve the ability of United States citizens to secure and enforce patent rights or trademark rights in the United States or in foreign countries.

"(C) CONSULTING WITH THE MANAGEMENT ADVISORY BOARD.—The Commissioner shall consult with the Management Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Patent and Trademark Office, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations.

"(D) SECURITY CLEARANCES.—The Commissioner, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances.

"(3) TERM.—The Commissioner shall serve a term of 5 years, and may continue to serve after the expiration of the Commissioner's term until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

"(4) OATH.—The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Office.

"(5) COMPENSATION.—The Commissioner shall receive compensation at the rate of pay in effect for Level III of the Executive Schedule under section 5314 of title 5.

"(6) REMOVAL.—The Commissioner may be removed from office by the President only for cause.

"(7) DESIGNEE OF COMMISSIONER.—The Commissioner shall designate an officer of the Office who shall be vested with the authority to act in the capacity of the Commissioner in the event of the absence or incapacity of the Commissioner.

"(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

"(1) DEPUTY COMMISSIONERS.—The Commissioner shall appoint a Deputy Commissioner for Patents and a Deputy Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Deputy Commissioner for Patents shall be a person with demonstrated experience in patent law and the Deputy Commissioner for Trademarks shall be a person with demonstrated experience in trademark law. The Deputy Commissioner for Patents and the Deputy Commissioner for Trademarks shall be the principal policy advisors to the Commissioner on all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively.

"(2) OTHER OFFICERS AND EMPLOYEES.—The Commissioner shall—

"(A) appoint an Inspector General and such other officers, employees (including attorneys), and agents of the Office as the Commissioner considers necessary to carry out its functions;

"(B) fix the compensation of such officers and employees; and

"(C) define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Commissioner may determine.

The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation, except to the extent otherwise specifically provided by statute with respect to the Office.

"(c) LIMITS ON COMPENSATION.—Except as otherwise provided in this title or any other provision of law, the basic pay of an officer or employee of the Office for any calendar year may not exceed the annual rate of basic pay in effect for level IV of the Executive Schedule under section 5315 of title 5. The Commissioner shall by regulation establish a limitation on the total compensation payable to officers or employees of the Office, which may not exceed the annual rate of basic pay in effect for level I of the Executive Schedule under section 5312 of title 5.

"(d) INAPPLICABILITY OF TITLE 5 GENERALLY.—Except as otherwise provided in this section, officers and employees of the Office shall not be subject to the provisions of title 5 relating to Federal employees.

"(e) CONTINUED APPLICABILITY OF CERTAIN PROVISION OF TITLE 5.—The following provisions of title 5 shall apply to the Office and its officers and employees:

"(1) Section 3110 (relating to employment of relatives; restrictions).

"(2) Subchapter II of chapter 55 (relating to withholding pay).

"(3) Subchapter II of chapter 73 (relating to employment limitations).

"(f) Provisions of Title 5 Relating to Certain Benefits.—

"(1) Retirement.—(A)(i) Any individual who becomes an officer or employee of the Office pursuant to subsection (h) shall, if such individual has at least 3 years of creditable service (within the meaning of section 8332 or 8411 of title 5) as of the effective date of the Patent and Trademark Office Corporation Act of 1995, remain subject to subchapter III of chapter 83 or chapter 84 of such title, as the case may be, so long as such individual continues to hold an office or position in or under the Office without a break in service.

"(ii)(I) Except as provided in subclause (II), with respect to an individual described in clause (i), the Office shall make the appropriate withholding from pay and shall pay the contributions required of an employing agency into the Civil Service Retirement and Disability Fund and, if applicable, the Thrift Savings Fund in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, as the case may be.

"(II) In the case of an officer or employee who remains subject to subchapter III of chapter 83 of such title by virtue of this subparagraph, the Office shall, instead of the amount which would otherwise be required under the second sentence of section 8334(a)(1) of title 5, contribute an amount equal to the normal-cost percentage (determined with respect to officers and employees of the Office using dynamic assumptions, as defined by section 8401(9) of such title) of the individual's basic pay, minus the amount required to be withheld from such pay under such section 8334(a)(1).

"(B)(i) Notwithstanding subsection (d), the provisions of subchapter III of chapter 83 or chapter 84 of title 5 (as applicable) which relate to disability shall be considered to remain in effect, with respect to an individual who becomes an officer or employee of the Office pursuant to subsection (h), until the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 or, if earlier, until such individual satisfies the prerequisites for coverage under any program offered by the Office to replace the disability retirement program under chapter 83 or 84 of title 5.

"(ii) This clause applies with respect to any officer or employee of the Office who is receiving disability coverage under this subparagraph and has completed the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of title 5 (as applicable), but who is not described in subparagraph (A)(i). In the case of any individual to whom this clause applies, the Office shall pay into the Civil Service Retirement and Disability Fund an amount equal to that portion of the normal-cost percentage (determined in the same manner as under subparagraph (A)(ii)(II)) of the basic pay of such individual (for service performed during the period during which such individual is receiving such coverage) allocable to such coverage. Any amounts payable under this clause shall be paid at such time and in such manner as mutually agreed to by the Office and the Office of Personnel Management, and shall be in lieu of any individual or agency contributions otherwise required.

"(2) Health benefits.—(A) Officers and employees of the Office shall not become ineligible to participate in the health benefits program under chapter 89 of title 5 by reason of subsection (d) until the effective date of elections made during the first election period (under section 8905(f) of title 5) beginning after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(B)(i) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the eligibility of such individual to participate in such program as an annuitant (or of any other person to participate in such program as an annuitant based on the death of such individual) shall be determined disregarding the requirements of section 8905(b) of title 5. The preceding sentence shall not apply if the individual ceases to be an officer or employee of the Office for any period of time after becoming an officer or employee of the Office pursuant to subsection (h) and before separation.

"(ii) The Government contributions authorized by section 8906 for health benefits for anyone participating in the health benefits program pursuant to this subparagraph shall be made by the Office in the same manner as provided under section 8906(g)(2) of title 5 with respect to the United States Postal Service for individuals associated therewith.

"(iii) For purposes of this subparagraph, the term 'annuitant' has the meaning given such term by section 8901(3) of title 5.

"(3) Life insurance.—(A) Officers and employees of the Office shall not become ineligible to participate in the life insurance program under chapter 87 of title 5 by reason of subsection (d) until the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(B)(i) Eligibility for life insurance coverage after retirement or while in receipt of compensation under subchapter I of chapter 81 of title 5 shall be determined, in the case of any individual who becomes an officer or employee of the Office pursuant to subsection (h), without regard to the requirements of section 8706(b) (1) or (2), but subject to the condition specified in the last sentence of paragraph (2)(B)(i) of this subsection.

"(ii) Government contributions under section 8708(d) on behalf of any such individual shall be made by the Office in the same manner as provided under paragraph (3) thereof with respect to the United States Postal Service for individuals associated therewith.

"(4) Employees' compensation fund.—The Office shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, for compensation paid or payable after the effective date of the Patent and Trademark Office Corporation Act of 1995 in accordance with chapter 81 of title 5 with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

"(5) Requirement that the office offer certain minimum number of life and health insurance policies.—The Office shall offer at least 1 life insurance policy and at least 3 health insurance policies to its officers and employees, comparable to existing Federal benefits, beginning on the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(g) Labor-Management Relations.—

"(1) Labor relations and employee relations programs.—The Office shall develop labor relations and employee relations programs with the objective of improving productivity and efficiency, incorporating the following principles:

"(A) Such programs shall be consistent with the merit principles in section 2301(b) of title 5.

"(B) Such programs shall provide veterans preference protections equivalent to those established by sections 2801, 3308-3318, and 3320 of title 5.

"(C)(i) In order to maximize individual freedom of choice in the pursuit of employment and to encourage an economic climate conducive to economic growth, the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

"(ii) No person shall be required, as a condition of employment or continuation of employment:

"(I) To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization.

"(II) To become or remain a member of a labor organization.

"(III) To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization.

"(IV) To pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization.

"(V) To be recommended, approved, referred, or cleared by or through a labor organization.

"(iii) This subparagraph shall not apply to a person described in section 7103(a)(2)(v) of title 5 or a 'supervisor', 'management official', or 'confidential employee' as those terms are defined in 7103(a)(10), (11), and (13) of such title.

"(iv) Any labor organization recognized by the Office as the exclusive representative of a unit of employees of the Office shall represent the interests of all employees in that unit without discrimination and without regard to labor organization membership.

"(2) Adoption of existing labor agreements.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, with respect to such Office (as then in effect). Each such agreement shall remain in effect for the 2-year period commencing on such date, unless the agreement provides for a shorter duration or the parties agree otherwise before such period ends.

"(h) Carryover of Personnel.—

"(1) From PTO.—Effective as of the effective date of the Patent and Trademark Office Corporation Act of 1995, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office, without a break in service.

"(2) Other personnel.—Any individual who, on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office if—

"(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

"(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent's work time, as determined by the Secretary of Commerce; or

"(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Commissioner of Patents and Trademarks.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

"(3) ACCUMULATED LEAVE.—The amount of sick and annual leave and compensatory time accumulated under title 5 before the effective date described in paragraph (1), by officers or employees of the Patent and Trademark Office who so become officers or employees of the Office, are obligations of the Office.

"(4) TERMINATION RIGHTS.—Any employee referred to in paragraph (1) or (2) of this subsection whose employment with the Office is terminated during the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 shall be entitled to rights and benefits, to be afforded by the Office, similar to those such employee would have had under Federal law if termination had occurred immediately before such date. An employee who would have been entitled to appeal any such termination to the Merit Systems Protection Board, if such termination had occurred immediately before such effective date, may appeal any such termination occurring within this 2-year period to the Board under such procedures as it may prescribe.

"(5) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Commissioner of Patents and Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Commissioner until the earlier of 1 year after the effective date of that Act or the date on which a Commissioner is appointed under subsection (a).

"(B) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner for Patents until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Patents is appointed under subsection (b).

"(C) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner for Trademarks until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Trademarks is appointed under subsection (b).

"(i) COMPETITIVE STATUS.—For purposes of appointment to a position in the competitive service for which an officer or employee of the Office is qualified, such officer or employee shall not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Corporation Act of 1995, by reason of becoming an officer or employee of the Office pursuant to subsection (h).

"(j) SAVINGS PROVISIONS.—All orders, determinations, rules, and regulations regarding compensation and benefits and other terms and conditions of employment, in effect for the Office and its officers and employees immediately before the effective date of the Patent and Trademark Office Corporation Act of 1995, shall continue in effect with respect to the Office and its officers and employees until modified, superseded, or set aside by the Office or a court of appropriate jurisdiction or by operation of law.".

SEC. 2414. MANAGEMENT ADVISORY BOARD.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

"§5. Patent and Trademark Office Management Advisory Board

"(a) ESTABLISHMENT OF MANAGEMENT ADVISORY BOARD.—

"(1) APPOINTMENT.—The Patent and Trademark Office shall have a Management Advisory Board (hereafter in this title referred to as the 'Board') of 12 members, 4 of whom shall be appointed by the President, 4 of whom shall be appointed by the Speaker of the House of Representatives, and 4 of whom shall be appointed by the President pro tempore of the Senate. Not more than 3 of the 4 members appointed by each appointing authority shall be members of the same political party.

"(2) TERMS.—Members of the Board shall be appointed for a term of 4 years each, except that of the members first appointed by each appointing authority, 1 shall be for a term of 1 year, 1 shall be for a term of 2 years, and 1 shall be for a term of 3 years. No member may serve more than 1 term.

"(3) CHAIR.—The President shall designate the chair of the Board, whose term as chair shall be for 3 years.

"(4) TIMING OF APPOINTMENTS.—Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Corporation Act of 1995, and vacancies shall be filled within 3 months after they occur.

"(5) VACANCIES.—Vacancies shall be filled in the manner in which the original appointment was made under this subsection. Members appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor is appointed.

"(b) BASIS FOR APPOINTMENTS.—Members of the Board shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the Patent and Trademark Office, and shall include individuals with substantial background and achievement in corporate finance and management.

"(c) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of the Board shall be special Government employees within the meaning of section 202 of title 18.

"(d) MEETINGS.—The Board shall meet at the call of the chair to consider an agenda set by the chair.

"(e) DUTIES.—The Board shall—

"(1) review the policies, goals, performance, budget, and user fees of the Patent and Trademark Office, and advise the Commissioner on these matters; and

"(2) within 60 days after the end of each fiscal year, prepare an annual report on the matters referred to in paragraph (1), transmit the report to the President and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette.

"(f) STAFF.—The Board shall employ a staff of not more than 10 members and shall procure support services for the staff adequate to enable the Board to carry out its functions, using funds available to the Commissioner under section 42 of this title. The Board shall ensure that members of the staff, other than clerical staff, are especially qualified in the areas of patents, trademarks, or management of public agencies. Persons employed by the Board shall receive compensation as determined by the Board, which may not exceed the limitations set forth in section 3(c) of this title, shall serve in accordance with terms and conditions of employment established by the Board, and shall be subject solely to the direction of the Board, notwithstanding any other provision of law.

"(g) COMPENSATION.—Members of the Board shall be compensated for each day (including travel time) during which they are attending meetings or conferences of the Board or otherwise engaged in the business of the Board, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(h) ACCESS TO INFORMATION.—Members of the Board shall be provided access to records and information in the Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122 of this title.".

SEC. 2415. INDEPENDENCE FROM DEPARTMENT OF COMMERCE.

(a) DUTIES OF COMMISSIONER.—Section 6 of title 35, United States Code, is amended—

(1) by striking ", under the direction of the Secretary of Commerce," each place it appears; and

(2) by striking ", subject to the approval of the Secretary of Commerce,".

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, is amended by striking ", subject to the approval of the Secretary of Commerce,".

SEC. 2416. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067) is amended to read as follows:

"SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

"(b) The Trademark Trial and Appeal Board shall include the Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and members competent in trademark law who are appointed by the Commissioner.".

SEC. 2417. BOARD OF PATENT APPEALS AND INTERFERENCES.

Section 7 of title 35, United States Code, is amended to read as follows:

"§7. Board of Patent Appeals and Interferences

"(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Patent and Trademark Office a Board of Patent Appeals and Interferences. The Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

"(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title. Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.".

SEC. 2418. SUITS BY AND AGAINST THE CORPORATION.

Chapter 1 of part I of title 35, United States Code, is amended—

(1) by redesignating sections 8 through 14 as sections 9 through 15; and

(2) by inserting after section 7 the following new section:

"§ 8. Suits by and against the Corporation

"(a) IN GENERAL.—

"(1) ACTIONS UNDER UNITED STATES LAW.—Any civil action or proceeding to which the Patent and Trademark Office is a party is deemed to arise under the laws of the United States. The Federal courts shall have exclusive jurisdiction over all civil actions by or against the Office.

"(2) CONTRACT CLAIMS.—Any action or proceeding against the Office in which any claim is cognizable under the Contract Disputes Act of 1978 (41 U.S.C. 601 and following) shall be subject to that Act. For purposes of that Act, the Commissioner shall be deemed to be the agency head with respect to contract claims arising with respect to the Office. Any other action or proceeding against the Office founded upon contract may be brought in an appropriate district court, notwithstanding any provision of title 28.

"(3) TORT CLAIMS.—(A) Any action or proceeding against the Office in which any claim is cognizable under the provisions of section 1346(b) and chapter 171 of title 28, shall be governed by those provisions.

"(B) Any other action or proceeding against the Office founded upon tort may be brought in an appropriate district court without regard to the provisions of section 1346(b) and chapter 171 of title 28.

"(4) PROHIBITION ON ATTACHMENT, LIENS, ETC.—No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Office.

"(5) SUBSTITUTION OF OFFICE AS PARTY.—The Office shall be substituted as defendant in any civil action or proceeding against an officer or employee of the Office, if the Office determines that the officer or employee was acting within the scope of his or her employment with the Office. If the Office refuses to certify scope of employment, the officer or employee may at any time before trial petition the court to find and certify that the officer or employee was acting within the scope of his or her employment. Upon certification by the court, the Office shall be substituted as the party defendant. A copy of the petition shall be served upon the Office. In any such civil action or proceeding to which paragraph (3)(A) applies, the provisions of section 1346(b) and chapter 171 of title 28 shall apply in lieu of this paragraph.

"(b) RELATIONSHIP WITH JUSTICE DEPARTMENT.—

"(1) EXERCISE BY OFFICE OF ATTORNEY GENERAL'S AUTHORITIES.—Except as provided in this section, with respect to any action or proceeding in which the Office is a party or an officer or employee thereof is a party in his or her official capacity, the Office, officer, or employee may exercise, without prior authorization from the Attorney General, the authorities and duties that otherwise would be exercised by the Attorney General on behalf of the Office, officer, or employee under title 28 and other laws.

"(2) APPEARANCES BY ATTORNEY GENERAL.—Notwithstanding paragraph (1), at any time the Attorney General may, in any action or proceeding described in paragraph (1), file an appearance on behalf of the Office or the officer or employee involved, without the consent of the Office or the officer or employee. Upon such filing, the Attorney General shall represent the Office or such officer or employee with exclusive authority in the conduct, settlement, or compromise of that action or proceeding.

"(3) CONSULTATIONS WITH AND ASSISTANCE BY ATTORNEY GENERAL.—The Office may consult with the Attorney General concerning any legal matter, and the Attorney General shall provide advice and assistance to the Office, including representing the Office in litigation, if requested by the Office.

"(4) REPRESENTATION BEFORE SUPREME COURT.—The Attorney General shall represent the Office in all cases before the United States Supreme Court.

"(5) QUALIFICATIONS OF ATTORNEYS.—An attorney admitted to practice to the bar of the highest court of at least one State in the United States or the District of Columbia and employed by the Office may represent the Office in any legal proceeding in which the Office or an officer or employee of the Office is a party or interested, regardless of whether the attorney is a resident of the jurisdiction in which the proceeding is held and notwithstanding any other prerequisites of qualification or appearance required by the court or administrative body before which the proceeding is conducted.".

SEC. 2419. ANNUAL REPORT OF COMMISSIONER.

Section 15 of title 35, United States Code, as redesignated by section 2418 of this Act, is amended to read as follows:

"§ 15. Annual report to Congress

"The Commissioner shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, and other information relating to the Office. The report under this section shall also meet the requirements of section 9106 of title 31, to the extent that such requirements are not inconsistent with the preceding sentence. The report required under this section shall be deemed to be the report of the Patent and Trademark Office under section 9106 of title 31, and the Commissioner shall not file a separate report under such section.".

SEC. 2420. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: "The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the Patent and Trademark Office to conduct the hearing required by this section.".

SEC. 2421. FUNDING.

Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Patent and Trademark Office funding

"(a) FEES PAYABLE TO THE OFFICE.—All fees for services performed by or materials furnished by the Patent and Trademark Office shall be payable to the Office.

"(b) USE OF MONEYS.—Moneys of the Patent and Trademark Office not otherwise used to carry out the functions of the Office shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed by the United States, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds. Fees available to the Commissioner under this title shall be used exclusively for the processing of patent applications and for other services and materials relating to patents. Fees available to the Commissioner under section 31 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1113), shall be used exclusively for the processing of trademark registrations and for other services and materials relating to trademarks.

"(c) BORROWING AUTHORITY.—The Patent and Trademark Office is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evidences of indebtedness (hereafter in this subsection referred to as 'obligations') to assist in financing its activities. Borrowing under this subsection shall be subject to prior approval in appropriation Acts. Such borrowing shall not exceed amounts approved in appropriation Acts. Any such borrowing shall be repaid only from fees paid to the Office and surcharges appropriated by the Congress. Such obligations shall be redeemable at the option of the Office before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Office with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Office issued under this subsection and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the purchase price of such obligations of the Patent and Trademark Office shall be treated as public debt transactions of the United States.".

SEC. 2422. AUDITS.

Chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new section:

"§ 43. Audits

"(a) IN GENERAL.—Financial statements of the Patent and Trademark Office shall be prepared on an annual basis in accordance with generally accepted accounting principles. Such statements shall be audited by an independent certified public accountant chosen by the Commissioner. The audit shall be conducted in accordance with standards that are consistent with generally accepted Government auditing standards and other standards established by the Comptroller General, and with the generally accepted auditing standards of the private sector, to the extent feasible. The Commissioner shall transmit to the Committees on the Judiciary of the House of Representatives and the Senate the results of each audit under this subsection.

"(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General may review any audit of the financial statement of the Patent and Trademark Office that is conducted under subsection (a). The Comptroller General shall report to the Congress and the Office the results of any such review and shall include in such report appropriate recommendations.

"(c) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General may audit the financial statements of the Office and such audit shall be in lieu of the audit required by subsection (a). The Office shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

"(d) ACCESS TO OFFICE RECORDS.—All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

"(e) APPLICABILITY IN LIEU OF TITLE 31 PROVISIONS.—This section applies to the Office in lieu of the provisions of section 9105 of title 31.".

SEC. 2423. TRANSFERS.

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this Act, there are transferred to, and vested in, the Patent and Trademark Office all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in the officers or components in the Department of Commerce with respect to the authority to grant patents and register trademarks, and in the Patent and Trademark Office, as in effect on the day before the effective date of this subtitle, and in the officers and components of such Office.

(b) TRANSFER OF FUNDS AND PROPERTY.—The Secretary of Commerce shall transfer to the Patent and Trademark Office, on the effective date of this subtitle, so much of the assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Commerce, including funds set aside for accounts receivable which are related to functions, powers, and duties which are vested in the Patent and Trademark Office by this subtitle.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

SEC. 2431. EFFECTIVE DATE.

This subtitle shall take effect 6 months after the date of the enactment of this Act.

SEC. 2432. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—

(1) The table of contents for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

"1. Establishment, Officers and Employees, Functions .... 1."

(2) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

"Sec.
"1. Establishment.
"2. Powers and duties.
"3. Officers and employees.
"4. Restrictions on officers and employees as to interest in patents.
"5. Patent and Trademark Office Management Advisory Board.
"6. Duties of Commissioner.
"7. Board of Patent Appeals and Interferences.
"8. Suits by and against the Corporation.
"9. Library.
"10. Classification of patents.
"11. Certified copies of records.
"12. Publications.
"13. Exchange of copies of patents with foreign countries.
"14. Copies of patents for public libraries.
"15. Annual report to Congress.".

(3) The table of contents for chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new item:

"43. Audits.".

(b) OTHER PROVISIONS OF LAW.—

(1) Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(O) the Patent and Trademark Office.".

(2) Section 500(e) of title 5, United States Code, is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(3) Section 5102(c)(23) of title 5, United States Code, is amended by striking ", Department of Commerce".

(4) Section 5316 of title 5, United States Code, is amended by striking "Commissioner of Patents, Department of Commerce.", "Deputy Commissioner of Patents and Trademarks.", "Assistant Commissioner for Patents.", and "Assistant Commissioner for Trademarks.".

(5) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking "(d) Patent and Trademark Office;" and redesignating subsections (a) through (g) as paragraphs (1) through (6), respectively.

(6) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(7) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking "of the Department of Commerce".

(8) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(9) Section 1744 of title 28, United States Code is amended—

(A) by striking "Patent Office" each place it appears and inserting "Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(10) Section 1745 of title 28, United States Code, is amended by striking "United States Patent Office" and inserting "Patent and Trademark Office".

(11) Section 1928 of title 28, United States Code, is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(12) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended—

(A) by striking "United States Patent Office" and inserting "Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(13) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(14) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking "Commissioner of the Patent Office" and inserting "Commissioner of Patents and Trademarks".

(15) Section 1111 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(16) Section 1114 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(17) Section 1123 of title 44, United States Code, is amended by striking "the Patent Office,".

(18) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(19) Section 10(i) of the Trading With the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(20) Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the Patent and Trademark Office,", after "the Panama Canal Commission,".

Subtitle E—Miscellaneous Provisions

SEC. 2501. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this title—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

SEC. 2502. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this title may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this title.

SEC. 2503. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, the United States Trade Representative, any officer or employee of any office transferred by this title, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this title, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This title shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office transferred by this title, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits.—This title shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this title, shall abate by reason of the enactment of this title.

(e) Continuance of Suits.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) Administrative Procedure and Judicial Review.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this title shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this title.

SEC. 2504. TRANSFER OF ASSETS.

Except as otherwise provided in this title, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this title shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 2505. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this title, an official to whom functions are transferred under this title (including the head of any office to which functions are transferred under this title) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this title shall relieve the official to whom a function is transferred under this title of responsibility for the administration of the function.

SEC. 2506. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) Determinations.—If necessary, the Director shall make any determination of the functions that are transferred under this title.

(b) Incidental Transfers.—The Director, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 2507. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this title, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 2508. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this title shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 2509. DEFINITIONS.

For purposes of this title—

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term 'office' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

Subtitle F—Citizens Commission on 21st Century Government

SEC. 2601. SHORT TITLE AND PURPOSE.

(a) Short Title.—This subtitle may be cited as the "21st Century Government Act".

(b) Purpose.—The purpose of this subtitle is to establish a bipartisan commission to—

(1) identify and analyze the current functions and missions of the Federal Government; and

(2) based on that analysis, develop recommendations to restructure the executive branch of the Federal Government, in order to—

(A) focus Federal efforts on those core functions and missions that the Federal Government must perform in the 21st Century;

(B) ensure that the Federal Government performs those functions as effectively and efficiently as possible;

(C) consolidate executive organizations around clear, specific missions reflecting current national priorities;

(D) eliminate functions that do not advance current national priorities;

(E) eliminate duplication of functions and activities within and among departments and agencies;

(F) streamline organizational hierarchy so as to reduce costs and increase accountability for performance; and

(G) provide a basis for—

(i) the subsequent implementation of operational reforms for Federal agencies, including administrative consolidation and the provision of 1-stop services for citizens; and

(ii) more detailed structural improvements within each agency.

SEC. 2602. CITIZENS COMMISSION ON 21ST CENTURY GOVERNMENT.

(a) Establishment.—There is established in the legislative branch an independent commission to be known as the Citizens Commission on 21st Century Government (in this subtitle referred to as the "Commission").

(b) Appointment of Commissioners.—

(1) Composition.—The Commission shall be a bipartisan body composed of 11 members, who shall be appointed as follows:

(A) Three members shall be appointed by the Speaker of the House of Representatives.

(B) Three members shall be appointed by the majority leader of the Senate.

(C) Two members shall be appointed by the minority leader of the House of Representatives.

(D) Two members shall be appointed by the minority leader of the Senate.

(E) One member appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leaders of the House of Representatives and the Senate, who shall be the Chairman of the Commission.

(2) Membership qualifications.—Any citizen of the United States is eligible to be appointed as a member of the Commission, except an individual serving as a Member of Congress or an elected or appointed official of the executive branch of the Federal Government.

(3) Conflict of interests.—For purposes of chapter 11 of title 18, United States Code, a member of the Commission shall be a special Government employee.

(4) Date of appointments.—All members of the Commission shall be appointed no later than 30 days after the date of the enactment of this Act.

(c) Terms.—Each member of the Commission shall serve until the termination of the Commission.

(d) Vacancies.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(e) Meetings.—The Commission shall meet as necessary to carry out its responsibilities.

(f) Travel Expenses.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) Director.—

(1) Appointment.—The Chairman, in consultation with the other members of the Commission, shall appoint a Director of the Commission.

(2) Pay.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) Staff.—

(1) Appointment.—The Director may, with the approval of the Chairman, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Detail.—(A) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle. Such details may be made with or without reimbursement, and shall be without interruption or loss of civil service status or privilege.

(B) Upon request of the Director, a Member of Congress or an officer who is the head of an office or committee of the Senate or House of Representatives or of an agency within the legislative branch may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this subtitle.

(i) SUPPORT SERVICES.—The Comptroller General of the United States shall provide support services to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITIES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission $1,250,000 for fiscal year 1996 to carry out its responsibilities under this subtitle, to remain available until December 31, 1996.

(l) TERMINATION.—The Commission shall terminate December 31, 1996.

SEC. 2603. DEPARTMENT AND AGENCY COOPERATION.

All Federal agencies and employees of all Federal agencies shall cooperate fully with all requests for information from the Commission and shall respond to any such request for information within 30 days or such other time as is agreed upon by the requesting and requested persons.

SEC. 2604. HEARINGS.

The Commission shall hold such hearings as it considers appropriate. The Chairman of the Commission shall designate a member of the Commission to preside at any hearing in the absence of the Chairman.

SEC. 2605. COMMISSION PROCEDURES.

(a) STARTUP.—The Commission may conduct business at any time after at least 6 of its members have been appointed in accordance with section 2602.

(b) VOTING.—A majority of those members of the Commission who have been appointed in accordance with section 2602 shall constitute a quorum for purposes of conducting Commission business. Any recommendation of the Commission shall require an affirmative vote of a majority of Commission members who have been appointed in accordance with section 2602. Members of the Commission may not vote by proxy.

SEC. 2606. FRAMEWORK FOR THE FEDERAL GOVERNMENT IN THE 21ST CENTURY.

(a) ANALYSIS OF CURRENT FEDERAL FUNCTIONS.—The Commission shall conduct a comprehensive review of the functions currently performed by the Federal Government, and shall analyze each such function under the following criteria:

(1) Does the function have clearly defined missions and objectives.

(2) Do those missions and objectives serve a currently valid and important Federal role, including analysis of whether—

(A) there is a need for governmental action;

(B) the Federal Government has exclusive constitutional authority to perform the function;

(C) the Federal Government is otherwise uniquely positioned to perform the function; and

(D) there is a clear need for or advantage to performing the function at the Federal level versus at the State or local level.

(3) Does the current Federal role constitute the most effective and efficient means of achieving the objectives of the function.

(4) Does the current Federal role constitute the least intrusive means of achieving the objectives with respect to individual liberty and principles of Federalism.

(5) Is there a need to enhance Federal performance of the function, including analysis of whether—

(A) the Federal Government requires greater resources or authority to perform that function;

(B) there are other ways of consolidating Federal resources and activities directed to the function; and

(C) there are opportunities for participation by the private sector or other levels of government.

(b) COMMISSION REPORTS AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Commission shall prepare and submit to the Congress a report or reports on the results of its analysis. Each report shall be made public and shall include—

(A) the Commission's findings and conclusions;

(B) the Commission's recommendations for the restructuring or termination of current functions;

(C) the reasons for such findings, conclusions, and recommendations; and

(D) a complete description of the Commission's deliberations, including a discussion of any major points on which the members had significant disagreements.

(2) REPORT ON MATTERS OF HIGHEST PRIORITY.—Not later than July 31, 1996, the Commission shall submit a report containing those findings, conclusions, and recommendations that the Commission considers to be of highest priority.

(3) ADDITIONAL REPORTS.—The Commission may submit such additional reports under this section as it considers appropriate, and at such times on or before December 31, 1996, as it considers appropriate.

SEC. 2607. PROPOSAL FOR REORGANIZING THE EXECUTIVE BRANCH.

(a) IN GENERAL.—The Commission shall—

(1) examine all significant issues related to the organization of the executive branch of the Federal Government; and

(2) develop organizational recommendations to eliminate duplication, reduce costs, streamline operations, and improve performance and accountability in Federal departments and agencies.

(b) LEGISLATIVE PROPOSAL.—The recommendations of the Commission under this section shall be encompassed in a single legislative proposal under section 2608 which implements a comprehensive reorganization and restructuring plan for the executive branch and which addresses, among other issues, the following:

(1) Whether the Federal Government should include fewer departments, each with clear, specific missions and goals, and if so, what those departments should be.

(2) Whether and how to ensure that similar functions of Government, such as statistical, science, or trade functions, are consolidated within a single department or agency.

(3) Whether and how significant common administrative functions should be consolidated within one executive organization.

(4) Whether a single department-level office should be designated with responsibility for representation and oversight within the White House of all independent agencies of the executive branch.

(5) Whether and how a streamlined hierarchical structure can be provided within each department and agency.

(c) OTHER RECOMMENDATIONS.—The Commission may also make additional recommendations which it determines will enhance the operational effectiveness of the organizational recommendations. Such recommendations shall not be included in any draft implementation bill to be considered under section 2609, but may be submitted separately to the Congress.

SEC. 2608. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) COMMISSION REPORT.—No later than December 31, 1996, the Commission shall prepare and submit to the Congress a single report, which shall be made public, and which shall include—

(1) a description of the Commission's findings and recommendations pursuant to section 2607;

(2) the reasons for such recommendations; and

(3) a single proposal consisting of draft legislation to implement those recommendations for which legislation is appropriate.

(b) REVIEW AND COMMENT BY THE PRESIDENT.—No later than March 31, 1997, the President shall submit to the Congress an evaluation of the Commission's report under this section, together with any recommendations that the President considers appropriate.

SEC. 2609. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and consists of the draft legislation contained in the report submitted to Congress under section 2608; and

(2) the term "calendar day of session" means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day of session on which both Houses are in session immediately following April 15, 1997, a bill consisting of the draft legislation contained in the report submitted to Congress under section 2608 shall be introduced (by request)—

(A) in the Senate by the majority leader or by any Member designated by the majority leader; and

(B) in the House of Representatives by the majority leader or by any Member designated by the majority.

If such a bill is not introduced in either House as provided in the preceding session within 3 calendar days of session after such first calendar day of session, then any Member of that House may introduce such a bill.

(2) REFERRAL.—The implementation bill introduced in the Senate under paragraph (1) shall be referred concurrently to the Committee on Governmental Affairs of the Senate and other committees with jurisdiction.

(3) REPORT OR DISCHARGE.—If any committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day of session after the date of introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from all committees, such bill shall be placed on the appropriate calendar of the House involved.

(c) PROCEDURES FOR CONSIDERATION BY THE SENATE.—

(1) IN GENERAL.—On or after the second calendar day of session after the date on which

an implementation bill is placed on the Senate calendar, it is in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the implementation bill (but only on the day after the calendar day of session on which such Senator announces on the floor of the Senate the Senator's intention to do so). All points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill without intervening motion, order, or other business, and the implementation bill shall remain the unfinished business of the Senate until disposed of.

(2) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader or their designees. An amendment to the implementation bill is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) MOTION TO SUSPEND OR WAIVE APPLICATION.—No motion to suspend or waive the application of this subsection shall be in order, except by unanimous consent.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(5) FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the implementation bill shall occur.

(d) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by the Senate of an implementation bill, the Senate receives from the House of Representatives an implementation bill, then the following procedures shall apply:

(A) The implementation bill of the House of Representatives shall not be referred to a committee and may not be considered in the Senate except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to an implementation bill of the Senate—

(i) the procedure in the Senate shall be the same as if no implementation bill had been received from the House of Representatives; but

(ii) the vote on final passage shall be on the implementation bill of the House of Representatives.

(2) FINAL DISPOSITION.—Upon disposition of the implementation bill received from the House of Representatives, it shall no longer be in order to consider the implementation bill that originated in the Senate.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change its rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2610. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an implementation bill under section 2609 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

SEC. 2611. AGENCY DEFINED.

For purposes of this subtitle, the term "agency" means each authority of the Federal Government, including all departments, independent agencies, government-sponsored enterprises, and Government corporations, except the legislative branch, judicial branch, the governments of the territories or possessions of the United States, or the District of Columbia.

H.R. 2586

OFFERED BY: MR. WALKER

AMENDMENT NO. 2:

TITLE III—REGULATORY REFORM

SEC. 3001. SHORT TITLE.

This title may be cited as the "Comprehensive Regulatory Reform Act of 1995".

SEC. 3002. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "this subchapter" and inserting "this chapter and chapters 7 and 8";

(2) in paragraph (13), by striking "and";

(3) in paragraph (14), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(15) 'Director' means the Director of the Office of Management and Budget.".

SEC. 3003. RULEMAKING.

Section 553 of title 5, United States Code, is amended to read as follows:

"§ 553. Rulemaking

"(a) APPLICABILITY.—This section applies to every rulemaking, according to the provisions thereof, except to the extent that there is involved—

"(1) a matter pertaining to a military or foreign affairs function of the United States;

"(2) a matter relating to the management or personnel practices of an agency;

"(3) an interpretive rule, general statement of policy, guidance, or rule of agency organization, procedure, or practice, unless such rule, statement, or guidance has general applicability and substantially alters or creates rights or obligations of persons outside the agency; or

"(4) a rule relating to the acquisition, management, or disposal by an agency of real or personal property, or of services, that is promulgated in compliance with otherwise applicable criteria and procedures.

"(b) NOTICE OF PROPOSED RULEMAKING.—General notice of proposed rulemaking shall be published in the Federal Register, unless all persons subject thereto are named and either personally served or otherwise have actual notice of the proposed rulemaking in accordance with law. Each notice of proposed rulemaking shall include—

"(1) a statement of the time, place, and nature of public rulemaking proceedings;

"(2) a succinct explanation of the need for and specific objectives of the proposed rule, including an explanation of the agency's determination of whether or not the rule is a major rule within the meaning of section 621(5);

"(3) a succinct explanation of the specific statutory basis for the proposed rule, including an explanation of—

"(A) whether the interpretation is clearly required by the text of the statute; or

"(B) if the interpretation is not clearly required by the text of the statute, an explanation that the interpretation is within the range of permissible interpretations of the statute as identified by the agency, and an explanation why the interpretation selected by the agency is the agency's preferred interpretation;

"(4) the terms or substance of the proposed rule;

"(5) a summary of any initial analysis of the proposed rule required to be prepared or issued pursuant to chapter 6;

"(6) a statement that the agency seeks proposals from the public and from State and local governments for alternative methods to accomplish the objectives of the rulemaking that are more effective or less burdensome than the approach used in the proposed rule; and

"(7) a statement specifying where the file of the rulemaking proceeding maintained pursuant to subsection (j) may be inspected and how copies of the items in the file may be obtained.

"(c) PERIOD FOR COMMENT.—The agency shall give interested persons not less than 60 days after providing the notice required by subsection (b) to participate in the rulemaking through the submission of written data, views, or arguments.

"(d) GOOD CAUSE EXCEPTION.—Unless notice or hearing is required by statute, a final rule may be adopted and may become effective without prior compliance with subsections (b) and (c) and (e) through (g) if the agency for good cause finds that providing notice and public procedure thereon before the rule becomes effective is impracticable, unnecessary, or contrary to the public interest. If a rule is adopted under this subsection, the agency shall publish the rule in the Federal Register with the finding and a succinct explanation of the reasons therefore.

"(e) PROCEDURAL FLEXIBILITY.—To collect relevant information, and to identify and elicit full and representative public comment on the significant issues of a particular rulemaking, the agency may use such other procedures as the agency determines are appropriate, including—

"(1) the publication of an advance notice of proposed rulemaking;

"(2) the provision of notice, in forms which are more direct than notice published in the Federal Register, to persons who would be substantially affected by the proposed rule but who are unlikely to receive notice of the proposed rulemaking through the Federal Register;

"(3) the provision of opportunities for oral presentation of data, views, information, or rebuttal arguments at informal public hearings, meetings, and roundtable discussions, which may be held in the District of Columbia and other locations;

"(4) the establishment of reasonable procedures to regulate the course of informal public hearings, meetings and roundtable discussions, including the designation of representatives to make oral presentations or engage in direct or cross-examination on behalf of several parties with a common interest in a rulemaking, and the provision of transcripts, summaries, or other records of all such public hearings and summaries of meetings and round table discussions;

"(5) the provision of summaries, explanatory materials, or other technical information in response to public inquiries concerning the issues involved in the rulemaking; and

"(6) the adoption or modification of agency procedural rules to reduce the cost or complexity of the procedural rules.

"(f) PLANNED FINAL RULE.—If the provisions of a final rule that an agency plans to adopt are so different from the provisions of the original notice of proposed rulemaking that the original notice did not fairly apprise the public of the issues ultimately to be resolved in the rulemaking or of the substance of the rule, the agency shall publish in the Federal Register a notice of the final rule the agency plans to adopt, together with the information relevant to such rule that is required by the applicable provisions of this section and that has not previously been published in the Federal Register. The agency shall allow a reasonable period for comment on such planned final rule prior to its adoption.

"(g) STATEMENT OF BASIS AND PURPOSE.—An agency shall publish each final rule it adopts in the Federal Register, together with a concise statement of the basis and purpose of the rule and a statement of when the rule may become effective. The statement of basis and purpose shall include—

"(1) an explanation of the need for, objectives of, and specific statutory authority for, the rule;

"(2) a discussion of, and response to, any significant factual or legal issues presented by the rule, or raised by the comments on the proposed rule, including a description of the reasonable alternatives to the rule proposed by the agency and by interested persons, and the reasons why such alternatives were rejected;

"(3) a succinct explanation of whether the specific statutory basis for the rule is expressly required by the text of the statute, or if the specific statutory interpretation upon which the rule is based is not expressly required by the text of the statute, an explanation that the interpretation is within the range of permissible interpretations of the statute as identified by the agency, and why the agency has rejected other interpretations proposed in comments to the agency;

"(4) an explanation of how the factual conclusions upon which the rule is based are substantially supported in the rulemaking file; and

"(5) a summary of any final analysis of the rule required to be prepared or issued pursuant to chapter 6.

"(h) NONAPPLICABILITY.—In the case of a rule that is required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply in lieu of subsections (c), (e), (f), and (g).

"(i) EFFECTIVE DATE.—An agency shall publish the final rule in the Federal Register not later than 60 days before the effective date of such rule. An agency may make a rule effective in less than 60 days after publication in the Federal Register if the rule grants or recognizes an exemption, relieves a restriction, or if the agency for good cause finds that such a delay in the effective date would be contrary to the public interest and publishes such finding and an explanation of the reasons therefore, with the final rule.

"(j) RULEMAKING FILE.—(1) The agency shall maintain a file for each rulemaking proceeding conducted pursuant to this section and shall maintain a current index to such file.

"(2) Except as provided in subsection (k), the file shall be made available to the public not later than the date on which the agency makes an initial publication concerning the rule.

"(3) The rulemaking file shall include—

"(A) the notice of proposed rulemaking, any supplement to, or modification or revision of, such notice, and any advance notice of proposed rulemaking;

"(B) copies of all written comments received on the proposed rule;

"(C) a transcript, summary, or other record of any public hearing conducted on the rulemaking;

"(D) copies, or an identification of the place at which copies may be obtained, of factual and methodological material that pertains directly to the rulemaking and that was considered by the agency in connection with the rulemaking, or that was submitted to or prepared by or for the agency in connection with the rulemaking; and

"(E) any statement, description, analysis, or other material that the agency is required to prepare or issue in connection with the rulemaking, including any analysis prepared or issued pursuant to Chapter 6.

The agency shall place each of the foregoing materials in the file as soon as practicable after each such material becomes available to the agency.

"(k) CONFIDENTIAL TREATMENT.—The file required by subsection (j) need not include any material described in section 552(b) if the agency includes in the file a statement that notes the existence of such material and the basis upon which the material is exempt from public disclosure under such section. The agency may not substantially rely on any such material in formulating a rule unless it makes the substance of such material available for adequate comment by interested persons. The agency may use summaries, aggregations of data, or other appropriate mechanisms to protect the confidentiality of such material to the maximum extent possible.

"(l) RULEMAKING PETITION.—(1) Each agency shall give an interested person the right to petition—

"(A) for the issuance, amendment, or repeal of a rule;

"(B) for the amendment or repeal of an interpretive rule or general statement of policy or guidance; and

"(C) for an interpretation regarding the meaning of a rule, interpretive rule, general statement of policy, or guidance.

"(2) The agency shall grant or deny a petition made pursuant to paragraph (1), and give written notice of its determination to the petitioner, with reasonable promptness, but in no event later than 18 months after the petition was received by the agency.

"(3) The written notice of the agency's determination shall include an explanation of the determination and a response to each significant factual and legal claim that forms the basis of the petition.

"(m) JUDICIAL REVIEW.—(1) The decision of an agency to use or not to use procedures in a rulemaking under subsection (e) shall not be subject to judicial review.

"(2) The rulemaking file required under subsection (j) shall constitute the rulemaking record for purposes of judicial review.

"(3) No court shall hold unlawful or set aside an agency rule based on a violation of subsection (j), unless the court finds that such violation has precluded fair public consideration of a material issue of the rulemaking taken as a whole.

"(4)(A) Judicial review of compliance or noncompliance with subsection (j) shall be limited to review of action or inaction on the part of an agency.

"(B) A decision by an agency to deny a petition under subsection (l) shall be subject to judicial review immediately upon denial, as final agency action under the statute granting the agency authority to carry out its action.

"(n) CONSTRUCTION.—(1) Notwithstanding any other provision of law, this section shall apply to and supplement the procedures governing informal rulemaking under statutes that are not generally subject to this section.

"(2) Nothing in this section authorizes the use of appropriated funds available to any agency to pay the attorney's fees or other expenses of persons intervening in agency proceedings.".

SEC. 3004. ANALYSIS OF AGENCY RULES.

(a) IN GENERAL.—(1) It is the sense of the Senate that nothing in this Act is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat, including any rules that would reduce illness or mortality from the following: heart disease, cancer, stroke, chronic obstructive lung diseases, pneumonia and influenza, diabetes mellitus, human immunodeficiency virus infection, or water- or food-borne pathogens, polio, tuberculosis, measles, viral hepatitis, syphilis, or all other infectious or parasitic diseases.

(2) Section 551 of title 5, United States Code, is amended by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting a semicolon, and by adding at the end the following:

"(15) 'major rule' means any rule subject to section 553(c) that is likely to result in—

"(A) an annual effect on the economy of $75,000,000 or more;

"(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or

"(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; and

"(16) 'Director' means the Director of the Office of Management and Budget.".

"(17) The term 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, environmental, health, and economic effects that are expected to result directly or indirectly from implementation of a rule or other agency action.

"(18) The term 'cost-benefit analysis' means an evaluation of the costs and benefits of a rule, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this subchapter at the level of detail appropriate and practicable for reasoned decision making on the matter involved, taking into consideration the significance and complexity of the decision and any need for expedition.

"(19) The term 'reasonable alternatives' means the range of reasonable regulatory options that the agency has authority to consider under the statute granting rulemaking authority, including flexible regulatory options of the type described in section 622(c)(2)(C)(iii), unless precluded by the statute granting the rulemaking authority.".

(3) Section 553 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) Each agency shall for a proposed major rule publish in the Federal Register, at least 90 days before the date of publication of the general notice required under subsection (b), a notice of intent to engage in rulemaking.

"(2) A notice under paragraph (1) for a proposed major rule shall include, to the extent possible, the information required to be included in a regulatory impact analysis for the rule under subsection (i)(4)(B) and (D).

"(3) For a major rule proposed by an agency, the head of the agency shall include in a general notice under subsection (b), a preliminary regulatory impact analysis for the rule prepared in accordance with subsection (i).

"(4) For a final major rule, the agency shall include with the statement of basis and purpose—

"(A) a summary of a final regulatory impact analysis of the rule in accordance with subsection (i); and

"(B) a clear delineation of all changes in the information included in the final regulatory impact analysis under subsection (i) from any such information that was included in the notice for the rule under subsection (b).

The agency shall provide the complete text of a final regulatory impact analysis upon request.

"(5) The issuance of a notice of intent to engage in rulemaking under paragraph (1) and the issuance of a preliminary regulatory impact analysis under paragraph (3) shall not be considered final agency action for purposes of section 704.

"(6) In a rulemaking involving a major rule, the agency conducting the rulemaking shall make a written record describing the subject of all contacts the agency made with persons outside the agency relating to such rulemaking. If the contact was made with a non-governmental person, the written record of such contact shall be made available, upon request to the public.".

(4)(A) HEARING REQUIREMENT.—Section 553 of title 5, United States Code, as amended by section 322, is further amended by adding after subsection (f) the following:

"(g) If more than 100 interested persons acting individually submit requests for a hearing to an agency regarding any major rule proposed by the agency, the agency shall hold such a hearing on the proposed rule.".

(B) EXTENSION OF COMMENT PERIOD.—Section 553 of title 5, United States Code, as amended by subsection (a), is further amended by adding after subsection (g) the following:

"(h) If during the 90-day period beginning on the date of publication of a notice under subsection (f) for a proposed major rule, or if during the period beginning on the date of publication or service of notice required by subsection (b) for a proposed major rule, more than 100 persons individually contact the agency to request an extension of the period for making submissions under subsection (c) pursuant to the notice, the agency—

"(1) shall provide an additional 30-day period for making those submissions; and

"(2) may not adopt the rule until after the additional period.".

(C) RESPONSE TO COMMENTS.—Section 553(c) of title 5, United States Code, is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) Each agency shall publish in the Federal Register, with each rule published under section 552(a)(1)(D), responses to the substance of the comments received by the agency regarding the rule.".

(5) Section 553 of title 5, United States Code, as amended by section 323, is amended by adding after subsection (h) the following:

"(i)(1) Each agency shall, in connection with every major rule, prepare, and, to the extent permitted by law, consider, a regulatory impact analysis. Such analysis may be combined with any regulatory flexibility analysis performed under sections 603 and 604.

"(2) Each agency shall initially determine whether a rule it intends to propose or issue is a major rule. The Director shall have authority to order a rule to be treated as a major rule and to require any set of related rules to be considered together as a major rule.

"(3) Except as provided in subsection (j), agencies shall prepare—

"(A) a preliminary regulatory impact analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of notice of proposed rulemaking, and

"(B) a final regulatory impact analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of a major rule.

"(4) Each preliminary and final regulatory impact analysis shall contain the following information:

"(A) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits.

"(B) An explanation of the necessity, legal authority, and reasonableness of the rule and a description of the condition that the rule is to address.

"(C) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs.

"(D) An analysis of alternative approaches, including market based mechanisms or other flexible regulatory options that could substantially achieve the same regulatory goal at a lower cost and an explanation of the reasons why such alternative approaches were not adopted, together with a demonstration that the rule provides for the least costly approach.

"(E) A statement that the rule does not conflict with, or duplicate, any other rule or a statement of the reasons why such a conflict or duplication exists.

"(F) A statement of whether the rule will require on-site inspections or whether persons will be required by the rule to maintain any records which will be subject to inspection, and a statement of whether the rule will require persons to obtain licenses, permits, or other certifications, including specification of any associated fees or fines.

"(G) An estimate of the costs to the agency for implementation and enforcement of the rule and of whether the agency can be reasonably expected to implement the rule with the current level of appropriations.

"(5)(A) the Director is authorized to review and prepare comments on any preliminary or final regulatory impact analysis, notice of proposed rulemaking, or final rule based on the requirements of this subsection.

"(B) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary impact analysis or notice of proposed rulemaking and shall refrain from publishing its preliminary regulatory impact analysis or notice of proposed rulemaking until such review is concluded. The Director's review may not take longer than 90 days after the date of the request of the Director.

"(6)(A) An agency may not adopt a major rule unless the final regulatory impact analysis for the rule is approved or commented upon in writing by the Director or by an individual designated by the Director for that purpose.

"(B) Upon receiving notice that the Director intends to comment in writing with respect to any final regulatory impact analysis or final rule, the agency shall refrain from publishing its final regulatory impact analysis or final rule until the agency has responded to the Director's comments and incorporated those comments in the agency's response in the rulemaking file.

"(7)(A) Except as provided in subparagraph (B), no final major rule subject to this section shall be promulgated unless the agency head publishes in the Federal Register a finding that—

"(i) the benefits of the rule justify the costs of the rule; and

"(ii) the rule employs to the extent practicable flexible alternatives as set forth in paragraph (4)(D) and adopts the reasonable alternative which has the greater net benefits and achieves the objectives of the statutes.

"(B) If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subparagraph (A), the agency head may promulgate the rule if the agency head finds that—

"(i) the rule employs to the extent practicable flexible reasonable alternatives of the type described in paragraph (4)(D); and

"(ii) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.

"(8) Notwithstanding section 551(16), for purposes of this subsection with regard to any rule proposed or issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, the term 'Director' means the head of such agency, Administration, or Office.".

(6) Section 553 of title 5, United States Code, as amended in section 324, is amended by adding after subsection (i) the following:

"(j) To the extent practicable, the head of an agency shall seek to ensure that any proposed major rule or regulatory impact analysis of such a rule is written in a reasonably simple and understandable manner and provides adequate notice of the content of the rule to affected persons.".

(7) Section 553 of title 5, United States Code, as amended by section 325, is further amended by adding after subsection (j) the following:

"(k)(1) The provisions of this section regarding major rules shall not apply if

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a food safety threat that is likely to result in significant harm to the public or natural resources; and

"(B) the agency publishes in the Federal Register, together with such finding, a succinct statement of the basis for the finding.

"(2) Not later than one year after the promulgation of a final major rule to which this section applies, the agency shall comply with the provisions of this subchapter and, as thereafter necessary, revise the rule.—

"(A) any regulation that responds to an emergency situation if such regulation is reported to the Director as soon as is practicable;

"(B) any regulation for which consideration under the procedures of this section would conflict with deadlines imposed by statute or by judicial order;

"(C) any regulation proposed or issued in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such institution, credit unions, or government sponsored housing enterprises regulated by the Office of Federal Housing Enterprise Oversight;

"(D) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; and

"(E) any regulation proposed or issued pursuant to section 553 of title 5, United States Code, in connection with imposing trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.

A regulation described in subparagraph (B) shall be reported to the Director with a brief explanation of the conflict and the agency, in consultation with the Director, shall, to the extent permitted by statutory or judicial deadlines, adhere to the process of this section.

"(2) The Director may in accordance with the purposes of this section exempt any class or category of regulations from any or all requirements of this section.

"(3) For purposes of paragraph (1), the term 'emergency situation' means a situation that is—

"(A) immediately impending and extraordinary in nature, or

"(B) demanding attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans or substantial endangerment to private property or the environment if no action is taken.".

(8) The Director of the Office of Management and Budget shall submit a report to the Congress no later than 24 months after the date of the enactment of this Act containing an analysis of rulemaking procedures of Federal agencies and an analysis of the impact of those rulemaking procedures on the regulated public and regulatory process.

(9) The amendment made by this title shall apply only to final agency rules issued after rulemaking begun after the date of enactment of this Act.

(10) Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—AUTHORITY FOR RULEMAKING FLEXIBILITY

"§ 621. Decisional criteria

"(a) IN GENERAL.—No final major rule subject to the provisions of this subchapter that is designed to protect human health, safety or the environment that is proposed or promulgated by the agency after the enactment of this subchapter shall be promulgated unless the agency certifies the following:

"(1) That the analyses under section 553(i) are based on objective and unbiased scientific and economic evaluations of all significant and relevant information and risk assessments provided to the agency by interested parties relating to the costs, risks, and risk reduction and other benefits addressed by the rule.

"(2) That the incremental risk reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

"(3) That other alternative strategies identified or considered by the agency (including performance-based standards, market-based mechanisms, or other flexible regulatory options that permit the greatest flexibility in achieving the regulatory result that the statutory provision authorizing the rule is designed to produce) were found either (A) to be less cost-effective at achieving a substantially equivalent reduction in risk, or (B) to provide less flexibility to State, local, or tribal governments or regulated entities in achieving the otherwise applicable objectives of the regulation, along with a brief explanation of why alternative strategies that were identified or considered by the agency were found to be less cost-effective or less flexible.

"(b) EFFECT OF DECISION CRITERIA.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law, the decision criteria of subsection (a) shall supplement and, to the extent there is a conflict, supersede the decision criteria for rulemaking otherwise applicable under the statute pursuant to which the rule is promulgated.

"(2) SUBSTANTIAL EVIDENCE.—Notwithstanding any other provision of Federal law, no major rule shall be promulgated by any Federal agency pertaining to the protection of health, safety, or the environment unless the requirements of subsection (a) are met and the certifications required therein are supported by substantial evidence of the rulemaking record.

"(c) PUBLICATION.—The agency shall publish in the Federal Register, along with the final regulation, the certifications required by subsection (a).

"(d) NOTICE.—Where the agency finds a conflict between the decision criteria of this section and the decision criteria of an otherwise applicable statute, the agency shall so notify the Congress in writing.

"(e) MAJOR RULE.—For purposes of this section, the term 'major rule' does not include any regulation or other action taken by an agency to authorize or approve an individual substance or product, and such term does not include regulations concerning health insurance, health provider services, or health care diagnostic services.

"§ 622. Deadlines for rulemaking

"(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to subchapter I during the 5-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of subchapter III are satisfied; or

"(2) the date occurring 2 years after the date of the applicable deadline.

"(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to subchapter I during the 5-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of subchapter I are satisfied; or

"(2) the date occurring 2 years after the date of the applicable deadline.

"(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 5-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

"(1) the date on which the requirements of subchapter I are satisfied; or

"(2) the date occurring 2 years after the date of the applicable deadline.

"§ 623. Special rule

"Notwithstanding any other provision of the Comprehensive Regulatory Reform Act of 1995, or the amendments made by such Act, for purposes of this subchapter and subchapter IV, the head of each appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act), the National Credit Union Administration, the Federal Housing Finance Board, the Office of Federal Housing Enterprise Oversight, and the Farm Credit Administration, shall have authority with respect to such agency that otherwise would be provided under such subchapters to the Director, a designee of the President, Vice President, or any officer designated or delegated with authority under such subchapters.

"§ 624. Petition for alternative method of compliance

"(a) Except as provided in subsection (e), or unless prohibited by the statute authorizing the rule, any person subject to a major rule may petition the relevant agency to modify or waive the specific requirements of the major rule (or any portion thereof) and to authorize such person to demonstrate compliance through alternative means not otherwise permitted by the major rule. The petition shall identify with reasonable specificity the requirements for which the waiver is sought and the alternative means of compliance being proposed.

"(b) The agency shall grant the petition if the petition shows that there is a reasonable likelihood that the proposed alternative means of compliance—

"(1) would achieve the identified benefits of the major rule with at least an equivalent level of protection of health, safety, and the environment as would be provided by the major rule; and

"(2) would not impose an undue burden on the agency that would be responsible for enforcing such alternative means of compliance.

"(c) A decision to grant or to deny a petition under this subsection shall be made not later than 180 days after the petition is submitted, but in no event shall agency action taken pursuant to this section be subject to judicial review.

"(d) Following a decision to grant or deny a petition under this section, no further petition for such rule, submitted by the same person, shall be granted unless such petition pertains to a different facility or installation owned or operated by such person or unless such petition is based on a significant change in a fact, circumstance, or provision of law underlying or otherwise related to the rule occurring since the initial petition was granted or denied, that warrants the granting of such petition.

"(e) If the statute authorizing the rule which is the subject of the petition provides procedures or standards for an alternative method of compliance the petition shall be reviewed solely under the terms of the statute.".

"SUBCHAPTER III—RISK ASSESSMENTS

"§ 631. Short title

This subchapter may be cited as the "Risk Assessment and Communication Act of 1995".

"§ 632. Purposes

The purposes of this subchapter are—

(1) to present the public and executive branch with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks in order to provide for sound regulatory decisions and public education;

(2) to provide for full consideration and discussion of relevant data and potential methodologies;

(3) to require explanation of significant choices in the risk assessment process which will allow for better peer review and public understanding; and

(4) to improve consistency within the executive branch in preparing risk assessments and risk characterizations.

"§ 633. Effective date; applicability; savings provisions

"(a) EFFECTIVE DATE.—Except as otherwise specifically provided in this subchapter, the provisions of this subchapter shall take effect 18 months after the date of enactment of this subchapter.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (3), this subchapter applies to all significant risk assessment documents and significant risk characterization documents, as defined in paragraph "(2).

"(2) SIGNIFICANT RISK ASSESSMENT DOCUMENT OR SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—(A) As used in this subchapter, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in subparagraph (B), and—

"(i) included by the agency in that item; or

"(ii) inserted by the agency in the administrative record for that item.

"(B) The items referred to in subparagraph (A) are the following:

"(i) Any proposed or final major rule, including any analysis or certification under subchapter II, promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environment.

"(ii) Any proposed or final environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste.

"(iii) Any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this section (iii) shall apply to the requirements of section 404 of the Clean Water Act.

"(iv) Any report to Congress.

"(v) Any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency.

"(vi) Any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

"(C) The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following:

"(i) Any such risk assessment and risk characterization documents provided by a covered Federal agency to the public and which are likely to result in an annual effect on the economy of $75,000,000 or more.

"(ii) Environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

"(D) Within 15 months after the date of the enactment of this subchapter, each covered Federal agency administering a regulatory program designed to protect human health, safety, or the environment shall promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the covered Federal agency that the agency will consider significant risk assessment documents or significant risk characterization documents for purposes of this subchapter. In establishing such categories, the head of the agency shall consider each of the following:

"(i) The benefits of consistent compliance by documents of the covered Federal agency in the categories.

"(ii) The administrative burdens of including documents in the categories.

"(iii) The need to make expeditious administrative decisions regarding documents in the categories.

"(iv) The possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by an agency and commonly made available to, or used by, any Federal, State, or local government agency.

"(v) Such other factors as may be appropriate.

"(E)(i) Not later than 18 months after the date of the enactment of this subchapter, the President, acting through the Director of the Office of Management and Budget, shall determine whether any other Federal agencies should be considered covered Federal agencies for purposes of this subchapter. Such determination, with respect to a particular Federal agency, shall be based on the impact of risk assessment documents and risk characterization documents on—

"(I) regulatory programs administered by that agency; and

"(II) the communication of risk information by that agency to the public.

The effective date of such a determination shall be no later than 6 months after the date of the determination.

"(ii) Not later than 15 months after the President, acting through the Director of the Office of Management and Budget, determines pursuant to clause (i) that a Federal agency should be considered a covered Federal agency for purposes of this subchapter, the head of that agency shall promulgate a rule pursuant to subparagraph (D) to establish additional categories of risk assessment and risk characterization documents described in that subparagraph.

"(3) EXCEPTIONS.—(A) This subchapter does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following:

"(i) A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices.

"(ii) Any health, safety, or environmental inspections.

"(iii) The sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts.

"(B) No analysis shall be treated as a screening analysis for purposes of subparagraph (A) if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

"(C) The risk assessment principle set forth in this 634(b)(1) need not apply to any risk assessment or risk characterization document described in clause (iii) of paragraph (2)(B). The risk characterization and communication principle set forth in section 635(4) need not apply to any risk assessment or risk characterization document described in clause (v) or (vi) of paragraph (2)(B).

"(c) SAVINGS PROVISIONS.—The provisions of this subchapter shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this subchapter shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this subchapter shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this subchapter shall be construed to require the disclosure of any trade secret or other confidential information.

"§ 634. Principles for risk assessment

"(a) IN GENERAL.—The head of each covered Federal agency shall apply the principles set forth in subsection (b) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

"(b) PRINCIPLES.—The principles to be applied are as follows:

"(1) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data of sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

‘‘(2) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible—

‘‘(A) present a representative list and explanation of plausible and alternative assumptions, inferences, or models;

‘‘(B) explain the basis for any choices;

‘‘(C) identify any policy or value judgments;

‘‘(D) fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and

‘‘(E) indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

‘‘§ 635. Principles for risk characterization and communication

Each significant risk characterization document shall meet each of the following requirements:

‘‘(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

‘‘(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

‘‘(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bound estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

‘‘(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

‘‘(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

‘‘(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

‘‘(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

‘‘(A) a commenter provides a covered Federal agency with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the agency for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the covered Federal agency with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

‘‘(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this subchapter,

the agency shall, to the extent feasible, present such summary in connection with the presentation of the agency's significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4) or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

‘‘§ 636. Recommendations or classifications by a non-United States-based entity

No covered Federal agency shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this subchapter. For the purposes of this section, the term ‘‘non-United States-based entity'' means—

‘‘(1) any foreign government and its agencies;

‘‘(2) the United Nations or any of its subsidiary organizations;

‘‘(3) any other international governmental body or international standards-making organization; or

‘‘(4) any other organization or private entity without a place of business located in the United States or its territories.

‘‘§ 637. Guidelines and report

‘‘(a) GUIDELINES.—Within 15 months after the date of enactment of this subchapter, the President shall issue guidelines for Federal agencies consistent with the risk assessment and characterization principles set forth in sections 634 and 635 and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

‘‘(b) REPORT.—Within 3 years after the date of the enactment of this subchapter, each covered Federal agency shall provide a report to the Congress evaluating the categories of policy and value judgments identified under subparagraph (C) of section 634(b)(2).

‘‘(c) PUBLIC COMMENT AND CONSULTATION.—The guidelines and report under this section, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

‘‘(d) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this section at least every 4 years.

‘‘§ 638. Research and training in risk assessment

‘‘(a) EVALUATION.—The head of each covered agency shall regularly and systematically evaluate risk assessment research and training needs of the agency, including, where relevant and appropriate, the following:

‘‘(1) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

‘‘(2) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

‘‘(3) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

‘‘(4) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

‘‘(b) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in subsection (a).

‘‘(c) REPORT.—Not later than 6 months after the date of the enactment of this subchapter, the head of each covered agency shall submit to the Congress a report on the evaluations conducted under subsection ‘‘(a) and the strategy and schedule developed under subsection ‘‘(b). The head of each covered agency shall report to the Congress periodically on the evaluations, strategy, and schedule.

‘‘§ 639. Study of comparative risk analysis

‘‘(a) IN GENERAL.—(1) The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

"(2) Not later than 90 days after the date of the enactment of this subchapter, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

"(b) Scope of Study.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

"(c) Study Participants.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

"(d) Duration.—The study shall begin within 180 days after the date of the enactment of this subchapter and terminate within 2 years after the date on which it began.

"(e) Recommendations for Improving Comparative Risk Analysis and Its Use.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making in appropriate Federal agencies.

"§ 639a. Definitions

For purposes of this subchapter:

"(1) Risk assessment document.—The term "risk assessment document" means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

"(2) Risk characterization document.—The term "risk characterization document" means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

"(3) Best estimate.—The term "best estimate" means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

"(A) Central estimates of risk using the most plausible assumptions.

"(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

"(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Federal agency concerned.

"(4) Substitution risk.—The term "substitution risk" means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

"(5) Covered Federal agency.—The term "covered Federal agency" means each of the following:

"(A) The Environmental Protection Agency.

"(B) The Occupational Safety and Health Administration.

"(C) The Department of Transportation (including the National Highway Transportation Safety Administration).

"(D) The Food and Drug Administration.

"(E) The Department of Energy.

"(F) The Department of the Interior.

"(G) The Department of Agriculture.

"(H) The Consumer Product Safety Commission.

"(I) The National Oceanic and Atmospheric Administration.

"(J) The United States Army Corps of Engineers.

"(K) The Mine Safety and Health Administration.

"(L) The Nuclear Regulatory Commission.

"(M) Any other Federal agency considered a covered Federal agency pursuant to section 413(b)(2)(E).

"(6) Federal agency.—The term "Federal agency" means an executive department, military department, or independent establishment as defined in part I of title 5 of the United States Code, except that such term also includes the Office of Technology Assessment.

"(7) Document.—The term "document" includes material stored in electronic or digital form.

"§ 639b. Peer review program

"(a) Establishment.—For regulatory programs designed to protect human health, safety, or the environment, the head of each Federal agency shall develop a systematic program for independent and external peer review required by subsection (b). Such program shall be applicable across the agency and—

"(1) shall provide for the creation of peer review panels consisting of experts and shall be broadly representative and balanced and to the extent relevant and appropriate, may include representatives of State, local, and tribal governments, small businesses, other representatives of industry, universities, agriculture, labor, consumers, conservation organizations, or other public interest groups and organizations;

"(2) may provide for differing levels of peer review and differing numbers of experts on peer review panels, depending on the significance or the complexity of the problems or the need for expeditiousness;

"(3) shall not exclude peer reviewers with substantial and relevant expertise merely because they represent entities that may have a potential interest in the outcome, provided that interest is fully disclosed to the agency and in the case of a regulatory decision affecting a single entity, no peer reviewer representing such entity may be included on the panel;

"(4) may provide specific and reasonable deadlines for peer review panels to submit reports under subsection (c); and

"(5) shall provide adequate protections for confidential business information and trade secrets, including requiring peer reviewers to enter into confidentiality agreements.

"(b) Requirement for Peer Review.—In connection with any rule that is likely to result in an annual increase in costs of $100,000,000 or more (other than any rule or other action taken by an agency to authorize or approve any individual substance or product), each Federal agency shall provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under section 431(a). In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions.

"(c) Contents.—Each peer review under this section shall include a report to the Federal agency concerned with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

"(d) Response to Peer Review.—The head of the Federal agency shall provide a written response to all significant peer review comments.

"(e) Availability to Public.—All peer review comments or conclusions and the agency's responses shall be made available to the public and shall be made part of the administrative record.

"(f) Previously Reviewed Data and Analysis.—No peer review shall be required under this section for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

"(g) National Panels.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of each Federal agency for programs designed to protect human health, safety, or the environment. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

"§ 639c. Petition for review of a major freestanding risk assessment

"(a) Any interested person may petition an agency to conduct a scientific review of a risk assessment conducted or adopted by the agency, except for a risk assessment used as the basis for a major rule or a site-specific risk assessment.

"(b) The agency shall utilize external peer review, as appropriate, to evaluate the claims and analyses in the petition, and shall consider such review in making its determination of whether to grant the petition.

"(c) The agency shall grant the petition if the petition establishes that there is a reasonable likelihood that—

"(1)(A) the risk assessment that is the subject of the petition was carried out in a manner substantially inconsistent with the principles in section 633; or

"(B) the risk assessment that is the subject of the petition does not take into account material significant new scientific data and scientific understanding;

"(2) the risk assessment that is the subject of the petition contains significantly different results than if it had been properly conducted pursuant to subchapter III; and

"(3) a revised risk assessment will provide the basis for reevaluating an agency determination of risk, and such determination currently has an effect on the United States economy equivalent to that of major rule.

"(d) A decision to grant, or final action to deny, a petition under this subsection shall be made not later than 180 days after the petition is submitted.

"(e) If the agency grants the petition, it shall complete its review of the risk assessment not later than 1 year after its decision to grant the petition. If the agency revises the risk assessment, in response to its review, it shall do so in accordance with section 633.

"§ 639d. Risk-based priorities

"(a) PURPOSES.—The purposes of this section are to—

"(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

"(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

"(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

"(b) DEFINITIONS.—For the purposes of this section:

"(1) COMPARATIVE RISK ANALYSIS.—The term 'comparative risk analysis' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

"(2) COVERED AGENCY.—The term 'covered agency' means each of the following:

"(A) The Environmental Protection Agency.

"(B) The Department of Labor.

"(C) The Department of Transportation.

"(D) The Food and Drug Administration.

"(E) The Department of Energy.

"(F) The Department of the Interior.

"(G) The Department of Agriculture.

"(H) The Consumer Product Safety Commission.

"(I) The National Oceanic and Atmospheric Administration.

"(J) The United States Army Corps of Engineers.

"(K) The Nuclear Regulatory Commission.

"(3) EFFECT.—The term 'effect' means a deleterious change in the condition of—

"(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

"(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

"(4) IRREVERSIBILITY.—The term 'irreversibility' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

"(5) LIKELIHOOD.—The term 'likelihood' means the estimated probability that an effect will occur.

"(6) MAGNITUDE.—The term 'magnitude' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

"(7) SERIOUSNESS.—The term 'seriousness' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

"(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

"(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency shall set priorities for the use of resources available under those laws to address those risks to human health, safety, and the environment that—

"(A) the covered agency determines to be most serious; and

"(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

"(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

"(A) the likelihood, irreversibility, and severity of the effect; and

"(B) the number and classes of individuals potentially affected,

and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

"(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

"(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

"(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

"(d) COMPARATIVE RISK ANALYSIS.—

"(1) REQUIREMENT.—

(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with a nationally recognized scientific institution or scholarly organization—

"(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

"(II) to conduct a comparative risk analysis.

"(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

"(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

"(C) Nothing in this subsection should be construed to prevent the Director from entering into a sole-source arrangement with a nationally recognized scientific institution or scholarly organization.

"(2) CRITERIA.—The Director shall ensure that the arrangement under paragraph (1) provides that—

"(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

"(B) the analysis is conducted through an open process, including opportunities for the public to submit views, data, and analyses and to provide public comment on the results before making them final;

"(C) the analysis is conducted by a balanced group of individuals with relevant expertise, including toxicologists, biologists, engineers, and experts in medicine, industrial hygiene, and environmental effects, and the selection of members for such study shall be at the sole discretion of the scientific institution or scholarly organization;

"(D) the analysis is conducted, to the extent feasible and relevant, consistent with the risk assessment and risk characterization principles in section 633 of this subchapter;

"(E) the methodologies and principal scientific determinations made in the analysis are subjected to independent peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e); and

"(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

"(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision by an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

"(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

"(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

"(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

"(1) detailing how the agency has complied with subsection (c) and describing the reason for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

"(2) recommending—

"(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

"(B) modification or elimination of statutory or judicially mandated deadlines, that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

"(3) evaluating the categories of policy and value judgment used in risk assessment, risk characterization, or cost-benefit analysis; and

"(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

"(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

"(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

"(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

"(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

"SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"§ 641. Procedures

"(a) IN GENERAL.—The Director or a designee of the President shall—

"(1) establish and, as appropriate, revise procedures for agency compliance with this chapter; and

"(2) monitor, review, and ensure agency implementation of such procedures.

"(b) PUBLIC COMMENT.—Procedures established pursuant to subsection (a) shall only be implemented after opportunity for public comment. Any such procedures shall be consistent with the prompt completion of rulemaking proceedings.

"(c) TIME FOR REVIEW.—

"(1) If procedures established pursuant to subsection (a) include review of any initial or final analyses of a rule required under chapter 6, the time for any such review of any initial analysis shall not exceed 90 days following the receipt of the analysis by the Director, or a designee of the President.

"(2) The time for review of any final analysis required under chapter 6 shall not exceed 90 days following the receipt of the analysis by the Director, a designee of the President.

"(3)(A) The times for each such review may be extended for good cause by the President or by an officer to whom the President has delegated his authority pursuant to section 642 for an additional 45 days. At the request of the head of an agency, the President or such an officer may grant an additional extension of 45 days.

"(B) Notice of any such extension, together with a succinct statement of the reasons therefor, shall be inserted in the rulemaking file.

"§ 642. Delegation of authority

"(a) IN GENERAL.—The President may delegate the authority granted by this subchapter to an officer within the Executive Office of the President whose appointment has been subject to the advice and consent of the Senate.

"(b) NOTICE.—Notice of any delegation, or any revocation or modification thereof shall be published in the Federal Register.

"§ 643. Public disclosure of information

"(a) OMB RESPONSIBILITY.—The Director or other designated officer to whom authority is delegated under section 642, in carrying out the provisions of section 641, shall establish procedures (covering all employees of the Director or other designated officer) to provide public and agency access to information concerning regulatory review actions, including—

"(1) disclosure to the public on an ongoing basis of information regarding the status of regulatory actions undergoing review;

"(2) disclosure to the public, no later than publication of, or other substantive notice to the public concerning a regulatory action, of—

"(A) all written communications, regardless of form or format, including drafts of all proposals and associated analyses, between the Director or other designated officer and the regulatory agency;

"(B) all written communications, regardless of form or format, between the Director or other designated officer and any person not employed by the executive branch of the Federal Government relating to the substance of a regulatory action;

"(C) a record of all oral communications relating to the substance of a regulatory action between the Director or other designated officer and any person not employed by the executive branch of the Federal Government; and

"(D) a written explanation of any review action and the date of such action; and

"(3) disclosure to the regulatory agency, on a timely basis, of—

"(A) all written communications between the Director or other designated officer and any person not employed by the executive branch of the Federal Government;

"(B) a record of all oral communications, and an invitation to participate in meetings, relating to the substance of a regulatory action between the Director or other designated officer and any person not employed by the executive branch of the Federal Government; and

"(C) a written explanation of any review action taken concerning an agency regulatory action.

"(b) AGENCY RESPONSIBILITY.—The head of each agency shall—

"(1) disclose to the public the identification of any regulatory action undergoing review under this section and the date upon which such action was submitted for such review; and

"(2) describe in any applicable rulemaking notice the results of any review under this section, including an explanation of any significant changes made to the regulatory action as a consequence of such review.

"§ 644. Judicial review

"The exercise of the authority granted under this subchapter by the Director, the President, or by an officer to whom such authority has been delegated under section 642 and agency compliance or noncompliance with the procedure under section 641 shall not be subject to judicial review.

"§ 645. Regulatory agenda

"The head of each agency shall provide, as part of the semiannual regulatory agenda published under section 602—

"(1) a list of risk assessments subject to subsection 632 (a) or (b)(1) under preparation or planned by the agency;

"(2) a brief summary of relevant issues addressed or to be addressed by each listed risk assessment;

"(3) an approximate schedule for completing each listed risk assessment;

"(4) an identification of potential rules, guidance, or other agency actions supported or affected by each listed risk assessment; and

"(5) the name, address, and telephone number of an agency official knowledgeable about each listed risk assessment.".

(b) REGULATORY FLEXIBILITY ANALYSIS.—

(1) JUDICIAL REVIEW.—

(A) AMENDMENT.—Section 611 of title 5, United States Code, is amended to read as follows:

"§ 611. Judicial review

"(a)(1) Except as provided in paragraph (2), not later than one year, notwithstanding any other provision of law, after the effective date of a final rule with respect to which an agency—

"(A) certified, pursuant to section 605(b), that such rule would not have a significant economic impact on a substantial number of small entities; or

"(B) prepared a final regulatory flexibility analysis pursuant to section 604,

An affected small entity may petition for the judicial review of such certification or analysis in accordance with the terms of this subsection. A court having jurisdiction to review such rule for compliance with the provisions of section 553 or under any other provision of law shall have jurisdiction to review such certification or analysis. In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b), a petition for judicial review under this subsection shall be filed not later than one year, notwithstanding any other provision of law, after the date the analysis is made available to the public.

"(2) For purposes of this subsection, the term 'affected small entity' means a small entity that is or will be adversely affected by the final rule.

"(3) Nothing in this subsection shall be construed to affect the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law.

"(4)(A) In the case where the agency certified that such rule would not have a significant economic impact on a substantial number of small entities, the court may order the agency to prepare a final regulatory flexibility analysis pursuant to section 604 if the court determines, on the basis of the rulemaking record, that the certification was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(B) In the case where the agency prepared a final regulatory flexibility analysis, the court may order the agency to take corrective action consistent with the requirements of section 604 if the court determines, on the basis of the rulemaking record, that the final regulatory flexibility analysis was prepared by the agency without observance of procedure required by section 604.

"(5) If, by the end of the 90-day period beginning on the date of the order of the court pursuant to paragraph (4) (or such longer period as the court may provide), the agency fails, as appropriate—

"(A) to prepare the analysis required by section 604; or

"(B) to take corrective action consistent with the requirements of section 604,

the court may stay the rule or grant such other relief as it deems appropriate.

"(6) In making any determination or granting any relief authorized by this subsection, the court shall take due account of the rule of prejudicial error.

"(b) In an action for the judicial review of a rule, any regulatory flexibility analysis for such rule (including an analysis prepared or corrected pursuant to subsection (a)(4)) shall constitute part of the whole record of agency action in connection with such review.

"(c) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.".

(B) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to final agency rules issued after the date of enactment of this division.

(2) RULES COMMENTED ON BY SBA CHIEF COUNSEL FOR ADVOCACY.—

(A) IN GENERAL.—Section 612 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) ACTION BY THE SBA CHIEF COUNSEL FOR ADVOCACY.—

"(1) TRANSMITTAL OF PROPOSED RULES AND INITIAL REGULATORY FLEXIBILITY ANALYSIS TO SBA CHIEF COUNSEL FOR ADVOCACY.—On or before the 30th day preceding the date of publication by an agency of general notice of proposed rulemaking for a rule, the agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration—

"(A) a copy of the proposed rule; and

"(B)(i) a copy of the initial regulatory flexibility analysis for the rule if required under section 603; or

"(ii) a determination by the agency that an initial regulatory flexibility analysis is not required for the proposed rule under section 603 and an explanation for the determination.

"(2) STATEMENT OF EFFECT.—On or before the 15th day following receipt of a proposed rule and initial regulatory flexibility analysis from an agency under paragraph (1), the Chief Counsel for Advocacy may transmit to the agency a written statement of the effect of the proposed rule on small entities.

"(3) RESPONSE.—If the Chief Counsel for Advocacy transmits to an agency a statement of effect on a proposed rule in accordance with paragraph (2), the agency shall publish the statement, together with the response of the agency to the statement, in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule.

"(4) SPECIAL RULE.—Any proposed rules issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds shall not be subject to the requirements of this subsection.".

(B) CONFORMING AMENDMENT.—Section 603(a) of title 5, United States Code, is amended by inserting "in accordance with section 612(d)" before the period at the end of the last sentence.

(3) SENSE OF CONGRESS REGARDING SBA CHIEF COUNSEL FOR ADVOCACY.—It is the sense of Congress that the Chief Counsel for Advocacy of the Small Business Administration should be permitted to appear as amicus curiae in any action or case brought in a court of the United States for the purpose of reviewing a rule.

(4) PRESIDENTIAL ACTION.—Pursuant to the authority of section 7301 of title 5, United States Code, the President shall, within 180 days of the date of the enactment of this Act, prescribe regulations for employees of the executive branch to ensure that Federal laws and regulations shall be administered consistent with the principle that any person shall, in connection with the enforcement of such laws and regulations—

(A) be protected from abuse, reprisal, or retaliation, and

(B) be treated fairly, equitably, and with due regard for such person's rights under the Constitution.

(c) REVISION OF CERTAIN PROVISIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATING TO TESTING.—In applying section 409(c)(3)(A), 512(d)(1), or 721(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(3)(A), 360b(d)(1), 379e(b)(5)(B)), the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency shall not prohibit or refuse to approve a substance or product on the basis of safety, where the substance or product presents a negligible or insignificant foreseeable risk to human health resulting from its intended use.

(d) BOTTLED WATER STANDARDS.—Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking "Whenever"— and inserting—

"(a) Except as provided in subsection (b), whenever"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1)(A) Not later than 180 days after the Administrator of the Environmental Protection Agency promulgates a national primary drinking water regulation for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1), the Secretary, after public notice and comment shall issue a regulation under this subsection for that contaminant in bottled water or make a finding that the regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 333F(4))) but not in water used for bottled drinking water.

"(B) In the case of contaminants for which national primary drinking water regulations were promulgated under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1) before the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the Secretary shall issue the regulation or publish the finding not later than 1 year after such date of enactment.

"(2) The regulation shall include any monitoring require ments that the Secretary determines appropriate for bottled drinking water.

"(3) The regulation shall require the following:

"(A) In the case of contaminants for which a maximum contaminant level is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1), the regulation under this subsection shall establish a maximum contaminant level for the contaminant that is at least as stringent as the maximum contaminant level provided in the national primary drinking water regulation.

"(B) In the case of contaminants for which a treatment technique is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1), the regulation under this subsection shall require that bottled water be subject to requirements no less protective of public health than those applicable to water provided by public water systems using the treatment technique required by the national primary drinking water regulation.

"(4)(A) If the Secretary fails to establish a regulation within the 180-day period, or the 1-year period (whichever is applicable), described in subparagraph (A) or (B) of paragraph (1), the national primary drinking water regulation described in subparagraph (A) or (B) of such paragraph (which is applicable) shall be considered, as of the date on which the Secretary is required to establish a regulation under such paragraph, as the regulation applicable under this subsection to bottled water.

"(B) Not later than 30 days after the 180-day period, or the 1-year period (whichever is applicable) described in subparagraph (A) or (B) of paragraph (1), the Secretary shall, with respect to a national primary drinking water regulation that is considered applicable to bottled water as provided in subparagraph (A), publish a notice in the Federal Register that—

"(i) sets forth the requirements of the national primary drinking water regulation, including monitoring requirements, which shall be applicable to bottled water; and

"(ii) provides that—

"(I) in the case of a national primary drinking water regulation promulgated after the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the requirements shall take effect on the date on which the national primary drinking water regulation for the contaminant takes effect under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1); or

"(II) in the case of a national primary drinking water regulation promulgated before the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the requirements shall take effect on the date that is 18 months after such date of enactment.".

(e) AMENDMENTS TO THE REGULATORY FLEXIBILITY ACT.—

(1) Improving agency certifications regarding nonapplicability of the regulatory flexibility act.—Section 605(b) of title 5, United States Code, is amended to read as follows:

"(b) Sections 603 and 604 of this title shall not apply to any rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification, along with a succinct statement providing the factual reasons for such certification, in the Federal Register along with the general notice of proposed rulemaking for the rule. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.".

(2) TECHNICAL AND CLARIFYING AMENDMENTS.—Section 612 of title 5, United States Code, is amended—

(A) in subsection (a) by striking "the Committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives" and inserting "the Committees on the Judiciary and Small Business of the Senate and House of Representatives"; and

(B) in subsection (b) by striking "his views with respect to the effect of the rule on small entities" and inserting "views on the rule and its effects on small entities".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—Part I of title 5, United States Code, is amended by striking the chapter heading and table of sections for chapter 6 and inserting the following:

"CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

"SUBCHAPTER I—REGULATORY ANALYSIS

"Sec.

"601. Definitions.
"602. Regulatory agenda.
"603. Initial regulatory flexibility analysis.
"604. Final regulatory flexibility analysis.
"605. Avoidance of duplicative or unnecessary analyses.
"606. Effect on other law.
"607. Preparation of analysis.
"608. Procedure for waiver or delay of completion.
"609. Procedures for gathering comments.
"610. Periodic review of rules.
"611. Judicial review.
"612. Reports and intervention rights.

"SUBCHAPTER II—ANALYSIS OF AGENCY RULES

"621. Definitions.
"622. Rulemaking cost-benefit analysis.
"623. Decisional criteria.
"624. Jurisdiction and judicial review.
"625. Deadlines for rulemaking.
"626. Special rule.
"627. Petition for alternative method of compliance.

"SUBCHAPTER III—RISK ASSESSMENTS

"631. Short title.
"632. Purposes.
"633. Effective date; applicability; savings provisions.
"634. Principles for risk assessment.
"635. Principles for risk characterization and communication.
"636. Recommendations or classifications by a non-United States-based entity.
"637. Guidelines and report.
"638. Research and training in risk assessment.
"639. Study of comparative risk analysis.
"639a. Definitions.
"639b. Peer review program.
"639c. Petition for review of a major free-standing risk assessment.
"639d. Risk-based priorities.

"SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"641. Procedures.
"642. Delegation of authority.
"643. Judicial review.
"644. Regulatory agenda.".

(2) SUBCHAPTER HEADING.—Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

"SUBCHAPTER I—REGULATORY ANALYSIS".

SEC. 3005. GUIDANCE FOR JUDICIAL INTERPRETATION

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended—

(1) by striking section 706; and

(2) by adding at the end the following new sections:

"§ 706. Scope of review

"(a) To the extent necessary to reach a decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute;

"(F) without substantial support in the rulemaking file, viewed as a whole, for the asserted or necessary factual basis, in the case of a rule adopted in a proceeding subject to section 553; or

"(G) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the determinations set forth in subsection (a), the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

"§ 707. Consent decrees

"In interpreting any consent decree in effect on or after the date of enactment of this section that imposes on an agency an obligation to initiate, continue, or complete rulemaking proceedings, the court shall not enforce the decree in a way that divests the agency of discretion clearly granted to the agency by statute to respond to changing circumstances, make policy or managerial choices, or protect the rights of third parties.

"§ 708. Affirmative defense

"Notwithstanding any other provision of law, it shall be an affirmative defense in any enforcement action brought by an agency that the regulated person or entity reasonably relied on and is complying with a rule, regulation, adjudication, directive, or order of such agency or any other agency that is incompatible, contradictory, or otherwise cannot be reconciled with the agency rule, regulation, adjudication, directive, or order being enforced.

"§ 709. Agency interpretations in civil and criminal actions

"(a) No civil or criminal penalty shall be imposed by a court, and no civil administrative penalty shall be imposed by an agency, for the violation of a rule—

"(1) if the court or agency, as appropriate, finds that the rule, and other information reasonable available to the defendant, failed to give the defendant fair warning of the conduct that the rule prohibits or requires; or

"(2) if the court or agency, as appropriate, finds that the defendant—

"(A) reasonably in good faith determined, based upon the language of the rule published in the Federal Register, and other information reasonably available to the defendant, that the defendant was in compliance with, exempt from, or otherwise not subject to, the requirements of the rule; or

"(B) engaged in the conduct alleged to violate the rule in reasonable reliance upon a written statement issued by an appropriate agency official, or by an appropriate official of a State authority to which had been delegated responsibility for implementing or ensuring compliance with the rule, after the disclosure of the material stating that the facts, action compliance with, or that the defendant was exempt from, or otherwise not subject to, the requirements of the rule.

In making its determination of facts under this subsection, the court or agency shall consider all relevant factors, including, if appropriate: that the defendant ought the advice in good faith; and that he acted in accord with the advice that he was given.

"(b) In an action brought to impose a civil or criminal penalty for the violation of a rule, the court, or an agency, as appropriate, shall not give deference for the purpose of the action to any interpretation of such rule relied on by an agency in the action that had not been timely published in the Federal Register, and was to otherwise personally available to the defendant or communicated to the defendant by the method described in paragraph (a)(2) in a timely manner by the agency, or by a state official described in paragraph (a)(2)(B), prior to the commencement of the alleged violation.

"(c) Except as provided in subsection (d), no civil or criminal penalty shall be imposed by a court and no administrative penalty shall be imposed by an agency based upon—

"(1) an interpretation of a statute, rule, guidance, agency statement of policy, of license requirement or condition; or

"(2) a written determination of fact made by an appropriate agency official, or state official as described in paragraph (a)(2)(B), after disclosure of the material facts at the time and appropriate review, if such interpretation or determination is materially different from a prior interpretation or determination made by the agency or the state official described in (a)(2)(B), and if such person, having taken into account all information that was reasonably available at the time of the original interpretation or determination, reasonably relied in good faith upon the prior interpretation or determination.

"(d) Nothing in this section shall be construed to preclude an agency:

"(1) from revising a rule or changing its interpretation of a rule in accordance with sections 552 and 553 of this title, and,. subject to the provisions of this section, prospectively enforcing the requirements of such rule as revised or reinterpreted and imposing or seeking a civil or criminal penalty for any subsequent violation of such rule as revised or reinterpreted;

"(2) from making a new determination of fact, and based upon such determination, prospectively applying a particular legal requirement.

"(e) This section shall apply to any action for which a final unappealable judicial order has not been issued prior to the effective date.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 7 of title 5, United States Code, is amended by striking the item relating to section 706 and inserting the following new items:

"706. Scope of review.
"707. Consent decrees.
"708. Affirmative defense.".

SEC. 3006. CONGRESSIONAL REVIEW.

(a) FINDING.—The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the implementation of certain major final and proposed rules is imposed in order to provide Congress an opportunity for review.

(b) IN GENERAL.—Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:"

CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

"Sec.
"801. Congressional review.
"802. Congressional disapproval procedure.
"803. Special rule on statutory, regulatory, and judicial deadlines.
"804. Definitions.
"805. Judicial review.
"806. Applicability; severability.
"807. Exemption for monetary policy.

"§ 801. Congressional review

"(a)(1)(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

"(i) a copy of the rule;

"(ii) a concise general statement relating to the rule; and

"(iii) the proposed effective date of the rule.

"(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

"(i) a complete copy of the cost-benefit analysis of the rule, if any;

"(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

"(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

"(iv) any other relevant information or requirements under any other Act and any relevant Executive orders, such as Executive Order No. 12866.

"(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

"(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

"(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

"(3) A major rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

"(A) the later of the date occurring 60 days (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress) after the date on which—

"(i) the Congress receives the report submitted under paragraph (1); or

"(ii) the rule is published in the Federal Register;

"(B) if the Congress passes a joint resolution of disapproval described under section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

"(i) on which either House of Congress votes and fails to override the veto of the President; or

"(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

"(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

"(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

"(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

"(b)(1) A rule or proposed rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 802.

"(2) A rule or proposed rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule or proposed rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

"(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this chapter may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

"(2) Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

"(A) necessary because of an imminent threat to health or safety or other emergency;

"(B) necessary for the enforcement of criminal laws;

"(C) necessary for national security; or

"(D) issued pursuant to a statute implementing an international trade agreement.

"(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

"(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

"(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

"(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

"(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

"(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a final rule can take effect.

"(3) A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

"(e)(1) The requirements established by the Comprehensive Regulatory Reform Act of 1995 shall apply to any major rule that was published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date of enactment of the Comprehensive Regulatory Reform Act of 1995. Any major rule issued in that period shall be reissued within one year after the date of enactment of that Act to comply with this subsection.

"(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

"(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of enactment of the Comprehensive Regulatory Reform Act of 1995; and

"(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

"(3) Prior to its reissuance under paragraph (1), the effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 802.

"(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

"(g) If the Congress does not enact a joint resolution of disapproval under section 802, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

"§ 802. Congressional disapproval procedure

"(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term 'joint resolution' means only—

"(1) a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in); or

"(2) a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the proposed rule published by the ________ relating to _____, and such proposed rule shall not be issued or take effect as a final rule.' (the blank spaces being appropriately filled in)

"(b)(1) A resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

"(2) For purposes of this section, the term 'submission or publication date' means—

"(A) in the case of a joint resolution described in subsection (a)(1) the later of the date on which—

"(i) the Congress receives the report submitted under section 801(a)(1); or

"(ii) the rule is published in the Federal Register; or

"(B) in the case of a joint resolution described in subsection (a)(2), the date of introduction of the joint resolution.

"(c) In the Senate, if the committee to which is referred a resolution described in subsection (a) has not reported such joint resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such resolution upon a petition supported in writing by 30 Members of the Senate, and such resolution shall be placed on the appropriate calendar.

"(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the resolution shall remain the unfinished business of the Senate until disposed of.

"(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

"(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the resolution shall occur.

"(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

"(e) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

"(1) The joint resolution of the other House shall not be referred to a committee.

"(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

"(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(B) the vote on final passage shall be on the joint resolution of the other House.

"(f) This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"§ 803. Special rule on statutory, regulatory, and judicial deadlines

"(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

"(b) The term 'deadline' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

"§ 804. Definitions

"(a) For purposes of this chapter—

"(1) the term 'Federal agency' means any agency as that term is defined in section 551(1) (relating to administrative procedure);

"(2) the term 'major rule' has the same meaning given such term in section 621(5); and

"(3) the term 'final rule' means any final rule or interim final rule.

"(b) As used in subsection (a)(3), the term 'rule' has the meaning given such term in section 551, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

"§ 805. Judicial review

"No determination, finding, action, or omission under this chapter shall be subject to judicial review.

"§ 806. Applicability; severability

"(a) This chapter shall apply notwithstanding any other provision of law.

"(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

"§ 807. Exemption for monetary policy

"Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.".

(c) Effective Date.—The amendment made by subsection (b) shall take effect on the date of enactment of this Act.

(d) TECHNICAL AMENDMENT.—The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rulemaking .... 801".

SEC. 3007. REGULATORY ACCOUNTING STATEMENT.

(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) MAJOR RULE.—The term "major rule" has the same meaning as defined in section 621(5)(A)(i) of title 5, United States Code. The term shall not include—

(A) administrative actions governed by sections 556 and 557 of title 5, United States Code;

(B) regulations issued with respect to a military or foreign affairs function of the United States or a statute implementing an international trade agreement; or

(C) regulations related to agency organization, management, or personnel.

(2) AGENCY.—The term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but shall not include—

(A) the General Accounting Office;

(B) the Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

(b) ACCOUNTING STATEMENT.—

(1) IN GENERAL.—

(A) The President shall be responsible for implementing and administering the requirements of this section.

(B) Not later than June 1, 1997, and each June 1 thereafter, the President shall prepare and submit to Congress an accounting statement that estimates the annual costs of major rules and corresponding benefits in accordance with this subsection.

(2) YEARS COVERED BY ACCOUNTING STATEMENT.—Each accounting statement shall cover, at a minimum, the 5 fiscal years beginning on October 1 of the year in which the report is submitted and may cover any fiscal year preceding such fiscal years for purpose of revising previous estimates.

(3) TIMING AND PROCEDURES.—

(A) The President shall provide notice and opportunity for comment for each accounting statement. The President may delegate to an agency the requirement to provide notice and opportunity to comment for the portion of the accounting statement relating to that agency.

(B) The President shall propose the first accounting statement under this subsection not later than 2 years after the date of enactment of this Act and shall issue the first accounting statement in final form not later than 3 years after such effective date. Such statement shall cover, at a minimum, each of the fiscal years beginning after the date of enactment of this Act.

(4) CONTENT OF ACCOUNTING STATEMENT.—

(A) Each accounting statement shall contain estimates of costs and benefits with respect to each fiscal year covered by the statement in accordance with this paragraph. For each such fiscal year for which estimates were made in a previous accounting statement, the statement shall revise those estimates and state the reasons for the revisions.

(B)(i) An accounting statement shall estimate the costs of major rules by setting forth, for each year covered by the statement—

(I) the annual expenditure of national economic resources for major rules, grouped by regulatory program; and

(II) such other quantitative and qualitative measures of costs as the President considers appropriate.

(ii) For purposes of the estimate of costs in the accounting statement, national economic resources shall include, and shall be listed under, at least the following categories:

(I) Private sector costs.

(II) Federal sector costs.

(III) State and local government administrative costs.

(C) An accounting statement shall estimate the benefits of major rules by setting forth, for each year covered by the statement, such quantitative and qualitative measures of benefits as the President considers appropriate. Any estimates of benefits concerning reduction in health, safety, or environmental risks shall present the most plausible level of risk practical, along with a statement of the reasonable degree of scientific certainty.

(c) ASSOCIATED REPORT TO CONGRESS.—

(1) IN GENERAL.—At the same time as the President submits an accounting statement under subsection (b), the President, acting through the Director of the Office of Management and Budget, shall submit to Congress a report associated with the accounting statement (hereinafter referred to as an "associated report"). The associated report

shall contain, in accordance with this subsection—

(A) analyses of impacts; and

(B) recommendations for reform.

(2) ANALYSES OF IMPACTS.—The President shall include in the associated report the following:

(A) Analyses prepared by the President of the cumulative impact of major rules in Federal regulatory programs covered in the accounting statement on the following:

(i) The ability of State and local governments to provide essential services, including police, fire protection, and education.

(ii) Small business.

(iii) Productivity.

(iv) Wages.

(v) Economic growth.

(vi) Technological innovation.

(vii) Consumer prices for goods and services.

(viii) Such other factors considered appropriate by the President.

(B) A summary of any independent analyses of impacts prepared by persons commenting during the comment period on the accounting statement.

(3) RECOMMENDATIONS FOR REFORM.—The President shall include in the associated report the following:

(A) A summary of recommendations of the President for reform or elimination of any Federal regulatory program or program element that does not represent sound use of national economic resources or otherwise is inefficient.

(B) A summary of any recommendations for such reform or elimination of Federal regulatory programs or program elements prepared by persons commenting during the comment period on the accounting statement.

(d) GUIDANCE FROM OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall, in consultation with the Council of Economic Advisers, provide guidance to agencies—

(1) to standardize measures of costs and benefits in accounting statements prepared pursuant to sections 3 and 7 of this Act, including—

(A) detailed guidance on estimating the costs and benefits of major rules; and

(B) general guidance on estimating the costs and benefits of all other rules that do not meet the thresholds for major rules; and

(2) to standardize the format of the accounting statements.

(e) RECOMMENDATIONS FROM CONGRESSIONAL BUDGET OFFICE.—After each accounting statement and associated report submitted to Congress, the Director of the Congressional Budget Office shall make recommendations to the President—

(1) for improving accounting statements prepared pursuant to this section, including recommendations on level of detail and accuracy; and

(2) for improving associated reports prepared pursuant to this section, including recommendations on the quality of analysis.

(f) JUDICIAL REVIEW.—No requirements under this section shall be subject to judicial review in any manner.

SEC. 3008. STUDIES AND REPORTS.

(a) RISK ASSESSMENTS.—The Administrative Conference of the United States shall—

(1) develop and carry out an ongoing study of the operation of the risk assessment requirements of subchapter III of chapter 6 of title 5, United States Code (as added by section 4 of this Act); and

(2) submit an annual report to the Congress on the findings of the study.

(b) ADMINISTRATIVE PROCEDURE ACT.—Not later than December 31, 1996, the Administrative Conference of the United States shall—

(1) carry out a study of the operation of the Administrative Procedure Act (as amended by section 3 of this Act); and

(2) submit a report to the Congress on the findings of the study, including proposals for revision, if any.

SEC. 3009. MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) SEVERABILITY.—If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

EXTENSIONS OF REMARKS

A TRIBUTE TO ABIE ABRAHAM

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise to honor Sgt. Abie Abraham, a distinguished veteran of World War II from Butler, PA, who is being recognized this week as the Butler County Veteran of the Year.

Abie Abraham was born on July 31, 1913, in Lyndora, PA, to Syrian immigrants. At an early age, Abie showed perseverance and strength when he set a record in the Guiness Book of World Records for tree-sitting on a wooden platform for 3 months.

In 1932, Abie Abraham enlisted in the U.S. Army. He had been head boxing coach in Panama in 1935, and as a boxer, has a 54–6 record and was light/welterweight champion of the Panama Canal Department. In 1938, he was stationed in the Philippines, with the 31st Infantry Regiment as a platoon sergeant.

Three hours after the invasion of Pearl Harbor on December 7, 1941, Japanese forces hit the Philippines. After several months of intense fighting in horrible conditions, the Philippines and United States forces surrendered. A lack of food and supplies and exposure to tropical diseases had left the troops weakened when the Japanese took them as prisoners. Sergeant Abraham was on the infamous Bataan Death March during which so many American lives were lost. He was held as a prisoner-of-war from April 9, 1942 to January 31, 1945 until the 6th American Rangers freed the prison camp where what was left of the only infantry regiment stationed in the Philippines was being held. After his release, General MacArthur requested that Sergeant Abraham remain in the Philippines to locate and disinter bodies from the Bataan Death March so that they could be brought home for a proper burial. He remained there until July 1947.

Sergeant Abraham retired as a master sergeant in 1955 with 23 years of service. He had received a Purple Heart with oak leaf cluster, a Bronze Star Medal with oak leaf cluster, as well as three Presidential Unit Citations and the Philippine Presidential Award.

After retiring from the Army, Sergeant Abraham worked for the Pennsylvania Department of Transportation as a road supervisor from 1955 to 1962 before leaving to work for a family business until 1979.

In 1971, Sergeant Abraham wrote "Ghost of the Bataan Speaks" which details his prison camp experience. His book is used in several States to teach the history of World War II. He also personally answers a multitude of inquiries from people all over the world about the Bataan Death March.

In addition to serving his country, Sergeant Abraham has contributed on a local level in his community. In the past 6 years, he has volunteered over 10,000 hours working nearly 8 hours a day, 5 days a week at the VA medical center in Butler, PA. He is the POW–MIA Coordinator at the VAMC and has helped to arrange ceremonies to remember the Americans who were prisoners of war and those who are unaccounted for today. He spends time visiting with patients in the VA medical center as well as trying to resolve complaints and provide assistance to veterans and their families. He was honored in 1994 as the Outstanding Veteran in the State of Pennsylvania by the Department of Veteran Affairs.

He has been a member of the Disabled American Veterans—Chapter No. 64, Veterans of Foreign Wars, the Military Order of the Purple Heart, the American Ex-Prisoner's of War, and the American Legion where he continues to be active in veterans issues.

Sergeant Abraham served his country courageously in the face of death and remained true to the soldiers who served with him and lost their lives. He has used his experience to educate others about World War II and to honor the memory of the ones lost. Thankfully, for the community of Butler, PA, Sgt. Abie Abraham survived the horrors of the Bataan Death March and being held in a prison camp. The service that he has continued to give to the veteran community over the years is truly outstanding and worthy of our praise. I am thankful that Sgt. Abie Abraham is a member of our community and that he continues to make a difference in the lives of those he touches.

HONORING PATRICIA V. ASIP

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. PASTOR. Mr. Speaker, I would like to congratulate Ms. Patricia V. Asip on receiving the National Hispanic Corporate Council's [NHCC] Charter Award at the recent 10th anniversary dinner.

Currently serving as the manager of the multicultural affairs at J.C. Penny Co., Inc., Ms. Asip was a founding board member of the NHCC. As the first marketer to join the NHCC, she has spent her professional career showing the American business community the value of the Hispanic market. A leader in the Hispanic community, her desire and efforts in reaching out to the Hispanic market show her to be a truly admirable woman. I would like to commend her on her achievements, and I ask my colleagues to join me in recognizing this remarkable woman.

THE WAR ON DRUGS—TIME TO RECOMMIT OUR EFFORTS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. SOLOMON. Mr. Speaker, there are those who would like us to believe that we are losing the war on drugs. The truth is that during the Reagan-Bush years drug use in the United States actually dropped by more than 50 percent, from 24 million users in 1979 to 11 million in 1992.

Unfortunately, many of those hard-fought gains have been wasted under President Clinton's watch. The fact is that the trend toward increased drug use, across the board, corresponds directly to President Clinton's term of office. For whatever reason, this President is either unwilling or unable to address this crisis. It is time for congressional leadership.

Reducing the demand for illegal drugs is essential to the most important things common to all Americans: our children and families, our safety and the safety of our children, our health and the economy. The legislation outlined below represents a comprehensive and effective strategy aimed at reducing the demand for illegal drugs:

H.R. 143 requires the pre-employment drug testing of applicants for Federal employment.

H.R. 134 denies certain Federal benefits to convicted drug felons.

H.R. 136 requires random drug testing of all Federal employees.

H.R. 138 requires courts to notify employers of employees' drug convictions.

H.R. 141 suspends Federal education assistance to convicted drug felons.

H.R. 1706 provides quality assurance and expands drug testing in the private sector.

H.R. 135 prohibits federally sponsored research pertaining to the legalization of drugs.

H.R. 147 reduces the minimum quantity of drugs for which a person may be executed.

Drug use and drug addition cause most of the violence and permeate virtually every social, health, and economic problem we face. Please join in cosponsoring any or all of the above bills by contacting my office.

Mr. Speaker, today I insert into the RECORD a Washington Post story which reports that hospital emergency room visits by cocaine and other drug users are up again.

EMERGENCY ROOMS TREAT HALF-MILLION DRUG CASES

A half-million Americans wound up in hospital emergency rooms with drug-related problems last year, including a record number with cocaine-related episodes.

Cocaine figured in 23 percent or 142,000 of those emergency visits, up 15 percent from 1993, according to estimates released yesterday by a federal agency that tracks the effect of drug use.

Drug-related episodes were estimated to account for 0.6 percent of the 86 million visits to hospital emergency departments in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

United States in 1994. Fifty-five percent of all drug-related episodes occurred among those age 26 to 44.

Thirteen percent of those treated for drug-related problems had used heroin, sometimes in combination with cocaine, according to the Substance Abuse and Mental Health Services Administration. The number of heroin-related episodes rose slightly to 64,000 from those reported in 1993.

"Speed," "crank" and other meth-amphetamine drugs figured in 17,400 cases, a 75 percent increase above the 1993 figure.

"At a time when it appears there is a resurgence in cocaine-related emergency department episodes, we cannot afford to cut prevention and treatment funding," Health and Human Services Secretary Donna E. Shalala said in a statement.

The most commonly reported motive for drug use was attempted suicide. That was the reason in an estimated 193,000 of the 508,000 episodes, or 38 percent. Dependence on drugs was reported as a motive in 165,000 episodes, or 32 percent, and "recreational use" in 43,000 episodes, or 3 percent.

Other reasons for coming to the hospital included unexpected reactions (66,000 or 13 percent) and seeking detoxification (52,000 or 10 percent). Multiple reasons were listed in some cases.

The federal agency regularly surveys emergency departments of hospitals in its Drug Abuse Warning Network and extrapolates how many such episodes occurred nationally.

Cocaine-related episodes shot up from 29,000 in 1985 to 110,000 in 1989. They dropped in 1990 to 80,000, then increased again to 120,000 in 1992. They leveled off in 1993 at 123,000 before escalating in 1994.

Adults from their mid-twenties to mid-forties had twice as many cocaine-related emergency visits as younger and older adults. Men were more than twice as likely as women to show up with cocaine problems.

Some 40,000 episodes were related to marijuana and hashish, up 39 percent from 1993. The hospital records indicated almost half of these patients also used alcohol and cocaine.

The estimates were based on a survey of 496 hospitals with 24-hour-a-day emergency departments. The government has conducted similar surveys since the late 1970s.

VETERANS AND THE BUDGET

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. PACKARD. Mr. Speaker, this week we honor the veterans who have served our country bravely and selflessly. I find it absolutely appalling that as we honor them, the Clinton administration misleads them. It is reprehensible. The Clinton administration has resorted to bogus studies and scare tactics where our veterans are concerned. The Democrats only agenda is to deter the Republican-led Congress from doing what is right, balancing the budget.

The Clinton administration cites flawed studies and spreads misinformation because they have no serious plan of their own. The latest campaign of fear, aimed at veterans, distorts our Medicaid reform using a general study on Medicaid—not a veterans-specific study. In fact, the study did not even use experts in the area of veterans' affairs. The GAO deemed the study questionable after discovering that the Urban Institute had used alternative assumptions or methods for their findings.

The report contains numerous factual errors and conspicuously omits important facts like veterans spending increasing by $40 billion over the next 7 years, Medicare spending increasing 54 percent and Medicaid spending increasing by 39 percent.

It really is not surprising that the Clinton administration has resorted to this kind of fearmongering. After all, it was only last week, an adviser to the President was quoted as saying "I subscribe to terror. Terror tends to work because it is so easy to make people hate." A statement like this denotes the true character and the lengths to which the Clinton administration will go to mislead our veterans and the American people.

SUBSTITUTION OF H.R. 671

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. FALEOMAVAEGA. Mr. Speaker, on January 25, 1995, I and my good friends, Mr. BILL RICHARDSON, Mr. PAT WILLIAMS, Mr. GEORGE MILLER, and Mr. PETER DEFAZIO, introduced the Indian Federal Recognition Administrative Procedures Act of 1995, H.R. 671, in an effort to create an efficient and fair procedure for extending Federal recognition to Indian tribes. In my remarks at that time, I stated that introduction of the legislation was only the starting point for further discussion and debate and that I looked forward to the advice and input of colleagues, the agency, and tribes.

Mr. Speaker, since January a number of occurrences have provided me with some of the discussion and input that I was looking for. The Senate Committee on Indian Affairs held a hearing in July on S. 479, a bill very similar to the original H.R. 671. Nonrecognized and recognized tribes, the Bureau of Indian Affairs, Indian organizations, and experts submitted testimony on the bill and the existing recognition process. In addition, the White House has held a number of meetings with nonrecognized tribes so that they could discuss recognition with administration officials. As a direct result of those meetings, the Department of the Interior set up a task force of administration people and representatives of nonrecognized tribes to assist the Department in formulating a position on whether the recognition criteria could be improved. Further, only this month an administrative law judge, in the first challenge to a decision against recognition, has essentially reversed BIA/BAR. In doing so, the ALJ was critical of BAR's methodology and interpretation of their own criteria. The judge's views of the existing criteria can be considered a suggestion that the criteria could be improved.

Mr. Speaker, I have reviewed all of those developments and taken into account the views of the interested parties. As a result, I have modified H.R. 671 to improve both the procedures and the criteria that were in the original bill. The modifications will advance the goals of recognition reform legislation—providing a more objective, consistent, and streamlined standard for acknowledging groups as federally recognized Indian tribes.

Mr. Speaker, I have made the following changes to the original H.R. 671. The procedures under which the independent commission would hear and decide petitions for recognition have been slightly modified. Provisions that would have excluded groups from petitioning for recognition or continuing to seek recognition have been removed. Most importantly, the criteria for recognition have been improved. The improvements take into account the almost unanimous view of the experts and affected tribes that the criteria used in the existing administrative process, which were carried into the original H.R. 671, do not really test whether a group should be recognized or not and unnecessarily burden petitioners and decisionmakers. I believe that it is only through these changes that we will enact a process that is both fair and able to resolve the recognition issue in the timeframe anticipated.

Mr. Speaker, I urge my colleagues to support this measure.

HONORING OLGA AROS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. PASTOR. Mr. Speaker, I would like to congratulate Olga Aros, the winner of the National Hispanic Corporate Council's [NHCC] Visionary Award, presented to her at the NHCC's 10th anniversary dinner.

Ms. Aros currently works as the staff director for diversity development at McDonald's Corp., where she has the opportunity to lead the corporate efforts to reach out to the Hispanic community. She was one of the original board members of NHCC, and served as its first president. She has tirelessly worked for the advancement of Hispanics, using her positions in marketing, human resources, public affairs, and her community service to promote Hispanic causes. It is safe to say that without the vision and effort of Ms. Aros, the NHCC wouldn't have achieved the great success that it has over the past 10 years. She was a driving force behind the council's inception and its formidable expansion. Its success is a testament to her abilities, and I ask my colleagues to recognize the considerable accomplishments of Ms. Aros.

IN REMEMBRANCE OF AMERICA'S VETERANS

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. QUINN. Mr. Speaker, I rise today in observance of Veterans Day and the 50th commemorative anniversary of World War II.

As we take time to pause and reflect on the significance of this day, let us remember the legions of American heroes who sacrificed so that we may live in freedom.

Veterans Day has a very special meaning for the families and relatives of the brave men and women who served their country in World War II. While their loved ones were overseas fighting against tyranny and oppression, those left behind remembered and supported them in their thoughts and prayers.

Through the struggle for a lasting peace, America was united and unified behind our fighting men and women. Back home in the States, citizens did their part, collecting scrap tin, rubber, and metal and conserving electricity and heating oil so that these vital resources could assist the overall war effort.

A true sense of community was fostered out of the great concern all Americans had for our soldiers. The veterans of World War II brought our Nation closer as they united and defeated forces that sought to destroy democracy and freedom for the free world.

Our Nation's veterans have long answered their country's call to service without hesitation. As Americans, we must pause and remember their service through the years: World War I, World War II, the Korean war, the Vietnam war, Operation Desert Storm, and all other conflicts which were fought on behalf of the universal ideas of freedom, justice, and peace.

Mr. Speaker, I am proud to serve on the Veterans' Affairs Committee, as it affords me the opportunity and privilege to recognize our Nation's veterans. Neither they, nor their heroic sacrifices, will be forgotten by their country.

On behalf of many grateful Americans, I would like to acknowledge the years of selfless, dedicated service our Nation's veterans have given to the United States of America.

TRIBUTE TO GIRL SCOUT AWARD RECIPIENTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. OBEY. Mr. Speaker, today, I would like to salute six outstanding young women who have been honored with the Girl Scouts of the U.S.A. Gold Award by Birch Trails Girl Scout Council in my home town of Wausau, WI. They are Jill Whitney, Katie Jenkins, and Sarah Olson of Girl Scout Troop 199, Beth Neitzel of Girl Scout Troop 6, and Holly Perry and Betsy Pugh of Girl Scout Troop 144.

They are being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award project, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The earning of the Girl Scout Gold Award is a major accomplishment for these young women, and I believe they should receive the public recognition due them for this significant service to their community and their country.

ADDRESS OF AMBASSADOR MADELEINE ALBRIGHT AT 50TH ANNIVERSARY OF UNITED NATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. LANTOS. Mr. Speaker, in the past few days, the world has celebrated the 50th anniversary of the United Nations. Those of us who are from the San Francisco Bay area are justly proud that the United Nations was born in our area at the San Francisco Conference in June 1945.

The congressional celebration of the 50th anniversary of the United Nations was a reception honoring Dr. Boutros Boutros-Ghali, the Secretary General of the United Nations, and Ambassador Madeleine Albright, the permanent U.S. Representative to the United Nations and a Member of the President's Cabinet. That event was sponsored by the Congressional Human Rights Caucus, which I cochair along with my Republican colleague JOHN PORTER of Illinois. Other colleagues from the House and the Senate joined us in sponsoring this important event.

There is no question that, as a result of the existence of the United Nations, the world is now a better place than it would be otherwise. It is also important to realize that U.S. participation in the United Nations has been an important positive factor in the constructive actions of the United Nations over the past half century. Furthermore, the United Nations has been an important element of American foreign policy.

We have been able to accomplish through cooperative and joint efforts with the U.N. actions that would have been much more difficult or even impossible for the United States to accomplish alone. A careful examination of U.S. participation in the United Nations leads inescapably to the conclusion that we should continue to participate actively and fully in the United Nations.

It is clear that the United Nations is in need of serious review and reform, and it is my hope and expectation that we in the Congress can provide impetus and support for U.N. reform. At the same time, however, it is important that, in our zeal for reform and our concern with the problems of the United Nations, we not lose sight of the vitally important role which the United Nations has played during the past half century.

Mr. Speaker, the remarks of Ambassador Madeleine Albright at the congressional reception honoring the 50th anniversary of the United Nations are particularly appropriate for my colleagues to consider as we mark the United Nations' first half-century. I ask that Ambassador Albright's excellent assessment of the United Nations be included in the RECORD, and I urge my colleagues to give serious and thoughtful consideration to her remarks.

REMARKS OF AMBASSADOR MADELEINE K. ALBRIGHT, U.N. 50TH ANNIVERSARY CELEBRATION

Good evening fellow multilateralists.

Now, to some, multilateralism is a sin; sort of like watching PBS or liking art. And it is true that multilateralism is a terrible word; it has too many syllables; there's a little Latin in there; and it ends in i-s-m.

But supposedly, the big rivalry these days is between unilateralists and multilateralists. This is a phony debate. I have been studying, teaching and practicing foreign policy for more than 30 years, and I have yet to come across anyone who has accomplished anything without understanding that there will be times we have to act alone, and times when we can act with others at less cost and risk, and greater effectiveness.

That isn't unilateralism or multilateralism—it's realism.

On the things that matter most to our families, from drugs to terrorists to pollution to controlling our borders to creating new jobs, international cooperation isn't just an option, it is a necessity. And the UN is a unique mechanism for providing that cooperation.

This is the UN's 50th anniversary; but reading the newspapers, you would think, at times, we were observing not a birthday, but a wake.

We have such short memories. The UN at 50 is far stronger, effective and relevant than the UN of 40, 30, 30 or 10 years ago. Cold War divisions are gone; north-south differences have narrowed; the non-aligned movement is running out of factions to be non-aligned with.

Measured against impossible expectations, the UN will always fall short.

Measured in the difference it has made in people's lives, we can all take pride in what the UN has accomplished.

It matters that the ceasefire in Cyprus is holding; that confidence is being built in the Middle East; and that Namibia, Cambodia, Mozambique, El Salvador and Haiti have joined the great worldwide movement to democracy.

It matters that the economic pressure of sanctions has improved the climate for peace in the Balkans; penalized Libya for the terror of Pan Am 103; helped to consign apartheid to the dustbin of history; and forced Iraq to confess its program of deadly biological weapons.

It matters that millions of children each year live instead of die because they are immunized against childhood disease.

It matters that smallpox has been eradicated, that polio is on the way out, and that a global campaign to increase awareness about AIDS has been launched.

It matters that so many families in Somalia, Bosnia, Liberia, Sudan, the Caucasus, Afghanistan, Central America and Southeast Asia owe their survival to the World Food Program and the UN High Commissioner for Refugees.

It matters that the IAEA is working to prevent the spread of nuclear weapons across the face of the earth.

And it matters that the Wars Crimes Tribunals for Rwanda and former Yugoslavia will strive to hold the perpetrators of ethnic cleansing and mass rape accountable for their crimes.

Let us never forget that the United Nations emerged not from a dream, but a nightmare. In the 1920's and 30's, the world squandered an opportunity to organize the peace. The result was the invasion of Manchuria, the conquest of Ethiopia, the betrayal of Munich, the depravity of the Holocaust and the devastation of world war.

This month, we observe the 50th anniversary of the start of the Nuremburg trials. This same month, we observe the start of the first trial of the War Crimes Tribunal for former Yugoslavia. A cynic might say that we have learned nothing; changed nothing; and forgotten the meaning of "never again"—again. We cannot exclude the possibility that the cynic is right. We cannot deny the damnable duality of human nature.

But we can choose not to desert the struggle; to see our reflection not in Goebbels and Mladic, but in Anne Frank, Nelson Mandela, Vaclav Havel, Aung San Suu Kyi and the people who founded and built the United Nations.

We can understand there will be limits on what we accomplish; without placing unnecessary limits on what we attempt.

We can believe that humans do have the ability to rise above the hatreds of the past and to live together in mutual respect and peace.

We can believe that justice matters, that compassion is good, that freedom is never safe and that the capacity to work effectively with others is a sign not of weakness, but of wisdom and strength.

And we can recognize that the principles embodied in the UN Charter matter not because they are so easy to obtain, but because they are so terribly hard.

When Republican Senator Arthur Vandenberg returned to Washington from the Convention in San Francisco where the UN Charter was drafted, he was challenged by those who thought it too idealistic, even utopian. He replied that:

> "You may tell me that I have but to scan the present world with realistic eyes in order to see the fine phrases (of the Charter) . . . reduced to a shambles . . . I reply that the nearer right you may be . . . the greater is the need for the new pattern which promises . . . to stem these evil tides."

The Truman-Vandenberg generation understood that although the noble aspects of human nature had made the UN possible, it was the ignoble aspects that had made it necessary.

It is up to us in our time to do what they did in their time. To accept the responsibilities of leadership. To defend freedom. And to explode outwards the potential of institutions like the UN to keep peace, extend law, promote progress and amplify respect for the dignity and value of every human being.

In that effort, I ask your help.

HONORING MR. CHARLES SHOUMAKER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to recognize the recipient of the Campeon Award at the National Hispanic Corporate Council's [NHCC] 10th anniversary dinner, Mr. Charles Shoumaker.

Mr. Shoumaker was one of the driving forces in the formation of the NHCC. He was invaluable in securing early funding and helping to develop the concept behind the NHCC. While working as the senior vice president for human resources at the Circle K Corp., he provided office space for the NHCC. Indeed, without Mr. Shoumaker's enthusiastic support and initial funding assistance he provided, the NHCC might not have become a reality.

Currently, Mr. Shoumaker is the president of Star Human Resources Group, Inc., located in Phoenix, AZ. His company focuses on the needs and concerns of hourly, entry-level employees. Mr. Shoumaker has shown throughout his professional career to be a caring and dedicated individual, and I would ask my colleagues to join me in recognizing the accomplishments of this remarkable man.

TRIBUTE TO DEAN CHASE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a gentleman who has given long and faithful service to the trade union movement in Toledo. Dean Chase recently retired as president of the Toledo Area UAW–CAP Council. Dean had served the CAP Council as its president since 1981, and he has spent most of his adult life dedicated to improving the lives of working men and women. Dean was also president of UAW Local 11 at the City Auto Stamping Plant for 20 years.

Born in Toledo, Dean Chase, has lived in our community all his life. He attended Cherry School, Scott High School, and the University of Toledo. Married to Betty Lamb in 1950, Dean will have time to enjoy his two grandchildren and three great grandchildren in his retirement. Dean's outstanding leadership in his union and his community have made Toledo a better place to live and work.

Let this special tribute express our sincerest appreciation and best wishes to Dean Chase.

POWDER AND CRACK COCAINE CRIMINALS DESERVE EQUAL TREATMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. SOLOMON. Mr. Speaker, I would ask all my colleagues to join in sponsoring legislation today which would equate the criminal penalties for offenses involving crack and powder cocaine.

Last week President Clinton finally did something right in signing into law a bill denying the Sentencing Commission's recommendation on crack cocaine. He reaffirmed that offenses involving crack cocaine deserve severe punishment because of the damage they do to our society.

Look at the facts: According to the Partnership for a Drug Free America, 1 out of every 10 babies born in the United States is born addicted to drugs, and most are addicted to crack cocaine. Crime skyrocketed between 1985 and 1990, the years crack was introduced. In fact, violent crime went up 37 percent in 1990 and aggravated assaults increased 43 percent. Because of crack cocaine, more teens in this country now die of gunshot wounds than all natural causes combined.

The Congress, in the 1980's, reacted properly to the crack epidemic gripping vulnerable inner-city communities. We saw the destruction wrought on entire communities by this cheap and highly addictive form of cocaine. The Congress and the President are not going to reduce the criminal penalties involving crack cocaine.

However, I recognize the disparities that exist as a result of the inequitable treatment of crack and powder cocaine. However, instead of lowering the penalties for crack offenses, as the Sentencing Commission mistakenly proposed, we should increase the punishment for powder offenses to the same level as crack cocaine. Cosponsoring this legislation is an opportunity to rectify the racial discrepancies which exist under current law.

Mr. Speaker, the time has also come to reconsider the authority Congress has turned over to the Sentencing Commission regarding drug crimes. Within the next few days I will be introducing legislation to relinquish their authority. The Sentencing Commission should be reestablished as an advisory organization to provide guidance to the Congress. Clearly, recent decisions made by the Commission regarding crack cocaine and marijuana are convincing arguments for this correction.

THE RETIREMENT OF BOB ERICKSON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. WAXMAN. Mr. Speaker, I want to take this opportunity to express publicly my respect for Robert Erickson, who is retiring from the Kaiser Permanente Medical Care Program this December after almost 37 years of service. Bob has been a leader in the establishment of prepaid group practice in the United States. His important personal contributions to the enactment of sound health care policy have been invaluable and have improved the Nation's health care delivery system.

During the 25 years that I have known Bob, he has strongly supported health legislation that would extend coverage to all Americans and that would otherwise benefit the country as a whole, not merely an interested segment of the health care industry. The first question he would ask about legislation was whether it was good public policy; only then would he consider its impact on Kaiser Permanente. Bob's thoughtful advocacy on behalf of prepaid group practice has been partially driven by his belief that it is the most effective way of assuring that quality health care will be available to a broad spectrum of the community, including low-income individuals. I have appreciated his informed, ethical, and intelligent approach to government relations during my time in the California Assembly and in Congress.

I have also appreciated Bob's efforts on behalf of the environment. As an outdoorsman, Bob recognizes the value of preserving this Nation's open spaces and biological diversity. He has been an active crusader for protection of the land, animals, and plant life for existing and future generations.

I hope that Bob's retirement from Kaiser Permanente will not deprive Congress of his good counsel on future issues.

SALUTE TO FREDERICK C. BRANCH OF PHILADELPHIA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute Frederick C. Branch on the occasion of the 50th anniversary of his commission as the first African-American officer in the U.S. Marine Corps.

Fifty years ago, Frederick C. Branch was appointed second lieutenant in the U.S. Marine Corps. On November 17, 1995 the Philadelphia Chapter of the Montfort Point Marine Association will present a Marine Corps Birthday Ball and Ceremonial Dinner honoring Frederick C. Branch for his many historic accomplishments.

Educated at Purdue University and Temple University where he received a B.A. degree in physics, Mr. Branch is currently the head of the science department at Murrell Dobbins Area Vocational School in north Philadelphia and has been for the past 15 years.

Mr. Branch is not only a distinguished military officer, but he has also been involved in many community activities. Branch was a past president of Tioga Methodist Men of Tioga United Methodist Church; a charter member and organizer of Penndelphia Detachment, Marine Corps League. In addition, he helped organize a national association of the first African-American men accepted in the Marine Corps which later was officially named the Montford Point Marine Association, Inc.

I wish my colleagues will join me today in congratulating Frederick C. Branch for so distinguished a career. I wish Frederick Branch the very best as he continues his service to the north Philadelphia community.

TRIBUTE TO WESTERN SPRINGS MAN AND WOMAN OF THE YEAR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to two outstanding residents in my district—Mr. John Kravcik and Ms. Joyce Person—the Western Springs Man and Woman of the Year. These two people represent the volunteer spirit that has not only helped make their community great, but our entire nation as well. They will be honored for their efforts to better their village on Saturday, November 4 at the Western Springs Grand Ball.

Ms. Person, a 27-year resident of Western Springs, has combined her love of natural beauty with her love of her community. In addition to her long service to the village's Garden Club as president, she was also the secretary of the Village Party Caucus for 10 years, a volunteer organization that helps select qualified candidates for village offices. She is also a dedicated volunteer at La Grange Memorial Hospital. Yet, Ms. Person understands that true community service extends far beyond the bounds of one's village. In that regard, she organized the Hostage Remembrance Day to honor the Americans held in Iran in 1979 and 1980.

Mr. Kravcik, a resident for 33 years, has been active in government, professional, and religious organizations. He served on the Western Springs Planning and Zoning Commission from 1983 to 1991, when he was elected to a 4-year term to the Board of Trustees. He has been involved in leadership roles at his church, St. John of the Cross, and Nazareth Academy, a local high school. Mr. Kravcik and his wife, Joan, were co-chairmen of a Vietnamese refugee settlement committee, helping to find housing, employment, and other necessities for eight families who came to Western Springs.

Mr. Speaker, I salute these two outstanding Americans for their tireless efforts for Western Springs, and I hope they are able to enjoy many more years of service to their community.

TRIBUTE TO SISTER MARY URBAN HARRER

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commend to our Nation's attention and to my congressional colleagues, the life of Sister Mary Urban Harrer.

For more than a quarter of a century, she has been so closely connected with the St. Clares Riverside Medical Center that her name is synonymous with its special mission and reputation.

Sister Mary Urban fills many roles at the hospital. She is chairman of the board of the medical center, a founder and mover of the annual Harvest Festival, a relentless fundraiser and organizer, an astute businesswoman, and a health care professional with years of hands-on experience in nursing and hospital administration. Her love of God and her service to mankind knows few equals.

But there is a role that transcends even these. First and foremost, she is a religious member of the Sisters of the Sorrowful Mother.

This month that role is highlighted as she celebrates her 60 years in the convent.

Her long road began in Bavaria where she was born, one of 12 children of Louis and Wally Harrer. Sister Mary Urban entered the convent at Abenburg. But within a short time she was transferred to Rome and the congregation's motherhouse. In 1935, she came to the United States—a journey she had long wished for and a dream come true.

In America, she entered the novitiate in Milwaukee, WI, and completed her formation for the religious life, taking her first vows in 1936 and her final vows in 1941.

Transferred to St. Francis Regional Medical Center in 1939, she entered the 3-year diploma nursing program and graduated as a registered nurse in 1942. Ten years later, she earned a bachelor's degree in nursing education from Marquette University.

For 28 years, she served at St. Francis as staff nurse, head nurse, nursing supervisor, and administrator.

She was known not only as a dedicated nurse but one who fought valiantly for her patients. The story is told of the time in Wichita, KS, when she was assisting in a Caesarean delivery. An infant was declared dead by the doctor, but she thought it was too soon to give up. She worked until he was breathing on his own. For the next 18 years, Sister Mary Urban received a bouquet of roses on the baby's birthday.

In 1967, she was transferred to Denville, leaving an 800-bed regional medical center for St. Clare's Hospital, then a 180-bed community hospital.

As the hospital's administrator, she soon became known for her indomitable spirit, her courage, her gift for fundraising, her deep sense of caring, and her strong faith in God.

Daily, she made rounds of patients, moving quietly from room to room to ask how they were doing and promising to speak to the Lord on their behalf.

She had so much energy that her feet seemed hardly to hit the ground as she hurried up and down stairs and hallways. To some she was known as the "flying nun."

All of her work paid off. In the years of her tenure, St. Clare's grew in size and in the scope of its services. In 1972, a building program almost doubled the hospital's size. In 1984, when a four-story tower was constructed, it was named appropriately, Urban Tower.

It was not only the hospital which profited from her presence. So did the larger community. In 1983, the Denville Rotary Club was setting up its first Citizen of the Year Award. Members said they were looking for a person whose actions had contributed most to the residents of Denville area. The unanimous vote was Sister Mary Urban.

Today, as Chairman of the Board, she continues to be involved in the day-to-day life of the medical center where she brings determination to her work as she does for the Harvest Festival, the successful 1-day country fair which she inspired.

She has the ability to inspire others to the same kind of Herculean efforts. And they come back year after year to do the same incredible job again.

Their efforts—and hers—have paid substantial dividends. In the first 19 years, the Festival has raised $2.6 million to support hospital services and programs and to fund construction and equipment purchases. This October was the 20th Harvest Festival.

Her wonderful combination of perseverance, determination, and caring has made her a major asset to the medical center. Many believe that Sister Mary Urban is largely responsible for building the public support which has in turn fostered the growth of the medical center and made it what it is today: A 417-bed regional health care center.

The young farm girl who entered a Bavarian convent 60 years ago has made a difference to a town she did not then know existed.

God has blessed St. Clares Riverside, Sister Mary Urban has said, by building it into a fine hospital. Those who know her believe that she helped make that happen.

Today, Mr. Speaker, I ask that we recognize and salute Sister Mary Urban Harrer's life and service.

100TH ANNIVERSARY OF JEWISH WAR VETERANS OF THE UNITED STATES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. NADLER. Mr. Speaker, I rise today to honor the Jewish War Veterans of the United States on the occasion of their 100th anniversary. As the oldest continually active national association for veterans, the Jewish War Veterans has long served this Nation in times of war and in times of peace. The organization has worked actively to combat racism and bigotry throughout our Nation and the world, to uphold American ideals and free institutions, and to assist veterans of all races and creeds.

From the days of Asher Levy's first establishing his rights of citizenship by defending the walls of New Amsterdam—present-day Manhattan—to the conflict in the Persian Gulf, American Jews have fought and died in American Armed Forces. Official records show that American Jews have consistently served in the Armed Forces in greater numbers than their percentage in the population.

The Jewish War Veterans of the United States have sought to uphold this proud tradition of service to the Nation throughout their century of existence, fighting for veterans benefits, civil, and human rights. Throughout the Nation, Jewish War Veterans posts offer veterans from all walks of life, counseling and assistance in obtaining their veterans' benefits.

When Martin Luther King, Jr., led his march on Washington in 1963, it was the Jewish War Veterans who were the only veterans' organization to demonstrate for equal rights with him. Whenever Neo-Nazi or Ku Klux Klan groups have surfaced, the Jewish War Veterans have been there to protest in body and voice, through picketing, and consultation with, and assistance to law enforcement officials. The Jewish War Veterans are also active in a wide variety of civic improvement projects, including volunteering at Veterans' Association Hospitals and numerous homeless shelters, providing college scholarships and urging our Nation's leaders to continue a strong commitment to those who have served our Nation so valiantly.

The Jewish War Veterans of the United States represents an outstanding tradition of patriotism and service to America. It is my honor to say thank you and to congratulate them on their 100th anniversary.

TRIBUTE TO WESLEY MILLER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a gentleman who has spent his life serving his country, his union, and his community. Until his recent retirement, Wesley Miller was the first and only recording secretary the Toledo area UAW–CAP Council has had in its 27 years. Wesley has also served as president of UAW Local 48 at the National Castings Corp. and more recently, as president of that local's retiree chapter.

Born in Columbus, OH, Wesley had the good sense to move to Toledo in 1952. During the Second World War, he served his country as a staff sergeant in the Air Force stationed in New Guinea. Wesley married Clara Furgeson in 1960 and can boast of five children, nine grandchildren, four great-grandchildren, and counting. Wesley's leadership in his union and his community has helped to improve the lives of all the citizens of Toledo.

Wesley Miller deserves our thanks and our best wishes.

REMEMBERING THE ISLAND

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to insert in the RECORD excerpts from a newspaper column written by Mr. Jim Comstock of Richmond, WV. This article about Father Jesus Baza Duenas, the Chamorro martyr/priest beheaded by the Japanese during their occupation of Guam in World War II, was part of Mr. Comstock's column, The Comstock Load, which appeared in the West Virginia Hillbilly on October 26, 1995. The biographical sketch was mainly based upon the recollections of Monsignor Oscar Calvo as related to Mr. Comstock back in the mid-1940's. The article, according to Mr. Comstock, originally appeared in a Communications Center newspaper back on Guam in the last few months after the war:

REMEMBERING THE ISLAND

One day recently I combed through the collection of souvenirs and such which I brought home with me following my days spent on the island of Guam, in the Marianas, during World War II. All have been gone over for a last reminiscence glance, and are packed up to be sent to the museum in the Capital City of Agana. It was my delight in the last few months after the war, and I was waiting my turn to leave for home, to have edited a newspaper for the Communications Center, and now I am going to fill my allotted Load space with one of my stories. Take it away:

On a rare sunny morning in the year 1940, the people of Inarajan went to the St. Joseph's Church in great expectancy. The first native priest of the island was going to say his first mass . . . That was in 1940 and the priest had less than two years to serve his flock and God, because at the end of 1941, the Japanese came and made the sword the faith. But those few months that Father Duenas was padre, he had won a place in the hearts of the people of the Island.

Father Duenas was taken out by a troop of Japanese soldiers on Barrigada and, after digging his own grave, was beheaded. I heard this story when I first went to the Island. I wondered why the Japanese would kill a man who had won such a place for himself in the hearts of the conquered people. I learned the story of his death, which happened just three weeks before our Marines landed at Blue Beach. The Reverend Oscar Calvo was in his bamboo and reed church, just behind the famous Dulce Nombre de Maria Cathedral, which the Spanish built in 1903 and the Americans leveled forty years later to get the Japanese occupiers out and off the island.

Father Calvo was the kind of fellow you could believe. You felt that his heart and his actions were as white as his pearl-like teeth. He finds it hard to express himself in English, but he is the man to tell you the story of Father Duenas.

"Father Duenas was a good man. He was good to work with and the people liked him very, very much. He was born March, I think, in let me see, 1911, I believe. He attended the elementary school here and when he was fifteen he went to the Seminary San Jose in Manila and studied under the direction of the Jesuit Fathers. I can say that he was greatly respected and that he won a high place there, both in the Minor and the Major Seminary."

I took out a cigarette and offered one to Father Calvo. He lit it and continued:

"When Father Duenas was graduated from the seminary, he asked to be returned to Guam, and on June 11, 1938, he was ordained to the priesthood in the Dulce Nombre de Maria Catherdal. He was assigned for some months to Inarajan."

He paused reflectively. I wondered when it would be proper to ask him how so many of the Chamorros kept their teeth so white. He started speaking again, with each sentence raising at the end.

"I wish I could tell you why the Japanese took the life of Father Duenas, but I can't. It is just hard to say. I knew that he did not like the Japanese, and that he often said things to people that I knew couldn't be trusted. You have heard of Mr. Tweed?" I nodded, for I well knew of Chief Radioman Tweed who had hidden out in the jungles till the Americans came. And I knew that contrary to the stories in the American papers, the people of Guam had only disgust for Mr. Tweed. "The Japanese wanted very much to find Mr. Tweed and very much they talked with Father Duenas but he would not tell them where Mr. Tweed was hiding." The word hiding went way up in the air. "It wasn't anything that he did, that caused the Japanese to kill Father Duenas, it was more what he did not do that the Japanese killed him. The priests that the Japanese sent from Tokyo, he did not try to get along with and would not eat with them when they came to Inarajan and did not stay when they said mass."

Here I had to stop Father Calvo. "Do you mean that the Japanese sent priests here to Guam?"

"Oh, yes. Did I not tell you? When the Japanese took out all of the nationals to Tokyo, they took with them our Bishop the Most

Reverend Michael Angel do Olano, and they took two lay brothers, and ten American Capuchin Fathers, and two secular priests and made them all prisoners. Father Duenas was left here and so was I because we're of these people. They did not take any natives to Japan, but only those who were not born on this island. They took Mr. Butler and Mr. Underwood and Mr. Hudson, and many more who were in the trade here but were not of the people."

Father Calvo went on: "The Japanese do not observe the Catholic faith but they saw that in the Pacific the Catholic faith was strong, and they brought Japanese Catholic priests to all of their conquered islands. To our island came a bishop and two priests, and they brought a note to Father Duenas making him Pro-Vicar Apostolic. I think this was because the government has heard that Father Duenas might cause trouble and that a high rank might stop him. But it did not win over Father Duenas. When the military set up districts for the priests to serve in and posted signs saying they were not to go out of an assigned district, Father Duenas, if there was a funeral or a wedding or a christening, would go out. He was warned many times but he always went out of his territory."

Father Calvo hesitated, then went on. "The Japanese did not think that he went out for funerals and weddings, but to take things to eat and wear to Mr. Tweed. But I know that he went out as a good priest and would go, because another zone might be near him but far from a zone in which another priest might be assigned."

"Last week we went out to Barrigada and dug up the body of Father Duenas and buried him." To me the Father was getting ahead of the story. Could he, I wanted to know, tell me something of how Father Duenas died?

"There is only one man who can tell you that. He is a native—but I knew he will not talk of it. He told me, but I don't think he will talk to anybody else. I will tell you what he told me.

"Father Duenas was taken prisoner by the Japanese and put into their stockade, but since he would not answer their questions they told him he could go home. They did not beat him; I am sure they did not beat Father Duenas. He was so young but weak. I don't think he could have stood that. Not like others. But his torture was of his mind. He was turned from prison and came to Inarajan when some of the officers came up and arrested him and took him to another jail. I think the jail was near Barrigada. They asked him more questions, and the Japanese acted as if they were satisfied. They said he could come home. He started out with a guard.

"Father Dueanas did not get to his home. He was taken into a deserted field. He saw some of his friends there. There was his nephew, Edward Duenas, the island attorney, and there was a young boy, maybe eighteen. I don't remember his name. And there was an old Navy man named Juan Pangelinan, whom the Japanese said was helping Mr. Tweed.

"The rest I will tell, you too. There were four open graves in the clearing and I think it was then that Father Duenas knew for the first time that he was not going to go home. The prisoners' hands were tied behind them and they were told to kneel by their graves. Father Duenas was first in the line. I have been told by my informant that the other three asked Father Duenas to pray for them. He did and they repeated the prayer after him. My informant tells me that Father Duenas did not seem scared. I know that was true. The others were calmed by his prayer. He was a man of God."

I wondered if Father Calvo would tell the rest. He closed his eyes and said: "The guard, my informant tells me, was a very, very big fellow. One blow was all that was needed."

Beneath the altar of the church at Inarajan lies a true patriot of Guam, Father Duenas.

This fellow Tweed became quite a celebrity when he left Guam and returned to America. I wonder if anybody knows the rest of the story. He certainly has, or perhaps had an interesting story to tell.

SUBSTANCE ABUSE PREVENTION TEAM OF ESSEX COUNTY HONORED

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. SOLOMON. Mr. Speaker, one of the biggest problems facing our Nation for generations has been the abuse of illegal drugs. Substance abuse of this nature is responsible for the breakdown of the American family, increased crime and violent crime, increased health hazards and economic woes. Clearly, these substances have proven to be more than a thorn in the side of American society, they are eating at the very core of this Nation.

Fortunately, Mr. Speaker, there are programs like the one run in Essex County, NY of my congressional district. This Monday, November 13, 1995, the Substance Abuse Prevention Team of Essex County, based in the beautiful Adirondack Mountains, will be honored right here on Capitol Hill as one of the 16 best substance abuse programs in the entire United States. At this time I would like to extend my sincere gratitude to each and every person who has participated on this prevention team. They have done a tremendous service for the young people and residents in Essex County and gone a long way toward preserving the smalltown sense of community.

Yes, Mr. Speaker, even small towns like the ones in the Adirondack Mountains have been faced with this plague of drug abuse which threatens the very fabric of America and smalltown America. But it is not all doom and gloom Mr. Speaker. We know from our experience in the years from 1980 to 1992 that this dreadful plague can be controlled. In that time period, drug use in the United States actually dropped by more than 50 percent. What made progress like that possible? Preventive programs like the one we are honoring here today which gets the right message to our children and others before they become addicted to these destructive substances.

Mr. Speaker, I have nothing but the utmost respect for the people who run this prevention program in Essex County. They are responsible for defending and saving the fabric of this Nation and the future of our young people. In that respect, I ask that you and all fellow Members of Congress rise with me and pay tribute to the outstanding men and women who are part of the Essex County Substance Abuse Prevention Team. They are truly great Americans.

TRIBUTE TO DORA A. FINK

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to take this opportunity to pay tribute to a very special woman and recognize a very special event. On November 17, 1995, the friends and family of Dora Fink will gather to celebrate her 90th birthday.

Mrs. Fink, who was born in Mooreland, Graham County, KS in 1905, lived in a "sod house" on the plains of western Kansas. In her life she has seen world wars, she raised her children through the "Great Depression", watched with love and pride the troubles and triumphs of her family. But perhaps Dora's greatest accomplishment has been the example she has set for three generations. While many of us talk about the importance of family values, the virtues of work ethic, faith in God, and service to the community, Mrs. Fink has exemplified these words in her actions.

We often recognize world leaders, kings, and notable persons for some unique feat. Today, I rise to honor Dora Fink, who has helped make this country great by passing the "American spirit" from generation to generation by her example.

Mr. Speaker, I ask that you and my other colleagues join with Mrs. Fink's two children, five grandchildren, five great-grandchildren, and many friends in saluting this extraordinary woman and wish her a very happy birthday.

JACKSON ADVOCATE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. THOMPSON. Mr. Speaker, I rise today to recognize the Jackson, MS, Advocate newspaper, also recognized as the voice of black Mississippians. The Advocate was founded in 1939 in Jackson, MS, by Mr. Percy Greene, a World War I veteran. The Advocate was founded out of the necessity for African-American voices to be heard. During the period when the mainstream media consistently denied African-Americans the opportunity to communicate through the press or to be acknowledged in a positive manner, the Advocate became the avenue by which African-Americans presented their side of the story. In the struggle to gain civil rights, the Advocate was very assertive in connecting African-Americans throughout Mississippi.

The drummer changed but the beat goes on. The Advocate has been under the ownership of Mr. Charles Tisdale since 1978 and continues to keep Mississippians informed about issues as they relate to the African-American community. Mr. Tisdale continues the tradition of acknowledging any African-Americans who contribute to the community and highlighting those who attempt to deny opportunities to the African-American community. I would be remiss if I did not recognize the outstanding contributions that Mr. Tisdale has made in this respect to the State of Mississippi. Mr. Tisdale continues to keep the Jackson Advocate on the cutting edge providing Mississippi with complete and objective reporting on those issues that are so vital to the progress of our State.

HONORING WORLD WAR II VETERANS AT VILLA NUEVA SENIOR PARK, PICO RIVERA, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. TORRES. Mr. Speaker, I rise to recognize the men and women who served in the U.S. Armed Forces during World War II. These brave men and women fought to protect the freedoms and liberties enjoyed by every citizen of this great country. It was only 50 short years ago that they battled to end the rule of tyrants and dictators throughout the world.

Men and women across this Nation unselfishly answered the call of our Nation to go to war. I commend these individuals for their patriotic deeds in our Nation's time of need. We are proud of our veterans who have defended the United States of America.

On November 9, 1995, the Villa Nueva Senior Park of Pico Rivera, CA, will join thousands of ceremonies across the country in concluding our commemoration of the 50th anniversary of World War II. Mr. Speaker, it is with honor and privilege that I ask my colleagues to join me in saluting the veterans of Villa Nueva Senior Park to whom we owe a tremendous debt:

Serving in the U.S. Army; Edward Austin, Ed Baker, Grant P. Ellibee—also served in the U.S. Marine Corps, Albert Ely, Irving Fink, Frances Galyon—Army Nurse Corps, Eloy Gomez, Joe Goulet, Ernie Montes, Mac Nakata, Joe Oliver, Herman Oushani, Anthony Palucci, Benito Perez, Charles Perry—Army Air Corps, Harold Phillips, Hank Romines, Frank Ruiz, Jules Sharff—Army Air Corps, Robert W. Smith, Barry Snavely, Andrew Varonin and Cecil E. Waddington. Serving in the U.S. Navy; Gus Garcia—Navy Submarine, Ed Gold, Warren Van Wie, George Weber and Dean Yates. Serving in the U.S. Marine Corps; Barbara Ellibee, Helen Hawk, and Gloria Trujillo.

TRIBUTE TO THE WOMEN'S EXCHANGE

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. TALENT. Mr. Speaker, it is with pleasure and a great degree of pride that I draw to your attention the accomplishments of the Women's Exchange, a volunteer organization in the St. Louis area, dedicated to the mission of helping others help themselves.

Established in 1883, the Women's Exchange was founded by a group of volunteers to help women support themselves and their families by working out of the home. In an era when males dominated the work force, the Women's Exchange provided a marketplace where creative women could display and sell their products, while still allowing them to be at home to educate and raise their children. The organization also offered working women inexpensive lunches, and a library of resources, all in an effort to enable women to earn their own living and provide an atmosphere to change the tide.

Over the past 112 years, the need has not subsided nor has this organization's fine service and devotion to quality. They remain faithful to the founders' mission to help people help themselves by continuing to provide training and quality materials to their consignors. Approximately 100 families are supported by Women's Exchange consignors, many of whom receive up to 100 percent of the profit from the sale of their goods. Today, under the direction of president Mary Fort, the St. Louis Women's Exchange is the largest chapter in the National Federation of Women's Exchanges. They now operate a tearoom in addition to the gift shop which helps attract customers for the consignor merchandise and generates income to maintain the shop's excellence and professionalism.

Mr. Speaker, it is an honor and a privilege for me to recognize this fine organization. I commend the Women's Exchange on its first 100 years of service and dedication to the St. Louis community and wish them well on 100 more.

TRIBUTE TO THE SHELDON FAMILY AND REID-SHELDON & COMPANY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. BOEHLERT. Mr. Speaker, I rise today to honor and pay tribute to those who have served us in so many ways: the Sheldon family and Reid-Sheldon & Co. in New Hartford, NY.

On November 7, 1995, Reid-Sheldon celebrated 150 years of successful business endeavors. By donating 10 percent of its sales on that day to charity, the Sheldon family maintains the store's fine tradition of sharing its fortune with the community since 1845. What started as a country harness shop has emerged as a successful luggage and leather goods store.

I submit for my colleagues history of Reid-Sheldon, written in 1945 by Artemas Barnard Sheldon whose grandfather, Ebenezer, was its founder. It is not simply a profile of one store in one locality, rather it is a welcome and unique perspective on hometown enterprises—the backbone of American business—across our Nation:

THE SHELDON BUSINESS

In giving an outline of the Sheldon business I could start with a certain Isaac Sheldon who our records show was living in Massachusetts in 1629. However, I do not know what his trade was so I will stick to the men of the family who I do know were leather workers.

My grandfather, Ebenezer Sheldon, was born in Bernardston, Massachusetts, in 1796. He learned the trade of harness maker and in 1825 migrated to the village of Burlington, New York, where he operated a country harness shop.

The city directory of 1840 shows that he had a harness shop on Catharine Street. In 1845 he had as his partner his oldest son, George, and the firm name because Ebenezer Sheldon & Son. Their store and shop was located at that time at 45 Genesee Street and there it stayed with some enlargements for eighty-five years.

In the early fifties the firm became Moore & Sheldon, Ebenezer having taken his son-in-law, LeGrand Moore, into partnership.

My own father, Artemas H. Sheldon, the youngest of eight children, was born in 1836 shortly before my grandfather moved his family to Utica. He learned the trade of harness maker and assumed his fathers interest in the business in 1862.

In 1880 the firm name was again changed to Moore, Sheldon & Company when Mr. Moore's son-in-law, Robert H. Reid, was admitted to the firm.

My father died in 1899 when I was eighteen years old, and I represented my mother's interest in the firm until her death in 1917.

At that time I became a partner, and the firm name was changed to Reid-Sheldon & Company under which title we still operate.

I was married in 1901 just after I had passed my twenty-first birthday. My wife and I have been blessed with three children, a daughter and two sons.

My daughter, Rosemary, graduated from Cornell University in 1925, and my older son, Robert, was graduated from the Syracuse University the same year.

In 1928 Mr. Reid died very suddenly and my son, Robert, took over his interest and became my partner in the business.

It was in this year of 1928 that I was elected this executive secretary of the National Luggage Dealers Association, which position I still hold. My daughter who had taken a secretarial course after leaving Cornell was my secretary until her marriage in 1932.

My younger son, Richard, on completing high school came into the store as a salesman and is now serving in the Navy as a second class petty officer. His place will be here when he comes back.

My son, Robert, was married in 1933 and has four children, two girls and two boys. For a number of years they lived on a farm located about ten miles from Utica in a large old house built in 1797 and dating back to the days of George Washington and DeWitt Clinton.

During this year he purchased a comfortable home in Utica about two miles from the store in order to give his children easier accessibility to the public schools. He has, however, kept the old farm as an "ace in the hole" should we ever go through another period like, what I term as "the terrible thirties".

In 1930 about two years after the death of Mr. Reid we left the old store at 43 and 45 Genesee Street, where we had been for eighty-five years, and moved to our present location at 241 Genesee Street, a section given over to better class specialty stores.

Up to the time we moved uptown we had always maintained a harness department.

During my early days in the store this was the most important part of our business. We specialized in fine coach harness and track harness. These were always made to order, and during the years that preceded the coming of the automobile we employed a dozen or more mechanics.

As the demand for harness decreased other lines of merchandise were added. While we had always carried trunks and hand luggage, it had been a minor part of our business.

Now we were forced to expand our lines of luggage, and to gradually feel our way into kindred lines such as Personal Leather Goods, Ladies Hand Bags and Gifts.

When we move to our present location we were obliged to discontinue the harness shop, but as it was necessary to maintain a repair department for luggage we took our oldest employee with us.

The life story of this particular man is unique because it is so different from that of the present day worker.

Joe Fairbrother came to work for my father as an errand boy when he was about twelve years old. Eventually he learned the trade of harness maker. He never worked for anyone else but my father and me for a period of over fifty three years.

He raised a family of eight children, owned his own little home in the west end, near where he was born. In later years he had a comfortable camp in Oneida Lake and an automobile which he never drove himself.

His wages never exceeded thirty dollars per week. He often told me "This job has never been a good paying one, but it has been d--n steady". When he passed away some years ago after a lingering illness, it was like losing a member of the family.

It may be of some interest that his granddaughter has been my secretary for ten years, and it is the only position she has ever held.

Our present store is now managed by my son and partner, Robert Sheldon, who has been with me for nineteen years. When the war is over my younger son will again resume his place with us.

I often wonder when I look back over almost fifty years in the harness and luggage business just why young men with fine college training decide to engage in business that shows so little opportunity for financial gain.

What has happened in our own partnership is only one of many such instances that I know of when young men with good educations have elected to follow the retailing of Luggage and Leather Goods as their life work.

Surely there must be some spirit of romance in handling fine leather goods for I see no other reason.

Why this little history of our family's business should be of interest to any one is hard for me to understand. There are probably scores of other small businesses that have equally long and honorable records.

The only unusual thing about it may be that for over one hundred years the name "Sheldon" has appeared first over a harness shop which eventually became a Luggage and Leather Goods Store and still continues.

The fourth generation of Sheldons is now in charge of our store. Possibly if one of my grandsons follow in his father's steps, we may yet crow about a fifth generation in this one business. Only time will tell us that.

At any rate I am sure that my partners grandfather and great-grandfather, though he had never seen either of them, are as proud as I am of the present management, and the manner in which it has maintained and added to the reputable standing of our firm in this our home community.

RACE RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, November 8, 1995 into the CONGRESSIONAL RECORD:

THE STATE OF RACE RELATIONS

The verdict in the O.J. Simpson trial and the Million Man March in Washington have refocused national attention on the state of race relations in America today. Both events show that race continues to be one of the more intractable and troubling issues facing our country.

SIMPSON VERDICT

The reading of the verdict in the O.J. Simpson trial was a remarkable event. For one brief moment all Americans stopped what they were doing to hear the result. The reaction of the public to the verdict was just as striking. Most white viewers were stunned by the acquittal, thinking the evidence against Simpson was overwhelming. Many black viewers, in contrast, reacted to the verdict with joy and celebration. They believed Simpson had been framed by a rogue, racist police force.

The trial was extraordinary. Most murder trials last a week or less, not nine months, and don't involve a national celebrity and a worldwide television audience. We can talk about keeping TV out of the courtroom or reforming the rules of evidence, but we should be very careful about changing our criminal laws based on such an unusual case.

The most disturbing aspect of the trial was how differently blacks and whites reacted to the verdict. Both races appear to want the same things from our justice system—safe neighborhoods, drug-free schools, and the like—but disagree about how the system is working today. Whites generally view the system as basically fair and give high marks to local law enforcement, but say too many criminals get away with their crimes. Blacks, however, tend to think the system is biased against them and geared to lock away young black males. They believe law enforcement is racist.

Blacks often say that the high incarceration rate for black males reflects the fundamental unfairness of the system. One in three black males in their twenties has been in the care of the criminal justice system. Blacks, who make up 12% of the population, make up more than half of all people convicted of murder; blacks are also disproportionately victims of murders. Many whites respond to these statistics by saying relatively more blacks are in jail because relatively more blacks commit crimes, not because the system is inherently racist.

The basic challenge is to build confidence in the criminal justice system across racial lines. We should be able to agree on certain basic points. On the one hand, racist conduct by law enforcement cannot be tolerated. On the other hand, racism, past or present, cannot be raised as an excuse for violent conduct. Criminals, whether black or white, must be punished for their crimes.

MILLION MAN MARCH

The second event which stirred much debate on race relations was the Million Man March. The avowed purpose of the rally, which attracted over 400,000 black men to the U.S. Capitol last month, was for black men to rededicate themselves to family, personal responsibility and community. The event was an impressive gathering, marked by a sense of purpose and comraderie. Nation of Islam leader Louis Farrakhan, who organized the event and pulled it off without incident, has established himself as a leading voice for black America.

The Million Man March sent out an equivocal message. The rally showed there is much common ground between blacks and whites. In some ways, it was a march about dignity, pride and respect. Many of the speakers talked about self-help and self-discipline; the importance of family and education; and the scourge of drug use and crime, particularly among young people. I hear many of the same issues discussed approvingly at my public meeting in Indiana.

The rally, however, was also about racial division and separation. Minister Farrakhan spoke of a more perfect union, but he is a controversial figure; he is seen in many quarters as a bigot and an anti-semite, someone who stokes racial fears and animosities. To most Americans he is more a symptom of our ills than a physician who can heal them.

ASSESSMENT

White and black America continue to drift apart. Many blacks feel aggrieved. They observe that black incomes are still only 60% of white ones; black unemployment is more than twice as high; and more than half of black children live in poverty. They say whites have lost interest in their plight, cutting federal programs that benefit their communities and curbing affirmative action programs that have created eduational and job opportunities. The reponse of a growing number of blacks is not a call for more integration with white America, but separation and self-help.

Many white Americans, for their part, feel a different kind of frustration. They say this country has spent billions of dollars on fighting poverty, particularly in black communities, but poverty rates remain persistently high. They complain that affirmative action programs take jobs and college opportunities from deserving whites. They say blacks should take more personal responsibility for their actions, rather than look to the government for help. They often believe, mistakenly, that the average black is faring better than the average white in terms of access to housing, education, jobs and health.

We can argue all day about the causes of this separation—the lack of economic opportunities; racism; the burden of history; the rise of illegitimacy and single parent families—but the question Americans must answer is whether this trend toward separation is desirable. I think it is not. This country will not prosper if we do not work together to create opportunities for all of our citizens.

Sometimes I get the impression that blacks and whites live on two different planets. Both events, the trial and the march, caution that we must bridge the great divide between the two races. We must talk frankly, listen carefully, and work together across racial lines. We must talk less about separation and bitterness, and more about unity, reconciliation and shared values. We must reach out to people of different races and provide opportunity for all persons to make the most of their lives. Government can help by pursuing fiscal policies that promote job creation, enforcing anti-disrimination laws and supporting programs that are pro family—but reconiliation will mainly come through individual contacts. We should not tolerate the existence of two Americas.

NATIONAL HOME HEALTH CARE MONTH

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. TANNER. Mr. Speaker, I rise today to bring attention to the fact that the month of November is National Home Health Care Month and National Hospice Month. Yesterday, November 6, I participated in a visit to a 32-year-old constituent who was diagnosed with Lou Gehrig's disease back in 1988. In August 1990, the disease had progressed to the point where Tim was completely immobile and Home Health Aides were ordered to assist Tim with his personal care.

Currently, Tim's nurses visit him three times a week to assist his respiratory status and to monitor his overall condition. Two Home Health Aides visit daily to assist with bathing and personal hygiene. With the assistance of Homecare Health Services, Tim has been able to remain in his family's home. I would like to insert into the CONGRESSIONAL RECORD a letter that was given to me yesterday during my visit with this courageous young man, Tim Brewer of Big Sandy, TN.

I want to thank you, Representative Tanner, for your letter and for your visit. I want to also thank the nurses and aides from Homehealth. I am sure you understand how important home health is to those of us who need it. I know the nursing home industry has a strong lobby in Washington, but I believe it is better for patients to stay home if they can, as well as being more cost-efficient for taxpayers. I know I have saved Medicare hundreds of thousands of dollars by staying home. I have only been hospitalized a few times and I have never had even the slightest bedsore. Being at home has also allowed me to be more active in my daughter's life. Please remind the Speaker of the House that the first cuts should be from fraud and inflated medical supply cost. Remind the House that real people are behind all the numbers. Please fight for home healthcare.

Please come back to see me again.

Thank you.

TIM BREWER.

IN MEMORY OF JOHN C. TOWLE, CAPTAIN U.S. AIR FORCE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. POSHARD. Mr. Speaker, I rise today to honor U.S. Air Force Capt. John C. Towle who will be laid to rest with full military honors on Wednesday, November 8, 1995 at Arlington National Cemetery. John was born January 9, 1943, in Harrisburg, IL, to a loving family. He grew up with all the hopes and dreams of any young boy. I am sure like many youngsters he played typical childhood games and perhaps he even played soldiers; unaware of his ultimate destiny. He played in the school band and was active in his church and community. In 1961, he graduated from Harrisburg High School. He went on to attend Murray State University in Kentucky, where he was a member of the U.S. Coast Guard Reserve.

In 1968, upon graduating from college, John decided to further advance his military service and assist his country with the peace efforts in Southeast Asia. He proudly accepted a commission as an officer in the U.S. Air Force.

As a copilot during the height of the Vietnam conflict, John dedicated his life to advancing the cause of freedom around the world. Tragically, John's aircraft was shot down over hostile territory in Laos on April 22, 1970. John and 11 of his fellow crew members were listed as missing in action for 8 years until U.S. officials concluded that they had been killed in action. On September 1, 1995, the Armed Forces Identification Review Board was able to properly identify John C. Towle and his fellow crew mates, thus officially listing these honorable servicemen as killed in action while in the service of their country.

Today, 25 years after John disappeared from the skies over Southeast Asia, I join with his family and friends in bringing him to his final resting place. Arlington National Cemetery is a monument to the men and women who paid the ultimate price in order to preserve our freedom, and help bring the light of liberty to others around the world. The loss of John's cheerful and positive being was untimely and painful to those who cherished him. It is my hope that his return to American soil will bring his family and friends the peace they have long awaited.

A TRIBUTE TO DENESE ALLEN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to my longtime friend, Denese Allen. Denese is retiring from the Vacaville School Board after 12 years of honorable and highly valued service to the community.

Denese has devoted her life to enriching the lives of our youth. She has spent 31 years as a elementary school teacher where her thoughtful and caring instruction has helped guide and shape the lives of hundreds of children. Today, she continues to teach kindergarten at Fairfield, CA.

In addition to her lifelong devotion to the educational needs of our youth, Denese has also chosen to contribute her time and abilities to public service. Denese was first elected to the Vacaville School Board in 1983. She subsequently was re-elected in 1987 and 1991. Denese was appointed to the Vacaville Parks and Recreation Commission in 1982, where she served for 11 years. She was appointed to the Solano County Parks and Recreation Commission in 1992, where she served 1 year. Denese currently serves on the Solano Fair Association Board, to which she was appointed in 1994.

Denese was born in Portland, OR and educated in Portland's public schools. She earned her BA from the University of Oregon in 1964, with a teaching credential. In addition, she has done graduate work at the University of California, Davis and St. Mary's College in Moraga, CA.

Denese is married to Ward Allen, legislative representative for the Brotherhood of Teamsters in Sacramento, CA. They have a son, Mark, who is a customer service representative for AT&T in San Francisco, CA. Denese's parents, Katherine and Webb, continue to reside in Portland. Her father, retired managing general manager for Coopers & Lybrand, is currently the national treasurer for the Shrine Hospitals for Crippled Children.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Denese Allen as I extend my sincere appreciation for all she has done for the community during her many years of dedicated services.

SENTENCING INEQUITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. TOWNS. Mr. Speaker, I rise today to address a very prickly issue that confronts our judicial system: appropriate sentencing for distribution of crack versus powdered cocaine. This is a very important issue because current guidelines require a mandatory sentence of a 5-year prison term for possession of 5 grams of crack. However, it would take 500 grams of powered cocaine to receive a comparable sentence. Both of these substances are illegal, and I am astounded that there is such a disparity in the sentences for distributing these substances.

The fact of the matter is that cocaine consumption and distribution is illegal. Additionally, it is a fact that crack cocaine is the inexpensive drug of choice for many inner city citizens; while powered cocaine is consumed principally within upper income groups and suburban communities.

As our jail population explodes with additional black inmates charged with dealing cocaine, we must raise the question of why? The answer is based on simple economic principles. African-Americans dominate crack cocaine sales, whereas whites are the chief perpetrators of LSD distribution (93.4 percent), pornography (91 percent), and (100 percent) for anti-trust violations. None of these are lofty endeavors. But my point is simple. We must deal with issues of sentencing equity.

The sentence meted out for any type of cocaine distribution should be comparable, and judicial application of the law should be colorblind. Currently that is not the case. That is why the Supreme Court is reviewing this issue.

I do not condone the legalization of illicit substances. Nor do I support selective prosecution of any ethnic or economic group. But I am concerned that penal warehouses are being built, and the lion's share of the occupants are African-Americans. I say, let the punishment fit the crime, and do not favor any segment of society over another. Equity and morality require no less.

A BILL OF COMPROMISE

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. MARTINEZ. Mr. Speaker, on November 2, I introduced legislation to require the EPA to consider the interests of a city in my district when placing a thermal destruction facility at a Superfund site.

This legislation, H.R. 2583, is intended to accomplish the same goals as a bill I introduced earlier in this session, H.R. 2267.

However, I have revised the original version to more accurately depict the true intent of my efforts.

As a former member of the California solid waste management board, I have an excellent understanding of this situation.

Over the history of operating industries Superfund site, EPA has consistently ignored the concerns of Monterey Park, CA, on the placement of cleanup facilities.

In fact, I was the board member who made the motion to place the southern parcel of OII on the national priorities list.

Against the wishes of the board, the California Health Department, and the citizens of Monterey Park, however, EPA also included the northern parcel as part of the site.

This was done despite the fact that the northern parcel did not qualify for NPL listing by itself and EPA had failed to justify its inclusion.

The disregard I mentioned was first displayed with the placement of a leacheate treatment plant in the middle of the relatively contamination-free northern parcel.

Despite numerous allegations that the leacheate facility is a white elephant, the EPA now wants to place a thermal destruction facility in this same northern parcel.

To make matters worse, this portion of the site has excellent redevelopment opportunities.

Unfortunately, the placement of this facility at the proposed EPA location would negatively affect the value of the parcel and drastically alter the city's future development plans.

The original version of this legislation was not worded to accomplish a responsive attitude from EPA nor did it reflect our intention which was to make sure the best solution to a problem EPA region IX created was reached, both for the environment and the community of Monterey Park.

However, H.R. 2583 reemphasizes the true nature of the bill—one of compromise.

My legislation would block funds for the construction and operation of a thermal destruction facility unless the city and EPA agree upon its location somewhere on the northern parcel that still will allow for the highest and best use of the property in conjunction with the intent of the Brownfields Act.

Throughout my involvement with this site, I have always desired a quick and efficient cleanup.

This can be done while still allowing the economic interests of Monterey Park to be fulfilled, especially when other placement locations are readily available.

The reason there has sometimes been extreme criticism of the EPA are cases such as this, where the EPA has been totalitarian in its dealing with local citizens and their local government.

I urge all Members to join me in opposition to this obvious affront to local interests and inappropriate Federal intrusion in the long-term economic viability of this city.

HAPPY 40TH BIRTHDAY LYLE ROLOFSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. POSHARD. Mr. Speaker, I rise today to congratulate Mr. Lyle Rolofson on his 40th birthday. Lyle is a self-proclaimed policeman, junior fireman, and gadfly who has quite an enviable fan club in the town of Argenta, IL. Lyle is a fixture throughout the community where he never misses village meetings, and is always eager to assist his friends and neighbors.

In honor of Lyle's 40th birthday the town of Argenta decided to throw him a spectacular birthday celebration. Argenta's mayor, Nelson Jackson, even declared September 28, 1995 Lyle Rolofson Day in Argenta. Lyle was presented with a commemorative plaque which read:

> The Village of Argenta is proud to declare September 28, 1995 as Lyle Rolofson Day for being the "Good Citizen" that he is to the people of Argenta. We love you, Lyle.

I am delighted to join with the village of Argenta in recognizing Lyle for his dedication to the community he calls home. Mr. Speaker, Lyle Rolofson believes in the value of community involvement, and I am proud to represent this outstanding individual in Congress.

FREEDOM'S DRUMMER: ROSA PARKS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. CONYERS. Mr. Speaker, for several decades now, I have had the privilege of knowing a woman who set great wheels of social change in motion. Forty years ago this year, she gave birth not to one life but to many lives by igniting the energies of the civil rights movement. From a single, simple act of courage, she showed those suffering in the Nation how to move from hope to determination. That woman was Rosa Parks, and she accomplished all this by refusing to sit in the back of the bus. The article I am entering into the RECORD today from the Washington Post Magazine tells her story, and I believe it will move you the way it did me:

[From the Washington Post Magazine Oct. 8, 1995]

A PERSON WHO WANTED TO BE FREE

(By Walt Harrington)

Bus No. 5726: A shell, really, a decaying hulk with its glass eyes missing from their windshield sockets, red rust marching like a conquering fungus from its roof, down and around bullet-pocket windows to its faded green and yellow sides. An era's relic, stored in the wind, rain and stultifying summer sun on the vo-tech school's back lot, stored on the chance that the people of Montgomery, Alabama, will someday reach a place in mind and heart where they will find, who knows, $100,000 to refurbish it as a lesson from that night 40 years ago, December 1, 1955, when a city bus driver asked a prim black woman to leave her window seat so that a white man could sit, and she uttered an almost inaudible, "No." It was an ordinary evening, Christmas lights flickering, people hurrying home past the banner "Peace on Earth, Goodwill to Men." Even Rosa Parks, 42 then, was thinking about all she had to do in the next few days. But at the instant she refused to move, as Eldridge Cleaver once said, "Somewhere in the universe, a gear in the machinery shifted." The wonder of it: Imagine the chances that so precise a moment of reckoning would be encoded in our collective consciousness. Stop time: Look back, look ahead, jot a note, nothing will ever be the same. The stopwatch of history has been pressed now, at this instant of resonance, this flash of leavening light.

Bus No. 5726: It is not the bus—the bus is long lost. After all, that December 1 trip seemed like just another run on the Cleveland Avenue line. Business as usual, but this artifact from that time, most of its seats now gone, is still a narrow passageway from then to now, a time-tunnel. Scores of wasps inhabit the place, a few flying in and out of the missing windows, most huddling and pulsing en masse on their nests. A headlight that will never again illuminate languishes on a mantel behind the long rear seat, which was always occupied by "coloreds." The dust on that seat and others, that dust on the floor, is so thick that the interior is like a sidewalk caked with dry, powdery dirt after a flood. On the filthy floor is a red plastic bucket marked by the moment the white paint was last poured from it. Small hinges and a batch of tiny screws are strewn haphazardly about, as if a conjurer had, with the flick of a wrist, tossed them there like metal bones in an effort to read some meaning into it all, discern the mystery.

The smells are of age and dust and raging summer heat, the lessons are of change and intransigence so great it is hard now even to comprehend. The dirty air tightens the lungs, like breathing gravel. A seat is torn in a cut-away display: old wood, followed by coarse dark fiber, followed by soft white stuffing—the hidden layers, like those of America, finally laid bare.

"A gear in the machinery shifted."

Yes, but why?

Why Montgomery? Why 1955?

Most of all, why Rosa Parks?

"Yeah, I know'd her," says A.T. Boswell, an erect 79-year-old man poised in front of his house, a hardscrabble house with a tin roof and tilting chimney that sits beneath a huge sheltering water oak in Pine Level, Ala., precisely 20 miles southeast of Montgomery on Route 231. It was a long distance for Rosa Parks and America to travel. In bib overalls, Mr. Boswell stands with his giant hands planted powerfully on his hips, his eyes clear, his long face narrow at the chin and wide at the forehead a triangle standing on its tip. A thin scar, evidence of a bout with a barbed wire fence decades ago, runs the length of his left forearm. His voice, from deep in his chest, seems to roil his words before they arrive, creating a dialect almost too foreign for a stranger.

She's related to my people," he says of Rosa Parks.

"Who was her mama?" asks Julia Boswell, Mr. Boswell's wife of 52 years. She has joined him in the sunny yard, her hands clasped casually behind her back. At 69, she is short, round and relaxed to Mr. Boswell's tall, gaunt and formal. She wears a denim hat with a round brim that casts a shadow over her face, a blue-and-white house dress and a white apron. Beyond the house, her laundry is drying on the line. Mr. Boswell rumbles a response.

"Oh, Leona!" Mrs. Boswell interprets. "Leona and cousin Fannie were sisters. Well, his grandmother was they aunt. She was Leona Edwards' aunt. That was Rosa Parks' mother."

"She was raised on the farm," says Mr. Boswell.

Rosa Parks was born in Tuskegee, Ala., in 1913. By the time she was a toddler, the marriage of her mother and father was pretty much over and Leona had moved back to Pine Level to live with her parents. Leona wasn't your average country woman. She was a schoolteacher who had attended the private Payne University in Selma at a time when public education for most of Alabama's black children ended in the sixth grade. Unlike nearly all black families near Pine Level, Leona's family didn't crop for shares. The family owned 12 acres of land that one of Rosa's great-grandfathers, a Scotch-Irish indentured servant, had bought after the Civil War and another six acres one of her grandmothers had inherited from the family of a white girl she'd once cared for. In that time and place, the family of Rosa Parks was comfortable.

While many blacks then felt compelled to smile and shuffle around whites, such behavior was banned in her home. Rosa's maternal grandfather, the son of a white plantation owner and a seamstress house slave, had been mistreated terribly as a boy by a plantation overseer and he hated whites. He wouldn't let Rosa and her brother, Sylvester, play with them. Rosa once stayed up late with him as he sat resolutely, shotgun at the ready, while the Ku Klux Klan rode the countryside. He told her he's shoot the first Klansman through the door. Her grandfather was so light-skinned that he could easily pass for white, and he took joy in reaching out and shaking the hands of white strangers, calling them by their first names and introducing himself by his last name, dangerous violations of racist protocol at the time.

Young Rosa took her cues from her grandfather and stood up to white children who tried to bully her, although her grandmother warned that she'd get herself lynched someday. That Rosa had white ancestors on her mother's side and her father's side made the hard line between black and white seem even more ludicrous. As a girl, she secretly admired a dark-skinned Pine Level man who always refused to work for whites. Years later, one of the traits that attracted her to her future husband, Raymond, was that he had faced down white bullies and even helped raise money for the defense of the Scottsboro Boys, nine black Alabama youths convicted in 1931 on flimsy evidence for supposedly raping two white woman.

Rosa was a quiet, polite girl, petite and delicate. She played tag, hide-and-seek and Rise Sally Rise with the other kids but wasn't much of a rough-houser, played a lousy game of baseball. She had a sweet voice, loved to sing gospel in church, read the Bible to her grandmother after her eyes failed. Rosa's mother expected her children to excel in school. Rotha Boswell, a cousin of Rosa's who is now 81, even remembers a time Leona spanked Rosa's brother for getting lower marks than Rotha, who always thought Leona believed her children were better than everybody else's.

The strength and confidence of Rosa Parks and her family don't exactly jibe with the Rosa Parks myth—the myth that emerged from her refusal to move to the back of the bus in 1955, the myth that served the needs of the emergent civil rights movement and the myth that spoke so eloquently to black and white America: She was a poor, simple seamstress, Rosa Parks, humble and gentle, no rabble-rouser, a meek Negro woman, exhausted from a hard day's work, a woman who had been abused and humiliated by segregation one time too many, who without forethought chose to sit her ground. In truth, Rosa Parks was far more and far less than the mythology that engulfed her and that became the mobilizing metaphor of the Montgomery bus boycott, which lasted 381 days, raised the unknown Rev. Martin Luther King Jr. to international prominence and helped launch the modern civil rights movement.

Rosa Parks was not a simple woman. She wasn't meek. She was no more tired that day than usual. She had forethought aplenty. She didn't start the Montgomery bus boycott or the civil rights movement, neither of which burst forth from any single symbolic act. Forty years later, the defiance of Rosa Parks and the success of the boycott are enshrined in mystery and myth that obscure a deeper truth that is even richer, grander and more heroic. "I know you won't write this," says Aldon Morris, sociologist and author of Origins of the Civil Rights Movement, "but what Rosa Parks did is really the least significant part of the story. She refused to give up her seat and was arrested. I'm not even completely comfortable with deflating the myth. What I'm trying to say is we take that action, elevate it to epic proportions, but all the things that happened so she could become epic, we drop by the wayside * * * That she was just a sweet lady who was tired is the myth * * * The real story of Montgomery is that real people with frailties made change.

"That's what the magic is."

Back in her front yard, Mrs. Boswell waves her hand in the air to stop the conversation, walks toward the porch to fetch her purse and says, "I'm gonna take you to someone else's house." No place is more than a few minutes away in Pine Level, but the trip detours to the Mount Zion African Methodist Episcopal Church on old Route 231, where the Boswells, Rosa Parks and just about every black resident of Pine Level have always gone to church. The original frame church, where Rosa Parks's uncle was the pastor, is gone, replaced with a utilitarian cinder block church, stark white.

The church is locked and she and her husband walk through the shady graveyard north of the church. They look for stone markers with the names of Mrs. Park's forebears, but find none. "We didn't have markers then," says Mrs. Boswell, her purse slung over her left shoulder and tucked neatly under her arm. "A lot ain't got no markers now. They just buried in the dirt. Then forgot 'em and buried somebody else on top of 'em. That's the way it be . . . I got a grandmother and grandfather out here and I don't know where they at. Since my mother passed, I don't know where they at." If Mrs. Boswell's mother, who died in 1958, were alive today, she'd think the change in race relations since 1955 was a miracle. "She wouldn't a believed it," Mrs. Boswell says with finality. After a pause, she says. "I wouldn't a believed it either." She, too, believes it was a miracle.

"White men here," Mrs. Boswell says, as she walks from grave to grave, "they kilt an innocent bystander boy, buried right down there." She points to a corner of the graveyard. She figures it was in the '30s. "His last name was Palmer, Otis Palmer, or something. He's probably in one a them that ain't got no stone." A white gang was searching for a black they believed had killed a white man. "And this boy was out there some kinda way and got kilt. I imagine they mighta thought he was the black man did it, you know? They just shot 'im . . . I know the day. I was a kid then myself."

At the nearby home of their friends, Mr. Boswell walks past the little trailer where they live, past Black Boy, the frail old dog sleeping at the steps, and out to the place where Eugene Percival is sitting in a rusty metal chair on pale dirt that is packed as hard as concrete. He, too, wears bib overalls. He is 85 years old: "I tell ya when I was born, ought 9." For a moment, the old men talk to each other in a dialect almost too foreign for a stranger.

"Rosa Parks, my dad's her uncle." Mr. Percival finally says, bobbing his head, his right leg crossed at the knee over his left, his posture that of a much younger man. "Oh, she was *mean*, mean as could be." He leans forward, laughs at his own teasing, and says seriously. "She was a good woman. And still good, ain't she?"

From the trailer, Mr. Percival's sister-in-law, Ina Mae Gray, 92 years old, is making her way slowly and painfully across the pale dirt. She's a large woman with a bandanna wrapped around her head and another bandanna tied western-style around her neck. She, too, sits in a metal chair. "Arthritis," she says, pulling up her long dress to her knees, running her hands gently down over her calves and then stopping to massage the bridges of her feet. She glances up askance at the white stranger and flashes a wary smile: "You're not gonna put me in jail, are ya? I don't wanta see the jail, noooo!" Mrs. Gray, too, remembers Rosa Parks. "She was a good child, go to the field and hoe and plow. Pickin' cotton . . . And anything else you could raise to eat . . . I know'd her mama. What's her mama's name?"

"Leona," says Mr. Boswell.

"I heared that 'bout the bus," says Mrs. Gray. "She was tryin' to get us a livin', I reckon." And suddenly, Mrs. Gray is angry, her voice rising. "Let us have som'in' like them . . . Wooo, man, man! I had a hard time, hell, try to eat and couldn't eat. Had to eat water and bread and all kinda mess." Her face is contorted now and she is fighting back tears, her voice trembling. "They was over us, they might beat our ass and go to cussin'." How is she supposed to love white people? Mrs. Gray asks. "Man, I could cry! Right now! The way they done us. Let's call it. Us didn't have nothin'."

"Hard times!" Mr. Percival says.

Mrs. Gray gets wary again: "Don't put me in jail, mister."

From the trailer, Mrs. Boswell and Mr. Percival's wife, Nettie Mae, who is 81, come out to join the conservation. Mrs. Percival says she wasn't surprised when Rosa Parks got arrested. On any given day, because of the way it was, any black person could've snapped, met their limit and gone off, boom!

"They treated ya like slaves!" says Mrs. Boswell.

"I coulda did it," Mrs. Percival says, her eyes wide and intense.

Everyone nods in agreement.

Mrs. Boswell: "It's over with now."

Mr. Boswell: "Time and God changed that."

Cloverdale is a beautiful Montgomery neighborhood of landscaped yards, mature trees, flowering bushes, old, elegant homes. Cloverdale, which is integrated today, speaks to the incongruence that is the life of Virginia Durr, a 92-year-old white woman and daughter of Montgomery's gentry who, with her husband, Clifford, was one of the few whites brave or committed or foolish enough to support Rosa Parks and the bus boycott. Her husband's law practice was nearly ruined, two of her daughters had to be sent to school up North, her yard was littered with obsence leaflets.

Mrs. Durr, a widow for 20 years, has been helped into the car from her small, white-clapboard retirement home. Her wheelchair is packed in the trunk. She is waiting for her friend and paid helper, Zecozy Williams, a 77-year-old black woman, to close up the house and climb in the car. Rather than talk in the house, Mrs. Durr prefers to go out for dinner. She has a huddled, little-old-lady look about her as she sits, her snowy hair swept up nicely, her hands smoothing the lap of her flowered skirt. But as she explains her choice of restaurant, her sing-song Southern voice carrying a pleasant archness, she doesn't sound like a little old lady.

"It's just that at certain restaurants you're more welcome than at others," she says, referring to Mrs. Williams. "Certain places are white places and certain places are black places. And so when you find one that will welcome both, you're lucky." Mrs. Durr has selected the Sahara. "They have black waiters . . . If they have black waiters, she's more comfortable than if they have white waiters."

Has Mrs. Williams actually told her this?

Mr. Durr smiles benevolently. "No, honey, I know it."

On the night Rosa Parks was arrested, Eddie Mae Pratt, now 79 and a friend of a friend of Mrs. Parks, happened to be on the crowded bus. She was standing in the rear and couldn't see the commotion up front. Word filtered back that a black woman wouldn't give up her seat to a white. Mrs. Pratt, who knew Mrs. Parks from evenings she spent sewing clothing with Bertha T. Butler, Mrs. Pratt's neighbor, finally caught a glimpse of Mrs. Parks as she was led off the bus. Suddenly, she felt weak. She wrapped her arms around her chest and when the bus lurched forward, she slipped hard enough that a black man offered her his seat and she sat down.

"Do you feel all right?" he asked.

"That's Mrs. Parks," she said, stunned.

At her stop, Mrs. Pratt ran to the nearby house of Bertha Bulter, who said, "Oh, my goodness!" She called the home of E.D. Nixon, the founder and former president of the Montgomery NAACP, where Mrs. Parks had been the volunteer secretary for 12 years. Nixon called Clifford Durr, who knew Mrs. Parks because, upon Nixon's recommendation, she had been doing seamstress work for Mrs. Durr. When Nixon drove by to pick up Clifford Durr, Mrs. Durr was with him and they went and bailed out Mrs. Parks.

Forty years later, at the Sahara, where Mrs. Durr is seated in her wheelchair at the table and Mrs. Williams is helping cut her entree, an old black waiter whispers to a young black waiter: "That's Mrs. Durr, who went and got Rosa Parks out of jail."

Mrs. Durr smiles. "My claim to fame."

That's not exactly true. Clifford Durr, who grew up in Montgomery, was a Rhodes scholar with a degree from Oxford University and a New Dealer whom Franklin Roosevelt had appointed to the Federal Communications Commission. After Clifford resigned to represent people charged as subversives in the communist witch hunts of the 1950s, the Durrs returned to their home town, where his family was the founder and owner of the prosperous Durr drugstore chain. Although politically conservative, the family supported Clifford and Virginia financially and gave him legal business. Then Virginia and Clifford were tarred as alleged communist sympathizers by U.S. Sen. James Eastland of Mississippi, whom an outraged Clifford publicly challenged to a fistfight. The Durrs were ostracized in elite Montgomery society, especially after it became known that Mrs. Durr was holding interracial women's prayer gatherings in their home. She once called to confirm a birthday party invitation sent to one of their daughters.

"Are you Clifford Durr's wife?" a man asked.

"Yes."

"Well, Mrs. Durr, no child of yours can enter this house."

Through a New Deal acquaintance, Clifford met E.D. Nixon, who is perhaps the most unsung of Montgomery's civil rights heroes. He was a Pullman porter and the local head of A. Philip Randolph's powerful Brotherhood of Sleeping Car Porters. Nixon was close to Randolph, who in the '40s was already calling for massive grass-roots, demonstrations against Southern Jim Crow laws. Nixon himself had opened the local NAACP chapter in the 1920s. In Montgomery, Nixon was "Mr. Civil Rights." He was rough-edged and poorly spoken, but he was an indefatigable man bravely willing to call public attention to the constant abuse of black people.

In those days, there was only one black lawyer in Montgomery. So when Nixon learned that Clifford Durr would take black clients, he sent them to him—no doubt also hoping to create a powerful white friend and ally. When Clifford mentioned that his wife needed a seamstress to alter the clothing their daughters received as hand-me-downs from rich relations—including Virginia's sister, the wife of former U.S. senator and then-Supreme Court Justice Hugo L. Black—Nixon sent Mrs. Parks, who had become a woman in the mold of the girl she had been.

Rosa Parks was pretty, with supple, tan skin and brown hair that ran to near her waist when it was down, but which in public was always braided and rolled in the fashion of Scarlett O'Hara in "Gone With the Wind." She wore little makeup. She had a lovely smile and a gentle laugh, although folks can't remember her ever telling a joke or talking about a favorite movie. They can't remember her ever dancing or playing cards. She never gossiped, never seemed to get angry or even exasperated. She had flawless diction and elegant penmanship. Although she spoke little, she was gently assertive when she did, with a touch of music in her voice. He long silences weren't uncomfortable. She was a serene, placid woman whose quietness was easily mistaken for timidity.

"She was very much a lady," says Mrs. Durr, who has only nibbled at her dinner. "The thing that makes it so interesting is that a lot of white women, they came down here after the Civil War and started a school, and she had gone to that school . . . staffed by white women, high-class women who came down to the South to be missionaries to the blacks." It was the Montgomery Industrial School for girls—dubbed Miss White's school after its headmistress, Alice L. White. Rosa's mother had sent her to live with Montgomery relatives so she could attend. Rosa cleaned classrooms to help pay her way. It's believed that Miss White's school got money from Sears, Roebuck & Co. chairman Julius Rosenwald, who funded schools for blacks all across the South. "She came from good people and she had all the elements of a lady," Mrs. Durr says of Mrs. Parks. "Neatness and order—just a lovely person."

After dinner, Zecozy Williams packs Mrs. Durr's meal into a doggie box. Back at home, before she sits down to talk about Rosa Parks and the boycott, Mrs. Williams helps Mrs. Durr get comfortably situated in her living room on the couch beneath an oil painting of herself. While Mrs. Durr reads *Wallis and Edward*, the story of the prince of Wales and Wallis Warfield Simpson, Mrs. Williams goes to the dining room, sits in a large rose-colored wing chair and mends one of Mrs. Durr's bathrobes. She's getting Mrs. Durr ready for her summer trip to Martha's Vineyard. "This is what Rosa did," Mrs. Williams says, laughing, her voice rich and deep and liquid. "I'm doin' the same thing."

Mrs. Williams didn't know Rosa Parks well. She, too, had moved to Montgomery from a country town, Hope Hull, Ala., but she was from a dirt-poor cropping family. As a teenager, she kept house for a white doctor in the country—cooked three meals a day, cleaned the house and did the laundry for $5 a week. She also carried eggs, 15 to 20 dozen, into Montgomery on horseback to sell. Then she started taking a bus into the city to do domestic work for $3 a day. It was hard for her to catch the bus on time, because her family didn't own a clock. In 1950, she and her husband moved to Montgomery.

One day, the woman doing her hair, Bertha Smith, asked if Mrs. Williams was a registered voter. "I didn't know what that was. Really, I didn't." But soon she was attending voting clinics run by Rufus Lewis, a former teacher and football coach at what is today Alabama State University, Montgomery's historically black college. As the NAACP was E.D. Nixon's mission, voter registration was the mission of Rufus Lewis. The men were rival leaders, Lewis said to represent blacks teaching or educated at Alabama State and Nixon said to represent working people like himself. The saying was: Nixon had the "masses" and Lewis had the "classes." Through Nixon, Zecozy Williams met Rosa Parks, who in 1943 had become the NAACP secretary in the footsteps of Johnnie Carr, a friend and fellow classmate from Miss White's school whose son would later become the test case that desegregated Montgomery's public schools. Before long, Mrs. Williams was helping Nixon and Lewis teach black folks how to pass the dreaded Alabama literacy test.

"I never did get afraid," Mrs. Williams says, even when she returned to Hope Hull and began registering blacks. Why? She doesn't know. She just put fear out of her mind, flicked a switch. After a while, she went to a white county politician and told him a new road was needed running out to the black schoolhouse.

"How many people you got registered?" he asked.

"Well, we got quite a few."

"Name some of 'em."

She did.

Mrs. Williams stops sewing. "And he made a road, ditched it on both sides."She is still incredulous. "And that was because of me. That was the first time I saw the power."

In the early '50s, Mrs. Williams occasionally served at Mrs. Durr's parties. She was already the full-time domestic for Mr. Durr's sister and her husband, Stanhope Elmore. She liked the Elmores, but it was Mrs. Durr she admired. "Mr. Elmore and them would talk about her," she says. "She was an outcast. They never invited them over." But black people, whether or not they knew her personally, understood that Virginia Durr was putting her life and the lives of her family on the line. Mrs. Williams nods toward the old woman reading in the living room: "Mrs. Durr is a brave woman."

The East side of old black Montgomery isn't what it used to be. Alabama State still anchors the neighborhood, but many affluent blacks have migrated to the suburbs, where they now live among whites. Many doctors and lawyers, even public school teachers with two modest incomes have abandoned Montgomery's old black neighborhoods. But Rufus Lewis, 88 years old, a giant in the Montgomery civil rights movement, a man barely known outside his circle of aged contemporaries, still lives on the old black east side. He looks remarkably like the young, imperious Rufus Lewis, his head still kingly and dignified, with the bearing of an old, unbowed lion. But his mind is cloudy. He can't recall his past. He can't recall Rosa Parks.

Back in the '40s, Lewis became obsessed with black voting rights. Night after night, he traveled the countryside teaching blacks how to register. In Montgomery, he founded the Citizens Club, a private nightclub blacks could join only if they were registered voters. An entire generation of Montgomery blacks say Rufus Lewis is the reason they first voted. Lewis was the first to ramrod the Montgomery bus boycott's labyrinthine automobile transport system that helped get black boycotters back and forth every day for 13 months. Lewis, with Nixon's concurrence, nominated Martin Luther King Jr. to head the organization leading the boycott.

"Tell him as much as you remember, Daddy," says his 56-year-old daughter, Eleanor Dawkins. She sits in her father's knotty pine study with his old friend, a former mailman and present Montgomery City Council president, 73-year-old Joseph Dickerson. "I thought that with Joe here," his daughter says, "maybe there will be something that will come up."

"Maybe," Mr. Lewis says tentatively.

"He believed," says Mr. Dickerson, who took part in five major European operations in World War II, "that if you go off to fight for your country, you oughta be able to vote in your country."

Something stirs in Mr. Lewis. "We got a lotta folks registered," he says, smiling. They mimeographed the literacy test, taught folks the answers, traveled by cover of night through the backwoods Jim Crow landscape, sent light-skinned blacks to the Montgomery registrar's office to learn if it was open that day, drove folks to the courthouse. When people failed the test—as they usually did the first time or two—Lewis and his workers did it all again, and then again. He stops talking, leans across the desk where he is sitting, fingers steepled, eyes blank, lost again.

Does Mr. Lewis know that history records his achievements?

"Well, that's fine to be remembered in the books," he says, suddenly firm and lucid, "but the best part of it was being there to help the people who needed help . . . That was our job."

The night Rosa Parks was arrested, E.D. Nixon and Clifford Durr recognized instinctively that Mrs. Parks was the vessel they'd been seeking to challenge the segregated bus laws. Other blacks had been arrested for defying those laws. Only months before, a 15-year-old girl, Claudette Colvin—inspired by a high school teacher's lectures on the need for equal rights, angered by the conviction of a black high school student for allegedly raping a white woman—had refused to give up her seat to a white, then resisted arrest when the police came. She kept hollering, "It's my constitutional right!" Nixon had decided against contesting her case: She had fought with police, she came from the poorer side of black Montgomery and, it was later learned, she was pregnant. He had also rejected the cases of several other women recently arrested, waiting for just the right vessel to arrive.

Then came Mrs. Parks. "We got a lady can't nobody touch," Nixon said. There were other advantages. Rosa Parks, because of her well-mannered, serene demeanor, her proper speech, her humble, saintly way, her ascetic lifestyle—she didn't drink, smoke or curse—carried not only the image but the reality of the deserving Negro. Mrs. Parks had the qualities middle-class whites claimed in themselves and denied in blacks. Nothing about her supported the white contention that she deserved to be treated as inferior.

She had another advantage: Although whites may have viewed blacks as a single entity, the social class fissures within the black community—between educated and uneducated, affluent and poor—ran deep. Mrs. Parks bridged that gap: She was of "working-class station and middle-class demeanor," as Taylor Branch wrote in Parting the Waters. She came from a good family, her relatives were prominent in Montgomery's St. Paul AME Church, she was educated at Miss White's and later Alabama State's lab school, and she had the manners—as Virginia Durr said—of a "lady." In her role as NAACP secretary, she was respected by the city's educated activist community. But she was also a seamstress who earned $23 a week, whose fingers and feet were tired from honest work. She was a PR bonanza—with a bonus.

She was velvet hiding steel.

That night, after hushed conversations, Nixon and Clifford Durr asked if she would plead not guilty and fight her arrest in court. Nixon said they could take the case to the Supreme Court. Her husband, Raymond, a barber, was terrified, and Mrs. Durr later recalled in her memoir, Outside the Magic Circle, that he kept saying, "Rosa, the white folks will kill you! Rosa, the white folks will kill you!" Like a chant. Mrs. Parks was perfectly calm.

"I'll go along with you, Mr. Nixon."

Her decision wasn't as simple as it seems, wasn't made in that one instant, but was a long time coming. In her 1992 autobiography, Rosa Parks: My Story, the source for many of the details about her life and attitudes, Mrs. Parks writes that as she sat on the bus, waiting for the police to arrive, she was thinking about the night as a girl when she sat with her grandfather, shotgun at the ready, while the KKK rode the countryside. The humiliating segregation of Montgomery's buses was much on her mind. Not only had Claudette Colvin's arrest occurred last spring, but just a month earlier, a bus driver had ordered Mrs. Parks's dear friend, Bertha Butler, to move back to make room for a white man: "You sit back there with the niggers." Mrs. Butler was a woman raising two children on her own, who also worked as a seamstress, who sometimes sewed until 5 a.m. for extra income and who still found time to run voter clinics in her home two nights a week. She had befriended Mrs. Parks because she so admired her civil rights work. Mrs. Butler didn't move at the order, and the standing white man, in soldier's uniform, had intervened: "That's your seat and you sit there." Mrs. Butler, now retired at age 76 and living near Philadelphia, was glad she wasn't the one to get arrested. "God looked at me and said I wasn't strong enough," he says. "Mrs. Parks was the person."

At the time Mrs. Parks was arrested, she was in the process of rejuvenating the NAACP's youth organization, getting ready for a conference in a few days. Only the summer before, at the behest of Virginia Durr, Mrs. Parks had spent 10 days at the interracial Highlander Folk School in Tennessee, a labor organizing camp that had turned its radical eye on civil rights. Mrs. Parks loved waking up in the morning at Highlander, smelling the bacon and eggs cooking—and knowing it was white people fixing breakfast for her. She returned home, Mrs. Durr later said, inspired at realizing that whites and blacks could live as equals and even more disgusted with segregation. One of Highlander's most famous black teachers, Septima Clark, said later, "Rosa Parks was afraid for white people to know that she was as militant as she was."

Mrs. Parks had been training her high school charges in the ways of civil disobedience. Mrs. Butler's 58-year-old daughter, Zynobia Tatum, remembers saying to Mrs. Parks, "They are going to hit me, spit on me and call me names, and I can't fight back? I cannot promise you." Mrs. Parks told Zynobia she needed more training. Already, Mrs. Parks had sent her youth group members into the whites-only public library to order books. Zynobia Tatum recalls that she and Mrs. Parks had often taken drinks from whites-only water fountains downtown—"to show our disapproval." After Claudette Colvin's arrest for refusing to give up her seat, Claudette joined Mrs. Parks' group—and Mrs. Parks discovered she was the great-granddaughter of the dark-skinned black man in Pine Level who had refused to work for whites, the man young Rosa had secretly admired. It was almost prophetic.

Despite her genuine gentleness and pragmatic faith in the tactic of civil disobedience, Rosa Parks was never entirely comfortable with the philosophy of nonviolence and the idea that if black people were attacked, they shouldn't fight back. In an obscure 1967 interview on file at Howard University she said bluntly, "I don't believe in gradualism or that whatever is to be done for the better should take forever to do."

For more than a decade as NAACP secretary, she had watched case after case of injustice against blacks come through the NAACP office, almost all of which she was powerless to change. She'd worked with a group trying to save the life of the young Montgomery man convicted of raping a white woman—the case that had so outraged Claudette Colvin—only to see him executed. She knew the widow and three small children of a black man who, in his U.S. military uniform, was shot dead by police after he supposedly caused a scene on a Montgomery bus. She had told local NAACP board member Frank Bray, now 75, that someone needed to do something to break the fist of segregation, even if it meant a sacrifice.

"I had no idea," he says, "that she would be the sacrificial lamb . . . She'd say. These folks have all these beautiful churches and they profess to be Christians and yet they have businesses where the clerks are not courteous and where you cannot use a restroom and if you drink water you have to drink out of the little spigot that was added to the main fountain' . . . Most blacks resented the conditions and many of them adjusted to it and many did not adjust. She did not adjust." After her arrest, Mrs. Parks revealed to fellow boycott worker Hazel Gregory, now 75, that she had thought about refusing to give up her seat in the past.

Montgomery whites claimed that her arrest was part of a plot, that Nixon had put his longtime secretary up to it. No evidence supports that claim. On the night of her arrest, Nixon was shocked and confused, flailing about in his effort to get her released. It is embedded in the American psyche that Rosa Parks acted on the spur of the moment, and her arrest is often called the "spark" that ignited the modern civil rights movement. In fact, Rosa Park's act and the firestorm that followed were more like spontaneous combustion—a fire ignited by the buildup of heat over time in material ripe for explosion. Mrs. Parks, who wasn't afraid as she waited for her arrest, who felt oddly serene, revealed the lifetime thread of experiences that had led to her action when the police arrived and asked once more if she would move. In the way of the Bible, she answered with a question:

"Why do you all push us around?"

No moral philosopher, the cop said, "I don't know."

Then she was led away.

Years later, Edward Warren Boswell, now 41, the son of a cousin Mrs. Parks grew up with in Pine Level, asked her why she refused to move that particular day. "She said she had no idea," he recalls. His 44-year-old sister, Betty Boswell, says, "She said she was just tired from working, and they had always been harassing black people about not sitting to the front and she said that particular day she just wasn't in the mood . . . Her feet were hurting." Mrs. Parks told Edward: "It was just set in motion by God."

Back in the study of Rufus Lewis, City Council President Joe Dickerson agrees. But he, like Mrs. Parks and almost everybody else who was involved in the boycott, was of the praise-the-Lord-and-pass-the-ammunition school of religion. Every inch of progress was a battle. White politicians tried to break the boycott in court, and the boycott leaders fought back in court. The white thugs bombed four churches and the homes of King, Nixon and Ralph Abernathy, a young minister in Montgomery at the time. As Zecozy William said, people risked their lives.

Theirs was an eerie determination. King later wrote that he was increasingly afraid until late one night when he felt the presence and the resoluteness of God descend upon him. Mrs. Williams said she flicked a mental switch to turn off her fear. Mrs. Parks described her serenity as she waited to be arrested. And now, Mr. Dickerson compares his state of mind during the dangerous days of the boycott to the way he felt the night before a military operation in World War II: "Gotta go."

Mr. Dickerson: "It's a miracle."

Mr. Lewis: "I just feel grateful that we came through."

The room is like Inez Baskin's private museum. The large portrait of her grandfather stands on an easel. In his bow tie and vest, with his mustache and slicked-back hair, he looks every bit an Irishman. The photo of her mother and father, so fair-skinned, sits on the piano encased in plastic wrap for protection. "My husband's father was white, too," she says. And of course, on the wall, is the famous photo of Mrs. Baskin, now 79 years old, on the day that bus segregation ended in Montgomery: Mrs. Baskin, Abernathy, King and two others riding a bus. The photo ran worldwide and Inez Baskin, a reporter for the "colored page" of the Montgomery Advertiser and a correspondent for Jet magazine and the Pittsburgh Courier, was mistaken by many for Rosa Parks, still is today.

"In the '50s, I didn't have *any* sense," she says, sitting in a large, comfortable chair amid her memorabilia. She softly rubs her face, plays with the ring on her left hand. Her long gray hair sweeps over from the right, dangling in a single braid to her left. She speaks softly and deliberately. "I thought I could walk on water in those days." With a black photographer, she once raced out to Prattville, Ala., after a report that the Klan was burning a cross. The crowd was gone, but the cross was still burning. She laughs and shakes her head at the memory. A photo ran in Jet.

Did she know Rosa Parks?

She smiles faintly. "An angel walking."

"I wonder sometimes what it would have taken just to make her act like the rest of us . . . She would smile, *very* demure, and never raise her voice. She was just different in a very angelic way . . . 'If you can walk with kings and not lose the common touch.' Those are the kind of expressions that come to mind when you think about Rosa Parks. My great-grandmother had an expression for it: 'living on earth and boarding in Glory.' "

Mrs. Baskin believes Mrs. Parks was heaven-sent?

"She *had* to be."

On the night Rosa Parks was arrested, after she had agreed to become bus segregation's test case, 24-year-old Fred Gray, one of Montgomery's two black attorneys then, arrived home late from out of town and got the word. Gray has grown up in Montgomery, attended Alabama State and gone to Ohio for law school because Alabama didn't have a law school for blacks. When the state required five attorneys to sign character affidavits before he could practice, Gray had gone to E.D. Nixon, who helped him find the lawyers. One of them was Clifford Durr. Gray had returned home with one goal—to "destroy everything segregated." Mrs. Parks immediately offered her services. Every day, she came to his downtown office at lunch, answered his mail for free, encouraged his idealism. They talked not only about the buses, but inferior black schools, segregated parks, swimming pools and toilets. In his memoir, *Bus Ride to Justice*, Gray, now 64, later wrote, "She gave me the feeling that I was the Moses that God had sent to Pharaoh."

Fred Gray upped the ante. Late on the night Mrs. Parks was arrested, he visited Jo Ann Robinson, an Alabama State professor and president of the Women's Political Council, a group composed of female university professors, public school teachers, nurses, social workers and the wives of Montgomery's black professional men. For months, Robinson had been laying plans for a bus boycott. Although she and most of Montgomery's affluent blacks owned cars and didn't ride the buses often, she had taken a bus to the airport in 1949 and mistakenly sat in a white seat. The driver went wild, screamed, threatened. "I felt like a dog," she later said.

Every black person who rode a bus had a tale to tell: the man who paid his last coin in fare only to have the bus drive off before he could return and enter through the back door, the woman who was attacked when she stepped onto a bus to pay ahead of a white man, the pregnant woman who fell when a bus pulled away as she stepped off. In 1953 alone, the Women's Council had received 30 complaints from black bus riders.

It was a unifying indignity.

Inspired by the Supreme Court ruling that had banned "separate but equal" schools in 1954, Robinson had even written the mayor and warned that if black riders weren't treated more courteously "twenty-five or more local organizations" were planning a bus boycott. It was a hopeful time. Already, a boycott in Baton Rouge, La., organized by the Rev. T.J. Jemison, had won concessions for black riders in that city. And in Little Rock, Ark., officials had devised a plan to integrate its schools. But nothing had come of Robinson's demands. Then Fred Gray dropped by.

At midnight, Robinson went to Alabama State and furtively used its government-owned paper and mimeograph machines to run off 52,500 leaflets announcing a boycott of Montgomery's buses on the day of Mrs. Parks's trial. The next morning, Robinson and her Women's Council cohorts and students distributed the leaflets to black schools, stores, taverns, beauty parlors and barber shops. When Alabama State's black president, H. Councill Trenholm, who served at the pleasure of the Alabama governor, learned of her action, he called her into his office and demanded an explanation. She told him another black woman had been humiliated on a bus; she promised to pay for the mimeograph paper. He calmed down, warned her to work behind the scenes. Trenholm's wife, too, was a Women's Council member.

The rest is history. Rosa Parks was found guilty and fined $10, plus $4 in court costs. To keep the followers of Rufus Lewis and E.D. Nixon from squabbling, King became the compromise choice to lead the boycott. When black preachers cozy with Montgomery's powerful whites balked at the idea, Nixon, in his rugged way, questioned their manhood: "You ministers have lived off these wash-women for the last hundred years and ain't never done nothing for them." After Nixon's taunt, King himself said, "Brother Nixon, I'm not a coward." Nixon planted the story of the boycott with a friendly white reporter at the Montgomery Advertiser. It became front-page news and announced the boycott to every black in Montgomery.

There were bombings, threats, lawsuits, harassing phone calls. Victory was not preordained; it came a day at a time. The city's stubborn refusal to compromise on bus seating—other segregated Southern cities didn't have specific seats reserved only for whites—probably hardened the resolve of the boycotters. The bombings certainly turned national public opinion against the segregationists. In 1956, young Fred Gray successfully took his argument against Montgomery's bus segregation to the U.S. Supreme Court. Although many people believe it was Rosa Parks's case that went before the high court, Gray actually didn't use her as a plaintiff because of technicalities in her case that might have undermined his federal lawsuit. Instead, five women whose names are mostly lost to history filed suit; Aurelia Browder, Claudette Colvin, Susie McDonald, Jeanetta Reese and Mary Louise Smith.

Victory had a price; Jo Ann Robinson and about a dozen other activist ASU employees lost their jobs. Monroe J. Gardner, whose granddaughter is now a federal magistrate in Montgomery, used his car to transport people during the boycott. He was beaten. Samuel Patton Sr., a boycott supporter and prominent builder, lost his line of bank credit. E.L. and Dorothy Posey, who ran the only black-owned parking lot in downtown Montgomery, let their lot be used as a transit staging point. After the boycott, they lost their business. Anne Smith Pratt volunteered dispatching cars to pick up waiting riders. Her marriage ended when her husband was sent overseas and she refused to leave her post. Not to mention the hardships endured by thousands of working class blacks who walked miles to work every day in the heat, the cold, the rain. Says sociologist Aldon Morris, "People made this happen."

During the boycott, Rosa Parks helped run the auto dispatch system. She wasn't a leader of the movement, and didn't try to be. She traveled the country raising money. Already, she was a symbol. When she, King and nearly 100 others were charged with conspiracy during the boycott, a photo of her being fingerprinted ran on the front page of the New York Times—perhaps because King was out of town and not available to be photographed. That picture, mistakenly believed by many to have been taken the night she was first arrested, became a piece of movement iconography.

As the historic significance of the boycott became clearer, as journalists poured in from all over the world, bickering began over the credit. Nixon became jealous of not only King but Rosa Parks. "If it hadn't been for me . . ." he told Mrs. Park's friend Hazel Gregory. In one of the final recorded interviews of his life in 1988, Nixon told local amateur historian Riley Lewis Jr., "We had court cases that had been filed 10 years 'fore Mrs. Parks was arrested . . . King didn't make the Montgomery bus boycott—me, the peoples and our protest made him!"

He was right. He was wrong.

Everybody made everybody.

Inez Baskin still marvels about those days. "It was as if I was out of myself doing these things," she says, sitting forward in her chair, holding her arms before her and gently swaying, eyes closed. "Not myself, but more myself than ever. It didn't seem as if it was me doing it . . . It was as if we were out of ourselves, watching ourselves . . . Not in our bodies.

"Does that make any sense?"

IT IS THE HANDS of Rosa Parks that you notice. They are always folded somehow, plaited together so naturally, the left hand lying open on her lap, the right hand's palm lying open over it, her thumb softly massaging her wrist. Or the fingers gently intertwined, her thumbs methodically crossing and recrossing. Or the left palm held open and facing up, the right palm grazing lightly back and forth over its surface. Hands always at rest, always at work.

Rosa Parks is visiting Montgomery today, traveling with a bus tour of youngsters retracing the path of the underground railroad from the South to Canada, stopping at important civil rights sites along the way. The Rosa and Raymond Parks Institute for Self-Development sponsors the tour, which is filled mostly with youths from the Washington and Detroit areas. Mrs. Parks has returned to Montgomery only occasionally since 1957 when she, her husband and her mother moved to Detroit, where her brother lived. She and her husband had lost their jobs and the phone jangled constantly with vicious threats: "You should be killed." Her brother was afraid for them and insisted they move to Detroit, where Mrs. Parks eventually worked for Democratic Rep. John Conyers Jr. as a receptionist and caseworker. She retired in 1988. Her husband, mother and brother are all dead. She is 82.

In cities where she was once despised, she is now treated like royalty—or more. Yesterday in Birmingham, siren-blaring motorcycle cops stopped traffic for her and the mayor proclaimed it "Rosa Parks Day." At the Birmingham Civil Rights Institute, Mrs. Parks stood quietly looking at a life-sized sculpture of herself sitting on the bus, purse in her lap, staring out the window, waiting to be arrested. Watching her watch herself was an army of TV crews and cameras. In Selma, a woman reached out, took hold of her challis dress and said, "I want to touch the hem of your garment." Unchanged in manner since 1955, Mrs. Parks said, "That's very nice." Today in Montgomery, she is given the key to the city and a speaker introduces her by saying, "Why don't we just get on our feet and greet our mother, Rosa Parks!"

The mother of the civil rights movement.

"A saint of American history," a TV reporter calls her.

"I don't consider myself a saint," says Mrs. Parks, who still wears her hair braided and rolled behind her head, still speaks so softly her voice is nearly inaudible, still is velvet hiding steel. "I'm just a person who wanted to be seated on the bus."

But again and again, Rosa Parks tells audiences she didn't remain in her seat because she was physically weary. No, she was weary of the injustice. Again and again, she mentions that she was working at the NAACP before her arrest. No, she didn't plan her arrest, but her whole life from childhood was leading up to it. Without being asked, she is responding to the mythic tale that, ironically, holds her up to worship *and* diminishes her: *the simple seamstress, the meek Negro woman, exhausted from a day's work, who without forethought chose to sit her ground.*

Rosa Parks doesn't really answer questions put to her later, questions about why she is often seen as a simple seamstress rather than as an assertive activist, questions about whether her sainthood status diminishes her status as a strong, committed woman. "I was always glad that the people did have the determination to make the sacrifices and take that action," she says in her soft, slow voice. "I just felt that as a person I didn't want to be treated like a second-class citizen. I didn't want to mistreated under the guise of legally enforced racial segregation and that the more we endured that kind of treatment, the worse we were being treated . . . I consider myself a symbol of freedom and equality, and I wanted to let it be known that that was what I believed in."

It is as simple—and complex—as that.

"She remains a pure symbol," says University of Georgia sociologist Gary Fine, an expert in political symbolism. "For everyone today and in the '50s, it was a text story with only one possible reading—this poor woman who refused to move to the back of the bus. What possible explanation could you possibly have for making her move? It was so transparently egregious." But for a symbol to have 40 years of staying power, Fine says, it must carry a deeper cultural resonance about "our own self-image."

"By protecting this image we are celebrating core values for ourselves as Americans," he says. "There is a universal consensus now that integration is good. She symbolizes this now. Everybody on all sides can use her." For blacks, she is evidence that they forced change. For whites, she is evidence that they were willing to change.

Rosa Parks as proof: America is good.

"The beauty was that she disappeared from the scene," says Fine, meaning that her later behavior or opinions didn't muddy the purity of her symbolism, as happened with King after allegations of plagiarism and marital infidelity. "She did her duty as a symbol and then disappeared except for ceremonial events."

Back in Montgomery, Mrs. Parks is standing amid the adoration, her hands plaited naturally on the lectern, giving a short tale: She's glad for all the change but more change is needed, the struggle for justice must go on, the greatest power is God. Then, so softly that people must strain to hear, she recites a hymn her mother sang to her as a child in Pine Level:

"O freedom,
O freedom,
O freedom over me.
And before I'd be a slave,
I'd be buried in my grave,
And go home to my Lord and be free."

"I'd like for everybody to remember me as a person who wanted to be free."

It is night and Joe Dickerson, the city council president, is standing before bus No. 5726, lit by the headlights of his car. Mr. Dickerson helped get the bus hauled here in hopes that the committee set up to honor the 40th anniversary of the boycott can eventually collect enough private donations to restore it. The Montgomery City Council, with four blacks and five whites, isn't yet ready to foot the whole bill or to finance the civil rights museum Mr. Dickerson would like to see built inside the old Empire Theater, outside of which Rosa Parks was arrested.

But someday . . .

"If you rode the bus, you were mistreated," Mr. Dickerson says, the light making him look washed and vague and mysterious in his little hat with the brim rolled up all the way around. And so the time was right. It could have been anybody . . . I guess when the time is right, it's just like Nelson Mandela. If anybody had told Mandela, 'You're gonna be free and you're gonna rule South Africa, man,' you talked like a fool. 'I'm not gonna get outta jail!' So there is a time for everything. And you have to play your role."

Rosa Parks's grandfather who refused to shuffle for whites played his role. So did the dark-skinned man in Pine Level who wouldn't work for whites. Rosa's mother, who sacrificed so Rosa could go to Miss White's school. Miss White. Julius Rosenwald. A. Philip Randolph. The NAACP lawyers who laid decades of groundwork for the 1954 Supreme Court schools decision. The Rev. T.J. Jemison, who organized the earlier Baton Rouge bus boycott. Those who took the literacy test again and again. Raymond Parks. H. Councill Trenholm, Ralph Abernathy, Eddie Mae Pratt, Anne Smith Pratt, E.L. and Dorothy Posey, Zecozy Williams, Bertha Smith, Monroe J. Gardner, Samuel Patton Sr., Johnnie Carr, Bertha T. Butler, Zynobia Tatum, Aurelia Browder, Claudette Colvin, Susie McDonald, Jeanetta Reese, Mary Louise Smith. And, of course, E.D. Nixon, Rufus Lewis, Jo Ann Robinson, Fred Gray, Clifford and Virginia Durr and Martin Luther King Jr., who transformed a demand for seats into a mission for God. And the 40,000 who refused to ride.

Strands in a thread.

Rosa Parks, too, played her role.

She still does.

"The message is ordinary people doing extraordinary things," says sociologist Aldon Morris, who fears that the simplified mythology that enshrouds Rosa Parks and the Montgomery bus boycott, the belief that it was all God-ordained, can obscure the determination, fearlessness and skilled organization of the people who made the movement. "To believe that King or Rosa Parks are heroes, it creates passivity . . . Young people then ask, "Where's the new Martin Luther King?' . . . People don't understand that power exists within the collectivity."

"The peoples," as E.D. Nixon said.

Back at the bus, bathed in the vague and mysterious light, Joe Dickerson says, "Things are changing."

Someday they'll have that museum.

"When the time is right."

And bus No. 5726 will be waiting.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 9, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 13

2:00 p.m.

Judiciary

Immigration Subcommittee

Business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.

SD–226

NOVEMBER 14

9:30 a.m.

Energy and Natural Resources

Oversight and Investigations Subcommittee

To hold hearings to review the decision-making process of the Department of the Interior in preparing and releasing the United States Geological Survey's 1995 estimate for the 1002 areas of the Arctic National Wildlife Refuge.

SD–366

10:00 a.m.

Armed Services

To hold hearings on the nomination of Arthur L. Money, of California, to be Assistant Secretary of the Air Force for Acquisition, Department of Defense.

SR–222

Judiciary

To hold hearings to examine the operation of the Office of the Solicitor General.

SD–226

NOVEMBER 15

10:00 a.m.

Judiciary

To hold joint hearings with the House Committee on the Judiciary's Subcommittee on the Courts and Intellectual Property on S. 1284, to amend title 17 to adapt the copyright law to the digital, networked environment of the National Information Infrastructure, and H.R. 2441, to amend title 17, United States Code, to adapt the copyright law to the digital, networked environment of the national information infrastructure.

2237 Rayburn Building

2:00 p.m.

Judiciary

Immigration Subcommittee

Business meeting, to resume markup of S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.

SD–226

NOVEMBER 16

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

11:00 a.m.

Energy and Natural Resources

To hold joint hearings with the House Committee on Resources to review the Alaska Natives Commission's report to Congress transmitted in May 1994 on the status of Alaska's natives.

1324 Longworth Building

NOVEMBER 17

9:00 a.m.

Judiciary

To hold hearings on H.R. 1833, Partial-birth Abortion Ban Act.

SD–226

NOVEMBER 28

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

DECEMBER 5

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 984, to protect the fundamental right of a parent to direct the upbringing of a child.

SD–226

CANCELLATIONS

NOVEMBER 9

2:00 p.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 231 and H.R. 562, bills to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, S. 364, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and H.R. 629, the Fall River Visitor Center Act.

SD–366

NOVEMBER 15

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.

SD–226

HOUSE OF REPRESENTATIVES—*Thursday, November 9, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. FOX of Pennsylvania].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 9, 1995.

I hereby designate the Honorable JON D. FOX to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For grace and peace, for faith and hope, for good friends and family and colleagues, for all these good gifts and for all the wonderful blessings of life, we offer this prayer of thanksgiving and praise. Remind us, O gracious God, that whatever else we fought in our busy lives, we do not forget to offer thanks and praise—thanks to You for the miracles of life, and praise for the people about us who sustain us and help us along life's way. May we live each day full of appreciation for Your grace, O God, and for the opportunities to express that appreciation in deeds of justice and mercy. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HEFLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

The point of no quorum is considered as withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Connecticut [Ms. DELAURO] come forward and lead the House in the Pledge of Allegiance.

Ms. DELAURO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 Members for 1-minute speeches on each side of the aisle.

NO UNITED STATES GROUND TROOPS TO BOSNIA

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, I am deeply concerned about the Clinton administration's continued declarations about its intent to send United States ground troops to Bosnia for so-called peacekeeping operations. The Clinton administration has been completely inept at convincing Congress or the American people that we have a compelling interest in Bosnia.

Mr. Speaker, the President has an obligation to build a public consensus before committing American forces to these kinds of hazardous missions. And, to term U.S. ground troops in Bosnia hazardous is an understatement. It would be a virtual death sentence for many Americans. I have yet to talk to a single soul who is in support of this kind of deployment.

Mr. Speaker, 2 years ago, Clinton made the promise he would send the troops, with no idea of what they will be doing, how long they will stay, or what the measure of success would be. Last week, we passed a resolution saying come to us before you do that. The next day, the President said, We do not care what they pass down there, we are going to do it anyway.

Last night a conference produced a binding resolution which will come to the floor of this House hopefully next week. We will get an opportunity to debate this issue fully and to consider it.

Mr. Speaker, when one of our young service men or women comes home from Bosnia in a body bag, how do I tell the parents he died serving his country?

RAIDING OF PENSION PLANS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to address a provision that was included in budget reconciliation. This provision would allow corporations to remove excess funds from overfunded pension plans for any reason. There is only one way to describe this provision and that is the raiding of pension plans.

This issue has received much attention across the Nation and the general consensus is this is a bad idea. In the September 25, 1995 edition of the Chicago Tribune there was an article entitled "Keep Paws Off Pension Fund Assets." Let me read you a quote from this article:

> Well-heeled financial backers of the majority in Congress—perhaps sensing that the good days won't last much longer for them, either—are busy grabbing for everything they can get as fast as they can get it. Under cover of the high profile debates about budget deficits, welfare reform and Medicare, they are stuffing their cheeks with smaller morsels that don't get media attention. The latest is a proposed raid on corporate pension funds, which represent the storehouse of retirement savings for millions of American workers.

This article is right on target. We cannot allow corporations to siphon off excess pension assets. These pension assets are prudently invested and they should remain in the market. The corporate pension reversion provision does not belong in budget reconciliation. The Senate took a vote to remove it from their budget legislation. We should follow their lead. We cannot allow pension funds to be used as tax free corporate checking accounts.

TIME FOR PRESIDENT TO SIGN A BALANCED BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the President gives new meaning to the term AWOL—absent without leadership. We are in the process of doing

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

something that the Democrat majority could never accomplish—balancing the Federal budget. Republicans are keeping their promise to move forward with a certified and honest balanced budget.

What has the Clinton administration done? Everything and nothing at the same time. The President has said he can support a plan that balances the budget in 5, 7, 9, or 10 years. But yet he has not produced any real plans to go along with his statements.

So now the Republican majority is going to present him with a real plan to balance the budget in 7 years. We have shown true leadership by doing the right thing for our children's future.

Mr. Speaker, it's time for the President to stop the gimmicks and excuses. It's time for him to keep his promises and sign a balanced budget.

REPUBLICANS' NEW YEAR'S CARD TO AMERICA

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, our Republican friends began shouting "Happy New Year" a little early last night. "Happy New Year" to everybody in this country who relies on Medicare, because come January there will be a New Year's card from our Republican friends. It is called an increase in Medicare premiums that every person who relies on Medicare will have to pay.

Mr. Speaker, if Americans are sitting out there saying, "It does not make any difference to me. I am not on Medicare," they need to think again and look at the reports from this week. Economists in Washington and business representatives warn that millions of working people and their employers could end up paying more for health care and that many people who work for small businesses could lose their insurance altogether as a result of this harsh, backward Republican cut of Medicare.

Indeed, one independent study reports that employers would require their employees to absorb much of the increased costs in the form of reduced wages, truncated or denied pay increases, or less generous health coverage.

Half a million people will lose their insurance coverage altogether. That is the result of the Republican New Year's present to America: A cut in Medicare, a hike in premiums.

A BRIGHT FUTURE FOR AMERICA'S CHILDREN

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute.)

Mr. KNOLLENBERG. Mr. Speaker, for months the minority has engaged in a vicious smear campaign designed to scare the American people into believing that the Republican majority is working against their interests.

I am here today to tell the American people that the sky is not falling. In fact, we are finally beginning to see the light at the end of the tunnel. A light emanating from the bright future that awaits our children because the Republican majority is requiring the Federal Government to live within its means.

It's simply immoral to spend money we don't have and expect the next generation to pick up the bill. Our plan to balance the budget ensures that our children will have a future that is free of debt and full of opportunity.

Mr. Speaker, we can't continue to perpetuate the policies of spend now and worry later. It's time to place America's families and America's future above the politics of the past. It's time to do the right thing and balance the budget.

VOTERS REJECT GINGRICH REVOLUTION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, some people just do not get it. On Tuesday night, as voters all over this country were rejecting the extreme agenda of the Gingrich revolution, House Republicans were working behind closed doors to raise the Medicare premiums.

Mr. Speaker, this is no smear; this is reality. The Medicare part B premiums were scheduled to drop to a 25-percent rate, but Tuesday night Republicans voted to raise those premiums to 31.5 percent. That means that instead of $42 a month, seniors will pay $53 a month beginning on January 1.

The Gingrich revolution means that seniors are going to pay more for Medicare. Do not believe them when they say they are protecting the future for our kids, because they are going to cut the opportunity for youngsters to be able to go to college. They are cutting student loans and providing working, middle-class families with more taxes. They are going to increase their taxes and, frankly, it is wrong.

Mr. Speaker, yesterday the American people rejected the extremism of the Gingrich revolution. What we need to do is to make sure the folks in the other body reject this Medicare increase.

SNOOPING, CHEATING, AND COVERUPS HAVE TO STOP NOW

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today's Wall Street Journal contains a shocking story about further abuse of government power. The Journal reports that the head of President Clinton's Department of Energy, Hazel O'Leary has hired a private investigating firm to poke into reporters who write about her. She's then had the private eyes create an enemies list of unfavorable reporters who report on her extravagant travel and the like. And she's billed this private investigation to the taxpayers at a cost of some $43,000, the paper reports.

All this comes on top of Mrs. O'Leary's incredible travel junketing, also undertaken at great taxpayer expense. Mr. Speaker, if the Journal story is accurate the Secretary of Energy should not remain in office 1 more day, 1 more hour, not even 1 more minute. President Clinton should dismiss her immediately.

This administration all too often makes excuses for officials who have gone bad. But the snooping and the cheating and the coverups have to stop. We cannot tolerate this sort of abuse of government power any longer.

TUESDAY'S MESSAGE FROM VOTERS: SLOW DOWN

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, on Tuesday, voters across the Nation sent a message to the Republican majority in Congress: Slow down.

Mr. Speaker, since the elections of 1994, the Gingrich Republicans claim to have a mandate to slash Medicare, cut school lunches, obliterate Medicaid, and reduce student loans. However, that is not what they campaigned on.

Yesterday, Mr. Speaker, the Republican Party scared away its best chance to win the White House in 1996: Colin Powell. In little more than 100 years, the Republican Party has gone from being the party of Abraham Lincoln to becoming the Virginia Beach chapter of the Hezbollah.

Simply put, Mr. Speaker, the Americans do not want the GOP to crucify their Medicare on a cross built by the insurance industry.

AMERICAN DREAM, NOT THE AMERICAN DEBT

(Mrs. WALDHOLTZ asked and was given permission to address the House for 1 minute.)

Mrs. WALDHOLTZ. Mr. Speaker, as the time grows closer for Bill Clinton to either sign or reject a real balanced budget, I feel it is important to remind everyone, on both sides of the aisle, of the importance of this historic legislation.

In a recent speech Alan Greenspan warned:

> If for some unknown reason, the political process fails, and agreement is not reached, it would signal that the United States is not capable of putting its fiscal house in order,

with serious, adverse consequences for financial markets and economic growth.

Let me say that again, serious, adverse consequences for financial markets and economic growth.

Mr. Speaker, simply put, a balanced budget means 6.1 million new jobs. It means lower interest rates on cars, homes, and student loans. It means lower inflation. It means renewed hope for the future. And most important, it means that our children will be able to inherit the American dream, not the American debt.

RAIDING WORKERS' PENSIONS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I also come to the floor this morning to talk about a provision passed by this House which will have the effect of raiding workers' pensions to the tune of $40 billion.

Mr. Speaker, this House passed legislation to do just that. When this item was before the committee, I introduced an amendment to strike it, knowing full well that workers' pensions are their retirement, not to be used by corporations for any purpose. That amendment failed on a party-line vote.

Mr. Speaker, I then introduced an amendment to have corporations inform workers when they are going to reduce the pension plans. That failed on a party-line vote. We could not even inform the workers what the corporation is doing to their pension guarantee. That item came before us under the guise of corporate welfare.

Mr. Speaker, my colleagues know full well that the pension plans might be overfunded today because of a strong stock market, but a downturn in the stock market by at least 1 or 2 percent would have those pensions in default.

So, Mr. Speaker, I say to my colleagues, and especially NEWT GINGRICH, keep your paws off of worker pensions.

□ 1015

ENERGY SECRETARY O'LEARY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, in today's Wall Street Journal we found out that Secretary O'Leary, the Secretary of the Department of Energy, has been using tax dollars to investigate reporters that have been writing unfavorable articles about her. We already know that she has the highest travel budget of anyone of the President's Cabinet, as reported earlier.

According to Vice President GORE in his national performance review, her environmental management is 20 percent behind on the milestones, which means one out of five projects is late. Forty percent inefficiency is going to cost us $70 billion over the next 30 years, unless we do something. Now we find out that she is using your money, taxpayer money to investigate reporters that are not giving her very favorable reports.

It was a waste of tax dollars by the high travel budget. It is fraud and management techniques, and now it is abuse of the taxpayers to take their money to investigate reporters that have not been giving her favorable reports. I think it is time for Secretary O'Leary to move on and resign her post as Secretary of the Department of Energy.

PENSION REVERSION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, if I could ask the folks to direct their attention to the poster, during the 1980's, over $20 billion was removed from our retirement systems because many companies used their pension funds for leveraged buyouts and others were simply taken over so they could raid their pension funds. In 1982, it went from $404 million all the way up to 1985, $6 billion were taken out of pension plans by companies. In 1986, 1988, and 1990, these were effectively brought to a halt because Congress realized that people's pensions were in jeopardy by these raids and these reversions on pension plans.

The proposed change in the House reconciliation bill would allow employers to remove assets just like in the 1980's, if their liabilities are less than or more than 125 percent or less than 125 percent. They could remove it for any purpose. Changes in the interest rate and the stock market could change the pension plans to weather their needs.

The other body voted 94 to 5 to remove what the House did. I hope our conference committee would also remove it.

THE NATIONAL DEBT

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, yesterday the national debt stood at 4 trillion, 985 billion, 913 million, 11 thousand and 32 dollars, and 65 cents.

What has been the response from opponents? Fear tactics. Scare the elderly. Scare the children. Scare the infirm. Distort our majority plan to balance the budget.

We have a crisis in America with the national debt expanding and growing even as I speak. We need answers and the resolve to implement them.

I am reminded of what Ronald Reagan said 11 years ago. He said the choices we face are not between personalities or parties, but between "different visions of the future, two fundamentally different ways of governing—their government of pessimism, fear and limits, or ours of hope, confidence and growth."

Mr. Speaker, we can balance the budget and secure a better future for our children. We will not and must not be side-tracked by fear and pessimism.

MORE ON PENSION RAID

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, a proposal tucked into the Budget Reconciliation Act would unleash a $40 billion raid on employee pension plans. During the last 2 nights during special orders, I have invited any Member of the majority to come down to the well and defend their proposal. No one has. I extend the invitation to the 1-minute speakers this morning.

They cannot do it because we all know, you jeopardize worker pension security when you allow $40 billion to be removed. We have done this before. In the 1980's, $20 billion was removed from employee pension plans until Congress passed the laws that stopped this hemorrhage. This proposal advanced by House Republicans would allow $40 billion to flow out, jeopardizing retirement security for millions of Americans. This plan must be stopped.

REPUBLICAN RESPONSE ON PENSIONS

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, I will answer the challenge of the last speaker and be glad to meet any time on this House floor and defend that proposal after I look into it, provided that he comes to the floor and also defends the reason why he continues to support higher taxes, higher spending, higher debt, supporting corporate welfare with the Commerce Department, supporting welfare for lobbyists, supporting all the things that the American people rebuked a year ago when we had the Republican revolution.

The Republican Party has stood for less taxes, less spending, less regulations, wiping out the Commerce Department and wiping out welfare for lobbyists. It is time that the Democratic Party gets the message. Step forward and support us in this revolutionary change. We are changing Washington and we will continue to do it today.

PENSION RAID

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, for the last several months, since the beginning of this year, in fact, the Speaker of this House and his followers have been trying to convince the American people that the best way to save the Medicare Program is by raiding it to the tune of $240 billion. I think that the people of this country have clearly seen through that ploy. Now what they are trying to do is to convince us that the best way to treat American workers is to raid their pension funds by $40 billion.

The last speaker who was up here said that he would be happy to look into this, but the fact of the matter is, he has already voted for it. It was in the budget reconciliation bill. This House, the majority party in this House, led by the Speaker, has already passed a bill that would take $40 billion out of the pension programs of American workers, robbing them of the security for which they have worked all their lives. It is a shameless raid on their assets and it needs to be stopped.

TUESDAY'S ELECTION

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, the conservative revolution in this country is alive and well. Tuesday bore that out once again when we had conservative Republicans win elections all over the country. We retained for the first time ever, ever that a single party has held a majority in the legislature in New Jersey for three successive elections. We have the largest number of seats in the Virginia legislature in fully 120 years.

And not only that, but a Republican actually won in Kentucky. Governor Forgy campaigned on smaller government, tax cuts, death penalty, conservative government and on election night, he said: "Today Kentucky said yes to smaller, more efficient, more conservative government." It was simply that it was a Democrat masquerading as a Republican.

Now I want to share with my colleagues something from the Washington Post of a couple of days ago where they have said, they asked the same questions about President Clinton that we have been asking all year. They said:

> He has walked away from the welfare bill he sent to Congress last year. Perhaps he will say he did not mean to send up last year's health care reform proposals either. It becomes increasingly difficult to know what this President stands for or whether he stands for anything.

THE BIGGEST PENSION RAID EVER

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding to me.

The response I would have to the preceding speaker who just said he would "look into the facts surrounding the $40 bill pension raid" explains the seriousness of this proposal.

It was advanced in the Committee on Ways and Means—the biggest pension raid on employee pensions ever allowed in history by a Congress. It did not even have a hearing. It then came to the floor of the House and I sought, along with some of my colleagues, an opportunity to independently debate and vote on this pension raid proposal. The Committee on Rules did not allow us to single out the pension raid proposal. It was part of the Budget Reconciliation Act. And as the preceding speaker indicated, he did not even know it was in there. He said he will look into it.

He has already voted for it—$40 billion, the biggest raid on employee pension plans.

The majority leader said it right earlier this year in response to another proposal, he said, "keep your paws off worker pensions." The Republican majority would be well advised to follow this advice and drop the pension raid provision of the Budget Reconciliation Act.

BALANCING THE BUDGET

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, no more excuses. No more gimmicks. It is put-up or shutup time on balancing the budget.

If the President wants to veto the continuing resolution we passed today, then it is time for this body to take away not only his credit card but all the departments of this Federal Government's credit cards and the abuse of the taxpayer dollars.

Balancing this country's books is what the American people are demanding. The President and his ilk cannot hide behind their Mediscare tactics anymore. The truth is out.

The taxpayer's share of part B is currently 31.5 percent. And guess what, it will stay at 31.5 percent. We have put forward the only responsible plan to save Medicare from bankruptcy, and we have put forward the only responsible plan to balance this country's books by the year 2002.

If Members care about the young and if they care about the old, do what is right and support both of these plans.

PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, did the gentleman who just spoke refer to the President as "ilk" and if so is that outside the rules of the House?

The SPEAKER pro tempore. The Chair is not aware of such a word on the RECORD.

Mr. WILLIAMS. I am sorry.

The SPEAKER pro tempore. The Chair is not aware of such a word on the RECORD and cannot respond at this point. The Chair will check the remarks. The Chair will ask all Members to be respectful to the President.

Mr. WILLIAMS. Further parliamentary inquiry, Mr. Speaker, without asking, which I do not intend to do, that the gentleman's words be taken down, is it my understanding that the Chair intends to peruse the RECORD to determine if the gentleman used the word "ilk" and whether or not that was outside the rules?

The SPEAKER pro tempore. A timely challenge was not made to the remarks. However, the Chair will request all Members to respect the President in their speeches.

Mr. WILLIAMS. I thank the Chair for an effort to continue civility in the House.

ON PENSION FUND REVERSIONS

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, once again, the party of the rich and famous is up to their old tricks. The recently passed Republican budget reconciliation plan includes a provision that would allow corporations to raid $40 billion from pension funds and use it for whatever reason they see fit.

This provision is just plain wrong. During the 1980's, approximately, $20 billion in pension funds were drained by companies and, in many cases, used to finance corporate takeovers and leveraged buyouts—leaving the retirement savings of millions of American workers at risk.

Mr. Speaker, why do House Republicans want to risk losing the pensions of 11 million workers and 2 million retirees? Why are House Republicans digging up this ill-advised pension raid which failed in the eighties and is certain to fail again?

I think I know. It is another tax break for the wealthy at the expense of working people and retirees.

The Senate rejected this language, and I urge the budget conferees to reject it too.

BUDGET RECONCILIATION

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, let me tell my colleagues about the balanced Budget Reconciliation Act that every Democrat who has spoken here in the well this morning voted against a couple of weeks ago. This is our plan which balances the Federal budget in 7 years. Members heard me right, a balanced Federal budget for the first time in a quarter of a century by limiting the growth, the increase in Federal spending to 3 percent per year.

This plan also contains three other major reforms: Tax cuts for families and for economic growth and job creation in the private sector, since the Democrat majority believes the only place we can create jobs is through Government, expanding Government; genuine welfare reform that requires work for the able-bodied, emphasizes families and gives people hope for the future; and lastly, a plan to preserve, protect, and strengthen Medicare for today's and tomorrow's seniors, a plan which increases Medicare spending for every senior every year.

What is their alternative? The Clinton Democratic 10-year budget plan with deficits as far as the eye can see, red ink, increasing from $196 billion this year to $209 billion in the year 2005. It is time for the Democrat minority to get with the program here and adopt a budget that reflects America's values.

REMEMBERING YITZHAK RABIN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, over the weekend thousands of people gathered in San Francisco, halfway round the world from Israel, to mourn the tragic death of Prime Minister Yitzhak Rabin.

I rise to give expression to our grief. Hearing Prime Minister Rabin eulogized by Presidents and Kings and lovingly remembered by his granddaughter, I was reminded of the words of Ecclesiasticus:

> Now let us praise great men, the heroes of our Nation's history, through whom the Lord established his renown, and revealed his majesty in each succeeding age. Some held sway over kingdoms and made themselves a name by their exploits. Others were sage counselors, who spoke out with prophetic power. Some led the people by their counsels and by their knowledge of the Nation's law; out of their fund of wisdom they gave instruction.

☐ 1030

The Bible goes on to praise Abraham, Moses, David, and other heroes of the Jewish nation. Yitzhak Rabin with his courage, wisdom, and sacrifice, fits comfortably among those leaders of the Jewish people, not only for today, but for the ages. Thank God for the life of Yitzhak Rabin.

WHAT A BALANCED BUDGET MEANS TO THE AMERICAN FAMILY

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, what will a balanced budget mean to the American family?

Economists predict that balancing the budget will bring about a 2-percent drop in the interest rates. On an average 30-year home mortgage of $75,000, families will save $37,000 over the life of that loan. On an average 10-year student loan of $11,000, graduates will save $2,160 over the life of that loan. And on an average 4-year car loan of $15,000, families will save $900 over the life of the loan.

Mr. Speaker, we are talking about real savings for all Americans. The economic future of our country is at stake. No more excuses. No more gimmicks. The time has come to balance the Federal budget. Americans deserve the chance to realize the savings that a balanced budget will bring to their family.

DO NOT INCREASE THE BURDEN ON SENIORS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, they are at it again. Last night, the Republicans increased premiums for Medicare. They sneaked it in at the final hour. They sneaked it in on the same day they gave one more tax break to their rich corporate friends.

Mr. Speaker, this proposal raises premiums for seniors by 20 percent—by 20 percent. That is not fair. That is not right—not when 11 million women on Medicare have incomes less than $8,000. For these women—every dollar counts, and now they must pay more.

Why was this done? Seniors have a right to know why. There was only one reason—my Republican colleagues must give tax breaks to the rich. This premium increase will not help the Medicare trust fund. But it will help the Republican's rich friends. And it will hurt our Nation's seniors.

That is not right. Shame on the Republicans, shame.

WE MUST BALANCE THE BUDGET

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, with the rising national debt, with the Government going out of control, with Washington micromanaging everyone's life, it is right and it is proper and it is time to get our house in order. We must balance this budget.

I hear time and time again from this side of the aisle that we are doing it on the backs of children and seniors and so forth and national parks. If my colleagues want to play that kind of scare tactic game, I guess that is the way. As my colleagues know, we cannot convince people not to do that, but the time has come to be responsible.

Mr. Speaker, we are increasing payments on Medicare from $4,800 to $6,700 per senior. On AFDC we are going up 39 percent, from $89 to $124 million.

Our balanced budget, which the Democrats claim cuts and decimates and destroys, actually increases spending over a period of time about $3 trillion. It is a reduction in the growth, but it balances the budget in a 7-year period of time, and that, Mr. Speaker, is what needs to be done to bring our financial picture in order.

APPOINTMENT OF CONFEREES ON H.R. 2546, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. DIXON moves that in resolving the differences between the House and Senate, the managers of the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2546, be instructed to insist on the House position relating to technical corrections to the Financial Responsibility and Management Assistance Act.

The SPEAKER pro tempore. The gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New York [Mr. WALSH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, this motion to instruct conferees on H.R. 2546, the Fiscal Year 1996 District of Columbia Appropriations Act, is very straightforward. This motion would simply instruct the House conferees to insist on the House position related to technical corrections to the District of Columbia Financial Responsibility and Management Assistance Act, Public Law 104–8.

When the House considered the District of Columbia appropriations bill, the House unanimously adopted an amendment from the distinguished gentleman from Virginia, Mr. DAVIS, making technical, but important, changes to the enabling statute for the District's financial control board. These changes would correct several inadvertent errors made in the original statute enacted in April 1995, and carry out the original intent of Public Law 104–8.

These provisions were not included in the Senate version of the bill, but should be adopted by the conference committee.

These provisions will strengthen the hand of the financial oversight board in dealing with the district. I urge the adoption of this motion to instruct.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no objection to the motion. I support the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. DIXON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, those who are following the budget debate in Washington may be aware that we are coming upon some deadlines, important deadlines for every American family. Next week there will be a deadline on funding the Federal Government. If this Congress fails to pass a continuing resolution which is signed by President Clinton, then in fact many offices of the Federal Government will close. For many American families, the veterans seeking to sign up at the Veterans Administration, those seeking to sign up for Social Security, small businesses looking for help from the SBA, they will place the phone call, no one will answer, and the lights will be out.

There is another deadline coming up soon. It is called the debt-ceiling extension, which most Americans are not aware of. It is, in fact, the authorization by this Congress to the Federal Treasury to continue to borrow, to extend the full faith and credit of the United States. If we fail to make that extension, then in fact we will default for the first time in our history, the first time in U.S. history, and that default, of course, will ripple across the economy as it raises interest rates and raises the cost of home mortgages.

There are the doomsday scenarios, the train wrecks, the gridlocks that we hear so much about as part of the strategy from the Republican side of the aisle.

Speaker GINGRICH has said repeatedly when it comes to dealing with President Clinton on the budget, "I will cooperate, but I will not compromise." Let me tell my colleagues this:

For us to sit by and watch the Federal Government shut down or to default on this debt is a total abdication of responsibility, and that is why I am supporting a provision which says no budget, no pay. It is in the Senate version of this bill. I will be pushing for it in the conference committee. What it says is simply this:

If Congress fails to keep the agencies of Government open, if we default on the national debt because of the negligence of this Congress, Members of Congress will not be paid for those days.

Now I know that is tough medicine. A lot of my colleagues are murmuring about me, and they will not talk to me in the hallways. That is OK. I think the bottom line is Democrats and Republicans were sent here to solve problems on a bipartisan basis, not to preside over a train wreck or any gridlock.

Mr. Speaker, I will be pushing for this no budget, no pay in conference.

Mr. DIXON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I rise just briefly to respond. I think that certainly our party has reached out to work with the administration to try to preclude any of the train-wreck scenarios the gentleman from Illinois [Mr. DURBIN] has talked about, and our leadership has gone out of its way to try to resolve these issues, they need to be resolved, but at the same time we are very concerned about getting our budget in balance for the first time in a long, long time. Raising the debt ceiling for the Federal Government is an important issue, and I think it is important that both sides work together to try to resolve it so that we can, while we are going to increase our ability to borrow money to pay the debt, we need to talk seriously about getting our budget in balance. So I ask that first of all we support this motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. DIXON].

The motion to instruct was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WALSH, BONILLA, KINGSTON, FRELINGHUYSEN, NEUMANN, LIVINGSTON, DIXON, DURBIN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The questions was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RIGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 338, nays 66, answered "present" 1, not voting 27, as follows:

[Roll No. 776]

YEAS—338

Ackerman
Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler

Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wolf
Wyden
Wynn
Young (FL)
Zeliff

NAYS—66

Abercrombie
Becerra
Borski
Brown (CA)
Brown (FL)
Cardin
Clay
Clyburn
Coburn
Coleman
Collins (IL)
Davis
Durbin
Ensign
Everett
Fazio
Filner
Foglietta
Furse
Gephardt
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Heineman
Hilleary
Hilliard
Hinchey
Jacobs
Jefferson
Johnson, E.B.
LaFalce
Lantos
Latham
Levin
Lewis (GA)
Longley
Martinez
McDermott
Menendez
Miller (CA)
Neal
Ney
Oberstar
Orton
Payne (NJ)
Pickett
Pombo
Rush
Sabo
Sanford
Schroeder
Scott
Skaggs
Taylor (MS)
Thompson
Torkildsen
Velazquez
Vento
Visclosky
Waters
Wise
Woolsey
Yates
Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—27

Armey
Bateman
Boehner
Burr
Chapman
Crane
Dornan
Fields (LA)
Hefner
Hunter
Kaptur
Linder
Mfume
Moran
Owens
Peterson (FL)
Rangel
Roth
Stockman
Thornton
Thurman
Tucker
Volkmer
Waldholtz
Weldon (PA)
Wilson
Young (AK)

□ 1102

Mr. PAYNE of New Jersey changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO GO TO CONFERENCE ON H.R. 956, COMMON SENSE PRODUCT LIABILITY AND LEGAL REFORM ACT OF 1995

Mr. HYDE. Mr. Speaker, by direction of the Committee on the Judiciary, pursuant to House rule XX, I move to take from the Speaker's table the bill H.R. 956, to establish legal standards and procedures for product liability litigation, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Illinois [Mr. HYDE].

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 956, be instructed not to agree to any provision, within the scope of conference, that would limit the total damages recoverable for injuries by aged individuals, women, or children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion I am offering would instruct the conferees to not agree to those provisions which limit the total amount of damages recoverable by seniors, women, and children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

The Republican legal liability bills passed by both Houses of Congress are replete with provisions which will have a disproportionate impact on the most vulnerable members of our society. The House bill caps noneconomic damages in health care liability cases at $250,000, both bills limit punitive damages depending on the amount of economic damages, and both bills eliminate joint and several liability relating to noneconomic damages.

The cumulative effect of these provisions on the elderly, women, and children is devastating. Since these groups generally earn less wages, a greater proportion of their losses is likely to be noneconomic. A middle-aged adult who loses his job could seek full compensation, while a child or a senior who loses a limb or is forced to bear excruciating pain for the remainder of his or her life would face arbitrary new damage limitations. A corporate CEO with a seven figure salary is entitled to collect millions of dollars in damages in lost wages resulting from medical misconduct, but a homemaker who loses her reproductive capacity as a result of medical malpractice would face a $250,000 limitation on her damages.

The House bill also immunizes manufacturers of FDA-approved products from any possible award of punitive damages. This so-called FDA defense completely forecloses the possibility of punitive damages for defective products—even if the manufacturer has clear evidence of the dangers of a product. This will undoubtedly have a disproportionate impact on the ability of women to recover damages, since so many cases involving large punitive damage awards pertain to defective medical products placed inside women's bodies. We need look no further than the Dalkon Shield, Cooper 7-IUD, high-estrogen birth control pills, and high absorbency tampons linked to toxic shock syndrome to find recent examples of FDA-approved products which caused widespread injuries to female consumers.

What is it about the elderly, women, and children that the Republican Party is so opposed to? The legal reform bills before us are blatantly unfair and discriminatory, and I would hope the conferees would have the good sense to remove these provisions from whatever final legislation may emerge from the conference.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I urge my colleagues to support the motion to instruct. I have long supported product liability reform legislation. However, I was compelled to vote against the so-called common sense product liability and legal reform bill passed by the House early this year because it had little to do with either product liability reform or common sense. Due in great part to extreme amendments added during floor debate, the bill passed by the House became a Christmas tree for special interest groups that makes radical changes to the Nation's legal system that go far beyond fair and balanced product liability reform.

For example, the bill creates numerous and varying standards for preemption of State laws that would create confusion rather than uniformity. It abolishes joint liability for noneconomic damages in all civil cases—not just product liability actions—and limits noneconomic damages in medical malpractice cases to only $250,000. These provisions fail to recognize that pain and suffering, disfigurement, loss of limb, sight, or reproductive capacity are very real harms and that they have the effect of treating low-income workers, retirees, women, children, and disabled persons less favorably than corporate executives and others who have large economic losses. And floor amendments to the bill deleted important provisions that would ensure that foreign corporations who sell defective products here will not be treated more favorably than our own companies.

The motion to instruct is one that all Members should support. It simply says the conferees should not agree to provisions in either bill that tend to limit recovery for damages by seniors, women, and children compared to others who suffer substantially similar injuries.

In recent days, we have fought legislation our Republican colleagues have rammed through the House that will disproportionately hurt seniors, women, and children, while wealthier persons are enriched even more. The most glaring example of this treachery is the Speaker's plan to cut Medicare by $270 billion while giving tax breaks of $245 billion to the rich. It seems the other side will stop at nothing in their attempts to carry out their extreme agenda that will have the effect of hurting the most vulnerable of Americans.

Treating seniors, women, and children the same as other persons is truly a commonsense proposal. I urge my colleagues to support this simple and straightforward motion.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the principal goals of civil justice reform legislation is to restore fairness, rationality and predictability to our Nation's legal system. We want our legal system to be even-handed. The notion that these reforms will adversely affect particular groups, women, the elderly and children, is just not accurate. Mr. Speaker, it is an emotional device used by opponents of legal reform to confuse the issues and to divide supporters.

The much-needed reforms contained in the Common Sense Legal Reform Act treat all plaintiffs the same. The motion fails to recognize the distinction between economic damages, that is reimbursement for actual out-of-pocket losses on the one hand, and noneconomic damages, which are damages for intangible items such as emotional distress or pain and suffering on the other.

Because noneconomic damages are not based on tangible economic losses, such as medical expenses or lost wages, there are no objective criteria for determining the amount of such an award.

As a result of their subjective nature, noneconomic damages vary widely, the awards vary widely, even for similar or identical injuries. This introduces an issue of unpredictability and caprice into the civil justice system.

Mr. Speaker, because there are no objective standards for assessing noneconomic damages, jurors often pick figures out of the air. It depends on how well the plaintiff's lawyer can play the violin. For the same reason, judicial review of noneconomic damage awards is virtually nonexistent.

Noneconomic damage awards may well be disproportionately high. Jurors in many jurisdictions routinely make excessive awards for intangible losses. Similarly, the motion to instruct fails to distinguish between compensatory damages and punitive damages.

Mr. Speaker, under our legal system, punitive damages are not intended to compensate injured parties. Instead, they are intended to be a punishment and a deterrent. Punishment for particularly reckless or egregious acts and deterrence against similar reckless acts in the future. Using economic damages rather than noneconomic damages as a measurement for appropriate punitive damages to me makes sense.

Like criminal fines, civil punishment in the form of punitive damages should bear a reasonable relationship to the conduct for which the defendant is punished. Economic damages are susceptible to fairly accurate determination and, therefore, provide an appropriate basis from which to calculate punitive damage awards, ensuring that similar cases are treated alike.

□ 1115

By contrast, using inherently subjective noneconomic damages as a basis for calculating punitive damages could ensure that defendants in similar cases will be subject to widely varying punitive damage awards. Because noneconomic damages may be exceedingly high, they provide no meaningful limit on the size of punitive damage awards. Basing punitive damages on noneconomic damages would enhance the windfall nature of punitive damages and increase plaintiffs attorneys' contingency fees and unduly inflate punitive damage awards.

It is important to note there is no right to punitive damages. Again, punitive damages are not about compensating the injured party. Those who would use noneconomic damages as a basis for calculating them seek only to increase punitive damage awards at the expense of rationality and predictability.

A number of States that permit punitive damages have enacted statutes using economic damages as the basis for such awards. For these reasons, I strongly urge this House to reject the gentleman's motion to instruct conferees on H.R. 956.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, here we go again, waging class warfare on middle-income working families.

Mr. Speaker, let us be clear what this bill does.

If you are a corporate CEO making $1 million a year and God forbid you should get in a car accident because a faulty gas tank explodes, this bill say you can receive up to $3 million in damages.

But if you are a working mom or a senior citizen making $15,000 a year, and you should get in a car accident because of the same faulty gas tank, you can only receive up to $250,000 a year.

That is what this bill does.

This bill says that the lives of corporate CEO's and corporate bankers and the economic elite are more important and more valuable than the lives of working men and women. And that is shameful.

Mr. Speaker, we live in a country where 98 percent of the growth in income since 1979 has gone to the top 20 percent.

Yet in the past 3 weeks, this House has voted to cut Medicare, Medicaid, and student loans to give tax breaks to the wealthy.

Two weeks ago today, it voted to take $648 out of the pockets of families who earn less than $50,000 a year, just so we can give a $14,000 tax break to a few lucky families who earn over $350,000 a year.

And today, we are trying to write special rules for the wealthy one more time.

Mr. Speaker, enough is enough. It is a tragedy when anybody is injured by a faulty product. Let us not make women, children, and seniors pay a special price.

I urge my colleagues: Support the motion to instruct and stand up for fairness for a change.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the class struggle goes on. Every time some of the outstanding spokesmen for the other side take the well on almost any issue, we find ourselves in some nuanced version of dialectical materialism. Does the minority really want to help the elderly? Then let them join us in helping to reform a confusing and irrational liability lottery that is almost totally unpredictable. It makes many injured victims wait years, years before they receive any compensation for their injuries. Does the minority really want to help women? They sure say they do. Then let them join us now in overthrowing the system that is discouraging the development of new beneficial and lifesaving treatments for breast cancer, ovarian cancer and other deadly diseases that afflict women.

A recent report by the American Medical Association contained the following quote:

> Innovative new products are not being developed or are being withheld from the market because of liability concerns or inability to obtain adequate insurance.

That is pretty clear, who is standing in the way of protecting women.

How many more Americans, men and women, will lose their lives because our current system discourages new and lifesaving products from ever being developed? Well, does the minority really want to help our children? To hear them, they sure do. They are the only ones that do. Then let them help us pass legislation and cut the lawyers tax on childhood vaccines. Ninety-five percent of the price of a vaccine today goes solely for liability costs.

The current liability system adds cost to virtually every product purchased by every American. Children suffer from the current system in many other ways. One only has to visit the many recreational parks that have been closed, little leagues that have been disbanded, swimming pools that have been altered or shut down, charitable groups such as the Boy Scouts and Girl Scouts where parents are afraid to risk volunteering, all because of liability fears.

We should be working together to pass this bill to help American children.

Mr. Speaker, it is not the elderly, women, and children who are threatened by these reforms. It is the wealthy personal injury lawyers who are threatened by reform. It is they who are pushing a small minority of our colleagues to derail these reforms in any way possible.

I urge my colleagues to defeat this motion and let us at long last get onto long overdue reform of the tort system.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, there have only been 355 punitive damage verdicts in 25 years, 355 in the whole United States. Yet the minority comes forward and presents this to us as though it is a crisis. There is not a single study, not a single study, not one study that confirms this assertion that there is a lawsuit explosion or that there is an explosion in size of verdicts or an explosion in the number of punitive damage verdicts.

What is a fact, though, is that there is only one place, one place in the United States where the humblest citizen is equal to the most powerful person, the most powerful corporation or the most powerful institution, one place where they are equal. That is the American courtroom.

And this new Republican majority is doing everything it can for its corporate supporters and its rich and powerful supporters to see to it that that is no longer the case. And that is the only thing this whole debate is about.

Has anybody on the other side, I wonder, read the Conyers proposal for instructing the conferees? What it says is that the conferees should not agree to any provision that would limit the total damages recoverable for injuries by aged individuals, women, or children with an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Now, if the gentleman from Illinois [Mr. HYDE] and the Republicans truly believe that their bill is not unfair, that their bill does not disadvantage aged individuals, women or children, they should have no objection whatsoever to this instruction. But they do. Why? Because their bill plainly does.

A bill which limits punitive damages, which by the way are for intentional conduct that hurts somebody else virtually on purpose, for taking a baseball bat and pounding somebody, for stealing from somebody, depending on the type of lawsuit that it is, if punitive damages are only three times economic damages, then the little guy or women who does not make very much money and loses their livelihood can only get three times that. But the rich guy, represented by the folks on this side of the aisle, he could get three times of whatever he makes. That is what this debate is all about right here.

The fact of the matter is, these guys represent the corporate interests and the rich folks that do not want the American who is a little guy or a little woman to be equal in the American courtroom to them. That is all this whole debate is about.

For goodness sakes, read this instruction. It just says that aged individuals, women or children should not be restricted to an amount less than that recoverable by other plaintiffs when they have substantially similar injuries. Surely their damages should be the same. I think every American would agree. Vote for the instruction offered by the gentleman from Michigan [Mr. CONYERS].

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I just want to respond to one sentence from my dear friend from Texas. He said "these guys." I think he was referring to us. What a contrast to the old days when we used to say "my learned friends." Claude Pepper, where are you when we need you?

"These guys represent the malefactors of great wealth, the bloated bondholders, the economic royalists, the big corporations." If I may, in a humble way say, these other guys represent the plaintiffs trial lawyers.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN] who is a distinguished member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I am a brandnew Member of Congress; I have been here just about 11 months and was not here to hear the flowery rhetoric of last year. These gals think there is a problem with the bill before us.

I want to raise an issue that I raised in the committee and it has to do with the law of unintended consequences. At least, I believe they are unintended.

Several States of our union have passed laws that allow victims of child molestation to sue the person who harmed the child and collect under punitive damage statutes. I think that is terrific. As a matter of fact, I offered, earlier this year, an amendment in committee to impose life imprisonment on child molesters, but that was ruled nongermane. I think the tougher we are against those who abuse children, the better off society is.

I note that, unless the Conyers motion to instruct is approved, those statutes would in essence be repealed because we are federalizing the laws of the 50 States. I know that the chairman, who I truly admire and respect, does not intend this result. But the facts are that a child has no economic damages that are easily quantifiable. If an individual rapes a woman, she maybe able to quantify damages and lost wages from the trauma inflicted upon her. That case is very difficult to make if the victim of the molestation and rape is an 8-year-old. Under this bill, that child would be limited in recovery.

However, because of the money that potentially maybe needed for counseling for that child, I personally believe that if we can go after the wrongdoer in that case and make them pay as much money as possible, that is a good thing to do. We should punish that person criminally. We should punish that person civilly. Without the motion to instruct, the laws of the States that are moving in that direction, and I would say in an orderly fashion and with a lot of justification, will be preempted by the Federal Government. I think it is a mistake.

I would like to raise one other additional caution. In the Committee on Science we are going to be working on reform of the FDA, which Lord knows needs it. I am concerned that if the FDA exception in this bill is enacted at this time, it may have an unintended consequence on that serious work. In the end, it may be something we want to do, but I think the jury is still out. I think it is a mistake to do that without tying it into the overall FDA reform effort.

With that, I thank the gentleman from Michigan, [Mr. CONYERS], my esteemed ranking member.

□ 1130

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wonder if I might respond to the gentlewoman from California [Ms. LOFGREN], who is one of the very serious and pro-active members of our committee. I want to agree with her that the matters she mentioned, it seems to me, are not adequately dealt with in our bill, and it is my intention in conference to carve out of the exceptions in this bill crimes of violence, drunk driving, criminal activity that she mentioned as being inadequately compensated, child molestation, and I do agree with her.

Mr. Speaker, it is my intention, and I am sure, with the help of the conferees, that we will make that a better situation in conference.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to hear the chairman of the Committee on the Judiciary agreeing with us on something. I am glad he thought of it now. This bill was in our committee. We tried to get a rule to this effect without any luck. Of course the gentleman does not control the Committee on Rules. But now that I find out that I am involved in dialectical materialism, I just thought I ought to find out what the heck it was, and it is the Marxian interpretation of reality that views matters as the sole subject of change and all change as the product of a constant conflict between the contradictions inherent in all events, ideas, and movements.

I appreciate that because I have also learned that now the Republicans are also supporting women. The ladies, they do not understand; we are just raising this as a political issue to embarrass the Republicans' Contract With America. But the people in the Congress that are really out to help them and the seniors are these fellas that are on the other side that correct us when we say "these fellas."

This distinguished group of Members of the Republican persuasion keep saying, "Here we go again with a class war, class warfare. We only rip you off in the legislation." But then when we bring it to their attention on the floor, we are dialectical materialists, we are using the language unfairly. "Women, seniors, children, this is for your benefit, don't believe these guys on the other side, the Democrats that are just trying to score political points. For goodness' sakes, we are going to limit your damages, and so why all this confusion?"

This is one of the most revealing positions of the Republican contract. This is part of the contract, limit punitive damages, because the limit will take away one of the most effective means of protecting Americans from the products that kill, maim, and do sterility and otherwise injure, and what do we get accused of? We are protecting lawyers. That is what we are doing, and they are protecting the women.

I ask, don't you understand, ladies and gentlemen of America? It is the Republicans and the contract that are helping you out. It's us that are really protecting the plaintiffs' lawyers.

So between our dialectical materialism and our protecting the lawyers the real guys get accused of trying to use class warfare as a basis of further confusing this wonderful Contract With America.

Of course the most profound mistruth being told about punitive damages is that they are awarded too often.

Now we said there are 355 punitive-damages awards in product liability. But if we take out asbestos for the 30 years' period, it only amounts to 11 awards each year, many of which were reduced on appeal.

Now is this new to the Committee on the Judiciary? I think not. We went over it a hundred times, and then we come to this floor when productive rights of women, of seniors, are now in issue, and it is a big gag; as my colleagues know, it is real funny. It is just another joke because they have got the votes, and they will probably roll us over anyway; right?

Well, it is a terrible way to legislate, and I have got a number of stories about this. But the bottom line is that the bill discriminates against seniors, women, and children, and no amount of dialog on this floor is going to change it.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

In our ongoing classes on Marxian philosophy, Mr. Speaker, the gentleman from Missouri has proposed the thesis. I propose the antithesis and in conference we will get the synthesis, and if that needs any further explanation, we can do it after the debate.

Nobody has ever said there are too many punitive-damage awards. I certainly have not. I do not know if there are or not. That does not enter into my calculus.

But what does bother me is the possibility of wild, runaway punitive damages which are not to compensate the plaintiff, the injured party, and the case immediately comes to mind in Alabama where a doctor bought a BMW, and had to take it in for some servicing, and learned that it had been repainted, and so an award of $2 million punitive damages was awarded against the automobile company. Now I suppose automobile companies, especially if they are foreign companies, are not entitled to much justice over here, but that is the sort of capricious action that we are trying to straighten out in this legislation.

So I hope the gentleman's motion to instruct is defeated.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

The thesis, the antithesis, and the synthesis, and I will get more lessons after this. We see it is really just a big joke, my colleagues. I mean this is just a back and forth. It is not really too serious. We do not even know if there are a lot of product liability cases or not, but what difference does it make? Let us limit them because it is in the contract. That is why we have got to limit them. We do not know how many they are, and we do not really even care.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me, and I hope that his motion carries.

As my colleagues know, we cannot make light of what happens to people in this country and what has happened in the past to people in this country when corporations and corporate officers unfortunately and almost unbelievably from time to time have made decisions to systematically injure people and hide the cause of injury from those individuals.

I have thousands of constituents who are caught up in the asbestos scandal of the past decades, and we have gone through the corporate minutes and the memorandums between medical committees, and the chief executive officers, and the board of directors and others about how to strategically retire people before they would find out that they had mesothelioma. We would find out how people were given bonuses to be retired, and gold watches, so that they would be off the rolls when they discovered they had the cancer and they were dying. I have people in my district who drag behind them breathing machines everywhere they go. They come to see me, or they go to the show, or they go to dinner. The husband is usually dragging a breathing machine behind him.

Why? Because the Johns Manville Corp. systematically made a decision that they were going to hide from these people the damage that the company and the product was doing to them for decades while they knew it. They did the research, very analogous to what we see going on in the tobacco industry. That company that mispainted that car and sold it as new, it was not a single-shot item. They systematically were doing it in States all over the country. They were representing that people were buying a luxury automobile that was new. It was not new. It had been damaged, and dinged, and what have you, and unfortunately a lot of people buy these for the pride of ownership and everything else. They were defrauded, and they were defrauded on a systematic basis.

Mr. Speaker, that is why we need the plaintiffs' attorneys, because without the plaintiffs' attorneys who is it that is going to bring his case to the bar of justice? Who is going to take this case and bring it to the bar of justice? Who is going to get these people who worked all their lives in that asbestos company in my district the kind of recovery they need based upon their wages? Their wages were spit compared to the injury to them, and their families, and their premature death. Yes, you can calculate it out. They worked for not very good wages at all, and that is the reward we are going to give them.

These cases have faces on them. They have faces of people who calculate that they can get away with allowing X number of people to die in a Pinto automobile and still make it profitable. They can absorb the lawsuits. What they cannot absorb is when a jury gets fed up with these people, understands that they are harming their neighbors or they are harming their community, and they put down punitive damages. Then the company says, "We better redesign the car, we better recalculate." How many low-income people, how many wives, have to drive a pickup truck with the gas tank that explodes and get minimal recovery, but if an executive is driving it on his ranch, his summer home in Montana, and it explodes, what is his recovery? Why are they treated differently?

This is about equity, this is about fairness, this is about an average person not able, unfortunately, to unravel some of the conspiracies of silence, the withholding of information, that have gone on in the board rooms of the largest, most reputable corporations in this Nation, and without the plaintiff's bar those people would have never known what happened to them. They would have never been able to discuss it. They would never be able to discover it.

Mr. Speaker, that access to that bar is what this motion is about, and we ought to support the gentleman's motion.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

Ms. JACKSON-LEE. Mr. Speaker, I thank the distinguished ranking member for his insight on a very important issue, and I respect my very able chairman for his leadership of the Judiciary committee, and would acknowledge to him that we should engage in this discussion quite vigorously because there is a willingness in a bipartisan manner, frankly, to look at this tort litigation system in this country and address it from a forthright perspective that would address all the concerns of people who appeared and expressed their interest on this issue, and I think frankly that we would have been able to resolve this had we looked at this issue as plainly as we are looking at it now through the motion of the gentleman from Michigan [Mr. CONYERS].

Mr. Speaker, the motion deals specifically with instructing the conferees not to agree to any provision within the scope of conference that would limit the total damages recoverable for injuries by individuals that are elderly, women, or children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Now I ask the House, I ask my colleagues, why is that not a realistic, commonsense provision? Particularly is it common sense when we recognize that those three categories of individuals would fall in an economic level that is substantially less than many Americans.

□ 1145

It is documented that women today still earn less than men. It is documented, obviously, that children are mostly unemployed. Certainly it is documented that elderly citizens are retirees and are on fixed income.

It seems to me if we talk about a system that we want to have work for all Americans, we can clearly document that the tort litigation system, unfortunately and tragically as it may be for some, has brought about safer cars, better medical procedures, safer drugs and, certainly, better constructed homes that we can live in.

I come from a community that now is suffering from two very explosive, toxic situations in residential areas, not in commercial areas, but in residential areas where women, children, and the elderly live. We do not know what it will take to compensate them for the long-term damages of having been impacted by a toxic situation close to their homes.

I would simply ask the question: If they go into a court of law seeking justice under the Constitution, are we going to tell them that this was just a frivolous incident, it did not matter, and we do not need to address their grievances in a fair manner? That we will cap the amount they can recover even if case is found totally meritorious. But to the contrary higher income level litigants would be able to receive higher recovery for their damages even though their injuries might be no greater than the elderly person, woman, or child.

Specifically as it relates to children, children encounter severe burns, bicycle accidents, pedestrian car accidents, playground accidents. Many of them become quadriplegics. They tragically must depend upon that parent or guardian to take care of them for the rest of their life. They have no economic damages. Therefore under this legislation without this motion to instruct, these persons are penalized.

So, in combination with our States, who have done a good job in tort reform, we need to, as well, address those cases of individuals who are least served. This is a worthy motion, and it simply gives to the conferees the responsibility to take care of the elderly, the women, and children in this massive Federal tort reform legislation. We should have done it in committee.

Mr. Speaker, I ask that we support the motion to instruct by the ranking member. This is important for real tort reform that in fair to many.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas, Mr. PETE GEREN.

Mr. PETE GEREN of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a very appealing motion. On the face of it, it is impossible to imagine how anyone could be against it. I commend those who drafted it for the wording of it, the appealing wording of it. But what this will do is totally gut the effort to try to bring any rationality to the award of punitive damages. As appealing as this language seems, that is really what its goal is. That is what its objective is.

To respond to the concerns expressed by some of my colleagues earlier, this concern about punitive damages is not a province of the right wing or the left wing in this country. Legal scholars across the political spectrum, liberal, moderate, and conservative, have expressed concerns not about the number of punitive damage awards perhaps, but the arbitrariness, the capriciousness of it in their award. We have seen those issues raised time and time again, recently, to the point where the constitutionality of this punitive damage process is in question again by people across the political spectrum.

I raise one very practical problem with the application of this motion to commit. How would it be applied? Would we have the plaintiff conduct the trial? They award the damages, and then do we have to have a separate trial to have a substantially similarly injured plaintiff and have a second trial, and then take what would have happened in this hypothetical plaintiff's case and apply it to this other plaintiff's case?

As appealing as this language sounds on the surface of it, it presents the litigation system in this country with an absolutely impossible task: two trials in the case, the actual plaintiff, and then this hypothetical similarly situated plaintiff. It is unworkable. It is a very clever effort to undo the sincere efforts to bring some rationality to the award of punitive damages.

As appealing as the language sounds, Mr. Speaker, I urge my colleagues to reject the motion.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS], whose announcement has left us speechless.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the motion to instruct. This motion is about fairness, plain and simple. All it asks is that any limits in this bill that place total damages recoverable for injuries not be less for women, children, and seniors than it is for others receiving substantially similar injuries.

Is this common sense, that the greatest leniency in H.R. 956 will be reserved for manufacturers of products that hurt children? That is what this bill will do.

Is it common sense to say that a pharmaceutical company could face lower penalties if its product kills a senior citizen rather than a middle-aged man? That is what this bill will do.

Is it common sense to make a law that says that victims of hazardous and unsafe products such as the IUD, cigarettes, silicone breast implants, and thalidomide will have less of a chance to recover damages if they are women? That is right. That is what this bill will do without this motion to instruct.

One of the most troubling aspects of this bill is a rule for calculating punitive damages, three times the amount of economic loss or $250,000, whichever is greatest. That establishes an appalling unequal penalty based not on the severity of the harm caused by the thing, or the extent of negligence, or even malice, but on the income of the victim.

There is not common sense, this is absolute nonsense. By tying the amount of punitive damages to monetary loss alone, it is not noneconomic damages like pain and suffering, but this bill takes away the threat of heavy punitive damages for products that severely hurt people with low incomes or no incomes, like children. Think about it.

Under this bill, if a product kills a child, punitive damages, regardless of the situation, will be capped at a mere $250,000.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Massachusetts [Mr. MARKEY], the distinguished ranking member of the Subcommittee on Telecommunications and Finance of the Committee on Commerce.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman from Virginia [Mr. SCOTT], my classmate from Boston College Law School, for his courtesy.

Mr. Speaker, I rise in support of the Conyers motion to instruct the conferees on the product liabilities legislation. The motion is very simple, but it cuts to the core of the issue of how we are going to treat the aged, women, and children who have suffered injuries due to a defective or malfunctioning product or medical malpractice. The motion very simply states that the conferees be instructed not to agree to any provision that would limit the total damages recoverable for injuries by aged individuals, women, or children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Why is this necessary? The reason is that the House bill abolishes joint liability for noneconomic damages in all civil cases, not just product liability cases, and limits noneconomic damages in medical malpractice cases to only $250,000. These provisions have the effect of treating low-income workers, retirees, women and children, and the disabled less favorably than those who earn large salaries. Wealthy corporate executives who suffer injuries will be able to recover substantial sums of money due to their economic losses, but seniors on Social Security, women who work at home, they will be punished under this bill. Support the Conyers motion.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has always been my understanding of the purpose of a lawsuit to restore the plaintiff to the status that they enjoyed before the injury. It is not an effort to lump all plaintiffs in the country together, so that everyone comes out even. It is to restore the plaintiff to the situation before the injury.

Now, under present law, and it will always be thus, plaintiffs are different from each other. If Greg Maddox has an accident and has a sore arm, he is a multi-million-dollar pitcher in the big leagues, his sore arm prevents him from throwing the ball or throwing it as effectively as he could, and that is a tremendous loss.

But if I get a sore arm, it is discomfort. I just grit my teeth and live with it. But the differences are enormous in terms of litigation to recover for a sore arm or a sore ankle from an athlete or a musician whose hands are damaged than somebody whose work does not involve that high degree of skill, or that member of the human body.

All of this talk is not very logical, and it does not really make a lot of sense.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from North Carolina [Mr. WATT] to close the debate from our side, who is also a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me and giving me the honor of closing this debate.

Mr. Speaker, this debate is really not unlike everything else that is going on in this House, because without the instruction to the conferees and compliance with this instruction, basically what we are saying to the conferees and to our Nation is that money is the only thing of value in this country, and we have been saying it ever since this session of Congress began. If you do not make a lot of money, if you are not rich, then you have no value. We have said it over and over and over again.

This bill simply fits right into that pattern. If you, as the chairman of our committee has indicated, make a lot of money for throwing a baseball, then you are a lot more valuable than a person who sits at home and nurtures her children and provides the sustenance of life for our community, but you do not have any economic value, and that is what this underlying bill says, and that is what this Congress has been saying to America ever since this session of Congress convened.

Mr. Speaker, that is basically what we are here arguing about. So if Members believe, Mr. Speaker, I would say to my colleagues, that the underlying value of a human being is based on the wealth that they have, the amount of money that they have, then they ought to vote against this motion to instruct the conferees. But if Members think my mother's love, sitting at home and nurturing me and serving our community and having compassion for me has some value, then they ought to vote for this motion to instruct. Please join me, and say to America that there is something of value in this country other than money.

□ 1200

Ms. PELOSI. Mr. Speaker, I rise today to oppose the legislation before us and to support the motion to instruct offered by the gentleman from Michigan, Mr. CONYERS. H.R. 956 is an undisguised attack on the safety of the American people that will result in more unsafe products, more injuries, and less compensation for those who are injured by corporate misconduct and negligence.

The motion offered by Representative CONYERS would instruct the conferees not to agree to any provision that would limit total damages for injuries to women, children, or elderly individuals to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Mr. Speaker, during the debate earlier this year on H.R. 956, it was demonstrated that our current State-based products liability system works well. It allows our citizens to seek redress when they have been injured by corporate negligence and it provides ample incentives to correct defective products when they cause harm.

My colleagues, this bill favors powerful corporations at the expense of women, the elderly, and all working Americans by limiting damages for noneconomic losses which represent a larger proportion of damages for these groups.

I urge a "no" vote on the ill-advised reforms contained in H.R. 956 and a "yes" vote on the Conyers motion to instruct conferees.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 190, nays 231, not voting 11, as follows:

[Roll No. 777]

YEAS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Chapman
Fields (LA)
Gutknecht
Montgomery
Peterson (FL)
Sawyer
Shadegg
Thornton
Thurman
Tucker
Weldon (PA)

☐ 1220

Messrs. METCALF, LIGHTFOOT, FRISA, KING, KOLBE, HOEKSTRA, and BOEHNER changed their vote from "yea" to "nay."

Mr. GORDON changed his vote from "nay" to "yea."

So the motion to instruct was not agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 956:

From the Committee on the Judiciary, for consideration of the House Bill, and the Senate amendment, and modifications committed to conference: Messrs. HYDE, SENSENBRENNER, GEKAS, INGLIS of South Carolina, BRYANT of Tennessee, Mr. CONYERS, Mrs. SCHROEDER, and Mr. BERMAN.

As additional conferees from the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. BLILEY, OXLEY, COX of California, DINGELL, and WYDEN.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 258

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes. The following amendments shall be considered as adopted: (1) the amendment recommended by the Committee on Ways and Means now printed in the bill; and (2) the amendments specified in the report of the Committee on Rules accompanying this resolution. The previous question shall be considered as ordered on the bill, as amended, and any amendments thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) one motion to amend by the chairman of the Committee on Ways and Means or his designee, which shall be considered as read and shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent; (3) one motion to amend by Representative Walker of Pennsylvania or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit, which may include instructions only if offered by the minority leader or his designee. During consideration of the bill, no question shall be subject to a demand for division of the question.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 258 is a modified closed rule providing for the consideration in the House without intervening point of order of the bill, H.R. 2586, providing for a temporary increase in the public debt limit.

Mr. Speaker, the rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority members of the Committee on Ways and Means. The rule provides for the adoption of the amendment reported by the Committee on Ways and Means now printed in the bill together with four other amendments specified in the Committee on Rules report.

Those amendments include—and Members ought to listen up, if they are back in their offices—the amendments include, one that I authored that commits the President of the United States and this Congress to enact legislation this year that will achieve a balanced budget no later than fiscal year 2002. Moreover, my amendment affirms that the Congress will not, and this is important, will not enact another increase in the public debt limit until the President has signed that balanced budget legislation into law.

The second amendment is one nearly identical to the one that was contained in the short-term continuing appropriations resolution. It will permit Medicare coverage of certain anticancer oral drug treatments for prostate and breast cancer.

The third amendment adopted by this rule is a habeas corpus or death penalty reform provision, taken from the Senate-passed anti-terrorism bill, a long overdue change in the now endless appeals system that is preventing the execution of those who are convicted murderers.

The fourth amendment, authored by the gentleman from Michigan [Mr. CHRYSLER] and developed by many committees of this House, is legislation to eliminate a major Cabinet department, the Department of Commerce, the first time that has happened in 40 years.

Mr. Speaker, in addition to those four amendments, the rule makes in order consideration of a regulatory reform amendment to be offered by the gentleman from Pennsylvania [Mr. WALKER]. That amendment, which is debatable for 40 minutes, is a compromise between already passed House and Senate regulatory bills that are aimed at bringing commonsense relief to American businesses that are so saddled with bureaucratic red tape and needless regulations.

The rule also allows for the chairman of the Committee on Ways and Means to offer a manager's amendment, if necessary, debatable for 20 minutes. It does not waive points of order against the amendment, so it must be a germane modification or something already in the bill or a motion to strike.

Finally, Mr. Speaker, the rule allows for a motion to recommit which, if containing instructions, may only be offered by the minority leader or his designee, a right that has been guaranteed to the minority for the first time in this Republican 104th Congress.

Mr. Speaker, nobody likes to extend or increase the debt limit, especially me. I have not voted for one in 17 years because I resent the fiscal irresponsibility of this Congress over all those years. On our side especially, we Republicans are committed to ending and reversing the spiraling debt that has been piled on our children and our grandchildren. That is why we are linking this debt limit extension to our commitment made in our contract to balance the budget.

It is so important to the future of this Nation and its economy, to the millions of American workers who have seen their wages being eroded and their jobs being eliminated and exported to other countries, to ensure the revitalization of our economy based on balancing the Federal budget.

What could be more understandable and essential than this basic linkage between the public debt and the need to bring our Federal books into balance?

Mr. Speaker, the President has made overtures in the direction in recent months at least in his rhetoric. Now is the time for him to make that rhetoric a reality by joining with us in committing to balancing the budget within the next 7 years. My amendment in this bill, if signed into law, will determine whether the President really is serious about balancing the budget. When he ran for President in 1992, then-Governor Clinton said we could balance the budget in just 5 years. That is when he was a candidate for the Presidency, in other words, by 1997, or a year after his first term.

Since he became President, he has backed off that pledge that he made to the American people, and he has said, maybe we can do it in 10 years. Heck of a lot of difference between 5 and 10 years, my colleagues. As the 1996 presidential election grew even nearer, he said, maybe we can do it in 8 or 9 years. Most recently he indicated that, yes, it could be done in 7 years as we had proposed and proved by our 7-year balanced budget package recently passed by this House.

□ 1230

Members of this House, we are now in difficult negotiations to reconcile the House- and Senate-passed reconciliation bills. Has the President stepped forward to show how he would balance the budget in 7 years in any way different? No, he has not. I even wrote to the President and to the President's Director of the Office of Management and Budget back when he was considering the budget resolution earlier this year inviting him, the President, to submit an alternative plan for balancing the budget in 7 years. We wrote a rule, we put out all of the proposals, and all of them balanced the budget in 7 years, even from the other side of the aisle, but no budget was presented by this President to balance that budget. I indicated in that letter we would put his resolution out on this floor and we would have an up-or-down vote on it, and I have yet to receive any response whatsoever from Mr. Panetta or the President, and, my colleagues, I do not think it was the fault of the U.S. Postal Service. We have the best postal service in the entire world; the mail went through to 1600 Pennsylvania Avenue. But we have yet to receive even a post card in response.

Mr. Speaker, as the saying goes, the time has come to fish or cut bait. The sign in front of the White House though still reads "Gone Fishing." So come on back, Mr. President, and let us get on with the business that the people sent us here to conduct. Let us pass this rule, let us pass this bill, and let us pass our budget reconciliation bill.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of November 8, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	52	67
Modified Closed[3]	49	47	19	25
Closed[4]	9	9	6	8
Total	104	100	77	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 8, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H.Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

H.R. 258, SUMMARY OF PROVISIONS OF RULE FOR H.R. 2586—TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

1. Provides a modified closed rule.

2. Provides for consideration in the House without any intervening point of order.

3. Provides for the adoption of the amendment recommended by the Committee on Ways and Means now printed in the bill and the amendments specified in the report of the Committee on Rules accompanying this resolution.

4. Provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

5. Provides one motion to amend by the chairman of the Committee on Ways and Means or his designee, which shall be considered as read and shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

6. Provides for one motion to amend by Representative Walker of Pennsylvania or his designee, which shall be considered as read and shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent.

7. Provides one motion to recommit which may include instructions only if offered by the Minority Leader or his designee.

8. Provides that during the consideration of the bill, no question shall be subject to a demand for division of the question.

SUMMARY OF AMENDMENTS MODIFYING THE TEXT OF H.R. 2586

(Considered as adopted by the adoption of the rule)

1. Solomon (NY)—Committing the President and Congress to enacting in calendar year 1995 legislation to achieve a balanced budget, as scored by CBO, by fiscal year 2002, and affirming the intent of Congress not to enact a further increase in the public debt limit until the President has signed such legislation. (Printed in the Rules Committee report on the rule)

2. Medicare Coverage of Certain Anti-Cancer Drug Treatments. (Printed in the Rules Committee report on the rule)

3. Habeas Corpus Reform—Text of Senate-passed habeas corpus reform provisions of S. 735, the anti-terrorism bill. (Printed in the Rules Committee report on the rule)

4. Chrysler (MI)—Compromise language on House-passed provisions from reconciliation legislation dismantling the Department of Commerce. (Printed in the Congressional Record)

AMENDMENT MADE IN ORDER BY THE RULE FOR SEPARATE CONSIDERATION

1. Walker (PA)—Compromise between House and Senate regulatory reform legislation (printed in the Congressional Record), non-amendable and debatable for 40 minutes equally divided between the proponent and an opponent.

Mr. Speaker, I ask unanimous consent that I be relieved and that the gentleman from Colorado [Mr. MCINNIS], a member of the Committee on Rules, be allowed to manage the remainder of time on this side during debate of this rule.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 258 is a modified closed rule which will allow consideration of H.R. 2586, a bill to increase temporarily the Federal debt ceiling. As my colleague from New York, the chairman of the Rules Committee, Mr. SOLOMON, described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Ways and Means.

Under this modified closed rule, only two amendments may be offered. One amendment, to be offered by Mr. WALKER of Pennsylvania, changes and standardizes the way Federal agencies analyze the effect of their regulations. In addition, the chairman of the Committee on Ways and Means may offer any germane amendment.

Mr. Speaker, it is with reluctance that I oppose my committee on this rule. However, my opposition is so deep I feel I have no choice.

Increasing the debt limit is one of the most solemn tasks that Congress must face. The level of the debt ceiling is the amount of money that the Federal Government can borrow to pay its debts. As Federal borrowing increases, the debt ceiling must be raised.

Failure to raise the debt ceiling means the Federal Government cannot pay its bills. By defaulting on our creditors, we risk driving up the cost of borrowing in the future. In 200 years, this Nation has never, ever defaulted on its financial obligations. That is a reputation we, as a Nation, cannot afford to ruin.

I want to emphasize that the need to raise the debt ceiling is based on spending decisions that have already been made. Now, the bills have come due and we must pay our debts.

There is only one responsible course for this House today: To pass a simple, straight-forward bill that raises the debt ceiling to a level that will protect the faith and credit of the United States.

This bill does not do that. This rule does not do that.

This is what the rule does. It takes a relatively simple bill—that is 6 pages long—and adds a controversial, completely irrelevant 218-page proposal to abolish the Commerce Department.

It makes in order a floor amendment to add another controversial, and also completely irrelevant 112-page proposal to change the way Federal agencies issue regulations.

It also adds yet a third completely irrelevant provision related to habeas corpus.

These provisions have nothing to do with the debt ceiling. These provisions have nothing to do with protecting the credit and good name of the U.S. Government.

These provisions are kindly referred to as sweeteners. That is, they were added by the Republican leadership to ensure that enough Republicans would vote to pass this bill.

That is profoundly disturbing. As Members of the House, it is our duty to cast difficult votes when they are needed for the future of our country. Yet the Republican leadership cannot even get its own Members to vote for this bill without adding pandering riders.

And if these three sweeteners are not bad enough, here's the real kicker. This rule makes in order a Republican leadership amendment—on any germane subject—an amendment that could do almost anything—just in case these other sweeteners are not enough.

In other words, if it turns out at the last minute that the Republican leadership has not included enough sweeteners, they can be like Monty Hall in "Let's Make a Deal," and throw in a few more attractions.

Vote for the debt ceiling and you get this regulatory reform package behind curtain No. 1. And, you get this new habeas corpus behind curtain No. 2. And, if that is not enough for your vote, you get this mystery amendment behind curtain No. 3.

To make matters worse, the rule does not make in order important, improving amendments to the basic bill.

The bill is only a short-term extension of the debt ceiling that might have to be extended next month. The Democratic members of the Rules Committee attempted to make in order responsible amendments by Mr. GIBBONS, Mr. PAYNE of Virginia, and Mr. GEKAS that would provide more time to avoid a default. In each case, we were denied along a straight party-line vote.

The bill also contains unworkable restrictions on the Treasury Department's debt management. These are restrictions that have never been placed on any President before. Again, in the Rules Committee, we tried to strike the restrictions but the Republicans opposed us.

Mr. Speaker, I do not enjoy rhetorical attacks on my friends on the other side of the aisle. But this rule is a travesty of legislative complexity when the solution begs simplicity. This rule is a highly partisan attempt to ram irrelevant, controversial Republican initiatives through Congress. This rule gags the opposition. And this rule makes a mockery of our responsibility to the American people to protect our Nation's financial reputation.

The Nation needs a simple extension of the debt ceiling now. The task before us can be done with a 2-page bill, not a monster packed with Republican wish lists.

Mr. Speaker, I am ashamed of the Rules Committee for producing such a rule. I urge defeat of the rule. I urge defeat of the bill.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, and I say this constructively to my good friend, the gentleman from Ohio [Mr. HALL], and that is I think that his staff needs to do a little more research on his statement that this is the first time that the United States has defaulted or could possibly default on its debt. That is not true. If my colleague looks at the gold clause which occurred in the first year of Franklin Roosevelt's Presidency, he will find that the United States did in fact default on its debt, and that was upheld by the United States Supreme Court, so I think at the onset here to my good colleague across the aisle that we need to especially, when we speak to the other body here, that we need to be accurate in our historical facts.

Second of all, I think it is very easy to whine and complain about, look, what is on this bill, but I think what my colleague needs to do, instead of complaining about the amendments that are on the bill, take a look at what those amendments contain, talk about breast cancer, talk about prostate cancer. Those are amendments on this bill.

Let us go further than that, and let us talk about the balanced budget. This Government is eating its debt at a rate of about $37 million an hour. That is what we spend more than we bring in, and, no, I am not going to yield. Is it not about time that this Government stood up to the plate and said "We can't do that anymore"? Do my colleagues think we are going to get this through if we do not have some tough negotiating sessions?

What my good colleague from across the aisle, and I say this with all due respect because I have a great deal of respect for him: what he is saying is, "Let's go into this battle unarmed. Let's let the President run this thing the way he wants to run it." We have got to have some negotiating power on this side of Pennsylvania Avenue. We got to know what we are doing here. We got to be willing to go in with some strength, and we are not doing it.

I am not going to yield, but I certainly will yield to this gentleman as soon as I am finished, but of course the gentleman has his own time as well. But talk about the habeas corpus reform. Americans all across this country are crying for reform in death penalty cases in this country. We are not going to get it otherwise. We have got to go in negotiations with strength.

Finally, of course the Department of Commerce. I have yet to find somebody can really look me in the eye and honestly defend the Department of Commerce.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to my friend, the gentleman from Colorado [Mr. McInnis], that I think some of the amendments that he talked about of course we have debated on the floor, but we do not even know what is in the bill.

For example, a lot of these amendments came to us right before we started the vote last night at about 10:30—quarter to 11, and what used to be a six-page bill, a bill that we have always passed on debt limit, a very simple bill, where all these amendments were added. As a matter of fact, the bill now is over 300 pages. We had an amendment on habeas corpus, and nobody, nobody, even came to the Committee on Rules and testified on it. There was nobody that even spoke about it. All of a sudden we see that as a major amendment that came before us, and these amendments continue to add just so much addition, and if the gentleman can tell me what is in these bills, what is in these amendments? I mean nobody had any idea what was going on last night when we passed these amendments to a simple debt-limit extension.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the gentleman from Ohio for yielding and would inquire of the gentleman from Colorado, precisely my reason for inquiring, if he could explain the Medicare coverage of certain anticancer-drug treatments, an issue on which we never had hearings or never discussed, and could the gentleman enlighten us as to what exactly this amendment is other than the written bill which does not describe the bill, or how much it would cost, or why it was in there?

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, again to address the comments of the gentleman from California or my colleague, the gentleman from Ohio [Mr. Hall], let us talk about the pages. The gentleman says in the past we have only had six pages. In the past we have not had the kind of negotiations we are facing right now. I think my colleague over there would freely admit that the toughest negotiations we have seen in Congress in a long time are going to be coming up in the next couple of weeks. We have got a President down there who has promised to veto almost everything we send to him. We have got a President who, when he ran for office, said he would balance the budget in 5 years. That was later changed to 8 years, then 10 years, and then about 2 weeks ago it went back to 7 years. These are the kinds of negotiations we are dealing with.

That 300 pages or whatever amount of pages, that is not frivolous paper put on there. Those are some pretty tough negotiating points that we have got to deal with, and I think it is perfectly in order, perfectly in order for us to expect this side of the House, for the House as a whole, to go into these negotiations as well armed as possible. We have got a lot to lose here. We have got to do something about this national deficit.

Mr. STARK. Mr. Speaker, will the gentleman yield briefly?

Mr. McINNIS. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, this is to ask if the gentleman would describe that Medicare provision.

Mr. McINNIS. The gentleman is correct. I am not ignoring the gentleman's question. I will, however, have a speaker here who can speak a little more profoundly on that issue.

The gentleman is here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Speaker, briefly, what we are allowing to have happen in Medicare is for a cancer-fighting drug that is now not permitted under Medicare to be taken orally for fighting breast cancer and a treatment that is not permitted to be taken orally for fighting prostate cancer would now be permitted under the language which is included in the bill.

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Mr. STARK. Mr. Speaker, if the gentleman will yield, I would ask the gentleman, was it considered for the screening of mammography and colorectal? Many of these people would be dead by the time they get to take this drug, because in our committee the Republicans voted against colorectal screening and mammography, which, of course, would negate some of these drugs being administered at the point at which it is too late.

Mr. WALKER. Mr. Speaker, I do not know under whose time the gentleman is speaking, but the fact is what we are putting in the bill right now would deal with the question of allowing people to take available treatments that, because of the outmoded nature of Medicare at the present time, they cannot get onto the prescribed drug list. We are going to say flatly that we think that it is high time that Medicare gets up to date and allows people to take these treatments which are available in the rest of the marketplace.

Mr. McINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from the Massachusetts [Mr. Moakley], former chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Ohio, for yielding time to me.

Mr. Speaker, the debt limit is not a political football.

The debt limit extension is the mechanism by which we make sure this country pays its bills. I think that is a very important issue, one that should not be trifled with, under any circumstances.

But today we will vote on a debt limit extension loaded down with partisanship. This is a very dangerous gamble on the part of congressional Republicans.

Although I am opposed to raising the debt limit, I recognize it is something we must do. If we do not, for the first time in the proud history of the United States, we will default on our loans. To some that may not sound very real. But let me tell you, this political gamble could affect practically everyone. You are gambling with the fiscal integrity of the United States. You are gambling with people's pension plans. You are gambling with people's mortgages. You are gambling with people's payroll deduction plans. The debt limit extension is a very serious, far-reaching issue and we owe it to the people of this country to put politics aside and act responsibly.

I urge my colleagues, defeat this rule, let us pass a clean debt limit.

The fiscal integrity of the United States is much too important to be sacrificed on the altar of partisanship.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my good colleague and ranking member of the Committee on Rules talks about a political gamble. If he wants to talk about a political gamble, he had better talk about the $37 million an hour that this country spends more than it brings in. The biggest financial political gamble of this century is this deficit. This bill is going to help us address that.

If the gentleman thinks we are going to be able to go down to the White House and go into that White House unarmed to try and defend ourselves or to try and negotiate with that President, he is wrong. We have to be prepared for some very tough negotiations. The President is a good negotiator. We would be foolish not to go in there as well-equipped as we could possibly be.

When we talk about the gamble, let us talk about the overall picture of the gamble, what we have to lose in this country if we do not do something about this deficit.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], former chairman of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, as we so well know, there is only one reason we are here today. That is because the Speaker and his party have been unable to do the things that their duties require them to do. This debate that we are having right now should have been finished in August, at the latest, of this year.

If our constituents want to know what bribery looks like, this is a picture of it right here, these 400 pages. Who are they trying to bribe? They are trying to bribe their own Republican Members on voting for two lines, to strike out a figure for the debt ceiling and insert a new figure. All the rest of this bill is pure bribery, nothing else. That is all.

They are not trying to bribe anybody except their own members, their own members of their own Republican party to vote for this bill. They are not bargaining with us, they are not bargaining with the President, because we would tell them this, Mr. Speaker, as we have told you: Do the job that you are supposed to do.

There have to be 13 appropriations bills passed, Mr. Speaker. Two of them have become law. Eighty-seven percent of all the money that we are talking about is still floating around out there somewhere, because you have not been able to get a majority of your people who control this place to vote for what you advocate. That is how simple it is.

Mr. Speaker, there is a way to get admission to the White House. That is to pass your budget. You have not passed your budget. Your budget, I am on the conference committee on your budget, Mr. Speaker, and you have not even called a meeting of the conferees in 2 weeks to do this. And you are complaining about the President not inviting you to sit down and cut steaks with him?

When you get your act in order, Mr. Speaker, when you get your bills passed and you get them down there, then, obviously, the President will be in a position to speak and be in a position to negotiate. But he cannot negotiate with somebody who does not have a plan, who has not done their work, who cannot even get enough people on their own side to vote on it without adding all of this garbage, all of this garbage, all of this bribery to get a simple debt ceiling passed.

Mr. Speaker, you know, we have passed debt ceilings, in the time that you have been a Member of this body, that were only two or three lines long. It is a simple amendment. You strike out one figure and you insert another figure. But you cannot get your folks to vote for it. You are blaming the President. You were blaming the Democrats.

Mr. Speaker, you are to blame. The Republicans are to blame. They cannot get their own House in order. They cannot get a majority to vote for their own proposals.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to insert extraneous material in the RECORD and that it appear at the end of the debate on House Resolution 245 in the permanent RECORD.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The material referred to is as follows:

REPUBLICANS WAIVE THREE-FIFTHS VOTE REQUIREMENT ON TAX RATE INCREASES AGAIN

The rule for consideration of the reconciliation bill once again waives the new rule (clause 5(c) of rule XXI) requiring a three-fifths vote on any measure carrying a federal income tax rate increase, as did the rule for consideration of the bill cutting Medicare.

The reconciliation bill raises taxes on millions of American working families by modifying the earned income tax credit. The bill makes those who invest venture capital in qualified jobs-creating small businesses pay a higher rate of federal income tax than they would under existing law. This is the same tax rate increase that provoked an attempt to appeal the ruling of the Chair. The reconciliation bill raises income tax rates in the new Medicare provisions and includes other rate increases within the ambit of the new rule.

Republicans have backtracked on their promise to use this new rule to restrict tax increases. They have voted for tax hikes on working families and waived the new rule without a second thought.

Speaker Gingrich and the Republicans promised before last November: if we are elected, we won't raise your taxes. As the Speaker said, "Those of us who ended up in the majority stood on those steps and signed a contract and here is what it says: 'The new Republican majority will . . . require a three-fifths majority vote to pass a tax increase.'" (Congressional Record, January 4, 1995, page H6) In fact the early rhetoric extended beyond taxes to encompass all revenue increases. But something funny happened between the time a Republican majority was elected in November and opening day of this session in January. It was a quiet revolution within the Republican conference that led to narrowing the scope of the rules change away from covering all tax increases down to just tax rate increases. Did we say: "No tax increases?" Well, we meant, "No tax rate increases."

Republicans made a solemn promise—we won't raise income tax rates without a three-fifths vote; however, (READ THE FINE PRINT) we can raise income taxes, payroll taxes, excise taxes, effective rates, and everything short of statutory rate increases with impunity.

Even this narrow reading now proves too difficult for Republicans to live with. It took no longer than the Contract with America tax bill to provoke an attempt to further narrow the interpretation of tax rates. Did we really say ANY federal income tax rate increase? Maybe we should limit it further. And if we can't limit it, let's waive it.

Chairman Solomon for example has suggested that the rule be further narrowed, limiting it to a specific type of bracket rate increase, as he claims was the original intent. There is nothing in the legislative history to support a further narrowing of the rule. The legislative history in fact supports the broadest possible interpretation of the rule since every supporter speaks broadly about the rule touching all tax increases. Here's how Republicans descried their rule change at the time it was adopted:

Rep. Dick Armey—"House rules will now require a three-fifths majority to raise taxes"—Cong Rec H31, Wednesday, January 4.

Rep. John Boehner—". . . and we decided to change the rules to require a three-fifths majority to raise taxes"—Cong Rec H127, Thursday, January 5.

Rep. Gerry Solomon—"Mr. Speaker, the tax-and-spend Democrats are at it again. They are suing us Republicans, do you believe it, to overturn our rules change that requires a three-fifths majority vote to raise taxes.

"The three-fifths majority vote to raise taxes will stand as a hindrance to any Democrat attempt to foist more taxes on the American people. There ain't going to be any more"—Cong Rec H1469, Thursday, February 9.

Rep. Joe Barton of Texas—"This country was founded on the principle of no taxation without representation. Today many Americans believe that principle has been violated and that their elected Representatives in Washington have taxed them so that they can spend money on the special big-spending interests in Washington, DC. To correct this said situation the new Republican majority has now introduced section 106 of the rule change package. Section 106 would require a three-fifths vote to increase income taxes"—Cong Rec H70, Wednesday, January 4.

Rep. Gary Franks—"Under this [rules] package, any income tax increase must now be approved by a three-fifths majority of the House of Representatives"—Cong Rec H43, Wednesday, January 4.

Rep. Jon Fox—"The goal of this rule is twofold. First, it will require three-fifths majority vote for tax increase measures and amendments"—Cong Rec H63, Wednesday, January 4.

Rep. Jim Saxton—"As you know, this amendment to the House rules provides for a three-fifths or 60 percent vote as a necessity to pass any income tax increase"—Cong Rec H63, Wednesday, January 4.

Rep. Randy Tate—"I am in favor of the proposal of requiring a 60-percent majority in order to raise taxes so that the taxing ways of Congress are gone forever"—Cong Rec H68, Wednesday, January 4.

Rep. Joe Scarborough—"We have to have a three-fifths supermajority now to pass any tax increases on middle class citizens across this country"—Cong Rec H1898, Thursday, February 16.

Rep. Joe Scarborough—"When you pass a taxpayer protection plan that we passed the first day of Congress, that requires this body to pass new taxes increase by a three-fifths vote in the 104th Congress, you are saving jobs . . ."—Cong Rec H2031, Wednesday, February 22.

Rep. Gil Gutknecht—"And we also required a three-fifths vote to pass any kind of tax increase"—Cong Rec H6824, Tuesday, July 11.

Every single Member speaks broadly of all income tax increases. No one even mentions rates, let alone a more limited reading. It is only after their own bills are caught by the rule that they try to insist on a narrower reading.

The gist of Chairman Solomon's views is expressed in the Rules Committee report on this rule. He boldly asserts, without argument or evidence, that there were no violations of clause 5(c) in the reconciliation bill and that the rule is now being applied too broadly by others.

It came as a great surprise to find this bold new (and controversial) position in the Rules Committee report. The first reason it is surprising is because I wrote to Chairman Solomon in May (see attached letters) requesting that the Rules Committee hold hearings on the application of the new three-fifths vote requirement. In his June 12 response, Chairman Solomon explained it "would not be useful" for the Rules Committee to hold hearings because:

"We [on the Rules Committee] are generally considered as arms of our respective party leaderships. We should not be in the position of trying to second guess the Chair's rulings by holding after-the-fact "reviews" of those rulings, let alone attempt to dictate what interpretations the Chair should use in the future."

It is also surprising to find controversial new interpretations in the Rules Committee report because of the long-standing tradition of making the reports extremely brief and purely technical. The Rules Committee is specifically exempt from many requirements on committee reports, because of the long-standing tradition. In particular, the Rules Committee is the only House committee not required to provide additional time for dissenting views to be included in the report.

While the Rules Committee report appears to be from the entire Committee, it should be noted that the language was not shared with any Democratic member on the Committee until after the report was filed. The language in the report is clearly controversial. During mark-up, I moved to strike the waiver of the three-fifths vote requirement (Republicans voted it down on a straight party line vote) and Democratic members strongly expressed their views during debate on that motion. It is the considered opinion of the Democrats on the Rules Committee that the reconciliation bill includes tax rate increases within the meaning of clause 5(c) and that the rule was never intended to be applied narrowly to bracket increases—at least, not until Republicans found themselves running afoul of it constantly.

We hope the majority will return to the traditional Rules Committee report and will stop using the report to include clearly controversial statements or will share the language in advance and permit those opposed to include dissenting views.

But let me return to the subject at hand. The Contract with America tax bill raised the capital gains rate on those who invest in qualified jobs-creating small businesses. A similar provision is in the reconciliation bill. The increase in the capital gains rate for qualified investors raised the issue of whether the Contract with America tax bill required a ⅗ vote. On April 5, a series of parliamentary inquiries led to a ruling of the Chair and a failed attempt to appeal the ruling of the Chair. That led to an exchange of letters a few months ago about the ruling of the Chair. In that exchange, even Speaker Gingrich noted that the Chair's ruling "did not seem either satisfactory or overly compelling at the time . . ."

WASHINGTON, DC,
May 4, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Rules Committee hold hearings to review clause 5(c) of rule XXI in light of recent interpretations. Clause 5(c) of rule XXI was added on opening day, January 4, 1995, as part of House Resolution 6. The new rule requires a ⅗ majority to pass or agree to a bill, joint resolution, amendment or conference report "carrying a Federal income tax rate increase."

During debate on H.R. 1215, Contract with America Tax Relief Act of 1995, the new rule was interpreted in a peculiar way to permit a simple majority vote to pass the bill even though the bill carried a provision increasing from 28% to 39.6% the maximum rate of tax on the taxable portion of capital gains income. The bill increases the statutory maximum tax rate by repealing section 1(h) of the existing Internal Revenue Code which provides that the maximum rate on taxable capital gains can't exceed 28%.

One particular capital gain to which the existing law maximum 28% rate applies is described in the Internal Revenue Code section 1202 titled "50-percent exclusion for gain from certain small business stock." Section 1202 describes investments that qualify for the exclusion because they are investments in job-creating small businesses. Under existing law, other gains cannot take advantage of the 50% exclusion.

H.R. 1215 imposes a higher statutory rate on all capital gains including investments in job-creating small businesses. The statutory rate increase results in an increase from 14% to 19.8% in the effective maximum tax rate on qualified small business investments. In other words, the bill raises the maximum statutory rate on all capital gains but cuts the effective capital gains tax rate for everyone except those who invest in job-creating small businesses.

The Chair relied on "expert" advice to conclude that a maximum rate of 39.6% is not an increase over a maximum rate of 28%. Expert advice is surely appropriate for the Chair to rely on, especially on a matter of first impression such as this and especially if it comes from a nonpartisan source. Attached you will find the letter from the staff of Joint Committee on Taxation (JCT) on which the decision is based. Unfortunately, JCT's advice was hastily put together and the reasoning employed is plainly open to question.

The JCT argues that because the bill expands the category of gains that can take advantage of the 50% exclusion, the 28% maximum rate is deadwood, and the bill repeals the provision only because it is inoperative. That is simply not true; if the bill did not repeal section 1(h) those taxpayers in the top bracket could take advantage of both the expanded 50% exclusion on other gains and a maximum rate of 28% on those gains.

The JCT's "deadwood" argument is even weaker with respect to the income tax rate increase on qualified small business gains. Compare the treatment of this type of gain with collectibles. The bill did not affect the taxable portion of the gain from collectibles (gains remain 100% taxable) and retained the maximum 28% rate for this type of property. Had the bill not done so there would have been an income tax rate increase on gain from collectibles. The bill also did not affect the portion of gain from qualified small business stock subject to taxation. However, the bill did not retain the existing 28% maximum rate for this stock unlike the treatment of collectibles. Therefore, the bill increases the income tax rate on this type of property.

The JCT further argues that the bill repeals one maximum rate (28%) and leaves instead a higher rate (39.6%) but does not explicitly increase the rate. By this reasoning, the bill would have required a 3/5 majority for passage only if it had specifically included a rate higher than 28% instead of simply allowing the 39.6% rate to kick in. For example, a 29% tax rate would have been considered an income tax rate increase even though 39.6% is not an increase.

Relying solely on the advice of the JCT, the Chair ignored the position of the Treasury Department. Treasury had consistently called the provision in question a federal tax rate increase from its first testimony in February hearings on H.R. 1215 through the letter dated April 5 to Representative Moran from Assistant Secretary for tax policy—Mr. Leslie Samuels—reiterating Treasury's position. The April 5 letter includes a quotation from the February 22 testimony and the letter is also attached.

I also suggest the Rules Committee look into the role of committees giving advice to the Chair. The decision of April 5 brings into question the use of any partisan organization in giving advice to the Chair. The Budget Act requires the Chair to turn to the Budget Committee—rather than the Congressional Budget Office—to determine estimated levels of spending in deciding the applicability of Budget Act points of order. While the Budget Committee has not so far abused its responsibility, the ruling of April 5 reflects badly on the practice of relying on the advice of committees. The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House.

Again, I urge you to hold hearings on this new rule in light of the interpretation of April 5. The ruling of April 5 establishes a narrow interpretation of the applicability of clause 5(c) of rule XXI. The narrow approach is directly contrary to the expansive rhetoric that accompanied House passage of the rules change; the discussion on opening day focussed on how this change would inhibit any tax increase and the illustrative lists included in the Record contained a wide range of tax increases, most of which would have been excluded by this ruling. In one of its first tests, the intent of the rules change appears to be undermined.

Does the April 5 ruling render ineffective the new clause 5(c)? Does the ruling call on us to redraft clause 5(c) so that it can work? These and similar questions deserve our careful attention and a full and public airing through the normal committee hearing process.

Sincerely,

JOHN JOSEPH MOAKLEY,
Ranking Minority Member.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 1995.

Hon. CHARLES W. JOHNSON III,
Parliamentarian, House of Representatives, Room H-209, Capitol Building, Washington, DC.

DEAR MR. JOHNSON: We are writing to request that you personally review clause 5(c) of rule XXI and the ruling of April 5, 1995. As you recall, clause 5(c) of rule XXI was added on opening day, January 4, 1995, as part of House Resolution 6. The new rule requires a 3/5 majority to pass or agree to a bill, joint resolution, amendment or conference report "carrying a Federal income tax rate increase."

During debate on H.R. 1215, Contract with America Tax Relief Act of 1995, the new rule was interpreted in a peculiar way to permit a simple majority vote to pass the bill even though the bill carried a provision repealing a maximum tax rate of 28% on the 50% of gain from qualified investments in job-creating small businesses that is taxable under present law and leaving in its place a maximum rate of 39.6% on the same 50% of gain from such investments that will be taxable under the bill.

We are enclosing copies of letters sent to Speaker Gingrich and to the Chairman of the House Rules Committee, Representative Solomon, and one set of the attachments sent to each.

We hope that the parliamentarians will treat the ruling of April 5, 1995 (Congressional Record, H4316-H4319) as merely an incident in which the Chair relied on expert advice to reach its conclusion. We hope that other expert advice will be sought in deciding the applicability of clause 5(c) of rule XXI and not simply the advice of the Joint Committee on Taxation (JCT). We note the Chair disregarded the advice of the Treasury Department which had consistently called the provision an income tax rate increase, from its first testimony on the bill in February. We hope the April 5 ruling does not stand for the proposition that the staff advice of the JCT is the arbiter in these matters even when the Treasury Department disagrees.

In addition, it would be a mistake to rely on the line of reasoning the Joint Committee on Taxation staff employed—which we believe to be faulty—and we hope it will not be given the weight of precedent. The JCT staff letter also opined that the new rule was not intended to apply to effective rate increases. Even if effective tax rate changes are outside the reach of clause 5(c), JCT's expertise does not include the intent of House rules changes. We hope the April 5 decision does not give special weight to the views of the JCT in determining the intent of the standing rules.

In conclusion, we urge you to review the ruling of April 5 carefully.

Sincerely,

RICHARD GEPHARDT,
Minority Leader.
SAM GIBBONS,
Ranking Minority Member, Ways and Means.
JOHN JOSEPH MOAKLEY,
Ranking Minority Member, Committee on Rules.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Room H-204, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: The more we consider the ruling of the Chair on April 5 with respect to clause 5(c) of rule XXI—on the question of whether the bill H.R. 1215, as amended, carried a Federal income tax rate increase and therefore required a 3/5 majority vote for passage—the more outraged we become. We are writing to request that you personally review the ruling and take whatever action is necessary to prevent such an outrage from recurring.

H.R. 1215, Contract with America Tax Relief Act of 1995, as amended, included a provision repealing a maximum tax rate of 28% on capital gains income and leaving in its place a maximum rate of 39.6%. The provision, on its face, is a statutory income tax rate increase though it is also an effective rate increase only on gains from qualified investments in job-creating small businesses that are subject to favorable tax treatment (50% exclusion) under current law.

Essentially, the Chair relied on "expert" advice to conclude that 39.6 is not a bigger number than 28. Imagine if you had hired outside counsel on a personal tax matter and the attorney advised you that a law did not increase your tax rate even though it repealed a maximum rate of 28% and left in its place a maximum rate of 39.6%. Would you ever again turn to that tax counsel?

Expert advice is surely appropriate, especially on matters of first impression such as this and especially if it comes from a nonpartisan source. The Joint Committee on Taxation (JCT) staff advice, however, was hastily put together and the reasoning employed is plainly open to question.

The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House. The conclusion reached in the April 5 ruling is so contrary to common sense that it must be questioned.

Relying solely on the advice of the JCT, the Chair ignored the position of the Treasury Department. The Treasury Department had consistently called the provision in question a federal tax rate increase from its first testimony in February in hearings on H.R. 1215 through the letter dated April 5 to Representative Moran from Assistant Secretary for tax policy—Mr. Leslie Samuels—reiterating Treasury's position. The April 5 letter includes a quotation from the February 22 testimony and the letter is attached.

Finally, the ruling of April 5 establishes an extraordinarily narrow interpretation of the applicability of clause 5(c) of rule XXI. The narrow approach is directly contrary to the expansive rhetoric that accompanied House passage of the rules change; the discussion on opening day focused on how this change would inhibit any tax increase; the illustrative lists included in the *Record* contained a wide range of tax increases, most of which would have been excluded by this ruling. In one of its first tests, the intent of the new rule appears to be undermined.

Again, we urge you to personally review this ruling (i) to see whether clause 5(c) of rule XXI must be redrafted to be an effective deterrent to Federal income tax rate increases and (ii) to take whatever steps are necessary to prevent any further outrageous rulings of the Chair.

Sincerely,

RICHARD GEPHARDT,
Minority Leader.
SAM GIBBONS,
Ranking Minority Member, Ways and Means.
JOHN JOSEPH MOAKLEY,
Ranking Minority Member, Committee on Rules.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, DC, June 12, 1995.

Hon. JOHN JOSEPH MOAKLEY,
Ranking Minority Member, Committee on Rules, H-152 the Capitol, Washington, DC.

DEAR JOE: I am enclosing for your information the letter I have received from the Parliamentarian, Charles W. Johnson, in response to your request for further information on the interpretation of clause 5(c) of rule XXI, the three-fifths vote requirement for tax rate increases.

I think you will see from the explanation of the circumstances surrounding the April 5 ruling of the Chair that this is indeed a very difficult and complex area that does not always readily lend itself to an instantaneous, informed ruling. In some cases, such as on the March 24, 1995, Mink amendments to the welfare reform bill, the question of whether a tax rate increase was involved was "self-evident." In other instances, such as the April 5 situation, there were numerous interrelated and technical provisions involved on which even the most objective of observers could disagree.

I appreciate your raising the question for further clarification. Obviously, this is still not a matter which has been fully and finally resolved, and the Parliamentarian welcomes further input from any interested party. Just as with clause 5(b) of rule XXI, regarding what constitutes a tax, this is an issue on which interpretations, guidelines, policies and precedents will evolve as the Chair is presented with new situations and questions.

However, two obvious lessons can be learned from the April 5 situation regardless of one's position on the ruling. First, Members who wish to raise or oppose points of order are well-advised to present their arguments and background information to the Parliamentarian, preferably in writing, well in advance of the point of order being made in order to ensure the fullest and fairest consideration of all sides of the question and the most objective and informed ruling.

Second, committees and Members should be especially careful in drafting bills and amendments to avoid potential points of order that their provisions may violate a House rule. This also should involve advance consultation with the Parliamentarians to be safe.

I cite these two lessons without prejudice to either side since I have not formulated any final position on the intricate and interrelated issues raised by the ruling in question. Frankly, not being a tax lawyer, I am, to quote from the Parliamentarian's first reaction to the question, still "perplexed by the complexity" of the issue.

I am satisfied by the Parliamentarian's assurance in response to your second question that the Chair will not rely exclusively on any committee or entity in determining the applicability of clause 5(c) or rule XXI. The Chair does have a responsibility, as I earlier mentioned, to consult with a variety of sources and experts in developing the best possible ruling.

As to the request in your May 4 letter that the Rules Committee "hold hearings to review clause 5(c) of rule XXI in light of recent interpretations," I do not think this would be useful for the reasons stated on page 3 of your letter regarding "the role of committees giving advice to the Chair" and "the use of any partisan organization giving advice to the Chair". As you put it so well, "The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House."

The principle you enunciate should apply with even greater force to the Rules Committee than to any other entity since we are generally considered as arms of our respective party leaderships. We should not be in the position of trying to second guess the Chair's rulings by holding after-the-fact "reviews" of those rulings, let alone attempt to dictate what interpretations the Chair should use in the future.

If, on the other hand, resolutions are introduced and referred to us that amend existing rules to clarify their application, then we certainly have authority to consider such proposals as matters of original jurisdiction. I would be willing to further discuss with you any such clarification resolution on clause 5(c) that you or any other Member might introduce. In the alternative, the Parliamentarian has indicated that he would welcome any input you or others might have towards further clarification of the rule.

In conclusion, I again want to thank you for raising the questions you have. You have made a valuable contribution to fleshing-out the application of this important new House reform provision. I greatly appreciate your interest in wanting this super-majority vote requirement for tax rate increases to be applied and enforced in the fairest and most effective manner possible.

Sincerely,

GERALD B. SOLOMON,
Chairman.

Enclosures.

HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
Washington, DC, June 9, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of May 9, 1995, seeking my response to questions raised by Representative Moakley in a letter to you. Those questions concern clause 5(c) of rule XXI, which requires a three-fifths vote for approval of specified propositions "carrying a Federal income tax rate increase," and the interpretation of that rule by the Chair on April 5, 1995. You ask that I comment on the extent to which the Chair relied upon advice from the Joint Committee on Taxation in this instance and in past instances involving tax legislation.

Clause 5(b) of rule XXI, prohibiting tax and tariff measures in bills reported from a committee not having that jurisdiction, or in amendments to such bills, was adopted in 1983. Over the ensuing 12 years, the Office of the Parliamentarian has developed advice for the presiding officers of the House, Members, and staff, on interpretations of that rule. Rulings from the Chair based on that advice are documented in section 846b of the House Rules and Manual. Our analysis of provisions alleged to constitute taxes or tariffs often has evolved through consultation with staff of the Committee on Ways and Means and other committees having pertinent, substantive expertise. Over time, we have been able to articulate guidelines, e.g., for distinguished taxes and tariffs on the one hand and user or regulatory fees and other forms of revenue on the other. Some of those guidelines were formally enunciated by Speaker Foley on the opening day of the 102d Congress (Jan. 3, 1991, pp. H29–31, H507), and have been reiterated in the two succeeding Congresses (Jan. 5, 1993, p. H59; Jan. 4, 1995, p. H110). The Office of the Parliamentarian did not consider it necessary to consult directly with the Joint Committee on Taxation in the development of general guidelines under clause 5(b).

Clause 5(c) of rule XXI was adopted by the House on the opening day of the 104th Congress (H. Res. 6, Jan. 4, 1995) with an explanation reiterating the language of the rule, itself, following reports that earlier versions discussed in the Republican Conference had proposed to apply the requirement of a three-fifths vote to all increases in income tax revenue or even to all increases in revenue.

The rule has been found applicable to require a three-fifths vote only once, on an amendment offered by Representative Mink to the Welfare Reform bill (H.R. 4) on March 24, 1995. That amendment, which did not receive even a majority vote, proposed a direct increase in the top marginal rate of tax on corporate income in section 11 of the Internal Revenue Code of 1986. The Parliamentarian did not seek specialized expertise in developing advice for the Chair on that occasion because it was clear on the face of the amendment that it proposed to increase a Federal income tax rate. The application of clause 5(c) to that text was self-evident.

The circumstances surrounding the Chair's ruling of April 5, 1995, were more unusual. The possibility that a Member might assert that the treatment of capital gains in H.R. 1215 constituted an income tax rate increase came to my attention only late on that afternoon. It was presented to me orally and without benefit of most of the written matters later supplied for the Congressional Record. I was perplexed by the complexity of the argument presented in confidence by Representative Moran and asked his permission to present it to the staff of the Joint Committee on Taxation for their prompt analysis of the technical aspects of the question. I chose this approach based on my recollection of the professional reputation of the Joint Committee on Taxation during my time in the Office of the Parliamentarian. Representative Moran agreed to allow me to share the information he had furnished with the staff of the Joint Committee.

The letter from the chief counsel of the Joint Committee, Mr. Kenneth J. Kies, to Chairman Archer dated April 5, which Chairman Archer read in response to Representative Moran's point of order, was the entire response furnished that evening by the Joint Committee. I provided Mr. Moran with a copy of that letter when it was shown to me just prior to the Chair's ruling. In preparing to advise the Chair, I compared the analysis supplied by the staff of the Joint Committee with the explanation of the capital gain provisions of the bill in the report of the Committee on Ways and Means. The provision ultimately in question was described as follows:

> The bill allows individuals a deduction equal to 50 percent of net capital gain for the taxable year. The bill repeals the present-law maximum 28-percent rate. Thus, under the bill, the effective rate on the net capital gain of an individual in the highest (i.e., 39.6-percent) marginal rate bracket is 19.8 percent.
>
> The bill repeals the provisions in the Revenue Reconciliation Act of 1993 providing a capital gain exclusion for sales of certain small business stock (sec. 1202 of the Code).
>
> A taxpayer holding small business stock on the date of enactment is able to elect, within one year from the date of enactment, to have the provision of present law (rather than the provisions of the bill) apply to any gain from the sale of the stock.

(H. Rpt. 104–84, pp. 36–37). The more general commentary earlier in the committee's report was couched in the context of a reduction in the taxation of capital gains. For example, it stated that "reducing the rate of taxation of capital gains would encourage investors to unlock many of these gains." (Id. at p. 35). Thus, nothing in the committee report suggested that the rate of tax on capital gains for any taxpayer would be increased in any real or effective way.

The concerns expressed by Representatives Gephardt, Gibbons, and Moakley, in their letters of May 4, 1995, to the Speaker, to you, and to me, prompted me to ask Mr. Kies to elucidate his analysis of April 5. I enclose his response, dated May 12, 1995, for your information. As you can see, Mr. Kies remains convinced of the correctness of his advice to Chairman Archer on April 5.

In both of his letters, Mr. Kies proposes several alternate arguments, each concluding that the provisions contained H.R. 1215 did not constitute a Federal income tax rate increase within the meaning of clause 5(c) of rule XXI.

The first essential question yet to be properly determined is whether the new rule applies discretely to individual provisions of a bill or, instead, to the integrated whole formed by related provisions in the bill. Does a provision (including a repealer) that, standing alone, textually increases a statutory rate of Federal tax on income, necessarily trigger the application of the three-fifths voting requirement in clause 5(c) of rule XXI, regardless of the effect of other provisions of the bill that may ensure that the ostensible rate increase has no actual effect on any taxpayer? I suggest that this is the essential, initial question because the rule cannot sensibly be construed to require the Chair to assess "effective" income tax rate increases by weighing other provisions in the bill (including repealers) in the form of exclusions (e.g., the repeal of section 1202 of the Internal Revenue Code of 1986 in H.R. 1215), deductions, credits, or other factors that might determine a taxpayer's basis or other foundation of liability.

Mr. Kies also argues that, instead of proposing to repeal section 1(h) of the Code, the bill could have been drafted to render that section even more obviously "dead wood" (tax practitioners' jargon for a provision of the Code no longer applicable to any taxpayer). I would not advance that hypothetical argument as a sufficient response to the assertion that repealing section 1(h) would—as a matter of law—expose income derived by capital gain to the full range of statutory marginal rates, including those above 28 percent.

The more difficult question, as posed by Mr. Kies in both of his letters, is whether section 1(h) of the current Code is not a rate of tax on income, but rather "a formula derived cap on total tax liability." The provision reads as follows:

(h) Maximum capital gains rate.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

(1) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

(A) taxable income reduced by the amount of the net capital gain, or

(B) the amount of taxable income taxed at a rate below 28 percent, plus

(2) a tax of 28 percent of the amount of taxable income in excess of the amount determined under paragraph (1).

For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).

(26 U.S.C. 1(h)). Mr. Kies' contention that it is "generally recognized in interpreting Code provisions that their titles do not control their substantive effect" is supported by section 7806(b) of the Code as follows:

nor shall any table of contents, table of cross references or similar outline, analysis or descriptive matter relating to the contents of this title be given any legal effect.

(26 U.S.C. 7806(b)). Even if one applies this standard of statutory construction and accords no weight to the caption of section 1(h), the operative language immediately following the caption does not rule out that the provision establishes a "rate" of tax on income, as opposed to merely establishing a ceiling on the amount of a taxpayer's liability. On this question I continue to seek input from all interested parties.

In conclusion, I can only assure you and the Members who have corresponded with us on this subject that I would not advise the Chair to rely exclusively on a single entity or to be totally reliant on any single input in determining the applicability of clause 5(c) of rule XXI or the intent of the House in adopting that rule.

Sincerely,

CHARLES W. JOHNSON.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, April 5, 1995.

Hon. BILL ARCHER,
House of Representatives,
Washington, DC.

DEAR MR. ARCHER: The purpose of this letter is to further clarify, based on our prior discussion, the basis for our conclusion that the provision of H.R. 1215 repealing current law section 1(h) does not constitute an income tax rate increase for purposes of the House rules. The basis for this conclusion relates generally to the fact that this provision would be inoperative as relates to current law after the enactment of the pending legislation. This would be the case for the following reasons:

1. As a result of the enactment of the 50% exclusion applicable generally, taxpayers (other than those described in the following two paragraphs) would have a tax rate lower than 28%. Thus, the 28% maximum rate of section 1(h) of current law would not cause a reduction in tax liability as compared with that under current law, i.e., as relates to current law liability, the provision would be inoperative.

2. The 50% exclusion would not apply to collectibles under H.R. 1215. For this group of taxpayers the maximum rate of 28% is retained by H.R. 1215.

3. A question has been raised as to the potential application of the 28% maximum rate under current law for taxpayers currently qualifying for the special rules of existing law section 1202. In light of the fact that this provision would be repealed by H.R. 1215, the maximum rate of 28% would have no further application. Moreover, it should be noted that the special rules of section 1202 are an exclusion provision rather than a rate provision. Further, it should be noted that concerns as to whether repeal of current law section 1202, in conjunction with the repeal of current law section 1(h), constitute a rate increase are focused upon the effective rate impact rather than the occurrence of an income tax rate increase. The House rule in question is not intended to apply to effective rate changes.

A further factor impacting our view that the repeal of section 1(h) does not constitute an income tax rate increase relates to the nature of section 1(h). That provision operates as a cap on the maximum amount of tax liability imposed by the Internal Revenue Code which is determined by reference to a formula which includes a hypothetical 28% tax rate. Thus, section 1(h) itself may not constitute an income tax rate. Thus, even if the continued existence of section 1(h) were to have a practical effect as relates to the liability determined under current law, we have some doubt as to whether its repeal would constitute an income tax rate increase under the House Rules. In light of the fact, as indicated above, that we have concluded that the provision would not impact the calculation of tax liability as relates to current law, we have concluded that the provision's repeal is neither within the spirit nor the letter of the House Rule in question.

Sincerely,

KENNETH J. KIES.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, May 12, 1995.

Hon. CHARLES W. JOHNSON,
Parliamentarian, House of Representatives,
Washington, DC.

DEAR MR. JOHNSON: I am writing to further expand upon the advice that we provided to you concerning the ruling of April 5, 1995, regarding H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995. As you will recall, the ruling relates to Clause 5(c) of Rule XXI. I am writing to specifically affirm our view that the provision of H.R. 1215 repealing section 1(h) of the Internal Revenue Code of 1986 (hereinafter the "Code") was not within the scope of the above referenced rule requiring a three-fifths majority to approve legislation "carrying a Federal income tax rate increase." Your ruling of April 5, 1995, apparently has been questioned by some minority members of the House of Representatives. The purpose of my letter is to respond to the issues which they have raised in letters to you, the Speaker, of the House and the Chairman of the Committee on Rules (copies attached).

In reviewing the above-referenced letters, it is clear to me that the minority Members who have questioned the ruling have failed to thoroughly understand the intention of the various provisions contained in H.R. 1215. As a result, I am setting forth the analysis that I went through to conclude that consideration of the provisions involved did not trigger the application of Clause 5(c) of Rule XXI. The steps to that analysis are set forth below.

First, I consider the issue of whether the provision of H.R. 1215 repealing existing law section 1202 of the Code, the provision of current law providing a fifty-percent exclusion for the gain from the sale of certain small businesses stock, constitutes a Federal income tax rate increase under the provision of Clause 5(c) of Rule XXI. I concluded that such legislation is not within the scope of the rule because the Code provision involved is merely an exclusion provision, not an income tax rate increase. My conclusion that Clause 5(c) of Rule XXI is intended to apply only to specific income tax rate increases and, not to any of the following: (i) revenue increases; (ii) effective rate increases; or (iii) income tax increases, is based on two factors. First, the actual text of Clause 5(c) of Rule XXI specifically uses the language "income tax rate increase" rather than "revenue increase", "effective income tax rate increase" or "income tax increase." Thus, a construction of the actual language leads to the conclusion that the provision was only intended to apply to "income tax rate increases." Second, I am advised by those who participated in the development of Clause 5(c) of Rule XXI that earlier versions of the rule, that were considered but rejected, would have applied to all revenue increases. It is important to note at this point that the provision of H.R. 1215 repealing section 1202 did specifically grandfather any "taxpayer who holds qualified small business stock (as defined in section 1202 of such code, as in effect on the day before the date of enactment of this Act) as of such date of enactment." This grandfathering provision was necessary to ensure that the repeal of section 1202 would not have retroactive effect which could have violated Clause 5(d) of Rule XXI.

The second step of my analysis was to consider whether legislation to provide a fifty-percent exclusion for all taxpayers, including those who no longer qualify for the specific treatment of section 1202, could be considered without triggering the application of Clause 5(c) of Rule XXI if it included as an integral part of the fifty-percent exclusion an amendment to current law section 1(h) of the Code by inserting the following sentence at the end of section 1(h): "This section shall be applied prior to the effect of the fifty-percent exclusion applicable to net capital gain income." Assuming that the fifty-percent exclusion was enacted in this manner, section 1(h), as amended, would apply to no taxpayer whatsoever. If one were to propose in the alternative repealing section 1(h) rather than leaving it in the Code in a form under which it applied to no taxpayer, it is inconceivable to me that Clause 5(c) of Rule XXI would be applicable in that it is reasonable to assume that the rule was not intended to prevent the elimination of deadwood provisions from the Code even if they included a reference to a hypothetical tax rate as in the case of section 1(h).

The third step of my analysis relates to the nature of section 1(h) itself. While some have argued that it constitutes an income tax rate, in substance it is not specifically an income tax rate but rather a formula derived cap on total tax liability.[1]

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[1] A consideration of the actual language of the provision highlights this point. In this regard, it should be noted that it is generally recognized in interpreting Code provisions that their titles do not control their substantive effect. Section 1(h) reads as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

Another way to analyze the issue raised by the April 5, 1995, ruling is to consider whether Clause 5(c) of Rule XXI would have applied if the only provision contained in H.R. 1215 had been a provision which would have added a limitation to section 1(h) like that set forth above, i.e., to modify the application of the provision so that it was applied prior to the effect of any fifty-percent exclusion from capital gains. Such a change would have the effect of increasing the effective rate on capital gains subject to section 1202 of the Code from 14 percent to 19.6 percent. Again, I do not believe that such a change was contemplated by Clause 5(c) of Rule XXI. In order for the argument set forth by those who have written to you on this issue to prevail, I believe they would also have to assume that the effective income tax rate increase which would occur under such an amendment to section 1(h) would also be within the scope of Clause 5(c) of Rule XXI. This again would raise the prospect that any income tax increase would be subject to Clause 5(c) of Rule XXI, an interpretation which is clearly inconsistent with the specific language of the rule.

You have also asked me to comment upon additional input concerning this matter which was provided by Congressman Moran during the debate of April 5, 1995, but which neither you nor I had had the opportunity to review at that time. Specifically, you have alluded to a letter to Congressman Moran dated April 5, 1995, from Leslie B. Samuels, the Assistant Secretary of the Treasury Department for Tax Policy. A copy of this letter was placed in the Congressional Record of April 5, 1995 (H 4318). I have reviewed the letter involved and conclude that my analysis is in no way affected by the argument set forth in the letter of Mr. Samuels. The letter from Mr. Samuels relies entirely upon the proposition that effective rate income tax increases would be subject to Clause 5(c) of Rule XXI. For the reasons set forth above, I do not believe that this is a correct interpretation of the rule. It is clear that Mr. Samuels' letter is based upon such an interpretation in that his letter specifically asserts that the repeal of section 1202 would cause the rate of tax on this income to rise from 14 percent to 19.8 percent. In view of the fact that the Code contains no provision setting forth a rate of 19.8 percent, it is obvious that Mr. Samuels' reference to a 19.8 percent tax rate is a reference to an effective tax rate rather than an actual income tax rate. In view of this, I do not believe that the conclusion reached in the ruling of April 5, 1995, would have been affected by the information to which Mr. Moran alluded during the floor debate.

An example of a provision which is within the scope of Clause 5(c) of Rule XXI is the increases in tax rates included as part of the Omnibus Reconciliation Act of 1993, legislation which the Members who wrote to you are certainly familiar with. That legislation would also have violated the absolute prohibition on a "retroactive Federal income tax rate increase" set forth in Clause 5(d) of Rule XXI.

I hope that you find this additional analysis useful in confirming that the interpretation of Clause 5(c) of Rule XXI adopted as part of the ruling on April 5, 1995, is correct.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KENNETH J. KIES.

HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
June 26, 1995.

Hon. RICHARD GEPHARDT,
Minority Leader,
Hon. SAM GIBBONS,
Committee on Ways and Means,
Hon. JOSEPH MOAKLEY,
Committee on Rules.

DEAR GENTLEMEN: I am writing in response to your letter requesting my review of a ruling of the Chair dealing with Rule XXI which calls for a ⅗ vote to pass any Federal tax rate increase.

I am sure you are aware of a letter sent by Mr. Charles W. Johnson, the House Parliamentarian, in response to a request from Rep. Gerald Solomon seeking clarification of this ruling. I believe his response accurately portrayed the circumstances surrounding this ruling. Rep. Solomon's letter to Rep. Moakley speaks to this matter sufficiently and I endorse its conclusions.

After reviewing the material contained in your letter, the language in H.R. 1215 dealing with the capital gains treatment of certain small business stock, the follow-up letter from Joint Taxation, and the response from the Parliamentarian, I can see how confusing the situation was and how the Chair's ruling itself did not seem either satisfactory or overly compelling at the time of issuance. However, based upon the circumstances, I believe the Parliamentarian's guidance and subsequent ruling by the Chair were objective.

Yours very truly,

NEWT GINGRICH,
Speaker.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I would like to just talk about this so-called Medicare coverage of anticancer drug treatment. It is important to know that in the Committee on Ways and Means, the gentleman from Nevada, [Mr. ENSIGN], the gentleman from Pennsylvania [Mr. ENGLISH], the gentleman from Nebraska [Mr. CHRISTENSEN], and the gentlewoman from Connecticut [Mrs. JOHNSON], all voted to deny women annual mammograms. They all voted to deny colorectal screening because they said they did not have the money. This was at the same time when the Speaker was cutting a deal to give $3 billion to the American Medical Association, and these people did not have the money.

Now they come in at the behest of some drug company in a payoff, slip in two pharmaceutical treatments that will not do you any good if you do not discover the cancer in time, and say they are trying to help seniors. Thanks. My mother does not need that kind of help.

The seniors need to find out in a timely fashion when they get cancer, and the Republicans, in an effort to pay for a huge tax cut for the rich, are denying the seniors the chance to have the screening and the testing that the American Cancer Society says is necessary. You should be ashamed of yourselves. You have no compassion, no willingness to help treat the seniors. All you want is to waive the capital gains tax for a few rich Republicans and give a payoff to a pharmaceutical company who has made huge contributions to the Republican coffers. That is criminal.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, it is almost sad that people who used to chair subcommittees and committees are reduced to coming to the floor and shouting and carrying on in terms like "bribery" and "payoff" and all of that. It is almost sad. But the fact is that some of this talk that we are hearing on the floor about not doing our business is somewhat reminiscent of the old story of the kid who shot his two parents and then complained that he was an orphan.

The fact is that all over the Hill, what we have met as we have attempted to push through a legislative program is obstruction and delay, in an attempt to do everything possible to stop the program. There are even people of the minority party around the Hill that are trying to stop the conference on the reconciliation from even taking place, and have not yet even gotten to the place where conferees can be appointed.

Mr. Speaker, it is fascinating, then, to hear that the work cannot get done and the conference cannot meet because the minority party is in fact carrying on the blockading action. The minority party has attempted on the floor to delay many of these actions on appropriation bills and all kinds of things as they have come through the House. We have had a series of attempts to obstruct and obfuscate.

The bottom line is that it is amusing to have this kind of talk, and particularly to have people out here shouting at the top of their lungs about the fact that the work is not getting done. In fact, the work is getting done. The work is getting done in exactly the same way that some of these gentlemen voted on in the past. Back during the 1980's we ran the entire Government on continuing resolutions. When we pass a continuing resolution, that is regarded as not getting the work done. That is exactly one way of doing our work when in fact Democrats are obstructing.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the gentleman from Colorado and others keep

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"(1) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(A) taxable income reduced by the amount of the net capital gain, or

"(B) the amount of taxable income taxed at a rate below 28 percent, plus

"(2) a tax of 28 percent of the amount of taxable income in excess of the amount determined under paragraph (1).

"For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii)."

talking about being armed in negotiations and conflict and negotiating with strength and all that. I am not aware of any legislative gun control having passed here, and indeed, I think they are going to go into negotiations with a lot of armament. Indeed, what they have on the table is, between the two adversaries, they have a cocked pistol. If it goes off though, unfortunately, neither one of those gets plugged, it is the economy that gets taken out. That is what is at issue here.

The issue is whether this is what is called a clean debt ceiling, in which you just simply say the country can borrow more for a short period of time and avoid default, or you weight it up with so many obstacles that in order to get the votes and to pass it, you know it has to be vetoed, and in so doing risk that default. I do not think the country deserves that kind of gamesmanship.

I would like to also accept the gentleman's challenge who said, "I defy anyone to look me in the eye and defend the Department of Commerce." I am here, and I am looking the gentleman in the eye. Here is why. Because when Members vote for this rule, if they vote for this rule, they will dismantle the Department of Commerce. It is going to be done in the name, supposedly, of ending bureaucratic sprawl and inefficiency.

Let us look at what happens. Over here is the Department of Commerce as it presently exists. When it is taken apart, if this rule should pass, it now divides over into 11 different groups in creating eight new entities. The Department of Commerce, which coordinates trade and business, it is business's main spot at the Cabinet table, now turns into a new Trade Representative, a bigger Department of the Interior, a bigger OMB, a bigger International Trade Commission, a bigger Department of Labor, a bigger Small Business Administration, and a bigger or new Office of Programs Resolution, and several more. We get Defense in there, too. They do a good job at commerce, of course. We get all that in there when we vote for this.

That is why it is so foolhardy, I think in this, which should be a clean debt ceiling extension, to dismantle an entire Cabinet agency. When we do that, we will take out the Economic Development Administration, with $131,000 alone to the gentleman's State in Colorado since 1965 in vital water and sewer projects. That is not good economics.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope, before the gentleman yields, and first of all I appreciate him looking me in the eyes and saying that, but I think he ought to complete his statement. The completion of the statement would say that we have a net savings of $4 billion if we eliminate that department. Furthermore, I think the gentleman ought to go on to say that we are going to eliminate several thousand bureaucrats and we are going to make this operation much more efficient for American business.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, in responding to the gentleman, I never saw efficiency come from greater inefficiency. The Department of Commerce is what coordinates the trade functions, and as I say, there is $131 million to the gentleman's State in water and sewer projects, defense dislocation, and many other areas. He is going to spread it out over a lot of different places where it is not going to be very, very effective. That is not good efficiency, that is not good policy.

The worst thing of all, of course, what they have not dealt with, they are tying this onto a debt ceiling bill and pointing this gun at the Department of Commerce. I happen to think the Department of Commerce is good for the economy. That should be a debate for another day. But do not endanger simply a debt ceiling extension.

□ 1300

Mr. McINNIS. Mr. Speaker, again, I hope the gentleman does not leave the Chamber, because I would like to continue this. I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, to look at the debt ceiling like an individual goes to the banker and says to the banker, I would like to have a loan. And the banker says, well, do you have any collateral? The person says, well, no, I do not have any collateral. The banker says, well, I do not have a loan.

The elimination of Commerce is in a sense our collateral to the American people as we accumulate more debt. We are saying, we are willing on a temporary basis to accumulate slightly more debt; we need to borrow more money from the next generation. We are saying to the next generation, our collateral is that we are going to kill a department.

Now, there are 71 functions of trade right now in the Federal Government. We are going to consolidate this in one operation. We are going to kill the advanced technology program, which is corporate welfare. It is a big handout to businesses to do research at the taxpayers' expense.

We should abolish the Economic Development Agency, but we are going to downsize it. We are going to save money there, and we are going to save employees there.

What we are doing, rather than spreading responsibility, we are focusing responsibility. When you take 71 trade functions and you consolidate it into one operation, you have a lot more consistency of policy and you save an awful lot of money.

So what we are saying to the American people is, we are going to get rid of a department. Now, if you do not want to get rid of a department, you can make a lot of excuses as to why you do not want to do it. But at the end of the day, we are, in fact, saving billions of dollars for the American people, and at the same time saying, as a good-faith effort, we are going to give you this and we are going to incur a little bit more debt. I remind you, although the little bit more debt that we are going to incur expires in December, as it should.

Then when we finally lay down our reconciliation plan, which is the plan we present to the next generation for incurring debt over the next 7 years until we balance, that is our good-faith effort. That is the reason why there is something attached to this bill. I would hope that the President in the final analysis will accept the fact that the American people want less bureaucracy and less Cabinet positions.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I could not help but observe the wry comment by our colleague from Pennsylvania about a kind of role reversal going on here. I might say to the gentleman, it is refreshing to see the gentleman come down to the well and lower his voice and speak with a smile, in contrast to a style, a very different style in previous Congresses.

Adoption of this rule will let us make it very clear, eliminate the Department of Commerce, a proposition concocted in the dead of night by the Republican majority leadership, takes a Department of Commerce crafted by a Republican administration in earlier years, creating one-stop shopping for all American businesses, combining economic development, trade and technology in a way to promote growth in our economy and job creation, and scatter this all to the winds in a disjointed shuffled jumble of unrelated functions and proliferation of agencies that are now combined under the umbrella of the Department of Commerce.

If the Republican leadership were serious about this proposal, they would not join it in this fashion with time spooned out in limited debate; they would bring it to the floor under an open rule subject to amendment and subject to adequate debate before the American public and air the issue, its merits, its demerits. But no, they want to hide this thing under their bushel and bring it here to the floor and abolish programs like the Economic Development Administration, which has survived numbers of administrations, numbers of attempts to abolish EDA, and on a bipartisan basis, by three- and four-to-one votes in this Chamber. EDA has been preserved because this is a program that creates jobs, that returns more in tax dollars every year than all of the money that has been invested in EDA over its entire period of time.

Even in this Congress on a bipartisan basis, an amendment during the appropriation bill consideration on this floor, the proposal to eliminate EDA, the amendment to abolish EDA, was defeated on an overwhelming vote of 310 to 115. It had the support of a majority of Democrats, a majority of the Republicans, and a majority of the Republican freshman class. Why would we want to in this cavalier fashion abolish a department of government without adequate discussion and debate?

We ought to stop the partisan politics. If we are serious about the Department of Commerce issue, bring it up fairly. Take the bushel off the issue. Let it be debated in the sunlight of open discussion and floor debate and open amendment process. Vote "no" on the rule.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think we need to set the record straight. The fact is, we did debate this matter of the Department of Commerce elimination under the reconciliation bill. It passed this House under the reconciliation bill, so it has been on the floor before.

Second, with regard to EDA and because of those votes on the House floor we did in fact include EDA under the Small Business Administration in this bill. So EDA remains a part of the Federal Government, it simply goes to a different location.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I would like to correct the gentleman from Pennsylvania. I presided during a lot of that reconciliation debate, and I do not remember a single word being uttered, maybe in some revision or extension put in the RECORD that he talked about, about the Department of Commerce.

Mr. Speaker, the Department of Commerce has done a good job. There have been some very distinguished Republican Secretaries of the Department of Commerce down there. It is amazing to me that, now that we have a black man as Secretary of the Department of Commerce, the Republicans suddenly decide that they have to abolish the Department of Commerce. You know, it was your darling department for years around here. You all nurtured it, you hugged it, you put your best people in it. But now that there is a black man in charge of it, you decide you want to abolish it.

Mr. MCINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I have a question as to why are we considering a temporary debt extension? Why are we not considering a permanent extension for the 2-year period? After all, we have already approved in this House an increase in the debt by $600 billion to $5.5 trillion. Why should we not separate that? Let us pass a permanent extension for this term of Congress so that we do not hold hostage the credit of this Nation, which could affect the interest rates that our constituents pay on their mortgage payments or on their car loans or on their credit cards. Why do we not just do that, separate it, get it done.

Mr. Speaker, we could have bipartisan support for that type of a debt extension. But no, we have a temporary bill before us. Why is it temporary? Why? Because we have not gotten our work done. Republicans have not brought forward the appropriation bills or the changes in the entitlement programs to conform to their budget. It should have been done by October 1, but we are now debating this in November when it should have been done in October. So we need to do a temporary extension.

Well, we could have bipartisan support for a temporary extension, if we would just remove the issues that are not relevant to the debt extension. It is your fault that we have a delay. We are willing to have bipartisan support for a temporary extension if we just do a temporary extension. But no, you have to have all of these other issues to this temporary debt extension bill.

Mr. Speaker, they promised that we were going to have regular legislative process, that we would use the procedures properly in this House. That was one of their promises. This bill that is before us and the rule that is before us violates that promise. Another Republican promise broken.

I urge my colleagues to defeat the rule.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think it is well to point out that the last three Commerce Secretaries under Republican administrations all favor the elimination of the Department of Commerce. I would also think that someone who was given the distinguished position of leading one of our major committees in the House does undermine the debate on this floor when he brings racism into the argument.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from the State of Ohio [Ms. PRYCE], my colleague on the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to rise in support of this rule for consideration of the debt limit extension. The provisions of this debt limit increase respond to the very serious fiscal situation facing our Nation today. Along with the short-term continuing resolution passed by the House yesterday, this legislation will restore stability and competence in the U.S. Treasury's ability to meet its most fundamental financial responsibilities.

Now, this is not an easy vote for Republicans. We are not used to digging a hole deeper and deeper and deeper, but it is the responsible thing to do and we must do it. So, the self-enactng provisions of this rule will ensure that, as we vote to increase the debt ceiling, we will also be voting to make an important down payment on our plan to balance the Federal budget.

We include a provision to commit both the Congress and the President to achieve a balanced budget by the year 2002 before we consider any further increase in the public debt.

Now, those who criticize that plan have said that we are trying to blackmail the President into signing the CR and the debt limit. But the truth is, this legislation and the important changes made possible under it simply offer the President an opportunity to join with us in this historic effort to get to a balanced budget in 7 years and limit the size and scope of the Federal Government along the way.

So instead of criticism, we offer our friends on the other side a chance to vote for real change and fiscal responsibility. Instead of partisan rhetoric and misinformation, we offer the opportunity to cut spending, to shrink the Federal Government, and to get our fiscal house in order. That is what I believe the American people sent us here to do, and that is what this legislation will accomplish.

Mr. Speaker, now is the time for bold action to carry out a vision for a more stable and secure future for our children and grandchildren. I urge my colleagues to support this rule, pass this important legislation, and let us get this country to a point where we can get our budget balanced.

Mr. HALL of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, this is the kind of experience that gives politics a bad name. Consider for a minute this six-page bill which will extend the debt ceiling of the United States, will make certain that our Government does not default on its debts. The United States of America has never defaulted on its debts. We want to make certain that our word is good, not only in the United States, but around the world.

The failure to pass this six-page bill will have a dramatic impact on every family in America, particularly those who happen to have something called an ARM, an adjusted rate mortgage. If the Gingrich Republicans are successful, if they force America into default for some political strategy, it will force interest rates up on every American homeowner paying an ARM, an adjusted rate mortgage. So, for the Gingrich Republican strategy, there is a tax on homeowners.

□ 1315

That, of course, would suggest that maybe we ought to just pass this six-page bill and do the responsible thing. But my friends on the Republican side of the aisle have much more in store.

Look at this. This is the beginning of the amendments which they want to offer to the six-page bill. Do not take the time to ask any Member on the floor if they have read these amendments, the answer is no. And guess what, there is another 200-page amendment the gentleman from Pennsylvania wants to offer that we have not even seen. And then the gentleman from Texas [Mr. ARCHER] has the opportunity under the rule to come in with another mystery amendment.

Mr. Speaker, this is the most suspicious meatloaf that has ever hit this floor of the House of Representatives. What is sad is that we are putting ourselves through these mental and political gyrations so that Speaker GINGRICH can have leverage on the President of the United States. See, they want to load this bill up with so many things that Bill Clinton will veto it and that our Government will go into default and that homeowners will pay the bill.

I think that is wrong. People sent Members of Congress here, Democrats and Republicans, to solve problems, to work together, not to impose more burdens on working families and homeworkers across America.

It is about time to stop the politics. Six pages, that is the responsible thing for us to address; 200, 300, 500, is a political game, the kind of political game that gives politics a bad name.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the gentleman makes an excellent point, but this is not without precedent. The gentleman came, I believe, in 1982. I was elected in a special election in 1981. The Republicans were effectively in control of the House of Representatives and took the rule away from us, and a 1,400-page bill, reconciliation bill, was put on the floor in June. It was still warm from the Xerox when they asked us to vote on it. So, there is precedent for doing this. It is business as usual from 1981 to today.

Mr. DURBIN. Mr. Speaker, make no mistake, this amendment is not public interest, good government. The amendment here is generated by special interest groups, special interest groups which some way or another did not get a bite of the apple in the Republican reconciliation bill.

With this, with the amendment that the gentleman from Pennsylvania is going to come in with, and the mystery amendment from the gentleman from Texas, I have to say to my colleagues on the floor, I have been around legislatures and Congress for a long time, and I have seen a lot of lobbyists and special interest groups. What is happening on this floor today is turning the House of Representatives into a dismal swamp of special interests. It is shameful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out a couple of things. First of all, I am appalled by the language that has just been used by the previous speaker. Maybe consideration at some point in time ought to be given to the Americans of the next generation who are going to face this deficit of $37 million an hour.

My colleagues talk about impact on homeowners. They talk about impact on the children and the next generation. That is where the impact is. And they want to talk about special interests. Are my colleagues saying special interests are the people that want cancer treatments or special interests are small businesses? I think those are the things they ought to consider.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, what is this debate all about? Let me try to bring this debate into some perspective.

We are raising the debt of the United States of every man, woman, and child for the next 34 days in the amount of $67 billion added debt. I went down and took out $269 from my savings account. This new debt is $269 for every man, woman, and child in the United States for 34 days.

Mr. Speaker, by the time you eat your Thanksgiving turkey, it will be $118 per man, women, and child. Get this into some perspective. We are already $4.9 trillion in debt. Get this into some perspective.

For 30 years, these good intentions have driven us into the poorhouse. And here we are, we could take the money and pay for the entire country's Medicaid with this; $67 billion is 74 percent of all the money we spend for every Medicaid recipient in the country, that is what we are going into debt for in the next 34 days. We only reorganize one department, the Department of Commerce, one department, 36,000 employees, 21,000 within 50 miles of where I am standing, 21,000. We will eliminate over 7 years, 11,000 positions. Why do we need that many people?

Mr. Speaker, we are eliminating 40 programs. We are saving $6 billion. This is just a downpayment on the mess that has been created over these three or four decades. So, we have run ourselves into the poorhouse. It is only a downpayment. Bring it into perspective: For every man, woman, and child in this country, $269 between now and December 12.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I want to point out again, this is 40 days after the homework was due. The fiscal year ended 40 days ago and only 12 percent of the budget has been dealt with. So, here we are with the debt extension and now Members are adding all sorts of things to it and saying the President has to have a budget.

Mr. Speaker, how can this side of the aisle yell that, when they cannot get a budget? They are still trying to get a budget, because they cannot get the two Houses together. This is really all about show business, and how tragic. It is the American people who are going to pay.

One of the fastest-growing items in our budget is interest on the debt. If we hold hostage the full faith and credit of this Government, wait until my colleagues see what happens to interest rates. It will absolutely subsume almost everything that we pay in taxes. That is ridiculous.

Mr. Speaker, I am a person that does not want to pay more interest than I have to. what we are doing here today is guaranteeing Americans will pay higher interest. And also, those who have an adjustable rate mortgage are going to pay higher interest.

Mr. Speaker, we hear all this stuff about the Department of Commerce and why do we need it. We need it for the same reason all of our allies we are competing with in the global marketplace have one. It is called: To create jobs; to hold the position we are in; to get us out there and to keep being more and more competitive.

If every western industrialized country has business recognized at their cabinet level, can my colleagues believe we would say no, we do not need this anymore? How are we going to create jobs for the American people? Where are we going to go? Why are we not having debates on this? Why are they shoving it into bills and then shoving it to the President's desk and playing this "High Noon"? Here we are, it is John Wayne.

Mr. Speaker, this should not be John Wayne. This is the full faith and credit of this Government. Nobody has played so fast and loose with it, and we should not either. Vote "no."

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Colorado [Mrs. SCHROEDER], my colleague, talks about show and tell. How much cooperation has the gentlewoman given us on this budget? How many balance budgets has the gentlewoman voted for during her career? Now very many, if we take a look at it.

Mr. Speaker, if the gentlewoman wants to talk about what is going to help business in this country, small business in this country, it is not the Department of Commerce. They do not help my little business in New Castle, CO, or small business in the gentlewoman's district in Colorado.

Mr. Speaker, talk about tort reform. Where was the gentlewoman, my colleague from Colorado, on tort reform? Talk about regulation relief. Where was the gentlewoman on regulation relief for the small businesses in Colorado?

Mrs. SCHROEDER. Mr. Speaker, would the gentleman yield?

Mr. MCINNIS. Mr. Speaker, no, I will not yield on my time. I do not have enough time remaining.

Mrs. SCHROEDER. Mr. Speaker, I have not answered.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I just want to point out that one of the so-called extraneous matters in this bill is something very, very important and it is not really extraneous. It would end the endless appeals of death row inmates. It would finally enact, after years and years, if the President signs this into law, reforms of habeas corpus petitions in death penalty cases; something that many of us have been trying to accomplish for a long period of time.

Mr. Speaker, I would suggest that the victims, for example the victims in Oklahoma City in that bombing, are as concerned if not more concerned about getting this accomplished than anything else that we could pass in this Congress.

Mr. Speaker, it is a very, very opportune time, a very timely moment in this particular provision that the President has to face to put it in here to finally get a confrontation of this issue, and give him the opportunity to sign into law a provision that stops these forever-extending carrying out of death penalty sentences that so often have delayed that throughout the Nation in many, many, many cases.

Mr. Speaker, I hope this does not go down to the President. I am pleased that it is in here today, and I would certainly hope that he would not veto this bill with that in it.

Mr. HALL of Ohio. Mr. Speaker, can you tell me how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 2½ minutes remaining, and the gentleman from Colorado has 5 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, how many speakers does the gentleman from Colorado have left?

Mr. MCINNIS. Mr. Speaker, I think probably two, possibly three.

Mr. HALL of Texas. Mr. Speaker, I would reserve the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think it is important that we talk a little more about the Department of Commerce and the importance of making it more efficient in this Government. First of all, this is an issue that has been talked about. Every major newspaper in the country has written about it and debated about it. This is not something that came in the late of night and suddenly appeared on the House floor today. We did talk about it in the reconciliation package.

Mr. Speaker, I think it is important to take a look at the business community. A recent poll by Business Week revealed that by a 2-to-1 ratio, Business Week executives say, "Eliminate the Department." How many of us in these House Chambers have received letters from small businesses in our district that are not direct beneficiaries or do not have a contract with the Department of Commerce, how many of us have received correspondence from these people saying, "Save the Department of Commerce," or, "If the Department of Commerce is eliminated, we are not going to be able to compete out in that world?"

Mr. Speaker, the important elements of that Department, and they are very, very few in my opinion, the important elements of that Department have been preserved on transfer out of that Department to other agencies.

Mr. Speaker, I reserve the balance of my time

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I am glad chivalry is alive in Ohio, anyway. It does not seem to be in Colorado. I thank the gentleman.

Mr. Speaker, I just want to say that all the people that have written to me from Colorado about the Department of Commerce have been small businesses. They claim that big business does not need the Department of Commerce; it is the small business.

Mr. Speaker, I also would like to set the record straight that I have voted for many a balanced budget and I have helped draft some, and I resent very much the gentleman from Colorado [Mr. MCINNIS] taking my name and pointing those things out and not yielding back.

Mr. Speaker, I thank the gentleman from Ohio. All chivalry is not dead.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the gentlewoman from Colorado, my colleague, resents the fact that I have the courage to stand up and debate with her? Sometimes people will not stand up to the gentlewoman. Mr. Speaker, It is about time some of the facts of the gentlewoman be called to order.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, I think probably some of the correspondence the gentlewoman has received on the elimination of the Department of Commerce is from some of the employees of the Department of Commerce.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, no I will not yield.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Speaker, I do not know how to debate the gentleman. Parliamentary inquiry. Parliamentary inquiry.

Mr. MCINNIS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will be in order. The gentleman from Colorado [Mr. MCINNIS] controls the time.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, having been involved in the private sector in international trade before I got here, and coming from business, I can tell my colleagues that this proposal is a tremendous improvement over the current disjointed, disorganized trade mess.

We have taken the USTR office, which only has about 150 people, and consolidated into that office from the Department of Commerce all of the trade activities that serve medium and small business and can do a great job in improving our competition in the international market.

Mr. HALL of Ohio. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 2 minutes remaining, and the gentleman from Colorado [Mr. MCINNIS] has 3 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

□ 1330

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong opposition to this rule.

Yesterday in the Committee on Rules, I offered an amendment that offered a fair and rational way to keep pressure on both the Congress and the President to reach a compromise to balance the Federal budget and without risking default. We will not have an opportunity though to vote on my commonsense amendment because the Committee on Rules rejected it.

My amendment represented a fair proposal. It would have given us 30 days after the President sent the reconciliation or after the President has received the reconciliation bill from the Congress to work out policy differences and to get to our shared goal, which is a balanced budget. It was simple. It was straightforward. It kept this debt ceiling extension clear of these partisan distractions.

This is essential if we are to work together to reach a balanced budget, which the American people have told us that they want, not a Republican effort or a Democratic effort to reorder our spending priorities but a bipartisan effort to bring fiscal responsibility to this Government.

We must not allow the United States to default on its debt. We must move forward with balancing the budget, free from partisan distractions represented by this rule.

I strongly support and advocate getting this country's fiscal house in order. However, I believe that this historic effort is one which will take more time than is permitted in this Republican bill before us today. I believe balancing our budget by the year 2002 is too important an issue for this country not to allow the President 30 days after this important legislation hits his desk.

Mr. Speaker, this rule does not allow time for bipartisan cooperation on our Nation's budget. I strongly urge my colleagues to vote against this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a lousy rule. I think it is dangerous. I think since 10:30 last night we added almost 300 pages to this bill which nobody has read. I think we are messing around with the credibility of the United States, and we should not do that.

Mr. Speaker, I include the following for the RECORD.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Rescissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority.. *RULE AMENDED*	N/A.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl. 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives sections 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the manager's amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a manager's amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl. 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl. 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open; waives cl. 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; pre-printing gets priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl. 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl. 5(c) of rule XXI (⅗ requirement on votes raising taxes).	1D

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491 H. Con. Res. 109	7-Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl. 5(c) of rule XXI (3/5 requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cls. 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amendment (40 min.) on regulatory reform.	5R

*Contract Bills, 67% restrictive; 33% open. **All legislation, 57% restrictive; 43% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar, H.R. 101, H.R. 400, H.R. 440.

Mr. MCINNIS. Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. GOSS], my colleague on the Committee on Rules.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida [Mr. GOSS] is recognized for 3 minutes.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Colorado for yielding time to me, a hard-working and hard charging member of the Committee on Rules. I commend him and the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, for their tireless efforts to bring balance to our Federal budget. That is what this debate is about. I know we have gotten off the track here, but that is what this debate is about. It is about money. It is about America and it is about taxpayers.

Other than some spending-addicted liberals, there are very few Members who take pleasure in voting to raise the debt limit because it says to the United States of America, we are failing in our responsibilities here. In casting such a vote today, which I have never voted for one of these things before, Congress has got to admit that to date we have been unable to control our Federal penchant for spending beyond our means. It is like endlessly increasing the credit limit on a credit card when you cannot pay off the debt you have already accumulated, and Americans go to jail for doing things like that.

In past years the Democratic leadership has sought to protect their Members from having to cast this tough vote, burying the debt limit extension deep in the budget resolution because there was no end in sight to the red ink they could pour out. But here, as in so many other ways, the new leadership in the House has courageously charted a different course, a more responsible course. We are today casting this tough vote out in the open with nowhere to hide, right here in the sunshine. We owe it to the American people to tell the truth about the mess that the liberal spenders have put us in, and we have to fix it and we have to plan to do it.

As we come clean on the debt, we are also cementing our commitment on the majority side anyway that such debt extensions will in 7 years become a thing of the past, because we are going to stop spending more money than we have. We are going to balance our budget, and we are going to do it by the year 2002.

This bill today will allow our leaders to work with the White House, if, of course, the White House wants to negotiate with us. It allows us to make the necessary downpayment on our children's future by cutting spending, by freeing up taxpayers' dollars for investment in productivity and jobs and by shrinking the bloated Federal bureaucracy. One of our colleagues on the other side said we are trying to hide the dismantling of the Commerce Department. Wrong; we are shouting it from the rooftops. It is time. It is time to do this thing.

Incredibly, some of the rhetoric suggests that many of our Democratic friends still do not get it. Nearly a century ago, one of this Nation's wisest leaders, Thomas Jefferson, wrote, and I quote:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an additional article, taking from the Federal Government the power of borrowing.

If Thomas Jefferson's view had prevailed, perhaps today we would not be more than $4.9 trillion in debt. Thomas Jefferson saw the public debt as "the greatest of the dangers to be feared."

There were a lot of things to worry about when he was alive. His prescient comments should ring in Members' ears. We should pass this temporary measure so we can get on with the business of paying down our debt once and for all.

I urge support for the rule.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 200, not voting 12, as follows:

[Roll No. 778]

YEAS—220

Allard
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini

McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—200

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Archer
Bateman
Chapman
Fields (LA)
Hunter
Kasich
Peterson (FL)
Shaw
Thornton
Tucker
Weldon (PA)
Wilson

□ 1355

Mr. STUDDS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I have asked to speak for the purposes of engaging the distinguished majority leader in a colloquy about our schedule given the fact that tomorrow is Veterans' Day and Members have travel plans, and parades and other events to honor our veterans.

Could the gentleman from Texas [Mr. ARMEY] enlighten us on the schedule, what the schedule will be in the next couple of days as we move forward with these debt-limit bills and continuing resolutions?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding.

Mr. Speaker, of course we are all aware that the end-of-the-year scheduling difficulties that are commonplace, especially to the first session of any Congress, are upon us.

We have passed the continuing resolution over to the Senate, and they are working on that right now as I understand. We are now beginning to proceed on the short-term debt limit. We should expect to perhaps finish that sometime around 5 o'clock this evening. It will take us something in the neighborhood of an hour, maybe a little longer, to get the paperwork over to the Senate. The Senate, I am advised, will begin consideration of the short-term debt limit as soon as we have all our papers to them.

□ 1400

We are not certain how long it will take them to work on that. We must be prepared. At least at this time, let me say, until we know something more certain about possible Senate action, we will stand prepared to receive their work back on either of the two bills tonight, and hopefully we can do that tonight and perhaps complete the process. But I must say to the Members, having been through this many times in the past, I would not expect to be able to catch a plane home before sometime tomorrow morning at the earliest, and, quite frankly, I think we would probably be most well prepared if we prepared ourselves to be here working until noon tomorrow.

I think that right now would represent a fair degree of optimism, depending on how things go between the House and Senate, and as they go, of course, we will have additional announcements. At any point we have something more definitive that we can share with the Members, we will do an announcement of this type and keep you apprised.

Mr. BONIOR. Mr. Speaker, I would ask the gentleman, how late does he expect to go this evening.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I think what we would have to do is take the measure of the Senate's action. We would be, of course, prepared to stand in recess to await the Senate's work, presuming they could get it done in anything like a reasonable hour.

I think there comes a time when one perhaps makes the decision we are better off to surrender the evening and prepare to come back in the morning to take up that work. But I think, in the interests of the Members, we would want to hold ourselves available for as late as what might be reasonable, in the hopes that we might be able to get our folks on an early morning plane, if that is an option available. So we will be trying to evaluate that and make an announcement as we get better information.

Mr. BONIOR. Mr. Speaker, I would ask the gentleman, understanding the difficulty in guesstimating what time this is all going to culminate, let me ask my friend from Texas one other question. On Monday next, has he made any decisions about when we should be here for the first vote?

Mr. ARMEY. Again, I thank the gentleman for his inquiry. The fact is that, again, to a large extent, we are waiting to see what happens with the current work under consideration between the House and Senate, but I think a prudent advice I could give the Members would be to be prepared to be back in the Chamber by noon on Monday. Again, if I have any news to share on that later on, and hopefully good news, I will announce it, but I would be prepared, I think, to return to the Chamber on noon on Monday.

Mr. BONIOR. I thank my colleague.

GENERAL LEAVE

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2586, the bill about to be considered.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. McCRERY. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the gentleman from Louisiana [Mr. McCRERY] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the subject of this bill, of course, is a short-term extension of the Nation's debt limit. This short-term extension is intended to provide an orderly process, with sufficient time for the Congress and the President to consider the balanced budget bill that will shortly be sent to the President. It is now clear that some type of pressure must be applied to bring the differing views together and to resolve this problem.

Mr. Speaker, H.R. 2586 would temporarily increase the statutory limit on the public debt to $4.967 trillion. It would do so until December 12, 1995. Under the bill, the limit would then revert to $4.8 trillion. H.R. 2586 also ensures the financial integrity of Government trust funds invested in Government debt obligations subject to the debt limit.

Mr. Speaker, this bill today is necessary because the Congress, the legislative branch, under our Constitution, is responsible for authorizing any debt to be incurred by the U.S. Government. That is an obligation which we must take very seriously, and consider very carefully. Some in this Chamber are reluctant to increase the Nation's debt limit at all. I understand that, Mr. Speaker.

However, we all recognize that this Government has made commitments and entered into obligations that must eventually be paid, so in an effort to accommodate those obligations and in an effort to accommodate this body and the executive branch with time to deliberate matters of great importance to the country, including balancing this Nation's budget in 7 years, this bill comes to us today. We believe this bill is not only necessary, but entirely appropriate, and we will get into more of the details as the debate continues.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my fine and much-admired friend, the gentleman from Louisiana, has stated some of this bill, but perhaps he knows more about it than I do. He says that it is just a temporary legislation. The first page or so is temporary, but the other 400-and-some pages in this bill, and the pages that will perhaps be adopted here by additional amendments, are not temporary legislation. They are very permanent legislation. They do drastic things to this U.S. Government. They do it without debate, without consideration, or anything else.

The only reason we are here at this late hour and under this kind of confusing circumstances is because the Republicans have not been able to get their act together, to get their majority control together, and to do the things that should have been done. We are here on November 9 to do the work that should have been done in July of this same year.

The Republicans keep howling and screaming that the President will not bargain with them, but how, Mr. Speaker, can the President bargain with them? They have no budget bill. They have not even had a meeting on their budget bill in 2 weeks. I know. I am a conferee. I have not even gotten a notice, or, as one Member said, a postcard about a meeting of the conferees to iron out the differences in the budget resolution. We are about 4 months behind on the budget, the Congress is, because the Republicans cannot muster a majority on their side to get anything done.

We are here at this late hour attempting to blackmail the President into signing something that he will never sign. The President is not subject to blackmail. He has enough sense not to give in to that kind of treatment. He is not going to sign this ridiculous trash here, most of which is only put together, as the gentleman from Louisiana said, temporarily, so they can get enough votes together to get this thing through the House. They are going to drop all these amendments. Their Members ought to understand that. None of this is ever going to become law. It is only here so that the Republicans can be coerced or bribed or twisted their arms or whatever you want to call it to vote for this thing. It is not going to happen.

It is a terrible way to run the Government. It is a terrible reflection upon the Republican Party that they cannot do a simple thing, which is strike out one figure in a piece of legislation and add another figure. That is all that is here. We have done it hundreds of times in the years that I have been here without all of this rankle, all of this other garbage that has been added to it.

Mr. Speaker, this is a very, very poor and disastrous way to run the Government. It is a terrible reflection upon the Republican Party. We Democrats do not have control of this body. We do not set the agenda. We do not have the ability to produce a majority vote. It is all within their power. It is all within their ability. It is all within their responsibility. They cannot get up here and pretend that it is anybody's responsibility except theirs.

Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, it is with a great deal of pleasure that I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER], one of the most distinguished Members of the Chamber, and chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Speaker, I thank the gentleman very much for yielding time to me.

I guess we will have to put the gentleman from Florida [Mr. GIBBONS] as undecided on this matter.

Mr. Speaker, this bill is more, really, much more than an increase in the debt limit. It is really a down payment on the promise that we have made to make government smaller and more responsive to the American people. It is crucial that we refocus government on those essential functions that it must perform, and reconsider whether government should be involved in any activity which it cannot do well.

We presently are involved in a great many activities, Mr. Speaker, that we do not do well. The reason we have to raise the debt ceiling again is that the bureaucracy in Washington has grown unchecked for far too long. Endlessly we have added, bloated, and enlarged the Federal Government, so today we are going to continue to reverse that trend by voting for a second time, Mr. Speaker, to eliminate the Department of Commerce. This has been debated, has been considered before with this body, and we have decided in our wisdom to eliminate the Department of Commerce as part of the reconciliation discussions.

In my view, the Department of Commerce is one bureaucracy that, frankly, is not necessary. Functions of the Department overlap with 71 independent agencies of the Government. True, there are, indeed, vital functions performed by Commerce involving trade, weather services, statistical information, and essential components will be retained in a more appropriate home. Other functions will be privatized, sent to the States and localities, or terminated.

Mr. Speaker, it has been suggested that we are doing this just to put a scalp on our belt. That is absolutely not true. We have really taken a very close look at how this Department can be dismantled, how the functions of that Department can be consolidated and made to work much more efficiently, much more productively than they have in the past.

Specifically, the commerce title in the debt ceiling bill highlights the importance of a strong trade policy, consolidates the various activities that are now spread all over the Federal Government dealing with trade, presents a cohesive approach to trade promotion. We consolidate the Department of Scientific and Environmental Functions of the National Oceanic and Atmospheric Administration, we privatize or eliminate 40 agencies and programs, and we establish a citizens commission on 21st century government to evaluate the entire Federal Government, and determine how we can make this government, yes, smaller, more productive, more efficient, and more responsive to the American people.

Let me be clear, however, that we are not cutting just for the sake of saving dollars. If that was the only objective, I do not think it would be worth doing. In fact, we will be saving a great deal of dollars as a result of this exercise. The CBO has recently revised their estimate. We are going to save $6 billion by the elimination or the dismantlement of the Department of Commerce. The other side suggests we are just bloating up other parts of the government. That could not possibly be the case if we are going to save $6 billion. Clearly we are reducing, not enlarging the government.

□ 1415

So, Mr. Speaker, I would urge support for this debt limit extension, and for the elimination of the Department of Commerce. It is long overdue.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, the issue here today is not a balanced budget and it is not a short-term extension to achieve it. Democrats favor an extension to help achieve a balanced budget. Most of us are willing to vote for a clean, short-term extension. Now, why are the Republicans not proposing it? Why is this layered with all of these additional proposals?

There are two reasons, Mr. Speaker. First of all, leverage on the President. Now, look, I am in favor of pressure. But this goes beyond pressure to try to create a pistol, and I suggest it will not work, it will backfire. The second reason there is not a clean extension is to satisfy some internal pressures within the Republican House Caucus. So they have added a provision on the Department of Commerce and one on regulatory language, a huge bill that few, if any, have read. Why are they doing this?

The Senate Republican leadership has made clear that they will not buy the Commerce Department provision, so you are doing this to have some satisfaction internally within the Republican House Caucus.

The Senate is working on regulatory reform. So what the Republicans are really doing here today is to play games, but going beyond it and playing with fire. What they are going to do through this, if it were ever to succeed, is to limit the management ability of the President to manage, to manage this situation, to manage this debt.

Secretary Rubin has said very clearly, this legislation severely limits options the Secretary has under current law to relieve pressure and to avert default.

Let us stop playing with fire with the debt. It would increase the interest rates. It would increase the interest rates for people with variable mortgages, with credit card debt. Look, what you are doing through this kind of proposal is linking chaos in this House with crassness. It will not work.

What you should be doing here today is joining on a bipartisan basis to pass a short-term extension of the debt period. That is going to happen sooner or later; let us do it now. I urge defeat of this. Let us get to our senses and work on a bipartisan basis.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in response to the gentleman's comments, it might be good to know that the day after the Committee on Ways and Means took the action to bring this bill to the floor, the stock market went up some 55 points and interest rates went down. So I think the fact that we have established a drop-dead date for negotiations to take place between the executive and legislative branches has, in fact, had a salutary effect on the markets and we hope to continue this.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM], the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to talk about one of those extra things that are on this bill, that really is not controversial in the broad sense, because it has passed the House a number of times, including this Congress, by overwhelming margins. It is something that really should be enacted into law, and we have an opportunity on this debt ceiling bill to get it down to the President in a timely fashion, which we have not had before, and that is the reform of what is known as habeas corpus laws to try to end the seemingly endless appeals that death row inmates have.

Mr. Speaker, I can assure anybody who has paid attention to the death row situation, where people have committed heinous crimes and have been convicted and sentenced to death, that that is an abomination that people can carry out the sentence for as much as 15 or 20 years by procedural gimmicks.

What happens, of course, is that they get convicted, they go through a State court appeal posture after they get sentenced to death, they go all the way to the Supreme Court of the United States, and a court says, the conviction is fine, the sentence is fine. They come back and they have an opportunity to go into Federal district court and file what is known as a habeas corpus petition and seek to get out on a procedural matter; for example, they did not have a lawyer who represented them properly at trial.

They then take that appeal and go all the way back to the Supreme Court, which takes a considerable amount of time, and after the Supreme Court denies that appeal, they can go back into Federal district court again on some other procedural ground and appeal that, and it could go on and on and on.

What we do in this and what the House did earlier this year, and what is part of this bill, if we pass it today and send it to the President and maybe get it enacted into law, we say that after your finish your Federal appeal you can go into Federal court only one time. You have to put all of your apples in that basket, all of your procedural complaints and issues, and let it be decided and get on with the carrying out of the sentence if you do not have any grounds for those. Obviously, anybody who can provide that they are really innocent of the crime, they are not going to have the death penalty carried out.

We have been waiting for a long, long time, years battling over this issue. This is a perfect bill, one the President really has to face and sign, a short-term debt extension, to finally get it enacted into law, the reform of habeas corpus, to end this process of staying and keeping staying, again and again and again, the death penalties in the State courts of this Nation. It is time to act now, and I urge the adoption of this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in opposition to H.R. 2586. As a Member who has consistently been responsible and voted to increase the debt ceiling, it saddens me to stand here in opposition.

We have heard all sorts of obfuscation from the majority. But let there be no mistake, raising the debt ceiling has nothing to do with the current level of government spending, and everything to do with financing our prior obligations—living up to our commitments. There is no doubt that the debt ceiling will be raised in the long run. What we should be doing here today is passing a clean temporary debt ceiling as an interim measure to prevent default while a balanced budget agreement can be hammered out.

The bill before us today purports to protect trust funds but it has the practical effect of ensuring that Medicare claims won't be paid, tax refund checks can't be cashed and our Armed Forces won't be paid. It also strips the Secretary of the Treasury of all cash management tools—tools that were provided Republican Secretaries of the Treasury by Democratic Congresses. It is nothing more than an attempt to blackmail the President and to ultimately push us closer to default. It is irresponsible and unacceptable.

We stand here today and listen to the majority try to blame the President for delay. But, let's look at the facts. It is November 9th, 5 weeks after the start of the fiscal year and congressional Republicans have yet to even send their plan to the President. In 1993, the Clinton budget plan was enacted by August. The majority talks about getting their budget done on time, yet, they've only sent the President 3 of the 13 required appropriations bills. So let us be clear now who is responsible for delay.

When all is said and done, the debt ceiling will be increased. We shouldn't hold the economy or average American families hostage to a partisan debate on a balanced budget. We should enact a clean extension in the debt ceiling immediately.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I rise in support of H.R. 2586 as chairman of the Subcommittee on Civil Service. This bill provides important protections for active and retired Federal workers. It protects the integrity of the civil service retirement and disability fund and the government securities investment fund.

Under this bill, the administration will not be able to raid these funds in order to pretend that our national debt does not exceed the debt limit. The civil service retirement and disability fund provides authority to fund annuities paid under the Civil Service Retirement System and the Federal Employees Retirement System. It is a tempting target for the administration to raid, Mr. Speaker. In fact, it contains about 374 billion dollars' worth of special nonmarketable government securities that are subject to the debt limit.

Many current Federal employees invest their money in the government securities investment fund. This is one of the three funds in which employees can invest under the thrift savings plan. Their money is also invested in special nonmarketable government securities subject to the debt limit. In the past, Mr. Speaker, administrations have raided the civil service retirement and disability fund in order to stay under the debt limit. They have refused to invest the dollars coming into the fund. The administration could even just tear up existing nonmarketable securities in the fund. It has been done before.

It is also clear, Mr. Speaker, that the administration intends to raid the civil service retirement and disability fund. I have here a set of administration talking points that make that clear.

Mr. Speaker, the civil service retirement disability fund is already woefully underfunded to the tune of $540 billion. Yes, Mr. Speaker, there is already an unfunded liability of half a trillion dollars. Our learned colleagues on the other side of the aisle screamed and hollered when the private employers asked to be able to withdraw their excess contributions from their employee retirement funds that were more than 125 percent funded. Yes, Mr. Speaker, they did not even want private employers to reach into expensively funded plans. These same people now have the gall to give the administration a free reign to raid the retirement fund that is so woefully underfunded.

Mr. Speaker, we need to manage our public debt and to work hard to reduce it, but allowing the administration to dip into these funds would just be a gimmick. It is a charade. It is time to inject some fiscal responsibility in managing the Government accounts.

I support H.R. 2586, Mr. Speaker, because it prevents the administration from raiding the funds behind our employee retirement systems and behind their backs, and it makes sure their annuities are paid.

Mr. Speaker, I insert the following information in support of my statement.

EXCERPT FROM DEPARTMENT OF TREASURY TALKING POINTS, NOV. 7, 1995

Finally, by repealing the debt management features of the law relating to the Civil Service Retirement and Disability Fund, the bill would increase the risk of default by severely limiting the ability of the Secretary of the Treasury to assure that crucial government payments—including benefit payments such as Social Security, as well as payments on the public debt—could be made in a time of debt limit crisis. These provisions were enacted in a Republican Administration and reflect the widely held view that the Secretary should have options to relieve pressure and avert default.

Mr. GIBBONS. Mr. Speaker, before this debate gets too rough, I yield 1 minute to the gentleman from Virginia [Mr. MORAN] who knows something about the subject that was just discussed.

Mr. MORAN. Mr. Speaker, in fact, I have my money in that very retirement fund.

Mr. Speaker, first of all, it must be said that this legislation plays politics with people's lives. It is deliberately designed to force a default of Federal debt obligations, and specifically ties the President's hands from being able to avert a debt ceiling crisis under the excuse that this is supposed to save Civil Service retirees. That provision was put in during the Reagan administration precisely to protect the Civil Service Retirement Trust Fund. That is why it was put there. Now it is being repealed.

Mr. Speaker, I have a letter from the Federal Retirement Thrift Investment Board, dated today. This is a nonpartisan board designed to oversee the Federal Thrift Savings Plan. This letter says that this provision, if this bill is passed, will cost Federal retirees' $3.5 million per day, an amount that once lost, will never be recaptured. Do not do this to Federal retirees, do not do it to Social Security retirees. I urge defeat of this legislation.

Mr. Speaker, the letter referred to follows:

FEDERAL RETIREMENT THRIFT
INVESTMENT BOARD,
Washington, DC, November 9, 1995.

Hon. JAMES P. MORAN, Jr.,
Ranking Member, Subcommittee on Civil Service, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MORAN: I have reviewed H.R. 2586 which provides for a temporary extension of the Federal debt limit. The proposed legislation provides for the repeal, inter alia, of 5 U.S.C. §8438(g), which was enacted on May 22, 1987, to prevent harming Federal employees with investments in the Thrift Savings Plan's G Fund. It was foreseen at that time that, during periods of constraint on the issuance of Treasury securities brought about by the debt limit, the moneys of Federal employees in the G Fund would irretrievably lose interest (since they could not be invested) but for this carefully drafted, bipartisan "make-whole" provision. (The enclosed letter from former Executive Director Francis Cavanaugh forwarded the proposed legislation (not included) to Congress in April 1987, and it was quickly enacted.)

A repeal of this provision at this time would cost Federal employees invested in the G Fund more than $3.5 million per day of debt limit constraint, an amount that, once lost, will never be recaptured. That Federal employees' retirement funds might be thus diminished is a matter of great concern to me and my fellow fiduciaries, as I am sure it is to you.

All of the provisions of the proposed legislation can be enacted without harm to Federal employees' retirement funds except for the repeal of §8438(g) (and its administrative concomitant, §8438(h). That is, the purpose of the proposed draft legislation can be fully met, as set forth in its accompanying two-page explanation, with the deletion of the words ", and subsections (g) and (h) of section 8438 of such title" on page 6, lines 7 and 8. (The other provisions to be repealed pertain to the Civil Service Trust fund; because that fund is not owned by employees directly, their ultimate benefit levels as derived therefrom are unaffected.)

If the bill were passed in its present form, the fiduciaries of the Thrift Savings Plan would be obligated to point out the needless and costly removal by Congress of a protection for Federal employees intended to prevent debt limit politics from impairing the integrity of their retirement funds. (The "make-whole" provision of §8438(g) has been employed on four separate occasions in the past to restore interest otherwise lost to Federal employees from debt limit hiatuses.)

I have sent a similar letter to Congressman John Mica. I am asking your and his cooperation in preventing any repeal of

§8438(g) in order to safeguard Federal employees' retirement moneys and ensure their confidence in the G Fund, which, at $21.5 billion currently, comprises approximately ⅔ of total Thrift Savings Plan investments.

Sincerely,

ROGER W. MEHLE,
Executive Director.

Enclosure.

FEDERAL RETIREMENT THRIFT
INVESTMENT BOARD,
Washington, DC, April 30, 1987.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Federal Retirement Thrift Investment Board respectfully submits the enclosed draft bill to prevent the loss of interest earnings to federal employees in the Thrift Savings Plan (Plan) which would otherwise result from a temporary suspension of the authority of the Secretary of the Treasury to issue public debt obligations to the Plan.

The Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8401–8479) established a tax-deferred Thrift Savings Plan for federal employees. Effective April 1, 1987, all government and employee contributions to the Plan must be invested in Treasury securities issued to the Government Securities Investment Fund (GSIF) of the Plan. Since such securities, like other Treasury debt issues, are subject to the statutory limit on the amount of public debt outstanding, the Secretary will be unable to issue such securities to the GSIF after May 15 unless Congress acts on debt limit legislation by that date.

The present temporary public debt limit of $2.3 trillion is due to expire on May 15, 1987, on which date the debt limit will revert to the permanent statutory ceiling of $2.1 trillion.

We understand that the Treasury Department advised Congress today, in testimony before the House Ways and Means Committee that the Department expects to have sufficient cash on May 15 so that an increase in the debt ceiling would not be necessary until May 28. Nevertheless, beginning May 16 the Treasury will be unable to issue any securities subject to the debt limit, including securities issued to the GSIF. Thus, if Congress does not act on debt limit legislation prior to May 16, the GSIF will lose interest; there is no authority for the Treasury to pay such interest at a later date to make up for such losses.

The proposed legislation would provide the same treatment to the Thrift Savings Plan as is now provided by law (P.L. 99–509) to the Civil Service Retirement Fund. This treatment requires the Treasury to make up any loss of earnings to the Fund created by a suspension of Treasury borrowing authority.

Although the bill seeks parity of treatment with the Civil Service Retirement Fund, it is important to note that the Thrift Savings Plan is different from the Civil Service Retirement System (CSRS) in that the Thrift Savings Plan is a wholly voluntary, defined contribution plan; whereas CSRS is a mandatory, defined benefit plan. CSRS plan benefits do not depend directly on the amount of the Fund's interest earnings. The employer-employee contributions to the Thrift Savings Plan, although held in the custody of the Treasury Department, actually belong to the individual employees. Accordingly, Congress intended that the Thrift Investment Board be a financially independent agency and exempted the Board from the appropriations process, the budget, and the controls of the Executive Office of the President which apply to other federal agencies. Yet, perhaps inadvertently, Congress did not insulate the Board or the Plan from the constraints of the public debt limit.

The Board believes that obligations issued to the GSIF should clearly be exempt from the public debt limit constraints. Yet, in view of the urgent need for timely legislative action before May 15, we are requesting only that the Plan be accorded the same treatment as the Civil Service Retirement Fund.

Federal employees have been urged to deposit their funds in the Thrift Savings Plan upon the representation that such funds will be safely invested in government securities with a guaranteed rate of return based on a prescribed statutory interest rate formula. The Board has an obligation to federal employees to make every effort to see that this commitment is honored. Now, at the very beginning of the Plan, it is especially important that there be no question as to the integrity of the government's representation as to such investments. In order to prevent unnecessary fear and confusion on this point, we urge Congress to act on the enclosed bill as soon as possible and before any suspension of Treasury borrowing authority occurs.

We are sending a similar letter to the President of the Senate. Copies have been sent to the Director of the Office of Management and Budget.

Sincerely,

FRANCIS X. CAVANAUGH,
Executive Director.

Enclosure.

SUMMARY OF THE BILL

The purpose of the bill is to ensure that the federal employees' Thrift Savings Plan (Plan) does not suffer a loss of earnings in its Government Securities Investment Fund in the event of a temporary suspension of borrowing authority of the United States Treasury Department, due to the statutory public debt limit.

The bill provides that, in the event the Secretary of the Treasury suspends additional issuance of Treasury securities to the Government Securities Investment Fund because such issuance would exceed the debt limit, immediately upon lifting of the borrowing suspension, the Secretary of the Treasury shall issue securities to the Plan at interest rates and maturities which will replicate the obligations that would have been held by the Plan if the suspension had not occurred. This "make-whole" relief will include the payment of any interest the Plan loses as a result of the suspension. Both the obligations and the interest will be determined in accordance with the daily investment decisions made by the Federal Retirement Thrift Investment Board during the suspension period which would have been effective were it not for the suspension.

The treatment accorded to the Plan by the bill is similar to that accorded to the Civil Service Retirement and Disability Fund in Section 6002 of the Omnibus Budget Reconciliation Act of 1986, except that the bill recognizes the statutory responsibility of the Executive Director (5 U.S.C. 8438(f)(2)(A)), rather than the Secretary of the Treasury, to determine the amounts and maturities of the investments in the Government Securities Investment Fund.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in support of this bill, but obviously, like many, I do so with some reluctance. While I have often opposed raising the debt ceiling, because of our efforts this bill includes a pledge to achieve a CBO-scored balanced budget in 7 years. I call attention to my colleagues on both sides of the aisle, this pledge is in the rule committing the President and Congress to enact in the year 1995, the calendar year, legislation for a balanced budget by the year 2002. It affirms the intent of Congress and the President to do so, and it is in black and white, and it is part of this package that we are voting on.

This, my friends, is the crux of our Contract With America. This is why we have the responsibility today to be responsible. Do I like raising the debt? Obviously I do not. But, for this reason, and for this language, I intend to vote for this raising of the debt to ultimately balance the budget. However, Mr. Speaker, what is also a concern of mine is that without certain provisions in this bill, that Chairman ARCHER made sure were in this bill, the Clinton administration could dip into supposedly safe trust funds such as the Social Security Trust Fund, the Medicare Trust Fund, and the Federal Retiree Trust Fund.

☐ 1430

I find this totally unacceptable and, frankly, so do the American taxpayers. Yet the President is threatening to veto this bill because we refuse to let the administration raid the Social Security, Medicare, and Federal retiree trust funds. That is what the people on the other side are saying. These trust funds should not see their assets reduced even temporarily. It sets a bad precedent of encouraging the Treasury Department to raid these funds. Without this amendment in the bill, the money paid into these funds would be diverted to pay for other services.

Mr. Speaker, this is not the American way, and this should not be done. The American people have placed their trust in us to manage their funds, to protect their investments. We cannot let them down.

I urge my colleagues, it is time to be responsible to pass this bill and to pass a balanced budget amendment that will eliminate the need after almost 40 years of Democrat control for such legislation in the future.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, we should vote this bill down. We should be passing a clean continuing resolution or a clean debt limit extension for a reasonable time.

Why are we here today? We are here because this is the most mismanaged legislative session I have seen in 35 years serving in legislative office. It is

November 9. The fiscal year began October 1. I fully expected we would need a continuing resolution because the majority would have passed appropriation bills, they would have been vetoed in some cases, and the Congress and administration would be negotiating. Instead, 9 of 13 bills have not passed the Congress. So we need a continuing resolution.

Why do we need this bill on the debt ceiling? Because it is now November. The Congress is doing what it should have been doing in July, should have been passing its budget bill, sending it to the President, probably vetoed, then serious negotiations occurring.

Instead, we have drifted along all session doing what was not crucial; and here, a month and a half into the fiscal year, the House and Senate is still dealing with the conference report. Shame on us. If we had done our work, this bill would have been on the President's desk before the August recess as it was 2 years ago, negotiations could have occurred in September, maybe into mid-October, and had a solution. Instead, total mismanagement. Mid-November, no budget bill, most of the appropriation bills still hung up in the Congress. Instead, we find ourselves with a debt ceiling extension, with habeas corpus and Commerce and I do not know what all else is in here.

Mr. Speaker, we should defeat this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, I said yesterday that we started this Congress with the Contract With America. There were 10 items essentially. Two out of the first three talked about responsibility. The first item talked about responsibility. The third item talked about personal responsibility. I tell my friends on the Republican side of the aisle that this bill is neither fiscally responsible nor it is personally responsible; and, yes, we ought to be ashamed of playing with the credit of the United States of America as we are doing.

This is not a serious attempt at responsible Government. It contains extraneous matters unrelated to the critical issue of making sure America pays it bills. Every American thinks its Government ought to do that.

But that's not what we're doing today. This bill is loaded down with unrelated provisions that have nothing to do with the problem before us and will cause the President to veto this legislation.

Just like yesterday's continuing resolution, which the President has also indicated he will veto, this is not a serious attempt at responsible Government.

I am afraid that the message to Federal employees is: Don't consider this a holiday weekend because you may not have a job next week.

The Republican leadership seems determined to close down Government operations.

They are taking the CR and the debt limit extension down the path to the same fate as many of the appropriations bills—stuck in the mud of political partisanship.

This Government is not put at risk by this irresponsibility with which we are confronted today. They want to up Social Security and Medicare payments by $151 per recipient in this bill. That ought to be debated fully. Habeas corpus, that may be a good bill, but it is not subject to having an impact on the debt of the United States. Eliminate the Commerce Department, a 200-page bill that the President disagrees with. You put at risk the credit of the United States.

This debt limit extension measure also limits the Secretary of the Treasury's ability to manage Federal employee investments in the thrift savings plan as well as their retirement fund.

These provisions have nothing to do with allowing the Treasury Department to continue to borrow money.

Auctions have already been canceled because of the Republican leadership's failure to act.

I am gravely concerned about the impact of not passing a CR and debt limit extension on Federal employees. They have been attacked again and again in this Congress and now the leadership is threatening to send them home on furlough.

Those in the Congress who claim to be Federal employee advocates and then vote for these extreme measures are, in my opinion, undermining the security of those Federal employees whom they claim to represent.

This is not a rhetorical issue. This is real fear for civil servants who have families to feed and mortgages to pay. The lives of Federal employees are once again being thrown into chaos as the Republicans pursue their extreme agenda.

Ladies and gentlemen of this House, ladies and gentlemen of America, this bill is a patently petty political terrorist tactic. That is what it is. An attempt to force the President of the United States to adopt things that you cannot get through your own Senate, not just the Congress. This bill adopts tactics that put America as a hostage to an extremist agenda.

Mr. HASTERT. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. HOBSON). The Clerk will report the words.

□ 1445

Mr. HOYER. I would be glad to repeat them if you would like just so they are clear on the RECORD.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman shall refrain from speaking.

The Clerk will report the words.

The Clerk read as follows:

> Ladies and gentlemen of this House, ladies and gentlemen of America, this bill is a patently petty political terrorist tactic, that is what it is, an attempt to force the President of the United States to adopt things that you cannot get through your own Senate, not just the Congress. This bill adopts tactics that put America as a hostage to an extremist agenda.

The SPEAKER pro tempore. The Chair rules that since this is not a reference to an individual Member, that the remarks are in order.

However, the Chair would observe that there is a civility within the House in addressing bills and Members that should be observed, and it would be hoped that in the future that would be observed by all Members.

Mr. HOYER. I thank the Speaker for his ruling.

The SPEAKER. The time of the gentleman from Maryland [Mr. HOYER] has expired.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe that there is a legitimate concern about the use of trust funds that has been mentioned earlier, and that the reason why some who are coming to the floor are suggesting that they want to give the administration total latitude on these issues is because, I think, they are probably aware that the administration intends to use the civil service retirement trust funds, the Government securities investment fund, other cash, and perhaps even the Social Security trust fund as the way of financing our debt into the future.

Now, we have heard discussion on the floor about the fact that we do not want to default for the first time in history. The fact is we have never used the Social Security trust fund for anything other than Social Security payments at any time in history, either, and yet what we are being told by this administration and by those defending the administration on the floor, they are prepared, in pursuit of their political agenda, to allow the Social Security trust fund to at some point in the future be invaded for the purposes of paying the bills.

Now, our direction has been to try to balance the budget. We realize that that takes a lot of hard work. We realize it has been an uphill fight, with those who are opposed to that agenda fighting us every step of the way to see to it these bills do not get passed. We realize there has been a concerted effort to try to stop bills in other places in the Capitol Building so that, in fact, the work cannot get completed, and now we come down to the point where there is no longer an ability to pay the debts that have been incurred over the last several years.

Now we are being told that the Social Security trust fund should be put in jeopardy in the future. I would suggest that we ought to pass the bill that is before us. Yes, it does contain a number of items in it that we think are good for the country, such as regulatory reform, we hope, after that amendment is adopted, habeas corpus reform, and a number of other things. Fundamentally, what it does is allow the President to borrow temporarily, and does so in a way that assures protection of the trust funds.

Why do I say that we believe all this is happening? We have heard it directly from the Department of the Treasury.

I have before me materials that indicate that the Department of the Treasury is prepared in fact to begin using the civil service retirement and disability fund. At a press briefing yesterday, they outlined about $28 billion of money they are going to use, first out of the Government securities investment fund, then out of civil service retirement, then out of other petty cash amounts, and the next step down the line, my friends, is the Social Security trust fund.

That is, I think, a very grave danger for us all. the way that you can prevent that kind of problem from occurring is to vote for the bill brought to you by the gentleman from Texas [Mr. ARCHER], assure that we do protect the Social Security trust fund now and into the future, assure we do have the ability to raise the debt limit enough to pay our bills and, oh, by the way, get a couple of things done good for America, such as eliminating a Cabinet department and giving this Nation regulatory reform.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am placing in the RECORD at this point a statement made by the Secretary of the Treasury on the subject matter under debate.

The referenced material is as follows:

STATEMENT OF TREASURY SECRETARY ROBERT E. RUBIN AND SOCIAL SECURITY COMMISSIONER SHIRLEY S. CHATER

As Trustees of the Social Security Trust Funds we want to assure the American people that the resources of the Funds are preserved and protected for the benefit of every American who is now, or will in the future become, entitled to receive Social Security benefits.

Questions have arisen recently whether, because of the failure by Congress to increase the national debt limit, the resources of the Funds might be used to provide funds for governmental purposes unrelated to the payment of Social Security benefits. This is our reply: The Social Security Trust Funds will not be used for any purpose other than to assure the payment of benefits to Social Security recipients. We will continue to protect Social Security.

Furthermore, Congress should increase the statutory debt limit in a manner so all of the government's obligations will be paid on time. The Ways and Means Committee's bill, however, leaves Medicare, Medicaid, Food Stamps, Supplemental Security Income, veterans and military personnel, and obligations such as the principal and interest on the public debt all at risk. This is simply not acceptable.

In sum: this Administration will not use Social Security Trust Funds for any purpose other than to assure the payment of benefits to Social Security recipients.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise in opposition to the resolution, and in particular the provision involving death row appeals.

Mr. Speaker, the provisions in this bill are different from the provisions in the House-passed bill, and these provisions have been sprung on us in the last 24 hours.

Mr. Speaker, the provisions of this will do nothing to reduce crime. Death row inmates are not the ones out there robbing, raping and murdering in the streets. There is not even anecdotal evidence these inmates are the cause of crime in our community.

Mr. Speaker, we have not addressed the problem of innocent people being put to death. It was reported in the New York Times this Sunday that a man who had been on death row for 11 years in Illinois was released after being acquitted when a subsequent trial disclosed that a police officer had lied in the first trial.

What have we done about the police officer lying? Yesterday we had a hearing on a bill that would limit the civil liability of the police officer who lied, and today we consider legislation that will put the defendant to death quicker so it will be less likely we ever could have found out the truth.

Mr. Speaker, if we are going to do something about crime, we need to do something different than what we have done so far this year, such as cut funding for attorneys and death row appeals, which will create more complications and more appeals. We have cut funding for crime prevention and cops on the beat; cut funding for summer jobs, putting more youth out on the streets; cut funding for college scholarships and Head Start. All of that will increase crime.

If we really wanted to do something about crime, we would increase the money for Head Start, summer jobs, college scholarships, crime prevention and cops on the beat, and not insert these useless sound bites in essential legislation.

Mr. Speaker, we should focus on the financial crisis before us and not sneak provisions such as this through a debt ceiling resolution.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS], a member of the Committee on Ways and Means.

Mr. COLLINS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the resolution by the chairman to increase the debt limit, but I do so with some reluctance.

I hate to see us increase the debt that the taxpayers of this country owe and that I know that our children will someday have to pay. But I also know that if we are going to reach a balanced budget over the 7 years, as we have planned and as we have passed in both bodies, that we will have to extend that debt limit. I understand that there is a lot of confusion and controversy about how we are going to do that, and it will take a couple, 2, 3 more weeks to really rectify those differences.

So, therefore, we must increase the funding and the borrowing power of our Government.

The thing that I like about this bill or this proposal is it will restrict the use of trust funds. But, Mr. Speaker, you have heard the old saying, "A day late and a dollar short." Well, sir, I think we are years late and several billon dollars short, because out of the $4.9 trillion that we currently owe as the debt, the debt that is owed by the taxpayers that has been created by the Congress, $1.25 trillion of it is actually owed to trust funds, trust funds that people have contributed to that they expect someday to receive in return.

Let me give you some of those amounts, Mr. Speaker. The Federal employee's trust fund, some $375 billion owed by Treasury to that trust fund; the Medicare part A trust fund, $130 billion owed by Treasury to that trust fund; VA retirement, over $112 billion owed to that trust fund by the Treasury; and Social Security, Mr. Speaker, some $483 billion of old age pension, part of my old age pension, owed to the trust fund by the Treasury.

Mr. Speaker, I am including at this point in the RECORD a table concerning the trust fund impact on budget results and investment holdings as of September 30, 1995:

TABLE 8.—TRUST FUND IMPACT ON BUDGET RESULTS AND INVESTMENT HOLDINGS AS OF SEPT. 30, 1995

[In millions of dollars]

Classification	This month			Fiscal year to date			Securities held as investments, current fiscal year		
							Beginning of		Close of this month
	Receipts	Outlays	Excess	Receipts	Outlays	Excess	This year	This month	
Trust receipts, outlays, and investments held:									
Airport	333	777	−445	6,125	7,242	−1,117	12,206	11,547	11,145
Black lung disability	416	426	−46	987	987	(**)	(*)	(*)	(*)
Federal disability insurance	4,749	3,606	1,143	70,215	41,380	28,835	6,100	34,146	35,225
Federal employees life and health	(*)	−145	145	(*)	−1,240	1,240	22,503	23,601	23,729
Federal employees retirement	24,375	3,268	21,108	66,821	38,899	27,923	346,317	353,081	374,219
Federal hospital insurance	9,150	10,271	−1,121	114,847	114,883	−36	128,716	180,931	129,864
Federal old-age and survivors insurance	26,560	24,569	1,991	326,084	294,474	31,611	403,425	445,944	147,947
Federal supplementary medical insurance	1,746	5,903	−4,157	58,169	65,213	−7,044	21,489	17,675	13,513
Highways	2,115	2,340	−226	23,613	22,688	925	17,694	8,846	8,531
Military advances	967	1,314	−347	12,469	13,417	−948	(*)	(*)	(*)
Railroad retirement	451	675	−224	9,093	7,924	1,169	12,203	14,063	14,440
Military retirement	918	2,386	−1,468	34,624	27,797	6,827	105,367	114,320	112,963
Unemployment	336	1,801	−1,465	32,820	25,282	7,539	39,788	48,660	47,141
Veterans life insurance	23	110	−86	1,356	1,231	126	13,477	13,690	13,606
All other trust	525	555	−30	6,056	4,346	1,710	12,317	14,180	14,060
Total trust fund receipts and outlays and investments held from Table 6–D	72,665	57,893	14,772	763,281	664,521	98,760	1,151,601	1,240,682	1,256,385
Less Interfund transactions	27,150	27,150		212,849	212,849	(*)			
Trust fund receipts and outlays on the basis of Tables 4 and 5	45,515	30,742	14,772	550,432	451,671	98,760			
Total Federal fund receipts and outlays	100,994	108,480	−7,486	835,221	1,097,794	262,573			
Less Interfund transactions	443	443	(*)	975	975	(*)			
Federal fund receipts and outlays on the basis of Tables 4 and 5	100,551	108,037	−7,486	834,245	1,096,819	−262,573			
Less: Offsetting proprietary receipts	2,846	2,846	(*)	34,101	34,101	(*)			
Net budget receipts and outlays	143,219	135,933	7,286	1,350,576	1,514,389	−163,813			

*No transactions.

Note: Interfund receipts and outlays are transactions between Federal funds and trust funds such as Federal payments and contributions, and interest and profits on investments in Federal securities. They have no net effect on overall budget receipts and outlays since the receipts side of such transactions is offset against budget outlays. In this table, Interfund receipts are shown as an adjustment to arrive at total receipts and outlays of trust funds respectively. Details may not add to totals due to rounding.

Source: U.S. Treasury, final monthly Treasury statement of receipts and outlays, September 1995.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, first, my thanks to the gentleman from Florida [Mr. GIBBONS] for his courtesies and tenacity in this debate.

Members of the committee, it is pathetic that in a several hundred page bill that was delivered to the Democrats on the Judiciary at 10:45 a.m. this morning, 27 pages of habeas corpus reform of the Senate's that we have never seen, never read, never discussed, never debated, never.

Why? This is the short-term debt ceiling limitation bill. What in God's name is habeas corpus doing in this provision? You can pass it, Republicans, anyway separately, I guess. You have been rolling all the votes here for 10 months. But why stick it in overnight? Is there some logic that this could be happening here in the most democratic forum, the most democratic, fairest parliamentary system that we have in the Federal Government?

But worse than that, this provision limits review in other habeas cases. And my colleagues who have been so concerned about civil rights violations by Federal law enforcement, read Ruby Ridge and Waco, that now they want to leave Federal law enforcement and judges with no way to protect against overzealous Federal law officers who may not have acted lawfully.

It is pathetic that habeas reform has been tucked away in the debt ceiling package. Habeas reform has absolutely nothing to do with short-term debt and I cannot help but wonder why the Republicans, who control both Houses of Congress need to attempt to pass habeas reform in this underhanded manner.

My colleagues should make no mistake, this so-called habeas reform bill does not reform habeas corpus law, it all but eliminates Federal appeals in death penalty cases.

This bill will also limit review in other habeas cases. My colleagues on the right who have been so concerned about civil rights violations by Federal law enforcement officers may find that they are left with no remedy when a lower court judge finds that those overzealous Federal officers acted lawfully.

There are some particularly egregious elements in this habeas bill. The worst provision is that all condemned inmates will be limited to only one appeal in Federal court and this appeal must be within 1 year of conviction. In addition, if a State agrees to compensate attorneys who represent defendants in habeas cases, that time period is reduced to 6 months with Federal courts directed to review habeas cases with undue haste.

The bill also says that no Federal court may grant habeas corpus to a State prisoner if State courts had decided his or her claim on the merits—unless the State decision was "contrary to, or involved an unreasonable application of" Federal constitutional law as determined by the Supreme Court.

This means that Federal judges must overlook even incorrect State rulings on constitutional law claims so long as they are not "unreasonably" incorrect. It is a new and remarkable concept that mere wrongness in a constitutional decision is to be ignored.

The habeas bill has numerous other provisions, all designed to further the goal of reaching finality in death penalty cases. It includes a "rule of deference" to State court determinations of Federal constitutional law. This means that contrary to logic and precedence, State courts, not Federal courts, are the final arbiters of Federal constitutional law.

The bill also places new restrictions upon the availability of hearings by allowing hearings only when there is new, retroactive law or facts that could not have been presented earlier. Moreover, those facts must establish by clear and convincing evidence that the petitioner would not be found guilty of the underlying offense.

Finally, the bill provides that claims litigated, even constitutional violations are barred from second or successive applications and new claims can be heard on their merits only if they rely upon a new retroactive Supreme Court decision or upon facts that could not have previously been discovered, but only if the petitioner shows by clear and convincing evidence that but for the constitutional error, no reasonable jury would have voted to convict.

These provisions make clear that the desire to ensure finality has not been counterweighted by any provisions designed to ensure fairness or correct decisions.

The terrible legal representation that many death row prisoners receive in their initial trials is a key cause of delays, appeals, and reversals in capital cases. Federal courts have found constitutional errors warranting reversal or retrial in about 40 percent of death row cases since the reinstatement of capital punishment. Yet this bill does nothing to address the critical problem. It provides no standards for lawyers who represent habeas defendants.

This habeas reform proposal will leave habeas corpus in a shambles and leave Federal judges confused and overworked. If my colleagues are not persuaded solely by the substantive arguments against his bill, they should at least consider why the Republicans—who control both the House and the Senate—have bypassed the standard procedures and instead included this provision in the totally unrelated debt ceiling package.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, through you to the chairman and the ranking member of the Committee on Ways and Means, would not it be interesting if the President decides to go into these trust funds for disinvestment, and the people of the United States find out that there is no money in these trust funds, that they are void of the kind of cash that a lot of people imagine, and it is only a bookkeeping, an accounting entry?

You know, I think if all the people of the United States knew that in these trust funds there was little, if any, money, they would say, "Hey, Congress, enough is enough. Get on the ball. Balance the budget, do not wait 7 years, do it in much less time, because our future is at stake."

You know, we hear comments about all of the add-ons on this bill. I for one do not think those add-ons should be on this bill. But is it not interesting, for the last 12 years the Democrats have had the Gephardt rule, rule 41, so they did not have to vote directly on increasing the debt ceiling and said, "Look, we are just going to automatically increase that every time we pass a budget resolution that is greater than the amount that we have coming in in revenues; therefore it goes up automatically."

I am concerned that we do not have a reconciliation bill before the President. Let us get that reconciliation bill to the President as quickly as we can. Let us work this weekend, but I took to the Committee on Rules last night language that says let us stop borrowing marketable debt after 2002. We owe it to future generations, our kids and our grandkids.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, the resolution that is brought before us today again tries to carry out the extreme ideology of the new majority in this Congress; not enough to attack education and the ability of young people to get a college education, not enough to go after Medicare and Medicaid, but an attempt to cripple our economy by undermining the Commerce Department.

Yes, ideology says we have to shrink Government, so that every other nation has a leading cabinet level, powerful individual to deal with commerce that keeps the economy alive. But, no, this extreme ideology says we are getting rid of that.

The United States spends 3 cents out of every $1,000 of GDP on export promotion. Japan spends 12 cents, France, 18, and England, 25.

American workers are going to be left behind. American workers are going to be left behind if we shut down the Commerce Department, not to save money in the process, no; this is simply an ideological drill to test if you are willing to follow every dictum of this new extreme ideology: Get rid of the Commerce Department, cripple our export policy, take away the ability of American corporations to compete, more unemployment at the end of the day and a higher deficit.

Yes, let us not have a debate on this issue. Let us just sneak it through when we are doing the debt limit. This is the wrong kind of policy. It is the wrong kind of politics. It is a long-term damage to the American worker, and we ought to oppose it for that alone.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I appreciate this opportunity.

I have sat and listened to an awful lot of this debate. I have listened about the bad Government that is happening here. I think the only bad Government that happened is the 40 years before I got here.

The President, you know, has supported all or parts of this package in whatever speech he was giving on that particular day over the last 10 months.

When it comes to, you know, worrying about this media-manufactured train wreck, we hear from market people all over this country, and they say do not blink. The most important thing that this Congress can do is to balance the budget, and part of that balancing of the budget is dismantling the Department of Commerce.

□ 1500

The Commerce Department is the Government's attic. It is where you throw everything when you do not have any place else to put it. In fact, 60 percent of the Department of Commerce has absolutely nothing to do with commerce at all. It is the Weather Service, it is the Census Bureau and the Patents and Trademarks.

If the Department of Commerce was in fact the voice for business that the previous speaker just talked about, then it would be supporting a balanced budget, it would be supporting a capital gains tax cut, it would be supporting tort reform, and it would be supporting regulatory reform. In fact, it is diametrically opposed to all of those things. In fact, in a Business Week magazine poll that was taken just a few months ago, two out of the three business executives in that poll were in favor of dismantling the Department of Commerce.

We have taken a very logical and methodical plan forward that takes about 30 months. We said we are going to eliminate the programs that are unnecessary, we are going to privatize the programs that can be better done by the private sector, and we are going to streamline the beneficial programs, the ones we need to keep, and we are going to consolidate the duplicative programs.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking Member for yielding me time.

Mr. Speaker, this bill makes draconian cuts in NOAA's budget which would effectively shut down crucial operations in many areas of the country. The cuts made in this bill jeopardize NOAA's ability to provide accurate and timely weather prediction, thereby putting all our lives in danger. If these cuts are enacted we will not be giving NOAA the money it needs to function properly and hundreds of lives and billions of dollars will be needlessly lost.

Floridians, having survived some of the most brutal storms in the world, are dependent on weather information and strongly support efforts to improve operational weather and forecast services. I do not understand why this Congress wants to endanger the lives of people in my home State by closing 62 of the 118 weather forecast offices, such as those in Miami, Melbourne, Tampa, Jacksonville, and Tallahassee, FL.

In addition to fewer offices, NOAA will lose one-half of its satellite capability, thus increasing the chance of a total satellite blackout. This bill would also decrease the number of storm surge models, resulting in chaotic evacuation procedures in large areas and a greater risk of fatalities. To make matters worse, the bill terminates funding for NOAA's P-3 hurricane aircraft, thereby reducing the accuracy of hurricane landfall predictions.

It is ludicrous that the majority would advocate an arbitrary reduction in funding for NOAA in the name of change. Mr. Speaker, some things, like the Government's responsibility for the health and safety of its citizens, should not be subject to political posturing. Change is good if it helps. But these cuts do not serve the public interest. And after all, is that not why we are here?

Mr. Speaker, let me ask the gentleman from Texas [Mr. ARCHER], for example, are the provisions in this bill we are considering today the same as the provisions considered 2 weeks ago in the reconciliation bill? Is it not true that 2 weeks ago the House approved 25-percent reductions in this Nation's weather programs, and in this bill, in section 2206, you have upped the ante to 35 percent? What is the impact of an additional 10-percent reduction in severe weather forecasting for this country? All of this is absurd.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, let me just say as a member of the Florida delegation who has had two hurricanes tear through my area in the past few months and devastate the beaches and the homes there, the last thing I would ever do is vote for anything that would have an impact, a negative impact, on NOAA. I have looked over the bill. I have worked with DICK CHRYSLER on the Commerce bill. That simply is not the case.

Also, I hear people coming up, beating their chests in self-righteous indignation, saying how we are going to hurt the American worker and the American people because we have the courage to say no to the last great bastion of corporate welfare in America and that is the Commerce Department. The Democrats come to us and say, "Yes, we want to be part of a balanced budget process, but we do not even have the courage, we do not have the courage to say no to runaway corporate welfare. We do not even have the courage to reinvent government."

We always hear this talk about reinventing Government. CHRYSLER has a good idea. Let us go ahead and consolidate and have all science-related agencies put together. We do not do away with it; we truly do reinvent it. We have the courage to make a difference.

We are not trying to make political points. It makes sense. If you want to help the American worker, you do it by getting the Federal Government out of the way.

We also have language in this bill that says we will balance the budget in 7 years. More importantly than that, we have language that may be added, and this is not terrorism. This makes good sense. We have language that is going to be added that will bring about true regulatory reform.

You want to talk about money? You want to talk about real dollars? Regulatory burdens on American businesses, small businesses, cost over $500 billion a year, and we are doing something today to make a difference.

I am very proud to be part of that process. I am proud to say no to the Commerce Department corporate welfare plan that Ron Brown has been supporting, I am proud to say yes to real regulatory reform, and I am proud to say for the first time in a generation we are going to balance this budget.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this debate is not about the Commerce Department. It is not about habeas corpus. It is not about any of the other dangles that have been suspended from the debt ceiling bill. This is about a game of chicken, a very dangerous game of chicken, where irresponsible people are saying, "We are going to put what we want on here, and we hope that you will blink so this country doesn't default."

That is like playing will fire. The markets are waking up to this irresponsible game. Today, bonds are down half a point because of news that the other side is playing with the issue of default. Now, this not only affects the bond markets and the bondholders, it affects all Americans.

I called up five leading economists. They estimated that permanently interest rates would go up a quarter to a half a percent if we defaulted. That says to the average homeowner on an ARM, you pay more than $600 a year. That says to the average student loan holder, you pay $850 more a year. That says to the U.S. Government, your debt is increased more than $90 billion a year.

The budget game that Republicans are playing, this game of chicken, could well hurt seniors, students, and homeowners. Let us separate the budget debate from the debt ceiling debate and be responsible and stop playing games.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I have to address the issue that my colleague from Florida brought up about the dismantling and how it would affect NOAA, the Weather Bureau. There are 36,000 employees in the Department of Commerce, of which 17,000 are in the Weather Service, 17,000 employees. Get some handle on that. In addition, with FAA that has a Weather Bureau, we have DOD with a Weather Bureau. We are recommending some consolidation.

This is not the day when you stick your finger out and get the weather with 17,000 people around the country. You get it from satellites and new technology and savings.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, the clock is ticking and we still have not increased the debt ceiling. It is time to act responsibly. We should not play chicken with our financial markets and more importantly the good name of our country. We do not want to remember November 15, 1995, or December 13, 1995, as the day the United States defaults. Instead we want to remember November 9, 1995, as the day the 104th Congress came together and acted for the best of the country.

We can end this game of chicken today. We can end the threat of default. This is very simple. All we need to do is pass a clean short-term extension of the debt ceiling. Better yet, we could take the most responsible choice and increase the debt limit to $5.5 trillion and this should keep the Government running well into 1997. Almost every House Republican has improved increasing the debt ceiling to $5.5 trillion three times.

We have no choice but to increase the debt limit. Even if this short term extension passes, we will still need a long-term increase. Mr. Speaker, why don't we enact a long-term increase now? What are you waiting for?

If we fail to increase the debt limit, the Social Security trust funds will not be used for any purpose other than to assure the payment of benefits to Social Security recipients. Social Security has been protected and will continue to be protected. No additional legislation is needed to protect Social Security payments.

The legislation before us adopts a payment priority system for benefits due to various Government trust funds. This type of scheme would not be made effective for many months. Any such prioritization scheme would cause other obligations to be defaulted.

This type of scheme would put Medicare at risk. We would no longer have the funds to make Medicare payments.

Repeatedly, we have heard the debt ceiling should not be increased until we have a balanced budget in place. We all agree deficit reduction is a number one priority. However, we differ on how to do it.

Increasing the debt ceiling should not be held hostage to the budget. Raising the debt ceiling does not increase the deficit. Raising the debt ceiling allows the United States to pay obligations that are due. The debt ceiling is unrelated to the current budget debate. No good comes from failing to increase the debt ceiling.

Let us get over the hurdle of the debt ceiling and pass a clean extension. Then, we can work on a budget to decrease the deficit.

I just do not understand why we want to risk the good name of our country just so we can play a game of political blackmail. Congress should not resort to these types of tactics. This is serious business. We need to stop the rhetoric. We must act responsibly.

Mr. ARCHER. Mr. Speaker, I yield 10 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, my good colleague from West Springfield should realize under the Reagan-Bush years, his party shut the Government down nine times, and his party had 17 continuing resolutions. So for him to go on and on like this is something new, it is not true.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the gentleman from Florida for the time.

Mr. Speaker, I am going to speak very briefly about the process involved here, at least as it involves the Walker amendment.

Last night, the gentleman from Pennsylvania [Mr. WALKER] appeared before the Committee on Rules late in the evening and offered his amendment in one version. A different version is printed in the RECORD today. I was not notified that he was proposing to do that, nor was any of the minority staff.

The gentleman from Pennsylvania [Mr. WALKER] represented at that time, and I think I have his statement before me, that he asked on behalf of the House leadership for this amendment, which is a good-faith combination of the House and Senate bills. Based upon that, the chairman of the Committee on Rules this morning said, describing the amendment, a compromise between the House and Senate already passed regulatory reform.

The fact is, the Senate has not passed any bills. They do not know about this compromise language. They have assured me they are not about to pass it. The 58 votes referred to was a vote on cloture, not on the bill.

I would suggest that in addition to the slight involved to the minority, the procedural slight, that the statement made by Mr. WALKER before the Committee on Rules would at the best be described as a lack of truth in advertising when he describes a procedural vote as implying that it actually passed the Senate by that number of votes and apparently convinced the chairman of the Committee on Rules that that was the case.

Now, this is not the way to conduct business in this institution. We are not engaged in obstructionism, as Mr. WALKER charged. We are asking for our rights as the minority, and I think we are entitled to receive those rights.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time to close.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, let me say, to begin with, I cannot speak for the last 40 years. I was not around 40 years ago, and I cannot speak for the time that my ranking member has been in the House or even the time that my good colleague from Texas has been in the House, who I recall first got elected when I was in grade school.

What I can speak to is experience that I brought to this House from the private sector. What we are doing here today is playing a dangerous game of blackmail for legislation, for votes which you do not have.

We are endangering America's credibility in the financial markets which could render us as uncreditworthy as Orange County, CA.

If we default, the markets will never forget. The markets will never forget, but the people of this country will pay forever and ever. If we were a city, a county or a State, this legislation would cause us to be downgraded, which would raise the cost to every citizen of those interests.

This is bad legislation. It is a bad way to do business. It is bad practice. Put this other legislation aside. Bring it to the floor separately. If you do not have the votes, you cannot pass it. But do not blackmail America's credibility and its creditworthiness. That is bad business. It is bad for the country.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

□ 1515

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS] for yielding me time.

Ladies and gentlemen, let us stop the crocodile tears over the Social Security trust fund. The fact of the matter is and everyover knows it here, there will not be a balanced budget in 2002. The balanced budget that is being put forward very simply steals $636 billion from the Social Security trust fund, a so-called surplus. If it really was a surplus then give it back.

I understand that is the program of the majority party. Give back the $636 billion. If nothing went wrong, if nothing went wrong with the budget proposals coming from the Republican Party, in the year 2002 they could announce that there was a budget surplus paid for by $636 billion in Social Security funds.

The young people of this country are saying they do not believe Social Security is going to be there when they need it, and it will not be. The day that this comes out, the Republicans are going to own $636 billion, and now they cry crocodile tears in this debt extension about the trust fund and what the Democrats are doing.

I defy anyone on the other side to deny my allegations. They should read their own budget bill, and they will see that they are going to take the $636 billion out of a so-called surplus.

Finally, may I add, Mr. Speaker, for those who seem confused as to why the habeas corpus bill has been attached to this particular legislation, it is a message. I do not see how the gentleman from Michigan, [Mr. CONYERS] and other people can fail to get it. General Powell is getting a message about his ability to broaden the text in the context of the Republican Party with the habeas corpus attachment to this bill. A message has been sent to the General.

Mr. GIBBONS. Mr. Speaker, may I inquire how much time is remaining on this side?

Mr. SPEAKER pro tempore (Mr. HOBSON). The gentleman from Florida [Mr. GIBBONS] has 1½ minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, we are here today because of mismanagement by the Speaker of the House of Representatives and by the Republican Party. We are conducting business that should have been conducted in a routine manner back in July, but today it is being used as an attempt to blackmail the President into signing something that he is not going to sign and it is being used as an attempt to get enough votes together, arm twist.

We have heard the Republicans, Mr. Speaker, explain to their constituents why this is such a wonderful bill. Well, this is a debt ceiling bill and they want to disguise their vote so they put all this other material in here, about 400 pages of garbage, just so they can explain to their voters why they are going to vote for a $67 billion increase in the debt.

Now, every one of them on that side has voted three times this year on the record to increase the debt to $5.5 trillion. Why do they need to get up and hoodwink their voters about why they are going to vote for this with all this other garbage? They know that that is never going to become law.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 6 minutes.

Mr. ARCHER. Mr. Speaker, let us see if we can clear the air about this bill. Next week, on November 15, if there is not settlement on a new issue of Treasury securities, this country will not be able to pay its bills. If we do not pass this measure today, the Treasury will be put in a position to where it cannot pay our bills.

If we pass this measure today, the Treasury will be able to orderly manage our debt and the payment of our bills until December 12. That is what the core of this legislation is all about. It is not about default. If it were about default, the Democrats in our committee on Tuesday evening put all of that issue before the American public. They attempted to scare the markets and to scare the people. And what happened yesterday? The stock market had a booming day, to set an all-time new record, and bonds went up, not down, immediately on the heels of the reporting out of this bill by the Committee on Ways and Means.

Again, they are here today, Mr. Speaker, to try to scare the markets, to try to scare the American people, but it will not work because it is not reality. What is reality, and what has brought down interests rates this year on home mortgages by almost 2 percent, the equivalent of over $2,000 savings for every hundred thousand dollar mortgage, has been because this new Congress has stated to the American people that we will get to a balanced budget.

It is the balanced budget that drives interest rates. The credibility of that effort. And this bill is a downpayment on the effort to balance this budget. When we balance the budget, I say to my colleagues, then we will truly see another decline in the long-term interest rates and more affordable homes for Americans who want to have their dream realized, to get into their own home.

That is what this debate is about. It is about a future for our children. My grandson, who was born last week, came into this world with a debt on his shoulders, a responsibility to pay $187,000 during his lifetime, just for the interest on the debt that has already been accumulated. Not for the increased debt that the Democrats and the President would like to put on his shoulders. We must stop that.

Yes, this bill draws the line on December 12 and says to the President and to the Congress that there will be no more manipulation, there will be no more game playing. We must go to the bargaining table. Both sides must feel the pressure to get to a balanced budget.

My colleagues, I say to the President of the United States, come forward, be a leader, come and meet with the Congress and agree with us before December 12 that we will get to a balanced budget in 7 years by Congressional Budget Office numbers. And we say to the President again, he said CBO was the proper vehicle for us to settle our differences when he stood in this Chamber on February 17, 1993, and to a standing ovation said no longer would OMB numbers be the standard, but the realistic CBO numbers would be the standard. The President sent his first budget to this Congress based on CBO numbers. But they are not a rosy enough scenario for him today, and so he has put Rosy Scenario back on the stage and refused to respect the realistic CBO numbers.

We are ready to negotiate with the President, and we must negotiate, because December 12 will be a drop-dead date. It is that important to force the leverage for a balanced budget. These are not easy decisions, and that is why it is essential that that tool be in this short-term extension.

Now, let me also speak to the question of the trust funds that are vital to the retirement of so many Americans, Social Security recipients, Federal military retirees, Federal civilian retirees, railroad retirees. Their benefits need to be paid and their trust funds need to be protected. That is why we have written into this bill legal protections of those trust funds so that they cannot be disinvested or invaded.

The administration says it has no intention of using the assets of Social Security funds to help the Government to operate during this debt limit interruption, yet Democrats in the Committee on Ways and Means offered amendment, after amendment, endorsed by the Treasury, to strike our trust fund protections. We need these protections to assure the Social Security recipients and Federal retirees that they will not be manipulated by this administration, which intends to do so when it vetoes this debt ceiling bill.

Vote for this debt ceiling bill.

Mr. ORTON. Mr. Speaker, I rise in opposition to the House version of a debt limit extension.

There is not a more serious issue facing this country than a possible default on the full faith and credit of the U.S. Treasury. Our economy and the entire world economy relies on international confidence that we can conduct our fiscal affairs in a responsible manner. The long-term borrowing costs on Treasury securities are directly impacted by investors' confidence that principal and interest will always be paid on time. The stability of our financial markets, interest rates, international exchange rates, and stock markets are all connected to the stability of Treasury securities.

I strongly support a clean extension of the debt limit, which will expire in the next week. During debate on this bill, I will support the motion to recommit, to be offered by Rep. L.F. PAYNE of Virginia. This recommit motion would amend the bill to remove extraneous provisions and simply extend the debt limit temporarily in a manner that accomplishes everything that the majority in the House claims it wants. This motion would extend the debt ceiling for a full 30 days after the Congress presents a balanced budget reconciliation bill to the President. This would provide a fair opportunity for a bipartisan budget agreement, without unnecessarily risking default on U.S. Treasury obligations.

However, I must oppose this badly drafted debt limit extension being offered today, and I call on the House leadership to send back a clean bill.

It is improper to politicize the credit of the United States by including unrelated provisions, which obviously are being attached because they cannot be passed separately through the normal legislative process. The debt extension is too important to condition its passage on support of extraneous measures.

However, the most egregious provisions of this particular resolution are those which would tie the hands of the Secretary of the Treasury, and thereby increase the risk of default. If we were to pass this resolution, we would remove the ability of the President to use cash management techniques to avoid default in the event of short-term debt limit problems. These are the same cash management techniques that have been used by previous Presidents, including Ronald Reagan.

If we pass this resolution, and Congress and the President are unable to reach accommodation next month, the removal of these management techniques would mean almost certain default of the United States of America. This would be a tragedy that would cost the taxpayers billions of dollars over the next decade, and would permanently damage the credit of the United States. We cannot take this risk. We should be doing everything possible to prevent default, not playing this political game of chicken which actually increases the likelihood of default.

Finally, some of my colleagues have attempted to make the case that limitations on our debt limit are critically tied to deficit reduction and balancing our budget. This is simply not the case. The bipartisan Congressional Budget Office's "Economic and Budget Outlook" from August 1995, states that, "Limiting the Treasury's borrowing authority is not a productive method of achieving deficit reduction. Significant deficit reduction can only be accomplished by legislative decisions that reduce outlays or increase revenues."

I agree with CBO. That is why I have consistently supported and voted for a constitutional amendment to balance the budget. That is why I recently offered a comprehensive budget reconciliation alternative on the House floor which would have made real spending cuts sufficient to balance the budget by 2002.

We should not play partisan games with an explosive issue like the extension of the debt limit. We should not pass a resolution which makes it more likely that we will default on our debt in early December. Instead, we should focus our legislative energies on working together to pass a bipartisan budget reconciliation bill that reaches balance in 7 years.

I urge my colleagues to vote down this convoluted resolution, and immediately bring back a clean debt limit extension which the President stands ready to sign. I urge my colleagues to put the interests of our country ahead of partisan consideration.

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to H.R. 2586 because it includes legislation to dismantle the Commerce Department. This bill is extremely shortsighted. Frankly, I'm surprised that my colleagues are so willing to throw the baby out with the bath water.

Commerce has a proven track record of providing the maximum bang for the buck. Although Commerce has the smallest budget of any Cabinet department, its services have contributed enormously to our Nation's economic well-being.

For example, for an investment of $250 million in trade promotion programs, Commerce advocated successfully in 1994 for foreign contracts with U.S. export content of almost $20 billion. In addition, our economy is getting a return of 8 to 1 from Commerce's manufacturing extension centers. Similar examples can be found in other programs, from facilitating exports by reducing export control burdens, to spurring investments in telecommunications infrastructure and economic development through matching grants.

This proposal would also eliminate Commerce's minority business development agency [MBDA], the only Federal agency created specifically to foster the establishment and growth of minority owned businesses in America. MBDA provides funding for approximately 100 minority business development centers [MBDC's] located throughout the country in areas with the largest minority populations including Jacksonville and Orlando.

The centers provide minority entrepreneurs with management and technical assistance services to start, expand, or manage a business. They are staffed by business specialists who have the knowledge and practical experience needed to run successful, profitable business. Minority business development centers are making a difference, they should not be eliminated.

While the Republicans propose to terminate a few agencies that are making a difference, the bulk of Commerce's programs would continue but be dispersed to the President, other agencies, and be re-created as Commissions at considerable cost to the taxpayer. Rather than diluted through dispersal, these functions important for American businesses should remain unified at the Commerce Department.

We should not destroy the Commerce Department and all the good that it does for our businesses. That's why the Commerce Department is supported by the U.S. Chamber of Commerce. Let's use common sense. Vote against this antibusiness bill.

Mr. DELAY. Mr. Speaker, I rise in strong support of the Walker amendment,

Earlier this year, the House passed a number of bills which made much needed fundamental changes to the way the Federal Government promulgates regulations. We passed unfunded mandates reform, the Paperwork Reduction Act, and an improved Reg Flex Act so that agencies can be taken to court if they don't take into account the impact of regulations on small businesses, among other reforms.

All of these bills passed with strong bipartisan majorities, and two of these—unfunded mandates and paperwork reduction—have even been signed into law.

The biggest and most fundamental reform the House passed, however, is a requirement that agencies conduct risk assessment and cost-benefit analysis based on sound science prior to promulgating regulations.

Too often regulatory decisions are made without any consideration for the impact they will have or even for whether they will address the problem effectively. The Federal Government must set priorities on how to spend its limited resources. Risk assessment and cost-benefit analysis will both help us focus on those areas that are the greatest threat to the public, and provide the data needed to make those tough budgetary choices.

Unfortunately, the other body has yet to act on these key provisions. That is why we are including this package in this bill—the provisions that make up this package are widely supported by a majority of both Houses, and signify a return to common sense, sound science, regulatory flexibility, and a more effective regulatory system.

Because this regulatory reform package restores balance to our Federal regulatory system, it is being considered a key vote by a large number of organizations. They include: National Federation of Independent Business; U.S. Chamber of Commerce; National Restaurant Association; Americans for Tax Reform; National Association of Home Builders; and National American Wholesale Grocers Association.

The Walker amendment is also strongly supported by Project Relief, the Alliance for Reasonable Regulation, Citizens for a Sound Economy, the American Farm Bureau Federation, the Grocery Manufacturers of America, and the National Mining Association, among many others. These groups represent tens of thousands of businesses and individuals that have become involved at the grassroots level to achieve regulatory reform.

Regulatory reform will improve the average American's life in measurable ways—greater consumer choice, lower prices of goods and services, additional job opportunities, along with better economic growth.

I urge my colleagues to help relieve some of the burden placed on the American family by the Federal Government. Support the Walker amendment.

Mr. POMEROY. Mr. Speaker, I rise today to oppose the way this bill is being handled. This is truly a perversion of the process. Rather than bring to the floor a clean debt limit extension, the majority is playing games with the full faith and credit of the U.S. Government. If we don't act quickly, the United States is in danger of default.

Legislation to extend the debt limit should not be a Christmas tree for items that can't make it through the normal legislative process. While I strongly believe the American people could use a good dose of regulatory relief, and my votes on that issue have shown that I support providing that, this is neither the time nor the place for the Walker amendment. Further, the Walker amendment was being drafted this morning and I have not had the opportunity to review the text. While I may be in conceptual agreement with some of the provisions, this is not an appropriate vehicle.

Passage of a clean debt limit extension bill is critical to the American people. It should not be weighed down with extraneous provisions, no matter what the subject. Speaker GINGRICH may think he's playing this game with President Clinton, but he is really playing it with ordinary Americans. Working Americans are the one who will suffer if the Nation defaults on its debt.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the so-called Habeas Corpus Reform provisions of H.R. 2586, the Short-term Debt Limit Extension Act of 1995. Let me state from the beginning that I have consistently, throughout my career, believed in and fought for the protection of all Americans rights under habeas corpus. As Chief Justice Salmon P. Chase described it in ex parte Yerger U.S. (1868), habeas corpus is "The most important human right in the Constitution" and "The best and only sufficient defense of personal freedom."

Therefore, I cannot support this measure before us today because the very belief upon which our judicial system was created—the protection of an individual's fundamental constitutional rights balanced with society's right to be free from harm—is at risk if these oppressive provisions are included in this necessary debt limit extension. I cannot and will not support the anti-human rights and anti-Constitution provisions the Republican majority is attempting to attach to H.R. 2586.

It is my belief that our judicial system's major focus should be to protect its citizens' fundamental constitutional rights. As a Nation, we cannot afford to compromise the cherished habeas corpus protections guaranteed each of us in the U.S. Constitution. Rooted in the Magna Carta (1215), the writ of habeas corpus is as Justice Brennan pointed out in Fay versus Noia (1963),

> Inextricably intertwined with the growth of fundamental rights of personal liberty * * * its root principle is that in a civilized society, Government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release.

Mr. Speaker, the arbitrary 1-year limitation on the filing of general Federal habeas corpus appeals after all State remedies have been exhausted entirely fails to address the true cause of any delay in the capital punishment system. The lack of competent counsel at the trial level and on direct appeal constitutes the primary basis for the delay of many appeals. Provision of competent counsel at the trial and appellate stages of capital litigation would eliminate the need for many of the habeas appeals currently in our court system. Despite the fact that this is the case, the habeas corpus provisions of this bill do not make any effort whatsoever to provide counsel for State post-conviction proceedings.

It is no secret that I am opposed to the death penalty. This legislation fails to include any provisions to end the repugnant practice of the disproportionate application of the death penalty on minorities. In fact, this bill specifically makes it easier to impose the death penalty by limiting citizens rights to challenge the legality of their convictions. While I agree that strong measures must be taken to curb the crime epidemic, I do not believe that any actions should be taken to the detriment of an individual's basic rights and constitutional liberties.

When closely examined, the sentencing history of the death penalty has generally been arbitrary, inconsistent and racially biased. It is my belief that the Federal death penalty is overly harsh, particularly because it fails to address the economic and social basis of crime in our most troubled communities. The fact is that there has always been a racial double-standard in the imposition of capital punishment in the United States. Even after the black codes of the 1860's were abolished, blacks were more severely punished than whites for the same offenses in our penal system. By the time the U.S. Supreme Court deemed the existing process for imposing the ultimate penalty unconstitutional in 1972, more than half of the persons condemned or executed were African-American—even though they were never more than 15 percent of the population. The advances in statistical analysis of the last 20 years have allowed numerous experts to test the raw data with disturbingly consistent results.

Mr. Speaker, in 1990, after 29 studies from various jurisdictions were reviewed, the General Accounting Office confirmed that there is a consistent pattern of disparity in the imposition of the death penalty in the United States and that race is often a crucial factor that determines the outcome. Since the resumption of executions in 1977, of the 236 persons who have been executed, 200 persons, or an alarming 85 percent, were executed for the murder of white victims. In fact, statistics show that blacks convicted of killing whites are 63 times more likely to be executed than whites who kill blacks.

In 1991, the United States Justice Department's Bureau of Justice Statistics reported that African-Americans accounted for 40 percent of prisoners serving death penalty sentences. These statistics reflect how the African-American community is disproportionately affected by the death penalty. Furthermore, in a Nation where the number one leading cause of death for young African-American males is homicide, further disproportionate application of the death penalty will not resolve the epidemic of violence of our Nation.

Mr. Speaker, it is my belief that we cannot afford to compromise our fundamental rights in exchange for excessive discriminatory tactics. We all have an obligation to uphold the Constitution and protect the rights of all Americans to be free from unjustified imprisonment. I urge my colleagues to uphold our fundamental rights, protect the American people, and vote down this unconscionable invasion upon one of our most important guarantees.

Mr. STOKES. Mr. Speaker, I rise in opposition to H.R. 2586, referred to as "The Short-term Debt Limit Extension bill." The Republican bill before us today provides a temporary increase of $67 billion—raising the debt limit from $4.9 to $4.967 trillion. However, to force the President's hand in budget negotiations, the Republicans' bill lowers the debt limit to $4.8 trillion on December 13. The Government has never defaulted on its principal and interest payments, so why now.

The Republicans have decided that they will only increase the debt limit if the President agrees to their reconciliation and appropriation budget measures that would devastate the well-being of children, seniors, and families.

Mr. Speaker, the President has said that he will veto such measures. The President's veto is the only hope that the children of this country have against the Republicans taking away their school lunches or their immunizations. It is the only hope that seniors have against having their health care premiums double, or their heating assistance taken away. And, it is the only hope that families have against having to use their mortgage payment to pay for nursing home care of their elderly parents, or to pay for their childrens' college tuition.

Mr. Speaker, what H.R. 2586 really is—is the Republicans' primary assault weapon in their attack on children, seniors, and families. Can the Republicans' tax cut for the wealthy justify the need to hold the country—the children, seniors, and families hostage.

It's time for the Republicans to be up front with the American people. Just tell the American people that you will not increase the debt limit unless the President agrees to gutting Medicare, destroying Medicaid, denying college students financial aid, and reducing nutrition programs for children.

There is no good faith in H.R. 2586. It includes provisions that cannot stand the scrutiny of hearings and real legislative debate from balancing the budget on the backs of the most vulnerable, to repealing habeas corpus, to dismantling the Department of Commerce.

Mr. Speaker, I urge my colleagues to stand up for the rights of the American people, push for a clean debt limit measure. Vote "no" on H.R. 2586.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 258, the amendment recommended by the Committee on Ways and Means printed in the bill and the amendments specified in House Report 104–328 are adopted.

The text of H.R. 2586, as amended, is as follows:

H.R. 2586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by adding at the end the following new sentence: "During the period after the date of the enactment of this sentence, the preceding sentence shall be applied by substituting for the dollar amount contained therein—

"(1) '$4,967,000,000,000' for the portion of such period before December 13, 1995, and

"(2) '$4,800,000,000,000' after December 12, 1995."

SEC. 2. APPLICABILITY OF PUBLIC DEBT LIMIT TO FEDERAL TRUST FUNDS AND OTHER FEDERAL ACCOUNTS.

(a) PROTECTION OF FEDERAL FUNDS.—Notwithstanding any other provision of law—

(1) no officer or employee of the United States may—

(A) delay the deposit of any amount into (or delay the credit of any amount to) any Federal fund or otherwise vary from the normal terms, procedures, or timing for making such deposits or credits, or

(B) refrain from the investment in public debt obligations of amounts in any Federal fund,

if a purpose of such action or inaction is to not increase the amount of outstanding public debt obligations, and

(2) no officer or employee of the United States may disinvest amounts in any Federal fund which are invested in public debt obligations if a purpose of the disinvestment is to reduce the amount of outstanding public debt obligations.

(b) PROTECTION OF BENEFITS AND EXPENDITURES FOR ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Notwithstanding subsection (a), during any period for which cash benefits or administrative expenses would not otherwise be payable from a covered benefits fund by reason of an inability to issue further public debt obligations because of the applicable public debt limit, public debt obligations held by such covered benefits fund shall be sold or redeemed only for the purpose of making payment of such benefits or administrative expenses and only to the extent cash assets of the covered benefits fund are not available from month to month for making payment of such benefits or administrative expenses.

(2) ISSUANCE OF CORRESPONDING DEBT.—For purposes of undertaking the sale or redemption of public debt obligations held by a covered benefits fund pursuant to paragraph (1), the Secretary of the Treasury may issue corresponding public debt obligations to the public, in order to obtain the cash necessary for payment of benefits or administrative expenses from such covered benefits fund, notwithstanding the public debt limit.

(3) ADVANCE NOTICE OF SALE OR REDEMPTION.—Not less than 3 days prior to the date on which, by reason of the public debt limit, the Secretary of the Treasury expects to undertake a sale or redemption authorized under paragraph (1), the Secretary of the Treasury shall report to each House of the Congress and to the Comptroller General of the United States regarding the expected sale or redemption. Upon receipt of such report, the Comptroller General shall review the extent of compliance with subsection (a) and paragraphs (1) and (2) of this subsection and shall issue such findings and recommendations to each House of the Congress as the Comptroller General considers necessary and appropriate.

(c) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term "public debt obligation" means any obligation subject to the public debt limit established under section 3101 of title 31, United States Code.

(d) FEDERAL FUND.—For purposes of this section, the term "Federal fund" means any Federal trust fund or Government account established pursuant to Federal law to which the Secretary of the Treasury has issued or is expressly authorized by law directly to issue obligations under chapter 31 of title 31, United States Code, in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.

(e) COVERED BENEFITS FUND.—For purposes of subsection (b), the term "covered benefits fund" means any Federal fund from which cash benefits are payable by law in the form of retirement benefits, separation payments, life or disability insurance benefits, or dependent's or survivor's benefits, including (but not limited to) the following:

(1) the Federal Old-Age and Survivors Insurance Trust Fund;

(2) the Federal Disability Insurance Trust Fund;

(3) the Civil Service Retirement and Disability Fund;

(4) the Government Securities Investment Fund;

(5) the Department of Defense Military Retirement Fund;

(6) the Unemployment Trust Fund;

(7) each of the railroad retirement funds and accounts;

(8) the Department of Defense Education Benefits Fund and the Post-Vietnam Era Veterans Education Fund; and

(9) the Black Lung Disability Trust Fund.

SEC. 3. CONFORMING AMENDMENTS.

Subsections (j), (k), and (l) of section 8348 of title 5, United States Code, and subsections (g) and (h) of section 8438 of such title are hereby repealed.

SEC. 4. COMMITMENT TO A SEVEN-YEAR BALANCED BUDGET.

(a) With the enactment of this Act the President and the Congress commit to enacting legislation in calendar year 1995 to achieve a balanced budget, as scored by the non-partisan Congressional Budget Office, not later than the fiscal year 2002.

(b) The Congress affirms that it will not enact legislation providing for a further increase in the permanent statutory limit on the public debt unless the President signs into law the balanced budget legislation referred to in subsection (a).

SEC. 5. MEDICARE COVERAGE OF CERTAIN ANTI-CANCER DRUG TREATMENTS.

(a) COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS.—Section 1861(s)(2)(Q) of the Social Security Act (42 U.S.C. 1395x(s)(2)(Q)) is amended—

(1) by striking "(Q)" and inserting "(Q)(i)"; and

(2) by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following:

"(ii) an oral drug (which is approved by the Federal Food and Drug Administration) prescribed for use as an anticancer nonsteroidal antiestrogen for the treatment of breast cancer or nonsteroidal antiandrogen agent for the treatment of prostate cancer;".

(b) UNIFORM COVERAGE OF ANTICANCER DRUGS IN ALL SETTINGS.—Section 1861(t)(2)(A) of such Act (42 U.S.C. 1395x(t)(2)(A)) is amended by adding "(including a nonsteroidal antiestrogen or nonsteroidal antiandrogen regimen)" after "regimen".

(c) CONFORMING AMENDMENT.—Section 1834(j)(5)(F)(iv) of such Act (42 U.S.C. 1395m(j)(5)(F)(iv)) is amended by striking "prescribed for use" and all that follows through "1861(s)(2)(Q))" and inserting "described in section 1861(s)(2)(Q))".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of the enactment of this section.

TITLE I—HABEAS CORPUS REFORM

SEC. 101. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

"(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

"(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.".

SEC. 102. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

"(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

"(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

"(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

SEC. 103. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.".

SEC. 104. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

"(A) the applicant has exhausted the remedies available in the courts of the State; or

"(B)(i) there is an absence of available State corrective process; or

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

"(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

"(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

"(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

"(A) the claim relies on—

"(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

"(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."; and

(5) by adding at the end the following new subsections:

"(h) Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 105. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme

Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 106. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 107. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2263. Filing of habeas corpus application; time requirements; tolling rules.
"2264. Scope of Federal review; district court adjudications.
"2265. Application to State unitary review procedure.
"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2261.".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 108. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

"(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.".

SEC. 109. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

SEC. 2001. SHORT TITLE.

This title may be cited as the "Department of Commerce Dismantling Act".

SEC. 2002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

Sec. 2001. Short title.
Sec. 2002. Table of contents.

Subtitle A—Abolishment of Department of Commerce

Sec. 2101. Abolishment of Department of Commerce.
Sec. 2102. Resolution and termination of Department functions.
Sec. 2103. Responsibilities of the Director of the Office of Management and Budget.
Sec. 2104. Personnel.
Sec. 2105. Plans and reports.
Sec. 2106. GAO audit and access to records.
Sec. 2107. Conforming amendments.
Sec. 2108. Privatization framework.
Sec. 2109. Priority placement programs for Federal employees affected by a reduction in force attributable to this title.
Sec. 2110. Funding reductions for transferred functions.
Sec. 2111. Definitions.

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

Sec. 2201. Abolishment of Economic Development Administration and transfer of functions.
Sec. 2202. Technology Administration.
Sec. 2203. Reorganization of the Bureau of the Census and the Bureau of Economic Analysis.
Sec. 2204. Terminated functions of NTIA.
Sec. 2205. National Oceanic and Atmospheric Administration.
Sec. 2206. National Scientific, Oceanic, and Atmospheric Administration.
Sec. 2207. Miscellaneous terminations; moratorium on program activities.
Sec. 2208. Effective date.

Subtitle C—Office of United States Trade Representative

CHAPTER 1—GENERAL PROVISIONS

Sec. 2301. Definitions.

CHAPTER 2—OFFICE OF UNITED STATES TRADE REPRESENTATIVE

SUBCHAPTER A—ESTABLISHMENT

Sec. 2311. Establishment of the Office.
Sec. 2312. Functions of the USTR.

SUBCHAPTER B—OFFICERS

Sec. 2321. Deputy Administrator of the Office.
Sec. 2322. Deputy United States Trade Representatives.
Sec. 2323. Assistant administrators.
Sec. 2324. Director General for Export Promotion.
Sec. 2325. General Counsel.
Sec. 2326. Inspector General.
Sec. 2327. Chief Financial Officer.

SUBCHAPTER C—TRANSFERS TO THE OFFICE

Sec. 2331. Office of the United States Trade Representative.
Sec. 2332. Transfers from the Department of Commerce.
Sec. 2333. Trade and Development Agency.
Sec. 2334. Export-Import Bank.
Sec. 2335. Overseas Private Investment Corporation.
Sec. 2336. Consolidation of export promotion and financing activities.
Sec. 2337. Additional trade functions.

SUBCHAPTER D—ADMINISTRATIVE PROVISIONS

Sec. 2341. Personnel provisions.
Sec. 2342. Delegation and assignment.
Sec. 2343. Succession.
Sec. 2344. Reorganization.
Sec. 2345. Rules.
Sec. 2346. Funds transfer.
Sec. 2347. Contracts, grants, and cooperative agreements.
Sec. 2348. Use of facilities.
Sec. 2349. Gifts and bequests.
Sec. 2350. Working capital fund.
Sec. 2351. Service charges.
Sec. 2352. Seal of office.

SUBCHAPTER E—RELATED AGENCIES

Sec. 2361. Interagency Trade Organization.
Sec. 2362. National Security Council.
Sec. 2363. International Monetary Fund.

SUBCHAPTER F—CONFORMING AMENDMENTS

Sec. 2371. Amendments to general provisions.
Sec. 2372. Repeals.
Sec. 2373. Conforming amendments relating to Executive Schedule positions.

SUBCHAPTER G—MISCELLANEOUS

Sec. 2381. Effective date.
Sec. 2382. Interim appointments.
Sec. 2383. Funding reductions resulting from reorganization.

Subtitle D—Patent and Trademark Office Corporation

Sec. 2401. Short title.

CHAPTER 1—PATENT AND TRADEMARK OFFICE

Sec. 2411. Establishment of Patent and Trademark Office as a Corporation.
Sec. 2412. Powers and duties.
Sec. 2413. Organization and management.
Sec. 2414. Management Advisory Board.
Sec. 2415. Independence from Department of Commerce.
Sec. 2416. Trademark Trial and Appeal Board.
Sec. 2417. Board of Patent Appeals and Interferences.
Sec. 2418. Suits by and against the Corporation.
Sec. 2419. Annual report of Commissioner.
Sec. 2420. Suspension or exclusion from practice.
Sec. 2421. Funding.
Sec. 2422. Audits.
Sec. 2423. Transfers.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 2431. Effective date.
Sec. 2432. Technical and conforming amendments.

Subtitle E—Miscellaneous Provisions

Sec. 2501. References.
Sec. 2502. Exercise of authorities.
Sec. 2503. Savings provisions.
Sec. 2504. Transfer of assets.
Sec. 2505. Delegation and assignment.
Sec. 2506. Authority of Director of the Office of Management and Budget with respect to functions transferred.
Sec. 2507. Certain vesting of functions considered transfers.
Sec. 2508. Availability of existing funds.
Sec. 2509. Definitions.

Subtitle F—Citizens Commission on 21st Century Government

Sec. 2601. Short title and purpose.
Sec. 2602. Citizens Commission on 21st Century Government.
Sec. 2603. Department and agency cooperation.
Sec. 2604. Hearings.
Sec. 2605. Commission procedures.
Sec. 2606. Framework for the Federal Government in the 21st century.
Sec. 2607. Proposal for reorganizing the executive branch.
Sec. 2608. Procedures for making recommendations.
Sec. 2609. Congressional consideration of reform proposals.
Sec. 2610. Distribution of assets.
Sec. 2611. Agency defined.

Subtitle A—Abolishment of Department of Commerce

SEC. 2101. ABOLISHMENT OF DEPARTMENT OF COMMERCE.

(a) ABOLISHMENT OF DEPARTMENT.—The Department of Commerce is abolished effective on the abolishment date specified in subsection (c).

(b) TRANSFER OF DEPARTMENT FUNCTIONS TO OMB.—Except as otherwise provided in this title, all functions that immediately before the abolishment date specified in subsection (c) are authorized to be performed by the Secretary of Commerce, any other officer or employee of the Department acting in that capacity, or any agency or office of the Department, are transferred to the Director of the Office of Management and Budget effective on that abolishment date.

(c) ABOLISHMENT DATE.—The abolishment date referred to in subsections (a) and (b) is the earlier of—

(1) the last day of the 6-month period beginning on the date of the enactment of this Act; or

(2) September 30, 1996.

SEC. 2102. RESOLUTION AND TERMINATION OF DEPARTMENT FUNCTIONS.

(a) RESOLUTION OF FUNCTIONS.—During the period beginning on the date of enactment of this Act and ending on the functions termination date specified in subsection (c)—

(1) the disposition and resolution of functions of the Department of Commerce shall be completed in accordance with this title; and

(2) the Director shall resolve all functions that are transferred to the Director under section 2101(b) and are not otherwise continued under this title.

(b) Termination of Functions.—All functions that are transferred to the Director under section 2101(b) that are not otherwise continued by this title shall terminate on the functions termination date specified in subsection (c).

(c) Functions Termination Date.—The functions termination date referred to in subsections (a) and (b) is the last day of the 3-year period beginning on the date of the enactment of this Act.

SEC. 2103. RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(a) In General.—The Director of the Office of Management and Budget shall be responsible for the implementation of this subtitle, including—

(1) the administration and wind-up, during the wind-up period, of all functions transferred to the Director under section 2101(b);

(2) the administration and wind-up, during the wind-up period, of any outstanding obligations of the Federal Government under any programs terminated by this title; and

(3) taking such other actions as may be necessary to wind-up any outstanding affairs of the Department of Commerce before the end of the wind-up period.

(b) Delegation of Functions.—The Director may delegate to any officer of the Office of Management and Budget or to any other Federal department or agency head the performance of the Director's functions under this subtitle, except the Director's planning and reporting responsibilities under section 2105, to the extent that the Director determines that such delegation would further the purposes of this subtitle.

(c) Transfer of Assets and Personnel.—In connection with any delegation of functions under subsection (b), the Director may transfer within the Office or to the department or agency concerned such assets, funds, personnel, records, and other property relating to the delegated function as the Director determines to be appropriate.

(d) Authorities of the Director.—For purposes of performing the functions of the Director under this subtitle and subject to the availability of appropriations, the Director may—

(1) enter into contracts;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(3) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

SEC. 2104. PERSONNEL.

Effective on the abolishment date specified in section 2101(c), there are transferred to the Office all individuals who—

(1) immediately before the abolishment date, were officers or employees of the Department of Commerce; and

(2) in their capacity as such an officer or employee, performed functions that are transferred to the Director under section 2101(b).

SEC. 2105. PLANS AND REPORTS.

(a) Initial Implementation Plan.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress specifying those actions taken and necessary to be taken—

(A) to resolve those programs and functions terminated on the date of enactment of this Act; and

(B) to implement the additional transfers and other program dispositions provided for in this title.

(2) Contents.—The report shall include—

(A) recommendations for additional legislation, if any, needed to reflect or otherwise to implement the abolishments, transfers, terminations, and other dispositions of programs and functions under this title; and

(B) a description of actions planned and taken to comply with limitations imposed by this Act on future spending for continued functions.

(b) Annual Status Reports.—At the end of each of the first, second, and third years following the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress which—

(1) specifies the status and progress of actions taken to implement this title and to wind-up the affairs of the Department of Commerce by the functions termination date specified in section 2102(c);

(2) includes any recommendations the Director may have for additional legislation; and

(3) describes actions taken to comply with limitations imposed by this Act on future spending for continued functions.

(c) GAO Reports.—Not later than 60 days after issuance of each report under subsections (a) and (b), the Comptroller General of the United States shall submit to the Congress a report which—

(1) evaluates the report under that subsection; and

(2) includes any recommendations the Comptroller General considers appropriate.

SEC. 2106. GAO AUDIT AND ACCESS TO RECORDS.

(a) Audit of Persons Performing Functions Pursuant to This Act.—All agencies, corporations, organizations, and other persons of any description which under the authority of the United States perform any function or activity pursuant to this title shall be subject to audit by the Comptroller General of the United States with respect to such function or activity.

(b) Audit of Persons Providing Certain Goods or Services.—All persons and organizations which, by contract, grant, or otherwise, provide goods or services to, or receive financial assistance from, any agency or other person performing functions or activities under or referred to by this title shall be subject to audit by the Comptroller General of the United States with respect to such provision of goods or services or receipt of financial assistance.

(c) Provisions Applicable to Audits Under This Section.—

(1) Nature and scope of audit.—The Comptroller General of the United States shall determine the nature, scope, terms, and conditions of audits conducted under this section.

(2) Coordination with other provisions of law.—The authority of the Comptroller General of the United States under this section shall be in addition to any audit authority available to the Comptroller General under other provisions of this title or any other law.

(3) Rights of access, examination, and copying.—The Comptroller General of the United States, and any duly authorized representative of the Comptroller General, shall have access to, and the right to examine and copy, all records and other recorded information in any form, and to examine any property within the possession or control of any agency or person which is subject to audit under this section, which the Comptroller General considers relevant to an audit conducted under this section.

(4) Enforcement of right of access.—The right of access of the Comptroller General of the United States to information under this section shall be enforceable under section 716 of title 31, United States Code.

(5) Maintenance of confidential records.—Section 716(e) of title 31, United States Code, shall apply to information obtained by the Comptroller General under this section.

SEC. 2107. CONFORMING AMENDMENTS.

(a) Presidential Succession.—Section 19(d)(1) of title 3, United States Code, is amended by striking "Secretary of Commerce,".

(b) Executive Departments.—Section 101 of title 5, United States Code, is amended by striking the following item: "The Department of Commerce.".

(c) Secretary's Compensation.—Section 5312 of title 5, United States Code, is amended by striking the following item: "Secretary of Commerce.".

(d) Compensation for Positions at Level III.—Section 5314 of title 5, United States Code, is amended—

(1) by striking the following item:

"Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration and Under Secretary of Commerce for Travel and Tourism.";

(2) by striking the following item:

"Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration."; and

(3) by striking the following item:

"Under Secretary of Commerce for Technology.".

(e) Compensation for Positions at Level IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following item:

"Assistant Secretaries of Commerce (11).";

(2) by striking the following item:

"General Counsel of the Department of Commerce.";

(3) by striking the following item:

"Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.";

(4) by striking the following item:

"Director, National Institute of Standards and Technology, Department of Commerce.";

(5) by striking the following item:

"Inspector General, Department of Commerce.";

(6) by striking the following item:

"Chief Financial Officer, Department of Commerce."; and

(7) in the item relating to the Bureau of the Census, by striking ", Department of Commerce".

(f) Compensation for Positions at Level V.—Section 5316 of title 5, United States Code, is amended—

(1) by striking the following item:

"Director, United States Travel Service, Department of Commerce."; and

(2) by striking the following item:

"National Export Expansion Coordinator, Department of Commerce.".

(g) Inspector General Act of 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 9(a)(1), by striking subparagraph (B);

(2) in section 11(1), by striking "Commerce,"; and

(3) in section 11(2), by striking "Commerce,".

(h) EFFECTIVE DATE.—The amendments made by this section shall be effective on the abolishment date specified in section 2101(c).

SEC. 2108. PRIVATIZATION FRAMEWORK.

(a) IN GENERAL.—The Office of Management and Budget shall privatize each function designated for privatization under subtitle B within 18 months of the date of the transfer of such function to the Office. The Office shall pursue such forms of privatization arrangements as the Office considers appropriate to best serve the interests of the United States. If the Office is unable to privatize a function within 18 months, the Office shall report its inability to the Congress with its recommendations as to the appropriate disposition of the function and its assets.

(b) ROLE OF THE FEDERAL GOVERNMENT.—No privatization arrangement made under subsection (a) shall include any future role for, or accountability to, the Federal Government unless it is necessary to assure the continued accomplishment of a specific Federal objective. The Federal role should be the minimum necessary to accomplish Federal objectives.

(c) ASSETS.—In privatizing a function, the Office of Management and Budget shall take any action necessary to preserve the value of the assets of a function during the period the Office holds such assets and to continue the performance of the function to the extent necessary to preserve the value of the assets or to accomplish core Federal objectives.

SEC. 2109. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY A REDUCTION IN FORCE ATTRIBUTABLE TO THIS TITLE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act

"(a)(1) For the purpose of this section, the term 'affected agency'—

"(A) except as provided in subparagraph (B), means an Executive agency to which personnel are transferred in connection with a transfer of function under the Department of Commerce Dismantling Act, and

"(B) with respect to employees of the Department of Commerce in general administration, the Inspector General's office, or the General Counsel's office, or who provided overhead support to other components of the Department on a reimbursable basis, means all agencies to which functions of those employees are transferred under the Department of Commerce Dismantling Act.

"(2) This section applies with respect to any reduction in force that—

"(A) occurs within 12 months after the date of the enactment of this section; and

"(B) is due to—

"(i) the termination of any function of the Department of Commerce; or

"(ii) the agency's having excess personnel as a result of a transfer of function described in paragraph (1), as determined by—

"(I) the Director of the Office of Management and Budget, in the case of a function transferred to the Office of Management and Budget; or

"(II) the head of the agency, in the case of any other function.

"(b) As soon as practicable after the date of the enactment of this section, each affected agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

"(1) are scheduled to be separated from service due to a reduction in force described in subsection (a)(2); or

"(2) are separated from service due to such a reduction in force.

"(c)(1) Each agencywide priority placement program shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of that agency if—

"(A) there is then available any individual described in paragraph (2) who is qualified for the position; and

"(B) the position—

"(i) is at the same grade (or pay level) or not more than 1 grade (or pay level) below that of the position last held by such individual before placement in the new position; and

"(ii) is within the same commuting area as the individual's last-held position (as referred to in clause (i)) or residence.

"(2) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this paragraph if such individual's most recent performance evaluation was at least fully successful (or the equivalent), and such individual is either—

"(A) an employee of such agency who is scheduled to be separated, as described in subsection (b)(1); or

"(B) an individual who became a former employee of such agency as a result of a separation, as described in subsection (b)(2).

"(d)(1) Nothing in this section shall affect any priority placement program of the Department of Defense which is in operation as of the date of the enactment of this section.

"(2) Nothing in this section shall impair placement programs within agencies subject to reductions in force resulting from causes other than the Department of Commerce Dismantling Act.

"(e) An individual shall cease to be eligible to participate in a program under this section on the earlier of—

"(1) the conclusion of the 12-month period beginning on the date on which that individual first became eligible to participate under subsection (c)(2); or

"(2) the date on which the individual declines a bona fide offer (or if the individual does not act on the offer, the last day for accepting such offer) from the affected agency of a position described in subsection (c)(1)(B).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended by redesignating the second section which is designated as section 3329 as section 3329a.

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to the second section which is designated as section 3329 and inserting the following:

"3329a. Government-wide list of vacant positions.

"3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act.".

SEC. 2110. FUNDING REDUCTIONS FOR TRANSFERRED FUNCTIONS.

(a) FUNDING REDUCTIONS.—Except as provided in subsection (b), the total amount obligated or expended by the United States in performing functions transferred under this title to the Director or to the Office from the Department of Commerce, or any of its officers or components, shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995.

(b) EXCEPTION.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) RULE OF CONSTRUCTION.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(1) ensure compliance with the requirements of this section; and

(2) include in each report under sections 2105(a) and (b) a description of actions taken to comply with such requirements.

SEC. 2111. DEFINITIONS.

For purposes of this subtitle, the following definitions apply:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) OFFICE.—The term "Office" means the Office of Management and Budget.

(3) WIND-UP PERIOD.—The term "wind-up period" means the period beginning on the date of the enactment of this Act and ending on the functions termination date specified in section 2102(c).

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

SEC. 2201. ABOLISHMENT OF ECONOMIC DEVELOPMENT ADMINISTRATION AND TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—The Public Works and Economic Development Act of 1965 (40 U.S.C. 3131 et seq.) is amended by striking all after the first section and inserting the following:

"SEC. 2. ADMINISTRATOR DEFINED.

"In this Act, the term 'Administrator' means the Administrator of the Small Business Administration.

"TITLE I—STATEMENT OF PURPOSE

"SEC. 101. FINDINGS AND DECLARATION.

"(a) FINDINGS.—Congress finds that—

"(1) the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment that cause hardship to many individuals and their families, and waste invaluable human resources;

"(2) to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development;

‘‘(3) Federal financial assistance, including grants for public works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies and improved local conditions, if such assistance is preceded by and consistent with sound, long-range economic planning; and

‘‘(4) under the provisions of this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

‘‘(b) DECLARATION.—Congress declares that, in furtherance of maintaining the national economy at a high level—

‘‘(1) the assistance authorized by this Act should be made available to both rural and urban areas;

‘‘(2) such assistance should be made available for planning for economic development prior to the actual occurrences of economic distress in order to avoid such condition; and

‘‘(3) such assistance should be used for long-term economic rehabilitation in areas where long-term economic deterioration has occurred or is taking place.

“TITLE II—GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES

“SEC. 201. DIRECT AND SUPPLEMENTARY GRANTS.

‘‘(a) IN GENERAL.—Upon the application of any eligible recipient, the Administrator may—

‘‘(1) make direct grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, within an area described in section 502(a), if the Administrator finds that—

‘‘(A) the project for which financial assistance is sought will directly or indirectly—

‘‘(i) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

‘‘(ii) otherwise assist in the creation of additional long-term employment opportunities for such area; or

‘‘(iii) primarily benefit the long-term unemployed and members of low-income families;

‘‘(B) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located; and

‘‘(C) the area for which a project is to be undertaken has an approved investment strategy as provided by section 503 and such project is consistent with such strategy;

‘‘(2) make supplementary grants in order to enable the States and other entities within areas described in section 502(a) to take maximum advantage of designated Federal grant-in-aid programs (as defined in subsection (c)(4)), direct grants-in-aid authorized under this section, and Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act (68 Stat. 666), and the 11 watersheds authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887), for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share.

‘‘(b) COST SHARING.—Subject to subsection (c), the amount of any direct grant under this subsection for any project shall not exceed 50 percent of the cost of such project.

‘‘(c) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

‘‘(1) AMOUNT OF SUPPLEMENTARY GRANTS.—

‘‘(A) IN GENERAL.—Except as provided by subparagraph (B), the amount of any supplementary grant under this section for any project shall not exceed the applicable percentage established by regulations promulgated by the Administrator, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 percent of such cost.

‘‘(B) EXCEPTION.—Notwithstanding subparagraph (A), in the case of an Indian tribe, a State (or a political subdivision of the State), or a community development corporation which the Administrator determines has exhausted its effective taxing and borrowing capacity, the Administrator shall reduce the non-Federal share below the percentage specified in subparagraph (A) or shall waive the non-Federal share in the case of such a grant for a project in an area described in section 502(a)(4).

‘‘(2) FORM OF SUPPLEMENTARY GRANTS.—Supplementary grants shall be made by the Administrator, in accordance with such regulations as the Administrator may prescribe, by increasing the amounts of direct grants authorized under this section or by the payment of funds appropriated under this Act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs.

‘‘(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection shall be used for the sole purpose of increasing the Federal contribution to specific projects in areas described in section 502(a) under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law.

‘‘(4) DESIGNATED FEDERAL GRANT-IN-AID PROGRAMS DEFINED.—In this subsection, the term ‘designated Federal grant-in-aid programs’ means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Administrator may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section.

‘‘(5) CONSIDERATION OF RELATIVE NEED IN DETERMINING AMOUNT.—In determining the amount of any supplementary grant available to any project under this section, the Administrator shall take into consideration the relative needs of the area and the nature of the projects to be assisted.

‘‘(d) REGULATIONS.—The Administrator shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures the Administrator shall consider among other relevant factors—

‘‘(1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment; and

‘‘(2) the income levels of families and the extent of underemployment in eligible areas.

‘‘(e) REVIEW AND COMMENT UPON PROJECTS BY LOCAL GOVERNMENTAL AUTHORITIES.—The Administrator shall prescribe regulations which will assure that appropriate local governmental authorities have been given a reasonable opportunity to review and comment upon proposed projects under this section.

“SEC. 202. CONSTRUCTION COST INCREASES.

‘‘In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has been increased because of increases in costs, the amount of such grant may be increased by an amount equal to the percentage increase, as determined by the Administrator, in such costs, but in no event shall the percentage of the Federal share of such project exceed that originally provided for in such grant.

“SEC. 203. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

‘‘In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has decreased because of decreases in costs, such underrun funds may be used to improve the project either directly or indirectly as determined by the Administrator.

“SEC. 204. CHANGED PROJECT CIRCUMSTANCES.

‘‘In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the purpose or scope of such project based upon the designs and specifications which were the basis of the grant has changed, the Administrator may approve the use of grant funds on such changed project if the Administrator determines that such changed project meets the requirements of this title and that such changes are necessary to enhance economic development in the area.

“TITLE III—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE

“SEC. 301. STATEMENT OF PURPOSE.

‘‘The purpose of this title to provide special economic development and adjustment assistance programs to help State and local areas meet special needs arising from actual or threatened severe unemployment arising from economic dislocation (including unemployment arising from actions of the Federal Government, from defense base closures and realignments, and from compliance with environmental requirements which remove economic activities from a locality) and economic adjustment problems resulting from severe changes in economic conditions (including long-term economic deterioration), and to encourage cooperative intergovernmental action to prevent or solve economic adjustment problems. Nothing in this title is intended to replace the efforts of the economic adjustment program of the Department of Defense.

“SEC. 302. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE.

‘‘(a) IN GENERAL.—The Administrator is authorized to make grants directly to any eligible recipient in an area which the Administrator determines, in accordance with criteria to be established by the Administrator by regulation—

‘‘(1) has experienced, or may reasonably be foreseen to be about to experience, a special need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government); or

"(2) has demonstrated long-term economic deterioration.

"(b) PURPOSES.—Amounts from grants under subsection (a) shall be used by an eligible recipient to carry out or develop an investment strategy which—

"(1) meets the requirements of section 503; and

"(2) is approved by the Administrator.

"(c) TYPES OF ASSISTANCE.—In carrying out an investment strategy using amounts from grants under subsection (a), an eligible recipient may provide assistance for any of the following:

"(1) Public facilities.

"(2) Public services.

"(3) Business development.

"(4) Planning.

"(5) Research and technical assistance.

"(6) Administrative expenses.

"(7) Training.

"(8) Relocation of individuals and businesses.

"(9) Other assistance which demonstrably furthers the economic adjustment objectives of this title.

"(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—Amounts from grants under subsection (a) may be used in direct expenditures by the eligible recipient or through redistribution by the eligible recipient to public and private entities in grants, loans, loan guarantees, payments to reduce interest on loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profit-making entity.

"(e) COORDINATION.—The Administrator to the extent practicable shall coordinate the activities relating to the requirements for investment strategies and making grants and loans under this title with other Federal programs, States, economic development districts, and other appropriate planning and development organizations.

"(f) BASE CLOSINGS AND REALIGNMENTS.—

"(1) LOCATION OF PROJECTS.—In any case in which the Administrator determines a need for assistance under subsection (a) due to the closure or realignment of a military installation, the Administrator may make such assistance available for projects to be carried out on the military installation and for projects to be carried out in communities adversely affected by the closure or realignment.

"(2) INTEREST IN PROPERTY.—Notwithstanding any other provision of law, the Administrator may provide to an eligible recipient any assistance available under this Act for a project to be carried out on a military installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

"SEC. 303. ANNUAL REPORTS BY RECIPIENT.

"Each eligible recipient which receives assistance under this title from the Administrator shall annually during the period such assistance continue to make a full and complete report to the Administrator, in such manner as the Administrator shall prescribe, and such report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need it was designed to alleviate and the purposes of this title.

"SEC. 304. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

"Any loan, loan guarantee, equity, or other financial instrument in the portfolio of a revolving loan fund, including any financial instrument made available using amounts from a grant made before the effective date specified in section 802, may be sold, encumbered, or pledged at the discretion of the grantee of the Fund, to a third party provided that the net proceeds of the transaction—

"(1) shall be deposited into the Fund and may only be used for activities which are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

"SEC. 305. TREATMENT OF REVOLVING LOAN FUNDS.

"(a) IN GENERAL.—Amounts from grants made under this title which are used by an eligible recipient to establish a revolving loan fund shall not be treated, except as provided by subsection (b), as amounts derived from Federal funds for the purposes of any Federal law after such amounts are loaned from the fund to a borrower and repaid to the fund.

"(b) EXCEPTIONS.—Amounts described in subsection (a) which are loaned from a revolving loan fund to a borrower and repaid to the fund—

"(1) may only be used for activities which are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

"(c) REGULATIONS.—Not later than 30 days after the effective date specified in section 802, the Administrator shall issue regulations to carry out subsection (a).

"(d) PUBLIC REVIEW AND COMMENT.—Before issuing any final guidelines or administrative manuals governing the operation of revolving loan funds established using amounts from grants under this title, the Administrator shall provide reasonable opportunity for public review of and comment on such guidelines and administrative manuals.

"(e) APPLICABILITY TO PAST GRANTS.—The requirements of this section applicable to amounts from grants made under this title shall also apply to amounts from grants made, before the effective date specified in section 802, under title I of this Act, as in effect on the day before such effective date.

"TITLE IV—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

"SEC. 401. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—In carrying out its duties under this Act, the Administrator may provide technical assistance which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment to areas which the Administrator finds have substantial need for such assistance. Such assistance shall include project planning and feasibility studies, management and operational assistance, establishment of business outreach centers, and studies evaluating the needs of, and development potentialities for, economic growth of such areas.

"(b) PROCEDURES AND TERMS.—

"(1) MANNER OF PROVIDING ASSISTANCE.—Assistance may be provided by the Administrator through—

"(A) members of the Administrator's staff;

"(B) the payment of funds authorized for this section to departments or agencies of the Federal Government;

"(C) the employment of private individuals, partnerships, firms, corporations, or suitable institutions under contracts entered into for such purposes; or

"(D) grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations.

"(2) REPAYMENT TERMS.—The Administrator, in the Administrator's discretion, may require the repayment of assistance provided under this subsection and prescribe the terms and conditions of such repayment.

"(c) GRANTS COVERING ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Administrator may make grants to defray not to exceed 50 percent of the administrative expenses of organizations which the Administrator determines to be qualified to receive grants-in-aid under subsections (a) and (b); except that in the case of a grant under this subsection to an Indian tribe, the Administrator is authorized to defray up to 100 percent of such expenses.

"(2) DETERMINATION OF NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of such costs or expenses, the Administrator shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including contributions of space, equipment, and services.

"(3) USE OF GRANTS WITH PLANNING GRANTS.—Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants to assure adequate and effective planning and economical use of funds.

"(d) AVAILABILITY OF TECHNICAL INFORMATION; FEDERAL PROCUREMENT.—The Administrator shall aid areas described in section 502(a) and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas. The Administrator may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas described in section 502(a) and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

"SEC. 402. ECONOMIC DEVELOPMENT PLANNING.

"(a) DIRECT GRANTS.—

"(1) IN GENERAL.—The Administrator may make, upon application of any State, or city, or other political subdivision of a State, or sub-State planning and development organization (including an area described in section 502(a) or an economic development district), direct grants to such State, city, or other political subdivision, or organization to pay up to 50 percent of the cost for economic development planning.

"(2) PLANNING PROJECTS SPECIFICALLY INCLUDED.—The planning for cities, other political subdivisions, and sub-State planning and development organizations (including areas described in section 502(a) and economic development districts) assisted under this section shall include systematic efforts to reduce unemployment and increase incomes.

"(3) PLANNING PROCESS.—The planning shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program.

"(4) COORDINATION OF ASSISTANCE UNDER SECTION 401(c).—The assistance available under this section may be provided in addition to assistance available under section 401(c) but shall not supplant such assistance.

"(b) COMPLIANCE WITH REVIEW PROCEDURE.—The planning assistance authorized under this title shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds.

"TITLE V—ELIGIBILITY AND INVESTMENT STRATEGIES

"PART A—ELIGIBILITY

"SEC. 501. ELIGIBLE RECIPIENT DEFINED.

"In this Act, the term 'eligible recipient' means an area described in section 502(a), an economic development district designated under section 510, an Indian tribe, a State, a city or other political subdivision of a State, or a consortium of such political subdivisions, or a public or private nonprofit organization or association acting in cooperation with officials of such political subdivisions.

"SEC. 502. AREA ELIGIBILITY.

"(a) CERTIFICATION.—In order to be eligible for assistance under title II, an applicant seeking assistance to undertake a project in an area shall certify, as part of an application for such assistance, that the area on the date of submission of such application meets 1 or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available.

"(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(4) The area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) which the Administrator determines has one or more of the following conditions:

"(A) A large concentration of low-income persons.

"(B) Rural areas having substantial outmigration.

"(C) Substantial unemployment.

"(b) DOCUMENTATION.—A certification made under subsection (a) shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Administrator unless it is determined to be inaccurate. The most recent statistics available shall be used.

"(c) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date specified in section 802 shall not be effective after such effective date.

"SEC. 503. INVESTMENT STRATEGY.

"The Administrator may provide assistance under titles II and III to an applicant for a project only if the applicant submits to the Administrator, as part of an application for such assistance, and the Administrator approves an investment strategy which—

"(1) identifies the economic development problems to be addressed using such assistance;

"(2) identifies past, present, and projected future economic development investments in the area receiving such assistance and public and private participants and sources of funding for such investments;

"(3) sets forth a strategy for addressing the economic problems identified pursuant to paragraph (1) and describes how the strategy will solve such problems;

"(4) provides a description of the project necessary to implement the strategy, estimates of costs, and timetables; and

"(5) provides a summary of public and private resources expected to be available for the project.

"SEC. 504. APPROVAL OF PROJECTS.

"Only applications for grants or other assistance under this Act for specific projects shall be approved which are certified by the State representing such applicant and determined by the Administrator—

"(1) to be included in a State investment strategy;

"(2) to have adequate assurance that the project will be properly administered, operated, and maintained; and

"(3) to otherwise meet the requirements for assistance under this Act.

"PART B—ECONOMIC DEVELOPMENT DISTRICTS

"SEC. 510. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS AND ECONOMIC DEVELOPMENT CENTERS.

"(a) IN GENERAL.—In order that economic development projects of broader geographic significance may be planned and carried out, the Administrator may—

"(1) designate appropriate 'economic development districts' within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

"(A) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 502(a);

"(B) the proposed district contains at least 1 area described in section 502(a);

"(C) the proposed district contains 1 or more areas described in section 502(a) or economic development centers identified in an approved district investment strategy as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the areas described in section 502(a) within the district; and

"(D) the proposed district has a district investment strategy which includes adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Administrator;

"(2) designate as 'economic development centers', in accordance with such regulations as the Administrator shall prescribe, such areas as the Administrator may deem appropriate, if—

"(A) the proposed center has been identified and included in an approved district investment strategy and recommended by the State or States affected for such special designation;

"(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the areas described in section 502(a) of the district; and

"(C) the proposed center does not have a population in excess of 250,000 according to the most recent Federal census.

"(3) provide financial assistance in accordance with the criteria of this Act, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2), if—

"(A) the project will further the objectives of the investment strategy of the district in which it is to be located;

"(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

"(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district;

"(4) subject to the 50 percent non-Federal share required for any project by section 201(c), increase the amount of grant assistance authorized by section 201 for projects within areas described in section 502(a), by an amount not to exceed 10 percent of the aggregate cost of any such project, in accordance with such regulations as the Administrator shall prescribe if—

"(A) the area described in section 502(a) is situated within a designated economic development district and is actively participating in the economic development activities of the district; and

"(B) the project is consistent with an approved investment strategy.

"(b) AUTHORITIES.—In designating economic development districts and approving district investment strategies under subsection (a), the Administrator may, under regulations prescribed by the Administrator—

"(1) invite the several States to draw up proposed district boundaries and to identify potential economic development centers;

"(2) cooperate with the several States—

"(A) in sponsoring and assisting district economic planning and development groups; and

"(B) in assisting such district groups to formulate district investment strategies; and

"(3) encourage participation by appropriate local governmental authorities in such economic development districts.

"(c) TERMINATION OR MODIFICATION OF DESIGNATIONS.—The Administrator shall by regulation prescribe standards for the termination or modification of economic development districts and economic development centers designated under the authority of this section.

"(d) DEFINITIONS.—In this Act, the following definitions apply:

"(1) ECONOMIC DEVELOPMENT DISTRICT.—The term 'economic development district' refers to any area within the United States composed of cooperating areas described in section 502(a) and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Administrator as an economic development district. Such term includes any economic development district designated under section 403 of this Act, as in effect on the day before the effective date specified in section 802.

"(2) ECONOMIC DEVELOPMENT CENTER.—The term 'economic development center' refers to any area within the United States which has been identified as an economic development center in an approved investment strategy and which has been designated by the Administrator as eligible for financial assistance under this Act in accordance with the provisions of this section.

"(3) LOCAL GOVERNMENT.—The term 'local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(e) PARTS OF ECONOMIC DEVELOPMENT DISTRICTS NOT WITHIN AREAS DESCRIBED IN SECTION 502(a).—The Administrator is authorized to provide the financial assistance which is available to an area described in section 502(a) under this Act to those parts of an economic development district which are not within an area described in section 502(a), when such assistance will be of a substantial direct benefit to an area described in section 502(a) within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for an area described in section 502(a); except that nothing in this subsection shall be construed to permit such parts to receive the increase in the amount of grant assistance authorized in subsection (a)(4).

"TITLE VI—ADMINISTRATION

"SEC. 601. APPOINTMENT OF ASSOCIATE ADMINISTRATOR; FULL TIME EQUIVALENT EMPLOYEES.

"(a) APPOINTMENT.—The Administrator shall carry out the duties vested in the Administrator by this Act acting through an Associate Administrator of the Small Business Administration, who shall be appointed by the President by and with the advice and consent of the Senate.

"(b) PAY.—The Associate Administrator shall be compensated by the Federal Government at the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(c) FULL TIME EQUIVALENT EMPLOYEES.—The Administrator shall assign not to exceed 25 full time equivalent employees of the Small Business Administration (excluding the Associate Administrator) to assist the Administrator in the carrying out the duties vested in the Administrator by this Act.

"SEC. 602. REGIONAL COOPERATIVE AGREEMENTS.

"(a) IN GENERAL.—The Administrator shall make grants and carry out such other functions under this Act as the Administrator considers appropriate by entering into cooperative agreements with 1 or more States on a regional basis. Each State entering into such an agreement shall be represented by the chief executive officer of the State.

"(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall include such terms and conditions as the Administrator determines are necessary to carry out the provisions of this Act. Such terms and conditions at a minimum shall provide that no decision concerning regional policies or approval of project or grant applications may be made without the consent of the Administrator and a majority of the States participating in the cooperative agreement.

"(c) PARTICIPATION NOT REQUIRED.—No State shall be required to enter into a cooperative agreement under this section or to participate in any program established by this Act.

"SEC. 603. ADMINISTRATIVE EXPENSES.

"(a) PAYMENT BY STATES.—Fifty percent of the administrative expenses incurred by States in participating in a cooperative agreement entered into under section 602 shall be paid by such States and the remaining 50 percent of such expenses shall be paid by the Federal Government.

"(b) DETERMINATION OF STATE SHARE.—The share of the administrative expenses to be paid by each State participating in a cooperative agreement shall be determined by a majority vote of such States. The Administrator may not participate or vote in such determination.

"(c) DELINQUENT PAYMENTS.—No assistance authorized by this Act shall be furnished to any State or to any political subdivision or resident of a State, nor shall the State participate or vote in any decision described in section 602(b), while such State is delinquent in the payment of such State's share of the administrative expenses described in subsection (a).

"SEC. 604. FEDERAL SHARE.

"Except as otherwise expressly provided by this Act, the Federal share of the cost of any project funded with amounts made available under this Act shall not exceed 50 percent of such cost.

"SEC. 605. COOPERATION OF FEDERAL AGENCIES.

"Each Federal department and agency, in accordance with applicable laws and within the limits of available funds, shall cooperate with the Administrator in order to assist the Administrator in carrying out the functions of the Administrator.

"SEC. 606. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

"(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Administrator is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

"(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Administrator may make provisions for such consultation with interested departments and agencies as the Administrator may deem appropriate in the performance of the functions vested in the Administrator by this Act.

"SEC. 607. ADMINISTRATION, OPERATION, AND MAINTENANCE.

"No Federal assistance shall be approved under this Act unless the Administrator is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"TITLE VII—MISCELLANEOUS

"SEC. 701. POWERS OF ADMINISTRATOR.

"(a) IN GENERAL.—In performing the Administrator's duties under this Act, the Administrator is authorized to—

"(1) adopt, alter, and use a seal, which shall be judicially noticed;

"(2) subject to the civil-service and classification laws, select, employ, appoint, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

"(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Administrator may deem advisable;

"(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Administrator;

"(5) under regulations prescribed by the Administrator, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Administrator's discretion and upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Administrator in connection with assistance extended under this Act, and collect or compromise all obligations assigned to or held by the Administrator in connection with such assistance until such time as such obligations may be referred to the Attorney General for suit or collection;

"(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any real or personal property conveyed to, or otherwise acquired by the Administrator in connection with assistance extended under this Act;

"(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to the Administrator in connection with assistance extended this Act;

"(8) acquire, in any lawful manner and in accordance with the requirements of the Federal Property and Administrative Services Act of 1949, any property (real, personal, or mixed, tangible or intangible), whenever necessary or appropriate to the conduct of the activities authorized under this Act;

"(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Administrator, take any action, including the procurement of the services of attorneys by contract, determined by the Administrator to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance extended under this Act;

"(10) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

"(11) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Administrator or the Administrator's property;

"(12) make discretionary grants, pursuant to authorities otherwise available to the Administrator under this Act and without regard to the requirements of section 504, to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in a region from the funds withheld from distribution by the Administrator; except that the aggregate amount of such discretionary grants in any fiscal year may not exceed 10 percent of the amounts appropriated under title VIII for such fiscal year;

"(13) allow a State to use not to exceed 5 percent of the total of amounts received by the State in a fiscal year in grants under this Act for reasonable expenses incurred by the State in administering such amounts; and

"(14) establish such rules, regulations, and procedures as the Administrator considers appropriate in carrying out the provisions of this Act.

"(b) DEFICIENCY JUDGMENTS.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Administrator.

"(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—Section 3709 of the Revised Statutes of the United States shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Administrator as a result of assistance extended under this Act if the premium for the insurance or the amount of the insurance does not exceed $1,000.

"(d) POWERS OF CONVEYANCE AND EXECUTION.—The power to convey and to execute, in the name of the Administrator, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Administrator pursuant to the provisions of this Act may be exercised by the Administrator, or by any officer or agent appointed by the Administrator for such purpose, without the execution of any express delegation of power or power of attorney.

"SEC. 702. ESTABLISHMENT OF CLEARINGHOUSE.

"In carrying out the Administrator's duties under this Act, the Administrator shall ensure that the Small Business Administration—

"(1) serves as a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States; and

"(2) helps potential and actual applicants for economic development, economic adjustment, disaster recovery, and defense conversion assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance.

"SEC. 703. PERFORMANCE MEASURES.

"The Administrator shall establish performance measures for grants and other assistance provided under this Act. Such performance measures shall be used to evaluate project proposals and conduct evaluations of projects receiving such assistance.

"SEC. 704. MAINTENANCE OF STANDARDS.

"The Administrator shall continue to implement and enforce the provisions of section 712 of this Act, as in effect on the day before the effective date specified in section 802.

"SEC. 705. TRANSFER OF FUNCTIONS.

"The functions, powers, duties, and authorities and the assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records which are vested in or authorized to be transferred to the Secretary of the Treasury under section 29(b) of the Area Redevelopment Act, and all functions, powers, duties, and authorities under section 29(c) of such Act are hereby vested in the Administrator.

"SEC. 706. DEFINITION OF STATE.

"In this Act, the terms 'State', 'States', and 'United States' include the several States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Marshall Islands, Micronesia, and the Northern Mariana Islands.

"SEC. 707. ANNUAL REPORT TO CONGRESS.

"The Administrator shall transmit to Congress a comprehensive and detailed annual report of the Administrator's operations under this Act for each fiscal year beginning with the fiscal year ending September 30, 1996. Such report shall be printed and shall be transmitted to Congress not later than April 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 708. USE OF OTHER FACILITIES.

"(a) DELEGATION OF FUNCTIONS TO OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Administrator may delegate to the heads of other departments and agencies of the Federal Government any of the Administrator's functions, powers, and duties under this Act as the Administrator may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) DEPARTMENT AND AGENCY EXECUTION OF DELEGATED AUTHORITY.—Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act.

"(c) TRANSFER BETWEEN DEPARTMENTS.—Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

"(d) FUNDS TRANSFERRED FROM OTHER DEPARTMENTS AND AGENCIES.—In order to carry out the objectives of this Act, the Administrator may accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Such transferred funds shall remain available until expended, and may be transferred to and merged with the appropriations under the heading 'salaries and expenses' by the Administrator to the extent necessary to administer the program.

"SEC. 709. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

"No financial assistance shall be extended by the Administrator under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise—

"(1) certify to the Administrator the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Administrator for assistance of any sort, under this Act, and the fees paid or to be paid to any such person; and

"(2) execute an agreement binding such business enterprise, for a period of 2 years after such assistance is rendered by the Administrator to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within the 1-year period ending on such date, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which the Administrator determines involves discretion with respect to the granting of assistance under this Act.

"SEC. 710. MAINTENANCE OF RECORDS OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE; PUBLIC INSPECTION.

"(a) MAINTENANCE OF RECORD REQUIRED.—The Administrator shall maintain as a permanent part of the records of the Small Business Administration a list of applications approved for financial assistance under this Act, which shall be kept available for public inspection during the regular business hours of the Small Business Administration.

"(b) POSTING TO LIST.—The following information shall be posted in such list as soon as each application is approved:

"(1) The name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof.

"(2) The amount and duration of the financial assistance for which application is made.

"(3) The purposes for which the proceeds of the financial assistance are to be used.

"SEC. 711. RECORDS AND AUDIT.

"(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"SEC. 712. PROHIBITION AGAINST A STATUTORY CONSTRUCTION WHICH MIGHT CAUSE DIMINUTION IN OTHER FEDERAL ASSISTANCE.

"All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision of this Act shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

"SEC. 713. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

"The Administrator may accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

"TITLE VIII—FUNDING; EFFECTIVE DATE

"SEC. 801. AUTHORIZATION OF APPROPRIATIONS

"There is authorized to be appropriated to carry out this Act $340,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000. Such sums shall remain available until expended.

"SEC. 802. EFFECTIVE DATE.

"The effective date specified in this section is the abolishment date specified in section 2101(c) of the Department of Commerce Dismantling Act.".

(b) CONFORMING AMENDMENTS TO TITLE 5.—Section 5316 of title 5, United States Code, is amended—

(1) by striking "Associate Administrators of the Small Business Administration (4)" and inserting "Associate Administrators of the Small Business Administration (5)"; and

(2) by striking "Administrator for Economic Development.".

(c) GAO STUDY.—On or before December 30, 1996, the Comptroller General shall submit to Congress a plan or plans for consolidating economic development programs throughout the Federal Government. The plan or plans shall focus on, but not be limited to, consolidating programs included in the Catalogue of

Federal Domestic Assistance with similar purposes and target populations. The plan or plans shall detail how consolidation can lead to improved grant or program management, improvements in achieving program goals, and reduced costs.

SEC. 2202. TECHNOLOGY ADMINISTRATION.

(a) TECHNOLOGY ADMINISTRATION.—

(1) GENERAL RULE.—Except as otherwise provided in this section, the Technology Administration is terminated.

(2) OFFICE OF TECHNOLOGY POLICY.—The Office of Technology Policy is terminated.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) REDESIGNATION.—The National Institute of Standards and Technology is hereby redesignated as the National Bureau of Standards, and all references to the National Institute of Standards and Technology in Federal law or regulations are deemed to be references to the National Bureau of Standards.

(2) GENERAL RULE.—The National Bureau of Standards (in this subsection referred to as the "Bureau") is transferred to the National Scientific, Oceanic, and Atmospheric Administration, established under section 2206.

(3) FUNCTIONS OF DIRECTOR.—Except as otherwise provided in this section or section 2207, upon the transfer under paragraph (2), the Director of the Bureau shall perform all functions relating to the Bureau that, immediately before the effective date specified in section 2208(a), were functions of the Secretary of Commerce or the Under Secretary of Commerce for Technology.

(c) NATIONAL TECHNICAL INFORMATION SERVICE.—

(1) PRIVATIZATION.—All functions of the National Technical Information Service are transferred to the Director of Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the National Technical Information Service shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) GOVERNMENT CORPORATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the Director of the Office of Management and Budget shall, within 6 months after the end of such period, submit to Congress a proposal for legislation to establish the National Technical Information Service as a wholly owned Government corporation. The proposal should provide for the corporation to perform substantially the same functions that, as of the date of enactment of this Act, are performed by the National Technical Information Service.

(4) FUNDING.—No funds are authorized to be appropriated for the National Technical Information Service or any successor corporation established pursuant to a proposal under paragraph (3).

(d) AMENDMENTS.—

(1) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(A) in section 2(b), by striking paragraph (1) and redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively;

(B) in section 2(d), by striking ", including the programs established under sections 25, 26, and 28 of this Act";

(C) in section 10, by striking "Advanced" in both the section heading and subsection (a), and inserting in lieu thereof "Standards and"; and

(D) by striking sections 24, 25, 26, and 28.

(2) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(A) in section 3, by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(B) in section 4, by striking paragraphs (1), (4), and (13) and redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (10), respectively;

(C) by striking sections 5, 6, 7, 8, 9, and 10;

(D) in section 11—

(i) by striking ", the Federal Laboratory Consortium for Technology Transfer," in subsection (c)(3);

(ii) by striking "and the Federal Laboratory Consortium for Technology Transfer" in subsection (d)(2);

(iii) by striking ", and refer such requests" and all that follows through "available to the Service" in subsection (d)(3); and

(iv) by striking subsection (e); and

(E) in section 17—

(i) by striking "Subject to paragraph (2), separate" in subsection (c)(1) and inserting in lieu thereof "Separate";

(ii) by striking paragraph (2) of subsection (c) and redesignating paragraph (3) as paragraph (2);

(iii) by striking "funds to carry out" in subsection (f), and inserting in lieu thereof "funds only to pay the salary of the Director of the Office of Quality Programs, who shall be responsible for carrying out"; and

(iv) by adding at the end the following new subsection:

"(h) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director of the Office of Quality Programs may accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.".

(3) MISCELLANEOUS AMENDMENTS.—Section 3 of Public Law 94-168 (15 U.S.C. 205b) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3), as so redesignated by subparagraph (B) of this paragraph, by striking "in nonbusiness activities".

SEC. 2203. REORGANIZATION OF THE BUREAU OF THE CENSUS AND THE BUREAU OF ECONOMIC ANALYSIS.

(a) TRANSFER OF FUNCTIONS.—All functions of the Secretary of Commerce relating to the Bureau of the Census and the Bureau of Economic Analysis of the Department of Commerce are transferred to the Secretary of Labor.

(b) TRANSFER OF BUREAUS.—The Bureau of the Census and Bureau of Economic Analysis of the Department of Commerce are transferred to the Department of Labor.

(c) CONSOLIDATION WITH THE BUREAU OF LABOR STATISTICS.—The Secretary of Labor shall consolidate the Bureaus transferred under subsection (b) with the Bureau of Labor Statistics within the Department of Labor.

(d) REFERENCES TO SECRETARY.—Section 1(2) of the title 13, United States Code, is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Labor".

(e) REFERENCES TO DEPARTMENT.—Section 2 of title 13, United States Code, is amended by striking out "Department of Commerce" and inserting in lieu thereof "Department of Labor".

(f) GENERAL REFERENCES TO SECRETARY AND DEPARTMENT.—The provisions of title 13, United States Code, are further amended—

(1) by striking out "Secretary of Commerce" each place such term appears and insert in lieu thereof "Secretary of Labor"; and

(2) by striking out "Department of Commerce" each place such term appears and inserting in lieu thereof "Department of Labor".

(g) SUBMISSION OF PLAN.—Within 180 days after the date of enactment of this Act, the President shall transmit to the Congress—

(1) a determination of the feasibility and potential savings resulting from the further consolidation of statistical functions throughout the Government into a single agency; and

(2) draft legislation under which the provisions of title 13, United States Code, relating to confidentiality (including offenses and penalties) shall be applied after the consolidation under subsection (c) has been effected.

(h) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Bureau of the Census or the agency established as a result of the consolidation under subsection (c) should—

(1) make appropriate use of any authority afforded to it by the Census Address List Improvement Act of 1994 (Public Law 103-430; 108 Stat. 4393), and take measures to ensure the timely implementation of such Act; and

(2) streamline census questionnaires to promote savings in the collection and tabulation of data.

SEC. 2204. TERMINATED FUNCTIONS OF NTIA.

(a) REPEALS.—The following provisions of law are repealed:

(1) Subpart A of part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.), relating to assistance for public telecommunications facilities.

(2) Subpart B of part IV of title III of the Communications Act of 1934 (47 U.S.C. 394 et seq.), relating to the Endowment for Children's Educational Television.

(3) Subpart C of part IV of title III of the Communications Act of 1934 (47 U.S.C. 395 et seq.), relating to Telecommunications Demonstration grants.

(b) DISPOSAL OF NTIA LABORATORIES.—

(1) PRIVATIZATION.—All laboratories of the National Telecommunications and Information Administration are transferred to the Director of the Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the laboratories of the National Telecommunications and Information Administration under paragraph (1) has not been made before the end of the period described in that paragraph, the laboratories of the National Telecommunications and Information Administration shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) TRANSFER OF FUNCTIONS.—The functions of the National Telecommunications and Information Administration concerning research and analysis of the electromagnetic spectrum described in section 5112(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 1532) are transferred to the Director of the National Bureau of Standards.

(c) TRANSFER OF NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FUNCTIONS.—

(1) TRANSFER TO USTR.—Except as provided in subsection (b)(2), the functions of the National Telecommunications and Information Administration, and of the Secretary of Commerce and the Assistant Secretary for Communications and Information of the Department of Commerce with respect to the National Telecommunications and Information Administration, are transferred to the United States Trade Representative. The functions transferred by this paragraph shall be placed in an organizational component that is independent from all USTR functions directly related to the negotiation of trade agreements. Such functions shall be supervised by an individual whose principal professional expertise is in the area of telecommunications. The position to which such individual is appointed shall be graded at a level sufficiently high to attract a highly qualified individual, while ensuring autonomy in the conduct of such functions from all activities and influences associated with trade negotiations.

(2) REFERENCES.—References in any provision of law (including the National Telecommunications and Information Administration Organization Act) to the Secretary of Commerce or the Assistant Secretary for Communications and Information of the Department of Commerce—

(A) with respect to a function vested pursuant to this section in the United States Trade Representative shall be deemed to refer to the United States Trade Representative; and

(B) with respect to a function vested pursuant to this section in the Director of the National Bureau of Standards shall be deemed to refer to the Director of the National Bureau of Standards.

(3) TERMINATION OF NTIA.—Effective on the abolishment date specified in section 2101(c), the National Telecommunications and Information Administration is abolished.

SEC. 2205. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) TERMINATION OF MISCELLANEOUS RESEARCH PROGRAMS AND ACCOUNTS.—

(1) IN GENERAL.—No funds may be appropriated in any fiscal year for the following programs and accounts of the National Scientific, Oceanic, and Atmospheric Administration:

(A) The National Undersea Research Program.

(B) The Fleet Modernization Program.

(C) The Charleston, South Carolina, Special Management Plan.

(D) Chesapeake Bay Observation Buoys (as of September 30, 1996).

(E) Federal/State Weather Modification Grants.

(F) The Southeast Storm Research Account.

(G) The Southeast United States Caribbean Fisheries Oceanographic Coordinated Investigations Program.

(H) National Institute for Environmental Renewal.

(I) The Lake Champlain Study.

(J) The Maine Marine Research Center.

(K) The South Carolina Cooperative Geodetic Survey Account.

(L) Pacific Island Technical Assistance.

(M) Sea Grant Oyster Disease Account.

(N) Sea Grant Zebra Mussel Account.

(O) VENTS program.

(P) National Weather Service non-Federal, non-wildfire Weather Service.

(Q) National Weather Service Regional Climate Centers.

(R) National Weather Service Samoa Weather Forecast Office Repair and Upgrade Account.

(S) Dissemination of Weather Charts (Marine Facsimile Service).

(T) The Climate and Global Change Account.

(U) The Global Learning and Observations to Benefit the Environment Program.

(V) Great Lakes nearshore research.

(W) Mussel watch.

(2) REPEALS.—The following provisions of law are repealed:

(A) The Ocean Thermal Conversion Act of 1980 (42 U.S.C. 9101 et seq.).

(B) Title IV of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447 et seq.).

(C) Title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.).

(D) The Great Lakes Shoreline Mapping Act of 1987 (33 U.S.C. 883a note).

(E) The Great Lakes Fish and Wildlife Tissue Bank Act (16 U.S.C. 943 et seq.).

(F) The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), except for those provisions affecting the Assistant Secretary of the Army (civil works) and the Secretary of the department in which the Coast Guard is operating.

(G) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a).

(H) Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)).

(I) Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is repealed effective October 1, 1998.

(J) The NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.).

(K) Public Law 85–342 (72 Stat. 35; 16 U.S.C. 778 et seq.), relating to fish research and experimentation.

(L) The first section of the Act of August 8, 1956 (70 Stat. 1126; 16 U.S.C. 760d), relating to grants for commercial fishing education.

(M) Public Law 86–359 (16 U.S.C. 760e et seq.), relating to the study of migratory marine gamefish.

(N) The Act of August 15, 1914 (Chapter 253; 38 Stat. 692; 16 U.S.C. 781 et seq.), prohibiting the taking of sponges in the Gulf of Mexico and the Straits of Florida.

(b) AERONAUTICAL MAPPING AND CHARTING.—

(1) IN GENERAL.—The aeronautical mapping and charting functions of the National Oceanic and Atmospheric Administration are transferred to the Defense Mapping Agency.

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Defense Mapping Agency shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(3) FUNCTIONS REQUESTED BY FEDERAL AVIATION ADMINISTRATION.—(A) Notwithstanding paragraph (2), the Director of the Defense Mapping Agency shall carry out such aeronautical charting functions as may be requested by the Administrator of the Federal Aviation Administration.

(B) In carrying out aeronautical mapping functions requested by the Administrator under subparagraph (A), the Director shall—

(i) publish and distribute to the public and to the Administrator any aeronautical charts requested by the Administrator; and

(ii) provide to the Administrator such other air traffic control products and services as may be requested by the Administrator,

in such manner and including such information as the Administrator determines is necessary for, or will promote, the safe and efficient movement of aircraft in air commerce.

(4) CONTINUING APPLICABILITY.—The requirements of section 1307 of title 44, United States Code, shall continue to apply with respect to all aeronautical products created or published by the Director of the Defense Mapping Agency in carrying out the functions transferred to the Director under this paragraph; except that the prices for such products shall be established jointly by the Director and the Secretary of Transportation on an annual basis.

(c) TRANSFER OF MAPPING, CHARTING, AND GEODESY FUNCTIONS TO THE UNITED STATES GEOLOGICAL SURVEY.—

(1) IN GENERAL.—Except as provided in subsection (b), there are hereby transferred to the Director of the United States Geological Survey the functions relating to mapping, charting, and geodesy authorized under the Act of August 7, 1947 (61 Stat. 787; 33 U.S.C. 883a).

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Director of the United States Geological Survey shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(d) NESDIS.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Environmental Satellite, Data, and Information System.

(e) OAR.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration (including global programs) that on the date immediately before the effective date of this section were authorized to be performed by the Office of Oceanic and Atmospheric Research.

(f) NWS.—

(1) IN GENERAL.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Weather Service.

(2) DUTIES.—To protect life and property and enhance the national economy, the Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, except as outlined in paragraph (3), shall be responsible for the following:

(A) Forecasts. The Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, shall serve as the sole official source of severe weather warnings.

(B) Issuance of storm warnings.

(C) The collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information.

(D) The preparation of hydro-meteorological guidance and core forecast information.

(3) LIMITATIONS ON COMPETITION.—The National Weather Service may not compete, or

assist other entities to compete, with the private sector to provide a service when that service is currently provided or can be provided by a commercial enterprise unless—

(A) the Administrator of Science, Oceans, and the Atmosphere finds that the private sector is unwilling or unable to provide the service; or

(B) the Administrator of Science, Oceans, and the Atmosphere finds that the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(4) ORGANIC ACT AMENDMENTS.—

(A) AMENDMENTS.—The Act of 1890 is amended—

(i) by striking section 3 (15 U.S.C. 313); and

(ii) in section 9 (15 U.S.C. 317), by striking "Department of" and all that follows thereafter and inserting "National Scientific, Oceanic, and Atmospheric Administration.".

(B) DEFINITION.—For purposes of this paragraph, the term "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653).

(5) REPEAL.—Sections 706 and 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) are repealed.

(6) CONFORMING AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(A) in section 702, by striking paragraph (3) and redesignating paragraphs (4) through (10) as paragraphs (3) through (9), respectively; and

(B) in section 703—

(i) by striking "(a) NATIONAL IMPLEMENTATION PLAN.—";

(ii) by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(iii) by striking subsections (b) and (c).

(g) TERMINATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CORPS OF COMMISSIONED OFFICERS.—

(1) NUMBER OF OFFICERS.—Notwithstanding section 8 of the Act of June 3, 1948 (33 U.S.C. 853g), the total number of commissioned officers on the active list of the National Scientific, Oceanic, and Atmospheric Administration shall not exceed—

(A) 358 as of September 30, 1996;

(B) 180 as of September 30, 1997; and

(C) 0 for any fiscal year beginning after September 30, 1998.

(2) SEPARATION PAY.—(A) Commissioned officers may be separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration. Any officer so separated because of paragraph (1) shall, subject to subparagraph (B) and the availability of appropriations, be eligible for separation pay under section 9 of the Act of June 3, 1948 (33 U.S.C. 853h) to the same extent as if such officer had been separated under section 8 of such Act (33 U.S.C. 853g).

(B) Any officer who, under paragraph (4), transfers to another of the uniformed services or becomes employed in a civil service position shall not be eligible for separation pay under this paragraph.

(C)(i) Any officer who receives separation pay under this paragraph shall be required to repay the amount received if, within 1 year after the date of the separation on which the payment is based, such officer is reemployed in a civil service position in the National Scientific, Oceanic, and Atmospheric Administration, the duties of which position would formerly have been performed by a commissioned officer, as determined by the Administrator of Science, Oceans, and the Atmosphere.

(ii) A repayment under this subparagraph shall be made in a lump sum or in such installments as the Administrator may specify.

(D) In the case of any officer who makes a repayment under subparagraph (C)—

(i) the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Civil Service Retirement and Disability Fund, on such officer's behalf, any deposit required under section 8422(e)(1) of title 5, United States Code, with respect to any prior service performed by that individual as such an officer; and

(ii) if the amount paid under clause (i) is less than the amount of the repayment under subparagraph (C), the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Government Securities Investment Fund (established under section 8438(b)(1)(A) of title 5, United States Code), on such individual's behalf, an amount equal to the difference.

The provisions of paragraph (5)(C)(iv) shall apply with respect to any contribution to the Thrift Savings Plan made under clause (ii).

(3) PRIORITY PLACEMENT PROGRAM.—A priority placement program similar to the programs described in section 3329b of title 5, United States Code, as amended by section 2109, shall be established by the National Scientific, Oceanic, and Atmospheric Administration to assist commissioned officers who are separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration because of paragraph (1).

(4) TRANSFER.—(A) Subject to the approval of the Secretary of Defense and under terms and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the Armed Forces under section 716 of title 10, United States Code.

(B) Subject to the approval of the Secretary of Transportation and under terms and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the United States Coast Guard under section 716 of title 10, United States Code.

(C) Subject to the approval of the Administrator of Science, Oceans, and the Atmosphere and under terms and conditions specified by that Administrator, commissioned officers subject to paragraph (1) may be employed by the National Scientific, Oceanic, and Atmospheric Administration as members of the civil service.

(5) RETIREMENT PROVISIONS.—(A) For commissioned officers who transfer under paragraph (4)(A) to the Armed Forces, the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Department of Defense Military Retirement Fund an amount, to be calculated by the Secretary of Defense in consultation with the Secretary of the Treasury, equal to the actuarial present value of any retired or retainer pay they will draw upon retirement, including full credit for service in the NOAA Corps. Any payment under this subparagraph shall, for purposes of paragraph (2) of section 2206(g), be considered to be an expenditure described in such paragraph.

(B) For commissioned officers who transfer under paragraph (4)(B) to the United States Coast Guard, full credit for service in the NOAA Corps shall be given for purposes of any annuity or other similar benefit under the retirement system for members of the United States Coast Guard, entitlement to which is based on the separation of such officer.

(C)(i) For a commissioned officer who becomes employed in a civil service position pursuant to paragraph (4)(C) and thereupon becomes subject to the Federal Employees' Retirement System, the National Scientific, Oceanic, and Atmospheric Administration shall pay, on such officer's behalf—

(I) into the Civil Service Retirement and Disability Fund, the amounts required under clause (ii); and

(II) into the Government Securities Investment Fund, the amount required under clause (iii).

(ii)(I) The amount required under this subclause is the amount of any deposit required under section 8422(e)(1) of such title 5 with respect to any prior service performed by the individual as a commissioned officer of the National Oceanic and Atmospheric Administration.

(II) To determine the amount required under this subclause, first determine, for each year of service with respect to which the deposit under subclause (I) relates, the product of the normal-cost percentage for such year (as determined under the last sentence of this subclause) multiplied by basic pay received by the individual for any such service performed in such year. Second, take the sum of the amounts determined for the respective years under the first sentence. Finally, subtract from such sum the amount of the deposit under subclause (I). For purposes of the first sentence, the normal-cost percentage for any year shall be as determined for such year under the provisions of section 8423(a)(1) of title 5, United States Code, except that, in the case of any year before the first year for which any normal-cost percentage was determined under such provisions, the normal-cost percentage for such first year shall be used.

(iii) The amount required under this clause is the amount by which the separation pay to which the officer would have been entitled under the second sentence of paragraph (2)(A) (assuming the conditions for receiving such separation pay have been met) exceeds the amount of the deposit under clause (ii)(I), if at all.

(iv)(I) Any contribution made under this subparagraph to the Thrift Savings Plan shall not be subject to any otherwise applicable limitation on contributions contained in the Internal Revenue Code of 1986, and shall not be taken into account in applying any such limitation to other contributions or benefits under the Thrift Savings Plan, with respect to the year in which the contribution is made.

(II) Such plan shall not be treated as failing to meet any nondiscrimination requirement by reason of the making of such contribution.

(6) REPEALS.—(A) The following provisions of law are repealed:

(i) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a–853o, 853p–853u).

(ii) The Act of February 16, 1929 (Chapter 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

(iii) The Act of January 19, 1942 (Chapter 6; 56 Stat. 6).

(iv) Section 9 of Public Law 87–649 (76 Stat. 495).

(v) The Act of May 22, 1917 (Chapter 20, section 16; 40 Stat. 87; 33 U.S.C. 854 et seq.).

(vi) The Act of December 3, 1942 (Chapter 670; 56 Stat. 1038.

(vii) Sections 1 through 5 of Public Law 91–621 (84 Stat. 1863; 33 U.S.C. 857-1 et seq.).

(viii) The Act of August 10, 1956 (Chapter 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

(ix) The Act of May 18, 1920 (Chapter 190, section 11; 41 Stat. 603; 33 U.S.C. 864).

(x) The Act of July 22, 1947 (Chapter 286; 61 Stat. 400; 33 U.S.C. 873, 874).

(xi) The Act of August 3, 1956 (Chapter 932; 70 Stat. 988; 33 U.S.C. 875, 876).

(xii) All other Acts inconsistent with this subsection.

No repeal under this subparagraph shall affect any annuity or other similar benefit payable, under any provision of law so repealed, based on the separation of any individual from the NOAA Corps or its successor on or before September 30, 1998. Any authority exercised by the Secretary of Commerce or his designee with respect to any such benefits shall be exercised by the Administrator of Science, Oceans, and the Atmosphere, and any authorization of appropriations relating to those benefits, which is in effect as of September 30, 1998, shall be considered to have remained in effect.

(B) The effective date of the repeals under subparagraph (A) shall be October 1, 1998.

(C)(i) All laws relating to the retirement of commissioned officers of the Navy shall apply to commissioned officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors.

(ii) Active service of officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors who have retired from the Commissioned Officers Corps shall be deemed to be active military service in the United States Navy for purposes of all rights, privileges, immunities, and benefits provided to retired commissioned officers of the Navy by the laws and regulations of the United States and any agency thereof. In the Administration of those laws and regulations with respect to retired officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors, the authority of the Secretary of the Navy shall be exercised by the Administrator of Science, Oceans, and the Atmosphere.

(iii) For purposes of this subparagraph, the term "its predecessors" means the former Commissioned Officers Corps of the Environmental Science Services Administration and the former Commissioned Officers Corps of the Coast and Geodetic Survey.

(7) CREDITABILITY OF NOAA SERVICE FOR PURPOSES RELATING TO REDUCTIONS IN FORCE.—A commissioned officer who is separated from the active list of the National Oceanic and Atmospheric Administration or its successor because of paragraph (1) shall, for purposes of any subsequent reduction in force, receive credit for any period of service performed as such an officer before separation from such list to the same extent and in the same manner as if it had been a period of active service in the Armed Forces.

(8) ABOLITION.—The Office of the National Oceanic and Atmospheric Administration Corps of Operations or its successor and the Commissioned Personnel Center are abolished effective September 30, 1998.

(h) NOAA FLEET.—

(1) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Administrator of Science, Oceans, and the Atmosphere shall enter into contracts, including multiyear contracts, subject to paragraph (3), for the use of vessels to conduct oceanographic research and fisheries research, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Scientific, Oceanic, and Atmospheric Administration. The Administrator of Science, Oceans, and the Atmosphere shall enter into these contracts unless—

(A) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Scientific, Oceanic, and Atmospheric Administration of obtaining those services on vessels of the National Scientific, Oceanic, and Atmospheric Administration;

(B) the contract is for more than 7 years; or

(C) the data is acquired through a vessel agreement pursuant to paragraph (4).

(2) VESSELS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(3) MULTIYEAR CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), and notwithstanding section 1341 of title 31, United States Code, and section 11 of title 41, United States Code, the Administrator of Science, Oceans, and the Atmosphere may acquire data under multiyear contracts.

(B) REQUIRED FINDINGS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless such Administrator finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Administrator will request from Congress funding for the contract at the level required to avoid contract termination.

(C) REQUIRED PROVISIONS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless the contract includes—

(i) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(ii) a provision that specifies the term of effectiveness of the contract; and

(iii) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to clause (ii), the United States shall only be liable for the lesser of—

(I) an amount specified in the contract for such a termination; or

(II) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

(4) VESSEL AGREEMENTS.—The Administrator of Science, Oceans, and the Atmosphere shall use excess capacity of University National Oceanographic Laboratory System vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

(5) TRANSFER OF EXCESS VESSELS.—The Administrator of Science, Oceans, and the Atmosphere shall transfer any vessels over 1,500 gross tons that are excess to the needs of the National Scientific, Oceanic, and Atmospheric Administration to the National Defense Reserve Fleet. Notwithstanding any other provision of law, these vessels may be scrapped in accordance with section 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(i)).

(i) NATIONAL MARINE FISHERIES SERVICE.—(1) There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions that on the day before the effective date of this section were authorized by law to be performed by the National Marine Fisheries Service.

(2) Notwithstanding any other provision of law, the National Marine Fisheries Service may not affect on-land activities under the Endangered Species Act of 1973 for salmon recovery in the State of Idaho (16 U.S.C. 1531 et seq.).

(j) NATIONAL OCEAN SERVICE.—Except as otherwise provided in this title, there are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Ocean Service (including the Coastal Ocean Program).

(k) TRANSFER OF COASTAL NONPOINT POLLUTION CONTROL FUNCTIONS.—There are transferred to the Administrator of the Environmental Protection Agency the functions under section 6217 of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b) that on the day before the effective date of this section were vested in the Secretary of Commerce.

SEC. 2206. NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.

(a) ESTABLISHMENT.—There is established as an independent agency in the Executive Branch the National Scientific, Oceanic, and Atmospheric Administration (in this section referred to as the "NSOAA"). The NSOAA, and all functions and offices transferred to it under this title, shall be administered under the supervision and direction of an Administrator of Science, Oceans, and the Atmosphere. The Administrator of Science, Oceans, and the Atmosphere shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive basic pay at the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code. The Administrator of Science, Oceans, and the Atmosphere shall additionally perform the functions previously performed by the Administrator of the National Oceanic and Atmospheric Administration.

(b) PRINCIPAL OFFICER.—There shall be in the NSOAA, on the transfer of functions and offices under this title, a Director of the National Bureau of Standards, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) ADDITIONAL OFFICERS.—There shall be in the NSOAA—

(1) a Chief Financial Officer of the NSOAA, to be appointed by the President, by and with the advice and consent of the Senate;

(2) a Chief of External Affairs, to be appointed by the President, by and with the advice and consent of the Senate;

(3) a General Counsel, to be appointed by the President, by and with the advice and consent of the Senate; and

(4) an Inspector General, to be appointed in accordance with the Inspector General Act of 1978.

Each Officer appointed under this subsection shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) TRANSFER OF FUNCTIONS AND OFFICES.—Except as otherwise provided in this title, there are transferred to the NSOAA—

(1) the functions and offices of the National Oceanic and Atmospheric Administration, as provided in section 2205;

(2) the National Bureau of Standards, along with its functions and offices, as provided in section 2202; and

(3) the Office of Space Commerce, along with its functions and offices.

(e) ELIMINATION OF POSITIONS.—The Administrator of Science, Oceans, and the Atmosphere may eliminate positions that are no longer necessary because of the termination of functions under this section, section 2202, and section 2205.

(f) AGENCY TERMINATIONS.—

(1) TERMINATIONS.—On the date specified in section 2208(a), the following shall terminate:

(A) The Office of the Deputy Administrator and Assistant Secretary of the National Oceanic and Atmospheric Administration.

(B) The Office of the Deputy Under Secretary of the National Oceanic and Atmospheric Administration.

(C) The Office of the Chief Scientist of the National Oceanic and Atmospheric Administration.

(D) The position of Deputy Assistant Secretary for Oceans and Atmosphere.

(E) The position of Deputy Assistant Secretary for International Affairs.

(F) Any office of the National Oceanic and Atmospheric Administration or the National Bureau of Standards whose primary purpose is to perform high performance computing communications, legislative, personnel, public relations, budget, constituent, intergovernmental, international, policy and strategic planning, sustainable development, administrative, financial, educational, legal and coordination functions. These functions shall, as necessary, be performed only by officers described in subsection (c).

(G) The position of Associate Director of the National Institute of Standards and Technology.

(2) TERMINATION OF EXECUTIVE SCHEDULE POSITIONS.—Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for levels I through V of the Executive Schedule under sections 5312 through 5315 of title 5, United States Code, in an office terminated pursuant to this section, section 2202, and section 2205 shall also terminate.

(g) FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.—

(1) FUNDING REDUCTIONS.—Notwithstanding the transfer of functions under this subtitle, the total amount obligated or expended by the United States in performing all functions vested in the National Scientific, Oceanic, and Atmospheric Administration pursuant to this subtitle shall not exceed—

(A) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 2205 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration; and

(B) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 22045 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration.

(2) EXCEPTION.—Paragraph (1) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in paragraph (1) pursuant to this subtitle.

(3) RULE OF CONSTRUCTION.—This subsection shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(4) RESPONSIBILITY OF NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—The National Scientific, Oceanic, and Atmospheric Administration, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in subparagraphs (A) and (B) of paragraph (1).

(5) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall include in each report under sections 2105 (a) and (b) a description of actions taken to comply with the requirements of this subsection.

SEC. 2207. MISCELLANEOUS TERMINATIONS; MORATORIUM ON PROGRAM ACTIVITIES.

(a) TERMINATIONS.—The following agencies and programs of the Department of Commerce are terminated:

(1) The Minority Business Development Administration.

(2) The United States Travel and Tourism Administration.

(3) The programs and activities of the National Telecommunications and Information Administration referred to in section 2204(a).

(4) The Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n).

(5) The Manufacturing Extension Programs under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(6) The National Institute of Standards and Technology Metric Program.

(b) MORATORIUM ON PROGRAM ACTIVITIES.—The authority to make grants, enter into contracts, provide assistance, incur obligations, or provide commitments (including any enlargement of existing obligations or commitments, except if required by law) with respect to the agencies and programs described in subsection (a) is terminated effective on the date of the enactment of this title.

SEC. 2208. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle shall take effect on the abolishment date specified in section 2101(c).

(b) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—The following provisions of this subtitle shall take effect on the date of the enactment of this Act:

(1) Section 2201.

(2) Section 2205(g), except as otherwise provided in that section.

(3) Section 2207(b).

(4) This section.

Subtitle C—Office of United States Trade Representative

CHAPTER 1—GENERAL PROVISIONS

SEC. 2301. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Office" means the Office of the United States Trade Representative;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code; and

(3) the term "USTR" means the United States Trade Representative as provided for under section 2311.

CHAPTER 2—OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Subchapter A—Establishment

SEC. 2311. ESTABLISHMENT OF THE OFFICE.

(a) IN GENERAL.—The Office of the United States Trade Representative is established as an independent establishment in the executive branch of Government as defined under section 104 of title 5, United States Code. The United States Trade Representative shall be the head of the Office and shall be appointed by the President, by and with the advice and consent of the Senate.

(b) AMBASSADOR STATUS.—The USTR shall have the rank and status of Ambassador and shall represent the United States in all trade negotiations conducted by the Office.

(c) CONTINUED SERVICE OF CURRENT USTR.—The individual serving as United States Trade Representative on the date immediately preceding the effective date of this subtitle may continue to serve as USTR under subsection (a).

(d) SUCCESSOR TO THE DEPARTMENT OF COMMERCE.—The Office shall be the successor to the Department of Commerce for purposes of protocol.

SEC. 2312. FUNCTIONS OF THE USTR.

(a) IN GENERAL.—In addition to the functions transferred to the USTR by this subtitle, such other functions as the President may assign or delegate to the USTR, and such other functions as the USTR may, after the effective date of this subtitle, be required to carry out by law, the USTR shall—

(1) serve as the principal advisor to the President on international trade policy and advise the President on the impact of other policies of the United States Government on international trade;

(2) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, for developing and implementing international trade policy, including commodity matters and, to the extent related to international trade policy, direct investment matters and, in exercising such responsibility, advance and implement, as the primary mandate of the Office, the goals of the United States to—

(A) maintain United States leadership in international trade liberalization and expansion efforts;

(B) reinvigorate the ability of the United States economy to compete in international markets and to respond flexibly to changes in international competition; and

(C) expand United States participation in international trade through aggressive promotion and marketing of goods and services that are products of the United States;

(3) exercise lead responsibility for the conduct of international trade negotiations, including negotiations relating to commodity matters and, to the extent that such negotiations are related to international trade, direct investment negotiations;

(4) exercise lead responsibility for the establishment of a national export strategy, including policies designed to implement such strategy;

(5) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, issue policy

guidance to other Federal agencies on international trade, commodity, and direct investment functions to the extent necessary to assure the coordination of international trade policy;

(6) seek and promote new opportunities for United States products and services to compete in the world marketplace;

(7) assist small businesses in developing export markets;

(8) enforce the laws of the United States relating to trade;

(9) analyze economic trends and developments;

(10) report directly to the Congress—

(A) on the administration of, and matters pertaining to, the trade agreements program under the Omnibus Trade and Competitiveness Act of 1988, the Trade Act of 1974, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after this Act; and

(B) with respect to other important issues pertaining to international trade;

(11) keep each official adviser to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements who is appointed from the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives under section 161 of the Trade Act of 1974 currently informed on United States negotiating objectives with respect to trade agreements, the status of negotiations in progress with respect to such agreements, and the nature of any changes in domestic law or the administration thereof which the USTR may recommend to the Congress to carry out any trade agreement;

(12) consult and cooperate with State and local governments and other interested parties on international trade matters of interest to such governments and parties, and to the extent related to international trade matters, on investment matters, and, when appropriate, hold informal public hearings;

(13) serve as the principal advisor to the President on Government policies designed to contribute to enhancing the ability of United States industry and services to compete in international markets;

(14) develop recommendations for national strategies and specific policies intended to enhance the productivity and international competitiveness of United States industries;

(15) serve as the principal advisor to the President in identifying and assessing the consequences of any Government policies that adversely affect, or have the potential to adversely affect, the international competitiveness of United States industries and services;

(16) promote cooperation between business, labor, and Government to improve industrial performance and the ability of United States industries to compete in international markets and to facilitate consultation and communication between the Government and the private sector about domestic industrial performance and prospects and the performance and prospects of foreign competitors; and

(17) monitor and enforce foreign government compliance with international trade agreements to protect United States interests.

(b) INTERAGENCY ORGANIZATION.—The USTR shall be the chairperson of the interagency organization established under section 242 of the Trade Expansion Act of 1962.

(c) NATIONAL SECURITY COUNCIL.—The USTR shall be a member of the National Security Council.

(d) ADVISORY COUNCIL.—The USTR shall be Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies established under Executive Order 11269, issued February 14, 1966.

(e) AGRICULTURE.—(1) The USTR shall consult with the Secretary of Agriculture or the designee of the Secretary of Agriculture on all matters that potentially involve international trade in agricultural products.

(2) If an international meeting for negotiation or consultation includes discussion of international trade in agricultural products, the USTR or the designee of the USTR shall be Chairman of the United States delegation to such meeting and the Secretary of Agriculture or the designee of such Secretary shall be Vice Chairman. The provisions of this paragraph shall not limit the authority of the USTR under subsection (h) to assign to the Secretary of Agriculture responsibility for the conduct of, or participation in, any trade negotiation or meeting.

(f) TRADE PROMOTION.—The USTR shall be the chairperson of the Trade Promotion Coordinating Committee.

(g) NATIONAL ECONOMIC COUNCIL.—The USTR shall be a member of the National Economic Council established under Executive Order No. 12835, issued January 25, 1993.

(h) INTERNATIONAL TRADE NEGOTIATIONS.—Except where expressly prohibited by law, the USTR, at the request or with the concurrence of the head of any other Federal agency, may assign the responsibility for conducting or participating in any specific international trade negotiation or meeting to the head of such agency whenever the USTR determines that the subject matter of such international trade negotiation is related to the functions carried out by such agency.

Subchapter B—Officers

SEC. 2321. DEPUTY ADMINISTRATOR OF THE OFFICE.

(a) ESTABLISHMENT.—There shall be in the Office the Deputy Administrator of the Office of the United States Trade Representative, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) ABSENCE, DISABILITY, OR VACANCY OF USTR.—The Deputy Administrator of the Office of the United States Trade Representative shall act for and exercise the functions of the USTR during the absence or disability of the USTR or in the event the office of the USTR becomes vacant. The Deputy Administrator shall act for and exercise the functions of the USTR until the absence or disability of the USTR no longer exists or a successor to the USTR has been appointed by the President and confirmed by the Senate.

(c) FUNCTIONS OF DEPUTY ADMINISTRATOR.—The Deputy Administrator of the Office of the United States Trade Representative shall exercise all functions, under the direction of the USTR, transferred to or established in the Office, except those functions exercised by the Deputy United States Trade Representatives, the Director General for Export Promotion, the Inspector General, and the General Counsel of the Office, as provided by this subtitle.

SEC. 2322. DEPUTY UNITED STATES TRADE REPRESENTATIVES.

(a) ESTABLISHMENT.—There shall be in the Office 2 Deputy United States Trade Representatives, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy United States Trade Representatives shall exercise all functions under the direction of the USTR, and shall include—

(1) the Deputy United States Trade Representative for Negotiations; and

(2) the Deputy United States Trade Representative to the World Trade Organization.

(b) FUNCTIONS OF DEPUTY UNITED STATES TRADE REPRESENTATIVES.—(1) The Deputy United States Trade Representative for Negotiations shall exercise all functions transferred under section 2331 and shall have the rank and status of Ambassador.

(2) The Deputy United States Trade Representative to the World Trade Organization shall exercise all functions relating to representation to the World Trade Organization and shall have the rank and status of Ambassador.

SEC. 2323. ASSISTANT ADMINISTRATORS.

(a) ESTABLISHMENT.—There shall be in the Office 3 Assistant Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Administrators shall exercise all functions under the direction of the Deputy Administrator of the Office of the United States Trade Representative and include—

(1) the Assistant Administrator for Export Administration;

(2) the Assistant Administrator for Import Administration; and

(3) the Assistant Administrator for Trade and Policy Analysis.

(b) FUNCTIONS OF ASSISTANT ADMINISTRATORS.—(1) The Assistant Administrator for Export Administration shall exercise all functions transferred under section 2332(1)(C).

(2) The Assistant Administrator for Import Administration shall exercise all functions transferred under section 2332(1)(D).

(3) The Assistant Administrator for Trade and Policy Analysis shall exercise all functions transferred under section 2332(1)(B) and all functions transferred under section 2332(2).

SEC. 2324. DIRECTOR GENERAL FOR EXPORT PROMOTION.

(a) ESTABLISHMENT.—There shall be a Director General for Export Promotion, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The Director General for Export Promotion shall exercise, under the direction of the USTR, all functions transferred under sections 2332(1)(A) (relating to functions of the United States and Foreign Commercial Service) and 2333 and shall have the rank and status of Ambassador.

SEC. 2325. GENERAL COUNSEL.

There shall be in the Office a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the USTR concerning the activities, programs, and policies of the Office.

SEC. 2326. INSPECTOR GENERAL.

There shall be in the Office an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by section 2371(b) of this Act.

SEC. 2327. CHIEF FINANCIAL OFFICER.

There shall be in the Office a Chief Financial Officer who shall be appointed in accordance with section 901 of title 31, United States Code, as amended by section 2371(e) of this Act. The Chief Financial Officer shall perform all functions prescribed by the Deputy Administrator of the Office of the United States Trade Representative, under the direction of the Deputy Administrator.

Subchapter C—Transfers to the Office

SEC. 2331. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

There are transferred to the USTR all functions of the United States Trade Representative and the Office of the United

States Trade Representative in the Executive Office of the President and all functions of any officer or employee of such Office.

SEC. 2332. TRANSFERS FROM THE DEPARTMENT OF COMMERCE.

There are transferred to the USTR the following functions:

(1) All functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(A) The Under Secretary of Commerce for International Trade, and the Director General of the United States and Foreign Commercial Service, relating to all functions exercised by the Service.

(B) The Assistant Secretary of Commerce for International Economic Policy and the Assistant Secretary of Commerce for Trade Development.

(C) The Under Secretary of Commerce for Export Administration.

(D) The Assistant Secretary of Commerce for Import Administration.

(2) All functions of the Secretary of Commerce relating to the National Trade Data Bank.

(3) All functions of the Secretary of Commerce under the Tariff Act of 1930, the Uruguay Round Agreements Act, the Trade Act of 1974, and other trade-related Acts for which responsibility is not otherwise assigned under this subtitle.

SEC. 2333. TRADE AND DEVELOPMENT AGENCY.

There are transferred to the Director General for Export Promotion all functions of the Director of the Trade and Development Agency. There are transferred to the Office of the Director General for Export Promotion all functions of the Trade and Development Agency.

SEC. 2334. EXPORT-IMPORT BANK.

(a) In General.—(1) There are transferred to the USTR all functions of the Secretary of Commerce relating to the Export-Import Bank of the United States.

(2) Section 3(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as follows:

"(c)(1) There shall be a Board of Directors of the Bank consisting of the United States Trade Representative (who shall serve as Chairman), the President of the Export-Import Bank of the United States (who shall serve as Vice Chairman), the first Vice President, and 2 additional persons appointed by the President of the United States, by and with the advice and consent of the Senate.".

(b) Ex Officio Member of Export-Import Bank Board of Directors.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Export-Import Bank.

(c) Amendments to Related Banking and Trade Acts.—Section 2301(h) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended to read as follows:

"(h) Assistance to Export-Import Bank.—The Commercial Service shall provide such services as the Director General for Export Promotion of the Office of the United States Trade Representative determines necessary to assist the Export-Import Bank of the United States to carry out the lending, loan guarantee, insurance, and other activities of the Bank.".

SEC. 2335. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) Board of Directors.—The second and third sentences of section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) are amended to read as follows: "The United States Trade Representative shall be the Chairman of the Board. The Administrator of the Agency for International Development (who shall serve as Vice Chairman) shall serve on the Board.".

(b) Ex Officio Member of Overseas Private Investment Corporation Board of Directors.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Overseas Private Investment Corporation.

SEC. 2336. CONSOLIDATION OF EXPORT PROMOTION AND FINANCING ACTIVITIES.

(a) Submission of Plan.—Within 180 days after the date of the enactment of this Act, the President shall transmit to the Congress a comprehensive plan to consolidate Federal nonagricultural export promotion activities and export financing activities and to transfer those functions to the Office. The plan shall provide for—

(1) the elimination of the overlap and duplication among all Federal nonagricultural export promotion activities and export financing activities;

(2) a unified budget for Federal nonagricultural export promotion activities which eliminates funding for the areas of overlap and duplication identified under paragraph (1); and

(3) a long-term agenda for developing better cooperation between local, State and Federal programs and activities designed to stimulate or assist United States businesses in exporting nonagricultural goods or services that are products of the United States, including sharing of facilities, costs, and export market research data.

(b) Plan Elements.—The plan under subsection (a) shall—

(1) place all Federal nonagricultural export promotion activities and export financing activities within the Office;

(2) provide clear authority for the USTR to use the expertise and assistance of other United States Government agencies;

(3) achieve an overall 25 percent reduction in the amount of funding for all Federal nonagricultural export promotion activities within 2 years after the enactment of this Act;

(4) include any functions of the Department of Commerce not transferred by this subtitle, or of other Federal departments the transfer of which to the Office would be necessary to the competitiveness of the United States in international trade; and

(5) assess the feasibility and potential savings resulting from—

(A) the consolidation of the Export-Import Bank of the United States and the Overseas Private Investment Corporation;

(B) the consolidation of the Boards of Directors of the Export-Import Bank and the Overseas Private Investment Corporation; and

(C) the consolidation of the Trade and Development Agency with the consolidations under subparagraphs (A) and (B).

(c) Definition.—As used in this section, the term "Federal nonagricultural export promotion activities" means all programs or activities of any department or agency of the Federal Government (including, but not limited to, departments and agencies with representatives on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727)) that are designed to stimulate or assist United States businesses in exporting nonagricultural goods or services that are products of the United States, including trade missions.

SEC. 2337. ADDITIONAL TRADE FUNCTIONS.

(a) Termination of Authorizations of Appropriations.—

(1) NAFTA secretariat.—Section 105(b) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3315(b)) is amended by striking "each fiscal year after fiscal year 1993" and inserting "each of fiscal years 1994 and 1995".

(2) Border environment cooperation commission.—Section 533(a)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473(a)(2)) is amended by striking "and each fiscal year thereafter" and inserting "fiscal year 1995".

(b) Functions Related to Textile Agreements.—

(1) Functions of CITA.—(A) Subject to subparagraph (B), those functions delegated to the Committee for the Implementation of Textile Agreements established under Executive Order 11651 (7 U.S.C. 1854 note) (hereafter in this subsection referred to as "CITA") are transferred to the USTR.

(B) Those functions delegated to CITA that relate to the assessment of the impact of textile imports on domestic industry are transferred to the International Trade Commission. The International Trade Commission shall make a determination pursuant to the preceding sentence within 60 days after receiving a complaint or request for an investigation.

(2) Abolition of CITA.—CITA is abolished.

Subchapter D—Administrative Provisions

SEC. 2341. PERSONNEL PROVISIONS.

(a) Appointments.—The USTR may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the functions of the USTR and the Office. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) Positions Above GS–15.—(1) At the request of the USTR, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in a grade level above GS–15 of the General Service, and in the Senior Executive Service, of a number of positions in the Office equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred by this subtitle and which were assigned and filled on the day before the effective date of this subtitle.

(2) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this subtitle and, on the day before the effective date of this subtitle, holds a position and has duties comparable to those of the position to which appointed under this subsection.

(3) The authority under this subsection with respect to any position established at a grade level above GS–15 shall terminate when the person first appointed to fill such position ceases to hold such position.

(4) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day before the effective date of this subtitle.

(c) Experts and Consultants.—The USTR may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the maximum rate of pay for a position above GS–15 of the General Schedule under section 5332 of such title. The USTR may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(d) VOLUNTARY SERVICES.—(1)(A) The USTR is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The USTR is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The USTR is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for individuals who provide voluntary services under subparagraph (A) or (B) of paragraph (1).

(3) An individual who provides voluntary services under paragraph (1)(A) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(e) FOREIGN SERVICE POSITIONS.—In order to assure United States representation in trade matters at a level commensurate with the level of representation maintained by industrial nations which are major trade competitors of the United States, the Secretary of State shall classify certain positions at Foreign Service posts as commercial minister positions and shall assign members of the Foreign Service performing functions of the Office, with the concurrence of the USTR, to such positions in nations which are major trade competitors of the United States. The Secretary of State shall obtain and use the recommendations of the USTR with respect to the number of positions to be so classified under this subsection.

SEC. 2342. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this subtitle, the USTR may delegate any of the functions transferred to the USTR by this subtitle and any function transferred or granted to the USTR after the effective date of this subtitle to such officers and employees of the Office as the USTR may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the USTR under this section or under any other provision of this subtitle shall relieve the USTR of responsibility for the administration of such functions.

SEC. 2343. SUCCESSION.

(a) ORDER OF SUCCESSION.—Subject to the authority of the President, and except as provided in section 2321(b), the USTR shall prescribe the order by which officers of the Office who are appointed by the President, by and with the advice and consent of the Senate, shall act for, and perform the functions of, the USTR or any other officer of the Office appointed by the President, by and with the advice and consent of the Senate, during the absence or disability of the USTR or such other officer, or in the event of a vacancy in the office of the USTR or such other officer.

(b) CONTINUATION.—Notwithstanding any other provision of law, and unless the President directs otherwise, an individual acting for the USTR or another officer of the Office pursuant to subsection (a) shall continue to serve in that capacity until the absence or disability of the USTR or such other officer no longer exists or a successor to the USTR or such other officer has been appointed by the President and confirmed by the Senate.

SEC. 2344. REORGANIZATION.

(a) IN GENERAL.—Subject to subsection (b), the USTR is authorized to allocate or reallocate functions among the officers of the Office, and to establish, consolidate, alter, or discontinue such organizational entities in the Office as may be necessary or appropriate.

(b) EXCEPTION.—The USTR may not exercise the authority under subsection (a) to establish, consolidate, alter, or discontinue any organizational entity in the Office or allocate or reallocate any function of an officer or employee of the Office that is inconsistent with any specific provision of this subtitle.

SEC. 2345. RULES.

The USTR is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the USTR determines necessary or appropriate to administer and manage the functions of the USTR or the Office.

SEC. 2346. FUNDS TRANSFER.

The USTR may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Office, except that no appropriation for any fiscal year shall be either increased or decreased by more than 10 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

SEC. 2347. CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the USTR may make, enter into, and perform such contracts, leases, cooperative agreements, grants, or other similar transactions with public agencies, private organizations, and persons, and make payments (in lump sum or installments, and by way of advance or reimbursement, and, in the case of any grant, with necessary adjustments on account of overpayments and underpayments) as the USTR considers necessary or appropriate to carry out the functions of the USTR or the Office.

(b) EXCEPTION.—Notwithstanding any other provision of this subtitle, the authority to enter into contracts or to make payments under this subchapter shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. This subsection does not apply with respect to the authority granted under section 2349.

SEC. 2348. USE OF FACILITIES.

(a) USE BY USTR.—With their consent, the USTR, with or without reimbursement, may use the research, services, equipment, and facilities of—

(1) an individual,

(2) any public or private nonprofit agency or organization, including any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States,

(3) any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or

(4) any foreign government,

in carrying out any function of the USTR or the Office.

(b) USE OF USTR FACILITIES.—The USTR, under terms, at rates, and for periods that the USTR considers to be in the public interest, may permit the use by public and private agencies, corporations, associations or other organizations, or individuals, of any real property, or any facility, structure or other improvement thereon, under the custody of the USTR. The USTR may require permittees under this section to maintain or recondition, at their own expense, the real property, facilities, structures, and improvements used by such permittees.

SEC. 2349. GIFTS AND BEQUESTS.

(a) IN GENERAL.—The USTR is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed on order of the USTR. Property accepted pursuant to this subsection, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(b) TAX TREATMENT.—For the purpose of Federal income, estate, and gift taxes, and State taxes, property accepted under subsection (a) shall be considered a gift or bequest to or for the use of the United States.

(c) INVESTMENT.—Upon the request of the USTR, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in subsection (a). Income accruing from such securities, and from any other property held by the USTR pursuant to subsection (a), shall be deposited to the credit of the fund, and shall be disbursed upon order of the USTR.

SEC. 2350. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—The USTR is authorized to establish for the Office a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the USTR shall find to be desirable in the interest of economy and efficiency, including—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Office and its components;

(2) central messenger, mail, and telephone service and other communications services;

(3) office space and central services for document reproduction and for graphics and visual aids;

(4) a central library service; and

(5) such other services as may be approved by the Director of the Office of Management and Budget.

(b) OPERATION OF FUND.—The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the USTR may transfer to the fund, less the related liabilities and unpaid obligations. The fund shall be reimbursed in advance from available funds of agencies and offices in the Office, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain the fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the USTR determines will be performed.

SEC. 2351. SERVICE CHARGES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the USTR may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance administered by the Office, and the USTR may change and abolish such fees and commissions. Before establishing, changing, or abolishing any schedule of fees or commissions under this section, the USTR may submit such schedule to the Congress.

(b) DEPOSITS.—The USTR is authorized to require a deposit before the USTR provides any item, information, service, or assistance for which a fee or commission is required under this section.

(c) DEPOSIT OF MONEYS.—Moneys received under this section shall be deposited in the Treasury in a special account for use by the USTR and are authorized to be appropriated and made available until expended.

(d) FACTORS IN ESTABLISHING FEES AND COMMISSIONS.—In establishing reasonable fees or commissions under this section, the USTR may take into account—

(1) the actual costs which will be incurred in providing the items, information, services, or assistance concerned;

(2) the efficiency of the Government in providing such items, information, services, or assistance;

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public rather than exclusively for the person to whom the items, information, services, or assistance is provided;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the USTR considers appropriate.

(e) REFUNDS OF EXCESS PAYMENTS.—In any case in which the USTR determines that any person has made a payment which is not required under this section or has made a payment which is in excess of the amount required under this section, the USTR, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 2352. SEAL OF OFFICE.

The USTR shall cause a seal of office to be made for the Office of such design as the USTR shall approve. Judicial notice shall be taken of such seal.

Subchapter E—Related Agencies

SEC. 2361. INTERAGENCY TRADE ORGANIZATION.

Section 242(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)(3)) is amended to read as follows:

"(3)(A) The interagency organization established under subsection (a) shall be composed of—

"(i) the United States Trade Representative, who shall be the chairperson,

"(ii) the Secretary of Agriculture,

"(iii) the Secretary of the Treasury,

"(iv) the Secretary of Labor,

"(v) the Secretary of State, and

"(vi) the representatives of such other departments and agencies as the United States Trade Representative shall designate.

"(B) The United States Trade Representative may invite representatives from other agencies, as appropriate, to attend particular meetings if subject matters of specific functional interest to such agencies are under consideration. It shall meet at such times and with respect to such matters as the President or the chairperson shall direct.".

SEC. 2362. NATIONAL SECURITY COUNCIL.

The fourth paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively; and

(2) by inserting after clause (4) the following new clause:

"(5) the United States Trade Representative;".

SEC. 2363. INTERNATIONAL MONETARY FUND.

Section 3 of the Bretton Woods Agreement Act is amended by adding at the end the following new subsection:

"(e) The United States executive director of the Fund shall consult with the United States Trade Representative with respect to matters under consideration by the Fund which relate to trade.".

Subchapter F—Conforming Amendments

SEC. 2371. AMENDMENTS TO GENERAL PROVISIONS.

(a) INSPECTOR GENERAL.—The Inspector General Act of 1978 is amended—

(1) in subsection 9(a)(1) by inserting after subparagraph (W) the following:

"(X) of the United States Trade Representative, all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of the Department of Commerce relating to the functions transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and"; and

(2) in section 11—

(A) in paragraph (1) by inserting "the United States Trade Representative;" after "the Attorney General;"; and

(B) in paragraph (2) by inserting "the Office of the United States Trade Representative," after "Treasury;".

(b) AMENDMENT TO THE TRADE ACT OF 1974.—(1) Chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"SEC. 141. FUNCTIONS OF THE UNITED STATES TRADE REPRESENTATIVE.

"The United States Trade Representative established under section 2311 of the Department of Commerce Dismantling Act shall—

"(1) be the chief representative of the United States for each trade negotiation under this title or chapter 1 of title III of this Act, or subtitle A of title I of the Omnibus Trade and Competitiveness Act of 1988, or any other provision of law enacted after the Department of Commerce Dismantling Act;

"(2) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agreements programs under this Act, the Omnibus Trade and Competitiveness Act of 1988, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after the Department of Commerce Dismantling Act;

"(3) advise the President and the Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs; and

"(4) be responsible for making reports to Congress with respect to the matters set forth in paragraphs (1) and (2).".

(2) The table of contents in the first section of the Trade Act of 1974 is amended by striking the items relating to chapter 4 and section 141 and inserting the following:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"Sec. 141. Functions of the United States Trade Representative.".

(d) FOREIGN SERVICE PERSONNEL.—The Foreign Service Act of 1980 is amended by striking paragraph (3) of section 202(a) (22 U.S.C. 3922(a)) and inserting the following:

"(3) The United States Trade Representative may utilize the Foreign Service personnel system in accordance with this Act—

"(A) with respect to the personnel performing functions—

"(i) which were transferred to the Department of Commerce from the Department of State by Reorganization Plan No. 3 of 1979; and

"(ii) which were subsequently transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and

"(B) with respect to other personnel of the Office of United States Trade Representative to the extent the President determines to be necessary in order to enable the Office of the United States Trade Representative to carry out functions which require service abroad.".

(e) CHIEF FINANCIAL OFFICERS.—Section 901(b)(1) of title 31, United States Code, is amended by adding at the end the following:

"(Q) The Office of the United States Trade Representative.".

SEC. 2372. REPEALS.

Sections 1 and 2 of the Act of June 5, 1939 (15 U.S.C. 1502 and 1503; 53 Stat. 808), relating to the Under Secretary of Commerce, are repealed.

SEC. 2373. CONFORMING AMENDMENTS RELATING TO EXECUTIVE SCHEDULE POSITIONS.

(a) POSITIONS AT LEVEL I.—Section 5312 of title 5, United States Code, is amended by amending the item relating to the United States Trade Representative to read as follows:

"United States Trade Representative, Office of the United States Trade Representative.".

(b) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Administrator of the Office of the United States Trade Representative.

"Deputy United States Trade Representatives, Office of the United States Trade Representative (2).".

(c) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Administrators, Office of the United States Trade Representative (3).

"Director General for Export Promotion, Office of the United States Trade Representative.".

(d) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Secretary of Commerce and Director

General of the United States and Foreign Commercial Service; and

(2) by adding at the end the following:

"General Counsel, Office of the United States Trade Representative.

"Inspector General, Office of the United States Trade Representative.

"Chief Financial Officer, Office of the United States Trade Representative.".

Subchapter G—Miscellaneous

SEC. 2381. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall take effect on the effective date specified in section 2208(a), except that—

(1) section 2336 shall take effect on the date of the enactment of this Act; and

(2) at any time after the date of the enactment of this Act the officers provided for in subchapter B may be nominated and appointed, as provided in such subchapter.

(b) INTERIM COMPENSATION AND EXPENSES.—Funds available to the Department of Commerce or the Office of the United States Trade Representative (or any official or component thereof), with respect to the functions transferred by this subtitle, may be used, with approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (a) who will carry out such functions until funds for that purpose are otherwise available.

SEC. 2382. INTERIM APPOINTMENTS.

(a) IN GENERAL.—If one or more officers required by this subtitle to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this subtitle and notwithstanding any other provision of law, the President may designate any officer who was appointed by and with the advice and consent of the Senate, and who was such an officer on the day before the effective date of this subtitle, to act in the office until it is filled as provided by this subtitle.

(b) COMPENSATION.—Any officer acting in an office pursuant to subsection (a) shall receive compensation at the rate prescribed by this subtitle for such office.

SEC. 2383. FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.

(a) FUNDING REDUCTIONS.—Notwithstanding the transfer of functions under this subtitle, and except as provided in subsection (b), the total amount appropriated by the United States in performing all functions vested in the USTR and the Office pursuant to this subtitle shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions.

(b) EXCEPTION.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) RULE OF CONSTRUCTION.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) RESPONSIBILITY OF USTR.—The USTR, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in paragraph (1) and (2) of subsection (a).

(e) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall include in each report under sections 2105(a) and (b) a description of actions taken to comply with the requirements of this section.

Subtitle D—Patent and Trademark Office Corporation

SEC. 2401. SHORT TITLE.

This subtitle may be cited as the "Patent and Trademark Office Corporation Act of 1995".

CHAPTER 1—PATENT AND TRADEMARK OFFICE

SEC. 2411. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE AS A CORPORATION.

Section 1 of title 35, United States Code, is amended to read as follows:

"§ 1. Establishment

"(a) ESTABLISHMENT.—The Patent and Trademark Office is established as a wholly owned Government corporation subject to chapter 91 of title 31, except as otherwise provided in this title.

"(b) OFFICES.—The Patent and Trademark Office shall maintain an office in the District of Columbia, or the metropolitan area thereof, for the service of process and papers and shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located. The Patent and Trademark Office may establish offices in such other places as it considers necessary or appropriate in the conduct of its business.

"(c) REFERENCE.—For purposes of this title, the Patent and Trademark Office shall also be referred to as the 'Office'.".

SEC. 2412. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

"§ 2. Powers and Duties

"(a) IN GENERAL.—The Patent and Trademark Office shall be responsible for—

"(1) the granting and issuing of patents and the registration of trademarks;

"(2) conducting studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law or the administration of the Office, including programs to recognize, identify, assess, and forecast the technology of patented inventions and their utility to industry;

"(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

"(4) disseminating to the public information with respect to patents and trademarks.

"(b) SPECIFIC POWERS.—The Office—

"(1) shall have perpetual succession;

"(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

"(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, subject to the provisions of section 8 of this title;

"(4) may indemnify the Commissioner of Patents and Trademarks, and other officers, attorneys, agents, and employees (including members of the Management Advisory Board established in section 5) of the Office for liabilities and expenses incurred within the scope of their employment;

"(5) may adopt, amend, and repeal bylaws, rules, and regulations, governing the manner in which its business will be conducted and the powers granted to it by law will be exercised;

"(6) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

"(7)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

"(8) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

"(9) may obtain from the Administrator of General Services such services as the Administrator is authorized to provide to other agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

"(10) may use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform functions on its behalf;

"(11) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946');

"(12) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office, in carrying out the functions of the Office, including for research and development and capital investment, subject to the provisions of section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note);

"(13) shall have the priority of the United States with respect to the payment of debts from bankrupt, insolvent, and decedents' estates;

"(14) may accept monetary gifts or donations of services, or of real, personal, or mixed property, in order to carry out the functions of the Office;

"(15) may execute, in accordance with its bylaws, rules, and regulations, all instruments necessary and appropriate in the exercise of any of its powers;

"(16) may provide for liability insurance and insurance against any loss in connection with its property, other assets, or operations either by contract or by self-insurance; and

"(17) shall pay any settlement or judgment entered against it from the funds of the Office and not from amounts available under section 1304 of title 31.".

SEC. 2413. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

"§ 3. Officers and employees

"(a) COMMISSIONER.—

"(1) IN GENERAL.—The management of the Patent and Trademark Office shall be vested in a Commissioner of Patents and Trademarks (hereafter in this title referred to as the 'Commissioner'), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent and trademark law, is especially qualified to manage the Office.

"(2) DUTIES.—

"(A) IN GENERAL.—The Commissioner shall be responsible for the management and direction of the Office, including the issuance of patents and the registration of trademarks.

"(B) ADVISING THE PRESIDENT.—The Commissioner shall advise the President of all activities of the Patent and Trademark Office undertaken in response to obligations of the United States under treaties and executive agreements, or which relate to cooperative programs with those authorities of foreign governments that are responsible for granting patents or registering trademarks. The Commissioner shall also recommend to the President changes in law or policy which may improve the ability of United States citizens to secure and enforce patent rights or trademark rights in the United States or in foreign countries.

"(C) CONSULTING WITH THE MANAGEMENT ADVISORY BOARD.—The Commissioner shall consult with the Management Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Patent and Trademark Office, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations.

"(D) SECURITY CLEARANCES.—The Commissioner, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances.

"(3) TERM.—The Commissioner shall serve a term of 5 years, and may continue to serve after the expiration of the Commissioner's term until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

"(4) OATH.—The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Office.

"(5) COMPENSATION.—The Commissioner shall receive compensation at the rate of pay in effect for Level III of the Executive Schedule under section 5314 of title 5.

"(6) REMOVAL.—The Commissioner may be removed from office by the President only for cause.

"(7) DESIGNEE OF COMMISSIONER.—The Commissioner shall designate an officer of the Office who shall be vested with the authority to act in the capacity of the Commissioner in the event of the absence or incapacity of the Commissioner.

"(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

"(1) DEPUTY COMMISSIONERS.—The Commissioner shall appoint a Deputy Commissioner for Patents and a Deputy Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Deputy Commissioner for Patents shall be a person with demonstrated experience in patent law and the Deputy Commissioner for Trademarks shall be a person with demonstrated experience in trademark law. The Deputy Commissioner for Patents and the Deputy Commissioner for Trademarks shall be the principal policy advisors to the Commissioner on all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively.

"(2) OTHER OFFICERS AND EMPLOYEES.—The Commissioner shall—

"(A) appoint an Inspector General and such other officers, employees (including attorneys), and agents of the Office as the Commissioner considers necessary to carry out its functions;

"(B) fix the compensation of such officers and employees; and

"(C) define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Commissioner may determine.

The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation, except to the extent otherwise specifically provided by statute with respect to the Office.

"(c) LIMITS ON COMPENSATION.—Except as otherwise provided in this title or any other provision of law, the basic pay of an officer or employee of the Office for any calendar year may not exceed the annual rate of basic pay in effect for level IV of the Executive Schedule under section 5315 of title 5. The Commissioner shall by regulation establish a limitation on the total compensation payable to officers or employees of the Office, which may not exceed the annual rate of basic pay in effect for level I of the Executive Schedule under section 5312 of title 5.

"(d) INAPPLICABILITY OF TITLE 5 GENERALLY.—Except as otherwise provided in this section, officers and employees of the Office shall not be subject to the provisions of title 5 relating to Federal employees.

"(e) CONTINUED APPLICABILITY OF CERTAIN PROVISION OF TITLE 5.—The following provisions of title 5 shall apply to the Office and its officers and employees:

"(1) Section 3110 (relating to employment of relatives; restrictions).

"(2) Subchapter II of chapter 55 (relating to withholding pay).

"(3) Subchapter II of chapter 73 (relating to employment limitations).

"(f) PROVISIONS OF TITLE 5 RELATING TO CERTAIN BENEFITS.—

"(1) RETIREMENT.—(A)(i) Any individual who becomes an officer or employee of the Office pursuant to subsection (h) shall, if such individual has at least 3 years of creditable service (within the meaning of section 8332 or 8411 of title 5) as of the effective date of the Patent and Trademark Office Corporation Act of 1995, remain subject to subchapter III of chapter 83 or chapter 84 of such title, as the case may be, so long as such individual continues to hold an office or position in or under the Office without a break in service.

"(ii)(I) Except as provided in subclause (II), with respect to an individual described in clause (i), the Office shall make the appropriate withholding from pay and shall pay the contributions required of an employing agency into the Civil Service Retirement and Disability Fund and, if applicable, the Thrift Savings Fund in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, as the case may be.

"(II) In the case of an officer or employee who remains subject to subchapter III of chapter 83 of such title by virtue of this subparagraph, the Office shall, instead of the amount which would otherwise be required under the second sentence of section 8334(a)(1) of title 5, contribute an amount equal to the normal-cost percentage (determined with respect to officers and employees of the Office using dynamic assumptions, as defined by section 8401(9) of such title) of the individual's basic pay, minus the amount required to be withheld from such pay under such section 8334(a)(1).

"(B)(i) Notwithstanding subsection (d), the provisions of subchapter III of chapter 83 or chapter 84 of title 5 (as applicable) which relate to disability shall be considered to remain in effect, with respect to an individual who becomes an officer or employee of the Office pursuant to subsection (h), until the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 or, if earlier, until such individual satisfies the prerequisites for coverage under any program offered by the Office to replace the disability retirement program under chapter 83 or 84 of title 5.

"(ii) This clause applies with respect to any officer or employee of the Office who is receiving disability coverage under this subparagraph and has completed the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of title 5 (as applicable), but who is not described in subparagraph (A)(i). In the case of any individual to whom this clause applies, the Office shall pay into the Civil Service Retirement and Disability Fund an amount equal to that portion of the normal-cost percentage (determined in the same manner as under subparagraph (A)(ii)(II)) of the basic pay of such individual (for service performed during the period during which such individual is receiving such coverage) allocable to such coverage. Any amounts payable under this clause shall be paid at such time and in such manner as mutually agreed to by the Office and the Office of Personnel Management, and shall be in lieu of any individual or agency contributions otherwise required.

"(2) HEALTH BENEFITS.—(A) Officers and employees of the Office shall not become ineligible to participate in the health benefits program under chapter 89 of title 5 by reason of subsection (d) until the effective date of elections made during the first election period (under section 8905(f) of title 5) beginning after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(B)(i) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the eligibility of such individual to participate in such program as an annuitant (or of any other person to participate in such program as an annuitant based on the death of such individual) shall be determined disregarding the requirements of section 8905(b) of title 5. The preceding sentence shall not apply if the individual ceases to be an officer or employee of the Office for any period of time after becoming an officer or employee of the Office pursuant to subsection (h) and before separation.

"(ii) The Government contributions authorized by section 8906 for health benefits for anyone participating in the health benefits program pursuant to this subparagraph shall be made by the Office in the same manner as provided under section 8906(g)(2) of title 5 with respect to the United States Postal Service for individuals associated therewith.

"(iii) For purposes of this subparagraph, the term 'annuitant' has the meaning given such term by section 8901(3) of title 5.

"(3) LIFE INSURANCE.—(A) Officers and employees of the Office shall not become ineligible to participate in the life insurance program under chapter 87 of title 5 by reason of subsection (d) until the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(B)(i) Eligibility for life insurance coverage after retirement or while in receipt of compensation under subchapter I of chapter 81 of title 5 shall be determined, in the case of any individual who becomes an officer or employee of the Office pursuant to subsection (h), without regard to the requirements of section 8706(b) (1) or (2), but subject to the condition specified in the last sentence of paragraph (2)(B)(i) of this subsection.

"(ii) Government contributions under section 8708(d) on behalf of any such individual shall be made by the Office in the same manner as provided under paragraph (3) thereof with respect to the United States Postal Service for individuals associated therewith.

"(4) EMPLOYEES' COMPENSATION FUND.—The Office shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, for compensation paid or payable after the effective date of the Patent and Trademark Office Corporation Act of 1995 in accordance with chapter 81 of title 5 with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

"(5) REQUIREMENT THAT THE OFFICE OFFER CERTAIN MINIMUM NUMBER OF LIFE AND HEALTH INSURANCE POLICIES.—The Office shall offer at least 1 life insurance policy and at least 3 health insurance policies to its officers and employees, comparable to existing Federal benefits, beginning on the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(g) LABOR-MANAGEMENT RELATIONS.—

"(1) LABOR RELATIONS AND EMPLOYEE RELATIONS PROGRAMS.—The Office shall develop labor relations and employee relations programs with the objective of improving productivity and efficiency, incorporating the following principles:

"(A) Such programs shall be consistent with the merit principles in section 2301(b) of title 5.

"(B) Such programs shall provide veterans preference protections equivalent to those established by sections 2801, 3308–3318, and 3320 of title 5.

"(C)(i) In order to maximize individual freedom of choice in the pursuit of employment and to encourage an economic climate conducive to economic growth, the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

"(ii) No person shall be required, as a condition of employment or continuation of employment:

"(I) To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization.

"(II) To become or remain a member of a labor organization.

"(III) To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization.

"(IV) To pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization.

"(V) To be recommended, approved, referred, or cleared by or through a labor organization.

"(iii) This subparagraph shall not apply to a person described in section 7103(a)(2)(v) of title 5 or a 'supervisor', 'management official', or 'confidential employee' as those terms are defined in 7103(a)(10), (11), and (13) of such title.

"(iv) Any labor organization recognized by the Office as the exclusive representative of a unit of employees of the Office shall represent the interests of all employees in that unit without discrimination and without regard to labor organization membership.

"(2) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, with respect to such Office (as then in effect). Each such agreement shall remain in effect for the 2-year period commencing on such date, unless the agreement provides for a shorter duration or the parties agree otherwise before such period ends.

"(h) CARRYOVER OF PERSONNEL.—

"(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Corporation Act of 1995, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office, without a break in service.

"(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office if—

"(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

"(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent's work time, as determined by the Secretary of Commerce; or

"(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Commissioner of Patents and Trademarks.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

"(3) ACCUMULATED LEAVE.—The amount of sick and annual leave and compensatory time accumulated under title 5 before the effective date described in paragraph (1), by officers or employees of the Patent and Trademark Office who so become officers or employees of the Office, are obligations of the Office.

"(4) TERMINATION RIGHTS.—Any employee referred to in paragraph (1) or (2) of this subsection whose employment with the Office is terminated during the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 shall be entitled to rights and benefits, to be afforded by the Office, similar to those such employee would have had under Federal law if termination had occurred immediately before such date. An employee who would have been entitled to appeal any such termination to the Merit Systems Protection Board, if such termination had occurred immediately before such effective date, may appeal any such termination occurring within this 2-year period to the Board under such procedures as it may prescribe.

"(5) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Commissioner of Patents and Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Commissioner until the earlier of 1 year after the effective date of that Act or the date on which a Commissioner is appointed under subsection (a).

"(B) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner for Patents until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Patents is appointed under subsection (b).

"(C) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner for Trademarks until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Trademarks is appointed under subsection (b).

"(i) COMPETITIVE STATUS.—For purposes of appointment to a position in the competitive service for which an officer or employee of the Office is qualified, such officer or employee shall not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Corporation Act of 1995, by reason of becoming an officer or employee of the Office pursuant to subsection (h).

"(j) SAVINGS PROVISIONS.—All orders, determinations, rules, and regulations regarding compensation and benefits and other terms and conditions of employment, in effect for the Office and its officers and employees immediately before the effective date of the Patent and Trademark Office Corporation Act of 1995, shall continue in effect with respect to the Office and its officers and employees until modified, superseded, or set aside by the Office or a court of appropriate jurisdiction or by operation of law.".

SEC. 2414. MANAGEMENT ADVISORY BOARD.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

"§ 5. Patent and Trademark Office Management Advisory Board

"(a) ESTABLISHMENT OF MANAGEMENT ADVISORY BOARD.—

"(1) APPOINTMENT.—The Patent and Trademark Office shall have a Management Advisory Board (hereafter in this title referred to as the 'Board') of 12 members, 4 of whom shall be appointed by the President, 4 of whom shall be appointed by the Speaker of the House of Representatives, and 4 of whom shall be appointed by the President pro tempore of the Senate. Not more than 3 of the 4 members appointed by each appointing authority shall be members of the same political party.

"(2) TERMS.—Members of the Board shall be appointed for a term of 4 years each, except that of the members first appointed by each appointing authority, 1 shall be for a term of 1 year, 1 shall be for a term of 2 years, and 1 shall be for a term of 3 years. No member may serve more than 1 term.

"(3) CHAIR.—The President shall designate the chair of the Board, whose term as chair shall be for 3 years.

"(4) TIMING OF APPOINTMENTS.—Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Corporation Act of 1995, and vacancies shall be filled within 3 months after they occur.

"(5) VACANCIES.—Vacancies shall be filled in the manner in which the original appointment was made under this subsection. Members appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor is appointed.

"(b) BASIS FOR APPOINTMENTS.—Members of the Board shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the Patent and Trademark Office, and shall include individuals with substantial background and achievement in corporate finance and management.

"(c) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of the Board shall be special Government employees within the meaning of section 202 of title 18.

"(d) MEETINGS.—The Board shall meet at the call of the chair to consider an agenda set by the chair.

"(e) DUTIES.—The Board shall—

"(1) review the policies, goals, performance, budget, and user fees of the Patent and Trademark Office, and advise the Commissioner on these matters; and

"(2) within 60 days after the end of each fiscal year, prepare an annual report on the matters referred to in paragraph (1), transmit the report to the President and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette.

"(f) STAFF.—The Board shall employ a staff of not more than 10 members and shall procure support services for the staff adequate to enable the Board to carry out its functions, using funds available to the Commissioner under section 42 of this title. The Board shall ensure that members of the staff, other than clerical staff, are especially qualified in the areas of patents, trademarks, or management of public agencies. Persons employed by the Board shall receive compensation as determined by the Board, which may not exceed the limitations set forth in section 3(c) of this title, shall serve in accordance with terms and conditions of employment established by the Board, and shall be subject solely to the direction of the Board, notwithstanding any other provision of law.

"(g) COMPENSATION.—Members of the Board shall be compensated for each day (including travel time) during which they are attending meetings or conferences of the Board or otherwise engaged in the business of the Board, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(h) ACCESS TO INFORMATION.—Members of the Board shall be provided access to records and information in the Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122 of this title.".

SEC. 2415. INDEPENDENCE FROM DEPARTMENT OF COMMERCE.

(a) DUTIES OF COMMISSIONER.—Section 6 of title 35, United States Code, is amended—

(1) by striking ", under the direction of the Secretary of Commerce," each place it appears; and

(2) by striking ", subject to the approval of the Secretary of Commerce,".

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, is amended by striking ", subject to the approval of the Secretary of Commerce,".

SEC. 2416. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067) is amended to read as follows:

"SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

"(b) The Trademark Trial and Appeal Board shall include the Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and members competent in trademark law who are appointed by the Commissioner.".

SEC. 2417. BOARD OF PATENT APPEALS AND INTERFERENCES.

Section 7 of title 35, United States Code, is amended to read as follows:

"§ 7. Board of Patent Appeals and Interferences

"(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Patent and Trademark Office a Board of Patent Appeals and Interferences. The Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

"(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title. Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.".

SEC. 2418. SUITS BY AND AGAINST THE CORPORATION.

Chapter 1 of part I of title 35, United States Code, is amended—

(1) by redesignating sections 8 through 14 as sections 9 through 15; and

(2) by inserting after section 7 the following new section:

"§ 8. Suits by and against the Corporation

"(a) IN GENERAL.—

"(1) ACTIONS UNDER UNITED STATES LAW.—Any civil action or proceeding to which the Patent and Trademark Office is a party is deemed to arise under the laws of the United States. The Federal courts shall have exclusive jurisdiction over all civil actions by or against the Office.

"(2) CONTRACT CLAIMS.—Any action or proceeding against the Office in which any claim is cognizable under the Contract Disputes Act of 1978 (41 U.S.C. 601 and following) shall be subject to that Act. For purposes of that Act, the Commissioner shall be deemed to be the agency head with respect to contract claims arising with respect to the Office. Any other action or proceeding against the Office founded upon contract may be brought in an appropriate district court, notwithstanding any provision of title 28.

"(3) TORT CLAIMS.—(A) Any action or proceeding against the Office in which any claim is cognizable under the provisions of section 1346(b) and chapter 171 of title 28, shall be governed by those provisions.

"(B) Any other action or proceeding against the Office founded upon tort may be brought in an appropriate district court without regard to the provisions of section 1346(b) and chapter 171 of title 28.

"(4) PROHIBITION ON ATTACHMENT, LIENS, ETC.—No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Office.

"(5) SUBSTITUTION OF OFFICE AS PARTY.—The Office shall be substituted as defendant in any civil action or proceeding against an officer or employee of the Office, if the Office determines that the officer or employee was acting within the scope of his or her employment with the Office. If the Office refuses to certify scope of employment, the officer or employee may at any time before trial petition the court to find and certify that the officer or employee was acting within the scope of his or her employment. Upon certification by the court, the Office shall be substituted as the party defendant. A copy of the petition shall be served upon the Office. In any such civil action or proceeding to which paragraph (3)(A) applies, the provisions of section 1346(b) and chapter 171 of title 28 shall apply in lieu of this paragraph.

"(b) RELATIONSHIP WITH JUSTICE DEPARTMENT.—

"(1) EXERCISE BY OFFICE OF ATTORNEY GENERAL'S AUTHORITIES.—Except as provided in this section, with respect to any action or proceeding in which the Office is a party or an officer or employee thereof is a party in his or her official capacity, the Office, officer, or employee may exercise, without prior authorization from the Attorney General, the authorities and duties that otherwise would be exercised by the Attorney General on behalf of the Office, officer, or employee under title 28 and other laws.

"(2) APPEARANCES BY ATTORNEY GENERAL.—Notwithstanding paragraph (1), at any time the Attorney General may, in any action or proceeding described in paragraph (1), file an appearance on behalf of the Office or the officer or employee involved, without the consent of the Office or the officer or employee. Upon such filing, the Attorney General shall represent the Office or such officer or employee with exclusive authority in the conduct, settlement, or compromise of that action or proceeding.

"(3) CONSULTATIONS WITH AND ASSISTANCE BY ATTORNEY GENERAL.—The Office may consult with the Attorney General concerning any legal matter, and the Attorney General shall provide advice and assistance to the Office, including representing the Office in litigation, if requested by the Office.

"(4) REPRESENTATION BEFORE SUPREME COURT.—The Attorney General shall represent the Office in all cases before the United States Supreme Court.

"(5) QUALIFICATIONS OF ATTORNEYS.—An attorney admitted to practice to the bar of the highest court of at least one State in the United States or the District of Columbia and employed by the Office may represent the Office in any legal proceeding in which the Office or an officer or employee of the Office is a party or interested, regardless of whether the attorney is a resident of the jurisdiction in which the proceeding is held and notwithstanding any other prerequisites of qualification or appearance required by the court or administrative body before which the proceeding is conducted.".

SEC. 2419. ANNUAL REPORT OF COMMISSIONER.

Section 15 of title 35, United States Code, as redesignated by section 2418 of this Act, is amended to read as follows:

"§ 15. Annual report to Congress

"The Commissioner shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, and other information relating to the Office. The report under this section shall also meet the requirements of section 9106 of title 31, to the extent that such requirements are not inconsistent with the preceding sentence. The report required under this section shall be deemed to be the report of the Patent and Trademark Office under section 9106 of title 31, and the Commissioner shall not file a separate report under such section.".

SEC. 2420. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: "The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the Patent and Trademark Office to conduct the hearing required by this section.".

SEC. 2421. FUNDING.

Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Patent and Trademark Office funding

"(a) FEES PAYABLE TO THE OFFICE.—All fees for services performed by or materials furnished by the Patent and Trademark Office shall be payable to the Office.

"(b) USE OF MONEYS.—Moneys of the Patent and Trademark Office not otherwise used to carry out the functions of the Office shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed by the United States, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds. Fees available to the Commissioner under this title shall be used exclusively for the processing of patent applications and for other services and materials relating to patents. Fees available to the Commissioner under section 31 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1113), shall be used exclusively for the processing of trademark registrations and for other services and materials relating to trademarks.

"(c) BORROWING AUTHORITY.—The Patent and Trademark Office is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evidences of indebtedness (hereafter in this subsection referred to as 'obligations') to assist in financing its activities. Borrowing under this subsection shall be subject to prior approval in appropriation Acts. Such borrowing shall not exceed amounts approved in appropriation Acts. Any such borrowing shall be repaid only from fees paid to the Office and surcharges appropriated by the Congress. Such obligations shall be redeemable at the option of the Office before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Office with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Office issued under this subsection and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the purchase price of such obligations of the Patent and Trademark Office shall be treated as public debt transactions of the United States.".

SEC. 2422. AUDITS.

Chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new section:

"§ 43. Audits

"(a) IN GENERAL.—Financial statements of the Patent and Trademark Office shall be prepared on an annual basis in accordance with generally accepted accounting principles. Such statements shall be audited by an independent certified public accountant chosen by the Commissioner. The audit shall be conducted in accordance with standards that are consistent with generally accepted Government auditing standards and other standards established by the Comptroller General, and with the generally accepted auditing standards of the private sector, to the extent feasible. The Commissioner shall transmit to the Committees on the Judiciary of the House of Representatives and the Senate the results of each audit under this subsection.

"(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General may review any audit of the financial statement of the Patent and Trademark Office that is conducted under subsection (a). The Comptroller General shall report to the Congress and the Office the results of any such review and shall include in such report appropriate recommendations.

"(c) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General may audit the financial statements of the Office and such audit shall be in lieu of the audit required by subsection (a). The Office shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

"(d) ACCESS TO OFFICE RECORDS.—All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

"(e) APPLICABILITY IN LIEU OF TITLE 31 PROVISIONS.—This section applies to the Office in lieu of the provisions of section 9105 of title 31.".

SEC. 2423. TRANSFERS.

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this Act, there are transferred to, and vested in, the Patent and Trademark Office all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in the officers or components in the Department of Commerce with respect to the authority to grant patents and register trademarks, and in the Patent and Trademark Office, as in effect on the day before the effective date of this subtitle, and in the officers and components of such Office.

(b) TRANSFER OF FUNDS AND PROPERTY.—The Secretary of Commerce shall transfer to the Patent and Trademark Office, on the effective date of this subtitle, so much of the assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Commerce, including funds set aside for accounts receivable which are related to functions, powers, and duties which are vested in the Patent and Trademark Office by this subtitle.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

SEC. 2431. EFFECTIVE DATE.

This subtitle shall take effect 6 months after the date of the enactment of this Act.

SEC. 2432. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—

(1) The table of contents for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

"1. Establishment, Officers and Employees, Functions .... 1."

(2) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

"Sec.
"1. Establishment.
"2. Powers and duties.
"3. Officers and employees.
"4. Restrictions on officers and employees as to interest in patents.
"5. Patent and Trademark Office Management Advisory Board.
"6. Duties of Commissioner.
"7. Board of Patent Appeals and Interferences.
"8. Suits by and against the Corporation.
"9. Library.
"10. Classification of patents.
"11. Certified copies of records.
"12. Publications.
"13. Exchange of copies of patents with foreign countries.
"14. Copies of patents for public libraries.
"15. Annual report to Congress.".

(3) The table of contents for chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new item:

"43. Audits."

(b) OTHER PROVISIONS OF LAW.—

(1) Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(O) the Patent and Trademark Office.".

(2) Section 500(e) of title 5, United States Code, is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(3) Section 5102(c)(23) of title 5, United States Code, is amended by striking ", Department of Commerce".

(4) Section 5316 of title 5, United States Code, is amended by striking "Commissioner of Patents, Department of Commerce.", "Deputy Commissioner of Patents and Trademarks.", "Assistant Commissioner for Patents.", and "Assistant Commissioner for Trademarks.".

(5) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking "(d) Patent and Trademark Office;" and redesignating subsections (a) through (g) as paragraphs (1) through (6), respectively.

(6) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(7) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking "of the Department of Commerce".

(8) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(9) Section 1744 of title 28, United States Code is amended—

(A) by striking "Patent Office" each place it appears and inserting "Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(10) Section 1745 of title 28, United States Code, is amended by striking "United States Patent Office" and inserting "Patent and Trademark Office".

(11) Section 1928 of title 28, United States Code, is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(12) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended—

(A) by striking "United States Patent Office" and inserting "Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(13) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(14) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking "Commissioner of the Patent Office" and inserting "Commissioner of Patents and Trademarks".

(15) Section 1111 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(16) Section 1114 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(17) Section 1123 of title 44, United States Code, is amended by striking "the Patent Office,".

(18) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(19) Section 10(i) of the Trading With the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(20) Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the Patent and Trademark Office,", after "the Panama Canal Commission,".

Subtitle E—Miscellaneous Provisions

SEC. 2501. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this title—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

SEC. 2502. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this title may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this title.

SEC. 2503. SAVINGS PROVISIONS.

(a) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, the United States Trade Representative, any officer or employee of any office transferred by this title, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this title, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) Proceedings.—This title shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office transferred by this title, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits.—This title shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this title, shall abate by reason of the enactment of this title.

(e) Continuance of Suits.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) Administrative Procedure and Judicial Review.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this title shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this title.

SEC. 2504. TRANSFER OF ASSETS.

Except as otherwise provided in this title, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this title shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 2505. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this title, an official to whom functions are transferred under this title (including the head of any office to which functions are transferred under this title) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this title shall relieve the official to whom a function is transferred under this title of responsibility for the administration of the function.

SEC. 2506. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) Determinations.—If necessary, the Director shall make any determination of the functions that are transferred under this title.

(b) Incidental Transfers.—The Director, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 2507. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this title, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 2508. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this title shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 2509. DEFINITIONS.

For purposes of this title—

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term 'office' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

Subtitle F—Citizens Commission on 21st Century Government

SEC. 2601. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the "21st Century Government Act".

(b) PURPOSE.—The purpose of this subtitle is to establish a bipartisan commission to—

(1) identify and analyze the current functions and missions of the Federal Government; and

(2) based on that analysis, develop recommendations to restructure the executive branch of the Federal Government, in order to—

(A) focus Federal efforts on those core functions and missions that the Federal Government must perform in the 21st Century;

(B) ensure that the Federal Government performs those functions as effectively and efficiently as possible;

(C) consolidate executive organizations around clear, specific missions reflecting current national priorities;

(D) eliminate functions that do not advance current national priorities;

(E) eliminate duplication of functions and activities within and among departments and agencies;

(F) streamline organizational hierarchy so as to reduce costs and increase accountability for performance; and

(G) provide a basis for—

(i) the subsequent implementation of operational reforms for Federal agencies, including administrative consolidation and the provision of 1-stop services for citizens; and

(ii) more detailed structural improvements within each agency.

SEC. 2602. CITIZENS COMMISSION ON 21ST CENTURY GOVERNMENT.

(a) ESTABLISHMENT.—There is established in the legislative branch an independent commission to be known as the Citizens Commission on 21st Century Government (in this subtitle referred to as the "Commission").

(b) APPOINTMENT OF COMMISSIONERS.—

(1) COMPOSITION.—The Commission shall be a bipartisan body composed of 11 members, who shall be appointed as follows:

(A) Three members shall be appointed by the Speaker of the House of Representatives.

(B) Three members shall be appointed by the majority leader of the Senate.

(C) Two members shall be appointed by the minority leader of the House of Representatives.

(D) Two members shall be appointed by the minority leader of the Senate.

(E) One member appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leaders of the House of Representatives and the Senate, who shall be the Chairman of the Commission.

(2) MEMBERSHIP QUALIFICATIONS.—Any citizen of the United States is eligible to be appointed as a member of the Commission, except an individual serving as a Member of Congress or an elected or appointed official of the executive branch of the Federal Government.

(3) CONFLICT OF INTERESTS.—For purposes of chapter 11 of title 18, United States Code, a member of the Commission shall be a special Government employee.

(4) DATE OF APPOINTMENTS.—All members of the Commission shall be appointed no later than 30 days after the date of the enactment of this Act.

(c) TERMS.—Each member of the Commission shall serve until the termination of the Commission.

(d) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(e) MEETINGS.—The Commission shall meet as necessary to carry out its responsibilities.

(f) TRAVEL EXPENSES.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) DIRECTOR.—

(1) APPOINTMENT.—The Chairman, in consultation with the other members of the Commission, shall appoint a Director of the Commission.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) STAFF.—

(1) APPOINTMENT.—The Director may, with the approval of the Chairman, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAIL.—(A) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle. Such details may be made with or without reimbursement, and shall be without interruption or loss of civil service status or privilege.

(B) Upon request of the Director, a Member of Congress or an officer who is the head of an office or committee of the Senate or House of Representatives or of an agency within the legislative branch may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this subtitle.

(i) SUPPORT SERVICES.—The Comptroller General of the United States shall provide support services to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITIES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission $1,250,000 for fiscal year 1996 to carry out its responsibilities under this subtitle, to remain available until December 31, 1996.

(l) TERMINATION.—The Commission shall terminate December 31, 1996.

SEC. 2603. DEPARTMENT AND AGENCY COOPERATION.

All Federal agencies and employees of all Federal agencies shall cooperate fully with all requests for information from the Commission and shall respond to any such request for information within 30 days or such other time as is agreed upon by the requesting and requested persons.

SEC. 2604. HEARINGS.

The Commission shall hold such hearings as it considers appropriate. The Chairman of the Commission shall designate a member of the Commission to preside at any hearing in the absence of the Chairman.

SEC. 2605. COMMISSION PROCEDURES.

(a) STARTUP.—The Commission may conduct business at any time after at least 6 of its members have been appointed in accordance with section 2602.

(b) VOTING.—A majority of those members of the Commission who have been appointed in accordance with section 2602 shall constitute a quorum for purposes of conducting Commission business. Any recommendation of the Commission shall require an affirmative vote of a majority of Commission members who have been appointed in accordance with section 2602. Members of the Commission may not vote by proxy.

SEC. 2606. FRAMEWORK FOR THE FEDERAL GOVERNMENT IN THE 21ST CENTURY.

(a) ANALYSIS OF CURRENT FEDERAL FUNCTIONS.—The Commission shall conduct a comprehensive review of the functions currently performed by the Federal Government, and shall analyze each such function under the following criteria:

(1) Does the function have clearly defined missions and objectives.

(2) Do those missions and objectives serve a currently valid and important Federal role, including analysis of whether—

(A) there is a need for governmental action;

(B) the Federal Government has exclusive constitutional authority to perform the function;

(C) the Federal Government is otherwise uniquely positioned to perform the function; and

(D) there is a clear need for or advantage to performing the function at the Federal level versus at the State or local level.

(3) Does the current Federal role constitute the most effective and efficient means of achieving the objectives of the function.

(4) Does the current Federal role constitute the least intrusive means of achieving the objectives with respect to individual liberty and principles of Federalism.

(5) Is there a need to enhance Federal performance of the function, including analysis of whether—

(A) the Federal Government requires greater resources or authority to perform that function;

(B) there are other ways of consolidating Federal resources and activities directed to the function; and

(C) there are opportunities for participation by the private sector or other levels of government.

(b) COMMISSION REPORTS AND RECOMMENDATIONS.—

(1) In general.—The Commission shall prepare and submit to the Congress a report or reports on the results of its analysis. Each report shall be made public and shall include—

(A) the Commission's findings and conclusions;

(B) the Commission's recommendations for the restructuring or termination of current functions;

(C) the reasons for such findings, conclusions, and recommendations; and

(D) a complete description of the Commission's deliberations, including a discussion of any major points on which the members had significant disagreements.

(2) Report on matters of highest priority.—Not later than July 31, 1996, the Commission shall submit a report containing those findings, conclusions, and recommendations that the Commission considers to be of highest priority.

(3) Additional reports.—The Commission may submit such additional reports under this section as it considers appropriate, and at such times on or before December 31, 1996, as it considers appropriate.

SEC. 2607. PROPOSAL FOR REORGANIZING THE EXECUTIVE BRANCH.

(a) In General.—The Commission shall—

(1) examine all significant issues related to the organization of the executive branch of the Federal Government; and

(2) develop organizational recommendations to eliminate duplication, reduce costs, streamline operations, and improve performance and accountability in Federal departments and agencies.

(b) Legislative Proposal.—The recommendations of the Commission under this section shall be encompassed in a single legislative proposal under section 2608 which implements a comprehensive reorganization and restructuring plan for the executive branch and which addresses, among other issues, the following:

(1) Whether the Federal Government should include fewer departments, each with clear, specific missions and goals, and if so, what those departments should be.

(2) Whether and how to ensure that similar functions of Government, such as statistical, science, or trade functions, are consolidated within a single department or agency.

(3) Whether and how significant common administrative functions should be consolidated within one executive organization.

(4) Whether a single department-level office should be designated with responsibility for representation and oversight within the White House of all independent agencies of the executive branch.

(5) Whether and how a streamlined hierarchical structure can be provided within each department and agency.

(c) Other Recommendations.—The Commission may also make additional recommendations which it determines will enhance the operational effectiveness of the organizational recommendations. Such recommendations shall not be included in any draft implementation bill to be considered under section 2609, but may be submitted separately to the Congress.

SEC. 2608. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) Commission Report.—No later than December 31, 1996, the Commission shall prepare and submit to the Congress a single report, which shall be made public, and which shall include—

(1) a description of the Commission's findings and recommendations pursuant to section 2607;

(2) the reasons for such recommendations; and

(3) a single proposal consisting of draft legislation to implement those recommendations for which legislation is appropriate.

(b) Review and Comment by the President.—No later than March 31, 1997, the President shall submit to the Congress an evaluation of the Commission's report under this section, together with any recommendations that the President considers appropriate.

SEC. 2609. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) Definitions.—For purposes of this section—

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and consists of the draft legislation contained in the report submitted to Congress under section 2608; and

(2) the term "calendar day of session" means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) Introduction, Referral, and Report or Discharge.—

(1) Introduction.—On the first calendar day of session on which both Houses are in session immediately following April 15, 1997, a bill consisting of the draft legislation contained in the report submitted to Congress under section 2608 shall be introduced (by request)—

(A) in the Senate by the majority leader or by any Member designated by the majority leader; and

(B) in the House of Representatives by the majority leader or by any Member designated by the majority.

If such a bill is not introduced in either House as provided in the preceding session within 3 calendar days of session after such first calendar day of session, then any Member of that House may introduce such a bill.

(2) Referral.—The implementation bill introduced in the Senate under paragraph (1) shall be referred concurrently to the Committee on Governmental Affairs of the Senate and other committees with jurisdiction.

(3) Report or discharge.—If any committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day of session after the date of introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from all committees, such bill shall be placed on the appropriate calendar of the House involved.

(c) Procedures for Consideration by the Senate.—

(1) In general.—On or after the second calendar day of session after the date on which an implementation bill is placed on the Senate calendar, it is in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the implementation bill (but only on the day after the calendar day of session on which such Senator announces on the floor of the Senate the Senator's intention to do so). All points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill without intervening motion, order, or other business, and the implementation bill shall remain the unfinished business of the Senate until disposed of.

(2) Debate.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader or their designees. An amendment to the implementation bill is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) Motion to suspend or waive application.—No motion to suspend or waive the application of this subsection shall be in order, except by unanimous consent.

(4) Appeals from chair.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(5) Final passage.—Immediately following the conclusion of the debate on an implementation bill and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the implementation bill shall occur.

(d) Consideration by Other House.—

(1) In general.—If, before the passage by the Senate of an implementation bill, the Senate receives from the House of Representatives an implementation bill, then the following procedures shall apply:

(A) The implementation bill of the House of Representatives shall not be referred to a committee and may not be considered in the Senate except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to an implementation bill of the Senate—

(i) the procedure in the Senate shall be the same as if no implementation bill had been received from the House of Representatives; but

(ii) the vote on final passage shall be on the implementation bill of the House of Representatives.

(2) Final disposition.—Upon disposition of the implementation bill received from the House of Representatives, it shall no longer be in order to consider the implementation bill that originated in the Senate.

(f) Rules of the Senate and House.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change its rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2610. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an implementation bill under section 2609 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

SEC. 2611. AGENCY DEFINED.

For purposes of this subtitle, the term "agency" means each authority of the Federal Government, including all departments, independent agencies, government-sponsored enterprises, and Government corporations, except the legislative branch, judicial branch, the governments of the territories or possessions of the United States, or the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, it shall be in order for the chairman of the Committee on Ways and Means or his designee to offer one motion to amend, which shall be considered read and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

Further, it shall be in order to consider one motion to amend by the gentleman from Pennsylvania [Mr. WALKER], or his designee, which shall be considered read and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The Chair understands that the gentleman from Texas will not offer an amendment.

Mr. ARCHER. The Speaker is correct and the gentleman from Pennsylvania [Mr. WALKER], will offer that amendment.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER:

At the appropriate place in the bill, add the following:

TITLE III—REGULATORY REFORM

SEC. 3001. SHORT TITLE.

This title may be cited as the "Comprehensive Regulatory Reform Act of 1995".

SEC. 3002. ANALYSIS OF AGENCY RULES.

(a) IN GENERAL.—(1) Section 551 of title 5, United States Code, is amended by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting a semicolon, and by adding at the end the following:

"(15) 'major rule' means any rule subject to section 553(c) that is likely to result in—

"(A) an annual effect on the economy of $100,000,000 or more;

"(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or

"(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

"(16) 'Director' means the Director of the Office of Management and Budget;

"(17) 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, environmental, health, and economic effects that are expected to result directly or indirectly from implementation of a rule or other agency action;

"(18) 'cost-benefit analysis' means an evaluation of the costs and benefits of a rule, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this subchapter at the level of detail appropriate and practicable for reasoned decision making on the matter involved, taking into consideration the significance and complexity of the decision and any need for expedition; and

"(19) 'reasonable alternatives' means the range of reasonable regulatory options that the agency has authority to consider under the statute granting rulemaking authority, including flexible regulatory options, unless precluded by the statute granting the rulemaking authority.".

(2) Section 553 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) Each agency shall for a proposed major rule publish in the Federal Register, at least 90 days before the date of publication of the general notice required under subsection (b), a notice of intent to engage in rulemaking.

"(2) A notice under paragraph (1) for a proposed major rule shall include, to the extent possible, the information required to be included in a regulatory impact analysis for the rule under subsection (i)(4)(B) and (D).

"(3) For a major rule proposed by an agency, the head of the agency shall include in a general notice under subsection (b), a preliminary regulatory impact analysis for the rule prepared in accordance with subsection (i).

"(4) For a final major rule, the agency shall include with the statement of basis and purpose—

"(A) a summary of a final regulatory impact analysis of the rule in accordance with subsection (i); and

"(B) a clear delineation of all changes in the information included in the final regulatory impact analysis under subsection (i) from any such information that was included in the notice for the rule under subsection (b).

The agency shall provide the complete text of a final regulatory impact analysis upon request.

"(5) The issuance of a notice of intent to engage in rulemaking under paragraph (1) and the issuance of a preliminary regulatory impact analysis under paragraph (3) shall not be considered final agency action for purposes of section 704.

"(6) In a rulemaking involving a major rule, the agency conducting the rulemaking shall make a written record describing the subject of all contacts the agency made with persons outside the agency relating to such rulemaking. If the contact was made with a non-governmental person, the written record of such contact shall be made available, upon request to the public.".

(3)(A) HEARING REQUIREMENT.—Section 553 of title 5, United States Code, is further amended by adding after subsection (f) the following:

"(g) If more than 100 interested persons acting individually submit requests for a hearing to an agency regarding any major rule proposed by the agency, the agency shall hold such a hearing on the proposed rule.".

(B) EXTENSION OF COMMENT PERIOD.—Section 553 of title 5, United States Code is further amended by adding after subsection (g) the following:

"(h) If during the 90-day period beginning on the date of publication of a notice under subsection (f) for a proposed major rule, or if during the period beginning on the date of publication or service of notice required by subsection (b) for a proposed major rule, more than 100 persons individually contact the agency to request an extension of the period for making submissions under subsection (c) pursuant to the notice, the agency—

"(1) shall provide an additional 30-day period for making those submissions; and

"(2) may not adopt the rule until after the additional period.".

(C) RESPONSE TO COMMENTS.—Section 553(c) of title 5, United States Code, is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) Each agency shall publish in the Federal Register, with each rule published under section 552(a)(1)(D), responses to the substance of the comments received by the agency regarding the rule.".

(4) Section 553 of title 5, United States Code, is further amended by adding after subsection (h) the following:

"(i)(1) Each agency shall, in connection with every major rule, prepare, and, to the extent permitted by law, consider, a regulatory impact analysis. Such analysis may be combined with any regulatory flexibility analysis performed under sections 603 and 604.

"(2) Each agency shall initially determine whether a rule it intends to propose or issue is a major rule. The Director shall have authority to order a rule to be treated as a major rule and to require any set of related rules to be considered together as a major rule.

"(3) Except as provided in subsection (j), agencies shall prepare—

"(A) a preliminary regulatory impact analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of notice of proposed rulemaking, and

"(B) a final regulatory impact analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of a major rule.

"(4) Each preliminary and final regulatory impact analysis shall contain the following information:

"(A) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits.

"(B) An explanation of the necessity, legal authority, and reasonableness of the rule and a description of the condition that the rule is to address.

"(C) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs.

"(D) An analysis of alternative approaches, including market based mechanisms or other flexible regulatory options that could substantially achieve the same regulatory goal at a lower cost and an explanation of the reasons why such alternative approaches were not adopted, together with a demonstration that the rule provides for the least costly approach.

"(E) A statement that the rule does not conflict with, or duplicate, any other rule or a statement of the reasons why such a conflict or duplication exists.

"(F) A statement of whether the rule will require on-site inspections or whether persons will be required by the rule to maintain any records which will be subject to inspection, and a statement of whether the rule will require persons to obtain licenses, permits, or other certifications, including specification of any associated fees or fines.

"(G) An estimate of the costs to the agency for implementation and enforcement of the rule and of whether the agency can be reasonably expected to implement the rule with the current level of appropriations.

"(5)(A) the Director is authorized to review and prepare comments on any preliminary or final regulatory impact analysis, notice of proposed rulemaking, or final rule based on the requirements of this subsection.

"(B) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary impact analysis or notice of proposed rulemaking and shall refrain from publishing its preliminary regulatory impact analysis or notice of proposed rulemaking until such review is concluded. The Director's review may not take longer than 90 days after the date of the request of the Director.

"(6)(A) An agency may not adopt a major rule unless the final regulatory impact analysis for the rule is approved or commented upon in writing by the Director or by an individual designated by the Director for that purpose.

"(B) Upon receiving notice that the Director intends to comment in writing with respect to any final regulatory impact analysis or final rule, the agency shall refrain from publishing its final regulatory impact analysis or final rule until the agency has responded to the Director's comments and incorporated those comments in the agency's response in the rulemaking file.

"(7)(A) Except as provided in subparagrph (B), no final major rule subject to this section shall be promulgated unless the agency head publishes in the Federal Register a finding that—

"(i) the benefits of the rule justify the costs of the rule; and

"(ii) the rule employs to the extent practicable flexible alternatives as set forth in paragraph (4)(D) and adopts the reasonable alternative which has the greater net benefits and achieves the objectives of the statute.

"(B) If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subparagraph (A), the agency head may promulgate the rule if the agency head finds that—

"(i) the rule employs to the extent practicable flexible reasonable alternatives of the type described in paragraph (4)(D); and

"(ii) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.

"(8) Notwithstanding section 551(16), for purposes of this subsection with regard to any rule proposed or issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, the term 'Director' means the head of such agency, Administration, or Office.".

(5) Section 553 of title 5, United States Code, is further amended by adding after subsection (i) the following:

"(j) To the extent practicable, the head of an agency shall seek to ensure that any proposed major rule or regulatory impact analysis of such a rule is written in a reasonably simple and understandable manner and provides adequate notice of the content of the rule to affected persons.".

(6) Section 553 of title 5, United States Code, is further amended by adding after subsection (j) the following:

"(k)(1) The provisions of this section regarding major rules shall not apply if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a food safety threat that is likely to result in significant harm to the public or natural resources; and

"(B) the agency publishes in the Federal Register, together with such finding, a succinct statement of the basis for the finding.

"(2) Not later than one year after the promulgation of a final major rule to which paragraph (1) applies, the agency shall comply with the provisions of this subchapter and, as thereafter necessary, revise the rule.

(7) Section 553 of title 5, United States Code, is further amended by adding after subsection (k) the following:

"(l) The provisions of this section regarding major rules shall not apply to—

"(1) any regulation proposed or issued in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such institution, credit unions, or government sponsored housing enterprises regulated by the Office of Federal Housing Enterprise Oversight;

"(2) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; and

"(3) any regulation proposed or issued pursuant to section 553 of title 5, United States Code, in connection with imposing trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.".

(8) The Director of the Office of Management and Budget shall submit a report to the Congress no later than 24 months after the date of the enactment of this Act containing an analysis of rulemaking procedures of Federal agencies and an analysis of the impact of those rulemaking procedures on the regulated public and regulatory process.

(9) The amendments made by this subsection shall apply only to final agency rules issued after rulemaking begun after the date of enactment of this Act.

SEC. 3003. RISK ASSESSMENT.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—RISK ASSESSMENTS

"§ 631. Short title

"This subchapter may be cited as the 'Risk Assessment and Communication Act of 1995'.

"§ 632. Purposes

"The purposes of this subchapter are—

"(1) to present the public and executive branch with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks in order to provide for sound regulatory decisions and public education;

"(2) to provide for full consideration and discussion of relevant data and potential methodologies;

"(3) to require explanation of significant choices in the risk assessment process which will allow for better peer review and public understanding; and

"(4) to improve consistency within the executive branch in preparing risk assessments and risk characterizations.

"§ 633. Effective date; applicability; savings provisions

"(a) EFFECTIVE DATE.—Except as otherwise specifically provided in this subchapter, the provisions of this subchapter shall take effect 18 months after the date of enactment of this subchapter.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (3), this subchapter applies to all significant risk assessment documents and significant risk characterization documents, as defined in paragraph (2).

"(2) SIGNIFICANT RISK ASSESSMENT DOCUMENT OR SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—(A) As used in this subchapter, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in subparagraph (B), and—

"(i) included by the agency in that item; or

"(ii) inserted by the agency in the administrative record for that item.

"(B) The items referred to in subparagraph (A) are the following:

"(i) Any proposed or final major rule, including any analysis or certification under subchapter II, promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environment.

"(ii) Any proposed or final environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste.

"(iii) Any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this section (iii) shall apply to the requirements of section 404 of the Clean Water Act.

"(iv) Any report to Congress.

"(v) Any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency.

"(vi) Any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

"(C) The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following:

"(i) Any such risk assessment and risk characterization documents provided by a covered Federal agency to the public and which are likely to result in an annual effect on the economy of $75,000,000 or more.

"(ii) Environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

"(D) Within 15 months after the date of the enactment of this subchapter, each covered Federal agency administering a regulatory program designed to protect human health, safety, or the environment shall promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the covered Federal agency that the agency will consider significant risk assessment documents or significant risk characterization documents for purposes of this subchapter. In establishing such categories, the head of the agency shall consider each of the following:

"(i) The benefits of consistent compliance by documents of the covered Federal agency in the categories.

"(ii) The administrative burdens of including documents in the categories.

"(iii) The need to make expeditious administrative decisions regarding documents in the categories.

"(iv) The possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by an agency and commonly made available to, or used by, any Federal, State, or local government agency.

"(v) Such other factors as may be appropriate.

"(E)(i) Not later than 18 months after the date of the enactment of this subchapter, the President, acting through the Director of the Office of Management and Budget, shall determine whether any other Federal agencies should be considered covered Federal agencies for purposes of this subchapter. Such determination, with respect to a particular Federal agency, shall be based on the impact of risk assessment documents and risk characterization documents on—

"(I) regulatory programs administered by that agency; and

"(II) the communication of risk information by that agency to the public.

The effective date of such a determination shall be no later than 6 months after the date of the determination.

"(ii) Not later than 15 months after the President, acting through the Director of the Office of Management and Budget, determines pursuant to clause (i) that a Federal agency should be considered a covered Federal agency for purposes of this subchapter, the head of that agency shall promulgate a rule pursuant to subparagraph (D) to establish additional categories of risk assessment and risk characterization documents described in that subparagraph.

"(3) EXCEPTIONS.—(A) This subchapter does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following:

"(i) A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices.

"(ii) Any health, safety, or environmental inspections.

"(iii) The sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts.

"(B) No analysis shall be treated as a screening analysis for purposes of subparagraph (A) if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

"(C) The risk assessment principle set forth in this 634(b)(1) need not apply to any risk assessment or risk characterization document described in clause (iii) of paragraph (2)(B). The risk characterization and communication principle set forth in section 635(4) need not apply to any risk assessment or risk characterization document described in clause (v) or (vi) of paragraph (2)(B).

"(c) SAVINGS PROVISIONS.—The provisions of this subchapter shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this subchapter shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this subchapter shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this subchapter shall be construed to require the disclosure of any trade secret or other confidential information.

"§ 634. Principles for risk assessment

"(a) IN GENERAL.—The head of each covered Federal agency shall apply the principles set forth in subsection (b) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

"(b) PRINCIPLES.—The principles to be applied are as follows:

"(1) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data of sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

"(2) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible—

"(A) present a representative list and explanation of plausible and alternative assumptions, inferences, or models;

"(B) explain the basis for any choices;

"(C) identify any policy or value judgments;

"(D) fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and

"(E) indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

"§ 635. Principles for risk characterization and communication

"Each significant risk characterization document shall meet each of the following requirements:

"(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

"(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

"(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bound estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

"(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

"(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

"(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

"(A) a commenter provides a covered Federal agency with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the agency for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the covered Federal agency with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

"(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this subchapter,

the agency shall, to the extent feasible, present such summary in connection with the presentation of the agency's significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4) or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

"§ 636. Recommendations or classifications by a non-United States-based entity

"No covered Federal agency shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this subchapter. For the purposes of this section, the term 'non-United States-based entity' means—

"(1) any foreign government and its agencies;

"(2) the United Nations or any of its subsidiary organizations;

"(3) any other international governmental body or international standards-making organization; or

"(4) any other organization or private entity without a place of business located in the United States or its territories.

"§ 637. Guidelines and report

"(a) GUIDELINES.—Within 15 months after the date of enactment of this subchapter, the President shall issue guidelines for Federal agencies consistent with the risk assessment and characterization principles set forth in sections 634 and 635 and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(b) REPORT.—Within 3 years after the date of the enactment of this subchapter, each covered Federal agency shall provide a report to the Congress evaluating the categories of policy and value judgments identified under subparagraph (C) of section 634(b)(2).

"(c) PUBLIC COMMENT AND CONSULTATION.—The guidelines and report under this section, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(d) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this section at least every 4 years.

"§ 638. Research and training in risk assessment

"(a) EVALUATION.—The head of each covered agency shall regularly and systematically evaluate risk assessment research and training needs of the agency, including, where relevant and appropriate, the following:

"(1) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

"(2) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

"(3) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

"(4) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

"(b) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in subsection (a).

"(c) REPORT.—Not later than 6 months after the date of the enactment of this subchapter, the head of each covered agency shall submit to the Congress a report on the evaluations conducted under subsection "(a) and the strategy and schedule developed under subsection "(b). The head of each covered agency shall report to the Congress periodically on the evaluations, strategy, and schedule.

"§ 639. Study of comparative risk analysis

"(a) IN GENERAL.—(1) The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

"(2) Not later than 90 days after the date of the enactment of this subchapter, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

"(b) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

"(c) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

"(d) DURATION.—The study shall begin within 180 days after the date of the enactment of this subchapter and terminate within 2 years after the date on which it began.

"(e) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making in appropriate Federal agencies.

"§ 639a. Definitions

"For purposes of this subchapter:

"(1) RISK ASSESSMENT DOCUMENT.—The term 'risk assessment document' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

"(2) RISK CHARACTERIZATION DOCUMENT.—The term 'risk characterization document' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

"(3) BEST ESTIMATE.—The term 'best estimate' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

"(A) Central estimates of risk using the most plausible assumptions.

"(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

"(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Federal agency concerned.

"(4) SUBSTITUTION RISK.—The term 'substitution risk' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

"(5) COVERED FEDERAL AGENCY.—The term 'covered Federal agency' means each of the following:

"(A) The Environmental Protection Agency.

"(B) The Occupational Safety and Health Administration.

"(C) The Department of Transportation (including the National Highway Transportation Safety Administration).

"(D) The Food and Drug Administration.

"(E) The Department of Energy.

"(F) The Department of the Interior.

"(G) The Department of Agriculture.

"(H) The Consumer Product Safety Commission.

"(I) The National Oceanic and Atmospheric Administration.

"(J) The United States Army Corps of Engineers.

"(K) The Mine Safety and Health Administration.

"(L) The Nuclear Regulatory Commission.

"(M) Any other Federal agency considered a covered Federal agency pursuant to section 413(b)(2)(E).

"(6) FEDERAL AGENCY.—The term 'Federal agency' means an executive department, military department, or independent establishment as defined in part I of title 5 of the United States Code, except that such term also includes the Office of Technology Assessment.

"(7) DOCUMENT.—The term 'document' includes material stored in electronic or digital form.

"§ 639b. Peer review program

"(a) ESTABLISHMENT.—For regulatory programs designed to protect human health, safety, or the environment, the head of each Federal agency shall develop a systematic program for independent and external peer review required by subsection (b). Such program shall be applicable across the agency and—

"(1) shall provide for the creation of peer review panels consisting of experts and shall be broadly representative and balanced and to the extent relevant and appropriate, may include representatives of State, local, and tribal governments, small businesses, other representatives of industry, universities, agriculture, labor, consumers, conservation organizations, or other public interest groups and organizations;

"(2) may provide for differing levels of peer review and differing numbers of experts on peer review panels, depending on the significance or the complexity of the problems or the need for expeditiousness;

"(3) shall not exclude peer reviewers with substantial and relevant expertise merely because they represent entities that may have a potential interest in the outcome, provided that interest is fully disclosed to the agency and in the case of a regulatory decision affecting a single entity, no peer reviewer representing such entity may be included on the panel;

"(4) may provide specific and reasonable deadlines for peer review panels to submit reports under subsection (c); and

"(5) shall provide adequate protections for confidential business information and trade secrets, including requiring peer reviewers to enter into confidentiality agreements.

"(b) REQUIREMENT FOR PEER REVIEW.—In connection with any rule that is likely to result in an annual increase in costs of $100,000,000 or more (other than any rule or other action taken by an agency to authorize or approve any individual substance or product), each Federal agency shall provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under section 431(a). In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions.

"(c) CONTENTS.—Each peer review under this section shall include a report to the Federal agency concerned with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

"(d) RESPONSE TO PEER REVIEW.—The head of the Federal agency shall provide a written response to all significant peer review comments.

"(e) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the agency's responses shall be made available to the public and shall be made part of the administrative record.

"(f) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this section for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

"(g) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of each Federal agency for programs designed to protect human health, safety, or the environment. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

"§ 639c. Petition for review of a major freestanding risk assessment

"(a) Any interested person may petition an agency to conduct a scientific review of a risk assessment conducted or adopted by the agency, except for a risk assessment used as the basis for a major rule or a site-specific risk assessment.

"(b) The agency shall utilize external peer review, as appropriate, to evaluate the claims and analyses in the petition, and shall consider such review in making its determination of whether to grant the petition.

"(c) The agency shall grant the petition if the petition establishes that there is a reasonable likelihood that—

"(1)(A) the risk assessment that is the subject of the petition was carried out in a manner substantially inconsistent with the principles in section 633; or

"(B) the risk assessment that is the subject of the petition does not take into account material significant new scientific data and scientific understanding;

"(2) the risk assessment that is the subject of the petition contains significantly different results than if it had been properly conducted pursuant to subchapter III; and

"(3) a revised risk assessment will provide the basis for re-evaluating an agency determination of risk, and such determination currently has an effect on the United States economy equivalent to that of major rule.

"(d) A decision to grant, or final action to deny, a petition under this subsection shall be made not later than 180 days after the petition is submitted.

"(e) If the agency grants the petition, it shall complete its review of the risk assessment not later than 1 year after its decision to grant the petition. If the agency revises the risk assessment, in response to its review, it shall do so in accordance with section 633.

"§ 639d. Risk-based priorities

"(a) PURPOSES.—The purposes of this section are to—

"(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

"(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

"(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

"(b) DEFINITIONS.—For the purposes of this section:

"(1) COMPARATIVE RISK ANALYSIS.—The term 'comparative risk analysis' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

"(2) COVERED AGENCY.—The term 'covered agency' means each of the following:

"(A) The Environmental Protection Agency.

"(B) The Department of Labor.

"(C) The Department of Transportation.

"(D) The Food and Drug Administration.

"(E) The Department of Energy.

"(F) The Department of the Interior.

"(G) The Department of Agriculture.

"(H) The Consumer Product Safety Commission.

"(I) The National Oceanic and Atmospheric Administration.

"(J) The United States Army Corps of Engineers.

"(K) The Nuclear Regulatory Commission.

"(3) EFFECT.—The term 'effect' means a deleterious change in the condition of—

"(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

"(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

"(4) IRREVERSIBILITY.—The term 'irreversibility' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

"(5) LIKELIHOOD.—The term 'likelihood' means the estimated probability that an effect will occur.

"(6) MAGNITUDE.—The term 'magnitude' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

"(7) SERIOUSNESS.—The term 'seriousness' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

"(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

"(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency shall set priorities for the use of resources available under those laws to address those risks to human health, safety, and the environment that—

"(A) the covered agency determines to be most serious; and

"(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

"(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

"(A) the likelihood, irreversibility, and severity of the effect; and

"(B) the number and classes of individuals potentially affected,

and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

"(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

"(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

"(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

"(d) COMPARATIVE RISK ANALYSIS.—

"(1) REQUIREMENT.—

"(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with a nationally recognized scientific institution or scholarly organization—

"(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

"(II) to conduct a comparative risk analysis.

"(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

"(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

"(C) Nothing in this subsection should be construed to prevent the Director from entering into a sole-source arrangement with a nationally recognized scientific institution or scholarly organization.

"(2) CRITERIA.—The Director shall ensure that the arrangement under paragraph (1) provides that—

"(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

"(B) the analysis is conducted through an open process, including opportunities for the public to submit views, data, and analyses and to provide public comment on the results before making them final;

"(C) the analysis is conducted by a balanced group of individuals with relevant expertise, including toxicologists, biologists, engineers, and experts in medicine, industrial hygiene, and environmental effects, and the selection of members for such study shall be at the sole discretion of the scientific institution or scholarly organization;

"(D) the analysis is conducted, to the extent feasible and relevant, consistent with the risk assessment and risk characterization principles in section 633 of this subchapter;

"(E) the methodologies and principal scientific determinations made in the analysis are subjected to independent peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e); and

"(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

"(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision by an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

"(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

"(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

"(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

"(1) detailing how the agency has complied with subsection (c) and describing the reason for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

"(2) recommending—

"(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

"(B) modification or elimination of statutory or judicially mandated deadlines, that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

"(3) evaluating the categories of policy and value judgment used in risk assessment, risk characterization, or cost-benefit analysis; and

"(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

"(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

"(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

"(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

"(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.".

(b) CLERICAL AMENDMENT.—The table of sections appearing at the beginning of chapter 6 of title 5, United States Code, is amended—

(1) by inserting immediately below the chapter heading the following:

"SUBCHAPTER I—REGULATORY ANALYSIS"; and

(2) by adding at the end the following:

"SUBCHAPTER III—RISK ASSESSMENTS

"631. Short title.
"632. Purposes.
"633. Effective date; applicability; savings provisions.
"634. Principles for risk assessment.
"635. Principles for risk characterization and communication.
"636. Recommendations or classifications by a non-United States-based entity.
"637. Guidelines and report.
"638. Research and training in risk assessment.
"639. Study of comparative risk analysis.
"639a. Definitions.
"639b. Peer review program.
"639c. Petition for review of a major free-standing risk assessment.
"639d. Risk-based priorities.".

SEC. 3004. REGULATORY FLEXIBILITY ANALYSIS.

(a) IN GENERAL.—

(1) JUDICIAL REVIEW.—

(A) AMENDMENT.—Section 611 of title 5, United States Code, is amended to read as follows:

"§611. Judicial review

"(a)(1) Not later than one year, notwithstanding any other provision of law, after the effective date of a final rule with respect to which an agency—

"(A) certified, pursuant to section 605(b), that such rule would not have a significant economic impact on a substantial number of small entities; or

"(B) prepared a final regulatory flexibility analysis pursuant to section 604,

an affected small entity may petition for the judicial review of such certification or analysis in accordance with the terms of this subsection. A court having jurisdiction to review such rule for compliance with the provisions of section 553 or under any other provision of law shall have jurisdiction to review such certification or analysis. In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b), a petition for judicial review under this subsection shall be filed not later than one year, notwithstanding any other provision of law, after the date the analysis is made available to the public.

"(2) For purposes of this subsection, the term 'affected small entity' means a small entity that is or will be adversely affected by the final rule.

"(3) Nothing in this subsection shall be construed to affect the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law.

"(4)(A) In the case where the agency certified that such rule would not have a significant economic impact on a substantial number of small entities, the court may order the agency to prepare a final regulatory flexibility analysis pursuant to section 604 if the court determines, on the basis of the rulemaking record, that the certification was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(B) In the case where the agency prepared a final regulatory flexibility analysis, the court may order the agency to take corrective action consistent with the requirements of section 604 if the court determines, on the basis of the rulemaking record, that the final regulatory flexibility analysis was prepared by the agency without observance of procedure required by section 604.

"(5) If, by the end of the 90-day period beginning on the date of the order of the court pursuant to paragraph (4) (or such longer period as the court may provide), the agency fails, as appropriate—

"(A) to prepare the analysis required by section 604; or

"(B) to take corrective action consistent with the requirements of section 604,

the court may stay the rule or grant such other relief as it deems appropriate.

"(6) In making any determination or granting any relief authorized by this subsection, the court shall take due account of the rule of prejudicial error.

"(b) In an action for the judicial review of a rule, any regulatory flexibility analysis for such rule (including an analysis prepared or corrected pursuant to subsection (a)(4)) shall constitute part of the whole record of agency action in connection with such review.

"(c) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.".

(B) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to final agency rules issued after the date of enactment of this Act.

(2) RULES COMMENTED ON BY SBA CHIEF COUNSEL FOR ADVOCACY.—

(A) IN GENERAL.—Section 612 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) ACTION BY THE SBA CHIEF COUNSEL FOR ADVOCACY.—

"(1) TRANSMITTAL OF PROPOSED RULES AND INITIAL REGULATORY FLEXIBILITY ANALYSIS TO SBA CHIEF COUNSEL FOR ADVOCACY.—On or before the 30th day preceding the date of publication by an agency of general notice of proposed rulemaking for a rule, the agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration—

"(A) a copy of the proposed rule; and

"(B)(i) a copy of the initial regulatory flexibility analysis for the rule if required under section 603; or

"(ii) a determination by the agency that an initial regulatory flexibility analysis is not required for the proposed rule under section 603 and an explanation for the determination.

"(2) STATEMENT OF EFFECT.—On or before the 15th day following receipt of a proposed rule and initial regulatory flexibility analysis from an agency under paragraph (1), the Chief Counsel for Advocacy may transmit to the agency a written statement of the effect of the proposed rule on small entities.

"(3) RESPONSE.—If the Chief Counsel for Advocacy transmits to an agency a statement of effect on a proposed rule in accordance with paragraph (2), the agency shall publish the statement, together with the response of the agency to the statement, in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule.

"(4) SPECIAL RULE.—Any proposed rules issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds shall not be subject to the requirements of this subsection.".

(B) CONFORMING AMENDMENT.—Section 603(a) of title 5, United States Code, is amended by inserting "in accordance with section 612(d)" before the period at the end of the last sentence.

(3) SENSE OF CONGRESS REGARDING SBA CHIEF COUNSEL FOR ADVOCACY.—It is the sense of Congress that the Chief Counsel for Advocacy of the Small Business Administration should be permitted to appear as amicus curiae in any action or case brought in a court of the United States for the purpose of reviewing a rule.

(b) SUBCHAPTER HEADING.—Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

"SUBCHAPTER I—REGULATORY ANALYSIS".

SEC. 3005. GUIDANCE FOR JUDICIAL INTERPRETATION.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended—

(1) by striking section 706; and

(2) by adding at the end the following new sections:

"§ 706. Scope of review

"(a) To the extent necessary to reach a decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

"(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the determinations set forth in subsection (a), the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

"§ 707. Consent decrees

"In interpreting any consent decree in effect on or after the date of enactment of this section that imposes on an agency an obligation to initiate, continue, or complete rulemaking proceedings, the court shall not enforce the decree in a way that divests the agency of discretion clearly granted to the agency by statute to respond to changing circumstances, make policy or managerial choices, or protect the rights of third parties.

"§ 708. Affirmative defense

"Notwithstanding any other provision of law, it shall be an affirmative defense in any enforcement action brought by an agency that the regulated person or entity reasonably relied on and is complying with a rule, regulation, adjudication, directive, or order of such agency or any other agency that is incompatible, contradictory, or otherwise cannot be reconciled with the agency rule, regulation, adjudication, directive, or order being enforced.

"§ 709. Agency interpretations in civil and criminal actions

"(a) No civil or criminal penalty shall be imposed by a court, and no civil administrative penalty shall be imposed by an agency, for the violation of a rule—

"(1) if the court or agency, as appropriate, finds that the rule failed to give the defendant fair warning of the conduct that the rule prohibits or requires; or

"(2) if the court or agency, as appropriate, finds that the defendant acted reasonably in good faith based upon the language of the rule as published in the Federal Register.

"(b) Nothing in this section shall be construed to preclude an agency:

"(1) from revising a rule or changing its interpretation of a rule in accordance with sections 552 and 553 of this title, and subject to the provisions of this section, prospectively enforcing the requirements of such rule as revised or reinterpreted and imposing or seeking a civil or criminal penalty for any subsequent violation of such rule as revised or reinterpreted;

"(2) from making a new determination of fact, and based upon such determination, prospectively applying a particular legal requirement.

"(c) This section shall apply to any action filed after the date of the enactment of the Comprehensive Regulatory Reform Act of 1995.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 7 of title 5, United States Code, is amended by striking the item relating to section 706 and inserting the following new items:

"706. Scope of review.
"707. Consent decrees.
"708. Affirmative defense.
"709. Agency interpretations in civil and criminal actions.".

SEC. 3006. CONGRESSIONAL REVIEW.

(a) FINDING.—The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the implementation of certain major final and proposed rules is imposed in order to provide Congress an opportunity for review.

(b) IN GENERAL.—Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:"

CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

"Sec.
"801. Congressional review.
"802. Congressional disapproval procedure.
"803. Special rule on statutory, regulatory, and judicial deadlines.
"804. Definitions.
"805. Judicial review.
"806. Applicability; severability.
"807. Exemption for monetary policy.

"§ 801. Congressional review

"(a)(1)(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

"(i) a copy of the rule;

"(ii) a concise general statement relating to the rule; and "(iii) the proposed effective date of the rule.

"(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

"(i) a complete copy of the cost-benefit analysis of the rule, if any;

"(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

"(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

"(iv) any other relevant information or requirements under any other Act and any relevant Executive orders, such as Executive Order No. 12866.

"(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

"(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

"(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

"(3) A major rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

"(A) the later of the date occurring 60 days (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress) after the date on which—

"(i) the Congress receives the report submitted under paragraph (1); or

"(ii) the rule is published in the Federal Register;

"(B) if the Congress passes a joint resolution of disapproval described under section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

"(i) on which either House of Congress votes and fails to override the veto of the President; or

"(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

"(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

"(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

"(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

"(b)(1) A rule or proposed rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 802.

"(2) A rule or proposed rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule or proposed rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

"(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this chapter may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

"(2) Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

"(A) necessary because of an imminent threat to health or safety or other emergency;

"(B) necessary for the enforcement of criminal laws;

"(C) necessary for national security; or

"(D) issued pursuant to a statute implementing an international trade agreement.

"(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

"(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

"(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

"(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

"(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

"(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a final rule can take effect.

"(3) A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

"(e)(1) Section 802 shall apply in accordance with its terms to any major rule that was published in the Federal Register (as a rule that shall take effect as a final rule) in the period beginning on November 20, 1994, through the date of enactment of the Comprehensive Regulatory Reform Act of 1995.

"(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

"(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of enactment of the Comprehensive Regulatory Reform Act of 1995; and

"(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

"(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 802.

"(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

"(g) If the Congress does not enact a joint resolution of disapproval under section 802, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

"§ 802. Congressional disapproval procedure

"(a) Joint Resolution Defined.—For purposes of this section, the term 'joint resolution' means only—

"(1) a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in); or

"(2) a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the proposed rule published by the ______ relating to ____, and such proposed rule shall not be issued or take effect as a final rule.' (the blank spaces being appropriately filled in)

"(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

"(2) For purposes of this section, the term 'submission or publication date' means—

"(A) in the case of a joint resolution described in subsection (a)(1) the later of the date on which—

"(i) the Congress receives the report submitted under section 801(a)(1); or

"(ii) the rule is published in the Federal Register; or

"(B) in the case of a joint resolution described in subsection (a)(2), the date of introduction of the joint resolution.

"(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the appropriate calendar.

"(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

"(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

"(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

"(e) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

"(1) The joint resolution of the other House shall not be referred to a committee.

"(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

"(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(B) the vote on final passage shall be on the joint resolution of the other House.

"(f) This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"§ 803. Special rule on statutory, regulatory, and judicial deadlines

"(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

"(b) The term 'deadline' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

"§ 804. Definitions

"(a) For purposes of this chapter—

"(1) the term 'Federal agency' means any agency as that term is defined in section 551(1) (relating to administrative procedure);

"(2) the term 'major rule' has the same meaning given such term in section 621(5); and

"(3) the term 'final rule' means any final rule or interim final rule.

"(b) As used in subsection (a)(3), the term 'rule' has the meaning given such term in section 551, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

"§ 805. Judicial review

"No determination, finding, action, or omission under this chapter shall be subject to judicial review.

"§ 806. Applicability; severability

"(a) This chapter shall apply notwithstanding any other provision of law.

"(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

"§ 807. Exemption for monetary policy

"Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date of enactment of this Act.

(d) TECHNICAL AMENDMENT.—The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rulemaking .... 801".

SEC. 3007. REGULATORY ACCOUNTING STATEMENT.

(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) MAJOR RULE.—The term "major rule" has the same meaning as defined in section 621(5)(A)(i) of title 5, United States Code. The term shall not include—

(A) administrative actions governed by sections 556 and 557 of title 5, United States Code;

(B) regulations issued with respect to a military or foreign affairs function of the United States or a statute implementing an international trade agreement; or

(C) regulations related to agency organization, management, or personnel.

(2) AGENCY.—The term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but shall not include—

(A) the General Accounting Office;

(B) the Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

(b) ACCOUNTING STATEMENT.—

(1) IN GENERAL.—

(A) The President shall be responsible for implementing and administering the requirements of this section.

(B) Not later than June 1, 1997, and each June 1 thereafter, the President shall prepare and submit to Congress an accounting statement that estimates the annual costs of major rules and corresponding benefits in accordance with this subsection.

(2) YEARS COVERED BY ACCOUNTING STATEMENT.—Each accounting statement shall cover, at a minimum, the 5 fiscal years beginning on October 1 of the year in which the report is submitted and may cover any fiscal year preceding such fiscal years for purpose of revising previous estimates.

(3) TIMING AND PROCEDURES.—

(A) The President shall provide notice and opportunity for comment for each accounting statement. The President may delegate to an agency the requirement to provide notice and opportunity to comment for the portion of the accounting statement relating to that agency.

(B) The President shall propose the first accounting statement under this subsection not later than 2 years after the date of enactment of this Act and shall issue the first accounting statement in final form not later than 3 years after such effective date. Such statement shall cover, at a minimum, each of the fiscal years beginning after the date of enactment of this Act.

(4) CONTENT OF ACCOUNTING STATEMENT.—

(A) Each accounting statement shall contain estimates of costs and benefits with respect to each fiscal year covered by the statement in accordance with this paragraph. For each such fiscal year for which estimates were made in a previous accounting statement, the statement shall revise those estimates and state the reasons for the revisions.

(B)(i) An accounting statement shall estimate the costs of major rules by setting forth, for each year covered by the statement—

(I) the annual expenditure of national economic resources for major rules, grouped by regulatory program; and

(II) such other quantitative and qualitative measures of costs as the President considers appropriate.

(ii) For purposes of the estimate of costs in the accounting statement, national economic resources shall include, and shall be listed under, at least the following categories:

(I) Private sector costs.

(II) Federal sector costs.

(III) State and local government administrative costs.

(C) An accounting statement shall estimate the benefits of major rules by setting forth, for each year covered by the statement, such quantitative and qualitative measures of benefits as the President considers appropriate. Any estimates of benefits concerning reduction in health, safety, or environmental risks shall present the most plausible level of risk practical, along with a statement of the reasonable degree of scientific certainty.

(c) ASSOCIATED REPORT TO CONGRESS.—

(1) IN GENERAL.—At the same time as the President submits an accounting statement under subsection (b), the President, acting through the Director of the Office of Management and Budget, shall submit to Congress a report associated with the accounting statement (hereinafter referred to as an "associated report"). The associated report shall contain, in accordance with this subsection—

(A) analyses of impacts; and

(B) recommendations for reform.

(2) ANALYSES OF IMPACTS.—The President shall include in the associated report the following:

(A) Analyses prepared by the President of the cumulative impact of major rules in Federal regulatory programs covered in the accounting statement on the following:

(i) The ability of State and local governments to provide essential services, including police, fire protection, and education.

(ii) Small business.

(iii) Productivity.

(iv) Wages.

(v) Economic growth.

(vi) Technological innovation.

(vii) Consumer prices for goods and services.

(viii) Such other factors considered appropriate by the President.

(B) A summary of any independent analyses of impacts prepared by persons commenting during the comment period on the accounting statement.

(3) RECOMMENDATIONS FOR REFORM.—The President shall include in the associated report the following:

(A) A summary of recommendations of the President for reform or elimination of any Federal regulatory program or program element that does not represent sound use of national economic resources or otherwise is inefficient.

(B) A summary of any recommendations for such reform or elimination of Federal regulatory programs or program elements prepared by persons commenting during the comment period on the accounting statement.

(d) GUIDANCE FROM OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall, in consultation with the Council of Economic Advisers, provide guidance to agencies—

(1) to standardize measures of costs and benefits in accounting statements prepared pursuant to sections 3 and 7 of this Act, including—

(A) detailed guidance on estimating the costs and benefits of major rules; and

(B) general guidance on estimating the costs and benefits of all other rules that do not meet the thresholds for major rules; and

(2) to standardize the format of the accounting statements.

(e) RECOMMENDATIONS FROM CONGRESSIONAL BUDGET OFFICE.—After each accounting statement and associated report submitted to Congress, the Director of the Congressional Budget Office shall make recommendations to the President—

(1) for improving accounting statements prepared pursuant to this section, including recommendations on level of detail and accuracy; and

(2) for improving associated reports prepared pursuant to this section, including recommendations on the quality of analysis.

(f) JUDICIAL REVIEW.—No requirements under this section shall be subject to judicial review in any manner.

SEC. 3008. STUDIES AND REPORTS.

(a) RISK ASSESSMENTS.—The Administrative Conference of the United States shall—

(1) develop and carry out an ongoing study of the operation of the risk assessment requirements of subchapter III of chapter 6 of title 5, United States Code (as added by section 4 of this Act); and

(2) submit an annual report to the Congress on the findings of the study.

(b) ADMINISTRATIVE PROCEDURE ACT.—Not later than December 31, 1996, the Administrative Conference of the United States shall—

(1) carry out a study of the operation of the Administrative Procedure Act (as amended by section 3 of this Act); and

(2) submit a report to the Congress on the findings of the study, including proposals for revision, if any.

SEC. 3009. MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) SEVERABILITY.—If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and a Member opposed each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I include for the RECORD letters from the National Federation of Independent Business, the Chamber of Commerce, and the American Farm Bureau in favor of the amendment.

The information referred to follows:

PENDING VOTE MEMBER'S IMMEDIATE
ATTENTION PLEASE

NFIB KEY SMALL-BUSINESS VOTE

Support the Walker Regulatory Reform Amendment.

DEAR REPRESENTATIVE: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express NFIB's strong support for Rep. Walker's regulatory reform amendment to the debt limit extension legislation.

Since regulatory reform legislation was passed in late February, small business owners have been waiting for regulatory relief, but to no avail. NFIB members continue to call and write with their horror stories of regulation that is still strangling their business.

Rep. Walker's amendment would address small business concerns by including provisions dealing with Cost-Benefit Analysis/Risk Assessment; Judicial Review of the Regulatory Flexibility Act; Regulatory Impact Requirements; and, Congressional Review.

NFIB urges a YES VOTE on the Walker Amendment to the debt limit extension legislation. This vote will be considered a Key Small Business Vote for the 104th Congress.

Sincerely,

DONALD A. DANNER,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, November 9, 1995.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: The House of Representatives will consider shortly an amendment to the debt extension bill, H.R. 2586, which provides an opportunity to enact real regulatory reform this year. The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 75 American Chambers of Commerce abroad urges your support for the Walker amendment on regulatory reform.

The Walker regulatory reform amendment has been carefully crafted to encompass provisions from the House and Senate regulatory reform bills. It includes provisions to require the Federal government to conduct a risk assessment and cost/benefit analysis for major regulations effecting environment, health and safety. These were important components of the Contract With America that received overwhelming support in the House earlier this year.

Now is the time to reform the regulatory system. We need to streamline, modernize, and update our regulatory system and direct limited resources to the most serious problems first. Business supports a clean and healthy environment and a safe workplace for employees, but is also concerned about making sure the money spent by business addresses the most serious problems in the most cost-effective manner.

We urge your support for the Walker amendment which provides an important opportunity to move critically needed regulatory reform legislation forward this year. The U.S. Chamber of Commerce will score this as a key vote in its annual "How They Voted" ratings.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, November 9, 1995.

DEAR CONGRESSMAN: The American Farm Bureau strongly supports an amendment to be offered this afternoon by Rep. Bob Walker (R–PA) to H.R. 2586, the debt ceiling extension bill.

The Walker amendment adds to H.R. 2586 the risk assessment and cost-benefit analysis requirements for federal regulations similar to those approved overwhelmingly by the House last February. This will provide important relief for farmers and ranchers from unnecessary regulatory burdens.

The nation's farmers and ranchers have seen their regulatory burden explode over the past decade. Virtually every activity and aspect of farming is regulated by the Federal government. Many young farmers and ranchers see the burden of unchecked government regulation as a major impediment to continuing in agriculture. To some of the best and brightest in agriculture, the risks and uncertainty now imposed by government rivals that of the markets and the weather.

Of utmost importance to agriculture, the Walker amendment also reforms the zero-tolerance Delaney Clause provision. Under strict interpretation, the Delaney Clause prohibits the presence of food additives in any concentration if they can be shown to cause cancer in laboratory animals. Today, scientists are able to detect these substances in much smaller concentrations than were detectable 37 years ago, when the Delaney Clause was written. Although there is a consensus among regulators, health experts and scientists that these small concentrations may present no real risk to health, many crop protection products are now scheduled to be canceled because they are detectable, not because they are unsafe. Important crops in virtually every state will be affected.

We strongly urge your support for the Walker amendment to H.R. 2586.

RICHARD W. NEWPHER,
Executive Director, Washington Office.

Mr. Speaker, the amendment I am now offering on behalf of myself, Commerce Chairman BLILEY and the House leadership is a good-faith compromise between the House and Senate regulatory reform bills.

The Walker-Bliley amendment uses S. 343, the Dole-Johnston bill, as its base text. That version garnered 58 votes in the Senate in July. The House version received 277 votes as H.R. 9 of the Contract With America.

Mr. Speaker, the most important thing this Congress can do is to balance the budget so we can stop having to keep heaping even more Federal debt on our children. To accomplish this paramount goal, we have to cut unnecessary spending and costs. This goes for the private sector as well, which is what this amendment addresses.

Mr. Speaker, in an era of tough budget realities which the bill before us brings home to roost, policymakers need to make choices and set priorities—to concentrate scarce dollars where they will do the most good, and analyze alternatives to achieve the goal of public safety at the lowest possible cost. At this critical point in our effort to change the way Washington works, we believe that we have a unique opportunity to move this consensus reform now. After 10 years of lip-service by the Democrat Congress to U.S. competitiveness, but no action except for even more Federal spending in the form of industrial policy subsidies, we now have the chance to do something really big.

President Clinton says he has to raise the debt ceiling. Well, at the same time we can give him the opportunity to remove the need for so much wasteful Federal corporate welfare spending which combats the unnecessary costs of unjustified regulations. This landmark competitiveness initiative, perhaps the most important we can enact, is worth 100 advanced technology programs.

Mr. Speaker, the purpose of this amendment is to provide uniform guidance for all Federal agencies to conduct scientifically objective and unbiased risk assessments in an economically sensible way. The amendment includes the following:

It raises the threshold of regulations requiring the new cost-benefit analysis to $75 million of economic cost per year. This is a softening amendment—the House threshold was $25 million.

It uses the House-passed risk-assessment title which passed by a veto proof 286 to 141 with 226 Republicans and 60 Democrats voting in favor. It provides the public and the Government with the most reasonable, realistic information by requiring the most plausible level of risk or best estimates instead of worst case scenario or upper bound estimates. This section also changes the face of risk assessment by requiring the nature and magnitude of risks to human health, safety, or the environment be put into context for the public with realistic comparisons to everyday risks commonly experienced and understood. In cases where one or more hazards results because of reduction of a targeted risk, the risk of the substitution must be communicated clearly to the public.

It requires that new regulations not be issued unless the costs are reasonably related to the benefits. If current law calls for a regulation which cannot be justified by cost-benefit analysis, that statutory standard is superseded—the so-called super mandate. This also passed by that same 286 to 141 with all but 2 Republicans and 60 Democrats voting in favor.

It creates a systematic program for peer review. For regulations which have an economic impact of $100 million or more, groups of experts would be brought together to independently evaluate the manner in which the risk assessments are conducted. This language is verbatim the House bill.

This amendment exempts certain activities such as military readiness and emergencies. This allows Federal agencies to continue to use their emergency authority, which is consistent with current law.

This reform is prospective. It does not include the petition process for retroactive review of existing regulations, which was rejected by this House.

Judicial review of compliance with the requirements of this bill is available under the Administrative Procedures Act for final agency actions. There is no two bites of the apple possible allowing for increased litigation. This is fully consistent with the House-passed bill.

It includes a top priority of the small business community and the National Federation of Independent Businesses. This reg flex provision allows small business the right of judicial review to enforce the Regulatory Flexibility Act. The Regulatory Flexibility Act calls for small business to be exempted from onerous agency regulations. There is virtual unanimous support for this legislation in both Houses.

The amendment updates the 1950's Delaney clause to prohibit all but "negligible threat to human health" amounts of chemicals in food.

The bill includes the House-passed regulatory impact analysis requirement. Like environment impact statements, this requires agencies to estimate the economic impact of their regulations before issuing them.

The amendment requires the President to issue a biennial regulatory budget. This is a 2-year accounting of the total regulatory costs on the economy and people's lives. The so-called Nickles amendment is included instead of the regulatory moratorium that passed the House. This is a softening amendment. Nickles allows Congress 60 days to disapprove any regulation issued after November 20, 1994, if the President signs such disapproval or his veto is overridden.

Mr. Speaker, as you can see this is a reasonable merging of what's best, most reasonable and workable in the House and Senate bills. It is not as tough as the House bill, nor as loose as the Senate bill—in short, a good compromise. Every Member who voted for the House bill earlier this year can and should support this amendment today. Doing so will make it reality.

☐ 1530

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. HOBSON). Is the gentleman from Virginia [Mr. SCOTT] opposed to the bill?

Mr. SCOTT. Mr. Speaker, I am opposed to the bill and am representing the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. SCOTT] is recognized for 10 minutes.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a complex legislation and has no place in the debt ceiling resolution. It has been sprung on the minority party at 9:30 this morning. I understand there have been three different versions, so it is unclear exactly what is being presented to us at this time. It is unfair to have such complex legislation even being considered in this format.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the ranking member on the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I am in very strong objection to the content of this bill, but as I said earlier during general debate, I think I will spend most of my time speaking with regard to the process involved in this bill.

Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. WALKER] for the many years that he has spent working with me in most cases on this type of legislation. We do badly need to improve the processes by which we make risk assessments, do regulatory impact analysis and cost-benefit studies, and this bill does contain a response to that need.

Mr. Speaker, I did not support the bill in the House when it was originally passed because I did not like the content or the form of the response that the bill contained, but that is not to belittle the need for constructive change.

This position is one that the Democratic administration shared when the bill was originally on the floor. They indicated in a letter than they were strongly opposed and that, while the recognized the need to improve risk assessment and cost-benefit legislation, they did not feel that this bill met that criteria.

The bill was passed, nevertheless, and went over to the Senate, and it remains in the Senate and has not been passed. I said during general debate that the statement of the gentleman from Pennsylvania to the Committee on Rules last night, which implied that it had received 58 votes in the Senate, constituted a falsehood in advertising because there was never a vote taken in the Senate, except on a motion to cloture, which failed because it requires 60 votes and it only had 58.

Mr. Speaker, I am sure the gentleman from Pennsylvania would say that all those 58 who voted for cloture would have voted for the bill and, hence, his statement that implied they had was essentially correct. From long experience, I know how able the gentleman is to defend these kinds of statements and I look forward to whatever defense the gentleman may have.

But, Mr. Speaker, as a matter of fact, this is not a consolidation or compromise or an effort to reach agreement between the House- and Senate-passed bill. To the best of my information, there has been no compromise process with the Senate. The Senate staff and Members that we have spoken to know of no such effort, and that includes Senator CHAFEE and Senator ROBB.

Mr. Speaker, I am at a loss to understand what has taken place that leads the gentleman from Pennsylvania to state that this is a compromise between the House- and the Senate-passed bills.

Now, I know there are a lot of strange things taking place here. The gentleman is a devotee of improved efficiency in almost everything, and I share that with him. I think he has found new shortcuts to reach agreement between the appropriate people in the House and in the Senate. The gentleman has not revealed to me yet what those shortcuts are, and he, I think, would imply that when I raise this issue I am being, in the words that the gentleman used earlier today, engaged in obstruction, obfuscation, and some other words that I did not quite get down here.

Mr. Speaker, let me assure the gentleman that I respect his point of view, because it comes from a master in this field. Anything that I have learned about how to do that, I learned from the gentleman from Pennsylvania in earlier years. I have not become nearly as proficient as the gentleman, but I am trying to improve and, with his help, I am sure that I will.

Mr. Speaker, I would have appreciated it if the gentleman could have let me know that he was going to appear before the Committee on Rules last night and submit a bill, 132 pages, I believe it is, that the gentleman knew I was vitally interested in.

Frankly, I would be glad to work constructively with the gentleman in securing a proper version of that bill, but I was not notified. We received a version of the bill, I think the second version, at about 10 o'clock this morning.

Now, the gentleman from Michigan [Mr. CONYERS] complained that the portions of the bill that he was concerned about, he only received this morning at 11 o'clock. I would say to the gentleman from Michigan, "Have no fear. You are not being discriminated against. We all are in the same position."

Mr. Speaker, I think that that is common to all of the Members on our side. We are receiving very little, if any, notice, and if we object to that, we are accused of obfuscating and obstructing the smooth process by which this efficient organization is proceeding.

Mr. Speaker, I think history will record that we are seeing new records in smoothness and efficiency here.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, in some quarters we are accused of dialectal materialism as well.

Mr. BROWN of California. Mr. Speaker, reclaiming my time, I heard that remark, too, from a gentleman that I have high respect and admiration for.

Mr. Speaker, to confuse the matter more, I have a version of the bill which I understand was sent to the desk that is marked as having been received from the counsel's office at 2:23 p.m. today. It is now 3:30, so this third version of the bill which has major changes over the first two which was received after we entered into debate on this amendment.

Now, I indicated earlier that I do not want to discuss content. I cannot discuss content. I have not had a chance to read the content. I do not know what is in the bill. My staff counsel informs me that there were three different versions of the definition of "major rule." The first definition had a $50 million cap; the second one had a $75 million cap; and the one we just received has a $100 million cap. Mr. Speaker, I would be prepared to debate any one of those, if I knew what it is the gentleman from Pennsylvania really wanted to have in the final version. However, having spent all of my time debating those three versions, I would probably not have the time to debate the many other provisions which have been likewise changed in the three different versions of the bill.

That, Mr. Speaker, is a total collapse of reasonable legislative process, and I do not think that the Congress of the United States ought to allow it to happen.

I know that most of us on both sides know that this is a little bit of game playing, and none of this bill is going to be enacted into law and that we are using this time in order to make points. I am using this time in order to make points. I admit it. I am making a point that this system has totally disintegrated.

Mr. Speaker, there is no communication between majority and minority. There is no effort to let us know what is going on. There is a disregard for the truth in telling us what is happening, and I object very strongly to that.

Mr. Speaker, today, we reach the heights of farce in the legislative process. I suppose it is inevitable that all fervent revolutionaries believe that the ends justify the means. Apparently, the Republican leadership believes that the principles in the Contract With America are somehow more important than the democratic process.

Mr. Speaker, in a sweeping gesture of generosity, the Rules Committee has permitted us 40 minutes of debate on a 112 page nongermane amendment which we first saw this morning at 11 a.m. We were not even given the courtesy of being informed that the Rules Committee would be meeting late last night to consider making this amendment in order.

How much debate does the Republican leadership really expect under these circumstances?

The fact is that the rules of this House have been twisted to prevent any intelligent or informed consideration of this amendment. Under the rules of the House, of course, this amendment would ordinarily be entirely out of order as a nongermane amendment to the debt limit extension bill. But by virtue of the orders of the Republican leadership, that rule and all other rules guaranteeing Members adequate notice and an orderly considered process have been brushed aside. Not that it makes any difference, since even if we had an adequate opportunity to understand what we are considering, we are barred from offering amendments in any case.

Where did this amendment come from? According to the majority, it represents a compromise. But with whom? The Senate has never passed its regulatory reform legislation, so it cannot be a compromise with the Senate. So why are we passing this bill again when the problem appears to be in the other body?

The question, of course, is what are the Republicans trying to hide? The regulatory reform bill passed by the House as part of the Contract With America was so extreme that even the Speaker publicly acknowledged that changes would have to be made. As it passed the House, H.R. 9 would not have reformed the regulatory system. Instead, the intention was to kill the regulatory system through a slow strangulation of red tape and needless litigation.

If the majority was serious about improving regulatory reform, they would have supported increased resources for the regulatory agencies to carry out the scientific research, risk assessments, and cost-benefit analysis needed to improve regulatory decisionmaking. Instead, the Republicans have slashed agency budgets.

Mr. Speaker, we have stated on this side of the aisle over and over again that we support reasonable regulatory reform which promotes risk assessment and cost-benefit analysis. But we are talking to ourselves. The other side appears more interested in slogans than in real solutions, as today's actions all too early demonstrate.

I urge a "no" vote on the amendment, and reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I rise in very strong support of my Pennsylvania colleague's amendment. This is a regulatory reform amendment which is based upon legislation passed earlier this year in the House and received very strong bipartisan support. Let's not forget that H.R. 1022, the cost-benefit and risk assessment legislation, passed 286–141.

This amendment combines some of the best features of the House bills, along with some similar provisions considered by the Senate, in order to achieve comprehensive regulatory reform. It includes risk assessment and cost-benefit analysis along with a review process for Congress to look at proposed and final rules. There are several House and Senate Members that should be commended for their hard work in this reform area, but I would specifically like to commend two other House chairmen, Chairmen BLILEY and WALKER, Majority Leader DICK ARMEY, Majority Whip TOM DELAY, Congressmen MCINTOSH, CONDIT, PETERSON, along with Senators DOLE, JOHNSTON, and NICKLES, for their never-ending efforts to try and get regulatory reforms enacted.

Mr. Speaker, a major platform of this Congress is to eliminate as much redtape as possible to help small businesses, and ease the economic burdens on society. We have all heard the horror stories that abound outside the beltway and the cries from our constituents—the homebuilders, consumers, farmers, and small business owners as they plead to be rescued from this sea of redtape. It is incumbent upon us to reassess the size and scope of the impact that the government has in the daily lives of our citizens. And regulatory reform is the key to achieving this goal.

It is no secret that the costs of regulation to our economy are high. According to President Clinton's National Performance Review, it is estimated that the cost of regulation is about $430 billion per year, 9 percent of our gross domestic product, or roughly $6,000 per household. This should make us take pause. We simply cannot expect the economy to grow while trying to withstand this burden.

Federal agencies need to carefully assess their regulatory programs and prioritize very limited Federal resources. Regulatory reform, such as the risk assessment and cost-benefit provisions included in this amendment, require this prioritization. We cannot continue along the path we are on and expect society to continue to shoulder the burdens of overregulation. We must start to reverse the trend of years of overregulation.

Mr. Speaker, we are looking for a balance. No one disagrees that some of these regulations are necessary and even beneficial. We all want clean air, clean water, and safe working environments. But we must balance adequate protection for our citizens and a healthy environment along with a healthy economy and less government intrusion. The pendulum has swung too far the other way. This legislation corrects that circumstance. It is our only hope.

I close by urging my colleagues to support this amendment and the Senate to pass this much needed legislation in an expeditious fashion.

Mr. SCOTT. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Virginia [Mr. SCOTT] has 12 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 13½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I congratulate the gentleman from Virginia [Mr. SCOTT], my colleague from the Committee on the Judiciary.

Mr. Speaker, I would like to just point out to the gentleman from Pennsylvania [Mr. WALKER] that we have really hit a new low here today. It is an insult to this legislative body to do what we are doing in rewriting the Nation's regulatory laws. Mr. Speaker, I say to my colleagues on the other side of the aisle, You are the majority. Why do we have to pervert the process so obscenely to arrive at this point?

Mr. Speaker, here is 112 pages, a second version that has just arrived. No notice to the ranking minority member, and what is involved? What is the hidden bottom line in this? Risk assessment and cost-benefit analysis. Face it. That is what it is all about. That is why they cannot debate it. That is why they cannot bring it through the regular committee process. That is why they cannot notify the ranking Democrats on all these committees.

□ 1545

This process that the gentleman from Pennsylvania brings to our attention, adding on to a 300-plus-page bill now, would tie up the regulatory system in hopeless bureaucracy and redtape; the gentleman, of all Members, who has lectured us about redtape and bureaucracy for lo these many years. It sets an absurdly low-limit threshold for applying cost-benefit and regulatory-impact analysis and would tie the courts up in endless litigation.

Congratulations, sir. You really got it over this time. It really worked. We are ramming this baby through 100 miles an hour. What difference that there is a little process trampled on?

I mean, that is the majority and this is the way it is going to be. But history will record.

It is an insult to this legislative body that we are even debating this broad ranging rewrite of the Nation's regulatory laws.

We in minority have gotten use to voting on matters without having had the opportunity to conduct hearings or hold committee markups. But today the Republicans have taken their distortion of the legislative process to new heights. Today we will be forced to vote on a complete rewrite of our regulatory laws without having had a chance to even review the language.

The legislation appears to be some Frankenstein combination of a number of separate bills which have been considered by a number of different committees, including the Judiciary Committee. No one seems to know what is in the final version. None of the Senators who has been working on this issue knows what is in it, the Administration does not know what is in it, and I would doubt a single Member who will vote on this amendment has any detailed knowledge of what is in this amendment. We cannot call it a compromise, because it has not been negotiated with anyone.

If it is anything like some of the previous incantations we have seen this Congress we can be sure it constitutes an unprecedented assault on our regulations. Sure, we all want to streamline the regulatory system, but this would take a meat ax to our environmental protections, our protections against cancer, our airline safety laws and other similar protections.

The amendment would tie up our regulatory system in needless bureaucracy and redtape. It would set an absurdly low-limit threshold for applying cost-benefit and regulatory-impact analyses. It would tie up the courts in endless litigation.

Whether or not one agrees with the goals of the legislation, surely we can agree that the amendment should not be considered under these high-pressure procedures, and should not be attached to a debt limit in an effort to blackmail the President and the American people into accepting the Contract With America.

I urge my colleagues to oppose this amendment, and restore sanity back to the legislative process.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY] who is a cosponsor.

Mr. BLILEY. Mr. Speaker, the Walker-Bliley amendment on regulatory reform is critical to the Nation's economic future. Today we consider yet another increase in the Nation's debt. This Congress must make clear that the decades long growth of taxing, spending and increasing regulatory burdens must change. Economic reality has caught up. For years, many of us have argued the critical need for regulatory reform to ensure our economic future.

As part of the Contract With America, the House of Representatives passed H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995 by a vote of 286 to 141. Sixty Democrats joined House Republicans in supporting this legislation. Chairman WALKER and I introduced H.R. 1022 to ensure Federal regulatory programs are based on sound science and common sense assessment of the cost and benefits of new regulations. The bill was supported by a sweeping array of small businesses, industry groups, States and local governments.

Local governments and American businesses literally spend billions of dollars on often unnecessary or poorly considered Federal regulations. We must take a firm stand that we value the contribution of these groups to our society and must not needlessly add to their burdens. Responsible Government must ensure that regulations are justified and reasonable on the facts.

The Nation's regulatory burden is projected at between $450 and $850 billion a year and growing. Just as we take steps to assure that the rate of growth of the budget is held in check by the year 2002, we must also take steps to ensure that unnecessary regulations do not shackle the economic engine that will be critical to improving the quality of life for ourselves and our children.

A Washington Post editorial this year states:

> The United States has become an over-regulated society. The government too often seems to be battling major and minor risks, widespread and narrow, real and negligible with equal zeal. The underlying statutes are not a coherent body of law but a kind of archaeologic pile, each layer a reflection of headlines and political impulses of the day. Too little attention is paid to the cost of the whole and the relation of cost to benefit.

This amendment would be a solid step for responsible regulatory reform to put our regulatory programs on a more sound footing. The Walker-Bliley amendment includes the House risk assessment and cost-benefit reforms passed overwhelmingly by the House earlier this year. Compromises in some areas have been made. For example, H.R. 1022 defined a major rule as a rule which costs over $25 million in annual compliance costs.

I believe that is the appropriate definition. In a compromise with the Senate effort, however, this amendment defines major rules as those costing $75 million in annual compliance costs.

Despite this compromise, the Walker-Bliley amendment represents strong reform to assure risk assessments are objective, and unbiased and that there is a reasonable relationship between the costs and benefits of the regulations.

In addition, the amendment provides reform under the Regulatory Flexibility Act, and provides for congressional review of regulations. The amendment also contains portions of the Regulatory Accounting Act of 1995, which I introduced along with Mr. MCINTOSH, CONDIT, and STENHOLM. This provision is also a part of the Senate legislation. This provision would, for the first time, require a biennial accounting statement of Federal regulatory costs.

We cannot wait forever for these reforms. Those who continue to resort to fearmongering, mischaracterization, delay, and obstructionism to prevent this reform must understand the resolve of the proponents of real change.

I ask my colleagues to support this amendment and make a real difference for local governments and businesses across the country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. COLLINS], ranking member of the Committee on Government Reform and Oversight.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the amendment of the gentleman from Pennsylvania.

Mr. Speaker, it is astounding that the gentleman's amendment is portrayed as a compromise between the House and the Senate regulatory reform proposals. We all know that the Senate has yet to vote on regulatory reform. How can the amendment be a compromise when there is no Senate regulatory reform bill with which to compromise?

Furthermore, the gentleman did not make his amendment available to Members on this side of the aisle. The one copy he left at the Rules Committee late last night was copied an hour or so ago and given to us. However, I understand the version of the amendment we are considering now is different from the amendment discussed at Rules Committee and printed in the RECORD today.

This amendment is 112 pages long and while we have started reviewing it, I have no idea even now whether the regulatory reform issues that the Committee on Government Reform and Oversight considered are in it, or not. I do understand, however, that the amendment is very different than the regulatory reform bill that passed this House.

Mr. Speaker, this kind of sneaky action makes a farce out of the legislative process. The House has already passed its regulatory reform bill. It is now up to the Senate to act. If and when the Senate does act, then and only then can a compromise be reached.

Mr. Speaker, there is a place for the consideration of regulatory reform proposals, but the debt limit bill is not one of them. I strongly urge my colleagues to vote "no" on this Mickey Mouse amendment.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, my role here today is to reemphasize that the provisions of this amendment have been favorably met by the House of Representatives in an overwhelming vote, 415 to 15, in two portions about which we speak. In regulatory flexibility, which is the heart of the legislation that we passed out of the Committee on the Judiciary, we add to it a feature that the business community, small and large, I must tell my colleagues, have been yearning for for years. That is the ability to have judicial review of an adverse impact that visits them in the conduct of their business.

The Regulatory Flexibility Act, with which we have been living for generations now, never had that feature. Here now for the first time we offer all the disaffected entrepreneurs in our country the right to ask for an appeal from, a review of an adverse regulatory decision. That by itself should prompt us to support this amendment. The gentlewoman from Kansas [Mrs. MEYERS] was able to in her subcommittee, as well as in mine, to reach an overwhelming consensus among the membership of those committees which we transferred to in the House here.

The same is true of regulatory impact analysis where we were able to fine tune that portion of the businessman's entanglements in Washington. We produced legislation that, as I say, gained that overwhelming support which we now claim is important enough for Members to support this amendment.

We are going to have, one way or another, we are going to have reform in regulatory flexibility and in regulatory impact analysis. But here is our chance to stick the tongue in the fire and leave it there to make sure that our goals are met.

The SPEAKER pro tempore (Mr. HOBSON). The Chair would inform the gentleman from Virginia [Mr. SCOTT] that he has 7 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 8½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I watched this process with interest throughout the afternoon, and I am reminded of one time when I went to the grocery store and I was looking for apples. When I looked at the apples I found that the apples available that day were spoiled. I did not want any. So the next day I went back and I took another look at the apples, and there were more bad apples. So I went home.

The third day I came back and I finally found some good apples. They were perfect for what I wanted them for. Imagine my surprise when the grocer said to me, you can only have the good apples if you will buy all my bad apples. You must take everything that is here, the bad with the good, in order to get what you have come shopping for.

Frankly, Mr. Speaker, that is what we are telling the American people, that they must buy everything that the majority party is selling, including the bad apples. Clearly, the other body, the President and the American people are not interested in what the majority is selling. If they were, moving these issues on freestanding bills would not be a problem.

The American people understand what is going on today. They do not want partisan rancor. They do not want legislative blackmail. They want us to pass a clean bill. They want us to get on with the work of running this Nation, and they do not want us to let the bad apples spoil the barrel.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in strong support of the Walker amendment to H.R. 2586 and urge my colleagues to vote yes on its passage because of its importance to small business rules and regulations have greater economic impact on small business.

Mr. Speaker, one of the most important reasons to vote yes on the Walker amendment is that it contains needed improvements to the Regulatory Flexibility Act. These improvements, which include judicial review of agency compliance with the Regulatory Flexibility Act, are overwhelmingly supported by this Nation's small businesses. At the recently concluded national White House Conference on Small Business, small business representatives from throughout this country made regulatory flexibility judicial review their No. 3 recommendation. That is clear evidence of strong support for this kind of regulatory reform that is contained in the Walker amendment.

Moreover, Mr. Speaker, on March 1 of this year, in this very Chamber, we passed the amendments to the Regulatory Flexibility Act now contained in the Walker amendment by an overwhelmingly bipartisan vote of 415 to 15.

Just last week, the House Committee on Small Business, which I chair, held a joint hearing with the Senate Committee on Small Business which focused on the very issue of the disproportionate burden that small businesses endure because of overregulation.

Providing judicial review for agency compliance with the Regulatory Flexibility Act is something that this Nation's small businesses have worked for for years, and it is something they clearly deserve. Small businesses desperately need regulatory reform now—please vote yes on the Walker amendment.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Speaker, we are the committee of jurisdiction. Do we have the right to close?

The SPEAKER pro tempore. In the perception of the Chair, there is no reporting committee. Therefore, the proponent, the gentleman from Pennsylvania [Mr. WALKER], has the right to close.

Mr. SCOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCOTT. Mr. Speaker, we are supporting the printed bill that is before us. Would we not have the ability to close? We are defending the reported bill.

The SPEAKER pro tempore. The prerogative of closing is to the manager of the bill, otherwise to the proponent of the amendment. The prerogative to close only goes to the amendment's opponent if he is a manager of the bill.

Mr. SCOTT. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. So there is no misunderstanding, the gentleman from Virginia [Mr. SCOTT] has 5½ minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 6½ minutes.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, again, I want to try to bring this debate into perspective. I have my $270 here that I took out of my savings account. What we are going to do today is we are going to extend the debt limit for every man, woman, and child in the United States for a total of $67 billion between today and December 12. That costs every man, woman, and child $269 of their hard-earned money just for that short period of time.

□ 1600

Now we have heard about regulatory reform. The gentleman from Pennsylvania [Mr. WALKER] and I stood on this floor in the past Congress and debated regulatory reform, and we passed regulatory reform by overwhelming margins, but we have not seen regulatory reform.

Now the other side has bought votes for three decades. They have paid for them with IOU's, and they have created a national debt of $1½ trillion, and we are asking today that, if we increase the national debt, we want reforms, we want regulatory reform, we want risk assessment, we want to look at the cost and benefit of imposition of a new regulation, we want the reorganization of the Department of Commerce, and talk about supporting a trade policy. The United States has the most disorganized trade effort in the world with the highest, we are running the highest, trade deficit that we have ever had in the history of this Nation, and we are asking to reorganize it in this bill.

So these are the downpayments we are asking for as we raise this debt up, as we obligate every citizen in this country for just the next 34 days to $269 per person. By Thanksgiving it will be $118 per person for every person in this country.

Mr. Speaker, I am telling my colleagues the other side will not be happy until every American is dependent on some kind of Government program.

Mr. WALKER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, we saw the gentleman from Florida [Mr. MICA] hold up his dollars. Let us talk about real money though because this has been labeled a Mickey Mouse idea.

Fact of the matter is that the cost of regulations on the American people are estimated anywhere between $500 and $700 billion a year. There is nothing Mickey Mouse about the growing price of regulations and the death of common sense that has swept across America and especially swept across the bureaucracies in Washington, DC. For too long we have had unelected bureaucrats in Washington, DC, passing rules and regulations that have tied the hands of Americans, small American business people and property owners.

Mr. Speaker, this is a good, commonsense first step in moving in that direction, and I certainly look forward to supporting it, and I thank the chairman for bringing this bill to the floor.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I must say that I disagree with the gentleman yielding to me and some of my other Democratic colleagues concerning the appropriateness of having habeas corpus and regulatory reform in this debt measure because I cannot think of two more fitting examples of what the Republican Party is doing than with these two measures. See, habeas corpus in Latin means, "You have the body," and when the American people have the body of this Republican Party and what they are doing to America, they are going to see it for all that it is. They are going to know that they can take the stiffest old wire brush, and they cannot scrub the dirtiness and the ugliness of what they are doing to this country out with that wire brush.

And what about regulatory reform? Mr. Speaker, what they believe in is regulatory short circuit. They have got it short-circuited to the point that we do not need a committee system in the Congress, we do not need to involve the America people in the decisions of the Congress. No, we can have regulatory and lawmaking reform; just get a cluster of the strongest, most powerful lobbyists in the country to get together in the closet with the Speaker. He will take a little time out of his campaign to be President of the United States, a campaign based on the theory that the American people want someone meaner than PHIL GRAMM as a candidate, and the Speaker will take a little time away from signing book autographs and running for President, and he will sit down, and he will resolve the lawmaking and the regulation of the United States in exactly the same way that he cut Medicare.

Mr. Speaker, we have what is referred to as a Christmas party offering special deals to various lobby groups to get what they want.

It is appropriate that the gentleman from Pennsylvania would begin the presentation on this amendment by citing letters from two lobby groups. Who else would this group that has contracted out the Contract on America, subcontracted it, if my colleagues will, to the lobby to write the bills, to use the committee computers, to turn to the lobbyists during the committee hearings to provide all the answers? Of course, they start with letters from lobbyists saying that this measure is OK.

But what about the American people? Why do they not have a say in this process? Why shortcut it in this fashion when even the Members of this body do not get to see the bills that are passed?

I am not just talking about the Democrats. We could not find 10 Republicans in this entire body that had the slightest idea what is in this amendment. It is not even the same amendment that was presented in the sneak attack last night.

See, the problem is that our Republican colleagues are so used to having a party that is exclusive, that does not include people in the decision-making process that they decide to use a sneak attack instead of including the people in a process of decision making with committee hearings, with people coming in, hearing what good science is from the experts, instead of relying only on the lobbyists.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOBSON). The Chair would admonish all Members that they are not to make personal references to Members of the other body.

Mr. DOGGETT. Mr. Speaker, we had a chance to look at the specifics of this regulatory reform measure earlier in the year, and one of the things we found is that it required, before any new rule to protect the public health, and welfare, and safety of the people of the United States could be adopted, it had to be peer reviewed, and we were not talking about a peer review of people of science. We were really talking about a peer review that could include lobbyists, the same kind of people that cluster up with the Speaker in the back room to write legislation like this, and they would not accept an amendment to delete the power of lobbyists to review these pieces of legislation and to roadblock them to gum up the process, and that same language, I am advised, is buried somewhere in these pages, is mixed in there at present, so that we will rely on the tobacco companies to decide the future of any regulation concerning tobacco in this country. We will rely on the polluters to decide on any regulation about water and air purity.

Yes, this is in this particular amendment simply a question of whether we want to have unilateral disarmament of the ability to protect the health and welfare of the people of the United States to assure that we have water we can drink and air that we can breathe, whether we want to do that or whether we want to involve the people in a reasonable process that is not some backroom deal to provide in the dead of night one amendment and then come out here on the floor without any hearing, without any input, and do another.

See, I think the problem is basically that some of our Republican colleagues confuse arrogance of power with leadership. They have not given us much of the latter. They have given us little else than arrogance and power.

Mr. WALKER. Mr. Speaker, always good to get the liberal extremist point of view brought to bear.

Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I commend my colleagues for their excellent job, along with the gentleman from Virginia [Mr. BLILEY], in bringing this forward to the House floor and letting us complete one of the promises we made the American people in the Contract With America. Before I mention some of the substantive part of this, I would like to point out to Members that this vote is now a key vote for various organizations who represent working men and women across this country:

The National Federation of Independent Business, the U.S. Chamber of Commerce, the National Restaurant Association, Americans for Tax Reform, National Association of Home Builders, National American Wholesale Grocers Association have all key-voted this very important regulatory relief bill.

When my colleagues stop to think of it, it is particularly appropriate that we have this in the debt-ceiling extension. The average family pays $2,300 in interest on the American debt each year. They pay $6,000 in the costs of Federal regulations, 2½ times what they pay for the interest on the debt. This bill will help to pull back the regulatory debt that the Federal Government has placed on the American working family for the last 40 years.

Mr. Speaker, this is vitally important for our competitiveness. It will help keep jobs here in America, and it will allow us to go back home and tell workers we have lifted the redtape that has sent their jobs overseas to China, to Mexico, and to around the world because they do not impose that type of regulatory burdens on companies. We are going to be competitive and create good jobs right here at home in America.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we previously heard about the deficit. We can remind everyone that most of the national debt was run up during the Reagan and Bush administrations. Congress actually cut most of their budgets.

Mr. Speaker, this is not the House-passed regulatory reform bill. It has not been negotiated by the Senate. The Senate has never passed the regulatory reform bill, and some Senate Republicans will object to its inclusion in the debt bill.

This is a 122-page amendment which was written last night without consultation with the Senate or House Democrats. It overrides existing laws to protect public health, safety, and environment. It will lead to regulatory gridlock and a litigation explosion and will cripple the cleanup efforts at our military bases.

We have had a bad process, it is a bad amendment. Please vote no on this amendment.

Mr. WALKER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have had an interesting debate, and obviously it is very difficult to debate the substance for the other side because all they want to do is talk about process. But that is fine. As my colleagues know, that is the way in which the process goes forward I guess. But the bottom line is that what we ought to be talking about is how we balance the budget and get the burden of regulations off the back of the American people.

Mr. Speaker, the most important thing this Congress can do is to balance the budget so we can stop having to keep heaping even more Federal debt on our children. To accomplish this paramount goal, we have to cut unnecessary spending and costs. This goes for the competitiveness of the private sector as well, which is what this amendment addresses.

Mr. Speaker, in an era of tough budget realities which the bill before us brings home to roost, policymakers need to make choices and set priorities—to concentrate scarce dollars where they will do the most good, and analyze alternatives to achieve the goal of public safety at the lowest possible cost. At this critical point in our effort to change the way Washington works, we believe that we have a unique opportunity to move this consensus reform right now. After 10 years of lip service by the Democrat congresses before this to the whole question of U.S. competitiveness, but no action except for even more Federal spending in the form of industrial policy subsidies, we now have the chance to do something really big. We now have a chance to speak to the 450 to 800 billion dollars' worth of regulations imposed upon the economy every year.

President Clinton says he has to raise the debt ceiling. Well, at the same time we can give him the opportunity to remove the need for so much wasteful Federal corporate welfare spending which combats the unnecessary costs of unjustified regulations. This landmark competitiveness initiative, will be worth more than about 100 advanced technology programs or other Government spending programs.

What we can begin to do is deal with the issue of regulation. Here is that chance. Here is an opportunity to use a consensus approach to begin to wipe out the regulations that so far undermine the economy by asking the Members of this body to do as they have done before, support regulatory reform.

Vote for the Walker-Bliley amendment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALKER. Mr. Chairman, on that demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 165, not voting 10, as follows:

[Roll No. 779]

YEAS—257

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Rush
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—165

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Stupak
Tejeda
Thompson
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Bono
Chapman
Fields (LA)
Lewis (CA)
Owens
Peterson (FL)
Studds
Thornton
Tucker
Weldon (PA)

☐ 1634

Mr. HILLIARD and Mr. McNULTY changed their vote from "yea" to "nay."

Messrs. BAESLER, DOOLEY, and ROSE changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, on rollcall No. 779, I was unavoidably detained at a White House meeting. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to the rule, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2539, THE ICC TERMINATION ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–329) on the resolution (H. Res. 259), providing for the consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING PROVISIONS OF CLAUSE 4(B) OF HOUSE RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–330) on the resolution (H. Res. 260), waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MOTION TO RECOMMIT OFFERED BY MR. PAYNE OF VIRGINIA

Mr. GIBBONS. Mr. Speaker, under the rule, I am the minority leader's designee to present the motion to recommit.

Mr. Speaker, I offer a motion to recommit. I am opposed to the bill and I ask unanimous consent that the gentleman from Virginia [Mr. PAYNE], the author of the amendment, be allowed to present it, and to control all of the time and yield time.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is the gentleman from Virginia opposed to the bill?

Mr. PAYNE of Virginia. I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. PAYNE of Virginia moves to recommit the bill H.R. 2586 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment:

Strile all after the enacting clause and insert the following:

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on the later of—

(1) December 12, 1995, or

(2) the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature,

the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,967,000,000,000, or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States (and to ensure full investment of amounts credited to trust funds or similar accounts as required by law) through such period.

Amend the title by striking ", and for other purposes".

The SPEAKER pro tempore. The gentleman from Virginia [Mr. PAYNE] is recognized for 5 minutes on his motion to recommit.

Mr. PAYNE of Virginia. Mr. Speaker, this motion to recommit is very simple: it alters the debt limit to provide for a 30-day time period from the time a reconciliation bill hits the President's desk until we reach the debt limit. These 30 days will allow us to work in a bipartisan way to develop a plan that will balance the Federal budget as well as avoid a default by the Federal Government.

This is also a clean motion.

This motion raises the debt limit in the same manner we have raised the debt limit in the past, for short periods of time, for both Democratic and Republican Presidents. Without partisan riders. Without putting the country in danger of default. This motion to recommit allows us to continue this bipartisan tradition.

The motion to recommit is identical to the amendment offered at the Rules Committee last night. The Rules Committee rejected this commonsense proposal in favor of one weighed down by partisan distractions. The motion to recommit brings the debate back to where it ought to be: How do we protect the creditworthiness of the United States of America while we work to balance the Federal budget.

A balanced budget is a goal that has bipartisan backing. And the motion to recommit will give us the time we need to do it. This proposal is fair, it is rational, and it is about doing what the American people sent us here to do. Thirty days from the time the reconciliation bill hits the President's desk is not too long when we are talking about a credit record our country has built over 200 years. And it's not too long to consider how best to balance our budget and put our fiscal house in order for ourselves and for future generations.

I urge my colleagues to vote for the motion to recommit.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. PAYNE of Virginia. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I wish to commend the gentleman for this motion. It appears to me that unless this motion is adopted, this House, along with the Senate, is headed for a train wreck, deliberately led by Speaker GINGRICH and the Republican majority, to try to force the President to do something when they know the President will not do it. They are not going to be able to shove it down the President's throat, and he, being a reasonable person, is going to request that they do exactly as you propose.

□ 1645

If we want to keep the country on a good course of economy that we need to have through this fall and going into next year, we do not need this type of activity that is envisioned by the original bill. That will lead to the train wreck that is going to occur, the default that is going to occur in the economy of this country.

I want to commend highly the gentleman for his thoughtfulness and willingness in order to work this whole thing out. I know the gentleman strongly believes in a balanced budget, has voted for a balanced budget and wants to get there, just like I do. I want to commend the gentleman for using a little sense in this whole activity.

Mr. PAYNE of Virginia. I thank the gentleman from Missouri.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, the gentleman's motion is an effort for us to work in a bipartisan manner on dealing with this budget.

Let me explain this. It is the preference of the President, it is my preference, that we have a long-term extension of the debt ceiling. That is not to be the case. The Republicans want to have leverage on the debt ceiling in dealing with the budget.

I think that is wrong. I do not think we should jeopardize the credit of this Nation. I do not think we should jeopardize interest rates that consumers have to pay. But if we are going to have a short-term extension, it should be one that both Democrats and Republicans can support.

It is not the President's fault that we are here tonight asking for an extension of the debt ceiling. It is the failure of the leadership to pass the appropriation bills, to pass the budget by the October 1 deadline. We are well past that.

Democrats are willing to work with Republicans on a debt extension so we do not jeopardize the credit of the Nation, but let us make it a clean extension. Let us not put these extra issues in there to make it impossible for Democrats to support and guarantee a Presidential veto. It is our fault, the Republican leadership's fault, for not meeting the deadlines. Give us a debt extension that Democrats and Republicans can support so we do not run the risk of the credit of this Nation. That is the choice we have.

The gentleman's motion will extend the debt ceiling until we pass the budget bills and have sent them to the President. It is a clean extension.

I urge my colleagues in a bipartisan manner to support the motion.

Mr. ARCHER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr Speaker, this body has just heard what on the surface appears to be a plausible, responsible colloquy by two members of the Committee on Ways and Means who are, I believe, very genuine, very responsible people

The difficulty with it is that it opens the door for an unlimited period of time for the President to stall, to make excuses and to fail to bargain in a responsible, genuine way for a balanced budget in 7 years, based on CBO numbers, without new taxes. That is what we are about. That is what the American people want by an overwhelming margin, and that is what we have been working to all year, with a President who at first said we do not need a balanced budget, we do not need one at all, and defended that position and then reluctantly came to the dance floor and said, well, maybe 10 years is OK, but not by CBO numbers.

By CBO numbers, his so-called balanced budget never balances. It is $200 billion a year in deficit as far as the eye can see. We have had a whole year for the President to come forward and do what the American people want.

The motion to recommit would create a debt ceiling provision that gives a blank check to the Treasury to increase the debt to whatever level it wishes. That is not what the American people want. It permits the Treasury to raid the retirement trust funds of this country, so vital to beneficiaries who depend upon them, as a means of keeping the Government afloat, instead of letting us go through an orderly management of debt, which our bill permits, until December 12.

We have had excuses, excuses and delays, We cannot wait, to go into January and February and March, to resolve a balanced budget. That is what this motion to recommit would do, because it eliminates the protection of the trust funds from invasion or incursion, and it would most certainly be used by the Treasury because they are right now planning to begin to do it next week when they cannot meet our obligations on November 15 if this bill does not pass.

Our plan will permit the orderly management of the debt next week and until December 12, but, yes, make no question about it, that on December 12 we mean business. It is a drop-dead date, and it is adequate time for the President to come forward with his hand of negotiation.

We all know the pieces of this puzzle. We have talked about them over and over again this year. It is not difficult, knowing the pieces of the puzzle, for the President to come forward and negotiate with us in good faith and resolve this by December 12.

We also know that in every democracy you do not make tough decisions until you face a cliff or a stone wall. It is true in the legislatures. It is true here.

Your motion to recommit, I would say to the gentleman from Virginia, leaves an open door for the President indefinitely to put off the decisionmaking to get to a balanced budget as he raids and invades the trust funds of this Nation.

That is what will begin next week if he vetoes this bill, and they plan to do it, I am told, and it will, under your proposal, continue to be an option beyond December, January, February, March. That is not in the best interests of this country. It is time now to set a date, to stick to it, and to get this balanced budget passed in 7 years, by CBO numbers, without tax increases, and this is the down payment on that. This is the first step.

Vote against the motion to recommit and for the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 235, not voting 11, as follows:

[Roll No. 780]

YEAS—186

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Chapman
Dickey
Fields (LA)
Lewis (CA)
Owens
Peterson (FL)
Studds
Thornton
Tucker
Waxman
Weldon (PA)

☐ 1712

The Clerk announced the following pair:

On this vote:

Mr. Chapman for, with Mr. Lewis of California against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOBSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 194, not voting 12, as follows:

[Roll No. 781]

AYES—227

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes

Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum

McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford

Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—194

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Cardin
Christensen
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle

Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos

Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed

Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Sisisky

Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns

Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Chapman
Doggett
Fields (LA)
Lewis (CA)

Owens
Peterson (FL)
Studds
Thornton

Torkildsen
Tucker
Waxman
Weldon (PA)

□ 1730

The Clerk announced the following pair:

On this vote:

Mr. Lewis of California for, with Mr. Chapman against.

Mr. DORNAN changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORKILDSEN. Mr. Speaker, I was unavoidably detained and did not vote on rollcall No. 781, final passage of H.R. 2586, the temporary increase in the statutory debt limit.

Had I been able to vote, I would have voted "aye."

LEGISLATIVE PROGRAM

Mr. BONIOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. HOBSON). Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. BONIOR. Mr. Speaker, I rise for purposes of engaging the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, in a colloquy.

I ask my friend from Texas what he foresees for this evening and tomorrow.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman.

Mr. Speaker, this is the last vote tonight. Hopefully, the Senate will pass both the continuing resolution and the debt ceiling extension tonight. The Committee on Rules will meet tonight to grant rules on both of these measures so that they can be considered on the House floor tomorrow in accordance with the usual House procedures.

I intend in just a moment to ask unanimous consent that we reconvene the House at 9 a.m. tomorrow so that we can take up both these measures, and it would be my hope that, of course depending upon how things go, that we would be able, given that earlier beginning, to adjourn the week's work at 2 o'clock or perhaps even earlier, depending on what we receive back from the Senate and how we must deal with it.

I can state, Mr. Speaker, that we will have no more votes tonight, and that if, in fact, the unanimous consent request is not objected to, we will reconvene at 9 a.m. in the morning.

Mr. BONIOR. Mr. Speaker, can the gentleman from Texas [Mr. ARMEY], the majority leader, tell us when he expects the first vote on Monday?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, I would tell the gentleman that we should be prepared to be back by 12 noon on Monday for votes.

Mr. BONIOR. Well, Mr. Speaker, I would tell my friend, the gentleman from Texas [Mr. ARMEY] that I hope my colleagues on this side of the aisle do not object to his request for a 9 a.m. start tomorrow, but I must be very frank and honest with my friend from Texas and say that the Democrats are willing to do a clean continuing resolution and a clean debt ceiling. The President is willing to sign it. We could get it all done this evening.

These extraneous measures on these bills that have no place in these bills are putting the financial security of this country at risk and we think it is irresponsible and we need our Republican colleagues to know that and we need to express that this evening. So I would hope my colleagues on this side of the aisle would not object to the unanimous consent request of the gentleman from Texas of going in at 9 o'clock tomorrow.

Mr. ARMEY. Mr. Speaker, I wonder if the gentleman would yield, if he still has the time, because I do appreciate the points he made and I do understand the position of the minority. And if I might make an announcement to the Republicans on the gentleman's time, I should announce to the Republican Members of the House that there will be a conference in HC–5 at 5:45, and the gentleman from Michigan [Mr. BONIOR], of course, is excused from that conference.

Mr. BONIOR. Well, Mr. Speaker, after my last remarks and the reaction I got, I do not think I would want to come anyway.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, pursuant to the provisions of rule XXVIII, clause 1(c), I am announcing that tomorrow I will offer a motion to instruct the House conferees on the bill, H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Sixteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1994.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

ANNUAL REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND NATIONAL HOUSING PARTNERSHIP FOR FISCAL YEARS 1993 AND 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services.

To the Congress of the United States:

I transmit herewith the annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for fiscal years 1993 and 1994, as required by section 3938(a)(1) of title 42 of the United States Code.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture.

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2586.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

VACATION OF SPECIAL ORDER

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to vacate the 5-minute special order granted to the gentleman from California [Mr. RIGGS] today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMERCE SUBCOMMITTEE LEGISLATION WILL UNDERMINE SUPERFUND PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to spend 5 minutes today talking about what happened in the Commerce Subcommittee today with regard to the Superfund Program. I was very disturbed by the legislation that has been introduced by the Republican leadership yesterday in markup of the bill, and also today in marking up the bill. Myself and many of the other Democrats on the committee tried to make correcting amendments to the legislation because of the negative impact that we feel the legislation will have on the Superfund Program.

I do not have to tell my colleagues that not only in New Jersey but throughout the Nation a major effort has been made over the last few years in trying to clean up hazardous waste sites because of the Federal program we know as Superfund. Now, it is, of course, true that the program has not worked perfectly, and that while many sites have been cleaned up and many others are in the process of being cleaned up that there are still a lot more that need to cleaned up. But this is not the time for us to backtrack on the Superfund Program. This is the time when we reauthorize this legislation to make it better, not to make it worse, not to undermine the basic underpinnings of the program.

Mr. Speaker, I feel strongly that the legislation that came out of our subcommittee today would significantly undermine the Superfund Program. Let me just give my colleagues some examples.

The legislation says that over the next few years only 125 new Superfund sites can be added to the national priority list. The fact that there would be a cap on the number of Superfund sites unrelated to any scientific analysis is in itself shameful, and during the debate over a proposed amendment to eliminate that cap it was abundantly clear, in my opinion, that the Republican leadership felt strongly that the Superfund Program really should be phased out; that they were trying to cap the program with the hope that over the next few years the program would be phased out and responsibility for the cleanup of hazardous waste sites would go back to the States.

Unfortunately, Mr. Speaker, what they failed to point out is that most States are not in a position to pay to clean up hazardous waste sites, particularly the most severely polluted. My home State of New Jersey is a case in point. We have over 6,000 hazardous waste sites that need to be cleaned up and only about 114 of them, I believe, are on the national priority list under Superfund.

□ 1745

We do not have the money, and there is no way that we can raise the money to clean up all those sites. We need help. We need help from the Federal Government. I would point out that the money that is used on the Federal level to pay for the Superfund cleanup comes from those who generate the pollution, comes from a tax on various companies.

Mr. Speaker, the other thing that is in this legislation that we tried to correct today was the idea of retroactive liability. There is, in the bill, in the Republican leadership bill, a provision that gives discounts, in other words rebates, back to those companies that have cleaned up sites, because they were liable in the past for having polluted the Superfund sites. We had an amendment, which I sponsored, which would have eliminated those rebates which says the polluter has to pay.

The basic tenet of the Superfund Program is that the polluters pay for the cleanup, not the taxpayers. If we are to undermine that concept and say now we are going to pay the polluters in certain circumstances because of liability that occurred in the past, that undermines the whole concept of the Superfund Program that the polluter pays.

Also, this new legislation would no longer provide a preference for permanent treatment of hazardous material at Superfund sites, so that instead of requiring the Environmental Protection Agency to go in and permanently treat the material so that the site is cleaned, instead we would see fences put up, material perhaps carted away, but no effort to necessarily do anything permanently to clean up the site.

Mr. Speaker, I think that is the wrong way to go about the Superfund Program. The idea of the Superfund Program was that there was going to be cleanup that was real and that the sites could be reused again.

There are an incredible number of exemptions for liability and efforts to take out various types of hazardous materials in this legislation that essentially will make for a much weaker Superfund bill.

Mr. Speaker, I would hope that over the next few weeks, as this bill moves through not only the Committee on Commerce but other committees and eventually to the floor, that we could get more and more support for the idea that this reauthorization of Superfund should be done in a way that improves the program rather than gutting it.

AN EXPLANATION OF CONGRESS' PREDICAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, those who have followed the congressional debate today may be in a quandary trying to figure out exactly what is going on on Capitol Hill. Let me try to set the record straight, so that there is an understanding about the political dynamic and what it means to every American family.

Mr. Speaker, we are in the process now of trying to come up with a budget for this fiscal year for the Federal Government. The fiscal year actually started October 1. There was a failure of the Republican leadership to pass appropriation bills on time to continue the business of the Federal Government. As a consequence, they have passed what is known as a continuing resolution which just basically keeps the agencies in business on a short-term basis.

There is a second item known as a debt ceiling, which basically gives authority to the Federal Treasury to continue to borrow money so that we can extend the full faith and credit of the United States and not default on our obligations. That debt ceiling limit should have been passed for a long period of time several weeks ago, but we have failed under the Republican leadership to do that either, and so now we are at an impasse.

The President of the United States has said that he will sign a bill which will keep the agencies of Government in business. He will sign a debt ceiling bill so that the United States does not default on its debt. But my Republican colleagues have decided to make this more interesting from a political point of view. They will not send the President a simple bill that meets our obligation. Instead they keep loading up every bill with their political favorites.

Mr. Speaker, there are special interest groups roaming all over the corridors on Capitol Hill, each of which wants another ornament for his Christmas tree, and so they find these bills that come along and they stick on a series of amendments, some of them very serious in tone, others just designed to keep special interest groups very happy.

The Republicans are going to send these bills to the President, and he has already told them that he is going to veto them. This leads to the so-called train wreck, the gridlock, the crisis which Speaker GINGRICH is using as part of his strategy to pressure the President of the United States.

Mr. Speaker, what is sad about this is that none of us, Democrats or Republicans, or Independents for that matter, were sent to Washington to engage in gridlock. We were not sent here to fail, to create problems, to close down Government agencies so people seeking Social Security checks or veterans checks or small business loans will not have anybody to work with.

We were not sent here to default on the debt of the Nation for the first time in our history. We were sent here to meet our obligations on a bipartisan basis and really go back home and meet with our constituents. Instead, we are spending late night hours and long, tortuous debates because of this political tangle.

Part of it has to do with the Republican plan to balance the budget. Most of us favor balancing the budget, but the Republican approach goes far beyond balancing the budget. What they are calling for is a $270 billion cut in Medicare, a cut in a program that is totally unnecessary. They are savaging Medicare far more than they have to in order to come up with extra funds. For what purpose? Not do reduce the national debt, but to create tax breaks. You see the Republican theory from time immemorial is a trickle-down theory. They have always believed that if you make the rich rich enough, it will somehow help working families. Most of us know that is not true. Working families know it for sure.

We are also concerned about cuts in education. I am here today standing on the floor of this hall of the U.S. House of Representatives because this Federal Government, over 30 years ago, loaned me the money to go to college. If they had not loaned it to me, I am not sure what I would be today.

My story is repeated millions of times over, and yet the Republicans believe we need to cut over $10 billion out of college student loans as part of balancing the budget.

Frankly, if we give up on education, if we give up on educating the kids of working families, we are giving up on our future. What we need now is a more responsible, bipartisan, commonsense approach. We have got to stop this massive cut of Medicare to provide a tax break for the wealthy. We have got to stop savaging the education programs that are so important to our children. We have got to stop playing political games with the operations of the Federal Government and with our Nation's national debt.

Unfortunately, the next several days are not going to be very pretty. I wish Members of Congress on both sides of the aisle would adopt my simple proposal: No budget, no pay. If the Members of Congress cannot meet their responsibility to keep the agencies of the Federal Government in operation and not to default on our national obligations and debt, we should not be paid for it. We ought to basically say if we are going to send the Federal employees home without pay, Members of Congress ought do without a pay check.

Mr. Speaker, I have offered it three times and lost three times. I wrote a letter to Speaker GINGRICH and asked him to make it in order. Unfortunately, there must have been a fire in his mailbox. He has not gotten back to me.

The concerns that the American people have about the future are concerns that we share in Congress. We do not shut down Federal Agencies and then keep drawing congressional paychecks. That suggests to me the kind of arrogance which people do not want in their elected representatives.

Mr. Speaker, I hope those who follow this debate will remember the simple challenge that is ahead of us. We can balance the budget if we get rid of the tax cuts and the onerous cuts in Medicare, we can make sure that we have a bright future if we stick with investments in education, and we can make certain that this Government stays in business doing its business if we stop the political shenanigans and get down to the real business of functioning on a bipartisan, commonsense basis.

IN MEMORY OF DAVID TODD HETLAND, MINNESOTA THIRD DISTRICT FIELD DIRECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. RAMSTAD] is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, this is truly the most difficult speech that I have ever made before this body.

Yesterday, I was a pallbearer at the funeral of my extremely gifted and talented field director, David Hetland. David passed away Saturday at the age of 28 after a courageous struggle with cancer. Dave Hetland was a dear friend, treasured employee, and a committed public servant.

Dave had a vibrant spirit that was there right up to the end as he battled this awful disease. He did not even know he had cancer until 4 short months ago, yet he never got down and he never gave up. Dave will be sorely missed by all of us who knew and loved him.

Dave and Jeanne Broz Hetland, his brave and loving wife, and their wonderful family are in our thoughts and prayers. Jeanne exhibited amazing strength during David's ordeal. Their love for each other was truly a lasting inspiration to each of the 600 mourners who were at the Colonial Church of Edina, MN, yesterday for the funeral.

Pastor Gary Klingsporn, who also officiated at their marriage ceremony just this past August at the same church, said it beautifully in his very moving homily. He talked about the courageous, inspiring way in which Jeanne Hetland lived up to the wedding vows that she had made just 2 months ago. She truly lived the words about being there for Dave in sickness and in health.

In a statement that made each of us in that church nod in unison and wipe our tear-filled eyes, Reverend Klingsporn noted that if the roles had been reversed, that Dave would have been at Jeanne's side, night and day, day and night, just as she was there for him over these last difficult months.

Jeanne was truly the perfect partner for Dave, except when Purdue University played Dave's alma mater, the University of Minnesota. I will never forget when Dave came to me when they first started dating and asked for tickets for that game so they could sit in the middle of the University of Minnesota section. The Gophers lost, but Dave won the heart of one diehard Boilermaker fan. Dave and Jeanne have a wonderful love story that has inspired us all.

Dave has been a key staff member for me since 1991, my first term here. I met Dave through my predecessor and mentor, Congressman Bill Frenzel. Dave served as a college intern for Bill.

Dave came to us energized to pursue the highest standards of public service, and he really represented the absolute best in public service. He had a spirit and motivation that never waned and never left him. That spirit of Dave Hetland will be with me and my staff always, driving us even harder to help people in need and to respond to their problems back in Minnesota.

As my field director in Minnesota, every day Dave Hetland showed up for work performing at the absolute highest level. He was known throughout the district as always being well-prepared and well-versed on the issues before Congress and how they affected the people that we represent.

One of the many accomplishments that Dave will be remembered for is his creation of our "School of the Month" program. We recognize one outstanding elementary school each month in our district, based on Dave's research of a lengthy list of applicants each month.

My school visits with Dave would include a short talk to the students and then a presentation of the award. Dave was an expert at making these presentations interesting to the students and understandable to the young people in our district.

Dave Hetland was a wonderful teacher himself. He taught me and everyone in our office a great deal about life and living. He also taught us about death and dying. He never made any excuses when his pain was too much for any mortal to endure. In fact, I remember the last time I saw Dave at the office he could barely walk to his car, but he was there working for the people of our district, putting them above his own needs.

Dave faced death and dying the same courageous, upbeat way that he lived his life. He was a true profile in courage.

Dave remained optimistic to the end and focused on helping constituents and his other work, which he always performed in a first-rate manner. Dave's favorite part of his job, one of his favorite parts of his job, was Service Academy Coordinator. Just recently, the Air Force Academy Associate Athletic Director, Jim Bauman, visited my office in Washington and said that Dave Hetland was personally responsible for bringing enough Minnesotans to the Academy to field their hockey team and to make them competitive with the best in the land.

Dave's special skills in dealing with constituents and their problems and his deep sense of compassion served the people of the Third District of Minnesota very, very well. His friendly ways and relentless pursuit of solving problems helped literally hundreds and hundreds of Minnesota people.

Another area in which Dave shined was working with people with disabilities. It is a major emphasis in our office, and Dave organized many meetings for people with disabilities to listen to their concerns and to convey those concerns back here to Washington.

Dave also knew every member of the police departments in the Third District by their first name and worked with me on crime legislation. He was always there when I was back in the district, a wonderful adviser and trusted friend.

□ 1800

Mr. Speaker, in one of the most touching eulogies I have ever heard, Dave's father-in-law put it best when he said, "Dave told me something after his cancer was diagnosed that I will never forget. He turned to me and said, 'You know, Jim, relationships are the most important thing in life.'"

Dave, speaking for all of us in our office, let me say we could not agree with you more. We will treasure our very special relationship with you forever. We love you, Dave. We are devastated by your passing. We will miss you a lot, but your special spirit will be with us every day for the rest of our lives. We will never forget the lessons you taught us, Dave, nor the inspiration you gave us.

Dave Hetland, you will live forever in our hearts.

The SPEAKER pro tempo (Mr. ALLARD). Our hearts and prayers go out to Dave Hetland and his family and friends.

CONTINUING RESOLUTION AND DEBT LIMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, sometimes it is hard to follow a moving tribute, and certainly one would want to recognize the great service of a very fine individual.

This day, however, brings a great deal of concern to me. It has been a hard day and a long day. Particularly it relates to the responsibilities of the U.S. Congress in making sure that we are responsible to the American people. We are charged now, having not been able to pass under the leadership of the Republican majority, the appropriations bills, we are now faced with the desire and the responsibility to promote and pass a continuing resolution that would, one, lift the debt ceiling but allow, most of all, the proper negotiation in order to provide the correct funding for projects and programs and Government responsibilities.

I am willing to stay here tomorrow on Veterans Day in order to be able to ensure that the documents sent to the U.S. Senate but as well the document that ultimately will go to the President will be one that can be signed. I am well aware, as we are on the eve of Veterans Day, that, if that does not occur, we may have some time around Christmas the biggest nongift to the American public, for we may deny our senior citizens their Medicare benefits. We may deny children who are recently immunized their Medicaid benefits. Veterans, whom we celebrate tomorrow, may not receive their veterans benefits. Hard-working Federal employees throughout this Nation will find the doors locked and the services that they render no more.

Interestingly enough, in terms of the discussion on the debt ceiling, this Republican Congress has raised it many times. Now there is some big debate about how, where, and why and a refusal to extend this process for 30 days after it gets on the President's desk, a motion to recommit that was presented on this floor today, not so much partisan or to get one upsmanship, but simply to allow us in a reasoned but rushed manner, because it is rushed, it is 30 days after the President gets it, to look at these issues of do we really want, as has been proposed by the Republicans, to increase the premiums on Medicare and part B.

Do we want to do that rather than leaving it at the 25-percent portion versus the 31.5-percent portion that is now being proposed in this bill that is not streamlined to deal with the issue at hand but baggaged, if you will, with increasing the premium, with a regulatory bill that is 122 pages tacked on.

Reasoned portions of that bill could be addressed in a bipartisan way by this House. Yet, we have tacked onto this particular legislation dealing with the crisis at hand a bill that the Senate has not even dealt with, never passed a regulatory reform bill. And we have grabbed bits and pieces from that bill, unpassed by the Senate, and tacked it on this legislation now dealing with the crisis that we face, 122 pages, obviously not reviewed in a bipartisan manner by this Congress.

Then we wanted to deal with the habeas corpus matter. Rather than addressing that where it could be heard in a fair presentation of the issue, for no one knows and hopes that they are never incarcerated and never finds themselves in that capacity, but I do believe that Americans applaud the right to seek a redress of grievances. It is important that, if we have the opportunity to seek a redress of grievances, that hasty and frivolous legislation attached to this bill dealing with the debt ceiling and as well the opportunity to continue to pay the Government's bills so that we can do our jobs. How wrong we are to not be focused on the main issue.

I would hope, Mr. Speaker, that we will ultimately get a streamlined bill to the President, sit down at the table of reason and confront ourselves on behalf of the American people to fund appropriately this Government on behalf of all Americans.

NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I would like to speak for just a moment about the defense authorization conference report which we hope will be reported from the conference this evening. Last year Republicans made a treaty with the American people. In effect, we said that, if Republicans are put in charge of Congress, we would turn things around. We would not let Washington operate as it had in the past, and the Republican Contract With America was a line in the sand saying, enough is enough.

One of the key components of the contract was the National Security Revitalization Act. This act was a commitment to the men and women in uniform that Congress would not allow a return to a hollow military force like we had in the 1970's. The National Security Revitalization Act made a commitment to stop the 10-year slide in defense funding. That is right. Every year for the last 10 years, we spend less in real dollars than we did the year before.

The specific implementation of that commitment is contained in the 1996 defense authorization bill. I am happy to hear that we are nearing final agreement with our Senate colleagues on a final bill. This bill has been a long time in the making. In fact, there are skeptics who thought we may not be able to produce an authorization bill at all.

Those skeptics were wrong. Soon we will be able to bring a bill to the floor which represents a watershed in defense funding.

Contained in the bill, I believe, are some key elements, some things that are very, very important to the new threat that we face today.

For example, with regard to the quality of life of our military men and women, we provide for a pay raise, something that is much needed and overdue. We have also provided for a new housing initiative which adds $450 million, making a total of about $1.5 billion in spending which will go to modernization and renovation of family quarters and of course bachelor or single person quarters.

Also on the hardware side, we funded eight C–17's for the next fiscal year. I am pleased to hear that the Air Force has decided to request a total buy of 120 C–17's over the next several years. That is important because of the threat we face. It is important because we have brought many of our military people home from overseas. And when regional conflicts occur, it is important to be able to get back there. So this additional capability is something which I believe is much needed.

In addition to that, we continually send carrier groups to sea. The protection, the defense for those carrier groups is a system known as the Aegis system which is incorporated on our destroyers built here in this country, and in the gentleman's district from Mississippi, I might add. And these destroyers, which will be funded this year, will provide for three new Aegis destroyers which I might again say are state-of-the-art ships.

We have also provided for an additional 20 fighter and attack aircraft, 20 new Army helicopters, and we propose to spend $110 million to modernize the M–1 tanks.

I might just say on this last point that it is especially important inasmuch as we saw what tank technology did for the American soldier during the last war in the Middle East The new threat for tanks comes not from the front of the tank, not from the rear of the tank but from new weapons that have been developed to kill tanks from overhead. So it is of vital importance that this goes into place as well.

So, Mr. Speaker, I just wanted to bring these items to the attention of the Members, and hopefully within the next few weeks we will be in a position to vote finally for this defense authorization bill.

EDUCATION FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, if young people are the gateway to the future—and they are—education is the key to gaining access through those gates.

Many young people in America have made a choice—a choice to get an education, to get a job, and to pursue a career—a choice that gives them a chance.

The Republican Party now wants to take that chance from them—to take their choice.

Last year, millions of students held jobs under work study, got low interest loans, did not have the burden of paying interest on their loans while in school, and received grants.

Many will not have those opportunities next year.

In total, over the next 7 years, more than $10 billion will be taken from college students and given to the wealthiest Americans. They call these cuts a savings.

I call it a tragic loss for America's future.

What is education? Education is knowledge. Education is development. Education is knowledge and development acquired through a process.

The process is one that takes time, and it takes a commitment of resources. Since the process of education is a necessary path to good citizenship, then it is clear why, here in Washington, in the Congress, we are making the fight to preserve education.

However, rather than promoting education some have an extreme agenda—obstructing education.

They go too far in cutting Head Start by $137 million—abandoning 180,000 children nationwide and almost 4,000 in North Carolina.

Healthy Start is being cut by 52 percent—exposing infants and children, in the very dawn of their lives, to the perils of infant mortality and other threats.

Children can not learn if they are hungry—yet the Republicans are cutting $10 billion from nutrition programs, including the school lunch program. This is not promoting education.

Title I is being cut by $1.1 billion—denying critical basic and advanced skills assistance to 1.1 million students nationwide and 20,500 students in North Carolina. Twenty-two million dollars of title I funds will be cut from North Carolina next year.

They go too far in cutting Drug Free School funding by 59 percent—this program is currently used by 129 of the 129 school districts—and almost a million children in North Carolina.

The program is designed to keep crime, violence, and drugs away from students and out of our schools. And, the Republican majority wants to gut the program.

The Goals 2000 Program is completely eliminated—381 schools in North Carolina will be denied this vital program.

And, more than 40 States have already signed onto Goals 2000, seeking higher standards for our schools.

Despite the Republicans, we have a chance through education and training to build a better and brighter future through our young people.

Young people are the gateway to the future—education is the key to gaining access through those gates.

□ 1815

TRIBUTE TO GREEN CHIMNEYS

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentlewoman from New York [Mrs. KELLY] is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I rise at this time to acknowledge the ongoing commitment of an organization in my community called Green Chimneys.

Green Chimneys is a nonprofit agency that successfully adheres to its mission to provide care and concern for all living things. This center, located on 150 acres of farm land in Brewster, NY, is a treatment center and special education school for emotionally disturbed and learning disabled children. The rural setting provides a therapeutic environment which helps children learn to work out their problems. By incorporating the rehabilitation of orphaned or injured animals into their daily regiment each child can learn to feel needed and gain a sense of purpose and responsibility. As a result, Green Chimneys is teaching both the children and the animals how to survive in their natural habitat.

This fine organization has found a way to reach troubled youths without dipping into the pockets of the taxpayers. Their innovative solutions to address problems in the Hudson River Valley is not only admirable but is extremely commendable.

A perfect example of Green Chimneys' work is Eddie Lugo. Eddie, 14, was sent to Green Chimneys by the Manhattan Family Court because of his threatening and abusive behavior toward his family. Three and a half years later, he is leaving Green Chimneys with the desire to become a police officer or veterinarian because he doesn't like people who mistreat other people or animals. Eddie is only one of hundreds of children who have been helped by Green Chimneys. What better legacy could an organization like this hope for?

At this time I would like to thank all of those involved in Green Chimneys, whether it is a donation of time or money, for ensuring that the future of this country is in good hands. However, I would like to especially single out their director, Dr. Samuel Ross, whose tireless support has been invaluable to our community. It was Dr. Ross who sent me this hat. And I would urge all my colleagues to give Green Chimneys a big tip of the hat to this extremely worthy organization. They are truly the epitome of America civic-mindedness and compassion, and for this I say, "Thank you" not only as your Representative but also as your neighbor.

THE TERRIBLE RESULTS OF REPUBLICANS' WELFARE REFORM PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker and Members of the House, today the Executive Office of the President, the Office of Management and Budget, released a report describing the impacts of both the House-passed welfare bill and the Senate-passed welfare bill and, most importantly, its impact upon the children of this Nation. This report notes that those two pieces of legislation can have a very severe and substantial impact on those children because this legislation threatens to take children who are not now living in poverty and put them into poverty by virtue of the withdrawal of resources that are available to those children in those families, and that we ought not allow to happen.

The report also points out that we have seen the number of people, just recently, who are living in poverty in this Nation decline, that in 1994 there were 1.2 million fewer poor people living in poverty than in 1993. We also see that the changes that this Congress and the administration made on the earned income tax credit for working families where we provide some subsidy to low wages in those families to keep people in the work force as opposed to the welfare rolls, that that has also reduced the number of families that go to work every day but simply work at wages that are insufficient to keep their family out of poverty.

So that is the good news. That is the good news of what this administration has done and changes that Congress has made.

But now the report tells us that, if we were to enact the Senate welfare bill, that we could expect as many as 1.2 million new children, who are currently not in poverty, to be placed in poverty, and God forbid if we were to enact the House-passed welfare bill, we could see as many as 2.1 or 2.3 million children who are not now in poverty being placed in poverty.

Now to understand what this means, Mr. Speaker, if you read the recommendations of this report from the administration, it becomes very clear that within these recommendations we can have historic and dramatic welfare reform that conforms with what our constituents want to see happen, what people on welfare want to see happen, and what we want to see happen, and that is that we put in place a comprehensive and concerted plan to move people from the welfare rolls to the payroll, that people are required to go to work when they have the skills and the talent to do so, and we were willing to help people gain those skills and that talent to move them off of the welfare roll.

We can do all of that and not hurt the 1 or 2 million children that we see will be hurt if the Republican-passed bills are passed, and that currently seems to be the intent of the conferees who are meeting on this matter.

If in fact we do that after receiving this report, we must understand that we are now knowingly, knowingly selecting policy options to place children in poverty that are not now in poverty. That decision reaches a moral dimension, and we ought not, those of us who are fortunate enough to be elected to positions of public policy, who have the trust of our constituents and the trust of this Nation, should not be selecting policy options that knowingly put children into poverty that are not in poverty today.

This is not a contest between the status quo because the status quo with respect to welfare is unacceptable. The President has made it clear that it is unacceptable to him, the Republicans have made it clear that it is unacceptable to them, and the Democrats have made it clear that it is unacceptable to us. This is about whether or not we design policies to put families to work, to make sure that the day care they need is in place, their children will be taken care of and they can move off of the welfare rolls, as this Nation expects those individuals to do. But all of that is threatened by the passage of either the Senate or the House bill and its infliction of terrible, terrible results on the children of this Nation.

Mr. Speaker, those bills should not be passed.

DEFENSE AUTHORIZATION EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I just wanted, as we wind down the defense authorization conference, and I think we are going to have a bill very shortly for the country, I just wanted to talk a little bit about what we have done with that bill.

You know, our chairman, the gentleman from South Carolina [Mr. SPENCE], who is the first Republican chairman of the Committee on National Security in 40 years, put together an excellent bill this year, and he worked hand in glove with the chairman of the defense appropriation, the gentleman from Florida [Mr. YOUNG], to see to it that we had side-by-side packages that addressed a number of concerns of both the people who wear the uniform in the armed services, and of course all Americans who are concerned about national security, and I just wanted to go over a couple of the things that we did.

One thing that we did, and very basically, was we plused up the budget. We added money for equipment in very basic areas that is important to all uniformed people. I call it readiness spending. We spent money on ammunition. In my estimation we have about half the ammo that we need if we are going to fight two regional conflicts, and that means that the Marines, or the Army, or other services who are engaged in land conflict might find themselves running out of ammo about halfway through that fight. So, one thing that we did with this budget under the leadership of the gentleman from South Carolina [Mr. SPENCE] is to put in about $1 billion extra for ammunition, all the way from M-16 rounds to those so-called precision guided munitions that we saw on television during Desert Storm where the world's luckiest Iraqi taxicab driver just made it across the bridge before that one precision guided bomb went in and hit that one strut on the bridge and blew it up. We added those extra dollars for ammo because that is the best service you can do for your uniformed people because that is what keeps them alive in a fight, in a conflict.

Another thing we did was increase sealift and airlift. We do not have enough ships and enough airlift to get our people to the battle in time, and because of that in the last war we had to actually go out and rent a bunch of ships. It is kind of a well-kept secret, but if our allies had not agreed with our purpose in Desert Storm, we might have been very much hurting for sealift, but the gentleman from South Carolina [Mr. SPENCE] saw to it that we plused up sealift, plused up airlift, and we are now on our way to developing an excellent C-17 aircraft that will be able to take big cargo into very short airstrips in troubled spots around the world.

Another area that we involved ourselves in was missile defense, and I think, if there is any hallmark to this chairman's position, his tenure as chairman of the Committee on National Security, his hallmark is that he recognizes that we live in an age of missiles and that this Nation, the people of this Nation, have a right to be defended against incoming ballistic missiles, and our troops in theater should also be defended against some of those slower moving missiles like the Scuds that hit our troops in Desert Storm. So we have undertaken an aggressive program to provide what we call theater missile defenses. Those are short-range defenses against a slower moving ballistic missile so, if our troops are in Saudi Arabia, or on the Korean Peninsula, or other places around the world, and they are shot at by slow-moving ballistic missiles, we will be able to destroy those missiles before they reach our troops. The Republican leadership and the gentleman from South Carolina [Mr. SPENCE] have been the architects of that program.

We also initiated a national missile defense, and the interesting thing is most Americans think we have one already, but, as you know, Mr. Speaker, we do not. We have no defenses against incoming intercontinental ballistic missiles, but we directed this administration to develop and deploy a national missile defense, and I think it is a step we should have taken a long time ago. Under this chairman FLOYD SPENCE, our Republican chairman of the Committee on National Security, for the first time in 40 years we have taken that very important step.

So we have an excellent package, Mr. Speaker, and I wish I had time to tell you about all of the things and the provisions that we have in this particular bill, but I think we can say to the American people that they will be more secure because of the chairmanship of the gentleman from South Carolina [Mr. SPENCE] of the Committee on National Security and because of the extra dollars that we are putting in defense and that insurance policy for the American people.

□ 1830

THE TIME HAS COME FOR THE SECRETARY OF ENERGY TO RESIGN

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, in order to start off this period of time where we are going to address some issues that have occurred today, some current articles, I yield to the gentleman from Ohio [Mr. HOKE] for an opening statement.

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to say that the revelations brought forth this morning in the Wall Street Journal have caused me, along with many of my colleagues, to believe that the Secretary of Energy has crossed a line that goes far beyond the indiscretion, the mismanagement, and the incompetence which have, unfortunately, all too often been the hallmark of Secretary O'Leary's tenure. The Secretary has moved out of the gray area and leapt into an obvious and indefensible abuse of office. I am speaking of her use of taxpayer money to hire private investigators for the purpose of compiling a media enemies list. It is for this reason that we are sending a letter to the President of the United States asking him to demand Secretary O'Leary's immediate resignation.

It is clear that this specific use of taxpayer money is way beyond the pale.

Mr. TIAHRT. Mr. Speaker, what we have found in some of the earlier period today, we got a lot of calls in my office where people thought this was more than just wasteful spending of taxpayer dollars, but to use taxpayer dollars to hire a private investigative firm to develop information or an enemies list, as was mentioned in the Wall Street Journal article, goes beyond, as the gentleman says, the gray area, and really crosses the line.

I think we have already started the process here on the floor of the House and around the Hill here of talking with different individuals. They have become very upset at what has happened today on revealing this, that the Secretary of Energy has misused these tax dollars. We have a letter that is, as was mentioned by the gentleman from Ohio, going to the President that has almost 70 signature on it now, and it has gained momentum. This is on top of other patterns that have been developing.

Over the last 6 months we have seen several articles in the paper about the travel that has been going on through the Department of Energy. Secretary O'Leary often takes many people with her when she travels. She upgrades to first class, stays at resorts or four-star hotels, and has really been living the good life on taxpayers' money.

Mr. HOKE. If the gentleman will continue to yield on that point, I think it is an ironic footnote that in fact when the White House, finding out about this, tried to determine where the Secretary was today, it turns out that, of course, the Secretary was not in Washington. In fact, the Secretary was in Louisiana raising money for the Democratic candidate for Governor in Louisiana, and had to be asked to come back to the White House to speak, apparently, to Mr. Panetta, the President's Chief of Staff, to explain, and perhaps more than to explain her actions in this regard.

Mr. TIAHRT. Once again, the travel budget seems to be the issue here. I think, again, we are just noting that this is a pattern that has been developing of wasteful management. Even Vice President GORE, in his National Performance Review, looked at the Department of Energy and found that in the environmental management portion, that they were 40 percent inefficient, citing that over the next 70 years it could cost taxpayers up to $30 billion if we do not do something about it.

Also we have found that the Department of Energy was 20 percent behind in their milestones, which means they are behind schedule in one out of five projects. So we have a pattern developing of poor management of the taxpayers' dollars.

Then we come to this morning's article, which says that this private investigative firm that was paid for out of taxpayer dollars was developing an enemies list, and we find out that Senator DOLE is at the top of the list. Other Members of Congress were also involved. I heard from a member of the Department of Energy that I was also on the list, at No. 13. I think that is a very unlucky number for the Secretary.

Mr. HOKE. If the gentleman will yield for a question, what do you suppose would be the reaction of your constituents if you were to spend $100 out of your official account to investigate and rate the media as to how they report on your official proceedings?

Mr. TIAHRT. The gentleman brings up a good point. All of us wonder how we are doing in the media, but none of us that I know of take taxpayer dollars and hire a private investigation firm to go in and do that, act for us. We all read the clips ourselves and make kind of a mental tally, but we do not misuse taxpayer dollars. I think that is the important difference between what goes on in Congress and what is going on in the Department of Energy, with the Secretary of Energy.

Mr. HOKE. I think it speaks for itself. It is just incredible. As the President's own press secretary, Mike McCurie, said today, "On the face of it, it is simply unacceptable." When he was asked if she would be asked to resign, McCurie said, "I don't want to speculate on that." I think the time has come when 68 of our colleagues agree, and counting, that the time has come for the Secretary to resign.

CLARIFYING THE RECORD WITH REGARD TO THE CHAIRMAN OF THE COMMITTEE ON NATIONAL SECURITY

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, sometimes wild rumors float in the press that just come out of the thin air. The gentleman from South Carolina, FLOYD SPENCE, one of our dearest friends and a Navy captain, retired in the Reserve, I mean an active captain in the Reserve, is the chairman of our Committee on National Security, sometimes referred to as the Committee on Armed Services.

His five subcommittee chairmen, of which I am one, and the gentleman from California, DUNCAN HUNTER, spoke for 5 minutes earlier, we stand behind him foursquare. This is an absolute fantasy that anybody in our conference, all 233 of us, to be 234 tomorrow, and 235 after the 18th of this month, a friend just told me, the 235 of us love FLOYD SPENCE, a great leader. The military men and women across this country in every service, and across this world, think this is one outstanding chairman of our Committee on National Security. Please kill the rumor before the regular tabloid press picks it up.

MISUSE OF TAXPAYERS' MONEY BY HEAD OF THE DEPARTMENT OF ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

PUTTING TO REST RUMORS ABOUT CHAIRMAN OF THE COMMITTEE ON NATIONAL SECURITY

Mr. GRAHAM. Mr. Speaker, along the vein of the gentleman from California [Mr. DORNAN], I am a Congressman from South Carolina, and I am so glad to hear this put to a rest. This is a funny town where rumors can start without any basis. I think that was something that needed to be said. I congratulate the gentleman for saying it, because the gentleman from South Carolina, FLOYD SPENCE, has been a great Member of Congress, he has been a good chairman, and serves his country well.

The reason I really want to share a few minutes with those that are listening tonight is that I live in the Third Congressional District, and the Savannah River site is the largest DOE industrial facility in the chain. I have been told that, and I believe that to be correct. We have lost about 8,900 people due to layoffs in the last few years where we are trying to downsize the Department of Energy, make it more efficient, get better use of taxpayer dollars. Then to wake up and read the newspaper and find that the Department of Energy chief, Ms. Hazel O'Leary, Cabinet member, has taken $43,500 of public money to go out and investigate the media, rate newspapers, rate reporters, try to coerce those who give bad stories, in her opinion, to give better stories, that is at least two, maybe three jobs at the Savannah River site.

Along with the gentleman from Ohio [Mr. HOKE] who made this amendment, can you imagine what would happen to a Member of Congress if they did such a thing? They should lose their job, and so should Ms. O'Leary. This is really an offensive event. It was one of many events that show there is no leadership over in the Department of Energy. I think it is a good example of what happens when an agency continues to grow with no clear mission or well-defined purpose. All of a sudden, it is more important what people think of you than what you are actually doing.

I would just like to let everyone know that I find it highly inappropriate for the Department of Energy chief to take $43,500 of hard-earned public money and try to re-create her image at a time when we are downsizing the Department and we are making hard decisions throughout the land. The problem with the Department of Energy is not an image problem, it is a substance problem. We need to have a well-defined, clearly-defined energy policy. We need to clean these sites up instead of talking about it. We need to get on and develop our national defense needs, like tritium production, which is within the venue of the Department of Energy.

Mr. HOKE. Mr. Speaker, will the gentleman continue to yield on that?

Mr. GRAHAM. I am glad to yield to the gentleman from Ohio.

Mr. HOKE. Mr. Speaker, we spend a lot of time talking about travel, and now this silliness where the Secretary has actually spent money, she is so paranoid apparently, about the way the Department itself, as well as she, personally, is being perceived in the press that she is spending taxpayer dollars to have reporters investigated.

But what is really at stake here is the fact that the primary responsibility of the Department of Energy is the warehousing and safeguarding of our nuclear weapons stockpile. Think about it. We are talking about bombs that can wipe out this Earth many, many times over.

When we cannot even have a Secretary and a Department that can control its own travel, its own spending, and is so paranoid that it is checking up on reporters in that way, that bodes terribly, terribly poorly for this core mission, which is critically important. We are not talking about muckraking for political benefit, here. What we are talking about is an extraordinarily important responsibility that rests with the Secretary of the Department of Energy.

Mr. TIAHRT. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I gladly yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, there has been a bill going forward that says that we are trying to reduce the redundancy in government and eliminate the Department of Energy as a Cabinet level agency. I think this shows that this individual will take any means necessary to prevent the needed cuts to take place in her bureaucracy, even to the point of going and investigating some of the other reporters and Members of Congress, as well as reporters. I think that, as 68 others have, I will join and call for the resignation of the Secretary of Energy.

Mr. GRAHAM. If I may, Mr. Speaker, the article to which we are referring has a unique comment in it. A DOE official responded concerning the spending of $43,500 to go out and investigate media outlets and reporters who report on the Department of Energy, favorable or unfavorable ratings, and made the comment:

> A reporter's unfavorable rating meant we weren't getting our message across, that we needed to work on this person a little.

To me, that is a statement beyond belief, that again, if I as a Member of Congress took taxpayer money entrusted to my care to go out and work on somebody to make me look better, I should lose my job.

A HISTORIC OPPORTUNITY TO BALANCE THE FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, we are in a historic time right now for the House of Representatives and for the Congress generally. We have the opportunity for the first time since 1969 to in fact balance the budget. People say, "What do you mean by balance the budget? Doesn't the country already do that?" No, it is an unfortunate tale, but not since 1969 have we balanced the budget. School boards balance their budgets, county governments do, State governments and family budgets as well as corporations make sure they do not spend more than they bring in, but the Federal Government for many years, when they have more money that they have spent than they brought in, it just becomes a tax increase. Now we are up to almost $5 trillion in years of Congresses, House and Senate and prior Congresses, basically spending more than they bring in.

I think the message we have heard from all of our districts, all 435 across the country in all 50 States, is that while we want direct services that the Federal Government can provide that are not already provided by the State government or the private sector, let us make sure we eliminate the fraud, abuse, and waste. That is what this Congress is trying to do.

By balancing the budget, we are going to be able to achieve lower interest payments for those who own a house and are paying a mortgage, we will be able to lower the interest payments for cars, for people who are buying a vehicle over time, we will be able to lower the cost of college education, and, by balancing the budget, we will in fact increase the opportunities for companies to expand, to grow, and to hire. By having more employment and more people contributing to the tax base, we will stabilize the tax base.

We are on the threshold of an historic Congress in that we have passed the balanced budget, we will have passed tax reform, giving young people the opportunity to have an education, to have an elder care tax credit, to have a rollback of the 1993 increase of the Social Security tax, to allow seniors under that same tax reform proposal to be able to in fact earn more than $11,280 without a deduction in their Social Security. They will be able to earn up to $30,000 a year.

That will reduce the capital gains tax to 19 percent for individuals, 25 percent for companies, thus increasing job opportunities, savings, and expansion of businesses, and as well, we will have an adoption tax credit of $5,000 for families who are trying to adopt a child. All of these are pro-business, pro-people ideas to help seniors, to help working class individuals, to help our young people.

We want to make sure that the next generation of children is not born with such a heavy debt, and by having the heavy debt it makes it harder to get a job, it makes it harder to keep a job, it makes it harder to enjoy the quality of life that we want to have that is better than we had. We can make sure that we build upon the American dream by working together in a bipartisan fashion to balance our budget, to make sure that we have businesses that are thriving, and to make sure that services that have to be performed by the Federal Government do not have all the bureaucratic red tape and the unnecessary costs that have occasioned them in previous years.

□ 1845

So I am looking forward to a final reconciliation bill, a final legislation dealing with the House and Senate, working together and hopefully also having the President's assistance as well, to make sure that we do what the American people want, and that is balance the budget, reduce spending that is wasteful, reduce excessive cost, and provide the services that people need without bankrupting the Nation.

JOLTED BY WORLD EVENTS

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes as the designee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, I rise this evening to provide an update on the redistricting battle that we are continuing to fight in the State of Georgia in an effort to save not just the 11th Congressional District, but also the 2d Congressional District, the two new majority-minority districts that are the equal opportunity districts in the State of Georgia.

Before I talk about what is happening recently with redistricting, I would like to just say a few words about how we have been jolted by world events. The assassination of Prime Minister Yitzhak Rabin. We have had several of our colleagues come down here and tell their stories about what the Prime Minister meant to them. I had an opportunity to meet Prime Minister Rabin, and I would like to share the few moments that I had with him and what it means to me.

We were in an international relations meeting, and some of our colleagues can be so boarish sometimes. One of our colleagues was pointing his finger and becoming rather animated and turning red as he tried to make a very strong point to the Prime Minister. I had seen this particular Member behave the same way toward President Aristide, and I thought that perhaps this particular Member had a problem with race. But when I saw him doing the same thing with Rabin, I knew that it was probably just that ugly Americanism coming out, that ugly American that we are known to be around the world that we need to try and change.

When my colleague finished, I felt compelled to speak up and say to the Prime Minister, well, Mr. Prime Minister, I want you to know that that gentleman does not speak for me and he does not speak for people who think like me, who are very supportive of Israel, who are very supportive of the peace process, and who want America to be a part of your success. Prime

Minister Rabin turned to me and he said, I am not the enemy of America's mothers.

So while we struggle with the senseless assassination of Prime Minister Rabin, we all must learn to let go of the hate and to work toward peace.

So even as we fight right now and become even jolted by things that are happening in our domestic policies as well, we still have to learn to let go of the hate. Sometimes it is very difficult. Right-wing, extremist talk does lead to extremist behavior, and right now while we are discussing our Nation's budget, it is perhaps the most important piece of legislation that this Congress will debate.

The budget is a statement of our Nation's priorities, and for the first time in 40 years, the Republicans, who now have a majority in the House and in the Senate, can state what their priorities are to this Nation and to our world.

I remember when I ran for Congress back in 1992. There were a whole lot of people who did not believe. In fact, there were a lot of people who kind of laughed. They said, she wants to be a Congresswoman from Georgia? Who does she think she is, or what does she think she is? It was very difficult for me to find friends. It was very difficult for me to raise money. It was very difficult for me to put together the kind of organization that people readily associate with congressional races, but I got here. After I got here I found out that friends came real easy, and folks were falling all over themselves to become my friend.

So it seems that the new Republican majority is falling all over themselves, and they are falling all over themselves to do what they have not been able to do for the last 40 years, and that is to give special breaks to their rich, wealthy, elite friends, people who have always been able to wind themselves inside the political process and who have been able to find their way inside rooms, halls, for deals. So we should not be surprised that in this budget we see that the rich are super represented and everybody else, well, they have to fend for themselves.

In this bill, there are special breaks. I have four pages of special interest deals for special interest friends, from the oil companies to ski resorts, to large corporations, corporations, with large capital gains, corporations with large pension funds, the banking industry, mining companies, rich ranchers out west who think that our land is their land. Pharmaceutical drug companies, health insurance companies, infant formula companies, doctors, doctors, doctors, nursing home industry, coal companies, gambling interests, even football coaches have been able to find a little special treatment in this Republican budget.

We have seen that some folks are going to have to pay the price. Our seniors pay the price. Medicare funds to Georgia will be cut by $6 billion. Mr. Speaker, 56,000 seniors in the 11th district alone will see their premiums increase. Georgia hospitals will lose $2 billion over the next 7 years. Hospitals in the 11th district alone will lose $138 million. Georgia will lose another $5 billion in Medicaid cuts over the next 7 years. Students, with their student loans will be paying, on average, an additional $600, 3,416 students in the 11th district alone.

The earned income tax credit. Who in the world could be against the earned income tax credit? Well, these folks here want to cut the earned income tax credit. Almost 600,000 working families in Georgia stand to lose the earned income tax credit, 52,000 working poor families in the 11th district alone.

Republicans have definitely defined themselves. On Medicare, GINGRICH said, now, we do not want to get rid of it in round one because we do not think that that is politically smart, and we do not think that is the right way to go through a transition period. But we believe it is going to wither on the vine because we think people are voluntarily going to leave it. Wither on the vine, Medicare.

So the Republicans have done a good job of defining themselves, and now it is up to the Democrats to define themselves.

What is it that the Democrats stand for? Well, one thing we know for sure is that Democrats stand with seniors against these devastating Medicare cuts. Democrats stand with children and the poor against the decimation of Medicaid. Democrats stand with college kids when they are trying to fund their education. Democrats stand with the millions of working families who use the earned income tax credit. Democrats stand with little kids who deserve a healthy start and a head start in life. Democrats stand with the jobless, with the workers who find themselves jobless because their factory has moved in search of low-wage labor. Democrats stand with our lowest-wage workers who are in need of an increase in the minimum wage. Democrats stand with our urban and suburban areas in dire need of infrastructure, and Democrats stand with folks who just want a fair shake from their Government.

Marian Wright Edleman complains in The New York Times article of November 6 that the American people are asleep, sleeping through this revolution. The story reads, "Marian Wright Edleman was seething. 'I have been so frustrated trying to get the message out', she said. 'It is immoral what is going on in Washington today. The country is sleeping through this revolution. What we are witnessing', she said, 'is an unbelievable budget massacre of the weakest. It is absolutely wrong.' "

Marian Wright Edleman has dedicated her life to the pursuit of civil rights and equal rights and rights for our children.

But as I struggle with the Democratic party, on behalf of Democratic values, to make a Democratic stand, there are some Democrats who do not value me or my participation in this process. The last time I checked, there was no whites-only sign on the Democratic party. The last time I checked, there was no white-only sign for Democratic values.

The Democratic party is a party of diversity. It is a place where women have a place. It is a place where minorities have a place. It is a party where liberals, moderates, middle of the roaders, all have a place and ought to be respected.

Mr. Speaker, something is going on in the south, and that something that is going on in the south is saying, you black folks, you do not have a place in the Democratic party. You get out. Move out of the way, because we do not want you. That is what my State Democratic party is doing in the State of Georgia.

□ 1900

The Florida plaintiffs were bold enough to say what other folks were thinking. In their brief, the case is Johnson versus Smith, which is an effort to get rid of the congressional district that is represented by Congresswoman BROWN, they write:

> In the 103d Congress which met in 1993 and continues to meet through 1994, the legislation which was passed included a budget which enacted substantial increases in taxes and gun control legislation which had been put before the two prior Congresses but which had failed to gain passage. The Congressional Black Caucus, which consists of 37 Democrats and 1 Republican congressman, claims responsibility for those legislative successes. Particularly in the area of gun control, where 37 of the 38 African-American congressmen voted for banning certain gun sales, legislative passage could not have been secured without the votes of 12 African-American congressmen from the South whose congressmen traditionally voted against gun control measures.
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> Representatives Brown, Hastings, and Meek all voted in favor of the bill. The Congressional Black Caucus has also supported increased power for political action committees $5 million in funding for prevention programs as part of the crime bill, and the granting to death row inmates of the right to challenge their convictions on the basis that those convictions, as shown by a statistical analysis, were racially motivated.
>
> The process of gerrymandering congressional districts has, therefore, had a substantial impact on the political debates concerning issues of our time. However, it has resulted in the passage of legislation which would not otherwise have been passed without gerrymandered districts.

So I think we have it there in black and white, which is kind of literal, that the Florida plaintiffs are upset because the Congressional Black Caucus has a modicum of power for a change, because the Congressional Black Caucus has a seat at the policymaking table, because there are three African-Americans who happen to be able to represent the State of Florida in the U.S. Congress.

I think that is a shame, that folks would actually think and then articulate an idea that black people have no place here and then would act on that idea in an effort to get us out of here.

That is what this redistricting battle is all about. It is an effort to get black people out of elected office. There is no doubt about it in my mind.

Now as a result of the most recent events in the State of Georgia, I can say unequivocally that the Democratic leadership in the State of Georgia feels the same way. Georgia Democrats believe that they should get rid of these black representatives, trade us in, trade me in, so that a white male can come here and represent those people who are already represented.

The reason that I cast my vote in a different way is because I represent people who have not been represented. This is new. But this is representative democracy. I thought that is what we all were fighting for.

Just a reminder, I have got these district maps here. I want to make sure that the American people understand that the judgment about what a beautiful district is, what a pretty district is, what an effective district is, is purely subjective. There have never been perfectly square or perfectly round districts. Districts have always been drawn with special interests in mind. As our Speaker of the House has said in the State of Georgia, "You can't take the politics out of politics," and redistricting is about as raw a form of politics as you can get.

So we can have here a 95-percent white district in the State of Illinois that has a shape that is not perfect and that district can go unchallenged.

We can have a district in the State of Texas that is 91 percent white that can be challenged on a map of all congressional districts from the State of Texas, a district that can look like this. It ain't square, it ain't perfectly round, but it is an effective district. Nobody has denied the Representative of Texas' Sixth District the opportunity to cast his vote here.

Then the three-judge panel in Texas looked at that configuration and said, "Well, it's OK, but let's go over here and let's find Barbara Jordan's historic district, let's declare that district unconstitutional," so they did.

"Let's go over here and find the majority Latino district and declare that district unconstitutional," so they did.

"Let's go over here and find a district that is 45 percent black and declare that district unconstitutional," so they did.

Obviously, only people of color are under assault in these redistricting cases. If the district is 90-percent white, obviously there is no race involved in that district; but if the district is 50-percent black, you better look out.

Of course, here is Georgia's 11th Congressional District, a district that provides representation from the south of DeKalb County over to the city of Augusta and down to the city of Savannah and all of these rural areas in between. One and a half million African-Americans in rural Georgia have never had representation before. Now they finally have a little bit of representation, and some greedy folks want to come and take that away from them.

What does a quiet hug in the Georgia State reapportionment office tell me? A hug between the most powerful Democrat in the State of Georgia and the lawyer for the plaintiffs, hugging, in congratulation, in celebration, of their victory. Mighty amazing.

Then, what am I to make of a statement by the State's attorney? Now the State of Georgia is supposed to be defending, well, as much of this as they can, and the other district on the other side of the State. But, no, the State's attorney says, "Well, we only want one black district."

So now the story I thought I was telling months ago is now even more tragic and true. It is even more tragic, because the State has now shown its hand. It has joined with the plaintiffs. The State failed to put up any witnesses in the trial. The State played dead. The State has joined with the plaintiffs, and the plaintiffs have an agenda.

What is their agenda? Their agenda is to reconstruct the district so that my previous Democratic opponent can win. What they want to do is get rid of me and replace me with the man who ran because he did not think there was anything wrong with the district in 1992, but when he lost, then there was something wrong with the district. Maybe he took some folks for granted. Maybe he did not have a record to run on. Maybe it was the right of the people of the 11th Congressional District to reject his candidacy, because maybe he just did not stand for the right things.

There was a map that was on the walls in the legislative office building, and nobody paid any attention to the map, because the man who ran against me was a Democrat at the time. Then he flipped over and became a Republican, and everybody knows that our speaker of the house in Georgia is a yellow-dog Democrat. There is no way in the world that our yellow-dog Democrats are going to ally themselves with this flip-flop Democrat turned Republican.

But there was a map. Now all we have to do is just think back and remember that there was a map. The very first map that was on the wall was a DeLoach map, and then the very last map on the wall was a DeLoach map, and the maps that were taken to the Republican caucus, to the Black Caucus, was a DeLoach map.

Of course, nobody really realized this at the time, but now we can put two and two together and we can add and we can see that really our yellow-dog Democrats had joined up with the flip-flop Democrat-Republican, and their purpose was not to reinvigorate the two-party system in the State of Georgia but to reinvigorate old-line politics from the State of Georgia, Old South politics, the kind of politics that have made Georgia famous in the halls of the department of justice because Georgia is known for denying black people their rights.

But, at any rate, the plaintiffs claim that they want to reinvigorate the two-party system. Well, there is a way that you can do that. You do that with message. You do that with standing for something. You do that with fighting for causes and goals and objectives. You do not do that by ignoring people, by denying people representation, by using people as spare parts.

So now I and the people that I represent from South DeKalb throughout our heartland, our rural heartland, in Augusta and in Savannah are supposed to be nothing more than spare parts for aspirations for other folks, but they cannot have their own hopes and aspirations for their own government.

The plaintiffs also as a part of their agenda want to dismantle and completely obliterate these integrated districts. These are integrated districts, the most integrated districts in the South. They want to get rid of them.

Now probably more insidious than anything else, the true aim is that they want to bleach the Democratic party.

□ 1915

What they want to do is to get me out of the room so that they can be in the room, and then they can exercise public will at the public till as they see fit, with impunity and without any meddling from folks who have a different point of view. If they want to bleach the Democratic Party, then they also want to bleach our Government.

Because they want to get rid of me. They want to take me out and replace me and replace me. What they want to do is to restore white dominance in the South. I want to be very clear about this. They can assign fancy names to it, but the bottom line is white resistance. It is what the South is known for.

Why is it that in the State of Georgia we fly a flag that has the Saint Andrew's cross on it? What is the Saint Andrew's cross? Saint Andrew's cross is the battle flag of the Confederacy.

Now, why would the State of Georgia want to fly the battle flag of the Confederacy on the State flag? They want to do that because they voted affirmatively, they took affirmative action in 1956 to place the battle flag of the Confederacy on our State flag because they wanted to resist Federal intrusion into their school system.

They did not like the Brown versus Board of Education decision in 1954, so they went slap-damn-it straight up to the legislature in 1956, and they put that doggone new change on Georgia's flag, and in 1995 we still live with the decision that was made in 1956.

Now they are all doing it in the name of the 14th amendment. That in and of itself is a cruel hoax, but there was probably another cruel hoax, and that was all of that time and all of the taxpayers' money that was spent in that special session. All of the tears, all of the anguish, all of the serious negotiation, was just a joke. It was a joke.

Now we know, because the first map that was on that wall was the last map that was on that wall, was the map that the State of Georgia sent to the trial. That map, State Senator Donzella James feared that it was a hoax, and so she wrote a piece which I will not read. I will just submit it for the RECORD, entitled "The Redistricting Hoax." She feared it. We did not know it.

The special session was a joke. Black elected officials were duped. Black elected officials, including me, were laughed at behind closed doors. $500,000 of taxpayers' money was wasted. Yellow-dog Democrats have proved that they have got a streak in them, but it ain't loyalty.

My dad had a dream, and he did not know how to adequately articulate it. He wrote it down kind of jumbled up, because he was writing from his heart. He was not trying to be so clear. He was just trying to remember his dream.

He said:

> I had a dream last night. I saw very clearly a group of white men gathered around a table, and they were plotting the future of black people in the South for the next century. I was surprised that I recognized all of them. They were all involved in the attempt to overturn the Voting Rights Act.

And he goes on to name who these people are. They are his Democrat leadership, because my dad is a Democrat. My dad is elected as a Democrat from the 51st State House District. They are his speaker, his Lieutenant Governor.

> This distinguished group had been stunned by the Georgia Legislative Black Caucus at hearings before the Georgia Reapportionment Committee. The Caucus had shown unusual preparedness in its opposition to the dismantling of the majority black districts. In stinging testimony, the assertions of the plaintiff's attorney were proven to be untrue. The Caucus brought down from the University of Georgia a constitutional civil rights law expert in the person of Dr. Pamela Carlin, attorney Rod McDuff from Mississippi, who has fought civil rights cases all over the Nation, Selwyn Carter of the Southern Regional Council.
>
> This emergency meeting was called because what was thought to be a routine turning back of the clock had gone awry. The blacks would not march back to slavery with their hats in their hands like their forefathers had before them. After much discussion, it was decided that the State would use an unheard of order demanding that the State appear before the court and present maps and testimony with only one week's notice. The threat of having judges draw the districts would scare the heck—that is not the word he used—out of the Black Caucus. A brilliant threat that would throw panic into the Caucus, because the Caucus is not really a player in this chess game. Black citizens are only pawns to be sacrificed in a fight between the major parties. The Democrats have three Members serving in Congress, but they do not count because they are black. So the plan is to banish the black Congressmen and spread the black citizens who vote 95-percent Democrat among the other districts.
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> The lawsuit was filed against the State. Black people play no significant role in State government, thus no hand at the table. So as his plaintiffs fight the State to remove blacks from public office, the State is helping as they connive in that backroom hovering over that table.

Now this was my dad's dream. But what he did not know was that later on there was a hug in a backroom between the State and the plaintiffs. He was absolutely right. My dad's fears came true. And so in the course of this cruel, tragic redistricting hoax, the Georgia Legislature voted to dismantle 11 majority black districts, 9 in the State House and 2 in the State Senate. It was all planned from the very beginning.

"General Assembly Held Hostage," that was the flier sent out, "targeted black districts." "Told them if you all don't do right, we are going to take away your districts." "Tyrone Brooks, you are nothing but a troublemaker anyway." He is the premier civil rights fighter in the State of Georgia. "We will just take your district away."

Eugene Tillman, newly drawn district, gentleman came before the Reapportionment Committee. He said, "I come from a county named Liberty, but they still treat us like slaves." His district is gone. His representation is gone in this cruel, cruel hoax.

So now, the Georgia Legislative Black Caucus members, certain members, have signed a letter to Deval Patrick asking that the plan that disbanded those 11 State legislative districts not be pre-cleared, because in the course of a special session that was convened for the purpose of fixing the problem in the 11th district, nothing happened in the 11th district. They did not do that. They did not get around to it.

But they did find the time to dismantle 11 majority black districts, 11 opportunity districts for folks who do not have representation to get a little representation. Bill Shipp, one of our noted columnists, wrote a story and says, "Are the bad old days back?" It is a question I asked, are the bad old days back?

Does the Democratic leadership of the State of Georgia think that they can just wipe me out of Congress, off the map, and think that I will go away quietly? No way. I will not go quietly because I represent people, people who are sick and tired of being taken for granted, and people who are not going to stand to see the representation that they now have snatched away from them.

It will not be the first time. On the grounds of the Georgia State capital there is a statue. That statue commemorates the service of 33 African-Americans who were elected but who were expelled in 1868 for no other reason than the color of their skin. The title of the statue is "Expelled Because Of Color."

I stand today on the floor of the U.S. House of Representatives, the most powerful democratic body in the world, as perhaps the first African-American in the 20th century to be expelled because of the color of my skin. That is not what America is supposed to be about, but that is what American has been about. It happened in 1868.

It happened in 1901. Representative George White from North Carolina, he was a U.S. Congressman and he was kicked out. So that makes me think that I can escape what has happened before, the fate of black people to be expelled from representative democracy because they do not deserve representation?

□ 1930

George White said, "This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. But let me say Phoenix-like, he will rise up some day and come again. These parting words are in behalf of an outraged, heart broken, bruised and bleeding, but God-fearing people; faithful, industrious, loyal people, rising people, full of potential force." George White did not go quietly, and neither will I.

The attorney for the State of Georgia representing Democratic leadership in the State of Georgia said at the trial in Augusta, "Our position is that Section 2 does not mandate a second Congressional black district."

I think that just about says it all. The fears that we had in the middle of the special session, at the end of the special session; the confusion that we experienced at the beginning of the special session and all during the special session, was a joke. It was a hoax. Folks were laughing at us.

I had faith, hope, and trust in my Democratic leadership of the State of Georgia, because I am a Democrat too. And when I come up here and I vote, I do not see anything on my card that says "Black vote," or "Black Democrat." I do not see that. I vote yea or nay, just like everybody else.

Other folks see that. And then other folks bring what they see that is ugly to the political process. Now the whole Nation is wrapped up in this issue of race, when maybe really all it is is just a matter of greed. But greedy folks will use the issue of race. Greedy folks will divide people. Greedy folks will say "You all do not deserve to be together," so that they can continue to get and get and get, and take and take and take.

Claude McKay says the following in his poem, "If We Must die:"

If we must die, let it not be like hogs
Hunted and penned in an inglorious spot,
While round us bark the mad and hungry dogs,
Making their mock at our accursed lot.
If we must die, O let us nobly die,
So that our precious blood may not be shed
In vain; then even the monsters we defy
Shall be constrained to honor us though dead!
O kinsmen! we must meet the common foe!
Though far outnumbered let us show us brave,
And for their thousand blows deal one deathblow!
What though before us lies the open grave?
Like men we'll face the murderous, cowardly pack,
Pressed to the wall, dying, but fighting back!

That is about the way I am going to take this whole redistricting fight, pressed to the wall, dying, but fighting back.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–331) on the resolution (H. Res. 261) providing for the consideration of Senate amendments to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–332) on the resolution (H. Res. 262) providing for the consideration of Senate amendments to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IMPORTANCE OF BALANCING THE FEDERAL BUDGET

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. RIGGS] is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, I am pleased to be joined by my colleagues, particularly my colleague, the gentlewoman from California [Mrs. SEASTRAND] and other colleagues who will be coming to the floor shortly in what promises to be, I think, a very special and informative 1-hour special order.

We are going to talk about a variety of subjects tonight, Mr. Speaker; but, most of all, we are going to focus on the importance to America, to our constituents of passing a balanced Federal budget.

So much really hangs in the balance or is at stake. I guess I should not say "balance" too often, for fear that the people might be misled a little bit, but so much is at stake here over the next several days or several weeks, depending on how long it actually takes us to ultimately get a balanced budget signed into law. But our constituents and our colleagues listening tonight and perhaps viewing on C–SPAN should realize that House Republicans, as the new majority in Congress for the last 10 months, have been absolutely dedicated to balancing the Federal budget for the first time in a quarter of a century.

We have already passed on this House floor the 7-year Balanced Budget Reconciliation Act of 1995, which balances the Federal budget in 7 years by limiting the growth, the increase in Federal spending, to 3 percent per year.

Now, the Balanced Budget Reconciliation Act also contains some very other important reforms, including genuine welfare reform that requires work for the able bodied, emphasizes families, and provides people who are dependent on welfare in the short-term real hope and opportunity for the future.

The Reconciliation Act also includes a significant tax cut for families and for economic growth and job creation in the private sector. This is the dividend, if you will, the economic dividend, for families resulting from getting our fiscal house in order at the Federal level. It is only right, since we all know that the beleaguered middle-class American family has been overburdened by the combination of high taxation and stagnant incomes for many, many years, it is only right that we keep our promises and provide them with much needed tax relief.

Mr. Speaker, before I yield to my California colleague, Mrs. SEASTRAND, I want to point out earlier today the House passed a temporary increase in the Federal Government's borrowing authority. That is known as the debt ceiling. Basically, we sent a bill to the other body, the Senate, that allows the Federal Government to continue borrowing money for the purposes of financing a deficit until on or about December 12.

The passage of that legislation today follows on the heels of the past and of a continuing resolution which allows the Federal Government to keep the doors open and to keep paying its bills, meeting its financial obligations. That is the continuing resolution which passed on this floor yesterday.

When it came time to vote on the temporary increase in the debt ceiling, the short-term extension until December 12, we heard some of our colleagues on the other side of the aisle, some of the so-called moderate Democrats, make statements about wanting to balance the Federal budget in a bipartisan fashion. In fact, they even went so far, as is the prerogative of the minority party in the House of Representatives, to offer a so-called motion to recommit. They claim that that motion to recommit would allow us to achieve a balanced budget working in a bipartisan fashion.

But here is the flaw in their thinking. We would be remiss on this side of the aisle if we did not point out that a couple of weeks ago, we did pass the 7-year Balanced Budget Reconciliation Act, which again was the key vote on whether a Member of Congress on either side of the aisle supports the idea of balancing the Federal budget in 7 years or less, whether that Member is willing to go on record as making the difficult decisions and the tough choices necessary to balance the Federal budget in 7 years.

Now, when we had that legislation on the House floor a couple of weeks ago, only 4 Democrats, only 4, there are 199 Democrats currently serving in the House of Representatives and only 4 had the courage to cross this middle aisle, which you might refer to as the partisan aisle, to support the House Republicans, the majority party, in approving and passing that balanced budget plan.

Just before that vote, they had the opportunity, as again is their prerogative, as the minority party in the House of Representatives, they had their opportunity to present their budget alternative known as the Democratic substitute.

When they offered that plan, the Democratic Party's substitute, which they claim would also balance the Federal budget in 7 years, only 72 Democrats out of 199 supported the Democrat substitute. In fact, the House minority leader, the gentleman from Missouri [Mr. GEPHARDT], and the House minority whip, the No. 2 ranking Democrat in the House of Representatives, the gentleman from Michigan [Mr. BONIOR], both voted against the Democrat substitute. That is to say, they both voted against their own party's version of a balanced budget.

So my point is that only 76 Democrats, the 72 who voted for the Democrat substitute and the 4 Democrats who supported our balanced budget plan, only 76 out of 199 Democrats, far less than a majority, actually supported, when it came time for the talking to end and the voting to start, a balanced budget.

When the debate had finally ended and it was really time, if I can use sort of a crass term, to put up or shut up, only 76 out of 199 Democrats supported, with their vote, the concept of balancing the Federal budget and stopping the immoral practice of borrowing from our children's future to pay for today's spending binges.

Despite this 11th-hour rhetoric we heard on the House floor today, an overwhelming majority of Democrats clearly believe that we can continue our merry deficit-spending ways.

So I am a returnee to the Congress. I served one term, took an unintended vacation or sabbatical, depending on your point of view, and returned as a Member of our new majority. I learned in my first term in office, serving back here in Washington, a priceless saying that has been, I guess, bandied about this august institution for years and years, and it is simply paraphrased as, "Don't listen to what they say. Look at how they vote."

When it came time to vote for a balanced budget, only 76 Democrats stood up to be counted. The remainder, out of 199, so that would be 123 Democrats, voted against balancing the Federal budget, voted against the other reforms that were contained in that act.

So here we are trying to solve problems for a generation, and all they can offer is more rhetoric.

Before I yield, I want to also point out one other chart. Maybe we can understand their action, the action of our Democratic colleagues in the House, a little bit better if we understand that the President of the United States and the leader of their party has also failed to come to the table with a real, verifiable plan to balance the Federal budget. In fact, what I have put up here on this chart are the budget deficits that are projected by the nonpartisan Congressional Budget Office resulting from his so-called 10-year balanced budget plan.

You can see, because this is not my word, for that matter this is not the claim of any of my colleagues, this is the considered professional opinion of the nonpartisan Congressional Budget Office as to how his budget, the President's budget plan remains unbalanced, generating $200 billion deficits year in and year out over the next 10 years. Red ink as far as the eye can see.

☐ 1945

So, in a way, I empathize with some of my Democratic colleagues because they really have not been able to look to the President of the United States and the leader of their political party for leadership on this particular issue, and that is what this issue is all about, real leadership.

Mr. Speaker, we are on the verge of working out the final details between the House and the Senate on the Balanced Budget Reconciliation Act, and as soon as we have done that we will be sending that, along with a longer term extension of the national debt ceiling and larger term increase in the national debt ceiling, and we will be sending that legislation to the President of the United States. It will be time for him, at that point, to decide if he is going to make good on his earlier promises to the American people to balance the Federal budget.

And of course we know that the President is, unfortunately, inclined to say one thing and do another, but the reality is he is on the record very recently as telling Larry King, during the course of an interview on CNN, and I am actually now looking for his exact words here, he is on record as saying that he believes that the budget can be balanced. In fact, back on June 4 of 1992, the President told Larry King, "I would present a 5-year plan to balance the budget." Well, Mr. President, we are still waiting to see your 5-year plan to balance the budget, because, obviously, what you sent to Capitol Hill not only does not balance the budget, it adds a trillion dollars, over a trillion dollars more to the national debt; the aggregate debt of $5 trillion.

So, Mr. Speaker, we believe that after months of delay, after months, to be honest about this now, of the President and some of his liberal Democratic allies in the Congress using every trick, every excuse, every scare tactic that they could to halt our reforms to balance the Federal budget, to preserve and protect and strengthen Medicare, to reform the welfare system, to cut taxes for families and private businesses, after months of delay the time really for the President to act is now. He is running out of excuses.

The American people are clearly running out of patience. They expect us to do the right thing, and that means balancing the budget. We are absolutely committed to doing that. We say let us get the job done, no more excuses, no more Washington gimmicks. It is time to do the right thing for America's future and adopt a Federal budget that reflects America's values.

Mr. Speaker, at this time I yield to the gentlewoman from California [Mrs. SEASTRAND], my distinguished colleague.

Mrs. SEASTRAND. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS]. It is interesting when he says no more gimmicks, no more Washington excuses, let us just do it. I would note that his district is on the coast of California, way to the north. I am on the central coast of California. Many hundreds of miles divide our districts, but I know that when he goes home, as I do, and walk the parades and go to the townhall meetings, we hear our constituents, whether they be Democrat, Republican, independent or such, they give us that slogan, no more excuses, let us just do it.

I would like to say that balancing the budget is really a nonpartisan issue.

Mr. RIGGS. It should be.

Mrs. SEASTRAND. And, Mr. Speaker, we can do it in a bipartisan way. I would like to remind people that it has been over 25 years since we have balanced the Federal budget, and that goes back a long way.

As I have said to people, my son is 25 years old, and being involved in politics for so long, grassroots politics, I remember writing letters to my Congressman. In fact, Congressman Leon Panetta was my Congressman in the late 1970's, and we heard a lot of talk about we are going to balance the budget. I know the distinguished gentleman is now in the White House, with a very important job to do, and we are talking about balancing the budget and here it is 1995.

Mr. RIGGS. The gentlewoman should probably point out that he is at present the White House Chief of Staff, but as one of our former colleagues he was chairman of the House Committee on the Budget. He was chairman of the House Committee on the Budget when I served in the Congress 4 years ago, in the 102d Congress.

And, in fact, my most bitter memory from that whole time period was losing the fight for the balanced budget amendment out on this House floor by six votes, and then Congressman Panetta helped lead the opposition to the balanced budget amendment and helped ensure that the balanced budget amendment was defeated back then, or else I think we probably would already have a balanced budget as the law of the land and be well on our way toward, obviously, reducing and eliminating the deficits and actually then beginning to pay down on the national debt.

Mrs. SEASTRAND. Mr. Speaker, I guess the point is we do a lot of talking. It has been 25 years. I remember talking to my Congressman in the late 1970's and in the early 1980's, and there was a lot of talk when previous Congresses went home. I am sure Members of this House went home and said to their constituents that they were going to balance the budget, but we never saw it accomplished. Coming here into the House as one of those reform-minded freshmen, it is a joy to be surrounded by other Members that think the way I do.

Mr. Speaker, being a mom and a wife, I had to realize that I had to have some kitchen table financial reality at least once a month, and so sat down with the checkbook and figured out what my priorities are with my husband for our family. And when we think about the families across America tonight that are probably going to be doing that very thing, the checkbook, the bank book, figuring out what are the priorities for the family, maybe they do want to take a trip or something but they just cannot afford it.

Mr. Speaker, I think that we all know what it is to be maxed out on our credit card. I think families across America might have been in that situation. I think when they get their monthly statement from their credit card and they see the amount of interest they are paying, and if they are sensible persons, taking care of their finances and sitting at that kitchen table, they have to come to the conclusion that they cannot continue maxing out on their credit card. One, there is a price to pay. They are not going to be allowed to charge on it anymore, but the fact is that that interest is eating their dollars up.

So, Mr. Speaker, I like to use that comparison because I have a credit card here and it is one of 435. It is a very unusual credit card, and I would think that in previous Congresses it was one that was used and, well, they simply maxed out on their credit card. We have a new 104th Congress here, a Congress with a new attitude, realizing a simple fact of life; that we are maxed out and the interest is killing us. The experts tell me we are almost paying a billion dollars in interest alone on this credit card every day. We cannot continue along this line or we are facing really some terrible realities.

So I am pleased to be one of those 73 reform-minded freshmen with the idea that we are going to balance the budget. We know it is not going to be easy, but this Congress needs to sit down at the table here and have some kitchen table financial reality just like all families do. We are maxed out.

Each year American taxpayers pay almost $300 billion just to service that debt that we have accumulated. I do not know about my colleagues, but sometimes when I think about it, a billion dollars does not mean much to me. I do not deal in my checkbook with those kinds of dollars.

Mr. RIGGS. Not that many zeros in anybody's checkbook.

Mrs. SEASTRAND. No. But I know we are in the red and I want to do something about it. What is so great is to know that we now have a plan, a 7-year plan. We have set priorities. Let me tell my colleagues that I have had to use this, if I can call this a credit card, now on many, many votes and made tough choices to pick out priorities of where we are going in this Nation as a family and how we are going to get out of the red. Very difficult choices and decisions that I have had to make; not pleasing to many people, pleasing to some.

Again, Mr. Speaker, it comes to setting priorities. Just like in our own families we are not going to make everyone excited about the fact when we say we have to face reality, we have to pay the bills and set priorities, and we are not going to take that trip to the Caribbean. We might hear moans, but it is just a fact of life.

I think we should realize that the debt, as of a couple of days ago, November 6, to be exact, was $4,984,737,460,958.92. A lot of dollars, a lot of commas, as it just is a fact that we have to have that kitchen table financial reality today.

It is a pleasure and I am looking forward to the next several weeks. I hope we can get an agreement with the President and I hope in the end the President will see that he has a job to do. I think we are going to, hopefully, see decisions made for the best interests of all of our citizens across America, our families in America.

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman for her observations and her comments because she is so right. Republicans in this Congress are different. We really are committed to doing business differently than the old way of doing things in Washington. We have proven that we are committed to keeping our promises, and that we are willing to meet the challenges of the Nation head on with no more excuses, no more Washington gimmicks, no more blame game, and that is a point I think the gentlewoman made particularly well.

Again, I know from having served in this body before that it was easy for Members to go home and tell their constituents that they were all for the idea of a balanced budget, but then come back here and vote in a very different fashion, basically vote to continue to spend more than we take in, to continue our old deficit spending ways, literally imposing by future borrowings a tax, a hidden tax, a tax without any representation on future generations. By future generations I do not just mean our kids or grandkids. I am talking about those children not yet born who will inherit the national debt.

Mr. Speaker, we have learned something in this Congress called generational accounting, and it really is stunning to realize that an American child born today can expect to pay, over the course of his or her lifetime as a wage earner and a taxpayer, $187,000 in taxes that go to pay interest on the national debt. Nothing else. Interest on the national debt. That is money that is not going for a college education, a home purchase, health insurance, or any other item. It is just money going to pay interest on the national debt.

If we do not turn the situation around, if we were to adopt a budget like the President proposes, the percentage of taxes that an American child pays that goes to pay just interest on the national debt would continue to increase, to the point where the gentleman from Ohio, JOHN KASICH, of the Committee on the Budget is fond of mentioning that at the current rates, or on this present path, if we do not reverse direction here, that soon an American child can expect to pay something like 80 percent of their taxes just in interest on the national debt. Obviously, it is a situation that we have to turn around and that we will turn around in the interest of our children.

Mr. Speaker, I now want to recognize, if the gentlewoman from California will stay, because we were going to talk a little about the spending increases in our 7-year balanced budget plan and the benefits for our colleagues back in California, but I want to recognize our good friend, our classmate, the gentleman from Kansas, [Mr. TIAHRT]. I was just reading about him earlier today, because he participated, apparently, at a press conference held earlier today.

I am actually looking now at the news release put out by the Republican National Committee headlined "Congressional Republicans Celebrate Former Democrat Day," and it quotes our good friend, Mr. TIAHRT, who switched to the Republican Party in 1990 because he, "Saw that there was a trend towards the loss of credibility in the Democratic Party by the way they fought for the status quo on social programs and spending, and I think that this loss of credibility is continuing."

Mr. TIAHRT goes on to day, "I am proud to be part of a party that focuses on the positive, that focuses on hope for the future, a balanced budget, welfare reform and saving and preserving Medicare." And we are very proud that he is part of our party and that he is part of the new freshman class that has swept so much change into Washington, and I am happy to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS], and the gentlewoman from California [Mrs. SEASTRAND], and I wanted to kind of carry on some of the discussion that my colleagues were having about the balanced budget.

If I can be retrospective a little bit, if we go back to November 8, many of us new Members of Congress came in not because we were good looking or attractive or we spoke particularly well. We were elected to Congress because the United States was extremely frustrated at the way business was being done here in Washington, DC, and there was that loss of credibility, as I referred to in the press conference today.

I think that we are finding, after being here and seeing what the status quo was, we are starting to uncover more and more things that we are trying to bring forward in this 7-year Balanced Budget Reconciliation Act that my friends have been talking about.

Today, I want to spend just a little time developing an argument as to why we should pick out portions of the Federal Government that are extremely ineffective and inefficient and eliminate those portions or consolidate them, and also there is something that happened today that I want to talk about that kind of really brings this to the surface.

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Let me go back to the review of the Department of Energy, which is one portion of the Federal Government that has approximately a $17.5 billion budget per year.

When we were looking at the overall Government, we found that this one agency was particularly a problem because of its ineffectiveness, because of its redundancy, because of poor contracting methods. It came out of the aerospace industry, out of contracting with about a dozen years of experience, and we could see that this was just one of the problems that they were facing. The GAO said that they had lack of focus, "A vision a minute."

The Department of Energy was really a 1970's tax guzzler, and it really has outlived its purpose. It was formed out of the energy crisis and the gentlewoman from California [Mrs. SEASTRAND] and the gentleman from California [Mr. RIGGS] will remember the gas lines that were part of the problems that we had in the 1970's, especially in California. But those were in part formed by price controls and allocation controls.

When the 1980's came along, President Reagan eliminated those controls, and we found out that the crisis was gone. Even during Desert Storm when we had twice as large of a percentage interruption in the income of petroleum into the United States, we still had no gas lines. The crisis had been gone, but yet we were left with this bureaucracy.

So in our further research, we found out that even Vice President GORE, through his National Performance Review, found out that the Department of Energy, particularly the environmental management, was 40 percent inefficient. It missed 20 percent of its marks, that means that it was late on one out of every five projects, and that if we did not do something about it, that it would cost the taxpayers of this country $30 billion over the next 70 years.

Mr. Speaker, if there is a legacy that we can leave behind it is that we remember that it is not the Government's money, it is the taxpayers money, it is the people's money, and we must be very cognitive of how we spend it.

The GAO also finished a report in February 1995, and it fit in very nicely as far as timing with what we were trying to do in looking at the parts of the Government that were ineffective. I want to quote from one of their reports. It said, in effect, referring to the Department of Energy, "They are unsuccessful as a cabinet agency." They are unsuccessful as a cabinet agency.

Then it gave a couple of reasons. One is their inability to overcome management weaknesses. I think that is very important as we lay out this argument as to why we need to focus on this if we ever hope to balance the budget. Also, the second reason they cited is that they have the burden of mission overload, going back to that original quote where I said they have a vision a minute.

So I think the original purpose of this agency, like other parts of the Government, has run its course, and in an effort to reinvent themselves to stay active, they are constantly reaching out into other areas.

In 1977, the Department of Energy spent 80 percent of their budget dedicated to the energy function. Today, it is 20 percent, less than 20 percent.

So they have really reinvented themselves. We have a socialized oilfield now in the realms of the Government. It is called Elk Hills Naval Petroleum Reserve.

Mr. RIGGS. Mr. Speaker, it is in southern California.

Mr. TIAHRT. Yes, and even though we have this out there as part of this agency, and it is unnecessary, we should sell it off, we do not do a very good job of producing oil as a Federal Government.

We have a charter to produce oil in Elk Hills Naval Petroleum Reserve, but we do not have a charter to produce natural gas. It is a byproduct of the whole operation there, and instead of selling it, it is pumped back into the ground to force more oil up to fulfill the charter. So we are again inefficient in the way we handle even the Naval Elk Hills Petroleum Reserve.

We also have three-fourths of the effort within the Department of Energy that is defense-related functions and what that has caused is a redundant bureaucracy where we have entities inside the Department of Energy which are very similar, provide similar functions as entities in the Department of Defense. So what we have uncovered is a 1970's tax guzzler and we have decided it is really time to turn the lights out on the Department of Energy.

Let me talk just a little bit about the budget, because it relates back to balancing the budget. As I said earlier, the Department of Energy's budget is about $17.5 billion a year. In the President's request for a budget back in January, Secretary O'Leary was requesting an increase in the budget of $337 million. Over the next 5 years, that type of increase would equate to a $1.5 billion increase.

Well, as we are going through the legislative process of looking at the details inside the Department of Energy, developing legislation which would correct that and in effect eliminate the Department of Energy as a cabinet-level agency, the Secretary of Energy came out with an alternative plan last May or so, last spring, which said basically that if you allow me to play a little shell game, sell off a few things, I can save taxpayers about $14.1 billion over the next 5 years.

So now we are seeing a shift from what was an increase of $1.5 billion to a decrease of $14.1 billion, because people like us knew in Congress, or returning to Congress after a sabbatical, as is the gentleman from California, were putting pressure on the administration and on the system to change the way business is done, so that it is not done the same as it was prior to the 104th Congress. I think that is a significant swing for the taxpayers, and again, it is their money.

But this just kind of points out the fact that the Department of energy should be abolished. We have started even this year in the balanced budget amendment. We reduced their budget $500 million over what it was in fiscal 1995. Now, instead of increasing it $337 million, we are decreasing it about a half of a billion, which is a significant swing, almost a $1 billion swing, but we are headed in the right direction.

We are going to privatize the Alaska Power Marketing Administration. This is something that is part of the legislation to eliminate the DOE, a very necessary action. Mr. Speaker, there are many power companies that do a good job of distribution power to the private sector, to our homes, to our companies, to where we work, where we go to school, where we shop, and for the Government to do this seems a little bit redundant. Often, it is done more efficiently by the private sector and we have started that process.

We are going to sell the Elk Hills Naval Petroleum Reserve; I think it is very important. We are going to sell the strategic petroleum reserve because of some infrastructure problems that we need to correct, and even the Secretary of Energy, Secretary O'Leary, as admitted that the lab structure is too big, too complex, and needs to be consolidated and downsized.

So we see that the system with the new Congress is putting pressure on the administration to try to correct the problem. We have not gotten there all the way yet, but we have made a significant step.

Then, next, we started seeing some evidence of the management problem and it came in the form of travel. There was an article that came out in the Washington Times from information that was received through the

Freedom of Information Act that looked at cabinet-level travel, and it was found that the Secretary of Energy, Secretary O'Leary, has the highest average trip expenses of anyone in the President's Cabinet, even higher than the Secretary of State, who is forced to travel overseas.

Quite often her travel problems include upgrading herself to a resort or a four-star hotel, kind of living the life of luxury. She operates at first class, but more than that, she takes along a large contingency of staff, sometimes as many as 70 when going to foreign countries. We even found out that in the agency they made a T-shirt that had a globe on it, on the chest, and the different countries that Secretary O'Leary has visited this year, and it was titled, Secretary O'Leary's World Tour, kind of taking off from some of the concert tours that rock groups have gone on. But it is just a reflection of where there is an abuse here in the travel.

The Committee on Science is currently looking at some of these problems, because what has happened is the travel budget has been diverted from some of the very important research programs to the Secretary's bureaucracy, central bureaucracy, so that she can fund these lavish travels.

We also have a GAO audit going on requested by Congressman HOKE from Ohio and myself just to look at where this money is coming from, how it is being spent, is this the best use of taxpayers' dollars.

Mr. RIGGS. Mr. Speaker, if I could just interject for a moment if I might. When we use the term GAO, we are talking about the General Accounting Office, really the accounting arm of the legislative branch of Government, the Congress.

I appreciate the gentleman yielding.

Mr. TIAHRT. Mr. Speaker, that is correct. That brings us to today's story.

In the Wall Street Journal today there was a story about how Secretary O'Leary has taken $43,500 from the taxpayers and hired a private investigative firm to go do research on reporters, on members of industry, and also on Members of Congress, and in this investigation there was some type of analysis as to who was giving the biggest negative impression of the Department of Energy and Secretary O'Leary down to the 25th, and through some of the inquiries, particularly in the Wall Street Journal story, it was found that Senate Majority Leader DOLE was No. 1 on the list.

I think this is a little peculiar since all they are trying to do is develop a good image for Secretary O'Leary by spending the taxpayers' dollars, but it just happens that it targets the No. 1 opponent to her boss, Secretary O'Leary's boss, President Clinton.

Mr. RIGGS. The leading candidate for the Republican nomination and Senate majority leader.

Mr. TIAHRT. That is right. It is very important that the President's image is up, so we are using taxpayer dollars to look at his administration trying to improve their image. But this is part of this enemy's list, so-called enemy's list as it was entitled in the article.

We found out by contacting the Department of Energy themselves and talking to an assistant secretary that even I was named on the list, as were others, I believe; JOHN KASICH, who is chairman of the Committee on the Budget, was also labeled. But I was No. 13 on the list, which I think is going to be particularly unlucky for the Department of Energy and also Secretary O'Leary.

Mr. RIGGS. Mr. Speaker, I always regarded 13 as my lucky number, but in this case I will defer to the gentleman.

Let me just for a moment hold up the Wall Street Journal article for our visitors in the gallery and for our colleagues and constituents who might be watching this special order, because it is a page 1 article, the Wall Street Journal today. The headline is, "Turning the Tables, Energy Department Reports on Reporters", and then there is a subheadline that goes on to say, just as the gentleman from Kansas mentioned, "It paid $43,500 in tax dollars."

Mr. Speaker, these are American tax dollars to find, "Unfavorables, a Little Bit of Nixon," the subheadline concludes, and the article is written by Michael Moss, a staff reporter for the Wall Street Journal.

Mrs. SEASTRAND. If the gentleman from Kansas would yield, I think it is most interesting to know that we are talking about $43,000. Now, there is a number I can understand. You were talking previously about billions and millions, and yet it is interesting to note that while we are talking about billions and millions, $43,000 is a large amount of money for most people in America, and yet we are talking about other things that are costing millions and billions of dollars that we can save the taxpayer.

Mr. TIAHRT. Well, if you think that the average income in the Fourth District of Kansas, which is the district that I represent, is $28,308, that is a significant amount of money. That is the average income; it means something, it is the average income for a family in the Fourth District of Kansas.

Again, I think this is just the tip of the iceberg. We have seen this mismanagement of taxpayer funds in travel, in the environmental management which has been 40 percent inefficient, and this goes way beyond just the gray areas. This is into the abuse of taxpayers' dollars. It is just another excess that we have.

The reaction has been very interesting. The reaction in Congress has been widespread shock and amazement. I think this is really a significant step back to the way business was done as usual, the old business was done as usual. It is what we have been trying to get away from in this new Congress.

I think this goes to show why I have joined with 69 others here in Congress, calling for the resignation of Secretary O'Leary. If the President does not push for her resignation, I think that he validates this effort, he validates the hiring of a private investigation firm to look into other Members of Congress, other members of industry, other members of the press, and he also validates the misuse of travel dollars and what has been going on inside the Department of Energy and the inefficiency efficiency that we have been talking about and that has been uncovered by the General Accounting Office.

Mr. Speaker, this is just a reflection of the problems that we have and it is why the Department of Energy should be eliminated as a Cabinet-level agency. It should go beyond. We should consolidate the redundant areas of Government. We should privatize like we are doing in the power marketing administrations; we should eliminate the waste and it should all start with Secretary O'Leary's resignation.

I think that is why this logical process that I have just gone through calls for not only the resignation of Secretary O'Leary, but also the elimination of the Department of Energy as a Cabinet-level agency.

Mr. RIGGS. Mr. Speaker, I certainly commend the gentleman from Kansas [Mr. TIAHRT] for his leadership and his initiative in this area. I know he has worked very, very hard on this issue and has been really one of the driving forces behind the call for dismantling the Department of Energy, which would follow on the heals of the plan that actually passed the House of Representatives today as part of the short-term debt limit bill, and that is our plan, really the New Federalists or House Republican freshman plan to dismantle the Department of Commerce.

So I really commend the gentleman. It will be very interesting to see what comes of this investigation that he and the gentleman from Ohio [Mr. HOKE] have called for by the General Accounting Office of these lavishly expensive travel habits of Secretary O'Leary.

In just a moment I will yield to the gentleman from South Carolina [Mr. GRAHAM] who I know has some particular insights to share with us on this issue. But I just want to point out how extraordinary it is to get so many Members of Congress to sign a letter in such a short period of time.

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The gentleman from Kansas mentioned the number again. I know I cosigned the letter today, but how many Members have signed this letter?

Mr. TIAHRT. Sixty-nine as of this hour. When I left my office, we had another phone call that added the 69th name. As this information gets out, people are wanting to join in this effort because they see the abuse, that it is wrong and that it is time for a change.

Mr. RIGGS. This letter has only been circulated really on this House floor over the last few hours.

Mrs. SEASTRAND. Yes, because I also joined in signing the letter. I think as the article was distributed from information obtained about the Wall Street Journal article and such, I think people were outraged.

Mr. RIGGS. Let me just read the conclusion of this letter that so many of us have signed today:

Many serious questions have been raised about Secretary O'Leary's official travel. Now it has come to light that the Secretary has hired, and I will leave the name out right now, but apparently a private research or investigative firm to investigate reporters who cover the Department of Energy. The compilation of what is clearly an enemy's list is an extraordinarily dangerous precedent, one that we cannot countenance. Thus, we believe that Secretary O'Leary has forfeited her right to public office, and we urge you to ask for and accept her resignation immediately.

Again, this is a letter that 69 Members of Congress, both Republicans and Democrats, have signed over the last few hours, late afternoon, early this evening today, and will, I am assuming, shortly be going to the President for his consideration. I thank the gentleman, and I hope he will stay for the remainder of the special order.

I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding. I would also like to congratulate the gentleman from Kansas [Mr. TIAHRT] leading up the effort to abolish the Department of Energy.

Mr. Speaker, let me tell you what perspective I bring to this issue. I am from the Third District of South Carolina, and the Savannah River site is in my district. I have been told it is the largest DOE industrial facility in the chain.

At one time, there were over 20,000 employees at the site. In the last 3 years we have had 8,900 people leave the site because we are trying to downsize the agency, trying to balance the budget. That means that every Congressperson up here will have some pain in their district, and that is what it is going to take to balance the budget, and we are trying to be fair about it. We are trying to shrink the Government, make it more efficient.

Instead of spending millions and billions and getting nothing for it, we want to get some results. We want to change cost plus contracts to performance contracts, and I will have to give Ms. O'Leary some credit. She has brought about some of those changes.

But in a time when people in my district are losing their jobs, when we are worried about the image of a Cabinet officer to the point that we are going to spend $43,500, I do not know about where you come from, but that is still a lot of money. That is somebody's salary, probably two people's salary for an entire year, money spent to go out and survey the media, rate reporters to improve her image at a time when people are having to lose their jobs, having to seek another way of making a living, having to retire early, to me that is very offensive. It is poor leadership.

The reason the articles have been bad concerning the Department of Energy, one, it is a Department that should not exist. It cannot find its niche. There is no justification for a huge Federal bureaucracy to manage these issues, and we have spent millions and billions over the years to remediate the environment, and we are no closer than we were 5 or 10 years ago.

The national defense needs are suffering. One issue that is very important to me is the production of tritium. Tritium is a gas that is essential to develop a thermonuclear weapon. We are quickly running out of our supply of tritium.

This Department of Energy does not have a plan to develop a tritium source. We have made tritium at South Carolina at the Savannah River site for the last 40 years. We now need to get back in the business, and I cannot get Hazel O'Leary or anybody at DOE to get serious about weapons production to maintain a nuclear deterrent force.

The commercial spent fuel is overflowing in this country. Go to any powerplant in this country. They are having a huge problem with commercial spent fuel, because we will not live up to our end of the bargain to open Yucca Mountain up, and the DOE is dragging their feet.

I am tired of it, and I want new leadership, want leadership that is not worried about their image but is worried about the country's problems, not worried about how they fly an airplane but worried about people, to deliver a quality product to the American people. I think any Member of Congress that took $10 out of their account at taxpayers' expense to try to improve their image should lose their job, and she should lose her job.

Mr. RIGGS. I appreciate the gentleman's comments. I want to point out, we are joined now by the gentleman from Ohio, our theme team leader who has done a tremendous job on the House floor and certainly has spearheaded along with the gentleman from Kansas and the gentleman from South Carolina this investigation into Secretary O'Leary's travel practices.

I want to point out that this is just the latest in a series of scandals that have rocked the Clinton administration. I can recall then candidate Clinton promising the American people the most ethical administration in history. Remember that? The most ethical administration in history. Or as the kids would say, "The most ethical administration in history, not."

This follows on the heels of so many other broken promises from this particular President. We all recall candidate Clinton promising to end welfare as we know it, we all recall him promising to cut taxes for middle-class families. As I mentioned earlier, we all recall him saying that he will balance the Federal budget in 5 years.

This is just the latest in a series of reversals by this particular President and this particular administration going back really on his fundamental promises to the American people. I yield to the gentleman from Ohio.

Mr. HOKE. I thank the gentleman from California.

Mr. Speaker, I just got in and I do not know, have we heard, has the Secretary resigned yet? Has that occurred? Because I do not want to go over things that are really irrelevant at this point.

Apparently not. In any event, this is the report. This is it right here. This is the Carma report. It is a wonderful name, the Carma report. $43,500 happens to be about $13,000 more than the average family household in my district earns. That is how much was spent on this report.

I happened to look through some of it. The gentleman from Kansas [Mr. TIAHRT] will be pleased to know he is cited in this a number of times, apparently because of his interest in the Department of Energy. I have a couple of notices. The gentleman from Ohio [Mr. KASICH] is in here. The Speaker is in here. Mastercard is listed. Senator DOMENICI, the Galvin Report, Yucca Mountain, Senator JOHNSTON, USDC J. Edward Lodge, Senator THURMOND, Snake River Alliance, Representative HUNTER, Representative WALKER, House Appropriations Committee, Los Angeles Times, Representative ENSIGN, Phil Batt, President Clinton, Yucca Mountain. It is just stunning. I was thinking about this whole situation. I know we are pounding on the Department of Energy and particularly the Secretary, and I was reminded frankly of another thing that I had not thought of in some time and had not seen. But do you remember when the Secretary took a mission to India, it was supposed to be a trade mission? Well, one of the members of that mission was Carl Stoiber. He put together a little remembrance for everybody that included these cartoons, and he is a pretty good cartoonist. I believe he works for the Department of Energy. If not he was with one of the contractors that works for the Department. This is what he calls an alternative view. This was delivered or disseminated to all of the people that were on the trip.

This says "Prisoners of the Secretary of Energy." You can see they are taking off on their Air Force jet.

Here we have got one that says, "Yeah, the Air Force runs a really great flying cocktail lounge."

Mr. RIGGS. Does the gentleman know how many DOE employees went on that particular trip?

Mr. HOKE. I think it was in the neighborhood of 70. I think it was about 70. I am not absolutely certain.

Here is one, we see a fellow with a big red nose, apparently in a glass of suds, of beer, it says, "Let's Make Sure We Stop in Shannon on the Return Flight."

Here is the Secretary, thinking to herself, "Gee, maybe I should wear rose petals all the time."

This is Secretary O'Leary's visit to Donnewas Village, in a kind of a caricature. Apparently they stopped off in Egypt, in Cairo so that they could see the pyramids and ride on camels. "Whoa, Just Call Me Hazel of Forrestal," it says here, Forrestal being the name of the building that the Department of Energy is located in.

And finally something that is probably not so funny. I do not think if I were an Indian national I would think this is very funny. I think it is frankly in extremely poor taste. I know that there are a lot of people that would feel very sensitive about it. It is a can that says "Simmered Milk with Cow Dung Patties."

Mr. GRAHAM. If the gentleman would yield for a second, to put this in context, a Department of Energy spokesperson when asked about the $43,500 expenditure and the investigation said, according to the news article, a reporter's unfavorable rating meant we were not getting our message across, that we needed to work on this person a little.

What is the message?

Mr. TIAHRT. If the gentleman would yield, I want to point out that part of this message they were developing, I think, was to put them in a good light, so that when we looked in the details of the Department of Energy, that we would no longer uncover some of these inefficiencies, some of the ineffectiveness, some of the problems that they are having which add to the argument and make the case for Congress that we should eliminate the Department of Energy as a Cabinet level agency. I think they were trying to overcome this.

Mr. HOKE. When you are doing things like this and you are putting a lot of energy from the Department of Energy into traveling all over the world, here is a mockup that was done on a Department of Energy computer, a color printer and computer, this was going to be on the back of a T-shirt until we exposed it in a special order one night. It says O'Leary's World Tour, 1993–94, Brussels, Islamabad, Lahore, St. Petersburg, et cetera, et cetera.

The fact is that sure you have got an image problem, you can be absolutely certain you have got an image problem when you are spending the taxpayers' money in these things. I said this earlier when we were talking. But the problem, this idea of muckraking about travel and getting into the details even of this $43,000 that was spent, how anybody could have not realized that this is an inappropriate and utterly offensive use of taxpayer dollars to be hiring private eyes, private investigators to rate and investigate reporters. The fact is that is the tip of the iceberg. The real problem is the safeguarding of nuclear weapons, which is the No. 1 responsibility of the Department of Energy, and second of all, the safeguarding of the disposal of nuclear waste.

Mr. TIAHRT. If the gentleman would yield, in the Wall Street Journal article, it talked about they thought about gathering this information inside the Department of Energy; however, that would have cost over $80,000. So instead, they hired a private sector, private investigation agency to do the job for $43,500, which is approximately one-half the amount of money that it would have cost to have done the job inside the Department of Energy. Once again this reconfirms that we have large inefficiencies inside the Department of Energy and that we do need to consolidate, get rid of the redundancy and eliminate the Department of Energy as a Cabinet level agency.

Mr. HOKE. So that even when it comes to dirty tricks, you could hire private eyes to do dirty tricks at half the price that the Department could do them themselves?

Mr. GRAHAM. If the gentleman would yield, the $43,500, to put it into perspective, the average income in my district is $13,000 per capita. A family is about $25,000, $26,000. Like I said, that is a lot of money and you should treat that money seriously.

The bottom line of the story is when she was presented with the data, she said, "Well, that's a little too confusing. I don't think that's going to help us."

What will help the DOE is to come up with a rational energy policy, to deregulate the cumbersome process of cleaning these sites up and getting on with the job. The message that she is not getting is that there is a limited pot of money to do the Nation's business with. You cannot always fly first class, you cannot always make the papers say what you want them to say. Part of a democracy is that when you engage in the public sector, in the public debate, you are going to be called on the carpet at times. She has been called on the carpet because she has no vision, she has no message. The administration has no vision or message. They assume that we can make enough money to make every problem go away.

Two papers that were rated in this survey and investigation are in my district, the Augusta Chronicle and Aiken Standard. Like I say, the largest employer in South Carolina is the Savannah River site Department of Energy facility. I admire those two papers for taking the Secretary to task. Sometimes that is risky because they do control our future to a great extent. They are asking to build a technology in our district that is experimental in nature, that is twice as expensive of known technology to make tritium, and I along with other Congressmen and Senators in South Carolina and Georgia are saying, "Don't buy us off. You're not going to build something in our district that's wasteful just because it is coming into our district." That is the message that needs to be said in the country.

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Quite frankly, she just does not get it. The President does not get it. She needs to lose her job.

Mr. HOKE. Now, when you said the Secretary indicated that it was too confusing, the report, and that she really did not get anything out of it anyway, it really was not something helpful to her, I have to tell you I think she was saying exactly the truth. I spent 20–30 minutes this evening looking through it. Honest to goodness, I cannot understand it either. I can understand one thing that is very clear, this is U.S. media announcements, December, 1994, overview. This report prepared on behalf of the Department of Energy, coverage received by DOE from the national media for the month of December; ratings in the report relate to the rating system, blah, blah, blah. Here is the graph. Overall favorability was 49 percent favorable, 25 percent unfavorable, 26 percent neutral.

Where else have you ever heard of favorable and unfavorable ratings being done? Who does that? Do pollsters not do that? I think we are all familiar with favorable and unfavorable. The President gets one and all that. Who pays for that? Is that paid for by campaign moneys or by official moneys?

It is always paid for by campaign money, because it is clearly a campaign expense. You never may use official moneys for this sort of thing, and it is obviously, brilliantly an ethics violation.

Mr. GRAHAM. If the gentleman will yield, would you agree with me that it is part of an overall trend in this administration that we are going to make every hard decision by polls?

Mr. HOKE. It is; it is. I think that Mr. Clinton had hired Mr. Greenspan, Mr. Greenberg, in 1994 to do most of his polling to the tune of millions and millions of dollars, not a very good job apparently, according to the 1994 election. But in any event, to Mr. Clinton's credit, he did not pay for those polls from official funds of the White House. He paid for those polls from the Democratic National Committee, which is what should be done.

Well, that is not what has been done by the Department of Energy Secretary. This is wrong. This is an obvious and clear violation. It is the reason that now upwards of 70 Members of Congress have called for the resignation of the Secretary.

Mr. RIGGS. I appreciate the gentleman's contributions. Again, I want to point out this comes from the administration, from the President who promised us the most ethical administration ever and, of course, it was kind of a running joke back in Washington, the only way the Clinton administration can have a Cabinet meeting is if there is room for all the attorneys and independent counsels.

We know, of course, of the ongoing investigation, the Secretary of Commerce. We know about the investigation of the former Secretary of Agriculture. We know about the travelgate controversy or scandal, depending on your point of view, within the White House. We know that the Whitewater problem has implicated high level officials within the administration.

So it is very clear again that this is one promise where the President has defaulted. It is another failure on his part to follow through on his commitments to the American people, following on the heels of his promise to end welfare as we know it, to cut taxes for the middle class and to balance the Federal budget.

I yield to the gentleman from Georgia [Mr. KINGSTON], my fellow member of the Committee on Appropriations.

Mr. KINGSTON. I appreciate the gentleman yielding. I believe, getting back to the focus of balancing the budget, one of the things we hear over and over again is the Republicans are balancing the budget on the backs of, fill in the blank, frankly, children, elderly, national parks, the Democrat Party, any victim of the day that the Democrats can conjure up.

But I had an interesting conversation. I called home and had an interesting conversation with my 7-year-old daughter, and I try to keep my children interested in the legislation process. I always heard people say stories like this. I say I am about to throw up. I find myself telling the story and feeling this.

She said, "Daddy, What were you voting on?" I said, "Raising the debt ceiling." I try to give an accurate answer. She said, "What does that mean?" She is 7 years old.

I was thinking to myself, how do I phrase it, how do I phrase my generation is going to stick it to your generation? That is what it means. It means we cannot control ourselves so my little 7-year-old Anne and all her little schoolmates and all the schoolmates that come after her are going to pay for it, because we as a Congress have found it is more important to stay elected than it is to say no.

I do not like telling these sappy, syrupy stories, but to talk to her immediately after the vote, knowing who is going to be saddled with that debt, and yet as I tried to explain to here what debt was, I also found a lot of, I guess, you know, felt better about it when I said. "However, we are stopping this deficit spending more money than we bring in."

I tried to explain to her, "It is like you have an allowance and spending more than you are getting." She could not believe that. I lost her on that one. How could I spend more than 25 cents if you only give me 25 cents?

But, you know, the fact is that I could end the conversation with my 7-year-old optimistic about the future rather than pessimistic, that if we can balance this budget and the interest rates come down, as Greenspan had indicated they would, and the American family can look for lower interest rates on home mortgages, on car loans, on credit cards, if we do not spend $200 billion each year on interest.

Of course, we are going to continue to do that for a long, long time, but if we can at the end of 7 years see the light at the end of the tunnel, then it is worth working through this weekend, it is worth working through Saturday, Sunday, Monday night, and even worth working through Thanksgiving and Christmas as well, if that is what we need to do so that little boys and girls like my 7-year-old and your children can look forward to having a balanced budget one day, and that is not how they are going to look at it. But they should not be saddled with our debt.

Mr. RIGGS. Those are inspiring words. I thank the gentleman very much. That really is what motivates us on.

I know we are about to conclude. Our 1 hour has gone by very quickly.

I yield to the gentlewoman from California so she can make some concluding remarks.

Mrs. SEASTRAND. I also understand what it is about little children. Sometimes they are very honest with us, and they have an understanding in very simple terms.

Earlier we talked about dealing with billions and millions and trillions of dollars. What does that mean to you, not your 7-year-old? What does it mean to me and the average American out there?

Well, we are talking about $43,000. This is a number that means something to people. You talked about in some instances, I think it was the gentleman from South Carolina that mentioned some of his people are making $13,000 a year. I know $43,000 is a lot of money.

Yet tomorrow people will be reading additional stories about the situation with the Department of Energy, and they are going to look and say, "Why aren't we balancing the budget? Why don't they just do it, get rid of those, forget about the gimmicks, do it," and I am going to look forward to the next several days and weeks, and I will be very glad to put my vote up to balance the budget for all of our children, whether they be 7 years old or 25 years old.

Mr. RIGGS. I thank the gentlewoman. We are going to balance the budget with or without the help and cooperation of the President, for that matter, our Democratic colleagues in the House, because it is the right thing to do. We have to save the American dream for our children. We have to make America great again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today, November 9, and Thursday, November 16, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCOMBIE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Ms. MCKINNEY, for 60 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. GRAHAM, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOAKLEY, and to include extraneous material, during debate on House Resolution 245.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. ORTIZ.

Mr. TORRES.

Mr. PICKETT.

Ms. DELAURO.

Mr. KANJORSKI.

Mr. Towns in two instances.

Mr. Serrano in two instances.

Mr. Owens.

Mr. Menendez in two instances.

(The following Members (at the request of Mr. Kolbe) and to include extraneous matter:)

Mr. Gilman.

Mr. Houghton.

Mrs. Meyers of Kansas.

Mr. Combest.

Mr. Chrysler.

Mrs. Roukema.

(The following Members (at the request of Mr. Hoke) and to include extraneous matter:)

Mr. Poshard.

Mr. Collins of Georgia.

Mr. Dellums in two instances.

Mr. Gejdenson.

Mr. Tate.

Mr. Smith of New Jersey.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

On November 7:

H.R. 1103. An act to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the act.

ADJOURNMENT

Mr. HOKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 10, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1629. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1630. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning cooperation with the United Kingdom in the area of joint advanced strike technology [JAST] (Transmittal No. 13–95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1631. A letter from the Chairman, Postal Rate Commission, transmitting the Commission's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sect. 5(b); to the Committee on Government Reform and Oversight.

1632. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a copy of the Agency's determination that it is in the public interest to use other than competitive procedures for awarding a proposed contract, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Science.

1633. A letter from the Secretary of Energy, transmitting the Department's report entitled "Energy Policy Act Transportation Rate Study: Interim Report on Coal Transportation," pursuant to Public Law 102–486, Sec. 1340(c) (106 Stat. 2993); jointly, to the Committees on Commerce and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. QUILLEN: Committee on Rules. House Resolution 259. Resolution providing for consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes (Rept. 104–329). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 260. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104–330). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 261. Resolution providing for the consideration of Senate amendments to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–331). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 262. Resolution providing for the consideration of Senate amendments to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes (Rept. 104–332). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. BILBRAY:

H.R. 2601. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Commerce.

By Mr. BONO (for himself, Mr. Gallegly, Mr. Calvert, Mr. Hunter, Mr. Moorhead, and Mr. Stockman):

H.R. 2602. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to impose criminal fines for violations of such labeling requirements; to the Committee on Agriculture.

By Mr. FRISA:

H.R. 2603. A bill to restore the traditional observance of Memorial Day; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS (by request):

H.R. 2604. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 2605. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. HEFLEY (for himself, Mr. Rohrabacher, Mr. Solomon, Mr. Cox, Mr. Brownback, Mr. Cunningham, Mr. Stearns, Mr. Dreier, Mr. Baker of California, Mr. Funderburk, Mr. Royce, Mr. Metcalf, Mr. Herger, Mr. Christensen, Mr. Stump, Mr. Sam Johnson, Mr. Nethercutt, Mr. Roth, Mrs. Meyers of Kansas, Mr. Neumann, Mr. Bonilla, Mrs. Cubin, Mr. Kleczka, Mr. Dornan, Mr. Chabot, Mrs. Seastrand, Mr. Radanovich, Mr. Manzullo, Mr. Burton of Indiana, Mr. Roberts, Mr. LaHood, Mr. Watts of Oklahoma, Mr. Gekas, Mr. Sanford, Mr. English of Pennsylvania, Mr. Hunter, Mr. Salmon, Mrs. Chenoweth, Mr. Taylor of North Carolina, Mr. Hastings of Washington, Mr. Largent, Mr. Peterson of Minnesota, Mr. Packard, Mr. Smith of New Jersey, Mr. Moorhead, Mr. McKeon, Mr. Kim, Mr. Riggs, Mr. Doolittle, Mr. Bono, Mr. Knollenberg, Mr. Upton, Mr. McInnis, Mr. Buyer, Mr. Istook, Mr. Horn, Mr. Bunning of Kentucky, Ms. Dunn of Washington, Mr. Forbes, Mr. Jones, Mr. Combest, Mr. Deal of Georgia, Mr. Laughlin, Mr. Frank of Massachusetts, Mr. Ramstad, Mr. Ewing, Mr. Allard, Mr. Canady, Mr. Skeen, Mr. Schaefer, Mr. Mica, Mr. Barr, Mr. Traficant, Mr. Condit Mr. Parker, Mr. Smith of Texas, Mr. Weldon of Florida, Mr. Chrysler, Mr. Hayworth, Mr. Emerson, Mrs. Smith of Washington, Mrs. Waldholtz, Mr. Weller, Mrs. Fowler, and Mr. Calvert):

H.R. 2606. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 2607. A bill to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mr. NADLER. (for himself, Mr. Dellums, Mr. Engel, Ms. McKinney, and Miss Collins of Michigan):

H.R. 2608. A bill to require that health care practitioners determine medically necessary and appropriate treatment and to require that insurers notify their enrollees of the extent of their coverage; to the Committee on Commerce.

By Mr. ORTIZ (for himself, Mr. Laughlin, Mr. Thornberry, and Mr. Combest):

H.R. 2609. A bill to provide for the Secretary of the Interior to sell the indebtedness representing the remaining repayment balance of Bureau of Reclamation projects in Texas and to execute agreements with State and local interests; to the Committee on Resources.

By Mr. SANFORD (for himself, Mr. Allard, Ms. Rivers, and Mr. Inglis of South Carolina):

H.R. 2610. A bill to eliminate certain benefits for Members of Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2611. A bill to authorize conveyance of land on which is situated the U.S. Coast Guard Whitefish Point Light Station; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS:

H. Res. 263. Resolution amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members representational allowance of the Members making such speeches; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OXLEY:

H.R. 2612. A bill for the relief of Miron Kharchilava; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 2613. A bill for the relief of Rabon Lowry; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Mr. Hostettler.

H.R. 222: Mr. McCrery and Mr. Skeen.

H.R. 224: Mr. DeLay, Mr. Walsh, and Mr. Royce.

H.R. 248: Mr. Stark.

H.R. 325: Mr. Chapman.

H.R. 351: Mr. DeLay.

H.R. 373: Mrs. Chenoweth.

H.R. 377: Mr. Dingell, Mr. Kildee, Ms. Rivers, Mr. Faleomavaega, and Mr. Bonior.

H.R. 387: Mr. Hunter.

H.R. 390: Mr. Barr.

H.R. 549: Mr. Weldon of Florida.

H.R. 580: Mr. Stenholm.

H.R. 789: Ms. Jackson-Lee, Mr. Bunn of Oregon, and Mr. Packard.

H.R. 858: Mr. Zeliff, Mr. Dixon, Ms. Roybal-Allard, Mr. Smith of New Jersey, and Mr. Foley.

H.R. 878: Mr. LaTourette.

H.R. 911: Mr. DeLay, Mr. Shuster, and Mr. Neumann.

H.R. 922: Mr. Hefner.

H.R. 972: Mr. Smith of New Jersey.

H.R. 1010: Mrs. Thurman.

H.R. 1023: Mr. Frisa and Mr. Hefner.

H.R. 1073: Mr. Menendez and Mr. Ehrlich.

H.R. 1074: Mr. Menendez and Mr. Ehrlich.

H.R. 1279: Mr. Salmon, Mrs. Myrick, Mr. Bonilla, Mr. Sam Johnson, Mr. Dickey, Mr. Largent, Mr. Linder, Mr. Smith of Texas, and Mr. Cunningham.

H.R. 1454: Mr. Shays, Mr. Moran, and Mrs. Lowey.

H.R. 1488: Mr. Mascara, Mr. Petri, Mr. Fox, Mr. Cunningham, Mr. Herger, and Mrs. Myrick.

H.R. 1619: Mr. Bryant of Texas.

H.R. 1640: Mr. Smith of Texas.

H.R. 1656: Mr. Gene Green of Texas and Mr. Pastor.

H.R. 1735: Mr. Diaz-Balart.

H.R. 1745: Mr. Stockman.

H.R. 1756: Mr. Ramstad.

H.R. 1787: Mr. Gillmor.

H.R. 1821: Mr. Martini.

H.R. 1834: Mr. Laughlin, Mr. Gekas, and Mr. Radanovich.

H.R. 1883: Mr. Coble.

H.R. 1946: Mr. Smith of New Jersey, Mr. McInnis, Mr. Pombo, and Mr. Collins of Georgia.

H.R. 1950: Mr. Barrett of Wisconsin, Mr. Matsui, Mr. Torres, Mrs. Maloney, and Mr. Fazio of California.

H.R. 1970: Mr. Romero-Barcelo, Ms. Jackson-Lee, and Mr. Jefferson.

H.R. 2011: Mr. Stupak, Mr. Bentsen, Mr. Olver, and Mr. Durbin.

H.R. 2019: Mr. Olver.

H.R. 2026: Mr. Romero-Barcelo, Ms. Dunn of Washington, Mrs. Smith of Washington, Mr. Nethercutt, Mr. Dicks, Mr. Bunn of Oregon, Mr. DeFazio, Mr. Zimmer, Mr. Engel, Mr. Clinger, Mr. Andrews, and Mr. White.

H.R. 2089: Mr. Salmon and Mr. Scarborough.

H.R. 2098: Mr. Zimmer.

H.R. 2168: Mr. Shays.

H.R. 2190: Mr. Wamp, Mr. McHugh, Mr. Cunningham, and Mr. Upton.

H.R. 2193: Mr. Oberstar, Mr. Rahall, Mr. Cooley, Ms. Lofgren, Mr. Bilbray, Mr. Riggs, Mrs. Mink of Hawaii, and Mr. Bentsen.

H.R. 2264: Mr. Mascara, Mr. Bonior, and Mr. Coyne.

H.R. 2283: Mr. Lewis of Kentucky.

H.R. 2285: Mr. Lipinski, Mr. Horn, Mr. Ehlers, Mr. Hastert, Mr. Riggs, and Mr. Hastings of Washington.

H.R. 2309: Mr. Riggs, Mr. Waxman, and Mr. Bono.

H.R. 2310: Ms. Jackson-Lee.

H.R. 2443: Mr. Foglietta.

H.R. 2450: Mr. Saxton, Mr. Doolittle, Mr. Pete Geren of Texas, Mr. Hastert, Mr. Lipinski, Mrs. Thurman, Mr. Torkildsen, Mrs. Myrick, Mr. Roth, Mr. Hefley, Ms. Rivers, Ms. Lofgren, and Mr. Watt of North Carolina.

H.R. 2471: Mr. Hutchinson and Mr. Inglis of South Carolina.

H.R. 2506: Mr. Coburn.

H.R. 2509: Mr. Nethercutt.

H.R. 2528: Mrs. Seastrand.

H.R. 2535: Mr. DeLay, Mr. Fields of Texas, and Mr. Young of Alaska.

H.R. 2545: Ms. Velazquez, Mr. Fattah, Mr. Clyburn, and Mr. Watt of North Carolina.

H.R. 2550: Mrs. Fowler and Mr. Weller.

H.R. 2551: Mr. Waxman.

H. Con. Res. 50: Ms. Woolsey.

H. Res. 250: Ms. Rivers, Mr. McHale, and Mr. Levin.

SENATE—*Thursday, November 9, 1995*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Andrew Jackson said, "Every good citizen makes his country's honor his own and cherishes it not only as precious but as sacred. He is willing to risk his life in its defense and is conscious that he gains protection while he gives it."

Gracious God, all through our history as a nation, You helped us battle the enemies of freedom and democracy. Many of the pages of our history are red with the blood of those who made the supreme sacrifice in just wars against tyranny. Those who survived the wars of the past half century are all our distinguished living heroes and heroines. They carry the honored title of veterans.

Tomorrow, we will set aside the day to express our debt of gratitude. We seek to make it a day of prayer for our Nation. Help us to commit ourselves anew to the battle for the realization of every aspect of Your vision for our Nation.

You have helped us conquer external enemies; now give us the same urgency in our internal battles against racial divisions instigated by any race or group. Renew our strength as we press on toward a truly integrated society with equal opportunity for all people. Make us one. Help us to press on in the American dream to banish vociferous expressions of hostility and hatred in our society. Make us all seasoned veterans in the daily struggle for righteousness in our land. In Your holy name. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 20 minutes.

SCHEDULE

Mr. MURKOWSKI. Mr. President, I have been asked to make a statement on behalf of the leader.

This morning the leader's time has been reserved. There will be a period for morning business until the hour of about 12 noon today.

The majority leader has stated that following morning business, the Senate may begin consideration of the continuing resolution. The Senate may also consider the debt limit extension during today's session, and all Senators can, therefore, expect rollcall votes throughout the day and a late session may be necessary in order to complete action on any or all of these items. Definite announcements on the indefinite schedule will be forthcoming throughout the day.

ARCTIC OIL RESERVE

Mr. MURKOWSKI. Mr. President, I would like to continue a series of presentations I have made in this body concerning the opening of the Arctic oil reserve in ANWR.

Before I make a reference to the specifics, let me show you a map and share with you an observation relative to this huge landmass of Alaska, which is one-fifth the size of the United States. In the Arctic region, above the Arctic Circle facing the Arctic Ocean, we have a resident population of Eskimos. The primary area where they are concentrated is in Barrow. It moves down to Wainwright, Icy Cape, Point Lay, Kaktovik, over to the Canadian border.

They are a nomadic people that to a large degree depend on subsistence for a lifestyle, but as a consequence of the oil discovery in Prudhoe Bay, they now have a tax base. They now have jobs. They are beginning to generate sewer and water facilities in the larger villages. This is brought about only because of the reality of having a tax base and activity in their area.

If I may share with you, Mr. President, the issue of opening up the Arctic oil reserve of ANWR for a quick review, it involves Congress taking action on authorizing the lease-sale of 300,000 acres out of the 19 million acres of ANWR. That is a pretty small footprint. Most of ANWR, about 17 million acres, has been set aside in perpetuity by Congress in either wilderness or refuge. That is evidenced by the area in green. Congress set aside the yellow area in 1980 for a determination at a later time, whether to allow oil and gas leasing. The area in red is the small Eskimo village of Kaktovik. This is located on the map in this far corner of Alaska near the Canadian border.

The reality is that Prudhoe Bay, which is the largest oil field in North America and has been producing about 25 percent of the total crude oil produced in the United States for the last 18 years, is now in decline. As a consequence, geologists tell us this is the most likely area for a major oil discovery to be found.

This happens to be Federal land. As a consequence, only the Federal Government can authorize opening it. Both the House and Senate, in the reconciliation package, have included a proposal to allow the lease-sale. It is anticipated the lease-sale will bring about $2.6 billion, funded strictly by the oil companies who would bid on these Federal leases. This would provide the largest employment, the largest concentration of new jobs that we can identify in North America, some 250,000 to 700,000 jobs over the anticipated life of the field.

Is it needed? Certainly it is needed, because the Prudhoe field is in decline, from about 2 million barrels a day to about 1.5 million barrels a day. When Prudhoe Bay was found and opened, we were about 34 percent dependent on imported oil. Today we are 51.4 percent dependent on imported oil. Much of that oil comes from the Mideast, so we are becoming more and more dependent on the Mideast. We are relying, obviously, on governments that have shown some instability—Iran, Iraq, Libya. It is still very much of a hot spot from the standpoint of stability. Yet, we are sending our dollars and sending our jobs overseas when we could be developing our own resources. The question is, can we do it safely? And the answer clearly is yes.

The problems that we have associated with opening this are emotional arguments from America's environmental community. Let me show you an ad that appeared in the Washington Post. It appeared in the Roll Call. This is an ad by the Indian Gaming Association. It shows a little native girl whose future could be affected by an act of Congress. The headline is, "Don't Tax Her Opportunity To Get Off Welfare."

The same situation applies to the Alaska Natives and the exploration in this area. As we look at Alaska and the large area, the idea of oil exploration in this very, very small area is the only identified job opportunity for the Eskimo people in the Arctic.

What about rural Alaska? It is an area that probably has about the highest unemployment of anywhere in the United States. Rural sanitation was virtually unknown until a few years ago. There are a few villages that have

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

running water. Most of them still have honey buckets instead of indoor plumbing.

What we have here is a case of wealthy environmental and preservation organizations that are opposed to opening up this area to create jobs for Alaska's Eskimo and Native people. The Eskimo people want jobs. They want to have a future. They want to have an opportunity to educate their children. They live in a harsh climate. Without exception, virtually the entire Eskimo population of Alaska supports opening this area.

What does the issue consist of? Some have said, "Well, it is big oil." I would suggest that we reflect for a moment and recognize that the big business associated with this issue is really the big business of America's environmental community. Where do these people live? Washington, DC; New York; Boston. They take indoor plumbing for granted. They oppose ANWR. Today a number of them are meeting down at the White House with the administration on this and a number of other environmental issues.

It has been suggested that this is going to harm the Arctic and harm the Eskimo and native way of life. The Eskimo people would not do anything to harm their environment. They want safe oil development because they want better lives. And, clearly, as I have indicated, because of our increased imports of foreign oil, America needs the oil.

Many of the professional environmentalists have never been up to the Arctic oil reserve of ANWR and have never been up to this part of Alaska. They do not really care about the Eskimos' or Natives' future. Some of them have been up and have shared some of the unique experiences in some of this area. It is a very expensive operation. It takes about a $5,000 bill to charter an aircraft and hire the comforts of life that are necessary to enjoy and experience the wilderness.

But make no mistake, we are talking about a very small footprint—authorizing 300,000 acres out of 19 million acres. And industry says, if the oil is there, they can develop it within 2,000 acres.

Mr. President, if you have ever been out to Dulles International Airport, that complex is 12,500 acres. If you compare the huge area of ANWR, it is about the size of the State of South Carolina. We are only talking about 2,000 acres, if the oil is there.

Who are these professional environmental groups? Why do they focus on an issue way up in North America that most Americans cannot see? It is far away. It is costly to get there. The answer is these organizations need a cause. A cause gives them dollars. A cause gives them membership.

Mr. President, they are now big business. The environmental movement's income, salaries, contributions, and investment patterns are extraordinary. I would like to share a report from the Center for the Defense Free Enterprise that gives us all an opportunity to review some of the executive salaries, expense accounts, the huge incomes, the big investment portfolios, the big offices, and the staff. The report says that the environmental movement is arguably the richest and most powerful pressure center in America.

So just what kind of people make up the professional environmental establishment? They are certainly better off than the Native people of Alaska. Let me share some of the executive compensations, just a few that are listed here.

The Nature Conservancy, John Sawhill, president and chief executive, salary $185,000, benefits $17,118; National Wildlife Federation, Jay Hair, executive director, salary, benefits, expense account, roughly $300,000; World Wildlife Fund, Kathryn Fuller, executive director, salary, $185,000, total with benefits, $201,650; and on down the line. Over here is the Environmental Defense Fund, Fred Krupp, executive director, salary, $193,000, with benefits $210,000. That is big business.

These 12 groups I have listed here have a net worth—not just in thousands, not hundreds of thousands, but $1.03 billion. Their combined revenue for 1 year was $633 million. Their 4-year lobbying expenses were $32 million. This is big business.

Mr. President, I ask unanimous consent that tables entitled "Executive Compensation" and "Environmental Organization Incomes" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE COMPENSATION

Organization	Executive	Title	Salary	Benefits	Expense account	Total
The Nature Conservancy	John Sawhill	President and Chief Executive	$185,000	$17,118	None	
National Wildlife Federation	Jay Hair	Executive Director	242,060	34,155	$23,661	$299,876
World Wildlife Fund	Kathryn Fuller	Executive Director	185,000	16,650	None	201,650
Greenpeace Fund	Barbara Dudley	Executive Director Acting	65,000	None	None	65,000
Greenpeace Inc	Stephen D'Esposito	Executive Director	82,882	None	None	82,882
Sierra Club	Carl Pope	Executive Director	77,142	None	None	77,142
Sierra Club Legal Defense Fund	Vawter Parker	Executive Director	106,507	10,650	None	117,157
National Audubon Society	Peter A. A. Berle	President	178,000	21,285	None	199,285
Environmental Defense Fund	Fred Krupp	Executive Director	193,558	17,216	None	210,774
Natural Resources Defense Council	John H. Adams	Executive Director	145,526	13,214	None	158,740
Wilderness Society	Karin Sheldon	Acting President	90,896	22,724	None	113,620
National Parks & Conservation Assn	Paul C. Pritchard	President	185,531	26,123	None	211,654
Friends of the Earth	Jane Perkins	President	74,104	2,812	None	76,916
Izaak Walton League of America	Maitland Sharpe	Executive Director	76,052	5,617	None	81,699
Total			1,887,258	187,564	23,661	2,098,483

Source: Center for the Defense of Free Enterprise.

ENVIRONMENTAL ORGANIZATION INCOMES

Organization	Revenue	Expenses	Assets	Fund balances
The Nature Conservancy (fiscal 1993)	$278,497,634	$219,284,534	$915,664,531	$855,115,125
National Wildlife Federation (1993)	82,816,324	83,574,187	52,891,144	13,223,554
World Wildlife Fund (fiscal 1993)	60,791,945	54,663,771	52,496,808	39,460,024
Greenpeace Fund, Inc. (1992)	11,411,050	7,912,459	25,047,761	23,947,953
(combined different years)	(48,777,308)			
Greenpeace Inc. (1993)	37,366,258	38,586,239	5,847,221	<5,696,375
Sierra Club (1992)	41,716,044	39,801,921	22,674,244	14,891,959
Sierra Club Legal Defense Fund (1993)	9,539,684	9,646,214	9,561,782	5,901,690
National Audubon Society (fiscal 1992)	40,081,591	36,022,327	92,723,132	61,281,060
Environmental Defense Fund (fiscal 1992)	17,394,230	16,712,134	11,935,950	5,279,329
Natural Resources Defense Council (fiscal year 1993)	20,496,829	17,683,883	30,061,269	11,718,666
Wilderness Society (fiscal 1993)	16,093,764	16,480,668	10,332,183	4,191,419
National Parks & Conservation Assn. (1993)	12,304,124	11,534,183	3,530,881	769,941
Friends of the Earth (1993)	2,467,775	2,382,772	694,386	<120,759
Izaak Walton League of America (1992)	2,036,838	2,074,694	1,362,975	414,309
Total	633,014,090	556,359,986	1,234,824,267	1,030,377,841

Source: Center for the Defense of Free Enterprise.

Mr. MURKOWSKI. These environmental organizations obviously make a tremendous contribution to America in many regards. But, as far as their efforts against the Eskimo people in my State, it is not a fair fight. How does this $1 billion fund with account balances and assets stack up with the Eskimo and Native people, the 7,500 Eskimo people of the North Slope, and their opportunities for a job, a lifestyle, an education, and a future for their children?

Mr. President, this list shows that the environmental community in America is bigger than many of our corporations. This group has indoor plumbing. This group has opportunities for their children and running water. They do not have to put up with honey buckets. It is not wrong to stand up for what you believe in, but it is wrong to have a double standard. The national environmental establishment operates under a double standard.

Let us look at some of the practices. They block safe development of the Arctic oil reserve of ANWR. But many of them have gone ahead and developed their own resources. John Roush of the Wilderness Society cut massive timber; clearcut on his land in Montana next to some prime Forest Service land. That is his own business, and it is fine. But it is a double standard here, if they do not practice what they preach.

Bill Arthur, Sierra Club, Northwest representative clearcut land in eastern Washington. That is fine. It is his business. He has a right to do it.

George Atiyeh of the National Audubon Society's TV show "Rage Over Trees" cut trees on land in the Willamette National Forest drainage that he supposedly wanted to protect near Opal Creek. The National Audubon Society allowed 37 wells to pump gas from the Paul J. Rainey sanctuary in Louisiana, $25 million in revenues; allowed grazing, gas leases in the Bernard Baker Refuge in Michigan; timber cutting at Silver Bluff Plantation sanctuary.

Well, Mr. President, I do not criticize that. But I do criticize their objections to allowing the Eskimo and Native people of Alaska to have an opportunity to participate in jobs in an area that they are going to protect. Environmental groups continue to generate funding to lobby these and other efforts that are certainly contrary to the interests of the individual people.

So who are these environmental preservation groups? Many of them are Clinton administration officials who used to work or hold positions with these national pressure groups.

Let us take a look at some of the people in the administration today, and where they came from.

The budget director, Alice Rivlin, associated formerly with the Wilderness Society; Secretary of the Interior, Bruce Babbitt, League of Conservation Voters; John Leshy, Solicitor at the Department of the Interior, National Resource Defense Council; Bonnie Cohen, Assistant Secretary of the Interior, Sierra Club; Brooks Yeager, Director of the International Office of Political Analysis, Sierra Club; George Frampton, Assistant Secretary for Fish and Wildlife, Wilderness Society; Donald Barry, Deputy Assistant for Fish and Wildlife, World Wildlife Fund; Destry Jarvis, Assistant Director of National Park Service, formerly National Park and Conservation Association; Rafe Pomerance, Deputy Assistant Secretary of State, Environmental Action; Lois Schiffer, Assistant Attorney General, League of Conservation Voters.

I could go on and on and on, Mr. President. All I am suggesting to you is, obviously, these people in the administration are in policymaking positions, and they have their own point of view, which is prevailing certainly in the administration's attitude toward allowing development—not just in ANWR, in the Arctic oil reserve, but on grazing issues, on mining issues, on timber issues, and virtually every issue relative to development of resources on public lands—is opposed by the administration. And the rationale is clear. These people are in positions of making policy, and the environmental community is very supportive of most of their efforts and causes.

As a consequence, when the people in the area like the Eskimo and Native people in my State of Alaska are not given the consideration relative to their obligation to protect their own land, to protect the resources, the caribou and others, it is clearly not a fair fight.

Let me show you a picture, Mr. President, of the caribou wandering around the Prudhoe Bay oilfield. What you can see here are lots and lots of caribou. You can see the oil pipeline. You can see an oil rig under development. Once that well is drilled, that rig is gone, the caribou are still there, and the pipeline is still there. So there is a compatibility.

The conclusion, Mr. President, is that this first ad that I showed you—this is the ad that says, "Do not tax our opportunity to get off welfare." This focuses our attention on the plight of some of the poorest people in America.

That includes many of the Eskimo people who live on the Arctic Ocean. Like the rest of us, they want jobs. They want education. They want a better way of life. In Alaska, my State, the Natives voted in favor of this development.

What about the rest of America? All America would stand to benefit by this. It would be the largest concentration of jobs. Most of these would be union jobs. It would relieve our dependence on imported oil. There is no way that one can make a case that this would have any detrimental effect on the environment. We have proven this in opening up Prudhoe Bay.

There is absolutely no evidence to suggest that we cannot open up this area safely. The same arguments that prevailed in 1970 against opening up Prudhoe Bay are the arguments that are being used today to try to stop opening up the Arctic oil reserve.

Today we have the advanced technology. We have a greater capability, and we can do it safely. So when you see the young girl in the advertisement, think of the natives in Alaska and tell Secretary Bruce Babbitt and some of the high-priced environmental army that he has to think twice before blocking ANWR.

As I have indicated, this is not a case of big oil. The Eskimo people are in a survival fight, as are the other Native residents of Alaska, to try and offset the tremendous momentum that the environmental community has in objecting to the opening of this area.

Do not sell American ingenuity short. We have heard the arguments before on Prudhoe Bay. We can open it up safely given the opportunity.

I am going to read into the RECORD a short account from the North Slope Borough and the Arctic Slope Regional Corp. This is the concentration of the 7,500 Inupiat Eskimo people who live on the North Slope of Alaska. A few days ago they called Secretary Babbitt's participation in a press conference here in Washington where he proposed objecting to opening ANWR as a shameful disgrace to his office.

Those are harsh words, Mr. President, but the Eskimo people attempted to remind the Secretary that he has a legal duty to serve as a trustee for all Native Americans, and the Eskimo people think he has violated that duty as a trustee and a fiduciary to the Eskimo people. He has done so by joining a small minority, which is 1 percent, I might add, of Alaska's native people who are opposed to opening up the Arctic oil reserve.

It is rather interesting to note who funds the Gwich'ins. It is the Sierra Club and the environmental groups that put ads in the New York Times, and so forth, and inhibit, if you will, through fear tactics such as I observed when I was in one of the Gwich'in villages, an Arctic village this summer, a big, slick, Hollywood picture of the Buffalo in the tribal house. Underneath it, it said: "Don't let happen to the Porcupine caribou herd what happened to the buffalo." Obviously, we were out to shoot the buffalo years and years ago when the buffalo became extinct on the ranges of the Western United States.

That is not the case with oil exploration, and we can protect the Porcupine caribou herd without a doubt, just as we have seen the tremendous growth of the central Arctic herd. Before oil, that herd was about 4,000 animals. Today there are about 20,000 animals.

Let me go on with that statement.

Furthermore, the Eskimos indicate that Alaska's 90,000 Aleut, Indian and Eskimo people support opening the coastal plain to oil and gas leasing. In a vote of the Alaska Federation of Natives in their delegation meeting, they voted 2 to 1 in support of creating jobs through development.

They further state that the Inupiat Eskimo people who reside on the Arctic Ocean of Alaska favor virtually unanimously opening the coastal plain. They indicate that they have lived with the oil industry for 25 years. The North Slope oil development is safe. It is compatible with the caribou and wildlife, and oil development has given them jobs, a tax base for essential public services and an economic opportunity for all Alaska's native people.

They further state that, properly regulated, North Slope oil development is fully compatible with the caribou, the birds, the fish, and the wildlife on which the people depend. This is the Eskimo people speaking, Mr. President.

They further state—and I think this is probably most significant as we reflect on the ad that I referred to earlier: "Don't tax her opportunity to get off welfare"—the Eskimo people are trying desperately to work their way out of Federal dependency. And because of their success, they now find themselves opposed at nearly every turn by the Assistant Secretary for Indian Affairs, Ada Deer, who spoke in Anchorage at the convention. She opposes successful native American corporations and organizations. One concludes she wants the Eskimo people to be dependent—not independent but dependent—on the Bureau of Indian Affairs.

The Eskimos indicate that dependence kills self-initiative; it breeds a welfare society. They want to follow the American way, the way of independence, self-help, individual responsibility, family values, sense of community. This is what the Eskimo people of the Arctic want. They want this opportunity. Yet, the environmental community suggests that it is the wrong thing to do because the environmental community is trying to scare America saying we cannot open it safely.

The Eskimos indicate that it is a tragic day for the 7,500 Inupiat Eskimo people. It is the first time, they say, that the Secretary of the Interior has rejected his trust responsibilities to pursue the naked political objectives of those who are opposed to the interests of native Americans.

They indicate that the Secretary of Interior and his administration penalize hard work, penalize success. They want to champion dependency, welfare and allegiance to an incompetent Bureau of Indian Affairs. They put the commercial fund-raising interests of environmental organizations over those of the 7,500 Eskimo people who need help.

Secretary Babbitt, and, unfortunately, this administration, seem to oppose opening the coastal plain on the one hand, yet they are actively selling OCS oil and gas leases in the Arctic Ocean adjacent to the coastal plain. Well, they simply have it backwards. Oil development onshore is safe. Oil development in the isolated Arctic wind-driven waters of the ocean is risky. It is hazardous. So as a consequence the word of the Eskimo people is the word of the people who live in the area, who have a commitment to care for the animals of the area, and a realization based on their experience that this area can be opened safely if they are given the opportunity, and that is all they ask.

So I would encourage my colleagues, do not sell American technology, ingenuity, or the people of the area short as we consider opening up the Arctic oil reserves in ANWR. We can do it safely. And it is in the national interest, as well as the interest of the Eskimo people, all the Native people of Alaska, and my State of Alaska as well.

THE PESO CONTINUES TO SLIDE

Mr. MURKOWSKI. Mr. President, I also want to add and take a brief moment to make a statement in regard to the peso, which continues to slide rather dramatically today. I would like to bring to the attention of this body that the economic crisis continues in Mexico. As we recalled yesterday, the Mexican peso fell to a record low against the dollar—7.8 pesos to the dollar. That peso evaluation is even lower than last January and February when the administration told us that the Mexican economy was in crisis and the American taxpayer had to bail out Mexico. There was a good deal of debate in this body at that time.

One of the reasons that Mexico's economy is in such deep trouble is the Government's PACTO with labor, agriculture, and business leaders. The Bank of Mexico announced some 2 weeks ago it will raise its minimum wages 10 percent by December and another 10 percent in April 1996. It will raise the price of gasoline, diesel fuel, electricity by 7 percent in December and another 6 percent next April. And there will be increases of 1.2 percent in all other months.

Think about that. These price increases follow the 35-percent oil price increase and 20 percent electricity price increase set last March. Investors Business Daily called the PACTO "centralized economic planning at its worst—more reminiscent of Soviet style 5 year plans than of the free market." Still, Treasury Secretary Rubin said that "structural reform continues to improve the long-term prospects for the—Mexican—economy, attracting both domestic and foreign investment."

Well, I suggest, Mr. President, that the Secretary of the Treasury has it all wrong. The Mexican economy is in a free-fall. Just this Thursday interest rates on 28-day Treasury bills soared to 54 percent. Inflation is currently running at 40 percent.

Mr. President, this administration earlier this year told the Congress that by the second half of 1995 Mexico's economy would stabilize, it would stabilize only if we bailed out the speculators with American taxpayer dollars. The only thing that has happened is that the speculators in tesobonos have all been paid off 100 cents on the dollar, courtesy of the United States taxpayer, and the Mexican economy today is in shambles.

The $20 billion bailout and the economic conditions we forced on Mexico have produced, in the opinion of this Senator from Alaska, an economic disaster. I doubt that we will see Mexico pay back the American taxpayer. I fear that the economic austerity that we have forced on Mexico will lead to a political disaster south of the border.

I hope that prediction is not true. But I think it is time to go back and reassess—reassess, Mr. President—what we did earlier this year in bailing out those investors in tesobonos, most of which were sophisticated U.S. investors. The American taxpayers bailed them out. Here today we are seeing that that effort to try to stabilize the Mexican Government apparently has failed.

Mr. President, I have concluded my remarks. I wish the President a good day, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, pursuant to a previous order, I believe I have 20 minutes during morning business.

The PRESIDING OFFICER. The Senator is correct.

MEDICAID PROGRAM

Mr. GRAHAM. Mr. President, today I conclude a series of talks on the Medicaid Program. I began a four-part presentation last Friday by debunking the myth that the Medicaid Program has been a failure. In fact, an objective review of the accomplishments of this Federal-State partnership tells us that the Medicaid Program has been an American success story.

Just a few examples: The decrease in infant mortality rate from 10.6 deaths per thousand livebirths as recently as 1985 to 8.5 in 1992, largely attributable to an expanded effort in the Medicaid Program;

The improved quality of long-term care for millions of elderly citizens in a manner befitting their human dignity;

The deinstitutionalization of 125,000 profoundly handicapped Americans.

With that record of accomplishment established, on Tuesday of this week, I examined why Federal spending on Medicaid has increased throughout its history and why it is expected to increase in the next years. I pointed to such things as the demographic changes in America, particularly the increasing longevity which has driven up the number of persons who are in need of long-term care.

I addressed the numerous programmatic expansions in Medicaid that reflected compelling policy decisions, such as the decision to reduce infant mortality. That has led to increased costs as well.

Finally, I cited the erosion of private health coverage for millions of children, an issue which has become a major subject of public concern this week with the publication of a study in the Journal of the American Medical Association on that very topic, documenting the trend that as private sector insurance abandon children and their parents, the Medicaid Program picked up the slack, helping them get immunizations, checkups, and, when needed, specialty care.

Mr. President, this is not to say that part of the increase in the cost of Medicaid was not attributable to abusive or wasteful practices. Yesterday, I spoke about the abuses in the Disproportionate Share Hospital Program, known as DSH. I decried how the Senate, by its vote on October 27, rewarded with millions, and in some cases billions, of dollars those very States that gamed the DSH program. What is worse, the Senate majority voted to fund these rewards by raiding the Social Security trust fund and by perverting sound budgetary practices.

Mr. President, with that backdrop in place, I come to the Senate floor today with a message of hope. I bring to this Chamber a proposal that recognizes the importance of maintaining the Federal-State partnership in Medicaid and restraining costs.

The Senate is not in a posture of block grants or bust. There is another way. Why should we consider an alternative? We should consider an alternative because the alleged benefits of block grants—flexibility to the States particularly—are minimal, and the costs and loss of a Federal partner in a time of need for the most vulnerable of Americans are great.

The foundation upon which the block grants have been built, that they enhance flexibility for the States, is on shaky ground—shaky ground which erodes by close examination; shaky, that is, unless you define "flexibility" as the freedom to raise State taxes or local property taxes, or the flexibility to pit the elderly against children as beneficiaries for the Medicaid Program. Otherwise, there is precious little flexibility the States can receive that they cannot already get under the current Medicaid program waiver.

The Department of Health and Human Services has pioneered, with willing States, extraordinary demonstration projects where statutory and regulatory requirements can be waived to permit new approaches to health care. In my State of Florida, we have been in the vanguard of this waiver movement, particularly in the area of providing community-based services for older citizens and expanding the use of managed care for poor children.

Before the Senate brought the Medicaid legislation to the floor, I met with Mr. Bruce Vladeck of the Health Care Financing Administration, generally known as HCFA. My question to him was:

> What flexibility, to allow innovation, would the block grants give States that they cannot get today through the waiver program?

Here is a summary of his answer:

> States today can test new approaches to publicly supported health care by obtaining waivers to statutory requirements and limitations. Waivers permit States flexibility from Federal Medicaid statutory and regulatory requirements. State Medicaid demonstrations present valuable opportunities to both State and Federal policymakers to refine and test policies that improve access to the quality of care for vulnerable Medicaid populations and to more effectively manage the cost of providing that care.

Mr. President, I ask unanimous consent that the full statement by Mr. Vladeck be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. What do the States relinquish in exchange for the marginal new flexibility that they will allegedly receive? The Federal partnership to assist them, if they experience caseload growth, will be surrendered. The Federal partnership, during times of economic hardship or recession, will be surrendered. And the Federal partnership, if there is a natural disaster—when Hurricane Andrew hit south Florida, Mr. President, our Medicaid caseload shot up by 12,000 people. Not only had their homes been blown away, their jobs had been blown away. Therefore, people who had been employed and self-supporting needed the assistance of Medicaid during that time of crisis.

Under block grants, a State that is knocked down to its knees by a flood, earthquake, hurricane, would not find a helping hand from the Federal Government at the time it needed help to get back on its feet. No, Mr. President, acts of God and block grants do not mix.

Mr. President, this is not a new debate. In January 1982, during his State of the Union Address, on the 26th day of that month, President Reagan recognized the issue of the States and the Federal Government's partnership in Medicaid. Did President Reagan advocate that Medicaid ought to be turned back to the States in the form of a block grant? Did he advocate that the States be left alone to deal with issues of changes in their growth, changes in economic circumstances, natural disasters? No, Mr. President, that was not the position of President Reagan.

Let me quote from his State of the Union Address what President Reagan said on January 26, 1982:

> Starting in fiscal year 1984, the Federal Government will assume full responsibility for the cost of the rapidly growing Medicaid Program, to go along with its existing responsibility for Medicare. As part of this financially equal swap, the States will simultaneously take full responsibility for Aid for Families with Dependent Children and food stamps.

Mr. President, that was the swap that President Reagan proposed on January 26, 1982. I believe the President's advice, in terms of a greater, not a lesser, Federal role in Medicaid, was wise then, and it is advice that we should seriously consider following today.

If block grants are as bad as I suggest they are, is the only alternative to them business as usual? No, Mr. President. There is a way to have the best of both worlds, and to contain costs while maintaining the Federal-State partnership in Medicaid.

The best of both worlds is the per capita cap proposal that is gaining momentum as the win-win answer to the block grants' lose-lose proposition.

The per capita cap approach provides that health care and coverage could be protected, and costs can be controlled by disciplining the program with an annual limit in Federal spending per beneficiary.

This approach maintains the individual guarantee to Medicaid services and creates an incentive to maintain health care coverage. Funding would follow the people in need, not some political entity.

The per capita cap approach, which I presented to the Senate 2 weeks ago, saves $62 billion over the next 7 years. It enhances State flexibility, and it reduces the rate of growth in Federal Medicaid spending to a level that is sustainable for the States, the beneficiaries, and the Federal Government.

The per capita cap assures that States with innovative demonstrations already underway can continue to operate their programs, and that other States wishing to innovate have the resources and ability to do so.

Let me briefly outline how the per capita cap approach would work.

Federal funding would be allocated to States on a per person in need basis. For example, one of those categories of per persons in need are poor children. If the cost of providing services to a poor child in California, for example, has been $1,000, then the Federal Government would continue its Federal-State matching share, which in the case of that State is 50 percent State, 50 percent Federal, and the Federal Government would continue to provide $500 per each poor child qualifying for Medicaid services in the State of California.

If needs increase because the population of poor children goes up, or if they decrease because the population goes down, or if there is a natural disaster or a public health calamity and more children become eligible for coverage, the Federal partnership and the contribution of $500 per child would be guaranteed, unlike a block grant, where a fixed sum of money is allocated regardless of change in circumstances.

The incentive is to reduce costs and not cut people off coverage because if you arbitrarily cut children off, you lose the Federal match.

Costs are what must be controlled. If, for example, California were to spend more than $1,000 per child, then the State of California would be required to make up the difference between the actual cost and what Medicaid would cover—$500 of State and $500 of Federal funds.

Again, under a per capita cap, the money follows the need and the person. As a result, during economic booms, or if health care needs decline, the Federal Government would share in the savings—also unlike a block grant which straitjackets and obligates money regardless of need.

The Federal Government would make payments to each State based on the statutory Federal matching rate or the per capita rate, whichever is lower. The cap would be stated in inflation terms.

Our proposal, Mr. President, is that that inflation term be stated at 1 percentage point below the projected rate of medical inflation in the Nation. Today it is projected that the medical rate of inflation for the next 7 years will average 7.1 percent per year per person. We would, therefore, propose to set the inflation rate under the per capita cap at 6.1 percent, thus producing the $62 billion in savings over the next 7 years.

The cap would be cumulative and thus allow States enough flexibility to apply savings under the cap from one year to the next. Caps would be applied separately to each of the four principle categories of Medicaid beneficiaries: the elderly, the disabled, children and their mothers. This separation into four distinct groups avoids the sinister zero-sum game that is endemic to block grants, where one group's interests are pitted against another.

Mr. President, on first hearing this formula, some may say it sounds very complicated. For those who have had a background in State government, it really is a clone of the way States allocate and distribute school dollars to individual school districts. In fact, with only four categories of beneficiaries to consider, it is far simpler than most per pupil school district formulas.

The per capita cap idea is not a new idea. It is one which should be familiar to many of our Republican colleagues. It is a concept that was supported in health care proposals introduced within the last year by Senators DOLE, Packwood, GRAMM, and CHAFEE.

Mr. President, among those merits, the Medicaid per capita cap approach permits the States to move toward managed care and other types of arrangements which save money without having to secure specific Federal waivers. That, Mr. President, is real flexibility.

Another advantage of the per capita cap approach is that many other detailed rules and process-oriented requirements would be phased out. States would be held accountable to performance outcomes with respect to certain quality access measures. The Federal Government would be interested in the outcomes of State health long-term care delivery systems but would not be mandating how to achieve those outcomes.

Finally, the per capita cap approach would cap and retarget future growth in the Disproportionate Share Hospital Program, referred to as DSH. My colleagues who have read about or possibly heard my remarks yesterday on the flagrant, unflinching abuse of the DSH program by some States will no doubt breathe a sigh of relief.

Mr. President, the per capita cap approach I outlined today would assure 18 million children, 8 million low-income women, 6 million disabled, and 4 million elderly Americans continued coverage for hospital, physician, and nursing home care services. This approach would cut costs, not cut people.

Mr. President, suppose for a moment that in 2 years oil prices fell as they did in the early and late 1970's, another economic recession were to strike a region of our country such as the Southwestern States. Suppose the same phenomenon ensued with layoffs, real estate fire sales, and businesses start canceling health insurance coverage.

As we know from the history of the last 15 years, suppose, further, that families ran through their savings, ran out of money to care for their elders. This may sound far-fetched, but it was not that long ago that the former Governor of Texas held a garage sale and sold personal items to generate cash during those hard times.

For purposes of this discussion, we will say that the citizens of the Southwest ran out of money, so their frail elderly turned to Government for long-term care. With no help from the Federal Government in their hour of need, those States would be in a financial straitjacket under block grant.

Mr. President, this is insanity, and unnecessary insanity.

Under per capita caps, those same States would get help. The Federal Government's contribution would increase as the need increased. Most important, the elderly, the disabled, the children, and pregnant mothers would not pay for the economic downturn with their help if not with their lives.

Mr. President, this makes sense. There is a legitimate national interest in such an outcome. The $62 billion reduction in spending amounts to a surgical cut, not the meat-ax approach that the $176 billion block grant legislation that passed the Senate 2 weeks ago represents.

Further, Mr. President, the per capita cap approach would continue the Federal-State partnership in detecting fraud and punishing defrauders. Medicaid fraud, the DSH abuse and the uncontained spending amount to a cancer on our Nation's health and long-term care delivery systems. But it is treatable—not a terminal condition. In our zeal to cure this affliction, let us not kill the patient in the process; let us not kill the very Federal-State partnership that has served this Nation so well for 30 years.

For the past week, Mr. President, I have attempted to spotlight the Medicaid Program, to expose the recklessness of $176 billion in block grant cuts and the raid on the Social Security to reward DSH abusers.

Today, I propose another way, a way that maintains the Federal-State partnership while still containing costs. After all, Mr. President, behind those $176 billion in cuts are human beings who will pay the price for our freelance legislating, for our don't-ask, don't-care indifference, to the casualties of these block grants.

Mr. President, I ask unanimous consent that a column by Mr. David Broder, which appeared in the Washington Post on August 6, 1995, entitled "Race to the Bottom?" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAHAM. Mr. President, we will all be able to read that in addressing the Medicaid and welfare block grant debates, Mr. Broder wrote eloquently of the fear that under block grants the States will engage in a "race to the bottom that shreds the social safety net."

He predicted the likeliest scenario under block grants would be as follows:

"What would happen when Federal funding is reduced and Federal standards are eliminated is that 50 legislatures would become the arena, each year, in which the welfare population would have to compete against other claimants for scarce dollars."

Mr. President, I share this view of the future in America under block grants. You cannot have a race to the bottom without casualties along the way. Along the way in the block grant race to the bottom will be eye glasses for elderly, unfilled prescriptions that used to be covered under Medicaid. They will not survive the race to the bottom.

Along the way in the race for block grants, the race to the bottom, will be families torn apart by unnecessary nursing home placements and institutionalization. Communities' care for the elderly and other Medicaid waiver services are not likely to survive the race to the bottom.

Along the way in the block grant race to the bottom will be ugly legislative sessions in 50 States, legislatures where the frail elderly will be pitted against children, and the mentally retarded against the AIDS sufferer in a battle royal for block grant money.

Is that what we want for America? Mr. President, there is another way. The race to the bottom has yet to begin and it need not begin. There is still time.

Per capita cap legislation is our way out of the race to the bottom and is our ticket to a 21st century that maintains an American Federal-State stake in the health and welfare of its citizens.

EXHIBIT 1

STATEMENT OF BRUCE VLADECK

Senator GRAHAM. What cannot be waived under this 1115 program for either legal or administrative policy reasons?

Mr. VLADECK. States can test new approaches to publicly supported health care by obtaining waivers of statutory requirements and limitations from the Secretary of the Department of Health and Human Services. Waivers permit States flexibility from the Federal Medicaid statutory and regulatory requirements that cannot be altered through the Medicaid State plan amendment process. State Medicaid demonstrations present valuable opportunities to both States and Federal policy makers to refine and test policies that improve access to, and quality of care for vulnerable Medicaid populations, and to more effectively manage the costs of providing that care.

Although, section 1115 authority is very broad, certain statutory restrictions exist for State demonstrations. In addition, HHS has made a number of policy decisions that affect statutory provisions we will and will not waive for demonstration programs.

STATUTORY PROVISIONS

FMAP Rates. The rate at which the Federal government matches States expenditures cannot be waived.

Services for Pregnant Women and Children. The obligation to cover certain women and children described in section 1902(1) cannot be waived under section 1115 authority.

Drug Rebate Provisions. Section 1902 also requires that a State provide medical assistance for covered outpatient drugs in accordance with section 1927, which also contains the drug rebate program provisions. Section 1927 excludes drugs dispensed by HMOs from the requirements of the drug rebate program. Since the drug rebate provisions are imposed on drug manufacturers, and not on the State, this provision cannot be waived through a waiver of section 1902. Only those drug rebate and best price provisions of section 1927 which apply directly to the State may be waived, not those which apply to drug manufacturers.

Copayments and Other Cost Sharing. Section 1916 enables States to impose deductibles, copayments and other cost sharing requirements on Medicaid beneficiaries, but also prohibits States from requiring copayments from categorically-eligible beneficiaries who are enrolled in managed care systems. The Secretary's authority to waive this restriction is limited. These limitations make it impractical to waive section 1916 to enable states to require copayments. Copayments and other cost sharing can be imposed for managed care services, however, in the case of medically needy individually and on individuals who are newly Medicaid-eligible due to the demonstration.

Spousal Impoverishment Provisions. Section 1924 prohibits the Secretary from waiving spousal impoverishment provisions for institutionalized individuals.

Work Transition. Section 1925 prohibits waiving work transition provisions extending Medicaid eligibility for certain individuals who lose their eligibility for Medicaid through their loss of eligibility for Aid to Families with Dependent Children.

Qualified Medicare Beneficiaries, Specified Low Income Beneficiaries, and Qualified Working Disabled Individuals. Section 1905 requires States to provide coverage to these groups of individuals regardless of an 1115 demonstration.

Competitive Bidding. Procurement rules in Part 74 of the Code of Federal Regulations require States and other entities to use competitive bidding "to the extent practical". Because the statutory basis for these rules exists outside of Title XIX, section 1115 cannot be used to waive this requirement.

POLICY POSITIONS

Reduced Quality of Care. Programs or policies which inappropriately reduce access, benefits, or otherwise reduce quality of care for current eligibles cannot be approved.

Quality Assurance. States are expected to maintain quality assurance processes (e.g., eligibility quality control, external medical review requirements, etc.).

Budget Neutrality. Demonstrations must be budget neutral. That is, Federal expenditures under the demonstration may not exceed the projected level of Federal payments to the State in the absence of a demonstration.

Through negotiations with the National Governors Association, HHS has agreed that States may achieve budget neutrality over the life of the project, rather than on a year by year basis.

Unnecessary Utilization and Access Safeguards. Section 1902 requires safeguards against unnecessary utilization of services. The statute also protects access to care by requiring States to make adequate payments to providers. Such safeguards must be maintained.

Boren Amendment. States must meet the Boren amendment's access and payment requirements in fee-for-service settings. Because these provisions do not apply to managed care settings, States do not need a waiver of the Boren amendment for managed care programs.

Contract Provisions. Most existing contract requirements for comprehensive managed care plans in section 1903(m) will continue to apply to managed care demonstrations. HCFA will consider waiving the enrollment composition requirement (the "75/25 rule") and disenrollment on demand if the State plans to substitute a data-oriented, quality improvement system for these statutory provisions.

Duration. The terms "experiment," "pilot", and "demonstration" all suggest that programs authorized under section 1115 should, some point, conclude. Thus, States and health care providers potentially affected by section 1115 demonstration projects should be aware that section 1115 demonstrations are time-limited.

EXHIBIT 2

RACE TO THE BOTTOM

(By David S. Broder)

The Republicans in Congress are proposing a revolution in domestic policy and in the relationship between the federal government and the states. Last week, at their meeting in Burlington, Vt., the nation's governors tried but failed to agree whether the proposed changes would be a blessing or a disaster. The 30 Republicans, 19 Democrats and one independent could agree only to disagree.

Now the proposition is before Congress. This month the Senate is debating several alternatives to the House-passed welfare reform. After Labor Day, the House will launch a similar debate on Medicaid.

On the face of it, the fight is about money. The welfare bill was blocked for weeks in the Senate by a dispute between states like Wisconsin and Massachusetts, which have high benefits and little growth in their welfare populations, and those like Texas, which have low benefits but are experiencing rapid growth. Senate Majority Leader Bob Dole found a solution by coming up with enough money to guarantee current allocations to the first group of states while providing a bonus for the second.

That will be much harder when it comes to Medicaid, the program that provides long-term care for the indigent elderly and disabled and basic medical services for other welfare families. It is by far the biggest single federal-state program today, and the Republican budget calls for $181 billion in savings from it in the next seven years. Finding a way to distribute the pain will be difficult.

But money is just one of the dimensions of this struggle. Equally important is the question of minimum standards—and where they will be set. Until now the floors have been established in Washington for Medicaid and for the main welfare program, Aid to Families with Dependent Children (AFDC). The states have been the junior partners, both in designing and paying for these basic "safety net" programs.

What the Republicans want to do is reverse that. By capping the amount of money the federal government would appropriate for these two programs and converting them from individual entitlements to state block grants, they would force the states, over time, to pay for a bigger share. In return, the states would be given much wider leeway, immediately, to redesign the programs to their own taste.

The hope is that this will encourage experimentation that may reduce costs while actually improving outcomes for beneficiaries. The Medicaid population could benefit from moving into managed-care programs, it is argued. Welfare programs could be tailored more easily to local circumstances, helping people move off the dole and into paying work.

The critics' fear is that instead of innovating, the states will engage in a "race to the bottom" that shreds the social safety net.

In back-to-back speeches to the governors, Dole argued that the first of those results is likeliest; Clinton said he worried that the second would be the case.

No one can be certain, but logic and experience suggest that the second scenario is more likely. What would happen when federal funding is reduced and federal standards are eliminated is that the 50 legislatures would become the arena, each year, in which the welfare population would have to compete against other claimants for scarce dollars.

The reality is that, as Clinton said, "the poor children's lobby is a poor match" for other interests that pressure the legislatures. Teachers, road builders, law enforcement people, county and local governments, universities all have more clout. That was demonstrated this year in states from New York to California, where welfare benefits were trimmed to avert deeper cuts in other parts of the budget.

Dole, who is shepherding the welfare bill in the Senate and who would like to challenge Clinton in next year's presidential race, cozied up to the governors by expressing his indignation at Clinton's "race to the bottom" charge. "I wonder which states he thinks would participate in such a race," Dole said. "Which states does he believe cannot be trusted with welfare, education and protection of their people?"

But it is not a question of trust. The political realities of the legislatures are much as Clinton described them. To ignore that reality is to court trouble—not just for the aged and the poor but for the federal system.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANDMINES—A DEADLY THREAT TO AMERICANS ABROAD

Mr. LEAHY. Mr. President, last night, I along with a number of our colleagues in both bodies, Republican and Democrat, those who have responsibility for foreign policy decisions, gathered with the President for nearly a couple of hours to talk about the situation in Bosnia, and whether and under what circumstance American troops might be sent there.

And in the future, when the discussions in Dayton, OH, are over, I will speak more about what I think can be and should be America's role in Bosnia, as the leader of NATO. But during the discussion last night, I could not help but think, whoever goes into the former Yugoslavia, assuming there is a peace agreement and the fighting has stopped, and the tanks are rolled back and the troops withdrawn, there is 1 killer that will remain—actually, not 1 killer, there are over 2 million killers that will remain in the former Yugoslavia. Those are, of course, the landmines that have been put there.

These landmines do not sign peace agreements. The landmines do not withdraw. The landmines do not say, "We have agreed to stop killing." In fact, the landmines do not agree that they will kill and maim only combatants. They will destroy the life of whoever steps on them, civilian or combatant.

I have spoken many times about landmines on the floor of the Senate, and also in the halls of the United Nations where I had the privilege of serving as a delegate from the United States.

The immense human misery that is caused by landmines is finally becoming known. Just last week, on the CBS program "60 Minutes," they showed how Cambodia has become a land of amputees from the millions of landmines that have littered the country. Tim Rieser from my office has been there and seen that, as have many others who have worked with me on the landmine problem.

Each one of those landmines waits silently. It is hidden until some unsuspecting child steps on it, loses a leg or their face or eyes or their life from loss of blood. And people who have come back from Cambodia, like so many of the countries that are strewn with landmines, and have told me that after awhile they become almost inured to walking down the street and seeing men, women, and children with a leg missing or an arm missing or their face horribly scarred and blinded, all from landmines.

We think how terrible it is in these countries, where unlike in our own country where we can walk safely almost anywhere, the people there cannot even go out to the fields to raise crops or to feed their animals, get water, or go to school. Whenever they venture outside they know that any minute could be their last.

But ours is a false sense of security, Mr. President, because landmines also maim and kill Americans, whether those are Americans in combat missions, the brave men and women of our Armed Forces who are sent into combat or on peacekeeping missions, or Americans who are on other missions overseas.

I have spoken many times about my friend Ken Rutherford of Boulder, CO. Two years ago, he lost a leg from a landmine in Somalia where he was working for the International Rescue Committee, a noncombatant on a humanitarian mission. He has undergone at least seven operations to save his other foot that was badly damaged.

Those who were in the Senate hearing room when he testified about the explosion when the landmine blew apart the vehicle he was riding in, remember the image of him sitting there in shock holding his foot in his hand trying to put it back onto his leg—an impossibility, of course—those who were there remember, as did people operating the cameras from networks who stood there with tears running down their faces, witnesses and others who had heard similar horrible stories before, were stunned into silence listening to this man.

Last June, two Americans, one from Long Island, the other from Minnesota, both in the military but on their honeymoon—on their honeymoon—were killed from a landmine in the Sinai Desert on their way to a resort on the Red Sea, even though peace had long since come to the area.

Less than 2 weeks ago, another American fell victim to a landmine in Zaire. Marianne Holtz of Seattle, WA, was working for the American Refugee Committee on the Rwanda border doing the highest of missionary and humanitarian work. She was following, really, the precepts of the Bible, of caring for these, the least fortunate of our brothers. She lost both legs, part of her face and today she is on a respirator in a hospital thousands of miles from home fighting for her life from internal injuries, because the vehicle she was riding in was blown apart by a landmine.

That is not an isolated incident. Four people have died and over 20 were injured in two separate incidents in the past 2 months in Rwanda where landmines blew up a Red Cross ambulance and a truck filled with refugees.

Mr. President, if there were a Red Cross ambulance filled with refugees and humanitarian workers, and a soldier were to fire a weapon at them and blow up that truck, we would say, "What an outrageous thing. Don't they know this is the Red Cross? Don't they know these are noncombatants?" It would be a war crime. But the landmine does not know that, and the landmine exploded and it is just as horrible.

This is happening, Mr. President, every 22 minutes of every day. Somebody in one of the 60 countries infested with mines loses an arm, leg, or is killed.

I have talked about four Americans who are among the tens of thousands of innocent people who have been killed or horribly mutilated by landmines in recent months. They are in addition to the 18 Americans who died from landmines in the Persian Gulf. In fact, a quarter of all the American soldiers who died in the Persian Gulf war died from landmines.

With 100 million landmines in over 60 countries, more Americans will be among their victims. Millions more landmines are being laid each year, and sooner or later, we have to realize whatever the military utility these insidious weapons have, it is time we paid attention to the terrible human suffering it is causing indiscriminately day after day after day. It is time, as civilized nations on this Earth, to join together to end the use of these indiscriminate, inhumane weapons.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized. The Chair advises the Senator from Massachusetts that morning business is set to expire at 12 noon—just to advise the Senator.

PART B MEDICARE PREMIUMS

Mr. KENNEDY. I thank the Chair.

Mr. President, in just a very short period of time, we will address the continuing resolution, and I want to bring the attention of our colleagues to a provision in there which I find objectionable and will either personally offer an amendment or will join with others to address what I consider to be an unacceptable inclusion in the proposal, and that is dealing with the part B Medicare premium.

We have had a debate on the issues of Medicare during earlier consideration, about the unjustified, I believe, cuts in the Medicare system that are being advanced by our Republican colleagues in order to justify the tax breaks for wealthy individuals. And now as a result of the actions that we have taken, we are seeing put into play the first of the results of the actions that have been taken by the Senate and the House. It is being added to this continuing resolution.

I hope that the President will veto the proposal. I join with him in rejecting the attempt to try and blackmail the President of the United States on this continuing resolution into accepting this particular provision, and I would like to outline to the Senate the reasons why I find it so objectionable.

The amendment would strike from the continuing resolution the provision increasing the part B premium by $136 next year, compared to the level provided under the current Medicare law. This proposal is a part of the overall Republican assault on Medicare, does not deserve to be enacted into law and it certainly does not belong on a continuing resolution.

If the Republican program becomes law, it will devastate senior citizens, working families and children in every community in America. It extends an open hand to powerful special interests and gives the back of the hand to hard-working Americans. It makes a mockery of the family values the Republican majority pretends to represent.

The Republican assault on Medicare is a frontal attack on the Nation's elderly. Medicare is part of Social Security. It is a contract between the Government and the people that says, "put into a trust fund during your working years and we will guarantee good health care in your retirement years." It is wrong for the Republicans to break that contract, and it is wrong for Republicans to propose deep cuts in Medicare in excess of anything needed to protect the trust fund, and it is doubly wrong for the Republicans to propose those deep cuts in Medicare in order to pay for tax breaks for the wealthy.

The cuts in Medicare are too harsh and too extreme: $280 billion over the next 7 years, premiums will double, deductibles will double, senior citizens will be squeezed hard to give up their own doctors and HMO's.

The fundamental unfairness of this proposal is plain: Senior citizens' median income is only $17,750; 40 percent have incomes of less than $10,000, and because of the gaps in Medicare, senior citizens already pay too much for the health care they need. Yet, the out-of-pocket costs that seniors must pay for premiums and deductibles will rise by $71 billion over the next 7 years—$71 billion rise over the next 7 years—an average of almost $4,000 for elderly couples.

The Medicare trustees have stated clearly that $89 billion is all that is needed to protect the trust fund for a decade, not $280 billion.

The Democratic alternative provides that amount and will not raise premiums an additional dime, will not raise deductibles a dime. It will give senior citizens real choices, not force them to give up their own doctor.

The Republican Medicare plan also deserves to be rejected because of the lavish giveaways to special interest groups. In the House and Senate proposals, insurance companies got what they wanted—the opportunity to get their hands on Medicare and obtain billions of dollars in profit; the American Medical Association got what it wanted—no reduction in fees to doctors and limits on malpractice awards. The list goes on and on. Clinical labs no longer have to meet Federal standards to guarantee the accuracy of tests. Federal standards to prevent the abuse of patients in nursing homes will be eliminated. Pharmaceutical firms will be given the right to charge higher prices for their drugs.

Because of this unjust Republican plan, millions of elderly Americans will be forced to go without the health care they need. Millions more will have to choose between food on the table or adequate heat in the winter, paying the rent or paying for medical care.

Senior citizens have earned their Medicare benefits. They pay for them and they deserve them. It is bad enough that the Republicans have proposed this unjust plan, and it is worse that they have taken the single largest cost increase for senior citizens, the increase in the Medicare part B premium, and attached it to the continuing resolution.

Cuts in payments to doctors are not included in the continuing resolution. Cuts in payments to hospitals are not included in the continuing resolution. The only Medicare cut that is in this bill is a proposal to impose a new tax on the elderly and disabled.

The Republican strategy is clear: Try to rush through your unacceptable proposals because you know they cannot stand the light of day; try to blackmail the President into signing them, with the threat of shutting down the Government if he does not go along.

The part B premium increase is particularly objectionable because it breaks the national compact with senior citizens over Social Security. Every American should know about it, and every senior citizen should object to it. Medicare is part of Social Security. The Medicare premium is deducted directly from a senior citizens' Social Security check. Every increase in the Medicare premium is a reduction in Social Security benefits.

The Republican plan proposes an increase in the part B premium and a reduction in Social Security, which is unprecedented in size. Premiums are already scheduled to go up, under current law, from $553 a year today, to $730 by the year 2002. Under the Republican plan, according to the Congressional Budget Office, the premium will go up much higher, to $1,068 a year.

The PRESIDING OFFICER. The Chair reminds the Senator that the time for the period of morning business has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed for 5 more minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, under the Republican plan, as I say, and under the existing law, by 2002, it will be $730. It will go up under this proposal to $1,068 a year. As a result, over the life of the Republican plan, all senior citizens will have a minimum of $1,240 more deducted from their Social Security checks. Every elderly couple will pay $2,400 more.

The impact of this program is devastating for moderate and low-income seniors. It is instructive to compare the premium increase next year to the portion of the Republican plan tucked into the continuing resolution to the Social Security cost-of-living increase that maintains the purchasing power of the Social Security check.

One-quarter of all seniors have Social Security benefits of $5,364, which is indicated here on the chart. The COLA for a senior at this benefit level will be $139 next year. The average senior citizen has a Social Security benefit of $7,874 a year. The COLA for someone at this benefit is $205.

But under the Republican plan, the premium, next year, will be $126 higher than under the current law. The average-income seniors will be robbed of almost two-thirds of their COLA. Low-income seniors will be robbed of a whopping 90 percent of their COLA. That is, with the increase of $136, which would be the increase in the premium, they would receive the $139, which leaves them $3 and, essentially, the increase in the premiums of part B that is included in the continuing resolution will take 98 percent out of the Social Security checks of American seniors that are receiving the $5,364.

So the idea that this is somehow separated from Social Security is wrong. For those individuals who try to give assurances to our senior citizens that the increase in the Medicare is leaving Social Security alone is absolutely and fundamentally wrong. If you were receiving the average, which is $7,874 a year, your COLA increase would be $205. With the subtraction of $136, again, which is the increased Republican premium, you would have $69 left. In other words, there is a 66 percent cut in your COLA—a real cut in your quality of life—which is there to address the challenges that seniors face with the increased cost of living. If you are receiving the $10,043 per year, which is the top percentile of the seniors, you get an average of $261. They will have $125 left, and it is taking half of all of their increase—their protections under Social Security.

So the Republicans' attack on Medicare will make life harder, sicker, and shorter for millions of elderly Americans, who built this country and made it great. They deserve better from Congress. This cruel and unjust Republican plan to turn the Medicare trust fund into a slush fund for tax breaks for the wealthy deserves to be defeated.

Mr. President, I think we have outlined what I consider to be the most objectionable features of the add-ons that have been included in the continuing resolution. There are other provisions which I find objectionable. But every senior ought to know what is happening to their Medicare next year under the Republican proposal—an alleged continuing resolution, to ensure that the existing basic structure of our system of Government and our support for existing programs, so many of which our seniors depend upon, the extension of that—the Republicans have added on the increases in the part B premiums, which is going to, if enacted, have an absolutely devastating impact not just on the Medicare, but on the Social Security system.

This demonstrates how this kind of proposal of the Republicans, under the continuing resolution, which historically has never been used for a sleight of hand maneuver—which this is—to try and jam this unjustified, unwarranted and, I find, dangerous proposal to the health and well-being of our seniors, and certainly to their security, through the Senate on a Thursday afternoon prior to the Veterans Day weekend is completely unacceptable. It is wrong and unfair. When you look at why this is being done—not to preserve the basic integrity of the Medicare system, but we are adding these kinds of burdens on the seniors of our country in order to have tax breaks for the wealthiest individuals. This is not necessary. This is not right. It is wrong to take out of the pockets of our seniors this kind of protection, which the COLA provides, in order to provide tax breaks for wealthy individuals and the corporations of this country.

We know this sleight-of-hand effort by the Republicans to do this, they feel they have to do it in order to comply with the other provisions of their budget. It is unjustified and unwise.

The President has identified this as an unacceptable provision. The American people ought to understand the attempts to tinker with Social Security. This effectively reaches the basic issue of Social Security; that is, whether the cost of living, which reflects the increased cost of food and medicines and heat and shelter for our senior citizens, will effectively be emasculated.

It is particularly unfair to the neediest people on Social Security. Those that are in the lowest level of Social Security effectively are having all of their COLA wiped out. It is wrong and unfair. It is unjustified.

It is a prime reason why this sleight-of-hand maneuver by our Republican friends should be rejected by the President. He was right to identify it, and I hope it will be vetoed.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. GREGG. I wish to respond to the Senator from Massachusetts.

I find it a bit disingenuous that Members of the other party would come to this floor and state that it is robbing senior citizens, inappropriately treating senior citizens, for us as Republicans to be putting forward proposals which essentially assure the solvency of the Medicare trust fund, the purpose of which is to supply health insurance for our senior citizens, when no proposal—no proposal—has come from the other side of the aisle or from the President.

Furthermore, to state that allowing the percentage of premium that is paid by seniors to drop from 31.5 percent, which it is today and which it has been for a while, back to 25 percent is an action of good will or a gesture of kindness or gratitude or appropriateness that we should pursue as a nation on behalf of our senior citizens, is to ignore who pays the difference.

Under the present law for the part B premium, seniors' children, their grandchildren who are working—most seniors have children and grandchildren who are working—support 69 percent, approximately, of the cost of their seniors' health insurance. So if you happen to be a working American today and you have parents who are on Medicare, or an uncle or grandfather who is on Medicare, or just a friend who is a senior citizen who is on Medicare, you are paying as a working American 69 percent of the cost of that individual's health insurance.

We have, as a society, said that is reasonable, that is fair. We, the working generation, are willing to do that. I am happy to do it. My taxes go to support that.

If we reduce that percentage from 31.5 percent—which seniors pay; so they pay a third of the cost, and working Americans, their children, and grandchildren, are paying two-thirds of the cost—if we reduce that to 25 percent, which is the proposal of the President or the course which the President wishes to pursue and which the Senator from Massachusetts has so aggressively spoken here in behalf of, then what you are doing is you are essentially raising the taxes of working Americans of the children and the grandchildren of those seniors by an incredible amount of dollars—hundreds of millions of dollars. You are increasing the taxes on working Americans and increasing the obligation, the subsidy of working Americans, which goes to support seniors.

Now, I think the split of two-thirds/one-third—actually it is more than that—70 percent, approximately, 69 percent/30 percent is a pretty good effort made by working Americans, children of seniors and grandchildren of seniors to support the senior citizen population in this country.

I think most seniors would understand and recognize that the fact they are asked to pay 30 percent of the cost of their health insurance is a reasonable request. To reduce that to 25 percent is to skew the process to mean that their children and their grandchildren, who are trying to raise their families in these sometimes difficult economic times, who are trying to help their children go to school, who are trying to, maybe, buy their first home, maybe just make ends meet, to say we are going to raise the taxes on those people in order to further dramatically skew the process and subsidize the senior citizen population at an even higher level for their part B premium seems to me to be the height of pandering to one interest at the expense of another interest. Intergenerational pandering is what it amounts to, or extragenerational pandering.

The fact is, the differential between or the difference, the support that is now being paid by children and grandchildren of seniors, working children and grandchildren of seniors, of 69 percent of the cost of that seniors' health care insurance is a fair amount. To increase the tax on working Americans by another 6½ percent, which is what is being suggested in this proposal, is not fair.

Then there is the other issue here. We have heard a large amount of crocodile tears from the other side of the aisle about how the Republicans are helping the wealthy at the expense of the poor in our tax cuts. Of course, you might note—which is never noted by the other side of the aisle—that the President raised taxes by about $240 billion and said it was too much of a tax increase just a few weeks ago. He raised taxes by $240 billion when he said he would not increase taxes during the first term in office, over a 5-year period, and we are cutting taxes by $240 billion approximately over a 7-year period.

We are basically at a wash. We are getting back to the point that the President appears to want to be at now when he said he raised taxes, too. We are trying to correct that, getting taxes back to where they were when he came to office.

Independent of that we hear—the crocodile tears about it being horrible what is being done here to the poor and moderate income Americans by the Republican tax cut, and helping the wealthy—first, it is factually inaccurate. The tax cut that we are proposing, 70 percent of it flows to people, families with incomes under $75,000, and 90 percent of it flows to people with incomes under $100,000, and people with incomes up to $70,000 are not wealthy in this society.

More significantly, something that is conveniently ignored by the other side in the area of Medicare legislation and which the President appears ready to veto is the fact we are saying to the wealthy Americans who are seniors, "Hey, you have to stop being subsidized by your working children and grandchildren." We do not think it is right that a working child and grandchild who is trying to raise a family should have to pay 69 percent of the cost of the insurance of the fellow who just retired from IBM last year and is making hundreds of thousands of dollars maybe—tens of thousands, anyway—in pension benefits.

It is not fair that a person who is working 40, 50, 60 hours a week trying to make ends meet on a computer assembly line in New Hampshire or at a farm in the Midwest or at some other activity—garage or a restaurant—that an individual, family, a husband and wife, working their hearts out trying to make ends meet should have to subsidize the top 100 people who retired from General Motors or Ford last year, whose incomes on pensions exceed the earnings of the people who are paying the taxes to subsidize their health benefits. It is just not right.

So, in the Republican plan, we say if you have more than $50,000 of individual income or as a husband and wife you have more than $75,000 of income, you have to start paying a higher percentage of the cost of your part B premium. Instead of being subsidized at 69 percent by the working Americans in this country, you are going to have to start to pay more. And if your income exceeds $100,000 as an individual or $150,000 as a husband and wife, then you have to pay the full cost of your part B premium. That is good policy. That is exactly what we should be doing. We should be making this more fair.

So, let us have a little integrity in the process here as we debate this issue. Let us note that, when the President says he wants to reduce the amount of the premium that seniors are paying, when he wants that 31 percent to go down to 25 percent, that is a tax increase on the people who pick up the difference, the people who pick up the cost for that tax cut to seniors. It is a tax increase on working children and grandchildren. Mr. President, 70 percent today, or 69 percent, of senior's premiums today are already subsidized and we have accepted that as a fair number. But to go to 75 percent, as the President wants, means you are going to raise the taxes on working Americans, the children and grandchildren of those seniors, by at least 6.5 percent, under the President's proposal. That is not right and it is not fair.

Let us remember also that wealthy Americans today are subsidized by working Americans who cannot afford it. It is time to change that and that is what the Republican proposal does.

As we continue this debate I think a little forthrightness on the facts would help the process.

I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All Senators should be notified that the period for morning business has concluded, but the request of the Senator is in order. The Senator from Massachusetts is recognized.

THE INTEGRITY OF MEDICARE

Mr. KENNEDY. Mr. President, my good friend and colleague from New Hampshire has basically not responded to the central thrust of our amendment, and that is the cuts which are being proposed by the Republican program, according to CBO, means that there will be $50 billion in premium increases and $24 billion in increases in deductibles. We are also talking about $245 billion in tax breaks for the wealthy individuals.

He failed to explain the connection, but the connection is there for everyone to see. The Democrats offered, under the leadership of TOM DASCHLE, the proposal which would guarantee the financial integrity of the Medicare system without a single dime increase for the premiums for those under Medicare and Social Security; not a single dime. Every Democrat voted for that and only one Republican voted for it. Every other Republican voted against it. It would have preserved the integrity of the Medicare system for the next 10 years.

But, nonetheless, the Republicans wanted to move the burden over to the payment of senior citizens, to collect the $50 billion—$51 billion, according to CBO. It is right there in the chart, $51 billion. It says, "Increase in the premiums, $51 billion." It is there under your proposal. It is not there under ours. What is under yours is the tax breaks for wealthy individuals that is going right along with this proposal. That is the justification and the reason for this kind of cut. We can maintain the integrity of the Medicare system without having these kinds of increases. The only reason you need these kinds of increases is to have a tax cut.

So the American people have to say why should the major tax cut, that is being proposed by the Republicans, go to the wealthy individuals and corporations, and the premium increases are coming out of people who are going to rely on $5,300 or $7,800 or, at the top, $10,000 a year to survive?

So this, the increase in premiums for our seniors over this period of time, is $12,400 more in premiums over the 7 years. That is what the seniors are going to pay under the Republican proposal.

You can complain all you like about what your proposal is going to do, but you cannot argue with the CBO figures. If you have something better on it, then address it. And that kind of wholesale increase, tax increase, the wiping out of the COLA's, the increasing of the premiums and the deductibles by that amount in order to justify a tax break is something that I find is absolutely unacceptable, and I think most Americans find unacceptable. Certainly the seniors would find that unacceptable.

To do it on a continuing resolution at this time without full discussion and debate, I think, is unjustified and unwarranted and unfair.

I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I ask unanimous consent to speak as in morning business for a period of time not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

IMAGE-ENHANCING EFFORT AT DOE

Mr. BRYAN. Mr. President, those of us in public life are accustomed to being surprised as the morning newspaper is delivered to us each day to find extraordinary examples of bureaucratic abuse, waste, and misuse of the taxpayers' dollars. I must say, this morning the level of my outrage at this most recent abuse, which I will comment on in just a moment, has been unsurpassed in my recent memory.

As the Wall Street Journal reports this morning, the Secretary of the Department of Energy, Mrs. O'Leary, has hired an investigative service at taxpayers' expense in the amount of $43,500.

This is not a clipping service. All of us are familiar with clipping services. I think they have a legitimate purpose in ascertaining what types of information may be being printed, broadcast, as the case may be, about the functions of an agency. But this is an image-enhancing effort in which the Secretary has engaged, again at taxpayers' expense, to the amount of $43,500, an investigative service. This outfit is known as "Carma International." They were charged with not only clipping stories but doing some investigative reporting, both as to the reporters themselves and the stories. I think, if I might just share a paragraph or two very briefly with my colleagues, the flavor of this story will be very clear.

> From April through August, the service, Washington-based Carma International, tracked more than two dozen individual reporters and hundreds of newspapers, magazines and newscasts. It also pored over thousands of stories, giving each one a numerical ranking based upon how favorable or unfavorable it was. It then calculated scores for how favorably or unfavorably the DOE fared on various issues, from nuclear waste to Mrs. O'Leary's own reputation. And it scrutinized sources quoted in those stories.

Then, Mr. President, it went on to compile a "Top 25" list of "Unfavorable Sources."

I must say, in a previous generation, this has a striking similarity in terms of the mentality involved of the Nixon "Enemies List." This is not an attempt to gather information or ascertain what has been reported. This is a subjective analysis of "look how the reporters from a particular news service or news organization are treating us."

For this kind of money to be expended at taxpayers' expense is simply outrageous. I cannot conceive of a rationale or a justification to spend this kind of money.

So I am going to ask in a moment this article be printed in the Record, but also indicate it is my intention to call upon the Secretary to reimburse the American taxpayers at her own expense for what I believe to be a truly outrageous expenditure of taxpayers' dollars, without any public use or justification at all, primarily driven, I suspect, by the ego of the individual involved and by a paranoia that seems rampant at some levels in the agency.

Mr. President, I ask unanimous consent the article from the Wall Street Journal of this morning be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

TURNING THE TABLES, ENERGY DEPARTMENT REPORTS ON REPORTERS

IT PAID $43,500 IN TAX DOLLARS TO FIND "UNFAVORABLES," "A LITTLE BIT OF NIXON"

(By Michael Moss)

Energy Secretary Hazel O'Leary had an image problem. Her department seemed to be taking a drubbing in the press for everything from nuclear waste-disposal problems to its allegedly bloated bureaucracy.

Mrs. O'Leary wanted those unfortunate stories to go away. Badly. So she hit on a plan: She would "build communication and trust," explains Barbara Semedo, the Department of Energy's press secretary.

And just how did she plan to build that trust?

By reporting on the reporters.

In an extraordinary tale of man-bites-dog, Mrs. O'Leary quietly hired an investigative service to poke into the reporters who were poking around the DOE. From April through August, the service, Washington-based Carma International, tracked more than two dozen individual reporters and hundreds of newspapers, magazines and newscasts. It also pored over thousands of stories, giving each one a numerical ranking based on how favorable or unfavorable it was. It then calculated scores for how favorably or unfavorably the DOE fared on various issues, from nuclear waste to Mrs. O'Leary's own reputation. And it scrutinized sources quoted in those stories, coming up with its own "Top 25" list of "Unfavorable Sources."

The result: detailed monthly reports, chock full of colorful graphics and charts, with each report culminating in favorability rankings for reporters, sources and news organizations. All for $43,500—paid for with U.S. tax dollars.

The DOE's Ms. Semedo defends the investigations, saying a reporter's unfavorable rating "meant we weren't getting our message across, that we needed to work on this person a little."

Some of the journalists and sources who were scrutinized aren't so sanguine. None knew about the existence of the lists before being contacted by this newspaper yesterday. It's "an enemies' list," says Jerry Taylor of the Cato Institute, a libertarian think tank, who ranked No. 25 on the July list of unfavorables. "I guess it shows you there's a little bit of Nixon in everybody in the federal government."

BOTTOMING OUT

Carma is part of a small but growing cottage industry of firms that analyze reporters—and reporters' sources. Government agencies and corporations have long used clip searches, which find articles about them or about issues in which they are interested. But these new services go much further, coming up with pseudo-scientific methodology to rate reporters. Some of the services, not including Carma, also delve much deeper. They interview reporters' sources, their employers and their friends and colleagues, and report on information about the reporters' personal lives and activities outside of work.

The DOE provided copies of reports for two months, April and July, which make clear which reporters and news organizations were considered friendly—and which weren't. Its July report, for example, ranked the Associated Press's H. Josef Hebert dead last, with a 30.8 overall score. That month, he wrote an article that said "sloppy" Energy Department monitoring at weapons facilities led to radiation exposure, and another about victims of secret government-radiation tests during the Cold War.

If a reporter gets "too good a rating, you aren't doing your job," Mr. Hebert said yesterday. Also scoring relatively low in July was Matthew Wald of the New York Times, who received a 46.7 for stories on plutonium storage. (The Wall Street Journal didn't appear in the reports.)

At the other end of the spectrum were several reporters for smaller newspapers, including Tony Batt of the Las Vegas Review-Journal, who got a 56 in the July report. "I've never been rated before, especially by a government agency," says Mr. Batt, who works in the paper's Washington bureau. "I'm uneasy about that."

"SLANTED" STORIES

DOE resorted to this latest tactic after a 1993 survey it commissioned found it to be one of the least-trusted entities around—right "down with Congress," Ms. Semedo marvels. At first, the department thought it would monitor the press itself, at an estimated cost of about $80,000, she says. Then DOE officials heard about Carma, which also had done work for the Internal Revenue Service and the U.S. Postal Service.

Carma, which stands for Computer-Aided Research and Media Analysis, warns in brochures that "stories are sometimes 'slanted.'" It boasts that if a reporter seeks an interview with a CEO, Carma can find "if a predetermined bias has shown up in past coverage," thus giving the CEO "a strategic advantage."

For DOE, Carma went through a rather complex process to evaluate reporters and stories. Carma employees—generally former academics or people with journalism backgrounds—scrutinized close to 800 articles some months, paying close attention to captions, photos and headlines, says Albert J. Barr, president. Each employee also was armed with a list of 55 issues DOE had identified, from energy taxes to worker safety. For every article, the employee singled out which issues were discussed and assigned a score of 0 to 100 to each issue mentioned, with 50 signaling a neutral comment and 100 an extremely favorable one.

Using the individual scores of every issue in a single article, Carma employees worked out an overall score for the article. That score was then fed into a computer, which calculated a cumulative rating for the reporter involved and for each of the issues mentioned.

SURPRISE: NO SURPRISES

And with all that scientific scrutiny, what bombshells did DOE uncover?

Well, actually, none. "It confirmed what those of us who work with these reporters daily know—who is going to write what and how are they going to cover us," Ms. Semedo says.

Indeed, Carma's "Top 25" lists of favorable and unfavorable sources hardly required sophisticated analysis. Topping the April list of "Favorable" sources: Mrs. O'Leary herself. And leading the pack of "Unfavorables": Sen. Robert Dole, a longtime critic of the agency who has suggested it should be dismantled. Also making appearances on the "Unfavorable" list were such obvious choices as Beatrice Brailsford, program director of Snake River Alliance, a watchdog group created in response to an Idaho DOE project; and civil-rights attorney Roy Haber, who is representing people suing over exposure to radiation beginning in 1944.

"This is wild, it's absolutely wild," Mr. Haber said yesterday, calling the list "disturbing" and "frightening." He added, "This will be investigated in great depth, and we're going to find out the genesis of who promulgated that list."

At this point, he may no longer have to worry. If the reports are any judge, the DOE's reputation only got worse during the time Carma monitored the press, with its overall favorability steadily dropping from 52 in January to 50, or neutral, in July. Certainly, the DOE wasn't helped by its admission that cleanup of former weapons-production sites could cost at least $230 billion, or by press reports sniping about Mrs. O'Leary flying first class and patronizing expensive hotels.

Ms. Semedo, who in an earlier interview said Carma had been dropped for budgetary reasons, said yesterday, "It wasn't particularly useful, and we stopped the service." Anyway, she added, Secretary O'Leary only read a few of the reports: "She found it too complicated."

Mr. BRYAN. I thank the Chair and yield the floor.

If there is no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I permitted to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING KRISTALLNACHT

Mr. HATCH. Mr. President, tonight is the 57th anniversary of a horrible event. In Germany, 57 years ago this evening, it was "the night of broken glass"—Kristallnacht—when throughout Nazi Germany, Jews were killed and Jewish cultural and business sites were destroyed in an organized campaign by the Nazi state.

In a little under 2 days, many Jews were murdered, and 30,000 were arrested by the Nazi authorities, sent to swell the growing populations of Dachau, Buchenwald, and the other camps already built. On the night of Kristallnacht, over 1,000 synagogues were destroyed, and their sacred texts were burned and defiled. Jewish businesses around the country were sacked. Cemeteries were desecrated. Homes were burned. The police and fire departments were instructed not to intervene.

Kristallnacht marked an escalation in kind of the Nazi persecution. It came barely 6 weeks after the infamous Munich conference, which produced the chilling declaration of peace in our time. After Kristallnacht, the world could no longer ignore the behavior of this evil regime. President Franklin D. Roosevelt said, 5 days later:

> The news of the past few days in Germany has deeply shocked public opinion in the United States * * * I, myself, could scarcely believe that such things could occur in 20th century civilization.

But within a week of Kristallnacht, Jews were banned from the German school system. Within a month, Jews were being banned from public places.

The Holocaust, as it would come to be known, was fully underway. Within less than a decade, this conflagration of historic proportions would result in the systematic murders of 6 million European Jews.

While it represented the nadir of anti-Semitism in our modern age, the destruction spawned by the Nazis' racial hatred consumed many more millions of others, including Poles, Gypsies, Jehovah's Witnesses, homosexuals, and persons with physical and mental disabilities.

Mr. President, 57 years after Kristallnacht, we are fortunate to still have survivors of the Holocaust among us. There are still some neighborhoods in this country where, tonight, survivors and their families commemorate the night of broken glass by burning candles in the windows. These flames are in memory of those who suffered the Holocaust. These flickers in the windows are the testaments of the survivors.

Mr. President, I worry about the memory of the Holocaust when the survivors will no longer be here. With each passing year, we have fewer survivors among us.

Mr. President, as the decades have passed from the dark era of the Holocaust, I have been greatly troubled by the increase in pronouncements by those who willfully disbelieve the existence of the Holocaust. These "Holocaust deniers," as they have come to be known, present us with a troubling specter. They threaten our collective memory with lies, distortions, and half-truths to challenge the reality of the Holocaust.

One of America's preeminent scholars of this phenomenon, Dr. Deborah Lipstadt of Emory University, has written:

> While Holocaust denial is not a new phenomenon, it has increased in scope and intensity since the mid-1970's. It is important to understand that deniers do not work in a vacuum. Part of their success can be traced to an intellectual climate that has made its mark in the scholarly world during the past two decades. The deniers are plying their trade at a time when much of history seems up for grabs and attacks on the Western rationalist tradition have become commonplace.

Sadly, this erosion in the intellectual climate has infected our popular culture. Today, in addition to the pseudo-scholarly venues the Holocaust deniers have created, they have managed to present their injurious views on high school campuses, in the media, and, in a few cases, in the political process.

Mr. President, we are fortunate, for many reasons, that we live in a free and democratic society, and one of those reasons is that freedom preserves the ability of the scholar to study historical truth. An open society such as ours allows the student of history to apply methods of historical scrutiny and verification without bias or distortion, and thus to openly determine historical fact.

I must stress, Mr. President, that the same principles of an open and democratic society also allow for the holding of unpopular opinions, however factually incorrect or hurtful to others. A free society must protect the opinions of all, Mr. President, and that includes the contrarians and solipsists. If you choose to believe the Earth is flat, that is your right in this society.

Our freedom of expression is wide, but falsehoods must be answered with the truth. Denying the Holocaust is absurd.

Holocaust denial may be animated by ignorance and solipsism, but we cannot avoid the fact that it is often motivated by anti-Semitism and hatred. We must recognize that many of those who promote Holocaust denial do so not out of an innocent but willful ignorance, but do so to promote political agendas, anti-Semitism and hatred.

We must deplore, in the words of the scholar Kenneth Stern "anti-Semitism masquerading as objective scholarly inquiry."

That is why I am introducing this resolution today, along with several of my colleagues, which "deplores persistent, ongoing and malicious efforts by some persons of this country and abroad to deny the historical reality of the Holocaust." This resolution also praises the U.S. Holocaust Memorial Museum for its essential work in honoring the memory of all the victims of the Holocaust, and teaching "all who are willing to learn profoundly compelling and universally resonant moral lessons."

Mr. President, as the last generation of Holocaust survivors fades from our midst, we are left with a chasm, a generational divide between the primary witnesses and the rest of us, who must carry their witness. Into that chasm the Holocaust deniers may throw their malicious lies.

It is our responsibility that we close that chasm with a dedication to promoting scholarship about the Holocaust. We must cultivate the history of the Holocaust in order to preserve our memory and to reinforce the lessons we learn from such horrors. We must strengthen our younger generation's weakening grasp on history.

A free and democratic society must be supported by an informed populace. And an informed populace requires a knowledge of history. As individuals with amnesia suffer degrees of disorientation, a society separated from history is bereft of its shared experience with the world.

Mr. President, we must recognize the crucial role played by education in preserving the memory of the Holocaust. In 1980, the U.S. Congress assumed this responsibility when we chartered the U.S. Holocaust Memorial Museum. Since its opening in 1993, the Museum has played a signal role in teaching the history of the Holocaust.

So powerful has the museum's message been that in it has been operating beyond capacity since its opening. Of the more than 2 million visitors each year, 80 percent have traveled more than 100 miles to visit this awesome place. As of today, 5.3 million have visited this remarkable institution, a number four times greater than expected.

People come to witness and to learn. More than 11,000 scholars and university students, more than 700 members of the media and museum community, and more than 14,500 survivors have used the museum's research institute. Through its connections to the information superhighway, 50,000 inquiries come every week. Requests for teaching materials have come from every State in our Nation. Over 400,000 students from around the country came in school groups this year.

Mr. President, the success of the Museum demonstrates our country's interest in studying the Holocaust. It is most reassuring to note, indeed, that the desire to learn the moral lessons of the Holocaust dwarf the messages of hate perpetuated by the Holocaust deniers.

Mr. President, I wish to close with two more quotes. Again from Professor Lipstadt:

> Holocaust denial . . . is not an assault on the history of one particular group. Though denial of the Holocaust may be an attack on the history of the annihilation of the Jews, at its core it poses a threat to all who believe that knowledge and memory are among the keystones of our civilization. Just as the Holocaust was not a tragedy of the Jews but a tragedy of civilization in which the victims were Jews, so too denial of the Holocaust is not a threat just to Jewish history but a threat to all who believe in the ultimate power of reason. It repudiates reasoned discussion the way the Holocaust repudiated civilized values. It is undeniably a form of anti-Semitism, and such it constitutes an attack on the most basic values of a reasoned society. Like any form of prejudice, it is irrational animus that cannot be countered with normal forces of investigation, argument, and debate.

And now, from an article by the current executive director of the Holocaust Memorial Museum, Dr. Walter Reich, who wrote a few years ago:

> The devastating truth about the Holocaust is that it was a fact, not a dream. And the devastating truth about the Holocaust deniers is that they will go on using whatever falsehoods they can muster, and taking advantage of whatever vulnerabilities in an audience they can find, to argue, with skill and evil intent, that the Holocaust never happened. By being vigilant to these arguments we can all fight this second murder of the Jews—fight it, and weep not only for the victims' mortality but also for the fragility, and mortality, of memory.

Mr. President, we are nearing the end of a bloody century, littered with so many man-made catastrophes that it invites a numbing relativism. Today, on "the night of broken glass," let the legacy of the victims strengthen our memories and sharpen our consciences to remain ever vigilant to the profoundly compelling and universally resonant moral lessons of the Holocaust.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we have been trying to reach an agreement the last couple of hours on the continuing resolution. We have not been able to do that, so I think since it may take some time and some debate—if we could get consent to go to the so-called CR—we should start as quickly as we can, because in addition to disposal of this legislation today we need to dispose of the debt ceiling extension, which will not arrive from the House until 5 o'clock.

It is my hope we could complete action on both of those. There will probably be, hopefully, not many amendments, but an amendment or two, and we have to get it back to the House yet this evening or be here tomorrow, notwithstanding the fact that it is a Federal holiday.

I hope we could have everyone's cooperation and that we can move very quickly on the continuing resolution, and then be in a position when the debt ceiling extension arrives to move quickly on that.

The President has indicated he will veto both the continuing resolution and the debt extension, which I hope is not the case because we would have very little time to act on Monday to prevent a shutdown of the Government. I hope the President would understand that and accept these very modest proposals.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the continuing resolution, House Joint Resolution 115, just received from the House.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

> A Joint Resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL EDUCATION GOALS REPORT

Mr. BINGAMAN. Mr. President, I wanted to call to the attention of the Senate today the release of the fifth annual national education goals report, which was released earlier this morning by a group, a bipartisan group of Governors, myself, and several State legislators who are members of this national education goals panel.

The panel is presently chaired by Governor Bayh of Indiana, and soon it will be chaired by Governor Engler of Michigan. Governor Engler was there this morning, as were Gov. Christine Todd Whitman from New Jersey and Governor Romer from Colorado, who was the first chairman of this panel, and various others of us.

I wanted to just briefly summarize what was found in that national education goals panel report, because I do think it is important. This is the midpoint between 1990 and the turn of the century. As people will recall, in 1989, President Bush met with 50 Governors in Charlottesville, VA, to set out national education goals for the country to pursue between the year 1989 and the year 2000. Those goals were agreed upon. I think they are good goals for the country. And we began the process.

Part of what was agreed to there was that we not only had to have goals, but also had to have some standards, and we had to have a way of assessing progress, to determine whether or not the country was moving in the right direction or moving in the wrong direction. The report today says that we are moving in the right direction but at a very, very slow pace. In some States the pace is very much slower than in others. It also makes the point, strongly, that we do not have enough data to understand what is happening to the extent we would like to.

There is good news in the report. There is also bad news in the report. Let me just summarize a little bit of the good news first.

The report shows that during the period 1990 through 1992, and unfortunately we only have statistics now through 1992, but during that period math achievement at grades 4 and 8 in the United States did improve. It went up fairly significantly, I would point out. It did not do near as well in some States as it did in others. Where the national average went from 20 to 25 percent, that is 25 percent of the students who were tested measured up as being proficient in math in the eighth grade in 1992, in my home State of New Mexico, unfortunately, the figure was 14 percent. So we have a ways to go, not just in my State but throughout the country.

The same basic questions and same basic testing and proficiency measurements were used internationally as well as in this country. Where we have set a goal, and the President and Governors set a goal of being first in the world in math and science achievement by the year 2000, this set of statistics we released today shows that in fact we are substantially behind Taiwan, which is at 41 percent on this same graph. So though there is progress to report, it is not enough progress.

Another item of progress that should be noted is that students took more of the challenging advanced placement tests in basic academic subjects—in English and math and science and history. That also is good news.

We also are able to report that, among adults, more adults took adult education classes throughout this country in 1992. A significantly larger number took adult education classes than they did in 1990. Again, that is good information and good news.

The bad news, unfortunately, is in the report as well. That is what the report's purpose is. It is to point out where we are making progress and where we are not. Unfortunately, high school graduation rates have remained at about 86 percent. That is not a change. That is not improvement. We need to make improvement in that area.

Reading achievement at grades 4 and 8 have remained about the same. Again, that is not good news.

There is a large gap that continues, between minority and white students as far as college enrollment and completion of college. Again, that large gap is not good news.

In my home State of New Mexico, as I indicated, we have not done as well as the national average in some important respects, particularly in the math criteria, but also in the reading. I think other States can also learn from this data that was released today, where they need to make progress.

The bottom line is that the work of improving educational performance in this country needs to continue. We are part way through the 10 years. We are not all the way. We have a great distance to go.

I would point out one important fact. That is, the greatest progress that is shown in all of this data is in the area of math achievement, and that is the only area where we have general agreement on the standards that we are striving to achieve. The credit for that goes to the National Council of Teachers of Mathematics. They came up with their own set of standards, which they have promulgated throughout the country and urged math teachers to adopt. Many teachers have. Many school districts have. Many States have. And I think progress in math performance is improving. Performance in math is improving to a significant extent because we have focused on that area and we have concentrated on how to, in fact, define what we want to accomplish and go about accomplishing it.

So I wanted to make the point that this effort continues. It is a bipartisan effort. I think it is a very important effort.

I know we get caught up in all kinds of political battles here in the Congress. In my opinion, this is one subject and one issue that ought to be above politics. Both Democrats and Republicans should, I believe, renew our commitment to improving education in this country. I think the Congress has a role in that, which of course we have debated. The States have the primary responsibility. I do not think anybody would argue with that. Of course, local school districts, local schools, teachers, principals, parents, and students have the ultimate responsibility.

I appreciate the chance to bring these issues to the attention of my colleagues and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

The Senate continued with the consideration of the joint resolution.

Mr. KERREY. Mr. President, I ask the Chair, are we now on the continuing resolution?

The PRESIDING OFFICER. That is correct.

Mr. KERREY. Mr. President, there is a provision in this continuing resolution—indeed, there are many provisions in it. But there is one in particular that deals with lobbying.

Just on the face of it—I know other Senators are concerned about it; I know the Senator from Colorado was prepared to move to strike this provision—I believe it should be stricken.

Let me make, first and foremost, this point about the appropriateness of having lobbying reform on the continuing resolution. I just think it is totally inappropriate. This Congress cannot function with 70 Members of the House basically writing a letter threatening that they are not going to support the continuing resolution if it does not contain this provision.

I have an interest in impact aid. I have an interest in things relating to agriculture—things that are not likely to pass this year. I suspect that I could probably round up 15 or 20 people or so who would say, send a letter to Leader DOLE and Leader DASCHLE saying that, if this is not included, we are not going to vote for it.

I know these new Members of the Congress get quite enthusiastic about saying they have a mandate to do everything that comes to mind. But this lobbying reform provision was not in the Contract With America. It is not in any contract that I have seen. I appreciate their enthusiasm for change. But this provision—a lobbying provision changing our lobbying laws—does not belong on this bill. Indeed, I find it rather odd that the House has not taken up the lobbying reform legislation that this body has addressed already. We debated it as a freestanding bill. Those who are enthusiastic about lobbying reform did not just write a letter insisting that lobbying reform provisions be included in the continuing resolution.

I see with regret that the Speaker, the majority leader, and the President are now at loggerheads saying maybe the Government is going to be shut down on Tuesday because we cannot get a continuing resolution passed. It is tough to pass a continuing resolution, even one that is clean, even one that has some provisions that connect to the budget. I can stretch and understand that.

But when we have provisions relating to lobbying, I just think we have to take a stand on this side and say to the House that we passed lobbying reform on this side. We brought it up on the calendar. We had a lengthy debate about it. We changed the law. We propose to change the law relating to lobbying. The House should take it up over there; take up lobbying reform. If you want to add this amendment to lobbying reform legislation, do so.

I think it is a bad change. I would like to have the opportunity—if they pass that over there, go to conference on the bill and it comes back over in that fashion, I would argue against it.

But I think that Republicans and Democrats here, if this body is going to function, are going to have to take a stand against 60 or 70 Members of the House who are constantly saying, "Do it our way or we are going to shut the place down."

Mr. President, we all understand, for example, the rules of the Senate allow us to come down and expel large volumes of air and tie things up with repeated debate. With all kinds of conversation, we could slow this thing down, shut it down, and get nothing done, if that is what we choose to do.

I think the Senate, in this particular case, needs to take a stand. I know the Senator from Wyoming, in fact, feels strongly about this. When we took up the Treasury-Postal appropriations bill, I joined with him and allowed an amendment to be accepted. But in the Treasury-Postal conference, again we find ourselves faced with a threat. We find ourselves faced with a single individual who says in the conference committee, "I do not care what happens to Treasury-Postal. I do not mind shutting the Government down. I insist that I get this provision accepted and changed into law."

Mr. President, again, I do not mind sitting down here and fighting the battle over something important. But nobody is calling me from home proposing this thing. This does not come from the grassroots. This came from a couple of people who had an idea that somehow we are increasingly calling upon 501(c)(3) organizations to help us. But I suspect every Member of this body has gotten up and talked about the kind of partnerships that we need to make our Government more efficient and effective, and we have called upon nongovernment organizations to participate in the process.

What are we doing here with this language? We are saying essentially that we are going to regulate you? After we have asked you to help, after we have said to the Red Cross, "We would like to have you help us with disaster programs," after we say to the YMCA and the YWCA, "We would like to have you help us with our violence against families efforts at the local level with the State taxpayer money," then we say, "Oh, by the way, do you make any effort to influence Congress? If you do, we are going to restrict you."

That is what Mr. ISTOOK and Mr. MCINTOSH are saying. They are unwilling to pass lobbying reform over in the House and restrict the real lobbyists that hang out here all day long. They will go after the 501(c)(3)'s because in some cases they do not like the agenda. If push comes to shove in the House, they will make an exception. We will exempt out veterans organizations. As I understand it, there may be an attempt over here to say let us take care of the Catholic Church and exempt them as well.

I say to Mr. ISTOOK and Mr. MCINTOSH that, if your principle is sound, if you really believe your own words, that we are subsidizing lobbyists, we are not. And, by the way, this legislation addresses private money, not public money. This legislation put in place extensive regulation. 501(c)(3)'s would have to prove they are in compliance. Speaker after speaker last night went down and said there are lots of organizations that are not affected. We exempted them all. Take care what you vote for around here because you may find yourself creating a problem that you did not realize you were going to create, and that is precisely what would happen with the House language.

With the House language, you may say you are exempting these organizations, but they have to prove they are in compliance. They have to show the Federal Government that they are doing the right thing. We are now saying to these organizations that we have asked to help that now you have to prove you are in compliance, and you have to keep your records for 5 years.

Again, this particular amendment is offered by individuals who repeatedly go to the floor and talk about excessive regulation and the need to reduce the cost of bureaucracy, to reduce the cost of paperwork. We asked in conference, What about the paperwork? What about the bureaucracy? There was stony silence. "We do not think it is going to be that big of a problem." We hear that a lot when somebody is proposing a new regulation. "It is not going to be that big of a problem." The answer is they have not really thought it through. They are trying to restrict the activities of organizations that have come to Washington and are asking that the budget be shaped a certain way, that the appropriations be shaped. They do not like these requests.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. KERREY. I am pleased to yield.

Mr. HATFIELD. The Senator knows where my position is on this particular issue.

I would like to merely say that the managers of the bill have not been able to make their opening statements at this point because a Democratic Senator arrived on the floor after it was laid down and asked for permission to go back to morning business to make 10 or 15 minutes of remarks. We had no objection to that to accommodate the Democratic Senator, and expected then to open up the issue by our opening statements—Senator BYRD and myself.

I want to say to the Senator that part of that delay also has been in trying to work out some kind of an agreement on this particular point.

I wonder if the Senator would yield in order to return to that procedure.

Mr. KERREY. Absolutely. Mr. President, I came to the floor with no idea precisely when it was that the distinguished chairman and ranking member would be coming down here to take the bill up. It was my intention to talk just briefly about this particular provision and, whenever they got here, to yield.

At this point, I yield the floor.

Mr. HATFIELD. I thank the Senator.

Mr. President, I would ask for a quorum call for a few moments.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the Senate now has under consideration House Joint Resolution 115, the second continuing resolution for fiscal year 1996. The current continuing resolution, Public Law 104–31, expires on Monday, November 13, and only 2 of our 13 appropriations bills have been signed into law, so another measure is necessary to provide executive branch authority to obligate funds for Government operations.

This continuing resolution has four titles. Title I is the operative part, providing that the rate of operations for activities funded in the 11 appropriations bills not yet signed into law shall be the lowest of the rates provided by the House-passed bill, the Senate-passed bill, or the current rate. Specific provision is made for programs that might be zeroed out under that formulation; namely, such programs may be maintained at a rate of 60 percent of the current rate. The existing CR pegs this minimal level at not to exceed 90 percent of the current rate.

In addition, this CR carries a provision, section 112, providing that spending rates may be adjusted to avoid any reduction in force, or RIF, at any of the affected agencies.

The expiration of this measure is Friday, December 1.

Title II of this measure is an internal housekeeping matter providing for hand enrollment of the reconciliation bill, the debt limit bill, and continuing resolutions. This provision will expedite transmittal of this legislation to the President once passed by both Houses.

Title III is the so-called Istook amendment. I expect there will be a motion to strike this title. I will vote for that motion, and I hope it will succeed.

Title IV carries two provisions within the jurisdiction of the Finance Committee. Both pertain to the Medicare Program.

Mr. President, it should be noted that this joint resolution has been brought to the floor without referral to the Appropriations Committee. I have no objection to doing so, for I recognize the need to save time. But I want to emphasize that this is not a product of the Appropriations Committee, and thus it does not necessarily represent the views of a majority of our committee. In fact, I do not believe our committee would have reported this measure in this form, and I doubt that the members of the committee will support this measure in all of its particulars.

I will now yield the floor to Senator BYRD to make whatever opening remarks he may wish to make, and then we can proceed with any amendments or motions that may be offered.

I wish to indicate again the pleasure and the efficiency that has been developed by the working relationship with Senator BYRD as the former chairman of our committee which I have enjoyed over a number of years, and now that I am chairman and he is the ranking member, reversed to what it was in previous years, I want to say that it has continued to be an unassailable partnership from which I have derived great pleasure.

I also wish once again to thank Senator KERREY of Nebraska for permitting us to return to this procedure at this time to introduce the resolution and to also assure the Senator, as he is now conversing with the Senator from Wyoming, we are attempting to work out some kind of a resolution of the title relating to the Istook amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished chairman for his observations with respect to the working relationship that has existed from the beginning between the chairman, Mr. HATFIELD, and myself. He has accorded to me a great deal of courtesy and understanding, and I am proud that I share the responsibility with him of managing this measure as well as various and sundry appropriations bills that we have brought to the floor from time to time. I enjoy that relationship with the chairman, and I cherish it.

Mr. President, as Senators are aware, the Federal Government has been operating under a continuing resolution—Public Law 104-31—since the beginning of the new fiscal year, October 1st. That continuing resolution was necessary to give Congress more time to complete its annual appropriations process on the fiscal year 1996 appropriations bills. While that measure continued essential functions of government at rates below levels allowed in the 1996 budget resolution, it nevertheless did not prejudge final budget decisions for fiscal year 1996, nor did it attempt to enact new policies into law. Instead, it was a product upon which the President and Congress agreed to continue necessary functions of the government through November 13.

It had been hoped that this six-week extension beyond the beginning of fiscal year 1996 would be sufficient to enable Congress and the President to enact most, if not all, of the 13 fiscal year 1996 appropriations bills. But, unfortunately, that has not been the case.

To date, the President has signed only two appropriations bills into law—Military Construction and Agriculture. Two others—the Energy and Water Development and Transportation appropriations bills—have been sent to the President and his signature is expected. In addition, the legislative branch appropriations bill, which the President unfortunately—and I think unwisely—vetoed, has been adopted a second time by both Houses of Congress and is ready for submission to the President for his signature, which I hope that he will put on the dotted line this time.

I have never been able to understand the curious logic that went into his veto of the legislative appropriations bill. The Constitution creates this branch, the legislative branch. It is the branch closest to the people, and we have the responsibility to fund the operations of the branch. There is no question but that the bill which was sent had been reduced in the amounts, so it was not a question of the amounts being out of line. It was just some kind of false logic on the part of those down at the White House who have, I suppose, advised the President to veto that bill. He did not garner any kudos, as far as this Senator is concerned, or any credits when he vetoed that bill. The mere fact that it was the first to reach his desk somehow must have resulted in a pique of someone down there, but it was not sent down first by calculation or design. It just turned out that way.

So I think it was silly for him to veto that bill, and I told that to the people at the White House when they called me to ask me about it. I said it was faulty logic and it could come back to create problems for you. I hope we will at this time pass that stage of sophomoric development.

All eight of the remaining appropriation bills are in various stages of completion. These bills are: Defense, Interior, Foreign Operations, Treasury-Postal, Commerce-State-Justice, VA-HUD, Labor-HHS, and District of Columbia.

As a result of these difficulties, it has become necessary to enact a second continuing resolution. Unfortunately, the second continuing resolution now before the Senate, H.J. Res. 115, is not one which I can support. It not only contains unnecessarily deep funding cuts in programs for education—and I have got to say this about education while I am on the subject; I cannot understand why we continue to spend more and more moneys for education, and turn out a lower and lower performance with respect to scholastic results that come out of the schools; I just cannot understand that—on infrastructure and other critical areas, but it also contains a number of controversial legislative provisions that have no business being included in a continuing resolution.

One such controversial provision—the so-called "Istook amendment"—is addressed in the President's Statement of Administration Policy, dated November 8, 1995. That Statement of Administration Policy contains the following language:

> One provision of H.J. Res. 115, the so-called "Istook amendment," would launch a broad attack on the right to free speech of such organizations as the Red Cross and the Girl Scouts; it would limit their ability, and that of other organizations that receive Federal funds, to participate in administrative or judicial proceedings. The Justice Department believes that the provision does not pass constitutional muster because it imposes unconstitutional penalties for the exercise of free speech rights. Among other things, the provision would impose restrictions and penalties on organizations that were involved in advocacy during the year prior to passage of the legislation—thereby violating the fundamental principle that prevents the government from retaliating retroactively against persons or organizations that have exercised free speech rights.

Another provision in this resolution would raise the contribution that beneficiaries must pay for Medicare Part B premiums to $53.50, effective in January of 1996. Without this change, those premiums would be approximately $10 less per month per person.

For these reasons, the President has indicated that he will veto H.J. Res. 115 if presented to him in its present form.

I support the President's position regarding H.J. Res. 115, as it is now drafted. I am hopeful that the Senate will adopt sufficient modifications to H.J. Res. 115 and that the House will concur in those modifications, so that the President can be presented with a measure that he can sign prior to the shutdown of the government at midnight on Monday, November 13. If such a shutdown occurs, it will not be the fault—I suppose it will be the fault of everyone to some extent. It will be due to the inability of this Congress to complete its work in a timely manner.

There are only two responsibilities that are absolutely essential for this session of Congress. Those are, one, the enactment of annual appropriations for the Federal Government for fiscal year 1996 and the raising of the debt limit to a level sufficient to enable the government to meet its financial obligations without default. Throughout the past year, we have heard the Republican majority of both Houses of Congress playing up their so-called "Contract With America" and touting all of the benefits that will be forthcoming to the American people as a result of that so-called "contract."

As I have done on previous occasions, my contract with America I keep right here in my shirt pocket. And it cost 19 cents some years ago when I first purchased it. And it is entitled, "The Constitution of the United States." That is my contract with America. And I do not swear to any other contract with America.

I am one that ran also last year, and I did not receive any mandate from the voters of West Virginia. Not one voter ever asked me about the so-called Contract With America. I was never asked to sign it or support it. I do not swear to it. I never expect to bow down to it. I only bow down to the Bible, No. 1, and the Constitution of the United States, No. 2, in that order.

If one looks at what they do and not what they say, the record speaks for itself. Despite all of the rhetoric to the contrary, this is one of the poorest performances that I can recall as far as the timely enactment of appropriations bills is concerned.

I hasten to say that I do not fault the chairman of the committee, the distinguished Senator from Oregon [Mr. HATFIELD], for this delay. And I do not fault the other members of the Appropriations Committee for the delay. The major cause is the fact that a number of these appropriation bills include controversial legislative riders, such as those that are contained in the pending measure.

Therefore, it is incumbent upon Congress to enact a clean continuing resolution and a clean debt limit increase without adding unnecessary legislative provisions to either. If we are unable to do so, the blame will be properly at our doorstep for the shutdown of the operations of the Federal Government on Tuesday, November 14th, and the default on the payment of its obligations shortly thereafter.

I urge my colleagues to support amendments which I understand will be offered to this resolution which, if adopted, I believe will enhance chances that H.J. Res. 115 will be signed into law. If such amendments are not made by the Senate and agreed to by the House, then I feel sure that H.J. Res. 115 stands no chance whatsoever of becoming law.

Mr. President, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President.

AMENDMENT NO. 3045

(Purpose: To strike title III which restricts the use of private funds for political advocacy activities by nonprofit organizations.)

Mr. CAMPBELL. Mr. President, I rise today to express my opposition to what is now title III of the continuing resolution. I might say that I did vote for the original Senate language. I opposed this provision as part of the Treasury-Postal conference committee. And I will tell you why. This measure, if adopted, would effectively eliminate the ability of nonprofits throughout this Nation to express their political views to their elected representatives at every level—at the Federal level, State level, local level, and tribal level. This legislation, I think, slams the door of Congress in the face of hundreds of thousands of grassroots organizations.

In the Senate Treasury-Postal appropriations bill, this body adopted an amendment to keep large, well-financed nonprofit organizations from abusing the lobbying regulations. Certainly they should not use taxpayers' money by the millions simply to lobby to get more taxpayers' money. But the House-passed version, on the other hand, goes much further and muzzles grassroots organizations and puts roadblocks in the way of legitimate advocacy efforts.

It would affect, as I understand it, churches, Boy Scouts, tribes, art groups, chambers of commerce, water conservancy districts, and hundreds of other very diverse nonprofit groups. In effect, it would muzzle the free speech of millions of people. These groups are the same groups that as elected officials we are supposed to be here to defend and represent. I see a clear difference, as many of my colleagues do, between the high-powered, well-financed professional lobbying firms, who hire well-financed professional lobbyists, and the grassroots-based community organizations. I think my colleagues see the difference too.

For the last couple of months the Senate has focused its efforts on getting Government out of people's lives. Well, this provision would do just the opposite because it would tell the nonprofits how they could spend their private moneys. By law, these organizations cannot spend Government funds for lobbying activities, which I think makes sense.

What does not make any sense to me is that we are stepping in and legislating how nonprofits can spend their privately raised funds on advocacy efforts. It is wrong for us to do that. That is why I will offer a motion to strike title III. This provision is bad for our communities because it treats State and local organizations and their national affiliates as one. This provision is bad because the definition of advocacy is too broad. This provision is bad because it hamstrings the many organizations that, with reduced Government, we will have to rely on more heavily than ever to deliver services to our communities. It also is bad because this provision casts a net so wide it will muzzle political advocacy groups in our towns, our communities, in our States.

In short, it is bad language. The administration has already threatened to veto it, as the Chair knows. I think it is important to send a message to our constituents that we will not allow them to be silenced. We want Government out of people's lives, but we do not want to keep people out of Government.

With that, Mr. President, I would move to strike title III of the continuing resolution, and send an amendment to the desk, and ask for the yeas and nays after the motion.

I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CAMPBELL. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. Is the Senator sending an amendment to the desk?

Mr. CAMPBELL. Yes.

The PRESIDING OFFICER. Then the clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. KERREY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, and Mr. GLENN, proposes an amendment numbered 3045.

Strike Title III of the resolution.

The PRESIDING OFFICER. Did the Senator request the yeas and nays on this amendment?

Mr. CAMPBELL. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN. Mr. President, the Istook amendment before the Senate today presents a difficult issue because the principles fueling both sides of the debate have some merit.

On the one hand, organizations that are subsidized by the Federal Government should not be allowed to lobby the Government or engage in unlimited grassroots political activism. When highly subsidized organizations are actively participating in political activities, the public perception is that taxpayer funds are being used for partisan purposes.

This perception if formed even if there are safeguards in place to prohibit the use of Federal funds for lobbying or political campaigning.

On the other hand, our political process would suffer if nonprofit groups were restrained from engaging in public debate. These organizations represent millions of Americans who do not have the time or ability to monitor day-to-day events in Congress or their

State legislatures, but want their interests to be represented on issues ranging from environmental protection to the right to bear arms. To place severe restrictions on the ability of these organizations to analyze legislation, testify at public hearings, comment on pending regulations, and advocate their views in the political arena would not only deprive policymakers of valuable expertise, but would leave many Americans without an effective voice in the political process.

In my view, our Tax Code does a fairly good job of balancing these competing principles. Section 501(c)(3) of the Code allows taxpayers to deduct contributions to charitable organizations. Since virtually all the revenue of these 501(c)(3) organizations are federally subsidized through the Tax Code modest limitations are placed on the organizations' lobbying and grassroots activities. However, in recognition of the important role that charitable organizations play in our society, they are allowed to comment on regulations that affect them, join litigation that implicates their interests, and communicate with their members on political issues without limitation.

The Simpson-Craig amendment to the Treasury-Postal appropriations bill made an important modification to the Tax Code. The amendment applies to tax-exempt nonprofit corporations, which, under section 501(c)(4) of the Tax Code, are allowed to lobby without limitation. Under the amendment, 501(c)(4) organizations with annual revenues in excess of $10 million would no longer be permitted to both lobby without limitation and receive Federal grants. I support this change in the law because I do not believe that large organizations engaged in substantial lobbying activities should be eligible to receive taxpayer funds. If an organization wants to apply for Federal funding, it should be required to submit to the restrictions on lobbying activities contained in section 501(c)(3) of the Code.

The Istook amendment, however, would have a much more sweeping impact on nonprofit organizations. It would affect every organization that receives Federal grant money, as well as, organizations that believe they may wish to apply for grants in the future. In addition, the Istook amendment places limits on a broad category of activities that have never been regulated by the Federal Government before such as filing an amicus brief, writing a letter to the editor, or providing office space to an affiliate organization.

Most significant, the Istook amendment would impose a byzantine set of reporting requirements on nonprofit corporations. Each organization would be required to establish separate accounts to keep track of how much money it spends on lobbying and political advocacy, since the amendment imposes different monetary thresholds on each category of activity. They would also be required to determine whether any corporation or organization they do business with spends more than 15 percent of their funds on political advocacy, because, if so, any funds transferred to such an organization counts toward the grantee's advocacy threshold. Through this provision, the sponsors of the Istook amendment have imposed a new recordkeeping requirement on virtually every private corporation in the country.

The Istook amendment will cause many more problems than it would solve. If there are nonprofit organizations that are abusing their tax status or misusing Federal grantees, adjustments to the Tax Code such as the Simpson-Craig proposal may be necessary. But there is no reason to impose such a restrictive and burdensome new law on a sector of society that does much good work and plays an important role in our democracy.

Mrs. MURRAY. Mr. President, as an American and a Member of the Senate of the United States of America, I have certain responsibilities regarding what I say here on the floor.

But unlike thinking individuals in most other societies throughout human history, I—uniquely in my role as a U.S. Senator—can come to the Senate floor and speak my mind freely, and no one can stop me, or retaliate against me, so long as I follow the few rules of common courtesy.

If we adopt the Istook language, other American citizens, not lucky enough to be Members of this august body, are going to be told they can no longer speak freely before their Government. The Istook amendment to restrict advocacy, under consideration by the Senate will send this message loud and clear to every American citizen.

Well, almost every American citizen.

What the Istook amendment says is this: If you belong to a nonprofit group you will be restricted from lobbying Congress. If, however, you are a member of a Fortune 500 company or any other special interest constituency with money, you will have no restrictions.

If you as a senior citizen join a group to receive services designed for seniors like you, your Government has no problem with that, and might even give your group a grant to do their important work.

But if part of what your group does is relay to your Senator your wish to keep pharmaceutical prices down, your Government is no longer going to allow that to happen.

If, however, you work for a large pharmaceutical company, you can lobby Congress like there's no tomorrow for your company's needs.

I believe most Americans have a problem with this. Over half of the Members would argue with me, but I believe this Tuesday we heard at least the first rumblings among Americans about what their Government is about to do to them. I believe when America wakes up, Members of this Congress won't be able to shut out the free speech. We will hear from all of America loud and clear if this language becomes law.

Not since the days of McCarthyism has such an assault on the rights of free speech been considered. There are already protections in Federal law that restrict the use of Federal funds for lobbying activities. There are already stiff penalties for breaking the rules. There is no evidence that ladies from trailer parks in Middle America have been misusing Federal funds to buy Congress.

And if there was evidence of such a crime, then the knitting circle would be going up against the Internal Revenue Service of the United States of America. That's under current law. Surely, there are few deterrents stronger than the first-strike capabilities of our tax watchdogs.

I would like us all to remember: People mostly join nonprofits to help other people. I would like us all to remember: If the current budget cuts go through, people in this country are going to need a lot of help. And, I would like people to remember: If we do get information from a nonprofit group helping Americans at the grassroots, the information is coming from a place far closer to the needs of real people than the halls of Washington, DC.

Most of the nonprofits I hear from give me good information from people who cannot speak for themselves, and be heard 3,000 miles away. Yes, I get calls and visits from citizens in my State, but I also represent people without plane fare, telephones, and some who don't even have a roof over their head. And now we're going to tell them they can't even lobby Congress. That is not reform Mr. President, that is muzzling the citizens I represent, and I urge my colleagues to vote yes for the Campbell amendment.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I earlier was presented substitute language by the distinguished Senator from Wyoming and the distinguished Senator from Idaho. I would be willing to accept the original language that was on the Treasury-Postal appropriations bill. This substitute language is not the same. Though it appears that it might be relatively close, it is simply not the same.

I continue to argue, for those who are wrestling with this issue and it can be a difficult issue, I believe a sufficient reason to vote to strike this should just be this does not belong on a continuing resolution. It does not belong on a continuing resolution. If I, as I indicated earlier, wanted to try to put all kinds of things on this continuing resolution, I could do so. As I said, I have interests in impact aid; I have interest in agriculture; I have interest in a variety of things that are unlikely to be addressed this year.

This amendment belongs on lobbying reform. But guess what, Mr. President? There is no vehicle in the House for lobbying reform, because they have not passed lobbying reform. They have not taken up that issue. We took up that issue. It is a very contentious issue, a very difficult issue. We passed lobbying reform that restricts lobbyists' access to Members of Congress. It passed this body. It was a long and healthy debate, but the House has not taken it up. So all their conversation about "we are going to clean up the lobbying activity" begs the question. If that is the case, where is your bill? The answer is, they do not have one.

So they are putting lobbying reform on a continuing resolution because they have not taken the issue up on the other side. I think it is very important for Members of this side, regardless of how you feel on this issue—you might support this language, you might feel this language is good language and ought to be enacted into law, but not on a continuing resolution, Mr. President, particularly in an environment where the House has not even taken up lobbying reform and this body has. That is where it belongs. It is highly inappropriate for it to be taken up here.

Next, the proponents of this amendment refer to grants given to 501(c)(3)'s as welfare for lobbyists. Let us be clear on this, the law says that lobbying activities are currently prohibited with the use of taxpayer-funded grants. That is the law. That is the current law. And if somebody has an instance where they think a 501(c)(3)—a church or veterans group, YMCA, the Red Cross—if they think they are in violation of the law, then they should bring a case against them. They should come and say, "This organization is using taxpayer money in violation of the law."

I say it for emphasis, citizens who say, "You know, those House guys are right, we ought to change the law to make lobbying illegal with public funds," as I say, the law already prohibits that activity. That is not what this amendment does, propose changes in the law. It says that private money cannot be used. That is what it does. Let us be clear on that.

All conversations and statements that were made last night on the floor saying, "We don't want to subsidize lobbyists," Mr. President, A, if you House Members are excited about lobbying reform, why do you not pass a bill? And, B, why do you not tell the American people that we cannot subsidize lobbyists, you cannot use tax dollars for lobbying activity?

If you have a church in mind, I say to the proponents on the House side, if there is a veterans group out there or somebody at your community level that you think is flying back here to Washington trying to influence legislation, for gosh sakes, find somebody to file a criminal charge against them, because it is illegal now.

The next thing I will say is it is odd this legislation is being proposed by people who are constantly talking about decreasing regulation on the private sector. This increases regulation on the private sector. Again, once that is pointed out they say, "Oh, we have written in exemptions." Now we have exempted veterans organizations. We have raised the threshold so it only affects a very small number. Mr. President, every 501(c)(3) would have to prove they are in compliance. Everyone would, and they would have to keep records for 5 years to prove that they are in compliance.

For Members who are wondering on the substance of the issue, if you can get over the threshold that this continuing resolution is an appropriate vehicle for lobbying reform, which I think is a pretty substantial hurdle to jump, if you can get over that hurdle and you say, "Fine, let's do lobbying reform on a continuing resolution," then, first, be advised that use of public funds for lobbying is already prohibited under law and, second, be advised that this law is serious business.

You are going to hear from people out there in the community that are going to come to you a year from now, 2 years from now and say, "Senator, did you have any idea of the paperwork I was going to have to fill out? Did you have any idea what you were doing?"

We get this all the time, whether it is leaking underground storage tanks or other regulations that we pass here that sound real good—clinical laboratory regulations—it all sounds terrific, but when the rubber meets the road out in the community, all of a sudden the citizens comes to us saying, "I just spent 100 hours on this thing. I hope you are getting something beneficial out of it, because I am spending a lot of time."

For a 501(c)(3) out soliciting funds and typically today struggling to get that money, I daresay that increased cost of doing business at the community level is a rather substantial burden, and we are going to hear about it. We are going to hear about it from citizens who are not going to like this change in the law.

Next, Mr. President, how many of us talk about public-private partnerships? How many of us, when we are talking about how to maximize and stretch and lengthen the use of our tax dollars, get up and say, "The Government cannot do it all"? I cannot take tax dollars and have the Government doing it all. I have to develop partnerships, not just with State government, local governments, but I have to get the private sector engaged. What better vehicle, what better opportunity than a 501(c)(3)?

And, indeed, that is the case today. We are asking the Red Cross to do more with their money. We are asking them to help us with disaster programs. We are asking the YMCA and the YWCA and other 501(c)(3) organizations to get involved.

Mr. President, the real problem here is that some people do not like what these 501(c)(3)'s do. That is the problem.

I ask unanimous consent that a story that appeared in yesterday's Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 8, 1995]

CONSUMER GROUPS ATTACK BILL CURBING POLITICAL ADVOCACY BY NONPROFIT GROUPS

(By David Rogers)

WASHINGTON.—A Republican initiative to limit political advocacy by nonprofit organizations is meeting strong resistance from consumer groups, which accuse business interests of using the bill to silence their critics on regulatory issues.

The measure, which passed the House this summer, has drawn an amalgam of conservative and industry supporters from the Christian Coalition to the National Beer Wholesalers Association. But yesterday, Mothers Against Drunk Driving accused the beer lobby of using the bill to weaken and harass its own efforts at the state level to tighten drinking laws.

The Beer Wholesalers group responded angrily that its involvement has had nothing to do with MADD but was provoked more by smaller, less-known advocacy groups that have received federal grants. But MADD officials said it and the beer wholesalers and their affiliates are frequent foes at the state level, where MADD has sought legislation to tighten blood-alcohol standards for judging when a driver is intoxicated.

"While MADD will be buried in an avalanche of red tape and paperwork, the beer industry will be free to lobby to their heart's content," said Katherine Prescott, MADD's national president. "The voice of the special interest will be unimpeded, while the voices of the public interest will be silenced."

Yesterday's attacks, in which MADD was joined by such groups as the American Lung Association, reflect a concerted effort to reframe the debate by focusing on special interests behind the GOP initiative. House Republicans, who last night attached their proposal to a stopgap spending bill that will be voted on today in the chamber, have championed the measure as "anti-welfare" for lobbyists; the groups yesterday cast the fight as one of public vs. private interests.

A variety of business organizations have been active in support of the initiative. The chief sponsors include Reps. David McIntosh (R., Ind.) and the Ernest Istook (R., Okla.), who have taken the lead on antiregulatory legislation favored by many of the same groups. The Beer Wholesalers, for example, have promoted House-passed legislative riders to block the Labor Department from developing new worker safety rules affecting the industry. And in general, the group has raised its profile this year in tandem with the rise of House Majority Whip Tom DeLay (R., Texas). He is a leader of the antiregulatory forces and chief proponent of the legislation now to curb advocacy by nonprofit organizations receiving federal grants.

David Rehr, the Beer Wholesalers' vice president of governmental affairs, assisted in Mr. Delay's race for the leadership, for example. But not all those involved in the fight have so welcomed the influence of business interests.

Sen. Alan Simpson (R., Wyo.) has been Rep. Istook's Senate counterpart in recent negotiations between the two chambers aimed toward striking some compromise on the issue. During one session, Mr. Simpson was apparently surprised to find outside, private interests in the room during the talks. "I just told all of them to get the hell out," said Mr. Simpson yesterday.

In a statement yesterday, the Beer Wholesalers group said it shares with MADD "a serious commitment to reduce drunk driving and end illegal underage drinking" and had supported bills in Congress with that aim.

But at the state level, officials painted a more severe picture. New Mexico was a major battleground two years ago for legislation to curb drunken driving and tighten standards for the blood alcohol content of drivers. "MADD has been four-square behind these efforts to toughen up the laws," said Kay Roybal, press secretary for the state's attorney general. "The beer industry, and liquor industry more generally, have consistently opposed all of these efforts."

Mr. KERREY. Mr. President, the headline on this says, "Consumer Groups Attack Bill Curbing Political Advocacy by Nonprofit Groups." It points to a rather interesting confrontation with beer wholesalers and an organization called Mothers Against Drunk Driving. I know MADD well. I know this group called Mothers Against Drunk Driving. They are tough.

They come to the local level, the State level and they want these laws changed. They will bring a victim in, somebody who is disabled, someone who was injured permanently as a consequence of a drunk driver, and they will say to you, "Senator, I understand you just attended a fundraiser with the beer wholesalers, liquor distributors," so forth, "and they are telling you, "Let the market take care of it.' I tell you, Senator, the market is not taking care of it."

We have changed our liquor laws in the State of Nebraska as a consequence of Mothers Against Drunk Driving. They can be plenty irritating, let me tell you. They come with evidence and they come with a proposed change, and it is darn hard to say no to them. Sometimes it can have an impact upon your retail sales. It can change the behavior of people, as a consequence of the law being changed. But our streets are safer as a result, and our people are healthier as a consequence. It has produced a constructive change.

So let there be no mistake about it. One of the things motivating this proposed change in the law—particularly the feverish urgency that is attached, threatening to hold up the continuing resolution, threatening to hold up an appropriations bill, and anything that is out there. This was not in the Contract With America. If you want to do lobby reform, I say to the House, then pass it; pass lobbying reform. I quite agree that the people are sick and tired of watching lobbyists unnecessarily and unfairly influence the process around here. But if you want to change that, Mr. President, pass lobbying reform, pass campaign finance reform.

Senator MCCAIN, Senator THOMPSON, and Senator SIMPSON, I believe, have a piece of legislation to change campaign finance laws. Let us enact it and reduce the amount of money that can be spent in a campaign. Let us provide an opportunity for more people to come to the U.S. Congress. Let us get after the special interests so that citizens can have confidence, in fact, that they will have some influence over this Government. One of the most alarming polls I have seen recently is a poll that showed that, by a 3-to-1 margin, people in the United States believe that special interests have more power than either the President or the Congress. So there is a need to change, to empower Americans so that they feel more a part of the process.

There is a need to change our lobbying laws and to change our campaign finance laws. We have to address those issues, Mr. President. This body has dealt with lobbying reform. This body is trying to develop a bipartisan movement to change our campaign finance laws. There is an urgency attached to it for the sake of representative democracy and people's confidence that they can have some influence over this. But not on a continuing resolution, Mr. President, and certainly not in this form.

This does not give citizens more power; it gives them less power. This does not tilt the balance of power in favor of the people, who are out there scratching around trying to organize these sorts of efforts. It tilts it away from them. I do not know why—frankly, I have been on 501(c)(3) boards, and I do not know why anybody, given the hurdles they have, are out there raising money all the time and holding raffles and auctions and trying to generate enthusiasm—it is darned hard work, and you sometimes scratch your head and wonder why citizens are willing to do it, and then you thank God they are. All of us have seen these organizations perform miracles and do wonderful things out there with families and young people in their communities.

For the life of me, I do not understand the vitriol attached to this legislation, to the point to saying we are willing to shut down the Government, which is what some have said—as if we do not care if Social Security checks are issued or if anything passes this body again. We do not care if it was in the contract. We want to make this change. We believe it is the most important change that can be made.

So, as I said, I was happy to accommodate the change that the distinguished Senator from Wyoming proposed on the Treasury-Postal appropriations bill. I said earlier, Mr. President—the Senator from Wyoming was not on the floor at the time. He asked that we give this proposed substitute of his some reasonable consideration. I do not know that I gave it reasonable consideration. I gave it consideration. I would be pleased to accept the precise language that the distinguished Senator from Wyoming had attached to the Treasury-Postal bill some 30 days or so ago when that appropriations bill was taken up. But I support the motion to strike made by the Senator from Colorado.

Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, I hear very clear what my friend from Nebraska is saying. I enjoy working with him. We proved up together on many issues, and we will again because the tough ones are still out there, like Social Security and Medicare, Medicaid, Federal retirement. We seem to be the only ones who are willing to leap into that cauldron. But it is because of my admiration for him in what he did on the entitlements commission—the bipartisan entitlements commission, chaired by the Senator from Nebraska and our fine friend, Jack Danforth of Missouri, that we know what we have to do. The American public, hopefully, will know, when we finish telling them, what they have to do on those issues. So that is separate and apart from this.

Let me be as brief as possible. That is quite a difficult task in itself. But there really is not a need for a lengthy debate and, yet, we must be aware of what we are doing here. I have been in the Senate a good long time, since 1978, to be exact. My role for 10 years was to learn how to count votes. If there were a motion to strike the language that came from the House, there is a question in my mind that that would carry. But in this situation, there is more to it than this.

We did some work here on this issue in the Senate. All of you were present. The Senator from Michigan was involved in that debate. Many others on both sides of the aisle also were. Questions arose: Who does this affect? Does it affect the Red Cross? Does it affect the Boy Scouts? Does it affect the Girl Scouts?

Let me share this with you, once again, until we have our eye on the rabbit. What I did was to affect only section 501(c)(4) corporations. There are a lot of them. Some of them spend nothing much, and some spend a ton because if you are a 501(c)(4)—this is all I was ever speaking of—you have the ability of unlimited lobbying. You can spend yourself to oblivion. You are able to lobby without monetary restriction.

Now, some 501(c)(4)'s love that role and perform it beautifully. Others simply have huge resources and revenues and seem to restrain themselves somewhat. But 501(c)(4) is a corporation under the tax laws that is "nonprofit," if you will, in that sense, that can do unlimited lobbying. And so what we were saying was very simple: Any 501(c)(4) that receives money from the Federal Government in the form of a grant, or anything of that nature, will not be allowed to lobby; or if a 501(c)(4) loves to lobby, then they will not get Federal money. That was not directed at the AARP. I have had some interesting discussions with them, however, through months past. It was not directed at them. It was directed at any corporation, any 501(c)(4), whether it was the NRA, AARP, any other 501(c)(4) corporation in America that chooses that particular title.

The reason they choose that title is to do what they do best, in many ways, which is to lobby. It seemed incongruous that a corporation would then receive money from the Federal Government, which would help them then go lobby the Congress for more money for their members. That is exactly what some of them do. They lobby vigorously, and they will say, "We do not keep that, we do not get that money; that goes to the citizens, to our members, to the good of society." But it also reduces the amount of money they have to dig out of their own coffers to do their work. So we were saying if you want to play in the big time, you want to be a 501(c)(4), and you get grant money from the Federal Government, you are not going to be able to lobby without restriction. Then that passed here by a vote of 59–37, a good, strong, bipartisan vote.

Then we went forward into the usual procedures of legislating. It went out in that fashion. As we began to try to compose our differences in the conference committee on Treasury and Postal—remember, this measure came up on the Treasury-Postal bill here when it went through the House on the Labor Committee, that appropriation—Labor, Health, Human Services.

So it ended up a little off center in the sense of jurisdiction. We agreed to try to resolve things there to make that limit, instead of $10 million, where it would apply to any organization, the original Simpson-Craig language, Senator LARRY CRAIG and I, these are the cosponsors of this measure. That was the ban on C–4's which was above $10 million. That passed the Senate by unanimous voice vote. I did not hear any objection to that. Treasury-Postal was a unanimous vote, including the $10 million threshold.

Now, we are ready to bring that down to a $3 million threshold and say that it does not apply to those under that figure. What occurred, then, with the Istook-McIntosh-Ehrlich proposal—it was a very sweeping measure; there is not any question about that. Senator CRAIG and I worked with them and said this is going to be very difficult, if not impossible, to pass in the Senate. They felt very, very strongly that they should proceed. They did.

In that proposal that the three fine House Members prepared, there was tremendous complexity. There was tremendous controversy. That was borne out again last night when the measure was discussed and debated in the House with regard to the continuing resolution. You can bet it was contentious.

There is an amendment that I will shortly propose at some appropriate time which would strike the lion's share of the language passed by the House known as the Istook amendment.

The language has been the subject of much, much controversy and excitement here in Washington these past few weeks—editorial commentary, opinion pages. It is something that the House Members feel very strongly about. I cannot identify how passionately they feel about it. I hear that. That is why I have tried to work with them.

I find staff—and Chuck Blahaus, my legislative director, has invested innumerable hours of his day in this effort. Senator LARRY CRAIG and his fine staff person have done the same. We have been actively, all of us, involved in negotiations with the House sponsors of it.

I know that much of what has been said about it is simply not true. Now is not the time nor the place to debate the fine points of that amendment—the Istook-McIntosh-Ehrlich amendment. This amendment is too complex at this time, too cumbersome at this time, to subject to any lengthy debate here in the context of a continuing resolution. If it were any other place, it would be highly appropriate. In fact, there is a vehicle for it that is just built for it. That is lobbying reform, and lobbying reform will be up very shortly in the House of Representatives—I believe next week.

In the context of the continuing resolution, it is simply inappropriate and, more importantly, impossible to move the language that has been worked on so hard by my colleagues and friends in the House.

It is precisely because of that complexity that this language, known as that amendment, will not pass the Senate. That is reality. The votes are not there. It would be a bipartisan vote to eliminate that.

I have spoken to many of my colleagues in the House and in the Senate about the particulars of the language. I know their concerns. I know their hopes. I know their fears. I know their confusion about this language.

This is a very, very sweeping and comprehensive piece of legislation. I can understand every single reason for every bit of it because of the frustration and anguish of the political arena that gave rise to it in the House. That deserves a full airing so that the American people can understand what some 501(c)(3)'s really do with their money and how they get thoroughly involved in political activity. You can believe they do. We will deal with that. It will be a very important part of lobbying reform.

In the context of the continuing resolution, not 100 percent of it will come through, not 90 percent of it will come through, not 80 percent of it will come through. It is my intent to offer an amendment to strike out almost the entirety of it, leaving only a few components. The amendment would strike out all of the House language and leave simply the following:

It would leave the Craig-Simpson or Simpson-Craig ban for grant money for the largest 501(c)(4) lobbying organizations. This provision passed the Senate unanimously by voice vote. I would not think it would be controversial.

There would be a provision simply requiring that Federal grantees report their expenses on lobbying activity and that this report be publicly available. Simple, short, and I think uncontroversial.

Finally, a provision mandating that the current law, 501(h), limits on lobbying activities expenses apply to the Federal grantee organizations. Right now, under current law, the formula applies only to certain 501(c)(3) organizations. It would here apply to all of the grantee organizations, except that there would be no global cap of $1 million, even though current law has such a cap. And we will detail how that will be expanded. A cap is controversial so we would remove it as far as grantees would be affected.

That is it. That is it. That is the measure as it would be dealt with. If it were then to go back to the House, it would not go back into conference. There would be no further conference activity with this measure as it would leave the Senate. It would not come up on another bill. It would not come up on Treasury-Postal. It can come up later, but it would not come up under the Treasury-Postal bill, which is the other pending material floating in these last hours and days before we reach our statutory limit.

So I simply believe we regretfully have to strike all of the provisions of this legislation which are controversial in the eyes of the Senate. I could detail them all, but I think all of us know what they are. Some have been magnificently distorted by groups that have learned to love Federal largess as they do their lobbying work.

Those things will be debated at length here in private and in public. We will not settle those issues today. The Senate will not come to agreement on what kinds of reforms to make in this area today. They will not be settled in the context of the CR. This is reality. It is not the invention of Senator Simpson. It is not the invention of Senator LARRY CRAIG.

I hope my colleagues will look at the text of our amendment closely and will give their full support. There are no tricks, nothing up the sleeve as to getting it before you. It is extended as an effort to try to resolve a very vexatious issue and try to recognize clearly the fine work of three able Congresspersons in the U.S. House of Representatives.

AMENDMENT NO. 3046

Mr. SIMPSON. I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. Simpson] proposes an amendment numbered 3046 to amendment No. 3045.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 3047 TO AMENDMENT NO. 3046

(Purpose: Perfecting)

Mr. CRAIG. Mr. President, I send an amendment in the second degree to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3047 to amendment No. 3046.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

(e) Nothing in this title shall be construed to affect the application of the internal laws of the United States.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3048 TO AMENDMENT NO. 3045

(Purpose: Perfecting)

Mr. SIMPSON. Mr. President, I submit an additional amendment to the desk and ask it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3048 to language proposed to be stricken by amendment No. 3045.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 3049 TO AMENDMENT NO. 3048

(Purpose: Second-degree perfecting)

Mr. CRAIG. I send an additional amendment to the Simpson amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3049 to amendment No. 3048.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment:

Page 2, lines 1–2, strike all between "Code" and ", unless", and insert: "of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000".

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I listened to the Senator from Wyoming very carefully about all the reasons why the so-called Istook amendment should not be before us on the continuing resolution. The problem is, it is before us on the continuing resolution and it is a big problem. We ought to dispose of this amendment by striking it. I very much support the amendment of Senator CAMPBELL.

The Istook language is the most intrusive intervention of Government into the free speech rights of private organizations that I have ever seen in my 17 years in the U.S. Senate.

We have talked a lot recently about trying to reduce the Federal Government intervention in the lives of private people and private organizations. This amendment, this Istook language, represents a massive intervention into rights, under the first amendment, of private organizations to use private money—I emphasize private money, not Government money—for political expression.

It has been characterized as being aimed at welfare for lobbying. It has nothing to do with lobbying reform. I know about lobby reform. I was a sponsor, along with a number of others in this body, of lobbying reform legislation. The Istook language has not anything to do with lobbying reform. It has everything to do with placing restrictions on rights of citizens of this country to use their own funds to express their own political views, not just to this Congress and not just to the Federal Government, but to the State and local governments as well.

This is an unprecedented intrusion, for reasons I will get into in a moment. What the Istook language does is place a limit on what percentage of funds can be used by a private entity, if that entity is either the recipient of a Federal grant or, indeed, may be a recipient in the future of a Federal grant—because there is a throwback of 5 years. Anybody applying for a Federal grant cannot have used more than a fixed percentage of its own private funds for political advocacy in the previous 5 years.

So, even though you do not have a Federal grant, if you think maybe in the next 5 years you might want to apply for a Federal grant, you have to watch how much of your own privately raised funds are going to express your own political opinion during that 5-year period.

Then there is this percentage cap that is placed on grantees. Mind you, it is not placed on people who are seeking to sell the Government B-2 bombers. They can spend all of their own funds, otherwise raised, on lobbying, that they want. The restriction here is on nonprofits.

So, if the Cancer Society or the Alzheimer's Society or the Mothers Against Drunk Driving or any of the other nonprofits apply for a grant or are the recipients of a grant, they are restricted even though they are not using grant funds for lobbying. They cannot come to the Congress and lobby us for legislation to try to reduce the number of drunk drivers on the road or the purity of our drug supply, or of our blood supply. They cannot come and do that, even with their own funds.

But there is no restriction on contractors receiving public funds. If you want to come and sell B-2 bombers to the U.S. Government there is no restriction on you. But if you were providing a service to the U.S. Government such as getting a grant to deliver lunches to seniors or getting a grant in order to provide a reduction in the number of drunk drivers that we face out on the road, or a whole host of other things that we obtained through our grants—then the restrictions apply to you. That is a distinction which does not make any sense to begin with.

And it goes way beyond that. Because, not only are you restricted in the percentage of your expenditures that you can spend on political advocacy, not only does this go back 5 years before you ever got a grant, but what is also counted in this is if you purchase something from another entity which spends more than 15 percent of its funds on political advocacy. Let us just think through the massive intrusion in that one. You have the American Cancer Society. It obviously cares about health care reform. It cares about research dollars for cancer. But it is told it cannot use its non-Federal funds beyond a certain limit for that. And what counts against that limit is not only the funds that it spends on advocacy, what counts against that limit is the money in excess of 15 percent that any people it purchases anything from spend on political advocacy.

Now the American Cancer Society wants to buy a new computer. They are thinking maybe they will buy an IBM computer, let us say. They have to check with that vendor under this language to find out if that vendor, IBM, has spent in the preceding year more than 15 percent of its expenditures on political advocacy. Nobody can comply with this kind of monstrous paperwork requirement. And nobody in their right mind can ever apply for a Federal grant under this requirement because they have to certify to the U.S. Government that not only have they not in the last 5 years spent more than 5 percent, but they would have to check what moneys were spent by everybody it bought anything from in the last year to make sure that its suppliers—people that it bought its hardware from, its office supplies from, and its electricity from, I assume too—to make sure that they did not go over the 15-percent level.

I cannot think of anything this intrusive which has been seriously proposed to this Congress during the 17 years that I have been here. I have gone back. I have looked to see if anything comes close to do this, and it does not.

Why do I refer to the 15-percent rule? Because under the definition of political advocacy, it says that "political advocacy includes disbursing any monetary support to any organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures." That is what it says. If you spend money, and provide money to any organization that is for the purchase of supplies, you have to check out that organization's contributions to political advocacy.

The person or the entity that has a Federal grant—or that is applying for a Federal grant—not only has to certify that these limits have not been exceeded, but it has to do so by clear and convincing evidence. Preponderance of the evidence here is not enough, folks. This is clear and convincing evidence. That is subsection 301(b)(1)(c)—clear and convincing evidence. That is the certification. And any taxpayer can take you to court, too, not just the Government, under this legislation as proposed. Under the Istook language, any taxpayer can stand to take any grantee to court who has made such a certification.

That is the kind of extreme measure that is before us in this language.

Does it have any place in the continuing resolution? No. It does not. Does it have any place in any other legislation? No. It does not. It does not have any place in a country which relishes its first amendment and its free speech right. It does not have any place in a democracy.

We should not place this kind of restriction on people who are using their own funds to lobby their own Government. I want to emphasize this point. We have a law already which prohibits the use of Federal grant funds to lobby, and we should. We should not be using taxpayers' funds to lobby. People though should not be limited in the way they are in this language as to how they are going to use their own privately raised funds in terms of their own political expression.

We have received a lot of letters, as I am sure everybody else has, on this issue. I would like to read some excerpts from just a few of these letters.

The first one is dated November 2, and goes to Speaker GINGRICH and Majority Leader DOLE. This letter comes from the Adventists, from the American Jewish Conference, from the Church World Service, from Catholic Charities, from the National Council of Churches of Christ in the United States, National Council of Jewish Women, the Archdiocese of Philadelphia, the Council of Jewish Federations, the Lutheran World Relief Network, the Presbyterian Church, and World Vision. This is what they say about the Istook language:

> We strongly believe that advocacy on behalf of justice and the common good are an important part of our calling in the world, and an important part of this Nation's democratic tradition. Do not allow this Congress to establish a dangerous precedent by restricting both our imperative to service and our Nation's traditional respect for a variety of viewpoints. Do not allow Congress to tie our hands or stifle our voices.

The American Baptist Churches wrote the following:

> By expanding the Federal funds restriction to include private funds and broadening the definition of advocacy, the Istook amendment would severely limit the extent to which nonprofits can speak on public policy issues. The amendment would require the Federal Government to monitor political activity and would threaten the freedom of expression protected by the first amendment.

So, Mr. President, I hope that we are going to strike the Istook language. Again, it has no place on this continuing resolution. It is inappropriate on this continuing resolution. I believe it should not be passed on any vehicle, and should not be passed standing on its own because it represents such a massive intrusion on the rights of citizens of this country using their own privately raised funds to express themselves.

Last year, a question was raised on the lobby reform bill which was a lobby reform bill. It had to do with paid professional lobbyists, and making certain that those who are professional lobbyists register and disclose how much money they are being paid by whom to lobby Congress and the executive branch. There was language in that bill which some argued might have a chilling effect on grassroots lobbying. That language was stricken, although many of us felt it did not have that effect at all. Nonetheless, it was stricken from the bill which we have recently passed. That language pales by comparison to this language. On a scale of 1 to 100, in terms of the chilling effect on first amendment rights and political advocacy, that language was a 1. This language is 100.

I doubt very much that this language could possibly pass constitutional muster, if it were tested in a court, because of its restrictions on the rights of private entities relative to the use of their own funds. But whether it ever got that far is what we are going to decide today. In the first instance, what we are going to do is decide whether or not we want this restriction, this kind of a massive intrusion on the rights, this kind of a monstrous bureaucratic paperwork requirement, or whether we want this to go any further. That is our job. This should never get to a court because this should never get past the Senate of the United States which has shown on a bipartisan basis over the years tremendous respect for the first amendment to the Constitution.

This is not a partisan issue. The amendment that has been offered by the Senator from Colorado is a bipartisan amendment to strike this language. There is going to be strong support to strike the Istook language on both sides of this aisle. And what that reflects is the historic reality of this Senate, that this Senate is, has been, and I hope always will be a strong bastion in the defense of the rights of free speech and political expression.

Mr. President, I hope we adopt the Campbell amendment, and I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Wyoming.

Mr. SIMPSON. I hope that everyone hears that. That was magnificent work by my friend from Michigan, and he is addressing the language that I am striking. Everything the Senator from Michigan has said is what I have taken out. He has debated the Istook amendment, and we have stripped that. This is startling to me, because there is not anyone more adroit in this body than my old friend from Michigan, who came here when I did. Every single bit of the debate in these last minutes by the Senator from Michigan has addressed the Istook-McIntosh-Ehrlich amendment, and I and Senator CRAIG have struck it.

Mr. LEVIN. I wonder if my friend from Wyoming will yield for a question.

Mr. SIMPSON. Indeed.

Mr. LEVIN. Has the language yet been stricken?

Mr. SIMPSON. There is a motion to strike. The motion to strike is amended by the series of amendments to fill the tree, as the Senator knows, of the Senator from Idaho and myself, to strike completely the Istook amendment and leave only behind something that passed here unanimously by voice vote, passed the Senate unanimously. It was called a restriction on 501(c)(4), and it had to do with a 501(c)(4) receiving Federal grants. And if they received Federal grants, they could not do unlimited lobbying. That passed here unanimously.

Mr. LEVIN. Will my dear friend from Wyoming answer another question?

I gather the answer to the first question is that the language is still in the bill before us and has not yet been stricken, but that under both the Campbell amendment and under the Simpson amendment the Istook language would be stricken?

Mr. SIMPSON. Under the Simpson amendment, which would come to the attention of the Senate first, the Istook language would be stricken, if it passes the Senate.

Mr. LEVIN. I wonder if my friend will yield for another question.

Does the language being offered by the Senator from Wyoming go beyond the language previously adopted by the Senate or is it precisely the same as the previous language?

Mr. SIMPSON. It has this additional matter. It retains fully the Simpson-Craig, or Craig-Simpson ban on grants to large 501(c)(4)'s. The definitions section has no expansion whatsoever, but it defines lobbying activities as passed by the Senate, in the lobbying reform bill of which the Senator from Michigan was very instrumental, and, of course, adds the definition of "grant" in that section. And then there is a reporting requirement.

These are the only things added, so I want the Senator from Michigan to know—a bare-bones reporting requirement, which is that grantees must simply say whether they spent less than $25,000 on lobbying activities or estimate the amount if they spent more, and finally it also applies the 501(h) formula for lobbying to Federal grantees, not just 501(c)(3)'s, and that is it.

It also says that if you will—I know the Senator from Michigan well. We want to remember that these groups, some of them, are huge. One of them is a $5.5 billion operation. They filed their returns, and they are not public. And we are saying that those returns will be public—501(c)(4)'s only. That is what this amendment does. That is all that it does.

Mr. LEVIN. If my friend again will yield, and I thank him for the answer, these are significant differences between what the Senator is offering today and what the Senate has previously considered and for no other reason than the language being offered today by my good friend from Wyoming covers all Federal grantees whereas the previous language did not.

Without getting into the complexities or the details of it —and this is a 17-page amendment that the Senator has filed—I do not think that the continuing resolution is a place for the Senate to be moving into significant new ground relative to a very important area, which is the free speech, first amendment rights of organizations. This comes as additional new matter, different from what has previously been adopted by the Senate in the ways that my friend from Wyoming has just described, but those are significant differences because this would apply to all Federal grantees, this language, whereas the language previously adopted by the Senate did not.

So I do not think this is the place to be debating and considering and deliberating on an amendment which has this kind of major differences from previously adopted language.

I thank my friend.

Mr. SIMPSON. Mr. President, it is very important to hear this. Most of the 17 pages of definitions the Senator speaks of are the Senator's creation. These are definitions taken from Senator LEVIN's lobbying reform bill and maybe two or three paragraphs of the substance—nothing dramatic.

We are not talking about the first amendment, I submit to my friend. We are not talking about the chilling effect. We are talking about responsibility, and what is the responsibility of the Federal Government in handing out grants to groups that then use the money to lobby the Federal Government for more money—using Federal money for that purpose, and that we ought not to have public moneys administered by political organizations in some cases, and that is exactly what this is about. It is not about the first amendment.

Mr. LEVIN. Will the Senator yield on that?

Is the Senator suggesting that these organizations have used Federal grant money to lobby the Federal Government despite the fact that the law prohibits the use of Federal grant money for that purpose?

Mr. SIMPSON. If I might direct my comments through the Chair, I say to the Senator, it must be evident to many that these groups get Federal money, and then they lobby us for more Federal money, for Medicare, Medicaid—you name it—Social Security. That is what they do. And as 501(c)(4)'s, they have unlimited ability to lobby and unlimited amounts of money to spend in that process.

Mr. LEVIN. If the Senator will yield, is he suggesting that those organizations are using Federal grant money for that purpose in violation of existing law which prohibits the use of Federal grant money?

Mr. SIMPSON. Under current law, the groups can count Federal money toward allowed expenses for lobbying.

Mr. LEVIN. My question to my good friend is, is the Senator from Wyoming suggesting that Federal grant money, which is given to an organization, for instance, to provide a cleaner blood supply or to provide lunches in a neighborhood or whatever the grant is for, is my friend from Wyoming suggesting that that Federal grant money is being used for lobbying purposes despite the current law that prohibits Federal grant money from being used in that way?

Mr. SIMPSON. I would say to my friend from Michigan, a 501(c)(3)—and that is what most of these are, that do good works out in the land—can spend more on lobbying if they get grant money. So we are not talking about those that serve the commonwealth. We are talking about groups that come in before us in our offices and say we want to see more money for this program or that program or that program or that program. If they get Federal money, it frees up, it frees up—it is fungible, and they can go out and use more to do their lobbying after they offset that. Some have said, "Well, if you take away the Federal money, we'll be able to do less for people."

Mr. LEVIN. My final question, if my friend would yield for an additional question, is, one of the key changes that is being proposed here that has not been adopted by the Senate, as I understand it, is that for the first time restrictions would be applied to any organization—or these additional restrictions would be applied to Federal grantees who are receiving, in the aggregate, grants of more than $125,000. That is an additional group that would be covered here that was not previously covered. Is that correct? That is the section 301(a) on page 1. That is new language?

Mr. SIMPSON. That is the language that has to be identified from your previous legislation and the language of the two or three paragraphs of substantive legislation. Under that section we are applying to Federal grantees what is currently applied to 501(c)(3).

Mr. LEVIN. That is new language, not previously in the Senator's——

Mr. SIMPSON. That is described in that way, yes. As I say, we are going to apply to all Federal grantees what is currently applied to 501(c)(3).

I would now yield to my friend from Idaho, who has been absolutely superb in assistance with this matter, and I commend him greatly.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I hope that our colleagues here in the Senate are listening to the debate and the colloquies that are going on at this moment on this very, very important issue. For if one is to assume that after we deal with the amendments offered by my colleague from Wyoming and my second-degree amendment and a third or a fourth, or filling up the tree, we are debating the whole McIntosh issue, that would be an inaccurate assumption.

We are returning to the language that the Senate has already voted on unanimously. And, as the Senator from Michigan has appropriately pointed out, there are some slight adjustments in it. But those slight adjustments are something that are not first amendment issues, not in any sense of the word. When it comes to spending Federal dollars, that is not a first amendment issue, never has been, most assuredly never will be.

Thomas Jefferson made that very clear to us in many of his writings when he said that, "No man should be lobbied with his own tax dollar." What we are saying here is very clear. We are simply taking the Internal Revenue Code rules, the lobbying of nonprofit charitables, the 501(c)(3) groups, and make that formula a little more generous and apply it to all organizations that do both lobbying and receive grants.

The Senator from Michigan is absolutely right, the threshold is $125,000. But then what we say is there is a formula of a sliding scale that is simple and very easy to understand until you arrive at a certain level, and beyond that you can take that first million that you can lobby with, and if you are above the $17 million, then you apply 1 percent, and if you stay within those categories, you report.

I believe the taxpayers of this country have a right to know how their money is being spent. And it is not, nor was it ever, the intent of the Senator from Wyoming or the Senator from Idaho, who joined with him in the original Simpson-Craig amendments on the floor that all of us unanimously supported, that we would stifle anybody's right to speak or to express their concern.

But we also said something very clearly. What are you going to be? Are you going to be a lobbying organization or are you going to be an organization that takes grants and applies them for the meaningful purpose for which they are given? You cannot be dominantly both, nor should you be under the law, because you are given a very special tax-exempt status to do certain things.

If you are taking grants, for whatever purpose they are allowed, you are given that opportunity. But if you have decided to lobby with it to generate more money, to do exactly what the Senator from Michigan knows can be done—and the term is called fungibility—then you can get increasingly larger and larger and larger to lobby a specific point of view.

I will not suggest that our colleagues in the House went too far in one form or another. But I will agree that some of those organizations that the Senator from Michigan mentions—or I might agree—ought not to play by these rules—they clearly are the charitables of our country that have served this country and its interested parties well—ought not have these kinds of restrictions. That is what this Senate recognized. That is why we have come back to change the language in this continuing resolution to deal with it as we had originally attempted to deal with it here in the Senate, because I think all of us recognize that it is time that we do a course correction, and that is, frankly, all that these amendments are, is a course correction from those very large multihundred million dollar organizations that have become very powerful in their skillful use of Federal grant dollars for their specific and very directed interests.

All we are saying to them is that there is going to be a criteria from now on, and we are going to apply the 501(c)(3) formula with a greater generosity to the 501(c)(4)'s. They have been misled, I think, stampeded by Washington special interests into suggesting that we are doing something tragic, different.

You have to remember, those who are lobbying against this have a special interest. Their special interest is access through the grant process to the Federal Treasury. And we are saying to them, "You can still have access because many of you do very worthwhile things. But what you cannot have is a free and open rein to lobby unless you meet certain criteria." We think that is important.

Why should we use tax dollars to lobby to get more tax dollars to get larger and larger and more powerful and powerful for political purposes, in some instances, instead of to meet the needs of the grants as we originally saw them? And as the activities of Government suggested, these agencies in a quasi-private manner could better administer them. That is what we wanted. And that is what has been our intent all along.

But what the Congress has failed to do over the last decade is take a serious look at how some organizations have recognized the unique ability to misuse the IRS Code for their particular advantage. And, frankly, we think that is just wrong. We want to adhere to the simple approach to deal with the larger organizations that we felt it was necessary to deal with.

Those who do not lobby do not have a problem. Their first amendment rights in the use of their own dollars are not questioned. Those who do lobby and take $125,000 or more of grant dollars have to adhere to a reporting process and a percentage of limitation. And they can choose to do that. Many organizations already have because they did not want to violate the rules or they did not want to misuse the congressional intent of that particular area of the IRS Code.

That is why the legislation was before us. That is why Senator SIMPSON and I have come back to amend the language in this CR because we understand what the Senator said. We can count votes. And we thought it was important that we deal at least with this segment of the code and the particular organizations that identify with that segment of the code.

I think most groups——

Mr. CHAFEE. I wonder if the Senator would yield for a question?

Mr. CRAIG. I will be happy to.

Mr. CHAFEE. Mr. President, my question is this: Apparently there seems to be agreement—I certainly concur in that—that the language that came over from the House is not acceptable. Now, it seems to me we ought to leave well enough alone, take it out, strike it. It has to go back to the House, and then we go on with our business when it comes back from the House. Hopefully, it would be without that language. And then we could proceed with the passage of the continuing resolution.

What the distinguished Senator from Idaho and the distinguished Senator from Wyoming are proposing is that in lieu of the language that was objectionable in the House, that we insert other language. Now, it is my understanding, having listened to the debate, that this language is not exactly the same as the so-called Simpson language that was adopted unanimously by voice vote.

There are variations to it. What they are, I am not sure. But my question to the Senator from Idaho is as follows: Why are we doing this? Why get involved at this point, when we are trying to pass a continuing resolution, with an extraneous bill that the Senators indicate is extremely popular and, if so, it ought to be able to pass on its own.

Why bog down this legislation with that and tie us up in something as we are, as I understand it, near unanimity that we do not want the language that came out from the House?

So let us strike it and go on with a clean CR. Frankly, I am in favor of a clean continuing resolution. All of us can think of nice things that ought to be added on it. Why, we can do something about Social Security for the senior citizens being able to earn more money——

Mr. CRAIG. May I respond to the Senator's question? I reclaim my time for the purpose of responding to the question. The Senator makes a good point, and I am not going to try to dispute him on his logic. He and I may disagree on clean CR's and the use of vehicles like CR's to move legislation, but the fact is, the House did act, and they acted by putting in the McIntosh-Istook language.

If we strike it, will they agree to that? I do not know. What I do believe they might agree to is the fact that we have changed their language to conform to the language that the Senate voted on by a unanimous vote with some very slight changes that we have already expressed to the Senators that are not changes in the intent. They clearly are clarifying provisions, the kind Senator CHAFEE and others spoke of with some concern in the earlier legislation.

I think we stand a greater chance of moving the CR and the House accepting it as we send it back to them with the amendments provided by the Senator from Wyoming and myself to clarify this issue, for we at least address it. The House has addressed it. They spoke to it last night, and I am not at all convinced that if we send back a clean CR with this stricken from it that we can deal with it in that manner. That is why we came with this approach. We think it is important, and it does conform with the Senate's wishes earlier expressed.

Mr. CHAFEE. Mr. President, my own view——

Mr. CRAIG. Mr. President, I hold the time, thank you very much. I will simply yield the floor at this point. I made my points. I know the Senator wishes to speak. At the moment, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, my own view on this is, if after long, continuous debate—and I do not know when it will be we finally get to vote, whether the Simpson language is included or not, I do not know—but my own belief is, if it is included and goes back over there, it will be a slice of salami. Then they will come back with some variations to it, and back and forth we go with the House in deciding just how far we want to go.

They have staked out a big measure. Instead of us saying "No, we don't want any part of it, we will take that up at another time," it is very popular here, we can do our version any time we want, we will do that within the next several weeks, we send this back with the variations, as the distinguished Senator from Idaho and the distinguished Senator from Wyoming have proposed, then back it comes with a small alteration, and on and on it goes. I think it is a mistake, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, let us be very clear here, that will not happen. The House leadership told us, and I hold it not in any sense a directive or anything else, but the House leadership has told us whatever comes out of here in the form of the Craig-Simpson amendment will be acceptable to the House. There will be no slicing of salami. There will be no slicing of anything.

In addition, that measure will not come up on Treasury-Postal. That is a critical thing. We cannot continue to delay the program because certain people have certain things they want. But there are certain things that are critical, not in the eyes of three Members of the House, but by the entire House, or at least a majority of the House. So that is why we have altered—altered?—we have slashed the measure to shreds and leave now the basic element of what we did in the Senate unanimously and the issue of the 501(h), which is a minimal, tremendously minimal requirement.

This is not going to go back into the grinder. It is not going to come forward. But if you are looking for clarity and simplicity and speed, I can tell you, it will not come with a motion to strike, because the motion to strike will create a most horrendous reaction in the House which, again, is destructive of the process.

So we are trying to get a crumb when we cannot get a loaf, and all of us who legislate know that. This is not any dramatic thing. The principal substance of it passed here on a voice vote, so it cannot be that bad.

Mr. LEVIN. Will the Senator yield on that point, on that issue for a question?

Mr. SIMPSON. Yes.

Mr. LEVIN. Both the Senator from Wyoming and the Senator from Idaho said there is a slight difference. There are significant differences. To put the question in the form of a question: Can the Senator from Wyoming tell us what percentage of current Federal grantees, approximately, would be covered by the new language where there is at least three significant changes from the old Simpson language? What percentage of Federal grantees would be covered by the new language in certification requirements and reporting requirements that were not covered by the original Simpson language?

For instance, would this double the number of grantees that are covered by certification and paperwork requirements? Would it triple it? Quadruple it? What are called slight differences here I think, indeed, are major differences. Can the Senator give us approximately what multiple of Federal grantees would be brought into this net for the first time?

Mr. SIMPSON. Mr. President, I am presented with figures, and remember, too, that not a single 501(c)(3) is, by our figures, spending more than $1 million on lobbying. Not one. Not one single 501(c)(3) is spending, according to our records, more than $1 million on lobbying, and that is most of the grantees. So I think——

Mr. KERREY. Will the Senator yield for a follow-on to that?

Mr. LEVIN. I wonder if we can get the answer to that question, because I included reporting requirements, paperwork requirements. If the Senator can tell us what percentage, what multiple of Federal grantees would be covered by the paperwork and certification and reporting requirements that were covered under the original Simpson language, is it twice as many, three times as many? About what percentage more?

Mr. SIMPSON. Mr. President, I have no ability to discern that. The paperwork requirement, however, if we can get this in perspective, is about less than an I-9 form that you would furnish with Immigration. It requires ID, name and amount spent on lobbying.

So it is not something they are going to have to hire a battalion of accountants to do or management officials. It is name, amount spent.

I can only tell you, I hope some of you will begin to look at some of the forms that the nonprofits file. Some of them are huge. Often the bigger the nonprofit in the (c)(4) area, the more they are done in handwriting. They are not typed, because if you do it in handwriting, it makes you look like one of the little guys. So you do it in handwriting, and you can almost miss the commas.

I cite on that one, on the 501(c)(4), the AARP. Their huge report, where they report $314 million in the bank in T-bills, where they get $106 million a year from Prudential life insurance, getting 3 percent of every premium, where they have $26 million in yield on their investments, where they get money from New York Life, Scudder-Stevens, RV Insurance, and all the rest, and get $86 million from the Federal Government. I think any group that can do that and can lease their downtown headquarters for $17 million a year on a 20-year lease, while they are raising bucks from the little people for $8 a pop, do not need Federal funding to do unlimited lobbying.

These are the (c)(4)'s. That is who I was after when I started. And their report is done by, I think, "Edna the Enforcer," down in some basement in California. It is written in commas—you cannot tell. You are not to disclose that to anyone. I had to search out that form. And this is a nonprofit organization. I had to search that out. When I received it—and I kept my promise—they said, "We do not want anyone to have access to this, or the public, to see this report." Got that? This does say that, from then on, this will be presented to the public. That is a change in this procedure, in the reporting requirement. They do not have to talk about where they spent it or who gave it to them—just a total amount spent; the total amount expended, which they are already entrusted, I think, to keep track of. We are not giving them a new item to keep track of. We are using current law definitions for lobbying expenses. I hope that might answer the question. At least that is the intent.

Mr. LEVIN. If the Senator will yield, under what law are all Federal grantees required to keep track of all their expenditures so they can determine how much spending on lobbying there is. This covers all grantees. You are not limiting this the way it was before. I wonder whether the law requires all grantees to keep track, as the Senator just said, of how much money they are spending and what percentage of dollars is spent on lobbying, of their own funds. We are talking about their own funds.

Mr. SIMPSON. Currently, I simply say, Mr. President, all grantees do not, and we think they should.

Mr. LEVIN. There is a new requirement?

Mr. SIMPSON. I explained that fully when we started, that there would be a reporting requirement. I said that when I began the debate.

Mr. CRAIG. Will the Senator from Wyoming yield?

Mr. SIMPSON. I yield to my friend from Idaho.

Mr. CRAIG. Mr. President, I appreciate the Senator for yielding. I would like to address the question the Senator from Michigan just spoke to.

All organizations keep books. All organizations have to report to the IRS. We are not asking that they do anything differently. We say that if you meet certain criteria, you have to make a certain amount of decisions.

Mr. President, $39 billion worth of tax money goes out in grants every year. You mean you are saying that you do not want the taxpayers of this country to have a right to have accountability for that money? Absolutely, we do. And we do. The 501(c)(3)'s are accountable, and they report. That is a very large chunk of the money. So, right now, the Senator from Michigan and the Senator from Idaho are saying that it is OK under the law, under the IRS Code, for 98 percent of everybody to play by the rules and file the forms. That is what we are saying, is that not?

Now we are talking about a window which several billion dollars slides through, in which there is no accountability. Why should those who do not account today not be under the same rules as the 98 percent who do? You and I both understand that giving the privilege of tax exempt in this society is a very large Federal subsidy. That is a unique privilege. All we are saying is, to retain that privilege, to do the special things that you should be wanting to do under your organization, we are saying that these are the requirements, which are very limited, and 98 percent play by those rules; why not the other 2 percent?

Mr. KERREY. Parliamentary inquiry. Did the Senator from Wyoming yield for a question?

Mr. SIMPSON. I yielded to the Senator for a question.

Mr. CRAIG. I yield back to the Senator from Wyoming.

Mr. SIMPSON. I yielded the floor to my friend from Idaho. I am glad to yield for a question and have a spirited debate.

Let me, if I can, read the language as to what is required. It is very short. Here is what we are requiring of people who get money from the Federal Government. We call them "taxpayer-subsidized grantees." It may not be a term of art, but that is what we call them. They get money from the Federal Government. They use the money to go out and do things with it—lots of times, trying to get more money from the Federal Government for things they strongly believe in. Here is what we would require of them. It is on page 16 of this amendment. We require—

> . . . a statement that the taxpayer-subsidized grantee spent less than $25,000 on lobbying activity in the grantee's most recent taxable year, or the amount or value of the taxpayer-subsidized grant, including all administrative and overhead costs awarded, a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year, and a good-faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this act.

That is all the reporting there is.

Mr. LEVIN. I wonder if my friend will yield for a question?

Mr. SIMPSON. Yes, indeed.

Mr. LEVIN. The Office of Management and Budget wrote the following:

> We have looked for any evidence regarding violations of prohibitions on use of Federal grant dollars for lobbying. We know of none. We have also contacted inspectors general at DOD, HHS, HUD, and the Department of Labor. They are not aware of any cases of violations.

I am wondering whether the Senator from Wyoming has evidence of violations of the prohibitions on the use of Federal grant dollars for lobbying. That is in existing law—prohibiting the use of Federal grants. Both the Senator from Wyoming and the Senator from Idaho have suggested that Federal grant dollars are being used to lobby. They may not be so used under current law. For instance, the Senator from Idaho suggested that there is a current use of Federal grant money to lobby for more grant money, despite the existing prohibition in Federal law against doing that.

So my question is: The Office of Management and Budget does not know of any violations of the prohibitions on the use of Federal grant dollars for lobbying. Does the Senator from Wyoming have a list of violations of those prohibitions?

Mr. SIMPSON. Mr. President, we are going to be here a long time, and I have eaten well and refreshed myself, and I will be glad to stay here for as long as it takes.

My language does not seek to apply any penalties to anyone. It is not to strike at the first amendment. It is not to weave the web of a chilling effect. My question was the one I started on many weeks ago right here in this Chamber, which must have been somewhat acceptable to my colleagues, since the first vote on it was 57–20 or 30, whatever. The next time it passed unanimously. The rub is, should this Government give money—and I was, at that time, speaking of the AARP, which is a 501(c)(4) corporation, which has the power of unlimited lobbying expenditure—unlimited. I said, "Why should the taxpayers of the United States cough up $86 million a year to the AARP or—listen carefully—to the NRA?

I hope that people are listening to this. I am talking about every single 501(c)(4) corporation or the Heritage Foundation or the Christian Coalition—you name it; any one organization that gets Federal money, when they have the ability of unlimited lobbying activity—that is who I am after.

You can decide what you wish to do with that. You can bring up every nuance of question, every shading of meaning.

I hope—strange, wonderful thing that drives us around here—that you realize that 96 percent of all 501(c)(3)'s spend less than $25,000 on lobbying; 96 percent of all 501(c)(3)'s spends less than 25,000 bucks on lobbying. I can furnish those statistics.

That may not answer your question. It may be a great diversion. I can tell you who we are after. I think I have explained that for the last several weeks.

The Senator from Michigan was on the other side then. He will be on the other side tomorrow. He will be on the other side the day after tomorrow. So we should at least realize what it is we are addressing. We are talking about the big guys.

That is why we put in the $125,000 provision. That is why we have done this, done that. We are after the big guys. We are not after the little guy. We are not after the soup kitchen people. We are after people who really ought to be addressed—and we will have hearings on it—on business activities, untaxed business activity.

I hope the Senator from Michigan will help me on that, and I think he will because there is serious abuse with huge organizations that bring in unrelated business income. We will have some hearings on that. That is big time, big ticket. That is where we start. Where we will end, only the Senate knows.

Mr. KERREY. Mr. President, the most important question for the Senators to answer as they prepare to vote for the amendment offered, the substitute offered by the Senator from Wyoming and the Senator from Idaho: Is this body going to get held up every time we do a CR?

We have three people in the House of Representatives saying, "We are willing to shut the Government of the United States of America down—whatever the consequences are, we do not care—because we want this provision attached to the continuing resolution."

To be clear, they did not even have a majority in the appropriations subcommittee, Treasury-Postal, and I am a ranking member. They did not have a majority on that committee to pass the Istook language.

Even the Senator from Wyoming, the Senator from Idaho, acknowledge that the Istook language would be rejected by the Senate. So what we are trying to do is compromise with a minority in the House of Representatives which is basically saying, "We will hold our breath until we get our way. We do not care if our face turns blue. We do not care if the Government shuts down. We are mad at a few organizations that campaigned against us, and we will pay them back."

Mr. President, the net is big. The Senator from Wyoming talked about his amendment earlier on Treasury-Postal. I would have supported that. It would have affected approximately 409 501(c)(4)'s. Even by raising—we voted at that time on a $10 million threshold. This drops it down to $3 million. You will jack it up to some 700 additional 501(c)(4)'s.

Far more troubling, Mr. President, is the language. This is not a change to the earlier proposal of the Senator from Wyoming. This is an attempt to compromise with a group of people in the House who are saying, "We will shut the Government down—not for a balanced budget, not to do something to strengthen the U.S. economy, not for the future. None of that. We think a couple 501(c) (3)'s or (4)'s were negative in our campaigns, and we want to get them."

That is what is driving this whole thing. This is revenge, the motive of a handful of people who are now saying, "We will shut the Government of the United States of America down if we do not get revenge."

I believe this body needs to say to those folks "No, that is not how we are going to operate a CR."

Last week, the distinguished Senator from Wyoming—and I supported him strongly—made a motion to put back into committee an amendment that the distinguished Senator from Arizona offered that would have raised the earnings test on people who get Social Security. We sent that to committee, this body did. We sent that issue to committee.

We said to one of our colleagues, a Member of this body, "No, this needs to go to committee. We need to evaluate this a little bit."

Now, I have folks—and one was on the floor earlier; I thought he would grab a microphone and try to get recognized—they are saying to us, "Unless we get our way on welfare, we will shut the Government down." We need to say to them, "No." We need to say to that little small group of people, "No."

It is not in the Contract With America. It has not been heard. We have not had an opportunity to evaluate this.

Colleagues say I will go along with Senator SIMPSON—normally I go along with Senator SIMPSON, the distinguished Senator from Wyoming. This is 17 pages of changes, Mr. President, that Members ought to understand could have a heck of an impact.

It might be fine for Mr. Istook or Mr. McIntosh, but all of us understand we will be held accountable for this vote. I think the most important, perhaps the only question, rather than getting into the details of what this will do: Will it make life better? Will it make life worse?

This does not belong on a continuing resolution. This body ought to stand unified against a relatively small group of people who say this year it is going after 501(c)(4)'s and trying to get some reform for the purpose of getting revenge.

What will it be next year, Mr. President? What will it be next time we try to get a continuing resolution so we can do the work of the Appropriations Committee? Who knows what it will be?

This is an act essentially of political terrorism where they are saying, "We will hold you hostage unless you give us what we want." They will hold us hostage. Give us what we want. Give us an airplane, give us this, give us that, and we will go along.

We ought to say, "No, don't negotiate with terrorists, Mr. President. Do not negotiate with a relatively small handful of people that are involved in this process."

It is difficult enough to get a continuing resolution with all the problems in the budget and all the disagreements and the various problems that we have in the budget, to be held up here on this continuing resolution, get held up and require us to come down on the floor and argue a piece of legislation.

I understand the Senator from Wyoming has made a good-faith effort to try to reach agreement. We ought to say no to a person, to these folks, and say, "You do not have a majority even in the Treasury-Postal Subcommittee in Appropriations. You lost the battle. We are not going to allow you to hold us, we will not allow you to hold the people of the United States of America hostage to your desire for revenge."

Mr. SIMPSON. Mr. President, I thank my friend from Nebraska. I hear him clearly. I was kind of reviewing the continuing resolution and who did what to who—a good thing to do in political combat from time to time. I remember how those on the other side of the aisle would hang their laundry on the continuing resolutions in days of yore.

I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHIP MEMORANDUM

To: TL.

From: Alison Carroll.

Subject: History of Riders on Continuing Resolutions.

Date: November 3, 1995.

This memo lists the most notable riders (substantial legislative items outside the jurisdictions of the Appropriations Committees) on Continuing Resolutions since 1984. Continuing Resolutions are attractive vehicles for such provisions because they are considered must-pass legislation over which the President and Congress eventually must reach agreement.

Vetoes of Continuing Resolutions have been extremely rare—only five Continuing Resolutions have been vetoed since World War II. All vetoes occurred between 1974 and 1990, and none were overridden. The vetoes of FY82 and FY91 measures led to brief shutdowns of some federal agencies.

FY84 CONTINUING RESOLUTION

International Security and Development Assistance Authorization Act

Establishment of National Board for Food Distribution and Emergency Shelter

Penalty for Forging Endorsements on Treasury Checks or Bonds

Taxes on Reimbursements for Travel Transportation, and Relocation Expenses of Employee

FY85 CONTINUING RESOLUTION

Comprehensive Crime Control Act of 1984 (over 200 pages long)

President's Emergency Food Assistance Act

Child Abuse Prevention

FY86 CONTINUING RESOLUTION

Export-Import Bank

Denial of MFN Status to the Products of Afghanistan

Federal Salary Act Amendments

Child Care Services for Federal Employees

Ethics in Government Act Amendments

FY87 CONTINUING RESOLUTION

Contained all 13 appropriations bills

Defense Acquisition Improvement Act

Paperwork Reduction Reauthorization Act

Human Rights in Romania

School Lunch and Child Nutrition Amendments

Aviation Safety Commission Act

Metropolitan Washington Airports

FY88 CONTINUING RESOLUTION

Contained all 13 appropriations bills (3 of 10 had not been considered previously by the Senate)

Cancellation of FY88 Sequester Order

Special House and Senate procedures for considering funding requests for the Nicaraguan Resistance (Contra Aid)

Agriculture Aid and Trade Missions Act

FY91 CONTINUING RESOLUTION

Extension of Certain Medicare Hospital Payment Provisions

Acceptance of Contributions for Department of Defense

Extension of Temporary Increase in the Public Debt

FY92 CONTINUING RESOLUTION

Extension of Sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990

Mr. SIMPSON. In fiscal year 1985, we had hung on the CR the Comprehensive Crime Control Act of 1984, emergency food assistance, child abuse prevention. In 1986, we had hung on the CR Export-Import Bank, denial of MFN status to products in Afghanistan—that was a ripper; that kept us up for a couple of days—Federal Salary Act amendments, child care services for Federal employees, Ethics in Government Act—that was a riotous occasion.

In 1987, the CR—and we were not in power here—we had all 13 appropriations bills tacked in there: Defense Acquisition Improvement Act, Paperwork Reduction Reauthorization Act, human rights in Romania, school lunch and child nutrition amendments, Aviation Safety Commission Act, Metropolitan Washington airports—all of it hung on the CR by those of the other faith.

So I just wanted to touch upon that lightly, and as far as I know what is being hung on this CR is one amendment, and we are debating it. And we should.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, for all the reasons given by the Senator from Nebraska and a lot of other Senators, both on the floor and from remarks in other places, this CR is not the place to make major changes in terms of the restrictions that are placed on the use of non-Federal funds by private organizations. It is a complicated area, and the changes that have been made by the Senator from Wyoming from his previous language are significant changes. We believe they will include a multiple—not just a small percentage more of the organizations and entities out there—but a large percentage not covered by the previous language which would be covered by the new proposed Simpson language.

But, I must say, when I am trying to understand the Senator's language, I wonder if I could ask for the Senator from Wyoming to help me understand his language here. I would like to work through it with him because it seems to me it is not only the wrong place to do this legislating, but this is a complicated issue and it is very unclear as to what he is trying to do. So, if the Senator from Wyoming might help me through this, on page 1 of his amendment on line 11, at the last line it says that any grantee receiving more than $125,000——

Mr. SIMPSON. What page, Mr. President?

Mr. LEVIN. One. Any grantee receiving more than $125,000 should be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Code.

When I look at 4911(c)(2)(B) of the Code, what I see are restrictions in the amount of lobbying activity for an organization to retain eligibility under their 501(c)(3) status. And it looks as though you spend—for instance, if your exempt purposes expenditures are between $500 and $1,000 but not over $1 million, that you are allowed lobbying nontaxable expenditures of $100,000.

Just to give one example, so, under 4911, a 501(c)(3) that has exempt purposes expenditures between half a million and a million dollars can retain that 501(c)(3) status and still spend $100,000 on lobbying—plus a certain percentage of the excess, but at least $100,000.

But, then, when I look at the Senator's language on page 16 of his amendment, line 6, here—although previously we were told that a 501(c)(3) can spend as much on lobbying as is allowed under 4911, suddenly we are told on line 6 that the chief executive officer of this entity must certify that the grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year.

So, on page 1 we are told follow the 4911 rules, which permit up to $225,000, in some cases, plus 5 percent of the excess. It is complicated but it is obviously more than $25,000. We are told on page 1 of this complicated amendment that the 501(c)(3) which is being covered here now, the other grantees which are being covered here now, are permitted to spend the amounts permitted under 4911. And then, lo and behold, a few pages later we are told the chief executive officer has to certify that the grantee spent less than $25,000 on lobbying activity.

My question of my friend from Wyoming is, which is it? Is it the 4911 limit or is it the $25,000 limit?

Mr. SIMPSON. Mr. President, the Senator from Michigan and I know each other too well. I enjoy the spirited energy that he conveys.

I want to say that what the Senator is speaking of here and bringing up is what I am intending to do. There is no mystery. You cannot misread two sections. If they spend less than $25,000 they do not have to report. That is what this says. The word "or" is there on that line, "or," line 8. They have options.

Page 16 just gives the exemption. Page 16 just gives the exemption. It says "or," and then it goes on to say if you spend more, you will estimate it. That is what it says.

So, to go back—I can go back into the code. We can do that, as I say, into the night. I am perfectly prepared. I might have to run off and get some light snack or something, but I am ready to do that.

The section of the Internal Revenue Code on that section, at the bottom of section 4911(c) page 630(C) of the 1986 Code, subtitle (d), chapter 40 is quite clear. It talks about the exemptions and lobbying expenditures and what they are. Expenditures for the purpose of influencing legislation: The nontaxable amount, the net purpose, the exempt purpose. All of those things are there.

It says, simply, in this bill, in sum, if you spent less than $25,000 you just have to say so. If you spent more than that, you have to estimate it. That is sole purpose of the amendment.

Mr. LEVIN. I thank the Senator for that clarification. I take it that the records, of course, would have to be kept so that certification could be made. But I think at least that clarification helps on that one point.

I am wondering, both the Senator from Wyoming and Idaho said, at least I believe that both have said, there is no question being raised about the limit on private funds which will be spent for lobbying. Is that correct? Or is this in fact not restricting the limit of non-Federal funds that can be spent for lobbying?

Mr. SIMPSON. Mr. President, the Senator mentioned an individual? Was that not your words?

Mr. LEVIN. Entity. No, the entity.

Mr. SIMPSON. Because individuals are not covered in any way.

Mr. LEVIN. No, I am talking about the entity.

Mr. SIMPSON. There are no restrictions—no new restrictions of any nature. We are simply describing grantees. We are including the phrase "grantees." That is a word of, I think, some substance. A grantee, that is somebody receiving taxpayers' money. And there are no new restrictions, only—the only difference is that Federal grantees, those receiving taxpayers' money, would be subject to the formula governing 501(c)(3).

Mr. LEVIN. To clarify this further, we are adding a new class of people covered by a restriction on the use of private funds for lobbying, and the unanswered question, so far that is, is how many additional people—or entities to be more precise—how many additional entities would be covered by the restrictions than were previously covered?

On that I gather we do not have an estimate, in terms of a percentage such as 50 percent more or 100 percent more or 2 times as many or whatever; is that a fair conclusion? That we do not have an estimate as to the multiple or percentage increase in the number of entities covered by the restrictions that previously were in the Simpson language?

Mr. SIMPSON. Mr. President, I would have no estimation of that. When we started our work months ago, I recall that it took us quite a while to find out how many 501(c)(4)'s there were, and how many of them really got into this lobbying game, and how many did not. But, we have not said, here, in this amendment, that only non-Federal funds are counted. We leave the formula to apply to Federal and non-Federal funds received, as is the current law.

(Ms. SNOWE assumed the chair.)

Mr. THOMPSON. Madam President, will the Senator yield for a question?

Mr. SIMPSON. Yes, indeed.

Mr. THOMPSON. As I listen to the debate, it appears that there are large organizations with millions of dollars of assets that make millions of dollars a year and they are receiving substantial amounts of money from the Federal Government, and you are seeking to place some requirements on them with regard to their lobbying activities. As I listen to this, there is a question that perhaps has been answered or addressed before, which I would think anybody listening to this would raise, and that is: Why is the Federal Government subsidizing these large organizations to start with?

Mr. SIMPSON. Madam President, I am very pleased that question has been asked. That is the nub. Why? Why should an organization that receives tremendous amounts of money in dues, tremendous amounts of money in unrelated business activities, a tremendous benefit by mailing through the Federal postal authority—and I asked for only one when I started. But this amendment and my work pertains to every single one of these, whether from the Christian right to the evil left. I hope people are hearing this exactly because that is exactly what we are talking about. And the Senator from Tennessee is absolutely correct.

What is the purpose of allowing that to occur when they receive money from the Federal Government, when in a sense they are awash in money and have an awesome power, which is called the unlimited lobbying expense? They can raise as much as they want and they can spend as much as they want without any limitation whatsoever, and then take the Federal grant money and make it fungible, which gives them more ability to try to get more money out of the Federal Government.

I have a question that I might ask of the Senator from Michigan, since it is question time. Does the Senator from Michigan, Madam President, believe that the existing limits on lobbying by 501(c)(3) corporations are improperly restrictions of use of private funds?

Mr. LEVIN. Madam President, in those cases, the people who contribute to those organizations get a tax deduction. So there is a true tax subsidy. But what the Senator from Wyoming is doing is then saying that every organization that gets a grant should be treated the same way, that every organization that is doing our work—where we give them a grant to deliver a meal, or to reduce the amount of drunk driving, or to clear up our blood supply, or to do the hundreds of other things that we want people to do for us—should be treated in the same way.

These are people that are performing services that we want private entities to perform. I thought we were trying to get away from having Federal employees perform all these services. So we make grants to entities to perform these services for us. Those are grantees. They are not spending that grant money to lobby. That is a violation of existing law. And the OMB has said they cannot find one violation; not one.

The problem with this proposal is that now we are treating those entities in the same manner as we previously treated entities for whom a tax contribution was tax deductible where there really is at least arguably a tax subsidy. So there is a very big difference.

But, if I may say to my friend from Wyoming, whether or not the Senator agrees with me, there surely is a major change in this legislation from the legislation previously adopted by the Senate. To now include all grantees is a significant substantive change. This is not a slight change, and it has no place on the CR.

Mr. SIMPSON. Madam President, I still would ask the question. It has not yet been answered. Does the Senator from Michigan believe that the presently existing limits on lobbying by 501(3)(c)'s are improper restrictions of use of private funds? That is the question I am asking—not about children or vaccinations or things that I believe in, too. That is what I am asking.

Mr. LEVIN. For the funds which those organizations have spent with tax deductible funds, people who contributed those funds received a tax deduction. That is a very significant difference and, it seems to me, represents a very different situation in terms of the restriction on lobbying because there was a true tax subsidy.

But, by definition, the Federal grantees that we are talking about are using private funds for lobbying purposes, and that is a very different kind of an animal. I think the arguments that apply to it are very different. But, again, whether or not this Senator is right in his conclusion, whether or not the Senator from Wyoming is right, or the Senator from Michigan is right, surely this represents a significant change in policy. And that is to be argued, it seems to me, properly in a legislative arena on a legislative bill and not on a continuing resolution.

Mr. SIMPSON. Madam President, I will not go further. The Senator and I will visit together and break bread and resolve this one. But there are existing limits on lobbying, on 501(c)(3) corporations, and everyone should hear that. And there have not then been improper restrictions of the use of private funds. No one is alleging violations. What is objectionable to me about the spending limits under 501(h) is why should they not cover those who are administering public money? I am interested in people who are administering public money. That is what I am interested in. And these people that give to the 501(3)(c)'s are called taxpayers. And in the case of Federal grantees, the taxpayer is contributing to them. They have no choice. Should they then be forced to support the various activities of those organizations that they do not concur with?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 3049, AS MODIFIED

Mr. CRAIG. Madam President, I send a modification of my amendment No. 3049 to the desk.

The PRESIDING OFFICER. The Senator has the right to modify the amendment. The amendment is so modified.

So, the amendment (No. 3049), as modified, is as follows:

In lieu of the language in amendment 3048, insert the following:

III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Codes of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000 unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other

persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term "grant" means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a

Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

(e) The amendments made by this title shall become effective January 4, 1996.

Mr. CRAIG. Madam President, I think the colloquy that has gone on this afternoon between our colleagues from Wyoming and Michigan has been extremely valuable. It has established very clearly that 501(c)(3) organizations in this country that receive a very large share, the lion's share, of the Federal grant dollars comply with the Federal law, and the IRS, too. In fact, the Senator from Michigan said that OMB has reported no violations.

Madam President, the reason there are not any violations is because there is a reporting requirement, and if they spend more than $25,000 worth of lobbying, they are in trouble. So they do not. They are limited by law, and there is a reporting process. There is a mechanism to hold them accountable. In that accountability, they perform those kinds of activities that they choose to under the privilege that the Congress of the United States and the taxpayers have granted them—tax-exemption. That is very simple. That is very clear. That has been established here today. That is the law.

They are required to keep books, but any organization that handles money is required to keep books by either their board or by the IRS, and in all instances the IRS. And so that is nothing new.

There are no new accounting requirements. They have to keep their books. But now there is a requirement, and that is the requirement of accountability, on another group—the same requirement we put on 90-plus percent of those who accept the Federal grants. It is not prohibitive to the clean blood supply, to the vaccinations, to the feeding. What is prohibitive is that if that group chooses to lobby, they have limits. They must decide whether they are going to be tax exempt and carry out the mandate of their grants and the goal of their organization or whether they are going to aggressively get involved in lobbying. It is a matter of either/or, of choice. It is not prohibitive in that sense. It is a matter of choice, decisionmaking. If they want to lobby and they have an interest to lobby, they ought to go create another organization with separate books so that the money does not cross spend, it is not fungible, so that the taxpayers do not find themselves subsidizing.

That is what the debate is about. We are taking the law that currently governs 90-plus percent of these organizations and putting it to the others with the same requirements and then a formula. In fact, we are even more liberal. We say that if you get above a certain amount, you can spend a certain amount. And until that time there is a very simple sliding formula that says here is the limitation—nothing more and nothing less. It is a mirror in which to look at themselves and to decide if they need to decide that they may be doing something wrong and would want to change. Or if they want to be all grant and no lobby or no advocacy, then that is what they ought to be.

I suggest that those who are providing feeding, who are interested in a clean blood supply and do that work in the private sector that the Senator from Michigan talks about that we have decided can be done better there, they are going to choose to do their job and not to lobby. But if there is a need for them to express an advocacy role, they can form a 501(c)(3) to get it done. That is a separate bookkeeping system, and that is called accountability because we have extended them a very special form of treatment under the law—tax-exempt status. That means they are by definition subsidized by the taxpayers of this country. Therefore, the taxpayers of this country have the right to ask for accountability under the law, and that is what we ask for.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

We are on the Simpson amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Madam President, let me speak briefly on this amendment.

Let me make three central points, not as an expert on all of the technical detail but I think I speak for the State of Minnesota, or a vast majority of people in my State when I say, first of all, this amendment really is an obvious effort to gag nonprofit organizations. I do not think it makes any sense. Day after day, we have been hearing from a majority in the House and some of my other colleagues about the importance of voluntarism and the value of the private sector in our society.

We talk about James Madison, and we talk about Thomas Jefferson, and I can think of the Alex de Tocqueville classic about America, the importance of mediating institutions. That is what these nonprofits are all about. They are the key to an effective civil society. They are ones who get people to participate in a democracy. They are ones who represent the interests of the middle class, of workers and poor people.

By the way, all too often they are the only voices for the voiceless.

So it does seem to me that this provision—and I have not seen exactly all that is in this modification—would make it very difficult for these groups to fully participate in the democratic purposes of this society. And to the extent that is true, I think it is a loss.

Moreover, I think it is a bit deplorable that those who are talking about these kinds of restrictions and are talking about the nonprofit sector, when it comes to others who feed the most from the public trough, the defense contractors and the big businesses, if we want to talk about people who are receiving hundreds of billions of dollars a year, do not gag them at all.

I would not be in favor of that anyway, because I think it is a violation of the first amendment to the Constitution, but it does seem to me that there is a sleight of the hand here that we ought to understand.

On the one hand, we go after these nonprofits that are all too often, as I said, the only voice for the voiceless, organizations that do wonderful work, that contribute greatly to the civil society, that do a lot of effective social service work and charity work and all of the rest. On the other hand, when it comes to big military contractors, big companies that receive all sorts of benefits, contracts, money from the Federal Government, when it comes to all sorts of large corporations which receive all of these various tax breaks, we do not have any such restrictions on them.

It seems to me that this is a double code. It is the same double code—those big contractors, they have the big bucks; they are the heavy hitters; they have the lobbyists. This is not lobbying reform. I have been involved in lobbying reform and the gift ban. This is nothing more than an effort to gag nonprofit organizations.

I must say to my colleagues that I find this even more troubling. I was at a press conference today. The Office of Management and Budget released a study—Dr. Rivlin deserves a lot of credit for her intellectual honesty—that what we passed that we called welfare reform will, in fact, on the House side, lead to over 2 million more children being impoverished in America; on the Senate side, a little over 1 million children will be impoverished as a result of legislation that we passed that we called "welfare reform."

At the time that we do that we now want to gag these nonprofit organizations which are quite often the only voice for those citizens, including the children. It is a bit outrageous.

Finally, Madam President—and I will be relatively brief because I imagine we have a vote coming up soon—I think the definition of political advocacy is such a broad definition, and we are not talking about lobbying, which is restricted. We are not talking about narrow partisan activity. We are saying that if an organization, a nonprofit organization wants to testify before the legislature, somebody wants to write an op-ed piece, somebody wants to do an educational forum, you name it, they may not be able to do that.

I think it is transparent what this is all about. I think it has already had a chilling effect in this country. And this is an amendment that ought to be voted down.

In any case, even if I was for it—and I am not—it is a gag order. It is an absolutely outrageous double code, with no such effort focused toward military contractors, big corporations. Such an effort should not be focused on them anyway; I would not be in favor of that because of basic first amendment guarantees, but, in addition, it should not be on this continuing resolution.

We are talking about whether or not the Government is going to continue to function, for God's sake. We are talking about whether or not we can govern here in Washington. I think people are sick and tired of these games and these amendments that get put on this kind of legislation.

Let me conclude by talking about another issue, since I think I have a little bit more time, about which I am deeply troubled.

And that has to do with my concern about the low-income energy assistance program which, Madam President, I know is very important to a State like Maine.

This program, the low-income energy assistance program—and I was tempted to do an amendment on this continuing resolution; I will not at this time because I think this is very, very serious business—but this is a 6-month heating season program, it is not really a 1-year program. And it is extremely important that the cold weather States get this funding and get this funding out to people.

It is true that some LIHEAP funds are used for cooling in places like nursing homes, but in the vast majority of the cases it is cold-weather States. And this money is used to help low-income people pay for furnace repairs and replacements, for fuel and propane tanks being filled, and for emergency assistance to avoid utility shutoff.

Madam President, I will tell you what we are doing right now. By not getting the money out to these communities, by having it essentially 30 percent of what it should be, we are basically forcing people to freeze on an installment plan.

Madam President, as I said before, this is a stopgap budget bill. If we continue to allocate these dollars, small in amount, for emergency heating assistance for elderly people, people with disabilities, people with children in this fashion, we are going to have some citizens who are going to freeze to death in this country. And then we will be ashamed. Then we will take the action.

But, my God, Madam President, I do not want to wait until that point in time. I want to make it clear to my colleagues that we cannot continue to fund programs like the low-income energy assistance program on an ad hoc, partial basis without doing serious harm to millions of families, some of the most vulnerable citizens in this country, who depend upon this program for their very survival during the winter.

Madam President, I was considering an amendment to this bill to provide additional LIHEAP funding for the States. But I am not going to do it because we are on the brink of a Government shutdown. I think that would be irresponsible. But I am not going to continue to let this go on month after month, allowing people to freeze on the installment plan. Is that what we want? Do we want to have vulnerable elderly people freeze, some perhaps even freeze to death, before we act to provide adequate low-income energy assistance funding? I do not think so. And I do not think that is what people voted for last year.

I do not think we can let this happen. I think we are going to have to do something soon. And if we do not do something soon, that is exactly what is going to happen. It could happen in North Dakota, it could happen in Alaska, it could happen in Maine, it could happen in Michigan, it could happen in Minnesota, it could happen in any number of the cold weather States in this country.

Madam President, this Low-Income Energy Assistance Program has been cut already by 25 percent this past year, and the House of Representatives urged its elimination altogether. The total cost of low-income energy assistance for citizens across this country does not equal one B–2 bomber, and in the House of Representatives they want to eliminate the program.

This program right now is down $1.2 billion from 10 years ago, and the need is growing. I have just said to my colleagues that I am extremely worried about what is going to happen. What I am hearing in my State is the funds are going to be depleted in the coming weeks.

What is going to happen during the rest of the winter in Maine or in Minnesota or in West Virginia, you name it? What happens in February? What happens in March or later if a cold snap occurs and people are held up without fuel oil or propane or electricity to run their thermostats? What then are we going to do?

Madam President, the Low-Income Energy Assistance Program in my State of Minnesota serves about 110,000 households, over 300,000 people. These are poor people. These are elderly people, people with disabilities, families with children. This year we are expecting to provide a supplement of an average of only $200 for the whole winter. The average fuel bill in Minnesota for the vulnerable elderly is between $1,800 and $2,000 a year. So people are carrying most of these costs.

The continuing resolution which the House passed last night and upon which we are going to act today provides that only a small percentage of the funds requested by the States in the first quarter, the funds that they need to run the program, are going to be there.

Madam President, I just simply have to say one more time that I am concerned. We have this only at about 30 percent of the normal rate. Minnesota is planning cuts of about 50 percent in benefit levels and will be unable to provide assistance to all eligible applicants under the current circumstances. In addition, many programs had to turn away recipients from the crisis program because of this erratic Federal funding. As a result, there are 900,000 households who have empty fuel tanks or who need electric utility connections who have not been served under LIHEAP, and the number is growing.

Madam President, one final point. There have been criticisms of this program, many of them coming from warm weather States. But let me just say to my colleagues, this is an effective, highly targeted program that serves 6 million low-income families and helps them pay their energy bills. More than two-thirds of these LIHEAP households have annual incomes of less than $8,000 a year, and one-half of these households have annual incomes below $6,000 a year.

I just simply ask my colleagues this question, because I have seen this happen before: Are we going to continue to not provide the funding? Are we going to continue to do this on this ad hoc, sporadic basis? What is going to happen?

I already know what is going to happen. Congress diddles, a few sad stories of vulnerable elderly people without heat appear, and then a few more, constituents contact their Members of Congress as the cold worsens, and then a couple of people are found dead in their apartments in the upper Midwest, or in New England, because they were knocked off LIHEAP or were otherwise unable to get their electricity or fuel bills paid and got shut off, or because they were too ashamed, too weak, or unable to bring themselves to ask their families to pay for the bills.

And then Congress acts. That is the scenario. That is what is going to happen. We are not providing what is not an income supplement, but a survival supplement. People are not going to be able to afford to pay their heating bills, and people are going to go without. And they are going to be too ashamed to ask or they are going to be too ashamed to turn to their families if their families can provide them with the support, and then they are going to freeze to death. That is not how this process should work. Americans deserve better.

That is not what we are about, letting the vulnerable elderly freeze to death on an isolated farmstead or in an urban high rise. We can do much better. And we should start now. We should not continue to provide pitifully inadequate LIHEAP funding to bleed the program for months while Congress struggles to get its work done, to allow people to freeze to death on the installment plan. We can do better. Americans insist on it.

I do not think I should do this amendment today, but if this goes on to December—and I know what this is going to mean to people in my State and a whole lot of other States—I am going to bring this amendment to the floor, and I am going to insist that we provide this funding for this program because I will be darned if on my watch as a U.S. Senator from Minnesota, people are going to freeze to death in the United States of America.

What are we about? Where is our compassion? Where are our priorities? Where are our values? When are we going to get real again? Madam President, that is where we are heading right now in this Nation, and we have got to do better, and the sooner the better. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, have the yeas and nays been called for on the pending issue?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CRAIG. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. I believe it is important to explain the important principles underlying this effort.

I am pleased to have been working with my colleague—and my good friend—the Senator from Wyoming [Mr. SIMPSON], to try and craft a consensus proposal in this area. This is one of the most important efforts going on in the 104th Congress. This is a truly critical issue. This effort already is known by various names: "Ending Welfare to Lobbyist," "Advocacy and Lobbyist Reform," "Defunding Political Advocacy," "Prohibiting Grants for Political Activity," and a "Taxpayers Declaration of Independence from the Special Interests," among others.

It's been joked that the hype used in describing any given issue is inversely proportional to its true importance. That is not the case with today's topic. In terms of forcing the Government to focus on its true and proper constitutional purposes, this effort may be second only in importance to passage of the balanced budget amendment to the Constitution. Both of those efforts remain work-in-progress at this point.

JEFFERSONIAN PRINCIPLES

Earlier this year, the Senate, by a single vote, put on hold the most important legislation to come before it in decades, the balanced budget amendment. Speaking to that very idea 200 years ago, Thomas Jefferson said, if "it were possible to obtain a single amendment to our constitution * * *" he wanted that to be an article "taking from the federal government the power of borrowing."

As timely as today's newspaper, Jefferson anticipated the Simpson-Craig and Istook-Ehrlich-McIntosh amendments when he said:

> To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

I want to make a distinction here: Sometimes, the Government uses tax dollars for actions that someone may disagree with. That's the nature of majority rule and the nature of decision-making in a republic. But it's a totally different thing to confiscate tax dollars from one person and use them to subsidize the lobbying and political advocacy on behalf of someone else's private-interest views.

I am not alone in believing that this practice flies in the face of the first amendment. The Supreme Court in its Beck decision said as much when it prohibited unions from using agency fees from nonmembers to pay for political activities.

GENERAL PRINCIPLES

Both the Simpson-Craig and the Istook-McIntosh-Ehrlich initiatives are efforts to enact a badly-needed taxpayers declaration of independence from the special interests. They both serve the same set of general principles:

Public money should be spent on the public interest, and not on the political agendas of special interests.

The Government should not give special interests money to pay for lobbying for more money.

Taxpayers should not be compelled to fund special interest lobbying that is against their own interests. To force them to do so really does amount to a violation of their first amendment rights.

Our efforts are about ensuring Government integrity and responsible stewardship of taxpayer dollars.

This is not an issue of left-versus-right: It's about rules that should apply across the board.

Left, right, and center, service or social organizations, they'd simply have to decide: Take the taxpayers money or lobby the taxpayers representatives—but you can't do both. To do both is a conflict of interest.

Our goal simply is to erect a solid wall between lobbying and advocacy activities, on the one hand, and other activities funded in whole or in part by the taxpayers, on the other hand.

LEGISLATIVE STATUS

Very briefly, here's what the action on this issue has been in recent weeks, and where it's headed:

Senate Action: On July 24, the Senate adopted, 59–37, the Simpson-Craig amendment to the lobbying reform bill, S. 1060. That amendment would prohibit Federal funds going to nonprofit groups covered by Internal Revenue Code section 501(c)(4) that engage in lobbying activities.

On August 5, the Senate adopted, by voice vote, the Simpson-Craig amendment to Treasury-Postal appropriations H.R. 2020, which was modified: Instead of all Federal funds, the prohibition extended only to awards, grants, loans; the effective date was set at January 1, 1997; and groups with gross annual revenues less than $10 million were exempted.

While watered down, the August 5 amendment put the Senate on record on a second vehicle in favor of the principle that fungible Government funds should not be used directly or indirectly to subsidize interest group lobbying, and prompted consideration of this issue in the Treasury-Postal appropriations conference committee, an appropriate venue because of its coverage of general Government activities.

Frankly, I would not have supported these modifications to our amendment if I thought this were the final product. I saw it, and I believe ALAN SIMPSON saw it, as our way to raise the issue on one of the legislative vehicles most likely to become law this year.

House Action: On August 3, the House rejected, 187–232, an amendment to strike the Istook-McIntosh-Ehrlich language in the Labor-HHS-Education appropriations bill, H.R. 2127. The reform language prohibits Federal grants to any groups including both nonprofit and for-profits, that engage in lobbying or political advocacy; pass-through funding to related groups is also covered; groups are exempt if they spend less than 5 percent of their first $20 million of non-Federal revenues and 1 percent of additional revenues on lobbying or advocacy.

CURRENT STATUS

House conferees sought to incorporate the Istook-McIntosh-Ehrlich amendment into the Treasury-Postal conference report. ALAN SIMPSON and I have been working with the House principals to try and forge the strongest possible combination of the best of both of the Senate and House provisions.

Sixty Republican House Members sent a letter to the Speaker saying they will oppose the Treasury-Postal conference report unless the Istook-McIntosh-Ehrlich amendment is included.

In the Senate we sent a letter, with 25 cosignors, to urge the Treasury-Postal conferees to consider the full range of issues addressed by both versions and to blend the Simpson-Craig and Istook-McIntosh-Ehrlich amendments into the strongest possible combination.

Twenty-five Senators last month wrote the Senate conferees on the Treasury-Postal appropriation bill urging they support the strongest possible language that reflects the best of both the Simpson-Craig and the Istook-McIntosh-Ehrlich amendments.

Unfortunately, that conference deadlocked. That's one reason we are here today, debating this amendment. Another reason is that both the Senate and House have voted for these principles twice, by significant majorities. We are just trying to work out the details of the precise language.

Madam President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 24, 1995.

Hon. RICHARD SHELBY,
Chairman, Subcommittee on Treasury, Postal Service, and General Government, U.S. Senate, Washington, DC.

Three times in recent months, the Senate has voted for the principle that federal grants should not be used, directly or indirectly, to subsidize lobbying and political activity by special interest groups. Versions of the Simpson-Craig Amendment were added to the Lobbying Reform bill and the Treasury-Postal Service-General Government Appropriations bill. The House took a different approach to the same problem, passing the Istook-McIntosh-Ehrlich Amendment. The two bodies passed their respective amendments by solid, bipartisan majorities.

We are writing to urge the conferees on the Treasury-Postal Appropriations bill to consider the full range of concerns addressed by both the House and Senate proposals. We urge you to adopt in conference the strongest possible language that reflects the best of both the Simpson-Craig and the Istook-McIntosh-Ehrlich amendments. The Treasury-Postal bill, which covers "general government" functions, is a most appropriate vehicle to carry this reform.

The Senate approach applied a stronger funding ban to a narrower range of recipients. It also reflected Senate recognition that some groups exist for the purpose of charitable pursuits and some groups are really veiled lobbying and advocacy organizations. The House approach applied to all organizations, non-profits and for-profits, with a flexible approach that still allows federal grantees to engage in significant lobbying and advocacy activities with their non-federal funds. It also recognized that regulating some types of organizations to the exclusion of others may result in "shell game" reorganizations. Both approaches recognized the problem of the fungibility of federal dollars.

Like you, we have promised our constituents that we would work to balance the budget and change the way Washington does business. Continuing to subsidize lobbying and advocacy by large, special interest organizations runs counter to this purpose. It also runs counter to First Amendment principles by forcing taxpayers to subsidize political activities with which they disagree.

Therefore, we urge the conferees to combine the best of both proposals into a strong, effective, workable reform that would rein in public financing of lobbying and political advocacy. Thank you in advance for your consideration.

Sincerely,

Larry E. Craig, Alan K. Simpson, Jesse Helms, Mitch McConnell, Strom Thurmond, Slade Gorton, Trent Lott, Kay Bailey Hutchison, Orrin G. Hatch, Spencer Abraham, Bob Smith, Conrad Burns, Craig Thomas, Larry Pressler, Don Nickles, Lauch Faircloth, Bill Frist, Paul D. Coverdell, Dirk Kempthorne, James M. Inhofe, Frank H. Murkowski, Rick Santorum, Phil Gramm, John McCain, Rod Grams.

Mr. CRAIG. Madam President, many groups who claim to speak for grassroots members or large groups of Americans actually use Federal dollars inappropriately to amplify the voices of a few.

Organizations which receive funding, in spite of major lobbying activities, include:

The American Association of Retired Persons, who received more than $73 million in a 1-year period;

The Environmental Defense Fund, which has benefited from more than $500,000 in taxpayer funding;

The World Wildlife Fund, which received $2.6 million in Federal funding between July 1993 and June 1994;

The National Council of Senior Citizens, which receives 96 percent of its funding from the Federal Government, to the tune of $71 million in 1 year;

Families USA, which received $250,000 from the taxpayers between July 1993 and June 1994, and tried to mobilize last-ditch support for President Clinton's health care plan last year through a nationwide bus tour;

The Child Welfare League of America, which received more than $250,000 in Federal funds and launched an ad campaign opposing the Contract With

America's welfare reform bill, saying, "More children will be killed. More children will be raped."

Our reforms would prevent Federal subsidies of lobbying by conservative groups, too. It would apply to groups like the National Rifle Association and the Christian Coalition, too, if Congress and the bureaucrats ever were tempted to fund them.

DOLLARS ARE FUNGIBLE

It is already supposed to be illegal to spend Federal funds directly on lobbying the Federal Government.

However, organizations still can draw on a combined pool of vast amounts of private and public money.

Having many pipelines into one pool still allows a group to use the entire pool in such a way that it maximizes its lobbying muscle.

Federal money can supplant other funding to other activities that still support lobbying, such as overhead and travel.

This means the Federal Government is indirectly subsidizing millions of dollars of lobbying by special interest groups each year. All the groups need to accomplish this is creative accounting.

Our amendments simply would not allow both activities to continue within the same organization.

We need to prevent Federal funding from indirectly subsidizing lobbying activities by being used to free up other funds, and, as recognized in the Istook-McIntosh-Ehrlich amendment, prevent one organization, like a 501(c)(3), from being able to pass through, essentially to launder, the money through to another organization, like a 501(c)(4).

Our amendments would not prohibit an organization from conducting educational or charitable operations under 501(c)(3) status and conducting lobbying through a related, but completely separate, independently financed, 501(c)(4) organization.

The key here is to ensure the total separation of funds, with an impenetrable wall between taxpayers' dollars and dollars for private-interest lobbying and political advocacy.

REAL LOBBYING REFORM

In July, the Senate recognized that this kind of amendment is about—real lobbying reform, integrity in the grant, loan, and award process, and clean government, and good government.

Congress and the public have been correctly focused on lobbyist and gifts to legislators.

We also need to do something about Government's gifts to lobbyists.

There has been a growing phenomenon of more and more Federal tax dollars going to advocacy groups, which then allows them to use these taxpayer dollars to argue their maybe very narrow point of view.

Federal grants to private grantees now totals an estimated $39 billion, with no effective accountability. This contrasts with the way that Congress has enacted a complex set of controls to make sure contractors can not use contract proceeds for improper purposes.

This practice of sending billions of fungible dollars into the coffers of lobbying groups undermines the people's confidence in their government.

BALANCING THE BUDGET

This reform is a good place to look for help in balancing the budget.

With nearly a $5 trillion debt, a $200 billion deficit, and the very real concern that this year for the first time this Congress is going to establish increasingly narrow and tighter public priorities as to where taxpayer dollars get spent, it is high time we do the same in this area.

FREE SPEECH

I opened with a discussion of Thomas Jefferson and the Constitution. Opponents of our reforms have tried to use the first amendment against us. Their arguments simply don't hold up.

We should never restrict the right of the citizen, or the group, or the organization to be an advocate before their Government.

At the same time, the Government is under no obligation to promote, and should not be subsidizing, directly or indirectly, their activity as an advocacy group.

There is a difference between free speech and sponsorship. The American people have a clear, intuitive understanding of that difference. Unfortunately, too many Members of Congress, bureaucrats, lobbyists, and special interest groups have lost that understanding. These proposals seek to restore that distinction. As a matter of fundamental rights and constitutional law, we want to protect free speech. Lobbying and political advocacy are speech. But we are under no obligation at all to subsidize anyone's lobbying or political agenda.

No one reveres the personal liberties of the Bill of Rights more than the two Senators standing before you today. One of the most impressive accomplishments of the Istook-McIntosh-Ehrlich team is that they had their proposal thoroughly reviewed by constitutional scholars. We are comfortable that our reforms not only are consistent with the first amendment—they would promote first amendment principles.

CONCLUSION

I am optimistic that we will make progress, and ultimately enact legislation, in this area. The time is right, the supporters are dedicated, and, most importantly of all, critical principles of good government are at stake.

Madam President, I ask unanimous consent to have printed in the RECORD some research information that shows that over 70 percent of the American people agree with us on the Simpson-Craig amendment.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

WHAT THE AMERICAN PEOPLE HAVE TO SAY ABOUT WELFARE FOR LOBBYISTS

On September 26–30, 1995, the Luntz Research Companies conducted a national study of 1,000 adults on a number of important national issues, including public funding of special interest groups that lobby the government. The results were:

Tax dollars should not be provided to non-profit organizations which, directly or indirectly, use these funds to lobby federal state or local officials for their special interest agenda.

Agree: 70 percent.
Disagree: 26 percent.
Don't Know: 4 percent.

Would you be more likely or less likely to vote for your Member of Congress if he or she did not support a law to stop federal funding of non-profit organizations which, directly or indirectly, use these funds to lobby government officials for their special interests.

More Likely: 31 percent.
Less Likely: 56 percent.

Mr. CRAIG. Madam President, I ask unanimous consent to have printed in the RECORD a copy of a legal opinion obtained by our assistant majority leader and the majority leader of the other body, from a constitutional expert.

This explains why the House-passed Istook-Ehrlich-McIntosh amendment is constitutional.

Since the Simpson-Craig amendment is more lenient in its treatment of grantees who lobby, it is even more obviously constitutional.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

TIMOTHY E. FLANIGAN, Esq.,
Washington, DC, November 1, 1995.

Re Recent Changes to Proposed Limits on Political Advocacy by Recipients of Federal Grants.

Hon. TRENT LOTT,
Majority Whip, U.S. Senate, Washington, DC.
Hon. RICHARD K. ARMEY,
Majority Leader, House of Representatives, Washington, DC.

DEAR SENATOR LOTT AND REPRESENTATIVE ARMEY: You have asked that I supplement a letter dated July 19, 1995, in which I addressed the constitutionality of proposed legislation, sponsored by Representatives Istook, McIntosh, and Ehrlich, that would impose limitations on political advocacy by recipients of federal grants. (A similar proposal has been advanced in the Senate by Senators Simpson and Craig.) In particular, you have asked whether any of the various changes made to the proposed legislation since my initial letter would affect my conclusion that the legislation is constitutional. These changes, which are currently reflected in a proposed revision to H.R. 2020 (the "bill"), include clarifying the ability of affiliates of federal grantees to engage in political activity, loosening the restrictions on political activity by federal grant recipients within certain dollar limits, and clarifying that the bill places no restrictions on an individual's use of non-federal funds. The changes merely reinforce the view expressed in my previous letter that the proposal is constitutional.

Opponents of the proposal have leveled only three constitutional arguments against the proposal: (1) that it establishes unconstitutional conditions on the receipt of federal grants; (2) that it violates the equal protection component of the Fifth Amendment's Due Process Clause by discriminating against federal grantees vis-a-vis federal contractors; and (3) that its disclosure provisions violate a purported constitutional right to engage in anonymous speech. Each of the arguments rests on a selective and inaccurate reading of Supreme Court decisions which, when fairly read, provide clear support for the proposal.

First, as discussed in more detail in my letter of July 19, the bill does not establish an unconstitutional condition because it expressly permits political activity by affiliated organizations that receive no federal funds. Indeed, the current bill goes even further than the previous version to make clear that affiliate organizations that do not receive federal grants are not affected by the limitations on political advocacy.

The Supreme Court has expressly upheld such a mechanism as a method to avoid constitutional difficulties. In *FCC v. League of Women Voters*, 68 U.S. 364 (1984) (Brennan J., writing for the Court), the Court observed—and indeed appeared to recommend to Congress—that Congress could prohibit public broadcasting stations that received as little as 1% of their funds from the federal government from engaging in any editorializing so long as the statute allowed those entities to create affiliates who were not barred. *See id.* at 400.[1] By expressly affording federal grantees that option, therefore, the bill is valid under the Court's unconstitutional conditions analysis.

Opponents of the bill have sought to avoid the effect of *League of Women Voters* by taking out of context a single sentence from the Court's opinion in *Rust v. Sullivan*, 111 S.Ct. 1759 (1991). That sentence draws a general distinction between restrictions directed against "entities" rather than simply "programs." Their references, however, derived not from the Constitution but from the regulations challenged in that case, which applied only to Title X programs. Thus the *Rust* Court had no occasion to revisit its analysis of prohibitions on "entities" in *League of Women Voters*. Moreover, this narrow reading of *Rust* collapses completely when the sentence is read together with the remainder of the paragraph in which it appears. Barely four sentences later, the Court specifically reaffirmed its conclusion in *League of Women Voters* that a flat prohibition on certain speech activities by recipients of federal funds "would plainly be valid" if Congress permitted the recipients to establish affiliates to engage in that activity with non-federal funds. *See Rust* 111 S.Ct. at 1774 (quoting *League of Women Voters*, 468 U.S. at 400).

Rust also made clear that the Constitution by no means bars restrictions on the use of non-federal funds. The Court specifically rejected the argument that the application of the Title X regulations to non-federal funds used in Title X programs was unconstitutional because they penalized privately funded speech. *See Rust*, 111 S.Ct. at 1775, n. 5. The Court moved that a party wishing to engage in the prohibited speech could "simply decline the subsidy."

The "equal protection" argument against the bill also fails. The gravamen of this argument is that Congress may not treat grantees differently from federal contractors without a compelling reason for doing so. This argument, however, is not supported by the relevant case law. Congress is simply not constitutionally prohibited from controlling grants and contracts through different regulatory schemes.[2]

The Constitution does not forbid Congress from making a rationally based, content-neutral distinction between contractors and grantees. Strict scrutiny would not, as some opponents have claimed, apply to the distinction between contractors and grantees. It is "not at all like distinctions based on race or national origin" that are subject to strict scrutiny under an equal protection analysis. *Regan v. Taxation With Representation*, 461 U.S. 540, 548 (1983) (rejecting equal protection challenge to limitations on political activities by organizations exempt under Section 501(c)(3) of the Internal Revenue Code). Moreover, strict scrutiny does not apply merely because the restrictions on recipients of federal grants might affect the exercise of their First Amendment rights: "[A] legislature's decision not to subsidize the exercise of a fundamental right does not infringe the right, and thus is not subject to strict scrutiny." *Id.* at 549. Rather, the distinction between contractors and grantees must only rest on a rational basis. There is no reason that Congress could not rationally determine that the nature of a contract, involving a bargained-for exchange and judicially enforceable rights, presents a less serious risk of misuse of federal funds than a federal grant.

The third argument—that the bill's disclosure requirements violate a generalized right to engage in anonymous political activity—fails because no such right exists. The Court has never articulated such a right and the case law relied on by the bill's opponents merely serves to underscore the constitutionality of the bill's modest disclosure requirements.

The bill's disclosure provisions are significantly less burdensome than others on lobbying and campaign activities that have been upheld by the Supreme Court. For example, Congress has for many years imposed extensive disclosure requirements on those who lobby it. The Federal Regulation of Lobbying Act, for example, requires of any person or organization who solicits or accepts money to lobby Congress to submit a detailed quarterly disclosure of the name and address of any contributor of more than $500 and the name and address of the recipient of every expenditure greater than $10. *See* 2 U.S.C. §264. The Supreme Court held that that statute did not violate the First Amendment, stating, in an opinion by Chief Justice Warren, that Congress "is not constitutionally forbidden to require the disclosure of lobbying activities." *United States v. Harriss*, 347 U.S. 612, 623 (1954).

The present bill is far less restrictive. It requires a "brief description of the taxpayer subsidized grantee's political advocacy," together with good faith estimates of the grantee's expenditures on political advocacy and political advocacy threshold. *See* §702(a)(3)(B)(vi) and (vii). Indeed, the Federal Regulation of Lobbying Act, which the Court has upheld against First Amendment challenge, goes well beyond the bill by applying to anyone who lobbies Congress, regardless of whether they receive any public funds at all.

The Supreme Court only last term reaffirmed that such disclosure requirements do not violate the First Amendment. In *McIntyre v. Ohio Elections Comm.*, 115 S.Ct. 1511 (1995), the Court struck down a state law which prohibited anonymous political pamphleteering. In reaching that conclusion, however, the Court specifically distinguished and reaffirmed its earlier holding (in *Buckley v. Valeo*, 424 U.S. 1 (1976)) that upheld disclosure requirements for "independent expenditures," i.e., the use of private funds. *McIntyre*, 115 S.Ct. at 1523. The Court emphasized that "[d]isclosure of an expenditure and its use, without more, reveals far less information" than the requirement before the Court in *McIntyre* that political leaflets identify their author. *See McIntyre*, 115 S.Ct. at 1523. While noting that the information required to be disclosed in *Buckley* "may be information that the person prefers to keep secret, and undoubtedly often gives away something about the spender's political views," the Court reaffirmed that such disclosure requirements are not barred by the First Amendment. *Id.*

For these reasons, I believe that the bill's limitation on federal grantees' political advocacy and its accompanying disclosure requirements would likely withstand constitutional scrutiny.

Very truly yours,

TIMOTHY E. FLANIGAN.

FOOTNOTES

[1] The Court stated:

"Of course, if Congress were to adopt a revised version of [the statute] that permitted noncommercial educational broadcasting stations to establish 'affiliate' organizations which could then use the station's facilities to editorialize with nonfederal funds, *such a statutory mechanism would plainly be valid* under the reasoning of *[Regan v. Taxation With Representation*, 461 U.S. 540 (1983)]. Under such a statute, public broadcasting stations would be free, in the same way that the charitable organization in *Taxation With Representation* was free, to make known its views on matters of public importance through its nonfederally funded, editorializing affiliate without losing federal grants for its non-editorializing broadcast activities."

League of Women Voters, 468 U.S. at 400 (emphasis supplied). The bill expressly adopts the same structure approved by the Court in *League of Women Voters*. Organizations receiving federal funds could create lobbying affiliates to engage freely in political advocacy, but without federal funds.

[2] It is important to note that the bill applies to *all* grantees, corporate or non-profit. To the extent that corporations receive grants, they would be subject to the same restrictions as any "public interest" organization receiving grants. Moreover, although the bill applies only to federal grantees, federal contractors are already subject to regulatory regimes restricting their lobbying activities. *See, e.g.*, Federal Acquisition Regulation, 48 C.F.R. §3.803 (requiring disclosure of lobbying activities), §31.205–22 (restricting lobbying costs allocable to federal contracts).

Mr. CRAIG. Madam President, a few moments ago a Senator speaking said we are trying to gag the nonprofits.

How clearly can I make myself to say no, no, no, it ain't true. This is the for-profits, too. These are the organizations that both lobby and receive grants and are for profit. They are included now. This is a matter of reporting. This is a matter of choice. This is a matter of establishing your priorities of what you are. This is not about gagging.

Are we gagging the 501(c)(3)'s? They do not believe so, because they are doing what they are supposed to do under the law. That is all we are establishing here is a priority and a criteria that we have already established in a variety of areas in the IRS Code of our country. There is absolutely nothing wrong with that approach.

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[1] Footnotes follow at end of article.

If there is an organization that feels they are being gagged, I might suggest that that organization is misusing the current law and find themselves embarrassed because they got caught misusing the Federal dollar.

I yield the floor.

Mr. LEAHY. Mr. President, imagine the 4-H Club being banned from receiving any Federal grants because it spent too much money letting people in the hard-to-reach areas of rural America know about changes to agricultural laws. Imagine Planned Parenthood being forced to spend millions of dollars defending itself against suits filed by anyone ideologically opposed to their mission.

Well, if House Republicans have their way, you have to imagine much longer—you will be able to see it for yourself.

The authors of the so-called Contract With America would have you believe that they want to get government out of people's lives. Apparently that commitment does not extend to people who disagree with them. The Istook language is a thinly veiled attempt to gag non-profit organizations, to bind them up in bureaucratic red tape and prevent them from letting Congress or the public know about the impacts of Federal legislation.

It is no wonder that the American people hold such a low opinion of Congress. Today, more than 5 weeks into the fiscal year, only 2 of the 13 appropriation bills needed to run the Government have been signed into law. But instead of making a serious attempt to pass a continuing resolution that will keep Federal workers at their desks, House Republicans have chosen to send to the Senate a resolution sprinkled with items from their ideological wish list.

There are 800,000 Federal employees who have bills to pay and families to support, who will not be paid starting Tuesday if a continuing resolution is not passed. The Istook amendment has no place in the continuing resolution, it has no place in law. I urge my colleagues to strike the Istook language and send the President a continuing resolution that he can sign.

Mr. LIEBERMAN. Mr. President, I join in support of the motion to strike the so-called Istook amendment from the continuing resolution. I will not speak long because, as a Congress, we have spent far too much time on this already and there is so much more we need to accomplish.

The Istook amendment is in my view nothing more than a solution in search of a problem.

Who could argue with this solution's ostensible justification—prohibiting Federal grantees from using tax dollars to lobby the Government. No one, I suspect. My evidence: this practice is already illegal, and has been for a long time.

If charities or other nonprofits are violating that law and all the regulations that govern how they account for and spend Federal grants they may receive—and I have not heard persuasive evidence that they are—no new law and its accompanying regulatory burdens and bureaucracy should be adopted before examining whether better enforcement of the existing laws and regulations wouldn't address the problem. I though that we had evolved as a Congress where our first response to a problem or a perceived problem was not slapping yet another layer of laws and bureaucracy on top of an already complicated regulatory structure. Using Government funds to lobby is already illegal and charities are already limited in what they can spend overall on lobbying and still retain their charitable tax status.

In my view, this proposal has a curious old government feel to it—despite the revolutionary credentials of this amendment's proponents.

Similarly, the Istook provision has a Federal bias that I thought was no longer fashionable. It extends the Federal Government's regulatory reach into the affairs of local, private organizations, even affecting the way they may spend their own, privately raised dollars. For example, it defines political advocacy so broadly that local charities will have to measure and document the time and resources they spend trying to influence the decisions of local administrative bodies because they may be affiliated with national charities. Under the Istook provision, national charities and nonprofits must include the political advocacy expenses of any of its local affiliates in calculating whether it has exceeded its threshold limit.

At year's end, will the Hartford, CT, chapter of the Boys & Girls Clubs have to calculate whether the time and resources it would like to spend seeking permission from the local zoning board to expand its building tip the national Boys & Girls Club operations over the Istook threshold edge and put all Boys & Girls Clubs grants at risk?

I have to assume that the supporters of this amendment did not intend that effect. But they have cobbled together such a complicated, layered regulatory scheme regulating so-called political advocacy at all levels of government, that absurd consequences are inevitable.

For example, the amendment limits the ability of Federal grantees to purchase or secure any goods or services from any other organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded the greater of $25,000 or 15 percent of the other organization's total expenditures. So not only will the charities and nonprofits that are subject to this provision have to keep detailed records concerning how much they spend on their own broadly defined political advocacy, but they will have to make sure that the local stationery or computer stores from which they are buying their supplies are documenting their expenditures for political advocacy.

In most cases, of course, those businesses won't likely be spending anywhere near 15-percent of their revenues on traditional lobbying, but it is not inconceivable that in a particular year, a small business might spend that much in a combination of litigation challenging a State or Federal law or seeking a zoning variance or pursuing other local or State administrative challenges. Under Istook, all those activities are considered political advocacy and would have to be included in the calculus of whether that small business has reached the 15-percent threshold.

And, regardless of whether that 15-percent threshold is reached, the small businesses and others will still have to keep records if they want to sell computers, furniture, or other products and services to Federal grantees like the A.S.P.C.A., the American Foundation for the Blind, CARE, World Vision or the American Lung Association, and MADD.

In summary, this solution will only succeed in wasting the time, resources, and energy of everyone that must comply with it and every government agency that must implement it. It will enrich the lawyers and accountants who inevitably will be hired to decipher its byzantine regulatory structure. And, it will do all this, while not incidentally, impinging upon the constitutional rights of millions of citizens across the country to make their views known to their Federal, State, and local officials.

To quote from the executive director of the Litchfield, CT chapter of Mothers Against Drunk Driving, which has received small NHTSA grants to conduct lifesaving highway safety programs, MADD has spent the last 15 years trying to make drinking and driving socially unacceptable by the American public and this outcry from the public has resulted in more effective laws, stronger enforcement and lives saved. I cannot believe that the Senate would want to silence the voices of these drunk driving crash victims and concerned citizens whose sole purpose is to save lives just because the organization they support with their donations receives a small grant from the Federal Government to do good work.

Don't we have enough real problems to deal with without manufacturing artificial ones? Do we really want to adopt a convoluted new law on a continuing resolution that will do little other than get in the way of the people who, on a day-to-day basis, are doing some of the most important work in our society—the Red Cross, the American Cancer Society, the Boy Scouts of

America, Catholic Charities. I urge my colleagues to support the motion to strike.

Mr. BIDEN. Madam President, I am pleased to see that Senator SIMPSON has proposed to remove the so-called Istook amendment from this bill.

This is a bad idea. It is unconstitutional, and raises a host of important questions for which we have heard no adequate answers. It is clear to me right now that it must be stripped from this continuing resolution.

I fully agree with my friend and colleague from the Judiciary Committee, the distinguished Senator from Wyoming, that there is no way this proposal will pass the Senate, and there is no reason for this proposal to be under debate here today.

We have not had a single hearing in the Senate on the impact of this radical rewriting of the laws covering the speech and freedom of association of thousands of charitable, non-profit organizations—not to mention the millions of other organizations that would be caught in its net.

It adds new, unexamined restrictions on the activities of this country's most valuable and honored local and national charitable organizations.

From my own State of Delaware, I have heard from the YMCA, from the Boys' and Girls' Clubs, from the Delaware Nature Society, from Delaware Easter Seals, the Delaware Chapter of the Multiple Sclerosis Society, from Mothers Against Drunk Driving, from virtually all of the non-profit organizations that serve my State.

Madam President, all of them have told me that this proposal would strike at the heart of their most critical functions—to administer, at the local level, grants to keep our kids off drugs, or to educate the public about life-threatening diseases.

The Istook provision threatens these groups with legal action if they run afoul of an Orwellian web of restrictions, spending rules, reporting requirements—limits on whom they can associate with, and what they can say.

Madam President, this proposal would create a thought police of private citizens—who, for a 25 percent share of the treble damages levied against, say, the Mothers Against Drunk Driving, would have the incentive to drag them into court to prove that they did not purchase—with their own funds—office supplies from a business that spent 16, instead of 15, percent of its own funds for political advocacy the previous year.

This proposal extends the long arm of Federal Government restrictions to the very local charitable organizations we are told should really be doing the jobs now done by Federal bureaucrats.

What hypocrisy, Madam President! On the one hand, we are told that decentralized, local, community-based groups should take up the burden of supporting those hit hardest by cuts in Federal assistance programs.

But on the other hand, it is those very groups that this proposal would threaten if they trip over any number of arcane reporting requirements or ambiguous limits on "political advocacy."

And let us not kid ourselves, Madam President—this is intended to trip them up. That is why they removed Veterans from the coverage of the bill—because enough of us complained about it.

That is a clear admission that the bill will hurt non-profits. The problem is that they have only protected one group—not all of the others equally deserving of protection, instead of the vindictive harassment of this proposal.

The groups still affected by this proposal are those who have been chosen to fulfill public policy goals through grants to engage in outreach, education, and other activities.

Those grants purchase a service—from the Boys' and Girls' Clubs, from the YMCA, from the Easter Seal Society—to promote public policy goals. Those goals include healthier, drug free kids, cleaner air—goals that are indeed well-served by local, decentralized groups.

Take one example of how this could work. Imagine a local non-profit group in Dover, DE, like the Big Brothers and Big Sisters—a group that receives Federal grant funds and engages in the activities restricted under this proposal—advocating and encouraging others to advocate for policies that help children.

Anyone looking for a 25 percent share of the treble damages—three times the amount of the grant—would have the incentive to find some shortcoming in the reporting, some illegal association, some proscribed expression on an issue of public policy, that would expose the group to litigation.

The burden of proof would be on them to prove that they were in compliance.

Imagine what well-funded corporate interests could do with a few well-placed lawsuits that kept those pesky non-profits tied up in court and in legal costs instead of engaging in government-restricted "political advocacy."

Today's Wall Street Journal chronicles the fight between Beer Wholesalers and Mothers Against Drunk Driving, focusing on the impact of the Istook proposal on non-profit groups. I am sure we can imagine many other ways this provision could be used to chill the advocacy work of groups that some people might find inconvenient.

Madam President, the American people certainly want reform in the way we do business around here. But this is not what they want—a tool in the hands of powerful special interests to silence non-profit charities.

This is a nightmare, a page out of the play book of every petty, small-minded despot who tried to stamp out inconvenient opinions.

It puts every organization of any kind—every business that receives anything of value from the Federal Government—on notice that they not only are under restrictions on their own political activities, but must monitor the activities of those they do business with.

It recruits a thought police with a financial incentive to seek out every misstep by every local chapter of every national charity.

Madam President, this proposal has no business on this bill. It has no business on the floor of the Senate today or any other day.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Madam President, again, colleagues are trying to figure out how to vote on this thing. This is significant change in law. It is significantly more than what was passed, and I supported the Senator from Wyoming when he had an amendment earlier. This is 17 pages long. This is not a little modification. This is 17 pages long. It is not clear to me at all what the impact of this is going to be. I know it expands considerably from what this body voted on before.

But what I object to most of all is that we are being told that a continuing resolution to allow the appropriations process to go forward is not going to pass in the House of Representatives unless the Senate agrees to this provision. That is what we are being told.

Last week, the distinguished Senator from Wyoming—and I supported him—raised a point of order against an attempt to lift the earnings cap on Social Security income and reference it to a committee. That should be referenced to a committee. In this particular case, we are saying no, this is so important, we have to attach it to the continuing resolution.

We are being held up, Madam President, by a small group of people, and I urge colleagues, I know there will be a lot of them coming down here and saying, "Well, I guess I have to vote for the Simpson amendment, it probably is all right." It probably is not all right. There are 17 pages in there.

I know there are more 501(c)(4)'s because we lowered the floor from $10 to $3 million, and the language in here looks to me to be pretty ambiguous in a couple of areas. What we are basically doing is changing the Internal Revenue Service Code. This is a change in the law as relates to the Internal Revenue Service Code, and all these organizations are going to have to ask themselves the question: How am I going to make sure I am in compliance?

In order to demonstrate they are in compliance, they are going to have to do things they currently do not do. The

Senator from Wyoming came down and targeted a few 501(c)(4)'s that are a problem. Using public money to lobby is illegal now, so if there is a problem, if I have a 501(c)(3) or 501(c)(4) that is lobbying in an illegal fashion, let us file a charge against them, for gosh sakes. That is typically the conservative approach.

For gosh sakes, let us not just change the law to apply to everybody if I have a few bad apples out there. Let us target it and make sure we make those organizations that are receiving public money, if they are using the public money to lobby, let us file a criminal or civil charge against them.

No, that is not what we do. We have a couple of people over in the House of Representatives who were opposed by some 501(c)(3) or 501(c)(4) and they are on a vendetta, and they say, "I don't care if I shut the Government down." That is their position. They said it publicly. Mr. Istook said: I do not care if the Government shuts down. I do not care what happens to the country. I want to get my revenge. I want to get my little pound of flesh here.

The next thing I want to say is this is a substantive thing. All of us are out there at the community level and trying to figure out what do I do about child support problems; what do I do out there with programs dealing with domestic violence; what do I do with child care, and so forth?

Guess what? We hold a meeting out there and who do we meet with? We meet with 501(c)(3)'s and 501(c)(4)'s. We are asking them to take on more responsibility as we cut back and try to balance our budget. That is what we are doing.

The very moment that occurs, we are passing legislation that—as I said, I do not know what the impact is going to be, but I know from the IRS evaluation that they are going to request a lot more information than they are currently requesting from hundreds—I am not going to say it is every 501(c)(3) and 501(c)(4), but it is dramatically more than what this body voted on in the Treasury-Postal appropriations.

Make no mistake, the reason we are taking it up here is the group that supported it over in the House could not even get a majority in the Treasury-Postal appropriations bill. They are willing to shut it down. They are willing to say, "I know I don't have a majority. I know I don't have the votes to get this thing done. I don't care. But I'm going to threaten and I am going to use the threat, if possible, to try to get this thing done," even though, as I said, most of us have not even had the chance to evaluate what this is going to do.

I supported the effort of the Senator from Wyoming to put restrictions on 501(c)(4)'s, a $10 million limitation. This drops that down to $3 million. It has some language in there.

I am not saying every 501(c)(3) is going to be affected, but it certainly appears to me that a number of them, if not a large number of them, are. The IRS is going to at least have to ask the question, if that is the case.

I believe that we should vote no on this amendment. The Senator from Wyoming and the Senator from Idaho have made a good-faith effort to try to produce something that would be a compromise with this minority in the House, 70 of whom have written a letter saying, "We're not going to vote for a continuing resolution unless we get this done."

One more thing. The American people want us to reform our lobbying laws and campaign finance reform laws. Madam President, this is very significant. I know some disagree. Some on my side said this really is not lobbying reform. I see it as at least tangentially lobbying reform. The House has not passed lobbying reform. These very Members that are offering this language, why do they not force their leadership to pass lobbying reform? This body passed lobbying reform. This body passed legislation.

I ask them, you are out there talking about lobbyists interfering with the process, you are out there talking about the special interests doing this or that and the other thing, why do you not enact the Senate legislation, let us conference that and change the law having to do with lobbying?

Let us do the same thing with campaign finance reform. I endorsed the proposal of Senator MCCAIN, Senator THOMPSON, and Senator SIMPSON last week. We have to change the law so people feel more power and greater opportunity to participate in democracy. Far too many people believe that the special interests control the process around here, but very few of us honestly would say, we understand special interests around here, but who are the dominant special interests?

Come to mind the dominant special interests, the YMCA? Come to mind, when you are trying to think of the dominant special interest hanging out in the rotunda out here that have the greatest money influence, the Red Cross? Did they spend a lot of money on the telecom bill? I do not think so. I do not see any full-page ads from the Red Cross saying, "Support disaster relief appropriations." They have a relatively small amount of impact.

If you really want to clean this process up, pass lobbying reform along the lines of what the Senate did. Pass campaign finance reform in a bipartisan way. It is long overdue that this body does it. For far too long, we have acted as if we are more concerned about covering our rear ends and keeping our jobs than we are in seeing that democracy functions in a fashion and the taxpaying citizens feels they have an opportunity to influence what we do.

This amendment should be rejected and we should, furthermore, as we reject it say to the House of Representatives, "When it is time to do a continuing resolution, we are going to do a continuing resolution. We are going to keep the Government going, and we are not going to kowtow to a relatively small number of people who want to change our laws."

Moreover, for those who look at the detail of the legislation, once you get beyond that, we have to say this just goes too far. It goes too far. It goes too far. Where have I heard that before? I hear it almost every time I go home.

This is not in the Contract With America. This was not asked for when the so-called mandate was given last November. I hope that my colleagues, for a whole range of reasons, will reject this amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I intend to vote against this amendment. The Senator from Nebraska, I think, makes a persuasive and compelling case. I want to stand up and discuss a little bit the process that has brought us to this point.

How many deadlines have been missed? How many dates have been ignored? How many circumstances that are required of us in law have been essentially disregarded with respect to the budget process, the reconciliation process?

We now have a continuing resolution on the floor of the Senate. Why do we have that? It is because the Congress has not done its business. The fact is, we did not meet budget deadlines; we did not meet the reconciliation deadline; we did not meet appropriations bills deadlines.

Now, the Republicans control the Congress. They won the last election. They have an agenda called the Contract With America. Some of it has made some sense. I voted for some of it. Some of it is totally goofy, totally off the wall, and is never going to get passed and never should be passed. But because they have a lot of new people who brag about the little experience they have in legislating, and because we now find ourselves with a contract that includes proposals that make no sense—you know, to go sell our lakes so that we can get some short-term money in to reduce the deficit.

I do not understand some of this thinking. Sell the dams and lakes so we can jack up electric power rates and sell them to the private utility companies. Sell the fishing lakes. This makes no sense at all. There are a whole series of proposals that make no sense. But because that is the agenda, and we have those folks bragging about how little experience they have legislating, we now find ourselves with this record.

One party controls all of Congress and presumably has the votes to do what it wants to do. Well, on April 1, the Senate Budget Committee is required, by law, to report a budget resolution to the Senate. That was 45 days late. It did not get here on April 1. Nobody was stopping them from doing their work. It just did not get here. So 45 days later it got to the Senate.

On April 15, the law says that the Congress should complete action on its budget resolution. Well, 75 days later that happened. It did not happen on April 15; it happened on June 29.

The House Appropriations Committee is to report its bills out by June 10. Well, that did not happen on June 10; it happened on October 26—138 days later.

The law says that on June 15, the Congress should complete action on the budget reconciliation. Well, that is 5 months and still counting. We have not completed action on that. That is why we are here today on the floor of the Senate on a Thursday talking about a continuing resolution, which has now been amended by some people who want to talk about lobbying reform on a CR that is necessary because the majority party has not been able to do its work for 5 months to get a reconciliation bill, as required by law, on the floor by June 15.

I do not understand this notion of efficiency or effectiveness from a party that is supposed to do something by June 15, and now, as a result of not doing it, requires us to debate a CR, and then they bring to us some last-minute 15- or 20-page amendment on lobbying reform—a position they say is required because the new people in the House will not accept anything less, despite the fact that the House has not passed lobbying reform.

Forgive me, my school was a small one—a high school class of nine—and I thought I graduated near the top, but I just do not understand what we are talking about here. Congress is to pass all appropriations bills by September 30.

The fact is, in times past, when the Democrats controlled the Congress, we did not always get all these bills passed by September 30. But you cannot find a much worse record than you will find this year. You cannot find a record that is much worse than what happened this year on appropriations bills. Virtually none of them have gotten through this process.

First of all, we are talking about 5 months—we missed, by 5 months, the requirements in law for the reconciliation process. And because of that, we have to do a continuing resolution and also a debt extension.

Now we find ourselves here, on the eve of all of this, doing a tap dance with a bunch of folks who brag that they can shut the Government down, they can cause a default. They might want to brag about that, but I do not know who they would want to brag to. It is not much of an accomplishment in my book.

The American people ought to expect us to decide to do what we should do by law—pass these bills, meet and do the compromises that are necessary. You can think of, over a couple of hundred years, some pretty difficult circumstances that created wide divisions between people in this Chamber and in the House of Representatives, wide divisions between the parties, and the requirements of a democracy, even though it is not very efficient, is that somehow, in some way, at some appropriate point you come together and compromise and reach a conclusion. Presumably, you do it with the best interest of the country in mind.

We have a circumstance now where we are told that, well, we cannot reach a conclusion. We have a Contract With America, they say, and this contract with America says the center pole of our tent is a big tax cut. It is true, we are in debt up to our neck. It is also true that every dollar of the tax cut will be borrowed during the next 7 years. It is also true that we will add hundreds and hundreds of billions of dollars to the Federal debt. But we need a tax cut. If we do not get this tax cut, half of which will go to families earning over $100,000 a year or more, then we are prepared to shut the Government down. We are prepared to decide that we will not meet our debt obligations. The American Government will default on its debts. That is what they say.

I hope that Members of the House and the Senate, on both sides of the political aisle, will decide that this is not the time to offer amendments. Let us pass the continuing resolution. Let us do what we are required to do—provide a bridge by which we then seriously negotiate away the differences in the reconciliation package, pass the reconciliation bill, tell the American people that we understand what concerns them. We are spending more than we are taking in, and we are charging the bill to the kids in the future, and we have to stop that. So they have not thoughtfully tried to compromise our way through this process. And we are reducing the budget deficit, we are going to balance the budget, and we are going to do it the right way.

But it ought not be a source of pride for anyone to decide that they can, by themselves—or a group of like-minded people—decide to shut this Government down in the coming day or two.

I guess my hope is that we can decide in the next few hours here, in the next couple of days as well, that this kind of amendment does not belong on this. The Senator from Idaho knows this does not belong on this CR. He knows that. Everybody on that side of the aisle knows that. This is not a place to stick these amendments.

The Senator from Minnesota stood here and spoke about people freezing in the winter. I can think of 100 people who would like to offer an amendment to a CR because they have something that just gnaws at them, which they know is wrong and they want to fix. You know that a President would have to sign a CR at some point to keep the Government open. So everybody in this Chamber could stand up and insist that, "On my watch, I intend to do this, and I can care less whether it is inefficient or dilatory." Everybody has that right.

The fact is, that is not the right way to do it. This amendment does not belong here. This is a continuing resolution, a short-term continuing resolution, a bridge to get from here to there, a bridge that creates a time during which, hopefully, both parties can come together and resolve these differences.

I do not think there ought to be a tax cut. Further, I do not happen to think we ought to add $7 billion to military spending or to build star wars, and I do not think we ought to buy 20 new B-2 bombers at $32 billion each. I do not think we ought to kick 55,000 kids off of Head Start, or that we ought to take disabled veterans and say, "We do not think you should have health care."

I think what we ought to do is decide where we disagree and see if we can think through this clearly and patiently, over a period of days, and reach a solution. I know there is a lot of politics involved—probably on all of our parts here—when we talk about these things. But in the final analysis, a default is not about politics; it is about the failure of all of us to do what we ought to do. A shutdown of Government services is not about politics. That is about failure.

Shame on everyone in this Chamber and in the House Chamber if this Government defaults. Shame on everybody in politics if there is a default on the debt obligations, or if there is a shutdown of Government. It ought not happen, it should not happen, and every single person serving in Congress ought to work to prevent it from happening.

We can, through some basic level of cooperation, decide to start at this moment, especially on a continuing resolution—yes, even on a short-term bridge with respect to the debt—get from here to there so we can negotiate away these differences and reach an acceptable compromise that is good for this country. That is what the American people require of us. That is what the American people expect of us.

Now, I am sure the Senator from Idaho and the Senator from Wyoming, both of whom I have great respect for, they are both good legislators, I am sure they feel they are offering this amendment because there is leverage on another side, and this is the right public policy anyway so we should respond to it.

The fact is, I can think of, as I said, 100 different people who want to offer something that they think will advance their interests or the interests of the country on this very legislation, but it ought not be advanced on this legislation.

We ought to pass this short-term CR and we ought to pass a short-term debt extension. We ought to get the leaders of both political parties in the House and the Senate together, pronto, to sit down and address these questions in a thoughtful way and come to a conclusion that the American people expect.

Madam President, I will have more to say on the CR later. I wanted to make the point that I made when I started. We have been subject to a lot of criticism—we Democrats. I understand that. Part of it, incidentally, is well deserved.

I understand we were in charge for some long while. There were times when we did not do the right things. We overspent, we were too programmatic; every national ache we put a quarter in the vending machine, and go on to address another problem before we determine if that program worked.

I understand it is our fault and I accept that. But we have made life a lot better for a lot of Americans.

I say to those who are now running the Congress and who are now responsible for meeting these deadlines, this is not much of a record. We find ourselves toward the end of the year and we have a circumstance where a reconciliation bill that was supposed to have been passed over 5 months ago is nowhere near being passed—not even out of conference; a CR that is necessary to get us over the hump is now on the floor of the Senate and being tortured with amendments.

That is no way to run a railroad and no way to run a Senate. I hope we can meet deadlines and meet our responsibilities, solve problems and advance the interests of this country, and I hope we can start doing that in the next couple of days. I yield the floor.

Mr. CRAIG. Madam President, I will be brief. I think the Senator from Ohio wants to speak.

I have been listening to my colleague, and what I am hearing, does that meet the straight-face test? Well, it did not. I tried it on and it did not work because continuing resolutions under some other party's control—let me talk about 1986, after the Senate had been regained.

Continuing resolution: Export-Import Bank, denial of MFN status for products to Afghanistan, Federal Salary Act amendments, child care services, Federal employees, Ethics in Government Act, all on a continuing resolution.

I know the Senator from North Dakota and I prefer a clean continuing resolution but it has not happened very often in the Congress of the United States. So it really does not mean a great deal to come to the floor and argue that when in 1987 we brought a continuing resolution over, it contained all 13 appropriations bills. That is reality. That is real.

It contained a Defense Acquisition Improvement Act, it contained Paperwork Reduction Reauthorization Act, human rights for Romania, school lunch and child nutrition amendments, Aviation Safety Commission Act, metropolitan Washington airport—all things, very important, that got stuck on a continuing resolution.

In 1988—as I think back, I think his party was in control of the Senate; he might well have been here at that time—contained all 13 appropriations bills once again. Cancellation of fiscal year 1987 sequestration order. Special House and Senate procedures for considering funding requests, and so on and so forth. In 1991, extension of certain Medicare hospital payments provisions.

The point is made, Madam President, the point is made that continuing resolutions have been and remain vehicles to move legislation on in this Congress.

What is important for our colleagues tonight as I think we are very close to voting on these amendments, Madam President, is to remember if you want to strike the Istook amendment you vote for the Simpson-Craig amendment. Several of our colleagues have said that is what they want to do. But they want to retain the essence of the language that they voted for some weeks ago. That is exactly what the amendments of the Senator from Wyoming and my amendments do.

If you want to pass Istook and fail to pass our amendments, what will the House do to the CR? I am not sure. I do not understand what might happen. I do understand what could happen.

That is, if we take the simple amendments that bring us back to where we were, the majority of the Senators, a unanimous vote of the Senators with some modifications now, placed us some weeks ago with a substantial assurance if we do that we will pass the CR as we have it before us, that is how we ought to vote. That vote means that you vote for the Simpson-Craig amendments.

Madam President, we are well behind on the work of the Congress. Again, I think of the straight-face test on those arguments. The Senator from North Dakota knows about 60 votes. He knows it well. He knows what has happened here, on the floor and in committee, and the very clear obstructionist tactics that have occurred on occasion on this floor that put us where we are today—needing to use a continuing resolution.

The majority leader and the Speaker of the House for 25 hours were with the President of the United States just the last week and the President never once wanted to discuss the very critical nature of the budget, the debt limit, and the continuing resolution in that unique opportunity.

Now, I wish the President would come to the table, but he stays in the White House and all he talks about is veto, veto, veto.

Well, the Senator from North Dakota talks about the urgency of this CR. How urgent is it if the President is now saying, "I will veto it"? It does not seem to be very urgent. It appears this President wishes to play the political game. He, too, has a responsibility for running the Government of this country.

I say, Mr. President, come out of the White House, get away from your veto game, come to the table. We are trying to move substantive legislation to deal with the priorities of this Congress and the responsibilities of managing this Government.

I hope we could pass the CR. I hope we could pass it with the Simpson-Craig amendments. Mr. President, I hope you sign it.

I yield the floor.

Mr. GLENN. Madam President, I will yield in a moment to the Senator from North Dakota, but I ask my distinguished colleagues who made the remarks about the trip and the President not being willing to discuss things, it is my understanding when that chart was made from people that were there, sitting with Senator DOLE and Speaker GINGRICH, that the President was back half a dozen times or so, had lengthy discussions with him about things and was told that they still did not have their side together on some of these issues and did not want to discuss them.

I was told that by a person who was present, right there, at the time. I think as far as the President not coming out of the White House, that is not true.

Mr. CRAIG. Will the Senator allow me to respond very briefly?

Mr. GLENN. Yes.

Mr. CRAIG. I can only state what the majority leader told me as it relates to him having been there. That is not secondhand. That is firsthand.

Mr. GLENN. The firsthand was a person sitting beside him at the same time.

I yield to the Senator without losing my time.

Mr. DORGAN. I heard this and read it in the newspaper and I have talked to someone who was there with the President.

I do not know that we need to discuss it at great length, but the fact is the story the Senator from Idaho recounts is not true. The Senator from Idaho was not there, but we have heard from people who were and I do not know that we need to discuss that much further.

I can only charitably describe the Senator from Idaho's argument that because something was done in 1986 to the CR, "I am justified in offering amendments now," I can only characterize that argument as pursuing business as usual. It is the same response I got on the issue of Social Security, the trust fund and so on. Business as usual is not what the American people expect.

I already admitted that we did not always move this agenda the way we should have. You look a long while before you find us 5 months late on a reconciliation bill, and it is a little specious to suggest that the reason the reconciliation bill is not on the floor of the Senate is because Democrats offered 30 amendments. Everybody knows that is not the case. The reason the reconciliation bill did not get here is because the majority party could not get its work done.

It is one thing to want to drive the train. It is another thing to drive it on time. The circumstance we find ourselves in now is a reconciliation bill that was supposed to be here and done by June 15, was not done, was not here, and it was not our fault. It was the people who were running this place who could not get agreement among their own troops.

I guess the point I want to make is, I think the defense I heard is, "We are for business as usual." That is what the Senator from Idaho is saying. Business as usual is not good enough, not good enough for the American people and not good enough for us. And I hope business as usual, one of these days, is dead and buried, and reform and change is the notion of the day. That would include, in my judgment, all of us deciding to pass a clean CR, create a bridge during which, in the next several days, we can resolve these issues on behalf of the American people and move forward.

I appreciate the indulgence of the Senator from Ohio.

Mr. GLENN. I believe Senator JEFFORDS wished to give his statement. I yield to him without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today in support of Senator CAMPBELL'S motion to strike from the continuing resolution the language restricting political advocacy with private funds. I am opposed to the inclusion of this language in the continuing resolution, and in any bill. This provision is nothing more than a political slogan in search of a problem.

There is probably not a Member of Congress that has not been on the receiving end of criticism from a group or groups that receive Federal funds. It is irritating at times, but it is hardly cause for closing down the Government.

Nor is it sufficient justification for forcing organizations to choose between seeking grants to do work on behalf of the Federal Government and saying how they think that Government, or any government for that matter, can be improved.

It seems to me that we should invite such criticism rather than discourage it. Instead, this provision is designed to dampen debate from some of the parties that are in the best position to add to it.

Apart from being questionable public policy, I think this provision is of questionable legality. Everybody has a lawyer's opinion to buttress his or her position, but it seems strange to me how this provision can withstand judicial scrutiny. It must have seemed strange to its proponents as well, because they felt constrained to include section 306, which states that "Nothing in this title shall be deemed to abridge any rights guaranteed under the First Amendment."

I doubt this is a novel approach, but I cannot off the top of my head think of a similar situation where we have attempted to anticipate and decide a near certain legal challenge. I have my doubts how much deference the courts will give this provision.

The Supreme Court has long held that it is an important first amendment right for individuals to be able to freely talk to their elected representatives. While the Federal Government is allowed to place restrictions on the use of the Federal money it grants, the Supreme Court has expressed concerns in the past with the Federal Government placing restrictions on the use of purely private money to talk to their elected representatives.

The provision before us would change dramatically how private funds could be used by Federal grantees. Under current law, tax exempt groups do face limits on the amount of lobbying they may conduct. But those limits would undergo a wholesale transformation. Not just lobbying of Congress would be restricted, but so, too, would be lobbying of city councils, State agencies, and State legislatures. As a result, if your State chamber of commerce has an employee or two that lobbies in the State house, the executive branch or enters into judicial or agency proceedings, it might well be barred from seeking Federal funds to promote economic development or tourism.

Further, the imposition of these restrictions will create a whole new practice for lawyers. This language provides incentives for lawyers to sue organizations by rewarding them with a substantial share of recovered dollars. Organizations could be sued for up to 10 years, further clogging up the American courts. In a time when the Congress is trying to reduce the number of frivolous lawsuits, creating this new boon for lawyers is counter productive.

There are many small organizations in my State of Vermont that receive Federal funds that would be unable to effectively communicate with their local officials because of the limits that these restrictions will place on them. These restrictions will keep my constituents from discussing such local issues as the school board, property taxes, and paving roads with their local or State representatives. I would like to include for the RECORD a brief description of some programs in my State of Vermont that will be affected by these restrictions if they are enacted.

Mr. President, let me again reiterate my strong opposition to the inclusion of this language in the continuing resolution, and strongly urge my colleagues to support Senator CAMPBELL'S motion to strike.

I ask unanimous consent a brief description of the programs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT

Addison County Parent Child Center uses a part of their federal grant money to maintain a program for young fathers who have been disenfranchised from the education system and from business. Many of these young men have had problems in the judicial system as well. This program teaches them not only parenting skills, but includes a job training component. The Center serves over 150 families in Addison County.

The Center also helps these families learn to have a voice in their local and state governments. As a part of their family empowerment program, they take these low income young families with them to the state legislature to teach them about their government and how their voices can be heard.

Vermont Development Disabilities Council is funded by a federal grant authorized under the Developmental Disabilities Act (P.L. 103-230). A significant portion of the grant dollars are used to teach parents how to protect their rights and improve the availability of services. Federal money is also used to fund the publication of a newspaper. The Independent, which reports on issues of concern to the disabled and the elderly.

The Council has also worked to change Vermont building access standards to comply with those of the Americans with Disabilities Act. Currently, the state of Vermont uses antiquated building access codes that provide less than adequate access for the disabled and the elderly.

The Vermont Public Transportation Association receives federal money in part through Medicaid and the Federal Highway State Fund, a large portion of which they use to provide public transportation for people to and from doctors' offices and hospitals. Many of these people are elderly and disabled. The Association has 1,300 volunteer drivers who make over 420,000 one way trips a year transporting people to hospitals which, in some cases, are as far as 50 miles away.

The Association advocates on behalf of the elderly and disabled in these rural communities on a variety of transportation issues.

The American Heart Association in Willston, Vermont receives federal money through the State Department of Health, some of which they use to form community based anti-smoking coalitions for youth.

Their federal dollars are used to teach children not to smoke. They also advocate on behalf of these children in order to pass legislation that would keep cigarettes out of the hands of minors.

Mr. GLENN. Mr. President, I want to add my voice to those in opposition to the Istook amendment which the House has added to this continuing resolution.

Advocates, if I can use that term, of this provision have clothed it in rather attractive language. It has been presented as ending "Welfare for Lobbyists," as they call it. If this were truly the case, in fact, if this were a commercial product, I reckon that the FTC would be investigating it for false claims. It is a real misnomer.

For one true expert in this area, turn to the distinguished senior Senator from Michigan [Mr. LEVIN]. He and I spent many years on legislation to achieve real lobbying reform, which we finally passed this summer. That measure truly brings sunshine and accountability into the netherworld of lobbying by special interest groups. The public finally will be able to know who is paying what to whom to lobby Congress and the administration on which issue. Whether it is a dubious project or a special tax loophole.

That is real and substantive lobbying reform. I find it curious that many of the proponents of the Istook amendment—and their outside allies—have been so strangely silent—almost invisible—about pushing this bill on the House side. If they had spent half as much time on true lobbying reform legislation as this assault on nonprofit and charitable organizations, dare I say this reform would have already been signed into law by the President. So while I do not doubt their sincerity, I do question their motives.

One Member whose motives and sincerity I do not question is the senior Senator from Wyoming. I know that he has attempted to explore some of these issues through the committee hearing process, as it should be done. I also know that he has worked hard in trying to negotiate an acceptable compromise.

The amendment offered by Mr. ISTOOK will have a profound and chilling effect on the ability of nonprofit and charitable organizations to continue advocating on the behalf of people and issues. It will have a devastating effect on the whole nonprofit sector, particularly small community-based organizations.

It will impose severe burdens and mounds of paperwork on nonprofit groups. This, at a time when we are asking them to provide more public services while we provide less money. "Try to privatize things," so we are told here, yet we are making it more difficult to do exactly that. Again, I find it very ironic that many of the ardent proponents in this ill-conceived endeavor have been leaders in the effort to cut out regulatory red tape and reduce the costs of paperwork on businesses and industry. But for these nonprofits we will be creating more rules, more bureaucracy, and more court litigation. We will just drown them in a sea of paperwork and audits.

This legislation is also unnecessary. It restricts the amount of privately raised funds a Federal grantee can use to do advocacy and lobbying. But current law already metes out harsh penalties if such Federal funds are used by nonprofits and charitable groups to pay for such lobbying activities. And my understanding is that there is no orchestrated pattern of such organizations misusing Federal funds to lobby.

So if we peel away this veneer, it is not quite what you do with the money, it is what you say. And just maybe, who you say it to, which, in turn, raises a constitutional issue. For the Supreme Court has ruled it violates the first amendment to condition the receipt of Federal funds on relinquishing protected rights of speech. This amendment will have a chilling effect on the right of citizens—individuals and associations alike—to petition their Government.

I also have concerns with the definition used for "political advocacy."

It is so broad that almost any public role assumed by a nonprofit or charitable group on an issue or matter before Federal, State, or local governments would be covered. Moreover, individuals receiving some form of public assistance—such as WIC, disaster relief funds, NIH research grants, LIHEAP grants, you name it—could also be regulated.

Now if a Federal grantee spends more than the specified threshold on advocacy, it will be barred from receiving Federal grants. Grantees will also be limited in who they associate or do business with. They will need certification from all of their vendors that they—the suppliers—are within the specified limits on how they use their own money for political advocacy.

Mr. President, it is my understanding that one of the original requirements which has since been changed in the amendment as now proposed would have sent some of the complaints over to GAO for further investigation. That in its original form points out some of the weaknesses in some of our budget cutting here today because you talk about the potential of sheer frivolous lawsuits, and one of the things they were going to do with the original version of this as the main enforcement mechanism was going to be through what could be called a bounty hunter provision where any citizen could have taken their complaints regarding the use of such funds by these organizations directly to an agency inspector general, or the General Accounting Office.

While I want to point out in the original version of this we have already cut GAO by 25 percent in 2 years, at the same time we are going to assign them an additional tax. I know this has now been cut out. I wanted to point that out—that this is what we are doing in one piece of legislation after another; requiring some of these agencies to do more at the same time we cut their budgets.

We have been dealing in complex, substantive, constitutional, philosophical, and policy terms. But where is the impact going to be felt the most? The impact will be on real people; people with real problems, people who need help, who need society's help the most. These are the people most vulnerable in today's world, and who will depend so much on the nonprofit groups for essential services as Federal funding gets slashed.

I have received many letters from Ohioans on the Istook amendment. These are people helping the homeless, [illegible] for the sick, providing shelter to [illegible] women and children, and treating the mentally impaired. Listen to their voices. Hear their pleas, at least while they're allowed to make them known to us. They are on the frontlines—we need their input, we need their help.

Mr. President, their pleas are just heartrending, some of them. They are trying their level best to give people help, and this would cut back on their ability to do exactly that. Here is what they are saying:

OHIOANS SPEAK OUT ON ISTOOK AMENDMENT

The Columbus YWCA Interfaith Hospitality Network has a volunteer base of over 7,000 individuals and 100 religious congregations attempting through grassroots efforts to provide comfort and short-term hospitality to homeless families. During 1994 we served over 2000 individuals of which over 1200 were children. We are concerned about our guests and their futures, and want assurance that our voices, and theirs, will always have the opportunity to be heard.—YWCA, Columbus.

Faith Mission is dedicated to providing life saving and live improving services to homeless women, children and men and anyone in need. People come to our door, at times, with nothing but the clothes on their back and are in desperate need of not only basic life support (food, clothes), but also services to help them regain self-sufficiency and move on to become contributing citizens to their community. If this bill passed, Faith Mission would be restricted from effectively providing these services, like job referral, medical services, mental health care referrals and support groups from chemical dependency and domestic violence.—Faith Mission, Columbus, Ohio.

Berea Children's Home and Family Services provides healing and nurturing care to over 8,000 children and families who reside in Ohio. These abused and neglected children have no public voice of their own. In addition to the therapy they receive from our residential treatment and in-home therapy programs, they look to us to also be their advocates. We will be unable to adequately serve these victimized children if the Istook

> amendment is introduced in a Senate bill and eventually approved by Congress.—Berea Children's Home and Family Services, Berea, Ohio.
>
> Through the last several decades, an effective partnership has been built between government and private, non-profit organizations to address many of the social problems of the day. One of the major reasons this has worked has been the ability of non-profits to inform legislators about what programs work and advise them about more effective ways to address problems. With the severe budget cuts to social programs currently being considered and passed, churches and non-profit organizations are being asked to do more with less. We have a responsibility to not only serve, but to stand up for the poor and vulnerable. This plan appears to muzzle the concerns of many of your constituents.—Catholic Charities, Diocese of Toledo.
>
> The amendment will restrict Family Services' ability to help community groups become politically active in regard to matters that would improve their neighborhoods and the community at large. We would not be able to discuss with legislators the need for funding of important service programs to pregnant and parenting teenagers, the deaf and battered women.—Family Services, Akron, Ohio.
>
> If these unprecedented restrictions go through, organizations like ours will be forced to choose between providing services to people in need and providing a voice for the people we represent. Vital community services will be jeopardized and government will be cut off from the insights of the very organizations that are closest to people government is trying to serve.—Caracole, Inc., Cincinnati, Ohio.
>
> I fear that publicly funded agencies, which deal with issues of drug abuse, domestic violence, sex abuse, etc., will find themselves in positions where they will have to forfeit their ability to impact on future legislation or public interest litigation, because they received any federal funds, regardless of amount.—Mental Health Services East, Inc., Cincinnati.
>
> The Achievement Center for Children provides a comprehensive array of services for children with physical disabilities and their families. These children have already been dealt a difficult hand in life through no fault of their own. Their issues and concerns need to be heard and understood.—Achievement Center for Children, Cuyahoga County.
>
> Vital community services could be lost because organizations would not be able to share their knowledge of people in need and types of services needed with legislators and others in the position to provide assistance. The Istook amendment would impose restrictions only on federal grants which go primarily to non-profit organizations. It would not impose restrictions on federal contracts which go primarily to for-profit organizations. These corporations would continue to be able to lobby the government.—Alcohol, Drug Addiction, and Mental Health Service Board, Lima, Ohio.
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> Every Woman's House realizes that the commitment by Congress to addressing the issue of domestic violence is meaningless if vital programs, such as those offered by our agency, are not funded. The Istook Gag Order may eliminate any political advocacy on any governmental level and make the acceptance of any federal money subject to stricter reporting requirements, therefore limiting the available funding to domestic violence agencies.—Every Woman's House, Wooster, Ohio.
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> It is the small independent non-profit organization that does most of the social service work in your district. Almost all of them get some money from the federal government and depend on it to survive. Most are too busy trying to help people have time to communicate with you on a regular basis, but do work closely with local officials as collaboration among agencies and departments create private/public partnerships. These efforts would come to a halt if the Istook Amendment goes into effect.—Ohio Parents for a Drug Free Youth.
>
> Lobbying with federal dollars is already illegal and penalties for violating the rules are severe. Our organization is well aware of this. Nonprofit groups speak for the public interest and represent large numbers of ordinary citizens and vulnerable populations who lack the skill/resources to assert their basic rights. This type of legislation limits not just lobbying, but free speech as well. Indeed, we view it as an assault on the First Amendment rights we now enjoy.—League of Women Voters of Oxford, Ohio.
>
> As a parent of a 13 year old mentally retarded son who has no speech, I know how important speech is. Please do not take away my voice. I need to use it for my son's many needs and other children/adults like him.—N.K., Parma, Ohio.
>
> When Alexis de Tocquerville visited the United States, he marveled at the natural tendency of Americans to form voluntary organizations to carry out the will of the people.
>
> Our vast non profit system is the result of that tendency. The present Congress, in its mindless rush to take government out of involvement in society, looks to the non profit world to pick up the shattered pieces. And, now, through the Istook Amendment, that same Congress is trying to silence the very groups that society will need to depend upon to survive."—Cleveland Institute of Art.

To be fair, I have received a few letters from Ohioans. I am always glad to have the benefit of their views, too, although in this particular case we do disagree.

But I was struck by the fact that the vast majority of those supporting the Istook amendment indicated they were involved in the beer wholesale or retail business. Their letters were almost identical and so many contained the following phrase:

> Moreover, the Center for Substances abuse Prevention (CSAP), working with their Neo-Prohibitionist allies, regularly promotes political activism, pushes anti-beer wholesaler legislation at the federal, state, and local level, and they pursue these activities with taxpayer dollars.

Mr. President, the Center for Substance Abuse Prevention is under the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services. Yes, it is federally funded. But what does it do? It supports hundreds of nonprofit groups, financing after-school and summer activities for youths, counseling for pregnant women, drug-free workplace programs, education efforts and good-health workshops. It also offers training, manages a clearing house for prevention information, and develops anti-drug education and promotion campaigns.

I happen to think this is a worthy goal, and one that most Americans heartily support. The ravages of drug and alcohol rip apart our families, break up marriages, and destroy lives. Real lives and real people.

Whatever we can do to prevent such abuse and educate people—particularly our young adults—should be encouraged. The Federal Government does have a legitimate role in this area. The key is to make sure alcohol products are used responsibly. I don't consider myself a prohibitionist and would oppose efforts to do just that. But in this particular case, what concerns me is the fact that some in the beer and alcohol industry fear that by promoting efforts aimed at moderation and responsibility, the Federal Government is a threat to their livelihood. Their ultimate fear is that first comes moderation, next comes prohibition. So the real interest here is how much they sell, the bottom line, and their overall profits. It is not about policy.

I also have received a letter from the Mothers Against Drunk Driving [MADD]. That organization receives a small Federal grant from the Department of Transportation to conduct workshops on highway safety and impaired driving. They also get a grant from the Department of Justice for serves and assistance to victims of drunk drivers.

Again, I would bet most Americans would applaud their efforts. But for some, apparently, the message is too much. They don't want to hear it. Why? Because MADD has been involved in State initiatives to curb drunken driving and tighten blood alcohol content levels for drivers. You would think this would be in the public interest—getting drunk drivers off the road and imposing harsh penalties. But MADD has attracted the ire of the beer and liquor industry. Let me quote from MADD's letter:

> MADD takes pride in the role we have played to combat drunk driving and serve its victims and we resent the suggestion that we have been the recipient of "welfare for lobbyists". Most of these so-called lobbyists have paid for the right for their voices to be heard with their blood and tears or the lives of their loved ones.

Mr. President, I like free and fair debate. Let us make policy decisions on the merits and the public's interest. But what galls me even further is the fact not only were these industry groups—along with the Heritage Foundation and the Christian Coalition—spearheading the Istook effort, they were in the back rooms to write it. Talk about lobbying reform. According to an article in the November 8, 1995, Wall Street Journal, during one negotiating session the able senior Senator from Wyoming noticed these parties in the room and told them, appropriately, to get out, or at least words to that effect.

I notice that these groups have worked with some of the primary

House leaders who have been all too happy to attach individual, specific interest riders to appropriations measures. Is this how the game is gong to be played? Where is the real reform here? Who is doing whose bidding?

Mr. President, This amendment is ill-conceived, constitutionally impaired, and just plain un-American. It will stifle the efforts of those on the frontlines who are trying to deal with so many of the tragic problems in today's society. We cannot run from those problems, we cannot pretend they do not exist, though I suppose there are some who who would like that. Let us help those who are helping those most in need by defeating this hostile, chilling, and burdensome amendment.

VOTE ON AMENDMENT NO. 3049

The PRESIDING OFFICER. Is there further debate on the amendment numbered 3049? If not, the question is on agreeing to the amendment of the Senator from Idaho [Mr. CRAIG]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 564 Leg.]

YEAS—46

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dole
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

NOT VOTING—4

Akaka
Bradley
Kempthorne
Lugar

So, the amendment (No. 3049), as modified, was rejected.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Parliamentary inquiry. I make a point of order——

The PRESIDING OFFICER. I inform the Senator the Senate is conducting a quorum call.

Mr. KENNEDY. I make a point of order that there is a quorum present.

The PRESIDING OFFICER. It is too late for that. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I think we have reached some agreement to expedite things. I know many of my colleagues have a lot of things to do, and we would like to finish fairly early this evening if we can. I ask amendments 3037 and 3047, 3046, and 3045 be laid aside to recur at the hour of 6:45.

I put the question on the motion to reconsider.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the motion to reconsider the vote.

The motion was agreed to.

Mr. DOLE. The vote then on 3049, following the vote on a Medicare provision at 6:45; that vote would occur at 6:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Immediately following that vote between now and 6:45, the debate occur on an amendment to strike the Medicare provision offered by the Democratic leader, Senator DASCHLE, and that the votes occur back to back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I say to my colleagues, we hope we can expedite this. That would mean we might be able to finish action on the CR by 7 o'clock. By that time, hopefully, the debt ceiling will be here. We have to deal with that yet tonight, and therefore we can be expected to be in session until we finish that.

It may be there will only be a couple of amendments. In any event, we would like to finish that this evening.

Mr. DASCHLE. Just to clarify one technical point. As I understand it, we have an agreement there would be no intervening action on my amendment.

Mr. DOLE. That is correct.

Mr. KENNEDY. Further, does the Senator understand the time will be divided equally?

Mr. DOLE. Yes.

AMENDMENT NO. 3050

(Purpose: To strike the provision for the determination of the Medicare part B premium for 1996)

Mr. DASCHLE. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], FOR HIMSELF, MR. KENNEDY, and Mr. ROCKEFELLER, proposes an amendment numbered 3050.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On p. 36:
Strike section 401.

Mr. DASCHLE. How much time would either side have in the debate on this amendment?

The PRESIDING OFFICER (Mr. BENNETT). There is 35 minutes until the vote is ordered. That will be divided equally—17½ minutes.

Mr. DASCHLE. Mr. President, there are a number of problems with this continuing resolution. We have been dealing in the last couple of hours with one of the more egregious problems having to do with the Istook amendment.

But something more critical and more important and deeply troubling to us is the fact that there is a premium hike for Medicare beneficiaries incorporated in this continuing resolution.

I want to take just a couple of minutes to explain what it is we are referring to and talk briefly about why it is so important that we deal with this problem.

In 1974, Congress recognized that seniors should not be subjected to Medicare premiums whose growth outpaced the growth of Social Security income. As a result, back then we voted to limit the percentage increase in part B premiums to no more than the percentage increase in Social Security benefits.

Then, in 1982, Congress voted to suspend the COLA limitations and instead limit premium increases to 25 percent of Part B program costs. Congress voted to continue to limit the premiums to 25 percent of Part B costs in 1984 and again in 1987.

In 1990, Congress intended to cap the part B premium at 25 percent by setting in law specific dollar amounts for the premium for each year from 1991 through 1995. This was done to protect seniors from potentially higher than anticipated rates of health care cost growth. However, the projections upon which these dollar amounts were based have now been calculated as too high. Thus, the 1995 premium covers slightly more than 31 percent of program costs despite congressional intent to limit the beneficiary burden to 25 percent.

Consequently, in the law that we passed in 1993, Congress reset the premium at a percentage equal to 25 percent of program costs for 1996 to 1998.

That will change if this legislation passes.

Next year, if nothing happens, part B premiums return to covering 25 percent of Part B costs. Clearly, the 31.5 percent premium that beneficiaries had to absorb this year is due to an unintended glitch in the law.

There was no design to put it at 31 percent. The design was to stipulate a dollar amount so that we did not have to stipulate a percentage. The Republican majority is now attempting to lock in that glitch, by statute, for all perpetuity. The Congressional Budget Office says the monthly premiums, which are currently $42.50, will go to $53.50 under this continuing resolution. This is an increase of more than 25 percent in the dollar amount of the premium.

Mr. President, I think it is very clear that this is going to be extraordinarily difficult for many seniors. Seniors' average income today is under $18,000. Forty percent of seniors have incomes under $10,000. Seniors now spend more than 20 percent of their income on health care. Rural seniors—who are typically older, poorer, and sicker—will be disproportionately hurt by this policy. And, because the money for these premiums is taken directly out of Social Security checks, this premium increase also amounts to a Social Security cut.

Mr. President, this is not the place, regardless of whether or not one would view this to be the right thing to do, to consider such a proposal. This is not the time to debate whether or not we are willing to increase premiums by $11 a month for every participating senior across this country and to lock-in an inadvertent percentage increase. Today the questions are: Is this the right vehicle? Is this the right time? Should we be doing it outside the context of Medicare reform? Outside of a debate on deductibles and other issues that relate to what seniors are going to be asked to absorb?

There is absolutely no reason why this needs to be in a short-term continuing resolution. It is unrelated to continued Government financing. It has no impact on the hospital insurance trust fund. It does not protect and preserve Medicare, as some of our Republican colleagues claim they want to do. It has nothing to do with attacking fraud and abuse. It does not provide seniors with more choices. It does not cut Medicare costs. It simply shifts costs directly from the Federal budget onto the backs of seniors. That is wrong. There is no reason why seniors should be singled out. It leaves all other parts of Medicare untouched.

Why? To create the pool of resources necessary to fund the Republican tax break package for the wealthy, provided the Republican majority has their way. This is going to hurt seniors.

We do not need to do that. This ought not be done in this bill. This is the wrong time, the wrong place, the wrong approach, and the wrong effort directed entirely at those who can least afford it.

So, Mr. President, for all those reasons, I urge my colleagues to join with us in support of this amendment. I am pleased that the distinguished Senator from Massachusetts and Senator from West Virginia have agreed to cosponsor this legislation. They have been in the forefront of this legislative effort from the very beginning. I applaud them for their cooperation, their help, and their dedication to ensuring that seniors are protected from unfair policies.

With that, I yield such time as he may consume to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the minority leader, Mr. President.

Mr. President, I thank the Presiding Officer.

Mr. KENNEDY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Ten minutes forty seconds.

Mr. ROCKEFELLER. Mr. President, I will just take 5 minutes.

Mr. President, this amendment is a no-brainer. We are giving every Senator a chance to separate him and herself from a truly dumb idea concocted in the other body. Before us is a continuing resolution—the legislation that pays the bills for the Federal Government to function starting on Tuesday—now being used as a freight train for baggage that does not belong on this train. With this amendment, we are saying throw the Medicare premium increase over the side before it is too late. With this amendment, vote for tossing out the provision to increase the monthly premiums that 30 million senior citizens pay to receive Medicare's part B coverage, otherwise known as physician care and services.

No matter what you think seniors should pay for the Medicare, the continuing resolution is not the bill to hitch onto. If you want seniors to pay 100 percent or 2 percent of the costs of their Medicare, this bill is not the time, the place, or the vehicle for setting the price tag of Medicare premiums.

In fact, I am incredulous that anyone would want to increase Medicare premiums ahead of doing a single thing to improve, save, or reform Medicare.

The Members on the other side of the aisle told Americans they should be in the majority of Congress. They won the elections last November to do that.

But Mr. President, being in charge also means being responsible. Being in charge means making sure that on Tuesday, the Federal Government can open national parks, enforce law and order, answer the phones when veterans are calling about their benefits or try to visit a VA hospital, process student loans and passport requests, and perform thousands of other responsibilities that Members of Congress are supposed to be here watching over. Being in charge does not mean throwing the kitchen sink onto the basic piece of legislation to fund the Government. And it sure does not mean throwing in a Medicare price increase for senior citizens, hoping it just slips through. Can someone explain the sudden rush to raise Medicare premiums?

The cost of seniors' Medicare premiums should be determined when Congress decides Medicare's overall future. Vote for this amendment to take this issue off of the CR, and put it back where it belongs—in the discussion of Medicare's future, what is a fair share of costs for seniors to bear, and whether Medicare should be cut to save Medicare or cut to pay for tax breaks for the rich. That all still needs to be settled, and it is going to take some more work, I assure everyone listening.

Instead, here we are faced with an absolutely critical bill for Congress to get enacted in the next 48 hours, with an 11th-hour addition designed to make sure senior citizens pay more for their Medicare beginning in January 1996. How ridiculous can you get?

Let me be very clear: Unless you vote to strip this bill of the Medicare baggage, you will vote to send senior citizens on Medicare a total annual bill for their part B premium of $642—$1,284 a year for couples—starting in January 1996. The provision misplaced into this bill will charge seniors an extra $11 more a month, an extra $132 more a year, in order to keep getting Medicare coverage for physician care. This bill is not the place to approve a Medicare price increase for seniors.

We already know why so many Republicans want to increase the cost of Medicare premiums for 37 million seniors. In fact, we already know why the Republican budget calls for $270 billion in Medicare cuts. It is simple. The same Republican budget spends $245 billion on new tax breaks for the wealthiest Americans and all kinds of corporations. Raiding Medicare is the idea, ignoring the fact that only $89 billion is needed to keep the trust fund solvent for 10 years.

It is that simple and it is that wrong. This is not about preserving and protecting Medicare. And the provision in this continuing resolution is not about making sure the U.S. Federal Government will still function on Tuesday. This provision is a premium hike designed to collect more from Medicare beneficiaries in January, money to pay for tax breaks for someone else.

The provision in this bill will put a new burden on seniors who already spend more than one-fifth of their income on insurance, prescription drugs, long-term care services and other health care needs not covered by Medicare. It is wrong to burden seniors with more costs so that there will be money to pay for tax breaks for the wealthy.

This Medicare premium provision does expose a basic truth. Cutting Medicare by $270 billion—that is $181 billion more than the Medicare trustees call for to protect the Medicare trust fund—is not needed to preserve the Medicare program. How do you preserve today's Medicare program by insisting that seniors pay higher premiums than would occur under current law?

You do not. This is not about preserving anything, improving anything, or protecting anything. This is about targeting seniors as a financing source for the Republicans' budget that is going to hurt seniors, not help them in the least.

Increasing costs for Medicare beneficiaries as part of a bill to keep the Federal Government up and running does not make any sense at all. It is a rifle shot aimed at the millions of seniors who rely on Medicare.

It should be struck from this bill and I ask my colleagues to vote for our amendment to get it out of this absolutely vital bill that must be passed now, must be clean of debris completely, totally, and immediately.

I thank the Chair.

Mr. DASCHLE. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Seven minutes ten seconds.

Mr. KENNEDY. On the other side?

The PRESIDING OFFICER. Seventeen minutes thirty seconds.

Mr. DASCHLE. Does the Senator desire some time at this point?

Mr. KENNEDY. Please.

Mr. DASCHLE. I yield 5 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the bottom line on this particular proposal is that it is a $51 billion tax increase on seniors, and 83 percent of that tax increase will effectively go on people who are making $25,000 or less.

So you are taking $50 billion out of the pockets and the pocketbooks of senior citizens. That does not surprise me about the Republican proposal. Since we know that the tax increase in the Republican budget will hurt those who make less than $30,000 a year—51 percent of all Americans—their taxes will be increased. This is going right along with it. They will be taking effectively $51 billion out of our seniors.

What does that mean for the average family? It means that they will have a reduced Social Security check.

This chart indicates how these premiums are going to be taken out of the Social Security COLA in this next year and the hardship it is going to have, particularly on the lowest percentile. Those that make $5,300 a year will find out that with a $136 Medicare premium increase, they will only have $3 of that COLA left to them. And so it goes right down through the rest of the middle income.

This premium increase will reduce the COLA's for those senior citizens at the lowest level by 98 percent, by 66 percent for those receiving the average benefit and over half for those that are getting $10,000 a year. And we have to ask ourselves why? The reason for it, as the minority leader and Senator ROCKEFELLER pointed out, is to pay for the $245 billion tax break for wealthy individuals.

If you did not have that tax break, Mr. President, you would not need to have this tax increase for those on Social Security. That is the bottom line.

If you are going to have the $245 billion in tax breaks for wealthy people, you have to get $51 billion in this particular continuing resolution, and the way that you do it is to wipe out the Social Security COLA for those at the lowest level. I think it is unjustified. Senator DASCHLE had offered the amendment to ensure the integrity of the Medicare trust fund. That was rejected by all the Republicans except one. That would have ensured the integrity of Medicare and the Social Security System and it would have meant not one dime increase in premiums, not one dime increase in deductibles. We ought not permit this back-door attempt of the Republicans to add this kind of an additional tax on the senior citizens of this country.

Earlier today I spoke of my intention to join with my colleagues in introducing this amendment. The Republican proposal to increase the Medicare part B premium included in the continuing resolution is unacceptable on any vehicle—and it is particularly unacceptable on a continuing resolution designed simply to keep the Government operating.

This proposal is a part of the broader Republican assault on Medicare—a proposal that will devastate senior citizens, working families, and children in every community in America. It extends an open hand to powerful special interests and gives the back of the hand to hard-working Americans. It makes a mockery of the family values the Republican majority pretends to represent.

The Republican assault on Medicare is a frontal attack on the Nation's elderly. Medicare is part of Social Security. It is a contract between the Government and the people that says, "Pay into the trust fund during your working years, contribute to the growth of your country by working hard, supporting your family, and educating your children, and we will guarantee good health care in your retirement years."

It is wrong for Republicans to break that contract. It is wrong for Republicans to propose deep cuts in Medicare in excess of anything needed to protect the trust fund. And it is doubly wrong for Republicans to propose those deep cuts in Medicare in order to pay for tax breaks for the wealthy. You don't need a degree in higher mathematics to know what is going on. The $270 billion in Medicare cuts; $245 billion in new tax breaks disproportionately targeted at the wealthiest individuals and companies in America.

The cuts in Medicare are harsh and they are extreme—$280 billion over the next 7 years. Premiums will double. Deductibles will double. Senior citizens will be squeezed hard to give up their own doctors and join private insurance plans.

The fundamental unfairness of this proposal is plain. Senior citizens' median income is only $17,750. Forty percent of all senior citizens have incomes less than $10,000 a year. Because of gaps in Medicare, senior citizens already pay too much for the health care they need, especially prescription drugs and long-term care. But under the Republican budget, elderly Americans will pay $71 billion more out of their own pockets over the next 7 years—an average of almost $4,000 for each elderly couple.

The Medicare trustees have stated clearly that $89 billion is all that's needed to protect the trust fund for the next 10 years—$89 billion, not $280 billion.

Our Democratic alternative provides that amount of savings. We don't need to raise premiums an additional dime. We don't need to raise deductibles a dime. We need to give senior citizens real choices, not force them to give up their own doctor.

The Republican Medicare plan also deserves to be rejected because of the lavish giveaways to special interest groups in the House and Senate proposals.

The insurance industry got what it wanted—the chance to get their hands on Medicare and make billions of dollars in additional profits.

The American Medical Association got what it wanted—no reduction in fees to doctors, and strict limits on malpractice awards.

The list goes on and on. The clinical laboratory industry got what it wanted—their labs no longer have to meet strict Federal standards to guarantee the accuracy of results. The nursing home industry got what it wanted—Federal standards to prevent abuse of patients in nursing homes will be eliminated. The pharmaceutical industry got what it wanted—the right to charge higher prices for their drugs.

Because of this unjust Republican plan, millions of elderly Americans will be forced to go without the health care they need. Millions more will have to choose between medical care and food on the table, adequate heat in the winter, or paying the rent.

Senior citizens have earned their Medicare benefits. They've paid for them, and they deserve them.

It is bad enough that the Republicans have proposed this unjust plan. It is worse that they have taken the single largest cost increase for senior citizens—the increase in the Medicare part B premium—and attached it to this continuing resolution.

Cuts in payments to doctors are not included in the continuing resolution. Cuts in payments to hospitals are not included in the continuing resolution. The only Medicare cut in this bill is a proposal to impose a new tax on the elderly and disabled.

The Republican strategy is clear. Try to rush through their unacceptable proposals—because they know that they cannot stand the light of day. Try to force the President to sign them into law—with the threat of shutting down the Government if he refuses to go along.

The part B premium increase is especially objectionable, because it breaks the national commitment to senior citizens in Social Security. Every American should know about it. Every senior citizen should reject it.

Medicare is part of Social Security. The Medicare premium is deducted directly from a senior citizen's Social Security check. Every increase in the Medicare premium means a reduction in Social Security benefits.

The Republican plan proposes an increase in the part B premium and a reduction in Social Security which is unprecedented in size. Premiums are already scheduled to go up under current law, from $553 a year today to $730 by 2002. Under the Republican plan, the premium will go up much higher—to $1,068 a year.

As a result, over the life of the Republican plan, all senior citizens will have a minimum of $1,240 more deducted from their Social Security checks. Every elderly couple will pay $2,480 more.

The impact of this program is devastating for moderate- and low-income seniors. It is instructive to compare the premium increase next year—the portion of the Republican plan tucked into the continuing resolution—to the Social Security cost-of-living increase that maintains the purchasing power of the Social Security check. One-quarter of all seniors have Social Security benefits of $5,364 a year or less. The COLA for a senior at this benefit level will be $139 next year.

The average senior has a Social Security benefit of $7,874. The COLA for someone at this benefit level is $205. But under the Republican plan the premium next year will be $126 higher than under current law. Average-income seniors will be robbed of almost two-thirds of their COLA. Low-income seniors will be robbed of a whopping 90 percent of their COLA.

Senior citizens have earned their Social Security and Medicare through a lifetime of hard work. They built this country and made it great. Because of their achievements, America has survived war and depression. Tonight is the eve of Veterans Day, when we honor those who sacrificed for our country. Many of those veterans depend on Medicare. It is wrong to take away their benefits, and it is especially wrong to do so to pay for an underserved tax break for the wealthiest individuals and corporations in America.

The Republicans' attack on Medicare will make life harder, sicker, and shorter for millions of elderly Americans. They deserve better from Congress. This cruel and unjust Republican plan to turn the Medicare trust fund into a slush fund for tax breaks for the wealthy deserves to be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, there are two horses the Democrats like to ride. One is Social Security, and the other is Medicare.

They like to ride both of them at the top of their lungs, as has been indicated here this evening.

Let us talk about Medicare, which is the subject before us. There are a lot of deceptive statements being made here this evening in connection with Medicare. One is that you are increasing the premiums. First, let us make clear what we are talking about. Under Medicare, there is part A. There is a trust fund and that pays for the hospitalization. Part B is an insurance program. It is a voluntary insurance program that senior citizens can take if they so choose, and about 99-plus percent choose the part B insurance program.

What does the part B insurance program do? It covers the cost after the deductible for physicians. That is what part B is.

Let us look at a little bit of history. When part B was set up under Medicare in the early 1960's, the thought and, indeed, the plan was that the beneficiary, the insured, would pay 50 percent of the premium and the Federal Government would pay the other 50 percent of the premium.

However, due to the fact that it was set in dollars and medical inflation came along, what started out as a dollar premium that equaled 50 percent soon slid down, down, down and became less than 25 percent, something like 18 percent. So then we changed the law, and we provided that it be 25 percent as a minimum. But over the past several years that rose, and it currently is at 31.5 percent. That is what it is now. And so this idea that by staying at 31.5 percent we are increasing the premium is absolute, total nonsense.

It is important to remember this. The Federal Government is now paying, for the total part B premiums, as its share, namely the 69 percent that it pays, with the insured paying 31.5 percent, $42 billion a year, and we believe that the 31.5 percent premium that is currently being paid is a fair premium. It is not 50 percent, as the authors of the legislation originally provided, and it is not 40 percent, but it is 31.5 percent. That is what the Republicans have provided.

The argument is, well, do not do it on this bill. Do it on something else. The problem is that unless we provide on this bill that it be at 31.5 percent, due to the mechanics of the machinery for Social Security and the withholding, and so forth and so on, because this is a premium that is deducted from the benefit of the Social Security recipients—in other words, when they choose to have the insurance, they provide that the premium be deducted from their Social Security income, and in order to keep it at this particular figure, 31.5 percent, it is required that legislation be enacted. That is why we are here this evening.

Mr. DASCHLE. Will the Senator yield on that point?

Mr. CHAFEE. That is right. Yes.

Mr. DASCHLE. Will the Senator indicate what it will revert back to if this legislation is not passed?

Mr. CHAFEE. It will revert to the 25 percent that we have long since bypassed. It is now at 31.5 percent. Who set it at 31.5 percent?

Mr. DASCHLE. But the Senator does confirm it reverts back to 25 percent.

Mr. CHAFEE. A Democratic Congress—a Democratic House of Representatives, a Democratic Senate—provided that it be at the 31.5 percent. And to say this is an increase when that is what is being paid now is just plain not so.

Now, Mr. President, you could say, well, it ought to go to 25 percent. Well, why not have it go to 10 percent or, indeed, more attractive and more appealing I suppose is no charge. Have the Federal Government pay it all. But we believe that when we look at these programs, when we look at the cost of $42 billion, for the beneficiary to continue paying at the same percentage he or she is currently paying is fair.

Now, they do not say, well, it is unfair to pay 31.5 percent. Is that the viewpoint of the Senator from Massachusetts, I wonder?

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. KENNEDY. I will answer in 30 seconds. What is completely unfair is to raise $51 billion, according to CBO, from low-income people in order to pay for a tax break for the wealthiest individuals. That is what is unfair. I wish the Senator had addressed the issue of the tax break for the wealthy. The Senator has not even referred to it. This provision raises $51 billion, I say to the Senator, here it is, right here in the chart. And you are using that $51 billion as part of your $245 billion tax break for the wealthy. The Senator has not even talked about that in his explanation.

Mr. CHAFEE. Now, Mr. President——

Mr. KENNEDY. I reserve the remainder of my time.

Mr. CHAFEE. I would ask that I have 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President that is what you call a syllogism. Does he believe that the premium should not be 31.5 percent? Suddenly we get talking about tax breaks for the rich. There is no tax break for the rich provided in this legislation. What we are saying is——

Mr. KENNEDY. I will take——

Mr. CHAFEE. Let me finish.

Mr. KENNEDY. I will be glad to answer the question.

Mr. CHAFEE. We are on my time.

Mr. KENNEDY. I will be glad to answer the question.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor. Does he yield the floor?

Mr. CHAFEE. I know I am against sturdy competition, particularly in the volume level, but I would like to finish.

We believe that a beneficiary paying 31.5 percent is fair. As you know, under the current law, when an individual is unable to pay the premium, then Medicaid can step in. That is the current law of the land. Medicaid is there to cover the deductibles. Medicare is there to pay the part B premium. But we believe that it is fair for the beneficiary to pay 31.5 percent with the Federal Government paying 68.5. That is a pretty good deal.

So that is what this is all about this evening. It has nothing to do with the rich. You can read the language, and there is no tax cut for the rich. I do not know where they get that from. It has nothing to do with that. It is whether it is fair to say to the beneficiaries you are getting a very good deal here.

And you cannot beat it for paying not the entire premium. Indeed, there is no means testing here. There is no suggestion, as we have proposed and subsequently presumably it will come along in later days, that the more affluent pay more. That is not included here. I would be happy if it were. But that is not in this particular program.

So, because of the mechanics that have to take place, it is important that this legislation be approved.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Could I have just 30 seconds to respond?

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. I yield 1 minute to the distinguished Senator.

Mr. KENNEDY. I want to make it clear that I do think the raising to 31 percent, which this proposal does, is unfair. And I want to tell you why. Because it was a guarantee to the seniors, "Work hard, pay your taxes, and you are going to have affordable health care." Under the Republican proposal, you will be adding some $2,400 to the cost of health care to every senior citizen in this country. You are going to be denying them access to health care. And you are doing it to have the tax breaks for the wealthy.

And that, I say to the Senator, is unfair. And at the 31 percent, the premium will emasculate the cost-of-living adjustment under Social Security. The Republicans said, "We aren't going to touch Social Security," and yet they are effectively wiping out the COLA for the poorest of our elderly people.

I yield the remainder of the time.

Mr. DOMENICI addressed the Chair.

Mr. ROTH. I yield 4 minutes to the Senator.

Mr. DOMENICI. Mr. President, let me say to the senior citizens of the United States, "The Federal Government is paying for your insurance, everything except hospitalization which you paid for in trust from your salary. We have decided to pay a premium for your health insurance. And we pay it for nobody else in America."

There are families with a husband and wife, and four kids, making $22,000 a year, working hard, trying to get ahead. We do not pay any health insurance premium for them, but because we want to take care of our seniors, we pay for theirs. How much do we pay, and how much does the senior pay? At this point in time, the senior citizen pays 31.5 percent and the taxpayers of America, because we want to take care of seniors, pay 68.5 percent.

That is the fact. All this amendment says is that it is going to stay at 31.5 percent. It is not going down to 25 percent or 20 percent or 10 percent. We say to the seniors, "Is it not fair that you pay 31.5 percent"—that is what it has been for awhile—"while the taxpayers pay all the rest, while we try to get a balanced budget for the United States, so that our children and grandchildren will have a chance at making a decent living and increasing their standard of living?"

By the way, we do not pay the health insurance premium for a husband and wife and four children. They may have insurance; they may not. We do not pay it from the taxpayers of America. So what we did is say, "Let's get a balanced budget on this score. Let's just leave the premium at 31.5 percent, with the taxpayers paying all the rest." When we were finished with all of this, we found we had an economic dividend. That dividend said you have a surplus in the budget of the United States. All we said to the seniors of the United States is, "We would like to give that money back to the taxpayers." Ninety percent of that economic dividend is going back to the taxpayers of America who earn $100,000 or less a year.

Everything I have said is fact. Now, you can turn it around however you would like, but I do not believe there are going to be very many senior citizens who are going to be angry at us when we say, "We will keep on paying 68.5 percent of the cost of your insurance, but we would like to give the American people a tax break, with most of it going to men and women who have children, by way of a tax credit and a little tiny bit so that we can have the economy grow."

What is the matter with that? It seems to me that is the best thing we can do for seniors and by far the best thing we can do for their children and grandchildren. And that is the way it is.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Delaware has 7 minutes.

Mr. ROTH. Mr. President, I rise in opposition to the amendment. This legislation sets the part B monthly premium for 1996 at 31.5 percent of part B costs, the exact same percentage of cost beneficiaries cover today through their premiums. I might point out that the Senate has already approved this change in the budget reconciliation bill.

Mr. President, if we do not make a change in the part B premium, the percentage of part B spending that beneficiaries cover through their premiums will drop on January 1. And as I said, beneficiaries now pay for 31.5 percent of part B spending through premiums, and as of January 1 of this next year it would drop to 25 percent. If we do not pass this legislation by next week, the Social Security Administration tells us it cannot change the premium for another 4 months because of the time it needs to reprogram its computers.

This part B premium change is a downpayment on restoring fiscal security to part B. I might point out that part B is strictly voluntary on the part of our senior citizens as to whether or not they enroll in it. A lot of attention has been focused on the need to restore solvency to the part A trust fund. But part B spending is also a major problem.

The Medicare trustees, trustees appointed by President Clinton, in their

1995 report on the part B trust fund, pointed out that part B costs have increased 53 percent in the last 5 years and costs grew 19 percent faster than the economy as a whole. In my view, it simply does not make sense to let the part B premium go down when, in fact, part B costs are exploding.

Let us remember where the rest of part B spending comes from. It comes from taxes, taxes paid for by the American people. And even under the reconciliation bill, the taxpayer subsidy of part B will be almost 70 percent of part B costs. The public trustees—again, the same trustees appointed by President Clinton—of the Medicare program termed the part B subsidy a major contributor to the fiscal problems of the Nation. In other words, this subsidy is a direct contribution to our deficit.

Some will undoubtedly claim that this premium change will burden American seniors. We do not think so. The premium change, as I said, simply continues the current level of beneficiary cost-sharing among 36 other Medicare beneficiaries. We think this is fair. We urge the Members of this Chamber to defeat this amendment.

I yield the floor, reserving the remainder of my time.

Mr. GRAHAM. Mr. President, would the Senator from Delaware yield for a question?

Mr. ROTH. Not right now. First I want to yield time to the distinguished Senator from Wyoming.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator has 2 minutes 44 seconds remaining.

Mr. SIMPSON. Mr. President, I do not know how much has been covered here, but if ever we are going to get anything done with regard to these programs, this is it. I do not want anyone to forget in this body that when this remarkable program was put together—and, remember, it is voluntary—it was never part of any contract. This is voluntary.

This is an income transfer; 69 percent of the premiums on part B are paid by the people who maintain this building and 29 percent are paid by the beneficiaries regardless of their net worth or their income. This is absurd.

If we cannot even means test part B premiums, which are simply voluntary, we will never get anything done, period. But here is the key. Remember when this program started, I say to my colleagues—do not miss this—under the 1965 law, this was to be a split of 50–50. Everyone in this body knows it, 50 percent was to be paid by the Government, the taxpayers, and 50 percent by the beneficiary. Everybody who is in this debate knows that.

How did it then get to 25 percent? It got to 25 percent by people who knew they could get reelected by simply coming to the floor and saying, "Oh, you shouldn't have to pay 50 percent of that premium; you should pay 45 percent."

Mr. FORD. Mr. President, can we have order in the Chamber? It seems we have some visitors. We need decorum here.

Mr. SIMPSON. I thank my friend from Kentucky. "No, no, you should not have to pay 50 percent, you are beleaguered, tortured."

Bosh, it is a voluntary program. It is $46.10 a month; $46.10 a month to people who are floating in a golden parachute. This is absolutely bizarre, when the thing was originally 50–50 and now we have it to 25–75 and now we want to say 31 is too much? Ask the people who are called "Joe Six-Pack" how they feel about paying 70 percent of the premium for somebody who is loaded. This is crazy.

Mr. GRAHAM. Will the Senator from Wyoming yield for a question?

Mr. SIMPSON. Yes.

Mr. GRAHAM. In the Finance Committee, you offered an amendment which would have the effect of causing high-income Medicare beneficiaries to pay a larger percentage of the cost to the program; is that correct?

Mr. SIMPSON. That is correct.

Mr. GRAHAM. That was adopted by the Finance Committee.

Mr. SIMPSON. It was a very fine bipartisan vote of 15–5.

Mr. GRAHAM. Would this proposal of setting the percentage at 31.5 percent obviate your amendment which would have set a higher percentage for high-income Medicare beneficiaries?

Mr. SIMPSON. Obviously, it would. If we cannot maintain the current level of 31.5 percent, we are in deep trouble, to go back to 25, to strike everything we are trying to do in means testing.

Mr. GRAHAM. What I am saying is, if we retain the provisions in the continuing resolution, it appears to mandate that we set the computers at 31.5 percent for all beneficiaries, the rationale being if we do not act now, it will be too late to adjust those computers.

Would that not have the effect of eliminating the opportunity to do what your amendment calls for, which is to have a different percentage for high-income beneficiaries?

The PRESIDING OFFICER. All time has expired.

Mr. SIMPSON. I do not know how better to explain the situation. If you are going to change this formula, obviously the means testing or affluence testing, as I call it, of part B premiums cannot be done properly if you are going to give more of a break to people regardless of their net worth or income.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. DASCHLE. How much time remains on our side?

The PRESIDING OFFICER. Two minutes, 10 seconds.

Mr. DASCHLE. I yield 30 seconds to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the Democratic leader.

The Republicans are asking seniors to pay more than Congress intended because they want seniors to pay more. They think they should pay more, and this, I warn my colleagues, is the beginning of the Republican plan to ask seniors to pay more for their health care coverage.

Mr. DASCHLE. Mr. President, let me associate myself with the remarks of both our Democratic Senators. The Senator from Florida and the Senator from West Virginia have made a point I was going to make in response to the Senator from Wyoming. The fact remains that seniors pay more for their health care than any other group of people in the country. That is not disputable. They pay more than anyone else. Yet, this amendment requires them to pay even more than they pay today. That is what this issue is about and no one ought to be misled about that.

I want to make two final points, reiterating what I said earlier about the importance of this legislation and confirming what the distinguished Senator from Rhode Island said earlier.

Current law dictates that 1996 premiums will revert back to the 25 percent level. The continuing resolution seeks to change this and lock-in the premium at 31 percent. We have debated this, we have discussed it, we have analyzed it, we have consulted and we have concluded over a long period of time that 25 percent is the figure that we ought to lock-in for seniors to pay their fair share, given the fact that they already pay more in out-of-pocket costs and in higher deductibles than any other segment of the population.

Mr. President, we made a commitment 30 years ago that seniors would get health care, and it would be affordable. That commitment is now jeopardized if this amendment is not adopted. I hope Senators on both sides of the aisle will recognize that and support it as this legislation comes before us tonight.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 3049, AS MODIFIED, UPON RECONSIDERATION

The PRESIDING OFFICER. The question recurs on amendment No. 3049, as modified, offered by the Senator from Idaho [Mr. CRAIG]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator for Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator for Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 565 Leg.]

YEAS—49

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

NOT VOTING—3

Akaka
Bradley
Lugar

So the amendment (No. 3049), as modified, was agreed to.

Mr. SANTORUM. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3045, 3046, 3047, AND 3048

Mr. DOLE. In light of the vote, I now ask that the amendment 3048 be agreed to, and amendments 3047, 3046 and 3045 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I wish Senators would just stop and look around. I wish Senators would just take a look at what is going on on the floor.

Mr. President, I will not object, but I want to retain the floor briefly on a reservation of objection.

I wish Senators would just look around this Chamber. If you have not looked around, do it. I do not mean to be discourteous to our colleagues from the House. They have the privilege of the floor. I would defend their privilege, their right to the privilege, as long as it is in that book. And it is in there—the book on Senate Rules. But it is a little disconcerting to see them down in the well, buttonholing Members of the Senate. I resent that. I resent that. If there is ever a time when they want my vote, where they would like to see me vote a certain way, such conduct would turn me the other way.

All the while I have been speaking, a House Member has been standing over there laughing and grinning. I do not mean to be discourteous to House Members, but to me that comes with very poor grace.

I have been in this Senate now 37 years. I used to be a Member of the House. Not once have I ever gone over there and attempted to buttonhole Members of the other body during a vote.

I hope that the Chair will insist on better order in the Senate. That might go for some of our own Members, as well.

I try to sit in this chair here most of the time. I know that we all are prone to forget and chat with colleagues as they come in on the floor because we have not seen them. They have been in committee meetings and so on. If that Chair will make that gavel heard, here is a Senator who would sit down. I respect that Chair and I respect that gavel.

I hope that House Members will show a little respect for this body and for the privilege of the floor which they have been accorded. And I hope that we Senators will help the Chair to insist on that.

Mr. President, I thank the Chair.

I remove my reservation.

The PRESIDING OFFICER. Is their objection to the request of the majority leader?

Without objection, it is so ordered.

So the amendment (No. 3048) was agreed to.

So the amendments (Nos. 3045, 3046, and 3047) were withdrawn.

Mr. DOLE. Mr. President, what is the pending business?

AMENDMENT NO. 3050

The PRESIDING OFFICER. Under the previous order, the question occurs now on amendment No. 3050 offered by the minority leader, Mr. DASCHLE. On this question, the yeas and nays have been ordered.

Mr. DOLE. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I think most of our colleagues are here and have been notified, if we might have consent that this be a 10-minute vote, and then, following that, there will be a rollcall vote on final passage of 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from South Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 566 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone

NOT VOTING—3

Akaka
Bradley
Lugar

So, the motion to lay on the table the amendment (No. 3050) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader is recognized.

Mr. DOLE. I would ask that we have 1 minute before the next vote so the chairman of the committee, the Senator from Oregon, may offer a technical amendment which has been agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3051

Mr. HATFIELD. Mr. President, I have two technical amendments that have to be offered, and they have been cleared on the other side of the aisle by Senator BYRD. They relate to a technical amendment for the U.S. Information Agency and in relation to the DC amendment. So I send these to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 3051.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Sec. 101. (a) after Educational Exchange Act of 1948, insert: "section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236),".

On page 10 at line 19, after the period insert the following: "Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85–451, as amended."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 3051) was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 115) was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 567 Leg.]

YEAS—50

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone

NOT VOTING—3

Akaka
Bradley
Lugar

So the joint resolution (H.J. Res. 115), as amended, was passed.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, has H.R. 2586 arrived?

The PRESIDING OFFICER. It has.

DEBT LIMIT EXTENSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 2586, the debt limit; that there be two amendments in order, the first to strike the Department of Commerce elimination, to be offered by the Senator from Michigan [Mr. ABRAHAM], and the second, a clean debt limit to be offered by Senator MOYNIHAN, or his designee, and that following the disposition of those amendments, the bill be advanced to third reading and final passage, to occur all without any further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I do not intend to object, I wonder if the majority leader would have any interest in entering into a time agreement to give our colleagues some indication of what the schedule might hold. I know there is very little disagreement on the first amendment. And while there may be disagreement on the second amendment, it is not our intention to debate it for a great deal of time. So we might be able to enter into a time agreement on that one and stack the three votes to accommodate Senators tonight.

Mr. DOLE. On the first amendment to strike the Department of Commerce elimination, I will just ask that there be a motion to strike and a voice vote, without debate. That will not take any time. I do not think the second will take long. I have talked to the Senators from New York and Delaware.

Mr. DASCHLE. I suggest 20 minutes, 10 minutes per side.

Mr. DOLE. On the Moynihan amendment?

Mr. DASCHLE. Yes.

Mr. HOLLINGS. Reserving the right to object, Mr. President, I have seen a lot of remarkable things occur, and when they occur in our favor, I do not want to object. But the distinguished Senator from Michigan is the one that wants to get rid of this Department.

Mr. DOLE. He still does, but not tonight.

Mr. HOLLINGS. That is why, if he is going to make a motion, I want to make sure we are not playing games.

Mr. DOLE. It is coming out.

Mr. HOLLINGS. I will join him in the motion to strike then. We have unlimited time right now, is that correct?

Mr. DOLE. We hope that if we proceed on this basis, it will be a very quick disposal of that provision in this particular bill.

Mr. HOLLINGS. You are going to voice vote it?

Mr. DOLE. Yes.

Mr. HOLLINGS. That would suit this Senator, if we can have 5 minutes.

Mr. DOLE. On a side?

Mr. HOLLINGS. Well, at least for me.

Mr. DASCHLE. How about 20 minutes on a side for both amendments.

Mr. DOLE. Twenty minutes equally divided on each amendment.

Mr. COHEN. Reserving the right to object, Mr. President. As I understand it, then, after the one motion to strike the Commerce Department provision, which will take very little time, there will be one other motion to strike everything else, so that those of us—at least myself—would not have an opportunity to express my support for including a balanced budget within a 7-year timeframe and a prohibition against delving into any Social Security and pension funds, and limited to that, I would have to accept the other provision added by the House. In other words, it is either all or nothing after we delete the Commerce Department provision.

Mr. DOLE. Then it goes back to the House, and there will probably be some negotiations. Some would say there would be progress. I hope the Senator from Maine can support progress.

Mr. DASCHLE. I am told that we have a request for an additional 10 minutes on our side on the Commerce Department, so that would require 20 minutes on our side on Commerce.

We would be satisfied with 10 minutes on the second amendment.

Mr. DOLE. So there would be 10 minutes additional time for Senator BYRD on the Commerce Department?

Mr. DASCHLE. That is right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, is it then in order that we would have three votes stacked—two amendments and final passage?

Mr. DOLE. Part of the agreement is we dispose of the first amendment by voice vote. The other two would be rollcalls.

The PRESIDING OFFICER. That would be 50 minutes on the agreement. The yeas and nays have not yet been ordered.

Mr. DOLE. I ask for the yeas and nays on the Moynihan amendment and on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. I ask unanimous consent that the first vote at 8:50 be a regular 15-minute vote; final passage will be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3052

(Purpose: To preserve the Department of Commerce)

Mr. ABRAHAM. Madam President, I send to the desk an amendment to strike title II of the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 3052.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike title II.

Mr. ABRAHAM. Madam President, the section of the bill which I am moving to strike is quite an important section and quite an important policy issue to me and to a number of Members of this body. It pertains to the Department of Commerce. It pertains to efforts a number of us have launched this year in separate legislation to basically eliminate the umbrella we call Department of Commerce and reassign a number of the programs and functions of that Department to other areas of Government, but dramatically reduce the overhead and the bureaucracy by eliminating the umbrella called the Department of Commerce.

Obviously, I am a strong advocate of this legislation in that I am the chief sponsor of the freestanding bill which was introduced earlier this year. I support very much the effort to dismantle the Department and reassign its relevant functions.

It had been my hope—and it remains my hope—to find the right time and the right vehicle to pursue this objective. Indeed, in the Senate Governmental Affairs Committee, the bill, which was initially my bill, has gone through hearings, and it has been marked up and reported out of committee with favorable report to the full Senate.

It is my hope that at another time—hopefully very soon—we will have the opportunity to look either at the package that came out of the Governmental Affairs Committee as a freestanding bill or some combination of that package and the one that was included in the bill that I am seeking to strike tonight.

Madam President, the simple fact is that this is not the right time and this is not the right vehicle for us to consider this important question of the Department of Commerce. There are many compelling arguments, some of which I will make during our brief time tonight to discuss this issue. But I think the purpose of giving concentration of focus of the Senate on this very vitally important issue tonight is not the right time. For that reason, I send this motion to the desk.

I yield the floor. I retain the remainder of our time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, there is a saying that a man's opinion is still a man's opinion. I wonder. My colleague from Michigan has a motion to strike title II, which I agree with. But in all candor, I believe his sincerity and that it is still his intent that we abolish or repeal the Department of Commerce. I, though, want to see that title II is stricken from this bill and any other measure.

I have never seen legislation and Congress itself reach such a ludicrous position of trying to rid itself of one of the most formative departments. I never say that lightly. Under article I, section 8, the first designated duty to the National Congress is to collect taxes, the second one is to borrow money, and the third one is to regulate commerce.

You will not find the Department of Agriculture, you will not find the Department of Energy, you will not find Housing in these measures in the National Government's Constitution. You find commerce.

Here, right in the midst of what you might call the economic war, we want to dismantle the front line entity that is really waging the battle to rebuild the economic strength of the United States of America, and Secretary Ronald Brown is doing an outstanding job. To dismantle or strike or eliminate this particular Department at this hour would be like in the middle of the Cold War getting rid of the Pentagon.

Madam President, you just could not understand the history of the United States if you did not go back into the original debates with respect to the Declaration and the Constitution itself and the exchange taking place soon after between the Founding Fathers and the former mother country, and especially with what corresponded at that particular time with Secretary Alexander Hamilton. The British said, now that you have became a little fledgling nation, you trade with us what you produce best and we trade back with you what we produce best. That nonsense that you continually hear to this day—"free trade, free trade."

Alexander Hamilton wrote his views on that suggestion in a booklet called Report on Manufactures. It is over in the Library of Congress. And without reading that, I only say that it can be summed up in two words: "Bug off."

Hamilton told the British that we are not going to sit and remain your colony, shipping back our natural resources, our grain, our iron, our foodstuffs, and bringing in the manufactured products. It carries me immediately to Akio Morito, the founder of Sony, some years ago before his death, in Chicago where he was lecturing about emerging nations. He said emerging nations must build up a strong manufacturing sector, and that power that loses its manufacturing power ceases to be a world power.

That is the position we are in at this particular moment. At this particular moment, we have come from having at the end of World War II 50 percent of our work force in manufacturing down to, 10 years ago, 26 percent, and now today at 13 percent. We are going out of business.

The thrust of eliminating the Department of Commerce is nothing more than the thrust that America go the way of England —specifically, a delightful Parliament, debating each other with scandal sheets and everything else to read but losing, generally speaking, its influence.

And we do. If we lose our economic power, we lose our international foreign policy power, if you please. No one cares today any longer about the 7th Fleet or the threat of a nuclear attack. Money talks in the global competition and in global politics.

Madam President, I rise in strong opposition to these proposals to dismantle the Department of Commerce [DOC].

To begin with, I strongly object to the process being used. A major piece of authorizing legislation does not belong on the debt limit bill. Moreover, the version before us now has been available to Senators only since this morning. The House Republican leadership rewrote the bill and only published it last night—38 densely-packed pages of the RECORD that no one here has had time to review. Finally, no version of the DOC dismantling legislation has ever been presented to the Senate for full and regular debate. In short, adding this dismantling proposal to the debt limit bill is the worst possible way to consider major legislation.

Second, I strongly disagree with the substance of this proposal. It is astounding that in the middle of the global economic fight some of our colleagues propose to abolish the Federal agency that promotes exports, enforces our trade laws, works with industry to create new job-creating breakthrough technologies, and otherwise does so much to promote economic growth. I know that many of our Republican colleagues do not like the current Secretary of Commerce, since he helped the President win the White House in 1992. And I know that some Republicans want a trophy, and have therefore gone after the Cabinet department with the smallest budget.

But to abolish the Commerce Department in the middle of the economic fight is like abolishing the Pentagon at the height of the cold war. This is the last department we should abolish in this post-cold war world. The proposal is utter nonsense, and it is nonsense that will hurt every American company and worker.

The bottom line is that in today's global economy almost every American job is at risk. Nearly every company, and nearly every worker, faces growing foreign competition. Millions of jobs depend on exports, and millions in the future will depend on whether the United States stays at the cutting edge of new technologies. These are bread-and-butter issues to American families, and we need to strengthen—not weaken—American exports and competitiveness.

According to the November 6, 1995, issue of Business Week, a new report compiled by the U.S. intelligence community for the Trade Policy Coordinating Committee, chronicles the bare knuckles brand of capitalism employed by our competitors. Here are some examples:

The French Government warned an African government that it would withdraw government guarantees on outstanding loans if Acatel did not win a $20 million telecommunications switching equipment contract.

A Japanese company won a $30 million supercomputer order from Brazil after the Bank of Japan said it would credit the purchase against Brazilian debt to Tokyo.

Officials at Airbus Industries threatened to block Turkey and Malta from entry into the European Union unless they purchase Airbus jets rather than jets from Boeing or McDonnell-Douglas.

In the face of this brutal competition, some of our colleagues in the House want U.S. business to walk down this dark alley unarmed and unaided.

We need a Cabinet department, and a Cabinet Secretary, whose job is to fight for exports, fight to keep America's lead in technology, and provide important support services to business. The proposal before us, however, is a giant step backwards.

We also should note that this proposal does not reduce bureaucracy. It creates bureaucracy. House and Senate Republicans have discovered that many of DOC's functions are important after all, so while they abolish the Department they create several new independent agencies. Of course, each new agency has to have its own budget office, personnel office, congressional relations office, and inspector general. The result is more bureaucracy. It would be much cheaper and more effective to keep these functions where they are, in the Commerce Department.

Finally, major government reorganizations should not be done piecemeal. This House-passed proposal is ad hoc box-shuffling, with no great attention to either today's national priorities or the functions of other departments and agencies. Just blowing up one department without attention to all the others is a poor and backward way to reorganize our Federal Government.

SOME BACKGROUND

Madam President, before we consider abolishing the department that does the most to promote American jobs and profits, we should remind ourselves of some important history.

For 45 years we were engaged in a life and death struggle against the forces of totalitarianism. Through steadfast commitment and sacrifice we emerged triumphant. During the cold war we willingly subordinated our economic interests to sustain the western alliance. Now, in the post cold war era we must channel the same energy and commitment into rebuilding our economic strength. With the fall of the Berlin Wall and the collapse of Communism, this nation has entered into a new era of competition, one in which the exercise of power and influence will be determined by economic strength.

Madam President, our strength as a nation is analogous to a three legged stool. One leg is our military strength, which remains preeminent. One leg is our values as a nation. From feeding the hungry in Somalia to supporting democracy in Haiti, our values as a nation remain strong. When we look at our economic strength, however, that leg is fractured. A recent OECD report discovered that the United States has the worst income distribution in the industrialized world. Three-quarters of our citizens in the age group of 18 to 25 cannot find a job that pays more than the official poverty level. We have one of the lowest savings rates in the industrialized world. In private sector capital spending, the United States lags behind our competitors.

We have fallen behind in key technologies including flat panel displays, laser diodes, and ceramic packages for the semiconductor industry. We have a $9.9 billion trade deficit in computers and peripherals and $3.7 deficit in telecommunications equipment. Over the last decade we have posted nearly $1.4 trillion worth of trade deficits. The reason for this is clear. For too long we have been held back by slavish adherence to an outmoded 19th Century view of capitalism. This view was appropriate for David Ricardo's British Empire but has no place in an era of "high tech" competition where government provides the comparative advantage for industry. This "hands off" notion of economic development flies in the face of our own history. From Alexander Hamilton's Report on Manufactures, to Henry Clay's "American System" of manufacturing, to Lincoln's development of the American rail system, to NASA's technological breakthroughs, the government has played a crucial role working with industry to stimulate economic development.

While some in Congress foolishly propose dismantling DOC, our economic competition around the world does not share our shortsighted desire to tear down government. The dynamic economies in Asia have evolved into economic powerhouses by developing close links between business and government with one goal in mind, to become export super powers. The invisible hand of the market did not develop Korea's world class semiconductor industry. Instead, the iron fist of decrees laid down by Korea's Ministry of Trade kept out foreign competition unless they licensed their technology to Korean companies. That iron fist was complemented by the largesse of Korea's Treasury which provided subsidies in the form of below market loans and closed the markets to U.S. computer chips while Korean manufacturers dumped chips into the U.S. market below the cost of production.

Europe is nurturing the information technology industry courtesy of billions in subsidies from the European Community for massive research projects like JESSI, ESPRIT, and EUREKA. The law of comparative advantage no longer applies in America's top export industry where Airbus captured 30 percent of the market by flaunting international trade rules, and China forced Boeing to build planes in the Guan Zhao province rather than Seattle, Washington.

This is the competition we face. In today's new world economy, it makes absolutely no sense to eliminate the one cabinet department that looks out for the business community and for one of our Nation's most important functions—interstate and foreign commerce. We need to strengthen the Department of Commerce, not blow it up into ineffective fragments. Strong U.S. Government backing for U.S. companies and workers in trade, technology, and other areas is vital if the United States and our constituents are to prosper. The facts show that the Department of Commerce is working, fighting for American business. Today, in fact, DOC is more successful at promoting exports and other activities than we have seen in decades. Its various units support and benefit each other, making the Department's total much more than the sum of its parts. It would be a grave mistake to break up this winning team of business and Government working together. If we retreat now, we will lose exports, we will lose much of our technological edge, and we most assuredly will lose jobs.

Article I, section 8, of the Constitution says that Congress shall have the power to regulate commerce with foreign nations, and among the several States. Our Founding Fathers knew the importance of a Federal role in support of commerce. In the first days of our Republic, Alexander Hamilton wrote his famous Report on Manufactures and called for Government policies to assist U.S. industry. Theodore Roosevelt created the Commerce Department, and in the 1920's, Secretary of Commerce Herbert Hoover turned the Department into an export powerhouse.

COMMERCE DEPARTMENT SUCCESSES

Today, the Commerce Department provides the needed tools for helping Americans to succeed in the new global, high-technology world. Consider a few of its successes:

The Department's export promotion efforts have been a huge success, helping American companies over the past 2 years to sell over $24 billion in American goods and services, and creating or saving over 300,000 jobs. Its export control program will allow billions more in export sales while successfully preventing the sale of sensitive technologies to unfriendly governments. Yet the House-passed dismantling bill would downgrade these export efforts, eliminating the Cabinet officer responsible for export promotion and burying these functions under an official whose main responsibility is trade negotiations, not exports.

In technology, the central economic battleground of the future, DOC supports industry's own efforts. DOC-supported manufacturing extension centers, begun under the Reagan Administration, have helped over 15,000 small firms to improve their operations and profits, leading the firms themselves to calculate that each $1 of DOC investment leads to $8 in company revenues or savings. The House-passed DOC dismantling legislation abolishes the centers program.

The Advanced Technology Program, started under the Bush administration and still new, is already helping dozens of companies, most of them small businesses, to develop new breakthrough technologies that the private capital markets will not finance because they are not guaranteed to make short-term profits. New developments will reduce the costs of computer chips, lead to cheap compact color TV displays, and create machines that can safely hold human bone marrow cells outside the body and use that bone marrow to create new blood cells. The House-passed bill would terminate the ATP.

The National Institute of Standards and Technology (NIST) laboratories have existed since Theodore Roosevelt established them in 1901. They help the FBI and the Nation's law enforcement crime labs ensure accuracy in drug analyses and DNA fingerprinting. They help industry with a wide range of new measurement techniques which help many companies improve precision and quality and cut costs. Yet the House-passed language would reduce the NIST labs to first 75 percent, and then 65 percent, of their fiscal year 1995 funding.

The National Oceanic and Atmospheric Administration [NOAA] is steadily improving the warning time and accuracy of weather and climate forecasts, with economic and safety benefits ranging from improved flood forecasts to safer airline flights.

NOAA also assists the Nation's $50-billion-a-year commercial fishing industry and $70 billion-a-year marine recreational fishing industry by monitoring fishery harvests and collecting management information. Yet the House DOC dismantling language would reduce NOAA's budget drastically—first to 75 percent of its fiscal year 1995 appropriation, and then to 65 percent the second year after enactment and in all subsequent years. These draconian reductions will affect weather and fisheries services throughout the country.

The Economic Development Administration is one of the few Federal programs that give rural areas a chance to share in economic growth.

The Bureau of Economic Analysis is now substantially improving economic and trade statistics, to give both business and government a more accurate picture of where America stands in the new world economy.

A DEPARTMENT THAT IS WORKING

Madam President, contrary to what some may believe, these various parts of the Department work closely together and reinforce each other. NIST, for example, works with the International Trade Administration [ITA] and U.S. industry to monitor new product standards in other countries. They identify when foreign product standards are used not to protect local safety but as nontariff barriers against American products. Similarly, the Patent and Trademark Office advises ITA when foreign governments appear to use their patent policies in ways which hurt U.S. technology companies.

There are other examples. NIST and ITA's United States and Foreign Commercial Service are working closely with several friendly countries, including Saudi Arabia, to ensure that their new product standards are compatible with American goods and services.

NIST and NOAA, in turn, are developing new measurement techniques for helping the fishing industry to locate fish stocks. The Census Bureau regularly provides important information on the state of U.S. manufacturing to companies and the trade and technology units of the Department.

The National Telecommunications and Information Administration [NTIA] performs a critical role in forcing government users to become more efficient in their use of spectrum radio frequency and overseeing the governmental uses of the spectrum. NTIA has played a critical role in identifying frequency bands for reallocation to the private sector, which ultimately led to auctions that brought in over $9 billion to the U.S. Treasury.

In this era of economic competition, the Commerce Department is the arsenal of business. It is the Commerce Department through the ITA that rings up sales for U.S. business—from Boeing and McDonnell Douglas airplanes in Saudi Arabia to Raytheon radars in Brazil. It is the Commerce Department that enforces the trade laws that enabled the steel and semiconductor industries to beat back predatory trade practices.

In the critical technologies that are the battleground of the 21st Century, it is the Commerce Department that is leading the way in developing and commercializing new and emerging technologies. While the Commerce Department is at the cutting edge of technological development, its Export Administration is walking the fine line between promoting U.S. exports and keeping our critical technology out of the hands of terrorists. Finally, it is the Commerce Department's economic statistics that provide the date which drive America's financial markets.

This Department is not only working. Its units are working effectively together and with American business to save and create jobs.

A PIECEMEAL APPROACH

Madam President, finally we should oppose this proposal not only because it does not belong on the debt limit extension and because it is substantively wrongheaded. We should also oppose it because it is a piecemeal approach to government reorganization, a proposal written without apparent attention to the rest of the government's operations.

In the 1950's, I had the privilege sitting on one of President Hoover's commissions on government reorganization. Believe me, there is a right way—a comprehensive, thoughtful way—to consider government reorganization. And the proposal before us is not the result of a comprehensive, thoughtful process. It is far too piecemeal.

INDUSTRY VIEWS

Madam President, these objections to the House language are not just my views or the those of other Senators. They also are the views of a very large portion of the American business community. For example, I have letters from the National Association of Manufacturers, the Chamber of Commerce, and a major ad hoc industry coalition consisting of over 60 major corporations and trade associations. Let me quote from the NAM letter:

> We feel equally strongly that the goal of such a reduction [in the size of government] should be a government that can deal effectively with the demands of the 21st century global economy. We agree with Peter Drucker's observation that the government should be giving "primacy to the country's competitive position in an increasingly competitive world economy".
>
> The Congress will not be able to meet this challenge if it tries to do so in a piecemeal fashion, taking on one agency or program at a time with the hope that everything will fit together in the end.

I ask unanimous consent that at the conclusion of these remarks these three letters be printed in the RECORD, as well as a copy of the Business Week article I cited earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

WHAT ARE OUR PRIORITIES?

Mr. HOLLINGS. Madam President, the choice before the Senate is actually very simple and stark. It is a matter of priorities. Either we back our companies and workers, or we do not. Either the United States gets into the global economic fight, or we do not.

DOC supporters believe that our Government, like every other major government in the world, should take prudent steps to support its industries and workers—to help win at exports, technology, and other areas. This Department is fighting every day for American business, and it is succeeding. We should not break up the cooperative effort of business and government that has developed in recent years.

Opponents of the Commerce Department would leave American business out there with no backing, no assistance, and fewer economic prospects. It makes one wonder whether or not export jobs and high-tech jobs are a priority with these opponents.

In the final analysis, does anyone really believe that the American people want the Government to do less to promote American exports and export-related jobs? Does anyone really think that the American people want less effort to enforce our laws against unfair trade practices? Does anyone really believe that the American people want none of the Government's $72 billion annual research budget used to help create new breakthrough technologies that will create the industries and jobs of the future? Does anyone really believe that the American people want to call a halt to modernizing our weather stations, or completing economic development projects in hard-hit rural communities across the land? Of course not. It is time that we get past trophy-hunting and start thinking about the economic interests of our people.

I urge our colleagues to strip this provision from the debt limit legislation now before us, and I urge them, as well, to drop the entire idea of killing the Commerce Department.

We should want to win in the global economy, not quit the field. If Senators and Representatives feel they must kill a cabinet department, let them pick one whose elimination will not leave our companies and workers more vulnerable to economic competition. Let them not break faith with the millions of Americans who want Government to promote their economic interests in this harsh new world economy, not abandon them. As for myself, I will continue to oppose this foolish and destructive proposal.

EXHIBIT 1

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, November 8, 1995.

Hon. ROBERT J. DOLE,
U.S. Senate, 141 Senate Hart Office Building, Washington, DC.

DEAR BOB: The effort to bring the federal budget into balance by reducing the size of government is one that the NAM strongly supports. We feel equally strongly that the goal of such a reduction should be a government that can deal effectively with the demands of the 21st century global economy. We agree with Peter Drucker's observation that the government should be giving "primacy to the country's competitive position in an increasingly competitive world economy."

The Congress will not be able to meet this challenge if it tries to do so in a piecemeal fashion, taking on one agency or program at a time with the hope that everything will fit together in the end. A coalition of companies and associations sent the entire Congress a letter on November 7 making this same point. The NAM is in broad agreement with the views expressed in this letter. A piecemeal approach to restructuring will yield fewer satisfactory results—and less budget savings—than a comprehensive approach that maps out where we're going from the start.

This is why the NAM supports the establishment of a bipartisan commission to recommend how to restructure the government, particularly in those areas dealing with our international economic interests and responsibilities. The key to the success of such a commission is to make sure that something happens once its work is finished. There must be event-forcing mechanisms to ensure that its recommendations are acted upon. Accordingly, the NAM believes that the Congress should explore ways to provide a government reform commission with powers similar to those provided to commissions dealing with the closing of military bases.

Combined with the significant steps already taken in 1995 to reduce departmental and agency budgets, the establishment of such a commission would underline the continuing commitment of this Congress to downsize the government and increase its effectiveness. The efforts to accomplish this goal come at a time when the global economy and our role in it are increasing. In restructuring the federal government, we need a long-term plan to be implemented over the next several years that reconciles these complex and conflicting trends. The NAM believes that a bipartisan commission could develop such a plan and that this could be done in such a fashion to ensure that the work of the commission is acted upon and not just buried. We urge you to support this recommendation.

Sincerely,

JERRY J. JASSNOWSKI.

AD HOC INDUSTRY COALITION,
November 7, 1995.

Hon. ROBERT J. DOLE,
Senate Hart Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: We would like to convey our strong support for a thorough and comprehensive review of the federal government's organization and functions. We consider this an essential step in the development of a successful strategy to reduce the federal budget deficit and increase the overall effectiveness of government.

We are greatly concerned, however, by present congressional efforts to effect budgetary savings through the dismantlement of a single department. Our concerns about this approach rest primarily on two factors. First, adverse competitive effects are likely to arise from the splintering and/or elimination of several important functions presently performed by the Commerce Department. Second, such a piecemeal approach to restructuring will likely encounter more serious hurdles—and ultimately yield less cost savings—than a more comprehensive approach to such an important task.

We are not writing to defend the status quo. The many changes that have occurred in the international economy in recent years justify a review of the structure and functions of the federal government to ensure that the United States is well-prepared to compete in the 21st century. There are undoubtedly various activities now performed by the U.S. government that require streamlining, consolidation and, in some instances, elimination. At the same time, there may be other functions in which increased activity may be justified.

These matters have an impact on the ability of the United States to create jobs, sustain its economic growth, and participate effectively in the international marketplace. It is, therefore, vital that any moves to restructure or reorganize the federal government be undertaken only after a thorough and careful analysis of all of the functions performed by government. A hastily crafted or piecemeal approach to such an important task is bound to yield a sub-optimal result and could even have unintended adverse effects.

Questions regarding the role of the federal government in sustaining our nation's economic growth and international competitiveness demand a comprehensive review through a process that is open to all who have a stake in the outcome, and such matters involve more than a single department's functions. Accordingly, we urge you to refrain from moving forward in the present manner and to work instead toward the establishment of a non-partisan commission whose task would be to develop within a specified timeframe recommendations on how to restructure the Federal Government overall to best support the Nation's competitive and strategic needs in the coming decades.

Together with present steps to trim existing agencies' budgets, such a review process would clearly reflect a seriousness of intent to tackle Federal Government spending while also ensuring that all who have a stake in the outcome have the opportunity to be heard in the course of a thoughtful and rational debate.

We stand ready to work with you toward this end. We believe there is much to be gained from such an approach. In the meantime, we appreciate your consideration of our views and would welcome the opportunity to discuss this with you further in the coming days.

Sincerely,

ABB Inc., Aerospace Industries Association, Aetna Life and Casualty Company, AlliedSignal Inc., American Iron and Steel Institute, American Textile Manufacturers Institute, ARCO, Armstrong World Industries, Inc., AT&T, Bedell Associates, Bethlehem Steel Corporation, The Boeing Company, Burlington Industries, Inc., Computer & Communication Industry Association, Corning, Incorporated, Cray Research, Inc., Dresser Industries, Inc., Economic Strategies Institute, Enron Corp., ENSERCH Corporation, FED Corporation.

Floral Trade Council, Florida Partnership of the Americas, Fluor Corporation, Footwear Industries of America, General Electric Company, Guilford Mills, Inc./Guilford International, Honeywell, Inc., Hughes Electronics Corporation, IBM Corporation, Institute of Electrical & Electronics Engineers—United States Activities, Institute for Interconnection and Packaging Electronics, International Business-Government Counsellors, Inc., Litton Industries, Inc., Loral Corporation, LTV Steel Company, McDermott Incorporated, Mission Energy Company, Motorola, Inc., Nelson Communications Group.

NPES The Association for Suppliers of Printing and Publishing Technologies, Occidental Petroleum Corporation, Oracle Corporation, Pro Trade Group, Raytheon Company, Rockwell International Corp., Samsonite Corporation, Semiconductor Equipment and Materials Institute, Small Business Exporters Association, Software Publishers Association, Springs Industries, Stone & Webster Engineering Co., Stratus Computer Inc., Summa Four, Inc., Tandem Computers Inc., Tenneco Inc., Textron Inc., The Timken Company, Torrington Company, United Technologies Corporation, U.S.-Mexico Chamber of Commerce, USX Corporation, Varian Associates, Inc., Western Atlas, Inc., Westinghouse Electric Co.

STATEMENT OF U.S. CHAMBER OF COMMERCE ON INTERNATIONAL COMMERCE AND TRADE REORGANIZATION

The U.S. Chamber reaffirms that enactment of legislation to achieve a balanced federal budget by 2002 is among the most important tasks facing the 104th Congress. All actions to restructure or reorganize U.S. agencies and programs, including those relating to U.S. competitiveness in international commerce and trade, must be taken in a manner that is consistent with the U.S. Chamber's balanced-budget objective.

The U.S. government should approach the task of restructuring the international commerce and trade sector by considering what its objectives are before determining how best to proceed. Any reorganization of such government functions should only be initiated after a careful and thorough analysis that includes consideration of inputs from involved officials and potentially affected private parties.

The U.S. Chamber believes that the U.S. government should avoid a piecemeal approach to restructuring and should consider instead the full range of issues relating to any reorganization. Such a comprehensive approach will facilitate achievement of greater streamlining and reduction in overhead costs through the consolidation or elimination of duplicative functions than would occur under an approach that addresses selected portions of U.S. government activity affecting international commerce and trade.

To this end, Chamber supports the bipartisan establishment of a process to (1) examine comprehensively the matter of restructuring and reorganizing all of the international commerce and trade functions of the U.S. government, and (2) within a specific time frame, make recommendations on how to proceed in a manner that ensures the enhanced effectiveness of U.S. government functions critical to U.S. competitiveness in the international marketplace while contributing to the achievement of U.S. budget-balancing objectives.

To determine what, if any, consolidation, streamlining and/or elimination of programs/functions is appropriate, this process should adhere to the following objectives:

Approach this task with no preconceived notion about the outcome, but rather, should weigh all available information in making its recommendations.

Maintain a strong voice for U.S. commercial interests at all levels within the U.S. government alongside those of labor, human services, foreign policy, national security and other critical elements of our society and government. The U.S. government cannot afford to relegate commercial interests to secondary status.

Recognize and give high visibility to both the role of advocacy of U.S. commercial interests within the U.S. government and abroad and the coordination/balancing of U.S. policy among the several affected U.S. government agencies within and without the international commerce and trade sector.

Require a cost-benefit analysis and justification of all U.S. government international commerce and trade functions. This should include an analysis of whether the programs/functions can be made available by the private sector.

Avoid consolidation of programs into government entities whose missions are not dedicated primarily to the advancement of U.S. commercial interests at home and abroad.

Harmonize Congressional oversight to correspond to the international trade and competitiveness-related functions.

Maintain a strong relationship among all entities engaged in international trade and competitiveness-related functions and strengthen private-sector consultative mechanisms.

Maintain and improve the independent credit management integrity of all financial service functions within the U.S. international commerce and trade sector.

Recognize the importance of the strong enforcement and implementation of trade agreements and laws.

Background.—The U.S. Chamber, since 1983, has advocated a focused, cost-effective, coherent U.S. government international trade policy and infrastructure. Such a policy and infrastructure does not now exist. U.S. government international commerce and trade functions are presently administered and/or supported by more than fourteen agencies driven by often conflicting policy objectives and, while costing more than $3.5 billion per year, without a singularly focused budget discipline.

The national interest requires the attainment of a "level playing field" for the commercial interests of the U.S. in global markets. That interest can best be served while addressing the national interest of balancing the federal budget if the President and the senior advisors and officials of that office are supported by a cost effective, focused infrastructure. Such an infrastructure must put the U.S. government in a position to:

Negotiate and enforce trade agreements that require the reduction or elimination of unfair foreign trade barriers and distortions;

Use access to the U.S. market as leverage to obtain access to foreign markets; and

Enforce U.S. trade laws to remedy the adverse effects of foreign dumping, subsidization and other unfair trade practices;

Provide appropriate export development services and advocacy to counter foreign government-supported competitors;

Limit the imposition of export and other trade controls to those absolutely necessary to achieve legitimate U.S. national security objectives.

The President and Congress, with the support of the private sector, should articulate an international trade policy and create a responsive supporting infrastructure that will.

Provide support services that are critical to a competitive U.S. commercial position internationally, but are not available from the private sector;

Subject federal export-oriented programs and/or activities to quantifiable cost-benefit evaluation featuring the U.S. employment consequences, the dollar-value of exported U.S. goods and services, and the "value-added" content of exported U.S. goods and services.

Maintain the capacity, where appropriate, to effectively match subsidization and other forms of assistance offered by our major trade competitors on a selective basis;

Provide assistance to capital projects in other countries that have enduring value to the host country and are distinguished by substantial U.S. company participation.

More specifically, a successful U.S. commerce and trade infrastructure should incorporate programs and activities that:

Recognize the importance of a strong voice for commercial interests in the development of U.S. policies. The commercial interests of the U.S. must not be relegated to secondary status. The nation cannot afford to reduce the effectiveness of U.S. international trade programs that are a linchpin of the competitiveness of U.S. industry.

Recognize the crucial role that only the U.S. government can play in providing in-country support to American exporters of goods and services. U.S. government support in the form of foreign market information-gathering and official advocacy in necessary if U.S. exporters are to enjoy a level playing field in competing for a share of these emerging growth markets.

Provide competitive financial services, e.g., financing and insurance that are not otherwise available but are required to help U.S. companies remain competitive and penetrate foreign markets. To maintain a broadly competitive position, the United States must preserve or expand the contribution of those federal agencies that help U.S. exporters compete and prosper.

Recognize that as part of the U.S. government's strategic plan to selectively match the subsidization assistance offered by our major competitors, the U.S. government should be prepared to fund project-related feasibility studies and planning activities.

Recognize that the U.S. government must be prepared to take meaningful actions to provide American companies an opportunity to compete fairly in the global marketplace. Negotiation and enforcement of trade agreements to remove trade barriers and open markets, and enforcement of U.S. trade laws against dumping, subsidization, intellectual property violations and other unfair trade practices are necessary complements to a successful export promotion and job growth strategy.

Recognize that to the extent that there is a requirement for U.S. export controls, such controls should not deter the export of U.S. products when other nations are freely marketing competitive products.

A WORLD OF GREASED PALMS—INSIDE THE DIRTY WAR FOR GLOBAL BUSINESS

Intrigue fairly leaps off the pages of the classified U.S. government report. A German electronics giant pays bribes to win export sales. France demands 20% of Vietnam's telecommunications market in exchange for aid. A European aerospace company threatens to block European Union membership for Turkey and Malta unless their national airlines purchase its planes.

It's all part of a nasty, multibillion-dollar war being waged over global markets. A secret Commerce Dept. study, newly prepared with the help of U.S. intelligence agencies, catalogs scores of incidents of bribery, aid with strings attached, and other improper inducements by America's trading partners. In the case of strings-attached foreign aid, the deals may violate international trade pacts. And the cost of such practices to the U.S. economy appears enormous. In 1994 alone, U.S. intelligence tracked 100 deals worth a total of $45 billion in which overseas outfits used bribes to undercut U.S. rivals, the study says. The result: Foreign companies won 80% of the deals.

SANCTIMONIOUS?

Among the main culprits are some of America's staunchest political allies: France, Germany, and Japan. The corporations involved aren't cited by name in the study, which has been in the works for months and key parts of which were reviewed by Business Week. But government sources identify premier European hightech companies—including Germany's Siemens, France's Alcatel Alsthom, and the European airframe consortium Airbus Industrie—as among the major practitioners. Foreign governments and companies, of course, gripe that the Clinton Administration has been doing lots of aggressive advocacy of its own to win deals for U.S. business. "Each time we win a deal, it's because of dirty tricks," says an Airbus official with bitter sarcasm. "Each time Boeing wins, it's because of a better product."

Indeed, many officials overseas view the U.S.'s holier-than-thou attitude about shady business practices as naive and hypocritical. As word of the report's contents gradually leaks (some 50 copies recently were distributed to Congress and key agencies), U.S. trading partners may be angered to learn how closely American spies are tracking their dealings. Indeed, the growing role of the CIA and its sister shops in commercial information-gathering already is controversial, with critics contending that the spies are inappropriately trying to justify $28 billion budget in the post-cold-war era. But former CIA General Counsel Elizabeth J. Rindskopf says the CIA is simply responding to demands from other U.S. government agencies for information to help level the global playing field.

There's more to it than that. "As the importance of geopolitical struggle has declined, conflict has found a new home," says Edward N. Luttwak, senior fellow at the Center for Strategic & International Studies. "Commercially, the atmosphere has become envenomed." Economic trends tell the tale: The U.S. is more dependent than ever on exports to fuel its economic growth. Europe and Japan are saddled by slow growth.

Heightened global competition adds to the temptation to seek advantages through questionable tactics—particularly in key sectors such as aerospace, where demand is weak. "Companies and governments are more willing to resort to unconventional methods to make a sale because any sale is precious," says Joel Johnson, international vice-president for Aerospace Industries Assn. of America.

During the next decade, the pervasiveness of such practices spells trouble for U.S. companies girding to compete for an estimated $1 trillion worth of overseas infrastructure projects. American business already is handicapped by the U.S.'s comparatively puny spending on export promotion. The Commerce report, which also reviews legitimate competitive practices such as trade missions and financial aid to exporters, revels a stark gap. In 1994, for every $1,000 of gross domestic product, France spent more than 17¢ on export-promotion programs; Japan, more than 12¢. In contrast, the U.S. spent 3¢.

Even so, Republican trade hawks on Capitol Hill want to slash funds for Commerce's trade programs. Commerce officials hope the competitive-practices report will help derail those moves. It's certainly a timely showcase for Commerce Secretary Ronald H. Brown to reemphasize his role as roving advocate for American business. "The findings are alarming," Brown told BUSINESS WEEK. "There is no question that we have been dramatically outgunned by our global competitors, and many of those competitors use, to be kind, unsavory practices."

WADS OF CASH

But to some European executives, the Clinton Administration doesn't shy away from questionable arm-twisting. An Airbus official calls President Clinton's 1993 phone call to King Fahd of Saudi Arabia to lobby for Boeing Co. and McDonnell Douglas Corp. a "blatant" disregard for the rules. "The power of the American government is far greater than any European government," the official says. Too bad, retorts one U.S. official: "If we're going to provide a security umbrella for a country, it's reasonable to expect our companies to get treated fairly."

Certainly, not all U.S. companies have clean hands. In October, a former vice-president at Lockheed Martin Corp. was sentenced to 18 months in prison and a $125,000 fine for bribing a member of the Egyptian Parliament to win an order for three C-130 cargo planes. The case is surprising because Lockheed was at the center of a bribery scandal in Japan nearly 20 years ago and has signed a consent decree to refrain from such practices. That paved the way for the 1977 Foreign Corrupt Practices Act, which bars U.S. companies from paying bribes to win business.

Some U.S. companies find creative ways to skirt the law. To secure a mining venture in a developing nation, an American company recently flew officials from the country to the U.S., put them up in a fancy hotel for a week, and gave them a wad of cash for a shopping spree. A U.S. intelligence source says the trip is problematic: "What's the difference between giving an official shopping money and handing him an envelope of cash in his office?"

But U.S. and other trade experts have little doubt that overseas companies are more likely to offer bribes because their cultures and legal systems permit it. In France, foreign payments to middlemen are considered legitimate business tax deductions. Germany has similar rules, though officials in Bonn say they might junk them if there were an international accord to outlaw bribery.

Even so, there's little U.S. support for easing antibribery laws. Instead, many American executives are urging the Administration to mount an aggressive campaign to get foreigners to play more by U.S. rules. For starters, open up to public scrutiny the contracting process for projects funded by multilateral development banks, says Calman J. Cohen, vice-president of the Emergency Committee for American Trade, a group of 60 chief executives of America's leading exporters.

U.S. officials vow to fight for reform. And foreign trading partners may find that a good idea. As long as everyone—including the U.S.—promises to play by the rules.

Mr. BOND. Mr. President, I join my colleagues in expressing opposition to including this provision to eliminate the Commerce Department on this measure.

Regardless of the position one takes on the issue of eliminating the Commerce Department, I do not believe it is proper for it to be included in the measure before us today.

Personally, I have strong concerns about one section of this proposal to eliminate Commerce—that is the section which reorganizes the trade functions.

I take a second seat to no one in my desire to cut government spending and eliminate the budget deficit. Removing this huge burden from the backs of our children and grandchildren should be our top priority.

I believe that one way to reduce the deficit is to eliminate and downsize agencies—and there are several agencies which I have suggested for elimination.

Certainly, the Commerce Department can stand some severe downsizing and reorganization. No one can argue that it is a well-thought-out, streamlined agency. That does not, however, mean we ought to do that trimming with a meat-axe.

Instead, we must do it carefully—in a way that ensures we do not destroy programs critical to our national or economic security. I am concerned that the proposal before us today will have just such an impact—that is, it will harm our economic security and it will cost jobs.

Exports are absolutely critical to our Nation's economic health and security, and they will become even more so in the global economy of the 21st century. If we are to maintain our place as the world's leading economy, we will have to increase our share of the world market. The competition will be tough and other companies will come to the field armed with a wide array of tools provided by their governments—from high-level sales assistance to concessional financing, and even in some cases, outright bribes.

American firms need at least a helping hand if they are to remain able to compete in this rough atmosphere. Providing that edge is the job of our trade promotion and finance agencies, led by the International Trade Administration of the Commerce Department.

Generally, I would be the last one to argue that government ought to be playing a more active role in any aspect of business. As chairman of the Senate Small Business Committee, I hear daily from business owners who have suffered at the hands of government bureaucracy and overregulation. The fact is, however, that if smaller firms are to enter and be successful in the global marketplace, they will, in many cases, need the support and encouragement of the government. Companies entering the international marketplace are vying with foreign competitors who have the active assistance and involvement of a wide range of government agencies and officials. Without the support of agencies such as the U.S. & Foreign Commercial Service, the Export-Import Bank, OPIC, and TDA, American firms would often be left behind.

I would note, however, that it is not only small firms that need this assistance. Even huge companies cannot compete if their foreign competitors are getting special assistance from their home governments in terms of financing and marketing help.

In many parts of the world, customers are used to dealing with government officials and private firms need the added help of a senior official—such as the Secretary of Commerce—to win sales.

And it is important to remember that the support of government is critical in other areas, as well—ensuring a level playing field in trade with other countries, for example, as we saw earlier this year with the Japanese auto parts talks; and in the type of hands-on, high-level marketing we have seen by Commerce Secretary Ron Brown and President Clinton. Government can also play a role by ensuring that our laws and regulations do not impede exports. For example, in the International Finance Subcommittee which I chair, we are working on a rewrite of the Export Administration Act, a step which is badly needed to eliminate outdated and unnecessary controls and ensure that controls are doing the job they were intended to do—keeping critical technology out of the hands of our enemies, rather than keeping U.S. firms from being competitive.

Certainly, government cannot—and should not—do it all. But it is clear these agencies can provide the extra little bit needed to turn a near loss into a win.

Unfortunately, the debate in Washington this year has not focused on the importance of exports or the importance of ensuring that American firms remain competitive. Instead the debate has turned to the need to eliminate "corporate welfare," and unfortunately—and I believe wrongly—these programs have been labeled corporate welfare.

Members can criticize these programs, but the fact is they are responsible for creating and saving thousands of good-paying American jobs that would otherwise go to Paris, Ottawa, London, or Osaka. I don't want to see that happen, and I am certain most other Senators do not either.

This is not just an abstract argument I am making—we are talking here about real contracts and real jobs.

Earlier this year, Secretary Brown testified before my subcommittee in a closed session to present a classified report detailing some of the activities that other countries are using to win deals for their companies. The report noted activities that are widely accepted such as high-level marketing. However, it also detailed questionable and illegal activities such as threats of aid cutoffs and outright bribes.

It is a fascinating report, and I urge my colleagues to go to S-407 and read it before voting to weaken our trade promotion and finance agencies which I would note, are funded at the lowest level of any major trading nation.

The proposal before us today is significantly better than proposals that were offered earlier this year, at least with regard to the trade portions.

Instead of eliminating huge parts of the trade promotion and finance staff, it eliminates only a portion, and consolidates them into a single agency—the new Office of the Trade Representative.

This new organization would bring together the existing Office of the Trade Representative, the Trade and Development Agency and the Commerce Department's International Trade Administration and Bureau of Export Administration. It would be headed by the U.S. Trade Representative, who would be designated a Cabinet officer by this administration. It would not, however, be a department.

There are a number of problems I see with this proposal. First, it brings together under one roof our good cop and bad cop on trade. I believe it will be very difficult for the head of this agency to do both jobs—to travel to a country and beat up on them at one meeting for not buying enough U.S. automobiles and then turn around and offering to sell them American built airplanes. It just does not seem like it will work as well as the current system where Mickey Kantor negotiates and enforces, and Ron Brown sells.

Second, this proposal would downgrade the status of many of our trade official which will have significant consequences in other countries where rank and face are important.

Third, this provision mandates spending cuts that would have a devastating impact on our export agencies. Already this year, I had to fight off an attack on the funding for these trade agencies—cuts that would have brought 600 layoffs out of the International Trade Administration alone and which would have forced us to close nearly half of all domestic offices, and which would have left us without Commercial Officers in many parts of the world. There was overwhelming support for restoring the money when the bill was considered on the floor.

I would note that the funding cuts would also hit the Bureau of Export Administration—the agency charged with enforcing our export control laws on high-tech exports. That is a problem for two reasons. First it will mean U.S. firms selling computers, telecommunications equipment, machine tools and other high-tech products will likely have to wait longer for licensing—likely losing sales as a result. Just as important, however, it is likely to result in poorer enforcement of the export laws designed to prevent the proliferation of weapons of mass destruction. That is precisely the wrong way to go at a time when we are seeing the growth of groups such as the AUM sect in Japan.

Perhaps we ought to be considering reorganization of our trade agencies. If we do, however, I think it should be with a clear understanding of what we are doing. And, I for one, am not convinced that we have that understanding.

Thus, I urge my colleagues to reject this provision and to allow the Senate to get on with the pressing business at hand.

Mr. LIEBERMAN. Mr. President, I oppose the attachment of the House Commerce dismantling bill to the debt limit bill. This is not the way to consider how to organize trade and technology functions. The President has requested a clean debt limit bill without extraneous, unrelated bills attached to it. Clearly the inclusion of the Commerce dismantling legislation weighs down the debt limit bill and should not be considered as part of it.

This is a backdoor attempt to make economic growth the victim of our budget axe. Trade, telecommunications, technology, weather services. That is what is at risk. The House's intent to eliminate this department is just not rational. In our enthusiasm to make cuts to balance the budget we are losing sight of the reason we want to balance the budget in the first place—to make our economy stronger. The irony is that by cutting the trade and technology programs we are cutting programs that are already making our economy stronger. We will be defeating our own purpose.

I am particularly concerned about keeping the technology and trade functions integrated in the Department of Commerce. Within the Department of Commerce there are programs that work with the private sector to foster new ideas that may underpin the next generation of products. This is one of the few places where there are information channels that ensure that the ideas generated in our world class research institutions find their way into the marketplace. Previous administrations had the foresight to realize that we are entering a new era, an era where economic battles are as fiercely fought as any previous military actions. New kinds of technology programs were begun with bipartisan support to make sure that the United States was well armed for these economic battles. I do not want to see us lose our technology edge in the marketplace, because this edge translates directly into jobs for our work force, new markets for American business, improvements in our balance of trade, and from this economic success, needed revenues for our treasury. The home of technology is with our trade programs where they will have the most impact and do the most good for our economy. The Technology Administration is a critical component of the Department of Commerce and we need to make sure its key functions are maintained. Yet the pending legislation would scatter Commerce agencies and slash technology spending.

Making changes in technology and trade functions at this juncture in time must be done extremely carefully. New markets are emerging in developing countries. Conservative estimates suggest that 60 percent of the growth in world trade will be with these developing countries over the next two decades. The United States has a large share of imports in big emerging markets currently, in significant part because of the efforts of the Department of Commerce. While we are making changes in the Department of Commerce, our foreign competitors are increasing their investment in their economies. Competing advanced economies are just waiting for us to make a move that will weaken our economic capacity. We cannot afford to dismantle successful programs that are making and keeping the United States competitive. We should be sure that changes we make will be improving the Government's efficiency and improving the taxpayer's return on investment.

The kind of technology programs that I am advocating are not corporate welfare. I find the term in this context not only inaccurate, but offensive. American industry is not looking for a handout. Quite the contrary. These programs are providing incentives to elicit support from the private sector for programs that are the responsibility of the government. Times are tough and the government needs to cut back, so we are looking for the handout from private industry, not the other way around. Let me explain.

Our goal should be, not to try and categorize research, but to make investments that are appropriate, and that strengthen our economy. I believe that there is an important and legitimate role for government to play in technology research. The National Association of Manufactures has spoken out strongly in favor of the kind of technology programs that are run by the Department of Commerce. I would like to read some quotes from their statement about Federal technology programs:

> The NAM is concerned that the magnitude and distribution of the R&D spending cuts proposed thus far would erode U.S. technological leadership.
>
> A successful national R&D policy requires a diverse portfolio of programs that includes long- and short-term science and technology programs, as well as the necessary infrastructure to support them. The character of research activities has changed substantially in the past decade, making hard and fast distinctions between basic and applied research or between research and development increasingly artificial. R&D agendas today are driven by time horizons not definitions. In short, rigid delineations between basic and applied research are not the basis on which private sector R&D strategies are executed, not should they be the basis for Federal R&D policy decisions.
>
> The NAM believes the disproportionate large cuts proposed in newer R&D programs are a mistake. R&D programs of more recent vintage enjoy considerable industry support for one simple fact: They are more relevant to today's technology challenges. For example, "bridge" programs that focus on the problem of technology assimilation often yield greater payoff to a wider public than programs aimed at technology creation. Newer programs address current R&D challenges for more effectively than older programs and should not fall victim to the "last hired, first fired" prioritization.
>
> In particular, partnership and bridge programs should not only not be singled out for elimination, but should receive a relatively greater share of what Federal R&D spending remains. These programs currently account for approximately 5 percent of Federal R&D spending. The NAM suggests that 15 percent may be a more appropriate level . . .
>
> Given the critical importance of R&D, far too much is being cut on the basis of far too little understanding of the implications. The world has changed considerably in the past several years, and R&D is not different. Crafting a Federal R&D policy must take stock of these changes; to date this has not happened.
>
> As the major funder and performer of the R&D in the U.S., industry believes its voice should be heard in setting the national R&D agenda. The Congress and the Administration should draw on industry's experience and expertise in determining policy choices. For example, as a guide to prioritizing Fedeal R&D programs, the NAM would favor those programs that embody the following attributes: Industry-led; cost-shared; relevant to today's R&D challenges; partnership/consortia; deployment-oriented; and dual use.
>
> We believe these criteria provide the basis for creation of a template for prioritizing federal R&D spending.
>
> In sum, the NAM remains firmly committed to a balanced federal budget. But we also firmly believe that the action taken thus far in downsizing and altering the direction of U.S. R&D spending is tantamount to fighting hunger by eating the seed corn. We urge the Congress to consider carefully the impact of R&D on U.S. economic vitality and to move forward in crafting an R&D agenda that will sustain U.S. technological leadership far into the future.

I would like to describe two programs in which I have taken a particular interest, the Advanced Technology Program [ATP] and the Manufacturing Extension Program [MEP], both eliminated by the pending bill.

ATP

Dr. Alan Bromley, President Bush's Science Advisor in 1991, determined a list of 20 technologies that are critical to develop for the United States to remain a world economic power. There has been very little disagreement among analysts and industry about the list. No one company benefits from these technologies, rather a variety of industries would benefit with advances in any one of these areas. These are the kinds of areas that form the focus areas of the ATP. The focus areas are determined by industry, not by bureaucrats, to be key areas where research breakthroughs will advance the economy as a whole not single companies.

There is no doubt that industry benefits from partnering with the Government. The nature of the marketplace has changed, and technological advances are a crucial component in maintaining our stature in the new world marketplace. Product life cycles are getting more and more compressed, so that the development of new products must occur at a more and more rapid pace. The market demands products faster, at higher quality and in wider varieties—and the product must be delivered just in time. Innovative technological advances enhance speed, quality, and distribution, to deliver to customers the product they want, when they want it. Ironically, the competitive market demands that companies stay lean and mean, diminishing the resources that are available for R&D programs that foster the kind of innovation necessary to stay competitive. Because of all of these pressures, industrial R&D is now focused on short-term product development at the expense of long-term research to generate future generations of products.

The conclusion is clear. This short-term focus will lead to technological inferiority in the future. Our economy will suffer. Some of my colleagues in Congress believe that basic research will provide the kind of innovation necessary to generate new generations of high tech products. On the contrary, we have seen historically that basic research performed in a vacuum, that is without communication with industry, is unlikely to lead to products.

In this country, we have the best basic research anywhere in the world. There is no contest. Yet, we continue to watch our creative basic research capitalized by other nations. We must improve our ability to get our brilliant ideas to market. Basic research focuses on a time horizon of 10 to 20 years. Product development focuses on a time horizon of less than 5 years, and sometimes much shorter than that. It is the intermediate timescale, the 5 to 15 year timeframe that is critical to develop a research idea into a product concept.

We have a responsibility to make sure that our private sector does not fall behind in the global economy. Diminishing our technological preparedness is tantamount to unilateral disarmament, in an increasingly competitive global marketplace. Government/industry partnerships stimulate just the kind of innovative research that can keep our technological industry at the leading edge. These partnerships help fill the gap between short term product development, and basic research.

American companies no longer survive by thinking only about the national marketplace. They must think globally. Familiar competitors like Japan and Germany, continue to compete aggressively in global markets. New challenges are coming from India, China, Malaysia, Thailand, some of the leading Latin American nations and more. We cannot afford to let jobs and profits gradually move overseas to these challengers, by resting on our laurels, complacent in our successes. Other countries, seeing the success of the ATP, are starting to imitate it, just as we are considering doing away with it. Our competitors must be chuckling at their good fortune, and our short-sightedness. We simply cannot afford to eliminate ATP, as the bill proposes.

MEP

The state of manufacturing in this country is mixed. On the one hand our manufacturing productivity is increasing, but on the other hand we are losing manufacturing jobs by the millions. Manufacturing which once was the life blood of our economy is bleeding jobs overseas. We need to provide the infrastructure that insures that our manufacturing industry flourishes.

As I look at our manufacturing competitors, I am struck by how little we do to support this critical component of our economy. In the United States we are used to being the leaders in technologies of all kinds. Historically, English words have crept into foreign languages, because we were the inventors of new scientific concepts, technology, and products. Now when you describe the state-of-the-art manufacturing practices you use words like kanban and pokaoke. These are Japanese words that are known to production workers all over the United States. Kanban is a word which describes an efficient method of inventory management, and pokaoke is a method of making part of a production process immune from error or mistake proof thereby increasing the quality of the end product. We have learned these techniques from the Japanese, in order to compete with them.

In a global economy, there is no choice, a company must become state-of-the-art or it will go under. We must recognize that our policies must change with the marketplace and adapt our manufacturing strategy to complete in this new global marketplace. The Manufacturing Extension Program [MEP] is a big step forward in reforming the role of Government in manufacturing. This forward looking program was begun under President Reagan, and has received growing support from Congress since 1989.

The focus of the MEP program is one that historically has been accepted as a proper role of government: education. The MEP strives to educate small and mid-sized manufacturers in the best practices that are available for their manufacturing processes. With the MEP we have the opportunity to play a constructive role in keeping our companies competitive in a fiercely competitive, rapidly changing field. When manufacturing practices change so rapidly, it is the small and mid-sized companies that suffer. They cannot afford to invest the necessary time and capital to explore all new trends to determine which practices to adopt and then to train their workers, invest in new equipment, and restructure their factories to accommodate the changes. The MEP's act as a library of manufacturing practices, staying current on the latest innovations, and educating companies on how to get the best results. At the heart of the MEP is a team of teachers, engineers, and experts with strong private sector experience ready to reach small firms and their workers about the latest manufacturing advances.

Another benefit of the MEP is that is brings its clients into contact with other manufacturers, universities, national labs and any other institutions where they might find solutions to the problems. Facilitating these contacts incorporates small manufacturers into a manufacturing network, and this networking among manufacturers is a powerful competitive advantage. With close connections, suppliers begin working with customers at early stages of design and engineering. When suppliers and customers work together on product design suppliers can provide the input that makes manufacturing more efficient, customers can communicate their specifications and timetables more effectively, and long-term productive relationships are forged. These supplier/customer networks are common practice in other countries, and lead to more efficient and therefore more competitive, design and production practices.

The MEP is our important tool in keeping our small manufacturers competitive. We are staying competitive in markets that have become hotbeds of global competition, and we are beginning to capture some new markets. More importantly, companies that have made use of MEP are generating new jobs rather than laying off workers or moving jobs overseas. These companies are growing and contributing to real growth in the U.S. economy. For each Federal dollar invested in a small or mid-size manufacturer through the MEP, there has been $8 of economic growth. This is a program that is paying for itself by growing our economy.

Each MEP is funded after a competitive selection process, and currently there are 44 manufacturing technology centers in 32 States. One requirement for the centers is that the States supply matching funds, ensuring that centers are going where there is a locally supported need. In summary, the MEP provides the arsenal of equipment, training, and expertise that our small and mid-sized manufacturers need to keep them in the new global economic battlefield.

The ATP and the MEP are critical technology investments. They are both run under the auspices of the National Institutes of Standards and Technology, NIST. This legislation would completely cut these programs. In addition to these NIST programs, NIST itself is at risk. NIST would be renamed to its previous title, National Bureau of Standards and merge with NOAA. The research programs at NIST would be drastically cut. I would like to bring to my colleagues' attention, a recent letter sent by 25 American nobel prize winners in physics and the presidents of 18 scientific societies. As the New York Times put it "Budget cutters see fat where scientists see a national treasure". These scientists are shocked and appalled that we could think of making major cuts in NIST and its programs. According to the scientists "It is unthinkable that a modern nation could expect to remain competitive without these services" and they continue "We recognize that your effort to balance the budget is forcing tough choices regarding the Department of Commerce, however the laboratories operated by NIST and funded by the Department of Commerce are a vital scientific resource for the Nation and should be preserved in the process of downsizing the Federal Government." These scientists are the leaders of the scientific community and we should not ignore their advice.

The rush to obliterate the Department of Commerce is senseless. In an attempt to streamline government function, the House proposal takes one agency and creates three: OUSTR [Office of U.S. Trade Representative], the Patent and Trademark Office, which becomes a separate government-owned corporation, and NSOAA [National Science, Oceanic and Atmospheric Administration]. This dismantlement effort in the end is box shuffling. It will scatter a consolidated agency among a long series of other agencies and cost money to enact, not save money. Creating such chaos only to achieve fragmented programs is irresponsible. Investments in the trade and technology functions in Department of Commerce are investments in our future economic health, in high wage jobs for our workers, in the American dream. To dissolve or reorganize it should not be taken lightly.

Mr. LEVIN. Mr. President, this debt ceiling legislation also includes an entirely new regulatory reform overhaul, language which we have not seen before it was sent over from the House today. The effort to force a comprehensive and complex proposal through on a debt ceiling bill is irresponsible.

We have been working on regulatory language for months in the Senate. As much as I am a strong proponent of regulatory reform, I cannot understand how we can be asked to legislate language dropped upon us under the time pressure of a bill which is necessary to protect the full faith and credit of the United States. Such an effort is unprecedented and unwarranted. Its inclusion in the debt limit legislation threatens this necessary bill and does not advance the cause of regulatory reform.

No responsible Member of Congress should be playing Russian roulette with the full faith and credit of the United States, but that's exactly what's going on here today.

By sending us a bill loaded with proposals that the House knows the President will find unacceptable, it is asking the Senate to join it in forcing the President to play the game of Russian roulette. The House has handed the Senate a loaded gun and dared us to send it on to the President.

It is Russian roulette with five bullets in the six chambers.

We should not do it. We should unload the bullets and send a clean bill to the President that does nothing more than provide the debt limit increase needed to meet this country's financial obligations.

The bill sent to us by the House makes default more likely. It risks not only our credit around the world, but also people here at home. This is a game that could blow up in our faces, with tighter credit, higher rates for business, higher mortgage and car loan rates for consumers. No responsible legislator should play this game with the American economy.

Besides playing with the full faith and credit of the United States, the bill includes legislative bullets that are unrelated to debt management. The debt ceiling legislation is merely used as a means to wall these provisions off from thoughtful debate and amendment. These measures are unprecedented and extreme proposals to change the way we issue Federal regulations, promote business through the Commerce Department, and limit access to the courts.

Mr. President, I support the motion to strike from the debt ceiling bill the provisions that would dismantle the Department of Commerce.

Dismantling cost-effective programs that support U.S. trade and industry defies common sense. It is foolhardy. It is bad for the country and bad for my home State of Michigan.

The Department of Commerce is the Federal agency that is in the trenches, on a day-to-day basis, fighting for American business and American jobs in the global trade wars.

These trade wars are ones we can't afford to lose. Trade means growth, profits and jobs. U.S. exports, 90 percent of which are manufactured goods, provide many of the high-wage jobs American families need to survive.

The Commerce Department advances U.S. trade by helping U.S. firms meet export requirements, find new market lower manufacturing costs and develop new technologies. Its programs provide practical, cost effective and proven ways to increase U.S. trade. Slashing these programs strikes at the heart of American competitiveness.

The bill's proponents claim that ending this agency would shrink government and save money. In reality, this bill would replace one agency with two, cut trade programs by 25 percent, eliminate successful industry programs, and dictate a raft of bureaucratic box-shuffling that would cost money rather than save it.

The Commerce Department is a Federal agency whose mission isn't to regulate business, but to assist American firms build exports, profits and American jobs. This bill threatens each and every one of the Department's trade and industry programs.

When legislation to dismantle the Department of Commerce was first referred to the Senate Governmental Affairs Committee, on which I sit, I went to businesses across my State of Michigan to ask how they felt about it. The business community let me know in no uncertain terms how foolhardy they think dismantlement is.

Michigan is the third largest exporting State behind California and Texas. Last year, $35 billion in exports supported 100's of 1000's of Michigan jobs. Ninety-eight percent of Michigan's exports were manufactured goods. Literally thousands of Michigan companies use Department of Commerce trade and industry programs to increase their exports, improve their operations and grow their businesses.

These trade and industry programs don't provide handouts, but cost-effective support for some of the hardest working companies in our State—companies providing the high-wage jobs Michigan families need.

The chorus of praise for these programs from the Michigan business community include terms not often applied to government programs. Here are a few samples taken from letters.

"I cannot begin to comprehend the thought processes behind the abolishment of the one governmental agency that is so in tune and involved with the United States taking its rightful place in the * * * global economy," wrote Second Chance Body Armor of Central Lake, MI.

"[O]pponents to the Department of Commerce must have their heads in the sand * * *" wrote Electro-Wire Products of Dearborn, MI.

"(Abolition) would not save any tax dollars and would result in less effective enforcement of U.S. unfair trade laws," wrote Medusa Cement of Charlevoix, MI.

"[Dismantling programs to develop U.S. and international industry standards] is misguided and completely detrimental to the future of the entire manufacturing sector," wrote Redco Corporation of Troy, MI.

Letters supporting Department of Commerce programs have flowed in from a wide variety of businesses and organizations, including the World Trade Club of the Greater Detroit

Chamber of Commerce; Ann Arbor Area Chamber of Commerce; The Right Place Program in Grand Rapids; Michigan Quality Council in Rochester; Perceptron in Farmington Hills; Whirlpool Corp. in St. Joseph; Masco in Taylor; and more.

That's just a few from Michigan. The Department of Commerce has thousands of letters from businesses across the country opposing dismantlement of its trade and industry programs.

Right now, the United States is dead last among its major trading partners in spending to build exports. Germany, for example, spends twice as much as we do. Japan currently invests 35 percent more than the United States on a per capita basis in civilian technology and plans to double the country's R&D spending by 2000. But this bill would slash U.S. spending on exports, manufacturing, and technology development by significant amounts.

The bill would slash 25 percent from all trade programs, for example, endangering enforcement of unfair trade laws, export assistance for small business, and trade negotiations. Export assistance offices in four Michigan cities that help thousands of Michigan companies break into foreign markets and build exports, might be lost.

The bill would eliminate altogether the Manufacturing Extension Partnership Program that helps small- and mid-sized manufacturers get lean and mean enough to compete globally. It would close centers like the Michigan Manufacturing Technology Center which helps 1,000 small- and mid-sized Michigan manufacturers each year. Earlier this year, when asked to eliminate funding for this program, the House and Senate refused on a bipartisan basis to do so.

The bill would eliminate the Advanced Technology Program which encourages research into state-of-the-art, cross-cutting technologies critical to future exports. Since 1990, this program has pumped over $73 million into Michigan firms, promising competitiveness gains, new markets, and new high-wage jobs. Under this bill, that investment in our future would be seriously diminished.

The bill would also play havoc with the National Institute of Standards and Technology, a little known but key agency in the fight to lower trade barriers to U.S. goods by negotiating international industry standards and winning acceptance of U.S. standards. The bill would transfer it to a new agency, give it new responsibilities and then cut its budget by 25 percent. The end result would be nothing less than a serious blow to the technical infrastructure supporting U.S. industry, research, trade, and competitiveness.

We've spent weeks here on the Senate floor talking about the need for cost-effective Federal programs. Well, here's an agency that has them, and we're being asked to cut them by a fourth or eliminate them altogether.

The export assistance offices targeted for 25-percent cuts, for example, cost $27 million annually. Studies show that for every dollar spent, new exports generate $10 in new tax revenue. In 1994, this $27 million investment generated $25 billion in new U.S. exports and $2.5 billion in new tax revenues. Not to mention the jobs and income generated for U.S. workers.

The Manufacturing Extension Partnership targeted for elimination cost $71 million in fiscal year 1994. A study of just 500 manufacturing companies that used the program to modernize their operations found that these companies had experienced $167 million in new sales, investments, and cost savings and generated 3,400 new jobs. Taxpayers are getting an 8 to 1 return on every dollar spent on this program.

The Advanced Technology Program, also targeted for extinction, has been in operation for only a few years, but initial data shows the program is accelerating technology development, encouraging productive partnerships between American firms, and producing new jobs at 90 percent of the small firms surveyed. Why eliminate this effective spur to American competitiveness?

The Commerce Department trade and industry programs represent a small percentage of the Department's entire budget, yet produce enviable results and the praise of business and community members alike. These are exactly the low-cost, high customer satisfaction programs that we want from government. So why are these the programs on the chopping block?

Dismantling these programs is not the only problem with the bill provisions in this area. There are many more, including abolishing the Economic Development Administration, eliminating a whole host of marine and Great Lakes research programs, fundamentally changing the Patent and Trademark Office, eliminating important telecommunications and broadcasting programs, alerting a key NAFTA implementation office; the list goes on.

The bill impacts a very large number of programs and agencies. It proposes, in effect, a fundamental restructuring of our trade agencies, the National Oceanic and Atmospheric Administration, key statistics agencies, and others. I don't disagree with all of the changes being proposed. The problem is that these changes would be made without the benefit of an overall government reorganization plan, a plan that is a key part of the Senate bill that passed the Governmental Affairs Committee on this topic. Making the fundamental changes called for in this bill before an overall reorganization plan has been devised is putting the cart before the horse. It's a mistake.

The final point I would like to make is to repeat what I have said elsewhere. The proposal to dismantle the Commerce Department has no business on the debt ceiling bill. It has nothing to do with ensuring that the United States is able to meet its financial obligations, and it is being presented in a context that shortcircuits both debate and amendment.

For reasons of both policy and process, I urge my colleagues to reject this bill's unthinking and short-sighted demolition of trade and industry programs important to American business, American workers, and American jobs.

Mr. President, the habeas corpus provisions added to this bill in the House of Representatives have no place in a continuing resolution either.

Under current law, an unconstitutional State court decision may be overturned in Federal court. For a violation of the Federal Constitution, there is a Federal court remedy. Under the bill before us, that would no longer be true.

Under this bill, the Federal courts would be powerless to prevent unconstitutional State court actions unless the Supreme Court has already ruled on the specific type of violation at issue—even if every single Federal Circuit Court of Appeals had already ruled that such actions violate the plain words of the Constitution.

Under this bill, the Federal courts would be powerless to grant a constitutional claim that was wrongly denied by a State court, as long as the State court acted in a "reasonable" manner. This standard establishes a whole new concept—the "reasonable" violation of the U.S. Constitution.

Under this bill, the Federal courts would be powerless even to help those who were found guilty because the prosecution withheld evidence proving their innocence. In its simplest terms, this bill would render Federal courts powerless to defend the U.S. Constitution and to protect the innocent from imprisonment or even execution.

Mr. HOLLINGS. Madam President, how much time do I have?

The PRESIDING OFFICER. Four minutes fifty-two seconds.

Mr. HOLLINGS. I yield 2 minutes 50 seconds to my distinguished colleague from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank my good friend, the Senator from South Carolina, who has fought for these issues for a long time.

I am very glad that the Senator from Michigan does not want to eliminate the Department of Commerce because, as the Senator from South Carolina says, it seems to me that is the closest thing to unilateral disarmament as this country could accomplish. There is an enormous battle going on right now, and we are not winning. Just exactly at the time that the United States is reducing our defense civilian research and development, the Japanese—whose economy is not in particularly good shape—are doubling their nondefense research and development. Either we are going to be training the next generation of engineers who will manufacture products which will in fact be the kind of products that give high wages—in fact, if you look at 1992 and the high-technology products, those wages in the manufacture of those products were $41,000, and other wages that did not relate to that were closer to the upper 20's. So are we going to be producing the next generation of engineers, or is it going to be the Japanese?

One of the arbiters of that—not the entire arbiter of that, but one—is the work done by the Department of Commerce. The concept of eliminating the Department of Commerce is just so fundamentally shocking to me, because it works every day with small businesses and large businesses in very creative ways.

Mr. President, this is an amendment to clean off what I call the graffiti that has been scrawled onto the debt ceiling measure before us. In the other body, something called Department of Commerce Dismantling legislation was tossed onto this debt limit bill. This is an embarrassing way to deal with something as profoundly important as the full faith and credit of the United States of America. The amendment to erase the Commerce Department Dismantling part from this bill should be adopted; and I truly hope it will be delivered with the kind of strong, bipartisan signal that I am convinced exists among us.

Everyone in the Senate knows that Americans want us to insist on a more effective, better-managed, better-organized federal government. I would not even try tonight to recite how I believe both the Administration and many of us here in the Senate have pursued that goal in the past several years.

But Americans are not asking us to insult them. If you look at what the Commerce Department Dismantling bill would actually end up costing us—and how much it would end up hurting us—this idea is one to stop, and stop now.

Actually, the elimination of the Department of Commerce is a terrific way to strengthen our foreign competitors and weaken the United States economically. The supporters of such a move may not intend to do that—but the effect would be the same. The Department of Commerce is the agency that day-in and day-out is working with America's businesses—from the smallest in size to our major corporations—to research the latest technologies, export our products to every conceivable market, enforce our laws against unfair and destructive trade practices that hurt American workers and businesses, and perform a series of other missions that we cannot afford to abandon for a single minute.

Look at what happened in the other body when they took the Department of Commerce into their operating room. They did not simply wipe out an agency. They were forced to take division after division and actually create new agencies with new addresses and new bureaucracies to make sure the work still gets done. The legislation in this debt limit bill would waste taxpayers' money and many years' effort on taking apart many parts of the Commerce Department only to transplant them someplace else.

The dismantling legislation does try to eliminate completely a few aspects of the Commerce Department's work. Among the major targets are the programs that invest in technology and represent a significant part of this country's commitment to research and development.

Mr. President, this is exactly the wrong time to back away from R&D, especially in the emerging technologies that determine whether this is the country that will make the new type of computer chip or whether it will be Japan * * * whether ours will be the country to stay ahead in telecommunications or whether we just hand our competitive edge and markets over to Europe. Will we continue to manufacture the products that pay our people higher wages and support a middle-class, or will we trade places with other countries scrambling to claim our place in an increasingly competitive world—and watch wages in America go down and down?

A report just released by the President's Council of Economic Advisors rang some clear warning bells about this country's economic future. They are warnings, they are not a death notice—yet. The Council looks at the budget cuts being proposed this year in Federal non-defense research, amounting to a 30-percent cut by the year 2002, and flashes a glaring red light to alert us of the danger we face. As we speak, Japan is planning to double its government support of non-defense R&D. We simply cannot retreat from investing in science, in technology, in innovation, and expect to produce the prosperity and standard of living that supports the American way and the American dream. It is just not possible.

This country has such a proud, long history of innovation and optimism about the future through our commitment to education, to research, and to knowledge. When we think of ourselves as a nation, we think of ourselves as intellectual pioneers and entrepreneurs. We think of Alexander Graham Bell, Thomas Edison, the Wright Brothers, the space program, and, now, the new pioneers like Bill Gates. American support of technology and research has led to the success of the airplane, the jet engine, computers, and even the Internet.

This is what the Department of Commerce is about—it operates a series of programs that do everything from working as a partner with industry to developing new path-breaking technologies, to running a series of manufacturing extension centers that exist to help small- and medium-sized businesses in every single State learn how to take advantage of technology. These are the programs that generate jobs, exports, and opportunity in West Virginia and in every other State of the Union.

The Commerce Department is the missionary agency for exporters, small, medium, and large. Anyone who has worked with the U.S. & Foreign Commercial Service knows how hard they fight for the best interests of American firms abroad. They have done yeoman's work on trade missions I have led for West Virginia companies in Japan and Taiwan. It is my strong belief that we were so effective in those missions, in large part, because FCS officers put business first. The dismantling legislation would eliminate their presence in this country and merge the foreign offices with the United States Trade Representative's office. USTR does not want or need to be burdened with having to negotiate on the one hand and promote and enforce on the other.

This dismantling is not about better government. It is not about improving our trade promotion. It is not about making the enforcement of our trade laws work more efficiently. And it is certainly not about making it easier for our trade negotiators to do their jobs.

If this were about better government, we would not be burdening the U.S. Trade Representative with a big and unfamiliar bureaucracy. If this were about better government we would not be creating a bunch of new agencies. If this were about better government, we would not be asking our trade agency to balance trade negotiation, trade law enforcement, and trade promotion. If this were about better government, we would not be relegating our Nation's trade agenda to a lower level, taking it out of the Cabinet, and moving the business of American business off the Nation's agenda.

Again, abolishing the Department of Commerce is an excellent way to strengthen our foreign competitors and weaken the United States economically. I find it hard even to conceive how the proponents concocted such a notion.

At a time when our country has to compete with more than 120 other nations for markets and jobs, where is the logic in eliminating the single agency dedicated, day-in and day-out, to outdoing our competitors in exports and trade?

At a time when technology is the proven key to America's economic growth, to success in selling products in foreign markets, and to defining our national belief in progress and innovation, where is the sense in killing off our already-modest support for American technology? The Department of Commerce provides a set of useful and necessary tools to help small and medium-sized businesses get a better handle on technology and to invest in longer-term R&D aimed at making major technological advances and ensuring that the U.S.—not our competitors—will have the high-wage jobs and high-tech industries.

When we are fortunate to have one agency focused on American business and industry, with a voice in the Cabinet, a direct link to the President, and proven clout in the world, how does one come up with the idea of getting rid of it?

If I believed in conspiracies, I would find myself thinking that this back door effort, this attempt to attach a lame piece of legislation to the debt ceiling—a piece of legislation that could not get through the Congress on its own—was some kind of foreign plot to steal American jobs, break our trade laws, and force a technological and economic surrender. That is what this bill is—surrender on the field of economic and technological competition—and that is why proponents know that if they tried to ride this broken down horse of legislation through on its own, the Senate in its good sense would put it out of its misery.

I say to my colleagues, resist the temptation to flash in front of the American people an easy symbol of your commitment to deficit reduction and shrinking government. Resist making a vague ideological point at the expense of your Nation's best interests. Think of what you would feel about abolishing the Department of Defense at the height of the cold war. This legislation before you is the same lunacy—suggesting economic disarmament at the very time when the United States should be beefing up our arsenal of trade enforcement, export promotion, technology investment, and local economic development.

So I am glad that the Senator from Michigan is going to wait until another day to try to do this. I will be here at that time to try to defeat that effort. But I am glad it is not taking place this evening.

I thank the Presiding Officer.

Mr. HOLLINGS. I yield a minute to my distinguished chairman, Senator MOYNIHAN.

Mr. MOYNIHAN. Madam President, almost as an aside but a serious one, I note that a part of the provision that we are about to strike would combine the Bureau of the Census with the Bureau of Labor Statistics. And as the Senator from South Carolina knows, in article I, section 2 of the Constitution, we provide for a decennial census and that has been our great strength and source of data for this country. But there has come a time when consolidating makes sense. The Canadians have done this, with Statistics Canada, at considerable success, something I think in time we ought to do. I simply make that observation.

I yield back the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. I yield myself such time as I need.

I appreciate some of the points that have been made. We have had these discussions in the context of committee debates and so on on this issue, but I think it is important to make two points.

First, my position with respect to the Department of Commerce has not changed. As the prime sponsor of this legislation, I remain committed to it. Tonight is just not the night I think this debate should occur.

There are a lot of arguments made which suggest that somehow the Department of Commerce makes the engine of this country's free enterprise system function. I have talked to business people in my State and business people across the country. They do not share that opinion. In fact, a recent poll that was conducted by the Chamber of Commerce of Detroit, MI, which is a very bipartisan organization, indicated 47 percent of those polled supported eliminating the Department of Commerce, only 6 percent were opposed, and the rest just did not have an opinion.

The fact is that the Department of Commerce as currently comprised is not a Department that deals exclusively with, or for that matter in large measure with, commerce and creating jobs and opportunities. In fact, the largest operation within the Department is NOAA, the National Oceanic and Atmospheric Administration. It is, indeed, the largest subunit of the Department of Commerce, and while it has some connection with activities relating to commerce, not much of it does. In addition, a large part of the Department of Commerce is what I guess we would term duplicative of other aspects of the Federal Government.

In fact, a GAO study recently indicated that the Department of Commerce shares its mission with at least 71 Federal Departments, Agencies, and offices. Indeed, that overlap is what we should be trying to eliminate in Washington, and the purpose of the bill which I have introduced is designed to eliminate that duplication, to save the taxpayers' money while retaining those parts of the Department of Commerce that make the most sense.

Indeed, as former Secretary of Commerce Bob Mosbacher has indicated, "The Department is nothing more than a hall closet where you throw in everything that you don't know what to do with."

Indeed, that is what the Department of Commerce has become. It was not intended to be that type of a department, but that is what we find. We find trade functions in the same place as the weather bureau. And while many Americans, I think with justification, complain about what is going on here in Washington, as I tell people what the various functions of the Department of Commerce are, they scratch their heads in total puzzlement: Why would you be putting all these different, diverse, unconnected, and unrelated activities under one roof? The answer is that the Department has survived simply as the catchall of things that do not seem to fit in other places.

The legislation which I will be bringing back to the floor finds the right place for the different functions of Commerce that ought to be retained and eliminates those that do not.

Let me just speak about one special area because I know it is one of concern to people on both sides of the aisle, and that is the trade responsibilities of the Department of Commerce or more broadly the trade activities of the Federal Government.

Much has been made of the role that Commerce plays with regard to trade. Indeed, it does play a role. But interestingly enough, only 8 percent of the total Federal spending on trade promotion in this country is actually directed by the Department of Commerce. The other 92 percent falls under other Agencies of Government and other Departments. So, in fact, as with many other things in the Commerce Department, Commerce is not in charge of trade. It just plays one of a number of governmental roles with respect to trade.

Our legislation is designed to try to bring these trade functions together under one roof where there can be coherence and strategy, people pulling together to try to help our country be more effective. Indeed, I would say to those who would say we have to have the Department of Commerce because of the great trade deficit, if that is the case, why are we running these huge deficits?

One of the goals I have is to bring these trade functions together more coherently so that we can try to address trade issues not just in the competition sense, not just in the ways the U.S. Trade Representative's office does, but also in the strategic sense as I think can better be done where the trade functions are comprised in one area of Government rather than across many, many different areas.

Finally, the people in my State think all the bureaucracies in Washington are too large, but they especially find it puzzling as to why we have to have the Commerce Department with 37,000 employees making an average salary of, I think it is about $42,000 a year. That is more than the average salary of the families in Michigan; 37,000 people represents more people than live in cities such as Traverse City, MI; Port Huron, MI, Jackson—almost all the cities of Michigan. It is a huge bureaucracy that is a very well-paid bureaucracy, and while many of the people there are doing good jobs, some of these functions are no longer needed and many would run more efficiently and effectively and help produce in fact more positive results if they were better assigned than is currently the case.

Later we will get to these issues in more detail, and I look forward to that debate at a future point.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. How much time do I have remaining?

The PRESIDING OFFICER. One minute, 30 seconds.

Mr. HOLLINGS. I yield to the Senator from Ohio.

Mr. GLENN. Madam President, I rise in strong opposition to dismantling of the Commerce Department as part of the debt limit.

First of all, as a matter of process, the debt limit should be kept clean, and strictly limited to its purpose—to provide the Federal Government legal authority for a specified period so that it can meet its debt obligations. We should not be considering Commerce dismantlement as part of the debt limit. Nor should it be part of some "catch-all" bill like the continuing resolution or reconciliation bill.

In taking this action, I believe that the Republican majority is engaging in a high-stakes poker game where the fate of our economy and the Federal Government's ability to pay its debts is being wagered in an effort to win the prize of shutting down the Commerce Department. This is precisely the type of political brinkmanship that leaves the American people with such a sour taste about Congress and about government. It is completely and utterly irresponsible to use the threat of a Federal default to force the shuttering of a Cabinet Department. This proposal represents a total perversion of the legislative process.

I also object to it on substantive grounds as well.

We live in a economically inter-dependent world—a world in which trade and technology—the two primary missions of the Commerce Department—are playing an increasingly important role. I am a strong supporter of the current Commerce Department for those reasons. We need a strong advocate for U.S. business at the Cabinet table, and I believe that Secretary Brown has been very effective in playing that role. During the 2 days of hearings before the Committee on Governmental Affairs, he was praised by both Republicans and Democrats alike for his performance. The majority even notes in the Committee report that Secretary Brown "has received high marks for his active promotion of American exports." Under his leadership, the Commerce Department has been transformed from a bureaucratic backwater into an export promotion dynamo. For example, the Wall Street Journal reported just over a month ago how he and the Department made an all-out effort to secure a $1.4 billion contract in Brazil for a consortium of U.S. companies. If you ask the executives in those companies, they will tell you that they would have lost that contract to foreign competition if it had not been for the personal efforts of the Secretary.

The Department spends about $250 million a year in trade promotion, which in 1994 yielded $20 billion in exports for U.S. companies. That amount supports about 300,000 U.S. jobs. The Department's International Trade Administration has done an outstanding job back in our home States—it has a network of 73 U.S. offices and 130 offices overseas—and ITA estimates that for every taxpayer dollar it spends on export promotion, $10.40 is returned to the Federal treasury through tax revenues generated by exports. Also, the Department has very capably assisted the USTR in our Uruguay Round and NAFTA trade negotiations on issues ranging from auto parts, to textiles, to international copywrite law. Not surprisingly, these efforts, combined with a sound Clinton administration economic policy, have helped lead to a 17 percent increase in U.S. exports for the first 5 months of this year.

We are entering the information age, spurred by rapid changes in information technology. It is an exciting time. The private sector is leading the way into the information economy. And that is as it should be. But are our colleagues aware that the Federal Government established the first computer information network? It was developed by the Department of Defense and was called the ARPAnet. The ARPAnet was the predecessor to today's Internet. In so many other areas of technological advancements that we readily take for granted, the Federal Government took the initial role of funding the R&D for technologies that later ended up powering our economy and improving our way of life. The Commerce Department is playing a key part in this development. NIST's Advanced Technology Program has been funding R&D in a cooperative partnership with the private sector to develop the technologies of tomorrow. The National Telecommunications Information Administration has been providing grants to develop the National Information Infrastructure, the so-called Information Superhighway. And the Technology Administration is coordinating interagency R&D on building the automobile of the 21st century. But this measure rejects the approach in investing in the technologies of the future by cutting and terminating a number of technology programs. These cuts and terminations reflect 19th century "know nothing" or Luddite thinking, not 21st century wisdom and foresight. They disregard the fact that our most competitive industries, from computers to agriculture to aerospace, were developed with Federal R&D assistance. And they fail to recognize that Japan, our foremost competitor, is planning to double its non-defense R&D spending by 2000 and will surpass the U.S. in total nondefense R&D spending by 1997. I can imagine that Tokyo's leaders are raising toasts of sake as they watch us on CSPAN today.

This is not to say that the Commerce Department could not be reorganized so as to strengthen its mission and improve its effectiveness. I have sponsored legislation in the past to reorganize the trade and technology functions of the Federal Government, to bring them together under one roof in a Department of Industry and Technology. However, I did not propose destruction of the Department and the scattering of its component parts.

I am an advocate of looking at the need to restructure and reorganize the entire Federal Government, and to do it carefully and in an integrated way, not just on a piecemeal basis. That is why I favor the establishment of a bi-partisan commission to design the government of the 21st Century. The basic structure of the Federal Government really has not changed much over the last 25 years. And I do not believe its current structure reflects the changes that our economy and society has undergone recently. So it needs to be examined and a bi-partisan, expert commission is really the best approach to take. Two years ago the Committee on Governmental Affairs supported the creation of such a commission to submit legislative recommendations on restructuring the Federal Government that Congress would have to consider on a "fast-track" basis. I still support this approach, and I offered an amendment in markup to establish such a commission as a substitute to the Commerce dismantling bill. Unfortunately, that amendment lost on a party-line vote.

If this legislation were about reorganizing the Commerce Department, or about implementing a rational downsizing plan for the Department, then I believe that we could work together with the majority to produce good legislation. But this legislation is not about reorganizing the Federal Government's trade and technology programs to better coordinate them and improve their efficiency. Nor is this legislation about a rational downsizing of the Department. That is underway now. The Department is reducing its 35,000 person workforce in line with the President's plan to reduce the overall Federal workforce by 272,000 positions by 1999. Under the leadership of the National Performance Review, the Department is examining the privatization of the National Technical Information Service, parts of NOAA, as well as other programs. It is phasing out the Travel and Tourism Administration and modernizing Census collection.

What this debate is about is the elimination of a Cabinet Department for purely symbolic and political reasons. It is about tacking a hide on the wall, putting a trophy on the mantle.

Further, this proposal applies a blowtorch to $1 billion worth of Federal agencies and programs in the Department, melts them down and terminates them. Agencies that survive will be hobbled by a large cut.

Most of that cut will fall on NOAA, at $1.9 billion the largest remaining agency and the home of the National Weather Service. And we are considering these draconian cuts at a time when the Florida coast continues to be battered by hurricanes. That is just plain foolish. The House Bill also ends many of the Great Lakes programs important to the midwest. Further, both House and Senate Appropriations Committees have rejected such deep cuts in NOAA's budget. Those Committees also preserved the Economic Development Administration, recognizing its value to economically-distressed regions of the Nation, especially those that have been negatively impacted by base closing. Yet this measure terminates the EDA.

This measure transfers some of the Federal Government's trade agencies into the U.S. Trade Administration, consolidations that I have supported in past legislation. But unfortunately these agencies are being transferred into an administration and not a Cabinet Department. When our companies are fighting for large government contracts overseas and are competing against a Team Japan, or a Team Germany, I think it makes a difference when the respective foreign government gets the call from a U.S. Cabinet Secretary, as opposed to a lower ranking administrator.

In the Committee report on the Senate bill, the majority discusses how downsizing and streamlining has been taking place in the private sector. I believe that an examination of the restructuring undertaken by the private sector is relevant in this context. Independent studies of private sector restructuring efforts show that their success is a hit or miss proposition and depends on several factors. A 1993 survey of over 500 U.S. companies by the Wyatt Company revealed that only 60 percent of the companies actually were able to reduce costs in their restructuring efforts. Both the Wyatt Survey and a similar one conducted by the American Management Association concluded that successful restructuring efforts must be planned carefully with a clear vision of their goals and objectives, and that proper attention be given to maintaining employee morale and productivity. Otherwise, the costs of reorganization may outweigh its benefits.

I believe that government reorganization is a complicated task that cannot be successfully accomplished without serious study and deliberation, especially if it is going to achieve the dual goal of improving government efficiency and reducing costs. That means Commerce reorganization should follow, not precede the recommendations of a bipartisan commission. We should not be reorganizing the Commerce Department first and then forming a government commission to restructure the rest of government, as has been proposed. That does not make any sense. My hope is that the majority will abandon its narrow focus on the Commerce Department and focus instead on the more important issue of reorganizing and streamlining the Federal Government to improve the efficiency and cost-effectiveness. Until then, I will continue to oppose this legislation.

Mr. HOLLINGS. I thank the distinguished Senator from Ohio, the former chairman of our Governmental Affairs. He lead the sober consideration of this particular issue in the committee, and we are all indebted to him.

Specifically, the Department of Commerce gives the businessman Cabinet-level status and voice at the Cabinet table.

What the Senator wants to do with this academic percentage argument and otherwise is say, yes, Labor should have a voice. No one has intimated we should do away with the Department of Labor. The farmer, he should have it. No one has intimated we should do away with the Department of Agriculture. But the businessman in the global competition should lose his voice and leadership.

I do not know where the Senator got the 8 percent, but I can tell you 90 percent of the job creation has come through Secretary Ronald Brown. He has traveled tirelessly the world around getting different deals for the manufacturing jobs here in the United States of America. I wish I just had more time to go down the list—the International Trade Administration, which was recommended and instituted by President Nixon; the National Oceanic and Atmospheric Administration is nothing more than the extension of the Environmental Science Services Administration.

I believe the Chair is indicating that my time is up. But I have been handling the financing part for 25 years on the Appropriations Committee. We have cut back because the pressure has been brought in State, Justice, Commerce for a great endeavor in law enforcement, and as a consequence we have been cutting back on State's budget and particularly in the Department of Commerce.

Do I have any time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. Let us voice vote.

Mr. ABRAHAM. Madam President, could I inquire how much time we have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 2 minutes, 25 seconds.

Mr. ABRAHAM. I yield as much time as he may need to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. ROTH. First, Madam President, I congratulate my distinguished colleague from Michigan for the leadership he has demonstrated in helping develop this most important piece of legislation to dismantle the Commerce Department. This basic legislation is important, and I think it is also workable.

During my tenure as chairman of the Governmental Affairs Committee, I held hearings to determine the best way to prepare the Federal Government for the 21st century, the best way to streamline and make it more efficient and effective. Our hearings came to two certain conclusions: First, that the Federal Government is obsolete in its present form, a 50-year old relic that is structurally incapable of meeting the needs of the 21st century. And it is so rife with duplication and fragmentation that, according to the GAO, some six agencies perform each major mission.

Our second conclusion was that the Commerce Department is a microcosm of almost everything that is wrong with the Federal Government as a whole. There is no better place to begin eliminating wasteful bureaucracy and restructuring core missions to meet the needs of the 21st century.

This proposal contains restructuring actions with broad bipartisan support. The bill transfers the Census Bureau and the Bureau of Economic Analysis to the Department of Labor, Bureau of Labor Statistics, as a first step toward creating a single Government statistics agency. It unifies critical trade functions within a single Cabinet-level agency, the Office of the United States Trade Representative.

For almost two decades now, I have personally advocated the elimination of Commerce and the creation of a trade agency. The Governmental Affairs Committee has passed similar bills to achieve this same purpose in previous sessions of Congress.

This provision also creates a bipartisan "Citizens Commission on the 21st Century Government" to move from Commerce to the bigger picture of what the government of the future should look like and how it should perform. The Commission is directed to reexamine missions and functions of the Federal Government in the 21st Century, and fundamentally restructure the bureaucracy to improve productivity and service delivery. The Commission will produce its first report by July 31, 1996, for fast-track consideration before the end of the 104th Congress. This time frame is ambitious, but it must be kept to meet the public's mandate for change.

The issues to be addressed by the Commission will require bold, bipartisan action. The Governmental Affairs Committee has reported restructuring commission bills in previous sessions of Congress. The last one, sponsored by Senators GLENN, LIEBERMAN and myself, passed the Committee nearly unanimously in 1993.

It preserve important funding authorities of the Economic Development Administration and the Minority Business Development Agency by transferring them to other agencies which perform very similar functions.

This will allow us to meet our budget targets while eliminating wasteful bureaucracy. It will also allow the best programs from EDA and MBDA the chance to compete for continued life within new agencies.

What we have before us this evening is an excellent starting point for the comprehensive, governmentwide restructuring the public demands. Today's government is characterized by huge, hierarchical bureaucracies. As we heard from GAO, during our hearings, there is wholesale duplication, overlap, and fragmentation in functions and spending.

In a nutshell, the taxpayers are paying for one agency to set a policy or perform a function, another agency to contradict that agency, plus several other agencies who receive funding to perform some related role. As a result, an extensive patchwork of coordinating committees has been created to prevent the bureaucracy from grinding to a halt.

The Commerce Department has been described as a loosely knitted "holding company" of agencies pursuing unrelated missions. Its management systems and controls are on GAO's high risk list.

It directly serves only a small number of favored American firms and industries. Many in the business community have serious doubts that it adds sufficient value to justify its continued existence. Almost all of the experts agree: Commerce should be restructured to eliminate wholesale duplication and fragmentation and bring coherence to the management of its important functions.

Let me be clear about one thing, with this provision we are not on a warpath to arbitrarily terminate agencies. We are not out to collect scalps to mount in a trophy case.

Nor are we engaged in a superficial shell game which merely redraws boxes on an organization chart. Our objective is to reduce costs and improve services throughout our government

Commerce has no single mission or function as an exclusive province. The GAO found that it shares its four major functions with 70 other Federal organizations. We must change this organization structure, if we are to give the taxpayers efficient and effective performance of the functions now being performed by Commerce.

Sadly, the Commerce Department is typical of the waste and inefficiency that pervades our Government. That is why it makes an ideal starting point in the governmentwide restructuring that is necessary to prepare America for the next century.

The PRESIDING OFFICER. All time having expired, the question occurs on agreeing to amendment No. 3052.

The amendment (No. 3052) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

AMENDMENT NO. 3053

(Purpose: To provide for a temporary increase in the public debt limit)

Mr. MOYNIHAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 3053.

Strike all after the enacting clause and insert the following:

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on the later of—

(1) December 12, 1995, or

(2) the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature,

the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,967,000,000,000, or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States (and to ensure full investment of amounts credited to trust funds or similar accounts as required by law) through such period.

Mr. MOYNIHAN. Madam President, I ask that the measure be read in its entirety to define and illustrate its brevity and its purpose, which is to send to the President a clean extension of the debt ceiling.

There can be no question in my mind that we put in jeopardy the interests of the United States if we restrict the ability of the Treasury to redeem its debts. One of the greatest assets we have is that the U.S. Treasury bond is the firmest, most solid debt instrument in the world.

I have a letter from Alan Greenspan, our distinguished, revered Chairman of the Board of Governors of the Federal Reserve System, saying, "Our word is among our most valuable assets." It is essential that we honor our obligations in order to make our securities the keystone of world financial affairs.

I ask unanimous consent that Chairman Greenspan's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE SYSTEM,
Washington, DC, November 8, 1995.

Hon. ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: You have asked me about the effects of a default on U.S. Treasury obligations should the Treasury run out of cash as a consequence of the debt ceiling not being raised in a timely manner.

As I stated before your Committee in September, I do not think the issue of default should be on the table. Without question, the federal government must take steps to assure that its budget will be in balance by early the next century. The vitality of our economy depends on accomplishing this goal. If, for some unforeseen reason, the political process fails and agreement is not reached, it would signal that the United States is not capable of putting its house in order and would have serious adverse consequences for financial markets and economic growth.

Nonetheless, there are many avenues to an agreement, and the full faith and credit of the United States need not be part of the process. The United States has always honored its obligations. Our word is among our most valuable assets. It is an essential element in making our securities the keystone of world financial markets. A failure to make timely payment of interest and principal on our obligations for the first time would put a cloud over securities that would dissipate for many years. Investors would be wondering when we would next allow our credit worthiness to become embroiled in controversy. Breaking our word would have serious long-term consequences. There are much better ways to bring our budget credibly into balance.

Sincerely,

ALAN GREENSPAN,
Chairman.

Mr. MOYNIHAN. I also ask unanimous consent that an excerpt from a report by the Congressional Budget Office stating that the debt ceiling is an extraneous issue as regards Federal spending in a day when entitlement spending comprises two-thirds of our outlays, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE ECONOMIC AND BUDGET OUTLOOK: AN UPDATE

(From the Congressional Budget Office)

* * * At one time, the debt ceiling may have been an effective control on the budget when most spending was subject to annual appropriations. But discretionary spending is now a much lower proportion of total spending, amounting to only 36 percent in 1995. Under the recently adopted budget resolution, discretionary outlays will continue to fall further to 27.5 percent by 2002. The rise in mandatory spending and growth of the trust fund surplus has turned the statutory limit on federal debt into an anachronism. Through its regular budget process, the Congress already has ample opportunity to vote on overall revenues, outlays, and deficits. Voting separately on the debt is ineffective as a means of controlling deficits because the decisions that necessitate borrowing are made elsewhere. By the time the debt ceiling comes up for a vote, it is too late to balk at paying the government's bills without incurring drastic consequences.

As a result, because raising the debt ceiling is considered to be "must pass" legislation, the debt limit is frequently used as a device to force action to obtain some other legislative goal. For example, in 1990, the Congress voted seven times on the debt limit between August 9 and November 5 as the budget summit meetings progressed and the Congress considered the resulting budget resolution and reconciliation bill.

WHAT ARE THE CONSEQUENCES OF NOT RAISING THE DEBT LIMIT?

Financial markets find the debt limit a periodic source of anxiety. The government has never defaulted on its principal and interest payments, nor has it failed to honor its other checks. However, even a temporary default—that is, a few days' delay in the government's ability to meet its obligations—could have serious repercussions in the financial markets. Those repercussions include a permanent increase in federal borrowing costs relative to yields on other securities as investors realize that Treasury instruments are not immune to default.

Failing to raise the debt ceiling would not bring the government to a screeching halt the way that not passing appropriation bills would. Employees would not be sent home, and checks would continue to be issued. If the Treasury was low on cash, however, there could be delays in honoring checks and disruptions in the normal flow of government services. Carried to its ultimate conclusion, defaulting on payments would have much graver economic consequences—such as loss of confidence in government and a higher risk premium on Treasury borrowing—than failing to enact discretionary appropriations by the start of a fiscal year.

Mr. MOYNIHAN. Finally, Madam President, I call attention to one of the many extraordinary measures we are adding to this bill—the repeal of habeas corpus. The great writ of habeas corpus ad subjiciendum, "produce the body before the court," is the foundation of our legal system of liberties.

I have commented that if I had to live in a country which had habeas corpus but not free elections, or vice versa. I would take habeas corpus every time. It is article I, section 9, of the U.S. Constitution.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Nothing in our circumstances requires the suspension of habeas corpus, which is in effect what this provision would do. To require a Federal court to defer to a State court judgment unless the State court's decision is "unreasonably wrong" will effectively preclude Federal review in these matters. This it seems to me is appalling. It would transform our State courts—not the Federal courts established under article III of the Constitution—into the ultimate arbiters of constitutionality. Very few Senators share that view. We had a vote in this regard last summer. There were eight of us who voted against the Comprehensive Terrorism Prevention Act of 1995, which contained an almost identical habeas corpus provision. Shortly before that vote, I received and powerful letter from the Emergency Committee to Save Habeas Corpus, a group of 100 of the Nation's most distinguished attorneys, legal scholars, and civic leaders. Its co-chairs are four former U.S. Attorneys General, two Republicans and two Democrats: Benjamin Civiletti, Edward H. Levi, Nicholas DeB. Katzenbach, and Elliot L. Richardson, all of whom adamantly oppose this habeas corpus provision.

Madam President, I ask unanimous consent that the letter from the Emergency Committee to Save Habeas Corpus, and the list of its members, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMERGENCY COMMITTEE
TO SAVE HABEAS CORPUS,
Washington, DC, June 1, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN:

We understand that the Senate may act next week on the habeas corpus provisions in Senator Dole's terrorism legislation. Among these provisions is a requirement that federal courts must defer to state courts incorrectly applying federal constitutional law, unless it can be said that the state ruling was "unreasonably" incorrect. This is a variation of past proposals to strip the federal courts of the power to enforce the Constitution when the state court's interpretation of it, though clearly wrong, had been issued after a "full and fair" hearing.

The Emergency Committee was formed in 1991 to fight this extreme proposal. Our membership consists of both supporters and opponents of the death penalty, Republicans and Democrats, united in the belief that the federal habeas corpus process can be dramatically streamlined without jeopardizing its constitutional core. At a time when proposals to curtail civil liberties in the name of national security are being widely viewed with suspicion, we believe it is vital to ensure that habeas corpus—the means by which all civil liberties are enforced—is not substantively diminished.

The habeas corpus reform bill President Clinton proposed in 1993, drafted in close cooperation with the nation's district attorneys and state attorneys general, appropriately recognizes this point. It would codify the long-standing principle of independent federal review of constitutional questions, and specifically reject the "full and fair" deference standard.

Independent federal review of state court judgments has existed since the founding of the Republic, whether through writ of error or writ of habeas corpus. It has a proud history of guarding against injustices born of racial prejudice and intolerance, of saving the innocent from imprisonment or execution, and in the process, ensuring the rights of all law-abiding citizens. Independent federal review was endorsed by the committee chaired by Justice Powell on which all subsequent reform proposals have been based, and the Supreme Court itself specifically considered but declined to require deference to the states, in Wright v. West in 1992.

We must emphasize that this issue of deference to state rulings has absolutely no bearing on the swift processing of terrorism offenses in the federal system. For federal inmates, the pending habeas reform legislation proposes dramatic procedural reforms but appropriately avoids any curtailment of the federal courts' power to decide federal constitutional issues. This same framework of reform will produce equally dramatic results in state cases. Cutting back the enforcement of constitutional liberties for people unlawfully held in state custody is neither necessary to habeas reform nor relevant to terrorism.

We are confident that the worthwhile goal of streamlining the review of criminal cases can be accomplished without diminishing constitutional liberties. Please support the continuation of independent federal review of federal constitutional claims through habeas corpus.

Sincerely,

BENJAMIN CIVILETTI.
EDWARD H. LEVI.
NICHOLAS DEB. KATZENBACH.
ELLIOT L. RICHARDSON.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the tally on the vote to repeal habeas corpus indicating the eight Senators who voted "no" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Democrats: Feingold, Moseley-Braun, Moynihan, Pell, Simon, and Wellstone.

Republicans: Hatfield and Packwood.

Mr. MOYNIHAN. Madam President, I yield the remainder of my time to our gallant and distinguished sometime chairman of the Committee on Government Operations, the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank my distinguished colleague from New York. I will be brief because I know the hour is late, but I cannot help but comment on one part of this debt limit bill that came over to us, and that is on regulatory reform.

I am somewhat dismayed, Madam President, to report that the debt limit bill passed by the House contains an amendment by Representative Walker that, if enacted, could end up removing the protections for the American people on health and safety and the environment that have been painstakingly built up over decades. The amendment takes up 13 pages in the CONGRESSIONAL RECORD, new proposals, many of them, sprung on us, being introduced over there, just came out in the RECORD today, not time enough to really analyze these things, and purports to be a regulatory reform bill. It is not regulatory reform. It is regulatory dismantlement. It is regulatory elimination.

The amendment does contain all the buzzwords associated with reg reform like cost-benefit analysis, risk assessment, judicial review and the like. But this amendment is not meant to reform anything. It is, in fact, an extremist approach to regulation. And I do not use that word lightly. It is an extremist approach to regulation that would overturn existing environmental law and tie up in endless litigation the agencies whose missions are to ensure we have clean air, clean water, and safe food.

Madam President, the documented deaths of innocent children and adults from E. coli poisoning that would have been prevented if there had been tough standards and regulation provides stark and deadly evidence of what the stakes are with respect to this issue.

I am in favor of regulatory reform, fought for it, fought for it in committee, fought for it here on the floor, as all my colleagues will remember. And I worked hard in committee and on the floor to get a reasonable regulatory reform bill before the Senate. We passed a reasonable bill out of the Governmental Affairs Committee with more Republican support than Democrats because it was a unanimous vote of our 8-7 committee. And on the floor we almost passed it. It got 48 votes.

But this amendment, the Walker amendment, is not reform. The Walker amendment borrows from the original House bill that many of my colleagues on the other side of the aisle could not stomach either. They did not like it either. It also borrows from the Dole-Johnston bill that we debated for weeks, which is a seriously flawed bill itself. The Walker amendment contains, for instance, a supermandate that the proponents of the Dole-Johnston bill said they were opposed to. That provision would override existing health, safety, and environmental laws by prohibiting the issuance of health-based standards that may not meet harsh cost tests.

The Walker amendment would make it difficult to issue health-hazard assessments and would create new defenses for lawyers to use to prevent enforcement over Federal health and safety laws.

The Walker amendment would repeal the difficult Delaney clause without providing any appropriate substitute.

Finally, the Walker amendment contains judicial review provisions that are applicable to the detailed procedural steps of the amendment that amount to a lawyer's dream. The lawyers' full-employment bill is what this Walker bill should be called. And anyone concerned about tort reform would find the judicial review procedures in this amendment truly a nightmare.

Madam President, when the Dole-Johnston bill was being debated both privately and on the floor, it was frequently claimed that if the Senate passed a moderate reg reform bill, the House would go along with it in conference. Well, the Walker amendment certainly gives lie to that idea. It gives us a measure of the validity of that claim. The House in this case took a not-so-moderate Senate bill which is seriously flawed in many respects and could not resist turning it into an extremist proposition. I use that word not ill-advisedly. It is an extremist proposition that is riddled with special interest provisions harmful to the American people.

Madam President, I repeat, I want reg reform, but not at the expense of the health and the safety of the American people or of the environment. There is no justification for the Walker amendment, particularly on this particular debt limit bill that is so important. If it survives in the Senate, the President will just have to veto the debt limit bill on this ground alone, and we will fight that battle another day.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Madam President, I believe we have used up our time.

The PRESIDING OFFICER. The Senator has 1 minute 43 seconds.

Mr. MOYNIHAN. We will withhold and reserve that for purposes of rebuttal.

Mr. ROTH. I yield 4 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I have just had an opportunity to look at the amendment of the good Senator from New York. This is essentially to make moot the entire exercise. He makes moot the shifting of the date to December 12. The language reads, "or * * * the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature * * *"

And then he makes moot the cap in the extension of the debt limit which reads, "$4,967,000,000,000," but then it says—here is another one of these famous words—"or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States."

You have, in effect, made moot the concept that we would extend it to the 12th, and then we would set a fixed amount and then it would snap back. This is totally unacceptable.

It then proceeds to say bring in the Social Security trust fund, as if this making moot what we are trying to achieve here is necessary to protect the fund.

The extension or the resolution that has come to us from the House specifically sets a date, specifically sets an amount and specifically says that you may not use the trust funds to deal with this issue—protecting.

This is just a totally unacceptable amendment, and I encourage all of our colleagues to oppose it. I think given the circumstances that we are faced with that the date should be specific and the amount should be specific and we should not be moving to this clever technique of adding "or," "except."

There has been a lot of discussion about the cooperation between the Senate and the House and the President over this issue. The President has alluded to the fact we have not cooperated. I just have to say the President has not been here long enough to cooperate. He is getting ready to leave the country right in the midst of this to go to Japan, and then he comes back and turns around and goes to Europe.

This administration is going to have to come to the table and deal with the Congress on balancing the budget, on welfare reform, on the tax policy and on the Medicare questions. I just think he has failed to do so, and I do not believe the amendment of the Senator from New York helps to bring that real collaboration together.

I yield back my time to the Senator from Delaware.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I yield such time as I may use.

The temporary debt increase we propose this evening will allow the Treasury to make benefit and interest payments for another month. It will allow the Government to meet its obligations and that, I believe, is the right decision. For that reason, I must oppose the Moynihan amendment.

I oppose the Moynihan amendment because, first, it would strike provisions that would protect the Social Security, Medicare and other trust funds. Not only would it strike those provisions, but it provides discretion, as my distinguished colleague from Georgia pointed out, it provides discretion to the administration to exceed even the temporary debt limit for amounts reasonably necessary to meet current spending requirements.

To sum it up, there is really no dollar limitation under this temporary increase as provided under the Moynihan amendment, nor is it clear as to what period of time it would cover.

Madam President, beyond this, I want to emphasize our legislation would protect the integrity of trust funds, like Social Security and Medicare, by requiring the Treasury to automatically invest FICA receipts.

Further, it would only allow the disinvestment of these trust funds for benefits paid. In other words, the Treasury will not be allowed to use these protected funds to discharge other financial obligations of the Government. In the past, Treasury has allowed these trust funds to be underinvested. This will no longer happen, and our legislation will ensure that Social Security benefits are paid on time. This is important. The right decision is to keep the obligations Government has made. The right decision is to protect the integrity of these trust funds.

The Secretary of the Treasury will not be allowed to sell or redeem securities, obligations or other assets of the trust funds and special accounts during this period. The only exception will be when it is necessary to pay benefits and administrative expenses of the cash benefit programs, and these programs not only include Social Security, but Federal Civil Service and military requirements, as well as unemployment insurance.

Again, these are important contracts Government has made with the people. As an added measure of security for those who depend on these programs, this legislation requires the Secretary of the Treasury to report to Congress and the GAO 3 days before making a sale or redemption of securities from the trust funds or special accounts during this period of debt limitation, and it would also require the GAO to monitor compliance with these provisions and report its findings.

Madam President, we must pass this legislation. We must increase the debt limit on a temporary basis. This is the only way to let the Federal Government continue its smooth operation. It is the only way we can follow through with our historic work of getting a balanced budget without disrupting financial markets.

I point out, there are other provisions included in this legislation, but time does not permit me to speak about each of these at this time. However, because of the importance of these provisions, especially those that restrict the authority of the Secretary of the Treasury to underinvest or to disinvest trust funds, I oppose the amendment of the Senator from New York.

I yield the balance of my time to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute 30 seconds.

Mr. DOMENICI. Might I inquire, after this time has expired, is there any time left on other amendments, or are we finished for the evening?

The PRESIDING OFFICER. All time will have expired but for the 1 minute 40 seconds left for the Senator from New York.

Mr. DOMENICI. Madam President, I wanted to talk about the comments of the Secretary of the Treasury today. They bear on what we are talking about here. The Secretary is doing his dead level best to make the markets respond adversely to what is going on in Washington, even though there is no reason for them to do that. I was glad to read in the papers this morning that many of the bond people—those who sell bonds, and the like, in New York City are up to him; they decided that is what he is trying to do—to scare the market into reacting adversely, so that, in turn, he will scare the Republicans so they will not react so tough on the President in terms of insisting that we get a balanced budget and some negotiations out of this President. That is what this is all about.

So now they are going to veto this bill, and the principal reason must be that we are saying you cannot disinvest funds in the Social Security trust fund and in the civil service retirement fund and use that to pay our debt as it comes due. If it is not that, why else were they going to veto the bill that the Finance Committee reported out? The only thing on it of substance was that.

So it seems to me that in saying, "We are going to veto it because it ties our hands," they are acknowledging there is no problem with default. If we do not tie his hands, he has all those other moneys to use to pay the debt, so there will not be a default. So who is he kidding? He is not kidding us. We want them to get serious about negotiating for a balanced budget. That is what he ought to be doing. Instead of planning to close the Government, he ought to be planning with us how to keep it open.

I yield the floor.

Mr. MOYNIHAN. Madam President, to conclude the discussion on this succinct and, I hope persuasive proposal, I plead with my fellow Senators to understand what my friend of so many years, the chairman of the Budget Committee, has just said. The President will veto this measure. He has to do it for the reasons set forth by the Senator from Ohio about regulatory reform, the repeal of habeas corpus, a horrendous measure, and so on. He will veto it, and then we will have a crisis and put in jeopardy the credit worthiness of the United States. The great asset that Alexander Hamilton secured for us in the end of the 18th century will have been squandered for no purpose whatever.

Can we not simply get on with our reconciliation bill, work out these issues there instead of on the debt ceiling? Or do we need a crisis in midweek? Surely, Madam President, we do not.

I plead with the Senate, do not create a crisis. Let us govern as the orderly body that we have been for two centuries. It is far beyond the realm of the imagination what we might do.

I understand the yeas and nays have been ordered.

Mr. ROTH. Madam President, I move to table the Moynihan amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3053.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mrs. BOXER] are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 568 Leg.]

YEAS—49

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone

NOT VOTING—3

Akaka
Boxer
Lugar

So the motion to lay on the table the amendment (No. 3053) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I rise to speak against the pending bill to increase the debt limit.

I think it is fair to say this session of Congress has been as partisan as any in history. We have had a lot of disagreement, and there have been a lot of games. Fortunately, in this Chamber, there have been occasional demonstrations of rational bipartisan consensus. I am pleased when that happens, because it means we are taking care of the peoples' business.

Well, if there is one issue that should be above partisanship, it the Federal debt limit. This issue goes to the very core of our economy.

A couple years ago, I was a housewife and a mother living on the west coast, so I have a pretty good sense of how most people view issues like this. Most of my friends and family know this is a pretty complicated issue. They may not know how to completely explain it, but they do know it makes our economy work. And because of that, we have a responsibility as elected officials to deal with this issue clearly and decisively.

As a member of the Senate Banking Committee, I have listened to the complex issues that affect the ups and downs of our economy. The debt limit issue affects the Treasury Department's ability to buy and sell bonds, to pay interest, and to manage the economy in the most positive direction possible.

Nearly everything that happens on Wall Street, or in the real estate markets, is pegged to Government bond rates. Nearly every low-risk investment portfolio, every adjustable rate mortgage, every savings plan in the country is tied to Government bonds and interest paid on those bonds.

Every single person in this country—from the average working family, to the top-flight stock broker—has an interest in seeing this issue held above partisan bickering, and protected from the kind of political shenanigans we have seen all year long.

We should be considering a straight, clean debt limit extension to keep the economy going, and to allow the Treasury Department to meet its obligations to bond holders. But unfortunately, we are not.

We are considering a Christmas tree, Mr. President. This bill is loaded down with provisions that have nothing to do with Treasury bonds. Everyone on this floor is aware of it.

This bill has reg reform provisions, something the Senate has defeated three times before. It eliminates the Commerce Department, when export promotion is more important than ever. And it changes the law to loosen up death penalty guidelines.

What does any of this have to do with Treasury bonds and the economy? Nothing.

This bill is simply another in a long line designed solely to score partisan political points. It makes a mockery of commonsense; at best, it amounts to political extortion, wit an increasingly healthy economy held hostage. At worst, it is reckless endangerment of the national economy and the household budget.

Mr. President, it is time for us to put aside hot-button political agendas, and start focusing on solving the Nation's problems.

This Senate passed a bill to balance the budget almost 3 weeks ago. And nothing has happened since then. We have had no debate. No conferees have been appointed. No progress has been made. Why? So the majority can back us up against the debt limit, and play an elaborate political game with the President, with the economy at stake.

What happens if we pass this bill? With so much unnecessary baggage attached, this bill will be vetoed. And rightly so, in my opinion. And unless we can get our act together by Monday, the Government will default on its loans for the first time in history.

At the end of the day, the people will feel worse about Congress than ever, and with good reason. All because partisan politicians could not get together to solve problems, but had to play politics instead. It's a pretty sad scenario.

I have heard my colleagues say the Senate is the saucer that cools the cup. Well, we need a little cooling off. We need a clean debt limit extension, and then we need to return to the budget debate. In short, we need to take care of the peoples' business. But with this bill, we are not even close. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to address an issue of tremendous importance to our Nation. It does not involve the arcane details of the Federal budget, but does touch directly the lives of every one of our citizens.

Mr. President, it is the issue of personal safety. It is the issue of reducing crime on our streets by imposing swift and appropriately strong punishment on those who prey on our streets.

Last June, I spoke to my colleagues in support of the habeas corpus provisions included in the anti-terrorism bill. I think it is unfortunate that I must say again, five months later, that habeas corpus reform is still needed, now, just as much as it was then, in the immediate aftermath of the tragic and reprehensible bombing in Oklahoma City.

Habeas corpus reform is still needed because our streets are still unsafe and those who commit the most heinous crimes still abuse the court system to prevent their sentences from being carried out.

It is needed because swift punishment—including the death penalty where appropriate—is critical in our efforts to ensure the personal safety of all of our citizens.

It is needed because the deterrent effect of the death penalty is weakened when it cannot be imposed swiftly after a verdict has been reached in a fair trial.

Mr. President, habeas corpus reform is needed because since the death penalty was reinstated in California in 1978, more prisoners on death row have died of natural causes than have been executed.

Let no one doubt the magnitude of this problem. For example, in California there are currently 428 convicted criminals on death row—that is 18 more than when I last spoke to the Senate on the immediate need for habeas reform.

This problem is not unique to California, however. According to the Administrative Office of the U.S. Courts, during the year ending June 30, 1995, there were 14,637 prisoner petitions for habeas corpus review in U.S. district courts alone. 156 of these cases were death penalty cases.

On June 7, on the same day the Senate overwhelmingly passed habeas corpus reform as part of the anti-terrorism bill, the longest serving member of California's death row population, Andrew E. Robertson, marked the 17th anniversary of his incarceration. Five months later, he still avoids punishment. Mr. President, that is unconscionable.

Another case deserves scrutiny as well. Seventeen years ago, Keith Daniel Williams was convicted of fatally shooting Miguel and Salvadore Vargas and Lourdes Meza in Merced, CA while stealing a $1,500 check that he and his friends had used to buy a car from Miguel Vargas.

Williams was found guilty of planning the killings and, after shooting the two men, raping Lourdes Meza in the back of the car before shooting her and leaving her naked body in a field.

This vicious killer told a psychiatrist that after one of his accomplices broke down when Williams had ordered him to shoot the woman, Williams intended to kill him, too, but decided not to when, and I quote, "the dude started sniveling and crying."

Keith Daniel Williams admitted killing these three innocent people, but 18 years of courtroom maneuverings have kept this cold-blooded murderer from receiving the punishment he deserves for his horrible crimes.

Just last spring, the 9th U.S. Circuit Court of Appeals said Williams was not denied a fair trial by the actions of his lawyer—who failed to hire a psychiatrist, obtain Williams' medical records or present any favorable evidence at the penalty phase.

Following this decision, his lawyer said he would seek a rehearing before an 11-judge panel and, if that failed to stop the execution, appeal to the U.S. Supreme Court. According to California's Deputy Attorney General, those appeals could take a year to 18 months, even if no new hearings are granted.

A newspaper article on this case published 7 months ago was titled, "Triple

Killer a Step Closer to Execution." Mr. President, that final step may take another year. That is just plain wrong.

Sadly, there are many other cases similar to the one I just described and their crimes are among the most horrific imaginable. I will not burden my colleagues with the gruesome details, but I do believe the Senate, and the American people, need to know of the abuse of the legal system by individuals convicted in courts of law for the most vile and violent crimes and I think it necessary to mention one more example.

Bernard Hamilton murdered a woman—the mother of two boys, one of whom was only 3 weeks old—in San Diego in May 1979. His victim disappeared on her way to class. She was last seen in her van in the parking lot of the school she attended.

Her body was later found with the head and hands removed; they have never been recovered. The body was clothed only in bra, underpants, and socks.

Bernard Hamilton was arrested in Oklahoma in possession of his victim's van and had been using her credit cards. He was convicted of first degree murder for this brutal crime.

After his first State habeas petition was denied he went to Federal court and last year two judges on the 9th Circuit ordered the sentence vacated on a claim that was rejected by six Justices on the California Supreme Court and one dissenting judge on the 9th Circuit.

This cold-blooded killer is now in the midst of a new penalty trial—more than 16 years after the murder.

To add insult to injury, Hamilton represented himself at his penalty retrial and blamed the victim's husband, who never recovered emotionally from the death of his wife before his own death last year.

For the victims of the kind of violent crimes I've just described, justice will not fully have been done until those responsible have been tried, convicted and the death penalty imposed and swiftly carried out.

I am very pleased to say that the habeas provision included in the bill currently under consideration by the Senate is designed to do just that. The habeas corpus provision is identical to those included in the anti-terrorism bill passed the Senate by a vote of 91 to 8 last June, and one I believe which strikes an appropriate balance between the need to assure due process to those convicted of both capital and non-capital crimes and the need of any rational judicial system to bring cases to closure.

Indeed, Mr. President, that is particularly important not only the integrity of our judicial system, but for the victims of capital cases.

Most importantly, Mr. President, this bill provides habeas petitioners with "one bite at the apple." It assures that no one convicted of a capital crime will be barred from seeking habeas relief in Federal court, and appropriately limits second and subsequent habeas appeals to narrow and suitable circumstances.

Furthermore, Mr. President, the bill requires States which provide for counsel that habeas appeals must be filed within 6 months of when a State prisoner's conviction becomes final, or in States where standard for the adequacy of counsel are not adopted, such appeals must be filed within 1 year.

Third, Mr. President, time limits are also imposed upon courts. The bill requires that Federal courts must act promptly on habeas appeals and establishes a mechanism by which courts of appeals will screen habeas petitions before they are permitted to go to a Federal District Court for resolution.

Finally, Mr. President, unlike the crime bill proposals that I and the Nation's law enforcement officials opposed two years ago, this bill does not dictate to the States precisely what counsel competency standards are adopted. Rather, it properly provides states with an incentive to formulate their own plans by making expedited time tables I have just described available for states to do so.

Mr. President, the time for habeas corpus reform is long overdue. Too many of our streets are dangerous, too many of our citizens are scared, too many of our courts are clogged with endless, meritless prisoner appeals. I urge my colleagues to support the habeas corpus reform provisions in this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR], is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA], and the Senator from California [Mrs. BOXER], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 569 Leg.]

YEAS—49

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Akaka
Boxer
Lugar

So the bill (H.R. 2586), as amended, was passed.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, there will be no more votes this evening. There will be a number of votes on Monday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2491

Mr. DOLE. Mr. President, I ask unanimous consent that at 10 a.m. on Monday, November 13, the Chair lay before the Senate a message from the House on H.R. 2491, the reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate then insist on its amendment, agree to the House request for a conference, and prior to the Chair being authorized to appoint conferees on the part of the Senate, that there be four motions to instruct the conferees, which under the statute are limited to 1 hour each, and that the time to be divided: 40 minutes for the offeror of the motion; 20 minutes for Senator DOMENICI or his designee. Those motions are as follows: A motion to instruct regarding Social Security; a motion to instruct regarding health care; a motion to instruct regarding Medicare tax cuts; a motion to instruct regarding nursing standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I further ask unanimous consent that following disposition of the motion to instruct, the Chair be authorized to appoint conferees on the part of the Senate, without any further debate or action.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT—H.R. 927

Mr. DOLE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 927, the Cuba sanctions bill, for the appointment of conferees at 2 p.m. on Monday, November 13, and any votes ordered will commence at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONTINUING RESOLUTION AND THE LABOR, HHS AND EDUCATION APPROPRIATIONS BILL, H.R. 2127

Mr. SPECTER. Mr. President, as chairman of the Labor, HHS and Education Appropriations Subcommittee, I wanted to take a minute to update the Senate on the status of the Labor, HHS and Education appropriations bill, H.R. 2127 as it relates to the continuing resolution and the implications of the Senate's inaction on the bill for programs of the Departments of Labor, HHS and Education.

As Senators know, the Labor, HHS and Education Appropriations bill for fiscal year 1996 is still on the calendar. Efforts to bring it up in the Senate have been met with a filibuster due to the "striker replacement" provision. I opposed that provision being added to the bill in committee, because of the view that controversial legislative riders do not belong on an appropriation bill, but should be considered through the authorization process. In the case of the Labor, HHS and Education Appropriations bill, the legislative riders included by the House have stalled action on this important bill in the Senate, and indefinitely postponed funding for education, health, job training, and social service programs in this fiscal year.

While the continuing resolution will ensure that some funding will be available for these programs, it is only on a short-term basis and at a minimal level. For example, a central difference between the House passed and the committee reported bills involves funding for the Low Income Home Energy Assistance Program [LIHEAP]. LIHEAP provides funds to states to help low income households meet their fuel bills during the winter months when costs soar due to cold weather. A high percentage of the program's beneficiaries are elderly and disabled people who need help in paying their fuel bills.

Mr. President, it is already getting very cold in many parts of the Nation, with a major Canadian cold front making early November feel like winter in much of the midwest and northeast. Under the terms of the continuing resolution, less than $200 million will have been made available to the States. This is far short of the $600 million requested by the States to get through the first quarter of the fiscal year. This comports with the historic average of 60 percent of the annual appropriation for LIHEAP being allocated to the States in the first quarter.

Many States have begun receiving requests for assistance, and under normal circumstances would begin distributing funds to participants at this time. However, because of the present stalemate in the Senate on the Labor, HHS and Education Appropriations bill, States have no idea how to plan for this winter's program, and hundreds of thousands of low income families are left wondering how they will be able to meet their winter heating bills. Low income households, as well as Governors and local officials across the country are waiting to learn whether, and how much, funding will be appropriated for this winter's LIHEAP program.

Funding for education programs also are held hostage to the stalemate on H.R. 2127. Education program funding levels recommended by the House fall almost $3.6 billion below the fiscal year 1995. The Senate bill, as reported by the Appropriations Committee on September 15, includes funding for education programs which is $1.6 billion above the House passed levels. Under the terms of the CR, however, the lower levels of the House bill become the funding levels for the upcoming period of the CR. Absent action on the Senate bill, and a conference with the House, future funding levels for these education programs likely will continue at House passed levels.

Finally, Mr. President, the terms of the CR maintain funding for medical research supported by the National Institutes of Health at the 1995 level of $11.3 billion. But, there is clear consensus between the Congress and the President that medical research is a priority, deserving of increased funding in fiscal year 1996. Despite a 7-percent reduction in the subcommittee's allocation, the President's budget, the House passed bill, and the Senate reported bill, nonetheless recommended increases for NIH of no less than $300 million. Without Senate action on the Labor, HHS and Education appropriations bill, medical research funding will be frozen indefinitely, thereby stalling new discoveries for understanding the causes and cures of diseases.

I will support this continuing resolution because it provides critical short-term funding for Federal activities. But I also want to make clear, it is time for the Senate to act on the Labor, Health and Human Services, and Education appropriations bill. Let us stop the filibuster, agree to bring up the bill, debate it, and let the Senate work its will. The critical programs in this bill deserve the attention and debate of the Senate. The American people are waiting for the Congress to complete its work.

EPA ENFORCEMENT NEEDS SCRUTINY

Mr. DORGAN. Mr. President, I have supported policies to protect our country's environment, and I have backed the Environmental Protection Agency's efforts to enforce environmental laws. It is not a coincidence that we now use twice as much energy in America than we did 20 years ago and yet we have both cleaner air and cleaner water. That results from the determination by our country and the Congress to place limitations on those who are dumping pollutants into our rivers, streams, and lakes, and into our air.

This is a success story. We have made real progress in our fight to clean up our environment.

I am proud of my support for those efforts. But, Mr. President, I have come to the floor of the Senate today to discuss a couple of cases dealing with environmental protection that concern me. There are occasions, I am certain, where enforcement actions taken by those who are given police powers to make sure our environment is protected, become unfair, unreasonable and, in some cases, downright punitive.

Two such legal actions have been filed against two North Dakota manufacturing companies and I want to discuss them today. Because they involve an important matter of public policy, I want to offer my opinions on them.

Both of these examples are enforcement proceedings involving the EPA and now also entail filings in court. As a result, I am unable to pursue the matter further directly with the Agency. I regret that because I would like the opportunity to sit down in person and review in detail, with officials at EPA and with the officials in the two North Dakota companies, EPA's justifications for taking the kind of action it has taken against these firms.

So my alternative is to discuss these cases on the floor of the Senate and use information that is on public file in the two court actions and information that has been provided me by the companies as well as information that was provided to my staff from the Environmental Protection Agency prior to the final enforcement action being taken. I will use that information today to discuss the actions that have been taken against these two companies and ask whether this represents fair enforcement of our environmental protection regulations and whether it represents the routine kind of enforcement actions that the EPA has been taking against other companies around our country.

If these cases are judged by the EPA to be fair, and if these are representative of the enforcement actions taken around the country against other companies, then I understand much, much better the anger that exists in America against the bureaucracy because I think the action taken in these two cases is just plain unfair and punitive beyond reason.

Mr. President, let me describe the two EPA cases in North Dakota as I understand them. Once again, this description comes from the information filed in court actions against the two companies which is public information, information provided my office by the two companies, as well as information offered by the EPA during the process of its development of an enforcement action against the companies.

First, there is the Sheyenne Tooling and Manufacturing Co. which produces farm implements and steel parts in Cooperstown, ND. The second case is the Melroe Division of the Clark Equipment Co. which produces the Bobcat skidsteer utility loader in Gwinner, ND.

Both cases are remarkably similar. They began several years ago—in 1992 for Melroe and 1993 for Sheyenne Tooling—when EPA sent the two firms compliance orders instructing them to sample and test their wastewater. That testing has been a Clean Water Act requirement since 1986. When the sampling turns up excess contaminants, the wastewater must be pretreated before it is discharged into a sewer system. Unfortunately, neither firm was aware of those aspects of the law. There was an assumption that the treatment requirements were being handled by the city sewage plants into which the wastewater flowed.

The companies had received no communications from EPA on the requirements and no problems in that area had been pointed out during regular visits from the State Health Department. Though neither company was aware of the requirements, when they learned of them, they took steps to comply immediately.

Upon the notification by EPA that they had the responsibility to sample and test their wastewater, both companies immediately tested. When that testing determined that there were occasions when the wastewater did not meet EPA standards, both firms then acted quickly to take steps so that their discharges were brought within permissible limits. In every way, they worked cooperatively, promptly, and successfully to fix the problem.

Months later, however, EPA stunned them by demanding the payment of huge penalties—$1.9 million in the case of Melroe and $320,000 from Sheyenne Tooling. EPA said the fines were punishment for the companies' failure to sample, test, and treat their wastewater ever since the implementation deadline of 1986.

When the firms resisted fines of that amount, the Justice Department filed suit in Federal court to demand the money. Expensive and exhausting court actions now face both firms. The court action against Sheyenne Tooling only began in April, but in the action against Melroe, which has been going on for 18 months, the Justice Department has already secured 1,000 pages of depositions and required Melroe to turn over more than 5,000 documents.

In the case of Sheyenne Tooling, a small firm of just 60 employees, its problem was with an excess of zinc in its wastewater. Its zinc electroplating department is an insignificant part of the company, accounting for only 2 or 3 percent of its sales and an even smaller share of its profits.

As a result, it offered to eliminate its plating operation. However, EPA discouraged that and suggested ways to bring the operation into compliance. EPA did not tell the firm that for every day it continued out of compliance it could be fined $25,000. If Sheyenne Tooling had known that, it would have ended its zinc plating immediately. Instead, however, it spent $12,000 for equipment and took care of the problem.

Despite its forthright and good faith work to correct the situation, Sheyenne Tooling has ended up faced with this $320,000 penalty. The fine is of such a size that it will devastate the company, a major blow to the employees and to Cooperstown, a rural community of only 1,300 people.

In the situation at Melroe, the firm is said to have discharged excess amounts of lead, copper and, most significantly, zinc. A key part of the problem as it worked toward a solution was that it had trouble even identifying the source of the zinc. It suspected a paint, but the paint's ingredients label did not list that metal and, when the paint manufacturer was quizzed about the matter, it initially denied zinc was in the paint. Eventually, it was determined that the paint did indeed contain the metal and the supplier was required by Melroe to reformulate it to eliminate the zinc.

Melroe had several wastewater streams that flowed into the city sewer system. In one of the two key streams, the only problems were from the questionable paint. The other stream discharged just 17 gallons of wastewater a day. An important point to note is that manufacturers are allowed to combine their wastestreams before allowing them to flow into the public sewers.

If Melroe had done that, the combined volume of water would have been such that the metal contaminants would have been diluted enough so that Melroe would not have had any excessive discharges of pollutants except for the sporadic and unusual zinc paint phenomenon.

In addition to switching, as I have already noted, to a paint that was definitely zinc free, Melroe also installed almost $200,000 worth of equipment which completely eliminated all its problems. Despite that, EPA sought the $1.9 million fine. Melroe has offered to pay a $200,000 penalty, but EPA remains determined to hold out for a substantially larger amount.

EPA believes that these punishing penalties are necessary to deter potential offenders and to recoup any possible savings the firms might have accrued by not performing the sampling and pretreatment in earlier years. It argues, in addition, that there was a risk of environmental harm, even though no harmful impacts have been documented.

In similar cases I am aware of in North Dakota, EPA sought penalties of $60,000, $40,000, $25,000 and $15,000 and generally settled for less. I am at a loss to understand why it now wants penalties of $1.9 million and $320,000 in the two cases I am discussing.

Mr. President, those are the facts about these two cases as I know them. As I indicated, because of the enforcement action initiated by the EPA and now the court action by the Justice Department to collect civil penalties against these two companies, I am constrained from intervention with EPA.

But I want the record to show that I think this represents terrible judgment, inappropriate sanctions, and an unreasonable punishment for these companies.

I have no sympathy for a rogue company that, knowing the rules, violates those rules and pollutes the air and the water. I have no sympathy for companies that refuse to cooperate with the EPA. I have no sympathy with repeat offenders whose record demonstrates a disregard for our environment. They should be punished.

But I have no fondness for a Government agency that goes to companies that have an excellent record and that willingly cooperate in every respect and who demonstrate a desire to do the right thing and then say to them: "You're guilty of an oversight and you are going to pay dearly for it." That kind of heavy-handed, bureaucratic misjudgment is what is causing a relentless anger in the American people that is directed at their Federal Government.

I have spent most of my 15 years in Congress taking on the big economic interests. I have fought to shut down the S&L junk bond scandal, opposed the corporate raiders on Wall Street, fought the drug companies for pricing abuses, taken on foreign corporations for tax avoidance, and opposed tax subsidies for oil companies. So I find myself in an unaccustomed role today bringing to the floor a case of two corporations, one large and one small, who I think have been wronged by the EPA.

Originally, when I reviewed the complaint of these two companies, both of which have an excellent reputation, both of which the North Dakota Health Department considers cooperative and responsible firms, I concluded that they were treated unfairly.

But because my hands are tied in an enforcement matter such as this, there has not been much I could do beyond simply commiserating with them and telling them that I thought they were treated unfairly. But, if we legislators who created the EPA, and who wrote these environmental protection laws, are unwilling to stand up and ask the policy questions that we should be asking in circumstances like this, then we deserve all the ill will that is directed toward the Federal Government.

Unless we are prepared to point out the cases of bureaucratic excess and unfair consequences and then try to do something about them, we should not be surprised by a citizenry that is justifiably angry.

I hope those in the Federal Government who read these examples will understand that they hold the power to enforce the laws of this country in an appropriate, fair, even-handed manner, but they also have the responsibility to rein in those who would use that power in ways that are not fair and not even-handed. That is what we expect and that is what the American people demand.

ACDA DIRECTOR HOLUM GOES TRICK-OR-TREATING

Mr. HELMS. Mr. President, I suppose that I am supposed to be discouraged, or at least surprised, that the Director of the Arms Control and Disarmament Agency overspoke himself—again—on Halloween by calling me an isolationist and by falsely asserting that I am holding both the Chemical Weapons Convention and this country's national security hostage. Perhaps he was playing trick-or-treat, and if he had stopped by our house, Dot Helms would have placed several pieces of candy in his bag.

Seriously Mr. President, I had assumed that Mr. Holum had better control of himself than that—but I suppose he is so concerned about losing his place on the Federal bureaucratic totem pole that he is suffering a case of nervous jitters.

His holding hostage outburst on Halloween is ludicrous on its fact. The Chemical Weapons Convention was first submitted as a treaty in the 103d Congress, and Congress refused to ratify it at that time because a number of questions on issues such as verification and cost had gone unanswered. They are still unanswered, and any reasonable prudent American is likely to agree that the convention's approval must wait until the Senate can be certain what it will cost and the degree of risk in premature approval of it.

Mr. President, I also find very sad Director Holum's strange assertion that the effort to consolidate ACDA's functions within the Department of State is what he called an isolationist attack on arms control. That one, as the saying goes, is off the wall—and Mr. Holum knows it.

The first suggestion about abolishing ACDA was proposed by the Clinton administration in 1993; the State Department even drafted a comprehensive plan to absorb ACDA personnel and funds. Unfortunately, that proposal by Secretary of State Christopher was debated and defeated—not on its merits, but by the same kind of bureaucratic obstructionism that has impeded S. 908, the Foreign Relations Revitalization Act of 1995, every step of the way.

So it comes as little surprise, Mr. President, that the plan to reorganize arms control has stirred up a hornet's nest. In testimony before the Foreign Relations Committee, one of ACDA's previous Directors, Dr. Fred Ikle, endorsed the plan to abolish ACDA, but warned that:

> Any effort to trim, or to abolish, a bureaucratic entity hurts the pride and prestige of the affected officials, jeopardize job security, and mobilizes throngs of contractors, captive professional organizations, and other beneficiaries of the threatened agency.

When you get right down to it, at the heart of all these protestations regarding the plan to eliminate ACDA are, in fact, no more than a host of self-serving, bureaucratic interests. While nearly every aspect of government is being downsized and streamlined, ACDA's budget request for fiscal year 1996 was increased by 44 percent over the 1995 fiscal year budget. Director Holum's ACDA crowd, you see, proposes to spend fare more of the taxpayer's money and to hire more people. They even tried to commandeer one of the Department of Defense's radar systems in Alaska.

Mr. President, when faced with possible elimination, there's nothing the ACDA crowd will not do or say. It is incredible that anyone will try to argue, with a straight face, that arms control will suffer if ACDA is eliminated. Nonsense, there are today more than 3,100 arms control experts working in more than 25 offices scattered throughout the Federal Government. ACDA employs about 250 of the 3,100, only 8 percent of the total number of arms control experts in the Federal Government. Even the Commerce Department has more people assigned to nonproliferation and arms control. Simply put, arms control is big business, and ACDA is small potatoes, and almost irrelevant. That prompted ACDA Director Holum's outburst on Halloween.

The truth of the matter is that the State Department and the National Security Council are responsible for arms control policy coordination and negotiation, not ACDA. One of ACDA's inspectors general put it best a few years ago, stating that:

> Once arms control became important presidential business . . . Secretaries of State and Defense and national security advisers became the dominant figures in arms control.

Implementation and verification of arms control are conducted by the Department of Defense and the intelligence community. Since 1989 it has been the on-site inspection agency, not ACDA, that had performed on-the-ground verification for all major arms control agreements. Of all the personnel involved in START inspections so far, fewer than 1 percent were supplies by ACDA. In short, abolishing ACDA will not hurt the conduct of this Nation's arms control one iota. It is not an obvious anachronism—and it is time to bid farewell.

By incorporating ACDA's handful of experts in a new, more efficient State Department, Congress can give arms control a comprehensive purview. After all the effectiveness and desirability of arms control depend upon its consideration in the broader foreign policy context. Just as importantly, doing this will save U.S. citizens at least $250 million over the next 10 years. Consolidation makes good business sense and will reduce waste, duplication, and silly bureaucratic turf battles.

Finally, any plan that has been endorsed by five former Secretaries of State, from Henry Kissinger to James

Baker, can hardly be labeled isolationist. Director Holum should dispense with is schoolboy name-calling. Let the issue of consolidation be debated on its merits.

WREATH LAYING CEREMONY AT THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

Mr. THURMOND. Mr. President, in recent months, there have been some disturbing accounts from throughout the Nation about police officers conducting themselves in an inappropriate manner while performing their duties. Regrettably, some members of the media, and people who wish to malign the efforts of law enforcement officers, choose to believe that the actions of a handful of rogue individuals are representative of the entire law enforcement community. That is simply not the case.

As we all know, the job that lawmen and women do is not easy, as a matter of fact, it is one that is extremely dangerous, as well as physically and mentally demanding. It is a job that requires ordinary men and women to commit extraordinary acts on an almost daily basis. In many cases, the situations to which they are dispatched result in injury to officers, and in increasingly frequent cases, the lives of officers are lost.

While law enforcement officers across America labor tirelessly and largely without thanks, the National Law Enforcement Officer Memorial, appropriately located at Judiciary Square, guarantees that those who fall in the line of duty will never be forgotten. Each year, the names of the men and women killed while doing their jobs—keeping us safe—are added to the Memorial. This past October 19th, the names of the 157 officers who were killed last year were placed on the grey Canadian Marble walls which form this solemn Memorial.

As I have done many times in years past, I attended the wreathlaying ceremony held at the Memorial when the names of those killed over the past year were added to the rolls of their fallen comrades. During that ceremony, the Chairman of the National Law Enforcement Officers Memorial, Craig Floyd, and Sharon Felton, the widow of a police officer and a trustee of Concerns of Police Survivors [COPS], made some remarks that I thought were particularly poignant, in that they paid tribute to those police officers who made the ultimate sacrifice, while also reminding everyone in the audience of the challenges and difficulties facing an officer in this day and age. I ask unanimous consent that a copy of Mr. Floyd's and Ms. Felton's remarks be placed in the RECORD following my remarks, so that my colleagues will have the opportunity to read and consider what they said that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, it is sometimes easy to forget just what an enormous task we ask of those who work in law enforcement. It is very easy, from the comfort of an office or a living room, to second guess the decision a police officer was required to make in a split second. I hope that people will take a moment to read and think about what Mr. Floyd and Ms. Felton said last month, and to reflect on the fact that being a police officer is not only difficult, it can be deadly.

EXHIBIT 1.—WREATHLAYING CEREMONY REMARKS

(By CRAIG W. Floyd, NLEOMF Chairman)

Good afternoon ladies and gentlemen. Thank you for joining us as we commemorate the fourth anniversary of the National Law Enforcement Officers Memorial.

My name is Craig Floyd and I am the chairman of the National Law Enforcement Officers Memorial Fund. On behalf of our board of directors, I want to welcome all of you here today.

Nearly a year ago, three law enforcement officers were murdered at D.C. Police headquarters, just one block from this hallowed ground. It was a horrible tragedy that will not soon be forgotten.

Shortly afterwards, Tony Daniels, who was then in charge of the FBI's Washington metropolitan field office, reflected on the shooting in a poignant commentary that was printed in the Washington Post. He said:

"There is no easy way to absorb the events of November 22, 1994. For all of us, I'm sure, the most difficult part of dealing with this tragedy is trying to find a reason for its occurrence—trying to make some sense out of a senseless act . . . We will never know what causes people to do the things they do; we are only left with the aftermath. Yet it is an inescapable fact that the law enforcement community lives in the shadow of death."

Sadly, those words echoed over and over again this past year as we buried one police officer after another. Already this year, we know of 127 law enforcement officers across this country who have been killed in the line of duty. That represents an 11 percent increase over last year's figure for the same period.

On average, one police officer is killed somewhere in America every 52 hours. One out of every nine officers is assaulted and one out of every 25 officers is injured in the line of duty. Across this country, there are nearly 700,000 law enforcement officers who put their lives on the line daily for the protection and safety of others. This memorial is a richly deserved tribute to that extraordinary level of police service and sacrifice.

When this memorial was dedicated 4 years ago, these marble walls that embrace us here today contained the names of 12,561 fallen police officers. Since that time, we have added nearly 1,300 more.

We could have simply allowed those fallen heroes to be buried and then forgotten. But, this nation valued the service and sacrifice of those officers far too much to cast their memories to the winds of time.

We knew that, if given the chance, the voices of those fallen heroes need not be silenced by death. . . . Their deeds might even have more meaning. . . . And their lives would become the example for others. This monument gives them that chance to be heard, to be understood, to inspire.

Each time a single corrupt or bigoted police officer is exposed, come here and listen to the condemnation expressed by thousands of fallen police heroes.

Each time the resolve of our law enforcement officers is challenged, come here and understand just how much our officers are willing to sacrifice for the well being of others.

Each time the constant criticism and second-guessing causes our police officers to think twice about the profession they have chosen, come here and be reminded that you are following in the footsteps of some of the bravest and finest individuals ever to walk the face of this earth.

INTRO TO WREATHLAYING

In a moment, a wreath will be placed here at the memorial to commemorate the fourth anniversary of this monument, and to honor the nearly 14,000 law enforcement officers who have died in the line of duty.

But, before we do that I want to take a moment to recognize all of the police survivors who have honored us with their presence here today. While we cannot undo their loss, we can remind them that they have not been forgotten. Their welfare is important to us all.

At this time, I would like to ask all of the survivors of a fallen officer here today to please rise and be recognized.

Since the last time we met to commemorate the anniversary of this monument one year ago, nine law enforcement officers have been killed in the Washington, D.C. Area. That matches the highest number of local police fatalities ever recorded in a 12-month period.

Three of them died in a single incident. Last November 22, Metropolitan Police Sergeant Henry Joseph Daly, and FBI Special Agents Martha Dixon Martinez and Michael John Miller were savagely murdered in an unprovoked ambush at D.C. Police headquarters.

On February 7, off-duty D.C. Police officer James McGee attempted to stop a robbery in progress. In a few terror-filled seconds, Officer McGee was accidentally shot and killed in a tragic case of mistaken identity.

On April 26, Prince George's County Police Corporal John Novabilski was assassinated by a crazed killer while sitting in his marked patrol car.

Less than 2 months later, that same killer murdered FBI Special Agent William Christian. Agent Christian, who was also gunned down while sitting in his car, was on a stake-out to arrest the man who killed him.

On August 22, Loudoun County Deputy Sheriff Charles Barton was killed in an aircraft accident on the way to pick up a wanted felon. He was the first officer to be killed while on duty in the history of the Loudoun County Sheriff's Department.

And, of course, the two latest fatalities occurred this month. D.C. Police Officer Scott Lewis was gunned down on October 6 in an unprovoked attack while aiding a burglary victim.

Maryland state trooper Edward A. Plank was shot and killed just three days ago after stopping a motorist for a traffic violation.

We have asked the immediate family members of these fallen officers, along with their agency escorts, to assist us with the presentation of the wreath. They have graciously accepted our invitation and will serve as representatives of all police survivors and law enforcers across the Nation.

Leading our procession, we are very pleased to have the Assistant Attorney General of the United States Andrew Fois, who will be joined by members of the U.S. Park Police honor guard.

CLOSING REMARKS

I would like to close today's ceremony with a poem. It was written by a 16-year-old girl named Megan Hogan. Her father was a Minnesota police officer who was shot and killed six years ago. Megan's poem offers comfort to all of us here today:

My father is now at rest
For a safer place he remains
A world of goodness and beauty
A world without worry or pain.
No fear will he encounter
For a better place he'll be
A place where the sick are healed
And a place where the blinded eyes can see.
My world has forever changed
My life is not the same
But close within my heart
His precious face remains.
I give him my tears
And my prayers I send above
I cherish all our memories
Filled with happiness and love.
He'll have someone to depend on
His helping hand is there to lend
For the Father shall be watching
And in heaven he'll have a friend.
The battle is faced head on
Many obstacles yet to overcome
But in the end, together
This battle will be won!

For the next six hours, a rotating police honor guard will stand vigil here at the memorial as a special salute to America's fallen officers. A reception will be held immediately following today's ceremony at the memorial visitors center at 605 E Street —two blocks to the right. Everyone is invited to attend.

Ladies and gentlemen, that concludes today's ceremony. Thank you all for coming. May God bless you and all of our Nation's police officers.

WREATHLAYING CEREMONY, NLEOM, OCTOBER 19, 1995—SPEECH BY SHARON AJ FELTON, WIDOW/1989 NORTHERN SEABOARD TRUSTEE, COPS

Friends, officers, fellow survivors, special guests—Good afternoon. I am honored to stand before you today and participate in this wreathlaying ceremony to commemorate the fourth anniversary of the National Law Enforcement Officer's Memorial.

I once had the honor of watching a young man's dream come true as he graduated the police academy in Petersburg, VA, on December 7, 1986. He had dreamed of being a police officer since the age of five, and his academy graduation was one of the happiest days of his life.

Just a few years later, I watch that same young man leave the safety of his home to back up a fellow deputy with a routine burglary call. Just a few minutes later, less than a mile from his home, that young 23 year-old officer died in the line of duty. His name was Thomas Felton, Jr., a Sussex County Virginia deputy sheriff. And he was my husband.

Tom did not die as most cops expect to die. There was no hail of gunfire—no dramatic rescue—not even a highspeed car chase. There was only Tom, his patrol car, a freight train, and a terrible twist of fate that brought them all to the same place at 6:37 am on April 29, 1989. He died in an accident. He died in the line of duty.

What became evident in the days to follow his death, was just how many lives Tom had touched as hundreds of friends, family, and fellow officers came to honor his life. Reflecting on his life, they used words like Honesty, Respect, Love, and Honor. And they called him a Hero—not because of the way he died—but because of the way he lived. And they were proud to have known him—as I was.

Today, we are here to honor other officers who have made the same sacrifice in the line of duty—and we use words such as Honesty, Respect, Love, and Honor. Yes, we are here because each of these officers has given his or her life in the line of duty, but I am here to tell you that there are living words, describing the way they each lived, not the way they each died.

Today, we live in a world where "COP" has become a bad word—where law enforcement is unappreciated and where police officers are chastised because of the actions or beliefs of a few who disgrace the badge. I submit to you that these rogue cops are not a true representation of America's law enforcement officers. They are the exception, not the rule.

I ask you today to look at the names engraved in the panels that make up this memorial. Look deep into the names that line this Pathway of Remembrance. These men and women exemplify the true attributes of America's law enforcement officer—Honesty, Respect, Love, and Honor. These are the best of the best—the noblest of the noble—and Yes—law enforcement Is Still a Noble Profession!

We are here today to honor these men and women—who placed themselves along the Thin Blue Line that separate us from total chaos and lawlessness. We are here to mourn their deaths, and in doing so, we celebrate their lives.

This memorial was built for those officers whose names are engraved here. It is for those officers whose names are yet been added, such as DC Metro Officer Scott Lewis and Lynn, MASS Police Officer Gary Twyman who died just last week. And it is for Maryland State Trooper Edward Plank, Jr. who died just two days ago.

It is for those officers who still walk that Thin Blue Line each day in America. And it is for you, the survivors—the families and friends who have also made the ultimate sacrifice—you are the Names Beyond the Wall.

For some of you here today, your grief is very new. Maybe your officer died last year, last month, last week. Just being here may be a struggle for you and the pain may seem to be too much to bear. For others who are further into your grief, the sight of seeing your officer's name may again reopen some of those old wounds as memories flood your minds. Our reactions to this memorial are as different as our losses, but we are still the same. We are survivors. Our officers died and we are left to tell their stories.

This is our place—a place where we come to grieve, to cry, to laugh, to heal, to grow. We bring flowers—we bring letters—we make rubbings of those precious names so we can take a piece of this memorial home with us. We come to remember—and we use words such as Honesty, Respect, Love, and Honor. And we call them Heroes—not because of manners in which they each died, but because of the manners in which they each lived. And we are each better for having known them.

In closing, I would like to share a poem with you entitled "The Names Beyond the Wall."

THE NAMES BEYOND THE WALL

All for God and Country, they walked the Thin Blue Line.
With honor and with valor they lost their fight with time.
We are their survivors—the names beyond the Wall
Our loved ones lost their lives, but we have lost it all.
We are mothers; we are fathers. Brothers, sisters, children, too.
We are wives and we are husbands. We are partners wearing blue.
A gunman killed his brother—A drunk driver killed his wife
A child will miss her Daddy for the rest of her life.
A father's little girl has died—a car crash in the rain.
A widow cries for days now gone—a collision with a train.
A mother lost her son—a daughter lost her dad.
Just another day in America when good has lost to bad.
Forever and a day was stolen from our grip
And now we must forward on a long and lonely trip.
With pride they wore their badge. With glory, gave their lives.
Now names engraved upon this wall are all that's left behind.
Our pride was for their service our joy now turned to tears
the heartache that we suffer will last for many years.
We are their survivors—the names beyond the Wall
Our loved ones lost their lives, but we have lost it all.
We are mothers; we are fathers. Brothers, sisters, children, too.
We are wives and we are husbands. We are partners wearing blue.
All for God and Country, they walked the Thin Blue Line.
With honor and with valor they lost their fight with time.
God bless you all.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, more than 3 years ago, I began these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

As of the close of business Wednesday, November 8, the Federal debt stood at exactly $4,984,440,555,073.81. On a per capita basis, every man, woman and child in America owes $18,921.02 as his or her share of the Federal debt.

It is important to recall, Mr. President, that the Senate this year missed an opportunity to implement a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in that first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a Constitutional amendment.

THE DEATH OF YITZHAK RABIN

Mr. THURMOND. Mr. President, for centuries, the Middle East has been a region plagued with strife, a land where days of violence are often more common than moments of peace, and a place where tragedy is almost routine.

This past weekend, when a young Jewish extremist assassinated the Prime Minister of Israel, Yitzhak Rabin, he committed an act that managed to shock a region and a world that long ago became almost numbed to the seemingly eternal struggle between Jews and Arabs and the death and loss that animosity creates.

By any standard, Yitzhak Rabin served his nation admirably. He was a patriot and a warrior who fought against the Axis powers during World War II, fought for the freedom of Israel, and fought against those who sought to destroy that nation in the years after its creation. He rose to high positions in the Israeli government, serving as Chief of Staff of the Army, Ambassador to the United States, Minister of Labor, Minister of Defense, and was in his second term as Prime Minister at the time of his death. Those accomplishments alone would have been more than sufficient to earn him the accolades of his fellow countrymen, but the journey he led his nation on for peace was one which justifiably earned him the gratitude of the world.

It surely could not have been easy for a man who dedicated much of his life to defending his homeland to sit down with the man who had spent much of his life vowing to overthrow Israel. Nor could it have been easy for Yasir Arafat to sit down with a man who represented the government that the P.L.O. blamed for oppressing the Palestinian people. Yet, these two old adversaries recognized that the time for peace in the Middle East had arrived, and that it was necessary for them to set aside their differences and to forge an agreement that would allow their two peoples to co-exist. It was a courageous decision by both men, and one for which they were strongly criticized, but as Prime Minister Rabin pointed out, you do not have to make peace with your friends.

I suppose that it is not surprising that a man who was a soldier, would die a violent death, but it is surprising that he would die at the hands of one of his own citizens, and it is perversely ironic that his death would come at a peace rally. While the death of the Prime Minister is nothing less than a tragedy that people throughout the world deeply mourn, his passing is an event that must not stand as an obstacle to the peace process. Yitzhak Rabin was a man who was willing to give his life so that the Middle East would be a stable and peaceful land. It is a legacy that all would do well to try and honor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Sixteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1994.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 93

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP FOR FISCAL YEARS 1993 AND 1994—MESSAGE FROM THE PRESIDENT—PM 94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I transmit herewith the annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for fiscal years 1993 and 1994, as required by section 3938(a)(1) of title 42 of the United States Code.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1103. An act to amend the Perishable Agriculture Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. SENSENBRENNER, Mr. GEKAS, Mr. INGLIS of South Carolina, Mr. BRYANT of Tennessee, Mr. CONYERS, Mrs. SCHROEDER, and Mr. BERMAN.

As additional conferees from the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. OXLEY, Mr. COX of California, Mr. DINGELL, and Mr. WYDEN.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. BONILLA, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. LIVINGSTON, Mr. DIXON, Mr. DURBIN, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

At 7:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 104–170).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 470. A bill to amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience (Rept. No. 104–171).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 660. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons (Rept. No. 104–172).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States.

S.J. Res. 38. A joint resolution granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Sidney R. Thomas, of Montana, to be United States Circuit Judge for the Ninth Circuit.

Todd J. Campbell, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

P. Michael Duffy, of South Carolina, to be United States District Judge for the District of South Carolina.

Kim McLane Wardlaw, of California, to be United States District Judge for the Central District of California.

E. Richard Webber, of Missouri, to be United States District Judge for the Eastern District of Missouri.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Ernest J. Moniz, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

George D. Milidrag, of Michigan, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Nancy E. McFadden, of California, to be General Counsel of the Department of Transportation.

Charles A. Hunnicutt, of Georgia, to be an Assistant Secretary of Transportation.

Jane Bobbitt, of West Virginia, to be an Assistant Secretary of Commerce.

Gail Clements McDonald, of Maryland, to be Administrator of the Saint Lawrence Seaway Development Corporation for the remainder of the term expiring March 20, 1998.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard Permanent Commissioned Teaching Staff at the Coast Guard Academy for promotion to the grade of commander: Kurt J. Colella, George J. Rezendes.

The following cadet of the U.S. Coast Guard Academy for appointment to the grade of ensign: Jordan D. Isaac.

The following Regular officers of the U.S. Coast Guard for promotion to the grade of commander:

James E. Bussey III
Andrew T. Moynihan
Timothy R. Quinton
Curtis J. Ott
Mark J. Burrows
Michael P. Rand
Steven D. Hardy
Kevin E. Dale
James M. Obernesser
Patrick T. Keane
Johnny L. Hollowell
Paul D. Jewell
Earle G. Thomas IV
Jack V. Rutz
Jon D. Allen
Robert C. Thomson
John E. Frost
Dennis M. Holland
Michael A. Jett
William D. Baumgartner
Larry R. White
Tracy S. Allen
Stephen E. Mehling
Michael C. Ghizzoni
Daniel N. Riehm
William R. Marhoffer
Brandt R. Weaver
David S. Hill
James D. Maes
Craig M. Juckniess
Michael A. Neussl
George H. Heintz
Joseph W. Brubaker
Jeffrey H. Barker
Michael D. Hudson
Gregory A. Mitchell III
Paul J. Reid
Gregory L. Shelton
Robert J. Wilson IV
Kevin J. Cavanaugh
George A. Asseng, Jr.
Daniel L. Wright
Kathy A. Hamblett
Michael R. Linzey
Christine J. Quedens
Jeff R. Brown
Leroy A. Jacobs, Jr.
Joseph C. Lichamer
Christopher D. Mills
Daniel C. Whiting
Neal J. Armstrong
Robin D. Orr
Kevin L. Maehler
Tinmothy V. Skuby
Patrick J. Dietrich
Harry E. Haynes III
Joseph E. Rodriguez
David J. Regan
Jonathon P. Benvenuto
James A. McEwen
Michael P. Nerino
Tamera R. Goodwin
Douglas S. Taylor
Jean M. Butler
Franklin R. Albero
Robert A. Ball, Jr.
Gary M. Smialek
Robert E. Day, Jr.
Robert E. Acker
Michael E. Raber
Michael D. Inman
Sharon W. Fijalka
Monyee T. Kazek
Austin P. Callwood
Steven P. How
Ian Grunther
Jeffrey R. Freeman
Frederick D. Pendleton
Mark S. Palmquist
Adolfo D. Ramirez, Jr.
Margaret E. Jones
Peter M. Keane
Blaine H. Hollis
John C. Williams
Gregg W. Stewart
Stephen D. Austin
Derek H. Riekstѕ
Chris Oelschlegel
Thomas D. Hooper
James D. Bjostad
Kevin M. Robb
Margaret F. Thurber
Robert L. Kaylor
Robert M. O'Brien
Paul A. Francis
John A. McCarthy
Donald E. Ouellette
Terrence W. Carter
Davalee G. Norton
Joe Mattina, Jr.
Michael C. McCloughan
Sergio D. Cerda
Paul W. Langner
Edwin M. Stanton
Steven M. Doss
Stephen C. Nesel
Gail A. Donnelly
Roger H. Deroche
Joseph M. Jacobs
Gilbert E. Sena
Stanley M. Douglas
Matthew B. Crawley
Douglas A. McCann
Jay G. Manik
James C. Howe
Judith E. Keene
Philip H. Sullivan
Lance L. Bardo
Eric B. Brown
David W. Kranking
Jonathan S. Keene
Stephen C. Duca
Darrell E. Milburn
Scott L. Krammes

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration.

To be captains

Andrew M. Snella
Evelyn J. Fields
Kenneth W. Perrin
Terrance D. Jackson

To be commanders

Marlene Mozgala
Eric Secretan
Robert W. Maxson
Gary D. Petrae
James C. Gardner, Jr.
Richard R. Behn
Daniel R. Herlihy
Gary P. Bulmer
David J. Kruth
Dennis A. Seem
Paul E. Pegnato
George E. White
Jonathan W. Bailey
Timothy B. Wright
Bradford L. Benggio
Richard S. Brown
Michael W. White
Grady H. Tuell
Paul T. Steele
Garner R. Yates, Jr.
Craig N. McLean
Philip M. Kenul

To be lieutenant commanders

Michael R. Lemon
Jeffrey A. Ferguson
Philip S. Hill
William B. Kearse
John E. Herring
James S. Verlaque
Wiltie A. Creswell III
James D. Rathbun
Matthew H. Pickett
Christopher A. Beaverson
Brian J. Lake
Carl R. Groeneveld
Guy T. Noll

To be lieutenants

Wilbur E. Radford, Jr.
James A. Illg
Steven A. Lemke
Douglas G. Logan
Christopher J. Ward
Michael J. Hoshlyk
Denise J. Gruccio
Michele A. Finn
Matthew J. Wingate
Cynthia M. Ruhsam
Philip A. Gruccio
Barry K. Choy
Michael D. Francisco
Ralph R. Rogers
Mark P. Moran
Kimberly R. Cleary
Pamela K. Haines
Geoffrey S. Sandorf
Katharine A. McNitt
Alan C. Hilton
Richard R. Wingrove
Bjorn K. Larsen
Harold E. Orlinsky
Michael S. Weaver
Douglas D. Baird, Jr.
Thomas R. Jacobs
Graham A. Steward
Stephen C. Tosini
James S. Bosshardt
Juliana Pikulsky
Stephen S. Meador
Lawrence E. Greene
Daniel S. Morris, Jr.
Carrie L. Hadden
Kelly G. Taggart
John C. George
Patrick V. Gajdys
Karl F. Mangels
Dante B. Maragni
Heidi L. Johnson
David A. Score
Stephen F. Beckwith
Kenneth A. Baltz
Victor B. Ross III
Mark S. Hickey
Randall J. TeBeest
Mark J. Boland
Heather A. Parker
Carolyn M. Sramek
James E. Davis-Martin
Stephen J. Thumm
Kurt F. Shubert
Jonathan M. Klay
Joseph G. Evjen
Anita L. Lopez
Anne K. Nimershiem
Ricardo Ramos
Michael Williamson
Neil D. Weston
Jennifer A. Young

To be ensigns

Jeffrey C. Hagan
Eric J. Sipos
Peter C. Fischel
William R. Odell
James M. Crocker
Jeremy M. Adams
Christopher E.H. Parrish
Joel R. Becker
Jessica J. Walker
Joel T. Michalski
Dawn M. Welcher
Christine M. Shibley
Leslie A. Redmond
Richard H. Aldridge
Raymond A. Santos
Kurt A. Zegowitz
Mark A. Sramek
Natalie G. Bennett
Eric J. Christensen
Russell C. Jones
Jennifer D. Garte

The following Regular officers of the U.S. Coast Guard for promotion to the grade of captain:

John D. Cook
Michael J. Pierce
Robert E. Young
Ronald R. Weston
James L. House
Peter K. Mitchell
Thomas W. Sechler
Lawrence I. Kiern
Richard A. Koehler
Mark A. Fisher
David M. Loerzel
Daniel F. Ryan II
Marcus E. Jorgensen
Michael E. Saylor
Gary Krizanovic
Stefan G. Venckus
Scott W. Allen
James M. Garrett
Joseph A. Conroy
Joseph P. Brusseau
James C. Vansice
Albert F. Suchy IV
Dana A. Goward
John T. O'Connor
Richard S. Hartman, Jr.
Robert M. Wicklund
Gary W. Palmer
Walter E. Hanson, Jr.
Arthur E. Brookds
Charles L. Miller
Joseph C. Bridger III
Myles S. Boothe
Thomas D. Johns
Harvey E. Johnson, Jr.
Dale G. Gabel
Robert A. Hughes
Michael J. Chaplain
Domenico A. Diiulio
Kenneth A. Ward
Richard A. Huwel
David W. Reed
Steven G. Hein
Thomas C. King, Jr.
David W. Mackenzie
Jerzy J. Kichner
Stephen J. Harvey
Richard J. Formisano
James Rutkovsky
Raymond J. Brown
Thomas J. Mackell
Walter J. Brawand III
Allen L. Thompson, Jr.
Dan Deputy
Robert J. Papp, Jr.
Derek A. Capizzi
Robert G. Stevens
Dean W. Kutz
Gerald Bowe
Bradford W. Black
John E. Williams
Roger B. Peoples
Michael J. Hall
Thomas G. Gordon
Billy R. Slack
Roger A. Whorton
Ben R. Thomason III
Lawrence A. Eppler
Gary T. Blore
Lawrence A. Hall
Dennis J. Ihnat
Fred M. Rosa, Jr.
Craig L. Schnappinger
John E. Crowley, Jr.
Thomas J. McDaniel
Harlan Henderson
Charles T. Lancaster

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NICKLES:

S. 1406. A bill to authorize the Secretary of the Army to convey to the city of Eufaula, Oklahoma, a parcel of land located at the Eufaula Lake project, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 1407. A bill to amend the Food Security Act of 1985 and the Agricultural Act of 1949 to permit the harvesting of energy crops on conservation reserve land and conservation use acreage for the purpose of generating electric power and other energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 1408. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of an overpayment otherwise payable to any person shall be reduced by the amount of past-due, legally enforceable State tax obligations of such person; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. SPECTER, Mr. PELL, Mr. SIMON, Mr. KOHL, Mr. ABRAHAM, and Mr. MOYNIHAN):

S. Res. 193. A resolution deploring individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the United States Holocaust Memorial Museum; considered and agreed to.

By Mr. DOLE:

S. Res. 194. A resolution to authorize representation by the Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1407. A bill to amend the Food Security Act of 1985 and the Agricultural Act of 1949 to permit the harvesting of energy crops on conservation reserve land and conservation use acreage for the purpose of generating electric power and other energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE ENERGY CROP PRODUCTION ACT OF 1995

• Mr. HARKIN. Mr. President, I introduce a bill which will provide a broad range of natural resource and energy related benefits to our country. This bill provides support for the development of processes which utilize renewable resources for generation of electricity and other energy products. It lessens our county's dependence on imported oil, supports development of new markets for farmers producing energy crops utilized in this process, and provides positive environmental benefits to the soil, water, and air components of our Nation's natural resources. This bill provides the Secretary of Agriculture authority to permit the production and harvesting of energy crops for the purpose of generating electricity and other energy products on land enrolled in the various acreage reduction programs as well as specifically designated demonstration project areas containing land enrolled in the Conservation Reserve Program.

The future of utilizing renewable resources such as energy crops as a fuel for producing electric power and other energy products is bright. However, as in any emerging technology, support is often needed to develop its full potential. The 1992 Energy Policy Act authorized a Renewable Energy Production Program in support of this concept. The bill I am introducing today complements this effort by not only permitting the production of energy crops on land enrolled in various government programs, but also providing an cost-share incentive to establish these energy crops.

One relatively new scientific finding is the benefit of energy crops with regard to carbon sequestration. Colorado State and Washington State Universities have developed protocols to assess the impact of land enrolled in the Conservation Reserve Program specifically on carbon sequestration. Their initial findings indicate that America's grazed land and Conservation Reserve Program lands offer an extremely important environmental benefit of extracting carbon from the air in an amount equivalent to America's forests. Encouraging the production of energy crops as I am suggesting in this bill will help sustain and expand this natural process enhancing air quality.

With regard to land enrolled in the various acreage reduction programs, this legislation would: (1) authorize the Secretary to permit production and harvesting of energy crops in accordance with a conservation plan, and (2) provide a cost share component for the establishment of these crops.

With regard to land enrolled in the Conservation Reserve Program, this bill would: (1) provide the Secretary of Agriculture authority to permit production and harvesting of energy crops in designated demonstration project areas not exceeding an aggregate of one million acres based on competitive joint industry/landowner proposals, (2) provide a cost share component for the establishment of energy crops, (3) provide for a process by which landowners could identify the level of reduction in their annual CRP rental payments in exchange for the opportunity to participate in this program, and (4) an opportunity for Conservation Reserve Program participants, utilizing these provisions, to extend their contracts.

I am proud to be introducing this bill today and welcome other Senators to cosponsor this beneficial environmental and energy legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Crop Production Act of 1995".

SEC. 2. FINDINGS.

Congress finds that energy crops—

(1) provide many of the soil and water conservation and wildlife habitat benefits associated with cover already planted on land enrolled in the conservation reserve program;

(2) can be harvested using best management practices without compromising the conservation benefits being achieved by the conservation reserve program;

(3) can maintain and enhance farm income while allowing land to remain in the conservation reserve program at a reduced cost to the Federal government;

(4) can supply a significant proportion of the energy needs of the United States using domestic resources that are renewable, sustainable, and environmentally beneficial; and

(5) can effectively trap carbon from the atmosphere and provide air quality benefits.

SEC. 3. HARVESTING OF ENERGY CROPS ON CONSERVATION RESERVE LAND.

Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by adding at the end the following:

"(f) ENERGY CROPS.—

"(1) DEFINITION OF ENERGY CROP.—In this subsection, the term 'energy crop' means a herbaceous perennial grass, a short rotation woody coppice species of tree, or other crop, that may be used to generate electric power or other energy product, as determined by the Secretary in consultation with the State technical committee for a State established under section 1261.

"(2) HARVESTING OF ENERGY CROPS IN DESIGNATED DEMONSTRATION AREAS.—In not more than 10 demonstration project areas not exceeding a total of 1,000,000 acres (based on an evaluation by the Secretary of joint industry and landowner proposals to designate areas as demonstration project areas)), the Secretary shall permit an owner or operator of land, located within a demonstration project area, that is subject to a contract entered into under this subtitle to harvest an energy crop on the land if the owner or operator—

"(A) carries out appropriate conservation measures and practices on the land;

"(B) harvests energy crops in accordance with this subsection on not more than 75 percent of the land that is subject to the contract, in accordance with a conservation plan and in a manner and at times of the year that ensure that soil, water, and wildlife habitat subject to the conservation reserve program as a whole are not compromised;

"(C) if harvesting of energy crops on the land is discontinued, maintains grasses or trees on the land for the duration of the contract; and

"(D) submits a bid under paragraph (3) that is accepted by the Secretary.

"(3) BIDS.—To carry out this subsection, the Secretary shall establish a bid system under which an owner or operator of land that is subject to a contract entered into under this subtitle may offer to reduce the rental payments that would otherwise be payable under the contract in exchange for permission to harvest an energy crop on the land.

"(4) COST-SHARING.—The Secretary shall pay an owner or operator of land described in paragraph (2) 50 percent of the cost of converting land under the contract that is planted to grasses not identified as an energy crop to the production of an energy crop.

"(5) DURATION.—The Secretary shall permit an owner or operator described in paragraph (2)—

"(A) to extend a contract entered into under this subtitle for not to exceed 5 years; and

"(B) on expiration of a contract entered into under this subtitle, obtain a priority, at an appropriate rental rate, for reenrollment of the land subject to the contract.".

SEC. 4. HARVESTING OF ENERGY CROPS ON CONSERVATION USE ACREAGE.

Section 503 of the Agricultural Act of 1949 (7 U.S.C. 1463) is amended—

(1) in subsection (c)—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(9) any acreage on the farm that is planted to an energy crop in accordance with subsection (i)."; and

(2) by adding at the end the following:

"(i) ENERGY CROPS.—

"(1) DEFINITION OF ENERGY CROP.—In this subsection, the term 'energy crop' means a herbaceous perennial grass, a short rotation woody coppice species of tree, or other crop, that may be used to generate electric power or other energy product, as determined by the Secretary in consultation with the State technical committee for a State established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

"(2) PLANTING OF ENERGY CROPS.—For purposes of this Act, acreage on a farm that is planted to an energy crop shall be considered devoted to conservation uses if the producers on the farm carry out appropriate conservation measures and practices on the acreage, in accordance with a conservation plan that is approved by the Secretary.

"(3) COST SHARING.—The Secretary shall pay the producers on a farm 50 percent of the cost of establishing an energy crop if the producers agree to maintain the crop for at least 3 crop years.".●

By Mr. HATCH:

S. 1408. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of an overpayment otherwise payable to any person shall be reduced by the amount of past-due, legally enforceable State tax obligations of such person; to the Committee on Finance.

STATE TAX REFUND OFFSET LEGISLATION

Mr. HATCH. Mr. President, I rise to today to introduce legislation to enhance the tax administration cooperation between the Federal Government and the States. In particular, this bill would provide for more efficient cooperation between the U.S. Treasury and the various State tax agencies in the collection of unpaid taxes. Representative ANDREW JACOBS has introduced similar legislation in the House as H.R 757.

Mr. President let me explain how the law currently stands on this issue, why the bill is needed, and what this bill will do.

Currently, the Federal Government maintains a program that allows for a Federal tax refund to be withheld from a taxpayer if he or she has a past due Federal debt. Debts that are eligible for offset under this program include prior year tax debts, child support, student loans, VA housing payments, and others. The refund is used to offset the past due debt. Many States have similar programs to apply State tax refunds against other States debts of a taxpayer.

Under current law, the Internal Review Service [IRS] has the authority to levy or to seize State income tax refunds to satisfy Federal tax debts of taxpayers in the 41 States that have a broad-based individual income tax. Further, the IRS has the authority to enter into reciprocal agreements with State taxing authorities to more efficiently collect tax revenues. One are of cooperative agreement between the IRS and the States in the authority under current law to offset taxpayers' Federal tax debts with a State tax refund. In other words, pursuant to these agreements, if a taxpayer owes a tax liability to the Federal Government and, at the same time, is due a refund from the State taxing authority, that State can withhold the refund allowing it to be offset against the past due Federal debt. Currently, there are 31 States and the District of Columbia that have voluntarily agreed to sign cooperative agreements to allow the IRS to satisfy Federal liabilities with State refunds. In 1993, the States offset about $61 million in debts on behalf of the IRS under these agreements.

Curiously, there is no authority under current law that allows the IRS to enter into additional agreements that would provide for a program to offset State tax debts with Federal tax refunds. Yet, allowing such agreements would save both the Federal Government and the States millions of dollars in lost tax revenue each year.

Mr. President, under this bill the Treasury would be granted the authority to enter into agreements with State tax agencies to offset State tax debts with Federal tax refunds. The effect of this legislation would be better tax compliance and the payment of delinquent tax debts. The bill provides that taxpayers who are due a Federal tax refund and also have a past due legally enforceable debt to a State taxing authority would have 60 days notice to satisfy the past due State debt before the IRS is authorized to release the Federal refund to satisfy the State tax debt.

Mr. President, I am aware that there have been no formal hearings in the Senate on this issue. I also understand that the chairman of the Committee on Finance may have some technical concerns with the administration of this legislation. This is understandable. Technical agreements between the Federal Government and the various States can be complex. I am open to comments and suggestions on the implementation of this new authority. I look forward to working with the Senate Finance Committee on this issue. However, I want to get a bill introduced in the Senate to begin the formal discussions on how we can best satisfy the problems that arise when a taxpayer is due a Federal tax refund while at the same time owing a State taxing authority delinquent taxes.

I want to inform my colleagues that I am aware that the opportunity may arise for States to offset so-called source taxes under the provisions of this bill. I am supportive of legislation to eliminate source taxes. It is not my intention to allow the proposed refund offset program to be used for the purposes of collecting these source taxes. To my understanding, the State of California has conceded on this issue and is also a strong supporter of this bill. If the source tax language is dropped from the budget reconciliation bill not pending before the Congress, then I am willing to modify the bill to prevent States from this offset program for the collection of sources taxes.

Mr. President, we are entering a more advanced era of computer technology. We should help facilitate the most efficient methods of collecting and administering Federal and State tax revenues. Allowing the Treasury to enter into reciprocal agreements with States moves us closer to this goal. The Nation's Governors have asked for this and I think we should help them in this area. The Federation of Tax Administrators estimates that this program would allow the States to recover between $150 and $200 million in tax debts. in addition, the Joint Committee has scored H.R. 757 to raise $8 million in additional tax revenues over 5 years.

ADDITIONAL COSPONSORS

S. 939

At the request of Mr. SMITH, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1340

At the request of Mr. DASCHLE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1340, a bill to require the President to appoint a Commission on Concentration in the Livestock Industry.

S. 1377

At the request of Mr. LUGAR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1377, a bill to provide authority for the assessment of cane sugar produced in the Everglades Agricultural Area of Florida, and for other purposes.

S. 1399

At the request of Mr. DORGAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1399, a bill to amend title 49, United States Code, to ensure funding for essential air service programs and rural air safety programs, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Mr. SARBANES], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. MOYNIHAN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 193—RELATIVE TO THE HOLOCAUST

Mr. HATCH (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. SPECTER, Mr. PELL, Mr. SIMON, Mr. KOHL, Mr. ABRAHAM, and Mr. MOYNIHAN) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas the Holocaust is a basic fact of history, the denial of which is no less absurd than the denial of the occurrence of the Second World War;

Whereas the Holocaust—the systematic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, alongside millions of others, in the name of a perverse racial theory—stands as one of the most ferociously heinous state acts the world has ever known; and

Whereas those who promote the denial of the Holocaust do so out of profound ignorance or for the purpose of furthering anti-Semitism and racism: Now, therefore, be it

Resolved, That the Senate—

(1) deplores the persistent, ongoing and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust; and

(2) commends the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons.

SENATE RESOLUTION 194—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 194

Whereas, in the case of *Office of the United States Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*, No. 95-6001, pending in the United States Court of Appeals for the Federal Circuit, the Office of the Sergeant at Arms has sought review of a final decision of the Select Committee on Ethics which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f)(1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Office of the Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices.*

AMENDMENTS SUBMITTED

THE CONTINUING APPROPRIATIONS JOINT RESOLUTION FOR FISCAL YEAR 1996

CAMPBELL (AND OTHERS) AMENDMENT NO. 3045

Mr. CAMPBELL (for himself, Mr. KERREY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, and Mr. GLENN) proposed an amendment to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes; as follows:

Strike title III of the resolution.

SIMPSON AMENDMENT NO. 3046

Mr. SIMPSON proposed an amendment to amendment No. 3045 proposed

by Mr. CAMPBELL to the joint resolution, House Joint Resolution 115, supra; as follows:

In lieu of the language proposed to be stricken insert the following:

TITLE III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Code 1986, but shall not be subject to the limitation under section 4911(c)(2)(A), unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term "grant" means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

CRAIG AMENDMENT NO. 3047

Mr. CRAIG proposed an amendment to amendment No. 3046 proposed by Mr. SIMPSON to amendment No. 3045 proposed by Mr. CAMPBELL to the joint resolution (H.J. Res. 115), supra; as follows:

At the end of the amendment add the following:

(e) nothing in this title shall be construed to affect the application of the internal laws of the United States.

SIMPSON AMENDMENT NO. 3048

Mr. SIMPSON proposed an amendment to amendment No. 3045 proposed by Mr. CAMPBELL to the joint resolution (H.J. Res. 115), supra; as follows:

In the language proposed to be stricken, strike all after the first word and insert the following:

III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Codes of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000 unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term "grant" means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has one or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a 6-month period.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

(e) The amendments made by this title shall become effective January 1, 1996.

CRAIG AMENDMENT NO. 3049

Mr. CRAIG proposed an amendment to amendment No. 3048 proposed by Mr. SIMPSON to amendment No. 3045 proposed by Mr. CAMPBELL to the joint resolution H.J. Res. 115, supra; as follows:

In the pending amendment:

Page 2, lines 1-2, strike all between "Code" and ", unless", and insert "of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation of the exempt purpose expenditures over $17,000,000".

DASCHLE (AND OTHERS) AMENDMENT NO. 3050

Mr. DASCHLE (for himself, Mr. KENNEDY, and Mr. ROCKEFELLER) proposed an amendment to the joint resolution H.J. Res. 115, supra; as follows:

On page 36, strike section 401.

HATFIELD AMENDMENT NO. 3051

Mr. HATFIELD proposed an amendment to the joint resolution H.J. Res. 115, supra; as follows:

In Sec. 101. (a) after Educational Exchange Act of 1948, insert "section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236),".

On page 10 at line 19, after the period insert the following: "Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85-451, as amended."

THE PUBLIC DEBT LIMIT ACT OF 1995

ABRAHAM AMENDMENT NO. 3052

Mr. ABRAHAM proposed an amendment to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes; as follows:

Strike title II.

MOYNIHAN AMENDMENT NO. 3053

Mr. MOYNIHAN proposed an amendment to the bill H.R. 2586, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on the later of—

(1) December 12, 1995, or

(2) the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,967,000,000,000, or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States (and to ensure full investment of amounts credited to trust funds or similar accounts as required by law) through such period.

THE VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1995

SIMPSON AMENDMENT NO. 3054

Mr. LOTT (for Mr. SIMPSON) proposed an amendment to the bill (H.R. 2394) to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1995, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b)

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1995. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1995, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

NOTICE OF JOINT HEARING

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND HOUSE COMMITTEE ON RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a joint hearing has been scheduled before the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

The hearing will take place Thursday, November 16, 1995 at 11 a.m., in room 1324 of the Longworth House Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the Alaska Natives Commission's report to Congress, transmitted in May 1994, on the status of Alaska's natives.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Brian Malnak at (202) 224–8119 or Judy Brown at (202) 224–7556.

NOTICE OF HEARING

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Thursday, November 16, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building, on S. 1224, the Administrative Disputes Resolution Act of 1995.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, November 9, 1995 session of the Senate for the purpose of conducting an executive session and markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent for the full Committee on Environment and Public Works be granted permission to meet to consider the nominations of Dr. Phillip A. Singerman, to be Assistant Secretary of Commerce for Economic Development; and Rear Admiral John C. Albright, NOAA, to be a member of the Mississippi River Commission, immediately following the first vote, Thursday, November 9, President's Room off the Senate Floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, November 9, 1995, at 9:30 a.m. for a hearing on H.R. 1271, the Family Privacy Protection Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, November 9, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 9, 1995 at 9:30 a.m. to hold an open hearing regarding the Aldrich Ames Damage Assessment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, November 9, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to review S. 231, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; H.R. 562, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; S. 342, a bill to establish the Cache la Poudre River National Water Heritage Area in the State of Colorado; S. 364, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; H.R. 629, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside of the boundaries of, Rocky Mountain National Park in the State of Colorado; S. 489, a bill to authorize the Secretary of the Interior to enter into an appropriate form of agreement with the Town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park; and S. 608, a bill to establish the New Bedford Whaling National Historic Park in New Bedford, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATION OF VETERANS DAY 1995

• Mr. FRIST. Mr. President, as we prepare to celebrate Veterans Day 1995, I would like to express my heartfelt respect, thanks, and admiration to each and every American veteran for the sacrifice they made, and the pain they have endured to ensure that the flame of freedom will never be extinguished.

Seventy-seven years ago, at the eleventh hour, on the eleventh day, of the eleventh month, an armistice was signed between the Allies and the Central Powers. As the guns of both the victors and the vanquished fell silent, "the war to end all wars" slipped into history.

For the next 20 years, "Armistice Day" was celebrated with parades and speeches, simple ceremonies, and sacred observances. For many years, American Legion posts across America sponsored special commemorations of Armistice Day during which buglers played "Taps" at 11 o'clock at the main intersections of their towns, and for 2 minutes all traffic and daily transactions ceased, as citizens stopped to honor those who had fallen in defense of liberty.

Mr. President, no one who lived through the horror of World War I believed that such a massive and brutal conflict could ever again occur. Unfortunately, the second World War proved to be even more terrible than the first, with twice and many dead and vastly more material destruction. The intervening years, it seemed, were not the beginning of an era of lasting peace, as so many had hoped, but merely a brief interlude of tranquility that would be shattered many times in the decades ahead.

Today, we celebrate Veterans Day—a day that honors not only the dead of World War I, but all those who have served their country in combat. This Saturday, at Arlington National Cemetery where sentries from the Old Guard still maintain a constant vigil at the Tomb of the Unknowns, we will pay tribute to the more than 1 million men and women who have died in all U.S. wars in the service of their country.

Mr. President, our Nation has undergone many transformations since the heros of the first Armistice Day marched off to war. The agony didn't end with World War II, the Korean conflict, or even Vietnam, which for the first time, brought another kind of pain to veterans. But thankfully, we now recognize the sacrifice of those men and women, and perhaps we even appreciate it more because recognition was so long in coming.

When a 21-year-old Army corporal named Tom Root returned from Vietnam in 1972, he hid in an airport bathroom, wishing he could change into civilian clothes and so avoid having to run a gauntlet of anti-war protesters. When he and his Illinois National Guard unit returned home from Desert Storm almost a decade later, the parade that received them was 13 miles long.

Mr. President, although we are today at war with no nation, America's young men and women are still being called upon to help preserve peace and freedom in far-off places around the world—which should remind us that although the price of war is high, the price of freedom is even higher, because it never ends.

Those men and women—and all the men and women who served —cannot be honored enough. We must do everything in our power to ensure that they are never forgotten or abandoned—especially not on the field of battle. And we must do everything we can to ensure that the most sacred and visible symbol of America freedom under which so many fought and died—the American flag—is never, under any circumstances, dishonored or desecrated.

Mr. President, throughout history, we have been captivated by images that seem to sum up all the stress or emotion or pathos of a particular event—George Washington's winter encampment at Valley Forge, Gen. Robert E. Lee's final ride to Appomattox along a path lined by ranks of Union troops standing at attention, Winston Churchill bracing Britons to their task.

Just a few weeks ago, we celebrated the fiftieth anniversary of V–J Day. One of the most poignant scenes of World War II, one that will live forever in the hearts and minds of Americans, is the image of a handful of Marines braced against a whipping Pacific wind, raising the American flag over Iwo Jima. That symbol of freedom—that flies over the U.S. Capitol in Washington, that adorns the flagpoles of our schools and communities, that graces the windows and doorways of our homes, that is draped in silent tribute over the coffins of our dead—deserves our protection. It should—and I hope it will—be clearly and explicitly protected by law.

We must keep America's promises to the men and women who so nobly and unselfishly risked their lives to answer to their country's call, and we must forever honor those who, in the words of one soldier-poet, "tasted death in youth that Liberty might grow old."

Mr. President, 2,000 years ago, a Greek historian commemorated the war of his generation and paid tribute to veterans who perished and veterans who came home. I think his is a fitting tribute to all veterans, and I offer it now, in grateful appreciation, to all those who served our country in war and in peace. He said:

> I speak not of that in which their remains are laid but of that in which their glory survives, and is proclaimed always and on every fitting occasion both in word and deed.
>
> For the whole earth is the sepulcher of famous men. Not only are they commemorated by columns and inscriptions in their own country, but in foreign lands there dwells also an unwritten memorial to them, graven not on stone, but in the hearts of men.

May the Almighty God who watches over us all, bless America and protect all who place themselves in harm's way so that we may enjoy the blessings and benefits of freedom.•

ABORTION BAN BILL

• Mr. LAUTENBERG. Mr. President, I am pleased that the Senate has voted to commit this bill to the Judiciary Committee.

Mr. President, the pending bill is proposing a major change in criminal law. For the first time, this body may pass a law making a medical procedure a crime.

If this legislation becomes law, doctors in this country could be thrown behind bars for performing medical procedures that they feel are necessary to protect the life and health of the mother.

The bill also creates a new cause of action for people to sue doctors who perform a certain medical procedure.

Mr. President, we should not make a decision on a bill with these far-reaching implications until we have a hearing.

There are just too many questions about this bill that have not been answered by expert witnesses. Let me mention a few of them:

Is this bill Constitutional?

Does it violate the principles that the Supreme Court established in Roe versus Wade?

Why is the Federal Government criminalizing a medical procedure when medical procedures are typically regulated by the States?

What is the rationale behind the 2-year prison sentence for physicians who perform this procedure?

Will this bill result in hundreds or thousands of new civil lawsuits that will overwhelm our legal system?

What does the term "partial birth abortion" mean? I understand that no such term exists in the medical lexicon. Is Congress just inventing a new medical term to advance a political end?

Which Federal law enforcement agency will enforce this law? Will FBI agents be snooping around physicians' offices? Will the FBI put hidden cameras into examining rooms?

Mr. President, the Senate has not asked any expert witnesses to answer these questions. And before we vote on this legislation, I think we should have the opportunity to ask these questions.

We also should hear from individuals, groups and organizations that will be affected by this bill.

Have we heard testimony in the Senate from any of the following?

The Justice Department?

The FBI?

Constitutional experts?

The trial and criminal bar?

Doctors?

Patients?

Families?

This is the only question that we all can categorically answer. The answer is no! We have not heard testimony in the Senate from any of these parties.

How can the Senate debate such a complicated bill without the input of such persons?

Mr. President, the Senate should be more deliberate and responsible! We should not ram this bill through without proper consideration.

It would be wrong and irresponsible for the Senate to act before we have a hearing on the provisions in this legislation. This is a new proposal that has not been before the Congress in the past.

Before we should be asked to vote, we should have testimony and a committee report on our desks.

Mr. President, I have great respect for the chairman of the Judiciary Committee. We do not agree on many issues but I believe that he is fair. Now since the Senate has voted to commit this bill to the Judiciairy Committee, I trust that he will put together a fair hearing on this bill so that the Senate can make an informed decision.

Once again, I am pleased that the Senate has voted to send this bill back where it belongs—to the Judiciary Committee.•

ELECTRONICS IS BRINGING GAMBLING INTO HOMES, RESTAURANTS, AND PLANES

• Mr. LUGAR. Mr. President, I ask that the attached article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Aug. 16, 1995]

FEELING LUCKY: ELECTRONICS IS BRINGING GAMBLING INTO HOMES, RESTAURANTS AND PLANES

(By William M. Bulkeley)

Think you can avoid gambling? Don't bet on it.

Gambling once involved clandestine dealing with unsavory bookmakers, or trips to the horse track or Las Vegas. But electronics is making it ubiquitous. Innovators are using technology to extend the frontiers of gambling—often to the frustration of regulators.

On-line casinos and sports books are springing up on the Internet. With central computers in Caribbean tax havens, and play-money bets mingled with real wagers, sponsors think they can evade U.S. laws barring gambling by wire. "Gamble from home in comfort on a Sunday morning in your PJs," suggests a page on the Internet Online Offshore Casinos, one of the on-line betting parlors.

Get bored flying? This fall, British Airways will experiment with a seat-back electronic system that can be used for gambling on flights outside the U.S. Betting limits, naturally, will be higher in first class.

CHARGE IT

By the end of the year, the Coeur d'Alene Indian tribe in Idaho plans to run a national lottery with weekly $50 million jackpots that will allow players to use credit cards and dial in their number picks over toll-free 800-lines. Graff Pay-Per-View Inc., a publicly held New York-based movie and adult-television programmer, is working on a system to let people participate—by phone or computer—in high stakes bingo games on Indian reservations. It says regulators have approved the idea of "proxy" bingo from home, so long as the game is actually played on a reservation. Graff says it has also acquired a company that does television broadcasts of race-track action "to facilitate Graff's initiative to bring wagering into the home."

Connecticut and New York recently started permitting telephone betting on horse races from all over the country. The horse-racing industry has been able to transmit gambling information across state lines for years.

Experts say electronic technology will accelerate increases in gambling revenues, which have been climbing for years; John Malone, president of cable-television giant Tele-Communications Inc. has called gambling one of the "killer applications" for interactive networks that might justify the cost of building the information highway.

RISKY BUSINESS

But there will be losers, too. Expanded electronic gambling means tougher competition for existing lotteries casinos, riverboats, racetracks, Indian gambling parlors and charity bingo.

Some electronic wagering—especially the kind operated by foreigners that relies on telephone lines and high-speed data transmission—is difficult to monitor and may prove impossible to control. There are no assurances that electronic winners will actually see their jackpots.

And experts say electronic gaming is far more dangerous than old-style betting to the 1% to 3% of the population prone to gambling addiction. Widely dispersed electronic-betting machines, for example, tempt teenagers already fond of video games.

"Electronics as a vehicle of administration for gambling activities changes the experience to make it more dependence producing, "says Howard Shaffer, director of the division on addictions at Harvard Medical School. "As smoking crack cocaine changed the cocaine experience, I think electronics is going to change the way gambling is experienced."

NEW OUTLETS

Operators, however, like technology because it works. State lotteries, for example, are starting to add electronic keno, a game in which a player selects up to 12 of 80 possible numbers and watches to see if they are flashed on a screen. Games happen every five minutes and tempt captive audiences. "Keno brought the lottery product to a distribution outlet that was underused—bars, bowling alleys and restaurants. It's helped states realize 30% to 100% revenue growth," says a spokesman for Gtech Corp., a fast-growing West Greenwich, R.I., company that runs 70% of the world's on-line lotteries. The New York State Lottery will start using Gtech's keno system at 2,250 outlets next month.

Gtech has developed communications systems in outposts from Scotland's Sheltland Islands to the Strait of Magellan in Chile. Bettors can now pick numbers for national lotteries and receive confirmation of their bets via satellite in less than four seconds. Long before places such as Lithuania get reliable national phone service, they will have networks linking urban and rural stores by satellite and microwave to central lottery computers.

Salomon Brothers, in a report on the gaming industry, says Americans lost $41.9 billion gambling legally in 1993, with 30% in casinos and the rest in lotteries. Lotteries now exist in states with 89% of the nation's population, so growth is largely based on introducing new games that get people to play more often.

Still, saturation isn't imminent. Salomon analyst Bruce Turner says that if Americans gambled at the same rate as Australiians—who spend 2.5% of their disposable income on gaming vs. 0.8 here—the U.S. gambling market would be more than $100 billion.

The U.S. is now in a growth phase of a cyclical pattern of gambling expansion and restriction, contends I. Nelson Rose, a Whittier College law professor and gambling expert. Between 1910 and 1930, the only legal gambling in the U.S. was at racetracks in Kentucky and Maryland. Gambling began to spread during the Depression when Nevada relegalized it and many states allowed race tracks. In 1964, New Hampshire approved the first state lottery. Today, there is legal gambling in every state except Utah and Hawaii.

The biggest wild card is gambling on the Internet because it is so difficult to regulate and it offers all types of wagering to anyone who has access to a computer. Players either send money into an account from which they then bet, or charge their bets on a credit card. They take it on faith that they will be paid if they win.

The Justice Department says such online gambling is illegal in the U.S. The department says it will act when it believes a violation of the law has occurred.

VIRTUAL CASINO

Sports International Ltd., which already operates an 800-line telephone betting service from its headquarters in Antigua, has opened an on-line sports book on the World Wide Web segment of the Internet. Players can bet a minimum of $10 picking the World Series or Super Bowl winners. Recent on-line odds quote the New York Yankees at 9-to-5 and the division-leading Boston Red Sox at 4-to-1 to win the American League crown.

Michael Simone, president of publicly held Sports International, says it plans to develop other games. "The cost of managing, and operating the proposed virtual casino is almost nonexistent when compared to a live casino," he says.

Last month, Toronto entrepreneur Warren Eugene began taking blackjack bets via computer, in what he calls the "Caribbean Casino." To play, people must register with E-Cash, a Dutch firm that handles financial transactions on the Internet. Starting with little more than a vision and a colorful Internet home page, Mr. Eugene claims nearly 1,000 people have already deposited money to play.

With his computer in the Caribbean tax haven of the Turks and Calcos Islands, he says he offers a tempting option to gamblers. "They're going to bet with a bookie. They might as well bet with us and keep the money offshore."

CHARGES OF FRAUD

Since U.S. law bars interstate wire transmission of most gambling information for business, Minnesota Attorney General Hubert H. Humphrey III has already filed suit against Kerry Rogers, one of the principals of WagerNet, of Las Vegas. The company is negotiating with the government of Belize for a license for an on-line sports book. The Minnesota suit accuses Mr. Rogers of consumer fraud by representing that the "proposed sports bookmaking service is lawful." Minnesota has even posted its suit on the World Wide Web.

Under racketeering statutes, an American operating an offshore casino might be subject to seizure of his assets, says Mr. Rose, the law professor in California. However, foreign nationals operating offshore casinos are probably beyond the reach of U.S. laws. Individual bettors are hard to track, and are almost never pursued by prosecutors, he says.

On-line operators also face a credibility problem. "In Vegas, you have a gaming commission that comes in and checks the returns. You won't have that in Antigua or Belize," says Earl Gilbrech, a Fountain Hills, Ariz., consultant who works with several Caribbean gaming operators. "Some guy in Idaho isn't going to tell his local newspaper if he wins $22,000. But you'll hear all these people" complaining on-line when they lose.

HIGH ROLLERS

Major casino operators pooh-pooh Internet gaming, saying they prefer to concentrate on resorts that draw high-rolling sociable gamblers. But British Airways thinks electronic gambling can draw goodtime tourists away from rivals. The company says it plans to spend as much as $130 million to put interactive screens on seat backs in 85 long-haul planes if a trial—planned for one Boeing 747 on routes around the world—works out. Screens will let fliers choose from more than 100 movies, play Nintendo games or play blackjack and roulette. Bets will be charged on credit cards.

The Federal Aviation Administration doesn't allow gaming on flights that begin or end in the U.S., so if the airline installs the devices widely, it will turn off gaming functions on U.S. flights. Some localities have tougher rules: Under laws prohibiting gaming devices, North Carolina could try to stop even the gambling-disarmed planes from landing, says one British Airways lawyer.

One big caveat is whether the technology works. In 1993, Northwest Airlines tried a system called WorldLink that included video games and a shopping channel. But it pulled the system in 1994 because at any given time about 10% of the screens didn't work, infuriating passengers.

INVADING THE HOME

Technology's biggest impact may be in bringing betting into the home—the place International Gaming and Wagering Business, a trade publication, calls "gaming's new frontier."

The planned National Indian Lottery would let players pick numbers by phone 24 hours a day, seven days a week. Players would have to preregister with a credit card and get a personal identification number to play.

When the Coeur d'Alene tribe announced its plans last winter it got approval from Idaho and from the National Indian Gaming Commission, but drew a firestorm of opposition from other states. Some have threatened to prosecute phone companies under gambling statutes if they let customers reach the lottery's 800 number. The tribe dismisses the challenges as "fear of competition" and expects to start its lottery by year's end.

PONIES IN THE LIVING ROOM

The horse-racing industry is embracing technology as its best shot at survival. For years, simulcasting of out-of-state races has let gamblers at tracks place bets during the long intervals between post-times. Several states now permit bettors to establish accounts with a track and then place bets from home while watching races on TV.

IWN Corp., a partially owned subsidiary of NTN Communications Inc., Carlsbad, Calif., has been working with California tracks on a personal-computer-based system that could both receive data on horses in races and let players bet. Dan Downs, president of NTN and a former racing-industry executive, says he expects the system will be tested in Connecticut toward the end of this year.

This month, Churchill Downs, home of the Kentucky Derby, will start testing a television-based home-wagering system developed by ODS Technologies Inc., Tulsa, Okla. Rather than having to actually go to the track, people will be able to watch races on their television sets and use a five-button remote control to place bets—which will be transmitted over telephone lines—right from their own living room.

"The racing industry is dying," says an ODS spokesman. "We want to bring it right into the home and expose it to a wider customer base."•

RICHARD SEWELL

• Mr. GRAHAM. Mr. President, last Saturday, a memorial service was held for a true friend of the State of Florida, Richard Sewell. Dick passed away on October 26 of lung cancer.

A native of Orlando, Dick was well known in Washington and Florida political circles. Dick moved to Washington in 1963 to become an administrative assistant to Rep. Charles E. Bennett, a senior member of the House Armed Services Committee and chairman of the first House ethics committee. In 1966, he served as staff coordinator for the ad hoc ethics committee and helped Bennett draft legislation which resulted in a permanent House Ethics Committee.

Dick left Bennett's staff in 1971 to become director of public affairs for the National Association of Food Chains. In 1972, he assisted Senator Henry M. Jackson in his campaign for the Democratic Presidential nomination, serving as the campaign's executive director in Florida.

In 1973, Dick became the director of Federal Government affairs for Florida Power & Light Co. He remained the utility company's chief Washington representative until his retirement due to illness, in 1994. He was active in energy, environment, and tax issues pending before Congress and Federal agencies, and was the author of numerous published articles on the subject.

In 1986–87, Dick directed FPL's campaign to establish a national award to recognize quality performance by American corporations. Partly through those efforts, Congress enacted the Malcolm Baldrige National Quality Improvement Act in 1987, under which companies compete annually for the Malcolm Baldrige Award.

A lifelong loyal Floridian, Dick was a former president of both the Florida State Society in Washington and the University of Florida Alumni Club. In 1979, he received the university's Distinguished Alumnus Award.

Dick was a past president of the Washington Business-Government Relations Council and the Washington Representatives Research Group. He served on the board of directors of the Public Affairs Council and as a charter member of the board of governors and treasurer of the Bryce Harlow Foundation. In addition, Dick was a former president of the Burro Club, an organization of Democratic congressional aides.

After graduating from public high school in Orlando, he studied journalism at the University of Florida. He received his degree in 1959. From 1957 to 1959, Dick was the sports editor of the Orlando Evening Star. After college, he joined the sports staff of the Atlanta Constitution. He later moved to Jacksonville, FL, where he opened his own public relations firm.

Dick is survived by his wife, Peggy; their two children, Jane and Michael; his mother, Bertie Sewell; and his brother, Walter Sewell. He will be sorely missed.•

GEORGE M. WHITE, ARCHITECT OF THE CAPITOL

• Mr. WARNER. Mr. President, the Architect of the Capitol, George M. White, will retire on November 21, 1995, after 25 years of service.

At a recent dinner honoring Mr. White, Senator DANIEL PATRICK MOYNIHAN offered eloquent remarks on the history of the position of Architect of the Capitol, and of the stamp that George White has made on the Capitol complex.

Mr. President, I ask that my distinguished colleague's remarks made at a dinner at the National Building Museum on behalf of Mr. White be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR DANIEL PATRICK MOYNIHAN AT DINNER HONORING GEORGE M. WHITE, ARCHITECT OF THE CAPITOL—NATIONAL BUILDING MUSEUM, WASHINGTON, DC, NOVEMBER 1, 1995

To begin at the beginning, from the time of George Washington, until just now, the Architect of the Capitol was simply picked by the President and presented to the Congress. George White's predecessor died in 1970. President Nixon asked if I had any thoughts as to a successor. As it happened, I did, for it had been a full century since a President had chosen an architect to be Architect. This was beginning to show. The result was George Malcolm White.

I am aware that the Capitol as we know it is a felicitous accretion of separate elements. Some infer from that that succeeding generations are free to add to the building at their pleasure. I think not. The various parts were designated in the course of one-half century's work by a string of extraordinary minds, both Architects and Presidents. Thus, Jefferson and Latrobe argued at length as to whether the column capitals in the House of Representatives chamber should be modeled after those in the Theater of Marcellus in Rome or the Choragic Monument to Lysicrates in Athens. Latrobe won; although Jefferson had the better case. This tradition had waned. Then George White renewed it.

Like his early predecessors, he is a polymath, with degrees in engineering, in business administration, and in law as well as in architecture. He is registered in and has practiced in all these fields. Beginning in 1988, I had the honor of chairing the Judiciary Office Building Commission, a body which was careful to stay out of George's way as he used his master-planning skills to propose, his legal skills to enact, his business skills to finance, and his architectural and engineering skills to design and construct what is properly judged the finest new government building in a generation, the Thurgood Marshall Federal Judiciary Building at One Columbus Circle.

While the Capitol grounds and several of the buildings in the Capitol complex bear his stamp, George White has made the Capitol itself the focus of his life's work. He added balance and proportion where he found it lacking and improved what was existing when it needed his care. Who else could recognize stone shock in the West Front and repair it to a state better than before the British burned it? From the foundations of the East Steps of the House, to the Minton tiles on the floors, to the murals and frescoes on the walls—indeed, to the crown of the Statue of Freedom atop the Dome which he climbed and made new with great style and at no little peril—all is better than he found it. We perhaps do not yet understand how indebted we are! If you wanted to see his works, look about you.•

THE OCCASION OF THE 80TH BIRTHDAY OF SENATOR BILL PROXMIRE

• Mr. DODD. Mr. President, I rise today to honor a long-time friend and an esteemed colleague. A true populist, his record of outstanding achievements demonstrates what is possible when the highest calibers of independence, integrity, and dedication are brought together in a loyal servant of State and country. Senator Bill Proxmire turns 80 this Saturday, and he deserves our heartfelt praise.

Senator Proxmire retired from this Chamber 7 years ago. When he did, he left it as one of the Senate's most admired Members. Every day, when he came to work after his 100 pushups and his 4-mile run, he brought with him a Puritan work ethic and a unique commitment to a set of closely held principles that set him apart from his colleagues, and will ensure that he is forever remembered as one of this Chamber's finest Senators.

His standards of personal conduct are legendary. He still holds the record for most consecutive votes in the Senate, having been in attendance for more than 10,000 rollcall votes during the course of 22 years. In his last two campaigns for the Senate, in 1976 and 1982, he refused to take campaign donations. Mr. President, let me reiterate that. Not just PAC money, not just donations above a certain amount. He did not take any money at all, from anyone. In each of these campaigns, he spent less than $200 all of it out of his own pocket, and most of it to pay for postage and envelopes to send back donations offered to him by his supporters. Mr. President, when Senate campaigns nowadays cost millions of dollars, this feat seems remarkable enough. The fact that, in both instances, he won by a landslide, demonstrates the peerless quality of his support and popularity among the fine people of Wisconsin.

His legislative record is equally impressive. Senator Proxmire's independence and integrity allowed him to be a strong leader on daunting issues, making progress and achieving change in areas that others might have forsaken. His battle in the late 1960's and early 1970's to kill the supersonic transport plane is the stuff of legend in the Senate. No matter what one might have thought of the merits of this program, one must admire Senator Proxmire's success in waging an uphill battle against powerful opponents to end an expensive project that he saw as a waste of the taxpayers' money.

Senator Proxmire was simultaneously a stalwart champion of both competition and the individual consumer, reminding us that the interests of the latter are so often best served by the promotion of the former. Early on in his career, he sponsored the Truth-in-Lending Act, which ensures consumer access to information in the lending market and forces banks to compete openly and on equal terms. Senator Proxmire was right when he described this landmark bill as "perhaps more valuable to the consumer than any credit card in his wallet." Later, his leadership was instrumental in securing passage of a 1980 bill deregulating the banking industry to free up financial institutions to offer better services at lower costs to consumers. He was motivated out of a profound belief that consumers would be better served by more choices. History has undeniably proven him right.

Mr. President, I had the privilege and the honor of serving on the Senate Banking Committee for part of the time that Senator Proxmire was chairman of that body. I can tell you that his independence and strength of character allowed him to perform his duties with a never-ending commitment to his role as a beneficiary of the public trust. Beholden to no one except, in his own mind, the people who elected him, he was a tireless advocate for the interests of ordinary people.

Senator Proxmire is perhaps best remembered for his near fanatical devotion to saving taxpayer dollars. He refused to travel abroad at Government expense, and he returned $1 million to the Treasury over 6 years by cutting back on staff expenses. This commitment to personal thrift gave him the credibility to stand up to the waste of taxpayer money elsewhere in the Government. And this he did with a passion and flair for which he will always be remembered in this Chamber, partly through a device uniquely his own: the Golden Fleece awards.

Mr. President, way back in 1975, long before the Vice-President was shattering ash trays on late night television, long before people were citing $200 Pentagon hammers, Senator Proxmire created these monthly awards to highlight particularly wasteful Government spending programs. Dozens of programs earned this dubious distinction; some have said that the Senator's zeal for exposing the waste of taxpayer dollars was matched only by the abundance of candidates from which to choose.

It seems as if everyone who's been around here a while has their own favorite Golden Fleece. Whether it's the research institution that spent $100,000 trying to establish whether sunfish that drank tequila were more aggressive than sunfish that drank gin, the Federal Aviation Administration project to research the body measurements of airline stewardess trainees, or the grant to study why people fall in love, each Golden Fleece not only makes its point about the potential dangers of ill-managed and ill-conceived Government programs, but reminds us of the humor and character of this noble public servant.

Mr. President, I hope that my colleagues will join me in conveying our best birthday wishes and our sincere thanks to Senator Bill Proxmire, who, through over 30 years of loyal service in the Senate marked by independence and hard work, demonstrated his steadfast commitment to serving the people of Wisconsin and the citizens of this Nation.•

HAZEL O'LEARY: IMAGE IS EVERYTHING

• Mr. GORTON. Mr. President, may I pose a not-so-hypothetical question? If you were head of a Government agency, and that agency were being criticized by the press, Members of Congress, and the American public for inefficiency and incompetence; if, Mr. President, you knew that the Government—at the American people's behest—was undergoing a massive effort to cut spending in order to balance the budget, what would you do, Mr. President?

If you are like most people, your answer might go something like this: I would listen carefully to the criticisms, I would take a good hard look at my department and make the necessary changes, and I would do everything possible to save money.

If, however, you are Energy Secretary Hazel O'Leary, the answer is a bit different. Secretary O'Leary, whose Department of Energy is still justifying its own existence, paid $43,500—taxpayer money, Mr. President—for a media analysis company to track her and her department's coverage in the media.

Here's how today's Wall Street Journal describes it:

> Mrs. O'Leary quietly hired an investigative service to poke into the reporters who were poking around the DOE. From April through August, the service, Washington-based Carma International, tracked more than two dozen individual reporters and hundreds of newspapers, magazines and newscasts. It also pored over thousands of stories, giving each one a numerical ranking based on how favorable or unfavorable it was. It then calculated scores for how favorably or unfavorably the DOE fared on various issues, from nuclear waste to Mrs. O'Leary's own reputation. And it scrutinized sources quoted in those stories, coming up with its own "Top 25" list of "Unfavorable Sources."

Wanda Briggs and John Stang, reporters with the Tri-Cities Herald in Washington State, are among those the investigative service monitored.

Mr. President, the foolishness and irresponsibility of this venture boggles the mind. The first, most obvious point to raise is the fact that we are on a mission to balance the budget. For Secretary O'Leary to waste taxpayer dollars on her image is inexcusable. While we in Congress are trying to reduce the size and cost of Government so that we may achieve a balanced budget in 7 years, a member of the President's Cabinet feels free to throw money into frivolous projects.

Oh, and by the way, the Wall Street Journal quotes Secretary O'Leary's spokeswoman as saying that the investigative service "wasn't particularly useful," and that the Secretary read very little of what the service had to offer since "she found it too complicated." I think it's time the Secretary understood that we can neither afford, nor will we allow, $43,000 mistakes.

Second, Mr. President, of all the various responsibilities of the DOE—and they are serious responsibilities indeed—using a private company to analyze Secretary O'Leary's image in the press is, to put it mildly, at the very bottom of the list.

The challenges facing DOE in Washington State alone are stupendous:

At the Hanford Nuclear Site, thousands of tons of nuclear waste lie underground, yards away from the Columbia River, posing a direct threat to the region's safety.

Cleanup at Hanford, while progressing, still demands our utmost attention and concern. The health of the people of the Hanford region, and of the people all over the country who live near nuclear sites, requires that we remain fully committed to cleaning up the nuclear waste.

That is just in my home State, Mr. President. Across the country, similar problems exist. So it is disturbing to learn that Secretary O'Leary's attention is being diverted by such trivial concerns as what the press is saying about her.

Mr. President, over the last 18 months, almost 5,000 people have lost their jobs at Hanford. They are struggling and will continue to struggle with upheaval and uncertainty in their community. Meanwhile, the Secretary of Energy, someone who has potentially great influence over their fate, pulls a stunt like this. So much for setting an example at the top.

There are a lot of people in this town for whom $43,500 is nothing—less than nothing. In the White House, in Congress, in the agencies, people deal on a daily basis with money in the millions and billions. But Mr. President, for the people of Hanford, that's real money.

There is a man in the Hanford area who lost his job more than 6 months ago. He has talked with my office, and prefers to remain anonymous. For 15 years he worked at Westinghouse as a technologist. He paid his taxes, he was a Boy Scout, he provided for his family. He was laid off on April 28—in the same month that Secretary O'Leary began her quest for a better image. He has two children and two grandchildren. His wife recently had to quit her job due to illness. He is still looking for work.

Coincidentally, Mr. President, this man's salary—before he was laid off—was $44,000. Secretary O'Leary spent over $43,000 for 4 months of useless media analysis. Food on the table, or image enhancement—Mr. President, just where do Hazel O'Leary's priorities lie?•

THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

• Mr. MOYNIHAN. Mr. President, I rise to lament the fact that House Joint Resolution 115 contains a provision to provide for the "orderly termination" of the Advisory Commission on Intergovernmental Relations [ACIR]. This is most regrettable, and ought not to go unnoticed.

The ACIR was created by Congress in 1959—during the Eisenhower administration—"to monitor the operation of the American federal system and to recommend improvements." The commission is independent and bipartisan. Over 30 years ago, under Dr. Alice Rivlin, it commenced ground-breaking research on alternative measures of fiscal capacity. It measures tax effort and representative expenditures and a host of other topics that may appear arcane, but are of enormous importance when it comes to governance. Few people are even aware of the ACIR because it goes about its business quietly, professionally, and dispassionately.

Earlier this year, Mr. President, Congress passed the unfunded mandates bill—Public Law 104-4. That bill generated considerable discussion about our Federal system and the proper roles of and relationships between the various levels of government. At that time, the Commission's unique expertise on such questions was recognized, and Congress delegated much work regarding unfunded mandates to it. The Commission estimated it would need about $1 million over and above its fiscal year 1995 appropriation of $1 million to perform the unfunded mandates work and continue equally valuable ongoing research and projects.

Earlier this year, the House Treasury-Postal appropriations bill (H.R. 2020) zeroed out funding for the Commission. The Senate bill provided $334,000 for the Commission, but stipulated that no further Federal funds would be made available.

This seems to me a good example of an unfunded mandate. But no matter. The ACIR is prepared to continue its operations without Federal funding. I do not know how, but I leave it to them. When conferees met on the Treasury-Postal bill, however, language was inserted that would give ACIR a small appropriation to terminate its operations by April of 1996. Senate Joint Resolution 115 also provides a minimum amount of funding "necessary to accomplish orderly termination" of the Commission. Both the Commission and the Office of Management and Budget [OMB] are concerned that termination is something altogether different from simply not providing Federal funding.

I deeply regret the action of the Treasury-Postal conferees, and I deeply regret that it has carried over to the continuing resolution. Is it necessary to terminate an organization that has indicated it can survive, somehow, without Federal funds?

Mr. President, the first principle of public affairs is that you never do anything about a problem until you learn to measure it. I would add a corollary: if your purpose is not to address problems through government, you will put an end to attempts to measure them. I wonder if that is what is at work here. Surely, we are not going to balance the budget by eliminating the ACIR. What is this all about?

I remember back in December 1981, Edwin Harper, then deputy director of the OMB, issued a memorandum which stated:

> As a result of recent evaluations of certain reporting requirements, it has been decided to discontinue the compilation and publication of the "Geographic Distribution of Federal Funds," effective immediately. Data should not be submitted for fiscal year 1981.

The purpose of that directive was to make it more difficult to quantify the balance of payments between the States and the Federal Government.

Beginning in 1968, the Community Services Administration began to publish annual reports, known as the Geographic Distribution of Federal Funds series, in which expenditures of various Federal programs were broken down by State, and thereafter by counties and towns. It is worth noting that the Community Services Administration was the successor to the Office of Economic Opportunity, the organization established in 1965 to carry out President Johnson's "War on Poverty." As a member of the President's task force that drew up that legislation, I had been much concerned with the question of regional balance in Federal expenditures and, in 1965, made what I believe was the first formal statement calling attention to the loss of industrial jobs in New York. The idea of measuring these matters was an aspect of the poverty program, and it was pleasing to find that our intentions had not been lost on those who followed.

Unfortunately, the task was not done with sufficient vigor. Various Government agencies were simply asked where their money went, and the matter was left at that. Because New York is the banking center of the world, huge amounts of Federal moneys are deposited there, although they are actually in transit elsewhere. No matter: vast sums of foreign aid, payments by the Commodity Credit Corporation, and similar transfers were being recorded as Federal outlays in New York.

As you may know, Mr. President, each year that I have been in the Senate I have issued a report I call the "Fisc" which measures the balance of payments between New York and the Federal Government. You can imagine my surprise—back when the finances not only of New York City, but of the State, as well, were shaky—that the data, such as they were, suggested that New York ran a balance of payments surplus.

Well, we discovered a phantom $14 billion in Federal outlays nominally attributed to New York. When these sums were subtracted from the total, we discovered a large and unmistakably serious deficit in New York's balance of payments. A deficit that persists to this day.

We got to the point where we had tidied up the data. It took some doing. Looking back, if a general judgment may be offered of the period, the Community Services Administration was interested and helpful. The Treasury Department, on the other hand, was aloof and impervious—equally to reason or change. In the end, we turned to the Tax Foundation, a private organization, as our source for data on tax payments, inasmuch as the Treasury Department refused to tell us then—

and still will not tell us—where it gets its money.

And then the new administration came and decided to discontinue the Geographic Distribution of Federal Funds series. It was stopped in order to conceal trends and mute argument.

We protested, and we enacted Public Law 97-326, the Consolidated Federal Funds Report Act of 1982, which directed the Census Bureau to track allocable Federal expenditures. The Census Bureau does a marvelous job. Its Consolidated Federal Funds Report and Federal Expenditures by State report are available on CD-ROM now, containing 10 years' worth of data. It's marvelous.

Mr. President, the ACIR does important, if largely unheralded, work. And we stand on the brink of terminating it. This is a mistake which we will regret. I realize the provision is identical to the conferees' agreement on the Treasury-Postal appropriations bill. But that bill is an unresolved matter. Neither the House nor the Senate has approved the conference report, and even if we were to do that, there is no guarantee the administration would sign it. There is a chance, albeit slim, to correct the mistake.

Mr. President, getting back to my first principle of public affairs, Lord Kelvin stated it best:

> When you can measure what you are speaking about, and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meager and unsatisfactory kind: it may be the beginning of knowledge, but you have scarcely, in your thoughts, advanced to the stage of science.

Mr. President, without the ACIR, our knowledge of important matters will never be anything more than meager. The action we are about to take will harm our capacity to govern effectively.•

TRIBUTE TO AGRI-MARK-CABOT COOPERATIVE

• Mr. JEFFORDS. Mr. President, today I rise to congratulate and pay tribute to the members of the Agri-Mark/Cabot Cooperative. On November 13, 1995, the hardworking Agri-Mark framers dedicate the newly renovated state-of-the art cheddar cheese production facility in Middlebury, VT.

For over 75 years Cabot Creamery has produced superior dairy products from local Vermont farms. Today, only the size of Cabot has changed. Farmers from throughout New England and New York have joined the farmers from Vermont with great pride in producing the highest quality products. Farm fresh milk will be churned into Cabot's award-winning cheeses for stores throughout the country and around the globe.

Mr. President, Cabot products are in high demand. Cabot's special detail to quality gives their products the edge over the competition. In fact, Cabot's own sharp cheddar was acclaimed the best cheddar in the country by the U.S. Cheese Makers Association in Green Bay, WI. That's right, even the competition agrees that Cabot farmers produce the best. In addition to the overwhelming satisfaction of real cheddar lovers, just this year Cabot's Vermont cheddar won first place at the American Cheese Society's annual contest.

Throughout my years in Congress, I have been proud to represent the Vermont dairy farmer. I have worked to protect farmer income, bring stability to the dairy industry, and preserve Vermont's agricultural landscape. This investment of money and sweat from the farmers of Agri-Mark/Cabot comes at a time when Congress is making sweeping changes to the Government's involvement with the dairy industry. I am confident that the farmers of Agri-Mark/Cabot will adapt to the changes of the industry, becoming more efficient, competitive, and productive. I will continue to give the support that the farmers deserve and respect in Congress to allow them to succeed.

Mr. President, I join with the 1,800 Agri-Mark/Cabot farmers in a "Milk Toast to the Future." One hundred years from today, the farmers of Agri-Mark will open a time capsule. In it they will find the past that helped build the future. The dedicated members of this farmer owned cooperative believe that their hard work in the first 75 years is the key to the success in the next 100 years. We must all work together and recognize the value of the family farm to our State and our country. Vermont's farms will survive and remain the backbone of Vermont's heritage.•

AN 80TH BIRTHDAY TRIBUTE TO SARGENT SHRIVER

• Mr. DODD. Mr. President, I rise to pay tribute today to Sargent Shriver, my dear friend for whom I have the utmost respect and admiration, on the occasion of his 80th birthday.

It is rare, in this day and age, to be able to say that a person has truly made the world a better place in which to live. But that is a fitting description of Sargent Shriver. A man of stellar character, faithful devotion, and tireless energy, Sargent Shriver has led a life of philanthropy, compassion, and public service.

Born on this day in 1915, Sargent Shriver earned both his undergraduate and law degrees from Yale University. In 1953, he married Eunice Kennedy—and I say to my good friend Eunice today, she could not have married a better man. Shriver has, at different points in his life, played the roles of Navy serviceman, Newsweek journalist, Merchandise Mart general manager, Chicago Board of Education commissioner, public servant, vice presidential candidate, and Ambassador to France.

But the roles in which Sargent Shriver truly shined are those for which he is best known. In 1961, Sargent Shriver became the chief organizer and first director of the Peace Corps, establishing an organization that would come to the aid of foreign communities needing medical, educational, and technical assistance, while giving millions of Americans the opportunity to share knowledge and culture with those around the world. It was not easy—the critics were numerous and vocal—but he pressed on and the Peace Corps became one of the hallmarks of the Kennedy Administration. Mr. President, Sargent Shriver deserves the gratitude of every American for his work in this capacity. I must add my personal thanks to him, for my own service in the Peace Corps profoundly affected my life.

But Sargent Shriver's commitment to those most in need did not end there. Leading President Johnson's War on Poverty, Shriver ushered in many of the Great Society programs that made the American dream a reality for so many families—programs that continue to bring so much to so many.

And now that he is 80, Mr. President, Sargent Shriver's altruism is far from faded, but rather is as strong as ever. Since 1984, Shriver has served as president, and since 1990, chairman of the board, of Special Olympics International, which was founded by his wife, Eunice. I was privileged to see the glorious results of Eunice's and Sargent's tireless efforts on behalf of this fine organization this past summer, when the State of Connecticut hosted the Special Olympic Games.

It has been said, Mr. President, that a true leader is one who develops leadership in others—one who wants to see every individual succeed to the best of their ability, even if those achievements surpass his own. Through his stewardship of both the Peace Corps and the Special Olympics, Sargent Shriver has sought to encourage and develop the unique talents, energies, and abilities of all individuals, proving that he is indeed among the true leaders of our time.

Mr. President, Sargent Shriver is a humanitarian, an advocate, a public servant, and a leader whose contributions to his country and to his fellow man will endure throughout the ages. I am proud to call him my friend, and I wish him and Eunice all the best on this very special birthday.•

COMMENDING THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 193, submitted earlier today by Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) deploring individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the United States Holocaust Memorial Museum.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise today to join the Senior Senator from Utah in support of the Hatch-Lautenberg resolution which condemns individuals who deny the historical reality of the Holocaust. It also commends the vital, tireless work of the U.S. Holocaust Memorial Museum. I urge my colleagues to join us in approving the resolution, affirming that this distinguished body, the U.S. Senate, denounces those who deny that the Holocaust occurred.

Mr. President, more than 50 years ago, Adolf Hitler mounted his systematic effort to destroy whole populations—including the Jewish people, gypsies, the disabled, Poles, homosexuals, Jehovah's Witnesses, Soviet POW's and political dissidents. Six million Jews and five million others were murdered. That is a historical fact proven by detailed records kept by the Nazis. Our duty to the survivors of the Holocaust and to those who died on the trains, in the fields, and in the gas chambers is to make sure that their story is told from generation to generation. We must study and reflect on the atrocities of the Nazis, in order to make sure that this dark chapter of history is never repeated.

Mr. President, we have reason to be concerned. A recent poll found that 22 percent of Americans think that it is possible one of the most horrifying events in the history of the world never occurred. Even before the end of World War II, anti-Semitic groups worked to create the illusion that the Holocaust was nothing more than a myth. These individuals, bent on their own agenda of hatred, often pass themselves off as scholars and historians, and their findings as fact, they dispute all personal accounts and physical evidence as mere propaganda. Their allegations are astounding when you consider how well the Holocaust is documented.

In recent years, these individuals have moved from the confines of hate groups and other anti-Semitic organizations to our colleges and universities. On campuses nationwide, in ads placed in university newspapers, they spread their propaganda, lies, and falsehoods in the hope of selling their claims. We must not allow groups attacking the Holocaust to gain ground or respect, nor can we allow the existence of the Holocaust be made a subject of debate. But most important, we can not let the memory of 11 million people fade from our memories.

One of the most important tools we in combating those who would deny the Holocaust is viewing firsthand the horrors that took place in the concentration camps. This was the core concept of a living museum, where visitors could not only walk through and view exhibits, but actually feel them. In 1993, the U.S. Holocaust Memorial Museum opened its doors to the world. Since then, over 5 million visitors have passed through its doors with over two-thirds of those being non-Jews.

I am honored to serve on the memorial council and to be involved in the planning and management of the museum. In this capacity I have met and toured the museum with a number of Holocaust survivors. The stories of these survivors speak volumes of the horror and the stark reality of this event. I find it unimaginable that anyone could view such a collection without a heartfelt feeling of loss for what the victims and their families endured.

Mr. President, I commend the individuals whose vision made the museum a reality. The survivors and families of those lost have shared their stories in a collection that teaches all that are willing to learn about the Holocaust. The building, in the shadow of the Washington and Jefferson Memorials, is a testament to the existence of one of the most tragic events in the history of the world. By acknowledging that the Holocaust did happen, and by educating these nonbelievers, can we help ensure that it will never happen again.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 193

Whereas the Holocaust is a basic fact of history, the denial of which is no less absurd than the denial of the occurrence of the Second World War;

Whereas the Holocaust—the systematic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, alongside millions of others, in the name of a perverse racial theory—stands as one of the most ferociously heinous state acts the world has ever known; and

Whereas those who promote the denial of the Holocaust do so out of profound ignorance or for the purpose of furthering anti-Semitism and racism: Now, therefore, be it

Resolved, That the Senate—

(1) deplores the persistent, ongoing and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust; and

(2) commends the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons.

HISTORIC CHATTAHOOCHEE COMPACT AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 218, S. 848.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 848) to grant the consent of Congress to an amendment of the Historic Chattahoochee compact between the States of Alabama and Georgia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 848) was deemed read the third time, and passed, as follows:

S. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO THE HISTORIC CHATTAHOOCHEE COMPACT BETWEEN THE STATES OF ALABAMA AND GEORGIA.

The consent of Congress is given to the amendment of articles I, II, and III of the Historic Chattahoochee Compact between the States of Alabama and Georgia, which articles, as amended, read as follows:

"ARTICLE I

"The purpose of this compact is to promote the cooperative development of the Chattahoochee valley's full potential for historic preservation and tourism and to establish a joint interstate authority to assist in these efforts.

"ARTICLE II

"This compact shall become effective immediately as to the States ratifying it whenever the States of Alabama and Georgia have ratified it and Congress has given consent thereto.

"ARTICLE III

"The States which are parties to this compact (hereinafter referred to as 'party States') do hereby establish and create a joint agency which shall be known as the Historic Chattahoochee Commission (hereinafter referred to as the 'Commission'). The Commission shall consist of 28 members who shall be bona fide residents and qualified voters of the party States and counties served by the Commission. Election for vacant seats shall be by majority vote of the voting members of the Commission board at a regularly scheduled meeting. In Alabama, two shall be residents of Barbour County, two shall be residents of Russell County, two shall be residents of Henry County, two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. In Georgia, one shall be a resident of Troup County, one shall be a resident of Harris County, one shall be a resident of Muscogee County, one shall be a resident of Chattahoochee County, one shall be a resident of Stewart County, one shall be a resident of Randolph County, one shall be a resident of Clay County, one shall be a resident of Quitman County, one shall be a resident of Early County, one shall be a resident of Seminole County, and one shall be a resident of Decatur County. In addition, there shall be three at-large members who shall be selected from any three of the Georgia member counties listed above. The Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama County which is located in the Chattahoochee Valley area. The contribution of each party State shall be in equal amounts. If the party States fail to appropriate equal amounts to the Commission during any given fiscal year, voting membership on the Commission board shall be determined as follows: The State making the larger appropriation shall be entitled to full voting membership. The total number of members from the other State shall be divided into the amount of the larger appropriation and the resulting quotient shall be divided into the amount of the smaller appropriation. The then resulting quotient, rounded to the next lowest whole number, shall be the number of voting members from the State making the smaller contribution. The members of the Commission from the State making the larger contribution shall decide which of the members from the other State shall serve as voting members, based upon the level of tourism, preservation, promotional activity, and general support of the Commission's activities by and in the county of residence of each of the members of the State making the smaller appropriation. Such determination shall be made at the next meeting of the Commission following September 30 of each year. Members of the Commission shall serve for terms of office as follows: Of the 14 Alabama members, one from each of said counties shall serve for two years and the remaining member of each county shall serve for four years. Upon the expiration of the original terms of office of Alabama members, all successor Alabama members shall be appointed for four-year terms of office, with seven vacancies in the Alabama membership occurring every two years. Of the 14 Georgia members, seven shall serve four-year terms and seven two-year terms for the initial term of this compact. The terms of the individual Georgia voting members shall be determined by their place in the alphabet by alternating the four- and two-year terms beginning with Chattahoochee County, four years, Clay County, two years, Decatur County, four years, etc. Upon the expiration of the original terms of office of Georgia members, all successor Georgia members shall be appointed for four-year terms of office, with seven vacancies in the Georgia membership occurring every two years. Of the three Georgia at-large board members, one shall serve a four-year term and two shall serve two-year terms.

"All board members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the voting members of the Commission. The first chairman of the commission created by this compact shall be elected by the board of directors from among its voting membership. Annually thereafter, each succeeding chairman shall be selected by the members of the Commission. The chairmanship shall rotate each year among the party States in order of their acceptance of this compact. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the Commission.".

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON S. 395

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of the conference report to accompany S. 395, the Alaska Power Administration bill, that there be 2 hours of debate equally divided between Senators MURKOWSKI and MURRAY, or their designees, and that immediately upon completion of the debate or the yielding back of the time, the Senate proceed to a vote on the adoption of the conference report, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, it is my understanding that this conference report would not be brought up by the leadership prior to Tuesday, November 14.

EXPRESSING THE SENSE OF THE CONGRESS ON UNITED STATES-NORTH KOREA AGREED FRAMEWORK

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 35, Senate Joint Resolution 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

> A joint resolution (S. J. Res. 29) expressing the sense of Congress with respect to North-South dialogue on the Korean Peninsula and the United States-Korea Agreed Framework.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MURKOWSKI. Mr. President, I rise today to applaud the unanimous passage of Senate Joint Resolution 29, a resolution which a bipartisan group, Senators HELMS, THOMAS, SIMON, ROBB, and I, introduced in the Senate Foreign Relations Committee last March.

The resolution expresses the sense of Congress with respect to the serious issue of North Korea-South Korea dialog, which was a key part of the United States-North Korea Agreed Framework on the nuclear issue signed last October.

As my colleagues are aware, I have spoken extensively about the problems I see in the Agreed Framework, most recently on September 29 when I introduced S. 1293, a bill to provide for strict monitoring of and controls on U.S. spending on implementation of that agreement. There is no need to repeat those arguments here other than to stress the importance of passing that legislation as soon as possible.

Today I am speaking about only one specific, and critical element of the Agreed Framework: the necessity of a meaningful North-South Korean dialog. Without such a dialog, I am convinced that implementation of the Agreed Framework is unworkable. That's why it is up to us to make sure the North Koreans fulfill that and all of their other responsibilities in the Agreed Framework.

Passage of this resolution is also particularly timely when taking into account South Korean President Kim Young Sam's remarks to the Joint Meeting of Congress this summer. President Kim said:

> Peace on the Korean Peninsula can only take root through dialogue and cooperation between the South and the North, the two parties directly concerned. Without dialogue, nothing can be accomplished. I am thus grateful that both the President and Congress have stressed the central importance of the South-North dialogue.

South Korea remains a trusted and loyal ally, and I believe we must follow a policy toward the Korean Peninsula that keeps South Korea's best interests in the forefront.

Section III.(2) of the Agreed Framework specifies that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula." The Agreed Framework goes on to say in section III.(3) that "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue."

In testimony before the Senate Foreign Relations Committee, Secretary of State Warren Christopher had this to say about these provisions:

> As part of the Framework, North Korea has pledged to resume dialogue with South Korea on matters affecting peace and security on the peninsula. We have made clear that resuming North-South dialogue is essential to the success of the Framework—so important that we were prepared to walk away from the Framework if North Korea had not been willing to meet that condition.

I am gratified that the United States negotiators held firm at least on this issue, that is, including references to these two North-South issues. Nevertheless, and while I remain disturbed about many aspects of the Agreed

Framework, I am concerned that the requirements of success or even progress in the North-South dialog were not spelled out in greater detail. For instance, what is the time line for progress? At what point will the United States stop fulfilling its commitments under the Agreed Framework if there has not been progress in North-South relations?

It is this lack of specificity that led me and my colleagues to introduce this resolution. I know and appreciate that the administration is taking a firm public and private line that North-South dialog is essential. They reiterated that position, jointly with the South Koreans, on November 2–3, during the annual Security Consultative meeting in Seoul. I also appreciate the fact that the administration agreed not to oppose this resolution but rather to work with me on achieving an objective we both support, a strong, renewed dialog between North and South Korea.

However, and this is the key point, as usual, the North Koreans are ignoring their responsibilities and resisting restarting the dialog. That is why the resolution calls on the executive branch to take steps to ensure that the North Koreans understand that the implementation of the Agreed Framework is linked to substantive progress in the dialog between North and South Korea, including through developing timetables for achieving measures to reduce tensions between North and South Korea.

Although not a comprehensive list, such positive measures could include: First, holding a North-South summit; second, dismantling North Korea's reprocessing facility; third, initiating mutual nuclear facility inspections; fourth, establishing North-South liaison offices; fifth, establishing a North-South joint military commission; sixth, expanding trade relations; seventh, promoting freedom to travel; eighth, encouraging exchanges and cooperation in science and technology, education, the arts; health, sports, the environment, publishing, journalism, and other fields of mutual interest; ninth, establishing postal and telecommunications services; and tenth, reconnecting railroads and roadways.

The resolution calls on the President to report to Congress within 90 days regarding the progress made in promoting communication and contact between North and South Korea, and every 6 months thereafter.

Since the signing of the Agreed Framework with the United States, we have seen North Korea go to great lengths to avoid any involvement with South Korea. The North Koreans refused for several months to accept South Korean reactors. The joint press statement issued in Kuala Lumpur by the United States and North Korea did not include a direct reference to South Korea's central role in providing the light water reactors. And the North Koreans had maintained that the United States will be its principal point of contact in the negotiations.

Also, North Korea continues to take steps to try to destroy the Armistice Agreement while insisting that it will only deal with the United States concerning an ultimate peace treaty. Further, North Korea continues to provide evidence that it wants to continue being a rogue nation, for example just a few days ago sending infiltrators into the South to attempt to cause problems for our ally. Mr. President, in sum, just as North Korea's attempts to downplay the role of South Korea while putting distance between the United States and South Korea must not be tolerated, North Korea's misbehavior should be condemned.

I would note one recent development which had some potential for positive change—but then, typically, became a problem area because of the North's irresponsible behavior. North Korea and South Korea recently held talks in Beijing to discuss North Korea's renewed request for rice from its cousins in the South to relieve the food shortage in the North. This followed an earlier successful agreement to ship rice to the North—although the North then acted in its typically boorish fashion by arresting some of those who were trying to help its people. Now, despite the helping hand from the South, the North continues to resist the South's legitimate attempts to use the talks about rice aid to pave the way for greater dialogue.

Mr. President, I do not need to remind my colleagues that 37,000 American soldiers stationed on the demilitarized zone remain in harm's way. We all received a grim reminder of this when a United States helicopter was shot down on December 17, 1994, killing one United States airman and leading to North Korean detention of another on false charges of American espionage.

These American troops are part of the nearly 2 million troops who face each other across a heavily fortified demilitarized zone. Three decades of on-again, off-again talks between Pyongyang and Seoul have produced no significant progress in reducing tensions. Although a cease-fire effectively ended the Korean War in 1953, the two sides technically remain at war, and tensions today are as strong and all-pervasive as they've ever been.

Mr. President, in sum, the Agreed Framework does not adequately address the inevitable underlying tensions between North and South Korea. Nor do I believe that North and South Korea will simply work everything out without some outside assistance. For that reason, I believe that the Clinton administration must take specific steps to ensure that North Korea lives up to its commitments under the Agreed Framework and understands that, if it does not, it will not receive the benefits which have been promised.

This legislation will take us a step in the right direction. I hope our colleagues in the other body will also pass this legislation soon so that the process can begin.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution be deemed read the third time, passed, the preamble agreed to, the motion to reconsider be laid on the table, and that any statements relating to the joint resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 29) was deemed read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 29

Whereas the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula";

Whereas the Agreed Framework also states the "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmoshphere that promotes such dialogue";

Whereas the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

Whereas the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

Whereas the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops: Now, therefore, be it

Resolved by the Senate and House of Represenatives of the United States of America in Congress assembled,

SECTION 1. STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.

It is the sense of the Congress that—

(1) substantive dialogue between North and South Korea is vital to the implementation of the Agreed Framework Between the United States and North Korea, dated October 21, 1994; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the President should pursue measures to reduce tensions between North and South Korea and should facilitate progress toward—

(A) holding a North Korea-South Korea summit;

(B) initiating mutual nuclear facility inspections by North and South Korea;

(C) establishing liaison offices in both North and South Korea;

(D) resuming a North-South joint military discussion regarding steps to reduce tensions between North and South Korea;

(E) expanding trade relations between North and South Korea;

(F) promoting freedom to travel between North and South Korea by citizens of both North and South Korea;

(G) cooperating in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(H) establishing postal and telecommunications services between North and South Korea; and

(I) reconnecting railroads and roadways between North and South Korea.

SEC. 2. REPORT TO CONGRESS.

Beginning 3 months after the date of enactment of this joint resolution, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth the progress made in carrying out section 1.

SEC. 3. DEFINITIONS.

As used in this joint resolution—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "North Korea" means the Democratic People's Republic of Korea; and

(3) the term "South Korea" means the Republic of Korea.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1995

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 2394, and further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

A bill (H.R. 2394) to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities, and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3054

(Purpose: To propose a substitute)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senator SIMPSON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. SIMPSON, proposes an amendment numbered 3054.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1995, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b)

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1995. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1995, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

Mr. SIMPSON. Mr. President, it is a pleasure for me, as chairman of the Senate Veterans Affairs Committee, to summarize and comment briefly on legislation to grant to recipients of VA compensation and dependency and indemnity compensation [DIC] benefits a cost of living adjustment [COLA] increase, effective on checks delivered to them at the first of the year. This legislation is appropriate—even as we proceed this very week to each final agreements with the House on reconciliation measures.

Mr. President, let me assure this body from the get-go that the Committee on Veterans Affairs will meet its reconciliation targets. Indeed, this legislation contains one provision—the so-called round-down provision that I will explain in just a moment—which will help the committee meet its targets. I give this assurance up front—just so all will be comfortable that this Senator has not suddenly gone soft and become a wild-eyed big spender. I surely have not. Even so, however, I believe that the recipients of veterans' compensation ought to receive a COLA—especially since we on the Veterans Committee have found a proper way to reach our reconciliation targets, and get this Nation on a path to a balanced budget, without denying such a COLA.

This bill, which was approved unanimously by the Committee on Veterans' Affairs on September 20, 1995, is simple and straight-forward. It would grant to recipients of certain VA benefits—most notably, veterans with service-connected disabilities, who receive VA compensation, and the survivors of veterans who have died as a result of service-connected injuries or illnesses, who receive dependency and indemnity compensation or DIC—the same COLA that Social Security recipients will receive. So, for example, if Social Security recipients receive a 2.6-percent adjustment at the beginning of next year—as it appears they will—then so too would the beneficiaries of VA compensation and DIC.

The bill would also do one other thing: It would modify the methodology by which VA computes the amount of monthly benefit checks, as so adjusted. VA benefits, Mr. President, are paid in round-dollar amounts. As a result, when a round-dollar benefit amount—say, as an example, the current benefit of $260 per month going to a 30-percent disabled veteran—is multiplied by a Consumer Product Index percentage of, say, 2.6 percent, it almost invariably yields a mathematical product that is not a round-dollar amount. In the case of a $260 benefit check, for example, a 2.6-percent increase would yield a nonrounded number of $266.76.

VA practice, in the past, has been to round up fractional dollar amounts of $0.50 or more, and round down fractional dollar amounts of $0.49 or less. So, in the above case, a 30-percent disabled veteran would get a monthly check next year of $267 under past practice. This bill would direct VA to round down next year in all cases, so, in the above example, a 30-percent disabled veteran would get a monthly check of $266.

Some might say, "What's the big deal?" They might also say, "Why is SIMPSON boring us with this green-eyeshade, accounting stuff?" I'll tell you why: it is because this simple rounding-down provision—because it affects so many VA beneficiaries, but only to a degree which is painless to each—yields big money over time—big money—in terms of savings and deficit reduction. According to the Congressional Budget Office [CBO], this simple provision will save the taxpayer $520 million over a 7-year period. I repeat: $520 million. That's real money. Real money that benefits taxpayers collectively—and, I daresay, harms no individual VA beneficiary to the point that he or she will even miss the loss.

This simple example of what can be done to balance the budget, Mr. President, ought to strengthen the resolve of each of us to get that vital job done. In the Veterans Committee, we have found ways to reduce the growth of VA's mandatory budget accounts by over $6 billion in 7 years—over $6 billion—and no veterans are going to have to suffer any inordinate harm. Despite the inaccurate, unfair, and unfounded pronouncements of the Secretary of Veterans Affairs, and despite what veterans—and Senators—have heard from service organizations crying wolf, we will not be cutting off compensation benefits to 10- and 20-percent disabled veterans. We will not be taxing or means-testing anyone's compensation benefits—though a good case for doing just that can be made and, in fact, was made by a disabled veteran who is a member of this body, the distinguished Senator from Nebraska [Mr. KERRY], in testimony before the committee. And we will not be establishing a performance-of-duty standard now as a condition to receipt of disability compensation—though I can assure all that this Senator continues to be interested in exploring that option at much greater length. We will, however, be making a huge dent in the deficit.

As I stated when I opened this statement, I want all to understand that we can give our disabled veterans, and their widows, a COLA and still meet our deficit reduction targets. And we will do so. Please, all of you, keep this in mind when any person tries to tell you that the Congress is going to "balance the budget on the backs of the Nation's veterans." It simply is not so. And no one—no one—has seriously suggested such a course. The Nation and the Congress have been good to our veterans. We will continue to be good to our veterans.

Mr. President, I appreciate the time that has been afforded me to address this subject. I ask unanimous consent that at this point that CBO's cost estimate of S. 992, which is the text of the substitute amendment with a minor technical adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 25, 1995.

Hon. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 992, the Veterans' Compensation Cost-of-Living Adjustment Act of 1995, as ordered reported by the Senate Committee on Veterans' Affairs on September 20, 1995.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 992.

2. Bill title: Veterans' Compensation Cost-of-Living Adjustment Act of 1995.

3. Bill status: As ordered reported by the Senate Committee on Veterans' Affairs on September 20, 1995.

4. Bill purpose: This bill would provide 1996 cost-of-living adjustments (COLAs) for veterans with service-connected disabilities and for survivors of certain disabled veterans and would round the increase to the next lower dollar.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998	1999	2000
DIRECT SPENDING						
Spending Under Current Law:						
Estimated Budget Authority	14,176	14,835	15,395	15,976	16,594	17,018
Estimated Outlays	14,422	13,675	15,312	15,928	16,543	18,241
Proposed Changes:						
Estimated Budget Authority	0	−16	−20	−21	−21	−22
Estimated Outlays	0	−15	−19	−20	−21	−23
Spending Under Proposals:						
Estimated Budget Authority	14,176	14,819	15,375	15,955	16,573	16,996
Estimated Outlays	14,422	13,660	15,293	15,908	16,522	18,218

6. Basis of estimate: As specified in the Balanced Budget Act, the baseline assumes that monthly rates of disability compensation paid to veterans and of dependency and indemnity compensation (DIC) paid to their survivors are increased by the same COLA payable to Social Security recipients, and the results of the adjustments are rounded to the nearest dollar. This bill would round 1996 adjustments down to the next lower dollar. The effect of rounding down the benefit was estimated using the current table of monthly benefits and the number of beneficiaries assumed in the CBO baseline.

7. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The bill would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1996	1997	1998
Change in Outlays	−15	−19	−20
Change in Receipts		(1)	

[1] Not applicable.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: On September 29, 1995, CBO prepared a cost estimate for H.R. 2394 as ordered reported by the House Committee on Veterans' Affairs. That bill rounded down the COLA for disability compensation and some DIC recipients. It further reduced the COLA of other DIC recipients.

11. Estimate prepared by: Mary Helen Petrus.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I urge the Senate to pass the pending legislation, S. 992, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1995.

Mr. President, effective December 1, 1995, this bill would increase the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation, or DIC, paid to the survivors of certain service-disabled veterans. The rates would increase by 2.6 percent, the same percentage as the increase in Social Security and VA pension benefits for fiscal year 1996.

Mr. President, there are 2.2 million service-disabled veterans and over 300,000 survivors who depend on these compensation programs. These individuals have made enormous sacrifices on behalf of this Nation. As ranking minority member of the Committee on Veterans' Affairs, I am committed to ensuring that these veterans and veterans' survivors receive the benefits they deserve. I believe strongly that we have a fundamental obligation to meet the needs of those who became disabled as the result of military service, as well as the needs of their families. This measure fulfills one of the most important aspects of that obligation.

Mr. President, ever since I began my career in public service, I have worked closely with the veterans of my home state of West Virginia, and now, as ranking minority member of the Committee on Veterans' Affairs, I have had the opportunity to work with veterans all across the country. Consequently, I am keenly aware of the fact that the compensation payments that would be increased by this bill have a profound effect on the everyday lives of the veterans and veterans' survivors who receive them. It is our responsibility to continue to provide cost-of-living adjustments in compensation and DIC benefits in order to guarantee that the value of these essential, service-connected VA benefits is not eroded by inflation.

I am very proud that Congress consistently has fulfilled its obligation to make sure that the real value of these benefits is preserved by providing an annual COLA for compensation and DIC benefits every fiscal year since 1976. Most recently, on October 25, 1994, Congress enacted Public Law 103-418, which provided for a 2.8-percent increase in these benefits, effective December 1, 1994.

Mr. President, we cannot ever repay the debt we owe to the individuals who have sacrificed so much for our country. Service-disabled veterans and the survivors of those who died as the result of service-connected conditions are reminded daily of the price they have paid for the freedom we all enjoy. The very least we can do is protect the value of the benefits they have earned through their sacrifice.

Mr. President, I urge all of my colleagues to support this vitally important measure.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time, passed as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2394), as amended, was deemed read the third time, and passed.

AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 194, submitted earlier today by Senator DOLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S.Res. 194) to authorize representation by the Senate Legal Counsel.

The Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, early next year, the substantive provisions of the Congressional Accountability Act of 1995, which, among other things, creates procedures for judicial review of employment discrimination claims throughout the Congress, begin to take effect. Although the 1995 Act will govern all cases that arise after the requirements of the new law takes effect, the Senate's process for review of employment discrimination claims in Senate employment, which was created by the Government Employee Rights Act of 1991, continues to govern older cases. Office of the U.S. Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, now pending in the United States Court of Appeals for the Federal Circuit, is a case initiated under the 1991 act.

The petitioner in this case is the Office of the Sergeant at Arms, which under the 1991 law is the employing office for Senate-paid members of the Capitol Police. The Office of the Sergeant at Arms seeks review of a ruling of the Select Committee on Ethics, which affirmed a decision of a hearing board appointed by the Director of the Office of Senate Fair Employment Practices. The Ethics Committee decision, which was signed jointly by the chairman and vice chairman, held that there had been a failure to reasonably accommodate a Capitol Police officer's disabilities of alcoholism and depression in violation of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as incorporated into the Government Employee Rights Act.

Under the Government Employee Rights Act, a final decision of the Ethics Committee is entered in the records of the Office of Senate Fair Employment Practices, which is then named as the respondent if the decision is challenged in the Federal Circuit. As petitions for review in the Federal circuit challenge final decisions of a Senate adjudicatory process, under the Government Employee Rights Act the Senate Legal Counsel may be directed to defend those decisions through representation of the Office of Senate Fair Employment Practices in court.

Accordingly, this resolution directs the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, in the case of Office of U.S. Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, in defense of the Ethics Committee's final decision.

Mr. LOTT. Mr. President I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas, in the case of *Office of the United States Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*, No. 95-6001, pending in the United States Court of Appeals for the Federal Circuit, the Office of the Sergeant at Arms has sought review of a final decision of the Select Committee on Ethics which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f)(1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Office of the Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*.

MIDDLE EAST PEACE FACILITATION ACT

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2589 just received from the House.

The PRESIDING OFFICER. Without objection. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2589) to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be considered, read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this measure appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2589) was deemed read the third time and passed.

ORDERS FOR MONDAY, NOVEMBER 13, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Monday, November 13; that following the prayer, the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately turn to the consideration of the House message to accompany H.R. 2491, the reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, a number of important measures are expected from the House on Monday. Senators are also reminded that the funding resolution for the Government expires on Monday at midnight unless the continuing resolution is signed into law.

Therefore, rollcall votes can be expected during Monday's session of the Senate but will not occur prior to the hour of 5:30 p.m. on Monday.

I further ask unanimous consent that following the appointment of conferees with respect to the reconciliation bill, the Chair lay before the Senate a message from the House on H.R. 927, the Cuban sanctions bill for the appointment of conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following a speech by the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL LLOYD MOSES

Mr. DASCHLE. Mr. President, I would like to take this opportunity to recognize the outstanding life and military career of a veteran of the Second World War: Retired Major General Lloyd Moses who currently resides in Vermillion, SD.

General Moses came from humble beginnings. He was born in 1904 on what was then the Rosebud Sioux Indian Reservation in Fairfax, SD. His mother was half Sioux Indian. His father was a carpenter.

Despite not having a formal grade school education, General Moses graduated from High School and the Black Hills Teachers College, and obtained a degree in Chemistry from the University of South Dakota.

General Moses enjoyed a long and illustrious military career. In 1933, General Moses applied for Active Duty in the U.S. Army and was promoted to the rank of first lieutenant in 1935. During World War II, he served as a battalion commander of the 75th Infantry Division and volunteered to participate with the 507th Parachute Regiment, 17th Airborne Division in "Operation Varsity," the airborne assault across the Rhine River in 1945.

In the Korean War, General Moses commanded the 31st Infantry and in 1955 was promoted to the rank of brigadier general. In 1957, he was promoted to the rank of major general. General Moses reached the pinnacle of his military career in 1960 when, following in the footsteps of other generals such as George McClellan, Andrew Jackson, and Ulysses S. Grant, he became commanding general of the 5th U.S. Army.

His military awards include the Distinguished Service Cross, the Silver Star for heroics in Korea, and the Distinguished Service Medal, the Nation's highest peacetime military award. General Moses retired in 1964 as the highest ranking South Dakotan ever to serve in the U.S. Army.

General Moses remains committed to the promise of education. After retiring from the military, General Moses returned to the University of South Dakota and became the director of the Institute for American Studies.

As an enrolled member of the Rosebud Sioux Tribe, he spent the next 10 years successfully expanding the curriculum of Native American courses at the University in an effort to teach cultural awareness and encourage the continued education of Native American youth. When he retired in 1974, the enrollment of Native American students at the University was at an all-time high, and the Institute for American Studies was rapidly becoming one of the foremost centers of oral history and tradition in the United States.

From such humble beginnings, General Lloyd Moses developed the leadership and education that helped our forces to victory in Europe 50-years ago and has continued to assist our growth as a Nation. His story is proof that great deeds can still come from hard work and a strong mind. And that great men can still come from small places like Fairfax, SD.

WELFARE

Mr. DASCHLE. Mr. President, I did not want to take a long time, but there are a couple of matters I want to address, and I will do that at this time. The first concerns a series of discussions that have been held now over the last several days about reports relating to welfare reform.

A recent report discussed in this morning's Washington Post relating to a study undertaken by the Department of Health and Human Services compares the welfare bills passed by the House and Senate and proposed by Senate Democrats. It examines the income distributional effects of the Republican budget, and it estimates how many children will be put into poverty by the various welfare plans.

The report uses two different definitions of poverty, the official poverty measure and an alternative. It is under the alternative, not the official measure, that over 1 million children are put into poverty.

The report represents a range for the Democratic alternatives because the Office of Management and Budget did not have the time to develop a full model of the effects of that plan.

Mr. President, I think it is very important to note that the 1.2 million figure is reached using an alternative definition of poverty never before relied upon by the Federal Government.

When people say "poverty," they usually mean the official poverty measure, which counts only a family's cash income such as AFDC and SSI and Social Security checks they receive.

Using the official measure of poverty, the Senate-passed bill would increase the number of children in poverty from 15.5 million to about 15.8 million, or an increase of 1.9 percent. Under the official poverty measure, the Senate Democratic alternative would not increase poverty at all.

Let me repeat that, Mr. President. Under the official poverty measure, the measure that we have used for decades, the Senate Democratic alternative would not increase poverty at all.

The alternative measure counts cash and in-kind income, such as food stamps and EITC, as well as AFDC, SSI, and Social Security, which exaggerates the poverty effect of the bill.

So while the numbers released concern me, I do not think that they ought to argue that somehow we ought to turn our backs on welfare reform. We simply cannot keep the status quo. We need to restructure our welfare system. We need to require people on welfare to work, and be responsible parents. We need to remember that the current system keeps 9 million children in poverty. That is the status quo, Mr. President. Nine million children today live in poverty as a result of the programs, the framework, and the institutions that we have in existence.

I want to make a couple of more points with regard to the numbers.

First, we should note that the statement that the Senate bill will put 1.2 million more children in poverty is based on an alternative definition, and that definition has never been used before.

Second, and perhaps more importantly, more children will be put into poverty only if the welfare system that we are proposing fails.

So I believe that we need to recognize four points, Mr. President, as we consider welfare reform.

First of all, the apples and oranges comparisons that the data makes is something that everybody ought to completely appreciate prior to the time we come to any conclusion. The fact is, using official poverty definitions, the Senate-passed bill does not increase the level of poverty for children at all.

We can say, regardless of whether one uses the official or the new alternative definition of poverty, that the Democratic bill is vastly superior to the Senate-passed bill, and the Senate-passed bill is at least four times superior than the House-passed bill.

So, as we have articulated all the way through this process, the Work First proposal that Democrats laid out that we debated, that we voted for unanimously, is by far the best version of all.

Second, I think it ought to be emphasized that no one said that this was the last word on welfare reform. I do not know of a colleague on this side of the aisle who is content to say, all right, we have now done welfare reform, and there is nothing else to do. I think it is critical that everyone understand this is the first installment. This is the first opportunity for us to build a new infrastructure, to take what we have done, to analyze it, to see how well the States work with it, and to come up with ways in which to make it better in subsequent years. There is not one program that we have not done that with.

I submit that regardless of what happens on welfare, we are going to revisit this issue again and again.

So it is critical, it seems to me, that everyone understand. We want to build a new system, and we do it one step at a time. What we have attempted to do with the Senate-passed bill, with the Democratic bill in particular, is to provide the foundation.

Third, I think it is fair to say that it is vastly superior to the status quo. That was what we said before. I think the study confirms that it is better than the status quo now. What we have attempted to do is to improve upon the status quo, to create a new system, a new infrastructure, an emphasis on work, trying to get people off of welfare and into work, creating welfare opportunities in offices that will become work opportunities once this legislation passes.

So we are not satisfied with the status quo. We need to build upon it. We recognize the importance of creating new opportunities to do that. We do not want people on welfare. We want people to find new opportunities in work, in education, and in creating new lives. That is what this is designed to do.

Finally, I think it is very important that we know that much of what we did a couple of months ago as we considered welfare reform we did with an expectation that the other pieces of the safety net will still be there, that we will have an earned income tax credit that makes work pay, that we will do all we can to ensure kids are adequately cared for with regard to their nutritional needs, that we ensure everyone has at least a minimal amount of health care as a result of Medicare and Medicaid, that we do not gut the program today, to provide for meaningful housing. That safety net, regardless of what we do in welfare, is critical, if we indeed are concerned about not moving people back into poverty.

So I would only reiterate that we are beginning a process that will take some time to complete. We hope that we have created an opportunity for a lot of people at long last to make work pay, to find new ways to ensure that they will not be dependent upon welfare as they have in the past, recognizing that the status quo is unacceptable, and encouraging in as many ways as we can with new mechanisms so people can go out and find the jobs and find the opportunities that we hope will be there as a result of what we are attempting to do now.

SETTING THE RECORD STRAIGHT

Mr. DASCHLE. Mr. President, I think it is important that I take just a moment to describe something I guess I never thought I would have to do, but I suppose it is important to set the record straight.

Somewhat baffling to me has been a debate over the public airwaves and in the press about what actually happened on the way to Israel. Did the President come back and talk to the leadership? Did he express his desire to work with the Republican leadership in an effort to resolve our outstanding differences? Senator DOLE, Speaker GINGRICH, Minority Leader GEPHARDT, myself, and others were on the airplane. The four of us were in a room that allowed us, I think, to safely say we know exactly what happened.

There is a contrast here that is very interesting to me. In my view, Senator DOLE, our majority leader, has taken the high road in this whole debate and has made it very clear that he is not going to become involved in it. I applaud him for taking that position. At least, as I understand it, that is his position. I have not heard him make any public comment on it. Unfortunately, the Speaker, for whatever reason, has chosen to make this an issue.

I can recall at least a half dozen occasions the President, during that very brief trip, both coming and going, came back and talked to us, expressed a desire to work together to find ways in which to resolve our difficulties with the debt limit, with the continuing resolution, with reconciliation. He expressed a desire to get together. He made the effort to suggest that whenever there was an understanding about what the consensus was with regard to the debt limit and the continuing resolution, we would be ready to go to work.

I do not know what else he could have done, frankly. No one has ever faulted the President for not being gregarious. He demonstrated that quality in spades on his way over and on the way back. I think he could probably tell you from memory what books each one of us were reading. He checked them all out, asked about them.

So, Mr. President, I think it is a silly debate. I hope we get it behind us. We have much more important things to talk about. But I do think it is important to set the record straight for fear that somebody out there might have thought that during this entire trip there was no dialog, no discussion, no discourse on what we ought to do, no opportunities to talk about what we have attempted to do here today.

There was a great deal of opportunity. And the hallways work both ways. I do not recall the Speaker making any effort to go to the head of the plane. If he was so concerned, if he wanted to speak with the President, I did not see any guard saying the Speaker is not allowed up into the front section of the airplane.

But, again, it is silly. The issue is, can we put aside our differences and begin working in a meaningful way to accomplish what we know we must against very difficult deadlines?

So I hope in good faith we can do that. We made an effort at that today, and I know we will again on Monday. I know the President cares deeply about using every opportunity he has available to him to ensure that the dialog is there, the opportunities for discussion are there, and the opportunities to resolve these outstanding differences be created whenever possible. He did that on the airplane going over. He did that on the airplane going back. He will do it again next week. He will do it whenever the situation arises.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The leader should understand that we are under a unanimous consent order to adjourn.

Mr. DOLE. I ask unanimous-consent that following my statement, we do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, this Saturday, November 11, America will celebrate Veterans Day—the day we set aside to honor the men and women who defend our country and preserve our peace and freedom.

Veterans Day was originally called Armistice Day. It was first celebrated in 1919, to mark the end of a war that was to have ended all wars.

Two years later, the remains of four unknown American soldiers were brought to a town square in a small French town. An American sergeant placed a bouquet of white roses on one of the caskets, designating the American Unknown Soldier of World War I.

The casket was brought across the Atlantic, and our Nation laid this hero to rest in Arlington National Cemetery on November 11, 1921.

Seventy-four years have now passed since that ceremony, and in that time, thanks in part to the efforts of the citizens of Emporia, KS, Armistice Day became Veterans Day.

That change became necessary because, as we all know, the First World War did not end all wars. Today, caskets bearing the remains of other Unknown Soldiers who fought in World War II, in Korea, and in Vietnam, now rest in Arlington alongside countless other American heroes.

Mr. President, in the early days of World War II, Gen. George Marshall was asked whether or not America had a secret weapon. And the General said, "Just the best darned kids in the world."

Those words were true then, and they have remained true throughout this century. America has succeeded and democracy and freedom have flourished only because the best darned kids in the world were willing to risk their life for their country.

On Saturday, I hope all Americans will pause to remember those who stood boldly in harm's way, defending freedom and liberty around the world.

As we remember those who served in the conflicts of yesterday, let us not forget the men and women who fill the ranks of our Armed Forces today. They share with the veterans of past conflicts the same values of duty, courage, and sacrifice.

Today's All-Volunteer Force—Active and Reserve—stands ready to defend our individual freedoms and our national ideals. At the same time, they are asked to take on new, additional missions around the world. As always, they complete each new mission with professionalism and excellence. They give us all reason to be proud.

Mr. President, veterans know better than anyone else the price of freedom, for they have suffered the scars of war. On this Veterans Day, we can offer them no better tribute than to protect what they have won for us. That is our duty. They have never let America down. We will not let them down.

ADJOURNMENT UNTIL 10 A.M., MONDAY, NOVEMBER 13, 1995

The PRESIDING OFFICER. Under a previous order, the Senate stands in adjournment until 10 a.m., Monday, November 13, 1995.

Thereupon, the Senate, at 10:15 p.m., adjourned until Monday, November 13, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 9, 1995:

NATIONAL CREDIT UNION ADMINISTRATION BOARD

YOLAND TOWNSEND WHEAT, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING AUGUST 2, 2001, VICE ROBERT H. SWAN, TERM EXPIRED.

DEPARTMENT OF JUSTICE

ROBERT S. LITT, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JO ANN HARRIS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, U.S.C.

To be admiral

ADM. HENRY G. CHILES, JR., xxx-xx-....

IN THE PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

RICHARD J. HODES
WILLIAM E. PAUL
DOUGLAS G. PETER

To be senior surgeon

MELINDA MOORE

To be surgeon

THOMAS R. HALES
SCOTT F. WETTERHALL

To be senior assistant surgeon

MARY M. AGOCS
JAMES P. ALEXANDER, JR.
ARTURO H. CASTRO
GEORGE A. CONWAY
THERESA DIAZ VARGAS
NINA J. GILBERG
LANA L. JENG
PHILIP R. KRAUSE
DAVID E. NELSON
PATRICK J. OCONNOR
CAROL A. PERTOWSKI
ROSSANNE M. PHILEN
STEVEN G. SCOTT
JESSIE S. WING

To be senior assistant dental surgeon

LEONARD R. ASTE
GEORGE G. BIRD
APRIL C. BUTTS
LISA W. CAYOUS
SHERWOOD G. CROW
BRET A. DOWNING
SCOTT K. DUBOIS
EDWARD D. GONZALES
JOSEPH G. HOSEK
MICHAEL D. JONES
STEVEN J. LIEN
AARON R. MEANS, SR.
SAMUEL J. PETRIE
ROY F. SCHOPPERT III
DARLENE A. SORRELL
JAMES N. SUTHERLAND
CHARLES S. WALKLEY
EVAN L. WHEELER

To be nurse officer

NORMAN J. HATOT

To be senior assistant nurse officer

GARY W. BANGS
ROBYN G. BROWN-DOUGLAS
PRISCILLA A. COUTU
ROBIN L. FISKE
COLLEEN A. HAYES
INDIA L. HUNTER
BRANLEY J. HUSBERG
CHRISTOPHER L. LAMBDIN
WANDA F. LAMBERT
MICHAEL D. LYMAN
MARY Y. MARTIN
SHARON D. MURRAIN-ELLERBE
PAUL J. MURTER, III
STEVEN R. OVERSBY
TERESA L. PAYNE
RICKY D. PEARCE
CANDICE S. SKINNER
ERNESTINE T. SMARTT
YUKIKO TANI
MARY E. TOLBERT
VIEN H. VANDERHOOF
SIONE W. WILLIE
ARNETTE M. WRIGHT

To be assistant nurse officer

SANDRA A. CHATFIELD
JAMES M. SIMMERMAN

To be senior assistant engineer officer

ARTHUR M. ANDERSON
SHIB S. BAJPAYEE
ROBIN A. DALTON
THOMAS J. HEINTZMAN
MICHAEL S. JENSEN
DAVID I. MCDONNELL
KENNETH E. OLSON II
PHILIP E. RAPP
JOHN R. RIEGEL
PAULA A. SIMENAUER
MARK A. STAFFORD
MARK R. THOMAS
MICHAEL B. WICH
DOMINIC J. WOLF

To be assistant engineer officer

JAMES H. LUDINGTON

To be scientist

VICTOR KRAUTHAMER

To be senior assistant scientist

LEMYRA M. DEBRUYN
JEFFREY S. GIFT
DARCY E. HANES
JAMES E. HOADLEY
ROSA J. KEY-SCHWARTZ

To be senior assistant sanitarian

ARTIS M. DAVIS
MARK A. HAMILTON
MICHAEL E. HERRING
STEVEN G. INSERRA
THERESA I. KILGUS
CYNTHIA C. KUNKEL
GAILEN R. LUCE
ABRAHAM M. MAEKELE
MARK D. MILLER
KELLY M. TAYLOR
MICHAEL D. WARREN
RONALD D. ZABROCKI

To be senior assistant veterinary officer

VICTORIA A. HAMPSHIRE
RONALD B. LANDY

To be pharmacist

DENNIS M. ALDER
JOHN T. BABB
DARYL A. DEWOSKIN
CYNTHIA P. SMITH

To be senior assistant pharmacist

LISA D. BECKER
KRISTI A. CABLER
WESLEY G. COX
KATHLEEN E. DOWNS
RICHARD C. FISHER
JEFFREY J. GALLAGHER
SYRENA T. GATEWOOD
LILLIE D. GOLSON
DOUGLAS P. HEROLD
RITA L. HERRING
MARY ANN HOLOVAC
CARL W. HUNTLEY
MICHAEL D. JONES
DENNIS L. LIVINGSTON
ROBERT H. MC CLELLAND
CONNIE J. MC GOWEN-COX
STEVEN K. RIETZ
MARGARET A. SIMONEAU
JOHN F. SNOW
DANIEL R. STRUCKMAN
EARL D. WARD, JR.

To be assistant pharmacist

DAVID A. KONIGSTEIN

To be senior assistant health services officer

TRACI L. GALINSKY
WILLIAM D. HENRIQUES
RICHARD R. KAUFFMAN
DOROTHY E. STEPHENS
GENE W. WALTERS

To be assistant health services officer

CAROL E. AUTEN
CHERYL A. WISEMAN

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 9, 1995, withdrawing from further Senate consideration the following nomination:

NUCLEAR REGULATORY COMMISSION

DAN M. BERKOVITZ, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANGUE, TERM EXPIRING, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.

EXTENSIONS OF REMARKS

MEMORIAL DAY ADDRESS

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. CHRYSLER. Mr. Speaker, on this important day of remembrance, I would like to submit the following Memorial Day Address which was given by Mr. Walter Adams, past president of Michigan State University.

MEMORIAL DAY ADDRESS

(By Walter Adams)

On Memorial Day, we pay homage to the men and women who died for our country—from 1776 through two world wars, Korea, Vietnam, and the Persian Gulf. This year, the 50th Anniversary of Victory in Europe and Victory over Japan, we pay special tribute to our dead in World War II—the men and women who fought on land, on sea, and in the air.

The campaigns in North Africa and Italy were anything but a cakewalk. Nor were the battles in Western Europe where I served—first with the 83rd Infantry Division and later with the 11th Armored Division. In France, D-Day was June 6, 1944. According to the plans of supreme headquarters, the British were supposed to take the town of Caen on the first day of the landing. Caen was not liberated until July 8—more than a month later. St. Lo which was the major objective in the U.S. sector was not liberated until July 18. And the Battle of Normandy which was just a slice of France was not concluded until August 22 of 1944—after 200,000 allied casualties.

My own division, the 83rd Infantry, relieved the 101st Airborne at Carentan. The first objective assigned to us was a little town 12 miles to the south. It took our division close to a month to negotiate those 12 miles. Hedge row by hedge row, yard by yard, inch by inch. [For those of you who do not know what a hedge row is, it is an earthen wall surrounding a cow pasture, square or rectangular, 6 feet high, with thick shrubbery growing on top of it. It was impenetrable. The 83rd had on one side a marsh which could not be negotiated by tanks. On the other side, was a field that the Germans had flooded deliberately. So there was no maneuverability. Tanks could not operate. It was a job for the infantry. The dogfaces of the infantry.] In that one month, the 83rd lost 5,000 out of the division's 15,000 men.

After Normandy, the 83rd went on to fight in the Battle of the Bulge, the Rhineland, and Germany. It suffered the fifth highest number of casualties among the divisions operating in the ETO.

In March of 1945, I was transferred to the 11th Armored Division which was spearheading General Patton's drive through southern Germany. On its way, the Division liberated three concentration camps—an experience that none of us will ever forget. These camps were the ultimate example of man's inhumanity to man—the ultimate illustration of the consequences of discrimination, bigotry, and hatred directed against groups of people who were considered undeserving of life—Jews, communists, socialists, Russians, Poles, gypsies, homosexuals, etc., etc. If any of us needed an explanation of why we were fighting and the evil we were fighting against, these camps provided incontrovertible evidence.

Last year, the 11th Armored Division Association received a letter from a survivor of the notorious Mauthausen concentration camp that the 11th Armored liberated on May 5, 1945—three days before V-E Day. It came from a Pole by the name of Jerzy Adamczek. I'll read an excerpt from it: "I was arrested by the Germans in 1944 and sent to the Mauthausen concentration camp. The weeks there seemed to be months, and months years. And finally, the Russian and American armies approached the camp. The 11th Armored of the 3rd U.S. Army got to us first. God bless those boys and bless the fifth of May. I was 16 at the time. During the liberation of the camp, I looked death in the face. I was so weak and my body so exhausted that I lay two or three days more on the pile of dead bodies without showing any sign of life. Some people thought I was dead like the others. But on the seventh or eight or May, I can not remember which, some American soldiers would not give up on this so-called pile of dead bodies. A young American soldier about 25 years old saw that I moved slightly. He picked me up—the bundle of skin and bones. There was barely a spark of life left but he carried me on his back to the square at the concentration camp where other such half-alive men were gathered. I am now a man of 66. Since that time I have always said, I have two fathers: my biological father who was killed in 1944 during the Warsaw uprising and the American soldier who picked me from the dead. I don't know his name. I need your help. Please help me find that American so I can be at peace with myself and say thank you." That, my friends, was what the war in Europe was all about.

A word about the war in the Pacific. On August 15, this year, we shall be celebrating V-J Day—our victory over Japan. There are some who now want to rewrite history and to call it V-P Day—Victory in the Pacific day—perhaps because of vague guilt feelings about our use of the atomic bomb or because of a reluctance to offend the Japanese who are now our allies. I think that such revisionism would be a brazen mockery of the soldiers who died on Truk and Iwo Jima, on Okinawa and in the Philippines, and to the sailors forever entombed in the U.S.S. Arizona. The historical record cannot be sanitized. The facts are that some of the worst atrocities of WW II were committed by the Imperial Japanese Army. It slaughtered Chinese civilians for sport; it raped and enslaved Korean women to improve the morale of its soldiers; it conducted grisly biological warfare experiments on prisoners of war. It is a well documented fact that the Japanese "beat [prisoners] until they fell, then beat them for falling, beat them until they bled, then beat them for bleeding. They denied them medical treatment. They starved them. . . . They watched them die by the tens of thousands." No wonder that only one out of three Allied POWs survived Japanese captivity. [Gavin Daws, Prisoners of the Japanese: POWs of World War II in the Pacific, 1994] Yet, after 50 years since V-J Day, the Japanese Government has still not seen fit to apologize publicly to the victims of these atrocities or to their families. In those 50 years, the Japanese Government has still not informed its school children that the long road to Hiroshima started with the sneak attack on Pearl Harbor.

In the Pacific as in Europe, I think that World War II shall remain a symbol of a quintessential confrontation between good and evil. I think the United States and its allies deserve eternal gratitude for ridding the world of that evil. I think it is incumbent on us never to forget the human sacrifice that this entailed. It is incumbent on us never to forget the men and women who died in that noble cause.

(Walter Adams, Past President of Michigan State University, served in the U.S. Army from 1943 to 1945. He landed in Normandy with the 83d Infantry Division and completed his combat service with the 11th Armored Division as aide-de-camp to the Division commander, Maj. Gen. Holmes E. Dager. After the Battle of the Bulge, he received a battlefield commission as a 2nd Lieutenant. He was awarded the ETO campaign ribbon with five bronze campaign stars as well as the Bronze Star Medal for heroic conduct.)

TRIBUTE TO FORDHAM EVANGELICAL LUTHERAN CHURCH ON ITS 80TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the members and friends of Fordham Evangelical Lutheran Church who on Sunday, November 12, will celebrate 80 years of spreading the Gospel of Jesus Christ in my South Bronx congressional district.

In 1915, Rev. Oscar Mees saw the need for a Lutheran church in the fast-growing neighborhood of the South Bronx. He acquired the property of a small church, which had been forced to close on 2430 Walton Avenue, to establish the new Lutheran Church.

Rev. Frederick H. Meyer, the first pastor of Fordham Lutheran Church, led the congregation for 33 years. During his service, the number of worshippers outgrew the size of the church and a larger structure was erected. The architectural beauty of the new building aroused the admiration of many New Yorkers.

During the 1920's, services were offered in German and English to better serve the ethnic groups who were part of our fast-growing community. And, in the 1940's, sad days were endured by the congregation after the loss of 5 of the 85 members who served in the Armed Forces during World War II.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Throughout the years, the church has been blessed with effective ministers, organists, and many members who have dedicated many years of service. During difficult financial times, members and friends of the church tested their strength, and through hard work, successfully kept the church open to the service of the community.

The eight pastors who had faithfully served the church brought many changes in the programs offered to accommodate the needs of the community. They are by name, Rev. Frederick H. Meyer, Rev. Carl F. Pohlmann, Rev. Hilbert J. Wuebbens, Rev. David Langseth, Rev. Jerrett L. Hansen, Rev. Kurt M. Friederich, Rev. Patrick W.F. Cabello Hansel, and most recently, Rev. Katrina D. Foster.

Today, Rev. Foster continues to lead the church and its vital role in our community. Currently, the church celebrates services in Spanish and English, has a Youth and Luther League program, and a Sunday school program for children.

Mr. Speaker, I ask my colleagues to join me in honoring the ministers, members, and friends of Fordham Evangelical Lutheran Church on their 80th anniversary in the South Bronx community.

FIRE CHIEF RICHARD TREMITIEDI HONORED FOR 35 YEARS OF DEDICATION AND SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Fire Chief Richard R. Tremitiedi, a Hoboken firefighter for 35 years. A testimonial dinner will be held in his honor today in East Rutherford, NJ.

Chief Tremitiedi joined the fire department in 1960. Through the years, he rose through the ranks by attaining the highest score on every promotional test that the took. In March 1990, he became Fire Chief of the city of Hoboken and he has served in that capacity with pride and dedication.

Chief Tremitiedi's many achievements include writing the city's smoke detector ordinance as head of the Fire Prevention Bureau during the 1980's. The ordinance required property owners to place fire detectors in common areas as well as in each apartment. This made buildings safer places for everyone.

In the 35 years that Chief Tremitiedi served as a firefighter, he has touched the lives of many people. The career of a firefighter is truly a noble one. There are not many people that are courageous enough to enter burning buildings on the verge of collapse to put out fires. However, people like Chief Tremitiedi and other firefighters dedicate their lives to doing just that. Firefighters are genuine heroes who risk their lives to help others. Many people owe their safety and security to Mr. Tremitiedi. He has created a better and safer environment for the residents of Hoboken.

In September, 1995, Chief Tremitiedi officially resigned as Fire Chief. He leaves behind a tradition of valor and dedication. He is truly a remarkable man who has served the community with all his heart. He was always available to answer the call of duty. Chief Tremitiedi will continue to serve as a member of the State Fire Master Planning and Research Advisory Council. He also plans to write a book about managing the costs of fire protection.

It is an honor to have such a brave and dedicated man serving my district. I ask that my colleagues join me in honoring Richard R. Tremitiedi for his service and dedication to the community.

IN HONOR OF MAJOR LINDA SCHWARTZ

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Ms. DELAURO. Mr. Speaker, on Veterans Day, Major Linda Schwartz will receive the Connecticut Department of Veterans Affairs Commendation Medal. Linda Schwartz truly embodies the spirit of this prestigious award, which is given "to those select few who have distinguished themselves through their service to Connecticut veterans and their families." I ask my colleagues to join me in honoring this outstanding individual who has done so much to address the needs of our veterans not only in Connecticut but across the country.

Linda Schwartz' work on behalf of our veterans has earned her the respect and admiration of all who know her. A deeply caring and compassionate woman, she has devoted herself to meeting the needs of Connecticut's homeless veterans. She brought the "stand down" concept to Connecticut in 1992 and has been an integral part of the success of this yearly event which gives homeless veterans access to a wide range of programs and services. Linda also co-founded "project partnership" in which the Vietnam Veterans Assistance Program has renovated houses for homeless and disabled veterans in conjunction with rehabilitation services at the West Haven VA Medical Center.

A skilled nurse who served with distinction in the Air Force, Linda has applied her medical background to the many health issues facing our veterans, including the effects of agent orange and post traumatic stress syndrome. Indeed, she is known nationally for her leadership on issues related to veterans health care and women veterans, and has testified numerous times before both Houses of Congress. She has also been appointed to several Federal advisory committees, including, most recently, the VA Advisory Committee on Women Veterans. Linda has also served as the president of the Vietnam Veterans Assistance Fund since its inception in 1989, and as acting director of government affairs for Vietnam Veterans of America.

It has been my great honor to work closely with Linda on a number of issues affecting veterans in my district. Linda's dynamic leadership and enthusiasm were instrumental in forging a partnership between veterans groups and Connecticut's labor unions to help Connecticut veterans enter the work force through an apprenticeship program. The West Haven VA Center, the Painters Union and the Carpenters Union have now joined together in a cooperative effort that I believe should serve as a model across the country.

Whether working with the local VA center or testifying before Congress, Linda Schwartz has been a tireless advocate for our veterans. I commend her for all that she has done for the veterans in may district, and congratulate her on this well-deserved honor.

TRIBUTE TO SEABURY DAY CARE CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. SERRANO. Mr. Speaker, I rise today to commend Seabury Day Care Center, a community-based center, which today celebrates 25 years of service educating and taking care of the children in my South Bronx congressional district.

Twenty-five years ago a group of parents organized to make a difference in our community. They recognized that the problems facing inner-city neighborhoods were detrimental to the community, and decided to provide our young ones with a sound environment in which to live, grow and learn.

This group of parents worked diligently to provide education programs for children. In recognition of their accomplishments they won a special award and were able to open on November 9, 1970 the Seabury Day Care Center. The center would be able to serve 85 preschool children ages 2 to 5 and 40 afterschool children ages 6 to 12 with a staff of 33.

Under the direction of Mrs. Genevieve Brooks, who served as president until 1990, the center was able to expand many of its educational programs. A special grant awarded by the Bronx Council on the Arts has made possible a cultural program for 40 children ages 9 to 13.

A separate grant also enabled many of the staff members to continue their training and enroll in classes at Columbia University, Lehman College and New York University. Even after the funding for this purpose was no longer available, many of the staff people continued their studies.

Mr. Speaker, I commend all of those who have been involved in making this center a role model for early childhood development and education.

Mr. Speaker, I ask my colleagues to join me in recognizing the efforts of the many parents and members of our community who for 25 years have been able to provide our children with the quality education that they deserve at the Seabury Day Care Center.

STEPHEN R. GREGG, A GREAT WAR VETERAN AND OUTSTANDING CITIZEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a great man, Stephen R. Gregg, who distinguished himself in combat in World War II and was awarded a Congressional Medal of Honor. Today, Mr. Gregg will be honored at a Veterans Day Ceremony to be held at City Hall in Bayonne, NJ.

This week's ceremony caps a host of honors bestowed on him as a result of his brave deeds which include the naming of a Hudson County Park in his honor. On October 22, 1995 the Bayonne County Park was renamed the Stephen R. Gregg, Congressional Medal of Honor Recipient Park at a ceremony in his honor.

Mr. Gregg, a native of Bayonne, served in our Armed Forces as a young U.S. Army lieutenant. While engaged in the Italian campaign and on the battlefields of southern France, Mr. Gregg won the Nation's highest military honor.

On August 27, 1944, Sergeant Gregg risked his life to save his fellow countrymen. Near Montelinar, France, Sergeant Gregg and his platoon were advancing on the enemy positions when suddenly someone fired upon the leading scout. Sergeant Gregg rushed to the aid of his riflemen who were engaged in fire. The Germans threw hand grenades at close range wounding several soldiers. While dodging hand grenades, Sergeant Gregg with a machine gun as his only shield boldly led a group of medics up a hill to rescue the soldiers that had been wounded. Despite all the crossfire and hand grenades being thrown at him, Sergeant Gregg risked his life to help his fellow countrymen. Sergeant Gregg stood there firing into the enemy positions while the wounded were removed to safety. In January, 1945, Mr. Gregg received a battlefield commission as a second lieutenant. Shortly afterwards on March 14, 1945 General Alexander Patch presented Mr. Gregg with the Congressional Medal of Honor. Mr. Gregg is one of the few soldiers to have received this great honor while in the field. Among his military decorations are the Silver Star, Purple Heart with cluster, French Croix de Guerre with Silver Star, Bronze Star, Combat Infantry Badge, and many other campaign medals.

I am certain my colleagues will rise with me and pay tribute to this gallant man. As a dedicated citizen, a courageous soldier, and a true American hero, Mr. Gregg embodies the best of American patriotism. Mr. Gregg is a man who has risked his life and contributed his skills to helping maintain and fight for the freedom that America cherishes so much.

HONORING THE VIRGINIA BEACH VOLUNTEER COUNCIL

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. PICKETT. Mr. Speaker, every year, millions of Americans give their time, talents, and skills, without pay, to their communities. I rise today to salute the work of the Volunteer Council of the city of Virginia Beach, VA, which is in my congressional district. The volunteer council is the city's umbrella organization of volunteers representing more than 30 city- and State-related agencies.

America's greatest deeds come from the basic decency and compassion of her people. This decency and compassion is the bedrock upon which the volunteer workers of the city of Virginia Beach have developed innovative and effective volunteer partnerships to take on the most difficult challenges that we face as a society.

Since 1985, "more than 40,000 volunteers have contributed over 7 million hours of public service and provided over 77 million dollars, worth of services that would not otherwise have been provided." Volunteerism has been increased in Virginia Beach by more than 200 percent during that period. Through its network of volunteers, the volunteer council has been instrumental in fighting poverty, drug abuse, illiteracy, teen pregnancy, and the alienation of young and old. Volunteers of all ages have worked in the city's libraries, recreation centers, fire stations, rescue squads, patrol cars, and neighborhoods.

By serving others, the volunteers of Virginia Beach have enriched their community. The success of the volunteer council is a reflection of the personal successes of thousands of community volunteers. The volunteer council has been instrumental in promoting the basic values that form the heart of voluntarism. The council and the citizen volunteers of Virginia Beach continue to show that success in life is the sum not of our possessions but of how we help our neighbors.

Mr. Speaker, at this time I insert into the RECORD certain materials documenting the proud accomplishments of the Volunteer Council of the city of Virginia Beach.

VOLUNTEERS IN VIRGINIA BEACH CITY GOVERNMENT

In 1978, the Virginia Beach City Council established a Volunteer Council to help city agencies develop innovative and effective volunteer partnerships. Since that time, volunteers have played a vital role in the delivery of services and community development.

Since 1985, more than 40,000 volunteers have contributed over 7 million hours of public service and provided over $77 million dollars worth of services that would not otherwise have been provided. Volunteerism has been increased in local government by more than 200%.

In 1994, nearly 7,000 volunteers (the equivalent of 621 full-time employees, or 12% of the total workforce) donated more than a million hours to enhance the quality of life, address human needs, increase productivity, and improve city services. In a city of 421,000 people, such strong community spirit and kinship are remarkable.

The Volunteer Council is the city's umbrella organization of volunteers and paid staff representing more than 30 city and state-related agencies. With an annual budget of $28,000, the Council provides support in training, recruiting, public relations, recognition and the use of technology. The Council provides overall coordination and liaison with the city administration and City Council.

Volunteers of all ages can be found in over 200 volunteer opportunities in Virginia Beach city government . . . in libraries, recreation centers, fire stations, ambulances, museums, courts, municipal offices, health clinics, shelters, patrol cars, environmental offices, and neighborhoods. Selected volunteer highlights from 1994 illustrate the depth of scope:

Some 852 EMT's and cardiac technicians, the nations's largest all-volunteer rescue squad, saves lives by responding to 26,000 emergency calls annually.

Social Service volunteers help people in crisis by providing respite care for abused and neglected children; offering day care for children from violent homes; aiding foster children; helping the homeless; teaching families to become self-sufficient; and distributing food and clothing to those in need.

Volunteers, ages 9-82, at the Marine Science Museum help educate 400,000 visitors annually about Virginia's marine environment and aid injured marine animals.

CARE volunteers help empower at-risk neighborhoods to overcome crime and social problems through leadership development.

Reside With Pride volunteers keep people aware of the need to maintain houses and neighborhoods. They help needy and/or elderly citizens with home improvements.

In an innovative twist, non-violent inmates of the Virginia Beach jail volunteer for city services to reduce their time served and help increase work skills.

Auxiliary police officers patrol neighborhoods protecting citizens from crime. Volunteer firefighters work side-by-side with the paid force to protect life and property.

Clean Community volunteers promote litter prevention, recycling, beautification and environmental awareness through projects like Earth Day, Adopt-A-Highway, Clean the Bay Day, and Backyard Stewardship plantings.

Juvenile court volunteers assist in courtrooms, help victims of spouse abuse, and educate first offenders.

City volunteers help prevent drug and alcohol abuse. They stimulate disabled infants, teach crafts to seniors, combat illiteracy, register voters, teach wheelchair sports, and help fellow citizens in a variety of programs.

As cities across the nation face the challenge of "doing more with less" Virginia Beach's volunteer program offers a beacon of hope. Volunteer/Staff partnerships keep vital services available for those who need them most.

At the core of volunteerism in Virginia Beach city government is a commitment to community, a willingness to serve others, and a desire to actively participate in self governance. Most of all, Virginia Beach volunteers are people helping people . . . neighbors helping neighbors . . . to build a better community.

VIRGINIA BEACH VOLUNTEER COUNCIL: 10-YEAR SUMMARY

Year	Volunteers[1]	Hours	FTE[2]	Value
1985	2,095	425,365	205	$3,223,501

VIRGINIA BEACH VOLUNTEER COUNCIL: 10-YEAR SUMMARY—Continued

Year	Volunteers[1]	Hours	FTE[2]	Value
1986	2,841	515,569	248	3,818,434
1987	3,151	542,757	261	4,420,009
1988	3,396	663,144	319	5,893,397
1989	3,516	723,082	348	7,478,465
1990	3,833	772,532	371	8,263,903
1991	4,933	835,352	402	9,201,753
1992	5,000	1,001,213	481	10,923,339
1993	5,500	1,066,028	513	11,335,348
1994	6,791	1,291,024	621	13,064,851

[1] Average Per Quarter.

[2] FTE=Full Time Equivalent.

VETERANS DAY COMMEMORATION OF THE 50TH ANNIVERSARY OF WORLD WAR II

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TORRES. Mr. Speaker, I rise to recognize the men and women who served in the U.S. Armed Forces during World War II. These brave men and women fought to protect the freedoms and liberties enjoyed by every citizen of this great country. It is because of their valiant efforts that we triumphed over tyrants and dictators. It was these men and women who answered the call of our Nation to go to war. I commend these individuals for their patriotic and unselfish deeds in our Nation's time of need. We are proud of our veterans who defended the United States of America.

On November 10, 1995, the city of Montebello's Department of Parks and Recreation will join Americans across the country in concluding our commemoration of the 50th anniversary of World War II. During this year's Veterans Day ceremony we will pay tribute to the World War II veterans from the Montebello American Legion and Veterans of Foreign Wars posts.

Mr. Speaker, it is with honor and privilege that I ask my colleagues to join me in saluting the following veterans to whom we owe a tremendous debt:

Serving in the U.S. Army: Henry Aldana, Joe A. Alderette, Art Alvarado, Marcelino Alvarado, Richard Aragon, Gene Baldoni (E.T.O.), Henry Barrio, Ernest Bolieu, Wilfred Burnan, Albert Bustamonti, Daniel Castillo, Ralph Castillo (PAC), Oscar Celaya, John Chacon (PAC/E.T.O.), Joe Duran (E.T.O.), Telesforo Escamillo, Carlos Esqueda (E.T.O.), Alex Esquivel (E.T.O.), Robert Estrella, Jesse Flores, David Fuentes, Rosario Galindo (PAC), Alex Garcia, Manuel Garcia, Frank J. Gustelum, Fidel Guiterrez, Manuel Haro, Billy Knox, Tom Laper (Army Medical Corps, E.T.O.), Marcus Lozano, Angel Magana (PAC/E.T.O.), Gregorio Martinez, Robert McGrath (PAC), Charles Meese, Joe Moreno (Army Air Force, PAC), Jack Mottola, Ernest Mungia, Leonard Mungia (Army Air Force), Al Nudo (PAC), Manuel Ocampo, Nejamin Ortega, John Osenenko (E.T.O.), Florencio Quesada, Rudolph Rangel, Alexander Renteria, Martin Renteria (E.T.O.), Phillip Rodriguez, Val Rouleau (PAC), Richard Salas (E.T.O.), Frank Saldivar (E.T.O.), Saul Sancedo, Fernando Sarabia, Charlie Seja (PAC), Joaquin Sepulveda, Robert Sera, Manuel Sevedra (PAC), Mike Soto, Ann Vargas (WAACS), Ross Vasquez, Arturo Vega, Law Westgard (E.T.O.), and Gerald Wyckoff.

Serving in the U.S. Navy: Tony Armento, S.R. Arroyo, George Castuita, John Caudillo, Albert Couso, Wade Downing (PAC), Joseph Encinias, Robert Figuerora (IPAC/E.T.O.), Cruz Lopez, Henry Lopez (PAC), M.C. Lopez (Navy CB, PAC), Paul Mack (PAC), Father Charles Massoth, Rudolph Mezoria (PAC), Alex Sepira (E.T.O.), Richard Tafoya, Louis Tarango, Dominick Tinti (PAC), Frank Tudisco, Joe Urtusuastequi, Susanne Urtusuastequi, and Charles Weinstock (E.T.O.).

Serving in the U.S. Air Force: Ted Carmona, Fred Quinn, Joe Salas, Joseph Schiffhaver (E.T.O.), D.J. Spada, and Manuel Villegas.

Serving in the U.S. Marine Corps: Ray Franco and Anieseto Gutierrez (PAC).

Serving in the U.S. Coast Guard: Kent Armstrong, Leopoldo Cruz, and Florence Marcsak.

TRIBUTE TO BISHOP JOSEPH A. FRANCIS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to pay tribute to a man that I deeply respect and admire for his devotion to God, for his grace and dignity, as well as for his years of valued service to the people of this community. Bishop Joseph A. Francis, who has announced his retirement from the active ministry, has been an extremely active member of the Catholic Church since he was ordained in the Society of the Divine Word in October 1950.

Bishop Francis dedicated himself to humanity. He has been generous in giving his time to people, he has a way of making everyone in his presence feel special. He has served as both a teacher and administrator in secondary schools and colleges throughout the country. He has received numerous honorary degrees and served on the boards of trustees of many fine institutions of higher learning. His resume and list of achievements are as impressive as his bearing and his humility. As a result of his work in the community, Bishop Francis has been the recipient of numerous prestigious awards and commendations.

Bishop Francis has been and continues to be an advocate for the least fortunate members of our society. During his tenure in the archdiocese of Newark he touched many lives including mine and he has made an impression that we will never forget.

Mr. Speaker, I ask that all of my colleagues join me in paying tribute to Bishop Joseph A. Francis, a wise man and good man who achieved great things.

IN MEMORY OF WILLIAM T. ATKINSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. POSHARD. Mr. Speaker, I rise today to honor an accomplished international researcher, William T. Atkinson of Decatur, IL. William graduated from college in 1934 with a degree in chemistry, and like most chemists of his day, he started to work in a local pharmacy. On one particular day, he displayed a simple act of kindness that changed his career and his life. When word of his kindness became known to the family of the individual he had helped, they sought to return the favor not only with money but by offering William a job at Henry Ford's research laboratory. This was a young chemist's dream come true.

This opportunity presented William a whole new world in which to invent and he did so with great success. So great was his success that one day, Mr. Ford, himself, presented William with a bag of soybeans and told his bright young chemist that they—soybeans—ought to be good for something. William immediately set forth in his quest to find some beneficial use for the soybean.

Who could know at the time that so much would come from something that seemed so simple. He developed a soy fiber that was used in automobile upholstery during World War II. From 1950 to 1965, he spent his years perfecting his discovery of a textured vegetable meatlike substance called soy protein which contains 50-percent protein and 50-percent carbohydrates, a.k.a. the veggie burger. In 1968, he won the Food for Peace Award in Paris, France, for this discovery. Today, soybean protein and its byproducts are used to help feed people around the world.

William not only excelled in the laboratory, but also in his personal life. William had a strong commitment to community and family, as an active member of Our Lady of Lourdes and the 55 Club of the church and a member of the St. Vincent DePaul Society. Last, but not least, he was the proud father of Dennis, Lois, Mary Beth, Ruth, and loving husband to Elizabeth for 57 years. William will be missed by family and friends, but will always be remembered for his many good works and his outstanding accomplishments.

LOBBYING REFORM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Ms. ESHOO. Mr. Speaker, I rise to urge all my colleagues to support a complete ban on gifts from special interest lobbyists. Since arriving in Congress, I've made it my office policy not to accept any gifts from lobbyists or allow any of my staff to do so. Earlier this year, I was one of 32 Members who signed a Common Cause pledge saying that lobbyist gifts were forbidden in my office. Every Member should take this pledge.

It's important because the American people continue to lose faith in Congress. In addition to the intense partisan bickering and gridlock that have become the hallmarks of this institution, Americans are appalled by the cozy relationship that exists between lobbyists and Members of Congress.

They perceive—often correctly—that Members ignore the needs of the average person while bending over backwards to meet the needs of monied special interests. They feel shut out, ignored, and disengaged from the democratic process.

We need to rebuild and restore public trust in Congress and its Members. And there can be no better way to begin this process than by giving up lobbyist-provided meals, tickets, vacations, food baskets, and golf outings that have come to symbolize what's wrong with Washington and the way it operates. These gifts should be flat out eliminated. Every Member of Congress earns a generous salary. It's more than enough to live on and serve the interests of the people who are paying it—the taxpayers.

So, Mr. Speaker, I urge my colleagues to join me in taking the pledge to do away with gifts from lobbyists. Support the gift ban and get back to work for the people who sent us here.

GREAT PLAINS AND PANHANDLE HEALTH SERVICES

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. COMBEST. Mr. Speaker, I rise today to recognize the dedicated professionals in the home health care industry. Across the Nation, one of the great concerns is the fear of not being able to receive high-quality yet affordable health care. In the search for one of the most effective ways to provide this, one need not look to the future, but rather to our history and to the oldest tradition of health service delivery—home health care. This time-honored tradition of allowing the elderly, disabled, and ill to remain in the comfort of their own homes and receive the medical assistance they need has proven to be one of the most cost-effective and beneficial prescriptions a doctor can dispense.

Allowing a patient to stay in their own familiar surroundings allows them to retain their dignity and sense of independence, while still receiving quality medical services. It also allows them to be surrounded by loved ones and family which helps to maintain the ever important family union which can play such a key role in helping to recover from an illness.

In the United States today, home health care is regaining the popularity which it once had. As the desire for this important care increases, home care agencies across the country have met the challenge and now offer a full range of valuable services from skilled nursing and social services to physical, occupational and speech therapies. Nationwide there are over 17,500 agencies which help provide home care and this proven alternative to lengthy hospital stays now accounts for an estimated $27 billion of the resources spent on health care, as they provide services to over 7 million Americans.

This growing segment of our health care industry deserves to be recognized for its continuing effort to provide affordable and quality care to those in need. We, in Congress and throughout America, can lead the effort to recognize home care agencies and the valuable and cost-effective health care resources which they provide. I call on all Americans to support these valuable agencies and providers who work to enhance the lives of those ill and disabled who are in need of home care assistance. In so doing, I salute all who provide home health care.

RETIREMENT OF BERNICE COLEMAN-LEWIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TOWNS. Mr. Speaker, it is my pleasure to acknowledge the retirement of Mrs. Bernice Coleman-Lewis from the U.S. Customs Service. Bernice worked for the Customs Service for 25 years. She rose through the ranks from the position of clerk typist to ultimately become a customs liquidating officer at John F. Kennedy International Airport.

During her tenure with Customs, Bernice was instrumental in helping to ensure that the National Treasury Employee Union [NTEU] became the union for Customs employees. She also became the executive vice president of the NTEU. Bernice was also a member of the Quality Circle in Customs. Always mindful of giving back to the community, Bernice participated in the Customs mentor program for inner city youth, and served 2 years as vice president of the Sentinel Society, Inc., a minority Government employee organization.

Mrs. Lewis has also been active in community organizations, including the 835 Ocean Avenue Tenants Association. She served as the secretary of St. Catherine Chapter 758, for the order of the Eastern Star, and she became a member of Bridge Street A.M.E. Church of Brooklyn in 1994.

Now that she has retired, Bernice is attending State University of New York [SUNY], in Old Westbury, and was accepted into the education program. Mrs. Coleman-Lewis aspires to teach in the Amityville school system on the elementary level.

Bernice is a proud parent of four children, two girls, April and Raisa, and two sons, Ajene and Malik. She is also the long time companion of Nathaniel Lewis. It is my distinct pleasure and honor to introduce Mrs. Bernice Coleman-Lewis to my House colleagues.

LEGISLATION WHICH IS GOOD FOR THE FEDERAL GOVERNMENT AND THE CITY OF CORPUS CHRISTI, TX

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. ORTIZ. Mr. Speaker, I introduce today a bill to create a win-win situation for the Federal Government and the city of Corpus Christi, TX.

Mr. Speaker, the 104th Congress has made much of reducing the size of Government, saving taxpayer dollars and moving the decision of Government back to States. The administration's reinventing government proposals accomplish the same goals. As a part of the latter, the Vice President has directed the Bureau of Reclamation to initiate a program of title transfer of water supply projects to move ownership of these projects from the Federal Government to the States or local entities.

I introduce this legislation today on behalf of the State of Texas, to create a process so the State or our public agencies may purchase and accept title to the Bureau of Reclamation projects in the State. This bill has the full support of the Texas State legislature, which recently passed a resolution, signed by the Governor, accepting the responsibility for this process of title transfer.

Most importantly, Mr. Speaker, I introduce this legislation at the request of the city of Corpus Christi. The city supports title transfer and wants local responsibility for the Nueces River project, locally known as the Choke Canyon project.

In 1976, the city of Corpus Christi and the Nueces River Authority contracted with the Bureau of Reclamation for the construction of the Choke Canyon Reservoir-Nueces River project—on the Frio River near Three Rivers, TX. The primary purpose of the project was to provide an additional water supply for the city of Corpus Christi through the year 2040. Since the project was completed in 1982, however, studies have determined that the current supply to the city from the project is less than was promised, and additional water supplies will be required by the year 2003. The local sponsors are proposing that the repayment agreements be recalculated to reflect the diminished water supply from the project, as well as the expenses to the local sponsors in acquiring additional water supplies to compensate for the projected shortfall in the Choke Canyon/Lake Corpus Christi system. After reallocating project costs and/or negotiating a fair settlement of project repayment obligations, the local sponsors are prepared to initiate a project buy-out and transfer of title utilizing a discounted prepayment of their fair share of project costs.

Mr. Speaker, our local citizens are taking a very responsible approach to this situation. They are offering the Federal Government a substantial cash payment up front, they are offering to purchase and protect thousands of acres of sensitive land as mitigation for the original project and they are accepting the responsibility for the future operations and maintenance of the project. As the Corpus Christi

Water Engineer James Dobson pointed out in recent Congressional hearings, there are significant benefits to the legislation I offer today:

For the Federal Government, these include: Immediate access to large amounts of capital from early payoffs; avoidance of long term liabilities for Federal share of project O&M costs; avoidance of other future liabilities; continued compliance with Federal project objectives; and reduced federal administrative expenses.

For the local sponsors the benefits include: Long range economic savings by prepayment of debt; freedom from expenses caused by excessive Federal involvement in the project management; and local decision making on resources used locally.

Mr. Speaker, I want to point out to my colleagues, I introduce this legislation on behalf of a very responsible community in terms of its approach to water resources. As Mayor Mary Rhodes recently pointed out:

I want to emphasize that we are not talking about an area that places disproportional demands on its water resources. Texas Water Development Board studies show that Corpus Christi's per capita water use is one of the lowest in the state for a major city—only 155 gallons per capita per day. Our industries are very water efficient—in the petroleum refining and petrochemical sectors, facilities in the Corpus Christi area use only 40 to 60 percent as much water per barrel of product as similar facilities in other parts of Texas.

Mr. Speaker, I urge strong support for this legislation. It is responsible, it addresses a serious local need, it fulfills expressed goals of both the 104th Congress and the administration, but most importantly—it makes sense.

RETIREMENT OF KANSAS CITY POLICE CHIEF STEVEN BISHOP

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Ms. MCCARTHY. Mr. Speaker, I rise today to pay tribute to Steven Bishop, who is retiring on December 1, 1995 after serving a distinguished 25 years with the Kansas City, MO Police Department, the last 5 years as chief of police.

Throughout his tenure, Chief Bishop has demonstrated an admirable willingness to face the toughest issues. Shortly after taking office, Chief Bishop appointed a task force of Police commanders, clergy and community leaders to study ways in which officers could better communicate and work with citizens to deter crime. A community policing force eventually was established, partnering neighbors with officers throughout our community.

His ongoing pursuit to build a safer community is further evidenced by his work on the Governor's Commission on Crime and the President's Committee on Drug-Free Schools. These and other anti-crime efforts have earned him national recognition. Among Chief Bishop's honors was a special appearance at President Clinton's State of the Union Address earlier this year at which the President paid tribute to him for his outstanding efforts and leadership.

Chief Bishop's interest in law enforcement began well before his days as police chief. In 1970, 3 years after leaving the Marine Corps as a Vietnam veteran, Bishop graduated from Central Missouri State University with a degree in police administration.

While serving as a police officer, Bishop continued to develop his skills and abilities by earning a master's degree in personnel management from Central Michigan University and attending numerous training conferences and seminars. Over the years, he participated in the sergeants supervisory leadership course, the officer survival seminar, the national hostage negotiations seminar, the national organized crime training seminar, and the 147th session of the F.B.I. National Academy.

Not surprisingly, Bishop's impressive aptitude and positive attitude soon won him respect and promotions. He advanced to the rank of sergeant in 1975, captain in 1980, major in 1987, lieutenant colonel in 1989, and chief of police in 1990. He was only 43 years old when he was sworn in to head the department on June 14, 1990.

Chief Bishop's list of accolades includes being named the Ad Hoc Police Officer of the Year in 1988 for his efforts to fight drugs on the City's East Side, and the ABC News "Person of the Week" for his work to foster better relations between the police and the community

In light of his 25 years of outstanding service to the Kansas City Police Department and the people of Kansas City, I know that my colleagues in the House join with me in honoring Steven Bishop. We certainly wish Chief Bishop all the best in his future endeavors. His leadership will be sorely missed in my district. Thanks, Chief.

RED RIBBON DRUG AWARENESS WEEK ACTIVITIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. GILMAN. Mr. Speaker, I am pleased to rise to acknowledge the excellent work, and important efforts, against drug abuse that the annual Red Ribbon Drug Awareness Campaign represents across America, each and every year around this time.

The work that the many community organizations, and groups are doing as part of this annual drug awareness program and the importance of the educational message of a drug-free society, especially for our young people, is vital in this day and age of rising drug use.

A recent University of Michigan study on the latest alarming rise in drug use, especially among the young, made it clear that each new generation must learn the hard lessons of drug abuse. That learning can and must be accelerated through valuable drug awareness programs.

These programs, and efforts like the Red Ribbon Awareness effort, help provide the opportunities for those hard and costly lessons to be learned by each new generation before it's too late, and our young are on the road to addiction and ruin.

In March of this year, former First Lady Nancy Reagan, famous for her own well recognized and effective, just say no, drug educational efforts, testified before our House Committee on Government Reform and Oversight, in which she said, "After great strides that were made just a few years back, I'm worried that this Nation is forgetting how endangered our children are by drugs."

Let us together not permit America to forget that drug prevention, through education of our young, is critical to avoiding devastating long-term costs and damage from drug abuse by our children and future generations.

It was gratifying to note that President Clinton announced that there will be a teenage drug use White House conference in January to address the alarming rise in youth drug use.

Our young people, I know, will surely benefit from the valuable learning and awareness from these efforts of Red Ribbon Week, such as that of the Orange County Alcoholism and Drug Abuse Council, and other important programs throughout the mid-Hudson region of New York State.

A POINT OF LIGHT FOR ALL AMERICANS: MARGARET ROSS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. OWENS. Mr. Speaker, I rise to pay homage to Margaret Ross, who on August 31, 1995, ended her 32-year career with the New York City Board of Education. She is an individual who selflessly dedicated her life to children and parents. Throughout her professional career as a social worker, supervisor, and administrator she has been viewed by all whose lives she has touched as a knowledgeable, fair, and caring person. Margaret Ross is an outstanding citizen and deserves to be recognized as a great "point-of-light" for all Americans.

This longtime resident of Crown Heights, NY, in central Brooklyn, Ms. Ross is involved in many activities that contribute to the betterment of the community. She is a current member and past president of the Sterling Place Civic Association; a member of the Sterling Community Revitalization Corp.; a member of the Medgar Evers College Community Council; a member of the Brooklyn Women's Political Caucus; executive member of Thurgood Marshall Democratic Club; and an elected official of the Democratic Party serving as State committeewoman of the 43d assembly district. Ms. Ross serves as an executive member of the Coalition for Community Empowerment which was founded by Congressman MAJOR OWENS and is the leading policy setting organization for the African-American community in Brooklyn.

Margaret Ross' dedication transcends professional, personal, and religious domains. Realizing her knowledge, skill, and compassion early in life, Ms. Ross utilized her talent to empathize with people in need. Upon graduating from undergraduate school, she worked as a caseworker in the Department of Welfare. For a short time thereafter, Margaret Ross worked as a psychiatric social worker in Kings County Hospital and then joined the Bureau of

Child Guidance of the New York City Board of Education. Subsequently, she became a supervisor of school social workers and 6 years ago, chairperson of the committee on special education in district 13.

In an effort to embrace her fellow professionals and to further develop her craft, Margaret Ross is also an active member of the National Association of Social Workers. Currently, she serves on the executive committee of the political action committee. Margaret Ross joined Delta Sigma Theta Sorority at Morgan State University and has continued her affiliation with the Brooklyn alumnae chapter to the present day. She currently serves on the social action committee of the Brooklyn chapter.

Ms. Ross began her service to her community and church early in life. She patterned herself after her mother, Alice Debnam, who was a prominent member of Concord Baptist Church. Widowed in her early 1940's, Mrs. Debnam kept Margaret and her two sisters centered with strong religious values and an emphasis on education and a work ethic. After attending Public School 44 and Girls High School in Brooklyn, Margaret Ross received her bachelor of arts degree from Morgan State University. This led her to Howard University where she received a master of social work degree. Subsequently, she attended Brooklyn College for a master's degree in administration and supervision. Margaret Ross is married to Kenneth Ross of Trinidad and Tobago; and they have one daughter, Joann. Ms. Ross is the aunt of Assemblyman Roger Green. Along with her sisters Theopia Green and Ruth Gray, Ms. Ross will continue in the family tradition of service and commitment to the community.

It is unfortunate for the children of district 13 that Ms. Ross no longer lends her special touch to the New York City Board of Education. As she becomes accustomed to a well-deserved retirement, it is certain, however, that she will continue in some capacity as an inspiration to colleagues, parents, children, and staff. Her professional know-how and her sharp political savvy have in no way lessened her personal warmth and caring. In the 11th Congressional District she is appreciated as a great pillar of dedication and empowerment. Margaret Ross is a "point-of-light" providing a bright and glowing inspiration for all to follow.

A TRIBUTE TO TOM BATES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. DELLUMS. Mr. Speaker, I rise to commend the work of California Assemblyman Tom Bates on the occasion of the tribute dinner in his honor on November 11, 1995. His distinguished record in the California Legislature includes 214 bills signed into law and a public policy legacy that spans 24 years. His foresights in putting forward innovative, visionary bills has earned him the strong support of his constituents who have reelected him 10 times to the assembly, often with more votes than were cast in any other assembly district.

First elected in 1976, Mr. Bates has played a central role in the framing of virtually all progressive social service policy in the State. He is the lead Democrat in the assembly on welfare reform issues affecting those with disabilities, foster care, senior services and the myriad social issues that confront the State. His work has touched the lives of disadvantaged Californians, helping to build a State that recognizes the potential of all its citizens.

He served as chair of the assembly human service committee for 12 years—the longest any legislator has ever chaired that committee. He is currently the committee vice chair. We have benefited nationally from Tom Bates' work as well. He convened the first hearings in the country on the feminization of poverty and founded and served as cochair of the Joint Task Force on the Changing Family, the first such legislative task force in the country. These initiatives sparked national discussion and action on the need to support today's changing families.

He has shared his expertise in social welfare with legislatures throughout the country, chairing the National Conference of State Legislatures Committee on Children and Families and cochairing the NCSL on welfare reform.

Among his many accomplishments in social service legislation are laws to provide the first State funding for independent living centers, establish innovative mental health programs, provide integrated long-term care services to the elderly, strengthen child support laws and help families move from welfare to work.

First and foremost, Tom Bates is an environmentalist. He has served on the assembly of natural resources committee for 19 years, longer than any current member of the legislature. He has consistently received a 100 percent proenvironment voting score. Under his guidance, key policies have been adopted to preserve and enhance the environment. An outspoken advocate of open space preservation, he has been instrumental in creating, preserving and developing nearly two dozen parks and recreational areas in California's East Bay communities. Most notably, he carried the legislation to create the Eastshore State Park which, when completed, will be one of California's premier urban waterfront parks, running along San Francisco Bay shoreline from Oakland to Richmond.

At a time when many elected officials govern by poll results, Tom Bates is guided by an innate sense of fairness, a commitment to equality and an unyielding willingness to work on the behalf of his constituents. California and the Nation owe him a debt of gratitude for his energetic, visionary and far reaching public service.

OPPORTUNITY AND CHALLENGE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. ORTIZ. Mr. Speaker, for many years now, I have joined my colleagues in congratulating the leaders of the Republic of China on Taiwan on their national day. This year, I wish to draw my colleagues' attention to an excellent book written by Frederick Chien, the Republic of China's Foreign Minister.

Taiwan has worked hard to normalize relations between themselves and the Chinese communists, motivated somewhat by fear of military invasion. After summer missile tests, the People's Republic of China are threatening other tests if Taiwan does not abandon its pragmatic diplomacy.

In recent years, in exercising pragmatic diplomacy, Taipei has been able to maintain diplomatic relations with nearly 30 countries and to increase their official representation in other countries. Furthermore, pragmatic diplomacy has also allowed Taipei to make great progress in joining international organizations. The ROC became an official member of the Asia-Pacific Economic Cooperation in November 1991 and was granted observer status in the General Agreement on Tariffs and Trade in September 1992. Meanwhile, Taipei seeks to return to the United Nations.

Foreign Minister Chien's success in implementing pragmatic diplomacy is carefully documented in his new publication: "Opportunity and Challenge", published by Arizona State University. I enjoyed reading Minister Chien's analysis of the post-cold war era and the implications for countries such as Taiwan. The book offered fascinating reading about Chien, a well-bred diplomat, educated in China and at Yale—whose leadership in the late 20th century came at a critical juncture in history. Chien's dedication to his country, to his wife Julia, their children, and his friends, represents the sum total of "Opportunity and Challenge."

"Opportunity and Challenge" is a chronicle of Minister Chien's successes and disappointments during the last 6 years in the ROC's foreign ministry. It is a must reading for anyone interested in the Republic of China's recent diplomatic history. No one individual has occupied a more pivotal place in ROC's diplomatic annals than Fred Chien.

Congratulations to Fred and best wishes to the Republic of China on its national day.

HOLY SAVIOR CHURCH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the 100th anniversary of the founding of the Holy Savior Church of Wilkes-Barre, PA. This milestone will be commemorated at a banquet on November 12, 1995, and I am proud to have been asked to participate in the celebration.

As one approaches the city of Wilkes-Barre, it is difficult not to notice the twin spires of this beautiful Gothic church. Since 1895, the stone and brick structure has stood as a monument to those whose faith and hard work erected it as a place of worship. The parish began under the able leadership of Rev. John J. Curran. Its parishioners were mostly immigrant coal miners. After working all day in the mines, the miners would come to the construction site to help build the church. Father Curran was a staunch advocate of labor and stood with the miners during the famous strike of 1902.

In fact, President Theodore Roosevelt turned to Father Curran for help in resolving labor disputes with miners during the early part of this century. After Father Curran entered into the labor dispute negotiations, the mineowners surrendered some of their demands and the miners won their first labor victory. A friendship developed between Father Curran and the President, and Roosevelt became a frequent visitor to the parish.

In addition to having a long history of national significance, the Holy Savior Church was blessed to have benefited from the leadership of Msgr. Andrew J. McGowan. During his tenure at the Holy Savior Church, Monsignor McGowan provided spiritual guidance to the many people who came from all over northeastern Pennsylvania to hear his messages. Monsignor McGowan is well know throughout northeastern Pennsylvania as a community leader who brings the values of the church to everyday concerns of ordinary people.

Mr. Speaker, Holy Savior Church is a landmark of great historical significance in northeastern Pennsylvania. It is a tribute to early parishioners who sacrificed so much to build a place to worship and to its modern day parishioners who carry on the tradition of faith in our community. I am pleased to have had the opportunity to bring the proud history of the Holy Savior Church to the attention of this Congress.

SPEECHES BY NICARAGUAN PRESIDENT VIOLETA B. DE CHAMORRO

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. HOUGHTON. Mr. Speaker, I had the opportunity to testify before the Subcommittee on the Western Hemisphere on a matter near and dear to my heart—the state of democracy in Nicaragua.

President Violeta Barrios de Chamorro, who is a dear friend to me and my wife Priscilla, visited our country in September and delivered two speeches—one at the Department of Commerce, and another at the Center for Democracy. I'd like to submit the text of those speeches into the record, and ask that my colleagues take a look at them.

Mr. Speaker, I testified before the subcommittee to emphasize that Nicaragua is well along in the process of turning itself around. Are there problems in Nicaragua? Absolutely. It has only been 5 years under Democratic rule. The road is still long. There will never be an absolute destination. But under the leadership of President Violeta Chamorro, Nicaragua has undergone wrenching changes of which any one of us would be proud.

SPEECH BEFORE THE CENTER FOR DEMOCRACY

Mr. Kelly, President of the Board of Directors of the Center for Democracy, Professor Allen Weinstein, President and Executive Director of the Center for Democracy, Members of the Government of the United States of America, Honorable Senators and Representatives, friends: I would like to thank you for your invitation to share with you this evening in the celebration of the Tenth Anniversary of the Center for Democracy. I would like to express to you my sincere recognition for all the support you have given the democratic process in my country. This support has included observing the historic elections of February 25, 1990 and supporting the National Assembly on legislative matters.

I am thrilled to be at this forum, where dialogue is practiced and promoted with the joint action of parties and countries that favor both democracy and the well-being of the persons of the world.

The Center for Democracy is expanding the frontiers of freedom in diverse continents, helping societies in transition build a legal framework based on the Rule of Law and a market economy. I can tell you that Nicaragua is one of these examples.

Building democracy in Nicaragua has been a very difficult and misunderstood task. Upon beginning my presidential mandate on April 25, 1990, I found a country that was destroyed by war, a result of the ideological imposition that the Sandinista Government attempted in my country.

Our democratic transition took place in the midst of weapons. I found an army of more than 90,000 members facing another 22,000 combatants. The civilian population had more than 200,000 weapons of war in its possession at that time. Exile, imprisonment and confiscations of goods were the means with which to confront the opposition to democracy. Freedom of the press and political rights were suppressed. I inherited a collapsed economy. State centralization practically did away with the initiative of the citizenry and the benefits of a free market. Under the economic model of the Sandinista decade, the State took over commerce, banking, insurance and production. The result was an economic regression that took us back to the 1940s, and left us an enormous foreign debt, one of the highest in the world in relative terms. Rationing cards, weekly devaluations, confiscations and long lines at supply centers were coupled with the lack of liberties and became the main symbols of that time. As part of this sad outlook, we Nicaraguans inherited a culture of violence. Dialogue had been the absent protagonist in our history.

My first mission as President was to reestablish public liberties, abolish compulsory military service and foster a true reconciliation and unity among the Nicaraguan family in order to heal the wounds of war.

Today, political debate takes the place of gunshots, our Branches of Government are truly independent and we have managed to subordinate military authority to civilian authority. The gigantic army I inherited has been transformed to a force of 14,000 people, the smallest in Central America. We have approved a new Military Code that establishes the national and apolitical nature of the army. For the first time in the history of our nation, a head of the army abandoned the post peacefully. We took the school textbooks that taught addition by means of weapons and tanks and replaced them with books espousing civilian and patriotic principles. Many military installations were transformed into schools and universities.

The reconciliation, that I do not tire of asking from the Nicaraguan people, has allowed us to incorporate in the National Police, militants of the former Nicaraguan Resistance. The armed and security forces that formerly carried the name of the Sandinista party, today have become the National Army and National Police. Thousands of weapons that previously were in the hands of civilians have been recovered, destroyed and buried.

Economic reforms have put an end to a Centralist State. Private initiative has assumed the role and the challenges that make it the main agent of development. Since 1991, 10 new private banks, one Stock Exchange and one Commodities Exchange have been established in our country in a show of confidence and the entrepreneurial spirit of the Nicaraguan people. Three hundred fifty private enterprises, which constituted close to 30 percent of the Gross Domestic Product, have been privatized. We have been successful in eliminating the hyperinflation we inherited and in maintaining one-digit levels in price increases. We have also reduced our foreign debt or restructured it to increasingly more flexible terms.

Given the conditions of poverty I inherited, we are concentrating our efforts on children and women, who carry most of the family burden in our country. I have given special priority to primary education and preventive health, while integrating community participation and that of civilian society in these tasks.

I would like to clearly underscore that Nicaragua today has an economy with great potential. For the first time in 11 years, our Gross Domestic Product grew by 3.3 percent in 1994 and this year we will have a greater increase. Nicaragua now has appropriate and firm legislation for the protection of foreign investments. We have subscribed to bilateral treaties for the promotion of investment with different countries, including the United States of America.

These important achievements have only been possible thanks to the solidarity we have found in friendly countries that have not deserted us. I would like to especially acknowledge the broad bipartisan support that the United States has shown us. By such support, you understood that democracy in Nicaragua is irreversible. Those who compare the Nicaragua of the past with the Nicaragua of today, transformed as it is by democracy, may appreciate how costly it has been to arrive to where we are today. We need to continue receiving support for our democratic process in order to meet the great challenges that face our society today. We will continue strengthening our economic development, confronting absolute poverty and perfecting our democratic institutions.

Upon completing my term, on January 10, 1997, I would like to leave the property issue resolved, which is one of the most difficult and complex problems that I inherited from the previous regime. The property issue affected more than 170,000 families and close to 25 percent of the arable land in Nicaragua. Today I can tell you that we have taken significant steps to finding solutions to this situation.

My dear friends, we Nicaraguans are entering a new era in our history. We are heading toward an electoral process in 1996 that will enable us to take one of the most important steps in the consolidation of democracy. The challenge we face is to preserve peace, strengthen justice and the rule of law and further establish economic and social development, eliminating extreme poverty and fighting unemployment. Only absolutely free and honest elections can lead us to a true consolidation of democracy. I call on the international community to support us in the diverse aspects of the elections we will be holding towards the end of 1996. We are confident that we will continue to count on the support of the United States and the leaders of the Center for Democracy.

I would like to conclude by saying that the bipartisan consensus that the Center for Democracy has promoted in relation to Nicaragua has not been in vain. This celebration of the Tenth Anniversary of the Center for Democracy is also a source of great pride and satisfaction for my country. I would like to offer you a simple yet significant gift of a destroyed weapon, which symbolizes the peace and reconciliation of Nicaragua. May God bless the friendship between our two peoples. Thank you very much.

REMARKS AT THE DEPARTMENT OF COMMERCE

(By Her Excellency Violeta Barrios de Chamorro)

Allow me Mr. Brown to thank you for your kind invitation to participate in this breakfast and the opportunity to exchange viewpoints on some areas of common interest.

During the last few years, Central America has been making impressive progress in the opening up of its framework of trade and its economies. In fact, the reduction of tariffs, the elimination of non-tariff barriers, economic deregulation, improvements in the framework of investment policies and progress in the protection of intellectual property rights, among others, are contributing to the perfection of our instruments of integration.

In this context, it is important to highlight accession of all Central American countries to the World Trade Organization, a commitment that will bring regional trade norms into line with the disciplines that govern international trade. This development also represents a fundamental step in the creation of the Americas Free Trade Zone, which is the objective we established for ourselves in the Summit of the Americas held in Miami in 1994.

This set of policies and actions is contributing to a better commercial growth in the region; in 1994 intra-regional trade surpassed the historic levels reached in the last decade. Our principal trade partner is the United States, on the export as well as import levels, thanks to the Caribbean Basin Initiative.

This success notwithstanding, with the emergence of NAFTA, the region together with the Caribbean countries perceives potential disadvantages as a result of a diversion of trade and investment. For this reason, we support initiatives that promote NAFTA parity and we support free access of our products, which today face restrictions.

Although our commercial relations show important growth, they are not necessarily a reflection of the flow of investment. I therefore, consider that we must redouble our efforts to promote the potentials of investment in Central America.

When Mr. Pablo Pereira, our Minister of the Economy and Development, returned from the Meeting of Ministers in Denver, he reported to me in detail on two events of special importance to our country that took place in that city.

(1) The signing of Bilateral Investment Treaty between the United States and Nicaragua.

(2) A working session with you where we responded to your initiative of holding a Forum on Trade and Investment at the Central American level with an invitation to stage such a Forum in Managua.

I now have the pleasure of reiterating that invitation to you and to tell you that in Nicaragua we will welcome you, your assistants and the important business people that accompany you, with open arms.

From the outset, we believe this event will be important, not only to give the Bilateral Investment Treaty its own dimension, but also to provide a magnificent opportunity to examine, within a Central American context, concrete perspectives on trade and investment between our subregion and the United States.

In this same vein of ideas, allow me to suggest the creation of a U.S.-Central America Business Development Council, a body that will promote business ties, providing the private sector with the major role befitting it in our societies.

Mr. Brown, distinguished guests, Central America is a region that has abandoned war and violence and has initiated the irreversible consolidation of its democracies. I am proud to point out that, toward the end of next year, we will hold in Nicaragua, the fairest, most free elections in our history. These elections will mean a political transition without interruption, guaranteeing our democracy. Pacification, reconciliation and development have been the central themes of my Government, under the difficult circumstances I have had to govern.

In my country we put an end to the hyperinflation of the 1980s, launched a highly successful process of privatization, reduced the foreign debt and made considerable progress in the solution of the property issue inherited by my Government. We also began an intensive process of export diversification and, in general, have laid the groundwork for a better transformation of production with economic and social equity. Nicaragua is a stable country, currently open to foreign investment and willing to gradually assume the responsibilities imposed by economic globalization and international competition. Our convictions, our principles, as well as our laws grant complete security and protection to foreign investment.

I invite the American business people to discover Nicaragua. Here, among us, we have examples of business people and businesses that know that in our country in particular, and Central America in general, significant opportunities for trade and investment are taking place.

Come to Nicaragua, Come to Central America, we are waiting for you.

TRIBUTE TO LARRY A. FOSTER

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to pay tribute to my constituent, Mr. Larry A. Foster of Forest Park, who recently passed away. His passing at the young age of 54 is a loss that is felt, not by just his family and friends, but by the community he lived in, loved, and served over the years. He will be greatly missed.

Larry was born in Atlanta but moved to Clayton County at an early age. He was a star athlete at Forest Park High School where he played lineman, participated in two State championship football games and was named all-State lineman of the year. His talent on the playing field, combined with his academic performance in the classroom, won him a scholarship to Auburn University. He later transferred to Virginia Military Institute where he also played football.

He served his country with honor and distinction in the U.S. Marine Corps. Larry spent 13 months of his 3½ years in the Corps in Vietnam. After leaving the Marines as a lieutenant, he returned to his beloved Georgia where he taught school and coached football at Hapeville and attended night law school at Emory University.

When the night school program ended, Larry faced a difficult choice. The choice he made shows us a great deal about this man's character and determination. He left his secure job of teaching and the coaching he loved, to enter Emory as a full-time law student.

After graduation, he started a legal career that grew and flourished through the years. He joined a well-known private law firm in Clayton County, but he also found the time to serve his community and State in so many other ways. From 1973 to 1989, he served as the Clayton County School Board attorney and from 1989 to 1993 he was the attorney for Clayton County. At various times during his career he also served as city attorney for both Riverdale and Morrow.

His love of education led him to the Georgia Board of Education where he served for 14 years. During his time on the board, Larry played a major role in shaping the State's "no-pass, no play" rule, which requires student athletes to maintain their grades to be eligible to play competitive sports. He was a champion of local school superintendents and principals, pushing for better training programs and better benefits to keep school leaders from leaving the State.

Service to the community went beyond his legal expertise, however. He was a member and past president of the Southlake Kiwanis Club, the past president of the Clayton County Bar Association, and past district director in the Boy Scouts where he was active for many years.

Larry will be greatly missed. He will be missed by his wife, Mary Jo, to whom he had been married since 1968, and by his two children, Rachel Foster and Larry Allen Foster, Jr. He will be missed by his mother, Frances Foster, and his three brothers, Paul, Donald, and Terry.

Their loss is also a great loss to the people of Clayton County and the State of Georgia. He touched the lives of so many people—his fellow classmates and athletes in his youth, the men he served with and led in the U.S. Marine Corps, the students he taught and the football players he coached while a teacher at Hapeville school, his fellow attorneys, teachers, principals, superintendents, youngsters in the Boy Scouts.

The list goes on and on. Larry will be missed. His all-too-short life exhibited the grit, the determination, professionalism and service for which we all should strive in our lives. He was more than just a constituent, he was a friend. I am proud to have known Larry Foster, and I will miss him.

TRIBUTE TO FRANCIS JOSLIN

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TATE. Mr. Speaker, I ask my colleagues to join me in paying tribute to Francis Joslin of Washington State.

At 11 a.m. on Saturday, November 11, when we pause to remember the military veterans of our Nation who have fought to preserve our freedom, Francis Joslin should be in our thoughts. During World War II, Mr. Joslin exhibited the kind of courage and perseverance that most Americans of the postwar generations can scarcely imagine.

As an 18-year-old Army recruit in the spring of 1941, Mr. Joslin was sent to the Philippines, where he was assigned to a coastal artillery battery. When World War II began on December 7, he was transferred to the 31st Infantry. He was among the American defenders of the Philippines who fought the Japanese invasion force from Luzon to Bataan.

When Bataan fell on April 9, 1942, he and a small group of soldiers fled, swimming to the island of Corregidor, where he fought on until it too was surrendered on May 6. He was taken prisoner.

By escaping to Corregidor, Mr. Joslin had avoided what was later named the Bataan Death March. But with the fall of Corregidor, he was to begin 3 years of imprisonment, slave labor, and torture that most of us probably would not have endured. At the time of his capture, he was 6-foot-2 and weighed 190 pounds. At his liberation on August 15, 1945, he weighed but 105 pounds.

At first imprisoned in Manila, Mr. Joslin, suffered from malaria for which he was given no medicine, was beaten and was not given enough food to sustain his health. He witnessed horrid acts of torture against fellow prisoners who had escaped to try to find food.

Then that winter he and 1,500 of his fellow soldiers were moved to frigid northern China, where they were used as forced labor at a tannery and in lead mines. Survival again became a daily challenge. During that winter of 1943, they supplemented their inadequate rations by eating grass and capturing wild dogs.

In the summer of 1944, suffering from fatigue and malnutrition, Mr. Joslin lost consciousness in the mine. When he awakened outside the mine 3 days later, his guards believed he had tried to escape. He was taken back to the mine and forced to stand naked for 2 days without food or water. That was followed by 2 days in solitary confinement, again without food or water.

Shipped to Japan, he spent 10 days in solitary confinement without food or water and was repeatedly beaten. At the end of this chapter of his ordeal he was tried by a Japanese court for escape and sabotage and sentenced to life in solitary confinement.

Mr. Joslin spent the last year of his confinement in an unheated, windowless cell in Japan. The cell was 5 feet wide and 10 feet long. The ceiling was 5½ feet high. A 40-watt electric bulb lighted the cell 24 hours a day. He received one rice ball and a canteen of water each day.

Mr. Joslin's solitude and prayers were interrupted only by beatings he received after Allied bombing raids. One day his guards removed him from the cell, placed his leg on a table and stabbed it repeatedly to see if they could make him scream. He was afraid that if he cried out that he would be shot. So he kept his silence. His untreated wounds grew infected.

Finally in an August 14, 1945, radio broadcast, Emperor Hirohito told his people that the war was lost. The doors of the prison were opened the next day, and Mr. Joslin struggled his way to a United States prisoner of war camp where he was eventually liberated by Australian troops and shipped home to San Francisco for treatment.

Mr. Joslin served his country for many more years in the Army and later in the Air Force. He is now retired, after 24 years of military service, and living in my home county, Pierce County, WA.

A modest man, Mr. Joslin's story remained unknown to most of his family and friends until recently. When he recently wrote down his wartime experience at the request of his family, they were moved to honor him on the 50th anniversary of the signing of the Japanese surrender at a special gathering.

As we near Veterans Day in this 50th anniversary year of the end of World War II, it is fitting that we take note of the personal sacrifice and bravery of Francis Joslin and other former prisoners of war like him. In a profound sense our Nation owes that generation of heroes a debt which we can never repay. Please join me in acknowledging their special contribution to our country's history and offering a humble thank you.

HONORING VETERANS DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. GEJDENSON. Mr. Speaker, today, there are over 28 million living veterans. They are among the reasons that the United States is the mightiest, wealthiest, most secure nation on the Earth today. They are the reason that the United States has been, and will continue to be, the bastion of support and solace for those in a world searching for freedom and human rights.

This Veterans Day, in addition to honoring veterans from all wars, we are are also celebrating the 50th anniversary of the end of World War II. We particularly remember the veterans who fought in that war so that the world would be free from Hilter's tyranny.

From a personal perspective, my family, like many others, is indebted to the American men and women who served in the Allied forces during World War II. Without them, I am not sure I would be here today. My mother and father spent the war fleeing and hiding from the Nazis. I was born in a displaced persons camp in 1948 after the war. If the Allied troops had not stopped Hitler's cruelty 50 years ago, would the war have been over by 1948? What would the map of the world look like today? I prefer not to dwell on these questions. Instead, on this Veterans Day, I wish to express my unending gratitude to these men and women.

As a Member of Congress, I am pleased to be in a position to honor our veterans. They willingly went to war to defend our country and our way of life. Now the Federal Government has an obligation to provide the benefits that were promised to these men and women. We must honor that commitment. That is why I have consistently supported legislation in Congress to expand and preserve benefits for our Nation's veterans. It is ironic that in the year of the 50th anniversary of the end of World War II, some people in Congress have advocated breaking our commitment with our veterans by cutting their benefits. While I understand the need to get our fiscal house in order—balance the budget and reduce the deficit—I do not believe that doing so on the backs of veterans is the answer.

Veterans Day is a time to remember all those men and women who gave their lives and livelihoods for their country. It is a time to honor those individuals who survived these armed conflicts and it is a time to reflect on how we can continue, in time of peace, the tradition of hard work for our Nation that these brave men and women established in time or war. Most importantly, we must reflect on how best to thank our veterans for their contributions to making this country the greatest democracy in the world.

NEW JERSEY JOURNALIST ACQUITTED BY TURKISH MILITARY COURT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express by heartfelt relief that fellow American Aliza Marcus was acquitted by a State Security Court in Turkey today. The charges which had been brought against her raised serious questions about Turkish leaders' stated commitments to democracy, and her trial generated substantial interest in the United States and among Members of Congress. Perhaps more than any recent case, the trial of this Rueters journalist from New Jersey heightened awareness about restrictions on free speech in Turkey. Her case was specifically protested in report language on the recently passed foreign operations appropriations bill. Yesterday 9 Senators and 38 of my House colleagues joined me in an urgent appeal to the Turkey's President Demirel on behalf of Aliza Marcus and others charged with or imprisoned for speech crimes.

Mr. Speaker, in addition to the acquittal of Ms. Marcus, I am also encouraged by steps Turkey has recently taken to alter article 8 of the antiterror law, which has frequently been used to criminalize free speech. The release, since October 30, of up to 80 persons detained under article 8 is a significant positive development which offers further hope that this restrictive law, and others like it will soon become anachronisms in Turkey, as they have become in other European States.

Unfortunately, however, the Government of Turkey continues to routinely charge, convict, and imprison individuals for speech crimes. I would point out that four Kurdish members of Turkey's Parliament remain imprisoned for speech crimes, including Leyla Zana, who today was awarded the European Parliament's Sakharov prize for freedom of thought. It is sadly ironic that 1 day before the State Security Court acquitted Ms. Marcus, charges were brought against eight leaders of one of Turkey's most respected human rights organizations, the Human Rights Foundation. I recently met with the foundation's president, Yavuz Onen, when he was here to accept an award on behalf of the foundation.

Mr. Speaker, another troubling issue underscored by Ms. Marcus' case relates to the role of the military-sponsored State Security Courts. These legacies of military law pose serious questions about judicial independence in Turkey and the role of the military in Turkey's political life. These courts continue to be responsible for the imprisonment of Turkish intellectuals, journalists, and others, and are increasingly viewed as a major impediment to Turkish democracy.

Mr. Speaker, as long as the Government of Turkey maintains and uses laws to restrict free expression, and as long as hundreds of political prisoners remain in jail, questions about the Government's stated international human rights commitments will remain. Given the high priority Turkish leaders have placed upon Turkey's entry into the European Customs Union, recent reforms seem to reflect more of a commitment to good public relations than to principles of democracy.

Mr. Speaker, I have always supported the strategic, economic, and political foundations upon which our vital partnership with Turkey are based and have supported the Turkish Government's right to combat terrorism. Yet if we support these objectives to the detriment of human rights, we are doing a disservice to the people of Turkey and are undermining our own long-term policies in the region.

A TRIBUTE TO REV. J. ALFRED SMITH, SR.

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. DELLUMS. Mr. Speaker, I rise today to share with you and my colleagues a tribute to Dr. J. Alfred Smith, Sr., who has contributed 25 years of valuable service and leadership to the community as the senior pastor of the Allen Temple Baptist Church. One cannot speak of the virtues of Allen Temple without recognizing the tremendous contributions of Dr. Smith. I can only do justice to Dr. Smith by including his lifelong dedication and achievements.

Dr. J. Alfred Smith, Sr. is the senior pastor of Allen Temple Baptist Church of Oakland, CA. He is a professor of Christian ministry at the American Baptist Seminary of the West and the Graduate Theological Union of Berkeley, CA, and is a visiting professor at Fuller Theological Seminary. He is president of the American Baptist Church of the West and is past president of the Progressive National Baptist Convention, U.S.A. He has been distinguished pastor in residence at the School of Divinity of Howard University. Recently, he was guest lecturer at the School of Divinity of Duke University and the School of Divinity of Yale University—Hoskins Lectures on Ministry.

Dr. Smith has served as visiting professor at Southern Baptist Theological Seminary, Louisville, KY, and as lecturer at the School of Divinity of Harvard University. He has been adjunct professor and advisor of doctoral ministry students at the Pacific School of Religion and has served as adjunct professor of parish ministry at the American Baptist Seminary of the West. Dr. Smith is a member of the advisory boards of the School of Divinity of Howard University and the United Theological Seminary. He is also a member of the University of California, Berkeley Community Advisory Board, and the California State Legislator's Commission on the African American Male. He has served as acting dean of the American Baptist Seminary of the West, as a representative for seminarians, and as a member of the executive board of the National Council of Churches. He is the founding chairperson of the Bay Area Black United Fund.

Dr. Smith has traveled extensively to speak at churches, universities, and seminarians nationwide. He addressed the Baptist World Alliance when the body convened in Toronto, Canada, and Seoul, Korea. He served as preacher for the 1991 Bermuda Bible conference.

He has spoken in West Africa, Jerusalem, Sweden, Denmark, Mexico, Canada, Switzerland, and the Virgin Islands. In April 1989, Dr. Smith addressed the United Nations on apartheid in South Africa and the antiapartheid efforts of African-American churches. In February 1988, Dr. Smith led a delegation from the United States on a fact-finding mission to Sierra Leone, where he and others have established a Baptist mission.

A native of Kansas City, MO, Dr. Smith is married to Jo Anne Goodwin Smith. He has been a licensed minister since 1948 and an ordained minister since 1951. He earned his doctor of ministry from Golden Gate Seminary, his master of theology American church history from American Baptist Seminary of the West, his master of theology in church and community and bachelor of divinity, both from Missouri School of Religion, and his bachelor of science from Western Baptist College. Under his leadership, Allen Temple Baptist Church has grown from fewer than 1,000 members in 1970, when Dr. Smith became its pastor, to over 4,000 members today. As senior pastor, Dr. Smith administers over 25 community and family oriented programs and services of the church.

Dr. Smith had published over 16 books which are used by seminaries, Bible students, teachers, and scholars worldwide. Recent publications include "Giving to a Giving God, Basic Bible Sermons," with co-author J. Alfred Smith, Jr., a chapter in "From Prison Cell to Church Pew," Glorya Skew and Gayraud Wilmord, eds., and a sermon in "Best Sermons for 1993," Dr. James Cox, ed. He is a contributing author of Holman Bible Publisher's "The Study Bible." Books by Dr. Smith and Allen Temple include "Guidelines for Effective Urban Ministry," "Preaching as a Social Act" discuss Dr. Smith's personal theology.

Dr. Smith has earned over 125 awards, including honors from Stanford University, the Martin Luther King International Chapel of Morehouse College, the National Council of Negro Women, Alpha Phi Alpha, the Bay Area Free South Africa Movement, the U.S. Congress, and AFRICARE. He has been elevated to the 33d degree of Prince Hall, Free and Accepted Masons. He has received an honorary doctorate from Western Baptist College and the Inter-Baptist Theological Center. In 1990, Dr. Smith was awarded an honorary doctor of humane letters from the American Baptist Seminary of the West. The work of Dr. Smith and the Allen Temple Baptist Church have been featured in numerous media, including NBC's "Today Show," October 1991, Christianity Today, Ebony, the Oakland Tribune, the San Francisco Chronicle, the Los Angeles Times, the San Jose Mercury, and the American Baptist.

HAPPY BIRTHDAY TO FATHER GEORGE F. RILEY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MANTON. Mr. Speaker, I rise today to wish a happy 80th birthday to Father George F. Riley. It is rare to meet a man who is so dedicated to his community.

A native of Massachusetts, Father Riley has been an important part of the Villanova community for the past 35 years where he currently serves as the special assistant to the president of the university. In this position he is responsible for assisting the development and maintenance of a strong communication network between Villanova and the more than 75,000 alumni around the world.

Father Riley's positions in the field of teaching and administration is impressive. His positions include campus Peace Corps director; provincial secretary; archivist and vocation director of the Augustine Order which conducts Villanova and national director of the Alumni Fund. He also served for 21 years as vice president of university development. During his tenure he raised over $83 million in grants and gifts for Villanova University.

In addition to his many works at Villanova University, Father Riley is involved in a number of other organizations. These include: a trustee emeritus of Merrimack College in Andover, MA, a commissioner at the Pennsylvania Public Television Network Commission; member of the board of directors of the Higher Education Congress of Philadelphia, and the United Way.

Mr. Speaker, Father Riley has also been the recipient of several awards and honors. These awards include Man of the Year by the Hebrew Academy of Atlantic County, New Jersey; the Friendly Sons of St. Patrick of the State of New Jersey; the Italian Press Club of Philadelphia; the Distinguished Community Service Award by the B'nai B'rith of New Jersey; the Rafter Football Memorial Award as well as Philadelphia's prestigious Commodore John Barry Award by the American Catholic Historical Society.

Mr. Speaker, I know my colleagues join me in wishing Father George F. Riley a very happy 80th birthday with many more in the future. Father Riley is an illustrative individual dedicated to his church, education organizations, and community.

HAMILTON VERSUS HOLMES USED GOLF TO TRAMPLE RACISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TOWNS. Mr. Speaker, I would like to provide my colleagues with a profile of courage and conviction used 40 years ago to overcome racial segregation on a golf course in Atlanta, GA. In a legal case that was heard before the Supreme Court, Holmes versus Atlanta, a blow was struck to desegregate public golf courses. This particular case was a precursor to another desegregation case heard by the Supreme Court, Brown versus Board of Education.

I encourage my colleagues to read the accompanying article about an epic and courageous battle waged by Alfred Tup Holmes:

(By Ken Liebeskind)

The philosophies of Alfred (Tup) Holmes and Georgia governor Marvin Griffin collided in the mid-1950's when Holmes and his family challenged segregation in Atlanta: not in the schools or work places, but on the golf course.

In 1951, Tup, his brother Oliver and their father, Dr. Hamilton M. Holmes, were turned away from the Bobby Jones course, one of seven public golf courses in Atlanta at the time, because they were black. Then, they launched what their lawyer, Roscoe E. Thomas, recently recalled was "the first desegregation suit in Atlanta."

The suit began in United States District court in 1953 and reached the Supreme Court two years later. Tuesday marks the 40th anniversary of the Court's decision in Holmes v. Atlanta, the case that desegregated public golf. (Discrimination still exists at many private country clubs, which continue to practice exclusionary membership policies based on race and religion.)

When most people think of desegregation, they think of Brown v. Board of Education. Brown was rendered a full year earlier, but the case filed by the Holmeses, all now deceased, had a more immediate, effect. "The first scene of court-ordered desegregation in Georgia was a golf course rather than a school house," wrote the Atlanta historians Norman Shavin and Bruce Galpin in "Atlanta: Triumph of a People."

Holmes v. Atlanta began in the aftermath of the incident at the Jones course when Tup Holmes and a community committee decided to bring suit against the city. They won a hollow victory in 1954 when District Court Judge Boyd Sloan ruled that blacks had a constitutional right to play golf, but only in accordance with the city's "separate but equal" doctrine. He ordered the city to devise a system to accommodate blacks while "preserving segregation."

The city offered to let blacks use the public courses Mondays and Tuesdays which was agreeable to some. "They said this was enough, we don't need to go further because it could jeopardize our jobs," Gary Holmes, one of Tup Holmes's sons, recalled last week.

But Tup Holmes "didn't have that fear," Gary Holmes said of his father, who died in 1967. "He was a mover and shaker, bold enough to do that kind of stuff." An amateur golf champion and a black union steward at his job at Lockheed Aircraft, Holmes was determined to fight on to win full use of city courses.

The case moved to an Appeals Court in New Orleans, where Thurgood Marshall and the N.A.A.C.P. intervened. But when the Court ruled the original decision had given the plaintiffs "all the relief they asked for," the Holmeses were forced to take their fight further, all the way to the Supreme Court.

The Court accepted the case in the 1955 fall term, a year after Brown, when it was "knocking down all kinds of things," according to Jack Greenberg, a Columbia University Law School professor who was the longtime director of the N.A.A.C.P's Legal Defense and Educational Fund. Greenberg worked with Thurgood Marshall on the Holmes case. "The Court was saying, 'Haven't you got the message?'" In fact, the Court quickly overturned the previous rulings in Holmes, sending it back to District court for a decree in favor of the plaintiffs.

The decision was applauded in an editorial in The New York Times of Nov. 9, 1955: "The court's perfectly logical position is that desegregation means desegregation, not segregation on an equal basis." But the Atlanta Constitution wrote, "A majority of Southerners will be shocked and angered by this decision."

Griffin and other segregationist politicians condemned the decision and vowed to fight it. The Mayor urged the city to sell its course to private individuals who presumably could have kept them segregated. The town of Leland, Miss., sold its course to the Lions Club for $1 to avoid the challenge of integration.

But when Judge Sloan got the case again, he ordered the city to desegregate its courses "immediately." The Holmeses took their game public the very next day.

Dec. 24, 1955, was "a happy day in town for black folks," said Gary Holmes, who was 12 at the time. But the joy in the community was tempered by a fear of white retaliation.

TRIBUTE TO MARTIN KEARNS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Mr. Martin Kearns honored November 10 by the officers and members of Division 4 of the New York City County Board of the Ancient Order of Hibernians at Durow's Restaurant in Queens, New York.

Mr. Speaker, Mr. Kearns is an outstanding Irishman, a distinguished Hibernian, a retired insurance executive, a director of the St. Patrick's Day Parade Committee and a renowned civic and church leader. He is a man of outstanding moral character, and an asset to his family, friends and community. He is married to the former Brenda McNulty of County Louth, Ireland, and they have three lovely children; Arleen, Brendan and Brian.

Martin Kearns was born in Elthin, County Roscommon, Ireland and immigrated to the United States in 1948. After working for the H.C. Bohack grocery chain, Mr. Kearns was recruited to become a life sales representative for Metropolitan Life Insurance Company in 1964. During his tenure in the insurance industry, he qualified as a registered representative of the National Association of Security Dealers, and in 1979 he became an agent responsible for the introduction of new products. In 1980, he was promoted to sales manager in charge of sales recruiting. He retired from that position in 1987.

Mr. Speaker, Mr. Kearns is no stranger to the Irish community. Since his arrival in the United States, he has held many positions in Irish, Catholic and charitable organizations. He is the past president of Division 4 of the Ancient Order of Hibernians, the United Irish Counties and the Roscommon Association. He is presently president of the New York County Board of the Ancient Order of Hibernians, a director of the St. Patrick's Day Parade Committee, a member of the Knights of Columbus, the Pioneer Total Abstinence Association, and an active parishioner at St. Kevin's Church in Flushing, Queens.

Martin Kearns is a gentleman who is extremely proud of his Irish heritage and one who has dedicated his entire life to promoting Irish culture in the greater New York metropolitan area. He is an elegant, graceful, charming person who is always promoting the Ancient Order of Hibernians and his Roscommon heritage. He is one of the outstanding leaders of New York's St. Patrick's Day Parade and is always available to make sure that its tradition is upheld.

Mr. Speaker, I know my colleagues join me in congratulating Martin Kearns as he is honored by Division 4 of the New York County Board of the Ancient Order of Hibernians.

HOUSE OF REPRESENTATIVES—*Friday, November 10, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. HAYWORTH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 10, 1995.

I hereby designate the Honorable J.D. HAYWORTH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With so many words to be said and so much that needs to be accomplished, we pray, O God, for integrity in our inner beings and a forthright attitude in our hearts. The conflicts and differences of our ideas can cause us to speak in ways that do not contribute to our shared goals and we are not heard. We pray that our eyes will be open to the truth, our ears will hear what is spoken, and our words will point the way to justice, for by so doing we will be messengers of the wonders of all creation and faithful workers in our land. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. HAYWORTH). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER. Mr. Speaker, pursuant to clause 1 of rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. STEARNS] come forward and lead the House in the Pledge of Allegiance?

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2589. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes; and

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 848. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia; and

S.J. Res. 29. Joint resolution expressing the sense of Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches on each side.

LEAVE OUR CHILDREN THE AMERICAN DREAM, NOT THE AMERICAN DEBT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, do you see this? This is a piggy bank. Not a normal piggy bank that we would expect most American children to have. This is a piggy bank the American children are going to need to have to fill with $187,000 over their lifetime. It is going to be for their share of the interest on the national debt if we do not balance the budget soon.

We are imprisoning our children, and theirs, by continuing to pile more and more debt on their backs. What we want to do for our children, and for their children, is to leave them the American dream, not the American debt.

Mr. Speaker, the President offers no plan. The President offers no leadership It is unfortunate that the President has left nothing but our choice to bring this Government to a halt to save the future for our children.

VETERANS DAY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, tomorrow, November 11, is Veterans Day, which means honoring all veterans who fought in all of the wars so that we could have this great freedom in our country today because of our veterans.

Also, Mr. Speaker, tomorrow ends a 4-year celebration of the 50th anniversary of World War II. On November 11, here in the Washington area, we will honor the war dead at Arlington cemetery. Then that afternoon, a groundbreaking of a World War II Memorial will take place.

Mr. Speaker, this will be a site between the Washington Monument and the Lincoln Memorial. It will be like the Vietnam Memorial, like the Korean Memorial. It will be honoring the World War II veterans that fought in the largest war that we ever had. November 11 is very, very important to the people of this country.

THE PRESIDENT HAS A CHOICE

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the President has a choice to make. He can help us balance the budget and save the country, or he can close the Government down. This is not brain surgery. The President has a choice. Unfortunately, I am concerned that for political reasons, the President will make the wrong choice.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Yesterday, instead of asking to meet with Congress to try to figure out how to work this out, the President chose instead to meet with his Cabinet Members to figure out the logistics to shutting the Government down.

Mr. Speaker, Republicans have passed a plan to balance the budget. The President, however, offered us no leadership, no plan, and no choice, and that is a real shame.

PRESIDENT IS DUE EXPLANATION FROM SECRETARY OF ENERGY

(Mr. ROEMER asked and was given permission to address the House for 1 minute.)

Mr. ROEMER. Mr. Speaker, yesterday the Wall Street Journal broke a story contending that the Secretary of Energy has spent $43,500 to evaluate news services and reporters' coverage of her and her Department.

Mr. Speaker, I serve on the oversight committee, the Committee on Science, where we have been trying to reposition and reevaluate the Energy Department to make cuts for a balanced budget by the year 2002 in a bipartisan way.

This is inexcusable that $43,000 is spent in this kind of manner. That is as much as the average American family earns in a year, plus $10,000. I understand she is meeting with the President this morning and I would encourage the President that if he does not get straight answers and a good rationale for this decision, that he get the Secretary's resignation.

IN EXTRAORDINARY TIMES, EXTRAORDINARY MEASURES ARE REQUIRED

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, let me read a quotation from May 28, 1992, and ask you who said this:

> Democrats have warned that the day of reckoning was upon us. Now it is here. Our country cannot function with an annual $400 billion deficit, and in these extraordinary times, extraordinary measures are required.

Mr. Speaker, the gentleman from Missouri [Mr. GEPHARDT], that is what the gentleman said on May 28, 1992. Now, these are tough measures, but as the minority leader said, in extraordinary times, extraordinary measures are required.

Mr. Speaker, we are going to balance the budget, we are going to cut taxes, we are going to save Medicare, and we are going to reform welfare, too.

The bills we have sent to the President on Monday are going down as a downpayment on these efforts. Unfortunately, Mr. Speaker, the President offers no leadership, no plan, and no choice.

CHINA SELLING NUCLEAR MATERIALS TO IRAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, everybody knows that China enjoys most-favored-nation trade status with America. Everybody knows that China enjoys a $40 billion-plus trade surplus with America. But check this out. The Pentagon says China is selling nuclear weapons to Iran.

The Pentagon says no matter how hard they try, China just does not want to listen. The Pentagon says China just will not cooperate, and the Pentagon says we just cannot do anything about China.

Mr. Speaker, why not send some Pittsburgh Steelers crying towels over to the Pentagon? The truth is Washington is so screwed up, while the Government in America may be shutting down, China is selling nuclear capabilities to Iran and ripping off American workers.

Beam me up, Mr. Speaker. There is no intelligent life left here.

CASE HAS NOT BEEN MADE FOR SENDING TROOPS TO BOSNIA

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, Bill Clinton wants to send 20,000 Americans to Bosnia. He wants to send them there for 1 year, although many experts say if we get on the ground there, we will be there at least 10 years. He wants to send us into a situation where there will be hostile forces on all sides. He wants us to be in the middle of centuries-old animosities.

Mr. Speaker, into this cauldron he wants to send 20,000 young Americans. Do not think of this in the abstract. That is too easy. Personalize it a little bit. We must think of it as if they were our children, our brothers, our sisters.

Mr. Speaker, I have three daughters. Can I go to Janna and say, "Janna, it is important for America for you to go to Bosnia"? "Lori, for a better America, I want you in Bosnia"? "Juli, the country needs you in Bosnia"?

Bill Clinton, look into Chelsea's eyes and say "Chelsea, for the future of America, we want you in Bosnia." Mr. Speaker, if we would not send our own kids over there, we should not send other people's kids over there. The case has not been made for wasting one of these young lives.

ADVICE TO PRESIDENT CLINTON

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, now we see the capstone of the Gingrich revolution. The Gingrich revolution started with the Contract With America. We debated 31 bills for 100 days. Three were signed into law.

Then, the Republicans were 1 month late with their budget resolution; late with their appropriation bills. We find ourselves with a stopgap spending bill going through, and then they pushed through the Medicare rate increase on seniors and the tax break for the wealthy and said to the President, "Take it or leave it."

Mr. Speaker, I am saying to the President, "Leave it. Veto these Republican plans to raise Medicare premiums and provide tax cuts for wealthy Americans."

We are now facing a shutdown of the Government because Speaker GINGRICH's political strategy calls for this High Noon scenario. This is a complete abdication of responsibility by the leadership in this House of Representatives. It is shameful. It will penalize American families. If this is the Gingrich revolution, keep it.

STOP THE EXCUSES AND BALANCE THE BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I understand that the President met with his Cabinet yesterday to discuss the logistics of shutting down the Government. I have a suggestion for the President—instead of meeting with your Cabinet, maybe you could make some time to meet with congressional leaders to discuss balancing the budget.

Mr. Speaker, as a candidate, Bill Clinton promised to balance the budget. While President, he has stated that he supports a plan that balances the budget in 5, 7, 9, even 10 years. But yet he has shown no leadership, has presented no plan, and has given us no choice.

The Republican majority has a plan to balance the budget in 7 years. It is time for the Clinton Democrats to stop the excuses and balance the budget. It is the right thing to do for our children's future.

THE PRESIDENT, THE SPEAKER, AND WARTY BLIGGENS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the silly flap about whether the President paid enough attention to the Speaker on Air Force One reminds me of a poem written by my favorite philosopher, Archy the Cockroach.

It goes as follows:

i met a toad

the other day by the name
of warty bliggens
he was sitting under
a toadstool
feeling contented
he explained that when the cosmos
was created
that toadstool was especially
planned for his personal
shelter from sun and rain
thought out and prepared
for him
do not tell me
said warty bliggens
that there is not a purpose
in the universe
the thought is blasphemy
a little more
conversation revealed
that warty bliggens
considers himself to be
the center of the said
universe
the earth exists
to grow toadstools for him
to sit under
the sun to give him light
by day, and the moon
and wheeling constellations
to make beautiful
the night all for the sake of
warty bliggens

WHAT IS THE OBJECTIVE IN BOSNIA?

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, in the next few days this House will make a momentous decision: Shall the United States commit ground troops to Bosnia? The President has the constitutional power to commit troops, but Congress has the constitutional duty to fund that commitment or to refuse to fund that commitment. Before we make that decision, the President has an obligation to tell the Congress what is the objective, what vital United States interests are threatened.

□ 0915

What will those troops do to protect any vital United States interest if they are threatened there? Just as one Member of this Congress, I for one will not vote any money to send ground troops to Bosnia until those questions are satisfactorily answered.

KEYSTONE KOPS MENTALITY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, here in Newtland a true Keystone Kops mentality has taken full control. The zealots have lost all reality. They tell America to pay any price, even default in order to accomplish their agenda.

Yes, we have Chief NEWT and a zillion little Keystone zealots chasing each other around the Capitol. The House Republicans cannot agree with the Senate Republicans. This morning the House Republicans cannot even agree with each other about what their agenda is or their schedule is, but they are willing to put the full faith and credit of the most important Nation in the entire world on the line and risk that despite our history of paying our debts.

Let them listen to one of their own Republican colleagues, the gentleman from New York who said, and quote: I think the whole thing is nuts. Nobody knows the potential impact. If you play this hand and lose, you can really do a lot of damage. It is like threatening to explode a time bomb in your own backyard. That is the mentality that controls: Gingrichism, excellence in pursuit of error.

ENERGY SECRETARY O'LEARY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, Energy Secretary O'Leary wasted over 43,000 taxpayer dollars to compile an enemies list which included some Members of this Chamber. If any Member of Congress had taken the taxpayers' dollars and spent them in such a blatant self-serving manner, they would have been run out of office, and rightfully so.

At a time when we are making tough choices to balance the budget, it is the height of irresponsibility for Secretary O'Leary to be wasting money like that.

One of the targets of her investigation, Senate Majority Leader DOLE, said the whole thing was a shocking waste of taxpayer dollars.

I was also a target of this investigation. I think it is an abuse of the American taxpayers themselves. After all, this administration has been mired in one ethical scandal after another: Whitewater, Travelgate, Webb Hubbell, Ron Brown. The list goes on and on.

While the administration warns of an impending financial default which could put 800,000 Government workers on unemployment, it is clear that there has been an ethical default of almost 3 years. It is time for Secretary O'Leary to find gainful employment outside the U.S. Government.

ACCESS TO THE SPEAKER'S OFFICE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. DELAURO. Mr. Speaker, the Wall Street Journal says it all this morning: Donald Jones, a wealthy backer of House Speaker NEWT GINGRICH, has taken the concept of being a Washington insider to new heights. The Wisconsin telecommunications entrepreneur enjoyed unusual access to the Speaker as House leaders fine-tuned a sweeping telecommunications bill earlier this year.

This gentleman has millions or billions of dollars' worth of financial interests before this House, and we find out that he spoke often 2 to 3 hours daily with the Speaker of the House.

This is the way Mr. Jones describes his access: I participate as an observer. I interpret and I analyze the subtleties of the meeting for the Speaker.

In the end, on this bill, this bill treated both the Internet and cable services in which Mr. Jones has a tremendous financial interest favorably by deregulating rates, among other things. The clincher is Mr. GINGRICH opposed an amendment in being soft on pornography on the cable channels. Do you know that? Mr. Jones, 40 percent of his gross is involved with the pornography channel.

The American people did not vote last November for this kind of change.

BLAME GAME IS OVER

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, the Government has not balanced its books since 1969. Since then, we have had 26 years of excuses, 26 years of Washington gimmicks, and 26 years of righteous indignation about balancing the budget.

Well, the blame game is over.

Congress has reached the end of the excuses. Our balance budget lays aside the gimmicks and the shell games. We can no longer ignore the impact of deficit spending on our children. It would be nothing less than moral irresponsibility to look our children in the eye and say to them, that they should continue to shoulder our burdens because we do not have the guts to do what is right.

Mr. Speaker, the President has two clear choices. He can choose a balanced budget and secure a brighter future for all Americans, or he can choose a dark future for our families and our children.

MR. JONES AND THE SPEAKER

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, how many more times do the Members of this House and the public have to pick up the newspaper and see a new ethical transgression by the Speaker of the House, NEWT GINGRICH? Once again, we are treated in the Wall Street Journal to NEWT GINGRICH mixing campaign contributions, private interests, and public service. We now see that Mr. Donald Jones served as an adviser to Mr. GINGRICH 2 or 3 hours a day to interpret the telecommunications bill to him while he gave Mr. GINGRICH, his PAC gave the Republican Party $125,000, $25,000 to the Gingrich PAC.

It turns out that, not only did Mr. Jones have a financial interest in the outcome of the telecommunications bill, he was sitting in the Speaker's office, but also when many of us were startled when the Speaker took a position against the cyberporn portions of the telecommunications bill to protect children from pornography. We now find out that Mr. Jones had a financial interest in the telecommunications company that was dealing with pornography and adult films. Mr. Jones said he did not know. Forty percent of his income from that company came from pornography. Mr. Speaker, clean up your office.

THE MOST INVESTIGATED ADMINISTRATION IN HISTORY

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, just when we thought that the poor judgment or the ethical standards of the Clinton administration could not get any worse, along comes the revelation yesterday that Energy Secretary Hazel O'Leary paid $43,000 in taxpayers' money to compile what amounts to an enemies list. For that, the Secretary should resign immediately.

Secretary O'Leary joins a long list of other Clinton administration figures who have helped make this probably the most investigated administration in history: Deputy Attorney General Webb Hubbell, Secretary of Commerce Ron Brown, Secretary of Agriculture, Mike Espy, Secretary of HUD, Henry Cisneros, Treasury official Jean Hansen, White House lawyers William Kennedy and Bernie Nussbaum and resident egghead Ira Magaziner, the Deputy Secretary of the Treasury, Roger Altman, not to mention White Whitewater. And who can forget poor Josh Steiner, the former Treasury official who testifed that he lied to his own diary. Perhaps most important and embarrassing is the unprecedented legal defense fund for a sitting President.

Yet this same administration has the nerve to lecture us about balancing the budget.

GOVERNMENT SHUTDOWN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the Republican majority want to shut down Government because they cannot pass their bill that is loaded up like a Christmas tree. They have not passed the majority of the appropriations bills, and they are over 40 days late.

So what are we going to see? Social Security claims will not be paid. Veterans' benefit checks delayed. National parks closed.

The Republican majority has told the President and the American people, it is our way or no way. Well, the voters sent the message last Tuesday and by the polls show that by 2 to 1 they are rejecting the Republican extremism.

We support a balanced budget, but not at the expense of cutting Medicare, education funds, and student loans.

LAY ASIDE GIMMICKS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, our opponents like to come to the floor and say the most outrageous things about what is going on here in Congress. Over and over we hear words such extremists, zealots, and terrorists. This from the same party who constantly demand civility in public life.

Now, many on the other side know that we have to get control of the budget. Many of them have voted for a balanced budget amendment. In their heart of hearts, they know we have to balance the budget. But, unfortunately, most of our opponents lack the basic will to say "no." They would rather go on spending more and more taxpayer dollars on inefficient programs than lose the support of a particular liberal special interest group.

Mr. Speaker, it is time to lay aside the excuses and the gimmicks and all the talk about extremist and zealots. Let us balance the budget. It is the right thing to do for the American people and the future of this great Nation. Let's just do it.

MORE ON GOVERNMENT SHUTDOWN

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, regrettably on Tuesday I think the unthinkable may well happen. That is, first of all, the shutdown of the Federal Government. It did not have to be this way. Nor did it have to be that the Nation's economy would needlessly be endangered by a possible default on the debt ceiling.

There ought to be two bills passed here that are called clean. One that simply extends the funding for the Federal Government for another couple of weeks while negotiations on a balanced budget take place, and the second bill, a clean bill, simply permits the Government to continue borrowing to pay back bills, not future spending.

But regrettably, because extremists in this House have insisted on loading on unacceptable provisions such as an increase in Medicare part B premiums and other provisions, these will have to be vetoed. The President will really have no choice and so we have come to this crunch.

Thousands of Federal employees in West Virginia and the eastern panhandle and across the Nation will be furloughed. Millions of citizens will be inconvenienced as Government services are shut down and, worst of all, by taking them hostage, the economy of this country can be endangered.

It does not have to be this way, Mr. Speaker, nor should it be.

THE JOURNAL

The SPEAKER pro tempore (Mr. HAYWORTH). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 84, answered "present" 1, not voting 48, as follows:

[Roll No. 782]

YEAS—299

Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bass
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Ewing
Fattah
Fawell
Flake
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen

Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Petri
Pomeroy
Porter
Portman
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stokes
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torres
Upton
Vento
Vucanovich
Waldholtz
Walker
Walsh
Ward
Watts (OK)
Weldon (FL)
White
Wicker
Wyden
Wynn
Young (FL)
Zeliff

NAYS—84

Abercrombie
Ackerman
Allard
Barcia
Becerra
Bishop
Bonior
Brown (CA)
Brown (FL)
Clay
Clyburn
Coburn
Coleman
Costello
Crane
Durbin
Ensign
Everett
Fazio
Filner
Flanagan
Foglietta
Forbes
Franks (CT)
Frost
Furse
Gephardt
Gibbons
Gillmor
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Jacobs
Jefferson
Johnson, E. B.
Kennedy (RI)
Latham
Levin
Lewis (GA)
Longley
Maloney
Markey
McDermott
Meek
Menendez
Miller (CA)
Neal
Oberstar
Orton
Payne (NJ)
Pombo
Poshard
Rush
Sabo
Schroeder
Scott
Skaggs
Stenholm
Stockman
Stupak
Tanner
Taylor (MS)
Thompson
Thurman
Torkildsen
Traficant
Velazquez
Visclosky
Wamp
Waters
Watt (NC)
Whitfield
Wise
Wolf
Woolsey
Yates
Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—48

Barrett (NE)
Bateman
Blute
Borski
Boucher
Buyer
Cardin
Cox
Dickey
Dingell
Dixon
Farr
Fields (LA)
Fields (TX)
Frank (MA)
Johnston
Kaptur
Klug
LaFalce
Lewis (CA)
Martinez
McHugh
Mfume
Nadler
Owens
Peterson (FL)
Peterson (MN)
Pickett
Quillen
Radanovich
Richardson
Riggs
Rose
Shuster
Stark
Studds
Tejeda
Thornton
Torricelli
Towns
Tucker
Volkmer
Waxman
Weldon (PA)
Weller
Williams
Wilson
Young (AK)

□ 0952

Mr. WAMP changed his vote from "yea" to "nay."

So the journal was approved.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO of California. Mr. Speaker, I would be more than happy to yield to my colleague, the gentleman from California [Mr. DREIER], if he could indicate to our colleagues what we are about to engage in today. Members are seeking leadership.

Mr. DREIER. If the gentleman will yield, I am happy to inform my friend that we are about to embark on debate on the rule for the continuing resolution, and we hope that we can move quickly through that, have a vote, and then proceed with the continuing resolution. Then we will proceed with the rule on the debt-ceiling increase, move through that quickly, and then have a vote.

Mr. FAZIO of California. Does the gentleman assume these efforts will be to send directly to the President the product of the Senate, or are we going to conference on these matters?

Mr. DREIER. I am not in a position to answer that, Mr. Speaker.

Mr. FAZIO of California. Is there anyone on the gentleman's side who could tell us? We just simply, for purposes of Members' schedules, wanted to know whether we were going to try to send to the President the product of today's efforts, or whether we are simply going back to conference on these matters.

Mr. DREIER. To whom would my friend like to yield?

Mr. FAZIO of California. I would be more than happy to yield.

Mr. DREIER. To whom would he like to yield?

Mr. FAZIO of California. I would be more than happy to yield to anyone who could tell us.

The gentleman from Oklahoma [Mr. ISTOOK] perhaps?

Mr. DREIER. I do not know if he is on the floor. That was the schedule we have right now. I know there are Members anxious to get home for this very important local day. If we could proceed with consideration of this rule, we will get started.

Mr. FAZIO of California. We will be more than happy to proceed.

Mr. DREIER. If the gentleman will yield further, I have just been informed here that we are going to be doing the rules back to back, and then we will take up the continuing resolution on the debt ceiling, following consideration of both.

Mr. FAZIO of California. Would it be possible for the leadership to inform us after the two rules are dealt with as to what the intention of the majority is?

Mr. DREIER. We will look forward to the gentleman's inquiry at that time.

Mr. FAZIO of California. We look forward to the gentleman's response.

PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 261

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to take from the Speaker's table the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, with any Senate amendment thereto, and to consider in the House a motion offered by the majority leader or his designee to dispose of all Senate amendments. Any Senate amendments and motions shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except any such demand made by the majority leader or his designee.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Woodland Hills, California [Mr. BEILENSON], pending which I yield myself such time as I may consume. Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. DREIER. Mr. Speaker, this rule provides for consideration in the House, without intervening point of order, of a motion if offered by the majority leader or his designee to dispose of Senate amendments to House Joint Resolution 115, a continuing resolution making appropriations for fiscal year 1996 through December 1, 1995.

This rule provides for 1 hour of debate equally divided between the majority leader and the minority leader or their designees, and further provides that the previous question is ordered to adoption of the motion without intervening motion or demand for a division of the question unless the demand is made by the majority leader or his designee.

Mr. Speaker, a short-term continuing resolution is necessary to continue Government operations while we complete the appropriations bills that will put the Federal Government on the 7-year path to a balanced budget. As the Chairman of the Federal Reserve recently said, this effort to come to grips with our chronic and unsustainable Federal deficits is truly extraordinary. It will result in tangible benefits for every American family in the coming years.

While the protectors of big government continue to hold hope deep in their hearts that we will fail, they will be disappointed. It is simply not acceptable for this Congress to fail as our predecessors have. We will not mortgage the future of our children with trillions of dollars of debt.

We will also not apologize for taking time to balance the budget. Past Congresses relied on continuing resolutions on many occasions. There is no question of competence. Instead, ask what Congress is doing with the time a continuing resolution provides. When those on the other side of the aisle controlled this House, they needed time to find enough ways to spend this country $5 trillion into the hole.

Be assured, if we didn't care about the future of this country, and we agreed with the President's proposition that we just spend enough to avoid tough decisions, we wouldn't need extra time.

Mr. Speaker, the single most important aspect of this continuing resolution is that it is fiscally sound. Funding is lower than the current continuing resolution and below fiscal year 1995. It creates the proper environment to negotiate the outstanding appropriations bills. While disposing of the amendments with the Senate is important, the overriding issue to get this continuing resolution in place by next Monday so that the stage is set to complete our historic budget work.

Mr. Speaker, we must keep our eyes set on our ultimate goals. We will balance the Federal budget, save the Medicare system for a generation of retirees, end welfare as we know it, and implement a tax cut for families that increases the take-home-pay of American workers.

This rule will permit the House to resolve the remaining differences on this continuing resolution so that next week we can get back to accomplishing those critical goals. I urge my colleagues to support this rule.

☐ 1000

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding the customary half-hour of debate time to me.

Mr. Speaker, our lack of opposition to the rule is in no way any lack of indication of our strong and strenuous opposition to the continuing resolution it would make it order.

We support the rule because we believe that passing it is the responsible thing to do. We should move decisively now to set the stage for eventually passing a simple, clean bill, with no extraneous provisions or certainly no controversial ones, that continues Government spending.

Mr. Speaker, we should not even be debating this rule this morning. This is a beginning of Veterans Day weekend. We should be in our districts observing this important occasion. I am sure most of us assumed we would be and have commitments, in fact, to do. But the Republican-controlled Congress has been unable to do its most basic job: passing appropriations bills. This is the only reason we are here considering this resolution under these unusual circumstances and not back home where we all planned to be.

This continuing resolution replaces 11 regular appropriations bills, which by all standards should have been sent to the President for his signature by now. The fact is that most of those yet to be approved have been delayed because of nongermane, extraneous, irrelevant legislative provisions that the majority allowed to be included in appropriations bills, despite the fact they had to waive our rules to do so.

Mr. Speaker, our rules prohibit legislation, policy matters, in appropriations bills for a good reason. We know it is difficult to avoid doing that entirely, but the provisions we are discussing today are major and very controversial. They are, in fact, causing intractable disagreements between Republican Members of the other body, and Republican Members of this House.

Mr. Speaker, we ought to be doing today what we could have done earlier this week: voting on a continuing appropriations measure that is a clean, straightforward extension of funding for the Government until the remaining 11 regular appropriations bills are passed and signed into law, so that our Government can continue to function.

Unfortunately, we will again be denied that opportunity and the Government will no doubt be unnecessarily shut down on Tuesday.

Mr. Speaker, the Democrats are willing and ready to expedite the business of this House. We oppose this continuing resolution that has been burdened by the Republican leadership with extraneous and controversial provisions, including restriction on the right of nonprofit groups that accept any Federal money to engage in political advocacy, even with their own funds. That language, no matter how much the other body tried to soften it, has no business being included in this resolution. It should be voted on separately in the normal course of legislative business like any other legislative proposal.

The Republican leadership is obviously keeping this most controversial provision in a simple bill to mollify and placate a minority in the House, but what we need now is leadership and political courage. This action, the action that we are being asked to take today, is unworthy of the Republican leadership and calculated to prevent the bill from being signed into law by the President.

Mr. Speaker, we know that the President will not accept the Istook language and the other extraneous provisions that do not belong in the bill. The White House has made that quite clear.

What we are doing today is unduly extending a process that can and should be expedited. We should not be including the provision affecting the Medicare part B premium increase in the bill. That is a matter being addressed in the budget reconciliation bill, and that is where this provision making permanent changes in law belongs.

Mr. Speaker, it is totally irresponsible to be playing these political games that threaten a costly shutdown of the Government. If the majority is seriously interested in preventing this action, and in doing that in the most expeditious manner possible, it will reconsider its decision to bring this encumbered legislation to the floor again.

We should, as I said, be voting on a clean, unencumbered, straightforward continuing resolution. If one were before us, it would pass easily. We Democrats have made it clear that we would vote for it; we are confident a great many Republicans would also do so.

Mr. Speaker, that is the only action that will give our Committee on Appropriations members time to resolve with the Senate and with the President most, if not all, of the remaining differences that they have on the remaining appropriations bills.

We could be doing that today if the majority really wanted to get down to attending to the Nation's business. The country is waiting for some political leadership and for us to end these types of political games.

Mr. Speaker, we urge our colleagues to do the right thing: To reject the continuing resolution this rule makes in order, so that we can instead act seriously and responsibly. Then, and only then, will we be carrying out our duty to govern this Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, so that we can move ahead as expeditiously as possible, at this time we have no requests for time, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from California for yielding time to me.

Mr. Speaker, this continuing resolution is one of the most ridiculous, unnecessary, partisan games I've seen in all my years in Congress. The sole purpose of a continuing resolution is to keep the Government running while Congress works to pass the appropriations bills. A continuing resolution should not be used to further a political agenda. A continuing resolution should not be used to blackmail the President. A continuing resolution should not be trifled with.

Mr. Speaker, a continuing resolution should be clean and bipartisan, plain and simple.

But this continuing resolution is not, it is full of Republican extras that have no place on a bill as serious as this one.

It is the duty of the majority party to govern, and sometimes that means putting aside political games. And sometimes that means putting the interests of the American people before anything else.

I urge my colleagues defeat this rule.

Come back with a clean continuing resolution so that we can get back to the business of governing this country. That is what we were sent here to do.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. FROST], a member of the Committee on Rules.

Mr. FROST. Mr. Speaker, I will be brief. I would ask the gentleman from California [Mr. BEILENSON], who is managing the rule on our side. Is it not true that the Republicans in the Senate and the House have stubbornly refused to drop the increase in the part B premium on Medicare, so that that will be established at 31 percent rather than being permitted to drop to 25 percent as in current law?

Mr. BEILENSON. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. BEILENSON. Mr. Speaker, if the gentleman would yield, I am afraid what the gentleman has said is quite true.

Mr. FROST. Mr. Speaker, reclaiming my time, I would ask the gentleman if what this means, of course, is that senior citizens, instead of next year paying $42 a month for their part B, will pay $53 a month for their part B, an increase of $11 per month, and this is on a glidepath that the Republicans are following that will take part B, premiums to $87 a month by the year 2002, instead of $60 a month as in current law, which means that senior citizens will be paying $27 more per month if we follow this strategy to its conclusion?

Mr. BEILENSON. Mr. Speaker, the gentleman again is quite correct.

Mr. FROST. Mr. Speaker, these increases in Medicare part B are totally unnecessary. The increases are being used to go to the general fund, not to provide for the solvency of Medicare, and are being used to fund the tax cut being proposed by the other side.

Mr. DREIER. Mr. Speaker, I would again say that I know my colleagues would like to get back to their districts so that they can deal with the pressing needs of Veterans Day ceremonies. For that reason, I reserve the balance of my time, and hope that we can expeditiously move ahead here.

Mr. BEILENSON. Mr. Speaker, I say to my friend from California, if he and his friends over there cared that much about getting us home on time on Veterans Day, there are ways of doing it.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, the reason we are here today in this session, in this House, in this city, is because of the failure of the Republican leadership to pass appropriation bills on time.

Mr. Speaker, now they come to us with a continuing resolution to keep government in business, but they add a kicker. They will not allow the Federal Government to stay in business unless we agree to raise Medicare premiums on the elderly by 25 percent.

Speaker GINGRICH is determined to raise Medicare premiums to cut the Medicare program. That is his agenda. He has said to the President of the United States, "We will not allow Government to stay in business, unless you will raise Medicare premiums."

Mr. Speaker, we are counting on the President of the United States to veto this bill; to stand up for American families and American seniors. We can go ahead today and defeat the rule. We can defeat this CR, but the final judgment will come in the White House when the President is forced to veto this bill.

Mr. Speaker, I hope at that point that Speaker GINGRICH will ease up on the elderly of this country and move forward to a bipartisan approach.

Mr. DREIER. Mr. Speaker, in honor of America's veterans and those Members who hope to participate in ceremonies in their districts, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I understand that Members are impatient to get out of here, but pardon me, there is the public's business to be done. I do not make any apology whatsoever for taking a couple of minutes to talk about that public business.

Mr. Speaker, I think what is happening today is truly sad, and I think it is an example of why this Congress is held in such low esteem by the general public.

In November, I think the American people put the Republican Party in charge of both the House and the Senate because they honestly thought that that would force both parties to get over their ideological and political hangups and maneuvering and it would force both parties to work together for the good of the people we are supposed to be representing.

Mr. Speaker, instead, I think on a bill such as this they are getting more maneuvering, more political posturing, and more business as usual.

Today is Veterans Day. I had intended to be in my district today at three separate veterans celebrations and one additional one tomorrow. Obviously, I am not going to get there under these circumstances. My planes have already left.

☐ 1015

We are supposed to be celebrating the 50th anniversary of the end of World War II. The veterans who fought in World War II did not have the luxury of playing political games. They did not have the luxury of cynical maneuvering. They simply had to plow ahead and do their job. I wish that we were following their example today. But unfortunately, we are not. In fact, we can go home and give all of the speeches we want to veterans telling them how much we care about them, but in fact the reality of this maneuver today is simply going to be that what we are going to be saying to every single veteran of World War II is: "Guess what, I have got a Veterans Day present for you, we are going to raise your Medicare part B premium on the order of between 11 and 13 bucks," depending upon whose numbers you listen to today.

So I guess it is kind of fitting that most Members of Congress will not be able to be home with their veterans today, because I think we ought to have a better message to give them than that.

Now, what this budget, what the budget does that is being pushed through the Congress is to cut education. It is going to cut health for kids. The idea behind it is that we are telling people to rely more on charities. But then what this vehicle proposes to do with the Istook amendment today is to say: Oh, by the way, we are giving these charities much more to do because Government is bugging out on its concerns for children and its concerns for the poor, but by the way, we are going to shut things off so that these charities cannot lobby Congress and tell us what they think about those changes.

We know that the President will not sign this legislation. We know that the only result of what we are doing today is that the Government is going to shut down come Monday.

I would like to make one point and compare the way we proceeded last year with the way we are proceeding this year. Last year, when I chaired the Committee on Appropriations, every single appropriation bill was finished by the end of the fiscal year. That happened for one very simple reason, because when I took over as chairman, the very first thing I did was to go to the senior Republican on the committee and say: "Look, let us bridge our partisan differences and work out a bipartisan allocation of dollars among the 13 appropriation bills."

That is what we did. We worked it out in a bipartisan way, in a conciliatory way, and we passed all 13 of those bills for the first time since Harry Truman was President.

This time around my distinguished friend, the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations in this session, has not been given the opportunity to do that. Instead, it is pretty apparent to me he has got his marching orders and the marching orders are very clear: "Load up these appropriation bills with as many partisan gimmicks as you can, create as much confrontation as you can, divide people as much as you can." And after those instructions have gone out, is it any wonder that Congress has not been able to finish its work?

This chart demonstrates that it has not been a Presidential failure of leadership which has resulted in this budget impasse. It has been a congressional failure of leadership. We have so far these three bills down to the White House. They have crossed the finish line. We have nine bills remaining that have a long way to do before they even get to the White House. The Labor-HHS bill passed by the House was in such an extreme form that the Republican-controlled Senate will not even take it up. Four other appropriation bills are tied up on the issue of abortion, a nonbudget item. Others are tied up because of extremist language that was attached on the environmental and several others are tied up because of money differences.

The fact is that 89 percent of the appropriations business that this Congress has to do is still not done. And that is not because of the failure of the President to provide leadership but because of the failure of this Congress to bridge partisan differences and philosophical differences and do what is necessary to compromise in the interest of the people we represent.

That is why this rule is a fool's mission. This rule is going to produce a product which is going nowhere. We will all be back here Monday, after we have gone home and preached our psalms, we will come back Monday to pick up and clean up the damage done by the passage of this legislation today, because this will never become law. All it will do is increase the risk—and decrease the time necessary to avoid the risk—of blowing up this process with innocent people getting hit by the shrapnel.

That is all that is happening today. I speak with a great deal of regret because it seems to me that the job of Congress, instead of attaching the Istook amendment, which we know will simply bottle this legislation up, instead of insisting that we raise the Medicare part B premium, we ought to have a simple 1-month clean extension so we have some time to do our real work rather than the nonsense and posturing that is going on today represented by this joke of a bill and this joke of a rule.

Mr. DREIER. Mr. Speaker, I would say, in light of the fact that our colleagues on the other side of the aisle have no experience whatsoever in dealing with appropriations bills that will move us in the direction of a balanced budget, it seems to me that it is quite apparent that they are blocking our attempts to move toward a balanced budget.

Mr. Speaker, I yield 1 minute to the gentleman from Winter Park, FL [Mr. MICA], who has worked long and hard in his very short 4-year period of time to get us to this point of a balanced budget, unlike our colleagues on the other side of the aisle who have served for years and years and years and controlled this place and have not done anything whatsoever to help us balance the Federal budget.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is difficult to contain myself when I hear the accusations from the other side. Again, we hear the Mediscare threats that are made by the other side. It really galls me because they do not want to deal with the facts. If all else fails, I always say on the floor, read the bill. The bill in fact says that any savings in our proposal go into the Medicare trust fund. It is a simple fact. But they want to insist on scaring the seniors of this country.

And then they talk about veterans. What a shame, what a scam that here just before the eve of Veterans Day that in fact this side that has developed programs and plans that give better benefits, better benefits to illegal aliens and people who will not work in this country than they do to our veterans and our senior citizens.

This is a shame on the eve of that occasion.

Mr. DREIER. Mr. Speaker, out of deference to those who want to get home to their districts to attend veterans' ceremonies, I reserve the balance of my time and hope that we can move ahead as expeditiously as possible, simply pass this rule, and Members can vote against the continuing resolution if they so choose when we begin debate on that.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, the gentleman from Florida protests too much; $300 million in cuts in veterans benefits.

Last year we cut 40 programs. We have downsized, cut 400 of them, reduced their spending. This Congress has been about the business of reducing in the last Congress a trillion dollars in debt.

The fact of the matter is this is not serious business that we are about today. This is fiscally and personally irresponsible. There is not one on the other side of the aisle that does not know that this bill is dead, dead, dead. The President has said he is going to veto it.

I have served in this body since 1981. Almost every year that side of the aisle has strongly from all of the microphones in all of the committees urged this body, if it was going to pass a CR, a funding bill to keep Government going while the political disputes on this Hill continue, has strongly urged a clean CR. Democrats, do not lard it up. Do not force Reagan and Bush to sign something. Make it clean. In fact the Committee on Appropriations, for the large part, supported that effort and did that.

The fact of the matter is, until they took control, until their extremist agenda could not see the light of day in this House, they cannot pass bills. So what they want to do is put it in a continuing resolution and say, if you do not do it my way, then shut down the Government and put at risk the credit of the United States of America.

As I said, that is fiscally irresponsible. It is personally irresponsible. It is far, far less than the American public expects of this body and of each of us. Vote no on this rule.

Mr. DREIER. Mr. Speaker, I would simply say that, if this balanced budget CR is dead, dead, dead at the White House, it is for the reason that the White House opposes, opposes, opposes a balanced budget.

Mr. Speaker, I reserve the balance of my time so that Members can get home to their veterans.

Mr. BEILENSON. Mr. Speaker, I wish the gentleman would reserve the balance of his time and stop yielding a few seconds every now and then to himself.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, certainly I am pleased that there is a new interest in honoring our veterans. If we really want to honor our veterans, do not force this country into default and lead to the cancellation and delay of services that our veterans need. If we really want to honor our veterans, do not raise their Medicare premiums. Do not cut the Medicare that over 8 million veterans in this country are eligible for. That is a way to honor our veterans.

How is it that we got ourselves as Americans into this mess where we stand on the brink of default for the first time in the history of the United States? Well, it happened for a number of reasons.

The first one was that our Republican colleagues wasted month after month trying to impose a contract on America that they told us was the greatest thing that had come along since sliced bread. Then in this morning's paper, we learn the truth, indeed the fiction behind that great contract on America.

Republican pollster Frank Luntz, a Gingrich protege, never really measured the contract's popularity in the first place. Luntz announced that he tested only ad campaign slogans supporting the contract. The House Republicans' legislative agenda is not losing popularity. It is probably just shutting popularity it never had in the first place.

The same story goes to quote the great pollster that backed up all this contract on America on which time was wasted instead of getting on with the real business of the American people as saying that the purpose of this polling had been to find the most persuasive wording of the contract's proposition for preelection ads in TV Guide.

You see, when you run Government by bumper sticker instead of Government by involving the people, by good sense, by attending to the real needs of the American people, you end up on the brink that we face today of default.

The second way they did it is through the appropriations process. Speaker after speaker has noted that they simply did not do their work. We were not supposed to be here in the middle of November dealing with appropriations bills. They were all due months ago. When we reached the deadline, 2 of 13 appropriations bills had been passed by the Republican majority and signed by the President of the United States. Why did they not get the work done? They had a little time after they wasted months with the contract on America. Well, we know why they were unable to complete their work, because the chairman of the House Committee on Appropriations himself declared in committee, and I quote, it is payback time.

Yes, America, it is payback time, not to the ordinary people of America but those various extremist groups that dominate the Republican Party selection process. They deserve their due.

Well, we ended up, therefore, honoring our veterans instead of by appropriating the moneys for our national security, that bill has not been forwarded to the President's desk. It has been tied up. Finally, by contracting to the lobby the job of governing America, the Gingrichites have pursued error with excellence.

Mr. DREIER. Mr. Speaker, it is my hope that I would be using 15 seconds or so each time to respond to the rhetoric that we have been listening to from the other side of the aisle. But I have come to the conclusion that we are going to have to bring out our big guns.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Glens Falls, NY [Mr. SOLOMON], distinguished chairman of the Committee on Rules.

□ 1030

Mr. MOAKLEY. Mr. Speaker, I would feel much better if the gentleman from New York [Mr. SOLOMON] would use the Republican side so people in the audience do not get mistaken on who is saying what.

Mr. SOLOMON. Mr. Speaker, let me say to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], one of the things I am most proud about in life is that many years ago Ronald Reagan and I saw the light. I was a John F. Kennedy, I was a Harry Truman, Democrat, and my party deserted my beliefs, and I became a Republican, and I am proud of it.

Now let me just say this: My colleagues, I do not know about the previous speaker and whether or not he is a veteran, but I am going to say something, my colleagues. I am a Marine Corps veteran, and I am proud of that, too, and I am going to tell my colleagues something.

I see the gentleman from Mississippi [Mr. MONTGOMERY] sitting back there, and there are two Members in this House that, I guess, have a reputation that we are so proud of because he and I, and I used to be the ranking Republican on the Committee on Veterans' Affairs, but he and I stood up for these veterans, we developed a reputation, he probably even more than I, as being the two Members of Congress that really stood up; so I think when I stand up here today I am going to speak for the veterans of this Nation, I am going to speak for the older veterans of this Nation that some have referred to, older ones like me that are 65 years old and on Medicare, and I am going to tell my colleagues we are determined that we are going to save Medicare. It is not going to go bankrupt, and we are going to pursue it right to the end, and we will succeed. We will save it for the people of this country and for my children and my grandchildren.

Now, as my colleagues know, I have been keeping track, and I am going to try to keep my emotions down, which I have a problem sometimes doing, but I have kept track of all the speakers on this side of the aisle, which is why I came over here to speak over here, and every one of them, just about, appear on this list. This is the National Taxpayers' Union list of big spenders.

Now what is ironic about that? As my colleagues know, we had the gentleman from Wisconsin [Mr. OBEY] up here with his chart, and I do not have a chart, but let me just make one.

Here is a great big pie; OK? I wish everybody could see this. Talk in the mike? OK. It will not reach. I cannot get it over here.

Let me just show my colleagues what is on the pie. This pie is $1½ trillion. I am getting help from my New York colleagues here. This pie represents the Federal budget, $1½ trillion. And do my colleagues know of that budget there is a little set-aside there which requires $250 billion just to pay the interest on the accrued national debt that now has reached $5 trillion. Yes, we are paying $250 billion to the holders of that $5 trillion debt.

Who are the holders of that debt? Most of it is held by foreign countries, by the Netherlands, by Great Britain, and then we have holders in this country. I own some of these Treasury notes myself. But let me tell my colleagues what happens.

President Clinton gave us a budget last year, and I have got that chart over there someplace, but I will not bother to drag it out here now, but he wanted to increase that national debt, accumulated national debt, from $5 trillion up to $6 trillion.

Now then what happens to the amount of interest that we have to pay on that debt if we had let that go through? Instead of just $250 billion, it would have grown to $350 billion, and another $100 billion would have been taken out of those available funds to pay for help for the truly needy, the people that really need the help.

Do my colleagues know what happens when we pursue this kind of irresponsible spending? Then interest rates go up, and inflation goes up.

Do my colleagues recall 1979 when Jimmy Carter was President? Interest rates rose to 23½ percent prime, which means businessmen like me at the time had to pay 26½ percent. Inflation went up from 4 percent all the way up to 13 percent. If that ever happened now with this kind of irresponsible spending, we would not have this kind of irresponsible spending, we would not have just a debt interest of $250 billion or $350 billion. It would go up to almost $500 billion, and each time it raises from $10, to $20, to $50 billion, that means another $10, or $20, or $50 billion that is there less, the funds that are there, for the truly needy.

So let me tell my colleagues something, Mr. Speaker. What is compassionate? What is compassionate for my children, and my grandchildren, and all of my colleagues', and all of those out there, is to bite the bullet and be fiscally responsible. That is exactly what we have been doing with these budgets. We are determined that we are going to bring this budget under balance.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to simply inquire of my friend who has served in this place for 17 years how many balanced budgets our colleagues on the other side of the aisle have fought for the way we are fighting for a balanced budget today, and I would be——

Mr. SOLOMON. I would say zero, and I would say this. When we took over, the gentleman and I took over the Committee on Rules this year, what was the first thing we did? We told the Republican Party, "You have no choice but to offer a balanced budget on this floor." We said to the Democratic Party, "You have no choice but to offer a balanced budget on the floor of this Congress." We wrote to the President of the United States, and never got an answer, and we said, "Mr. President, you have no choice but to offer a balanced budget on the floor of this Congress."

What did that do? That meant that anybody's alternative had to be balanced because that was the most serious problem facing this Nation, and that is what we got. We are going to pursue the balanced budget.

Now I have just been passed a little note——

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to my good friend from Texas.

Mr. BRYANT of Texas. I thank the gentleman very much. I appreciate it now that we are talking about balanced budgets. I want to be sure that the gentleman is aware that during the 12 years of Reagan and Bush they sent budgets over here that in 11 of those 12 years had to be cut by this Congress, which seems to be a little different history than the gentleman is offering to the public here.

The other point I wanted to make or question I wanted to ask the gentleman was this:

The gentleman says that we have a great need to balance the budget which means we cannot spend too much, we have got to have that money to pay our debt. In that case why does the gentleman have a $245 billion tax cut in his budget mostly for rich people?

Mr. SOLOMON. Mr. Speaker, I will tell the gentleman why we do. Because a capital gains tax cut means so much to the farmers that I represent in upstate New York. Let me tell the gentleman——

Mr. BRYANT of Texas. The gentleman here in 1981——

Mr. SOLOMON. Do not interrupt, my friend. Mr. Speaker, I did not interrupt my colleague. Let me tell my colleague what a $500 tax cut does to the people who are making $21,000 or $22,000 or $30,000 or even $40,000. They are trying to salvage enough money for a downpayment on a home and then be able to meet the mortgage payment on that home. Let me tell my colleague they are better off having the money in their pocket instead of the gentleman's pocket in the Congress to go and spend on it.

Mr. Speaker, I say to my colleague, "We ain't going to do it anymore. We're going to balance the budget."

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. RANGEL].

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to inquire of my friend, the gentleman from New York [Mr. RANGEL], if he was a Republican in the past as the gentleman from New York [Mr. SOLOMON] was a Democrat in the past.

I say to the gentleman, "We're happy to have you, CHARLIE."

Mr. RANGEL. Mr. Speaker, I came to this side of the aisle because it is going to be difficult to distinguish me from my dear friend and colleague. We are both 65. We are both combat veterans. We both come from the great State of New York. We both love our country. In addition, Mr. Speaker, we both seek a balanced budget. The only difference I think we have is how we achieve that. Our veterans association kind of thinks that my buddy from upstate New York is wrong in how he wants to achieve it.

Mr. Speaker, those that fought and were in the dugouts trying to preserve this great Nation somehow do not understand today this $245 billion tax cut that we are talking about on Veterans Day. I cannot find any of the organizations, the American Veterans of Foreign Wars, the Disabled Veterans—I really cannot find them reaching out for this capital gains tax cut that our veterans are talking about.

Now I am 65, I have more of a concern in Medicare than ever before. Right here in this resolution we are talking about increasing the premium, for my colleague and for me and for those veterans that are 65 and over. It says here, it says here, even though most Republicans would not know this because these things do not go through committee anymore, but my colleague should know it because it comes from the Speaker's office; it says here that according to CBO, part B premiums will increase under this CR from $42.50 a month under current law to $55.10.

The resolution changes current law. It sets the premiums at 31.5 percent of part B expenditures instead of the 25 percent in current law, and my colleagues say they are not changing anything. This is even higher than what did fly through without hearings by the Republicans in the Committee on Ways and Means which had jurisdiction before the Committee on Rules, and the Speaker's office thought it can be done in a different way.

To get back to the Medicare increases, there was a shrieking voice here about 10 minutes ago claiming, the gentleman from Florida, claiming that we were trying to frighten our senior citizens, meaning me and the gentleman from New York [Mr. SOLOMON] included, if we did not know what our colleagues were up to. We rely on those that provide the services. Being Catholic, I went to Catholic Charities, who provide for we old folks when we need help. They vigorously oppose what our colleagues are doing to Medicare. Then I went to my Jewish friends, and I went to the Jewish Council Against Poverty, who provide for old folks. They vigorously oppose this. The Protestant Council that provide for our poor and for our aged, if my colleagues find every hospital that provides nursing home for those that have been rejected by society, they oppose it.

So my friend from Florida, please go home to where the old folks are, go to the nursing homes, go to the hospitals, go to the clinics, and ask the old folks who is against them.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, maybe I should stand right in the middle, but in any case today we are talking about, and the gentleman from California, my good friend from New York, who I know it grieves him to be away from his veterans on Veterans Day, we are talking about a balanced budget. But guess what? We are not here because of a balanced budget. That is not what is holding it up. That is not why we are here. We are here for one reason. There is a sophomore Congressman from Oklahoma who has an idea that seems outlandish even to his Republican colleagues in the Senate, and he is keeping us here today on an amendment that has nothing to do with the balanced budget. The extremists on that side of the aisle have this goofy scheme, and their leadership cannot even whip them in line.

Make no mistake about it. We are just observers, we on this side of the aisle. It is Republican versus Republican. It is those on the far right versus those on the very far right.

□ 1145

You guys and you gals cannot agree. You cannot get your act together. That is why the gentleman from New York, JERRY SOLOMON, cannot be home with his veterans today.

Mr. Speaker, I have a message to the Speaker and the majority leader and the chairman of the Committee on Rules and the other members of the Committee on Rules: Tell the gentleman from Oklahoma that his idea is kooky, tell him he knows that he cannot get it passed on the floor of the House alone, and he cannot get it passed on the floor of the Senate alone; he should stop all these tricks, show some leadership, get his act together, and then maybe we can debate the real issue, the balanced budget.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Winter Park, FL [Mr. MICA].

Mr. MICA. Mr. Speaker, I only need 1 minute, really, to address the House, Mr. Speaker, to refute the comments from the other side.

It was not our side that said this Medicare system is going bankrupt. It was their Presidential Commission, made up of their Cabinet members. Our plan only limits the increase in spending. There are increases. But what they want to do is continue the bankrupt policy.

Read today's paper. See what Secretary Rubin has said. He said that to make this thing work, to go on spending us into debt, to continue this tax-and-spend policy, we will even rob the retirement funds, the trust funds, what little is left in them, to keep this scam going.

That is what this is about. That is what has to end. People are tired of the tax-and-spend and wasteful policy, and they want these programs in order, and our seniors demand that they be in order. The 10 percent and 13 percent increases in Medicare that have continued are crazy. What is wrong with doing away with fraud, waste, and abuse and adopting some of the other reforms we have proposed?

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, we did read the front page of the papers today. What we found out was that the Contract With America was based upon a phony and fraudulent poll. We did read the front pages of the paper today. What we found out is the American people do not believe you, they do not trust you, and they do not like what you are doing to them. That is what was on the front pages of the paper today.

The American people have caught on to what you are doing. They know you are not preserving and protecting Medicare. They know you are hurting the elderly in this country. They know you are hurting the children in this country. They know you are willing to put another million children into poverty. Why? So you can give a tax break to your wealthy contributors, the wealthiest people in this Nation, because that is what your plan does.

You spent 100 days in an ideological feeding frenzy around here, accomplishing nothing except slapping one another on the back and slapping the taxpayers and the poor people in this country in the face. So for 100 days you have nothing to show for it.

October came and went. We do not have the appropriations bill done. We do not have a budget done because, as the previous speaker said, this is a fight among Republicans. This was a fight among some Republicans who think we ought to govern while we are here, and other Republicans that think we ought to burn the place down, and those who want to hand them the matches. That will not work. That will not work with the American people. Every poll, every measurement of the American people are telling you, "Don't do it." Do not do this to their parents, grandparents; do not do this to their parents, do not do this to their children. Give them an opportunity for an education, give them an opportunity for health care security, give them an opportunity to live the twilight of their life with dignity.

What is the gift you gave to veterans in my district, the veterans in the district of the gentleman from California [Mr. RIGGS], the district of the gentleman from California [Mr. FAZIO]? That was a promise. It was in the budget but it was taken out here. We did read the papers, and America is reading the papers. America is on to you. They are on to you. You cannot run, you cannot hide. Pass a clean budget. Pass a clean continuing resolution. Pass a clean debt limit.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to the gentleman from Garden Grove, CA [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I heard a lot of references to senior citizens and to grandparents. I am a senior citizen, and I enjoy it immensely. I have a 10th grandchild on the way.

We have a blueprint before us on what we are supposed to be all about here. It is called the Preamble to the Constitution. I think at this moment, among all this frivolity and false charges about how we are trying to hurt me, and how we are trying to hurt me and my fellow grandparents, that we take a look at that beautiful blueprint to what this Constitution is all about, that we are supposed to honor in this place. We the people of the United States, in order to, and it should have a colon there, as we go into the list of things that we are supposed to do. We are supposed to be involved in an ongoing process here to form a more perfect union. Sometimes it gets a little rough, but that is what we are trying to do.

Then it says we want to establish justice. Look at court TV sometime. Look at the Menendez brothers' trial or the latest fiasco in Los Angeles. The justice system is getting a little worn here, and that is why we need a lot of reform, like the habeas corpus that was in the bill we passed yesterday over a lot of hollering and objection from the liberals in this Chamber.

Then we are supposed to ensure domestic tranquility. Have you been in some of our neighborhoods in some of our big urban areas? Not much domestic tranquility out there.

Then, to provide for the common defense. If the pyschopathic government in Iran lobs one rogue missile in our direction, or at Jerusalem or Haifa, we do not have any ability to stop it, after all the trillion dollars we put into defense just over the last decade. That is a disgrace, and it is not on this side of the aisle.

Then it says, "Promote the general welfare." Go look up welfare in a 1700's dictionary, and it means the business climate, to help enhance the creation of jobs, not welfare as it is in this century.

Then, after promoting a general, healthy business climate, the creation of jobs, here comes the payoff: "To secure the blessings of liberty to ourselves," nothing wrong with enlightened self-interest, "and to our posterity." That is my 10th grandchild, due to arrive in January; for some of you recordholders, like the gentleman from California, HENRY GONZALEZ, the gentleman from California, RON PACKARD, or the gentleman from Kentucky, 30.

Here is Clinton's budget projection for 10 years. It is a nightmare. Let us work together here, folks. We can get the job done, for posterity.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from Minnesota [Mr. SABO], the ranking minority member of the Committee on the Budget.

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we are here today for a very simple reason. There has been gross mismanagement of this session. For no other reason.

This is a continuing resolution, to continue appropriations. Why? Because the majority has not been able to pass their appropriation bills, 1½ months after the fiscal year ended. Why are they trying to muddy it up with Medicare? Medicare? Medicare is not an appropriation bill.

The reality is, before the session ends, we need to deal with Medicare, but we do not need to adopt their extreme agenda of $270 billion of cuts in Medicare, either to stabilize Medicare or to balance the budget. We do not have to increase the premiums on millions of poor elderly in the fashion that they are trying to do today, for either purpose of stabilizing Medicare or balancing the budget.

But we should not be arguing that today, on a continuing appropriation bill. Why do they try and put it on? Just to make sure the President will veto it. They can pretend they have done something. They know it is not going to happen. It is phony. But why are they even dealing with Medicare? Because they have not been able to deal with the budget, 1½ months after the fiscal year ended.

You should have been doing that, what you are doing now, in July, but you were off chasing butterflies or something, not doing your work, not getting it organized, so now you come with this dumb bill, crazy provisions in it, trying to stick it to the seniors in this country. We should vote no.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, although I do not plan to use much of it.

Mr. Speaker, the American people are obviously unhappy with the 537 Federal elected officials, the 435 of us in this House, 100 Members in the U.S. Senate, and the two people elected in the executive branch. They are unhappy as they watch this bickering that is going on over this battle that we have.

Today is a Federal holiday. Tomorrow is actually Veterans Day, but we are marking it today. The gentleman from New York [Mr. SOLOMON] and many of our colleagues hope very much to be able to participate in events. That is one of the reasons we have tried to limit this debate, which is simply on the rule, so we can allow Members to have a chance to vote for or against this continuing resolution.

But as we proceed with this, it seems to me that it is very important to recognize what it is that got us to this point. Between 1977 and 1987, there were 63 continuing resolutions. We hear this criticism of this process but we are, right now, struggling to move toward a balanced budget. While people are unhappy with the bickering that is going on today, I am convinced that they are much more unhappy with the prospect of perpetuating that business as usual. That business as usual has been a pattern which has led to doing nothing more than passing onto the shoulders of future generations the responsibility of continuing profligate spending.

So what is is that we are saying? We are saying that as we move ahead with this continuing resolution, we should put into place the kinds of things that the American people want, that will reduce the size and scope of government, recognize that we must save the Medicare system, rather than allowing it to go bankrupt, as the President's Commission on Medicare said in their April 3 study that came out.

So it seems to me we have a responsibility to do the right thing. Everyone is unhappy with the fact that we are bickering. I am unhappy with the fact that we are here today. The fact of the matter is that we are doing the people's business. We want to do that right now by passing out this rule, so we can proceed with the debate on the continuing resolution. Then let us get the two people who were elected by all the American people at the other end of Pennsylvania Avenue to sit down and come to an agreement, so that we can ensure that by the year 2002 we are able to pass on to the children of the gentleman from California [Mr. BILBRAY], who will at that point be graduating from high school, a balanced budget.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursaunt to clause 5, rule I, further proceedings on this question are postponed until after debate on House Resolution 262.

□ 1100

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 118, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 118, a clean CR, and ask its immediate consideration in the House.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers, and recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leadership.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, in the interest of seeing to it that the Government does not come to a halt, when is the next point at which I might offer that motion to have a simple, clean, 1-month CR?

The SPEAKER pro tempore. The Chair will not be able to entertain such request until such time as it is cleared.

PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 262 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 262

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to take from the Speaker's table the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, with any Senate amendments thereto, and to consider in the House a motion offered by the majority leader or his designe to dispose of all Senate amendments. Any Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled between the majority leader and minority leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except any such demand made by the majority leader or his designee.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 262 is a very simple, but very necessary, resolution providing for the further consideration of H.R. 2586, legislation which temporarily increases the statutory limit on the public debt.

Specifically, the resolution provides for the consideration in the House, without any intervening point of order, of a motion if offered by the majority leader or his designee to dispose of any Senate amendments to H.R. 2586, the debt ceiling extension bill.

The rule also provides for 1 hour of debate equally divided and controlled between the majority leader and the minority leader, or their designees.

The rule further provides that the previous question is ordered to final adoption without intervening motion or a demand for a division of the question unless such a demand is made by the majority leader or his designee.

Mr. Speaker, those of us on this side of the aisle cannot overstate the importance of passing this legislation and ensuring the continued confidence in our Government's ability to meet its most fundamental financial obligations.

No one likes the idea of extending or increasing the limit on public debt. It means simply that the Federal Government must be given new authority to borrow additional money in order to meet its obligations.

For some on our side, that is a tough proposition to swallow, especially since we have seen the buying power of millions of American workers' paychecks decline in the past as Washington piled up higher and higher debt.

That is why it is so important to the future of this Nation and its economy that we get our fiscal house in order, and take the steps needed today to reverse the trend of spiralling Federal debt.

H.R. 2586, as it returns to the House from the other body, preserves much of what was included in the House-passed version, in addition to the debt limit increase. There is the provision authored by Chairman SOLOMON which commits Congress and the President to enacting legislation this year to achieve a balanced budget no later than the year 2002, before the debt limit is increased any further. This is the crux of the whole debate.

We owe it to our children and grandchildren to be as forthright as possible on such an important goal.

There is also coverage of certain anticancer oral drug treatments for both prostate and breast cancer. There is badly needed habeas corpus reform taken from the Senate-passed antiterrorism bill which changes the seemingly endless appeals system that prevents swift and certain justice.

And, finally, there is long-overdue language aimed at bringing commonsense relief to entrepreneurs, businesses, and consumers all across America who are unfairly saddled with costly, often duplicative Federal regulations.

One key item which was removed by the Senate last night is legislation to abolish the Department of Commerce. This would be a major step toward downsizing and streamlining the Federal Government, and I am hopeful that the House can revisit this critical issue again soon.

The bill soon to be before us is not just about temporarily increasing the debt limit. And it is not about political brinkmanship, as so many of our critics have written. What it is about is making a serious, meaningful downpayment on our commitment to balancing the budget in 7 years.

With this legislation, and the changes made to it by the other body, we have the opportunity to cut spending, to shrink the size and reach of the Federal bureaucracy, and to give the American people new hope in our ability to do more with less.

This is an opportunity we simply cannot afford to miss, Mr. Speaker, and we invite the President and our friends in the minority to join us in this historic effort. Unfortunately, as today's Washington Post describes, the President seems focused instead on preparing for a Governmentwide shutdown.

I believe the dedicated Federal workers, who keep the Government running day-in and day-out, deserve much better than that. Instead of preparing for a shutdown, we are doing our best to put this country on a sound financial footing—something that will benefit all Federal workers, whether they live and work in the Washington area, or Columbus, OH, or anywhere else.

Mr. Speaker, we do not want to see the lives of Federal workers and their families disrupted by a completely unnecessary shut down of the Federal Government.

Under the terms of this simple and fair rule, which was adopted unanimously by the Rules Committee last evening, there will be ample time to debate the merits of any motion if offered by the majority leader to dispose of Senate amendments to H.R. 2586.

As our colleagues know, time is getting short, and we must act responsibly and expeditiously to pass both the continuing resolution and the debt ceiling extension.

Anything less would clearly show that we have abandoned our promise to the hard-working taxpayers of this country to govern sensibly and with a firm commitment to fiscal responsibility.

I urge my colleagues to adopt this rule and to get on with the business the people sent us here to conduct.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 262 is a rule which will allow consideration of H.R. 2586 and Senate amendments to increase temporarily the Federal debt ceiling. As my colleague, the gentlewoman from Ohio [Ms. PRYCE], described, this rule provides 1 hour of general debate, equally divided and controlled by the majority leader and the minority leader or their designees.

The level of the debt ceiling is the amount of money that the Federal Government can borrow to pay its debts. As Federal borrowing increases, the debt ceiling must be raised. Failure to raise the debt ceiling would prevent the Federal Government from paying its bills.

Today is Veterans Day. Traditionally, it is a day that House Members return to their districts to honor America's veterans. Instead, we are here in the House Chamber taking up a bill that is necessary to ensure the financial soundness of the U.S. Treasury.

The immediate problem we face is the need to raise the debt ceiling. This requires a simple solution. Instead, we have a huge bill full of complex and controversial sweeteners added at the last minute to win enough votes for passage.

If we had done the right thing and passed a clean bill—without extra sweeteners, the bill would probably be signed into law by now—and we could be home with our veterans.

Mr. Speaker, the bill we are taking up is basically the same bill we took up yesterday, except the Commerce Department provision was dropped. This is the wrong way to do it, and this is a bad bill.

Mr. HALL of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], former chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, for the second time today, this House is considering a bill that should be high above politics.

And, once again today, the Republican House will pass a bill that the President will be forced to veto.

Mr. Speaker, this is no way to run the Congress.

If the majority doesn't do its job responsibly, if the majority doesn't put politics aside, a lot of Americans are going to suffer.

People with pension plans will be hurt, people with adjustable rate mortgages will be hurt, people with payroll deduction plans will be hurt, people who served in the military will not get their benefits.

This will add insult to injury. Today is Veterans Day, the day we are supposed to honor our country's soldiers, not use them as pawns in a political game.

Mr. Speaker, the issue of whether the United States defaults on its loans should be high above politics.

Let's act responsibly, defeat this rule and let's pass a clean debt-limit extension.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. speaker, I yield 2 minutes to the gentleman from Florida [Mr. GIBBONS], the distinguished ranking minority member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, it is sad that we must be here today. This is business that should have been completed in June or July of this year.

The reason why it has not been completed is because of totally inept leadership on the part of the Speaker of this body.

As all of us know, a year ago there was an election. We Democrats lost the election. We went into minority status around here and the Republicans took control. They have sufficient votes to run this House and to do anything they want to. We are in this position today because the Republicans simply cannot get their own act together to do the right thing, to pass the appropriations bills.

Mr. Speaker, they have not been passed. There are still nine of them floating around out in space somewhere and they are being held up by the Republicans, not by the Democrats.

This debt-ceiling legislation should have been handled in July. Every Republican in this House has voted at least three times to raise the debt limit before to a total of $5.5 trillion. They have already voted on that three times. Republican members of the Committee on Ways and Means have voted on it four times; never raised a question about raising the debt ceiling.

But here at the last minute, because they have got some bells and whistles they want to attach that they cannot get past their own Members, they are trying to stick them on nongermane legislation.

Mr. Speaker, we Democrats are not holding up this House. We are not forcing this crisis. The President is not forcing this crisis. The appropriations bills simply have not gotten to him. He has not had a chance to exercise his authority that is required by the Constitution over these bills.

Congress has not had a chance to vote on a debt ceiling that the Republicans will turn loose. They keep changing the dates, changing the amounts, and all of those things.

Mr. Speaker, I say to the American public, "Do not blame us, American folks. Blame the Republicans. You put them in charge, and they are simply not doing their duty."

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman from Florida [Mr. GIBBONS], my good friend who is just walking off the floor, the gentleman is a Member that I have great admiration and respect for, but I really was taken aback by the gentleman's statement a few minutes ago when we almost had to rise and have his words taken down.

□ 1115

I would not do that because of the respect that I have for him. But one cannot stand up here and talk about the inept leadership of the Speaker. That goes against the rules of the House.

Having said that, I just have great admiration and respect for another Member of this House, and that is NEWT GINGRICH. The gentleman from Georgia [Mr. GINGRICH] has shown unbelievable leadership in getting us to this point that we are in now. It is such a serious problem that we have this sea of red ink that is literally ruining this country. It has turned us into a debtor nation. We cannot continue down this path.

That is why we are doing everything that we can to leverage legislation that we have been gagged from doing over the last 40 years. Things like product liability reform, so badly needed to create jobs in this country so that business and industry could be successful, regulatory reform. I come from the State of New York where we are the highest taxed State in the Nation. We are the most overregulated State in the Nation. Our businesses cannot survive there. They are leaving with thousands of manufacturing jobs, not only leaving the State but leaving the country.

What do we have in this bill? We have regulatory reform. Beyond that, we have my amendment, which simply states, I am going to read it to Members. I would like my colleagues to tell me what is wrong with this. It says, with the enactment of this act, the President of the United States and this Congress—my colleagues, that is you and I—commit themselves to enacting legislation in calendar year 1995 to achieve a balanced budget not later than the fiscal year 2002. That is 7 years down the road.

It goes on to say, it is further the sense of Congress that the Congress will not pass an increase in the permanent statutory limit on the public debt until such time that the President has signed into law the balanced budget legislation referred to in this section.

Now, we finally have gotten President Clinton to come around from saying we could not balance the budget, to say that we could do it in 10 years. Then we finally got him to say, well, maybe we could do it in 8 or 9; and now he is saying maybe we could do it in 7 years. That is all we are saying in this piece of legislation.

You know, another thing in here, it surprised me, my good friend, the gentleman from Florida [Mr. GIBBONS], because what we do is we say that the President or the administration or anybody else cannot dip into Social Security trust funds or Federal Government retirement funds. I do not know about you, but when I hold town meetings, that is the thing they complain about the most: You people are fiscally irresponsible. Leave our money alone. That is what we do in this continuing resolution.

Then we have a fourth item which has to do with breast cancer and prostate cancer. Everybody in this room supports that legislation, so what is wrong with tacking it on here?

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, the gentleman did ask a question; will anybody come down and respond? The reason that I am here is, the gentleman said the point of what he is proposing right now is that we not touch the Social Security trust fund.

Why would the gentleman put that in at this stage when the budget that has been proposed for balancing in the year 2002 by the majority does precisely that to the tune of $636 billion.

Mr. SOLOMON. Mr. Speaker, the gentleman is absolutely incorrect. In other words, we have a continuing resolution. It is a clean resolution that the President could sign and keep the Government functioning except for these items I have just read off. One of them was, we cannot dip into the Social Security trust fund because it is not our money to dip into. It is my money. It is the gentleman's money. I do not want him dipping into my funds.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will continue to yield, I understand. I am all for it. But how is it possible then for him to make that proposal at this juncture when the budget that has been put forward by the majority does precisely that? It dips into the Social Security trust fund, to the ostensible surplus, to the tune of—I will tell the gentleman what the numbers are. They start in 1996 with $63 billion. It is in the gentleman's budget document, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, let me tell the gentleman this. In the reconciliation bill that has come before this body, it balances the budget. It does not touch trust funds at all, and we are not going to.

What I am asking the gentleman is, let us pass this clean CR, clean continuing resolution that has these couple of items in there which none of us object to. So what is the objection? Let us pass it. Let us go home. Let us make our veterans speeches and meet with our veterans and come back here Monday.

Mr. ABERCROMBIE. Mr. Speaker, I appreciate the gentleman yielding time to me and conclude by saying that I think the reason that I think we find great difficulty in carrying out what the gentleman requests of us is that it runs exactly contradictory to what the reconciliation budget will present to us.

Mr. SOLOMON. Mr. Speaker, the legislation that is before us right now is legislation that we can continue the Government functioning over the next 10 days or until December 13. That is what we need. We know that the debt limit is not going to run out in between now and the time that this would be signed into law. Let us go ahead and do it. Let us drop the rhetoric, and let us get the job done.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, we have heard many comments that this is Veterans Day. As a veteran, I cherish the opportunity to recognize the enormous contributions that the men and women in uniform have made to this country. We honor them and the free Nation they fought for, the freedoms they defended, including the core freedom of speech and association.

Now, what does one of the bills pending before the House right now do? It includes an absolutely crazy provision that will regulate the speech of veterans organizations.

Suddenly, it dawns on me why things have been dragged out, in fact, to make sure that Members cannot get home on Veterans Day. Maybe it was deliberate, the mismanagement of the process that has kept us here as long as it has.

To my colleagues, I hope you will be able to go home and let your veterans organizations know what we have really done to them. I hope that you will be proud to let them know that we are restricting the ability of the Vietnam Veterans of America to speak out about substance abuse and treatment, that we are trying to gag the Disabled American Veterans as they push the Veterans Administration to deal with disability issues. Is that how we want to honor veterans on their day?

What a disservice, what a dishonor, not just to our veterans but to the Constitution they fought for.

Ms. PRYCE. Mr. Speaker, just so we are clear about this, the provision to which the gentleman just spoke is not a part of debt ceiling increase. That was on the CR which was the last rule we just voted upon, just so everybody knows to keep those two straight.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I have heard several of our Republican colleagues saying that we should keep our speeches short today so we can get home and give our speeches tomorrow to our veterans.

As the ranking member of the Subcommittee on Hospitals and Health Care, I have a better idea. Let us cancel our speeches and stay here in Washington as we should to keep Government from being shut down. We are on the brink of shutting down VA regional offices all over America that provide critical services to the men and women who served our country in uniform. We do them no honor by speaking to them tomorrow, by going on vacation in our districts this weekend while Government is on the brink of shutting down veterans health care services, many crucial services in our VA hospitals, and shutting down our VA regional offices.

That is irresponsible. What the Republican leadership is doing by letting us go on vacation this weekend is basically saying that to the veterans who are out there at sea at risk of drowning, the homeless, the sick, the ill, we are saying, we are going to take a vacation this weekend. We are going to go back home to our districts and speak to veterans. And by the way, do not drown over the weekend. We are going to come back on Monday and we might throw you a liferaft. We might think about your interests at that time.

That is irresponsible. I would like some Member of the Republican leadership to say why we are honoring veterans by risking the shutdown of their services by leaving this weekend. We know this bill is going to be vetoed. If we truly care about veterans, let us stay here and keep working on a bipartisan basis to keep that health care service that our veterans have fought for and the service that they deserve open.

It is wrong. It is irresponsible. It is hypocritical to our American veterans to say that we are going to go home and give our speeches this weekend when we are risking the life preserver they desperately need.

Ms. PRYCE. Mr. Speaker, I do not know about the gentleman, but when I go home I do not consider it being on vacation. I work in my district. I talk to my constituents. I visit with my veterans. That is not vacationing. That is an important part of this job. Every Member should consider it so.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, even at this moment when we stand on the brink of fiscal disaster, on the brink of closing down services upon which millions of Americans depend, our Republican friends cannot get themselves out of the clutches of special interest lobbies. On this issue of debt limit, they came to the floor yesterday afternoon and added something totally irrelevant, over 200 pages endorsed by a series of special interest lobbies, written in the dead of night, never presented for a hearing, never heard or discussed on this floor with what they call regulatory reform.

What it means to those veterans that are watching is that we are going to engage in unilateral disarmament. Yes, the power to protect the people of the United States from unsafe products, to protect them from foul water and foul air, we are going to disarm unless the lobby approves. In fact, no new regulations can go into effect unless some peer review committee that includes lobbyists says it is OK. You let the tobacco companies decide how to regulate tobacco. That is the theory of this that we are debating right now. That is included here along with the debt limit though it has absolutely nothing to do with it.

The last measure we considered included lobby control. What kind of lobby does it control? The Texas Council on Family Violence will be running a hotline to help battered women all over this country. Because they take Federal dollars to administer that hotline, they cannot come to Washington and speak out about the wrongs in this Republican budget. Do they control the polluters and the loophole lawyers? No.

They want to muzzle the National Council on Senior Citizens because it had the courage to speak out against the cuts on Medicare that are in this budget. And the latest chapter, it is in today's Wall Street Journal with the title "Gingrich Backer Had Unusual Access" as a volunteer in the Speaker's office, that the Speaker contracted out his own office to a special interest lobbyist.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I would say to all of my colleagues that in the last Congress I introduced major regulatory reform legislation; we call it the Sunset Reform Act. It was reintroduced in this Congress. This major regulatory reform relief provision has now passed through the subcommittee with a very strong bipartisan support. It is out of the full committee, and it is pending on the calendar of this House of Representatives.

In the contract on America, there is also regulatory reform and there was habeas corpus reform. What we find and what I want to tell my colleagues is this Member of Congress who has been a leader on these issues knew nothing about this late-night stealth attack on the potential strength of the Treasury of the United States when the Republican Party puts into a debt ceiling extension major regulatory reform that has not been conferenced by the House and Senate, that does the damage the previous gentleman spoke to, that was a part of the contract on America that had not passed the House and the Senate. And they did the same with habeas corpus reform, one of their contract provisions which has gone nowhere. They are using the potential fiscal health of the entire Nation as their medium to accomplish these goals.

□ 1130

This is wrong, and Americans know it. We should not pass this rule, we should not pass this legislation, and of course the President will veto this bill, as he should. We ought not to be a part of this. We ought to be doing what is right. We ought to be working on Veterans Day to make sure that our veterans, and our seniors, and our children, and the weakest among us have an opportunity to participate in this great society.

This Republican budget is a disaster, this rule is a disaster, this entire process is wrong, and we should reject it.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker and Members, I never thought I would see the day that Republicans would endanger the well-being of veterans. We have come to a point in time where veterans stand to be denied the ability to have their claims processed because of what we are going through here today.

Mr. Speaker, I serve on the Committee on Veterans' Affairs, and I watched many Members from the other side of the aisle wave the flag, and talk about being in the parades, and how much they love veterans. Well, we need to be here today telling the real story; on this side of the aisle I think we are doing that.

Mr. Speaker, what we are saying today is, "Republicans, who are willing to threaten the well-being of veterans with this brinksmanship, we need to stop this foolishness. We need not go home. We need not go home, and march in those parades, and tell the veterans how much we love them when, in fact, we are hurting them in this process." But the Republicans budget would keep them at spending levels for 1995, Mr. Speaker, which means that over 125,000 veterans would be denied health care services.

This charade needs to stop. Let us remain here until we can get it right. Let us take the machoism out of this fight. Let us do what is necessary to fund the services and programs of this Nation. Let us not use veterans and the people of this country as tools in this bickering. It is time for us to do the right thing.

Veterans, get on the telephone. Call into this House. Let the Republicans know that they need to stop this. If they want to honor our veterans on Veterans Day, tell them to stop the brinksmanship. Do not put something on the President's desk that they know he is going to veto and cause our veterans to be at risk.

Ms. PRYCE of Ohio. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, allow me to explain what this is all about.

The debt ceiling limit of the United States is the authority of this Federal Government to borrow money. Because the United States has a national debt, our Treasury must issue bonds and other securities to secure that debt on a regular basis. Congress must give them authority to do so.

None of us like the fact that our Nation is in debt, but we are not about to lose our credit rating as a nation. So we reluctantly and sometimes painfully vote for an extension of this so-called debt ceiling limit so that the full faith and credit of the United States of America is not encumbered.

This vote today on the debt ceiling limit, which is the subject of this rule, is going to create a fiscal crisis in this country because the Republicans have insisted that we will not just vote on this issue. They want to throw in a lot of extraneous issues. They want to throw in regulatory reform.

Mr. Speaker, that sounds so simple. It turns out to be a 200-page amendment drawn up by special interest groups, by polluters, corporate polluters, who want to make sure that they have their say in the process of establishing environmental regulations, establishing the standards by which we regulate the water, the streams, the air of this country. What in the world does this have to do with the debt ceiling? Nothing. It is a political gimmick. It is trying to put pressure on the President to sign a bill he does not accept.

Mr. Speaker, the President will veto this bill, and it is a sad commentary that we have reached this point. Some Republicans have gone so far as to say, "Don't worry about the debt ceiling limit. We are just going to postpone paying American taxpayers their income tax refunds next year; we think they'll understand." Wait a minute. Have my colleagues spoken to those families and those taxpayers? They are counting on those checks.

They have also suggested, "Don't put the payroll taxes in the Social Security trust fund for a while. That will carry us on." That shows us the limits they are prepared to go to force this shutdown strategy of the Federal Government.

Ms. PRYCE. Mr. Speaker, we continue to reserve the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thank the distinguish gentleman from Ohio [Mr. HALL] for yielding this time to me, and I want to acknowledge my distinguished friend from New York who previously spoke to this issue and mentioned the great service that he gave to this country, and I certainly acknowledge it. Being my age and being a female, I did not have the honor, but I can say that I have come from a military family that appreciated the desire and the need to serve their country and was honored for doing so.

I can come to my colleagues this morning, however, and speak to them as a parent raising a 10-year-old and a 15-year-old, and I can assure my colleagues that, when I hear from my constituents in Houston, they simply ask to pass a straightforward continuing resolution, streamlined to deal with the issues at head, because those of us who are parents and working every day, we know the bottom line: To get the job done. Mr. Speaker, this resolution proposed by the Republicans, my friends, does not get the job done.

Mr. Speaker, what it says to the Catholic charities that many of us benefit from throughout this Nation is that they cannot come to express their views about services to the elderly because they are lobbyists and they take Federal money. It denies them the right to free speech. That is what is in this continuing resolution, which is simply to keep the doors open.

In addition, then it says to Federal employees, like those who—some gave their life in Oklahoma City, "We don't care about you and the fact that the Social Security Administration may have to deny new recipients their eligibility checks, individuals who have come upon hard times, disabled senior citizens and otherwise." They will not be able to be taken care of in the manner that they have taken care of this Nation by paying their taxes.

Mr. Speaker, that is what this continuing resolution debate is all about, and then we ask about the Commerce Department. Someone seems to want to raise that up as the whipping boy, but do my colleagues know that the Constitution included the fact that this Government is responsible for commerce? Do my colleagues know that commerce creates jobs and that countries like Germany and Japan are in fact uplifting and enhancing their opportunities to compete? We need jobs in this Nation. Get a downsized Commerce Department; I do not want a big bloated Department, but it can be done. This eliminates the opportunity to create jobs: $3 billion in contracts in the last 6 months created by the Commerce Department.

Then we now come to our veterans, and I have a special place in my heart for them, but come Monday at midnight we will have veterans without health services, we will have veterans who we pretend to honor without health services, and what it means is we will have veterans who will be listening to a lot of lip service. They do not want lip service, my colleagues. They want health care service; that is what we want in this country.

And then the budget debate. I believe in bringing down the deficit. I voted for a balanced budget amendment. I have done it in my own former life as a city council member, but I can tell my colleagues one thing. We are being misrepresented, too, because this deficit and this balance that we have completes well worldwide with other countries who have a far greater debt. We can do it with reason and not cut education, and we cannot cut health care and Medicare premiums that increase. We can do this by streamlining the continuing resolution. Let us vote down this rule.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker and Members, the suggestion is being made by the Republicans that, if we do not pass the continuing resolution to fund the Government and we do not pass the debt limit to increase the debt of this Government so that we can make good the credit of the United States and the payment on that debt, that if we do not do it their way, it cannot be done. Mr. Speaker, it is simply not true. For a clean debt limit, for a clean CR, I am sure on this side of the aisle we can find 150–175 votes, and I am sure that if the Republicans scour their entire caucus, they could find 25, 30, 40 votes that are willing to see that this Government continue, that we continue to govern, and then we can continue on with the debate over Medicare, and the future of children in this country, and the future of education, but what we do not have to put at risk, what we do not have to put as risk, is the vital services of this Government, whether it is to veterans, or whether it is to the elderly, or whether it is to the schools of this Nation, or the transportation of this Nation. And even more importantly than all that, perhaps, is the credit of this Nation, that if we guess wrong and the markets react adversely, it will cost the homeowners and people who have debt in this Nation, who have mortgages. We ought not to put that at risk.

Mr. Speaker, we can pass a clean debt limit, we can pass a clean CR, in a matter of minutes, in a matter of minutes. But the Republicans have chosen to have an ideological fight. They have the fight going on now. That is why we do not see them on the floor of the House, because they are having that fight in their conference. But they also chose to have that fight with the people of the United States and the President of the United States, and to force that fight they want to shut down the Government. It is really unacceptable. It is really the sort of politics that should not exist any longer because with the world financial markets, and our world creditworthiness, and our ability to loan money and to recapture money around the world, we should not be playing with the credit rating of the United States of America.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, it may have struck a number of those observing this proceeding that there is not much response coming from the other side of the aisle. They are passing time and time again to allow Democrats to dominate the debate. That is because the Republican Members have been off the floor, meeting together, wrangling over the Istook amendment which has been so clearly described here this morning.

But what is really at stake is whether or not we are going to keep faith with the American people, with Federal employees, with all the services that people depend on and that this Government renders them.

We clearly have an inept Republican leadership. There is no way around it. It is rather hard, but I have to say it here. It is the 10th of November. The fiscal year began October 1. Two of 13 appropriation bills have been passed, no budget reconciliation. The entitlement program has been passed. Had we passed those appropriation bills, had we passed that budget reconciliation package, we would not be here in this crisis atmosphere. The debt limit would have been automatically extended. The Government would be in position to serve all the people who pay the taxes to support it. But the fact is that that ineptness has made it impossible for us to operate any other way but on a crisis basis.

Now Democrats have made it clear we are prepared to do whatever it takes to keep the American people from suffering as a result of our disagreements, and to allow Government to continue to function and our currency to continue to not be in default.

☐ 1145

We have offered and will offer again today resolutions, clean resolutions, that allow the American people to continue to observe this debate but not have to make sacrifices that they ought not to have to make because they did not bring about this crisis.

Mr. Speaker, why are we still here? Because the Republican Members simply cannot even agree among themselves as to what we ought to be doing here on a day we ought to be home honoring our veterans. We have some Members who think we must pass pure Istook, the amendment which really deprives so many nonprofit entities across this country of their voice here in Washington. Others would like to accommodate the Senate, which attempted to water it down and make it more palatable, even though, in my view, fatally flawed, by now covering State and local government wants to address issues here in Washington.

That has made it impossible for Republicans even to tell us this morning whether they have the votes to pass this resolution on to the President, where he threatens to veto it, or were they unable to do that, to go to conference, which would mean they would not even be able to give the President the opportunity to exercise his responsible position before the clock runs and the Government shuts down.

That is what we are dealing with, division in the ranks that makes it impossible for Democrats, even in their most cooperative moments, to be helpful. But we will continue to try, and perhaps before this day is over, Republicans will come to their senses and accommodate what is reality,.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I would just like to have a little colloquy with the gentleman from California.

I would ask the gentleman, is there anything in the continuing resolution and the extension of the debt limit that could not be handled regularly in legislation, either by suspension of the rules or in a regular bill? Is there anything in either one of these bills that could not be handled in the regular process in this bill?

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from California.

Mr. FAZIO of California. Absolutely not. No. There is no reason for us to impede the American people, to keep this crisis atmosphere in Washington. We can deal with that in the due course of events.

Mr. HEFNER. So, with the Republicans controlling both bodies, they could bring it up at their discretion?

Mr. FAZIO of California. That is absolutely right.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, what we have here today is a failure of leadership. That is why the thousands of Federal employees across the country, and certainly in my State, are going to face impending furloughs on Tuesday. That is why every homeowner with an adjustable rate mortgage faces interest rate increases if the debt ceiling is not extended and default occurs. Failure of leadership.

This House is under Republican leadership now. Republican leadership used to complain about when appropriation bills were not done in a timely fashion. It takes 13 bills to run this Government. They failed to pass 11 of them and enact them into law. They failed to bring these matters to the floor for timely debate.

The result is that what we have are two measures, debt ceiling extension and a continuing resolution that keeps the Federal Government going on a temporary basis. Both of them should be noncontroversial, both of them should be clean by themselves. Instead, what they have done is to tie such strings to each one of them as to make it impossible for the President to sign. That is why our Government is likely to shut down on Tuesday. That is why the economy of the United States is likely to face some roils and turmoil shortly thereafter. The first thing they are going to do is shut the Government down on Tuesday. The next thing they are going to do is help shut the economy down shortly thereafter.

Ms. JACKSON-LEE. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I just noticed, with the cold weather approaching, and that is why I said we need to talk to the working Americans, that the Low-Income Energy Assistance Program is going to be drastically impacted. Senior citizens, working single parents with children in these cold climates will not get the assistance they can get if this crisis comes to be.

Mr. WISE. The gentlewoman is quite correct. In Texas, as in West Virginia, we just had our first snowfall, and the low-income energy assistance is drastically cut back, and of course, as she has pointed out many times on the floor, one of their measures they want to tack on is to increase the Medicare part B premium from $42 to $55.

Ms. PRYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have enough faith in my President that he will not allow this to happen, and I urge my friends on the other side to encourage the President not to let this happen.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, the last time that we had a similar debt ceiling crisis was during the Reagan administration. It was because of the very deep tax cuts that were enacted earlier in the decade. The folly of some of those tax cuts has been outlined in the book written by President Reagan's budget director, David Stockman, called "The Triumph of Politics," so I will not go into that, but we have a somewhat similar situation now.

At that time, what we did was to come up with a number of mechanisms to avoid a crisis occurring again. The problem with that debt ceiling bill is that it takes away the President's ability to avert such a crisis. It deliberately repeals those provisions, and thus ties his hands. That is the biggest objection to the debt ceiling bill, as far as I am concerned.

What will happen as a result is that Federal retirees will lose from their trust fund, about $3.5 million a day. We have a letter from the experts that are in charge of the board that oversees those trust funds. It is a nonpartisan board. Their opinion was requested by the Republican chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight. They wrote back and said Federal retirees will lose $3.35 million a day if this debt ceiling bill is passed.

Another thing it does is to prevent the President from being able to reimburse those trust funds, so when we look into this bill, it is an irresponsible bill. The American public deserves better.

The SPEAKER pro tempore [Mr. HAYWORTH]. The Chair would inform the gentleman from Ohio [Mr. HALL] that he has 30 seconds remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say that this should be a very simple bill. Normally in the past when we pass a simple debt extension, it is two pages, maximum. They start off at 6 pages, that is not too bad, but at 10:30 about 1½ nights ago or 2 nights ago, with all these amendments, including regulatory reform, habeas corpus, it went up to well over 300 pages. Nobody had read the amendments, nobody understood the bill. I am almost positive there has not been anybody read this bill since it was increased to 350 pages in the past 2 days.

Mr. Speaker, I would urge defeat of the rule, and defeat, certainly, of the Senate amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, through the years we have borrowed and borrowed and borrowed. When the Secretary of Treasury calls and says, "We need more money," we pass a two-page debt ceiling extension and we give him more money. The crux of the issue is that unless Washington agrees to balance the budget, we will no longer say yes when the Secretary calls. We will say balance the budget before we give more money. It is as simple as that.

Mr. Speaker, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SKAGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the vote by the yeas and nays on House Resolution 261, which will be taken immediately after this vote on House Resolution 262.

The vote was taken by electronic device, and there were—yeas 220, nays 185, not voting 27, as follows:

[Roll No. 783]

YEAS—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—185

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton

Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—27

Berman
Boucher
Buyer
Cox
Dickey
Dingell
Fields (LA)
Johnston
Kaptur
Klug
LaFalce
Lewis (CA)
Martinez
McHugh
McIntosh
Owens
Peterson (FL)
Pickett
Quillen
Shuster
Studds
Thomas
Thornton
Torricelli
Tucker
Waxman
Weldon (PA)

☐ 1212

Mr. MILLER of California changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Speaker, on rollcall No. 783, I was unavoidably detained outside the Chamber. Had I been present, I would have voted "yea."

☐ 1215

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 118, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 118, a clean continuing resolution, and ask its immediate consideration in the House.

The SPEAKER pro tempore (Mr. HAYWORTH). Under the guidelines consistently issued by successive Speakers, and procedures recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

Mr. OBEY. Mr. Speaker, I hope it is soon cleared, because that is what we need to do to avoid the Government shutting down on Monday.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the resolution on which the Chair has postponed further proceedings.

PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

The SPEAKER pro tempore. The pending business is the question of agreeing to House Resolution 261, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 182, not voting 27, as follows:

[Roll No. 784]

YEAS—223

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—182

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams

Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—27

Berman
Boucher
Buyer
Dickey
Dingell
Fields (LA)
Ford
Hancock
Johnston
Kaptur
Klug
LaFalce
Lewis (CA)
Martinez
McHugh
Owens
Peterson (FL)
Pickett
Quillen
Shuster
Studds
Thornton
Tiahrt
Torricelli
Tucker
Waxman
Weldon (PA)

□ 1224

Ms. WATERS changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mr. FLAKE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1963, and to delete my name from subsequent references and printings of the bill.

The SPEAKER pro tempore (Mr. HAYWORTH). Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO DISPOSE OF SENATE AMENDMENTS TO H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 262, I move to take from the Speaker's table the bill (H.R. 2586) to provide for a temporary increase in the public debt limit and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 262, the Senate amendment is considered as having been read.

The text of the Senate amendment is as follows:

Senate amendment:

Page 34, strike out line 1 and all that follows over to and including line 17 on page 251.

The SPEAKER pro tempore (Mr. DREIER). Pursuant to House Resolution 262, the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last night, the Senate considered and passed H.R. 2586, a temporary increase in the Government's borrowing authority, approving all of the provisions in the House bill that we sent over, except for the proposal eliminating the Commerce Department.

The bill now contains the most crucial pieces that we approved yesterday: a downpayment on a balanced budget, a brighter future for our children, and the protection of Social Security and other Federal benefit trust funds.

Mr. Speaker, these protections are essential, because the Treasury Department right now is planning to raid the civil service trust fund as a circuit breaker to avoid breaching the debt limit. But this circuit breaker is really a high voltage wire that directly taps into retiree trust funds.

In time, the administration may be even tempted to raid the Social Security trust fund if, in fact, the President continues to stall and does not come to a resolution of the debt problem with this Congress.

Currently, the law does not protect the Social Security trust fund, but the provisions in this bill do. The provisions prevent the Secretary of the Treasury from ever raiding the Social Security trust funds.

Mr. Speaker, the administration may veto this bill, but the steps it takes to get around the legal limits on borrowing will be closely watched. If assets are taken from the funds, we will know it and we stand ready to protect retiree and other benefits.

This short-term extension is intended to provide the administration with the opportunity to have an orderly management of the debt until December 12, and opportunity for the President to join with us in negotiating a balanced budget bill.

Such a bill will include a permanent increase in the debt ceiling to accommodate the provisions of that bill. However, for the moment, we need to keep the pressure on the administration if we are to bring the differing views together and resolve this problem.

The time for delay is passed. No more excuses. We must stop passing our generation's debt on to our children and our grandchildren. We must face facts and bring our budget into balance.

Mr. Speaker, make no mistake, in this bill, December 12 is the drop-dead date for the President to come to the table and negotiate in good faith on a plan to balance the budget in 7 years by CBO numbers, and without tax increases.

We are committed to do no less. It is our responsibility to our children and it has the support of 82 percent of the American people.

Mr. Speaker, I urge my colleagues to vote to protect the trust funds and vote to press on with the fight to balance the budget.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are going to hear a lot of fancy language and a lot of fancy arguments, but let me try at the beginning to explain what is going on. This debate today should never have taken place, had the Republican leadership had any ability to lead. The voters gave them a majority in this House of Representatives, a substantial majority. We just saw it on the last vote.

We are not delaying anything here. We are not postponing anything. This is just their inability to work in the Republican Party with themselves and get their act together and get legislation passed. They should have done this back in July. This is November 10.

Why have they been so long? Well, you will have to judge for yourself on that.

The piece of legislation we are actually debating here today and will vote on soon is still a piece of blackmail. It is an attempt to lure and to force the President to come and adopt their rather radical agenda, and he refuses to do so. It is an agenda that gives tax cuts to the very wealthy who have neither asked for them nor need them. It is an agenda that places the burden of balancing the budget on the sick, the aged, the children of America, the working poor, those least able to defend themselves or to support the sacrifices that need to be made to balance this budget.

The Republican Party's priorities are simply wrong. The President recognizes that. In addition to that, there had been no leadership from the Republican Party to get the regular business of this House conducted. Here we are, a month and a half after the end of the last fiscal year. We have not passed the appropriations bills that are necessary to run this Government. Only three of the bills have ever left this Chamber and left the Senate and headed for the President's desk. There are nine more floating around out there in limbo somewhere on which the Republicans are fighting amongst themselves about the bill. We do not control the vote. They have got the votes. The American people put them in charge, and that trust has been severely violated by ineptness.

So I regret that the bill that is here today and is the subject of the next vote is just another attempt to blackmail the President to come bargain with the gentleman from Georgia, Mr. GINGRICH, and Mr. DOLE, and yet they have not presented their own appropriations bills. They have not presented their own budget which they are still arguing over amongst themselves, and they are trying to place the blame on us.

Mr. Speaker, that is the simple truth of all that is going on here today. Members are going to hear a lot of fancy rhetoric about saving the trust funds. Baloney. They know that is baloney. The only reason anybody has to raid the trust funds is to keep this Government from collapsing, from not paying its honest debts. That is all that is at stake today.

Mr. SPEAKER, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Speaker, what we are hearing from now are the debt junkies who for 40 years ran up trillions of dollars worth of debt and gave us the situation that we are now in and now are out complaining about the process. It is fascinating. They not only ran up trillions of dollars worth of debt, but they were the junkies that adopted what was called the Gephardt rule so that they put the entire debt of the United States on automatic pilot. So, anytime we had to have more debt, we simply passed and kind of deemed the debt to have been passed under the Gephardt rule.

These debt junkies would not even bring bills like this to the floor because they did not want to go through the agony of raising debt, and the debt swelled by trillions and trillions and trillions of dollars. And then what did we get from them? We got excuses: It is not our fault. Ronald Reagan made us do it.

Now the excuses today on the floor: Oh my goodness, the process does not work the way we would like it to work. And so we now have a new excuse.

Then when all the excuses were gone and when people began to recognize they were debt junkies, then what happened is they turned to gimmicks. You have the Secretary of the Treasury out doing the PR gimmick here for several weeks trying to scare the markets. When that did not work, now what they have got is their newest gimmick. Their newest gimmick is to actually raid the trust funds, to raid the retirement trust funds of the United States, including as a potential the Social Security trust funds.

The gentleman from Florida tells us that is not what is happening. Well, USA Today does not agree. In fact, USA Today this morning runs a headline that says, retirement accounts could be tapped to avert default. So it is very clear that the news media, the American people, everyone is now understanding that, if we do not pass this bill in the form we bring it here today, we are putting in jeopardy the trust fund accounts of the United States, that the Democrats, because they are debt junkies, are perfectly willing.

Vote no more excuses, no more gimmicks. Pass this bill.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I would like to yield to the gentleman from Pennsylvania [Mr. WALKER] for a question. That is, has any Democrat proffered putting the Istook amendment, for instance, on the CR? We know that is the reason the CR is held up. What Democrat had anything to do with that? This is a fight between Republicans, not us.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman might want to check the CR when it comes out here later on. The Istook amendment will not be on it.

Mr. SCHUMER. The RECORD will show that that is what has held it up. That is the reason we are here. I am glad that side has shown some leadership to tell the gentleman from Oklahoma he should not be holding this up.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I have been in this body a number of years. I thought I had learned a few truisms. I thought there were certain things I could rely on. One of them was that this country never, never should default, that our debt is money spent, money owed, that the full faith and credit of the United States was involved.

Yet this morning I read in some of the papers the financiers of Wall Street are saying it really is not going to be catastrophic if we default. These statements absolutely perplex me. Do these financiers think that the President of the United States, Mr. Clinton, would never default, so they can make these statements? Are these financiers trying to ingratiate themselves to the leadership of this House?

I do not know what they are trying to do. I only can say to these individuals, men and women on Wall Street, you have the investments in your hands, pension funds and mutual funds. You should know better than to say default is not going to be catastrophic.

I stand here right now and say this House should be doing one thing, passing a clean debt ceiling. In the meantime, we could hammer out a budget that could get 218 votes.

This Member would be perfectly willing and there are other Democratic Members who would join with Republican Members for a clean debt ceiling, and this should happen. Let us be clear. We are going to have a budget, and we are going to raise the debt ceiling. But I do caution those people who should know better. We should not even talk about default, let alone play about it.

Mr. Speaker, I rise in opposition to the Senate-passed debt ceiling extension. While I strongly support the Senate's action in dropping elimination of the Commerce Department, this bill is still overburdened with unrelated matters.

What the House should be doing today is passing a clean temporary debt ceiling as an interim measure to prevent default while a balanced budget agreement can be hammered out.

While it may be true that the majority cannot, in fact, pass a debt ceiling without conditions or riders, no one should lose sight of the fact that many Democrats, including this Member, would support a clean extension simply because the cost of default is too high. And the President has said he would sign one. Yesterday six former Treasury Secretaries sent a letter to the Speaker and Senate Majority Leader DOLE asking for a clean debt ceiling.

When all is said and done, the debt ceiling will be increased. We shouldn't hold the economy or average American families hostage to a partisan debate on a balanced budget. We should enact an extension in the debt ceiling immediately.

Let's be clear, raising the debt ceiling has nothing to do with the current level of Government spending, and everything to do with financing our prior obligations—living up to our commitments. There is no doubt that the debt ceiling will be raised in the long run. Let's stop playing games and pass a bipartisan clean debt ceiling.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

The gentlewoman has spoken to exactly what the bill is about, to permit the orderly management of the debt until December 12. There is nothing in this bill that says default. What it says is that on December 12 we will have a problem if the President will not come forward, exercise leadership and negotiate with this Congress for a balanced budget in 7 years by CBO numbers without tax increases.

There is plenty of time for that to happen. The President has within his hands the ability to negotiate with us and to eliminate any possible threat of default, but he has yet to be forthcoming in this regard.

The truly important thing for the future is to get this budget balanced. Canada has its problems today because it did not balance its budget. Sweden has its problems today because it did not balance its budget. We cannot continue to let these interest service charges creep up and up and up because they will ultimately be the culprit in default in the long run. We have plenty of opportunity to get this budget balanced, and we are determined to do it.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a respected member of the committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in strong support of this debt limit extension, especially in view of the strong restrictions it includes against the raid of the Social Security trust fund assets.

Three million people depend on Social Security each month to meet their basic living expenses. They paid for these benefits while they were working. They should not have to worry about whether their checks are going to be paid during a debt limit crisis or whether the assets of the trust funds will be gamed or raided in order to keep the Government running.

Mr. Speaker, the Social Security trust funds held $483 billion in assets as of September 30. That is a huge and an alluring pot of money right now in this crisis. The bill we are considering maintains public confidence in Social Security. It prevents a repeat of what happened in 1985 when the trust funds were disinvested to get around the debt limit. It makes it absolutely clear that these assets may not be used for any other purpose other than to pay Social Security benefits or related administrative costs.

The bill also makes it clear that Social Security checks will be paid to seniors on time even during a debt limit crisis when a shutdown of the Government is being threatened.

The administration claims it will not use Social Security assets to pay the bills, but the public record is littered with their zigs and zags on important public policy questions, as our colleagues on the other side of the aisle know better than anyone. This bill protects Social Security from disinvestment and does so on a permanent basis. The law currently does not do that. This bill preserves the social compact between generations that Social Security represents.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I just want to say to my colleague on the Committee on Ways and Means, there is nothing you can do that will mask what you are doing here. Nothing.

The Social Security argument is a complete sham. The gentleman was there when the Treasury Secretary assured, through his representatives, this country under no circumstances will touch Social Security. The gentleman got up here and made that argument.

It is a sham. Look, we are also talking about the debt. We could stand here and argue for hours who caused the debt. I was here during many, many sessions when we passed bills less than the Republican President asked. During the 1980's, the total amount that was spent was less than requested by Republican Presidents.

That is not what the public wants to argue about or hear about. They are impatient with you. You are playing politics with their checkbooks. You are playing brinkmanship. It is not pressure. It is a pistol you are putting to the head of the presidency. And who will suffer if you succeed, if there is default? Those who have adjustable mortgages, those who have credit card payments to make. Your extremism is already seeping into the attitudes of the public, and that is why they reject this Republican Congress. The Speaker should not blame the freshmen.

□ 1245

He is the leader of that gang. He is the pied piper. He is going to lead his troops over the edge and take our colleagues with him, but the trouble is he will take the country, and all the taxpayers and the hard-working families with him, and that is why in the end our colleagues' brinksmanship will fail. It is a miserable tactic shrouded with miserable arguments. Turn down this miserable bill.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, my colleagues, if it is extremism to meet ones financial obligations, then there are extreme people on our side of the aisle. If it is extremism to pay one's debts, then we are extremists. If it is extremism to make Government accountable and responsible, then we are extremists.

I chair the House Civil Service Committee. I have only done that for a few months, and let me tell my colleagues about the mess we inherited. As my colleagues know, we have approximately 39 Federal retirement programs, and Congress has raided every retirement cookie jar. Thirty-five of the thirty-nine Federal retirement programs are already raided. There are no funds in them. Two funds, the Federal employee retirement trust fund and the military trust fund have unfunded liability of over a trillion dollars, and that is not counted in the $1½ trillion national debt. So now they are telling us that retirement accounts are their next avenue of irresponsibility, and that is only part of the problem. We are paying $19.8 billion out of the Treasury to meet the current benefits for our Federal employees and another $24 billion every year to pay the interest on the money we stole from the account. So now they found one more account, one more bastion of irresponsibility, and I tell my colleagues that we cannot continue the funny bookkeeping that we have inherited.

Even the President summed it up, and that is what this debate is all about. He said it: "I taxed you too much and I cut too little." If we are going to run this country $67 billion more in debt for 34 days and make every man, woman, and child in this country pay for those 34 days another $269 just for that short period of time for that debt we are extending, then we should have fiscal responsibility, and we should end the ways of the past.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me make it clear. To the extent that there is any risk to our trust funds, to the extent that there is a risk as to whether we will honor our debt, to the extent that whether there is a risk as to whether we are able to continue essential services, that falls to the Republicans' failure to bring to this floor a clean extension of our debt ceiling, and let me explain the hypocrisy of the Republicans here. Their budget calls for an increase, an increase in our national debt authority of $600 billion. They have already approved it on the House floor. They have already approved it on the Senate floor. But we have not brought to the President an agreed budget that includes that $600 billion, so we do not have that authority here today.

Now why do we not have that $600 billion additional authority? Because the Republicans have missed the deadline. The deadline was October 1 to get their budget passed and to the President. They missed that deadline, they missed it badly, and now we run up against the debt ceiling, and we are being asked to extend it by about one-tenth of the permanent amount that is in their budget, a little over $60 billion, and the Republicans say, "Wait a minute. We want to put all types of conditions on that extension that aren't acceptable to the President."

Mr. Speaker, the President is not at fault that we have not met our deadlines. It is the Republican leadership's fault, and yet they are trying to use process here on attaching legislation that is wrong, that when they took the leadership of this House they said they would not do, and they are doing it here today, and it is wrong, and the Republicans are putting at risk the credit of this country. The Republicans are putting at risk our trust funds and our ability to pay the obligations of this country, and that is wrong.

Mr. Speaker, we have said from our side of the aisle bring a clean debt extension and we will support it, but this bill is wrong. It should be defeated.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I appreciate that. I would just like to state very briefly that I am going to vote for the temporary debt ceiling even though it does not contain the elimination of the Department of Commerce, which I think is a very key and important thing for us to do in producing a smaller, more limited, more focused Federal Government, and this is something that this House has already agreed to and voted for. We received assurances from the Senate leadership that they will push for the elimination of the Department of Commerce the next available opportunity this year, so I urge my colleagues to vote for this temporary debt ceiling as we continue to move forward and we do what the country is asking, and that is just a very simple thing of what everybody else has to do, and it is balance the budget. I sit here on this floor, and I listen to the debate, and it seems to me it is terribly harsh about something that we have been negligent in doing for so many years, and that is just simply balancing the budget, and I would urge the American people to look past the rhetoric and say, "Yes, you have got to do it. You have got to deliver, and you've got to deliver a balanced budget." This is a critical step to be able to accomplish that goal.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, actions being taken by this Congress are a frontal attack on Medicare. By continuing to insist on a short-term debt increase that ties the hands of the President, Congress is putting the U.S. Government and its good name at risk.

Repeatedly, we have heard that the House passed budget would protect and save Medicare. Well, the actions taken here the last few days put Medicare at great risk.

Medicare does not need to be put at risk or even involved in this debate. The solution is simple. Bring a clean debt extension to the floor.

This legislation includes a payment priority system, which is nothing but an unnecessary political ploy. And yes, this ploy can harm Medicare. The reason for this scheme is to protect Social Security. Social Security is already protected. The Social Security trust funds will not be used for any purpose other than to assure the payment of benefits to Social Security recipients.

Medicare should be protected. If Treasury is forced to prioritize payments, the nonpriority payments such as Medicare will not be paid. Why are we pulling the rug out from under seniors? They rely on Medicare and they expect payments to be made.

If you really want to save and protect Medicare, you will pass a clean debt extension.

Isn't it ironic that we are here on Veterans Day and we are debating legislation that could result in the failure of benefits being paid to veterans.

The debt ceiling legislation before us plays a dangerous game that is deadly to seniors. This legislation will put the U.S. Government in default if the President does not sign the budget.

We all know very well that the President cannot sign this budget. Congress is way behind. The budget conference has not had one public session. Conferees on my side of the aisle are waiting to be contacted. Over half the 13 annual appropriations bills have not been sent to the President.

The Republicans are putting Medicare at extreme risk. This legislation will put the United States into default. Once the Government defaults, Medicare benefits will not be paid.

Treasury has been acting responsibly and already taken steps to avoid default, because of Congress' failure to pass a debt limit increase.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I am just a freshman that came here this year, but as somebody who served in local government and was close to the people for over 20 years as a representative, the citizens kept asking, "Why can't Washington produce a balanced budget," and now I understand after I have been here why Washington has not been able to do it, because there are always good excuses for voting no against a balanced budget, there is always some detail that is more important than balancing the budget.

Mr. Speaker, I think that we need to recognize that we are talking about something that everybody talks about but are not willing to do. I will not yield at this time, but, Mr. Speaker, I had the privilege to be able to celebrate with my daughter her birthday this week, and she would not know and does not know what a balanced budget means to her future, but there are people across this country that have children that are going to be moving into the market at the beginning of the next century, and there are children that are going to be graduating from high school in the year 2003, like my Briana and my Patrick, and all I ask this body to do is find reasons to say yes so their graduation present, Mr. Speaker, can be a balanced budget for their future.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I say to the gentleman from California [Mr. BILBRAY] that this is not a balanced budget. Our colleagues are borrowing more money because they are not balancing the budget.

Now I love going home just as much as my colleague loves going home, but I think it is more important to stay here and balance the budget than to borrow more money.

When I was in the gentleman's shoes exactly 6 years ago right now, I got a call from the Bush White House, and they asked me to vote for a one-time extension to the debt, and I honored then President Bush's request.

Dog bit me once, dog's fault. Dog bites me twice, it is my fault. I will not vote again to raise the debt limit because this is not a balanced budget. If it was balanced, we would not be borrowing more money.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I would say I would rather stay here this week and this month to have a balanced budget than to go to all the birthday parties in the world.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the distinguished chairman of the Committee on Ways and Means for yielding this time to me, and I want to tell my colleagues on the other side of the aisle, in fact I would be happy to have a colloquy about this particular issue, this debate is all about balancing the Federal budget, try, as you might, to obscure it with discussion about the content of the continuing resolution or, for that matter, the debt ceiling increase, and I want to point out to the American people that only 72 Democrats, 72 out of 199, voted for a balanced budget when the Democratic substitute was offered on this floor by the so-called Blue Dog Coalition. In fact the Democrat minority leader, the Democrat minority whip, both voted against the Democrat version of a balanced budget. The majority of Members speaking over there today have voted against the balanced budget and have yet to vote for a balanced budget in this Congress.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I am, as the gentleman knows, one of those Democrats that voted for a balanced budget amendment, voted for the Stenholm budget, voted for the coalition balanced budget amendment which gets us to the balanced budget by 2002 and, in fact, cuts more money, as my colleague knows, faster than the Republican alternative.

Having said that, I do not believe this is a responsible thing for us to do, to put at risk the credit of the United States when we clearly know we do not have agreement between the President and ourselves. However, we do have agreement on getting to a balanced budget by the President and ourselves. Once we pass the appropriation bills, we will do that.

□ 1300

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I, too, am one of those who voted to balance our budget when that recently came before this House. Yesterday we offered a motion to recommit that was very simple. It would have altered the debt limit provided for by 30 days. It would have provided a window that would say that from the time the reconciliation bill hits the President's desk until we reach the debt ceiling limit, there would be a 30-day period in which we could work in a bipartisan way to develop a plan that will balance the Federal budget and would avoid a default by the Federal Government.

It was a clean motion. It was written on a single piece of paper. It was written without any kind of partisan distractions. It was said by my friends on the other side that our motion could be an indefinite extension of the debt. Let us be clear, the only way that motion could allow for an indefinite extension of the debt limit is if the majority in the Congress failed to present the President with a reconciliation bill. That is the only way, period.

It was also said that our motion would somehow allow the Treasury Department to raid the Social Security trust funds during this period. This just is not true. The Treasury has already stated in clear and certain terms that it will not touch the Social Security trust fund in its effort to manage the Federal debt.

I say to my colleagues on both sides of the aisle, Mr. Speaker, we could end this controversy right here and now by rejecting this debt limit bill, and send to the other body the motion to recommit that we took up yesterday instead. We could pass this clean language and not risk a Presidential veto. We could give a great Christmas present to the American people, one that I believe they had on the very top of their list last November. That is, Democrats and Republicans, working together in a bipartisan fashion, passing a reconciliation bill which balances the Federal budget without partisan rancor and without placing the creditworthiness of this country at risk.

Vote against this bill. Let us pass a clean bill and get on with the business of balancing our budget.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I had not intended to get involved in this discussion today, but after a phone call from a constituent this morning, concerning whether or not she should remove her savings from Treasury notes and Treasury bonds and CD's, it suddenly occurred to me that this game that we are playing today is one that could be very harmful to a lot of unintended people.

It is true, December 12, we could be doing this between now and then. My fear is that we have spent 314 days getting us nowhere. We have 300 votes on this floor to balance the budget next week. The argument that this is required to get us to a balanced budget is purely political. We have the votes. It seems to me that we are missing something, but the people are not. We are missing it on the floor, particularly with my friends on this side. We have not done our work. The Congress has not, in a bipartisan way, delivered to the President 13 appropriation bills and a reconciliation bill so that the President can say whether he is for or against it.

Though some will say, "He should be weighing in already," I am on the conference, I have not been consulted 1 second. I got a call from the president of the largest farm organization in Texas yesterday asking me, "Charlie, I hear we are getting close to a farm bill. What is in it?" I say, "Mr. Stallman, I have no idea." I confronted the chairman of the Committee on Agriculture this morning and asked him, "What is going on?" And he said, "Charlie, if I knew, you would be the first to know if you would just ask me." Committee chairmen do not know what is in the bills that are coming before us in this heated debate.

Mr. Speaker, I hope that we could get away from some of this political rhetoric that is now occurring. If I have misspoken, and I would be happy to yield to any of my friends on the other side of the aisle, if I have said anything; I would be glad to have a discussion, as we had between the gentleman from Maryland [Mr. HOYER] and the gentleman from California [Mr. RIGGS] just a moment ago. But it seems to me that we are playing an unneeded political game, risking the good faith and credit of the United States in order to prove a political point. It seems to me the risk is not worth it.

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I appreciate the gentleman yielding.

I simply want to point out that the President apparently, based on his recent statements, has come around to the belief that we can in fact balance the budget in 7 years. As the gentleman well knows, there is language in this debt ceiling increase, or debt ceiling extension legislation, that effectively commits the President to balancing the budget in 7 years, based on a CBO-certified plan.

Mr. STENHOLM. Mr. Speaker, if I could reclaim my time, that is totally irrelevant to the discussion today. What we should do today is do our work, and then get on with the negotiations. That is irrelevant.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, every Republican has voted for a debt ceiling extension to $5.5 trillion until September 1997. What we need to do is to simply pull that out of the reconciliation bill, pass it, and keep this Government on an even keel. There is no discussion about where the debt ought to be lifted to. It should be lifted to $5.5 trillion until September 1997. Every single Republican has agreed with that.

The problem is that you have added additional very harmful provisions within this debt ceiling bill. I want to address these. These provisions were enacted by President Reagan in 1987. That is the last time we had the most serious debt ceiling crisis. President Reagan signed into law provisions that would make sure that our financial markets would not collapse, that we would not go through the same kind of thing we went through back in the 1980's, largely because of the tax cuts that ultimately created a grossly unbalanced budget. I am not going to go into the reasons for that. The point is we figured out how to correct it and not let it happen again.

This debt ceiling extension takes away those provisions. There is an article in the Post today. It says: "Financial analysts say the United States is unlikely to default," and it talks about how blase they all are. The reason they are is because they are assuming that those provisions enacted in 1987 are still law; in other words, we can borrow from other trust funds so as to get us by a crisis. Then there is a law that requires that that money be paid back to those trust funds.

This debt ceiling bill repeals those provisions. That is why it has to be defeated. That is why it has to be vetoed. One of those laws says that we can go into the civil service retirement trust fund and borrow that money, only on condition that it legally has to be repaid. We cannot do that under this law. In fact, the chairman of the Subcommittee on Civil Service wrote to the Federal Retirement Thrift Board, knowing that they are nonpartisan, there are a number of Republicans on it, and I assume that he thought he would get support for this bill.

They wrote back, and I am glad he is coming to the floor, and they said that if this debt ceiling bill is passed as currently written, Federal employees will lose $3.5 million a day from their fund, because this debt ceiling bill does not allow us to repay that fund. It takes away these provisions that were designed to get us past this crisis. That is the problem.

Another thing it does, incidentally, and I think we ought to mention this, because we are honoring Veterans Day, it does not even allow us to pay veterans benefits if it pushes us into this kind of crisis situation.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I sincerely thank the gentleman from Florida for yielding me this time.

Mr. Speaker, first I want to address my words to the person, I believe, in this country who has worked the hardest for the last 2 years to bring our economy to the great economic conditions that we have today. That is our President of the United States, Bill Clinton. I also want to remind everybody that he is a very conscientious person that thinks great things about this country and how well this country can do. What the Republican leadership is now proposing to do is to put him on the hot spot, to say, "If you veto this, then we may have a default in our bonds, in our Treasury notes, and the economy may go to blazes."

Mr. President, I want to tell you that I stand here today urging you to veto this lousy bill. I know, Mr. President, that you have said you would sign a clean, no-strings-attached, debt limit bill, that you would sign one even for a short period of time. But that is not what you are being faced with. No, the Republican leadership, led by his imperial majesty, Speaker GINGRICH, has decided that they are going to do a little blackmail, extortion, play the game of chicken. That is what the Speaker has brought us to.

I am not voting for it. No way. I feel too much for this great country of ours, like our President. I would not want to bring us to this brink of disaster for this country, just to prove a point that you are going to have to sign other bills that have been attached onto the debt limit bill.

Mr. Speaker, a lot has been said on this floor about what goes on back home. Back home, for years I have heard people complain about putting extraneous bills on top of other bills that do not belong on there. That is just what we have here today. That is just what this is, Mr. Speaker; nothing more, nothing less. If the President will sign a straight debt limit bill, why do we not send him a straight debt limit bill?

Because you do not want to do that. You want to try and make him sign a bill with a whole bunch of extraneous stuff on it that has nothing to do with a debt limit, has nothing to do with a balanced budget, in order to try to embarrass him. That is all it is, pure politics. You are playing politics with the greatness of this country. I do not know if you realize it or not, but we could have a lot of harm done to this country and the people of it simply because you want to play politics. Mr. President, veto the bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, let us call it the way it is. Let us stop the charade here. What is going on here is Presidential politics and cheap politics at its worst. The attempt to embarrass the President of the United States, or to blackmail the President of the United States, is really not worthy of this great body.

If the Republican leadership were indeed serious about tackling the problem with the debt-limit extension, or the continuing resolution, we would be voting on clean bills, stripped down bills today that would do exactly that. No one disagrees with the fact that the debt limit has to be extended, or that there needs to be a continuing resolution, but the attempt to junk it up, to pump it up with all kinds of things that do not belong in the bill to push the continued extreme Republican agenda is really not worthy of this institution.

Let me say to my Republican friends on the other side of the aisle that a couple of polls came out today. The polls show that the American people have finally caught on to the Republican shell game, to the irresponsible shell game. Fifty-nine percent is the President's approval rating, the highest in a year and a half.

Sixty percent of the American people say that the President ought to veto the extreme Republican budget. In a generic question about whom would you vote for for Congress, Democrats or Republicans, the American people chose Democrats by a total of 50 to 44 percent.

The American people are not fools. The American people know where to point the finger if the Government should shut down. It is totally irresponsible to even be playing this game of brinksmanship. Let us sit down, put our heads together, work out a budget, work out differences on issues, but let us not hold America hostage. Let us not hold this debt-limit extension hostage, or the continuing resolution hostage. Let us have some responsibility. Vote no on this miserable bill.

□ 1315

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, and my colleagues of the House, it is true that Republicans on three occasions have unanimously voted to up the debt limit to $5.5 trillion through September 1997. That is not the issue here. The issue is to try to jam the President of the United States, as I have said before.

Now, let me read a letter dated November 9, 1995, just 2 days ago. This is not a partisan issue. I quote from that letter:

> While we may have differing views on the merits of the various issues being raised in the budget debate, we share the strong view that the debt limit should not be, should not be, should not be, embroiled in that debate. We urge that prompt action be taken to either raise the debt limit permanently to a level that would accommodate either of the budgets being proposed, or that a sufficient short-term increase be enacted to allow the debate over priorities to proceed in an orderly manner without impairing market confidence in our Nation's commitment to discharge its obligations.

Who signed that letter? Secretary Bentsen, Secretary under Clinton. Secretary Blumenthal, Secretary of the Treasury under Carter. Secretary George Shultz, Secretary of Labor and Secretary of the Treasury under Nixon and Secretary of State under Ronald Reagan. Secretary G. William Miller, Secretary of the Treasury under Carter. William E. Simon, Secretary of the Treasury under President Nixon and President Ford; and Secretary Fowler, Secretary under President Johnson.

In a letter dated June 28, 1990, from Secretary Brady, he said, "I urge the Congress to act in a timely manner on a debt limit increase in order," he said, "to avert a default with its adverse consequences on domestic and international confidence and trust in the United States."

Be responsible. Reject this bill.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, again, let us just be honest about what is going on here. We on the Democratic side are sort of innocent bystanders. What is going on is that Republicans cannot agree with Republicans. You have some people in this House, about 80, who do not care if we default, who brought in four experts to say, default does not matter, despite the fact that everybody else knows that you are playing with fire. Instead, they want to use the debt ceiling as a vehicle for their extremist ideology.

First, as has been said, the American people do not buy that ideology, and that is why they need the debt ceiling, because they cannot do it alone. A stand-alone bill will never pass. But second, it is playing with fire. The Senate realized you were playing with fire, House Republicans; that is why they stripped the bill of so many things.

Many on your side realize you are playing with fire. Now, get with it. Pass a clean debt ceiling, and let us have the ideological debates on substantive bills where they should be.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, enough has already been said about this. This is an attempt to blackmail the President, to come bargain with the gentleman from Georgia, Mr. GINGRICH, and Mr. DOLE, who have failed to get the necessary budget documents to him. They should have been there months ago. Yet they are here complaining, Mr. President, come bargain with us, lead us out of this swamp that we have gotten ourselves in.

I am for a debt ceiling increase. Every Republican in this Congress has voted, probably three times already this year, to increase the debt ceiling to $5.5 trillion which will take us into 1997. This whole debate today is just a charade. If they would just do as they are supposed to do and what they are required to do, all of this could be done. The Government would not have to be closed down. They are trying to hold a pistol to the President's head to make him bargain, and they are not even ready to bargain. They have not even presented their own chips on all of this.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume. I shall not consume that much time, and I know that that will come as a relief to everybody on the floor.

Mr. Speaker, I just want to make a couple of points to my colleagues today. We have heard that this is playing political games, that this is just partisan politics. We are taking the political easy way out. None of us believes that. Had it been politically easy, it would have been done years ago.

Balancing this budget is not easy. It is one of the most difficult things that this Congress has had to come to grips with in the 25 years that I have been here. The politics, if there is any, is to continue to sweep under the rug until after the next election the tough decisions. I personally do not think that is good enough for my children and my grandchildren.

It has been said what we are doing is wrong. What is wrong about trying to get to a balanced budget, a real balanced budget? By CBO numbers, the real numbers, the tough numbers, we are shooting real bullets when we talk about balancing the budget in 7 years by CBO numbers. We hear the hyperbole and the extreme rhetoric which I find frankly offensive and inappropriate.

When we are called terrorists, particularly coming on the heels of that tragic event that occurred in Israel, and the people of Israel know the meaning of the world terrorist, and that offensive rhetoric has been hurled by the other side at us. Early in the year as we moved toward trying to make these tough decisions, to be called Nazis and Hitler is highly offensive to me, and inappropriate, and does not belong out of the mouth of a Member of this Congress.

But we move on in this very, very difficult job, and I understand that this is not Democrat or Republican. When children are born into the world today, they are not born as Democrats or Republicans. As they grow up, they make the decision in which party they wish to identify, or perhaps no party at all. But each one of them is the recipient of the curse that we place on their heads by refusing to take the tough road of a balanced budget. I do commend my colleagues on the Democrat side who have been willing to vote for a tough balanced budget.

Mr. Speaker, we should act as Americans concerned for the future. I have said earlier, and I am going to say it again, I had a grandson last week. I am very proud of that little fellow, but he came into this world with an obligation of $187,000 on his head to pay the interest on this existing national debt for the rest of his life. We should not elevate that one dollar. Unfortunately, the glidepath to get into balance where we do not have to borrow any more will cause us to borrow some additional money.

As the gentleman from Virginia said, we voted for $5.5 trillion debt ceiling increase, and that is right. But I say to my friend from Virginia, it was coupled with a balanced budget by the year 2002 by CBO numbers. And yes, we are applying the pressure by our drop-dead December 12 date. But that pressure does not apply just to the President; it applies to us in the Congress. Both of us are being put under pressure to come together and to resolve the most difficult thing that we have undertaken in the 25 years that I have been in the Congress of the United States.

We know, every one of us who has been in any legislative body, whether it is in the State of whether it is here, we will not make the tough decisions until we are forced against the wall to do it. That has been a problem in every democracy. Socrates, 400 years before Christ, said that, when the masses of the people find they can vote themselves prosperity out of the public Treasury, democracy is no longer possible. Democracies have this frailty.

We must find a way to apply even pressure to the White House and to the Congress to force us together at the bargaining table. I say to Members, my friends on both sides of the aisle, that a month is enough. We have waited long enough. We know all of the pieces in the puzzle. All we have to do is sit down and negotiate a balanced budget by CBO numbers in 7 years without new taxes.

We invite the President to come and do this in good faith, but we will never resolve this problem unless the Congress and the President come together. I say to my friend from Texas, it is not just bipartisanship in the Congress, it is the President coming to join with the Congress. We all know what happened this year. He started the year with his budget.

In our committee, and the members of our committee know this, his Secretary said a balanced budget is unimportant. We are not going to balance a budget. It is unimportant. Then he finally came around and said, well, I cannot be for a balanced budget constitutional amendment. Show me your plan, you cannot do it. And we did it. I say, to the credit of the Democrats who voted for their alternative balanced budget, they did it too. But the President did not think we could do it in the Congress.

Then, when he saw we could do it, he came back and he said, well, I will be for a 10-year balanced budget by my OMB numbers, not CBO numbers. And yet he stood right here at this point and told the Congress on February 17, 1993, that the CBO numbers were the only real numbers, and that the American people were entitled to know that we worked off of the same numbers. But now he has gone back to the rosy scenario on the stage with OMB. He does not balance the budget by CBO numbers in 10 years under OMB. He leaves $200 billion a year in deficit. But that is the last proposal we have seen from the President.

Mr. President, please, please, come with us, and work with us to get this job done. And yes, the pressure is on both of us. We can do it by December 12. This is not game playing, this is conscientious effort to force a resolution for the most historic thing that we can do for our children and their children.

Mr. Speaker, I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, when I was sent to Congress, my top priority was balancing the Federal budget. The people of the 49th district told me over and over again that Washington's practice of leaving our children debt, instead of a brighter future, was unacceptable.

The new majority in Congress heard this resounding mandate from the public, and we acted. We submitted the first balanced budget since 1969. President Clinton did not submit a balanced budget.

Now we are faced with a stalemate between Congress and the President. I know that there is considerable public anger over what some may see as gridlock. However, I believe that this debate is about principles versus agendas.

In our 7 year Balanced Budget Reconciliation Act, our tax cuts for working families were offset by reducing the growth of non-entitlement spending, while continuing on the glidepath to a balanced budget. We also eliminated the subsidy to the wealthiest senior citizens participating in Medicare part B—single seniors with incomes over $75,000 and couples with incomes over $125,000 will begin to pay higher premiums.

President Clinton refuses to embrace our commitment to the principle that we will no longer tolerate mortgaging our children's future; we promised to balance the budget and we kept that promise. President Clinton's agenda is diverting attention from the indisputable fact that he does not support a balanced budget.

The Republican proposal for Medicare part B is included our measure to keep the Government running through December 1. President Clinton's states that his specific objection, and the reason for his veto of this measure, was over Medicare part B.

Medicare part B is the voluntary program which covers doctor's visits and outpatient care. Because the program is voluntary beneficiaries have not paid into a trust fund, as they have for Medicare part A, the hospital portion. Under current law, beneficiaries pay 31.5 percent of the premium for part B. Taxpayers subsidize the rest of the premium.

What we are proposing is to maintain the percentage at its current level—31.5 percent. Because the costs of the program will rise next year, as they have every year, the dollar amount will rise from $46.10 to approximately $53 in 1996—an approximately $8 per month increase.

However, President Clinton is actually advocating dropping the percentage that premiums are calculated at to 25 percent and then raising them substantially again after the 1996 elections. The President is playing election year politics with the Medicare part B issue. He would cut revenues—by dropping the percentage to 25 percent—and then would have to raise the percentage again in order to make up for this shortfall. This is highly irresponsible.

Not only does President Clinton oppose a balanced budget, but this position on Medicare part B means that he believes taxpayers should subsidize a higher share—75 percent—of the costs of this voluntary program. It is exactly this logic which has resulted in the inevitable insolvency of the Medicare program is nothing is done to save it.

We have remained steadfast to the principle of our balanced budget; President Clinton has resorted to a diversionary political agenda rather than negotiating in good faith with Republicans. Nothing less than the future we leave to our children is at stake.

The American people, who sent us here in the first place, know this and, I believe, support our efforts on our children's behalf.

Mr. PAYNE of Virginia. Mr. Speaker, in urging my colleagues to vote in favor of the motion to recommit, let me take a moment to address potential arguments that those on the other side of the aisle may raise against the motion.

Congressman SAM GIBBONS and I are offering a motion to recommit the bill to the Committee on Ways and Means with instruction. As I have explained, the motion's instruction to the Ways and Means Committee is to amend the bill to provide a clean, temporary increase in the debt ceiling until either December 12—the same date as in the Republican bill—or the 30th day after a budget reconciliation bill is presented to the President for his signature, whichever is later.

First, our Republican colleagues may argue that the amendment would provide an unlimited period of time for the President to delay. That is incorrect. The amendment would raise the debt limit for a finite period of 30 days beginning as soon as a budget reconciliation bill is sent to the President for his signature. If a bill were ready today and sent to the President, the clock would start ticking today and stop ticking 30 days from now. The President's response to the bill would not affect the 30-day limit in any way. That 30-day period would allow us to put forth our best efforts to come together on the shared goal of a balanced budget. Our amendment is not indefinite and open ended. What seems to be indefinite and open ended is the ability of the Republican majority that controls this House to produce either a clean interest in the debt ceiling without partisan add ons or a budget bill.

Second, our Republican colleagues may argue that the amendment would give the Treasury Department a blank check to increase the debt limit to whatever level it wishes. That is incorrect. The amendment would raise the debt ceiling to exactly the same level as that in the Republican debt bill. If a budget is not presented to the President in a timely way, then a higher amount would be allowed and in that case the higher amount would be limited to only what is necessary to pay our bills in the intervening days. The amendment in the motion to recommit would raise the debt limit cleanly, that is, without extraneous provisions of any kind. This suggested amendment is the businesslike approach that the American people deserve to the current regrettable, and avoidable, impasse.

Third, our Republican colleagues may argue that the amendment would grant permission to the Treasury to raid retirement trust funds. That is incorrect. In fact, in the case of the civil service retirement fund this amendment would restore the current-law protections for Federal retirees and workers that the Republican bill would destroy. Current law requires that any funds used from civil service pension funds and retirement savings accounts to see ourselves through a debt limit crisis, such as the one we now face, must be reimbursed with interest. Today this reimbursement is automatic. The Republican debt limit bill would take away that protection by repealing the requirement for automatic reimbursement of these funds with interest. My Democratic colleagues and I think that is wrong. Our amendment would protect Federal retirees and workers from that injustice. Regarding Social Security, the Secretary of the Treasury has said that he will not use funds from the Social Security trust fund for any purpose other than paying Social Security benefits. Social Security beneficiaries are fully protected. Period. Those on the other side of the aisle would be dead wrong to suggest otherwise.

Fourth, our Republican colleagues may argue that the amendment would jeopardize the orderly process of managing our Nation's debt and honoring our Nation's commitments. That is incorrect. Our amendment would do exactly the opposite. The orderly way to proceed with these discussions about the best path to a balanced budget is to allow a clean, temporary increase in the debt ceiling unadorned by partisan add ons. That is precisely what our amendment would do. It is precisely that orderly process that the Republican majority disrupts by insisting that temporary debt increase include partisan add ons.

I hope that our colleagues across the aisle will give our motion to recommit a careful reading. It provides an opportunity to all of us to work together rationally toward a balanced budget rather than to contribute to the atmosphere of partisanship and distrust. Again, I urge a vote in favor of the motion to recommit.

The SPEAKER pro tempore (Mr. DREIER). All time has expired.

Pursuant to House Resolution 262, the previous question is ordered.

The question is on the motion offered by the gentleman from Texas [Mr. ARCHER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 185, not voting 28, as follows:

[Roll No. 785]

YEAS—219

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—185

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Cardin
Chapman
Christensen
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza

DeFazio
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Sisisky
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—28

Berman
Boucher
Buyer
Dickey
Dicks
Dingell
Fields (LA)
Goodling
Johnston
Kaptur
Klug
LaFalce
Lewis (CA)
Martinez
McHugh
Owens
Peterson (FL)
Pickett
Quillen
Shuster
Spratt
Studds
Thornton
Torricelli
Tucker
Waxman
Weldon (PA)
Young (FL)

☐ 1349

The Clerk announced the following pairs:

On this vote:

Mr. Young of Florida for, with Mr. Waxman against.

Mr. Quillen for, with Ms. Kaptur against.

Mr. Lewis of California for, with Mr. Johnston of Florida against.

Mr. GILMAN changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 261, I call up the joint resolution (H.J. Res. 115), making further continuing appropriations for the fiscal year 1996, and for other purposes, with Senate amendments thereto, and I offer a motion.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. DREIER). Pursuant to House Resolution 261, the Senate amendments are considered as read.

The text of the Senate amendments is as follows:

Senate amendments:

Page 2, line 20, after "1948," insert: *section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236),*

Page 10, line 19, after "resolution." insert: *Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85–451, as amended.*

Page 15, strike out line 1 and all that follows over to and including line 7 on page 36, and insert:

TITLE III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Code of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000 unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term "grant" means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

(e) EFFECTIVE DATE.—The amendments made by this title shall become effective January 4, 1996.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LIVINGSTON moves:

(1) That the House concur in the amendment of the Senate numbered 1,

(2) That the House concur in the amendment of the Senate numbered 2,

(3) That the House concur in the amendment of the Senate numbered 3 with an amendment as follows:

Delete the matter proposed by said amendment, and beginning on page 15, line 1 of the House engrossed joint resolution, H.J. Res. 115, strike all down to and including line 7, on page 36, and redesignate Title IV as Title III, and renumber sections accordingly.

The SPEAKER pro tempore. Pursuant to House Resolution 261, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I yield myself as much time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, last night, the Senate amended House Joint Resolution 115, the second continuing resolution. The amendments: insert language included in the first CR to permit spending by the USIA in the absence of an authorization; insert a provision that would increase the amount made available to the District of Columbia by $15 million so that it could make guaranteed loan payments to the Treasury; and modify the Simpson-Istook-McIntosh political advocacy language.

Mr. Speaker, I am offering a motion to dispose of these amendments. The first two are not controversial and make improvements to the CR and my motion is to concur with these amendments, for they are fine. The modification to the Simpson-Istook-McIntosh language unfortunately is technically insufficient and therefore, is not acceptable. There is agreement that we can not get an acceptable version on this matter agreed to on this CR. Therefore, my motion is to delete the Senate proposed modification and to delete the underlying Simpson-Istook-McIntosh language, so that it hopefully will be addressed at another time.

We need to keep the Government operating. The current CR expires on midnight, Monday, November 13. Disposing of the Senate amendments to this CR will kick it back to the Senate for their action when they return on Monday afternoon. This is the proper course for us to take at this time. I urge all of my colleagues to support my motion.

I urge all of my friends on both sides of the aisle to be brief.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the primary job of the Congress, when it comes to appropriation bills, is simply to make all of its financial decisions and get all 13 appropriation bills finished by the end of the fiscal year. This year that did not happen, for one very clear reason. It has nothing whatsoever to do with any fault of the gentleman from Louisiana, the distinguished chairman of the committee. He has done a fine job.

The reason we are late is because the first 100 days of the session were devoted to passing what was known as the Contract With America, which the Congress and the country were told had been developed through extensive polling to determine exactly what the public wanted. And we were told by, among other people, the Speaker's pollster, that each and every proposal in the contract had been thoroughly tested.

Now, in fact, today's newspapers carry the confession from the Speaker's pollster that in fact those ideas were not tested with the American public, that the only thing that was tested were the advertising slogans associated with the sales job on that contract. So we spent 100 days in the beginning of the session working on legislation which was produced without the extensive documentation that we were told had taken place with respect to public opinion.

Because of that fact, the Congress did not have time to finish its appropriation bills. This chart demonstrates where we are at this point. This chart, which looks like a number of horses on a race track, shows that there are only 2 of the 13 appropriation bills which have passed the finish line, the military construction bill and the agriculture bill, and they both have been signed by the President. The third bill which has passed the congressional finish line, energy and water, has been finished by the Congress and I expect it will soon be signed by the President.

That means that there are 10 of the remaining appropriation bills which have still not gone through both houses of Congress, been conferenced out and sent to the President. That means that those 10 bills are literally stuck in the mud, and at this point they constitute 88 percent of the appropriated portion of the budget for the coming fiscal year.

So 88 percent of the Congress's work is not yet done, and yet today, because of that fact, we are told that we should pass a continuing resolution which "puts more pressure on the President," rather than simply passing a straight, clean continuing resolution to give the Congress more time to do its own work.

I find it quaint that we are being asked to ratchet up the pressure on the President because he has not signed bills that have not yet been sent to him. I really find that logic very difficult to follow.

□ 1400

Instead of sending a simple, clean CR to the President, which he has already indicated he would sign and which we have tried twice already today to get on this floor to pass, instead we are told we have to add two totally unrelated legislative riders. The first is that we are told we have to raise Medicare part B premiums by $13, from basic law; and, second, until a few minutes ago, we were told that we needed to also add the Istook amendment, which put a gag on virtually every major charity in this country.

Now we are being told that the motion that the gentleman is going to be making will drop the Istook amendment. I thank you for small favors. That amendment has hung up the appropriation process for 53 legislative days. It does not belong on any appropriation bill whatsoever. I am happy that, belatedly, the majority party recognizes that fact.

But I would say also that neither does an unrelated rider belong on this bill which will force the Congress to ratify the decision of the majority party to raise the Medicare part B premium. In fact, they not only want to raise it, they want to raise it by $2 more per month than they did just 2 weeks ago in their basic budget.

Now, we have heard today that they are doing that to save Medicare. Well, again, we remember what Mr. GINGRICH and Mr. DOLE said just 2 weeks ago behind closed doors when Mr. DOLE said on October 24, "I was there fighting the fight, voting against Medicare, 1 of the 12, because we knew it would not work in 1965."

Then we had the Speaker talking to Blue Cross-Blue Shield, and he was discussing Medicare and saying:

> We don't get rid of it in round one, because we don't think that is politically smart and we don't think that is the right way to go through a transition period. But we believe it is going to wither on the vine, because we think people are voluntarily going to leave it.

That does not sound like a crew interested in compromise. It certainly does not sound to me like a crew interested in saving Medicare. They cannot resist coming to the floor at every opportunity and trying to push up the cost of Medicare to seniors and to squeeze at the same time what the Federal Government will pay to meet Medicare costs.

I would simply urge the majority party to do what every person in this room knows ought to happen, to drop the ideological zeal, to drop the hunger for creating additional divisions.

Our main duty today is not to have further partisan fights. Our main duty is to simply keep the Government going. You can do that by passing a clean CR without trying to hold Medicare hostage to a Presidential signature on the continuing resolution.

I urge a vote no on the Livingston motion.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, my friend, the gentleman from Wisconsin, would have us believe that this resolution is unusual in some way. Well, he knows that while the Democrats were in control of the House of Representatives for 40 uninterrupted years, going back as far back as 1977, which is the last date I have figures for, we had 1 continuing resolution for 1 bill; again, in 1978, another bill; in 1979, for 3 bills; in 1980, 4 bills; in 1981, 4 bills; in 1982, 6 bills; 1983, 3 bills; 1984, 8 bills; 1985, 7 bills; and then 1986 and 1987, they were still in control, 13 bills each.

Continuing resolutions were a way of life under the Democrat-controlled House of Representatives. Frankly, I tend to agree with the gentleman. I would just as soon not have continuing resolutions.

I am sorry we did not get the business done, but we did go through the Contract With America for 4 months. This Congress, by David Broder's admission and the admission of most of the other commentators who follow Capitol Hill, has been one of the most productive Congresses in the history of modern times in America. We have been busy. We have worked hard. Everybody knows about the hours we are putting in. The appropriation bills have not been completed, and that is not unusual.

The fact is, we have totally completed three bills. The President has signed two, and he has sent back one, and I still, 6 weeks later, have yet to understand why he did not sign that bill, the legislative branch bill.

We have three others ready for him right now. They are just on their way. In fact, one is on the way. Energy and water is before him as well. These bills are working their way through. In another 2 weeks, we will have virtually all of them to him.

Now, this is a regular, routine, traditional process. Yes, we are scaling back on the continuing resolution funding rate this time, our second one, because we want to make it less attractive, not only for the President but for the Congress, to operate on a continuing resolution. It is more important that we go ahead and pass the appropriation bills and that they become the law of the land and that we not fund government under continuing resolutions. So we do not want to make a continuing resolution more attractive than the alternative, thirteen regular bills through the traditional legislative process.

But we are asking for 2 additional weeks, 2 additional weeks, from November 13 through December 1. That is not outrageous, and it is not outrageous to ask the President to sign 2 additional weeks. But he is making a grandstand effort, using intemperate language. I think Leon Panetta said, "We are holding a gun to his head, threatening to blow him up, blow up government, if nothing happens." That is intemperate.

The point is, all the language, all of the rhetoric, all of the extreme talk that we have been hearing over the last few days, is just that. It means nothing. We are going to pass this continuing resolution today.

We have dropped the Simpson-Istook-McIntosh language, because, unfortunately, what the Senate did last night turned out to be technically less than perfect. It was not their fault. It was just a drafting problem that left us in a quandary. So we will address that issue at another date.

That was an objection of the President's. We are taking that objection out. There is no reason for him not to sign this bill. It is a perfectly good bill.

When it leaves here, it will go to the Senate, and they will just simply agree to what we did, and then he will have it on his desk on time, by November 13, and then he can sign it.

By the way, that is my 30th wedding anniversary. I remember that day.

I think that what we are doing is not properly represented by all the hue and cry and extreme rhetoric we have heard. This bill should be passed. Let us vote on it. Let us go home and go home quickly so people can catch their planes.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me simply say, the gentleman can talk about deep, ancient history as often as he wants. The fact is that last year, when I chaired the Committee on Appropriations, every single one of these appropriation bills was passed on time before the end of the fiscal year. The reason that happened is because I went to the ranking Republican and we worked out a bipartisan approach to each and every one of those 13 bills.

That is what the gentleman from Louisiana's leadership should have allowed him to do. If they had, we would not be here today with the need for this resolution, and we would not be facing an extraneous debate on Medicare just because your party has a compulsion to raise Medicare fees every time they hit the floor of the House of Representatives.

Mr. LIVINGSTON. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, it is a big lie that Dachau never happened, and yet I hear people say it never happened in Germany. And here I heard that a balanced budget and the items in the contract and right here in appropriations were not tested.

Well, it was not only tested across America, you ask any American if the balanced budget and line-item veto and Congress acting like everybody else is not tested. And then there was even a greater test right here on the House floor, Mr. Speaker. It received 315 votes, and failed in the Senate only by 1 vote, and we had two of the California Senators from the other body that voted against it, after they pledged in their campaign that they would vote for it; and, yes it was defeated in the Senate. So we place it on a bill, because we think that Americans want a balanced budget amendment. The President claims he wants a balanced budget amendment, and yet he will not sign it.

The gentleman says, "Look, we passed all of the appropriations bills when we were in power last year." They had the House, they had the Senate, they had the Presidency. And let us look what those bills were. They increased the marginal tax rate on the middle class after they promised they were going to decrease the tax on the middle class. They cut the COLA of the military. They increased the Social Security tax on our chronologically gifted folks. They cut defense $177 billion, after saying $50 billion would put us into a hollow force. So, yes, they passed it. And the liberals left agenda of this House, when they had all bodies, is the exact reason why we have more Democrats changing over to Republicans since the Whig Party.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I have listened very carefully to the gentleman from Louisiana, and I have not heard him mention the word "Medicare" in any of his remarks. I would yield to the gentleman for a question: Does the gentleman's amendment delete the provision in the continuing resolution which increases the Medicare premiums by 25 percent?

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, the gentleman knows this amendment has passed as part of this continuing resolution, gone to the Senate and passed, and it has a majority of the votes. It is simply an attempt to keep the Medicare program on track so it will be there for our children and grandchildren, and so that people who need assistance can get the assistance.

Mr. DURBIN. Mr. Speaker, reclaiming my time, I think the answer is no. I think after you listen carefully, what the gentleman came to conclude was no.

What it means is there are two objectionable provisions in this bill. One is this rather strange Istook provision which keeps wandering back and forth. Finally they had the good sense to take that out. But they have left in the provision that is a real problem.

The Republicans, in order to continue the business of the Federal Government, to keep the lights on, insist, insist, that the President must sign a bill to increase Medicare premiums on seniors by 25 percent. He is not going to sign that bill.

This is an issue like Banquo's ghost wandering through, rattling through the Halls of the Capitol. Speaker GINGRICH is determined to raise Medicare premiums, at any cost. He will shut down the Federal Government so that he can raise Medicare premiums.

The President has told him this is irresponsible. For many seniors, it will put an economic burden on them which they cannot shoulder. We have to make sure that Medicare is strong, but we cannot hit the most vulnerable seniors in our society by an increase in premiums.

My friend from Louisiana has spoken long and eloquently about everything in this bill, and never mentioned the word "Medicare." The reason, he cannot stand it. He cannot stand to bring this issue up, because he knows that three out of four of the American people believe Speaker GINGRICH and the Republicans have gone too far, cutting Medicare to balance the budget, cutting Medicare to provide tax cuts for wealthy people.

There is an old poem that went something like this: As I was going up the stair, I met a man who wasn't there; he wasn't there again today, I wish that man would go away.

The man we are talking about here is Medicare. The Republicans do not want you to know it is in this bill, but it is right here on page 52, an increase in premiums, that will result in a veto by President Clinton, a veto for the American people, for the seniors in this country, an embarrassment to the Republicans that they will not even discuss on the floor of this House of Representatives.

It is a sad commentary that next Tuesday we will be shutting down Federal agencies. Many people who will call these agencies to sign up for veterans benefits, for Social Security benefits, will find that nobody answers the phone. Some folks who are waiting at home to get their checks, whether it is from the Veterans Administration or college student loans, will wonder what happened to the checks. The checks will not be coming. The phones will not be answered, because the Republican strategy is to shut down the Government to raise Medicare premiums.

Mr. LIVINGSTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, it is a sad commentary. Shame on you. I am going to read how many times we had continuing resolutions under the Democrat's control just since 1977. I am also going to read how many times they shut the Government down during Bush and Reagan Presidencies, because of their tactics. And here they come down on the House floor and shed these crocodile tears, how upset they are we are going to shut the Government down, and how we are forcing the Democrat Party to accept something against their will.

Listen carefully, my colleagues. Since 1980 the Government has found itself with a funding gap nine different times.

Nine different times the other side controlled Congress, so all of my colleagues coming down here with their crocodile tears does not hold water. Nine times the Democratic-run Congress shut down the Government.

□ 1415

In 1990, and guess who was chief, guess who was head of the Committee on the Budget at that time? Mr. Leon Panetta.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I will not yield to the gentleman from Maryland, at this time, I regret.

When President Clinton's own Chief of Staff, Mr. Panetta, was the chairman of the House Committee on the Budget we shut the Government down, the Congress did, and Mr. Panetta was leading the charge. This is the same Mr. Panetta who now calls shutting down the Government this way a blackmail. Crocodile tears. Come on.

Certainly, Mr. Speaker, this must be the pot calling the kettle black because Mr. Panetta was involved intimately with this business until the wee hours. We all remember, that we were here, until Christmas.

In 1987, the Democrats shut the Congress down. In 1986 and 1984, once for 2 days and again 1 more day. In 1983, shut it down again. In 1982, twice more. Both times for 4 days. And then in 1981 they shut it down. How can they come down to the House floor and shed all these tears and talk about how this is terrible when they shut it down themselves nine times?

Since 1977 the Democratic-run Congress has passed 55 continuing resolutions instead of a complete budget.

Now, I ask the gentleman from Wisconsin [Mr. OBEY], bless his soul, 55 times we have had continuing resolutions yet we have all these charts and all this rhetoric talking about, oh, gee, we cannot have these continuing resolutions. But we have had 55 of these since 1977. Now their leaders claim such a resolution is a major problem.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. Mr. Speaker, I will not yield.

Mr. OBEY. Mr. Speaker, the gentleman asked me a question.

Mr. STEARNS. It was a rhetorical question.

Mr. OBEY. It certainly was.

Mr. STEARNS. Mr. Speaker, where were they when they passed 55 of these continuing resolutions?

Mr. Speaker, we have before us legislation that would end the history, the 40-year history, of Democratic continuing resolutions, debt ceiling increases and, for once, set us on the right course toward a balanced budget. When those in opposition to this bill call this a crisis that we have caused, when those over there that are starting to stand say there is a crisis here in the House that we, the Republicans, have caused, I urge them to look at the record, look at their own mistakes, and say to them that Republicans have learned to do better.

Mr. Speaker, we do not intend to duplicate their failures. My colleagues on this side and that side of the aisle, let us start fresh and new and pass this bill.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, the gentleman wants to talk about history as if Ronald Reagan and George Bush had not participated in it. The fact of the matter is the gentleman from Kansas, BOB DOLE, tries to pretend it is going to be the President who shuts down Government, but, apparently, for the last 40 years it was the Congress that shut down Government when Ronald Reagan or George Bush vetoed those CR's.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, I don't recall that the gentleman yielded to me. If I could have recalled that, perhaps I would.

The fact of the matter is, ladies and gentlemen, we know what we should do responsibly. We know that we ought not to, in this bill, for the next 12 days, have to attack senior citizens and their Medicare and put them additionally at risk. That does not happen until January 1. There is no panic on that. Why is this Medicare proposal in here to increase the premium on seniors? It is not necessary.

This does put at risk, as all of us know, because the President has said very clearly, I will not sign this bill. Therefore, we have a decision to make. Do we pass a continuing resolution which substitutes for our ability to do our job? Not the President, but our ability.

As the gentleman from Wisconsin [Mr. OBEY] said, last year all the bills passed in a timely fashion and were signed by the President. The fact of the matter is that we have not done our job and, therefore, what we should do, responsibly, is not look back and blame and point fingers. We should do the responsible thing today, and the responsible thing to do today is to say if we have not done our job, then we will provide for the next 2 weeks or 4 weeks for the ongoing operations of Government, which everybody intends to happen, without placing at risk Federal employees, but, more important, without placing at risk all Americans who rely on the jobs they do day to day.

Ladies and gentlemen of this House, let us not go through the charade of striking Istook and sending it to the Senate, then going to the President and having him veto it and come back here. Let us do our job first and do it responsibly.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman kindly. The Republican majority does not want to shut down the Federal Government. I think that has been clearly stated. However, we are absolutely committed to placing our financial house in order. We had 25 years without balancing a budget. We have heard that before, but it is about time we started on the road to accomplishing that fact.

Balancing the budget is no small task, Mr. Speaker. If it was easy, it would have been done a long time ago. So it does take some diligence, some dedication, and some perseverance to cut Government spending.

Some in this body believe the majority here on the Republican side should just simply give in to President Clinton and continue the policies of spend now and worry later. I think most of us disagree. Certainly I disagree very strongly. We have to hold steadfast to our commitment to reduce discretionary spending and eliminate the deficit.

The gentleman from Louisiana, Chairman LIVINGSTON, recalled that over the years the CR is nothing new. This is not a new gimmick, a new gag, something we are trying to pull on our colleagues. In fact, for 2 years in a row there were 13 bills. That is the total number of bills in the appropriations lineup. So, Mr. Speaker, the Republican majority is acting responsibly.

I heard the gentleman previous to me speak about not doing our job. Well, I tell my colleagues that we have done our job. The Constitution says we pass the bills and the President has to sign them. Now, the President will have an opportunity on Monday to do just that. It is his decision, it is his choice, and if President Clinton decides to veto the CR, a Federal Government shutdown will occur but it will be because, and only because he decided to place politics above the interests of the American people and the future of America's children.

I say this is a proper CR. I say we pass it. I urge support.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the previous speaker needs to understand, we have not passed our bills. The President cannot sign appropriations bills we have not yet sent him, and 10 out of the 13 appropriation bills have not escaped the clutches of this Congress.

Mr. KNOLLENBERG. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Mr. Speaker, no, I will not. I do not have the time.

For the gentleman to suggest that it is the President to blame for the Government not functioning, when the Congress has failed to pass 88 percent of its appropriated items is, to me, baffling logic.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, tomorrow we celebrate Veterans Day. Tomorrow we honor the service of our Nation's veterans to this country, but sadly, today, we are doing a grave disservice to those very same veterans. Instead of honoring our veterans with a 21-gun salute, as we should, the Republican leadership today is launching a three-pronged attack against our veterans.

First, this continuing resolution, which we will vote on in just a few moments, locks in a $500 million decrease in VA health care below the President's request, a level for veterans health care even lower than that passed through cuts in the House budget. That is wrong and it is unfair. If anyone thinks that today's veterans are getting better health care than they deserve, then I encourage them to vote for this continuing resolution.

The second attack today on our Nation's veterans is that we are increasing Medicare part B premiums for World War II veterans. What an odd way to celebrate the 50th anniversary of the end of that war.

The third attack of the Republican leadership on our veterans is that they want us to have a weekend recess while the U.S. Government is on the verge of being shut down Monday at midnight. Let me make that clear. We are on the verge of shutting down many services provided in terms of health care to our Nation's veterans. We are on the verge of shutting down VA regional offices that provide pensions and care for our veterans, many of whom are service-connected disabled. And while we are on the verge of shutting down that important service and services to our veterans, the Republican leadership wants us to take a recess this weekend. They want us to go home and make speeches.

I have a message: the veterans are more interested in health care service than lip service. That is wrong.

Mr. LIVINGSTONE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF], a distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations, who will respond to those frivolous charges.

Mr. WOLF. Mr. Speaker, many have asked what will happen to Federal employees. The gentleman from Virginia [Mr. DAVIS] and the gentlewoman from Maryland [Mrs. MORELLA] and I asked the CRS to give us a paper on what has happened in the past.

No Federal employee has ever lost a dollar. I want to read the text of a letter we received today from the Speaker and also the majority leader, the gentleman from Kansas [Mr. DOLE]. It said:

> We will be sending soon to President Clinton a bill to continue funding for the Federal Government through December 1, 1995. Besides providing for government services, this bill also funds Federal workers' salaries.
>
> If the President decides to veto this vital legislation to keep government operating, the possibility exists that some Federal workers may be furloughed. In the event that this takes place, it is our commitment that Federal employees will not be punished as a direct result of the President's decision to veto funding for their salaries. Should this happen, we are committed to restoring any lost wages in a subsequent funding bill.
>
> Again, we want to reassure you that if the President vetoes the continuing resolution and requires Federal workers to be furloughed, we are committing to restoring any lost wages retroactively.

That has been the way we have handled it in the past and that is the way we will handle it this time.

Mr. Speaker, I submit the letter referred to for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 10, 1995.

Hon. FRANK WOLF,
Cannon House Office Building,
Washington, DC.

DEAR FRANK: We will be sending soon to President Clinton a bill to continue funding for the federal government through December 1, 1995. Besides providing for government services, this bill also funds federal workers' salaries.

If the President decides to veto this vital legislation to keep government operating, the possibility exists that some federal workers may be furloughed. In the event that this takes place, it is our commitment that federal employees will not be punished as a direct result of the President's decision to veto funding for their salaries. Should this happen, we are committed to restoring any lost wages in a subsequent funding bill.

Again, we want to reassure you that if the President vetoes the continuing resolution and requires federal workers to be furloughed, we are committed to restoring any lost wages retroactively.

Sincerely,

NEWT GINGRICH,
Speaker of the House.
BOB DOLE,
Senate Majority Leader.

Mr. DAVIS. Mr. Speaker, I thank my colleague for yielding, and I want to just say that I appreciate his efforts and those of the gentlewoman from Maryland [Mrs. MORELLA] in working with the Speaker and the majority leader from the other body to make sure that this guarantee to Federal workers is going to be honored at the appropriate time, as it has in the past.

I would note to my colleagues that the last time this happened, Federal workers were later paid, but it ended up costing the Federal Government $200 million per day for every day that they were furloughed. So we are here talking about saving money, but in the long term, if an agreement is not worked out mutually between the White House and Congress, the taxpayers suffer. That is not right.

There is an old saying when the elephants fight, the grass gets trampled. We have 800,000 Federal employees in this case who are going to be not paid as a result of this. I think this letter will give them some guarantee down the road. I know my colleagues on the other side of the aisle are happy with this part of it as well.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I remember opening day here. Do my colleagues remember those grand speeches about how well-run the House was going to be? We were going to have good management here; that our work was going to proceed on time with open rules, with efficiency.

What have we got? An abject failure for Congress to meet its responsibilities to do its work on time.

Mr. Speaker, now we could solve this problem really quite simply: A clean extension of the authority of this Government to keep functioning after Monday. But, instead, a scene out of Lawrence of Arabia. Take no prisoners in the determination to raise Medicare premiums, a determination to throw this Government into the street in order to make sure that some of America's most vulnerable citizens have got to pay more.

Thank goodness President Clinton has stood fast against this kind of moral and political bankruptcy and against this kind of mismanagement of the business of this country.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Speaker, for a number of days, we have heard people come to the floor and tell us if we would only take a mild, more bipartisan approach, we could, in fact, solve some of these problems. We have heard day after day that the Istook amendment was the problem on this bill; that if we could just remove the Istook amendment and take a bipartisan approach, that we could get these problems solved.

Mr. Speaker, guess what? We solved the Istook amendment, and the very same Members who were concerned about the Istook amendment now come to the floor with other things. The fact is that they come to the floor now, and they have new complaints. The fact is that some Members just are not willing to be bipartisan. They want the President to veto the bill under any circumstances.

Mr. Speaker, we gave the President one continuing resolution. It was clean. Did that bring the White House to the negotiating table? No, they did nothing. The Speaker spent 25 hours on the plane and the President did not even talk to him.

Mr. Speaker, the main complaint that we are hearing here today is the fact that they do not like a continuing resolution that is the lower of the funds of the two Houses. The White House has a complaint about that; our Democratic colleagues do.

We have had so many years of continuing resolutions around here. Continuing resolutions actually have traditions. This particular tradition is called the Michel formula. We worked it out on a bipartisan basis over the years. The lower of the two House funds. It is one of the great traditions, after 40 years of continuing resolutions out of Democrats. Now, they say they cannot take it. It is not something that ought to be included in this.

Mr. Speaker, I hear the sound, yea, I hear the distinct sound of hypocrisy fogging the minds in this Chamber, and we are not seeing the kind of bipartisanship, because they simply do not want to do what has been done in the past when they were in the majority.

Mr. Speaker, I say to my colleagues, it is time, folks, to stop the excuses. It is time to stop the gimmicks. It is time to budget balance the budget. Start now. It would be nice to do it in a bipartisan way, but bipartisanship is not the intention of the minority.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, the last speaker reminded me of an oft-quoted quote of the late Will Rogers when he said, "It ain't people's ignorance that bothers me so much; it is them knowing so much that ain't so that is the problem."

Medicare is not the issue today. The fundamental question is: Why is it in a continuing resolution? That is a simple question. It is not like we could not get a unanimous vote to have a clean CR sent to the President that he will sign. That can be done, guaranteed 100 percent.

The problem is we have spent 314 days not doing our work, as we have seen the chart time after time. Now, we are wasting 5 additional days in the same way we have wasted a good part of the previous 314 days, sending something to the President that the President has already said he would veto.

Mr. Speaker, I ask simply: Why are we doing this? Why are we wasting a weekend? Why are we having to have our own staffs get ready to be furloughed? Why are we having the possibility of 800,000 of our Federal workers going on a furlough? For what reason? To send a message to the President?

Mr. Speaker, the best way to send a message to the President is to do our work so we have got something to negotiate. And to those that say that is not an issue, what about those of us in this body that would like to work with somebody on appropriations bills, on the continuing resolution? Why do we have to have bloodhounds out finding out where you are meeting? Why, when we call the chairman of our own committee, they do not know what is going on? Because the Speaker has not told them yet what it is we are doing.

Mr. Speaker, the issue is very clear. We can send a clean CR; we can spend this weekend working instead of speechmaking; we can get on with doing our work and we can quit being ugly to each other and the American people.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MICA], the chairman of the Subcommittee on Civil Service.

Mr. MICA. Mr. Speaker, first I want to regress just to address one thing on what we did a few minutes earlier in passing an increase in the debt ceiling.

Mr. Speaker, I did not get to mention it in my remarks, but basically, we heard they are dipping into these trust funds now; and the Secretary of Treasury says it does not matter what the Congress does; Even though they are in charge, we are going to steal from these funds no matter what.

But, in fact, if we ran in the private sector our retirement funds in the fashion that this Congress operates, we would basically go to jail. It cannot be done that way in the private sector. The only difference here is that we have an unlimited resource and that is taxpayers' wallets.

Mr. Speaker, let me talk about why we are in this situation, and we are in this situation. Until October 1, this Congress was running under the past Congress' financial plan. We do not like that plan. We do not think that the solution to the problems of this country and this Congress is throwing more money at problems.

Regarding education, for example, we spend billions of dollars and look at what we get. In my communities and in Florida, 50 percent of our students entering community college need remedial education. Is that success?

In the area of environmental protection, they say we want to do damage.

When we spent 85 percent of our money on attorneys' fees and studies in our Superfund, is that success?

Mr. Speaker, because of this process, because they had their way to run this place and misused it until October 1, now we want to send more direction. We want to send some guidance on not just throwing money at these problems, but doing it with some wisdom, with some direction, with some results, and with some economy and some efficiency.

Under current law, we cannot even drink the water in this community today. So, we are asking for changes, and we want to see them changed through this appropriations process.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DREIER). The gentleman will state it.

Mr. WALKER. Mr. Speaker, what is the regulation in the House with regard to use of charts on the House floor?

The SPEAKER pro tempore. The Chair wishes to observe that charts may be used when the person who is speaking has placed them up, but they are not to be used in the Chamber unless the person who is speaking has them up.

Mr. WALKER. Mr. Speaker, a further parliamentary inquiry, if charts are knowingly inaccurate, are they allowed to be used on the House floor?

The SPEAKER pro tempore. Any Member may object to the use of a chart.

Mr. WALKER. Mr. Speaker, further parliamentary inquiry, and then what would be the process of the House? What is the remedy available to the House if the House does have objections to a false or misleading chart on the floor?

The SPEAKER pro tempore. Under rule XXX of the House, if objection is made, then the question on the use of the chart will be put. The question can be placed before the Members.

Mr. WALKER. Mr. Speaker, I just want to clarify, if the chart that is involved is, in fact, a distortion of someone's remarks, so that it constitutes essentially a lie, is that chart then permitted to be used, unless the House ruled otherwise?

The SPEAKER pro tempore. The objection can be made by any Member to any chart that is used.

Mr. WALKER. Mr. Speaker, and that objection does not have to have a basis?

The SPEAKER pro tempore. Any Member may object to the use of any chart.

Mr. FROST. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FROST. Mr. Speaker, very recently, I believe it was last week, an objection was made to the use of charts during the abortion debate, and ultimately those charts were permitted to be used on the floor as an issue of free speech. Is this the same issue?

The SPEAKER pro tempore. A vote was taken, and a majority of the membership of the House made the decision that that chart in that instance could be used.

Mr. FROST. Mr. Speaker, as a matter of free speech?

The SPEAKER pro tempore. The vote was a procedure that was determined under rule XXX of the House.

Mr. MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILLER of California. Mr. Speaker, what is the situation when a chart is used and the quote is crushingly accurate, but a Member in the Chamber does not like it?

The SPEAKER pro tempore. Under rule XXX, if it is crushingly accurate, any Member may still object.

Mr. LIVINGSTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LIVINGSTON. Mr. Speaker, what is the ruling of the Chair with respect to quotes that are taken entirely out of context and which relate to an agency rather than a program?

The SPEAKER pro tempore. The Chair does not believe that that is a parliamentary inquiry.

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, is there any rule of the House which precludes a Member from bringing to the floor in the form of a chart an exact quotation from the front page of a daily newspaper?

The SPEAKER pro tempore. As we stated, under rule XXX any Member may object to the use of any chart.

Mr. OBEY. Mr. Speaker, even if it is accurate?

The SPEAKER pro tempore. Any Member may object to the use of any chart and cause the question of its use to be determined by the House.

Mr. HEFNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HEFNER. Mr. Speaker, if a Member objects to numbers or quotes or what have you, do they have the responsibility to offer the source of their evidence that they are untrue?

The SPEAKER pro tempore. It is a fascinating parliamentary inquiry. The Chair will state again that under rule XXX, any Member may object to the use of any chart.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding, and I am so glad we have finally gotten to the crux of this debate.

Mr. Speaker, we have been in this Chamber and I have heard the gentleman from Wisconsin [Mr. OBEY] three times ask unanimous consent to bring up a clean continuing resolution.

Well, that was denied. Now we know why, because the Speaker opened his mouth before engaging his brain and what we are trying to do today is we are now trying to jam it to the President. They want to jam it to the President. They are taking all of this stuff out, except the increase on Medicare premiums so that people can pay $13 more per month, according to the Congressional Budget Office. Not me, but the Congressional Budget Office says it will be about $13 a month more, and they want to send this little message to the seniors that they are trying to get the President to sign off on this.

Now, if this was not the issue, if what Speaker GINGRICH had revealed as their own strategy, their secret strategy, was not the issue, why do they not let the gentleman from Wisconsin just bring up the clean CR?

The main thing hanging in there is this little present for our seniors so they can pay the tax benefit, or the crown jewel as the Speaker calls it, for their rich friends.

□ 1445

All those people who make over $500,000 a year. So the Speaker says they cannot get rid of it right away, it is not politically smart, but we are going to give it away in transition.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have to point out that the gentlewoman's chart was not objected to, but she knows full well that the Speaker was talking about the demise of HCFA, not the Social Security program. It may be an accurate quote, but that is the kind of distortion that this argument has gone off on. We are talking about a 14-day continuing resolution and we get all these extraneous arguments that have no relationship to the resolution. That is a totally fabricated argument.

Mr. Speaker, I yield to the gentleman from Florida [Mr. MICA] to show a real quote that is relevant.

Mr. MICA. Mr. Speaker, this is really what this debate is all about. Clinton said he knew that a lot of people in the room were "still mad about the 1993 budget and they think I raised their taxes too much. It might surprise you to know that I think I raised them too much, too."

That was President Clinton that said that. Maybe that is a misquote, but I think he said that.

The SPEAKER pro tempore (Mr. DREIER). The Chair will observe that no objection was made on the use of either chart.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I recall seeing on videotape this exact quote from the Senate majority leader, speaking on Medicare to the American Conservative Union:

> I was there, fighting the fight, voting against Medicare, 1 out of 12, because we knew it would not work in 1965.

That is an exact quote from the Senate majority leader, Mr. DOLE.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, does the gentleman think that might have been what he meant to say, or was he taken out of context?

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, if I could, I would yield myself a lot more time to read the chart that describes the Democrat, President Clinton plan to save Medicare. But there is none so it does not take any time to describe it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, a continuing resolution, as my colleague from Texas said, should be a stopgap spending measure. It should not be an opportunity for extremists within the Republican Party to raise the Medicare premiums. That is what has been done here.

This bill raises the Medicare premium. Late last Tuesday night, Republicans voted to raise the Medicare premium from 24 percent to 31.5 percent. That means instead of the $42 that the seniors were going to have to pay, they are now going to pay $53 a month. And that is going to start on New Year's Day. Happy New Year, American seniors.

The Republican budget means seniors will pay more for Medicare. That is why 60 percent of the American public would like the President to veto this budget. And it is all part of a grand strategy, which is here with the very words of the gentleman from Georgia [Mr. GINGRICH]:

> We do not get rid of Medicare in round one because we do not think that that is politically smart, and we don't think that this is the right way to transition. We believe it is going to wither on the vine.

That is what we are doing, we are having Medicare wither on the vine.

The SPEAKER pro tempore. The Chair wishes to observe again that many Members have indicated that they hope to leave this afternoon to get to Veterans Day events and the Chair would like to encourage Members to move along. We will try to stick with the time allotments.

Mr. OBEY. Mr. Speaker, could the Chair advise Members of the time remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin, [Mr. OBEY] has 9½ minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 9 minutes remaining.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. My colleagues, this place can be fun, and it has been fun the last half-hour or so. But I tend to think that people looking in, the folks we work for, think we are being a little frivolous just on the threshold of this Government shutting down and perhaps resulting in fiscal insolvency. I suggest we get a little less silly, put the charts away and commit to do what the President, within the hour, has asked us to do and that is stay here this weekend, compromise this out with him this weekend.

I know the Senate has gone, but we can bring PHIL GRAMM and BOB DOLE back from campaigning. NEWT GINGRICH can come back from signing books. We can go down to the White House and compromise with the President. We can get this done. Let us stop the silliness and agree to stay here this weekend as the President of the United States has requested we do.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would like to even direct it to the minority leader as well, Members want to go home this weekend. They want to work with their veterans, with the veterans parades, with the veterans organizations out of respect for them.

But let me tell Members, there are those of us like myself that are going to stay here this weekend. So is NEWT GINGRICH, so is BOB DOLE, so are our leaders and I hope your leaders as well. We are going to be here, and we are going to be working so the rest of my colleagues can go home to try to work out these differences. So let us stop this silliness.

If Members want to stay here, stay with us and we will work to resolve these problems.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I just want to ask the gentleman, in fact, if the President were serious about negotiating these very complex and difficult issues, wouldn't he have spent some of the time that he spent on the airplane for 26 hours going and coming from Prime Minister Rabin's funeral to talk to the Speaker and to talk to the Senate majority leader, other than to say hello? But, as I understand it, there was no discussion at all. And it was directly the responsibility of the President to initiate those conversations.

Mr. SOLOMON. Mr. Speaker, if I were the President of the United States, I would have been in the back of that plane talking to each and every one of you trying to sell you on my position. That is a responsible President.

Mr. LIVINGSTON. It did not happen.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I cannot believe that this debate has become so trivialized that this bill is going to rise or fall based on how much the Speaker's ego was damaged because the President on the way to a state funeral for a fallen friend did not spend enough time schmoozing with the Speaker when he had two former Presidents in the plane and had a few things to do on the way.

If the Speaker is not bigger than that, if the majority's nose is out of joint on that, then we really do have a problem in this country.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

I point out to the gentleman, look, we did not raise the issue about staying here. We have been working long hours, both parties have been working long hours trying to get these bill done. Let us not start posturing and saying we should stay all weekend when all we have to do is vote, get this bill out of here, send it over to the Senate. They will agree to this and send it to the President on time. The end of the time for the present continuing resolution is midnight, November 13. Then the President can sign this resolution. That is all he has to do and Government will continue.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, we share your desire to show respect for our veterans. It is just that we do not find much respect in cutting Medicare for 8.8 million veterans in this country who are Medicare eligible, nor do we find it appropriate that when you do not include the cuts on waste and fraud in this resolution, you do not include the cuts in health care expenditures. The only cuts you provide is for the veterans and the other people in America who rely on Medicare by raising their premiums come January. That is not much respect.

What this resolution does is to set up a procedure where by at 5 on Monday the Republicans in the House and the Republicans in the Senate still have not reached agreement. On the last day in which this continuing resolution is in effect, we will not know if they can agree among themselves on the future of this Government. And guess who is going to pick up the tab for it? It is going to come at a cost of millions of dollars a day just to shut down the Government. Unless Rupert is giving NEWT GINGRICH another book contract, the taxpayer is going to have to pick up that tab.

Mr. LIVINGSTON. Mr. Speaker, in order to clarify the misinformation, I brought a gentleman that knows what he is talking about on Medicare.

Mr. SPEAKER, I yield 5 minutes to the gentleman from California [Mr. THOMAS], the ranking chairman of the Subcommittee on Health of the Committee on Ways and Means, who is going to tell us the truth about Medicare.

Mr. THOMAS. Mr. Speaker, I am more than willing to do this over and over again. I apologize for not being here. We were in conference trying to move forward, as Members seemingly have asked us to do. But obviously when they misrepresent facts and obstruction the way you have.

Everybody in the United States knows, except those of you who are willing to admit you also know, Medicare is in trouble. Not on a partisan basis, on a bipartisan basis. It is an entitlement program that has to be checked, controlled and curbed. And it has to be done in a way that takes into consideration the interests of the beneficiaries who are receiving the benefits today and the people who are going to receive the benefits tomorrow. No one should argue that point.

It is perfectly legitimate to how you solve the program. There are a lot of different ways to solve it. I will tell you one way that is pure, unmitigated political hypocrisy. And that is to pander to seniors and say the way we are going to save Medicare is to reduce your premium. That is absolute pandering. You folks have done that for so many years, it is hard to break old habits, and we understand that.

But let me tell you what we have to do is every one in this society share in the problem. No one group can evade sharing in the problem.

You folks have asked people who are working over and over again to bear virtually the total cost of the program. Six times in the last 10 years you either increased the payroll tax or you increased the percentage that people have to pay into the payroll tax to cover up the problem in Medicare.

Finally, in 1993, you blew off the lid. No person in America makes enough money to evade the payroll tax that you increased to 1.45 percent on those individuals.

□ 1500

My colleagues' answer would be more of the same. If my colleagues do more of the same, it takes two to three times the increase on that payroll tax just to get us to the year 2002, the year in which the trustees said part A is going bankrupt, and my colleagues cannot tolerate a 10-percent-plus-a-year increase in part B, they cannot tolerate it. If they do, even their honorable Senators on the other side, KERREY, said it is unsustainable, and they are going to give the seniors a reduction in the premium. Absolute pandering.

What we have to say is, "Seniors, will you bear your fair share?" And what is the seniors' fair share? Keep the premium where it is today. That is all we ask.

I am over there right now telling the Senators where they wanted to increase the deductible on seniors from $100 to $150 that that is unacceptable, where they said, "Let's index it," that that is unacceptable, where they wanted copays, that that is unacceptable. What we have said is all we ask of seniors is to keep the premium where it is, and my colleagues come down to this floor and pander: Hey, we want to reduce the premium for seniors.

Mr. Speaker, my colleagues do not have any solutions; we do. Guess what it is? It is to take a look at what is going out in America every day today in health care. They are not paying 10-percent-a-year increases. What they are doing is saying create a choice structure that allows people through choice to get some of the benefits that the children and the grandchildren of today's beneficiaries get. They cannot do that right now because we have a closed government system that operates one way basically, and that is a fee-for-service system. What we are saying is, "Let's open up the fee-for-service system." What has happened in the private sector when it opened up the fee-for-service system to choice? That fee-for-service system is withering away, it is disappearing. It is no longer the predominant health care delivery system in California. It is 75 percent managed care.

What the Speaker said was that what is going on outside in the real world, the fee-for-service system withering away, should happen to Medicare if people choose to have it happen, and what we hope is that we create a program successfully enough to attract people to a positive program in terms of the growth so that the old-fashioned system that was increasing at 10 percent a year will not be the dominant system.

My colleagues better hope we are successful. I know they do not want to help us, but my colleagues better hope we are successful because, if we are not, this entitlement program is going to eat us all alive. We do not want to tell seniors they cannot have the old system.

Mr. Speaker, we do not want to tell the seniors that they have to do something. We want to work together to create a positive structure where young people and seniors sharing in the responsibility stave off bankruptcy and reduce the cost of the Federal budget so we can balance our budget.

What we want out of our colleagues, Mr. Speaker, is to simply join us and tell seniors, "Share, help us solve the problem, stay when you are on your premium, and we can solve the problem." What is their answer? Pander to seniors and reduce the premium. My colleagues are not only in the minority, they are outrageous.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I am not sure where my friend from California, Mr. THOMAS, went. I hope he gets his facts right.

Mr. Speaker, the reality is many of us supported an alternative which sustains Medicare, balances the budget, does not provide the type of premium increase for all elderly as in the Republican proposal on an appropriation bill. The reality is my colleagues do not have to go to 31½ percent of costs. I agree the premium should not go down. But my colleagues are having this huge jump, and at the same time we have millions of poor elderly widows who receive their premiums and their deductibles paid by Medicaid. My colleagues are also cutting that program. so, they are doing premium increases that are not required to stabilize Medicare to balance the budget.

Mr. Speaker, our colleagues are punishing poor, elderly widows because of their Medicaid cuts. That is right; they are mean cuts, and the reason they have to go so deep with the increase in their part B premiums, reductions of benefits to elderly, poor widows in most cases; and do not come with this language about protecting them, my colleagues are not, the facts do not bear our colleagues out in Medicaid; It is simply because they want to pay for their tax cut. We know where the bulk of those benefits go: 50 percent or more to people with incomes over $100,000.

So let us get it straight. We do not need to do their extreme things. We can do it reasonably. But even forgetting about that, even if this were a reasonable approach, why should it be on the continuing resolution? Why? This is not a Medicare bill. Our friend from Louisiana has a continuing appropriations bill, and all of a sudden it is a Medicare bill.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. SPEAKER, the issue is not how much time the President has spent massaging the Speaker's ego on the airplane. The issue is whether or not we will try to force the President to provide for a huge increase in Medicare premiums as the price for keeping the Government going. That is not our obligation. Our obligation is to try to keep the Government going. We can do that with a clean resolution. That is what we ought to do.

Mr. SPEAKER, I yield the remaining 4½ minutes to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, Members of the House, in my view this is the most colossal waste of time and energy that I have seen. Our job as a Congress is to send the President legislation, and the President then either has to sign or to veto the legislation. I used to say the President's pen is worth two-thirds of us, and it is. Nothing is in the Constitution about negotiating on planes going to Israel; there is nothing in the Constitution about carrying on summit meetings and negotiations. The Constitution is clear. We send the legislation, and he signs or he vetoes the legislation.

We are now 6 weeks beyond the end of the fiscal year. The President has yet to receive the 13 appropriations bills that he was supposed to receive before that time came and went. He has yet to receive a budget bill. We call it by a funny name, a reconciliation bill. But it is a budget. He does not have it yet, and so here we are talking about a simple 2-week extension to keep the Government running and to keep interest rates from going up unnecessarily because we default on the debt.

Now in the midst of this legislation what our colleagues are insisting on doing is putting into this simple 2-week extension what they want to do in the budget by raising Medicare premiums, and we can argue until the cows come home on whether or not these premiums on Medicare should be increased. Most of us do not think they need to be increased like this, but whatever people's views, we should not be here at 3:10 Friday, November 10, 6 weeks after our work should have been done, talking about our ideological differences on Medicare or on who can lobby the Government.

When these bills get down to the President on Monday, or whenever they are going to get there, he is going to veto the bills, he has already said that, and then we are going to have to come back here and do what the congress must do, which is to develop another 2-week increase, or an extension, or a week, or whatever it is that we can pass, so that the Government will keep going, and let me just say for those who were not here, sometimes in the past, when we had a day or two when the Government did not operate, it is not a good experience for any of us, and it sure is not a good experience for the American people. They expect that we came here to do the job, to pass the legislation, and then the President can decide what he is going to do.

Now I hope that we will get our wits together here in the next few days, and get a clean CR and a clean debt ceiling down to the President before bad things happen so he can sign them, so we can then get down to the hard work of trying to reach an agreement that will reach a budget that is good for the American people. I am an optimist. I think we can do that, and I think we have the ability to figure that out in good will and in good faith. But we get nowhere by standing out here fighting about whether the ideological riders that we have in the budget should be in these simple 2-week extensions. It simply does us no good.

Now one final thing:

If we cannot reach a budget, and I hope we can, we may be back here talking about a year extension of a continuing resolution. I hope that does not happen, but, if we cannot agree, and maybe we cannot with the President on what this should be, then I think we ought to take these issues to the American people. We are talking about a 7-year budget. We are talking about a 7-year budget. We are talking about far-reaching changes in the Medicare Program. We are talking about far-reaching changes in the Medicaid Program. We are talking about a $245 billion tax cut in the midst of trying to balance the budget in 7 years. Now if we cannot find that middle ground, and I am willing to try and find it, then I say let the President veto the bill, and let us do a 12-month extension without ideological riders, and let us proudly take these issues to the American people. They deserve the right to be cut into this decision, and I think I know the decision they are going to make.

The SPEAKER pro tempore (Mr. DREIER]. The time of the gentleman from Wisconsin [Mr. OBEY] has expired, and the gentleman from Louisiana [Mr. LIVINGSTON] has 1 minute remaining.

Mr. LIVINGSTON. Mr. Speaker, I yield myself all the remaining time.

Mr. LIVINGSTON. Mr. Speaker, we have completed business on five bills; we have not on eight. There are a few touchups to do those, and we can get them to the President's desk after we pass this continuing resolution. When we do that, we will complete the process, complete the process to put this country on a glidepath toward a balanced budget by the year 2002, to reduce spending, to reduce taxes, to reduce the constant increase of Government from the other side, to reduce the bureaucracy, and to provide for freedom for the American people, higher productivity, and more jobs. But we cannot do it if we vote this down, which is what they want. They say this is a serious bill and that is why they are opposed to it.

Mr. Speaker, let me tell my colleagues how serious their—our—Commander in Chief thinks it is. An AP wire—Associated Press—2:27 today; it says, and I quote:

"Less than an hour before the debt limit vote Clinton made a quick trip to the White House briefing room and then went golfing." He did not reiterate his threat to veto the bills.

Ms. BROWN of Florida. Mr. Speaker, the Republican's are reaching an all-time low with their dirty tactics that threaten the livelihood of so many Americans by playing a game of political chicken.

It is irresponsible and wrong for the Republicans to attach legislative riders to the continuing resolution. If we had a clean CR, we would all be home celebrating Veterans Day by now.

But instead, the Republicans have attached so many draconian riders to this legislation. I ask my colleagues on the other side of the aisle this, What does raising Medicare premiums for seniors and placing lobbying restrictions on nonprofits have to do with keeping the Government up and running? Absolutely nothing.

I, for one, find it unconscionable that the Republicans are attaching so many extreme nongermane provisions to the continuing resolution and the debt limit extension. These irresponsible bills will leave President Clinton no choice but to veto them. As a result of these Republican shenanigans, veterans will not receive their disability checks, seniors will not receive their Medicare, and thousands of Federal employees in my district will be sent home next Tuesday in the wake of a Government shutdown.

It is dead wrong for the Republicans in Congress to play politics with peoples' lives.

☐ 1515

The SPEAKER pro tempore (Mr. DREIER). Pursuant to House Resolution 261, the previous question is ordered.

The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LIVINGSTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 172, not voting 36, as follows:

[Roll No. 786]

YEAS—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett

Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—172

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Stark
Stenholm
Stokes
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Towns
Traficant
Velazquez
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—36

Berman
Boucher
Buyer
Dickey
Dingell
Fazio
Fields (LA)
Frank (MA)
Johnston
Kaptur
Klug
LaFalce
Lewis (CA)
Martinez
McHugh
Meehan
Neumann
Owens
Parker
Peterson (FL)
Pickett
Quillen
Quinn
Rose
Shuster
Spratt
Stockman
Studds
Thomas
Thornton
Torricelli
Tucker
Vento
Waxman
Weldon (PA)
Young (FL)

□ 1533

The Clerk announced the following pairs:

On this vote:

Mr. Quinn for, with Mr. LaFalce against.

Mr. Young of Florida for, with Mr. Waxman against.

Mr. Quillen for, with Ms. Kaptur against.

Mr. Lewis of California for, with Mr. Johnston of Florida against.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, at the request of the gentleman from Texas [Mr. ARCHER] of the Committee on Ways and Means, I ask unanimous consent that all Members may have 5 legislative days in which to revise their remarks and include extraneous material on the motion to agree to Senate amendments on H.R. 2586 adopted earlier today.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1995

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2394), to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1995, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1995. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1995, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

Mr. STUMP (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I do not plan to object, and I yield to the gentleman from Arizona [Mr. STUMP] for an explanation of his request.

Mr. STUMP. Mr. Speaker, the only substantive difference is that the Senate bill does not include language regarding the basis for the DIC COLA.

This matter will be included in the budget reconciliation bill.

We are seeking unanimous consent because this bill must be enacted quickly.

The VA needs time to program their computer system so that veterans may receive the COLA in the January 1, 1996, benefit checks.

The Congressional Budget Office has indicated the bill reduces direct spending under the pay-as-you-go budget rules.

Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. MONTGOMERY. Very briefly, the increases that have been mentioned by the chairman is 2.6 percent effective for service-connected veterans in December. Tomorrow is Veterans Day for all veterans who fought in the different wars, and this is for the disabled veterans. It will also go to the Gold Star wives, a cost-of-living.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2394.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, at this time I would be pleased to yield to the distinguished majority leader for the purposes of apprising the House on the schedule for next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, November 13, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

We plan to consider 11 bills under suspension of the rules. I won't read through the long list now, but a list of those suspensions will be distributed to Members' offices today and will appear in the RECORD.

The suspensions are as follows:

H.R. 2527, permitting electronic filing and preservation of Federal Election Commission reports;

H.R. 2204, the Defense Production Act;

H.R. 924, prohibition on certain transfers of national forest lands;

H.R. 657, extending Federal Power Act deadline for construction of three Arkansas hydroelectric projects;

H.R. 680, extending the time for construction of certain FERC licensed hydro projects;

H.R. 1011, extending Federal Power Act deadline for construction of an Ohio hydroelectric project;

H.R. 1014, authorizing extension of time limitation for a FERC-issued hydroelectric license;

H.R. 1051, providing for extension of certain West Virginia hydroelectric projets;

H.R. 1290, reinstating the permit and extending the Federal Power Act deadline for the construction of an Oregon hydroelectric project;

H.R. 1335, providing for the extension of a West Virginia hydroelectric project; and

H.R. 1366, authorizing the extension of time limitation for the FERC-issued; hydroelectric license for the Mount Hope waterpower project.

Members should be advised that any recorded votes ordered on the suspensions will be postponed until 5 p.m. Monday.

On Tuesday, November 14, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business. We will first take up two bills on the Corrections Day Calendar:

H.R. 2366, a bill to repeal an unnecessary medical device reporting requirement; and

S. 790, the Federal Reports Elimination and Sunset Act of 1995.

After consideration of the corrections day bills and for the balance of the week, the House will take up the following bills, all of which will be considered under rules:

H.R. 2539, the ICC Elimination Act;

H.R. 1058, the Securities Litigation Reform conference report;

H.R. 2126, the fiscal year 1996 Department of Defense appropriations conference report;

H.R. 1977, the fiscal year 1996 Department of the Interior appropriations conference report;

H.R. 2564, the Lobbyist Disclosure Reform Act;

House Resolution 250, the Congressional Gift Reform Act; and

H.R. 2491, the Seven-Year Balanced Budget Reconciliation Act of 1995.

Of course, Members should keep in mind that additional conference reports may be brought to the floor at any time.

Mr. Speaker, on Thursday, November 16, it is our hope to finish business on the budget reconciliation and recess for the Thanksgiving district work period until Tuesday, November 28. However, Members should keep their schedules flexible toward the end of next week as we may have to continue work on the important business of balancing the budget.

Mr. HOYER. Mr. Speaker, I thank the majority leader for going through that schedule.

Mr. Leader, when the President vetoes the CR, what do you plan to do on Monday to preclude the Government from shutting down on Tuesday?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's comments.

As the gentleman knows, we have taken action on the continuing resolution. The Senate will consider that action. We should have action completed on the CR in ample time for the President to sign the bill in order to prevent any shutdown of the Government. Of course, we have every expectation that the President will do so.

Mr. HOYER. Mr. Leader, as the lawyers would say, assuming for argument's sake. I will not use the Latin, but—

Mr. ARMEY. I may dare say, the gentleman may find an argument without assuming it, the way things have been going today, but we will try not to.

Mr. HOYER. Mr. Leader, very seriously, we have been debating pretty hotly the question of whether or not the CR, in fact, will do what we want to do, I think most of us want to do, and that is keep the Government open.

In point of fact, it has to go to the Senate. The Senate has gone home; the Senate is not here, because we changed it over here. Presumably, they therefore cannot act on it until Monday morning. Presumably, from what the gentleman from Louisiana [Mr. LIVINGSTON] said, and I think the gentleman from New York [Mr. SOLOMON] also said, the Senate is going to take the amended CR, so they will send it to the President.

The President has said, without question, he is going to veto the CR as it stands now with the Medicaid premium increase.

My question, therefore, is assuming that that happens, and assuming that we do not want to shut down the Government, you have not indicated on there a timeframe in which we might continue to pass another CR which would provide for the Government's operation on Tuesday, November 13. Is there such a contingency plan?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry.

I had not understood that the President had stipulated that he would require to find Medicaid payment increases in the bill as a reason for his veto. Since there will be none found in the bill, I remain confident that the President will sign it and we will have no problems to deal with.

Mr. HOYER. Mr. Leader, I understand that we can be rhetorically cute with one another, and I think probably both of us could be reasonably good at that, but the fact of the matter is, I think it would be irresponsible for us, Mr. Leader, not to provide a contingency for this House to consider the possibility at the very least that we will have to act again on Monday on this legislation.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I will try to be clear.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Mr. ARMEY. Mr. Speaker, as the gentleman addresses his question to me, I can tell the gentleman I have no reason to expect the President to veto the bill. I see no reason for me to speculate about what would be the behavior I would make with respect to a veto that has not been taken.

If the President should veto the bill, at that time we will make what preparation is necessary to deal with the President's veto, but the President has not vetoed the bill. I personally will assure the gentleman from Maryland that I have no expectation that the President will veto the bill. However, if he should, we will deal with his veto as we do in response to the President's veto message, which I expect perhaps in this case might tell us why he vetoes the bill, and I am sure we can respond.

Mr. HOYER. I am sure it will.

Mr. Speaker, if I could ask the gentleman, the gentleman indicates that the 7-year Balanced Budget Reconciliation Act of 1995, H.R. 2491, will be considered next week. Our conferees have not heard anything about a conference. Could you apprise us on this side of the aisle when a conference might occur on this legislation?

Mr. ARMEY. I would encourage your conferees to get in touch with the conference, and I am sure that they will have an opportunity to work on the material before we report the conference report to the floor.

□ 1545

Mr. HOYER. I thank the leader for that comment.

Frankly our conferees have been looking for the conference and have been unable to find it. Can the gentleman tell us where it is?

Mr. ARMEY. I do appreciate the gentleman's difficulty. The gentleman's difficulty is understandable in that the Senate has not yet been able to appoint conferees pursuant to the threat of a filibuster by the minority in the Senate. We, of course, hope that that progress will be made and then the conference can be found.

Mr. HOYER. Is the scheduling of that bill contingent, I presume, on the fact that they will have a conference? We would not bring it to the floor without a conference?

Mr. ARMEY. We would, of course, remain optimistic as we do with respect to actions we expect from the gentlepersons from the other side of the building.

Mr. HOYER. Mr. Speaker, all of us are concerned about what is going to happen next Thursday. Does the gentleman expect to get out next Thursday pursuant to the schedule?

Mr. ARMEY. Yes, I do. But of course I have learned over my 10 years here to be flexible in my expectations regarding when I will get out when we are in the end times.

Mr. HOYER. Mr. Speaker, two additional questions. We dropped the Istook amendment today by motion of the gentleman from Louisiana [Mr. Livingston].

In light of the fact that was the only thing holding up the Treasury-Postal bill, is it the gentleman's expectation the Treasury-Postal bill might move next week?

Mr. ARMEY. I am very anxious to get together with the conferees and see what they can work out.

Mr. HOYER. With respect to the Interior appropriation bill, does the gentleman have any information for us on that?

Mr. ARMEY. We are, of course, hopeful that that, too, will be worked out next week. The conferees are working on these bills.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

The SPEAKER pro tempore (Mr. Dreier). The Chair wishes to inform the gentleman from Maryland [Mr. Hoyer] that his 1 minute is rapidly expiring.

Mr. HOYER. I thank the gentleman. I will keep close watch on the clock.

Mr. EDWARDS. Mr. Speaker, I have a very brief but I think important question to the gentleman. In a moment it is my understanding we will have an opportunity to vote for or against a motion to adjourn.

If that motion passes, is it my understanding that this House will be in recess the rest of Friday afternoon, all day Saturday, all day Sunday, and that this House will not go back into session until less than 12 hours before the Federal Government goes in default; is that correct?

Mr. HOYER. In answer to the gentleman's question, as I understand what the majority leader has said, there will be no votes expected until 5 on Monday. So it will be 7 hours before we shut down Government.

ADJOURNMENT TO MONDAY, NOVEMBER 13, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, in light of the information that we have that some Members on the minority side intended to call a recorded vote on the motion to adjourn that would have occurred later this evening after special orders while our Members were scattered throughout the country, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. Armey].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 156, not voting 112, as follows:

[Roll No. 787]

AYES—164

Allard
Archer
Armey
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Bryant (TN)
Bunn
Bunning
Burr
Calvert
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Collins (GA)
Combest
Cox
Crapo
Cremeans
Cubin
Cunningham
DeLay
Doolittle
Dornan
Dreier
Duncan
Ehrlich
Emerson
English
Flanagan
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Gilman
Goodlatte
Goodling
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Hostettler
Hunter

Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McKeon
Metcalf
Meyers
Mica
Molinari
Moorhead
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shays
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Talent
Tate
Taylor (NC)
Thomas
Traficant
Upton
Waldholtz
Walker
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Zimmer

NOES—156

Abercrombie
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Bevill
Bilbray
Bishop
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Canady
Cardin
Chapman
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
Deutsch
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Frost
Furse
Gephardt
Geren
Gibbons
Gilchrest
Gonzalez
Goss
Green
Hall (TX)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson, E.B.
Kanjorski
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Reed
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Solomon
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Thurman
Torres
Towns
Visclosky
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—112

Ackerman
Baker (LA)
Bass
Berman
Bonior
Boucher
Brownback
Burton
Buyer
Callahan
Camp
Clay
Clinger
Conyers
Cooley
Crane
Deal
DeLauro
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dunn
Durbin
Ehlers
Ensign
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Foley
Ford
Fowler
Frank (MA)
Gejdenson
Gordon
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hoekstra
Houghton
Jacobs
Johnson (SD)
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
King
Klug
LaFalce
Laughlin
Lewis (CA)
Lipinski
Longley
Manton
Martinez
Martini
McDermott
McHugh
McIntosh
Meehan
Miller (FL)
Murtha
Myers
Neumann
Owens
Parker
Peterson (FL)
Pickett
Quillen
Quinn
Rangel
Richardson
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Scarborough
Shaw
Shuster
Smith (MI)
Spratt
Stockman
Studds
Tauzin
Tejeda
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Tucker
Velázquez
Vento
Volkmer
Vucanovich
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Yates
Young (AK)
Young (FL)
Zeliff

□ 1604

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, November 13, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1634. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration [MARAD] for fiscal year 1994, pursuant to 46 U.S.C. app. 1118; to the Committee on National Security.

1635. A letter from the Secretary of Energy, transmitting a copy of the annual report on the Coke Oven Emission Control Program for fiscal year 1994, pursuant to Public Law 101–549, section 301 (104 Stat. 2559); to the Committee on Commerce.

1636. A letter from the Secretary of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve for the first quarter of 1995, pursuant to 42 U.S.C. 6245(a); to the Committee on Commerce.

1637. A letter from the Secretary of Energy, transmitting the Department's report entitled "Energy Policy Act Transportation Study: Interim Report on Natural Gas Flows and Rates," pursuant to Public Law 102–486, section 1340(c) (106 Stat. 2993); to the Committee on Commerce.

1638. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to repeal certain divestiture laws applying only to Department of Energy employees; to the Committee on Commerce.

1639. A letter from the Secretary of Energy, transmitting the Department's report entitled "1993 Annual Report on Low-Level Radioactive Waste Management Progress"; to the Committee on Commerce.

1640. A letter from the Administrator, United States Environmental Protection Agency, transmitting the Agency's report entitled "Volatile Organic Compound Emissions for Consumer and Commercial Products," pursuant to section 183(e) of the Clean Air Act; to the Committee on Commerce.

1641. A letter from the General Counsel, U.S. Arms Control and Disarmament Agency, transmitting copies of English and Russian texts of three implementing agreements negotiated by the Joint Compliance and Inspection Commission [JCIC] for the START Treaty; to the Committee on International Relations.

1642. A letter from the Associate Attorney General, Department of Justice, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1643. A letter from the President, National Railroad Passenger Corporation, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994 through March 31, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1644. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1645. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1646. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1647. A letter from the Secretary of the Interior, transmitting the 1994 Section 8 Report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a–5(a); to the Committee on Resources.

1648. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the act establishing Lowell National Historical Park, and for other purposes; to the Committee on Resources.

1649. A letter from the Secretary of Energy, transmitting a draft of proposed legislation entitled "Federal Power Administration Transfer Act"; to the Committee on Resources.

1650. A letter from the Secretary of Transportation, transmitting a report on information gathered by the Federal Highway Administration and the Federal Transit Administration on Buy America waivers granted during fiscal years 1992 and 1993, pursuant to Public Law 102–240, section 1048(b) (105 Stat. 1999); to the Committee on Transportation and Infrastructure.

1651. A letter from the Secretary of Transportation, transmitting the Department's annual report entitled "Activities Relating to the Deepwater Port Act of 1974," for fiscal year 1994, pursuant to 33 U.S.C. 1519; to the Committee on Transportation and Infrastructure.

1652. A letter from the Secretary of Transportation, transmitting the Department's first annual report entitled "Alaska Demonstration Programs"; to the Committee on Transportation and Infrastructure.

1653. A letter from the Administrator, United States Environmental Protection Agency, transmitting two drafts of proposed legislation entitled "U.S.-Mexico Border Water Pollution Control Act" and "U.S. Colonias Water Pollution Control Act," pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

1654. A letter from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to authorize the Administrator of the Environmental Protection Agency to make grants for water infrastructure improvements in Bristol County, MA, pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

1655. A letter from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to authorize the Administrator of the Environmental Protection Agency to make grants for improvements to the New Orleans sewer system, pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

1656. A letter from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to authorize the Administrator of the Environmental Protection Agency to make grants to needy cities for the purpose of constructing secondary treatment facilities, pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

1657. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2519. A bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes; with an amendment (Rept. 104-333). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASTLE:

H.R. 2614. A bill to reform the commemorative coin programs of the U.S. Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the U.S. Mint to mint and issue platinum and gold bullion coins, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 2615. A bill to suspend temporarily the duty on dichlorofopmethyl; to the Committee on Ways and Means.

H.R. 2616. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. FOX, and Mr. UNDERWOOD):

H.R. 2617. A bill to amend the Internal Revenue Code of 1986 to exempt small issues from the restrictions on the deduction by financial institutions for interest, to disregard certain amounts of capital expenditures in applying $10,000,000 limit on such issues, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. JOHNSTON of Florida, and Ms. PELOSI):

H.R. 2618. A bill to provide for the therapeutic use of marihuana in situations involving life-threatening or sense-threatening illnesses and to provide adequate supplies of marihuana for such use; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEJDENSON (for himself and Mr. BURTON of Indiana):

H.R. 2619. A bill to impose sanctions on foreign persons exporting certain goods or technology that would enhance Iran's ability to explore, extract, refine, or produce petroleum products or natural gas; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Banking and Financial Services, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 2620. A bill to direct the Architect of the Capitol to sell the parcel of real property located at 501 First Street, SE., in the District of Columbia, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBEY:

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. BURTON of Indiana (for himself, Mr. BARR, Mr. JONES, Mrs. FOWLER, Mr. SAM JOHNSON, Mr. HALL of Texas, Mr. HANSEN, Mr. TAUZIN, Mr. EWING, Mr. PACKARD, Mr. ROBERTS, Mr. LAUGHLIN, Mr. SCARBOROUGH, Mr. BATEMAN, Mr. MCKEON, Mrs. CUBIN, Mr. EVERETT, Mr. HUNTER, Mr. BALLENGER, Mr. MYERS of Indiana, Mr. MCINNIS, Mr. BAKER of Louisiana, Mr. DORNAN, Mr. CRANE, Mr. KING, Mr. BONO, Mr. HASTERT, Mr. MOORHEAD, Mr. YOUNG of Alaska, Ms. DUNN of Washington, Mr. LEWIS of Kentucky, Mr. BONILLA, Mr. BREWSTER, Mr. TANNER, Mr. DOOLITTLE, Mr. HAYES, Mr. ABERCROMBIE, Mr. MURTHA, Mr. PARKER, Mr. PASTOR, Mr. CLAY, Mr. HOUGHTON, Mr. STOCKMAN, Mr. CALLAHAN, Mr. CLEMENT, Mr. RAHALL, Mr. MARTINEZ, Mr. ORTIZ, Mr. TEJEDA, Mr. CLYBURN, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. BISHOP, Mrs. COLLINS of Illinois, Mr. DIXON, Mr. BERMAN, Mr. FATTAH, Mr. MFUME, Mr. PAYNE of New Jersey, Mrs. MEEK of Florida, Mr. BOEHLERT, Mr. THOMPSON, Mr. MONTGOMERY, Mr. SCHAEFER, Mr. MCHUGH, Mr. WICKER, Mr. GILMAN, Mr. BUYER, Mr. BUNNING of Kentucky, Mr. BLILEY, Mrs. KELLY, Mr. HANCOCK, Mrs. VUCANOVICH, Mr. CUNNINGHAM, Mr. DOOLEY, Mrs. CLAYTON, Mr. FUNDERBURK, Mr. FLAKE, Mr. MCDADE, and Mr. RADANOVICH):

H. Res. 264. Resolution to amend the Rules of the House of Representatives to require greater disclosure of gifts; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 325: Mr. PACKARD.

H.R. 739: Mr. NEUMANN and Mrs. CUBIN.

H.R. 820: Mr. WELLER, Mr. SABO, Mr. LUTHER and Mr. VENTO.

H.R. 1023: Mr. PACKARD and Mr. ROSE.

H.R. 1406: Ms. SLAUGHTER and Mr. BASS.

H.R. 1627: Mr. LONGLEY and Mr. HAMILTON.

H.R. 1686: Mr. GREENWOOD.

H.R. 1733: Mr. PETE GEREN of Texas and Mr. LEWIS of California.

H.R. 1893: Mr. MCINNIS, Mr. STUMP, Mr. TORRES, Mr. BOEHLERT, and Mr. BRYANT of Texas.

H.R. 2036: Mr. PETE GEREN of Texas.

H.R. 2090: Mr. FOLEY, Mr. TORRICELLI, Mr. ENSIGN, and Mr. MINGE.

H.R. 2138: Mr. GRAHAM and Ms. WOOLSEY.

H.R. 2200: Mr. DOOLITTLE, Mr. DOYLE, Mr. WALSH, Mr. BALLENGER, and Mr. SPENCE.

H.R. 2351: Mr. ENSIGN.

H.R. 2420: Ms. MCKINNEY, Mr. BONIOR, Ms. PELOSI, Mr. GUTIERREZ, and Mr. JEFFERSON.

H.R. 2429: Mrs. CLAYTON and Ms. PELOSI.

H.R. 2462: Mr. NEUMANN and Mr. WAMP.

H.R. 2468: Mr. HASTINGS of Washington.

H.R. 2500: Mr. HOSTETTLER and Mr. GOODLING.

H.R. 2507: Mrs. SEASTRAND and Mr. CHRYSLER.

H.R. 2519: Mr. HASTERT, Mr. FUNDERBURK, Mr. EMERSON, Mr. CRAMER, Mr. QUILLEN, Mr. STUMP, and Ms. WOOLSEY.

H.R. 2579: Ms. NORTON, Mr. GEKAS, Mr. BARCIA of Michigan, Mr. RICHARDSON, Mr. FROST, Mr. FOLEY, Mr. TOWNS, Mr. PETE GEREN of Texas, and Mr. RANGEL.

H.R. 2598: Mr. ENGLISH of Pennsylvania, Mr. WALSH, Mr. INGLIS of South Carolina, Mr. BUNN of Oregon, Mr. FOLEY, Mr. BALDACCI, Mr. GILCHREST, Mr. HANCOCK, Ms. RIVERS, Mrs. KELLY, Mrs. MYRICK, Mr. CHRYSLER, and Mr. PETE GEREN of Texas.

H. Con. Res. 26: Miss COLLINS of Michigan, Ms. BROWN of Florida, Mr. FALEOMAVAEGA, Mr. HOBSON, Mr. LAZIO of New York, and Mrs. THURMAN.

H. Res. 184: Mr. FARR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1963: Mr. FLAKE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

46. By the SPEAKER: Petition of National Association of Secretaries of State, relative to the National Voter Registration Act; to the Committee on House Oversight.

47. Also, petition of National Association of Secretaries of State, relative to urging zero tolerance for violence directed against

public employees; to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition No. 5, November 7, 1995, by Mr. SCHUMER on House Resolution 240, was signed by the following Members: Charles Schumer and Louise McIntosh Slaughter.

Petition No. 6, November 8, 1995, by Mr. BRYANT of Texas on House Resolution 240, was signed by the following Members: John Bryant, Jim McDermott, George Miller, Martin T. Meehan, Vic Fazio, Frank Mascara, Patricia Schroeder, Lloyd Doggett, Zoe Lofgren, Charles E. Schumer, Carolyn B. Maloney, Frank Pallone, Jr., John Lewis, Louise McIntosh Slaughter, Sander M. Levin, Bart Stupak, Mike Ward, Martin Frost, Pat Danner, Marcy Kaptur, David R. Obey, George E. Brown, Jr., John Elias Baldacci, Robert E. (Bud) Cramer, Jr., Glen Browder, Jane Harman, Michael F. Doyle, Paul E. Kanjorski, Lynn N. Rivers, Bart Gordon, Bill Richardson, Patsy T. Mink, Ron Wyden, David E. Bonior, Thomas C. Sawyer, Nancy Pelosi, Andrew Jacobs, Jr., Peter A. DeFazio, Lucille Roybal-Allard, José E. Serrano, Tim Johnson, Karen McCarthy, William J. Coyne, Richard J. Durbin, Albert Russell Wynn, Sidney R. Yates, Eva M. Clayton, Nydia M. Velázquez, Thomas M. Barrett, Lynn C. Woolsey, Jack Reed, Cynthia A. McKinney, Barbara B. Kennelly, Nita M. Lowey, Ken Bentsen, John W. Olver, Robert E. Wise, Jr., Gene Green, Bruce F. Vento, Major R. Owens, Tom Bevill, James L. Oberstar, Sam Gibbons, Jerrold Nadler, Xavier Becerra, Glenn Poshard, Fortney Pete Stark, Tom Lantos, Harold L. Volkmer, Ronald D. Coleman, W. G. (Bill) Hefner, Richard A. Gephardt, Sheila Jackson-Lee, David E. Skaggs, Sam Gejdenson, Maxine Waters, James A. Barcia, Collin C. Peterson, Dale E. Kildee, Barney Frank, Barbara-Rose Collins, Thomas M. Foglietta, and Sam Farr.

Petition No. 7, November 9, 1995, by Mr. KANJORSKI on House Resolution 246, was signed by the following Members: Paul E. Kanjorski, Michael F. Doyle, Frank Mascara, Nita M. Lowey, Barbara B. Kennelly, John W. Olver, Earl Pomeroy, Ken Bentsen, Thomas M. Barrett, Bart Stupak, Martin T. Meehan, and Mike Ward.

EXTENSIONS OF REMARKS

ABUSES AT DEPARTMENT OF ENERGY

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. TAUZIN. Mr. Speaker, I read with dismay this morning's story about the foolish waste of taxpayer dollars by staff at the Secretary of Energy's office to pay for consultative review of press coverage of the Secretary and her Department. It is but one more example of agency spending on image building and lobbying that I hope to address in legislation which Mr. CLINGER and I are now preparing. We cannot and should not tolerate such abuses any longer.

But if one is to legitimately call upon the President to ask for the Secretary's resignation over this, we should be prepared to ask that the entire Cabinet resign. Every department in one form or another, is equally guilty of abusive waste and inappropriate spending on image building, lobbying, and public relations efforts. All of which should be equally condemned and rendered illegal. Secretary O'Leary is entitled to no special favors on this.

Energy Secretary O'Leary's standing in our Government and the Cabinet should not be called into question on this incident. She should be judged and regarded by how successfully she conducts the proper affairs of the Department of Energy, and on that basis she has every right and duty to continue her service to the President and to our Nation.

Secretary O'Leary and every Cabinet official, however, need to instruct their collective staff to end this practice of public relations spending and inappropriate lobbying. If they are unable to do so, the Congress, I believe, is ready to make those practices illegal, as they are both dumb and inexcusable.

CONFRONTING THE MYTHS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. JACOBS. Mr. Speaker, how about a dose of reality? The following article by Prof. Fran Quigley was published by the Nuvo Newsweekly in Indianapolis.

P.S. If the present welfare system as we mistakenly "know it" is so bad, ask yourself this question: Why did President Ronald Reagan sign it into law in 1988?

[From the Nuvo Newsweekly, Nov. 2-9, 1995]

CONFRONTING THE MYTHS—THE TRUTH ABOUT POVERTY AND WELFARE

(By Prof. Fran Quigley)

"Welfare as we know it" is coming to an end. True to the campaign promises of both President Clinton and the Republican Congress, our country's system of providing guarantees of federal income assistance to poor families through the program of Aid to Families with Dependent Children is being dismantled. In its place will be state-run programs of assistance, including strict time limitations on the receipt of benefits, mandates that parents work outside the home and potentially a blanket denial of assistance to children of teenage mothers.

In Indiana, the changes to "welfare as we know it" are even more radical. In June of this year, most Indiana recipients of AFDC were notified that they would be subject to new rules that limit their lifetime enrollment on the program to two years and would be subject to a "family cap," where the state refuses to provide any additional benefits to families for new children conceived while the mother was enrolled in the AFDC program. In light of the conventional wisdom that has the Democratic party as the defender of the nation's poor, the irony of these stricter state provisions is that Democratic Governor Evan Bayh has sponsored and defended the two-year limitation and the family cap, while many Senate Republicans recently rejected these same provisions as too onerous for the poor.

All of these changes have come as a result of immense popular support for elected officials to change "welfare as we know it." But what exactly is welfare as we know it? It turns out that once the programs and the people enrolled in them are examined beyond rhetoric about "lazy deadbeats" and "welfare queens," that actual data show that many of the assumptions of the welfare debate are incorrect.

Some of these assumptions are so prevalent that they have taken on the status of myths. It is a dangerous situation when these myths have a place at the center of the welfare debate and now the dismantling of the family safety net. In order to take an informed position on the changes in our government's role in assisting the poor, these myths need to be confronted by the cold, hard, statistical truth:

MYTH NO. 1: IF POOR PEOPLE WOULD JUST GET JOBS, THEY WOULD NO LONGER BE POOR

Truth: In 1990s America, poverty is now a problem for working people and their families. In 1969, full-time employment at a minimum-wage job provided enough income to keep a family of three out of poverty. In 1992, full-time minimum-wage employment provided only 76 percent of the income needed to keep that same family above the federal government's estimate of the poverty level, and only 50 percent of the income estimated to be necessary for a three-person family to live a safe and healthy lifestyle in Indianapolis.

Implicit in this "get a job" myth and much of the anti-welfare rhetoric is the notion that poor people are poor because they are too lazy to work. However, noted welfare and poverty researcher Joel Handler describes empirical studies showing that poor people, including people receiving welfare, usually a well-developed work ethic and, in fact, most do work at jobs that simply do not pay enough salary to keep their families out of poverty.

Those who do not work outside the home usually are raising families, and the financial difficulties of maintaining employment, child care, transportation and health care are often responsible for forcing single parents out of the workplace. Also, any description of AFDC recipients as not "working" ignores the reality that raising children is both difficult and important work: Anyone who has raised children must reject the "lazy" description for a single mother who is raising kids in an environment of substandard housing, violence and constant financial uncertainty.

MYTH NO. 2: ONCE A PERSON RECEIVES WELFARE BENEFITS, HIS FINANCIAL NEEDS WILL BE MET

Truth: Receipt of Aid to Families with Dependent Children in Indiana provides a family with less than one-third of the income needed to meet the federal government estimate of the poverty level. A disabled adult's Supplemental Security Income provides a little over 54 percent of the estimated income necessary to meet the poverty level for a two-person family. AFDC benefit levels vary among states, but the median state AFDC maximum monthly benefit level for a family of three was only $366, which is barely more than a third of the federal poverty line. The grim implication of these figures is that our streets and shelters are full of families with children who are homeless and/or hungry, yet are receiving the maximum welfare benefits allowed.

MYTH NO. 3: WOMEN HAVE BABIES IN ORDER TO RECEIVE LARGER WELFARE CHECKS

Truth: Since Indiana's average AFDC monthly increase totals only $65 per additional child, as contrasted with the federal government's quite modest estimate of a $200-plus increased monthly cost of living per child Indiana's welfare recipients do not have any financial incentive to have babies. In fact, most welfare mothers do not have a large number of children: 73 percent of all AFDC recipients have only one or two children. AFDC recipients with more than three children constitute only 10 percent of the total number of families enrolled in the program.

MYTH NO. 4: MOST WELFARE RECIPIENTS ARE AFRICAN AMERICAN, LONGTIME DEPENDENTS AND TEENAGE PARENTS

Truth: All of these descriptive adjectives are incorrect as applied to AFDC recipients. African-Americans only make up 37 percent of all AFDC recipients (down from 45 percent in 1969), over half of all recipients leave the AFDC program within one year, and only 8 percent of recipients are under the age of 20.

MYTH NO. 5: PROGRAMS TO HELP THE POOR ARE TOO EXPENSIVE FOR STATE AND FEDERAL GOVERNMENT BUDGETS

Truth: Don't blame the poor for budget deficits without looking in the mirror first: All the direct aid to the poor (AFDC, Medicaid, Food Stamps, and SSI) together does not equal three of the tax breaks benefiting the middle class and wealthy (deductions for retirement plans, home mortgage interest deductions, and exemptions for employer-paid health insurance premiums). Put another way, the AFDC program consumes only 1

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

percent of the federal budget and 2 percent of the average state budget.

Also, government investments in the well-being of our nation's poor, especially poor children, are cost-effective because of the programs' prevention of future social costs. For example, every dollar spent on Head Start programs is estimated to save $4.75 in later special education, crime, welfare and other costs. Similar estimates have every dollar spent on childhood immunization or drug treatment saving $10 in later medical costs or social costs.

MYTH NO. 6: HOUSING ASSISTANCE IS WIDELY AVAILABLE TO POOR PEOPLE

Truth: There is often at least a two-year waiting list for public or subsidized housing in Marion County if the housing unit is even accepting applications, and these existing programs are at risk of reduction or elimination by the current Congress. Subsidized housing is vital to poor people because the federal government's recommendation that people pay 30 percent of their income on housing and utilities is an otherwise impossible goal for most AFDC recipients. For example, the 1993 fair market value for an Indianapolis two-bedroom apartment is $523, which represents 156 percent of the monthly income of a three-person family receiving AFDC.

In fact, most poor people in Indianapolis pay over 50 percent of their income in housing costs. Some of the hypocrisy of the anti-welfare rhetoric based on allegations of budget-busting is demonstrated by the government's commitment to providing significant housing benefits for the decidedly non-poor. For every dollar spent by the federal government on low-income housing assistance, $3 of housing assistance is provided to high-income persons (incomes in the top 20 percent) through homeowner tax deductions.

MYTH NO. 7: PRIVATE CHARITIES CAN REPLACE GOVERNMENT PROGRAMS TO HELP THE POOR

Truth: Private charitable programs currently spend only about 1 percent as much as state and federal governments on social services, and many of those private services are provided by agencies heavily dependent on government funds. The major charitable providers of social services, including Salvation Army, Catholic Charities USA and Feed the Children, have taken the position that government has a necessary role in helping the poor. Leaders of these organizations predict disastrous consequences for the poor if the government significantly reduces its role in providing a social safety net.

MYTH NO. 8: THE UNITED STATES PROVIDES THE OPPORTUNITY FOR PERSONS IN POVERTY TO SIMPLY PULL THEMSELVES UP INTO THE MIDDLE CLASS

Truth: For most poor people, 1995 America is not the land of opportunity. The gap between the rich and poor in our society is the largest of any industrialized nation, and the percentage of poor people who are able to move out of poverty has steadily decreased in the last several decades. Even though current efforts to solve the United States' poverty problem focus on reducing or eliminating government programs, it is the more generous and pervasive family benefit programs that are generally cited as the source of the greater amount of class mobility and lower amount of poverty in comparable countries.

Dire consequences are predicted as a result of changes to our current welfare system, with poverty experts and service providers predicting everything from widespread rioting to a future where children sleeping on sidewalk heating grates will be a common sight. The lesson to be taken from exposing the fallacy of the myths that motivated these changes is that the very survival of our country's poor families is put at risk based on misconceptions and prejudices, rather than clear-eyed examination of the effectiveness of the current welfare programs. While it may not yet be clear what the consequences of changing welfare will have for the poor and for the rest of us, it is clear that we have eliminated "welfare as we know it" when we did not really "know it" in the first place.

GREAT MILITARY FACILITIES IN FLORIDA

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mrs. FOWLER. Mr. Speaker, let me begin by saying that I take great pride in all the fine military installations we have in Florida. That said, however, I must admit that I have a special place in my heart for the facilities in my own district and the surrounding communities. These facilities are all truly outstanding, and they just keep getting better.

I learned yesterday afternoon that both Naval Station Mayport and the Mayport-based Supervisor of Shipbuilding, Conversion and Repair Jacksonville—SUPSHIP Jacksonville—have been selected as finalists for the President's Quality Award. This prestigious award is the Federal equivalent of the private sector's Malcolm Baldrige National Quality Award for excellence in quality management.

While there are literally thousands of eligible candidates in the Federal Government, only 10 finalists are chosen for this award each year. This year, two of them are from my district—and this is Mayport's second year in a row as a finalist.

I think my colleagues will all agree with me that this is an extraordinary achievement. I want to take this opportunity to congratulate Capt. Scott Cantfil, the CO of Mayport, and Capt. Richard T. Holmes, the CO of SUPSHIP Jacksonville, on their fine leadership. Even more importantly, though, I want to commend the men and women of Mayport and SUPSHIP—both military and civilian—who work so hard every day to achieve such a high standard of excellence. As a friend, a neighbor, and a longtime admirer, I am very, very proud of them all.

Mr. Speaker, these individuals do honor to the Navy, the U.S. Government, and the State of Florida, and it is my honor to represent them in the U.S. Congress.

U.S.S. "SANTEE" VETERANS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. PACKARD. Mr. Speaker, I would like to commend the gallant men of the U.S.S. *Santee* who served during World War II.

Between 1942–45, the U.S.S. *Santee* served in several war zones and took part in numerous combat missions. Operating in the most advanced areas, the U.S.S. *Santee* and her attached air squadron frequently struck enemy targets while themselves under prolonged air attack. During the historic battle for Leyte Gulf, the *Santee* and her crew withstood successively, the first suicide plane attack of the war and a torpedo hit in her side while continuing flight operations and manning her antiaircraft guns.

The U.S.S. *Santee* and her crew served the people of the United States with valor and honor throughout World War II. The carrier and her courageous crew compiled an impressive combat record during her service in the battle theaters of the world. Their valiant action against enemy forces was crucial in our victory over the tyrannical Axis forces.

Each of us is indebted to these gallant men for their extraordinary heroism and devotion to duty.

VETERANS DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. SHAW. Mr. Speaker, I rise today in strong support of our country's veterans. On Saturday, November 11, we will celebrate yet another Armistice Day, or as it is more commonly called today Veterans Day. This is a day when every American should stand together in remembrance, reflection, and gratitude to the men and women who have fought for our freedom, a freedom which has endured only through the enormous sacrifice of the veterans we remember today.

More than 1 million veterans did not return to the freedom of America. Countless other millions returned wounded in body or in spirit. To those soldiers and their families, I pledge today, that we will never forget your mighty tribute to our country.

And on the 11th hour of the 11th day of the 11th month we will stand and salute the flag which our veterans carried with them to the wars, and which serves as a symbol of our national pride. At that moment, when the sirens sound, we must reflect on what kind of America we might live in today if not for the service of those who we honor each year on Armistice Day.

Mr. Speaker, I include the following for the RECORD.

VETERANS DAY, 1995

The threat to freedom and peace is no less sinister than in war. Our country's future must not go by default. The veteran must not fail the Nation's trust.—General Douglas MacArthur

Veterans Day marks the final day of the closing ceremonies of the 50th Anniversary of World War II. Although this day marks the conclusion of the official end of commemorations, we must never forget to honor the brave men and women who served in the war that changed our future forever.

Veterans Day provides us with an opportunity to remember and to acknowledge the sacrifice of men and women who have served their country in the Armed Forces of the United States. It is not a day of sadness, but is in the truest sense, a day of reflection; a day of commemoration; a day of honor; a day of celebration.

Veterans Day allows us to celebrate victory and the ultimate peace achieved on a myriad of battlefields around the world. Peace and victory have been earned with the blood of Americans who sacrificed their lives to preserve freedom and democracy. As terrible as that sacrifice is, nonetheless, it is the most divine of all human sentiments and the unconditional moral evolution of mankind.

Today, freedom enjoyed by us all is directly due to the sacrifice made by the American soldier, sailor, airman and Marine who was willing to fight and die for freedom.

He has engraved his imprint upon the souls of his countrymen. He has molded his statue in the hearts of all Americans. He has erected his monument in the memories of his comrades. His legacy has provided Americans with the highest example of patriotism. His testimonial has provided posterity with the foremost lessons of liberty and freedom. His recollection belongs to us by virtue of his achievements. His memorial belongs to the ages.

Our estimation of him was formed on the battlefields around the world and has never changed. We regard him today as we always have—our nation's enduring hero. He has written his own history in the annuals of war in the blood of his enemy. The glory of his name is the legacy of every freedom loving man or woman who has ever lived or died on American soil.

We do not know the parable of his life. We do, however, know the nobility, the glory, and the significance of his death.

Men and women who have served their country in war need not be reminded of the high price of freedom. They, more than most, understand that freedom earned is always worth the price paid. That is our birthright; the legacy of America. That birthright, that legacy, and that heritage must never be taken for granted. The more difficult the struggle, the more glorious the victory.

Today, children must be taught the value of freedom and at what price their freedom was earned. They must be infused with the singular pride and privilege of being an American, and must be taught the deep sense of duty, honor and conviction conferred upon those of us fortunate enough to live in a free country.

Throughout the history of the United States, succeeding generations of Americans have always been inspired by the deeds, by the valor, and by the sacrifices made by American servicemen who served before them—giants in life and in death. Veterans Day is a gathering of generations, and a gathering of giants, and is the one day that solidifies generations of Americans.

On Veterans Day, a torch is passed from one generation to the other, and empowers us all to recollect and to express our gratitude for those who have served in wars past. The torch is subsequently passed along to our children and to our grandchildren, and burns brightly within the spirit and the soul of men and women destined to uphold the courageous tradition of American servicemen—patriots all who honorably served their country, not only in World War II, but to those who served in Korea and Vietnam, and whose 50th Anniversary will soon be upon us.

The American spirit has always been resolute and cannot be deterred, and is the determination which fires our consciousness through any endeavor, through any ordeal, through any conflict.

Servicemen and women have always been our nation's guardians, and have always protected and defended the sacred traditions entrusted to us by the Constitution. To paraphrase Winston Churchill in honoring British airmen, never has so much been owed, by so many, to so few.

If history has taught us anything, it is that the American serviceman will bear any hardship, will overcome any obstacle, and will conquer any foe in their quest for liberty, justice, and freedom.

As we conclude the commemoration ceremonies of the 50th Anniversary of the end of the war, it is fitting that we pay homage and acknowledge the World War II generation for their contribution to our nation. In a true sense, this generation had a rendezvous with destiny.

KEN SARO-WIWA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. PORTER. Mr. Speaker, I am shocked and gravely concerned about the outrageous death sentences handed down by the Nigerian military tribunal to Ken Saro-Wiwa and eight other Ogoni leaders.

The injustices committed by the Nigerian military dictatorship's special tribunal responsible for trying these men has been well documented by international human rights organizations and independent legal observers. This trial was conducted outside the regular court system and without consideration of the rights of the accused.

As cochairman of the Congressional Human Rights Caucus I have sent numerous letters to the Nigerian Government calling for justice in this case. This recent trial and verdict attests to the Nigerian Government's unwillingness to abide by international human right standards ensuring that their citizens are afforded due process. The environmental destruction and human rights abuse that has impacted the Ogoni people and their lands for more than 40 years must be stopped. If Ken Saro-Wiwa or any of the Ogoni leaders are executed, Congress will see to it that all ties with Nigeria, not only diplomatic, but all economic ties, are completely and permanently severed.

HONORING JOHN AND VIVIAN KING

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to John and Vivian King, two people who have been helping their community and the children in northern Virginia for many years.

John King did not start out to do anything special when he started walking his granddaughter to school. But one day her teacher asked him to help in class and he agreed. At that time he had no idea that he would end up creating and running the school's safety program, assisting the counselor with the drug awareness program, and recruiting grandparent volunteers.

When Belvedere Elementary School in Falls Church, was undergoing extensive construction and remodeling, the need for a comprehensive safety program was evident. In addition, the safety of children going to and from school had been an increasing problem. Mr. King developed a safety program for kindergarten through sixth grade. He did not just go into the classrooms and talk, he created lesson plans which involved role playing and skits. He also used posters, charts, and questionnaires.

The "Just Say No" program has been highly successful as well. Using carefully prepared lessons, poster contests, guest speakers, and field trips, Mr. King has impressed upon every student the importance of keeping away from drugs. His programs have been such a success that he has been asked to take them to other elementary schools in northern Virginia. In addition to his work at the schools, Mr. King is very active in his church, where he is involved in CCD classes, and in the church's elementary school, where he helps with sex education classes and drug awareness classes.

During these many years of community involvement there has been one person who has been at John King's side is his wife of 50 years Vivian. Mrs. King has never been one to come into the spotlight, she prefers being behind the scenes. However, her acts of caring and kindness have never gone unnoticed. Mrs. King started making bookmarks for all of the children at Belvedere to encourage them to read. She was also ready with homemade cookies and cakes for special events. When Mr. King started the Red Ribbon program at Belvedere Elementary Mrs. King made sure that all of the ribbons had a pin fixed to them before being passed out to all of the children and teachers at school.

In addition to honoring their many years of community service, I know my colleagues join me in wishing John and Vivian a happy anniversary because the Kings celebrated their 50th wedding anniversary on October 29, 1995. The Kings are the proud parents of six children: Gary, Greg, Pamela, Joseph and John (twins), and Michael, who passed away in 1984.

Mr. Speaker, I know my colleagues join me in honoring John and Vivian King for all of their contributions to the elementary schools and community in northern Virginia. It is this kind of civic involvement and volunteer spirit that makes northern Virginia a great place to live.

TRIBUTE TO ALPHONSE STROOBANTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. McINNIS, Mr. Speaker, I rise today to pay tribute to Mr. Al Stroobants for his dedication to serving his fellow citizens, both publicly through his professional career, and privately through the generous donation of $3 million to his community hospital.

Mr. Stroobants is truly living the American dream. A victim of World War II, Mr.

Stroobants was forced to flee his homeland of Belgium with his sister and his parents when it was invaded by Nazi Germans. Escaping through the war zone, he remembers to this day the bombs exploding around him, and the smell of death.

He came to America in 1956, with $55 in his pocket, and an education that ended when he was 13 years old. In 1962, he founded his own company, Belgium Tool & Die, with $3,500 and two apprentices.

By 1990, sales of the company, which he has since sold, were $25 million and Mr. Stroobants was able to sell his product in 35 countries.

To complete the American dream, Mr. Stroobants was able to give back to the community which embraced him and his success; the $3 million gift to the Lynchburg General Hospital. His gift will help save lives, and will ensure the region has a high level of cardiac care. This new center, the Stroobants Heart Center of Virginia, includes cardiac catheterization laboratories, cardiovascular surgery, cardiovascular recovery unit, coronary care unit, cardiac diagnostic laboratories, nuclear cardiology, cardiac electrophysiology, and cardiopulmonary rehabilitation.

Mr. Speaker, I hope you will join me in honoring this fine American and a true patriot.

THE WASTE OF THE UNINSURED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. STARK. Mr. Speaker, Republicans are crowing today that they have discovered that the failed Clinton health care plan cost $14 million to develop.

Yes, that was a waste. It should have been done differently, in the open, and with more congressional consultation.

Some $14 million, Mr. Speaker. That's about the cost of care for 14 very premature babies that could have been prevented if people had health insurance. That's about the cost of 28 cancer cases that could have been detected earlier if people had health insurance.

Yesterday, the Robert Wood Johnson Foundation estimated that the Republican Medicaid cuts would increase the number of uninsured by 50 percent. We already have 40 million uninsured. With their cuts it will rise to 68 million.

There is the true waste, Mr. Speaker. People will die; families will be destroyed; children will suffer because of the budget actions of the Republican majority. Some $14 million was wasted—and it will be nothing, nothing, compared to the waste and death and pain that their budget bill will impose on the Nation.

DEPARTMENT OF ENERGY CONTROVERSY: WE NEED TO MOVE ON

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. RICHARDSON. Mr. Speaker, recently there has been a flurry of press articles concerning Energy Secretary Hazel O'Leary and a DOE consulting contract involving Carma International and a so-called enemies list of the press.

I am attaching some factsheets concerning these issues. Hazel O'Leary has done a great job as Energy Secretary. While not condoning the Carma contract, we should look at all the facts before making any such judgments. The problem of the contract has been corrected and we need to move on.

The Wall Street Journal ran an article on Thursday, November 9, 1995, entitled "Turning the Tables, Energy Department Reports on Reporters."

The Journal article reports that DOE hired Carma International to compile an enemies list. This is simply not true.

The company, Carma International, was asked to provide quantitative and qualitative measurements of the Department's public affairs efforts to see if the Department was doing its job right.

The service purchased was a statistical analysis of the Department's news clips.

There exists nothing behind the numbers—it is only a survey of news written about the Department and its actions. These actions are sometimes controversial and media reports would reflect varied opinions.

The article led its readers to believe that the Department was "reporting on reporters"; the Department did nothing of the sort "poking around on reporters"; the Department did nothing of the sort.

The original focus on the Journal story was the tremendous growth in the media analysis business.

The tenor of the article regarding the investigating of individual journalists was used to describe some services provided by the industry—not Carma, Inc., nor the service provided to the Department.

It is this investigative side of the business—that the Department did not request, pay for, or receive—that has now unfairly become tar that has brushed the Department and the Secretary.

According to press reports, Carma's media analysis services have been retained by the Internal Revenue Service, the U.S. Postal Service, and the Republican National Committee.

FACT SHEET ON THE DEPARTMENT OF ENERGY'S USE OF MEDIA ANALYSIS

Reports that the Department of Energy compiled an "enemies list" at taxpayers' expense are dead wrong.

In January 1995, the Department of Energy's Office of Public Affairs asked Carma International to evaluate the effectiveness of its public outreach efforts by performing a series of media analysis.

This effort was launched in response to the Secretary's pledge to make the Department of Energy more open and responsive to the public, and to hold every program within the Department accountable to measurable standards of success.

The Carma analysis was an attempt to measure how the Office of Public Affairs was succeeding in earning the public trust—it was not intended as an analysis of the news coverage itself.

Between January and August 1995, Carma International gathered data. Carma analyzed items that appeared in newspapers, magazines, trade publications, wire services, and on television and radio, concerning the Department of Energy's activities around the country.

The firm took the unfortunate approach of characterizing stories, reporters and sources of information cited in the stories as "favorable" and "neutral." The firm then rated the top 25 "favorable" "unfavorable" and "neutral" sources of information regarding the Department. This was not a service requested by the Department of Energy.

After reviewing the reports prepared by Carma International, the Secretary determined that the information contained in them was neither useful as a measure of success, nor helpful in identifying areas for improvement in the Office of Public Affairs.

In August, the contract with Carma International was cancelled, at a total cost of about $46,500.

The reports were never used or cited again until the Wall Street Journal published its story on today's front page.

Carma International never conducted any background investigations, or compiled any "enemies list."

The list of reporters and "unfavorable" sources cited in the Carma International report was never used in any way, shape or form by the Department of Energy.

THE FACTS

BACKGROUND

The Government Performance and Results Act of 1993 (P.L. 103-62) requires that an annual performance plan be developed "covering each program activity set forth in the budget" of every government agency. Each performance plan must "establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity."

Consistent with P.L. 103-62, all programs in the Department have developed strategic plans and metrics for measuring their performance.

The DOE Office of Public Affairs prepared a performance plan in consultation with a strategic planning group that included members of the trade associations, academia, interest groups, and DOE employees. This group was charged with identifying ways to measure and improve the Department's communication with the public.

The strategic planning group recommended that the Department prepare a media analysis to track its performance in public communication of the complex issues and missions of the Department of Energy.

As a first step, the DOE Office of Public Affairs assessed the cost of performing the recommended media analysis inside DOE. The cost of such an assessment was determined to be $170,000.

The Office of Public Affairs determined that the task could be performed by a contractor more effectively and for less money. The Office examined private sector options.

In January 1995, the Office of Public Affairs purchased the services of the Carma International company.

Carma International was paid $46,500 for the service that they provided from January to August 1995.

The company provided seven reports to the Office of Public Affairs.

THE CARMA SERVICE

In order to evaluate the effectiveness of the DOE Office of Public Affairs, Carma International was asked to provide quantitative and qualitative measurements.

The purpose was to allow the Department to better understand whether the products of the DOE Office of Public Affairs were useful and informative to reporters and the public.

The goal was to improve the quality of information made available about a broad range of Departmental activities.

The purchase order for the Carma services requested that the company "analyze" media stores "to determine what message is getting out to the public." It also requested that the company provide input on whether ["the information is being presented in a favorable or unfavorable manner."]

In discharging their responsibilities under the purchase order, Carma characterized reporters and sources as "favorable, unfavorable, or neutral."

The product that resulted from Carma was a monthly report. Seven of these reports were provided to the DOE Office of Public Affairs.

The reports included a narrative summary of DOE issues covered by the media, an overview of the most frequently addressed issues, and an assessment and a favorability rating on the issues, messages and sources.

The criteria for evaluating favorability was whether the coverage presented the Department as living up to its promises and commitments. Key Departmental promises and commitments included open access, wise planning for the handling of nuclear waste, and responsible management of DOE programs.

Carma was not authorized under the scope of work of the DOE to investigate, rate, rank or score reporters and it did not do so. No investigative work was conducted under the terms of this contract.

The President of Carma, Albert Borr, has stated that Carma is "not an investigative service."

The contract was terminated in August 1995.

UTILIZATION OF THE MEDIA SURVEYS

The seven reports presented to the Department by Carma between January and August 1995) were read by a limited number of people at the Department of Energy.

Secretary O'Leary was provided with some of the reports. She recalls having seen two of the reports and did not believe they were particularly helpful.

The information in the reports was never used by the Secretary or by any other official in the Department either to provide preferential treatment to a reporter, newspaper, or source or to deny access.

The Department's policy of openness has ensured that reporters, media outlets, and sources have full and open access to announcements and information concerning DOE programs.

MARATHON MAN'S SPIRIT WITH US STILL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. SERRANO. Mr. Speaker, the 26th New York City marathon, directed by New York Road Runners Club president Allan Steinfeld, will be run on Sunday. The marathon and the club are the best and most important in the world, and both are the legacy of Fred Lebow. Fred created the marathon in 1970 and remained its leader and guiding spirit until his death from cancer last fall.

As one who has run the New York City marathon, I can attest that the excitement it generates brings the entire city together. There's no better way to see New York City than to run through all five boroughs and savor the variety of their celebrations.

Today's Daily News contains an article by Allan Steinfeld about the marathon, the Road Runners Club and its activities, the progress during the past year, and the anticipation of Sunday's marathon. But, mostly Allan's article is a tribute to Fred, whose name and memory will always be part of the marathon, and whose life the marathon will always celebrate.

Mr. Speaker, the Daily News article follows. I urge my colleagues to read it and reflect on how one remarkable man improved the lives of thousands of individuals and an entire city.

MARATHON MAN'S SPIRIT WITH US STILL

(By Allan Steinfeld)

Fred Lebow will always be a civic treasure in this city, and a treasure to me personally. He created New York's greatest annual athletic event, the New York City Marathon, which this Sunday—and always—will be a celebration of his life.

This past year, since Fred's death Oct. 9, 1994, after a 4½-year battle with brain cancer, has been both exciting and difficult for me. Difficult because Fred is gone—though his presence often seems with us. I think of him every day, especially as we approach the 26th New York City Marathon.

The Marathon, which I am directing this year, has two different meanings for me. First, I want to continue the legacy Fred began in 1970. Second—and this meant a great deal to Fred—this event brings the entire city together in a way no other can.

It is a celebration and an affirmation of life. It feels good to enable more than 27,000 people to have this wonderful experience—one that will change the lives of many of them. And it makes me happy that the Marathon brings approximately $100 million into the city.

LIFE AND RUNNING

My life changed when I began running in 1963. I had never been good at sports. I was skinny and short, with lousy hand-eye coordination. I was a terrible baseball player; when we were chosen for games in the schoolyard, I was always the last choice. At least in football there was some hesitancy by the captains since I was fast and an asset on defense—I could get there quickly and jump well. But on offense I couldn't catch the ball. In basketball I could play defense, block shots and steal, but couldn't dribble and shoot.

In 1963 I went to college, Hunter and then City, and had the opportunity to run track. It changed my life and self-image. I started to see myself as capable and physical, not just cerebral.

Here was something I could excel at.

Now, as president of the New York Road Runners Club, I'm in the position to foster its continued growth—not growth for its own sake, but because it improves the lives of our members.

The NYRRC went from 30,000 to 34,000 members this past year, keeping us the world's No. 1 running organization. It was our biggest increase in more than a decade. Fred would be very pleased. He would be happy about all of our corporate sponsors; he knew they were necessary to keep the Marathon and road running growing.

Celebration is the word I always associated with the Marathon and Fred. New Yorkers celebrate by running and watching this event. And we are building upon the foundation Fred created.

Our not-for-profit organization is involved in a great deal of community activity; we plan to expand in that area. We would like to get more women and families involved in our health and fitness programs. We sponsor, along with Asphalt Green on the East Side, the City-Sports for Kids Program, which serves some 2,000 boys and girls and includes basketball and track and field. We sponsor a Junior Road Runner Club Series—noncompetitive races for youngsters, and provide Group Safety Runs, "safety pairing" for runners throughout the city and a Central Park Safety Patrol and Park Care program.

FRIEND & HERO

Fred was a legend in running, but he was also my best friend. We began working together in 1976; that's a lot of years.

One of the greatest moments of my life came when, in June 1990, Fred and I ran a victory lap around the Central Park reservoir after an MRI showed that chemotherapy had begun to shrink the lymphoma in his brain. We needed to run together, and Fred ran the best time he had in about a year.

Fred turned New York's Marathon into the world's best—what he always said he wanted it to be. Cancer may have taken him, but he lives on in the Marathon, his cherished creation.

STATEMENT FOR THE RECORD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. CASTLE. Mr. Speaker, I rise to introduce two temporary duty suspension bills. It is my understanding that they are noncontroversial. I am introducing these on behalf of AgrEvo, a company located in my home State of Delaware whose business is strictly limited to the manufacture, distribution, and sale of proprietary patented agrichemical products to American farmers. These bills will assist the company's overall competitive posture by lowering its cost of doing business. Further, duty exemption legislation will enable the company to maintain a stable and growing work force.

I realize there are serious budgetary and other constraints impeding the progress of such duty exemption bills, but by formally introducing such legislation we can begin to create the necessary visibility and interest within the U.S. trade community and their European counterparts so that these issues can be negotiated. The administration has the authority to forward specific tariff reductions to the World Trade Organization to facilitate the adoption of chemical tariffs at lower levels. By allowing other countries to participate in the World Trade Organization to harmonize chemical tariff agreements, the administration would be able to address the growing demand for new duty suspensions on chemical products by utilizing existing tariff proclamation authority.

This legislation would benefit American businesses, workers, and our farmers. It is my hope that these duty suspension issues can be resolved.

INDIVIDUALISM AND COMPASSION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Ms. McCARTHY. Mr. Speaker, I would like to take this opportunity to share with my colleagues a most thoughtful and insightful article by Dr. Wallace B. Smith, president of the Reorganized Church of Jesus Christ of Latter Day Saints. I am proud to say that the church is headquartered in Independence, MO—the heart of my congressional district. Under the stewardship of Dr. Smith, who has served as president for 20 years, the church has carried out its mission of spreading peace and harmony throughout our community and the world. The church's temple, an architectural wonder, rises like a beacon and serves as an eternal reminder of the powerful spiritual presence we are so fortunate to have in our community. The compassion and concern the members of the church have for mankind is perhaps best illustrated in the following article, which I commend to the attention of my colleagues and ask that it be inserted into the CONGRESSIONAL RECORD.

[From The Saints Herald, Feb. 1995]

INDIVIDUALISM AND COMPASSION

(By Wallace B. Smith)

The rhetoric of some politicians these days seems to be echoing a deep-felt mood among many citizens that ought to be troubling for followers of Jesus Christ.

The mood is not unique to any specific people, race, ethnic group, or nationality, although it was manifested rather widely in the United States during and subsequent to the November 1994 elections. Much was said about a seeming desire for change on the part of the electorate, and change was certainly reflected in the election results. There was a desire, it was said, to make government more responsive to the people—if necessary, by replacing the current political office holders with new, albeit untested, ones.

This desire has now been accomplished and has been interpreted by some as mandating a change in the social agenda as well. Indeed, the conservative philosophy of less dependence on government, more individual initiative, and increased self-reliance has been on the rise. Unfortunately, such seemingly desirable societal traits can also be viewed as "code words" that encourage the needs of the poor to be ignored, individual freedom to become license, the self systematically exalted, and injustice against the weak and the powerless fostered.

These latter qualities, which are manifestations of the sin of self-centeredness, are the very characteristics Jesus consistently pointed out to his disciples as those to be guarded against. That is why such traits, when they begin to be a reflective of the mood of a nation or a people, should give followers of Jesus Christ cause for concern.

Whether we who live in the United States of America are experiencing such a mood just now is a question that needs to be explored in light of some pertinent information. A publication from Bread for the World recently called attention to the Personal Responsibility Act being advocated by some U.S. congressional leaders. This act lumps the Women, Infants and Children (WIC) program; food stamps; and school lunches in with other general welfare reforms in such a way that they are reduced three times as much as they were in the early 1980s.

At the same time, according to Bread for the World, these congressional leaders are calling on the religious community to assume more responsibility to assist people in need. If the approximately 350,000 churches in the United States were all to assist equally in this task, each would need to give $170,000 to make up the $60 billion in funding it is said the passage of the Personal Responsibility Act would save the government over a four-year period. Such a response is a practical impossibility.

Even more at risk are programs that help hungry people worldwide. All foreign aid represents only about 1 percent of the U.S. federal budget, and only about one-third of that goes to programs focused on reducing poverty and promoting sustainable development. Yet foreign aid will probably be cut another 25 percent in the coming year, and the poor and the hungry will be affected the most.

It is important to realize these are not just partisan political issues. Members of Congress from both political parties feel tremendous pressure to be responsive to their constituents. These are people, many of them staunch churchgoers, who are telling their governmental representatives to cut programs that assist poor people, homeless people, people without sufficient food and basic necessities.

Why would they do that?

Perhaps some truly believe that the moral values that link personal responsibility with social change are presently missing among a large number of society's poor and disadvantaged. But, as Jim Wallis points out in Sojourners, "to call for self-improvement and a return to family values while ignoring the pernicious effects of poverty, racism, and sexism is to continue blaming the victim" (September–October 1994, page 16).

Perhaps what is needed most in this time of societal discontent is a willingness to take more responsibility for our own lives, to live more simply, but also to be more willing to take action on behalf of those whom Jesus calls to our attention as most worthy of our concern. For, as we are reminded in Matthew 25: "When the Son of man shall come in his glory . . . then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world. For I was an hungered, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in; naked, and ye clothed me; . . . Verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

TRIBUTE TO THE MEMORY OF STEVE CULLEN

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today to pay tribute to the memory of one of Wisconsin's finest public servants, my good friend and colleague Steve Cullen.

Steve Cullen dedicated his life to the betterment of the city of Milwaukee and the State of Wisconsin. A graduate of Milwaukee's Washington High School and the University of Wisconsin-Milwaukee, Steve served on the Milwaukee Common Council for 12 years. He was a tireless public advocate who was not afraid to fight for his constituents. Steve's accomplishments are great. He will long be remembered for his successful efforts to bring cable television to Milwaukee, his drive to reform and reorganize city government, and his leadership and expertise on budget matters. When Steve tackled a project, no matter how challenging, he did so with enthusiasm, vigor, and integrity.

Steve will also be remembered for his boisterous personality and sense of humor. Steve brought laughter and joy into every room he entered, and could brighten your day like no one else.

Above all else, Steve Cullen was a devoted father and loving husband. Those who knew Steve well understood that the time he spent with his beautiful daughters Annie, Kathleen, Molly, and Colleen, and has wife Gael were the greatest times of his life. I'm sure that his daughters will always remember what a caring and giving man their father was.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Steve Cullen. And I join with the city of Milwaukee and the State of Wisconsin in mourning the loss of an outstanding citizen and friend.

HAPPY BIRTHDAY TO FATHER GEORGE F. RILEY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 10, 1995

Mr. MANTON. Mr. Speaker, I rise today to wish a happy 60th birthday to Father George F. Riley. It is rare to meet a man who is so dedicated to his community.

A native of Massachusetts, Father Riley has been an important part of the Villanova community for the past 35 years where he currently serves as the special assistant to the president of the university. In this position he is responsible for assisting the development and maintenance of a strong communication network between Villanova and the more than 75,000 alumni around the world.

Father Riley's positions in the field of teaching and administration is impressive. His positions include campus Peace Corps Director; provincial secretary; archivist and vocation director of the Augustine Order which conducts Villanova and national director of the alumni fund. He also served for 21 years as vice president of university development. During his tenure he raised over $83 million in grants and gifts for Villanova University.

In addition to his many works at Villanova University, Father Riley is involved in a number of other organizations. These include; a trustee emeritus of Merrimack College in Andover, MA, a commissioner at the Pennsylvania Public Television Network Commission; member of the board of directors of the Higher Education Congress of Philadelphia, and the United Way.

Mr. Speaker, Father Riley has also been the recipient of several awards and honors. These awards include "Man of the Year" by the Hebrew Academy of Atlantic County, NJ; the Friendly Sons of St. Patrick of the State of New Jersey; the Italian Press Club of Philadelphia; the Distinguished Community Service Award by the B'nai B'rith of New Jersey; the Rafter Football Memorial Award as well as Philadelphia's prestigious Commodore John Barry Award by the American Catholic Historical Society.

Mr. Speaker, I know my colleagues join me in wishing Father George F. Riley a very happy 80th birthday with many more in the future. Father Riley is an illustrative individual dedicated to his church, education organizations and community.

SENATE—*Monday, November 13, 1995*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Ultimate Sovereign of this Nation and of our lives, we commit this day to seek to know and do Your will. Our desire is to do what is best for our Nation. Help us to wait on You and listen patiently for Your voice whispering in our souls solutions for the complexities we face. Guide us to express our convictions with courage, but also with an openness to others. Give us humility to be more concerned to be on Your side than assuming You are on our side.

In the present conflict between the Congress and the President over the Federal budget, and with the looming crisis of governmental shutdown, we ask You to bless the negotiations of this day. Help the President and the leaders of the House and Senate to combine confrontation and compromise as they work together to find a solution to the present deadlock. We all have in common our trust in You and our dedication to serve our Nation. We relinquish our desire simply to win in a contest of wills. If we all seek You and Your righteousness, we know You will show us the answer. For Your name's sake and the good of America. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from New Hampshire.

SCHEDULE

Mr. GREGG. Mr. President, this morning it is the leader's intention to turn to the consideration of the House message to accompany House Joint Resolution 115, the continuing appropriations bill, and hopefully pass the resolution on a voice vote. Following the passage of the continuing resolution, the Senate would immediately begin consideration of the House message to accompany H.R. 2491, the budget reconciliation bill.

Four motions to instruct the conferees are in order: Regarding Social Security, health care, Medicare tax cuts, and nursing standards. There is a 1-hour time limitation on each motion. Votes will be stacked to begin no earlier than 5:30 p.m., today. And at 2 o'clock, following debate on the motions to instruct, the Senate will consider the House message on H.R. 927, the Cuban sanctions bill, in order to appoint conferees.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative check proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. GREGG]. Without objection, it is so ordered.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

Mr. HATFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2491) entitled "An Act to provide reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Kasich, Mr. Walker, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Sabo, Mr. Bonior, and Mr. Stenholm.

As additional conferees from the Committee on the Budget, for consideration of title XX of the House bill, and modifications committed to conference: Mr. Kolbe, Mr. Shays, Mr. Hobson, Ms. Slaughter, and Mr. Coyne.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and subtitles A–C of title I of the Senate amendment, and modifications committed to conference: Mr. Roberts, Mr. Emerson, Mr. Gunderson, Mr. de la Garza, and [VACANCY].

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title III of the Senate amendment, and modifications committed to conference: Mr. Leach, Mr. McCollum, Mrs. Roukema, Mr. Gonzalez, and Mr. LaFalce.

As additional conferees from the Committee on Commerce, for consideration of title III of the House bill, and subtitle A of title IV, subtitles A and G of title V, and section 6004 of the Senate amendment, and modifications committed to conference: Mr. Bliley, Mr. Schaefer, and Mr. Dingell.

As additional conferees from the Committee on Commerce, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. Bliley, Mr. Bilirakis, Mr. Hastert, Mr. Greenwood, Mr. Dingell, Mr. Waxman, and Mr. Pallone.

As additional conferees from the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. Bliley, Mr. Bilirakis, Mr. Tauzin, Mr. Barton of Texas, Mr. Paxon, Mr. Hall of Texas, Mr. Dingell, Mr. Waxman, Mr. Wyden, and Mr. Pallone.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of title IV of the House bill, and title X of the Senate amendment, and modifications committed to conference: Mr. Goodling, Mr. McKeon, and Mr. Clay.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of title V of the House bill, and title VIII and sections 13001 an 13003 of the Senate amendment, and modifications committed to conference: Mr. Clinger, Mr. Schiff, and Mrs. Collins of Illinois.

As additional conferees from the Committee on International Relations, for consideration of title VI of the House bill, and section 13002 of the Senate amendment, and modifications committed to conference: Mr. Gilman, Mr. Burton of Indiana, and Mr. Hamilton.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title IX and section 12944 of the Senate amendment, and modifications committed to conference: Mr. Hyde, Mr. Moorhead, and Mr. Conyers.

As additional conferees from the Committee on National Security, for consideration of title VIII of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. Spence, Mr. Hunter, and Mr. Dellums.

As additional conferees from the Committee on Resources, for consideration of title IX of the House bill, and title V (except subtitles A and G) of the Senate amendment, and modifications committed to conference: Mr. Young of Alaska, Mr. Tauzin, and Mr. Miller of California.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of title X of the House bill, and subtitles B and C of title IV and title VI (except section 6004) of the Senate amendment, and modifications committed to conference: Mr. Shuster, Mr. Clinger, and Mr. Oberstar.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title XI of the House bill, and title XI of the Senate amendment, and modifications committed to conference: Mr. Stump, Mr. Hutchinson, and Mr. Montgomery.

As additional conferees from the Committee on Ways and Means, for consideration of titles XII, XIII, XIV, and XIX of the House bill, and subtitles H and I of title VII and title XII (except section 12944) of the Senate amendment, and modifications committed to conference: Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Shaw, Mr. Bunning of Kentucky, Mr. Gibbons, Mr. Rangel, and Mr.

Stark: *Provided*, That Mr. Matsui is appointed in lieu of Mr. Stark for consideration of title XII of the House bill.

As additional conferees from the Committee on Ways and Means, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. Archer, Mr. Thomas, Mrs. Johnson of Connecticut, Mr. McCrery, Mr. Gibbons, Mr. Stark, and Mr. Cardin.

Mr. HATFIELD. I move that the Senate insist on its amendment and agree to the conference requested by the House.

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the four motions to instruct the conferees are now in order. The motions to instruct are relative to Social Security, health care, Medicare and tax cuts, and nursing home standards.

MOTION TO INSTRUCT—NURSING HOME STANDARDS

Mr. PRYOR. Mr. President, I have the first motion to instruct the conferees, and this motion does, in fact, relate to the nursing home standards. Is it in order now?

The PRESIDING OFFICER. Yes, it is in order.

Mr. PRYOR. Mr. President, I send my motion to the desk to instruct conferees.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

MOTION TO INSTRUCT CONFEREES

Mr. Pryor moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 2491 be instructed to insist upon maintaining the Federal nursing home reform provisions of law that were enacted as part of the Omnibus Budget Reconciliation Act of 1987 and that provide for Federal quality standards and mechanisms for enforcement of such standards for nursing homes under the medicare and medicaid programs without an option for a State to receive a waiver of such standards.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized for 40 minutes. The Senator from Michigan will be recognized for 20 minutes.

Mr. PRYOR. Mr. President, later today, the U.S. Senate is going to be making a very, very interesting decision relating to the choice of the standards that we are going to employ for the 2 million nursing home residents who are today residing in America's nursing homes.

By the year 2030, Mr. President, we will no longer have 2 million nursing home residents. We are going to have 4.3 million nursing home residents residing in America's nursing homes. The question that we are going to decide this afternoon, Mr. President, is going to be that choice that we express as to which standards and how high the standards will be of protection—or I should say the protection for these nursing home residents who today reside in America's nursing homes.

In 1987, the U.S. Congress decided, after serious studies, after absolute horror stories, that it was time to have uniform standards on the Federal level. In 1987, for the first time, sweeping reform measures, sweeping standards were enacted in what we call now OBRA '87. Mr. President, necessitating this action was the fact that many of the States were not complying with the law, nor were they enforcing present State standards, nor was there a uniform code of standards nationwide that governed the policing, you might say, the regulating and the standard setting that protected nursing home patients.

OBRA '87 came about. Today we are proud to report that, last evening, approximately 142,000 nursing home residents in America went to bed, went to sleep unrestrained. We are proud to report, Mr. President, that 30,000 nursing home patients today in America do not have bedsores because of the nursing home reforms and the strict guidelines of 1987.

In 1987, it was not a partisan effort. In fact, the late Senator John Heinz, former Senator Durenberger, former Senator Mitchell, majority leader George Mitchell of Maine, and many others in the Senate coalesced to bring about a bipartisan effort to have uniform, very carefully crafted procedures and standards on the national level, whereby these nursing home residents would be protected.

Mr. President, the irony of all of this argument today is, I do not know why this issue is before the U.S. Senate. These standards were working. In fact, these standards were working very well.

I ask unanimous consent that each of these letters I will refer to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BEVERLY ENTERPRISES, INC.,
Fort Smith, AR, October 25, 1995.
Hon. DAVID PRYOR,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PRYOR: Beverly Enterprises, the nation's largest provider of long term care services in the United States, supports strong, uniform and consistent Federal Standards for nursing homes and believes the focus of current efforts should be on improving, not eliminating the current standards.

Since Congress enacted the Nursing Home Reform Statute of 1987 (OBRA '87), Beverly has supported the Statute and continues to support the retention of Federal Standards.

It is critical that the health, well-being and dignity of our nation's elderly citizens be protected in every nursing home in the country. We believe that Federal quality standards are an effective way to ensure that this is achieved.

Beverly's commitment to the OBRA '87 Standards is evidenced by our institution's training programs throughout the company and the adoption and application of standards that in many instances exceed OBRA requirements. Prior to the implementation of OBRA '87, in October of 1990, our quality Management program required our facilities to meet standards similar to those required by OBRA '87. As a result we have exceeded the compliance rate of the industry as a whole for the last five years. The recent Consumer Report study recognized Beverly's compliance rates.

We recognize the need for industry-wide standards. We agree fully that there must be uniformity and consistency in quality standards across the States. OBRA '87 has been an impartial landmark in setting the ground work and we urge Congress not to eliminate the progress that has been made in improving the care provided to our nation's frail elderly.

Sincerely,

DAVID BANKS.

STATEMENT OF STEWART BAINUM, JR., SUBMITTED TO THE SENATE SPECIAL COMMITTEE ON AGING, OCTOBER 26, 1995

As the Chairman and Chief Executive Officer of Manor Care, Inc., I want to express our strong support for retention of the Nursing Home Reform Act of 1987 (OBRA '87). Manor Care owns and operates 170 skilled nursing facilities in 28 states, and provides care to over 20,000 residents.

The OBRA '87 reforms represent the most comprehensive revision of nursing home regulations since the inception the Medicare and Medicaid programs in the sixties. As I recall, the bill was over 1000 pages long, and addressed critical areas of care, such as resident assessment and care planning, nurse aid training and testing, resident rights, nurse staffing ratios, and enforcement. The final product reflected the agreement reached among 60 national organizations, representing consumers, seniors, providers, and state regulators. It was a painstaking process that worked. In fact, OBRA might depict one of the finest collaborative achievements ever in the history of health care legislation.

Manor Care proudly supported OBRA in 1987 because the legislation offered a valuable means of protecting and promoting the quality of life for one of the most vulnerable segments of our population. We must afford nursing home residents an environment which is safe and ensures their physical and mental well-being. OBRA '87 has been widely successful in accomplishing this goal.

Manor Care pledges to continue to meet these federal quality standards because they are reasonable, and have led to significant improvements in the care delivered to our residents. As a national company, we are supportive of the uniformity and consistency these standards provide across the states.

OBRA created a system of care delivery to help guarantee the dignity and respect of institutionalized seniors. Do not undo the valuable work that has been done. We ask that Congress support retention of the Nursing Home Reform Act and its standards. Stated most simply, it is the right thing to do.

Mr. PRYOR. Mr. President, one of the letters is from Beverly Enterprises, dated October 25, 1995. This is the largest provider of long-term care services in the United States, supporting keeping the stronger—not the weaker—standards embodied in this concept and instructing our conferees to maintain the strongest nursing home standards.

I will quote from the letter:

> Beverly Enterprises, the nation's largest provider of long-term care services in the

United States, supports strong uniform and consistent Federal standards for nursing homes and believes the focus of current efforts should be on improving, not eliminating the current standards.

This is signed by David Banks, the chief operating officer and chairman of the board of Beverly Enterprises.

Here is a statement of Stewart Bainum, Jr., to the Special Committee on Aging, October 26, 1995.

As Chairman and Chief Executive Officer of Manor Care, Inc., I want to express our strong support for retention of the Nursing Home Reform Act of 1987.

Manor Care proudly supported OBRA in 1987 because the legislation offered a valuable means of protecting and promoting the quality of life of one of the most vulnerable segments of our population.

Mr. President, what we have seen is, once again, that these standards are working so well—they are working as the Congress intended them to work—and we have seen a dramatic decrease in the dehydration of nursing home residents, a 50-percent decrease in dehydration since 1987. Second, we have seen a remarkable decrease of physical restraints, some 50 percent, as compared to pre-1987 periods. We have seen a remarkable decrease in indwelling urinary catheters used on nursing home residents. We also point with great pride to that significant victory. Across the board, the nursing home regulations have not only worked, but they have worked well and they are working today.

So why are we trying to repeal the nursing home standards that everyone agreed to in 1987, that even the major providers agree to today, that all of the statistics show are working, that the nursing home residents are being protected, as they have been never before protected in our nursing homes? Why is it that we are suddenly trying to eliminate these standards?

Mr. President, to me, that is a mystery.

On October 27, by a vote of 51 to 48 in this Chamber, the Senate went on record as adopting the more stringent and retaining the Federal standards for nursing home protection.

A short while later, only about 6 hours later, Mr. President, we were discussing and had laid before the Senate the so-called Roth amendment which was sponsored by our colleague and friend, Senator ROTH, the chairman of the Finance Committee.

By a vote of 57 to 42, Senator ROTH's amendment prevailed. In my opinion and in the opinion of others, Mr. President, we dramatically, I should say, weakened the present nursing home standards.

This is just not my opinion that we are weakening these standards, Mr. President. It is also the opinion written on November 1 by the National Association of State Long-Term Care Ombudsman Program Directors, Mr. President.

Today we are writing to voice our opposition—from the ombudsmen who are out there in these nursing homes every day—to Senator ROTH's omnibus floor amendment [which] was passed and included nursing home provisions that can gravely weaken the quality of care standards you helped to reinstate.

. . . we believe this will be harmful to the quality of care provided to nursing home residents across the country.

Mr. President, not only do the ombudsmen out there in these homes every day feel that we are about to weaken these standards unless we instruct our conferees to keep the present hard standards—I should say stronger standards.

We have a letter from the Nursing Home Reform Coalition group.

The Coalition, however, does have serious concerns about the amendment providing for state waivers from the federal standards, passed by the Senate on Friday, October 27. The language in the amendment would allow States with standards "equivalent to or stricter than" the federal requirements to use its own standards.

* * * * *

We urge you, Senator PRYOR, and your colleagues, to consider the following recommendations:

Do not support maintaining this waiver provision.

* * * * *

Provisions giving the Secretary the authority to take action against a facility providing substandard care, and where the state has not taken adequate enforcement action.

Mr. President, I ask unanimous consent that the letter from the Nursing Home Reform group, from the Ombudsmen who have written in about the nursing home standards be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF STATE
LONG-TERM CARE OMBUDSMAN
PROGRAMS,
Austin, TX, November 1, 1995.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: Thank you for your successful effort in offering an amendment that reinstated the nursing home quality standards into the Senate Budget Reconciliation Bill. It was rewarding that it received some bipartisan support. This was particularly meaningful considering the House Bill eliminated these critical federal standards entirely.

Today we are writing to voice our opposition to Senator Roth's omnibus floor amendment was passed and included nursing home provisions that can gravely weaken the quality of care standards you helped reinstate.

As you know, the Roth amendment allows States to apply for and be granted waivers from the federal nursing home regulations. As stated in the amendment, a State can seek a waiver if it has equivalent to or stricter requirements as determined by the Secretary of Health and Human Services. For the following reasons, we believe this will be harmful to the quality of care provided to nursing home residents across the country.

It could lead to 52 different sets of standards. This would make federal oversight and enforcement impossible.

The provision lets the door open for States to seek private accreditation of nursing homes as their form of quality standards. The Ombudsman Program's experience has shown that accreditation alone is no indication of quality care.

This would create another level of federal bureaucracy charged with the task of approving and then monitoring the waiver.

There would be increased cost upon the states to write and apply for a waiver as well as the federal government's cost with the administration of the waivers.

NATIONAL CITIZENS' COALITION
FOR NURSING HOME REFORM,
Washington, DC, November 1, 1995.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: The National Citizens' Coalition for Nursing Home Reform commends you for your leadership in having the federal nursing home standards maintained in federal law. As you are aware, federal standards are critical to achieving and maintaining uniform basic good standards of quality of care and life for our nation's nursing home residents, many of whom are frail and vulnerable.

The Coalition, however, does have serious concerns about the amendment providing for state waivers from the federal standards, passed by the Senate on Friday, October 27. The language in the amendment would allow States with standards "equivalent to or stricter than" the federal requirements to use its own standards.

If states had standards that were stronger than the federal standards, there would be no need for a waiver, as the stronger standards could be implemented through state licensing requirements. States and facilities are always held to the higher of state or federal standards. Thus, nothing is gained by providing for such a waiver.

Further, it is unclear whether all of the state's standards would have to be equal to or stronger than the federal requirements, or whether a state waiver request would be approved if some of the state standards were equal or stronger. Only enforcement provisions are specified in the amendment language, thus casting doubt that all standards in state law will be evaluated.

When evaluating standards, it is not enough to approve a waiver request based on the fact that a state plan contains the same broad categories of requirements contained in the federal standards. The Secretary has the responsibility of also evaluating the substance of each category under the state plan, and only approve a waiver if the substance of each category is equal to or stronger than the federal standards.

To highlight the importance of the substantive requirements of the federal standards, the bill recently passed by the House of Representatives contains what have been described as "Quality Standards for Nursing Homes," provisions which will replace the standards contained in the Nursing Home Reform Act. In reality, the provisions in the House bill are a mere shell—lacking any substance—of the requirements under the Nursing Home Reform Act. Evaluating any State plan under the type of general provisions contained in the House bill, is no guarantee of the strength of those state provisions. We have prepared side-by-side comparisons of the requirements contained in the House

MediGrant bill with the requirements in the Nursing Home Reform Act, and would be happy to share that with you. The same omission occurs in the lack of substantive language in the waiver provision.

Many states will argue that they currently have provisions that are as good or better than the federal law. Most states currently make that argument. California, for example, announced in October 1990, the effective date of the nursing home reform act, that since it's law was as good as the federal law, it would not implement the federal law. A class action lawsuit was filed against the state to compel implementation of the law. The federal district court ruled that California's law was not equivalent to federal law, and ordered the state to implement the entire law immediately.

Currently, no state has all the provisions of the Federal law, and there is no provision for a waiver from the federal standards. This amendment will result only in costly and unnecessary reviews of state plans and time spent defending denials of waiver requests. Considering the budgetary cuts facing the state and the federal governments, this is surely not the most effective use of limited funds and resources.

The language in this amendment leaves several other loopholes which would undermine the strength of the federal standards. First, there is a provision for a 120-day approval period, a time frame that includes public comment. This time frame is not adequate for public comment to be solicited, received, and the state plan evaluated. So the question arises, what happens if there has been no approval or denial by the 120th day? The amendment language is silent. It would be a travesty if the waiver were deemed approved. We could guarantee that states would then be free to implement standards that were not at least equal to the federal requirements. Residents would, once again, be put at risk of being subjected to lower quality standards, poor care, and violations of their rights.

Additionally, the amendment language does not include any authority for the federal government to take enforcement action against facilities. The enforcement authorized by the amendment is against the State for failing to comply with Medicaid law, or with the state law they have been granted a waiver to use a place of federal law. Thus the Secretary could never take action against a facility, an important tool for achieving facility compliance in meeting contract obligations.

Further, subparagraph (b) Penalty for Noncompliance limits the federal government's ability to enforce the Medicaid requirements to a withholding of "up to but not more than" 2% of the State's "MediGrant." Studies have shown that poor care in nursing homes results in high costs to Medicare due to unnecessary hospitalizations. The state, however, incurs no cost after the resident leaves the nursing facility for the hospital. Thus, it may prove to be less costly for some states to incur a 2% penalty than to ensure that quality standards are being maintained.

Uniform standards for nursing homes, in addition to providing protections for residents and families, also serve another purpose. Standardized resident-level data is necessary in order to generate quality indicators. This enables Federal oversight of quality issues across states and facilitates quality improvement activities which result in cost effective techniques for the care of nursing home residents. This data also provides meaningful consumer information. Allowing states to obtain a waiver from the federal standards would seriously inhibit the ability to collect this important data.

We urge you, Senator Pryor, and your colleagues, to consider the following recommendations:

Do not support maintaining this waiver provision.

If it is inevitable that this provision will remain in the bill, we urge you support including the following provisions in the bill:

The requirement for a written determination that all provisions and substance of state law are equal to or stricter than the federal requirements in assuring that residents attain and/or maintain their highest practicable physical, mental, and psychosocial well-being before a waiver will be granted;

Stating that any waiver request not approved in writing within the specified time period would be deemed denied;

Provisions giving the Secretary the authority to take action against a facility providing substandard care, and where the state has not taken adequate enforcement action;

Requirement that the penalty for failure of a State to comply with a provision of Medicaid law, or State law requirements under a waiver, is the current 100% withholding of Medicaid payments to the state;

Including a private right of action for residents and their representatives to challenge the Secretary's granting of a waiver before it goes into effect.

Thank you for your dedication to the quality of care and services provided to nursing home residents. We look forward to working with you on these issues.

Sincerely,

ELMA HOLDER,
Executive Director.

Mr. PRYOR. I offer also some other concerns I have about the standards as set forth in the Roth language versus the language that we are trying to get the conferees to adopt at this time.

First, in States that get waivers, the Secretary of HHS will have no enforcement authority against individual facilities and weaker enforcement authority against the States as a whole.

Now, why do we want weaker authority? Why do we want weaker standards? This is something that we are asking today as a question.

The second weakness is, Mr. President, that the language only says what the Secretary can do to the States, not to individual nursing homes.

For example, if a State has been given a waiver, if HHS determines that the State, for example, of New Hampshire has laws and regulations that are equal to or better than the Federal provisions, so the HHS Secretary stamps a document saying, "You are under no Federal regulations," then the State of New Hampshire at that time, notwithstanding that a nursing home or several nursing homes absolutely are giving unconscionable treatment to their nursing home residents, the Federal Government has no authority, no empowerment to do anything about those particular homes.

They can move against a State. They cannot move against the particular homes. Those residents, those nursing home residents, Mr. President, are sitting there, lying there, housed there absolutely helpless and without an advocate to come to their side to protect them.

The third concern, Mr. President, current law today allows the Secretary to withhold all Medicaid funds from the States that have problems in nursing homes.

Senator ROTH's amendment that was approved by the Senate which preempted the so-called Pryor-Cohen amendment, the Roth amendment only allows the Secretary to withhold 2 percent of Medicaid funds from waiver States.

What kind of a lever is that? What kind of a bargaining chip is that, just to be able to hold 2 percent of the Medicaid funds from those States with a waiver?

Also, Mr. President, look at the litigation. Just imagine the litigation that is going to result if we do not keep the present standards. If we wade off into this unknown field that our colleagues on the other side of the aisle have presented to us and say, "If you get a waiver, you can do this," but there are no guidelines. We are not sure what is going to be the law or the regulations that each State will adopt. We will just do our best.

Mr. President, how much litigation is going to result from this indecision, from this attempt at obfuscation of the nursing home standards that have served us so well since 1987? To me it is unconscionable for us to think about watering down the present standards that we see today that have served us so well in nursing home standards.

Mr. President, I am very hopeful that the Senate later on this afternoon when we begin our voting process is going to support this motion to instruct the conferees to keep the present nursing home standards that we have and, once again, that have served us so very well.

Mr. President, we are also looking today at the typical nursing home resident. We look at those nursing home residents and realize that before 1987 and before we had these particular nursing home standards that we are trying to maintain today—look at the characteristics of a nursing home patient, of a nursing home resident. All of us in this Chamber, perhaps, have someone in a nursing home—an aunt, uncle, a mother, dad, grandmother, grandparent, grandfather, relative, good friend. We will look at the characteristic of the nursing home patient and residents that we have today.

Mr. President, 77 percent of all of the nursing home residents need help in dressing; 63 percent need help in toileting; 91 percent need help in bathing; 66 percent have a mental disorder. Mr. President, also, over 50 percent of the nursing home residents today in America have no relative, no friend, no one that becomes their friend and their advocate to make periodic visits, to make certain that basic rights are adhered to.

We have certain things that OBRA '87 brought about. The right for the nursing home patients and residents to choose their own physician. We are about to repeal that, perhaps. We have basically the protection that the nursing home residents can open their own mail and have the confidentiality of their medical records being protected. We are about to repeal that.

Mr. President, the average nursing home resident out there today, we feel, needs every protection, the highest standards that we can bring about. And for us to turn our back and say we are going to, basically, obliterate these standards and have them no longer, in my opinion would be a tragedy and a disgrace.

Mr. President, I see my colleague from Michigan, who has now come to the floor. I understand he is going to manage this issue for the other side. So, since he wants to speak, I assume, I will at this point yield the floor and reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I yield myself such time as I may need to speak more generally on the reconciliation bill that is going to be dealt with later this week.

Earlier, when this issue regarding motions to instruct was being talked about, there were several I was considering bringing. Because of the unanimous-consent agreement that was entered into, these are precluded from being brought here today, but I would like to speak responsive to those because I think it is important, as our conferees begin to meet, that they focus on some of the issues of difference that existed between the Senate package and the package that passed the House.

In particular, as you will note, Mr. President, back during the final hours of debate on the reconciliation bill, the so-called Byrd rule was invoked to remove from the Senate reconciliation bill a number of provisions which related to the welfare reform proposals that are in the reconciliation bill. I had considered bringing back some of those in the form of instructions to our Senate conferees to accede to what the House has attempted to do in these areas, because I think it was a huge mistake for the Senate to remove some of these things from our package.

Specifically, during the final hours of that debate we removed part of the welfare reform bill that would have provided States with an incentive, in the form of additional dollars, to those States that were able to reduce the rate of illegitimate births, of out-of-wedlock births, through various programs they might enact so long as they did not simultaneously increase the abortion rate as a way they might accomplish the reduction in the out-of-wedlock births. This was a topic we debated at great length here in the Senate when the topic of welfare reform was before us. It is one that really had quite a bit of consensus support on both sides of the aisle. In fact, an amendment relating to it was defeated, an effort to take it out of our welfare bill, with more than 60 Senators voting to retain this so-called illegitimacy bonus language in the bill.

I think we have heard, from both sides of the aisle and across America, great concern expressed in an ongoing basis over the problem of rising numbers of illegitimate births in our country. Indeed, we have even heard percentages that are projected to be as high as 40 percent of all children born in this country by the year 2000 will be born out of wedlock. The social indicators are that children born under these circumstances typically have higher rates of dropout from school, higher drug abuse rates, higher likelihood of becoming, themselves, involved in some type of criminal activity. It is a problem that spans the entire country and it is one which we in the Congress, I think, have responsibility to address.

The one and only way in which we attempted to address this very specifically in the welfare reform bill was through this provision, which would have provided States with the incentive to reduce the number of illegitimate births. For that reason, I was stunned when the Byrd rule was invoked, to try to remove—and in fact it did remove—this provision from the bill. In my judgment it was a terrible statement to make at the time when people from all political perspectives are arguing this is a problem of national concern and a problem we must address.

I can understand there were politics involved in the invocation of the Byrd rule with regard to the reconciliation bill on a number of fronts. But this statement was a mistake. I think making this statement sent the wrong signal. I think in many ways it was a repudiation of the concerns of average men and women, citizens across this country, who have been focusing on what we are doing here and asking, hoping the Congress will be responsive to a serious problem.

So, Mr. President, I say again, even though it is not in the form of an instruction, it is this Senator's hope the conferees will work to make sure the provisions in the reconciliation bill which addressed out-of-wedlock births in the form of providing States with financial incentives to address these problems locally will keep such language in whatever package returns to us.

Another provision which was likewise removed was the provision which would have capped the amount of time that people could be recipients of welfare benefits to 5 years. As I have traveled throughout my State, one of the concerns I hear expressed constantly by people is the notion that they do not want to see welfare become a way of life. The best and surest way to address that, I think, was the approach which we took here in the Senate in the welfare bill we did consider. It was overwhelmingly adopted. Approximately 87 Senators joined together to support the bill. In that bill we had a 5-year limit on the benefits that people would be allowed to receive from the welfare system. That, too, was a provision that was struck during the debate on the reconciliation package, again, I think sending absolutely the worst possible signal the Congress of the United States could send to people in this country who look to us to set rules that are fair and responsive to their concerns.

As I talk to the hard-working men and women of my State, who pay their bills and pay the taxes and are genuinely compassionate toward those in need, what I hear them say is, "Fine, we want to provide a safety net. We want to be helpful. But we think there are certain points at which enough is enough. Five years seems like a reasonable period of time for them."

For that reason, I sincerely hope, again, the conferees on the reconciliation package, whether or not it is in the form of an instruction from us, will be responsive to these concerns and retain the sort of language which we had in the Senate bill prior to the invocation of the Byrd rule during the last hours of debate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum not be charged against either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield myself 5 minutes off the motion.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

THE IMPENDING SHUTDOWN OF THE FEDERAL GOVERNMENT

Mr. GREGG. Mr. President, I am not going to speak specifically to the resolution, but I do want to speak to the underlying issues with which the resolution—and the other business which we will be taking up today—is involved. That, of course, is the question of the impending shutdown of the Federal Government, what has brought it about, and where we are going.

I think it is unfortunate that it has been characterized—but it is not unusual—as I understand it, by the national press as an event which is involving a confrontation over personalities, a confrontation that has borne the position of business as usual, or politics as usual; not necessarily name calling, maybe name implying, rather than a confrontation for what it is.

This is an issue involving some very substantive philosophical differences that we have arrived at, and we have not yet arrived completely at the point of final decision, if there is ever a final point of decision, in the business of governing because the point of final decision is more appropriately the reconciliation bill at which this motion to instruct is directed. The reconciliation bill, which is now being conferenced, involves the fundamental changes which we as Republicans have proposed—or many of them anyway—especially in the entitlement accounts; fundamental changes which go to the fact that we believe the Nation's budget must be brought under control, that our Federal Government must work towards a balanced budget; and that needs to be done within a confined period of time; that we need to reach that balanced budget by the year 2002, or 7 years from now; that the way you reach that is not by cutting the Federal Government but slowing its rate of growth, and specifically slowing the rate of growth in certain major entitlement programs such as Medicare, Medicaid, welfare, farm programs; and, that in slowing the rate of growth of the Federal Government we believe—and we have put forward proposals with which we think we can deliver better programs.

We can, for example—and have—put forward a program which is going to deliver to our senior citizens we believe a much stronger Medicare system, at least one which will be solvent, which is absolutely critical, something which will not occur if action is not taken. As we have heard from the Medicare trustees, the Medicare trustees say that it is going to be insolvent unless something is done. What we have proposed—and what is being discussed—essentially is to say to seniors we are not going to allow you to keep your present health care system. But, if you wish to participate in it, we will give you a choice of other forms of health care delivery. We are going to give you choices of other forms of health delivery, like I or other Members of Congress have, and using an HMO, or a PPO, or some of these other initials, which mean basically groups of doctors and different types of health-care suppliers getting together and offering you, the seniors, service.

We are going to bring the marketplace into the Medicare system, and by bringing the marketplace into the Medicare system hopefully create more efficiencies of delivery of service while still delivering first class-service, and in the process giving our seniors more choices; and, also in the process slowing the rate of growth of Medicare.

We have proposed in the welfare area that we take this system—which is so fundamentally flawed, which has created such dependency amongst so many of our citizenry and has not allowed people to get off the system but rather put people into the system for generations—and say to those folks, "Listen. You can only be on welfare for 5 years. You have got to be willing to go to work, if you are going to get welfare benefits." And, more importantly, we are going to turn it back to the States and allow the States to manage this welfare system, something that we should never have taken from in the first place because the States can do it so much better, to be quite honest, because they are closer to the people that are impacted by this.

So we are putting forward ideas which fundamentally reform the way this Government operates.

Today we are confronted with the fact that the President has vetoed the continuing resolution, which would allow the Government to operate for a couple of weeks, because he disagrees with the basic theme of the proposals that we are putting forward. It is the administration's essential position that the status quo works. I do not believe the status quo works. And many of us obviously on this side of the aisle do not believe that the status quo works. We happen to believe that this Government needs to be adjusted, that we cannot pass a Government on to our children which is fundamentally bankrupt and expect our children to have an opportunity to prosper.

So we come to the point of decision. That point of decision is going to be the reconciliation bill. But, prior to getting to that point, we have reached this preliminary discussion over about how we fund the Government for the next 2 weeks. And the President has decided to make a stand at this point on his belief that the Government of the status quo is appropriate. So that is his right. It is his right to put forward that philosophical position—that this Government is not large enough, that it should get larger, that this Government should take more taxes from our citizens rather than less tax taxes, that this Government, which has a Medicare system which is going to be bankrupt, according to our own trustees, should pursue a system which does not correct that system, or improve that system. That is his right to put forward those philosophical differences.

What I think is unfortunate, however, is that, as we move forward over the next week, we will be in a period of confrontation which appears to be one surrounding politics as usual—name calling or posturing that is superficial—rather than one that in actuality we are really discussing here, really getting to the question of how this Government is delivered over the next 7 years, as to how this Government is going to be restructured and reformed, and, in my opinion, improved, and significantly strengthened.

So as we take up this issue for the balance of the day—and I suspect we are going to be in this matter of the Government shutdown for quite a few days because I do not see any immediate resolution of it—I hope that we will stick to the issue of discussing the substance that has gotten us here, the substantive issue which have brought us to this point.

Those substantive issues really come down to this. Do we wish to bring the Government into balance? Do we wish to have a Government which is fiscally responsible, one which is a Government which we can afford, and a Government which our children can afford? That is what this debate is really all about. It is not about who talked to who on the flight to Israel. It is not about what the phone conversations were, and the tone of the phone conversations. It is about whether or not we as a nation are going to finally make some decisions, and we in the Congress and this President as a Presidency are going to finally make some decisions about restructuring this Government and make it affordable for our children, and how we go about doing it.

My expectation is that we will not resolve this overnight; that decisions which will be made in the next 24 hours will not be those so momentous as to complete or even significantly impact that final decision process, but it may well be significant in impacting the manner in which we get to that final decision. We can spend our time over the next few days as we debate this continuing resolution, which is simply a preamble to the major issue which is reconciliation. We can spend our time debating the superficial issues of who, where, when, or what names we call each other or we can talk in terms of the substance of the debate which is how do we reform this Government and how do we take this Government which is so completely out of control and bring it under control; how do we give our children an opportunity to have a lifestyle that is better than ours; how do we become a generation which passes more on to children than was passed on to us by our elders.

These are the core issues, the issues of substance which we should be discussing over the next few days, and hopefully we can attend to those issues rather than become involved in the ancillary issues of name calling, political posturing, of Government by polls and Government by reelection.

Mr. President, I yield back such time as I may have.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Arkansas.

SETTING THE RECORD STRAIGHT

Mr. PRYOR. Mr. President, I was not planning to respond to my good friend from New Hampshire, and I agree with him 100 percent; it is not the time for name calling and politicization of this issue any longer. But I do feel it is time to set the record straight, and I would like to take just a moment of the Senate's time to sort of begin to set the record straight as to what is happening right now with regard to this issue of so-called shutting down the Government.

This is not something that just happened in the last 24 or 36 or 48 hours. This has been going on for several months now. In fact, back on September 22, Speaker GINGRICH boasted:

> I don't care what the price is. I don't care if we have no executive offices. I don't care if we have no bonds for 60 days, not this time.

That is a quote in the Washington Post, September 22, 1995.

Look at what the Republicans have done. This is a fact. They have completely shut the Democrats out of the budget process. We know it. They know it. It is a fact of life. We have not been a part of this process. We have wanted to be a part of this process, but we have not been included. For example, after proposing the most massive cut in Medicare in the history of America, our Republican friends held only 1 day of hearings on this proposal—1 day. It is the biggest cut in Medicare we have had since 1965.

By comparison, the House held 42 days of hearings on Whitewater, Waco, and Ruby Ridge. The Senate held 48 days of hearings on these same issues. One day of hearings, 1 day of hearings on this massive Medicare cut.

Mr. President, I do think it is time to set the record straight. I also think it is time to realize that the President is not willing to impose an $11 a month premium increase on every single Medicare beneficiary as a condition for keeping the Government running.

Look who is being held hostage here. Every Medicare recipient in America is being held hostage, and the price is closing down the Government. And we are going to blame it on the President of the United States.

What is happening is we are only implementing what we call the Gingrich strategy. This is the implementation of a strategy that was conceived long ago but today is manufactured. It is an artificial crisis that has been created. It is a confrontation that has been dreamed up by people who do not care if this Government functions or not. It is a shameful experience. It is an experience about which I think most good-willed people in this body actually shudder when thinking about the Founding Fathers of this country—bringing us to this point of closing down the Government in order to make political hay.

Mr. President, you know and all of us know that this artificial crisis basically revolves around one provision, the Medicare provision in the reconciliation bill, and the continuing resolution. But the truth is that the Medicare provision in this particular continuing resolution is also included in the reconciliation bill.

Why is it we have not straightened that out so far? It is pretty apparent. We have not even appointed the conferees to go to conference on the reconciliation bill, and yet we are about to close down the Government. We do not even have the conferees appointed. There is no one to go to conference with and to solve this issue. That has to be a problem, and it has to be a responsibility of the majority party in the Senate and in the House. The Chair knows this. I know this. My colleagues know this.

I think it is time to set the record straight. Earlier this morning, the Democratic party, Democratic side of the aisle had agreed; we thought we were getting ready, with unanimous consent, by voice vote to go ahead and pass the continuing resolution, let it go down to the President, not hold up this thing any longer, not continue the threat of closing down the Government, and then let the President veto it. Let him do it early in the day.

We wanted that to happen. I hope that can still happen. Right now I do not know exactly what is going on, but I do know this, that this President at this moment is ready, willing, and able to talk to the other side of the aisle, I assume at the White House or anywhere else, and talk to them about the measures necessary to keep this Government functioning as it was intended to function and to stop implementing this grand Gingrich strategy, this contrived artificial crisis which does not have to happen.

Mr. President, I understand my good friend and colleague from North Dakota would like 4 minutes, and I yield my friend 4 minutes at this time.

Mr. DORGAN. Mr. President, I thank the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes.

Mr. DORGAN. Let me take just a minute to follow on these comments.

We are here in the middle of a significant debate about the reconciliation bill and about the continuing resolution, the debt extension, and the public might wonder why. Why are we doing all of this?

A continuing resolution is necessary because virtually none of the appropriations bills have been passed on time. I think one of them reached the President on time. Most of them have not been passed through conference and sent to the President. They are supposed to be done, but they are not done.

Even more important, the law requires that the reconciliation bill be passed by Congress on June 15. It is now November 13. The fact is we are now going to in November and December debate a reconciliation bill for which there have not been conferees appointed 5 months after the law requires this Congress to do its job.

It seems to me it is hard for people who are doing this to claim they are part of some reform party. So I guess the point I would make about this issue of the shutdown is people are wanting to know who is going to share the blame or claim the credit. There is going to be no credit here, no credit in a shutdown.

Yes. I would say it is true there are too many pollsters in the White House. But it is also true, painfully true, there are too many Republican Senators running for President. That colors all of these decisions. And it is also true that Speaker GINGRICH has boasted for months about the train wreck he is apparently going to engineer and apparently we will realize this week.

There will be nothing but blame if this happens. It is not a thoughtful approach and not the right way for us to do public policy. For 200 years representative democracy has rested on the ability to compromise among differing points of view, and that is what ought to happen today and tomorrow. And we ought to solve these problems.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

MOTION TO INSTRUCT—NURSING HOME STANDARDS

Mr. DORGAN. On the specific amendment offered by the Senator from Arkansas, I came just to offer a word of encouragement. This is a very important amendment. Those who talk about reform and a new and different future and then say, "By the way, why do we not get rid of Federal standards or national quality standards on nursing homes" do no service to the word change or reform.

I have sat in nursing homes for some good long while, regrettably. Many of us probably have with parents and other loved ones. I also sat recently at a hearing at which we heard from people who led the charge for nursing home reform in 1987 for Federal quality standards. You all know the stories. You have read the stories of the 1950's, 1960's, 1970's about what was going on in some nursing homes in this country. For good reason we adopted national quality standards.

Anyone who wants to retreat once again to experience the stories that we heard in the hearing recently by families who had loved ones in nursing homes, anyone who wants to retreat to that era is not understanding, in my judgment, what that era was all about. We have, I think, done a real service for our country and for senior citizens with the quality standards that came from the 1987 act, and we ought not to retreat on those standards and we ought not repeal those standards.

The first inclination of the Senate and the House was to go ahead and repeal them. Then the Senator from Arkansas raised such a fuss, as did others of us, that they finally said, "Let's not repeal them outright. Let's just say we won't repeal them, but give the States the ability to seek waivers," which is the same thing for a State that wants to get them repealed.

So I am pleased today to add my voice to the amendment offered by the Senator from Arkansas. This makes good sense. Every Member of the House and Senate ought to vote for this. I am all for change. I am all for constructive change that improves things that need improving, but I am not for change that suggests let us turn back the clock to the 1950's here with respect to quality standards in nursing homes.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. Mr. President, if I might inquire, please, of the Chair, what is the time situation for the Democratic side and the Republican side of the aisle remaining on the motion?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes 40 seconds. The Senator from Michigan has 4 minutes 15 seconds.

Mr. PRYOR. Mr. President, I thank the Chair.

I suggest the absence of a quorum. I ask unanimous consent that the time used in the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I yield myself such time as I may have remaining. I may use all of it; I may not.

Mr. President, I think it is important for us in this discussion of the nursing home standards to emphasize several points that are part of the Senate-passed reconciliation bill which is going to conference because some allusions have been made that would suggest that there is an interest in that package in backing away from Federal standards that have been created here in the Congress.

I just would say this: I think that part of that attitude or that sentiment is also suggesting that somehow the States and local communities of our country are lacking in the compassion and the concerns that we have here in Washington. I cannot speak for what might have been the conditions in the 1950's or 1960's that were referenced, but I believe that in the 1990's Governors and State legislators have every bit as much concern and compassion about these issues as we do here in Washington.

I also think it is the case that a lot of States had these concerns before we did here in Washington. Proponents of the Federal standards have suggested that what this legislation does, as passed over here, is to eliminate these standards altogether. But the bottom line, Mr. President, is that the Senate bill does include the Federal nursing home standards.

States, however, have complained about the administrative burdens associated with implementing these Federal standards since the very beginning. Obviously, there is inevitably some tug of war that goes on between Federal and State governments over the rules and regulations. We do not in the legislation we passed propose in any sense to back away from the Federal standards that are out there, but we do acknowledge sometimes the implementation of a Washington-knows-best, one- size-fits-all approach does not translate into efficiency in government at the State and local level because of the diversity between the 50 States.

Therefore, what we have done in the bill that passed the Senate is not back away from Federal standards. We have retained them in the legislation. What we have done, however, is include a provision that only allows States with nursing home standards that are equal to or stricter—or stricter—than the Federal standards to seek a waiver from the Secretary of Health and Human Services.

Let me just go over that again, Mr. President. We are not talking about less stringent standards. We are talking about States that have equal or more strict standards may seek a waiver from the Secretary of HHS to be able to use their standards and to supplant Federal standards with the stricter standards that they may have at the State level.

We are talking here about seeking a waiver, Mr. President. We are not talking about anything that happens automatically. The Secretary of Health and Human Services must reach the conclusion that the State standards are equal to or stricter than the Federal standards before the waiver will be granted. If the Secretary does not believe that the State nursing home standards are equal to or stricter than the Federal standards, no waiver will be granted. That seems to me to be the best way, Mr. President, to preserve the tough standards that I think all of us here at the Federal level want to see maintained across this country.

I just say that the comments of the Senator from North Dakota struck home with me, as I am sure they did with many others, because I would bet virtually every Member of this body has had a loved one at one time or another confined to some type of care facility, a nursing home or other similar care-providing facility. We want those tough standards. But we also recognize, and I think this compromise is the way to achieve it, that sometimes the States can do it better, the States can do it less expensively, and the States can have tougher standards.

Obviously, different States have had different experiences. But my State, I think, is a good example of one which was ahead of the curve on these issues. Michigan was interested in quality nursing homes long before the Federal Government established its standards in 1990. Indeed, the Michigan Nursing Home Reform Act was passed and signed in 1978. And it was a much tougher law than anything that existed at the time.

It still contains some of the strongest penalties in the country for poor performance. In fact, recently an effort to test the standards of our nursing homes found that our State government did its tests. Only one nursing home it went into failed to meet the tough standards Michigan imposed. We are proud of the way we oversee these facilities. I think other States are, too. I think this waiver system is the way to balance Federal concerns with State flexibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. ABRAHAM. My time has expired.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Who yields time?

Mr. ROCKEFELLER. Might the Senator from West Virginia ask the Senator from Arkansas a question?

Mr. PRYOR. Mr. President, should the Senator from West Virginia like some time to ask a question to the Senator from Michigan, I will be glad to yield to him 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I say to the Senator from Michigan, I just came on the floor this moment, but I thought I heard the Senator saying that States, where standards are as strict or stricter than Federal standards, could seek a waiver.

Mr. ABRAHAM. Right.

Mr. ROCKEFELLER. That leads to the question as to States which are not restricted or whose standards are in compilation or regulations are being made, et cetera. I ask this question: It was my impression at one time in the evolution of the majority party's standards for nursing homes that each State was allowed to describe and make its own standards; is that correct?

Mr. ABRAHAM. Mr. President, it is my understanding we are debating today the current focus of the reconciliation debate, which is the bill that passed the Senate. I believe in the perfecting amendment the Finance Committee brought to us, the concerns that were raised about standards being below Federal standards were addressed in such a way that the only waivers that will be permitted are those which would be offered for States that have standards that are equal to or stricter than.

Mr. ROCKEFELLER. I understand that. I am not even talking about the waiver question. I am talking about the matter of States setting standards, whether or not they get to the waiver point. Is it not true that all 50 States would then get to set their own standards, and then at some point along the line, obviously somebody would make a judgment as to whether the waiver was justified or unjustified?

Mr. ABRAHAM. Right now, my understanding is States are free to set their standards today. The issue of whether to comply with their own standards or to be held to a higher or Federal standard is going to be determined by the Secretary of Health and Human Services who would be empowered to decide whether or not those State standards that they might set were equal to or stricter than the Federal standards. If they are not, then they cannot be used.

That is my understanding of the way this would work. I believe right now the legislature of Michigan or the legislature of West Virginia could pass legislation that would have standards of their own choosing. The issue of whether or not those would be preempted by Federal standards, I think, would be determined, under our bill, by the Secretary of HHS who might decide the Michigan standards, as has been the case for many years, are tough standards; tougher, in fact, in many cases than Federal standards.

Mr. ROCKEFELLER. I think before the time runs out, let me just make my point to the Senator. And that is, I understand the point the Senator is making, but I think there are a large number of States, I believe, which do not come under any kind of Federal standards, whether they are by waiver or not, which are allowed to make their own standards, which is not exactly the same as it is today where States do have to comply with certain Federal standards, witness 1987. And that the Senator makes the assumption that the junior Senator from West Virginia would not make, and that is that the States would make standards for their nursing homes which would be at or above Federal standards. That is something which concerns me greatly, but I was trying to seek information from the Senator.

Mr. ABRAHAM. Just in summary, my impression and understanding of what we attempted to accomplish here was to create a Federal standard that would be a floor rather than a ceiling, and if States wanted to have more strict standards, they would be permitted waivers to do so, but they would not be permitted waivers if they had standards less strict. That is my impression of the legislation.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. PRYOR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. PRYOR. Mr. President, I do not plan to use 8 minutes, but I would like to, basically, close my proposal that our conferees, when named, be instructed to keep the present standards for nursing homes this Congress adopted by an overwhelming bipartisan support in the great effort of 1987.

I would like to talk about the substance of the difference between our proposal and the proposal as supported, evidently, by our good friend from Michigan and his colleagues on the other side.

First, we are yielding two things in the Roth proposal that we voted for on October 27. We are yielding two things. The Federal Government, notwithstanding the fact that all nursing home residents—most of them, two-thirds—are Medicaid paid for, so there is a Federal involvement, a Federal attachment, but the Federal Government is saying, unless we instruct the conferees, unless we keep the present standards, the U.S. Government is saying in effect, we are giving up any protection or any regulations or any enforcement opportunities, notwithstanding the fact that nursing home residents are not treated fairly; that they are given poor food; that they are not clothed properly, they are not bathed properly. All this can take place, and if a State has a waiver, Mr. President, the Federal Government has given up that opportunity to enforce standards.

The second major concept that I would like to talk about that my friend from Michigan has raised—and I thank my good friend from West Virginia who has been so strong in the movement behind keeping the strongest and strictest standards—is the concept of a State being able to adopt stronger standards. That is the law today. That is the beauty of the 1987 law.

The Federal Government said, "States, if you want to, you can adopt stronger standards than the Federal Government has." That is what we said to the States. There is a former Governor of a great State, a great Governor of the State of West Virginia. I was the Governor of Arkansas. I may not have been a very great Governor, but I was a Governor. I said, that makes sense. I said that in 1987, that makes sense.

So today we give the States that opportunity to go forward to adopt any stronger standards they would like if they think that Federal standards are not sufficient. But if the States apply to HHS and the Secretary of HHS stamps that piece of paper and says you have a waiver, then the Federal Government is walking away from its powers to enforce, the Federal Government is walking away from its powers to regulate, and we are going to rue the day, because we are going to find ourselves back in the pre-1987 period of time when we saw that many of the nursing home residents were not being cared for, that they were not being protected, that there were too many bedsores, that they were improperly tied up, that they were improperly looked after, basically, Mr. President, and there is no reason—there is no reason—as Time magazine said, there is no reason for us to go back to the dark ages. There is no reason for it. There is no support for it.

I can say, if we had the 2 million nursing home residents out there in our country voting as to whether they would like to have this extra amount of protection by the Federal Government, I think all of us in this body would know what that vote would be. I bet it would be unanimous, of all 2 million residents out there who would be saying, "Thank you for that extra protection because my quality of life is being made better."

Mr. President, this has been an issue for some weeks now that has basically been a very grave concern to many in this body and many in the other body, many organizations. But if I might, I would like to state just a few of the groups who have written in support of keeping the strongest standards:

The American Association of Homes and Services for the Aging; the American Federation of State, County and Municipal Employees; the American Geriatrics Society; the American Health Care Association; the American Medical Directors Association; the

Catholic Health Association; the Catholic Social Services Organization; the United Auto Workers, and actually a long list of individual nursing homes across our country that in the past you might have said, "Well, these nursing homes would like to get by with no regulations." That is not the case.

These regulations, these standards are uniform. They are true in every State. They are the same in every State. If I had a mother living today and she were in a nursing home in California, I could be living in Oregon and I would know exactly what those regulations were, because they are the same all over this country. We need to keep that. We should not obfuscate the nursing home regulations. We should not invite lawsuit after lawsuit to try to find out what these regulations meant. I have a letter from the National Senior Citizens Law Center.

I ask unanimous consent that their analysis of the legislation, as proposed by Senator ROTH, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL SENIOR
CITIZENS LAW CENTER,
Washington, DC, November 1, 1995.

Hon. DAVID PRYOR,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PRYOR: At the request of Theresa Forster of your staff, I have reviewed the language of the Roth Amendment that addresses nursing home reform. For the reasons stated below, I do not believe that the Roth Amendment reinstates the federal nursing home reform law, as does the Pryor/Cohen Amendment, Number 2983, which was approved by the Senate earlier in the day on October 27. The Roth Amendment fails to provide nursing facility residents with the full protection of the federal law.

1. The waiver language does not make sense, when analyzed. Although there is surface appeal to saying that the protections of federal law will be waived only if the Secretary of the Department of Health and Human Services determines that a state's law is "equivalent to or stricter than the requirements" of federal law, this provision does not make sense when it is analyzed. If a state's law were the same as or stricter than federal law—and therefore the state was doing the same or more than federal law required—why would the state want or need to get a wavier of the federal law? It makes no sense.

Senator Cohen said on the Senate floor on October 27:

"I do not know of any State that has the same or better [standards] than the Federal ones. But assuming States come forward, as they have not in the past, *and raise their standards to those at the Federal level.* If they can establish that, and if they can satisfy the Secretary of Health and Human Services that they have done that, that does not mean they are free and clear to go forward and then abuse their patients. . . ." [emphasis supplied]

Congressional Record, Oct. 27, 1995, S 16044. As Senator Cohen correctly points out, states could meet the Roth Amendment test only by raising their standards to the level of current federal standards. Therefore, the waiver provision makes no sense.

Moreover, a state can always offer more protection to residents than federal law provides, under state licensing authority, and some states do. For example, some states require more extensive training for nurse aides than federal law currently provides.

2. The Roth Amendment includes no standards for the Secretary to use in considering states' waiver requests. In reality, under the Roth Amendment, states will seek waivers of the federal law when their laws are different from federal law. However, the Roth Amendment includes no standards for the Secretary to use in analyzing a state's law. Does a state's law have to be equally stringent in each and every aspect of federal law? Or will waivers of parts of the law be allowed?

Current federal law addresses, with respect to standards required of nursing facilities: quality of life, quality assessment and assurance, scope of services and activities under plan of care, resident assessment, provision of services and activities, required training of nurse aides, physician services, clinical records, residents' rights (including free choice, freedom from restraints, privacy, confidentiality, accommodation of needs, grievances, participation in resident and family groups, participation in other activities, examination of survey results, notice of rights and services, rights of incompetent residents, transfer and discharge rights, access and visitation rights, equal access to quality care, admission policy protection of residents' funds), administration and other matters, life safety code, and sanitary and infection control and physical environment. Current federal law also addresses the survey and certification process and enforcement of standards.

Senator Cohen said on the Senate floor on October 27: "The amendment clearly indicates that no such waiver is allowed unless the Secretary approves the waiver, and *only if each standards is equal to or more stringent than the Federal Standard.*" [emphasis supplied]

Congressional Record, Oct. 27, 1995, S 16043. The language of the Roth amendment does not state that each state standard must equal each federal standard.

Moreover, the federal reform law now permits states to use their own laws and systems to enforce nursing home standards if they demonstrate to the satisfaction of the Secretary that their laws are as effective as the remedies specified by the federal law in deterring noncompliance and correcting deficiencies. 42 U.S.C. §1396r(h)(2)(B)(ii). No state has used the process provided by the reform law to request the right to use its own enforcement system since the new system went into place July 1, 1995.

3. The Roth Amendment offers no process for the Secretary to use in granting state waivers. The Amendment authorizes a 120-day "approval period," (§2137(a)(2)(C)), but does not specify what processes the Secretary must use. For example, there is no provision for notice to the public or for a public hearing on a state's request for a waiver. There is no requirement that the Secretary issue a written determination that a state's law meets the stringency standard and no provision for residents to seek judicial review of the Secretary's decision to grant a waiver.

4. The Roth Amendment does not specify what happens to a state's request for waiver if the Secretary fails to act within the 120 day approval period. If the Secretary does not act to grant or to deny a waiver request within the 120 day approval period, the Amendment does not say whether the waiver request is deemed approved or deemed denied. If the Secretary receives many waiver requests, he/she may need more than 120 days to decide the requests.

5. In reality, many states will argue that their laws are equal to or more stringent than federal law. Despite the language of the amendment, which limits waivers to states whose laws are equivalent to or stricter than federal law, many states will argue that their laws meet the standard, regardless of the merits. Many states already routinely make this argument.

California argued in the summer of 1990 that its law was as good as federal law when it sought an exemption from the law from the Health care Financing Administration and from Congress. California also argued that complying with federal law would cost billions of dollars more than the existing system. HCFA rejected a waiver because it had no authority to waive the federal law and Congress also refused to exempt California from the requirements of federal law. California nevertheless went forward with it defiance of federal law and announced publicly on October 1, 1990, the effective date of the law, that it would not implement federal law. As a result, a statewide class of residents in California sued the state to compel it to implement the federal law. I was and still am, lead attorney for plaintiffs in that litigation. The federal district court ruled in January 1991 that California's law was not the same as federal law and that it offered residents less protection. Finding that residents faced irreparable harm from California's conduct, the court ordered California to implement the entire law immediately. If the reform law had not been in place, with its lack of provision for waiver of federal standards, California residents would not have been protected.

6. The federal government would lose current authority to enforce standards of care against nursing facilities. Section 2137(a)(2)(D), "No waiver of enforcement," begins, "A state granted a waiver . . . shall be subject to [three categories of penalties]." This provision addresses solely the authority of the Secretary to impose penalties against states that fail to meet state standards for which they received a waiver. This language does not retain authority in the Secretary to impose penalties against nursing facilities that fail to meet standards.

Subsection (iii) of 2137(a)(2)(D) does not appear to make sense. Although its purports to give the Secretary enforcement authority under the reform law, the opening language of the section quoted above restricts this federal enforcement authority to actions against states.

Senator Cohen insisted in his statement on October 27 that "the Federal Government must continue a central role in monitoring and enforcing nursing home standards." Congressional Record, Oct. 27, 1995, S 16043. However, the language of the Roth Amendment does not carry out his intent.

7. The Secretary's penalty against states for noncompliance is considerably weaker than current federal law. Section 2137(b) limits the financial penalty against states to no more than 2% of the federal payment under section 2121(c). Current federal law authorizes the Secretary to withhold all of a state's Medicaid payments if he/she finds that the state plan does not conform to the requirements of the Medicaid law or if a state fails to comply with the law in its administration of the state plan. 42 U.S.C. §1316(a)(1).

When California announced on October 1. 1990 that it would not implement the nursing home reform law. the Secretary issued a determination that California was not in compliance with federal law. 56 Federal Register 80 (Jan. 2. 1991). All of California's Medicaid money for nursing homes was jeopardized.

A maximum of a 2% penalty is a considerably weaker federal sanction.

At the Senate Aging Committee hearing on October 26. the witnesses made clear that there needs to be a federal set of standards that are uniform for everyone. no matter where they live. Waivers for what are fundamental rights for individuals who live in nursing facilities (as witnesses described the law) would be granted or denied in a highly political situation. not on their merits.

Thank you for your efforts on behalf of nursing home residents. The Pryor Cohen Amendment. No. 2983. offers better. more comprehensive protection to residents than the Roth Amendment.

Sincerely.

TOBY S. EDELMAN.

Mr. PRYOR. Mr. President, they have analyzed this particular issue, I think, as well as and as objectively and as fairly as they know how. They come down with the bottom line that we do not want to see compromised the safety, health, and the quality of life for the nursing home residents of the United States of America.

Mr. President, I see no other Senator seeking recognition. Therefore, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I do not think I have requested the yeas and nays.

Therefore, I request the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent to temporarily lay aside the motion to instruct the conferees on the nursing home standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD as part of this debate, since our time has expired, a report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REASONS WHY THE NURSING HOME REFORM PROVISIONS IN OBRA '87 SHOULD BE REPEALED

1. The cost to the Medicare program for the survey and certification of Nursing Homes (skilled nursing facilities) will be approximately one hundred million dollars for the current fiscal year. Combine the national Medicare cost with the one hundred million dollar cost to the Medicaid program to do surveys of Medicaid nursing facilities and you can project a total national savings of two hundred million dollars to Medicare and Medicaid.

2. The survey, enforcement and certification requirements flowing from OBRA '87 are excessive in scope, difficult to administer and were not pilot tested to demonstrate their applicability. As a result there is gross inconsistency in survey findings and enforcement remedies between individual states and HCFA regions across the country.

For example, for the 1,676 national surveys competed between July 1. 1995 and September 1, 1995, Michigan found only 1.6% (1 of 61) of facilities surveyed to be in "substantial compliance" and not requiring any enforcement remedies. The national percentage of facilities in "substantial compliance" for the same period was 32%. Michigan continues to identify 60% of its facilities as providers of "substandard quality of care" when utilizing the HCFA definition while the national rate is 18%. These unacceptable variations are largely due to vague statutory requirements that have been implemented without adequate evaluation and training.

3. Implementation of the enforcement requirements in OBRA '87 has resulted in inappropriate labelling of some providers as providers of "Substandard Quality of Care" when the infractions cited are easily correctable. In the meantime, these providers are prohibited for the next two years from having state approval of a nurse aide training program operated in or by that facility.

4. Administration of the enforcement processes required by OBRA '87 is incredibly complex and cannot be administered by the states without a significant increase in the budget and the number of personnel dedicated to this task. Individual states should be given the opportunity to design and implement a survey and enforcement program that make sense, are affordable and can be administered by that state.

5. States have existed state licensure and enforcement laws and regulations. They should be given a chance to use this authority. In the past there was a disincentive to do so since Medicare and Medicaid regulations took precedence since they controlled funding to the facility. States would welcome the opportunity to design their own programs—probably incorporating some of the positive elements of OBRA '87 but leaving out those components that have not worked.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

MOTION TO INSTRUCT—MEDICARE

Mr. ROCKEFELLER. Mr. President, I send a motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

MOTION TO INSTRUCT BUDGET CONFEREES OF H.R. 2491, OFFERED BY SENATOR ROCKEFELLER

I move to instruct the conferees on the part of the Senate not to agree to any reductions in Medicare beyond the $89 billion needed to maintain the solvency of the Medicare Trust Fund through the year 2006, and to reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality.

Mr. ROCKEFELLER. Mr. President, we have come to one of those days, I think, in the Senate and in this Congress which is pretty definitional. I think, based upon some town meetings that I held yesterday in West Virginia in very rural counties, people are really looking at the Congress today to find out what we are made of and whether or not we can govern. I think there is a suspicion that we cannot, but there is a hope that we will. The day that that will be determined will be, I suppose, today and tomorrow, but basically today, up until midnight.

Mr. President, the reason that I have offered this motion, which the clerk just read, is to, in fact, do a favor for every Senator and to give every Senator an additional chance to defend what is probably the most popular program in this country—and that is Medicare—and to protect that program from robbery that can, in fact, still be stopped. But, at the moment, it is not being stopped and, therefore, 37 million Americans are in jeopardy.

The motion, as the clerk read it, gives very precise instructions to the conferees of this reconciliation bill, who are in fact still trying to figure out what to do. If a Senator, at a later hour, is to vote for this motion, the Senator will be telling the conferees that Medicare—again, probably the most popular program in the country—should only be cut to ensure that Medicare's solvency, the trust fund's solvency, is ensured through 2006.

Now, there is no reason to ensure solvency longer than that period because, in fact, there has to be a longer term solution made, in any event, and that, I hope—and I know the majority leader hopes, and I know the ranking member of the Finance Committee hopes—that will be done by some kind of a commission which will be sort of a binding commission, a Base Closing Commission, wherein hard decisions will be made about the future of Medicare, how it is to be paid for, what it is to offer, et cetera, and that will be remanded back, so to speak, to the Congress, who will vote that up or down, and the President will sign it.

My feeling would be, of course, that the Congress would vote for the bill, as they did the Social Security Commission, because it would be carefully thought through by a group of experts, and that is the longer term solution. But that is for another day.

For the moment, we have to figure out how can we get from here to the year 2006 and keep Medicare solvent. The trustees of the Medicare hospital insurance trust fund have made it very clear in public statements, private statements, writings, official statements, unofficial statements, and in any statement they have ever made about this, that all of the problems of

Medicare part A can be solved by means of an $89 billion cut. Of course, that is $181 billion less than the excessive and, I think, dangerous, and certainly unnecessary, cut of $270 million, which was put forward by the two versions of the Republican budgets now passed by the Senate and the House of Representatives.

Mr. President, $270 billion of Republican cuts get you to the year 2006 for solvency, and $89 billion of Democratic cuts get you to the year 2006 for solvency.

At some point, one has to ask the logical question: How come if both get you to the same place for solvency, even give or take a year, why is there such a difference? Why is there a $181 billion difference in what the Democrats are suggesting—this is what the trustees suggested to us—and what the Republicans are suggesting?

This motion is a final chance to go on record for the survival and the solvency of Medicare. I repeat, a final chance. It really is. Every Republican Senator can take advantage in a sense of this 1-day special opportunity. If you want to make it clear that you do not want Medicare to wither on the vine, this is definitely the vote for you.

These are not political words, in fact. The words could not be more clear. They could not be more precise. Mr. President, $89 billion does the job. Anything else is for some other purpose. Mr. President, $89 billion in cuts give Medicare solvency for the short and medium term. Anything else above that is for some other purpose.

The trustees of the Medicare trust fund have said in print and in every other way that $89 billion of savings is precisely the amount needed to ensure Medicare solvency until that magic year of the year 2006. The problem for the Republican budget is that it needs a lot more money than $89 billion in cuts of Medicare.

I am trying to say this as objectively as I can. It really does need more money. If there were $89 billion in cuts made out of Medicare, a major function of the Republican budget would fall on its face. I have a very strong suspicion, as do most of my colleagues on this side of the aisle and surely some on the other side of the aisle, that the reason for $270 billion of cuts in Medicare and the reason, in fact, for $187 billion or $182 billion in cuts in Medicaid adding to $450 billion, to give ample savings or cuts so that the $245 billion tax break can be paid for.

There are not many places in the Federal Government that you can go for money anymore. You cannot go to the Defense Department. We made about as many cuts as we can make there. You cannot go elsewhere—to the National Endowment for the Arts. You cannot go to AmeriCorps; that is being abolished. You really have to go to Medicare and Medicaid.

If the proposition that people want to have a tax break for certain people and certain corporations, then, obviously, at the exact same moment as 7 years is being used to reduce the budget deficit to zero or purportedly to zero—there is discussion about that—you have to get a very large amount of money from some other source. Of course, that source, the largest of all of those sources, and the most tempting target, is Medicare. That is exactly where the Republicans go.

They do that, as I indicate, to pay for tax breaks that are listed one after another after another, promising special dividends galore for people who are already wealthy, and corporations that want to pay less are willing to make working families pay more.

Now, I do not agree with that philosophy. This is a democratic society, a democratic body. The Republicans control the Senate. The Republicans control the House. They have made their decision. This is what they want to do.

Let it be clear that raiding Medicare is not reform. The last time I spoke on this subject, I had a Webster's dictionary and I looked up "reform" in that dictionary. Once again, I refer to that because the record of definition of "reform" is "to put or change into an improved form or condition." That is how Webster defines reform: to put or change into an improved form or condition.

Cutting $270 billion, $181 billion in excess of what is necessary, is certainly not putting or changing Medicare into an improved form or condition. Not only that, it is making decisions about Medicare which should not be made now, which should be made in the context of the longer term, which is the idea of the commission.

Often Republicans say, "Well, Democrats are afraid to means test." I do not think that is the case. I think Democrats are not afraid to means test. In this case, this Senator would not be afraid to means test. I would be very much afraid to means test in the absence of any other consideration of what is going on in Medicare. I want to look at means testing in the broad spectrum of a larger commission, which is what I think that President Clinton would do, perhaps within a year or, if he is reelected, within 2 years. Then call together 30 experts, as he did for the Greenspan commission, and sit down and discuss Medicare behind closed doors, with the public involved through consumers and seniors, experts, actuaries, and everybody else.

When you want to, as Webster says, "to put or change into an improved form or condition," you want to make sure you are doing the right thing with something that means so much to senior citizens and to some disabled, as does Medicare.

So, $270 billion is not going to put Medicare into better form. It will put it into far worse form, a much worse condition. I think that is axiomatic. The numbers would simply say that. We do not have to wait and see. I do not want to wait and see right now what that means.

The reconciliation bill lays out how to get $270 billion out of Medicare in various cold print. The majority party has said premiums and deductibles for seniors shall be doubled. Nothing hidden. The seniors I was with yesterday, their premiums will be doubled. Their deductibles will be doubled. Hospitals will get less. Rural hospitals—I was in a county yesterday in which one of the rural hospitals had just closed, gone bankrupt. I am trying to figure out a way to save it. In the meantime, their costs, were they open, would go up, which makes it, of course, more difficult to open. Doctors will get less from Medicare.

What is interesting is that some doctors have told us for the record that they are just not going to take older Americans as patients any longer. They are not going to accept them as patients. There will be a little sign on their shingle which says Dr. So and So, "Medicare patients, not accepted." They have said that to us, Mr. President. I do not create that.

If all the cutbacks and price increases for seniors could not generate $270 billion, then there is some automatic chain saw which no longer exists in the Senate budget which does in some other draconian form exist in the House budget, some automatic chain saw will keep on cutting Medicare.

The Senate had a very infamous section to it called "BELT," to whip out, to rip-off, so to speak, and then to take Medicare and cut it blindly. In other words, if Medicare grew faster—everybody knew Medicare definitely was going to grow faster. They set in this BELT program a very low growth possibility so obviously Medicare would fail the test, BELT would be put into effect, and then a whole series of cuts would then be put into effect in a whole series of services so they could no longer be offered to Medicare patients.

I think the minority embarrassed the majority in this body to take that out. I am glad. I congratulate the majority party for doing that because I think it was wise to do. But that has not happened in the House, where it is very hard to embarrass the majority party. The minority party is not very good at it over there. They do not have the numbers to do it.

In any event, as far as we know, it stays there, a BELT-like instrument, which is a meat ax, and that will just make the problem of seniors and paying for Medicare much, much, much, much worse. We offer this motion to instruct conferees to give Senators another chance to fix this budget—again; to get the priorities straight—again.

Balancing the budget does not mean, I do not think, by definition, destroying Medicare, hurting Medicare, spending huge sums on new tax breaks and increasing the debt over the next 7 years. It means protecting Medicare's solvency with the $89 billion. It means limiting tax relief to what we can afford.

Notice I am not saying abolish tax relief altogether, but simply limiting it to what we can truly afford. And then limiting it to those who can use it the best, who either need it the most or can use it the most productively, in terms of jobs, in terms of giving people a better opportunity, a life. Of course, it means using some common fiscal sense. That is the kind of budget we should be working together to pass in this body.

I urge every Senator to vote for this motion. I am not sure that every Senator will, but I urge every Senator to do that. It is a bonus vote. Yes, it is our final—and yes it is a desperate—act, to try to convince Senators on the Republican side to protect Medicare and not sacrifice Medicare at this very early stage on the alter of budget deficit reduction for the purpose of a tax break.

Let us remember why Americans of all ages feel so strongly about Medicare. It is one of the country's proudest achievements. It enables every American to count on dignity and decency when they retire and get older. It tells families fortunate enough to have parents and grandparents who grow old that they will not have to make the terrible choice between buying a house or sending a child to college and paying the health bill of a mother, father, grandmother, or grandfather, as they get into their seventies and eighties or beyond that.

The Members of this body on both sides of the aisle should always have courage to change course when the signs are obvious that it is time to go down a different road. We are at, now, such a time. This motion is a genuine effort to give Senators a chance to do just that. I do not know of any other way to appeal to the conscience of the majority in the Senate than by this motion to instruct the conferees. We have exhausted every other opportunity. We cannot vote on bills anymore. All we can do is to make a motion to instruct the conferees to consider what it is we have been trying to say. There is nothing else left to us, so we do what we possibly can to protect seniors.

The plan to use Medicare to pay for other agendas is just not working. The public is not buying it. It is going over like a lead balloon out there on Main Street and in the coffee shops and living rooms and senior centers where cutting $270 billion from Medicare is understood very clearly.

Again, I was at two town meetings yesterday in my State, in relatively rural counties. The people understand, there, the seniors understand, there, very well, exactly what has happened. They did not need to get a lecture from me on it. They understood it. That message has really gotten through. It is really hurting.

If I were a member of the majority party in this body I would hear that message loud and clear. I would be somewhat afraid of that message. But most important, I would respect that message because it is a message which is coming directly from people who are affected by it and they do understand it. They understand it very clearly. The American people are really paying attention to this part of our debate over priorities.

A lot of the rest may go by, but this part they are paying close attention to. They are tuned in and they are turned off and they are angry and they are scared. Not by the minority, but by the fact that their premiums and deductibles will get doubled; that they may be turned away by hospitals or doctors; that hospitals will lose money. Hospitals will not turn them away—but they are scared of the idea of $270 billion in Medicare cuts. And they have every reason to be scared about that, because the $270 billion in cuts are not needed, they are not called for. They have another agenda.

Before Medicare was enacted, just under half of America's elderly had no health insurance—over half had no health insurance, in fact, whatsoever. Can you imagine that? To be 80 years old and have no health insurance? What would that mean to a lady or a man, perhaps living by themselves, to have no health insurance? Today, 97 percent of America's seniors do have health insurance, thanks to Medicare. And that includes 330,115 older and disabled citizens in my State of West Virginia. I happen to care about them. I want to see the right thing done by them. The right thing can still be done by them, for them, by us.

Nationwide, these are Americans whose average income is $17,750, which is not very much money. Not so in West Virginia. In West Virginia the average income for seniors is $10,700 a year, of which already one-fifth is being spent on health care. So think about what an $11 premium increase per month would mean? In other words, if you start out with $10,700 and then already 21 percent is being spent for health care, so that is more than $2,000. And then you have to add on another $1,000 just for the premium. You come very quickly to the point where these folks, who are real people—you know they are real people, they come out in the cold to meetings in West Virginia and other States, and meet with us. They are afraid. I did not tell them to be afraid. They are afraid. They arrive at the meetings afraid. That is why they came to the meeting, because they are afraid and they want to know is there going to be a change in this policy?

They want to stay healthy. They want to stay alive. They do not even get prescription drugs, do they, under Medicare? They do not even get prescription drug coverage; or home care, which is what we all want. They cannot get that under Medicare. But certain things they can get and they really do want them.

If I could be very blunt about it, Medicare, I think, is on the short list of America's all-time great accomplishments as a Nation. I think it belongs on the list that includes winning the American revolution, breaking off with the British, in other words, and starting the world's greatest democracy; establishing Social Security; stopping Hitler and ending the Asia part of the Second World War; sending a man to the Moon. I put Medicare in a league with those. We had hundreds of thousands of soldiers killed in the Second World War. We have hundreds of thousands of seniors who live, dependent, upon Medicare in West Virginia, and 37 million across the country each and every year, except that the number gets larger.

Medicare should not be treated like the bank standing there on the corner to be robbed so the money can be just handed out to the most wealthy, even though some of the intentions might be good. Before the conferees finish their work, this motion is a chance to give up on an idea that is making Americans mad. And it is not just senior Americans.

At town meetings I have gone to over recent months—and the one I was at yesterday—it is not just the seniors that are mad. It is all of those folks that turn out in those rural counties that are mad. They are angry that this is happening—happening in a sense without their knowledge. The knowledge has gotten through because of the press after its usual preoccupation with trying to figure out not the substance of the issue but who wins and who loses. Are the Republicans up? Are the Democrats down? What is Clinton going to do? What is he not going to do in the offer to the President today? That is what it always is. That is what these people have to get. It is political warfare. It has nothing to do with their lives. That is for the most part what the media out there covers. So it is hard for them to get the point, but they are informed on this issue.

So, again, before the conferees finish their work, this motion is a chance to give up on the idea that is making Americans so mad and is forcing the budget process to remain divided and contentious—in some ways is forcing a constitutional crisis. I will get to that in a moment. The Senators on this side have absolutely no choice, Mr. President—no choice.

We have exhausted our remedies. There is nothing more we can do. We are in the minority trying to fight for Medicare. But we have exhausted our remedies except for something called a motion to instruct conferees, which probably will not pass, but I hope it does. I hope it does because it is in the interest of everybody in this body and certainly in the interest of senior Americans.

The President has absolutely no choice but to promise the veto pen. We were elected to stand for what we think this country stands for. That includes the idea of health, income security through Medicare, through Medicaid, and through Social Security—all of these things—when you have finally finished your working years and you reach your later years.

I know the people of West Virginia expect me to keep fighting for Medicare. They told me that yesterday. Go back there and fight. Go back there and fight. That was their instruction. They understand that balancing the budget does not mean using Medicare as some kind of a fund for giveaways. It means using Medicare for Medicare.

The Senate can agree on a budget that will eliminate the deficit, but only when we first agree that Medicare should still be standing the day that vital goal is reached.

Mr. President, I voted for a balanced budget in 7 years. It was not the one that prevailed. It was another one. But it balances the budget in 7 years. I am for that.

So I do not offer this as some kind of an evasive mechanism. I offer it with the deepest sincerity, with a real sense of fear for what is going to happen to our seniors, and potentially to our country.

So I urge my colleagues to vote for this motion to protect Medicare and the millions of seniors who should hear from us that their security is not being traded away.

Let me also just make a comment at this point. If I might ask how much time is remaining to this Senator?

The PRESIDING OFFICER (Mr. SMITH). The Senator has 11 minutes remaining.

Mr. ROCKEFELLER. Mr. President, let me also comment on the issue that fills the morning headlines and the news stories—as well it should—that relates directly to Medicare and the 37 million senior citizens who count on Medicare. We all know too well that some are not acting as if it is not going to happen. But, you know, it is right on the threshold. We are right on the brink.

The Federal Government may shut down within 24 hours. That may be a thought that pleases a lot of people, but if you are trying to land an airplane and you are trying to make sure that you can get a passport to come back from Europe to this country, or whatever, this is a very, very grave subject. This has not happened, I think, since perhaps in the year 1990. And there is some thought that, if this happens, this time it will last longer. The last time it cost the American taxpayers $1.7 billion. Heavens only know what it will cost this time. But here we are.

Is the Government going to shut down in 24 hours? Beyond that, the United States' fiscal integrity is on the line as it has never been on the line before.

When Robert Rubin talks, it is interesting. He is not just sort of talking like the Secretary of the Treasury, so to speak. He is scared. He is afraid of what is going to happen.

Why are we in peril? Why is our integrity in peril? Because our debt ceiling limit may not be extended in time. Why? Because the party, to be quite honest about it, Mr. President, that sought control of this Congress, that asked for the votes to be able to control this Congress—and has those votes and does control this Congress easily—needed to be the majority party. You are. I would say to the Presiding Officer, you all are in charge. And the majority party now refuses to take care of one of the most basic responsibilities involved in Government.

The Republican leaders are actually refusing to allow two basic measures—the continuing resolution and the debt ceiling extension—to travel from Congress to the President without a bunch of unnecessary, inappropriate, frankly some just silly baggage loaded onto these two monumental bills because of what can happen.

It would be one thing if the majority would claim that they have completed their own promised work on the budget and a series of appropriations bills. But they have not. They are still negotiating the reconciliation bill in some room somewhere to figure out amongst themselves just exactly how they plan to cut Medicare by $270 billion. That is going on right now. And then to dole most of that money out through tax breaks.

The Republican majority still needs to finish their own work on the budget, and we are 24 hours from shutting down the Government. Shutting down the Government is like shutting down the people, in certain respects—not in all respects, but shutting down the work of the people and what the people need to have done.

So, for some reason, even though any teacher would give the Republicans an "incomplete" today on their promise to produce a 7-year budget plan, we find the majority party playing with fire and endangering the country in ways that can be and have to be avoided.

Take the continuing resolution. That is the basic piece of legislation to keep the Federal Government operating so national parks stay open, passports get approved, checks go out. The list goes on and on and on. Of all possible pieces of baggage that the majority party could attach to this bill, never, ever, ever, never, ever, ever, did I think that they would take a premium increase in Medicare, a premium increase for Medicare beneficiaries and make it as their top priority—to say to the President of the United States, "You take this premium increase, Mr. President, or we will shut down the Government." Take this premium increase on 37 million seniors in this country or we will shut down the Government.

We used to do that kind of stuff at camp except we did not run the Government. But that is the kind of stuff we used to do at camp, I say to my friend from Arkansas. The Republican leaders are actually demanding that the President swallow an increase in Medicare premiums in order to keep the Government running. The Government is meant to be serious stuff. The premium increase or whatever is going to happen, that comes in the commission stage later on. That should not be the issue now. The issue now should be to make Medicare solvent. I say to the President, do not swallow this ridiculous demand and do not give in to it. Do not do that to our country. Do not do that to your office. Do not humble your office in that manner, by agreeing to this Republican demand to hurt seniors as a tradeoff to keep the Government running.

More than three-quarters of all Americans on Medicare have yearly incomes of less than $25,000 a year, and as I have said, in my home State of West Virginia—and I daresay in the home State of the Senator from Arkansas it is not much more than what it is in West Virginia—the average annual income for Medicare beneficiaries is $10,700 a year—not $25,000, not $17,000, $10,700 a year, and $2,000 plus already of that goes to health care. So that leaves them $8,000 for the rest of the year for everything else. And now we are going to add $150 or whatever of new premiums—and that is just part of doubling Medicare copays and deductibles as is contemplated in the rest of the majority party's budget plan.

The specific Medicare premium increase that the Republican leaders are demanding would cost our seniors an extra $11 a month. That means their premium would go from $42.50 to $53.50 a month. Maybe the upper-income Americans in this body and some others of the upper-income Americans who are counting on a tax cut in the Republican budget bill will not notice the $11 increase in their premium insurance, but I guarantee you every last senior that I saw yesterday in town meetings—that I have seen during the course of these years—will feel it and will have to make choices as a result of it. An extra $11 a month in cost just might mean skipping a couple more meals at the end of the month.

Just talk, you say. No, it is not. It just is not. That is how fine the margin is for them. Or not being able to pick up one's heart medicine or coming up short when it is time to pay for the heating bill.

That is why the President cannot in this Senator's judgment and will not in this Senator's judgment and should not even consider the idea of being pushed by Republicans to raise Medicare premiums even before they have finished their budget.

Today is the day that the Republicans should give up trying to use Medicare and 37 million seniors and disabled Americans as pawns. This is that day. It is a ploy that is not working. It is a ploy which is not good. I think most Republicans probably recognize that at this point.

Mr. President, I close simply by saying that what I am doing is begging my colleagues to walk away from this Medicare premium change at this point. Do not make the President veto it because of something like that. Let us try to do this properly and rationally.

I thank the Presiding Officer and yield my remaining time to the Senator from Arkansas.

The PRESIDING OFFICER. All time remaining under the control of the Senator from West Virginia has expired.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may be allowed 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PRYOR. Mr. President, I thank the Chair.

I thank my colleague from West Virginia. His statement was eloquent. It was delivered with compassion and force as always, and I applaud him for his commitment to this cause.

The Senator from West Virginia has brought up a most telling point which brings us to the brink of the so-called closing down of the Government, which does not have to happen. The Medicare issue that is today in the reconciliation bill is also the issue—that is, threatening to bring down the Government—that the Republicans have put into the concurrent resolution. It is the same issue. It should not be debated in the continuing resolution. It should be debated in the reconciliation bill, as my colleague and friend from West Virginia knows, but there is a reason why there is no debate going on between the conferees of the House and Senate, Republicans and Democrats on reconciliation. We do not have any conferees. There is no one to confer with. And as a result we find the Government is about to close down. We hope not. It is not necessary. It is manufactured, this crisis.

In behalf of the Democratic leader, I would like for the RECORD to indicate that no Democratic Senator would require nor request a vote on sending the continuing resolution in its current form to the President. We understood and hoped this morning that there would be presented the continuing resolution to the Senate. We were not. No Democratic Senator voted for the continuing resolution which passed on Thursday, and we see no reason to delay the continuing resolution going to the President for his disposition.

I ask for 30 additional seconds, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Nor do we attempt to slow down this process. We want to see this process go forward. We want to prevent this Government closing down. It does not have to. It is our understanding on the Democratic side of the aisle that Republicans may now seek to amend the continuing resolution further and we are now waiting word as to what that amendment might be.

Mr. President, I thank the Chair. I thank the distinguished manager. I yield the floor.

The PRESIDING OFFICER. All time of the Senator has expired. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield myself such time as I may require.

Let me today respond in part at least to some of the issues that were raised by our colleague from West Virginia in presenting his motion to instruct conferees. What I would like to begin with is a discussion of the numbers themselves.

The Senator from West Virginia and others on the Democratic side of the aisle have contended in recent weeks that if we only reduced the growth of Medicare spending by $89 billion, somehow this alone would be enough to make the Medicare Program solvent, to preserve and protect and strengthen it.

That is simply not the case. The $89 billion number which has floated around here for some time is a number which at least many of us consider to be a number in great dispute. Once again, it is a number that comes not from the Congressional Budget Office, the office that I would assume Members of Congress would look to for accurate information, but, rather, comes from the Office of Management and Budget.

We have talked on numerous occasions here on the floor of how, when the President was first elected, he came to Congress and said, "It's time to end the games of rosy scenarios and administration politicking by using executive branch numbers. Let's all use the same numbers. Let's all use the CBO." But now when the crisis hits, when the crunch time comes, we are back using OMB numbers. And $89 billion simply will not get the job done.

In fact, it is interesting to note, Mr. President, that the President himself in his proposals to bring the budget into balance has suggested a number in the range of $127 billion as the amount of dollars that need to be reduced in Medicare spending over the next few years in order to bring the budget into balance. That $127 billion is also an OMB number. If it was calculated by the CBO, using the assumptions we have made here, it would be much higher. In fact, I think it would be closer to $190 billion, using CBO kinds of assumptions, to get the job done.

But the $89 billion proposed by this motion really only covers part of Medicare. That is the second thing that needs to be put into perspective. That covers part A of the trust fund. Let us look at that trust fund. Part A of the trust fund will go into deficit this year for the first time in its history. We have heard a lot of talk during the debate about the Medicare Program, from the beginning when the trustees' report was released, that, in fact, the trustees' report should not be taken too seriously. After all, for years and years the trustees have prophesied that at some date in the future Medicare part A would go bankrupt.

Now we are hearing a different story. Now maybe there is a need to adjust it. I say that $89 billion is not enough. There is a very serious need because part A, for the first time, in 1996 will run a deficit. And at this point there is no foreseeable stage in the future when it will not run on an annual basis deficits that will grow larger and larger and larger.

That is because the structure of the program, the way it is currently set up, absolutely guarantees that the deficits in part A will continue to grow. It will grow faster, faster, and even faster in about 15 years as people in the so-called baby-boom generation reach an age when they become consumers of entitlements rather than people providing revenue to these trust funds.

Reductions of $89 billion in spending in Medicare represents business as usual, represents the approach that has been taken for too long here in the Congress of the United States, the kind of piecemeal, one-step-at-a-time approach to Medicare that has caused the program to continue to run at growth rates that are far greater than what the private sector sees in health care provider increases.

It is time to end that approach and play by the real numbers and time to play by the CBO numbers. The $89 billion is a stopgap solution; we need a longer solution. We need not only a solution for part A, we need to solve the problems of part B, because part B is growing too fast as well. That is what we have attempted to do in this budget reconciliation package.

Mr. President, the allusions that have been made suggest that the changes we are talking about are ones that are simply designed to cause people hardship and difficulty. That is not the case. Let me just review for the Congress today some of the changes that are incorporated in our reconciliation package.

First, as was alluded to by the Senator from West Virginia, we intend to means test beneficiaries so that upper income citizens are not on the same level as those in greater need and, in fact, do pay their fair share. It is suggested that before we move in that direction, we should have a long-term study and commission or some other form of assessing whether or not to move toward the pay-your-fair-share approach. I think we should put the commissions out of commission. I think this is an approach that is needed now. We do not need to delay in making that decision.

Second, what we have tried to do in our plan is try to provide those people who are in the Medicare Program with the right to choose a program that is best for them.

The Senator from West Virginia made a comment or two that I was struck by. He talked about how Medicare does not provide for pharmaceuticals. It does not provide, as you also know, Mr. President, for things like new eyeglasses. That is because we have a one-size-fits-all Medicare plan. If you are a senior citizen in this country, you do not have a choice, you are in Medicare and you only get one approach. If you are not, if you are in the younger age category, you have a lot of choices.

What we want to do and one of the ways we intend to bring down the growth of Medicare is by giving our seniors the right to choose different options. I know seniors who say, "What I would like is a system where I do not have to pay for pharmaceuticals, where we have a break on drugs like a lot of private health care plans have." We want to give seniors that right. We do not want to take away their choices. We want to expand them.

I know seniors who say, "I would like to have a situation where I can get my eyeglasses changed and not have to be hit in the pocketbook by the excessive costs of new eyeglass prescriptions." We want to give them that choice, not diminish their choice; expand it.

Finally, what we want to do is eliminate the waste and the fraud and the mismanagement in the Medicare Program. One of the ways we intend to reduce the growth of Medicare is by enforcing tough standards to deal with fraud and abuse. Indeed, Mr. President, this Senator offered an amendment which was adopted to provide the beneficiaries of Medicare with an opportunity to obtain rewards for ferreting out the waste and fraud and bringing it to the attention of Federal officials or finding ways to make the program run more efficiently.

There are a lot of ways we can address these problems. Every way does not include, as was suggested earlier, simply more hardship for people. We are trying to be innovative and broaden the choices for people. And what we are trying to do is offer a long-term solution to this problem, because it is not going to get better, Mr. President, it is going to get worse.

If you are in Medicare now or if you are approaching Medicare age, we are facing insolvency in the Medicare system. And the motion to instruct, if it were to be implemented, would not offset that potential insolvency because, Mr. President, in just a few years, as the entitlement commission indicated just last summer, we are talking about a day in this country, if we do not slow the rate of growth of these programs, when entitlement spending and spending on the interest on the national debt will together consume all of the revenues of Government. That would mean no national security, no law enforcement, no spending on education, training, highways, or anything else unless we started borrowing money at a level that this country's economy could not sustain, which means we have to address these problems now, early in the process, not much later on. That is what the Republican plan intends to do.

Finally, I would like to just address another point or two with regard to the Medicare issue. Today, it is being suggested that the lines are clearly drawn, that there is a side that cares about seniors and a side that does not. The majority party cares about seniors of this country. It was not the majority party that increased the tax on the earnings of Social Security beneficiaries. In fact, every Member of the majority party voted against those tax hikes in 1993. It was the other side who imposed those higher taxes.

It was not the majority party that just last week wanted to give the President the ability to tap into the Social Security trust funds to deal with our debt limit. We want to protect those Social Security trust funds. And that is why our short-term debt ceiling bill would keep those trust funds sacred.

Finally, it was not the majority party that introduced a balanced budget plan that would dramatically change the CPI without any consideration of those issues. It was the balanced budget plan offered on the other side.

Mr. President, we see a lot of polls. We see polls that were alluded to by the Senator from West Virginia that say, "Gee, these plans may or may not be popular today." But, Mr. President, every day the polls change. If there is a new TV ad attacking a plan, that will change the polls. If there is a story in the newspaper or on the news, that will change the polls. We did not come here, Mr. President, to change our philosophies, to change our objectives, to change what we were sent here to do based on the intermittent polls conducted by various pollsters whether for the media or on a partisan basis.

We came here to fulfill promises that were made. And those promises, just so I can bring them back to the foreground, which underlie what we are trying to do across the board with this budget, were to, first, end the red ink in Washington, 25 years of deficit spending. That is what our budget does. It brings the budget into balance. And what does that mean? It means lower interest rates. It means the Federal Government finally operating the way we have to operate in our families and many State and local governments have to operate. That is by spending no more than you take in.

Second, we have an obligation and a promise and a commitment to preserve, protect, and strengthen Medicare, not through next year's election but into the future. And that is what our plan accomplishes.

Finally, we have a commitment, a promise, to let people keep more of what they earn. We heard a lot of talk about this tax cut already. I do not want to get into great detail about it here again today. The motion to instruct suggests that somehow we would offset any budget impact of this reduction in the change in the rate of growth of Medicare by reducing so-called tax breaks for upper income taxpayers and corporations.

Mr. President, the tax cuts that are part of this reconciliation package, just to go over them one more time, fall to families, fall to small businesses in great degree. Over $140 billion of the $245 billion—actually a $225 billion net tax cut—is the family tax credit, and 83 percent of that, under the current version, goes to families who make less than $100,000 a year and over 70 percent to families making less than $75,000 a year.

Another major part of that tax cut is the spousal IRA; another part is ending the marriage penalty; another part is to allow family farmers and small business people to pass on their assets to their children without facing huge Federal taxes at the time somebody passes away.

The only way we are going to offset the change that would be suggested in this motion through tax changes would be to hit families and undermine the tax cuts which we have developed for them. That is not the way, I think, we should do business, Mr. President.

So, for all of these reasons, we stand strong, I think, in support of the original reconciliation package of the past.

At this time, I yield such time as we may have remaining to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming has 7½ minutes remaining.

The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

Mr. President, I, of course as all of us, have listened with great interest this morning. Medicare is an item in which all of us have a great interest.

I would like, as the Senator from West Virginia indicated, to say to the town meeting, Let's take the easy way out. I would like to say, We don't really need to make the tough decisions. We can put it off again, as we have in the past. I guess it would be easier to fix it through the next election rather than through the next generation.

I do not think that is why we are here. Many of us just came here, and we came here with a dedication to make some fundamental changes. We came here with some dedication to not continue as we have over the last 30 years and just fix it so it is easy, just fix it so we can get by until the next crisis, but rather really look at making some fundamental changes.

I think there is a concept we all have to consider, and that is, when you look at the way things are and you are not happy with them, then you have to make some change. You cannot expect to get different results by continuing to do the same thing, which is what has gone on here for too long.

We are seeking to make some changes. We are seeking to make a philosophical difference, a fundamental difference in direction, and I understand there are changes. I happen to believe, and I think the majority party believes, we ought to have less Government, it ought to be less costly, we ought to balance the budget, we ought to have fundamental reform in welfare, we need to strengthen and maintain Medicare, Medicaid, we need to have tax reduction—we believe in that.

I understand there are those who believe more Government is better, and that is a legitimate view. I do not share it.

I am a little concerned, frankly, in the area of public policy where we transfer decisions to people, but they have to be based on facts. I heard yesterday on the TV how we are raising the Medicare premium. It is just not a fact. We now pay 31.5 percent. That is what we will continue to pay. It has been that way since 1990. It was raised by a Democratic Congress in the Budget Reconciliation Act. That is a fact. We are not raising it. It is continuing on where it was as a percentage of the cost of that premium.

A balanced budget, how long has it been? Almost everyone who will get up and object to what is happening has been here for these years when we have not balanced the budget. Now, I know there are various ways to do it, but we do need to change. We talked about the taxes—not accurate. We talked about great educational cuts, less than one-tenth of 1 percent.

So, Mr. President, we need to talk about facts if we are going to have a participatory Government. The President has not participated in this dialog and still does not.

So, of course, we are talking about a popular program and all of us want to maintain it. That is really the issue: How do you best do it.

Why is it attached? Why is this portion attached? Let me tell you why. Because in part A, which it deals with, part A is withheld from Social Security and you cannot change the computers as quickly. If you waited until after the first of the year to do this, then it would be May again before you could change the computers back to 31.5 percent. There is a logical reason for it being there. The rest of Medicare is not there. This one is there because it is a mechanical process that has to be accommodated.

I, too, come from a rural State. Let me tell you some of the things in Medicare that are going to be useful to rural States. The Senator from West Virginia talked about hospitals that have been closed. We just had one close. It had a utilization of 4 percent. You cannot operate that way.

Under the current law, the Federal Government cannot reimburse for hospitals that are not full hospitals. We have a proposition in here to redefine hospitals so that a community like that can have an emergency room, it can have a stabilizing facility so that you could be there and be reimbursed by the Federal Government.

We have Medicare bonus payments so physicians come to these rural areas. We have telemedicine grants, rural emergency access, hospitals which I just spoke about. We do something to equalize HMO and Medicare. In Florida, they get $650 a month for Medicare. In Wyoming and South Dakota, it is $150. That is not fairness, that is not equity.

These are the kind of changes, if we want to have a strong Medicare Program, that have to be made over time. We cannot take the easy way out. We cannot just patch it up and see if it can go forward. We have to make some changes, and that is what it is all about.

Only that portion that has to do with this maintaining the 31.5-percent level is in this proposition that we are talking about, and it is in there for a particular reason, a mechanical reason, so that it can continue to be.

So, Mr. President, I suggest to you we need to reach down, we need to take a look at the kind of results we want, we need to take a look at the fact that under the proposal that is being talked about here, there is only stability for about 6 years, when we are talking about going on to 2009 when the baby boomers come in. You need to do something before that. We do not need to go to another committee. We have been through this time and time and time again. We have spent all 2 years on this matter—everyone in this body.

So we know what decisions have to be made. They are tough. Of course, they are tough. Decisions are not easy. We are here to be trustees for people to make decisions to make things work. We are not here to pass it off. We are not here to be easy. We are not here to be able to get on TV and make things sound great. We are here to deal with the facts. We are here to deal with change. We are here to deal with maintaining Medicare so that we have a program for the elderly, and if we want to do that, then we have to make a fundamental change.

Mr. President, I yield the floor.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Chair indicates to the Senator only 10 seconds is remaining.

Mr. THOMAS. My time has expired.

The PRESIDING OFFICER. All time has expired on the motion.

Mr. GRAHAM. Mr. President, has all time expired on the motion to instruct that was offered by the Senator from West Virginia?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I believe under the previous order, it is now in order to offer a third motion to instruct conferees.

The PRESIDING OFFICER. The Senator is correct. There are two motions pending, the motion to instruct regarding Social Security and the motion to instruct regarding health care.

MOTION TO INSTRUCT—SOCIAL SECURITY

Mr. GRAHAM. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

> The Senator from Florida [Mr. GRAHAM] moves to instruct conferees on H.R. 2491, the Balanced Budget Reconciliation Act of 1995—
>
> (1) to honor section 13301 of the Budget Enforcement Act of 1990,
>
> (2) not to include in the conference report any language that violates this section, and thus
>
> (3) not to include the $12 billion in Social Security cuts that were included as an offset for on-budget spending in the Finance Committee's amendment.

Mr. GRAHAM. Mr. President, I control 20 minutes. The Senator from South Carolina controls 20 minutes. I defer to the Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from Florida.

Mr. President, the reason we make this motion is not simply to obey the law, but to understand and appreciate the reasons that we overwhelmingly passed this law back in 1990.

Let me ask unanimous consent at this point to have section 13301 of the Budget Act printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Nothwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget, authority, outlays, and receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.".

Mr. HOLLINGS. Mr. President, this section essentially says, "thou shall not use Social Security trust funds in computing the deficit or the debt."

We passed this provision back in 1990 after the Budget Committee had fully considered the particular problem. What we had been doing was obscuring the true size of the deficit, not by reducing it, but by moving it. In other words, we would take the surplus in the trust funds for Social Security and count them as revenues so that, when balanced against the expenditure column, it looked like we had reduced the deficit.

The truth of the matter is that we were only moving the deficit—from what we owned the financial markets to what we owned the Social Security trust fund. That is why my colleagues on the Budget Committee voted overwhelmingly to take the Social Security trust fund off budget by a vote of 20–1 on July 10, 1990.

I ask unanimous consent to have the record of this vote printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay:

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Senator DOMENICI, myself, and the rest of the Senate Budget Committee save the Senator from Texas, Senator GRAMM, voted that trust funds of Social Security not be used in calculating the annual deficits or surpluses. Soon thereafter, on October 18, 1990, we had a vote in the U.S. Senate and passed the same legislation by a vote of 98–2.

I ask unanimous consent that that vote be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOTE ON HOLLINGS-HEINZ, ET AL., AMENDMENT WHICH EXCLUDES THE SOCIAL SECURITY TRUST FUNDS FROM THE BUDGET DEFICIT CALCULATION, BEGINNING IN FISCAL YEAR 1991

Yeas (98)—Democrats: Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

Republicans: Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, Wilson.

Nays (2)—Republicans: Armstrong, Wallop.

Mr. HOLLINGS. Mr. President, at that particular time, so there will be no misunderstanding, the present leader of the budget in the U.S. Senate, the chairman of our committee, Senator DOMENICI of New Mexico, said:

> I support taking Social Security out of the budget deficit calculation. I support the Heinz-Hollings-Moynihan amendment.

Thereafter, the Senator did have some misgivings, and I want to quote him:

> The issues involved with taking Social Security, including interest, out of the budget deficit, are not as simple or painless as they seem, or as the sponsors of this measure have suggested. If we take interest off budget, then we have to come up with more deficit reduction, and that means only one of two things—more taxes or more spending cuts.

Now, Mr. President, we get right to the meat of the coconut. The real fiscal cancer in the Federal Government today is the amount that we have to pay annually in interest costs on the national debt. The estimate for this fiscal year is $348 billion. We could adopt the GOP budget in the next 10 minutes, and we still would not have not cut spending. Why? Because spending for our interest costs on the national debt are up to a billion dollars a day.

It gets worse and worse and worse every day, and it will be next to impossible to attack this problem if we do not act now. We are 7 years and two Presidential elections from the time when Medicare will go into the red. We are 25 years away from the time when Social Security surpluses will be exhausted. Yet we constantly hear the rhetoric about the looming crisis in Social Security and the need to "protect, preserve, and strengthen" Medicare—all because we do not want to talk about the fiscal crisis that we are in this very minute. Why do we avoid this reality? Because if we were to talk about it, we might be forced to do something about it.

In order to do something about it, you have to have a balanced approach that includes spending cuts as well as revenue increases. Our budget history for the last 15 years highlights this reality. When Howard Baker was the majority leader, he and I joined in trying to pass a budget freeze from 1981 to 1985. We said, "Take this year's budget for next year." That would have saved billions of dollars, but alas, that road was not travelled.

Having not succeeded there, I started working with Senator GRAMM of Texas and Senator Rudman of New Hampshire and said, under Gramm-Rudman-Hollings, that we would have truth in budgeting. We would not only have the freeze, but additional cuts across the board as well. We were on course with automatic $37-billion-a-year cuts, in an orderly fashion, to give us a balanced budget by 1990.

In 1986, we expanded our field of vision saying, wait a minute, it is not just the Appropriations Committee appropriating and spending more; that Finance Committee should be responsible as well in cracking down on unnecessary tax breaks. As a result, we had tax reform which purported to end corporate welfare.

By 1987, we met in the Budget Committee and considered other freezes, cuts, loophole closings. I remember telling Dick Darman, Director of OMB for President Bush, "Look, unless we grab a hold of this now with some kind of taxes, as well as the cuts and freezes and loophole closings, we are going to be in desperate circumstances. We are going to run up to about $400 billion deficits, the debt growing all along, and interest costs growing all along."

As a result, eight of us in the Budget Committee voted in a bipartisan fashion to increase taxes. You cannot find that type of candor anymore around this Capitol, around the White House or anywhere else in this city. But, you are not going to get on top of this cancer unless you have that kind of surgery. Because, unless revenues are part of the solution increase taxes will continue to rise.

So let me be clear, Mr. President, those who say they are against taxes and want to cut spending, and even taxes, are totally off base with respect to fiscal responsibility. They know it, you know it, and the blooming press knows it, but they will not print it because they have joined in the pollster conspiracy. When the question is asked: Are you for taxes? The answer invariably is: Oh, I am against taxes. So we all jump on the bandwagon. A public servant who comes out for paying a bill is portrayed as some fellow for wasteful spending. You cannot get any more wasteful than a billion dollars a day in interest costs for nothing. It was only $75 billion when Reagan took over. It is now $348 billion. That is an increase of $273 billion for absolutely nothing.

So my point is, let us quit obscuring the size of the deficit. Let us quit moving the deficit from the general fund over to the Social Security.

My colleague from Florida will talk specifically about the $12 billion they borrowed from the trust fund when they had to pick up votes on the other side of the aisle with the Roth amendment. In offsetting their amendment, they used $12 billion that under the law should not be used for additional spending but should be credited to the Social Security Trust fund. It is the height of what we call smoke and mirrors. People sincerely get on the floor and claim, "We are not using smoke and mirrors." False. That is exactly what you are doing when you use the surpluses in the Social Security trust fund to claim that you are balanced and when you backload all of the tough choices.

Indeed, 50 percent of the proposed cuts under the GOP plan do not come until after the Presidential election in the year 2000.

This year, to be specific, we are trying to cut $45 billion in spending under the Republican budget. In the year 2002, Mr. President, we will have to slash $347 billion. We cannot get the $45 billion this year, much less the $347 necessary in year 7. That is why 10 of the 13 appropriations bill are not over to the President—because Republicans cannot agree on what to cut.

We have friends on both sides of the aisle who think we ought to do more in education, more in technology, in legal services, and right down the list.

Mr. President, we should look at what we have been doing. We have been long on sweeping promises to the American people and slow on results. In 1981 under President Reagan, the first concurrent budget resolution for the fiscal year 1982 predicted a deficit by fiscal year 1984 of zero. No deficit, a balanced budget.

I ask unanimous consent to have that page printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1982

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:

Fiscal year 1982: $48,800,000,000;
Fiscal year 1983: $21,400,000,000;
Fiscal year 1984: $0;

(b) the appropriate level of the public debt is as follows:

Fiscal year 1982: $1,091,200,000,000;
Fiscal year 1983: $1,154,300,000,000;
Fiscal year 1984: $1,197,600,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1982: $91,400,000,000;
Fiscal year 1983: $63,100,000,000;
Fiscal year 1984: $43,300,000,000.

(b) Based on allocations of the appropriate levels of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal years beginning on October 1, 1981, October 1, 1982, and October 1, 1983, the appropriate level

Mr. HOLLINGS. Then in 1985—we need not put that in; everyone knows that Gramm-Rudman-Hollings was a 5-year path to a balanced budget.

They talk about fiscal responsibility. I will show them the TV where I got the Good Government Award for ending deficits for all time from President Ronald Wilson Reagan.

By 1990, we got together—and please, my gracious, put this in the RECORD, please. I ask unanimous consent that the concurrent resolution on the budget for the year 1991 be printed at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1991

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,002,300,000,000;
Fiscal year 1992: $1,024,800,000,000;
Fiscal year 1993: $1,049,900,000,000;
Fiscal year 1994: $1,059,900,000,000;
Fiscal year 1995: $1,080,900,000,000.

(4)(A) The amounts of the deficits are as follows:

Fiscal year 1991: $143,700,000,000;
Fiscal year 1992: $100,900,000,000;
Fiscal year 1993: $62,000,000,000;
Fiscal year 1994: $14,700,000,000.

(B) The amount of the surplus is as follows:

Fiscal year 1995: $20,500,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,369,600,000,000;
Fiscal year 1992: $3,540,900,000,000;
Fiscal year 1993: $3,676,700,000,000;
Fiscal year 1994: $3,766,900,000,000;
Fiscal year 1995: $3,827,600,000,000.

Mr. HOLLINGS. The record I read—and everybody should fall down dead from shock—"The amount of surplus is as follows: Fiscal year 1995, $20.5 billion." That was at the end of September, a month before last. We are supposed to have a $20.5 billion surplus. Instead we have a $283.3 billion deficit.

Here we go again, balanced budget promised in 1981. Balanced budget promised in 1985. Surplus promised in 1990. Now they come, with a 7-year promise that gets by two Presidential elections, and relies on completely unrealistic cuts.

Mr. President, I ask unanimous consent to have printed in the RECORD the particular chart entitled "Here We Go Again" that gives the true facts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"HERE WE GO AGAIN"

(By Senator Ernest F. Hollings)

Starting in 1995 with:

(a) A deficit of $283.3 billion for 1995:

1995:

	(In billions)
Outlays	$1,530
Trust funds	121.9
Unified deficit	161.4
Real deficit	−283.3
Gross interest	336.0

(b) And a debt of $4,927 billion.

How do you balance the budget by:

(a) Increasing spending over revenues $1,801 billion over seven years?

GOP "SOLID", "NO SMOKE AND MIRRORS" BUDGET PLAN

Year	CBO outlays	CBO revenues (billions)	Cumulative deficits (billions)
1996	$1,583	$1,355	−$228
1997	1,624	1,419	−205
1998	1,663	1,478	−185
1999	1,718	1,549	−169
2000	1,779	1,622	−157
2001	1,819	1,701	−118
2002	1,874	1,884	+10
Total	12,060	11,008	−1,052

(b) And increasing the national debt from $4,927.0 billion to $6,728.0 billion?

DEBT

[*off CBO's April baseline]

	National debt (billions)	Interest costs (billions)
1995	$4,927.0	$336.0
1996	5,261.7	369.9
1997	5,551.4	381.6
1998	5,821.6	390.9
1999	6,081.1	404.0
2000	6,331.3	416.1
2001	6,575.9	426.8
2002	6,728.0	436.0
Increase 1995–2002	1,801.0	100.0

[*off CBO's August baseline]

	1996 (billions)	2002 (billions)
Debt includes:		
(1) Owed to the Trust Funds	$1,361.8	$2,355.7
(2) Owed to Government Accounts	81.9	(1)
(3) Owed to Additional Borrowing	3,794.3	4,372.7
[Note: No "unified" debt; just total debt]	5,238.0	6,728.4

[1] Included above.

(c) And increasing mandatory spending for interest costs by $100 billion?

How? You don't.

(a) 1996 budget: Kasich conference report, p. 3: −$108 billion deficit.

(b) October 20, 1995, CBO letter from June O'Neill: −$105 billion deficit.

You just fabricate a "paper balance" by "smoke and mirrors" and borrowing more:

SMOKE AND MIRRORS

(a) Picking up $19 billion by cutting the Consumer Price Index (CPI) by .2%—thereby reducing Social Security benefits and increasing taxes by increasing "bracket creep".

(b) With impossible spending cuts: $270 billion in Medicare, $182 billion in Medicaid, $83 billion in Welfare.

(c) "Backloading" the plan: Promising a cut of $347 billion in fiscal year 2002 when a cut of $45 billion this year will never materialize.

	Billions	Billions
2002 CBO baseline budget	$1,874	$1,884
This assumes:	(1) Discretionary freeze plus discretionary cuts (in 2002).	−121
	(2) Entitlement cuts and interest savings (in 2002).	−226
[1996 cuts, $45 B]	Spending reductions (in 2002)	−347
Using Social Security trust fund.		−115
Total reductions (in 2002).		−462
+Increased borrowing from tax cut.		−93
Grand total		−555

(d) By increasing revenues by decreasing revenues (tax cut)—$245 billion.

(e) By borrowing and increasing the debt (1995–2002): Includes $636 billion "embezzlement" of the Social Security trust fund—$1,801 billion.

THE REAL PROBLEM

Not Medicare—in surplus $147 billion—paid for.

Not Social Security—in surplus $481 billion—paid for.

But interest costs on the National debt—are now at almost $1 billion a day and are growing faster than any possible spending cuts.

And both the Republican Congress and Democratic White House as well as the media are afraid to tell the American people the truth: "A tax increase is necessary."

Solution: Spending cuts, spending freezes, tax loophole closings, withholding new programs (Americorps) and a 5 percent value added tax allocated to the deficit and the debt.

"HERE WE GO AGAIN"

[Promised balanced budgets]

President Reagan.	1981 budget	$0	(by FY 1984)
President Reagan.	1985 GRH budget.	0	(by FY 1991)
President Bush	1990 budget	+20.5 billion	(by FY 1995)

Mr. HOLLINGS. The unrealistic cuts are completely unrealistic. We cut Medicare and Medicaid under President Reagan. We cut Medicare and Medicaid under President Bush. We cut $57 billion under President Clinton from Medicare. At that time when we could not get a single Republican vote in either the House or Senate, we cut Medicare.

Now, after all of those cuts, Republicans are arguing to reduce Medicare by another $270 billion just to give everyone a tax cut and reap the political benefit in next year's elections?

It is a disgrace. They ought to be ashamed of themselves. You cannot generate that amount of savings. It will not happen. Nor will you save the over $80 billion banked on from welfare reform. You cannot set up a jobs program, a training program, a day care center program and everything else to put those on welfare to work without spending more money. Ask your Governor, because I can assure you, you will be hearing from him or her in the coming months. It is totally unrealistic.

As a final trick, the GOP plan borrows $636 billion from Social Security over the next 7 years in order to obscure the size of the deficit and say the job is done.

Added to the over $484 billion that we already owe Social Security, we will owe the Social Security trust fund $1 trillion in the year 2002. It is sordid gamesmanship, Mr. President. Sordid gamesmanship.

With this one instruction, Mr. President, we can hopefully sober them up. Maybe the media that is supposed to keep us honest can help out a bit. I think it was Jefferson who said, if it is between the free Government and the free press, I choose the latter.

Why? You can get a free Government, but you will not hold it along unless you have free media. I hope that still holds true for the press in Washington, DC. This media crowd is fast asleep. There one exception that I have found in a recent USA Today article entitled "The Balanced Budget Myth,".

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the USA Today, Nov. 6, 1995]

THE BALANCED-BUDGET MYTH

Each day, the debate over balancing the budget produces another dire warning. The cuts are too deep! say the Democrats. Taxes must fall! say the Republicans.

But after they compromise and begin arguing over who won a few weeks from now, one truth will remain: Both sides will be lying, because neither is talking about a truly balanced budget at all.

The non-partisan Congressional Budget Office underscored that point recently. It pointed out that come 2002, when the budget will be "balanced" under Republican plans, the government will still be borrowing more than $100 billion a year. This is done by writing IOUs from the Treasury to Social Security and other trust funds that Congress declares "off-budget."

The bill for this little game won't come due in the political life of President Clinton or much of today's Congress. But the public will pay it soon enough.

To understand, look, ahead to 2005. That's just 10 years away, about the time it takes for an 11-year-old child to go from grade school through college.

That year a critical balance tips. Increased costs for Social Security will begin to deplete Congress' cushion. Because the Social Security trust fund is a fiction filled with nothing but government promises to pay, Congress will gradually lose its fudge factor.

By 2013, when the trust fund peaks, taxpayers will feel a hard bite. They'll have to start doing what the trust fund was supposed to do—pay for the retirement of 75 million baby boomers. The budget will plummet into a sea of red ink, with $760 billion a year deficits by 2030. By then the government will have to double the current 12.4% employer-employee payroll tax to cover Social Security obligations.

That's unaffordable. Yet, neither President Clinton nor leaders of either party in Congress acknowledge reform is needed to avert economic catastrophe. To do so would require Republicans to get off their tax-cut bandwagon and Democrats to accept deeper spending cuts. Both prefer the myths that a budget borrowing from Social Security is balanced and a trust fund filled with IOUs to be paid by today's 11-year-olds has value.

Those are frauds only fundamental reform can fix.

The leaders of Clinton's commission on entitlements—Sen. Robert Kerrey, D-Neb., and former Sen. John Danforth, R-Mo.—last year recommended raising the retirement age to 70 and converting a portion of the current payroll tax into a mandated personal retirement account. The Concord Coalition, a deficit watchdog, has called for cutting benefits to upper-income retirees. Other proposals include taxing all income for Social Security and subjecting all benefits to normal income taxation.

Which measures are best? Only a thorough debate of the various measures can decide. But first political leaders must give up their convenient budget myths and face the fact—a Social Security train wreck is coming, and sooner than they think.

Mr. HOLLINGS. "Both sides will be lying," it says. "After the compromise," and again arguing over who won a few weeks from now, "one truth will remain. Both sides will be lying because neither is talking about a truly balanced budget."

Once again, Mr. President, we have lied to the American people. In this context, I just hope the media will wake up and start reporting it. The real deficit had to be reported by Chairman KASICH in the conference report. He reported $108 billion deficit.

June O'Neill, in a letter on October 20—and I ask unanimous consent to have the letter printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, October 20, 1995.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR: Pursuant to Section 205(a) of the budget resolution for fiscal year 1996 (H. Con. Res. 67), the Congressional Budget Office provided the Chairman of the Senate Budget Committee on October 18 with a projection of the budget deficits or surpluses that would result from enactment of the reconciliation legislation submitted to the Budget Committee. As specified in section 205(a), CBO provided projections (using the economic and technical assumptions underlying the budget resolution and assuming the level of discretionary spending specified in that resolution) of the deficit or surplus of the total budget—that is, the deficit or surplus resulting from all budgetary transactions of the federal government, including Social Security and Postal Service spending and receipts that are designated as off-budget transactions. As stated in the letter to Chairman Dominici, CBO projected that there will be a total-budget surplus of $10 billion in 2002. Excluding an estimated off-budget surplus of $115 billion in 2002 from the calculation, CBO would project an on-budget

> deficit of $105 billion in 2002. (The letter you receivea yesterday incorrectly stated these two figures.)
>
> If you wish further details of this projection, we will be pleased to provide them. The staff contact is Jim Horney, who can be reached at 226-2880.
>
> Sincerely,
>
> JUNE E. O'NEILL.

Mr. HOLLINGS. The Director of the CBO, estimates a projected budget deficit of $105 billion in 2002.

We had to write and insist that she follow section 13301 of the Budget Act. Two days before, she had said "Why, heavens above, we have a $10 billion surplus." Two days later, obeying the law, she found $105 billion deficit.

No wonder in the New York Times Adam Clymer wrote the article here about 10 days ago that 81 percent of the American people do not believe the budget will be balanced. God bless them for their common sense.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HATCH). Who yields time?

Mr. GRAHAM. Mr. President, I believe under the previous order I have 20 minutes?

The PRESIDING OFFICER. The Senator from Florida has 20 minutes remaining.

Mr. GRAHAM. Mr. President, I wish to commend my colleague from South Carolina, who has been toiling in these vineyards with the goal of achieving a balanced budget for many years and has given us the background, the historical context in which a very serious event occurred on October 27. Let me recall for the Senate what happened that night.

You may remember we had been in session for many hours that day. That was the day in which we cast some 40 individual votes. We had been waiting to receive the final amendment that would encapsulate a number of revisions to the Finance Committee's section of the reconciliation bill. After having requested for the better part of 36 hours the legislative language of those revisions and the impact which they would have, finally, at approximately 6:25 in the evening, we received version 1 and, at 9:45, received version 2 of what came to be known as the Roth amendment.

So, just prior to the Senate's final vote on the reconciliation legislation, Senator ROTH submitted an amendment which adds the following components. It modified certain Medicare provisions, it changed nursing home standards, and, the most significant provision from an economic standpoint, it reallocated the Medicaid funding formula.

Those modifications had a total cost of approximately $13 billion. The motion which I have offered goes to the budget offset, which was offered in the amendment of Senator ROTH, as the basis of paying for the modifications in his amendment.

The amendment of Senator ROTH directed that all outlay programs within the jurisdiction of the Finance Committee use a cost-of-living adjustment rate of 2.6 percent rather than the 3.1 percent cost of living, which had been estimated several months earlier in the budget resolution.

Let me quote the language of the amendment by Senator ROTH as it relates to the methods of paying for the additional spending in his amendment.

"Notwithstanding any other provision of law"—I say to my colleague, Senator HOLLINGS:

> Notwithstanding any other provision of law, in the case of any program within the jurisdiction of the Committee on Finance of the U.S. Senate which is adjusted for any increase in the Consumer Price Index for all urban wage earners and clerical workers [CPI-W] for the United States city average for all items, any such adjustment which takes effect during the fiscal year 1996 shall be equal to 2.6 percent.

That amendment raised several questions. One of those questions is just exactly what programs is this provision intended to affect. Application of the 2.6 percent rate would impact a number of outlay programs, including railroad retirement benefits and supplemental Social Security income.

But, by far, the lion's share of the impact would be on one program. Mr. President, you guessed it, that program is Social Security. Approximately $12 of every $13 affected by this amendment, or $12 billion of the $13 billion in savings, comes from one program: Social Security.

Some have stated this is not a raid on the Social Security trust fund; instead, it merely recognizes the economic reality that the cost-of-living adjustment will be 2.6 percent rather than the 3.1 percent upon which the budget was predicated when we passed the original budget resolution last spring. As a result of this lower actual cost of living, the Federal Government will pay out less in numerous outlay programs, including Social Security.

At first that seems to be a plausible argument. But like so many things, the devil is in the details. And here is what the devil says. The devil says that there is no real money being saved by legislating at this lower rate. That is why the Congressional Budget Office stated that the Congressional Budget Office and the Office of Management and Budget do not score savings for a cost of living that would have happened anyway under current law.

Mr. President, I ask unanimous consent that immediately after my remarks, a memorandum from Mr. Paul Van de Water, Assistant Director of the Congressional Budget Office in the Budget Analysis Division, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. What Mr. Van de Water said is that the policy of the Congressional Budget Office and the Office of Management and Budget is not to score savings when the law would have incorporated those savings in any event.

The reason the Congressional Budget Office historically does not score an updated cost-of-living assumption alone, out of the context of all of the other economic factors which influence the ultimate Federal deficit or surplus—the size of the deficit, the size of the surplus—is that to do so would create a very dangerous temptation.

What would that temptation be? The temptation would be for a Member of Congress to look at all the factors such as are listed on this chart that go into arriving at an overall assessment of the Federal Government's fiscal condition. Suppose, for instance, if you focused on the issue of inflation and because of the change in inflation rates between the time that the original budget resolution was passed until the time that the debate was taking place—in this case, on the 27th of October—if the movement of inflation had been such that it had increased revenues or had suppressed outlays, then we might say, let us change the inflation adjustment factor and take the benefit that would give us in terms of additional expenditures because of higher revenues or additional moneys being available because of we have repressed our expenditures.

But what if the other had occurred? Suppose, in fact, inflation had increased and therefore had caused us to have to spend more money on things like the national debt and had reduced our revenues because higher inflation had resulted in less economic activity? Which Senator would come forward then to offer an amendment to say, "Let us come up with some additional spending cuts, let us find a source of taxation in order to counterbalance what has happened in the area of inflation?"

The fact is, there would be very, very few who would do so. So, instead, by being able to pick and choose which factors happen to benefit the position that one wished to advocate, you would do exactly as the Senator from South Carolina has suggested we have been doing for the better part of the last two decades, and that is creating the smoke, looking into the fraudulent mirror that gives us the false sense we are making progress in reducing the deficit but actually contributes to higher and higher deficits, higher and higher national debt.

So, how does the Congressional Budget Office deal with this issue? The Congressional Budget Office says they will only revise the baseline if they take into account all factors, not just cherry picking those that happen to have a beneficial effect. Let me quote, again, from the letter from Mr. Van de Water.

> At the request of the budget committees, CBO [the Congressional Budget Office] has

> from time to time, updated the baseline to reflect recent economic and technical developments. In such circumstances, however, we insist on incorporating all relevant new information, not just selected items such as COLA's [cost-of-living adjustments].

Did the Roth amendment take into account all economic changes and technical developments during the 8 months since the economic baseline had been established? You see all the factors that primarily influenced that economic baseline.

Does the amendment take into account the fact that interest rates have actually been higher than assumed in the baseline, which results in higher outlays? No.

Does the amendment take into account the fact that the Federal Government be required to make an additional $20 billion in payments resulting from adverse court decisions in the banking area? No.

No, the Roth amendment only takes into account a portion of the inflation factor—namely, cost of living. Furthermore, the amendment only takes into account the cost of living as it relates to outlays rather than both outlays and revenues. And, moreover, it relates only to certain outlays, those within the Finance Committee's jurisdiction.

Mr. President, this is the most compelling detail in the devil's brew. If we had followed the Congressional Budget Office precedent and taken into account all factors, we would not have had a $13 billion savings to use to finance these new spending items in the Roth amendment. No. In fact, we would not have had any savings at all. The economic reality is that the baseline assumptions were too optimistic.

Let me quote again from Mr. Van de Water's memo.

> In this instance, if we were to include all of the information in our August baseline, plus the actual 1996 cost of living, our estimate of the year 2002 deficit would have been higher, not lower.

It would have been a higher deficit, Mr. President, not a lower deficit.

An economic update would show a higher deficit, and we count the update as saving money. I call it a raid on the Federal accounts. And since the Roth legislative language calls for the money to come from $12 out of every $13 from the Social Security payments, Mr. Senator from South Carolina, I call it a raid on the Social Security trust fund.

Some may argue that this macroanalysis proves too much and that the Roth amendment deals only with Finance Committee programs. Let us look narrowly and see if there has been a raid, looking only at Finance Committee programs.

The Roth amendment takes into account only outlays impacted by a lower 2.6 cost of living. The Social Security fund will spend fewer dollars to meet its obligations to the Social Security beneficiaries at a 2.6 cost-of-living adjustment. It would have had a 3.1-percent cost-of-living adjustment. True, but there are other ramifications to that lower cost of living. For example, many workers' salaries are tied to the same consumer price index that is the basis of our cost of living. If those salaries rise by only 2.6 percent rather than 3.1 percent, what happens to the payroll taxes withheld from their checks? They will be lower than the economic baseline projected, and, as a result, less money will flow into the Social Security trust fund.

Does the Roth amendment take these lower revenues into account? Mr. President, sadly, no. It only takes credit for lower outlays and does not recognize the effect of lower receipts into the Social Security trust fund.

Just what would be the impact of an updated economic assumption on the Social Security trust fund? Outlays are reduced by $18 billion—$12 billion by the COLA reduction and $6 billion from other changes. But, Mr. President, revenues are down by $62 billion as a result of economic changes such as the lower amount of payroll taxes coming into the Social Security trust fund.

Thus, the net effect to the Social Security trust fund of the $18 billion of lower outlays but the $62 billion in lower revenue to the Social Security trust fund is a decrease of $44 billion in the status of the Social Security trust fund over the 7 years from that which had originally been estimated under the budget resolution.

So, Mr. President, we are diverting $12 billion from the Social Security trust fund in order to finance additional spending while the trust fund will actually have $44 billion less than originally projected. That, Mr. President, is a raid on the Social Security trust fund.

I find it quite ironic that Congress would be so concerned about the Social Security trust fund that we would attach a rider to the debt ceiling extension legislation which would preclude the Secretary of the Treasury from using Social Security and other trust funds as a form of cash management during this period in which we are about to reach our legal spending level.

Why would we be so concerned that we would put the ability of the Federal Government to meet its financial obligations at risk but then we would so freely raid the very same trust fund to pay for additional spending, additional spending unrelated to Social Security obligations? We cannot have it both ways.

We cannot say, on the one hand, that we want to be the great defenders of the Social Security trust fund, but, on the other hand, raid the Social Security trust fund. We cannot say, on the one hand, that these COLA modifications merely reflect reality and that it would have happened anyway, and then it is not real savings but just funny money and cannot be used to offset real spending. If it is a real cut, on the other hand, then it constitutes a diversion of funds and a raid on the Social Security trust fund. You cannot have it both ways, Mr. President.

Either conclusion—either that it is phony money to support real spending or that it is a raid on the Social Security trust fund, real money to support real spending—either one of those conclusions justifies jettisoning the Roth amendment as the basis of paying for an additional $12 billion in new spending unrelated to Social Security obligations.

Therefore, I urge my colleagues to adopt the motion offered by the Senator from South Carolina and myself to instruct the conferees not to include the $12 billion in Social Security cuts contained in the Roth Finance Committee amendment.

Thank you, Mr. President.

I reserve the remainder of my time.

EXHIBIT 1

MEMORANDUM

To: Sue Nelson.

From: Paul Van de Water, Assistant Director of CBO in the Budget Analysis Division.

Subject: Taking account of the actual COLA.

The budget resolution baseline assumes a 3.1-percent cost-of-living adjustment for Social Security and other federal programs in January 1996. The actual COLA will be 2.6 percent. Two clear precedents apply in this situation.

CBO and OMB do not score savings for legislating a COLA that would happen anyway under current law. This rule was applied to veterans compensation in 1991 and to Food Stamps in 1992.

At the request of the Budget Committees, CBO has from time to time updated the baseline to reflect recent economic and technical developments. In such circumstances, however, we insist on incorporating all relevant new information, not just selected items, such as COLAs. In this instance, if we were to include all the information in our August baseline plus the actual 1996 COLA, our estimate of the 2002 deficit using the discretionary spending amounts specified in the budget resolution would be higher, not lower.

Mr. GRAHAM. Mr. President, could the President inform us as to how much time remains on this motion to instruct?

The PRESIDING OFFICER. The Senator from Florida has 2 minutes and 12 seconds, and the Senator from Michigan has 20 minutes.

Mr. GRAHAM. We will reserve our time, Mr. President.

Mr. ABRAHAM. Mr. President, I note the absence of a quorum and seek unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I yield at this time such time as he may need to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague from Michigan for yielding.

I have listened with a tremendous amount of interest to the debate over this motion to instruct conferees. I guess the thing that frustrates me most in the midst of all of this, in the midst of a Presidential veto this morning, is that by the unwillingness of this administration to act we are clearly putting a variety of trust funds in jeopardy at this moment that budget reconciliation has in every way sought to assure.

During our debate on the balanced budget amendment, we heard the other side literally go on for days that the reason we were balancing the budget was a variety of things, and that we were going to do it on the back of the Social Security trust funds. It was the only way Republicans could figure out a way to balance the budget. I think what is their greatest frustration today is that we have offered a truly legitimate balanced budget and the trust funds are secure, and in fact the trust funds are safe.

When the Senator from Florida suggests in his motion not to include the $12 billion in Social Security cuts that are included as an offset in relation to CPI adjustment, I find it interesting that he would phrase it that way when in fact but just a few days ago he voted for a Simon-Conrad budget that did the same thing. So we have really reduced the debate in this Chamber to politics, plain and simple raw politics: Do you want to maintain the stability programs like Social Security and balance the budget in doing so, or do you really want to progress down the same old path of spend and spend and promise well more than this Government could possibly provide or the taxpayers would be willing to pay for.

That is what we have reduced ourselves to in the final hours of a critical debate on a very conclusive process that honors the commitment that a variety of us made to the American people some months ago, that we would work in every way for a balanced budget by downsizing all of the areas of Government, except Social Security would remain sound and stable and off the table.

We have done all of those things, but because that is what the American people want and because there are many who are very fearful that they lose control of the phenomenal power they have exercised for decades in the ability to promise and spend and promise and spend and literally make our citizenry the victims of a government instead of the beneficiaries of a government, we have finally arrived at this debate.

What we are offering is very straightforward in protecting these systems and assuring their stability out into the future. Everyone knows that the only real saving grace of Social Security or any of these kinds of programs that extend benefits to citizens in our society either based on a commitment long term in an actuarial sense like Social Security or even that of qualifying under certain criteria for need, the only way you can offer those is if you have a balanced budget. The only way you can guarantee 30 years out that the beneficiaries of Social Security are going to get their Social Security checks is if there is no massive debt in this country that is pulling $400 billion or $500 billion a year out of general fund moneys to pay interest on debt. It is a self-fulfilling prophecy. We know that. The American people know it. That is why for the last many months we have struggled on key and important budget issues from both sides of the aisle trying to strike the compromise and split the difference and yet continually march ourselves toward a balanced budget by the year 2002.

So when I look at instructions like this, these are like reverter clauses—revert to the old ways, revert backward, revert to deficit spending, revert to trust fund instability, revert to debt, revert to borrowing back money from future generations and not being willing to pay for it. But what the American people said is, do not revert at all. They instructed us last November. We had our instructions as conferees in a massive referendum across this country that was one of the most politically realigning referendums in the history of our country. They said to us as conferees: Balance the budget, stabilize the programs, reduce the unnecessary spending, reprioritize the programs of Government. If it is 30 years old, it is not working, and its intent has never been met, review it and get rid of it, but honor Social Security and in so doing make sure it is strong. That is exactly what we have done in all instances here.

Every Senator on this floor serves as a member of the board of directors of Social Security. We have the absolute responsibility by our pledge, and that is to uphold the Constitution, and our commitment to the American citizens that we will honor programs of this nature by providing for their stability, and we must manage them accordingly.

For this Senate to vote to follow the instructions of this motion to the conferees would not be to strengthen or stabilize, it would be to perpetuate the past. And the past, by all estimation, is wrong and has brought about the kind of instability, the kind of doubt in the minds of the American people that beg for change. And we have offered that in the budget reconciliation process that we are currently under that will spell not only significant change, but tremendous stability.

Mr. President, I thank my colleague from Michigan for yielding. I yield back the remainder of my time.

Mr. ABRAHAM. Mr. President, can I inquire as to how much time we have remaining at this point?

The PRESIDING OFFICER. The Senator from Michigan has 12 minutes 41 seconds. The Senator from Florida has 2 minutes 12 seconds.

Mr. ABRAHAM. Mr. President, I yield myself such time as I may need just to enter a few additional comments into the RECORD that I would like to make after the fine address by the Senator from Idaho.

Mr. President, the Senator from Florida, in explaining his motion, at the conclusion of his remarks, commented on the issues that pertain to the short-term debt bill which we voted on here last Thursday night and expressed puzzlement that in that short-term debt bill the Republican Members here who supported it included a provision that would limit the ability of the President to raid those Social Security trust funds that are in fact the subject of his motion today. He said he is puzzled because of the Roth amendment, which his motion specifically addresses, to change the number that is employed for calculation of Consumer Price Index changes.

I guess I have sort of the reverse puzzlement. I am puzzled that people who, on the one hand, argue that they are concerned about the Social Security and other trust funds' integrity were willing to vote against the short-term debt limit issue, a bill that we passed last Thursday night, because if this is the issue that they hold as so vital and important, I would think they would have joined us in calling for those various trust funds to be off limits and to prevent the President from having the ability to raid those trust funds.

During the debate on the debt limit, the Democrats supported an amendment offered, I believe, by the Senator from New York, which would have given the administration the authority to raid Federal workers' retirement trust funds, the elderly's trust funds, Social Security benefits, and the pensions of our country's veterans. The amendment would have essentially stricken all language pertaining to all of those trust funds from the short-term debt bill.

Now, I understand that on final passage people might have found some of the provisions, in addition to those trust fund provisions, objectionable. But I was amazed that no effort was made at the time of consideration of the Moynihan amendment to limit that amendment to the areas that did not pertain to these trust funds, but rather to include them.

In short, the Democrats had the opportunity to make the strong statement, which this motion to instruct suggests they wish to make, regarding the integrity of these trust funds by either voting against that Moynihan amendment, as we did on our side, or by offering a smaller version of the Moynihan amendment that would have only focused on those aspects of the short-term debt bill that were unrelated to the trust funds. And yet that did not happen.

The President, of course, has said he needs the extension of the debt limit. He has now vetoed that extension. The administration now says that they can raid the $1.3 trillion in pension funds of Federal workers and the Social Security trust fund in order to keep the Government from defaulting. This does not seem to me, Mr. President, consistent with the concerns that are certainly embodied in this motion and that the Senator from Florida has spoken about many times here to us, the concern that relates to the integrity of these trust funds.

And I find that far more puzzling—far more puzzling—than the issues that were raised by the Senator from Florida with regard to the Republican position regarding the Moynihan amendment. One of the reasons this Senator voted against the Moynihan amendment was because it would have provided that kind of basically unlimited credit card option to the President and to his economic advisers to tap into those trust funds in order to address these issues pertaining to the payment of U.S. obligations.

I would like to now turn briefly to address some of the issues that were raised by the Senator from South Carolina with reference to the various ways by which the budget deficit is calculated. The fact is that ever since the Budget Act of 1974, every budget has calculated the budget on a unified basis. Now, I am not at great odds with the Senator from South Carolina in the concerns that have been expressed that we need to go further, that we are not going far enough in terms of reducing the growth of Federal spending. On those points I am in agreement. In fact, I was sort of, I have to say, surprised and pleased to hear his concerns as expressed today because we have had numerous opportunities before the Senate over the last few months to vote to tighten the belt further, and all too infrequently have we heard support for those gestures on the other side of the aisle.

But the fact is, Mr. President, both the Office of Management and Budget and the Congressional Budget Office use the unified budget to calculate the deficit. When the Democrats were in charge here in Congress, they calculated the deficit including the Social Security trust funds. Both budgets submitted by President Clinton this year included the Social Security surplus in their calculations. And, indeed, some of the changes in the level of the deficit that have been pointed to, with pride, by the President are, in fact, changes that were in large part obtained because of these Social Security trust fund surpluses that the President uses in his calculations.

In short, Mr. President, I guess I would be more sympathetic to the case that is being made if the same fervor had been used here on the floor to criticize the President's budget when it came down here as is now being employed to criticize our budget. The fact is that there seems to be a certain priority here. When the Republicans come forth using the same unified budget that has been used every year since 1974, suddenly the issue of using the trust funds is of great concern. When the President comes forward using those same surpluses, the issue seems to not be on the front burner. I guess I have to draw a conclusion from that discrepancy that this is more of a partisan attack than it is one of a substantive sort.

Let me talk about the broader question that was raised by the Senator from South Carolina, at least as it pertains to the deficits, because he makes the point that in the 7-year period we are talking about, at the end of that period of time, according to the unified budget, we will have eliminated the Federal deficit, but because of the Social Security surplus' effects, there will still be that deficit to contend with.

I have good news for the Senator from South Carolina. The good news is that not only is the Republican budget which we have been voting on here in recent months the only budget that achieves balance using the Social Security trust funds in the year 2002 according to CBO scoring, but the Republicans are also the only people here who have a budget that achieves balance without using the Social Security trust funds. And that will be achieved in the year 2005.

Indeed, Mr. President, according to the Senate Budget Committee, the surplus from our balanced budget plan will exceed the surplus in the Social Security trust fund in the year 2005. In other words, we are not only on the way to achieving balance in the year 2002 under the unified budget, but the plan which we have been fighting for here in the Senate, the plan that is responsive to citizens across this country who have said it is time to put the Federal fiscal house in order will achieve balance even if you do not use a unified budget by the year 2005.

In other words, it continues the job that we were sent here to do, to bring about the kind of fiscal integrity in Washington that every family in my State of Michigan from Sanilac County in the thumb all the way over to St. Joseph, MI, and Berrien County in southwest Michigan has to do in their own home, that is, to bring about balance.

We will achieve that in the year 2005 under anybody's calculus. That is what is critical, because nobody else, Mr. President, even comes close to achieving this balance. According to the CBO, the President's so-called balanced budget would still have a $200 billion deficit in the year 2002.

And that $200 billion or so deficit will continue as far as the eye can see.

So, Mr. President, I guess what I will just say in closing, one last point just to follow up on the concerns that have been expressed relative to the CPI, is that there was another balanced budget proposal brought before the Senate which Senator CRAIG alluded to. It was brought by Senators SIMON and CONRAD during our reconciliation debate. It was brought and supported, I believe, exclusively by folks on the other side of the political aisle.

In that budget, they brought about balance by very substantially tapping into the Social Security trust funds by making a very substantial adjustment in the CPI, not an adjustment based on this year's actual inflation numbers, as was the case with the Roth amendment, but by simply on an across-the-board basis, adjusting at an adequate level to bring about a balanced budget. In short, they used the Social Security changes, a reduction, in fact, Mr. President, of some $41.1 billion in Social Security payments, to bring their budget into balance.

In total, they reduced Federal outlays from the various trust funds, and so on, including Social Security, by over $73 billion over 7 years, all of it because of changes in the Consumer Price Index in order to make their budget stand the challenge of reaching balance.

Mr. President, I will say, $73 billion is considerably more than $13 billion, and it was not achieved based on an actual number, but rather on a number that was needed to reach balance. So if there is a plan before the Senate that should be critically analyzed and, I believe, scrutinized very closely for having addressed the Social Security trust fund numbers improperly by making changes in the CPI that were very substantial, it was that amendment offered on the other side.

I suggest if there are concerns about the CPI that they should be directed at those who proposed that approach, not the approach that was used on our side where the real inflation number was employed.

In summary, Mr. President, the fact is that we came here to balance the budget. The Republican plan will put us in balance in the year 2002 using the unified-budget approach that has been used by Presidents and Congresses since the 1974 Budget Act. The Republican plan will put us into balance, regardless of whether you use a unified budget, by the year 2005. It is the only plan in town that will accomplish those objectives. It is the only plan in town that will begin to bring down the interest rates that people pay across this country for student loans, new cars, new homes and various other things they need for their families. It is the only plan that will restore fiscal integrity to the Government of the United States, and that is why we feel so strongly that it is the right plan for America.

I yield back whatever time remains.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, to close the motion to instruct, I want to say how much I admire the Senator from Michigan. In the several opportunities I have had to discuss with him issues from foreign policy to issues of our national fiscal future, he always approaches the question with a learned background and with thoughtful analysis. I think that is in the tradition of the U.S. Senate and, frankly, that is what the American people would like to have us do: To have a reasoned dialog. We may disagree, but at least we will be disagreeing on a set of facts that are reasonable and we will be expressing the basis of our disagreement in a manner that the American people can understand and evaluate. I commend him for his contribution to the Senate level of discussion.

Mr. President, the debate on the motion to instruct is not the debate on whether you are for or against the balanced budget amendment or whether you are for or against the goal of a balanced budget at an early date. I share those goals. I voted for the balanced budget amendment. I voted for a provision in the balanced budget amendment that would define what constitutes balance as not including the use of the Social Security surpluses to that end, and I have voted for a plan, along with over 75 percent of my Democratic colleagues, that would have achieved that objective and would have done so before the year 2005.

What I think is significant about the direction of this motion is that it goes to an unusual use of the Social Security trust fund. It is not like the kind of cash management uses of the trust fund that have been used under both Republican and Democratic Secretaries of Treasury in time of need where, in every instance, the Social Security trust fund has been fully reimbursed after the moment of crisis has passed. It is not like efforts that have resulted in a reduction in the outlays of Social Security where the money stayed in the Social Security trust fund and, therefore, contributed to a larger surplus and greater long-term solvency.

What is unusual about this Roth amendment is it first cuts Social Security outlays by $12 billion and then shifts them and uses those outlays to support different spending, spending unrelated to Social Security.

I will ask to have printed in the RECORD the statement of the chairman of the Budget Committee when he was asked if this is what, in fact, is intended, and his response was: "I want to say that the dollar numbers being referred to"—that is the $12 billion being removed from the Social Security trust fund—"are actual. That is all I want to say."

That is the quotation from the chairman of the Budget Committee.

I ask unanimous consent that that portion of the CONGRESSIONAL RECORD of October 27 be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I just ask this question in closing. Here is what the motion says. Who wishes to disagree with these propositions: That we will honor section 13301 of the Budget Enforcement Act of 1990 which states that thou shalt not commingle the trust fund of Social Security with general Federal spending. Who disagrees with that proposition that we should honor that commitment made in 1990?

Who disagrees with the proposition that we should not include in any conference report any language that violates section 13301 of the Budget Enforcement Act? Who disagrees that we should not include any language that violates that principle of sanctity of the Social Security trust fund?

And who disagrees with the proposition, therefore, that we should not include $12 billion in Social Security cuts that were included as an offset for on-budget spending in the Finance Committee amendment?

That is what we are being asked to vote on: To honor, to not include and, therefore, to not violate our trust.

This is a motion that ought to be adopted unanimously by voice vote. I cannot believe that Members of the Senate are going to vote against a motion that effectively says we will dishonor our commitment to maintain the integrity of the Social Security trust fund, that we will include language that is contrary to the spirit and intent and very language that we committed ourselves to in 1990 and, therefore, that we should consummate that disavowal by raiding the Social Security trust fund of $12 billion to support spending unrelated to Social Security obligations.

Those are the questions: To honor, to violate, to include, to maintain our sense of honor and responsibility to the Social Security trust fund.

I urge, Mr. President, my colleagues' adoption of this motion to instruct our conferees and that our conferees follow our admonition as they proceed in the conference committee on the reconciliation legislation.

Thank you, Mr. President.

EXHIBIT 1

Mr. GRAHAM. Mr. President, I am directing my attention to section 7482 of the legislation, which begins on page 45 and states:

"Cost-of-Living Adjustments During Fiscal Year 1996.

"Notwithstanding any other provision of law, in the case of any program within the jurisdiction of the Committee on Finance of the United States Senate which is adjusted for any increase in the consumer price index for all urban wage earners and clerical workers (CPI-W) for the United States city average of all items, any such adjustment which takes effect during fiscal year 1996 shall be equal to 2.6 percent"

It is to that section, Mr. President, that I direct the point of order. I raise the point of order under section 310(d) of the Congressional Budget Act of 1974 against the pending amendment because it counts $12 billion in cuts to Social Security which is off budget to offset spending in the amendment.

The PRESIDING OFFICER. Does the Senator from New Mexico wish to be heard on this point of order?

Mr. DOMENICI. I want to say the dollar numbers being referred to are actual. That is all I want to say.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan has 34 seconds remaining.

Mr. ABRAHAM. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, one more motion to instruct the conferees is in order.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ABRAHAM. Mr. President, notwithstanding the previous order, I ask unanimous consent that Senator KENNEDY be recognized at 4:30 p.m. today to make a motion to instruct conferees with respect to the reconciliation bill, and that the House message on H.R. 2491 be laid aside until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business until 3 p.m. today, during which Senators may speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and talk is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote. Control, Mr. President. As of the close of business, Thursday, November 9, the total Federal debt stood at exactly $4,983,863,012,854.62 or $18,918.83 per man, woman, child on a per capita basis. *Res ipsa loquitur.*

Some control.

POSITION ON VOTES

Mr. AKAKA. Mr. President, had I been present for votes on Thursday, November 9, 1995, I would have voted the following way:

Senate vote 564 on House Joint Resolution 115, the continuing resolution, I would have voted "no."

Senate vote 565 on House Joint Resolution 115, the continuing resolution, I would have voted "no."

Senate vote 566 on House Joint Resolution 115, the continuing resolution, I would have voted "no."

Senate vote 567 on House Joint Resolution 115, the continuing resolution, final passage, I would have voted "no."

Senate vote 568 on H.R. 2586, the temporary debt limit increase, I would have voted "no."

Senate vote 569 on H.R. 2586, the temporary debt limit increase, final passage, I would have voted "no."

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. COATS. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

BUDGET STANDOFF

Mr. COATS. Mr. President, over the weekend, both in reading various newspaper accounts and watching the television accounts of the so-called standoff between the Congress and the President over the question of the continuing resolution, funds to keep the Government moving forward, the debt limit, and the budget battle that is currently underway in this Congress, I was particularly taken by an article in Saturday's Washington Post written by Ann Devroy titled, "For Clinton, the Battle Is To Stand Firm."

What was interesting is that apparently the President's advisers and pollsters have determined that, as Ann Devroy says, "President Clinton's reputation for vacillation has made his political need to display strength of character now a silent partner in the non-negotiation drama" that is currently taking place here in Washington.

It goes on to say that the President's closest adviser is exulting that polling has shown that the President is beginning to make progress on what he stands for.

The article goes on to say that various sources that Ann Devroy has talked to say—and she quotes—"We were told that what people in their focus groups cite as what they disliked most about Clinton is he is weak, vacillating, opportunist, flip-flops constantly."

"Pollsters of both parties have"—again, quoting from the article—"Pollsters of both parties have throughout the Clinton presidency identified as a significant problem for the president the perception that he has no core beliefs."

So what we have seen here now in the past couple of weeks, particularly over this past weekend, and, undoubtedly, we will see this week, is an attempt by the President, on the advice of his counselors, on the advice of his pollsters, and on the advice of those conducting his focus groups, to shore up his character, to define something of what the President believes in and, therefore, "Stand firm, do not negotiate with the Congress to find a break to the impasse that currently exists between the executive branch and the congressional branch."

That is what is guiding the decision-making process in the White House and the President's statements.

So, all the President's protestations about the Congress trying to shut down the Government, denying opportunities for Americans to work, holding America hostage, apparently are all part of a grand political design, grand political scheme to shore up, as the article quotes, shore up the fact that the President is perceived by most people in the focus groups as weak, vacillating, opportunist, and flip-flopping.

We wonder why the American public is so cynical about the political process. We wonder why so few people today show up at the polls to vote. We wonder why the elections across the country—just this past Tuesday, in many cases, less than one-quarter of those eligible to vote even bothered to show up to vote, when they see this kind of political cynicism operating in Washington, DC.

At the same time, I could not help but notice in Sunday's paper a statement that the House minority leader, Mr. GEPHARDT, said in a recent speech that the "GOP budget goes to the very fringes of radicalism." And, of course, we have heard the Vice President and others in the President's Cabinet repeat that mantra now, that it is extremism that is driving the GOP agenda.

So we have had the whole spin all weekend, the focus groups, the Cabinet members, the Vice President this morning on the news shows, and other Cabinet members on the news shows, all pushing the latest White House line. Unfortunately, what they push and the rhetoric that comes across is totally separate from the facts.

This so-called radical, extremist Republican budget over the next 7 years increases spending $2.6 trillion, increases in revenues to the Government of $3.3 trillion. Spending will grow between now and the year 2002 under the Republican radical, extremist budget, spending will grow from $1.514 trillion in this current year to $1.844 trillion in 2002, a 22-percent increase. Medicare spending—which I am sure everyone has heard from the President and his spokespeople that is going to produce dramatic cuts, throw people on the street, throw the elderly out of their nursing homes, and so forth—Medicare spending will increase in that 7-year period 61 percent, from $178 billion in 1995 to $286 billion in 2002. Medicaid spending will grow at a 41-percent increase. Total welfare spending will increase 38 percent. Food stamp spending will increase 45 percent; supplemental Social Security income 69 percent; earned income tax credit spending 22 percent; foster care spending 86 percent. This is the radical, extremist Republican budget.

If we look a little more specifically at Medicare, I think we can begin to understand the length to which the President and members of his party will go to radically alter the news that is being presented to the American people, to put their political spin on something that is totally opposed by the facts of the situation.

Republicans are addressing the Medicare spending issue because the President's own trustees' report in April 1995 stated the following:

> The Medicare program is clearly unsustainable in its present form. . . . We strongly recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions, and delivery mechanisms.

That is the Medicare trustees' report of April 1995.

Incidentally, three of those trustees are members of the President's own Cabinet. Our party has stepped forward in a responsible way to address this alarming report. It has done so by recognizing that unless we slow the growth of Medicare from its current three-plus times the rate of inflation, to around two times the rate of inflation, we will not successfully even begin to address the concern raised by the trustees' report.

We are not the only ones who think that something needs to be done. On

October 5, 1993, the following statement was issued:

> Today Medicaid and Medicare are going up at three times the rate of inflation. We propose to let it go up at two times the rate of inflation. That is not a Medicare or a Medicaid cut. So when you hear all this business about cuts, let me caution you that that is not what is going on.

What Republican said that? because that is exactly what Republicans have attempted to do. So when you hear all this business about cuts, this person said, "Let me caution you that is not what is happening. What is happening is that we are reducing the rate of growth from three times the rate of inflation to two times the rate of inflation." That statement was made by the President of the United States, William Jefferson Clinton, in October 1993. You would never know that today, because what is coming out of the White House is the exact opposite of that statement.

We are also talking about the level of premium at 31.5 percent. That is what it is currently today. You see this country offers an extraordinarily generous benefit program for those 65 and older called Medicare. Part A of Medicare hospitalization is 100 percent covered. And part B, which provides for doctors' fees and other nonhospital costs, is paid for to the extent of 69.5 percent by the taxpayer. We are asking the elderly for that part B coverage only to cover 31.5 percent. That is the current rate that we are asking them to pay, their part, their share of the program. And the GOP budget plan requires that that stay at that level, does not increase it but asks that it stay at that level. But what the President would like to do is revert it back to a level of 25 percent. We are saying, given this trustees' report, this is not responsible. Can we just ask those currently under Medicare to maintain their same level of support? That is the so-called cut that the White House and the President, or those who speak for him, are talking about. And it is not a cut.

Ironically, in the year 2002, under the Republican plan, Medicare recipients will pay a $90-a-month premium, if current increases in Medicare costs are as projected. Under the President's plan, they will pay $82-a-month premium, an $8 difference. This is what is labeled as throwing people out of nursing homes, on the street, without medical care. These are the cuts, the so-called cuts, in Medicare.

When we debated the balanced budget amendment earlier this year, we were told by member after member of the Democratic Party, on the other side of the aisle, that balancing the budget was an absolute imperative, and I want to quote some of them. I will not give their names:

"The budget is not going to be balanced in 2002 unless the responsible people, that is those of us in the Congress, in 1995 start to focus on their share of the work."

"Words on a piece of paper cannot balance the budget, only legislators like you and I can," said another Senator.

A third said: "Let's go on the record, Democrats and Republicans alike, that we are serious about deficit reduction, we are serious about balancing the budget, because I think that we all are."

Another said: "I believe a balanced budget is the correct policy decision for this country."

Another said: "Let Senators get to work and show Americans we have the courage this amendment presumes that we lack."

Republicans had the courage. They came forward with a balanced budget plan enacted over a 7-year period of time, because a $4.9 trillion debt is irresponsible legislating. The rate of growth of our debt is staggering. It imposes a burden on the American economy and on the future and future generations that is immoral. We have come forward with a plan. Our friends and colleagues from across the aisle did not bring forward a plan, and what little attempt they made out of the White House was discounted by the very scoring agency that the President asked us to use.

So now here we are with a plan, a plan to deal with one of the most serious financial crises this country has ever faced. It is not a radical plan. It is not an extremist plan. It is a responsible plan. And for the first time in decades, in response to the call of the American people in November 1994, we are beginning to rein in the out-of-control growth of Government. For the first time in decades, we will actually limit the rate of growth of Government.

Finally, the Congress, under the leadership of the Republicans, has proven that they can deliver on the promises made to the American people to balance the budget.

Several weeks ago, Mr. President, I stood on this floor discussing and debating the reconciliation bill which we were about to pass, that bill that combines a number of efforts to reach our goals for putting in place the process of responsible spending and balancing the budget, and I said:

> The reconciliation bill we are debating not only makes sense, it makes history. For many of us, a balanced Federal budget is a distant memory. For decades it has been an empty political promise. All that remains is one final act of courage and vision.

I went on to say:

> That courage will be tested in the Congress by some difficult choices, and that vision will be measured in the President as he becomes either a partner or a partisan. If either he or we are unequal to the task, the patience of the public will be exhausted, and we will have squandered a unique opportunity, and we will feed a dangerous disillusionment with American politics.

That moment is here. That time for courage is here. The courage has been met by the Republican budget plan. Republicans stand today and say: Mr. President, we have a plan. We have responded to the call—your call, our colleagues' call—to be responsible and balance this budget.

But the vision called for and necessary on the part of the President has not been met. There is no vision beyond November 1996. The vision is to reelect the President at whatever cost. The vision is to make sure that the President's campaign succeeds, regardless of what he has said in the past, regardless of his rhetoric.

Just a few short weeks ago, it appeared we were on a path to negotiating a sensible plan to balance this budget with the President's support. If you looked at what the President said and what he called for, it was very close to what the Republicans enacted. But then someone determined that the President needed to have his weak, vacillating character firmed up. And so the whole plan was thrown out the window.

Now we are in an exercise of what I think is the utmost in political cynicism: Of making sure that the President's political posture is the kind of posture that will be necessary to inch him up in the polls so that he can be reelected in November of 1996.

The courage of the Republicans in providing a plan which, yes, includes tough choices but, yes, responds to a desperate need, a need to get control of a government that for years and years and years has been simply out of control, that plan is before us, but that plan is before us without the vision of the executive branch and particularly of the President.

So while the Democrats continue their efforts to tear this bill apart piece by piece, we have to remember that the centerpiece of what we are attempting to do is to balance this budget. In the future, this will be recalled as our contribution to history. If we ignore this budget crisis, this country and future generations will pay dearly.

I think the argument for a balanced budget comes down to something simple. It is one of our highest moral traditions that parents sacrifice for the sake of their children, and it is the depth of selfishness to call on children to sacrifice for the sake of their parents.

If we continue on our current path, we will violate a trust between generations, and we will earn the contempt of the future. This is our moment. This is our time. It will take courage and it will take vision. Let us trust that both the Congress and the President will have an ample amount of each in order to accomplish what I think we all know needs to be accomplished.

Mr. President, I thank you, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

CONFUSION ABOUT WHY WE CANNOT ACT TOGETHER

Mrs. HUTCHISON. Mr. President, I appreciate having the opportunity to listen to the Senator from Indiana talk about what we are facing in the next 7 hours for this country. It is a very important time.

I was in my home State, as well as several other States, over the last weekend, and I talked to people. People are really confused. People see Congress and they see the President, and they are confused about why we cannot act together.

I think it is very important that we clarify to the greatest extent that we can some of these issues. Let us talk about the continuing resolution that has been passed by the House, will be finally passed again in the Senate today, we hope, that in another month, a few weeks maybe, until December 1, anyway, call on the President to sit down with us and work out a budget reconciliation bill that we would hopefully come to terms with by December 1, so that we can, in fact, take the first-year step of the 7-year march to a balanced budget. That is what the Senator from Indiana was talking about—whether we are going to take that first-year step of the balanced budget. We must have the spending levels that we are asking for in the continuing resolution in order to make the 7-year balanced budget.

If we do what the President wants, which is to continue spending at this year's levels, we will not meet the 7-year deadline.

This Congress has spoken. We have passed a budget resolution that sets the cap on spending that is allowed if we are going to balance the budget. We would love to sit down with the President and talk about priorities, but we cannot negotiate the cap. The cap has been passed. We have a budget resolution on the table.

Has the President yet submitted to this Congress a balanced budget? No. The President has yet to submit to Congress a budget that actually balances. The best he could do was a budget that had $200 billion in deficits. That was the very best. Never have we seen a balanced budget.

Congress has given the President a balanced budget. Perhaps the President does not like the priorities that we have. That is legitimate. Let us sit down and talk about what we spend within the cap. But what the President is saying in the continuing resolution, which he says he will veto, is that we must continue spending at last year's levels, which means to the American people and to Congress that the President is not going to let us have the balanced budget that we must have this year.

If we do not meet this year's test, we cannot do it in 7 years. The President first said he wanted 10 years, then 9, and then 8. At one point, he said he would go along with 7 years. But he never submitted a budget that would do it in 7 years—so Congress did. Now we are trying to pass a continuing resolution that will end on December 1, when we believe that two responsible branches of Government ought to be able to sit down and work out a budget reconciliation package for the American people that would meet the budget test.

There are two things the President says he does not like in the continuing resolution. The first is he does not like the lower spending levels that I have just talked about that are necessary for us to have the 7-year balanced budget.

The second thing he does not like is the monthly Medicare part B premiums, which will rise in January $7 a month in order to meet exactly where we are now, and that is that the Federal Government will put in 69 percent, and the recipient will put in 31.5 percent. That is where we are. Anyone who was here when we passed Medicare—I was not—knows the Medicare part B premiums, which are the doctors' visits, were supposed to be shared 50–50 between the recipient and the Government. They are now at 69.5, Government, and 31.5, recipient. That is where we are now, and that is where the Congress is saying we must stay if we are going to keep Medicare from going bankrupt. We have to raise the premiums that go with the rise in costs to keep the level at 31.5 percent.

It would be irresponsible for the President not to sign a continuing resolution that allows us to put the paperwork in place to make that happen. The President's own Cabinet has said Medicare will start going into a deficit next year. The President's own Cabinet says that Medicare can only last with the trust fund that is built up until the year 2002. So we are trying to save the Medicare system by keeping the 31.5 percent level of the recipient in the part B premiums and to slow the rate of growth over the next 7 years from 10 percent increase per year, which is what we are looking at now, to 6.4 percent per year.

Now, in the private sector, health care costs are rising at 4 to 5 percent. So it would seem that a 6.4 percent growth would be a responsible approach for Medicare growth. And that is what we are doing. We are not cutting Medicare spending; we are increasing Medicare spending at a rate of 6.4 percent per year.

The President is not being responsible when he says he will veto a continuing resolution because the Medicare part B premium is going to increase $7 per month to keep it at the 31.5 percent, and because he does not want to have the lower level of spending so we can meet our budget resolution goal for this year, so that we can have the balanced budget. The President cannot have it both ways. The President cannot go out and say, "You cannot cut spending, you cannot balance the budget; I would like to see a balanced budget, but I am not going to give you one." He cannot keep having it both ways.

The people of this country are not stupid. The people of this country understand that we are looking at a $5 trillion deficit, debt in this country—$5 trillion. I would venture to say that no one ever thought we would reach the level of $5 trillion. But we have.

The American people know that everyone is going to have to pitch in. Our lifestyles are not the same as they used to be. No one's is. In 1975, a family of four spent 33 percent of their annual income on the necessities of transportation, housing, and utilities. In 1995, that level is 46 percent. So people are not stupid. They know that even if they are making a little more money, they are not living at the same level they were. They know that. So they know that we are all going to pitch in, that we are all going to do our part to make sure that we do have a balanced budget in 7 years because our elderly want their grandchildren to have a Medicare system. Our elderly want their grandchildren to get jobs in the future. They want a sound economy. They want low interest rates. They want this country to be the country they had the opportunity to grow up in. That is what they want for their children.

Mr. President, that is what Congress is trying to give to the elderly and to the working middle-class taxpayers of our country.

Let us talk about the debt ceiling. The President has already vetoed the debt ceiling. This is what Congress tried to do. We were trying to extend the debt level and raise it to December 12, a temporary lifting of the debt ceiling, once again, so that we would be able to get the budget reconciliation in place, so that we would have the first year set out with the spending caps to go to the 7-year balanced budget. We believe it is a responsible approach to lift that debt ceiling.

We also provide that there will be no borrowing from trust funds. We provide that habeas corpus reform will take place. We provide for regulatory reform to get the onerous restrictions off of our small businesses in this country so they will be able to compete in the international marketplace so they will be able to create the new jobs that will get our economy going again.

We do ask for the commitment to the 7-year balanced budget so we will not have to talk about whether it is 10, or 9, or 8, or 7 in the future, but everyone will realize and acknowledge and commit to the 7-year balanced budget.

Now, Mr. President, our congressional leaders have said that we will negotiate on this debt limit raising. I think we should. I think the President can have his way on some of these issues. I think Congress would be willing to give.

Mr. President, it is very important that we not give on the bottom line, that we must have a temporary raising of the debt ceiling so that we can responsibly do the budget reconciliation. It would give us the final budget for this fiscal year so that we will not have to argue anymore about how much we are going to spend and so that the markets in this country will know that our commitment is good.

Once we prove to the marketplace, to our international allies and people who are buying our debt, once we show that we have the will to balance the budget, this economy is going to strengthen.

The Chairman of the Federal Reserve, Alan Greenspan, has said that very thing—that once the commitment is shown, our economy will strengthen. Interest rates will remain steady and low. We will not be looking at runaway inflation, and we will start creating jobs in this country once again—not just service-sector jobs but real jobs; jobs where we can compete in the international marketplace, and we will not have to have our businesses opening corporations and manufacturing operations overseas because they cannot afford to do business here.

Mr. President, that is what we are talking about. I hope for the American people and for all of us that we and our leaders can come to terms. We do not want a Government shutdown. The last thing we want is to default on our debt. There must be some meetings. There must be some give.

Mr. President, we are here to do our part.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Kentucky.

Mr. FORD. I thank the Chair. I will not be very long. I know my friend from Washington has a statement he would like to make.

PREMEDITATED TRAIN WRECK

Mr. FORD. Mr. President, I am intrigued by the statements that have been made on the Senate floor recently in the last few moments, as if this is a budget that has gone to the President.

This is no budget that has gone to the President. It is a continuing resolution that keeps Government running at a certain level, and a debt ceiling that will allow us to secure the funds to do that.

The point keeps being made that the President will not do this. Well, the President has not received a clean continuing resolution. There are add-ons. The President has not received a clean debt ceiling increase. There are add-ons.

Mr. President, just go back to April of this year. This is a premeditated—a premeditated—train wreck.

In April, the Republican leadership said this would happen. They wanted it to happen so they could talk about it. They want to put the President on the spot. I do not think any us would sit in the Oval Office and allow Medicare to go up 25 percent.

That was an issue last week in several of the campaigns—I know it was in my State—Medicare.

We talk about statements by the commission on Medicare. Last year when they gave us a report, it was not quite as good as it was this year. This year they said Medicare would be solvent for an additional year. We have more employment, more money going into Medicare.

Somehow or another we are being blamed for inefficiency of the majority party. The inefficiency of the majority party is that they have not done their work on time. October 1 was the deadline for the appropriations bills to be on the President's desk. Here it is, November 13, 6 weeks later, and we only have two or three at the White House—6 weeks late. So the majority has been inefficient in getting the appropriations bills to the President.

This would eliminate the continuing resolution. All we need would be a debt ceiling so we would not have two bills on the President's desk.

All we are asking, Mr. President, is that we not tie other items to a continuing resolution, increasing Medicare by 25 percent. Increasing Medicare by 25 percent—we are talking about the average income in my State of those on Medicare about $15,000. Add another $150 a year on to that household?

I do not believe there is anyone here, if they were President, who would sign a continuing resolution that binds the President's hands, or a debt ceiling that binds the President's hands.

One thing you do not hear, you increase the debt ceiling, and after it reaches that, it is reduced. The debt ceiling is less at the time it expires than they are making it now. Why? So if we do good work, have good income, which we think we are going to, we have reduced the deficit 3 consecutive years—exactly what we said we would do in 1993.

If we get the appropriations bills out of the House and the Senate and to the President's desk, if we just give him a clean debt ceiling and a clean continuing resolution, we can sit down and work. There will be no problem.

The premeditated train wreck that was announced last April is occurring. There is not anything unknown about this. "We are going to do it. The President is going to do it our way or no way."

I have been around here a little while and I have heard that before. I believe the best interests of this country are to give us a clean debt ceiling, give us a clean continuing resolution, and then we can work out the legislative problems after that.

I think we would find that things would move a lot faster than trying to tear up the country and to tear up the financial stability of this great Nation of ours.

I hope we can get a clean debt ceiling, a clean continuing resolution, and that the majority would do their work and give us the appropriations bills so the President would have an opportunity to sign those, and we can continue with the things all of us want to, and that is work towards a balanced budget.

I yield the floor.

A BUDGET PROMISE

Mr. GORTON. Mr. President, in the middle of last week, at the suggestion of one of my colleagues from Washington State in the House of Representatives, most of the Washington congressional delegation and several Members from other States in the country began a campaign to allow people in the United States to speak out in a tangible and dramatic fashion their desire that we stop coming up with excuses and pass a budget which could promise a balance to the American people.

We wanted individual citizens throughout the country to be able to say we have loaded enough in the way of debt on the backs of our children and grandchildren and that it was time to stop, time to chart a new course of action. The way in which we proposed to do this was to suggest to each and every individual in the country that he or she, if she wished the President to sign a balanced budget bill, should send the President a pen, a pen like the one I hold here in my hand, or, for that matter, a No. 2 pencil, or, in the case of the very children who will be saddled with the debts that we have run up in the past and that this President insists that we continue to run up, even a crayon. We suggested any writing instrument, in other words, Mr. President, except for a red pen, on the ground that there was a sufficient amount of red ink in Washington, DC, already.

This announcement took place on Wednesday of last week. On Friday afternoon I was present at radio station KVI in Seattle, a talk radio station, which had not much more than 24 hours earlier taken up this call and had suggested sending those pens either directly to the radio station or to some two dozen drop-off points throughout western Washington.

By the time I reached the KVI studios, there were already huge piles of envelopes containing pens—some without notes, almost all with return addresses, some with short notes to the President—stacked on the table surrounding the microphones in the studios. They numbered in the thousands, produced simply by that single radio station.

Others in the State of Washington have taken up the cause. This morning the National Taxpayers Union held a news conference attended by myself and by the junior Senator from Georgia and my colleague in the House of Representatives, together with one of these radio talk show hosts, to ask that this cause be taken up by other radio stations across the United States. If those stations have anything like the success that we had, there will literally be hundreds of thousands, perhaps up to five digits, of pens delivered to the White House, each and every one of which asks the President to sign a bill. No more excuses, no more deferrals, no more putting off to next year what we should do this year, but a set of laws, a set of changes and directions that will clearly promise us a balanced budget no later than shortly after the turn of the new century.

It is ironic, I believe, that we should have to insist that the President of the United States do this because when he was a candidate for President, Mr. Clinton promised to balance the budget in 5 years. He abandoned that promise on being elected. And by the beginning of this year, 2 years after being sworn in, he submitted a budget that would never be balanced, in fact, a budget that would never have deficits of less than $150 billion a year.

Later, he said perhaps he could do the job in 10 years, then 9, then briefly 7, now back to 10, but that he could only do it if he were allowed to set the assumptions, to play with the statistics, so that balancing the budget would become an easy task without any significant changes in spending policies in the United States, a tactic which has been used briefly by Presidents, both Democrat and Republican, with unsurprising results—increasing rather than decreasing budget deficits.

In addition, the proposal which we have been debating today, the reconciliation bill which will come before this body before the end of the week and be sent to the President before the end of the week, does much more to keep the President's original promises than simply to balance the budget, as important and difficult as that task is. It also keeps the President's promises, since abandoned, to provide a tax cut for middle-income Americans, and it will also keep the President's promise, to which he continues to give lip service and little more, to end welfare as we have known it.

It is over a bill that will carry out these promises of the President of the United States that all of the current furor takes place.

Rather than to promise to sign that bill, the President has committed himself to vetoing it. As of the moment at which I speak, he has vetoed one of the two much more modest interim measures that would allow him both time to veto that bill and to discuss with Members of Congress what alternative approach to the same goal he would adopt without causing the Government of the United States to come to a halt.

I am not sure precisely what the consequences of this course of action will be. Two bills, one of which has already been vetoed by the President and one of which is likely to be passed here later today and vetoed before the evening is up, will cause a certain degree of disruption. A veto of the reconciliation bill, a repudiation of the President's three promises, will, I suspect, cause somewhat more in the way of disruption because it will be the last of a series of actions on the part of the President that belie his promises and commitments as a candidate in the early days of his Presidency.

So far, the President has been unwilling, in any rational and thoughtful fashion, to discuss these goals. So far, he simply says he will not even begin to discuss them until preconditions are met which guarantee that he will never have to discuss them seriously. I suspect, however, that as has been the case so frequently in the past, once the shoe begins to pinch, the President will be willing to discuss this serious question, and I believe he will find Members on this side of the aisle willing to discuss everything with him except for the underlying premise that we must come up with a realistic method of balancing the budget. Once that principle has been reached, we can reach an agreement and the President can use one of those hundreds of thousands of pens to sign a balanced budget.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are in morning business, is that correct?

The PRESIDING OFFICER. That is correct, with time limits of 10 minutes.

A SHUTDOWN OF THE FEDERAL GOVERNMENT

Mr. DORGAN. Mr. President, let me comment on some of the discussion that has taken place on the floor of the Senate today. First of all, I think if there is a shutdown of the Federal Government, there will be no credit in any corner of this town, only blame and, in my judgment, justifiable blame. We ought not be at this position. We should not get to the point of a shutdown of Government services. We ought not have a train wreck. And we certainly ought not have any kind of a default on the amount of money that is owed by the Federal Government.

It seems to me logical that the leaders of Congress and the President should and will sit down and discuss the issues that are between the two sides and resolve them. It is interesting to me, this is not even the stadium where the contest is going to occur. The major contest on the reconciliation bill is going to occur in the stadium sometime in the month of December. This is the bridge on the way to the stadium. The continuing resolution and the debt ceiling issue come to us with attachments, little extras added on, that those who put them on understand the President will not accept. So it does create a circumstance where we now have an 11th hour problem.

I hope this gets solved between now and midnight tonight. There is no reason for the Government to shut down. But I do want to say, those who have made a case today on the floor of the Senate that this occurs because they have a plan and no one else does, because their plan will work and no other plan will, because their plan calls for a balanced budget and no one else wants one, is just hogwash. That is simply not the case.

The case here is not a difference on the destination. I do not know of anybody in this Chamber who does not think there needs to be a balance between spending and revenues.

We need to balance the Federal budget. There are many different ways to get to that point. And the debate, as aggressive and as significant as it is, is a debate about priorities.

We ought to be debating priorities. It only behooves the political process, in my judgment, to have one side which says, "Roll over and play dead," while the other side says, "Here is the only way, here is the road to a balanced budget." I tell you what all of this is about, in my judgment, when you take a look at the priorities. It is about money.

There is an article in the Washington Post about a speech given by the Speaker of the House, Speaker GINGRICH, which says that the problem in this country is that we need more campaign cash. We need more money spent on political campaigns. Of course, that defies traditional opinion, and certainly defies the judgment that I hold. There is too much money in politics and too much money in campaigns.

The Speaker says the problem is there is not enough money; we need more spending on political campaigns. What a lot of nonsense.

The problem here, even on these issues, is money. Those who have are going to do just fine under these priorities and those who do not have so much are going to find they are going to have some problems. That is where the difference in priorities come in.

Let me just show a couple of quotes to my colleagues. These are not from a Democrat. They are from a Republican, Kevin Phillips, a Republican political analyst. Here is how he says it —again, not a Democrat—a Republican sees it.

He says:

> The revolutionary ideology driving the new Republican Medicare proposal is also simple: Cut middle-class programs as much as possible and give the money back to the private sector business, finance, and high-income taxpayers.

That is not a Democrat or a partisan. That is a Republican observing the problem with this plan, these so-called reforms.

One more from Kevin Phillips, a Republican analyst, who says it this way:

> Remember, at the same time as the Republicans proposed to reduce Medicare spending by $270 billion over seven years they want to cut taxes for corporations, investors, and affluent families by $245 billion over the same period. This is no coincidence.

Again, not a Democrat speaking, a Republican speaking about the dilemma of this plan.

I simply observe this. This notion that everyone is to tighten their belts and this plan towards a balanced budget requires equality of sacrifice, and everybody in America is told it is time to buckle up, that we are going to hunker down and solve this problem—well, it is not quite true. What has happened this year is we have seen the priorities in the appropriations bills and the authorization bills established that, in my judgment, are not the right priorities for the country.

Yes, we should cut spending, and there are ways to cut spending in significant areas of the Federal budget. But the fact is that we, of course, have not gotten the appropriations bills done. The Congress has passed only a couple of appropriations bills that have gone to the President. Most of them are not passed. It is months late.

The reconciliation bill, which is now going to be the subject of this debate in December, is 5 months late. June 15 is the date the by which the Republicans who run the Congress are required to have a reconciliation bill passed by the Congress. It is 5 months late. The reconciliation bill has not even had a conference.

Those who would be expected to be conferees on the Democratic side are unaware of any meetings held, not invited to any meetings, 5 months later no reconciliation bill, and all of the appropriations bills that are not done—that is most of them—the fact is that they have not been done largely because of hangups and disagreements among Republicans. They cannot agree among themselves. They have very controversial issues that hang out there. So the bills do not get moving.

If all the appropriations bills were passed, we would not have a shutdown tonight because all of the appropriations bills would be law. But they are not passed. Even those that have been passed by one Chamber or another demonstrate to me that it is not a case of people saying, let us all tighten our belts.

I have in my mind the defense bill. That came to the floor of the Senate, and it had a requirement, or request, by the Secretary of Defense which says, here is what we want for the defense of our country. Guess what? The conservative Senators said: We want $7 billion more. You do not want to build star wars right now. We want to build it. You do not want to build B-2 bombers. We insist you buy 20 of them for $30 billion. F-15's, buy more; F-16's, buy more; two amphibious assault ships, we do not want to choose between the two. Let us buy both, one for $900 million, one for $1.3 billion.

I could read the rest. UH-60 Black Hawk helicopters, a whole series of add-ons that were not requested by the military, not by the branch services, the Air Force, the Marines, the Army, the Navy—not by the Secretary of Defense. Just by conservatives standing on the floor saying: We are not spending enough; we want to spend more.

The only two areas where they want to spend more is, one, when the defense bill comes to the floor, they say, let us spend money not requested. And, second, according to the Speaker, let us spend more on political campaigns. We do not have enough spending in political campaigns.

I do not have the foggiest idea where people get these notions. There is too much spending in political campaigns. That is the problem. It ought to be cut down.

Guess what? All those folks who spend money on political campaigns are not going to grimace when they see this new Republican revolution because the fact is, they are treated with kid gloves. It is the other folks that have to tighten the belts that grimace a little bit when they see the results of their programs.

My point is that this is a legitimate debate about priorities. But even as we debate priorities about where to cut spending, as we do that, there is no reason at all to allow the Government to shut down tonight. Leaders of Congress and this President have a responsibility, in my judgment, to sit down and think through this, and to clearly decide immediately to pass a continuing resolution and a debt extension that is clean, that gets us into the middle of December when we are going to have the real debate about the reconciliation bill.

No one ought to shy away from the debate about priorities. That is what this is all about. There is no problem with that. But it does not make any sense at all for us to be hung up on the continuing resolution and debt extension with provisions put on each of them in a manner where it is well known the President will be required to veto.

So my hope is, between now and midnight tonight, the President and the leaders of Congress can agree on a clean continuing resolution and a clean debt extension. There is no reason to hang Congress up and have the Government shut down and default on debt in the next couple of weeks. Let us have this debate about priorities. But let us do that in December on the reconciliation bill.

But I did want to take the floor today simply to say this is not as it is characterized by some as one side of the aisle wanting to cut spending and the other side does not. I think I have just demonstrated in at least one of the largest areas of Federal spending where there is precious little appetite to do anything other than to spend more by conservatives who come to the floor. It is a big jobs program. There is no belt-tightening when that bill comes up.

I hope when we debate and sort through these priorities in the middle of December and write a reconciliation bill that we will do the best with what each side wants: expanding economy, more jobs, and better opportunity in the private sector. We also want to ensure fairness in the spending priorities and budget priorities here in the Congress.

I think when Kevin Phillips, who is not a Democrat—a Republican—evaluates the set of priorities that is brought to us now by the Republicans, it demonstrates once again that there is plenty of room for disagreement, and I think also plenty of room for compromise hopefully in the middle of December when the American people would expect us to reach agreement. But, between now and then, there is no excuse to have the Government shut down or to have a default at the end of this evening.

Mr. President, I yield the floor.

PAYMENT OF VETERANS' BENEFITS

Mrs. HUTCHISON. Mr. President, I was in Amarillo, TX, this weekend dedicating a veterans' hospital addition, and I met a couple from Friona, TX. He is a disabled veteran. They were concerned about news reports they had heard over the weekend that veterans' benefits would not be paid if the Government is shut down.

I am taking to the floor because I want to make sure that the veteran from Friona, TX, and every other veteran in this country knows that veterans' benefits will be paid December 1 unless this administration decides that that is not the priority. I hope this administration will not do that.

Veterans' benefits are a priority. Veterans' benefits are an entitlement. Never before have veterans' benefits not been paid when there has been a temporary shutdown of Government.

So I came back to make sure. I talked to the budget committees. I talked to the veterans' committees. We consulted the Congressional Research Office to see if there was any merit in this alleged nonpayment of veterans' benefits, and in fact we were told that they had never heard of anything like that. And in fact unless the administration made the decision affirmatively to pay welfare recipients but not veterans, that in fact veterans would be paid.

So I wish to take the floor to tell the veterans of this country that most certainly they will be paid. There is cash flow to do that regardless of whether there is a continuing resolution or if the President vetoes the continuing resolution there are funds to pay the veterans' benefits, the next ones of which go out December 1. So I think it would be highly appropriate if the Veterans Administration would reassure the veterans of that because they are getting mixed signals.

In my home State of Texas, some veterans' offices are saying, of course, checks are going to go out, and some Veterans Administration offices are saying they do not know; that it is up in the air. And then there are reports that reporters calling the Veterans Administration here are getting the word that they will not go out. So there is confusion by the administration on this point. But there is no confusion on the part of Congress that veterans' pay is absolutely essential, that it is covered, and that the checks will go out December 1.

So I hope that the Veterans' Administration will, indeed, clarify this so that our veterans are not worried that their payments are of lesser stature than those of welfare recipients in this country.

I thank the Chair. I yield the floor.

REPUBLICAN PLAN

Mr. INHOFE. Mr. President, while I was presiding, I was desirous of responding to some of the things that had been said about the subject of this morning's business by a number of the Members of the Congress, specifically one from North Dakota.

During the course of his remarks, he talked about a plan, about the fact that the Republicans have talked about the plan that we had that we are going to discuss, that we have sent to the President that will reach a balanced budget in a period of 7 years, as if somebody else had a plan. I suggest that there is no other plan. If there is a plan, I have not seen it.

The Senator was talking about repeating some of the things that had been said over and over again having to do with reducing Medicare in order to give tax breaks to the rich. I want to say, every time I hear that, that the Republicans had no intention at any point of reducing Medicare. The Republicans gave a program that would have the effect of increasing Medicare by approximately 6.4 percent each year. That would be if a person were getting the maximum Medicare, as accorded today under the current law. That person would receive $4,800 a year. At the end of the 7-year period, that same individual would be getting $6,700 a year.

There is no way to say that that could be considered as a cut in Medicare. To say over and over and over again, with redundancy that is unbearable, that the Republicans are going to try to use cuts in Medicare—which I just talked about, that there are no cuts in Medicare—to give tax breaks to the rich is being unreasonable. Mr. President, 90 percent of the tax breaks that would come from a $500 tax credit per child would go to families under $100,000 of income.

But I want to get down to the point where he was talking about our Nation's defense. He was talking about the Senate bill that was too high, talking about the appropriations bill that was actually some $7 billion more than asked for by the military. I think we all know, being realistic, that when there is a Democrat in the White House, the military is going to be influenced by what that Democrat or a Republican in the White House might want.

We saw what happened back in the 1970's when we had a Democratic President in Jimmy Carter, and we saw our defense budget going down, going down and, of course, the social programs going up. Until such time as 1980, we did not have enough money for spare parts, and we found it necessary after 1980, up to 1985, to increase spending on defense by about 40 percent.

We do not want that to happen again, and yet we have seen during the course of this administration cuts in our defense budget to the extent that right now we are where we were in 1980.

This concerns me, because right now there is a crisis that is taking place and a decision that has been made by this President to send up to 25,000 troops on to the ground in Bosnia. You can talk about doing this and act like the budget is going to remain static during this time, and yet the foreign policy of this administration has put more and more money into humanitarian gestures, Mr. President, to the extent that he has had to come back to this Congress for emergency supplementals.

This is the position we have found ourselves in: We have a Republican-elected House and Senate. We have control. The Republicans gained control in the 1994 elections. And yet we have a President who sends our troops off on humanitarian missions, having no relativity to our Nation's defense. We sent them off to Somalia. Of course, our troops went to Somalia in December under the last month of the Bush administration. And yet, once that humanitarian mission, as described by President Bush when we sent the troops over to Somalia, was over, we time and time again pleaded with President Clinton to bring our troops back from Somalia. There was no mission there that related to our Nation's security interests. Yet, he did not bring them back and they did not come back until 18 of our troops were murdered in cold blood and dragged through the mud through the streets of Mogadishu.

What we do not want to happen in Bosnia—if you look at what the administration has done to our military—is for them to come back and say we need another billion dollars. They came back for a $1.4 billion emergency supplemental just to cover these humanitarian missions in places like Somalia, Haiti, Rwanda, and other places. And we are in a position where we did not have a voice in making the decision to spend that money on humanitarian missions, money we have to borrow from future generations, because we are borrowing this money. Yet, we cannot deny the President his request for emergency supplementals, because if we do that, he will take it out of the operating account of our existing military, and, of course, we are down now to a bare bones military system.

I think what is happening right now in Bosnia has a far greater significance than what we have been talking about in just the cost.

I had occasion to spend 6 months in Bosnia. I did it all in 4 days. It was the most miserable 4 days I ever spent. But I learned something while I was there. I looked around and I saw a country that had been pounded and pounded. Yet, we are not real sure who is doing the pounding all that time. We have three warring factions in Bosnia. We have the Croats, the Bosnian Serbs, the Bosnian Moslems. Yet, while the peace talks are going on, I suggest to you that some of the parties causing the problems over in Bosnia are not at the peace table.

So here we are faced with a dilemma where we are going to have to make decisions as to what is taking place over there, and we are going to try to stop the President from sending 25,000 ground troops in there where, certainly, there will be many, many deaths.

I will wind this up by only repeating the words of the commander of the U.N. forces in Bosnia, that British general, Gen. Michael Rose, who said, "If the Americans send troops into Bosnia, they will sustain more losses than they did during the Persian Gulf war." That was 390 losses. I remember when I asked Secretary Christopher and Secretary Perry, "Is whatever we are doing over in Bosnia significant enough—whatever mission that is—for the loss of several hundred—specifically over 400—American lives?" They said, "Yes."

So I think there is the basis of the difference of opinion. Is the mission of containing a civil war and of protecting the integrity of NATO worth several hundred American lives. I say, "no."

That is another debate that is going on now. I would like to advise the President that it is my intention to introduce legislation that is going to make it more difficult for him to send troops into Bosnia on the ground.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

Mrs. HUTCHISON. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 927, a bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Gilman, Mr. Burton of Indiana, Ms. Ros-Lehtinen, Mr. King, Mr. Diaz-Balart, Mr. Hamilton, Mr. Gejdenson, Mr. Torricelli, and Mr. Menendez be the managers of the conference on the part of the House.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to address the Senate on the pending matter for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise this afternoon to debate the message from the House requesting a conference on H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995, and the naming of conferees.

I find it somewhat remarkable that today, of all days, we are being asked to deal with this matter, of all matters. I would have thought that today we would be devoting ourselves instead to finding our way out of the serious box we have fallen into over the budget impasse.

Let us remember what is about to occur shortly in this Chamber. As of midnight tonight, the Federal Government ceases all but essential services. Likewise, the Government's ability to borrow shortly will be exhausted. Keeping our Government operating and keeping the U.S. Treasury solvent should, in my view, be the only business of this body today. Even if it were not in the throes of a critical fiscal crisis, I would still argue the priorities of the leadership in taking up this particular bill at this juncture.

The Senate, as my colleagues will recall, has already exhausted 5 days debating this bill. There is no pressing reason why we must turn to it again now or go to a conference today or tomorrow. It is not as though the Senate has nothing else to do. We have yet to complete the bulk of the so-called must-pass legislation for this year. To date, we have completed action on only 4 of the 13 appropriations bills that we must enact—only 4 of the 13. We have yet to complete action on budget reconciliation, on welfare reform, on Medicaid and Medicare reform.

Instead, here we are debating going to conference with the House on legislation that has no particular urgency to it whatsoever. Fidel Castro has been around for more than three decades. I do not think anyone seriously believes that this legislation is likely to markedly alter his status or the current situation in Cuba any time soon, no matter how much we may wish it so. In fact, as I argued when the Senate spent 5 days debating this bill last month, I believe this legislation is fatally flawed.

In this case of the House-passed version, this bill would actually do serious damage to the United States, especially to our Federal courts. Frankly, Mr. President, this legislation is nothing more than special interest legislation par excellence. It is particularly ironic, Mr. President, that we should be here today deliberating legislation that falls within the jurisdiction of the Senate Foreign Relations Committee.

As I am sure my colleagues are aware, the Foreign Relations Committee has been basically shut down for the past 3 months by the chairman of the committee, with the concurrence of the majority leader. Eighteen ambassadorial nominees, nominees to China, South Africa, Pakistan, the Philippines, and several dozens of treaties, including START II and the Chemical Weapons Convention, have been held hostage by the chairman of the committee until he secures passage on S. 908, the State Department reorganization legislation.

The distinguished chairman of the Senate Foreign Relations Committee has been unable to pass that legislation to date because in its current form it does not enjoy bipartisan support. I appreciate the fact that the Senator from North Carolina is unhappy that he cannot get his bill passed. That circumstance, Mr. President, happens to all of us in this body from time to time. However, I believe it is the height of irresponsibility to hold up nearly all the other business of the Senate Foreign Relations Committee over one piece of legislation. I believe the action is almost unprecedented, if not in fact unprecedented.

I, for one, would argue that it is far more important that the United States be ably represented abroad at the highest diplomatic levels in countries where there are a great many U.S. interests at stake. China, Pakistan, South Africa, Indonesia—these are all countries of critical importance to the United States and the conduct of our foreign policy.

I also believe that arms control must and should continue to be a high priority for the United States. START II and the Chemical Weapons Convention are critical elements in that arms control strategy. I would assert, Mr. President, that the American people care far more about arms control and being well represented abroad than they care about how some boxes get drawn on some State Department organizational chart or who draws them.

Under the current circumstances, I am not prepared to facilitate efforts by the majority to pick and choose the foreign policy items that they want acted upon while ambassadorial nominees and other major agenda items on the Foreign Relations Committee continue to be held hostage.

I would be far more sympathetic to proceeding with the matter before us if I thought some critical foreign policy issue were at stake. That is not the case, Mr. President. The motivation for moving the pending matter this week and today is driven primarily by a domestic political agenda and by a Presidential straw poll that will be held this coming weekend in Florida.

If the leadership of the House and the Senate thinks that this bill is of such high priority that it must be acted upon this week, then I would suggest that the House take up and pass the Senate version of the bill. While I believe that this version, the Senate version, has serious deficiencies, it is light years better than the House-passed version of this same bill. Unfortunately, they are not prepared to take that course of action because the sponsors of the bill are eager to restore title III of the bill in conference, the most controversial title of the bill, that was deleted in this body.

Mr. President, I am obviously prepared to speak at some length about my substantive objections to the bill at an appropriate moment. I respectfully urge that we forget about dealing with this matter and return to the critical issues that threaten to close down the Federal Government in a matter of hours and to call into question the full faith and credit of the U.S. Treasury.

Mr. President, I mentioned earlier there were some 18 nominees that were at stake being held hostage. Let me identify them, if I can: Sri Lanka, which has been vacant since August of this year; the APEC convention; Cambodia; Malaysia, vacant since June; Thailand, vacant since August of this year; Indonesia, vacant since July; Oman, vacant since June; Pakistan, vacant since September; Lebanon, vacant for 1 year, no ambassador there; South Africa; Cameroon; the Marshall Islands; Fiji; China; Mali; Rwanda; The Gambia.

All of these places, Mr. President, are without U.S. representation. We could have dealt with these matters. They have come out of committee without any real controversy. It is not as if some of these people here are particularly controversial at all. That is not the issue. I would understand that if that were the case. We made the decision here we are not going to deal with these Ambassadors over one piece of legislation.

But it is not just the Ambassadors. I mentioned earlier that treaties are being held up as well. START II, the Chemical Weapons Convention, nine bilateral investment treaties, five mutual legal assistance treaties, five extradition treaties, three tax treaties, two environmental treaties, the Law of the Sea Convention, the Women's Convention, the American Convention on Human Rights.

Now, again, Mr. President, some of these matters might provoke some controversy. I would not suggest that they are necessarily in the same status as these ambassadorial nominations. But, nonetheless, these matters certainly, I would argue, are of equal or greater significance than the pending legislation that we would like to appoint conferees on. As important as that legislation may be in the eyes of some people, it does not deserve to have a status higher than all of these other matters and higher than the status that we ought to be providing to the START II Treaty and the Chemical Weapons Convention that has been pending for some time.

Now, Mr. President, I mentioned earlier when we had the debate on the Cuban legislation that I thought the bill was fatally flawed. I still believe that to be the case. Let me say once again this is not an issue of whether or not you like Fidel Castro or are happy with the present situation in Cuba. I will state once again for the record, I am not. I would like nothing more than to see democracy come to Cuba, that a dictator leave, that we try to be able to achieve some human rights in that country and a restoration of representative government. That is not the issue here before us.

The issue is, is this particular strategy incorporated in this legislation the correct course to be followed? This legislation does not in any way change the present embargo, although there are many who feel the embargo ought to be modified because it is not achieving the desired results.

The problem with this bill is that it places some contingencies on other foreign policy matters that ought to be of greater weight than what we are presently doing or not doing in Cuba. I said at the outset of that debate that when we consider matters such as the legislation before us, we ought to ask ourselves two basic questions: Is what is being proposed in the best interests of our own country? And is it likely to achieve the desired results?

Mr. President, as you know, I had grave concerns about the legislation as it was originally drafted. I believe the bill would have done serious harm to our own country, particularly to our court system. Fortunately, the centerpiece of that bill that would have caused that harm, title III, is no longer a part of the Senate version. As I mentioned earlier, I thought it would be at least better, if the House wanted to move this matter along, to just take up the Senate-passed bill and pass that. But thanks to Senator KASSEBAUM and others who worked so hard to correct this serious problem, it is no longer a part of the Senate version.

Notwithstanding, however, Mr. President, this change, the two basic questions still remain: Is this bill in our own interests? Will it achieve the desired results? Regrettably, I believe the answer to both of those questions is still no. It is not in our interest, Mr. President, to complicate our relations with the governments of Russia or the other New Independent States that were formerly a part of the Soviet Union.

Yet provisions of this bill would do just that, by linking our assistance to Russia and these New Independent States based on their policies toward Cuba. We provide assistance to Russia and the New Independent States because, I believe, Mr. President, we want to see them carry out the kinds of reforms and programs that we are funding, because we want to continue to strengthen this still fragile democracy that exists in these nations. Conditioning our aid to Russia and to the New Independent States based on what is going on in Cuba, I think, is counterproductive, and yet that is exactly what we do in this bill.

It seems to me, Mr. President, we have to ask ourselves, is it in our interest to try to shore up these democratic institutions, these fragile democracies that only a few months ago were in the grips of communism? Fragile as they are, should we be linking that assistance based on whether or not they continue to provide concessional aid to Cuba? We may not like the fact that they do that, but are we going to jeopardize the democracies in Russia and the New Independent States solely because they maintain concessional aid to Cuba? Yet, that is exactly what the bill does.

Again, I do not necessarily disagree if people want to have some strong language about what we do, what kind of aid we provide to Cuba, what kind of support we provide. That is a legitimate debate. But to say to Russia and the New Independent States, "We are going to cut off aid to you, we are going to deny you the kind of support" that these countries need if they are going to succeed in the transition to democracy, based on the fact that they provide concessional aid to Cuba, I think, is very wrongheaded.

Provisions of this bill also impinge on arms control. Again, one can argue about whether or not you want to proceed with arms control. I think it ought to be a source of some collective pride and sense of well-being that today we no longer have any nuclear weapons that formerly resided in the Soviet Union pointed at us. There has been a remarkable degree of success in dismantling that nuclear arsenal. And yet today, this bill on Cuba threatens, in my view, our arms control agreements with Russia and the New Independent States, specifically when it comes to Russian verification of United States compliance with these arms control agreements.

As I said a moment ago, it is certainly legitimate for the United States to discuss the types of activities that appropriately fall within the scope of verification of arms control treaties. That should be done bilaterally with the Government of Russia, not unilaterally imposed by the Congress in the context of its debate about Cuba.

Other provisions of this legislation bar Cuban participation in international financial institutions. That might be fine, but the bar goes until after democracy has been established in that country. We all know the critical roles played by the World Bank and the International Monetary Fund in the early days of Russia's transition to democracy and to a market economy. It is foolhardy, in my view, Mr. President, to prohibit the IMF or the World Bank from offering their assistance and expertise to a post-Castro government.

Mr. President, my objections to the underlying bill were based on several points. One is that, of course, to be tying our aid to Russia and to the New Independent States, based on Russia's continuing support of concessionary aid to Cuba, does not make a great deal of sense to me. In fact, to tie those two issues together jeopardizes, in fact, the very fragile democracy that exists in Russia and in the New Independent States.

Second, to tie arms control is just as dangerous, in my view. We have achieved great success in the last number of months by turning those missiles, which were pointed at our shores, away from our shores and, in fact, the arms control efforts have proven a great success. To link a future arms control success, based on whether or not Russia provides concessionary aid or assistance, to Cuba seems to me to have misplaced priorities. Whatever one thinks about Cuba, you do not jeopardize arms control because Russia does what 57 other countries in the world are doing—that is, providing aid or assistance, or allowing their businesses to operate in Cuba. Again, I am not applauding those particular actions, necessarily, but I do not think you want to link the foreign policy of this country—particularly the vital interests that we have with regard to Russia and the New Independent States—based on a relationship that those countries may have with Cuba.

This bill—the underlying bill—would also have the United States spend more money on TV Marti. Here we are cutting public broadcasting in the United States, cutting into those budgets; yet, we turn around and support additional funding to TV Marti—a program that, by any estimation, with all the studies that have been done, has been an abysmal failure. GAO report after GAO report has found it is totally ineffective, that virtually nobody in Cuba watches it, that it is a total waste of taxpayer money. Those are not my conclusions, but the conclusions of the General Accounting Office. Yet, we are going to spend more money on TV Marti at a very time, as I said, when, frankly, we are told that resources are not there to support our own public broadcasting efforts in this country.

As I said, Mr. President, during the consideration of the legislation, the only individual who has truly benefited from the debate, in my view, has been Fidel Castro. Once again, we have managed to make him larger than life and given him excuses for why his government has failed or why the Cuban economy is in a shambles. Once again, we will force our allies to come to his defense because they profoundly disagree with our own tactics.

Consider what happened in the United Nations only a few days ago, where a resolution on Cuba was offered. We had one country that supports us—one out of the entire world stood with us with regard to Cuba, and that was Israel. I point out, as I have in the past, Israel, in fact, has businesses, Israeli businesses, doing business in Cuba. So instead of having some profound affect on our allies around the world, we are achieving just the opposite.

So, Mr. President, I object to us moving forward, for a number of reasons. Let me reiterate them for my colleagues. One is that I do not know why, today, of all days, with the Government about to shut its doors and close down, with all of the other pending matters we should be raising before us, here we are dealing with a bill focused on Cuba. As I said earlier, we have only dealt with 4 appropriations bills out of 13. Why do we not deal with some of those appropriations bills? It seems to me that ought to have a higher priority than a piece of legislation that will have virtually no effect on Cuba, no effect on Fidel Castro. Yet, we bring that up today, with no particular urgency about it whatsoever.

Second, here we are moving to this bill, which comes under the appropriate jurisdiction of the Senate Foreign Relations Committee. Yet, we are going to rush this bill to the forefront, while 18 nominees to serve as ambassadors to the United States have been in limbo for weeks now—not days, weeks. These are 18 ambassadors that are going to critical countries, like Pakistan, China, and Indonesia, where we have critical United States interests at stake. Yet, those nominees cannot be voted on because the chairman of the Foreign Relations Committee wants another bill to be resolved—a bill he has an interest in. Now, I respect his interests. I disagree with him on what he wants to do in major part, but I know what it is like to have a bill you are interested in. But this ties up 18 nominees to serve as ambassadors of the United States to these foreign countries, and a number of critically important treaties, including START II and the Chemical Weapons Convention, nine bilateral investment treaties, and a host of other agreements, all of which have been held up, not because there is great disagreement with them.

These treaties ought to be debated if people have disagreements. Let us debate it here on the floor of the Senate and vote on them. But here it is, the majority controlling, saying these nominees cannot come forward to serve as ambassadors, and a whole host of treaties cannot be brought up. We will not deal with the reorganization of the State Department, but we are going to rush to the forefront a bill on Cuba.

It seems to me that we have misplaced priorities here, Mr. President. On this very day, hours away from shutting down the Federal Government, we are going to debate about whether or not we are going to cut off aid to Russia and jeopardize arms control because we are unhappy with how we see things in Cuba. Try to explain that to the American public. If they wonder what is going on in Washington, consider what we are debating today. Here it is, the majority, which controls the debate and the agenda, brings up a bill regarding Cuba. We are hours away from shutting down the Federal Government, while not even considering bringing up, as I said earlier, the nominees for the important ambassadorial posts and these important treaties, not to mention appropriations bills, Medicare reform, Medicaid reform. All of that takes a back bench while we deal with Cuba.

I mentioned earlier, I have problems with the underlying bill itself. The fact that we are going to link United States assistance to Russia and the New Independent States based on whether Russia and the New Independent States provide concessionary aid to Cuba—explain the logic of that to me, why you would jeopardize fragile democracies critically important to the United States and to Western Europe based on their concessionary aid to an island 90 miles off our shore, and why you jeopardize arms control—a critically important issue to this country. And yet this bill says that we will not provide the kind of assistance to the arms control effort if, in fact, Russia continues to provide concessionary aid to Cuba.

It just does not make any sense. The international organizations here are saying no aid to a post-Castro government—not Castro. Forget that. No aid to a post-Castro government in transition.

All of us recognize the value of the international organizations—a few months ago when Russia was going through that transition—yet in this bill we say with regard to Cuba "No international financial assistance" for the World Bank or the IMF until democracy is absolutely established.

Were we to apply those provisions to the New Independent States and some of the conditionality in this bill, we would still be denying that kind of assistance to them as they struggle to get their footing into established democracy, a firm democracy in their country.

Mr. President, I feel very strongly that today to be raising on the floor of this body a bill involving Cuba, which I believe is fundamentally flawed—I realize it passed this body, but I know a number of my colleagues think it is a bad bill. Because we are going to have a primary, a straw vote I guess it is, in Florida this weekend, we are rushing to get the Cuba bill done.

So the closure of the Federal Government, the important appropriations bills, Medicare, Medicaid, they all take a back seat here now so that we can score some points to maybe win a straw poll in Florida. That is the only reason this bill is being brought up now—the only reason.

In fact, if they wanted to deal with this issue expeditiously, the House could adopt the Senate version and send it back over to us. No, that is not the case.

So today we are going to try and move through to deal with this Cuban aid bill while we put aside the very issue of whether or not the Federal Government is going to close its doors.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 115

Mr. DODD. Mr. President, I am about to propose a unanimous-consent request that would recognize the distinguished chairman of the Senate Appropriations Committee for the purposes of raising the continuing resolution.

At the conclusion of that discussion I will be prepared to ask unanimous consent that the Senator from Connecticut be recognized to continue his discussion on the matter before the Senate.

Mr. President, let me propound that unanimous-consent request: That, without losing his right to the floor, the Senator be recognized at the conclusion of the time that the Senator from Oregon is recognized, for the purpose of introducing the continuing resolution; at the conclusion of that introduction and discussion that the Senator from Connecticut be recognized once again and his remarks be uninterrupted.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL YEAR 1996 CONTINUING APPROPRIATIONS

Mr. HATFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 115, a joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1 and 2 to the joint resolution (H.J. Res. 115) entitled "Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.".

Resolved, That the House agree to the amendment of the Senate numbered 3 to the aforesaid joint resolution with the following amendment:

Delete the matter proposed by said amendment, and beginning on page 15, line 1 of the House engrossed joint resolution (H.J. Res. 115), strike all down to and including line 7, on page 36, and redesignate title IV as title III, and renumber sections accordingly.

Mr. HATFIELD. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

So the motion was agreed to.

Mr. HATFIELD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, on behalf of the Democratic side here, we did not object to proceeding to the continuing resolution. It is important we move this process forward.

Mr. HATFIELD. This procedure has been cleared with——

Mr. DODD. And I understand that, but I wanted to make note that we disagree with the continuing resolution, Mr. President; and I ask unanimous consent that the vote that occurred last Thursday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Rollcall Vote No. 567 Leg.]

YEAS—50

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth

Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Mack

McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein

Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman

Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone

NOT VOTING—3

Akaka
Bradley
Lugar

Mr. DODD. Mr. President, the Democrats on this side still have objection to this proposal, but nonetheless we feel the process is worthwhile.

Mr. DOLE. If I may proceed for 5 minutes.

Mr. DODD. Absolutely.

Mr. DOLE. First, let me state that the Senate will remain in session until midnight tonight in the hopes we can get this to the President very quickly and that if he should veto the continuing resolution, which I hope he will not, there still might be time for the President and the leadership to work out some agreement that would prevent a shutdown of the Federal Government.

I am not an advocate of shutting down the Federal Government. I think there ought to be some way to come together. I think the American people expect us to do that.

This will be on its way to the House within a minute or two and will go directly from the House and we will see it is expedited and over to the President and hopefully the President will have it a little after 5 o'clock. That would still give us 7 hours to resolve the difference.

There has been some discussion today of maybe changing one of the provisions on Medicare, just writing in the figure $46.10 which would amount to a freeze. That was raised by the distinguished Senator from New Mexico in a talk show over the weekend and also by the Senator from Oklahoma, Senator NICKLES, and discussed by the Senate leadership at 12:30 today, and then discussed with the Speaker maybe an hour or so ago, along with a number of other things we are also looking into—items of disagreement on the total reconciliation package, and we are about to wrap that up.

Before we concluded our discussion, we understand Mr. McCurry resolved the matter for us at the White House, indicating in addition to the Medicare provision they had other substantive problems with the continuing resolution.

So it underscores that all this weekend was a smokescreen on Medicare, and the truth of the matter is there were other objections—not just Medicare.

So they are playing the Medicare scare card all weekend, so we were working on maybe a softer version just to freeze at $46.10 and that, again, Mr. McCurry indicates was not satisfactory.

In fact the quote reads, "Explain what's wrong with the freeze, just explain what's wrong with the freeze."

Mr. MCCURRY. Well, because the President prefers current law. Current law is very clear on what premium increases should be.

Mr. President, I ask unanimous consent to have the entire transcript of the White House Press Secretary's remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REGULAR BRIEFING BY MICHAEL MCCURRY, 2:23 P.M., EST, MONDAY, NOVEMBER 13, 1995

Mr. MCCURRY. Let me—good afternoon, everyone. Let me start with an announcement concerning the president's very important trip to Japan for the meeting of the Asian Pacific Economic Cooperation Forum leaders summit and very important state visit, bilateral visit with the Japanese government.

First, as is obvious, the president has to tighten his schedule in order to take the very important work that he needs to do on this trip and fit it in to what will amount to a weekend trip to Japan. (Laughter.) The president will depart 11:00 Friday evening from Andrews Air Force Base, and will return Tuesday morning at approximately 2:00 a.m. to Andrews Air Force Base.

Question. Was that a.m. or p.m.?

Mr. McCURRY. A.M. Tuesday morning. He will—he leaves at 11:00 p.m. Friday, and he will be returning at 2:00 in the morning Tuesday morning; so in other words, very late Monday night.

That will allow him to participate fully in the APEC leaders meeting that will occur on Sunday. It will also allow him to accept the gracious invitation of the emperor and empress for a state visit to Japan, and to conduct important bilateral meetings with Prime Minister Murayama. The United States appreciate the courtesy of the emperor and empress in allowing this schedule adjustment to occur. Obviously, we also appreciate the cooperation of the Japanese government and the Japanese people as we make these necessary adjustments to the president's schedule. The president is confident that this schedule will allow him to do the very important work of advancing U.S. economic interests as we participate in these important discussions with the other Asian economies, and as we deal at a very important point with the very important bilateral relationship we have with the government of Japan.

Yeah, Mike?

Question. Is that locked in now, or if you get a deal can you expand it back out?

Mr. McCURRY. Say again?

Question. Can you expand it again if you get a deal, or is this locked in?

Mr. McCURRY. This is—we are making all the adjustments necessary to follow this schedule, so this will be the schedule.

Question. You mean even if you get a deal it will be the schedule?

Mr. McCURRY. There's nothing to indicate that that's going to happen in a time that would allow us to open the trip back up accordion style.

Question. Let's suppose that you don't get a deal——

Mr. McCURRY. I'm not going to do "supposes." This is the schedule. We're announcing the schedule as it's now announced.

Yes?

Question. How long will the state visit be then?

Mr. McCURRY. It will be one day. It will be—the president will fly from Osaka down to Tokyo on Sunday night. He will have sessions beginning at 9:00 in the morning Monday, he will conclude with a state dinner at the Imperial Palace at conclusion of the state dinner.

Question. In his talk to the DLC, the president said something like he hopes to be able to make this trip to Ireland. Did he use that language because that trip could also be in some danger because of the (threat ?) of a government shutdown?

Mr. McCURRY. Well, the president still is keeping to his planned schedule. It's impossible for us now to predict what will happen between now and the end of this month in this rather fluid situation

Question. Is Mrs. Clinton going?

Mr. McCURRY. Mrs. Clinton does plan—does plan to attend, yes.

Question. Since you're talking about scheduling, if the CR comes down here—it now looks like they're going to vote about 5:30, what time do you think the president would take action?

Mr. McCURRY. He will exercise his veto as soon as he receives the measure from the Hill. As you know, final passage in Congress has very little to do with what time Congress actually sends the measure to the White House. We had final passage on the debt ceiling measure Friday that did not arrive here until Sunday. So it's impossible for us to predict to you now what time that measure will arrive from the Congress.

Question. Will he do it in a public way?

Mr. McCURRY. I'm not aware that—you've got more information than I do! I'm not aware that the Senate has now dropped the Medicare premium increase. I've heard one or two members suggest that, but we don't have anything authoritative from the Republican leadership indicating that they're now dropping the Medicare premium increase from the continuing resolution.

Question. What do you have from Domenici?

Mr. McCURRY. We have what we've seen him say on CNN. (Cross talk.)

Question. (Off mike)—saying he hasn't talked to Panetta?

Mr. McCURRY. His conversations with Mr. Panetta, the idea that he discussed is very much the same one that he's discussed publicly now on television.

Question. Well what's your reaction?

Question. So what's your reaction to it?

Question. What's your reaction?

Mr. McCURRY. Well, it's an interesting idea, but it's got nothing to do with resolving the current crisis. The president, as he's made clear, needs for them to drop the Medicare premium increase from the continuing resolution so that we can then get down to a serious discussion about what will be in a continuing resolution that's appropriate and acceptable to the president.

Question. In other words——

Question. So you're saying a freeze is not good enough?

Mr. McCURRY. A freeze has to—a willingness on the part of Congress to drop the Medicare premium increase can open the way to further discussions. That's the most you can say at this point because the president has substantive objections to other aspects of the continuing, especially the level of funding.

Question. Explain what's wrong with the freeze, just explain what's wrong with a freeze.

Mr. McCURRY. Well, because the president prefers current law. Current law is very clear on what premium increases should be.

Question. Mike, following up, when you say the objection to other aspects of the CR is the funding levels, assuming the Senate even takes up Mr. Domenici's proposal, which isn't at all clear that it's been embraced by Senator Dole or the leadership, and they send him down a bill with the 46–10 frozen in there, whatever, are you saying he could still veto because of the 60 percent funding levels? Is that still——

Mr. McCURRY. The president—look, nothing has changed from the viewpoint of the White House. The president is willing to sit down with the bipartisan leadership of Congress to discuss how we are going to avert this crisis, a shutdown in our government, and the only condition he attaches to that is some measure of good faith on the part of the leadership by dropping the proposed Medicare premium increase that is in the current version of the continuing resolution. If they drop that, there is a basis upon which to have discussions about how we move forward from here, even though the president still has substantive objections to the continuing resolution now pending in the Senate.

(Cross talk.)

Mr. McCURRY. Well, if there's no action by the Congress, or if there's no action on a measure that the president signs, then the shutdown proceeds.

Question. Mike, suppose they sent him the thing with the Medicare premium dropped, would he sign that? A CR with the Medicare premium dropped, would he sign that?

Mr. McCURRY. The president's made it clear he would sign a clean extension, clean continuing resolution, one that follows——

Question. That doesn't answer the question.

Mr. McCURRY.—the formula that was developed in September. Well, I can tell you what the president has said he will sign, I can't speculate for you what the president will do on something hypothetical that we don't have any indication at all is the viewpoint of Congress. Is Congress going to pass any of these things that you're suggesting and send it to the president tonight? That's a different question. There's no indication that's going to happen at this point.

Mr. DOLE. Even though the President still has some objections to the continuing resolution now pending in the Senate, the point is a number of cases here that a freeze was not acceptable, and that they had other objections—which they have a right to have—so I am not certain what the offer to meet with the leadership really amounted to.

We have been saying all weekend, people should understand we are talking about part B Medicare; part B Medicare, where all the money that is not paid by the beneficiary is paid out of general revenues, paid by taxes by people that work at McDonald's, people that work right here on the Senate floor.

You are asked to pay 68½ percent of some millionaires' part B premium or someone making $100,000 a year. It does not make a great deal of sense to me.

All we were talking about, we were just keeping the 31.5 percent in place long enough until we negotiate some agreement, hopefully, with the President of the United States on an overall balanced budget over the next 7 years.

So, we made our case. The President has made his case. I think they have overstated the case. And today they admit that it is not just Medicare; even the freeze would not be satisfactory, because they have other objections, other objections in the continuing resolution.

So, it seems to me we have no other choice. We passed the resolution. I thank my colleagues on the other side for clearing the resolution, and we hope that as we speak it is on the way to the House and will soon be on the way to the White House. If the President should deem it necessary to veto it, that then he would be willing to sit down with us. We are the leaders, and we would be happy to try to work it out before midnight to avoid a shutdown.

As I have said earlier, the Senate will be in session and the House will be in session until midnight. We are prepared to act up until midnight or after, if necessary, to prevent a shutdown of the Federal Government.

The PRESIDING OFFICER. The Chair now, under a unanimous-consent agreement, recognizes the Senator from Connecticut.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the message from the House.

Mr. DODD. Mr. President, I thank the Chair. Let me return to the subject matter that is the pending business of the Senate, but let me also state here in response to the distinguished majority leader, it was our intention that this process do move forward, but also it is our strong feeling this CR ought to be as clean as possible.

There is a place and time to negotiate the budget proposals for 7 years, but we do not believe it ought to be part of a continuing resolution and that extraneous matter included in the CR is really a back-door attempt to achieve through this process efforts which should properly be the subject of negotiations as part of the long-term budget commitments of this country.

So the CR ought to be as clean as possible. As I mentioned earlier, we have only dealt with 4 appropriations bills in the last number of months out of 13 that should come before this body. I think we might better spend our time in dealing with those appropriations bills, get the job done, and then the need for a CR—of course, it becomes unnecessary.

In any event, Mr. President, I am aware our colleague from Massachusetts will be coming to the floor shortly to talk specifically about some of the Medicare proposals.

Allow me to just wrap up my own comments about the matter that is presently before us, and that is the message to the House on the appointment of conferees dealing with the so-called Cuban bill.

I am somewhat mystified as to why this particular bill has such a high priority that we are willing to move almost everything else out of the way to consider it. There is no sense of urgency about it whatsoever. We are moving this bill out of the Foreign Relations Committee while simultaneously holding up nominees to be Ambassadors and critically important treaties that ought to come before this.

Frankly, when you consider a sense of urgency, not to have United States representation in the People's Republic of China, Pakistan, Indonesia, seems to be an issue that ought to be dealt with immediately, rather than putting that on a back burner and dealing with this bill, which most people think will have absolutely no effect whatsoever on the Government in Cuba. It will complicate our relationships with Russia, with the New Independent States, and others, given the fact that we link our aid to those nations and our arms control efforts based on whether or not they provide any assistance to Cuba. That ought not be the way we deal with the fragile democracies in Russia and in the New Independent States.

So, for those reasons, I feel it is worthwhile to focus some attention on this and to try to bring the attention of the U.S. Senate back to a discussion of what ought to be the subject matter for debate and discussion today, and that is the priorities of our overall budget for this country and why it is we cannot seem to get a clean debt ceiling extension in a CR that is devoid of extraneous matter, and then get to the business of negotiating on the budget over the next 7 years but not tying up those two matters with matters that have no business being there at all.

With that, I ask the Chair to tell me what the pending business of the Senate is.

The PRESIDING OFFICER. The present order of business is to recognize the Senator from Massachusetts for pending business. And at that point we are going to resume H.R. 2491.

The Senator from Connecticut is recognized.

Mr. DODD. I gather the Senator from Massachusetts [Mr. KENNEDY], may be a bit delayed. He should be here momentarily.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Maimon Cohen, who is a fellow working with me, be allowed to be on the floor for the duration of the debate on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. WELLSTONE. Mr. President, let me be clear that Senator KENNEDY will be on the floor with his motion. I am actually not making a motion. But what I thought I would do is take a little bit of time to talk about one provision in the motion. That is something that I have worked on, and I want to speak a little bit about that.

Mr. ABRAHAM. Mr. President, I just ask that maybe we keep track of the time because we are on a time limit. So this time might be assigned to the block of time which will be used for consideration of this motion, if that is part of the agreement.

The PRESIDING OFFICER. I want to inform the Senator from Minnesota that the Senator from Massachusetts will have a total of 40 minutes on this motion.

Mr. WELLSTONE. Mr. President, I have been allotted 10 minutes. So I will be pleased to lock that block of time.

The PRESIDING OFFICER. Without objection, this time is taken from the time of the Senator from Massachusetts.

Mr. WELLSTONE. I thank the Chair. Before I proceed, could I make sure? I ask the Chair to please notify me if I should go over 10 minutes, because I do not want to take any more time than that.

The PRESIDING OFFICER. The Senator is allotted 10 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me just talk about one provision in this motion to instruct conferees that Senator KENNEDY is going to be making. This is a provision that I worked on, which essentially says that the Congress shall be instructed to delete provisions that provide greater or lesser Medicaid spending in States based upon the votes needed for the passage of the legislation rather than the needs of the people in those States.

What I am essentially saying here is that what happened a couple of weeks ago in the dark of night was that the U.S. Senate exchanged Medicaid money for votes. What I am saying in this provision in this instruction to the conferees is that when we develop a formula for allocating Medicaid—or what we call in Minnesota medical assistance funds—it ought to be based upon some rational policy choice. It ought to be based upon the needs of the people in the States. It ought not to be based on some kind of a deal which is all based upon the number of votes to pass a particular piece of legislation.

From my State, on this Friday night in about 3 hours we went from seeing a cut of $2.4 billion to a cut of $2.9 billion. In other words, the State of Minnesota lost $500 million.

Mr. President, we need to understand that in the State of Minnesota altogether the projected cuts on Medicare and medical assistance are going to be somewhere between $7 billion and $8 billion.

So the concern that I have—and the reason that I am working with Senator KENNEDY on this, and so much appreciate his instruction to conferees—it seems to me that it is outrageous for the U.S. Senate to make decisions on allocation of medical assistance funds to States based upon some sort of wheeling and dealing that takes place where Senators leverage the votes for the amount of money that goes to their States as opposed to some kind of rational policy, and as opposed to the needs of the people in those States.

I am also out here as an advocate for my State of Minnesota. In the dark of night in 3 hours, all of a sudden Minnesota has $500 million less of support. Mr. President, let me now translate this, if I can, in human terms, in personal terms.

Let me first of all just say to my colleagues that I am concerned about this because it is not just some dry formula. We are talking about 300,000 children in the State of Minnesota that are covered by medical assistance. With the kind of reductions that we are going to be faced with—about $2.9 billion—the question becomes, What happens to those children? Mr. President, in the State of Minnesota we have a program called the TEFRA Program, which is extremely important, that allows 300,000 children with severe disabilities to be eligible for Medicaid based upon their own income and which allows families, therefore, to be able to keep those children at home.

Mr. President, the question becomes what happens to those children with disabilities and those families that provide tender loving care to those children with disabilities when we have these kind of draconian reductions in medical assistance? That is why I have some indignation about some dark-of-the-night decision that takes $500 million more away from my State of Minnesota.

But it is not just my State. It is some of the most vulnerable citizens in America. Mr. President, 60 percent of our medical assistance funds—that is what we call it in Minnesota; we are talking about Medicaid nationally—will go to pay for nursing home care. About two-thirds of all of the seniors that are in nursing homes in Minnesota rely on some medical assistance funds.

Mr. President, I am a huge advocate of home-based care. I think people should be able to live at home in as near a normal circumstance as possible with dignity. But sometimes the nursing home is the home away from home, and the question becomes what in the world are we going to do as caregivers who care about taking care of elderly people? What is going to happen to senior citizens that are in those nursing homes? Who is going to make up the difference?

Mr. President, all too often in my State of Minnesota—and I am guessing it is the same way in Louisiana or Michigan—I am hearing at the county level commissioners say to me: Senator, what is going to happen is we are going to be asked to raise the property taxes, and we are not going to be able to do so. And if we are not going to be able to do so, we are going to redefine eligibility; we are going to reduce services, and there are going to be a lot of persons who will be hurt.

Above and beyond that, there are some 70,000 senior citizens in Minnesota who are below the poverty level, and for those senior citizens the medical assistance funds are what enable them to pay their part B premium for Medicare, which is the physician services.

So again the question becomes, why does the U.S. Senate make decisions based on wheeling and dealing to get votes, not based upon the needs of citizens in our States? Why a medical assistance formula in the dark of night which is so patently unfair to so many States, including my State of Minnesota? And above and beyond my State and above and beyond the formula the real issue is, what about the impact on the people?

I have said 10 times in this Chamber that this is a rush to recklessness. I will say it an 11th time. This is not good policy. It does not pay attention to the impact it is going to have on people's lives. This instruction to conferees which relates to this formula is extremely important.

I conclude by repeating it one more time. Our instruction is to delete any provisions that provide a greater or lesser Medicaid spending in States based upon the votes needed for the passage of legislation rather than the needs of the people in those States. Without apology, without equivocation, I am proud to advocate it for citizens in my State of Minnesota. It is not just the seniors. It is not just the children. It is not just people with disabilities. It is also a State that values good health care. We want support for our medical education. We want our rural hospitals that depend so much on the Medicare and Medicaid patient payment mix to be able to continue to provide care. We want to be able to deliver primary care out in the communities. This budget that has been worked out is not based upon any kind of understanding of health care policy that will respond to people's needs in Minnesota or Iowa or any other State.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 20 seconds.

Mr. WELLSTONE. Mr. President, I yield 2 minutes and 20 seconds back to the Senator from Massachusetts when he brings this motion out.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. WELLSTONE. I yield the floor.

ORDER OF PROCEDURE

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. BREAUX. Mr. President, I would just ask the Chair to state the current business before the Senate.

The PRESIDING OFFICER. The Chair would inform the Senator that there is no stated business before the Senate at this particular time.

Mr. BREAUX. I ask unanimous consent that I may be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, but only to inquire.

The PRESIDING OFFICER. The Senator from New Mexico reserves the right to object.

Mr. DOMENICI. I thought at 4:30 this afternoon Senator KENNEDY was to lay down his instruction motion.

The PRESIDING OFFICER. The Chair would inform the Senator from New Mexico that that was the order.

Mr. DOMENICI. And I understand under unanimous consent we agreed to let Senator WELLSTONE use part of Senator KENNEDY's time on that.

The PRESIDING OFFICER. About 8 minutes was used.

Mr. DOMENICI. So is not the subject matter—

The PRESIDING OFFICER. The motion has not been made.

Mr. DOMENICI. So we have nothing pending before the Senate at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. What was the Senator's request?

Mr. BREAUX. I was going to ask to speak as if in morning business.

Mr. DOMENICI. How long?

Mr. BREAUX. Five minutes.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes as if in morning business.

BUDGET COMPROMISE

Mr. BREAUX. Mr. President, I take this time to voice my concern about the current situation with regard to the continuing resolution that is before this Senate to try to keep the Government functioning. Throughout Washington and I think throughout the various States people who work for the Federal Government and people who have concerns about the services the Federal Government provides are wondering whether we in the Congress are going to be able to get together and make Government work or, rather, are we going to fight to the finish and nobody will be a winner, least of all the American people.

Many Federal offices right now are debating the question of whether they are essential or not, which is sort of a novel thing to have to debate as a Federal employee in offices on the Hill and other agencies because they know if they are a nonessential employee, they do not go to work tomorrow unless we fix this problem. But if they are an essential employee, they have to come to work even though they might not get paid. So it is interesting to see whether you are determined to be a Federal employee who is essential or one who is not in order to determine whether you come to work tomorrow or stay home because we in the Congress and the administration have not been able to get together and even come to an agreement on how to continue the functions of the Government.

Mr. President, I am concerned that many people in my home State of Louisiana are beginning to believe that the Congress is sort of a nonessential arm of the Federal Government, and they are saying that Republicans and Democrats in the Congress are really nonessential because they cannot get together to find a way to resolve this problem.

I think there is a lot of blame that should be evenly divided among all of us who have not been able to solve this problem. My Republican colleagues, because they have not been able to pass all of the appropriations bills to fund Government, have necessitated a continuing resolution to continue the functions of Government as if they were being continued last year, because we have not finished the appropriations bills. The problem is they have added a couple of little items to the continuing resolution which make major policy changes, and that is where the problem is. But it is not an irresolvable problem, in my opinion.

It should be that grown men and women can come together and say we are going to move toward a position that will allow the Government to continue, allow the functions of Government to work, and I happen to feel if we are able to do that, everybody wins. The American people win because Government works. The Congress wins because we have been able to resolve a problem.

I think we all lose if we bring this Government to a standstill. We are admitting that we are unable to govern. We are admitting that we cannot make it work. We are admitting that we are so stubborn, in my opinion, that we cannot meet somewhere in the middle.

I think there is a way to fix this problem. I know there are those who want to bring everything to a halt to make a political point, but I think the political point we all make is that we all lose.

Let me suggest this. The whole question is about Medicare premiums. Under the current law, Medicare premiums are going to fall down to about 25 percent of the cost of insurance. That is going to occur January 1. That means that if the law is not changed January 1, Medicare premiums will go down to about $42.50 unless some changes are made. Republicans have said: Well, no, we are going to not let it go down. We are going to keep it at 31½ percent, which means that come January 1 Medicare recipients are going to have to pay about $53.50. That is their proposal.

That is a major change. I do not think it ought to be on the CR. I think it is a back-door way to change public policy, and that is not the way we should be doing it. So there are those who say: No, it should go down to $42.50. Others say: No, it should rise to $53.50 because Medicare is in danger of going bankrupt so we need to pay more to protect it.

Let me make a suggestion. Let me make a suggestion that grown men and women can agree to keep the premium just as it is, $46.10, until we work out this problem. It does not go up. It does not go down. Keep it where it is until we resolve the major differences in the budget. Let us not make Medicare recipients hostage while we battle over what Government should do. Keep the premium exactly where it is—no increase, no decrease.

Now, the administration points out, and I think correctly, that the Republicans have also tried to do something different from the current CR, and that is that they would fund all of these other programs at the lowest level between the House and the Senate version of these appropriations bills. I think that is wrong. The current CR funds these programs at an average of what the House did and the Senate did. So why not do both of those things and fix this problem and assure the American people that we can make Government work.

My suggestion is quite simple. Keep the Medicare premium at $46.10 and fund the rest of the programs at the average between the House and the Senate. That is not magical.

I mean, I bet a person in the eighth grade could figure that out and say that is a fair compromise. But you know what? He probably would not be a politician, because if he is a politician he is going to say, "Well, I can't do that because the other side may get an advantage, and, by God, I sure can't let that happen." So, I almost have decided the only way to solve some of these problems is to get people who are not running for reelection to come in and sit down, maybe get some of those kids in the eighth grade that know how to add and divide by two and split the difference.

I think we could bring this to a conclusion if we did just those two things, fund all of the bills that have not been completed with an average between the House and the Senate. It is easy to figure out. That is what the current continuing resolution does exactly. If it was good earlier, it is good now. And, second, freeze the Medicare premium at $46.10 until we finish this. We can send that to the White House, a bipartisan agreement between Republicans and Democrats to get the job done. That would allow us enough time until the end of this month to work on the bigger issues. We should not hold this country hostage, neither side, because of who gets the political gain.

Again, I repeat, the people of Louisiana are beginning to believe that Congress is a nonessential Federal employee. And that is a bad statement about the ability of this Congress to get the job done. I suggest we come together and get the job done.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Massachusetts is recognized.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Would the Senator suspend while we report the motion?

Mr. KENNEDY. Fine. I would be glad to send it to the desk, if that is agreeable.

MOTION TO INSTRUCT—HEALTH CARE

Mr. President, I send a motion to instruct conferees on H.R. 2491 to the desk on behalf of myself, Senator PRYOR and Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the instructions.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves to instruct the conferees on the part of the Senate to insist upon removal of the following provisions included in the House or Senate bills:

Mr. KENNEDY. I ask further reading of the instructions be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

The Senator from Massachusetts [Mr. KENNEDY] on behalf of himself, Mr. WELLSTONE, and Mr. PRYOR moves to instruct the conferees on the part of the Senate to insist upon removal of the following provisions included in the House or Senate bills:

(1) Provisions eliminating requirements in the Medicaid law providing drug discounts to State Medicaid programs, public hospitals, other programs or facilities serving low income people, such as community and migrant health centers, health care for the homeless centers, Ryan White AIDS programs, pediatric AIDS demonstrations, family planning clinics, black lung clinics, and public housing clinics;

(2) Provisions benefitting unscrupulous health care providers at the expense of Medicare and private patients by:

(a) repealing current prohibitions against additional charges (balance billing) by physicians and other providers rendering services to Medicare beneficiaries enrolled in private insurance plans;

(b) weakening current statutory provisions to prevent and combat fraud and abuse, including such abusive practices as self-referral and kickbacks, and such proposals to weaken anti-fraud efforts as establishing more lenient standards for imposing civil money penalties;

(3) Provisions threatening the quality and affordability of care in nursing homes by:

(a) weakening or eliminating Federal nursing home standards by repealing such standards or allowing state waivers from such standards and Federal enforcement of such standards;

(b) repealing prohibitions against nursing homes charging Medicaid patients fees for covered services in addition to the payment made by the State;

(c) repealing current prohibitions against States placing liens on the homes of nursing home patients.

(4) Provisions providing greater or lesser Medicaid spending in states based upon the votes needed for the passage of legislation rather than the needs of the people in those states.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

Mr. President, in the reconciliation bill the Republicans have extended an open hand to powerful special interests and the back of their hand to the American people. Senior citizens, students, children, and working families will suffer so that the privileged can profit. Republicans are engaged in an unseemly scheme to hide what they are doing from the American people. Their proposals are too harsh and too extreme. They cannot stand the light of day. And they know it.

The fundamental injustice of the Republican plan is plain, $280 billion of Medicare cuts that hurt senior citizens are being used to pay for $245 billion in tax cuts that help the wealthiest individuals and corporations in America.

The Republican bill is also loaded with sweetheart deals for special interests whose money and clout are being wielded behind closed doors to subvert the public interest and obtain undeserved favors. In particular, the sections of the legislation dealing with health care are packed with payola for the powerful.

The dishonor roll of those who will benefit from the giveaways in this Republican plan reads like a "Who's Who" of special interests in the health care industry. The pharmaceutical industry, the most profitable industry in America, benefits lavishly from the Republican program. The House bill repeals the requirement that the pharmaceutical industry must give discounts to Medicaid nursing home patients and to public hospitals and other institutions serving the poor.

The total cost to the taxpayers from these giveaways is $1.2 billion a year. Democrats in the Finance Committee succeeded in eliminating this giveaway for the Senate bill. Our motion is designed to ensure that it is not included in the conference report. The American Medical Association also receives lavish benefits in the Republican bill in return for the AMA support of the excessive Republican cuts in Medicare.

In addition, the bill weakens the anti-fraud and conflict-of-interest rules for physicians. The Congressional Budget Office estimates that these benefits to physicians will cost the taxpayers $1.5 billion over the next 7 years.

The Republican bill also eliminates the provision in current law that prevents doctors from charging more than Medicare permits for those enrolled in HMO's and other private plans. The Republican plan will permit doctors to collect the difference from senior citizens. As a result, senior citizens could pay as much as $5 billion more a year for medical care because of the elimination of those protections.

Our motion directs the conferees to restore the limits on such billing and maintain strong protections against fraud and abuse.

Another unacceptable provision of the House bill is its elimination of all the Federal nursing home standards, a payoff to unscrupulous nursing home operators who seek to profit from the misery of senior citizens and the disabled. A Senate amendment purports to restore some of the standards, but, in fact, as my friend and colleague, Senator PRYOR, has pointed out, it leaves a loophole wide enough to permit continued abuse of tens of thousands of nursing home patients. It allows States to issue waivers that could weaken Federal standards and avoid Federal oversight and enforcement. Our motion instructs the conferees to maintain the current strict standards and protections for our senior citizens in the nursing homes.

One of the cruelest aspects of the Republican proposal is its failure to protect nursing home patients or their relatives from financial abuse. The Republicans claim that they have now revised their bill to maintain financial protection for the spouses of nursing home residents. What they do not tell you is that they still allow nursing homes to charge patients more than Medicaid will pay. Spouses can still be forced to sell their home, exhaust their savings to give their loved ones the care they need. That is not financial protection. It is financial abuse.

The Republican bill also wipes out the protections that have been in Medicaid since 1965 that prevent States from forcing adult children to pay the costs of a parent's nursing home bill. The Republican bill even lets States put liens on the homes of nursing home patients if a spouse or child are still living there. Obviously, Republican family values stop at the nursing home door. Our motion will eliminate these indefensible proposals from the bill.

What a travesty it is for Republicans to call this bill a reconciliation bill. The only reconciliation is between the Republican majority and special interest lobbyists for whom this bill has become one large feeding trough. Who knows what additional giveaways will be cooked up behind the closed doors at the conference committee? Adoption of this motion is a needed step to expose those sweetheart deals and eliminate them from the bill. I urge the Senate to adopt it.

The conference report on the reconciliation will come to the floor of the Senate later this week. But today we face the possibility of a Government shutdown because the Republicans are attempting to blackmail the President of the United States into signing a Medicare premium increase as the price of keeping the Federal Government in operation. This is the only proposal in the continuing resolution that would be permanent law. It should be rejected by the Senate and vetoed by the President. It is clear that there is a new meaning to GOP—Get Old People. The Republicans are not insisting that cuts in Medicare payments to doctors and hospitals be included in the continuing resolution.

I just want to underline that, Mr. President. In the particular provisions that the Republicans have taken as part of the continuing resolution, it only applies to what will be paid for by our senior citizens. The doctors are not being asked, nor are the hospitals, to make a contribution. Only the individual senior citizens, through higher part B premiums. That is what this battle is all about. Raising the part B premiums is one of the very objectionable provisions of the reconciliation bill, and the Republicans have tried to add that particular provision to this continuing resolution because they know it is an indefensible position. They are trying to force the President to sign this so that there can be a continuation of the funding of various government programs. It is unacceptable, and the President is absolutely right to reject it. They are not insisting that the fraud and waste be squeezed out of Medicare, though anti-fraud and abuse provisions to protect the Medicare program have been added over the last several years, and they are beginning to be effective.

I can remember hearings that we had in Faneuil Hall when we had 800 senior citizens. They said, "Before you begin to raise our premiums, Senator, before you continue to raise our deductibles, before you continue to raise our copays, let's get fraud and abuse out of the whole Medicare system." There is not a senior citizen in this country who does not understand that.

Instead of tightening those provisions that would bring billions of dollars into the Medicare system, what are our friends, the Republicans, doing but weakening those provisions, which are so essential and important to the integrity of the system.

They are not insisting that senior citizens get the preventive and outpatient services that will keep them out of the hospital and reduce unnecessary Medicare spending. If you want to do something to control the cost of the Medicare, you take those senior citizens on Medicare who are going into the hospital unnecessarily—anywhere from 25 to 30 percent—and costing the Medicare system billions of dollars, and give them preventive and outpatient care. Or try and provide some help and assistance in letting seniors remain home, if that is their choice. That can save billions of dollars.

But those types of provisions are not included. There are no programs to increase preventive or outpatient services for our senior citizens that will improve the quality of health and also save money. The only provision the Republicans are insisting on is a new tax for senior citizens in the form of higher Medicare premiums.

The Republican assault on Medicare is a frontal attack on the Nation's elderly. Medicare is part of Social Security. It is a contract between the Government and the people that says, "Pay into the trust fund during your working years and we will guarantee good health care in your retirement years." It is wrong for the Republicans to break that contract. It is wrong for Republicans to propose deep cuts in Medicare in excess of anything needed to protect the trust fund. And it is doubly wrong for the Republicans to propose those deep cuts in Medicare in order to pay for tax breaks.

The cuts in Medicare are too harsh and too extreme: $280 billion over the next 7 years. Premiums will double, deductibles will double, senior citizens will be squeezed hard to give up their own doctors and HMOs.

The fundamental unfairness of this proposal is plain. Senior citizen median income is only $17,750 a year; 40 percent of the elderly Americans have incomes of less than $10,000. Because of gaps in Medicare, they already pay too much for health care that they need. Yet, the out-of-pocket costs they must pay for premiums and deductibles will rise $71 billion over the next 7 years, an average of almost $4,000 for elderly couples.

The Republican premium is especially objectionable, because it breaks the national contract with senior citizens over Social Security. Every American should know about it. Every senior citizen should object to it. Medicare is part of Social Security. The Medicare premium is deducted directly from a senior citizen's Social Security check. Every increase in the Medicare premium is a reduction in Social Security benefits, and the Republican plan proposes an increase in the part B premium and a reduction in Social Security which is unprecedented in size.

The Republican plan proposes an increase in the part B premium and a reduction in Social Security which is unprecedented in size. Premiums are already scheduled to go up under current law, from $553 a year today to $730 by 2002. Under the Republican plan, according to the Congressional Budget Office, the premium will go up much higher—to $1,068 a year.

As a result, over the life of the Republican plan, all senior citizens will have a minimum of $1,240 more deducted from their Social Security checks. Every elderly couple will pay $2,480 more.

The impact of this program is devastating for moderate- and low-income senior citizens. It is instructive to compare the premium increase next year to the Social Security cost-of-living increase that maintains the purchasing power of the Social Security check. One-quarter of all senior citizens have Social Security benefits of $5,364 a year or less. The cost-of-living increase for a senior citizen at this benefit level will be $139 next year.

The average senior citizen has a Social Security benefit of $7,874. The cost-of-living increase for someone at this benefit level is $205.

But under the Republican plan, the premium next year will be $126 higher than under current law. Average income senior citizens will be robbed of almost two-thirds of their cost-of-living increase. Low-income senior citizens will be robbed of a massive 90 percent of their increase.

Senior citizens have earned their Social Security and Medicare benefits through a lifetime of hard work. They have built this country and made it great. Because of their achievements, America has survived war and depression. It is wrong to take away these benefits—and it is especially wrong to take their Social Security cost-of-living increase to pay for an undeserved tax break for the wealthiest individuals and corporations in America.

The Republicans' attack on Medicare will make life harder, sicker, and shorter for millions of elderly Americans. They deserve better from Congress. This cruel and unjust Republican plan to turn the Medicare Trust Fund into a slush fund for tax breaks for the wealthy deserves to be defeated. And this attempt to sneak a Medicare premium increase into law as part of the continuing resolution needed to keep the Government running deserves the Presidential veto it will quickly receive.

It is irresponsible for the Republicans to threaten to shut down the Government if they do not get the unfair increase they want in the Medicare premium. I say, shame, shame, shame on the Republican party. Nothing more clearly demonstrates the harsh and extreme nature of their right-wing agenda for Americans that this attack on senior citizens and the willingness of Republicans in Congress to shut down the Government itself if they don't get their way.

Mr. DOMENICI. Mr. President, what is the time situation?

The PRESIDING OFFICER. The proponents have 20 minutes 10 seconds, and the Senator from New Mexico has 20 minutes.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

First of all, I see Senator PRYOR on the floor. He offered a set of instructions to the conferees. I might tell him, I hope he wins 100 to nothing, because I am going to urge everybody to vote for him.

As a matter of fact, I think most of what the Senator from Arkansas is talking about will find its way into the reconciliation bill. I think we had this battle once before. Senator PRYOR won and we won also. It is kind of a dual win. He won on his proposal, and we turned around and in our reconciliation bill we won, with Senator COHEN being a cosponsor of Senator PRYOR's and arguing in favor of ours.

I do not see why we ought to have any further argument. We are willing to accept the Senator's motion. He would like to have a vote, but I can assure him, there will be 100 in favor—well, if they are here. We are going to tell every Republican to vote for it. Senator PRYOR is making some headway, at least he thinks he is.

There has been an argument on the floor about taxation and Medicare, sort of tying the two together, implying that we are reforming Medicare to save money so we can cut taxes.

Mr. President, and fellow Americans, let me say once and for all that the reconciliation bill, which they seek to instruct us about, does not need instruction on that issue, because what we have done in conference, that will come to us in the reconciliation bill, is nothing but a simple proposition that says none of the savings that come in part A or part B—so none of the savings in Medicare that come from anywhere in Medicare—can be used for anything other than Medicare. In other words, we have created a lockbox, a trust, if you would like, and not only did we leave in that trust fund what we saved in part A hospitals which belongs there, but the savings that will accrue because of part B—that is the everything but hospital insurance coverage for seniors—whatever we save there will all go into the trust fund.

Somebody might stand up and say, "Well, that can't be, Senator DOMENICI, because we have never done that before." And that is right. We have never taken the taxpayer part of Medicare and put it into the trust fund. It has only been the entrusted money that went there.

But what we are saying now is that all of their savings go into the trust fund to preserve, protect part A hospital coverage. What can we say when we have done that? When we have done that, there is not any need to instruct us. So if there is an instruction telling us not to use any of Medicare savings for tax cuts, we will accept the instruction, because we are not going to do that.

We have decided that we want to make the trust fund solvent for more than just a few years. So we are going to make it solvent until somewhere around 2010 and to 2015.

So, seniors, as you hear all of these things about the Republican plan, what we are doing is taking every single penny, dime, nickel, dollar, hundreds of thousands or billions, we are taking every bit of that savings and putting it into Medicare hospitalization so it will not go bankrupt.

I cannot do it any better than that. When the bill comes to the floor, we will read you the language so that you will understand unequivocally, those who want to attack this plan can still run around and say, "You are using Medicare savings to cut taxes," but if you read the law, it says you cannot do that because it says every bit of savings in Medicare stays in Medicare.

We cannot be any more certain of what our intentions are, any more certain of what we want to do on Medicare than to go the exceptional mile where never before have we put in that hospital trust fund dollars from the general taxpayer. But we are doing it here to the extent that we are savings taxpayers' dollars. We are putting the savings in that trust fund.

I am not sure what all these instructions are. My good friend, the occupant of the chair, has been here during the day, but to the extent that there is an instruction telling us to make sure we are not cutting, reforming, changing Medicare to cut taxes, whatever that instruction is, we are going to accept that, too.

If we can sort it out here, we are going to give whoever proposed it a resounding 100 votes, because we have already done it. We have made sure that we cannot use Medicare savings to cut taxes.

Now, in a while, I will wrap up the other ones and see how I can inform our Senators as to how to vote. For now, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes, or until the Senator from Arkansas returns.

Mr. President, the fact of the matter remains that if they found the savings and premiums did not go up, in this particular instruction, some $52 billion—if they did not go up, the tax breaks would not be there, would they, I ask the Senator?

Mr. DOMENICI. They might be.

Mr. KENNEDY. It is not a question of might or might not. My understanding is that in order to condition the tax breaks, the other provisions of the Republican budget had to be achieved and accomplished before the instructions went to the Finance Committee.

Mr. DOMENICI. That is correct.

Mr. KENNEDY. The point is made. If they do not have this money, you do not get the large tax breaks. So, senior citizens, understand that they are taking your money right out here, as the chairman of the Budget Committee just said, putting it in some kind of box on the way into the pockets of the wealthiest individuals and corporations.

The Senator from New Mexico has just reconfirmed what we have been saying this whole time. If they did not have this increase in the premium, you would not have the tax breaks for the very wealthy. You can describe that in whatever way.

Mr. DOMENICI. I did not agree with that. It was another statement you made. I will explain the tax cuts in just a moment.

Mr. KENNEDY. Mr. President, I yield whatever time the Senator from Arkansas wants.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank my friend from Massachusetts for yielding to me. I also thank my friend, the Senator from New Mexico, for his statement about the nursing home standards. I hope that we will have a 100 to 0 vote on that in a few minutes, after the Senate resumes its voting process. I am very grateful for all of the support that we have had throughout the country to retain the present standards.

Mr. President, I want to talk about one other aspect of the Kennedy proposal that I strongly support. In fact, I support each of his very splendid proposals within this motion to instruct the conferees. But there is one specifically that I think deserves attention and emphasis at this point.

Before 1991, State Medicaid programs faced an intolerable situation. Since 1951, they were forced to pay the very highest prices for prescription drugs in the country. The irony was that these States and their Governors were buying medicines from the pharmaceutical companies for the very lowest-income families in the country. Alone, they could not afford these life-saving medications. Medicaid provided a lifeline for their well-being and their quality of life. But because the drug companies refused to negotiate with State Medicaid programs on price discounts, these programs were paying the highest prices in the country.

Something important changed in 1991, something very like the nursing home standards enacted in 1987. A coalition of individual Senators and Congressmen got together from both sides of the aisle and enacted something called the Medicaid prescription drug best-price rebate formula. Instead of being forced to pay the highest prices in the country, we told the States that they could purchase their prescription drugs at the best prevailing price in the country. We guaranteed that—if the companies would not negotiate in good faith—the States would be assured of rebates justified by the large volumes of drugs they purchased and the acutely vulnerable populations they served.

Let me emphasize, Mr. President, how important a change this was for the States. The Congress said that it would be the policy of our country to assure that States receive the best possible prices on medicines for the poorest of the poor. We struck a deal, and that deal has worked remarkably. It has been a remarkable work of efficiency and of fairness. I know of no State that does not appreciate and value this program. It has allowed the States, for the first time, to negotiate with real leverage with the pharmaceutical companies.

Since 1991 alone, the States—including Wyoming, Arkansas, Michigan, and Massachusetts—have benefited to the extent of $5 billion in rebates from the pharmaceutical companies. These funds have gone directly to the States to help them support the poorest of the poor within our population.

That is not the end of the good aspects of this program, Mr. President. The Congressional Budget Office estimates that, over the next 7 years, the States are going to gain another $12 billion in rebates. This is a tremendous boon to the States and their Medicaid programs.

Mr. President, this is an amazing breakthrough. It is a program that has worked, and it has worked well. The Governors have lauded this program. They have come to Washington to testify on behalf of keeping this program. The Medicaid directors—those who work daily with a diminishing number of dollars—say that Medicaid rebates are one of the best things that ever happened to them.

Let me repeat: Prior to 1991, we were paying the highest drug prices for the poor. The Medicaid rebate program was the first break that the States had in this intolerable situation. Today, billions of dollars a year are paid to the pharmaceutical companies by the Medicaid program. This is the one opportunity for the pharmaceutical companies to do their share—their fair share, I might say—of contributing to helping the poor and to assisting those who cannot afford their medicines. This is their one chance at justifying some of the very lavish tax breaks that we are about to give to some, in my opinion, who should not be getting tax breaks under the Republican proposal.

But let me tell you what has happened in the past few weeks. The drug industry has lobbied intensely to water the rebate program down. There are changes proposed by the other side of the aisle which could jeopardize the progress we made in 1991, as well as the progress we have subsequently made on behalf of the Department of Veterans Affairs, Indian Health Service, Public Health Service, and other Government programs.

The Senate language would strip flexibility and choices from the States, prohibiting them from negotiating the deepest possible discounts. The House language allows drug companies to ignore the needs of the Department of Veterans Affairs, the Public Health Service and Indian Health Service. The House would also exempt nursing home drugs from rebates outright—gutting the Medicaid program and forcing States to pay far more for 70 percent of their drug purchases.

Tens of billions of dollars are being expended every year, and we are on the verge of taking away the leverage in spending those tens of billions of dollars. We are proposing to take leverage away from the States, the Veterans Administration, the Public Health Service—they are going to be cut adrift. They will be forced to say to the public, we are sorry, we don't have the leverage anymore to negotiate. The playing field has been tilted against the poor and in favor of the most profitable industry in the world.

This would be a terrible thing, Mr. President, if we were to weaken a highly successful program which was born in a bipartisan spirit, has saved billions in taxpayer's money and which has been kept together by people who truly share the belief and the commitment to raising the quality of life of those who urgently need medicines but lack the resources to obtain them.

What will we be left with, Mr. President? A hollowed-out Medicaid rebate program that serves the drug industry more than the poor. Draconian restrictions on the number of drugs we can dispense to children and families under Medicaid. A free license to companies to ignore veterans, AIDS patients, and those served in America's public hospitals and community health centers.

In conclusion, Mr. President, I ask my colleagues to consider this one fact. Rebates have allowed us to expand the reach of Medicaid and the Veterans Health Administration and the Public Health Service. They have served the neediest in our country—and have done so efficiently. What we are doing today is turning our backs on that progress. Instead, we want to give an additional windfall to the pharmaceutical companies and allow them the opportunity to escape paying rebates back to the States.

Once again, Mr. President, I do not know why we are doing this. It is a program that has worked. It is a program that the Governors support. It is a program that the Medicaid directors support. It is a program that we should keep as it was passed in 1991. We should not change it.

I am very hopeful that the Senate will adopt Senator KENNEDY's motion to instruct the conferees to keep the concept of buying Medicaid drugs at the best possible price, to preserve the States' leverage in serving taxpayers, and to allow the pharmaceutical companies of America to participate in contributing to this tremendous cause.

I understand there is a possibility that Senator DORGAN of North Dakota may want a few moments. At this time, Mr. President, I yield back my time to my distinguished colleague from Massachusetts.

Mr. KENNEDY. I will yield myself a few minutes until the Senator from North Dakota arrives.

I want to again express the appreciation of all the Members to Senator PRYOR from Arkansas. He was the Senator that really worked out a bipartisan, cooperative agreement with the pharmaceutical companies so that those whose lives depend on many of these prescription drugs, among the poorest of the poor in our country, were not going to be denied being able to receive those prescription drugs, and to work that discount out.

We have been able to extend the rebate program. It applies to the black lung clinics. It applies to the neighborhood health centers that serve 6 million of the poorest Americans. We worked that out 2 years ago, and we had bipartisan support and also had the support of the pharmaceutical industry.

Now all of that is effectively being wiped out—over $200 million a year will be lost in terms of the public health clinics. I hope that we would say—this should be done, as I understand, with hearings or justification.

We have yet to hear why there is suddenly this very important need to wipe this kind of protection out—whether the poor are getting wealthier, whether there are less uninsured, we are moving beyond the needs of the poorest.

Quite frankly, every indication is to the contrary. The total number of uninsured are going up, the number of poor children and generally needy people in our society is going up.

I am just interested, since the Senator from Arkansas is a member of the Finance Committee, if he would just review with me and correct me if he believes I am wrong on this point, that the Medicare part B premium is really very much a part of Social Security.

I remember when we heard long speeches in this body about how we were not going to take away or touch Social Security. It is my understanding that next year the Social Security COLA would be $139 for those Social Security recipients that are receiving $5,300 a year. That is $139 for a COLA to offset the increases in the cost of living, which the seniors have no ability to control.

The increase in the part B premium for next year is expected to be $136, so if you take the $136 which the seniors will have to pay in this new kind of tax, and put that under their $139 in new dollars, they will have for a COLA, they end up with $3.

In a very real way, this is diminishing or adding an additional tax on Social Security. The neediest recipients of Social Security would have received $139; but at the end of the day they only have $3, and effectively the increase in premiums is taking 98 percent of the COLA.

An average Social Security recipient receiving $7,800, will receive a COLA of $205. You subtract $136 for their premium increase and end up with $69, which means 66 percent of their premium will be taken.

Even those that get $10,000 in Social Security benefits—which is about the highest level—get a COLA of $261; take $139 from there and that leaves $125. So their COLA is effectively cut in half.

Does the Senator agree with me that these are real dollars for Social Security recipients, and that with the increase in the premiums that are being suggested by the Republicans, this, in effect, is an additional tax? You can call it a fee or premium or whatever, but you are taking the money out of the paychecks of Social Security recipients.

Mr. PRYOR. Mr. President, if I may respond to my friend from Massachusetts, I think he is precisely on point. He is exactly right.

In addition, I might like to add just one more factor. I believe that something like 60 percent of all of the Social Security recipients are on a fixed income. They cannot go out and sell some more shoes or sell some more cars or do this or do that to increase their resources because they are locked in to an income.

If we take this money from their Social Security by essentially adding a tax to their part B premium, and add it to the dilemma of trying to survive today, paying the costs of getting by, and paying the costs of food and the tremendous escalating costs of their medicines, we are going to impoverish many of our seniors today on Medicare.

I want to salute the Senator from Massachusetts for bringing this to our attention. I wanted to elaborate to some extent on the number who were on fixed incomes.

Mr. KENNEDY. Mr. President, I yield myself 1 final minute and hopefully the Senator from North Dakota will be here.

Mr. President, it is irresponsible, then, for the Republicans to threaten to shut down the Government if they do not get the unfair increases they want in the Medicare premium.

I say, "shame, shame" on the Republican Party. Nothing more clearly demonstrates the harsh and extreme nature of their right-wing agenda for Americans than this attack on senior citizens and the willingness of Republicans in Congress to shut down the Government itself if they do not get their way.

I yield the floor.

Mr. DOMENICI. I yield 5 minutes to the Senator from Wyoming.

Mr. THOMAS. Mr. President, I express some concern about the continuing opposition to change that I hear here on the floor. Some concern about how in the world we are going to get a consensus in public policy when we have as much, I believe, misinformation as we have here on the floor.

I think we really need to address ourselves, do our jobs here as trustees for the American people in trying to find a way to do some things, to make this fundamental change.

You have to go back, it seems to me, each time we do this, to examining where we are. The Senator from Massachusetts who just left talked about having more poor people than we have had, more different than we have had. You cannot expect things to be different unless we make some change. If you want different results, you have to make some changes.

We have set about in this last few months coming to a culmination, coming to the end, this week, the opportunity to make fundamental change, the opportunity to balance the budget—which I suggest my friends who have been here for 20 years, 30 years, have not done it for 30 years—some fundamental change in welfare, welfare reform, the welfare plan than that which has been in place for 25 years. We have, as the Senator suggests, more poor people than we did before. We have to make some changes.

Medicare? There is no question but that we have to make a change in Medicare. The trustees say we have to make a change in Medicare. Medicare has been growing at three times the rate of inflation. You cannot continue to do that. Obviously, we have to make some change.

Someone on the floor a while ago used a parallel of having a home with no insulation and holes in the walls and cold was coming in. You have two choices. You can either buy more fuel and start a fire and let most of it go out through the hole in the wall, or you can find some insulation and try to fix the wall. That is what we are seeking to do.

There is a limit to how much money you can put into health care. But what we need to do is fundamentally reduce some of the costs, and that is what we are seeking to do here in Medicare. We are seeking to give some choices to the elderly, choices that you and I have as Government employees, so they can choose appropriately; an opportunity to go into managed care which will be less expensive and provide excellent services.

The idea that there is a tax increase, I do not quite understand. In 1990, a Democrat-controlled Senate voted to increase part B premiums from 25 percent to 31½. That is where it is. But I hear from everyone, as if by rote, that "you are raising taxes." We are not raising taxes at all. It is continuing at 31 percent of the premium. That is where we are.

What are the words—"raising taxes so you can pay for tax breaks for the rich," 90 percent of which goes to families earning below $100,000. These are the kinds of things that make it difficult, it seems to me, to have some kind of a public policy debate when those are the kinds of things we talk about. They are not accurate.

There is a reason why this matter of the part B premium is on this continuing resolution. The reason has to do with the ability of Social Security to put it in the computer and not go back to 25, to go back to 31 in May. That is the reason it is there. It is a legitimate, logistical reason it is there. It is not a political reason, not a political reason to talk about.

So I guess I am really enthusiastic about the fact that we are going to have a chance to make some fundamental change, that we are going to have a chance to change the programs that we see have not produced the kinds of things we want to have happen, to get the results that we want. And that is what it is all about.

Mr. President, I urge my associates to vote in favor of our reconciliation and to go forward with the balanced budget proposal that the Senator from New Mexico has given such great leadership in bringing to us.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes and 36 seconds.

Mr. DOMENICI. How much time do the Democrats have?

The PRESIDING OFFICER. They have 2 minutes and 19 seconds.

Mr. DOMENICI. Senator DORGAN, if I were to yield you 2 minutes, that would give you 4. Would that help you out?

Mr. PRYOR. Mr. President, I wonder if it is possible to put the Senate in a quorum call, not to have the time going against either side, for the time being? It will be very short.

Mr. DOMENICI. What is the purpose of it? We want to start voting. That is the only reason I am reluctant, because I am going to start speaking.

Mr. PRYOR. Senator KENNEDY has been yielded this time.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 19 seconds.

Who yields time?

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DOMENICI. Will the Senator like 2 additional? I will yield 2 of mine, just to leave me 7.

Mr. President, so Senators and staffers will know, we are getting close to the time for the first vote. My colleague will speak for 4 minutes, I will speak 7, if that is satisfactory to Senator PRYOR?

Mr. PRYOR. The leader is Senator KENNEDY from Massachusetts.

Mr. KENNEDY. We are fine. That is perfectly agreeable to me because there is no other alternative.

Mr. DOMENICI. I yield 2 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota has approximately 4 minutes.

Mr. DORGAN. Mr. President, we have had a healthy discussion on the floor of the Senate today about four sense-of-the-Senate resolutions which we have been trying for some weeks actually to offer. We do this because we are concerned about the priorities. I know some have been on the floor of the Senate saying one side wants a balanced budget and the other side does not care. Of course, that is not the case. The question is not whether we ought to balance the Federal budget. Of course we ought to do that. The issue is priorities. What kind of choices do we make? How do we balance the Federal budget?

Somebody says, "Here is our destination." We say, "Fine. We agree with the destination." But there are a lot of different roads to get to the destination. Among the discussions we have had this afternoon are issues of Medicare, the use of Social Security funds, and the Senator from New Mexico and I have talked previously about the use of Social Security funds. We will probably not agree on that issue. But I do not think those of us who raise these questions have ever been wrong. I just want to go back for a couple of minutes on this issue of Social Security.

It was 1983 that we passed a Social Security reform package. I happen to know that because I was on the Ways and Means Committee in the House at the time, and I happen to remember the day we did it because in the House, when we marked it up, I offered the amendment, the amendment in the Ways and Means Committee that was defeated.

That said, if you are going to raise extra money each year for Social Security and call it Social Security revenue and put it in a trust fund, take it out of workers' paychecks and say, "We promise you we will keep it for the Social Security system," I said let us make sure it is not misused later.

That was 12 years ago, and every year since, as we began to accrue these surpluses, every year since it has been used as an offset against operating revenue in the Federal budget. That is just a fact. That is not something we ought to debate. That is a fact.

The argument I hear on the other side is it has been done over all these years so let us keep doing it. That is an argument for business as usual. This ought not be business as usual, and we ought not continue to take money out of the Social Security trust funds to use to balance the Federal budget.

I showed a chart on the floor here one day. I should have brought it back today. It has a little arrow on it. It says you cannot use money for two different things. Double-entry bookkeeping does not mean you can use the same money twice. Either the money is going to be in the Social Security trust funds or it is not. It is going to be used over here, in the operating revenues for the Federal budget, or the Social Security trust funds. They are going to be used one place or the other, not both. Regrettably, what we have in the coming year is the use of the Federal trust fund money over here in the operating revenues. And I have thought it was wrong since 1983. I have addressed it legislatively. I have offered amendments on it. It is wrong now. It is going to be even more wrong in the future because each year this amount of money grows.

So what you have here is a legislative sleight of hand of those who say we are going to balance the Federal budget, in effect, in the year 2002. Even under the most optimistic assumptions, you will still have a $110 billion budget deficit.

The Senator from New Mexico knows that on page 3 of the budget report that came to the Congress, it has a section called deficits. You go to 2002, on page 3, and evaluate what is this deficit? It is $110 billion. That is what they say, not me. Why? Because, in order for them to say zero, they had to take that money from the Social Security trust fund and use it—or misuse it. That is the issue. They are funny about their issues—the issue of education, which I think is important. The issue of part B premiums is what is holding us up at the moment.

As you know, among other things, the circumstances in which the majority party says we insist on this legislation, this stopgap legislation, insist on increasing the part B premiums, makes no sense. They ought to pass a clean stopgap bill, send it to the President, and let us stop this. This makes no sense.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me first talk about the issue of whether we have a balanced budget or not. The distinguished Senator has just addressed the issue of whether we do or do not because of the trust fund.

Let me remind everyone who is listening and wondering about this contentious issue that the trust fund must not be ignored. What is in that trust fund should not be used to balance the budget. The President of the United States sent us a budget when he first went into office. He used the trust fund as part of the unfunded budget. He sent us a budget this year. He did it 3 months later, claiming it was in balance. He used the trust fund. Mr. President, every President since I have been a Senator used it in the exact same way. The Republicans used it in the exact same way.

Lo and behold, 19 Democratic Senators on the floor of the Senate, courageous Democrats, produced a balanced budget. One of them happened to have as a cosponsor along with the distinguished Senator, Senator SIMON, his fellow Senator from his State as a cosponsor. And what kind of budget was that in terms of a balance? That was the exact same kind the Republicans produced and all the Presidents produced. There was no difference. It treated everything just like it has been treated before, excepting now the distinguished Senator, Senator DORGAN, insists that we are not in balance.

Frankly, I do not think the American people understand the argument, nor do they care about it. We are making such a gigantic step in the direction of a balanced budget that I do not think anybody is going to ask us to do more. That is essentially the argument—that we ought to do more. We have not done enough.

Why are we on the floor now? The U.S. Senate passed a reconciliation bill, a big law change, to change the laws so we can get to a balance. That already passed. We voted on 58 amendments. There might have been two or three of them who were Republican. They had every opportunity to vote. They lost. They might have won one or two.

When we are all finished, they want another day on the floor of the Senate. So now they say, let us instruct the conferees, the ones who are going to go off and meet with the House who have already been meeting—who have already finished the budget—but for another meeting. They want a chance to tell them what to do by virtue of motions to instruct. This is nonbinding.

It is also a desperate act of, let us get one more opportunity on the floor of the Senate to make some charges and allegations.

So we say, fine. Have at it.

I am pleased to tell those who offered all of these instructions, including my good friend, the Senator from Florida, Senator GRAHAM, that I am going to urge that every Republican Senator vote for his instruction. So if he is worried about it, he should know that he is going to win tonight. He is going to win because, in our opinion—and we are going to tell the Republicans—nothing in our budget bill violated the Budget Enforcement Act.

Second, we do not include anything in the conference report that violates that section that he refers to. And, lo and behold, we did not use $12 billion in Social Security cuts to balance the budget. So we are going to vote for it, and the Senator's instruction, albeit after the fact, is going to be noted and well taken. So I thank him for that.

I offered Senator KENNEDY a proposal that we take all of his, except one. So if anybody wonders how this big argument—he has about 10 provisions. We said we did all of them in our reconciliation except one with reference to balanced billing. So if we have to vote no on Senator KENNEDY's long list, it is because we do not agree on balanced billing. But on all of the rest, we agree. If he would agree to strip that, we will even vote for his instruction tonight. I will leave that for him to decide here in the next few minutes.

That leaves Senator PRYOR. I have said we are going to vote for that. And I say to the Senator, I was thinking of what I said. I am not saying we did every single thing that he is recommending in his instruction. I am saying we went as far as we could go, and we will accept the instruction since it is not binding. We will say we told the conferees to do their very best on his instructions, and I think for the most part it is going to be found to be rather close to what he wants. But I did not want him to think we adopted his exactly.

That means that we are not going to go with Senator ROCKEFELLER, who has something in his saying we should only raise $89 billion to make part B solvent. So he would like to make it solvent for only a few years.

Mr. PRYOR. Mr. President, will the Senator yield?

Mr. DOMENICI. Let me finish my last reasoning since I did not have any time, and I will get back to the Senator. I do not want to run out of time.

So essentially the one we cannot agree to is we cannot agree to Senator ROCKEFELLER's for one reason. He said we should only make the part A coverage solvent to the extent of $89 billion put back into it. We are putting a lot more back into it because we want it to be solvent until the year 2010, maybe even 2015.

So we could not agree to that. The last part of his we would agree to. He says, do not use any of these to raise taxes. We did not. We put all of the Medicare savings back into Medicare. So, but for that, we could even vote for his but we will have to vote no on that.

If Senator KENNEDY will modify his, the Democratic Senators will have their great victory this afternoon. We will vote for them—all three.

Mr. KENNEDY. Mr. President, if the Senator will yield for 30 seconds, no one is more accommodating than the Senator from New Mexico in attempting to try to find common ground. But the issue on the double billing is one of extreme importance.

Now, of course, beneficiaries are not permitted to be charged above the reimbursement for Medicare. And it is my understanding from reviewing the language that under the proposal that is being discussed in conference there can be additional charges to senior citizens. But we want to retain current law.

All my legislation does is effectively retain current law. But, as I understand it, that is not the position of the Senator, the chairman of the Budget Committee.

Mr. DOMENICI. We will have a vote on the Senator's instruction. I thank the Senator.

Let me close by saying that this argument that we are having on the floor has nothing to do with these instructions. It has to do with whether or not we are going to get a balanced budget in 7 years using valid economics and using valid assumptions on what Government will cost. We have done that. We have used the Congressional Budget Office, and we will actually have a balance. And we are able to give the American taxpayers $245 billion back in taxes.

Let me say that while I cannot reveal the details of the conference, lo and behold, 90 percent of the tax cut is going back to middle-income Americans. So if there was any fear that we were going all the way to the House side, we did not. As a matter of fact, $75,000 is the earnings for a single head of household for the child care credit. And the rest of it, 90 percent, will be for middle-income Americans.

We will have capital gains in. For those who do not like that because some of it goes to rich people, that is just going to be the issue. But essentially we are passing a budget not for today, not for seniors, not for cowboys, not for ranchers, not for schoolteachers, but for everyone in America, in particular our children. Whatever they do in their lives, we are hoping they will have a better life than we. And we do not think that is the case with $200 billion deficits as far as the eye can see. That is the real issue.

We are delighted to have another debate on it. In a few days we will bring the bill here on the floor, and we will have another 5 hours of debate. We hope we can send to the President a real balanced budget.

Mr. PRYOR. Mr. President, parliamentary inquiry: Have we appointed conferees from this body to a conference on reconciliation? Has the Senate appointed conferees?

The PRESIDING OFFICER. The Senate has not.

Mr. PRYOR. So if we do not have any conferees, Mr. President, we do not have a conference. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PRYOR. The Senator from New Mexico keeps talking about "we" have decided, that "we" have decided that. But yet, there is no conference because there are no conferees.

Mr. DOMENICI. The Senator is correct.

Mr. PRYOR. Who does the Senator speak of when he is talking about "we" have decided this?

The PRESIDING OFFICER. That is not an appropriate parliamentary inquiry.

Mr. DORGAN. Mr. President, may I ask the Senator from New Mexico for his comment——

Mr. DOMENICI. We are out of time. I will be pleased to correct the record.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senator from New Mexico be allowed to answer my question in 1 minute.

Mr. DOMENICI. Could I ask for 1 minute for Senator COHEN to put a statement in the RECORD?

Mr. PRYOR. I would be glad to.

Mr. DOMENICI. Does the Senator from Maine wish to include a statement in the RECORD?

Mr. COHEN. I will withhold.

Mr. DOMENICI. Mr. President, fellow Senators, just as the Democrats did last year when they put together the President's package with the largest tax increase in history, only Democrats really put the package together. I happened to have been a Member. I was not invited to that meeting. When it was finished, they called a meeting and said it is finished.

So what we have been doing is meeting informally because we know we are going to have to write this package. We worked very hard day and night, all weekend, and when we finally got together tonight we could not appoint conferees because these motions were in the way. They wanted to have this debate today first.

So as soon as it is finished, we will appoint the conferees, and in due course during this week the conferees will meet and they will put together, ratify, and approve a conference report.

Mr. DORGAN. Mr. President, if I might ask a question, as soon as the conference is finished, they will appoint conferees?

The PRESIDING OFFICER. The 1 minute has expired. Any debate at this point would require a unanimous consent.

All time has expired.

The Senator from Maine has 1 minute.

Mr. COHEN. Mr. President, during the Senate debate on the budget reconciliation bill I offered an amendment with my colleague from Arkansas, Mr. PRYOR, to retain strong Federal standards for nursing homes and I am pleased that the Senate-passed budget reconciliation bill maintains the tough Federal standards that are currently in place to protect elderly and disabled individuals living in nursing homes. The continuation of OBRA '87 nursing home standards in the Senate bill is a major victory for today's 2 million nursing home residents, and tomorrow's growing elderly and disabled population.

A few weeks ago I chaired a hearing of the Senate Special Committee on Aging to examine the need for strong Federal quality of care standards in nursing homes. The testimony from family members and expert witnesses convinced me more than ever that the Federal Government must continue to play a central role in monitoring and enforcing nursing home standards.

The law provides a framework through which facilities can help each resident reach his or her highest practicable physical, mental, and general well-being. It also provides critical oversight and enforcement of nursing home standards, following years of evidence that the States simply did not make enforcement of nursing home standards a high priority.

While the bill originally reported by the Finance Committee required that States include certain quality of care provisions in their Medigrant State plans, I had strong concerns that many of the important OBRA '87 provisions were eliminated and that the bill lacked adequate Federal oversight and enforcement of nursing home standards.

Therefore, I worked with the Republican leadership and many of my colleagues on both sides of the aisle to ensure that this bill keeps intact the standards, enforcement, and Federal oversight now contained in current law.

During the debate on the reconciliation bill and since its passage, the nursing home standards provisions contained in the Senate bill have been attacked as inadequate and a return to the days when nursing home residents were tethered and overdrugged. It is unfortunate that my colleagues on the other side of the aisle have chosen to play on the strong emotions and fears of families of nursing home residents. They argue that the waiver provision included in the Senate-passed bill is a veiled attempt to gut nursing home enforcement. I want to assure my colleagues that, while I would prefer that a waiver not exist, this is simply not true.

An article appeared today, entitled, "GOP Health Reforms Leaving Nursing Homes Behind. Both the House and Senate Budget Plans Propose a Wholesale Repeal of Important Nursing Home Standards First Passed in 1987," paints a distorted picture of the facts. The headline leaves the clear impression that both the Senate and House plans are callous and have turned their backs on nursing home residents. The article then goes on to attack the waiver process in the Senate bill as a plan to eliminate the Federal nursing home standards which we have all fought so hard to achieve.

Let me set the facts straight for the record.

First, the Senate bill continues Federal standards and enforcement. To lump the Senate provisions as being as bad as the House bill is simply unfair. The Senate recognized the need to maintain Federal law and did so in its reconciliation bill.

Second, the Senate-passed bill does provide for States to receive waivers from the Federal nursing home reform law, but these are provided in only very limited circumstances. Specifically, a State may apply for a waiver of standards only if its standards are equal to or more stringent than the Federal requirements. The amendment clearly indicates that no such waiver is allowed unless the Secretary approves the waiver, and only if the standards are equal to or more stringent than the Federal standard. Further, the provision specifies that waivers allowed under this section in no way waive or limit the Federal Government's enforcement of tough nursing home standards, patient protections, and other provisions of OBRA '87 against the States or the nursing homes.

Under the Senate-passed bill, even if a State obtains a waiver, the Federal Government retains the authority to go into specific facilities and impose penalties. Specifically, the Federal Government can still: perform look back inspections, through which the Federal Government reinspects a percentage of nursing homes already inspected by the States to determine if the States are adequately enforcing OBRA '87; enter any nursing home facility to ensure compliance with OBRA; terminate a facility's certification for Medicaid if conditions in the facility causes an immediate harm to residents; fine a facility if the nursing home is not complying with Federal law; terminate or suspend a waiver of any State that is not enforcing the Federal nursing home standards or has standards weaker than the Federal law.

Colleagues on the other side of the aisle argue that the Secretary does not retain these rights and that the Federal Government is unable to enforce Federal standards against individual facilities. I maintain that this is simply not correct under the language of the Senate-passed provision and have been urging the leadership to clarify this in conference so there will be no doubt of the intent. Rather than working constructively to support and clarify this language, however, those on the other side of the aisle have decided that they can score more political points if they provide strained readings of the provisions, energize opposition among the nursing home patients' groups, and paint a picture of all Republicans trying to roll back standards and enforcement.

The fact is that States are now allowed to apply more stringent standards than the Federal Government under current law. So the waiver really gives nothing to a State—other than the option of requiring nursing home standards that are tougher, with the Federal Government looking over the shoulder of the State and facility every step of the way. While I strongly share the concern of my colleague from Arkansas that States have not had a good history of enforcing standards in nursing homes, the law should not automatically assume that tough enforcement by States—with full monitoring and full enforcement by the Federal Government of standards—is absolutely impossible.

Some critics also question whether a State could receive a waiver if its standards as a whole—rather than each and every standard—for nursing homes were equal to or more stringent than the Federal standards. I believe that the language in the Senate-passed bill means that each standard must be equal to or more equivalent to the Federal standards in order to qualify a State for a waiver. Again, I would support language to even further clarify that this is the intent—but we should do this in an effort to clarify and strengthen the bill, rather than suggesting that there is a veiled effort to create loopholes for nursing homes.

In addition, under the Senate-passed bill the Secretary is given 120 days to approve or disapprove a waiver application from a State. Opponents challenge this provision as perhaps allowing a State waiver to go into effect by default if the Secretary does not act within this time frame. This interpretation is a far stretch, since as my colleagues well know, under current law similar waivers are not granted by default if the Secretary does not expressly approve the waiver.

As I stated on the floor during debate on the reconciliation bill, I am pleased that the amendment that I cosponsored to preserve the current Federal law on nursing home standards was adopted and I supported the Roth amendment to the bill only because I believe that the waiver provisions contained in it do not undermine strong Federal enforcement and standards. I assure my colleagues that I will continue to press for strong Federal standards and enforcement, and will not support a conference report on the budget reconciliation bill that I believe will dilute either Federal standards or Federal enforcement against States or individual facilities.

Mr. President, I intend to support the motion of the Senator from Arkansas, but I also want to indicate I believe that there has been a distortion of what the Senate did last week. The indication is that somehow the Republicans have been less than concerned about nursing home residents and their rights and the standard that will be applied to make sure that at the very highest levels we maintain Federal enforcement obligation.

I wish to assure my colleague from Arkansas that the measure which passed—both measures—and I supported, and the Republican substitute, will insist upon standards that States can measure up to are higher than Federal standards. We still retain Federal enforcement rights. I believe you are insisting there be no waivers, but I wish to assure you that Republicans, by no means, are going to tolerate any diminution of either standards or enforcement by the Federal Government.

Mr. PRYOR. If the Senator will yield, does the proposal that the Senator has accepted contain waivers by States?

Mr. COHEN. The proposal that was voted last week in the Senate allowed for States that either had equal to or greater standards to apply for a waiver that could be granted but only if the Federal Government retained enforcement standards, enforcement rights. That is the measure we debated.

Mr. PRYOR. That is a change of which I wish to warn my colleagues.

The PRESIDING OFFICER. All time having been consumed, the question is on agreeing to the motion of the Senator from Massachusetts.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have a unanimous consent request. I ask unanimous consent that the votes occur in the order in which they were deferred and that there be 2 minutes equally divided between each motion to instruct.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

MOTION TO INSTRUCT—NURSING HOMES

The PRESIDING OFFICER. There is now 2 minutes to be equally divided on the Senator's motion.

Mr. PRYOR. I thank the Chair.

Mr. President, what we are faced with right now is whether we are going to retain the Federal standards as adopted in OBRA 1987. These are high standards. They are accepted standards. They are understood standards. They are standards that apply across this great country, across this wide land of ours in each of our 50 States.

In my opinion, to relax these standards is going to be a statement that we are making to 2 million nursing home residents that we do not care enough about their safety to retain these high standards.

I have just seconds ago been informed that even though I had been told earlier my motion would be accepted as is, there is going to be the possibility of relaxation of some enforcement provisions made by the Republicans in their so-called conference, and the conference does not even exist with the Democrats. So this is our last opportunity. I hope we will support the motion that is before the Senate at this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I waive my 1 minute.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays are already ordered on this motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 570 Leg.]

YEAS—95

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—1

Ashcroft

NOT VOTING—3

Gramm
Jeffords
Lugar

So the Pryor motion to instruct conferees was agreed to.

MOTION TO INSTRUCT—MEDICARE

The PRESIDING OFFICER. The question now occurs on the motion to instruct conferees offered by the Senator from West Virginia [Mr. ROCKEFELLER]. The yeas and nays have not been ordered.

By a previous unanimous consent, there is 2 minutes to be equally divided to explain the amendment.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, this particular motion to instruct is to say to conferees that Medicare should not be cut by more than $89 billion, which is sufficient to keep it solvent to the year 2006, and that any money necessary to ensure budget neutrality would come from the tax break. That is it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, shortly I am going to move to table the Rockefeller motion. Let me say to all Senators on the Republican side, I would have urged that you support this but for the $89 billion limitation, because we think we can do better and we deserve to make the fund solvent for more than just a few years.

So we are going to make it solvent to about 2010, maybe 2014. But as far as that portion of this that says we should not use Medicare to cut taxes, I can assure you that we are not doing that. We have put all the Medicare savings back into the Medicare trust fund, even those that come from the general taxpayer for part B, so we are not using any Medicare savings for tax cuts.

Mr. President, I move to table the Rockefeller motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion of the Senator from West Virginia to instruct conferees. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 571 Leg.]

YEAS—51

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone

NOT VOTING—2

Gramm
Lugar

So the motion to lay on the table the Rockefeller motion to instruct conferees was agreed to.

MOTION TO INSTRUCT—SOCIAL SECURITY

The PRESIDING OFFICER. The question next occurs on the motion to instruct conferees offered by the Senator from Florida, Senator GRAHAM. Under previous agreement, each Senator has 1 minute to explain the position on the motion.

The Senate will please come to order.

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, this motion relates to a provision that was included in the last hour of our consideration of the reconciliation bill. That provision purported to fund $13 billion of new spending by utilizing funds out of the Social Security trust fund.

This motion states that it is not our intention to dishonor the commitment that this Congress made in 1990 not to utilize the Social Security trust fund for financing the general purposes of Government and, therefore, instructs our conferees to desist from any actions that would have that effect.

I believe this amendment is acceptable to the chairman of the Budget Committee. I urge its adoption.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the first portion of his instruction we have never violated, so we can be instructed on it.

The second section, we have never violated it, so we can be instructed not to.

The third one, on $12 billion worth of Social Security, we did not think we violated it on the Senate floor. However, in the final product, we did not have to use that to get to a balanced budget, so I am recommending we vote aye on this instruction.

The PRESIDING OFFICER. All time has expired. The question occurs on the motion to instruct conferees offered by the Senator from Florida, Senator GRAHAM.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 572 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

Gramm
Lugar

So, the Graham motion to instruct conferees was agreed to.

MOTION TO INSTRUCT—HEALTH CARE

The PRESIDING OFFICER (Mr. SANTORUM). The question is on agreeing to the motion to instruct conferees offered by the Senator from Massachusetts [Mr. KENNEDY]. Each side has 1 minute of debate.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There is 1 minute of debate time on each side on this motion before the vote.

The Senator from Massachusetts.

Mr. KENNEDY. I thank the Chair.

Mr. President, this motion retains existing law in four important areas: In the discounts which are currently available for prescription drugs for our senior citizens; second, in the prohibition against double billing that is in existing law, so that the senior citizens will not be charged a cost above that designated, for example, in Medicare; third, in anti-fraud and abuse, to make sure that the existing provisions to prevent fraud and abuse to deal with those exigencies are preserved, which they are not preserved in the reconciliation bill at the current time; and fourth, in protections against additional costs in Medicaid, to make sure that there will not be additional costs for nursing home residents on Medicaid, spouses and their families.

We preserve existing law in all four areas. This will save seniors and seniors' families billions of dollars and save billions of dollars for the taxpayer, and I urge its acceptance.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

Mr. President and fellow Senators, frankly, it is very difficult to ascertain from this long litany of instructions to the conferees which of these we really can do and which ones we cannot, and because I cannot discern that with certainty—and a couple of them I know we cannot get done in the conference in the next 24 hours—I am going to recommend we table the motion.

Frankly, I believe we are going to get a lot of these good provisions done. I do not think we need to be instructed at this point.

So, Mr. President, I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me advise Members, this is the last of the four votes on the instructions. I would recommend you take a beeper with you because if we do work out something on the CR, the vote could come any time between now and tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to instruct conferees. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 573 Leg.]

YEAS—48

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

NOT VOTING—2

Gramm
Lugar

So the motion to lay on the table the Kennedy motion to instruct conferees was rejected.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Rollcall vote be vitiated on this motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs on agreeing to the motion to instruct offered by the Senator from Massachusetts.

So, the motion was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I just want to comment in the presence of Senator KENNEDY, one of the reasons we let this happen and did not fight any harder is because we are so appreciative on the Republican side for all the help he has been in getting the reconciliation bill passed.

Mr. KENNEDY. I thank the Senator. I want to be of similar help and assistance on——

Mr. DOMENICI. That kind of help we do not need. In spite of what it was, he prevailed.

The PRESIDING OFFICER. Under the previous order, the Chair appoints the following conferees.

Thereupon, the Presiding Officer (Mr. SANTORUM) appointed:

From the Committee on the Budget for consideration of all titles: Mr. DOMENICI, Mr. GRASSLEY, and Mr. EXON;

From the Committee on Agriculture, Nutrition, and Forestry for consideration of title I: Mr. LUGAR, Mr. DOLE, Mr. HELMS (for consideration of section 1113 and subtitle D of title I), Mr. COCHRAN (for consideration of title I, except sections 1106, 1108, 1113, and subtitle D), Mr. CRAIG (for consideration of sections 1106 and 1108 of title I), Mr. LEAHY; and Mr. PRYOR;

From the Committee on Armed Services for consideration of title II: Mr. THURMOND, Mr. MCCAIN, and Mr. BINGAMAN;

From the Committee on Banking, Housing and Urban Affairs for consideration of title III: Mr. D'AMATO, Mr. GRAMM, and Mr. SARBANES;

From the Committee on Commerce, Science, and Transportation for consideration of title IV: Mr. PRESSLER, Mr. STEVENS, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUYE;

From the Committee on Energy and Natural Resources for consideration of title V: Mr. MURKOWSKI, Mr. HATFIELD, Mr. NICKLES, Mr. CRAIG, Mr. JOHNSTON, Mr. BUMPERS, and Mr. FORD;

From the Committee on Environment and Public Works for consideration of title VI: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. BAUCUS, and Mr. REID;

From the Committee on Finance for consideration of title VII and title XII: Mr. ROTH, Mr. DOLE, and Mr. MOYNIHAN;

From the Committee on Governmental Affairs for consideration of title VIII (and for consideration of the title of the House bill relating solely to abolishing the Department of Commerce): Mr. STEVENS, Mr. COHEN, Mr. THOMPSON, Mr. GLENN, and Mr. PRYOR;

From the Committee on the Judiciary for consideration of title IX: Mr. HATCH, Mr. GRASSLEY, and Mr. BIDEN;

From the Committee on Labor and Human Resources for consideration of title X: Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. FRIST, Mr. KENNEDY, Mr. PELL, and Mr. SIMON (for ERISA and other matters);

From the Committee on Veterans' Affairs for consideration of title XI: Mr. SIMPSON, Mr. MURKOWSKI, and Mr. ROCKEFELLER.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

POISED FOR A SHUTDOWN

Mrs. BOXER. Thank you very much, Mr. President. I take to the floor late this evening, and I know there is other business that will be coming before the body, to talk about where we are as a country at this point when everyone seems to be poised for a shutdown, representing the largest State in the Union where, I daresay, Senator FEINSTEIN and I have more people who will be impacted by this shutdown than any other State in the Union. It is of grave concern to me. I believe the time has come for us to work together and keep this Government functioning. I believe if we cannot do that, then we are not doing our jobs.

The time has come for the Republican Congress to admit to something they do not want to admit to, and that is the occupant of the White House happens to be a Democrat. There is a Democrat in the White House, a Democrat who has said in every possible way that we can make bipartisan progress on the budget if Republicans moderate their extreme cuts in four areas: Medicare is one area; Medicaid is the second; education is the third; and environment is the fourth. And on the tax break side, that the Republican Congress not give huge tax breaks to the wealthiest to pay for those mean-spirited cuts.

Those are the main areas of disagreement: Medicare, Medicaid, environment and education and huge tax breaks for the wealthiest among us.

There are other smaller areas of disagreement, but those are the major ones. When you stop and think about the thousands of things that we deal with in this budget, if it can come down to four or five areas, I think there is room for us to work together. I do not think it is unreasonable for the President to simply ask for moderation on four areas crucial to all Americans, and I do not believe that the majority of Americans think that President Clinton is being unreasonable.

Why do I say that? Because it is clear, when you take $270 billion out of Medicare, you are hurting this very important and popular program. And you know that what Speaker GINGRICH said is true, they cannot kill it outright, but this will allow it to "wither on the vine."

"Wither on the vine," the very words of Speaker GINGRICH. And you know something, he cannot get out of it. That is what he said.

So the Republicans will allow Medicare—indeed, that is their plan—allow it to "wither on the vine" and then use the money to pay off those who earn over $350,000 a year. They will get $5,600 a year in tax breaks.

I listened to the chairman of the Budget Committee—I am on the Budget Committee, I serve there with great pride—when Senator KENNEDY of Massachusetts asked a direct question to the chairman of the Budget Committee. The answer came back, and I do give Chairman DOMENICI credit for this. He said, basically, yes to the question, "Didn't you have to cut Medicare $270 billion to make room for your tax cut?"

Of course he did. Of course he did. That was in the budget itself. It said there has to be enough cuts to be able to afford those tax breaks.

It is symmetry, my friends, and very clear: $245 billion in tax cuts for the wealthiest; $270 billion cuts in Medicare. That is extreme. The Republicans go too far.

I think the President is being very reasonable and very rational and very correct in suggesting that they moderate those cuts, that they not harm Medicare, that they not cut Medicaid by $182 billion.

Who uses Medicaid? The disabled, the elderly in nursing homes. They still, with all the hoopla, are going to change the national standards for nursing homes. Their latest ploy is to have national standards that the States will enforce. Wonderful. We know what happened when the States were in charge of nursing homes. We remember those days.

I compliment my friend, Senator PRYOR, for his work on this issue. We are not going to go back to the days where seniors were abused, drugged, had bedsores or were given scalding baths. That is what happened in the 1980's.

I have to say when I hear colleagues on the other side say, "Well, those Democrats just do not want change," yes, we want change but we want good change. We want change that is good for the country, that moves us forward, that keeps our values.

Yes, we have to look more carefully at the way we spend our dollars. Yes, we have to balance the budget. But it is a question of how you do it and the President is right to stand firm. I hope he will continue to stand firm because the American people support that.

Change in and of itself is not necessarily good. It is like if you have a teenage child. I have had a couple of them. They are past that stage. This is very good. When they were young and I said, "You have to do better, you have to work harder"—"Yes, I will change."

If they change for the better that is great, but if they came home and said, "Mom I changed. I joined a gang," that would be a bad change.

When you repeal nursing home standards, that is a bad change. When you hurt seniors in Medicare, that is a bad change. When you cut so deeply into education and student loans that you really in essence say to our young people they are not going to have opportunity, that is a bad change. We should stand for good change.

We protect the pensions of our workers. This Republican budget goes after the pensions, allows them to be raided. That is a bad change.

This is not a revolution, this Republican revolution, that Americans can really embrace, because it is an America that loses its values, hope, opportunity, fairness. That is what I think we try to stand for on our side of the aisle. That is the kind of budget that we will support—yes, one that moves us toward balance.

How do you get there is the question. I think what is happening is that my colleagues on the Republican side want to blackmail our President and send him a debt extension, force him to sign it while at the same time a provision in there would tie his hands in future debt crises. That is not what we need for the strongest, greatest country in the world.

I used to be a stockbroker in another lifetime, and every time the President sneezed, the market would go down. People were worried. Imagine what it would be like if a President signed a bill that essentially tied his hands behind his back so he could not act in a crisis, to stand strong for the full faith and credit of the United States of America. That would be a terrible thing for him to do, and he is not going to be blackmailed into doing it. God bless him for that and give him courage and give him strength for that.

Imagine, these short-term bills having all this extraneous matter—raising Medicare premiums. The Republicans cannot even wait for the reconciliation bill, they are going to put it in this short-term bill. Raising premiums instead of looking at Medicare as a whole unit and bringing in the doctor piece and bringing in the waste, fraud, and abuse piece, as Senator KENNEDY said, and the hospital piece, and making sure the poor seniors are protected.

Why should the President sign a bill when he is up against the wall and being blackmailed into it? The President has every right to reject this. He should.

I am here to say that right now if the Republicans in this U.S. Senate wanted to, they could sit down with us Democrats. We could send a clean debt extension to the President, a clean continuing appropriations to the President, absent all this extraneous matter.

One of them even weakens environmental laws, threatening public health and safety. It is an outrage.

We do not have to shut down this Government and make people feel concerned if they want to apply for veterans' benefits or Social Security benefits that the door will be closed. It is not necessary to do that.

Send the President a clean extension of the debt. Send the President a clean continuing resolution. We have many battles that we have to fight but we do not have to fight it on this short-term bill.

I am only going to go for another 2 or 3 minutes but I really need to say that this crisis is a manufactured crisis. There is no reason for it to be happening. It is just an attempt by this Republican Congress to sneak things through here that they know they cannot get through in the light of day. They do not want to vote to raise Medicare premiums, so they stick it in on this debt extension or on the continuing resolution. On the debt extension they weaken the environmental laws. They are radical plans and their only hope of success is to slip it through.

We should not be playing a game here about who is more macho, NEWT GINGRICH or President Clinton. Frankly, I do not care. I do not care about that. What I care about is that my country functions, that my country operates, that we are not sending a signal to foreign countries that there is some problem here with us doing our work.

The full faith and credit of the greatest Nation on Earth is at stake, so we should not play the high noon games, the macho games, and the football games. We have a job to do. Keep the bills clean.

I also would like to take this opportunity to note that while the Senate voted unanimously to dock our pay if any part of the Government shuts down, the House of Representatives refused to do it. Speaker GINGRICH will not even meet with me and Congressman DURBIN in order to discuss this matter.

Here we have a situation where Federal employees who work very hard are being disrupted, their families are frightened, and yet because Speaker GINGRICH does not want to act on this, Members of Congress will get their pay. Wonderful signal. Wonderful signal. Play games with the faith and credit of the United States of America, but we get our pay.

I hope that Congressman DURBIN will be able to get his bill offered over on that side under suspension of the rules. We passed it here unanimously with Senators DASCHLE and DOLE going on my amendment.

I find it bizarre, just bizarre, that Speaker GINGRICH is very willing to give out the pain to the country but is protecting himself and his colleagues from any pain. It is wrong.

Mr. President, stand firm. You are right in what you are doing. Let us pass these short-term bills without extraneous amendments. Take the four or five areas of disagreement in the budget and hammer out agreements. This Congress has only sent the President 5 appropriation bills out of 13. They have not even sent the reconciliation bill over to him yet, and they are playing games with these short-term bills.

Get your work done. Send it to the President. He will veto it, because it has hurtful cuts in education, environment, Medicare and Medicaid, and for its attack on working people and cozy tax breaks to the wealthiest and its raid on workers' pensions.

Send it to the President. Our founders envisioned that when there is a split in values, there will be a veto. Then there will be a veto override. And, if that fails, we will sit down and we will solve the problems before us.

Our values are clashing. In many ways, it is important for America to understand that. This is not about some small matters. This is about the heart and soul of America. Do we invest in our students? Do we care about our seniors? Do we care about our children? Do we value them? Do we want to balance the budget, but do it in a way that is humane and compassionate and fair and just? Or do we want to slash and burn and use those savings to give the wealthiest among us thousands of dollars every year?

I hope the answer to that is no. I think the answer to that is no. And when the President stands tall and vetoes this bill, we will move the debate forward. But that is a battle we do not have to have on the short-term legislation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. In closing, strip these short-term bills of extraneous material and let us govern.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

Mr. KERRY. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Massachusetts.

The Senator will withhold.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

The PRESIDING OFFICER. The Chair will lay before the Senate the message on H.R. 927, which the clerk will report.

The assistant legislative clerk read as follows:

> *Resolved*, That the House disagree to the amendment of the Senator to the bill (H.R. 927) entitled "An Act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The Senate continued with the consideration of the message from the House.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask the distinguished acting majority leader for his attention.

I ask unanimous consent the pending resolution be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Would we add to that that the Senator speak as in morning business?

Mr. KERRY. I beg your pardon?

Mr. LOTT. Add to the unanimous consent the Senator speak as in morning business.

Mr. KERRY. I do not need to have that additional part of the request. I think it would be sufficient simply to set it aside, and I would be happy to go back in a quorum call.

Mr. LOTT. Mr. President, I think we are going to be able to work this out here momentarily. But we are not prepared at this moment to set the issue aside.

Mr. KERRY. Mr. President, I ask unanimous consent that it be set aside temporarily for purposes of speaking as in morning business.

I ask the distinguished Senator from Mississippi how long he thinks it might be before we make a decision.

Mr. LOTT. Just momentarily.

Mr. KERRY. In that case, I ask unanimous consent to proceed for such time as necessary, until the Senator has an answer, as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE DEBT CEILING

Mr. KERRY. Mr. President, I congratulate the Senator from California on her comments with respect to the budget. I would like to just say a few words.

About a month ago, I came to the floor of the Senate and suggested that, as every Senator here knew, we were headed towards this inevitable moment that we are now in. I think a lot of us felt then that the American people would have been much better served if we had been able to come together on all sides of the aisle, as well as on the other end of Pennsylvania Avenue, in order to try to work out the differences between us.

But all of us understand there is a different dynamic that is working here. And that dynamic, I feel, is underscored by those things that had been attached to the debt ceiling and to the continuing resolution.

Most Americans are sitting at home today sort of scratching their heads. They are saying to themselves, what in God's name is going on in Washington yet again? We thought that in 1994 we voted for a "change." Yet, here is Washington caught up in this paroxysm of business as usual. For the average Americans who thought they voted to get rid of gridlock in 1994, here they are with a kind of gridlock revisiting them. And a lot of people are probably saying a pox on both of your houses, all of you.

Undoubtedly, tomorrow, a lot of people are going to be confused as they see this definition of nonessential employees. All of a sudden the Government is going to shut down for a little while and nonessential employees are going to be sent home. I would not blame most Americans for sitting at home and saying, "What is this? They are nonessential employees. The Government is going to function adequately for a few days—what are we doing with these people who are nonessential employees every other day of the year?" So a whole lot of further confusion sets in by virtue of this absolutely predictable moment.

Why is this happening? As the Senator from California pointed out, it is happening because our friends on the other side of the aisle have had a responsibility to pass 13 appropriations bills. Last year, under the Democratic leadership, we passed those bills. We sent them to the President on time. Now only five of those bills have been passed, so we need to have what is called a continuing resolution, a temporarily spending measure, because they have not done their work.

Instead of just coming before the Senate and saying, give us a clean, temporary spending measure—what "clean" means is just pass a temporary spending measure; give us 2 more weeks to do our work. That is essentially what it means. We have not done our homework. So you go to the teacher and say, "I need another 2 weeks."

But, instead of just getting another 2 weeks to do the homework, they have brought back other conditions and attached conditions to the temporary extension that they simply could not get passed any other way.

They have had a regulatory relief bill here which the Senator from Kansas has introduced, which the Senate refuses to pass. The Senate refuses to pass it because it wants to attack things like letting citizens know, in their communities, what kind of toxic chemicals are released in their communities.

It is just a voluntary knowledge issue. Should Americans know that a chemical company in the town in which our good citizens live is emitting X, Y, or Z toxics into the sky? It is a very simple issue. It is totally voluntary. Once people have learned that they are emitting this, it does not forbid the emissions. It does not punish anybody. It just lets people know what they are breathing. Our friends want to do away with that. We have not allowed them to do away with that because we think it is important for Americans to know what they are breathing, and what a chemical company might be putting into the sky. They do not.

Since they could not pass it in the normal course of business in the U.S. Senate, they have attached that kind of measure to the temporary debt ceiling, to the continuing resolution. The result is we are not going to let them pass it. The President says, no. I am not going to have legislative blackmail. I am not going to have a gun held to my head which holds hostage the default of the United States of America to an agenda that cannot be passed otherwise.

That is part of what is at stake here, Mr. President. It is only part of what is at stake here.

The other part of what is at stake here is a great difference that is now seeking definition in the debate in this country about what our priorities are as a Nation. I listened today. And I listened to the Speaker of the House. I listened to the majority leader. They stood up in front of the country, and they said, "We want to balance the budget. They do not." I heard people say we want to just get the fiscal condition of this country under control, and they just want to spend money. That is not what this debate is about. That is not an accurate framing of what is at stake for this country. The issue is not whether or not we want to balance the budget. The issue is not whether or not we want to get control of the fiscal mess which no Republican President in the last 12 years vetoed. The issue is how are we going to balance the budget? Are we going to keep faith with the fundamental notion of fairness in America, or are we going to trample on every notion of fairness which has been part of the debate in this country since we were founded?

Is it fair to cut the money that provides summer jobs for kids who see no opportunity in their lives? Is it fair to ask senior citizens to pay a double amount in their premiums even though they are on a fixed income while you give a tax break to people earning more than $300,000 a year?

Mr. DODD. Mr. President, will my colleague yield?

Mr. KERRY. I would be happy to yield for a question.

Mr. DODD. I want to commend my colleague from Massachusetts. I hope people are paying attention to what he is saying. It might be worthwhile if our colleague would share with us the very notion. People hear the words "continuing resolution" and "debt ceiling."

As I understand it, Mr. President, the continuing resolution means that the Government is allowed to continue operating despite the fact that the Congress has not completed its business on the normal appropriations bills. As I understand it, we have completed work on 4 of the 13 appropriations bills—9 have not been completed—and that because the Congress has not completed its work on that we have a continuing resolution.

Am I not correct? I ask my colleague, if that is not the case?

Mr. KERRY. Mr. President, the Senator from Connecticut is absolutely correct. The continuing resolution is simply an extension of the budget that takes place because the budget has not been done by the people who are responsible for doing the budget.

Mr. DODD. I further ask my colleague. I understand that a minute ago he said this. Maybe people are not aware of this. Is my colleague suggesting that there are substantive pieces of legislation outside of the budget considerations that are being attached to a continuing resolution merely to allow the Government to operate until we complete our business? For instance, in the area of regulatory reform, is that being put on this kind of a bill?

Mr. KERRY. Mr. President, the Senator from Connecticut is absolutely correct. I think it is an essential component of what people in America need to understand; that while the dilemma is simply extending the budget because the homework has not been done—and I repeat in direct contrast to what happened last year under the Democratic leadership where all 13 appropriations bills were completed on time—the Republicans who were supposed to bring a revolution to the U.S. Senate and to Washington have failed to complete the work on the vast majority of these appropriations bills. Now the issue before the American people is how do you have a budget since they failed to do this work, and how do you continue to keep the Government moving for a short period of time?

But instead of just passing a short-term continuation of the budget, what they have purposely done is added to these measures a list of items that they know are calculated to punch hot buttons, and calculated to serve political purposes for campaigns at home so they can come in and say, "Look. We tried to get this. But the President will not give it to us."

Those items are items which could not pass here independently, and they effectively result in a kind of legislative political blackmail. They hold the gun to the head of the President. They hold a gun to the country, and they say to the country, we cannot get our way any other way. So we are going to get our way by pushing the country to the brink of default for the first time in American history, and tell the President of the United States he either gives us our way or the country be damned.

Mrs. BOXER. Will the Senator yield for a question?

Mr. KERRY. I want to finish the colloquy with the Senator from Connecticut.

Mr. DODD. I have been handed a one-page piece of paper that has just the following words:

> Section 106(c) of Public Law 104-31 is amended by striking "November 13th, 1995" and inserting "December 1, 1995."

I am told that simple language would allow for the Government not to be shut down—no other bills, no other ideas, no other failed pieces of legislation—that simple clause would avoid the shutdown of the Federal Government of the United States if we would just adopt that simple language for a week or two to allow us to go about the business of negotiating all these other extraneous matters. The mere adoption of that one sentence would avoid this kind of train wreck that we are going to see later on this evening.

I ask my colleague from Massachusetts. Is that not correct?

Mr. KERRY. The Senator from Connecticut has hit the nail on the head. That is all it takes. It is very, very simple.

I might add, Mr. President, that if you want to add insult to injury for the American people, it is my understanding that the Republicans have agreed that nobody is going to forfeit any pay. So not only are we going to shut it down temporarily, but everybody is going to go home and are all going to get paid to sit at home.

What kind of a revolution is that? I mean this is the most extraordinary fakery I have ever heard in my life. We are going to shut down the Government but we are not going to shut down the Government. People are still going to get paid, in effect.

This is going to cost the American people more money, and the farce of it is the revolution is paying people not to do their jobs. Boy, that is a heck of a change in Washington, DC.

Mrs. BOXER. Will the Senator yield?

Mr. DODD. I thank my colleague.

Mr. KERRY. I am happy to yield to the Senator.

Mrs. BOXER. I am pleased to hear this discussion tonight because the Nation is very confused. They hear all of this argument, and they do not realize that the Senator from Connecticut and the Senator from Massachusetts just pointed out that with one sentence that we could move on and fight our battle on the budget, which is very legitimate. After all, we are going to see people on Medicare essentially lose at least half of their Social Security COLA as a result of this increase in their premiums.

But the question I have for my friend from Massachusetts is this: As I understand it, in this debt limit bill—I say to my friend—included in it is the House regulatory reform language. And the reason I want to ask my friend a question is this: He has been the leader in the Senate in trying to bring to the Senate a regulatory reform bill that makes sense, not one that guts the environment, not one that guts health and safety. As I understand it, the House version of regulatory reform is included in this debt ceiling.

I would like him to address for me and for others what this really means if this were to become the law and to discuss with us why on Earth he thinks the Republicans would have put a regulatory reform bill that deals nothing with the debt on a debt ceiling increase. I would ask that question of my friend.

Mr. KERRY. Mr. President, I would be delighted to say a few words about that for my colleague from California.

The regulatory reform bill presents the most radical, overreaching effort to undo 25 years of environmental protection for the people of this country.

The regulatory reform bill that is attached to the debt limit will undo the protection of our citizens for the inspection of food for the potential of carcinogens in that food. To everybody who has read about E. coli poisoning, the incidents of people who have died or gotten seriously ill as a consequence of the lack of inspection, that will now be liberated. That will occur as a consequence of this.

I just share a list here. This is a long, rolling list. These are the 88 different openings for people to stop the process of putting out legitimate regulations within the Environmental Protection Agency. This list, which could not pass the Senate, has been attached to the debt limit.

Mr. NICKLES. We are not on debt limit.

Mr. KERRY. No, but it is attached to it. It is attached to it. What we are talking about here is whether or not the President of the United States is going to have this kind of gun held to his head or not.

Just take the continuing resolution. They have restrictions on Federal grants, lobbying to public interest groups; they have Medicare part B premium increases, abolition of certain agencies. These are not items that ought to be on what the Senator from Connecticut has adequately pointed out ought to be very simply an extension of the continuing resolution.

Mr. President, I know my colleagues on the other side of the aisle are going to say, look, we have been here for years, and we have never balanced the budget. That is correct. Some of us tried. We tried with Gramm-Rudman-Hollings. We tried with other efforts. We finally have come to an agreement that this year we are going to try to do it. The question is how are we going to do it, not whether we are going to do it.

So when anybody hears our colleagues come to the floor and say the Democrats do not want to balance the budget, I hope America will say, "Wrong; not true." We voted, 39 of us, for a 7-year balanced budget on this side of the aisle. The difference is we did not do it by making it more expensive for kids to go to college. We did not do it by cutting out the volunteer corps of America, AmeriCorps. We did not do it by cutting student capacity to have summer jobs. We did not do it by taking hot lunches away from kids. We did not do it by raiding the pension funds of this country. We did not do it by denying the people at the lowest scale of income the earned-income tax credit, the ability to be able to work out of poverty.

Do you know how we did it? We did it by not giving to people this extraordinary $245 billion tax break, most of which is unexplainable in the face of this kind of a deficit.

Mr. DODD. Will my colleague yield?

Mr. LOTT. Will the Senator yield?

Mr. KERRY. I would be happy to yield, Mr. President.

Mr. DODD. I just wanted to ask——

Mr. KERRY. I yield for a question.

Mr. DODD. My colleague, did I understand him to say that we have an increase in premiums for Medicare in this continuing resolution? We are going to have Medicare put on a continuing resolution and not save that debate for the kind of attention it deserves with 37 million Americans depending upon Medicare? That is wrapped up in the continuing resolution?

Mr. KERRY. The Senator from Connecticut is absolutely correct.

Mr. DODD. Can my colleague from Massachusetts explain, what is the wisdom of taking a simple extension of the continuing resolution and incorporating a critically important program to millions of Americans and their families in something like the continuing resolution? Why not leave that for the broader debate? Is there some rationale that my colleague from Massachusetts, Mr. President, is aware of as to why we would have an increase in premium costs in Medicare put on something like this?

Mr. KERRY. Mr. President, I would say to my friend, there is certainly no legitimate or fair rationale. I can certainly explain to my colleague a political and craven rationale but not one that I think would meet the test and standard of fairness.

Now, I know that the acting majority leader wanted to ask a question. I would be happy to yield for a question.

Mr. LOTT. Mr. President, I understood when the distinguished Senator from Massachusetts started speaking he indicated he would speak until we were ready to dispense with the other issues pending, and we have gotten an agreement on that and I am ready to ask for that consent when he completes his statement.

Mr. KERRY. Mr. President, the Senator from Mississippi knows how to silence the Senator from Massachusetts. If we can get consent on this, the Senator from Massachusetts would be delighted to terminate his colloquy. So I would be happy to move to that consent if we can.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—HOUSE MESSAGE ON H.R. 927

Mr. LOTT. Mr. President, I ask unanimous consent that the House message regarding H.R. 927 no longer be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I must say, Mr. President, that that is unfortunate because this is an issue which passed the Senate on October 19 by an overwhelming vote, 74 to 24. There was a lot of discussion here about the position of the Senate being preserved. This is one where we are just trying to appoint conferees on an issue that passed, three-fifths of the Senators voting for it in a bipartisan vote, and now we are being told that there is opposition to appointing conferees to go to conference on a bill that has broad support. So it is our intention to renew this motion later but not tonight so that we will be able to go to morning business at this point.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent there be a period for the transaction of morning business until the hour of 12 midnight, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

FOREIGN RELATIONS COMMITTEE BUSINESS

Mr. DODD. I just want to comment briefly, if I could, and I appreciate the acting majority leaders's willingness to lay this matter aside.

Let me say to my colleagues, I understand normally appointing conferees is a relatively routine matter. While I have underlying objection to the bill, I was in the minority. The bill did pass. The Senator from Mississippi is absolutely correct; it passed with a pretty good margin.

However, I point out to my colleagues that the principal author of this legislation is also holding up 18 nominees to serve as Ambassadors for this country, every single treaty including START II as well as the chemical weapons treaty. Frankly, moving this kind of bill to the forefront while every other major piece of legislation on the Foreign Relations Committee is held hostage because of one other piece of legislation he is interested in, I say, with all due respect, this legislation does not have the kind of urgency to it that the absence of a United States representative in the People's Republic of China, in Indonesia, I think warrants.

So I have objected to this in the hopes that these holds that have now gone for weeks—I would normally not engage in this kind of legislative maneuver, a procedural maneuver, but it has not been a question of days, it has been weeks—weeks have gone by despite the confirmation hearings in the Senate Foreign Relations Committee. Hearings on these treaties, all of these matters are being held up, all of them, just so the chairman of the Foreign Relations Committee can have a bill that he cares about be resolved to his liking.

So, with all due respect, I am going to hold up this bill until those matters are resolved. Now, cloture motions can be filed, and I can be beaten on this. But frankly, my patience has run out on this. The fact of the matter is our country's interests are not being well served by not having a U.S. representative. Vote against these nominees if you want to. Vote against these treaties if you want to. But do not deny these people the opportunity for a hearing. First of all, it is not fair to their families. They have been confirmed by the committee, awaiting action here on the floor of the Senate, and yet weeks go by.

Some of these people are career people who have dedicated their lives to the foreign service of this country. They have been sent out by committee and are waiting in limbo. Weeks have gone by. That is just wrong. Vote against them, if you will, but do not deny them the opportunity of being voted up or down in the U.S. Senate. So I will strenuously object to our naming conferees and moving forward on this bill.

I might also point out, as I mentioned earlier, we have some eight or nine appropriations bills—the Senator from Massachusetts has pointed out a regulatory reform bill—all of these things, welfare reform, Medicare, Medicaid, all of which I would argue have a far greater importance than this bill, the so-called Cuban democracy bill, that frankly is of highly questionable merit, in my view, taking priority over everything else.

So, for those reasons, I partook of the procedural vehicles available to me to slow down the naming of conferees. If there is a lift on the hold on these ambassadors and a lift on the hold on the treaties, I will lift my hold on the conferees going forward on this particular bill that is before us. For those reasons, Mr. President, I have objected.

With that, Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from Connecticut for a statement that I think enjoys broad-based, in fact unanimous, support on this side of the aisle. This has gone on too long. There is absolutely no reason why ambassadors representing the foreign policy of this country ought not be appointed. I think you have to go back decades, if not generations, to find a time when this many ambassadors were held hostage.

I think it is unfortunate, it is wrong, it is not the way to do business. It sends exactly the wrong message, not to mention what an incredible inconvenience it is to people in the Foreign

Service who are depending upon some resolution of these matters. So, whether it is the ambassadors or whether it is a number of other Federal agencies that have to be dealt with in a reasonable way, this has gone on too long. And until we resolve those matters, I think it is fair to say that it will be very difficult to resolve some of the legislation relating to foreign policy pending in the Senate.

I am very hopeful that we can resolve these matters in the not-too-distant future because what is happening today is inexcusable. I think the Senator from Connecticut speaks for all members of the Democratic Caucus in articulating very clearly our strong feelings about this matter.

THE CONTINUING RESOLUTION

Mr. DASCHLE. Let me also commend the distinguished Senator from Massachusetts as well as the Senator from Connecticut for their comments on the matter directly pertaining to our schedule tonight and the next couple of days. I think there is some misunderstanding about what is involved with both the continuing resolution and the debt limit. I think it is very important that everybody clearly understand what the circumstances are tonight.

Tonight the continuing resolution, which the President will veto, includes the lowest funding level of either the House or the Senate. No programs were zeroed out, but the floor is now set at 60 percent of the 1995 level. Funding would be approved through December 1. The funding levels are an issue of concern to a number of us. But the most important concern, and the one that I think has drawn the greatest degree of anxiety across this country, and certainly the issue for which the President has said there is no compromise, is the increase in the premium that senior citizens will pay as a result of mistakes that we made in prior years in setting that premium.

I think everybody needs to understand that. We made a mistake several years ago. Instead of setting the premium at 25 percent and locking that percentage in for part B Medicare recipients, stipulated a dollar amount that we believed to represent a 25 percent payment. In doing so, we overestimated the amount it would take to reach 25 percent. As a result, the real calculation was not 25 percent; it was 31.5 percent.

We realized it. We all concluded, I think virtually unanimously, several years ago when this issue came up that it ought not be 31.5 percent; it ought to be 25 percent. We locked it into law. We set a timeframe within which that should happen. And now as a result of a realization that they need additional revenue for a lot of other reasons, including this tax cut, our Republican colleagues are suggesting that we legalize the glitch indefinitely.

That is the issue. Should we lock in an amount higher than we anticipated or intended, an amount we accidentally locked in several years ago, just to come up with revenue necessary to do what the Republican agenda has dictated? Should we effectively increase that premium to provide the pool of resources that they need for tax breaks for the wealthy?

Mr. President, what the President has said is, that is not negotiable. That Medicare premium increase is not something that belongs in the continuing resolution. That is something that has to be taken out. We can negotiate funding levels, and we can negotiate other matters with regard to how the continuing resolution ought to be drafted, but there ought not be any misunderstanding with regard to the importance of Medicare premiums. That ought to be off the table. That ought not to be in the continuing resolution. And that is where we are.

Mr. DODD. Would my distinguished Democratic leader yield?

Mr. DASCHLE. I would be happy to yield to the distinguished Senator from Connecticut.

Mr. DODD. I have been asking this question for the last couple of hours, Mr. President. Maybe the Democratic leader can enlighten me. I do not understand for the life of me why we are attacking Medicare premiums in a continuing resolution.

Is there some reason why Medicare is being incorporated in a temporary extension of the continuing resolution? Why are we taking something so critically important to millions of Americans, not only to the direct recipients, but their families who depend upon this, to avoid the kind of cataclysmic crisis that can affect them if they are afflicted with some serious illness? Why are we taking that as a subject, which I think requires serious study and analysis before we make changes in that program, why is that being incorporated by the Republicans in a continuing resolution? What is the value and purpose of putting it here?

Mr. DASCHLE. Well, I will respond to the distinguished Senator, I do not know what the answer is. I have to assume that they believe increasing premiums is more important than running the Government, is more important than getting a continuing resolution, is more important than any other priority out there. It is the most important issue for them today. Raising those premiums has the priority that no other issue has as we consider all of the other complexities involved in this debate.

What is even more important to me is what this action says to the American people in general and American seniors in particular. It says that we are going to ask seniors to pay more before we ask doctors to take less. We are going to ask seniors to pay more before we ask anybody else involved in Medicare, who may be beneficiaries in other ways, to give some, to sacrifice as well. That, to me, is the fundamental inequality here that is the most disheartening thing. We are asking seniors—many of whom can ill-afford it—to sacrifice before we have asked anybody else to contribute, before we have even come to any conclusions about what may be involved in the overall Medicare reform effort that many of us would like to see at some point this year.

We realize we have to change Medicare. We realize that the trust fund has to be made solvent. We also realize this Medicare increase in a short-term, stop-gap funding bill has absolutely nothing to do with the trust fund. Now, not one dollar of this premium increase goes to the trust fund—nothing. It all goes to deficit reduction or to the tax cut, one or the other, most likely to the tax breaks. So that is really the issue here. We are holding hostage senior citizens asking them to do something no one else is required to do. And so it is understandable, it seems to me, that the President is resolute in his determination to veto the continuing resolution as long as that is in the bill.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Nevada and then to the Senator from California.

Mr. REID. Mr. President, I appreciate the leader yielding. I say through the Chair to my friend from Connecticut, this Senator believes that the reason the premium is being maintained is to fuel money for the tax cut, the tax breaks. What other reason could there be that there is this clamor to raise all this money on a document, a piece of legislation, that it is untoward this would happen at a time when the country is about to shut down that they would hold so tight to this? It is my belief that it is to fuel the tax cuts, the tax breaks.

Mr. DODD. If my colleague——

Mr. DASCHLE. I retain the floor, and I will be happy to yield to the Senator from Connecticut to respond, and then I will yield to the Senator from California.

Mr. DODD. I raised the issue earlier. As I understand it, in this continuing resolution, so we avoid the shutdown that will occur in a few hours, there is a simple one-sentence provision that would strike "November 13" and put in "December 1," which would avoid shutting down the Federal Government tonight, as I understand it.

What we have now sent down to the President is some 15 or 16 pages, all getting involved in Medicare language, all of this language, extraneous language.

What my colleague from Nevada is saying is if they do not include an increased cost in Medicare to the beneficiaries out there, then this tax break that goes to the top income earners in America would be in trouble; is that the point?

Mr. REID. That was the point I was making to my friend from Connecticut.

Mr. DODD. I find that incredible. I ask the distinguished Democratic leader, with all the other things going on, what is the logic of saying we are going to take care of those in the upper-income levels with tax breaks at the cost of those who, as I understand it and he can correct me if I am wrong, but the median income of a Medicare recipient in America is $17,000, unless you are a woman on Medicare and then your median income is $8,500 a year, that the premiums of those people are going to go up if this becomes law in order to provide a tax break for people who have six-figure incomes. What is the logic in all of that, I ask the Democratic leader?

Mr. DASCHLE. I tell the Senator from Connecticut, I do not know what the logic is. The numbers the Senator from Connecticut referred to are accurate. The fact is that a vast majority of senior citizens today make less than $17,000. In South Dakota, and in many rural States, they make less than $15,000. This $11 increase per month is more than many of them today have available for some of the fundamental needs they face each and every year. Their choice, in some cases, is whether they have prescription drugs, whether they pay a heating bill, whether they are able to go into town, or whether they are able to buy groceries. All that is affected by whether or not this goes into law tonight or tomorrow or the next day.

So the Senator from Connecticut is absolutely right. This is not an easy choice for many people out there who may be watching and wondering what is this all about. But that is what this fight is all about, protecting what limited purchasing power they have, recognizing a commitment we made 2 years ago that we would correct the inadvertent mistake we made in the Medicare law in the first place. That is what this is about.

Mr. DODD. I thank the Democratic leader.

Mr. DASCHLE. I yield to the Senator from California.

Mrs. BOXER. Mr. President, I just want to thank the Democratic leader for coming over to the floor, because I believe that the people of America want answers to these questions that he is raising, I say to my friend, and the Senator from Connecticut, the Senator from Nevada and others, the Senator from Massachusetts—both Senators from Massachusetts who were involved in this.

I say to my friend that 83 percent of those on Social Security earn less than $25,000 a year—83 percent. So we are talking about something being slipped into a continuing resolution which is extraneous to that continuing resolution, has nothing to do with whether this Government can function, and the reason the Republicans are doing it is they do not have the guts to vote up or down on it.

The fact of the matter is, they want to force the President of the United States into signing this thing, and he will not do it, and God bless him for that, because he is standing up for our grandmothers and our grandfathers.

I have a couple of questions for my leader. The symmetry of these cuts in Medicare and these tax breaks for the wealthiest cannot be overlooked, as brought out by my friend from Nevada, and it can, in fact, be the only answer: $270 billion in cuts in Medicare and $245 billion in tax breaks. If you earn over $350,000, I say to my leader, you get back $5,600 a year.

But I would like to address my leader's attention to this chart, because I think it is important that the people understand we are really talking about Social Security here, not just Medicare, because what happens is, this is a time for seniors on Social Security to get their cost-of-living adjustment and their Medicare premium comes out of their Social Security cost-of-living adjustment.

If the Republicans have their way, and if they slip this Medicare premium increase through—and I know that the President will not stand for it—but if they do, I ask the leader to explain this chart because what we see here is that the poorest seniors would wind up losing 98 percent of their COLA on Social Security. The seniors who average $7,000 a year would lose 66 percent of their Social Security COLA, and the wealthiest would lose 52 percent. I say wealthiest, that is over $10,000 a year.

So you can see here the devastation that is being wrought. In other words, the seniors look forward to their cost-of-living adjustment because their food bills go up, their cleaning bills go up, and now it is being eaten by the Republican increase in the Medicare premium.

So I just ask my leader to comment on this connection because Republicans are always saying, "Well, we don't touch Social Security," but the bottom line is, they would do so.

I also ask my leader to comment on why he believes they would put in extraneous materials into these bills that repeal 25 years of environmental law, why they would do it this way, why they would bring in criminal law reform on this, because I think people are confused. They understand that, as Senator DODD has pointed out, one sentence can take care of the short-term problem, and then we will have the fight.

So I ask my leader to comment on the impact of Social Security recipients of this stealth increase in premium, plus the whole notion of adding these extraneous matters to what should be a very straightforward continuing resolution and debt increase.

Mr. DASCHLE. The Senator from California makes two very good points. Obviously, the increases that we are talking about here would have a devastating impact. I was home in South Dakota this last weekend. I wish I could tell the Senator from California precisely how many people I had the opportunity to talk to about this very matter. But time and time again, people on the street, in meetings, at dinner, in restaurants would come up to me and say, "It is so important that you win this fight. It is so important that you not let happen what we are told could happen if the President or if the Democrats in Congress lose their resolve."

This has nothing to do with cutting growth. What this is cutting is seniors' wallets, the opportunity for senior citizens to live in some dignity. This is telling senior citizens that the commitment we made to them is over, that somehow they are going to have to give, even though no one else involved in Medicare gives at all.

We have $17 or $18 billion in fraud and abuse out there, according to the General Accounting Office. We are not going after $1 of fraud and abuse, yet we are telling seniors that they have to pay increases in their part B premiums and that they will provide the sole source of revenue increases for whatever reason? It is outrageous to make that kind of a statement.

Never mind the commitment. Never mind the impact that it might have on seniors. The very thought that seniors are the only ones being asked to give tonight, to me, is inexcusable and just flat wrong.

Mrs. BOXER. Will the Senator yield? I remember when the Republicans with great fanfare said, "We are going to save Medicare."

Well, we all knew what it was about. They needed to find the money for the tax cut, so they dreamed up this number of $270 billion. Even though the Democratic leader and those of us who worked on it knows it takes $89 billion to save Medicare, they are going to go after it to the tune of $270 billion.

One of the things they said which I really could not disagree with was, "And this time we will go after the very wealthy seniors who are on Medicare and ask them to pay just a little bit more."

I say to my leader, after we have seen their proposal, is there anything in this continuing resolution where they have laid on this increase in premiums to seniors that differentiates between those who earn under $5,000 or those who earn over $100,000? Do they have a sliding scale?

Or are they asking seniors, many of whom, as my friend has pointed out, have to choose, literally, between eating and buying a pharmaceutical product to keep them alive—is there anything in this Republican plan that makes that distinction between the poorest senior and the wealthiest senior?

Mr. DASCHLE. There is no distinction at all, I say to the Senator from California. That, really, is another part of the inequity here.

The Senator asked why would we do this on a continuing resolution? I think one of the reasons they are proposing we do it on a continuing resolution is that they hope that by holding a gun to the head of the President, the President is going to cave, the President will give up his resolve and say, "If that is what it takes to have a continuing resolution, we will do it."

Mr. President, the President has made it very clear that it does not matter what form a continuing resolution may take. If it comes to him with this extraneous and unfair provision in it, it will be vetoed. There is no question he will veto any version of a continuing resolution that incorporates the Medicare provision in it. It does not matter. This Republican strategy is not working. They can use as many props and news conferences as they want, golf clubs and waffles—which, in my view, are extraordinarily sophormoric and unfortunate. That belittles the congressional process. It demeans this debate. It has nothing to do with the serious, serious, consequences of what it is we are talking about here. And it will not change the outcome.

I hope that our House colleagues and the Republican leadership will understand how unfortunate it is that they would demean this debate in the way that they have over the last weekend. There is no place for that kind of sophormoric and childish behavior on national television.

That happened. It is unfortunate it happened. I hope we can raise the level of debate and take into account the gravity and the seriousness of situations that we are discussing here tonight. That really is something that I think all Americans—Republican and Democrat—can agree to. We should raise the level of debate and not use these silly props, thinking that is somehow making a point. It is not making a point.

The point is we have to get back to the real issue here. The real issue is we can pass a continuing resolution tonight. We have a few hours left. Do it before it is too late. Pass a clean CR. Leave this Medicare debate for another time. Do not ask seniors to do something you are not asking anybody else to.

If we can do that, we can go home tonight. Federal workers can come tomorrow and this issue would be resolved.

Mr. DODD. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. DODD. There is something I would like to inquire of the Democratic leader because he made a passing reference to it. There may be those saying tonight we have to deal with entitlements. We have to deal with Medicare. We have to deal with Medicaid. I do not think anyone here is suggesting that is not a legitimate point.

The point is this: We are dealing with a 30-year old program that took people in poverty in this country—between 35 percent and 40 percent of people over the age of 65 were living in poverty in 1960 in this country; only 45 percent of them had any health insurance at all. Because of Medicare we have taken people out of poverty and given them, in their retiring years, a sense of dignity, not made them wealthy people, not provided them with great affluence, but merely taken away the legitimate fear that people have that an illness will come along and destroy life savings, make it difficult for their own children to be able to raise their families and educate their kids without having to worry about a catastrophic illness, bankrupting two generations in a family.

That is why we have Medicare. That is why it has been so successful.

As I understand it, what is being proposed here will increase the premiums for these people on Medicare. Obviously, we need to deal with the long-term health care security issues. Medicare is a legitimate subject of debate. I hear the Democratic leader saying so.

The point is you do not try to muscle this through on a continuing resolution. I ask if that is not the point he is making? that, in fact, it ought to be, even if people do not understand all of the nuances of the procedural debates, that the suspicions of average Americans ought to be raised when they see something as critical as Medicare coming along and all of a sudden it is slipped into a provision like this, a major change, a major change in Medicare, slipped into a continuing resolution that would then lock into law a fundamental change in one of the most critical programs affecting millions of Americans.

The issue is not should we debate this issue of how do we provide for long-term health security, but slipping this matter into a continuing resolution that could be adopted with a one-sentence provision, avoiding the shutdown of the Federal Government, literally thousands of people in this Federal Government not knowing whether to show up for work tomorrow, all because there is a fear about debating this issue in the normal course of congressional business.

Is that not what the Democratic leader is suggesting?

Mr. WARNER. Would the Senator consider one comment?

Mr. DASCHLE. Let me respond to the Senator and then I am happy to yield without losing my right to the floor.

The Senator from Connecticut said it as clearly and succinctly as anyone has tonight. The issue is not, should we address real reform in Medicare? The issue is, is this the vehicle on which to do it? Is this the night to do it? And, when we get to the proper vehicle, we must ask ourselves, is this the right way to do it?

Do we hold all Federal employees hostage to a resolution of this fundamental question about whether we ought to change Medicare at all, tonight, under these circumstances?

The Senator would conclude, as I concluded, that this is not the time, this is not the place, this is not the forum, this is not the right way, this is not sending the right message to seniors. This provision ought to be stricken.

That is what we are suggesting. I think the Senator is absolutely correct in his assumption as he proposes the question tonight. I am happy to yield to the Senator.

Mr. WARNER. Mr. President, I just hope as my two colleagues are discussing an issue of Medicare, particularly the Senator from Connecticut, I find that you omitted any reference to the report of the trustees, trustees appointed by the President of the United States, who came back and clearly provided this body, the Congress, with a report saying that Medicare is going broke and that something has to be done. I hope the Senator, as he addresses this issue, would include reference to that report.

I, myself, am still hopeful. I just had a brief meeting with the majority leader. There are conscientious efforts underway to resolve this impasse. I am privileged to represent a great many Federal employees. I would like to see it resolved.

When I hear debate like this and no reference to that trustees' report, I feel it is selective argument.

Mr. DASCHLE. Let me retain the floor and say the answer to that comment is very simple: The increase in premium that the majority has included in the continuing resolution does not solve the solvency problem by one nickel. It has absolutely nothing to do with solvency. It has nothing to do with the trust fund. It has nothing to do with the long-term projections of the future of the trust fund. It has nothing to do with the trustees' report.

The trustees said we have to resolve the trust fund solvency issue and, toward that end, we have to find ways to save $89 billion. Nothing in part B changes or premium increases has anything to do with the trust fund, which is in part A.

That is why both of us have expressed our grave concern about what we are doing here. Perhaps if the premium increase had something to do with the trust fund, we could better understand—though I would still argue that this should be decided in the broader context of Medicare reform—the emergency need to include it in a continuing resolution. But it does not. There is absolutely no connection.

That makes it all the more critical, it seems to us, to take some time to consider whether or not it is fair to ask seniors to do something that we are not asking anybody else to do, to determine whether or not even in the overall context of Medicare reform this has a place. Certainly, I hope the Senator from Virginia would agree.

Just to finish, certainly the Senator from Virginia would agree that without hearings, without any full appreciation of what it is we are doing here, to add it to the continuing resolution is not a prudent thing to do.

I yield again to the Senator from Connecticut.

Mr. DODD. I appreciate the Senator's yielding.

My good friend from Virginia has raised the issue of the trustees' report. The trustees' report from last year painted a darker picture than this year, but I did not hear a single voice being raised about the condition of the trust fund a year ago. That is No. 1.

No. 2, we are now cutting $270 billion in the proposal out of the Medicare trust fund, as the distinguished Democratic leader has pointed out, Mr. President. No one can explain to anyone why that number was chosen, except in the context of the tax breaks of $245 billion. The only way you can pay for them is that size of a cut in Medicaid. There is no relationship between the size of that cut and what the trustees reported were the proposals with Medicare. That is point No. 2.

Point No. 3 is the one the Democratic leader has made in the discussion here, that matter that is included in this resolution deals with part B, which does not have anything to do with the trust fund whatsoever. So it is totally unrelated.

The last point I would make is this one. Normally, here, when there is a matter of this import involving this many Americans and something as critical as their health care, you would think there might be a set of hearings where we, as Members of this body, would enjoy the benefit of people who spend every day working at these issues as to how we might fix this problem.

There has not been a single day of hearings, not one, on this issue. We have had 27 days of hearings on Whitewater. We had 11 days of hearings on Waco. We had 10 days of hearings on Ruby Ridge. And not 1 day, not a single day, not 1 hour, not 1 hour of hearings on Medicare.

Mr. President, for 37 million Americans, their safety net in health care is being written into this piece of paper, passed without even the considerations of what the implications are for people. That is not the way to legislate. That is not the way to deal with a legitimate issue of how you bring some trust and some faith and some soundness to the Medicare trust funds.

So for those reasons some of us, as I said a moment ago, object to this because, frankly, we are just writing this into this particular proposal. We are not really examining how to fix this issue.

As I said a moment ago, the debate is not whether or not we ought to do something about the trust fund. The Democratic leader has spoken on numerous occasions about the importance of doing that. We all understand that. But that is not what this proposal is. It is written in here primarily, as was pointed out earlier by the Senator from Nevada, to provide the resources for a tax break.

Here we are, going to shut down the Federal Government in 3 or 4 hours, thousands of people are either going to lose pay or be sitting home wondering what is going to happen tomorrow, and it comes down to this issue: Whether or not you can muscle the President into signing a continuing resolution which goes right at the heart of senior citizens, when a simple resolution extending the continuing resolution for a week or two would avoid the problem altogether.

It is a backhanded way of dealing with a very serious, very legitimate issue that must be dealt with in a more profound way than we are this evening. I thank the Democratic leader.

DISCUSSIONS ON THE PRESIDENT'S TRIP TO ISRAEL

Mr. DASCHLE. Mr. President, let me add another point that I think is important. It has been discussed over the weekend again, and for the life of me I cannot understand how this got started, but there has been some discussion, led particularly by the Speaker of the House, that on the trip to Israel last week the President did not come back to discuss any of these matters with leadership.

I must tell you, I was there. The minority leader of the House, DICK GEPHARDT, was there. The majority leader was there, and the Speaker was there. The Israeli Ambassador was there. So there are a number of people who were there who can vouch for what I am about to tell you.

The fact is that, not once, not twice, but on a number of occasions throughout that trip, both going and coming back, the President came back and expressed himself, talked with us, hoped we could work something out. We did not talk specifics, but we talked very specifically about the desire to resolve these differences. Not only did the President come back to talk to us, but on a number of occasions his Chief of Staff, Leon Panetta, came back.

As I say, I do not know how this got started. But there ought to be no question, and we ought to put to rest once and for all this rumor, this innuendo, this statement on the part of Republican leadership, especially the Speaker, that the President did not express any interest in open discussion of this issue.

He was there with some frequency. He came back on a number of occasions. And, of course, it was the Speaker's prerogative to seek the President if he felt so strongly about the need to talk. He could have come up. If he did not think it was enough, as many times as the President came back and as many times as his Chief of Staff came back—if that was not enough—he could have sought out the President. There was no "do not enter" sign in the quarters. There was no statement, "you are not welcome up here." There was every opportunity for people to come, every opportunity to talk with the President, every opportunity to express themselves to the Chief of Staff or to the President.

So I must say, again, it does a real disservice to this dialog and, really, to a factual and honest accounting of what happened on that trip. The President came back on a number of occasions, and I have yet to see anyone else dispute that fact.

I hope that the Speaker would admit that on a number of occasions he had conversations directly relevant to the budget with the President of the United States on the trip and coming back from Israel just last week, in fact, a week ago tonight.

THE DEBT LIMIT

Mr. DASCHLE. Mr. President, I also want to address, while I have the floor—I know the Senator from Virginia is seeking recognition—but we have not had the opportunity yet tonight to talk briefly about the debt limit, at least I have not. I know some of my colleagues have addressed the matter.

The President, as you know, vetoed the debt limit bill this afternoon. He did so for good reason. Let there be no doubt, we need to increase the debt limit. We recognize how critical it is that the Government of the United States not go into default.

Let me offer praise for the Secretary of the Treasury for all that he has done to educate, to inform, to bring everyone to a better understanding of the ramifications of default, beginning Wednesday, if nothing is done. As I understand it, there is some hope now that we might be able to have yet another auction to move us back yet perhaps another 3 days. But while the Secretary of the Treasury and the administration appear to be doing virtually everything they can to see that this country does not default, our Republican colleagues, at that moment when they should cooperate and find some way with which to resolve this crisis, have chosen to do just the opposite.

On what ought to be a very simple extension of the debt, our Republican colleagues have added a complete elimination of all the opportunities the Treasury Secretary has to manage the debt, to use short-term tools, to do what every single Treasury Secretary has been able to do for decades. They have sought to strip him of all those responsibilities and opportunities for debt management at the very time he needs them the most. Can you think of anything more irresponsible than that? Anything?

It is just outrageous that, at the time when we ought to be pulling together with a full appreciation of the magnitude of the problems we may face if we go in default, what do our colleagues on the other side of the aisle do but say we are going to make it even harder. We are going to make it even more challenging, create even more problems.

And then, to add insult to injury, they add a provision that we have debated on the floor many, many times regarding what ought to happen on appeals for death row inmates; whether or not we ought to have this legal term "habeas corpus" modified in some way. What in the world does that have to do with dealing with the default this country may find itself in as early as Wednesday?

How is it that anyone can rationalize, anyone can explain, anyone can find any reason why habeas corpus belongs on an emergency debt limit bill?

And then we have had some healthy debates on the Senate floor now for months about regulatory reform. We have had some cloture votes, and in every single case Democrats have said very simply: You give us regulatory reform that does not endanger the public health and safety of Americans, and we are with you. You are going to get a vote with maybe 70, 80, 90 votes. But you offer regulatory reform that endangers the health and safety of Americans, and we are not with you. That issue has not been resolved. We have reached a stalemate until we resolve it, and there have been good-faith efforts on both sides to try to resolve it, good-faith efforts that are going on right now.

So what happens? Our Republican colleagues add the entire regulatory reform language, all of the comprehensive issues relating to the most detailed threats to public health and safety and all the questions we have debated for months now on the debt limit—on the debt limit—with no opportunity for debate and no opportunity for amendments. It is a take-it-or-leave-it deal. It is accept this or accept default.

Mr. President, for the life of me, I do not understand. I cannot contemplate what may have motivated our Republican colleagues to do that on this bill.

I will yield to the Senator from Nevada in just a minute, but I want to add the last list. In addition to that, the agencies terminated in this short-term legislation include the Interstate Commerce Commission, the Rural Abandoned Mine Program, Land and Conservation Fund, Pennsylvania Avenue Development Corporation, the Advisory Commission on Intergovernmental Relations, the Administrative Conference of the United States—all of that added on top of everything else. Yet, they would like to have the American people believe that this is an emergency, that somehow the President is not cooperating, that somehow all of this has to be done in the context of a continuing resolution, or the debt limit, or it is just not possible.

Mr. President, this is just not the way to legislate. This is not responsible. We know better than this. In our heart of hearts, we know we have to run the country, we have to govern, and we have to do the things necessary to make this country work better. And this is not it.

So I hope at some point before midnight tonight we could come to our senses, and at some point in the next 3 hours we could say, look, let us save these debates for later. Let us conclude that we are going to agree to disagree for as long as it takes to work out the larger issues. Let us admit that this strategy is not going to work, and say that rather than shutting down the Government, rather than bringing this country to a default, we are going to strip them all, we are going to send a clean resolution, we are going to send a clean debt limit, we are going to resolve these matters at another time, and we are going to do the right thing.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. WARNER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Is there a 10-minute limit on statements by individual Senators?

The PRESIDING OFFICER. That is correct. We are operating in morning business.

Mr. WARNER. I think the distinguished minority leader has now used in excess of his 10-minute allocation?

Mr. REID addressed the Chair.

Mr. DASCHLE. Who retains the floor, Mr. President?

The PRESIDING OFFICER. The Democratic leader has the floor. If he wishes to yield for an inquiry, he has that opportunity.

Several Senators addressed the Chair.

Mr. WARNER. Parliamentary inquiry: Are not Senators under a 10-minute rule?

The PRESIDING OFFICER. The Senator from Virginia is correct.

Mr. DASCHLE. I did not think the parliamentary inquiry was in order if I did not yield time for such an inquiry. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Is the Senator yielding for a question?

Mr. REID. I am asking a question of the leader.

Mr. DASCHLE. I yield for a question.

Mr. REID. I ask the leader. Is it not true that we have 13 different appropriations bills that should pass?

Mr. DASCHLE. The Senator from Nevada is correct. Thirteen appropriations bills, and only five have been passed so far.

Mr. REID. Is not it true that the President has signed only two of those?

Mr. DASCHLE. As I understand it, he has signed two and five have passed.

Mr. REID. Is it not true that we have been waiting for conferences to be completed sometime in some instances for months?

Mr. DASCHLE. The Senator is correct. I would add that in all the time we have been under this budget process—since 1974 —this may be the latest, if not one of the latest dates that Congress has gone prior to the time it has completed its work.

Mr. REID. I also ask this question of the leader. Is it not true that when one of the elements of the Contract With America was sent to us from the House that we in the Senate acted upon that with an amendment and that the Senate adopted regulatory reform? In effect, what it said is, if there is a regulation promulgated to have a financial impact over $100 million, that there would be the ability for a legislative veto for 45 days, and the regulation would not become effective for 45 days?

Mr. DASCHLE. The Senator is correct. In fact, the Senator from Nevada was the author of the legislation.

Mr. REID. Is it not true that if a regulation was promulgated for less than $100 million, it would become effective immediately but that we would have the opportunity to in effect veto that within 45 days?

Mr. DASCHLE. The Senator from Nevada is exactly correct. His memory is perfect.

Mr. REID. Is it not true that amendment was offered by a Republican Senator, Senator NICKLES, and this Senator, and passed by a vote of 100 to nothing?

Mr. DASCHLE. The Senator is correct.

Mr. REID. Is it not true that took place approximately 5 months ago, and conferees have not been appointed as a result of inactivity of the majority?

Mr. DASCHLE. The Senator is correct.

Mr. REID. So we in effect have tried to do regulatory reform, have we not, in this body, and we passed comprehensive regulatory "reform," in some people's minds, by a vote of 100 to nothing?

Mr. DASCHLE. The Senator is absolutely correct. We passed a line-item veto, a legislative veto, and we passed a number of issues relating directly to changing the regulations under which Congress must operate, changing the regulations under which we deal with States, and unfunded mandates. We have had a series of regulatory reform measures already passed, unfortunately many of which have not been passed into law as a result of the Republican opposition.

Mr. REID. And, in fact, I say to my friend, is not it also true, I repeat, that we have been waiting for conferees to be appointed on the regulatory reform that passed this body by 100 to nothing for 5 months?

Mr. DASCHLE. The Senator is absolutely right. There has been no consideration of legislation in conference because the conferees have not been appointed.

Mr. REID. I also say to my friend in the form of a question, is it not true that habeas corpus has been debated on this floor not for hours, not for weeks, but for months, if we add up time over the last 3 or 4 years?

Mr. DASCHLE. The Senator is correct. We have had countless hearings and extraordinary debate on the Senate floor. We have had countless amendments offered as alternatives to legislation that passed. This has been an issue that has been hotly debated for not only weeks and months but for years now in prior Congresses.

Mr. REID. I say to my friend, the distinguished minority leader, is it not true also that habeas corpus reform is not a partisan issue? Is that not true?

Mr. DASCHLE. That is correct. The Senator from Nevada is correct in stating that there are Democrats and Republicans on both sides of the issue.

Mr. REID. In fact, I say to my friend from South Dakota, is it not true that on occasions this Senator has joined my colleagues on the other side of the aisle for habeas corpus reform?

Mr. DASCHLE. I would have to go back and check the record, but I will take the Senator's word for it.

Mr. REID. I would ask if you can give this Senator, or the people of this country, any reason why on extending the debt limit we would have habeas corpus, regulatory reform, or termination of these agencies—some of which I agree to—but should we not vote those up or down?

Mr. DASCHLE. I think the Senator makes a very good point. The answer can be provided in one word. The word is "coercion." This is the Republican effort to coerce the President to sign legislation that otherwise he would veto; to sign legislation that he philosophically finds at fault; to sign legislation that many of us on this side of the aisle are very uncomfortable with; to sign legislation that has not been resolved in the case of regulatory reform. It is to finish unfinished business that ought not be finished for good reason—because we have not been able to resolve our differences.

So they are putting it in this language in the hope—and it is only a hope, because the President made it very clear today when he vetoed the bill, it is a false hope that somehow we can resolve these issues by loading up a bill as critical as it is, as the debt limit and the continuing resolution are.

The PRESIDING OFFICER. The Chair would like to remind the Senator from South Dakota that the 10 minutes allotted to him under morning business has expired, and in fact you have controlled the floor for nearly an hour. It would take unanimous consent in order to continue.

Mr. DASCHLE. I thank the Presiding Officer. I appreciate the indulgence of the Senator from Virginia. I know he wishes to speak. I will regain the floor at a later time.

I yield the floor.

RETIREMENT OF MAJ. GEN. JERRY C. HARRISON

Mr. THURMOND. Mr. President, Napoleon once said that "An army marches on its stomach." While Napoleon was commenting on the need of soldiers to have secure and dependable supply lines, combat arms personnel also require a multitude of other support services to ensure they have the means to accomplish their missions.

In the U.S. Army, a service of 495,000 men and women, one thinks of branches such as quartermaster, transportation, and finance when the role of "support" is mentioned. One support element that is largely unknown outside of Washington, DC, but is critical to the success and readiness of our soldiers, is the Army's Legislative Liaison Office. For the past 3 years, Maj. Gen. Jerry Harrison has headed this office, which represents the Army's interests on Capitol Hill.

Jerry Harrison's 32-year Army career began with his schooling at the U.S. Military Academy, and has included some of the Army's key postings. His assignments brought him to many billets, both here and abroad, and include Germany, Korea, Washington, DC, and Vietnam, where his efforts in defending a firebase earned him a decoration for valor. His career assignments reflect a high level of professional competence and include valuable command time in some very visible positions, perhaps the most prestigious being his tour as commander, 2d Infantry Division Artillery.

As a product of West Point, an institution respected worldwide for its high standards, General Harrison had instilled upon him the importance of education, and throughout his career, he sought additional civilian and military educational opportunities. A commissioned officer in the field artillery, he graduated from the field artillery basic and advanced courses; the infantry officer advanced course; the Command and General Staff College; and earned a master's degree from the Georgia Institute of Technology. He also returned to his alma mater to teach in the department of mechanics.

Mr. President, today's warrior is an individual who is educated, fit, adept at many different tasks, and a patriot. Gen. Jerry Harrison certainly possesses these characteristics. As the chairman of the Senate Armed Services Committee, I am pleased to offer him my congratulations on a distinguished career, and I wish him good health and happiness in the years ahead.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

NONESSENTIAL SENATE OPERATIONS

Mr. WARNER. Mr. President, I wish to address the Senate in my capacity as chairman of the Rules Committee.

Earlier today the Sergeant at Arms, the Secretary of the Senate, together with the acting staff director of the Rules Committee, addressed the various staff leaders of the Senators. But I wish to place in the RECORD a memorandum prepared by Secretary of the Senate and the Sergeant at Arms, and once again remind all Senators, their staffs, and others that if this impasse is not resolved tonight, it will be a lapse in appropriations, and therefore it will be necessary to shut down nonessential Senate operations effective at midnight tonight.

In brief, the Secretary of the Senate, at the direction of the Rules Committee, has advised all Members that they will be required to determine which of each Senator's staff are necessary in that Senator's judgment to support the Senate's legislative and other constitutional activities.

Further, Mr. President, I ask unanimous consent to have printed in the RECORD the memorandum of the Secretary of the Senate detailing which departments of the Secretary's office will remain open and those that will be closed. Specifically, I would like to point out that the Office of Public Records will by necessity be closed; also, to include a memorandum of the Sergeant at Arms detailing departments and offices under his jurisdiction, and kindly note that the Capitol and Senate office buildings will be open but there will be no Capitol guide service to facilitate our visitors. Members and staff should be advised that all food and beverage services in the U.S. Capitol under the jurisdiction of the Senate and in the Russell, Hart and Dirksen buildings will be suspended until further notice.

Lastly, I wish to emphasize that although many functions will be suspended, the U.S. Senate security will be at its full operational level.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, November 13, 1995.

To: All Senate Offices.
From: Howard O. Greene, Jr., Sergeant at Arms
Re Sergeant at Arms services during anticipated furlough

In the likely event of a lapse in appropriations to the Legislative Branch of the Federal Government, furloughs will be implemented in certain areas of the Office of Sergeant at Arms (SAA). Those service areas which directly support the legislative and other Constitutional activities of the Senate will be fully staffed.

Most SAA departments will be open during this period, however, some departments will operate at reduced staffing levels.

Listed below are SAA offices that will be closed during the furlough period: Capitol Guide Service; Cabinet Shop; SAA Procurement Office; SAA Counsel Office; Congressional Special Services, (Exception: Interpreter will be on duty); Placement Office; All Drivers; Beauty and Barber Shop; Elevator Operators; Employee Assistance Program.

Partial Staff: Appointment Desk: Half staff. Garage: Half staff. Computer Center: Half staff. Human Resources: Half staff. ID Section: Half staff. Post Office: Half staff. Photographic: Half staff. Service Dept.: Half staff. Telecommunications Dept.: Half staff.

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, DC, November 13, 1995.

To: All Members.
From: Kelly D. Johnston.
Re potential lapse in appropriations.

At the direction of the Committee on Rules and Administration, I am writing to share with you some guidance on the furlough that will be required in the event of a lapse in appropriations to the Legislative Branch of the Federal Government. Each Member and each committee chairman will be required to determine which of his or her staff members are essential in the event of a lapse in appropriations.

If there is a lapse in appropriations, it will be necessary to shut down non-essential Senate operations, effective at 12 a.m. November 14, 1995. In that event, all non-essential staff will be placed in a furlough status until appropriations are made available.

Essential staff includes only those employees whose primary job responsibilities are directly related to or in support of legislative and other Constitutional activities. Any disruption in the employment of essential employees would render the Senate unable to exercise its powers as specified in Article I of the Constitution of the United States.

For your information, attached is a list of the essential personnel under the Secretary of the Senate, as prepared in consultation with the Senate Chief Counsel for Employment and the Senate Legal Counsel. This list may assist you in identifying which of your staff members are essential.

Please contact me if I can be of any assistance in this matter.

Attachment.

OFFICE OF THE SECRETARY OF THE SENATE—ESSENTIAL PERSONNEL LIST

Executive Office: Should be staffed to the extent necessary to administer other offices under the jurisdiction of the Secretary that remain open during the furlough. Also should be staffed to the extend necessary to ensure the continuation of computer services essential to allow the Senate to legislate during the furlough period.

Clerks: These offices should be staffed only to the extent the clerks are required to be on the Senate floor to allow the Senate to legislate during the furlough period.

Parliamentarian: Should be staffed only to the extent required to allow the Senate to legislate during the furlough period. Therefore, it should not be necessary to fully staff the office.

Captioning Services: All staff will be furloughed.

Historian: All staff will be furloughed.

Library: Should be staffed only to the extent required to allow the Senate to legislate during the furlough period. Therefore, it should not be necessary to fully staff the office.

Office Services: All staff will be furloughed.

Public Records: All staff will be furloughed.

Interparliamentary Services: All staff will be furloughed.

Daily Digest and Printing Services: Should be staffed only to the extent required to print the Congressional Record and to perform other legislative responsibilities in a timely manner.

Senate Gift Shop: All staff will be furloughed.

Stationery Room: All staff will be furloughed.

Senate Page School: Classes will be held.

Senate Security: Should be staffed only to the extent required to allow the Senate to legislate during the furlough period. Therefore, it should not be necessary to fully staff the office.

Conservation and Preservation: All staff will be furloughed.

Curator: All staff will be furloughed.

Document Room: Should be staffed necessary to ensure the delivery of documents needed on the Senate floor during the furlough period.

Official Reporters: All staff are essential.

Human Resources: Should be staffed to the extent necessary, if at all, to effectuate the furlough.

Senate Chief Counsel for Employment: Should be staffed to the extent necessary, if at all, to effectuate the furlough.

Disbursing: Should be staffed to the extent necessary to continue financial operations directly related to the functions of the Senate floor and to resolve financial issues relating to the furlough.

REPORT OF PROPOSED LEGISLATION TO INCREASE THE PUBLIC DEBT LIMIT—MESSAGE FROM THE PRESIDENT—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To The Congress of the United States:

In disapproving H.R. 2586, a bill that would have, among other things, provided for a temporary increase in the public debt, I stated my desire to approve promptly a simple increase in the debt limit. Accordingly, I am forwarding the enclosed legislation that would provide for such an increase.

I urge the Congress to act on this legislation promptly and to return it to me for signing.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1995.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on November 10, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendments of the Senate to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, and that the House concurs an amendment of the Senate with an amendment.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2394) to increase effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year September 30, 1996, and for other purposes.

H.R. 2394. An act to increase effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 2492. An act making appropriations for the Legislative Branch for fiscal year ending September 30, 1996, and for other purposes.

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes.

H.R. 2589. An act to extend authorities under the Middle East Peace Facilities Act of 1994 until December 31, 1995, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed on November 10, 1995, during the adjournment of the

Senate by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 8:16 pm., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996:

From the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. BRYANT of Texas and Mr. TOWNS.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Phillip A. Singerman, of Pennsylvania, to be an Assistant Secretary of Commerce.

Rear Adm. John Carter Albright, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. MACK, and Mr. BRYAN):

S. 1409. A bill to amend section 255 of the National Housing Act to extend the mortgage insurance program for home equity conversion mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. MACK and Mr. BRYAN):

S. 1409. A bill to amend section 255 of the National Housing Act to extend the mortgage insurance program for home equity conversion mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOME EQUITY CONVERSION MORTGAGE PROGRAM EXTENSION ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce The Home Equity Conversion Mortgage Act of 1995 and express my appreciation to Senators MACK and BRYAN for their cosponsorship of this important bill. This legislation would provide a 5-year extension for a much needed Federal Housing Administration [FHA] mortgage insurance program which is of great benefit to elderly homeowners.

The Home Equity Conversion Mortgage [HECM] Insurance Demonstration Program offers elderly homeowners the opportunity to borrow against the equity in their homes. This effective program is designed to assist our Nation's elderly who have substantial equity in their property but have incomes too low to meet ordinary or extraordinary living expenses. A senior citizen can receive cash through this reverse mortgage in the following four ways: A lump sum; a lifetime guaranteed monthly payment; a line of credit to be accessed by personal checks; or a combination of monthly payment and line of credit options. These mortgages are originated by FHA-approved lenders, insured by the FHA and purchased by the secondary mortgage market. The HECM program represents an ideal public/private partnership in which needy citizens are aided without cost to the Federal Government.

The HECM program allows our Nation's elderly to draw an income from their home investment. It offers seniors aged 62 and older the opportunity to support themselves without having to leave the homes they love. Without this program, elderly homeowners with insufficient incomes might be forced to sell their homes and spend their golden years elsewhere. Since the program's inception, over 14,000 loans have been closed or are pending. The median age of program participants is 76 years old. Borrowers are generally low-income and dependent on Social Security benefits.

The Home Equity Conversion Mortgage Insurance Demonstration Program was authorized by the Housing and Community Development Act of 1987. The Federal Housing Administration's authority to insure reverse mortgages lapsed on October 1 of this year. The legislation which I am introducing today would reauthorize this successful program and allow it to continue for an additional 5 years, until September 30, 2000. In addition, it would broaden the definition to include one- to four-family homes in which the owner resides and expand insurance authority to cover 50,000 reverse mortgages.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Equity Conversion Mortgage Act of 1995".

SEC. 2. EXTENSION OF FHA MORTGAGE INSURANCE PROGRAM FOR HOME EQUITY CONVERSION MORTGAGES.

(a) EXTENSION OF PROGRAM.—The first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) LIMITATION ON NUMBER OF MORTGAGES.—The second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "25,000" and inserting "50,000".

(c) ELIGIBLE MORTGAGES.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z–20(d)(3)) is amended to read as follows:

"(3) be secured by a dwelling that is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units;".•

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1220

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1220, a bill to provide that Members of Congress shall not be paid during Federal Government shutdowns.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1247

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr.

MACK] was added as a cosponsor of S. 1247, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

S. 1289

At the request of Mr. KYL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

S. 1342

At the request of Mr. AKAKA, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1342, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make loans to refinance loans made to veterans under the Native American Veterans Direct Loan Program.

S. 1346

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1346, a bill to require the periodic review of Federal regulations.

S. 1396

At the request of Mr. PRESSLER, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1396, a bill to amend title 49, United States Code, to provide for the regulation of surface transportation.

NOTICE OF JOINT HEARING

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND HOUSE COMMITTEE ON RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the time of the hearing scheduled before the Senate Committee on Energy and Natural Resources, the House Committee on Resources and the Senate Committee on Indian Affairs has been changed.

The hearing will take place Thursday, November 16, 1995, at 10:30 a.m., instead of 11 a.m., in room 1324 of the Longworth House Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the Alaska Natives Commission's report to Congress, transmitted in May 1994, on the status of Alaska's Natives.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510 . For further information, please call Brian Malnak at (202) 224–8119 or Judy Brown at (202) 224–7556.

ADDITIONAL STATEMENTS

NEW ON-LINE CASINOS MAY THWART U.S. LAWS

• Mr. LUGAR. Mr. President, I ask that the following article be printed in the RECORD.

The article follows:

[From the Wall Street Journal May 10, 1995]

NEW ON-LINE CASINOS MAY THWART U.S. LAWS

(By William M. Bulkeley)

Two companies are setting up on-line betting emporiums in Caribbean countries to skirt U.S. laws that bar interstate gambling from home.

The cyberspace casinos, which will be available on the internet, won't have Paul Anka, scantily clad showgirls or cigar smoke. But they will offer a chance to win or lose money from the comfort of the bettor's own keyboard, using credit cards or money predeposited with the house.

The Justice Department says cyberspace casinos are illegal. But the companies' offshore venues may protect them. And authorities will have a tough time detecting who's actually betting because many other people will be playing the same games for free.

Internet gambling could be immensely popular, "If regulatory obstacles were put aside, gambling would be huge on the Internet," says Adam Schoenfeld, an analyst with Jupiter Communications, a New York market researcher. Jason Ader, an analyst with Smith Barney, says legalized on-line betting could be a $10 billion-a-year industry.

Antigambling activists fear that addicted gamblers and children using credit cards will bankrupt themselves from their PCs. Rachel Volberg, president of Gemini Research, Roaring Spring, Pa., who studies problem gambling, says the young, affluent males who populate the Internet are people "we know from research are probably most likely to develop difficulties related to gambling."

Nonetheless, Warren B. Eugene, a 34-year-old Canadian, says he will open the Internet Online Offshore Electronic Casino this month using computers in the tax haven of the Turks and Caicos islands, Mr. Eugene, who says his business experience is in video games, already has a page on the Internet's World Wide Web where bettors can play blackjack with play money. "This can be a trillion-dollar world-wide business," he says.

Mr. Eugene predicts there will someday be a virtual Strip with dozens of different casinos offering different games, different odds and varying amenities such as direct deposit of winnings in offshore accounts and the acceptance of virtual checks. He's offering to sell the casino software he has developed to other would-be gambling tycoons for $250,000 and a 15% cut of the profits.

Meanwhile, Kerry Rogers, a 38-year-old Las Vegas computer expert, is working on WagerNet, a sports betting service that plans to locate its computers in Belize. WagerNet is awaiting enabling legislation there, but Mr. Rogers is optimistic. "This is a way for a country to make revenues off of gambling," he says. Imagine the millions of dollars bet world-wide on the WorldCup" in soccer.

WagerNet is designed as a kind of gambler's Nasdaq, matching people who bet on sporting events rather than setting a line and taking bets. A bettor, who must deposit $1,000, will put a proposition on the computer, and other bettors can take the bet if they want. WagerNet will charge a 2.5% transaction fee (far less than the 10% vigorish that Mr. Rogers says current sports books get), and it may bar U.S. gamblers if the legal risk is too great.

The planned betting parlors face huge obstacles in gaining consumer confidence. After all, if a bettor wins big, the cyberspace casino may disappear. And bettors will have little assurance that unregulated electronic roulette wheels aren't rigged.

U.S. laws prohibit people in the gambling business from transmitting by wire any wager information "in interstate or foreign commerce. "Violations are punishable by two years in prison and possible forfeiture of assets under organized crime statutes. Some states, such as California, have laws prohibiting individuals from placing bets by wire.

Mr. Eugene says that as a Canadian citizen whose business is in a foreign country, he isn't subject to U.S. laws, even if his biggest market turns out to be U.S. gamblers. After he starts the real casino, he promises to keep taking play-money bets so that U.S. wiretappers won't be able to tell which players are actually gambling.

I. Nelson Rose, a gambling law expert and law professor at Whittier School of Law in Los Angeles, says he gets several calls a week from people investigating the legal status of on-line gambling. He says Mr. Eugene's theory may be right: "If you are a foreign national sitting in a foreign country, there's a question whether the U.S. law would apply to you." He adds that "there may be a way to do it on an Indian reservation" as well.

Mr. Eugene styles himself as the Bugsy Siegel of cyberspace, harking back to the mobster who helped build Las Vegas into a gambling mecca. And his Electronic Casino is like the early Las Vegas casinos—a big flashy sign fronting a tiny drab facility. The casino's main screen, known as a home page in Internet parlance, is an enticing graphic display of a pirate chest full of booty. For now, only the blackjack game is operating.

Mr. Eugene says he is negotiating with an accounting firm to certify the legitimacy of his games and his bankroll. He says he has a $1.5 million line of credit with a bank in St. Maarten, a Dutch island in the Caribbean, but he declines to name the bank. Mr. Eugene adds that casino authorities in St. Maarten "have the right to review our books. It's a new area. They said 'until you violate it. we like you. We trust you.' "

If nothing else, Mr. Eugene's Internet Casino plan shows how easily small operators can establish themselves in cyberspace. After he issued a news release in March, he received publicity from newspapers and TV stations in the U.S., England and Canada. "I became a multinational overnight," he says. Already, he adds, some 2,000 people have preregistered their interest in gambling at the Internet Casino.

Mr. Eugene says players will be able to wire funds to individual offshore bank accounts that the casino will establish or send cash through such companies as First Virtual Holdings Inc., of Arlington, Va., one of several companies trying to set up a secure payment system for the Internet.

First Virtual lets people establish credit-card accounts and use personal code numbers to perform transactions that are confirmed by messages back and forth to the owner's computer. One advantage of First Virtual is that it permits very small transactions, so Internet Casino will be able to operate even nickel slot machines. "Internet gambling is a very important, very interesting experiment," says Thomas Feegel, vice president, marketing, at First Virtual.•

ON THE GOVERNMENT SHUTDOWN

• Ms. MIKULSKI. Mr. President, I rise today to express my deep concerns about the brinkmanship that has brought us to a government shutdown.

I think it is absolutely crucial that we keep our faith with Federal employees. Using them as pawns in a political game by sending them home without pay is the ultimate breach of the Government's faith with these hard working people. This is the crowning achievement in the Republicans' relentless string of attacks on Federal employees. The motto of these attacks has been promises made, promises broken.

Well, Mr. President, my motto is that promises made should be promises kept. That is why Senator SARBANES and I have introduced legislation to protect Federal employee pay and benefits during a government shutdown. Our legislation will ensure that Federal employees in Maryland and across the Nation will be able to make their mortgage payments, put food on the table, and provide for their families.

A shutdown of the Federal Government, no matter how short, would disrupt the lives of thousands of Federal employees and their families. In my state of Maryland alone, there are more than 280,000 Federal employees. Sending them home would cost Maryland millions of dollars per day.

And let us take a close look at who we are talking about sending home. We are talking about some of the most dedicated and hardest working people in out Nation. Federal employees have devoted their careers and lives to public service, and they help make America a better and safer place. They are the people that keep our Social Security system up and running; do the essential research on disease at the National Institutes of Health; and help ensure public health and safety. They are the people that keep Maryland and America on time with public transportation.

Whenever the subject of deficit reduction comes up, the first people to take a hit are Federal employees. Over the last several years they have been the target of unending attacks. Downsizing, RIF's, diet COLA's, and the threat of furloughs have damaged morale at nearly every Federal agency.

At the same time, employees have been asked to do more with less. I am proud to say that they have accepted this challenge with extraordinary dedication. It is easy to see the results. Just look at the excellent work that is being done at any Federal agency in Maryland. The crucial advancements in science at Goddard Space Flight Center and the incredible research on disease at the National Institutes of Health are two examples.

I do not want to go back to these dedicated Federal employees and tell them "While you people at Goddard do the research that will bring us into the 21st century, and while you people at NIH launch your assault on deadly diseases, we are going to launch our own assault on your jobs, your pensions and your benefits."

These assaults must stop. We cannot continue to denigrate and downgrade Federal employees and at the same time expect government to work better. We cannot shut down the Government and then expect the same high level of dedication from Federal employees that we have now.

Our Federal employees have a contract with their Government. I urge my colleagues to work to ensure that this contract is honored and Federal jobs and benefits are not put in jeopardy.•

HONORING THE BLACK REVOLUTIONARY WAR PATRIOTS

• Ms. MOSELEY-BRAUN. Mr. President, Saturday was Veterans Day, a day we set aside to honor those brave men and women who have risked their lives for our freedom. I want to call your attention to a group of soldiers who are often forgotten in Veterans Day tributes; namely the 5,000 African-Americans who fought in the Revolutionary War. I also want to make you aware of the efforts underway to finally honor these men with a monument on The Mall. Lastly, I want to speak of a family in my State who is working to make this memorial a reality.

Most Americans remain unaware of the black patriots who gave their lives for the freedom they themselves could not fully enjoy. About 20 percent of the soldiers who drove the British from American soil were African-Americans. Few schoolchildren know that the first victim of the Revolutionary War was an African-American, Crispus Attucks, killed in the Boston Massacre in 1770. Peter Salem, James Armisted, Salem Poor, and Prince Whipple, are just a few of the other black men who served, fought and died in our Nation's war for freedom and independence. Valor and fortitude in battle are especially awe-inspiring when one takes into account the hostility and oppression that African-Americans faced from the nation for which they fought. These men have received little recognition of their sacrifice for their country. Indeed, their contributions have been, "very carefully kept out of sight by orators and toast-drinkers," according to poet John Greenleaf Whittier.

We now have an opportunity to honor and salute the men and women whose actions contributed to the birth of our Nation, a nation whose Constitution now embodies the very ideals of freedom these patriots risked their lives for. Only in the 150 years since their deaths has this Nation begun to secure and enforce the truths we holds to be self evident: life, liberty; and the pursuit of happiness, for all Americans. The Nation owes a tremendous debt of gratitude to them for their courage to stand with little or no hope of realizing the fruit of their accomplishments.

In 1986 and again in 1988, Congress passed legislation authorizing construction of a monument to these men. The site selected is on The Mall, just north of the Reflecting Pool. Since no taxpayer funds are being used for this monument, Senator CHAFEE and I introduced the S. 953, the black Revolutionary War patriots commemorative coin bill. The bill proposes the minting of 500,000 commemorative coins, which should raise approximately $5 million for use in financing the monument.

All proceeds over and above the cost of minting the coin will go toward constructions of the monument. This bill is revenue-neutral; it will cost the Federal Government absolutely nothing. The funds are needed to support a monument that will both honor and educate. It will symbolize the struggle of all individuals who have not previously been recognized.

Mr. President, I would now like to speak briefly about some constituents of mine, the Bailey family of Waukegan, IL. Marina Bailey and her three daughters learned about the proposed monument 4 yeas ago, and they have turned a bedroom of their house into an office for their fundraising efforts. They launched a public awareness campaign in support of the memorial and to make the history of the black Revolutionary War patriots more widely known. Jamila Bailey spoke to neighboring schools from the time she was 16 years old. They have constructed and mailed information packets to schools starting in Illinois, then all over the country, asking students to send funds to the Patriots foundation. The Bailey family has been responsible for thousands of dollars raised for this memorial. Marina Bailey said that her dedication to this project is to promote awareness and celebration of our diversity and the contributions we have all made to our Nation. "We are a quilt," she said, "We are not a sheet. All of us together make up the beauty and diversity of the American people."

Like the Bailey family, I want this memorial to become a reality. The best way to ensure that is through swift passage of the Black Revolutionary War Patriots Commemorative Coin Act. As citizens who benefit daily from the sacrifices made by those previously unrecognized soldiers, I call upon my colleagues for their cosponsorship and help in expediting the passage of S. 953. The passage of this bill will ensure swift construction of this memorial, so that America may finally bestow honor on these traditionally overlooked veterans. •

ADMINISTRATION STUDIES ON WELFARE LEGISLATION

• Mr. MOYNIHAN. Mr. President, on Thursday, November 9, 1995, the Office of Management and Budget released a study requested on October 24 by the Senator from New York and 11 other members of the conference committee on the welfare legislation. The OMB study concludes that the Senate welfare bill would push 1.2 million children into poverty, while the House bill would force 2.1 million children into poverty.

Also on November 9, the Department of Health and Human Services released a separate report containing data on the number of children who would be cut off from welfare benefits as a result of the time limits in both bills. Under the 5-year time limit required by the House welfare bill, 4.3 million children would become ineligible for Federal benefits by the time of full implementation. The Senate bill would cut off 3.3 million children.

Mr. President, I ask that excerpts from both studies be printed in the CONGRESSIONAL RECORD.

The excerpts follow:

TABLE 1.—PRELIMINARY ESTIMATE OF THE NUMBER OF CHILDREN DENIED AFDC DUE TO THE 60-MONTH TIME LIMIT: UNDER THE HOUSE AND SENATE WELFARE BILLS

	Projected number of children on AFDC in 2005 under current law	Number of children denied AFDC under the House bill because the family received AFDC for more than 60 months	Percentage of children denied AFDC because the family received AFDC for more than 60 months	Number of children denied AFDC under the senate bill because the family received AFDC for more than 60 months	Percentage of children denied AFDC because the family received AFDC for more than 60 months
State:					
Alabama	122,000	32,697	28	25,013	21
Alaska	30,000	9,072	32	7,902	26
Arizona	170,000	50,154	31	39,433	23
Arkansas	63,000	17,075	29	14,476	23
California	2,241,000	948,677	45	749,922	33
Colorado	101,000	30,570	32	23,259	23
Connecticut	136,000	46,386	36	32,815	24
Delaware	28,000	8,422	32	6,408	23
District of Columbia	56,000	26,086	49	19,556	35
Florida	605,000	150,149	26	111,926	19
Georgia	348,000	135,319	41	98,377	28
Hawaii	48,000	15,187	33	10,979	23
Idaho	17,000	3,997	25	3,427	20
Illinois	598,000	227,477	40	170,122	28
Indiana	177,000	59,905	36	44,914	25
Iowa	82,000	25,084	32	18,727	23
Kansas	73,000	24,005	35	19,162	26
Kentucky	187,000	52,970	30	38,398	21
Louisiana	235,000	85,702	38	66,900	28
Maine	55,000	21,934	42	16,090	29
Maryland	185,000	72,393	41	54,817	30
Massachusetts	256,000	95,402	39	71,770	28
Michigan	553,000	275,880	52	213,522	39
Minnesota	155,000	55,886	38	41,332	27
Mississippi	153,000	46,807	32	33,399	22
Missouri	218,000	79,099	38	60,813	28
Montana	28,000	7,208	27	5,677	20
Nebraska	39,000	12,461	34	9,029	23
Nevada	30,000	9,378	33	6,889	23
New Hampshire	24,000	7,664	34	5,841	24
New Jersey	302,000	121,217	42	91,373	30
New Mexico	72,000	18,521	27	14,279	20
New York	917,000	339,748	39	261,306	28
North Carolina	281,000	102,353	38	79,410	28
North Dakota	15,000	4,743	33	3,019	20
Ohio	597,000	164,001	29	130,185	22
Oklahoma	111,000	40,752	39	30,866	28
Oregon	97,000	31,974	35	24,385	25
Pennsylvania	517,000	238,855	49	189,759	37
Rhode Island	52,000	19,286	39	16,224	31
South Carolina	135,000	33,390	26	25,488	19
South Dakota	18,000	6,736	39	5,060	28
Tennessee	246,000	73,059	31	53,450	22
Texas	670,000	181,695	29	137,641	21
Utah	45,000	11,616	27	8,838	20
Vermont	22,000	7,565	36	5,561	25
Virginia	166,000	51,987	33	38,050	23
Washington	237,000	82,401	37	62,774	26
West Virginia	93,000	32,898	37	23,230	25
Wisconsin	205,000	54,127	28	40,460	20
Wyoming	14,000	4,266	32	3,115	22
Territories	173,000	44,677	27	33,806	20
Total	12,000,000	4,300,000	38	3,300,000	28

Notes: 1. HHS/ASPE analysis. States may not sum to national total due to rounding. 2. The analysis shows the impact at full implementation. 3. The analysis assumes states fully utilize the hardship exemption from the time limit: 10% in the House and 20% in the Senate.

Source: Department of Health and Human Services.

POTENTIAL POVERTY AND DISTRIBUTIONAL EFFECTS OF WELFARE REFORM BILLS AND BALANCED BUDGET PLANS

(Presented by the Office of Management and Budget, Prepared with the Department of Health and Human Services, the Department of the Treasury, and Other Agencies, November 9, 1995)

TABLE 1.—THE IMPACT OF CONGRESSIONAL PROPOSALS ON POVERTY—USING A COMPREHENSIVE POST-TAX, POST-TRANSFER DEFINITION OF INCOME

[Simulates effects of full implementation in 1993 dollars]

	Effect of 1993 changes		House budget plan		Senate budget plan		Senate Democratic welfare plan[1] (S. 1117)
	Prior law	Current law	Entire plan	Welfare bill	Entire plan	Welfare bill	
Children under 18:							
Number in poverty (millions)	10.8	10.0	12.3	12.1	11.6	11.2	10.1 to 10.5
Change from current law	....	....	2.3	2.1	1.7	1.2	0.1 to 0.5
Poverty rate (percent)	15.5	14.4	17.6	17.4	16.8	16.2	
Change from current law	....	....	3.3	3.0	2.4	1.8	
Families with children:							
Number in poverty (millions)	18.3	17.0	20.9	20.6	19.9	19.2	17.2 to 18.0
Change from current law	....	....	3.9	3.7	2.9	2.2	0.2 to 1.0
Poverty rate (percent)	12.6	11.7	14.4	14.3	13.8	13.3	
Change from current law	....	....	2.7	2.5	2.0	1.5	
Poverty gap (billions)	17.6	16.2	24.8	24.3	21.5	20.6	
Change from current law	....	....	8.6	8.1	5.3	4.4	
All persons:							
Number in poverty (millions)	29.5	28.1	32.6	32.1	31.6	30.7	28.3 to 29.3
Change from current law	....	....	4.5	4.0	3.5	2.6	0.2 to 1.2
Poverty rate (percent)	11.3	10.8	12.6	12.4	12.2	11.8	
Change from current law	....	....	1.7	1.6	1.3	1.0	
Poverty gap (billions)	48.6	46.8	57.4	56.2	54.0	52.3	
Change from current law	....	....	10.6	9.3	7.2	5.5	

[1] These estimates of the Senate Democratic bill are preliminary. The Senate Democratic welfare reform bill is being modeled, but results are not ready yet. The poverty effects are much smaller than that of the bills that were passed because it ensures States have adequate funding for work programs and child care, ensures that children can receive vouchers for housing and other needs after their parents reach the time limit for receiving cash assistance; ensures States have adequate funding for benefits regardless of the economy; and has much smaller cuts in SSI and food programs.

Notes.—The Census Bureau publishes a family of poverty statistics using alternative definitions of income. The definition of income displayed here includes the effect of taxes (including EITC). Food Stamps, housing programs, and school meal programs. Changes in government-provided health coverage are not included, not are there any adjustments for medical costs. Numbers may not add due to rounding.

Source.—HHS's microsimulation model, based on data from the March 1994 Current Population Survey.

TABLE 2.—THE IMPACT OF CONGRESSIONAL PROPOSALS ON POVERTY—UNDER THE PRE-TAX MONEY INCOME DEFINITION USED FOR OFFICIAL POVERTY STATISTICS

[Simulates effects of full implementation in 1993 dollars]

	Effect of 1993 changes		House budget plan		Senate budget plan		Senate Democratic welfare plan[1] (S 1117)
	Prior law	Current law	Entire plan	Welfare bill	Entire plan	Welfare bill	
Children under 18:							
Number in poverty (millions)	15.5	15.5	16.0	16.0	15.8	15.8	15.3 to 15.7
Change from current law	....	....	0.5	0.5	0.3	0.3	−0.2 to 0.2
Poverty rate (percent)	22.3	22.3	23.1	23.1	22.8	22.8	
Change from current law	....	....	0.7	0.7	0.5	0.4	
Families with children:							
Number in poverty (millions)	26.5	26.5	27.5	27.5	27.2	27.2	26.1 to 26.9
Change from current law	....	....	1.0	1.0	0.7	0.6	−0.4 to 0.4
Poverty rate (percent)	18.3	18.3	19.0	19.0	18.8	18.8	
Change from current law	....	....	0.7	0.7	0.5	0.4	
Poverty gap (billions)	41.6	41.6	50.6	50.6	47.0	46.9	
Change from current law	....	....	9.0	9.0	5.4	5.3	
All persons:							
Number in poverty (millions)	38.8	38.8	39.9	39.9	39.6	39.6	38.4 to 39.4
Change from current law	....	....	1.1	1.1	0.9	0.8	−0.4 to 0.6
Poverty rate (percent)	14.9	14.9	15.4	15.4	15.3	15.2	
Change from current law	....	....	0.4	04.	0.3	0.3	
Poverty gap (billions)	76.3	76.3	85.9	85.9	82.9	82.5	
Change from current law	....	....	9.6	9.6	6.6	6.2	

[1] These estimates of the Senate Democratic bill are preliminary. The Senate Democratic welfare reform bill is being modeled, but results are not ready yet. The poverty effects are much smaller than that of the bills that were passed because it ensures States have adequate funding for work programs and child care; ensures that children can receive vouchers for housing and other needs after their parents reach the time limit for receiving cash assistance; ensures States have adequate funding for benefits regardless of the economy; and has much smaller cuts in SSI and food programs.

Notes.—The definition used for official poverty statistics counts all cash income, but excludes the effect of taxes (and EITC). Food Stamps, housing programs, and other near-cash government assistance programs. Numbers may not add due to rounding.

Sources.—HHS's microsimulation model, based on data from the March 1994 Current Population Survey. ●

ORDER OF PROCEDURE

Mr. WARNER. Now, Mr. President, I ask unanimous consent the Senate now stand in recess subject to the call of the Chair.

Mr. REID. I object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I now move the Senate stand in recess until the hour of 10 o'clock.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I would ask the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And the pending motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. DOLE. Mr. President, let me indicate that at 10 o'clock the Democratic leader, Republican leader in the Senate, and our counterparts in the House, the Speaker and I assume the majority leader and the minority leader, will go to the White House to meet with the President to see if there is something we can do yet this evening to work out a continuing resolution.

If we are going to do that, we ought to be doing it in good faith and not be engaged in a brawl up here on the Senate floor. I therefore would hope that we could recess until the hour of 11 p.m., if that is satisfactory with the distinguished Democratic leader.

Mr. DASCHLE. If the majority leader will yield, that is satisfactory. I think we need to come back and share with our colleagues whatever it is that may have occurred at the meeting, and so I think at least the two leaders will be coming back. But at that time we can make a decision about further action.

Mr. DOLE. So I ask unanimous consent we stand in recess until 11 p.m.

There being no objection, the Senate, at 9:10 p.m., recessed until 11 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JEFFORDS).

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 103-322, announces the appointment of Gilbert L. Gallegos, of New Mexico, to the National Commission to Support Law Enforcement.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the leaders of the U.S. Senate, the majority leader and Democratic leader, are still at the White House with the President. Let us hope that is a good sign. And, therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we have contacted the White House. I am to report that the meeting is still in progress with the President. Accordingly, the Senate will remain in session and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 14, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon, Tuesday, November 14; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with and the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and then there be a period for the transaction of morning business until the hour of 12:30 p.m. with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, while awaiting the arrival of the Democratic leader, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCUSSIONS AT THE WHITE HOUSE

Mr. DASCHLE. Mr. President, we just completed our discussions down at the White House. And I think it was a very frank exchange. I must say that I had hoped we might be able to make more progress and come to some resolution to allow the Government to function in order tomorrow, but that is not going to be possible. We agreed to meet again tomorrow to continue our discussions and negotiations.

I think it was a very candid exchange. We now have a better understanding where both sides are on many of these issues. But we are a long way from any resolution. I think the President made it very clear that Medicare was not something that we can agree to, under any circumstances, with regard to the continuing resolution. And I think the discussions had a good deal to do with the way with which we might achieve a balanced budget, the timeframe within which that budget could be achieved, hopefully some understanding about how we might begin serious negotiations in achieving a balanced budget by a date certain.

So, I look forward to the negotiations tomorrow. I look forward to working with the majority leader to try to resolve the schedule for the balance of the week as we continue our work downtown. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I think the Democratic leader, Senator DASCHLE, accurately reflected the meeting. It was a frank discussion. I, too, regret we could not come to some agreement tonight so we could rush through a 1-day or a 2-day CR, but I think it would not have been possible.

The first meeting tomorrow will be with the chairmen and ranking members of the Budget Committees in the House and the Senate, with the Chief of Staff, Leon Panetta, and I think also Alice Rivlin, the Budget Director—I am not certain—Senator EXON and Senator DOMENICI on this side. And that will be followed, hopefully, by a meeting with the principals who were there this evening—myself and Senator DASCHLE on this side.

Obviously, we have had these problems before with CR's and debt ceilings, and we have had the Government shut down for short periods in the past. I hope this will be a very short period. I am not an advocate of shutting down the Government. I just hope that by tomorrow afternoon or tomorrow evening, we will be able to say that we have reached some agreement and that we can pass a continuing resolution and maybe a debt ceiling. I am not certain we can do both tomorrow.

I think it is fair to say we talked not only about the continuing resolution, we talked about the debt ceiling, we talked about reconciliation, some discussion of how we proceed, whether you go through a veto process first with reconciliation, whether you start negotiations now on the budget package.

I think the President's concern primarily, and our concern, is keeping the Government going while we are negotiating some of these very important issues. Balanced budget is very important—very important—on this side of the aisle. I am sure it is important on the other side of the aisle. It is particularly important to many Members on the House side where it is very difficult—some of us have served in the House—to pass a debt ceiling and pass a continuing resolution, and there are some things added to it. I do not care if we have a Republican or Democrat in the White House and Republicans control the Congress or Democrats, continuing resolutions and debt ceilings have always been vehicles for extraneous amendments. That is how the famous Boland amendment was adopted on a continuing resolution or debt extension. We have had all 13 appropriations bills put on continuing resolutions. So it is not unprecedented.

But notwithstanding, I still hope we can come together very quickly tomorrow, if possible, and be able to tell everybody in Government this will be a 1-day affair. It may not happen. But at least I think we made some progress this evening, and I thank Senator DASCHLE and the others who attended the meeting.

ADJOURNMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:12 a.m., adjourned until Tuesday, November 14, 1995, at 12 noon.

HOUSE OF REPRESENTATIVES—*Monday, November 13, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. CLINGER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 13, 1995.

I hereby designate the Honorable WILLIAM F. CLINGER, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Tim Sanders, one of his secretaries.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties with each party limited to 30 minutes and each Member other than the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN] for 5 minutes.

GROSS MISMANAGEMENT OF CONGRESSIONAL SCHEDULE

Mr. DURBIN. Mr. Speaker, America is aware of the fact that if Congress does not take immediate action at midnight tonight, the Federal Government will shut down. How did we reach this point?

First, we have seen gross mismanagement of the congressional schedule this year in the House of Representatives. In the first 100 days with the so-called Contract With America, Speaker GINGRICH and the Republicans insisted on considering 31 bills on an emergency basis, many of them without committee hearing. As a result of 100 days of action and activity on the floor of the House, 31 different bills were called; 3 have been signed into law.

Because of our dedication of time to that Contract With America, we have fallen behind in our responsibility to pass appropriation bills. The budget resolution was a month late; the appropriations bills which keep the Government running were supposed to be presented, all 13 of them, to the President by October 1—2, 2 of the 13 have made it.

So now we are considering what we call a continuing resolution, a spending bill to keep us in business, and along comes the Republican leadership and Mr. GINGRICH, and instead of sending a bill to the President just to keep the Government running while we do the rest of our business on Capitol Hill, he insists on this paragraph.

This is the reason the Government is shutting down. Mr. GINGRICH insists that in order to keep the Government running, he wants to include these nine lines, which increase Medicare premiums on senior citizens as of January 1 by 25 percent. What does this have to do with keeping the Government running? Little or nothing. But it is part of the political egoism which we are seeing as part of this crisis.

Mr. Speaker, I have a solution to this problem and the solution is very simple. It is H.R. 2281. It does not even take up two pages. It is a bill I introduced in the House and Senator BARBARA BOXER introduced into the Senate. It is very simple. It simply states, no budget, no pay.

It basically says to Members of Congress, if you cannot keep Government in operation, if you want America to default on its national debt, why should you be paid? You have failed in your responsibility as Members of Congress elected to this body. How can the train crew that caused the train wreck ask to be paid while the passengers are suffering? How can Speaker GINGRICH and Members of Congress send 800,000 Federal employees home tomorrow without pay and continue to draw their own paychecks?

The failure of the Republican leadership to pass appropriations bills required by law or to produce an honest continuing resolution is a complete abdication of responsibility. Penalizing Federal employees and the American people by shutting down the Government is a shameful political ego trip. If the Government shuts down, so should congressional paychecks.

So, Mr. Speaker, I will be following the provisions of H.R. 2281: no budget, no pay. I will be returning my pay while the Government is shut down.

Perhaps if Speaker GINGRICH and his leaders tasted the bitter medicine of a government shutdown personally, they might be willing to help this country get well.

I urge every one of my colleagues and every American who is sick and tired of this political gamesmanship to call Speaker NEWT GINGRICH in Washington and demand that no budget, no pay, H.R. 2281 be voted on on an emergency basis. Senator BARBARA BOXER and I are joining in a letter to the Speaker today to urge that this be brought before the House.

We are going to spend the whole day on a series of suspension bills which are unimportant. They are innocuous and unnecessary. We ought to bring up no budget, no pay, and perhaps avert this Government crisis.

Mr. Speaker, it is time for some of the Republican leaders in Congress to put their money where their over-active political mouths have been.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are guests of the House of Representatives, and that any manifestation of approval or disapproval of proceedings is a violation of the Rules of the House.

NEGOTIATING TOWARD A BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New Mexico [Mr. SCHIFF] is recognized during morning business for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I also want to talk about the budget disagreement that is going on today and my views are a little bit different than the gentleman from Illinois who just spoke.

First of all, I want to point out that this is a very complex matter because, to begin with, we are considering two different bills. One bill would keep the Government authorized to spend money; that is, in a continuing resolution. I might add that a use of a continuing resolution has been done many times in the past by the Democratic Party when they were the majority in Congress. There is nothing new about it, nothing in the Constitution that says a continuing resolution cannot be used in place of an appropriations bill.

Further, we are considering a separate bill that would continue the Government's ability to borrow money since both the ability to spend more and the ability to borrow more are necessary to keep the Government operating. It is the ability to spend more, however, that has its effect at midnight tonight if we do not take some action.

Now, the Congress has passed, or is about to pass, a bill on each, to continue spending and to continue the Government's ability to borrow. The President has vetoed one bill and has threatened to veto the other bill, and what I want to examine is why? What are the differences here?

The President has asked for what he calls clean bills. Clean bills means no other conditions except an unlimited, for the time given, ability to spend money and an unlimited ability to continue to borrow money. I think that would be a bad policy. I do not blame the President for asking for it, but I think it would be a bad policy for the Government, because an unrestricted ability of the Government to borrow money and an unrestricted ability of the Government to spend money is exactly how we got into this mess in the first place and why our national debt is almost $5 trillion for our children and grandchildren to pay off.

Further, the idea of conditions on these kinds of bills are not new. The Graham-Rudman-Hollings bill was attached to an increase in the debt ceiling back in 1985.

Now, what really needs to happen is for the two sides, the administration and the leadership of Congress, to negotiate their differences, as long as they are both negotiating toward a balanced budget. That is the ultimate goal here, and both sides have declared in general that they agree with that goal.

Now, in my opinion, with respect to the administration and with respect to my own Republican leadership, I think that both sides need to focus on that goal of balancing the budget and to stop trying to score short-term advantages in the polls against each other, and I think to some extent both sides have been doing that.

Let me take the congressional side first. In the bills that are going to the President, the Republican leadership has included provisions which have absolutely nothing to do with a balanced budget. We remove some similar provisions in the process. But there are provisions that would deal with regulatory reform, that would deal with the death penalty that are included in these bills.

Without questioning whether these are good ideas or bad ideas, I think that they are separate ideas. I think issues dealing with regulatory reform and issues dealing with the death penalty should be considered separately, and that the goal should be to balance the budget and any conditions attached should deal with balancing the budget and nothing else.

At the same time, I think the administration has not offered to negotiate in good faith as of this time. The Republican leadership, to its credit, has not insisted on any provision to be adopted other than the goal of balancing the budget.

So I have heard from Democratic Party advocates saying that the Government and the President are being held hostage. Not true. The Republican leadership has not insisted, in advance, that any of its individual provisions must be accepted in any negotiation, whether it is these provisions that do not deal with the budget or provisions that do.

The Republican leadership has said, we will negotiate anything, as long as the goal is balancing the budget. It is the administration that has set a precondition to negotiate. Specifically, the administration has said that it will not negotiate toward a balanced budget unless, in advance, the Republicans drop their Medicare provision.

Before examining that provision, I want to emphasize that I think it is not good faith to say, before we negotiate, here is what you have to give up, and I do not care whether the provision deals with Medicare or anything else. I think just as the Republicans think some of their nonbudget items will give them a better standing in the polls because they are popular items, the administration believes, if you fight for Medicare, you are going to be more popular short-term in the polls also.

Well, let me examine further what exactly is the Medicare provision that the administration is standing on. Medicare is divided into two parts. Part A pays for hospital bills; it is funded by a payroll tax. Part B pays for physicians and other services.

Part B premiums for Medicare are scheduled to go up for the Treasury from 68.5 to 75 percent. That will happen January 1. That is the whole issue that the administration says we are willing to risk closing down the Government to preserve. The Republicans propose keeping the percentage the same.

LET US BRING A DEAL TO THE PRESIDENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Tennessee [Mr. FORD] is recognized during morning business for 2 minutes.

Mr. FORD. Mr. Speaker, I too want to rise and say that the American people are very much concerned about what is going on and why the Government might have to shut down at 12 o'clock tonight, less than 12 hours from now.

It is clear, Mr. Speaker, that we as legislators here in this Congress ought to be about the business of maintaining this Government. We have heard speakers before talking about well, why is it that we cannot come to some type of agreement with the administration from the Congress?

I say it is now 12:40 p.m. here in the Nation's Capitol, and I do not know where the Speaker is right now, but we ought to be about the business, since the President has vetoed these two measures, in making sure that we send a clean CR to the President, because we do not need these things in the debt ceiling and in the CR to make sure that the Government would operate and run smoothly until such time that the reconciliation is worked out among the conferees and we send the President a real deal to his desk.

We have gone through the budget process. The Republican leadership is now some 6 weeks behind with the budget. They were due in by September 30, and when we cannot complete our business, yes, we send a CR to the President. Why is it that we are sending to the President this increase in the Medicare premiums when we have the Medicare bill and the reconciliation budget that is going to go to the President soon?

It is our responsibility to say to the American people and to the markets that this Government will not shut down and the Speaker ought to make his way back to the House of Representatives and let us send something to the President in a CR and a debt limit, so that we can have the Government in operation at midnight tonight and Federal employees on their job and doing their jobs tomorrow.

It is the intent of this House, at least the Democrats of this House, to send something to the President that he will sign and something that will keep this Government open and not costing the taxpayers additional dollars because of the irresponsibility of the leadership of this House.

□ 1245

GETTING ON WITH THE BUSINESS OF GOVERNING

The SPEAKER pro tempore (Mr. CLINGER). Under the Speaker's announced policy of May 12, 1995, the gentleman from Virginia [Mr. DAVIS] is recognized during morning business for 5 minutes.

Mr. DAVIS. Mr. Speaker, I am as frustrated as any Member, I think, on either side of the aisle with the impasse we are currently facing between the President and the congressional leadership.

They have an old saying that when the elephants fight, the grass gets trampled. In this case, the people getting trampled are your Federal employees who have been out there every day doing the job that the President and the Congress have asked them to do. In no way should they be the ones to pay the price just because we in the Congress and the President cannot get our act together and get on with the business of governing.

The gentleman from Illinois [Mr. DURBIN] talked earlier about H.R. 2281, his No Budget, No Pay Act. I will join him in turning away any pay that I would ordinarily receive until Federal employees get paid as well. I think that is the example all of us in this body ought to take until we can get on with the job of governing this country.

I would also like to address a couple of remarks that came from the other side about gross mismanagement of the congressional schedule and try to put it in some kind of perspective. Since 1977 over 57 continuing resolutions have passed this body and gone on to the President. This will be the 10th time since 1980 that we have faced a shutdown and possible furloughs at the Federal level. The other side of the aisle has not been clean in attaching riders to continuing resolutions as well. So there is some precedent for where we are today. But the real issue is how do we get out of it. How do we work it out today so employees can get back to work and go on with the business of governing this country?

I have a letter from the Speaker and the majority leader in the Senate giving their assurances to myself, the gentleman from Virginia [Mr. WOLF], the gentlewoman from Maryland [Mrs. MORELLA], and the entire body that the Federal employees will get paid in a later resolution should there be furloughs following the President's inability to sign this current continuing resolution. We have never before had that agreement up front from the congressional side. However, the payments could be delayed. But Federal employees will get paid.

I would urge both sides to put aside their egos, to check their macho images and get on with the business of governing at this point, to step back a little bit, take a deep breath and recognize what we face as a country over the next month as we work toward a balanced budget.

There are clearly differences on both sides of the aisle over the best way to achieve balancing the Federal budget over a 7-year period. But over 90 Members of the other side of the aisle and virtually everyone on this side of the aisle has agreed that this is the direction this country needs to move.

The President himself when he was campaigning for election in 1992 said that he would balance the Federal budget in 5 years. Now the issue is doing it in 7 years and trying to get it scored properly by the Congressional Budget Office.

What should be the extent of the tax cuts? The President has his set, Congress has theirs. That ought to be negotiated. I do not think we ought to draw lines in the sand on that.

What programs should be cut? There are honest differences of opinion and we need to sit across the table from each other and work these differences out. At the same time balancing the Federal budget remains paramount.

We spend a significant amount of money in this country on interest on the national debt. In 1997 we will be spending more money for interest on the national debt than for all of national defense. My 13-year-old son can expect to pay over his lifetime about $130,000 in extra Federal taxes just to pay for interest on the national debt if he makes an average salary.

How we get there, I think, has to be negotiable. The sooner we sit down and agree, the better. We can put a continuing resolution and a temporary budget ceiling in place if we can get the President's agreement to sit down and negotiate clearly that we just try to do this within 7 years.

The 1996 campaign is going to come soon enough. Let us set aside the campaign for now. Instead of campaigning as many of us have over the last year, let us start governing for a little bit of time. The American people made a choice in 1992 to elect a Democratic President and they made a choice in 1994 to elect a Republican Congress.

It is incumbent upon both of us, both sides, to act like grownups and get on and work with each other to get the job done. Let both sides negotiate their differences out and get on with the business of governing. That is my counsel today.

IN SEARCH OF LIBERTY AND JUSTICE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, more than three decades ago, the Democratic Congress pushed through historic legislation, and the Medicare Program was created.

At about the same time—more than three decades ago—the Republican nominee for President of the United States, uttered words that guided his party then and that seem to guide his party now.

He said, "Extremism in the defense of liberty is no vice. And moderation in the pursuit of justice is no virtue."

Barry Goldwater was as sincere then as Speaker GINGRICH is now.

The American people rejected the politics of extremism then, and the American people are rejecting the politics of extremism now.

The American people demanded moderation then, and the American people are demanding moderation now.

But, what is liberty? And, what is justice?

Liberty is freedom from arbitrary or despotic control. Liberty is the positive enjoyment of various social, political, or economic rights and privileges. Liberty is the power of choice. Liberty is freedom.

Justice, on the other hand, is the quality of being just, impartial, or fair. Justice is the principle or ideal of just dealing or right action. Justice is conformity to truth, fact, or reason. Justice is righteousness.

There is no liberty in cutting school lunches for 2 million children, shutting off heating assistance for 2 million senior citizens, eliminating 100,000 scholarships and cutting loans for college students, eliminating summer jobs for 1.2 million high school students, and denying baby formula to thousands of infants.

Those actions are extreme. There is vice in those deeds.

There is no justice in cutting farm programs, and hurting small family farmers, in defunding pensions for which citizens have labored for life, and in taxing those who earn $28,000 a year or less to give big business a free tax ride. There is no justice when the wealthy get tax relief, while working Americans get no relief. There is no justice when Medicare is cut by $270 billion in order to give tax care of $245 billion to the wealthy.

Those actions are not moderate. There is no virtue in those deeds.

In 1965, President Lyndon B. Johnson undertook a 100 day legislative agenda, that resulted in—passage of the Medicare bill—passage of the Elementary and Secondary Education Act—and, passage of the 1965 Voting Rights Act, which paved the way for many new voters to participate in record numbers.

In 1995, the new thinkers have been determined to change the pattern that Government has followed for more than a half century.

But, what has changed as a result of the Contract With America? What has been done to reinforce families? What has been done to restore the American dream? What has been done to take back our streets? Who has been helped?

In the first 100 days of 1995, they passed a bill that allows expatriate billionaires to avoid tax liability by renouncing their citizenship.

But, they have not enacted most of the appropriation bills. They have not enacted a viable budget reconciliation bill, nor a viable debt extension bill.

The Government is on the brink of closing down tonight. That is extreme. That is vice. There is no moderation in that possibility. There is no virtue in that position.

Again, I pointed out to my colleagues, that as we do our work, we must remember that our first responsibility is not to the parties to which we belong, but to the people we represent.

There are problems which we face that transcend party and politics. Teenage pregnancies stifle an entire community. Violence of any kind, whether driven by drugs or propelled by deep philosophical differences, cannot and must not be tolerated. Economic justice must ring true for everyone.

Quality education is essential in every region of this great country.

Family reinforcement and restoration of the American dream must include all families, not just those with lots of money. And, we must consider our young and our senior citizens. From the sunrise of life to its sunset, Americans should feel safe and secure and well served by this Congress.

No party or person has an exclusive on such things as family values and personal responsibility. Those are standards we all absolutely hold dear.

Mr. Speaker, on Saturday the Nation honored our veterans.

Veterans perhaps more than any other Americans know of the defense of liberty, and the pursuit of justice.

Just a few days ago, the life of a veteran from another nation was taken by some who are extreme, some who would not moderate their views.

Unsuspecting Americans fell in Oklahoma because there were some who were extreme, some who would not moderate their views.

Mr. Speaker, I say to my colleagues, let us continue to honor our veterans by seeking liberty and justice for all Americans.

Let us lower our voices.

Let us tone down our tempers.

Let us do what is right.

Let us pass a clean continuing resolution and a clean debt ceiling bill so that America moves forward.

ONE PEOPLE, ONE LANGUAGE, ONE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, when I first introduced my legislation to make English our official language, the American people were most supportive, and today we have overwhelming support for this legislation. Only those who are ripping off the government programs like bilingual education and the cultural elitists were and are opposed.

These same critics were silenced 2 weeks ago when the entire world received an object lesson in the importance of a common language in preserving a nation and its common purpose. Just a short time ago, we almost witnessed the end of a nation. Our great friend and neighbor to the north, Canada, just narrowly avoided splitting in two over linguistic and cultural differences.

Canada may yet split up. The linguistic tensions in Canada were not eased by their razor-thin victory for unity. In fact, the Canadian people face their greatest challenges in the months and years ahead, i.e., to weave a common thread of unity through an increasingly divided Nation.

Canada's example is a cautionary tale for our country, the most diverse Nation in the history of the world. Their narrow brush with breakup should sound a clarion call to all Americans who dismiss the importance of a common language and culture to a nation.

Here in America we have been given a precious and unique gift. We have been given this gift, a common language. One of this century's greatest statesmen, Winston Churchill, instinctively understood language's paramount importance in keeping a Nation together. He remarked that "the gift of a common language is a priceless inheritance" to a nation. America has truly been blessed in a way that our Canadian neighbor has not.

Around the world, nations have come to realize how right Churchill was. India, faced with a tangle of 14 languages and dialects spoken on their soil, turned to English to unite their diverse peoples. Eighty-eight countries have constitutional language provisions.

I participated in an international conference at the Sorbonne in Paris last March where national language policies were being considered in many European and South American countries.

Here in America, opinion polls show overwhelming support for official English language among the American people. In one recent survey, more than 11,000 people were polled, and 94 percent came out in favor of official English for the United States.

Let the cultural elitists say what they will, but the American people have spoken. They know from plain common sense that we need one language to keep this United States from breaking up into little Quebecs.

The recent events in Canada demonstrate that this issue is not an American or even a North American preoccupation. Nations all over the world are looking to language legislation to tame the centrifugal forces of ethnic and linguistic nationalism.

I do not want to watch the United States unravel the way Canada almost did. I have introduced legislation that seeks to reinforce the common bond that holds our country together, the English language. I hope that you will heed the warning signs and join me in the effort to keep America one Nation, one people, and for that we need one common language.

My friends, the old adage says that actions have consequences. It is equally true that inaction also has consequences. Canada's narrow brush with national divorce showed us what is possible when a Nation does not nurture and protect its national unity.

Let us not make the same mistake. Let us not be guilty of inaction when decisive efforts to preserve our common bond are needed. Let us make English our official language. Help me to do that by cosponsoring H.R. 739, and let us keep the United States the United States. For that, we need one people, one language, one Nation.

□ 1300

NOT A GOOD TIME FOR OUR COUNTRY

The SPEAKER pro tempore (Mr. CLINGER). Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, well, this is, indeed, I think, a very sad day.

Let us put the facts down since we all speak one language. It is now more than 45 days after the fiscal year ran out, 45 days, and 89 percent of the budget that we were supposed to have done 45 days ago still has not been done. So here we are.

We cannot get an extension of an emergency measure to keep that 89 percent of the Government going while we work those details out. Most of the fights on this 89 percent are not between Republicans and Democrats. It is between Members of this body and Members of the other body on the other side of the aisle. So they are having this intraparty fight, and everybody else is paying a price.

You are going to have people say, oh, there have been these things before. There has never been one after 45 days with 89 percent of the budget still hanging out there, and the real issue here is trying to jam the President, trying to say, well, we will keep this going even though the President is in the fight. He does not belong to either this body or the other body, the Senate. No; no. He is in the executive branch. They are saying, "Oh, you know, we are going to make the President sign on this increase in Medicare premiums." Well, why would they do that? Because it is the only way they can jam it to him, "Either shut down the Government or sign on to our stupid idea to raise Medicare premiums."

Why would they want the President to sign up? Because they see themselves sinking in the polls. People are finally listening to that wonderful language they are paying all that money for to lure people into thinking they can do all the slashing and cutting without hurting anybody and not realizing they are going to get hurt. They are sinking in the polls. They want to find some way to force the President to sign on to their program, and it is either, "Sign on to the program, or we shut this Government down."

This is not a proud time for this country. This is tragic. This makes me terribly angry. But, of course, Members of Congress will get paid. That is outrageous, too.

I cannot believe that the leadership of this House has not stopped that nonsense and done it fast.

The other thing that was fully disclosed again in today's paper was about the party last night that was held by the other side of the aisle as we are getting ready to shut down the Congress. This was a party for GOPAC, GOPAC, the Speaker's PAC that raised so much money and is under such a cloud, and there are investigations going on, everything else. Nevertheless they came to town and had another big party, and they had the big kahuna of GOPAC come speak, none other than Rush Limbaugh himself, who stood there and said to all of these people who paid all of this money to keep GOPAC rich, he was hailing the GOP budget. He said, according to the paper and according to the C-SPAN tape, he thought it was wonderful because it would starve the poor and it would drive Medicare recipients, including his mother, to eat dog food, but, "Not to worry, mom," he says, "I am sending you a new can opener." Wow.

That tells you what today is about. That tells you what today is about. It is what is the concept of community we have for this country. Do we see this country only as a community where people come to make a lot of money, and if they make a lot of money, we ought to do everything we can to make sure they keep getting more and more money, the people who can pay to go to these fancy fundraisers? Do we see this as a community where, yes, you try to keep the strong business climate and all of that, but you also care for each other as family, and you do not make jokes about if mom will go on dog food, so what, I do not have to pay as much in taxes, and I will get her a new can opener. That is not my America, and I do not think that is funny, and I do not think it is funny that we are the laughingstock of the world today as we see people trying to shove this budget thing on the President, who has not even been in this.

This is not about whether we have a balanced budget in 7 years. We all agree we have to. It is who we cut to get there. And we happen to think you might be able to cut peanut subsidies or sugar subsidies or not give such a fat pay or tax increase to the rich, the people who bought all those tickets to the fundraiser. We do not think the defense contractors needed another $8 billion beyond what the Defense Committee wanted.

We are not going to do that to my mom. I am not going to do that to my mom. The President is not going to do that to my mom.

Mr. President, veto that. Stand tall.

WE ARE GOING TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Kansas [Mr. TIAHRT] is recognized during morning business for 5 minutes.

Mr. TIAHRT. Mr. Speaker, the truth is now documented. The President's latest veto shows that he does, in fact, not want to balance the budget.

This weekend I was in the Fourth District of Kansas. I was speaking with some of my constituents. One of them told me, well, it was going to happen sooner or later because there is a deep philosophical difference between the American public, those of us who believe we need to balance the budget and the President who apparently does not want a balanced budget. Well, they were absolutely right.

If you go back to the campaign when the President was running for office, he said that he would present a balanced budget that would balance in 5 years. We have yet to see that budget. Then he did present us a budget that would balance, allegedly, in 10 years. However, when it was scored by those in Congress who do scoring, we found out that it has a $200 billion deficit a year for 10 years. It never balances.

Well, so now we have the facts out. He does not want to balance the budget. He has not presented us a balanced budget.

When he was given a budget that does actually balance in 7 years, he refuses to sign it.

Some of the allegations have been that there are things hung onto this continuing resolution and this temporary debt ceiling; that there should not be anything on there. "Send me something clean." There is a long history of hanging things on continuing resolutions.

You heard earlier there have been 57 continuing resolutions since 1977, 10 since 1980, and one of them during the 1980's hung the entire Federal Government's budget on one continuing resolution, not just a few riders, the entire budget for a whole year. So this is nothing new.

The President should not shirk away from it. His chief of staff should not tell people that it never happened before.

But the President has made it very clear there in his latest action not to balance the budget and reminds me of something my uncle John Armstrong told me when I was younger. He said, "When you don't want to do something bad enough, any excuse not to do it will do, any excuse will do." Well, you have heard one of the excuses. There are cuts in Medicare. Mr. Speaker, there are no cuts in Medicare. The average spending is going from $4,800 per recipient this year up to $6,700 per recipient in 7 years. It is increasing by some 43 percent.

Well, I think it would be a little more clear maybe if you were a baseball player. If you understood there were 48 baseballs in this one bag and 67 baseballs in another bag and you said which bag has more baseballs, they had say you are increasing it 19 baseballs to 67. That is what we are doing with Medicare. We are increasing spending.

Medicare part B premiums are scheduled to go up $7. The alternate plan, current law, is the Government's portion would increase, and individuals would go from 31 percent of the part B premium per month to 25 to 18 percent, and the Government's portion, which comes out of the general fund, which comes out of borrowed money, would go from 75 to 82 percent.

So what are we doing, after borrowing $170 billion this year, we would have to increase that amount of money and pass that debt on to our children.

Right now our Federal debt is $5 trillion. If you had gone into business the day after Christ rose from the dead and lost $1 million that day and every day of every week of every month of every year almost 2,000 years, you would only be one-fifth of the way toward losing $5 trillion. Most of us think that $1 million a day would be a lot of money. To do that for almost 2,000 years and still not be a fifth of the way to the Federal debt is a phenomenal amount of money. Yet we want to stack more on top of that.

It is morally wrong to our children. We cannot afford it.

But by doing this, we will just force Medicare into bankruptcy sooner, put the debt on our children. Any excuse will do.

We have heard about cuts in nutrition programs. You remember last spring the President went to a school and said these children are going to starve under the Republicans' plan to balance the budget. I was in a school just recently in Wichita, KS, Dodge-Edison Elementary School. Not one child has been reported starving in that school. In fact, no reports across the Nation have any children starving in a school. It just was not true.

But, Mr. President, any excuse will do.

In fact, funding for nutrition programs is going up 4 percent each year the next 7 years, a total of $1 billion.

Any excuse will do.

Cuts in Medicaid, funding for the poor is going up hundreds of millions of dollars in the Federal budget over the next 7 years.

Any excuse will do.

Well, Mr. President, Mr. Speaker, the American public is tired of the excuses. They are tired of business as usual. They are ready for a fresh wind in this country. They are ready for some hope. They are ready to balance the budget.

I head it in the Fourth District of Kansas.

I urge the President to come to the table with Congress. Let us sit down and see what your true problems are, but we are going to balance the budget.

GET DOWN TO THE SERIOUS BUSINESS OF GOVERNING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. DINGELL] is recognized during morning business for 5 minutes.

Mr. DINGELL. Mr. Speaker, like other Americans, I am greatly enjoying the comments of my Republican colleagues. It is remarkable how now, about 45 days after October 1, when the new fiscal year is to commence, my Republican colleagues have only gotten one of the appropriation bills signed. They have not passed the reconciliation bill or the budget. They have not passed the debt ceiling legislation.

They spend their time castigating and criticizing the President of the United States because of their own inability to carry out their comments about how they were going to run the country and balance the budget and do all the other things.

Only 1 of 13 appropriation bills has been signed. The rest are somewhere strewn around here. There has been one veto, and the reason that was is it was the Congress' own appropriation bill which my Republican colleagues sent down there and President Clinton said, "No, we are not going to sign that right now. You are not going to get your problems solved before we address the rest of the problems of the country."

So my comments to my Republican colleagues are, "Dear friends, you are in charge of this place. We have heard what you are going to do. Do it. Stop whining. Stop complaining. Get down to the business of governing, and if you cannot govern, admit it."

Now, what is in this budget about which my Republican colleagues talk so much? First of all, it savages the poor.

Second of all, it punishes almost every class in our society which does not have the means and the capability of addressing their problems. It lifts away the helping hand from those who have greatest needs. From Women, Infants, and Children's programs right through Medicare, Medicaid, and veterans' benefits, there are savage and unneeded cuts. There are expenditures for unneeded weaponry which the Defense Department says are needed, aircraft, submarines, and ships which the Defense Department says are unneeded are expended for in most lavish fashions by my Republican colleagues' budget.

Let us look at this budget. This budget cuts Women, Infants, and Children's programs, nutrition and other health care programs for mothers during the period that they are carrying children and during the time that they are lactating and nursing their children. It cuts the health care program for the newborn and for the unborn. It cuts student loans. It cuts school lunches. It cuts assistance to young people as they start out trying to go through college to borrow money to pay for their education. It eliminates veterans' benefits in a way that is absolutely unjust. It will cause the closure of 41 veterans hospitals.

One million American veterans will not receive health care because of this Republican budget, and in addition to that 50,000, health care personnel from the VA will be laid off.

It must be somewhat painful to my Republican colleagues to hear this, because they have not been changing the budget but they have been castigating the Secretary of Veterans' Affairs. It appears at least they are beginning to understand, and the people are beginning to understand.

It cuts Medicare so that we can give a tax cut to the richest, and the people are beginning to be aware of this. My advice to my Republican colleagues is stop complaining, stop whining, get down to the serious business of governing, pass the legislation that you should have had on the President's desk by October 1, and then let us see what happens.

□ 1315

There have been complaints about the veto that the President just did. Well, there is good reason for that. The Republicans sought to intrude into how the President manages the fiscal affairs of the United States. So he vetoed that proposal.

The time has to be recognized as being here, that it is time that my Republican colleagues quite complaining, pass the legislation that they should have passed by October 1, and do the business of the country.

A lot of people say, well, the President will not talk. Well, the Republican leadership in this body early in the spring pointed out what they were going to do. They were going to jam this whole business down the President's throat by passing a piece of legislation which they said would compel him to swallow the Republican programs on the basis of either a take-it-or-leave-it or shut-the-government-down basis. That is why the situation is here.

Now, why do we have this situation? Because when Mr. Reagan came in, we had a budget deficit of $700 billion. When Mr. Reagan and Mr. Bush left, we had a budget deficit of $4.9 trillion. They blew it up on the basis of irresponsible government during that period of time. Now they are trying to blame the Democrats.

RIVERBOAT POLITICS SHOULD NOT BE TOLERATED

The SPEAKER pro tempore (Mr. CLINGER). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. MILLER] is recognized during morning business for 5 minutes.

Mr. MILLER of California. Mr. Speaker, unfortunately, today the President had to veto the debt limit and will veto the continuing resolution. This should not come as a surprise to those of us who follow the politics and the people involved in this issue, because back in April the Speaker of the House, NEWT GINGRICH, predicted that he would create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the debt limit.

In April, the Speaker made a decision that he would bring the Government to a halt. But he was assuming that the President would have vetoed a whole series of bills that were to be passed by the Congress between April and now, and he would put those bills back on the debt limit or to a continuing resolution, and the President would have to sign those. He made it clear then that he was prepared to bring the Government down.

But what has happened since that time is there has been a massive failure by the Republicans to pass those legislative measures. They have passed only 3 of the 13 appropriations bills. So when the Government shuts down tonight at midnight, it will not affect the Department of Agriculture, because the Department of Agriculture's appropriations bill has passed. But the Republicans have had a massive failure, unlike anything seen in modern Congresses, an inability to pass legislative appropriations billings for the coming fiscal year.

So what have they decided to do? They decided to shift the light off of their ineptness and the fact that their party is now captured by the most extreme elements of the Republican Party, and they have decided to shift the light away from that, to suggesting that somehow the President wants to bring the Government to a standstill.

The President has made it clear from the time that he passed the clean continuing resolution that we are operating under today back in September, that there was no need to bring the Government to a standstill. When the Republicans passed their bills, we could consider them then and he would either sign or veto them. When the Republicans pass their budget tonight, tomorrow or the end of this week they can be considered then.

But what the Republicans have chosen to do is to try and put a gun to the President's head and say "Sign this bill or the Government comes doen. Sign this bill, or the Government of the

United States, for the first time in history, will default on its credit rate. Sign this bill, or millions of American homeowners will have higher interest rates because of that default."

That is no way to negotiate. The President of the United States has never given in to terrorists. He cannot give in to these kinds of terrorist activities by the Republicans when they are playing with the credit and well-being of the U.S. Government.

A clean CR can be passed through the Congress of the United States in a matter of hours this evening, in the House and Senate. A debt limit can be extended if it is clean in a matter of hours, and the American public need not suffer. The American economy need not suffer that, and America's credit rating in the rest of the world need not suffer that.

The Speaker made it clear again in September, he said "I do not care what the price is. I do not care if we have no Executive offices and no bonds for 30 days. Not this time." These are the reckless words of a reckless man, playing with his own ego, playing with his own political fortunes, whether he be up or down in the polls, as opposed to taking care of the business of this Nation, taking care of the economy of this Nation, and taking care of the credit rating of this Nation.

This kind of riverboat politics should not be tolerated. They should not be tolerated at a time when he sends a bill to the President suggesting that we are going to have to raise the premiums for Medicare recipients, but we will not address the other problems in Medicare costing money.

They did not send to the President a bill to address waste, fraud, and abuse in Medicare. They did not send a bill to the President on the debt limit to address the exorbitant doctors' fees and hospital costs that cannot be justified. They did not address those needs. No, they only addressed what the senior citizens have to increase in premiums, and, of course we know why they are doing that, because they seek to transfer those $270 billion in Medicare savings. They seek to transfer $245 billion to among the richest people in this country, a tax cut that cannot be justified when they are seeking the kinds of cuts that are in the social fabric of this country, when middle income people are not doing as well as they were in 1973. Yet the massive effort that we see here now is all about getting a tax cut, half of which goes to the top 5 percent of the people in the country.

It is unacceptable. A clean continuing resolution should be passed, a clean debt limit should be passed, and we should get on with the debate over the bills when the Republicans finally finish their debate within their party and pass those bills.

REALITIES OF LIVING ALONG THE BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. BILBRAY] is recognized during morning business for 5 minutes.

Mr. BILBRAY. Mr. Speaker, I would just like to point out that a lot of people out in the real world America are watching the Republicans and the Democrats arguing about the budget issue. And it is sort of interesting to see that people who claim to be protecting the seniors again and again would actually encourage a veto of a bill that would guarantee that something be stopped that the seniors of America have been sick and tired of having happened too often.

I am just a freshman. I do not know about all these great tactics. But I know one thing: Seniors in my district are sick and tired of the Federal Government dipping into their reserve fund for Social Security and Medicaid and other reserve funds. They want that put aside for them, so that they have some guarantee. All this maneuvering may sound real good in Washington, but my seniors want the President and Congress to keep their fingers off the Social Security trust fund and the Medicare trust fund and the other trust funds and figure out how to run government without raiding those funds.

But, Mr. Speaker, I am not here to speak about that today. I am here to sort of remind Washington, DC, of the realities of those of us that live along the border. I am privileged to represent the communities in San Diego that happen to be on the international frontier. Mr. Speaker, while we hear all about Washington, about how Operation Gatekeeper secured the border, that we have control, that do not worry about it, well, Mr. Speaker, I guess the message really struck home this week, because while Secretary Babbitt was visiting us in San Diego, Mr. Babbitt learned something that those of us in San Diego and along the border know all too often. He went out to get his van. It happened that his van was gone. The van had been stolen.

Mr. Speaker, the fact is a day later his van was found. It has 39 illegal aliens in it going down the freeway. Welcome to San Diego and the border, Mr. Secretary. This is what we live with along the border every day of the year.

The fact is those of us in the Southwest put up with our cars being stolen and shipped south and north, because of the no man's land that the Federal Government continues to allow to occur along the border, and the immorality of the Federal Government to have the gall to try to say that they have secured the area. I think it is terrible and propagates this concept that the people cannot trust Washington, especially when they know their cars are disappearing.

I have one constituent that has gone out four times, and all he has left of the four cars that used to be there is a bag of plastic where they had torn up his car to be able to break in and take it.

Not only do the cars go north, Mr. Speaker, but they also go south. We have been able to photograph Mexican Federal officials driving American cars down south. A lot of us supported free trade with Mexico, but let me assure you, this is not the free trade we had planned. And the Mexican officials do not even have the decency to take the license plate off the car. They still have California license plates out there, Mr. Speaker.

So, Mr. Speaker, I would ask that Secretary Babbitt get together with the President and remind him that things are not under control along the border, that common decency says the Federal Government must straighten this out. And if he does not care about his own car, I ask that you recognize the same day this happened that tragedy occurred in the Tijuana River, where four illegal aliens tried to swim the river back because they were concerned about being caught by immigration officials and they drowned. There are four families in Mexico, Mr. Speaker, who are going to have bodies shipped back to them in body bags because they were told in Mexico come on into America. We will let you in illegally. And they tried it, and they are now dead, and their families are going to have to accept the body bags.

That is the immorality, Mr. Speaker, of our American Government not controlling our national sovereignty. And in the words of the ex-Governor of Baja, CA, that ring quite clearly to those of us along the border, we need to recognize that American sovereignty is not only a right, it is a responsibility, and it is a responsibility of the Federal Government that they have to finally bear.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 26 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Maltbie Davenport Babcock's hymn:

This is my Father's world,
And to my listening ears
All nature sings, and round me rings
The music of the spheres.
This is my Father's world; I rest me in the thought
Of rocks and trees of skies and seas,
His hand the wonders wrought.
This is my Father's world,
O let me ne'er forget
That though the wrong seems oft so strong,
God is the Ruler yet.
This is my Father's world;
Why should my heart be sad?
The Lord is King, let the heavens sing;
God reigns, let the earth be glad!

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TIAHRT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TIAHRT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Illinois [Mr. DURBIN] will lead us in the Pledge of Allegiance.

Mr. DURBIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

OUR COUNTRY NEEDS LEADERSHIP

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, candidate Clinton ran on a pledge to balance the budget in 5 years, and now he is willing to shut down the Government rather than agree to balance it in 7 years.

The President's administration and special interest groups friendly to that administration are very loose with the facts. They are using distortion to scare senior citizens into believing that the Republicans are raising Medicare premiums, when all we are doing is keeping premiums at the current rate rather than dropping it and then raising it again.

The administration and representatives from there are claiming that our budget proposals would destroy the environment, environment and educational programs, and they know that is not true also. But their pollsters, by the way, tell them that these are good issues.

What I am getting at, Mr. Speaker, is that our country needs leadership, not pandering to political special interests. The President should accept the leadership from this Congress' offer to work out our budget problems.

LITTLE SUBSTANCE TO STORY ABOUT SECRETARY O'LEARY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, last Thursday the Wall Street Journal ran an article that was mildly critical of Secretary O'Leary at the Energy Department and used the words of accusing her of conducting investigations of reporters who were covering her agency. The article was not that bad, but it provided sufficient ammunition that a number of our colleagues immediately leaped into the breach, hoping that a major scandal was developing and issued "Dear Colleague" letters and a proposed letter to the President requiring the firing of Secretary O'Leary.

This was basically a reflection of the delicate emotional state that exists in Washington right now rather than being based on any substantive information, and I will be sending out a "Dear Colleague" letter today that will reflect more of the facts of this situation.

The firm was terminated 2 months before the story ran. It does not do investigative work, as the article alleges, and there is very little substance to the entire story.

PRESIDENT DOES NOT WANT TO BALANCE THE BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, if the Government shuts down tonight, the responsibility is going to rest squarely on President Clinton's shoulders.

We have sent him a debt limit increase and will send him a continuing resolution to keep the Government operating, but he says he will veto these bills. Why is the President choosing to shut down the Government? It is because when it comes to push to shove, he flat does not want to balance the budget. That is what it amounts to.

The bills the President will veto today just require him really to put his money where his mouth is, do something he has never had to do, and that is practice what he preaches. After all his talk about balancing the budget and reining in the Federal spending and downsizing Government, today the President is going to demonstrate in no uncertain terms that he just does not have the courage.

We cannot let our President's unwillingness to govern jeopardize our country's future.

NONESSENTIAL WORKERS NOT NEEDED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, something does not add up, Mr. Speaker. Experts say, "Don't worry, America, if the Federal Government shuts down, only nonessential workers will be furloughed." That is right, nonessential.

Now, the dictionary says "nonessential" basically means not necessary. Now, if that is the case, did anyone around here ever stop to think that if Congress did not borrow money to hire nonessential workers, Congress would not have to borrow more money to pay nonessential workers and Congress would not have to shut down.

Beam me up, Mr. Speaker, Maybe, just maybe, the Congress of the United States is a little nonessential.

I yield back the balance of any essence that might be in this message.

PRESIDENT NEEDS TO MEET WITH CONGRESSIONAL LEADERS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, over the weekend, Speaker GINGRICH from the House and Senate Majority Leader DOLE from the Senate displayed true leadership by calling the President on the phone in a genuine attempt to reconcile the differences over the budget.

But what happened? The President was gracious enough to let Senator DOLE speak one sentence and the Speaker of the House two sentences. But then he proceeded to blast both of them and basically hung up.

The fact is the President does not want to balance the budget, not in 10 years as he proposed, which ended up being $200 billion over each of the 10 years in deficit, but also in 7 years, the plan we presented him with.

Mr. Speaker, this is why we stand on the brink of a government shutdown. This is why the budget is not balanced. This is what the American people are tired of, business as usual, excuses.

The President needs to spend less time on the golf course and more time meeting with congressional leaders to iron out their differences and make Government work, but if the President chooses, he can shut the Government down.

TAKE EXTRANEOUS MATTERS OUT OF DEBT LIMIT AND BUDGET BILLS

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise today to address the ironic statement made by Speaker GINGRICH yesterday concerning the debt limit extension. In reference to our President, Speaker GINGRICH said, "We are not willing to give you a blank check. We are not willing to give you an open credit card account," he said to President Clinton, when, in fact, it is the Speaker who is asking for a blank check to raise Medicare premiums and slash our environmental protection laws.

Speaker GINGRICH is using what is usually a set of bipartisan bills that are procedural in nature that need to be passed to continue our Government's operation, he is using these bills to move his extremist agenda because he knows he has not succeeded through the normal channels.

I stand here as one who has voted for a balanced budget, but not one that the Speaker liked.

These extreme extraneous matters have no business being in these bills, and they should be debated separately.

LET US SAY NO TO PORK-BARREL SPENDING

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. I thought my ears were playing tricks on me yesterday when I heard White House Chief of Staff Leon Panetta say that this Congress is going to have to learn to do things the old-fashioned way. By that, he means, of course, business as usual.

Well, I had a chance to go back home to Cincinnati over the weekend. Unlike the President, I did not play golf, I did not consult with any high-priced pollsters.

But I did have the opportunity to talk to the type of people, the regular folks back in fact in Cincinnati, who sent me here to Congress. They did not tell me to vote the old pork-barrel way, as Mr. Panetta encourages. They told me to stick to my guns, to do what I promised I would do, to keep working to balance the budget.

During his campaign, candidate Bill Clinton promised to balance the budget in 5 years. Now that he is in the White House, he refuses to even discuss balancing it in 7 years. Still Mr. Speaker, the President should not underestimate the intelligence of the American taxpayers. They know the political gamesmanship when they see it, and they do not like it.

They want us to balance the budget. Let us do it now.

THE PRESIDENT DOES HAVE A BUDGET

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the President does have a budget. He does have a budget that balances in 7 years. The issue is: Who do you cut?

I think it is outrageous today that many hard-working Federal employees in my State of Colorado are standing there quaking as this holiday season approaches, wondering how long people are going to play with their lives and play with their paychecks.

I want to remind you that Time magazine in June of this year quoted the Speaker as saying the President can run parts of the Government that are left or he can run no Government and the Speaker went on to say, "Which of the two of us do you think worries about government not showing up?"

Well, that tells you how casually they are playing to get an extreme, mean agenda through. This is not about balancing the budget. This is about whether you balance it on your mom's back or the kids' back so you can pay off fat cats, or you do what is fair and what is right in the American way.

I am sorry that Federal employees in my region are being used as pawns in this game. I would not do that.

REPUBLICANS COMMITTED TO A REAL BALANCED BUDGET

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, this is the national debt as of last week: 4 trillion, 985 billion, 913 million, 11 thousand and 32 dollars, and 65 cents.

I have a question. If someone could lay each dollar of the debt end to end around the equator, how many times would it circle the Earth? The answer—18,635 times.

I have another question. How many balanced budgets has President Clinton introduced? The answer—zero.

Now it is true that the President claims to have introduced a balanced budget. But upon further inspection by the CBO, his budget really does not balance at all. In the year 2005, President Clinton's deficit would be over $200 billion.

Mr. Speaker, Republicans are committed to a real balanced budget and saying no to big government and the tax and spend policies of the past.

Let's end the excuses and balance the budget now.

□ 1415

NO BUDGET, NO PAY FOR MEMBERS OF CONGRESS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, remember when a little child would say to you, "I am going to hold my breath until I turn blue in the face?" That is exactly what is going on with the politicians here in Washington. Can you imagine for a minute that we are going to shut down the Federal Government, that our political egos are that colossal?

Think about this for a second: Tomorrow we are going to send 800,000 Federal workers home without pay, while Members of Congress still receive their paychecks. That is fundamentally unfair and wrong.

H.R. 2281, which I introduced with Senator BOXER of California, says no budget, no pay. If this train wrecks, then Speaker GINGRICH and the train crew and all of the rest of us will not be paid until the train is back on the track and running again.

Mr. Speaker, Members of Congress should start focusing a little more on solving problems, rather than creating them, with no budget, no pay.

Mr. Speaker, I am sorry you left the Chamber. I am sorry that Speaker GINGRICH is not here. My request to him is put whatever else is on the calendar aside. Pass no budget, no pay, and this crisis will be over.

BALANCING FEDERAL BUDGET IS FISCALLY RESPONSIBLE

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, let me just point out to my colleagues that the gentleman from Illinois who just spoke, when he had an opportunity out on this House floor to vote for a balanced budget resolution, failed to do so. He voted against the Republican version of a balanced budget 7-year plan; he voted against the Democrat substitute. In fact, Mr. Speaker, when the Democrats offered their version of a balanced budget plan out here on the floor, only 72 out of 199 Democrats voted for it.

We are the party that is trying to be fiscally responsible. We are putting forward a plan to balance the budget in 7 years by limiting the growth, the increase in Federal spending, to 3 percent per year. We want the President to affirm his willingness to meet us halfway and honestly balance the budget and work with, not against, this Congress.

DO WHAT IS RIGHT FOR THE AMERICAN PEOPLE

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, because the Republicans have not passed the budget for September 30, 1995, for the next fiscal year, they want to blame the default of this Government, of the shutdown tonight at midnight, on the Democrats.

Stop the foolishness, Republicans. Speaker GINGRICH, on the GOP budget strategy, said "The President will veto a number of things, and we will put them all on the debt ceiling, and then he will decide how much of a crisis he wants." That is according to the Washington Times, April 3, 1995.

The Washington Post of September 2, 1995, quotes Speaker GINGRICH: "I do not care what the price is. I do not care if we have no executive offices and no bonds for 30 days. Not at this time."

It is wrong for the Republicans to treat the American people this way. Let us do what is right for this Nation. Let us send a clean CR to the President, and a clean debt ceiling as well.

TIME FOR A BALANCED BUDGET

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise to join in decrying the coming crisis. However, I believe it is extremely important to resolve the crisis that we are facing, and believe we should not shut down the Government.

Let me just give some of the facts. You heard earlier from the gentlewoman from California that the deficit is above $4.9 trillion; in fact, within a few weeks it will be $5 trillion. In one-thousand dollar bills, that would be a stack 300 miles out into space. We have to address the deficit problem.

The Republicans have addressed it. We have voted for a balanced budget. I applaud those Democrats in this Chamber who have voted for a balanced budget proposal. The President's proposal, 18 pages long, does not even begin to outline a solution.

I believe it is time for the President to come to the table to meet in all sincerity with the Speaker and the majority leader of the Senate. It is time for us to reach agreement on a balanced budget. The American people demand it. They deserve it. Let us pass a balanced budget.

DO NOT BALANCE BUDGET BY MEDICARE INCREASES

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I was so proud to read over the weekend that the President has indicated that he will not sign a continuing budget resolution because of the increase in Medicare payments. I think it is really awful to think that the Republican leadership in this House has said that unless the President agrees to increase Medicare part B premiums, which would go from $46.10 per month to $53.50 per month, when they are scheduled under current law to be decreased to $42.50 per month. What the Republican leadership is saying is unless you sign this continuing resolution, we are going to make sure that the Medicare premiums go up.

It is not fair to American senior citizens. Over the weekend I talked to a lot of senior citizens. They cannot afford the Medicare part B increase being proposed by the Republican leadership. It is not fair to hold the budget and the Government hostage to this Medicare increase. The President recognizes it. I commend him for the fact he refuses to sign this continuing resolution, primarily because of the Medicare increase.

HOW TO ACHIEVE A BALANCED BUDGET IN 7 YEARS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, if honesty were the high road, too often in this debate we are at a much lower level, traveling the course of what happens to the future of this country.

Do we want a balanced budget in 7 years or less or do we not and, if we do, how should we try to change politicians' behavior around to achieve that goal?

What we have done in this case is try to say that we are going to use the continuing resolution, that we are going to try to use the temporary increase in the debt ceiling, to change what politicians have been doing since the 1920's, and we are actually in some areas going to cut some of the funds that have been going into some of those discretionary programs.

In Medicare, it is a farce. It comes as a strong untruth between what the President and the Democrats in the Senate have already suggested of the changes and where we end up with Medicare reform.

AMERICA IS PRESENTED WITH A MANUFACTURED CRISIS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, today America is presented with a manufactured crisis, and the inventor of this crisis, the person with all the rights to the patent to this crisis and all the silliness attendant to it, is one Speaker NEWT GINGRICH.

Way back on April 3, he made very clear his determination to manufacture this crisis. He reiterated it on June 3, saying that he hardly worried whether the Government would show up. And then finally on September 22, he said to all that were listening then what was going to happen tonight, he said "I do not care what the price is. I do not care if we have no Executive offices and no bonds for 30 days. Not this time."

Well, the American people do care. They want their Government working together to take care of the problems that we have, and they do not want to have to pick up the tab for this unnecessary invention, for unless Speaker GINGRICH plans to pay personally for the cost of this whole mishap with the proceeds of the next couple of books that he does with Rupert Murdoch, it is the American taxpayer who will have to pick up the price for this weird invention.

CONGRESS FAILED TO COMPLETE ITS WORK

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, as one who represents 56,000 Federal employees and therefore has always been concerned about the failure of this Congress and the President to do their work in a timely fashion, causing the Government to temporarily shut down, I rise to express once again my deep regret that the Congress of the United States has not done its job.

The fact of the matter is, the only reason there needs to be a continuing resolution signed today or passed today is because we have not done our work, period. All the other rhetoric about balanced budgets, all the other rhetoric about the politics in the White House, are, frankly, not accurate.

There are nine appropriation bills that neither the House nor the Senate have finally acted upon. Therefore, this crisis could have been averted had we done our work.

NOW IS THE TIME TO GET A BALANCED BUDGET

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, what we have heard on the floor today is the liberal extremists who will do virtually anything that they can to stop a balanced budget from taking place. They will just obstruct, they will use anything in their power to stop a balanced budget from taking place.

Now, they would have you believe that they are simply acting for good government. The fact is what they are doing is trying to stop the American family from saving $37,000 in interest costs on their mortgage, because that is what a balanced budget would do. They are trying to stop the American people from getting $900 less in interest payments on the family car that they purchase, because that is what a balanced budget would do. They are trying to stop people from getting a $10,000 interest advantage on their student loans, because that is what a balanced budget would do.

The liberal extremists have fought Ronald Reagan, they fought George Bush, they have fought us all the way along. Now when it comes a time when we have an opportunity to really get a balanced budget, they are on this floor fighting again.

Mr. Speaker, we need a balanced budget. Now is the time to get one.

POINT OF PERSONAL PRIVILEGE

Mr. HOYER. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. MCINNIS). The Chair would state that under the rules of the House, the gentleman cannot be recognized for a point of personal privilege based on debate during 1-minute speeches.

TIME TO BALANCE BUDGET IS NOW

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, we have heard about CR's and debt limits, all of this minutia, and we all know this is not what this fight is about. It is about whether we are going to leave for our children and theirs a better future than what our parents left for us.

Each succeeding generation in America has left for its children and its grandchildren a brighter future for them, and what are we leaving for our children? Five trillion dollars' worth of debt. That is what we are doing.

We have heard every excuse in the world why we cannot balance the budget for 30 years. We have heard every Washington gimmick used why we cannot do it. The time is now. We are going to balance the budget to save the future for my girls, my two teenage girls, and every kid of America.

NOTHING THAT HAPPENS TODAY WILL BALANCE THE BUDGET

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Pennsylvania, after I spoke, talked about liberal extremists and the balanced budget. As one who has voted on numerous occasions for the balanced budget constitutional amendment, as one who voted for the Stenholm balanced budget that did not pass, and as one who voted for the coalition budget which would balance the budget in 7 years, faster than the budget offered by the other side, I do not believe that I fall in that category.

I say again, nothing that happens today will balance the budget, whether the President signs the continuing resolution or not. The fact of the matter is there would be no necessity for a continuing resolution if this House and the Senate had passed appropriation bills in a timely fashion. They cannot agree. They have not done that, and that is why we are here as we are.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House a communication from the Chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Transportation and Infrastructure. One resolution approves construction of protective works at the South Water Treatment Plant in Chicago, Illinois, pursuant to section 201 of the Flood Control Act of 1965. The remaining resolutions authorize studies of potential water resources projects by the Secretary of the Army in accordance with the provisions of section 4 of the Act of March 4, 1913, and other statutes.

Sincerely,
BUD SHUSTER, *Chairman.*

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after the debate is concluded on all motions to suspend the results, but not before 5 p.m. today.

□ 1430

ELECTRONIC FILING AND PRESERVATION OF FEDERAL ELECTION COMMISSION REPORTS

Mr. THOMAS, Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2527), to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTRONIC FILING AND PRESERVATION OF FEDERAL ELECTION COMMISSION REPORTS.

(a) SECTION 304 AMENDMENT.—Subsection (a) of section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following new paragraph:

"(11)(A) The Commission shall permit reports required by this Act to be filed and preserved by means of computer disk or any other appropriate electronic format or method, as determined by the Commission.

"(B) In carrying out subparagraph (A) with respect to filing of reports, the Commission shall provide for one or more methods (other than requiring a signature on the report being filed) for verifying reports filed by means of computer disk or other electronic format or method. Any verification under the preceding sentence shall be treated for all purposes (including penalties for perjury) in the same manner as a verification by signature.

"(C) As used in this paragraph, the term 'report' means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.".

(b) SECTION 302 AMENDMENT.—Subsection (d) of section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(d)) is amended by adding at the end the following new sentence: "for any report filed in electronic format under section 304(a)(11), the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and subsection (b) shall apply with respect to reports for periods beginning after December 31, 1996.

SEC. 2 WAIVER OF DUPLICATE FILING REQUIREMENT FOR STATES WITH ELECTRONIC ACCESS TO FEDERAL ELECTION COMMISSION REPORTS AND STATEMENTS.

Section 312 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439) is amended by adding at the end the following new subsection:

"(c) Subsections (a) and (b) shall not apply with respect to any State that, as determined by the Commission, has a system that permits electronic access to, and duplication of, reports and statements that are filed with the Commission.".

SEC. 3. FILING OF HOUSE OF REPRESENTATIVES ELECTION REPORTS WITH THE FEDERAL ELECTION COMMISSION, RATHER THAN WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES.

(a) SECTION 302 AMENDMENTS.—Subection (g) of section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended—

(1 by striking out paragraph (1);

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(3) in paragraph (2), as so redesignated by paragraph (2) of this subsection—

(A) by striking out "Clerk of the House of Representatives and the"; and

(B) by striking out "them" and inserting in lieu thereof "the Secretary";

(4) in paragraph (3), as so redesignated by paragraph (2) of this subsection, by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "Paragraph (1)"; and

(5) in paragraph (4), as so redesignated by paragraph (2) of this subsection, by striking out "Clerk of the House of Representatives and the".

(b) SECTION 304 AMENDMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended)

(1) in the first sentence of subsection (a)(6), by striking out "Clerk, the Secretary," and inserting in lieu thereof "Secretary"; and

(2) in the third sentence of subsection (c)(2), by striking out "Clerk, the Secretary," and inserting in lieu thereof "Secretary".

(c) SECTION 311 AMENDMENT.—Section 311(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)(4)) is amended by striking out "Clerk, Secretary," and inserting in lieu thereof "Secretary".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports, designations, and statements required to be filed after December 31, 1995.

The SPEAKER pro tempore (Mr. McINNIS). Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2527 changes both the way in which candidate committees and other committees can file with the Federal Election Commission and it removes an impediment to the public's right to know as soon as possible the information surrounding a candidate in that candidate's report if the candidate is running for the House of Representatives.

H.R. 2527 passed the Committee on House Oversight unanimously. What we did was to examine the current way in which candidates and incumbent Members of the House file their campaign reports with the FEC.

First of all, they do not file the reports with the FEC, they file them with the Clerk of the House. The Clerk of the House then forwards the reports of all of the candidates, incumbents as well as challengers, to the FEC. What occurs is a delay of up to 3 days where the public does not know what is in those reports.

H.R. 2527 does away with the requirement that candidates for Congress, both incumbents and challengers, file with the Clerk of the House. Under H.R. 2527, candidates will file directly with the FEC as other committees are required to file.

In addition to that, it seems to me that campaigns are now run sufficiently using electronic technology that candidates who so choose—there is no requirement—but if candidates choose to file with the FEC, the FEC should accept those filings electronically, beginning in 1997. This reform continues to update the capabilities of the FEC so that as more and more campaign information is stored electronically and reported electronically, the information in those candidates' reports can be turned over to the public more quickly. It seems to me that the FEC should be, first of all, given the opportunity to allow people to file electronically and the Committee on House Oversight will then review how successful that procedure has been.

Since we are allowing the FEC to require candidates to file records with the FEC electronically, we also then waive the requirement that committees file with a State that also files electronically, since that would duplicate materials.

So H.R. 2527, although not a comprehensive piece of legislation, I think nevertheless begins the 104th Congress as the new majority's examination of the way in which we run campaigns.

Although the committee is continuing to hold hearings on a larger issue of candidates and their running for office, in this particular area, with the ability to file electronically, to waive duplication where filing electronically is involved, and to remove an impediment to the public's right to know, it seems to me that we have taken a modest, but positive, step forward, and I would urge my colleagues to support H.R. 2527.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the distinguished gentleman from California in supporting H.R. 2527.

This is a measure which allows more efficient and cost-effective procedures and which will substantially benefit both the public and congressional candidates.

H.R. 2527 would require House candidate committees to file directly with the Federal Election Commission, thus eliminating the current procedure of filing first with the Clerk of the House. This would become effective December 31 of this year and will speed up the FEC's ability to receive, process, and disclose campaign committee information. Members would continue to have immediate access to filing data. The media and the public will be able to retrieve candidate committee information in a more timely fashion.

The bill also allows the Commission to receive electronically filed campaign reports from candidates and political committees. At the moment this is not a requirement, strictly a voluntary procedure which will go into effect December 31, 1996.

Finally, as States obtain the necessary retrieval equipment, candidates and committees will no longer have to duplicate all their filings within their respective States. This burdensome redundancy will be eliminated without any loss of information, as all candidate and committee data will be immediately available from the FEC.

There are a number of benefits associated with this legislation. The Clerk's Office has estimated saving some $500,000. States, candidates, and committees will all save money.

But the biggest winner will be the public's more rapid access to campaign reports.

Now there will be some costs to the Federal Election Commission, particularly in the startup and staffing of the point of entry section of the bill.

At our committee hearing on October 25, Chairman THOMAS noted that both the authorizing and appropriating committees had set aside $1.5 million in fiscal year 1996 for the FEC to update its internal computer capabilities. The Commission has indicated that it can handle whatever additional costs are required for implementing H.R. 2527 if it has access to this $1.5 million, although, obviously, its internal modernization program will be slowed to the extent these funds are used for other purposes.

There has been some confusion in the various exchanges that have taken place between the Oversight and the Appropriations Committees in order to bring about agreement on this legislation, but I believe we have now reached an understanding.

The minority has made it clear from the beginning that our support for this bill, whose concepts we strongly endorse, is predicated on full funding. No matter how desirable single point of entry is, we are not going to be party to any attempt to further weaken the FEC in carrying out its mandated duties.

We have worked hard to move this legislation forward and we do not want any misunderstandings. The Federal Election Commission has already taken two deep budget cuts—a $1.4 million rescission out of its fiscal year 1995 budget, and over another million cut from its fiscal year 1996 authorization—which was $1.5 million below the Commission's bottom-line request.

Mr. Speaker, last week Chairman THOMAS initiated a series of hearings on campaign finance reform legislation. Our first witnesses included the Speaker, the minority leader, and more than a dozen Members. It was an excellent hearing, and there will be more and Chairman THOMAS is to be commended.

This bill is a small part of campaign finance reform, but it is a step forward. The ability of the Federal Election Commission to fully carry out its responsibilities of disclosure, audit, and enforcement is a big part of campaign finance reform. The FEC is the public's policeman for campaign contributions and spending. There is no intent that this legislation should in anyway interfere with the Commission's ability to fully perform its duties during the crucial upcoming election year, or to use any funds other than the fenced-off $1.5 million for purposes of implementing this legislation.

At this time, Mr. Speaker, I submit for the RECORD a statement by the ranking member, the gentleman from California [Mr. FAZIO], and a copy of a letter dated November 9, 1995, from the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, to Mr. Danny McDonald, Chairman of the Federal Election Commission.

Mr. FAZIO of California. Mr. Speaker, I am pleased to join the distinguished gentleman from California in supporting H.R. 2527.

This is a measure which allows more efficient and cost-effective procedures and which will substantially benefit both the public and congressional candidates.

H.R. 2527 would require House candidate committees to file directly with the Federal Election Commission, thus eliminating the current procedure of filing first with the Clerk of the House. This would become effective December 31 of this year and will speed up the FEC's ability to receive, process, and disclose campaign committee information. Members would continue to have immediate access to filing data. The media and the public will be able to retrieve candidate committee information in a more timely fashion.

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There has been some confusion in the various exchanges that have taken place between the Oversight and the Appropriations Committees in order to bring about agreement on this legislation, but I believe we have now reached an understanding.

I want to thank Mr. LIVINGSTON, chairman of the Appropriations Committee, for his cooperation, and I want to give special recognition to my colleague, STENY HOYER.

Mr. HOYER, who is ranking member on the Appropriations' Treasury and Postal Affairs Subcommittee, has always been a strong supporter of the Federal Election Commission and of campaign reform. He has played a key role in working out the details on the funding for this legislation.

The minority has made it clear from the beginning that our support for this bill, whose concepts we strongly endorse, is predicated on full funding. No matter how desirable single point of entry is, we are not going to be party to any attempt to further weaken the FEC in carrying out its mandated duties.

We have worked hard to move this legislation forward and we do not want any misunderstandings. The Federal Election Commission has already taken two deep budget cuts—a $1.4 million recission out of its fiscal year 1995 budget, and over another million cut from its fiscal year 1996 authorization—which was $1.5 million below the Commission's bottom-line request.

Mr. Speaker, last week Chairman THOMAS initiated a series of hearings on campaign finance reform legislation. Our first witnesses included the Speaker, the minority leader, and more than a dozen Members. It was an excellent hearing, and there will be more and Chairman THOMAS is to be commended.

This bill is a small part of campaign finance reform, but it is a step forward. The ability of the Federal Election Commission to fully carry out its responsibilities of disclosure, audit, and enforcement is a big part of campaign finance reform. The FEC is the public's policeman for campaign contributions and spending. There is no intent that this legislation should in anyway interfere with the Commission's ability to fully perform its duties during the crucial upcoming election year, or to use any funds other than the fenced-off $1.5 million for purposes of implementing this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 9, 1995.

Mr. DANNY L. McDONALD,
Chairman, Federal Election Commission, Washington, DC.

DEAR MR. CHAIRMAN: Following up on my letter of November 2, 1995, I am pleased to learn the FEC can assume single point of entry without adding to current full time employment levels. Based on staff conversations, it is my understanding that FEC will accomplish single point of entry by reassigning employees and contracting out work, if necessary. I also understand that FEC is not able to provide the Committee with a cost estimate for contracting out this work at this time but would appreciate the FEC forwarding such an estimate, when available.

Again, let me state that I support using a portion of the $1.5 million fenced in FY 1996 for internal ADP modernization on electronic filing initiatives such as those authorized in H.R. 2527. I am confident that single point of entry can be achieved within the CBO cost estimate of less than $500,000 in FY 1996 and FEC cost estimates of $400,000–$500,000. I encourage you to keep the Committee informed of any deviation from these estimates.

Sincerely,

BOB LIVINGSTON,
Chairman.

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Maryland [Mr. HOYER] indicated that perhaps there had been some difficulty in communication between the policy committee, which is the Committee on House Oversight, and the Committee on Appropriations.

I would say to the gentleman that perhaps the confusion was more in the eye of the beholder, and in listening to various dollar amounts that we are discussing vis-a-vis the FEC, I do think we would be remiss if we do not put on the record that by closing down the House Clerk operation for review of all of those campaign reports, we are going to be saving more than half a million dollars a year. Although we certainly do want to look at savings in any particular one area, we also have to look at the larger picture.

Mr. Speaker, I believe practice that cost the Clerk's Office a half a million dollars per year for a needless and unnecessary slowdown in the public's access to the information that is in campaign reports is a practice that needed to be ended for a long time. With this new majority, we are ending that practice.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding, and I rise in support of H.R. 2527, which will allow candidates' campaign committees to electronically file campaign reports with the Federal Election Commission. This is an issue that I have supported for many years, and I believe that it is a good thing that it is coming before the House at this time.

The bill also requires House candidates to file reports directly with the FEC instead of with the Clerk of the House.

I want to commend my friend Mr. THOMAS, for bringing this commonsense bill to the House floor and thank the ranking minority member, Mr. FAZIO, and in his absence the gentleman from Maryland, Mr. HOYER, both of whom have been very cooperative with this timely issue.

The bill allows the FEC to move into the computer age by accepting the electronic transmission of campaign reports. Candidates will be allowed to cut down on the paper shuffling if they choose to use the electronic system. This process will also speed the reporting of campaign contributions to enhance the voters' access to the disclosure of campaign contributions.

It is important to note that this is a voluntary system. It will not burden campaign committees with mandates if they are not computerized, but it will allow committees to file electronically if it eases their operation.

This bill will also require candidates to file reports directly with the FEC, and this provision will end the absurd system that requires candidates to file campaign reports with the Clerk of the House, and then force the Clerk to keep copies of the reports and make microfilmed copies to send to the FEC, and then the FEC would print hard copies of the reports from the Clerk's microfilm.

The current system is a case study in unnecessary bureaucratic paper shuffling and obviously creates unwanted extra cost. Requiring candidates to file directly with the FEC will end the confusion and the outrageous duplication of the effort.

The FEC will work with original filings instead of the blurred copies which make it more difficult for the FEC to electronically scan the information. It will also save thousands of dollars in the Clerk's office.

This bill may have prompted some confusion, as has been alleged earlier, on how the FEC would implement the bill, but I am pleased that the FEC now has clarified their earlier request and that they are not pushing for more employees to accomplish this single point of entry.

I want to reiterate that I support using a portion of the $1.5 million fenced in fiscal year 1996 for the computer modernization on electronic filing initiatives such as those authorized in H.R. 2527. I am confident that single point of entry can be achieved for less than the CBO cost estimate of a half a million dollars, and the FEC's estimate of between $400,000 to $500,000 makes sense.

This bill will speed disclosure, reduce duplication and move the FEC toward computer modernization. I encourage my colleagues to give it their full support.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Michigan [Mr. EHLERS], a valued member of the Committee on House Oversight.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am very pleased to rise in strong support of H.R. 2527. Just 2 years ago I ran for Congress for the first time. I was very surprised when the time came to file the first campaign finance report and discovered that I had to file a copy with the secretary of state in the State of Michigan and a copy with the Clerk of the House. I just assumed that the report would go to the FEC. I did not realize it would take a few days for them to get it.

What amazed me even more is that when the news media wanted to find out what we had expended on the campaign, they did not go to the secretary of state of Michigan, they did not go to the Clerk of the House, and of course they could not get it from the FEC; they came to our campaign office and we had to run off multiple copies for the media.

□ 1445

This bill will cure those problems. The report will be filed with the agency that is responsible of reviewing it, the FEC. That is where it appropriately belongs. Even more importantly, we can file by electronic means. I certainly will take advantage of that. It will save a lot of work, it will save a lot of postage, and it will certainly speed up the time that the press will have to spend scanning these particular reports.

Once again Mr. Speaker, I believe it is an excellent bill and I rise in strong support of this bill. I encourage its passage.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

In closing, we are pleased to support this, but I would reiterate my personal concern, and I believe the concern of our side of the aisle, that as we save, as the gentleman from California [Mr. THOMAS] has pointed out, $500,000, or thereabouts, from the Clerk's office, and we transfer the responsibility of unified point of entry and first entry into the FEC, it is, I think, agreed on both sides that there will be an additional cost to the FEC.

We have provided, by correspondence more than legislation, that of the $1.5 million for computerization, a portion of that can be used for the purposes of carrying out this additional responsibility that we transfer from the Clerk's office to the FEC.

We have no opposition to that, but I would like to observe that we must carefully review the capacity of the FEC to do those things which the public expects it to do. This will be a step in the right direction. But it will only be a step in the right direction if they have the capacity to do the job from an administrative standpoint, enter the data properly, have it accessible easily, and be able to respond to the public's questions.

I will be looking as a member of both the authorizing and the appropriating subcommittees that have responsibility to oversee FEC at the impact that this additional responsibility has on them with a view next year to make sure that they have sufficient funds to carry out what the American public believe to be an absolutely essential task of knowing where money comes from, where it goes, and what relationship, if any, it has to policy.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know the gentleman from Maryland did not mean to misspeak in his concluding comments, but this is not an additional responsibility for the FEC. The FEC now has the responsibility to receive and record all campaign reports.

This is a timing question. Because, notwithstanding current procedure, where the campaign reports are filed with the Clerk of the House first, they are nevertheless still eventually transferred to the FEC. So this is not, I repeat, not an additional responsibility for the FEC. It is merely a question of timing.

The FEC enjoyed, as we say, the float. The fact that the Clerk was the one who received at the appropriate deadline the reports, enabled the FEC to buy some time to do other work that was required under the law by the deadline and then begin to receive, 1 to 3 days after the deadline, the materials from the Clerk.

This procedure could have been changed in any previous Congress. But it was convenient for folk. It was useful to have a system for holding reports in an area where that report could be retrieved by candidates, to be changed, to be reviewed, and then submitted to the FEC.

It seems to me the fundamental responsibility is the deadline and the public's right to know. The practice that H.R. 2527 eliminates is that float time. It does away with the convenience that the FEC had for a number of years of not having to deal with its responsibilities at the given deadline.

So when we talk about costs to the FEC, quite frankly this is something that should have been corrected a long time ago.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 2527, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2527, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1995

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2204) to extend and reauthorize the Defense Production Act of 1950, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Amendments of 1995".

SEC. 2. EXTENSION OF PROGRAMS.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended in the first sentence by striking "Title I (except section 104), title III, and title VII (except sections 708, 714, 719, and 721) of this Act, and all authority conferred thereunder shall terminate at the close of September 30, 1995" and inserting "Title I (except section 104), title III, and title VII (except sections 708 and 721), and all authority conferred thereunder, shall terminate at the close of September 30, 1998".

SEC. 3. AUTHORIZING APPROPRIATIONS FOR TITLE III PROJECTS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) in subsection (a), by striking "(a) AUTHORIZATION.—" and all that follows through "subsection (c),," and inserting "(a) AUTHORIZATION.—Except as provided in subsection (b),"; and

(2) by striking subsections (b), (c), and (d) and inserting after subsection (a) the following new subsection:

"(b) TITLE III AUTHORIZATION.—There are authorized to be appropriated for each of the fiscal years 1996, 1997, and 1998, such sums as may be necessary to carry out title III.".

SEC. 4. REPORTS TO THE CONGRESS.

(a) IN GENERAL.—The President shall prepare and transmit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate an interim report and a final report on proposed legislative modernization of the authorities contained in the Defense Production Act of 1950.

(b) TIMING.—The President shall so transmit—

(1) the interim report required by subsection (a), not later than January 31, 1997; and

(2) the final report required by subsection (a), not later than September 30, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] will be recognized for 20 minutes, and the gentleman from New York [Mr. FLAKE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill before us today, H.R. 2204, a basically noncontroversial measure to extend and reauthorize the Defense Production Act of 1950. In this, I am grateful to enjoy the support of Representative JAMES A. LEACH, chairman of the Committee on Banking and Financial Services. In true bipartisan spirit, our distinguished former chairman, Representative GONZALEZ and Representative FLAKE, the ranking member of the subcommittee have also provided their strong support for this legislation and I am very appreciative of their efforts. I would be remiss if I did not also acknowledge the valued input provided by Representative METCALF, Representative BARR, Representative CHRYSLER, and Representative WATT of the subcommittee. Their counsel has served to improve the future exercise of Defense Production Act authorities.

Mr. Speaker, the Subcommittee on Domestic and International Monetary Policy of the House Banking and Financial Services Committee has primary jurisdiction over the Defense Production Act, which is the primary statute used for the mobilization of civilian efforts during national disasters in peacetime and in support of the national defense during periods of national emergency. The authorization for the DPA expired on September 30, 1995. This legislation would extend and reauthorize the DPA until September 30, 1998.

Title I of the DPA is designed to ensure that the Armed Forces of the United States can obtain the critical goods and services required to carry out their duties during wartime national emergencies and peacetime national disasters. It provides the President with the authority to establish an order of precedence among contracts and to require that those contracts or orders for essential goods, necessary to the national defense, take precedence over other contracts or orders. In addition, title I authorizes the President to manage the allocation of materials, equipment, and services necessary to promote the national defense.

The fiscal year 1995 Defense Authorization Act redefined "national defense" and amended the DPA to extend the application of the authorities under title I to be used in the event of a national disaster. This is a sensible adaptation to permit these capabilities and authorities to be employed to help victims of natural disasters—floods, fires, hurricanes, and earthquakes.

These authorities have been employed to support the U.S. military in every conflict since 1950. Operation Desert Storm was a recent example of a conflict situation that arose with special needs that could not be completely anticipated and supplied through the ordinary operations of the market. Currently the Bosnian situation places actual and potential emergency equipment and logistical demands for the support of our forces.

Title III authorizes the President to use incentives to establish, expand, and maintain domestic production capacity for critical components, critical items of technology, and essential industrial resources required for the execution of the national security strategy of the United States.

No appropriations for DPA have been requested by this administration for fiscal year 1996 and none are forecast for fiscal year 1997. The Congressional Budget Office estimates that H.R. 2204 would result in additional outlays of $80 to $85 million over the 5-year period between 1996–2000. All of these costs would be subject to discretionary appropriations. The bill is not subject to pay as you go procedures because it would not affect direct spending or receipts. Enactment of this bill will have no effect on the budgets of State and local governments.

Mr. Speaker, the administration and the minority support this extension of the DPA through September 30, 1998. The other body has already passed substantially identical legislation by unanimous consent. This bill is a provident and careful provision for the unpredictable conflict or national emergency. I urge its immediate adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the chairman of the Subcommittee on Domestic and International Monetary Policy, as well as the many members on both sides of the committee and in the House who realize the importance of the Defense Production Act to our national security.

Mr. Speaker, preparedness has long been a staple of our Nation's military strength. It is an unrefuted fact that our Nation's defense is grounded upon a policy of a strong industrial and technology base capable of meeting national defense requirements, and is further predicated upon our maintaining technological superiority on the battlefield. The synergy of these two themes is affirmed in the Defense Production Act.

More importantly, however, the authorities contained in the act make our policy a reality. The DPA's authorities are unique in that they provide the Defense Department the ability to maintain a strong domestic base which will be responsive to threats to the national security of the United States. Moreover, I am pleased to say these same authorities may apply in times of natural disasters here at home.

Mr. Speaker, a brief history of the DPA is in order, so that the American public can understand the efficacy of its provisions. Established in 1950, the original intent was to mobilize the Nation's production capacity in response to material shortages experienced during World War II and the outbreak of the Korean war. Only three out of seven titles remain in operation today, and these authorities expired on September 30, 1995.

Title I is a powerful tool that ensures that our Armed Forces and those of our allies can obtain the materials they need to meet any contingency that threatens the national security. These priorities and allocations authorities have been used extensively and have proven invaluable. During Desert Storm, title I ensured that industry provided priority production and shipment of essential items urgently needed by the coalition forces. Close to 600 cases were handled during the conflict which included delivery of: Global positioning system receivers; activated charcoal for gas masks; and search/rescue radios.

Mr. Speaker, title III provisions also contain vital authorities. This "expansion of productive capacity and supply" authority allows the President to use incentives to establish, expand, or maintain domestic productive capacity for critical components, critical technology items, and industrial resources essential for the execution of the national security policy of the United States.

Title III provides a unique vehicle by which the Defense Department can provide financial incentives to industry to support defense needs. These incentives allow domestic industries to support and supply key advanced materials and technology items, and facilities the use of these materials in our Nation's defense systems. Most often these systems involve high technology systems including lasers, radar, and communication systems.

Mr. Speaker, the last operative authority, title VII, contains some general measures. I will close, however, by extending my support to the new language inserted requiring a report for possible changes to the active sections of the DPA. Members from both parties expressed concerns about the age of this law, and whether these authorities are obsolete. Some also felt that the President has too much power under the DPA. I believe the changes will assuage these concerns, and I look forward to working with Mr. CASTLE and the Defense Department on those changes.

Therefore, as the ranking member of the Subcommittee on Domestic and International Monetary Policy, I support the bill.

Mr. GONZALEZ. Mr. Speaker, for 45 years the Defense Production Act has provided the executive branch with essential authorities to ensure that our Armed Forces will have the materials and supportive services necessary to promote the national defense.

Ever since the Defense Production Act was enacted in 1950, the Banking Committee has carefully reviewed and amended the act so that it is as necessary today as the day it was enacted.

The bill before us today continues, until September 30, 1998, the President's authority to set procurement priorities on contracts for goods and services that are absolutely necessary for strategic military purposes. Additionally, the bill extends the President's authority to establish financial incentives to permit the domestic defense industry to produce goods and services which are critical elements of weapon systems.

While we recognize that we live in a global industrial environment, it simply makes no sense to depend on foreign sources of critical parts for U.S. weapon systems; no matter how strongly we believe another country shares our national interests. This legislation takes important steps to prevent an unreasonable reliance on the defense industries of other countries. The Defense Production Act produces jobs in American industries and promotes the development of new technologies for our firms.

I commend the chairman of the Banking Committee, Chairman LEACH, the subcommittee chairman and ranking member, Chairman CASTLE and Congressman FLOYD FLAKE respectively, for their work in bringing the bill to the floor.

I strongly recommend bipartisan support of the Defense Production Act Amendments of 1995.

□ 1500

Mr. FLAKE. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2204, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2204, the bill just passed.

The SPEAKER pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from Delaware?

There was no objection.

PROHIBITION OF CERTAIN TRANSFERS OF NATIONAL FOREST LANDS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 924) to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

The Clerk read as follows:

H.R. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON CERTAIN TRANSFERS OF NATIONAL FOREST LANDS.

After the date of the enactment of this Act the Secretary of Agriculture shall not transfer (by exchange or otherwise) any lands owned by the United States and managed by the Secretary as part of the Angeles National Forest to any person unless the instrument of conveyance contains a restriction, enforceable by the Secretary, on the future use of such land prohibiting the use of any portion of such land as a solid waste landfill. Such restriction shall be promptly enforced by the Secretary when and if a violation of the restriction occurs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 924 was introduced by Representative BUCK MCKEON and would prohibit the Secretary of Agriculture from transferring lands within the Angeles National Forest out of Federal ownership for use as a solid waste landfill. H.R. 924 addresses a concern raised by residents of southern California over efforts to construct a 190 million ton solid waste landfill in an area of the Angeles National Forest known as Elsmere Canyon. A private company is currently seeking to obtain 1,643 acres of land within the Angeles National Forest to facilitate construction of what would be the largest landfill in the United States. The Forest Service previously issued a recommendation against this exchange in a January 1995 draft environmental impact statement and also rejected a similar request made by the same company in 1986.

The Angeles National Forest is within a 2-hour drive of more than 20 million Californians and ranks second in the Nation in recreation use with 32 million visits annually. An enormous solid waste landfill, which the Forest Service has rejected on two occasions, is clearly not compatible with public use of the Angeles National Forest, which compromises 72 percent of the open space within Los Angeles County.

To sacrifice a prime area of the Angeles National Forest for a questionable landfill project is clearly not within the public's interest. I urge my colleagues to support H.R. 924 and commend Mr. MCKEON for his success with this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from Utah [Mr. HANSEN] and the author of this bill, the gentleman from California [Mr. MCKEON] have it about right. We agree with the bill.

Mr. Speaker, I am a cosponsor of H.R. 924. Representative MCKEON asked myself and others to cosponsor this bill because of his deep concern that the placement of the proposed Elsemere Canyon solid waste landfill could negatively his constituents and the local communities. It is obvious from the Resources Committee hearing that this proposed landfill is very controversial. The proposed landfill would be developed on land that is now part of the Angeles National Forest, land that would be acquired through a land exchange between the landfill operator and the Forest Service. While it appears highly likely that the proposed landfill will be rejected under the existing administrative procedures of the Forest Service, House passage of this legislation which will legislatively end any chance of this project going forward.

Mr. Speaker, I support H.R. 924 and recommend its adoption by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the sponsor of this legislation.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 924. This legislation would prohibit the Secretary of Agriculture from transferring land within the Angeles National Forest out of Federal ownership for use as a solid waste landfill. I introduced this bill in response to concerns raised by residents of southern California over efforts to construct a 190-million-ton solid waste landfill in the section of the Angeles National Forest known as Elsmere Canyon. I am also pleased that most of the Members from the California delegation have joined me in supporting this legislation.

Mr. Speaker, on at least two previous occasions the Forest Service has rejected proposals to construct a landfill within the Angeles National Forest. A similar proposal is currently under consideration where a private company would acquire through exchange 1,643 acres of land within the Angeles National Forest to facilitate construction of what would be the largest landfill in the country. The Forest Service has already issued a draft environmental impact statement that has recommended against accepting this exchange, and is in the process of completing a final report on this issue.

There are several reasons to support passage of this legislation today. As many southern Californians know, the Angeles National Forest is our version of Central Park, occupying 72 percent of the open land in Los Angeles County. In addition, the forest is within a 2-hour drive for more than 20 million Californians and ranks second in the Nation in recreation use with more than 32 million annual visits—which is approximately equal to one visit per year for every person in California. Moreover, although the tract proposed for the landfill is on the western edge of the Angeles National Forest, it is an integral part of the forest's ecosystem and provides unique and spectacular educational and recreational opportunities for visitors to the forest. Finally, several tracts of land that the Forest Service is slated to acquire in an eventual exchange have already been obtained by the trust for public land through receipts act funding, which will reduce the value of an exchange to the Federal Government.

Mr. Speaker, I am not involved in the issue to express arguments against landfills, since there are already several in my district. However, it is important to realize that the State of California is making great strides in promoting safer and more practical landfill alternatives. New developments in solid waste disposal technology already exist that will soon diminish the need for expensive and potentially unsafe new landfills. These technologies include combustion alternatives that do not adversely affect air quality as well as various recycling endeavors.

Mr. Speaker, all of us in this Chamber have a responsibility to protect public land which belongs to our citizens. To sacrifice a prime area of National Forest land for a questionable landfill project is clearly not in the public's interest. The legislation before us will carry out our intent to further prevent forever the construction of a landfill within the Angeles National Forest, and I urge its adoption.

Before concluding, Mr. Speaker, I want to thank my colleagues who have supported this effort, especially my good friend, Mr. HANSEN, the chairman of the National Parks, Forests, and Lands Subcommittee as well as another friend, Mr. RICHARDSON, the ranking member of the subcommittee who is an original cosponsor of the legislation. I also want to express my appreciation to my colleague from California, Mr. MILLER the ranking member of the full committee and my friend from Alaska, Mr. YOUNG chairman of the full committee, for their efforts, along with the counsel of the National Parks Subcommittee, Allen Freemyer, and the subcommittee staff for their guidance and assistance throughout this process.

Mr. Speaker, I also want to thank my colleague and mentor, the gentleman from California [Mr. MOORHEAD]. He was the first Congressman I met in my life, and he has been a great example to me of what we should be in this House of the people. He represents the area covered in this bill and has been a great partner in getting to this point.

I express my appreciation also for the efforts of the residents of the city of Santa Clarita, CA, who have worked tirelessly to bring this issue to have the public's attention.

I urge support of this measure this day, H.R. 924.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, this is a very important piece of legislation for the people of southern California. It is one that we have fought for a long period of time as we have fought against a trash dump that would destroy one of the most beautiful areas of southern California.

I do not think many people know it, but we have got the finest waterfall that I know of in southern California within Elsmere Canyon. It is a lovely area. It is an area that is adjacent to large population areas.

Our biggest problem in the national forest has been fires and the floods that followed. We have tried to provide recreational facilities for the people of southern California in those woods and forests that are a part of them. If a trash dump was built on this site, it would be a danger for fires. It would endanger the water supply of the people of Santa Clarita. It would endanger the quality of air that we have in that part of the county. It would not be a good place for a trash dump.

I am very, very grateful to the gentleman from California [Mr. MCKEON] for bringing this legislation to this Congress. It is an area that I cherish and I want to keep pure, and I think that this legislation is the only thing that is going to do it.

I ask all Members to vote for this bill.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 924.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 924, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

EXTENDING FEDERAL POWER ACT DEADLINE FOR CONSTRUCTION OF THREE ARKANSAS HYDROELECTRIC PROJECTS

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 657) to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas.

The Clerk read as follows:

H.R. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINES.

Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806) the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 4204, 4660, and 4659 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for the project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would extend the deadline for commencement of construction for three projects constituting the 21-megawatt White River Project in Arkansas for up to 6 years. The licensees for these projects, the city of Batesville and Independence County, have invested more than $4 million in development. The licensees seek an extension because they have not been able to obtain a power sales contract. Construction of these projects will create new jobs for local residents and produce about $300,000 in annual revenues for local governments. During construction, the licensees plan to spend more than $12 million on wages and salaries, and nearly $38 million on materials, providing further employment and income to local communities. The bill was introduced by our colleague, Representative LINCOLN of Arkansas. There is a need for congressional action, since the construction deadline for one of the projects ran out last week.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

This is the first of eight bills that we will consider this afternoon that deal with hydroelectric projects, and as the gentleman from Colorado mentioned, there has not been any objection to any of these bills.

The Federal Power Action allows the licensee 2 years to begin construction of a hydroelectric project once the license is issued and can extend that deadline but may do so only once and only for 2 years. However, there are many obstacles that make it difficult for projects to commence construction during either the initial license time frame or the extension time frame.

Perhaps the most frequent reason for delay is the lack of a power purchase agreement, for without such an agreement it is unlikely a project could get financed. Because of the limitations set in the Federal Power Act, the House has had a long bipartisan tradition of moving noncontroversial license extensions, and I am pleased we are continuing that tradition today with the gentleman from Colorado and myself and our subcommittee by taking up these bills that were reported, as I said, without dissent by the Committee on Commerce, and so I would ask that the first bill, H.R. 657, be considered.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 657.

The question was taken.

Mr. McKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 657, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXTENDING THE TIME FOR CONSTRUCTION OF CERTAIN FERC LICENSED HYDRO PROJECTS

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 680) to extend the time for construction of certain FERC licensed hydro projects.

The Clerk read as follows:

H.R. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

Notwithstanding the limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee or licensees for FERC projects numbered 4244 and 10648 (and after reasonable notice), is authorized in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for each of such projects for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the projects upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of each such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would extend deadlines for construction of two projects in New York with a capacity of 9.7 and 10.2 megawatts for up to 6 years, which would extend the deadline to up to 10 years after the date the licenses were issued. Adirondack Hydro Development Corp. is licensee for one of the projects, and general partner of the other. To date, the company has invested $2 million in development of the projects. The licensee has not been able to begin construction because it has not been able to obtain a power sales contract needed to secure financing. Construction and operation of the projects offers substantial benefits to the community, including an estimated 180 jobs, a payroll expenditure of $18 million, and a further $20 million spent on local purchases of materials. This legislation was introduced by our colleague, Representative SOLOMON of New York. The construction deadline for one of these projects is January 16, 1996, so time is running short.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Colorado has explained the substance of the bill. It was reported out of our Subcommittee on Power and Energy and the full Committee on Commerce without objection. It is based on construction not having commenced for lack of a power-purchase agreement. I support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 680, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXTENDING FEDERAL POWER ACT DEADLINE FOR CONSTRUCTION OF AN OHIO HYDROELECTRIC PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1011) to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio.

The Clerk read as follows:

H.R. 1011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806) the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 9423 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for the project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of construction of such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1011 would extend the deadline for construction of a 1,500-megawatt pumped-storage project in Ohio for up to 6 years, which would extend the deadline to up to 10 years after the date the license was issued. The licensee is Summit Energy Storage, Inc., which has been unable to commence construction because they have not obtained a power sales contract necessary to finance construction. To date, the licensee has invested more than $20 million in project development. The bill was introduced by our colleague, Representative SAWYER of Ohio. The deadline for commencement of construction ran out on April 11, 1995, and the license is subject to termination by the Federal Energy Regulatory Commission, so it is appropriate that we act on this bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, this bill, which relates to hydroelectric projects in Ohio, was reported out of the subcommittee and the full committee without a dissenting vote. I urge support for the legislation.

Mr. SAWYER. Mr. Speaker, I rise today in support of H.R. 1011, a bill I introduced this year to give the Federal Energy Regulatory Commission the authority to grant an extension of as much as 6 extra years for the construction of the Summit Pumped Storage Project in Norton, OH. I appreciate the assistance of Chairman SCHAEFER and Ranking Member PALLONE in bringing this legislation to the floor.

If constructed, the Summit facility would be capable of producing as much as 1,500 megawatts of electricity during hours of peak energy demand. The project itself would burn no fossil fuels, relying instead on hydroelectric generation to provide peak-load power. A 2.8 billion-gallon reservoir would partially empty into a network of abandoned limestone mines, passing through huge turbines on the way. The water would then be pumped back into the reservoir during the hours when electricity is cheapest.

Without H.R. 1011, this unique hydroelectric project will never be built. FERC, which granted the original construction license and a subsequent 2-year extension, is unable under existing law to grant any further extensions. Passage of this legislation will allow FERC to consider up to three 2-year license extensions. This legislation does not relieve the Summit project from the statutory and regulatory requirements it has previously had to meet. The licensing standards remain the same, and FERC will have the final word on the Summit project's eligibility to qualify.

Mr. Speaker, the Summit project enjoys strong support in northeastern Ohio, including the city of Norton, the mayor, and residents and businesses throughout the area. It is a project that will create hundreds of jobs for skilled workers throughout the region and will enhance ongoing economic development initiatives that are enormously important to Norton and the surrounding area.

Again, I'd like to express my thanks to the subcommittee for its work. I urge passage of H.R. 1011.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1011.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1011, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING EXTENSION OF TIME LIMITATION FOR A FERC-ISSUED HYDROELECTRIC LICENSE

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1014) to authorize extension of time limitation for a FERC-issued hydroelectric license, as amended.

The Clerk read as follows:

H.R. 1014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 3701, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend the time required for the licensee to commence the construction of such project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of construction of such project. If the license for FERC Project 3701 should expire prior to the date of enactment of this Act, the Commission is authorized and directed to reinstate effective June 1, 1995, the license previously issued for such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would extend the deadline for construction of a 13.6-megawatt project in Washington for up to 6 years, which would extend the deadline for up to 10 years after the date the license was issued. The licensee is Yakima Tieton Irrigation District, which has been unable to begin project construction due to the lack of a power sales contract. To date, the licensee has paid more than $380,000 for studies, investigations, and licensing of these project. The bill was introduced by our colleague, Representative

HASTINGS of Washington. The deadline for commencement of construction ran out on May 31, 1995, but H.R. 1014 provides for reinstatement of the license upon enactment, as well as extension of the construction deadline.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 1014. There was no objective to this bill relating to the project in Washington State.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS], the author of the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1014. I want to thank my colleagues, the gentleman from Colorado, Chairman SCHAEFER, and the subcommittee's ranking member, Mr. PALLONE, for their expeditious handling of this important piece of legislation.

Mr. Speaker, H.R. 1014 is a noncontroversial bill that merely extends the time limitation for a FERC-issued hydroelectric license for the Yakima-Tieton Irrigation District.

Located on the Tieton River in Yakima County, WA, the proposed project which began in the late 1970's calls for construction of a 13.6 megawatt hydroelectric project at the existing Tieton Dam.

In recent years, the irrigation district has entered into serious negotiations with Benton and Franklin County Public Utility Districts [PUD's] on a power purchase agreement.

These efforts culminated last year in meetings between the irrigation district, PUD's, underwriters, and bond counsel to discuss a formal memorandum of understanding [MOU].

It was determined, however, that a number of additional tasks must be completed before construction starts. The PUD's came to the conclusion that it was not feasible or realistic to meet these requirements by May 31, 1995, the most recent FERC deadline. Consequently, they have sought an extension for start of construction.

Project supporters tell me that if this deadline can be extended, a power purchase agreement could be worked out so that construction can be started as early as next fall.

H.R. 1014 simply extends the FERC deadline for completion of this license to May 31, 2001. When completed and paid for, the low cost, reliable power produced from this project would be available to serve the local area and would reduce power lost from wheeling over longer distances.

After repayment of revenue bonds, the benefits from power revenue would go to reducing future operation and maintenance costs of the irrigation system. The project also provides many short term benefits for the public at large including construction of a nearby campground and enhanced recreational fishing.

Mr. Speaker, there is strong support within the local community for this legislation, which was unanimously approved by the House Commerce Committee last month. All funding will come from bonds secured by the Power Purchase Agreement. No Federal funding is required.

Again, I thank my colleagues for their assistance in making possible the passage of H.R. 1014. I strongly urge this House to vote in favor of this measure.

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1014, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1014, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PROVIDING FOR EXTENSION OF CERTAIN WEST VIRGINIA HYDROELECTRIC PROJECTS

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1051) to provide for the extension of certain hydroelectric projects located in the State of West Virginia.

The Clerk read as follows:

H.R. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for those projects, in accordance with the good faith, due diligence, and public interest requirements of that section, the Commission's procedures under that section, and the procedures specified in that section, extend the time period during which the licensee is required to commence construction of those projects so as to terminate on October 3, 1999.

(b) APPLICABILITY.—Subsection (a) shall take effect for the projects upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the projects.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license for a project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project until October 3, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, this bill would extend the deadline for construction of two projects in West Virginia with a capacity of 37 and 35 megawatts until October 3, 1999, which would extend the deadline to 10 years after the date the licenses were issued. The licensee, the city of New Martinsville, has already invested about $4 million in planning and permitting. Project construction has not yet commenced because the licensee has been unable to secure a power sales contract needed to finance construction. The benefits of these projects are substantial. The licensee estimates construction will cost about $200 million and create hundreds of jobs. This bill was introduced by our colleague, Mr. MOLLOHAN of West Virginia. The construction deadlines for these projects have already run out, but H.R. 1051 provides for reinstatement of the licenses.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these two projects have achieved bipartisan support. I urge adoption of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1051.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1051, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

REINSTATING THE PERMIT AND EXTENDING THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF AN OREGON HYDROELECTRIC PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1290) to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assemble,

SECTION 1. REINSTATEMENT OF PERMIT EXTENSION DEADLINE.

Notwithstanding the expiration of the permit and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7829, the Commission shall, at the request of the licensee for the project, reinstate the permit effective May 23, 1993, and extend the time period during which the licensee is required to commence the construction of the project so as to terminate on May 25, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1290 would reinstate the license for a 1.9-megawatt project in Oregon effective May 23, 1993, and extend the deadline for construction to 10 years after the license was issued. The licensees for this project are the Talent, Rogue River Valley, and Medford irrigation districts. The licensees have not been able to begin construction, because of a lack of power sales contract needed to secure financing. This bill was introduced by our colleague, Representative COOLEY of Oregon. The license for this project was terminated by order of FERC on September 21, 1993, for failure to commence construction, but the bill would reinstate the license.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. PALLONE. Mr. Speaker, the Democrats on the Committee on Commerce supported H.R. 1290 without objection.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1290, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1290, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PROVIDING FOR THE EXTENSION OF A WEST VIRGINIA HYDROELECTRIC PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1335) to provide for the extension of a hydroelectric project located in the State of West Virginia.

The Clerk read as follows:

H.R. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7307, the Commission shall, upon the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project so as to terminate on September 26, 1999.

(b) APPLICABILITY.—Subsection (a) shall take effect for the project described in subsection (a) upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project until September 26, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1335 would extend the deadline for construction of a 20 megawatt project in West Virginia until September 26, 1999, or 10 years after the date the license was issued. The licensee for this project is the city of Grafton. The city has been unable to commence construction due to the lack of a power sales contract needed to secure financing for construction. This bill was introduced by our colleague, Representative MOLLOHAN of West Virginia. The construction deadline ran out on April 15, 1995, so it is appropriate that we act today. H.R. 1335 provides for reinstatement of the license upon enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also support H.R. 1335 and urge its adoption, and I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1335.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1335, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING EXTENSION OF TIME LIMITATION FOR FERC-ISSUED HYDROELECTRIC LICENSE FOR MOUNT HOPE WATERPOWER PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1366) to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mount Hope waterpower project.

The Clerk read as follows:

H.R. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FERC PROJECT.

Notwithstanding the time limitations specified in section 13 of the Federal Power

Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 9401 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project until August 3, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1366 would extend the deadline for construction of a 2,000 megawatt pumped-storage project in New Jersey until August 3, 1999, or 7 years after the date the license was issued. The licensee is Halecrest Co., which has been unable to commence project construction due to the lack of a power sales contract needed to secure financing. This bill was introduced by our colleague, Representative FRELINGHUYSEN of New Jersey.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN], my colleague, who is the sponsor of the legislation.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in strong support of H.R. 1366, legislation I introduced earlier this year to extend the Federal Energy Regulatory Commission [FERC] license for the Mount Hope hydroelectric project by a period of 3 years. I would like to thank Chairman DAN SCHAEFER and ranking Member FRANK PALLONE of the Energy and Power Subcommittee for moving this bill expeditiously through their committee.

Mount Hope received its original FERC license in August 1992. The license has since been extended by 2 years and is due to expire in August 1996. H.R. 1366 would simply ensure that there is sufficient time for Mount Hope to secure the energy supply contracts needed to begin construction of the proposed facility.

The Mount Hope project is a proposed advanced pumped-storage hydroelectric plant located in Morris County, NJ. Far from a conventional hydro plant, the Mount Hope facility will be a closed-cycle system in which water will continuously circulate between two man-made reservoirs: an upper reservoir on the surface and a lower reservoir to be constructed entirely underground. During periods of peak electrical demand or when needed by the regional power pool to enhance system operations, water will be released from the upper reservoir into a vertical shaft which will direct it to the powerhouse 2800 feet underground. There it will pass through a new generation of fast-response turbines which will be capable of reaching the full generating capacity of 2000 megawatts in as little as 15 seconds—a capability unmatched by any other method of power generation currently available. The water will then be stored in the underground lower reservoir.

The project has the strong support of local government officials and organizations, including the mayor of Rockaway Township, NJ, where the project will be built, the New Jersey Business and Industry Association and the Sierra Club of New Jersey. The $1.8 billion project will be financed entirely by the private sector with no taxpayer dollars used for its construction or operation. It is estimated that the project will bring 1300 jobs to New Jersey and boost our Nation's economy by adding approximately $6 billion to the gross national product during construction. It will also inject an estimated $254.4 million directly into the Morris County economy in the form of wages and salaries and contractor spending.

In a nutshell, the project can serve as our region's long-term energy insurance policy by enhancing the security of the regional electrical supply system, thus allowing optimized use of existing generating and transmission facilities. Its rapid-response capability and its purchase of pump-up power during off-peak periods would allow existing thermal plants to operate more efficiently and cost-effectively by enabling them to run for longer periods of time at constant output levels.

This, along with increased transmission capacity, would facilitate compliance with the 1990 Clean Air Act amendments. A recent analysis by Tech Environmental Inc. estimated that typical operating profile of Mount Hope would result in a reduction of 13.4 tons of NO_x per day. Assuming advanced operation of Mount Hope, it is estimated that NO_x emissions could be reduced by 50 tons per day.

Mr. Speaker, as you can see the Mount Hope project has many environmental, energy and economic benefits for the State of New Jersey and the Mid-Atlantic region. The project has the strong support of local and State officials and organizations and will help us meet goals of the Clean Air Act. I urge my colleagues to support the passage of H.R. 1366 so that we can realize the benefits this exciting project promises.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume to congratulate my colleague, the gentleman from New Jersey [Mr. FRELINGHUYSEN], for his hard work on this bill. As usual, he is out there working hard for his constituents.

The sponsors of this project have worked very hard to address some initial environmental concerns that arose with the project and their hard work has paid off. Today, I know of no objection to this project, and I am, therefore, pleased to add my support for the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1366.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1366, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. RIGGS] at 5 o'clock and 4 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 3 to the joint resolution (H.J. Res. 115) "A joint resolution making further continuing appropriations for fiscal year 1996, and for other purposes."

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–132)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2586, a bill that would provide a temporary increase in the public debt limit while adding extraneous measures that have no place on legislation of this kind.

This bill would make it almost inevitable that the Government would default for the first time in our history. This is deeply irresponsible. A default has never happened before, and it should not happen now.

I have repeatedly urged the Congress to pass promptly legislation raising the debt limit for a reasonable period of time to protect the Nation's creditworthiness and avoid default. Republicans in the Congress have acknowledged the need to raise the debt limit; the budget resolution calls for raising it to $5.5 trillion, and the House and Senate voted to raise it to that level in passing their reconciliation bills.

This bill, however, would threaten the Nation with default after December 12—the day on which the debt limit increase in the bill would expire—for two reasons:

First, under this bill, on December 13 the debt limit would fall to $4.8 trillion, an amount $100 billion below the current level of $4.9 trillion. The next day, more than $44 billion in Government securities mature, and the Federal Government would be unable to borrow the funds to redeem them. The owners of those securities would not be paid on time.

Second, the bill would severely limit the cash management options that the Treasury may be able to use to avert a default. Specifically, it would limit the Secretary's flexibility to manage the investments of certain Government funds—flexibility that the Congress first gave to President Reagan. Finally, while the bill purports to protect benefit recipients, it would make it very likely that after December 12, the Federal Government would be unable to make full or timely payments for a wide variety of Government obligations, including interest on the public debt, Medicare, Medicaid, military pay, certain veterans' benefits, and payments to Government contractors.

As I have said clearly and repeatedly, the Congress should keep the debt limit separate from the debate over how to balance the budget. The debt limit has nothing to do with reducing the deficit; it has to do with meeting the obligations that the Government has already incurred.

Nevertheless, Republicans in the Congress have resorted to extraordinary tactics to try to force their extreme budget and priorities into law. In essence, they have said they will not pass legislation to let the Government pay its bills unless I accept their extreme, misguided priorities.

This is an unacceptable choice, and I must veto this legislation.

The Administration also strongly opposes the addition of extraneous provisions on this bill. Items like habeas corpus and regulatory reform are matters that should be considered and debated separately. Extraneous issues of this kind have no place in this bill.

The Congress should pass a clean bill that I can sign. With that in mind, I am sending the Congress a measure to raise the permanent debt limit to $5.5 trillion as the Congress called for in the budget resolution, without any extraneous provisions.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1995.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

PRIVILEGED MOTION OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. RIGGS). The Clerk will report the motion.

The Clerk read as follows:

Mr. ARCHER moves that further consideration of the message and the bill, H.R. 2586, be postponed until December 12, 1995.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] is recognized for 1 hour.

Mr. ARCHER. Mr. Speaker, for the purpose of debate only I yield 15 minutes to the gentleman from Florida [Mr. GIBBONS], and pending that, I yield myself such time as I may consume.

Mr. Speaker, this morning President Clinton vetoed the short-term debt limit extension sent to him by Congress. Had he signed our good faith effort at compromise, the confusion regarding the Government's ability to pay its bills would be at an end. By now, we are aware that the President's true reason for vetoing this bill is that he does not want to negotiate a balanced budget over 7 years as we do.

Mr. Speaker, he is taking any action he can to avoid negotiating with our leadership on a balanced budget. Let me outline what the President said no to when he refused to sign H.R. 2586 into law.

He said no to extending the debt limit date to December 12, at the level requested by his own Treasury Department. This would have allowed certainty in the financial markets and payments of bills and benefit checks on time without disruption.

The President also said no to the protections for Social Security and other Federal trust funds included in the temporary increase. Most Americans watching the debate must be wondering why a President would object to protecting their requirement investments. They paid into these funds for a specific purpose, to receive benefits when they become eligible, but the President does not want to protect these trust funds because he now needs the investments in these accounts to get around the debt ceiling law and resist the call for budget negotiations.

Mr. Speaker, these trust fund protections are essential, because the Treasury Department announced today their intentions to raid the civil service trust fund and the G Fund and I must say, the G Fund is moneys that belong to Federal employees that have been invested for savings. He is to do this as a circuit breaker to avoid breaching the debt limit.

In fact, Treasury will have to auction enough securities to raise the $102 billion needed later this week to pay off its obligations, and those moneys will come from disinvesting the two funds that I mentioned.

But this circuit breaker is really a high-voltage wire that directly taps into the retiree trust funds. There is nothing to prevent the administration from using these assets, and the assets of Social Security, to fund the Government during this debt limit interruption caused by the President's veto.

Current law does not protect the Social Security trust fund, and the provisions in our legislation that he vetoed do protect the Social Security trust fund. Mr. Speaker, the question is, what will Treasury do next week? Make no mistake, the President, by his veto, has put the Social Security trust fund at risk. If the President had done the responsible thing and signed this bill into law, there would be no financial disruptions, no beneficiary would be worried about a raid on their benefit trust fund.

Mr. Speaker, the administration may have vetoed this bill, but the steps it takes to get around the legal limits on borrowing will be closely watched, by us and by the people of this country. If assets are taken from the funds, we will know about it, and only we stand ready to protect retirees, and other benefits, unlike this administration.

Mr. Speaker, I say to the President and to everyone in this Chamber again, the time for delay has passed. No more excuses. We must stop passing our generation's debt on to our children and to our grandchildren. We must face the facts, do the responsible thing, even though it is tough, and bring our budget into balance.

The President must come to the table and negotiate in good faith on a plan to balance the budget in 7 years, based on real numbers, not his in-house manufactured numbers, without any tax increases.

Mr. Speaker, there are no preconditions, we say to the President. That is our goal and we will not be deterred.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas [Mr. ARCHER] for yielding me time. I appreciate the time and I am sorry we are not taking the full hour on this, but I can understand the reason why the Republicans just do not want this debated very much.

Mr. Speaker, the gentleman from Texas [Mr. ARCHER] looks real nice today. I know the gentleman had to work all weekend and I am sorry about that, but all of us Democrats were excluded from those conferences. So, all of this delay really cannot be blamed on us, Mr. Speaker.

Mr. Speaker, the real reason we are here today, and under these unusual circumstances, is that the Speaker just has not managed the Congress in the appropriate way. He has not even managed his Republican Party, which he is the leader of, in the appropriate way.

This debate should have been out of the way way back in July, July of this year, some 5 months ago. There is no reason for us taking it up today. It should have been done then, had we been functioning as we should have functioned.

But, Mr. Speaker, there was a different agenda and all kinds of radical ideas had to be explored out there. We never got down to business and taking care of what the President has just vetoed.

Why did he veto it? He vetoed this because it was a blackmail attempt upon him to try to make him accept, on behalf of the American public, a 25-percent increase in Medicare premiums, which would cost every one of the 40 million American Medicare recipients $151.20 a year, or about $300 for the average Medicare couple. So that is why he did not do this.

Mr. Speaker, this bill had all kinds of other things added on in addition to just lifting the debt ceiling and increasing the Medicare payments.

□ 1715

It had all kind of bells and whistles. Every radical idea the Republicans could jam on it that they knew could not stand on their own, but they could kind of try to hijack it through the Congress and get the President to sign it, because he wanted to shut the Government down.

Now, the President has other constitutional powers. I am glad that the Secretary of the Treasury is going to take some of the money. I have put 8.5 percent of my pay into the Federal retirement program for 33 years. I am proud the President is going to use some of that to keep this Government going. The law requires us to put all the money back so the Federal retirees are not going to lose a penny.

I have got all my savings, practically, in the G fund bonds that are going to have to be used tomorrow. But the law requires that that money has to be paid back, and I am not going to lose anything because I am using my money and other retirees' money to pay for the Government operations. The Republicans just simply refuse to pay. They have incurred the bills. They have written the checks. But they want the checks to bounce. That is not fair. That is not American. That is not sound business. Standard & Poor's is already warning us today, today our credit rating has suffered. The Europeans have warned us today that our credit rating has suffered. Why? Because the Republicans cavalierly, cavalierly try to blackmail the President into signing something that no decent President would sign. That is what this is about.

Now, tonight at 8 p.m. we are going to have the first meeting of the budget bill conferees. The budget bill should have been adopted in July. Here it is November 13 and the budget bill conferees have not even met. But they got it all rigged up. The Republican leaders have decided we are going to meet in a pro forma session over in the Senate and they are going to jam it through. They have got the votes. They can do anything they want to around here. But they cannot even do that, they are fighting amongst themselves so much.

So we will send this ill-fated, ill-designed, radical budget conference down to the President, and he is going to veto that. And they will come back here whimpering and whining and complaining that he will not deal with us; he will not deal with us.

If they would get their work done and get their legislation down there for him to consider, then there is plenty of time for reasonable people to sit down and to try to work things out.

But we are running 6 months, 5 months behind time because of mismanagement, Mr. Speaker, on the House, on your part, Mr. Speaker. You are the manager of this House. You schedule the floor operations. You know when we are supposed to have things done, and you just have not done your job. The American people are not going to suffer for it because the President is going to save them from it by invading those trust funds. And all the money will be put back in the trust funds.

Thank goodness, the President has that authority, but the Republicans, as you know, Mr: Speaker, tried to take that away from him, too, in the bill that they just vetoed.

Now, the motion here is to put off this veto until December 12. Why not vote on it right now? We are all in Washington. We are right here. We could vote on it tonight. We could vote on it in 5 minutes. But I do not have the authority to call it up. Only you, Mr. Speaker, have the authority to call it up and to schedule it and let it come to the floor.

Why are the American people faced with another delay, just another Washington delay? Republican politics. That is all it is, to cover the mismanagement that the Republicans have inflicted upon this Government and upon this Congress.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Florida [Mr. GIBBONS] has consumed 6 minutes and has 9 minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong opposition to this motion. Last week we offered this House an opportunity, not once but on two different occasions, to give Congress and the administration a 30-day breathing space to resolve our budget differences, without risking the credit record it has taken our country 200 years to build. Our motion would have accomplished this goal in the same manner we have raised the debt limit in the past for both Democratic and Republican Presidents. That is, for short periods of time, without partisan riders and without putting this country in danger of default. A clear bill.

We have before us today an acknowledgement by the Republican leadership of this House that a 30-day period is exactly what this Congress needs, to give us time to work in a bipartisan way to develop a plan that will balance the Federal budget. However, rather than giving ourselves this breathing space in a responsible manner, by sending to the President a clean, temporary increase in the debt limit, the Republican leadership has decided to press political brinksmanship to its limit.

The pending motion would delay action on the President's veto for 30 days, but without increasing the debt limit in the meantime. What this means for the country is that it would force the Treasury Department to begin fiscally untried maneuvering in order to keep this country from defaulting on its debt. I simply believe forcing our Treasury Department to conduct the business of the Federal Government in this manner is irresponsible on the part of this Congress.

Although I know some believe there is no harm in setting up this showdown, we have already seen some of the potential fallout. Both Standard & Poor's and Moody's, two of the world's leading credit-rating agencies, have issued warnings that our Government's triple-A credit rating is at risk, and that the faith of investors has already been diminished by the threat of default. IBCA, the European credit rating agency, has placed the United States on rating watch for a possible downgrade of its triple-A foreign and local currency long-term credit ratings.

If these down-gradings were to go into effect, the impact would place a huge additional burden on our taxpayers, and would last well beyond the current controversy.

I urge my colleagues to set aside partisan differences and do the right thing for the American people. Let's defeat this motion and give ourselves the 30-day window the responsible way, by providing for a temporary increase in the debt limit that is free of partisan distractions and get to work on the balanced budget. A balanced budget without raising taxes is a goal that has bipartisan backing. Let us get on with the business of reaching that goal in a bipartisan manner, and put our fiscal house in order for ourselves and for future generations.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to respond to my friend from Virginia. He should know that defeating this motion does nothing to accomplish what he is talking about. This motion is strictly designed to determine what the House does with the veto and is not relative to any possible new plan. The President has already shut the door on the plan that we believe is responsible.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise with great regret. On Saturday Congress sent the President a bill that would have extended the statutory debt limit, while at the same time protecting the trust funds such as Social Security, Civil Service, and Medicare, from being disinvested during a so-called debt limit crisis. Unfortunately, the President decided to veto the bill. Why? Because it would have prevented the Secretary of the Treasury from gaming the trust funds during a debt limit crisis, from raiding Social Security, from tapping the pension funds of Federal retirees.

Mr. Speaker, I am extremely disappointed in the President's decision to veto the debt limit extension bill. It sends a terrible message, the wrong message to all of those on Social Security.

The President's veto tells the 43 million Americans who get Social Security and the 140 million workers who pay into it that it is okay to use the $483 billion in assets from that trust fund as a pawn on the President's political chessboard and that it is okay to play games with the $30 billion payroll taxes that workers pay in each month and that retirees rely on to finance their benefit checks.

The President's veto is an open declaration that he plans to have the Secretary of the Treasury tap trust fund assets to circumvent the debt limit. This assault on the public's confidence in these trust funds is fair game.

Mr. Speaker, as a result of what has happened in 1985, the Social Security trust funds lost $382 million in interest, and long-term bonds were cashed in early. Congress later passed legislation to restore the lost interest and reconstruct the bond portfolio, but no legislation could ever restore the public confidence that was lost.

Mr. GIBBONS. Mr. Speaker, may I inquire about the time?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] has 6 minutes remaining, and the gentleman from Texas [Mr. ARCHER] has 8 minutes remaining.

Let the Chair clarify that that is of the original, the original time yielded by the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I regret that the President has vetoed a measure that we felt would extend the borrowing power of the Treasury for a short period of time in order for us to get through this budget reconciliation process. The reason I regret that he has vetoed it is because of the protection in the proposal that we sent to him pertaining to the trust funds.

I do not know how many hall meetings that I have held over the last 2½ to 3 years in Georgia in the 3d District and how many people in groups that I have spoken to during that same period of time that when I open it up for questions I always have people say and ask me, MAC, is there really a Social Security trust fund or is it just a drawer filled with IOU's? I regret to tell them that really it is both.

There is a Social Security trust fund. It is kind of a bookkeeping procedure where we track the amount of money that comes in through the Treasury for Social Security. But the fact of the matter is that all of those funds have been loaned to the Treasury. In fact today it is close to 2,500 billion dollars' worth of moneys that is owed by the Treasury to that trust fund.

As I spoke just last week and did some research on the other funds, out of the $4.9 trillion of debt that we have created for the taxpayers, $1.250 trillion of it is actually owed to trust funds, almost $500 billion to Social Security, over $300 billion to the Civil Service, $112 billion to VA, 129 billion to the Medicare part A. It just goes on and on.

It is time that we stopped that. It is time that we put those funds aside as we have told people we are going to do. They have invested into those trust funds. They are waiting to use them in the latter days of their lives, looking forward to retirement. It is just not right to continue borrowing against those funds as we are doing it.

I have no problem with the Treasury actually borrowing funds, but I want it to be arm's length as it would be any other investor who would take their funds and make an arm's length purchase of T bills. But to just say, we are going to ignore protection of those trust funds, we are just going to use them no matter what the Congress wants done, no matter what the people want done, we are just going to use them at our will. I think that is absolutely wrong. I regret that the President has chosen this route and hopefully that we will be able to come to some consideration and agreement on the reconciliation bill soon.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, again, I have to come and say I do not understand why we are here. The people are very confused as evidenced by the telephone calls coming to my district.

I hear very rational speeches as my good friend from Georgia just made and which I sit and say, I agree with him. That is part of the problem. One of the things the people are saying to us today is no more business as usual. This amendment, this vote today is the best example of business as usual as I have seen in a long time. It does the very things we all decry, at least what I am hearing today.

If I could just in 1 minute try to make it clear to everyone who is wondering what are we doing.

□ 1730

No. 1, we should not be putting the good faith and credit of the United States at risk, playing political games, no matter what our end goals are.

No. 2, we keep hearing, "Balanced budget, balanced budget. That's why we're doing it." There are over 300 Members of this body from both sides of the aisle that have already agreed with our vote and intend to, with our actions, show that that will be done in a time certain. Is it too much to ask of the majority to let that work, to send a clean debt ceiling to the President and then send the budget that we are talking about that has not even been completed, that is going to be conferenced for the first time tonight? Is it too much to ask of the majority, and all of us, in a bipartisan way to send a clean debt ceiling, to not muck around with the debt, the good faith and credit of the United States? Send him a clean one? Get on with doing the people's business? Have the House and Senate act, have the President veto, and then let us get on with the necessary compromising that is going to be necessary in order for us to accomplish what I believe an overwhelming majority of the House wants us to do?

No more business as usual. Let us defeat this resolution, and let us get on with doing the House's work as we were elected to do.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to engage the gentleman from Texas in a colloquy, if he would return to the microphone.

The gentleman has said this motion is business as usual. Could the gentleman tell me what this motion is?

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Texas.

Mr. STENHOLM. As I understand the motion before us, it is that we do nothing until December 12. In the meantime the gentleman and, I believe——

Mr. ARCHER. Do nothing on what?

Mr. STENHOLM. On the debt ceiling.

Mr. ARCHER. No, that is not the motion. That is not the motion. The gentleman obviously does not understand what he spoke to. This motion simply postpones the vote on an override of the debt ceiling. It should be clear to the gentleman that this will not be overridden, and so this motion is not business as usual. It is a simple procedural motion to postpone this vote until December 12.

Mr. STENHOLM. Would the gentleman allow me to respond?

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Speaker, I say to the gentleman from Texas that what we are seeing with the administration is exactly business as usual, and I know that the gentleman is very concerned about balancing budget of this country. He has been a leader in that effort, and he should be concerned that the administration will use tricks, just as the ones that have stated in their veto message, to postpone for yet another year many budget reforms that we need to put in place now, not after the next Presidential election, now.

So that, sir, is why we insist on these measures.

Mr. GIBBONS. Mr. Speaker, if it is now, why do we not vote now on the veto? Why delay?

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the gentleman from Texas [Mr. ARCHER] is absolutely right. This is an effort to postpone the vote to override the veto until the 12th of the month, and it is obvious why that is, because neither body has the votes to override a veto at this time. So it seems to me very clear that we should be spending our time now making an effort to pass a clean, short-term debt ceiling and spend the time looking for the 218 votes to do just that.

Mr. Speaker, I say to you that while you might not be able to pass a debt ceiling on your side because there are those Members that want to have riders and want to have congressional conditions, then there also might be people on our side of the aisle that just are not ready to vote for the debt ceiling. However, I am convinced there are 218 Members ready to vote for a clean debt ceiling, and the President has said he would sign one so when it is all said and done the debt ceiling will be increased. I think it could be increased tomorrow and we should not force the economy or the average American to watch this that is going on now which they all say it is all their fault and they do not understand what is going on.

Let us be clear. Raising the debt ceiling has nothing to do with the current level of spending or the reason why the Government would close down tomorrow. It has to do with financing prior obligations, debts owed, debts that should be paid. There is no doubt that the debt ceiling will be raised in the long run. We could do it in the short run.

So, that is exactly what we should be doing, looking for the votes to pass a clean debt ceiling that the President will sign.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I have the utmost respect for the gentleman from Texas [Mr. STENHOLM], and I know he has worked with the gentleman from Ohio [Mr. KASICH] and worked hard for balanced budget amendments, and he asked what is the problem, and he said that there is a time certain that we had 300 Members vote on a balanced budget. That is true. The Senate also passed a balanced budget. The American people want a balanced budget, but the President will not sign a balanced budget. The President said earlier that he was going to come up with a balanced budget in 5 years. Then he produced no budget, and then, after pressure, he produced a budget in 10 years to balance it, and it was a $200-billion-a-year increase in the deficit.

The President does not want to balance the budget. Why? I say to my colleagues, "You want a clean debt ceiling, you want a clean CR. This Member is ready to give you one. Have the President sign a balanced budget in 7 years, and you get a clean one. I mean that's not too much to ask. You said you want a balanced budget, the Senate does, the American people. The only person that doesn't want it is the President, and that's what we're asking for."

The Republicans basically work with small business and big business. The Democrats basically work with people in the flow of Federal dollars, and that is about a pretty evil place here, Mr. Speaker, because what happens, it is about the ability to get reelected, the ability to spend money. The ability to spend money means the ability to increase taxes, which means the ability to get reelected because that flow of money goes downhill, and that has led up to $5 trillion debt, and, if we take a look, every single appropriations bill, the gentleman that is speaking now and almost every speaker on that side wants to increase the amount of appropriations except for one area the liberals in one area will cut every single time, and that is in national security at a time where increase in Somalia, and Haiti, and Bosnia have put us in a $2 billion below the Bottom-up Review.

Yes, balance the budget, Mr. Speaker.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, it is time to put your House in order, because, quite frankly, your House is a mess. You need to clean it up.

Republicans control the House. They control the Senate. Republicans make the rules. But what Republicans cannot seem to make—is policy. They cannot govern. They cannot lead.

We do not have a problem because Republicans cannot agree with Democrats. We do not have a problem because Congress cannot agree with the President. We have a problem because Republicans cannot agree among themselves. We have a problem because Republican leaders cannot lead.

So now we have this resolution—to do nothing. It is a do-nothing proposal. Mr. Speaker, this is not even leadership by default. It is a default of leadership.

The President has set his priorities. The message is clear. Send him a clean bill, and he will sign it. But he will not be blackmailed. The President will not give in to your extreme proposals.

We Democrats have set our priorities. All Democrats agree—do not cut education. Do not attack Medicare. Do not destroy the environment. Do not cut taxes for the rich—and raise taxes on millions of working families.

Because the Republicans cannot lead, this President will. Thank you, Mr. President, for leading. Thank you for saying no to the Republicans' mean-spirited, extreme proposal. Thank you for standing up for our working families, our parents, our children, and our grandchildren. Thank you for doing what the Republicans will not do. Thank you for leading. Thank you for doing what is right, what is fair, and what is just.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. CRANE], a member of the Committee on Ways and Means, the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank my distinguished chairman for yielding this time to me.

Mr. Speaker, I think it is important for everybody to understand something, and it goes back to Government 101. It is basics. This body originates policy. Congress exclusively has the responsibility to make policy. The function at the other end of Pennsylvania Avenue is to administer our policies, and the fact is further, if we go back to the election in 1992, this gentleman got elected at the other end of Pennsylvania Avenue with only 29 percent of the electorate. A majority of the American people in the most recent election said this is what we want, and we will provide it.

Mr. GIBBONS. Mr. Speaker, I yield the balance of our time to the gentlewoman from Connecticut [Ms. DELAURO].

The SPEAKER pro tempore (Mr. RIGGS). The gentlewoman from Connecticut [Ms. DELAURO] is recognized for 1 minute.

Ms. DELAURO. Mr. Speaker, I stand in opposition to this motion, and I ask the Republican leadership in this House to stop playing games with our country's financial future and send the President a clean bill that he can sign.

Since April, Speaker GINGRICH has been threatening to throw our Government into default if he did not get his way on the budget, despite the fact that the overwhelming majority of the American public is opposed to the Republican budget that cuts Medicare, cuts education, and cuts the environment. Take a look at what Speaker GINGRICH was saying in April: The President, and I quote:

> will veto a number of things and we'll then put them all on the debt ceiling, and then he'll decide how big a crisis he wants.

Then in September Speaker GINGRICH was at it again, continuing his threats, and he said:

> I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not at this time.

"I don't care what the price is." That says it all; does not it? It is the casual irresponsibility of this Speaker of the House of Representatives that tonight puts our country on the brink of default for the first time in this Nation's history.

Send the President a clean debt limit bill.

Mr. ARCHER. Mr. Speaker, I yield the balance of our time to the gentleman from Michigan [Mr. SMITH].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. SMITH] is recognized for 1½ minutes.

Mr. SMITH of Michigan. Mr. Speaker, let us be clear what the President is doing. The President is planning on simply making a ledger entry that some portion of the $1.4 trillion in Treasury IOU's held in the Federal trust funds is now simply a fictitious cash interest entry instead of a fictitious borrowing entry. This allows Treasury to increase borrowing from the public by the same amount as the disinvestment or underinvestment. Wednesday, Treasury will be about $20 billion over the debt limit if it goes through with its announced auctions. This overage is going to increase to about $50 billion in early December. Clearly the President will underinvest the G fund and disinvest part of the civil service retirement fund in order to obtain additional borrowing authority.

Here is the point. In taking such action, the President is increasing the public debt of this country without the authority of Congress. The President has discovered a way to make his own legislation, to snub his nose at Congress and drive this country deeper into debt. Now there is approximately $20 billion in the so-called G fund, approximately $350 billion in the civil service retirement fund, $440 billion in the Social Security trust fund. Using these three funds alone, the President could increase our marketable debt a trillion dollars or more. This makes a mockery of the people's ability to limit the amount of debt that this Government should issue. We should be looking at a new debt ceiling. Try to urge the President to come to the table and get on with the business of Government.

Ms. PELOSI. Mr. Speaker, I rise to commend the President for vetoing the debt limit extension legislation and the continuing resolution. Clearly, the Congress should pass a fair and clean continuing resolution and debt limit extension free of extreme conditions.

The continuing resolution is necessary because the majority has spent much of this year working on their contract rather than passing the Nation's annual spending bills. Most of these bills are hopelessly tied up by legislative riders representing extreme views. Where is the moderation? Thankfully, the President is not willing to be blackmailed into accepting the misguided Republican budget priorities.

In particular, why should continuing funding for the Government be tied up over an attempt to impose an $11 a month premium increase on every single Medicare beneficiary?

The Republican continuing resolution also cuts education programs 19 percent below the President's request. Funding for education reform is cut by 40 percent. Funding for safe and drug-free schools is cut by 40 percent. Funding for bilingual education is cut by 51 percent. Funding for research on special education is cut by 25 percent. These proposals are extreme.

In my view, rather than a highly partisan and ideological continuing resolution, a bipartisan approach would better serve the American people.

Mr. Speaker, let us vote on a clear and fair continuing resolution. Stop the blackmail.

□ 1845

Mr. ARCHER. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 184, not voting 25, as follows:

[Roll No. 788]

YEAS—223

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NAYS—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill

Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—25

Blute
Dornan
Fields (LA)
Frank (MA)
Gallegly
Kennedy (MA)
Markey
McKinney
Meehan
Moakley
Neal
Oberstar
Reed
Scarborough
Serrano
Smith (WA)
Stokes
Tauzin
Tucker
Volkmer
Waldholtz
Waxman
Williams
Yates
Zeliff

□ 1803

The Clerk announced the following pairs:

On this vote:

Mrs. Smith of Washington for, with Mr. Moakley against.

Mr. Dornan for, with Mr. Stokes against.

Messrs. McHUGH, EWING, and HOKE changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING FEDERAL POWER ACT DEADLINE FOR CONSTRUCTION OF THREE ARKANSAS HYDROELECTRIC PROJECTS

The SPEAKER pro tempore (Mr. KOLBE). The pending business is the question of suspending the rules and passing the bill, H.R. 657.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER], that the House suspend the rules and pass the bill, H.R. 657, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 28, as follows:

[Roll No 789]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
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Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
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Kildee
Kim
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Lewis (CA)
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Montgomery
Moorhead
Moran
Morella
Murtha
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Richardson
Riggs
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Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
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Sanford
Sawyer
Schaefer
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Sensenbrenner
Serrano
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Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
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Taylor (MS)
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Thomas
Thompson
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Torkildsen
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Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOT VOTING—28

Blute
Camp
Clay
Dornan
Edwards
Fields (LA)
Frank (MA)
Franks (NJ)
Gallegly
Kasich
Kennedy (MA)
Markey
Meehan
Moakley
Neal
Oberstar
Reed
Saxton
Scarborough
Smith (WA)
Tauzin
Tucker
Volkmer
Waldholtz
Waxman
Williams
Yates
Zeliff

□ 1822

So (two-thirds having voted in the favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, due to the cancellation and rescheduling of my flight from Boston, I was not present for rollcall votes 788 and 789. Had I been present I would have voted "aye" on rollcall 788 and "aye" on rollcall 789.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, the House of Representatives considered a number of bills under suspension of the rules, and I missed two recorded votes.

During the consideration of legislation in the House, I was in California to attend the formal introduction of the International Institute for Surface Transportation Studies, an initiative that was created by Congress as part of the Intermodel Surface Transportation Infrastructure Act of 1991 (Public Law 102–240).

Had I had been present, I would have voted "nay" on the Archer motion to postpone the vote to override the President's veto on the debt limit legislation, rollcall vote No. 788, and I would have voted "aye" on H.R. 657, legislation to extend the Federal Power Act deadline for construction of three hydroelectric projects in Arkansas, rollcall vote No. 789.

PERSONAL EXPLANATION

Mr. REED. Mr. Speaker, I was unavoidably absent for rollcall votes 788 and 789 due to mechanical problems with my flight to Washington.

Mr. Speaker, had I not been detained, I would have voted "No" on rollcall vote 788 and "Yes" on rollcall vote 789.

THE JOURNAL

The SPEAKER pro tempore. (Mr. KOLBE). Pursuant to clause 5, rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 118, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 118, a clean continuing resolution, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Under the guidelines that have been consistently issued and followed by this Speaker and previous Speakers of the House, and procedures recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

Mr. OBEY. Mr. Speaker, I hope it is cleared by the other side sometime tonight.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. METCALF. Mr. Speaker, pursuant the provisions of rule 28, clause 1(c), I am announcing that tomorrow I will offer a motion to instruct the House conferees on the bill, H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

As an explanation, by serving this notice I am ensuring the opportunity tomorrow to move to instruct the defense appropriation conferees to insist on the language that was in the House bill when it passed this body relative to Bosnia. This language would make certain that the President does not move ground troops into Bosnia without House approval, unless he comes before this body and explains thoroughly what the objective is, what vital United States interests are involved, et cetera.

LEGISLATION PROVIDING FOR INCREASE IN THE PUBLIC DEBT LIMIT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–133)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

In disapproving H.R. 2586, a bill that would have, among other things, provided for a temporary increase in the public debt, I stated my desire to approve promptly a simple increase in the debt limit. Accordingly, I am forwarding the enclosed legislation that would provide for such an increase.

I urge the Congress to act on this legislation promptly and to return it to me for signing.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1995.*

INQUIRING AS TO SCHEDULE FOR THE EVENING

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I would just hope that the majority would give Members a sense, as soon as it can be done, as to what the plan is for the rest of the evening.

By other sources, I have seen the Speaker make a comment that we would be here into the evening and we might have votes on other matters. There may be motions on a new CR, there may be motions on adjournment at some point.

I would just inform my own Members that I think they need to stay in the House and be ready for whatever happens this evening. I would ask the majority to try to inform the rest of us as soon as something is known.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the leader for making this point.

Clearly there are hundreds of thousands of individuals around this country, not just in the Washington metropolitan area, very anxious this evening, very anxious as to what they are supposed to do tomorrow morning, show up for work and are they going to stay at work, are they going to get paid, are they going to have money to pay their mortgage payments, are they going to have money to pay their car payments and their children's tuition in college.

This is a very critical matter. I understand there are differences of agreement, but I would hope, Mr. Speaker, that, in fact, we do get word very quickly as to how we are going to proceed to try to avert the shutdown of the Federal Government and the incurring of very substantial costs tomorrow and the days thereafter by this impasse.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1996

The SPEAKER pro tempore. Without objection, under the authority granted in clause 6 of rule X, the Speaker appoints as additional conferees from the Committee on Commerce for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. BRYANT of Texas and Mr. TOWNS.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

PROTECTING HEALTH CARE FOR RETIRED COAL MINERS

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, over the weekend the so-called Hancock amendment was taken out of the budget reconciliation bill.

This provision would have put at risk the health care coverage of some 100,000 retired coal miners and their families, including several thousand people who live in the coalfields of Illinois.

I appreciate the action taken by the budget negotiators and encourage them to resist any further efforts to change the 1992 Coal Act or disrupt the balanced approach now in place to care for these miners.

The men and women who have worked years to fuel the economy of this Nation do not need their health care coverage put at risk. I appreciate the bipartisan effort which went into putting this law in place and the bipartisan effort which continues today to keep it in place.

In this vein, let me take just a minute to encourage my colleagues in Congress and in the administration to put the same kind of effort into finding middle ground and solving our budget crisis.

□ 1830

NOTIFY FEDERAL EMPLOYEES OF THEIR STATUS

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, there are nearly a million people around the country who do not know tonight whether they should come in to work tomorrow who have been deemed nonessential, whatever that means. We owe it to them, if we cannot take appropriate action tonight, to enable them to go to work tomorrow to at least let them know.

It is the height of absurdity to bring 800,000 people to work tomorrow and then to have to tell them because the Congress did not take action the night before, that they have to turn around and go home. We ourselves do not even know whether our own employees should be coming to work tomorrow.

Mr. Speaker, I would strongly urge the majority, the leadership of this body, to at least let those million Federal employees and the many millions who are dependent upon Federal activities throughout this country to know what the state of affairs is tomorrow, and we, as well, need to have some appropriate policy with regard to our own employees.

It is unfair to have them come in to work tomorrow and then tell them we have decided they are not essential and that they will no longer be paid.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KOLBE). Without prejudice to the resumption of business at a future time this evening, and under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

OPPOSING THE ELIMINATION OF MILK MARKETING ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, Members of the House, reconciliation conferees, I would like to commend the gentleman from New York [Mr. SOLOMON], the gentleman from New York [Mr. PAXON], and the gentleman from New York [Mr. MCHUGH] for their intrusive, decisive, and successful effort to block a provision of the House-passed 7-year Balanced Budget Reconciliation Act that I believe would have unfairly disrupted the livelihoods of our Nation's dairy farmers.

Reconciliation contained a provision entitled "freedom to milk," which legislates the dismantling of the milk marketing orders. This proposal would deregulate the current system by terminating the price support program effective January 21, 1996.

After speaking with dairy farmers from western Pennsylvania, I can assure you that this would be devastating to the industry. According to a recent Mid-Atlantic Dairymen's Inc. analysis of a Food and Agriculture Policy Institute study, net returns to dairy producers would be projected to go down 65 percent in the first year of deregulation and down 43 percent per year on the average for the first 3 years.

Furthermore, under freedom to milk, Pennsylvania dairy farmers are expected to lose over $150 million. Low farm milk prices and limited availability of credit, coupled with the fact that our GATT partners can still subsidize their dairy farmers, means that the freedom to farm provision is more than scary. For the small dairy farmer in my district, it is fatal.

Mr. Speaker, I am glad that the present system was not haphazardly scrapped. It has continued to evolve to reflect the needs of the market and consumers. The U.S. dairy industry is one of the most efficient market-oriented dairy industries in the world, and the program which manages this industry costs the Government less than $70 million each year.

Furthermore, dairy farmers recognize that once again it is time to reform the system, but let us do it constructively.

Why do we not consolidate the orders through the Department of Agriculture's hearing process, simplify the system, and ensure that the small dairy farmer still has input into future reform? Unfortunately, there are still proposals out there to meet the budgetary caps that unfairly tax the dairy farmer, a new 10-cent assessment on top of the existing assessments.

The purpose of agricultural reform and the objective of the reconciliation process is to reduce taxpayer support of farm programs. A new assessment on dairy producers is nothing more than a direct tax upon every dairy farmer in America.

Mr. Speaker, in my view, the appropriate approach is to realize savings through the price support program currently in place. Such a reduction would realize budgetary savings at no expense under current milk prices for all products to the farmers. At the present time, nonfat dry milk is still being marketed at 6 cents over the support price while butter and cheese are currently 35 percent over support levels.

Accordingly, reduction in the taxpayer-funded price support program would not directly impact farmers, yet would still produce the necessary tax savings.

Mr. Speaker, this summer I had an opportunity to talk to dairymen throughout my district, and they are hurting. They are hurting in a way that they have not been in many, many years. We must, at a time like this, be cautious in how we tamper with price supports for dairy producers because there is a real danger that many of these small and even midsize family farmers will be put out of business by a precipitous policy.

ORDER OF BUSINESS

Mr. WISE. Mr. Speaker, I ask unanimous consent to exchange my special order time with that of the gentleman from New Jersey [Mr. PALLONE], and that I be listed later in the day, if that is all right with the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE BALANCED BUDGET PLAN, MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I was very proud today when President Clinton indicated that he would not support, and he would, in fact, veto the continuing resolution because of the increase in the Medicare part B premium.

I think that the public needs to know, and it needs to be reflected more and more amongst ourselves in the House, that essentially this continuing resolution takes away the provision in the current law which, as of January 1, would decrease the amount or the percentage that senior citizens have to pay for their Medicare part B premium, and what the continuing resolution proposes is that the percentage be kept as it is now, which would essentially force an increase in part B premiums as much as, say, $10 over the next year per month for those senior citizens. That includes almost all senior citizens who take advantage and pay to have themselves covered under Medicare part B, which pays for physician care.

It is amazing to me, Mr. Speaker, that at a time when we spent almost a month or 2 months or even more trying to deal with the whole budget and come up with the reconciliation and also deal with Medicare, that the Republican leadership continues to insist on increasing Medicare premiums before the time when they ever put together the budget or even have a conference with the budget reconciliation conferees.

I would very much right now like to be at a meeting with the rest of the conferees, with the Democrats and the Republicans, dealing with this budget, dealing with Medicare, dealing with Medicaid. But, so far, all of the meetings have been in secret, just with the Republicans.

I was appointed a conferee for the budget reconciliation a few weeks ago. But we still have not met, because all of the negotiations are taking place on the Republican side without any input or any opportunity for Democrats.

In fact today, in the Washington Post there was an article that said, "Balanced budget plan near complete, Congress may consider massive reconciliation measure on Wednesday." Well, today is Monday. We have not even had a meeting of the reconciliation conferees that was originally called for tonight, but then it was cancelled at the last minute. Now we are told it is tomorrow.

But in the meantime, obviously the Republicans have met in secret and have already decided how they are going to increase the cost to seniors for Medicare, cut their Medicare benefits, and provide tax cuts primarily for wealthy Americans.

There are two very important issues in this budget conference that affect Medicare that I think need to be addressed. In the Senate, unlike the House, nursing home standards were kept intact. In the Senate, unlike the House, the safety net for children, for disabled persons, for pregnant women was kept intact so that there is a guarantee, there continues to be an entitlement in the Senate version of this budget bill that pregnant women, the disabled, and children will get Medicaid and will have health care coverage. But not in the House version.

This is a very important issue, whether or not we are going to continue to have nursing home standards, whether or not we are going to continue to have Medicaid benefits for these disadvantaged groups, and yet there is no meeting of the conferees. Everything is done in secret with the Republican leadership.

Today, there was an article in the New York Times that pointed out that it is very likely, under the Republican leadership bill, that there will become a shortage of nursing home beds for the elderly in the next few years because with the significant amount of money being reduced for Medicaid, there simply will not be any incentive to even have Medicaid beds in nursing homes.

Similarly, we are told the Medicaid safety net for children could be imperiled with the Republican leadership bill because basically the States will not have the money to provide Medicaid coverage for children.

So I would really like to be a part of this conference where we discuss what is going to happen to the future of our children in terms of their health care coverage, to the future of our nursing homes, whether there will be quality nursing homes, whether there will be enough beds for our citizens in the future.

We do not have that opportunity.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. If I understand correctly, you indicated that the massive bill changing Medicare as we know it is currently being worked on by a group of legislators. Then why, in your estimation, would the Republicans want to put the increase in Medicare premiums for our seniors in this continuing bill to keep the Government running past midnight tonight? Why would they pull that section out and put in the simple bill to keep the Government running? What is the rationale there?

□ 1845

Mr. PALLONE. My understanding is they are so determined that this increase take effect on January 1, that they do not want to negotiate it, they do not want to discuss it, they just want to make sure it is included in the continuing resolution so it takes effect with those increases on January 1.

QUIT STALLING ON BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to read an editorial from the Port St. Lucie News. The editorial says "Quit Stalling on Budget."

[From the Port St. Lucie News, Nov. 13, 1995]

QUIT STALLING ON BUDGET

The budget debate now underway is messy and inefficient and may ultimately prove very expensive. It is also irresponsible government and reflects no credit on the White House or the Republican-led Congress.

Enacting an annual budget is Congress' principal job, one in which this Congress is embarrassingly behind schedule with only two of 13 appropriations bills enacted. The fiscal year the lawmakers are arguing over is already more than one month gone and will likely be a fourth over with by the time a package is passed.

Congress dug itself into that hole, largely because of deep and continuing disagreements among Republicans newly in the majority.

That led to the latest obstacle to passing a budget, the provocation of an unnecessary veto fight with Clinton by attempting to use stopgap bills to pass measures—elimination of the Commerce Department, restrictions on lobbying by tax-exempt groups, higher Medicare premiums—that should be dealt with elsewhere in the legislative process.

Despite his belated discovery of presidential veto powers, Clinton has given Congress little sense of where he will stand and fight. He absented himself from the budget process the first eight months of the year and hasn't been much of a participant since.

Clinton may find it personally satisfying—and his campaign advisers politically profitable—to let Congress battle itself bloody over the federal budget. But it is not good government, and it certainly isn't leadership.

Thanks to this impasse, the government may partially shut down Tuesday, an unnecessary bit of budget brinkmanship that wastes time and money, not to mention the damaging impact on the morale of the 800,000 or so government workers whose livelihoods are being treated so cavalierly.

Thanks to this same impasse, the government may bump up against the debt limit late next week and go into technical default. While domestic bond-buyers may not mind, seeing this as a promising sign of fiscal austerity to come, foreign bond-buyers may simply see us as deadbeats and drive up the cost of borrowing for years to come.

To the President and to Senate Majority Leader Robert Dole and House Speaker Newt Gingrich, Americans should say what generations of poker players have said when the pot was tied up with pointless bickering: "Gentlemen, shut up and deal."

Ladies and gentlemen, we need to resolve the issue before the Congress. We would not run a business like this in America, telling our customers that we may or may not be open tomorrow, that we may or may not be there to serve their needs. But at the same time, we have heard bickering from both sides of the aisle, heated rhetoric, about destroying Medicare, about hurting senior citizens.

I have told this story many times. My grandmother came from Poland. She came with a sponsor, a job waiting, a clean bill of health. She worked as a maid in a Travel Lodge motel, all to be part of this democracy. She depended on Medicare and she depended on Social Security. So I am one Member of Congress here to protect that.

But let us make no mistake about it: The balanced budget is necessary to restore fiscal sanity to this Nation. We are borrowing and borrowing and borrowing moneys that we simply do not have. Why are Members of Congress retiring in droves? Why is everybody saying they want out of this job? Because it is no longer fun to go around your community and say "no" to people.

For years you have been able to say I will give you a new Post Office, I will build you a new bridge, I will fix something in your community, I will build a new center for you, all with the taxpayers' nickels, all borrowed dollars.

They went back year after year and said look at me, I am the hero, I have done all of these things for you, you must reelect me.

Now we go to Congress and get elected and say "no" to people and spending money and "yes" to balancing the budget, and people are mad at us. But by God, that is fiscal responsibility. It is happening in our families. It is required of our businesses. A balanced budget is no different than being an American consumer, an American business owner.

But I do think it is wrong we are holding this Government hostage and not meeting at the White House this very hour to solve this problem. I do think it is wrong on both sides of the aisle that we are not seriously debating the issue as we sit here today. I do not think I deserve my paycheck after tomorrow if we are not going to be working. Congress should not get paid either. If the employees of the Federal Government are going to be told they do not need to be here, I think there are maybe 435 nonessential employees right here in this body.

I think it is time we faced the convictions we have. I think it is necessary we balance the budget. I think it is necessary to bring our fiscal house in order. But I think it is also necessary that both sides, Democrats and Republicans, stop the haranguing, stop the finger pointing, stop the name calling, and start debating the very issues that will save our fiscal sanity for the years to come.

I think it is that important. I think it is important for ourselves, for the seniors that live in our communities, for our children, and for America's future.

PASS SIMPLE CONTINUING RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, this is a process that we are going through tonight, and unfortunately will be likely going through tomorrow with the shutdown of Federal Government, that should not be happening. In West Virginia there are over 17,000 Federal employees, many of whom will be furloughed. They will not be able to offer the services essential to West Virginia, and their own lives will be placed in uncertainty.

This is a terrible way to do business. The first day or so, people probably will not notice. It is true, Social Security offices will not be handling claims. A day or two you can get by. Over time, you see a steady degradation of Government services and the very important functions that Government employees perform.

In our own offices we have two district offices. The decision by the Republican leadership, as I understand it, essentially says that basically only legislative personnel can be working. We will be furloughing roughly half of the congressional staff. We will leave one person in the Charleston office and one person in the Martinsburg office to handle emergencies, but aside from that, our staff as well will be furloughed. Of course, the mobile offices, the ones that visit the county everyday, in a different county every day of the month, they will be furloughed as well. So I think it is a sorry state of affairs that Congress has reached this point.

I think though it is also important to look at what is at stake and why we are here. There are actually two bills at stake, both basically simple. One says that you continue the Government services for about 2 to 3 more weeks. The second one would say that the Federal Government is empowered to continue borrowing to pay back debts.

In both cases the House has passed this bill, but, under the Republican leadership, measures were added that make those bills totally unacceptable. What should have been basically one simple sheet that says "Continue the government," or "You are empowered to continue to borrow money to pay pack debts," what could have been one sheet, two or three paragraphs, turned into hundreds of pages of special riders, strings attached, and basically trying to work to enact the Contract With America and the basic budget bill that is so much in controversy.

I think it should also be pointed out, I have heard allegations that somehow the President has not done his job. Let me look at the facts. The reason this has come about is because the budget bill needs negotiating, right? So people ought to be negotiating. The only problem is, there is no budget bill. There is no reconciliation bill. We have yet to get that on the floor of the House.

Incidentally, it is months overdue. By the same token, there are 13 appropriation bills that must pass the Congress and be signed by the President that make up next year's budget. They all are to be done by October 1. Six weeks later this Congress has enacted into law only 2 of the 13 bills. Eleven are out there somewhere, drifting in the nether world of this Capitol. So the President has had very little that he can actually begin negotiating on, because the Congress has not signed it.

Why not just go ahead? And I had this question on a talk show today at home, Mr. Speaker. "Why not go ahead, BOB, and just vote for this continuing resolution? Just vote for the debt ceiling. It is only a couple weeks, and send it on down to the President."

The trouble with that is this: If I voted for that debt ceiling the other day, I would have voted for a $7 increase in Medicare part B premiums for every senior citizen in West Virginia, kicking them up from $46.10 to roughly $53 on January 1. Merry Christmas, mother and father. What kind of vote is that?

I would have voted for the Republican budget in effect, and put into play already many of the items that still need to be negotiated between the White House and Congress.

I would have been in effect voting for stiff Medicare cuts, one-third of which is needed to save the funds, only $90 billion, not $270 billion as is in that budget. I would have voted for Medicaid cuts that would have put West Virginia $4 billion in the hole over a 7-year period. I would have voted for tax breaks for the wealthy and tax increases for low-income-working people. That is not a good deal. That should not be attached to a basic, simple, continuation of Government services for 2 to 3 weeks.

Now, some have asked, is this not the way things have always been done, you have attached riders? First of all, never with this magnitude. Second, we have a unique situation here. In my time in Congress, I have never seen the day when two major items happen at the same time. You are faced with a shutdown of the Federal Government, that is tough enough, but the second is even more sweeping, you are faced with a default on the national debt, the first time in over 200 years that that happened. Both of those come to happen this week.

So that is why these votes are so significant. My hope is that this Congress stays in tonight, does its job, and passes a simple continuing resolution to keep the Government and a simple extension so that the Government can borrow money to pay back debts and the Government keeps functioning.

PLACING THE BLAME FOR A GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, it is going to be a sad situation across the Nation tomorrow—800,000 Federal employees will be sent home. It is a crisis in our Government that is totally unnecessary. It is a political crisis that was created here in this Chamber. You have to really recount the history of how we reached this point to understand how it was totally avoidable.

You see, the Republicans took control of the House of Representatives this year and announced they were going to do things differently. The first announcement they had was they would pass something called the Contract With America, something that Speaker GINGRICH had published in TV Guide and believed that since it appeared in TV Guide, he had a mandate from the American people. So he brought 31 bills to the floor of the House of Representatives. The Speaker, Mr. GINGRICH, and his Republican majority, considered those 31 bills and passed many of them and sent them over to the other body.

The net result of 100 days of deliberation and debate on those 31 bills on the Contract with America was to have signed into law three bills. Three bills, out of 31. So 100 days were wasted at the beginning of the session, and it cost us dearly. The Committee on the Budget, which had a big job already, was delayed in its deliberations because of all the time eaten up by this TV Guide strategy for the Contract With America, this so-called PR extravaganza. So the Committee on the Budget came in with their report exactly 1 month later.

The Committee on the Budget has to do its work and pass its resolution before the appropriations committees that come up with the spending bills can do theirs. So the appropriations committees were slowed down.

The net result was a traffic jam, the end of it on October 1, when the Republican majority in the House and Senate were required to present to the President 13 appropriations bills to keep government running. Six weeks ago, on October 1, they presented three bills. Three out of 13.

You cannot blame the Democrats for that. Republicans are in the majority. The Republicans are in control. One of the big problems they had was that the special interest groups all wanted to put an amendment on each of those appropriations bills. Some of the amendments were virtually outrageous. They had one 28 page amendment that they put on the Veterans Administration and HUD bill. This 28 page amendment abolished 14 environmental protection laws.

The lobby out here, the corridor, was lined with special interest groups and lobbyists in pretty shoes trying to get their amendments on the bills so that they could be somehow absolved from responsibility of clean water and clean air.

Well, they managed to do it the first two times. Finally, the third time, 54 Republicans bolted from Speaker GINGRICH and said "We cannot stand this anymore. We are going to vote with the Democrats." And they took that amendment off. That is just one bill. It is one explanation why only three of the 13 appropriations bills ever made it down to the White House.

So now we come to this situation where the Government cannot continue to run because Speaker GINGRICH and the Republicans could not produce appropriations bills. So we passed something called a continuing resolution, keeping the Government continuing in operation while we figure out how to solve the big questions.

The continuing resolution has been a time-honored tradition around here. We sent them down to the President, they sign them, the Government keeps going on for a few weeks while we resolve our differences. This time Speaker GINGRICH had a little tricky one to put in there, 9 lines out of a 53-page bill. And in those 9 lines, he increased Medicare premiums on senior citizens as of January 1 by 25 percent. The Speaker knew better. The President said he would never sign it. The Democrats opposed it. We do not want senior citizens on Medicare paying 25 percent more in their premiums.

□ 1900

And so the President has said he will veto it. And now we face the prospect that the Federal Government will shut down.

Mr. Speaker, it is a sad situation. It does not reflect well on either party. It does not reflect well on the President or on Congress, but I think the President was right. The President was right in vetoing that bill. There is no reason why we should demand Medicare premiums increases as a price for keeping the Federal Government in operation.

As a matter of fact, the gentleman from New Mexico, Senator DOMENICI, a Republican Senator, today came up with a reasonable compromise, and he is a reasonable man. He said let us freeze that Medicare rate and keep government in operation while we work toward a balanced budget, which we all want to see. That is a reasonable thing. Unfortunately, many of the Republican leaders said to him, sit down and be quiet, we have another strategy.

Their strategy, Mr. Speaker, involves not just shutting down the Federal Government but also, for the first time in the history of the United States of America, we run the potential of defaulting on our national debt. Now, none of us like the fact that America is in debt, but we are all proud of the fact that when we say the full faith and credit of the United States of America it means something. Not just here but around the world. That is our integrity. That is our reputation. That is our credit rating.

The Republicans, because they will not pass a debt extension limit, are jeopardizing that credit rating for the United States of America. That goes far beyond what is necessary. What we need is a bipartisan commonsense approach. Stop the political gamesmanship and do it immediately.

AMERICAN PEOPLE OPPOSE EXTREME REPUBLICAN BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, we all know that Speaker GINGRICH holds a doctorate in history, but over the weekend he may have earned a doctorate in revisionist history as well.

Mr. GINGRICH spend the weekend trying to blame President Clinton for this budget impasse. If we take a quick review of history, however, recent history, it reveals the true culprit is NEWT GINGRICH himself. Since April Speaker GINGRICH has been threatening to shut down the government and throw the country into default. Quite frankly, he is the only person that has talked about shutting the Government down.

But now the day of reckoning has arrived and the Speaker has developed a very serious case of cold feet, so he is desperately trying to blame the President. The fact remains that it is the Speaker who put this blackmail scheme into motion months ago.

Take a look at what Speaker GINGRICH was saying in April. He said the President will veto a number of things and we will then put them all on this debt ceiling that everyone is talking about, and then we will decide how big a crisis that he wants, quoting the Washington Times April 3, 1995.

In September it was reported that Speaker GINGRICH was at it again, continuing his threats. And he says, and I quote, "I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not at this time."

Again the quote. "I don't care what the price is." That says it all, does it not?

Well, Speaker GINGRICH may not care what the price is because he is not the one who is going to be asked to pay. The price of a government shutdown and government default will fall squarely on the shoulders of middle class families in this Nation. When the Speaker gets his wish and the government shuts down, the Speaker will keep his job, he will keep his pay, but over 800,000 Federal workers will not.

When the government defaults on its financial obligations, again the Speaker will have his book royalties to cushion that blow, but millions of middle class families will pay the price in higher mortgage payments, in higher car payments, and in higher credit card payments. The blame for this manufactured crisis should fall squarely on the shoulders of NEWT GINGRICH and not on the shoulders of middle class families in this country.

Mr. Speaker, the President is right to say no to a budget that calls for higher Medicare payments for seniors. As a matter of fact, on January 1, it will be a 25 percent increase for this Nation's seniors, higher college tuitions for students and their parents, and higher taxes for working middle-class families. This is not an agenda that the American people support; and, in fact, it appears the public never did support this kind of agenda.

Mr. Speaker, for months Republicans have been promoting their Contract

With America by saying that more than 60 percent of the American public supported its policies. However, we find out from last Friday that they had a political consultant whose name is Frank Luntz, and he claimed he tested all of these policies. In fact, what he did, and he was forced to admit this last week, that he actually only polled and talked to the American public about slogans. About 10 slogans.

So it turns out that the Gingrich revolution is built on the 10 most popular slogans that the Republicans could find. It had nothing to do with programs. There was no testing of how Americans would feel about cutting $270 billion from Medicare, of increasing the payments for senior citizens and cutting student loans. It is no wonder that the bumper sticker government of the new majority has worn thin with the American public.

All the sloganeering will not hide the devastating cuts to seniors, to students and to middle class families in this country. And, in fact, what is happening today is the more that the American public understands the nature of this program, the more they did like the Gingrich revolution. As a matter of fact, on Friday, in USA Today, public opposition to the Contract With America was affirmed. Sixty percent of those polled want President Clinton to veto the Republican budget as it stands. More specifically, 75 percent oppose the GOP's Medicare cuts and 74 percent oppose the GOP's student loan cuts.

Mr. Speaker, let me just say that the Republicans have lost public support for these policies, so now what they have done is resorted to blackmailing the President to get him to sign this extreme budget. That is what this is all about. But I will tell my colleagues that the President is standing with the American people in opposition to these policies.

To my Republican colleagues I say, if they want the President to sign their budget, make changes, do not make threats. If they want him to sign the budget, lessen the blow to senior citizens, to our children and to middle class families. The President wants to work with the Republicans, Democrats in this House want to work with them, but we will not be blackmailed into accepting a budget that the American people oppose.

Instead of rewriting history, please, I say to my Republican colleagues, rewrite your budget, do not hold a gun to the President's head, particularly do not hold a gun and do not hold the American people hostage in this next 24 hours.

CONGRESS HAS FAILED IN ITS BUDGETARY MANDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, joining me for my 5 minutes is the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Mr. Speaker, I received a telephone call Thursday from one of my constituents, one of my veterans, a disabled veteran, and he was very concerned as to whether or not his benefits would be cut or whether or not he would receive them on time.

I am very upset that the Republican leadership in this House is upsetting my constituents. Can we discuss how we got to this point with this 104th Congress?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me say to the gentlewoman from Florida that this is a plan that has been of long standing and of long coming. If we check back through the papers, on April 3, in the Washington Times, Mr. GINGRICH boasted that the President will veto a number of things and then we will put them all on the debt ceiling, and then he will decide how big a crisis he wants.

Now, that is April 3, back when he stated that the strategy was to create a titanic legislative standoff with President Clinton by adding vetoed bills to a must-pass legislation, increasing the national debt ceiling.

I am not sure that that is anything that just started today or the last 24 or 48 hours. That has been the plan for a long time.

Then June 5, in Time magazine, Mr. GINGRICH was quoted as saying, "He can run the parts of the government," speaking of the President, "that are left after the Republican budget cuts or he can run no government. Which of the two of us do you think worries more about government not showing up?"

Now, that is the message that Mr. GINGRICH was sending to a number of senior citizens and to a number of children and working families, and that was in Time magazine June 5.

Then, in the Washington Post on September 22, the stated, "I do not care what the price is, I do not care if we have no Executive offices and no bonds for 30 days. Not this time."

I do not think that is responsible, but I am quoting that directly from these publications.

Ms. BROWN of Florida. Mr. Speaker, I would say to the gentlewoman from Texas that in August I conducted a series of town meetings, and in one of my meetings we had a joint discussion with another Member from Florida, and he indicated in the August meeting that they were prepared to shut this Government down if the President did not go along with their extreme agenda.

Ms. EDDIE BERNICE JOHNSON of Texas. Well, I do think it is extreme when we decide that our senior citizens must pay, even against the American people's will, much more now for their premiums when it really is not necessary except to give that tax break that has been promised for the most wealthy people of the Nation.

Ms. BROWN of Florida. If we look at our history, the Congress has one duty, my understanding, and that is to pass the appropriation bills. Does the gentlewoman know when those bills are due?

Ms. EDDIE BERNICE JOHNSON of Texas. Well, of course the bills are due by midnight September 30, because the new fiscal year starts October 1. Clearly, that has not been done. Yet, the votes are here in this body for the Speaker to get his will, but they have not passed.

Ms. BROWN of Florida. Does the gentlewoman recall that we had that hundred days and all that charade? And how many bills have we passed in the 104th as compared to our class, the 103d?

Ms. EDDIE BERNICE JOHNSON of Texas. I do not know, but I can tell my colleague there has been a lot of them. And we have had a lot more votes. We have worked a whole lot more hours and a lot longer days than we worked the session before, but we were completed with our business on time.

Ms. BROWN of Florida. I think that this Congress has passed two appropriation bills, and my understanding is that we have to pass 13. In fact, if we had done our work then, we would not be in this crisis mode tonight.

Ms. EDDIE BERNICE JOHNSON of Texas. I think what the American people are reacting to is the extremism, the extremes which these bills contain, and that is why we are having such difficulty bringing them to finality. When we decide that our children need no protection in the water or in the food or the air, and our seniors or working families or any of the American people, that is extreme.

THE EFFECTS OF THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to dialogue 5 minutes with my colleague. Would my colleague continue her remarks?

Ms. BROWN of Florida. Yes, I am very concerned as to this contract. The Republicans talked about the Contract With America. I have often said it was a contract on America. A contract on the elderly people, a contract on the children, a contract on the poor people.

☐ 1915

This reverse Robin Hood, robbing from the working people and the poor people to give to the rich.

Now, Mr. Speaker, they have offered up provisions in this Contract With America that they could not pass in the Senate. I have always been so very proud of being a Member of the House. I served 10 years in the Florida House and 2 years here, and I have always been proud of the fact that the House deliberates, we have hearings.

Now, Mr. Speaker, I can thank God for the other body who just do not take up this work, this sometimes trashy work this House has produced, and pass it on.

Ms. EDDIE BERNICE JOHNSON of Texas. I served in both the Texas House and the Texas Senate, and I have never been in a position where I could say that I did everything the way I wanted it to be done, but what I can say is that everyone had an opportunity to be heard, to call witnesses, and then there was a fair vote.

Very, very frequently, I got a part of what I wanted, others got parts of what they wanted. But in the end, it was a piece that was made up of input and one that we could say that a clear majority wanted. It was called compromising, negotiating, agreeing, and then a majority win.

Mr. Speaker, I believe that that will work in any deliberative body, but without that, it cannot. Here I am not even sure we are listening, because poll after poll, and then finally last week's local elections, have demonstrated the growing level of opposition to the Medicare and Medicaid cuts and the education cuts, which are not popular, but no one is listening.

This budget is being held hostage in order to impose higher Medicare premiums on seniors. This is not what the public wants. This is a body of, by, and for the people. This is a democracy, but nobody is listening; at least the ones who are trying to ram their ideas through are really not listening.

Mr. Speaker, I do not believe that the Republicans really are interested in negotiating, despite these weak complaints about the Democrats. The Republican leadership has demonstrated no sincere interest in negotiating. If there was interest in negotiating, we would use the proper procedures. We would simply not load up these simple resolutions with all of the legislation for the entire session to be in them.

It is not fair. It is not right. It is not according to anyone's procedure. It is heavy-handed. It is insulting, and it is ignoring the wishes of the American people.

Ms. BROWN of Florida. One thing I have learned from the Republicans is: He who has the gold makes the rules. It is like if you invite someone over to your house to play cards and you change the rules each step of the way, that is what we are experiencing here. The Republicans change the rules to fit whatever they are trying to do at that moment.

Ms. EDDIE BERNICE JOHNSON of Texas. Clearly, this has been a long-time strategy; one that I really could not believe that we would have persons in the kind of responsible positions as we have planning this shutdown longer than 6 months ago, planning to ramrod unpopular ideas and policies that will hurt the majority of the American people in simple resolutions, simply because we have not completed our work.

If these are policies that ought to stand, they ought to stand without being loaded into these simple resolutions. We should be able to work those out. We should be able to allow the resolutions to go forward clean, and then come to the negotiating table.

This is simply a technique, in my opinion, to pull the President into a fight, where he has clearly stated that using the proper procedure for negotiating is acceptable, but he will not be hoodwinked into attempting to negotiating by allowing these higher premiums to go in and all these protections to be removed from our air, food, and water.

Ms. BROWN of Florida. Do we have a final word for our constituents as to what is going on in Washington and what they should do? I suggest that they call their Congresspeople and let them know how they feel about how they are wasting taxpayers' dollars by furloughing people, by shutting down the Government.

CONGRESS SHOULD COME TOGETHER AND SERVE AMERICA WELL

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in a time of crisis, one wonders where is that forceful leadership of the majority? Where is the forceful leadership of the Speaker? I tell my colleagues where they are. They are playing a dangerous game of chicken. Mr. Speaker, I say to them, shame on you for doing that.

In particular, in a state of crisis and emergency, Medicare and Medicaid should not be played as pawns and toys in the hands of people who want to force their way. I say they need to find new toys and new games to play and not force these kinds of unacceptable views on the President.

When we get down to the brass tacks, it makes no difference who flinches first. That will be lost in yesterday's news. The people will forget all of that. What they will wonder is that we failed to govern, we failed to take care of the people's business.

By the time the majority comes to their senses, their capricious acts will have already hurt those people who can least afford to sustain these harsh blows: The elderly, the poor, the disabled; not only those who are being furloughed tomorrow or at midnight tonight.

The majority has voted to cut Medicare by $270 billion. To do what? To make sure their wealthy friends get a tax break. The poorest of the poor, those who receive Medicaid, $182 billion will be reduced. That will mean unnecessary pain for a lot of people who now already find themselves in distress.

Mr. Speaker, what does this mean for my district in North Carolina? It means North Carolina will lose $6.75 billion in Medicare funding for the next 5 years. And add to that Medicaid, which again will lose $6.76 billion. Those combined would be $13.51 billion that we will lose in the State of North Carolina.

Mr. Speaker, that will affect millions of people, and yet my colleagues on the other side of the aisle want to overload this resolution to continue to make the Government function by making sure we increase the premiums for senior citizens and Medicare. That is uncalled for. That is uncalled for.

Again, Mr. Speaker, what other things in the budget reconciliation do we find objectionable? Mr. Speaker, $16.5 billion will be cut from the farming community as well. That will hurt people in my district.

Why is it that the President finds these objectionable? Because he wants to serve the majority: American people, whether they are farmers or senior citizens, or whether they are the poor. Medicaid itself in my district will affect some 882,000 people. Medicare affects some 999,000 people in my district. Should I not be concerned about that? Of course we are concerned about that. That is what we find objectionable about the budget reconciliation.

When we ask for a continuation of Government for 1 month, my Republican colleagues want to overload it with things we already find that are unacceptable in the budget reconciliation. Who will be helped and who will be hurt, I ask? Only those who receive the tax break will be helped.

Certainly, the Federal employees who are going to be furloughed tomorrow will not be helped, and certainly those who will see an increase in their Medicare premiums in January will not be helped. Certainly, the students who are going to lose their loans and find that the interest payment is going to be increased are not going to be helped.

Mr. Speaker, what is this all about? Should this not be about bringing Americans together? I say, shame on you, shame on you, Speaker of this House. Shame on you, the leader of this House. Shame on you, the majority in this House who do not find it in their vested interest to govern and to govern well.

Mr. Speaker, we need to come together, Republicans and Democrats both, to understand this is a time of crisis. We need leadership. We need to stop this chicken game of who will flinch first. The American people are annoyed at that arrogance. We need grownups to act like grownups and not act like overspoiled children. I beeseech to my colleagues to come together as persons of responsibility, persons of compassion, and to serve America well.

"LET THEM EAT DOG FOOD"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, about now in the First Congressional District in Denver, CO, Federal workers, thousands of them, are going home after a long day's work and they are wondering if they come back tomorrow. What do they do? Does anybody recognize how hard their work is? What is going on?

Mr. Speaker, 45 days after the fiscal year ran out, they cannot believe this body cannot have a budget together. They also cannot believe we could not even get anything of substance on the President's desk, really; that the fight is with the other body. We cannot even get it down Pennsylvania Ave. So, they are driving home in their cars wondering what kind of career mistake they ever made to go into public service and dedicate their lives to this.

Mr. Speaker, people who live in the First Congressional District are hearing now that this shutdown is going to cost the economy $10 million to $15 million a day. It is going to cost taxpayers, and that is outrageous.

Mr. Speaker, people going home in their cars who have been designated "essential," so they can go back tomorrow, and they are realizing how inefficient it is going to be without support staff. People are going to phone in and not get an answer, and they are going to phone in to this body and not get an answer.

What is all of this about? Last night we got a little window into this, because the GOPAC people had a gala. They had a gala. GOPAC is the group that the Speaker put together that brought all the new Members of Congress is here on the other side of the aisle.

Mr. Speaker, they had address this great gala the person who they have designated as an honorary member of their class, Rush Limbaugh. Rush Limbaugh stood up to talk about what a great night it was. He said he greeted his fellow extremists and he hailed the new Republican budget, because he said it would starve the poor and it would take those on Medicare, like his mother, he said, and force them on dog food. But, he said, his mother was probably watching C-SPAN and he wanted her to know he was sending her a new can opener.

We have all heard of Marie Antoinette who said, "Let them eat cake." Apparently the new cry of this group is, "Let them eat dog food." Take a sock for Christmas and take cans of dog food and insert them for people who are on Medicare, because if the President is to be able to stop this tonight, he has got to agree to $13 more in premiums for the people on Medicare. That is why Rush Limbaugh is so happy that his mother is going to be on dog food.

Well, Mr. Speaker, I am not. My mother is not going to eat dog food, and I do not think we ought to have Federal employees going to dog food. I think for the great Nation that this Nation is, that kind of talk is absolutely outrageous.

Mr. Speaker, if we condemn, and we have as a nation, the Marie Antoinettes who were so out of touch, who said, "Let them eat cake," we ought to be condemning just as insensitive a statement as, "Let them eat dog food."

Mr. Speaker, we should not be attaching mandatory increases to Medicare to keeping the Government going. None of it makes any sense. This is about a dysfunctional part of the Government right now, the legislative branch.

Mr. Speaker, we ought to come in here, reconvene, and we ought to pass a clean continuing resolution so Government goes on. We ought to increase the debt ceiling, so Government goes on and the full faith and credit of this country is not run to the cliff. And then we ought to go back and work out that budget that was due 45 days ago. Mr. Speaker, 85 percent of it has not been finalized. Work that out. Bring it here in the regular process.

No wonder the American people are disgusted. The haughtiness and the arrogance of laughing about one's mother and laughing about how the poor are going to suffer and, "Isn't that a great day?"

□ 1930

If you really think the problem of America is that the real needy are the greedy and that the real greedy are needy, are not greedy, they are too greedy, then you are going to love what is going on. But I think most Americans do not think that the greedy are real needy.

If you have got hundreds of dollars to go to these great galas and fundraisers, you are not exactly suffering. And you may think it is funny for those who are suffering but I do not. I think it is tragic for Federal employees who have families, who have mortgages, who have school tuition. I hope Members of this body try and write notes to all of them, see if they can get some kind of an extension on their mortgage. See what they can do. They cannot. We should not do this. We should convene. We should have a clean continuing resolution. We should have a clean debt resolution. We should get on with business as usual and let us knock off this talk about dog food.

I am not from the heritage of Marie Antoinette. I am from the heritage of the great leaders of this country who believed every American counted and you did not make fun of them, of their social status or their economic status. Let us move forward in that tradition.

MEDICARE AND STUDENT LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, for months Speaker GINGRICH promised to shut the Government down so he could score political points. The Washington Times earlier this year said, "House Speaker NEWT GINGRICH vowed yesterday to create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the national debt ceiling."

The Washington Times, in April of 1995, said the President will veto a number of things and will then put them all in the debt ceiling and then he will decide how big a crises he wants.

Five months later leading up to this budget problem we are in now and this close-down-the-government threat, Speaker GINGRICH said, "I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not at this time."

An Ohio Congressman, Ohio Republican Congressman said, If we close down, people will listen. An Ohio Congressman also said, I do not see the Government shutdown as a negative; I see it as a positive, if things get righted. A Nebraska Republican Congressman said, If we have to temporarily shut down the Government to get people's attention, then so be it. The question, Mr. Speaker, is, why are they doing this? What is the point of this? The answer is, the Gingrich plan cuts $270 billion from Medicare and billions of dollars more from student loans in order to pay for a tax break for the wealthiest people in this country. Say it again, the Gingrich plan cuts $270 billion in Medicare and billions more in student loans aimed at middle-class families in order to give a tax break for the wealthiest people in this country.

Mr. Speaker, no Congress in our history, in the history of this country, has ever demanded an increase in Medicare premiums as a condition of keeping the Government open. What I do not understand is the feelings that some Members in this body have, notably the Speaker, toward Medicare.

Medicare, Mr. Speaker, has been in effect for 30 years and a few months. It was created in 1965 when Lyndon Johnson signed the Medicare Act in July of that year. At that time 50 percent of America's elderly had no health insurance. Today between 1 and 2 percent of America's elderly have no health insurance. This is a successful program. It is expensive, but it has helped people live better and helped people live longer. It is a Government program that works. It is probably, very possibly, probably the Government program that has done the best things for the people of this country, perhaps of any program in the history of this country.

Yet Speaker GINGRICH said, speaking to a bunch of insurance executives who will benefit monetarily in a big, big way from the Gingrich Medicare plan, he said, "Now, we don't want to get rid of Medicare in round one because we don't think that is politically smart. We don't think that is the right way to go through our revolutionary transition. But we believe that Medicare is going to wither on the vine."

This is a man that took the oath of office to the people of this country. Yet all of us, I think, have an obligation to the people of this country to make sure that we honor the trust, the agreement between the American people and this Government that Medicare be there and work for people.

Medicare works. It is a program that works. It has insured a huge number of elderly people in this country and made a difference in keeping their lives healthier and helping them live longer.

The other attack from this Government, from the Gingrich budget and the Gingrich plan, is an attack on student loans and middle-class families. How can we look to the future when we are cutting, taking away the ability, reducing the ability of middle-class families in this country to send their kids to college. Whether it is Ohio State, whether it is a private school, whether it is Lorain County Community College, students have needed those student loans, they have two parents working oftentimes. Often the student himself or herself is working but they need those student loans in order to go to college, in order to get the kind of degree to compete with people around the world.

Employers around Lorain County in my district, in and around Toledo and my friend from Lucas County's district and around Ohio and around this country, employers tell us over and over that they have got $8- and $12- and $15-an-hour jobs out there and sometimes they cannot find people qualified to fill them. We have got to continue to put, to move forward in global competition. We have got to ensure that students get loans. This Gingrich budget goes right at the heart of middle-class America in cutting and reducing and eliminating student loan programs. It simply does not make sense, Mr. Speaker.

I ask again this House for a clean continuing resolution, a clean debt ceiling resolution. It is absolutely senseless to hold up the Government in order to cut Medicare and in order to cut student loans. Let us move forward on these clean resolutions. Let us debate Medicare. Let us debate student loans and see what the country thinks and make those decisions separately and move forward the way we were elected to do.

NAFTA ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman and wish to state that I think this is a sad night for America, for our country and this Congress, as we are held hostage by a few extremists who want to take actions like raising premiums on Medicare part B for our senior citizens and rolling back environmental standards across this country, under the guise of a bill that is supposed to be about running our country and conducting the people's business.

One of the reasons that the Government is short on funds and our families are working harder and showing less for it in their pocketbooks and their wallets is because of the dry rot inside the economy of the United States. It is that that I want to focus on, and it is that subject I wish that we as a Congress would be focusing on.

This week represents the second anniversary of NAFTA's passage on November 17, 1993. Each day this week, several of my colleagues and I will be here on this floor discussing various aspects of that agreement. We will be calling attention to its performance to date which can be properly characterized as truly dismal and devastating for thousands of Americans as well as Mexican workers and their families. But it has been truly rewarding for speculators on Wall Street and Mexico's Wall Street at the Bolsa in Mexico City.

Promises, promises, we were given lots of promises. During the NAFTA debate we were promised it would create 200,000 jobs just this year; good jobs, they told us, jobs that could help people pay taxes, jobs that could help people increase their incomes. However, as the Wall Street Journal recently reported, the reality is, and I quote: "There has been no evidence of any overall gain in jobs as a result of this agreement with Mexico."

In fact, by the end of this year, 800,000 people in our country and several million in Mexico will have had their jobs put on the chopping block because of this agreement.

Think about the toll of human lives in our country just in the last 2 weeks. Fruit of the Loom announced 3,200 jobs being shut down in this country in Kentucky, Alabama, Mississippi, the Carolinas, moving to Mexico. And 479 workers out of work in St. Joseph, Missouri. They made Lee jeans. They earned $8.35 an hour. And chocolate workers in Hershey, Pennsylvania who were told that they are going to be laid off, get their pink slips because Hershey has decided to move its production of Giant Kisses to Guadalajara, Mexico. So I guess we could say NAFTA has become a giant kiss of death for many workers in our country.

I want to pause here for a moment and say that NAFTA did not really grow out of a vacuum. It is merely one agreement within the larger context of our Nation's extremely flawed and ill-advised trade agreements which purposely ignore consequences on large segments of our people. These policies and trade agreements have spawned and destroyed both jobs and wealth in our country by providing incentives to export our jobs someplace else, exporting income from our people, increasing frustration in our electorate and causing a kind of doubt about the ability of this Government to deliver.

There is economic dry rot out there in our country. Think about the last 20 years. The average American family has not had an increase in their purchasing power. In fact, the high school graduate today makes 27 percent less in real wages on what they can actually buy with their check than their counterparts did 20 years ago, but the chief executive officers of our country are earning just in the last year 12 percent more real wages than they did in the prior year.

Now, what exactly are those CEO's being rewarded for? Fortune 500 companies have not created a single job in this country for a decade. Virtually all their investment in production has been abroad. American workers are being asked to compete against capital that can move anywhere in the world, foreign cartels that block our access into their markets and millions of low-wage workers in the world who live under undemocratic regimes.

The resultant pulldown in wages in our country has been verified by economists like the University of California's Professor George Borjas, who maintains at least 25 percent of the loss in wages in this country is due to the type of trade agreement that we got ourselves locked into including the NAFTA agreement.

Mr. Speaker, I would just like to say that this week we will be introducing the NAFTA Accountability Act. My colleagues and I will be on the floor talking about its various provisions. We are going to listen to what the public is telling us. Once we restore the economic health of the country it will be easier to restore the governance of the Nation.

NAFTA DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, it appears certain that tomorrow a substantial portion of the Federal Government will shut down. That is a very serious and very negative and very real thing for hundreds of thousands of people who work for the Federal Government in this country. I regret that.

I would urge my colleagues to work together tonight and for the rest of this week as long as it takes to prevent that. There is no good reason why these good people have to be put at risk tomorrow.

I want to come back to something that my friend from Ohio just talked about a few minutes ago. That is there have been lots of other shutdowns in America in the last few years as well that have nothing to do, directly at least, with the Federal payroll but have a lot to do with the shutdown of economic growth and opportunity. Yes; it is true and it is regrettable that hundreds of thousands of Federal employees will not go to work and will not get paid tomorrow and will not be able to pay their bills.

A lot of other Americans will not go to work tomorrow, too; the ones who worked in manufacturing jobs and made $10 or $12 or $15 an hour and saw their job go to Mexico or Malaysia. A lot of other Americans will go to work tomorrow in jobs that pay them 40 or 50 percent of what they need to make to meet their family budget. The man or the woman who was working in midmanagement at a bank and making $40,000 or $45,000 a year a few years ago who now is making $20,000 or $25,000 a year.

A lot of young Americans will go to work tomorrow at the shopping mall at their part-time job, even though they have a master's degree or a college degree in a field that ought to get them a job at a much higher rate of wages. A lot of senior citizens tomorrow are going to wake up and wonder if they are going to be able to turn their heater above 65 degrees because they are so worried they cannot pay their utility bill.

The rest of America, Mr. Speaker, sort of shut down a while ago. A lot of American families have seen their budgets shut down and be ratcheted down. So maybe it is time that we had this confrontation here to talk about our Federal budget and its impact on the family budget.

□ 1945

I agree, as a Democrat, with my friends, Mr. Speaker, across the aisle who say that we ought to balance the budget and do it in 7 years, and I agree with them that it ought to be done without increasing the tax burden on the American people. They are already overtaxed as far as I am concerned. I do not agree with the exact way that our Republican friends have chosen to do this.

I think that we should be getting rid of accounts that pay for overseas advertising by food companies, not getting rid of remedial reading teachers in the public schools. I think that we can go to some of our agribusinesses in this country that receive welfare checks not to grow food and cut them off instead of raising the cost of going to college for middle-class families. I think that a lot of the tax loopholes and giveaways in the Internal Revenue Code to insurance companies, and banks, and Fortune 500 companies could go by the wayside so we would not have to be raising Medicare premiums on the elderly in this country.

Mr. Speaker, I think we can do it differently, but I agree we have to do it. We have to balance the budget, and we ought to do it in 7 years, and we ought to get to work instead of standing around here tonight just talking to each other about it.

But we ought to do some other things as well. We ought to fix and change our educational system in this country so having a high school diploma means something again, so people are able to graduate from high school and get a job in a noncollege situation, so that people who choose to be a bricklayer, or computer technician, or a cosmetologist, or an electronics worker, can go to school, get a high quality education, get into the job market. We ought to fix our trade policy so that Americans can compete and sell our products in other countries as well as other countries can sell their products here. We should get rid of some of the foolish and pointless regulations that we have imposed on our businesses that do not clean the water, or protect our workplaces, or clean the air, but simply raise the cost of doing business.

Mr. Speaker, it is essential, but not sufficient, to balance the budget in 7 years, but by all means, Mr. Speaker, it is essential for us to get to work, and I hope that what we do in the next couple of days is put aside the posturing over the 1996 election and get to the serious business of worrying about the real problems of real Americans out there tonight, Mr. Speaker, who are afraid they cannot pay their bills, who are watching their incomes shrink, and their taxes rise, and their children's hopes evaporate.

America is in a real and deep economic crisis. For us to fiddle as family finances burn, for us to talk about who is going to get elected in 1996 rather than who is going to be able to pay their bills in the next 6 days or 6 months is really a disservice to this country.

Let us get to work, Mr. Speaker, and do the job the people sent us here to do.

HOW TO BALANCE THE BUDGET

The SPEAKER pro tempore (Mr. BARR of Georgia). Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I would like to talk just briefly about where we are tonight at 10 minutes of 8 o'clock to my constituents back in Indiana, roughly 4 hours and 10 minutes before the Government might shut down, which is a very, very serious consideration and a serious subject for people throughout this country.

I think, Mr. Speaker, quite frankly that it should not have come to this. It should no come to a situation where we are messing around with the credit rating and the ability of the Secretary of the Treasury, and the U.S. Government, and the President, and Members of the Republican Party and the Democratic Party, to negatively affect our ability to pay on our debt. I think the American people at this time, 4 hours from now, talking about the Government shutting down, are saying to one another they do not want us to act like Republicans and Democrats, and pointing our fingers, talking about gridlock, and partisan games, and even deadlock as we reach this midnight bewitching hour, but what are we doing for the best interests of America? What kinds of considerations are we making for the hard-working people of this country that want to balance the budget, that do not want to see their taxes go up, but want a fair outcome when we balance the budget, that want to make sure that the budget is not balanced on the backs of senior citizens that barely make it month to month on their Medicare or their Social Security, senior citizens that I listen to and work with in my district all the time who tell me, not only do they barely make it by the dime or the quarter, but these senior citizens are the people that, when they get a gift, somebody gives them a present, a birthday present, an anniversary present, they usually keep that wrapping paper and reuse it, or, if they are going to buy something from the supermarket, oftentimes the seniors in northern Indiana will go to three and four different places to find the best bargain, sometimes eating up, maybe, in gas money what they may have saved looking for the best bargain because they know month to month they are barely going to make it.

Mr. Speaker, we should not be cutting Medicare by $270 billion. We should also not be cutting student loans by $10 billion. One of the most important things to the constituents that I represent here in Washington, DC, when I come here to work from Indiana, is that we give them and their children the opportunity to get to college. Some of my people that have been working for 10, and 15, and 20 years find because the economy is changing they have to go back to school and learn some new skills, some computer skills, some blueprint skills, some total quality management skills, and they are going to schools in Indiana to learn these new skills. We should not make it more difficult, we should not make it more expensive we should not make it more arduous for these people to get this education and training, to help our economy move forward.

But where do wo cut, Mr. Speaker, because we do need to balance this budget in 7 years? I think that is where the Republican colleagues of mine have it right. We do need to make tough decisions with a fair outcome to get this balanced budget on line in 1995.

I think we start with B-2 bombers that the Pentagon does not even want, that the CINC commanders, the Joint Chiefs of Staff, have said we do not need these. I think we talk about tobacco subsidies where we cost taxpayers money twice, once by paying their tobacco subsidy through the Government, another time by paying hospital costs for patients that go to the hospital and contract cancer. I think we cut in a host of areas, through eliminating the Interestate Commerce Commission, to elimiante or at least reforming and changing, the market subsidies we give to big corporations to advertise overseas. These are corporate welfare proposals and programs that we do not need in 1995 if we are going to balance the budget.

Mr. Speaker, over 300 Members of Congress have voted for a balanced budget; 73 voted for a coalition budget; over 230 Republicans voted for a balanced budget proposal some weeks ago. Now I think we should begin to move forward in bringing a number of these people together, hopefully 218, that will come up with a fair way to our seniors, and our students and our working people in this country to get that balanced budget in effect.

THE PRESIDENTIAL POLITICS OF BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to talk a little bit about our balanced budget proposal, our 7-year balanced budget proposal, and in particular the President and his previous claims of supporting a balanced budget, and I do want to dwell a little bit on the issue of Medicare. I think Medicare is a very important issue.

Mr. Speaker, I am very familiar with the Medicare system. I earned my living prior to coming to the House of Representatives, and I plan on when I leave the House of Representatives going back to, practicing medicine. I am a physician, and I very much enjoyed taking care of senior citizens as an internist. About half of my clinical practice was caring for seniors, and I know firsthand how much our seniors depend on the Medicare program, and I think what the President is doing with this issue is truly disgraceful, and he is playing pure politics with the Medicare program, and in his proposal he wants to lower the Medicare premium to 25 percent, and then in subsequent years, after the election, essentially after he has bought the senior vote, he is going to let it drift up. In our proposal the Medicare part B premium will do exactly what it has done over the previous 7 years under the Democrats of this House. It will slowly double. Under the President's proposal it will double as well, but it goes down in the crucial year of 1996 when he is seeking to get reelected.

What are we talking about in our budget proposal? We are talking about a 7-year balanced budget proposal. We have not been able to get the President to agree to this very fundamental principle. This is a man who ran in 1992 pledging that he would balance the budget in 5 years. Three years after he has been elected, he is refusing to sign on to a 7-year balanced budget proposal. Instead he is putting forward this budget proposal that supposedly gets us to balance in 10 years, 13 years after he has been elected when he ran on a 5-year proposal. We have welfare reform in our budget proposal. He refuses to support that, a man who ran saying that he was going to end welfare as we know it.

What else do we have in our budget proposal? Tax relief for families with children. When my father was raising myself and my three sisters, as a postal worker he sent 4 percent of his income to Washington. Now those working fathers with children send 25 to 30 percent of their income to Washington. That is the single biggest reason why so many of those working families with children have to put mama out to work, too, and my colleagues know what happens then. They do not spend as much time with their kids. In the 1950's the average parents spent 35 hours a week in direct contact with their children. They now spend 17 hours a week. Who is taking care of the kids? The television loaded with violence.

Finally, what else do we have in our budget proposal? We have economic incentives, a capital gains reduction that will pump money back into the economy, that will create jobs, jobs for people who are unemployed, and the President is refusing to sign on to any of these things, and what is the most crass thing, he is actually going so far as to try to claim he is trying to protect Medicare when in reality it is a temporary thing in Medicare. A year later the Medicare premiums will rise, and rise, and rise, and rise, and the President knows all this. But yet he is continuing to play politics. When the Medicare program was created, the Medicare part B premium was supposed to be shared by seniors, 50 percent coming out of the pockets of working people, 50 percent coming out of the pockets of seniors. Today many of those working people who are being taxed to support the Medicare Program cannot afford health insurance themselves. In our budget proposal we keep the percentage at 31½ percent. That is what it is at today. We think that is a fair and reasonable thing to do.

But yet the President is trying to play politics with this. He is trying to lower the Medicare premium in an election year, and then he is going to turn around and raise it on seniors just like he turned around and raised taxes in 1993 after he ran in 1992 saying that he was going to give middle-class working Americans a tax cut. He raised taxes on them; he raised taxes on senior citizens. Senior citizens had their Social Security income taxed, an increase in their taxes.

Mr. Speaker, I encourage all my colleagues in the House, as well as my colleagues on the other side of the aisle, to put politics aside and join together in a reasonable proposal to get us toward a balanced budget in 7 years.

□ 2000

It is for our future, it is for the future of our children, it is for the future of our children's children. What kind of life are we going to leave the next generation? In years past, you paid off the farm, you did not leave the kids a mortgage. Today in America, today in America, every child that is born is being born into an economy where they owe $18,000 of debt. They are going to have to pay back with interest on that debt about $18,000. That is $4.9 trillion worth of debt. Mr. Speaker, I encourage the President to support our budget, to vote in favor of balancing the budget in 7 years.

NOW IS THE TIME TO BALANCE THE BUDGET

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I agree with just about everything my colleague the gentleman from Florida, who preceded me, has just said. I have been in Congress now for 13 years, and I have gone out and had a lot of town meetings with senior citizens and people from all across my district. I have talked all across the country. When you talk to people about the pain of cutting spending, people say, "We have to balance that budget. We do not want to leave a legacy of debt to our kids and to our grandkids. We do not want to see hyperinflation in this country."

After you get through talking, we start going around the room and we let them ask questions. Inevitably, somebody will say, "You are not going to cut this program, are you?" Somebody will say, "You are not going to cut this program, are you?" Before you know it, everybody in the room has some program that the Federal Government funds, or partially funds, that they are all interested in; maybe highways, maybe Medicare, maybe Social Security, maybe welfare. It may be a number of things, but everybody wants the budget balanced and they want their kids to be secure and their future to be secure, but they do not want their programs to be cut.

We have had 40 years of movement toward socialism, toward complete government control over our lives. Make no mistake about it, we are at a point now where if we do not make some real hard decisions, we are going to get what we do not want as a Nation. If you look around the world, and I am on the Committee on International Relations, I can tell you a lot of countries that have hyperinflation have disintegration of government and government services because they have gone too far. We are heading in that direction. We have to make some choices.

The people in this country last year elected a Republican majority in the House and Senate because they wanted change. They wanted a balanced budget. Eighty-eight percent of the people in this country want a balanced budget. If I were talking to America tonight, Mr. Speaker, I would say, "Look, there is no easy way out. We are going to have to bite the bullet. Everybody is going to have to have a little bit of the share of pain."

We are not cutting these programs. We are slowing the growth of the programs. Medicare is not going to be cut. The growth in Medicare is going to be 6.5 percent over the next 7 years. It is going to grow. But we are not going to allow it to grow at 10 to 15 percent, like it grew before. We are going to give money for the school lunch program. It is going to grow, but we are going to send the money back to the States so the Governors can more efficiently spend the money, rather than have some bureaucracy here in Washington spend it.

We have to do something about welfare reform. The President now says he is going to veto welfare reform. Everybody in the country knows welfare is out of control. There is flagrant fraud in the welfare system. We have to do something about it. Now he says he is going to veto it.

The bottom line is, Mr. Speaker, if I were talking to America, I would say if we want a balanced budget, then we are going to have to get on with it. We are going to have to get on with it. We are going to have to slow the growth in these programs. Yes, we are going to have to cut out some bureaucracy and some governmental agencies. We intend to do that.

The President is pandering to the fears of senior citizens. He knows that the premiums for Medicare are going to have to go up, but he wants to postpone these major changes until after the next election. I am telling seniors, if they are paying attention, that after the next election these increases are going to be there, but they are going to be bigger, because we will have postponed them for a year. We want to deal with the problem now. We want to deal with it in an equitable and fair way.

The benefits will continue to go up. The premiums are going to go up a little bit. There is no question about it. But we know that the Medicare system is going to fail if we do not do something. The President's commission said it is going to go bankrupt if we do not do something, so we are trying to do it in a responsible way, and he is down there at the White House with his glasses down over his nose, vetoing it, saying he is going to save it for seniors.

The fact of the matter is he knows, we all know, we are going to have to deal with that problem. We want to deal with it now, in an equitable way, so the pain they are going to feel in a year is not as severe as it would be right now.

We have no deal with the budget deficits. We are at $5 trillion. In a few years it will be $7 trillion. The interest alone on the debt will be so high we will not be able to manage this Government without printing money and causing hyperinflation. We have to control the deficit. We have to balance the budget, and we have a plan to do it in 7 years.

He does not want to do. He says how about 9 years, 10 years, 11 years. There is going to be no end to it, America. We will never have a balanced budget until we make the decision to do it. We want to do it now. We want to hold the President's feet to the fire. I think that is what America wants. If we do not do it now, it will never happen, and we will rue the day that we turned our backs on this opportunity.

WHY CRITICIZE THE PRESIDENT WHEN THE HOUSE HAS NOT COMPLETED ITS WORK ON APPROPRIATIONS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I would be glad for my colleague, the gentleman from Indiana [Mr. BURTON] to come back. I think the gentleman and I agree on most of what the gentleman has said, not everything. One of the things that has puzzled me about this emergency, and why we are sitting here 3 hours and 55 minutes from shutting down the Government, and we keep talking about what the President has or has not done.

It has always seemed reasonable to me that the House should have completed its work, that the budget reconciliation bill that should have been addressed by October 1, which has not been addressed, which I was told tonight at 8 o'clock the conferees were going to meet for the first time, only to be told that we are not going to meet tomorrow until 3 o'clock, but it seems to me that the House should have done its work if we are going to be criticizing the President.

What am I missing?

Mr. BURTON of Indiana. If the gentleman will yield, as the gentleman well knows, we made a commitment to the American people that we were going to pass a Contract With America in the first 100 days. Because we spent the time making good on that commitment and did it in 93 days, the appropriations process was set back. He knows that.

We are trying to catch up and we will catch up. We will pass all 13 appropriation bills, as well as reconciliation, but it is a bogus argument in my opinion, and I have great respect for my colleague, the gentleman from Texas, to say that we are playing games here. The fact is we want a balanced budget and we are on a trend line to do that. The legislation we sent to the President gets us on that track.

Mr. STENHOLM. If I could reclaim my time, Mr. Speaker, there are at least 68 Democrats who agree with you.

Mr. BURTON of Indiana. I appreciate that.

Mr. STENHOLM. It seems to me if you have Democrats also saying balance the budget in a time certain, if you have Democrats also saying to balance the budget by the year 2002, it should not be unreasonable for us, before we shut the Government down as we are doing, that we ought to let the regular legislative process go before we start criticizing the President. It seems to me that what we ought to be doing is going ahead and doing our work.

We have wasted 5 days playing this game that we are playing. The gentleman and I do not want to play games, we say. At least he has made a speech, it was excellent, on what he is for. I would want to make the same speech. But it seems to me when we are talking about the President not engaging, under the regular legislative process that everyone in this House understands as clearly as anybody could, when you have a bill, the House passes it, the Senate passes it, you go to conference, the conference works it out, the conference then goes to the President, the President signs or vetoes the bill. If he vetoes it, then we try to override, or we start over and we start negotiating.

Mr. BURTON of Indiana. If the gentleman will yield further, the fact of the matter is, and my colleague well knows, the President has stated his opposition to a number of the provisions in the short-term CR and the debt bill that he said he opposes. These are things that we believe America wants. He said he opposes them. The only way we could get around the President was to send him a bill that he could not veto.

Mr. STENHOLM. If I could reclaim my time—

Mr. BURTON of Indiana. He has chosen to shut the Government down, not us.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I find the logic strange that somehow the President ought to be questioned about his conduct before we have ever gotten appropriation bills to him. We can all have legitimate differences about what ought to happen on Medicare, what ought to happen on education. That is normal in this country. What is not normal is when you start criticizing the President for not signing legislation that has not yet been sent to him.

When the Congress has failed to pass 10 of the 13 appropriation bills, then the issue is not whether the President has vetoed something, the issue is whether the Congress has produced something for him to sign or veto. We have not yet done that, and until we do, it seems to me that it comes with considerable ill grace for this institution to suggest that we ought to short-circuit the process when this institution has not yet performed its basic duty.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from North Carolina.

Mr. HEFNER. I would like to ask a question. There is nothing in these two bills that the President is talking about vetoing, there is nothing in these bills that could not go the regular legislative route if you had done your work, or will do your work. They could be separated out. You have got the majority. You could bring them up, even under suspension, if you wanted to.

Am I right? Is that right?

Mr. BURTON of Indiana. If the gentleman will continue to yield, the minority well knows that in the past there have been many, many, many times when we did not pass all the appropriations bill and we ran this place with continuing resolutions, short-term CRs. When we did that, the Democrats, when they were in charge, sent to the President of the United States things that he did not want.

Mr. HEFNER. The gentleman is not answering my question.

Mr. BURTON of Indiana. The fact is you are turning everything on its head. The gentleman knows that.

THE EXECUTION OF NIGERIAN CITIZENS OF CONSCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, we are today in a democratic debate about the size and role of government. It is important and involves a need for comity of purpose on all sides.

Nevertheless, despite differences on the question of whether and how fast governmental budgets should be balanced, let us not lose sight of the fact that this is a blessed country which can manage its affairs peacefully and democratically.

I stress this point because on another continent last week, the Government of Nigeria executed the playwright Ken Saro-Wiwa and eight other human rights activists. A generation ago in her seminal work "The Origins of Totalitarianism" Hannah Arendt noted that one of the hallmarks of totalitarian regimes is the capriciousness as well as the anonymity of death.

It is therefore incumbent on democratic legislatures throughout the world to register dissent against political atrocities of this kind, and shine the spotlight of decency onto the regimes responsible.

The international community cannot allow individuals of conscience to disappear unnoted from the face of the Earth. Names must be named and deeds recorded. The courage of Ken Saro-Wiwa, a Nobel Peace Prize nominee and the President of the Movement for the Survival of the Ogoni Peoples, as well as Barinem Kiobel, Saturday Dobee, Paul Levura, Nordy Eawo, Felix Nuate, Daniel Gbokoo, John Kpuinen, and Baribor Bara must be acknowledged and remembered.

Like Socrates, forced to drink hemlock because of his alleged corrupting influence on the youth of Athens, Ken Saro-Wiwa was found guilty of crimes committed by others because his enlightened human rights advocacy was said to have created the environment that fostered societal misdeeds. As the lessons of Socrates' life and the injustice of his death 2½ millenia ago are recalled, we as public officials in a free society must today demand accountability for the execution of these 20th century Nigerian citizens of conscience.

In referencing this human rights tragedy, I do not mean to divert attention from the importance of the debate this evening, but this Congress, despite our problems, remains the principal legislative beacon of freedom in the world. We are obligated to resolve our differences. We are also obligated to put our problems in perspective. Important differences of judgment exist, but we can reach a consensus without putting a gun to anyone's head. We are, after all, Americans.

GOAL OF BALANCED BUDGET NOT EXCLUSIVE TO REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

THE LEADERSHIP'S INABILITY TO SUBMIT TO THE PRESIDENT LEGISLATION HE CAN SIGN

Mr. WARD. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Kentucky.

Mr. WARD. Mr. Speaker, I thank the gentleman for yielding to me. I rise here to speak to the issue that we are talking about tonight, the inability of the Republican leadership, Speaker GINGRICH and the leader of the other body, to bring to us and take to the President a continuing resolution and an extension of the debt ceiling which he will sign.

I do that with a special interest tonight, because I have two constituents here with me in the gallery who are nurses in my district. They are very concerned. They are concerned that we continue the commitment that we have in this country to seniors through our Medicare Program, to others through our Medicaid Program, and to their colleagues, who work in Federal facilities, so I appreciate the gentleman giving me a moment to make sure that we remember there are real people who are being discussed in these issues. This is not just theoretical.

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Mr. ABERCROMBIE. Mr. Speaker, apropos of the remarks of the gentleman from Kentucky, reference has been made again and again this evening and in previous sessions of the House to a balanced budget, and reference has been made to the President. In fact, the President has been castigated for being unwilling, presumably, to move towards a balanced budget in a time certain, generally given to be 2002.

What is constantly left out of the equation is that there is no presentation for a balanced budget. Every time I hear that being said very frankly by Members on both sides, but most particularly as a kind of challenge from the Republic side, I would find it amusing if it was not so sad that this is based upon a palpable fraud. I will tell you exactly what it is. It is no great secret.

In previous times, Mr. Speaker, in order to mask the deficit that was accumulating, we have gone into what is called something off-budget. It is a bookkeeping trick. That is all it is, the Social Security trust fund. But before, at least we were honest about it with respect that it appeared from both the Republicans and the Democrats when we finally put budgets together that we were, in fact, utilizing the so-called surplus funds in order to achieve a budget. We were not pretending that we were trying to balance the budget at that point.

As the gentleman from Texas [Mr. STENHOLM] and others who have preceded me have indicated, that has been a goal of both Democrats and Republicans. This is not exclusive to the Republican Party. But the difference has been that there was not the stench of mendacity in the air as I very sadly detect now.

The plain, simple fact of the matter is that in the budget as presented by the Republican Party, we are going to take in the neighborhood of $636 billion out of a so-called surplus in the Social Security fund in order to balance the budget in the year 2002. We start in 1996 with $63 billion. There is $115 billion scheduled to be taken in the year 2002 in order to achieve a balanced budget.

Now, this is supposed to be coming from surplus funds. So I put the challenge to those who will say that this is truly going to be a balanced budget as presented by the Republican Party in this House in 2002. If that is a surplus, then give it back. If you do not need to have an IOU to the Social Security trust fund in the year 2002 of $630 plus billion, let us hear it on this floor. I can come down here for special orders any night; I invite anybody to come down now and say that what I am saying is not true.

I see a smile on the face of the gentleman from Texas [Mr. STENHOLM]. He knows that this is the case. My good friend from Indiana is not smiling, he is grimacing at the moment. But the plain fact is that while there are people in this body who are serious about balancing the budget, they are serious in a way that says that they will not try to fool the American people into thinking, because we have done a bookkeeping trick, namely putting it off budget, that phraseology, a phrase of art with respect to accounting, that we will not owe that money to the Social Security trust fund.

There will be no balanced budget in 2002, and I would hope that the next Republican Member who gets up and recites this mantra will at least have the common decency to respect the intelligence of the American people who can add and subtract and read and write the numbers just as well as anybody else and admit that in the year 2002 when they claim, providing nothing goes wrong whatsoever with the projections, when they claim that there will be a balanced budget, on that day, at that moment, they will owe $630 plus billion to the Social Security trust fund.

If we are going to balance the budget, I welcome the debate. Let us get to it, let us try and figure out how to do it, but let us be honest about it. Let us not start accusing anybody in this body, particularly on our side of the aisle, of being less than true to their faith, the faith that they have in what they want to do, and come forward with sensible, reasonable, honest figures with respect to the balanced budget.

MAINTAINING THE CURRENT MEDICARE RATIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, it seems to me that having a continuing resolution which would leave the government open is in jeopardy because of this premium part B on Medicare Program. I wish the people in California would listen to me tonight. I want to tell you exactly what the part B in Medicare plan is all about so you can make your own judgment of who is right and who is wrong.

I do not think we, the Republican Party, is doing such a good job to communicate with the people. I am going to do my best tonight.

Let us take a look at this chart here. Right now beneficiaries, senior citizens, only pay one-third of the total cost of the part B, which is to pay for the doctor's fee. Two-thirds, a little more than two-thirds is paid by the other taxpayers, roughly 68.5 percent. Many people did not know that. My district people did not know it. I did not know we had been subsidizing it. They are so busy working every day, they did not pay attention to exactly what the part B premium is about.

Mr. Speaker, it used to be 50–50. Half of it paid by the beneficiary and the other half is subsidized by the other taxpayers.

Now what has happened? One-third is paid by the beneficiary; two-thirds is being subsidized by the other taxpayers, the working people. Who are those people? Some of those people cannot even afford to buy their own insurance, but they have to subsidize senior citizens by two-thirds. Under the current system starting January 1, it is going to change even greater: 25 percent by the beneficiary and 75 percent by the other taxpayers' subsidy. That is not fair. That is what we are saying.

We are saying that we have to keep this ratio, one-third, two-third ratio. That does not increase anyone; that is all. For that we have been criticized unfairly.

Is it wrong that we would like to maintain this one-third/two-third ratio? A senior citizen only pay one-third of the premium and two-thirds subsidized by the younger people? Is that unfair, keeping this ratio? Why does it have to go to 25 and 75 percent relationship? How can you balance the budget when you have to spend this kind of money, additional spending, to subsidize beneficiaries? How can you possibly balance the budget?

We are not cutting anything, we are trying to maintain the same ratio. By doing this, as you know, medical costs keep going up. By doing this, everybody has to pay a little more, a few bucks a month, just to maintain this relationship. We are not increasing anything, just maintaining one-third/two-thirds relationship.

Mr. Speaker, it is not right that we are asking those people out there working every day making $50,000 a year, trying to support the family, trying to send the kids to school, trying to make the mortgage payment, let them at the same time subsidize senior citizens by more than two-thirds.

Now, when our country is in this shape financially, yes, let us increase that, maybe 100 percent, but right now we are in financial crisis. Our debt is $4.9 trillion. Our interest payment alone last year was $230 billion, about the same as our national defense budget. Under that kind of circumstances, we are going to ask them to pay more?

I have to set the record straight. People can see me. I apologize that the chart is kind of messy, but I have to speak to you tonight to get the facts straight. If you do not think that that is fair, then let us know. That is all we are trying to do, maintain this current ratio. For that, our President is going to veto the entire continuing resolution I think is very unfair.

CRUCIAL DEBATE ABOUT THE SURVIVAL OF SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I was in my office working and many of the staff members were there with me, because obviously, we are preparing for the onslaught of questions that will probably be coming from many of our constituents in the 18th Congressional District.

I listened to the debate, particularly by the gentleman from North Carolina [Mr. HEFNER], and I would like to yield to him, because I do not know about the plain facts that our colleague on the other side of the aisle was mentioning about Medicare part B.

Mr. Speaker, I do not know about the gentleman from North Carolina, but I know the plain facts that today my senior citizens pay $43, and under the Republican plan in a few months, maybe just about 30 days, they will be paying $53.

I have had my senior citizens tell me, I do not know where I am going to get the money from. This is not a battle of who is chicken and who is not, this is not a battle of who has one-upmanship; this is a crucial debate about the survival of my senior citizens and citizens across this Nation and the Medicare system.

Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, people making $50,000 a year, which is certainly not rich, but people living in my district on a fixed income for an increased of $10 or $12 a month, many times depend on where they are going to buy their groceries or get their prescriptions filled and what have you, it is a tremendous burden.

Also, I would like to have asked the gentleman the question that if we are going to put $270 billion, and make no mistake about it, it is a cut, $270 billion, then you cannot have the $240 billion tax cut unless that is scored by CBO. You have to have the Medicare cuts before you can have the tax cuts. Everybody acknowledges that.

So if you are going to make the $270 billion cuts in Medicare, why not apply them to make the Medicare fund more secure; either that, or reduce the deficit. This does not make any sense to burden our senior citizens with an increase in premiums simply to have a tax cut almost corresponding to the same dollar amounts, from the $270 billion you are going to make in Medicare to give a $240 billion tax cut.

Mr. Speaker, the gentleman can talk about it all he wants, but there are going to be cuts and there are going to be cuts to supply the funds for a tax cut. It does not make any sense to put that burden on our senior citizens.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, reclaiming my time, I think that is an excellent explanation, and that is why I came over, because it concerns me when many of my constituents are raising the question of what is happening here in the U.S. Congress.

I would like to just briefly relate to them the lack of progress that we have made. Frankly, under the Republican majority, they have not done their job. These appropriations bills were supposed to be passed in early September, and if they had been passed at that time period, we would not have reached this point, this time, this day.

All that we are asking as a Congress, and particularly those of us on the Democratic side of the aisle, is that let us just deal with the issue at hand. The issue at hand simply allows us to have one, a continuing resolution to allow this discussion to go forth and the doors of the Government to stay open; and then second, allows the debt ceiling to increase so that this country does not default on its obligations.

We have a philosophical difference, and that is understandable, but I do not think the American people should be misdirected and misrepresented that there is some reason that we have come to this, other than the fact that the appropriations bills that should have been passed in September were not passed. Why is that? Because there is some magic number to the number seven in terms of balancing the budget, when in actuality, we have looked at the President's budget, we may have wanted to improve that budget, but that is a 9-year budget. Is there some difference, something magic between 7 and 9?

When you begin to look at the direction that the Republicans' 7-year budget takes, cuts in school lunches, cuts in Medicaid, children's programs, cuts in student loans, ending nursing home regulations where many of your parents are staying; a lack of worker safety regulations, curbing food and drug standards, forgetting the environment, criminalizing various procedures dealing with the question, the very private question of women to choose; ending the national service group, and of course, cutting science and research. All of these issues were part of the appropriations bills when we should have been able to discuss these separate and apart from that process.

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Do you want nursing home regulations to be eliminated? Do you want to eliminate the progress we have made with respect to environmental protection? These debates should be separate and apart from the question of whether the doors of this Government stay open.

Just this past weekend, I spent Veterans Day acknowledging the many veterans in our community and saluting them for the service they have given. In addition to saluting my veterans, many of them asked the questions, not only about themselves but about those who would come after them that would be denied benefits.

I had Federal workers working with me on their day off to give constituency service in my congressional office, meaning those in Social Security and those working in other agencies. Those are the ones that are going to be counted out.

Mr. Speaker, I would simply ask, let us be reasonable. Deal with the issue at hand so the American people can have faith in their Congress again, get back to the business that we have, and that is the business of running this Government properly, making sure that a budget is balanced but is not balanced on the least of those that we have in this country. Let us be realistic, both Republicans and Democrats. Keep doors open so that we can face this together, and make sure that we are having a budget that answers the concerns of all Americans, and not cut it on the backs of children and senior citizens.

RHETORICAL AND SUBSTANTIVE DIFFERENCES

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, I got a call from a good friend of mine tonight. His question was, what is this big difference of opinion between the White House and the Congress? What is it all about, and what can we do about it in the short time that remains?

As we discussed it, it occurred to me that maybe the differences are not as wide as we think they are, at least in rhetoric, and maybe they are wider than we would like them to be perhaps in substance.

In rhetoric, the President of the United States in 1993 appeared on "Larry King Live" and promised a 5-year plan to balance the budget, not a 10-year plan like he came out with in 1995. A 5-year plan. This year, just recently he said, "Well, maybe I could go along with a 7-year plan. Maybe I could, if I liked the way it was done." But in 1993 he promised a 5-year plan. You would think we could come together tonight.

Also in 1993, the President spoke out very forcefully and I think very courageously on the question of Medicare and Medicaid. His words then were that we cannot let these two programs grow at three times the rate of inflation without them going bankrupt or bankrupting our future. He called for a reduction in growth.

In fact, in his 10-year budget plan this year he called or a $192 billion reduction in the growth of Medicare. That is on the same baseline we use here in Congress. He called for a $120 billion reduction in the growth in Medicaid according to our congressional baseline. That is some pretty severe reductions in growth.

Our Democratic leadership would call that cuts. The President said, "Don't call that a cut." He said, "I'm talking about reducing the growth of the spending out of these programs, the excessive amount they spend, because they are driving the programs and our future into bankruptcy." At least the President said that.

You would think perhaps we are closer than we think tonight, because if we are talking about reducing the growth in Medicare and Medicaid, the President himself has conceded that that has to get done and he has recommended some pretty healthy reductions in the growth in Medicare and Medicaid.

Finally, the President in 1992 when he ran for election, when he asked us all to vote for him, promised a middle-class tax cut. He did not give us one. What he did last year was to raise taxes.

Just recently he appeared before a group of supporters and said, "I know you think I raised your taxes too much, and guess what, I think I did, too." You would think the President would be supporting a balanced budget plan that included some tax relief for Americans.

You could think we would be a lot closer than we are tonight. In fact, we are not. The reason we are not closer than we think tonight is that those who want a clean CR, those who want no changes in the way this Government operates and spends money, those who want us to send the President a clean CR, a clean extension of the debt, simply want to keep on going like we are going. That is wrong.

The President knows that is wrong, you know that is wrong, I know that is wrong. The President has said he believes we ought to balance this budget in at least 5 years, or 7, or 10. He believes that Americans deserve a tax cut, he taxed them too much last year, and he believes we need to reduce the growth in Medicare and Medicaid spending.

One would think we could come to terms tonight. What holds us apart? One, we have a majority in this House but not a two-thirds majority. We have got a majority in the Senate but not 60 votes to override a filibuster attempt, nor a two-thirds majority to override a veto. So the President can use his veto pen to stop changes here in Congress that he opposes.

What kind of changes? Changes like changes in the regulations of this country. When you hear this talk tonight about, well, we are going to have dirty water and dirty air and dirty food as a result of what we are proposing, remember, this House voted for changes in the way regulations are made in those areas, to require a simple cost-benefit analysis. That is all that is in the CR, just the regulatory reform this House voted upon.

You would think that there was something awful about the Congress trying to reform the Medicare Program, but the President himself said it has to get done. His trustees said if you do not do it in 7 years, your parents and my parents will not have a Medicare Program to depend upon because it is going bankrupt.

You would think that there would be an interest in this House, in this Chamber and the other Chamber, to come to some kind of conclusion on a good Medicare reform. We have tried to deliver one, and this House passed one, but we do not have two-thirds to get it through. We do not have 60 votes to get it past a filibuster in the Senate, and so the red pen is being waved tonight.

There is a big difference in substance, not much difference in rhetoric but a big difference in substance. Hopefully in the next few days those differences can be resolved and we can get about the business of reforming this country and bringing a balanced budget for our future and our children.

BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I think it is important to take stock at this time, while we have a lot of focus on what the Congress is trying to do, to look at where we have come from in this first session of the 104th Congress.

We passed the regulatory reform that Congressman TAUZIN was speaking of. We passed the line-item veto to take care of eliminating the pork-barrel legislation and excessive spending. We have passed the prohibition of unfunded mandates so that our local governments will not have items we passed back to the local government without the funding that goes with it.

We have already passed $90 billion in deficit reduction, $190 billion in spending reductions, and now we have the possibility, if the President agrees, to balance the budget, something that every other government has to do, every family has to do. The State government has to balance its budget, county governments, school governments.

The economic experts, Mr. Speaker, have told us that if we can balance the budget so we do not have to spend so much of the tax dollars to pay for the debt, we will have a reduction of mortgage payments for our fellow Americans, we will reduce the car payments, we will reduce the college payments. We will be able to make sure that our goal will be that we are taking care of essential services for people and not the Government waste and fraud that we have seen that the Federal Government has had for years.

We will also see with our tax reform proposals, if they get adopted again and signed into law by the President, a $500 per child tax credit. We will have the new IRA programs with $2,000 for individuals, $4,000 for a couple. We will roll back that unfair 1993 Social Security tax on our senior citizens. We will give our seniors the opportunity to make more than $11,280 who are under 70 without having a bite out of the Social Security. Under our new proposal, it will be up to $30,000 a year.

We will also have capital gains tax reductions for individuals of 19 percent, 25 percent for businesses. This will allow us to have new jobs, expansion of businesses, and also increase savings. Adoption tax credit is included within this proposal, as well as an elder care tax credit.

We are on our way, Mr. Speaker, with many new reforms in this 104th Congress, but the balanced budget awaits the President's signature. He has said he is committed to a balanced budget. Both sides of the aisle have supported the concept of a balanced budget. It works in business. It works in our families. It can work for the country. But we need the President to come to the table to work with our congressional leadership in the House and Senate in a bipartisan fashion. If we do that, we are going to help our senior citizens, we are going to help our working families, and we are going to help our children. We can make a difference. We ask for the President to come to the table and help us make it happen.

EDUCATION: AN ISSUE WHICH UNITES US

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are at a critical moment in the life of the American democracy. I think it would be helpful if we lower our voices and come together on an issue which unites us. Education is that issue.

On this Wednesday, the day after tomorrow, National Education Funding Support Day has been proclaimed. It is important to note at this point that education has always been an issue that has received bipartisan support.

Education is an investment. It has always been recognized by both Democrats and Republicans as an investment. Only this year has Republican extremism and recklessness led to a division that has critically injured the support for education in the Congress. On our National Education Funding Support Day, we hope that we can reach out to both sides, both Republicans and Democrats. We hope that we can get the American people to understand what is at stake in the Federal support for education.

I think to have something now which leads us to lower our voices and come together would be a good thing. Despite all of the heated rhetoric of the next few days, and despite the fact that there are real issues on the table and very important decisions to be made, I think it would be good if we sort out something that we can agree on, and education is the one thing in the past that we have agreed on.

It is time for some effort to calm the waters. Like the gentlewoman from

Colorado [Mrs. SCHROEDER], I happened to hear part of the GOPAC celebration. It was on C-SPAN this morning. I could not avoid it. It was on a respectable media outlet, and I heard part of Rush Limbaugh's speech to the GOPAC audience here in Washington.

He was addressing a crowd of people who seemed to need at this time some therapy, so Rush the jester, he is the Speaker's jester, became Rush the therapist. It was very interesting to watch how he was calming the fears of the GOPAC crowd that the American people have misunderstood them. He kept telling them do not be anxious, do not be bitter; the American people are going to understand you sooner or later.

The fact that the Republican extremism policies have taken a great plunge in the polls, a Wall Street Journal poll shows that more than 60 percent want the President to veto the Republican budget, and more than 70 percent are against the Medicare cuts, has led to some serious soul-searching among Republicans. So Rush Limbaugh was there spreading his arms to calm down Republican fears.

I thought that was very interesting. Everybody needs something at this point to calm them down, and certainly to come together on an issue like education I think would have a calming influence.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I would just say to the gentleman that he is talking about some of the fears and some of the concerns that the American people have at this point in time. He talked about some of the objections to cuts in very, very important programs that are helpful to senior citizens and students that are trying to get back to school.

This is not a poll from a Democratic pollster. It is not a poll from the President's White House. It is a CNN/USA Today poll that recently showed that 75 percent of the American people are against the tragic cuts in the Medicare Program, and 74 percent of the American people are against the cuts in the student loan program. This is not political information, not driven by pollsters from our party or pollsters from the other side of the aisle. This is a poll taken directly by an objective, very reliable and very respected firm.

What we are saying, and I serve on the Committee on Economic and Educational Opportunities with the distinguished gentleman from New York, is that we have always agreed that education can and should be an investment for our workers, for our senior citizens, going back to school to learn more and contribute to the economy when they are not making enough money from Social Security or getting help from Medicare, from workers that have been on the assembly line doing the same thing for 20 years, screwing a screw into a door, and now that assembly line has changed dramatically, and they are working on a computer and working in teams to create a better quality product.

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This is no time to be cutting off their loans for college education, whether they are 55 years old or 25 years old. I just wanted to point out the two things that I very much agree with the gentleman from New York, that education should be bipartisan, and that, second, the American people are against these education cuts at 74 percent of the people against these cuts.

Mr. OWENS. I thank the gentleman very much. He has made a very compact, well-focused statement which would make it unnecessary for me to say a great deal of what I was going to say. The American people have shown consistently over the years that education is a high priority.

It is interesting now that I think it is clear that health care is the first priority but education is a close parallel, almost the second priority, almost a parallel priority of the American people. So education should not be forgotten in this great debate.

Education Funding Support Day, November 15, day after tomorrow, is designed to have the American people reinforce what they have already shown in the polls. They keep stating over and over again, in poll after poll, that education is a high priority. Yet the public officials who make the decisions keep cutting education. At the city level in New York, over the last few years, we have lost $2 billion. New York is a system which serves a million students. We have lost $2 billion over the last 5 years in education funding at a time when more children have come into the system. The State has now cut the State aid for New York City a great deal, and, of course, at the Federal level we had $4 billion of cuts recently proposed by the Republican budget.

Republican extremism and recklessness is being ratcheted upward at a time when there is no war, no real crisis; a catastrophe is being manufactured.

It is not the President who is being blackmailed, as we have heard over and over again. It is the American people who are being blackmailed. The children are being blackmailed. The students are being blackmailed.

Let us pause for a moment to reconsider what is happening. I hope the Republicans will join the Democrats in supporting National Education Funding Support Day and try to refocus on the bipartisan effort we have made over the years on education.

In the days before Republican extremism, education was a unifying issue, even more so than defense. I have seen many votes on the floor of this house where a greater proportion of the body voted for education than voted for defense, which was also a unifying issue. But we had more votes on education bills. Many of the authorizing bills for education on this floor have received almost unanimous approval.

We have gone through a process at the committee level where at the committee level there was a great debate, in the conferences there was a great debate. In fact, some of our conferences have gone on for several weeks. Many committee markups have gone on for days. So we have had great debates on education, with each side, of course, offering varied opinions, and there are some differences. In the end, both Republicans and Democrats came together on education, and we need to try to get back to that. We could assert ourselves in the next few days and reach some kind of agreement to communicate to the President that both parties agree that we should rescind that $4 billion in education cuts and deal with making cuts somewhere else to facilitate moving matters forward.

In the days before Republican extremism. Education was a unifying issue, even more so than defense. Under Republican Reagan, under Republican Bush, we had major steps taken toward the offering of guidance by the Federal Government in the area of education. Education reform was taken on by the Federal Government as a major responsibility. Republican Ronald Reagan had the commission to publish the report, "A Nation at Risk," and he launched the effort. Bush followed with America 2000 and the six goals that were set forth at the Governors' conference in Virginia. President Clinton attended that conference, where the Governors set forth the six goals for education, and President Clinton has steadfastly enforced those goals.

President Clinton has taken America 2000 that was put forward by Bush and launched Education 2000, which, in many ways, has the same basic foundation. So we have a continuation of bipartisan support for education.

On November 15, day after tomorrow, we want to reemphasize that and let the American people know that we continue to have this major goal of pushing education forward as a bipartisan concern.

Republican extremism wrecked the bipartisan support for education this time. This is at a time, unfortunately, where education is needed more than ever before.

As I have said many times before, our economy, our society is at a critical transition period. Our society is now in a period where the economy is booming, Wall Street is booming, the stock market is booming, profits are higher than they have been for a long, long time. And yet, on the other hand, people are losing jobs through downsizing and streamlining.

The American wages have suffered a dramatic decline over the last two decades, the last 20 years. So we are in a transition period, a period unlike any that we have ever experienced before. It is necessary more than ever that we step forward with a new investment in education. Not less should be invested in education, but we should be investing more in education. We should invest more at this particular period because we are making a transition where education and greater training will be needed.

You know, I think last night, whenever this GOPAC celebration was held, I heard it this morning on C-SPAN, Rush Limbaugh kept saying that if you cannot make it in America, it is your fault; you know, nobody should ask for help. If you cannot make it in America, it is really your fault. It is very strange that Rush Limbaugh, a talk show host who is dependent on the airwaves, radio and television, which are a government, you know, they are government-facilitated outlets, you know, he would not be a millionaire and a superstar if there were no FCC, if there were no Federal Communications Commission, a government body which regulates and helps to nurture the whole broadcast industry from its inception to the present. He would not be there. Rush Limbaugh should send a "thank you" letter to the FCC every day.

The U.S. Navy helped perfect radio and helped perfect the kind of things that made it necessary for radio to move from radio to television, the orderly transition, the development of a whole industry. The broadcast industry was not charged any money every time they used the airwaves. Yet the broadcast industry was not unlimited, not every American could gain access to the broadcast industry, not every American could be a talk show host, because the broadcast airwaves are owned by certain companies. There are a limited number. If we did not have a government which regulated that limited number, then you would have chaos and nobody would be able to have signals that got through.

So, you know, the FCC, the U.S. Navy, the space program, and all of the Government research that went on with radar and various defense industries that made it possible to develop, you know, the compact kind of technology that allows you to have transistors and to do the marvelous things we do with television sets and with radio and all the things that facilitate cable television and all the things that are going on now which make people like Rush Limbaugh rich, all of them are maintained by a society and a Government that, if it did not exist and did not carry out these functions, the opportunity would not be there for Rush Limbaugh and his kind.

The illogical rationalization that is going on, the monstrous excuse that Republican extremists are making is that we need to inflict these cruel and unusual budget cuts, these measures which go after everything from Medicare, Medicaid, to education, we need to inflict these measures on the elderly, on children and on students in order to save future children from debts.

Men and women who have no compassion for living, breathing Americans want us to believe that they have great compassion for the children of the future, they have compassion for posterity. They want to trade the compassion of today that requires a few sacrifices by the rich for the cheap abstract compassion of the distant future, have compassion for posterity, have compassion for the children of the future, but do not have compassion for the living, breathing, elderly who are sick and need health care today, do not have compassion for the students who want an opportunity to get through school, to have decent lunches so that they are not hungry and can learn, the students who want to get through college on Pell grants and student loans; do not have any compassion for them. Let us think about the children of the future, the children to come, not the children of today; let us think about the students of the future, students to come, not the children of today.

Compassion is a concern, and it is one concern we should always bear in mind. We should always be concerned with compassion. I think compassion might be interpreted as a willingness to share the benefits of society with everybody in the society because we recognize that all human life is sacred. Merely by being born, all human beings deserve compassion. Medicare and Medicaid are expressions of compassion, very important expressions of compassion. The elderly and the children probably deserve the most compassion in our society. So compassion is important.

Compassion is a basic value of the American majority. I think most people in America have compassion. They want their Government to reflect a concern with compassion. They want their decisionmakers, their congressmen as well as their State legislators and their local legislators to always move in ways that show that they care about people.

The great majority of the American people are caring people. There is a caring majority out there, and the caring majority has reflected its sentiments. They have aroused themselves, and they are being felt in the public opinion polls. They are showing through the polls that they do not care for this extremism. They want it stopped. It is not consistent with American compassion. It is not consistent with the caring majority.

But while I am very concerned about compassion, I am talking about education today, and education is an investment. It is not a matter of compassion. Support for education programs does not represent compassion. Support for education programs represents a commonsense investment in the future of America. Support for education means you care about young people being able to get an opportunity so they can help themselves. You care about young people being able to get an opportunity so they will keep our economy going. If young people are not out there working in our economy, they will not produce the taxes that we need, they will not produce the money to fund the social security fund. It is working young people in the American economy who make the economy go.

I read in the Wall Street Journal today that China is leaping forward at a far more rapid rate than anybody ever predicted. China, China, when I was in school, I remember in the geography books always that phrase, "China is a backward country." The implication was that Chinese are backward people; inevitably China will always be at the bottom of the heap; all those people there, they gave the impression that they will never do anything but trip all over themselves and cause chaos and China will never be a force in the world.

Well, now, China may be bidding to become the third largest economy in the world merely by the fact that they exist, a billion people. You know, a billion people just selling things back and forth to each other creates quite an economy.

The Chinese suddenly have leaped into the export market. This Wall Street Journal article said the Chinese may surpass the Japanese in terms of exports to America soon and that the Chinese are seeking to protect their position in the world through the GATT treaty. They know that, as they become more and more of an export power, they are going to be the victims of attempts at restrictions of trade from China, so they are getting ready.

The article continued to say it surprised everybody because the Chinese are not a high technology society in the same sense as Japan or West Germany, France, a lot of the other industrialized societies. China is leaping forward partially because of its tremendous organization of the one greatest resource it does have, and the greatest resource the Chinese have is people. Human beings are their greatest resources.

Whatever you may say about the totalitarian government of China, they have invested in education. They know that good schools are a great investment. They have made an investment in education.

□ 2100

They have human beings who are well organized and who, despite the fact that they may have a technological disadvantage, are able to produce a great deal because of the fact that they are well-organized, well-trained, well-focused.

So the Chinese, who were called backwards when I was in the third grade, are going to leap forward as a major world economy, and they are going to dislocate children in our economy. The children in our economy who are going to be adults, if they do not have a great deal of training, they cannot stay way ahead of the Chinese in technology, and they lose, because our policies are such that most of what is being exported from China to America is being financed by American companies.

The Chinese are getting rich off of the American Fortune 500 corporations, who make contracts for them to make goods at very low cost that they then bring back to our economy and sell. So pretty soon we are going to wipe out this great consumer market that we have created over the years by having fair policies, by having strong labor unions, by having a situation that generated a massive number of people who have a lot of money, enough money to be able to buy consumer products in large quantities.

We are destroying the great engine that has driven the free world economy for the last 50 years. We are going to destroy American consumers by not educating them properly and by having trade policies that allow our economy to be invaded by a country that has seen the benefits of educating their population and taken advantage of all the loopholes in the international trade policies.

In the midst of the storm that is going to rage for the next few days, I hope no more than a few days, but maybe weeks, we would like for there to be one dry spot. We would like for there to be one shaft of bipartisan light. We would like for education to return to be understood to be the core of our prosperity. Education must remain at the core of our prosperity. We must understand that education is at the core of our prosperity. We must act that way. We must understand that education is the most practical investment that we can make in America.

We cannot afford to go forward and continue the bipartisan bickering and smother everything. Let us return at least to an understanding that health care, the American people have ranked health care as one of those top priorities, and education has been ranked as another tomorrow priority, almost equal to health care.

So in the next few days, I hope that the President and the Republican-controlled Congress will stop and think seriously about what is going on and say that, look, health care should come first, education should come second, and then let us take a look at everything else if you want to balance the budget. And let us get off this extreme drive, this extreme, dogmatic notion that you have to balance the budget in 7 years.

Those who want to balance the budget, we ought to be able to reason with them and say 10 years instead of 7 years, and maybe we should lock in the law so there could be no reneging on that 10 years. But 10 years to balance the budget would be a better approach, a less extreme approach. It would not require that we throw education overboard as an investment. It would not require that we throw large numbers of senior citizens overboard in their life and death situations day-in and day-out. We do not have to do things in an extreme and mean way. We could do it in a more rational way over a longer period of time and achieve the same objective.

So we are at a critical moment in the life of American democracy. We are at a critical moment, and I think that the proclamation of National Education Funding Support Day by an organization which I helped to fund, the National Commission for African-American Education, took the lead in proclaiming that November 15 would be National Education Funding Support Day. November 15 happens to be in the middle of American Education Week, so we are following a tradition. A lot of different school boards and school systems around the country have open school week during this time. So it is an appropriate time to try to link up with what is happening in education in the localities with what is happening in Washington.

The Federal Government is responsible for only a small portion of the total American education budget. We only supply about 7 percent. It went up as high as 8 percent at one time. But we only supply about 7 percent of the total education budget. Local governments and State governments supply the rest. And it is probably going to be much that same way for a long time. I really think the Federal Government should be more involved. We should be more like the other industrialized nations. All other industrialized nations have a greater participation in education by their central governments than the United States of America.

China has a greater participation, and they have taken advantage of the use of education to turn their population into an asset. All other nations, the nations of Asia, the Asian rim that is bursting with economic activity, a great investment has been made by Singapore. A great investment has been made by Taiwan.

When I was in Taiwan you saw students going to school at all hours of the night. Their schools operated around the clock. They had computers that they were using to train students. Those computers got no rest. They had shifts of students who were going to school around the clock to take advantage of the equipment and the space that they had. They understood the value of investment in education.

We should lower our voices and get our senses together and look at the world with practical eyes. We want compassion, but in addition to compassion, there is just common sense and survival that is at stake here.

Education is a matter of survival. Education has to be moved up to a place in the national security pantheon. Education may be far more important than weapon systems that we are spending great amounts of money on.

Expenditures for education would be far more productive than further expenditures on the *Seawolf* submarine. Expenditures for education would be much more productive than expenditures we are undertaking for the F–22 fighter plane manufactured in Speaker GINGRICH's district in Marietta, GA. They would certainly be far more productive than the CIA expenditures that we continue.

We continue to expend at least $28 billion for the CIA. That is the conservative figure, because we do not know the real figure. At least $28 billion per year is being spent for the CIA. That is a great waste. Some of that money is being wasted. If you just cut the CIA by 10 percent a year, $2.8 billion for the next 5 years, you would generate a great amount of money that could be applied to education.

Education is suffering. You can balance the budget and not hurt your scheme of things by just taking the money from the defunct, dangerous CIA, and moving it over to education.

The CIA is a dangerous institution. I thought it was very interesting that a great deal of furor was generated by the Secretary of Energy. Mrs. O'Leary, a great deal of furor was generated when it was found that she had misspent money on a study which studied the media, newspapers and journalists, and studied how they covered her agency. I agree, it is a great waste of money. I agree that she certainly should be chastised. I agree that certainly some steps should be taken to deal with the people who came up with that bright idea.

However, I found it very interesting that immediately there was a loud cry for her dismissal. Yet the CIA found a slush fund just a few months ago, the CIA found a slush fund, a petty cash fund that nobody knew about, of $1.5 billion, at least. I am told by somebody who knows that it was more than that. They could not tell me exactly how much. A petty cash fund of $1.5 billion was discovered at the CIA, and the director of the CIA said that he did not know about it. It has existed for some time because it takes time to build up a petty cash slush fund that nobody is really accountable for of $1.5 billion. And yet nobody called for any dismissal of anybody. I did not hear anybody say the CIA director ought to be fired. I did not hear anybody say that some top people at the CIA, at least the bookkeeper, ought to be fired. I do not know if anybody got fired as a result of the discovery of a $1.5 billion-plus slush fund.

That is surprising, and it is something the American people with their common sense ought to take a close look at. Where is the money being wasted in our government? The money we need to invest in education, where is it? I can find it for you. I can find it for you. $1.5 billion in the CIA slush fund, we are off to a good beginning.

A little while before that we discovered that the CIA had in process the building of a building which cost almost $400 million. A building, a facility, is being constructed near the Dulles Airport by the CIA, and nobody knew about it. The members of the Intelligence Committee on Oversight here in the House of Representatives said they did not know about it. The Members of the Committee on Oversight in the Senate said they did not know about it.

How do you construct a $400 million building, $370 million-some to be exact, how do you construct a building that costs that much money near Dulles Airport and nobody in the government who has oversight responsibility for the CIA knows about it? And when you find that kind of mistake, why do they not call for somebody to be fired? Who got fired? Who got fired?

We recall that Aldrich Ames was discovered to be a Soviet agent. Aldrich Ames was not a small guy down the line. Aldrich Ames was in charge of the American espionage operation in Eastern Europe and the Soviet Union. He was in charge.

He had an interesting history. His father had been in the CIA before, and he had risen through the ranks, although people always wondered about the fact he was not very bright. They wondered about the fact that he did drink too much. They wondered about the fact he broke various rules.

He used the CIA safe houses for fornication regularly. He got away with all this. Then he had a lavish lifestyle. And the CIA makes a good salary. They are not secret. I think that you can find out what the salaries of most CIA agents are, but you cannot find out what the expense accounts are.

At any rate, the expense account plus the salary of Aldrich Ames could not have supported his standard of living. He drove expensive cars, he lived in elaborate houses, he seemed to have all the money he needed all the time. All of this went on for over 10 years. Agents died who were in the employ of the CIA. Information was compromised.

Recently the CIA in its damage control mode has released a few more facts about the damage done by Aldrich Ames. We now hear that information fed to three presidents through the channels that Aldrich Ames was responsible for was compromised information; that much of the Reagan buildup and much of the Bush buildup of defense was guided by information the Soviet Union was feeding through its bogus agents working for the United States into our decisionmaking process.

Yet, when Aldrich Ames was discovered, nobody called for the firing of the CIA Director. When the investigation was conducted and the internal report was issued, the director of the CIA at that time did not recommend the firing of a single person. It is true there was a great outcry and he finally had to resign, the Director of the CIA at that time walked away, but there was no outcry in the press, there was no outcry in Congress, for the firing of anybody.

This is the kind of America we are into. Ladies and gentlemen in America with their common sense, look under their magnifying glass of just plain common sense at what is going on here. What is going on here is we are about to have a great showdown on the budget and the appropriations process. We are about to have a showdown. And yet we have all these outrageous situations that exist, and they are not on the table for discussion. Nobody is discussing cuts in the CIA. Nobody is discussing cuts of the F–22 fighter plane that nobody needs. Nobody is discussing the B–2 bomber, which the President and Secretary of Defense say we do not need. The Joint Chiefs of Staff say we do not need the B–2 bomber. Everybody says we do not need it. Yet the Republican controlled Congress has the B–2 bomber in this great budget they are trying to cut in order to make it safe for future posterity, not to have debts.

Look at all this through the eyes of ordinary, commonsense Americans. Look at it through the eyes of Hans Christian Anderson's little boy in "The Emperor Who Had No Clothes." The emperor was naked, but the whole society was willing to go along and say the emperor was wonderfully dressed. Only one with the innocent eyes of a child, with the common sense of a child, pointed and said "Hey, the emperor is naked."

□ 2115

There are a lot of institutions that are spending a lot of their taxpayers' dollars that are naked. They do not deserve the money. We do need the money in education. We do need the money in health care. We need the money in Medicaid and we need the money in Medicare.

Mr. Speaker, what I am saying is that for a moment let us pause and try to get back on track with education. Let us start with education to get back on track. Let us do what we have done for the last 10 years, have a bipartisan approach to education. Education Funding Support Day, on November 15, day after tomorrow, is a time for getting together and returning to a focus on education as something that brings us together, as an issue and a program that we very much need. Sometime the camera is going to catch the exhibits, and I would like to make sure the camera does catch the exhibits tonight.

Education Funding Support Day is November 15. We are asking parents, community leaders, union leaders, church leaders, everybody to do something out there at your school. Go to the nearest public school. We do not have to have a central direction for this or wait for flyers or wait for posters. We do not have to wait for anything. It is like the National Night Out Against Crime. Everybody is familiar with the National Night Out Against Crime. On a Tuesday night in August everybody comes out all over the country that night to show they are not afraid to come out to things, to let them know we control the streets and we are, as a society, dedicated to the proposition that we will fight crime. We will fight crime across the board, universal, at every level.

Now, Mr. Speaker, It so happens that since we have begun the National Night Out Against Crime, crime has going down dramatically. There are a lot of reasons we might cite, but one of the basic reasons, I think, it that a unified concern about crime has led to a consistent set of measures, a watchdog approach by the people that make the institutions that are related to crime and the criminal justice system function better. I expect that a National Education Funding Support Day will get the same result.

Mr. Speaker, the result will be that we will follow up on the public opinion polls that show consistently that the public supports education as a No. 1 priority for government expenditures. The polls keep showing it over and over again, but the decision-makers, at every level, keeping ignoring it. They keep ignoring the fact the public wants us to spend more money on education. It is time we stop that.

So we should go out to nearest public school and at our nearest public school we should do something positive for education. Let the fact that people are doing it all over New York City, all over New York State, all over the country, in Washington, DC, everywhere, at the same time, let that send a message to the decision-makers here in Congress, the Republican controlled Congress, the Democrats, who sometimes do not have enough enthusiasm for education also.

Let it send a message to the Governors, who are cutting education programs. Let it send a message to Governor Pataki of New York, who has made dramatic cuts in education and is proposing more cuts. Let it send a message to Mayor Giuliani, who is making cuts in New York City in education programs. And all he say as an answer to the problem is he wants to control the board of education, control the school system from city hall. And at the same time he is making these cuts and gives the impression there will be some kind of magic, that city hall is operating at so much less money that they can somehow do a different kind of job.

Well, how can they deal with the problem that existed in the New York City schools at the beginning of the school year? Mr. Speaker, 8,000 youngsters in high school and nowhere to sit when school opened. Forty in a class now in most of New York City elementary schools. Forty in a class. Equipment systems in disrepair, where they exists, and most schools have never had science equipment. Ninety percent of the schools have never had a decent computer program. On and on it goes in New York City, and most of the other big cities, in terms of education funding.

Across the country most school boards could use more money, where those that are in good shape understand they need more funding and support for improvement. Those that are falling apart, such as the big city systems, desperately need more help. And the small amount the Federal Government contributes is a small proportion, but the Federal Government sets a tone. When we make cuts in Washington, it gives credence to the cuts that are made at the State level and a new impetus for cuts to be made at the city and local level.

So we need to stop and think about what we are doing, Mr. Speaker. If we, in the midst of this crisis that has been manufactured, lower our voices and stop and reconsider, we might find that education is an issue that can bring us together. We need therapy.

I think Rush Limbaugh last night at the GOPAC meeting was on the right track. He was not cracking as many jokes as he usually cracks. He stepped from the role of being the Speaker's jester to being the Speaker's therapist. And for a moment there, I thought he might be one of the Speaker's new candidates for office, because here is the man who provides the function of comic relief coming to the rescue to calm down the Republican extremist supporters in the room because they have witnessed the uprising of common sense in American public opinion.

Mr. Speaker, Amercian public opinion is expressing a commonsense approach to this budget crisis that has greatly frightened the Republican extremists. I know they pretend to be stalwartly forging ahead, but they understand the implications of the polls. I think they understand what happened last week in the election process. There was several election contests over the country which were clear barometers of what the American people, the voters, the taxpayers, think of the Republican extremist policies. There were clear indications that the American people reject the Republican extremist policies.

My father gave me an odd name, Mr. Speaker. My name is MAJOR not by accident. My father was a frustrated militarist. He wanted to be a soldier. He wanted to be a soldier in World War I and he was too young. They would not accept him. World War II came along and he had too many children and they would not accept him in World War II. So he took it out on me by naming me MAJOR. But he was an interesting individual. He only went to the sixth grade in school, but he could work all kinds of mathematics problems. He read all the time.

We could not afford many books. We could not afford magazines like Life magazine, for example. I do recall Life magazine always being in the house because I had an aunt who worked for rich people and she would always bring Life magazines home, and my father would always be urging her to stop bringing just back issues but to quickly liberate from the people she was working for, to get him the magazines faster so he could follow what was going on.

He read the newspaper every day and he used to particularly read the parts about the war, as World War II progressed. I was very young but I used to watch him and listen to him as he watched the arrows in the various charts that appeared in the newspaper. They used to have maps and charts and the maps would show the movement of Hitler's army across Europe. And at one time the arrow was always going forward. The invincible German army was moving forward. Always the arrows were jumping forward. And suddenly one day I came home and found a big smile on my father's face and he pointed to the arrows and he said they stopped Hitler's army at Stalingrad. They stopped Hitler's army at Stalingrad.

Stalingrad became the turning point in World War II. Not that the Russian soldiers or the Russian army was so superior to the men and women who invaded on D-Day and pushed the fight across Europe, but it was the turning point because psychologically it let the world know that Hitler's army was not invincible. The German war machine was not invincible.

Last week, Mr. Speaker, on election day, we found that the Republican juggernaut, the blitzkrieg that started in November 1994, is not invincible. It ought to give pause to a lot of people. Common sense should tell us that the overwhelming rejection of Republican policies in Virginia and in Mississippi and Kentucky and a few other places means that the American people have awakened. They are rising up against extremism.

Extremism is foreign to American compassion. It is foreign to the caring majority philosophy. Extremism cannot survive. It cannot exist, and that is being demonstrated. So we should begin to think about how we can retreat from extremism. We should stop the ratcheting up of extremism, the recklessness that is going on. We should stop and pause and begin to look at a way to turn around.

Mr. DIAZ-BALART. Mr. Speaker, would the gentleman yield for filing a rule?

Mr. OWENS. No, Mr. Speaker, I will not yield.

Mr. DIAZ-BALART. If the gentleman would yield just for 10 seconds, and the gentleman from Georgia, [Mr. KINGSTON] would be very happy to grant the gentleman——

Mr. OWENS. Mr. Speaker, does the gentleman have an announcement from the Senate or the President? I cannot yield at this point. I will yield in a few minutes.

Republican extremism is being ratcheted upwards at a time when there is no war; no real crisis. A catastrophe is being manufactured. Earlier speakers have said it. I don't want to be redundant and repeat it. This is a planned crisis. It is a manufactured catastrophe. It is not the President who is being blackmailed, not the President being pushed into the corner, it is the American people who are being blackmailed by the policies that are going forward in this continuing resolution and the debt ceiling legislation.

Mr. Speaker, the American people are being blackmailed. The children and the students are being blackmailed. There is no concern being shown here about education. Not only is there no compassion for the elderly, there is no compassion for the sick. There is no common sense which says we should continue to invest in education. It is a situation which is very serious.

As I said before, Mr. Speaker, in the days before Republican extremism, education was a unifying force, even more so than defense. It was an issue that brought us together. We should return to that. We should remember Republican Ronald Reagan and his pleas that we are a nation at risk and we need to take some unusual measures to turn that around. We ought to remember the pleas of George Bush when he issued America 2000 and said that he wanted to become the education president. We should remember that President Clinton was at that conference in Virginia where President Bush set forth the goals, the six goals for American education. We ought to appreciate the fact that President Clinton has continued the basic policies of President Bush.

The Republicans have chosen in this extremist budget to cut the Goals 2000 legislation. Cut the funding for it. One of the backbones of American Federal education assistance is the title I program. The Republican extremists have chosen to cut title I by $1.1 billion. That is about one-seventh of the total amount. If the American people are out in their local school district or in their city and town and want to figure out what these big numbers mean, take the amount of money that they are receiving for title I programs, of title I funding, and reduce it by one-seventh and they will know what the cut of $1.1 billion in title I programs for next year, they will know what that means for their particular city and town, for their education unit at the local level.

So, Mr. Speaker, they have made cuts which are reducing the investment in education at a time when we need the investment more than ever before. Good schools are a great investment. They are the kind of investment that Americans had the good sense to make a long time ago and they are still very important.

The philosophy of Rush Limbaugh that if an individual does not make it in American society it means something is wrong with them and nobody should worry about them is a philosophy that needs to be rejected. We should not applaud a Rush Limbaugh who says if a person's mother is sick, they will not go out on the street and beg somebody to help them, so why do they ask the government to help them.

The government is a society. A government is a complex mechanism that has been made over the years, over the centuries, and a lot of people have made contributions to this process of making American civilization what it is. In the Vietnam war, which we still say is important, regardless of what we think of the specifics or the objectives or whether it should have gone on so long, American policy said the Vietnam war was important. American policy went forward to the tune of 57,000 American lives and numerous others who were wounded and in various ways suffered as a result of that war. Forty percent of the bodies that came home from Vietnam were minorities.

Forty percent of the bodies were minorities. Many of them were from these same big cities that we claim are wasting our money because they want more money for health care, they want more money for education. Forty percent.

□ 2130

In all the wars that have ever been fought, who comes out to give the dead soldiers' families millions of dollars? Does Rush Limbaugh deserve to make millions because of some special endowment from God while the soldiers who died to make the country great do not deserve anything? Does Rush Limbaugh deserve more than the inventors who created radio, television?

Does Rush Limbaugh deserve more than the offspring of some of scientists and researchers who make it possible for us to have the technology which makes cable television and television and all these communication media possible and cheaper? Does Rush Limbaugh deserve more than the person out there who does not have the money to buy a frequency in order to be able to own one of these cable stations?

Is there any American who deserves so much more by right of God than another that our society should show no compassion and no concern for those who cannot make it? Society does owe it to itself to develop the abilities and definitely the capacity of everybody. Make an investment in education. Society should do that.

The illogical rationalization, the excuse that the Republicans keep using that they want to make people suffer now in order to have posterity, not have the burden of a debt, they are so compassionate for posterity, for the unborn, for the people who come in 10, 20 years from now, and yet they show no compassion for those living breathing souls that are here right now. Compassion has to be a concern at all times, as I said before.

When you stop and think about the fact that all that we have discovered in the past few decades about the rest of the universe, about the solar system, about the Moon, we have not gone to Mars, but we have sent exploratory ships that have been able to take samplings of the atmosphere of Mars. With the samplings that have been taken of the gases that exist out there in the universe, we have concluded that nowhere in the universe is there any other human life, there can be no life similar to the life here on Earth.

It is very possible with all of these planets and all the new expansive universe that is being discovered, that there are no other human beings, nothing like a human being. In this whole vast universe there is nothing out there that has a heart, nothing out there that can dream, nothing like human beings that we stop and we think that with all these people in China and all these people who are producing and in underdeveloped countries and all the population explosion in South America that there are too many human beings on the face of the Earth. If you were to stop and think about the universe, there are too few of us.

We ought to look at every human being as being sacred. Everything that breathes, that is human, has a heart and a soul is sacred. Everything that breathes has a heart and soul is an opportunity for us in terms of if you develop that soul and that heart properly, it will reinvest in the Earth and in our societies on Earth and we will be able to gain from it. Instead, we have no compassion and we have no common sense, so we do not invest in people first.

We have the Rush Limbaughs of the world laughing at programs that seek to help people who need help. The Rush Limbaughs of the world make fun of senior citizens who have to eat dog food. We have the Rush Limbaughs of the world who think slavery is a great joke. That the greatest crime ever created in history is a joke; 232 years of American slavery is funny. We have that kind of prevailing attitude. That jester becomes the counselor and therapist, for great amounts of money, who support a party that has control of the Congress, the House of Representatives, and the Senate. All of this is going on in America. Look with common sense and ask yourself the question, how can we get out of it. Let us start by making an investment in education.

Stop and think about all the kind of cuts that have been made in education. Let me refresh your memory. Overall, the Republican budget cuts in education cut domestic spending. Republican budget cuts cut domestic spending overall by only 4 percent. But when it comes to education, the appropriations bills related to education, they cut the budget by 16 percent, almost $4 billion to be more exact, 3.9 some billion, but almost $4 billion is cut in education. When you go onto job training and other programs related to workers, it is 24 percent.

The Republican extremists have declared war on students, on education, and on workers. Workers who were trained in this transition economy to become more productive, workers who drive the great consumer market that makes it possible for us to have prosperity, they are under attack. The greatest cuts are aimed at them. We have increases in the defense budget, we may have increases even in the CIA budget. We have no way of knowing. We certainly do not have the proper cuts in the CIA budget.

As I said before, of these cuts, 1 billion or 17 percent are aimed at title I. Title I is the biggest Federal program for elementary and secondary school assistance. Title I goes to practically 98 percent of the school districts in America. So we are cutting title I, a small portion of the budget, 98 percent of the school districts of America at a time when they need more help than ever before in education. We have eliminated in the same budget the summer youth employment program. The summer youth employment program provides jobs for 600,000 youth across the country. School systems will tell you it is very important in terms of the work that they do to have those jobs available for their students during the summer.

This House had some alternatives. The Republican majority is not operating in the dark. The Congressional Black Caucus put forward a budget which, like the Republican plan, proposed to eliminate the deficit over 7 years. We did not agree with 7 years. We think that, if you are going to balance the budget, you should take 10 years or longer, but 10 years is reasonable. But we had to do it in 7 years in order to be allowed to bring it, in order to gain access to the floor. We were told you cannot bring a budget unless you balance the budget in 7 years. We balanced the budget in 7 years. We did not cut Medicare. We did not cut Medicaid. We increased education by 25 percent, and we still had a balanced budget.

The President has proposed to increase education. Education is one of the few areas that the President proposes to increase the budget at. The President has the support of the business community. The article that appeared in Washington Outlook had a title which said, "Will Republicans Make Clinton the Education President?" This article is about the support that President Clinton is getting from businessmen, from the heads of corporations on this education budget.

They are saying to the President, we would like for the President to forge ahead on Goals 2000. We would like not to turn back the clock on educational reform. We want to continue what Ronald Reagan started. We want to continue what George Bush advanced.

We are all together on this, the corporate executives who make decisions about life and death of America every day in terms of production, in terms of the way we use our resources, they want education to be funded. Many of them are supporting National Education Funding Day on November 18. They understand the good sense of bringing to the attention the fact that education is a top priority. If we cannot read the polls and we do not understand what happened in Virginia, what did Democrats in Virginia do, they made education their primary concern. Identification was no secret. It was a weapon out there on the table, and they ran on an education platform and they pulled a Stalingrad. They showed that the invincible war machine of the Republicans can be defeated. What do these education cuts mean in terms of my home State of New York?

Mr. Speaker, I yield to the gentleman from Florida [Mr. DIAZ-BALART].

WAIVING PROVISIONS OF CLAUSE 4(b) OF RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104-335) on the resolution (H. Res. 265) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered printed.

(Mr. OBEY asked and was given permission to proceed out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. OBEY. Mr. Speaker, I do not know if this would be appropriate the time to ask unanimous consent that I might speak out of order in order to inquire of someone on the other side of the aisle what their plans would be for this evening's schedule?

I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, on behalf of the majority leader, the gentleman from Texas [Mr. ARMEY], I would like to advise all Members that as things currently stand, we hope we will have not any additional votes tonight.

However, I would advise Members that discussions initiated by the Speaker and the majority leader with the President will be going on starting at 10:00 tonight and should those talks yield any agreement that would necessitate action on the House floor, all Members will have 1 hour notice to return to the Capitol.

One other thing I might add is that if the President does veto the CR that has been sent down, we are obliged to pick that up tonight. So I would urge all Members to keep in touch with their respective cloakrooms.

Mr. OBEY. Mr. Speaker, my understanding is we are obliged to deal with that tonight if the House is in session.

Mr. HASTERT. Mr. Speaker, if the gentleman will continue to yield, that is correct.

Mr. OBEY. Mr. Speaker, if the House has completed its business on special orders and is not in session for special orders, could I ask what the plans would be then and whether under any circumstances Members would have an hour's notice?

Mr. HASTERT. Under all circumstances, we will anticipate that Members have an hour lead time before there will be a vote. We will take special orders and our intention is when special orders are exhausted or finished, we will go into recess and wait for a report from the meeting at the White House. We anticipate that our Members will have the ability to hear what happened at the White House this evening.

Mr. OBEY. Does the gentleman have any idea, is there any point beyond which you would want the House to adjourn or could we expect that we might be in session through 6:00, 7:00, 8:00 tomorrow morning?

Mr. HASTERT. Mr. Speaker, I would not anticipate being in session at that time. I would think that for the remainder of this evening, at least until midnight, the House would be in session so that if there is movement or results from the discussions tonight that we could act upon it or at least be advised.

Mr. OBEY. Mr. Speaker, if there is not sufficient movement by, say, midnight or so, is it then the gentleman's understanding that there would be a motion to adjourn?

Mr. HASTERT. I would say that if there is not any information or movement within a reasonable time, I would say that would be probably shortly after midnight that the House would stand adjourned.

Mr. OBEY. I thank the gentleman.

Mr. OWENS. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. (Mr. BARR of Georgia). The gentleman from New York [Mr. OWENS] has 1 minute remaining.

Mr. OWENS. Mr. Speaker, I would like to conclude by saying, God bless the common sense of the American people. God bless the common sense of the American people as reflected in the current polls. God bless the common sense of the American people as reflected in the elections last week. God bless the common sense of the American people because it has brought us through a lot of manufactured crises as well as real crises. This is a manufactured crisis. We do not need to be as mean and extreme as the Republican majority in this House insists on being. We can go forward and we can begin to go forward by supporting education again as a bipartisan effort. Education should be a priority for both Republicans and Democrats.

God bless the American people. God bless their common sense.

A SPECIAL THANK YOU

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 10 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening for a brief period of time to say thank you. Today is my first day back in the session after approximately 3 weeks of recovering, becoming a member of what is known as the zipper club. Never would I have thought that at the age of 48 I would have to undergo open heart surgery, but I did. And I am here to say thank you to a lot of people who made my past 3 weeks very worthwhile and profitable and who certainly helped me in a period of need.

□ 2145

Let me first of all say, Mr. Speaker, that it was 3 weeks ago last Friday, after I had gone to the House Physician, Dr. John Eisold, who I have the highest respect for, and told him that I thought I had a fullness in my chest and sought some advice from him, that he suggested I go to the Bethesda Naval Hospital even though I reside in Pennsylvania. I took his advice that night after taking a stress test under his supervision and the supervision of Dr. David Ferguson, a Navy officer and physician at the Bethesda, and they realized a very abnormal EKG, and therefore the next day should undergo a catheterization process. I did that, Mr. Speaker, on that Friday morning and by 12 noon was under the surgeon's knife because of the need to conduct a surgery immediately. It turned out that I had 95-percent blockage of my main artery. Doctor Edward Zeck actually performed the surgery, and he also was a Navy physician and someone who I also hold with the highest respect.

Mr. Speaker, here I am 3½ weeks later, able to come to the House floor and carry on the business of representing my constituents, and here I am in full health again, on the road to recovery, in fact 15 pounds lighter, although I would not suggest to any of my colleagues that this be a way that you lose weight.

But the reason I take the floor tonight, Mr. Speaker, is to thank some people; first of all to thank the Navy personnel who day in and day out provide health care for our enlisted personnel. I, as a Member of Congress stuck in Washington, had no place to go, and because of the recommendation of Dr. Eisold, I was referred to Bethesda. I received outstanding treatment, the same type of treatment that the people in the rooms next to me received, all of whom were enlisted personnel. There is nothing that I can say or do to make the case for the support for the medical services of our military personnel because they were just phenomenal.

I also want to thank God, Mr. Speaker, because without his counsel and guidance and without the prayer of many of my constituents and colleagues in this body perhaps I would not have been able to avoid what the surgeons referred to as the widowmaker, the widowmaker being a 95-percent blockage that I had in my main descending artery. I want to thank my colleagues from this body who called, sent letters and cards, and who made their wishes known from both sides of the aisle. It certainly helped in my recovery. I want to thank my staff, my friends.

I want to thank my family, my wife and five children, who put up with my past 3 weeks at home while watching C-SPAN, day and night, wishing I could be here getting involved in the issues of the day. I also want to thank my constituents who I think understand that I had to take some time off to recover to be able to be back here today to vote on the very important things that are coming before us in this session of Congress.

But, Mr. Speaker, I also rise today, besides thanking many people including the good Navy folks at Bethesda, I rise to encourage my colleagues who sometimes, oftentimes, get caught up in the business of representing their constituents, to make sure they take time to look out for their own health. I did not. I never thought at 48 years old that I would be a prime candidate for open heart surgery. But because of all that fast food, all of those 18-hour days, all of those 7-day-a-week efforts, I did not take time to watch out for myself.

So I come to the floor today to ask my colleagues from both sides of the aisle to take time out to check their own medical condition, to make sure that they take advantage of the medical technology that is out there today to have the kinds of success that I had in avoiding what would have been a catastrophic heart attack if I had not taken preventive efforts 3½ weeks ago.

So, Mr. Speaker, I rise with a heart filled with thanks and a heart that is filled with energy, ready to go and take on the battles, and I take time out from this heavy debate here on the floor to say thank you to my colleagues on both sides of the aisle for their thoughts, their cards, their prayers, and for being my friends.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. Please, would you? If the gentleman would yield to me, I would request that our colleagues speak under unanimous-consent agreement. I would greatly appreciate that because this is our hour, and we would like to make a few discussions. But I would certainly yield for unanimous-consent agreement.

Mr. HOYER. Can I ask unanimous consent that the gentleman's hour be extended by whatever period of time I take? I do not know whether that is an appropriate unanimous-consent request, but that is the unanimous-consent request I make.

The SPEAKER pro tempore (Mr. BARR of Georgia). I am not sure that would be in order, but certainly the gentleman from Pennsylvania continues to have the floor.

Mr. WELDON of Pennsylvania. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

Mr. WELDON of Pennsylvania. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I certainly will accommodate our friend from Georgia, but let me say, as someone who has worked very, very closely with the gentleman from Pennsylvania for many, many years, he has been the leader in this Congress on the formation, and the growth, and flourishing of the Fire Service Caucus. He has been a leader in foreign affairs, a leader on the Committee on Armed Services, and a leader in so many other efforts on behalf of his constituents and on behalf of this country.

I want him to, however, in this period of time when we are—because he is such an able Member—when we are contending so heartily here, Mr. Speaker, I want him to rest, and I want him to take care of himself, not work those 7 days a week, 20-hour days that he has been working, and I want to say we welcome you back on this side of the aisle.

I have often said that it is unfortunate that people see us on this floor usually contending about the 20 percent of the issues that are contentious and we have disagreements on, and they sometimes, I think, believe that we do not interact with one another as human beings, as colleagues, and as people who care about this country and work together on an overwhelming majority of issues to make our country a better place for our children, our constituents, and all Americans, and so I join with, I know, my other colleagues in welcoming CURT WELDON from Pennsylvania back to the House. We share his joy and the joy of his family that the genius of medical technology has enabled him to come back whole and indeed from those with whom I have talked to have had this operating feeling much better than he did before, and I am confident that he is going to continue to be one of the most able, involved, effective Members in this body.

Mr. WELDON of Pennsylvania. I thank my colleague.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. ROEMER. I just want to welcome you back. I think around here we are not bipartisan enough, and certainly the bipartisanship on the Democratic side extends to this Republican Member, Mr. WELDON from Pennsylvania.

I know a lot of firefighters in the Third District of Indiana were praying for you, for your good health, and we are delighted to see you back, and we miss some of that fiery speech making that you give on the floor as well, too.

So, welcome back.

Mr. WELDON of Pennsylvania. I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I simply would like to welcome the gentleman back also, and I say that his comments remind me of the late Claude Pepper when Claude came back after open heart surgery. I heard him at a senior citizen convention. They gave him a big round of applause, and he said, "I want to thank you from the bottom of a very repaired heart."

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleagues.

THE IMPORTANCE OF BALANCING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 50 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I am certainly glad to join the gentlemen in welcoming the gentleman from Pennsylvania [Mr. WELDON] back. We are glad to have him with us, and Democrats and Republicans during this stressful period of negotiations can certainly agree on that and keep in mind what is the most important thing.

Mr. Speaker, as of November 8, 1995, our national debt was $4,984,737,460,958.92.

Now that was on the 8th of November. On the 13th, which is today, that figure has risen to $4,985,913,011,032.65. We advance each week in terms of almost $3 billion.

Mr. Speaker, this debt is passed on to our children.

Now I have a 7-year-old daughter, and the other day, as I was coming off the floor making my daily phone call home, Ann asked me, "Daddy, what were you voting on?" And it was, as you will recall, Mr. Speaker, last week right after the vote on increasing the debt ceiling was held, and I had just voted to increase the debt ceiling on my 7-year-old, and I think that just having that happen immediately underscored the importance to me of what we are trying to do when we talk about balancing the budget. It is not academic, it is something that my 7-year-old daughter, her 5-year-old brother, her 10-year-old brother, and her 12-year-old sister will be having to pay. A child born today, Mr. Speaker, owes $187,000 in interest on the national debt during his or her 75-year lifetime, and that does not even pay the principal down.

Mr. Speaker, that is why I think it is so important right now for us to keep in mind why we are working late tonight, why are we working probably through Thanksgiving and maybe through Christmas. But we need to balance the budget for our children's children.

Previous speaker tonight was talking about education and education being an investment. I could not agree with that statement more. But I can tell you another investment, and that is keeping America from going broke, and that is why it is so important for us to support this Republican plan to balance the 7-year budget, because you see, Mr. Speaker, in the year 2002 the Republican balanced budget plan has a zero deficit, but the President's plan has a $200 billion deficit in the year 2002. The differences are real.

We have a real bill here. We want to balance the budget. We do not want to close government down. But we have got to do this for our children.

Mr. WELDON from Florida has joined us, and I would like to yield the floor to him. I see he has a chart and also the gentleman from Illinois [Mr. LAHOOD].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I cannot agree with you more on the importance of balancing our budget for the sake of our children and for our children's children.

The United States has a longstanding history of doing what is right in the setting of adversity, in difficult times coming to the right conclusions, and I believe that today our Nation is really at that point. I think when the other body failed to ratify the balanced budget amendment and our dollar decreased from about 106 yen to about 80 yen, I think that gave the American people a good glimpse of what happens to a nation that truly does spend more than it takes in. Its currency is ultimately worth nothing, and the implications for that on our entire economic system is really huge, and I cannot understand why the President will not join us in this historic effort to restore fiscal sanity to our budgeting process and to make sure that our children are not left bankrupt, but do inherit a brighter and better future, and I do want to take a minute to talk a little bit about this chart because the President has been talking about saving Medicare, and I personally think it is disgraceful for him to be carrying on like this because everybody knows that in his health care plan that he was talking about back in 1993, he was talking about taking billions of dollars out of the Medicare plan. Now he is saying that he wants to prevent or stop some of the changes we want to make in the Medicare plan, but what he is engaging in I think is deceptive because, if you look at what we are doing right now with the Medicare plan, the seniors currently pick up about 31.5 percent of the premium. That is about $42 a month.

Now this is the part B. The part A is the hospital insurance fund, and that comes out of people's Federal withholding as a separate tax. This is the part B plan. This covers physician services as well as certain outpatient services, and currently today the average senior spends about $42 a month for that, and that actually only consists of about 31.5 percent of premium. The actual total cost per month is about $130.

Now this was originally a 50–50 split back in 1964 when the program was created, and in an effort to help seniors cope with limited budgets that has been allowed to go down to 31.5 percent, and what we do in our plan is we fix it at that level.

□ 2200

What the President wants to do is let that share, the part seniors pick up, shrink down to 25 percent. But what he does not talk about is who is going to pick up the rest of this. This gets right back to what the gentleman from Georgia [Mr. KINGSTON] was talking about. We do not have this. He wants to go out and borrow this money from our children to pay for this difference. We want to keep this right at this level here.

The most shameful thing in all this is that he only wants to do this for 1 year, for 1 year, so that he can get the votes of senior citizens, and then beginning in 1997 and 1998 and 1999 and 2000 and 2001 and 2002, he wants to let the senior citizens, premiums go up on part B so that in the end, in the Clinton proposal, they will be paying $83 a month and in the Republican proposal they will be spending $90 a month.

Why is he doing this? Why is he doing this right now? He is doing this because he wants their votes. He said to the American people back in 1992 that he would give them a middle-class tax cut. In 1993 he changed his mind. He said he was going to change welfare as we know it. Then he never did that. He said he was going to put forward a 5-year balanced budget proposal, and he never did. I personally think what he is doing here is playing politics with the votes of senior citizens.

Mr. LAHOOD. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Illinois.

Mr. LAHOOD. Let me just also indicate something else that I think is going on. There has been a campaign throughout the country on behalf of the Democrats to try and scare senior citizens into believing that Republicans want to throw senior citizens off of Medicare, that we want to eliminate Medicare, that we want to do something drastic to Medicare, when the truth of the matter is that three of the President's own Cabinet members have told us that if we do not do something to reform, to preserve, to protect the Medicare Program, it will be broke.

Yet our friends on the other side of the aisle would have you believe that we can keep continuing doing what we have been doing, but the point is there are a number of people coming into the system, health care costs are going up, and we want to try and strengthen and preserve the program. We do not want to throw senior citizens off. We do not want to reduce the benefit. We want to preserve and protect the program.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my friend, the gentleman from Illinois. He makes a very valid point. Indeed, as my other colleagues have gone out to do town halls in their districts, also perhaps via mail, asking through questionnaires what is going on, I think the gentleman from Illinois makes a point that cannot be stated enough. A bipartisan group, including three of President Clinton's own Cabinet officers, say we have to fix this because if we do nothing, the program goes broke.

The other thing we need to state, because somehow, through the midst of deliberate disinformation and an advertising campaign, one simple fact has also been ignored. We need to state it ad nauseum. That is this: that under our plan for Medicare plus, average expenditures per beneficiaries increase from $4,800 this year to $6,700 in the year 2002. No doubt earlier in this special order that fact has been brought up, but I daresay it is something that needs to be repeated again and again and again. And, indeed, we hear from people in our districts, we hear from people in our States tonight via the telefax, just before I walked in on the floor, the Epsteins from Arizona, a pair of self-described seasoned citizens, to use the expression of one of our friends from radio fame, write me and say this: "Stay the course. Stick with present budget. We support the efforts of the 104th Congress. Good luck. Keep the faith."

Ms. Nelson from Clarksdale, AZ, called in tonight with a three-word message: "Don't back down."

Mr. LAHOOD. Mr. Speaker, I think this. I think when people are presented with the facts, not a 30-second commercial, because if you tell people a lie often enough, they will believe it, so when people are not told the facts they begin to believe that that is the truth. But when people are presented with the facts, which you have just presented, that we want to preserve and protect, and that their benefit is not going to be cut, it is not going to be decreased, they begin to get the correct information and begin to know that we are trying to strengthen, to preserve, to protect a program that has worked well.

Mr. KINGSTON. Mr. Speaker, one thing to keep in mind is that under the 7-year balanced budget plan, we are increasing overall spending by $3 trillion instead of $4 trillion. Four trillion dollars would keep us on the road to bankruptcy, but we are increasing it $3 trillion, and in the same time, during the same period of time, balancing the budget; Medicare spending, as you know, goes from $178 billion to $286 billion.

Let me repeat, and I see the gentleman from Kentucky wants to make a point on this, we are going from $178 billion to $286 billion during that 7-year time. That is an increase in Medicare, even if you have a Democrat deficit disorder.

Mr. JONES. If the gentleman will continue to yield, I would like to ask the gentleman, what is so extreme about saving Medicare, balancing the budget, reforming welfare, giving tax breaks to families with children? What is so extreme? We keep hearing the word "extreme" today, used on us, that we are trying to do extreme things.

If we are extreme, then they are saying that the American people are extreme. The President keeps saying "extreme." I do not see anything extreme in what we are doing. We are doing exactly what the American people have asked us to do.

Mr. WELDON of Florida. If the gentleman will continue to yield, I would like to comment on that, I remember when I was a kid growing up, somebody once called me a name. I do not know if they called me a liar or whatever. I went to my daddy and I was upset, and I said, why are they doing that? And he said something to me that I will never forget. He said, "A lot of times when people call you names, they have a problem in that area themselves, and they are externalizing it on you, but they really, actually have the problem."

I want to show you some numbers that I think convinces me how extreme the situation is here with our colleagues on the left side of the aisle and with the White House. Bill Clinton said he was going to balance the budget in 5 years, back in 1992. He did not present a balanced budget in 1993 after he was elected, he did not present it in 1994, he did not present it in 1995. Then after we put our budget on the table, he finally brought forth his 10-year budget.

When he stood over here and said that he would put forward a budget using the CBO numbers, he did not do that. His numbers that he ultimately presented to us, after he was shamed into having to produce something, his 10-year budget was based on his budget office, so we had the CBO look at his numbers. Look at this. It goes from $196 billion to $209 billion at the end of 10 years. There is absolutely no attempt to balance the books here. I would not call this extreme, personally, I would call this irresponsible.

Mr. HAYWORTH. If the gentleman will continue to yield, I think we go to that word "extreme" and use it in a couple of different directions. I think, with reference to what my good friend, the gentleman from Florida, just outlines, especially in the wake of the curious behavior of this Nation's Chief Executive, who says one thing one day and something else the next day, I think we have to say, "This is extremely confusing." And with reference to extremism being used with our plans, extremism, I think we can simply say that what we have talked about, saving, protecting, my good friend, and defending Medicare through Medicare plus, genuine welfare reform, tax cuts for the middle class, and a glide path to a balanced budget in 7 years, I think we have to describe that as being extremely, extremely commonsensical.

Mr. LAHOOD. Mr. Speaker, if the gentleman will continue to yield further, I want to make a point here for the people that happen to be watching our discussion. For those people who do not know it, the gentleman from Florida [Mr. WELDON] is a doctor. He is a freshman Member of the 104th Congress. I guess, what, he was a family practitioner, is that correct?

Mr. WELDON of Florida. Sort of. I was an internist. A family practitioner for senior citizens.

Mr. LAHOOD. And I assume you probably had as your patients senior citizens.

Mr. WELDON of Florida. About half my practice.

Mr. LAHOOD. Now, would anybody believe that Dr. DAVE WELDON, the gentleman from Florida, now a Member of the 104th Congress, would want to throw any of his patients off of Medicare, would want them to be deprived of medical care? Of course they would not. And for someone like the gentleman from Florida [Mr. WELDON], now a Congressman, to be accused by people on the other side of the aisle of being hard-hearted or wanting to throw people off of Medicare is just simply nonsense.

I just want the American people to know that the gentleman from Florida, Dr. WELDON, comes here as a practitioner of medicine for senior citizens. Who could care more about the seniors of our country than one who has practiced medicine for senior citizens? I think it is an important point.

Mr. CHABOT. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Ohio.

Mr. CHABOT. Getting back to what the gentleman from Arizona [Mr. HAYWORTH] said, what is extreme, I think what is really extreme would be to go along with what the President has been posturing to do. That is, to continue to bankrupt this Nation by not balancing the budget. That was the message that I heard, and I have been hearing all year, is it is time finally to balance the budget.

I have parents. My parents are in their seventies. They are both on Medicare. They both receive Social Security. We are trying to save Medicare for the elderly folks in this country so it is there when we are going to be using it. I also have little kids. I have a daughter that is 13, I have a son that is 6 years old. What has been happening in this country over the past couple of decades, however, is huge debt has been built up and spent, and we are turning it over to these kids and saying, "You are going to pay this debt, because we have not been able to do it. We have not had a Congress that has had the guts to balance the budget."

We have one now. We have got a Congress that is saying, "We are no longer going to spend this Nation into bankruptcy." I hope and I pray that the President of the United States will work with us, so we can cut out all this posturing and balance the budget, cut taxes, and do the things which we promised to do. I think the American people, as they learn what the overall plan is, will be supportive. I am from Cincinnati, and the calls that I got today were 7 to 1 saying, "Stick to your guns, don't back down, don't back down to the President; balance the budget." That is what I, for one, intend to do.

Mr. JONES. Mr. Speaker, if the gentleman will continue to yield, I got the same type of phone calls today. I just want to go back to this extremism that is coming from the President and the liberals.

If you want to talk about extremism, I have a daughter that is 13 also, I would say to the gentleman from Ohio [Mr. CHABOT]. If you project out, if nothing is done to balance our budget to get this spending under control, in the year 2030 my daughter, midway through her life and through her career, will have hanging over her head not—you know, today we have approximately a $5 trillion debt. That is the debt. But in the year 2030, let us look at this extreme number, the deficit spending for 1 year, just 1 year, will be $4 trillion. That is mind-boggling. We cannot continue, we cannot go on and survive as a Nation with that kind of spending.

Mr. CHABOT. If the gentleman will continue to yield, just following up on the point about what a balanced budget means, it means real things to real American citizens, if we can finally balance the budget.

For example, a person who buys a home, say they spend $75,000 for a home, and there is a 30-year loan for that home. If we can balance the budget, interest rates are estimated to go down by about 2 percent. So for that family who buys that home over the time that they pay for that home, they would save $37,000 over the life of that loan if we can just balance the budget. It will be money in people's pockets so the economy can thrive, and we will have people working rather than being on unemployment or being on welfare. There will be a lot of benefits. It will mean good things for American citizens if we can balance this budget.

Mr. KINGSTON. If the gentleman would yield, I am wondering, since you are from Cincinnati, there was a cartoon in one of the Cincinnati papers which showed a man and woman sitting around the kitchen tables paying their bills. They had a calculator and a big stack of envelopes going out to the companies that they owed money to, and the woman turns to her husband and says, "Honey, I think we need to increase our debt ceiling."

What that shows is that this is real. This means something to your daughter in Kentucky, and your family back in Ohio with that 30-year mortgage. This is real money that we are talking about.

I was very disappointed last week, four of you folks are freshmen, the gentleman from Kentucky, Mr. LEWIS, and I were here last year. But it was a shock to all of us when the President actually went golfing. The House passed a debt ceiling increase and continuing resolution to try to balance the budget, and the President held a press conference saying that he was going to veto it and then goes to play golf, the rich man's sport.

While the Federal employees in 1 hour and 45 minutes will be furloughed, their President who claims to be their champion left to play golf. I hope it was a good round. I do not play. I do not know how to play. I have never been a member of the country club like the President. But a lot of Federal workers in my area do not play golf. And tomorrow when they wake up and do not have a job, they are not going to be playing golf. The President was playing golf.

Mr. HAYWORTH. I thank my friend from Georgia and I think he brings up several good points in terms of the behavior of the gentleman who sits at the other end of Pennsylvania Ave.

It has been curious throughout his term, and indeed the gentleman from North Carolina [Mr. TAYLOR] in a radio response to the gentleman from the other end of Pennsylvania Ave., once speculated that perhaps we ought to constitutionally set up a new office and call it "Campaigner in Chief," so that the gentleman at the other end of Pennsylvania Ave. can go around and make the speeches and get people to like him, to really like him. In the meantime, we ought to find a genuine Chief Executive who is willing to join with us and govern.

It is not my intent to pour salt in the wounds rhetorically, but it is very curious that much of what candidate Clinton spoke of in 1992, much of what the good doctor repeated here tonight, is included in what we have sent to him that he chose to veto.

There comes a time when regardless of party label, we are called upon to join together and govern. And if we are to be candid, while there are those firm in their resolve who have called me tonight, there are others who have contacted me. My wife gave me the number of a family in Scottsdale, AR. A little boy doing a school project needed our address, so I called him. He was surprised to hear from his Congressman.

His dad got on the phone and said, "Congressman, I am really worried about the Government shutting down tomorrow." And I said, "Sir, I share your concern. We in this Chamber did what we could, what is within our rights to do, and the President chose not to go along with it." The reason we did it was not to box anyone into a corner, but for the very reasons that my good friend, the gentleman from Kentucky, and my good friend, the gentleman from Ohio mentioned, and that is as genuine as our concern is for the seniors of this country, we also have great concern for our children and generations yet unborn.

The fact is, my little boy, John Micah, who will turn 2 December 2, has hanging over his head if we do not make changes, if we maintain the status quo with the legislative equivalent of chewing gum and baling wire, if we continue to try and keep things going as they are, John Micah over the course of his lifetime will pay over $185,000 just on the debt. Just to service the debt. That is unconscionable. We cannot do that to our children. That is why we are making the tough decisions we have to make to change what is going on.

If it takes this action, as regrettable as this action may be, far better to take this action to change the course of what has gone on, to change the thinking within this Chamber, yes, within this beltway, yes, but to change the thinking to correspond with what we are hearing from the great heartland of America.

Mr. Speaker, I yield to the gentleman from Florida, my good friend.

Mr. WELDON of Florida. Mr. Speaker, that was very, very eloquently said. I just want to harken back to this chart, because this is the balanced budget of the man who plays golf when the House and the Senate were trying to do the Nation's business.

We sent a continuing resolution to him and we sent a debt ceiling increase to him that had some responsible features in it, and he went off and played golf. I personally thought that that said volumes about his commitment to these principles.

Mr. HAYWORTH. There is one other example that I think we should bring up in the wake of that horrible, horrible assassination in Israel. During the course of the state funeral when representatives from both parties joined the President to fly to Israel, and granted it was a difficult time emotionally for the President, we understand that. But during the course of time spent in the air that exceeded 24 hours, I think something like 26 hours, to hear from our leadership in this House that their interaction with our Chief Executive consisted of a "Thank you" and a hand wave, and that was the extent of the interaction, I have to question this.

Why is it that the Chief Executive is happy to keep Air Force One on a runway at LAX and pay $200 for a haircut and take the time to do that as he did a couple of years ago, and then not talk to the leadership of these two bodies to solve the problems we face.

There comes a time when we have to have responsible leadership, and it absolutely astounds me. I know, colleagues, when we raised our hands and took the oath of office we do so to govern with the consent of the governed. We were elected, and so too was that gentleman at the other end of Pennsylvania Avenue.

Again this evening, Mr. Speaker, and colleagues, to those watching tonight, we extend the hand. Mr. President, join with us and govern. The American people deserve no less.

It is astounding behavior and it is quizzical to say the least. Mr. Speaker, I am pleased to yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. The gentleman from Arizona raises a whole host of points and it harkens back to what I talked about earlier. The President campaigned in 1992 saying that he was going to put forth a balanced budget and balance the budget in 5 years. He put forward nothing in 1993, nothing in 1994, nothing in 1995. And finally, after we put our budget, he came out with this belated, ridiculous attempt to balance the budget, which has red numbers straight through the end of the 10 years. Hence, it would still be $209 billion.

He said he would change welfare as we know it. He never did. He said he would give the middle class a tax break. He never did. I think we have a real credibility problem here. I have some very, very serious concerns about whether he will ever seriously agree that we need to build a better future for our children, for the young son of the gentleman from Arizona, and my 9-year-old daughter, for the daughter of the gentleman from Ohio, and the daughter of the gentleman from Kentucky, and for the millions and millions and millions of children out there.

Mr. Speaker, what is disgraceful is to play politics with all of this and try to buy votes by telling one group, "We will give you a slightly better deal" and then to turn around and raise their interest rates or raise their premiums or raise their taxes down the road, after he has gotten elected.

Mr. Speaker, this is not leadership. As far as I am concerned, this is playing politics with the very future of our Nation, the future for our children and our grandchildren, and this is not what made America great.

Mr. CHABOT. Mr. Speaker, I think the gentleman from Florida makes some very good points. Candidate Clinton was very different, unfortunately, from President Clinton.

As the gentleman implied, candidate Clinton had said that he was going to end welfare as we know it. I agreed. I remember the commercial like it was on yesterday when he said that, and he made some very good points. I agreed with everything he said. We do need to change welfare, and that is something we are doing in our balanced budget this year. We really are changing welfare as we know it.

Mr. Speaker, welfare has become, rather than temporary help for the truly needy, far too often a permanent way of life. It has been counterproductive. It has unfortunately hurt children all over this country.

Candidate Clinton also said that he was going to give us a middle-class tax cut. I agreed with him completely that we needed to do that. Unfortunately, President Clinton gave us one of the largest tax increases in our history.

What we did, this new Congress this year, we really did give the middle class a tax cut. Seventy-five percent of the tax cuts go to people who make less than $75,000.

Mr. Speaker, I hear over and over here in this particular body from some of the folks on the other side of the aisle here that we are cutting Medicare, which we are not because we are increasing Medicare, to give tax cuts, supposedly, to the rich. When, in fact, as I said, the tax cuts predominately go to the middle class of this Nation where they should go.

One final point I would like to make about something the President said during the campaign is he indicated he was going to be tough on the death penalty, tough on crime. In this bill that the President has just vetoed which increased the debt ceiling, there was also habeas corpus reform. What that means, basically, is the death penalty in this country, of which I am a strong believer.

Eighty percent of the people in this country believe in the death penalty. But after conviction, we allow it to drag on. People are on death row for 15, 16, 20 years. We finally have legislation which reforms the death penalty in this country and cuts down the amount of time between the imposition of the sentence and actually carrying out the sentence. That was in the bill. The President said he was for it. Unfortunately, he vetoed that as well.

Mr. Speaker, I believe very strongly that we were sent here for a reason. I believe we should try to work with the President, and I wish he would work with us for the betterment of all the people in this country.

Again, as the gentleman from Arizona said, I think we should reach out to the President, just as the Speaker NEWT GINGRICH, and the majority leader, BOB DOLE as we speak here now are apparently meeting at the White House with the President. I hope some good comes from that.

Mr. LEWIS of Kentucky. Mr. Speaker, I would like to ask my colleagues, maybe can they answer this; What really have the President and the liberals offered in the 104th Congress, other than name calling? What have they offered?

Have they offered welfare reform? Have they offered tax breaks for the middle class? Have they offered to save Medicare? Have they offered to balance the budget? What have they offered?

Yes, the President gave us a bogus balanced budget that will not reach balance by the year 2002. In fact it would be $209 billion in deficit spending. What have they done?

They have had the Congress for 40 years and we are $5 trillion in debt. In 1965, the Great Society was started to win the war on poverty. We have more people in poverty today than when it started. We have more teenage pregnancy. We have more crime. We have more illiteracy. I mean, what have they done in 40 years and what have they offered this year?

Mr. HAYWORTH. If the gentleman would yield, I think in fairness we do need to point out one thing that the liberals offered and it came very late, indeed, in the last nanosecond of the 11th hour as we stood on this floor and talked about the compelling need for Medicare reform and cited the report. And I would ask the gentleman from Florida if he could get the poster and hold it up again.

We cited what three of President Clinton's own Cabinet officers signed off on in April. "The present financing schedule for the program, the Medicare program, is sufficient to ensure the payment of benefits only over the next 7 years."

When we saw that, and chose in the wake of that report last spring to move to protect and preserve and defend Medicare, our friends on the other side, the liberals, stepped forward with a Band-Aid. They said, OK, we will do a little tinkering around the edges.

Indeed, in the words of one wire service dispatch, in the words of one political observer, in his opinion it amounted to a "deathbed conversion." At the last nanosecond, they stepped forward with a Band-Aid.

Mr. Speaker, I will just make one point and then I will be happy to yield to my friend from Georgia. I heard earlier in this hour the gentleman from Pennsylvania stand in the well and talk about the surgery he needed to return to this Chamber with vitality. It was not easy surgery. He stayed the course and got the medical work done.

Mr. Speaker, I daresay our friend from Pennsylvania and his example serves as a metaphor for what we face with these programs. It takes surgery, not a Band-Aid, to solve the problem. But that is the only thing that has come from the liberal establishment. And as we move past a Great Society, let us go to a better society.

Mr. Speaker, I yield now to the gentleman from Georgia, my friend.

□ 2230

Mr. KINGSTON. Mr. Speaker, on this last-minute PR solution, more than anything, it was just to say we are in it, too. It calls for a commission to study Medicare. Here we have a group of professional trustees who study Medicare and they have said it is going broke. So what did the other party want to do? They wanted to study it even more.

Mr. LAHOOD. Mr. Speaker, I think the cleverest part of the argument that is made over here about this statement is that we have had those reports in the past. So we have had them in the past, and we do not want to do anything with it. Some of us came here with the idea that when you get a report like that and that there are people in the country who have benefited from these programs, and nobody will deny that Medicare has been a good program, we feel a responsibility to try and reform the program to preserve it, to protect it for the senior citizens, not simply to say, as our friends on the other side of the aisle would say, oh, we have heard those reports before. Some of us feel a responsibility to do something about it when you get a report from three Cabinet members from the President's own Cabinet.

Mr. KINGSTON. Mr. Speaker, let me ask the freshmen, can you imagine coming to a body where they are saying something is going broke and you are supposed to waive it and you are saying, they always say it is going broke. We just have to get through the next 2 years. That is my concern. Would any of you be able to go home and run on that platform that you saw that report and ignored it?

Mr. WELDON of Florida. Absolutely not. That is a very good question. It leads to an important issue on the Medicare Program. The tax on working people to keep the Medicare Program solvent has been raised 23 times since the program was initiated.

Let me just say that, as the gentleman from Illinois mentioned earlier, I am a practicing physician. I still see patients occasionally. The Medicare Program has been a great program. It provides the resources so that our seniors can get good quality medical care in their senior years. I think it is one of the primary things contributing to the dramatic increase in life expectancy for seniors.

When I was in medical school, when I was in college, the average life expectancy for a male, I think, was about 70 or 71. Just in the past 15 years or so it has gone up to about 78. That dramatic improvement, I think, is directly attributable to the good quality medical care that our seniors get. But there have been problems with keeping the program properly funded as there is a problem right now, as this chart next to me indicates, three Clinton Cabinet officials testifying to the fact that there are problems in keeping the program properly funded.

Mr. LAHOOD. Mr. Speaker, let me just cite a couple of examples. Whenever I have been in a room of senior citizens, I say, have any of you had a problem with billing or with some kind of complication with Medicare? Every hand in the room goes up.

A woman from Tremont, IL, came up to me at the Tremont Turkey Festival. She gave me a check. She said: "Congressman, I am 80 years old. Medicare has been a good program. I just received this check from Medicare for 2 cents. How much does it cost to process a check for 2 cents?"

A gentleman came to me at a meeting in Pekim, IL, at a town meeting that I had. He said: "I had a procedure done, I am on Medicare, I had a procedure done. I got a bill from the anesthesiologist for $8,000. I took it back to him and I said: Could this be right? He said: 'No, it should have been $800.' But Medicare paid $8,000."

One other example: A gentleman came to my office in Jacksonville, IL. He received a bill from the hospital 40 days after he had been in there. The first item, intensive care, $36,000; he said: "I was never in intensive care." Another item down below: Other services, $11,000. He says: "I do not know what those were."

Are there problems with the Medicare Program? Are there things that need to be fixed? Of course there are. Ask anybody who is receiving Medicare and they will tell you that. That is what we are trying to do, play the responsible role and fix a good program and reform it to save money for people who will want to use the program currently and in the future.

Mr. CHABOT. Mr. Speaker, I carry around here in my wallet an article that I clipped out of the newspaper. We verified this article. It is accurate. It is going to take me just a few seconds to read this. It is about Medicare, one of the problems with it.

Mr. KINGSTON. Mr. Speaker, we are going to have about 7 minutes left. After the gentleman reads that, I would like everyone to sort of wrap up:

Mr. CHABOT. "Representative JOE KNOLLENBERG"—and we all know JOE here—"Michigan Republican, tells the story of a Michigan woman named Jean English, who while going through the mail of her recently deceased brother found a bill for his last hospital stay. Her brother, who suffered a terminal illness, died only a few days after being admitted.

"The bill for the four-day period came to $368,511.09. All of it had been forwarded to Medicare for payment. Shocked by the expense, Mrs. English called the hospital for an explanation. What she got was a 14-page itemized statement.

"The greatest expense? A 7-hour stay in the emergency room, according to the bill, required $347,982.01 worth of supplies."

Just think of that, just 7 hours, $347,000 worth of supplies.

"Well, after much hemming and hawing," says the Congressman, "the hospital admitted that it had made a mistake. Oops. Instead of $347,982.01, the actual charge should have been $61.30. That is right, $61.30. An overcharge of $347,920.71."

The problem was found. End of story? No. The errant bill had been sent to Medicare and paid by Medicare. That is right, they had paid the bill.

That is just the tip of the iceberg. We have to find waste where it exists and stop that waste from happening but we do not have to cut anybody's Medicare at all. We want to save it so it is there for the seniors nowadays and for future generations.

Mr. LAHOOD. That is what we call waste, fraud, and abuse. That is an area that anybody that has been involved with Medicare, any senior citizen will tell you, there are all kinds of problems that people face. Some of us feel a responsibility to reform this program, to weed out, to ferret out the waste, fraud, and abuse and save the taxpayers millions and billions of dollars because we want to preserve the program. In order to do that we have to make these kinds of reforms that we are talking about.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will continue to yield, I think some very valid points have been raised. Once again our friend from Ohio offers graphic evidence, anecdotal evidence of what can go wrong. My friend from Illinois made a very valid point, reaffirmed to me by the senior citizens of the Sixth District of Arizona. Waste, fraud and abuse is a shocking part of this problem. It is one element of the problem in dealing with health care coverage for seniors.

But, again, what we have to point out, and in my couple of moments here before we wrap up, I want to point out a couple of things. First of all, what we are doing with Medicare is improving and protecting and preserving the system, taking the average beneficiaries, cash award of $4,800 this year, increasing it to $6,700 by the year 2002. Also, what we are doing are expanding the choices, giving people more choices, not forcing anyone into the program. But if people like the current system, they are certainly welcome to keep this system.

The sad thing is that younger people have no choice. As I mentioned earlier, my young son, if we change nothing will pay over $185,000 in taxes just on interest on the debt during the course of his lifetime. To the President's credit he did something called general rational accounting in his last budget where he projected the services for the next generation of Americans if we do not change anything, if we do not right size this Government. And taxpayers of the future, the average taxpayer would have to surrender 82 percent of his income in taxes to the Federal Government. We have seen it rise exponentially, from 3 percent of the average family of four's income in 1948 to almost one-quarter of the average family's income in 1994. We have to change that not to build a great society but to build an even better society.

Mr. LEWIS of Kentucky. Mr. Speaker, just as Mr. HAYWORTH said, we have to do something and we have to do it now. My mother and father are both 78 years old. My daughter is 13. I have a son that is 24 years old. We have to save Medicare for my mother and my father. We have to balance the budget for my daughter and my son. We have to provide for the future. We have to save the economic viability of this country. And that is what we are all about.

It is beyond politics. We are serious. We want to save a country that is going to be a country that is going to provide the best living opportunities for our children and for our senior citizens. I think we can do no less. The time has come. We have a window of opportunity to do it now. And if we do not do it now, I am afraid it is going to be too late. So I think we have to stop the political rhetoric that is coming from the White House and from the other side. And we have to get serious and do something. I think we face a crisis as great as any crisis we have ever faced in this country and now as I said is the time to do it before it is too late.

I want a future for my mother and my father where they can have a good medical care. I want a future for my daughter and my son where they will not have to spend $187,000 just on the interest on the debt, where they will not have a tax rate of 82 percent. I want a nation that is going to be strong and the greatest Nation to continue to be the greatest Nation on the face of this Earth.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, the gentleman from Georgia is very gracious. I guess I would like to wrap up by pointing out that President Bill Clinton ran in 1992 as the candidate for change and his behavior over the past 2 or 3 days, I think, clearly indicates that though he ran as a candidate for change he is the President of the status quo. The status quo is not going to get us into the next century for a brighter, better and more prosperous future for ourselves and for our children.

He ran saying that he was going to balance the budget and never presented to us a balanced budget proposal. He ran saying that he was going to end welfare as we know it, and he never presented a plan to be able to do that. And he also ran saying that he was going to give us a middle-class tax cut, and what he gave us was a tax increase. And furthermore, for him to do absolutely nothing in the area of preserving and protecting Medicare and making sure that it will be there for our seniors because, Mr. Speaker, my colleagues, we will agree if the Nation is bankrupt, nobody will get good quality medical care, including our seniors.

And we have put forward these proposals to the President who keeps vetoing them and vetoing them. I personally think this is morally wrong for him to do that. He should be willing to sit down and negotiate with us and try to come to terms, but he is not doing that. And he really is playing politics with these issues, particularly in the area of Medicare.

We have put forward a reasonably balanced Medicare proposal and he is playing politics with the issue.

Mr. KINGSTON. Mr. Speaker, let us just close with this, do we, members of the Republican freshman class, the sophomore class of the Republicans, do we want to shut down Government? Do we want Federal employees to be out of work tomorrow morning? Do we want the Republican Party to ruin this negotiation? Do we want one side to blink first?

The answer to all of that is no. What we want is a balanced budget.What we want is Medicaid restructured. What we want is welfare reform. What we want is tax relief for the middle class. And above all we want to save, protect and preserve Medicare.

We believe that there is plenty of room for a bipartisan agreement. Democrats and Republicans can come together for the children and the future of America. We are proud to participate in that process.

We hold our hands open for our Democrat colleagues who want to join us and we hope and pray that the President of the Untied States will work with the leaders of House and Senate to do what is best, not for either party, not for reelection, but for the American public.

I thank the gentleman from Illinois [Mr. LAHOOD], for being with me, the gentleman from Florida [Mr. WELDON], the gentleman from Ohio [Mr. CHABOT], the gentleman from Arizona [Mr. HAYWORTH], a night-time regular, and the gentleman from Kentucky [Mr. LEWIS], for this special order.

□ 2245

THE MOST IMPORTANT PROBLEMS FACING OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Vermont [Mr. SANDERS] is recognized for 50 minutes as the designee of the minority leader.

Mr. SANDERS. Mr. Speaker, while we await an understanding of the meeting taking place in the White House now between the President and the Republican leadership, let me review for my fellow Vermonters and for people throughout this country what I consider to be some of the most important problems facing this country, talk a little bit about some solutions that I think make sense to many millions of Americans, and then talk about how the Contract With America impacts all of that.

The first point that I want to make, Mr. Speaker, is that some of the most important issues facing our country are, unfortunately, not talked about terribly often. They are not talked about by our Republican friends, they are not talked about by our Democratic friends, they are not talked about by the corporate media, and I think one of the reasons that we have a great deal of anxiety in this country is that people are hurting, they are in pain, they know that something is wrong, but they turn on the television, they read the papers, and they do not see that the realities of their life are being discussed, and I think that further alienates them from the political process, it confuses them, it gets them angry.

Let us talk about a few of the realities that are not widely discussed on the floor of this House, or on the television, or the radio:

No. 1, if you were to ask me what the most important reality facing America is, the reality is that for the vast majority of our people, some 80 percent of the American people, they are becoming poorer. People in America today, in large numbers, are working longer hours for lower wages. Since 1973, 80 percent of Americans have seen either a decline in their real wages or, at best, economic stagnation.

So that is the first reality that I think we have to talk about. When we turn on the television, or we look in the newspapers, and they tell us that new jobs are being created, the gross national product is growing, the economy is booming; what we have to say is all of those statistics are not terribly relevant to what is going on in the lives of real working people.

Mr. Speaker, real people today, working people today, are working longer hours, they are earning lower wages, and more and more of the jobs that are being created are part-time jobs, are temporary jobs, are jobs without good benefits. So that is the most important reality, and frankly, instead of discussing a whole lot of other issues that we spend huge amounts of time on in this Chamber, that should be the paramount issue:

Why is it that for the vast majority of our people our standard of living is in decline? Why is it that for family farmers in the State of Vermont they are receiving 50 percent of the income they received 15 years ago and are being forced to leave the land? And that problem exists not only for family farmers all over America, but for working people all over this country. That is the first reality that I want to touch upon tonight, and that needs a whole lot of discussion on the floor of the House.

The second issue is that while it is true that for 80 percent of our people they are experiencing a decline in their standard of living, there is another reality that is taking place which we hardly ever talk about, and that is we do not congratulate Michael Eisner, who is the president of the Walt Disney Corp, for the hundred million dollars he earned several years ago. We do not give enough congratulations to Bill Gates, the major stockholder of Microsoft who is now worth $9 billion. We do not talk too much about the fact that the major CEO's in this country now earn over $3 million a year on average. In essence what we are not talking about is that while 80 percent of our people are seeing a decline in their standard of living or, at best, economic stagnation, the people on the top today are doing better than perhaps at any time in the modern history of the United States.

In the last 20 years, Mr. Speaker, the wealthiest 1 percent of American families saw their after-tax incomes more than double. The wealthiest 1 percent of American now owns a greater percentage of the Nation's wealth than at any time since the 1920's. So, yes, there are two realities that are taking place. On the one hand, the average American is seeing a decline in his or her standards of living. Women, who would prefer to stay home taking care of the kids, are now forced to go into the work force. The new jobs that are being created by our kids are often part-time jobs or minimum-wage jobs.

That is the reality that impacts on the vast majority of the American people, but the other reality that we do not talk about too often, we are kind of quiet about it, is that for the rich and the powerful, hey what is the problem? Things have never been better. Today the wealthiest 1 percent of the population owns more wealth than the bottom 90 percent. We do not talk about that too much. We do not talk about concepts like social justice in America. We do not talk about the fact that there has been an enormous growth in millionaires and billionaires while at the same time this country, the United States, has the highest rate of childhood poverty in the industrialized world by far. Twenty-two percent of the kids live in poverty, yet we are having a huge growth in millionaires and billionaires. Where is the justice? Why are we not talking about that issue?

Mr. Speaker, the other thing that we do not talk about too often is to put our situation in a broader context in terms of what is happening in the whole world. There is no question but that much of the industrialized world is suffering economic problems just as we are. But it should be pointed out that whereas in the early 1970's the working people of the United States had the highest standard of living in the world, they earned the highest wages, they had the best benefits; today, according to various studies, we rank 13th in the world behind many European countries and behind some of the Scandinavian countries.

Recently, Mr. Speaker, you have read in the paper how BMW and other European companies are coming to the United States to start factories, often in the South but in other parts of America. Why are European companies coming to the United States? And the answer is an answer that many people my age would have not believed possible if we had discussed this issue 20 or 30 years ago. They are coming to America for cheap labor because in Europe, in Germany, in France and Scandinavia you cannot find workers who are going to work for $8 an hour or $10 an hour. Those workers make significantly more than American workers, and European companies are coming to America for the same reason that American companies go to Mexico or American companies go to China, in search of cheap labor. That is an issue that we should be discussing in this House of Representatives: how does it happen that American workers are now a source of cheap labor for European companies?

Mr. Speaker, as bad as the situation is now for most middle-age workers, the situation is even more frightening for our young workers, and I think one of the reasons there is so much anxiety in this country is not only that middle-age people are nervous about what is going to happen to their lives, what is going to happen to their parents, they are worried about what is going to happen to their kids.

Mr. Speaker, in the last 15 years the wages for entry-level jobs for young men who are high school graduates has declined by 30 percent. That means the young men who are getting out of high school now are earning 30 percent less than was the case 15 years ago for high school graduates. Fifteen years ago when somebody graduated high school, they most certainly were not wealthy, they did not get a great job, but often there were jobs in a town in a factory that paid a worker a living wage. Today many of those jobs are gone, and the jobs that are available for our young men and our young women are flipping hamburgers at McDonald's and working at other service-industry jobs. Thirty percent decline in wages for high school graduates were men, and 18-percent decline for young women.

Mr. Speaker, the sad reality is that Americans at the lower end of the wage scale, our low-income workers, are now, if you can believe it, the lowest-paid workers in the entire industrialized world. Eighteen percent of American workers with full-time jobs, full-time jobs, are paid so little that their wages do not enable them to live above the poverty level. That is what is going on in America. That is what happens when you make $4.50 an hour or you make $5.50 an hour. But this economic decline does not only impact high school graduates, it is also impacting those people who have been able to go through college.

Between 1987 and 1991, the real wages of college-educated workers declined by over 3 percent. That is college-educated workers. Over one-third of recent college graduates have been forced to take jobs not requiring a college degree, and that is twice as many as was the case 5 years ago. What a sad state of affairs when many people such as myself say, "Well, education is the key. We have got to make sure our people go to college." That is all very true, but there is another truth even for those young people who do get a college degree. Many of them are unable to find jobs which are commensurate with their education.

Mr. Speaker, when we read in the papers, and Mr. Bush used to tell us this, and President Clinton tells us this as well, that millions and millions of new jobs are being created, that is true. That is true. A lot of new jobs are being created, but the reality is that the majority of new jobs that are being created in America today pay less than $7 an hour. Many of these jobs offer no health benefits, no retirement benefits, no time off for vacations or sick leave. In fact, more and more of the new jobs that are being created are part-time jobs or temporary jobs. If you can believe it, in 1993 one-third of the U.S. work force was comprised of "contingent labor." That means people who work for a few months and then lose their jobs, and that number is escalating rapidly.

In the last 10 years the United States has lost 3 million white collar jobs. We have lost 1.8 million jobs in manufacturing in the past 5 years alone. If we are going to try to understand why our wages are going down, why so many people are living in economic anxiety, we must address the issue of so-called downsizing.

Downsizing is a polite corporate term for throwing American workers out on the street, and this downsizing phenomenon is taking place at a frightening degree among some of the largest and most powerful corporations in America. Five companies alone, Ford, AT&T, General Electric, ITT, and Union Carbide laid off over 800,000 American workers in the last 15 years, just those five companies alone.

Mr. Speaker, you know when we talk about family values, when we talk about the importance of adults being good parents, of adult parents having the time to spend quality moments with their kids, one of the things that we should realize is that, as a result of the economic downturn and decline in real wages, the average American worker today is now working 160 hours a year more than he or she worked in 1969. The number of Americans working at more than one job has almost doubled over the last 15 years. In my rural Sate of Vermont it is now uncommon to find workers working not just two jobs, but three jobs, in order to bring home the bacon and to pay the bills.

□ 2300

I remember when I was in college, they used to give courses on what they called leisure time. They were worried then as technology developed and workers would be working fewer hours, what would the American worker do with all of his or her spare time? Unfortunately, Mr. Speaker, they do not give those courses anymore. Nobody worries what the American worker is going to do with his or her spare time, because that worker does not have any spare time. Rather, they give courses now on how to deal with the terrible stress that families are under when wives do not see their husbands and husbands do not see their kids, because everybody is working at crazy hours, trying to keep their family above water.

Mr. Speaker, not only are real wages going down. There is another crisis that, certainly, this Congress is not dealing with, and in fact is making a very bad situation worse. That is that one-third of all Americans do not have adequate medical insurance, and the number is growing.

Two years ago in this House, we dealt with that goal. I disagreed with Clinton's plan, it was too complicated, too cumbersome, but at least he had a vision that said that every man, woman, and child in America should have health insurance. Now that that debate is over, the situation which was bad then is worse today. More Americans lack health care than was the case a few years ago. More Americans have inadequate health insurance, large deductibles, large copayments than was the case several years ago.

Mr. Speaker, the ultimate reality of what is happening in this country today is that while the richest people are becoming much richer, while the middle class is shrinking and more of the middle class is falling into poverty, the other reality is that poverty has risen rapidly in recent years.

Poverty in the United States declined significantly between 1965 and 1973, and we hear some of our Republican friends say, "Well, the war on poverty was terrible, terrible." The war on poverty had an impact in reducing poverty in America, in moving us toward fewer poor people, when at a time the trend today is, unfortunately, in the wrong direction.

Clearly, one of the statistics that we as a nation should be profoundly ashamed of, profoundly embarrassed about, is that 22 percent of our children live in poverty, and this great Nation has the dubious distinction of having by far the highest rate of childhood poverty in the industrialized world. I heard some of our Republican friends a moment ago talk to us about so-called welfare reform. I hope that they understand that the welfare reform proposal that they are advocating will increase the ranks of childhood poverty by another 1 million children in America.

Yes, we do need welfare reform. Yes, we do, but we do not need so-called reform which will add another 1 million children to the ranks of the poor.

Mr. Speaker, when we talk of social justice, we should also look at what goes on in the industrial sector of America today. We should ask why in 1980, the average CEO in America earned 42 times what the average factory worker earned. Some people may say, "42 times? Does he eat 42 times more? Do his children have 42 times more than the workers' children?"

If you think that situation was bad, what we should appreciate is that today, the CEO's of the largest corporations earn 149 times what their workers earn. What justice is there in that? Corporate salaries zooming up, stock options for corporate executives going up, real wages for workers going down, CEO's earning almost 150 times what their workers today receive.

Mr. Speaker, we hear a lot of discussion about taxation, and certainly taxation is an important issue. But what we do not hear a whole lot of discussion about is who is paying the taxes. Who is paying the taxes? In my humble opinion, the middle class and the working class. In fact, if you look at local taxes, State taxes, and Federal taxes, they are paying far too much in taxes. But on the other hand, when you look at upper-income people and when you look at large corporations, what we can say is those folks deserve to contribute more into our tax coffers, so we could deal with the Federal deficit, so we could take the tax burden off middle-income America.

Mr. Speaker, in 1977 President Carter, and in 1981 and 1986 President Reagan, instituted "tax reform." Of course, the Democrats controlled the Congress during that period, and supported that so-called tax reform. The result of those reforms was to significantly lower taxes on the wealthy and the large corporations and raise taxes on almost everyone else. Taxes on the very wealthy were cut by over 12 percent, while taxes on working- and middle-class Americans increased. One of those so-called reforms was a large increase in the regressive Social Security tax.

According to a study conducted by the House Committee on Ways and Means, the top 1 percent of taxpayers saved an average of over $41,000 in 1992 over what their taxes would have been at 1977 rates. Mr. Speaker, we speak a whole lot about the Federal deficit, which is a very important issue, but what we should appreciate is that if 1977 individual Federal tax rates had still been in effect in 1992, the Nation's wealthiest 1 percent would have paid $83.7 billion more in taxes, or about one-third of the national deficit in 1995. That is an important fact that we should keep in mind.

Mr. Speaker, at a time when the richest 1 percent of the population own about 50 percent of the stock, massive tax cuts to corporations have also helped to enrich the wealthy and to cut back on Federal revenues. In the 1960's, corporations contributed 23.4 percent of the Nation's taxes. Today, they contribute only 9 percent. During the early 1980's, some of the largest and most profitable corporations in America paid nothing in Federal taxes. By contrast, individual income tax increased from 22 percent of Federal receipts in the 1960's to 45 percent today.

Mr. Speaker, I have talked a bit, just a bit, about some of the problems facing this country. I think it is fair and I also talk about some of the areas that I think we need to move forward on if we are going to solve some of these problems. Let me just touch on a few of them.

No. 1, it is an absolute disgrace that in this country we continue to have a national minimum wage of $4.25 an hour. Mr. Speaker, the purchasing power of the minimum wage has declined by 26 percent over the last 20 years. That means our minimum wage workers today are far poorer, have far less purchasing power, than did the minimum wage workers 20 years ago. The minimum wage in America must be raised. It must be raised so that if people work 40 hours a week, they do not live in poverty. That is why I have introduced legislation which would raise the minimum wage to $5.50 an hour.

Mr. Speaker, when we talk about why it is that American workers are seeing a decline in their standard of living, there is no question that we must address a very, very failed trade policy. It is not only that NAFTA has been a disaster, it is not only that most-favored-nation status with China is wrong, it is not only, in my view, that GATT is wrong. Our entire trade policy is failing.

I find it amazing that every day on the floor of this House we hear endless discussion about our national Federal deficit, which in fact is a serious problem, but we hear virtually no discussion about the trade deficit. The trade deficit this year will be, as I understand it, at the highest level in American history, about $160 billion. Economists tell us that for every billion dollars of trade, we create 20,000 jobs. That means that the difference between a $160 billion trade deficit, a neutral trade deficit, is over 3 million jobs, many of them good-paying manufacturing jobs.

□ 2310

Now, how long can we continue to go on seeing our industrial base get smaller and smaller; seeing more and more American companies moving to Mexico, moving to Malaysia, moving to China, where they can hire workers for 20 cents an hour?

Clearly, we must address the crisis in the deindustrialization of America. The crisis in our current trade policy, the crisis in which corporate America is creating millions of jobs all over the world, it is just that they are not creating jobs in America. Clearly, we must develop a policy which says to these corporations, "You have got to reinvest in America and not just in China or in Mexico."

Mr. Speaker, it also seems to me that we have got to make our tax system a heck of a lot fairer than it is today. Today in America, we have the most unequal and unfair distribution of wealth in the entire industrialized world. We also have the most unfair and unequal distribution of income in the industrialized world.

Mr. Speaker, as I indicated earlier, during the 1970's and 1980's, this Congress, and various Presidents, gave huge tax breaks to the wealthiest people in America and to the largest corporations, while at the same time they raised the Social Security taxes. They raised taxes on the middle class, and as a result of Federal policy, local and State taxes were also raised all over America.

Mr. Speaker, there are many people who are concerned about the complexity of our tax system, its burdensome nature, all of the loopholes that exist. I share that concern. It seems to me that we must move forward toward a simpler tax system without loopholes, but a tax system which is progressive. That means the more money a person makes, the higher percentage of their income they pay in taxes.

That means if middle income and working people are seeing a decline in their real wages, that has to be taken into account when we formulate our tax system, and the tax burden that those people are currently experiencing must be relaxed.

Mr. Speaker, I think that one of the surprises that the American people are soon going to see, and this Congress will soon see, is a revitalized labor movement. I fully support that, and was very delighted recently when John Sweeney, the former president of the Service Employees Industrial Union, the SEIU, became the president of the AFL–CIO. Rich Trumka, the former president of the United Mine Workers, became the secretary treasurer of the AFL–CIO.

Mr. Speaker, I think what we are going to see is a revitalized labor movement that is going to be more actively involved on the political front and far more actively involved in organizing workers into unions. The reality is that workers who are in unions, who are able to negotiate collectively with their companies, earn of course significantly higher wages than do nonunion workers.

Today, not every American worker wants to join a union, and those workers who do not want to join a union, they should not join a union. But there are millions of workers who do want to join a union, and we must provide legislation for those workers that gives them a fair opportunity to joint a union.

In my State of Vermont, and all over this country, there are workers who are trying to join a union, who are trying to organize for unions, who are being fired by their bosses with impunity. Employers can do it. No problem. There are elections that are being held and that after the union wins, the companies are appealing, and the bottom line of all of this is that labor law today favors company and the bosses far more than the workers.

Workers join unions, but they cannot negotiate the first contract. The employer refuses to sit down and the workers give up and the union dissipates. I think it is terribly important when we talk about ways that we can improve life for ordinary Americans that we institute major labor law reform which says nothing more than, if the workers in a given area want to join a union, they have the right to join that union without being fired, without being harassed, without having to go through a dozen different appeals, without having their organizers fired by their employers.

Mr. Speaker, there are two other issues that I want to briefly touch on. In this Congress tonight for the last many months we have been talking a great deal about Medicare, and some of us are outraged that at a time when millions and millions of elderly people today, with Medicare under its present funding formula, today many, many elderly people are finding it very difficult to provide for their health care needs.

Mr. Speaker, Medicare does not cover prescription drugs. And in my State of Vermont, and throughout this country, large numbers of seniors cannot afford their prescription drugs. Medicare does not provide long-term care in nursing homes. So, the Medicare Program today is not terribly good in terms of providing for our senior citizens.

Clearly, it will become a lot worse if the Gingrich proposal goes into effect and Medicare premiums go up for the elderly and Medicare and Medicaid funding for hospitals is radically cut. The point is we are now forced in this Congress to fight and spend our energy fighting those cuts, but I think very shortly we should return back to the basic debate. That is not just stopping cuts in Medicare, but trying to determine why it is that this country is not doing what virtually every other industrialized nation on Earth has done, and that is to provide a national health care system which guarantees health care to all people.

North of Vermont there is Canada, and every Canadian has a little card. With that card they go to any doctor they want; they go to any hospital they want; and they do not take out their wallets. Mr. Speaker, know what? The poor are treated quite as well as the rich.

Does that system have problems? Sure it does. But what it has done is made sure that every person in Canada gets all of the health care they need without out-of-pocket expense. Throughout Europe and throughout Scandinavia there are different types of health care systems. Some work better than others, but clearly it is a terrible disgrace that in this country we have some 40 million Americans with no health insurance, and more than that who have inadequate health insurance.

Clearly, we must again put on the table the fight for a national health care system; in my view a single-payer national health care system which guarantees health care to all people.

Mr. Speaker, when I go back to Vermont, and I am sure it is true for other Members who go back to their districts, they hear from their constituents, and their constituents say, "Government just is not working well. Why is government not working well?" And they are wrong. Government is working very, very well for those people who have a whole lot of money.

Mr. Speaker, if Americans are in the upper 1 percent, the upper 2 percent, are making $300,000, $500,000 a year, this Government is doing a great job for them. They have never had it better. Their tax rates have gone down. They have more power over their employees. Some of our Republican friends want to take away the restrictions which prevent them from polluting the environment. Government is working great for those people who are the upper-income people.

But, Mr. Speaker, for the vast majority of people it is true, Government is not working well. We have to ask why. That takes us to the whole issue of campaign finance reform.

Mr. Speaker, it is a very scary proposition that in the last national election that we had, November 1994, when Mr.

GINGRICH and the Republicans took power here and Republicans took power in the Senate, that all of 38.5 percent of the people came out to vote. That is pretty bad.

It is even more scary to understand the role that money has in the political process. Frankly, I get a little bit tired of hearing about all the millionaires and billionaires who continue to run for office. If we continue to have millionaires running for office and getting elected, not only to Congress but to seats in various State houses and Governors' offices, maybe we should change the name of this institution from the House of Representatives to the House of Lords, and be clear that what this is is a hall for the privileged ladies and gentlemen of the upper class who have purchased their seats by taking out their wallets and spending millions and millions of dollars to get elected.

□ 2320

That is not what democracy is about. We should not be buying seats in Congress or buying seats in the Senate or buying seats in Governors' offices all over America. Clearly, we need campaign finance reform. The elements of that reform to my mind most importantly must be a limitation on how much an individual can spend when he or she runs for office, let us have a level playing field.

No. 2, we should be matching public funding with small contributions. If somebody is able to go out and get a significant number of checks for $25 or $50, we should match the public funding. If we do that, we will have a fairer playing field and the wealthy and the powerful will not be able to buy seats in the U.S. Congress and, therefore, have a Congress which supports their agenda.

Far too often politics in this institution is about is payback time, payback time. You contribute a whole lot of money to the party of your choice and lo and behold, you get huge tax breaks for corporations, tax breaks for the wealthy, and other Government policy which favors those people who have money.

The last point that I want to make, Mr. Speaker, is that I think perhaps the most frightening development which is taking place in our country today is that tens and tens of millions of Americans, mostly low income and working people, are giving up on the political process. They do not vote. They do not get involved locally. They do not pay attention to what is going on. And in many ways, this country is becoming less and less democratic as a result of that.

If people out there, people throughout this country, think that politics is not important, that what happens in this institution is not important, pay attention to what is happening now. If you are a young person who works for a living and you are receiving an earned tax credit, understand that that earned income tax credit is going to be cut so that we can provide tax breaks for the wealthiest people in this country. Do you think that is important? It will be harder for you to raise your family.

If you think that politics is not important, we should ask the elderly people who will be forced to pay $300 a year more in premiums for Medicare. We should ask those families throughout the country today who have disabled members in their family, who have children, who are going to see major cutbacks in Medicaid. That is what politics is about.

If you think that politics is not important and you are a young person trying to go to college and you do not have a whole lot of money, understand that as a result of politics, understand that as a result of decisions being made right here in this House of Representatives, it may be impossible for large numbers of working class young people to afford to go to college because of major cutbacks in student loans and in student grants.

If you are a veteran who has put your life on the line defending this country, understand that what politics is about is that veterans programs are going to be cut so that we can build more B-2 bombers that the Pentagon does not even want.

Yes, you may not think so, but politics is relevant to every person's life in America. The politics of what is going on here today is that the wealthy people to a very large degree own this institution. If you want to know what goes on, all you have to do is follow the money. The money is coming in and decisions are being made which reward those people who have the money. The only way to stop it is if the vast majority of the American people, the people who are working long hours and are not getting a fair shake in terms of the wages they are receiving, people who do not have health insurance, people who cannot afford to send their kids to college, the decent people of this country, the backbone of this country, if those people begin to stand up and fight for their rights, we can turn this institution around. We can turn this country around. But if you do not, then what will happen is the wealthy, small numbers of people but people with tremendous resources will continue to dominate this institution. That is what the struggle is about.

So I would hope that people who pay homage, Veterans Day just came, and we paid our respect and homage to the men and women who put their lives on the line, but what they did is fought to keep this country free and to keep this country a democracy. We are not honoring them, if we do not get involved in the political process, if we do not stand up and fight for policies which impact all the people of this country and not just the very wealthy. That is what politics is about.

RECESS

The SPEAKER pro tempore. (Mr. BARR of Georgia). Pursuant to clause 12 of rule I, the House will now stand in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2347

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARR) at 11 o'clock and 47 minutes p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. OLVER, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. ANDREWS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN.

Mr. FOX of Pennsylvania.

Ms. EDDIE BERNICE JOHNSON of Texas.

Ms. BROWN of Florida.

(The following Member (at her own request) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

(The following Members (at their own request) and to revise and extend their remarks and include extraneous matter:)

Mr. BURTON of Indiana.

Mr. STENHOLM.

Mr. LEACH.

Mr. ABERCROMBIE.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. BARRETT of Wisconsin.
Mr. JACOBS.
Mr. MANTON.
Mr. STARK.
Mr. SERRANO.
Mr. VISCLOSKY.
Mr. CARDIN.
Mr. ORTIZ.
Mr. STOKES in two instances.
Mrs. MALONEY.
Mr. FILNER.
Mrs. MEEK of Florida.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. DAVIS.
Mrs. SMITH of Washington.
Mr. HORN.
Mr. GILMAN.

(The following Members (at the request of Mr. SANDERS) and to include extraneous matter:)

Mr. TEJEDA.
Mrs. CLAYTON.
Mr. FALEOMAVAEGA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 325. An act to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committees on Resources, Economic and Educational Opportunities, Commerce, the Judiciary, and Agriculture.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee has examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes;

H.R. 2589. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes; and

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996 and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following title:

On November 12, 1995:

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes;

H.R. 2589. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes; and

H.R. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 14, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1658. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides during fiscal year 1994, pursuant to 7 U.S.C. 136w-4; to the Committee on Agriculture.

1659. A letter from the Secretary of Agriculture, transmitting legislative language for the Federal crop insurance title of the 1995 farm bill, to the Committee on Agriculture.

1660. A letter from the Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps Program in the Department for fiscal year 1994, pursuant to 16 U.S.C. 1705; to the Committee on Economic and Educational Opportunities.

1661. A letter from the Secretary of Energy, transmitting the Department's report on the evaluation of utility early replacement programs for alliances, pursuant to Public Law 102–486, section 127(a), 128 (106 Stat. 2835, 2836); to the Committee on Commerce.

1662. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's superfund financial activities at the Agency for Toxic Substances and Disease Registry for fiscal year 1993, pursuant to Public Law 99–499, Section 120(e)(5)(100 Stat. 1669); to the Committee on Commerce.

1663. A letter from the Secretary of Energy, transmitting the Department's report on the status of the U.S. uranium industry at the end of calendar year 1994, pursuant to the Energy Policy Act of 1992; to the Committee on Commerce.

1664. A letter from the Secretary of Energy, transmitting the Department's study of a representative sample of light-duty alternative fuel vehicles in Federal fleets, pursuant to 42 U.S.C. 6374(b)(1); to the Committee on Commerce.

1665. A letter from the Secretary of Energy, transmitting the Department's report on the current status and likely impacts of integrated resource planning in the United States; to the Committee on Commerce.

1666. A letter from the Inspector General, U.S. Environmental Protection Agency, transmitting the Agency's annual report to Congress summarizing the Agency's progress during fiscal year 1994 in implementing the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

1667. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League boycott of the State of Israel contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103–236, section 565(b) (108 State. 845); to the Committee on International Relations.

1668. A letter from the Assistant Secretary for Land Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1993 and 1994, pursuant to 30 U.S.C. 237; to the Committee on Resources.

1669. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Agency's report entitled "Storm Water Discharges Potentially Addressed By Phase II Of The National Pollutant Discharge Elimination System Storm Water Program"; to the Committee on Transportation and Infrastructure.

1670. A letter from the Secretary of Transportation, transmitting the Department's second edition of the Surface Transportation Research and Development plan, pursuant to Public Law 102–240, section 6009(b)(8) (105 Stat. 2177); jointly, to the Committees on Transportation and Infrastructure and Science.

1671. A letter from the General Counsel, Department of Transportation, transmitting the fiscal year 1996 budget requests of the Federal Aviation Administration, pursuant to 49 U.S.C. 48109; jointly, to the Committees on Transportation and Infrastructure and Science.

1672. A letter from the Chair, Good Neighbor Environmental Board, transmitting the first annual report of the Good Neighbor Environmental Board; jointly, to the Committees on Transportation and Infrastructure and Commerce.

1673. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting the Department's report entitled "Section 404 of the Clean Water Act and Wetlands: Special Statistical Report, July 1995"; jointly, to the Committees on Transportation and Infrastructure, Resources, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOORHEAD: Committee on the Judiciary. H.R. 2361. A bill to amend the commencement dates of certain temporary Federal judgeships (Rept. 104–334). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 265. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104–335). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 2621. A bill to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 2622. A bill to amend the Congressional Budget Act of 1974 to require that budget resolutions be joint resolutions and that those resolutions contain extensions of the statutory limit on the public debt, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 2623. A bill to amend the Indian Self-Determination and Education Assistance Act to make the provisions and benefits of Indian self-determination contracts applicable to Indian self-governance compacts; to the Committee on Resources.

H.R. 2624. A bill to establish the American Samoa Study Commission; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2625. A bill to prohibit future obligation of funds for the B–2 bomber procurement program; to the Committee on National Security.

By Mr. HUTCHINSON (for himself and Mr. STUMP):

H.R. 2626. A bill to amend title 38, United States Code, to ensure that payments of compensation for veterans with service-connected disabilities and payments of dependency and indemnity compensation for survivors of such veterans are made regardless of Government financial shortfalls; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. ROTH.

H.R. 127: Mrs. THURMAN and Mr. BILBRAY.

H.R. 528: Mr. WATT of North Carolina, Mr. McINNIS, Mr. BISHOP, Mr. BALDACCI, Mr. ANDREWS, Mr. BOEHLERT, Mr. PASTOR, Mr. FORBES, Mr. STARK, Mr. KILDEE, Mr. ROBERTS, Mr. GREENWOOD, Mr. PORTER, Mr. COMBEST, Mr. EHRLICH, Mr. CHRISTENSEN, Mr. FRELINGHUYSEN, and Mr. BARRETT of Nebraska.

H.R. 580: Ms. KAPTUR.

H.R. 789: Mr. RAMSTAD.

H.R. 1140: Mr. TOWNS.

H.R. 1355: Mr. OWENS, Mr. DeFAZIO, Mr. EVANS, Mr. TORRES, Ms. VELAZQUEZ, Ms. LOFGREN, Mr. MARTINEZ, Mr. BONIOR, Mr. LIPINSKI, Ms. WOOLSEY, Mr. NADLER, Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. PAYNE of New Jersey, Ms. NORTON, Mr. FILNER, and Mr. FATTAH.

H.R. 1619: Ms. WOOLSEY and Mr. CLYBURN.

H.R. 2098: Mr. PARKER.

H.R. 2240: Mr. MARTINI and Ms. WOOLSEY.

H.R. 2276: Mr. TRAFICANT.

H.R. 2281: Ms. DeLAURO and Mr. BALDACCI.

H.R. 2342: Mr. COLEMAN, Mr. SCHIFF, and Mr. PETE GEREN of Texas.

H.R. 2373: Mrs. LINCOLN.

H.R. 2458: Mr. PORTER, Mr. PAXON, Mr. DEUTSCH, Mr. HALL of Ohio, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, and Mr. FRAZER.

H.R. 2472: Mr. BENTSEN, Mr. BARRETT of Wisconsin, Mr. MANTON, Mr. STUPAK, Mr. PETERSON of Minnesota, and Mr. ANDREWS.

H.R. 2508: Mr. SKELTON and Mr. WICKER.

H.R. 2529: Mr. TORRES, Ms. McKINNEY, Mr. DeFAZIO, Ms. FURSE, and Mr. LEWIS of Georgia.

H.R. 2540: Mr. GENE GREEN of Texas, Mr. HOSTETTLER, Mr. WAMP, Mr. SCARBOROUGH, Mr. BAKER of California, Mr. HEFLEY, Mr. WELLER, Mr. BILIRAKIS, Mr. ANDREWS, Mr. LARGENT, and Mr. EMERSON.

H.R. 2564: Mr. CHABOT, Mr. BRYANT of Tennessee, Mr. COBLE, Mr. FLANAGAN, Mr. HEINEMAN, Mr. INGLIS of South Carolina, Mr. SENSENBRENNER, and Mrs. ROUKEMA.

H.R. 2579: Mr. BEREUTER, Mr. CRAMER, Mrs. MEYERS of Kansas, Mr. LUTHER, Mr. CANADY, and Mr. FALEOMAVAEGA.

H.J. Res. 89: Mr. LAHOOD.

H. Con. Res. 50: Mr. DOYLE.

H. Res. 220: Mrs. LOWEY, Ms. ROYBAL-ALLARD, and Ms. LOFGREN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2539

OFFERED BY: MR. SHUSTER

AMENDMENT NO. 1: Page 5, line 24, insert "common carrier" after "a person providing".

Page 7, line 8, insert "with respect to regulation of rail transportation" after "provided under this part".

Page 9, line 24, insert "The enactment of the ICC Termination Act of 1995 shall have no effect on which employees and employers are covered by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act." after "local governmental authority.".

Page 12, in the table of sections for subchapter I of chapter 105, strike "Inflation-based rate increases" and insert in lieu thereof "Rail cost adjustment factor".

Page 13, line 21, strike "shall recognize" and insert in lieu thereof "shall give due consideration to—

"(A) the amount of traffic which is transported at revenues which do not contribute to going concern value and the efforts made to minimize such traffic;

"(B) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

"(C) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues,

recognizing".

Page 14, lines 2 through 5, strike "to establish simplified" and all that follows through "evidence is impractical".

Page 14, line 11, strike "including" and insert in lieu thereof "to the extent required by section 10507,".

Page 17, line 11, strike "11101" and insert in lieu thereof "10902".

Page 29, line 11, strike "Class I".

Page 29, lines 12 and 13, strike "Panel's Rail Form A" and insert in lieu thereof "Uniform Rail Costing System".

Page 30, line 7, through page 31, line 3, amend section 10508 to read as follows:

"§ 10508. Rail cost adjustment factor

"(a) The Panel shall, as often as practicable, but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Panel, with appropriate adjustments to reflect the change in composition of railroad costs, including the quality and mix of material and labor) and the denominator of which is the same index for the fourth quarter of every fifth year, beginning with the fourth quarter of 1992.

"(b) The rail cost adjustment factor published by the Panel under subsection (a) of this section shall take into account changes in railroad productivity. The Panel shall also publish a similar index that does not take into account changes in railroad productivity.

Page 31, line 22, insert "The district courts of the United States shall not have jurisdiction pursuant to this section based on section 1331 or 1337 of title 28, United States Code." after "parties otherwise agree.".

Page 31, after line 22, insert the following:

"(d)(1) A summary of each contract for the transportation of agricultural commodities entered into under this section shall be filed with the Panel, containing such nonconfidential information as the Panel prescribes. The Panel shall publish special rules for such contracts in order to ensure that the essential terms of the contract are available to the general public.

Page 31, line 23, strike "(d)" and insert in lieu thereof "(2)".

Page 32, after line 6, insert the following new subsection:

"(f) A rail carrier that enters into a contract as authorized by this section remains subject to the common carrier obligation set forth in section 10901, with respect to rail transportation not provided under such a contract.

Page 37, in the table of sections for chapter 107, insert at the end the following new item:

"10707. Railroad development.

Page 45, line 10, strike "paragraph (2) or".

Page 45, lines 13 through 22, strike paragraph (2).

Page 45, line 23, strike "(3)" and insert in lieu thereof "(2)".

Page 47, line 18, strike "6 months" and insert in lieu thereof "4 months".

Page 48, line 2, page 49, lines 21 and 25, and page 50, line 5, strike "6-month" and insert in lieu thereof "4-month".

Page 51, line 20, insert "The Panel does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks." after "or side tracks.".

Page 51, after line 20, insert the following new section:

"§ 10707. Railroad development

"(a) In this section, the term 'financially responsible person' means a person who—

"(1) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired; and

"(2) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years.

Such term includes a governmental authority but does not include a Class I or Class II rail carrier.

"(b)(1) When the Panel finds that—

"(A)(i) the public convenience and necessity require or permit the sale of a particular railroad line under this section; or

"(ii) a railroad line is on a system diagram map as required under section 10703 of this title, but the rail carrier owning such line has not filed a notice of intent to abandon such line under section 10703 of this title before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section; and

"(B) an application to purchase such line has been filed by a financially responsible person,

the Panel shall require the rail carrier owning the railroad line to sell such line to such financially responsible person at a price not less than the constitutional minimum value.

"(2) For purposes of this subsection, the constitutional minimum value of a particular railroad line shall be presumed to be not less than the net liquidation value of such line or the going concern value of such line, whichever is greater.

"(c)(1) For purposes of this section, the Panel may determine that the public convenience and necessity require or permit the sale of a railroad line if the Panel determines, after a hearing on the record, that—

"(A) the rail carrier operating such line refuses within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over such line;

"(B) the transportation over such line is inadequate for the majority of shippers who transport traffic over such line;

"(C) the sale of such line will not have a significantly adverse financial effect on the rail carrier operating such line;

"(D) the sale of such line will not have an adverse effect on the overall operational performance of the rail carrier operating such line; and

"(E) the sale of such line will be likely to result in improved railroad transportation for shippers that transport traffic over such line.

"(2) In a proceeding under this subsection, the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line. If the Panel finds under this subsection that the public convenience and necessity require or permit the sale of a particular railroad line, the Panel shall concurrently notify the parties of such finding and publish such finding in the Federal Register.

"(d) In the case of any railroad line subject to sale under subsection (a) of this section, the Panel shall, upon the request of the acquiring carrier, require the selling carrier to provide to the acquiring carrier trackage rights to allow a reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring carrier. The Panel shall require the acquiring carrier to provide the selling carrier reasonable compensation for any such trackage rights.

"(e) The Panel shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line subject to a sale under this section.

"(f) In the case of a railroad line which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, whenever a purchasing carrier under this section petitions the Panel for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practicably participate, the Panel shall, within 30 days after the date such petition is filed and pursuant to section 10505(a) of this title, require the establishment of reasonable joint rates and divisions over such route.

"(g)(1) Any person operating a railroad line acquired under this section may elect to be exempt from any of the provisions of this part, except that such a person may not be exempt from the provisions of chapter 105 of this title with respect to transportation under a joint rate.

"(2) The provisions of paragraph (1) of this subsection shall apply to any line of railroad which was abandoned during the 18-month period immediately prior to the effective date of the Staggers Rail Act of 1980 and was subsequently purchased by a financially responsible person.

"(h) If a purchasing carrier under this section proposes to sell or abandon all or any portion of a purchased railroad line, such purchasing carrier shall offer the right of first refusal with respect to such line or portion thereof to the carrier which sold such line under this section. Such offer shall be made at a price equal to the sum of the price paid by such purchasing carrier to such selling carrier for such line or portion thereof and the fair market value (less deterioration) of any improvements made, as adjusted to reflect inflation.

"(i) Any person operating a railroad line acquired under this section may determine preconditions, such as payment of a subsidy, which must be met by shippers in order to obtain service over such lines, but such operator must notify the shippers on the line of its intention to impose such preconditions.

Page 52, line 9, insert "Commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable." after "requests for service.".

Page 53, line 3, insert "20 days have expired after" after "service terms unless".

Page 53, lines 11 and 12, strike ", including appropriate periods of notice." and insert in lieu thereof ". Final regulations shall be adopted by the Panel not later than 180 days after the date of the enactment of the ICC Termination Act of 1995.".

Page 66, line 12, insert "in order to perfect the security interest that is the subject of such instrument" after "filed with the Panel".

Page 68, after line 15, insert the following new subsection:

"(g) The Panel shall collect, maintain, and keep open for public inspection a railway equipment register consistent with the manner and format maintained by the Interstate Commerce Commission as of the date of the enactment of the ICC Termination Act of 1995.

Page 69, line 8, insert "(except section 11122)" after "under this subchapter".

Page 73, line 19, strike "rights. Any trackage rights" and insert in lieu thereof "rights and access to other facilities. Any trackage rights and related".

Page 73, line 20, insert "operating terms and" after "shall provide for".

Page 74, lines 21 and 22, strike "Secretary of Transportation" and insert in lieu thereof "Attorney General".

Page 84, lines 2 and 3, strike "The Panel may begin an investigation under this part on its own initiative or on complaint." and insert in lieu thereof "Except as otherwise provided in this part, the Panel may begin an investigation under this part only on complaint.".

Page 85, line 24, insert "in a United States District Court" after "civil action".

Page 105, line 3, strike the first comma and all that follows through the period on line 5 and insert a period.

Page 115, line 6, before "authority" insert "appropriate".

Page 115, strike lines 7 and 8 and insert a period.

Page 117, line 4, strike "shall".

Page 132, line 4, strike "has" and insert "and the Panel have".

Page 133, after line 17, insert the following:

"(b) LIMITATION.—The Panel may not exempt a water carrier from the application of, or compliance with, sections 13701 and 13702 for transportation in noncontiguous domestic trade.

Page 133, line 18, strike "(b)" and insert "(c)".

Page 136, line 2, after "section 13703" insert "or 14302".

Page 136, in the matter following line 3—

(1) redesignate the items relating to sections 13707–13712 as items relating to sections 13708–13713, respectively;

(2) insert after the item relating to section 13706 the following:

" '13707. Payment of rates."; and

(3) strike the item relating to section 13710, as redesignated by paragraph (1), and insert the following:

" '13710. Additional billing and collecting practices.".

Page 136, lines 14 and 15, strike "described in section 13102(9)(A), or" and insert a comma.

Page 136, line 17, after the comma insert "or".

Page 136, after line 17, insert the following:

"(C) rates, rules, and classifications made collectively by motor carriers under agreement pursuant to section 13703,

Page 138, lines 9 and 10, strike "described in section 13102(9)(A)".

Page 140, line 13, strike "kept open" and insert "make the tariffs as changed available".

Page 141, line 11, strike "in" and insert "of".

Page 141, lines 12 and 13, strike "households described in section 13102(9)(B)" and insert "household goods".

Page 142, line 7, strike "described in section 13102(9)(A)".

Page 143, strike lines 5 through 8 and insert the following:

"(4) INDEPENDENTLY ESTABLISHED RATES.—Any carrier which is a party to an agreement under paragraph (1) is not, and may not be precluded, from independently establishing its own rates, classification, and mileages or from adopting and using a noncollectively made classification or mileage guide.

"(5) INVESTIGATIONS.—

"(A) REASONABLENESS.—The Panel may suspend and investigate the reasonableness of any rate, rule, classification, or rate adjustment of general application made pursuant to an agreement under this section.

"(B) ACTIONS NOT IN THE PUBLIC INTEREST.—The Panel may investigate any action taken pursuant to an agreement approved under this section. If the Panel finds that the action is not in the public interest, the Panel may take such measures as may be necessary to protect the public interest with regard to the action, including issuing an order directing the parties to cease and desist or modify the action.

Page 143, line 9, strike "(5)" and insert "(6)".

Page 144, line 18, after the period insert the following:

Parties to the agreement may continue to undertake activities pursuant to the previously approved agreement while the renewal request is pending.

Page 145, strike line 11 and insert the following:

"(g) INDUSTRY STANDARD GUIDES.—

"(1) IN GENERAL.—

"(A) PUBLIC AVAILABILITY.—Routes, rates, classifications, mileage guides, and rules established under agreements approved under this section shall be published and made available for public inspection upon request.

"(B) PARTICIPATION OF CARRIERS.—

"(i) IN GENERAL.—A motor carrier of property whose routes, rates, classifications, mileage guides, rules, or packaging are determined or governed by publications established under agreements approved under this section must participate in the determining or governing publication for such provisions to apply.

"(ii) POWER OF ATTORNEY.—The motor carrier of property shall issue a power of attorney to the publishing agent and, upon its acceptance, the agent shall issue a written certification to the motor carrier affirming its participation in the governing publication, and the certification shall be made available for public inspection.

"(2) MILEAGE LIMITATION.—No carrier subject

Page 145, line 15, strike "(1)" and insert "(A)".

Page 145, move lines 15 through 21 two ems to the right.

Page 145, strike line 16 and all that follows through "which" on line 17 and insert "that is developed independently of any other publication of mileage developed by any other carrier and that".

Page 145, line 19, strike "(2)" and insert "(B)".

Page 149, after line 16, insert the following:

"§ 13707. Payment of rates

"(a) TRANSFER OF POSSESSION UPON PAYMENT.—Except as provided in subsection (b), a carrier providing transportation or service subject to jurisdiction under this part shall give up possession at the destination of the property transported by it only when payment for the transportation or service is made.

"(b) EXCEPTIONS.—

"(1) REGULATIONS.—Under regulations of the Secretary governing the payment for transportation and service and preventing discrimination, those carriers may give up possession at destination of property transported by them before payment for the transportation or service. The regulations of the Secretary may provide for weekly or monthly payment for transportation provided by motor carriers and for periodic payment for transportation provided by water carriers.

"(2) EXTENSIONS OF CREDIT TO GOVERNMENTAL ENTITIES.—Such a carrier (including a motor carrier being used by a household goods freight forwarder) may extend credit for transporting property for the United States Government, a State, a territory or possession of the United States, or a political subdivision of any of them.

Redesignate subsequent sections of chapter 137 on pages 149 through 163, accordingly.

Page 149, line 18, strike "TIMING" and insert "DISCLOSURE".

Page 149, line 23, before the period insert "and shall also disclose, at such time, whether and to whom any allowance or reduction in charges is made".

Page 150, lines 13 and 14, strike "BEFORE EFFECTIVE DATE" and insert "AT RATES OTHER THAN LEGAL TARIFF RATES".

Page 150, line 21, after the comma insert "or under subchapter I of chapter 135".

Page 151, line 12, after "Commission" insert "or the Panel, as required,".

Page 151, line 20, after "Commission" insert "or the Panel, as required,".

Page 152, line 21, before the period insert ", or chapter 149".

Page 154, line 7, before "title" insert "part or, for transportation provided before the effective date of this section, all rights and remedies that existed under this".

Page 157, strike lines 11 and 12 and insert the following:

"§ 13710. Additional billing and collecting practices"

Page 157, line 20, after "rate" insert "applicable to its shipment or".

Page 157, line 23, strike "With" and all that follows through "when" on line 25 and insert "When".

Page 158, line 5, strike "In those cases" and insert the following:

"(3) BILLING DISPUTES.—

"(A) INITIATED BY MOTOR CARRIERS.—In those cases"

Page 158, strike line 16 and all that follows through "if" on line 18 and insert the following:

"(B) INITIATED BY SHIPPERS.—If".

Page 160, line 1, before "that" insert "subject to jurisdiction under subchapter I of chapter 135 or, before the effective date of this section, to have provided transportation".

Page 160, line 2, strike "before" and insert ", as in effect on the day before".

Page 160, line 7, after "between" insert "(1)".

Page 160, line 8, after "with" insert "this chapter or, with respect to transportation provided before the effective date of this section, in accordance with".

Page 160, line 9, strike "of this title" and insert ", as in effect on the date the transportation was provided,".

Page 160, line 10, strike "and" and insert ", and (2)".

Page 160, line 13, strike "of this title".

Page 160, lines 14 and 15, strike "of this title".

Page 161, line 11, after "Commission" insert "or the Panel, as required,".

Page 161, line 18, after "Commission" insert "or the Panel, as required,".

Page 162, line 20, strike "relating" and all that follows through the period on line 22 and insert the following:

as in effect on the day before such effective date, as such sections relate to a filed tariff rate and other general tariff requirements.

Page 163, line 1, strike "13708" and insert "13709".

Page 163, after line 8, insert the following:

"(g) APPLICABILITY TO PENDING CASES.—This section shall apply to all cases and proceedings pending on the effective date of this section.

Page 164, in the item relating to section 13904 in the matter following line 7, strike "motor carriers".

Page 168, line 18, strike "EXPRESS".

Page 169, lines 7 and 8, strike "Except as provided in section 14501(a), any" and insert "Any".

Page 169, line 11, strike "the 30th" and all that follows through "and" on line 14 and insert "such time as".

Page 169, line 16, strike the period and insert the following:

, but in no case later than the 30th day following the date on which the motor carrier of passengers first begins providing transportation entirely in one State under this paragraph.

Page 173, line 15, after "(3)" insert a comma.

Page 174, after line 11, insert the following:

"(d) MOTOR CARRIER DEFINED.—In this section and sections 13905 and 13906, the term 'motor carrier' includes foreign motor carriers and foreign motor private carriers.

Page 174, line 23, strike "**motor carrier**".

Page 175, strike line 7 and move the matter on lines 8 through 10 after the subsection heading on line 6.

Page 175, strike lines 11 through 16.

Page 176, after line 1, insert the following:

"(a) PERSON HOLDING ICC AUTHORITY.—Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on the day before the effective date of this section, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

Redesignate subsequent subsections on page 176 accordingly.

Page 176, line 22, strike "of the registrant".

Page 186, line 22, after the period insert the following:

In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

Page 188, line 3, strike "under section 14504," and insert "(including filings and fees authorized under section 14504),".

Page 196, line 19, before the period insert "and brokers".

Page 198, at the end of the matter following line 23, insert the following:

"14303. Consolidation, merger, and acquisition of control of motor carriers of passengers.

Page 201, line 14, strike "of this title".

Page 205, after line 11, insert the following:

"(g) DEFINITIONS.—In this section, the following definitions apply:

"(1) HOUSEHOLD GOODS.—The term 'household goods' has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

"(2) TRANSPORTATION.—The term 'transportation' means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

"§ 14303. Consolidation, merger, and acquisition of control of motor carriers of passengers

"(a) APPROVAL REQUIRED.—The following transactions involving motor carriers of passengers subject to jurisdiction under subchapter I of chapter 135 may be carried out only with the approval of the Panel:

"(1) Consolidation or merger of the properties or franchises of at least 2 carriers into one operation for the ownership, management, and operation of the previously separately owned properties.

"(2) A purchase, lease, or contract to operate property of another carrier by any number of carriers.

"(3) Acquisition of control of a carrier by any number of carriers.

"(4) Acquisition of control of at least 2 carriers by a person that is not a carrier.

"(5) Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers.

"(b) Standard for Approval.—The Panel shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Panel shall consider at least the following:

"(1) The effect of the proposed transaction on the adequacy of transportation to the public.

"(2) The total fixed charges that result from the proposed transaction.

"(3) The interest of carrier employees affected by the proposed transaction.

The Panel may impose conditions governing the transaction.

"(c) Determination of Completeness of Application.—Within 30 days after the date on which an application is filed under this section, the Panel shall either publish a notice of the application in the Federal Register or reject the application if it is incomplete.

"(d) Comments.—Written comments about an application may be filed with the Panel within 45 days after the date on which notice of the application is published under subsection (c).

"(e) Deadlines.—The Panel shall conclude evidentiary proceedings by the 240th day after the date on which notice of the application is published under subsection (c). The Panel shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Panel may extend a time period under this subsection; except that the total of all such extensions with respect to any application shall not exceed 90 days.

"(f) Effect of Approval.—A carrier or corporation participating in or resulting from a transaction approved by the Panel under this section, or exempted by the Panel from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in the approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

"(g) Limitation on Applicability.—This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than $2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

Page 205, line 17, strike "two" and insert "2".

Page 206, line 12, strike "two" and insert "2".

Page 208, line 2, strike "performed" and all that follows through "without" on line 5 and insert "performed without".

Page 212, line 6, after "exceeds" insert a comma.

Page 218, line 7, strike "will be" and insert "is".

Page 218, line 12, strike "will minimize" and insert "minimizes".

Page 218, line 15, strike "will result" and insert "results".

Page 221, after line 12, insert the following:

"(d) Limitation.—The Secretary and the Panel only have authority under this section with respect to matters within their respective jurisdictions under this part.

Page 222, lines 12 and 13, strike ", through its own attorneys,".

Page 222, line 17, strike "of Transportation".

Page 222, lines 17 and 18, strike "Intermodal Surface Transportation" and insert "the".

Page 223, after line 2, insert the following:

"(a) In General.—

Page 223, line 3, strike "(a)" and insert "(1)".

Page 223, line 3, strike "Order" and insert "order".

Page 223, move lines 3 through 9 two ems to the right.

Move the sentence beginning on line 4 of page 224 after the period on line 9 of page 223.

Move paragraph (2) on lines 17 through 21 of page 223 after line 9 on page 223.

Page 223, strike lines 10 and 11 and insert the following:

"(b) Liability and Damages for Exceeding Tariff Rate.—

Page 223, move lines 12 through 16 two ems to the left.

Page 223, line 16, strike "of this title".

Page 223, line 26, strike "of this title".

Page 224, line 1, strike "(1) or (2) of this section".

Page 226, strike lines 10 through 14 and insert the following:

"(e) Attorney's Fees.—The district court shall award a reasonable attorney's fee under this section. The district court shall tax and collect that fee as part of the costs of the action.

Page 226, line 10, strike "

Page 227, line 6, strike "of this title".

Page 227, lines 13 and 14, strike "subsection (b)" and all that follows through "section" on line 15 and insert "subsections (b) and (c)".

Page 227, line 17, strike "of this section".

Page 229, line 12, strike "filed".

Page 229, line 12, strike "of this title."

Page 230, strike lines 18 through 24 and insert the following:

"(1) Limitation of liability.—A carrier may limit liability imposed under subsection (a) by establishing rates for the transportation of property (other than household goods) under which the liability of the carrier for such property (A) is limited to a value established by written or electronic declaration of the shipper or by a mutual written agreement between the carrier and shipper, or (B) is contained in a schedule of rules and rates maintained by the carrier and provided to the shipper upon request. The schedule shall clearly state its dates of applicability.

Page 231, line 11, strike the parenthetical phrase.

Page 237, line 6, strike "In any case" and all that follows through the period on line 12 and insert the following:

The arbitrator may determine which party shall pay the cost or a portion of the cost of the arbitration proceeding.

Page 239, line 1, strike "motor".

Page 240, line 18, strike "those types of".

Page 240, after line 18, insert the following:

"(g) Review by Secretary.—Not later than 36 months after the effective date of this section, the Secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

Page 241, line 4, after "with" insert "section 13702 or, with respect to transportation provided before the effective date of this section,".

Page 241, line 4, strike "of this title" and insert a comma.

Page 241, line 7, strike "filed".

Page 246, line 23, strike "subsection (a) or (b) of".

Page 248, line 6, strike "Agents and Others" and insert "Others".

Page 249, line 4, after "person" insert a comma.

Page 252, line 9, after "registration" insert "of a foreign motor carrier or foreign motor private carrier".

Page 257, in the table of sections of subchapter II of chapter 7, strike the item relating to section 725 and redesignate the subsequent items accordingly.

Page 269, lines 16 through 25, strike section 725.

Page 270, lines 1 and 4, redesignate sections 726 and 727 as sections 725 and 726, respectively.

Page 271, line 2, after "Panel" insert "or the Secretary".

Page 271, line 3, after "Panel" insert "or the Secretary".

Page 271, line 3, strike "or times" and insert "and to such extent".

Page 271, line 24, insert "The Panel shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act." after "operation of law.".

Page 277, after line 22, insert the following:

(1) in section 5005(a)(4) by striking "5201(7)" and inserting "5201(6)";

Page 277, line 23, strike "(1)" and insert "(2)".

Page 278, line 1, strike "(2)" and insert "(3)".

Page 278, after line 5, insert the following:

(B) in section 5201(2) by striking "a motor common carrier, or express carrier" and inserting "or a motor carrier";

(C) in section 5201(4)—

(i) by striking "common"; and

(ii) by striking "permit" and inserting "registration";

(D) in section 5201(5)—

(i) by striking "common" each place it appears;

(ii) by striking "10102(14)" and inserting "13102(11)"; and

(iii) by striking "certificate of public convenience and necessity" and inserting "registration";

(E) by striking paragraph (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(G) in section 5201(6), as so redesignated, by striking "certificate of public convenience and necessity" and inserting "certificate or registration";

Redesignate subsequent subparagraphs on page 278, accordingly.

Page 278, line 10, strike "(B)" and insert "(H)".

Page 278, lines 10 and 11, strike "paragraph," and all that follows through the semicolon on line 12 and insert the following:

paragraph—

(i) by striking "Commission" and inserting "Panel"; and

(ii) by striking "motor common carrier" each place it appears and inserting "motor carrier";

Page 278, line 22, strike "and".

Page 279, line 2, strike the period and insert "; and".

Page 279, after line 2, insert the following:

(M) in section 5215(a) by striking "motor common carrier" and inserting "motor carrier".

Page 280, line 10, strike "Board" and insert "Panel".

Page 282, line 5, strike "Board" and insert "Panel".

Page 283, line 15, strike "board" and insert "Panel".

Page 291, line 1, before "part" insert "common carriers of passengers under".

Page 291, line 3, before "part" insert "carriers of passengers under".

Page 291, line 9, strike "11501(g)(2)" and insert "14501(b)(2)".

H.R. 2564

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: Page 36, line 11, strike "AMENDMENT" and insert "AMENDMENTS", in line 13 insert "(a) REPORTS.—" before "Strike" and insert after line 21 the following:

(b) DEFINITIONS.—

(1) AGENT OF A FOREIGN PRINCIPAL.—

(A) IN GENERAL.—Section 1(c) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(c)), is amended—

(i) by striking "agent of a foreign principal" each place it appears and inserting "representative of a foreign principal";

(ii) in paragraph (1)(iv), by striking "and" after the semicolon at the end;

(iii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(3) any person who engages in political activities for purposes of furthering commercial, industrial, or financial operations with a foreign principal.

For purposes of clause (1), a foreign principal shall be considered to control a person in major part if the foreign principal holds more than 50 percent equitable ownership in such person or, subject to rebuttal evidence, if the foreign principal holds at least 20 percent but not more than 50 percent equitable ownership in such person.".

(B) FURTHER DEFINITION.—Section 1(d) of that Act (22 U.S.C. 611(d)) is amended to read as follows:

"(d) The term 'representative of a foreign principal' does not include—

"(1) any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3685 of title 39, United States Code, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 percent beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any representative of a foreign principal required to register under this Act; or

"(2) any incorporated, nonprofit membership organization organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States that is registered under section 308 of the Federal Regulation of Lobbying Act and has obtained tax-exempt status under section 501(c) of the Internal Revenue Code of 1986 and whose activities are directly supervised, directed, controlled, financed, or subsidized in whole by citizens of the United States.".

(2) POLITICAL PROMOTIONAL OR INFORMATIONAL MATERIALS.—Section 1(j) of that Act (22 U.S.C. 611(j)) is amended—

(A) in the matter preceding clause (1), by striking "propaganda" and inserting "promotional or informational materials"; and

(B) in clause (1), by striking "prevail upon, indoctrinate, convert, induce, or in any other way" and inserting "in any way".

(3) POLITICAL ACTIVITIES.—Section 1(o) of that Act (22 U.S.C. 611(o)) is amended—

(A) by striking "prevail upon, indoctrinate, convert, induce, persuade, or in any other way" and inserting "in any way"; and

(B) by striking "or changing the domestic or foreign" and inserting "enforcing, or changing the domestic or foreign laws, regulations, or".

(4) POLITICAL CONSULTANT.—Section 1(p) of that Act (22 U.S.C. 611(p)) is amended—

(A) by inserting "(1)" after "any person"; and

(B) by inserting before the semicolon at the end the following: ", or (2) who distributes political promotional or informational materials to an officer or employee of the United States Government, in his or her capacity as such officer or employee".

(5) SERVING PREDOMINANTLY A FOREIGN INTEREST.—Section 1(q) of that Act (22 U.S.C. 611(q)) is amended—

(A) by striking "and" at the end of clause (ii) of the proviso; and

(B) by inserting before the period at the end the following: ", and (iv) such activities do not involve the representation of the interests of the foreign principal before any agency or official of the Government of the United States other than providing information in response to requests by such agency or official or as a necessary part of a formal judicial or administrative proceeding, including the initiation of such a proceeding.".

(c) SUPPLEMENTAL REGISTRATION.—Section 2(b) of that Act (22 U.S.C. 612(b)) is amended—

(1) in the first sentence by striking ", within thirty days" and all that follows through "preceding six months' period" and inserting "on January 31 and July 31 of each year file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth regarding the six-month periods ending the previous December 31, and June 30, respectively, or, if a lesser period, the period since the initial filing,"; and

(2) by inserting after the first sentence the following new sentence: "Any registrant using an accounting system with a fiscal year which is different from the calendar year may petition the Attorney General to permit the filing of supplemental statements at the close of the first and seventh month of each such fiscal year in lieu of the dates specified by the preceding sentence.".

(d) REMOVAL OF EXEMPTION FOR CERTAIN COUNTRIES.—Section 3(f) of that Act (22 U.S.C. 613(f)) is repealed.

(e) LIMITING EXEMPTION FOR LEGAL REPRESENTATION.—Section 3(g) of that Act (22 U.S.C. 613(g)) is amended by striking "or any agency of the Government of the United States" and all that follows through "informal" and inserting "or before the Patent and Trademark Office, including any written submission to that Office".

(f) NOTIFICATION OF RELIANCE ON EXEMPTIONS.—Section 3 of that Act (22 U.S.C. 613) is amended by adding at the end the following:

"Any person who does not register under section 2(a) on account of any provision of subsections (a) through (g) of this section shall so notify the Attorney General in such form and manner as the Attorney General prescribes.".

(g) CIVIL PENALTIES AND ENFORCEMENT PROVISIONS.—Section 8 of that Act (22 U.S.C. 618) is amended by adding at the end the following:

"(i)(1) Any person who is determined, after notice and opportunity for an administrative hearing—

"(A) to have failed to file when such filing is required a registration statement under section 2(a) or a supplement thereto under section 2(b),

"(B) to have omitted a material fact required to be stated therein, or

"(C) to have made a false statement with respect to such a material fact,

shall be required to pay for each violation committed a civil penalty of not less than $2,000 and not more than $1,000,000. In determining the amount of the penalty, the Attorney General shall give due consideration to the nature and duration of the violation.

"(2)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation regarding any violation of paragraph (1) of this subsection or of section 5, the Attorney General may, before bringing any civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

"(B) Civil investigative demands issued under this paragraph shall be subject to the applicable provisions of section 1968 of title 18, United States Code.".

(h) CHANGE IN SHORT TITLE OF THE ACT.—Section 14 of that Act (22 U.S.C. 611 note) is amended by striking "Foreign Agents Registration Act of 1938, as amended" and inserting "Foreign Interests Representation Act".

(i) REFERENCES TO AGENT OF A FOREIGN PRINCIPAL.—The Foreign Agents Registration Act of 1938, as amended is amended—

(1) by striking "agent of a foreign principal" each place it appears and inserting "representative of a foreign principal";

(2) by striking "agents of foreign principals" each place it appears and inserting "representatives of foreign principals";

(3) by striking "agent of such principal" each place it appears and inserting "representative of such principal"; and

(4) by striking "such agent" each place it appears and inserting "such representative".

(j) REFERENCES TO POLITICAL PROPAGANDA.—

(1) The paragraph preceding section 1 of the Foreign Agents Registration Act of 1938, as amended is amended by striking "propaganda" and inserting "political".

(2) The Foreign Interests Representation Act (other than the paragraph amended by paragraph (1) of this subsection) is amended by striking "propaganda" each place it appears and inserting "promotional or informational materials".

(k) REFERENCES TO THE ACT.—

(1) Section 207(f)(2) of title 18, United States Code, is amended by striking "Foreign Agents Registration Act of 1938, as amended," and inserting "Foreign Interests Representation Act".

(2) Section 219 of title 18, United States Code, is amended—

(A) in subsection (a) by striking "agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended," and inserting "representative of a foreign principal required to register under the Foreign Interests Representation Act"; and

(B) in subsection (b)—

(i) by striking "agent of a foreign principal" and inserting "representative of a foreign principal";

(ii) by striking "such agent" and inserting "such representative"; and

(iii) by striking "Foreign Agents Registration Act of 1938, as amended" and inserting "Foreign Interests Representation Act".

(3) Section 5210(4) of the Competitiveness Policy Council Act (15 U.S.C. 4809(4)) is amended—

(A) by striking "agent of a foreign principal" and inserting "representative of a foreign principal"; and

(B) by striking "subsection (d) of the first section of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611)" and inserting "section 1(d) of the Foreign Interests Representation Act (22 U.S.C. 611(d)),".

(4) Section 34(a) of the Trading With the Enemy Act (50 U.S.C. App. 34(a)) is amended by striking "Act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended" and inserting "Foreign Interests Representation Act".

EXTENSIONS OF REMARKS

WE OWE OUR VETERANS A LIFETIME OF GRATITUDE AND RESPECT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today in honor of our Nation's veterans.

Once again, we celebrate Veterans' Day. Once again, we have a day off from work. Once again, we may attend ceremonies to honor our veterans. Once again, we will remember briefly the contributions made by so many so that our Nation can remain strong, proud, and free.

The year goes by so fast—and so before we know it, once again, it is Veterans' Day.

This year, let it not slip past us. Let us take this opportunity to honor our veterans by passing along to our children and grandchildren some of our experiences, thoughts, and appreciation for our veterans.

Do our children and grandchildren even know what a veteran is? Do they understand why we honor our veterans? Our kids may play war games, but do they comprehend the incredible sacrifices made by our veterans and their families?

Do they know the stories of their own family members who served, and perhaps were wounded or killed, in the two World Wars, in Korea, Vietnam, the Persian Gulf, and many other conflicts?

Because this year is the 50th anniversary of the end of World War II, many of the commemorations will honor veterans of that war. Last weekend, churches and synagogues across the Nation held a National Day of Prayer remembering World War II veterans and their families. If your house of worship participated, be sure to talk to your children about the meaning of this ceremony.

Schools are being urged to participate in National World War II Educational Day, scheduled for November 8. Teachers will be preparing displays and talks centering around the history of World War II and its lessons for today's world. Perhaps a World War II veteran will be visiting your children's school. Ask your children to tell you about the activities at their school. Talk about them over the dinner table.

We can also take our children and grandchildren to one of the many Veterans' Day ceremonies being held throughout the country. This year, ceremonies include the site dedication of the World War II Memorial in Washington, DC. Do your children know that this memorial will soon be built? Do they know that last July a Korean War Veterans Memorial was dedicated in Washington, DC? Perhaps your family could plan a trip to Washington to view this new and powerful memorial—which stands proudly adjacent to the Lincoln Memorial and the Vietnam Veterans Memorial—and honors the men and women who served so courageously in Korea.

Many cities across the country will be ringing the Bells of Peace and Freedom 50 times at 11 a.m. on Saturday, November 11. Let us tell our children that the ringing of the bells signifies 50 years without a world war and our hope that World War II will be the final worldwide conflict.

Veterans Day provides us with a unique opportunity to remember and acknowledge that the freedom we enjoy today is due to the sacrifices made by the American soldiers, sailors, airmen, and marines who were willing to fight and die for freedom. We owe our veterans a lifetime of gratitude and respect.

Veterans Day provides us with an opportunity to ensure our democratic way of life by passing along the valuable lessons our veterans have learned to future generations.

It will be time well spent.

LEGISLATION TO HELP KEEP THE TRAINS ON TRACK

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. CARDIN. Mr. Speaker, today I am introducing legislation that would convert the budget resolution from a concurrent resolution of the Congress into a joint resolution that would require the President's signature and have the force of law.

For the past several months, news reports have been full of discussion about the possibility of a fiscal train wreck. Tomorrow, due to the failure of Congress to pass appropriations bills and a reconciliation bill, 800,000 Federal employees will be sent home and Federal agencies will shut down. Millions of Americans will be without the services of those agencies and will again have to contemplate the absurd process that brought us to this situation.

At the root of the crisis is disagreement between the Congress and the President over big-ticket items in the budget. The congressional leadership is attempting to gain leverage over the President in the budget debate by attaching extraneous, irrelevant, and controversial provisions to such must-pass legislation as the continuing resolution and the debt-ceiling bill. The resulting disruption of Federal services would be a major inconvenience for millions of Americans, and a financial catastrophe for thousands of American families which depend on Federal paychecks.

The legislation I am introducing today is designed to prevent future threats of train wrecks by bringing the President into the congressional budget process at an earlier point. Currently, the President is required to submit a budget at the start of the calendar year. Congress then spends the next few months working on its own budget resolution. The congressional budget resolution is a concurrent resolution of the Congress, which does not have the force of law.

This year, Congress spent the first 100 days of this session working on the Contract With America legislation. As a result, the work on the budget resolution was delayed. Instead of complying with the April 15 deadline established in the Budget Act, the House did not complete its work on the budget until May 18, and the final budget was not approved until June 29, 2½ months late.

The delay in passing a budget put Congress way behind schedule on the appropriations bills. In addition to putting Congress behind schedule, the budget resolution, passed without Presidential involvement or approval, also put Congress and the President on a collision course on policy. By calling for $270 billion in Medicare cuts, and $245 billion in tax breaks, mostly directed to the wealthiest Americans, the budget also created the likelihood of the crisis we face now.

Now, 6 weeks after the start of the new fiscal year, we have still not passed reconciliation legislation, only 3 of the 13 regular appropriations bills have been sent to the President, and the President and the congressional leadership remain sharply at odds over these major issues.

The shame is that this situation could have been prevented. Had the Congress been required to pass a budget resolution that must be signed into law by the President, these issues would have been resolved months ago. Instead of having a legislative showdown that threatens the delivery of Federal services to millions of Americans and the paychecks of thousands of American families, we should have resolved the issues during the spring and summer.

The budget resolution can never be more than a blueprint for Federal spending. The thousands of individual programmatic decisions on spending must be handled in the appropriations process. By making the budget resolution a joint resolution, and giving the President the power to sign it or veto it, we would force the tough decisions between the two branches of Government to be resolved before we reach crisis stage. The result would produce a Government that functioned more efficiently.

In addition to requiring the President to sign the budget resolution, the bill I introduce today would also address the issue of increasing the debt ceiling. In addition to the crisis of shutting down Federal agencies, we also face a potentially far more serious crisis regarding the creditworthiness of the Federal Government.

It is an outrage that the congressional Republican leadership is willing to risk the full faith and credit of the Federal Government in order to achieve its political objectives. Yet that is the situation we face today. Never in the history of our country has the Federal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Government defaulted on its financial obligations.

This legislation would automatically increase the debt ceiling with adoption of the budget resolution. Once a budget has been approved, and signed by the President, the amount of debt that will be incurred has been established. It makes no sense to require a separate vote to raise the debt ceiling. Passage of the budget sets the deficit or surplus, and the amount, if any, by which the debt ceiling will need to be increased. It is utterly irresponsible, once Congress has authorized a deficit, to refuse to raise the debt ceiling.

The irony of our current circumstances is that the Republican majority in both Houses of Congress has already voted to raise the debt ceiling to $5.5 trillion, to cover the deficits over the next 2 years. My legislation would give the force of law to Congress' budget policy decisions.

Nobody benefits when the Congress and the President are at loggerheads and the Nation's fiscal credibility hangs in the balance. The American people are sick and tired of the gridlock in Washington. Some in Washington, anticipating the shutdown of Government, have adopted the slogan, "Don't Blink." What they mean is they have their eyes closed right to the damage this train wreck will inflict. The American people are not interested in a Government in which elected officials close their eyes to their responsibilities.

This crisis is of our own making. We can take steps to prevent it from recurring in the future. The legislation I have introduced today will require the President and the Congress to work together much earlier in the budget process, and will help us keep the trains on track.

DEMETRIS KASTANAS HONORED FOR SERVICE TO GREEK-AMERICAN COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to a man whose work has touched the lives of millions.

On November 10, 1995, several leading Greek-American institutions will honor Demetris Kastanas for his extraordinary contributions to the Greek-American community over the past 20 years.

Demetris is a media entrepreneur whose television programs and magazine have brought Greek communities in both America and Europe closer together. He has also used this resources and expertise to raise money to help people in need.

Demetris is the president and chief executive officer of National Greek TV of U.S.A., Inc., and Athens Productions, Ltd. He is also the publisher of ESEIS magazine. Both organizations are based on Astoria, NY, with branch offices in Athens and Chicago.

Since 1975, Demetris has been the chief executive producer of the "National Greek TV Show," a weekly ethnic variety program on UHF channels in the Midwest and Northeastern United States produced by Athens Productions, Ltd. It is the longest running Greek program outside the United States.

Since 1987, Demetris has served as chief executive producer of the Greek Channel, a daily cable channel broadcasting Greek programming on the Time Warner cable system. It is produced by National Greek TV of U.S.A., Inc. The Greek Channel broadcasts 19 hours a day, 7 days a week.

In 1988, Demetris began publishing ESEIS, a Greek-American biweekly magazine that is distributed internationally.

For the past 20 years, through his television programs and his magazine, Demetris has been providing the Greek-American community with news, sports, music, documentaries, cultural, informational, educational and entertainment programs. He has put the power of the media to good use in helping Greek compatriots who have come to the United States seeking medical treatment. He has publicized their cases on television and in his magazine, helping to raise money for their medical expenses.

Demetris has conducted four telethons to raise money for the needs of the Federation of Hellenic Societies of Greater New York. He has also conducted one telethon for the Greek Children's Cancer Fund at Memorial Sloan Kettering, with the second telethon scheduled for December 17, 1995.

So I join with the Pan-Macedonian Association, the Pan-Peloponnesian Association, the Federation of Sterea Hellas, the Cyprus Federation, the Pan-Pontian Federation, and the Pan-Dodecanese Association in honoring this extraordinary man for his contributions to the Greek-American community over the past 20 years.

Mr. Speaker, bringing people together has been Demetris' life's work. And on November 10, the Greek-American community will come together to celebrate his extraordinary service.

And now, to make this year even better, he has taken on his business partner, Norma Papamihaliou, as his wife.

REFLECTIONS ON VETERANS DAY

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. TEJEDA. Mr. Speaker, since 1954, our Nation has set aside November 11, formerly Armistic Day, as a special day of tribute and thanksgiving to those who served bravely in our Armed Forces to protect our freedoms. Veterans Day is a day of both sadness and joy: Sadness because we take a moment to honor those who sacrificed everything to keep us free, and joy as we gather to enjoy those sacred freedoms.

This Veterans Day is especially significant because we will continue to commemorate the 50th anniversary of the end of World War II, the greatest struggle for freedom in the history of the world. During that struggle, 17 million American men and women answered the call to serve without hesitation. Of those courageous men and women, more than 290,000 made the ultimate sacrifice and gave their lives for this Nation. Another 670,000 were wounded, and more than 105,000 suffered as prisoners of war. In Washington, DC, a ceremony will be held on the Mall to break ground for the long-overdue memorial to the heroes of this war, who fought around the globe to preserve liberty for future generations.

Nowhere are veterans more important than in Military Town U.S.A. Following the numerous events surrounding this Veterans Day, San Antonio, TX will pay tribute to one of its heroes in that great war to preserve world peace. On November 20, 1943, San Antonio native S. Sgt. William J. Bordelon gave his life for his country and earned its highest military decoration during the U.S. invasion of the South Pacific island of Tarawa. This forgotten local hero is the first San Antonio native to win the Medal of Honor. On November 20, declared by the mayor of San Antonio as William J. Bordelon Day, S. Sgt. Bordelon will be reinterred at Ft. Sam Houston National Cemetery following lying in state at the Alamo.

Veterans Day is also a day of education. If we are to preserve the memory of those who fought so valiantly to preserve this Nation and all that it stands for, we must ensure that our children know the history of our veterans' sacrifices and understand the importance of their contributions. Today, more than one-half of the people living in America were born after World War II. If the people of this Nation want to continue to fully experience the joys of life, liberty, and peace, we must ensure that future generations understand just how much we owe to the men and women who made it possible: the American veterans, who were willing to sacrifice everything they had to keep this Nation free.

HONORING THE DICKSTEINS AND THE BILMES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. GILMAN. Mr. Speaker, I am pleased to advise our colleagues that my home synagogue, Temple Sinai in Middletown, NY, will be honoring two outstanding couples as Distinguished Members of the Year at a banquet to be held on Saturday night, November 18.

Sharon and Allen Dickstein met when both were counselors at a Jewish federation summer camp. After marriage and settling in Middletown nearly a quarter a century ago, they became active members of our Temple. Allen has served on the board of trustees of the Temple continuously since 1973. He was president for the year 1977–78, served on the executive board, and held the positions of USY Director and chairman of the ritual committee. Allen serves our Temple as Gabbai, the lay leader of services. Allen was a founding member of Jewish Family Service and still serves on that group's board of directors.

Sharon is currently on the executive board and board of trustees as second vice-president. She sits on the board of education as executive board liaison, and is a member of the Sisterhood of Temple Sinai. Sharon is a member of Hadassah, and is a founding member of the Hebrew Day School of Orange County.

Together, Allen and Sharon have embodied the spirit of service to community as well as of family values. Allan works as a social worker and has been especially active in establishing shelters for the homeless and teaching classes for expectant parents. Sharon has been an educator for a quarter century, and has served as principal of Bicentennial Elementary School in Port Jervis for the past 6 years. They are the parents of Debra, Joshua, Aaron and Michael.

Frances Eve and Murray Bilmes met on a blind date in March 1954 and married 6 months later. Soon after their marriage, they formed a law partnership which still thrives today. Residents of our region since 1957, they have been members of Temple Sinai since 1960.

Frances served on the board of trustees for over 25 years and was president of Sisterhood Frances was president of Hadassah for 6 years, and served on the board of Jewish Family Services. Professionally, she was the founder of the Tri-County Women's Bar Association. She was also president of the Pine Bush PTA.

Murray, Bilmes, a Navy veteran of World War II, also served on the board of trustees, but is especially known for over 30 years of service on the board of education, part of which time he served as chairman. Murray was a part of the three member committee which drafted the original constitution of the Middletown Hebrew Association, now known as Temple Sinai.

Frances and Murray are the parents of five children: David, Jonathan, Orah, Joshua, and Noah. Regrettably, the Bilmes are leaving us, for a well earned retirement in Florida. They will long be missed.

Mr. Chairman, I am pleased to salute these four outstanding people. They have been an inspiration to their community, and I am honored to join in paying tribute to them.

CELEBRATING THE LIFE OF MILTON F. FITCH

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. CLAYTON. Mr. Speaker, on Wednesday, November 8, 1995, at 1 p.m., the family and many friends of Milton F. Fitch celebrated his life. After 75 years on this Earth, God's finger gently touched him, and he now sleeps.

The business of the House of Representatives kept me from joining the Fitch family and Milton's friends on that day, but I shall forever be influenced by the power of his life and the rich legacy that he leaves.

Milton F. Fitch spent his lifetime on a journey for justice. Born on June 25, 1920, in New Haven, CT, he passed quietly at his home in Wilson, NC, on November 2, 1995. While his passing was quiet, his deeds will resonate and reverberate for years and years to come.

A veteran of World War II, he served, with honor and distinction, in the U.S. Army, earning several medals and three battle stars under the leadership of Gen. George Patton in the 3rd Army. It saddened him greatly that upon his return to the United States, nothing had changed. He and other African-Americans still labored under the burden of second-class citizenship.

When he felt the sting of discrimination from the U.S. Postal Service, he sued the Government and earned the position of the first African-American letter carrier in Wilson since reconstruction. After 24 years with the Postal Service, he joined the Southern Christian Leadership Conference under Dr. Martin Luther King, Jr., as the North Carolina State coordinator. As such, he worked in demonstrations throughout the South, including the North Carolina school boycott of 1968–69. Many of the demonstrations in which he was involved and lawsuits in which he participated resulted in advances and gains for African-Americans throughout North Carolina and the United States.

He devoted much of his energy to fighting for the franchise for African-Americans. His efforts in a lawsuit against Wilson County over voting patterns, which went to the U.S. Supreme Court in the case of Haskins versus County of Wilson, resulted in success, and the proud election of his wife, Cora, as a county commissioner. His daughter, Christine, was later elected to the Wilson County Board of Education from the same district.

Of course, I shall be forever grateful for his service as my campaign manager in 1968, during which I launched my first, yet unsuccessful, effort to become a member of the Congress of the United States. That effort spawned other efforts, and those efforts, history now records, resulted in my election as the first African-American woman ever to represent North Carolina in Congress.

Milton's membership in the Masonic family was one of his most favored associations. After joining in 1951, he rose through the ranks and, on October 7, 1995, he was elected Most Worshipful Grand Master at the 125th Annual Grand Communication. This was the fulfillment of a 50-year dream.

Always at his side, Milton's wife of 47 years, the former Cora Jordan Whitted, had predeceased him. This husband, father, grandfather, community leader and activist, pathfinder and agent of change, always found time to give of himself to his family, to his State and to his Nation. He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time we had with him.

May God comfort and help his family and friends and help them to hold on to treasured yesterdays; and reach out with courage and hope to tomorrow, knowing that their beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Rest, Brother Milton, you have labored long. God's finger has touched you, and you now sleep.

HONORING THE ARLINGTON-FAIRFAX ELKS LODGE NO. 2188 AND HERMAN C. ANDERSON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the Arlington-Fairfax Elks Lodge No. 2188, as well as Herman C. Anderson.

The Arlington-Fairfax Elks Lodge is celebrating its 35th anniversary this week. Throughout the years, the Arlington-Fairfax Elks Lodge has flourished in its role to promote Americanism, a belief in God, and respect for the American flag. For 35 years, this lodge has served its community and Nation with reverence and devotion. Some examples of the many charitable works done by the lodge include helping our veterans in VA hospitals, fighting the war on drugs by helping to keep drugs out of the schools, and making it possible for thousands of children to attend the summer camp run by the Elks. As a direct result of the Arlington-Fairfax Elks Lodge's many contributions, northern Virginia is a better place to live.

Herman C. Anderson has served the Benevolent and Protective Order of Elks for over 50 years. As third exalted ruler, charter member, and past president of the Arlington-Fairfax Elks Lodge No. 2188, Mr. Anderson has been a model citizen and proven himself to be an inspiration. "Andy" Anderson first joined Lodge No. 38, in Norfolk, VA, in 1944, where he served with distinction and honor in a variety of posts. In 1970, he became president of the Virginia Elks Association. In 1984, he became special deputy grand exalted ruler, a post he still holds today. In 1993, he became grand esteemed leading knight serving the remainder of Doral E. Irvin's appointed year. His commitment to community service and the promotion of American values is truly commendable.

Mr. Speaker, I know my colleagues join me in congratulating the Arlington-Fairfax Elks Lodge on its 35th anniversary and Herman C. Anderson for his 50 years of service to the Benevolent and Protective Order of Elks.

RECOGNIZING THE PULP AND PAPERWORKERS RESOURCE COUNCIL

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. SMITH of Washington. Mr. Speaker, I want to take this opportunity to recognize the efforts of the Pulp and Paperworkers Resource Council [PPRC] to educate my colleagues in Congress about the importance of their industry.

PPRC is a grassroots organization representing more than 300,000 of the Nation's pulp, paper, solid wood products, and other natural resource-based industries. The pulp and paper industry is an integral part of the economy of my district. Thousands of my constituents work in mills for companies like Longview Fibre, James River, Boise Cascade, and

Weyerhauser. The workers in these mills are worried about their economic future. They have seen many of their friends lose their jobs in the wood products industry because of the shortage of timber. In fact, five pulp mills in the region have closed since 1989, displacing 1,367 workers.

I share PPRC's view that we must amend the Endangered Species Act to ensure people are included in the environmental equation. PPRC is also interested in balanced regulations dealing with the cluster rule and enhancing forest health through salvage operations. I look forward to working with PPRC and my colleagues in Congress and the administration to implement commonsense policies that preserve the environment, but that also take into account the economic stability of the work force and surrounding community.

TRIBUTE TO FATHER JOSEPH NIEZGODA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today to congratulate Father Joseph Niezgoda, pastor of St. Stanislaus Church in East Chicago, IN. On Sunday, November 12, 1995, the parish of St. Stanislaus held a testimonial dinner to honor Father Joe for 25 years of faithful dedication to their mission.

On August 16, 1971, Father Joe graciously accepted the appointment of pastor of St. Stanislaus Church. This church is celebrating its 95th year of existence and proudly boasts a membership of several thousand parishioners.

According to the parishioners, Father Joe's agreement with God and the bishop to take the responsibility of leading St. Stanislaus was a courageous step because his home parish was $700,000 in debt after rebuilding a school building, which was destroyed by fire. However, in Father Joe's 25 years of service to St. Stanislaus, he has worked exceptionally hard to pay off this enormous debt.

Mr. Speaker, I ask you and my other distinguished colleagues to applaud Father Joe for his extraordinary dedication to his calling. Indiana's First Congressional District is extremely blessed to have such a fine pastor in its presence.

A BILL TO AMEND THE INDIAN SELF-DETERMINATION ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. FALEOMAVAEGA. Mr. Speaker, today I am introducing a simple bill that would amend titles III and IV of the Indian Self-Determination and Education Assistance Act. Just last Congress and under the aegis of my colleague, BILL RICHARDSON, we amended this act in response to the 6-year refusal of the Departments of the Interior and Health and Human Services to promulgate rules to carry out this act. Through the Indian Self-Determination Act Amendments of 1994, we streamlined the contracting and compacting process, curbed the department's rulemaking authority, and required the departments to negotiate new regulations with the Indian tribes.

We also enacted a new title IV to the act, known as the Tribal Self-Governance Act of 1994, which made permanent a demonstration project, the Tribal Self-Governance Demonstration Project Act currently contained in title III of the act. Title IV as enacted, the permanent Self-Governance program applies to functions within the Department of the Interior. Title III, which still remains a demonstration project, now applies to functions within the Department of Health and Human Services.

The amendments to title I and title IV of the act proceeded on different tracks in the 103d Congress. It was not until late in the Congress that both were incorporated into a single bill.

Since the passage of the 1994 amendments, tribes and tribal organizations, the Indian Health Service, and the Department of the Interior have all worked on implementation of titles I, III, and IV of the act. Unfortunately, the departments' interpretation and implementation of the act has not been in accordance with congressional intent.

Specifically, the agencies have taken the position that the provisions of title I, governing Self-Determination Act or "638" contracts, that are advantageous to tribes may not be included in Self-Governance compacts and annual funding agreements negotiated under titles III and IV. In addition, the position of the two departments, HHS and Interior, has not always been consistent, so that in certain instances, one department has permitted inclusion of a Self-Governance clause reflective of a title I provision while the other has not.

The result has been an inconsistent treatment of Self-Governance issues by the two departments, and the denial to Self-Governance tribes of the substantial advantages afforded to the tribes under title I of the Indian Self-Determination Act. This is particularly puzzling, since it has always been the intent of Congress that the Self-Governance initiative should be at least as broad and favorable to the tribes as the original title I contracting mechanism.

My bill, which has been requested by the tribes and specifically incorporates 31 provisions of title I of the Indian Self-Determination Act into titles III and IV, is designed to remedy this situation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) is amended by adding at the end the following:

"(l) INCORPORATION OF TITLE I PROVISIONS.—For the purposes of the following sections of title I of this Act, the term 'contract' also includes agreements authorized by this title and title III: 5(f)(1), 7(b), 7(c), 8, 102(d), 103, 104, 105(a)(3), 105(f), 105(k), 105(n) (at the election of, and subject to any phase-in period established by, any compact tribe, or any consortium of tribes that is a party to an annual funding agreement, in Alaska), 106(a), 106(b), 106(d), 106(e), 106(f), 106(j), 106(k), 106(m), 106(n), 110 and 111; and subsections (b)(5), (b)(6)(B)(iii), (b)(7)(A), (b)(8)(D) through (G), (b)(9) and (b)(10) of section 1 of the model agreement set forth in section 108(c).".

TRIBUTE TO ANDRES C. GONZALEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. ORTIZ. Mr. Speaker, today I rise to commend and pay tribute to a lifelong resident of Kingsville, TX, Andres C. Gonzalez—a man who has given of himself to his community, his State, and his country over the course of his life.

Andres Gonzalez is a patriot who answered his country's call to duty at an early age. He served with distinction, receiving the Bronze Star at the age of 18, while in the European theater in Italy during WWII. After outstanding and honorable service in WWII, Andy returned to his native Kingsville to serve his community in a host of ways and to serve his State in the Texas Army National Guard.

Andy served in the National Guard for 31 years and was the highest ranking Hispanic when he was honorably discharged. He had attained the rank of Command Sergeant Major in the Guard, and received many commendations of recognition for his outstanding service.

Andy won a host of awards including: the Texas Faithful Reserve Medal, the Army Reserve Components Achievement Award, the Past Commander American Legion Post 99, and several commendations for marksmanship.

In his life outside the service of his country, he owned Andy's Upholstery Shop, ranched, and farmed. Andy gave back to his community by serving as the vice-chairman of the Kingsville Housing Authority, a member of the local P.T.A., the Kingsville Economic Development Council, the Texas A&M-Kingsville Alumni Association, and the United Steelworkers of America.

In Kingsville, he already has a street named after him, "Andres Gonzalez Circle." I ask that my colleagues join me today in commending the life's work of this patriotic Texan whose dedication to home and country has made both a better place to live.

EXPLORING RACE RELATIONS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. STOKES. Mr. Speaker, just recently, on October 26, 1995, the Executive Leadership Council and Foundation held its seventh annual recognition dinner. The leadership council is an association of African-American executives at Fortune 500 companies. I was pleased to join council president, Ann M. Fudge, and other members for this important celebration. Over the years, the leadership council has played a key role in fostering the enhancement of African-Americans in senior level positions throughout corporate America.

One of the highlights of the seventh annual recognition dinner was the evening's keynote address which was delivered by Vernon E. Jordan, Jr. In addition to serving as honorary cochair for the dinner, Jordan is a senior partner at Akin, Gump, Strauss, Hauer, and Feld. He enjoys a close association with members of the leadership council and others who are committed to diversity in the workplace.

Mr. Speaker, in his remarks on race relations, Vernon Jordan explored the meaning of the Million Man March and the new leadership classes which now exist within the black community. Jordan also spoke of America's racial divide and cautioned that such a divide threatens our progress as a nation. He stated in his speech, "As long as black and white Americans continue to see each other as stereotypes and not as people with the same dreams, ambitions, and values, this Nation will be frozen with suspicion and hate." He urged the audience to work toward the beloved community, black and white together.

Mr. Speaker, Vernon Jordan's speech before the Executive Leadership Council and Foundation was insightful and very timely. I am submitting for the RECORD the complete text of his remarks. I hope that my colleagues and others throughout the Nation will take a moment to consider his commentary on this important issue.

7TH ANNUAL EXECUTIVE LEADERSHIP COUNCIL RECOGNITION DINNER

(By Vernon E. Jordan, Jr.)

These are, as the old Chinese curse has it, "interesting times." First came the attacks on affirmative action. Then, the O.J. Simpson verdict. Most recently, the Million Man March.

Suddenly race relations—which had been invisible—have moved to center stage.

Suddenly, the idea of a color blind America in which race no longer matters much has been exposed as a fantasy.

Suddenly, settled notions about the role of race in our lives and in our society have been thrust into a sea of doubt and contradictory feelings.

This evening, I'd like to do a little thinking out loud about this confused and confusing situation with the members of the Executive Leadership Council.

Like many others, I'm trying to make some sense of the tremendous events of the past several weeks, and I have to tell you I'm not getting far.

But I am not alone—just about everything I've heard or read about those events tells me that no one else has, either.

That may be because events are at odds with the conventional thinking about race by blacks and whites on all points of the political spectrum.

All Americans must now confront the Kerner commission's warning that we are becoming "two societies, one black, one white—separate and unequal."

And all Americans must be shaken by the strength of intolerance and extremism, and by the threat of retreat into racial isolation.

So long as black and white Americans continue to see each other as sterotypes and not as people with the same dreams, ambitions, and values, this Nation will be frozen in suspicion and hate.

Unless people of good will can move swiftly to bridge the racial divide, the short term emotional charge many black Americans felt in recent weeks may turn into increased suffering over the long term.

For example, the net result of the Simpson trial could be revised criminal laws that compromise the rights of the accused and put more of our young people behind bars.

And the net result of the march could be that both whites and blacks succumb to the siren song of separatism, and get trapped in the false assumption that the problems of the black community are self-inflicted and only solvable through black spiritual renewal.

Self-renewal is critical to black progress. But so is a concerted, bi-racial attack on the social and economic causes of black disadvantage and alienation.

The truth is that we can't solve America's racial problems separately. For at the root of those problems is separation itself. The solution lies not in withdrawal but in reaching out.

But that view is in danger of becoming irrelevant in the wake of a successful march expressly limited to Black men.

So we need to look at why it happened, and why it was so successful. I do not fully understand it. But I do know that the march reflects something deep and profound that is going on in America today.

An analogue to the march is the growth of the predominantly white promise keepers movement, which fills stadiums with masses of men affirming their faith and responsibilities.

There seems to be a yearning for spiritual renewal in America that crosses the racial divide and finds expression movements like the million man march, the promise keepers, and others.

Are these male-oriented movements reaction to the new role of women in our economic life and the change in family structures?

Do they derive from economic insecurity driven by vast technological changes that have shattered old certainties and economic relationships?

When people are caught in the throes of sweeping economic changes beyond their control, and when income inequality shakes their self-image, they often turn to spiritual pursuits and traditional values.

And where will such movements go from here? Will a withdrawal to spiritual concerns mean abandonment of such public concerns as economic justice and social integration?

One might understand the march's stress on atonement in that light. What is atonement? Does it presume that it is wrong to pursue the American dream of a little white house with green shutters and a white picket fence. A car in the garage. A TV in the den, beer in the cooler, tuition for the children. Two weeks at the beach and a debt-free estate?

That question is relevant because most of the marchers were middle class—they were younger, better educated, and more affluent than most Black people.

Did the march have a political component? The polls found that four out of five marchers were registered to vote. Will they retain their commitment to the political process and intensify it by getting others to register and vote?

Finally, I have to ask whether the march was just another one of those "feel-good" events, where people let off steam and marching substitutes for concrete action to change the root causes of their dilemma.

Words are no substitute for action. But the march was a form of action—people traveled to the Capital, disrupted their daily lives, pledged to act differently, and behaved with great dignity.

And yet, the march remains shrouded in ambiguity.

If I am right in thinking that it reflects something going on in America that transcends race, then we need to figure out what it is and how to use it positively for Black people and the Nation.

That's a job for the institutions in our community equipped with the researchers and know-how to do it—the joint center, Howard University, and other repositories of Black intellectual prowess. They can help us understand this new, elusive spirit of our times, and help us decide upon a course of action.

But as we do, we must also understand the roles and functions of the division of labor in our community, especially as they have changed since the 1960's.

For there are now five distinct new leadership classes that have arisen alongside the traditional ones of Du Bois' "Talented Tenth," such as the Black church, the press, the colleges, and the civil rights groups.

These new leadership groups include:

One, Black elected officials, many of whose constituents are White, Hispanic, and Asian.

Two, managers of predominantly white institutions, ranging from school superintendents and police chiefs, to foundation heads, college presidents and cabinet officers.

Three, indigenous community leadership, whose local organizations represent welfare families, public housing tenants and other community-based entities, and whose backgrounds are similar to those of their constituents.

Four, black entrepreneurs who produce goods and services for markets that extend beyond the black community.

Five, blacks in corporate America, as exemplified by the Executive Leadership Council.

These new leadership groups all share the experience of negotiating the deep and sometimes treacherous waters of majority institutions. Thus, they are well situated to bring a wider perspective to the issue.

That perspective is necessary if we are to make progress without being ensnared in futile arguments about self-defeating separatism and blind nationalism.

The new leadership groups can help inoculate us against demagoguery and extremism. They can bring powerful assets such as resources, skills and knowledge of the world beyond the confines of dysfunctional communities. Hopefully they can help answer the question asked in such pain and wonder in the heart of the ghetto—"Is there no balm in Gilead? Is there no physician there?"

As we assess the march, we should recall the words written many years ago by the great black historian, Carter G. Woodson:

"The race needs workers, not leaders," Woodson wrote. "If we can finally succeed in translating the idea of leadership into that of service, we may find it possible to lift the negro to a higher level.

Perhaps that is the true meaning of the march—the yearning of so many black men to be of service to the community.

But what about those who were not invited to the march—black women, white people, Hispanics, Asians—all of whom must participate in America's renewal and in bridging the gap between the races.

They must not be ignored, for the gap cannot be closed without them—because the only sane course of action lies within the context of an open, pluralistic, integrated society.

In "The Invisible Man," Ralph Ellison wrote: "Our fate is to become one, and yet many. This is not prophecy, but description."

We are a long way from that goal, and the path to it is an arduous one. There will be diversions along the route from both white racists and black separatists.

But it is the only route that leads to the attainable goal—and to a goal worth attaining.

From time to time, it will be tempting to withdraw from the struggle, to seek solace in the warmth and comfort of one's own community. But in the long run we cannot do the segregationists' work for them by excluding ourselves from our fair portion of the society we helped build. Nor can we allow white institutions such as corporate America to abandon the struggle. We must work toward "the beloved community," black and white together.

Those are some of the thoughts that come to mind as I've pondered the strange, changing state of race relations today.

I hope you—the Executive Leadership Council—will partake in the action and the passion of our turbulent times, dedicated to service and to building an open, pluralistic, integrated society.

DEBT CEILING

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, last week on this floor I wanted the Congress to enact a clean debt ceiling extension; we failed to do it. We did not act responsibly.

Once again, we have a chance to enact legislation. Instead, we are voting on a motion that is unnecessary and totally irresponsible. We are trying to avert the normal legislative process.

We should not delay action on this issue. It is our responsibility to take action and we must do it now. This motion is nothing more than Congress ducking its responsibility and losing its credibility.

We have to face the debt issue head on and not hide. This motion would place the burden solely on the shoulders of the administration. This motion would make Secretary Rubin take desperate action to keep us from facing a default.

Our credit rating has been placed on a credit rating watch for the first time ever and we can not sit idly for 30 days. Last week, on the floor we heard over and over that trust funds especially Social Security would be at risk. Well this motion does the opposite. It would require Treasury to use the trust funds.

Let's stop this now and act responsibly. Americans are sick and tired of this game of chicken. It is time for us to take the high road and send the President a clean debt ceiling extension.

Unfortunately due to a delay in my flight, I missed the vote on this motion. If I was present, I would have voted "no."

TRIBUTE TO THE AFRICAN HERITAGE CULTURAL ARTS CENTER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. MEEK of Florida. Mr. Speaker, it is with great pleasure that I join with the people throughout our community in recognizing the 20th anniversary of the African Heritage Cultural Arts Center in Miami.

The African Heritage Cultural Arts Center, formerly the Model City Cultural Arts Center, opened its doors in 1975 in the heart of the inner-city community. The center was conceived and developed through the efforts, ideals and commitments of a citizens task force on which it was my honor to serve as a member of the board of directors.

The African Heritage Cultural Arts Center has a comprehensive, developmental multiart program which includes an array of classes in dance, drama, instrumental music, voice music, and visual arts. The facility has many elements of a full cultural center. It houses a dance studio, a music room, arts and crafts studio and much more. The center is a catalyst for youth in the arts, and offers such outstanding programs as the after school Arts Academy and the Saturday Creative Arts Workshop.

The Cultural Center has seen many of its students go on to various levels of prominence. The center's programs provide an important service to our community and have proven to be very beneficial. They offer an outlet for young people to learn and enjoy the arts through developmental, multiarts programs. The classes have boosted the morale of our young people and have provided a positive influence in our community.

Mr. Speaker, the African Heritage Cultural Arts Center has dedicated the past 20 years to developing the minds and skills of our young people. I wholeheartedly commend this wonderful organization for its steadfast service to our community. I know my colleagues join me in honoring the African Heritage Cultural Arts Center on the occasion of this tremendous milestone in its history.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 15

9:30 a.m.
Select on Intelligence
To hold hearings to assess the damage to United States intelligence activities resulting from the Adler Ames case.
SD–G50

10:00 a.m.
Judiciary
To hold joint hearings with the House Committee on the Judiciary's Subcommittee on the Courts and Intellectual Property on S. 1284, to amend title 17 to adapt the copyright law to the digital, networked environment of the National Information Infrastructure, and H.R. 2441, to amend title 17, United States Code, to adapt the copy-right law to the digital, networked environment of the national information infrastructure.
2237 Rayburn Building

Judiciary
Immigration Subcommittee
Business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.
SD–226

Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.
SH–216

NOVEMBER 16

9:30 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine the situation in Angola.
SD–419

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.
SH–216

10:30 a.m.
Energy and Natural Resources
To hold joint hearings with the Committee on Indian Affairs with the House Committee on Resources to review the Alaska Natives Commission's report to Congress transmitted in May 1994 on the status of Alaska's natives.
1324 Longworth Building

Indian Affairs
To hold joint hearings with the Committee on Energy and Natural Resources with the House Committee on Resources to review the Alaska Natives

Commission's report to Congress transmitted in May 1994 on the status of Alaska's natives.

1324 Longworth Building

2:00 p.m.

Judiciary

Immigration Subcommittee

Business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.

SD-226

2:30 p.m.

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold hearings on S. 1224, to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process.

SD-342

NOVEMBER 17

9:00 a.m.

Judiciary

To hold hearings on H.R. 1833, Partial-birth Abortion Ban Act.

SR-325

10:00 a.m.

Special Committee To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.

SH-216

Commission on Security and Cooperation in Europe

To hold a briefing on the biennial Implementation Review Meeting on Human Dimension Issues held last month in Warsaw, Poland.

SD-562

NOVEMBER 30

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

DECEMBER 5

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 984, to protect the fundamental right of a parent to direct the upbringing of a child.

SD-226

DECEMBER 6

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101-601).

SR-485

CANCELLATIONS

NOVEMBER 15

9:30 a.m.

Governmental Affairs

To hold hearings to examine Federal Government financial management.

SD-342

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.

SD-226

SENATE—*Tuesday, November 14, 1995*

The Senate met at 12:03 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of history, we gain perspective on the perplexities of the present by remembering how Your power has been released in response to prayer in the past. We think of Washington on his knees, of Franklin asking for prayer when the Constitutional Convention was deadlocked, of Lincoln praying for wisdom in the dark night of our Nation's divided soul. Gratefully, also we remember Your answers to prayers seeking Your strength in struggles and Your courage in crises. Especially, today we remember those times when Your guidance brought consensus out of conflict, and creative decisions out of discord.

In the midst of the continuing discussions and debate over the Federal budget, we continue to need Your divine intervention and inspiration. May the Senators be united in seeking Your best for the future of our Nation. Give them strength to communicate their perceptions of truth with mutual respect and without rancor. We are of one voice in asking for Your blessing on this Senate as it exercises the essence of democracy in open debate. You have been our guide over the 206 years of the history of the Senate of the United States, and we trust You to lead us forward today. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, we will have morning business until the hour of 12:30 today, and then we will recess from 12:30 to 2:15 for the weekly policy conferences.

At 2:15, we will begin 2 hours of debate on the conference report to accompany S. 395, the Alaska Power Administration bill. There will be a rollcall vote on that conference report, and at that time we may be able to announce additional items to take up. If not, we will stand in recess subject to the call of the Chair, in hopes that we can work out some agreement on a continuing resolution.

I might say, at this very moment, there is a meeting in Senator DOMENICI's office with a number of representatives of the President and the chairman of the House Budget Committee, Congressman KASICH, Congressman SABO, Senator EXON, and Senator DOMENICI. We will see what happens or what the results of that meeting may be.

Hopefully, we can come to some resolution so that we can pass a continuing resolution and end what has been described as a shutdown of Government. I think, on the other hand, we should keep in mind that, as pointed out today in the Washington Post, the issue here is not Medicare, Medicaid, welfare reform, the issue is a balanced budget—balanced budget. That is what this confrontation and conflict is all about.

Will we balance the budget by the year 2002? Will we keep our word to the American people? Will we get sidetracked with all these little sideshows going on about Medicare part B, not an issue.

Keep in mind, the taxpayers are picking up the 68.5 percent of everybody's premium—the people working in the kitchens, working everywhere, are putting money in the general revenues to pay part B Medicare premiums for people who have $100,000 a year income, or $1 million, and the President is trying to defend that. It is very hard to defend.

So it is not about Medicare. Medicare is a very sensitive word. We want to strengthen Medicare and preserve it. But this debate and this conflict between the White House and the Congress is about a balanced budget amendment, and about whether or not we will keep our word to the American people to balance the budget by the year 2002.

All the rhetoric, and everything else that has been spoken about on the Senate floor, may resonate well with some people. But most Americans are worried about the future. They are worried about their children's children. They are worried about what future they will have, and they know that unless this Congress—all of us—are willing to make tough decisions and balance the budget, we can talk back and forth about all these words that frighten people and all the rhetoric, and we can call people terrorists or refer to Republican leaders as guilty of terrorism and extremism and all these things. That is not going to change a thing. Right now, we are doing the heavy lifting on this side of the aisle. It is easy when you do nothing but criticize. We are trying to balance the budget. We are going to get it done, and I am very optimistic.

I believe the American people see this happening, and we hope to pass the balanced budget act of 1995 either late Thursday night or early Friday morning of this week—this week. We will send it to the President, and he will make a choice.

Hopefully, he will sign it, because in that reconciliation package, called a Balanced Budget Act of 1995, will be a long-term extension of the debt ceiling. We will also take care of the continuing resolution problem.

I am optimistic. I hope if we work on this in a bipartisan, nonpartisan way today, we can come together with some agreement.

We left the White House last night and we agreed we would be very positive in our statements to the media. I must say some of us were and some of us were not. I was a little disappointed in comments from some of my Democratic colleagues after we said, very honestly, we had a very candid meeting, we had a very candid discussion and were trying to work something out.

We have made some progress, and I think we have. We will see what happens after the meeting with Chief of Staff Panetta, Senator DOMENICI, and others, and hopefully we will be able to announce to our colleagues sometime tonight or sometime this afternoon or late evening that we have reached some agreement and we can pass a temporary continuing resolution.

I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the call of the quorum be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m, with Senators permitted to speak therein not to exceed 5 minutes.

The Senator from North Dakota.

TRAIN WRECK IS NO ACCIDENT

Mr. DORGAN. Mr. President, let me share the sentiments offered by the majority leader moments ago that both sides get together early today and resolve this issue.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Let me also disagree on one statement. This is not about whether there should be a balanced budget. Of course there should be a balanced budget. I think all Members of the Senate agree there should be a balanced budget and a plan to bring the fiscal policies in this country into balance.

The question is, how? How do we do that? Where do we make cuts? Who bears the brunt of those cuts? Who bears the brunt of the sacrifice?

I will read from an editorial written by David Gergen, who served both the Republican and Democratic Presidents. He said, in giving the Republicans credit for pushing for a balanced budget:

> But in their eagerness to satisfy one principle, fiscal responsibility, the Republicans would ask the country to abandon another, equally vital, principle—fair play. This is a false, cruel choice we should not make.
>
> When George Bush and then Bill Clinton achieved large deficit reductions, we pursued the idea of "shared sacrifice." Not this time. Instead, Congress now seems intent on imposing new burdens upon the poor, the elderly, and vulnerable children while, incredibly, delivering a windfall for the wealthy.

That is what this issue is about, not whether the budget should be balanced. Of course it should. It is how it is balanced and whether there is fair play involved.

I want to make one additional point. We come to a shutdown not by accident, in my judgment. Let me read some quotes. We have heard boasts in this town about shutdowns for some months. April 3, this year, NEWT GINGRICH, Speaker GINGRICH, vowed to "create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the national debt ceiling."

April 3, Speaker GINGRICH boasted the President will "veto a number of things, and we'll put them all on the debt ceiling. And then he'll decide how big a crisis he wants."

June 3, Speaker GINGRICH:

> We're going to go over the liberal Democratic part of the Government and then we will say to them: We could last 60 days, 90 days, 120 days, 5 years, a century. There's a lot of stuff we don't care if it is ever funded.

June 5, Speaker GINGRICH, speaking about the President:

> He can run the parts of the government that are left [after the Republican budget cuts] or he can run no government. Which of the two of us do you think worries more about not showing up?

September 22, Speaker GINGRICH:

> I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days—not this time.

Investor's Business Daily, November 8, GINGRICH said he would force Government to "miss interest and principal payment for the first time ever to force Democrat Clinton's administration to agree to his deficit reduction." Budget Chairman JOHN KASICH said:

> We'll probably have a few train wrecks, but that's always helpful in a revolution.

The point I make is we do not arrive at this issue accidentally. This is an issue that is planned by persons who, as David Gergen says in his analysis, have decided to balance the budget by adding to the burdens of the children, the poor, the vulnerable in society, and incredibly, he says, delivering a windfall for the wealthy.

Some of us think that is not the way to do business. Others apparently think it is a perfect way for the Federal Government to behave and, if it does not behave that way, they want to force the Federal Government to shut its doors.

That is not, in my judgment, a thoughtful way to do public policy. Rather, I think, it is a thoughtless, reckless approach to public policy, and I hope that sometime today in some way the leadership of both parties and the President will agree to this bridge or stopgap legislation to get us to December when we then clearly debate the larger reconciliation package.

This is just the road on the way to the stadium. The main event, the main contest in December over the big reconciliation bill is not what this is about. This is the toll extracted on the road to the stadium. It makes no sense to me to see the Government shut down in these circumstances.

I read these quotes from Speaker GINGRICH and others to demonstrate it is no accident. I am sure there are people who take great delight in the fact that there is no agreement on a continuing resolution or on a debt extension; they take great delight in that because they have accomplished what they boasted about to some months.

I think there is no credit for anyone in this kind of failure. I hope more thoughtful voices, more responsible voices in both political parties today will resolve to decide to bridge this impasse and provide a continuing resolution and a debt extension to take us into mid-December when we finally come to grips with the continuing resolution.

There is no disagreement among Democrats and Republicans about whether this country ought to balance its budget. There is profound disagreement among many of us in this country who believe you ought not kick kids off Head Start and take health money away from old folks so we can build B-2 bombers and Star Wars.

There is profound disagreement about priorities, but not about goals of balancing the Federal budget. While we have speakers today trying to debate what this debate is about, I want people of this country to understand this debate is about priorities—not destinations or goals. We all want to balance the Federal budget.

There is a right way and a wrong way to do it. On the road to finding the right way to do it, the wrong approach is to shut the Government down as boasted by Speaker GINGRICH and others they would do for some months. That serves no one's interest and does not accomplish any useful purpose for this country, in my judgment.

HONORING DESMOND AND MARY ANN LEE FOR THEIR CONTRIBUTIONS TO EDUCATION IN ST. LOUIS, MO

Mr. ASHCROFT. Mr. President, today I rise to honor two dear friends of mine whose generosity and giving spirit have made a positive impact on many throughout their home of St. Louis, MO. This week Desi and Mary Ann Lee were honored by the Missouri Botanical Garden as winners of the 1995 Henry Shaw Medal, the highest honor presented by the Garden. The Lees were honored for their generosity and service to the Botanical Garden by their establishment of the E. Desmond Lee and Family education program. The program is designed to improve science education for underserved schools in the city of St. Louis by giving teachers expanded opportunities for training and resources in science education. The program also increases opportunities available to students using the Botanical Gardens, the St. Louis Science Center, and the St. Louis Zoo creating a partnership to improve science education in St. Louis. Desi and Mary Ann also gave the gift that allowed the Botanical Garden to purchase and renovate a building near the Garden to provide needed space and classroom facilities for the Garden's education program.

The Lee's generosity toward the education programs at the Botanical Gardens is but one of many ways that their commitment to their home of St. Louis is evident. Desmond Lee graduated from the Washington University School of Business in St. Louis in 1940 after founding the Lee/Rowan Co. while still a student. He has served on countless boards of directors in the St. Louis area, including the St. Louis Science Center, the St. Louis Symphony, and the St. Louis Zoo. An elder in his local Presbyterian Church, Desi Lee has also received many awards in the St. Louis community for his service, including an honorary doctorate of humane letters from the University of Missouri at St. Louis in 1995, and the 1995 A World of Difference Community Service Award.

I rise today to salute my good friends for not only their service to the Missouri Botanical Garden for which they received the Henry Shaw Medal this week, but for their lifelong dedication to their home of St. Louis, where they have worked and given tirelessly to improved life for all who call St. Louis home.

I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislation clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

THE FEDERAL GOVERNMENT SHUTDOWN

Mr. GRAMS. Mr. President, at midnight last night, President Clinton threw in the towel, so to speak, and bailed out on his constitutional responsibility to keep the Federal Government in operation.

By vetoing legislation to extend the Federal Government's borrowing ability, and by vetoing a continuing resolution that would have kept the Federal Government funded, President Clinton set the engine on full throttle and barreled the U.S. Government into the train wreck we have been hearing so much about over the last several months.

And it is all because he is unwilling to follow through on a promise to balance the budget. Despite calls from the American taxpayers for a little leadership from the Nation's Chief Executive.

Did you know that every day, the Washington Times prints a little chart illustrating exactly how much this Government owes its creditors?

This morning's paper, for example, shows the U.S. Government approximately $4.984 trillion in debt.

In just one 2-day period recently, the national debt increased more than $2.2 billion—enough, estimated the Times, to buy a Big Mac, medium french fries, and medium-sized drink for every person in the entire United States and Mexico.

Just the interest alone on a debt that massive is accumulating at the rate of $4 million an hour.

If our national debt were shared equally among all Americans, each of us would owe more than $19,000.

Every child born today in the United States of America—and that is going to be about 8,200 children—comes into this world already saddled with more than $19,000 in debt.

That is immoral, Mr. President.

So the difference between Congress and the President—the difference in what we apparently see when we look at those staggering statistics—is the difference between passion and politics.

Congress is passionate about fulfilling our promise to balance the budget and end the legacy of debt we continue to build for the coming generations. We cannot imagine what it took to build up a national debt of nearly $5 trillion—that is a 5 followed by 12 zeroes—and we cannot imagine letting it go on for another day.

That is passion.

The President's guiding force, meanwhile, is politics. For him to shut down the Government is nothing more than a political move—an attempt to derail all our hard work at balancing the Federal budget merely to satisfy the radical liberal wing of his own party.

Congress wants to move forward, while President Clinton wants to stop the people's agenda dead in its tracks.

Harry Truman used to have a sign on his desk that read: "The Buck Stops Here."

Well, President Clinton ought to have a sign on his that says "The Revolution Stops Here." For him, leadership is not about fulfilling promises or making change, or principled decision-making. It is all about politics.

Mr. President, I came to the floor last Tuesday to speak about the budget and the President's unwillingness to work with us, in good faith, toward the goals shared by a majority of all Americans.

Immediately afterward, one of my good colleagues from across the aisle responded with his own thoughts about the budget debate, and he chided me for making the Senate what he called "a political arena."

All I can say is that it is nearly impossible to talk about this President without somehow mentioning politics.

His public comments of the past week have been nothing but political rhetoric, and desperate rhetoric, at that. In his Saturday radio address, he asked listeners to:

> Imagine the Republican Congress as a banker, and the United States as family that has to go to the bank for a short-term loan, for a family emergency. The banker says to the family, "I will give you the loan, but only if you will throw the grandparents and the kids out of the house first."

Mr. President, my constituents in Minnesota and the rest of the American people asked for fundamental changes last November from their Government, not empty rhetoric. But President Clinton has made the decision not to climb aboard.

Of course, that is his choice, and none of us is apparently going to change his mind.

But hear this—Congress will not bow out of its responsibility to deliver to the people a budget that balances within 7 years, that draws the line at tax increases, and in fact cuts taxes for working-class Americans, that preserves and protects Medicare.

The question of why the President of the United States of America is so vehemently opposed to a balanced budget that does not increase taxes that he would shut down the Federal Government and default on the Nation's financial obligations, can only be answered by the President himself.

And the American people are waiting for an answer.

WELCOMING CROATIAN-SERBIAN AGREEMENT ON EASTERN SLAVONIA

Mr. PELL. Mr. President, finally, there is good news from former Yugoslavia. On Sunday in Croatia, Croatian leaders and rebel Serbs signed an agreement ending the territorial conflict over Eastern Slavonia, the last part of Croatia still occupied by Serbs. As late as last week, Croatian Government officials, including President Tudjman, were threatening to retake the territory by force. I am pleased that Croatia has recognized the folly of carrying out those threats, and has opted instead for a diplomatic solution.

There are still serious questions about this agreement that need to be answered. For example: Who will participate in the transitional administration to be established by the United Nations to govern the region? Will there be separate military and civilian administrations? How does this agreement relate to the continuing negotiations on Bosnia? What, if anything, does Serbia get in return for its agreeing to this accord?

Despite these and other questions, this much is clear: The agreement will avert a military confrontation between Croatia and Serbia over Eastern Slavonia, and together with last week's agreement on the Federation, offer needed momentum to the Dayton negotiations.

Our Ambassador to Croatia, Peter Galbraith and U.N. Envoy Thorvald Stoltenberg deserve a great deal of credit for their work in bringing the parties to and keeping them at the table.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go", as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to add up to a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that is now slightly in excess of $14 billion shy of $5 trillion.

To be exact, as of the close of business yesterday, November 13, the total Federal debt—down to the penny—stood at $4,986,513,994,276.71. Another depressing figure means that on a per capita basis, every man, woman, and child in America owes $18,928.89.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995, 2

U.S.C. Sec. 1384(b), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to the procedures for consideration and resolution of alleged violations of the laws made applicable under part A of title II of the Congressional Accountability Act (P.L. 104–1).

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD; as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed rules to govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Part A of Title II of the Congressional Accountability Act (P.L. 104–1). The proposed rules have been approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this notice in the Congressional Record.

Addresses: Submit written comments to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, DC 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 252–3115. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 252–3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224–2705.

Supplementary Information: Background—General. The Congressional Accountability Act of 1995 ("CAA"), PL 104–1, was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 301 of the CAA establishes the Office of Compliance as an independent office within that branch. Section 303 of the CAA directs that the Executive Director, the chief operating officer of the Office of Compliance, shall, subject to the approval of the Board, adopt rules governing the procedures for the Office of Compliance. The rules that follow establish the procedures by which the Office of Compliance will provide for the consideration and resolution of alleged violations of the laws made applicable under Part A of Title II of the CAA. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance.

The Executive Director invites comment from interested persons on the content of these proposed rules.

Part I—Office of Compliance Rules of Procedure

Subpart A—General Provisions

§1.01 Scope and policy
§1.02 Definitions
§1.03 Filing and Computation of Time
§1.04 Availability of Official Information
§1.05 Designation of Representative
§1.06 Maintenance of Confidentiality

§1.01 Scope and policy.

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§1.02 Definitions

Except as otherwise specifically provided in these rules, for purposes of this Part:

(a) Act. The term "Act" means the Congressional Accountability Act of 1995;

(b) Covered Employee. The term "covered employee" means any employee of

(1) the House of Representatives;
(2) the Senate;
(3) The Capitol Guide Service;
(4) the Capitol Police;
(5) the Congressional Budget Office;
(6) the Office of the Architect of the Capitol;
(7) the Office of the Attending Physician;
(8) the Office of Compliance; or
(9) the Office of Technology Assessment.

(c) Employee. The term "employee" includes an applicant for employment and a former employee.

(d) Employee of the Office of the Architect of the Capitol. The term "employee of the Office of the Architect of the Capitol" includes any employee of the Office of the Architect of the Capitol, the Botanic Garden or the Senate Restaurants.

(e) Employee of the Capitol Police. The term "employee of the Capitol Police" includes any member or officer of the Capitol Police.

(f) Employee of the House of Representatives. The term "employee of the House of Representatives" includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (9) of paragraph (b) above.

(g) Employee of the Senate. The term "employee of the Senate" includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (9) of paragraph (b) above.

(h) Employing Office. The term "employing office" means:

(1) the personal office of a Member of the House of Representatives or a Senator;

(2) a committee of the House of Representatives or the Senate or a joint committee;

(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(i) Party. The term "party" means the employee or the employing office or the designated representatives of either of them.

(j) Office. The term "Office" means the Office of Compliance.

(k) Board. The term "Board" means the Board of Directors of the Office of Compliance.

(l) Chair. The term "Chair" means the Chair of the Board of Directors of the Office of Compliance.

(m) Executive Director. The term "Executive Director" means the Executive Director of the Office of Compliance.

(n) General Counsel. The term "General Counsel" means the General Counsel of the Office of Compliance.

(o) Hearing Officer. The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted on matters within the Office's jurisdiction.

§1.03 Filing and computation of time

(a) Method of Filing. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. Requests for mediation under Section 2.04 and complaints under Section 2.06 of these rules may also be filed by facsimile (FAX) transmission. The original copies of documents filed by FAX must also be mailed to the office no later than the day following FAX transmission. The filing of all documents is subject to the limitations set forth below.

(1) In Person. A document shall be deemed timely filed if it is hand delivered to the Office in: Adams Building, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999, before the expiration of the applicable time period.

(2) Mailing. (a) If mailed, a request for mediation or a complaint is deemed filed on the date of its receipt in the Office of Compliance.

(b) A document, other than a request for mediation or a complaint, is deemed filed on the date of its postmark or proof of mailing. Parties, including those using franked mail, are responsible for ensuring that any mailed document bears a postmark date or other proof of the actual date of mailing. In the absence of a legible postmark a document will be deemed timely if it is received by the Office at Adams Building, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999, by mail within five (5) days of the expiration of the applicable filing period.

(3) Faxing documents. Documents transmitted by FAX machine will be deemed filed on the date received at the Office of Compliance at 202-252-3115. A FAX filing will be timely only if the Office receives the document no later than 5:00 PM Eastern Time on the day that it is due under the applicable filing period. Any party using a FAX machine to file a document bears the responsibility for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. The party or individual filing the document may rely on its FAX status report sheet to show that it filed the document in a timely manner.

(b) Computation of Time. All time periods in these rules that are stated in terms of days are calendar days unless otherwise noted. However, when the period of time prescribed is five (5) days or less, intermediate Saturdays, Sundays and Federal government holidays shall be excluded in the computation. To compute the number of days for taking any action required or permitted under these rules, the first day shall be the day after the event from which the time period begins to run and the last day for filing or service shall be included in the computation. When the last day falls on a Saturday, Sunday, or federal government holiday, the last day for taking the action shall be the next regular federal government workday.

(c) Time Allowances for Mailing of Official Notices. Whenever a person or party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon him or her and the notice or document is served by regular mail, five (5) days shall be added to the prescribed period. Only two (2) days shall be added if a document is served by express mail or other form of expedited delivery. When documents are served by certified mail, return receipt requested, the prescribed period shall be calculated from the date of receipt as evidenced by the return receipt.

§1.04 Availability of official information

(a) Policy. It is the policy of the Board, the Office and the General Counsel, except as otherwise ordered by the Board, to make available for public inspection and copying final decisions and orders of the Board and the Office, as specified and described in paragraph (d) below.

(b) Availability. Any person may examine and copy items described in paragraph (a) above at the Office of Compliance, Adams Building, Room LA200, 110 Second Street, S.E., Washington, D.C. 20540-1999, under conditions prescribed by the Office, including requiring payment for copying costs, and at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Office. As ordered by the Board, identifying details or other necessary matters may be deleted and placed under seal, and, in each case, the reason for the deletion shall be stated in writing.

(c) Copies of forms. Copies of blank forms prescribed by the Office for the filing of complaints and other actions or requests may be obtained from the Office.

(d) Final decisions. Pursuant to Section 416(f) of the Act, a final decision entered by a Hearing Officer or by the Board under Section 405(g) or 406(e) of the Act, which is in favor of the complaining covered employee or reverses a Hearing Officer's decision in favor of a complaining covered employee, shall be made public, except as otherwise ordered by the Board.

§1.05 Designation of Representative

(a) An employee, a witness, or an employing office wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

(b) Service where there is a representative. All service of documents shall be directed to the representative, unless the represented individual specifies otherwise and until such time as that individual notifies the Executive Director of an amendment or revocation of the designation of representative. Where a designation of representative is outstanding, all time limitations for receipt of materials by the represented individual shall be computed in the same manner as for unrepresented individuals with service of the documents, however, directed to the representative, as provided.

§1.06 Maintenance of confidentiality

(a) Policy. In accord with Section 416 of the Act, it is the policy of the Office to maintain, to the fullest extent possible, the confidentiality of the proceedings and of the participants in proceedings conducted under Sections 402, 403, 405, and 406 of the Act and these rules.

(b) At the time that any individual, employing office or party, including a designated representative, becomes a participant in counseling under Section 402, mediation under Section 403, the complaint and hearing process under Section 405, or an appeal to the Board under Section 406 of the Act, or any related proceeding, the Office will advise the participant of the confidentiality requirements of Section 416 of the Act and these rules and that sanctions might be imposed for a violation of those requirements.

Subpart B—Procedures Applicable to Consideration of Alleged Violations of Part A of Title II of the Congressional Accountability Act of 1995

§2.01 Matters Covered by Subpart B
§2.02 Requests for Advice and Information
§2.03 Counseling
§2.04 Mediation
§2.05 Election of Proceedings
§2.06 Complaints
§2.07 Appointment of the Hearing Officer
§2.08 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents
§2.09 Dismissal of Complaint
§2.10 Confidentiality
§2.11 Filing of Civil Action

§2.01 Matters covered by subpart B

(a) These rules govern the processing of any allegation that Sections 201 through 206 of the Act have been violated and any allegation of intimidation or reprisal prohibited under Section 207 of the Act. Sections 201 through 206 apply to covered employees and employing offices certain rights and protections of the following laws:

(1) The Fair Labor Standards Act of 1938

(2) Title VII of the Civil Rights Act of 1964

(3) The Americans with Disabilities Act of 1990

(4) The Age Discrimination in Employment Act of 1967

(5) The Family and Medical Leave Act of 1993

(6) The Employee Polygraph Protection Act of 1988

(7) The Worker Adjustment and Retraining Notification Act

(8) The Rehabilitation Act of 1973

(9) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(b) This subpart applies to the covered employees and employing offices as defined in Section 1.02 (b) and (h) of these rules and any activities within the coverage of the laws referred to in Section 2.01(a).

§2.02 Requests for advice and information

At any time, an employee or an employing office may seek from the Office informal advice and information on the procedures of the Office and under the Act and information on the protections, rights and responsibilities under the Act and these rules. The Office will maintain the confidentiality of requests for such advice or information.

§2.03 Counseling

(a) Initiating a proceeding; formal request for counseling. In order to initiate a proceeding under these rules, an employee who believes that he or she is covered by the Act shall formally request counseling from the Office regarding an alleged violation of the Act, as referred to in Section 2.01(a), above. All formal requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under Section 2.03(e)(2), below.

(b) Who may request counseling. A covered employee who believes that he or she has been or is the subject of a violation of the Act as referred to in Section 2.01(a) may formally request counseling.

(c) When, how and where to request counseling. A formal request for counseling:

(1) Shall be made not later than 180 days after the date of the alleged violation of the Act;

(2) May be made to the Office in person, by telephone, or by written request;

(3) A request for counseling shall be directed to: Office of Compliance, Adams Building, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999; telephone: (202) 252-3100; FAX (202) 252-3115.

(d) Purpose of counseling period. The purpose of the counseling period shall be: to discuss the employee's concerns and elicit information regarding the matter(s) which the employee believes constitute a violation(s) of the Act; to advise the employee of his or her rights and responsibilities under the Act and the procedures of the Office under these rules; to evaluate the matter; and to assist the employee in achieving an early resolution of the matter, if possible.

(e) Confidentiality and waiver. (1) Absent a waiver under paragraph 2, below, all counseling shall be strictly confidential. Nothing in these rules shall prevent a counselor from consulting with personnel within the Office concerning a matter in counseling, except that, when the person being counseled is an employee of the Office, the counselor shall not consult with any individual within the Office who might be a party or witness without the consent of the person requesting counseling. Nothing contained in these rules shall prevent the Executive Director from reporting statistical information to the Senate and House of Representatives, so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a request for counseling.

(2) The employee and Office may agree to waive confidentiality of the counseling process for the limited purpose of contacting the employing office to obtain information to be used in counseling the employee or to attempt a resolution of any disputed matter(s). Such a limited waiver must be written on the form supplied by the Office and signed by both the counselor and the employee.

(f) Role of Counselor in informing employee of his or her rights and responsibilities. The counselor will provide the employee with appropriate information concerning rights and responsibilities under the Act and these rules.

(g) Role of Counselor in defining concerns. The counselor may:

(1) obtain the name, home and office mailing addresses, and home and office telephone numbers of the person being counseled;

(2) obtain the name and title of the person(s) whom the employee claims has engaged in a violation of the Act and the employing office in which this person(s) works;

(3) obtain a detailed description of the action(s) at issue, including all relevant dates, and the covered employee's reason(s) for believing that a violation may have occurred;

(4) inquire as to the relief sought by the covered employee;

(5) obtain the name, address and telephone number of the employee's representative, if any, and whether the representative is an attorney.

(h) Role of Counselor in attempting informal resolution. In order to attempt to resolve the matter brought to the attention of the counselor, the counselor must obtain a waiver of confidentiality pursuant to Section 2.03(e)(2) of this chapter. If the employee executes such a waiver, the counselor may:

(1) conduct a limited inquiry for the purpose of obtaining any information necessary to attempt an informal resolution or formal settlement;

(2) reduce to writing any formal settlement achieved and secure the signatures of the employee, his or her representative, if any, and a member of the employing office who is authorized to enter into a settlement on the employing office's behalf; and, pursuant to Section 414 of the Act and Section 9.03 of these rules, seek the approval of the Executive Director.

(i) Counselor not a representative. The counselor shall inform the person being counseled that the counselor does not represent either the employing office or the employee. The counselor provides information and may act as a third-party intermediary with the goals of increasing the individual's understanding of his or her rights and responsibilities under the Act and of promoting the early resolution of the matter.

(j) Duration of counseling period. The period for counseling shall be 30 days, beginning on the date that the request for counseling is received by the Office unless the employee and the Office agree to reduce the period.

(k) Duty to proceed. An employee who initiates a proceeding under this part shall be responsible at all times for proceeding, regardless of whether he or she has designated a representative. An employee, however, may withdraw from counseling at any time without prejudice to the employee's right to reinstate counseling regarding the same matter, provided that counseling on a single matter will not last longer than a total of 30 days.

(l) Conclusion of the counseling period and notice. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested. The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

(m) Employees of the Office of the Architect of the Capitol and Capitol Police.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. Pursuant to Section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

(A) The Executive Director shall recommend to the employee that the employee use the procedures of the Architect or of the Capitol Police Board, as appropriate, for a period generally up to 90 days, unless the Executive Director determines a longer period is appropriate for resolution of the employee's complaint through the internal procedures of the Architect or the Capitol Police Board;

(B) After having contacted the Office and having utilized the grievance procedures of the Architect or to the Capitol Police Board, the employee may return to the procedures under these rules:

(i) after the expiration of the period recommended by the Executive Director, if the matter has not been resolved; or

(ii) within 20 days after receiving a final decision as a result of the procedures of the Architect or of the Capitol Police Board.

(C) The period during which the matter is pending in the internal procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, the Office will consider the case to be closed in its official files.

(2) Notice to employees who have not initiated counseling with the Office. When an employee of the Architect of the Capitol or the Capitol Police raises in the internal procedures of the Architect or of the Capitol Police Board an allegation which may also be raised under the procedures set forth in this subpart, the Architect or the Capitol Police Board should advise the employee in writing that a request for counseling about the allegation must be initiated with the Office within 180 days after the alleged violation of law occurred if the employee intends to use the procedures of the Office.

(3) Notice in final decisions when employees have not initiated counseling with the Office. When an employee raises in the internal procedures of the Architect or of the Capitol Police Board an allegation which may also be raised under the procedures set forth in this subpart, any final decision pursuant to the procedures of the Architect of the Capitol or of the Capitol Police Board should include notice to the employee of his or her right to initiate the procedures under these rules within 180 days after the alleged violation occurred.

(4) Notice in final decisions when there has been a recommendation by the Executive Director. When the Executive Director has made a recommendation under paragraph 1 above, the Architect or the Capitol Police Board should include notice to the employee of his or her right to resume the procedures under these rules within 20 days after service on the employee of the final decision and shall transmit a copy of the final decision, settlement agreement, or other final decision, settlement agreement, or other final disposition of the case to the Executive Director.

§2.04 Mediation

(a) Explanation. Mediation is a process in which employees, employing offices and their representatives meet separately and/or jointly with a neutral trained to assist them in resolving disputes. As parties to the mediation, employees, employing offices and their representatives openly discuss alternatives to continuing their dispute, including any and all possibilities of reaching a voluntary, mutually satisfactory resolution. The neutral has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to Section 416 of the Act.

(b) Initiation. Not more than 15 days after receipt by the employee of the notice of the conclusion of the counseling period under Section 2.03(l), the employee may file with the Office a written request for mediation. The request for mediation shall contain the employee's name, address, and telephone number, and the name of the employing office. Failure to request mediation within the prescribed period will preclude the employee's further pursuit of his or her claim.

(c) Notice of commencement of the mediation period. The Office shall notify the employing office or its designated representative of the commencement of the mediation period.

(d) Selection of Neutrals; Disqualification. Upon receipt of the request for mediation, the Executive Director shall assign one or more neutrals to commence the mediation process. In the event that a neutral considers him or herself unable to perform in a neutral role in a given situation, he or she shall withdraw from the matter and immediately shall notify the Office of the withdrawal. Any party may ask the Office to disqualify a neutral by filing a written request, including the reasons for such request, with the Executive Director. This request shall be filed as soon as the party has reason to believe there is a basis for disqualification. The Executive Director's decision on this request shall be final and unreviewable.

(e) Duration and Extension. (1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint request of the parties. The request shall be written and filed with the Office no later than the 28th day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Requests for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

(f) Procedures. (1) The Neutral's Role. After assignment of the case, the neutral will promptly contact the parties. The neutral has the responsibility to conduct the mediation, including deciding how many meetings are necessary and who may participate in each meeting. The neutral may accept written submissions from the parties.

(2) The Agreement to Mediate. At the commencement of the mediation, the neutral will ask the parties to sign an agreement ("the Agreement to Mediate") to adhere to the confidentiality of the process. The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the counselor or the neutral testify or otherwise present evidence in any subsequent civil action under Section 408 of the Act or any other proceeding.

(g) Who may participate. The covered employee, the employing office, their respective representatives, and the Office may meet, jointly or separately, with the neutral. A representative of an employing office who has actual authority to agree to a settlement agreement on behalf of the employing office must be present at the mediation or must be immediately accessible by telephone during the mediation.

(h) Conclusion of the Mediation Period and Notice. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee and the employing office, and their representatives, with written notice that the mediation period has concluded. At the same time, the Office will notify the employee of his or her right to elect to file a complaint with the Office in accordance with Section 405 of the Act and Section 2.06 of these rules or to file a civil action pursuant to Section 408 of the Act and Section 2.11 of these rules.

(i) Independence of the Mediation Process and the Neutral. The Office will maintain the independence of the mediation process and the neutral. No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under Section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

(j) Confidentiality. Except as necessary to consult with the parties, their counsel or other designated representatives, the parties to the mediation, the neutral, and the Office shall not disclose, in whole or in part, any information or records obtained through, or prepared specifically for, the mediation process. This rule shall not preclude a neutral from consulting with the Office, except that a neutral shall not consult with a party or witness within the Office when the covered employee is an employee of the Office. This rule shall also not preclude the Office from reporting statistical information that does not reveal the identity of the employees or employing offices involved in the mediation. All parties to the action and their representatives will be advised of the confidentiality requirements of this process and of the sanctions that might be imposed for violating these requirements.

§2.05 Election of proceeding

(a) Pursuant to Section 404 of the Act, not later than 90 days after a covered employee receives notice of the end of mediation under Section 2.04(h) of these rules, but no sooner than 30 days after that date, the covered employee may either:

File a complaint with the Office in accordance with Section 405 of the Act and the procedure set out in Section 2.06, below; or

File a civil action in accordance with Section 408 of the Act and Section 2.11 below in the United States District Court for the district in which the employee is employed or for the District of Columbia.

(b) A covered employee who files a civil action pursuant to Section 2.11, may not thereafter file a complaint under Section 2.06 on the same matter.

§2.06 Complaints

(a) Who may file. An employee who has completed mediation under Section 2.04 may timely file a complaint with the Office.

(b) When to file. A complaint may be filed no sooner than 30 days after the date of receipt of the notice under Section 2.04(h), but no later than 90 days after that notice.

(c) Form and Contents. A complaint shall be written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(1) the name, mailing address, and telephone number(s) of the complainant;

(2) the name(s) and title(s) of the individual(s) involved in the action that the employee claims is a violation of the Act;

(3) the name, address and telephone number of the employing office involved;

(4) a description of the conduct being challenged, including the date(s) of the conduct;

(5) a brief description of why the complainant believes the challenged conduct is a violation of the Act and the Section(s) of the Act involved;

(6) a statement of the relief or remedy sought; and

(7) the name, address, and telephone number of the representative, if any, who will act on behalf of the complainant.

(d) Amendments. Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the condition that all parties to the proceeding have adequate notice to prepare to meet the new allegations, and so long as the amendments relate to the violations for which the employee has completed counseling and mediation and permitting such amendments will not unduly prejudice the rights of the employing office or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

(e) Service of Complaint. Upon receipt of a complaint or an amended complaint, the Office shall serve the employing office named in the complaint, or its designated representative, with a copy of the complaint or amended complaint and a copy of these rules. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) Answer. Within 15 days after service of a copy of a complaint or an amended complaint, the respondent employing office shall file an answer with the Office and serve one copy on the complainant. The answer shall contain a statement of the position of the respondent employing office on each of the issues raised in the complaint, including admissions, denials, or explanations of each allegation made in the complaint and any other defenses to the complaint. Failure to raise a claim or defense in the answer shall not bar its submission later unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§2.07 Appointment of the Hearing Officer

Upon the filing of a complaint, the Executive Director will appoint an independent Hearing Officer, who shall have the authority specified in Section 7.01(b) below. The Hearing Officer shall not be the neutral who mediated the matter under Section 2.04 of these rules.

§2.08 Filing, service, and size limitations of motions, briefs, responses or other documents

(a) Filing with the Office; Number. One original and three copies of all motions, briefs, responses, or other documents, must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer files an appeal with the Board, one original and seven copies of both any appeal brief and any responses must be filed with the Office.

(b) Service. The parties shall serve on each other one copy of all briefs or motions filed with the Office, other than the Complaint, which the Office will serve pursuant to Section 2.06(e) of these rules. Service shall be made by mailing or by hand delivering a copy of the motion, brief, response or other document to each party on the service list previously provided by the Office. Each of these documents, other than the Complaint, must be accompanied by a certificate of service specifying how and when service was made. It shall be the duty of all parties to notify the Office and one another in writing of any changes in the names or addresses on the service list.

(c) Time limitations for response to motions or briefs and reply. Unless otherwise specified by the Hearing Officer or these rules, a party shall file a response to a motion or brief within 15 days of the service of the motion or brief upon the party. Any reply to such response shall be filed and served within 5 days of the service of the response.

(d) Size limitations. Except as otherwise specified by the Hearing Officer or these rules, no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 pages, or 8,750 words, exclusive of attachments. The Board, the Office or Hearing Officer may waive, raise or reduce this limitation for good cause shown or on its own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8½" x 11").

§2.09 Dismissal of complaints

(a) A Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(b) A Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under these rules.

(c) If any employee fails to proceed with an action, the Hearing Officer may dismiss the complaint with prejudice.

(d) Appeal. A dismissal by the Hearing Officer made under Section 7.17 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under Section 8.01.

(e) Withdrawal of Complaint by Complainant. At any time an employee may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Executive Director.

§2.10 Confidentiality

Pursuant to Section 416(c) of the Act, all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. A violation of the confidentiality requirements of the Act and these rules could result in the imposition of sanctions. Nothing in these rules shall prevent the Executive Director from reporting statistical information to the Senate and House of Representatives, so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a matter.

§2.11 Filing of civil action

(a) Filing. Section 4.04 of the Act provides that as an alternative to filing a complaint under Section 2.06, an employee who receives notice of the end of mediation pursuant to Section 2.04(h) may elect to file a civil action in accordance with Section 408 of the Act in the United States district court for the district in which the employee is employed or for the District of Columbia.

(b) Time for filing. A covered employee may file such a civil action no earlier than 30 days after receipt of the notice under the Section 2.04(h), but no later than 90 days after that receipt.

Subpart C—[Reserved (part B—Section 210—ADA Public Services)]

Subpart D—[Reserved (Part C—Section 215—OSHA)]

Subpart E—[Reserved (Part D—Section 220—LMR)]

Subpart F—Discovery and Subpoenas

§6.01 Discovery
§6.02 Requests for Subpoenas
§6.03 Service
§6.04 Return of Service
§6.05 Motion to Quash
§6.06 Enforcement

§6.01 Discovery

(a) Explanation. Discovery is the process by which a party may obtain relevant information, not privileged, from another person, including a party, for the purpose of assisting that party in developing, preparing and presenting its case at the hearing.

(b) Office policy regarding discovery. It is the policy of the Office to encourage the early and voluntary exchange of relevant and material nonprivileged information between the parties, including the names and addresses of witnesses and copies of relevant and material documents, and to encourage Hearing Officers to develop procedures which allow for the greatest exchange of relevant and material information and which minimize the need for parties to formally request such information.

(c) Discovery availability. Pursuant to Section 405(e) of the Act, the Hearing Officer in his or her discretion may permit reasonable prehearing discovery. In exercising that discretion, the Hearing Officer may be guided by the Federal Rules of Civil Procedure.

(1) The Hearing Officer may authorize discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property for inspection or other purposes; physical and mental examinations; and requests for admission.

(2) The Hearing Officer may make any order setting forth the forms and extent of discovery, including orders limiting the number of depositions and interrogatories and requests for production of documents, and may also limit the length of depositions.

(3) The Hearing Officer may issue any other order to prevent discovery or disclosure of confidential or privileged materials or information, as well as hearing or trial preparation materials and any other information deemed not discloseable, or to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) Claims of privilege. Whenever a party withholds information otherwise discoverable under these rules by claiming that it is privileged or confidential or subject to protection as hearing or trial preparation materials, the party shall make the claim expressly and shall describe the nature of the documents, communications or things not produced or disclosed in a manner that, without revealing the information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

§6.02 Request for subpoena

(a) Authority to issue subpoenas. At the request of a party, a Hearing Officer may issue subpoenas for the attendance and testimony of witnesses and for the production of correspondence, books, papers, documents, or other records. The attendance of witnesses and the production of records may be required from any place within the United States.

(b) Request. A request for the issuance of a subpoena requiring the attendance and testimony of witnesses or the production of documents or other evidence under paragraph (a) above shall be submitted to the Hearing Officer at least 15 days in advance of the date scheduled for the commencement of the hearing. If the subpoena is sought as part of the discovery process, the request shall be submitted to the Hearing Officer at least 10 days in advance of the date set for the attendance of the witness at a deposition or the production of documents.

(c) Forms and showing. Requests for subpoenas shall be submitted in writing to the Hearing Officer and shall specify with particularity the witness, correspondence, books, papers, documents, or other records desired and shall be supported by a showing of general relevance and reasonable scope.

(d) Rulings. The Hearing Officer shall promptly rule on the request.

§6.03 Service

Service of a subpoena may be made by any person who is over 18 years of age and not a party to the proceeding. Service may be made either:

(a) In person,

(b) By registered or certified mail, or express mail with return receipt, or

(c) By delivery to a responsible person (named) at the residence or place of business (as appropriate) of the person to be served.

§6.04 Return of service

When service of a subpoena is effected, the person serving the subpoena shall certify on the return of service the date and the manner of service.

§6.05 Motion to quash

Any person against whom a subpoena is directed may file a motion to quash or limit the subpoena setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope. This motion shall be filed with the Hearing Officer within 10 days after service of the subpoena.

§6.06 Enforcement

(a) Objections and Requests for enforcement. If a person has been served with a subpoena pursuant to Section 6.03 but fails or refuses to comply with its terms or otherwise objects to it, the party or person objecting or the party seeking compliance may seek a ruling from the Hearing Officer. The request for a ruling should be submitted in writing to the Hearing Officer. However, it may be made orally on the record at the hearing at the Hearing Officer's discretion. The party seeking compliance shall present the return of service and, except where the witness was required to appear before the Hearing Officer, shall submit evidence, by affidavit or declaration, of the failure or refusal to obey the subpoena.

(b) Ruling by Hearing Officer. (1) The Hearing Officer shall promptly rule on the request for enforcement and/or the objection(s).

(2) On request of the objecting witness or any party, the Hearing Officer shall, or on the Hearing Officer's own initiative, the Hearing Officer may, refer the ruling to the Board for review.

(c) Review by the Board. The Board may overrule, modify, remand or affirm the ruling of the Hearing Officer and in its discretion, may direct the General Counsel to apply in the name of the Office for an order from a United States district court to enforce the subpoena.

(d) Application to an appropriate court; civil contempt. If a person fails to comply with a subpoena, the Board may direct the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the Hearing Officer to give testimony or produce records. Any failure to obey a lawful order of the district court may be held by such court to be a civil contempt thereof.

Subpart G—Hearings

§7.01 The Hearing Officer
§7.02 Sanctions
§7.03 Disqualification of the Hearing Officer
§7.04 Motions and Prehearing Conference
§7.05 Scheduling the Hearing
§7.06 Consolidation and Joinder of Cases
§7.07 Conduct of Hearing; disqualification of representatives
§7.08 Transcript
§7.09 Admissibility of Evidence
§7.10 Stipulations
§7.11 Official Notice
§7.12 Confidentiality
§7.13 Immediate Board Review of a Ruling by a Hearing Officer
§7.14 Briefs
§7.15 Closing the record
§7.16 Official Record
§7.17 Hearing Officer Decisions; Entry in Records of the Office

§7.01 The Hearing Officer

(a) Exercise of authority. The Hearing Officer may exercise authority as provided in paragraph (b) of this Section upon his or her own initiative or upon the motion of a party, as appropriate.

(b) Authority. Hearing Officers shall conduct fair and impartial hearings and take all necessary action to avoid undue delay in the disposition of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

(1) Administer oaths and affirmations;

(2) Rule on motions to disqualify designated representatives;

(3) Issue subpoenas in accordance with Section 6.02;

(4) Rule upon offers of proof and receive relevant evidence;

(5) Rule upon discovery issues as appropriate under Sections. 6.01 to 6.06;

(6) Hold prehearing conferences for the settlement and simplification of issues;

(7) Convene a hearing as appropriate, regulate the course of the hearing, and maintain decorum and exclude from the hearing any person who disrupts, or threatens to disrupt, that decorum;

(8) Exclude from the hearing any person, except any complainant, any party, the attorney or representative of any complainant or party, or any witness while testifying;

(9) Rule on all motions, witness and exhibit lists and proposed findings, including motions for summary judgment;

(10) Require the filing of briefs, memoranda of law and the presentation of oral argument with respect to any question of law;

(11) Order the production of evidence and the appearance of witnesses;

(12) Impose sanctions as provided under Section 7.02 of these rules;

(13) File decisions on the issues presented at the hearing;

(14) Maintain the confidentiality of proceedings; and

(15) Waive or modify any procedural requirements of Sections 6 and 7 of these rules so long as permitted by the Act.

§7.02 Sanctions

The Hearing Officer may impose sanctions upon the parties, under, but not limited to, the circumstances set forth in this Section.

(a) Failure to comply with an order. When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

(1) Draw an inference in favor of the requesting party on the issue related to the information sought.

(2) Stay further proceedings until the order is obeyed.

(3) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, testimony relating to the information sought.

(4) Permit the requesting party to introduce secondary evidence concerning the information sought.

(5) Strike any part of the complaint, briefs, answer, or other submissions of the party failing to comply with such request.

(6) Direct judgment against the non-complying party in whole or in part.

(7) Order that the non-complying party, or the representative advising that party, pay all or part of the attorney's fees and reasonable expenses of the other party or parties or of the Office, caused by the failure, unless the Hearing Officer or the Board finds that the failure was substantially justified or that other circumstances make an award of attorney's fees and/or expenses unjust.

(b) Failure to prosecute or defend. If a party fails to prosecute or defend a position, the Hearing Officer may dismiss the action with prejudice or rule for the petitioner.

(c) Failure to make timely filing. The Hearing Officer may refuse to consider any request, motion or other action that is not filed in a timely fashion in compliance with this Part.

§7.03 Disqualification of the Hearing Officer

(a) In the event that a Hearing Officer considers himself or herself disqualified, either because of personal bias or of an interest in the case or for some other disqualifying reason, he or she shall withdraw from the case, stating in writing or on the record the reasons for his or her withdrawal, and shall immediately notify the Office of the withdrawal.

(b) Any party may file a motion requesting that a Hearing Officer withdraw on the basis of personal bias or of an interest in the case or for some other disqualifying reason. This motion shall specifically set forth the reasons supporting the request and be filed as soon as the party has reason to believe that there is a basis for disqualification.

(c) The Hearing Officer shall rule on the withdrawal motion. If the motion is denied, the party requesting withdrawal may take the motion to the Executive Director. The motion to the Executive Director, together with a supporting brief, shall be filed within 5 days of service of the denial of the motion by the Hearing Officer. Upon receipt of the motion, the Executive Director will determine whether a response from the other party or parties is required, and if so, will fix by order the time for the filing of the response. Any objection to the ruling of the Executive Director on the withdrawal motion shall not be deemed waived by further participation in the hearing and may be the basis for an appeal to the Board from the decision of the Hearing Officer under Section 8.01 of these rules. Such objection will not stay the conduct of the hearing.

§7.04 Motions and prehearing conference

(a) Motions. When a case is before a Hearing Officer, motions of the parties shall be filed with the Hearing Officer and shall be in writing except for oral motions made on the record during the hearing. All written motions and any responses to them shall include a proposed order, where applicable. Only with the Hearing Officer's advance approval may either party file additional responses to the motion or to the response to the motion. Motions for extension of time will be granted only for good cause shown.

(b) Scheduling of the Prehearing Conference. Within 7 days after assignment, the Hearing Officer shall serve on the employee and the employing office and their designated representatives written notice setting forth the time, date, and place of the prehearing conference.

(c) Prehearing conference memoranda. The Hearing Officer may order each party to prepare a prehearing conference memorandum. That memorandum may include:

(1) The major factual contentions and legal issues that the party intends to raise at the hearing in short, successive, and numbered paragraphs, along with any proposed stipulations of fact or law. For example, in a case of alleged unlawful discrimination, a complainant's statement of legal issues should include that party's statement of the appropriate prima facie case; an employing office's statement should include the alleged legitimate, non-discriminatory reason(s) that the employing office will articulate; and affirmative defenses, if any, which may be raised.

(2) An estimate of the time necessary for presentation of the party's case;

(3) The specific relief, including the amount of monetary relief, that is being or will be requested;

(4) The names of potential witnesses for the party's case, except for potential rebuttal witnesses, and the purpose for which they will be called and a list of documents that the party is seeking from the opposing party, and, if discovery was permitted, the status of any pending request for discovery. (It is not necessary to list each document requested. Instead, the party may refer to the request for discovery.)

(5) A brief description of any other unresolved issues.

(d) At the prehearing conference, the Hearing Officer may discuss the subjects specified in paragraph 4 above and the manner in which the hearing will be conducted and proceed. In addition the Hearing Officer may explore settlement possibilities and consider how the factual and legal issues might be simplified and any other issues that might expedite the early resolution of the dispute. The Hearing Officer shall issue an order, which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions or agreements of the parties. Such order, when entered, controls the course of the proceeding, subject to later modification by the Hearing Officer by his or her own order or upon proper request of a party for good cause shown.

§7.05 Scheduling the hearing

(a) Date, time, and place of hearing. The Office shall issue the notice of hearing, which shall fix the date, time, and place of hearing. In no event, absent a postponement granted by the Office, will a hearing commence later than 60 days after the filing of the complaint.

(b) Motions for postponement or a continuance. Motions for postponement or for a continuance by either party shall be made in writing to the Office, shall set forth the reasons for the request and the position of the opposing party on the postponement. Such a motion may be granted upon a showing of good cause. In no event will a hearing commence later than 90 days after the filing of the complaint.

§7.06 Consolidation and joinder of cases

(a) Explanation. (1) Consolidation is when two or more parties have cases that might be treated as one because they contain identical or similar issues or in such other appropriate circumstances.

(2) Joinder is when one person has two or more claims pending and they are united for consideration. For example, where a single individual who has one appeal pending challenging a 30-day suspension and another appeal pending challenging a subsequent dismissal, joinder might be warranted.

(b) The Board, the Office, or a Hearing Officer may consolidate or join cases on their own initiative or on the motion of a party if to do so would expedite processing of the cases and not adversely affect the interests of the parties, taking into account the confidentiality requirements of Section 416 of the Act.

§7.07 Conduct of hearing; disqualification of representatives

(a) Pursuant to Section 405(d)(1) of the Act, the Hearing Officer will conduct the hearing in closed session on the record. Only the Hearing Officer, the parties and their representatives, and witnesses during the time they are testifying, will be permitted to attend, except that the Office may not be precluded from observing the hearings. The Hearing Officer, or a person designated by the Hearing Officer or the Executive Director, shall control the recording of the proceedings.

(b) The hearing will be conducted as an administrative proceeding. Witnesses shall testify under oath or affirmation. Except as specified in the Act and in these rules, the Hearing Officer will conduct the hearing, to the greatest extent practicable, in accordance with the principles and procedures in Sections 554 through 557 of title 5 of the United States Code.

(c) No later than the opening of the hearing, or as otherwise ordered by the Hearing Officer, each party shall submit to the Hearing Officer and to the opposing party a typed list of the witnesses, except rebuttal witnesses, expected to be called to testify.

(d) At the commencement of the hearing, or as otherwise ordered by the Hearing Officer, the Hearing Officer may consider any stipulations of facts and law pursuant to Section 7.10, take official notice of certain facts pursuant to Section 7.11, rule on objections made by the parties and hear the examination and cross-examination of witnesses. Each party will be expected to present his or her cases in a concise manner, limiting the testimony of witnesses and submission of documents to relevant matters.

(e) If the Hearing Officer concludes that a representative of an employee, a witness, or an employing office has a conflict of interest, he may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits established by the Act, the affected party will have a reasonable time to retain other representation.

§ 7.08 Transcript

(a) Preparation. An accurate electronic or stenographic record of the hearing shall be kept and shall be the sole official record of the proceeding. The Office shall be responsible for the cost of transcription of the hearing. Upon request, a copy of a transcript of the hearing shall be provided to each party, provided, however, that such party has first agreed to maintain and respect the confidentiality of such transcript in accordance with the applicable rules prescribed by the Office or the Hearing Officer in order to effectuate Section 416(c) of the Act. Additional copies of the transcript shall be made available to a party upon payment of costs. Exceptions to the payment requirement may be granted for good cause shown. A motion for an exception shall be made in writing and accompanied by an affidavit or declaration setting forth the reasons for the request and shall be granted upon a showing of good cause. Requests for copies of transcripts shall be directed to the Office. The Office may, by agreement with the person making the request, make arrangements with the official hearing reporter for required services to be charged to the requester.

(b) Corrections. Corrections to the official transcript will be permitted. Motions for correction must be submitted within 10 days of service of the transcript upon the party. Corrections of the official transcript will be permitted only when errors of substance are involved and only upon approval of the Hearing Officer. The Hearing Officer may make corrections at any time with notice to the parties.

§ 7.09 Admissibility of evidence

The Hearing Officer shall apply the Federal rules of evidence to the greatest extent practicable. These rules provide that the Hearing Officer may exclude evidence if, among other things, it constitutes inadmissible hearsay or its probative value is substantially outweighed by the danger of unfair prejudice, by confusion of the issues, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

§ 7.10 Stipulations

The parties may stipulate as to any matter of fact. Such a stipulation will satisfy a party's burden of proving the fact alleged.

§ 7.11 Official notice

The Hearing Officer on his or her own motion or on motion of a party, may take official notice of a fact that is not subject to reasonable dispute because it is either: (a) A matter of common knowledge; or (b) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Official notice taken of any fact satisfies a party's burden of proving the fact noticed.

Where a decision, or part thereof, rests on the official notice of a material fact not appearing in the evidence in the record, the fact of official notice shall be so stated in the decision, and any party, upon timely request, shall be afforded an opportunity to show the contrary.

§ 7.12 Confidentiality

Pursuant to Section 416 of the Act, all proceedings and deliberations of Hearing Officers and the Board, including the transcripts of hearings and any related records, shall be confidential, except as specified in Section 416(d), (e), and (f) of the Act. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it.

§ 7.13 Immediate Board Review of a Ruling by a Hearing Officer

(a) Review strongly disfavored. Board review of a ruling by a hearing officer while a proceeding is ongoing (an "interlocutory appeal") is strongly disfavored. In general, a request for interlocutory review may go before the Board for consideration only if the Hearing Officer, on his or her own motion or by motion of the parties, determines that the issue presented is of such importance to the proceeding that it requires the Board's immediate attention.

(b) Standards for review. In determining whether to forward a request for interlocutory review to the Board, the Hearing Officer shall consider the following:

(1) Whether the ruling involves a significant question of law or policy about which there is substantial ground for difference of opinion; and

(2) Whether an immediate review of the Hearing Officer ruling by the Board will materially advance the completion of the proceeding; and

(3) Whether denial of immediate review will cause undue harm to a party or the public.

(c) Time for Filing. A motion by a party for interlocutory review of a ruling of the Hearing Officer shall be filed with the Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory review and the determination to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.

(d) Hearing Officer Action. If the conditions set forth in paragraph (b) above are met, the Hearing Officer may forward a request for interlocutory review to the Board for its immediate consideration. Any such submission shall explain the basis on which the Hearing Officer concluded that the standards for interlocutory review have been met.

(e) Grant of Interlocutory Review Within Board's Sole Discretion. The Board, in its sole discretion, may grant interlocutory review.

(f) Stay pending review. Unless otherwise directed by the Board, the stay of any proceedings during the pendency of either a request for interlocutory review or the review itself shall be within the discretion of the Hearing Officer.

(g) Denial of Motion not Appealable; Mandamus. The grant or denial of a motion for a request for interlocutory review shall not be appealable. The Hearing Officer shall promptly bring a denial of such a motion, and the reasons therefor, to the attention of the Board. If, upon consideration of the motion and the reason for denial, the Board believes that interlocutory review is warranted, it may grant the review sua sponte. In addition, the Board may in its discretion, in extraordinary circumstances, entertain directly from a party a writ of mandamus to review a ruling of a Hearing Officer.

(h) Procedures before Board. Upon its acceptance of a ruling of the Hearing Officer for interlocutory review, the Board shall issue an order setting forth the procedures that will be followed in the conduct of that review.

(i) Review of a Final Decision. Denial of interlocutory review will not affect a party's right to challenge rulings, which are otherwise appealable, as part of an appeal to the Board from the Hearing Officer's decision issued under Section 7.17 of these rules.

§ 7.14 Briefs

(a) May be filed. The Hearing Officer may permit the parties to file posthearing briefs on the factual and the legal issues presented in the case.

(b) Length. No principal brief shall exceed 50 pages, or 12,500 words, and no reply brief 25 pages, or 6,250 words, exclusive of tables and pages limited only to quotations of statutes, rules, and the like. Motions to file extended briefs shall be granted only for good cause shown; the Hearing Officer may in his or her discretion also reduce the page limits. Briefs in excess of 10 pages shall include an index and a table of authorities.

(c) Format. Every brief must be easily readable. Briefs must have double spacing between each line of text, except for quoted texts and footnotes, which may be single-spaced.

§ 7.15 Closing the record

(a) The record shall be closed at the conclusion of the hearing. However, when the Hearing Officer allows the parties to submit additional evidence previously identified for introduction, the Hearing Officer may allow an additional period before the conclusion of the hearing as is necessary for that purpose.

(b) Once the record is closed, no additional evidence or argument shall be accepted into the record except upon a showing that new and material evidence has become available that was not available despite due diligence prior to the closing of the record. However, the Hearing Officer shall make part of the record any motions for attorney fees, supporting documentation, and determinations thereon, and any approved correction to the transcript.

§ 7.16 Official record

The transcript of testimony and the exhibits, together with all papers and motions filed in the proceeding, shall constitute the exclusive and official record.

§ 7.17 Hearing Officer decisions; entry in records of the Office

(a) Pursuant to Section 405(g) of the Act, no later than 90 days after the conclusion of the hearing, the Hearing Officer shall issue a written decision.

(b) Upon issuance, the decision and order of the Hearing Officer shall be entered into the records of the Office.

(c) The Office shall promptly provide a copy of the decision and order of the Hearing Officer to the parties.

(d) If there is no appeal of a decision and order of a Hearing Officer, that decision becomes a final decision of the Office, which is subject to enforcement under Section 8.01 of these rules.

Subpart H—Proceedings before the Board

§8.01 Appeal to the Board
§8.02 Compliance with Final Decisions, Requests for Enforcement
§8.03 Judicial Review

§ 8.01 Appeal to the Board

(a) No later than 30 days after the entry of the decision of the Hearing Officer in the records of the Office, an aggrieved party may seek review of that decision by the Board by filing with the Office a petition for review by the Board. The appeal must be served on the opposing party or its representative.

(b) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief. That brief shall identify with particularity those findings or conclusions in the decision that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(c) Upon the request of any party or upon its own order, the Board, in its discretion, may hold oral argument on an appeal.

(d) Upon appeal, the Board shall issue a written decision setting forth the reasons for its decision. The Board may affirm, reverse, modify or remand the decision of the Hearing Officer in whole or in part.

(e) The Board may remand the matter to the Hearing Officer for further action or proceedings, including the reopening of the record for the taking of additional evidence. The Hearing Officer shall render a report to the Board on the remanded matters. Upon receipt of the report, the Board shall determine whether the views of the parties on the content of the report should be obtained in writing and, where necessary, shall fix by order the time for the submission of those views. A decision of the Board following completion of the remand shall be the final decision of the Board and shall be subject to judicial review.

(f) Pursuant to Section 406(c) of the Act, in conducting its review of the decision of a Hearing Officer, the Board shall set aside a decision if it determines that the decision was:

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(g) In making determinations under paragraph (g), above, the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(h) Record: what constitutes. The complaint and any amendments, notice of hearing, answer and any amendments, motions, rulings, orders, stipulations, exhibits, documentary evidence, depositions, and the transcript of the hearing (together with any electronic recording of the hearing if the original reporting was performed electronically) together with the hearing officer's decision and the petition for review, and any cross-petition, shall constitute the record in the case.

§8.02 Compliance with final decisions, requests for enforcement

(a) A party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved.

(b) The Office may require additional reports as necessary;

(c) If the Office does not receive notice of compliance in accordance with paragraph (a) of this Section, the Office shall make inquiries to determine the status of compliance. If the Office cannot determine that full compliance is forthcoming, the Office shall report the failure to comply to the Board and recommend whether court enforcement of the decision should be sought.

(d) Any party may petition the Board for enforcement of a final decision of the Office or the Board. The petition shall specifically set forth the reasons why the petitioner believes enforcement is necessary.

(e) Upon receipt of a report of non-compliance or a petition for enforcement of a final decision, or as it otherwise determines, the Board may issue a notice to any person or party to show cause why the Board should not seek judicial enforcement of its decision or order.

(f) Within the discretion of the Board, it may direct the General Counsel to petition the Court for enforcement of a decision under Section 406(e) of the Act whenever the Board finds that a party has failed to comply with its decision and order.

§8.03 Judicial review

Pursuant to Section 407 of the Act, a party aggrieved by a final decision of the Board under Section 406(e) in cases arising under Part A of Title II of the Act may file a petition for review with the United States Court of Appeals for the Federal Circuit.

Subpart I—Other Matters of General Applicability

§9.01 Attorney's Fees and Costs
§9.02 Ex parte Communications
§9.03 Settlement Agreements
§9.04 Revocation, amendment or waiver of rules

§9.01 Attorney's fees and costs

(a) Request. No later than 20 days after the entry of a Hearing Officer's decision under Section 7.17 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a request for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. The Board or the Hearing Officer, after giving the respondent an appointment to reply, shall rule on the request.

(b) Form of Request. In addition to setting forth the legal and factual bases upon which the attorney's fees and/or costs are sought, a request for attorney's fees and/or costs shall be accompanied by:

(1) accurate and contemporaneous time records;

(2) a copy of the terms of the fee agreement (if any);

(3) the attorney's customary billing rate for similar work; and

(4) an itemization of costs related to the matter in question.

§9.02 [Reserved—Ex parte Communications]

§9.03 Settlement agreements

(a) Application. This Section applies to formal settlement agreements between parties under Section 414 of the Act.

(b) Informal Resolution. At any time before a covered employee files a complaint under Section 405, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute, so long as the resolution does not require a waiver of a covered employee's rights or the commitment by the employing office to an enforceable obligation.

(c) Formal Settlement Agreement. The parties may agree formally to settle all or part of a disputed matter. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval.

§9.04 Revocation, amendment or waiver of rules

(a) The Executive Director, subject to the approval of the Board, may revoke or amend these rules by publishing proposed changes in the Congressional Record and providing for a comment period of not less than 30 days. Following the comment period, any changes to the rules are final once they are published in the Congressional Record.

(b) The Board or a Hearing Officer may waive a procedural rule contained in this Part in an individual case for good cause shown if application of the rule is not required by law.

Signed at Washington, D.C., on this 13th day of November, 1995.

R. Gaull Silberman,
Executive Director, Office of Compliance.

TRIBUTE TO ALEX BING

Mr. DOLE. Mr. President; I know I speak for all Members of the Senate in extending our condolences to the family of Alex Bing, who passed away on September 28, 1995.

At the time of his death, Alex had worked for the Senate for 10 years as a valued employee of the Sergeant at Arms' environmental service operation.

In 1992 and 1993 Alex was selected as the environmental services' Employee of the Year, in recognition of his outstanding performance and attendance record.

Alex's primary responsibility was the care and maintenance of the Minton tile floors located throughout the Senate wing of the Capitol Building.

Alex was a dedicated and loyal employee who took great pride in his work. As a result of his dedication, many visitors to the Capitol have been provided the opportunity to view this historic building at its very best.

All those who knew Alex knew him as a kind, quiet, and caring person. He will be missed by all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m., having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT—CONFERENCE REPORT

Mr. MURKOWSKI. Mr. President, on behalf of Senator DOLE, I ask that the Chair lay before the Senate the conference report to accompany S. 395, the Alaska Power Administration bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 6, 1995.)

Mr. MURKOWSKI. Mr. President, it is my understanding that the Senator from Washington, who is here, has agreed to 2 hours equally divided on this issue.

The PRESIDING OFFICER. That is the order.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I am pleased to bring before the Senate the conference report on S. 395, historic legislation that our State has sought for over a decade. Our citizens will no longer be discriminated against and kept from selling the State's most valuable resource in the world market. Working with small and integrated oil producers, with independent tanker operators, and with maritime labor, we have demonstrated that it still is possible to get something good done for the country.

Title I of the conference report provides for the sale of the Alaska Power Administration's assets and the termination of the Alaska Power Administration once the sale is completed.

The Alaska Power Administration is unique among the Federal power marketing administrations. First, unlike the other Federal power marketing administrations, the Alaska Power Administration owns its power generating facilities, which consists of two hydroelectric projects. Second, these single-purpose hydroelectric projects were not built as the result of a water resource management plan, as is the case with most other Federal hydroelectric dams. Instead, they were built to promote economic development and the establishment of essential industries. Third, the Alaska Power Administration operates entirely in one State. Fourth, the Alaska Power Administration was never intended to remain indefinitely under Government control. That is specifically recognized in the Eklutna project authorizing legislation.

The Alaska Power Administration owns two hydroelectric projects, Snettisham and Eklutna. Snettisham is a 78-megawatt project located 45 miles south of Juneau. It has been Juneau's main power source since 1975, accounting for 80 percent of its electric power supply. Eklutna is a 30-megawatt project located 34 miles northeast of Anchorage. It has served the Anchorage and Matanuska Valley areas since 1955, accounting for 5 percent of its electric power supply.

The Alaska Power Administration's assets will be sold pursuant to the 1989 purchase agreements between the Department of Energy and the purchasers. Snettisham will be sold to the State of Alaska, and Eklutna will be sold jointly to the municipality of Anchorage, the Chugach Electric Association, and the Matanuska Electric Association. For both, the sale price is determined under an agreed-upon formula. It is the net present value of the remaining debt service payments that the Treasury would receive if the Federal Government had retained ownership of the two projects. The proceeds from the sales are currently estimated to be about $85 million, however, the actual sales price will vary with the interest rate at the time of purchase.

S. 395 and a separate formal agreement provide for the full protection of fish and wildlife. The purchasers, the State of Alaska, the U.S. Department of Commerce National Marine Fisheries Service, and the U.S. Department of the Interior have jointly entered into a formal binding agreement providing for post-sale protection, mitigation, and enhancement of fish and wildlife resources affected by Eklutna and Snettisham. S. 395 makes that agreement legally enforceable.

The Alaska Power Administration has 34 people located in Alaska. The purchasers of the two projects have pledged to hire as many of these as possible. For those who do not receive offers of employment, the Department of Energy has pledged that it will offer employment to any remaining Alaska Power Administration employees, although the DOE jobs are expected to be in the lower 48.

Title II of the bill would at long last allow exports of Alaska's North Slope crude oil when carried in U.S.-flag vessels. This legislation will finally allow my State to market its most valuable product in the global marketplace, letting the market determine its ultimate usage.

So that my colleagues will better understand the provisions of title II, let me expand on the description provided in the "Statement of Managers." Section 201 of the conference report authorizes ANS exports, making inapplicable the general and specific restrictions in section 7(d) of the Export Administration Act of 1979, section 28(u) of the Mineral Leasing Act of 1920, section 103 of the Energy Policy and Conservation Act, and the Department of Commerce's short supply regulations, unless the President determines that they would not be in the national interest. The conference report negates, as well, any other existing law, regulation, or executive order that might otherwise be interpreted to block ANS exports.

Before making his national interest determination, the President must consider an appropriate environmental review. Because questions were raised when the bill was first before the Senate, I want to assure my colleagues that the conferees have recommended a provision fully consistent with the National Environmental Policy Act. Under the conference report, the administration is directed to conduct an "appropriate environmental review." As my colleagues may know, "appropriate environmental review" is not a term defined in NEPA. Because it is unique to this legislation and was not given a statutory definition, I think I should explain what the conferees meant through the selection of this term and how it will operate consistently with NEPA.

In its comprehensive report on the costs and benefits of exporting ANS crude oil, the Department of Energy found "no plausible evidence of any direct negative environmental impact from lifting the ANS crude export ban." In fact, the Department concluded that, "[w]hen indirect effects are considered, it appears that the market response to removing the ANS export ban could result in a production and transportation structure that is preferable to the status quo in certain respects." The Department found, for example, that "[l]ifting the export ban will reduce overall tanker movements in U.S. waters." The Department also found that the "[i]mported oil that would substitute for ANS crude exports would have a lower sulfur content than ANS crude, thereby lowering the average sulfur content of the crude processed in California refineries." The weight of the testimony taken before my committee and the House Resources Committee affirmed the appropriateness of the Department's ultimate finding that enactment of this legislation would not have any direct negative effect on the environment.

In light of the work already done and the conclusions reached by the Department of Energy, the conference report directs, as the "appropriate environmental review," an abbreviated 4-month study. The environmental review is intended to be thorough and comprehensive. Given the Department's findings and the compressed time frame, neither a full environmental impact statement nor a more limited environmental assessment is contemplated. NEPA is satisfied because the conference report directs that, if any potential adverse effects on the environment are found, the study is to recommend "appropriate measures" to mitigate or cure them. This procedure tracks the well-recognized procedure whereby an agency may forego a full EIS by taking appropriate steps to correct any problems found during an EA. Under current law, if an EA reveals some potentially adverse environmental effects, an agency may take mitigating measures that lessen or eliminate the environmental impact and, thereupon, make a finding of no significant impact and decline to prepare a formal EIS. Similarly, as long as potentially adverse impacts can be mitigated by conditions on exports included in the President's national interest determination, NEPA is satisfied.

In making his national interest determination, the President may impose—with one significant exception—appropriate terms and conditions on ANS exports. As set forth in the original Senate bill and the House companion measure, the President may not impose a volume limitation of any kind. We want the market given a chance to work. Having been discriminated against for so long, we fought hard to ensure that our oil could be sold under free market conditions. The conference report is intended to permit ANS crude oil to compete with other crude oil in the world market under normal market conditions.

To facilitate competition and in recognition that the conference report precludes imposition of a volume limitation, the conferees intend that the President direct exports to proceed under a general license. Although crude oil exports historically have been governed through the use of individual validated licenses, this type of before-the-fact licensing procedure would not be appropriate here. Like the rule governing exports of refined petroleum products, which are permitted under a general license, the rule governing ANS exports should permit use of a general license for at least three reasons.

First, the conference report explicitly negates the short supply regulations and the statutory authority underlying them as they relate to ANS exports. Our intent was to clear away two decades of accumulated obstructions to ANS exports.

Second, the conference report specifically precludes the President from imposing a volume limitation. In almost every instance today, individual validated licenses on crude exports are necessary because of the need to deal with volume limitations, such as those imposed on exports of California heavy crude oil or ANS crude to Canada. Finally, it is our intent that the market finally be given an opportunity to operate. We do not want unnecessary paperwork to impede proper functioning of the market.

We understand that some information is needed to monitor exports. We have looked at the model for exports of refined petroleum products as a guide. Refined petroleum product exporters submit export declarations to the U.S. Customs Service at the time or after they export. The Department of Commerce compiles this information for trade statistics purposes. Similarly, exporters of ANS crude under a general license would routinely file export declarations contemporaneously or after the time of export. These filings will provide any information needed for monitoring ANS crude exports.

In view of the anticipated substantial benefits to the nation of ANS exports, the President should make his national interest determination as promptly as possible. Moreover, given the exhaustive DOE study and the long time that has been available since the bill cleared the Senate to study any potential adverse environmental effects, we believe the President should soon have at hand the necessary information to promptly make the necessary affirmative determination. Because any delay will only delay the benefits the Nation will reap through exports, we hope the President will act as quickly as may be practicable.

As many Members of this body know, there has long been concern in the domestic maritime community that lifting the ban would force the scrapping of the independent tanker fleet and would destroy employment opportunities for merchant mariners. There can be little doubt that Congress has a compelling interest in preserving a fleet essential to our Nation's military security, especially one vital to moving an important natural resource such as my State's oil. In recognition of this, the conference report requires that ANS exports be carried in U.S.-flag vessels. The only exceptions are exports to Israel under a bilateral treaty and to others under the International Emergency Oil Sharing Plan of the International Energy Agency.

Prior to our taking the underlying bill to the floor, the U.S. Trade Representative assured my committee that this provision would not violate our GATT obligations. As made clear in the statement of managers, the conferees concur with the administration's view that this provision is fully consistent with our international obligations. Moreover, it is supported by ample precedent, including in particular a comparable provision in the implementing legislation for the United States-Canada Free Trade Agreement.

The conference report also directs the Secretary of Commerce to issue any rules necessary to govern ANS exports within 30 days of the President's national interest determination. In light of the overwhelming benefits to the Nation of ANS exports, the Secretary should promulgate any rules necessary contemporaneously with the President's national interest determination.

Title III of the bill would provide royalty relief for leases on Outer Continental Shelf tracts in deep water in certain areas of the Gulf of Mexico. Deep water royalty is an issue I have been working on with the ranking member of the Energy Committee for some time.

I support measures to stimulate oil and gas exploration and production on the Outer Continental Shelf [OCS] and the deep water royalty provisions in S. 395 would be an important step in stimulating energy exploration and development and reducing our reliance on foreign oil.

A report released earlier this year by the Commerce Department suggests that our national security is at risk because we now import more than 50 percent of our domestic petroleum requirements. Department of Energy [DOE] figures predict that crude oil imports will hit 65 percent in the year 2000, and by the year 2005 we will be importing over two-thirds—68 percent—of our crude oil.

The OCS is an invaluable oil and natural gas resource and a prolific source of revenue to the U.S. Treasury, having generated more than $100 billion in revenues over the years. The OCS could play a major role in reducing the amount of dollars we send overseas to import oil and natural gas. In 1993, our energy deficit was $46 billion—roughly 40 percent of the total U.S. merchandise trade deficit of $116 billion.

OCS production from deep water areas could help improve energy security, reduce our deficit in our balance of payments, create jobs, stimulate demand for related goods and services, and provide needed revenue through bonus bids, royalties, and ripple effect tax benefits.

The basic need for this legislation is very easy to justify: oil and gas reserves nearest to shore or with easiest access are being depleted, and as this happens companies are forced to look in deeper water for more reserves. That is especially true in the Western and Central Gulf of Mexico, where oil and gas exploration and production activity has declined and it is now necessary for companies to move further and further offshore into water depths previously thought to be prohibitive, both economically and technologically.

I believe the deep water royalty provisions are necessary to stimulate OCS oil and gas production and reduce our reliance on foreign imports. I support the deep water provisions and urge adoption of the conference report on these important provisions.

Mr. President, let me give a brief outline of the legislation that is before us, S. 395, title I, called the Alaska Power Administration sale. Title I of S. 395 provides for the sale of the Alaska Power Administration's assets and the termination of the Alaska Power Administration once the sale occurs.

The sale of the Alaska Power Administration has been a bipartisan effort on the part of both the House and the Senate and the culmination of the efforts of three administrations. It has been some time in the process. It was initiated during the Reagan administration, it was signed during the Bush administration, and the implementing legislation which is contained in this bill was proposed by the current administration.

On September 29 of this year, the Department of Energy, Secretary O'Leary, wrote in support of this legislation, and on October 10 of this year, the Edison Electric Institute wrote in support of the legislation on behalf of the investor-owned electric utility industry.

Mr. President, this organization, known as the Alaska Power Administration, is really unique among the Federal marketing administrations. First of all, unlike the other Federal power marketing administrations, the Alaska Power Administration owns its power generating facilities. These are two hydroelectric projects, one in Anchorage and another near Juneau. They are approximately 600 to 700 miles apart.

Second, the single-purpose hydroelectric projects were not built as a result of water resource management plans. Instead, they were built to promote economic development and the establishment of essential industries within the areas that they serve.

Third, the Alaska Power Administration operates entirely within one State. These services do not cross State lines. And because of the distance between the two areas; namely, Anchorage and Juneau, there is no opportunity for an intertie. These facilities are separate and distinct.

Furthermore, the Alaska Power Administration was never intended to remain indefinitely under Government control. This is specifically recognized in the Eklutna project authorization legislation.

Fifth, the sale terms of the Alaska Power Administration that were specifically negotiated between the Federal Government and the purchasers are memorialized in the purchase contract.

So for those who might be concerned that this sets precedent, Mr. President, for PMA's, this is clearly not the case, as it is applied to the Alaska Power Administration.

Now, as I have indicated, these two hydroelectric projects in Anchorage and Juneau are known as Snettisham in Juneau and Eklutna in Anchorage. Snettisham is a 78-megawatt project located about 45 miles south of Juneau. It has been in Juneau, which is the capital city's main power source, since 1975, accounting for approximately 80 percent of the electric supply utilization in that area. Eklutna is a smaller plant, a 30-megawatt project, located 34 miles northeast of Anchorage. It has served that area since 1955, accounting for about 5 percent of the electric supply in the Anchorage area.

The Alaska Power Administration's assets will be sold pursuant to the 1989 purchase agreement between the Department of Energy and the purchasers. Snettisham will be sold to the State of Alaska. Eklutna will be sold jointly to the municipality of Anchorage, the Chugach Electric Association, and the Matanuska Electric Association.

The sales price is determined by calculating the net present value to the remaining debt service payments that the Treasury would receive if the Federal Government had retained ownership of the two projects. It is anticipated that the sale proceeds will be in the area of $85 million. Actual sales price will vary with the interest rate at the time of purchase.

I might add, the bill and separate formal agreements provide for the full protection of fish and wildlife on each of these hydroelectric projects. The purchaser, the State of Alaska, U.S. Department of Commerce, National Marine Fisheries Service, and U.S. Department of the Interior have jointly entered into a formal binding agreement providing for post-sale protection, mitigation, and enhancement of fish and wildlife resources affected by the Eklutna and Snettisham projects. S. 395 makes that agreement legally enforceable.

As a result of this formal agreement, the Department of Energy, Department of the Interior, and the Department of Commerce all agree that the two hydroelectric projects warrant exemption from FERC licensing under the Federal Power Act.

The August 7, 1991, purchase agreement states in part,

> The National Marine Fisheries Service and U.S. Fish and Wildlife Services in the State agree that the following mechanisms to protect and implement measures to protect and mitigate damages to and enhance fish and wildlife, including related spotting grounds and habitat, obviate the need for Eklutna purchasers to obtain FERC licensing.

Further, the Alaska Power Administration has some 34 people located currently in Alaska. The purchasers of the two projects have pledged to hire as many of these individuals as possible. For those who do not receive offers of employment, the Department of Energy has pledged that it will offer other employment.

Let me return at this time briefly to title II, known as the Alaska North Slope crude oil exports. Title II of Senate bill 395 would allow the exports of Alaska North Slope crude oil, limited to U.S.-flag and U.S. crude vessels.

The export restrictions were first enacted shortly after the commencement of the 1973 Arab-Israeli war and the first Arab oil boycott. Following the second major oil shock in 1979, Congress effectively imposed a ban on exports. Much has changed since then.

Last year, for the first time, imports met more than half of our domestic consumption because domestic consumption production has drastically declined.

By precluding the market from operating normally, the export ban has had the unintended effect of discouraging further energy production.

With this market disorientation eliminated, producers will make substantial investments in California and other areas that would lead to additional production on shore.

Every barrel of additional oil produced in California and on the North Slope is one less that would have to be imported from the Middle East or anywhere else in the world, where currently our imports are about 51 percent of our total consumption.

Some Senators have expressed concern that lifting the ANS export oil ban would jeopardize the supply of U.S. crude on the west coast. It is important to recognize that Washington and California are the closest and are natural markets for ANS crude because of the transportation distance. Washington and California ports are the closest to Alaska, and the ANS crude will continue to be supplied to their refineries because of the cost and proximity.

Furthermore, the only major refinery that previously opposed the lifting of the ban, Tosco, has a 5-year contract with one of the major oil companies to keep the refinery in Washington supplied. There is still nearly 4 years to run on that contract.

Further, the lifting of the oil export ban would relieve the pressure that forces some of the ANS crude oil down to Panama where it is unloaded and transported across Panama via pipeline and then reloaded onto vessels to take it into the gulf coast.

It no longer makes economic sense to handle the oil that many times and transport it the long distance. That is the oil that will be available for export.

Let me elaborate a little more on this because there has been concern expressed in this body, and by others, as to the merits of why we would attempt to increase development of oil on the west coast of the United States and Alaska, from the standpoint of exploration, at the same time we are authorizing the export of Alaskan oil that previously has been precluded from export.

Again, let me ask the Chair to visualize the circumstances. The oil that is produced from Alaska initially was 2 million barrels a day—now 1½ million barrels a day—moves down the west coast and is dropped off at Puget Sound, or San Francisco Bay, or the Los Angeles area for their refineries to refine that oil. There is some excess. That excess, for the last 17 to 18 years, has been going down to Panama.

In Panama, there is a pipeline across the isthmus, and that excess oil is unloaded off United States-flag vessels from Valdez, AK, moving through the pipeline across the Isthmus of Panama and then is required to be reloaded on a smaller United States tanker and taken into the gulf ports of Galveston and other areas, where the oil is refined.

Because of the double handling, it is no longer economic to take that oil in that rather cumbersome process. This is the oil that we would anticipate that would be marketed into primarily the Pacific Rim ports. And one has to consider the merits of taking oil that is excess to the west coast and transporting it over the Pacific, across the Pacific to Japan, Korea, and Taiwan, in United States-flag vessels with United States crews, when indeed that oil can be imported into those countries, the Mideast or whatever, in foreign-flag vessels.

So I want to put to rest the thought that there would be any significant amount of oil moved that would be detrimental to the concentration of where the oil is currently consumed; namely, the West Coast of the United States. What we are really looking at is that oil that is excess to the west coast, currently moving through the Panama Canal at substantial costs, that it simply makes sense to move that oil to the markets where that oil can be consumed in a more economic, viable manner.

So, Mr. President, the current prohibition just does not make economic sense. For too long it has hurt the citizens of my State of Alaska. It has certainly damaged the California oil and gas onshore industry and precluded many of the small stripper wells from producing in the market and from functioning normally and freely.

I might add, a recently released Department of Energy report determined that lifting the Alaska crude oil export ban would specifically: First, add as much as $180 million in tax revenue to the U.S. Treasury by the year 2000; second, allow California to earn as much as $230 million during that same period; third, increase U.S. employment somewhere between 11,000 and 16,000 jobs by 1995, and perhaps 25,000 jobs by the year 2000.

Mr. JOHNSTON. Will the Senator yield?

Mr. MURKOWSKI. I am happy to yield to the Senator.

Mr. JOHNSTON. I want to ask my colleague what the vote was in the energy committee on this bill, the Alaska North Slope bill, when it came out?

Mr. MURKOWSKI. If I can respond just very briefly, the energy committee, Energy and Natural Resources Committee, voted to support that. It would take me a moment to look at the exact vote, but it was overwhelming in support. I want to acknowledge that my good friend from Louisiana, who is the ranking member of that committee, perhaps he has the exact figure available to him.

Mr. JOHNSTON. My recollection was that it came out without opposition. I do not recall precisely.

Mr. MURKOWSKI. The Senator from Louisiana is almost correct. Since this is government business, it is close enough for government work, but it was 17 to 4.

Mr. JOHNSTON. What was the position of the administration on this bill?

Mr. MURKOWSKI. As I indicated in my remarks earlier, the administration does support the bill. The Secretary of Energy supports the bill, and I know of no opposition within the administration to the bill.

Mr. JOHNSTON. When the bill came up on the floor here for a vote, does the Senator recall that was cleared on the hotline and passed on a voice vote? Am I correct on that?

Mr. MURKOWSKI. If my memory serves me correct, it was voted on and it passed. I think we had about 70 votes, but I have to defer to the RECORD.

Mr. JOHNSTON. I stand corrected. I am advised it was 74 yeas and 25 nays.

Mr. MURKOWSKI. And if I may correct the RECORD in response to the Senator from Louisiana, the vote in question in the Energy Committee was 14 to 4.

Mr. JOHNSTON. It was 14 to 4. I thank the Senator.

Mr. President, I would like to offer my strong support and endorsement of the conference report on S. 395, the Alaska Power Administration sale and exports of Alaskan North Slope oil. This legislation is supported by the President, was passed with an overwhelming margin by the House last week and should be passed with a similar margin in the Senate.

Title III of S. 395 is the Outer Continental Shelf [OCS] Deep Water Royalty Relief Act. This provision is straightforward. For the next 5 years, deep water leases will be offered for sale under the following terms: First, payment of an upfront bonus bid, and second, waiver of the royalty on a fixed volume of oil and gas based on the water depth of the lease. In addition, this provision provides for royalty relief to encourage production on existing leases only if the Secretary of the Interior determines the leases would not be drilled but for the relief. It only affects leasing and development in oil and gas producing areas of the central and western Gulf of Mexico west of the Alabama-Florida border. This provision does not in any way affect leasing or development off the coast of Florida or any other region of the Outer Continental Shelf, nor does it affect any areas or leases subject to moratorium.

The Treasury will gain in two ways from these leases that otherwise would never have been developed—from current tax revenues and from royalties once the waiver volume has been produced. This provision will generate substantial revenues over the next 5 years as companies bid more for deep water leases and risk investing in leases that are currently too marginal to even consider. The revenues received by the Treasury for oil and gas leases are the combination of bonus bids received at the time of lease sales and royalties paid in the event a lease is developed and brought into production. Since the Federal leasing system began in 1954, $56 billion in bonus payments have been generated versus $47 billion in royalty revenues. In other words, we have received more money from producers paying for the option to produce leases than from actual production royalties. This is especially true in deep waters where only one out of 16 leases ever produce and pay royalties.

The Congressional Budget Office [CBO] estimated the Outer Continental Shelf Deep Water Royalty Relief Act, introduced in the Senate as S. 158, would generate additional revenues of $100 million over 5 years. The Minerals Management Service [MMS] of the Department of Interior has estimated that bonus bids would increase by $485 million over 5 years as a direct result of enactment of this legislation. In particular, MMS stated that the leases sold over the next 5 years "could be expected to rise by 150 percent, with higher percentage increases at greater water depths."

It is essential that the United States remedy this inane policy of chronic reliance on oil imports when we can more effectively develop our domestic resources in areas such as the central and western gulf. The United States is currently importing 50 percent of its oil at a cost of over $50 billion per year. By the year 2010, the Department of Energy predicts imports will have risen to 60 percent of consumption. In February of this year, the President announced that the current level of oil imports "threaten[s] the Nation's security because they increase U.S. vulnerability to oil supply disruptions." Some 4.2 million of the 8 million barrels per day of oil imports are from OPEC countries.

Major deep water development projects are funded with international capital. Failure to invest in the Gulf of Mexico is a lost opportunity for the United States. Those dollars will not move into other domestic development; they will move to Asia, South America, the Middle East, or the former Soviet Union. In 1985, the domestic producers capable of developing projects of this magnitude were investing two-thirds of their exploration and production capital in the United States. This figure has been on a steady downward trend, currently only one-third of those dollars are being invested in the United States. Due to the high cost of development in deep waters, currently only 6 percent of the leases sold are ever developed. The Department of the Interior projects this provision will more than double production otherwise expected to be brought on line. One deep water platform costs upward of $1 billion—this translates directly into jobs. According to the Bureau of Labor statistics each $1 billion invested in the oil and gas extraction industry generates 20,000 new jobs.

This provision will improve our energy security situation, create jobs, and benefit the Treasury.

Mr. MURKOWSKI. I add, from the standpoint of the ranking member, Senator JOHNSTON, his position has always been in support of this legislation covering all aspects of title I, title II, and I have not mentioned title III, but that is the deep-water royalty, which I know the Senator from Louisiana supports as well.

May I take this opportunity to thank him and his colleagues on the Energy Committee for their continued support.

Let me just very briefly conclude a couple points on title II and a few remarks very briefly on title III.

I was recounting the Department of Energy report determining that the lifting of the Alaska crude oil ban would accomplish some specific objectives and inject an economic impact of substance. First was to add as much as $180 million in tax revenue to the U.S. Treasury by the year 2000; second, to allow California to earn as much as $230 million in the same period; third, increase U.S. employment by 11,000 to 16,000 jobs by 1995, and up to 25,000 by the year 2000; preserve as many as 3,300 maritime jobs; increase American oil production by as much as 110,000 barrels a day by the year 2000; add 200 to 400 million barrels of Alaska oil reserves.

Another point I think deserves mentioning is some Members have expressed concern that gas prices might go up on the west coast if export of ANS oil is authorized. That is a legitimate concern, but it is simply not the case. The Department of Energy studied this issue and concluded that customers and consumers would not see a discernible increase at the gas pump.

Another concern you might hear today is that the crude oil exports will create some increased hazards, including increased chances of oil spills. I think that needs some definitive identification. The Department of Energy carefully studied this issue and found that exports of Alaskan oil will actually decrease—decrease, Mr. President—tanker traffic in the U.S. waters.

Furthermore, any tankers exporting ANS oil exported from Alaska will proceed over 200 miles off the coast of Alaska—over 200 miles offshore—while proceeding overseas. In other words, the oil has all been moving off the coast of Alaska, off the coast of British Columbia and the Queen Charlotte Islands, off the coast of Washington, Oregon, and California.

That will not be the case with that portion of the oil that will be exported. It will move in larger vessels, hence reducing the number of vessels, and it will move across the ocean as compared to moving parallel to our west coast of the United States and Canada.

There are other concerns that exporting oil will decrease work for U.S. shipyards. However, I think it will have the reverse effect. Most tankers in the trade will stay in the U.S. trade and therefore be repaired in U.S. yards.

If Alaska crude oil production continues to decline in part because of the depressed prices caused by the export ban, why, then, there would be less tankers in service to put in and available for repair.

One should remember that any U.S.-flagged tanker that is repaired in a foreign yard is subject to a 50-percent fee that is paid to the Federal Government as a penalty for repair in those foreign yards. Clearly, there is enough opposition and enough economic detraction to ensure that those tankers will not be repaired in U.S. yards.

Finally, of course, what we are doing is ensuring that more vessels will be employed in the trade because what we are doing is moving some of this oil—not very much, but some of it—farther. If you move it farther, it takes more time. It takes more time, you need more ships.

So it is anticipated more steps would be taken on a lay up with U.S. crews. So we are putting U.S. sailors to work in the international trade.

Finally, title III, which is part of the Senate bill, is entitled "deep-water OCS royalty relief." I know my good friend from Louisiana has worked very hard, and his colleagues, to ensure that we had adequate support in both the Senate and the House on this portion. It is in the energy security interests of our Nation to do so.

It would encourage oil and gas exploration and production in the deep waters of the western and central Gulf of Mexico. It would offer the incentive to drill in deep-water areas defined as those being in water depths greater than roughly 200 meters, or 600 feet, by exempting increasingly larger amounts of new production as water depths increase. With modern technology, we will be able to allow oil and gas extraction in deep-water areas in excess of this 2,000 to 3,000 feet, but the cost would be tremendous, Mr. President.

Stimulus is needed to recover oil resources believed to lie in the deep-water areas of the central and western Gulf of Mexico. It would not cost the American taxpayer a cent, but would cause oil to be produced that otherwise would remain in the ground without this relief.

This legislation is necessary as a consequence of the recent Commerce Department report indicating the United States is importing now more than half of its domestic crude oil needs, and this presents a potential threat to our national security.

Further, the Department of Energy figures predict the crude oil imports will hit some 65 percent by the year 2000, and by the year 2005 we could be exporting more than two-thirds or 68 percent of our crude oil. Two-thirds of our crude oil would be imported in less than 10 years.

The OCS is an invaluable oil and natural gas resource and prolific source of revenue to the U.S. Treasury which has generated historically more than $100 billion in revenues. The OCS could play a major role in reducing the amount of dollars spent overseas to import oil and natural gas. We import dollars and export our jobs, Mr. President. In 1993, it was important to note the energy deficit ran as high as $46 billion, roughly 40 percent of the total U.S. merchandise trade deficit of $116 billion.

If we look at our trade deficit, Mr. President, half of it primarily with our trade inequity with Japan and the other half is imported oil. OCS production for deep-water areas could help improve energy security, reduce the deficit and balance of payments, create jobs, stimulate demand for related goods and services, and provide needed revenue through bonus bids, royalty, ripple effects, and so forth.

Mr. President, I might add again that President Clinton has indicated that he will sign this legislation, and I know there are concerns that were concerns expressed by my good friend, the junior Senator from Washington, relative to ensuring adequate safeguards be implemented in regard to tankers in Puget Sound. I am sure she is prepared to speak on that.

I know my colleague, the senior Senator from Oregon, is concerned about the effect that this activity would have on his shipyard on the Columbia River.

So I am sure that we will have some debate on the Senate bill, and I look forward to that.

At this time, Mr. President, I ask for the yeas and nays on the conference report, and ask how much time I have taken on my hour.

The PRESIDING OFFICER. The Senator has 36 minutes 40 seconds remaining.

The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. I thank the Chair.

Mrs. MURRAY. Mr. President, I yield myself 10 minutes at this time.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, I stand here today concerned, anxious, and worried. Along with all Americans, we have nervously waited as this budget impasse puts every citizen in a precarious situation.

It seems incredible to me on a day where the Government is shut down and the budget is in crisis we are on the floor of the Senate debating a major giveaway to foreign oil companies. I must say that I am deeply concerned that in the midst of a national catastrophe we may pass legislation that begins another national crisis.

I know that not all of my colleagues understand the ramifications of S. 395. I realize that many feel this is an Alaskan issue and, because of that, some have questioned my intense interest in this issue. For nearly 2 days this past spring I held the Senate floor expressing my dissatisfaction with this bill. I often stood alone. But in the end several of my colleagues came forward to express concerns of their own. All of the arguments raised on each side of this issue are, unfortunately, based on assumptions, and that remains the crux of our problem in this debate. Those in favor of exporting Alaskan North Slope oil say it will increase production, promote jobs, and raise revenues for the State of Alaska. These are positive possibilities that certainly help my neighboring State of Alaska, and if the impact of exporting that oil stops within Alaska's boundaries, I would have wholeheartedly accepted this legislation and would have wished my neighbor success. However, that additional income for a few of our citizens must be weighed by a body charged with addressing the concerns of an entire nation.

After 8 months of intense scrutiny of this issue, I am still convinced that the exporting of American oil can only lead to job losses, price increases, a dependence on foreign oil, and great environmental risks.

I know that my colleagues from Alaska can show stunning charts that predict differently. However, these are merely predictions. We do not know that tankers heading to Asia with Alaskan oil will not stay in Asia for ship repair. This means 5,000 jobs within our region and $160 million in annual employment income—more than half of the marine industry's west coast employment.

We do not know that Alaskan oil, once bound for independent refineries within Puget Sound will now steer for Far-Eastern markets throwing 2,000 refinery workers out on the streets. We do not know that exports of our oil will not lead to price increases at the pump for our citizens.

And perhaps most importantly to me and the millions of residents of Washington State that live, play, and work along the beautiful waters of Puget Sound and the Strait of Juan de Fuca, we have no guarantee that exporting U.S. oil will not lead to increased oil imports on environmentally risky, foreign ships. The Coast Guard rates as high risk one half of the current foreign tanker fleet that carries crude through Puget Sound.

This is why I have stood for so long. I have remained stubborn and angered some of my colleagues for concerns that I truly believe outweigh the benefits garnered by a single State.

I was able to include several amendments that I thought would attempt to address these concerns. Knowing that a Senate cloture vote was impossible, I relented on this legislation with the assurance that my amendments would be included. These amendments included a thorough GAO study that examines job, price, and environmental changes before oil exports may begin. I was also able to include language that mandated an escort vessel, dedicated at the entry to Washington State waters and available 24 hours a day to assist tankers that have run adrift.

For the first time, we had created legislation that proactively fought oilspills. This amendment would have prevented the spill before it occurred rather than focusing on the millions spent on cleanup of these spills once the damage is done.

Unfortunately, even this was too much for House conferees concerned more with overmanagement of the Coast Guard rather than the protection of our fragile coast. The current language adopted by the House mandates a 15-month plan that would implement a private-sector tug-of-opportunity system. This system utilizes current vessels already in operation, coordinated to provide timely emergency response to vessels in distress. It also directs the Coast Guard commandant to work with the Canadian Government in implementing this plan and making available Coast Guard equipment for purposes of response.

I am pleased that this language incorporates the private industry. I applaud the proactive segments of this community who came forward to seek a compromised solution. Our intent was never to tax cargo and grain shippers, but to impose a fee on those who stand to gain millions from these oil exports—the oil companies themselves. This new amendment does clarify that U.S. shippers will not be taxed and their continued desire to meet these environmental concerns is commendable.

I still feel this language does not go far enough, though. I am concerned that without a dedicated vessel at one location, the availability of an operating tug may put them out of reach of the distressed vessel. I am also concerned that once that tug reaches the distressed tanker, it may not have the capability to tow that large vessel, or in the least hold it from running aground.

Sadly, we may not know the answers to all of these questions until oil is exported, foreign tankers are moving through our waters and we experience a major oilspill. None of us, particularly my colleagues from Alaska, ever want to relive the *Valdez* situation. None of us want oil on our hands under our watch. When and where it will happen remains the paramount question. I only hope that all in this body can head home at night knowing that we did all within our power to decrease that risk. The White House has committed to me that they will proactively seek out these risks, even before the 15-month study expires. They are prepared to conduct hearings in the State that address these issues and will enter into the RECORD a letter from the White House stating these actions. I appreciate that commitment and hope I can count on the Alaskan leadership to do all that they can to meet these environmental concerns before exports begin.

I realize that I can stand again for 2 days or 2 weeks and try to delay this legislation. However, I am a realist who knows that this legislation could be attached to reconciliation without amendments, and I understand that the votes to stop these exports that were there for decades have now been reversed. I only ask my colleagues to try to understand some of the logic that has motivated the debate to export oil. It is truly in our national interest to produce our own oil, and if we agree that the North Slope of Alaska has a finite amount of oil left, why must we send our oil overseas and more quickly dry up our own wells? There are certainly projected increases, but to whose benefit?—executives of British Petroleum and car owners in Tokyo.

Further, it will only lead us closer and much more quickly to the opening of ANWR. More U.S. oil can be expected to be exported, and will again pit profits of international interests against environmental concerns.

I ask everyone to consider the implications of exporting our oil: the policy implications, job risks, price concerns, and environmental risks. If you truly believe that these questions pale in comparison to the profits of a very few, then support 395. Otherwise, vote with a clear conscience that errs on the side of people and the world we are entrusted to protect. I urge my colleagues to vote against this conference report.

Again, Mr. President, I must say that it does seem very disconcerting to me when my office phones are ringing off the hook with my constituents who are saying this Government is shut down, it is hurting me, and it is hurting our country. It is not the right direction that we are standing in front of this body debating a bill that will benefit an oil company, a special interest.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I believe my senior colleague from Alaska would like time on this bill. I yield 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. STEVENS. Mr. President, let me ask the Senator from Massachusetts. Is he going to make a statement on this? Does the Senator from Massachusetts seek time on this bill, or another matter?

Mr. KERRY. Mr. President, the Senator sought time on the bill but not speaking specifically to the subject matter.

Mr. STEVENS. I thank the Senator.

Mr. President, in February, Senator MURKOWSKI and I introduced this bill, the Alaska Power Administration Sale Act. There are several bills put together here. I am very pleased to be here today to congratulate Senator MURKOWSKI and to speak in support of this conference report. The House has agreed to this bill, and the President said that he would sign it. I urge the Members of the Senate to support the conference report.

For Senators not familiar with the Alaska Power Administration, I would like to point out that Congress authorized the Eklutna and Snettisham hydroelectric projects in 1950 and in 1962, respectively. Those were to encourage and promote economic development and to foster establishment of essential industry in Alaska. The projects have provided, at moderate prices, substantial amounts of hydroelectric energy for marketing in our area. There are no other proposed Federal projects in Alaska.

As Alaska's economy has grown, the relative importance of the Federal power program in Alaska has decreased. This is a bill that is long overdue. The idea to privatize the Alaska Power Administration is not new. During the Nixon administration, I introduced the bill that proposed to sell the Federal energy project in Alaska, and in the last 20 years, during three administrations, there have been 14 different studies of whether or not this APA, as we call it, should be privatized.

Today, more than 90 percent of the State's electric power needs are provided by non-Federal power plants. Federal operations such as the Alaska Power Administration can be managed more efficiently by non-Federal public or private entities. The State of Alaska and the local electric utilities which have entered into formal agreements to purchase these projects are capable of planning, building, and managing our State's power facilities in a manner that is consistent with our future energy needs.

We are concerned about the people who work for the Alaska Power Administration, and we should be. Today, there are 34 people who still work in the Federal Government for the APA. The project purchasers have pledged to hire as many of these employees as possible, and the Department of Energy has pledged that it will offer employment to any Alaska Power Administration employee who does not receive offers, although the Department jobs are probably going to be in what we call the lower 48 States.

The sales of Eklutna and Snettisham are expected to generate Federal proceeds now of about $73 million. That is nearly a total recovery of the original investment in these projects, and there have been payments made over the period of their use.

The sale and termination of the Alaska Power Administration now is supported by each of the Alaska Power Administration's utility customers, the municipalities of Juneau and Anchorage, Alaska's Governor, and the administration here in Washington.

I do support that portion of this conference report and urge the Senate to approve the report that recommends the privatization of the APA.

Let me now just mention briefly title II, which is the Trans-Alaska Pipeline Authorization Act amendment, which will permit the export of Alaska's North Slope crude oil carried in U.S.-flag vessels.

This legislation will create jobs and economic wealth around the Nation and increase oil production in Alaska and in California. It will ensure the survival of an independent U.S. tanker fleet manned by U.S. crews, a critical component I believe of our national security.

This legislation eliminates the discrimination that has persisted exclusively against our State of Alaska for over 20 years, and the citizens of Alaska have waited for this day. They have waited too long.

For those who may have forgotten, who were not around then, the first export restrictions of Alaska North Slope crude oil were enacted after commencement of the 1973 Arab-Israeli War and the first Arab boycott. Many believed that enactment of these restrictions would enhance our national security. Congress effectively banned export of Alaska crude oil in 1979, following a second major oil shock. But times have changed, and I have argued for a long time that the ban itself was and is unconstitutional.

We have discovered that the ban has had the unintended effect of actually threatening our energy security by discouraging further energy production and creating unfair hardships for the struggling oil industry, particularly in the Southwest. Fundamentally, the existing export restriction distorts the crude oil markets in Alaska and the west coast. The ban has created a glut of oil on the west coast, and faced with glut-induced prices small independent producers have been forced to abandon wells, the so-called stripper wells, particularly in California.

In 1994, for the first time in history, more than half of the oil used in the United States was imported at a cost of over $50 billion a year. By the year 2010, we will be importing over 60 percent of our oil needs but part of the reason is the reason for this legislation itself. We have in our increased reliance on foreign oil brought about the situation where it is not profitable to drill and produce new discoveries in our own country. We are importing over half of our Nation's oil not because consumption is rising but because domestic production is declining so significantly and this legislation will provide the incentive to domestic producers to correct that situation.

Currently, most North Slope crude oil is delivered to the west coast, especially California, on U.S.-flag vessels. The existence of a single market for Alaskan oil drastically reduces the value of the oil and creates an artificial surplus on the west coast. This depresses the production and development of both North Slope crude and the heavy crude produced by small independent producers in California.

As existing oil fields become depleted, the domestic oil industry must find new sources of oil and new technologies of production if they are going to stay in business. But they don't have the incentive.

In June 1994, the Department of Energy issued a comprehensive report as part of the administration's "Domestic Natural Gas and Oil Initiative." The Department concluded in this report that the export ban is an artificial subsidy that has depressed the price that west coast refiners pay for crude oil. A key conclusion of the report is that the national economic and energy benefits of permitting export of Alaska North Slope crude oil would be significant. It would create new jobs, stimulate onshore production, and increase State and Federal revenues.

Oil production-related employment would increase by up to 25,000 jobs nationally by the end of the decade; many would be in California oil production.

The export of Alaskan oil would boost production in Alaska and California by 100,000 to 110,000 barrels per day by the end of the century.

Federal receipts would total between $99 and $180 million in 1992 dollars.

Alaska and California would also gain. Alaska would gain $700 million to

$1.6 billion in taxes and royalties, while California's return would be as much as $230 million. These are net gains.

The Department of Energy also found that there would be no significant environmental implications from the export of Alaskan oil.

Mr. President, in addition to creating jobs and economic wealth for the Nation at little cost to the environment, this legislation will go a long way toward helping to preserve our U.S. tanker fleet. Congress has a compelling interest in preserving a fleet essential to the Nation's military security, especially one which transports such a valuable commodity as oil. This bill requires that Alaskan oil exports be carried in U.S.-flag vessels. The only exceptions are exports to Israel under a bilateral treaty and to others under the international emergency oil sharing plan of the International Energy Agency.

Finally, as I have said before, the prohibition on the export of Alaskan North Slope crude oil is unfair. Alaska is the only State prohibited from exporting its most marketable product.

Mr. President, thank you for the opportunity to speak in support of this legislation. I urge my colleagues to support it.

I do again congratulate the chairman of the Energy Committee, my good friend and colleague, Senator MURKOWSKI, for his persistence, and I thank him for the opportunity to speak in support of this conference report. I urge my colleagues to support it.

If I have any further time, I yield it back.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I did want to enter into the RECORD a statement from the White House at this point stating their plans to evaluate the environmental problems including holding field hearings in my State. Ironically, due to the Government shutdown, the Council of Economic Advisers and other White House staff working on that letter had to go home at noon today, so I will have to submit it when I get it. I guess irony goes to show it is extremely incredible to me that we are continuing to talk about this bill at a time when our budget is in crisis.

I yield to my colleague from Massachusetts 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KERRY. I thank the Chair. I thank the Senator from Washington.

SHUTDOWN OF THE GOVERNMENT

Mr. President, I had hoped to have time later today to talk about the situation we find ourselves in with respect to the budget and the so-called shutdown of Government. Regrettably, we hear that the majority leader is going to, at least it appears, put the Senate into recess after the discussion on this bill. I think it would be unfortunate to deprive the Senate of the debate it is supposed to have on issues of great concern, and I hope it is not true that the majority leader intends to recess the Senate as a way of silencing voices that want to talk about what is happening to this country.

Mr. President, what we find ourselves in is a moment of entirely predictable, crass, brazen, craven, basic political trickery.

What we are living out at this moment is a simple choice by the Speaker of the House to confront America, and to confront the Senate, with either bowing to the will of one group of people, without the legislative process duly working its will, or suffering the consequences of a shutdown. That is what has happened. It is fundamentally a form of blackmail. It is a hard term. It is a tough term. But that is exactly what is happening. It is either, you accept our way or everybody is going to pay a big price. Either you buy on to those things, which we are not able to pass through the normal legislative process, or we're willing to shut the Government down.

Now, our colleague from North Dakota shared with us earlier this morning some very important statements that simply document what I have just said. If you do not want to believe the partisan words of a Democrat, fine. But listen to what NEWT GINGRICH himself said. On April 3, in the Washington Times, NEWT GINGRICH vowed to "create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation, increasing the national debt ceiling."

On April 3, again the Washington Times, Speaker GINGRICH boasted that the President "will veto a number of things, and we'll then put them all on the debt ceiling. And then he'll decide how big a crisis he wants."

On June 3, Speaker GINGRICH, in the Rocky Mountain News, said, :

> We're going to go over the liberal Democratic part of the government and then say to them: 'We could last 60 days, 90 days, 120 days, five years, a century. There's a lot of stuff we don't care if it's ever funded.

What is the "stuff" they do not care if it is ever funded? Well, evidently it is money for veterans because $15 billion is going to be cut right after we just marched around and celebrated Veterans Day. Perhaps as many as 35 out of 172 hospitals will be shut over the next 7 years; 5 in the next year. I have veterans all over my State saying to me, "What are you guys doing? Don't you remember the contract, the real contract with America?"

Evidently, what they are willing to shut down is education, making it more expensive for kids to go to school, at the same time as they give people earning more than $300,000 a tax break; a fundamental breach of fairness.

Now, I am not the only one who feels that fundamental breach of fairness. Let me read what one of their own, David Gergen, wrote just yesterday in the U.S. News & World Report. The headline: "The GOP's 'Fairness Doctrine'." And what he says is:

> U.S. News reported last week that internal studies by the executive branch estimate that the lowest 20 percent of the population would lose more income under these spending cuts than the rest of the population combined. At the other end, the highest 20 percent would gain more from the tax cuts than everyone else combined.

It goes on to say:

> Ronald Reagan is often invoked as the patron saint of this revolution. How soon we forget that as president, Reagan insisted that seven key programs in the safety net—Head Start, Medicare, Social Security, veterans, Supplemental Security Income, school lunches, and summer jobs for youth—would not be touched; now, six of those seven are under the knife.

So, Mr. President, what we have here is a fundamental confrontation with fairness, a fundamental confrontation with how we should do our legislative business.

We Democrats are prepared to vote for a temporary extension immediately and are prepared to negotiate a fair budget. But NEWT GINGRICH and his soul mates want to come down here and say, "Oh, no, no, no, no, that is not good enough. You're going to have to accept programs that we want to pass that we're not able to pass through the normal process. And if you don't do that, we're willing to continue to keep the Government shut down."

So, they have huge Medicare cuts included in here.

Mr. President, I ask for 2 additional minutes.

Mrs. MURRAY. I yield 2 additional minutes.

The PRESIDING OFFICER (Ms. SNOWE). The Senator is recognized for 2 additional minutes.

Mr. KERRY. Mr. President, here are these massive Medicare cuts, the largest ever in recent—I think ever in American history, $270 billion, so you can have a $245 billion tax cut. We have had 1 day of hearings on the impact of those cuts, and yet we have had in the House 42 days of hearings on Whitewater, Waco, and Ruby Ridge, and in the Senate we have had about 48 days of hearings on Whitewater and Ruby Ridge. One day of hearings on Medicare, which will affect millions of citizens, and day after day after day of hearings on Whitewater and Ruby Ridge. And now they are trying to ram that through with increases in Medicare payments on senior citizens by holding the entire Government hostage.

Mr. President, it just violates most Americans' sense of fairness. It violates the tradition in this institution of legislating and of letting the votes fall where they may in trying to decide something. It really violates, I think, everybody's sense of how we ought to do business here. I tell you, as you look around the country, this is a very different revolution from what most Americans wanted.

Most Americans voted for common sense. We are prepared to balance the budget. We are prepared to try to do it in 7 years or whatever. We are prepared to do that, Mr. President. But we are not prepared to succumb to a kind of political blackmail that forces people to do things that are against the Constitution of this country. And I hope that in the hours ahead, we will get back to a levelheadedness, a reasonableness that is the higher standard of how we should do business in the U.S. Senate.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. I yield back, if there is any time.

Mrs. MURRAY. Mr. President, I yield 5 minutes to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, it is my hope that later today we will have an opportunity to have a discussion with our colleagues on the other side of the aisle about the issues that have brought us to this point. I must say that I think today describes for all the American people why it is important, even in the Contract With America, to understand what the fine print in the contract really means.

We are starting now to discover that something that is high sounding and was put together through polls and focus groups that looked attractive to the American people has some fine print that causes some dilemma.

My colleague just read an analysis of this by David Gergen. David Gergen has worked in two Republican administrations: President Reagan and President Bush. He also worked in the Clinton administration. He described our circumstances this way: He said, "The Republicans should get some credit for wanting to balance the budget." I agree. So should Democrats. In 1993, when we had a bill on the floor of the Senate that cut $500 billion from the deficit and led us to a position from having a $270 billion yearly deficit down to a $160 billion yearly deficit, I voted for that. That was heavy lifting because a lot of it was not very popular.

We did not get one Republican vote, not even by accident. You would think occasionally someone would make a mistake here and vote for something good. But we did not even get one Republican vote for that. We passed it with all Democratic votes. The fact is, the deficit substantially reduced from $270 billion down to $160 billion.

There is a lot of work left to do. I agree with that. And I think both parties ought to roll up their sleeves and get it done. But David Gergen is absolutely correct when he describes the problem with the Contract With America and the imposition of this so-called solution on the country at this point.

What he describes is this: He says that a study that was developed last week shows the lowest 20 percent of the population would lose more income from these spending cuts. The lowest 20 percent would essentially lose more income than the top 80 percent. And he says the tax cuts—the top 20 percent will gain more from those tax cuts than the entire bottom 80 percent.

Let me frame it a little differently. The priorities here are what is at odds. It is the disagreement; it is not the goal. All of us think we ought to balance the budget. The question is how? My hometown has about 400 people. Let us assume we had a town meeting in my hometown in North Dakota and said, "All of you take chairs." So we sat them all down. We sat them down. We say, "All right, those in here with the least income, the 20 percent of you with the least income, we would like you to stand up." So 20 percent of the population with the lowest income in my town stands up. And we say, "All right, we've got a deal for you. We have all these spending cuts. You 20 percent with the lowest income in our town, you get 80 percent of the spending cuts. You are going to lose 80 percent of the income from these spending cuts." Then we say, "All right, you sit down."

Now, how about the 20 percent with the highest incomes in my hometown? "Why don't you all stand up?" And so the 20 percent with the highest incomes in my hometown stand up, and we say, "We've got a deal for you. We're going to give you 80 percent. You 20 percent with the highest incomes, we're going to give you 80 percent of the tax cut."

Does anybody think there is any reasonable standard of fairness by which you could suggest that makes sense; the bottom 20 percent of the income earners take 80 percent of the spending cuts and the top 20 percent of the income earners take 80 percent of the tax breaks? Well, that is what the Contract With America gives us.

We come to a debate about priorities. It is a worthy debate to have. Some say, "Let's build star wars. Let's buy B-2 bombers. Let's have more F-15's and F-16's than the Pentagon ordered and, by the way, even though we can afford all that, let's kick 55,000 kids off Head Start. Let's decide not to provide the kind of resources necessary to help low-income people stay warm in the winter. Let's decide we have low-income veterans with disabilities that are not going to get all they should get. Let's decide to make it harder for middle-income families to send their kids to college."

Those are enormous differences in priorities. The debate is about priorities, not the goal, and the priorities are important. We do not come to this point by accident, the point of a shutdown.

Last April, Speaker GINGRICH started to boast about this. On April 3, he vowed "to create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the national debt ceiling."

I ask for 1 additional minute.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I yield 1 minute.

Mr. DORGAN. He boasted that the President "will veto a number of things, and we'll then put them all on the debt ceiling. And then he'll decide how big a crisis he wants."

Speaker GINGRICH says: "I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days—not this time."

Mr. HARKIN. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. HARKIN. What was the date of those remarks?

Mr. DORGAN. Some were April. The last one was September 22.

Mr. HARKIN. The early one you quoted was April?

Mr. DORGAN. April 3.

Mr. HARKIN. So this is not a recent thing Speaker GINGRICH said.

Mr. DORGAN. No. The point of all this is, this is not a train wreck that ought to surprise everybody. This is the engineer of a locomotive who predicted in April he is going to cause a train wreck, boasted about it. I do not think anybody ought to take great credit for shutting down the Federal Government, all because the priorities are to say we would like to give the poorest people in town all the spending cuts and the richest people in town all the tax breaks.

Mr. HARKIN. If the Senator will yield, the Senator has made a very important point here. This is something that has been planned for some months.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mrs. MURRAY. I yield my colleague from North Dakota 3 additional minutes.

Mr. HARKIN. I think the Senator from North Dakota is making a very important point. I think a lot of people are confused who think this has happened over the last couple of days and it just sort of happened because things did not work out right.

If I understand what the Senator from North Dakota is saying, and reading the quotes of Speaker GINGRICH as long ago as April, this has sort of been a plan to create this kind of train wreck, and the Senator quoted Speaker GINGRICH saying this back in April.

I think the American people ought to understand that this is not something that just happened; that because the Speaker and his allies have not been able to get their work done in time—I will ask the Senator, is it not true that we did not filibuster, we did not stop these bills from going through?

Mr. DORGAN. The Senator from Iowa is correct. In fact, only three appropriations bills have been signed by the President because he has not gotten the rest of them. The work was not done on time. In fact, the reconciliation bill is due on June 15. It is now 5 months later. It is scheduled to come to the floor later this week, but it is 5 months late.

Mr. HARKIN. If the Senator will yield further. Watching and observing the flow of legislation through here during the spring and summer and how it was slowed down, we did not filibuster. Things just did not happen. Like in the Agriculture Committee, we could not get our ag bill through. We still do not have an ag bill this late in the year. Now it occurs to me perhaps this was a design all along to create this impasse; to create an impasse so that we would have the kind of train wreck that we are looking at here with the shutting down of the Government. Just too many of these things fit together. It indicates to me that this has been part of an overall plan for some time.

Mr. DORGAN. If I might say, this is not a search for villains, it is a search for solutions. This country has vexing problems, and we have to address the problems, but we do not solve problems by deciding to create train wrecks.

I will say again, Speaker GINGRICH on November 8 said "he would force the Government to miss interest and principal payments for the first time ever to force Democrat Clinton's administration to agree to his" deficit reduction plan. That is November 8, Investor's Business Daily. The point is, this is not an accident.

In the Chaplain's prayer this morning at the start of the Senate session, he talked about the need for people to come together and to reason together. That is the basis of 200 years of democratic Government.

We must find a compromise. We have people of vastly different views in a representative democracy. How do you resolve those? Over 200 years, you resolve them by coming together and reasoning and reaching a reasonable compromise.

The American people have a good sense of what is fair, a good sense of what a good compromise ought to be. What the American people have said clearly in the last couple of months is they are worried about the extremes here. People who never cared much about Medicare now pretend they want to save it. They do not want to save it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mrs. MURRAY. Madam President, I yield 5 minutes to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the Senator from Washington, and I join my colleagues in regretting that it has been the decision of the majority leader not to permit those of us who want to be able to speak to the Senate and to talk with our colleagues about the current crisis that is affecting so many families, not only here in Washington but all across this Nation with all of the uncertainty it brings, to try to at least address that issue and to try and find some common ground in terms of how to avoid this current situation.

I am grateful to the Senator from Washington for letting me speak briefly on the issue of where we are at this time and what we must look at.

Madam President, the fundamental issue that divides the Democrats and Republicans is how to balance the budget. Only a few moments ago, the President of the United States, in an excellent address, restated his strong commitment to a balanced budget and challenged our Republican friends to work with him to try and achieve that in a way that is going to be fair and where the issues of equity are going to be addressed.

It is reckless and wrong for the Republicans to effectively shut down the Federal Government because they cannot get their way in balancing the budget. The Democrats categorically reject the Republican priorities that balance the budget on the backs of senior citizens, students, working families, and the environment.

I, too, was a candidate in 1994. When I traveled around Massachusetts, my Republican opponents were not saying we are treating our elderly too well; we think that their copays and deductibles and premiums ought to go up; we think that we ought to tighten the belt on those who have contributed so much to making this a great country, who worked their way through the Great Depression and fought in the wars, that was never mentioned by my Republican opponent.

We have to tighten the belt on education. Under this proposal, they are cutting 40 percent of all the education programs—all the education programs—$36 billion in cuts over the next 7 years under the Republican opposition, and about $30 billion in higher education. I did not travel around Massachusetts and hear we are doing too much in the education of handicapped children, or we are doing too much in terms of feeding children, or we are doing too much in taking down the dollar sign for the schools and colleges.

We do not want signs on the schools and colleges of Massachusetts saying: "Wealthy only need apply."

In the course of that campaign, I did not hear Republicans use the argument that working families of this country that are making up to $28,000, $29,000 and have several children and are able to have the EITC, have too much disposable income. We always hear on the floor of the U.S. Senate, "Well, let's give the money back to the individuals who spend it. They can make a better judgment about how to spend their money than the Federal Government."

That seems to be a good enough rule for the wealthy individuals in this country but not for the working families, those that are making up to $30,000 a year. This Republican budget is saying that they are going to have their taxes increased. No one was talking about that in 1994 and no one was talking about putting additional kinds of pressures on the needy, particularly the children. The belt is going to be tightened on the children of this country perhaps more severely than anyone else.

No one was talking about our air was too clean, our water was too pure, that what we have to do is make way to limit the kinds of regulations and protections on legislation that, by and large, were signed by Republican Presidents and worked through this Congress in bipartisan ways.

No one was talking about those particular issues in 1994, but I can tell you something, they will be talking about it in 1996, because those are the issues that are being addressed. And on each and every one of those issues, the Republican budget flunks every responsible test. The current Republican strategy is a serious mistake. If they want to enact priorities like this, they are going to have to elect a Republican President in 1996, and that is not going to happen.

In sum, the current shutdown of the Federal Government is taking place, just as Speaker GINGRICH has been planning and boasting about all year. My colleague from Massachusetts and my colleague from North Dakota have made that case here this afternoon. The shutdown is entirely unnecessary. We are at this point because the Republicans, who control the Congress, have passed only 4 of the 13 annual bills necessary to appropriate the funds to keep the Federal Government open for the coming year—only 4 of the 13 annual bills. They have failed to meet their responsibilities in this whole appropriations process.

Those bills should have been passed by October 1, 6 weeks ago. We are 6 weeks into the new fiscal year, and the Republicans in Congress have not done their job.

The Government shutdown is part of a long-term strategy by the Speaker and the radical Republicans in Congress to force President Clinton to approve their extreme measures to destroy Medicare. Let it wither on the vine, as GINGRICH said, cut education, limit the health and safety protections that have been built up over 30 years.

The Democratic plan is based on genuine American values and priorities. It is a plan to balance the budget fairly, not at the expense of families and the environment, and it deserves to be passed by the Congress.

Mrs. MURRAY. How much time is left on both sides?

The PRESIDING OFFICER. The Senator has 29 minutes, 45 seconds, and the Senator from Alaska has 27 minutes, 51 seconds.

Mrs. MURRAY. Does the Senator from Alaska wish to take some time?

Mr. MURKOWSKI. I would like to continue to hold my time because several Senators are coming. So I will defer to the Democratic side.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Iowa.

Mr. HARKIN. I thank the Senator. To follow up on my colloquy with the Senator from North Dakota, let me just state that today the Republican leadership has put our country into an artificial crisis—an artificial crisis—which is a very cynical act, and I think a very shameful act.

Let us make no mistake about what is going on. The Republican leadership is holding a gun to the head of the President and the whole Government, saying that if they are not able to get their way by cutting Medicare, by putting an additional $130-a-year burden on our seniors, on their part B premiums, they are going to shut the Government down.

Let me repeat that. The Republican leadership is saying that unless you let us put an additional tax on seniors of $130 per senior, per year for Medicare part B, we are going to shut the Government down.

I do not know what they could possibly be thinking about. The American people have said, very loudly and clearly, that they do not want to cut Medicare. Our elderly are saying, look, we have enough bills to pay, and now you want us to pay more? It is $132 a year—what a ransom; holding the elderly ransom to get their way, and shutting down the Government.

Madam President, 50 percent of the elderly in the State of Iowa have an annual income of less than $12,000 a year. Eighty percent of the elderly have an income of less than $25,000 a year. Now they are being told they have to pay an additional $130 a year for Medicare part B premiums. That is the rider that is on the continuing resolution.

The President of the United States has said, "You take that off and we will negotiate." He is right. That is nonnegotiable, especially on a continuing resolution. If the Republicans want to put it on legislation and pass it, as they try to do through the reconciliation process, that is fine. But to use a short-term resolution to keep the Government operating is really a cynical and a shameful act.

It also really amazes me that Republicans are willing to go after the seniors to raise the money for Medicare before they go after waste, fraud and abuse. This Senator offered an amendment on the reconciliation bill that would have saved billions of dollars by cutting out waste, fraud, and abuse. It would have provided, for the first time, competitive bidding for durable medical equipment and medical supplies in Medicare.

Madam President, I had one of my staff people go to several drugstores in Iowa to get the price of a bandage. The average price, retail, was 17 cents. The same bandage cost the Veterans' Administration 4 cents. That same bandage costs Medicare 86 cents. Why Medicare 86 cents, and the Veterans' Administration 4 cents for the same bandage? Because the Veterans' Administration uses competitive bidding; Medicare does not.

My amendment was simply to do what I thought most of my fellow Senators on the other side of the aisle speak so loudly about—"free enterprise, capitalism, competitive bidding, that is the way to go." Yet, every single Republican voted against my amendment to provide for competitive bidding. I do not know why because we have it in the Veterans Administration, and it works well. But, for some reason, we cannot apply it to Medicare.

My amendment would have provided for better computers and software to catch more fraud. But, no, we could not do that. But we can tell the seniors to pay $130 more a month. But, no, we cannot have competitive bidding, you see.

Why is this so important, Madam President? Last year, I asked the GAO to do an investigation on medical supplies, and here is what they found. They took a sample of high dollar claims that Medicare had paid, and they went behind the bills to get an itemized statement. This is going to shock you. I have stated it many times on the floor, so maybe you know the figures already. GAO found that 89 percent of the claims should have been totally or partially denied; 61 percent of the dollars spent by Medicare should never have been spent; 61 percent paid out wasted.

What does that amount to? Well, last year, Medicare was billed $6.8 billion for medical supplies—$6.8 billion. If you take 61 percent and say it should have been paid out, you are talking about $4 billion a year. Just take 50 percent and you are talking about $3 billion a year. But, no, no, we cannot go after that, you see. There are a lot of big, powerful medical supply companies in this country making a lot of money on that. We cannot go after that. But we can go after the seniors in my State who make $10,000 a year.

So what the Republicans are doing, I think, is a very shameful act in trying to force onto the continuing resolution the $130 more.

Last, Madam President, here is another quote. The Senator from North Dakota read some quotes. Here is a quote by Representative KASICH:

> I do not see the Government shutdown as a negative; I see it as a positive, if things get righted.

Congressman CHRISTENSEN said:

> If we have to temporarily shut down the Government to get people's attention to show that we are going to balance the budget, then so be it.

What are we talking about? Madam President, 800,000—I am told—Government workers went home today because the Government shut down. Who are these people? Madam President, they are people like you and me. These are mothers and fathers. These are people with children. These are people that have illnesses at home. These are people that have mortgages to pay and car payments to pay, maybe have one or two kids in college that are trying to get through college.

These are not some kind of people that are not part of our American family of workers. Yet somehow we are being told they are worthless—send them home, we do not care.

What a hard-hearted, cruel approach to take, that somehow these Government workers who are outstanding upright taxpaying God-fearing Americans who do their job for the American people, that somehow they are not worth anything and they can go home.

It is cruel and it is heartless. I think the American people understand that. That is why I hope that we can reason together, get the Medicare off the table, have a short-term CR. We can get together.

I add one thing. I happen to sit on the Agriculture Committee. I picked up the paper this morning and I found out the chairman of the Senate Agriculture Committee has announced that the conferees have reached an agreement on an agriculture bill, and this Senator has never even been invited to one meeting. What does that say for trying to work together?

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 22 minutes.

Mr. MURKOWSKI. Is anyone seeking recognition? How much time would the Senator from North Carolina require?

Mr. FAIRCLOTH. I request 10 minutes.

Mr. MURKOWSKI. I yield 10 minutes to the Senator from North Carolina.

BALANCED BUDGET LACKS PRESIDENTIAL COMMITMENT

Mr. FAIRCLOTH. Just a few minutes ago the President spoke to the Nation in a press conference. I watched his speech and was amazed at the sincerity, that he appears to really believe what he was saying. Certainly what he has been doing does not match what he was saying.

Madam President, last night the Federal Government ran out of money and thousands of Federal workers were sent home. The question on everyone's mind is, why will Bill Clinton not agree to a balanced budget? Why will Bill Clinton not agree to a balanced budget?

He has flipped and flopped so many times on the budget that it is hard to know where he stands on the issue. It should be perfectly clear that the blame for this shutdown can be traced directly to the White House and not anywhere else, and to the President's new imagemakers at the House. They are determined that he appear strong, regardless of the consequences to the Nation.

As a candidate for the Presidency, Bill Clinton promised to balance a budget in 5 years. However, once in office, he flipped on the campaign promise. In fact, Bill Clinton has never submitted to Congress a plan for balancing the budget. The first budget which he submitted this year never reached balance, and he knew it when he submitted it.

After consulting with pollsters and realizing that Congress was serious about reaching a balanced budget in 7 years, Bill Clinton flipped again and submitted a second budget which he claimed would balance the budget in 10 years. However, that was not true and he knew it when it was submitted.

For all the flipping and flopping, Bill Clinton is not making any headway on the budget. In fact, in this very body, not a single Member of the Senate—Democrat or Republican—voted for his budget—not one. Realizing the American people knew that he was not serious about a 10-year budget plan, he flipped again and accepted a congressional timeframe of 7 years.

We are now hours away from having a conference report on a balanced budget. Congressional leaders have invited the President to begin working with us. For 26 hours last week he was on the same plane with Speaker NEWT GINGRICH and Majority Leader DOLE. A captive audience—no negotiation. Madam President, 26 hours of prime time and he did not use it.

Last Friday he told Congress to remain in session as he got into a Government limousine and rode off to the golf course. No negotiation.

The fact of the matter is that Bill Clinton just is not serious about balancing the budget. However, he is very serious about improving his image. His campaign advisers tell him a balanced budget is popular with America's voters and therefore he is trying desperately to get on board. So he gives press conferences and issues press releases proclaiming his support for a balanced budget. But there simply is not any commitment or substance to back up what he is saying.

Bill Clinton pretends that he vetoed a temporary spending measure because he wanted to protect Medicare. Just as the President has no credibility on the budget, he has no credibility on Medicare. His own Medicare trustees informed him earlier this year that Medicare bankruptcy is imminent. Bill Clinton's response was to do nothing.

The Republican continuing resolution maintains secure Medicare premium percentage that recipients pay. It maintains the current premium, that Medicare premium percentage, that recipients pay. It says that we need to hold off on decreasing premiums until we implement a comprehensive plan to save Medicare. It does not cut the premium. It does not raise the premium 1 percentage. It simply keeps it the same. Very simply, no change.

Dick Morris, the President's new top adviser, calls the President's plan triangulation. In Washington language, this is supposed to mean that Bill Clinton is a moderate. In North Carolina we speak more directly. This triangle of Bill Clinton's consist of no leadership, no principle, and no negotiation. That is the triangulation.

Medicare is going broke. The Government is trillions of dollars in debt. The Government is shutting down and the President is concerned about triangulation. Deficits and the national debt are a tax on future generations. That has been said many times in this Chamber but the fact that it has been repeated does not lessen its truth or its value or its impact upon the American people.

In 1975 the debt ceiling was $595 billion. Today, it is right at $5 trillion. Every child born today faces $187,000 interest bill on the debt incurred by past Congresses.

The issue before the country is a balanced budget. That is what the bill is about. That is what we are talking about. The current stalemate will not end until Bill Clinton stops being a candidate for President and starts being President. He needs to work with the Congress for the good of this country.

I end this short speech where it began, with the simple question: Why will Bill Clinton not agree to a real balanced budget as he pledged to do when he was running for President? When he was running for President he pledged to the voters and the people of this country a balanced budget within 5 years. Why will he not come forth and agree to a balanced budget now in 7 years?

I yield the floor.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Arkansas.

THE GOVERNMENT SHUTDOWN

Mr. BUMPERS. Madam President, I thank the Senator for yielding. People across America are looking at this Government shutdown and saying, what on Earth are those people thinking? What is this all about? And why is it necessary to furlough 800,000 workers?

The Baltimore Sun said today that people are no longer mad as hell. They are scared to death. I can tell you there are people around here who are getting anxious. Why are we doing this? I have been in the Senate 21 years. This is the most bizarre time I have ever witnessed. I assumed, just as in the past, that reasonable heads would prevail, the thing would be worked out last night, everybody would come to work today, and we would get on with our legitimate business. But that has not happened.

One group of people say, "Why doesn't the President sign that bill?" What is wrong with that? And other people say, "I am with the President. I hope he will hang tough." That is where I come down. It is not that big a deal in some ways. But it is essentially an intrusion on the President's authority. It is an intrusion on our turf, too, to attach something like regulatory reform to the debt extension bill. Not our version of regulatory reform, the House version, which could not see the light of day in the U.S. Senate. It would never pass the U.S. Senate. And where is it? On the debt ceiling bill. Why on Earth do we put regulatory reform and habeas corpus reform on the debt ceiling?

The debt ceiling is designed to provide the full faith and credit of the United States to people who buy our bonds. Twenty-five percent of our national debt, Madam President, is owned by the Western Europeans and the Japanese, and they do not think this is fun and games. I heard a young Congressman on the "Jim Lehrer Show" say last night that this is "where the rubber hits the road. This is fun." It is a lot of things, but fun is not one of them.

What if the Japanese and Western Europeans decide to start pulling out of American securities, our bonds and our T bills. Where are we going to pick up 25 percent, or over $1 trillion of new investment? Are we going to get it from the American people? We do not have that kind of savings in this country. So what happens? Interest rates start skyrocketing. What happens then? It costs us billions and billions to finance the national debt at a time when we say our whole raison d'etre is to balance the budget.

What else? To provide for a $245 billion tax cut. Do you want to balance the budget in 7 years? I do not know whether it should be 7 years or 8 years or some other period, nor does anybody in America. But I can tell you one thing. A $245 billion tax cut is not consistent with balancing the budget. Any tax cut—any tax cut—should be postponed until the budget is balanced. And who gets it? You know the rest of that story.

The $500 per child tax credit would not be for everybody; not for the people who make less than $30,000 a year with two or three children. They get no part of the child tax credit. Instead, they get a cut in the earned income tax credit. That is a tax increase. Some 49.5 percent of the people in this country get nothing but a tax increase out of this budget bill. But if you happen to be wealthy and have three or four kids, you get $500 for each one.

So this morning I read where the Republicans are trying to make this $500 per child credit retroactive to the year just gone by. They cannot pay for the full $500 per child for 1995, but they want to come up with $125 per child. Of course, the 1995 tax returns have already been printed, and there is no place for $125 credit on the return. So guess what? It will be payable with a green check from the U.S. Treasury next October 1, 30 days before the election. How cynical can you get to take $125 for all these children out of the Treasury 30 days before the election? Talk about buying an election. It is one of the most hypocritical things I have ever read in my life.

Colleagues, why did you run for this office? Do you have any values? Do you care about the fact that children are not going to be educated? Do you care about the fact that my State is going to lose 40 percent of its Medicaid funds? We will not have a Medicaid program. Do you care about elderly people? Seventy-five percent of the people over 65 live on less than $25,000 a year. So what do you do? You savage them to pay for a tax cut for the wealthy.

I am sorry I do not have more time. I thank the Senator for yielding.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes.

A PLEA FOR CIVILITY

Mr. PELL. Mr. President, like most of my colleagues, I am deeply distressed and, indeed, saddened that the legislative and executive branches of our Federal Government have reached an impasse over the future funding of Federal activity, as embodied in the continuing resolution for the current fiscal year and in the temporary debt limit extension bill, with the debate over the long-term budget reconciliation bill still to come.

While it is not surprising that we should arrive at this point—considering the differences in philosophy which are at stake—it does seem to me that deadlock could have been avoided, and still can be, if only more respect can be granted to the traditional norms of behavior that are the underpinning of our democratic system.

Comity and civility, transcending differences of party and ideology, have always been crucial elements in making government an effective and constructive instrument of public will. In times such as these, when the pendulum of history seems to be reversing its swing and when there is so much fundamental disagreement about the role of government, it is all the more essential that we preserve the spirit of civil discourse.

Last year, before retiring from the Senate to become president of the University of Oklahoma, David Boren sent a letter to his colleagues lamenting the fact that "we have become so partisan and so personal in our attacks upon each other that we can no longer effectively work together in the national interest." It was a thoughtful warning that has meaning far beyond the U.S. Senate.

The fact is that the democratic process depends on respectful disagreement. As soon as we confuse civil debate with reckless disparagement, we have crippled the process. A breakdown of civility reinforces extremism and discourages the hard process of negotiating across party lines to reach a broad-based consensus.

The Founding Fathers who prescribed the ground rules for debate in Congress certainly had all these considerations in mind. We address each other in the third person with what seems like elaborate courtesy. The purpose, of course, is to remind us constantly that whatever the depth of our disagreements, we are all common instruments of the democratic process. That process is not well served by spin doctors and sound bytes. Nor is it well served by blustering assertions of no compromise.

This certainly should be kept in mind with respect to the current dispute over the continuing resolution. This legislation is necessitated by the failure of this Congress to enact appropriation bills in a timely fashion, and President Clinton has every right to insist that a temporary continuation of spending authority come to him unencumbered by an extraneous policy matter. Whatever the level of future Medicare premiums is to be, it should be determined by reasoned debate and not be set by the forced process of a take-it-or-leave-it add-on to a continuing resolution.

Similarly, with respect to the debt limit extension, no amount of partisan one-upmanship is worth the cost of bringing the credit rating of the U.S. Government to the brink of world-wide doubt and disrepute. The way to curb future borrowing is through reduction of deficits, which we are all committed to accomplishing. But in the meantime, the United States must honor its commitments, and it seems to me highly irresponsible to attach any conditions to an extension that would limit the Government's ability to do so.

It does seem to me, Mr. President, that there are the makings of negotiated agreement on these issues, and on the larger issues that face us in the reconciliation bill, if only we can return to the basic ground-rules of civil discourse and reasoned deliberation. President Clinton for his part has long since indicated his commitment to the goal of a balanced budget. So the differences between the two sides are differences of degree—quantitative questions of how many dollars will be cut over what span of years—which certainly are susceptible to compromise.

Edmund Burke, the eloquent British statesman whose 18th century comments are so often relevant to democratic government today, once said that "All government is founded on compromise and barter." Those words have meaning for us all today, including those who feel they have a mandate for radical change.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin has 5 minutes.

A REALISTIC BUDGET PLAN

Mr. FEINGOLD. Madam President, I thank the Chair and I thank the Senator from Washington.

I join my colleagues from both sides of the aisle in deploring the circumstances that have brought us to this situation where the Federal Government is basically shut down because of the failure of the Congress and the White House to reach agreements over the Nation's fiscal needs.

Each side of this abysmal impasse has a somewhat different perspective on where the fault lies. Ultimately, neither side can win that debate because the American public sees this kind of problem as a failure of both sides. This kind of gamesmanship simply serves to undermine public confidence in public officials, and that does not benefit the Nation either in the long term or the short term.

Shutting down the Federal Government and jeopardizing the credit of the United States by allowing us to move to the brink of a default in our obligations is irresponsible.

According to OMB and GAO, shutting down the Federal Government will cost the Federal Treasury millions and millions of dollars. At a time when we are working to bring down the Federal deficit, we can certainly not afford that. There is no need for this shutdown to have occurred.

I must say there is no justification for trying to use emergency legislation to continue Government functions as a vehicle for extraneous policy issues, issues like weakening environmental protection laws, undermining the writ of habeas corpus, or ramming through increases in Medicare premiums.

I note today some of the leadership on the other side is saying, well, this is really about a 7-year balanced budget. But the fact is the reason we are here now is not the 7-year balanced budget issue; it is inclusion of these extraneous matters that have nothing to do with balancing the budget.

Congress ought to get serious and pass a clean continuing resolution and debt ceiling extension so that we can move on with the pressing business of reaching agreement on long-term deficit reduction legislation and actually achieve a balanced budget. I think the President is correct that these negotiations should take place without the threat of budget blackmail hanging over the negotiating table. We ought to be able to reach the agreements needed without this needless disruption of Government services and the undermining of public confidence.

Let me also focus for a moment on what I mean by the threat of budget blackmail hanging over the negotiating table.

At the heart of this impasse is an effort driven primarily by the House backers of the Republican contract to force through a budget reconciliation bill that is predicated in large part on delivering what the Speaker of the House has called the crown jewel of the Republican Contract With America, and that crown jewel is this massive tax cut.

In other words, it is not just an issue of whether we should balance the budget in 7 years or earlier, with which I do agree. It is a goal on the part of those pushing that Contract With America that we balance the budget but also find enough money in there to provide a $245 billion tax cut, particularly for those in the upper income brackets. So there is no legitimacy to the claim that the dispute today is only about whether we do this in 7 years. It is about doing it in 7 years and letting these cuts occur to human service programs and safety net programs and delivering a significant tax cut to upper income folks in this society. That is what is really at stake here today.

The deep cuts in Medicare and Medicaid and education and environmental protection programs and other vital domestic programs are driven by the need to provide offsets for the $245 billion tax cut which the Republican leadership seems absolutely determined to protect.

I have opposed this tax cut from the beginning. It is bad economic policy, bad public policy, and bad judgment by the political leadership in Congress.

There is a simple solution to this crisis. Drop the $245 billion tax cut. Use it to cut back on some of the significant cuts in Medicare and Medicaid and other programs and still balance the budget by the year 2002.

That is the true answer to this dilemma, and I believe, if both parties are serious about this matter at this point, we would realize that that is the crux of the issue. A $245 billion tax cut skewed toward those in upper income brackets is not the same as saying we have to balance the budget in 7 years. That is the problem. That is what is holding this up, and that is what would solve the problem.

Madam President, I will conclude by simply saying that I hope we can get a clean resolution and stop this shutdown at this point.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 20 minutes and 9 seconds, and the Senator from Washington has 6 minutes and 11 seconds.

Mr. MURKOWSKI. I thank the Chair. I am going to yield myself a few moments because I think it is appropriate to recognize that we have been talking about S. 395, which is the pending business before the body. That is the bill that passed including sale of the Alaska Power Authority, moving some of our excess oil off the west coast.

Instead, we have been hearing the spin doctors of the Senate, spin doctors criticizing the Republican plan to balance the budget. They suggest that we are putting this on the backs of the seniors, the working families, the children, reducing our educational commitments. Come on. We are trying to save a program, save a system.

To suggest that the Republicans have no compassion in this area is absolutely ludicrous. What are we doing on Medicare? We are responding to the Democratic alarm that Medicare is going to be broke by the year 2002. So what we are doing is not cutting it. We are reducing the rate of growth from 10 to 6 percent.

Is that irresponsible? I suggest it is responsible. Shut down Government? That is not our objective. Our objective is to balance the budget. This is not a continuing resolution. This is a commitment, a commitment to balance the budget, the 1995 balanced budget amendment. That is the issue before this body, and that is the issue down at the White House, to balance the budget.

Why do we need to balance the budget? Because we have a $4.9 trillion accumulated debt. And the American people have said that that is enough.

What are we spending for interest on the debt? What is the interest cost of that? About 14 percent of our total Federal budget. Canada is nearly at 20 percent. What happens when you have to spend 14 percent of your budget on interest on a $4.9 trillion accumulated debt? That means less money for our social responsibilities, less money for our seniors, less money for education.

You have not heard one Democratic Member of this body say how you are going to balance the budget. They simply criticize our plan. You have to cut. You have to cut Government or you have to increase revenues.

There is no magic to it. We have heard the Democrats say that the Medicare Program would be broke by the year 2002, and they are right. We are doing something about it. They are criticizing us for what we are doing about it, but they do not say what they would do about it. We have heard today that, yes, they want to balance the budget. The President said 10 years. Now he says maybe 9 years. One Senator in the Chamber today said 7 years. But that Senator did not say how we were going to do it.

The reason Government is shut down is because the President of the United States will not agree on a plan to balance the budget. He will not come before this body or the House or the leadership and tell us what his plan is to balance the budget.

Madam President, this is important. This is the most important thing we could be doing because we are talking about the survival of our Government, the survival of our fiscal system. Make no mistake about it, Madam President, this is historic. This is a historic attempt to turn around Government so that we can survive under our Democratic system as we know it today, because, Madam President, this is the first time in 35 years, since 1969, that we have imparted on a path to balance the budget. The last budget balance we had was back in 1969. It has been 35 years. We have accumulated $4.9 trillion in accumulated debt. That is the legacy we are passing on.

So it is historic, Madam President, you bet. And we propose a commitment and a plan and a responsible roadmap to get it done. We have a pledge to the American people to do it. The American people expect the Republican-controlled Congress to get the job done and stay the course. And this is indeed a very historic moment, Madam President.

I am going to give some time to my colleague from the State of Louisiana. How much time might he like?

Mr. JOHNSTON. Four minutes.

Mr. MURKOWSKI. Four or five minutes.

I ask the Chair, how much time do I have?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator has 14 minutes 7 seconds.

Mr. MURKOWSKI. I yield 5 minutes.

Mr. JOHNSTON. I thank my colleague.

Mr. President, I congratulate my colleagues on this side of the aisle for using this opportunity to debate this question of a shutdown of the Government which, in my view, is unnecessary. In my view, this debate really is not about a balanced budget in 7 years; the question is whether you want a deep tax cut which costs a great deal of money and, in the process, socks it to the seniors through the Medicare trust fund.

But, Mr. President, as strongly as I believe that our colleagues on this side of the aisle are making the correct statement, correct arguments, to which I subscribe and to which I heartily agree, I just want to put in context what the measure is that we are debating just so we do not lose sight of the fact that this is the conference report on the Alaskan North Slope oil and to tell my colleagues what is involved.

Initially, Mr. President, we required that Alaskan North Slope oil destined for the gulf coast go all the way, by tanker, to the Panama Canal where it was offloaded, pipelined across the isthmus and then reloaded and then transported to the gulf coast. Why did we do that? Because of seamen's jobs, because of the Jones Act which required that American seamen pilot those ships.

Of course, it was economically not feasible to do that. It did not make economic sense except in the context of American seamen and the Jones Act. And the reason that the law so said that all those years really had nothing to do with energy security; it had to do with American seamen's jobs. It has taken all this time, all these years, to get it worked out for American seamen and the Jones Act to make our grand compromise on this question of seamen's jobs.

That now having been done, virtually all sides support this legislation in this conference report. There is, of course, some opposition. I think when it originally came up, the conference report passed by a vote of 74 to 20 something. The deport of royalty part of this legislation was part of that conference report at that time or part of the Senate bill at that time, which got 74 votes. The deport of royalty came up again and passed by 71 to 28.

The administration supports this legislation. It is economically efficient, saves the country money, is good for the economy of America. And for those reasons, there is virtually no opposition. I simply say that, Mr. President, not because there has been any argument here today to speak of on this conference report, but just so that my colleagues will know that this conference report has nothing to do with the balanced budget or tax cuts for the rich or any of those grand and wonderful subjects. This has to do only with the Alaskan North Slope oil and whether it can be exported in the most efficient way. And it also has to do with deport of royalty. Both parts of that have been overwhelmingly approved here on the floor of the Senate. The deport of royalty was approved here twice, and the Alaskan North Slope was approved by a margin of 74 to 25.

So, I simply say that, Mr. President, so that my colleagues will know that the conference report ought to be approved however you feel about tax cuts for the rich, Medicare cuts and all the rest of the subjects that are so much on everyone's mind. I yield the floor, Mr. President.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, the events in the past few days are disheartening. Congress passed two bills that should provide stopgap measures for the Government to operate, both the debt extension and the continuing resolution. These bills are necessary to buy time to work out differences that we have on the budget. But both were loaded down with political baggage, and the President has been forced to veto both.

Now here, amazingly, today we are talking about exporting Alaskan oil. The Government is shut down, the budget is in crisis, and we are debating a major giveaway to foreign oil companies at the expense of Washington State refinery workers.

Mr. President, it does not have to be this way. We have a job to do. We passed a budget resolution months ago. We passed a budget reconciliation 3 weeks ago. And we literally have been sitting here since then. We have a responsibility to problem solve, to work out our differences and send a package to the President. Yet here we are drawing lines in the sand and wasting time. I think everyone looks bad if we do not keep the budget process moving.

Mr. President, when I came to Washington in 1993, I was excited, motivated, and ready to make a change. I was ready to make Congress work for average people. I was driven to restore common sense to this institution. And in large part I acted on that impulse by becoming a member of the Budget Committee, which put together the Budget Reconciliation Act of 1993. We all remember the 1993 budget debate. It was intense, but yet it was productive. Not everyone liked it, but we got the job done. We had no debates about continuing resolutions or debt limits. There were no discussions of Government shutdowns and work furloughs. Instead, we simply worked hard and we beat every deadline with room to spare.

I understand the new majority's enthusiasm and in many ways I share their interest in changing the way this place works. And, believe me, I understand how difficult it is to put together a comprehensive budget package.

But, Mr. President, what I do not understand is the new majority's inability to do so. Here we are, November 14, and there is no light at the end of the tunnel. This body passed a budget way back on October 27, but we still have not seen a House-Senate compromise package. More importantly, this Congress still has not passed 8 of its 13 appropriations bills. That astounds me.

Our constituents expect us to pass appropriations by September 30. In fact, we passed the Senate budget plan 3 weeks ago and literally have done nothing since. People do not want to hear about Government shutdowns. And they certainly do not like it when Congress plays political games with their lives. How do we explain the pending Government shutdown without admitting our inability to do what is asked of us? We cannot; it is impossible. We cannot explain this stalemate without telling the public that the last 2 weeks have seen nothing but arguing, posturing, and finger pointing from one end of Pennsylvania Avenue to the other. I do not like to say it, but this behavior reminds me of the preschool classes I used to teach.

Mr. President, we have to be responsible. We should not risk our Nation's creditworthiness and its ability to borrow. We should not shock the bond market, raise long-term interest rates and hurt American investors and consumers. We must understand the ramifications of our actions and our inactions. I urge my colleagues to consider my words. The American people do not care about who wins and who loses in this budget battle, let alone the continuing resolution battle. They simply care about results. They want to feel secure, and they want to know this Congress is up to its job.

Mr. President, our goal should be to restore faith in Government, to demonstrate progress, action, and change. People want to see us working and working hard just like they do. But if the Government shuts down, all they are going to know is the politicians in Washington, DC, dropped the ball again. It is time to put aside the brinkmanship and give people what they want. I hope we can move quickly to enact a reasonable continuing resolution that has no strings attached.

Budget negotiations will come soon enough once we resume work on the budget bill. In the meantime, let us be responsible legislators. Let us live up to our responsibilities and the expectations of our constituents.

As far as the pending legislation is concerned, again I am amazed that we are debating this bill when this Government has come to a standstill. But I want my colleagues to know, I think that this bill is not a good one. It does not favor my constituents or the Nation. It gives away precious oil resources when our own country is 50 percent dependent on foreign oil. It threatens the healthy water of Puget Sound with unsafe, single-hull oil tankers. And most importantly, if this body actually takes a step to opening ANWR to drilling, it is possible that that oil also will be exported. This makes no sense at all to me, Mr. President, and I urge my colleagues to vote no on the conference report.

Mr. MURKOWSKI. Mr. President, I inquire how much time is remaining on both sides.

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes, 25 seconds, and the other side has 38 seconds.

Mr. MURKOWSKI. Mr. President, this has been an extraordinary debate. We started out debating the Alaska Power Authority moving excess oil from the west coast of the United States and deep-water royalty relief under S. 395. A good part of the conversation has involved a spin on the balanced budget amendment and the continuing resolution.

I think that has been identified by both sides relative to the merits. But, again, I remind my colleagues that the reason the Government is shut down today is because the President and the White House cannot come to grips with a Republican plan for a balanced budget, and it is just that simple.

I have listened intently to my good friend from the State of Washington relative to her concerns about the Alaska oil export portion in title II. I can assure you that, indeed, we do not contemplate a giveaway of American oil. We are talking about selling that portion of oil that is excess to the west coast and, in so doing, that will stimulate jobs in California and stimulate jobs in my State of Alaska. As the Senators from Washington know, anything that is good for Alaska is good for the State of Washington, because most of our supplies go through their State.

Furthermore, to suggest that somehow this is going to be detrimental to Puget Sound, I remind those who are somewhat familiar that we are not talking about oil being exported from the State of Washington. What we are talking about ultimately is the State of Washington having to depend more on imported oil coming into that State if, indeed, it cannot rely on a continuing supply of oil from Alaska.

But in concluding remarks, I wish to reflect for a moment on the great relationship which we have had over the years with the State of Washington, her citizens and the congressional delegation. Since the very first days of our statehood upon entering the Union, we in Alaska have had vibrant economic, cultural, and close political ties to Washington. I guess that began some three decades ago. Perhaps Senator STEVENS, the senior Senator, could comment a bit more precisely on the history, but our two congressional delegations have worked together.

We have created new economic opportunities for citizens of both our States. Indeed, we look back with fondness to the efforts of Scoop and Maggie, as they were fondly known, to nurture the development of both our States economically. We have accomplished much since statehood, in large part because our delegations have worked together to promote common interests.

We have differences of opinion, as evidenced by this, but as a result of our State's geographic location, we always depended heavily on two-way commerce with the State of Washington. Ships carrying the produce and consumer goods of Washington State regularly enter our ports. In return, we continue to share our great mineral wealth, including much of the crude oil that fuels Washington State's transportation system and supports her economy, and we want to do that in the future.

In fact, development of our natural resources have been of immense benefit to Washington State. Between 1980 and 1991, North Slope oil production generated approximately $1.35 billion in revenues for the State of Washington. Only my State, California, Texas, and Pennsylvania generated greater revenues in providing supplies needed to sustain oil production on the North Slope.

So we look forward to the future. We see vast economic benefits through development of our State's bountiful resources. Opening the Coastal Plain of ANWR to prudent, environmentally sound oil production, for example, would create up to 12,000 new jobs in the State of Washington, ensure the continuity of her refineries, and, as a consequence, we feel we can do it safely.

So, this is, indeed, an important relationship. I have worked hard, along with Senator STEVENS and others, in the conference to ensure that Senator MURRAY's safety and environmental concerns would be addressed. When some of our House colleagues suggested deleting section 206 in its entirety, Congressman YOUNG, from Alaska, and I insisted that efforts be undertaken to find a meaningful compromise. Although I understand my colleague wishes the original language could have been maintained, I believe we did develop a sound alternative.

Let me tell you what that is, because under title IV of the conference report, we have mandated that the Coast Guard examine the most cost-effective methods of using existing towing vessel resources to respond to any vessel in distress. We adopted this alternative because in part we believe that, on the best information available and evidence, that the marine environment of Puget Sound is adequately protected under existing response plan requirements mandated by the Oil Pollution Act of 1990 and other statutory provisions.

OPA is applicable to major oil ports. Puget Sound is one. It requires double-hull tankers over a period of time, inspections, higher liability, response plan and escort vessels and mandates that the Coast Guard be given the discretion relative to escort vessels.

We believe the Coast Guard's existing authority to prevent and respond to oilspills, as well as to impose vessel operating requirements, is fully sufficient to address the needs of all Pacific Northwest waterways. It is an obligation of the Coast Guard to address that.

Nonetheless, in recognition of the interest among the citizens of Washington State in a so-called tug-of-opportunity system and given our strong desire to ensure that cost-effective measures are adopted to enhance the safety in these waters, the committee of conference included title IV.

With respect to Senator MURRAY's general concerns about the impact of ANS exports on her State, let me offer a few thoughts. We firmly believe, as the weight of the testimony before my committee demonstrated, that the Pacific Northwest will continue to be the most natural market for ANS crude.

Given its geographic proximity and relatively low cost of transporting crude to refiners in Puget Sound, there is no sound economic reason why any oil now coming to Washington would be exported. In fact, the largest independent refiner in the area has a long-term supply contract with the largest North Slope producer. Moreover, some of the owners of the largest refineries in Washington State, in fact, support this legislation. There is, thus, no reason to fear oil shortages or higher prices.

Nor, might I add, is there any basis for the concern expressed that enactment of the legislation will lead to a sudden influx of substandard or environmentally unsound foreign-flag tankers in the waters of Puget Sound. Under OPA 1990, all tankers—American flag and foreign flag—are subjected to the same rigorous safety standards by the U.S. Coast Guard. Environmentally safe foreign-flag tankers today deliver imports to refineries in Puget Sound, as a matter of fact. Finally, along with the American-flag tankers, with some of the best safety records in the world, these tankers will continue to deliver the crude that helps fuel the State's economy.

We have carefully considered all the potential negative implications of the ANS export.

We have given the President all the authority he needs to ensure the exports do not pose negative environmental risks for anybody in the Pacific Northwest. Having done so, we want to share the benefits of export. Like Washington State, which for so long has thrived because of free trade—you can imagine what would happen if the State of Washington was precluded by this body from, say, exporting their apples. We feel that way about our oil, Mr. President. We in Alaska want the chance to sell our most precious resource into the world markets. We in the Alaska delegation have fought so hard for so long to maintain free and open trade opportunities for others, and we now ask that our colleagues help us end the discrimination that has kept our most valuable resource from being freely traded in a competitive market. It has been unfair to the State of Alaska. I thank Senator STEVENS, Representative YOUNG, Senator BENNETT JOHNSTON, and other members of the Energy Committee, who worked so hard to bring this legislation together, S. 395, covering the sale of the Alaska Power Authority, and the export of excess oil from the west coast of the United States in U.S.-flag vessels with U.S. crews. This means more U.S. ships and more jobs.

Finally, on the benefits of deep water royalty, I had the pleasure of working with Senator BENNETT JOHNSTON to bring together, with my colleagues in the House, this legislation before us. I believe the time has about expired. The yeas and nays have been ordered. I do not know if there is further time.

I yield the remainder of my time.

Mrs. MURRAY. I yield back our time.

Mr. MURKOWSKI. I urge my colleagues to support the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 574 Leg.]

YEAS—69

Abraham
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Faircloth
Feinstein
Ford
Frist
Glenn
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pell
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—29

Akaka
Biden
Boxer
Bumpers
Byrd
Dodd
Exon
Feingold
Gorton
Graham
Harkin
Hatfield
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—1

Bradley

So the conference report was agreed to.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

COST OF GOVERNMENT SHUTDOWN

Mr. DASCHLE. Mr. President, 800,000 Federal workers were furloughed without pay today as a result of our inability to resolve our differences on the continuing resolution. It could have been avoided. It is as unnecessary as it is unfortunate.

Morale among Federal employees is at one of the lowest points ever. They face great uncertainty, while many are being told they are not essential. It is sad but avoidable. It represents not only a cost to families working for the Federal Government but a huge cost to Government itself. It may cost the Federal Government as much as $150 million a day, costing taxpayers as well.

While it may have been avoidable, it was also predictable, given statements by the Speaker of the House throughout the year. It was on April 3 when the Speaker pledged to "create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation."

It was on November 8 that the Investors Business Daily reported that the Speaker would force the Government to miss interest and principal payments for the first time ever to force the administration to agree to his 7-year deficit reduction.

While failure to pass a continuing resolution costs a great deal, failure to pass a debt limit is costing even more. Officials at Standard & Poor's recently noted, "The willingness of American officials to talk about the possibility of default has already done lasting harm to the United States international image as a country willing to pay back what it borrows." Standard & Poor's President Leo O'Neill argued, "Even if the issue is resolved in the 11th hour, the 59th minute, in some respects the damage has already been done."

Mr. President, we can resolve these matters now. In fact, we must do so. Let the negotiations continue. Let us resolve our differences. If the Medicare premium increase is taken off the resolution and addressed in the overall context of reform, there is no reason we cannot find agreement on a balanced budget by a date certain.

That will take some time. We are not going to do it today; we are not going to do it tomorrow; but we are going to do it. In the meantime, we ought to agree to a clean continuing resolution for several more days to reduce the real harm to Federal employees, to reduce the harm to the U.S. taxpayer, to allow us to do our real work and resolve our differences on reconciliation and the budget.

MAKING FURTHER CONTINUING APPROPRIATIONS, 1996

Mr. DASCHLE. Mr. President, I send a bill to the desk providing for an extension until December 6 of the continuing resolution which expired last night, and I ask that the Senate proceed to its immediate consideration; that the bill be read a third time and passed, and that the motion to reconsider be laid on the table.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

MAKING FURTHER CONTINUING APPROPRIATIONS, 1996

Mr. DASCHLE. Mr. President, I send a bill to the desk providing for an extension until November 17 of the continuing resolution, and I ask that the Senate proceed to its immediate consideration; that the bill be read a third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I thank my colleague from South Dakota.

BUDGET NEGOTIATIONS

Mr. DOLE. Mr. President, as we speak, they are meeting now in S-207. The President's Chief of Staff, as I understand; the Secretary of the Treasury; and the OMB Director, Alice Rivlin, are meeting with Republicans and Democrats, members of the Budget Committee, in an effort to see if there can be some resolution.

I am not an advocate of Government shutdowns. I have been here when they have been shut down when we had Republican Presidents in the White House and a Democratic Congress and the Democrats were insisting on certain things, and the Government shut down. So this is not without precedent. But I have never thought it was the best way to do business, and I hope it can be resolved very quickly.

I hope that while they are trying to negotiate, hopefully, some agreement, that we would not engage in debate on the Senate floor that might drive us apart. I do not have any quarrel with what the distinguished Democratic leader has said. I do not share every view he has expressed. And, again, I would say that when the President talks about Medicare, I hope that the people understand we are talking about part B; we are talking about that part of Medicare where the persons out there working every day making $15,000 $20,000, $30,000 a year are putting money into the general revenues to pay 68.5 percent of someone's part B premium, whether they are worth $50,000, $100,000, $1 million or $1 billion. If the President is trying to protect those people, then I fail to understand why in this case.

All we want to do is just freeze that until we have a negotiated settlement, because sooner or later we are going to have to address Medicare in order to save it, protect it and strengthen it. That is what it was about, and that issue will not go away.

But I think, as I watched the President today very carefully, he shifted his stance today. Yesterday it was Medicare, Medicare and Medicaid. Today it was balance the budget, balance the budget, balance the budget.

I would again say, if the President wants to balance the budget, I am prepared to call up the motion to reconsider the constitutional amendment for a balanced budget. I just need one vote. One of those Senators, one of the six who voted "no" who voted "yes" previously, could change their vote at this moment and send a message across America that we want a balanced budget. And I call upon the President to get the six of his colleagues together and see if he cannot persuade one or two to vote for a constitutional amendment for a balanced budget. That, I think, would let the American people know that this is a bipartisan effort and that we do search for a balanced budget.

Failing that, I think the only recourse we have on this side, and one we are certainly going to pursue, is to balance the budget by the year 2002, balance the budget by the year 2002. Eighty-three percent of the American people want to balance the budget. You cannot balance the budget by adding new programs. We are going to spend more, even with the balanced budget by the year 2002, spend more for Medicare, more for Medicaid, and more for all these programs.

But I happen to believe that we are on the right track. We are doing the heavy lifting now. We are taking the hits on this side of the aisle. We know it is easy—we read the numbers— it is easy to say, "Let's keep hammering those Republicans." But sooner or later the President must recognize that he is the President, he has to provide leadership, he has to make tough choices. The tough choices are not to say, "I'm not going to tolerate any tinkering with this program or that program or that program." That may be the political easy choice, but it is not going to solve our problem.

Unless we balance the budget, we are not being fair to children, children who are 1 year old or 2 years old or 5 years old, who have to look at the future, where they are going to be when they are 20 years of age or 25 years of age. I really believe that it is in our mutual interest to try to work this out. We are talking about an 18-day CR. It is not the end of the world. I hope we can find some resolution.

I am also sympathetic with reference to extension of the debt ceiling. I have seen that over the years used as a vehicle for riders. I remember managing a debt ceiling when I was chairman of the Finance Committee many years ago. We had foreign policy amendments offered and adopted by my colleagues on the other side. We had all kinds—I think we ended up with 19 amendments on the debt ceiling that we had to take to conference with the Ways and Means Committee. And most of it was, of course, completely outside the jurisdiction of the Ways and Means Committee.

So, I do not want anybody to misunderstand this has never happened when we had Republicans in the White House and a Democratic Congress. It has happened. And it probably will happen in the future. Maybe it should not happen. Maybe we ought to do something to prevent it from happening, but we have not done that yet.

I think on that basis, since they are, right within 20 yards of here, trying to reach some agreement, I hope that we will be permitted to stand in recess subject to the call of the Chair. And if we cannot reach some agreement—well, if we hear no agreement can be reached, then we will have to decide what to do for the rest of the evening. But if an agreement can be reached, I hope the House would take it up and send it over here tonight and pass it, and then do precisely what the Democratic leader wishes to do, and that would be to end the shutdown and get people back to work.

Mr. DASCHLE. Would the distinguished majority leader yield?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. DASCHLE. Let me say that I am disappointed that we could not get agreement on this resolution. I think the colloquy we have just had, Mr. President, demonstrates, regardless of what may have happened in the past, why it is so important to have a clean continuing resolution so that we can negotiate a balanced budget, so that we can negotiate whatever it is we may do with regard to Medicare.

We recognize that Medicare is going to have to be reformed. But to single out Medicare and tell seniors that they are the ones who are going to have to be the first to sacrifice before we come to any other conclusion does not make a lot of sense to most Democrats, and that is why we object to having it in the continuing resolution. To say that somehow we cannot resolve these matters one by one in an overall negotiation is to admit failure before we have begun. We are not prepared to do that.

That is why having a continuing resolution that is clean, as we call it, is so important, so that we can get the business of negotiation underway and do it in a much more comprehensive and meaningful way. Sooner or later we are going to have to come to that conclusion. As we deliberate, 800,000 Federal employees continue to wonder what will happen to them next. Taxpayers pay $150 million a day, according to estimates, that is unnecessary. The creditworthiness of the United States is being debated. So we are acquiring additional costs. We are facing additional uncertainty, simply because we have no continuing resolution today.

That can be avoided, Mr. President. We want a balanced budget. We want a date certain by which the budget is balanced. We can negotiate that. We can come to some conclusion on all of that. But we have to deal with first things first. And the continuing resolution is the issue that we have to face if we are going to resolve the short-term crisis for so many Federal employees and the taxpayers.

I have no reservations at all about the continued negotiations that are going on right now. I hope that the majority leader might be willing to allow us to stay in morning business so that we might discuss these and other matters. I know that there are people on our side of the aisle who would like very much to have the opportunity to debate and discuss some of these issues, and, for that reason, Mr. President, I would have to object to going into recess at this time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. DOLE. Mr. President, as the Senator knows, we had a meeting last night at the White House. We all agreed when we left there, at least I thought we had, that it had been a good meeting, some progress was made, and we had not reached an agreement. And I, along with the Speaker, went out and dutifully reported that to the press. Then I later heard we were getting dumped on about Medicare. Then I watched "Nightline," and we were getting dumped on about something else.

Then the President this morning, right after negotiations ended, was saying it was all the Republicans' fault. It makes it rather difficult, to be very frank about it. I know people want to get up and speak and hammer away for another 2 hours. That will not happen. We will have a quorum call. I was trying to save from keeping the staff here. But if that is the desire of the other side, we will have a quorum call, a very slow quorum call, that may take hours.

But my view is this: I have made the same speech that the Democratic leader made when we had Republican Presidents in the White House. I never prevailed, but I made the same speech, I made the same request. I asked unanimous consent that it be extended. Never got it; but I tried. So I am going to commend the Democratic leader for doing what he should do. And if he finds out a way to do it, then I missed something when I was trying to do the same thing.

But the bottom line is that, if we cannot work it out—and this is a confrontation between a Republican Congress and a Democratic White House, and it has been reversed many times. We have stood on the floor while things were going back and forth. In fact, we have had Medicare proposals on CR's before.

But I guess if the President wants to protect the rich, those who only pay 31.5 percent of their premiums even though they are millionaires, that is his prerogative. If he wants to sock somebody to pay it who is making $25,000, that is his prerogative. That is his prerogative. We are trying to make Medicare fair. I think once the American people understand he is talking about part B, part B, which is not means tested, and we just keep shoveling money out of general revenues, taking somebody's money out there making $25,000 or $30,000 and paying 68.5 percent of the premium for somebody who might be well off, it does not make any sense to me.

We ought to means test part B premiums. I think everybody agrees. Just use the word "Medicare," cut Medicare. Do not tell them that you are cutting, because they are going to find out you are not cutting anything.

So I just suggest if the President wants to balance the budget, boy, he is right on track. He said balance the budget in 5 years when he was running. Since then, he has said balance it in 10, 9, 8, or none of the above. So take your pick. He is for 5 years when he is running; he is for 10 years when he is thinking about running for reelection; and he has been for 9 years, for 8 years, for 7 years, or for never.

We are going to find out. The President said he wanted to balance the budget about 10 times in a press conference. We ought to give him that opportunity. We ought to send him a CR, and it ought to say in the CR we will balance the budget in 7 years—7 years—the year 2002, using updated CBO numbers which he asked us to use in 1993, as I recall, when he addressed the joint session of Congress, and then send that to the Congress. Then he can have the CR, and he can also tell the American people he is serious about a balanced budget amendment.

But until that time, I do not know how we are going to resolve it, unless they can figure out something in the other room, because you have a question whether you use the CBO numbers, OMB numbers, whether it is going to be 7 years, 8 years, 9 years, 10 years.

Most Americans do not understand why we are waiting 7 years. They think we ought to do it in a year, 2 years, or 3 years. We believe 7 is the right number. In fact, we will have on the floor, hopefully on Friday, a balanced budget called the reconciliation package. We call it the Balanced Budget Act of 1995, which does balance the budget in 7 years. He will have a clean CR in it. He will have a clean debt ceiling in it. It will all go to the President of the United States, and he can get everything he talked about this past week: He can get a clean debt extension; he can get a clean CR; and he can get a balanced budget; and he only has to sign once. One time—not three times, but one time—and he gets the whole package.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Colorado, I object. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The chair, in his capacity as a Senator from North Carolina, objects and the clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call be rescinded.

Mr. HELMS. I must object.

The PRESIDING OFFICER. The Senator from North Carolina objects and the clerk will continue to call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1410

Mr. DOLE. Mr. President, I understand that S. 1410, introduced earlier by Senator DASCHLE, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1410) making further continuing appropriations, 1996.

Mr. DOLE. Mr. President, I now ask for its second reading, and I object.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 1411

Mr. DOLE. Mr. President, I understand that S. 1411, introduced today by Senator DASCHLE, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1411) making further continuing appropriations, 1996.

Mr. DOLE. Mr. President, I now ask for its second reading, and I object.

The PRESIDING OFFICER. Objection is heard.

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 657. An act to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas.

H.R. 680. An act to extend the time for construction of certain FERC licensed hydro projects.

H.R. 924. An act to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

H.R. 1011. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio.

H.R. 1051. An act to provide for the extension of certain hydroelectric projects located in the State of West Virginia.

H.R. 1290. An act to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes.

H.R. 1335. An act to provide for the extension of a hydroelectric project located in the State of West Virginia.

H.R. 1366. An act to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mount Hope Waterpower Project.

H.R. 2204. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

H.R. 2527. An act to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 924. An act to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill; to the Committee on Energy and Natural Resources.

H.R. 2527. An act to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent and placed on the calendar:

H.R. 657. An act to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas.

H.R. 680. An act to extend the time for construction of certain FERC licensed hydro projects.

H.R. 1011. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio.

H.R. 1051. An act to provide for the extension of certain hydroelectric projects located in the State of West Virginia.

H.R. 1290. An act to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes.

H.R. 1335. An act to provide for the extension of a hydroelectric project located in the State of West Virginia.

H.R. 1366. An act to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mount Hope Waterpower Project.

H.R. 2204. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE:

S. 1410. A bill making further continuing appropriations for fiscal year 1996; read the first time.

S. 1411. A bill making further continuing appropriations for fiscal year 1996; read the first time.

ADDITIONAL COSPONSORS

S. 660

At the request of Mr. BOND, his name was added as a cosponsor of S. 660, a bill to amend title 10, United States Code, to provide for transportation by the Department of Defense of certain children requiring specialized medical services in the United States.

S. 837

At the request of Mr. WARNER, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 912

At the request of Mr. KOHL, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 912, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. HARKIN], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of antitrust laws to charitable gift annuities, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1316

At the request of Mr. KEMPTHORNE, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. LUGAR], the Senator from Nevada [Mr. BRYAN], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Arkansas [Mr. PRYOR], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 1316, a bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

S. 1329

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1329, a bill to amend title 38, United States Code, to provide for educational assistance to veterans, and for other purposes.

S. 1346

At the request of Mr. ABRAHAM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1346, a bill to require the periodic review of Federal regulations.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

ADDITIONAL STATEMENTS

TRIBUTE TO PRIME MINISTER YITZHAK RABIN

• Mrs. FEINSTEIN. Mr. President, I rise today in deep sorrow to pay a tribute to Israeli Prime Minister Yitzhak Rabin, who was assassinated in Tel Aviv 10 days ago.

It is difficult to imagine the State of Israel without Yitzhak Rabin. His last years as Prime Minister were so momentous that it is easy to forget that Yitzhak Rabin was not just present, but played a central role, in virtually every major event in Israel's brief, but dramatic, history.

For many Israelis, Yitzhak Rabin was a father figure—a constant presence throughout their lives, and a source of strength. The profound love, admiration, and respect that his compatriots felt for him was made clear by the tremendous, spontaneous outpouring of grief upon his sudden death: Candlelight vigils cropped up all across the country; men and women stood crying in the streets in shock and disbelief; and 1 million Israelis—20 percent of the population—filed past his coffin in a 24-hour period to pay their last respects.

For Israelis, Yitzhak Rabin had simply always been there.

Born in 1922 in Jerusalem to recent immigrants to Palestine, the young Yitzhak Rabin was part of the generation that built the foundation of the Jewish state. He studied in an agricultural school, with the expectation of working the land with his bare hands.

But Rabin felt a sense of duty to the cause of building Israel, and he put his own ambitions aside to fight for its birth. He joined the Palmach, the forerunner of the Israel defense forces, to fight for Israel's establishment. A fine soldier, he was quickly elevated to command-level positions, and he led the battalion that secured the crucial Jerusalem-Tel Aviv road during Israel's War of Independence in 1948.

After Israel's founding, Rabin rose through the ranks of the Israel defense forces, finally being named Chief of Staff. To Israel's good fortune, he held that position in June of 1967, when he led Israel to a stunning victory in the Six-Day War over three Arab armies threatening the Jewish State. He was one of the first Israelis to walk the streets of the reunited city of Jerusalem, and the pictures of him arriving at the Western Wall of the Temple are to this day among the most moving images in Israel's history.

In the aftermath of this great victory, he retired from the military and became Israel's Ambassador to the United States. He sought this post, he explained, because he felt that Israel's future could best be secured by a strong partnership with the United States. More than any other individual in either country, Yitzhak Rabin envisioned the deep friendship that now exists between the United States and Israel, and worked to make it a reality. It is fitting that in his final years as Prime Minister, he enjoyed a relationship with an American President that surpassed perhaps what even he had imagined possible.

In 1974, in the aftermath of the Yom Kippur War that brought down the government of Golda Meir, Yitzhak Rabin became Prime Minister of Israel. During his tenure in office, he forged an early path in Middle East peacemaking by negotiating disengagement agreements with both Egypt and Syria. Following the Labor party's defeat to Likud in 1977, Prime Minister Menachem Begin and Egyptian President Anwar Sadat built on the successful disengagement negotiations to reach a full peace treaty.

In 1984, Yitzhak Rabin returned to the Cabinet as Israel's Defense Minister. In the first year, he helped to arrange the withdrawal of the Israeli Army from most of Lebanon, following a costly and painful invasion. In 1987 and 1988, he was confronted by the Palestinian uprising, or intifada, and the daily battles between Israeli soldiers and Palestinian youths.

Finally, in 1992, Yitzhak Rabin returned victorious to the Prime Ministership. He quickly recognized the opportunity to achieve a breakthrough in the stalled negotiations between Israel and its neighbors. The results included the historic agreements between Israel and the Palestinians, the peace treaty with Jordan, and many unforgettable images, such as the famous handshake with Yasser Arafat on the White House lawn, and the appearance with King Hussein of Jordan at a joint session of Congress.

The common thread through all these various experiences was an unshakable commitment to the security and well-being of the State of Israel. At every stage of his life—from young soldier fighting for his nation's survival, to confident commander of a strong army, to diplomat reaching out to broader ties with the world, and finally to statesman leading his nation to make peace with old foes—he was motivated by a desire to build a better, more secure, more peaceful life for his people.

Yitzhak Rabin was a man of great integrity. He spoke plainly and made no pretense about his overriding concern: the security of the State of Israel and its people. But, blessed with strength of character and a keen intellect, he was able to adjust his understanding of what Israel's security required according to changing conditions.

In 1948 and 1967, for example, he knew that Israel's survival required an all-out military effort. In later years he understood the need to maintain Israel's world-class military and the imperative of a strong alliance with the United States.

For many years after the Six-Day War, he had been an advocate of Israel retaining all of the West Bank and Gaza. But as the intifada went on, the destructive effects of the continuation of Israeli control over a hostile, embittered population of nearly 2 million Palestinians became clearer to him.

Over time, and not without difficulty, he came to the understanding that Israel's long-term survival as a Jewish state would be jeopardized by the continued domination of another people. He was not naive. He recognized that there were risks involved with reaching out to old enemies. But his pragmatic understanding of Israel's own needs led to the historic agreement between Israel and the Palestinians.

In his final speech to the Israeli people, at the peace rally where he was cut down, Yitzhak Rabin explained how he had come to reassess Israel's situation. He said:

> I was a military man for 27 years. I fought so long as there was no chance for peace. I believe that there is now a chance for peace, a great chance. We must take advantage of it for the sake of those standing here and for those who are not here—and they are many.
>
> I say this to you as one who was a military man, someone who is today Minister of Defense and sees the pain of the families of the Israel Defense Forces soldiers. For them, for our children, in my case for our grandchildren, I want this government to exhaust every opening, every possibility to promote and achieve a comprehensive peace.

Yitzhak Rabin was a pragmatist, not a starry-eyed idealist. But through his pragmatism, he reached a visionary conclusion. This man, who cared so deeply for every Israeli soldier who fell in battle, for every victim of terror, knew that when an opportunity for peace presented itself, he must seize it. A pragmatic conclusion to be sure, but also a morally-centered one.

I was privileged to attend Yitzhak Rabin's funeral last week in Jerusalem, the city of his birth. He is buried among Israel's fallen heroes on Mount Herzl, and there could be no more appropriate place. He was a patriot and hero for Israel as a soldier and a leader, in wars of survival and in the struggle for peace.

The funeral was a powerful testimony to his achievements. Yitzhak Rabin, the military hero, was saluted by weeping soldiers, and buried with full military honors. Yitzhak Rabin, the peacemaker, was honored by the entire world. Dozens of heads of state and foreign dignitaries, from every corner of the globe, came to pay their respects. There could be no greater evidence of the incredible progress made by Yitzhak Rabin toward peace and ending Israel's isolation.

Most inspiring of all was the presence of leaders from seven Arab countries—Jordan, Egypt, Morocco, Tunisia, Qatar, Oman, and Mauritania—and the Palestinian Authority. Such a thing could not have happened even 3 years ago. The peace that Yitzhak Rabin was striving to build was brought to life by the presence of President Mubarak of Egypt, on his first visit to Israel, and by Jordan's King Hussein, who called Rabin "my brother."

It now falls to Shimon Peres, Israel's acting Prime Minister, to continue the work of his partner, Yitzhak Rabin. Israel is fortunate to have such a wise and capable leader ready to step in to the void created by this tragedy. Shimon Peres has served Israel with distinction over many years as Prime Minister, Foreign Minister, Defense Minister, and many other posts.

Shimon Peres is in many ways the architect of the Israeli-Palestinian agreements, and his commitment to achieving a comprehensive peace that protects Israel's security is unquestioned. If there is any consolation in this time of grief, it is that Yitzhak Rabin's partner, Shimon Peres, who shared Rabin's vision, will be able to carry that vision forward.

As the tributes to Yitzhak Rabin continue to flow forth from around the world, we must rededicate ourselves to supporting Israel in its pursuit of peace. It is a sad irony that at the moment of Yitzhak Rabin's death, Congress had allowed the Middle East Peace Facilitation Act—which Rabin considered essential to the success of his peace policies—to lapse.

While this problem was rectified following the funeral, we know that Congress will have many future opportunities to express support for the peace process. When we fail to do so, we undermine Israel's peace efforts and dishonor Yitzhak Rabin's legacy.

Let us commit to one another and to the memory of Yitzhak Rabin, that we will place support for Israel's peace efforts above partisan or political disputes. Bringing peace to Israel and the Middle East—which was Rabin's life's work—deserves to be such a priority. If we fail to do this, all our words and tributes in praise of Yitzhak Rabin will ring hollow.

Let us also commit ourselves to condemning violence and the incendiary rhetoric of extremists, wherever we find it. The painful lesson of Rabin's death is that violent words can indeed have violent consequences. Tragically, "Death to Rabin" was not just a slogan. It is up to all of us to isolate those who use such words.

Israel and the world have lived 10 days without Yitzhak Rabin, and we are far poorer for his loss. While the pain does not fade easily, his memory can be a source of comfort. This past Sunday night, at the conclusion of the 7-day mourning period, tens of thousands of Israelis returned to the site of his assassination—renamed Yitzhak Rabin Square—and sang songs of peace in his honor.

For Israel, for the Jewish people, and for all who loved and respected Yitzhak Rabin, may his memory be a blessing. In death as in life, may he give hope and strength to his people.●

RECOGNITION OF MINNESOTA TEACHER OF THE YEAR

● Mr. GRAMS. Mr. President, I would like to take this opportunity to recognize an outstanding Minnesotan who has been chosen as Minnesota's "Teacher of the Year."

A resident of Owatonna, MN, Donald Johnson has been teaching for more than 27 years. This year he was selected as teacher of the year for his significant contributions to education.

Described by his principal at Owatonna Senior High School as a teacher who "lights up the classroom," Mr. Johnson specializes in history with a focus on American, European, art, and religious history.

Known for his quick wit and sense of humor, Mr. Johnson never shrinks from a challenge and never settles for the old way of teaching. He is always looking for new and innovative curriculum to challenge himself and bring out the best in his students.

Teachers like Donald Johnson represent the key to America's future. As our children face the challenges of the 21st century, it is dedicated educators like Mr. Johnson who accept the challenge of turning the young people of today into the leaders of tomorrow.

Mr. President, I hope that you and the rest of our Senate colleagues will join me in congratulating one of America's outstanding educators.●

TRIBUTE TO LT. GEN. WILLIAM M. KEYS

● Mr. LEAHY. Mr. President, I rise to pay tribute to a great American, Lt. Gen. William M. Keys, who recently retired from the U.S. Marine Corps. General Keys was awarded the Distinguished Service Medal in recognition of his exceptional service during the last few years of his long career. From the jungles of Vietnam to the sands of Kuwait, General Keys answered the call to duty, and today, on behalf of all Senators, I pause to thank him.

Mr. President, I ask unanimous consent that the full text of his award citation be printed in the RECORD.

The text of the citation follows:

Citation To Accompany the Award of the Defense Distinguished Service Medal to William M. Keys

Lieutenant General William M. Keys, United States Marine Corps, distinguished himself by exceptionally distinguished service as Commander, United States Marine Forces, Atlantic, from June 1991 to July 1994. General Keys displayed dynamic leadership, doctrinal and operational boldness, and dogged determination in aggressively pursuing initiatives that enhanced the Force's ability to successfully prevail on the joint battlefield. He significantly improved the Commanders-in-Chiefs ability to best utilize the operational capabilities of all the forces available. With the establishment of the United States Atlantic Command (USACOM) as the joint force integrator for CONUS-based forces, General Keys' leadership was crucial in shaping and defining many joint warfare concepts, including the standardized development of the Joint Air Force Component Commander (JFACC) concept within USACOM and United States Pacific Command. As Joint Task Force Commander for Ocean Venture 92, he built upon improved communications capabilities and better joint tactics, techniques, and procedures within the JFACC/JTCB. He also played a key role in the development of joint training concepts and exercise schedules currently emerging from USACOM. The distinctive accomplishments of General Keys culminate a distinguished career in the service of his country and reflect great credit upon himself, the United States Marine Corps, and the Department of Defense.●

LIECHTENSTEIN-BASED LOTTERY ROLLS OUT ON INTERNET

● Mr. LUGAR. Mr. President, I ask that the following article be printed in the RECORD.

The article follows:

[From Reuters News Service, Oct. 3, 1995]

Liechtenstein-Based Lottery Rolls Out on Internet

London.—A new international lottery, licensed by the government of the tiny European principality of Liechtenstein, was launched via the Internet Tuesday.

InterLotto will give the world's 50 million Internet users the opportunity every week to win a jackpot of at least $1 million by dialling up a new World Wide Web page on the Internet computer network.

"It is the first government-licensed lottery on the Internet," David Vanrenen, chairman of the International Lottery in Liechtenstein Foundation, told a news conference.

The launch in London, headquarters of the computer services firm Micro Media Services Ltd, which provides the hardware and technology for InterLotto, came on the heels of controversy over Britain's National Lottery.

The opposition Labor Party Monday criticized the National Lottery for making profits and there have been jibes that the lottery funds elitist causes.

InterLotto officials said players could nominate charities to receive awards. At least five percent of InterLotto revenues will go to charity initially with 65 percent going in prize money and the rest going toward paying costs.

"Every time you book a ticket, you enter a nomination for a charity," Vanrenen said.

The foundation, authorized and controlled by the Liechtenstein government, is operating InterLotto.

Liechtenstein, a tax-free country of 30,000 residents wedged between Switzerland and Austria, will not receive any money from the lottery which is non-profit-making.

The government will select charities to receive donations. Ticket purchasers will then vote to decide which of the selected groups receive funds. Organizers hope to sell one million tickets a week by the end of the year.

The British National Lottery donates 28 percent of its revenues to good causes and charities. Like most other government-run lotteries in Europe, the British lottery pays out 50 percent of revenues in prize money.•

BUDGET RECONCILIATION VOTES

• Mr. ABRAHAM. Mr. President, during consideration of the Budget Reconciliation Act of 1995, the Senate conducted a remarkable number of rollcall votes, including a record 39 votes on Friday, October 27. I want to take some time now to discuss several of the more critical votes about which I was unable to comment at the time.

First of all, Mr. President, I generally voted against motions to waive the Budget Act for amendments that resulted in higher deficits and amendments to strike budget savings in the bill because they would have moved us away from the goal of balancing the budget by the year 2002. These amendments included the Jeffords amendment on two-part dairy, the Specter amendment to strike all of the savings derived from the Medicare disproportionate share payments, and the Moynihan amendment to strike the indirect medical payments provisions. Aside from the respective merits of each amendment, their adoption would have resulted in a deficit in the year 2002, taking the reconciliation package out of balance and causing us to miss our primary goal in this budget process—enactment of a balanced budget.

Second, I voted against amendments to roll back the $245 billion in tax relief for middle-class families and small businesses. As I have noted previously, as a consequence of the $900 billion in savings generated from our budget over 7 years, the Congressional Budget Office estimates that an economic dividend will accrue to the Federal Government. In my mind, this tiny surplus belongs to the taxpayers who make all the other Government programs possible, and for that reason, I opposed all amendments to reduce the size of the tax cut. These amendments included the Rockefeller motion to reduce the savings from Medicare to $89 billion and to offset this reduction by reducing the tax cuts by a like amount; the Bumpers amendment to delay the tax cut for 7 years; the Dorgan-Harkin-Kennedy amendment to limit the capital gains tax reduction; the Lautenberg amendment to prohibit high-income people from benefiting from the lower taxes; the Baucus amendment to strip out the tax cuts in order to avoid any reductions in spending that might impact rural America; the Simon-Conrad substitute amendment to strike the tax cuts and entitlement reforms; and the Byrd amendment to strike the tax cuts altogether.

As I have said previously, I fully support providing American families and businesses with this modest tax cut. The Republican budget projects that the Federal Government will spend about $12 trillion over the next 7 years. The tax cut included in this bill would return to the taxpayers just a fraction of that amount. This is certainly reasonable, especially considering the primary beneficiaries of these tax cuts are low- and middle-income families—families that have seen their Federal tax burden rise dramatically over the past 40 years.

Mr. President, let me comment on the Rockefeller motion in particular. The effort to tie the tax cuts included in the budget reconciliation bill with the necessary reforms made to Medicare is disingenuous. With or without tax cuts, the Medicare trustees have stated in no uncertain terms that the Medicare trust fund will go insolvent in 2002. The Senate reconciliation bill makes the fundamental reforms necessary to keep Medicare solvent and it lays the foundation for long-term reform of the Medicare system. These reforms have nothing to do with any tax cuts included in the bill and everything to do with preserving Medicare for future generations.

Mr. President, there were a few amendments offered that pertained to the treatment of low-income families. I opposed Senator BRADLEY's motion to increase spending for the earned income tax credit by raising unspecified taxes. While the basic premise and goals of the earned income tax credit are sound, it is apparent that the program is in need of reform. As was stated clearly during the debate, the EITC has suffered in recent years from fraud and abuse. According to the Governmental Accounting Office, the EITC has an error and fraud rate of between 30 and 40 percent. Aside from cheating the taxpayers, this problem is also cheating deserving families from receiving payments for which they are eligible.

Under this budget, spending on the EITC Program will continue to increase, from $19.8 billion this year to $22.8 billion in 2002. As a result, the maximum credit available to low-income families with two children will increase from $3,110 this year to $3,888 in the year 2002. Contrary to what was argued during debate, EITC payments don't go down under this legislation, they go up.

Another amendment worth commenting upon was the Breaux amendment to make the $500 per child family tax credit refundable against employee-paid payroll taxes by limiting the tax credit to children under 16 years of age and phasing it out to families with incomes between $60,000 and $75,000. As I noted at the time, I support making the $500 family tax credit refundable against employee-paid payroll taxes. Nevertheless, I opposed this amendment because it would unfairly exclude many middle-class families who also need this relief. In my State of Michigan, there are many families where both the husband and the wife work. It's not hard to imagine a family where the husband is an auto worker, the wife is a teacher, and their combined incomes are well above the arbitrary cutoff established by the Breaux amendment. Furthermore, there are many families with children aged 16 or 17 who will also lose out under the Breaux amendment. I should point out that teenagers are just as expensive as younger children—if not more; I don't need to remind anyone just how much college costs these days, or car insurance for that matter. Parents of children aged 16 and 17 are struggling to make ends meet too, and they need the tax relief the Breaux amendment would take from them. It is my hope that FICA refundability will be raised during conference and that a solution will be adopted to provide tax relief to as many American families as possible.

Another group of amendments related to Medicare, Medicaid, and other health related matters. Senator GRAHAM of Florida offered a motion to recommit the reconciliation bill to the Finance Committee in an effort to reinstate the Federal entitlement and reduce the level of savings from the Medicaid program proposed in the Republican bill. This was, in essence, a killer amendment. As with the Rockefeller Medicare motion to recommit, the Graham amendment struck at the core of our efforts to balance the Federal budget by the year 2002.

Republicans believe it is time to end the Washington knows best mentality that dominates our budget policies and programs. Under our budget, we want to give the States more control over the Medicaid Program in exchange for an overall reduction in the growth rate of the program. The States have proven that they can deliver government services more efficiently and at less cost if they are given the freedom to do so. The Republican bill does that by placing fewer strings on the funds it provides to the States while focusing its resources on those workers on the frontlines—providing direct assistance to the needy.

There were separate amendments offered by Senators CHAFEE and DODD related to Medicaid eligibility issues. I voted to maintain the Medicaid eligibility criteria already included in the reconciliation bill by the Finance Committee. The Chafee and Dodd amendments would have mandated to the States to cover certain classes of individuals under the State-run Medicaid Program. Again, this runs counter to our effort to provide States with more flexibility—not less.

A similar amendment was offered by Senator PRYOR. His amendment would have extended existing Medicaid standards with regard to nursing home facilities. At the time of the vote, it was my understanding that the Senate leadership would offer a subsequent amendment addressing the concerns raised by the Senator from Arkansas. This amendment was offered and accepted, and it ensures that Federal nursing home standards remain the minimum protection level afforded to nursing home residents. Under this amendment, States may receive a waiver from Federal requirements, but only if the Secretary of Health and Human Services determines that the State's regulations are as tough—or tougher—than Federal regulations. With the understanding that this amendment would be offered, I voted against the Pryor amendment.

Mr. President, another amendment worthy of note was the Kassebaum amendment to restore funding to the school loan program. I had an opportunity to address these issues first as a member of the Senate Labor Committee. At that time, we were confronted with the need to meet our reconciliation instructions by reducing the cost of the school loan program. While the committee met its instruction by choosing the most acceptable of undesirable alternatives, several of my colleagues and I promised to work to reduce the impact these cuts would have on students and their parents. The result of this effort was the Kassebaum amendment to strike provisions eliminating the 6-month grace period for student, imposing a loan fee on institutions, and increasing the interest rate on PLUS loans. This amendment effectively shielded college students from increased out-of-pocket costs, and I was pleased to see it adopted.

Senator BIDEN offered President Clinton's education tax credit proposal as an amendment to the bill. I voted against it because the reconciliation bill already includes a student loan tax credit of up to $500 for middle-class families. Our plan also provides considerable additional relief to those families struggling to find enough resources in their limited family budget to cover the rising costs of college.

Senator BAUCUS offered an amendment to strike the ANWAR provisions of the bill. I support responsible, environmentally controlled efforts to explore and develop certain wilderness areas and, for that reason, I voted to table this amendment.

It is important to note that, on this issue, the State of Alaska and its citizens have spoken out. The Eskimos and Alaska's elected representatives recognize the potential benefits of development and support exploration of the region. The Inupiat Eskimos are the historic residents of Alaska's North Slope; they are subsistence hunters who live off the land. Proceeds from oil production means good schools, medical services, and a better standard of living for them and their children.

Furthermore, responsible development of these oilfields is in Alaska's and the Nation's best interest. Alaska's current production facility at Prudhoe Bay, which provides more than 20 percent of domestic oil, is in decline. The State's revenues from oil are projected to fall from more than $2 billion today to $700 million in 2010. This could cause a grave fiscal crisis for Alaska. By contrast, if a commercial field is discovered projected Federal revenues could approach $40 billion.

Finally, it should be noted that the Eskimos, who are dependent on the Caribou, fish, and other wildlife, believe that opening the refuge is compatible with their lifestyle and crucial to their survival.

For these reasons, I support the exploration of the coastal plain. I believe exploration can be done in a manner that protects the environment and also provides needed economic development.

A final tax matter which was addressed during debate was the Specter amendment supporting replacing the current Tax Code with a flat tax. As an extraneous matter, this amendment was subject to a point of order. I voted to sustain this point of order, but I want to emphasize that this vote should not be interpreted as opposition to the idea of the flat tax—but rather opposition to including it on this vehicle at this time. I agree with Senator SPECTER that our current Tax Code is too complex and inefficient and needs to be replaced, and I support investigating the benefits of all of the proposed reforms that have been put forward, including a flat tax.•

WOMEN OF DISTINCTION—1995

• Mr. INOUYE. Mr. President, I rise to pay a tribute to three individuals who were named the 1995 Women of Distinction by the Girl Scout Council of Hawaii. These women, Gladys Ainoa Brandt, Carole Kai Onouye, Gretchen R. Neal, as well as Sibyl Nyborg Heide, the Girl Scout Council of Hawaii's 1995 Living Treasure, have impressive records of service to the community that more than justify this great honor. They are outstanding role models for young women in the State of Hawaii.

Gladys Ainoa Brandt, an outstanding educator and community volunteer, has committed herself to improving the quality of education in Hawaii. Ms. Brandt held a wide range of positions in the field of education, from classroom teaching to chairwoman of the University of Hawaii Board of Regents. She has exemplified the very best in public education.

Carole Kai Onouye, an inspirational champion of Hawaii's charities, devotes herself to improving the quality of life in Hawaii. Ms. Onouye serves on the boards of the Variety School, the Girl Scout Council of Hawaii, the Great Aloha Run, and Hawaii Maritime Center, and the USO Golf Tournament.

Gretchen R. Neal is a dedicated health care provider. Ms. Neal, whose goal from childhood was to be a nurse, was the first female to enter the Health Services Administration masters program at the University of Hawaii at Manoa. She has been actively involved with the Girl Scouts throughout her life.

Sibyl Nyborg Heide is an important benefactor in the local community. She, too, has been actively involved with the Girl Scouts throughout her life.

For all that they do for the community, and especially for young women, these four women deserve our respect and admiration.•

IMMIGRATION REFORM

• Mr. ABRAHAM. Mr. President, I would like to bring to the attention of my Senate colleagues an important article prepared by Stuart Anderson and Steve Moore of the Cato Institute entitled "GOP Breaches of Contract." This piece explains why the immigration reform bill moving through the House violates the core principles of more freedom and less government that form the basis of the GOP's Contract With America. I would also like to highlight a recent statement signed by several business leaders on the need to maintain America's historic commitment to legal immigration. As we begin debate on immigration legislation here in the Senate, I would urge my colleagues to consider this information carefully. I ask that these materials be printed in the RECORD.

The material follows:

[From the Washington Times, Nov. 6, 1995]

GOP BREACHES OF 'CONTRACT'?

(By Stuart Anderson and Stephen Moore)

The "Contract With America" was not simply a list of 10 bills to be voted upon, but rather it represented the governing philosophy of the Republican Party. Unfortunately, the immigration bill recently voted out of the House Judiciary Committee, with unanimous Republican support, violates the four key precepts of the "Contract with America."

(1) Family values. The Contract states: "The American family is at the very heart of our society. It is through the family that we learn values like responsibility, morality, commitment, and faith." The House immigration bill, H.R. 2202, strikes at the heart of family unification by preventing brothers, sisters and nearly all adult children from joining their families here in the United States.

A guarantee to admit 25,000 eligible parents annually (half the current yearly total) was included in the bill, but only after an outside analysis confirmed that no parents could have immigrated if the bill had passed without amendment. But the bill contains a new obstacle for parents—only those who purchase nursing home and Medicare-comparable health insurance will be allowed to immigrate. That leaves only spouses and minor children, who could immigrate only if their sponsors meet new income requirements.

(2) Fiscal responsibility. "Controlling spending is the primary means to controlling the deficit," states the Contract, yet the House immigration bill carries several big ticket items. First, up to $80 million would be needed to return fees paid by petitioners whose siblings or adult children have received permission to immigrate but who will be cut off the waiting list if the bill passes in its present form. Second, estimates by the Cato Institute, the Immigration and Naturalization Service, and the Social Security Administration reveal that hundreds of millions of dollars would eventually be needed to pay new and current federal bureaucrats to staff, maintain and clean up the proposed computer verification system. The system is designed to check the legal status of new private and public sector hires via telephone or modem. Third, the federal government will assume the potentially quite large liability for compensating any individual who loses a job or wages from being wrongfully denied employment due to an error under the new employment verification system.

(3) Rolling back government regulations. The Contract notes, "To free Americans from bureaucratic red tape, we will require every new regulation to stand a new test: Does it provide benefits worth the cost? To help our cities and states, we will ban unfunded mandates." The bill's various new mandates on cities, counties and states, including requiring such entities to verify new hires through a federal computer system, violate the intent of the recently passed Unfunded Mandates Reform Act, which requires that new mandates be paid for.

According to the Justice Department report on the nine-company pilot project that the bill's new computer system is based upon, compliance cost for companies using the system has averaged $5,000 annually. During the Judiciary Committee markup, Republicans defeated an amendment to stop the computer system if a GAO study found the new program cost small businesses more than $5,000 a year to implement. However, even this figure understates the true cost to businesses, since the pilot project allowed companies to check the legal status of only self-identified immigrants, while the House bill requires companies to check citizens as well. As for the cost-benefit analysis for new regulations recommended in the Contract, any benefit from this new system is only hypothetical, since there is no evidence this new mandate on businesses will reduce illegal immigration.

(4) Individual liberty. The Contract criticized the "Clinton Congress" when it argued, "Big Brother is alive and well through myriad government programs." In committee, Ohio Republican Rep. Steve Chabot attempted to delete the computer system from the bill, calling it 1–800–BIG BROTHER, but his effort lost on a 17–15 vote. He promises to fight the measure on the House floor.

Advocates of individual liberty should at least question any program that would centralize data on all Americans in a place where future social engineers can wreak havoc on the citizenry. Senate legislation attempts to ensure that only Americans and legal residents are listed in the computer system by requiring that everyone be fingerprinted or provide other biometric data (such as a retina scan) to "personalize" birth certificates by age 16. The House bill moves in that direction by mandating a study of "counterfeit-resistant" birth certificates. Moreover, at least one computer system supporter in the House has said the system will not work without some type of national ID card.

Supporters of smaller government and family values will find that the House immigration bill violates the spirit, indeed the essence, of the Contract. It also contradicts Majority Leader Dick Armey's vision of a freedom revolution and Speaker Newt Gingrich's desire to create a "Conservative Opportunity Society." The immigration bill's provisions against families, the mandates on businesses, cities and states, and the specter of creating yet another uncontrollable government program should give pause to reformers. These measures would represent business as usual, not the Republican Revolution promised by the "Contract With America."

[From the Alexis de Tocqueville Institution, Arlington, VA]

BUSINESS: IMMIGRATION HELPS NOT HURTS

We are concerned that legislation on immigration before the Congress will significantly damage U.S. economic growth, jobs, and competitiveness. It seems to proceed from the assumption that immigration is a mild ill which can only be tolerated to a degree. Yet far from being a drain on U.S. society or the economy, immigrants are a vital engine.

Immigrants generally pay more to the U.S. government in taxes than they use in services, as a number of studies have shown. In fact, a sudden drop in immigration levels would sharply reduce Social Security revenues.

Immigrants play a key role in product and technological development, the cutting edge of U.S. industrial growth. Many of our fastest-growing firms, and largest exporters, employ a significant share of immigrants in research and overseas marketing. Most of them cannot be replaced, and their loss would mean the loss of thousands of other jobs for Americans. Each year, many immigrants, some of them at our firms, obtain patents for products and processes that generate jobs, growth, indeed entire industries.

Immigrants own a significant share of small businesses. These small businesses are the engine of jobs growth in the U.S.: As a number of studies have shown, a large number of new jobs are generated by the smallest U.S. firms. Often these small operations become the driving force by which whole communities and cities are revived: Cuban renewal of Jersey City; the Vietnamese corridor of Arlington, Virginia; prosperous Asian communities throughout California.

On balance, a survey of Nobel economists released by the Alexis de Tocqueville Institution showed near-unanimous agreement immigration is a major economic plus.

Of course, we believe measures to increase the costs and complexity of hiring immigrants, and to reduce ceilings on such hirings, and other measures pose a special threat to American competitiveness. But we recognize that restrictions on family re-unification, refugees, and other categories not labeled as economic are vitally important as well. Workers have husbands, wives and children. Many present employers came to this country not as major business executives, but as victims of persecution, famine or civil war. If these categories, or general immigration levels, are reduced, economic immigration will suffer, too.

U.S. immigration policy could certainly be improved, and illegal immigration brought under more reasonable control (without national databases and i.d. cards). But the core of any reform should involve extension and refinement of present immigration levels, not tighter restrictions. And it should be based on the understanding that high levels of immigration are no liability; they are part of America's strength.

John Whitehead, former co-chairman, Goldman Sachs, former deputy secretary of state

George Soros, president, Soros Fund Management

Kenneth Tomlinson, editor-in-chief, Reader's Digest, former Director, Voice of America

Richard Gilder, Gilder, Gagnon and Howe

Lewis Eisenberg, co-chairman, Granite Capital International Group

Cliff Sobel, CEO, Bon Art International

Ed Zschau, International Business Machines

Donna Fitzpatrick, president and CEO, Radiance Services Company

Dr. J. Robert Beyster, chairman and CEO, Science Applications International Corporation

Lawrence Hunter, president, Business Leadership Council

Barton M. Biggs, chairman, Morgan Stanley

Jerry Junkins, chairman, President and CEO, Texas Instruments

T.J. Rodgers, president and CEO, Cypress Semiconductor

Felix Rohatyn, managing director, Lazard Freres & Co.

Mortimer Zuckerman, chairman and editor-in-chief, U.S. News and World Report

Lee Iacococca

Thomas Weisel, chairman, Montgomery Securities●

ORDERS FOR WEDNESDAY, NOVEMBER 15, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon, Wednesday, November 15; that following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask further that tomorrow, from 12 to 12:30, there be a period for morning business, with a 5-minute time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, we hope to turn to S. 908 tomorrow, the State Department reorganization bill, under a 4-hour time limitation. It is also possible that the Senate may consider a continuing resolution or debt limit extension, if received from the House. The Senate may also turn to any available appropriations conference reports.

I hope that we can go to S. 908. Certainly, it has been controversial, and it has been discussed and discussed. I think now we have some agreement between the Senator from North Carolina, Senator HELMS, and the Senator from Massachusetts, Senator KERRY. If we can complete that, it might free up some of the nominations and also some of the conferees that I understand are being held because this has not been disposed of. We can check on that tomorrow.

I also indicate that, as far as this Senator knows—we have checked on the House side—there will not be a reason to stay in this evening. So there will not be a CR coming to us from the House. There was an offer made by Senator DOMENICI and Congressman KASICH to members from the White House representing the President earlier today. I am not certain if that offer has been rejected.

In any event, we will be back tomorrow. It is my hope that we will continue to work, as we have today and yesterday and through the evening and past midnight last night, to come to some agreement and pass a continuing resolution, which will avoid any longer shutdown of the Government.

I believe much of what transpired, of course, will be up to the President of the United States. If he is prepared to sign on to a 7-year balanced budget, then we can do business very quickly.

As I said earlier, in a brief 5-minute appearance at the White House, I think the President used the term "balanced budget" at least five, six, seven, eight times, about how strong he was for it, and that he wanted a balanced budget. Well, if he wants a balanced budget, then I see no reason he cannot accept our proposal, which would eliminate the Medicare provision and keep some of the spending restraints and also add balanced budget language.

I hope the President would look at it carefully. He has indicated in the past, in 1992, he was for a 5-year balanced budget; since then, for 10 years, 9 years, 8 years, or 7 years, or maybe none of the above, but he has indicated flexibility.

If he is serious about a balanced budget amendment or getting a balanced budget by the year 2002, I see no reason we cannot only pass a continuing resolution, but the debt ceiling extension very quickly.

ADJOURNMENT

Mr. DOLE. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order until 12 noon, Wednesday, November 15, 1995.

Thereupon, the Senate, at 7:37 p.m., adjourned until Wednesday, November 15, 1995, at 12 noon.

HOUSE OF REPRESENTATIVES—*Tuesday, November 14, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Ms. PRYCE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 14, 1995.

I hereby designate the Honorable DEBORAH PRYCE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT] for 5 minutes.

END TO BUSINESS AS USUAL

Mr. GUTKNECHT. Madam Speaker, Winston Churchill once observed that sometimes doing our best is not enough. Sometimes we have to do what is required.

A little over 1 year ago the voters of this Nation went to the polls, and I think they sent a very unmistakable message to this Capitol and to the people who were elected to serve them.

I think the message was clear: They wanted an end to business as usual; they wanted to put the Federal Government on a diet; they wanted to lift the burden of senseless regulation; they wanted to allow families to keep and spend more of their earnings. Finally, and perhaps most important, they wanted us, for the first time in more than two decades, to balance the Federal budget.

Madam Speaker, from the very first day, this Congress, this House, and indeed this majority, has done its best to keep its faith with the American people. We have done what is required.

We accomplished much in the very first day. We made the Congress live by the same rules as everybody else. We downsized the staff. We have made enormous attempts to open up the process so that the committee meetings are open to the public. We eliminated the process whereby committee chairmen could have all of the votes lined up and no one even showed up for committee meetings. We have opened up this process and changed the way this Congress does business from the very first day.

We have marshaled through smoke screens of the defenders of the status quo, and during the flak from the media elites and the firestorm of special interests. We have been subjected to half truths, distortions, and indeed, bald-faced lies.

For example, we are being accused today of cutting Medicare, of cutting school lunch, of eliminating student loans, when the other folks who say this know that these are not true. As a matter of fact, when one talks about Medicare, we are increasing Medicare by over 45 percent over the next 7 years. The average Medicare recipient will go from $4,800 this year to $6,700 in only 7 years.

As a matter of fact, recently a poll came back and when Americans were informed that we are actually talking about increasing Medicare from $4,800 per recipient to $6,700 per recipient, 63 percent of the people, when informed of that, said that we are raising Medicare too much. School lunch, and some will recall we had this debate earlier this year, was being cut, but in fact, the truth is school lunch programs will increase, nutrition programs will increase by over 35 percent over the next 7 years.

I wonder how many of our college students actually know that the total appropriations for school loans will increase by 47 percent over the next 7 years.

We are also being accused of doing all of these very mean-spirited things in order to pay for a tax cut for the rich. Again, anyone who has studied the issue more than 10 minutes knows that this is simply not true. As a matter of fact, our $500-per-child tax credit for families will go to benefit mostly families earning under $75,000 a year. As a matter of fact, 74 percent of the benefits of that tax credit program will go to benefit those earning less than $75,000 a year.

More important, when they talk about tax cuts for the rich, frequently what they are really talking about is an increase of cutting the capital gains tax rate. But the truth of the matter is, even there, and particularly people back in the Midwest know this, that 44 percent of the people who get stuck paying a capital gains tax are rich for 1 day, the day they sell their farm, the day they sell their business, or the day they sell an investment which they have been holding and paying taxes on, in many cases for a long period of time.

Madam Speaker, 3 years ago our President campaigned promising to downsize the Federal Government, to end welfare as we know it, to reform and save the Medicare system. He promised tax cuts for the middle class, and he promised to balance the budget within 5 years. He has not kept his promises. What is worse than that, and particularly on behalf of many of my freshmen colleagues, he is keeping us from keeping our promises.

It is unfortunate that this impasse has been reached and that nonessential Federal employees are being sent home, but it would be a tragedy of historic proportions if we were to back down now on our commitment to keep the promises that we made and to keep the promises that he made.

Madam Speaker, we must not turn back now. I think the American people are counting on us to keep our promises, to do what we said, to change the way Government does business and to make the Government live within its means.

CONGRATULATIONS TO PRESIDENT CLINTON FOR VETOING CR

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 4 minutes.

Mr. PALLONE. Madam Speaker, I learned this morning that the President had exercised his veto to prevent an increase in Medicare premiums for our Nation's elderly by vetoing the continuing resolution early this morning. Again, Madam Speaker, I want to congratulate the President on doing that, because if he were to allow the Medicare premiums to rise, it would be the beginning of this whole process that the Republican leadership is trying to impose on the American people where Medicare premiums and costs rise, the program is cut back, and Medicare ceases to be the effective health care program for the elderly that it has been in the past.

I think also it was significant because last night there was a private

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

meeting where Republicans heard the details of the much-awaited budget compromise bill. I was appointed by the Democrats as a conferee on the budget reconciliation. As has been the case with all budget matters this year, as well as with the Medicare issue, the Republicans meet in secret and do not have meetings with the Democrats and the Republicans together to try to resolve their differences on the budget.

Madam Speaker, it has characterized the Medicare debate from the very beginning, when there were not hearings, when we were asked to vote on bills in committee within 24 hours or even the very morning when the bills were sent to us, and there was no serious debate, there was no effort to have a hearing; and now, in dealing with the budget and hammering out a bill that will come to the floor probably today or tomorrow or Thursday, once again, the Republican leadership has excluded the Democrats.

Why do they do that? Well, they do it because they do not want the public to know what is happening with Medicare and Medicaid. They know what they are doing is taking money from Medicare and from Medicaid in order to pay for tax cuts, primarily for wealthy Americans and large corporations, and they know that if there are actual meetings or conferences with the Democrats on some of these issues, that we will hammer the point home, that they need to eliminate some of these cuts in Medicare, that they need to eliminate these increased premiums in Medicare if they want to have a budget, and if they want to balance the budget over 7 years in a way that does not hurt seniors, that does not hurt the average American.

Unfortunately, that is not what is happening, and once again, we are faced with the reality that today the Government is partially shut down because the Republicans want to make an issue over Medicare.

Madam Speaker, I want to read this quote again which I carry around with me from Speaker GINGRICH where he says, "Now, we didn't get rid of Medicare in round one because we don't think that is politically smart and we don't think that that is the right way to go through a transition, but we believe it is going to wither on the vine because we think people are voluntarily going to leave it."

That is what this is all about, and it is to the credit of President Clinton that he does not allow us to go down that slippery slope and that he vetoed these increases in the Medicare premiums, because if he allows that to happen, if he allowed those premiums to go upon January 1, it would be the beginning of this Republican effort to cut Medicare in order to pay for tax cuts for the wealthy and the beginning of the end for the Medicare Program.

PRESIDENT AND CONGRESS AT AN IMPASSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Madam Speaker, today the Federal Government will shut down, and later this week, the Federal Government will reach its debt limit. Congress has passed bills to continue spending and to raise the debt limit, but the President has vetoed them. So here we are at an impasse.

Madam Speaker, I am not at all happy it has come to this. I am concerned for the people who will be inconvenienced by the Government shutdown. I am very concerned that some Americans may lose faith in the way we do business here in Washington. I sincerely wish it had not come to this.

But, Madam Speaker, we have no choice. The Federal Government is $4.9 trillion in debt. It is immoral for us to continue to borrow from the future of our children. We must take the steps necessary to balance the budget. We Republicans have laid out a plan to reach a balanced budget by the year 2002. We have done so by cutting spending. We have done so while cutting taxes, not raising them. We have done so while making the hard choices necessary to save Medicare from bankruptcy. We have done so with no help whatsoever from the liberal Democrats in Congress or the President.

Yet here we are Madam Speaker, out of money and at the limit of our debt. Why has the President vetoed both of our efforts to avoid this crisis? I have been listening to his remarks with great interest.

The President said he vetoed the debt limit extension because he did not want to be constrained by our budget priorities. For those of you who do not understand political gobbledygook that means the President does not want to balance the budget in 7 years using CBO scoring.

The President vetoed the continuing resolution because he does not want to raise Medicare part B premiums; he wants to see them lowered. Perhaps the President has forgotten his trustees report. Medicare is going bankrupt. Lowering part B premiums does not make Medicare more solvent. Arguing over Medicare premiums is simply political posturing; it has nothing to do with governing. If you really want to save Medicare, you have to be prepared to make hard choices. The President is apparently not ready.

Madam Speaker, I have heard the network newscast constantly refer to this budget crisis as some form of game. Nothing could be further from the truth. We are fighting to save the future of this country. This is no game. We Republicans simply refuse to proceed any further with politics as usual. We will not continue the mindless spending and borrowing that is bankrupting our children's future and destroying any hope they have of achieving the American Dream. We will not vote to extend the debt limit or continue the spending of the Federal Government with a commitment from the President to balance the budget.

Madam Speaker as of today, we have no such commitment from the President. He continues to play politics with Medicare while the system goes bankrupt. He refuses to accept CBO scoring, even though CBO scoring was good enough for him when the Democrats controlled Congress. He refuses to discuss specific cuts he will consider, instead he just snipes at Congress for being to harsh on education and the environment. What is it we are doing that he refuses to accept? Is the President against risk-assessment to make regulations more reasonable? Is the President against habeas corpus reforms that will halt the endless death row appeals? It is time for the President to quit campaigning and start governing.

Madam Speaker, I take no joy in seeing the Government closed down today. But this is a step we must take if we are to reach a balanced budget and save our children's future.

□ 0915

CALLING THE CRISIS FOR WHAT IT IS

The SPEAKER pro tempore (Ms. PRYCE). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 4 minutes.

Mrs. SCHROEDER. Madam Speaker, this is indeed I think a very dark day. The institution is basically dysfunctional today and we ought to call it for what it is. This great Nation is being held hostage by some extremists who came to this institution and have not been able to get their way through the normal process that served this Republic for over 200 years, and so we are now seeing the equivalent of 2-year-old tantrums that we see out on the playground. No one should be surprised as to where we are. The Speaker made it very clear from day one where he was going.

If we look at these quotes, in April he said, "The President will veto a number of things, and we'll put them all on the debt ceiling and then he'll decide how big a crisis he wants."

Oh, they could not wait for the crisis.

Then again in September he said, "I don't care what the price is. I don't care if we have no executive offices and I don't care if there are no bonds for 30 days, not at this time."

He has been very clear what his strategy was, create a crisis for this great, great Republic like it has never seen before. Oh, will that not be historic?

Let us not look at politicians' words. Let us look at what the Standard & Poor's people say. They do not think a lot of this crisis. They do not think that this is real funny. They do not appreciate our tantrum. Look what they said in the New York Times this weekend.

They warn Government of the threat of default. If they lower the Nation's credit rating, we are going to see an increase in interest rates, which our children are going to pay forever and ever and they are also going to see interest rates increased on the average American, the average American businessowner, the average American mortgageowner and so forth.

So, Americans, you are paying a very high price for this political theater, for this 2-year-old temper tantrum, because people do not want to play by the rules that Jefferson and everyone else thought was fine for over 200 years.

We continue to see other things. We see them saying that it is perfectly all right that we cut loose on the safety net that has been there for America's children and for people who are relying on Medicare. We see them having their favorite comedian come and talk, about, "Oh, this is great, my mother will be on dog food, the poor will starve, but we'll get them new can openers."

Is that not wonderful? I do not really think that is too funny. I do not think that is funny at all. It is not the America I knew. The America I knew said every child has a right to a college education, we all should have a clean environment and breathe fresh air, we all ought to be respectful of the elderly and we should not take great joy if we can squeeze some more money out of them or find some way for them to be a little more miserable. I do not think anybody wants to see us jeopardize the full faith and credit of this Government.

I was shocked when I heard last night this other side was offered a 1-day, clean continuing resolution to avoid this crisis and turned it down. Not even 1 day. Not even 1 day would they give it.

This is outrageous, and we really ought to call it for what it is. Do not be surprised. Just get on the phones and tell people you do not like people playing these kind of political games with the full faith and credit of this great Nation.

RESOLVING THE IMPASSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Mexico [Mr. SCHIFF] is recognized during morning business for 4 minutes.

Mr. SCHIFF. Madam Speaker, we are now at the impasse and I would like to review how I believe we got here and how I believe we can get out of it.

I think that this impasse is due in part to both sides, Republicans and the administration, wanting to get some short-term advantages in the polls over the other. I think that the congressional leadership has put measures into these budget resolutions concerning the death penalty, concerning regulatory reform, because we know that these are popular with the American people. However, these are not issues which should be mixed at this time with the budget issue. We should stay focused on the budget goals.

I recommend that those issues dealing with the death penalty, regulatory reform, anything that is not budget, be taken off the table and addressed at another time. At the same time, the administration made its biggest argument that it was vetoing the bills to protect Medicare. The details of the Medicare provision, I respectfully suggest, were not of great interest to the administration. Their pollster simply told them if the President is seen fighting for Medicare, the President will go up in the polls at least on a short-term basis.

What is that fight about? Right now the Government, that is, the taxpayers, pay 68.5 percent of part B premiums of Medicare. On January 1, the law is scheduled to raise that to 75 percent of the payment coming out of the Treasury. The administration knows full well that we do not know where the money is going to come from out of the Treasury to pay that increased percentage and that the Republican congressional proposal is to freeze the percentage, not to raise the percentage on senior citizens but just to freeze it where it is. Nevertheless, they are fighting to save Medicare and they think that helps them in the polls.

What, therefore, is the solution? I think that what is called a clean bill is not a solution. A clean bill means a spending authorization with no conditions attached, a borrowing authorization with no conditions attached. That is how we got into this mess. We have had business as usual for 25 years, where there was no restriction on borrow, borrow, borrow, and spend, spend, spend, and that is why we have a national debt of almost $5 trillion.

I respectfully suggest that the solution is to offer the President a continuing resolution today with one condition and that is, we agree on the common goal of reaching a balanced budget in 7 years using Congressional Budget Office figures. We would take all of the details off the table at this time. I thought Senator DOMENICI made a good suggestion with respect to a Medicare compromise. But, if necessary, I would take all that off the table for the moment and concentrate on the goal, and to say that to keep the Government operating, the President must agree with the Congress that we will balance the budget in 7 years and use the common numbers provided by the Congressional Budget Office to match our comparative budgets.

Both of these provisions the President has previously agreed to. During the campaign, the President said the budget could be balanced in 5 years. So presumably the President would have no objection to balancing the budget in 7 years. Second of all, the President lectured Congress 2½ years ago, telling us that the Congressional Budget Office had consistently the best figures for budget analysis. So the President has previously agreed to these provisions.

It seems to me, Madam Speaker, that if the Congress passes a continuing resolution to keep the Government going, break the impasse, allow Federal employees to do their jobs, with only the condition that we agree to a balanced budget in 7 years with the same method of getting there and that all the details can be discussed and if necessary argued out in another forum, we will know for certain whether the President of the United States really wants to balance the budget or was using Medicare as a screen for not doing so.

A WAY OUT OF THE QUANDARY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. LEVIN] is recognized during morning business for 3 minutes.

Mr. LEVIN. Madam Speaker, this is indeed an unhappy day, and I think to get out of this quandary it might be useful to note how the Government got to this point.

I heard the majority leader say this morning that the President has not engaged, he has not negotiated, and the opposite is really true. The Republicans have been negotiating with themselves. They forgot that they needed to negotiate with Democrats, including the President. Why this failure on their part? In part I think it is the arrogance of power. They have been engaged in a power play. Also, the radical right that controls this House thinks it is always right. They are know-it-alls who sometimes have sounded like know-nothings. We see in recent days the Speaker, who is the father of this all, now kind of blaming his children that he cannot control them.

An example is welfare reform. I saw this morning in the National Journal Congress Daily this headline, "Welfare Bill Conferees Set To Unveil Compromise Today."

Compromise? This is a compromise by Republican conferees meeting with themselves, among themselves, shutting out Democrats, including the President. Congressional Republicans continue to function as if Congress is a partisan fiefdom. It is now 47 days since House conferees were appointed on the welfare reform bill and in those 47 days there has been no serious effort by the Republicans at bipartisan negotiations. They have been going it alone.

I want welfare reform, I have been working on it for years since the mid-1980's. Democratic conferees have expressed our interest in working with the Republican majority and in a letter we sent on Friday laid out critical areas that should be addressed. But regrettably instead of negotiating a bipartisan bill, the Republicans have been busy producing a bill that moves in the wrong direction in critical areas such as the level of funding by the States in child care. It is now clear that the bill they are producing is unacceptable to the President. On Sunday the Chief of Staff Leon Panetta said the President is prepared to veto this legislation.

I say there is a way out. True bipartisanship. The Republicans have to end their arrogance of power. Medicare, they want to stuff into the bill a proposal that would move this country on the path toward doubling the premium on Medicare in the next 7 years.

I say to the Republicans: Look. You have decided you control this House and the Senate and to go it alone. You have sent this country into a perilous course. You must pull back.

LET US BALANCE THE BUDGET NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. CHABOT] is recognized during morning business for 4 minutes.

□ 0930

Mr. CHABOT. Madam Speaker, my hometown newspaper, the Cincinnati Enquirer, I think got it just right this morning in their editorial. I would like to read from that editorial here at this time.

> To hear the overwrought, over rated White House experts tell it a "train wreck" between the president and Congress will shut down the federal government and end life as we know it.
>
> Wrong. It would only interrupt life as *they* have come to know it—by temporarily slowing the juggernaut that increases spending with no regard to the future.
>
> To the real world, a backward crank on the federal spending spigot would have a welcome effect: It could wake up Washington with a dash of cold war in the non-stop shower of taxpayer revenues.
>
> By the time this is printed this month's "crisis of the century" in Washington may already be averted. But if today marks the disaster that the White House has predicted so long and loudly Americans should react accordingly by taking their cue from the president. Go golfing.
>
> That's right. After he refused to negotiate and castigated Congress for not working overtime to give him another blank check, President Clinton laced up his spikes and left to play a round of golf. Some crisis.
>
> Can this be the same president whose foaming mouthpiece, Leon Panetta had the appalling bad taste to compare Congress to "terrorists" who "put a gun to the president's head"—this, in the aftermath of the assassination of Israel's prime minister?
>
> Yes. Because no matter what happens to government, politics goes on as usual.
>
> The game plan by Republican leaders Bob Dole and Newt Gingrich is to box in the president by delivering a plan to balance the federal budget and wipe out chronic deficit spending in seven years as promised in the Republican Contract With America.
>
> But Clinton, who once profusely promised to balance the budget in *five* years has balked, threatening a veto unless they restore enough of *his* spending to prolong the deficit pain for nine years.
>
> So Republicans stapled the lid shut on the box around Clinton. They offered a temporary credit line to restrain spending but avoid a shut down until December 1 by continuing Government borrowing.
>
> At first, Clinton refused to discuss it and would not even take phone calls from Gingrich and Dole. Then he agreed to negotiate if Republicans would scrub the key element of their plan, Medicare reform. Republicans said no way.
>
> Both sides are playing politics, but at least Congress is trying to accomplish what the majority of voters demanded in 1994, a balanced budget. If that goal is finally achieved, short term pain is justified for long term gain.
>
> Stop the swelling of a $5 trillion debt that will be hung on the necks of future generations. Besides, the pain is not that bad. Even the worst-case train wreck is more of a bad fender-bender. Essential Government services continue, and despite the White House attempt to blame Congress, it is the President's constitutional duty to negotiate a budget with lawmakers. If Clinton refuses to negotiate, voters should remember that he alone decided to risk spreading flu through financial markets rather than balance the budget 2 years sooner than his own cobbled budget would have achieved.
>
> In this overhyped showdown, this much is clear: For the first time Congress has a plan to balance the budget, and the President is trying to kill it.

That is from my hometown newspaper, the Cincinnati Inquirer, just this morning.

Madam Speaker, the Washington Post, on its front page this morning, also has it exactly right. I will quote from that. "For all the vitriol, all the finger pointing, all the carefully staged photogenic events, the real issue is the Republicans' plan to balance the budget in 2002."

Let us balance the budget now.

INTRODUCTION OF THE NO BUDGET, NO PAY ACT

The SPEAKER pro tempore (Ms. PRYCE). Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 3 minutes.

Mr. DURBIN. Madam Speaker, America deserves better. Our Government is shut down. We are now in a governmental paralysis here in Washington.

And why? It is a politically created crisis. It is not a crisis that came because of the force of nature. It is something that was created by the force of politicians.

The Gingrich-led Congress has brought to us in the last year a record of mismanagement. They brought the Contract With America to the floor, 31 bills, and they published them in the TV Guide. Three of the thirty-one were signed into law, and we wasted 100 days that could have been spent on making certain that Congress did its work, and then, of course, the Gingrich-led Congress failed to meet its responsibilities.

They were required under law to produce 13 appropriations bills for the President's signature by October 1. How many were presented? Three. Three of thirteen. If they had done their job and presented the bills, we would not be in this crisis today.

Let me add, too, that during this year, with the Gingrich-led Congress, we have seen special interests swarming through the Halls of Capitol Hill. They have been pushing for amendments, outrageous amendments.

Let me give an example of some. First, to cut education. The banking interests came in and forced a change which will increase the costs of student loans by $10 billion. Kids from working families trying to get an education, trying to make it, will face more debt because the Gingrich-led Republicans have bowed to the banking interests.

Then, of course, there is the environmental agenda of the Gingrich Congress. Amazing. Amazing that in one bill, in 28 pages, they wanted to repeal 14 different environmental protection laws, including the right of the Federal Government to monitor arsenic in drinking water. "Did he say arsenic in drinking water?" Yes, that was one of the bills that they wanted to repeal.

Think about that for a second, the extremism of the Gingrich-led environmental agenda.

But one of the worst, of course, is their proposal to increase Medicare premiums on seniors by 25 percent. They want to cut Medicare to balance the budget.

We all know that changes must be made in Medicare so it will be preserved and strong for years to come. But the Gingrich Republicans have just gone too far. It has been unfortunately, under the Gingrich leadership, a time of crises and chaos.

But no surprise. Listen to the Speaker on the Sunday morning talk shows, and I quote him, "I will cooperate, but I will never compromise." Those are not the words of a person who sits down at a negotiating table looking for a solution. That is the kind of growling and grousing and political rhetoric that most people are sick and tired of.

I have a proposal to change this and end this crisis immediately. It is called no budget, no pay. We are sending 800,000 Federal workers home today without pay. But guess what, Members of Congress still get their paycheck. So I introduced a bill on September 22 that said if Members of Congress do not keep Government running, default on the national debt, then, frankly, they do not get their paychecks. If we turned off the TV cameras and stopped the congressional paychecks, I predict this crisis would be over in 15 minutes.

AMERICA DESERVES BETTER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized during morning business for 3 minutes.

Mr. DOGGETT. Madam Speaker, you know, to understand the crisis we are going through here in Washington today, you really only need to understand three words, NEWT GINGRICH and Medicare.

You see, from the beginning it has been NEWT'S way or no way with reference to the way this Government would operate. NEWT GINGRICH made it very clear in the spring of this year, and he repeated it this summer, he repeated it again this summer, that he wanted this crisis. It was not something he was trying to avoid doing. He wanted to demonstrate to America and to the world that he was king of the mountain and that everybody had to salute him because he was the fount of all knowledge about the problems of the world.

The key part of NEWT'S way or no way as far as this particular budget crisis is, of course, the one item that they chose to put on the continuing resolution that they sent over for the courageous veto President Clinton exercised, and that is Medicare. He wanted to send the seniors, he wanted to send the people with disabilities around this country a happy New Year's present in the form of a Medicare premium increase. It is the one irrelevant provision they chose to tack on a continuing resolution which, of course, would never have been necessary to send to the President at all if they had simply had the willingness to do their job and pass the appropriations bills rather then messing around with all of this agenda of the radical right which has tied them up. It has not been President Clinton that caused them to get only 2 of 13 appropriations bills to his desk by September 30. It has not been the Democratic minority in the House or the Senate. They could not agree amongst themselves as to how crazy they would be with reference to passing what the chairman of the House Committee on Appropriations called payback time to the radical right and holding up the business that should have been occurring in getting these appropriations bills there.

No, cutting Medicare, raising the cost to the ordinary person relying on Medicare and NEWT GINGRICH explained the situation that we face today.

I have been very interested this morning to listen to my Republican colleagues as they responded to this crisis because they have told the people of America two things:

The first one is, "You know, we Republicans are not really as mean as you Democrats say we have been. We are just a little bit mean. I mean, we do not want to totally foul all the water supply of America. We just want to let it be a little bit more dirty than it is today."

On the environment, "We just think the environment ought to be a little more dirty than it is today."

"And we do not believe you should cut off the opportunity of students to go to school, they can pay just at little bit more, just another thousand dollars. It is not as bad as what NEWT GINGRICH and his group proposed in the fall to hike the price by $5,000 to get a college education. We think raising it $1,000 on middle-class families who are struggling to get a young person through high school so they can go to college, we think just a little bit more pain is okay."

And to our seniors, "Just a little bit more pain is okay."

Well, I think that America deserves better treatment than that. It is getting through NEWT GINGRICH, and we certainly do not need the kind of Medicare cuts he proposed.

GET THIS GOVERNMENT BACK TO WORK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 3 minutes.

Mr. WISE. Madam Speaker, I rise today; the sun has come up over the United States again, and yes, the Government continues, although in a truncated fashion.

In West Virginia, over 17,000 Federal employees face furlough, many of whom will be furloughed or are furloughed today. Many of these Federal employees live in my district, in the Second Congressional District.

We also in our own office, we furloughed half of the congressional employees that work for the Second District. The offices in Charleston and Martinsburg have been reduced to one person answering telephones for emergency services only. The mobile office which visits a different county every day during the month, of course, is not operating. So the congressional office, as well, is complying with this.

I think this is a very, sad state of affairs, Madam Speaker. The only cautious or the good news, I guess, is despite the fact we have so many Federal employees in West Virginia furloughed, so many services cut back, our own congressional services significantly cut back, the only good news is negotiations are taking place.

I predict that something could take place in the next 12 hours. If it does not, then I fear that this standoff is going to last for a long time.

What is really at issue, Madam Speaker? What is at issue is whether the President signs simple legislation that says the Government can continue for 3 more weeks or however long while the Republicans and Democrats, the White House, negotiate, and that simple legislation is about two pages long. I hold this up. It is proportionate in scale. However, what the President was sent was about this big in size. So this is what is needed to keep the Government functioning; this is what the President was sent. He was sent a lot of riders, special interest provisions, budget provisions that ought to be negotiated, a whole lot of strings attached.

This keeps the Federal Government operating. This is what the President was sent. And so what ought to be done is obviously send a single legislation that is necessary.

Unfortunately, had I voted for the continuing resolution or had the President signed it in this form, he would have been signing a Medicare increase, 25 percent, for 300,000 West Virginia senior citizens, costing West Virginia taxpayers even more, because they would have also been supplementing the 40,000 low-income seniors that cannot even afford that monthly premium increase of roughly $7 a month. He would have been signing other significant changes as well.

What he would have been doing is signing the very budget agreement in many ways that has yet to be negotiated. I have not agreed with the President in every instance, but in this case I happen to think he is correct. When some say he is not doing his job, it is the Congress that has not sent him 11 of the 13 appropriation bills that are necessary for the Government to function. Eleven of their 13 still have not gone to the President 6 weeks after they were due.

We heard a lot of talk about the budget. The House and the Senate only last night finished the budget, well over 6 weeks late. There was nothing for him to sign; but send him the simple continuing resolution and get this Government back to work.

CONGRESS NEEDS LEADERSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 3 minutes.

Mrs. CLAYTON. Madam Speaker, what this Government needs and what this Congress needs is leadership, leadership that will not play political games or brinksmanship. What we need in a time of crisis is vigorous leadership that understands the needs of the people are more important than their political game.

What we need are rational people, moderate people who will find opportunity to compromise. Is it rational to expect that the Government will have a clean continuing resolution? I think it is. It is, because really the arguments that we are making on the continuing resolution are arguments we should make on the budget reconciliation. That work has not been done.

Why stretch this argument for the American people? Already the American people have said things that are in the budget reconciliation should not be there.

Why are we giving the American people this anguish, this turmoil, when we need not do it? Why do we not step up to the bar and say there is a right way to do this, there is a right way to govern?

I challenge the Speaker to find that vigorous verbosity that he has in explaining all of the nuances of democracy, to find it by simple leadership, the leadership that says we will govern without respect to party, we will govern without respect to politics, we will govern without respect to who wins.

Actually the American people would not care who wins, who blinks first, when this is all over. But they will blame us if indeed senior citizens have to pay a larger premium. They will blame us if students no longer have opportunities to go to school. They will blame you if opportunities for the environment retrogress, if we have that opportunity and fail to do that.

These are the attributes of leadership and crisis, not to blame each other but to find how we have common good, common issues that bring us together, that is the leadership that we need in a time of crisis.

□ 0945

STOP THIS FISCAL INSANITY

The SPEAKER pro tempore (Ms. PRYCE). Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 4 minutes.

Mr. MCINNIS. Madam Speaker, I think that it is very important that we put today's events and the events over the last several years in its proper perspective.

A lot of people in our Chambers think that the crisis started at midnight last night. That crisis did not start at midnight last night. This crisis has been going on for years and years and years. The old bad habits in Washington, DC, have forced this country into a position of fiscal insanity.

We heard some of the previous speakers talk about extremes. You want to hear about extremes? Compare this: Right now your Government in this country is spending $30 million an hour more than it brings in, $30 million an hour.

I ask the American people, how many of you out there in America can overspend your budget in the same proportion that the Federal Government has been allowed for year after year after year after year to overspend its budget? When are we finally going to stand up to this fiscal insanity, when are we going to finally get the courage to stand up and say you cannot continue to run a government like you are running this Government in Washington, DC?

If you think the people out there in America are confident about Washington, ask them if they think for their taxpayer dollar they are getting a bang for their dollar, a bang for their buck? I think you are going to find the answer is no.

Ask the American people what it is like to spend the first 2 hours and 45 minutes of every workday of their working career just to pay taxes? In other words, when they go into work at 8 o'clock in the morning, it is not until a quarter to 11 or so before they finally get to put some money in their own pocket.

Ask the American person what it is like to owe more money to the Federal Government as a result of this Federal deficit than most families owe on their home mortgage. Ask the American family what it is like to pay more in taxes than they pay for transportation, for housing, for clothing, and for recreation combined.

Madam Speaker, we have got to do something about this fiscal insanity. Now, sure, everybody said my gosh, the sun is not going to come up today after the Government shuts down. I venture to say in comparison to the fiscal crisis we have got, it is going to be classified as an inconvenience.

I hear some of my colleagues up here telling you about Medicare. It is the Democrats' position to drop the premiums. Folks, this is a fund that is in fiscal trouble. It is going bankrupt. Even Clinton's advisors, even the President's advisors, said this fund will be bankrupt if we do not do some fiscal management on it. You cannot lower the premiums right now.

By the way, if you lower the premiums, it does not lower the cost. The cost stays the same. Who makes up the difference? All the rest of the taxpayers in this country.

Folks, we have to stand up to the line and accept the responsibility, just like every constituent we have got out there accepts their personal responsibility with their personal checkbook, with their personal family, every month. That is what this is about. It is not about the Medicare issue. That is a diversion. It is not about whether or not to use the trust funds out of Social Security. That is a diversion.

The question is, will this country get to a balanced budget? Will this country operate fiscally like every family in America is expected to operate?

Most of the people on this side of the aisle say no, business as usual. Let us continue to run this deficit. But those of us, some of us who have been labeled as extremists, say wait a minute, it is not asking the impossible. It is not unusual to expect the representatives of this Government in Washington, DC, not to accept business as usual, but to demand from the American Government that we operate our budget like the American people operate theirs.

NOW IS THE TIME TO FACE REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 2 minutes.

Ms. JACKSON-LEE. Madam Speaker, I think the real issue this morning and over these past 11 months, starting around the month of February, is that the Republicans really do not get the message.

Madam Speaker, it is interesting that someone would argue what the American families need. I think basically the American families do very well in helping to create what they need, a roof over their heads, transportation, food for their children, and support for their elderly citizens. And anything that hinders that opportunity is absolutely wrong policy.

Basically, September was the month when we should have passed all of the appropriation bills, which would have caused this Government to continue to operate. But now I have to tell the Federal employees who took their day off on Saturday and joined me with my congressional office in a local grocery store and worked on their holiday, those from Social Security, IRS, and the Veterans Administration, that they do not matter; the services that they provide to veterans and the senior citizens and people who need and have concerns about Internal Revenue Service issues, that they do not count.

I think what we should recognize is that we have been negotiating. In fact, the Democratic leader said just last night, let us pass a 24-hour continuing resolution so that we can keep the doors of this Government open. It was rejected by the Republican leadership.

Now is the time to face reality. The reality is that we do have the opportunity to create a budget that reflects and respects senior citizens, the environment, education of our children, key issues that move this country toward the 21st century, not misdirected ideas and policies that undermine what this country should stand for.

The Republicans again do not get it. Democrats are prepared to engage in a bipartisan discussion of keeping this Government going, balancing the budget. But do not scare the American people with false exaggeration regarding the deficit. We know the deficit has come down. We also know the American people know the difference between credit and the need to pay as you go which is their Government's responsibility.

Madam Speaker, I just ask, let us come to the table of reconciliation, pass a clean continuing resolution, keep the Government open, and make sure that the American people in this battle win, and not continue to foster confusion upon our constituents.

RECESS

The SPEAKER pro tempore. Under a previous order of the House of May 12, 1995, morning hour debate may not continue beyond 9:50 a.m. Accordingly, pursuant to clause 12 of rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MYRICK) at 10 a.m.

PRAYER

Rev. Dr. David Burr, pastor emeritus, First Presbyterian Church, Winston-Salem, NC, offered the following prayer:

O merciful God, in this season of thanksgiving, we humble ourselves before You and give thanks. Thanksgiving for this blessed land; thanksgiving for this special place and these chosen leaders; thanksgiving for the freedom to debate and represent the people; thanksgiving for our homes and families; thanksgiving for Your eternal presence.

As we give thanks O God, we acknowledge that we are prone to all the weaknesses of human character.

We are selfish, and often think our ways are always the best ways.

Therefore, we ask for wisdom and guidance; we ask for courage that we may be faithful; we ask for patience that we may be fair; we ask for health that we may complete the task before us.

And, O gracious God, we pray for peace, peace in the world, peace in our Nation, and peace in our hearts.

With thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio [Ms. PRYCE] come forward and lead the House in the Pledge of Allegiance?

Ms. PRYCE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 2491), "An Act to provide for reconciliation pursuant to section 105 of the concurrent resolution in the budget for fiscal year 1996," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appointed the following Members to be the conferees on the part of the Senate, with instructions:

From the Committee on the Budget for the consideration of all titles: Mr. DOMENICI, Mr. GRASSLEY, and Mr. EXON.

From the Committee on Agriculture, Nutrition, and Forestry for the consideration of title I: Mr. LUGAR, Mr. DOLE, Mr. HELMS (for consideration of section 1113 and subtitle D), Mr. COCHRAN (except for consideration of sections 1106, 1108, 1113, and subtitle D), Mr. CRAIG (for consideration of sections 1106 and 1108), Mr. LEAHY, and Mr. PRYOR.

From the Committee on Armed Services for the consideration of title II: Mr. THURMOND, Mr. MCCAIN, and Mr. BINGAMAN.

From the Committee on Banking, Housing, and Urban Affairs for the consideration of title III: Mr. D'AMATO, Mr. GRAMM, and Mr. SARBANES.

From the Committee on Commerce, Science, and Transportation for the consideration of title IV: Mr. PRESSLER, Mr. STEVENS, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUYE.

From the Committee on Energy and Natural Resources for the consideration of title V: Mr. MURKOWSKI, Mr. HATFIELD, Mr. NICKLES, Mr. CRAIG, Mr. JOHNSTON, Mr. BUMPERS, and Mr. FORD.

From the Committee on Environment and Public Works for the consideration of title VI: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. BAUCUS, and Mr. REID.

From the Committee on Finance for the consideration of title VII and title XII: Mr. ROTH, Mr. DOLE, and Mr. MOYNIHAN.

From the Committee on Governmental Affairs for the consideration of title VIII (and for consideration of the title of the House bill relating solely to abolishing the Department of Commerce): Mr. STEVENS, Mr. COHEN, Mr. THOMPSON, Mr. GLENN, and Mr. PRYOR.

From the Committee on the Judiciary for the consideration of title IX: Mr. HATCH, Mr. GRASSLEY, and Mr. BIDEN.

From the Committee on Labor and Human Resources for the consideration of title X: Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. FRIST, Mr. KENNEDY, Mr. PELL, and Mr. SIMON (for ERISA and other matters).

From the Committee on Veteran Affairs for the consideration of title XI: Mr. SIMPSON, Mr. MURKOWSKI, and Mr. ROCKEFELLER.

The message also announced that pursuant to Public Law 103-322, the Chair, on behalf of the Democratic leader, announces the appointment of Gilbert L. Gallegos, of New Mexico, to the National Commission to Support Law Enforcement.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize fifteen 1-minutes on each side.

WELCOME TO DR. DAVID BURR

(Mr. BURR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR. Madam Speaker, as is tradition in the House, I have the honor this morning of introducing our guest Chaplain. Dr. David Burr attended Princeton Theological Seminary after serving in World War II as a frogman in our Navy.

He has served Presbyterian churches in Charlottesville, VA; Norfolk, VA, and retired in a church in Winston-Salem, NC, during his 43 years in the ministry.

David Burr served as the chairman of the Southern Presbyterian Church and on the board of trustees at Davidson University.

Today is indeed a special one for me, because our guest Chaplain watched me take my first step, was there on my first day of school, and served as my roll model in life. David Burr is indeed my father, but he is also my best friend. I am honored today, Dad, to welcome you to the U.S. House of Representatives.

THE PRESIDENT SHOULD STAND FAST

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, I spoke earlier about the fact that I was very pleased that President Clinton last night vetoed the continuing resolution because it avoided a major increase in Medicare premiums for the Nation's elderly.

However, this is not only an issue with regard to Medicare and health care concerns for the elderly. It is also important that the President stand fast because the budget that we will probably be considering within the next couple of days also makes major cuts in education, particularly with regard to student loans for young people. It is also important because of the appropriations bills and the less money that the Republican leadership intends to spend on the environment.

In my district, the environment is the same as the economy. We need a quality environment in order to improve our lives and in order to make it possible for future generations to enjoy a quality environment.

The fact of the matter is, by vetoing the legislation last night, the President is sending the message that he wants to protect seniors and their health care, he wants to protect education programs, and understands the importance of education, and also understands the importance of a quality environment.

CONGRESS' SPENDING SPREE A BURDEN TO OUR CHILDREN

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Madam Speaker, the introduction by the gentleman from North Carolina [Mr. BURR] of his father a moment ago was a great change from the rhetoric we have heard during the last few years.

Madam Speaker, I want to take a moment to address my colleagues from my perspective as a mother. First, I know what it is like to raise two little boys into grown men and I know what it is like to dream about their futures.

Unfortunately, the burden this Congress has put on these children for the last few decades has been a spending spree that has undermined their futures. Past Congresses have burdened each child born this year with a bill of $187,000, just to pay interest through their lifetime on the national debt. That is why we must move aggressively toward a balanced budget.

As a mother I am concerned that we do the right things to preserve and protect Medicare for my sons, not to mention my parents. That is why we must take the steps necessary to save Medicare from going into certain bankruptcy.

Madam Speaker, as the front page of the Washington Post says today, the real fight is over balancing the budget. I am committed to it, we are committed to it. It is the right thing to do.

ANGST IN OUR INSTITUTION

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Madam Speaker, these are trying times in the House of Representatives and in the Senate and in the Nation; very partisan times.

Today I, along with my colleague from Florida, Mr. JOHNSTON, were going to enter a privileged resolution dealing with the Committee on Standards of Official Conduct of this House, which is the police station of ethics for this institution.

Madam Speaker, for over 14 months they have had complaints involving the Speaker of this House and have not reported back to their employer, the House of Representatives. However, because of the angst that exists within this institution today, we are not going to pursue the privileged resolution.

We will encourage the Committee on Standards of Official Conduct to continue their work. We would like very much for them to report to us, but we will withhold until a more quiet time in this institution.

PRESIDENT IS AGAINST BALANCING THE BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, yesterday the President decided he had two reasons why he vetoed the debt limit bill. Let us look at what he said. He said the bill tied the hands of the Treasury Secretary to avoid a default.

Madam Speaker, do we know what that means? We were trying to stop the Secretary from stealing from the Social Security trust fund and now, because the President did not sign that, he can do that.

Second, he stated the bill obligates the President and the Congress to pass a plan which cuts Medicare and education and increases taxes. Well, let me just say to my colleagues, we are trying to save Medicare, increase Medicare spending, reform welfare, and reduce America's tax burden and shrink the size and scope of the Federal Government.

It is obvious what the President really is against is balancing the budget. He wants to spend more money, create more bureaucracies and pile more debt on our kids. It is unfortunate that shutting down the Government is the only way to stop him.

OUR SHIP OF GOVERNMENT IS SINKING

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Madam Speaker, we all know the ship of Government is stuck. It has hit a reef and it cannot move.

But do not worry—NEWT GINGRICH and the Republicans have a solution—a simple way to get our ship of Government moving again.

Just throw some people overboard.

Start with the elderly.

Toss some students.

Then abandon America's veterans.

The Republican plan? Cut some Medicare payments, threaten student loans, and lower VA benefits, and we'll get this ship moving again.

Well, thankfully for the millions of Americans who work hard every day and expect a fair deal from their Government, our President has said no.

He believes the ship of Government moves much better when we bring everyone along—the elderly, our children, our veterans.

The Democratic Party believes that we are all better, and stronger—more American—when we solve our problems together, move forward as one people, and leave no one behind.

This Republican posturing about the continuing resolution is no more than a ransom note. Throw some people over—or we'll sink the ship.

Mr. President—stand firm. Do not let the ship sail by abandoning our people.

SOLUTION NEEDED FOR IMPASSE

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Madam Speaker, we need a solution to this impasse. I do not believe that a solution is unrestricted borrowing and spending. That is what we have been doing for the last 25 years. However, I believe part of the solution is taking off the table at this time specifics towards reaching a balanced budget.

I suggest, and I encourage, the Congress of the United States to pass a continuing resolution today that will keep the Government going with only one condition, and that is that the President and the Congress agree on reaching a balanced budget as a common goal. That will mean agreeing to reach a goal through the same method in 7 years using Congressional Budget Office figures.

The President of the United States has previously agreed with both of those conditions. He suggested during his campaign that the budget could be balanced in 5 years. Further, he stood in this Chamber and lectured the Congress on the fact that he thought the Congressional Budget Office had the best and most accurate figures in projecting the government budget. Therefore, we should say that the one condition is a common goal of balancing the budget.

AMERICAN PEOPLE ARE THE LOSERS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, today the House leadership, and we have heard it already this morning, is in the blame-shifting mode and the only losers are going to be the American people.

The majority of the Republicans say they want to save Social Security, but even under their balanced budget proposal in 7 years, they still borrow over $100 billion from the Social Security trust fund. The Government is shutting down and we are inching closer to defaulting on our debt, and who is to blame for the disaster? The blame rests solely with the Republican majority.

The reason they need a continuing resolution and the debt limit increase is because the Republican majority failed to finish their work. As of today, only 5 appropriations bills out of 13 have been finished, and only 3 sent to the President. Instead of finishing their work, the Republican majority is saying well, Mr. President, you need to increase Medicare premiums and cut education, or we are shutting down the Government.

On September 22, the Washington Post reported Speaker GINGRICH saying, "I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not this time."

Well, the majority should care. The American people should not be made to pay the price for the Republican majority not doing their work.

□ 1015

PRESIDENT'S HEALTH CARE TASK FORCE CALLED POLICY DISASTER

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Madam Speaker, in one of his first acts after taking the oath of office, President Clinton announced the formation of the Health Care Task Force. He selected Mrs. Clinton to lead this task force and charged her with developing a legislative proposal to solve our Nation's health care problems.

I was very critical of the secret manner in which this task force operated and also the 500 outsiders who worked on it.

We now know that the task force was an unmitigated policy disaster. What we did not know was how much this rogue operation cost.

Well, now we know and it is not very pretty. The General Accounting Office reported to me last week that President Clinton's failed Health Care Task Force cost the taxpayers nearly $14 million.

Shortly after the task force was established, the administration estimated that the task force would cost less than $100,000.

While the Clinton administration was behind closed doors planning a Government takeover of the health care industry, the taxpayers were picking up the tab.

This is just another example of the Clinton administration not being upfront with the Congress or the American people about the entire scale, scope, and cost of their taxpayer-funded activities.

It is no wonder the Clinton administration cannot balance the budget.

POSTPONEMENT OF PRIVILEGED RESOLUTION IN SPEAKER'S ETHICS CASE

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Madam Speaker, the gentleman from Florida [Mr. PETERSON] has preceded me to explain what and why our actions are changed today.

We had planned to offer a privileged resolution today calling on the House Committee on Standards and Official Conduct to report to the full House on the status of their investigation of ethics complaints filed against Speaker GINGRICH as well as their decision with respect to appointing outside counsel in this matter.

In light of the profound problems we face today, it is our decision to hold our resolution until the national crisis has subsided.

But we are no less committed to seeing it through to fruition and we will resume our efforts as soon as possible.

GOVERNMENT SHUTDOWN HURTS ORDINARY AMERICANS

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Madam Speaker, I rise today in utter amazement. The complete disregard of the interests of the American people by the Republican majority is appalling.

Federal workers, the people who elected us, should not be sacrificed as pawns for the Republican agenda. The Republican majority is hell bent on achieving its ends no matter what the sacrifice is—including the livelihood of those who have chosen to serve this Nation. This is not about balancing the budget—it is about back room deals for special interests.

Seniors, working families, students, and the poor have been silenced during this GOP budget process. If the Republicans are not willing to listen to ordinary Americans, then who do they listen to? Might it be big business and special interests? In case you have not figured it out by now—the shutdown of the U.S. Government is an indication of where the Republican majority's interests lie.

It is quite telling that the Republican majority is willing to give a tax break to the wealthiest Americans, yet they are not willing to avert a Government shutdown that will hurt thousands of working class families.

My colleagues on the other side of the aisle often assert that the people voted for change last November. However, I doubt this was the kind of change they had in mind.

CHANGING THE CULTURE IN WASHINGTON

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, I listened with great interest to my good friend from Illinois. He said, "Federal workers, the ones who elected us, do not want to see the Government closed down."

There are a lot of dedicated governmental employees. I do not doubt that for a second. But the fact is there is a special interest at work here. It is the special interest of those who always ask us to tax and spend and take more of your money to run a bigger and bigger and bigger Federal Government.

All the other issues are misdirected. All the other issues are to take you away from the central defining question that we are to decide today or in the days to come. That is, do we want to fundamentally change the culture of tax and spend in Washington?

President Clinton said time and again on the campaign trail, he was for a balanced budget. My good friends on this side of the aisle say time and again, "Well, sure we want to balance the budget, but no."

No ifs, and, or buts. No excuses. It is time to change the culture of tax-and-spend, time to balance the budget, and we intend to do exactly that.

FEDERAL EMPLOYEES TO RECEIVE PAID VACATION

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Well, the Democrats are tax-and-spend and the Republicans can run Government on the cheap because they are not really for all these Government employees.

How, Madam Speaker, do they propose to do it this week? Well, they are going to give 800,000 Federal employees a paid vacation. Yes, that is right. Today and until they resolve this crisis and get back to the reality of America, they are going to pay 800,000 Federal employees to do absolutely nothing.

That is the kind of good business sense they have brought to this Government, when they could not pass the appropriations bills because of all their squabbles between the far right and the not-so-right in the Republican Party.

Who is going to pay for this nonsense? The American taxpayer. They are not going to save one dime this week. They are going to be paying Federal employees to do absolutely nothing in order to accomplish their radical right agenda to cut Medicare and raise the premiums on every senior, on every person with disabilities come January 1.

It is wrong to ask American taxpayers to pay our Federal employees to do absolutely nothing just to satisfy this agenda of power of NEWT GINGRICH.

BALANCING THE BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, the Washington Post was just right this morning when they said the real issue is balancing the budget, and this is the time to decide.

Are we going to continue adding to a $5 trillion debt that smothers the economy and drives up interest rates and imperils our children's future or do we want to exercise some fiscal responsibility, trim the growth in spending and cut taxes?

The choice to me is clear. We cannot continue business as usual. We are going to balance this budget. That is what we were sent here to do.

I still have some hope, perhaps naive, that the President will stop his obstruction and begin to work with us. It was only a month or so ago that the President again conceded that the balance budget goal is necessary and essential. It was only a few weeks ago that he confessed that he had raised taxes too much.

If the President believes his own words have any meaning at all, he ought to work with us to cut taxes and cut spending and, yes, let us balance the budget. Today would be a good time for the President to start to work with us to do just that.

TIME TO REWRITE THE BUDGET

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, we all know that NEWT GINGRICH has a doctorate in history but over the past few days he may have earned a doctorate in revisionist history as well.

The Speaker has tried to blame President Clinton for the Government shutdown but he has been planning this for months.

Just look at what he said in April and in September.

In April: "The President will veto a number of things and we'll then put them all on the debt ceiling and then he'll decide how big a crisis he wants."

In September: "I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not at this time."

"I don't care." That is what Speaker GINGRICH says. Well, the President does care. He cares about our seniors, he cares about our students, and he cares about our environment. That is why he will not accept this budgetary blackmail.

Madam Speaker, I say to the Speaker, if you want the President to sign your budget, do not rewrite history, rewrite your budget.

KEEPING THE BALANCED-BUDGET PROMISE

(Ms. PRYCE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE. Madam Speaker, President Clinton has said that he would present a 5-year, a 10-year, an 8-year, and a 7-year balanced budget plan.

Obviously, the President has a problem being committed to one particular course of action. It is really difficult to know where he stands.

Well, the American people do not need this kind of indecision. The national debt stands at $4,985,913,011,032.65. Republicans in Congress are not backing down from the promise we made a few months ago, to balance the budget and give our children a brighter future.

Madam Speaker, when it comes to the budget, the President has offered no leadership, has given us no plan, and has left us no choice.

PUTTING FEDERAL AGENCIES IN THEIR PLACE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the last I heard we are still a participatory democracy with a Constitution, with rights, and the Constitution is supposed to protect our citizens.

Well, all of America has been up in arms over Waco and Ruby Ridge and all these Federal agencies came before the Congress and testified these were big mistakes, they would never let it happen again.

Ladies and gentlemen, the FBI wants the unusual authority, expanded authority to simultaneously monitor 1 out of 100 calls if you happen to live in a high-crime area.

Beam me up here, Madam Speaker. We have let the IRS, ATF, and FBI get in our kitchen. Now we are going to put them in our bedroom, in our businesses?

What is going on here, Congress? Big brother is one thing. But this is starting to sound like the KGB.

Do your job, Congress. The American people want you to put these agencies in their place.

STOP THE MADNESS

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Madam Speaker, yesterday the gentlewoman from Colorado [Mrs. SCHROEDER] came to the House floor and declared how mad she was that this could happen, that the President and Congress could not get together and that Federal employees may be furloughed.

Let me tell you what makes me mad. It even makes me sick, that in my lifetime, since 1969, this Government has run up 5 trillion dollars' worth of debt and our children are going to have to pay it. And almost everything they earn is going to go to the Government in the future.

Stop the madness, Mr. President. Balance the budget. That is all we have to do is come together this week for our children and their future.

TIME FOR REPUBLICANS TO DO THEIR WORK

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Madam Speaker, let me just get one thing clear. This has nothing to do with balancing the budget. The budget that the Republicans are talking about increases Pentagon spending by $63 billion more than they asked for, and gives a $245 billion tax break to the wealthy. That is not balancing the budget.

It is very simple. What this is about is that the Republicans have not been able to get their job done. In the first year they have been in control, instead of playing a PR game, they should have been toiling in the field. This is a crisis because they have not managed to get the appropriations bills sent to the President. The bill sent to the President for the continuing resolution and the debt increase was a Christmas tree. It was hung, hung with all sorts of extremist things, like gutting environmental laws and raising the Medicare premiums. As usual, it seems that the extremists are in control.

This is a time for common sense and fiscal responsibility. It is time for a sensible and responsible budget. It is time the Republicans did their work.

□ 1030

AMERICA IS TIRED OF PLAYING MAKE BELIEVE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, first, Bill Clinton as a candidate said he would balance the budget in 5 years. Then he got into office. He said it is not really important to balance the budget. Then he said maybe we can do it in 10 years, then maybe we could do it in 7 years. Only his figures did not balance.

So I guess now he is back to the point where balancing the budget is no longer important again.

Would not it be wonderful to be like Bill Clinton and wake up in a new world every day? When I was a kid, and many of you will remember this, too, by the way, today I will be the cowboy, you be the Indian; tomorrow I will be the Indian, you be the cowboy; maybe we will be policemen, maybe we will be explorers. We called it playing make believe.

Bill Clinton is still playing make believe. Maybe it is fun for him to wake up in a new world every day and decide who he will be. But it is not fun for the rest of America.

Decide, Bill Clinton, who are you? Liberal, conservative, whatever? America is getting tired of playing make believe.

TAKE MEDICARE AND STUDENT LOANS OFF THE TABLE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, for months Speaker GINGRICH has threatened to shut down the Government in order to score political points and to give tax breaks to the wealthiest people in this country. The President has vetoed these bills because he is unwilling to increase Medicare premiums 25 percent and because he is unwilling to cut student loans to middle-class families.

It is simply wrong to increase Medicare premiums and to cut student loans so that Speaker GINGRICH can bestow huge tax breaks on the largest corporations and the wealthiest people in this country.

Let us take Medicare and student loans off the table and work together in a bipartisan way to run the Government the way that it should be.

BORROWING FROM OUR CHILDREN'S FUTURE

(Mr. NORWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NORWOOD. As a nation, we are almost $5 trillion in debt. The share of the national debt held by the people of the 10th District of Georgia is $11 billion. The share of the national debt my 2-year-old grandson owes is 19 thousand dollars. I do not care whose fault it is; this mindless borrowing from our children's future must stop.

Mr. Speaker, as the duly elected representative of the people of the 10th District of Georgia, I cannot and will not vote to increase the debt limit of the United States without a clear commitment to balance the budget in 7 years. I cannot and will not vote to continue the spending of the U.S. Government without a clear commitment to balance the budget in 7 years or less. The people of the 10th District of Georgia have my word on it.

DRIVE-BY DEBATE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, one of the prior speakers said that I came to the floor yesterday and I was very angry about how dysfunctional this House has become, and I am. I am, angry about the tenor of this debate. It is like drive-by debate. People stand up on each side and go blah, blah, blah, and back and forth and back and forth. The American people have every right to deserve more.

Let me tell Members what this is about. This is not about whether or not we have a balanced budget. It is how we have a balanced budget.

The President says we will have a balanced budget by standing for the American values of continuing education, environmental cleanup, helping our seniors. That is what it is.

They have to take money from them because they made pledges to special interests. But forget what I am saying, because I just am engaging in the drive-by debate. Let us say that a picture is worth a thousand words.

Here we have from the Cincinnati Inquirer, not exactly a liberal paper, the Speaker taking food away from the children because their good friends who want a tax cut have not had enough. It says, "I need your pie back. They are still hungry."

UNCLE SAM NEEDS A CREDIT COUNSELOR

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Madam Speaker, I ask you to imagine an American family, Mr. and Mrs. Doe, who have accumulated a debt more than three times their annual income and who are spending each year 10 percent more than they receive as income. Within a few years, their credit card companies say, "We have to cancel your credit cards," and their other creditors say, "We want to be paid off." Mr. and Mrs. Doe go to see a credit counselor. They say, "We would like to work this out. We want to achieve a balanced household budget, but we would like to have 10 years to do it, or at least 7 years. What do you think?" The credit counselor is going to say, "That is absurd. You have to do it this year."

Yet we as a nation have a national debt over three times our annual income. Furthermore, Uncle Sam is spending 10 percent more than his annual income each year. What do you think a credit counselor is going to say to Uncle Sam? I think Uncle Sam needs a credit counselor. The counselor is going to say, "You have to balance the Federal budget. You do not have the luxury of the 10 years the President is asking for. You probably do not even have the luxury of 7 years."

Let us balance the Federal budget right away, just as the American family has to do.

PRESIDENT NEEDS OUR COOPERATION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Madam Speaker, just think how all of these gunfights at the OK Corral and gridlock play overseas where America has enormous interests. We are the laughingstock of the world.

How can a President of the United States go to Osaka, Japan, to meet with Asian leaders and talk about trade and commerce when he gets no cooperation from his own Congress on keeping the Government open? How can the President of the United States negotiate a peace agreement in Dayton over Bosnia when his own Congress is trying to undermine him even before he concludes a peace treaty?

Mr. Speaker, let us end these games and get serious. We are all going to be losers if we do not resolve this crisis soon.

LET US NEGOTIATE A BALANCED BUDGET

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, I am proud to be a member of the reform-minded freshman class here in Congress. We came to change the way business is done here in Washington, DC. We want to balance the budget.

But it has been really frustrating. The House has agreed to balance the budget. The Senate has agreed to balance the budget. But the President and the liberals in Congress are willing to say anything to keep us from balancing the budget, even if it is not true.

We have heard about cuts to education, but yet student loans are increasing. We heard about cuts to Medicare, yet the average recipient is going to get $4,800 this year and $6,700 in 7 years. We heard about cuts to nutrition programs, and yet we are increasing them 4 percent every year, a total of $1 billion over the next 7 years.

The truth is the President and the liberals in Congress do not want to balance the budget, but the American people do. Let us get real, Mr. President. Let us stay home from Japan and negotiate a balanced budget.

STOP PLAYING THE BLAME GAME

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, the day you have longed for is here. You have brought the U.S. Government to a halt and the verge of default. I hope you are happy.

And why has it come to this. Why are our national parks closed, why can't senior citizens or veterans apply for Social Security or veteran benefits, why can not people get their passports? Because you have not done your work. You have been so busy pursuing your extremist ideological agenda that you have ignored the business of the people. And now you want to blame the President.

Well, the President is right and the American people agree. The President will not give in to your drastic proposals: Your extremist plans to cut Medicare, destroy our environment, defund education and give tax breaks to the rich while raising taxes on working families.

Stop playing the blame game, Madam Speaker. Stop blackmailing the President. Show some leadership. Send the President a clean bill and he will sign it, and let us get on with the business of governing.

The American people are watching and waiting.

PUTTING OUR FINANCIAL HOUSE IN ORDER

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Madam Speaker, in the last several months we were warned repeatedly by the administration that if the train wreck happened, financial markets would collapse. Well, let us look at the facts; Financial markets hit a record high yesterday, and they are up again this morning.

Why? Because Americans are expressing confidence in this Congress. We are serious about controlling entitlements and putting our financial house in order.

It is unfortunate that we have been forced to send 800,000 nonessential Federal employees home. But it would be a tragedy of historic proportions if we backed down now on our commitment to balance this budget.

LET US GET ABOUT THE PEOPLE'S BUSINESS

(Mr. FRAZER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRAZER. Madam Speaker, we are elected to represent our constituents before this body. But in my district there is an expression we use. It is called poppy show. It means unnecessary rhetoric and deliberate foolishness.

Today the U.S. Government is about to shut down because my colleagues on the other side of the aisle are set; they are set in forcing the President and the minority Members of this body to accept their ideology of how the Government should be run.

This is not about balanced budgets. We all agree we need a balanced budget, but not on the backs of those who can least defend themselves, such as senior citizens and students.

I support the President and the Members of this body who believe that we cannot cut programs such as Medicare, student loans, and the Clean Air Act; that we should not cut these programs only to fulfill a promise to the wealthy in this country who make over $100,000.

We are in a crisis. We call for leadership, bipartisan leadership, leadership where all parties come together for the good of the American people. Now it is time to act. Let us be responsible and pass the budget. Let us pass the resolution without riders. Let us get about the people's business.

PRESERVING AND PROTECTING MEDICARE

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Madam Speaker, the President is shutting down Government because he wants to decrease Medicare premiums.

Madam Speaker, does the President not read his own Medicare report? These are his own appointees who are telling him that Medicare is going bankrupt. Is there any American in this country who pays health care premiums that has not seen an increase in premiums?

Everyone has to contribute something to save this system: Doctors, hospitals and, yes, Madam Speaker, recipients, too.

This plan does not increase deductibles. It does not increase copayments. But it only asks seniors to maintain the current share of their premium. Is that too much?

Madam Speaker, most of the senior citizens that I talk to understand that we must save the system, that they are willing to contribute, and that by doing so we can preserve and protect the system for future Medicare recipients.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. TIAHRT. Madam Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Banking and Financial Services, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on National Security, and Committee on Resources.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mrs. MYRICK). Is there objection to the request of the gentleman from Kansas?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Tim Sanders, one of his secretaries.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the first bill on the Corrections Calendar.

REPEALING AN UNNECESSARY MEDICAL DEVICE REPORTING REQUIREMENT

The Clerk called the bill (H.R. 2366), to repeal an unnecessary medical device reporting requirement.

The Clerk read the bill, as follows:

H.R. 2366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by striking subsection (h).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. BROWN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2366, legislation to repeal the unnecessary regulatory burden of the cardiac pacemaker registry imposed by the Social Security Act.

Section 1862(h) of the Social Security Act requires doctors and hospitals receiving Medicare funds to provide information to the Federal Government upon the implementation, removal, or replacement of pacemaker devices and pacemaker leads. However, in 1990 the Congress amended the Federal Food, Drug and Cosmetics Act to establish comprehensive reporting requirements that make the registry requirement in the Social Security Act duplicative and unnecessary. Removal of this unnecessary reporting requirement will be welcomed by the health care community and by manufacturers as well as by the Federal agencies charged with complying with this requirement.

□ 1045

I want to emphasize that repeal of the requirement will have no impact on the public health, because it is redundant of a newer and more comprehensive requirement.

Madam Speaker, I want to commend my colleagues, the gentlewoman from Nevada [Mrs. VUCANOVICH], a Republican, and the gentleman from California [Mr. WAXMAN], a Democrat, for recognizing the need for this legislation and working for its quick consideration. During these times it is nice to have a little bit of bipartisanship.

I also want to commend the Speaker for instituting the Corrections Calendar. I believe this bill is a perfect example of the type of legislation for which the new Corrections Calendar is intended.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is the sort of bill that is appropriate for a corrections day calendar.

It truly corrects a legislative oversight, and does nothing more or less.

This bill was introduced by my colleague, Mr. WAXMAN, with Representative VUCANOVICH, in response to concerns of both the administration and the pacemaker industry about duplicative reporting requirements.

When section 1862(h) was added to the Social Security Act about 10 years ago, there was a need to identify and keep track of defective pacemakers. In particular, there was a need to identify circumstances in which a defective pacemaker was surgically implanted in a patient, and then surgically removed, with both procedures being paid for by Medicare.

One of the main reasons for this early pacemaker registry was that there was no good way, in 1984, to track defective implantable medical devices, and no viable way for HCFA to recover costs in those circumstances where a defective product was used. At that time, it made both fiscal and public health sense to require health care providers to report information about pacemakers and pacemaker leads, including information about device defects and costs recovered from manufacturers.

Since enactment of this provision, HCFA has collected the required data and provided the information to FDA, which maintained the pacemaker registry.

However, in 1990, Congress passed the safe medical device amendments, which included broad requirements for medical device tracking and reporting. These more comprehensive provisions superseded the requirements of section 1862(h), but did not repeal those requirements. However, without repeal of section 1862(h), FDA still must maintain a separate pacemaker registry. Further, providers and manufacturers must report essentially the same information to both HCFA and FDA, for two separate registries.

This duplication of effort is not necessary either for budget reasons or for public safety. HCFA does not need the separate registry to assist in recovering costs, and FDA maintains a master registry of all implantable medical devices, which can be used in cases where there are health concerns about particular products.

Both HCFA and FDA have suggested this repeal. I am pleased to support it, and urge my colleagues to do likewise.

Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Madam Speaker, I thank the gentleman for yielding. I would say at the very outset that the gentlewoman from Nevada [Mrs. VUCANOVICH], the gentleman from California [Mr. WAXMAN], and the gentleman from Florida [Mr. BILIRAKIS], are to be congratulated, as well as the gentleman from Ohio [Mr. BROWN], for a bill that fixes a problem that we should have attended to some time ago.

Madam Speaker, today is corrections day, part of a new dawning, part of a revolution here in this Chamber. And I do not disagree with any item that my Republican colleagues have brought to the floor today. But, boy, do we need corrections.

If one wants to talk about errors that need fixing, the Republicans have created or are about to create errors that boggle the mind; errors, I might suggest, that are going to destroy the Medicare system and leave senior citizens without any health care.

So I would just like to talk about errors that the Republicans are ignoring and errors that they are creating. This is a whole game of errors. There are not any hits or any runs. As a matter of fact, there are not any players on the field. I do not notice a Republican member of the Committee on Ways and Means on the floor, and they have jurisdiction over some of this. They did not even bother to come here today.

Now, on corrections day, let us talk about a major error in the making in the Republican plan for Medicare and Medicaid. Last month the Republican majority rammed through their Medicare and Medicaid bills, and, despite repeated calls from Democrats, only one hearing was held. Today we understand why they had to ram those plans through in the dead of night, with secret meetings in the Speaker's office with major lobbyists from the American Medical Association. The number of uninsured Americans will increase 50 percent, from 40 million to 66 million, by the year 2002.

There is an error that the Republicans ought to think about correcting before they even get out of the gate.

Let me say that once again. As a result of the Republican plans to slash Medicare and Medicaid spending by $450 billion over the next 7 years, the number of uninsured Americans will rise by 50 percent; 26 million more Americans will be uninsured.

Now, this is the finding of the Council on Economic Impact of Health Care Reform, a nonpartisan group with membership of leading Republican and Democrat health care experts. There, Madam Speaker, is an error that must be corrected before it is enacted into law. Where are the Republicans? Where are you on corrections day to correct your own heinous mistakes?

Now, a second item, according to press reports, is that in your budget, your Republican budget, you Republicans are planning to extend the health insurance deduction for self-employed to 50 percent. Now, is that not nice? But did you not also mean to include individual employees who buy their own health insurance as well?

It seems to be a significant oversight that we would extend this tax subsidy for health insurance to self-employed lawyers, doctors, CPA's, but not their secretaries and nurses. Could it be that the doctors and the lawyers are all rich Republicans, and the hard working secretaries and nurses who allow them to function are Democrats, and you do not care about low-income people?

So if you are giving away all this money to rich self-employed, why not a little worry about the average working person in the small business who is denied health insurance by their less than munificent boss, who is probably a Republican, and why not extend this to the lower paid workers?

Now, that is not enough. We have got corrections? Boy, have we got corrections. I understand that the Republicans agreed last night to leave the disabled out of the Medicaid plan. Now, is that not fine? What are you going to do for all the people who are disabled? You are going to kick them out of the Medicaid plan. There is no guarantee that all the disabled people who get Medicaid coverage today will be covered under the Republican plan.

Now, that needs correction. That is heartless. That is cruel. What are you going to do, break up their crutches and give them to the rich for their fireplaces?

Come on. Can you not find, when you are cutting $450 billion out of a budget to pay for tax cuts to the rich, can you not find enough to maintain or require that Governors under these block grants keep disabled people in the Medicaid plan?

That is not enough. You want corrections? You want egregious errors? You want problems that the Republicans are creating that have to be corrected?

Another item in the Medicare is the copayment. Beneficiaries today pay up to 53 percent in copayments when they have an outpatient procedure. These are Medicare beneficiaries who are not supposed to pay those kinds of copayments. Why, a beneficiary could pay, say, $3,000 out-of-pocket for an outpatient procedure. How do you fix it? You give the hospital back the money, but you make the beneficiary keep paying the $3,000.

So much for your fixing Medicare. You are sticking it to the seniors and making them pay these outrageous charges. Should that not be corrected? Where are you? Where are these great correctors of the errors they are creating? They are probably in the back room right now trying to give away more money to the rich, to the doctors, to the hospitals.

Currently, a provision in the law referred to as COBRA was written in 1986. Forty-one million Americans are extending their health care insurance when they become disabled or laid off or have been divorced at no cost to the Federal Government, not a penny to the Federal Government. And today there are 3.5 million people abroad in the land who are about to have their COBRA benefits expire.

And, yo, Republicans voted not to extend that. In the Committee on Ways and Means, every Republican voted not to extend COBRA benefits, at no cost to the Federal Government. Here is a correction that does not cost a penny to anyone. All it takes is a little concern. All you got to do is care about people who have lost their jobs and are losing their health care insurance, and you would not even let them pay for it out of their own pocket.

Talk about heartless, cruel, awful people. The people who would turn their backs on the disabled, on the unemployed, certainly do not deserve to be in here saying they are going to correct errors. They are creating errors faster than we could correct them if we met all week.

In other Medicare and Medicaid plans, Republicans plan to turn nursing home regulations over to States. Now, there is an error in the making that you want to look for. Why, you may not be aware that States do an awful job monitoring the quality of nursing home care. As studies come to light that find when States monitor nursing homes, they find about 5 percent of the nursing homes are in violation. When Federal regulators inspect these nursing homes, they find almost 14 percent in violation.

Should not we have decent nursing home standards, so that we do not handcuff poor, old people to their beds, let them die of bed sores, so we do not give them tranquilizers to make vegetables out of them? Where is your compassion? Why are you destroying Medicare and Medicaid nursing home regulations to the detriment of the seniors? You want an error you are creating? You can fix it right now.

Finally, in your Medicare reform plan you only catch 1 percent of the fraud estimated to take place currently. Now, surely you all want to be tough on crime. I have heard that from your side. You want to build jails. You do not want to have any welfare to prevent people from going to jail, but you are sure going to build jails.

Well, let me tell you, what you are doing allows 1 percent of finding Medicare fraud and reforming it. One percent? Come on, a blind pig could find a pearl rooting in the barnyard faster than you all can find fraud the way you are going about this.

So, Madam Speaker, as we talk about corrections, a corrections day, how about a corrections week, or a corrections month? And for the Republicans, I might suggest a corrections institution, because you are destroying the institutions of this country that the seniors have counted on, that the poor and children have counted on, for over 30 years.

With one ill-thought-out bill, with one ill-thought-out budget reconciliation, you are destroying the health care of the seniors. You are taking away the support system for the disabled. You are cutting back on children's education and school lunches. Surely, that needs correction.

So if you are closing hospitals and pumping up the fees that we pay to doctors, how about dealing with some of the errors that you are creating and that you are doing nothing to correct.

Yes, sir, this is a bill worth voting for, but it is such a piddling splatter on the platter that needs correcting. Would you please think about the people you are harming, the disabled, the senior citizens, the 26 million you are going to add to the uninsured, the children who will be denied medical care, the crippled, halt and lame you are kicking off the rolls? What are you going to do to collect your Speaker's bill that none of you have had any impact in?

There are the corrections that really need correcting. There are the errors the Republicans are creating. There is humanity that is lacking. There is an indifference to the problems of the people in this world. That is what this institution should be doing.

Mr. BILIRAKIS. Madam Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH] to get back to the point here, and that is to the legislation to repeal the unnecessary regulatory burden of the cardiac pacemaker registry imposed by the Social Security Act.

Mrs. VUCANOVICH. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, it is a shame that some Members of this body cannot put aside their disagreements, even when we are trying to do something positive. I do not think this is very constructive and serves only further to enforce the cynicism of the voters. But I would first like to thank the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY] and the Committee on Commerce for their hard work to report this bill out of committee so quickly.

□ 1100

For corrections day to fulfill its mandate, we have to be able to act quickly, and the Committee on Commerce has gone the extra mile to see that the process is successful.

The problem of the duplicate heart pacemaker registry was brought to my attention by the gentleman from California [Mr. WAXMAN]. The gentleman and I decided to cosponsor this legislation to eliminate the redundant reporting requirement. I think this might just be the first bill ever cosponsored by both the gentleman from California [Mr. WAXMAN] and myself.

Madam Speaker, the fact that the two of us can agree on the foolishness of this requirement shows how ridiculous it really is, but more importantly, it demonstrates the corrections day has become a truly bipartisan process. Our corrections day advisory group has been working together now for nearly 5 months with little acrimony and a real spirit of cooperation.

I especially want to thank the gentleman from California [Mr. WAXMAN] for his cooperation on this bill and the others we have passed and are working to pass in the coming weeks. I think it is important to point out that we as a group have been able to resolve some regulatory problems by simply proposing to put matters on the corrections calendar. This approach has been bipartisan and has resulted in regulatory relief for thousands of small businesses.

Madam Speaker, I hope before the end of the year to give the House a comprehensive review of the corrections day process and the good we have been able to accomplish. While we are tied up in the midst of major policy disagreements over the direction of the Federal budget, it is important for our constituents to know that real work is getting done. So much focus it put on what is not working, it is nice to see that our system can work and does work every day.

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am glad we are having this debate today. I think it is important certainly to pass this bill, as we talked about, because I think it is an unnecessary regulation, and that makes sense for every standpoint, from a government standpoint, from industry standpoint for Medicare, for consumers, for Medicare beneficiaries. I am glad we are having this discussion about Medicare and Medicaid because we have had so few chances, Madam Speaker, to talk about this legislation on the floor. We had 1 hour of general debate on the reconciliation bill in the Committee on Ways and Means of the gentleman from California [Mr. STARK], and there was only 1 hour, there was only one hearing on Medicare in that committee, is my understanding, and the committee I am on, the other committee of jurisdiction on Medicare and Medicaid, we had no hearings whatsoever on either of those issues. We simply marked the bill up, generally on party line votes where every Republican in the committee almost on every vote voted with whatever Speaker GINGRICH wanted.

That was disturbing, but it gives us an opportunity today during this corrections day to talk about a couple of issues that are particularly important. One of them is the part B increase in Medicare. People right now, Medicare beneficiaries in this country, are paying $46 a month for part B Medicare. Under the Gingrich plan, this will be increased; we will see a 25-percent increase. That is why the President vetoed these two bills this week, the continuing resolution and the debt ceiling increase, because of increases in Medicare premiums.

POINTS OF ORDER

Mr. BILIRAKIS. Madam Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mrs. MYRICK). The gentleman will state his point of order.

Mr. BILIRAKIS. Madam Speaker, I have sat here and listened to all of this and I have no problem with giving these gentlemen their time to speak on this particular subject, but I would like to get this bill out of here so that we can go on to our business, and if they want to talk in some way, they can go ahead and do so. But it is a point of order.

This harangue that we have had from the other side is certainly not germane to what we are talking about here, and I think it violates the rules of the House.

The SPEAKER pro tempore. The point is sustained. Debate will be confined to the bill under consideration, H.R. 2366.

Mr. BROWN of Ohio. Madam Speaker, we are talking about Medicare, we are talking about that section. I ran for Congress understanding that on the floor of the House you could talk about issues that affected people's lives and issues that affected the particular legislation you are working on.

On this side of the aisle I control my 30 minutes. My friend from Florida can talk about what he wants in his 30 minutes.

The SPEAKER pro tempore. Under the rules, the debate must pertain to the question under debate specifically. The gentleman may proceed on that basis.

Mr. BROWN of Ohio. I will do that, Madam Speaker, and I will continue to talk about how we correct Medicare, because part of this corrections day calendar is to correct one section of Medicare, and I think that the way to correct Medicare certainly is to pass this bill, and we will have a total of 1 hour of debate to do that. But as we move on, the real way to correct Medicare is not to destroy it by increasing people's premiums 25 percent and by making $270 billion in cuts in order to give major tax breaks to the wealthiest people in this country.

Mr. BILIRAKIS. Madam Speaker, with all due respect to my colleague from Ohio, we are talking about the cardiac pacemaker registry here. I do not quite understand this.

I have sat here very patiently. I think I have had the opportunity, I know I have had the opportunity to interrupt previously. I have not done so, but I think the other side is taking advantage of the situation.

The SPEAKER pro tempore. The gentleman from Florida made the point of order that the debate is not relevant.

Does any other Member want to be heard on the point of order?

Mr. STARK. Madam Speaker, I wish to be heard on the point of order.

Madam Speaker, under the point of order could the Speaker define for us what is the topic before us and wherein we may speak within the parameters set by the distinguished Speaker?

The SPEAKER pro tempore. The question under debate is the bill, H.R. 2366.

Mr. STARK. And to what does that pertain, Madam Speaker?

The SPEAKER pro tempore. The title of the bill is to repeal an unnecessary medical device reporting requirement.

Mr. STARK. I see, and the area of jurisdiction is what?

The SPEAKER pro tempore. The bill was referred to the Committees on Commerce and Ways and Means.

Mr. STARK. And the bill pertains to Medicare and Medicaid and health care in general; does it not?

The SPEAKER pro tempore. The subject under debate is the bill.

Mr. STARK. Madam Speaker, I would just ask for clarification.

The SPEAKER pro tempore. The clarification is, this is a bill to repeal an unnecessary medical device reporting requirement.

The point of order is well taken. The gentleman from Ohio [Mr. BROWN] should confine his debate to H.R. 2366.

Mr. BROWN of Ohio. Madam Speaker, when you talk about these pacemaker devices, you are talking about Medicare. You are talking about how you pay for these pacemaker devices, how Medicare pays. If Medicare premiums are increased, does that mean that if the Gingrich plan wants to go over 25 percent double over the next 7 years, does that mean that people will not be able to afford these pacemakers?

I think it is a discussion, frankly, in spite of your misreading of the rules, I think it is a discussion that people in this country want to have, what they are going to pay for Medicare, what is going to be covered by Medicare, what regulations surround Medicare and Medicaid or whether it is the cost of premiums.

That is a discussion that people in this country want to have, Madam Speaker, and it is a discussion that we have been denied in committee and it is a discussion that we ought to have.

Mr. STARK. Madam Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. Members will suspend.

There is no point of order pending at this time.

Mr. STARK. Madam Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STARK. Madam Speaker, in H.R. 2366 line 3, section 1, it says, repeal section 1862 of the Social Security Act, and it is amended by striking subsection (h). It is my understanding that in amending a section of the Social Security Act, the Member can strike the last word and discuss anything under that Social Security Act, which would be 42 U.S.C. 1395, and if section 1862 of the Social Security Act covers all of these topics, I would like the Speaker to suggest whether or not we may therefore discuss anything in section 1862, which this bill seeks to repeal, or a subsection thereof.

The SPEAKER pro tempore. Is the gentleman asking a parliamentary inquiry?

Mr. STARK. Yes.

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. BROWN] yield to him for that purpose?

Mr. BROWN of Ohio. Madam Speaker, I yield to the gentleman from California [Mr. STARK] for a parliamentary inquiry.

The SPEAKER pro tempore. As previously stated, the proper debate is on the subject matter of the bill, H.R. 2366, and the Chair will repeat, to repeal an unnecessary medical device reporting requirement.

Mr. BILIRAKIS. Madam Speaker, may I inquire at this time as to how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Florida [Mr. BILIRAKIS] has 26 minutes remaining, and the gentleman from Ohio [Mr. BROWN] has 11 minutes remaining.

Mr. BROWN of Ohio. Madam Speaker, was all of this debate when the gentleman from Florida [Mr. BILIRAKIS] raised his point of order, was that all subtracted from our time?

The SPEAKER pro tempore. No, it was not.

Mr. BROWN of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Madam Speaker, I would ask the gentleman from Florida [Mr. BILIRAKIS], because of the crisis that we are facing right this minute in the Government. Those who are watching these debates understand that we are at this point acting without, we are moving forward in the U.S. Government without, a budget. I would ask the gentleman, would it not be reasonable to ask the gentleman from Florida not to raise a point of order, and if the gentleman from Florida did not raise a point of order, could we not then discuss these serious issues relating to Medicare?

Mr. BILIRAKIS. Madam Speaker, will the gentleman yield?

Mr. WARD. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Madam Speaker, the gentleman from Florida sat here very patiently and respectfully while the gentleman from California went on for something like 15 minutes in spite of the fact that I felt he was out of order at that point in time. We have special orders here, we have many ways in order to get this done.

We have a very simple corrections bill here that everyone has agreed to go forward, and I think we should just go forward with this and have regular order.

Mr. WARD. Madam Speaker, reclaiming my time, I appreciate that the gentleman from Florida [Mr. BILIRAKIS] did allow this debate without a point of order, and I guess what I am asking is, would it not be fair to continue to allow that since we in the minority are not being allowed to continue?

Mr. BILIRAKIS. Madam Speaker, if the gentleman would yield further, I did not make the rules of the House. I would suggest to you that your party, when you controlled this House for 40 years, made these rules of the House in terms of germaneness and sticking to the point.

Mr. BROWN of Ohio. Madam Speaker, reclaiming my time, the fact is that this order was made by the Chair because a Member asked for this, because it is pretty clear that some people in this House do not want to debate Medicare on this House floor, did not want to debate Medicare and have hearings in the Committee on Commerce, did not want to debate Medicaid and Medicare in the Committee on Ways and Means.

We have wasted 15 minutes talking about nothing when we have a Speaker of the House who said, "We don't want to get rid of Medicare in round one because we don't think that is politically smart. We don't think that is the right way to go through a transition."

Mr. BILIRAKIS. Regular order, Madam Speaker. Enough is enough.

The SPEAKER pro tempore. The gentleman will suspend. All Members will suspend.

Does the gentleman from Florida state a point of order?

Mr. BILIRAKIS. Madam Speaker, I ask for regular order at this point in time. The point of order I believe has already been made, Madam Speaker.

The SPEAKER pro tempore. The Chair will take this opportunity to read from clause 1 of rule XIV of the Rules of the House of Representatives.

> When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate.

With that guidance, the gentleman from Ohio [Mr. BROWN] may proceed.

Mr. BROWN of Ohio. Madam Speaker, H.R. 2366, which we on this side of the aisle support, is about Medicare, and it is about repealing a part of Medicare. That is within the entire structure of the Medicare bill.

When I hear the Speaker of the House on October 24 make a statement about Medicare withering on the vine, it also includes H.R. 2366, a part of the Medicare bill. H.R. 2366 includes section 1862, because the Speaker said, "We don't want to get rid of Medicare," and also section 1862, "We don't want to get rid of it in round one because we don't think that is politically smart, and we don't think that is the right way to go through a transition."

□ 1115

Again the Speaker is talking about this section, 1862, talking about the Social Security Act, talking about Medicare.

The Speaker says, "We don't want to get rid of Medicare in round one because that's not politically smart. We don't think that's the right way to go through a transition. But we believe that Medicare is going to wither on the vine," again talking about section 1862 and talking about the Social Security Act, talking about Medicare. That is very debatable on this floor because that is a serious attempt to dismantle Medicare, Madam Speaker.

POINT OF ORDER

Mr. EHRLICH. Regular order, Madam Speaker.

The SPEAKER pro tempore (Mrs. MYRICK). The gentleman will suspend.

Does the gentleman from Florida have a point of order?

Mr. BILIRAKIS. Madam Speaker, I have the continuing point of order. But the point of order has already been ruled upon and is being violated by the Members on the other side of the aisle. This is ridiculous. Let us stay on point for crying out loud.

The SPEAKER pro tempore. Will the gentleman please restate his point of order.

Mr. BILIRAKIS. My point of order is to the effect that the debate over there has nothing at all to do with the legislation before us, which is to repeal the unnecessary regulatory burden of the cardiac pacemaker registry imposed by the Social Security Act, period. It is limited to that particular point, that subsection.

The SPEAKER pro tempore. The Chair finds that the most recent debate maintains the proper nexus to the bill. The gentleman may proceed.

Mr. BROWN of Ohio. Madam Speaker, it concerns me when we talk about section 1862 and we talk about this bill. Again I applaud the gentlewoman from Nevada [Mrs. VUCANOVICH], the gentleman from Florida [Mr. BILIRAKIS], and the Committee on Commerce chaired by the gentleman from Virginia [Mr. BLILEY] in their support of this legislation.

I would hope that when we talk about Medicare and talk about section 1862 that we do look at the entire Medicare package. That is, are we going to save Medicare? Are we going to follow the words of the Speaker of the House who says that it is politically not smart now to get rid of Medicare, that is why we need the Gingrich plan now, so that we can begin the process of Medicare withering on the vine. That is what concerns me, Madam Speaker, that this entire bill, whether it is section 1862——

POINT OF ORDER

Mr. EHRLICH. Point of order, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. EHRLICH. Call for regular order. Nongermane debate again, Madam Speaker.

Mr. BROWN of Ohio. Madam Speaker, I have mentioned section 1862 in almost every sentence of my discussion here.

Mr. EHRLICH. Madam Speaker, the gentleman just quoted the Speaker with respect to the issue of Medicare generally. I believe that directly violates the Chair's ruling.

Mr. BROWN of Ohio. Madam Speaker, it is not my fault that the Speaker was speaking to a bunch of insurance agents who are going to benefit by the passage of this bill and that he said that he wants Medicare to wither on the vine. I did not write his speech, Madam Speaker.

The SPEAKER pro tempore. The Chair is entertaining the argument on the point of order, sir. Has the gentleman completed?

Mr. BROWN of Ohio. The ruling has been made in support of our position again, Madam Speaker?

Mr. EHRLICH. The point of order has not been ruled upon, is my understanding.

The SPEAKER pro tempore. The Chair is prepared to rule.

Quotations of the Speaker are not out of order, per se, but a nexus needs to be maintained to the subject of the bill.

Mr. BROWN of Ohio. I thank the Speaker.

I will make the nexus again that the Speaker, speaking to an insurance executive group in, I do not know, perhaps in Washington, in October, talking about section 1862 and Medicare as a whole, said, "We don't want to get rid of Medicare"——

POINT OF ORDER

Mr. EHRLICH. Point of order, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. EHRLICH. Medicare as a whole is not the proper subject of this debate in the rulings that the Chair has made in the last 10 minutes.

Mr. BROWN of Ohio. Madam Speaker, what is the other party afraid of when I quote the Speaker? I do not understand. Maybe I am missing something, Madam Speaker, if you could clarify your ruling.

The SPEAKER pro tempore. The gentleman will suspend. Will Members please allow complete sentences to be made in the point of debate before interrupting?

The Chair cannot judge an incomplete sentence. The gentleman from Ohio may proceed.

Mr. BROWN of Ohio. I thank the Speaker.

Madam Speaker, a month ago, Speaker GINGRICH speaking about Medicare to a group of insurance executives, most of whom will benefit mightily from the Gingrich Medicare $270 billion in cuts to give tax breaks for the wealthy, said to this group, "Now, we didn't get rid of Medicare in round 1 because we don't think that's politically smart, and we don't think that's the right way to go through a transition. But we believe that Medicare," parenthetically I would add, Madam Speaker, section 1862 which we are debating today and is part of Medicare, "but we believe," Speaker GINGRICH went on to say, "that Medicare is going to wither on the vine."

That is my concern, Madam Speaker, that we need to discuss this bill on the floor because 1862 is part of this bill, and I do not quite understand why people in this body are so afraid of quoting the Speaker of the House.

Mr. EHRLICH. Regular order, Madam Speaker. I believe that was 15 complete sentences. If the purpose of the gentleman is to appeal the ruling of the Chair, I would ask the gentleman to do so. If the purpose of the gentleman is simply to disregard the orders of the Chair, the gentleman should so state.

Mr. BROWN of Ohio. I say to my friend from Maryland, the Speaker asked me——

Mr. EHRLICH. I will suspend, Madam Speaker. It is my understanding now you are deciding on the motion.

The SPEAKER pro tempore. The Chair rules that a subject matter nexus must be maintained in the debate, between the debate and the bill under discussion, and the Chair has ruled such.

Mr. BROWN of Ohio. And I had the nexus, Madam Speaker?

The SPEAKER pro tempore. The most recent debate has maintained that nexus.

Mr. BROWN of Ohio. I thank the Speaker. So I can talk about section 1862 and Medicare?

The SPEAKER pro tempore. As long as the gentleman maintains that subject matter nexus.

Mr. BROWN of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GENE GREEN] to continue to make the nexus on 1862 and the Speaker wanting Medicare to wither on the vine.

Mr. GENE GREEN of Texas. Madam Speaker, I thank my colleague from Ohio for allowing a gentleman from Texas to make the nexus with this bill.

Let me talk a little bit about H.R. 2366. I know he has been comparing and contrasting this bill with the Speaker's comments in an earlier speech but let me talk about the continuing budget resolution that concerns all of us and to contrast the CR with this bill we are debating today, H.R. 2366.

I am glad we have this opportunity to discuss the Speaker's comments and H.R. 2366, because there is a comparison between the two. First, we had the same committee, the Committee on Ways and Means, consider H.R. 2366 and the continuing resolution.

Madam Speaker, we also have a continuing resolution passed by the Ways and Means Committee that would increase Medicare premiums from $46.10 to $53.50 a month, which is the same committee from which this bill came.

That is why I think there is some concern. That is why I am glad that the gentleman from Ohio has brought up the comparison between what we are doing here today on the shutdown of the Federal Government and the concern about the increase in Medicare premiums with H.R. 2366 that came out of the same committee.

I think there is a comparison between the two, because H.R. 2366 deals with a problem that was solved on a bipartisan basis and actually when it is passed, it will be. But the continuing resolution that was passed here was not passed on a bipartisan basis, even though it came out of the same committee.

I think H.R. 2366 is a great example of recognizing a problem with the Social Security Act and Medicare and the medical device reporting requirement, and slowing it. Yet again today, because of the veto yesterday of the continuing resolution and recently of the debt ceiling, we have not seen any of the bipartisanship that we should have on H.R. 2366.

It was not stated by just myself on the floor but by the President himself, that if we go back to the actual $46.10 a month on a bipartisan basis like we have done on H.R. 2366, we might not see having the Federal Government shut down today and not having lots of Federal employees furloughed.

I would hope that the Committee on Ways and Means that sent us H.R. 2366 would also consider working on other even more important legislation, although I think the medical device reporting is important, particularly if you are dealing with pacemakers and folks that need it. But senior citizens also need to be able to afford that Medicare monthly premium. Going from $46.10 to $53.50 is just something that they cannot afford and frankly I applaud the President for vetoing that effort. Again hopefully it will come back to us and the Committee on Ways and Means and the Committee on Commerce can work together so we can have bipartisan resolution to this.

Mr. BROWN of Ohio. Madam Speaker, again I am pleased to support repeal of 1862(h) but oppose the Medicare withering on the vine as the Speaker has reminded us that his plan does.

Madam Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. I thank the gentleman from Florida, the chairman of the Subcommittee on Health and Environment, for yielding me the time.

Madam Speaker, unlike some of my Democratic colleagues, I am going to rise in support of this legislation and strictly speak on this legislation.

I would like to point out that the bill was reported out of the Committee on Commerce on a bipartisan basis. My good friend, the gentleman from California [Mr. WAXMAN], and the gentlewoman from Nevada [Mrs. VUCANOVICH] are the chief sponsors of the bill. The purpose of the bill is to repeal the cardiax pacemaker registry established in 1984 by the Social Security Act. I would like to read the background on this legislation. It is only two paragraphs, and I think it may be of some value to our colleagues.

It says that section 1862(h) of the Social Security Act requires doctors and hospitals receiving Medicare funds to provide information upon implementation, removal, or replacement of pacemaker devices and pacemaker leaders. These requirements became redundant in 1990 with the enactment of amendments to the Federal Food, Drug, and Cosmetic Act that established a more comprehensive system for reporting on medical devices. This legislation is needed to eliminate the unnecessary burden on the health care system, the Health Care Financing Administration, and the Food and Drug Administration. On October 12, 1995, the Speaker's advisory group on corerctions, a bipartisan task force, recommended to the Speaker that H.R. 2366 be placed on the House Corrections Calendar, which it is being done today, and which I would assume in the next 5 minutes or so that we are going to pass this, probably by a voice vote, perhaps by a rollcall vote.

This is an example of where we can work together in a bipartisan fashion to eliminate some of the unnecessary Federal rules and regulations that have grown like barnacles in the Federal Code over the last 20 to 30 years.

I support the leadership of the gentleman from Florida [Mr. BILIRAKIS], the chairman, and his effort on this and hope that we would focus on the issue at hand, this piece of legislation, and pass it forthwith.

Mr. BILIRAKIS. Madam Speaker, I guess unfortunately I misspoke in my opening remarks when I talked about the bipartisan nature of what we were doing here this morning, regarding this piece of legislation. That is very unfortunate.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this is a bipartisan bill. We want to see it passed.

The gentleman from California, Mr. STARK, the gentleman from Texas, Mr. GENE GREEN, and the gentleman from Kentucky, Mr. WARD, that have spoken on this side of the aisle, all of us that are on the Commerce or Ways and Means committees that supported this bill want to see it passed.

We simply wanted, and I guess it was just too touchy an issue in this body, we wanted to debate perhaps the greatest Government program ever, Medicare, that has been with us for 30 years, that where 50 percent of the people in this country were not covered, did not have any health insurance, 50 percent of the elderly in 1965, today only 1 or 2 percent of the elderly do not have coverage because of Medicare.

Yet this Gingrich plan will increase people that are uninsured by as much as 50 percent according to nonpartisan experts.

More to the point on section 1862, by striking subsection (h) which is what we should do, repealing that but not repealing and allowing Medicare to wither on the vine, the poorest elderly are going to have a $700 out-of-pocket expense to pay for these pacemakers because of the Medicaid reforms on something called QMB that the Gingrich plan has allowed.

Madam Speaker, I support this bill, I do not want to see Medicare wither on the vine. I hope that down the road we can have a real Medicare debate where people are not interrupting one another to say that it is not germane because the American people deserve that.

Madam Speaker, I support H.R. 2366.

Madam Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume.

Possibly, present company excepted, I do not know, I would suggest that most of the Members on the other side of the aisle have been involved in Medicare debates over the years, particularly during election time. They are very adept at it, and this morning proves that, I think, more than anything else.

Madam Speaker, I yield back the balance of my time.

□ 1130

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2366.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995

The Clerk called the Senate bill (S. 790) to provide for the modification or elimination of Federal reporting requirements.

The Clerk read the bill, as follows:

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reports Elimination and Sunset Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

Sec. 1011. Reports eliminated.
Sec. 1012. Reports modified.

Subtitle B—Department of Commerce

Sec. 1021. Reports eliminated.
Sec. 1022. Reports modified.

Subtitle C—Department of Defense

Sec. 1031. Reports eliminated.

Subtitle D—Department of Education

Sec. 1041. Reports eliminated.
Sec. 1042. Reports modified.

Subtitle E—Department of Energy

Sec. 1051. Reports eliminated.
Sec. 1052. Reports modified.

Subtitle F—Department of Health and Human Services

Sec. 1061. Reports eliminated.
Sec. 1062. Reports modified.

Subtitle G—Department of Housing and Urban Development

Sec. 1071. Reports eliminated.
Sec. 1072. Reports modified.

Subtitle H—Department of the Interior

Sec. 1081. Reports eliminated.
Sec. 1082. Reports modified.

Subtitle I—Department of Justice

Sec. 1091. Reports eliminated.

Subtitle J—Department of Labor

Sec. 1101. Reports eliminated.
Sec. 1102. Reports modified.

Subtitle K—Department of State

Sec. 1111. Reports eliminated.

Subtitle L—Department of Transportation

Sec. 1121. Reports eliminated.
Sec. 1122. Reports modified.

Subtitle M—Department of the Treasury

Sec. 1131. Reports eliminated.
Sec. 1132. Reports modified.

Subtitle N—Department of Veterans Affairs

Sec. 1141. Reports eliminated.

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

Sec. 2011. Reports eliminated.

Subtitle B—Environmental Protection Agency

Sec. 2021. Reports eliminated.

Subtitle C—Equal Employment Opportunity Commission

Sec. 2031. Reports modified.

Subtitle D—Federal Aviation Administration

Sec. 2041. Reports eliminated.

Subtitle E—Federal Communications Commission

Sec. 2051. Reports eliminated.

Subtitle F—Federal Deposit Insurance Corporation

Sec. 2061. Reports eliminated.

Subtitle G—Federal Emergency Management Agency

Sec. 2071. Reports eliminated.

Subtitle H—Federal Retirement Thrift Investment Board

Sec. 2081. Reports eliminated.

Subtitle I—General Services Administration
Sec. 2091. Reports eliminated.
Subtitle J—Interstate Commerce Commission
Sec. 2101. Reports eliminated.
Subtitle K—Legal Services Corporation
Sec. 2111. Reports modified.
Subtitle L—National Aeronautics and Space Administration
Sec. 2121. Reports eliminated.
Subtitle M—National Council on Disability
Sec. 2131. Reports eliminated.
Subtitle N—National Science Foundation
Sec. 2141. Reports eliminated.
Subtitle O—National Transportation Safety Board
Sec. 2151. Reports modified.
Subtitle P—Neighborhood Reinvestment Corporation
Sec. 2161. Reports eliminated.
Subtitle Q—Nuclear Regulatory Commission
Sec. 2171. Reports modified.
Subtitle R—Office of Personnel Management
Sec. 2181. Reports eliminated.
Sec. 2182. Reports modified.
Subtitle S—Office of Thrift Supervision
Sec. 2191. Reports modified.
Subtitle T—Panama Canal Commission
Sec. 2201. Reports eliminated.
Subtitle U—Postal Service
Sec. 2211. Reports modified.
Subtitle V—Railroad Retirement Board
Sec. 2221. Reports modified.
Subtitle W—Thrift Depositor Protection Oversight Board
Sec. 2231. Reports modified.
Subtitle X—United States Information Agency
Sec. 2241. Reports eliminated.
TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES
Sec. 3001. Reports eliminated.
Sec. 3002. Reports modified.
Sec. 3003. Termination of reporting requirements.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

SEC. 1011. REPORTS ELIMINATED.

(a) Report on Monitoring and Evaluation.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) Report on Return on Assets.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking "(a) Improving" and all that follows through "Forecasts.—"; and

(2) by striking subsection (b).

(c) Report on Farm Value of Agricultural Products.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) Report on Origin of Exports of Peanuts.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed and sections 1559 and 1560 of such Act are redesignated as sections 1558 and 1559, respectively.

(e) Report on Reporting of Importing Fees.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) Report on Agricultural Information Exchange With Ireland.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(g) Report on Potato Inspection.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) Report on Transportation of Fertilizer and Agricultural Chemicals.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed and sections 2518 and 2519 of such Act are redesignated as sections 2517 and 2518, respectively.

(i) Report on Uniform End-Use Value Tests.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) Report on Project Areas With High Food Stamp Payment Error Rates.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) Report on Effect of EFAP Displacement on Commercial Sales.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) Report on WIC Expenditures and Participation Levels.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraphs (8) and (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively.

(m) Report on WIC Migrant Services.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (j).

(n) Report on Demonstrations Involving Innovative Housing Units.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(o) Report on Land Exchanges in Columbia River Gorge National Scenic Area.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(p) Report on Income and Expenditures of Certain Land Acquisitions.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(q) Report on Special Area Designations.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed and sections 1507, 1508, 1509, and 1511 of such Act are redesignated as sections 1506, 1507, 1508, and 1509, respectively.

(r) Report on Evaluation of Special Area Designations.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(s) Report on Agricultural Practices and Water Resources Database Development.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "(a) Repository.—"; and

(2) by striking subsection (b).

(t) Report on Plant Genome Mapping.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(u) Report on Appraisal of Proposed Budget for Food and Agricultural Sciences.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(v) Report on Economic Impact of Animal Damage on Aquaculture Industry.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and

(2) by striking paragraph (2).

(w) Report on Awards Made by the National Research Initiative and Special Grants.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(x) Report on Payments Made Under Research Facilities Act.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(y) Report on Financial Audit Reviews of States With High Food Stamp Participation.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking ", and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days".

(z) Report on Rural Telephone Bank.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

SEC. 1012. REPORTS MODIFIED.

(a) Report on Animal Welfare Enforcement.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).".

(b) Report on Horse Protection Enforcement.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) Report on Agricultural Quarantine Inspection Fund.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) Report on Estimated Expenditures Under Food Stamp Program.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking "by the fifteenth day of each month" and inserting "for each quarter or other appropriate period"; and

(2) by striking "the second preceding month's expenditure" and inserting "the expenditure for the quarter or other period".

(e) Report on Priorities for Research, Extension, and Teaching.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "Annual Report" and inserting "Report"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(f) 5-Year Plan for Food and Agricultural Sciences.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(g) Report on Examination of Federally Supported Agricultural Research and Extension Programs.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

(h) Report on Effects of Foreign Ownership of Agricultural Land.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

"(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of each of the following periods:

"(1) The period beginning on the date of the enactment of the Federal Reports Elimination and Sunset Act of 1995 and ending on December 31, 1995.

"(2) Each 10-year period thereafter.".

Subtitle B—Department of Commerce

SEC. 1021. REPORTS ELIMINATED.

(a) Report on Voting Registration.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–5) is repealed.

(b) Report on Estimate of Special Agricultural Workers.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) Report on Long Range Plan for Public Broadcasting.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) Report on Status, Activities, and Effectiveness of United States Commercial Centers in Asia, Latin America, and Africa and Program Recommendations.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) Report on Kuwait Reconstruction Contracts.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(f) Report on United States-Canada Free-Trade Agreement.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations.".

(g) Report on Establishment of American Business Centers and on Activities of the Independent States Business and Agriculture Advisory Council.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(h) Report on Fisherman's Contingency Fund Report.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(i) Report on User Fees on Shippers.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) Report on Federal Trade Promotion Strategic Plan.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

"(f) Report to the Congress.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

"(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

"(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.".

(b) Report on Export Policy.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out "and" after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

"(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

"(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

"(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.".

Subtitle C—Department of Defense

SEC. 1031. REPORTS ELIMINATED.

(a) Report on Sematech.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) Report on Review of Documentation in Support of Waivers for People Engaged in Acquisition Activities.—

(1) In general.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) Clerical amendment to table of contents.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

Subtitle D—Department of Education

SEC. 1041. REPORTS ELIMINATED.

(a) Report on Personnel Reduction and Annual Limitations.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period.

(b) Report on Supported Employment Activities.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a(c)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) Report on the Client Assistance Program.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(d) Report on the Summary of Local Evaluations of Community Education Employment Centers.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking **"AND REPORT"**;

(2) in subsection (a), by striking "(a) Local Evaluation.—"; and

(3) by striking subsection (b).

(e) Report on the Administration of the Vocational Education Act of 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(f) Report by the Interdepartmental Task Force on Coordinating Vocational Education and Related Programs.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(g) Report on the Evaluation of the Gateway Grants Program.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(h) Report on the Bilingual Vocational Training Program.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(i) Report on Annual Upward Mobility Program Activity.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking "and annually submit to the appropriate committees of Congress a report based on such evaluations,".

SEC. 1042. REPORTS MODIFIED.

(a) Report on the Condition of Bilingual Education in the Nation.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking **"REPORT ON"** and inserting **"INFORMATION REGARDING"**; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall

collect data for program management and accountability purposes regarding—".

(b) Report to Congress on the Stewart B. McKinney Homeless Assistance Act.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

"(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

"(A) evaluate the programs and activities assisted under this part; and

"(B) contain the information received from the States pursuant to section 722(d)(3).".

(c) Report To Give Notice to Congress.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(d) Annual Report on Activities Under the Rehabilitation Act of 1973.—Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(e) Report to the Congress Regarding Rehabilitation Training Programs.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (29 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(f) Annual Audit of Student Loan Insurance Fund.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) Financial Operations Responsibilities.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.".

Subtitle E—Department of Energy

SEC. 1051. REPORTS ELIMINATED.

(a) Reports on Performance and Disposal of Alternative Fueled Heavy Duty Vehicles.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) Report on Wind Energy Systems.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) Report on Comprehensive Program Management Plan for Ocean Thermal Energy Conversion.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) Reports on Subseabed Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) Report on Fuel Use Act.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) Report on Test Program of Storage of Refined Petroleum Products Within the Strategic Petroleum Reserve.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) Report on Naval Petroleum and Oil Shale Reserves Production.—Section 7434 of title 10, United States Code, is repealed.

(h) Report on Effects of Presidential Message Establishing a Nuclear Nonproliferation Policy on Nuclear Research and Development Cooperative Agreements.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) Report on Written Agreements Regarding Nuclear Waste Repository Sites.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.".

(j) Quarterly Report on Strategic Petroleum Reserves.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) Report on the Department of Energy.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

(l) Report on Current Status of Comprehensive Management for Nuclear Safety Research, Development, and Demonstration.—Section 8(c) of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9707(c)) is repealed.

(m) Report on Activities of the Geothermal Energy Coordination and Management Project.—Section 302(a) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1162(a)) is repealed.

(n) Report on Activities Under the Magnetic Fusion Energy Engineering Act of 1980.—Section 12 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9311) is repealed.

(o) Report on Activities Under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.—Section 14 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2513) is repealed.

(p) Report on Activities Under the Methane Transportation Research, Development, and Demonstration Act of 1980.—Section 9 of the Methane Transportation Research, Development, and Demonstration Act of 1980 (15 U.S.C. 3808) is repealed.

SEC. 1052. REPORTS MODIFIED.

(a) Reports on Process-Oriented Industrial Energy Efficiency and Industrial Insulation Audit Guidelines.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after October 24, 1992, and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(6) the information required under section 133(c).".

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "October 24, 1992" and inserting "October 24, 1995"; and

(B) by inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) Report on Agency Requests for Waiver From Federal Energy Management Requirements.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) Report on the Progress, Status, Activities, and Results of Programs Regarding the Procurement and Identification of Energy Efficient Products.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter,"; and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) Report on the Federal Government Energy Management Program.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) Report on Alternative Fuel Use by Selected Federal Vehicles.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking "and annually thereafter".

(f) Report on the Operation of State Energy Conservation Plans.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting ", as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) Report on the Department of Energy.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) Report on Cost-Effective Ways To Increase Hydropower Production at Federal Water Facilities.—Section 2404 of the

Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) Report on Progress Meeting Fusion Energy Program Objectives.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.".

(j) Report on High-Performance Computing Activities.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) Reports.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.".

(k) Report on National High-Performance Computing Program.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and".

(l) Report on Nuclear Waste Disposal Program.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) Audit by GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.".

Subtitle F—Department of Health and Human Services

SEC. 1061. REPORTS ELIMINATED.

(a) Report on the Effects of Toxic Substances.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(b) Report on Compliance With the Consumer-Patient Radiation Health and Safety Act.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) Report on Evaluation of Title VIII Programs.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) Report on Model System for Payment for Outpatient Hospital Services.—Paragraph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b–5(d)(6)) is repealed.

(e) Report on Medicare Treatment of Uncompensated Care.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(f) Report on Program To Assist Homeless Individuals.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) Report of the Surgeon General.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

"BIANNUAL REPORT

"Sec. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.".

(b) Report on Health Service Research Activities.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) Report on Family Planning.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking "each fiscal year" and inserting "fiscal year 1995, and each second fiscal year thereafter,".

(d) Report on the Status of Health Information and Health Promotion.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out "annually" and inserting in lieu thereof "biannually".

Subtitle G—Department of Housing and Urban Development

SEC. 1071. REPORTS ELIMINATED.

(a) Reports on Public Housing Homeownership and Management Opportunities.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) Interim Report on Public Housing Mixed Income New Communities Strategy Demonstration.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) Biennial Report on Interstate Land Sales Registration Program.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) Quarterly Report on Activities Under the Fair Housing Initiatives Program.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) Collection of and Annual Report on Racial and Ethnic Data.—Section 562 of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "the Secretary of Housing and Urban Development and"; and

(ii) by striking "each", the first place it appears; and

(B) in the second sentence, by striking "involved"; and

(2) in subsection (b)—

(A) by striking "The Secretary of Housing and Urban Development and the" and inserting "The"; and

(B) by striking "each".

SEC. 1072. REPORTS MODIFIED.

(a) Report on Homeownership of Multifamily Units Program.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking **"ANNUAL"**; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall no later than December 31, 1995,".

(b) Triennial Audit of Transactions of National Homeownership Foundation.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) Report on Low-Income Home Energy Assistance Program.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years),".

Subtitle H—Department of the Interior

SEC. 1081. REPORTS ELIMINATED.

(a) Report on Audits in Federal Royalty Management System.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) Report on Domestic Mining, Minerals, and Mineral Reclamation Industries.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) Report on Phase I of the High Plains States Groundwater Demonstration Project.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) Report on Reclamation Reform Act Compliance.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) Report on Geological Surveys Conducted Outside the Domain of the United States.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) Report on Recreation Use Fees.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

(g) Report on Federal Surplus Real Property Public Benefit Discount Program for Parks and Recreation.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking "subsection (k) of this section and".

SEC. 1082. REPORTS MODIFIED.

(a) Report on Levels of the Ogallala Aquifer.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(b) Report on Effects of Outer Continental Shelf Leasing Activities on Human, Marine, and Coastal Environments.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

Subtitle I—Department of Justice

SEC. 1091. REPORTS ELIMINATED.

(a) Report on Drug Interdiction Task Force.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(b) Report on Equal Access to Justice.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(c) Report on Federal Offender Characteristics.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(d) Report on Costs of Death Penalty.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(e) Mineral Lands Leasing Act.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208–2) is repealed.

(f) Small Business Act.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(g) Energy Policy and Conservation Act.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking ", at least once every 6 months, a report" and inserting ", at such intervals as are appropriate based on significant developments and issues, reports".

(h) Report on Forfeiture Fund.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

Subtitle J—Department of Labor

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) Report on the Activities Conducted Under the Fair Labor Standards Act of 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking "annually" and inserting "biannually"; and

(2) by striking "preceding year" and inserting "preceding two years".

(b) Annual Report of the Office of Workers' Compensation.—

(1) Report on the administration of the longshore and harbor workers' compensation act.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) Report on the administration of the black lung benefits program.—Section 426(b) of the "Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(3) Report on the administration of the federal employees' compensation act.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8152. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

"8152. Annual report.".

(c) Annual Report on the Department of Labor.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

Subtitle K—Department of State

SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

Subtitle L—Department of Transportation

SEC. 1121. REPORTS ELIMINATED.

(a) Report on Deepwater Port Act of 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) Report on Coast Guard Logistics Capabilities Critical to Mission Performance.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) Report on Marine Plastic Pollution Research and Control Act of 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) Report on Applied Research and Technology Program.—Section 307(e)(11) of title 23, United States Code, is repealed.

(e) Reports on Highway Safety Improvement Programs.—

(1) Report on railway-highway crossings program.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) Report on hazard elimination program.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(f) Report on Highway Safety Performance—Fatal and Injury Accident Rates on Public Roads in the United States.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(g) Report on Highway Safety Program Standards.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(h) Report on Railroad-Highway Demonstration Projects.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(i) Report on Uniform Relocation Act Amendments of 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(j) Report on Federal Railroad Safety Act of 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(k) Report on Railroad Financial Assistance.—Section 308(d) of title 49, United States Code, is repealed.

(l) Report on Use of Advanced Technology by the Automobile Industry.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(m) Report on Obligations.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.

(n) Report on Suspended Light Rail System Technology Pilot Project.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(o) Report on Saint Lawrence Seaway Development Corporation.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(p) Reports on Pipelines on Federal Lands.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(q) Reports on Pipeline Safety.—

(1) Report on natural gas pipeline safety act of 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

(2) Report on hazardous liquid pipeline safety act of 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

SEC. 1122. REPORTS MODIFIED.

(a) Report on Oil Spill Liability Trust Fund.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(b) Report on Joint Federal and State Motor Fuel Tax Compliance Project.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

(c) Report on Public Transportation.—Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "March 1995, March 1996, and March of each odd-numbered year thereafter".

(d) Report on Nation's Highways and Bridges.—Section 307(h) of title 23, United States Code, is amended by striking "January 1983, and in January of every second year thereafter" and inserting "March 1995, March 1996, and March of each odd-numbered year thereafter".

Subtitle M—Department of the Treasury

SEC. 1131. REPORTS ELIMINATED.

(a) Report on the Operation and Status of State and Local Government Fiscal Assistance Trust Fund.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) Report on the Antirecession Provisions of the Public Works Employment Act of 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) Report on the Asbestos Trust Fund.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) Report on the World Cup USA 1994 Commemorative Coin Act.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) Reports on Various Funds.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.".

(c) Report on the James Madison-Bill of Rights Commemorative Coin Act.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out "month" and inserting in lieu thereof "calendar quarter".

Subtitle N—Department of Veterans Affairs

SEC. 1141. REPORTS ELIMINATED.

(a) Report on Adequacy of Rates for State Home Care.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) Report on Loans To Purchase Manufactured Homes.—Section 3712 of such title is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(c) Report on Compliance With Funded Personnel Coding.—

(1) Repeal of report requirement.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) Conforming amendments.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

Subtitle B—Environmental Protection Agency

SEC. 2021. REPORTS ELIMINATED.

(a) Report on Allocation of Water.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) Report on Variance Requests.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(c) Report on Implementation of Clean Lakes Projects.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(d) Report on Use of Municipal Secondary Effluent and Sludge.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(e) Report on Certain Water Quality Standards and Permits.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) Report on Class V Wells.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking "(a) Monitoring Methods.—"; and

(2) by striking subsection (b).

(g) Report on Sole Source Aquifer Demonstration Program.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) Report on Supply of Safe Drinking Water.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) Report on Nonnuclear Energy and Technologies.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) Report on Emissions at Coal-Burning Powerplants.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-Year Plan for Environmental Research, Development, and Demonstration.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(l) Plan on Assistance to States for Radon Programs.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle C—Equal Employment Opportunity Commission

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

Subtitle D—Federal Aviation Administration

SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Transportation Inspector General".

Subtitle E—Federal Communications Commission

SEC. 2051. REPORTS ELIMINATED.

(a) Report to the Congress Under the Communications Satellite Act of 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) Reimbursement for Amateur Examination Expenses.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

Subtitle F—Federal Deposit Insurance Corporation

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

"(1) Quarterly reporting.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.".

Subtitle G—Federal Emergency Management Agency

SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

Subtitle H—Federal Retirement Thrift Investment Board

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.".

Subtitle I—General Services Administration

SEC. 2091. REPORTS ELIMINATED.

(a) Report on Properties Conveyed for Historic Monuments and Correctional Facilities.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) Report on Proposed Sale of Surplus Real Property and Report on Negotiated Sales.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) Report on Properties Conveyed for Wildlife Conservation.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes.", approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

Subtitle J—Interstate Commerce Commission

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.".

Subtitle K—Legal Services Corporation

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

Subtitle L—National Aeronautics and Space Administration

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

"(g) National Aeronautics and Space Administration and Regional Technology Transfer Centers.—The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.".

Subtitle M—National Council on Disability

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

Subtitle N—National Science Foundation

SEC. 2141. REPORTS ELIMINATED.

(a) Strategic Plan for Science and Engineering Education.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) Budget Estimate.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

Subtitle O—National Transportation Safety Board

SEC. 2151. REPORTS MODIFIED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is amended—

(1) in paragraph (2) by adding "and" after the semicolon;

(2) in paragraph (3) by striking out "; and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

Subtitle P—Neighborhood Reinvestment Corporation

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

Subtitle Q—Nuclear Regulatory Commission

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

Subtitle R—Office of Personnel Management

SEC. 2181. REPORTS ELIMINATED.

(a) Report on Senior Executive Service.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) Report on Performance Awards.—Section 4314(d) of title 5, United States Code, is repealed.

(c) Report on Training Programs.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) Report on Prevailing Rate System.—Section 5347(e) of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) Report on Activities of the Merit Systems Protection Board and the Office of Personnel Management.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

(a) Report on District of Columbia Retirement Fund.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96–122; 93 Stat. 882) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out "(1)";

(ii) by striking out "and the Comptroller General shall each" and inserting in lieu thereof "shall"; and

(iii) by striking out "each"; and

(B) by striking out paragraph (2); and

(2) in subsection (d), by striking out "the Comptroller General and" each place it appears.

(b) Report on Revolving Fund.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out "at least once every three years".

Subtitle S—Office of Thrift Supervision

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out "annually";

(2) by striking out "audit, settlement," and inserting in lieu thereof "settlement"; and

(3) by striking out ", and the first audit" and all that follows through "enacted".

Subtitle T—Panama Canal Commission

SEC. 2201. REPORTS ELIMINATED.

(a) Reports on Panama Canal.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) Technical and Conforming Amendment.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

Subtitle U—Postal Service

SEC. 2211. REPORTS MODIFIED.

(a) Report on Consumer Education Programs.—Section 4(b) of the mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3001 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

"(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).".

(b) Report on Investigative Activities.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out "the Board shall transmit such report to the Congress" and inserting in lieu thereof "the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

Subtitle V—Railroad Retirement Board

SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking "On or before July 1, 1985, and each calendar year thereafter" and inserting "As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))".

Subtitle W—Thrift Depositor Protection Oversight Board

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out "the end of each calendar quarter" and inserting in lieu thereof "June 30 and December 31 of each calendar year".

Subtitle X—United States Information Agency

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) Report on Part-Time Employment.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) Budget Information on Consulting Services.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) Semiannual Report on Lobbying.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j-1) is repealed.

(g) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(h) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(i) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102-393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.".

SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101-576), including provisions enacted by the amendments made by that Act.

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the 103d Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103-7).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CLINGER

Mr. CLINGER. Madam Speaker, I offer an amendment in the nature of a substitute.

The clerk read as follows:

Amendment in the nature of a substitute offered by Mr. CLINGER:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reports Elimination and Sunset Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

Sec. 1011. Reports eliminated.
Sec. 1012. Reports modified.

Subtitle B—Department of Commerce

Sec. 1021. Reports eliminated.
Sec. 1022. Reports modified.

Subtitle C—Department of Defense

Sec. 1031. Reports eliminated.

Subtitle D—Department of Education

Sec. 1041. Reports eliminated.
Sec. 1042. Reports modified.

Subtitle E—Department of Energy

Sec. 1051. Reports eliminated.
Sec. 1052. Reports modified.

Subtitle F—Department of Health and Human Services

Sec. 1061. Reports eliminated.
Sec. 1062. Reports modified.

Subtitle G—Department of Housing and Urban Development

Sec. 1071. Reports eliminated.
Sec. 1072. Reports modified.

Subtitle H—Department of the Interior

Sec. 1081. Reports eliminated.
Sec. 1082. Reports modified.

Subtitle I—Department of Justice

Sec. 1091. Reports eliminated.

Subtitle J—Department of Labor

Sec. 1101. Reports eliminated.
Sec. 1102. Reports modified.

Subtitle K—Department of State

Sec. 1111. Reports eliminated.
Sec. 1112. International narcotics control.

Subtitle L—Department of Transportation

Sec. 1121. Reports eliminated.
Sec. 1122. Reports modified.

Subtitle M—Department of the Treasury

Sec. 1131. Reports eliminated.
Sec. 1132. Reports modified.

Subtitle N—Department of Veterans Affairs

Sec. 1141. Reports eliminated.

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

Sec. 2011. Reports eliminated.

Subtitle B—Environmental Protection Agency

Sec. 2021. Reports eliminated.

Subtitle C—Equal Employment Opportunity Commission

Sec. 2031. Reports modified.

Subtitle D—Federal Aviation Administration

Sec. 2041. Reports eliminated.

Subtitle E—Federal Communications Commission

Sec. 2051. Reports eliminated.

Subtitle F—Federal Deposit Insurance Corporation

Sec. 2061. Reports eliminated.

Subtitle G—Federal Emergency Management Agency

Sec. 2071. Reports eliminated.

Subtitle H—Federal Retirement Thrift Investment Board

Sec. 2081. Reports eliminated.

Subtitle I—General Services Administration

Sec. 2091. Reports eliminated.

Subtitle J—Interstate Commerce Commission

Sec. 2101. Reports eliminated.

Subtitle K—Legal Services Corporation

Sec. 2111. Reports modified.

Subtitle L—National Aeronautics and Space Administration

Sec. 2121. Reports eliminated.

Subtitle M—National Council on Disability

Sec. 2131. Reports eliminated.

Subtitle N—National Science Foundation

Sec. 2141. Reports eliminated.

Subtitle O—National Transportation Safety Board

Sec. 2151. Reports modified.

Subtitle P—Neighborhood Reinvestment Corporation

Sec. 2161. Reports eliminated.

Subtitle Q—Nuclear Regulatory Commission

Sec. 2171. Reports modified.

Subtitle R—Office of Personnel Management

Sec. 2181. Reports eliminated.
Sec. 2182. Reports modified.

Subtitle S—Office of Thrift Supervision

Sec. 2191. Reports modified.

Subtitle T—Panama Canal Commission

Sec. 2201. Reports eliminated.

Subtitle U—Postal Service

Sec. 2211. Reports modified.

Subtitle V—Railroad Retirement Board

Sec. 2221. Reports modified.

Subtitle W—Thrift Depositor Protection Oversight Board

Sec. 2231. Reports modified.

Subtitle X—United States Information Agency

Sec. 2241. Reports eliminated.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

Sec. 3001. Reports eliminated.
Sec. 3002. Reports modified.
Sec. 3003. Termination of reporting requirements.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking "(a) IMPROVING" and all that follows through "FORECASTS.—"; and

(2) by striking subsection (b).

(c) Report on Farm Value of Agricultural Products.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) Report on Origin of Exports of Peanuts.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed and sections 1559 and 1560 of such Act are redesignated as sections 1558 and 1559, respectively.

(e) Report on Reporting of Importing Fees.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) Report on Agricultural Information Exchange With Ireland.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(g) Report on Potato Inspection.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) Report on Transportation of Fertilizer and Agricultural Chemicals.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed and sections 2518 and 2519 of such Act are redesignated as sections 2517 and 2518, respectively.

(i) Report on Uniform End-Use Value Tests.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) Report on Project Areas With High Food Stamp Payment Error Rates.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) Report on Effect of EFAP Displacement on Commercial Sales.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) Report on WIC Expenditures and Participation Levels.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

(m) Report on Demonstrations Involving Innovative Housing Units.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(n) Report on Land Exchanges in Columbia River Gorge National Scenic Area.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(o) Report on Income and Expenditures of Certain Land Acquisitions.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(p) Report on Special Area Designations.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed and sections 1507, 1508, 1509, and 1511 of such Act are redesignated as sections 1506, 1507, 1508, and 1509, respectively.

(q) Report on Evaluation of Special Area Designations.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(r) Report on Agricultural Practices and Water Resources Database Development.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "(a) Repository.—"; and

(2) by striking subsection (b).

(s) Report on Plant Genome Mapping.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(t) Report on Appraisal of Proposed Budget for Food and Agricultural Sciences.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(u) Report on Economic Impact of Animal Damage on Aquaculture Industry.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and

(2) by striking paragraph (2).

(v) Report on Awards Made by the National Research Initiative and Special Grants.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(w) Report on Payments Made Under Research Facilities Act.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(x) Report on Financial Audit Reviews of States With High Food Stamp Participation.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking ", and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days".

(y) Report on Rural Telephone Bank.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

(z) Conforming Amendments.—The table of contents appearing in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) by striking the items relating to sections 1558, 1559, and 1560 and inserting the following:

"Sec. 1558. Sense of Congress concerning rebalancing proposal of the European community.

"Sec. 1559. Sense of the Senate regarding multilateral trade negotations.";

(2) by striking the item relating to section 2513; and

(C) by striking the items relating to sections 2517, 2518, and 2519 and inserting the following:

"Sec. 2517. Establishing quality as a goal for Commodity Credit Corporation programs.

"Sec. 2518. Severability.".

SEC. 1012. REPORTS MODIFIED.

(a) Report on Animal Welfare Enforcement.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).".

(b) Report on Horse Protection Enforcement.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) Report on Agricultural Quarantine Inspection Fund.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) Report on Priorities for Research, Extension, and Teaching.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "Annual report" and inserting "Report"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(e) 5-Year Plan for Food and Agricultural Sciences.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(f) Report on Examination of Federally Supported Agricultural Research and Extension Programs.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

(g) Report on Effects of Foreign Ownership of Agricultural Land.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

"(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of each of the following periods:

"(1) The period beginning on the date of the enactment of the Federal Reports Elimination and Sunset Act of 1995 and ending on December 31, 1995.

"(2) Each 10-year period thereafter.".

Subtitle B—Department of Commerce

SEC. 1021. REPORTS ELIMINATED.

(a) Report on Voting Registration.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–5) is repealed.

(b) Report on Long Range Plan for Public Broadcasting.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(c) Report on Status, Activities, and Effectiveness of United States Commercial Centers in Asia, Latin America, and Africa and Program Recommendations.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(d) Report on Kuwait Reconstruction Contracts.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(e) Report on United States-Canada Free-Trade Agreement.—Section 409(a)(3) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations.".

(f) Report on Establishment of American Business Centers and on Activities of the Independent States Business and Agriculture Advisory Council.—Section 305 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(g) Report on Fisherman's Contingency Fund Report.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(h) Report on User Fees on Shippers.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) Report on Federal Trade Promotion Strategic Plan.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

"(f) Report to the Congress.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

"(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

"(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.".

(b) Report on Export Policy.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out "and" after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

"(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

"(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

"(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.".

Subtitle C—Department of Defense

SEC. 1031. REPORTS ELIMINATED.

(a) Report on Sematech.—The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) Report on Review of Documentation in Support of Waivers for People Engaged in Acquisition Activities.—

(1) In general.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) Clerical amendment to table of contents.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

Subtitle D—Department of Education

SEC. 1041. REPORTS ELIMINATED.

(a) Report on Personnel Reduction and Annual Limitations.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period.

(b) Report on Supported Employment Activities.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a(c)) is amended—

(1) in paragraph (2) by adding at the end "and";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(c) Report on the Client Assistance Program.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(d) Report on the Summary of Local Evaluations of Community Education Employment Centers.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking "**AND REPORT**";

(2) in subsection (a), by striking "(a) Local Evaluation.—"; and

(3) by striking subsection (b).

(e) Report on the Administration of the Vocational Education Act of 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(f) Report by the Interdepartmental Task Force on Coordinating Vocational Education and Related Programs.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(g) Report on the Evaluation of the Gateway Grants Program.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(h) Report on the Bilingual Vocational Training Program.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(i) Report on Annual Upward Mobility Program Activity.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking "and annually submit to the appropriate committees of Congress a report based on such evaluations,".

SEC. 1042. REPORTS MODIFIED.

(a) Report on the Condition of Bilingual Education in the Nation.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking "**REPORT ON**" and inserting "**INFORMATION REGARDING**"; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall collect data for program management and accountability purposes regarding—".

(b) Report To Give Notice to Congress.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(c) Annual Report on Activities Under the Rehabilitation Act of 1973.—Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(d) Report to the Congress Regarding Rehabilitation Training Programs.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (29 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(e) Annual Audit of Student Loan Insurance Fund.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) Financial Operations Responsibilities.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.".

Subtitle E—Department of Energy

SEC. 1051. REPORTS ELIMINATED.

(a) Reports on Performance and Disposal of Alternative Fueled Heavy Duty Vehicles.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed, and paragraph (5) of that section is redesignated as paragraph (3).

(b) Report on Wind Energy Systems.—Section 9(a) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)) is amended—

(1) by striking paragraph (3);

(2) in paragraph (1) by adding "and" after the semicolon; and

(3) in paragraph (2) by striking "; and" and inserting a period.

(c) Report on Comprehensive Program Management Plan for Ocean Thermal Energy Conversion.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) Reports on Subseabed Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) Report on Fuel Use Act.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) Report on Test Program of Storage of Refined Petroleum Products Within the Strategic Petroleum Reserve.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) Report on Naval Petroleum and Oil Shale Reserves Production.—Section 7434 of title 10, United States Code, is repealed.

(h) Report on Effects of Presidential Message Establishing a Nuclear Nonproliferation Policy on Nuclear Research and Development Cooperative Agreements.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) Report on Written Agreements Regarding Nuclear Waste Repository Sites.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed within such period, the Secretary shall report to the Congress in writing within 30 days on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.".

(j) Quarterly Report on Strategic Petroleum Reserves.—Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245) is amended—

(1) by striking subsection (b); and

(2) by striking "(a)".

(k) Report on the Department of Energy.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

(l) Report on Current Status of Comprehensive Management for Nuclear Safety Research, Development, and Demonstration.—Section 8(c) of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9707(c)) is repealed.

(m) Report on Activities of the Geothermal Energy Coordination and Management Project.—Section 302(a) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1162(a)) is repealed.

(n) Report on Activities Under the Magnetic Fusion Energy Engineering Act of 1980.—Section 12 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9311) is repealed.

(o) Report on Activities Under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.—Section 14 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2513) is repealed.

(p) Report on Activities Under the Methane Transportation Research, Development, and Demonstration Act of 1980.—Section 9 of the Methane Transportation Research, Development, and Demonstration Act of 1980 (15 U.S.C. 3808) is repealed.

SEC. 1052. REPORTS MODIFIED.

(a) Reports on Process-Oriented Industrial Energy Efficiency and Industrial Insulation Audit Guidelines.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after the date of the enactment of this Act and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(6) the information required under section 133(c).".

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "the date of the enactment of this Act" and inserting "October 24, 1995"; and

(B) by inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) Report on Agency Requests for Waiver From Federal Energy Management Requirements.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) Report on the Progress, Status, Activities, and Results of Programs Regarding the Procurement and Identification of Energy Efficient Products.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter," and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) Report on the Federal Government Energy Management Program.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) Report on Alternative Fuel Use by Selected Federal Vehicles.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking ", and annually thereafter".

(f) Report on the Operation of State Energy Conservation Plans.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting ", as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) Report on the Department of Energy.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) Report on Cost-Effective Ways To Increase Hydropower Production at Federal Water Facilities.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) Report on Progress Meeting Fusion Energy Program Objectives.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.".

(j) Report on High-Performance Computing Activities.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) Reports.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.".

(k) Report on National High-Performance Computing Program.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and".

(l) Report on Nuclear Waste Disposal Program.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) Audit by GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.".

Subtitle F—Department of Health and Human Services

SEC. 1061. REPORTS ELIMINATED.

(a) Report on the Effects of Toxic Substances.—Subsection (c) of section 27 of the

Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(b) Report on Compliance With the Consumer-Patient Radiation Health and Safety Act.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) Report on Evaluation of Title VIII Programs.—Section 859 of the Public Health Service Act (42 U.S.C. 298b-6) is repealed.

(d) Report on Medicare Treatment of Uncompensated Care.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(e) Report on Program To Assist Homeless Individuals.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) Report of the Surgeon General.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

"Biannual Report

"Sec. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.".

(b) Report on Health Service Research Activities.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) Report on Family Planning.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking "each fiscal year" and inserting "fiscal year 1995, and each second fiscal year thereafter".

(d) Report on the Status of Health Information and Health Promotion.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out "annually" and inserting in lieu thereof "biannually".

Subtitle G—Department of Housing and Urban Development

SEC. 1071. REPORTS ELIMINATED.

(a) Reports on Public Housing Homeownership and Management Opportunities.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) Interim Report on Public Housing Mixed Income New Communities Strategy Demonstration.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) Biennial Report on Interstate Land Sales Registration Program.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) Quarterly Report on Activities Under the Fair Housing Initiatives Program.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) Collection of and Annual Report on Racial and Ethnic Data.—Section 562 of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "the Secretary of Housing and Urban Development and"; and

(ii) by striking "each", the first place it appears; and

(B) in the second sentence, by striking "involved"; and

(2) in subsection (b)—

(A) by striking "The Secretary of Housing and Urban Development and the" and inserting "The"; and

(B) by striking "each".

SEC. 1072. REPORTS MODIFIED.

(a) Report on Homeownership of Multifamily Units Program.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking "**ANNUAL**"; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall no later than December 31, 1995,".

(b) Triennial Audit of Transactions of National Homeownership Foundation.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) Report on Low-Income Home Energy Assistance Program.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years),".

Subtitle H—Department of the Interior

SEC. 1081. REPORTS ELIMINATED.

(a) Report on Audits in Federal Royalty Management System.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) Report on Domestic Mining, Minerals, and Mineral Reclamation Industries.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) Report on Phase I of the High Plains States Groundwater Demonstration Project.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) Report on Reclamation Reform Act Compliance.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) Report on Geological Surveys Conducted Outside the Domain of the United States.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) Report on Recreation Use Fees.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(h)) is repealed.

SEC. 1082. REPORTS MODIFIED.

(a) Report on Levels of the Ogallala Aquifer.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(b) Report on Effects of Outer Continental Shelf Leasing Activities on Human, Marine, and Coastal Environments.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

Subtitle I—Department of Justice

SEC. 1091. REPORTS ELIMINATED.

(a) Report on Drug Interdiction Task Force.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(b) Report on Equal Access to Justice.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(c) Report on Federal Offender Characteristics.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(d) Report on Costs of Death Penalty.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(e) Mineral Leasing Act.—Section 8B of the Mineral Leasing Act (30 U.S.C. 208–2) is repealed.

(f) Small Business Act.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(g) Energy Policy and Conservation Act.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking ", at least once every 6 months, a report" and inserting ", at such intervals as are appropriate based on significant developments and issues, reports".

(h) Report on Forfeiture Fund.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

Subtitle J—Department of Labor

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) Report on the Activities Conducted Under the Fair Labor Standards Act of 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking "annually" and inserting "biennially"; and

(2) by striking "preceding year" and inserting "preceding two years".

(b) Annual Report of the Office of Workers' Compensation.—

(1) Report on the administration of the longshore and harbor workers' compensation act.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8152 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) Report on the administration of the black lung benefits program.—Section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(3) Report on the administration of the federal employees' compensation act.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8152. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter.

Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

''8152. Annual report.''.

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled ''An Act to create a Department of Labor'', approved March 4, 1913 (29 U.S.C. 560) is amended by striking ''make a report'' and all that follows through ''the department'' and inserting ''prepare and submit to Congress the financial statements of the Department that have been audited''.

Subtitle K—Department of State

SEC. 1111. REPORTS ELIMINATED.

(a) REPORT ON AUDIT OF USE OF FUNDS FOR U.N. HIGH COMMISSIONER FOR REFUGEES.—Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

(b) REPORT ON MATTERS RELATING TO FOREIGN RELATIONS AND SCIENCE AND TECHNOLOGY.—Section 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656c(b)) is repealed.

SEC. 1112. INTERNATIONAL NARCOTICS CONTROL.

(a) Section 489A of the Foreign Assistance Act of 1961 (22 U.S.C. 2291i) is repealed.

(b) Section 490A of that Act (22 U.S.C. 2291k) is repealed.

(c) Section 489 of that Act (22 U.S.C. 2291h) is amended—

(1) in the section heading by striking **''FOR FISCAL YEAR 1995''**; and

(2) by striking subsection (c).

(d) Section 490 of that Act (22 U.S.C. 2291j) is amended—

(1) in the section heading by striking **''FOR FISCAL YEAR 1995''**; and

(2) by striking subsection (i).

Subtitle L—Department of Transportation

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking ''biennially'' and inserting ''triennially''.

(d) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(e) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(f) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(g) REPORT ON FEDERAL RAILROAD SAFETY.—(1) Section 20116 of title 49, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 201 of title 49, United States Code, is amended by striking the item relating to section 20116.

(h) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(i) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(j) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(k) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

''(2) For any species determined to be an endangered species or a threatened species under section 4(a), or proposed for listing under section 4(b), prior to the effective date of this section, and for any species for which a final recovery plan has not been published prior to January 1, 1993, the Secretary shall develop and implement a final recovery plan pursuant to the requirements of this section not later than 2 years after the effective date of this section.

''(3) The Secretary shall prepare and publish in the Federal Register a notice of availability of, and request for public comment on, a draft version of any revision of a recovery plan.

''(4) The Secretary shall hold a public hearing on the draft version of each new or revised recovery plan in each county or parish to which the version applies.

''(5) Prior to the decision to adopt a final version of each new or revised recovery plan, the Secretary shall consider all information presented during each hearing held pursuant to paragraph (4) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4). The Secretary shall publish the response of the Secretary to all information presented in such testimony or comments in the final version of the new or revised recovery plan.

''(6) Prior to implementation of a new or revised recovery plan, each affected Federal agency shall consider separately all information presented during each hearing held pursuant to paragraph (5) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4).

(l) REPORT ON PIPELINE SAFETY.—Section 60124(a) of title 49, United States Code, is amended in the first sentence by striking ''of each year'' and inserting ''of each odd-numbered year''.

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101-892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking ''September 30 and''.

Subtitle M—Department of the Treasury

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking ''month'' and inserting ''calendar quarter''.

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting ''; and'', and

(3) by adding after paragraph (6) the following new paragraph:

''(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.''.

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out ''month'' each place it appears and inserting in lieu thereof ''calendar quarter''.

Subtitle N—Department of Veterans Affairs

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of title 38, United States Code, of is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(c) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (D) as subparagraph (C);

(B) in subparagraph (A), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''; and

(C) in subparagraph (B), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''.

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

Subtitle B—Environmental Protection Agency

SEC. 2021. REPORTS ELIMINATED.

(a) Report on Allocation of Water.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) Report on Variance Requests.—Section 301(n)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)(8)) is amended by striking "Every 6 months after the date of the enactment of this subsection, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation" and inserting "By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure".

(c) Report on Implementation of Clean Lakes Projects.—Section 314(d)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(3)) is amended by striking "The Administrator shall report annually to the Committee on Public Works and Transportation" and inserting "By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall report to the Committee on Transportation and Infrastructure".

(d) Report on Use of Municipal Secondary Effluent and Sludge.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (g) as subsections (d) and (e), respectively.

(e) Report on Certain Water Quality Standards and Permits.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) Report on Class V Wells.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking "(a) Monitoring Methods.—"; and

(2) by striking subsection (b).

(g) Report on Sole Source Aquifer Demonstration Program.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) Report on Supply of Safe Drinking Water.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) Report on Nonnuclear Energy and Technologies.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) Report on Emissions at Coal-Burning Powerplants.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-Year Plan for Environmental Research, Development, and Demonstration.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (e) through (i) as subsections (c) through (g), respectively.

(l) Plan on Assistance to States for Radon Programs.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle C—Equal Employment Opportunity Commission

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

Subtitle D—Federal Aviation Administration

SEC. 2041. REPORTS ELIMINATED.

The provision that was section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Transportation Inspector General".

Subtitle E—Federal Communications Commission

SEC. 2051. REPORTS ELIMINATED.

(a) Report to the Congress Under the Communications Satellite Act of 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) Reimbursement for Amateur Examination Expenses.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

Subtitle F—Federal Deposit Insurance Corporation

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

"(1) Quarterly Reporting.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.".

Subtitle G—Federal Emergency Management Agency

SEC. 2071. REPORTS ELIMINATED.

Section 611(i) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(i)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Subtitle H—Federal Retirement Thrift Investment Board

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.".

Subtitle I—General Services Administration

SEC. 2091. REPORTS ELIMINATED.

(a) Report on Properties Conveyed for Historic Monuments and Correctional Facilities.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) Report on Properties Conveyed for Wildlife Conservation.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes.", approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

Subtitle J—Interstate Commerce Commission

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.".

Subtitle K—Legal Services Corporation

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

Subtitle L—National Aeronautics and Space Administration

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

"(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND REGIONAL TECHNOLOGY TRANSFER CENTERS.—The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.".

Subtitle M—National Council on Disability

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

Subtitle N—National Science Foundation

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

Subtitle O—National Transportation Safety Board

SEC. 2151. REPORTS MODIFIED.

Section 1117 of title 49, United States Code, is amended—

(1) in paragraph (2) by adding "and" after the semicolon;

(2) in paragraph (3) by striking out "; and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

Subtitle P—Neighborhood Reinvestment Corporation

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

Subtitle Q—Nuclear Regulatory Commission

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

Subtitle R—Office of Personnel Management

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347(e) of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

Section 1304(e)(6) of title 5, United States Code, is amended by striking out "at least once every 3 years".

Subtitle S—Office of Thrift Supervision

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out "annually";

(2) by striking out "audit, settlement," and inserting in lieu thereof "settlement"; and

(3) by striking out ", and the first audit" and all that follows through "enacted".

Subtitle T—Panama Canal Commission

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

Subtitle U—Postal Service

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the Mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3005 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

"(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).".

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out "the Board shall transmit such report to the Congress" and inserting in lieu thereof "the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

Subtitle V—Railroad Retirement Board

SEC. 2221. REPORTS MODIFIED.

(a) COMBINATION OF REPORTS.—Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking "On or before July 1, 1985, and each calendar year thereafter" and inserting "As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))".

(b) MODIFICATION OF DATES FOR PROJECTION AND REPORT—Section 22 of the Railroad Retirement Act of 1974 (45 U.S.C. 231u) is amended—

(1) by striking "February 1" and inserting "May 1"; and

(2) by striking "April 1" and inserting "July 1".

Subtitle W—Thrift Depositor Protection Oversight Board

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out "the end of each calendar quarter" and inserting in lieu thereof "June 30 and December 31 of each calendar year".

Subtitle X—United States Information Agency

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(d) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(e) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(f) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(g) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(h) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.".

SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101-576), including provisions enacted by the amendments made by that Act.

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the 103d Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103-7).

(d) SPECIFIC REPORTS EXEMPTED.—Subsection (a)(1) shall not apply to any report required under—

(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

(2) section 306 of that Act (22 U.S.C. 2226);

(3) section 489 of that Act (22 U.S.C. 2291h);

(4) section 502B of that Act (22 U.S.C. 2304);

(5) section 634 of that Act (22 U.S.C. 2394);

(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);

(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);

(8) section 28 of that Act (22 U.S.C. 2768);

(9) section 36 of that Act (22 U.S.C. 2776);

(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);

(11) section 104 of the FREEDOM Support Act (22 U.S.C. 5814);

(12) section 508 of that Act (22 U.S.C. 5858);

(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);

(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);

(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92-412; 86 Stat. 648);

(17) section 4 of Public Law 93-121 (87 Stat. 448);

(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);

(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 104 Stat. 72);

(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);

(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903);

(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);

(24) section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711);

(25) section 1504 of Public Law 103-160 (10 U.S.C. 402 note);

(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa-7);

(27) section 23 of the Act of August 1, 1956 (Chapter 841; (22 U.S.C. 2694(2));

(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5);

(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413;

(30) section 50 of Public Law 87-297 (22 U.S.C. 2590);

(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a); or

(32) section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469).

Mr. CLINGER (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania, Mr. CLINGER, will be recognized for 30 minutes, and the gentleman from Texas, Mr. GENE GREEN, will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased today to offer S. 790, the Federal Reports Elimination and Sunset Act of 1995, which streamlines Federal reporting requirements by cutting and reforming more than 200 congressionally mandated reporting requirements.

This bill was originally part of the Senate-passed version of the Paperwork Reduction Act. Senators MCCAIN and LEVIN are credited with the original concept of the provisions in this bill and I commend them for all the time that was put into this effort. While I was chairing the Paperwork Reduction Act conference it was agreed to that this effort merited separate introduction as freestanding legislation. In drafting this bill, every executive branch department and agency was asked to identify reports that could be eliminated. A copy of S. 790 was sent to every Chair and ranking member of every House and Senate full committee for their review. The response by both the majority and minority was overwhelmingly favorably and through this review process we were able to add more reports to this piece of legislation and compile a list of over 200 congressionally mandated reports which will be eliminated or modified.

My colleague from Maryland, Mr. EHRLICH, has recently introduced H.R. 2331 which is the House companion to the S. 790. I commend him for his dilligent efforts in working in the effort to alleviate the executive branch of its heavy paperwork burden. I urge all Members to join me in support of this important bill and I would at this time like to yield, as much time as he may consume, to my colleague from Maryland for an introductory statement.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support S. 790.

In the previous Congresses, this bill would be a typical bill for the Suspension Calendar. It is not controversial and has bipartisan support, including the support of the administration.

This bill simply eliminates reports to Congress that have outlived their usefulness. Senator CARL LEVIN of Michigan instituted this bill last session and has been joined in the session by Senator MCCAIN.

The Federal Report Elimination and Sunset Act of 1995 eliminated over 200 congressionally mandated reports and sunsets most periodic reports authorized before 1982. Over 89 departments and agencies and all committees of the House and Senate were contacted to develop the list of reports to be eliminated.

Madam Speaker, to demonstrate why this report elimination bill is important, let me describe just a couple of the reports eliminated or modified. First is a monthly report required from the Secretary of the Treasury on the sales of the World Cup U.S.A. 1994 commemorative coin. The 1994 World Cup was an exciting event in the United States, but I think we could all agree that the monthly reports on a commemorative coin really serve no good, useful purpose.

The second example is a 1975 requirement that each agency report annually on its efforts to implement the metric system. I am sure there are those in these and each of the other 200 reports eliminated by this that were valuable at one time when they were written.

Continuing to spend the money and time to compile them is not a good use of scarce resources. Again, this is a good example, Madam Speaker, of bipartisanshipness on our committee that I would hope we would see on lots of other issues in Congress.

In reviewing the legislation, our ranking member, the gentlewoman from Illinois [Mrs. COLLINS], wrote to each ranking Democrat on all committees and asked them to review the particular bill. She asked them to advise of any reports listed to be eliminated that were useful to them and should, therefore, be kept. The bill incorporates changes by ranking members, the gentleman from Missouri [Mr. CLAY] and the gentleman from Indiana [Mr. HAMILTON], and those suggestions by Secretary Glickman and also the Railroad Retirement Board.

The bill is estimated to save over $2 million in printing costs and paperwork. Four years from now most of the remaining congressionally mandated reports, an estimated 3,000, will be sunsetted. The sunset provision will require Congress to decide which reports should be authorized and which should be left behind.

Sunset legislation has been successful in a lot of our individual States, and I am glad to see our U.S. Congress again on a bipartisan basis addressing and using sunset to deal with the number of reports and the paperwork that we have.

With that, Madam Speaker, I am placing additional comments in the RECORD.

Thank you, Madam Speaker. I rise to support S. 790. In previous Congresses, this bill would be a typical bill for the Suspension Calendar. It is not controversial, and has bipartisan support, including the support of the administration. The bill simply eliminates reports to Congress that have outlived their usefulness. Senator CARL LEVIN of Michigan initiated this bill last session and is joined this year by Senator MCCAIN.

The Federal Reports Elimination and Sunset Act of 1995 eliminates almost 200 congressionally mandated reports, and sunsets most periodical reports authorized before 1992. Over 89 Departments and Agencies, and all committees of both the House and the Senate, were contacted to develop the list of reports to be eliminated.

Madam Speaker, to demonstrate why this report elimination bill is so important, let me describe just a couple of the reports that would be eliminated or modified. First is a monthly report required from the Secretary of the Treasury on the sales of the World Cup USA 1994 Commemorative Coin. The 1994 World Cup was an exciting event for the United States, but I think we would all agree that monthly reports on a commemorative coin is not a good use of resources.

The second example is a 1975 requirement that each agency report annually on its efforts to implement the metric system. Now, I am sure that these and each of the 200 other reports eliminated by this bill were valuable at the time they were written. Continuing to spend money and time to compile them is not a good use of scarce resources.

In reviewing this legislation, Mrs. COLLINS wrote to the ranking Democrat on each committee and asked them to review the bill. In particular, I asked them to advise if any of the reports listed to be eliminated were useful to them, and therefore should be kept. This bill incorporates the changes suggested by ranking members CLAY and HAMILTON, and those suggested by Secretary Glickman and the Railroad Retirement Board.

This bill is estimated to save over $2 million in printing costs and paperwork. Four years from now most of the remaining congressionally mandated reports—estimated at over 3,000—will be sunset. The sunset provision will require Congress to decide which reports should be reauthorized, and which should be left behind.

Congressionally mandated reports often serve useful purposes. They are among the oversight tools we use to find out if the intent of the Congress is being followed. Reports to Congress are as prevalent under the new Republican leadership as they were under Democratic Congresses. For example, the Department of Commerce Dismantling Act, H.R. 1756, which is included in the House-passed Reconciliation bill, requires four reports to Congress from the Director of OMB. That's four reports over 3 years just on the process of dismantling the Department of Commerce.

Similarly, H.R. 4, the House welfare reform bill written by the Republican leadership, requires a number of reports from the Secretary of Health and Human Services, and still more reports to be filed by each State.

This bill, and the Paperwork Reduction Act, show what can be done if we act in a bipartisan way. The Paperwork Reduction Act amendments passed earlier this year sets out a goal of a 10-percent reduction in paperwork for each Department.

In the future, we would be wise to carefully consider reporting requirements in new legislation to see which reports we can do without. Based upon the recent record of this Congress, it appears that more reports than ever are still being required. Congress must police its own paperwork requirements as vigilantly as we expect the administration to curtail its demands on the public.

This bill represents a good first step in this process, and I urge my colleagues to support this bill.

Mr. STARK. Madam Speaker, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from California.

Mr. STARK. Madam Speaker, I would like to ask the distinguished gentleman from Texas, as this bill deals with Senate bill 790, eliminating and sunsetting acts, and there is a subtitle, F, Department of Health and Human Services; this does not under any circumstances accede to the wishes of Speaker GINGRICH and sunset the Medicare bill, by any chance, does it?

POINTS OF ORDER

Mr. EHRLICH. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman from Maryland will state his point of order.

Mr. EHRLICH. The gentleman has made a nongermane inquiry to the gentleman from Texas.

Mr. GENE GREEN of Texas. Madam Speaker, if I could be heard, I would just like to be able to answer that.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. GENE GREEN of Texas. Madam Speaker, in response to my colleague from California, I would be glad to go over subtitle F with him, the Department of Health and Human Services and the reports eliminated, and it does not address, you know, the controversy that the Speaker has talked about under Medicare. It does talk about the effects of toxic substances and an annual report from the Surgeon General to be transmitted to the Secretary.

Nowhere under subtitle F of S. 790 does it address the controversy that we see today and hear today concerning the quotes from our Speaker on Medicare.

Mr. EHRLICH. I thank the gentleman.

The SPEAKER pro tempore. The Chair would ask all Members to, please, confine their remarks to the debate on the bill under discussion which deals with the reporting requirements.

Mr. STARK. Madam Speaker, point of order. I believe I was on his time.

Mr. GENE GREEN of Texas. I was responding to the question. I yield additionally to my colleague, the gentleman from California.

The SPEAKER pro tempore. The gentleman from California will state his point of order.

Mr. STARK. No. I just indicated I had the time when the gentleman rose.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STARK. I thank the Speaker.

If the gentleman from Texas would yield further to enlighten this gentleman on the content of the bill and the intent of S. 790 and particularly subtitle F, eliminating reports of the Department of Health and Human Services, this is a report on Medicare treatment of uncompensated care that is eliminated.

Now, I believe that uncompensated care will increase as the uninsured increase as a result of the Republican bill for destroying or attempting to destroy Medicare and there will be a 50-percent increase in uninsured. The uninsured in this country will go from 40 million today to 66 million by 2002.

Those people will still be entitled to treatment in an emergency room, and normally if they were Medicare patients, that emergency room would, in the normal course of business, reimburse these hospitals.

Now, if we do not know the effect of all of these additional 20 million uninsured as caused as a result of the Gingrich Medicare bill, which attempts to destroy it, how will we be able to know whether the Government is fairly reimbursing the local hospitals which will have to have the increased burden of the Medicare treatment for those who no longer have insurance, particularly those poor seniors whose incomes are under $7,000, who will be cut out of the Medicaid Program if we do not have that information?

Will that not necessarily impact very seriously on those disproportionate-share hospitals who depend on the Medicare payment for uncompensated care? Without this report, how can we possibly know the horrendous effects that the changes, the Republican changes that they are trying to make to the Medicare bill to fund their tax cuts to the rich, how will that under S. 790, will there be a replacement? Will we be able to get that information so that we can compensate those hospitals?

Mr. GENE GREEN of Texas. In response to the question from my colleague from California, Madam Speaker and Members, the report on Medicare treatment of uncompensated care is a report that is required right now. If there is some senior citizen who is not on the fee-for-service Medicare and if they show up at an emergency room for treatment, then under current law they will still be treated no matter what. We are not changing that law either in the bill, S. 790, or any other bill that I have seen come through the Congress. So, in other words, if I am 70 years old and, because of the increase in Medicare premiums, I am not taking part in Medicare, if I show up at my local hospital, they still have to treat me. Mr. STARK, you are right, we are not changing that by this bill.

Mr. STARK. If the gentleman will yield further, we are led to believe that, further addressing S. 790 and the reports, that the amount of uncompensated care could rise to $33.5 billion, under one scenario, as much as $43 billion, and, further, that teaching hospitals could see the biggest increase of uncompensated care.

Now, without this information, I know that it is of no matter to the Republicans and to Speaker GINGRICH, who does not care if we close our centers of excellence as he begins to destroy Medicare over time, but S. 790 was one way, through the reports on Medicare treatment of the uncompensated care under subtitle F, that we would know what was happening. The hospitals are going to have to hold their annual cost increases to less than half of inflation, and many of the hospitals are likely to close, and they are the ones most likely to close, are those serving a high number of Medicare and Medicaid patients and the uninsured.

When there is a correction needed, I certainly would support it, and as the gentleman suggests, supporting S. 790 is a good thing. But the unintended consequences, or perhaps the intended consequences, if you would take the Speaker's speech at face value that he would like to destroy Medicare, and most of us do not want to, the Republicans do, the Democrats do not, but if the Republicans continue to prevail, then we will not even, under this bill, under subtitle F, have a report on the Medicare treatment on uncompensated care. And I ask the gentleman from Texas if that was intended.

Following that, I would like for us get on to the next report that assists the homeless. Could the gentleman respond to my question in terms of treatment of uncompensated care, how it will impact and require closing of community hospitals, all as a result of Speaker GINGRICH's Medicare changes?

□ 1145

Mr. GENE GREEN of Texas. Well, again the gentleman brings up a valid point in reference to the report on the treatment of uncompensated care.

Madam Speaker, the treatment will still be there for uncompensated care because under this bill are we not withdrawing that ability. We will be able to know that without having an annual report from the Social Security Administration or the Medicare trustees on the treatment of uncompensated care. We can be assured it is going to happen.

We know in real life if somebody does not have insurance then they are going to show up at an emergency room for lots of reasons; for the flu, for toothaches, for lots of things like that. And if they do not have Medicare, then they will then be part of the general health care system, and that hospital will be required to treat them. As we know, in most of our emergency rooms around the country, they prioritize. Someone who has a lesser degree of illness than someone else may have to wait sometimes 6, 8, 10 hours for treatment.

Mr. STARK. If the gentleman would yield further, now under the current Medicare system as designed by the Democrats 30 years ago, we have compensated those hospitals, those distinguished teaching hospitals, the centers of excellence. We have compensated, and I am going to get to S. 790 here in a minute, because it is to this report on Medicare treatment of uncompensated care that is the nexus of my remarks.

If the gentleman from Texas will yield further as I make my nexus, the reports on the Medicare treatment of uncompensated care are how we know how to reimburse those hospitals, because under the Gingrich plan to demolish Medicare to help pay for tax cuts for the rich, these hospitals will not get paid. If we do not know, when we come to our next corrections day and they have closed the hospitals in Houston, and when they have closed the hospitals in Los Angeles, because they are treating people who cannot pay and the local taxpayers will not have any money to pay for it, Medicare has been reduced, we will not have that information anymore.

Can the gentleman assure me that aside from the hordes of disadvantaged children and crippled seniors and poor seniors who will be marching on Washington asking why Speaker GINGRICH led the fight to destroy Medicare, if there is no other way, will we know, will we still have reports that will call to our attention the obscene, criminal way in which the Republican bill will treat these seniors, if we do in fact support S. 790 as the gentleman suggests?

Mr. GENE GREEN of Texas. Madam Speaker, reclaiming my time. In response to my colleague from California, the reporting requirement in subtitle F and subsection (d) is not going to stop whatever the decision of this Congress, the Senate and the House, do on uncompensated care for Medicare or anyone else and I share the gentleman's concern. I have a district in Houston where my local hospitals are predominantly Medicare or cash payment, with very little third party coverage. In fact, we already have one hospital in my district which closed.

Mr. STARK. Madam Speaker, if the gentleman will yield, that is inhumane.

Mr. GENE GREEN of Texas. It is tragic. It happened even before the extreme Medicare plan that is considered by this Congress. I am only concerned that in other pieces of legislation we may make it even worse. But, again, this elimination of the Medicare report on uncompensated care, will not prevent seniors from receiving the care they need if they show up at a health care facility. Some other Republican legislation somewhere down the way may do it, but I have not seen one at this session do it.

Mr. STARK. Madam Speaker, if the gentleman will yield further, the gentleman's compassion for the seniors and his fight to preserve Medicare, in spite of the fight to destroy it led by Speaker GINGRICH and the chairman of the House Committee on Ways and Means, who is also a neighbor of the gentleman's, and it is evidenced by his supporting of this wonderful bill, S. 790, which, on the basis of the gentleman's recommendation, I certainly intend to vote for, but further, the gentleman's assurance that eliminating this report on uncompensated care will not further impact the hospitals in Houston beyond which the Committee on Ways and Means bill reported out by the chairman, who is also from Houston, which will probably cause the closing of many hospitals in Houston, I know that is not this gentleman's intent.

I respect the gentleman for his battle to preserve Texas hospitals for the seniors and the poor in the face of the Republican onslaught, where they are attempting to cut Medicare to pay for capital gains for the rich people in Houston, who will get these great capital gains tax reductions as the hospitals close and the homeless, by the way, in Houston, will go up.

If the gentleman will yield further, in this same section under S. 790 we are eliminating a report on programs to assist homeless individuals. Now, with the increased costs in Medicare that the Gingrich-Archer Medicare bill will cause, huge increases in costs to low-income seniors under Medicare, many of them write to me and tell me they will not be able to pay their rent, because not only will their copayments go up, the doctors will be charging them more.

If we do not have the report under S. 790 on page 33 in the report, we do not know of the huge increase in those homeless people, how will the city of Houston be able to come back here through its Representatives who are concerned about the matter and those Representatives who care anything about the poor, how will you be able to know how the problem is growing as a result of the inhumane treatment under the Gingrich-Archer Medicare-Medicaid destruction bill, and how will you be able to, without the reports, if S. 790 passes, how will you know how this problem is being exacerbated?

Mr. GENE GREEN of Texas. Madam Speaker, in response, I have a great deal of faith in our local agencies, both our hospitals at the Texas Medical Center who will talk to their local Members about uncompensated care, but also with our local housing authorities. Because I work with, not only the HUD office locally in Houston, but also with the Houston Housing Authority to make sure the elderly and homeless are protected. Whether we have a report that is being filed up here which people will review or not, we still need to make sure we remember those people in those facilities.

Mr. STARK. Madam Speaker, if the gentleman will yield further, the gentleman is sure this Texas Medical Center and the people that run the housing programs will understand that there is a difference, we talk about a farm problem, the difference between hamburger and the other part of the cow, between the Members representing Houston, that this Member from Houston is an adamant supporter of programs for the poor and the hospitals, while other Members from Texas may be supporting the Gingrich plan, which will destroy the hospitals.

The gentleman is sure the hospitals will recognize him as a supporter of the Medicare plan, and not a destroyer?

Mr. GENE GREEN of Texas. Mr. Speaker, reclaiming my time, I am confident when we deal with all of these issues, that the people will know who is working for the hospitals and who is not whether they are in Houston or around the country.

Mr. STARK. Madam Speaker, I certainly hope so. I hope the hospitals in Houston know in spite of the gentleman's distinguished leadership on the part of S. 790, the gentleman has not taken leave of his senses and the gentleman is and continues to be an adamant fighter for the cause of the poor and for Medicare, in spite of the onslaught made by the Republicans and Speaker GINGRICH to destroy it.

Mr. GENE GREEN of Texas. Madam Speaker, reclaiming my time, I hope if we pass 790, we will see health care providers will not have to fill out unnecessary forms and they could provide more direct service to my constituents who need that medical treatment, instead of just filling out a form that they have to send in.

Mr. STARK. The gentleman makes an excellent point.

Mr. GENE GREEN of Texas. Madam Speaker, let me continue briefly. Reports to the Congress are prevalent not just under Republican leadership or under Democrat leadership. In fact, under a bill passed this session already, the Department of Commerce Dismantling Act, which was included in the reconciliation bill, four reports to Congress are required from the Director of OMB. Those four reports over 3 years are just the process of dismantling the Department of Commerce. Similarly, in the welfare bill that was passed earlier this year, there are a number of reports required from the Secretary of Health and Human Services, and still more reports to be filed by each State.

So this is an issue. We ultimately need to address. But, this bill needs to be passed, no matter who is in the leadership or who is in the White House, because we have to continually monitor the Government to make sure that we do not have duplicative reports or reports sitting on a shelf and gathering dust. We need to make sure we are actually utilizing them.

Madam Speaker, I reserve the balance of my time.

Mr. CLINGER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, we have just observed a rather artful manipulation of the rules of the House to deliver a filibuster, almost a diatribe, on the question of Medicare. I would say that the nexus of this side of the aisle to the remarks by the gentleman from California is that the gentleman fails to recognize that Medicare is going broke, that the system is going to be bankrupt by the year 2002. One of the objectives of this legislation is to try to save some money. We get rid of some of these reports which are costly and are impacting possible our ability to continue to deliver quality medical care to our senior citizens.

So I think it has to be put in focus here, that what we are really dealing with here is a system that is going bankrupt. The gentleman from California apparently does not accept that, or is not willing to admit that. At least the gentleman does not seem to be willing to make the kind of sacrifices that are going to be needed to be made in order to ensure that senior citizens in generations to come will still have medical care.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Madam Speaker, I honest to God got up to talk about the bill.

Madam Speaker, in 1993 Congress required the Office of the President and executive branch agencies to prepare more than 5,300 reports. This has become a genuine problem. It is one that the Federal Reports Elimination and Sunset Act has focused on directly, not only to save money but also to allow executive branch departments and agencies to focus their resources on more worthy endeavors.

As Chairman CLINGER has pointed out, conferees for the Paperwork Reduction Act felt that the original McCain and Levin amendments should be offered in both Chambers as freestanding legislation because of the important changes that this bill makes.

Majority and minority members of the Government Reform and Oversight Committee circulated a copy of S. 790 to all House full committee chairmen and ranking members in a two-fold effort to one, receive input from Committees with jurisdiction over the reports slated for elimination or modification and two, to gain broad bipartisan support for this bill. There was strong support from both sides of the aisle in the responses we received.

The sunset provision is a vital part of this bill. It eliminates those reports with annual, semiannual, or regular periodic reporting requirements 4 years after the bill's enactment, while affording Members of Congress the opportunity to reauthorize those reports deemed necessary for carrying out effective congressional oversight. This provision does not apply to any reporting requirements under the Inspector General Act of 1978 or the Chief Financial Officers Act of 1990. This provision originally was introduced by Senator MCCAIN and I commend him for his vision in including such an important provision in this bill.

Madam Speaker, the most important element of this bill can be found in the Congressional Budget Office report which has estimated that enactment of this bill will result in $2 million in savings each year for fiscal years 1996 through 1999 and that's before the sunset provision is factored in.

This legislation represents a perfect example of the reason for corrections day. Corrections day was established to correct outdated, noncontroversial legislation. This commonsense bill had bipartisan support from the Government Reform and Oversight Committee as well as the Speaker's Advisory Group on corrections day.

I urge every Member to join me in supporting this extremely important bill. We need to continue cutting to lighten the redtape burdening executive branch agencies so our Government can operate with fewer restrictions and greater efficiency.

Madam Speaker, I feel compelled to add two points. I am glad the people are up in the gallery today and I am glad these proceedings are televised, so that the American people can just see and hear what they just saw and heard.

With respect to the report on the termination of uncompensated care, which was our friends across the aisle's nexus to get into the Medicare debate, and I know facts are confusing and facts are very dangerous in political debate, but I feel compelled, Madam Speaker, to actually read the real words the Speaker used with respect to the future of HCFA and Medicare, because the American people actually need to hear the facts, the real words.

The Speaker's quote was always as follows: "You know, we tell Boris Yeltsin, get rid of centralized command bureaucracies. Go to the marketplace. Okay. What do you think the Health Care Financing Administration is? It is a centralized command bureaucracy. It is everything we are telling Boris Yeltsin to get rid of. No, we don't get rid of it in round one, because we don't think it is politically smart. We don't think that is the right way to go through a transition. But we believe it is going to wither on the vine, because we think seniors, parenthetically, seniors, are voluntarily going to leave it voluntarily."

Facts. Real words, real quotes. Dangerous on this floor. But the American people watching on TV and the American people sitting in the gallery need to hear facts, real words.

□ 1200

Finally, Madam Speaker, I view this as an essential element in our continuing campaign to actually save American people money. The President's health care task force report cost the American public $14 million. This is merely a partial repayment for the hardworking folks who sent us to Washington.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MYRICK). The Chair reminds the Member not to direct remarks to the viewing audiences in the gallery or on television.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad that the chairman of the committee particularly mentioned that Medicare is going broke, and although this bill, S. 790, has nothing to do with Medicare going broke, but let me respond to the gentleman's claim that Medicare is going broke because I think it has to be responded to on the floor.

Madam Speaker, Medicare is going broke in the year 2002, but not to the tune of $270 billion that they talk about cutting out of the system. The Medicare trustees' report said we needed to cut $90 billion to extend the solvency of the trust fund to the year 2006, not $270 billion. So the threat of going broke is only hype from the Republican side to try and justify the $245 billion in tax cuts that they are still going to try and provide.

Madam Speaker, let me respond to my colleague from Maryland, Mr. EHRLICH, on the Health Care Financing Administration and the direct quote. The Health Care Financing Administration has been seen as a euphemism for the Medicare Program, because without the Health Care Financing Administration you do not have a fee for service, you do not have an ability for someone to go pick their own doctor, you are going to have someone who is going to have their doctor picked for them by someone in Washington DC, or someone else.

Let us get back to S. 790, Madam Speaker, because again, it is to reform the reporting requirements, and I would hope it would be considered in light of the fact that there are individual reports that some of us may like in here, but our goal is to try and control the cost of Government, and S. 790 would do that.

Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Madam Speaker, I thank the gentleman for yielding time to me, and I appreciate the importance of the debate which has taken place on the Medicare provisions of this bill and the implications that this bill has for Medicare.

Madam Speaker, I rise to make a couple of points and then ask a question about a separate section of this bill which will determine whether I am able to vote for the bill and determine whether we mobilize people to, in fact, vote against the bill.

There is a provision in the bill which would repeal the provisions of section 207 of the Voting Rights Act of 1965. It is under this first section of subtitle B of this bill, section 1021, and it appears to me that the effect of that provision is to do away with the requirement that statistical information regarding jurisdictions, both local and State, which are covered by the Voting Rights Act, are, in fact, complying with the Voting Rights Act.

In other words, you have certain States that have been required to be covered by the Voting Rights Act because of a history of having discriminated against certain voters in that particular State or that particular jurisdiction, and this particular reporting requirement that is being repealed requires the Census Bureau to obtain and report statistical information about voting patterns and registration patterns in those particular congressional districts, States, local jurisdictions, which are covered by the Voting Rights Act.

Madam Speaker, in the absence of this reporting provision, I would like to direct a question to the gentleman from Pennsylvania [Mr. CLINGER], if I might, since he is the chief spokesperson in favor of this bill.

In the absence of these reporting provisions, in the year 2000, when we are required to have the Census Bureau gather information on which redistricting will be done, how will we have the information available to us to determine whether it is important or necessary to continue to address this history of racial discrimination in registration and voting patterns in many of our southern States, and how will we determine whether it is necessary to continue to have majority-minority voting districts created under law?

Madam Speaker, I do not know how we would be able to do that without the statistical information. Perhaps the gentleman from Pennsylvania could enlighten me, because I am deeply troubled that we would be repealing the statute under which this kind of statistical information is gathered that serves a very, very, very important public purpose, and, in fact, is probably one of the most topical issues that we are dealing with and that the U.S. Supreme Court is dealing with.

Mr. GENE GREEN of Texas. Madam Speaker, if I could reclaim my time and ask that the chairman of the committee, Mr. CLINGER, respond on his time.

Mr. CLINGER. Madam Speaker, may I respond to the gentleman from North Carolina [Mr. WATT], and I think we can partially address his concerns.

Mr. WATT of North Carolina. Madam Speaker, I would like to make clear to the gentleman from Pennsylvania that the gentleman from Texas, Mr. GENE GREEN, has taken back his time.

So is the gentleman willing to respond to me on his time, because I need to have this question answered if I am going to be able to support the bill.

Mr. CLINGER. Madam Speaker, I yield myself such time as I may consume to respond to the inquiry of the gentleman from North Carolina.

I would say to the gentleman, my understanding is that this was originally in the bill as was introduced by Senator LEVIN. It, as I understand it, is a redundant report that is basically repetitive of a report that is still required and still provides the information that the gentleman is requesting.

Mr. WATT of North Carolina. Madam Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Madam Speaker, I would inquire of the gentleman, who does the other report? Is it the Census Bureau that does it?

Mr. CLINGER. Madam Speaker, reclaiming my time, it is indeed the Census Bureau that would do this. This was basically a technical glitch, and really as I understand it, it is a totally duplicative report. The information would still be required, still would be available. I think we all share the gentleman's concern that we need to have the proper information.

Mr. WATT of North Carolina. Madam Speaker, if the gentleman would yield further, would the gentleman be able to direct me to the provision which is the redundant provision? Also, would the gentleman tell me whether there is any way that we could temporarily pull this particular part out for those of us who have a strong commitment to continuing the Voters Rights Act?

Mr. CLINGER. Madam Speaker, in an attempt to allay the concerns of the gentleman, this particular provision; in fact, this section of the bill we requested the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the Committee on Government Reform and Oversight, to review. She, in turn, requested the ranking member of the Committee on the Judiciary, the gentleman from Michigan [Mr. CONYERS], to review this.

Mr. WATT of North Carolina. Madam Speaker, with due respect to both of those valuable people, they are not from States that are covered by the Voting Rights Act, and this has a particular significance to us in States which are substantially covered by the Voting Rights Act that it may not have to someone in Illinois.

Mr. CLINGER. Madam Speaker, if I may respond to the gentleman in this respect: The counsel to the Committee on Government Reform and Oversight is standing at the gentleman's right shoulder and is going to provide the gentleman, I hope, with information that would, again, allay your concerns that, in fact, information is going to be provided.

Mr. WATT of North Carolina. Madam Speaker, the gentleman has handed me a section which is section 207 of the Voting Rights Act, which appears to direct the Census Bureau to do exactly the same thing that this particular section directs the Census Bureau to do.

So why is it necessary to repeal this provision? We are not accomplishing anything by repealing it if, in fact, the same requirement is imposed on the Census Bureau somewhere else.

Mr. CLINGER. Madam Speaker, if I may respond to the gentleman this way, that it is really basically a technical redrafting of the law so that we make it a little bit more understandable.

Mr. GENE GREEN of Texas. Madam Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Speaker, I thank the gentleman from Texas, [Mr. GENE GREEN] for yielding time to me.

Madam Speaker, let me just try and follow up on the request of the gentleman from North Carolina [Mr. WATT] about delaying or pulling out this provision. This is very, very sensitive. As a matter of fact, the work of many, many civil rights organizations went into the development of the Voting Rights Act, and that which covers all of the States. All of those States that are covered under the Voting Rights Act are covered for very specific reasons.

So we have to be very careful about doing anything that would alleviate the responsibility for data and information and voting patterns and voter registration without knowing what we are doing.

This kind of request for repeal, in my estimation, would have to be circulated among those organizations, including the NAACP and SCLC, NACLU, and all of the organizations who put so much time and effort into developing legislation that would give us a measure of protection and help to shine the light on those practices that would eliminate participation in the process in ways that we have solved historically.

So, Madam Speaker, I think the gentleman from North Carolina [Mr. WATT] really does make a serious request, and it is not understood by those of us who try and watch this kind of thing why, in fact, you would be repealing something that you want to request the Census Bureau to do. If it is the same thing, why not leave it intact and not mess with it?

As a matter of fact, it may even look innocent, but I submit to you that it may not be that innocent.

Mr. WATT of North Carolina. Madam Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Madam Speaker, it appears to me that I have been handed just a summary of what this particular bill does, which is repeal this particular section, rather than having been handed some duplicative provision, as the gentleman from Pennsylvania [Mr. CLINGER] has indicated.

I would have to say to the gentleman that unless I can be satisfied that there is, in fact, in place a provision in the law, I will have to vote against the bill.

Mr. CLINGER. Madam Speaker, I yield myself 1 minute, basically to respond to the gentleman.

As I say, I come somewhat fresh to this issue, because we had understood, at least, that it had been pretty carefully vetted to ensure that we were not going to be undercutting or in any way affecting the collection of very vital, I would agree, very vital and important data.

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CLINGER

Mr. CLINGER. Madam Speaker, because of the concerns that the gentleman has raised, I ask unanimous consent that section 1021(A) of subtitle B of the proposed legislation be deleted.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

> Modification to amendment in the nature of a substitute offered by Mr. CLINGER: In the proposed amendment strike subsection (a) of Sec. 1021 in Subtitle B (Page 12, strike lines 20–22).

□ 1215

Mr. GENE GREEN of Texas. Madam Speaker, we have no objection.

The SPEAKER pro tempore (Mrs. MYRICK). Is there objection to the modification offered by the gentleman from Pennsylvania [Mr. CLINGER]?

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield back the balance of my time.

Mr. CLINGER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the amendment in the nature of a substitute, as modified, and the bill.

The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from Pennsylvania [Mr. CLINGER].

The amendment in the nature of a substitute, as modified, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLINGER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 790, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such a rollcall vote, if postponed, will be taken after the veto message from the President is disposed of.

ENFORCEMENT OF PUBLIC DEBT LIMIT AND PROTECTION OF SOCIAL SECURITY AND OTHER FEDERAL TRUST FUNDS AND ACCOUNTS

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2621) to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations.

The Clerk read as follows:

H.R. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF PUBLIC DEBT LIMIT TO FEDERAL TRUST FUNDS AND OTHER FEDERAL ACCOUNTS.

(a) PROTECTION OF FEDERAL FUNDS.—Notwithstanding any other provision of law—

(1) no officer or employee of the United States may—

(A) delay the deposit of any amount into (or delay the credit of any amount to) any Federal fund or otherwise vary from the normal terms, procedures, or timing for making such deposits or credits, or

(B) refrain from the investment in public debt obligations of amounts in any Federal fund,

if a purpose of such action or inaction is to not increase the amount of outstanding public debt obligations, and

(2) no officer or employee of the United States may disinvest amounts in any Federal fund which are invested in public debt obligations if a purpose of the disinvestment is to reduce the amount of outstanding public debt obligations.

(b) PROTECTION OF BENEFITS AND EXPENDITURES FOR ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Notwithstanding subsection (a), during any period for which cash benefits or administrative expenses would not otherwise be payable from a covered benefits fund by reason of an inability to issue further public debt obligations because of the applicable public debt limit, public debt obligations held by such covered benefits fund shall be sold or redeemed only for the purpose of making payment of such benefits or administrative expenses and only to the extent cash assets of the covered benefits fund are not available from month to month for making payment of such benefits or administrative expenses.

(2) ISSUANCE OF CORRESPONDING DEBT.—For purposes of undertaking the sale or redemption of public debt obligations held by a covered benefits fund pursuant to paragraph (1), the Secretary of the Treasury may issue corresponding public debt obligations to the public, in order to obtain the cash necessary for payment of benefits or administrative expenses from such covered benefits fund, notwithstanding the public debt limit.

(3) ADVANCE NOTICE OF SALE OR REDEMPTION.—Not less than 3 days prior to the date on which, by reason of the public debt limit, the Secretary of the Treasury expects to undertake a sale or redemption authorized under paragraph (1), the Secretary of the Treasury shall report to each House of the Congress and to the Comptroller General of the United States regarding the expected sale or redemption. Upon receipt of such report, the Comptroller General shall review the extent of compliance with subsection (a) and paragraphs (1) and (2) of this subsection and shall issue such findings and recommendations to each House of the Congress as the Comptroller General considers necessary and appropriate.

(c) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term "public debt obligation" means any obligation subject to the public debt limit established under section 3101 of title 31, United States Code.

(d) FEDERAL FUND.—For purposes of this section the term "Federal fund" means any Federal trust fund or Government account established pursuant to Federal law to which the Secretary of the Treasury has issued or is expressly authorized by law directly to issue obligations under chapter 31 of title 31, United States Code, in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.

(e) COVERED BENEFITS FUND.—For purposes of subsection (b), the term "covered benefits fund" means any Federal fund from which cash benefits are payable by law in the form of retirement benefits, separation payments, life or disability insurance benefits, or dependent's or survivor's benefits, including (but not limited to) the following:

(1) the Federal Old-Age and Survivors Insurance Trust Fund;

(2) the Federal Disability Insurance Trust Fund;

(3) the Civil Service Retirement and Disability Fund;

(4) the Government Securities Investment Fund;

(5) the Department of Defense Military Retirement Fund;

(6) the Unemployment Trust Fund;

(7) each of the railroad retirement funds and accounts;

(8) the Department of Defense Education Benefits Fund and the Post-Vietnam Era Veterans Education Fund; and

(9) the Black Lung Disability Trust Fund.

SEC. 2. CONFORMING AMENDMENTS.

Subsections (j), (k), and (l) of section 8348 of title 5, United States Code, and subsections (g) and (h) of section 8438 of such title are hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope we can limit the debate on the purpose of this bill. It is very specific. It relates to how we handle the management of our financial affairs during the time that the debt ceiling issue is not settled.

Yesterday the President vetoed the temporary debt limit sent to him by the Congress. One of his stated reasons for rejecting that bill was that it limited the Treasury's statutory power to manage the Federal debt.

That issue, however, is not about debt management. It is about avoiding the debt limit. Avoiding the debt limit is what the Clinton administration is preparing to do, and may intend to tap retiree trust funds to accomplish it.

H.R. 2621 simply does one thing: It prohibits the kind of manipulation that Treasury is about to undertake, by requiring Federal trust funds and similar accounts to be fully invested in Government securities, and surplus income cannot be held in cash to avoid hitting the debt limit. Furthermore, funds cannot be disinvested unless it is done to pay authorized benefits.

Mr. Speaker, this bill does not raise the debt limit level. It only provides protection of Social Security and other trust funds and assures that Social Security and other trust fund payments to individual beneficiaries will continue uninterrupted.

If this bill were law today, Treasury would not be disinvesting the civil service retirement fund and failing to reinvest the G Fund in order to avoid exceeding the debt limit tomorrow. Ironically, Treasury has seized on a provision in current law designed to pay back lost interest to these funds as a license for raiding them. Furthermore, Treasury says that these funds are among other funds that could be affected, but that this week only the Federal retirement fund will be affected.

What does that mean? What is the Treasury telling us when it says "among other funds"? What will the Treasury do next week? What about Social Security, which has no protections from disinvestment under current law? Are these funds next?

Only this legislation will protect them. The debt games the administration is playing make the public angry and confused and frighten the retirees. They know the President is continuing to run up Federal debt while refusing to even talk about balancing the budget.

We are determined, Mr. Speaker, to prevent increasing debt even in a backdoor way, such as the Treasury contemplates, without a balanced budget. We wish the President would negotiate with us on a balanced budget.

The Social Security fund, as I mentioned, is not protected. The 43 million Social Security recipients who paid their taxes and now rely on those benefits expect us to stand behind their investments. We need to pass this bill to assure those receiving benefits will be paid regardless of the status of the debt limit.

Mr. Speaker, this bill should pass overwhelmingly if this Congress truly wishes to protect benefits, preserve trust funds, and enforce the lid on the Federal debt.

When the President said "no" to protection for Social Security and other trust funds with his veto, most Americans probably wondered why a President would object to protecting their retirement and other benefit investments. Let us show today that we intend to shield those funds and the individuals who rely on those benefit payments from Treasury's debt limit games.

I urge a vote for H.R. 2621 and the integrity of the trust funds.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is another charade that is being pulled today. It has nothing to do with the truth. I want to read a statement issued by the White House this morning that puts all of this to rest, if there is any reason to put it to rest.

Frankly, I do not believe anybody has got the authority to invade the Social Security trust fund to pay anything other than Social Security benefits. That has been the law ever since I have been here. It has not been changed, and I have been here 33 years.

In fact, Mr. Speaker, I do not think there is anybody in the sound of my voice that has got more money invested in the Social Security trust fund than do I. I have been paying for these benefits since 1937, and I have been fortunate enough to always pay at the maximum rate. I am interested in the Social Security trust fund, I do not want it squandered, and nobody has got a bigger investment in it than I have.

This is a statement by the President dated today, issued from the White House. He says:

> I want to assure the American people that the Social Security Trust Fund will not be used for any purpose other than to pay benefits to recipients. Under current law, the Secretary of Treasury is not authorized to use the fund for any purpose other than to pay benefits to recipients. There will be no exceptions under my watch. None. Not ever.

That is the statement the President issued today. It is not necessary, but in the hysteria that is being generated here trying to cover the Republicans' inability to govern and their squandering of time and of effort, you can expect almost anything to happen.

The only thing that really affects the Social Security trust fund is the legislation that the gentleman from Texas [Mr. ARCHER] is proposing here. He would tie the hands of the President so that he could not pay the Social Security benefits because he would have no employees to pay the benefits. He would not be able to redeem the bonds that are in the Social Security trust fund. He could not do anything.

Mr. Speaker, the legislation of the gentleman from Texas [Mr. ARCHER] is dangerous. It is just a part of the charade to try to force the President into default.

Mr. Speaker, the thing that is important here to understand is that the Republicans are trying to force the President to agree to their agenda. Their agenda calls for a balanced budget and a big tax cut at the expense of the sick, the old, the infants, the children, and the working poor, and that is not an acceptable plan for balancing the budget.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to correct the record as to what the gentleman said.

Mr. Speaker, he is well aware that in this bill there is a provision for the administrative costs so that the checks can be issued to Social Security recipients and a guarantee that they will continue to go out. He just flat misstated that. I am disappointed in the gentleman from Florida.

Second, as to whether we can rely on the President, it was this President who said he would end welfare as we know it and did nothing to push it. It was this President that said he would give American middle-income taxpayers relief and he did not do it. We never know where this President is going to be, and the country knows that you cannot rely on what he says to being operative at any time in the future.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. I thank the gentleman for yielding.

Mr. Speaker, I am glad to see we are talking about the facts. As you know, last Saturday we sent the President a bill that would extend the debt limit, and at the same time protect the Social Security, Medicare, and civil service trust funds. The bill says that the funds cannot be disinvested during this debt crisis period.

Unfortunately, the President decided to veto the bill. Among the reasons for vetoing it was because it would have prevented the Secretary of the Treasury from using these trust funds to artificially extend the debt limit. I think this is unacceptable.

That is why we are here today with this legislation, H.R. 2621, a bill to enforce the debt limit and to protect the trust funds. It focuses on that issue.

Among other things, this bill tells the 43 million Americans who get Social Security and the 140 million workers that pay into it that it is not OK to play games with the $483 billion in assets of the trust funds. It tells the President that it is not OK to play games with the $30 billion in payroll taxes that workers pay each month and that retirees rely on to finance their benefit checks.

It is helpful to review history here. What we do not want, Mr. Speaker, is a repeat of 1985, when in fact there was a gaming of the trust funds. As a result, the Social Security trust funds lost $382 million in interest, and long-term bonds were cashed in early.

It is correct that Congress did pass legislation to restore the lost interest and to reconstruct the bond portfolio, but no legislation could ever restore the public confidence that was lost during that period. What we are considering today is not just about protecting the trust funds. It is also about protecting public confidence in those trust funds.

Simply put, without this bill, there are no laws to prevent a repeat of what happened in 1985.

It was difficult for many of us to vote to extend the debt limit last week. But, having done that, Congress should also take action to restore public confidence in these trust funds. We have a chance to do that today.

I urge my colleagues to support this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I would like to reply to the gentleman from Ohio. He was right part of the way.

In 1985 this situation was faced. The Secretary of the Treasury then did take money out of the Social Security funds, and we passed a law so he could not do it anymore. What this bill before us does, it does away with that law that we passed to protect Social Security.

Mr. Speaker, I would think this was so clever, to bring this bill here before us today under suspension. If you raise the danger of hurting the Social Security fund, of course people rush to the floor to vote for it.

□ 1230

But the second half of this bill is dangerous, and it is wrong to do it in this fashion. The Social Security Trust Fund is not in jeopardy now at this moment, because Social Security is an entitlement. Beneficiaries will get their benefits.

The bill does not change that. Withdrawals are made from the Social Security Trust Fund to pay Social Security benefits, period.

What this bill does in the second half, because that is a spurious argument, in the second half, what the bill does is take away the trust fund's, or the ability of the Secretary of the Treasury, to deal with the cash of these United States, our whole reputation at stake.

It is absolutely wrong to bring this forward today, say Social Security is going to be hurt. It is not.

What is going to be hurt is the possibility that we lose the full faith and credit of this country because this bill in front of us today means default would happen even more than it would happen under these awful circumstances we are dealing with.

Mr. Speaker, I have to tell you this is dangerous. This is wrong, and I am surprised at the majority for bringing it forward under this fashion, under this guise.

Mr. ARCHER. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, I say to the gentlewoman I also thought the Social Security trust funds were protected before we got into this issue several weeks ago, but they are not protected under the law. That has been carefully researched. There is nothing that prohibits the Secretary of the Treasury from either failing to invest or disinvesting the Social Security trust funds under law today, and that is the reason why this bill is before us.

Mrs. KENNELLY. I would first say, under technical legislative facts of life we deal with, there is no authorization. I do think we still can believe when the President says, "There will be no exceptions under my watch, none, not ever. I will for no purpose take from the Social Security fund." I would hope we have faith in the President of the United States.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to say to the gentlewoman I wish we could accept this President's word at face value also, but we know from experience that we cannot.

Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, let me say first of all that this bill has everything to do with the truth. You know, despite its importance, the debt held by the public is not the most familiar measure that we have in the Federal debt. That distinction belongs to the debt subject to the debt limit often referred to as the gross Federal debt. The gross Federal debt is now $4.9 trillion—$3.5 trillion is debt, marketable debt, that we owe to the public and $1.4 trillion is the debt owed to the trust funds.

Now, the President has effectively declared that he will not abide by congressional oversight of how much the Federal Government can borrow. Since the founding of this country, Congress has had the authority over this Government's ability to issue more debt. Prior to the First World War, Congress approved every debt issuance. Since that time, the Second Liberty Bond Act has allowed Treasury to borrow up to a certain limit set by Congress.

Tomorrow, Treasury will effectively overcome the statutory limit, making a mockery of the people's control over the Federal borrowing and, in large, the Federal debt.

The manner in which this has been done, I think, is insidious. Treasury will now begin to disinvest the trust funds. This means they will begin to tear up the IOU's that bear interest.

But here is the point I am trying to make: In taking such action, the President is increasing the public debt of this country without the authority of Congress. The first to go is going to be the thrift savings of Federal employees. Next will be the retirement trust fund. The precedent that is now being set by this President would allow a future President to say that the precedent was set in 1995 and now we can go into the Medicare trust fund, now we can go into the Social Security trust fund.

The fact is that from now on, if we allow this to happen and do not pass this bill, Presidents will be able to add more than $1 trillion to our existing debt without the review or consent of Congress.

There is only one way to stop this scheme and return to the Congress and the citizens of this country authority over the debt issuance of this Government. That is to pass H.R. 2621, which will make it against the law for the Treasury to further destroy the trust funds through this disinvestment process. In fact, we need to develop policies to have the major trust funds invest in marketable Treasury securities. If we stand by, then the President can add $200 billion per year to our national debt for the next 5 years. I have spoken many times of the need to rein in our national debt. This bill is vital to accomplishing our goal of returning America to fiscal stability. I urge support of H.R. 2621.

I hope this Congress will do it. We need to develop policies that protect those trust funds.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I made reference to a statement by the President of the United States made this morning, and I really feel, to question the integrity of the President of the United States at a time when workers are being furloughed and worrying about their mortgages, at a time when the world markets are looking at us whether we can pay our bills, really is a disservice to the United States of America and should end at this moment.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the Democratic whip.

Mr. BONIOR. Mr. Speaker, this bill does exactly, exactly the opposite of what the Republicans say it does. This bill makes it more likely that the U.S. Government would default for the first time in history.

Nothing could be more damaging to the Social Security Trust Fund and the protection of those benefits for our senior citizens than the Gingrich Government default that is projected here if this bill happens.

Social Security benefits are already guaranteed by law, and I would disagree with my friend from Texas who says he disputes that. They are already protected by law, and the President has stated very clearly, and I quote him, "Under current law, the Secretary of the Treasury is not authorized to use the funds for any purpose other than to pay benefits to recipients. There will be no exceptions under my watch, none, none not whatever."

Mr. Speaker, in addition, this bill repeals the current law to authorize the automatic payback of interest on any money borrowed from Federal pensions. There they go again; they are into the pensions of workers. They are doing it again.

The same people who are doubling your Medicare premiums are now trying to say that they are trying to save Social Security. Do not believe it.

The Republicans are playing the most dangerous of all games by threatening a Gingrich Government default, and such a default would put at risk the Social Security Trust Fund, it would raise interest rates on working families and it would undermine the credibility of our Government for years to come.

I would tell my colleagues on this side of the aisle, do your work. You have got one done out of 13 appropriation bills. Do your work. Do your work. Pass a continuing resolution so we can get on with operating this Government and so people all over this country who are not going to work today can go to work and we can do the business that we were elected to do.

Mr. McCRERY. Mr. Speaker, I yield myself as much time as I may consume.

Once again, the law has been misstated by the other side. We have clear testimony before the Committee on Ways and Means that, in fact, the administration has the ability under current law to utilize the trust funds in times of exigent circumstances, and, in fact, we have already seen examples of this this very week with the administration using other trust funds to get around the debt ceiling.

So it is just not so that the administration does not have this power. They do, and that is what this bill would correct. It would protect the Social Security Trust Fund and other trust funds from being rate raided by the administration in order to circumvent the debt ceiling.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, you have probably heard the President using senior citizens over the past few days as his excuse to veto the debt limit bill.

Well don't for a minute think that he wants to protect America's seniors. He has his own interests in mind.

You see—the debt limit bill included a provision that prevented the Treasury Secretary from stealing from the Social Security Trust Fund in order to spend more money.

We knew that this provision was the only way to protect the seniors' trust fund from President Clinton's careless spending habits.

And he proved that he has no self discipline when he vetoed the bill.

We owe it to our seniors to protect the money they have paid into Social Security. And the President owes seniors more than a game of scare tactics and misinformation.

So once again today we are going to pass this bill to protect our Federal trust funds.

I urge everyone to take a real and meaningful stand for our Nation's seniors—and send a message to the administration—you cannot steal from Social Security to keep supporting big Government.

Support this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, while we are all entitled to our own set of opinions, we are not entitled to our own set of facts.

Let me share with you some facts: If this bill before us is passed, the payroll tax that is intended for the Social Security system that comes into the Government and is about $30 billion a month, about a billion dollars a day, it will not earn interest for Social Security recipients, because if the debt ceiling is not extended, and this will not extend the debt ceiling, then Social Security trust funds will lose about $37,000 tomorrow, and over the course of this debate it will lose millions of dollars. That payroll tax will not earn interest.

Second fact: Since the Government has shut down and there is no money to pay people within the Social Security Administration to process applications, new people, eligible, applying for Social Security, will not be able to get their benefits. There is no money to pay for the processing of their applications.

Third fact: Because this bill repeals provisions put into law by the Reagan administration, the thrift savings plan that Government employees have contributed to will lose about $3.5 million each day, beginning tomorrow. But the civil service retirement trust fund that millions of employees have contributed to will lose $10 million tomorrow and $10 million every day this is extended, because this law makes it illegal to reimburse that civil service retirement trust fund and to give it any interest for the money that you take out.

We cannot do this to Federal employees. We cannot do this to this country.

The last fact you need to know: That the credit watch, the European credit rating agency, just now put the United States on a rating watch for possible downgrade that will increase the interest on all of our Treasury bills for years to come. Do not pass this bill.

Mr. McCRERY. Mr. Speaker, I yield myself as much time as I may consume.

I think the gentleman from Virginia has emphatically stated the gist of the situation. The fact is that without specific authority from the Congress to extend more debt, the President frankly will be between a rock and a hard place, and I think the gentleman is correct there, and that is part of what this debate is all about.

Those of us on this side, frankly, want the President to have to choose between more and more debt on the backs of our children and grandchildren or finally facing up to the fact that we cannot afford any longer to spend more than we take in and finally get this Nation's fisc in order.

So I think the gentleman from Virginia stated it very clearly and succinctly and emotionally and did a good job, and that is part of this debate. So, frankly, we are ready to put the President between that rock and a hard place so he will have to choose clearly for the American people to see. We hope that he choose on the side of fiscal responsibility. We hope he chooses on the side of preserving a future not only for today's seniors but for tomorrow's seniors and future generations of this country.

I thank the gentleman from Virginia for making that clear.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, it seems unbelievable to me that we are sitting here debating whether the President can tap into Social Security trust fund and the civil service retirement fund. I find that almost unbelievable that the Democrat Party, who has been using the senior citizens all over America as their chief pawn, as their shield, to ram or resist any kind of legislation that comes up, now they want to take the money out of the senior citizens' trust fund.

□ 1345

I think it is appalling to me. It is unbelievable. The Treasury Department has announced it intends to divest the civil service retirement trust fund and fail to invest the G fund in order to create room under the debt limit and raise cash to make interest tomorrow, starting November 15. That is to me unbelievable. Those funds, among others, are to be tapped for at least $25 billion. But on November 30, the Treasury Department will again need about $13 billion in cash, so the divesting of this retirement fund could even go on even to a higher limit than that. Well, with Social Security holding $483 billion in Federal securities, and civil service holding $366 billion, the Treasury can tap into these funds and use it to run up more public debt.

Now, this is totally out of hand. What we are debating here should not be the President's or the Treasury Department's intention and ability to tap into these sacred trust funds. What we should be debating is are we going to balance the budget.

When the President was running for office in 1992, June 4 on "Larry King Live," he said, "I am going to balance the budget in 5 years." His only balanced budget proposal is a 10-year plan that does not even balance the budget. In fact, in the year 2002, when the Republican plan has a zero deficit, the Clinton plan has a $209 billion deficit.

Mr. Speaker, the debate here is about balancing the budget. I hope the President does not steal money from the senior citizens for the Federal retirees, and I urge Members to vote for this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this bill is a childish charade, and the sponsors should be ashamed of themselves. This bill does not protect Social Security; it puts it at risk, along with Medicare and veterans benefits. This bill enhances the chance of default by the U.S. Government, which, if it occurred, would result in eventually no Medicare, no veterans benefits, and no Social Security benefits.

That is right, in a default, we would not make good on our obligations to the Social Security benefits and this bill leads to a default.

Furthermore, this bill calls into question our willingness to pay our debts, because it brings to the U.S. Government the same fiscal insanity of the Orange County, CA, default. It will raise interest rates, home mortgage rates, credit card rates, and all loan rates. It will destroy the quality of credit. It will destroy the quality of U.S. credit as Moody's and Standard & Poor have publicly stated. It is a dangerous political ploy with dire economic consequences for which we will all pay.

Mr. Speaker, this bill is not about protecting Social Security. It is about politics, so Members can go home and say they protected Social Security. But in fact, the opposite will occur, because in a default, we will also default on our obligations to the Social Security system, which is invested in treasury obligations. Since Social Security benefits are invested in these Treasury securities, they carry the force of the full faith and credit of the U.S. Government. That is a guarantee which, in a default, we would violate, and therefore violate that obligation to the Social Security system.

If one wants to protect Social Security, vote no, because a yes vote will ultimately lead to a default on Social Security. Let us put politics aside when it comes to our faith in our Nation's creditworthiness and our commitment to Social Security. Let us defeat this ridiculous bill. Let us get down to business like the American people sent us here for. Let us put some sanity into our fiscal practice, because this, my friends, is not sanity.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise in strong opposition to this bill. The administration has stated unconditionally that the Social Security trust fund will not be touched in dealing with debt crisis.

This bill would prohibit Treasury from utilizing the few remaining tools available for managing our debt, virtually guaranteeing an unprecedented default. This is wrong and it is irresponsible.

Both Standard & Poor's and Moody's, two of the world's leading credit-rating agencies, have issued warnings that our Government's triple-A credit rating is at risk, due to the threat of default. IBCA, the European credit rating agency, has placed the United States on rating watch for a possible downgrade of its triple-A foreign and local currency long-term credit ratings.

If these downgradings go into effect, the impact would place a huge additional financial burden on our taxpayers, and would last well beyond the current controversy many years into the future.

Let's defeat the bad bill, pass a clean temporary debt ceiling extension, and get on with the important business of balancing our budget without tax increases in a bipartisan manner.

I urge my colleagues to vote "no."

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I say to the Republican majority, you are really playing games, and it is time to blow the whistle. I want to repeat, there is no authorization under law for the President of the United States to use Social Security funds. None. And he has said in no event would he use Social Security funds.

So, why are you doing this? The gentleman from Louisiana [Mr. MCCRERY] says to put the President between a rock and a hard place. But trying to do that, you are going to put the American economy on the rocks, default, and it is going to hurt everybody in this country, those who use credit cards, those who have adjustable rate mortgages.

Why are you doing this? It is because you look vulnerable on Social Security and Medicare, so you are looking for cover. And to do that, you are going to blow the lid and cause a default? You are trying to cover your fingerprints on legislation that will weaken Medicare and the Social Security COLA. And to do that you are going to tie the hands of the President?

I say to the American people, this cannot happen. We are going to defeat this bill.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, I think that the gentleman from Louisiana [Mr. MCCRERY], who is my friend, summed the issue up very well. He said that their role is to put the President between a rock and a hard place. The truth is today this debate is about the American people; it is not about putting the President between a rock and a hard place. That is the political solution, and that is what makes this option so unpalatable to all of us.

Mr. Speaker, once again we are here on the House floor debating the debt ceiling. And once again, we are not debating the right solution. We ought to be debating a clean debt ceiling extension.

Instead, we are debating legislation that contains provisions that already have been vetoed by the President. We should be using this time to send a bill that the President can sign.

Last week, the Treasury Department issued a statement assuring that the Treasury will not use Social Security trust fund for any purpose other than to assure the payment of benefits to Social Security recipients. These funds will only be used for Social Security.

Treasury has acted responsibly and has taken options to avoid default, because of Congress' failure to act on a clean debt extension. This legislation will make it harder for payments to be made. This bill would stop payments under Medicare, stops payments, under SSI, stop payments to military personnel, and stop payments to other Federal beneficiaries.

Any prioritization scheme would necessarily imply that other obligations of the United States might be defaulted upon. By repealing the debt management provision of current law relating to the civil service retirement and disability fund, this bill would increase the risk of default by severely limiting the ability of the Secretary of the Treasury to assure that crucial Government payments including benefit payments such as Social Security.

A Republican administration was in charge when debt management provisions were enacted into law. The Secretary should always have options to relieve pressure and avert default.

The bottom line is this legislation would push us closer to a default. It is time to stop this game and vote on a clean debt ceiling extension.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I rise in support of the resolution. I find it interesting the arguments that have been going back and forth about what is a clean debt extension bill, what is a clean continuing resolution.

If we look back in the last 10 years, virtually every continuing resolution, and I believe most the debt extensions as well, have had extraneous matters attached to them. Yet at the time none of the Members who are now in the minority objected. All of a sudden they think there has to be a clean bill.

In reality, if we are going to extend the debt, we should have certain restrictions on that debt extension. One of those should be to prevent the President from raiding the Social Security trust fund. For me it is a very basic issue. We do have to borrow some money for short-term needs of the Government. However, it should not be a blank check to the White House. We need to pass the extension, but we need to do it with the restrictions there so we do not have runaway spending and we do not have a raid on the Federal trust fund.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, when someone is in a corner, what do they do? They lash back. The Republican majority is in a corner, and they are trying to come up with the bogus issue of the Social Security trust fund.

Here is a quote from the President:

> I want to assure the American people that the Social Security Trust Fund will not be used for any purpose other than to pay the benefits to recipients. Under current law, the Secretary of Treasury is not authorized to use the fund for any purpose other than to pay benefits to recipients. There will be no exceptions under my watch. None, not ever.

Now, who do you trust more to save your Social Security? Bill Clinton or NEWT GINGRICH?

Mr. GIBBONS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the last statement really hit the nail on the head. We are here today going through this charade, because the present Speaker has just totally mismanaged this place. This is business that should have been taken care of in July. Here it is 5 months later, with no budget passed and only 2 of the 13 appropriations bills passed, and he is trying to shut down the Government. All of this problem is brought about by the Speaker's mismanagement of this House and this Congress.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the Democrat leader.

Mr. GEPHARDT. Mr. Speaker, let me first say that a vote for this bill is a vote to bring about default of the Government for the first time in its history. If we take away from the Secretary of the Treasury all of the management opportunities that are now existent in the law, which this bill would do, we simply bring about the greatest possibility that the unthinkable would happen, and that is that we would have a default for the first time in our history.

The result of that is catastrophic for the American people. Adjustable rate mortgage interest will go up, over the years, not just for 6 months or a year. It will go up over the years, more than it ordinarily would or should.

If you are worried about Social Security, as we all are and should be, the worst thing we could do to Social Security would be to bring about a default on the part of the U.S. Government. They would be unable to make payments. Under the Social Security system, they would be unable to invest the money coming in in interest bearing accounts as a result of what would take place under this bill.

Let us talk about the converse. What is being argued is that this bill is needed in order to make sure that the Social Security fund is not disinvested. It is a red herring. It is simply not true. If that were the real intent of the bill, why does the bill not just deal with that issue alone, even though we do not need to deal with that issue?

It is because the real agenda is to put leverage on the President to sign the budget that has a big increase in Medicare premiums and a big tax break for the wealthy. That is the real agenda that is going on here. That is really what is happening. That is why this bill is being presented, to gain more leverage on the President.

So I urge Members not to be taken in, not to be fooled. The best policy is to not vote for this bill, to not bring about default and make default more certain, to not increase leverage on the President, so that a budget goes through here that hurts Medicare recipients, increases their premium, closes 25 percent of the hospitals in the country, cuts back dramatically on medical education and all the other things bad that will happen to the Medicare system that we have been fighting so hard to try to preserve. This is a bad idea, it is a wrong idea, it is an unneeded idea.

Finally, if you want to make sure that Social Security is secure, vote against this legislation and let us get the budget done, so that we will not have to worry about the debt ceiling anymore, and make sure that all of our Social Security recipients will receive their checks on time, as we have promised through the years.

□ 1300

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Louisiana [Mr. McCRERY] has 3½ minutes remaining and is entitled to close the debate.

Mr. McCRERY. Mr. Speaker, I yield myself my remaining time. Mr. Speaker, let me just clear up a couple of things that have been said by the last few speakers.

My good friend from Massachusetts, Mr. NEAL, said if this bill is passed, Social Security checks will not be able to be paid. Well, that is simply not the case, and if the gentleman would read the bill, which I have right here, he would see very clearly, on page 3 of the printed text of the bill, it is clear that payment of such benefits or administrative expenses may be, in fact, paid.

So my good friend from Massachusetts is just incorrect in asserting that Social Security benefits would not be paid.

Second, my friend, the gentleman from New York [Mr. SCHUMER], asked rhetorically I presume from his perspective who do we trust to protect Social Security, the President or NEWT GINGRICH? While that got a good laugh from his Democratic colleagues, the fact is what we are trying to do today is make it so that we do not have to trust anybody. It will be the law that the President, no matter who he is, cannot violate the Social Security trust fund.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, my question is, if the Republicans felt so strongly about it, why did they attach all the other provisions to the bill? A simple line that they would just deal with Social Security would pass this place 435 to nothing. In my judgment, there is a game going on here.

Mr. McCRERY. Mr. Speaker, reclaiming my time, I would submit to the gentleman that the Social Security and Medicare trust funds account for fully half of the total value of the Federal Government's trust funds. So it is very important that we recognize that these two trust funds will be critical in any exigent circumstance if the President wishes to get around the debt ceiling.

So the fact that we have contained in this bill other trust funds should not obscure the fact that in order to protect all of them, including the Civil Service trust fund which the President intends to tap today and the Social Security trust fund, this bill must be passed.

I would say to the gentleman that we do not need to trust the President or NEWT GINGRICH, we need to pass this bill in order to make it law that the President cannot tap the Social Security trust fund.

Mr. COLLINS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Georgia.

Mr. COLLINS of Georgia. Mr. Speaker, I ask my friend, the gentleman from Louisiana, is it not true that what we are trying to do is to make sure that those taxes are deducted from payroll collection and are deposited into the Treasury and that they then, further, are invested into the trust fund and the trust fund can actually invest them into Government securities? But we want to make sure, once deposited into the Treasury, they do not stay in the Treasury, that they are then further transferred into the Social Security trust fund?

The President's statement is actually factual. He will not deal with the trust fund, but he wants to deal with the Treasury while the money is in the Treasury prior to going to the trust fund.

Mr. McCRERY. Mr. Speaker, the gentleman is correct.

Mr. COLLINS of Georgia. Mr. Spaker, I thank the gentleman for yielding.

Mr. McCRERY. Mr. Speaker, reclaiming my time, the minority leader tried to couch this argument in terms of giving tax breaks for the rich and all the like. That is once again trying to obscure the issue. The issue is, do we want to protect the Social Security trust fund, the Medicare trust fund from being raided by the executive branch in order to circumvent the debt ceiling, which under the Constitution must be raised by the Congress, by the legislative branch?

I urge all my colleagues to protect the Social Security trust fund and the Medicare trust fund and vote "aye" on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I rise to oppose H.R. 2621, a transparent political gesture by the Republic leadership. This is nothing more than Speaker NEWT GINGRICH and other House Republican leaders trying to blackmail the President into accepting their Medicare premium increase as part of a temporary Government funding bill. Congress under its new leadership has utterly failed to complete its constitutional responsibility to fund the Federal Government this year. Instead of playing high stakes political games with the hopes and fears of Federal employees, retirees, and Social Security and Medicare beneficiaries, Republican leaders would be well advised to finish the work they should have finished more than 1 month ago.

Mr. STOKES, Mr. Speaker, I rise in strong opposition to H.R. 2621, the bill which the Republicans say is to enforce the public debt limit and to protect the Social Security Trust Fund, and other Federal Trust fund accounts invested in public debt obligation. Once again, more Republican smoke and mirrors. Make no mistake about it, H.R. 2621 is the Republicans' measure to force the Government to default on its obligations.

It is appalling for the Republicans to hold the country, and the American people hostage to their politically contrived and premeditated train wreck. Is there no limit to the extreme tactics that the Republicans will use to force a tax cut for the wealthy. The Republicans have forced the Federal Government to shut down; are striving to force the Government to renege on its debts; are bent on forcing seniors to pay more for less health care; are set on forcing poor children and pregnant women to go without critical health care services; and are set on forcing college students to pay more for their college education. Despite the fact the Republicans' budget defies logic and common sense, they want to force the President to agree to their life threatening budget provisions.

Now, they have introduced H.R. 2621 a measure strictly designed to back the country into a corner, and to force the Government to default—all this destruction, just to give a tax cut to the rich. The Republicans' tantrum tactics must end.

Mr. Speaker, a family would not pay off its mortgage in 7 years if it meant that they had to take food out of the mouths of their children. Both food and shelter are a necessity, it is not a one, or the other situation. The Republicans need to take a lesson from families. Families sensibly balance their responsibilities. Families sensibly spread their debt—and their payment for services over time.

The Republican budget measure is not a balanced budget mechanism—it is a measure that is specifically designed to destroy the quality of life for the most vulnerable in our society—children and the elderly. Those who have entrusted us with their future, and who are most vulnerable to the Republican's assault.

I applaud the President for this strong leadership, and wholeheartedly support his veto of the Republicans' front-loaded continuing resolution, and debt limit measures.

Day after day, we have heard our Republican colleagues refer to Medicaid and Medicare as "socialized programs." We have heard them use phrases like "we have to get on with it," "the pain is not so severe," and "we have to hold the President's feet to the fire." We have also continuously heard the Republicans speak with concern for the unborn children of the future, while showing no compassion for the children who walk among us today—despite the fact that the Republican budget takes food out of mouths of poor children; takes the roof from over the heads of poor seniors; and takes away health care services from pregnant women. These senior's and children's future will be crippled and their very survival jeopardized.

Mr. Speaker, the Republicans have never had any intention of sending the President a clean continuing resolution measure, or a clean debt limit bill. The Republican touted crown jewel in their contract—the tax cut give away for the rich—knows no bounds. As early as April, House Speaker NEWT GINGRICH vowed to create a titanic legislative standoff with the President by adding vetoed bills to must pass debt ceiling legislation. As recently as July, the GOP admitted that default was a major political weapon in their arsenal. The Republican's escalating mean spirited attack is firm evidence that they think that no child's cry is too harsh, and no senior's pain is too bitter to forgo their tax cut give away to the rich.

Over the past 11 months, the Nation has witnessed the unfolding of the Republicans' premeditated assault on the most vulnerable in our society—children and the elderly. Nearly 6 weeks into the new fiscal year, work on 10 of the 13 appropriations bills is still pending. The Republicans are dragging their feet. If Speaker GINGRICH and his cohorts performed their responsibilities in a timely and responsible manner, there would be no need to bring the Federal Government to a halt.

With each day of the Republican-forced shut down of the Federal Government, 20 thousand new Social Security claims will not be processed. With each day of the Republican-forced shut down of the Federal Government, 2,500 to 3,000 veterans' benefits claims will not be processed. The American people must not be held hostage to the GOP's tax cut for the rich.

Again, I applaud President Clinton for vetoing the Republicans' life threatening budget and debt ceiling measures. I commend him for his principled stand to protect the American people. And, I join President Clinton in condemning the Republican leadership for its shameful attempt to blackmail the oval office by holding seniors, children, veterans, and our Nation's economy hostage.

Mr. Speaker, I strongly believe that it is the height of irresponsibility for the Republicans in Congress to force American citizens to suffer inconvenience and hardship simply because they are trying to score political points. I strongly urge my colleagues to vote "no" on H.R. 2621.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the bill, H.R. 2621.

The question was taken.

Mr. McCRERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, parliamentary inquiry. Why are we postponing this vote? Can we not vote now?

The SPEAKER pro tempore. The Chair will postpone the vote until after the veto message is disposed of. It is at the discretion of the Chair to do so, and this vote will be postponed.

Mr. GIBBONS. But, Mr. Speaker, we are all here. It is 1 o'clock in the afternoon.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, it is an inquiry so that people will know what is going on.

The SPEAKER pro tempore. The vote will be postponed until after the veto message from the President is disposed of.

The point of no quorum is considered withdrawn.

SECOND CONTINUING RESOLUTION FOR FISCAL YEAR 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–134)

The Speaker laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.J. 115, the Second Continuing Resolution for fiscal year 1996.

This legislation would raise Medicare premiums on senior citizens, and deeply cut education and environmental protection, as the cost for keeping the government running. Those are conditions that are not necessary to meet my goal of balancing the budget.

If I signed my name to this bill now, millions of elderly couples all across this country would be forced to sign away $264 more in Medicare premiums next year, premium hikes that are not necessary to balance the budget. If America must close down access to quality education, a clean environment and affordable health care for our seniors, in order to keep the Government open, then that price is too high.

We don't need these cuts to balance the budget. And we do not need big cuts in education and the environment to balance the budget. I have proposed a balanced budget without these cuts.

I will continue to fight for my principles: a balanced budget that does not undermine Medicare, education or the environment, and that does not raise taxes on working families. I will not take steps that I believe will weaken our Nation, harm our people and limit our future as the cost of temporarily keeping the Government open.

I continue to be hopeful that we can find common ground on balancing the budget. With this veto, it is now up to the Congress to take the reasonable and responsible course. They can still avoid a government shutdown.

Congress still has the opportunity to pass clean continuing resolution and debt ceiling bills. These straightforward measures would allow the United States Government to keep functioning and meet its obligations, without attempting to force the acceptance of Republican budget priorities.

Indeed, when Congress did not pass the 13 appropriations bills to fund the Government for fiscal year 1996 by September 30, we agreed on a fair continuing resolution that kept the Government operating and established a level playing field while Congress completed its work.

Now, more than six weeks later, Congress still has sent me only three bills that I have been able to sign. Indeed, I am pleased to be signing the Energy and Water bill today. This bill is the result of a cooperative effort between my Administration and the Congress. It shows that when we work together, we can produce good legislation.

We can have a fair and open debate about the best way to balance the budget. America can balance the budget without extreme cuts in Medicare, Medicaid, education or the environment—and that is what we must do.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1995.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and joint resolution will be printed as a House document.

MOTION OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LIVINGSTON moves to postpone consideration of the President's veto message on the joint resolution H.J. Res. 115, until Friday, December 1, 1995.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 1 hour.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to postpone the veto message of the President on the joint resolution, House Joint Resolution 115, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Wisconsin [Mr. OBEY], pending which, I yield myself such time as I may consume.

Mr. LIVINGSTON. Mr. Speaker, my motion to postpone handling the message of the President vetoing House Joint Resolution 115, the proposed second continuing resolution to December 1, is a simple, expeditious way to deal with this matter. The votes to override this veto are not there. Postponing handling this matter to December 1 now will remove it from the immediate schedule of the House so that it can get on with more pressing business.

I urge all Members to support this motion, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, first of all, before I start, I want to wish a belated happy anniversary to my distinguished friend from Louisiana. I understand how he felt when last night, in the midst of everything that was happening, he was trying to celebrate his 30th wedding anniversary and a few other things got in the way. I know how that feels.

Let me also say that I think I know my friend from Louisiana well enough to know that he is not very happy with the situation in which we find ourselves. Neither is any other thoughtful Member of this House. Because there is no reason for this impasse to exist on the appropriation bill.

We have two very different discussions going on. One relates to the need to raise the debt ceiling, and that subject is real and ought to be dealt with separately.

In fact, we have three issues. The second issue is what ought to happen in the multiyear budget reconciliation fight, which is occurring now in this Capitol.

Then the third issue is whether or not the Government is simply going to be allowed to conduct its business while we finish the job that we have had given to us of passing all 13 appropriation bills so that we can at least keep the Government functioning in its basic operations.

Mr. Speaker, my remarks are going to be primarily directed at our moderate friends on the Republican side of the aisle because I, frankly, think that they at this point are the only ones who have sufficient leverage to help end this impasse.

The problem that we are faced with now is that, frankly, we are wrapped around the axle; and the Government, because of that, is rapidly falling into disrepute with most Americans. I think that the choice of what happens is largely in the hands of the moderate Republicans who, I think, have a crucial choice to make. I think they have to choose whether or not they are going to continue to show the same kind of statesmanship which they showed on the Stokes amendment on the HUD appropriation bill a few weeks, or a few days ago when they joined with us to jettison 17 extraneous items, or whether or not they are going to continue to make alliance with the 75 most extreme Members of their caucus and, in the process, hold an awful lot of innocent people hostage.

Mr. Speaker, I would point out that this is not the first time that we have had a political impasse associated with appropriation bills. We have had a number of continuing resolutions required in the past. But the fact is that in almost all cases those arguments involved political divisions between the President and the Congress and, in most instances, they involved the failure of a legislative product to be accepted by one branch or another.

□ 1315

That is not what is happening here. What is happening here is that we had the leadership of this House, most especially the Speaker, simply determine that an extraneous matter was going to be brought into the appropriation process, and that it was going to be wedged into that process, in hopes that his agenda could be leveraged through by threatening to hold up the ability of the Government to function, and that issue in Medicare. So we were told over the weekend that we had to buy into the idea that Medicare premiums would be essentially more than doubled and we had to start the process now by dragging it into this appropriation debate.

Then, Mr. Speaker, last night, just when it was clear to most people, I believe, that the majority party was taking a drubbing in the court of public opinion on that matter, then all of a sudden that was cast aside and now the great cause to them has been whether or not somehow people are going to commit to a 7-year balanced budget.

I would say, Mr. Speaker, that that is a very interesting debate, but it does not belong on this bill, it does not belong on this instrument, because what we ought to be doing here is to simply keep the Government open until we have time to finish the appropriations work that so far the Congress has not done.

The Congress institutionally has no business trying to blackmail the President into buying into someone else's vision on an entirely different cluster of issues simply in order to make up for the fact that the Congress has not yet finished its appropriation business, as this chart demonstrates.

What this chart demonstrates is that only three appropriations bills, Military Construction, Agriculture, and Energy and Water, have been passed by the Congress and sent to the President for his signature, and have had the benefit of the President's signature. Agriculture and Energy and Water is at the White House and soon will become law, but all of the rest of the bills are stuck, at this point, not in the White House, but in the Congress, in the legislative process.

The Transportation bill has not yet been finished by the Congress. The Legislative bill on its second round has not been finished by the Congress. Treasury-Post Office has been hung up for almost 60 days by an extraneous matter, the Istook amendment. The Interior Department appropriation bill has been hung up again on extraneous matters, including how much of a political favor this Congress is going to continue to give to mining companies.

Mr. Speaker, Foreign Operations is tied up because of the abortion issue; it is tied up again in the Congress. VA, HUD, and Independent Agencies, they have been held up for eons, it seems, because of those 17 environmental riders that were attached by the majority party. The Defense bill at this point is hung up on a combination of arguments over spending levels and the abortion issue.

The District of Columbia bill has barely made it through the starting gate in this House. Commerce, Justice, State and the Judiciary has not even met yet in conference, and the Labor-HHS bill passed the House in such extreme form that the Republican chairman of the subcommittee himself is embarrassed by it, and it is clearly the case that the Republican majority in the Senate is so embarrassed by that extremism that they will not even take the bill up, and they cannot even agree to pass it on a voice vote with no one being on record because that bill is so bad.

Now, there is only one way out of this, and the way out of this is not to have the President cave in to the Speaker's extraneous demands. The way out of it is to simply extend the ability of Government to do its business and serve our constituents, I would hope for 1 month at a time, but if that cannot be done, then it ought to be extended 1 day at a time.

Mr. Speaker, I am perfectly happy to stand here all day today and tomorrow or for as long as it takes and continue to offer that motion in the hopes that at some time sanity will prevail and the leadership of this House will recognize that the entire Government of the United States should not be held hostage to the whims of one political leader with an extreme agenda.

That is why, Mr. Speaker, I would suggest that rather than debating all of these extraneous issues, even if we have deep partisan divisions on all of the other issues remaining, there should not be a partisan issue between us on the issue of whether or not the Government performs its basic duties on a day-to-day basis. That is why, again, I would urge our moderate friends on the Republican side of the aisle to join with us, not to adopt any agenda that we have, not to reject any agenda that your leadership might have, but simply to perform the ministerial function of keeping the Government open, keeping it running while we have these other debates for as long as they take.

In the end, the President is not being held hostage; the American people are being held hostage. That should not be allowed to continue, and I would urge our friends on that side of the aisle to reconsider the action that they have been taking by allowing this impasse to continue. I thank the House for its attention.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds, and I thank the gentleman from Wisconsin [Mr. OBEY] for his nice remarks regarding my wedding anniversary and acknowledging that I see him more than I see my wife.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me just say to the gentleman from Wisconsin [Mr. OBEY] and others on this side of the aisle, since 1979 we have had 55 continuing resolutions, and in 1987 and 1988 we ran this whole place on continuing resolutions. So for the gentleman from Wisconsin to get up and hue and cry about how we are running this place on continuing resolutions when the Democratic Party ran this place for years and years on continuing resolutions is just not stating the facts correctly.

So I want to clear the air and say, God bless his soul, I know what he is talking about, but the bottom line is, in 1987 and 1988 they ran this whole place, because they were so disorganized they could not even get one appropriations bill passed, and the bottom line is 55 continuing resolutions were pushed by that party.

So what we are doing this year is we are trying to bring it all together much more quickly than the historical perspective we have seen from the Democrats.

Mr. Speaker, I rise today to point out something else to my colleagues, and this is some form of the bill of the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means, which will ensure that the Clinton administration does not try to circumvent the Congress when the Government reaches the Federal debt limit, especially at a time when the Federal debt, as of noon today, was $4 trillion, 986 billion, and on and on and on cents. This turns out to be about $18,908.01 of each citizen's share of the debt.

Mr. Speaker, without the provisions in this bill, the Clinton administration will dip into supposedly safe Federal trust funds such as the social security trust fund, the Medicare trust fund and the Federal retiree trust fund.

Mr. Speaker, this is wrong and unacceptable. Yesterday the President vetoed this bill because we refused to let the administration raid the Social Security, Medicare, and Federal retiree trust funds, yet this President also claims that he is the one trying to protect the seniors.

What he does not say is that he will spend their hard-earned dollars to prolong this budgetary crisis. These trust funds should not see their assets reduced, even temporarily, as it sets a bad precedent of encouraging the Treasury Department to raid these funds. Without this bill that the gentleman from Texas [Mr. ARCHER] has provided, the money paid into these funds would be diverted to pay for other services.

This is not why the American people paid into these trust funds. The American people have placed their trust in us to manage their Government and to protect their investments.

Mr. Speaker, we cannot let them down. The Archer bill will protect these funds, enforce the limits that this Congress has already set. I urge my colleagues to pass this bill and also to pass a balanced budget plan that will eliminate the need for such legislation in the future.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute, just to point out to the gentleman that he has pointed out certain factors of history, and I would like to point out some rather more recent history.

Last year, when I chaired the Committee on Appropriations, we had 13 appropriations bill, and all 13 of them passed on time. There was no need to pass a continuing resolution because of the failure of a single appropriations bill, and the reason that happened is because we determined on this side of the aisle not to follow an ideological agenda, but we determined, and I decided as my first act as chairman, that I would simply step across the aisle and talk to the ranking Republican and work out a bipartisan division of funds between all 13 bills.

Mr. Speaker, we did that, we had a bipartisan product and we had a bipartisan finish, and as a result, the entire House was able to finish its work product.

The gentleman from Louisiana [Mr. LIVINGSTON], I am sure, had he been left to his own devices would have done the same, but the fact is he has been given a different set of marching orders, and I understand that. However, I do think if the gentleman is going to talk about ancient history, I think he ought to talk about recent history as well, and I simply want to bring that to the gentleman's attention.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. Mr. Speaker, despite the fact that the gentleman would not yield to me, yes, I will yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I commend the gentleman from Wisconsin [Mr. OBEY] for what he did last year, but is it not true that under your party since 1979, we have had 55 continuing resolutions?

Mr. OBEY. Mr. Speaker, reclaiming my time, it is true that we have had a number of them, although I do not know what the specific number is.

All I would say to the gentleman is that the issue is not the past, the issue is what should we do now and what are we going to do to make tomorrow better. We are not going to make tomorrow better by standing here and holding our breath. We need to keep the Government open.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, Members of the House, I urge Members to vote against this motion. I strongly believe that we should vote today on whether or not we are going to override this veto so that we can clear the decks to begin talking about what kind of a continuing appropriation we can put in place.

The issue is today, and the issue is what happens to real people, because as we stand here locked in a disagreement over the budget, which is a disagreement we ultimately have to deal with, in the meantime, real Americans are being affected negatively by our inability to even pass a continuing resolution to keep the Government operating.

Now, a lot of people have said well, the essential services will be taken care of, and I guess yes, the airplanes will still be able to fly, because we are going to have air controllers out there working today, and the aircraft carriers will be in the water because they are essential. I assume the meat inspectors will be on the job so that we do not get some bad hamburger or chicken.

However, you need to understand that on a typical day like today, 20,000 Americans apply for Social Security, retirement and survivors' benefits, or disability insurance, but because Social Security Administration employees are furloughed, 20,000 Americans every day, including today, will be denied their ability to get these benefits.

There is simply not going to be an office open for them to go to.

Also on a typical day like today, anywhere between 2,000 and 3,000 veterans apply for veterans' compensation and veterans' pensions, but because the Department of Veterans Affairs' employees are furloughed today, several thousand veterans who have served their country will be greeted by closed doors when they go to get their benefits.

Mr. Speaker, again, this is not necessary. This is happening, as the gentleman from Wisconsin [Mr. OBEY] said, because the Speaker wants to use the Government being closed or open as leverage to get the President to agree to something with regard to the budget. It is leverage the Speaker does not need.

□ 1330

The President is committed to balancing the budget. There is an argument over the details of how that is done and how fast it is done and what the elements of it are, but he is agreeing with the Speaker that we ought to try to balance the budget, and he is willing to do that. But we are hurting innocent American taxpayers who have paid their taxes and fought our wars and now simply want to be treated as they were promised to be treated.

I have asked the ranking member, the gentleman from Wisconsin [Mr. OBEY], to get up today, maybe on a couple of occasions, and offer a resolution that he has already put in that would simply extend the continuing appropriation for 24 hours. I cannot understand how anyone could not want to extend the continuing appropriation for 24 hours.

Let us keep the veterans' offices open for 24 more hours, so that we can continue the dialog over the budget. If we have not completed it by tomorrow at this time, let us do another 24 hours. When we had the budget summit in 1990, we did a number of 48-hour continuing appropriations. There is no reason we cannot do that today.

I plead with the majority in this Congress, and I plead with the Speaker. Let us use common sense and common decency. Let us do a 24-hour continuing appropriation.

The gentleman from Wisconsin will be on his feet today, maybe on a number of occasions, and will be back here every day on a number of occasions to offer, if we are allowed to do it, a 24-hour continuing appropriation. Let us not take this out on the American people. Let us do what is decent and right. Let us do 24-hour continuing appropriations so that the Government can continue and we can continue trying to do what we were sent here to do, which is to balance the budget on sensible terms.

Mr. LIVINGSTON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. THOMAS], the distinguished chairman of the Subcommittee on Health of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, the minority leader from Missouri asked a reasonable question: Why not 24 hours? Donna Washington used to sing about 24 little hours. The name of that song was "What a Difference a Day Makes." Because frankly what the Democrats are trying to do in terms of playing politics is now, thank goodness, completely out in the open.

We have talked about our problems and the difficulty of trying to explain to the American people why we had to place holding the line on the Medicare premium in the continuing resolution, and the Democrats have said, "Well, gee, why do we have to do this? Why don't we just drop it?" Now their plea is just 24 hours, just 1 day.

In today's Wall Street Journal, for those who do not receive it, it lays out completely why the Democrats have been doing what they are doing. Initially it had been to pander to seniors: "We don't want to have you to have to pay more for Medicare, that in fact we believe it should be lower."

In the Wall Street Journal today an administration official, quote, involved in the budget deliberations privately concedes that keeping Medicare premiums at the current level, quote, would not be the worst thing in the world in the context of an overall balanced budget package.

In fact, everyone, either publicly Republicans or privately Democrats, agree that the premium structure is part of the solution for seniors. As a matter of fact, the American Association of Retired Persons said, and this is John Rother, their legislative director, "What we have said is that we recognize that seniors need to be part of the solution," he says. "Sacrifice is better borne by premium increases rather than through higher deductibles and copayments which affect the sickest beneficiaries the most."

House Republicans have opposed the other side's plan to increase deductibles and to increase co-pays. We only are dealing with the premium. Why in the world would Republicans then put a premium on a continuing resolution and make that the issue?

Very simply. The President has said they are going to go ahead and reprogram the computers in the Social Security Administration tomorrow.

Notwithstanding the fact this would affect the checks in January, notwithstanding the fact that the administration knows part of a reasonable agreement is the premium, they are going to reprogram those computers tomorrow so that when an agreement is made, the seniors will see their checks go down and then their checks go back up when everybody agrees the premium is the solution. But when will the seniors see their checks change? In February and March, in the high season of politics, in the campaign for the Presidency, the President will say, "Republicans made me do it."

So we took a defensive measure. We said, "No, let's argue the CR now and the premium rate now."

If the President will offer a gentleman's agreement that we will hold off on reprogramming the computers, our problem is solved. Guess what? We cannot get a gentleman's agreement out of the President. He wants to scare seniors for political reasons. He wants to argue we are trying to destroy Medicare, and he is going to stand in the way of stopping us, notwithstanding the fact everyone over here honestly knows the premium rate is part of the solution.

This is, shocked if you may be, all about politics, and the ability of the President to posture himself as a savior notwithstanding his understanding that the solution is the premium. If we had gotten a gentleman's agreement out of the President to do the right thing, hold off on reprogramming the computers even until the end of the week, so that our reconciliation bill can be debated, we would not have done what we did.

Why are they now standing here saying they want a clean CR for 24 hours? Because that is the right thing to do? Because it is the appropriate thing to do? No, it is politics. Because in 24 hours, they can then reprogram the computers. A clean CR for 24 hours gives them a political point-scoring debate in April and May.

We knew what they were going to do. We said that is unacceptable. We said let's make sure that part of the solution is not part of the political problem.

That is why Republicans put holding the line on the beneficiaries' part of the part B premium on the continuing resolution, to stop the President from this kind of political game playing. They will tell you it is for good and worthy purposes. It is for down-in-the-dirt gutter politics, and you people are going to pay.

Mr. OBEY. Mr. Speaker, I demand the gentleman's words to be taken down.

The SPEAKER pro tempore (Mr. COMBEST). The Clerk will report the words.

□ 1340

Mr. OBEY. Mr. Speaker, under the procedures triggered by my request, is the gentleman supposed to be discussing this directly with the Parliamentarian?

The SPEAKER pro tempore (Mr. COMBEST). The gentleman is correct on the question. The gentleman from California [Mr. THOMAS] should be seated.

The Clerk will report the words.

The Clerk read as follows:

We said let us make sure that part of the solution is not part of the political problem.

That is why the Republicans put holding the line on the beneficiaries' part of the part B premium on the continuing resolution, to stop the President from this kind of political game playing. They will tell you it is for good and worthy purposes. It is for down-in-the-dirt gutter politics, and you people are going to pay.

The SPEAKER pro tempore. In the opinion of the Chair, it does not appear that this is a personal reference to any Member or to the President.

The Chair would caution all Members to show proper respect to the Members of the Congress and to the President.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I will not challenge the ruling of the Chair in the interest of comity, but I do want to observe that when the gentleman says that something was done for reasons of down-and-dirty gutter politics and then he points his finger over here and says. "You will pay," there is no doubt in my mind who he is talking about. He told me privately that he was not talking about us. He was talking about the President of the United States. I do not believe that the rules of the House ought to allow anyone's motives to be impugned, whether they are a Member of the House or the President of the United States.

I hope the gentleman will not deny that statement.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. THOMAS. I appreciate his at least being honest, indicating that I told you privately and this gentleman certainly appreciates the way in which you honor private conversations, and it will be remembered.

Mr. OBEY. I did not consider that to be a private conversation. I considered it to be a conversation made on the floor of the peoples' House.

Mr. THOMAS. Why did you characterize it as that?

Mr. OBEY. Get your own time.

Mr. THOMAS. Why did you characterize it as that?

Mr. OBEY. Get your own time. Once today you ought to follow the rules.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

It is not my purpose, and I am not going to get suckered into a personal exchange with the gentleman. All I can say is when the gentleman tells me, without benefit of microphone, that he meant to impugn the motives of the President of the United States, I think that that is the kind of conduct that deserves the attention of the House, and I make no apology whatsoever in making that comment public.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, why are we engaged in this heated debate? Why have we shut down the Federal Government? The answer is on this chart. It needs to be updated in this respect: Three of the thirteen appropriations bills have been passed by the Gingrich-led Congress.

As a result, 10 of these appropriations bills which keep the Government functioning have not even been submitted by the Republicans in the House and the Senate for the President's approval. They are literally 6 weeks late in their statutory obligation to pass appropriations bills, to keep the Government running.

What they are saying today is that they want to postpone this process even longer.

Remember, just a few short months ago when Mr. GINGRICH and his group of revolutionaries came in and said there will be a new day in the House of Representatives? Well, now we know what it is; it is Government shutdown, it is mismanagement, it is a waste of Federal taxpayers' dollars. For all of the arguments made on the other side, this chart tells that story. In 10 out of 13 cases, the Gingrich-led Congress failed to lead.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

I keep looking at that chart over there they keep pulling up, and I noticed it is in error. He forgot Energy and Water has been signed into law. It does not reflect that.

Mr. OBEY. If the gentleman would yield, that is what the gentleman from Illinois just said.

Mr. LIVINGSTON. It shows you how much I listen.

Mr. Speaker, look, the military construction bill has been signed into law. The agriculture bill has been signed into law. Now we know that the energy and water development bill has been signed into law, as the gentleman from Illinois evidently acknowledged. The transportation bill will be signed into law presumably within days. The legislative branch bill went down to the President, and for no reason at all he vetoed it just to show that he could. Maybe he needed some exercise for his pen hand. I am not sure. But he vetoed it.

In that bill we would cut the cost of doing business in the U.S. Congress by 9 percent compared to last year. To this day, over 5 or 6 weeks since he vetoed it, I have not heard the first good, valid, reasonable explanation of why it was vetoed.

My friends who have gotten up and expounded about the slowness of the process fully understand that this has happened before. In fact, over the last 15 years, we have operated under 55 continuing resolutions. This was to be our second this year. That is not unusual. We have had 15 separate budget confrontations, much like we are having today, in the last 15 years. So this is not unusual. In fact, it was not an uncommon way of doing business for the Democrats when they were the majority party to operate under continuing resolution. In 1988 all 13 appropriations bills and in 1987, as well, were included in a continuing resolution for the full year.

Now we keep hearing that we are late, we are late, we are not getting our work done. Look, when the President gratuitously vetoes a bill, obviously we have to have some hesitation about keeping on sending bills down, after going through all the process of hearings and subcommittees and full committees, passing them on the floor; the same thing in the Senate; finally getting to conference. If you finally send the bill down to the President, and he says, "I do not like it today. I got up on the wrong side of the bed. I will veto this bill." That is not the traditional process, and it seems to me that my friends on the Democrat side know that we have had legitimate disputes about one or two issues in the foreign operations bill. We have had legitimate differences about a single issue in the Treasury-Postal bill. We have had two or three issues in the Interior bill where there have been legitimate disputes between the House position and the Senate position; one issue in the national security bill; a difference in funding levels between Commerce, Justice, and the State Departments bill; and in the VA-HUD bill, well, you have got some real differences of opinion between the House and the Senate and between Members of both parties in the VA-HUD bill, and that one has taken longer.

For the District of Columbia bill, likewise, there has been a lot of discussion, a lot of dissension about this bill, and the Labor-Health bill, frankly, has not even passed the other body. That is not because of the majority. I understand that it is primarily because of the minority conducting a filibuster on the Labor-Health bill.

Now, Mr. Speaker, the fact is the American people know we have passed every one of these bills. There is not one of these bills we have not passed. The House has taken its normal traditional action on all of these bills, and now they are working their way through conference, and within the next couple of weeks, the date the continuing resolution that just got vetoed by the President would have expired, frankly, we could have finished this business. We could have concluded.

But, you know, I think it is really ironic that were talking about the failure of the appropriations process to work its will when the other party, the minority party, when it was the majority, acted so grossly in excess of anything that we have done so far. It is pathetic.

But, the real issue seems to be the fact that the folks on the other side of the aisle do not want to face up to the fact that this new majority, for the first time in 60 years, is headed down the path toward fiscal responsibility and is determined to put the United States of America on a fiscally strong footing by balancing the budget and thereby providing huge benefits to every citizen in America.

We are going to bring down interest rates. The cost of housing, of education, of retirement is all going to come down because we are going to finally balance the budget for the first time in I do not know how many years. We have only balanced the budget three times since World War II. We are going to put this country back on a track toward a balanced budget because we are going to get spending in line with revenues.

I think that that is a good thing. Our friends on the other side should be standing up and cheering for what we are doing, but all we hear is criticism. We also see them hiding behind the President's statement in his veto message in which he says, "We do not need the cuts in this continuing resolution to balance the budget. We do not need big cuts in education and environment to balance the budget." He said, "I have proposed a balanced budget without these cuts and without others."

The fact is the President's proposal, the only really significant proposal that he gave us in February when he submitted the budget to Congress, had no balanced budget; $200 billion of deficits this year, the next year, the year after that, no balanced budget for as far as the eye could see. And yet he says he has got a plan to balance the budget.

Whre is it? It was not in his campaign when he said he could balance the budget in 5 years. It was not in his February budget when he said he could not balance the budget. It was not 2 years ago when he raised taxes on the American people by the greatest amount in the history of the country. It is not in his mid-year review which CBO still scared $200 billion a year to beyond 2005—his 10-year balance.

Now where is the balanced budget, Mr. President? He has indicated he has got a plan. The only thing I have seen is about 2 pages long that is not a plan at all. But he can carp at ours. He can criticize ours. He can veto our legislative branch bill. He can veto our continuing resolution. He can veto our debt ceiling. He can veto maybe all of the other bills that we send him.

But, Mr. President, you cannot just say "no." You have got to say "yes" to something. Where is the plan, Mr. President? Where is the beef?

Mr. Speaker, I have heard a lot of rhetoric over the last few days. I have heard so many speeches. I just cannot believe that the American people really understand what is going on, because they have been filled with fluff. But when it gets right down to it, who really has that plan to put America back on track to fiscal sanity? We do. And we are going to implement it with or without the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I have a slightly different spin on the last speaker, the distinguished chairman of the committee, and I take no affront to most of what you said, I say to the gentleman from Louisiana [Mr. LIVINGSTON].

But, you know, the problem we have is when the 55 CRs were being discussed on this side, I oppose my leadership on that just as I wished you were opposing your leadership on why we are here today.

The issue today is not Social Security. It is not Medicare. It is not balancing the budget. The issue before us is as to whether we are going to have Government continue while we do our work. No matter how you spin it, the bottom line of this particular resolution and this particular argument, Congress has not completed but three of our legislative appropriation bills.

If we had all 13, we would not be here. The Department of Agriculture is functioning today because we did our work. The legislative appropriations, I voted against it, I say to the gentleman from Louisiana [Mr. LIVINGSTON]. Why? Because we did not cut ourselves as much. I thought we ought to cut Congress as much as we did the executive branch. We did not do it. I voted "no." I was glad the President vetoed it. I was disappointed he did not make the same point I did.

I got criticized by folks on your side of the aisle for doing that.

You know, we have not done our work. That is the bottom line. The President cannot get involved until we do ours.

We have 68 Democrats who have already said we are for balancing the budget. If you want to deal with these peripheral issues, let us get on with doing our work. Let us put us all on the line.

But that is not what we are talking about today. Why cannot we do our work? Why can we not send 13 appropriation bills to the President? Why have we brought the Government down because we have not done our work and tried to blame the President because we have not done our work?

Now, "we" means me, because I am getting tarred by the same thing the majority is refusing to do. But I am tired of taking it, and I would like to have the blame for this particular bill go where it belongs. The majority has not don it's work.

□ 1400

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. McCRERY], a distinguished member of the Committee on Ways and Means.

Mr. McCRERY. Mr. Speaker, just in response to my good friend from Texas, who has been a valiant warrior for a balanced budget for this country, and I commend him on his efforts, I think the gentleman has failed to properly characterize the work ethic of this Congress.

With all due respect to the gentleman's comments, this Congress, certainly this House of Representatives, has passed more legislation than any in my memory, and probably than any Congress since the first term of FDR. So to say that we have failed to do our work I do not think appropriately characterizes this House's work.

The gentleman is correct that we have failed to timely pass all of our appropriations bills; that is to say, we have failed to pass all 13 appropriations bills before the October 1 beginning of the fiscal new year. And that is regrettable. However, the gentleman knows full well that for the first time in 40 years, this Congress enjoys a new majority, a new leadership, and we hoped a new direction for the country. And in an effort to change the direction of this country, we had to necessarily take up a good part of the first part of this year in passing legislation that we thought and we hoped would start the country in a new, better direction.

Consequently, we were put behind somewhat on the appropriations process. But the gentleman knows well that that can be remedied very easily by adopting a continuing resolution, which is what we did. The President has now vetoed that for his own reasons, and we must now try to pass another continuing resolution eventually, so that this Government can continue to operate.

I just wanted to take issue with the gentleman's comments about the work ethic of this House.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I did not cast any dispersions intentionally on the work ethic of the Congress. I readily concur with the gentleman's statement.

My only point was it seems to me that the business as usual that you have rightfully complained about, and I have joined you with, is now being perpetuated at a level of which we have not seen in a long time on one particular issue, and that is the continuing.

If we could just send a clean continuing resolution, get on with doing our work and allow a little more bipartisanship in it, I believe we would all do better.

My only point today was we are blaming the President for doing something that we have not done, regardless of the merits. We have taken 318 days to get to this point. We spent the last four debating this. Why have we not been sending the appropriation bills down to the President so he can sign them? That is my only point.

Mr. MCCRERY. Mr. Speaker, reclaiming my time, the gentleman knows that the President has already vetoed one of the appropriations bills that we sent to him, and has threatened to veto other appropriations bills. But we will get that work done. We have done our work in this House. We are waiting on the other body to complete its work. We will get the work done.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I know my chairman likes this chart, so I put it back up. I am the ranking member on one of these subcommittees, the Subcommittee on Treasury, Postal Service, and General Government. What we are about is laying off employees, furloughing employees today. On this Treasury-Postal bill, we cover 192,000 Federal employees. Of that, approximately 95,000 of them were at 11 o'clock today told to go home.

I do not question the work ethic; I question the work smartness. This bill, as my chairman so well knows, should have passed 60 days ago. But because, very frankly, 100 of our most zealotry Members, what an awful word that is, want to pass an amendment that cannot pass the Senate, forget about the President, cannot pass the Senate, the Istook-Ehrlich amendment, which was rejected by the U.S. Senate on the continuing resolution, because they cannot pass that, this bill sits here for that reason alone.

As of September 13, it was ready to be passed through this House and be signed by the President of the United States. So, because of that extreme commitment to one unrelated appropriation issue, this bill stands mired in a political morass, and 95,000 people were sent home.

Mr. Speaker, I ask my reasonable colleagues on the Republican side of the aisle and on the Democrat side of the aisle, let us join together and do what we know makes sense, and that is provide for the operations of these departments, which everybody wants to do. Let us do the reasonable thing and provide for the operation of government, and then, as the public expects us to do, argue, contend, on the issues of difference between us and follow the regular process.

This is not the right thing to do. This is not the smart thing to do. This is not in the best interests of America or the American public.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I would like to ask a question I have been asking around here for the past 2 days: Is there anything that is put in this CR and the debt extension that could not be done through the regular channels in this House?

Mr. HOYER. Mr. Speaker, reclaiming my time, the answer to that is nothing, and the Treasury-Postal bill could pass right now if the chairman would ask unanimous consent that it come to the floor. We could pass it right now, Mr. Speaker, and send it to the President. I believe without the Istook-Ehrlich, the President would sign it, and 95,000 people can come back to work for the American people.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, in case there was some confusion with some of the words just spoken, the Istook amendment was not in the continuing resolution. I was one of the Republicans who opposed the Istook amendment. I am glad it is not there. It was not in the continuing resolution.

Mr. HOYER. Mr. Speaker, if the gentleman will yield, I misspoke. It was on the debt extension.

Mr. TORKILDSEN. Mr. Speaker, the whole point that many Members in the minority have made, that we cannot pass a continuing resolution because there are these riders on it, just does not hold water. If you go back and look to the time when the Democrats were in the majority, time and time again there were riders on the continuing resolutions.

In fiscal 1988, the continuing resolutions that year had the Agricultural Aid and Trade Mission Act, the Nuclear Waste Policy Amendments Act, the Indo-Chinese Refugee Resettlement Act, the Food Security Act Amendments. Over and over again there have been riders. So for someone to get up and say, "Well, there has to be a clean bill," that person is just not dealing with reality.

I think that the chairman's position is well founded. We need to negotiate something to keep the Government open, but there should be strings, there should be legitimate riders attached. For any Member to get up and say there can be no riders, I think that person is being unrealistic.

I would hope the President would come back to the negotiating table. I would point out to individuals, and people who read the paper this morning will know this, the Speaker offered the President a deal where Medicare would be withdrawn, where there would not be language dealing with the Medicare Program, in exchange for the President to committing to balancing the budget in 7 years. The President did not accept that as a legitimate offer.

I think people should know that indeed the Members of this House who are serious about keeping the Government open and balancing the budget at the same time, have been willing to negotiate in good faith. All we are asking for is the President do the same thing.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to commend the gentleman for making an excellent point. In the 55 continuing resolutions that took place over the last 15 years when the Democrats were in control of this body, and during the 15 budget confrontations that took place, there were lots and lots of riders attached to these various legislative vehicles. As a matter of fact, one of the most significant that kept this House hog-bound, hog-tied, for weeks, months, and years actually, because there were investigations on top of investigations, was the Boland amendment, which was the amendment passed by the majority back in those days to give comfort to the people who turned out to be the Communist insurgents and the Communists that dominated Nicaragua. This rider virtually assisted those people, led to endless debate, investigations of the President of the United States and all sorts of groundless accusations. That Boland amendment was included on a continuing resolution at least once. It was a rider. It was a rider, the very same nature of which has been complained about by my friends on the other side of the aisle.

So do not tell us it has never been done before. It was always done before. In fact, it was done with incredible excess under their leadership. The Boland amendment is an incredibly vivid example of how they used to do this stuff. We have had a few riders, but we withdrew the Istook amendment because it was so controversial. Now we have just a plain old continuing resolution, with a lot of nominal stuff that the President has reached into the bottom of the barrel and scraped up a reason why he should veto it.

The fact of the matter is, the President just does not want to balance the budget, and that is the plain truth.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, earlier the minority leader suggested that we have a short-term resolution, and the gentleman from Wisconsin [Mr. OBEY] has offered a short-term resolution to this. And the reason is this: Right now CNN is reporting the President is about to go live that the Republicans and the White House have agreed to try and agree, to set aside their differences and agree to try and agree.

As the gentleman from Texas [Mr. STENHOLM] points out, why would we shout down the Government in the face of that? What is wrong with a 24-hour or 48-hour continuing resolution, so the Committee on Appropriations can continue to do its work, so it can send the transportation bill from the Senate?

But this is ridiculous, to start sending people home, calling them back, and sending them home, when in fact the principals now to this agreement have decided they will try and reach an agreement, which is a far different situation than we had an hour ago and we had yesterday.

So the point is this: That we do not have to inflict either the cost or the pain on the recipients, the Social Security recipients, the veterans recipients, that the minority leader referenced earlier. We ought to do this and get on with the business of this House and the Congress and finish our work.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, this is nonsense. It is no way to run a company, and certainly no way to run a nation. We were sent here to do the people's business, but the fact is that the leadership of this House has failed to meet well-known and statutory deadlines. So, now, rather than act responsibly, we are engaging in a political shouting match on the American people's time and the American people's money. That is irresponsible.

The Republican majority controls both houses, and yet it has only passed 4 of 13 appropriations bills, 3 of which have been signed into law. They did not even send him this bill until a few hours before the last deadline. They are asking the President to negotiate on bills that their majority has not even passed and sent to the White House. Their leadership has failed the test of process, not to mention policy.

Today we fight to the death over a short-term measure. What happens next? Now we are going to engage in a symbolic exercise of shutting down the Government and throwing a temper tantrum. My children do that. They were not elected to serve the people's interests.

Mr. Speaker, I call on my colleagues on the other side to reject this nonsense, to get some business sense, to get some common sense. Let us bring a clean bill we can pass, and let us get back to doing the people's business we were sent here to do.

□ 1415

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Wisconsin for his leadership in this. I think we are at a very, very clear and critical crossroad. We have over 800,000 Americans being sent home at this moment because we have not finished the bills, all these many, many days after the due date.

We now understand that there is an agreement between the President and the Republicans to try to meet and work out these agreements, their differences. We also understand that there is a letter from the Speaker saying to these 800,000-plus people who are being sent home that they are going to be paid anyway.

Now, why do we not adopt the gentleman from Wisconsin's resolution for a 24-hour clean continuing; and then if something falls apart with the President we do not have to do it tomorrow, but let us keep it going. Why are we sending home people when we are going to pay them anyway? I want them to be paid, but that is crazy. Adopt the gentleman's resolution.

Mr. LIVINGSTON. Mr. Speaker, we have only one remaining speaker, and I will reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, sometimes it's a good idea to go outside the beltway to get a better understanding of what is happening here in Washington. In yesterday's USA Today, a letter to the editor from Joann Rossall of Snohomish, WA, hit the nail on the head when it comes to the Government shutdown.

It reads:

> It seems to me if Gingrich and his troops had done the job that I and every other citizen in this country pay them to do, they would have presented a finished budget over six weeks ago.
>
> Republicans knew the budget was due by Oct. 1—they've had elephants and clowns at the Capital, they've had wild animals parading up the halls, but they haven't done the job they were hired to do.

Joann Rossall hit the nail right on the head. If it weren't for the Gingrich public relations extravaganza of the first 100 days, we wouldn't be in this mess.

Stop whining and do your job.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, I voted for a balanced budget over 7 years, and I support that because I support fiscal responsibility. This is not fiscal responsibility. This is a continuing resolution that Congress needs to pass because it has not finished its work. For Congress then to add items to it that are unrelated to the financial matters at hand is really compounding the problem.

We need to have a clean continuing resolution, we need to have a clean debt limit, because we have not really done our job. It is not the President's responsibility, because the Congress has not even come together with its own budget. I want to work together with my friends on the other side of the aisle to do what is right for America, not what is right for the Republican party or the Democratic party but what we have to do for all the people.

We need to pass a clean continuing resolution. We do not need to compound it with language that is extraneous to the budget matter, and I think that most Americans feel that way, so that we can work in a bipartisan way for America's interests.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I, too, want to say this is a game we are playing because the Republicans wanting to stick this measure and that measure and this doodad and that doodad on this bill is atrocious. It should not be a game. It has a real effect on people.

In my area of New York, 30,000 Federal workers are furloughed; 57,000 veterans may not get their checks; the Statue of Liberty closed, even though hundreds of thousands have come to see it. This is real, and it is completely against the grain of what is right, to try to beat in the street the schoolyard bully, as the other side is doing, and say do it my way or no way.

We should pass a clean, plain vanilla CR, a clean, plain vanilla debt ceiling and then get on and negotiate with the people's business.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I thank the chairman.

Mr. Speaker, I have been listening to the debate, and I have to agree with much of what I have heard. It is very important that the Congress pass a continuing resolution and that we get on with the major business at hand, which is, of course, wrapping up all of our work here so that Congress can adjourn and we can get on with the fiscal year that has already commenced on October 1.

A couple of points need to be made, though, because they are missing from the debate. We all recall we worked very, very hard here to pass all of our appropriations bills before we adjourned for August. This body has been doing a responsible job, and I want to congratulate the chairman for that effort.

Second, insofar as people saying that doodads are being stuck on the bill or extraneous matters, I do not know whether anyone considers it to be an extraneous matter that both the Senate and the House have passed a plan for a 7-year balanced budget and that the administration, the Clinton administration, and the President himself have refused to accept this overall principle. If we had agreement at that level, then I think all the rest of this could be quickly negotiated. But the great difficulty here is that, for the first time, certainly in my lifetime, we have a President who is vetoing a congressional spending plan because it does not spend enough money.

When Leon Panetta was at the Congress I was working at the White House, and at that time President Reagan had to veto a continuing resolution with all the things stuck on to it because Congress wanted to spend too much money. Now, this President is vetoing a continuing resolution because the Congress, in his view, is not spending enough money.

This Congress is different. It is the first Republican majority Congress in 40 years; and if our mandate is nothing else, it is to make sure that we change this pattern of endless deficits. The President's plan, finally having agreed to a balanced budget in principle, would have a deficit of $200 billion in the year 2005. We want to bring these deficits to an end, and that is the task at hand. Let us agree to the principle of a balanced budget and do it now.

Mr. OBEY. Mr. Speaker, does the gentleman from Louisiana have only one remaining speaker?

Mr. LIVINGSTON. Yes, Mr. Speaker, and I reserve the right to close.

Mr. OBEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, in keeping with the reasonable consensus of getting on with the American people's business, I ask my colleagues not to delay a vote on any continuing resolution so that the Congress can move forward on behalf of the American people. I will vote no on any delaying vote on the continuing resolution. The Congress needs to vote for a clean continuing resolution.

Mr. OBEY. Mr. Speaker, Members can make their debating points on any bill they want except this one. The fact is that there will be 20,000 people a day who will apply for Social Security assistance. That means about 40 in each congressional district. There will be about 3,000 veterans who will apply for help on any given day, about 6 in each district. Those may seem like small numbers, but they are not small to the people involved.

We ought to get on with our business, stop the debating points. That is why I will, whenever I can today, offer a motion for a clean CR, whether it is 1 month or 1 day, whatever the powers that be in this House will allow, so that we do not wind up hurting innocent people while we continue to debate other issues that should be settled on other legislation in other places.

Mr. Speaker, I urge Members to support my request of the Speaker that he allow for a clean CR for whatever length of time that the Speaker would be happy to entertain.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

Mr. MCCRERY. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Louisiana.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just wanted to point out that with respect to the question of the Medicare premiums that have been talked about a lot here on this floor today, my friend from California, Mr. THOMAS, made a remark that gained some attention. While we may not all characterize either the President's actions or the Democratic minority's actions the way the gentleman from California [Mr. THOMAS] did, I think it is worth pointing out that Robert Reischauer, the Director of the Congressional Budget Office, when the Democrats were in the majority, is quoted in today's Wall Street Journal as saying, "I think, in a sense, the President is defending the low ground on this question of the Medicare premium."

Certainly I would agree with Mr. Reischauer, or Dr. Reischauer, that the President is defending the low ground on the question of the Medicare premiums. No one in his right mind would conclude that with escalating health care costs we should reduce the premium that seniors pay for that program.

I just wanted to point that out, and I thank the gentleman for yielding.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for his comments, and I think that the gentleman's comments highlight the hysteria that has been put out for press consumption over the last few days about the potential train wreck that we have heard so much about over the last few months.

We are going through this legislative process, and it is not pleasant. It is perhaps the ugliest portion of the legislative process. But the important thing to understand is that it is part of the legislative process.

I have pointed out several times to the other party that when they were in control of the House of Representatives and the other body they had 55 continuing resolutions, they had 15 separate budget confrontations. There were some work-stop instances because we could not reach an accommodation with the President, who then, at that time, was a Republican when we had Democratic-controlled Congresses. This has gone on before, and it will go on from now on.

I worry about the hysteria. I think that it is unfortunate when leaders of either side resort to language, frankly, that simply inflames the attitudes and the approaches of the press in order to win the hearts and minds of the American people.

We have heard references, Mr. Speaker, that one side said the other side wanted old people to die to solve the Social Security problem. We have heard our Members called radical extremists. The Vice President himself used the term "terrorism." The President's Chief of Staff says we put a gun to the President's head, and he uttered those words only 3 days after the funeral of Prime Minister Rabin.

Mr. Speaker, this is ridiculous. These words hurt. Somebody here on the floor today talked about animals running loose in the halls or people throwing tantrums or attaching doodads to the bills like schoolyard bullies.

Look, this is the legislative process. Two bills have been passed in the last week, a continuing resolution and an effort to raise the debt ceiling. Now, if Members do not like everything included in these bills, get the votes to reverse it, but do not label it terrorist tactics by extremists.

The fact is, this is the legislative process. Both bills passed with a majority of the House and the Senate. Just as rightfully, they went to the White House, and the President exerted his privilege under the Constitution of the United States, and he vetoed them.

Now, we are kind of at an impasse, and it will take us a few days to work it out but, folks, the process will work. And if we do not resort to this fence-building and all this name calling, we will come together, we will work through this process, and the nonessential Government workers, ultimately, will get back to work, and government will get back to normal.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore (Mr. COMBEST). The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LIVINGSTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 229, nays 199, not voting 4, as follows:

[Roll No. 790]

YEAS—229

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan

Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—199

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—4

Fields (LA)
Tucker
Waldholtz
Yates

□ 1448

Mr. MOORHEAD changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 119, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 119, a clean continuing resolution through midnight tomorrow, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. COMBEST). Under the guidelines consistently issued by successive Speakers, and procedures recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

Mr. OBEY. Mr. Speaker, I would urge the Speaker to clear such a motion. It obviously needs to be done.

ENFORCEMENT OF PUBLIC DEBT LIMIT AND PROTECTION OF SOCIAL SECURITY AND OTHER FEDERAL TRUST FUNDS AND ACCOUNTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2621.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the bill, H.R. 2621.

The question was taken.

RECORDED VOTE

Mr. MCCRERY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 179, not voting 6, as follows:

[Roll No. 791]

AYES—247

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad

Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—179

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden

NOT VOTING—6

Fields (LA)
Kasich
Lewis (CA)
Tucker
Waldholtz
Yates

□ 1509

Messrs. CHAPMAN, SKELTON, SISISKY, and CRAMER changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ICC TERMINATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 259 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 259

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with section 302(f) or 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first section and each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI or section 302(f) of the Congressional Budget Act of 1974 are waived. Before consideration of any other amendment, if shall be in order without intervention of any point of order to consider the amendment caused by the chairman of the Committee on Transportation and Infrastructure to be printed in the portion of the Congressional Record designated for the purpose in clause 6 of rule XXIII. That amendment may be offered only by the chairman of the Committee on Transportation and Infrastructure or his designee, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for the purpose in clause 6 of the rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

□ 1515

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 259 is an open rule providing for the consideration of H.R. 2539, the ICC Termination Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives section 302(f)—prohibiting consideration of legislation providing new entitlement authority in excess of a committee's allocation—and section 308(a)—requiring a CBO cost estimate in the committee report on legislation containing new entitlement, spending, or budget authority, or a change in revenues—of the Congressional Budget Act of 1974 against consideration of the bill.

The bill creates the position of director of the transportation adjudication panel and prescribes the rate of pay for this position. This would be considered an entitlement and, therefore, requires these Budget Act waivers.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. Section 302(f) of the Congressional Budget Act and clause 5(a) of rule XXI—prohibiting appropriations in a legislative bill—are waived against the committee amendment in the nature of a substitute.

These waivers are necessary to protect provisions which authorize the Secretary of Transportation to collect registration fees and use them to cover costs of operations relating to the registration system without further appropriation.

Mr. Speaker, the rule further provides for the consideration of a manager's amendment printed in the CONGRESSIONAL RECORD of November 13, 1995, which is considered as read, not subject to amendment or to a division of the question, and is debatable for 10 minutes equally divided between the proponent and an opponent of the amendment. If adopted, the amendment is considered as part of the base text for the purpose of further amendment.

Under the rule, the Chair may accord priority in recognition to members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2539 provides for the immediate elimination of the Interstate Commerce Commission. The bill repeals many motor carrier and rail laws and regulations and reforms and transfers the remaining functions of the ICC to the Department of Transportation.

The House provided no funding for the ICC in the fiscal year 1996 transportation bill, and this measure will complete the formal elimination of the ICC.

This bill is just one step in the long climb to reduce the size and scope of the Federal Government. This open rule will allow all Members to fully participate in the amendment process, and I urge my colleagues to support the rule and the bill.

Mr. Speaker, I insert the following material into the RECORD on the amendment process under special rules reported by the Committee on Rules, 103d Congress versus 104th Congress:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of November 10, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	53	68
Modified Closed [3]	49	47	19	24
Closed [4]	9	9	6	8
Total	104	100	78	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 10, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 10, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H.Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 259.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, my dear friend from Tennessee [Mr. QUILLEN], for yielding me the customary half hour.

Mr. Speaker, I am glad to see this open rule come to the floor today. This bill has some serious antiworker provisions that have to be fixed, and this open rule makes that a very real possibility. Without an open rule, Mr. Speaker, we would be unable to make sure that employees of class 2 and class 3 railroads are given the same worker protection as employees of class 1 railroads.

If the worker protection amendment passes the House this afternoon, I may just vote for the bill, and all because we have been given an open rule, one that we have been fighting for since this Congress started. So, despite the Government shutdown, Capitol Hill has not completely gone to the dogs. Not yet.

So I urge my colleagues to support this open rule.

Mr. Speaker, I include for the RECORD the floor procedure in the 104th Congress, compiled by the Democrats on the Committee on Rules:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title.	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D.
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491	7 Year Balanced Budget Reconciliation	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D.
H. Con. Res. 109	Social Security Earnings Test Reform			
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min) on regulatory reform.	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1 hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1 hr).	N/A.

*Contract Bills, 67% restrictive; 33% open. **All legislation, 55% restrictive; 45% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I would like to advise the gentleman from Massachusetts that I have no requests for time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Tennessee. I would like to tell the gentleman from Tennessee that I have two requests, and at this time I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the former chairman for yielding me time. It is good to see the gentleman back here. I am so happy to see the gentleman looking so well and so fit back in this Chamber, where we need you.

I take this time simply to say that I appreciate the Committee on Rules granting an open rule as we requested, so that we can have full and open debate, 1 hour of general debate and then open debate on any amendments that may be offered. There will be relatively few amendments. One will be of very great significance, and we will dispose of that issue at the time that it is offered.

I would say to my colleagues on the Democratic side that I would hope the rule will pass without a recorded vote, and that we can get quickly to the business at hand under the ICC legislation. So I urge voice vote support of this very fair and appropriate open rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I, too, rise in support of the rule. I want to thank the gentleman from Pennsylvania [Mr. SHUSTER], committee chairman, and the gentlewoman from New York [Ms. MOLINARI], the subcommittee chairman, as well as the gentleman from Minnesota [Mr. OBERSTAR], the ranking member.

Much of this bill is a bipartisan bill. Many of the provisions affect Members on both sides of the aisle. They have been worked out with a lot of negotiation and fairness. The bill does permit the areas where there are differences to have full and open debate. I look forward to that.

No matter how people feel about the bill as it is later shaped, I think it is important to acknowledge this is an open rule, and we ought to be supporting it. I urge support of the rule.

Ms. PRYCE. Mr. Speaker, I am pleased to rise in support of this open rule for the consideration of H.R. 2539, the ICC Termination Act.

Under the terms of this very fair rule, the House will have ample opportunity to debate the major issues surrounding the closure of the Interstate Commerce Commission. First, we will consider the managers amendment, which, if adopted, will become part of the base text.

Then, through the open amendment process, any Member can be heard on any germane amendment to the bill, as long as it is consistent with the standing rules of the House. As we have done in the past, this rule also accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

H.R. 2539 abolishes the ICC while preserving its most important functions within an independent panel at the Department of Transportation. This Congress has already determined that the Interstate Commerce Commission, which was created in 1887 to regulate interstate commerce, is no longer needed. The ICC will run out of money in December, and without this needed legislation, the Interstate

Commerce Act will still be on the books without an agency to administer it. There are several functions of the ICC which are essential and must be transferred, including authority over line sales, mergers, abandonments, maximum rate regulation, and interchange agreements.

Failure to pass this legislation would be extremely detrimental for the 600 cases pending at the ICC. Shippers, carriers, and States will be ill-served if this happens.

This legislation reduces many of the burdensome regulations on shipping, truck, and rail companies. Retained regulatory functions are transferred to a three member independent board within the Department of Transportation.

Terminating the ICC and transferring its remaining functions to the Department of Transportation is critical to our efforts to downsize and streamline the Federal Government. A year ago, we pledged to the American people that we would reduce the size and cost of Government, and this legislation brings us a step closer to a smaller, more effective Federal Government.

Mr. Speaker, this fair, open rule was reported unanimously by the Rules Committee last week. I urge my colleagues to give it their full support, and to pass this important legislation without any delay.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 259 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2539.

□ 1523

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation, the ICC Termination Act of 1995. This is a very important piece of legislation which will eliminate the oldest regulatory agency in the Federal Government, the Interstate Commerce Commission. This bill in fact is the final chapter in a long history behind the termination of the ICC. The ICC has gone from about 2,000 employees and a $60 million a year budget down to 400 employees today and about a $30 million a year budget. And with this elimination of the ICC and the transference of residual functions to the Department of Transportation, it means that we will have about 120 employees and a budget of $7.9 million over in the Department of Transportation to handle the residual functions of both rail and motor carrier.

It is essential that we move very quickly with this legislation. In fact, many of us would have liked to have had more time. However, the transportation appropriations bill which has cleared both bodies cuts out the funding of all funding for the ICC by December 31 of this year. That means that under Federal Government personnel regulations, the ICC, if we do not have in place this authorizing legislation to transfer residual functions, if we do not have it in place by December 5, signed into law, then the ICC must RIF, that is eliminate, its entire work force, and send out those notices by that time. This would create chaos in the transportation industry.

For example, if the ICC were to shut down without this authorizing legislation transferring remaining functions, it would be impossible for the railroads to record liens on purchase of new rolling stock. That is the equivalent of telling a car dealer that he can sell new cars, but there is nowhere he can go to transfer the title to the car. So it is absolutely crucial that we move quickly with this legislation.

Now, the rail part of this legislation repeals and reduces numerous regulatory requirements. It eliminates the tariff filing with a requirement that the railroads must notify shippers of changes in rates. It repeals the separate rate regime for recyclable commodities. The bill focuses remaining regulation of rail transportation on the minimum necessary backstop of agency remedies to address problems involving rates, access to facilities, and the restructuring of the industry.

The bill also includes provisions to facilitate the transfer of lines that would otherwise be abandoned, so another carrier can keep them in service, something of extreme importance to rural America.

The bill also, in order to ensure fairness, provides that any proceeding that is begun before this bill is enacted, could be continued under the law in effect before enactment.

Th bill continues the basic structure of the Staggers Act under which the freight railroad industry has seen remarkable recovery, primarily due to the benefits of deregulation.

The most controversial issue in the bill relates to labor reforms on small railroad transactions. I want to emphasize as strongly as I can that it is essential to preserve rail service as provided in this legislation. The class 1 railroads are entering a new round of consolidation, that is the big railroads, and thousands of miles of track, whether we like it or not, are going to be abandoned. Without these reforms that reduce the cost of purchasing these lines by small operators, that is to say the class 2 operators and the class 3 operators, the smaller railroads, this rail service is going to be lost forever.

I would strongly urge opposition to any amendment that weakens the reforms in this bill, because if we impose labor protection on the small railroads, and we have no problem with the labor protection on the class 1, the large railroads, but if we impose labor protection on the small railroads in this bill, the effect is going to be massive abandonment of rail lines in rural America. So it is very important that we preserve the provisions in this bill.

Another area of controversy relates to the protection of shippers, primarily grain shippers. We have made substantial compromises in this bill, and we are very concerned that the delicate balance between the various groups might be weakened by amendment and could disrupt the balance that we have crafted here.

So for all these reasons, we are very hopeful and we strongly urge support for the rail provisions in this bill.

With regard to the motor carrier provisions, the bill eliminates numerous unnecessary motor carrier functions, such as tariff filing and substantial rate regulation, except for household goods.

The bill transfers the remaining motor carrier functions to the Department of Transportation, where they will be absorbed for the most part without any additional funding and will be within current personnel caps.

The bill represents actually the fourth major motor carrier deregulation bill that Congress has passed in the last few years, including the Negotiated Rates Act of 1993, the preemption of State regulation of trucking, and the Trucking Industry Regulatory Reform Act of 1994.

□ 1530

In conclusion, Mr. Chairman, this is a good bill; it is a necessary bill; it is an urgent bill that reduces regulation, reduces government personnel and cost to the taxpayer. It is another step in a 15-year effort to modernize the rail and motor carrier industries.

I might say that we do indeed expect to have further hearings next year to study further the question of further modernization. I urge all Members to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4 minutes.

I want to compliment our full committee chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the gentlewoman from New York [Ms. MOLINARI], the Chair of the Subcommittee on Railroads, and the gentleman from Wisconsin [Mr. PETRI], Chair of the Subcommittee on Surface Transportation, and, on our side, the gentleman from West Virginia [Mr. RAHALL], our ranking member on the Subcommittee on Surface Transportation, the gentleman from West Virginia [Mr. WISE], the ranking member on the Subcommittee on Railroads, and the gentleman from Illinois [Mr. LIPINSKI], who spent so much of his time as previous ranking member on the Subcommittee on Railroads helping to shape this legislation.

This is an item long in the coming, an issue whose incubation period has been years, not days or weeks; but the actual shape of the bill itself has come very recently, after very long negotiations and discussions.

Mr. Chairman, it is important legislation that will ensure continuation of very important, one could even say critical, safety and economic regulation of trucks and rails when the ICC, by action of the Committee on Appropriations, closes its doors in December.

Like the gentleman from Pennsylvania [Mr. SHUSTER], I support this bill, mostly. I want to say to my good friend from Pennsylvania, we have worked very close, very hard. We spent a lot of time in frank, free, and open discussions trying to come to a resolution. We have reached agreement on most issues, but there is one of overriding significance, for me and I think for many on our side, that keeps us from coming to closure on the bill as a whole.

Apart from the question of labor protective provisions, this has been a bipartisan bill; and I really appreciate the cooperation we have had on the Republican side, working with our Democratic minority Members to craft a bill that responds to important policy considerations.

The bill, unfortunately, does take away severance pay benefits, which the law now provides for workers when they lose their job because of rail mergers or sale of rail lines. It also gives the ICC's successor the power to terminate severance pay and other job protections in collective bargaining agreements which employees and rail companies have freely negotiated.

Mr. Chairman, my father was a founder of the steelworkers union in the iron ore mining country in northern Minnesota. He taught me from my very youth that an individual needed to respect family, faith, and the union contract. Ten years ago, when he died, he was buried with his steelworkers' contract in his hand. No legislative body should ever take that way from anybody, and I will not support any legislation that operates to that objective, ever.

Now, there is a lot in this bill that we can and do support, and there will be an amendment offered by the gentleman from Kentucky [Mr. WHITFIELD] which I urge all Members on our side to support, and I hope a good number of free-thinking, open-minded, thinking Members on the Republican side will support as well. If that happens and that amendment passes, then this is a bill we can support on our side and will support. But if it fails, should the Whitfield amendment not pass, Mr. Chairman, then it is a bill that we cannot support and must oppose.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI], chairwoman of the Subcommittee on Railroads.

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in very strong support of this extremely significant bill. It embodies a broad, bipartisan effort to delete obsolete and unnecessary regulation, to avoid the extra cost imposed by having an independent ICC, and to focus any remaining regulation on the essential safety net or backstop role to which it was properly relegated by the Staggers Act.

Since 1980, the rail industry has come back from the verge of bankruptcy and possible nationalization to sound, private-sector health. This is due mostly to the deregulation of rail rates and other economic matters in the Staggers Act. Once the marketplace was allowed to operate in most rail matters, the industry prospered, and rail service was preserved.

Not only are far more service options available to shippers today, but the rates the shippers pay have actually fallen by 50 percent on average since 1980 in constant dollars. Against this background, our task was to retain the successful attributes of the Staggers Act, while further pruning regulations that have since become obsolete.

A few of these new deletions are the complete elimination of paper tariffs; eliminating all forms of entry, exit, and fare regulation; streamlining the process for approval of mergers and abandonments; and establishing clear, defined ground rules for the start-up and expansion of small railroads who can keep otherwise marginal rail lines in service.

There are many, many more good illustrations of how comprehensive our review of this 108-year-old law has been. We have consulted in this process with shippers, with carriers and other concerned citizens. We have also held extensive hearings. Most of all, we have continued to refine this legislation to reflect continuing comment and input from interested parties.

Let me just state one misrepresentation that has gone on. This bill does not terminate collective bargaining agreements in any way, shape, or form. In fact, the bill retains exactly the same standard that has been in merger statutes for decades: That agency approval of a merger displaces any other laws "to the extent necessary to implement the merger."

This does not abrogate contracts, but the Whitfield amendment does alter laws. I will go into more detail when this is offered, but listen to me very clearly so everyone can understand what they are doing. The Whitfield amendment gives labor the power to halt the implementation of approved mergers involving smaller railroads. That is an amazing power we are giving.

The amendment forbids work reassignments and shifts of work from a union work force. This directly contravenes existing law.

Finally, Mr. Chairman, I want to stress the absolute necessity for quick enactment of ICC terminating legislation. Given the end of ICC funding on December 31, as the chairman has said, the agency would have to terminate its entire work force on December 5 unless it has an enacted law delineating exactly which functions must be transferred to the Department of Transportation.

Although this bill may not be perfect, and there are still concerns, it surely represents a consensus efforts to fashion modern, market-oriented regulation for the railroad industry; and I believe it strongly deserves the support of all Members.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL], the ranking member of the Subcommittee on Surface Transportation.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member for yielding me time.

Mr. Chairman, it is, in a sense, appropriate that we consider legislation to complete the process of abolishing the oldest Federal regulatory agency today in an atmosphere where the Federal Government is unable to conduct its daily business due to a lack of appropriations.

The Interstate Commerce Commission, created to combat the railroad robber barons, will be no longer with the enactment of the pending bill. The process of terminating the ICC, while Republican inspired, began last year under a Democratic majority in the Congress.

It has been a thoughtful process, undertaken through both appropriations and authorizations over the course of the last year, culminating on this day with our consideration of H.R. 2539.

This is, as such, not a meat ax approach to knocking off a Federal agency as some this year have proposed as part of their philosophical or economic jihad to make Government smaller.

To be sure, there are essential functions at stake here, and this legislation transfers those ICC functions—both motor carrier and rail—to the Department of Transportation with many of them being vested with a new Transportation Adjudication Panel.

In my capacity last year as the chairman of the Subcommittee on Surface Transportation, and this year as its ranking Democrat, I have sought to insure that this legislation causes the least disruption to the trucking industry, its employees, and the general public.

The Trucking Industry Regulatory Reform Act of 1994 not only began the process of downsizing the ICC's responsibilities, but further deregulated the motor carrier industry.

In that law, as with this bill, however, we preserve regulatory regimes where they are necessary to promote the public interest.

The area of household goods carriers, for example, will continue under some regulation.

In addition, certain motor carrier practices, which well serve the industry and its customers, such as commodity classifications and ratemaking for intermodal shipments and joint lines, are maintained as well.

Mr. Chairman, there is one other item, in this bill that should be noted. Last year, inadvertently, the Congress preempted the ability of local governments to regulate the tow truck industry. This was a mistake.

The Congress did not intend to do this, and in fact, has no business intruding in this intrastate and local matter.

The pending legislation would restore the local authority to engage in regulating the prices charged by tow trucks in nonconsensual towing situations.

These are situations where the owner of the auto is unable to consent to it being towed, such as in cases of a severe accident.

Finally, while my primary responsibility on this legislation is in the motor carrier area, I want to make note that its rail provisions have been modified to maintain the captive shipper protections contained in the Staggers Rail Act of 1980.

These protections are especially necessary for shippers of bulk commodities, such as coal, iron ore and gain, who often have no viable transportation alternative but a single rail line.

They are, as such, captive to that railroad, and could be subject to monopolistic pricing practices without the protections afforded them by the Staggers act, and now, this legislation.

Mr. Chairman, while no fan to abolishing the ICC, under the circumstances, this legislation represents the best course of action to take and I urge it be adopted.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume to say that I appreciate the distinguished ranking member of the Subcommittee on Surface Transportation expressing his support for this legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. PETRI], the distinguished chairman of the Subcommittee on Surface Transportation.

Mr. PETRI. Mr. Chairman, the motor carrier provisions in the ICC Termination Act of 1995 continue the economic deregulation of this industry which began in 1980 and was followed by various other deregulation initiatives, including three major bills just last Congress. It is important to note, in reviewing this bill, that substantial deregulation of the motor carrier industry has already been accomplished.

This bill before us will abolish the ICC and eliminate many of the Commission's remaining motor carrier functions that are no longer appropriate in today's current competitive motor carrier industry.

Functions and responsibilities which do remain are transferred to either the Department of Transportation—which primarily will oversee registration and licensing—or the Transportation Adjudication Panel—which primarily will be responsible for the limited remaining rate regulation and tariff filings, final resolution of undercharge claims, and approval and oversight of agreements for antitrust immunity. Much of the regulation that remains has been streamlined and reformed, such as limiting agreements for antitrust immunity to 3-year periods.

While we have provided for continued deregulation in this bill, I do believe we could have gone further. In the interests of working in a bipartisan and timely fashion, the bill does contain many compromises, and so many interested groups are not totally satisfied, just as I am not. Those groups which were looking for more significant reforms should know that opportunities for further reform do exist in the future.

The committee intends to closely monitor the status of the industry and the need to retain those remaining functions that are transferred to the Department and to the panel. This bill should not be considered as the final word on these matters.

It is imperative that we complete our work on this bill today since the ICC is funded only through the end of this year.

The bill before us will not only terminate the ICC, but will also achieve significant reforms in the motor carrier industry, and I ask for the support of the Members of the House for the bill as it is brought before us.

□ 1545

Mr. OBERSTAR. Mr. Chairman, I yield 3½ minutes to the gentleman from West Virginia [Mr. WISE], the ranking member on the Subcommittee on Railroads.

Mr. WISE. Mr. Chairman, I am not quite sure how I am rising right now. I am rising in support of the process, and definitely in favor of the Whitfield amendment. We will see at the end of the day whether I am supporting the bill.

Mr. Chairman, I do think the Whitfield amendment is that important in the bill. I do think that the gentleman from Pennsylvania [Mr. SHUSTER] and the gentlewoman from New York [Ms. MOLINARI], the subcommittee chair, have done an excellent job. I also want to thank the gentleman from Illinois [Mr. LIPINSKI], former ranking member, for his help and assistance and advice in making this transition as I move to the ranking membership. The gentleman has been great to work with.

Mr. Chairman, this bill undertakes to do a lot that is important. There is clearly a need to address the situation with the Interstate Commerce Commission. It is my understanding the bill needs to be enacted into law by December 5, in order to avoid the layoff of all ICC employees on that date.

So, many of the issues that are of concern to all Members, abandonment, captive shipping situations, common carrier, have been addressed in a bipartisan way. For that, I am grateful to the gentleman from Pennsylvania, the full committee chair, and to the gentlewoman from New York, the subcommittee chair.

Mr. Chairman, let us talk for a minute about what is, I think, going to be a main bone of contention on this bill, and that is the Whitfield amendment. Some Members would say why would there be any labor protection at all? I think it is important to understand the delicate balance that exists in the rail industry.

Mr. Chairman, the rail industry has a situation where collective bargaining agreements can be overridden by the ICC. Well, the quid pro quo for that is labor protection. If we are able to override somebody's collective bargaining agreement, then at the same time we need to give them some kind of protection. That is the purpose of labor protection.

Indeed, the Whitfield amendment kind of surprised me, to be honest with my colleagues, because I think it is not as strong as I would have liked from a labor protection standpoint. But I think it is a fair and reasonable compromise, and I know the gentleman from Kentucky has worked very hard on that.

Mr. Chairman, there is another way we can go on this if Members want. If we do not want labor protection, then let us not also have the constraints on labor either. Permit them to truly operate in the marketplace. That means that strikes can be called at any moment; that means that the Class 1 railroads can face a shutdown, as opposed to the 6 days of shutdown that we have seen across the country since 1980 and the enactment of the Staggers Deregulation Rail Act. There is another way we can go on this.

If Members really like the free market, they can have a belly full of it, but I do not think that is what people want and certainly this Congress has tried to craft a delicate balance.

So, Mr. Chairman, I would urge Members to remember that as they consider this. The labor protection provisions have provided labor peace. I think it is important to note in the Whitfield amendment in several cases we go from 6 years to 1 year in many of the situations, and that is a significant concession I feel as well.

Mr. Chairman, I would urge support of that amendment, and hopefully, if that passes, I can urge support of the bill.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. KIM], a member of the committee.

Mr. KIM. Mr. Chairman, I rise in strong support of this ICC Termination Act, and urge my colleagues to support the bill.

Mr. Chairman, this legislation is a major step on the road to government deregulation and downsizing. Many of us were sent to Congress this year with a clear purpose: End the burdensome regulations, eliminate wasteful spending, and downsize the Federal Government. This bill does all of those.

The ICC is a perfect example of an agency that has outlived its usefulness and become obsolete. The ICC was created back in the 1800's when railroads carried most cargo and passenger traffic in the country. Entire communities depended on one mode of transportation and many towns were dependent upon one railroad company. Back then, the railroad had tremendous monopoly power and we needed the ICC to regulate and control the monopoly industry.

But, Mr. Chairman, times have changed. Today we have cars, trucks, trains, ships, and airplanes to move cargo and passengers. Transportation is a competitive industry now and we do not need a huge bureaucracy to regulate the competition. The ICC has become obsolete and it is time for it to go.

Mr. Chairman, when my committee first held hearings on the ICC, many of us felt that we could simply eliminate ICC overnight. We quickly realized that is not possible. Before we can eliminate the ICC, we have to do something about all the mandates, the regulations of the Interstate Commerce Act, mandates and regulations that, by the way, have been piling up since way back in the 1800's. Just eliminating the ICC will create chaos for the companies required by the law to follow these mandates.

Mr. Chairman, let me give just one example of what will happen if we cut off the ICC without changing these mandates. The railroads are required by law to file liens on their equipment with the ICC. Without a place to file their liens, they would not be able to go to the bank and borrow money for equipment.

Mr. Chairman, to avoid this hardship, our committee went through the Interstate Commerce Act and reviewed all the mandates and requirements. Then our committee wrote a bill that eliminated obsolete and unnecessary provisions. Then we consolidated what was left into a minimum safety net for the consumers, workers, shippers, and carriers. Then we transferred these regulations to the Department of Transportation, where they can be handled with a minimum number of personnel and minimum amount of money.

By doing this, we keep the bureaucracy and regulatory costs at the lowest possible level. Our bill eliminates the ICC in a responsible and orderly manner. We eliminate the burdensome regulation and cut Government spending by $21 million a year and reduce the bureaucracy. Mr. Chairman, this bill yields tremendous benefits.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. LIPINSKI], former ranking member of the Subcommittee on Railroads, who has contributed so much to the shaping of the legislation that we bring to the floor today.

Mr. Chairman, I compliment the gentleman on the time that he has spent and the effort he has made and the original ideas contributed to the splendid piece of legislation before us.

Mr. LIPINSKI. Mr. Chairman, H.R. 2539 will eliminate the Interstate Commerce Commission, the Nation's oldest independent Federal agency. I think we can all agree this is consistent with the direction Congress has been moving with substantial deregulation of the railroad and motor carrier industries in the past 15 years.

Although many Members, including me, have opposed elimination of the ICC in years past, we recognize that the time has come to take this action. As the ranking member of the Subcommittee on Railroads, a position which I held for the first 10 months of this Congress, I had the opportunity to consider the functions of the ICC in great detail through hearings our subcommittee held last winter. On the majority of issues contained in this legislation, both the Republicans and the Democrats worked together to craft legislation we can all support. I want to commend Chairman SHUSTER and Chairwoman MOLINARI and their staffs for the bipartisan manner in which we began the drafting of this measure and for their attempts to resolve the remaining issues of difference.

However, despite our best cooperative efforts, there is one provision currently contained in H.R. 2539 which prevents me from supporting the legislation in its current form. In its present form, H.R. 2539 contains a hostile provision that destroys the longstanding rights of certain rail workers. I understand that our colleague from Kentucky, Mr. WHITFIELD, will be offering an amendment to correct this injustice. I urge support of that amendment.

Elimination of the Interstate Commerce Commission is something we should all support. Abrogating contracts between railroads and their employees is something we should not. Vote for the Whitfield amendment, and if it passes, vote for this bill.

If the amendment fails, I urge every Member of this body to oppose H.R. 2539, and stand up for the American working men and women.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I want to thank the gentleman from Pennsylvania for yielding the time, and also for his tremendous work on this piece of legislation. Also, I would like to extend my thanks to the gentlewoman from New York [Ms. MOLINARI] for her work as well.

Mr. Chairman, as you know I have been introducing legislation, amendments to appropriations bills, and so forth, over the past 7 or 8 years to abolish our Nation's oldest regulatory agency, the Interstate Commerce Commission. When I first started doing that, we were almost laughed out of the Chamber. Then, the next year we got a few more votes.

Mr. Chairman, I remember the year that it almost passed in this House Chamber. I sat over there on that front row with the gentleman from Michigan [Mr. DINGELL], who was a very articulate spokesman in favor of keeping the ICC. I said, "We did not get it this year, but we are going to get it. We ought to sit down in a reasonable way and figure out how to phase this agency out."

Mr. Chairman, that is exactly what the gentleman from Pennsylvania [Mr. SHUSTER] has done. The gentleman has produced a bill that will reasonably begin to phase this agency out. When several of my colleagues and I started this, like the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. COX], who is here and will speak on it today, we thought it was almost a losing battle. Now, the day has come and I am very proud of that day.

Mr. Chairman, I do still have some concerns about this legislation. If I might, I would like to engage the gentleman from Pennsylvania in a colloquy just for a moment.

Mr. Chairman, I think my biggest concern with the legislation is that it still leaves in place a lot of regulation that could and should probably continue to be scaled down or eliminated. I would like to encourage the gentleman to hold hearings in 1996 concerning further deregulation of the transportation industry. I believe the gentleman indicated earlier that that is what his plans were.

Mr. SHUSTER. Mr. Chairman, if the gentleman would yield, I want to assure the gentleman that that is exactly what our plans are and we will be holding hearings next year.

Mr. HEFLEY. Mr. Chairman, reclaiming my time, I would further request that the workload of the adjudication panel, and I have some concerns about the adjudication panel, but that workload be closely monitored. After several issues are resolved over the next year or two, the role of the panel, I think, should naturally decrease. If that does happen, I would ask that the funding levels be reconsidered and reduced accordingly for 1997 and 1998.

Mr. SHUSTER. Mr. Chairman, if the gentleman would continue to yield, I would say to the gentleman that we certainly intend to look at it very closely.

Mr. HEFLEY. Mr. Chairman, again reclaiming my time, finally I appreciate the willingness of the gentleman from Pennsylvania to include several changes in the manager's amendments which were brought up by myself and the gentleman from Texas [Mr. DELAY].

The changes regarding the panel's authority over partial line abandonments help give rail carriers authority to conduct their business as the market dictates and not as the Federal Government dictates. Removing the language allowing the adjudication panel to conduct investigations at their initiative would assure that the panel does not assume an investigative power that Congress does not intend for it to have.

Mr. Chairman, with these changes and promises for the future, I am happy to stand here and support the bill which will eliminate the ICC.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. Chairman, as we dismantle the Interstate Commerce Commission and transfer its functions to the Department of Transportation and the States, I believe that it is important that we declare our intent not to burden the State with any unfunded mandates. Moreover, I believe it is important to declare our positive intent to preserve State revenues.

My concern is with a section 13908 of H.R. 2539 entitled "Registration and Other Reforms," which directs the Secretary of Transportation to replace four existing motor carrier information systems, including the Single State Registration System, with a single Federal system.

Mr. Chairman, last year Tennessee collected $4.4 million in Single State Registration System fees, which went to pay for 51 percent of their truck and bus safety program. Nationwide, a total of $90 million in revenues are collected by the States under the Single State Registration System. These fees in no way affect our efforts to reduce Federal spending.

Mr. Chairman, I would like to receive the assurance of the gentleman from Pennsylvania [Mr. SHUSTER] that these discretionary State funds would not be jeopardized by the rulemaking called for in this section of the bill.

Mr. SHUSTER. Mr. Chairman, if the gentleman would yield, I thank the gentleman for his concern. The bill strikes a compromise between those who wanted to eliminate the Single State Registration System because it was burdensome and alleged to be costly, and the States who wanted to keep the program intact.

In conducting his review, the Secretary will determine whether to replace the existing Single State Registration System with a new system, and as well consider the safety and the funding needs of the States. The States are also to be fully involved in this process, I would say to my friend.

Mr. CLEMENT. Mr. Chairman, reclaiming my time, I thank the gentleman for participating in this colloquy with me. The gentleman has resolved a lot of problems that might otherwise have existed.

Mr. Chairman, I also stand in support of the Whitfield amendment. It is a good amendment and it ought to be passed.

□ 1600

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, the closest thing to eternal life on earth, Ronald Reagan once said, is a government agency. If that is true, then the ICC, the Interstate Commerce Commission, should at least be cannonized. It has been around an awfully long time.

How old is the ICC? It is so old that during Grover Cleveland's second term it was then the oldest Government regulatory agency. That is because it was formed by Congress in 1886 in Grover Cleveland's first term. It was put together by Congress with a single purpose, to regulate railroad rates, but like Government agencies so often do, it expanded its mission and grew so that eventually it covered not only railroads but also buses, trucks, household movers and on and on.

In its salad days before bipartisan congressional majorities clipped its wing, the ICC was a regulatory terror. It became the textbook example of mindless regulation. Liberal consumer groups, free market conservatives alike opposed it. And as a result of this consensus, the ICC's overregulation was trimmed back by Democrats and Republicans, first in 1908, with the passage of three deregulatory bills: the Staggers Act; the Motor Carrier and Household Goods Transportation Act; then in 1982, the Congress passed the Bus Regulatory Reform Act. And last year Congress eliminated the requirement that 90 percent of trucking rates be filed with the ICC.

Together these bills have effectively deregulated all surface transportation in America, and they cut the number of ICC employees to 80 percent. But the ICC continues to live on.

What incidentally has been the effect of all of the deregulation? It has been a boon to consumers. Railroad rates, which rose during the decade prior to the 1980 cutback, have since decreased by 25 percent. That has reduced the cost of items ranging from cars and trucks to electricity, which after all is powered by coal shipped on rail.

According to the Department of Transportation, ICC deregulation has saved consumers $20 billion since 1980. The ICC remains, however, a relic of the 19th century. Even though it is a shell of its former self, it still is alive and kicking.

Despite the dramatic decline in its authority and its operations, the ICC continues to impose unnecessary regulatory burdens that require Federal approval, for example, just to operate a trucking company, or that require common carriage rates, prices, in the rail industry to be filed with Federal authorities even though the Federal authorities no longer have control over those very rates.

Mr. Chairman, enough is enough. We are supposed to be running a government, not an antique collection. By accomplishing the long overdue termination of the ICC, legislation that I have long sponsored, Republicans in Congress will finish the job and demonstrate our firm commitment to eliminating Government waste and needless bureaucracy.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. VENTO], a gentleman who has been an indefatigable advocate for working men and women, especially the organized labor movement.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his kind comments and for his work on the committee and for the chairman and their work.

This is, after all, the way that the measure should be dealt with, on the authorizing basis. While the underlying measure reinvents the ICC as the Transportation Adjudication Panel [TAP] and seems necessary finally because of the funding cut off to the ICC. This is the right way to do it through the authorizing law. However, the bill, H.R. 2539, raises many concerns for our country's working men and women and working families. Embedded into the measure is an unnecessary assault by this new Congress on working men and women. As a result of the Republican leadership's control of this House, the working people of our Nation are facing tax increases to pay for an upper-class tax break, efforts to repeal Davis-Bacon, proposals to gut OSHA, and a refusal to budge on an updated minimum wage. Now, the majority wants to take away the right of employees to collectively bargain contracts.

Mr. Chairman, I object to the provisions in H.R. 2539 which would allow the successor to the ICC to abrogate, through merger, longstanding employee protections which were collectively bargained. That is why I support the Whitfield amendment to be offered later this day. Without such an amendment to this measure, any transaction involving class II and class III railroads, which includes all railroads with up to $250 million of annual revenue, could disregard important employee rights. This is unfair and unacceptable. Mergers and acquisitions should not use the workers as the grease for the gears of such combinations. Such business transactions should preserve the sanctity of labor contracts and stand on their business merit, not destroy railroad labor employee protections.

Under current law, railroad employees who lose their jobs because of a merger are eligible for up to 6 years of severance pay. Under this bill, they will get only a 60-day notice of layoff. Again, this is unfair and unacceptable. The purpose of this protection is not to reward someone for not working, but rather to ensure that jobs are preserved—and in fact, that is what happens. This provision works and workers remain employed because of it. Furthermore, this provision has been achieved in good faith bargaining by labor and management and the law or regulators ought to respect such an agreement.

Mr. Chairman, recently we have learned anew the profound impact a merger and acquisition may have upon hundreds of jobs in Minnesota. The Burlington Northern-Santa Fe merger this year has confused and clouded important labor employee contract provisions that have been in place for over three decades. Hundreds of long-time Burlington Northern workers do not know today whether they will keep their jobs, or even have the opportunity to move 600–700 miles to a new community to maintain a job. This is not fair; this is not equitable. These large railroad mergers are not stalled or impaired by employee protection provisions, in fact through attrition and an ordered reorganization, employee protections can be maintained. Finally, the Rail Labor Act provides for collective bargaining and affords the full opportunity to resolve issues by a management-labor agreement—the law and the regulators should be neutral. Mergers, acquisitions, modernization of the railroads are not being held up by labor or employees. The law should not intrude and mandate criteria. Let's leave the essential employee protections in place. Let's support the Whitfield amendment today.

The Whitfield amendment attempts to repair the damage this legislation would inflict on U.S. railworkers. The amendment would preserve the integrity of collective bargaining, and ensure labor protections for employees of small and medium rail carriers in case of acquisition or merger. This is fair, this is equitable, and we should signal to rail management and labor our support for their contractual accords.

I urge my colleagues to support the Whitfield amendment and put some equity and dignity back in this bill for the workers of America.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Whitfield amendment for the following reasons: The Whitfield amendment would create, would mandate a 1-year labor protection for workers of class 2 and 3 railroads. A class 2 railroad has operating revenues between $20 and $250 million. The class 3 railroads have operating revenues of less than $20 million. So class 2 and 3 railroads are very small railroads. We do not need to mandate in Federal law 1-year labor buy-out agreements.

The bill before us, H.R. 2539, does create a safe harbor. I want to thank the chairman for creating the safe harbor from some of these expensive mandates. It would give representatives of the labor unions and representatives of the railroads an opportunity to go before the Department of Transportation and hear both sides of the argument and then determine whether and what type of labor protection should be required.

The bill before us retains existing law that gives agency approval of a merger and then requires, as I just said, the DOT to hear the case in terms of labor protection.

We do not need to mandate a 1-year labor protection in this by accepting the Whitfield amendment.

I do want to commend the gentleman from Kentucky [Mr. WHITFIELD] and the supporters of their amendment though because they have backed down from 5 years to 1 year, and that is at least moving in the right direction. So I would hope that we would oppose the amendment and keep the bill as is.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding to me.

I want to emphasize that there is nothing in here which would prohibit the class 2 railroads and labor from entering into negotiations for labor protection. They can have 1 year, 5 years, 10 years. All this does is say that the small railroads, the Federal Government will not mandate that they must have labor protection.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I point out that the American Short Line Railroad Association strongly opposes the Whitfield amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. NADLER], who has played a very important role in the shaping of this legislation.

Mr. NADLER. Mr. Chairman, I am not a great fan of deregulation. I do not believe we should abolish the ICC. I am not a great fan of this bill.

But I rise today to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, and his staff for working with me in addressing some particular major concerns I had with a number of provisions of the bill.

The bill as originally drafted would have terminated the feeder line development program. Many railroads are the only carriers of goods to and from certain areas of the country. Because of this monopoly, there must be an ability to protect shippers and residents of such areas from decisions by a railroad, perhaps after a merger, by a railroad that enjoys the local monopoly status to eliminate service to an area.

This program has provided for many years that, if a railroad does not provide service on a line it owns, it can be compelled to sell that portion of the line to a railroad that will provide service in that area.

This provision has been utilized successfully in many cases, for example, by railroads such as the Northern & Eastern and the Tennessee Central Railroad. These railroads are now profitable, viable, and support their communities' economy, none of which would have been possible without the provisions of current law that are commonly known as the feeder line development program. It is for these reasons

I am pleased that the chairman's en bloc amendments to this bill will preserve these provisions of the law and this program.

The second concern I had was that the common carrier provisions of the law were diluted in the original bill to the point that it would have undermined one of the original purposes of the ICC. That is to protect shippers and the general public from monopolies and to enable commerce to flow freely. Under the existing law a railroad is mandated to provide service to anyone who makes a reasonable request for that service. Many of these requests are from small communities which do not have other viable ways to ship their goods or from small shippers of whom the same is true. Requests can also come from large shippers that rely on one railroad to carry their goods.

In both cases, if a railroad is allowed to deny or minimize services, they are given the power to decide which communities and which businesses will prosper and which will die. In a perfect world, we might let carriers decide who they would service. The reality is that we only have so many rail lines in this country and that it is imperative that we preserve the common carrier provision so that anyone can get service. That is why it was imperative that this provision be amended to more closely resemble the current law.

As I said earlier, I want to thank Chairman SHUSTER for working with me to see that the feeder line development program is included, which it is, and the common carrier provision is still a viable part of the new regulatory body of law that will oversee interstate commerce. I think that, with the chairman's en bloc amendment, it will.

At the same time, I need to express my dismay with the process and the haste with which this bill was brought before us. As a member of the Committee on Transportation and Infrastructure, we received a 280-page bill on Thursday night and were asked to review, evaluate, and vote on amendments in 4 days, 4 days to determine how we were going to restructure a body of law that had taken 100 years to develop. It is my understanding that the reason we had to do a bill in such haste is that the Committee on Appropriations had not provided funding for the ICC, and we had to amend the law accordingly and quickly.

I hope that in the future we will take more deliberate speed in amending such a major body of law. But again, I wanted to thank the chairman and his staff for working out what I believe to be a satisfactory resolution of the two problems, the common carrier doctrine and of the feeder line development program.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the chairman for yielding time to me.

Wise men have said that the nearest thing to eternal life or immortality is to be a Federal agency or a Federal commission. I guess it is true. Today we are debating the demise of the Interstate Commerce Commission founded in 1887. That is 108 years ago. In 1887 railroads did have an iron grip on how products were sent to market, but that has been a long time ago. Congressional Members who wish to continue this commission and who want to save it after 108 years are looking backward. I think we have to look forward. If we are going to release our economy, allow our economy and our businesses to grow, then I think we must get in step with the 21st century. So I am very much in favor of this legislation.

I think the ICC was useful at one time, but it has outlived its usefulness. For example, I know the largest hauler of freight in this country is a 21st century company but yet, stated briefly, the ICC continues to require financial reports of this motor carrier, despite the fact that it no longer has a need for them. It has moved out of the business of regulating years ago, yet all the paperwork required has cost the company hundreds of thousands of dollars.

□ 1615

The ICC claims it needs the reports so that it can in turn, now listen to this, so that it can present an annual report to Congress. What do we need with an annual report? Who reads it? We are so busy doing all of the other things, but Congress keeps the ICC in existence that is, more and more bureaucracy, more and more paperwork. That is why today when the President said the Government was shutdown, only the essential workers had to come to work, 800,000 nonessential employees headed for home. Maybe that is why, we have too much Government, my colleagues, we have got too much redtape.

Let us use some common sense, and let us pass this legislation. Let us bring our country into the 21st century.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Missouri [Ms. McCARTHY].

Ms. McCARTHY. Mr. Chairman, I rise today to urge support for the Whitfield amendment and, with adoption of that amendment, to recommend support for the bill. Inclusion of the Whitfield language will make this a bill worthy of passage.

One of the functions of the ICC is to evaluate and approve railway mergers. The impacts of such mergers can be wide and far reaching—affecting other railroads, rail passengers, rail employees, farmers, small businesses, and shippers who depend on reliable, affordable rail transit. It is in the national interest to ensure that mergers which take place do not have a deleterious effect on any of these important functions.

It is essential that the new Department of Transportation panel, created under this legislation, be vigilant and thorough in its examination of rail mergers. Only through full and complete consideration of such a merger can all of the potential ramifications be properly examined. It is also important that other appropriate voices, such as that of the Attorney General, be a part of the deliberative process.

We have an obligation, Mr. Chairman, to ensure that the public has access to affordable modes of rail transportation, that small railroads can compete with the larger ones, and that rail employees be treated fairly. I expect the new DOT panel to fully take into account these important issues when considering railroad mergers.

Mr. SHUSTER. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the labor issue aside, the bill that we are considering does strike a good balance between continuing deregulation of the rail and motor carrier industries while at the same time preserving very important safety and economic regulatory powers needed to protect shippers against abuses that will not be remedied by competition. In the rail arena the legislation eliminates many and modifies other railroad economic regulatory requirements and transfers remaining ICC rail oversight responsibilities to a newly created transportation adjudicatory panel housed within the Department of Transportation. The bill repeals requirements that freight rail carriers file rates with the Federal Government. It repeals prohibitions against transporting commodities produced by the carrier itself or which the carrier owns. It repeals requirements that railroads get Federal rail regulatory approval to issue securities or to assume financial liabilities with respect to other securities. It does, however, maintain, this legislation does, some critical functions that both the rail industry and the shippers agree are necessary: maximum rate standards to protect captive shippers from unreasonably high rates. The common carrier obligation is restated here, the legal duty of a rail carrier to provide transportation on reasonable request, a longstanding provision of American law. It protects requirements or preserves requirements that rail carriers establish rates, classifications, rules, and practices governing rail transportation, and it preserves the authority of the Federal Government to review and to order changes in those items. All of these are necessary to maintain the balance in a rail transportation field that I feel, and many are fearful, would not be maintained simply by competition alone. This panel that we create, this arbitration or adjudicatory panel rather, will have authority to exempt railroads and rail services from regulatory requirements through administrative action rather than going through the laborious process of lawsuits and through the Justice Department's antitrust suit authority.

We did make progress in the area protecting captive shippers from possible market abuse. That is a longstanding problem in this rail arena, one that goes back into the 19th century and the early part of this century. Captive shippers are particularly a concern in the coal sector where powerplants are so dependent upon coal and upon the one means of bringing coal to their plant. We have got protections in here that are in the interests of all who use electricity produced by coal. Soon our chairman will offer a bill manager's amendment which will further clarify the roles of the Secretary and the Transportation Adjudication Panel.

On the trucking side, the motor carrier side, the bill eliminates virtually all remaining tariff filings. It deregulates significant portions of the household goods market. It eliminates the possibility of future undercharge claims, an issue that we have had to deal with so intensively last year and again this year. It eliminates the Federal role in routine commercial disputes. It retains a limited number of key provisions—uniform commercial rules, and, for small regional carriers that compete with national carriers, provisions of current law that protect those small carriers and provisions of law that protect shippers in the household goods marketplace.

But I do want to come back to the point that disturbs me so greatly, and that is the failure to preserve the safety net that railworkers now have when they lose their jobs due to mergers or line sales. We had labor protective provisions in airline deregulation, and my colleagues know that in the first 5 years after airline deregulation, 1978 to 1983, there were 22 new entrants into the airline business. But within 8 years those 22 new entrants were swallowed up; there are only 5 left, and there is only 1 left today. But not once were the labor protective provisions for airline workers imposed, not once.

Just last night, as I was on my way back to Washington, the Minneapolis-St. Paul airport, I was stopped by a Northwest Airline employee, a baggage handler. He had been an Eastern Airlines employee, and there was anger in his voice, anger in his eyes, over the deregulation, and he talked about this bill that we are taking up today, and he said, "Don't let happen to rail workers what happened to us. We never got any protection. We lost our jobs." This merger swept people away and made huge profits for the big corporate owners, and the little guy got crushed, and that voice still rings in my mind today, my heart today, and I do not want to see that happen, and I urge my colleagues' support for the Whitfield amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to emphasize, in fact empathize as well as emphasize, with what my good friend from Minnesota has just said and the words of that airline captain, "Don't let them do to railroads what was done to the big airlines." We are not letting that happen with the class 1 railroads. That is the important point to be made, Mr. Chairman. We are not touching labor protection as it pertains to the big railroads. The labor protection that is in place stays in place. What we are doing, however, is with the small railroads, the class 2 railroads. We are saying that we are not going to impose mandatory government-imposed labor protection.

Now the class 2 railroads, the management and labor, can negotiate any kind of labor protection they want to negotiate. That is perfectly permissible within this legislation. All we are saying is we are not going to mandate, the Federal Government is not going to mandate, what the labor protection will be, and why not? Because with the small railroads, Mr. Chairman, our major concern is to keep them running, and the problem we face is, if a small railroad is faced with the opportunity to acquire a line or merge in order to keep that line functioning, to keep to keep that little railroad operating, we do not want to be in the position of saying, "You must accept federally mandated labor protection," because the result will be the unintended consequence of that line being abandoned. WE do not want abandonments. We want these small railroads to keep running.

In addition I would say, particularly to my colleagues on both sides of the aisle, "if you're from rural America, and if you have these small railroads in your district, you had better be very, very concerned about the Federal Government mandating labor protection on these small railroads, because the result is going to be the abandonment of those railroads because they simply can't afford to pay the labor protection in many cases."

So we continue to support the full labor protection. We do not touch it as far as the large railroads are concerned, but indeed we say with the small railroads, "Let's be very careful that we don't mandate Federal protection because we want to keep those lines running in the small communities across America." That seems to be the most contentious issue we have outlined and emphasized our reasons for asking support for this bill and opposition to the Whitfield amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 30 seconds.

Mr. OBERSTAR. Mr. Chairman, let me just use my 30 seconds to say when we are talking about these small railroads, let us just remember that the small railroads, the class 2, include Wisconsin Central, which Business Week magazine earlier this year estimated was one of the 1,000 most valuable corporations in the United States with a stock market value of $800 million. That is not small where I come from.

□ 1630

Mr. SHUSTER. Mr. Chairman, I would say to my friend, the class 2 can also be a little railroad with only $21 million a year in revenue.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I chaired the budget working group that recommended we terminate the Interstate Commerce Commission.

Mr. Chairman, it is time for the Interstate Commerce Commission to go. This bureaucracy was created in the 1880's to regulate emerging railroad monopolies. It is only fitting that one of the first agencies that we kill in the first year of the Republican revolution be the oldest independent regulatory agency in the Federal Government.

But the case for eliminating the ICC is much greater than just trophy hunting. Much of what the ICC does has been made unnecessary over the past decade and a half of transportation deregulation. Much of what remains needs to go, too. Tariff filing, probably the most obvious example of why we should kill the ICC, is a boon for bureaucrats, but a burden on trucking companies.

For these reasons, I support the ICC Termination Act. But I wish it could have gone farther and eliminated more. The bill creates an independent Transportation Adjudication Panel. I fear that this ensures that too much of what the ICC does—and who does it—may remain the same.

Currently there are three seats for ICC Commissioners and two are vacant. The adjudication panel created by this bill would consist of three members, and "On the effective date * * * the members of the Interstate Commerce Commission then serving unexpired terms shall become members of the panel." It also allows staff of the current commissioners to transfer.

Are we just changing the name on the door? I would prefer that this panel did not exist and remaining essential regulatory issues be folded into the Department of Transportation.

Also this bill allows rail merger issues to be reviewed by the Transportation Adjudication Panel. I would also prefer that this function be performed by the Department of Justice, which handles mergers for all other industries.

The administration has stated that the President will likely veto this legislation because it "renam[es] the ICC and mov[es] its most burdensome regulatory elements to a new Federal entity." In my view, there is truth to this.

Mr. Chairman, I wish our knife were sharper, and I hope it will be as we cut in the future. I urge a "yes" vote on this bill.

Mr. HAYES. Mr. Chairman, during this budgetary stalemate, at a time when the political rhetoric overshadows the substance and importance of our efforts to streamline the Federal Government, we have a rare opportunity to move forward an issue in which bipartisan support exists. Both the executive branch and Congress have called for the ICC to be abolished. Accordingly, I am confident that the remaining details, although contentious, will be worked out during our debate here today and in conference with the Senate. I especially commend Chairman SHUSTER for his willingness to work with Members to resolve particular problems.

I, therefore, rise to urge the adoption of H.R. 2539. This bill will provide for a prudent and orderly transition of the ICC's vital functions to the independent Transportation Adjudication Board within the Department of Transportation, while getting rid of wasteful and unnecessary tasks. I believe that H.R. 2539 will further ensure that such a transition does not prejudice current market activities or conditions and appropriately accounts for the expectations of the regulated community.

No Federal agency epitomizes the outdated, obsolete mentality of Federal bureaucrats more than the ICC. The ICC's original jurisdiction has been extended over the years across the regulatory spectrum—from railroad and other surface transportation matters to the telegraph, cable, and securities industries. The subsequent creation of specialized oversight agencies, such as the Securities and Exchange Commission, left the ICC with duplicate authority that should have been eliminated long ago. The cumulative impact of deregulation of the railroad, trucking, and intercity bus industries in the 1980's caused the ICC to go from as many as 2,000 employees in the 1970's to the current level of 400 today, underscoring the need to reduce the ICC's regulatory role further.

The ICC was created in 1887 in response to outcries from farmers, small merchants, and shippers to appropriately control the practices of unfair rates and inadequate competition. It is ironic that these concerns, over 100 years later, once again are at the heart of our debate.

I was pleased to see an agreement included in the bill that is intended to guarantee preservation of the captive shipper protection authority of the ICC. Southwest Louisiana's economy depends on the efficient movement of bulk commodities, such as agricultural and petrochemical products. Transferring such protections to the Transportation Adjudication Panel is essential to ensure their access to a competitive transportation market. I thank my colleague NICK JOE RAHALL for his tireless work on this issue.

Additionally, meeting the demand of agricultural producers to get commodities to market at a competitive rate on time during the harvest season is the major problem facing rail grain users, particularly rice farmers in my district. Substantial progress has been made in developing acceptable safeguards to enforce contracts and rates suitably. While all my concerns were not allayed here today, I believe that stronger language akin to the Senate version is needed and will ultimately be approved.

Finally, the en bloc amendment will establish a level playing field that does not upset the present balance of the ICC's obligation to protect the public interest with the need for efficiencies in the marketplace through consolidation and mergers. Potential captive shippers in my district fear that the penchant for mergers could place them at the mercy of rates that limit their ability to compete. I was glad to see that my suggestions were included in the bill to better guarantee such competitive rates without adversely impacting railroads seeking to improve their own competitive position.

I urge my colleagues to approve this measure and look forward to resolving the outstanding issues in a thoughtful and amicable fashion.

Mr. POMEROY. Mr. Chairman, I rise in strong opposition to H.R. 2539, the Interstate Commerce Commission Termination Act.

North Dakota is a leading producer of many agricultural commodities such as wheat, durum, barley, canola, and sunflowers. A large portion of these commodities are shipped to processing facilities beyond our borders. The farmers and grain elevators in my State fit the classic definition of the captive shipper lacking access to effective alternative means of transportation. We do not enjoy access to any waterways and trucks are not considered a viable alternative to rail transportation. In fact, the North Dakota Public Service Commission estimates that it would take 650,000 long-haul trucks to move 1 year's harvest to market. That's more trucks than we have people in my State.

Because North Dakota's economy depends on moving our commodities to market by rail, it is critical for us to have access to affordable and reliable rail service. I have concerns about several provisions of this bill, but one affects my State directly.

H.R. 2539 deletes a provision in current law which has been critical in maintaining rail service in North Dakota. Commonly known as the "Andrews amendment," this law prohibits the wholesale abandonment of railroads in North Dakota by Burlington Northern [BN].

In the early 1980's, BN planned to abandon over 20 percent of its railroad miles in my State. Such a wholesale abandonment would have been devastating to the farmers and small grain elevators who depended on those lines to get their commodities to market. The Andrews amendment originally allowed BN to abandon 350 miles in North Dakota. Subsequent legislation allowed BN to pursue abandonment when it was shown that no customer demand existed for a line.

Due to our dependence on a single railroad and a lack of access to competing modes of transportation, many farmers and elevator owners do not have any economically feasible options. The Andrews amendment has played a critical role in ensuring that BN took a go slow approach to abandoning lines in North Dakota.

For the RECORD, I am also submitting two letters. One from myself to Representative SUSAN MOLINARI, chairwoman for the Subcommittee on Railroads and the second from the North Dakota Public Service Commissioners stating their support for continuing the Andrews amendment.

Additionally, I am concerned this legislation unfairly tips the balance too far in favor of the railroads. The pre-emption of State and Federal laws takes away the option shippers have to pursue common law remedies. Also the power to suspend rates or practices while a charge of unfavorable treatment is reviewed has been suspended.

CONGRESS OF THE UNITED STATES,
October 10, 1995.

Hon. SUSAN MOLINARI,
Chairwoman, Subcommittee on Railroads, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRWOMAN MOLINARI: As you prepare to introduce legislation to merge the Interstate Commerce Commission (ICC) into the Department of Transportation (DOT), I am writing to express my strong support for preserving a vital protection for North Dakota farmers and grain shippers against wholesale railroad abandonment.

To realize the importance of this provision to North Dakota, one must first understand the unparalleled degree to which North Dakota agriculture is dependent upon railroad transportation. North Dakota is the nation's most prolific producer of agriculture commodities—our farmers lead the nation in the production of wheat, durum, barley and sunflowers. And North Dakota is uniquely dependent upon railroads to transport these commodities to market.

North Dakota is not only the nation's largest agriculture producer, it is also, geographically, the most remote from processing centers and points of export. Unlike other large agriculture producing states, there is no realistic alternative mode of transportation to rail. Barge traffic is unavailable and trucking bulk shipments over such great distances is not economically viable.

As a result, on average, the 475 local country grain elevators in North Dakota rely on railroads to ship 75 percent of their commodities to market. The majority of these elevators fit the textbook definition of "captive shipper," where the railroad faces no effective competition. To illustrate this point, consider the circumstances of the grain elevator in Beach, North Dakota. The elevator in Beach is 750 miles from the nearest grain market, 750 miles from the nearest navigable waterway, and 150 miles from the nearest competing railroad.

Although North Dakota's overwhelming reliance on railroads continues to create difficulties in the marketing of grain, for the last 15 years, we have achieved a degree of stability for our farmers and shippers through an abandonment limitation—the socalled "Andrews amendment."

In the early 1980's, Burlington Northern (BN) railroad filed applications with the ICC to abandon 1,200 miles of rail in North Dakota—more than 20 percent of the total railroad miles in the state. The proposal threatened the livelihood of farmers and small grain elevators across the state. In response, Senator Mark Andrews (R-ND) offered an amendment stating that Burlington Northern railroad could not abandon more than 350 miles of rail in North Dakota (P.L. 97-102, Sec. 402).

It should be noted that the Andrews amendment was modified by the FY 1992 Department of Transportation Appropriations Act to permit BN to exceed the 350 mile statutory limit for a abandonments under the exemption provided by section 1152 of title 49 of the Code of Federal Regulations. As you know, this provision allows railroads to bypass normal abandonment proceedings when it is demonstrated that there is no customer demand for the line. Therefore, the Andrews amendment is not a prohibition on rail abandonment—it is a reasonable safeguard that recognizes the unique dependence of North Dakota on rail transportation.

In sum, as you consider changes to the Interstate Commerce Act, I strongly urge you to preserve the abandonment limitation provided by P.L. 97-102. I appreciate your careful consideration of this important issue.

Sincerely,

EARL POMEROY,
Member of Congress.

PUBLIC SERVICE COMMISSION,
STATE OF NORTH DAKOTA,
Bismark, ND, October 23, 1995.

Hon. SUSAN MOLINARI,
Chairwoman, Subcommittee on Railroads, Committee on Transportation and Intrastructure, Rayburn House Office Building, Washington, DC

DEAR CHAIRWOMAN MOLINARI: Congressman Pomeroy has already contacted you concerning the vital importance of the "Andrews Amendment" which prohibits wholesale rail abandonment in North Dakota (copy attached). As the agency that is responsible for representing our state's transportation interests before Congress and federal agencies, we share in his concern and urge congressional action to retain this protection.

North Dakota is perhaps the Nation's most agricultural state. We are often the leading producer of major commodities such as wheat (flour), durum (pasta), barley (beer and animal feed), and sunflower (oil and food). Virtually all of this grain is shipped to consumption centers and processors that are located hundreds and even thousands of miles away.

North Dakota is highly dependent on rail transportation because of its location and its lack of other transportation alternatives. Unlike their counterparts in other grain producing states, North Dakota grain shippers are located an average of 450 miles from the nearest source of water transportation and trucks just are not a viable alternative. It would take nearly 650,000 long-haul trucks to move one year's harvest to market.

North Dakota's grain industry had more competitive choices 25 years ago. At that time the state was served by five national rail carriers; today there are two. These carriers can be far more aggressive concerning abandonments because, in all likelihood, if they abandon a line, farmers and grain companies will simply be forced to deliver their grain to that same railroad at some more distant point. These local entities would experience higher delivery costs and local roads would see experience far greater wear. Elevators which have made capital investments to their facilities would be left with significant stranded investments.

The "Andrews Amendment" was put in place to force North Dakota's major rail carrier to take a go-slow approach to abandonments. It has worked to the benefit of both the state and the railroad. Less than half of the lines proposed for abandonment in 1981 have been abandoned. Some of the once-targeted lines have even been upgraded and now serve as major sources of freight revenue for the railroad.

North Dakota will, quite possibly, be faced with another major abandonment threat in the near future. Recent and pending mega rail mergers, the advent of even larger rail cars, and proposed changes to the Interstate Commerce Act threaten to create a renewed interest in "system rationalization."

North Dakota has not opposed a single abandonment application in the past ten years but we do not welcome the prospects of another round of wholesale abandonments. The "Andrews Amendment" prevents such a threat.

It is important to remember that this provision does not preclude abandonments. Hundreds of miles of track have been abandoned since its passage and even more unused lines could be abandoned today if their operator chose to make the required filings with the ICC.

The "Andrews Amendment" simply prohibits a railroad from abandoning a line in anticipation of future free market occurrences and forces them to respond to changed market conditions rather than presupposing them.

We appreciate and urge your favorable support.

Sincerely,

BRUCE HAGEN,
Commissioner.
SUSAN E. WEFALD,
President.
LEO M. REINBOLD,
Commissioner.

Mr. EWING. Mr. Chairman, I want to commend you for moving H.R. 2539, the ICC Termination Act of 1995, forward in a timely fashion. As Members may be aware the Interstate Commerce Commission [ICC] will be terminated on December 5 of this year, and without new legislation in place, the existing cumbersome and obsolete 19th century ICC statute will remain on the books.

While there is solid bipartisan support for termination of the ICC, the difficulty of dismantling 100 years of transportation and commercial law has certainly become evident. However, in dismantling the ICC and moving its remaining critical functions to the U.S. Department of Transportation, care must be taken to protect vulnerable interests, like captive shippers.

The provisions of the bill which encourage class II railroads to purchase lines that would otherwise be abandoned by larger class I railroads must be retained or captive shippers could see their service disappear entirely. Unfortunately, adoption of Representative WHITFIELD'S proposed amendment would upset the careful balance in the bill and could discourage class II railroads from investing in lines scheduled for abandonment. Congress should not impose an unfunded mandate on class II railroads and create an environment where essential railroad service is lost because the costs of assuming existing labor agreements and severance benefits is prohibitive. For this reason, I urge my colleagues to support the committee language and reject the Whitfield amendment.

Mr. Chairman, I also appreciate your willingness to address other issues of importance to American agriculture and for working with members of the Transportation and Infrastructure Committee who represent agricultural districts. Agriculture is heavily dependent upon rail service to move products to market. For many rural and smalltown farmers there is only one grain elevator and one rail line available. The ability to move commodities in a timely fashion is critical to remaining in business. When faced with these monopolistic circumstances some reasonable regulation is essential.

I am pleased the legislation before the House today clarifies the exemptions language in the bill, grants the adjudication panel the authority to deny abandonments, includes contract summary filing language, restores investigation authority, and restores the existing 20 days rate-change-notification requirement. However, I remain concerned about potential railcar supply shortages and the percentage of rolling stock that could be contracted out under the common carrier provisions of the bill.

Railcar shortages boost the price farmers and elevators must pay to move crops to market, thereby lowering the amount farmers receive for their crops. In fact, Midwestern agriculture is already facing acute railcar shortages resulting from increased demand, instability in the railroad industry caused by proposed mergers, and high barge shipping rates. While I am not advocating excessive regulation to protect agriculture, the final ICC termination legislation should not worsen the situation unnecessarily.

Mr. Chairman, I plan to continue working with you on this issue and I urge you to consider accepting the common carrier language contained in the Senate's ICC termination bill when this legislation goes to conference.

Again, Mr. Chairman, I want to thank you for the leadership you have demonstrated in working with Members who represent agricultural interests. Although H.R. 2539 is not perfect, and some additional work is necessary, I urge my colleagues to support passage of H.R. 2539.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute shall be considered by titles as an original bill for the purposes of amendment. The first section in each title is considered as read.

Before consideration of any other amendment it shall be in order to consider the amendment printed in the designated place in the CONGRESSIONAL RECORD if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for a division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

If that amendment is adopted, the bill as then perfected will be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "ICC Termination Act of 1995".

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHUSTER:

Page 5, line 24, insert "common carrier" after "a person providing".

Page 7, line 8, insert "with respect to regulation of rail transportation" after "provided under this part".

Page 9, line 24, insert "The enactment of the ICC Termination Act of 1995 shall have no effect on which employees and employers are covered by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act." after "local governmental authority.".

Page 12, in the table of sections for subchapter I of chapter 105, strike "Inflation-based rate increases" and insert in lieu thereof "Rail cost adjustment factor".

Page 13, line 21, strike "shall recognize" and insert in lieu thereof "shall give due consideration to—

"(A) the amount of traffic which is transported at revenues which do not contribute to going concern value and the efforts made to minimize such traffic;

"(B) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

"(C) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues,

recognizing".

Page 14, lines 2 through 5, strike "to establish simplified" and all that follows through "evidence is impractical".

Page 14, line 11, strike "including" and insert in lieu thereof "to the extent required by section 10507,".

Page 17, line 11, strike "11101" and insert in lieu thereof "10902".

Page 29, line 11, strike "Class I".

Page 29, lines 12 and 13, strike "Panel's Rail Form A" and insert in lieu thereof "Uniform Rail Costing System".

Page 30, line 7, through page 31, line 3, amend section 10508 to read as follows:

"§ 10508. Rail cost adjustment factor

"(a) The Panel shall, as often as practicable, but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Panel, with appropriate adjustments to reflect the change in composition of railroad costs, including the quality and mix of material and labor) and the denominator of which is the same index for the fourth quarter of every fifth year, beginning with the fourth quarter of 1992.

"(b) The rail cost adjustment factor published by the Panel under subsection (a) of this section shall take into account changes in railroad productivity. The Panel shall also publish a similar index that does not take into account changes in railroad productivity.

Page 31, line 22, insert "The district courts of the United States shall not have jurisdiction pursuant to this section based on section 1331 or 1337 of title 28, United States Code." after "parties otherwise agree.".

Page 31, after line 22, insert the following:

"(d)(1) A summary of each contract for the transportation of agricultural commodities entered into under this section shall be filed with the Panel, containing such nonconfidential information as the Panel prescribes. The Panel shall publish special rules for such contracts in order to ensure that the essential terms of the contract are available to the general public.

Page 31, line 23, strike "(d)" and insert in lieu thereof "(2)".

Page 32, after line 6, insert the following new subsection:

"(f) A rail carrier that enters into a contract as authorized by this section remains subject to the common carrier obligation set forth in section 10901, with respect to rail transportation not provided under such a contract.

Page 37, in the table of sections for chapter 107, insert at the end the following new item:

"10707. Railroad development.

Page 45, line 10, strike "paragraph (2) or".

Page 45, lines 13 through 22, strike paragraph (2).

Page 45, line 23, strike "(3)" and insert in lieu thereof "(2)".

Page 47, line 18, strike "6 months" and insert in lieu thereof "4 months".

Page 48, line 2, page 49, lines 21 and 25, and page 50, line 5, strike "6-month" and insert in lieu thereof "4-month".

Page 51, line 20, insert "The Panel does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks." after "or side tracks.".

Page 51, after line 20, insert the following new section:

"§ 10707. Railroad development

"(a) In this section, the term 'financially responsible person' means a person who—

"(1) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired; and

"(2) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years.

Such term includes a governmental authority but does not include a Class I or Class II rail carrier.

"(b)(1) When the Panel finds that—

"(A)(i) the public convenience and necessity require or permit the sale of a particular railroad line under this section; or

"(ii) a railroad line is on a system diagram map as required under section 10703 of this title, but the rail carrier owning such line has not filed a notice of intent to abandon such line under section 10703 of this title before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section; and

"(B) an application to purchase such line has been filed by a financially responsible person,

the Panel shall require the rail carrier owning the railroad line to sell such line to such financially responsible person at a price not less than the constitutional minimum value.

"(2) For purposes of this subsection, the constitutional minimum value of a particular railroad line shall be presumed to be not less than the net liquidation value of such line or the going concern value of such line, whichever is greater.

"(c)(1) For purposes of this section, the Panel may determine that the public convenience and necessity require or permit the sale of a railroad line if the Panel determines, after a hearing on the record, that—

"(A) the rail carrier operating such line refuses within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over such line;

"(B) the transportation over such line is inadequate for the majority of shippers who transport traffic over such line;

"(C) the sale of such line will not have a significantly adverse financial effect on the rail carrier operating such line;

"(D) the sale of such line will not have an adverse effect on the overall operational performance of the rail carrier operating such line; and

"(E) the sale of such line will be likely to result in improved railroad transportation for shippers that transport traffic over such line.

"(2) In a proceeding under this subsection, the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line. If the Panel finds under this subsection that the public convenience and necessity require or permit the sale of a particular railroad line, the Panel shall concurrently notify the parties of such finding and publish such finding in the Federal Register.

"(d) In the case of any railroad line subject to sale under subsection (a) of this section, the Panel shall, upon the request of the acquiring carrier, require the selling carrier to provide to the acquiring carrier trackage rights to allow a reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring carrier. The Panel shall require the acquiring carrier to provide the selling carrier reasonable compensation for any such trackage rights.

"(e) The Panel shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line subject to a sale under this section.

"(f) In the case of a railroad line which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, whenever a purchasing carrier under this section petitions the Panel for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practicably participate, the Panel shall, within 30 days after the date such petition is filed and pursuant to section 10505(a) of this title, require the establishment of reasonable joint rates and divisions over such route.

"(g)(1) Any person operating a railroad line acquired under this section may elect to be exempt from any of the provisions of this part, except that such a person may not be exempt from the provisions of chapter 105 of this title with respect to transportation under a joint rate.

"(2) The provisions of paragraph (1) of this subsection shall apply to any line of railroad which was abandoned during the 18-month period immediately prior to the effective date of the Staggers Rail Act of 1980 and was subsequently purchased by a financially responsible person.

"(h) If a purchasing carrier under this section proposes to sell or abandon all or any portion of a purchased railroad line, such purchasing carrier shall offer the right of first refusal with respect to such line or portion thereof to the carrier which sold such line under this section. Such offer shall be made at a price equal to the sum of the price paid by such purchasing carrier to such selling carrier for such line or portion thereof and the fair market value (less deterioration) of any improvements made, as adjusted to reflect inflation.

"(i) Any person operating a railroad line acquired under this section may determine preconditions, such as payment of a subsidy, which must be met by shippers in order to obtain service over such lines, but such operator must notify the shippers on the line of its intention to impose such preconditions.

Page 52, line 9, insert "Commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable." after "requests for service.".

Page 53, line 3, insert "20 days have expired after" after "service terms unless".

Page 53, lines 11 and 12, strike ", including appropriate periods of notice." and insert in lieu thereof ". Final regulations shall be adopted by the Panel not later than 180 days after the date of the enactment of the ICC Termination Act of 1995.".

Page 66, line 12, insert "in order to perfect the security interest that is the subject of such instrument" after "filed with the Panel".

Page 68, after line 15, insert the following new subsection:

"(g) The Panel shall collect, maintain, and keep open for public inspection a railway equipment register consistent with the manner and format maintained by the Interstate Commerce Commission as of the date of the enactment of the ICC Termination Act of 1995.

Page 69, line 8, insert "(except section 11122)" after "under this subchapter".

Page 73, line 19, strike "rights. Any trackage rights" and insert in lieu thereof "rights and access to other facilities. Any trackage rights and related".

Page 73, line 20, insert "operating terms and" after "shall provide for".

Page 74, lines 21 and 22, strike "Secretary of Transportation" and insert in lieu thereof "Attorney General".

Page 84, lines 2 and 3, strike "The Panel may begin an investigation under this part on its own initiative or on complaint." and insert in lieu thereof "Except as otherwise provided in this part, the Panel may begin an investigation under this part only on complaint.".

Page 85, line 24, insert "in a United States District Court" after "civil action".

Page 105, line 3, strike the first comma and all that follows through the period on line 5 and insert a period.

Page 115, line 6, before "authority" insert "appropriate".

Page 115, strike lines 7 and 8 and insert a period.

Page 117, line 4, strike "shall".

Page 132, line 4, strike "has" and insert "and the Panel have".

Page 133, after line 17, insert the following:

"(b) LIMITATION.—The Panel may not exempt a water carrier from the application of, or compliance with, sections 13701 and 13702 for transportation in noncontiguous domestic trade.

Page 133, line 18, strike "(b)" and insert "(c)".

Page 136, line 2, after "section 13703" insert "or 14302".

Page 136, in the matter following line 3—

(1) redesignate the items relating to sections 13707–13712 as items relating to sections 13708–13713, respectively;

(2) insert after the item relating to section 13706 the following:

" '13707. Payment of rates."; and

(3) strike the item relating to section 13710, as redesignated by paragraph (1), and insert the following:

" '13710. Additional billing and collecting practices."

Page 136, lines 14 and 15, strike "described in section 13102(9)(A), or" and insert a comma.

Page 136, line 17, after the comma insert "or".

Page 136, after line 17, insert the following:

"(C) rates, rules, and classifications made collectively by motor carriers under agreement pursuant to section 13703,

Page 138, lines 9 and 10, strike "described in section 13102(9)(A)".

Page 140, line 13, strike "kept open" and insert "make the tariffs as changed available".

Page 141, line 11, strike "in" and insert "of".

Page 141, lines 12 and 13, strike "households described in section 13102(9)(B)" and insert "household goods".

Page 142, line 7, strike "described in section 13102(9)(A)".

Page 143, strike lines 5 through 8 and insert the following:

"(4) INDEPENDENTLY ESTABLISHED RATES.—Any carrier which is a party to an agreement under paragraph (1) is not, and may not be precluded, from independently establishing its own rates, classification, and mileages or from adopting and using a noncollectively made classification or mileage guide.

"(5) INVESTIGATIONS.—

"(A) REASONABLENESS.—The Panel may suspend and investigate the reasonableness of any rate, rule, classification, or rate adjustment of general application made pursuant to an agreement under this section.

"(B) ACTIONS NOT IN THE PUBLIC INTEREST.—The Panel may investigate any action taken pursuant to an agreement approved under this section. If the Panel finds that the action is not in the public interest, the Panel may take such measures as may be necessary to protect the public interest with regard to the action, including issuing an order directing the parties to cease and desist or modify the action.

Page 143, line 9, strike "(5)" and insert "(6)".

Page 144, line 18, after the period insert the following:

Parties to the agreement may continue to undertake activities pursuant to the previously approved agreement while the renewal request is pending.

Page 145, strike line 11 and insert the following:

"(g) INDUSTRY STANDARD GUIDES.—

"(1) IN GENERAL.—

"(A) PUBLIC AVAILABILITY.—Routes, rates, classifications, mileage guides, and rules established under agreements approved under this section shall be published and made available for public inspection upon request.

"(B) PARTICIPATION OF CARRIERS.—

"(i) IN GENERAL.—A motor carrier of property whose routes, rates, classifications, mileage guides, rules, or packaging are determined or governed by publications established under agreements approved under this section must participate in the determining or governing publication for such provisions to apply.

"(ii) POWER OF ATTORNEY.—The motor carrier of property shall issue a power of attorney to the publishing agent and, upon its acceptance, the agent shall issue a written certification to the motor carrier affirming its participation in the governing publication, and the certification shall be made available for public inspection.

"(2) MILEAGE LIMITATION.—No carrier subject

Page 145, line 15, strike "(1)" and insert "(A)".

Page 145, move lines 15 through 21 two ems to the right.

Page 145, strike line 16 and all that follows through "which" on line 17 and insert "that is developed independently of any other publication of mileage developed by any other carrier and that".

Page 145, line 19, strike "(2)" and insert "(B)".

Page 149, after line 16, insert the following:

"§ 13707. Payment of rates

"(a) TRANSFER OF POSSESSION UPON PAYMENT.—Except as provided in subsection (b), a carrier providing transportation or service subject to jurisdiction under this part shall give up possession at the destination of the property transported by it only when payment for the transportation or service is made.

"(b) EXCEPTIONS.—

"(1) REGULATIONS.—Under regulations of the Secretary governing the payment for transportation and service and preventing discrimination, those carriers may give up possession at destination of property transported by them before payment for the transportation or service. The regulations of the Secretary may provide for weekly or monthly payment for transportation provided by motor carriers and for periodic payment for transportation provided by water carriers.

"(2) EXTENSIONS OF CREDIT TO GOVERNMENTAL ENTITIES.—Such a carrier (including a motor carrier being used by a household goods freight forwarder) may extend credit for transporting property for the United States Government, a State, a territory or possession of the United States, or a political subdivision of any of them.

Redesignate subsequent sections of chapter 137 on pages 149 through 163, accordingly.

Page 149, line 18, strike "TIMING" and insert "DISCLOSURE".

Page 149, line 23, before the period insert "and shall also disclose, at such time, whether and to whom any allowance or reduction in charges is made".

Page 150, lines 13 and 14, strike "BEFORE EFFECTIVE DATE" and insert "AT RATES OTHER THAN LEGAL TARIFF RATES".

Page 150, line 21, after the comma insert "or under subchapter I of chapter 135".

Page 151, line 12, after "Commission" insert "or the Panel, as required,".

Page 151, line 20, after "Commission" insert "or the Panel, as required,".

Page 152, line 21, before the period insert ", or chapter 149".

Page 154, line 7, before "title" insert "part or, for transportation provided before the effective date of this section, all rights and remedies that existed under this".

Page 157, strike lines 11 and 12 and insert the following:

"§ 13710. Additional billing and collecting practices"

Page 157, line 20, after "rate" insert "applicable to its shipment or".

Page 157, line 23, strike "With" and all that follows through "when" on line 25 and insert "When".

Page 158, line 5, strike "In those cases" and insert the following:

"(3) BILLING DISPUTES.—

"(A) INITIATED BY MOTOR CARRIERS.—In those cases"

Page 158, strike line 16 and all that follows through "if" on line 18 and insert the following:

"(B) INITIATED BY SHIPPERS.—If".

Page 160, line 1, before "that" insert "subject to jurisdiction under subchapter I of chapter 135 or, before the effective date of this section, to have provided transportation".

Page 160, line 2, strike "before" and insert ", as in effect on the day before".

Page 160, line 7, after "between" insert "(1)".

Page 160, line 8, after "with" insert "this chapter or, with respect to transportation provided before the effective date of this section, in accordance with".

Page 160, line 9, strike "of this title" and insert ", as in effect on the date the transportation was provided,".

Page 160, line 10, strike "and" and insert ", and (2)".

Page 160, line 13, strike "of this title".

Page 160, lines 14 and 15, strike "of this title".

Page 161, line 11, after "Commission" insert "or the Panel, as required,".

Page 161, line 18, after "Commission" insert "or the Panel, as required,".

Page 162, line 20, strike "relating" and all that follows through the period on line 22 and insert the following:

as in effect on the day before such effective date, as such sections relate to a filed tariff rate and other general tariff requirements.

Page 163, line 1, strike "13708" and insert "13709".

Page 163, after line 8, insert the following:

"(g) APPLICABILITY TO PENDING CASES.—This section shall apply to all cases and proceedings pending on the effective date of this section.

Page 164, in the item relating to section 13904 in the matter following line 7, strike "motor carriers".

Page 168, line 18, strike "EXPRESS".

Page 169, lines 7 and 8, strike "Except as provided in section 14501(a), any" and insert "Any".

Page 169, line 11, strike "the 30th" and all that follows through "and" on line 14 and insert "such time as".

Page 169, line 16, strike the period and insert the following:

but in no case later than the 30th day following the date on which the motor carrier of passengers first begins providing transportation entirely in one State under this paragraph.

Page 173, line 15, after "(3)" insert a comma.

Page 174, after line 11, insert the following:

"(d) MOTOR CARRIER DEFINED.—In this section and sections 13905 and 13906, the term 'motor carrier' includes foreign motor carriers and foreign motor private carriers.

Page 174, line 23, strike "**motor carrier**".

Page 175, strike line 7 and move the matter on lines 8 through 10 after the subsection heading on line 6.

Page 175, strike lines 11 through 16.

Page 176, after line 1, insert the following:

"(a) PERSON HOLDING ICC AUTHORITY.—Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on the day before the effective date of this section, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

Redesignate subsequent subsections on page 176 accordingly.

Page 176, line 22, strike "of the registrant".

Page 186, line 22, after the period insert the following:

In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

Page 188, line 3, strike "under section 14504," and insert "(including filings and fees authorized under section 14504),".

Page 196, line 19, before the period insert "and brokers".

Page 198, at the end of the matter following line 23, insert the following:

"14303. Consolidation, merger, and acquisition of control of motor carriers of passengers.

Page 201, line 14, strike "of this title".

Page 205, after line 11, insert the following:

"(g) DEFINITIONS.—In this section, the following definitions apply:

"(1) HOUSEHOLD GOODS.—The term 'household goods' has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

"(2) TRANSPORTATION.—The term 'transportation' means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

"§ 14303. Consolidation, merger, and acquisition of control of motor carriers of passengers

"(a) APPROVAL REQUIRED.—The following transactions involving motor carriers of passengers subject to jurisdiction under subchapter I of chapter 135 may be carried out only with the approval of the Panel:

"(1) Consolidation or merger of the properties or franchises of at least 2 carriers into one operation for the ownership, management, and operation of the previously separately owned properties.

"(2) A purchase, lease, or contract to operate property of another carrier by any number of carriers.

"(3) Acquisition of control of a carrier by any number of carriers.

"(4) Acquisition of control of at least 2 carriers by a person that is not a carrier.

"(5) Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers.

"(b) STANDARD FOR APPROVAL.—The Panel shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Panel shall consider at least the following:

"(1) The effect of the proposed transaction on the adequacy of transportation to the public.

"(2) The total fixed charges that result from the proposed transaction.

"(3) The interest of carrier employees affected by the proposed transaction.

The Panel may impose conditions governing the transaction.

"(c) DETERMINATION OF COMPLETENESS OF APPLICATION.—Within 30 days after the date on which an application is filed under this section, the Panel shall either publish a notice of the application in the Federal Register or reject the application if it is incomplete.

"(d) COMMENTS.—Written comments about an application may be filed with the Panel within 45 days after the date on which notice of the application is published under subsection (c).

"(e) DEADLINES.—The Panel shall conclude evidentiary proceedings by the 240th day after the date on which notice of the application is published under subsection (c). The Panel shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Panel may extend a time period under this subsection; except that the total of all such extensions with respect to any application shall not exceed 90 days.

"(f) EFFECT OF APPROVAL.—A carrier or corporation participating in or resulting from a transaction approved by the Panel under this section, or exempted by the Panel from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in the approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

"(g) LIMITATION ON APPLICABILITY.—This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than $2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

Page 205, line 17, strike "two" and insert "2".

Page 206, line 12, strike "two" and insert "2".

Page 208, line 2, strike "performed" and all that follows through "without" on line 5 and insert "performed without".

Page 212, line 6, after "exceeds" insert a comma.

Page 218, line 7, strike "will be" and insert "is".

Page 218, line 12, strike "will minimize" and insert "minimizes".

Page 218, line 15, strike "will result" and insert "results".

Page 221, after line 12, insert the following:

"(d) LIMITATION.—The Secretary and the Panel only have authority under this section with respect to matters within their respective jurisdictions under this part.

Page 222, lines 12 and 13, strike ", through its own attorneys,".

Page 222, line 17, strike "of Transportation".

Page 222, lines 17 and 18, strike "Intermodal Surface Transportation" and insert "the".

Page 223, after line 2, insert the following:

"(a) IN GENERAL.—

Page 223, line 3, strike "(a)" and insert "(1)".

Page 223, line 3, strike "ORDER" and insert "ORDER".

Page 223, move lines 3 through 9 two ems to the right.

Move the sentence beginning on line 4 of page 224 after the period on line 9 of page 223.

Move paragraph (2) on lines 17 through 21 of page 223 after line 9 on page 223.

Page 223, strike lines 10 and 11 and insert the following:

"(b) LIABILITY AND DAMAGES FOR EXCEEDING TARIFF RATE.—

Page 223, move lines 12 through 16 two ems to the left.

Page 223, line 16, strike "of this title".

Page 223, line 26, strike "of this title".

Page 224, line 1, strike "(1) or (2) of this section".

Page 226, strike lines 10 through 14 and insert the following:

"(e) ATTORNEY'S FEES.—The district court shall award a reasonable attorney's fee under this section. The district court shall tax and collect that fee as part of the costs of the action.

Page 226, line 10, strike "

Page 227, line 6, strike "of this title".

Page 227, lines 13 and 14, strike "subsection (b)" and all that follows through "section" on line 15 and insert "subsections (b) and (c)".

Page 227, line 17, strike "of this section".

Page 229, line 12, strike "filed".

Page 229, line 12, strike "of this title."

Page 230, strike lines 18 through 24 and insert the following:

"(1) LIMITATION OF LIABILITY.—A carrier may limit liability imposed under subsection (a) by establishing rates for the transportation of property (other than household goods) under which the liability of the carrier for such property (A) is limited to a value established by written or electronic declaration of the shipper or by a mutual written agreement between the carrier and shipper, or (B) is contained in a schedule of rules and rates maintained by the carrier and provided to the shipper upon request. The schedule shall clearly state its dates of applicability.

Page 231, line 11, strike the parenthetical phrase.

Page 237, line 6, strike "In any case" and all that follows through the period on line 12 and insert the following:

The arbitrator may determine which party shall pay the cost or a portion of the cost of the arbitration proceeding.

Page 239, line 1, strike "motor".

Page 240, line 18, strike "those types of".

Page 240, after line 18, insert the following:

"(g) REVIEW BY SECRETARY.—Not later than 36 months after the effective date of this section, the Secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

Page 241, line 4, after "with" insert "section 13702 or, with respect to transportation provided before the effective date of this section,".

Page 241, line 4, strike "of this title" and insert a comma.

Page 241, line 7, strike "filed".

Page 246, line 23, strike "subsection (a) or (b) of".

Page 248, line 6, strike "AGENTS AND OTHERS" and insert "OTHERS".

Page 249, line 4, after "person" insert a comma.

Page 252, line 9, after "registration" insert "of a foreign motor carrier or foreign motor private carrier".

Page 257, in the table of sections of subchapter II of chapter 7, strike the item relating to section 725 and redesignate the subsequent items accordingly.

Page 269, lines 16 through 25, strike section 725.

Page 270, lines 1 and 4, redesignate sections 726 and 727 as sections 725 and 726, respectively.

Page 271, line 2, after "Panel" insert "or the Secretary".

Page 271, line 3, after "Panel" insert "or the Secretary".

Page 271, line 3, strike "or times" and insert "and to such extent".

Page 271, line 24, insert "The Panel shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act." after "operation of law.".

Page 277, after line 22, insert the following:

(1) in section 5005(a)(4) by striking "5201(7)" and inserting "5201(6)";

Page 277, line 23, strike "(1)" and insert "(2)".

Page 278, line 1, strike "(2)" and insert "(3)".

Page 278, after line 5, insert the following:

(B) in section 5201(2) by striking "a motor common carrier, or express carrier" and inserting "or a motor carrier";

(C) in section 5201(4)—

(i) by striking "common"; and

(ii) by striking "permit" and inserting "registration";

(D) in section 5201(5)—

(i) by striking "common" each place it appears;

(ii) by striking "10102(14)" and inserting "13102(11)"; and

(iii) by striking "certificate of public convenience and necessity" and inserting "registration";

(E) by striking paragraph (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(G) in section 5201(6), as so redesignated, by striking "certificate of public convenience and necessity" and inserting "certificate or registration";

Redesignate subsequent subparagraphs on page 278, accordingly.

Page 278, line 10, strike "(B)" and insert "(H)".

Page 278, lines 10 and 11, strike "paragraph," and all that follows through the semicolon on line 12 and insert the following: paragraph—

(i) by striking "Commission" and inserting "Panel"; and

(ii) by striking "motor common carrier" each place it appears and inserting "motor carrier";

Page 278, line 22, strike "and".

Page 279, line 2, strike the period and insert "; and".

Page 279, after line 2, insert the following:

(M) in section 5215(a) by striking "motor common carrier" and inserting "motor carrier".

Page 280, line 10, strike "Board" and insert "Panel".

Page 282, line 5, strike "Board" and insert "Panel".

Page 283, line 15, strike "board" and insert "Panel".

Page 291, line 1, before "part" insert "common carriers of passengers under".

Page 291, line 3, before "part" insert "carriers of passengers under".

Page 291, line 9, strike "11501(g)(2)" and insert "14501(b)(2)".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 5 minutes, and the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will say this is a bipartisan amendment which has the support of both sides of the aisle on our committee. I would emphasize that this manager's amendment is something we have worked out with the various Members.

First of all, Mr. Chairman, the railroad provisions provide that in the clarification, that nothing in the bill is intended to change in any way the current coverage of the Railway Labor Act and the Railroad Retirement and Unemployment Act;

Second, restoration of certain Staggers Act captive shipper protections, such as the so-called Long-Cannon guidelines, requirements for filing of contract summaries and minimum notification periods for changes in rates;

Third, restoration of the feeder line development program, which provides shippers with a procedure by which to preserve rail service that is threatened by abandonment;

Fourth, restrictions on the investigative authority of the transportation adjudicatory panel which will inherit remaining rail regulatory activities, as well as other technical clarifications.

With regard to the motor carrier provisions, there are several technical and clarifying changes to the motor carrier rate provisions. There is a reinstating of provisions from current law relating to the payment of rates, bus carrier merger authority, and updating several provisions from the Negotiated Rates Act of 1994; further, clarifying that carriers currently holding ICC operating authority are deemed to be registered with the Department of Transportation.

Next, there are several changes to the current household goods provisions, including revisions to pooling authority and the determination of which party should pay the cost of the loss and damage arbitration, and establishing that carriers will be able to establish "released value" liability rates, and that such rates may be set by electronic device, as is permitted under current law. The provision makes no changes in the underlying Carmack amendment.

Finally, I note that under the rule, the amendment, if adopted, is made part of the original text for purposes of amendment, so Members' rights to amend this package of amendments is fully protected.

Mr. Chairman, I urge support of the amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the Chairman of the committee has correctly described the amendment as a bipartisan amendment, one on which we have worked together and have come to an agreement to improve the bill, and he has described quite well broad provisions in this manager's amendment. It does include the Long-Cannon criteria which are very important to our colleague, the gentleman from West Virginia [Mr. RAHALL].

It includes a provision that requires summaries of agricultural contracts to be filed with the panel. It includes a requirement that contract carriers remain subject to the common carrier obligation. It requires a feeder line development provision that would allow the panel to order the sale of a railroad line from a railroad that was not providing satisfactory service to another railroad in order to provide better service. Both of these are items that our colleague, the gentleman from New York [Mr. NADLER] is interested in.

It includes provisions to prohibit contract commitments that prevent a carrier from responding to reasonable requests for service, reasonable and hence vital to the common carrier obligation. I think that issue is reasonably resolved.

Mr. Chairman, there are several other amendments, particularly concerning abandonment, that I think are very important to this bill. The gentleman from Pennsylvania [Mr. SHUSTER] and I were fully agreed that we ought to insist on allowing abandonments to be reconfigured to make them more viable as stand-alone short lines and reduce the review period for abandonment from 6 months to 4 months.

All in all, Mr. Chairman, this is a very inclusive and carefully crafted piece of legislation that improves the overall status of this legislation.

Mr. Chairman, I am happy to yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking minority Member for yielding time to me, and certainly associate myself with his comments, as well as the comments of our distinguished chairman, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. Chairman, this is an issue that has been of critical importance to those in the coal fields who are captive to one rail line or are captive shippers of coal and other bulk commodities as well, I might add, across the Nation.

As the gentleman from Minnesota mentioned, this amendment embodies the Long-Cannon guidelines as they relate to captive shippers, and that puts in place the current law that has worked well for us in the coal fields since the enactment of the Staggers Rail Act in 1980. It does provide for reasonable rates charged by railroads on these captive shippers, and for this I salute the gentleman from Pennsylvania, as well as the gentleman from Minnesota [Mr. OBERSTAR], for their working together with me, and for those of us who do represent captive shippers, whether they be coal, iron ore, grain, or whatever the bulk commodity may be, so I urge adoption of the Shuster en bloc amendments.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this committee amendment. Since the subcommittee and full committee markups 2 weeks ago, we have had the opportunity to further review the legislative provisions and consider the further comments of the various groups, including carriers and shippers, as to ways to improve the bill. Some of the motor carrier provisions reflect the recommendations made by affected groups, the Department of Transportation, and the Interstate Commerce Commission, and relate to bus mergers, household goods arbitration disputes, cargo liability and a few other areas. The majority of provisions, however, are simply technical or conforming in nature.

I urge adoption of the amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I rise to thank the committee chairman for this amendment. It does meet with a lot of problems, and I rise to remember that a lot of the problems in this bill are really not philosophical, they are regional, and the chairman has dealt well with this. I also have a concern about captive shipping as well. I appreciate a chance to vote for this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield the balance of our time to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I simply want to say that this manager's amendment is a product of outstanding cooperation and bipartisanship between the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Wisconsin [Mr. PETRI], the gentleman from West Virginia [Mr. RAHALL], and the gentlewoman from New York [Ms. MOLINARI], and it is in the true spirit of the committee that all of us have served on for a long period of time. It is very nice to see that in this day and age, with the hostility that sometimes exists here between the majority and the minority, that we have managed to supersede that on our committee. I have always felt our committee has a special bipartisan flavor to it, and I compliment all the parties involved for working out this manager's amendment.

I particularly salute the chairman and the ranking minority member for working this out, because I know they have worked on numerous problems like this over the course of many years on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time, and I urge support of the amendment.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—ABOLITION OF INTERSTATE COMMERCE COMMISSION

SEC. 101. ABOLITION.

The Interstate Commerce Commission is abolished.

SEC. 102. RAIL PROVISIONS.

(a) AMENDMENT.—Subtitle IV of title 49, United States Code, is amended to read as follows:

"SUBTITLE IV—INTERSTATE TRANSPORTATION

"PART A—RAIL

"CHAPTER Sec.
"101. GENERAL PROVISIONS 10101
"103. JURISDICTION 10301
"105. RATES 10501
"107. LICENSING 10701
"109. OPERATIONS 10901
"111. FINANCE 11101
"113. FEDERAL-STATE RELATIONS 11301
"115. ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES 11501
"117. CIVIL AND CRIMINAL PENALTIES 11701

"PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

"CHAPTER Sec.
"131. GENERAL PROVISIONS 13101
"133. ADMINISTRATIVE PROVISIONS 13301
"135. JURISDICTION 13501
"137. RATES AND THROUGH ROUTES 13701
"139. REGISTRATION 13901
"141. OPERATIONS OF CARRIERS .. 14101
"143. FINANCE 14301
"145. FEDERAL-STATE RELATIONS 14501
"147. ENFORCEMENT; INVESTIGATIONS; RIGHTS; REMEDIES 14701
"149. CIVIL AND CRIMINAL PENALTIES 14901

"PART A—RAIL

"CHAPTER 101—GENERAL PROVISIONS

"Sec.
"10101. Rail transportation policy.
"10102. Definitions.
"10103. Remedies are exclusive.

"§10101. Rail transportation policy

"In regulating the railroad industry, it is the policy of the United States Government—

"(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;

"(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

"(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Panel;

"(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;

"(5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;

"(6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;

"(7) to reduce regulatory barriers to entry into and exit from the industry;

"(8) to operate transportation facilities and equipment without detriment to the public health and safety;

"(9) to encourage honest and efficient management of railroads;

"(10) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;

"(11) to encourage fair wages and safe and suitable working conditions in the railroad industry;

"(12) to avoid undue concentrations of market power and to prohibit unlawful discrimination;

"(13) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information; and

"(14) to encourage and promote energy conservation.

"§10102. Definitions

"In this part—

"(1) 'car service' includes (A) the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, other vehicles, and special types of equipment used in the transportation of property by a rail carrier, and (B) the supply of trains by a rail carrier;

"(2) 'control', when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by (A) common directors, officers, stockholders, a voting trust, or a holding or investment company, or (B) any other means;

"(3) 'Panel' means the Transportation Adjudication Panel;

"(4) 'person', in addition to its meaning under section 1 of title 1, includes a trustee, receiver, assignee, or personal representative of a person;

"(5) 'rail carrier' means a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation;

"(6) 'railroad' includes—

"(A) a bridge, car float, lighter, ferry, and intermodal equipment used by or in connection with a railroad;

"(B) the road used by a rail carrier and owned by it or operated under an agreement; and

"(C) a switch, spur, track, terminal, terminal facility, and a freight depot, yard, and ground, used or necessary for transportation;

"(7) 'rate' means a rate, fare, or charge for transportation;

"(8) 'State' means a State of the United States and the District of Columbia;

"(9) 'transportation' includes—

"(A) a locomotive, car, vehicle, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail, regardless of ownership or an agreement concerning use; and

"(B) services related to that movement, including receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, and interchange of passengers and property; and

"(10) 'United States' means the States of the United States and the District of Columbia.

"§10103. Remedies are exclusive

"Except as otherwise provided in this part, the remedies provided under this part with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law.

"CHAPTER 103—JURISDICTION

"Sec.
"10301. General jurisdiction.
"10302. Authority to exempt rail carrier transportation.

"§10301. General jurisdiction

"(a)(1) Subject to this chapter and other law, the Panel has jurisdiction over transportation by rail carrier that is—

"(A) only by railroad; or

"(B) by railroad and water, when the transportation is under common control, management, or arrangement for a continuous carriage or shipment.

"(2) Jurisdiction under paragraph (1) applies only to transportation in the United States between a place in—

"(A) a State and a place in the same or another State;

"(B) a State and a place in a territory or possession of the United States;

"(C) a territory or possession of the United States and a place in another such territory or possession;

"(D) a territory or possession of the United States and another place in the same territory or possession;

"(E) the United States and another place in the United States through a foreign country; or

"(F) the United States and a place in a foreign country.

"(b) The jurisdiction of the Panel over—

"(1) transportation by rail carriers, and the remedies provided in this part with respect to rates, classifications, rules (including car service, interchange, and other operating rules), practices, routes, services, and facilities of such carriers; and

"(2) the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one State,

is exclusive.

"(c)(1) In this subsection—

"(A) the term 'local governmental authority'—

"(i) has the same meaning given that term by section 5302(a) of this title; and

"(ii) includes a person or entity that contracts with the local governmental authority to provide transportation services; and

"(B) the term 'mass transportation' means transportation services described in section 5302(a) of this title that are provided by rail.

"(2) Except as provided in paragraph (3), the Panel does not have jurisdiction under this part over mass transportation provided by a local governmental authority.

"(3)(A) Notwithstanding paragraph (2) of this subsection, a local governmental authority, described in paragraph (2), is subject to applicable laws of the United States related to—

"(i) safety;

"(ii) the representation of employees for collective bargaining; and

"(iii) employment retirement, annuity, and unemployment systems or other provisions related to dealings between employees and employers.

"(B) The Panel has jurisdiction under sections 10902 and 10903 of this title over mass transportation provided by a local governmental authority. The enactment of the ICC Termination Act of 1995 shall have no effect on which employees and employers are covered by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act after local governmental authority.

"§10302. Authority to exempt rail carrier transportation

"(a) In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Panel under this part, the Panel, to the maximum extent consistent with this part, shall exempt a person, class of persons, or a transaction or service whenever the Panel finds that the application of a provision of this part—

"(1) is not necessary to carry out the transportation policy of section 10101 of this title; and

"(2) either—

"(A) the transaction or service is of limited scope; or

"(B) the application of the provision is not needed to protect shippers from the abuse of market power.

"(b) The Panel may, where appropriate, begin a proceeding under this section on its own initiative or on application by the Secretary of Transportation or an interested party. The Panel shall, within 90 days after receipt of any such application, determine whether to begin an appropriate proceeding. If the Panel decides not to begin a proceeding, the reasons for the decision shall be published in the Federal Register. Any proceeding begun as a result of an application under this subsection shall be completed within one year after it is begun.

"(c) The Panel may specify the period of time during which an exemption granted under this section is effective.

"(d) The Panel may revoke an exemption, to the extent it specifies, when it finds that application of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 10101 of this title. The Panel shall, within 90 days after receipt of a request for revocation under this subsection, determine whether to begin an appropriate proceeding. If the Panel decides not to begin a proceeding, the reasons for the decision shall be published in the Federal Register. Any proceeding begun as a result of a request under this subsection shall be completed within one year after it is begun.

"(e) No exemption order issued pursuant to this section shall operate to relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with the provisions of section 11506 of this title. Nothing in this subsection or section 11506 of this title shall prevent rail carriers from offering alternative terms nor give the Panel the authority to require any specific level of rates or services based upon the provisions of section 11506 of this title.

"(f) The Panel may exercise its authority under this section to exempt transportation that is provided by a rail carrier.

"(g) The Panel may not exercise its authority under this section to relieve a rail carrier of its obligation to protect the interests of employees as required by this part.

"CHAPTER 105—RATES

"SUBCHAPTER I—GENERAL AUTHORITY

"Sec.
"10501. Standards for rates, classifications, through routes, rules, and practices.
"10502. Authority for rail carriers to establish rates, classifications, rules, and practices.
"10503. Authority for rail carriers to establish through routes.
"10504. Authority and criteria: rates, classifications, rules, and practices prescribed by Panel.
"10505. Authority: through routes, joint classifications, rates, and divisions prescribed by Panel.
"10506. Rate agreements: exemption from antitrust laws.
"10507. Determination of market dominance in rail rate proceedings.
"10508. Rail cost adjustment factor.
"10509. Contracts.

"SUBCHAPTER II—SPECIAL CIRCUMSTANCES

"10521. Government traffic.
"10522. Emergency rates.
"10523. Car utilization.

"SUBCHAPTER III—LIMITATIONS

"10541. Prohibitions against discrimination by rail carriers.
"10542. Facilities for interchange of traffic.
"10543. Continuous carriage of freight.
"10544. Transportation services or facilities furnished by shipper.
"10545. Demurrage charges.
"10546. Designation of certain routes by shippers.

"SUBCHAPTER I—GENERAL AUTHORITY

"§10501. Standards for rates, classifications, through routes, rules, and practices

"(a) A through route established by a rail carrier must be reasonable. Divisions of joint rates by rail carriers must be made without unreasonable discrimination against a participating carrier and must be reasonable.

"(b) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part may not discriminate in its rates against a connecting line of another rail carrier providing transportation subject to the jurisdiction of the Panel under this part or unreasonably discriminate against that line in the distribution of traffic that is not routed specifically by the shipper.

"(c) Except as provided in subsection (d) of this section and unless a rate is prohibited by a provision of this part, a rail carrier providing transporation subject to the jurisdiction of the Panel under this part may establish any rate for transportation or other service provided by the rail carrier.

"(d)(1) If the Panel determines, under section 10507 of this title, that a rail carrier has market dominance over the transportation to which a particular rate applies, the rate established by such carrier for such transportation must be reasonable.

"(2) In determining whether a rate established by a rail carrier is reasonable for purposes of this section, the Panel shall give due consideration to—

"(A) the amount of traffic which is transported at revenues which do not contribute to going concern value and the efforts made to minimize such traffic;

"(B) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

"(C) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues,

recognizing the policy of this part that rail carriers shall earn adequate revenues, as established by the Panel under section 10504(a)(2) of this title.

"(3) The Panel shall, within one year after the date of the enactment of this paragraph, complete the pending Interstate Commerce Commission non-coal rate guidelines.

"§10502. Authority for rail carriers to establish rates, classifications, rules, and practices

"A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part shall establish reasonable—

"(1) rates, to the extent required by section 10507 divisions of joint rates, and classifications for transportation and service it may provide under this part; and

"(2) rules and practices on matters related to that transportation or service.

"§10503. Authority for rail carriers to establish through routes

"Rail carriers providing transportation subject to the jurisdiction of the Panel under this part shall establish through routes with each other, shall establish rates and classifications applicable to those routes, and shall establish rules for their operation and provide—

"(1) reasonable facilities for operating the through route; and

"(2) reasonable compensation to persons entitled to compensation for services related to the through route.

"§10504. Authority and criteria: rates, classifications, rules, and practices prescribed by Panel

"(a)(1) When the Panel, after a full hearing, decides that a rate charged or collected by a rail carrier for transportation subject to the jurisdiction of the Panel under this part, or that a classification, rule, or practice of that carrier does or will violate this part, the Panel may prescribe the maximum rate, classification, rule, or practice to be followed. The Panel may order the carrier to stop the violation. When a rate, classification, rule, or practice is prescribed under this subsection, the affected carrier may not publish, charge, or collect a different rate and shall adopt the classification and observe the rule or practice prescribed by the Panel.

"(2) The Panel shall maintain and revise as necessary standards and procedures for establishing revenue levels for rail carriers providing transportation subject to its jurisdiction under this part that are adequate, under honest, economical, and efficient management, to cover total operating expenses, including depreciation and obsolescence, plus a reasonable and economic profit or return (or both) on capital employed in the business. The Panel shall make an adequate and continuing effort to assist those carriers in attaining revenue levels prescribed under this paragraph. Revenue levels established under this paragraph should—

"(A) provide a flow of net income plus depreciation adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation; and

"(B) attract and retain capital in amounts adequate to provide a sound transportation system in the United States.

"(3) On the basis of the standards and procedures described in paragraph (2), the Panel shall annually determine which rail carriers are earning adequate revenues.

"(b) The Panel may begin a proceeding under this section on its own initiative or on complaint. A complaint under subsection (a) of this section must be made under section 11501 of this title, but the proceeding may also be in extension of a complaint pending before the Panel.

"§10505. Authority: through routes, joint classifications, rates, and divisions prescribed by Panel

"(a)(1) The Panel may, and shall when it considers it desirable in the public interest, prescribe through routes, joint classifications, joint rates, the division of joint rates, and the conditions under which those routes must be operated, for a rail carrier providing transportation subject to the jurisdiction of the Panel under this part.

"(2) The Panel may require a rail carrier to include in a through route substantially less than the entire length of its railroad and any intermediate railroad operated with it under common management or control if that intermediate railroad lies between the terminals of the through route only when—

"(A) required under sections 10541, 10542, or 10902 of this title;

"(B) inclusion of those lines would make the through route unreasonably long when compared with a practicable alternative through route that could be established; or

"(C) the Panel decides that the proposed through route is needed to provide adequate, and more efficient or economic, transportation. The Panel shall give reasonable preference, subject to this subsection, to the rail carrier originating the traffic when prescribing through routes.

"(b) The Panel shall prescribe the division of joint rates to be received by a rail carrier providing transportation subject to its jurisdiction under this part when it decides that a division of joint rates established by the participating carriers under section 10503 of this title, or under a decision of the Panel under subsection (a) of this section, does or will violate section 10501 of this title.

"(c) If a division of a joint rate prescribed under a decision of the Panel is later found to violate section 10501 of this title, the Panel may decide what division would have been reasonable and order adjustment to be made retroactive to the date the complaint was filed, the date the order for an investigation was made, or a later date that the Panel decides is justified. The Panel may make a decision under this subsection effective as part of its original decision.

"§10506. Rate agreements: exemption from antitrust laws

"(a)(1) In this subsection—

"(A) the term 'affiliate' means a person controlling, controlled by, or under common control or ownership with another person and 'ownership' refers to equity holdings in a business entity of at least 5 percent;

"(B) the term 'single-line rate' refers to a rate or allowance proposed by a single rail carrier that is applicable only over its line and for which the transportation (exclusive of terminal services by switching, drayage or other terminal carriers or agencies) can be provided by that carrier; and

"(C) the term 'practicably participates in the movement' shall have such meaning as the Panel shall by regulation prescribe.

"(2)(A) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part that is a party to an agreement of at least 2 rail carriers that relates to rates (including charges between rail carriers and compensation paid or received for the use of facilities and equipment), classifications, divisions, or rules related to them, or procedures for joint consideration, initiation, publication, or establishment of them, shall apply to the Panel for approval of that agreement under this subsection. The Panel shall approve the agreement only when it finds that the making and carrying out of the agreement will further the transportation policy of section 10101 of this title and may require compliance with conditions necessary to make the agreement further that policy as a condition of its approval. If the Panel approves the agreement, it may be made and carried out under its terms and under the conditions required by the Panel, and the Sherman Act (15 U.S.C. 1, et seq.), the Clayton Act (15 U.S.C. 12, et seq.), the Federal Trade Commission Act (15 U.S.C. 41, et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), and the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a) do not apply to parties and other persons with respect to making or carrying out the agreement. However, the Panel may not approve or continue approval of an agreement when the conditions required by it are not met or if it does not receive a verified statement under subparagraph (B) of this paragraph.

"(B) The Panel may approve an agreement under subparagraph (A) of this paragraph only when the rail carriers applying for approval file a verified statement with the Panel. Each statement must specify for each rail carrier that is a party to the agreement—

''(i) the name of the carrier;

''(ii) the mailing address and telephone number of its headquarter's office; and

''(iii) the names of each of its affiliates and the names, addresses, and affiliates of each of its officers and directors and of each person, together with an affiliate, owning or controlling any debt, equity, or security interest in it having a value of at least $1,000,000.

''(3)(A) An organization established or continued under an agreement approved under this subsection shall make a final disposition of a rule or rate docketed with it by the 120th day after the proposal is docketed. Such an organization may not—

''(i) permit a rail carrier to discuss, to participate in agreements related to, or to vote on single-line rates proposed by another rail carrier, except that for purposes of general rate increases and broad changes in rates, classifications, rules, and practices only, if the Panel finds at any time that the implementation of this clause is not feasible, it may delay or suspend such implementation in whole or in part;

''(ii) permit a rail carrier to discuss, to participate in agreements related to, or to vote on rates related to a particular interline movement unless that rail carrier practicably participates in the movement; or

''(iii) if there are interline movements over two or more routes between the same end points, permit a carrier to discuss, to participate in agreements related to, or to vote on rates except with a carrier which forms part of a particular single route. If the Panel finds at any time that the implementation of this clause is not feasible, it may delay or suspend such implementation in whole or in part.

''(B)(i) In any proceeding in which a party alleges that a rail carrier voted or agreed on a rate or allowance in violation of this subsection, that party has the burden of showing that the vote or agreement occurred. A showing of parallel behavior does not satisfy that burden by itself.

''(ii) In any proceeding in which it is alleged that a carrier was a party to an agreement, conspiracy, or combination in violation of a Federal law cited in subsection (a)(2)(A) of this section or of any similar State law, proof of an agreement, conspiracy, or combination may not be inferred from evidence that two or more rail carriers acted together with respect to an interline rate or related matter and that a party to such action took similar action with respect to a rate or related matter on another route or traffic. In any proceeding in which such a violation is alleged, evidence of a discussion or agreement between or among such rail carrier and one or more other rail carriers, or of any rate or other action resulting from such discussion or agreement, shall not be admissible if the discussion or agreement—

''(I) was in accordance with an agreement approved under paragraph (2) of this subsection; or

''(II) concerned an interline movement of the rail carrier, and the discussion or agreement would not, considered by itself, violate the laws referred to in the first sentence of this clause.

In any proceeding before a jury, the court shall determine whether the requirements of subclause (I) or (II) are satisfied before allowing the introduction of any such evidence.

''(C) An organization described in subparagraph (A) of this paragraph shall provide that transcripts or sound recordings be made of all meetings, that records of votes be made, and that such transcripts or recordings and voting records be submitted to the Panel and made available to other Federal agencies in connection with their statutory responsibilities over rate bureaus, except that such material shall be kept confidential and shall not be subject to disclosure under section 552 of title 5, United States Code.

''(4) Notwithstanding any other provision of this subsection, one or more rail carriers may enter into an agreement, without obtaining prior Panel approval, that provides solely for compilation, publication, and other distribution of rates in effect or to become effective. The Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), and the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a) shall not apply to parties and other persons with respect to making or carrying out such agreement. However, the Panel may, upon application or on its own initiative, investigate whether the parties to such an agreement have exceeded its scope, and upon a finding that they have, the Panel may issue such orders as are necessary, including an order dissolving the agreement, to ensure that actions taken pursuant to the agreement are limited as provided in this paragraph.

''(5)(A) Whenever two or more shippers enter into an agreement to discuss among themselves that relates to the amount of compensation such shippers propose to be paid by rail carriers providing transportation subject to the jurisdiction of the Panel under this part, for use by such rail carriers of rolling stock owned or leased by such shippers, the shippers shall apply to the Panel for approval of that agreement under this paragraph. The Panel shall approve the agreement only when it finds that the making and carrying out of the agreement will further the transportation policy set forth in section 10101 of this title and may require compliance with conditions necessary to make the agreement further that policy as a condition of approval. If the Panel approves the agreement, it may be made and carried out under its terms and under the terms required by the Panel, and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement. The Panel shall approve or disapprove an agreement under this paragraph within one year after the date application for approval of such agreement is made.

''(B) If the Panel approves an agreement described in subparagraph (A) of this paragraph and the shippers entering into such agreement and the rail carriers proposing to use rolling stock owned or leased by such shippers, under payment by such carriers or under a published allowance, are unable to agree upon the amount of compensation to be paid for the use of such rolling stock, any party directly involved in the negotiations may require that the matter be settled by submitting the issues in dispute to the Panel. The Panel shall render a binding decision, based upon a standard of reasonableness and after taking into consideration any past precedents on the subject matter of the negotiations, no later than 90 days after the date of the submission of the dispute to the Panel.

''(C) Nothing in this paragraph shall be construed to change the law in effect prior to the effective date of the Staggers Rail Act of 1980 with respect to the obligation of rail carriers to utilize rolling stock owned or leased by shippers.

''(b) The Panel may require an organization established or continued under an agreement approved under this section to maintain records and submit reports. The Panel may inspect a record maintained under this section.

''(c) The Panel may review an agreement approved under subsection (a) of this section and shall change the conditions of approval or terminate it when necessary to comply with the public interest and subsection (a). The Panel shall postpone the effective date of a change of an agreement under this subsection for whatever period it determines to be reasonably necessary to avoid unreasonable hardship.

''(d) The Panel may begin a proceeding under this section on its own initiative or on application. Action of the Panel under this section—

''(1) approving an agreement;

''(2) denying, ending, or changing approval;

''(3) prescribing the conditions on which approval is granted; or

''(4) changing those conditions,

has effect only as related to application of the antitrust laws referred to in subsection (a) of this section.

''(e) The Panel shall review each agreement approved under subsection (a) of this section periodically, but at least once every 3 years—

''(1) to determine whether the agreement or an organization established or continued under one of those agreements still complies with the requirements of that subsection and the public interest; and

''(2) to evaluate the success and effect of that agreement or organization on the consuming public and the national rail freight transportation system.

If the Panel finds that an agreement or organization does not conform to the requirements of that subsection, it shall end or suspend its approval.

''(f)(1) The Federal Trade Commission, in consultation with the Antitrust Division of the Department of Justice, shall prepare periodically an assessment of, and shall report to the Panel on—

''(A) possible anticompetitive features of—

''(i) agreements approved or submitted for approval under subsection (a) of this section; and

''(ii) an organization operating under those agreements; and

''(B) possible ways to alleviate or end an anticompetitive feature, effect, or aspect in a manner that will further the goals of this part and of the transportation policy of section 10101 of this title.

''(2) Reports received by the Panel under this subsection shall be published and made available to the public under section 552(a) of title 5.

''§10507. Determination of market dominance in rail rate proceedings

''(a) In this section, 'market dominance' means an absence of effective competition from other rail carriers or modes of transportation for the transportation to which a rate applies.

''(b) When a rate for transportation by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part is challenged as being unreasonably high, the Panel shall determine, within 90 days after the start of a proceeding, whether the rail carrier proposing the rate has market dominance over the transportation to which the rate applies. The Panel may make that determination on its own initiative or on complaint. A finding by the Panel that the rail carrier does not have market dominance is determinative in a proceeding under this part related to that rate or transportation unless changed or set aside by the Panel or set aside by a court of competent jurisdiction.

''(c) When the Panel finds in any proceeding that a rail carrier proposing or defending a rate for transportation has market dominance over the transportation to which the rate applies, it may then determine that rate to be unreasonable if it exceeds a reasonable maximum for that transportation. However, a finding of market dominance does not establish a presumption that the proposed rate exceeds a reasonable maximum.

''(d)(1)(A) In making a determination under this section, the Panel shall find that the rail carrier establishing the challenged rate does not have market dominance over the transportation to which the rate applies if such rail carrier proves that the rate charged results in a revenue-variable cost percentage for such transportation that is less than 180 percent.

"(B) For purposes of this section, variable costs for a rail carrier shall be determined only by using such carrier's unadjusted costs, calculated using the Uniform Rail Costing System cost finding methodology (or an alternative methodology adopted by the Panel in lieu thereof) and indexed quarterly to account for current wage and price levels in the region in which the carrier operates, with adjustments specified by the Panel. A rail carrier may meet its burden of proof under this subsection by establishing its variable costs in accordance with this paragraph, but a shipper may rebut that showing by evidence of such type, and in accordance with such burden of proof, as the Panel shall prescribe.

"(2) A finding by the Panel that a rate charged by a rail carrier results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than 180 percent does not establish a presumption that—

"(A) such rail carrier has or does not have market dominance over such transportation; or

"(B) the proposed rate exceeds or does not exceed a reasonable maximum.

"§10508. Rail cost adjustment factor

"(a) The Panel shall, as often as practicable, but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Panel, with appropriate adjustments to reflect the change in composition of railroad costs, including the quality and mix of material and labor) and the denominator of which is the same index for the fourth quarter of every fifth year, beginning with the fourth quarter of 1992.

"(b) The rail cost adjustment factor published by the Panel under subsection (a) of this section shall take into account changes in railroad productivity. The Panel shall also publish a similar index that does not take into account changes in railroad productivity.

"§10509. Contracts

"(a) One or more rail carriers providing transportation subject to the jurisdiction of the Panel under this part may enter into a contract with one or more purchasers of rail services to provide specified services under specified rates and conditions.

"(b) A party to a contract entered into under this section shall have no duty in connection with services provided under such contract other than those duties specified by the terms of the contract.

"(c)(1) A contract that is authorized by this section, and transportation under such contract, shall not be subject to this part, and may not be subsequently challenged before the Panel or in any court on the grounds that such contract violates a provision of this part.

"(2) The exclusive remedy for any alleged breach of a contract entered into under this section shall be an action in an appropriate State court or United States district court, unless the parties otherwise agree. The district courts of the United States shall not have jurisdiction pursuant to this section based on section 1331 or 1337 of title 28, United States Code.

"(d)(1) A summary of each contract for the transportation of agricultural commodities entered into under this section shall be filed with the Panel, containing such nonconfidential information as the Panel prescribes. The Panel shall publish special rules for such contracts in order to ensure that the essential terms of the contract are available to the general public.

"(2) Documents, papers, and records (and any copies thereof) relating to a contract described in subsection (a) shall not be subject to the mandatory disclosure requirements of section 552 of title 5.

"(e) Any lawful contract between a rail carrier and one or more purchasers of rail service that was in effect on the effective date of the Staggers Rail Act of 1980 shall be considered a contract authorized by this section.

"(f) A rail carrier that enters into a contract as authorized by this section remains subject to the common carrier obligation set forth in section 10901, with respect to rail transportation not provided under such a contract.

"SUBCHAPTER II—SPECIAL CIRCUMSTANCES

"§10521. Government traffic

"A rail carrier providing transportation or service for the United States Government may transport property for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply when transportation for the United States Government can be obtained from a rail carrier lawfully operating in the area where the transportation would be provided.

"§10522. Emergency rates

"(a) The Panel may authorize a rail carrier providing transportation or service subject to its jurisdiction under this part to give reduced rates for service and transportation of property to or from an area in the United States to provide relief during emergencies. When the Panel takes action under this subsection, it must—

"(1) define the area of the United States in which the reduced rates will apply;

"(2) specify the period during which the reduced rates are to be in effect; and

"(3) define the class of persons entitled to the reduced rates.

"(b) The Panel may specify those persons entitled to reduced rates by reference to those persons designated as being in need of relief by the United States Government or by a State government authorized to assist in providing relief during the emergency. The Panel may act under this section without regard to subchapter II of chapter 5 of title 5.

"§10523. Car utilization

"In order to encourage more efficient use of freight cars, notwithstanding any other provision of this part, rail carriers shall be permitted to establish premium charges for special services or special levels of services not otherwise applicable to the movement. The Panel shall facilitate development of such charges so as to increase the utilization of equipment.

"SUBCHAPTER III—LIMITATIONS

"§10541. Prohibitions against discrimination by rail carriers

"(a)(1) A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part may not subject a person, place, port, or type of traffic to unreasonable discrimination.

"(2) For purposes of this section, a rail carrier engages in unreasonable discrimination when it charges or receives from a person a different compensation for a service rendered, or to be rendered, in transportation the rail carrier may perform under this part than it charges or receives from another person for performing a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances.

"(b) This section shall not apply to—

"(1) contracts described in section 10509 of this title;

"(2) rail rates applicable to different routes; or

"(3) discrimination against the traffic of another carrier providing transportation by any mode.

"(c) Differences between rates, classifications, rules, and practices of rail carriers do not constitute a violation of this section if such differences result from different services provided by rail carriers.

"§10542. Facilities for interchange of traffic

"A rail carrier providing transportation subject to the jurisdiction of the Panel under this part shall provide reasonable, proper, and equal facilities that are within its power to provide for the interchange of traffic between, and for the receiving, forwarding, and delivering of passengers and property to and from, its respective line and a connecting line of another rail carrier.

"§10543. Continuous carriage of freight

"A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part may not enter a combination or arrangement to prevent the carriage of freight from being continuous from the place of shipment to the place of destination whether by change of time schedule, carriage in different cars, or by other means. The carriage of freight by those rail carriers is considered to be a continuous carriage from the place of shipment to the place of destination when a break of bulk, stoppage, or interruption is not made in good faith for a necessary purpose, and with the intent of avoiding or unnecessarily interrupting the continuous carriage or of evading this part.

"§10544. Transportation services or facilities furnished by shipper

"A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part may publish a charge or allowance for transportation or service for property when the owner of the property, directly or indirectly, furnishes a service related to or an instrumentality used in the transportation or service. The Panel may prescribe the maximum reasonable charge or allowance a rail carrier subject to its jurisdiction may pay for a service or instrumentality furnished under this section. The Panel may begin a proceeding under this section on its own initiative or on application.

"§10545. Demurrage charges

"A rail carrier providing transportation subject to the jurisdiction of the Panel under this part shall compute demurrage charges, and establish rules related to those charges, in a way that fulfills the national needs related to—

"(1) freight car use and distribution; and

"(2) maintenance of an adequate supply of freight cars to be available for transportation of property.

"§10546. Designation of certain routes by shippers

"(a)(1) When a person delivers property to a rail carrier for transportation subject to the jurisdiction of the Panel under this part, the person may direct the rail carrier to transport the property over an established through route. When competing rail lines constitute a part of the route, the person shipping the property may designate the lines over which the property will be transported. The designation must be in writing. A rail carrier may be directed to transport property over a particular through route when—

"(A) there are at least 2 through routes over which the property could be transported;

"(B) a through rate has been established for transportation over each of those through routes; and

"(C) the rail carrier is a party to those routes and rates.

"(2) A rail carrier directed to route property transported under paragraph (1) of this subsection must issue a through bill of lading containing the routing instructions and transport the property according to the instructions.

When the property is delivered to a connecting rail carrier, that rail carrier must also receive and transport it according to the routing instructions and deliver it to the next succeeding rail carrier or consignee according to the instructions.

"(b) The Panel may prescribe exceptions to the authority of a person to direct the movement of traffic under subsection (a) of this section.

"CHAPTER 107—LICENSING

"Sec.
"10701. Authorizing construction and operation of railroad lines.
"10702. Finance and construction transactions by Class II and Class III rail carriers and noncarriers.
"10703. Filing and procedure for notice of intent to abandon or discontinue.
"10704. Offers to purchase to avoid abandonment and discontinuance.
"10705. Offering abandoned rail properties for sale for public purposes.
"10706. Exception.
"10707. Railroad development.

"§10701. Authorizing construction and operation of railroad lines

"(a) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part may—

"(1) construct an extension to any of its railroad lines;

"(2) construct an additional railroad line;

"(3) acquire or operate an extended or additional railroad line; or

"(4) provide transportation over, or by means of, an extended or additional railroad line;

only if the Panel issues a certificate authorizing such activity under subsection (c).

"(b) A proceeding to grant authority under subsection (a) of this section begins when an application is filed. On receiving the application, the Panel shall give reasonable public notice of the beginning of such proceeding.

"(c) The Panel shall issue a certificate authorizing activities for which such authority is requested in an application filed under subsection (b) unless the Panel finds that such activities are inconsistent with the public convenience and necessity. Such certificate may approve the application as filed, or with modifications, and may require compliance with conditions the Panel finds necessary in the public interest.

"(d)(1) When a certificate has been issued by the Panel under this section or section 10702 authorizing the construction or extension of a railroad line, no other rail carrier may block any construction or extension authorized by such certificate by refusing to permit the carrier to cross its property if—

"(A) the construction does not unreasonably interfere with the operation of the crossed line;

"(B) the operation does not materially interfere with the operation of the crossed line; and

"(C) the owner of the crossing line compensates the owner of the crossed line.

"(2) If the parties are unable to agree on the terms of operation or the amount of payment for purposes of paragraph (1) of this subsection, either party may submit the matters in dispute to the Panel for determination. The Panel shall make a determination under this paragraph within 90 days after the dispute is submitted for determination.

"(e) The Panel may require any rail carrier proposing both to construct and operate a new railroad line pursuant to this section to provide a fair and equitable arrangement for the protection of the interests of railroad employees who may be affected thereby no less protective of and beneficial to the interests of such employees than those established pursuant to section 11126 of this title.

"(f) Subsections (a), (b), (c), and (e) of this section shall only apply to Class I rail carriers.

"§10702. Finance and construction transactions by Class II and Class III rail carriers and noncarriers

"(a)(1) A Class II or Class III (as defined by the Panel) rail carrier providing transportation subject to the jurisdiction of the Panel under this part, or a noncarrier, may—

"(A) construct an extension of any of its railroad lines;

"(B) construct an additional railroad line; or

"(C) acquire or operate a railroad line,

only if the Panel issues a certificate authorizing such activity under subsection (c).

"(2) A certificate issued by the Panel under subsection (c) shall also be required for—

"(A) a Class II or Class III rail carrier providing transportation subject to the jurisdiction of the Panel under this part, or a noncarrier to provide transportation over, or by means of, a railroad line by trackage rights, lease, or joint ownership or joint use of the railroad line (and terminals incidental thereto);

"(B) a consolidation or merger of the properties or franchises of at least 2 Class II or Class III rail carriers into one corporation for the ownership, management, and operation of the previously separately owned properties;

"(C) the acquisition of control of a Class II or Class III rail carrier by one or more Class II or Class III rail carriers;

"(D) the acquisition of control of at least 2 Class II or Class III rail carriers by a person that is not a rail carrier; and

"(E) the acquisition of control of a Class II or Class III rail carrier by a person that is not a rail carrier but that controls at least one Class II or Class III rail carrier.

"(b) A proceeding to grant authority under subsection (a) begins when an application is filed. On receiving the application, the Panel shall give reasonable public notice of the beginning of such proceeding.

"(c) The Panel shall issue a certificate authorizing activities for which such authority is requested in an application filed under subsection (b) unless the Panel finds that such activities are inconsistent with the public convenience and necessity because—

"(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

"(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

Such certificate may approve the application as filed, or with modifications, and may require compliance with conditions the Panel finds necessary in the public interest.

"(d) When a person is involved in a transaction for which approval is sought under this section, the Panel shall require such person to protect the interest of affected employees to an extent equal to the protection required under sections 2 through 5 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101–2104).

"(e) The authority of the Panel over transactions described in subsection (a)(2) is exclusive. A rail carrier or corporation participating in or resulting from such a transaction may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A rail carrier, corporation, or person participating in that transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that rail carrier, corporation, or person carry out the transaction, hold, maintain, and operate property and exercise control or franchises acquired through the transaction.

"§10703. Filing and procedure for notice of intent to abandon or discontinue

"(a)(1) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part who intends to—

"(A) abandon any part of its railroad lines; or

"(B) discontinue the operation of all rail transportation over any part of its railroad lines,

must file a notice of intent relating thereto with the Panel. An abandonment or discontinuance may be carried out only as authorized under this chapter.

"(2) When a rail carrier providing transportation subject to the jurisdiction of the Panel under this part files a notice of intent, the notice shall include—

"(A) an accurate and understandable summary of the rail carrier's reasons for the proposed abandonment or discontinuance;

"(B) a statement indicating that each interested person is entitled to make recommendations to the Panel on the future of the rail line; and

"(C)(i) a statement that the line is available for sale in accordance with section 10704 of this title, (ii) a statement that the rail carrier will promptly provide to each interested party an estimate of the minimum purchase price, calculated in accordance with section 10704 of this title and (iii) the name and business address of the person who is authorized to discuss sale terms for the rail carrier.

"(3) The rail carrier shall—

"(A) send by certified mail a copy of the notice of intent to the chief executive officer of each State that would be directly affected by the proposed abandonment or discontinuance;

"(B) post a copy of the notice in each terminal and station on each portion of a railroad line proposed to be abandoned or over which all transportation is to be discontinued;

"(C) publish a copy of the notice for 3 consecutive weeks in a newspaper of general circulation in each county in which each such portion is located;

"(D) mail a copy of the notice, to the extent practicable, to all shippers that have made significant use (as designated by the Panel) of the railroad line during the 12 months preceding the filing of the notice of intent; and

"(E) attach to the notice filed with the Panel an affidavit certifying the manner in which subparagraphs (A) through (D) of this paragraph have been satisfied, and certifying that subparagraphs (A) through (D) have been satisfied within the most recent 30 days prior to the date the notice of intent is filed.

"(b)(1) Except as provided in paragraph (2) or subsection (d), abandonment and discontinuance may occur as provided in section 10704.

"(2) The Panel shall require as a condition of any abandonment or discontinuance under this section provisions to protect the interests of employees. The provisions shall be at least as beneficial to those interests as the provisions established under sections 11126 and 24706(c) of this title.

"(c)(1) In this subsection, the term 'potentially subject to abandonment' has the meaning given the term in regulations of the Panel. The regulations may include standards that vary by region of the United States and by railroad or group of railroads.

"(2) Each rail carrier shall maintain a complete diagram of the transportation system operated, directly or indirectly, by the rail carrier. The rail carrier shall submit to the Panel and publish amendments to its diagram that are necessary to maintain the accuracy of the diagram. The diagram shall—

"(A) include a detailed description of each of its railroad lines potentially subject to abandonment; and

"(B) identify each railroad line for which the rail carrier plans to file a notice of intent to abandon or discontinue under subsection (a) of this section.

"(d) The Panel may disapprove a proposed abandonment or discontinuance if the Panel finds it inconsistent with the public convenience and necessity.

"§10704. Offers to purchase to avoid abandonment and discontinuance

"(a) Any rail carrier which has filed a notice of intent to abandon or discontinue shall provide promptly to a party considering an offer to purchase and shall provide concurrently to the Panel—

"(1) a statement of the minimum purchase price required;

"(2) its most recent reports on the physical condition of that part of the railroad line involved in the proposed abandonment or discontinuance;

"(3) traffic, revenue, and other data necessary to determine the commercial potential of the railroad line; and

"(4) any other information that the Panel considers necessary to allow a potential offeror to calculate an adequate purchase offer.

"(b) Within 4 months after a notice of intent is filed under section 10703, any person may offer to purchase the railroad line that is the subject of such notice of intent. Such offer shall be filed concurrently with the Panel. If the offer to purchase is less than the minimum purchase price stated pursuant to subsection (a)(1), the offer shall explain the basis of the disparity, and the manner in which the offer is calculated.

"(c)(1) Unless the Panel, within 15 days after the expiration of the 4-month period described in subsection (b), finds that one or more financially responsible persons (including a governmental authority) have offered to purchase that part of the railroad line to be abandoned or over which all rail transportation is to be discontinued, abandonment or discontinuance may be carried out in accordance with section 10703.

"(2) If the Panel finds that such an offer or offers to purchase have been made within such period, abandonment or discontinuance shall be postponed until—

"(A) the carrier and a financially responsible person have reached agreement on a transaction for sale of the line; or

"(B) the conditions and amount of compensation are established under subsection (e).

"(d) Except as provided in subsection (e)(3), if the rail carrier and a financially responsible person (including a governmental authority) fail to agree on the amount or terms of the purchase, either party may, within 30 days after the offer is made, request that the Panel establish the conditions and amount of compensation.

"(e)(1) Whenever the Panel is requested to establish the conditions and amount of compensation under this section—

"(A) the Panel shall render its decision within 30 days;

"(B) the Panel shall determine the price and other terms of sale, except that in no case shall the Panel set a price which is below the fair market value of the line (including, unless otherwise mutually agreed, all facilities on the line or portion necessary to provide effective transportation services).

"(2) The decision of the Panel shall be binding on both parties, except that the person who has offered to purchase the line may withdraw his offer within 10 days of the Panel's decision. In such a case, the abandonment or discontinuance may be carried out immediately, unless other offers are being considered pursuant to paragraph (3) of this subsection.

"(3) If a rail carrier receives more than one offer to purchase, it shall select the offeror with whom it wishes to transact business, and complete the sale agreement, or request that the Panel establish the conditions and amount of compensation before the 40th day after the expiration of the 4-month period described in subsection (b). If no agreement on sale is reached within such 40-day period and the Panel has not been requested to establish the conditions and amount of compensation, any other offeror whose offer was made within the 4-month period described in subsection (b) may request that the Panel establish the conditions and amount of compensation. If the Panel has established the conditions and amount of compensation, and the original offer has been withdrawn, any other offeror whose offer was made within the 4-month period described in subsection (b) may accept the Panel's decision within 20 days after such decision, and the Panel shall require the carrier to enter into a sale agreement with such offeror, if such sale agreement incorporates the Panel's decision.

"(4) No purchaser of a line or portion of line sold under this section may transfer or discontinue service on such line prior to the end of the second year after consummation of the sale, nor may such purchaser transfer such line, except to the rail carrier from whom it was purchased, prior to the end of the fifth year after consummation of the sale.

"(f) Upon abandonment of a railroad line under this section, the obligation of the rail carrier abandoning the line to provide transportation on that line, as required by section 10901(a), is extinguished.

"§10705. Offering abandoned rail properties for sale for public purposes

"When a rail carrier files a notice of intent to abandon or discontinue under section 10703, the Panel shall find whether the rail properties that are involved in the proposed abandonment or discontinuance are appropriate for use for public purposes, including highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the Panel finds that the rail properties proposed to be abandoned are appropriate for public purposes and not required for continued rail operations, the properties may be sold, leased, exchanged, or otherwise disposed of only under conditions provided in the order of the Panel. The conditions may include a prohibition on any such disposal for a period of not more than 180 days after the effective date of the order, unless the properties have first been offered, on reasonable terms, for sale for public purposes.

"§10706. Exception

"Notwithstanding section 10701 and subchapter II of chapter 111 of this title, and without the approval of the Panel, a rail carrier providing transportation subject to the jurisdiction of the Panel under this part may enter into arrangements for the joint ownership or joint use of spur, industrial, team, switching, or side tracks. The Panel does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks.

"§10707. Railroad development

"(a) In this section, the term 'financially responsible person' means a person who—

"(1) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired; and

"(2) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years.

Such term includes a governmental authority but does not include a Class I or Class II rail carrier.

"(b)(1) When the Panel finds that—

"(A)(i) the public convenience and necessity require or permit the sale of a particular railroad line under this section; or

"(ii) a railroad line is on a system diagram map as required under section 10703 of this title, but the rail carrier owning such line has not filed a notice of intent to abandon such line under section 10703 of this title before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section; and

"(B) an application to purchase such line has been filed by a financially responsible person,

the Panel shall require the rail carrier owning the railroad line to sell such line to such financially responsible person at a price not less than the constitutional minimum value.

"(2) For purposes of this subsection, the constitutional minimum value of a particular railroad line shall be presumed to be not less than the net liquidation value of such line or the going concern value of such line, whichever is greater.

"(c)(1) For purposes of this section, the Panel may determine that the public convenience and necessity require or permit the sale of a railroad line if the Panel determines, after a hearing on the record, that—

"(A) the rail carrier operating such line refuses within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over such line;

"(B) the transportation over such line is inadequate for the majority of shippers who transport traffic over such line;

"(C) the sale of such line will not have a significantly adverse financial effect on the rail carrier operating such line;

"(D) the sale of such line will not have an adverse effect on the overall operational performance of the rail carrier operating such line; and

"(E) the sale of such line will be likely to result in improved railroad transportation for shippers that transport traffic over such line.

"(2) In a proceeding under this subsection, the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line. If the Panel finds under this subsection that the public convenience and necessity require or permit the sale of a particular railroad line, the Panel shall concurrently notify the parties of such finding and publish such finding in the Federal Register.

"(d) In the case of any railroad line subject to sale under subsection (a) of this section, the Panel shall, upon the request of the acquiring carrier, require the selling carrier to provide to the acquiring carrier trackage rights to allow a reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring carrier. The Panel shall require the acquiring carrier to provide the selling carrier reasonable compensation for any such trackage rights.

"(e) The Panel shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line subject to a sale under this section.

"(f) In the case of a railroad line which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, whenever a purchasing carrier under this section petitions the Panel for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practicably participate, the Panel shall, within 30 days after the date such petition is filed and pursuant to section 10505(a) of this title, require the establishment of reasonable joint rates and divisions over such route.

"(g)(1) Any person operating a railroad line acquired under this section may elect to be exempt from any of the provisions of this part, except that such a person may not be exempt from the provisions of chapter 105 of this title with respect to transportation under a joint rate.

"(2) The provisions of paragraph (1) of this subsection shall apply to any line of railroad which was abandoned during the 18-month period immediately prior to the effective date of the Staggers Rail Act of 1980 and was subsequently purchased by a financially responsible person.

"(h) If a purchasing carrier under this section proposes to sell or abandon all or any portion of a purchased railroad line, such purchasing carrier shall offer the right of first refusal with respect to such line or portion thereof to the carrier which sold such line under this section. Such offer shall be made at a price equal to the sum of the price paid by such purchasing carrier to such selling carrier for such line or portion thereof and the fair market value (less deterioration) of any improvements made, as adjusted to reflect inflation.

"(i) Any person operating a railroad line acquired under this section may determine preconditions, such as payment of a subsidy, which must be met by shippers in order to obtain service over such lines, but such operator must notify the shippers on the line of its intention to impose such preconditions.

"CHAPTER 109—OPERATIONS

"SUBCHAPTER I—GENERAL REQUIREMENTS

"Sec.
"10901. Providing transportation, service, and rates.
"10902. Use of terminal facilities.
"10903. Switch connections and tracks.

"SUBCHAPTER II—CAR SERVICE

"10921. Criteria.
"10922. Compensation and practice.
"10923. Rerouting traffic on failure of rail carrier to serve the public.
"10924. War emergencies; embargoes imposed by carriers.

"SUBCHAPTER III—REPORTS AND RECORDS

"10941. Definitions.
"10942. Uniform accounting system.
"10943. Depreciation charges.
"10944. Records: form; inspection; preservation.
"10945. Reports by rail carriers, lessors, and associations.

"SUBCHAPTER IV—RAILROAD COST ACCOUNTING

"10961. Implementation of cost accounting principles.
"10962. Rail carrier cost accounting system.
"10963. Cost availability.
"10964. Accounting and cost reporting.

"SUBCHAPTER I—GENERAL REQUIREMENTS

"§10901. Providing transportation, service, and rates

"(a) A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part shall provide the transportation or service on reasonable request. A rail carrier shall not be found to have violated this section because it fulfills its reasonable commitments under contracts authorized under section 10509 of this title before responding to reasonable requests for service. Commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable.

"(b) A rail carrier shall also provide to any person, on request, rates and other service terms. The response by a rail carrier to a request for rates and other service terms shall be—

"(1) in writing and forwarded to the requesting person promptly after receipt of the request; or

"(2) promptly made available in electronic form.

"(c) A rail carrier may not increase any common carrier rates or change any common carrier service terms unless 20 days have expired after written notice is provided in accordance with subsection (d) to—

"(1) any person who has requested such rates or terms under subsection (b); and

"(2) any person who has made arrangements with the carrier for a shipment that would be subject to such increased rates or changed terms.

"(d) The Panel shall, by regulation, establish rules to implement this section. Final regulations shall be adopted by the Panel not later than 180 days after the date of the enactment of the ICC Termination Act of 1995.

"§10902. Use of terminal facilities

"(a) The Panel may require terminal facilities, including main-line tracks for a reasonable distance outside of a terminal, owned by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part, to be used by another rail carrier if the Panel finds that use to be practicable and in the public interest without substantially impairing the ability of the rail carrier owning the facilities or entitled to use the facilities to handle its own business. The rail carriers are responsible for establishing the conditions and compensation for use of the facilities. However, if the rail carriers cannot agree, the Panel may establish conditions and compensation for use of the facilities under the principle controlling compensation in condemnation proceedings. The compensation shall be paid or adequately secured before a rail carrier may begin to use the facilities of another rail carrier under this section.

"(b) A rail carrier whose terminal facilities are required to be used by another rail carrier under this section is entitled to recover damages from the other rail carrier for injuries sustained as the result of compliance with the requirement or for compensation for the use, or both as appropriate, in a civil action, if it is not satisfied with the conditions for use of the facilities or if the amount of the compensation is not paid promptly.

"(c)(1) The Panel may require rail carriers to enter into reciprocal switching agreements, where it finds such agreements to be practicable and in the public interest, or where such agreements are necessary to provide competitive rail service. The rail carriers entering into such an agreement shall establish the conditions and compensation applicable to such agreement, but, if the rail carriers cannot agree upon such conditions and compensation within a reasonable period of time, the Panel may establish such conditions and compensation.

"(2) The Panel may require reciprocal switching agreements entered into by rail carriers pursuant to this subsection to contain provisions for the protection of the interests of employees affected thereby.

"(d) The Panel shall complete any proceeding under subsection (a) or (b) within 180 days after the filing of the request for relief.

"§ 10903. Switch connections and tracks

"(a) On application of the owner of a lateral branch line of railroad, or of a shipper tendering interstate traffic for transportation, a rail carrier providing transportation subject to the jurisdiction of the Panel under this part shall construct, maintain, and operate, on reasonable conditions, a switch connection to connect that branch line or private side track with its railroad and shall furnish cars to move that traffic to the best of its ability without discrimination in favor of or against the shipper when the connection—

"(1) is reasonably practicable;

"(2) can be made safely; and

"(3) will furnish sufficient business to justify its construction and maintenance.

"(b) If a rail carrier fails to install and operate a switch connection after application is made under subsection (a) of this section, the owner of the lateral branch line of railroad or the shipper may file a complaint with the Panel under section 11501 of this title. The Panel shall investigate the complaint and decide the safety, practicability, justification, and compensation to be paid for the connection. The Panel may direct the rail carrier to comply with subsection (a) of this section only after a full hearing.

"SUBCHAPTER II—CAR SERVICE

"§ 10921. Criteria

"(a)(1) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part shall furnish safe and adequate car service and establish, observe, and enforce reasonable rules and practices on car service. The Panel may require a rail carrier to provide facilities and equipment that are reasonably necessary to furnish safe and adequate car service if the Panel decides that the rail carrier has materially failed to furnish that service. The Panel may begin a proceeding under this paragraph when an interested person files an application with it. The Panel may act only after a hearing on the record and an affirmative finding, based on the evidence presented, that—

"(A) providing the facilities or equipment will not materially and adversely affect the ability of the rail carrier to provide safe and adequate transportation;

"(B) the amount spent for the facilities or equipment, including a return equal to the rail carrier's current cost of capital, will be recovered; and

"(C) providing the facilities or equipment will not impair the ability of the rail carrier to attract adequate capital.

"(2) The Panel may require a rail carrier to file its car service rules with the Panel.

"(b) The Panel may designate and appoint agents and agencies to make and carry out its directions related to car service and matters under sections 10923 and 10924(a)(1) of this title.

"§10922. Compensation and practice

"(a) The regulations of the Panel on car service shall encourage the purchase, acquisition, and efficient use of freight cars. The regulations may include—

"(1) the compensation to be paid for the use of a locomotive, freight car, or other vehicle;

"(2) the other terms of any arrangement for the use by a rail carrier of a locomotive, freight car, or other vehicle not owned by the rail carrier using the locomotive, freight car, or other vehicle, whether or not owned by another carrier, shipper, or third person; and

"(3) sanctions for nonobservance.

"(b) The rate of compensation to be paid for each type of freight car shall be determined by the expense of owning and maintaining that type of freight car, including a fair return on its cost giving consideration to current costs of capital, repairs, materials, parts, and labor. In determining the rate of compensation, the Panel shall consider the transportation use of each type of freight car, the national level of ownership of each type of freight car, and other factors that affect the adequacy of the national freight car supply.

"§10923. Rerouting traffic on failure of rail carrier to serve the public

"(a) When the Panel considers that a rail carrier providing transportation subject to the jurisdiction of the Panel under this part cannot transport the traffic offered to it in a manner that properly serves the public, the Panel may direct the handling, routing, and movement of the traffic of that rail carrier and its distribution over other railroad lines to promote commerce and service to the public. Subject to subsection (b)(2) of this section, the rail carriers may establish the terms of compensation between themselves.

"(b)(1) Except as provided in paragraph (2) of this subsection, the Panel may act under this section on its own initiative or on application without regard to subchapter II of chapter 5 of title 5.

"(2) When the rail carriers do not agree on the terms of compensation under this section, the Panel may establish the terms for them in a later proceeding.

"(c) When there is a shortage of equipment, congestion of traffic, or other emergency declared by the Panel, it may prescribe temporary through routes that are desirable in the public interest on its own initiative or on application without regard to subchapter II of chapter 7 of this title, and subchapter II of chapter 5 of title 5.

"§10924. War emergencies; embargoes imposed by carriers

"(a)(1) When the President, during time of war or threatened war, notifies the Panel that it is essential to the defense and security of the United States to give preference or priority to the movement of certain traffic, the Panel shall direct that preference or priority be given to that traffic.

"(2) When the President, during time of war or threatened war, demands that preference and precedence be given to the transportation of troops and material of war over all other traffic, all rail carriers providing transportation subject to the jurisdiction of the Panel under this part shall adopt every means within their control to facilitate and expedite the military traffic.

"(b) An embargo imposed by any such rail carrier does not apply to shipments consigned to agents of the United States Government for its use. The rail carrier shall deliver those shipments as promptly as possible.

"SUBCHAPTER III—REPORTS AND RECORDS

"§10941. Definitions

"In this subchapter—

"(1) the terms 'rail carrier' and 'lessor' include a receiver or trustee of a rail carrier and lessor, respectively;

"(2) the term 'lessor' means a person owning a railroad that is leased to and operated by a carrier providing transportation subject to the jurisdiction of the Panel under this part; and

"(3) the term 'association' means an organization maintained by or in the interest of a group of rail carriers providing transportation or service subject to the jurisdiction of the Panel under this part that performs a service, or engages in activities, related to transportation under this part.

"§10942. Uniform accounting system

"The Panel may prescribe a uniform accounting system for classes of rail carriers providing transportation subject to the jurisdiction of the Panel under this part. To the maximum extent practicable, the Panel shall conform such system to generally accepted accounting principles, and shall administer this subchapter in accordance with such principles.

"§10943. Depreciation charges

"The Panel shall, for a class of rail carriers providing transportation subject to its jurisdiction under this part, prescribe, and change when necessary, those classes of property for which depreciation charges may be included under operating expenses and a rate of depreciation that may be charged to a class of property. The Panel may classify those rail carriers for purposes of this section. A rail carrier for whom depreciation charges and rates of depreciation are in effect under this section for any class of property may not—

"(1) charge to operating expenses a depreciation charge on a class of property other than that prescribed by the Panel;

"(2) charge another rate of depreciation; or

"(3) include other depreciation charges in operating expenses.

"§10944. Records: form; inspection; preservation

"(a) The Panel may prescribe the form of records required to be prepared or compiled under this subchapter—

"(1) by rail carriers and lessors, including records related to movement of traffic and receipts and expenditures of money; and

"(2) by persons furnishing cars to or for a rail carrier providing transportation subject to the jurisdiction of the Panel under this part to the extent related to those cars or that service.

"(b) The Panel, or an employee designated by the Panel, may on demand and display of proper credentials—

"(1) inspect and examine the lands, buildings, and equipment of a rail carrier or lessor; and

"(2) inspect and copy any record of—

"(A) a rail carrier, lessor, or association; and

"(B) a person controlling, controlled by, or under common control with a rail carrier if the Panel considers inspection relevant to that person's relation to, or transaction with, that rail carrier.

"(c) The Panel may prescribe the time period during which operating, accounting, and financial records must be preserved by rail carriers, lessors, and persons furnishing cars.

"§10945. Reports by rail carriers, lessors, and associations

"(a) The Panel may require rail carriers, lessors, and associations, or classes of them as the Panel may prescribe, to file annual, periodic, and special reports with the Panel containing answers to questions asked by it.

"(b)(1) An annual report shall contain an account, in as much detail as the Panel may require, of the affairs of the rail carrier, lessor, or association for the 12-month period ending on December 31 of each year.

"(2) An annual report shall be filed with the Panel by the end of the third month after the end of the year for which the report is made unless the Panel extends the filing date or changes the period covered by the report. The annual report and, if the Panel requires, any other report made under this section, shall be made under oath.

"SUBCHAPTER IV—RAILROAD COST ACCOUNTING

"§10961. Implementation of cost accounting principles

"Not less than once every five years after the promulgation of original rules implementing the cost accounting principles established by the Railroad Accounting Principles Board, the Panel shall review such principles and shall, by rule, make such changes in such principles as are required to achieve the regulatory purposes of this part. The Panel shall insure that the rules promulgated under this section are the most efficient and least burdensome means by which the required information may be developed for regulatory purposes. To the maximum extent practicable, the Panel shall conform such rules to generally accepted accounting principles.

"§10962. Rail carrier cost accounting system

"(a) Each rail carrier shall have and maintain a cost accounting system that is in compliance with the rules promulgated by the Panel under section 10961 of this title. A rail carrier may, after notifying the Panel, make modifications in such system unless, within 60 days after the date of notification, the Panel finds such modifications to be inconsistent with the rules promulgated by the Panel under section 10961 of this title.

"(b) For purposes of determining whether the cost accounting system of a rail carrier is in compliance with the rules promulgated by the Panel, the Panel shall have the right to examine and make copies of any documents, papers, or records of such rail carrier relating to compliance with such rules. Such documents, papers, and records (and any copies thereof) shall not be subject to the mandatory disclosure requirements of section 552 of title 5.

"§10963. Cost availability

"As required by the rules of the Panel governing discovery in Panel proceedings, rail carriers shall make relevant cost data available to shippers, States, ports, communities, and other interested parties that are a party to a Panel proceeding in which such data are required.

"§10964. Accounting and cost reporting

"(a) To obtain expense and revenue information for regulatory purposes, the Panel may promulgate reasonable rules for rail carriers providing transportation subject to the jurisdiction of the Panel under this part, prescribing expense and revenue accounting and reporting requirements consistent with generally accepted accounting principles uniformly applied to such carriers. Such requirements shall be cost effective and compatible with and not duplicative of the managerial and responsibility accounting requirements of those carriers. To the extent such rules are required solely to provide expense and revenue information necessary for determining railroad costs in regulatory proceedings under this part, such rules shall be promulgated in accordance with the cost accounting principles established by the Railroad Accounting Principles Board.

"(b) Any reports required by the rules established by the Panel under this section shall include only information considered necessary for disclosure under the cost accounting principles established by the Board or under generally accepted accounting principles or the requirements of the Securities and Exchange Commission.

"CHAPTER 111—FINANCE

"SUBCHAPTER I—EQUIPMENT TRUSTS AND SECURITY INTERESTS

"Sec.
"11101. Equipment trusts: recordation; evidence of indebtedness.

"SUBCHAPTER II—COMBINATIONS

"11121. Scope of authority.
"11122. Limitation on pooling and division of transportation or earnings.
"11123. Consolidation, merger, and acquisition of control.
"11124. Consolidation, merger, and acquisition of control: conditions of approval.
"11125. Consolidation, merger, and acquisition of control: procedure.
"11126. Employee protective arrangements in transactions involving rail carriers.
"11127. Supplemental orders.

"SUBCHAPTER I—EQUIPMENT TRUSTS AND SECURITY INTERESTS

"§11101. Equipment trusts: recordation; evidence of indebtedness

"(a) A mortgage, lease equipment trust agreement, conditional sales agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of or security interest in *railroad cars, locomotives, or other rolling stock, or accessories used on such railroad cars, locomotives, or other rolling stock (including superstructures and racks), intended for a use related to interstate commerce shall be filed with the Panel in order to perfect the security interest that is the subject of such instrument. An assignment of a right or interest under one of those instruments and an amendment to that instrument or assignment including a release, discharge, or satisfaction of any part of it shall also be filed with the Panel. The instrument, assignment, or amendment must be in writing, executed by the parties to it, and acknowledged or verified under Panel regulations. When filed under this section, that document is notice to, and enforceable against, all persons. A document filed under this section does not have to be filed, deposited, registered, or recorded under another law of the United States, a State (or its political subdivisions), or territory or possession of the United States, related to filing, deposit, registration, or recordation of those documents.*

''(b) The Panel shall maintain a system for recording each document filed under subsection (a) of this section and mark each of them with a consecutive number and the date and hour of their recordation. The Panel shall maintain and keep open for public inspection an index of documents filed under that subsection. That index shall include the name and address of the principal debtors, trustees, guarantors, and other parties to those documents and may include other facts that will assist in determining the rights of the parties to those transactions.

''(c) The Panel shall to the greatest extent practicable perform its functions under this section through contracts with private sector entities.

''(d) The Panel shall assess user fees for services performed by the Panel or a contractor thereof under this section. Such fees may be used by the Panel to offset its costs, to the extent provided in advance in appropriations Acts.

''(e) A mortgage, lease, equipment trust agreement, conditional sales agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of or security interest in railroad cars, locomotives, or other rolling stock, or accessories used on such railroad cars, locomotives, or other rolling stock (including superstructures and racks), or any assignment thereof, which—

''(1) is duly constituted under the laws of a country other than the United States; and

''(2) relates to property that bears the reporting marks and identification numbers of any person domiciled in or corporation organized under the laws of such country,

shall be recognized with the same effect as having been filed under this section.

''(f) Interests with respect to which documents are filed or recognized under this section are deemed perfected in all jurisdictions, and shall be governed by applicable State or foreign law in all matters not specifically governed by this section.

''(g) The Panel shall collect, maintain, and keep open for public inspection a railway equipment register consistent with the manner and format maintained by the Interstate Commerce Commission as of the date of the enactment of the ICC Termination Act of 1995.

''SUBCHAPTER II—COMBINATIONS

''§11121. Scope of authority

''(a) The authority of the Panel under this subchapter is exclusive. A rail carrier or corporation participating in or resulting from a transaction approved by or exempted by the Panel under this subchapter may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A rail carrier, corporation, or person participating in that approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that rail carrier, corporation, or person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

''(b) The requirement to obtain the approval or authorization of the Panel under this subchapter (except section 11122) shall only apply to transactions involving at least one Class I rail carrier, and shall not apply to transactions described in section 10702.

''§11122. Limitation on pooling and division of transportation or earnings

''(a) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part may not agree or combine with another of those rail carriers to pool or divide traffic or services or any part of their earnings without the approval of the Panel under this section or section 10923 of this title. The Panel may approve and authorize the agreement or combination if the rail carriers involved assent to the pooling or division and the Panel finds that a pooling or division of traffic, services, or earnings—

''(1) will be in the interest of better service to the public or of economy of operation; and

''(2) will not unreasonably restrain competition.

''(b) The Panel may impose conditions governing the pooling or division and may approve and authorize payment of a reasonable consideration between the rail carriers.

''(c) The Panel may begin a proceeding under this section on its own initiative or on application.

''§11123. Consolidation, merger, and acquisition of control

''(a) The following transactions involving rail carriers providing transportation subject to the jurisdiction of the Panel under this part may be carried out only with the approval and authorization of the Panel:

''(1) Consolidation or merger of the properties or franchises of at least 2 rail carriers into one corporation for the ownership, management, and operation of the previously separately owned properties.

''(2) A purchase, lease, or contract to operate property of another rail carrier by any number of rail carriers.

''(3) Acquisition of control of a rail carrier by any number of rail carriers.

''(4) Acquisition of control of at least 2 rail carriers by a person that is not a rail carrier.

''(5) Acquisition of control of a rail carrier by a person that is not a rail carrier but that controls any number of rail carriers.

''(6) Acquisition by a rail carrier of trackage rights over, or joint ownership in or joint use of, a railroad line (and terminals incidental to it) owned or operated by another rail carrier.

''(b) A person may carry out a transaction referred to in subsection (a) of this section or participate in achieving the control or management, including the power to exercise control or management, in a common interest of more than one of those rail carriers, regardless of how that result is reached, only with the approval and authorization of the Panel under this subchapter. In addition to other transactions, each of the following transactions are considered achievements of control or management:

''(1) A transaction by a rail carrier that has the effect of putting that rail carrier and person affiliated with it, taken together, in control of another rail carrier.

''(2) A transaction by a person affiliated with a rail carrier that has the effect of putting that rail carrier and persons affiliated with it, taken together, in control of another rail carrier.

''(3) A transaction by at least 2 persons acting together (one of whom is a rail carrier or is affiliated with a rail carrier) that has the effect of putting those persons and rail carriers and persons affiliated with any of them, or with any of those affiliated rail carriers, taken together, in control of another rail carrier.

''(c) A person is affiliated with a rail carrier under this subchapter if, because of the relationship between that person and a rail carrier, it is reasonable to believe that the affairs of another rail carrier, control of which may be acquired by that person, will be managed in the interest of the other rail carrier.

''§11124. Consolidation, merger, and acquisition of control: conditions of approval

''(a) The Panel may begin a proceeding to approve and authorize a transaction referred to in section 11123 of this title on application of the person seeking that authority. When an application is filed with the Panel, the Panel shall notify the chief executive officer of each State in which property of the rail carriers involved in the proposed transaction is located and shall notify those rail carriers. The Panel shall hold a public hearing unless the Panel determines that a public hearing is not necessary in the public interest.

''(b) In a proceeding under this section which involves the merger or control of at least two Class I railroads, as defined by the Panel, the Panel shall consider at least—

''(1) the effect of the proposed transaction on the adequacy of transportation to the public;

''(2) the effect on the public interest of including, or failing to include, other rail carriers in the area involved in the proposed transaction;

''(3) the total fixed charges that result from the proposed transaction;

''(4) the interest of rail carrier employees affected by the proposed transaction; and

''(5) whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region or in the national rail system.

''(c) The Panel shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Panel may impose conditions governing the transaction, including the divestiture of parallel tracks or requiring the granting of trackage rights and access to other facilities. Any trackage rights and related conditions imposed to alleviate anticompetitive effects of the transaction shall provide for operating terms and compensation levels to ensure that such effects are alleviated. When the transaction contemplates a guaranty or assumption of payment of dividends or of fixed charges or will result in an increase of total fixed charges, the Panel may approve and authorize the transaction only if it finds that the guaranty, assumption, or increase is consistent with the public interest. The Panel may require inclusion of other rail carriers located in the area involved in the transaction if they apply for inclusion and the Panel finds their inclusion to be consistent with the public interest.

''(d) In a proceeding under this section which does not involve the merger or control of at least two Class I railroads, as defined by the Panel, the Panel shall approve such an application unless it finds that—

''(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

''(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

In making such findings, the Panel shall, with respect to any application that is part of a plan *or proposal developed under section 333(a)–(d) of this title, accord substantial weight to any recommendations of the Attorney General.*

"(e)(1) To the extent provided in this subsection, a proceeding under this subchapter relating to a transaction involving at least one Class I rail carrier shall not be considered an adjudication required by statute to be determined on the record after opportunity for an agency hearing, for the purposes of subchapter II of chapter 5 of title 5, United States Code.

"(2) Ex parte communications, as defined in section 551(14) of title 5, United States Code, shall be permitted in proceedings described in paragraph (1) of this subsection, subject to the requirements of paragraph (3) of this subsection.

"(3)(A) Any member or employee of the Panel who makes or receives a written ex parte communication concerning the merits of a proceeding described in paragraph (1) shall promptly place the communication in the public docket of the proceeding.

"(B) Any member or employee of the Panel who makes or receives an oral ex parte communication concerning the merits of a proceeding described in paragraph (1) shall promptly place a written summary of the oral communication in the public docket of the proceeding.

"(4) Nothing in this subsection shall be construed to require the Panel or any of its members or employees to engage in any ex parte communication with any person. Nothing in this subsection or any other law shall be construed to limit the authority of the members or employees of the Panel, in their discretion, to note in the docket or otherwise publicly the occurrence and substance of an ex parte communication.

"§11125. Consolidation, merger, and acquisition of control: procedure

"(a) The Panel shall publish notice of the application under section 11124 in the Federal Register by the end of the 30th day after the application is filed with the Panel. However, if the application is incomplete, the Panel shall reject it by the end of that period. The order of rejection is a final action of the Panel. The published notice shall indicate whether the application involves—

"(1) the merger or control of at least two Class I railroads, as defined by the Panel, to be decided within the time limits specified in subsection (b) of this section;

"(2) transactions of regional or national transportation significance, to be decided within the time limits specified in subsection (c) of this section; or

"(3) any other transaction covered by this section, to be decided within the time limits specified in subsection (d) of this section.

"(b) If the application involves the merger or control of two or more Class I railroads, as defined by the Panel, the following conditions apply:

"(1) Written comments about an application may be filed with the Panel within 45 days after notice of the application is published under subsection (a) of this section. Copies of such comments shall be served on the Attorney General, who may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Panel by the end of the 15th day after the date of receipt of the written comments.

"(2) The Panel shall require that applications inconsistent with an application, notice of which was published under subsection (a) of this section, and applications for inclusion in the transaction, be filed with it by the 90th day after publication of notice under that subsection.

"(3) The Panel must conclude evidentiary proceedings by the end of the 6th month after the date of publication of notice under subsection (a) of this section. The Panel must issue a final decision by the 90th day after the date on which it concludes the evidentiary proceedings.

"(c) If the application involves a transaction other than the merger or control of at least two Class I railroads, as defined by the Panel, which the Panel has determined to be of regional or national transportation significance, the following conditions apply:

"(1) Written comments about an application, including comments of the Attorney General, may be filed with the Panel within 30 days after notice of the application is published under subsection (a) of this section.

"(2) The Panel shall require that applications inconsistent with an application, notice of which was published under subsection (a) of this section, and applications for inclusion in the transaction, be filed with it by the 60th day after publication of notice under that subsection.

"(3) The Panel must conclude any evidentiary proceedings by the 125th day after the date of publication of notice under subsection (a) of this section. The Panel must issue a final decision by the 40th day after the date on which it concludes the evidentiary proceedings.

"(d) For all applications under this section other than those specified in subsections (b) and (c) of this section, the following conditions apply:

"(1) Written comments about an application, including comments of the Attorney General, may be filed with the Panel within 30 days after notice of the application is published under subsection (a) of this section.

"(2) The Panel must conclude any evidentiary proceedings by the 105th day after the date of publication of notice under subsection (a) of this section. The Panel must issue a final decision by the 40th day after the date on which it concludes the evidentiary proceedings.

"§11126. Employee protective arrangements in transactions involving rail carriers

"When approval is sought for a transaction under sections 11124 and 11125 of this title, the Panel shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees who are affected by the transaction as the terms imposed under section 5(2)(f) of the Interstate Commerce Act before February 5, 1976, and the terms established under section 24706(c) of this title. Notwithstanding this part, the arrangement may be made by the rail carrier and the authorized representative of its employees. The arrangement and the order approving the transaction must require that the employees of the affected rail carrier will not be in a worse position related to their employment as a result of the transaction during the 4 years following the effective date of the final action of the Panel (or if an employee was employed for a lesser period of time by the rail carrier before the action became effective, for that lesser period).

"§11127. Supplemental orders

"When cause exists, the Panel may make appropriate orders supplemental to an order made in a proceeding under sections 11122 through 11126 of this title.

"CHAPTER 113—FEDERAL-STATE RELATIONS

"Sec.
"11301. Tax discrimination against rail transportation property.
"11302. Withholding State and local income tax by rail carriers.

"§11301. Tax discrimination against rail transportation property

"(a) In this section—

"(1) the term 'assessment' means valuation for a property tax levied by a taxing district;

"(2) the term 'assessment jurisdiction' means a geographical area in a State used in determining the assessed value of property for ad valorem taxation;

"(3) the term 'rail transportation property' means property, as defined by the Panel, owned or used by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part; and

"(4) the term 'commercial and industrial property' means property, other than transportation property and land used primarily for agricultural purposes or timber growing, devoted to a commercial or industrial use and subject to a property tax levy.

"(b) The following acts unreasonably burden and discriminate against interstate commerce, and a State, subdivision of a State, or authority acting for a State or subdivision of a State may not do any of them:

"(1) Assess rail transportation property at a value that has a higher ratio to the true market value of the rail transportation property than the ratio that the assessed value of other commercial and industrial property in the same assessment jurisdiction has to the true market value of the other commercial and industrial property.

"(2) Levy or collect a tax on an assessment that may not be made under paragraph (1) of this subsection.

"(3) Levy or collect an ad valorem property tax on rail transportation property at a tax rate that exceeds the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

"(4) Impose another tax that discriminates against a rail carrier providing transportation subject to the jurisdiction of the Panel under this part.

"(c) Notwithstanding section 1341 of title 28 and without regard to the amount in controversy or citizenship of the parties, a district court of the United States has jurisdiction, concurrent with other jurisdiction of courts of the United States and the States, to prevent a violation of subsection (b) of this section. Relief may be granted under this subsection only if the ratio of assessed value to true market value of rail transportation property exceeds by at least 5 percent the ratio of assessed value to true market value of other commercial and industrial property in the same assessment jurisdiction. The burden of proof in determining assessed value and true market value is governed by State law. If the ratio of the assessed value of other commercial and industrial property in the assessment jurisdiction to the true market value of all other commercial and industrial property cannot be determined to the satisfaction of the district court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), the court shall find, as a violation of this section—

"(1) an assessment of the rail transportation property at a value that has a higher ratio to the true market value of the rail transportation property than the assessed value of all other property subject to a property tax levy in the assessment jurisdiction has to the true market value of all other commercial and industrial property; and

"(2) the collection of an ad valorem property tax on the rail transportation property at a tax rate that exceeds the tax ratio rate applicable to taxable property in the taxing district.

"§11302. Withholding State and local income tax by rail carriers

"(a) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part to an employee who performs regularly assigned duties as such an employee on a railroad in

more than one State shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.

"(b) A rail carrier withholding pay from an employee under subsection (a) of this section shall file income tax information returns and other reports only with the State and subdivision of residence of the employee.

"CHAPTER 115—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

"Sec.
"11501. General authority.
"11502. Enforcement by the Panel.
"11503. Enforcement by the Attorney General.
"11504. Rights and remedies of persons injured by rail carriers.
"11505. Limitation on actions by and against rail carriers.
"11506. Liability of rail carriers under receipts and bills of lading.

"§11501. General authority

"(a) Except as otherwise provided in this part, the Panel may begin an investigation under this part only on complaint. If the Panel finds that a rail carrier is violating this part, the Panel shall take appropriate action to compel compliance with this part.

"(b) A person, including a governmental authority, may file with the Panel a complaint about a violation of this part by a rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part. The complaint must state the facts that are the subject of the violation. The Panel may dismiss a complaint it determines does not state reasonable grounds for investigation and action. However, the Panel may not dismiss a complaint made against a rail carrier providing transportation subject to the jurisdiction of the Panel under this part because of the absence of direct damage to the complainant.

"(c) A formal investigative proceeding begun by the Panel under subsection (a) of this section is dismissed automatically unless it is concluded by the Panel with administrative finality by the end of the third year after the date on which it was begun.

"§11502. Enforcement by the Panel

"The Panel may bring a civil action—

"(1) to enjoin a rail carrier from violating sections 10701 through 10706 of this title, or a regulation prescribed or order or certificate issued under any of those sections;

"(2) to enforce subchapter II of chapter 111 of this title and to compel compliance with the order of the Panel under that subchapter; and

"(3) to enforce an order of the Panel, except a civil action to enforce an order for the payment of money, when it is violated by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part.

"§11503. Enforcement by the Attorney General

"The Attorney General may, and on request of the Panel shall, bring court proceedings to enforce this part, or a regulation or order of the Panel or certificate or permit issued under this part, and to prosecute a person violating this part or a regulation or order of the Panel or certificate or permit issued under this part.

"§11504. Rights and remedies of persons injured by rail carriers

"(a) A person injured because a rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part does not obey an order of the Panel, except an order for the payment of money, may bring a civil action in a United States District Court to enforce that order under this subsection.

"(b) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part is liable for damages sustained by a person as a result of an act or omission of that carrier in violation of this part.

"(c)(1) A person may file a complaint with the Panel under section 11501(b) of this title or bring a civil action under subsection (b) of this section to enforce liability against a rail carrier providing transportation subject to the jurisdiction of the Panel under this part.

"(2) When the Panel makes an award under subsection (b) of this section, the Panel shall order the rail carrier to pay the amount awarded by a specific date. The Panel may order a rail carrier providing transportation subject to the jurisdiction of the Panel under this part to pay damages only when the proceeding is on complaint. The person for whose benefit an order of the Panel requiring the payment of money is made may bring a civil action to enforce that order under this paragraph if the rail carrier does not pay the amount awarded by the date payment was ordered to be made.

"(d)(1) When a person begins a civil action under subsection (b) of this section to enforce an order of the Panel requiring the payment of damages by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part, the text of the order of the Panel must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this paragraph. The findings and order of the Panel are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district—

"(A) in which the plaintiff resides;

"(B) in which the principal operating office of the rail carrier is located; or

"(C) through which the railroad line of that carrier runs.

In a civil action under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.

"(2) All parties in whose favor the award was made may be joined as plaintiffs in a civil action brought in a district court of the United States under this subsection and all the rail carriers that are parties to the order awarding damages may be joined as defendants. Trial in the action is in the judicial district in which any one of the plaintiffs could bring the action against any one of the defendants. Process may be served on a defendant at its principal operating office when that defendant is not in the district in which the action is brought. A judgment ordering recovery may be made in favor of any of those plaintiffs against the defendant found to be liable to that plaintiff.

"(3) The district court shall award a reasonable attorney's fee as a part of the damages for which a rail carrier is found liable under this subsection. The district court shall tax and collect that fee as a part of the costs of the action.

"§11505. Limitation on actions by and against rail carriers

"(a) A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part must begin a civil action to recover charges for transportation or service provided by the carrier within 3 years after the claim accrues.

"(b) A person must file a complaint with the Panel to recover damages under section 11504(b) of this title within 2 years after the claim accrues.

"(c) The limitation period under subsection (b) of this section is extended for 6 months from the time written notice is given to the claimant by the rail carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the rail carrier within that limitation period. The limitation period under subsection (b) of this section is extended for 90 days from the time the rail carrier begins a civil action under subsection (a) of this section to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

"(d) A person must begin a civil action to enforce an order of the Panel against a rail carrier for the payment of money within one year after the date the order required the money to be paid.

"(e) This section applies to transportation for the United States Government. The time limitations under this section are extended, as related to transportation for or on behalf of the United States Government, for 3 years from the date of—

"(1) payment of the rate for the transportation or service involved;

"(2) subsequent refund for overpayment of that rate; or

"(3) deduction made under section 3726 of title 31, whichever is later.

"(f) A claim related to a shipment of property accrues under this section on delivery or tender of delivery by the rail carrier.

"§11506. Liability of rail carriers under receipts and bills of lading

"(a) A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part shall issue a receipt or bill of lading for property it receives for transportation under this part. That rail carrier and any other rail carrier that delivers the property and is providing transportation or service subject to the jurisdiction of the Panel under this part are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this subsection is for the actual loss or injury to the property caused by—

"(1) the receiving rail carrier;

"(2) the delivering rail carrier; or

"(3) another rail carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading.

Failure to issue a receipt or bill of lading does not affect the liability of a rail carrier. A delivering rail carrier is deemed to be the rail carrier performing the line-haul transportation nearest the destination but does not include a rail carrier providing only a switching service at the destination.

"(b) The rail carrier issuing the receipt or bill of lading under subsection (a) of this section or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the rail carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount of its expenses reasonably incurred in defending a civil action brought by that person.

"(c)(1) A rail carrier may not limit or be exempt from liability imposed under subsection (a) of this section except as provided in this subsection. A limitation of liability or of the amount of recovery or representation or agreement in a receipt, bill of lading, contract, or rule in violation of this section is void.

"(2) A rail carrier of passengers may limit its liability under its passenger rate for loss or injury of baggage carried on trains carrying passengers.

"(3) A rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part may establish rates for transportation of property under which—

"(A) the liability of the rail carrier for such property is limited to a value established by

written declaration of the shipper or by a written agreement between the shipper and the carrier; or

“(B) specified amounts are deducted, pursuant to a written agreement between the shipper and the carrier, from any claim against the carrier with respect to the transportation of such property.

“(d)(1) A civil action under this section may be brought in a district court of the United States or in a State court.

“(2)(A) A civil action under this section may only be brought—

“(i) against the originating rail carrier, in the judicial district in which the point of origin is located;

“(ii) against the delivering rail carrier, in the judicial district in which the principal place of business of the person bringing the action is located if the delivering carrier operates a railroad or a route through such judicial district, or in the judicial district in which the point of destination is located; and

“(iii) against the carrier alleged to have caused the loss or damage, in the judicial district in which such loss or damage is alleged to have occurred.

“(B) In this section, ‘judicial district’ means (i) in the case of a United States district court, a judicial district of the United States, and (ii) in the case of a State court, the applicable geographic area over which such court exercises jurisdiction.

“(e) A rail carrier may not provide by rule, contract, or otherwise, a period of less than 9 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice. For the purposes of this subsection—

“(1) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

“(2) communications received from a carrier's insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reasons for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

“CHAPTER 117—CIVIL AND CRIMINAL PENALTIES

“Sec.
“11701. General civil penalties.
“11702. Interference with railroad car supply.
“11703. Record keeping and reporting violations.
“11704. Unlawful disclosure of information.
“11705. Disobedience to subpoenas.
“11706. General criminal penalty when specific penalty not provided.
“11707. Punishment of corporation for violations committed by certain individuals.

“§11701. General civil penalties

“(a) Except as otherwise provided in this section, a rail carrier providing transportation subject to the jurisdiction of the Panel under this part, an officer or agent of that rail carrier, or a receiver, trustee, lessee, or agent of one of them, knowingly violating an order of the Panel under this part is liable to the United States Government for a civil penalty of $5,000 for each violation. Liability under this subsection is incurred for each distinct violation. A separate violation occurs for each day the violation continues.

“(b) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part, or a receiver or trustee of that rail carrier, violating a regulation or order of the Panel under section 10924 (a)(2) or (b) of this title is liable to the United States Government for a civil penalty of $500 for each violation and for $25 for each day the violation continues.

“(c) A person knowingly authorizing, consenting to, or permitting a violation of sections 10701 through 10706 of this title or of a requirement or a regulation under any of those sections, is liable to the United States Government for a civil penalty of not more than $5,000.

“(d) A rail carrier, receiver, or operating trustee violating an order or direction of the Panel under section 10923 or 10924(a)(1) of this title is liable to the United States Government for a civil penalty of at least $100 but not more than $500 for each violation and for $50 for each day the violation continues.

“(e)(1) A person required under subchapter III of chapter 109 of this title to make, prepare, preserve, or submit to the Panel a record concerning transportation subject to the jurisdiction of the Panel under this part that does not make, prepare, preserve, or submit that record as required under that subchapter, is liable to the United States Government for a civil penalty of $500 for each violation.

“(2) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part, and a lessor, receiver, or trustee of that rail carrier, violating section 10944(b)(1) of this title, is liable to the United States Government for a civil penalty of $100 for each violation.

“(3) A rail carrier providing transportation subject to the jurisdiction of the Panel under this part, a lessor, receiver, or trustee of that rail carrier, a person furnishing cars, and an officer, agent, or employee of one of them, required to make a report to the Panel or answer a question that does not make the report or does not specifically, completely, and truthfully answer the question, is liable to the United States Government for a civil penalty of $100 for each violation.

“(4) A separate violation occurs for each day a violation under this subsection continues.

“(f) Trial in a civil action under subsections (a) through (e) of this section is in the judicial district in which the rail carrier has its principal operating office or in a district through which the railroad of the rail carrier runs.

“§11702. Interference with railroad car supply

“(a) A person that offers or gives anything of value to another person acting for or employed by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part intending to influence an action of that other person related to supply, distribution, or movement of cars or vehicles used in the transportation of property, or because of the action of that other person shall be fined not more than $1,000, imprisoned for not more than 2 years, or both.

“(b) A person acting for or employed by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part that solicits, accepts, or receives anything of value—

“(1) intending to be influenced by it in an action of that person related to supply, distribution, or movement of cars, vehicles, or vessels used in the transportation of property; or

“(2) because of the action of that person,

shall be fined not more than $1,000, imprisoned for not more than 2 years, or both.

“§11703. Record keeping and reporting violations

“A person required to make a report to the Panel, or make, prepare, or preserve a record, under subchapter III of chapter 109 of this title about transportation subject to the jurisdiction of the Panel under this part that knowingly and willfully—

“(1) makes a false entry in the report or record;

“(2) destroys, mutilates, changes, or by another means falsifies the record;

“(3) does not enter business related facts and transactions in the record;

“(4) makes, prepares, or preserves the record in violation of a regulation or order of the Panel; or

“(5) files a false report or record with the Panel,

shall be fined not more than $5,000, imprisoned for not more than 2 years, or both.

“§11704. Unlawful disclosure of information

“(a) A—

“(1) rail carrier providing transportation subject to the jurisdiction of the Panel under this part, or an officer, agent, or employee of that rail carrier, or another person authorized to receive information from that rail carrier, that knowingly discloses to another person, except the shipper or consignee; or

“(2) a person who solicits or knowingly receives,

information described in subsection (b) without the consent of the shipper or consignee shall be fined not more than $1,000.

“(b) The information referred to in subsection (a) is information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that rail carrier for transportation provided under this part, or information about the contents of a contract authorized under section 10509 of this title, that may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor, the business transactions of the shipper or consignee.

“(c) This part does not prevent a rail carrier or broker providing transportation subject to the jurisdiction of the Panel under this part from giving information—

“(1) in response to legal process issued under authority of a court of the United States or a State;

“(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

“(3) to another rail carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

“(d) An employee of the Panel delegated to make an inspection or examination under section 10944 of this title who knowingly discloses information acquired during that inspection or examination, except as directed by the Panel, a court, or a judge of that court, shall be fined not more than $500, imprisoned for not more than 6 months, or both.

“(e) A person that knowingly discloses confidential data made available to such person under section 10963 of this title by a rail carrier providing transportation subject to the jurisdiction of the Panel under this part shall be fined not more than $50,000.

“§11705. Disobedience to subpoenas

“A person not obeying a subpoena or requirement of the Panel to appear and testify or produce records shall be fined at least $100 but not more than $5,000, imprisoned for not more than one year, or both.

“§11706. General criminal penalty when specific penalty not provided

“When another criminal penalty is not provided under this chapter, a rail carrier providing transportation subject to the jurisdiction of the Panel under this part, and when that rail carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed

under this part, shall be fined not more than $5,000. However, if the violation is for discrimination in rates charged for transportation, the person may be imprisoned for not more than 2 years in addition to being fined under this section. A separate violation occurs each day a violation of section 11122 of this title continues.

"§11707. Punishment of corporation for violations committed by certain individuals

"An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a rail carrier providing transportation or service subject to the jurisdiction of the Panel under this part that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that rail carrier are considered to be the actions and omissions of that rail carrier as well as that individual.".

*(b) CONFORMING AMENDMENT.—The item relating to subtitle IV in the table of subtitles of title 49, United States Code, is amended by striking "**Commerce**" and inserting in lieu thereof "**Transportation**".*

SEC. 103. MOTOR CARRIER, WATER CARRIER, AND FREIGHT FORWARDER PROVISIONS.

Subtitle IV of title 49, United States Code, is further amended by adding at the end the following:

"PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

"CHAPTER 131—GENERAL PROVISIONS

"Sec.
"13101. Transportation policy.
"13102. Definitions.
"13103. Remedies as cumulative.

"§13101. Transportation policy

"(a) IN GENERAL.—To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the United States Postal Service and national defense, it is the policy of the United States Government to oversee the modes of transportation and—

"(1) in overseeing those modes—

"(A) to recognize and preserve the inherent advantage of each mode of transportation;

"(B) to promote safe, adequate, economical, and efficient transportation;

"(C) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;

"(D) to encourage the establishment and maintenance of reasonable rates for transportation, without unreasonable discrimination or unfair or destructive competitive practices;

"(E) to cooperate with each State and the officials of each State on transportation matters; and

"(F) to encourage fair wages and working conditions in the transportation industry;

"(2) in overseeing transportation by motor carrier, to promote competitive and efficient transportation services in order to—

"(A) encourage fair competition, and reasonable rates for transportation by motor carriers of property;

"(B) promote efficiency in the motor carrier transportation system and to require fair and expeditious decisions when required;

"(C) meet the needs of shippers, receivers, passengers, and consumers;

"(D) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping and traveling public;

"(E) allow the most productive use of equipment and energy resources;

"(F) enable efficient and well-managed carriers to earn adequate profits, attract capital, and maintain fair wages and working conditions;

"(G) provide and maintain service to small communities and small shippers and intrastate bus services;

"(H) provide and maintain commuter bus operations;

"(I) improve and maintain a sound, safe, and competitive privately owned motor carrier system;

"(J) promote greater participation by minorities in the motor carrier system; and

"(K) promote intermodal transportation; and

"(3) in overseeing transportation by motor carrier of passengers—

"(A) to cooperate with the States on transportation matters for the purpose of encouraging the States to exercise intrastate regulatory jurisdiction in accordance with the objectives of this part;

"(B) to provide Federal procedures which ensure that intrastate regulation is exercised in accordance with this part; and

"(C) to ensure that Federal reform initiatives enacted by section 31138 and the Bus Regulatory Reform Act of 1982 are not nullified by State regulatory actions.

"(b) ADMINISTRATION TO CARRY OUT POLICY.—This part shall be administered and enforced to carry out the policy of this section.

"§13102. Definitions

"In this part, the following definitions shall apply:

"(1) BROKER.—The term 'broker' means a person, other than a motor carrier or an employee or agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation.

"(2) CARRIER.—The term 'carrier' means a motor carrier, a water carrier, and a freight forwarder.

"(3) CONTRACT CARRIAGE.—The term 'contract carriage' means—

"(A) for transportation provided before the effective date of this section, service provided pursuant to a permit issued under section 10923, as in effect on the day before the effective date of this section; and

"(B) for transportation provided on or after such date, service provided under an agreement entered into under section 14101(b).

"(4) CONTROL.—The term 'control', when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by—

"(A) common directors, officers, stockholders, a voting trust, or a holding or investment company, or

"(B) any other means.

"(5) FOREIGN MOTOR CARRIER.—The term 'foreign motor carrier' means a person (including a motor carrier of property but excluding a motor private carrier)—

"(A)(i) that is domiciled in a contiguous foreign country; or

"(ii) that is owned or controlled by persons of a contiguous foreign country; and

"(B) in the case of a person that is not a motor carrier of property, that provides interstate transportation of property by motor vehicle under an agreement or contract entered into with a motor carrier of property (other than a motor private carrier or a motor carrier of property described in subparagraph (A)).

"(6) FOREIGN MOTOR PRIVATE CARRIER.—The term 'foreign motor private carrier' means a person (including a motor private carrier but excluding a motor carrier of property)—

"(A)(i) that is domiciled in a contiguous foreign country; or

"(ii) that is owned or controlled by persons of a contiguous foreign country; and

"(B) in the case of a person that is not a motor private carrier, that provides interstate transportation of property by motor vehicle under an agreement or contract entered into with a person (other than a motor carrier of property or a motor private carrier described in subparagraph (A)).

"(7) FREIGHT FORWARDER.—The term 'freight forwarder' means a person holding itself out to the general public (other than as a pipeline, rail, motor, or water carrier) to provide transportation of property for compensation and in the ordinary course of its business—

"(A) assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for break-bulk and distribution operations of the shipments;

"(B) assumes responsibility for the transportation from the place of receipt to the place of destination; and

"(C) uses for any part of the transportation a carrier subject to jurisdiction under this part. The term does not include a person using transportation of an air carrier subject to part A of subtitle VII.

"(8) HIGHWAY.—The term 'highway' means a road, highway, street, and way in a State.

"(9) HOUSEHOLD GOODS.—The term 'household goods', as used in connection with transportation, means personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property if the transportation of such effects or property is—

"(A) arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling, or

"(B) arranged and paid for by another party.

"(10) HOUSEHOLD GOODS FREIGHT FORWARDER.—The term 'household goods freight forwarder' means a freight forwarder of one or more of the following items: household goods, unaccompanied baggage, or used automobiles.

"(11) MOTOR CARRIER.—The term 'motor carrier' means a person providing motor vehicle transportation for compensation.

"(12) MOTOR PRIVATE CARRIER.—The term 'motor private carrier' means a person, other than a motor carrier, transporting property by motor vehicle when—

"(A) the transportation is as provided in section 13501 of this title;

"(B) the person is the owner, lessee, or bailee of the property being transported; and

"(C) the property is being transported for sale, lease, rent, or bailment or to further a commercial enterprise.

"(13) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway in transportation, or a combination determined by the Secretary, but does not include a vehicle, locomotive, or car operated only on a rail, or a trolley bus operated by electric power from a fixed overhead wire, and providing local passenger transportation similar to street-railway service.

"(14) NONCONTIGUOUS DOMESTIC TRADE.—The term 'noncontiguous domestic trade' means transportation subject to jurisdiction under chapter 135 involving traffic originating in or destined to Alaska, Hawaii, or a territory or possession of the United States.

"(15) PANEL.—The term 'Panel' means the Transportation Adjudication Panel.

"(16) PERSON.—The term 'person', in addition to its meaning under section 1 of title 1, includes a trustee, receiver, assignee, or personal representative of a person.

"(17) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(18) STATE.—The term 'State' means the 50 States of the United States and the District of Columbia.

"(19) TRANSPORTATION.—The term 'transportation' includes—

"(A) a motor vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, regardless of ownership or an agreement concerning use; and

"(B) services related to that movement, including receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, and interchange of passengers and property.

"(20) UNITED STATES.—The term 'United States' means the States of the United States and the District of Columbia.

"(21) VESSEL.—The term 'vessel' means a watercraft or other artificial contrivance that is used, is capable of being used, or is intended to be used, as a means of transportation by water.

"(22) WATER CARRIER.—The term 'water carrier' means a person providing water transportation for compensation.

"§13103. Remedies as cumulative

"Except as otherwise provided in this part, the remedies provided under this part are in addition to remedies existing under another law or common law.

"CHAPTER 133—ADMINISTRATIVE PROVISIONS

"Sec.
"13301. Powers.
"13302. Intervention.
"13303. Service of notice in proceedings.
"13304. Service of process in court proceedings.

"§13301. Powers

"(a) GENERAL POWERS OF SECRETARY.—Except as otherwise specified, the Secretary shall carry out this part. Enumeration of a power of the Secretary in this part does not exclude another power the Secretary may have in carrying out this part. The Secretary may prescribe regulations in carrying out this part.

"(b) OBTAINING INFORMATION.—The Secretary may obtain from carriers providing, and brokers for, transportation and service subject to this part, and from persons controlling, controlled by, or under common control with those carriers or brokers to the extent that the business of that person is related to the management of the business of that carrier or broker, information the Secretary decides is necessary to carry out this part.

"(c) SUBPOENA POWER.—

"(1) BY SECRETARY.—The Secretary may subpoena witnesses and records related to a proceeding under this part from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Secretary, or a party to a proceeding under this part, may petition a court of the United States to enforce that subpoena.

"(2) ENFORCEMENT.—The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.

"(d) TESTIMONY OF WITNESSES.—

"(1) PROCEDURE FOR TAKING TESTIMONY.—In a proceeding under this part, the Secretary may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending under this part may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

"(2) SUBPOENA.—If a witness fails to be deposed or to produce records under paragraph (1) of this subsection, the Secretary may subpoena the witness to take a deposition, produce the records, or both.

"(3) DEPOSITIONS.—A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.

"(4) NOTICE OF DEPOSITION.—Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

"(5) TRANSCRIPT.—The testimony of a person deposed under this subsection shall be taken under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent.

"(6) FOREIGN COUNTRY.—The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Secretary or agreed on by the parties by written stipulation filed with the Secretary. A deposition shall be filed with the Secretary promptly.

"(e) WITNESS FEES.—Each witness summoned before the Secretary or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

"(f) POWERS OF PANEL.—For those provisions of this part that are specified to be carried out by the Panel, the Panel shall have the same powers as the Secretary has under this section.

"§13302. Intervention

"Under regulations of the Secretary, reasonable notice of, and an opportunity to intervene and participate in, a proceeding under this part related to transportation subject to jurisdiction under subchapter I of chapter 135 shall be given to interested persons.

"§13303. Service of notice in proceedings

"(a) AGENTS FOR SERVICE OF PROCESS.—A carrier, a broker, or a freight forwarder providing transportation or service subject to jurisdiction under chapter 135 shall designate, in writing, an agent by name and post office address on whom service of notices in a proceeding before, and of actions of, the Secretary may be made.

"(b) FILING WITH STATE.—A motor carrier providing transportation under this part shall also file the designation with the appropriate authority of each State in which it operates. The designation may be changed at any time in the same manner as originally made.

"(c) NOTICE.—A notice to a motor carrier, freight forwarder, or broker shall be served personally or by mail on the motor carrier, freight forwarder, or broker or on its designated agent. Service by mail on the designated agent shall be made at the address filed for the agent. When notice is given by mail, the date of mailing is considered to be the time when the notice is served. If a motor carrier, freight forwarder, or broker does not have a designated agent, service may be made by posting a copy of the notice at the headquarters of the Department of Transportation.

"§13304. Service of process in court proceedings

"(a) DESIGNATION OF AGENT.—A motor carrier or broker providing transportation subject to jurisdiction under chapter 135 of this title, including a motor carrier or broker operating within the United States while providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, shall designate an agent in each State in which it operates by name and post office address on whom process issued by a court with subject matter jurisdiction may be served in an action brought against that carrier or broker. The designation shall be in writing and filed with the Department of Transportation. If a designation under this subsection is not made, service may be made on any agent of the carrier or broker within that State.

"(b) CHANGE.—A designation under this section may be changed at any time in the same manner as originally made.

"CHAPTER 135—JURISDICTION

"SUBCHAPTER I—MOTOR CARRIER TRANSPORTATION

"Sec.
"13501. General jurisdiction.
"13502. Exempt transportation between Alaska and other States.
"13503. Exempt motor vehicle transportation in terminal areas.
"13504. Exempt motor carrier transportation entirely in one State.
"13505. Transportation furthering a primary business.
"13506. Miscellaneous motor carrier transportation exemptions.
"13507. Mixed loads of regulated and unregulated property.
"13508. Limited authority over cooperative associations.

"SUBCHAPTER II—WATER CARRIER TRANSPORTATION

"13521. General jurisdiction.

"SUBCHAPTER III—FREIGHT FORWARDER SERVICE

"13531. General jurisdiction.

"SUBCHAPTER IV—AUTHORITY TO EXEMPT

"13541. Authority to exempt transportation or services.

"SUBCHAPTER I—MOTOR CARRIER TRANSPORTATION

"§13501. General jurisdiction

"The Secretary and the Panel have jurisdiction, as specified in this part, over transportation by motor carrier and the procurement of that transportation, to the extent that passengers, property, or both, are transported by motor carrier—

"(1) between a place in—

"(A) a State and a place in another State;

"(B) a State and another place in the same State through another State;

"(C) the United States and a place in a territory or possession of the United States to the extent the transportation is in the United States;

"(D) the United States and another place in the United States through a foreign country to the extent the transportation is in the United States; or

"(E) the United States and a place in a foreign country to the extent the transportation is in the United States; and

"(2) in a reservation under the exclusive jurisdiction of the United States or on a public highway.

"§13502. Exempt transportation between Alaska and other States

"To the extent that transportation by a motor carrier between a place in Alaska and a place in another State under section 13501 is provided in a foreign country—

"(1) neither the Secretary nor the Panel has jurisdiction to impose a requirement over conduct of the motor carrier in the foreign country conflicting with a requirement of that country; but

"(2) the motor carrier, as a condition of providing transportation in the United States, shall comply, with respect to all transportation provided between Alaska and the other State, with the requirements of this part related to rates and practices applicable to the transportation.

"§13503. Exempt motor vehicle transportation in terminal areas

"(a) TRANSPORTATION BY CARRIERS.—

"(1) IN GENERAL.—Neither the Secretary nor the Panel has jurisdiction under this subchapter over transportation by motor vehicle provided in a terminal area when the transportation—

"(A) is a transfer, collection, or delivery;

"(B) is provided by—

"(i) a rail carrier subject to jurisdiction under chapter 105;

"(ii) a water carrier subject to jurisdiction under subchapter II of this chapter; or

"(iii) a freight forwarder subject to jurisdiction under subchapter III of this chapter; and

"(C) is incidental to transportation or service provided by the carrier or freight forwarder that is subject to jurisdiction under chapter 105 of this title or under subchapter II or III of this chapter.

"(2) APPLICABILITY OF OTHER PROVISIONS.—Transportation exempt from jurisdiction under paragraph (1) of this subsection is subject to jurisdiction under chapter 105 when provided by such a rail carrier, under subchapter II of this chapter when provided by such a water carrier, and under subchapter III of this chapter when provided by such a freight forwarder.

"(b) TRANSPORTATION BY AGENT.—

"(1) IN GENERAL.—Except to the extent provided by paragraph (2) of this subsection, neither the Secretary nor the Panel has jurisdiction under this subchapter over transportation by motor vehicle provided in a terminal area when the transportation—

"(A) is a transfer, collection, or delivery; and

"(B) is provided by a person as an agent or under other arrangement for—

"(i) a rail carrier subject to jurisdiction under chapter 105 of this title;

"(ii) a motor carrier subject to jurisdiction under this subchapter;

"(iii) a water carrier subject to jurisdiction under subchapter II of this chapter; or

"(iv) a freight forwarder subject to jurisdiction under subchapter III of this chapter.

"(2) TREATMENT OF TRANSPORTATION BY PRINCIPAL.—Transportation exempt from jurisdiction under paragraph (1) of this subsection is considered transportation provided by the carrier or service provided by the freight forwarder for whom the transportation was provided and is subject to jurisdiction under chapter 105 of this title when provided for such a rail carrier, under this subchapter when provided for such a motor carrier, under subchapter II of this chapter when provided for such a water carrier, and under subchapter III of this chapter when provided for such a freight forwarder.

"§13504. Exempt motor carrier transportation entirely in one State

"Neither the Secretary nor the Panel has jurisdiction under this subchapter over transportation, except transportation of household goods, by a motor carrier operating solely within the State of Hawaii. The State of Hawaii may regulate transportation exempt from jurisdiction under this section and, to the extent provided by a motor carrier operating solely within the State of Hawaii, transportation exempt under section 13503 of this title.

"§13505. Transportation furthering a primary business

"(a) IN GENERAL.—Neither the Secretary nor the Panel has jurisdiction under this part over the transportation of property by motor vehicle when—

"(1) the property is transported by a person engaged in a business other than transportation; and

"(2) the transportation is within the scope of, and furthers a primary business (other than transportation) of the person.

"(b) CORPORATE FAMILIES.—

"(1) IN GENERAL.—Neither the Secretary nor the Panel has jurisdiction under this part over transportation of property by motor vehicle for compensation provided by a person who is a member of a corporate family for other members of such corporate family.

"(2) DEFINITION.—In this section, 'corporate family' means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100 percent interest.

"§13506. Miscellaneous motor carrier transportation exemptions

"(a) IN GENERAL.—Neither the Secretary nor the Panel has jurisdiction under this part over—

"(1) a motor vehicle transporting only school children and teachers to or from school;

"(2) a motor vehicle providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places;

"(3) a motor vehicle owned or operated by or for a hotel and only transporting hotel patrons between the hotel and the local station of a common carrier;

"(4) a motor vehicle controlled and operated by a farmer and transporting—

"(A) the farmer's agricultural or horticultural commodities and products; or

"(B) supplies to the farm of the farmer;

"(5) a motor vehicle controlled and operated by a cooperative association (as defined by section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) or by a federation of cooperative associations if the federation has no greater power or purposes than a cooperative association, except that if the cooperative association or federation provides transportation for compensation between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State—

"(A) for a nonmember that is not a farmer, cooperative association, federation, or the United States Government, the transportation (except for transportation otherwise exempt under this subchapter)—

"(i) shall be limited to transportation incidental to the primary transportation operation of the cooperative association or federation and necessary for its effective performance; and

"(ii) may not exceed in each fiscal year 25 percent of the total transportation of the cooperative association or federation between those places, measured by tonnage; and

"(B) the transportation for all nonmembers may not exceed in each fiscal year, measured by tonnage, the total transportation between those places for the cooperative association or federation and its members during that fiscal year;

"(6) transportation by motor vehicle of—

"(A) ordinary livestock;

"(B) agricultural or horticultural commodities (other than manufactured products thereof);

"(C) commodities listed as exempt in the Commodity List incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, other than frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, or wool imported from a foreign country, wool tops and noils, or wool waste (carded, spun, woven, or knitted);

"(D) cooked or uncooked fish, whether breaded or not, or frozen or fresh shellfish, or byproducts thereof not intended for human consumption, other than fish or shellfish that have been treated for preserving, such as canned, smoked, pickled, spiced, corned, or kippered products; and

"(E) livestock and poultry feed and agricultural seeds and plants, if such products (excluding products otherwise exempt under this paragraph) are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production;

"(7) a motor vehicle used only to distribute newspapers;

"(8)(A) transportation of passengers by motor vehicle incidental to transportation by aircraft;

"(B) transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent to such part of the continuous movement, has been or will be transported by an air carrier or (to the extent so agreed by the United States and approved by the Secretary) by a foreign air carrier; or

"(C) transportation of property by motor vehicle in lieu of transportation by aircraft because of adverse weather conditions or mechanical failure of the aircraft or other causes due to circumstances beyond the control of the carrier or shipper;

"(9) the operation of a motor vehicle in a national park or national monument;

"(10) a motor vehicle carrying not more than 15 individuals in a single, daily roundtrip to commute to and from work;

"(11) transportation of used pallets and used empty shipping containers (including intermodal .cargo containers), and other used shipping devices (other than containers or devices used in the transportation of motor vehicles or parts of motor vehicles);

"(12) transportation of natural, crushed, vesicular rock to be used for decorative purposes;

"(13) transportation of wood chips;

"(14) brokers for motor carriers of passengers, except as provided in section 13904(d)); or

"(15) transportation of broken, crushed, or powdered glass.

"(b) EXEMPT UNLESS OTHERWISE NECESSARY.—Except to the extent the Secretary or Panel, as applicable, finds it necessary to exercise jurisdiction to carry out the transportation policy of section 13101, neither the Secretary nor the Panel has jurisdiction under this part over—

"(1) transportation provided entirely in a municipality, in contiguous municipalities, or in a zone that is adjacent to, and commercially a part of, the municipality or municipalities, except—

"(A) when the transportation is under common control, management, or arrangement for a continuous carriage or shipment to or from a place outside the municipality, municipalities, or zone; or

"(B) that in transporting passengers over a route between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State, the transportation is exempt from jurisdiction under this part only if the motor carrier operating the motor vehicle also is lawfully providing intrastate transportation of passengers over the entire route under the laws of each State through which the route runs;

"(2) transportation by motor vehicle provided casually, occasionally, or reciprocally but not as a regular occupation or business, except when a broker or other person sells or offers for sale passenger transportation provided by a person authorized to transport passengers by motor vehicle under an application pending, or registration issued, under this part; or

"(3) the emergency towing of an accidentally wrecked or disabled motor vehicle.

"§13507. Mixed loads of regulated and unregulated property

"A motor carrier of property providing transportation exempt from jurisdiction under paragraph (6), (8), (11), (12), or (13) of section 13506(a) may transport property under such paragraph in the same vehicle and at the same time as property which the carrier is authorized to transport under a registration issued under section 13902(a). Such transportation shall not affect the unregulated status of such exempt property or the regulated status of the property which the carrier is authorized to transport under such registration.

"§13508. Limited authority over cooperative associations

"(a) IN GENERAL.—Notwithstanding section 13506(a)(5), any cooperative association (as defined by section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a))) or a federation of cooperative associations shall prepare and maintain such records relating to transportation provided by such association or federation, in such form as the Secretary or the Panel may require by regulation to carry out the provisions of such section 13506(a)(5). The Secretary or the Panel, or an employee designated by the Secretary or the Panel, may on demand and display of proper credentials—

"(1) inspect and examine the lands, buildings, and equipment of such association or federation; and

"(2) inspect and copy any record of such association or federation.

"(b) REPORTS.—Notwithstanding section 13506(a)(5), the Secretary or the Panel may require a cooperative association or federation of cooperative associations described in subsection (a) of this section to file reports with the Secretary or the Panel containing answers to questions about transportation provided by such association or federation.

"(c) ENFORCEMENT.—The Secretary or the Panel may bring a civil action to enforce subsections (a) and (b) of this section or a regulation or order of the Secretary or the Panel issued under this section, when violated by a cooperative association or federation of cooperative associations described in subsection (a).

"(d) REPORTING PENALTIES.—

"(1) IN GENERAL.—A person required to make a report to the Secretary or the Panel, answer a question, or maintain a record under this section, or an officer, agent, or employee of that person, that—

"(A) does not make the report;

"(B) does not specifically, completely, and truthfully answer the question; or

"(C) does not maintain the record in the form and manner prescribed under this section;

is liable to the United States Government for a civil penalty of not more than $500 for each violation and for not more than $250 for each additional day the violation continues.

"(2) VENUE.—Trial in a civil action under paragraph (1) shall be in the judicial district in which—

"(A) the cooperative association or federation of cooperative associations has its principal office;

"(B) the violation occurred; or

"(C) the offender is found.

Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

"(e) EVASION PENALTIES.—A person, or an officer, employee, or agent of that person, that by any means knowingly and willfully tries to evade compliance with the provisions of this section shall be fined at least $200 but not more than $500 for the first violation and at least $250 but not more than $2,000 for a subsequent violation.

"(f) RECORDKEEPING PENALTIES.—A person required to make a report, answer a question, or maintain a record under this section, or an officer, agent, or employee of that person, that—

"(1) willfully does not make that report;

"(2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date that the question is required to be answered;

"(3) willfully does not maintain that record in the form and manner prescribed;

"(4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record;

"(5) knowingly and willfully files a false report or record under this section;

"(6) knowingly and willfully makes a false or incomplete entry in that record about a business-related fact or transaction; or

"(7) knowingly and willfully maintains a record in violation of a regulation or order issued under this section;

shall be fined not more than $5,000.

"SUBCHAPTER II—WATER CARRIER TRANSPORTATION

"§13521. General jurisdiction

"(a) GENERAL RULES.—The Secretary and the Panel have jurisdiction over transportation insofar as water carriers are concerned—

"(1) by water carrier between a place in a State and a place in another State, even if part of the transportation is outside the United States;

"(2) by water carrier and motor carrier from a place in a State to a place in another State; except that if part of the transportation is outside the United States, the Secretary only has jurisdiction over that part of the transportation provided—

"(A) by motor carrier that is in the United States; and

"(B) by water carrier that is from a place in the United States to another place in the United States; and

"(3) by water carrier or by water carrier and motor carrier between a place in the United States and a place outside the United States, to the extent that—

"(A) when the transportation is by motor carrier, the transportation is provided in the United States;

"(B) when the transportation is by water carrier to a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States before transshipment from a place in the United States to a place outside the United States; and

"(C) when the transportation is by water carrier from a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States after transshipment to a place in the United States from a place outside the United States.

"(b) LIMITATION.—The Panel may not exempt a water carrier from the application of, or compliance with, sections 13701 and 13702 for transportation in noncontiguous domestic trade.

"(c) DEFINITIONS.—In this section, the terms 'State' and 'United States' include the territories and possessions of the United States.

"SUBCHAPTER III—FREIGHT FORWARDER SERVICE

"§13531. General jurisdiction

"(a) IN GENERAL.—The Secretary and the Panel have jurisdiction, as specified in this part, over service that a freight forwarder undertakes to provide, or is authorized or required under this part to provide, to the extent transportation is provided in the United States and is between—

"(1) a place in a State and a place in another State, even if part of the transportation is outside the United States;

"(2) a place in a State and another place in the same State through a place outside the State; or

"(3) a place in the United States and a place outside the United States.

"(b) EXEMPTION OF CERTAIN AIR CARRIER SERVICE.—Neither the Secretary nor the Panel has jurisdiction under subsection (a) of this section over service undertaken by a freight forwarder using transportation of an air carrier subject to part A of subtitle VII of this title.

"SUBCHAPTER IV—AUTHORITY TO EXEMPT

"§13541. Authority to exempt transportation or services

"(a) IN GENERAL.—In any matter subject to jurisdiction under this part, the Secretary or the Panel, as applicable, shall exempt a person, class of persons, or a transaction or service from the application of a provision of this part, or use this exemption authority to modify the application of a provision of this part as it applies to such person, class, transaction, or service, when the Secretary or Panel finds that the application of that provision in whole or in part—

"(1) is not necessary to carry out the transportation policy of section 13101;

"(2) is not needed to protect shippers from the abuse of market power or that the transaction or service is of limited scope; and

"(3) is in the public interest.

"(b) INITIATION OF PROCEEDING.—The Secretary or Panel, as applicable, may, where appropriate, begin a proceeding under this section on the Secretary's or Panel's own initiative or on application by an interested party.

"(c) PERIOD OF EXEMPTION.—The Secretary or Panel, as applicable, may specify the period of time during which an exemption granted under this section is effective.

"(d) REVOCATION.—The Secretary or Panel, as applicable, may revoke an exemption, to the extent specified, on finding that application of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 13101.

"(e) LIMITATIONS.—The exemption authority under this section may not be used to relieve a person from the application of, and compliance with, any law, rule, regulation, standard, or order pertaining to cargo loss and damage, insurance, safety fitness, or activities approved under section 13703 or not terminated under section 13907(d)(2).

"CHAPTER 137—RATES AND THROUGH ROUTES

"Sec.

"13701. Requirements for reasonable rates, classifications, through routes, rules, and practices for certain transportation.

"13702. Tariff requirement for certain transportation.

"13703. Certain collective activities; exemption from antitrust laws.

"13704. Household goods rates—estimates; guarantees of service.

"13705. Requirements for through routes among motor carriers of passengers.

"13706. Liability for payment of rates.

"13707. Payment of Rates.

"13708. Billing and collecting practices.

"13709. Procedures for resolving claims involving unfiled, negotiated transportation rates.

"13710. Additional billing and collecting practices.

"13711. Alternative procedure for resolving undercharge disputes.

"13712. Government traffic.

"13713. Food and grocery transportation.

"§13701. Requirements for reasonable rates, classifications, through routes, rules, and practices for certain transportation

"(a) REASONABLENESS.—

"(1) CERTAIN HOUSEHOLD GOODS TRANSPORTATION; JOINT RATES INVOLVING WATER TRANSPORTATION.—A rate, classification, rule, or practice related to transportation or service provided by a carrier subject to jurisdiction under chapter 135 for transportation or service involving—

"(A) a movement of household goods,

"(B) a rate for a movement by or with a water carrier in noncontiguous domestic trade, or

"(C) rates, rules, and classifications made collectively by motor carriers under agreement pursuant to section 13703,

must be reasonable.

"(2) THROUGH ROUTES AND DIVISIONS OF JOINT RATES.—Through routes and divisions of joint rates for such transportation or service must be reasonable.

"(b) PRESCRIPTION BY PANEL FOR VIOLATIONS.—When the Panel finds it necessary to stop or prevent a violation of subsection (a), the Panel shall prescribe the rate, classification, rule, practice, through route, or division of joint rates to be applied for such transportation or service.

"(c) ZONE OF REASONABLENESS.—

"(1) IN GENERAL.—For purposes of this section, a rate or division of a carrier for service in noncontiguous domestic trade is reasonable if the aggregate of increases and decreases in any such rate or division is not more than 10 percent above, or more than 10 percent below, the rate or division in effect 1 year before the effective date of the proposed rate or division.

"(2) ADJUSTMENTS TO THE ZONE.—The percentage specified in paragraph (1) shall be increased or decreased, as the case may be, by the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the most recent 1-year period before the date the rate or division in question first took effect.

"§13702. Tariff requirement for certain transportation

"(a) IN GENERAL.—A carrier subject to jurisdiction under chapter 135 may provide transportation or service that is—

"(1) in noncontiguous domestic trade, except with regard to bulk cargo, forest products, recycled metal scrap, waste paper, and paper waste; or

"(2) for movement of household goods;

only if the rate for such transportation or service is contained in a tariff that is in effect under this section. The carrier may not charge or receive a different compensation for the transportation or service than the rate specified in the tariff, whether by returning a part of that rate to a person, giving a person a privilege, allowing the use of a facility that affects the value of that transportation or service, or another device. A rate contained in a tariff shall be stated in money of the United States.

"(b) TARIFF REQUIREMENTS FOR NONCONTIGUOUS DOMESTIC TRADE.—

"(1) FILING.—A carrier providing transportation or service described in subsection (a)(1) shall publish and file with the Panel tariffs containing the rates established for such transportation or service. The carriers shall keep such tariffs available for public inspection. The Panel shall prescribe the form and manner of publishing, filing, and keeping tariffs available for public inspection under this subsection.

"(2) CONTENTS.—The Panel may prescribe any specific information and charges to be identified in a tariff, but at a minimum tariffs must identify plainly—

"(A) the carriers that are parties to it;

"(B) the places between which property will be transported;

"(C) terminal charges if a carrier provides transportation or service subject to jurisdiction under subchapter III of chapter 135;

"(D) privileges given and facilities allowed; and

"(E) any rules that change, affect, or determine any part of the published rate.

"(3) INLAND DIVISIONS.—A carrier providing transportation or service described in subsection (a)(1) under a joint rate for a through movement shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of that through rate.

"(4) TIME-VOLUME RATES.—Rates in tariffs filed under this subsection may vary with the volume of cargo offered over a specified period of time.

"(5) CHANGES.—The Panel may permit carriers to change rates, classifications, rules, and practices without filing complete tariffs under this subsection that cover matter that is not being changed when the Panel finds that action to be consistent with the public interest. Those carriers may either—

"(A) publish new tariffs that incorporate changes, or

"(B) plainly indicate the proposed changes in the tariffs then in effect and make the tariffs as changed available for public inspection.

"(c) TARIFF REQUIREMENTS FOR HOUSEHOLD GOODS CARRIERS.—

"(1) IN GENERAL.—A carrier providing transportation described in subsection (a)(2) shall maintain rates and related rules and practices in a tariff. The tariff must be submitted to the Panel for inspection and be made available for inspection by shippers upon reasonable request.

"(2) NOTICE OF AVAILABILITY.—A carrier that maintains a tariff under this subsection may not enforce the provisions of the tariff unless the carrier has given notice that the tariff is available for inspection in its bill of lading or by other actual notice to individuals whose shipments are subject to the tariff.

"(3) REQUIREMENTS.—A carrier that maintains a tariff under this subsection is bound by the tariff except as otherwise provided in this part. A tariff that does not comply with this subsection may not be enforced against any individual shipper.

"(4) INCORPORATION BY REFERENCE.—A carrier may incorporate by reference the rates, terms, and other conditions of a tariff in agreements covering the transportation of household goods.

"(5) COMPLAINTS.—A complaint that a rate or related rule or practice maintained in a tariff under this subsection violates section 13701(a) may be submitted to the Panel for resolution.

"(d) INVALIDATION.—The Panel may invalidate a tariff prepared by a carrier or carriers under this section if that tariff violates this section or a regulation of the Panel carrying out this section.

"§13703. Certain collective activities; exemption from antitrust laws

"(a) AGREEMENTS.—

"(1) AUTHORITY TO ENTER.—A motor carrier providing transportation or service subject to jurisdiction under chapter 135 may enter into an agreement with one or more such carriers to establish—

"(A) through routes and joint rates;

"(B) rates for the transportation of household goods;

"(C) classifications;

"(D) mileage guides;

"(E) rules;

"(F) divisions;

"(G) rate adjustments of general application based on industry average carrier costs (so long as there is no discussion of individual markets or particular single-line rates); or

"(H) procedures for joint consideration, initiation, or establishment of matters described in subparagraphs (A) through (G).

"(2) SUBMISSION OF AGREEMENT TO PANEL; APPROVAL.—An agreement entered into under subsection (a) may be submitted by any carrier or carriers that are parties to such agreement to the Panel for approval and may be approved by the Panel only if it finds that such agreement is in the public interest.

"(3) CONDITIONS.—The Panel may require compliance with reasonable conditions consistent with this part to assure that the agreement furthers the transportation policy set forth in section 13101.

"(4) INDEPENDENTLY ESTABLISHED RATES.—Any carrier which is a party to an agreement under paragraph (1) is not, and may not be precluded, from independently establishing its own rates, classification, and mileages or from adopting and using a noncollectively made classification or mileage guide.

"(5) INVESTIGATIONS.—

"(A) REASONABLENESS.—The Panel may suspend and investigate the reasonableness of any rate, rule, classification, or rate adjustment of general application made pursuant to an agreement under this section.

"(B) ACTIONS NOT IN THE PUBLIC INTEREST.—The Panel may investigate any action taken pursuant to an agreement approved under this section. If the Panel finds that the action is not in the public interest, the Panel may take such measures as may be necessary to protect the public interest with regard to the action, including issuing an order directing the parties to cease and desist or modify the action.

"(6) EFFECT OF APPROVAL.—If the Panel approves the agreement or renews approval of the agreement, it may be made and carried out under its terms and under the conditions required by the Panel, and the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to parties and other persons with respect to making or carrying out the agreement.

"(b) RECORDS.—The Panel may require an organization established or continued under an agreement approved under this section to maintain records and submit reports. The Panel, or its delegate, may inspect a record maintained under this section, or monitor any organization's compliance with this section.

"(c) REVIEW.—The Panel may review an agreement approved under this section, on its own initiative or on request, and shall change the conditions of approval or terminate it when necessary to protect the public interest. Action of the Panel under this section—

"(1) approving an agreement,

"(2) denying, ending, or changing approval,

"(3) prescribing the conditions on which approval is granted, or

"(4) changing those conditions,

has effect only as related to application of the antitrust laws referred to in subsection (a).

"(d) EXPIRATION OF APPROVALS; RENEWALS.—Subject to subsection (c), approval of an agreement under subsection (a) shall expire 3 years after the date of approval unless renewed under this subsection. The approval may be renewed upon request of the parties to the agreement if such parties resubmit the agreement to the Panel, the agreement is unchanged, and the Panel approves such renewal. The Panel shall approve the renewal unless it finds that the renewal is not in the public interest. Parties to the agreement may continue to undertake activities pursuant to the previously approved agreement while the renewal request is pending.

"(e) EXISTING AGREEMENTS.—Agreements approved under former section 10706(b) and in effect on the day before the effective date of this section shall be treated for purposes of this section as approved by the Panel under this section beginning on such effective date.

"(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—

"(1) UNDERCHARGE CLAIMS.—Nothing in this section shall serve as a basis for any undercharge claim.

"(2) OBLIGATION OF SHIPPER.—Nothing in this title, the ICC Termination Act of 1995, or any amendments or repeals made by such Act shall be construed as creating any obligation for a shipper based solely on a classification that was on file with the Interstate Commerce Commission or elsewhere on the day before the effective date of this section.

"(g) INDUSTRY STANDARD GUIDES.—

"(1) IN GENERAL.—

"(A) PUBLIC AVAILABILITY.—Routes, rates, classifications, mileage guides, and rules established under agreements approved under this section shall be published and made available for public inspection upon request.

"(B) PARTICIPATION OF CARRIERS.—

"(i) IN GENERAL.—A motor carrier of property whose routes, rates, classifications, mileage guides, rules, or packaging are determined or governed by publications established under agreements approved under this section must participate in the determining or governing publication for such provisions to apply.

"(ii) POWER OF ATTORNEY.—The motor carrier of property shall issue a power of attorney to the publishing agent and, upon its acceptance, the agent shall issue a written certification to the motor carrier affirming its participation in the governing publication, and the certification shall be made available for public inspection.

"(2) MILEAGE LIMITATION.—No carrier subject to jurisdiction under subchapter I or III of chapter 135 may enforce collection of its mileage rates unless such carrier—

"(A) uses an independent publication of mileage that is developed independently of any other publication of mileage developed by any other carrier and that can be examined by any interested person upon reasonable request; or

"(B) is a participant in a publication of mileages formulated under an agreement approved under this section.

"(h) SINGLE LINE RATE DEFINED.—In this section, the term 'single line rate' means a rate, charge, or allowance proposed by a single motor carrier that is applicable only over its line and for which the transportation can be provided by that carrier.

"§13704. Household goods rates—estimates; guarantees of service

"(a) IN GENERAL.—

"(1) AUTHORITY.—Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 may establish a rate for the transportation of household goods which is based on the carrier's written, binding estimate of charges for providing such transportation.

"(2) NONPREFERENTIAL; NONPREDATORY.—Any rate established under this subsection must be available on a nonpreferential basis to shippers and must not result in charges to shippers which are predatory.

"(b) RATES FOR GUARANTEED SERVICE.—

"(1) AUTHORITY.—Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 may establish rates for the transportation of household goods which guarantee that the carrier will pick up and deliver such household goods at the times specified in the contract for such services and provide a penalty or per diem payment in the event the carrier fails to pick up or deliver such household goods at the specified time. The charges, if any, for such guarantee and penalty provision may vary to reflect one or more options available to meet a particular shipper's needs.

"(2) AUTHORITY OF SECRETARY TO REQUIRE NONGUARANTEED SERVICE RATES.—Before a carrier may establish a rate for any service under paragraph (1) of this subsection, the Secretary may require such carrier to have in effect and keep in effect, during any period such rate is in effect under paragraph (1), a rate for such service which does not guarantee the pick up and delivery of household goods at the times specified in the contract for such services and which does not provide a penalty or per diem payment in the event the carrier fails to pick up or deliver household goods at the specified time.

"§13705. Requirements for through routes among motor carriers of passengers

"(a) ESTABLISHMENT; REASONABLENESS.—A motor carrier providing transportation of passengers subject to jurisdiction under subchapter I of chapter 135 shall establish through routes with other carriers of the same type and shall establish individual and joint rates applicable to them. Such through route must be reasonable.

"(b) PRESCRIBED BY PANEL.—When the Panel finds it necessary to enforce the requirements of this section, the Panel may prescribe through routes and the conditions under which those routes must be operated for motor carriers providing transportation of passengers subject to jurisdiction under subchapter I of chapter 135.

"§13706. Liability for payment of rates

"(a) LIABILITY OF CONSIGNEE.—Liability for payment of rates for transportation for a shipment of property by a shipper or consignor to a consignee other than the shipper or consignor, is determined under this section when the transportation is provided by motor carrier under this part. When the shipper or consignor instructs the carrier transporting the property to deliver it to a consignee that is an agent only, not having beneficial title to the property, the consignee is liable for rates billed at the time of delivery for which the consignee is otherwise liable, but not for additional rates that may be found to be due after delivery if the consignee gives written notice to the delivering carrier before delivery of the property—

"(1) of the agency and absence of beneficial title; and

"(2) of the name and address of the beneficial owner of the property if it is reconsigned or diverted to a place other than the place specified in the original bill of lading.

"(b) LIABILITY OF BENEFICIAL OWNER.—When the consignee is liable only for rates billed at the time of delivery under subsection (a), the shipper or consignor, or, if the property is reconsigned or diverted, the beneficial owner is liable for those additional rates regardless of the bill of the lading or contract under which the property was transported. The beneficial owner is liable for all rates when the property is reconsigned or diverted by an agent but is refused or abandoned at its ultimate destination if the agent gave the carrier in the reconsignment or diversion order a notice of agency and the name and address of the beneficial owner. A consignee giving the carrier erroneous information about the identity of the beneficial owner of the property is liable for the additional rates.

"§13707. Payment of rates

"(a) TRANSFER OF POSSESSION UPON PAYMENT.—Except as provided in subsection (b), a carrier providing transportation or service subject to jurisdiction under this part shall give up possession at the destination of the property transported by it only when payment for the transportation or service is made.

"(b) EXCEPTIONS.—

"(1) REGULATIONS.—Under regulations of the Secretary governing the payment for transportation and service and preventing discrimination, those carriers may give up possession at destination of property transported by them before payment for the transportation or service. The regulations of the Secretary may provide for weekly or monthly payment for transportation provided by motor carriers and for periodic payment for transportation provided by water carriers.

"(2) EXTENSIONS OF CREDIT TO GOVERNMENTAL ENTITIES.—Such a carrier (including a motor carrier being used by a household goods freight forwarder) may extend credit for transporting property for the United States Government, a State, a territory or possession of the United States, or a political subdivision of any of them.

"§13708. Billing and collecting practices

"(a) DISCLOSURE.—A motor carrier subject to jurisdiction under subchapter I of chapter 135 shall disclose, when a document is presented or electronically transmitted for payment to the person responsible directly to the motor carrier for payment or agent of such responsible person, the actual rates, charges, or allowances for any transportation service and shall also disclose, at such time, whether and to whom any allowance or reduction in charges is made.

"(b) FALSE OR MISLEADING INFORMATION.—No person may cause a motor carrier to present false or misleading information on a document about the actual rate, charge, or allowance to any party to the transaction.

"(c) ALLOWANCES FOR SERVICES.—When the actual rate, charge, or allowance is dependent upon the performance of a service by a party to the transportation arrangement, such as tendering a volume of freight over a stated period of time, the motor carrier shall indicate in any document presented for payment to the person responsible directly to the motor carrier that a reduction, allowance, or other adjustment may apply.

"§13709. Procedures for resolving claims involving unfiled, negotiated transportation rates

"(a) TRANSPORTATION PROVIDED AT RATES OTHER THAN LEGAL TARIFF RATES.—

"(1) IN GENERAL.—When a claim is made by a motor carrier of property (other than a household goods carrier) providing transportation subject to jurisdiction under subchapter II of chapter 105, as in effect on the day before the effective date of this section, by a freight forwarder (other than a household goods freight forwarder), or under subchapter I of chapter 135 or by a party representing such a carrier or freight forwarder regarding the collection of rates or charges for such transportation in addition to those originally billed and collected by the carrier or freight forwarder for such transportation, the person against whom the claim is made may elect to satisfy the claim under the provisions of subsection (b), (c), or (d), upon showing that—

"(A) the carrier or freight forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this section; and

"(B) with respect to the claim—

"(i) the person was offered a transportation rate by the carrier or freight forwarder other than that legally on file with the Interstate Commerce Commission or the Panel, as required for the transportation service;

"(ii) the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

"(iii) the carrier or freight forwarder did not properly or timely file with the Interstate Commerce Commission or the Panel, as required a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

"(iv) such transportation rate was billed and collected by the carrier or freight forwarder; and

"(v) the carrier or freight forwarder demands additional payment of a higher rate filed in a tariff.

"(2) FORUM FOR RESOLUTION OF SHOWINGS.—If there is a dispute as to the showing under paragraph (1)(A), such dispute shall be resolved by

the court in which the claim is brought. If there is a dispute as to the showing under paragraph (1)(B), such dispute shall be resolved by the Panel. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or freight forwarder.

"(3) EFFECT OF SATISFACTION OF CLAIMS UNDER DISPUTE RESOLUTION PROCEDURE.—Satisfaction of a claim under subsection (b), (c), or (d) shall be binding on the parties, and the parties shall not be subject to chapter 119, as in effect on the day before the effective date of this section or chapter 149.

"(b) CLAIMS INVOLVING SHIPMENTS WEIGHING 10,000 POUNDS OR LESS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim, if the shipments each weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Panel .

"(c) CLAIMS INVOLVING SHIPMENTS WEIGHING MORE THAN 10,000 POUNDS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim, if the shipments each weighed more than 10,000 pounds, by payment of 15 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Panel.

"(d) CLAIMS INVOLVING PUBLIC WAREHOUSEMEN.—Notwithstanding subsections (b) and (c), a person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim by payment of 5 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid if such person is a public warehouseman. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Panel.

"(e) EFFECTS OF ELECTION.—When a person from whom additional legally applicable freight rates or charges are sought does not elect to use the provisions of subsections (b), (c) or (d), the person may pursue all rights and remedies existing under this part or, for transportation provided before the effective date of this section, all rights and remedies that existed under this title on the day before the effective date of this section.

"(f) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this section to challenge the reasonableness of the legally applicable freight rate or charges being claimed by a carrier or freight forwarder in addition to those already billed and collected, the person shall not have to pay any additional compensation to the carrier or freight forwarder until the Panel has made a determination as to the reasonableness of the challenged rate as applied to the freight of the person against whom the claim is made.

"(g) NOTIFICATION OF ELECTION.—

"(1) GENERAL RULE.—A person must notify the carrier or freight forwarder as to its election to proceed under subsection (b), (c), or (d). Except as provided in paragraphs (2), (3), and (4), such election may be made at any time.

"(2) DEMANDS FOR PAYMENT INITIALLY MADE AFTER DECEMBER 3, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder initially demands the payment of additional freight charges after December 3, 1993, and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f) at the time of the making of such initial demand, the election must be made not later than the later of—

"(A) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

"(B) March 5, 1994.

"(3) PENDING SUITS FOR COLLECTION MADE BEFORE DECEMBER 4, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has filed, before December 4, 1993, a suit for the collection of additional freight charges and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f), the election must be made not later than the 90th day following the date on which such notification is received.

"(4) DEMANDS FOR PAYMENT MADE BEFORE DECEMBER 4, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has demanded the payment of additional freight charges, and has not filed a suit for the collection of such additional freight charges, before December 4, 1993, and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f), the election must be made not later than the later of—

"(A) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

"(B) March 5, 1994.

"(h) CLAIMS INVOLVING SMALL-BUSINESS CONCERNS, CHARITABLE ORGANIZATIONS, AND RECYCLABLE MATERIALS.—

"(1) IN GENERAL.—Notwithstanding subsections (b), (c), and (d), a person from whom the additional legally applicable and effective tariff rate or charges are sought shall not be liable for the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid—

"(A) if such person qualifies as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.),

"(B) if such person is an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

"(C) if the cargo involved in the claim is recyclable materials.

"(2) RECYCLABLE MATERIALS DEFINED.—In this subsection, the term 'recyclable materials' means waste products for recycling or reuse in the furtherance of recognized pollution control programs.

"§13710. Additional billing and collecting practices

"(a) MISCELLANEOUS PROVISIONS.—

"(1) INFORMATION RELATING TO BASIS OF RATE.—A motor carrier of property (other than a motor carrier providing transportation in noncontiguous domestic trade) shall provide to the shipper, on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices, upon which any rate applicable to its shipment or agreed to between the shipper and carrier may have been based.

"(2) REASONABLENESS OF RATES; COLLECTING ADDITIONAL CHARGES.—When the applicability or reasonableness of the rates and related provisions billed by a motor carrier is challenged by the person paying the freight charges, the Panel shall determine whether such rates and provisions are reasonable or applicable based on the record before it.

"(3) BILLING DISPUTES.—

"(A) INITIATED BY MOTOR CARRIERS.—In those cases where a motor carrier (other than a motor carrier providing transportation of household goods or in noncontiguous domestic trade) seeks to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the Panel determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the receipt of the original bill in order to have the right to collect such charges.

"(B) INITIATED BY SHIPPERS.—If a shipper seeks to contest the charges originally billed or additional charges subsequently billed, the shipper may request that the Panel determine whether the charges billed must be paid. A shipper must contest the original bill or subsequent bill within 180 days of receipt of the bill in order to have the right to contest such charges.

"(4) VOIDING OF CERTAIN TARIFFS.—Any tariff on file with the Interstate Commerce Commission on August 26, 1994, and not required to be filed after that date is null and void beginning on that date. Any tariff on file with the Interstate Commerce Commission on the effective date of this section and not required to be filed after that date is null and void beginning on that date.

"(b) RESOLUTION OF DISPUTES OVER STATUS OF COMMON CARRIER OR CONTRACT CARRIER.—If a motor carrier (other than a motor carrier providing transportation of household goods) that was subject to jurisdiction under subchapter II of chapter 105, as in effect on the day before the effective date of this section, and that had authority to provide transportation as both a motor common carrier and a motor contract carrier and a dispute arises as to whether certain transportation that was provided prior to the effective date of this section was provided in its common carrier or contract carrier capacity and the parties are not able to resolve the dispute consensually, the Panel shall resolve the dispute.

"§13711. Alternative procedure for resolving undercharge disputes

"(a) GENERAL RULE.—It shall be an unreasonable practice for a motor carrier of property (other than a household goods carrier) providing transportation subject to jurisdiction under subchapter I of chapter 135 or, before the effective date of this section, to have provided transportation that was subject to jurisdiction under subchapter II of chapter 105 as in effect on the day before the effective date of this section, a freight forwarder (other than a household goods freight forwarder), or a party representing such a carrier or freight forwarder to attempt to charge or to charge for a transportation service the difference between (1) the applicable rate that was lawfully in effect pursuant to a tariff that was filed in accordance with this chapter or, with respect to transportation provided before the effective date of this section, in accordance with chapter 107 as in effect on the date the transportation was provided by the carrier or freight forwarder applicable to such transportation service and (2) the negotiated rate for such transportation service if the carrier or freight forwarder is no longer transporting property between places described in section 13501(1) or is transporting property between places described in section 13501(1) for the purpose of avoiding application of this section.

"(b) JURISDICTION OF PANEL.—

"(1) DETERMINATION.—The Panel shall have jurisdiction to make a determination of whether or not attempting to charge or the charging of a rate by a motor carrier or freight forwarder or party representing a motor carrier or freight forwarder is an unreasonable practice under subsection (a). If the Panel determines that attempting to charge or the charging of the rate is an unreasonable practice under subsection (a),

the carrier, freight forwarder, or party may not collect the difference described in subsection (a) between the applicable rate and the negotiated rate for the transportation service.

"(2) FACTORS TO CONSIDER.—In making a determination under paragraph (1), the Panel shall consider—

"(A) whether the person was offered a transportation rate by the carrier or freight forwarder or party other than that legally on file with the Interstate Commerce Commission or the Panel, as required at the time of the movement for the transportation service;

"(B) whether the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

"(C) whether the carrier or freight forwarder did not properly or timely file with the Interstate Commerce Commission or the Panel, as required, a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

"(D) whether the transportation rate was billed and collected by the carrier or freight forwarder; and

"(E) whether the carrier or freight forwarder or party demands additional payment of a higher rate filed in a tariff.

"(c) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this section to challenge the reasonableness of the practice of a motor carrier, freight forwarder, or party described in subsection (a) to attempt to charge or to charge the difference described in subsection (a) between the applicable rate and the negotiated rate for the transportation service in addition to those charges already billed and collected for the transportation service, the person shall not have to pay any additional compensation to the carrier, freight forwarder, or party until the Panel has made a determination as to the reasonableness of the practice as applied to the freight of the person against whom the claim is made.

"(d) TREATMENT.—Subsection (a) is an exception to the requirements of section 13702 and, for transportation provided before the effective date of this section, to the requirements of sections 10761(a) and 10762, as in effect on the day before such effective date, as such sections relate to a filed tariff rate and other general tariff requirements.

"(e) NONAPPLICABILITY OF NEGOTIATED RATE DISPUTE RESOLUTION PROCEDURE.—If a person elects to seek enforcement of subsection (a) with respect to a rate for a transportation or service, section 13709 shall not apply to such rate.

"(f) DEFINITIONS.—In this section, the term "negotiated rate" means a rate, charge, classification, or rule agreed upon by a motor carrier or freight forwarder and a shipper through negotiations pursuant to which no tariff was lawfully and timely filed and for which there is written evidence of such agreement.

"(g) APPLICABILITY TO PENDING CASES.—This section shall apply to all cases and proceedings pending on the effective date of this section.

"§13711. Government traffic

"A carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply when transportation for the United States Government can be obtained from a carrier lawfully operating in the area where the transportation would be provided.

"§13712. Food and grocery transportation

"(a) CERTAIN COMPENSATION PROHIBITED.—Notwithstanding any other provision of law, it shall not be unlawful for a seller of food and grocery products using a uniform zone delivered pricing system to compensate a customer who picks up purchased food and grocery products at the shipping point of the seller if such compensation is available to all customers of the seller on a nondiscriminatory basis and does not exceed the actual cost to the seller of delivery to such customer.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that any savings accruing to a customer by reason of compensation permitted by subsection (a) of this section should be passed on to the ultimate consumer.

"CHAPTER 139—REGISTRATION

"Sec.
"13901. Requirement for registration.
"13902. Registration of motor carriers.
"13903. Registration of freight forwarders.
"13904. Registration of brokers.
"13905. Effective periods of registration.
"13906. Security of motor carriers, brokers, and freight forwarders.
"13907. Household goods agents.
"13908. Registration and other reforms.

"§13901. Requirement for registration

"A person may provide transportation or service subject to jurisdiction under subchapter I or III of chapter 135 or be a broker for transportation subject to jurisdiction under subchapter I of that chapter, only if the person is registered under this chapter to provide the transportation or service.

"§13902. Registration of motor carriers

"(a) MOTOR CARRIER GENERALLY.—

"(1) IN GENERAL.—Except as provided in this section, the Secretary shall register a person to provide transportation subject to jurisdiction under subchapter I of chapter 135 of this title as a motor carrier if the Secretary finds that the person is willing and able to comply with—

"(A) this part and the applicable regulations of the Secretary and the Panel;

"(B) any safety regulations imposed by the Secretary and the safety fitness requirements established by the Secretary under section 31144; and

"(C) the minimum financial responsibility requirements established by the Secretary pursuant to sections 13906 and 31138.

"(2) CONSIDERATION OF EVIDENCE; FINDINGS.—The Secretary shall consider and, to the extent applicable, make findings on, any evidence demonstrating that the registrant is unable to comply with the requirements of subparagraph (A), (B), or (C) of paragraph (1).

"(3) WITHHOLDING.—If the Secretary determines that any registrant under this section does not meet the requirements of paragraph (1), the Secretary shall withhold registration.

"(4) LIMITATION ON COMPLAINTS.—The Secretary may hear a complaint from any person concerning a registration under this subsection only on the ground that the registrant fails or will fail to comply with this part, the applicable regulations of the Secretary and the Panel, the safety regulations of the Secretary, or the safety fitness or minimum financial responsibility requirements of paragraph (1) of this subsection.

"(b) MOTOR CARRIERS OF PASSENGERS.—

"(1) REGISTRATION OF PRIVATE RECIPIENTS OF GOVERNMENTAL ASSISTANCE.—The Secretary shall register under subsection (a)(1) a private recipient of governmental assistance to provide special or charter transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that the recipient meets the requirements of subsection (a)(1), unless the Secretary finds, on the basis of evidence presented by any person objecting to the registration, that the transportation to be provided pursuant to the registration is not in the public interest.

"(2) REGISTRATION OF PUBLIC RECIPIENTS OF GOVERNMENTAL ASSISTANCE.—

"(A) CHARTER TRANSPORTATION.—The Secretary shall register under subsection (a)(1) a public recipient of governmental assistance to provide special or charter transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that—

"(i) the recipient meets the requirements of subsection (a)(1); and

"(ii)(I) no motor carrier of passengers (other than a motor carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing to provide, the transportation; or

"(II) the transportation is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

"(B) REGULAR-ROUTE TRANSPORTATION.—The Secretary shall register under subsection (a)(1) a public recipient of governmental assistance to provide regular-route transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that the recipient meets the requirements of subsection (a)(1), unless the Secretary finds, on the basis of evidence presented by any person objecting to the registration, that the transportation to be provided pursuant to the registration is not in the public interest.

"(C) TREATMENT OF CERTAIN PUBLIC RECIPIENTS.—Any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to jurisdiction under subchapter I of chapter 135 shall, for purposes of this part, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

"(3) INTRASTATE TRANSPORTATION.—A motor carrier of passengers that is registered by the Secretary under subsection (a) is authorized to provide regular-route transportation entirely in one State as a motor carrier of passengers if such intrastate transportation is to be provided on a route over which the carrier provides interstate transportation of passengers.

"(4) PREEMPTION REGARDING CERTAIN SERVICE.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law relating to the provision of pickup and delivery of express packages, newspapers, or mail in a commercial zone if the shipment has had or will have a prior or subsequent movement by bus in intrastate commerce and, if a city within the commercial zone, is served by a motor carrier of passengers providing regular-route transportation of passengers subject to jurisdiction under subchapter I of chapter 135.

"(5) TREATMENT.—Any intrastate transportation authorized by this subsection shall be treated as transportation subject to jurisdiction under subchapter I of chapter 135 until such time as the carrier takes such action as is necessary to establish under the laws of such State rates, rules, and practices applicable to such transportation, but in no case later than the 30th day following the date on which the motor carrier of passengers first begins providing transportation entirely in one State under this paragraph.

"(6) SPECIAL OPERATIONS.—This subsection shall not apply to any regular-route transportation of passengers provided entirely in one State which is in the nature of a special operation.

"(7) SUSPENSION OR REVOCATION.—Intrastate transportation authorized under this subsection may be suspended or revoked by the Secretary under section 13905 of this title at any time.

"(8) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term 'public recipient of governmental assistance' means—

"(i) any State,

"(ii) any municipality or other political subdivision of a State,

"(iii) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

"(iv) any Indian tribe,

"(v) any corporation, board, or other person owned or controlled by any entity described in clause (i), (ii), (iii), or (iv), and

which before, on, or after the effective date of this subsection received governmental assistance for the purchase or operation of any bus.

"(B) PRIVATE RECIPIENT OF GOVERNMENT ASSISTANCE.—The term 'private recipient of government assistance' means any person (other than a person described in subparagraph (A)) who before, on, or after the effective date of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

"(c) RESTRICTIONS ON MOTOR CARRIERS DOMICILED IN OR OWNED OR CONTROLLED BY NATIONALS OF A CONTIGUOUS FOREIGN COUNTRY.—

"(1) PREVENTION OF DISCRIMINATORY PRACTICES.—If the President, or the delegate thereof, determines that an act, policy, or practice of a foreign country contiguous to the United States, or any political subdivision or any instrumentality of any such country is unreasonable or discriminatory and burdens or restricts United States transportation companies providing, or seeking to provide, motor carrier transportation to, from, or within such foreign country, the President or such delegate may—

"(A) seek elimination of such practices through consultations; or

"(B) notwithstanding any other provision of law, suspend, modify, amend, condition, or restrict operations, including geographical restriction of operations, in the United States by motor carriers of property or passengers domiciled in such foreign country or owned or controlled by persons of such foreign country.

"(2) EQUALIZATION OF TREATMENT.—Any action taken under paragraph (1)(A) to eliminate an act, policy, or practice shall be so devised so as to equal to the extent possible the burdens or restrictions imposed by such foreign country on United States transportation companies.

"(3) REMOVAL OR MODIFICATION.—The President, or the delegate thereof, may remove or modify in whole or in part any action taken under paragraph (1)(A) if the President or such delegate determines that such removal or modification is consistent with the obligations of the United States under a trade agreement or with United States transportation policy.

"(4) PROTECTION OF EXISTING OPERATIONS.—Unless and until the President, or the delegate thereof, makes a determination under paragraph (1) or (3), nothing in this subsection shall affect—

"(A) operations of motor carriers of property or passengers domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country permitted in the commercial zones along the United States-Mexico border as such zones were defined on the day before the effective date of this section; or

"(B) any existing restrictions on operations of motor carriers of property or passengers domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country or any modifications thereof pursuant to section 6 of the Bus Regulatory Reform Act of 1982.

"(5) PUBLICATION; COMMENT.—Unless the President, or the delegate thereof, determines that expeditious action is required, the President shall publish in the Federal Register any determination under paragraph (1) or (3), together with a description of the facts on which such a determination is based and any proposed action to be taken pursuant to paragraph (1)(B) or (3), and provide an opportunity for public comment.

"(6) DELEGATION TO SECRETARY.—The President may delegate any or all authority under this subsection to the Secretary, who shall consult with other agencies as appropriate. In accordance with the directions of the President, the Secretary may issue regulations to enforce this subsection.

"(7) CIVIL ACTIONS.—Either the Secretary or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

"(8) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection shall not be construed as affecting the requirement for all foreign motor carriers operating in the United States to comply with all applicable laws and regulations pertaining to fitness, safety of operations, financial responsibility, and taxes imposed by section 4481 of the Internal Revenue Code of 1986.

"(d) MOTOR CARRIER DEFINED.—In this section and sections 13905 and 13906, the term 'motor carrier' includes foreign motor carriers and foreign motor private carriers.

"§13903. Registration of freight forwarders

"(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is willing and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Panel.

"(b) REGISTRATION AS CARRIER REQUIRED.—The freight forwarder may provide transportation as the carrier itself only if the freight forwarder also has registered to provide transportation as a carrier under this chapter.

"§13904. Registration of brokers

"(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is willing and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary .

"(b) LIMITATION.—The broker may provide transportation itself only if the broker also has registered to provide transportation as a carrier under this chapter.

"(c) REGULATIONS TO PROTECT SHIPPERS.—Regulations of the Secretary applicable to brokers registered under this section shall provide for the protection of shippers by motor vehicle.

"(d) BOND AND INSURANCE.—The Secretary may impose on brokers for motor carriers of passengers such requirements for bonds or insurance or both as the Secretary determines are needed to protect passengers and carriers dealing with such brokers.

"§13905. Effective periods of registration

"(a) PERSON HOLDING ACC AUTHORITY.—Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on the day before the effective date of this section, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

"(b) IN GENERAL.—Each registration issued under section 13902, 13903, or 13904 shall be effective from the date specified by the Secretary and shall remain in effect, except as otherwise provided in this part.

"(c) SUSPENSION, AMENDMENTS, AND REVOCATIONS.—On application of the registrant, the Secretary may amend or revoke a registration. On complaint or on the Secretary's own initiative and after notice and an opportunity for a proceeding, the Secretary may suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with this part, an applicable regulation or order of the Secretary or of the Panel, or a condition of its registration.

"(d) PROCEDURE.—Except on application of the registrant, the Secretary may revoke a registration of a motor carrier, freight forwarder, or broker, only after—

"(1) the Secretary has issued an order to the registrant under section 14701 requiring compliance with this part, a regulation of the Secretary, or a condition of the registration; and

"(2) the registrant willfully does not comply with the order for a period of 30 days.

"(e) EXPEDITED PROCEDURE.—

"(1) PROTECTION OF SAFETY.—Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend the registration of a motor carrier, a freight forwarder, or a broker for failure to comply with safety requirements of the Secretary or the safety fitness requirements pursuant to section 13904(c), 13906, or 31144, of this title, or an order or regulation of the Secretary prescribed under those sections.

"(2) IMMINENT HAZARD TO PUBLIC HEALTH.—Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend a registration of a motor carrier of passengers if the Secretary finds that such carrier has been conducting unsafe operations which are an imminent hazard to public health or property.

"(3) NOTICE; PERIOD OF SUSPENSION.—The Secretary may suspend under this subsection the registration only after giving notice of the suspension to the registrant. The suspension remains in effect until the registrant complies with those applicable sections or, in the case of a suspension under paragraph (2), until the Secretary revokes such suspension.

"§13906. Security of motor carriers, brokers, and freight forwarders

"(a) MOTOR CARRIER REQUIREMENTS.—

"(1) LIABILITY INSURANCE REQUIREMENT.—The Secretary may register a motor carrier under section 13902 only if the registrant files with the Secretary a bond, insurance policy, or other type of security approved by the Secretary, in an amount not less than such amount as the Secretary prescribes pursuant to, or as is required by, sections 31138 and 31139, and the laws of the State or States in which the registrant is operating, to the extent applicable. The security must be sufficient to pay, not more than the amount of the security, for each final judgment against the registrant for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance, or use of motor vehicles, or for loss or damage to property (except property referred to in paragraph (3) of this subsection), or both. A registration remains in effect only as long as the registrant continues to satisfy the security requirements of this paragraph.

"(2) AGENCY REQUIREMENT.—A motor carrier shall comply with the requirements of sections 13303 and 13304. To protect the public, the Secretary may require any such motor carrier to file the type of security that a motor carrier is required to file under paragraph (1) of this subsection. This paragraph only applies to a foreign motor private carrier and foreign motor carrier operating in the United States to the extent that such carrier is providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country.

"(3) TRANSPORTATION INSURANCE.—The Secretary may require a registered motor carrier to file with the Secretary a type of security sufficient to pay a shipper or consignee for damage *to property of the shipper or consignee placed in the possession of the motor carrier as the result of transportation provided under this part. A carrier required by law to pay a shipper or consignee for loss, damage, or default for which a connecting motor carrier is responsible is subrogated, to the extent of the amount paid, to the rights of the shipper or consignee under any such security.*

"(b) BROKER REQUIREMENTS.—The Secretary may register a person as a broker under section 13904 only if the person files with the Secretary a bond, insurance policy, or other type of security approved by the Secretary to ensure that the transportation for which a broker arranges is provided. The registration remains in effect only as long as the broker continues to satisfy the security requirements of this subsection.

"(c) FREIGHT FORWARDER REQUIREMENTS.—

"(1) LIABILITY INSURANCE.—The Secretary may register a person as a freight forwarder under section 13903 of this title only if the person files with the Secretary a bond, insurance policy, or other type of security approved by the Secretary. The security must be sufficient to pay, not more than the amount of the security, for each final judgment against the freight forwarder for bodily injury to, or death of, an individual, or loss of, or damage to, property (other than property referred to in paragraph (2) of this subsection), resulting from the negligent operation, maintenance, or use of motor vehicles by or under the direction and control of the freight forwarder when providing transfer, collection, or delivery service under this part.

"(2) FREIGHT FORWARDER INSURANCE.—The Secretary may require a registered freight forwarder to file with the Secretary a bond, insurance policy, or other type of security approved by the Secretary sufficient to pay, not more than the amount of the security, for loss of, or damage to, property for which the freight forwarder provides service.

"(3) EFFECTIVE PERIOD.—The freight forwarder's registration remains in effect only as long as the freight forwarder continues to satisfy the security requirements of this subsection.

"(d) TYPE OF INSURANCE.—The Secretary may determine the type and amount of security filed under this section. A motor carrier may submit proof of qualifications as a self-insurer to satisfy the security requirements of this section. The Secretary shall adopt regulations governing the standards for approval as a self-insurer. Motor carriers which have been granted authority to self-insure as of the effective date of this section shall retain that authority unless, for good cause shown and after notice and an opportunity for a hearing, the Secretary finds that the authority must be revoked.

"(e) NOTICE OF CANCELLATION OF INSURANCE.—The Secretary shall issue regulations requiring the submission to the Secretary of notices of insurance cancellation sufficiently in advance of actual cancellation so as to enable the Secretary to promptly revoke the registration of any carrier or broker after the effective date of the cancellation.

"(f) FORM OF ENDORSEMENT.—The Secretary shall also prescribe the appropriate form of endorsement to be appended to policies of insurance and surety bonds which will subject the insurance policy or surety bond to the full security limits of the coverage required under this section.

"§13907. Household goods agents

"(a) CARRIERS RESPONSIBLE FOR AGENTS.—Each motor carrier providing transportation of household goods shall be responsible for all acts or omissions of any of its agents which relate to the performance of household goods transportation services (including accessorial or terminal services) and which are within the actual or apparent authority of the agent from the carrier or which are ratified by the carrier.

"(b) STANDARD FOR SELECTING AGENTS.—Each motor carrier providing transportation of household goods shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently knowledgeable, fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services) and to fulfill the obligations imposed upon them by this part and by such carrier.

"(c) ENFORCEMENT.—

"(1) COMPLAINT.—Whenever the Secretary has reason to believe from a complaint or investigation that an agent providing household goods transportation services (including accessorial and terminal services) under the authority of a motor carrier providing transportation of household goods has violated section 14901(e) or 14912 or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), the Secretary may issue to such agent a complaint stating the charges and containing notice of the time and place of a hearing which shall be held no later than 60 days after service of the complaint to such agent.

"(2) RIGHT TO DEFEND.—The agent shall have the right to appear at such hearing and rebut the charges contained in the complaint.

"(3) ORDER.—If the agent does not appear at the hearing or if the Secretary finds that the agent has violated section 14901(e) or 14912 or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), the Secretary may issue an order to compel compliance with the requirement that the agent be fit, willing, and able. Thereafter, the Secretary may issue an order to limit, condition, or prohibit such agent from any involvement in the transportation or provision of services incidental to the transportation of household goods if, after notice and an opportunity for a hearing, the Secretary finds that such agent, within a reasonable time after the date of issuance of a compliance order under this section, but in no event less than 30 days after such date of issuance, has willfully failed to comply with such order.

"(4) HEARING.—Upon filing of a petition with the Secretary by an agent who is the subject of an order issued pursuant to the second sentence of paragraph (3) of this subsection and after notice, a hearing shall be held with an opportunity to be heard. At such hearing, a determination shall be made whether the order issued pursuant to paragraph (3) of this subsection should be rescinded.

"(5) COURT REVIEW.—Any agent adversely affected or aggrieved by an order of the Secretary issued under this subsection may seek relief in the appropriate United States court of appeals as provided by and in the manner prescribed in chapter 158 of title 28, United States Code.

"(d) LIMITATION ON APPLICABILITY OF ANTITRUST LAWS.—

"(1) IN GENERAL.—The antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to discussions or agreements between a motor carrier providing transportation of household goods and its agents (whether or not an agent is also a carrier) related solely to—

"(A) rates for the transportation of household goods under the authority of the principal carrier;

"(B) accessorial, terminal, storage, or other charges for services incidental to the transportation of household goods transported under the authority of the principal carrier;

"(C) allowances relating to transportation of household goods under the authority of the principal carrier; and

"(D) ownership of a motor carrier providing transportation of household goods by an agent or membership on the board of directors of any such motor carrier by an agent.

"(2) PANEL REVIEW.—The Panel, upon its own initiative or request, shall review any activities undertaken under paragraph (1) and shall modify or terminate the activity if necessary to protect the public interest.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) HOUSEHOLD GOODS.—The term 'household goods' has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

"(2) TRANSPORTATION.—The term 'transportation' means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

"§13908. Registration and other reforms

"(a) REGULATIONS REPLACING CERTAIN PROGRAMS.—The Secretary, in cooperation with the States, and after notice and opportunity for public comment, shall issue regulations to replace the current Department of Transportation identification number system, the single State registration system under section 14504, the registration system contained in this chapter, and the financial responsibility information system under section 13906 with a single, on-line, Federal system. The new system shall serve as a clearinghouse and depository of information on and identification of all foreign and domestic motor carriers, brokers, and freight forwarders, and others required to register with the Department as well as information on safety fitness and compliance with required levels of financial responsibility. In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

"(b) FACTORS TO BE CONSIDERED.—In conducting the rulemaking under subsection (a), the Secretary shall, at a minimum, consider the following factors:

"(1) Funding for State enforcement of motor carrier safety regulations.

"(2) Whether the existing single State registration system is duplicative and burdensome.

"(3) The justification and need for collecting the statutory fee for such system under section 14504(c)(2)(B)(iv).

"(4) The public safety.

"(5) The efficient delivery of transportation services.

"(6) How, and under what conditions, to extend the registration system to motor private carriers and to carriers exempt under sections 13502, 13503, and 13506.

"(c) FEE SYSTEM.—The Secretary may establish, under section 9701 of title 31, a fee system for registration and filing evidence of financial responsibility under the new system under subsection (a). Fees collected under the fee system shall cover the costs of operating and upgrading the registration system, including all personnel costs associated with the system. Fees collected under this subsection may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected, and shall be available for expenditure until expended.

"(d) STATE REGISTRATION PROGRAMS.—If the Secretary determines that no State should require insurance filings or collect fees for such filings (including filings and fees authorized under section 14504), the Secretary may prevent any State or political subdivision thereof, or any political authority of 2 or more States, from imposing any insurance filing requirements or fees that are for the same purposes as filings or fees the Secretary requires under the new system under subsection (a).

"(e) DEADLINE FOR CONCLUSION; MODIFICATIONS.—Not later than 24 months after the effective date of this section, the Secretary—

"(1) shall conclude the rulemaking under this section;

"(2) may implement such changes under this section as the Secretary considers appropriate and in the public interest; and

"(3) shall transmit to Congress a report on any findings of the rulemaking and the changes being implemented under this section, together with such recommendations for legislative language necessary to conform this part to such changes.

"CHAPTER 141—OPERATIONS OF CARRIERS

"SUBCHAPTER I—GENERAL REQUIREMENTS

"Sec.
"14101. Providing transportation and service.
"14102. Leased motor vehicles.
"14103. Loading and unloading motor vehicles.
"14104. Household goods carrier operations.

"SUBCHAPTER II—REPORTS AND RECORDS

"14121. Definitions.
"14122. Records: form; inspection; preservation.
"14123. Financial reporting.

"SUBCHAPTER I—GENERAL REQUIREMENTS

"§14101. Providing transportation and service

"(a) ON REASONABLE REQUEST.—A carrier providing transportation or service subject to jurisdiction under chapter 135 shall provide the transportation or service on reasonable request. In addition, a motor carrier shall provide safe and adequate service, equipment, and facilities.

"(b) CONTRACTS WITH SHIPPERS.—

"(1) IN GENERAL.—A carrier providing transportation or service subject to jurisdiction under chapter 135 may enter into a contract with a shipper, other than for the movement of household goods described in section 13102(9)(A), to provide specified services under specified rates and conditions. If the shipper, in writing, expressly waives all rights and remedies under this part for the transportation covered by the contract, the transportation provided under the contract shall not be subject to this part and may not be subsequently challenged on the ground that it violates a provision of this part.

"(2) REMEDY FOR BREACH OF CONTRACT.—The exclusive remedy for any alleged breach of a contract entered into under this subsection shall be an action in an appropriate State court or United States district court, unless the parties otherwise agree.

"§14102. Leased motor vehicles

"(a) GENERAL AUTHORITY OF SECRETARY.—The Secretary may require a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 that uses motor vehicles not owned by it to transport property under an arrangement with another party to—

"(1) make the arrangement in writing signed by the parties specifying its duration and the compensation to be paid by the motor carrier;

"(2) carry a copy of the arrangement in each motor vehicle to which it applies during the period the arrangement is in effect;

"(3) inspect the motor vehicles and obtain liability and cargo insurance on them; and

"(4) have control of and be responsible for operating those motor vehicles in compliance with requirements prescribed by the Secretary on safety of operations and equipment, and with other applicable law as if the motor vehicles were owned by the motor carrier.

"(b) RESPONSIBLE PARTY FOR LOADING AND UNLOADING.—The Secretary shall require, by regulation, that any arrangement, between a motor carrier of property providing transportation subject to jurisdiction under subchapter I of chapter 135 and any other person, under which such other person is to provide any portion of such transportation by a motor vehicle not owned by the carrier shall specify, in writing, who is responsible for loading and unloading the property onto and from the motor vehicle.

"§14103. Loading and unloading motor vehicles

"(a) SHIPPER RESPONSIBLE FOR ASSISTING.—Whenever a shipper or receiver of property requires that any person who owns or operates a motor vehicle transporting property in interstate commerce (whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135) be assisted in the loading or unloading of such vehicle, the shipper or receiver shall be responsible for providing such assistance or shall compensate the owner or operator for all costs associated with securing and compensating the person or persons providing such assistance.

"(b) COERCION PROHIBITED.—It shall be unlawful to coerce or attempt to coerce any person providing transportation of property by motor vehicle for compensation in interstate commerce (whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135) to load or unload any part of such property onto or from such vehicle or to employ or pay one or more persons to load or unload any part of such property onto or from such vehicle; except that this subsection shall not be construed as making unlawful any activity which is not unlawful under the National Labor Relations Act or the Act of March 23, 1932 (47 Stat. 70; 29 U.S.C. 101 et seq.), commonly known as the Norris-LaGuardia Act.

"§14104. Household goods carrier operations

"(a) GENERAL REGULATORY AUTHORITY.—

"(1) PAPERWORK MINIMIZATION.—The Secretary may issue regulations, including regulations protecting individual shippers, in order to carry out this part with respect to the transportation of household goods by motor carriers subject to jurisdiction under subchapter I of chapter 135. The regulations and paperwork required of motor carriers providing transportation of household goods shall be minimized to the maximum extent feasible consistent with the protection of individual shippers.

"(2) PERFORMANCE STANDARDS.—

"(A) IN GENERAL.—Regulations of the Secretary protecting individual shippers shall include, where appropriate, reasonable performance standards for the transportation of household goods subject to jurisdiction under subchapter I of chapter 135.

"(B) FACTORS TO CONSIDER.—In establishing performance standards under this paragraph, the Secretary shall take into account at least the following—

"(i) the level of performance that can be achieved by a well-managed motor carrier transporting household goods;

"(ii) the degree of harm to individual shippers which could result from a violation of the regulation;

"(iii) the need to set the level of performance at a level sufficient to deter abuses which result in harm to consumers and violations of regulations;

"(iv) service requirements of the carriers;

"(v) the cost of compliance in relation to the consumer benefits to be achieved from such compliance; and

"(vi) the need to set the level of performance at a level designed to encourage carriers to offer service responsive to shipper needs.

"(3) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to require reports from motor carriers providing transportation of household goods or to require such carriers to provide specified information to consumers concerning their past performance.

"(b) ESTIMATES.—

"(1) AUTHORITY TO PROVIDE WITHOUT COMPENSATION.—Every motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135, upon request of a prospective shipper, may provide the shipper with an estimate of charges for transportation of household goods and for the proposed services. The Secretary shall not prohibit any such carrier from charging a prospective shipper for providing a written, binding estimate for the transportation and proposed services.

"(2) APPLICABILITY OF ANTITRUST LAWS.—Any charge for an estimate of charges provided by a motor carrier to a shipper for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 shall be subject to the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12).

"(c) FLEXIBILITY IN WEIGHING SHIPMENTS.—The Secretary shall issue regulations that provide motor carriers providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 with the maximum possible flexibility in weighing shipments, consistent with assurance to the shipper of accurate weighing practices. The Secretary shall not prohibit such carriers from backweighing shipments or from basing their charges on the reweigh weights if the shipper observes both the tare and gross weighings (or, prior to such weighings, waives in writing the opportunity to observe such weighings) and such weighings are performed on the same scale.

"SUBCHAPTER II—REPORTS AND RECORDS

"§14121. Definitions

"In this subchapter, the following definitions apply:

"(1) CARRIER AND BROKER.—The terms 'carrier' and 'broker' include a receiver or trustee of a carrier and broker, respectively.

"(2) ASSOCIATION.—The term 'association' means an organization maintained by or in the interest of a group of carriers or brokers providing transportation or service subject to jurisdiction under chapter 135 that performs a service, or engages in activities, related to transportation under this part.

"§14122. Records: form; inspection; preservation

"(a) FORM OF RECORDS.—The Secretary or the Panel, as applicable, may prescribe the form of records required to be prepared or compiled under this subchapter by carriers and brokers, including records related to movement of traffic and receipts and expenditures of money.

"(b) RIGHT OF INSPECTION.—The Secretary or Panel, or an employee designated by the Secretary or Panel, may on demand and display of proper credentials—

"(1) inspect and examine the lands, buildings, and equipment of a carrier or broker; and

"(2) inspect and copy any record of—

"(A) a carrier, broker, or association; and

"(B) a person controlling, controlled by, or under common control with a carrier if the Secretary or Panel, as applicable, considers inspection relevant to that person's relation to, or transaction with, that carrier.

"(c) PERIOD FOR PRESERVATION OF RECORDS.—The Secretary or Panel, as applicable, may prescribe the time period during which operating, accounting, and financial records must be preserved by carriers and brokers.

"§14123. Financial reporting

"(a) IN GENERAL.—The Secretary shall require Class I motor carriers, and may require Class II motor carriers, to file with the Secretary annual

financial and safety reports, the form and substance of which shall be prescribed by the Secretary; except that, at a minimum, such reports shall include balance sheets and income statements.

"(b) MATTERS TO BE COVERED.—In determining the matters to be covered by any reports to be filed under subsection (a), the Secretary shall consider—

"(1) safety needs;

"(2) the need to preserve confidential business information and trade secrets and prevent competitive harm;

"(3) private sector, academic, and public use of information in the reports; and

"(4) the public interest.

"(c) EXEMPTION FROM PUBLIC RELEASE.—

"(1) IN GENERAL.—The Secretary shall allow, upon request, a filer of a report under subsection (a) that is not a publicly held corporation or that is not subject to financial reporting requirements of the Securities and Exchange Commission, an exemption from the public release of such report.

"(2) PROCEDURE.—After a request under paragraph (1) and notice and opportunity for comment but no event later than 90 days after the date of such request, the Secretary shall approve such request if the Secretary finds that the exemption requested is necessary to avoid competitive harm and to avoid the disclosure of information that qualifies as a trade secret or privileged or confidential information under section 552(b)(4) of title 5.

"(3) USE OF DATA FOR INTERNAL DOT PURPOSES.—If an exemption is granted under this subsection, nothing shall prevent the Secretary from using data from reports filed under this subsection for internal purposes of the Department of Transportation or including such data in aggregate industry statistics released for publication if such inclusion would not render the filer's data readily identifiable.

"(4) PERIOD OF EXEMPTIONS.—Exemptions granted under this subsection shall be for 3-year periods.

"(5) PENDING REQUESTS.—The Secretary shall not release publicly the report of a carrier making a request under paragraph (1) while such request is pending.

"(d) STREAMLINING AND SIMPLIFICATION.—The Secretary shall streamline and simplify, to the maximum extent practicable, any reporting requirements the Secretary imposes under this section.

"CHAPTER 143—FINANCE

"Sec.
"14301. Security interests in certain motor vehicles.
"14302. Pooling and division of transportation or earnings.
"14303. Consolidation, merger, and acquisition of control of motor carriers of passengers.

"§14301. Security interests in certain motor vehicles

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) MOTOR VEHICLE.—The term 'motor vehicle' means a truck of rated capacity (gross vehicle weight) of at least 10,000 pounds, a highway tractor of rated capacity (gross combination weight) of at least 10,000 pounds, a property-carrying trailer or semitrailer with at least one load-carrying axle of at least 10,000 pounds, or a motor bus with a seating capacity of at least 10 individuals.

"(2) LIEN CREDITOR.—The term 'lien creditor' means a creditor having a lien on a motor vehicle and includes an assignee for benefit of creditors from the date of assignment, a trustee in a case under title 11 from the date of filing of the petition in that case, and a receiver in equity from the date of appointment of the receiver.

"(3) SECURITY INTEREST.—The term 'security interest' means an interest (including an interest established by a conditional sales contract, mortgage, equipment trust, or other lien or title retention contract, or lease) in a motor vehicle when the interest secures payment or performance of an obligation.

"(4) PERFECTION.—The term 'perfection', as related to a security interest, means taking action (including public filing, recording, notation on a certificate of title, and possession of collateral by the secured party), or the existence of facts, required under law to make a security interest enforceable against general creditors and subsequent lien creditors of a debtor, but does not include compliance with requirements related only to the establishment of a valid security interest between the debtor and the secured party.

"(b) REQUIREMENTS FOR PERFECTION OF SECURITY INTEREST.—A security interest in a motor vehicle owned by, or in the possession and use of, a carrier registered under section 13902 of this title and owing payment or performance of an obligation secured by that security interest is perfected in all jurisdictions against all general, and subsequent lien, creditors of, and all persons taking a motor vehicle by sale (or taking or retaining a security interest in a motor vehicle) from, that carrier when—

"(1) a certificate of title is issued for a motor vehicle under a law of a jurisdiction that requires or permits indication, on a certificate or title, of a security interest in the motor vehicle if the security interest is indicated on the certificate;

"(2) a certificate of title has not been issued and the law of the State where the principal place of business of that carrier is located requires or permits public filing or recording of, or in relation to, that security interest if there has been such a public filing or recording; and

"(3) a certificate of title has not been issued and the security interest cannot be perfected under paragraph (2) of this subsection, if the security interest has been perfected under the law (including the conflict of laws rules) of the State where the principal place of business of that carrier is located.

"§14302. Pooling and division of transportation or earnings

"(a) APPROVAL REQUIRED.—A carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 may not agree or combine with another such carrier to pool or divide traffic or services or any part of their earnings without the approval of the Panel under this section.

"(b) STANDARDS FOR APPROVAL.—The Panel may approve and authorize an agreement or combination between or among motor carriers of passengers, or between a motor carrier of passengers and a rail carrier of passengers if the carriers involved assent to the pooling or division and the Panel finds that a pooling or division of traffic, services, or earnings—

"(1) will be in the interest of better service to the public or of economy of operation; and

"(2) will not unreasonably restrain competition.

"(c) PROCEDURE.—

"(1) APPLICATION.—Any motor carrier of property may apply to the Panel for approval of an agreement or combination with another such carrier to pool or divide traffic or any services or any part of their earnings by filing such agreement or combination with the Panel not less than 50 days before its effective date.

"(2) DETERMINATION OF IMPORTANCE AND RESTRAINT ON COMPETITION.—Prior to the effective date of the agreement or combination, the Panel shall determine whether the agreement or combination is of major transportation importance and whether there is substantial likelihood that the agreement or combination will unduly restrain competition. If the Panel determines that neither of these 2 factors exists, it shall, prior to such effective date and without a hearing, approve and authorize the agreement or combination, under such rules and regulations as the Panel may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Panel to be just and reasonable.

"(3) HEARING.—If the Panel determines either that the agreement or combination is of major transportation importance or that there is substantial likelihood that the agreement or combination will unduly restrain competition, the Panel shall hold a hearing concerning whether the agreement or combination will be in the interest of better service to the public or of economy in operation and whether it will unduly restrain competition and shall suspend operation of such agreement or combination pending such hearing and final decision thereon. After such hearing, the Panel shall indicate to what extent it finds that the agreement or combination will be in the interest of better service to the public or of economy in operation and will not unduly restrain competition and if assented to by all the carriers involved, shall to that extent, approve and authorize the agreement or combination, under such rules and regulations as the Panel may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Panel to be just and reasonable.

"(4) SPECIAL RULES FOR HOUSEHOLD GOODS CARRIERS.—In the case of an application for Panel approval of an agreement or combination between a motor carrier providing transportation of household goods and its agents to pool or divide traffic or services or any part of their earnings, such agreement or combination shall be presumed to be in the interest of better service to the public and of economy in operation and not to restrain competition unduly if the practices proposed to be carried out under such agreement or combination are the same as or similar to practices carried out under agreements and combinations between motor carriers providing transportation of household goods to pool or divide traffic or service of any part of their earnings approved by the Interstate Commerce Commission before the effective date of this section.

"(5) STREAMLINING AND SIMPLIFYING.—The Panel shall streamline, simplify, and expedite, to the maximum extent practicable, the process (including any paperwork) for submission and approval of applications under this section for agreements and combinations between motor carriers providing transportation of household goods and their agents.

"(d) CONDITIONS.—The Panel may impose conditions governing the pooling or division and may approve and authorize payment of a reasonable consideration between the carriers.

"(e) INITIATION OF PROCEEDING.—The Panel may begin a proceeding under this section on its own initiative or on application.

"(f) EFFECT OF APPROVAL.—A carrier may participate in an arrangement approved by or exempted by the Panel under this section without the approval of any other Federal, State, or municipal body. A carrier participating in an approved or exempted arrangement is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the arrangement.

"(g) DEFINITIONS.—In this section, the following definitions apply:

"(1) HOUSEHOLD GOODS.—The term 'household goods' has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

"(2) TRANSPORTATION.—The term 'transportation' means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

"§14303. Consolidation, merger, and acquisition of control of motor carriers of passengers

"(a) APPROVAL REQUIRED.—The following transactions involving motor carriers of passengers subject to jurisdiction under subchapter I of chapter 135 may be carried out only with the approval of the Panel:

"(1) Consolidation or merger of the properties or franchises of at least 2 carriers into one operation for the ownership, management, and operation of the previously separately owned properties.

"(2) A purchase, lease, or contract to operate property of another carrier by any number of carriers.

"(3) Acquisition of control of a carrier by any number of carriers.

"(4) Acquisition of control of at least 2 carriers by a person that is not a carrier.

"(5) Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers.

"(b) STANDARD FOR APPROVAL.—The Panel shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Panel shall consider at least the following:

"(1) The effect of the proposed transaction on the adequacy of transportation to the public.

"(2) The total fixed charges that result from the proposed transaction.

"(3) The interest of carrier employees affected by the proposed transaction.

The Panel may impose conditions governing the transaction.

"(c) DETERMINATION OF COMPLETENESS OF APPLICATION.—Within 30 days after the date on which an application is filed under this section, the Panel shall either publish a notice of the application in the Federal Register or reject the application if it is incomplete.

"(d) COMMENTS.—Written comments about an application may be filed with the Panel within 45 days after the date on which notice of the application is published under subsection (c).

"(e) DEADLINES.—The Panel shall conclude evidentiary proceedings by the 240th day after the date on which notice of the application is published under subsection (c). The Panel shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Panel may extend a time period under this subsection; except that the total of all such extensions with respect to any application shall not exceed 90 days.

"(f) EFFECT OF APPROVAL.—A carrier or corporation participating in or resulting from a transaction approved by the Panel under this section, or exempted by the Panel from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in the approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

"(g) LIMITATION ON APPLICABILITY.—This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than \$2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

"CHAPTER 145—FEDERAL-STATE RELATIONS

"Sec.
"14501. Federal authority over intrastate transportation.
"14502. Tax discrimination against motor carrier transportation property.
"14503. Withholding State and local income tax by certain carriers.
"14504. Registration of motor carriers by a State.
"14505. State tax.

"§14501. Federal authority over intrastate transportation

"(a) MOTOR CARRIERS OF PASSENGERS.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route or relating to the implementation of any change in the rates for such transportation or for any charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required. This subsection shall not apply to intrastate commuter bus operations.

"(b) FREIGHT FORWARDERS AND BROKERS.—

"(1) GENERAL RULE.—Subject to paragraph (2) of this subsection, no State or political subdivision thereof and no intrastate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to intrastate rates, intrastate routes, or intrastate services of any freight forwarder or broker.

"(2) CONTINUATION OF HAWAII'S AUTHORITY.—Nothing in this subsection and the amendments made by the Surface Freight Forwarder Deregulation Act of 1986 shall be construed to affect the authority of the State of Hawaii to continue to regulate a motor carrier operating within the State of Hawaii.

"(c) MOTOR CARRIERS OF PROPERTY.—

"(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713(b)(4)) or any motor private carrier, broker, or freight forwarder with respect to the transportation of property.

"(2) MATTERS NOT COVERED.—Paragraph (1)—

"(A) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization;

"(B) does not apply to the transportation of household goods; and

"(C) does not apply to the authority of a State or a political subdivision of a State to enact or enforce a law, regulation, or other provision relating to the price of for-hire motor vehicle transportation by a tow truck, if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.

"(3) STATE STANDARD TRANSPORTATION PRACTICES.—

"(A) CONTINUATION.—Paragraph (1) shall not affect any authority of a State, political subdivision of a State, or political authority of 2 or more States to enact or enforce a law, regulation, or other provision, with respect to the intrastate transportation of property by motor carriers, related to—

"(i) uniform cargo liability rules,

"(ii) uniform bills of lading or receipts for property being transported,

"(iii) uniform cargo credit rules, or

"(iv) antitrust immunity for joint line rates or routes, classifications, and mileage guides,

if such law, regulation, or provision meets the requirements of subparagraph (B).

"(B) REQUIREMENTS.—A law, regulation, or provision of a State, political subdivision, or political authority meets the requirements of this subparagraph if—

"(i) the law, regulation, or provision covers the same subject matter as, and compliance with such law, regulation, or provision is no more burdensome than compliance with, a provision of this part or a regulation issued by the Secretary or the Panel under this part; and

"(ii) the law, regulation, or provision only applies to a carrier upon request of such carrier.

"(C) ELECTION.—Notwithstanding any other provision of law, a carrier affiliated with a direct air carrier through common controlling ownership may elect to be subject to a law, regulation, or provision of a State, political subdivision, or political authority under this paragraph.

"(4) This subsection shall not apply with respect to the State of Hawaii until August 22, 1997.

"§14502. Tax discrimination against motor carrier transportation property

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ASSESSMENT.—The term 'assessment' means valuation for a property tax levied by a taxing district.

"(2) ASSESSMENT JURISDICTION.—The term 'assessment jurisdiction' means a geographical area in a State used in determining the assessed value of property for ad valorem taxation.

"(3) MOTOR CARRIER TRANSPORTATION PROPERTY.—The term 'motor carrier transportation property' means property, as defined by the Secretary, owned or used by a motor carrier providing transportation in interstate commerce whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135.

"(4) COMMERCIAL AND INDUSTRIAL PROPERTY.—The term 'commercial and industrial property' means property, other than transportation property and land used primarily for agricultural purposes or timber growing, devoted to a commercial or industrial use, and subject to a property tax levy.

"(b) ACTS BURDENING INTERSTATE COMMERCE.—The following acts unreasonably burden and discriminate against interstate commerce and a State, subdivision of a State, or authority acting for a State or subdivision of a State may not do any of them:

"(1) EXCESSIVE VALUATION OF PROPERTY.—Assess motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the ratio that the assessed value of other commercial and industrial property in the same assessment jurisdiction has to the true market value of the other commercial and industrial property.

"(2) TAX ON ASSESSMENT.—Levy or collect a tax on an assessment that may not be made under paragraph (1).

"(3) AD VALOREM TAX.—Levy or collect an ad valorem property tax on motor carrier transportation property at a tax rate that exceeds the *tax rate applicable to commercial and industrial property in the same assessment jurisdiction.*

"(c) JURISDICTION.—

"(1) IN GENERAL.—*Notwithstanding section 1341 of title 28 and without regard to the amount in controversy or citizenship of the parties, a district court of the United States has jurisdiction, concurrent with other jurisdiction of courts of the United States and the States, to prevent a violation of subsection (b) of this section.*

"(2) LIMITATION IN RELIEF.—*Relief may be granted under this subsection only if the ratio of assessed value to true market value of motor carrier transportation property exceeds, by at least 5 percent, the ratio of assessed value to true market value of other commercial and industrial property in the same assessment jurisdiction.*

"(3) BURDEN OF PROOF.—*The burden of proof in determining assessed value and true market value is governed by State law.*

"(4) VIOLATION.—*If the ratio of the assessed value of other commercial and industrial property in the assessment jurisdiction to the true market value of all other commercial and industrial property cannot be determined to the satisfaction of the district court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), the court shall find, as a violation of this section—*

"(A) an assessment of the motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the assessment value of all other property subject to a property tax levy in the assessment jurisdiction has to the true market value of all such other property; and

"(B) the collection of ad valorem property tax on the motor carrier transportation property at a tax rate that exceeds the tax ratio rate applicable to taxable property in the taxing district.

"§14503. Withholding State and local income tax by certain carriers

"(a) SINGLE STATE TAX WITHHOLDING.—

"(1) IN GENERAL.—*No part of the compensation paid by a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 or by a motor private carrier to an employee who performs regularly assigned duties in 2 or more States as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.*

"(2) EMPLOYEE DEFINED.—*In this subsection, the term 'employee' has the meaning given such term in section 31132.*

"(b) SPECIAL RULES.—

"(1) CALCULATION OF EARNINGS.—*In this subsection, an employee is deemed to have earned more than 50 percent of pay in a State or subdivision of that State in which the time worked by the employee in the State or subdivision is more than 50 percent of the total time worked by the employee while employed during the calendar year.*

"(2) WATER CARRIERS.—*A water carrier providing transportation subject to jurisdiction under subchapter II of chapter 135 shall file income tax information returns and other reports only with—*

"(A) the State and subdivision of residence of the employee (as shown on the employment records of the carrier); and

"(B) the State and subdivision in which the employee earned more than 50 percent of the pay received by the employee from the carrier during the preceding calendar year.

"(3) APPLICABILITY TO SAILORS.—*This subsection applies to pay of a master, officer, or sailor who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal, or noncontiguous trade or in the fisheries of the United States.*

"(c) FILING OF INFORMATION.—*A motor and motor private carrier withholding pay from an employee under subsection (a) of this section shall file income tax information returns and other reports only with the State and subdivision of residence of the employee.*

"§14504. Registration of motor carriers by a State

"(a) DEFINITIONS.—*In this section, the terms 'standards' and 'amendments to standards' mean the specification of forms and procedures required by regulations of the Secretary to prove the lawfulness of transportation by motor carrier referred to in section 13501.*

"(b) GENERAL RULE.—*The requirement of a State that a motor carrier, providing transportation subject to jurisdiction under subchapter I of chapter 135 and providing transportation in that State, must register with the State is not an unreasonable burden on transportation referred to in section 13501 when the State registration is completed under standards of the Secretary under subsection (c). When a State registration requirement imposes obligations in excess of the standards of the Secretary, the part in excess is an unreasonable burden.*

"(c) SINGLE STATE REGISTRATION SYSTEM.—

"(1) IN GENERAL.—*The Secretary shall maintain standards for implementing a system under which—*

"(A) a motor carrier is required to register annually with only one State by providing evidence of its Federal registration under chapter 139;

"(B) the State of registration shall fully comply with standards prescribed under this section; and

"(C) such single State registration shall be deemed to satisfy the registration requirements of all other States.

"(2) SPECIFIC REQUIREMENTS.—

"(A) EVIDENCE OF FEDERAL REGISTRATION; PROOF OF INSURANCE; PAYMENT OF FEES.—*Under the standards of the Secretary implementing the single State registration system described in paragraph (1) of this subsection, only a State acting in its capacity as registration State under such single State system may require a motor carrier registered by the Secretary under this part—*

"(i) to file and maintain evidence of such Federal registration;

"(ii) to file satisfactory proof of required insurance or qualification as a self-insurer;

"(iii) to pay directly to such State fee amounts in accordance with the fee system established under subparagraph (B)(iv) of this paragraph, subject to allocation of fee revenues among all States in which the carrier operates and which participate in the single State registration system; and

"(iv) to file the name of a local agent for service of process.

"(B) RECEIPTS; FEE SYSTEM.—*The standards of the Secretary—*

"(i) shall require that the registration State issue a receipt, in a form prescribed under the standards, reflecting that the carrier has filed proof of insurance as provided under subparagraph (A)(ii) of this paragraph and has paid fee amounts in accordance with the fee system established under clause (iv) of this subparagraph;

"(ii) shall require that copies of the receipt issued under clause (i) of this subparagraph be kept in each of the carrier's commercial motor vehicles;

"(iii) shall not require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by the carrier;

"(iv) shall establish a fee system for the filing of proof of insurance as provided under subparagraph (A)(ii) of this paragraph that—

"(I) is based on the number of commercial motor vehicles the carrier operates in a State and on the number of States in which the carrier operates;

"(II) minimizes the costs of complying with the registration system; and

"(III) results in a fee for each participating State that is equal to the fee, not to exceed $10 per vehicle, that such State collected or charged as of November 15, 1991; and

"(v) shall not authorize the charging or collection of any fee for filing and maintaining a certificate or permit under subparagraph (A)(i) of this paragraph.

"(C) PROHIBITED FEES.—*The charging or collection of any fee under this section that is not in accordance with the fee system established under subparagraph (B)(iv) of this paragraph shall be deemed to be a burden on interstate commerce.*

"(D) LIMITATION ON PARTICIPATION BY STATES.—*Only a State which, as of January 1, 1991, charged or collected a fee for a vehicle identification stamp or number under part 1023 of title 49, Code of Federal Regulations, shall be eligible to participate as a registration State under this subsection or to receive any fee revenue under this subsection.*

"§14505. State tax

"A State or political subdivision thereof may not collect or levy a tax, fee, head charge, or other charge on—

"(1) a passenger traveling in interstate commerce by motor carrier;

"(2) the transportation of a passenger traveling in interstate commerce by motor carrier;

"(3) the sale of passenger transportation in interstate commerce by motor carrier; or

"(4) the gross receipts derived from such transportation.

"CHAPTER 147—ENFORCEMENT; INVESTIGATIONS; RIGHTS; REMEDIES

"Sec.

"14701. General authority.

"14702. Enforcement by the regulatory authority.

"14703. Enforcement by the Attorney General.

"14704. Rights and remedies of persons injured by carriers or brokers.

"14705. Limitation on actions by and against carriers.

"14706. Liability of carriers under receipts and bills of lading.

"14707. Private enforcement of registration requirement.

"14708. Dispute settlement program for household goods carriers.

"14709. Tariff reconciliation rules for motor carriers of property.

"§14701. General authority

"(a) INVESTIGATIONS.—*The Secretary or the Panel, as applicable, may begin an investigation under this part on the Secretary's or the Panel's own initiative or on complaint. If the Secretary or Panel, as applicable, finds that a carrier or broker is violating this part, the Secretary or Panel, as applicable, shall take appropriate action to compel compliance with this part. If the Secretary finds that a foreign motor carrier or foreign motor private carrier is violating chapter 139, the Secretary shall take appropriate action to compel compliance with that chapter. The Secretary or Panel, as applicable, may take action under this subsection only after giving the carrier or broker notice of the investigation and an opportunity for a proceeding.*

"(b) COMPLAINTS.—*A person, including a governmental authority, may file with the Secretary or Panel, as applicable, a complaint about a violation of this part by a carrier providing, or broker for, transportation or service subject to jurisdiction under this part or a foreign motor carrier or foreign motor private carrier providing transportation registered under* section 13902 of this title. The complaint must state the facts that are the subject of the violation. The Secretary or Panel, as applicable, may dismiss a complaint that it determines does not state reasonable grounds for investigation and action.

"(c) DEADLINE.—A formal investigative proceeding begun by the Secretary or Panel under subsection (a) of this section is dismissed automatically unless it is concluded with administrative finality by the end of the 3d year after the date on which it was begun.

"(d) LIMITATION.—The Secretary and the Panel only have authority under this section with respect to matters within their respective jurisdictions under this part.

"§14702. Enforcement by the regulatory authority

"(a) IN GENERAL.—The Secretary or the Panel, as applicable, may bring a civil action—

"(1) to enforce section 14103 of this title; or

"(2) to enforce this part, or a regulation or order of the Secretary or Panel, as applicable, when violated by a carrier or broker providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 of this title or by a foreign motor carrier or foreign motor private carrier providing transportation registered under section 13902 of this title.

"(b) VENUE.—In a civil action under subsection (a)(2) of this section—

"(1) trial is in the judicial district in which the carrier, foreign motor carrier, foreign motor private carrier, or broker operates;

"(2) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

"(3) a person participating with a carrier or broker in a violation may be joined in the civil action without regard to the residence of the person.

"(c) STANDING.—The Panel may bring or participate in any civil action involving motor carrier undercharges.

"§14703. Enforcement by the Attorney General

"The Attorney General may, and on request of either the Secretary or the Panel shall, bring court proceedings—

"(1) to enforce this part or a regulation or order of the Secretary or Panel or terms of registration under this part; and

"(2) to prosecute a person violating this part or a regulation or order of the Secretary or Panel or term of registration under this part.

"§14704. Rights and remedies of persons injured by carriers or brokers

"(a) IN GENERAL.—

"(1) ENFORCEMENT OF ORDER.—A person injured because a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 does not obey an order of the Secretary or the Panel, as applicable, under this part, except an order for the payment of money, may bring a civil action to enforce that order under this subsection. A person may bring a civil action for injunctive relief for violations of sections 14102 and 14103.

"(2) DAMAGES FOR VIOLATIONS.—A carrier or broker providing transportation or service subject to jurisdiction under chapter 135 is liable for damages sustained by a person as a result of an act or omission of that carrier or broker in violation of this part.

"(b) LIABILITY AND DAMAGES FOR EXCEEDING TARIFF RATE.—A carrier providing transportation or service subject to jurisdiction under chapter 135 is liable to a person for amounts charged that exceed the applicable rate for transportation or service contained in a tariff in effect under section 13702.

"(c) ELECTION.—

"(1) COMPLAINT TO DOT OR PANEL; CIVIL ACTION.—A person may file a complaint with the Panel or the Secretary, as applicable, under section 14701(b) or bring a civil action under subsection (b)(1) or (2) of this section to enforce liability against a carrier or broker providing transportation or service subject to jurisdiction under chapter 135.

"(2) ORDER OF DOT OR PANEL.—

"(A) IN GENERAL.—When the Panel or Secretary, as applicable, makes an award under subsection (b) of this section, the Panel or Secretary, as applicable, shall order the carrier to pay the amount awarded by a specific date. The Panel or Secretary, as applicable, may order a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 to pay damages only when the proceeding is on complaint.

"(B) ENFORCEMENT BY CIVIL ACTION.—The person for whose benefit an order of the Panel or Secretary requiring the payment of money is made may bring a civil action to enforce that order under this paragraph if the carrier or broker does not pay the amount awarded by the date payment was ordered to be made.

"(d) PROCEDURE.—

"(1) IN GENERAL.—When a person begins a civil action under subsection (b) of this section to enforce an order of the Panel or Secretary requiring the payment of damages by a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 of this title, the text of the order of the Panel or Secretary must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this paragraph. The findings and order of the Panel or Secretary are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district in which the plaintiff resides or in which the principal operating office of the carrier or broker is located. In a civil action under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.

"(2) PARTIES.—All parties in whose favor the award was made may be joined as plaintiffs in a civil action brought in a district court of the United States under this subsection and all the carriers that are parties to the order awarding damages may be joined as defendants. Trial in the action is in the judicial district in which any one of the plaintiffs could bring the action against any one of the defendants. Process may be served on a defendant at its principal operating office when that defendant is not in the district in which the action is brought. A judgment ordering recovery may be made in favor of any of those plaintiffs against the defendant found to be liable to that plaintiff.

"(e) ATTORNEY'S FEES.—The district court shall award a reasonable attorney's fee under this section. The district court shall tax and collect that fee as a part of the costs of the action.

"§14705. Limitation on actions by and against carriers

"(a) IN GENERAL.—A carrier providing transportation or service subject to jurisdiction under chapter 135 must begin a civil action to recover charges for transportation or service provided by the carrier within 18 months after the claim accrues.

"(b) OVERCHARGES.—A person must begin a civil action to recover overcharges within 18 months after the claim accrues. If the claim is against a carrier providing transportation subject to jurisdiction under chapter 135 and an election to file a complaint with the Panel or Secretary, as applicable, is made under section 14704(c)(1), the complaint must be filed within 3 years after the claim accrues.

"(c) DAMAGES.—A person must file a complaint with the Panel or Secretary, as applicable, to recover damages under section 14704(b)(2) within 2 years after the claim accrues.

"(d) EXTENSIONS.—The limitation periods under subsection (b) of this section are extended for 6 months from the time written notice is given to the claimant by the carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the carrier within those limitation periods. The limitation periods under subsections (b) and (c) of this section are extended for 90 days from the time the carrier begins a civil action under subsection (a) to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

"(e) PAYMENT.—A person must begin a civil action to enforce an order of the Panel or Secretary against a carrier for the payment of money within 1 year after the date the order required the money to be paid.

"(f) GOVERNMENT TRANSPORTATION.—This section applies to transportation for the United States Government. The time limitations under this section are extended, as related to transportation for or on behalf of the United States Government, for 3 years from the later of the date of—

"(1) payment of the rate for the transportation or service involved;

"(2) subsequent refund for overpayment of that rate; or

"(3) deduction made under section 3726 of title 31.

"(g) ACCRUAL DATE.—A claim related to a shipment of property accrues under this section on delivery or tender of delivery by the carrier.

"§14706. Liability of carriers under receipts and bills of lading

"(a) GENERAL LIABILITY.—

"(1) MOTOR CARRIERS AND FREIGHT FORWARDERS.—A carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 shall issue a receipt or bill of lading for property it receives for transportation under this part. That carrier and any other carrier that delivers the property and is providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 or chapter 105 are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this paragraph is for the actual loss or injury to the property caused by (A) the receiving carrier, (B) the delivering carrier, or (C) another carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading and, except in the case of a freight forwarder, applies to property reconsigned or diverted under a tariff under section 13702. Failure to issue a receipt or bill of lading does not affect the liability of a carrier. A delivering carrier is deemed to be the carrier performing the line-haul transportation nearest the destination but does not include a carrier providing only a switching service at the destination.

"(2) FREIGHT FORWARDER.—A freight forwarder is both the receiving and delivering carrier. When a freight forwarder provides service and uses a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 to receive property from a consignor, the motor carrier may execute the bill of lading or shipping receipt for the freight forwarder with its consent. With the consent of the freight forwarder, a motor carrier may deliver property for a freight forwarder on the freight forwarder's bill of lading, freight bill, or shipping receipt to the consignee named in it, and receipt for the property may be made on the freight forwarder's delivery receipt.

"(b) APPORTIONMENT.—The carrier issuing the receipt or bill of lading under subsection (a) of this section or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount of its expenses reasonably incurred in defending a civil action brought by that person.

"(c) SPECIAL RULES.—

"(1) LIMITATION OF LIABILITY.—A carrier may limit liability imposed under subsection (a) by establishing rates for the transportation of property (other than household goods) under which the liability of the carrier for such property (A) is limited to a value established by written or electronic declaration of the shipper or by a mutual written agreement between the carrier and shipper, or (B) is contained in a schedule of rules and rates maintained by the carrier and provided to the shipper upon request. The schedule shall clearly state its dates of applicability.

"(2) WATER CARRIERS.—If loss or injury to property occurs while it is in the custody of a water carrier, the liability of that carrier is determined by its bill of lading and the law applicable to water transportation. The liability of the initial or delivering carrier is the same as the liability of the water carrier.

"(d) CIVIL ACTIONS.—

"(1) AGAINST DELIVERING CARRIER.—A civil action under this section may be brought against a delivering carrier in a district court of the United States or in a State court. Trial, if the action is brought in a district court of the United States is in a judicial district, and if in a State court, is in a State through which the defendant carrier operates.

"(2) AGAINST CARRIER RESPONSIBLE FOR LOSS.—A civil action under this section may be brought against the carrier alleged to have caused the loss or damage, in the judicial district in which such loss or damage is alleged to have occurred.

"(3) JURISDICTION OF COURTS.—A civil action under this section may be brought in a United States district court or in a State court.

"(4) JUDICIAL DISTRICT DEFINED.—In this section, 'judicial district' means—

"(A) in the case of a United States district court, a judicial district of the United States; and

"(B) in the case of a State court, the applicable geographic area over which such court exercises jurisdiction.

"(e) MINIMUM PERIOD FOR FILING CLAIMS.—

"(1) IN GENERAL.—A carrier may not provide by rule, contract, or otherwise, a period of less than 9 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice.

"(2) SPECIAL RULES.—For the purposes of this subsection—

"(A) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

"(B) communications received from a carrier's insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reason for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

"(f) LIMITING LIABILITY OF HOUSEHOLD GOODS CARRIERS TO DECLARED VALUE.—A carrier or group of carriers subject to jurisdiction under subchapter I or III of chapter 135 may petition the Panel to modify, eliminate, or establish rates for the transportation of household goods under which the liability of the carrier for that property is limited to a value established by written declaration of the shipper or by a written agreement.

"(g) MODIFICATIONS AND REFORMS.—

"(1) STUDY.—The Secretary shall conduct a study to determine whether any modifications or reforms should be made to the loss and damage provisions of this section.

"(2) FACTORS TO CONSIDER.—In conducting the study, the Secretary, at a minimum, shall consider—

"(A) the efficient delivery of transportation services;

"(B) international and intermodal harmony;

"(C) the public interest; and

"(D) the interest of carriers and shippers.

"(3) REPORT.—Not later than 18 months after the effective date of this section, the Secretary shall submit to Congress a report on the results of the study, together with any recommendations of the Secretary (including legislative recommendations) for implementing modifications or reforms identified by the Secretary as being appropriate.

"§14707. Private enforcement of registration requirement

"(a) IN GENERAL.—If a person provides transportation by motor vehicle or service in clear violation of section 13901–13904 or 13906, a person injured by the transportation or service may bring a civil action to enforce any such section. In a civil action under this subsection, trial is in the judicial district in which the person who violated that section operates.

"(b) PROCEDURE.—A copy of the complaint in a civil action under subsection (a) shall be served on the Secretary and a certificate of service must appear in the complaint filed with the court. The Secretary may intervene in a civil action under subsection (a). The Secretary may notify the district court in which the action is pending that the Secretary intends to consider the matter that is the subject of the complaint in a proceeding before the Secretary. When that notice is filed, the court shall stay further action pending disposition of the proceeding before the Secretary.

"(c) ATTORNEY'S FEES.—In a civil action under subsection (a), the court may determine the amount of and award a reasonable attorney's fee to the prevailing party. That fee is in addition to costs allowable under the Federal Rules of Civil Procedure.

"§14708. Dispute settlement program for household goods carriers

"(a) OFFERING SHIPPERS ARBITRATION.—As a condition of registration under section 13902 or 13903, a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 must agree to offer in accordance with this section to shippers of household goods arbitration as a means of settling disputes between such carriers and shippers of household goods concerning damage or loss to the household goods transported.

"(b) ARBITRATION REQUIREMENTS.—

"(1) PREVENTION OF SPECIAL ADVANTAGE.—The arbitration that is offered must be designed to prevent a carrier from having any special advantage in any case in which the claimant resides or does business at a place distant from the carrier's principal or other place of business.

"(2) NOTICE OF ARBITRATION PROCEDURE.—The carrier must provide the shipper an adequate notice of the availability of neutral arbitration, including a concise easy-to-read, accurate summary of the arbitration procedure, any applicable fees, and disclosure of the legal effects of election to utilize arbitration. Such notice must be given to persons for whom household goods are to be transported by the carrier before such goods are tendered to the carrier for transportation.

"(3) PROVISION OF FORMS.—Upon request of a shipper, the carrier must promptly provide such forms and other information as are necessary for initiating an action to resolve a dispute under arbitration.

"(4) INDEPENDENCE OF ARBITRATOR.—Each person authorized to arbitrate or otherwise settle disputes must be independent of the parties to the dispute and must be capable, as determined under such regulations as the Secretary may issue, to resolve such disputes fairly and expeditiously. The carrier must ensure that each person chosen to settle the disputes is authorized and able to obtain from the shipper or carrier any material and relevant information to the extent necessary to carry out a fair and expeditious decision making process.

"(5) LIMITATION ON FEES.—No fee of more than $25 may be charged a shipper for instituting an arbitration proceeding under this subsection. The arbitrator may determine which party shall pay the cost or a portion of the cost of the arbitration proceeding.

"(6) REQUESTS.—The carrier must not require the shipper to agree to utilize arbitration prior to the time that a dispute arises. If the dispute involves a claim for $1,000 or less and the shipper requests arbitration, such arbitration shall be binding on the parties. If the dispute involves a claim for more than $1,000 and the shipper requests arbitration, such arbitration shall be binding on the parties only if the carrier agrees to arbitration.

"(7) ORAL PRESENTATION OF EVIDENCE.—The arbitrator may provide for an oral presentation of a dispute concerning transportation of household goods by a party to the dispute (or a party's representative), but such oral presentation may be made only if all parties to the dispute expressly agree to such presentation and the date, time, and location of such presentation.

"(8) DEADLINE FOR DECISION.—The arbitrator must, as expeditiously as possible but at least within 60 days of receipt of written notification of the dispute, render a decision based on the information gathered; except that, in any case in which a party to the dispute fails to provide in a timely manner any information concerning such dispute which the person settling the dispute may reasonably require to resolve the dispute, the arbitrator may extend such 60-day period for a reasonable period of time. A decision resolving a dispute may include any remedies appropriate under the circumstances, including repair, replacement, refund, reimbursement for expenses, and compensation for damages.

"(c) LIMITATION ON USE OF MATERIALS.—Materials and information obtained in the course of a decision making process to settle a dispute by arbitration under this section may not be used to bring an action under section 14905.

"(d) ATTORNEY'S FEES TO SHIPPERS.—In any court action to resolve a dispute between a shipper of household goods and a carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 concerning the transportation of household goods by such carrier, the shipper shall be awarded reasonable attorney's fees if—

"(1) the shipper submits a claim to the carrier within 120 days after the date the shipment is delivered or the date the delivery is scheduled, whichever is later;

"(2) the shipper prevails in such court action; and

"(3)(A) a decision resolving the dispute was not rendered through arbitration under this section within the period provided under subsection (b)(8) of this section or an extension of such period under such subsection; or

"(B) the court proceeding is to enforce a decision rendered through arbitration under this section and is instituted after the period for performance under such decision has elapsed.

"(e) ATTORNEY'S FEES TO CARRIERS.—In any court action to resolve a dispute between a shipper of household goods and a carrier providing transportation, or service subject to jurisdiction under subchapter I or III of chapter 135 concerning the transportation of household goods by such carrier, such carrier may be awarded reasonable attorney's fees by the court only if the shipper brought such action in bad faith—

"(1) after resolution of such dispute through arbitration under this section; or

"(2) after institution of an arbitration proceeding by the shipper to resolve such dispute under this section but before—

"(A) the period provided under subsection (b)(8) for resolution of such dispute (including, if applicable, an extension of such period under such subsection) ends; and

"(B) a decision resolving such dispute is rendered.

"(f) LIMITATION OF APPLICABILITY TO COLLECT-ON-DELIVERY TRANSPORTATION.—The provisions of this section shall apply only in the case of collect-on-delivery transportation of household goods.

"(g) REVIEW BY SECRETARY.—Not later than 36 months after the effective date of this section, the secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

"§14709. Tariff reconciliation rules for motor carriers of property

"Subject to review and approval by the Panel, motor carriers subject to jurisdiction under subchapter I of chapter 135 (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and under-charge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with section 13702 or, with respect to transportation provided before the effective date of this section, sections 10761 and 10762, as in effect on the day before the effective date of this section. Resolution of such claims among the parties shall not subject any party to the penalties for departing from a tariff.

"CHAPTER 149—CIVIL AND CRIMINAL PENALTIES

Sec.

"14901. General civil penalties.

"14902. Civil penalty for accepting rebates from carrier.

"14903. Tariff violations.

"14904. Additional rate violations.

"14905. Penalties for violations of rules relating to loading and unloading motor vehicles.

"14906. Evasion of regulation of carriers and brokers.

"14907. Record keeping and reporting violations.

"14908. Unlawful disclosure of information.

"14909. Disobedience to subpoenas.

"14910. General criminal penalty when specific penalty not provided.

"14911. Punishment of corporation for violations committed by certain individuals.

"14912. Weight-bumping in household goods transportation.

"14913. Conclusiveness of rates in certain prosecutions.

"§14901. General civil penalties

"(a) REPORTING AND RECORDKEEPING.—A person required to make a report to the Secretary or the Panel, answer a question, or make, prepare, or preserve a record under this part concerning transportation subject to jurisdiction under subchapter I or III of chapter 135 or transportation by a foreign carrier registered under section 13902, or an officer, agent, or employee of that person that—

"(1) does not make the report;

"(2) does not specifically, completely, and truthfully answer the question;

"(3) does not make, prepare, or preserve the record in the form and manner prescribed;

"(4) does not comply with section 13901; or

"(5) does not comply with section 13902(c);

is liable to the United States Government for a civil penalty of not less than $500 for each violation and for each additional day the violation continues; except that, in the case of a person who is not registered under this part to provide transportation of passengers, or an officer, agent, or employee of such person, that does not comply with section 13901 with respect to providing transportation of passengers, the amount of the civil penalty shall not be less than $2,000 for each violation and for each additional day the violation continues.

"(b) TRANSPORTATION OF HAZARDOUS WASTES.—A person subject to jurisdiction under subchapter I of chapter 135, or an officer, agent, or employee of that person, and who is required to comply with section 13901 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall be liable to the United States for a civil penalty not to exceed $20,000 for each violation.

"(c) FACTORS TO CONSIDER IN DETERMINING AMOUNT.—In determining and negotiating the amount of a civil penalty under subsection (a) or (d) concerning transportation of household goods, the degree of culpability, any history of prior such conduct, the degree of harm to shipper or shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the proceeding, and such other matters as fairness may require shall be taken into account.

"(d) PROTECTION OF HOUSEHOLD GOODS SHIPPERS.—If a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 or a receiver or trustee of such carrier fails or refuses to comply with any regulation issued by the Secretary or the Panel relating to protection of individual shippers, such carrier, receiver, or trustee is liable to the United States for a civil penalty of not less than $1,000 for each violation and for each additional day during which the violation continues.

"(e) VIOLATION RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS.—Any person that knowingly engages in or knowingly authorizes an agent or other person—

"(1) to falsify documents used in the transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 which evidence the weight of a shipment; or

"(2) to charge for accessorial services which are not performed or for which the carrier is not entitled to be compensated in any case in which such services are not reasonably necessary in the safe and adequate movement of the shipment;

is liable to the United States for a civil penalty of not less than $2,000 for each violation and of not less than $5,000 for each subsequent violation. Any State may bring a civil action in the United States district courts to compel a person to pay a civil penalty assessed under this subsection.

"(f) VENUE.—Trial in a civil action under subsections (a) through (e) of this section is in the judicial district in which—

"(1) the carrier or broker has its principal office;

"(2) the carrier or broker was authorized to provide transportation or service under this part when the violation occurred;

"(3) the violation occurred; or

"(4) the offender is found.

Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

"§14902. Civil penalty for accepting rebates from carrier

"A person—

"(1) delivering property to a carrier providing transportation or service subject to jurisdiction under chapter 135 for transportation under this part or for whom that carrier will transport the property as consignor or consignee for that person from a State or territory or possession of the United States to another State or possession, territory, or to a foreign country; and

"(2) knowingly accepting or receiving by any means a rebate or offset against the rate for transportation for, or service of, that property contained in a tariff required under section 13702;

is liable to the United States Government for a civil penalty in an amount equal to 3 times the amount of money that person accepted or received as a rebate or offset and 3 times the value of other consideration accepted or received as a rebate or offset. In a civil action under this section, all money or other consideration received by the person during a period of 6 years before an action is brought under this section may be included in determining the amount of the penalty, and if that total amount is included, the penalty shall be 3 times that total amount.

"§14903. Tariff violations

"(a) CRIMINAL PENALTY FOR UNDERCHARGING.—A person that knowingly offers, grants, gives, solicits, accepts, or receives by any means transportation or service provided for property by a carrier subject to jurisdiction under chapter 135 at less than the rate in effect under section 13702 shall be fined at least $1,000 but not more than $20,000, imprisoned for not more than 2 years, or both.

"(b) GENERAL CRIMINAL PENALTY.—A carrier providing transportation or service subject to jurisdiction under chapter 135 or an officer, director, receiver, trustee, lessee, agent, or employee of a corporation that is subject to jurisdiction under that chapter, that willfully does not observe its tariffs as required under section 13702, shall be fined at least $1,000 but not more than $20,000, imprisoned for not more than 2 years, or both.

"(c) ACTIONS OF AGENTS AND EMPLOYEES.—When acting in the scope of their employment, the actions and omissions of persons acting for or employed by a carrier or shipper that is subject to this section are considered to be the actions and omissions of that carrier or shipper as well as that person.

"(d) VENUE.—Trial in a criminal action under this section is in the judicial district in which any part of the violation is committed or through which the transportation is conducted.

"§14904. Additional rate violations

"(a) REBATES BY AGENTS.—A person, or an officer, employee, or agent of that person, that—

"(1) knowingly offers, grants, gives, solicits, accepts, or receives a rebate for concession, in

violation of a provision of this part related to motor carrier transportation subject to jurisdiction under subchapter I of chapter 135; or

(2) by any means knowingly and willfully assists or permits another person to get transportation that is subject to jurisdiction under that subchapter at less than the rate in effect for that transportation under section 13702,

shall be fined at least $200 for the first violation and at least $250 for a subsequent violation.

"(b) UNDERCHARGING.—

"(1) FREIGHT FORWARDER.—A freight forwarder providing service subject to jurisdiction under subchapter III of chapter 135, or an officer, agent, or employee of that freight forwarder, that knowingly and willfully assists a person in getting, or willingly permits a person to get, service provided under that subchapter at less than the rate in effect for that service under section 13702, shall be fined not more than $500 for the first violation and not more than $2,000 for a subsequent violation.

"(2) OTHERS.—A person that knowingly and willfully by any means gets, or attempts to get, service provided under subchapter III of chapter 135 at less than the rate in effect for that service under section 13702, shall be fined not more than $500 for the first violation and not more than $2,000 for a subsequent violation.

"§14905. Penalties for violations of rules relating to loading and unloading motor vehicles

"(a) CIVIL PENALTIES.—Any person who knowingly authorizes, consents to, or permits a violation of subsection (a) or (b) of section 14103 or who knowingly violates subsection (a) of such section is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

"(b) CRIMINAL PENALTIES.—Any person who knowingly violates section 14103(b) of this title shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.

"§14906. Evasion of regulation of carriers and brokers

"A person, or an officer, employee, or agent of that person, that by any means knowingly and willfully tries to evade regulation provided under this part for carriers or brokers shall be fined at least $200 for the first violation and at least $250 for a subsequent violation.

"§14907. Record keeping and reporting violations

"A person required to make a report to the Secretary or the Panel, as applicable, answer a question, or make, prepare, or preserve a record under this part about transportation subject to jurisdiction under subchapter I or III of chapter 135, or an officer, agent, or employee of that person, that—

"(1) willfully does not make that report;

"(2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary or Panel, as applicable, requires the question to be answered;

"(3) willfully does not make, prepare, or preserve that record in the form and manner prescribed;

"(4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record;

"(5) knowingly and willfully files a false report or record;

"(6) knowingly and willfully makes a false or incomplete entry in that record about a business related fact or transaction; or

"(7) knowingly and willfully makes, prepares, or preserves a record in violation of an applicable regulation or order of the Secretary or Panel;

shall be fined not more than $5,000.

"§14908. Unlawful disclosure of information

"(a) DISCLOSURE OF SHIPMENT AND ROUTING INFORMATION.—

"(1) VIOLATIONS.—A carrier or broker providing transportation subject to jurisdiction under subchapter I, II, or III of chapter 135 or an officer, receiver, trustee, lessee, or employee of that carrier or broker, or another person authorized by that carrier or broker to receive information from that carrier or broker may not knowingly disclose to another person, except the shipper or consignee, and another person may not solicit, or knowingly receive, information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier or broker for transportation provided under this part without the consent of the shipper or consignee if that information may be used to the detriment of the shipper or consignee or may disclose improperly to a competitor the business transactions of the shipper or consignee.

"(2) FINE; VENUE.—A person violating paragraph (1) of this subsection shall be fined not less than $2,000. Trial in a criminal action under this paragraph is in the judicial district in which any part of the violation is committed.

"(b) LIMITATION ON STATUTORY CONSTRUCTION.—This part does not prevent a carrier or broker providing transportation subject to jurisdiction under chapter 135 from giving information—

"(1) in response to legal process issued under authority of a court of the United States or a State;

"(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

"(3) to another carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

"§14909. Disobedience to subpoenas

"A person not obeying a subpoena or requirement of the Secretary or the Panel to appear and testify or produce records shall be fined not less than $5,000, imprisoned for not more than 1 year, or both.

"§14910. General criminal penalty when specific penalty not provided

"When another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates a provision of this part or a regulation or order prescribed under this part, or a condition of a registration under this part related to transportation that is subject to jurisdiction under subchapter I or III of chapter 135 or a condition of a registration of a foreign motor carrier or foreign motor private carrier under section 13902, shall be fined at least $500 for the first violation and at least $500 for a subsequent violation. A separate violation occurs each day the violation continues.

"§14911. Punishment of corporation for violations committed by certain individuals

"An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a carrier providing transportation or service subject to jurisdiction under chapter 135 that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that carrier are considered to be the actions and omissions of that carrier as well as that individual.

"§14912. Weight-bumping in household goods transportation

"(a) WEIGHT-BUMPING DEFINED.—For the purposes of this section, 'weight-bumping' means the knowing and willful making or securing of a fraudulent weight on a shipment of household goods which is subject to jurisdiction under subchapter I or III of chapter 135.

"(b) PENALTY.—Any individual who has been found to have committed weight-bumping shall, for each offense, be fined at least $1,000 but not more than $10,000, imprisoned for not more than 2 years, or both.

"§14913. Conclusiveness of rates in certain prosecutions

"When a carrier publishes or files a particular rate under section 13702 or participates in such a rate, the published or filed rate is conclusive proof against that carrier, its officers, and agents that it is the legal rate for that transportation or service in a proceeding begun under section 14902 or 14903. A departure, or offer to depart, from that published or filed rate is a violation of those sections.".

SEC. 104. MISCELLANEOUS MOTOR CARRIER PROVISIONS.

(a) MULTIPLE INSURERS.—Section 31138(c) of title 49, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.".

(b) MINIMUM FINANCIAL RESPONSIBILITY REQUIREMENTS WITH RESPECT TO CERTAIN MASS TRANSPORTATION SERVICE.—Section 31138(e) is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following:

"(4) providing mass transportation service within a transit service area in other than urbanized areas under an agreement with a State or local government funded, in whole or in part, with a grant under section 5310 or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities; provided that, in any case in which the transit service area is located in more than 1 State, the minimum level of financial responsibility for such motor vehicle will be at least the highest level required for any of such States.".

(c) TRANSPORTERS OF PROPERTY.—Section 31139(e) of such title is amended by adding at the end thereof the following:

"(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.".

(d) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31132(1) of such title is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking subparagraph (B) and inserting the following:

"(B) is designed or used to transport passengers for compensation, but excluding vehicles providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places;

"(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or".

(e) SELF-INSURANCE RULES.—The Secretary of Transportation shall continue to enforce the rules and regulations of the Interstate Commerce Commission, as in effect on July 1, 1995, governing the qualifications for approval of a motor carrier as a self-insurer, until such time as the Secretary finds it in the public interest to revise such rules. The revised rules must provide for—

(1) continued ability of motor carriers to qualify as self-insurers; and

(2) the continued qualification of all carriers then so qualified under the terms and conditions

set by the Interstate Commerce Commission or Secretary at the time of qualification.

(f) AUTOMOBILE TRANSPORTERS DEFINED.—The Secretary of Transportation shall issue a regulation amending the definition of automobile transporters under part 658 of title 23, Code of Federal Regulations, to mean any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles, race car transporters, or specialty trailers designed for the racing industry with a 10-foot 1-inch spread axle setting.

AMENDMENT OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAM JOHNSON of Texas: Page 207, line 21, before the semicolon insert "in vehicles with a gross vehicle weight rating of at least 26,001 pounds".

Page 208, line 20, strike "or".

Page 208, line 23, after the comma insert "or".

Page 208, after line 23, insert the following: "(vi) consumer protection rules directly related to the transportation of household goods,".

Mr. SAM JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I would like to conduct a colloquy with the chairman of the committee, the gentleman from Pennsylvania.

Mr. Chairman, in September of last year we passed by voice vote an expansive deregulation bill that had wide bipartisan support. The sponsor believed, as I do, that deregulating the trucking industry would be valuable, not only to the trucking industry, but to consumers. That has proven true. By deregulating trucking, we created a balanced playing field.

I believe that the gentleman from California [Mr. MINETA], who was a prime sponsor of that bill summed up the intent by saying we will have accomplished not just agency reduction, but also regulatory reduction.

Today, Mr. Chairman, this amendment wants to try to expand on the positive steps that were taken just one year ago by expanding the process and exempting small movers, those under 26,000 pounds, from burdensome regulation. They provide a unique service, I think, which the large carriers are unable to provide. They cater to families and individuals that do not require a large van line. They typically make moves within the same city and take only several hours to complete a move.

I think the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, would agree with me that deregulation is really important, and that while this does deregulate the States, it contains consumer protection rules related to transportation of household goods. I think he has indicated he would support those consumer protection rules.

What I would like to do is ask that you would consider this in any conference that might come up with the Senate.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, it is my understanding that while we have problems with the way this particular amendment is crafted, it would be my intent to work with the gentleman, so that as I understand it, he will withdraw the amendment at this point and we will work with him to see if we cannot craft one in conference. I would certainly make that commitment to the gentleman. That would be my intent.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I appreciate the gentleman's remarks.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. OBERSTAR. Reserving the right to object, Mr. Chairman, I heard the discussion. If I understood it, the chairman intends to work with the gentleman from Texas [Mr. SAM JOHNSON] to further refine his language and address his concerns?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

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Mr. SHUSTER. Mr. Chairman, as I have said, I will be happy to try to work with the gentleman so that we can consider it in conference.

Mr. OBERSTAR. Mr. Chairman, further reserving the right to object, the amendment offered by the gentleman from Texas would change a law that took effect only 10 months ago. It would jeopardize timely enactment of the legislation before us.

Mr. Chairman, we think on our side that it is an issue without a problem. We have had no testimony on the subject matter. So I would really appreciate if the gentleman would withdraw the amendment and both sides would work together to address the concerns of the gentleman.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for his comments.

Mr. OBERSTAR. Mr. Chairman, I withdraw by reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATHAM: Page 32, after line 6, insert the following new subsection:

"(f) The Panel shall implement by regulation administrative complaint remedies substantively equivalent to the provisions of section 10713 of this title, as in effect before the date of the enactment of the ICC Termination Act of 1995, with regard to contracts for the transportation of agricultural commodities. Such regulations shall be adopted no later than 90 days after the date of the enactment of the ICC Termination Act of 1995.

Mr. LATHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LATHAM. Mr. Chairman, I would like to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for his dedication to working with Members from the agricultural districts to clarify language in the ICC Elimination Act of 1995.

The amendment I am proposing will put in place administrative complaint remedies substantially equivalent to the provisions in current law. This amendment will ensure that each railroad operates as a common carrier and fulfills its obligations to distribute its cars equitably among its customers.

Under current law, railroads must keep at least 60 percent of the cars available for regular services. This requirement has helped ensure adequate numbers of cars available to meet agricultural seasonal demands.

This amendment will enable the new Transportation Advisory Panel to maintain an assurance that sufficient cars and locomotives are made available to handle the demands of crops production cycles and market needs.

Mr. Chairman, I urge support of this amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding. We support the amendment of the gentleman from Iowa [Mr. LATHAM].

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield, we have looked at this issue, and although it has come up very suddenly, it is an issue of longstanding; it has long been a problem of grain shippers to get hopper cars and locomotives to serve their area. We have seen that for many years, and there is provision in the existing ICC law that gives the Commission authority to order a carrier to provide rates and services, "substantially similar to the contract at issue with such differentials in terms and conditions as are justified by the evidence."

Mr. Chairman, if I could inquire of the gentleman, the gentleman really wants to keep that language in place?

Mr. LATHAM. Mr. Chairman, if the gentleman will yield, in essence, yes, to provide for those protections for the shipper.

Mr. OBERSTAR. Mr. Chairman, we certainly support that objective, and we have no objection to the amendment of the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I rise in support of the amendment and I would like to associate myself with the amendment offered by the gentleman from Iowa [Mr. LATHAM]. I certainly recognize, as he, that from time to time agricultural commodities cannot receive adequate shipping services, and 1995 turns out to be one of those times.

Mr. Chairman, we have piles of grain sitting on the ground, some of it being exposed to moisture, some of it now heating up, and this is going to cause loss for farmers and for elevators. What we need is greater shipping resources.

At the same time, I know that many elevators and farmers are troubled because they see rail rates increasing dramatically, and although they have not utilized the ICC on numerous occasions, they certainly do not want to lose whatever remedial enforcement power the Interstate Commerce Commission may have in this context. Therefore, I applaud the gentleman from Iowa for offering this amendment to continue the protections that exist in the Interstate Commerce Act for the benefit of agricultural shippers.

Mr. LATHAM. Mr. Chairman, if the gentleman will yield, I thank the gentleman, and I thank very much the gentleman from Pennsylvania [Mr. SHUSTER] for accepting this amendment, and I would urge the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LATHAM].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITFIELD: Page 37, in the table of sections for chapter 107, amend the item relating to section 10702 to read as follows:

"10702. Short line purchases by Class II and Class III rail carriers.

Page 38, line 3 and 4, strike "rail carrier providing transportation subject to the jurisdiction of the Panel under this part" and insert in lieu thereof "person".

Page 38, lines 8 through 11, amend paragraphs (3) and (4) to read as follows:

"(3) provide transportation over, or by means of, an extended or additional railroad line; or

"(4) in the case of a person other than a rail carrier, acquire a railroad line or acquire or operate an extended or additional railroad line,

Page 39, line 2, strike "or section 10702".

Page 39, line 20, through page 40, line 4, strike subsections (e) and (f).

Page 40, line 5, through page 43, line 7, amend section 10702 to read as follows:

"§ 10702. Short line purchases by Class II and Class III rail carriers

"(a) A Class II or Class III rail carrier providing transportation subject to the jurisdiction of the Panel under this part may acquire or operate an extended or additional rail line under this section only if the Panel issues a certificate authorizing such activity under subsection (c).

"(b) A proceeding to grant authority under subsection (a) of this section begins when an application is filed. On receiving the application, the Panel shall give reasonable public notice of the beginning of such proceeding.

"(c) The Panel shall issue a certificate authorizing activities for which such authority is requested in an application filed under subsection (b) unless the Panel finds that such activities are inconsistent with the public convenience and necessity. Such certificate may approve the application as filed, or with modifications, and may require compliance with conditions the Panel finds necessary in the public interest.

"(d) The Panel shall require any Class II rail carrier which receives a certificate under subsection (c) of this section to provide a fair and equitable arrangement for the protection of the interests of employees who may be affected thereby to the same extent as an arrangement established pursuant to section 11126(b) of this title. The Panel shall not require such an arrangement from a Class III rail carrier which receives a certificate under subsection (c) of this section

"(e) For purposes of this section, the terms 'Class II rail carrier' and 'Class III rail carrier' have the meaning given those terms by the Panel.

Page 46, line 2, insert "(a)" after "under sections 11126".

Page 68, Line 18, strike "(a)".

Page 69, lines 7 through 11, strike subsection (b).

Page 74, after line 22, insert the following new subsection:

"(e) No transaction described in section 11126(b) may have the effect of avoiding a collective bargaining agreement or shifting work from a rail carrier with a collective bargaining agreement to a rail carrier without a collective bargaining agreement.

Page 74, line 23, strike "(e)" and insert in lieu thereof "(f)".

Page 79, line 12, strike "When" and insert in lieu thereof "(a) Except as otherwise provided in this section, when".

Page 80, after line 3, insert the following new subsections:

"(b) When approval is sought under sections 11124 and 11125 for a transaction involving one Class II and one or more Class III rail carriers, there shall be an arrangement as required under subsection (a) of this section, except that the arrangement shall be limited to one year of severance pay, which shall not exceed the amount of earnings from the railroad employment of that employee during the 12-month period immediately preceding the date on which the application for approval of such transaction is filed with the Panel. The amount of such severance pay shall be reduced by the amount of earnings from railroad employment of that employee with the acquiring carrier during the 12-month period immediately following the effective date of the transaction. The parties may agree to terms other than as provided in this subsection.

"(c) When approval is sought under sections 11124 and 11125 for a transaction involving only Class III rail carriers, this section shall not apply.

"(d) For purposes of this section, the terms 'Class II rail carrier' and 'Class III rail carrier' have the meaning given those terms by the Panel.

Mr. WHITFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Chairman, first of all, I would like to take this opportunity to congratulate the Members of the committee for the hard work that they did on this very complicated piece of legislation. I think that all of us agree that the ICC has outlived its usefulness and that the transportation industry will be much better with the sunsetting of the ICC and the acquisition of the authority to regulate the remaining portions of regulation over at the Department of Transportation.

Mr. Chairman, as my colleagues may know, there are three classes of railroads in the United States today. Class 1 carriers have operating revenues in excess of $250 million. Class 2 carriers have operating revenues between $20 million and $250 million, and class 3 carriers have operating revenues of less than $20 million a year.

The amendment that I am offering provides certainty regarding labor protection associated with the sale or merger of short-line railroads. It will benefit railway labor and short-line operators.

Mr. Chairman, I would like to point out that this amendment does not in any way affect labor protection in class 1 railroads. I would also like to point out that it is not our intention, and we made this very clear with legislative counsel, that we would exempt all railway labor protection in class 3 carriers. However, we do keep labor protection and we specify specifically what it should be for class 2 carriers.

In addition to that, if a railway carrier would like to establish a nonrailway subsidiary and acquire a short-line railroad, they are exempt from this bill and they go to the ICC for imposition of labor protection, as is the existing law. Mr. Chairman, as my colleagues know, the ICC has the authority today on short-line acquisitions and mergers to impose up to 6 years labor protection.

So my amendment is a very simple amendment that provides certainty. For example, if a class 3 railway acquires a line from any carrier or merges with another class 3 carrier, there is no labor protection. That is the same as is in the Chairman's bill.

If a class 2 railway acquires a line from a class 1 or another class 2, labor protection will be limited to 1 year severance pay. Under existing law, the ICC has the authority to require 6 years protection. If a class 2 railway merges with a class 3 railway, labor protection will be limited to 1 year severance.

Finally, in my amendment, a class 2 railroad and only a class 2 railroad would be prohibited from using a merger between a union and a nonunion railroad to avoid a collective bargaining agreement.

Mr. Chairman, I think that labor has come very far in supporting this amendment, because under existing law, they have the opportunity to get 6 years protection. In many instances today, and in the last few years, as we have had a lot of acquisitions of short lines, railway labor has received zero benefit.

At the same time, many class 2 carriers, and I know the association of class 2 carriers, are opposed to this amendment, but many class 2 carriers like the certainty of 1-year severance that is clear to them without any doubt.

As I stated, this amendment removes uncertainty regarding labor protection in the case of railway acquisitions and mergers. It is a fair and equitable solution for short-line operations and railroad employees, and I would like to stress once more, it does not affect labor protection for class 1 railroads and it exempts, it is our intent to exempt, labor protection for class 3 railways.

Mr. Chairman, I urge support of the amendment.

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, I appreciate the gentleman yielding, and I have a question.

If I wanted to come from a very hard labor standpoint, would I not see this as being some concessions from, particularly from what existing law is?

I look for instance, at class 3, which are your smallest railroads, those under $20 million of operating revenue, and I note that under existing law, if there is a merger, they would have 6 years; am I correct? Under the gentleman's amendment, they have what?

Mr. WHITFIELD. Mr. Chairman, reclaiming my time, under my amendment they have 1 year, you are right, if it is a carrier by a class 3. If it is a carrier acquisition, a class 3 is mandatory for 6 years. They can form a nonrail subsidiary and then the ICC has the option of imposing whatever labor protection they want up to 6 years, but this is a concession on the part of labor.

Mr. WISE. Mr. Chairman, if the gentleman will continue to yield, what about class 3s, because class 3s, it was my understanding, have no labor protection at all.

Mr. WHITFIELD. Mr. Chairman, if I could respond to the gentleman from West Virginia, in the bill, they have no labor protection at all.

Mr. WISE. So with the gentleman's amendment, there is some provisions where under existing law there is labor protection; under your amendment, there is not. So I would say that in some cases, labor has made a concession.

Mr. WHITFIELD. Mr. Chairman, reclaiming my time, I think they certainly have. I think it is a balanced approach to this issue, and I think the gentleman is correct.

Mr. WISE. Knowing the gentleman's experience in the rail industry and the time he spent in it, we appreciate very much, I do, the gentleman offering this amendment, which seems to be a good, commonsense compromise.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I would say to my colleagues, if we want to see wholesale abandonments, particularly in rural America of small railroad lines, this is the amendment, if it passes, which will cause that to happen. Indeed, while I am sure the gentleman from Kentucky [Mr. WHITFIELD] does not mean to create uncertainty; in fact, he said this amendment of his would remove uncertainty, the fact is it will create extraordinary uncertainty, and I will attempt to prove that as I continue in this opposition.

First of all, Mr. Chairman, this amendment requires mandatory 1-year severance on Class 2s, which could be as small as a railroad with revenue of only $21 million a year.

Second, this amendment gives the panel, the new adjudicatory panel, the authority to impose optional labor protection on Class 2 mergers of line sales under the guise of public interest. This means that the panel could impose 6 years if it chose to do so. So we have no guarantee here that it only would be a 1-year labor protection.

Now, if this is not bad enough, the amendment will allow the panel to impose optional labor protection on Class 3 line sales, again, under the guise of public interest.

Mr. Chairman, let me share with my colleagues now what the real neutron bomb is in the amendment, something that is silent, but deadly.

This amendment, and I doubt that the gentleman from Kentucky really intends this to be the case, but this amendment wipes out the provisions in existing law which makes the panel the exclusive Federal authority of proving the merger. Beyond that, it wipes out the provisions in existing law that insulate the merger from State laws, so State law could be interposed.

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Further, this amendment wipes out the provisions in existing law which insulate the merger from Federal antitrust laws. Fourth, this amendment wipes out the provisions in existing law which give the panel the authority to exempt the merger from any Federal, State, or local law necessary to carry out the transaction. In a nutshell, a merger or a line sale could never be carried out under this amendment.

If Members want to see wholesale abandonments across America with the smaller railroad lines, if we pass this amendment, that is what we are going to see. That is the reason why we so vigorously oppose this amendment.

In closing, I again emphasize, we do not touch labor protection for class I, for the big railroads. We leave that in place. But do not impose upon these small railroads this kind of labor protection, because if Members do, we will simply be inviting them to abandon their lines rather than swallow these extraordinary costs.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my very, very strong support for the amendment offered by the gentleman from Kentucky. This amendment is a very reasonable compromise—in fact, as far as I am concerned, it is probably far too reasonable—to the contentious issues surrounding labor protection for rail employees.

As reported by the Committee on Transportation and Infrastructure, H.R. 2539 contains a provision which wipes out statutory safeguards for rail employees who are affected by mergers, acquisitions, and other transactions. The provision applies to employees of class 2 railroads, that is, railroads with annual revenues up to $250 million. I repeat that. These are class 2 railroads that have annual revenues up to $250 million.

Instead of completely wiping out the labor protection currently afforded these employees, the Whitfield amendment provides 1 year of severance for those with years of employment on midsize railroads. This 1 year of severance is a dramatic reduction from the current 6-year requirement.

Mr. Chairman, many times in the past I have stood in this well and advocated maintaining or increasing the good benefits provided for union members in this country. I am not doing that today. Instead, I propose that we slash the severance benefits given to class 2 railroad employees from 6 years to 1 year. I know that is a big cut, but I am willing to support it in order to pass this bill and to protect the American working man and woman in class 2 railroads.

After passage of this amendment, this legislation will provide 1 year of severance for class 2 railroads and essentially eliminate severance for class 3 carriers, those with annual revenues less than $20 million. That is because the short line and the regional railroads do not have the same financial resources that the big class 2 carriers do. But those who oppose this amendment will say that even the limited benefits provided in this amendment are too much. They will say that class 2 railroads simply cannot afford them.

Let me tell Members about one class 2 railroad that runs through my congressional district, the Wisconsin Central Railroad, a class 2 railroad that made Business Week's list of 1,000 largest companies in the United States. Wisconsin Central's stock value is $800 million. That is higher than J.B. Hunt. I can tell you, Wisconsin Central can afford 1 year of severance for its employees.

The Chicago Tribune recently reported that middle-class Americans are having a tough time getting by, that their money does not go as far and they are facing layoffs, they are facing cutbacks in their benefits and skyrocketing college tuition for their children. These are the same people this bill has targeted, pulling the rug out from under their feet.

I am not suggesting the status quo. I am not advocating 6 years of labor protection. I stand in support of the gentleman's amendment because it is very, very, very reasonable.

I expect this amendment to pass today. If it does not, though, I expect H.R. 2539 to be defeated. Pass the amendment and then pass the bill. It is the right thing to do for all Americans.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. The railroad industry is the only one in the United States singled out for the original unfunded mandate, labor protection. The word "protection" here is a euphemism, not unlike its use in Chicago during prohibition. The protection here is a statutory form of extortion, the writing into Federal law of a mandatory wage scheme with no Federal funds to offset the costs inflicted by the law.

In response to some of the prior speeches, let us be clear. There is nothing in the change in this law that denies labor and management in negotiating a severance package just like every other business has to in these United States.

It is bad enough that such policy has become enshrined in laws affecting large railroads but it is truly outrageous to impose these debilitating costs on the small railroads who are the salvation of rail service in our small towns and rural communities. How many Members are willing to face their constituents and say, "I killed the possibility of continued rail service in your community because rail labor demanded that I continue a completely unjustified benefit. By doing so, I prevented the rescue of rail lines up for abandonment in my district."

That is exactly what it is at stake in this amendment. The committee-reported bill establishes a clear, simple set of ground rules for all line sales and merger transactions involving smaller railroads. This amendment would eliminate the safe harbor for the so-called class 2's by requiring a mandatory severance payment of 1 year. In addition, it would allow for unlimited labor protection on class 2 and 3 line sales to be imposed at the discretion of the Transportation Adjudicatory Panel. If class 2 and 3 carriers are subjected to costs imposed by the Whitfield amendment, thousands of miles of rail lines are likely to be abandoned. Is this what our small towns and rural communities want?

One major problem with the Whitfield amendment is the unlimited discretionary labor protection on class 2 and 3 line sales, which is in addition to the mandatory requirement of 1-year severance. Any time you confer this kind of optional or discretionary authority on an agency, you are guaranteeing protracted litigation at the agency and probably in court for every transaction.

Let me give one example of why we are so concerned. In 1993, the holdover Bush ICC approved a purchase of a 3.7-mile line by the Bradford Industrial Railroad with no labor protection. This new company has total annual revenues of $250,000. Two years later, the Clinton ICC revoked the exemption decision approving the sale and ordering a full 6-year labor protection, which the Transportation Adjudicatory Panel could still do. This labor protection alone will cost this company at least $300,000, more than the company's entire annual revenues.

Another thing the proponents of this amendment do not tell is that they have cleverly included in it a complete disruption of the existing law concerning the process of implementing a merger once it has been approved by the agency. The current law says that other law gives way to the extent necessary to carry out the transaction. This amendment eliminates this standard, including provisions that exempt rail mergers from antitrust laws, and instead gives labor a virtual veto power over post-merger matters, such as work reassignments. This is very, very dangerous. This amendment also allows for the extension of this veto power to line sales.

Mr. Chairman, it is no secret that many more miles will be abandoned in the next several years as the industry continues to restructure through merger and otherwise. If Members want to assure that the maximum number of these lines are abandoned forever and the maximum number of businesses and communities lose their rail service entirely, then vote for this amendment. But if Members want to strengthen our rail system and keep as much service to as many communities as possible, then I strongly urge a "no" vote.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, welcome to the world of rail labor, because there are a lot of different situations here. You might think from the preceding speaker that we are talking about labor situations that we are used to in the private sector where, for instance, you have a company that negotiates a collective-bargaining agreement with its union, the machinists in a chemical company, for instance, and the regular labor that most of us are familiar with. That is not what rail labor is about.

What the gentlewoman has just talked about might be fine in the private sector, but there has been an accord reached over many, many years in which rail labor gave up certain rights, such as being able to walk off the job, such as being able to call a strike without going through a long, arduous process, and the rail companies also gave up certain things.

The interesting thing is, it is the rail companies that have asked to be considered as a unique industry. It is the short line railroads and the class 1's that ask to be treated in a different way, and so that is the reason you have this delicate balance.

In the private sector, if you have a collective bargaining agreement, you can have it enforced by the courts. In the rail industry, if you have a collective bargaining agreement, you can have it reversed or overturned by the ICC. And so these are the issues that are at stake.

The amendment of the gentleman from Kentucky goes a long way, I happen to think, a long way toward changing existing law and indeed in some cases undoing existing labor protection. We all understand it is a new day, we all understand that we have to make compromises, but I think people ought to understand that this is not a regular collective bargaining situation.

I would like to address some of the other points that have been made. The specter has been raised of wholesale abandonments. Mr. Chairman, there is no one that worries more about abandonments, living in a rural area, than I do, and we are dealing with a tough one right now.

But my concern is that without this kind of legislation, we are going to likely see more of that. Incidentally, nobody ever talks about abandoning the working people that made that railroad run for many, many years, abandoning the community that helped make that railroad thrive for many years.

But let me give some examples of how the Whitfield amendment makes the situation far better, particularly, than current law. The Whitfield amendment, for instance, if a midsize railroad, a class 2, has a line sale, buys from the class 1, the large railroad, the largest, then all it gets is 1 year, 1-year labor protection for those workers. Presently it can be up to 6 years.

If a class 3, the smallest railroad, those under $20 million in revenues, if they acquire from each other or buy from each other, there is no protection, no labor protection whatsoever. If a class 2, the midsize railroad, merges with a small railroad, a class 3, they get 1 year. That is a change from existing law, 6 years.

If a nonrail carrier, a railroad sets up a nonrail subsidiary or a nonrail carrier comes in, there is no labor protection in that situation. And if a class 3, a small railroad, acquires a piece of a class 1, no labor protection. All of this is a change from the existing law, when in most of these cases there could be up to 6 years of labor protection. So there is a significant retrenchment.

I am also interested because of the language that some are concerned about, that would permit the ICC to look at situations dealing with the public interest. Well, I understand the concerns that were raised, except as I read the existing bill, the chairman's mark, that language is in there as well. "In the public interest" is in both versions, in the Whitfield amendment and in the existing legislation before us.

Finally, should the ICC not be able to look at what is in the public interest? That has always, it seemed to me, been a fairly important criterion in here.

This is obviously a very complex subject, the situation dealing with class 1, class 2, and class 3, but in quickly rehashing, let me just run down.

Class 1, those are your biggest railroads, over $250 million of operating revenue. Oh, that we all could be on the board of directors of one of these. They maintain the same labor protection. They do not have a dog in this fight to speak of. That is why you have not been besieged, I do not think, by them opposing this amendment, because they are covered regardless.

Class 2's, those are $20 million to $250 million of operating revenue. They have their labor protection provisions cut back significantly.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has expired.

(By unanimous consent, Mr. WISE was allowed to proceed for 2 additional minutes.)

Mr. WISE. Mr. Chairman, only in the case of a class 2 merging with a class 2 can there be up to 6 years. In most cases it drops back to 1 year.

A class 3 that merges or acquires line from another class 3, two small railroads, those under $20 million of operating revenue, they lose their labor protection. No discretion. They lose it.

□ 1715

So for these reasons the amendment offered by the gentleman from Kentucky significantly does change the labor law, does not endanger abandonments, abandonment situations; I think, in fact, only facilitates them. It certainly improves existing law and also provides some measure of concern for workers, and I might say preserves some of this delicate balance.

I will get back to the point I made on the rule. If you want to do away with the collective bargaining procedures, that is fine. Then let people be truly in the free market. But what that means is no presidential finding boards, no cooling-off periods, none of that. You give people the same rights they have got in the private sector.

Let me just tell a quick story, Mr. Chairman. A few years ago, if you remember, rail labor was trying to go out on strike, and I went to a Labor Day rally, and one side I saw a group of blue shirts coming from an aluminum mill. They were out. They wanted the Government to go to work to put them back to work. On the other side came the rail labor people who wanted to go out and wanted the Government to stop imposing constraints upon them.

So, what we have here is we have two segments of labor treated differently, and we have to remember that very delicate balance that has been reached.

I would urge my colleagues to support the Whitfield amendment.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. This amendment is not about labor protection. It is not about worker protection. It is not about job protection. It is about killing jobs.

Let me recite some of the experience we have had in the State of Michigan. Michigan is in a unique situation because it is an industrial State but it is not on the main line between other major industrial areas. It is, in a sense, an offshoot going up in a peninsula. We have a number of lines that were in financial difficulty, and it was only through the good graces of the ICC, in providing that labor protection as proposed in this amendment need not be applied, that these lines were able to sell off the unprofitable sections, and these small lines have proved to be marginally profitable over the years.

Unfortunately, under the current administration, the ICC is no longer giving those waivers against the labor protection, and I believe it is very important to remove this amendment from the floor and defeat it, simply because if this amendment is adopted, those small lines such as we have in Michigan will not be purchased or formed but rather the jobs will be lost because the lines will be closed.

Furthermore, the jobs of the railroad workers are not the only ones lost, but there are a number of companies that are dependent upon rail transportation, and if the railroads close, these companies are likely to close because of increased costs of transportation, using other forms of transportation.

I think we have to address the situation directly, get rid of this unfunded mandate which is being imposed on them.

Why in the world should Federal law govern labor practices—and for a company such as this—whereas we do not do it for 120 other companies which are larger than many of these railroads and who have successfully operated mergers, acquisitions, and in fact have participated fully in the expansion of the economy for the past few years?

I think it is time to get the Federal Government out of the business of insuring these long-term labor protection practices and make the railroads meet the competition of the marketplace.

Now, lest I be considered heartless for proposing this, let me tell you that there are many success stories in Michigan, but not just in Michigan. Here I have an article which appeared in the St. Albans Messenger, Vermont's oldest evening newspaper, where the workers tell the story of a small railroad which was going bankrupt but was acquired by a new firm, and they were able to streamline the operations and, through good participation between workers and management, it finally turned a profit after many, many years, and it looks as if the railroad is going to survive now.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Apropos to that point, since the Reagan-Bush ICC began exempting the small railroads from the mandatory labor protection, over 300 new small railroads have been formed, preserving 30,000 miles of track and saving 10,000 jobs that otherwise would have been lost to abandonment.

Mr. EHLERS. I thank the gentleman for making that point so eloquently. That is precisely the point that should be raised here, and that is why we should defeat this amendment. If we do not, we will end the acquisition and expansion of these lines. We will end the addition of jobs. We will see more lines closing marginal sections, and we will see more jobs lost both at the railroads and at the factories which use these railroads.

I urge defeat of this amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Earlier I heard some confusing statements from the other side talking about the Clinton ICC. You know, two of the three current sitting commissioners are Reagan-Bush appointees. They talked about the reversal of this decision by the Clinton ICC. Would that it were. Would that there were five members, would that, you know, five members sitting, that a majority had been appointed by President Clinton and confirmed by the Senate. But that is not the case.

So this precedent which was talked about earlier is not the result of the current administration reversing the field here.

But what I rise to do is speak in support of the Whitfield amendment. There is a question of equity here now with the recent Burlington Northern-Santa Fe merger. We have the top seven executives at Burlington Northern getting golden parachutes worth $35 million.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield on the point be made about ICC membership?

Mr. DEFAZIO. If I could at the end of my remarks.

Mr. SHUSTER. Surely the gentleman would not want to misstate what he previously reported. I will be happy to ask for additional time for the gentleman if I simply might.

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I simply want to point out the three commissioners, two of them were appointed by Clinton and one was a holdover. So the majority of the ICC are in fact Clinton appointees.

Mr. DEFAZIO. I got my information on this side. It was the reverse of that. Perhaps we can straighten that out later. I thank the gentleman.

The ranking member of the committee tells me that one of the appointees was a Republican, but was a Clinton appointee. So I stand partially corrected.

The point here is there is an issue of equity with the recent Santa Fe-Burlington Northern merger. The top seven executives of Burlington Northern got golden parachutes worth $35 million. That is an average of $5 million each. There were a few thousand employees, line employees, who worked for the same railroad for a lifetime. They got nothing. They did not even get a year's severance.

So there is a question of equity. This is an industry that enjoys an unusual degree of Federal regulation, a degree which actually deprives the collective bargaining rights of thousands of Americans who work for rail. They are denied the right to use the one most effective tool they have to get better wages and working conditions and contracts, including provisions in the contracts for severance. That is the right to go out and stay out on strike.

So if that law is to remain, then we must provide some balance and some equity, and the Whitfield amendment, despite all of what has been said on the floor here, is very modest. With the Whitfield amendment, if a small railroad purchases a line, lays off employees, get nothing, does not change anything. I think it should go further, and we should do something for them. But it does provide a year's severance when a midsized railroad purchases a rail line or merges with a smaller railroad, not a $35 million golden parachute, not $5 million each like the executives at Burlington Northern, but 1 year's severance for someone who has dedicated their life to a company and been a productive employee. I do not think that is too much to ask for line workers.

The bill preserves the Interstate Commerce Commission under a new name at the Department of Transportation. It preserves a number of the essential functions of the ICC. It is essentially a status quo bill. It is a modest solution. It really is.

This agency has the unique authority to break collective bargaining agreements. Balance is restored only by telling the agency that at least when midsized railroads are involved, they have to provide some sort of balance and equity for the restrictions that have been placed on those employees over the years, and that is one of severance for the employees who lose their jobs.

I would argue strongly that the Whitfield amendment is modest. It is an improvement to the bill. I personally would go much further. But it is a modest compromise that is the bare minimum needed to make this a bill acceptable, I believe, to a majority of the Members of this House.

Mr. CAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Whitfield amendment. In the 1970's and early 1980's, my State of Michigan was hard hit by rail line abandonment in our rural areas. This was particularly hard on our grain shippers who depend on competitively priced rail service to sell their product.

Fortunately, the ICC of the 1980's understood that if they could get rid of the archaic Federal mandate known as labor protection, that these light density lines could be sold to new owners instead of abandoned. Substantial pieces of rail line were saved in Michigan as a result of that policy known as the 10901 exemption process. The exemption process recognized it was better to preserve the service and save as many jobs as possible by forming a new, lower-cost operator than to lose everything to abandonment.

With Conrail's announcement it is going to shed another 4,000 miles of marginal line and with restructuring taking place with the Grand Trunk Railroad, Michigan and much of the Midwest is going to be facing another round of abandonment or sales.

I ask the Members to keep two facts in mind: First, the 1995 ICC favors the imposition of mandated labor protection payments. Twice in the last year they have used their discretion under the 10901 exemption process to impose labor protection, an absolute reversal of the previous ICC's protection.

Second, the Whitfield amendment undercuts the current statute in a way that makes it statutorily easier to impose labor protection in 10901 cases and to litigate if labor protection is not opposed.

The combination of an ICC that does not fully appreciate the value of the exemption and a new statute that offers the opportunity for new legal challenge to the exemption is a lethal combination.

I believe the labor protection provisions in H.R. 2539 will preserve railroad lines, will preserve service to rural shippers and will preserve jobs.

I encourage my colleague to oppose the Whitfield amendment, which would substantially weaken those provisions.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, here we go again, another attack against working people.

Last time, they tried a sneak attack to take away the collective-bargaining rights of our Nation's transit workers.

This time, it's to eliminate job protections for railroad workers.

In its current form, the bill destroys the longstanding rights of workers of middle size or small railroads that are merged or sold.

Supporters claim that the only way to ensure the success of railroad deals involving small rail lines is to eliminate employee protections. I disagree.

This bill should not be used to gut major labor protections agreed to by labor, management, and the Government more than 50 years ago.

That's why I support the Whitfield amendment, supported by rail workers, which addresses the concerns of the rail industry by exempting short line rail deals from any worker protection obligations.

At the same time, it protects rail workers' collective-bargaining rights when middle- or large-size rail carriers are sold or merged and ensures that employees' interests are addressed before such transactions are completed.

Just as this House voted to preserve section 13(c) for mass transit workers, I urge my colleagues to vote to preserve the employee protections for the thousands of hard-working railroad employees nationwide.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the brave and courageous gentleman from Kentucky [Mr. WHITFIELD].

It is a fact that whenever Congress has taken action to deregulate a transportation mode—be it aviation, rail, motor carrier, or intercity bus—we have incorporated provisions aimed at mitigating the impact of deregulation on transportation workers.

For it is also a fact that transportation workers are the innocent victims of deregulation, with many thousands having lost their jobs since the late 1970's when Congress first acted to deregulate the transportation industry.

Today, we have before us a bill that among other items would further deregulate the railroad industry. It would make sense, then, for this legislation to maintain existing rail employee protections. But it does not.

This legislation puts in jeopardy the jobs of those workers who are employed by what are known as class 2 and 3 railroads. The short lines, the smaller railroads, of this country.

And it does so for no particularly good reason.

The Whitfield amendment is a compromise. The smallest of railroads, the class 3's, would no longer be subject to existing law labor protections.

But the class 2's, many of them which are not especially that small, would be subject to modified labor protections.

Not the rarely used 6 years of labor protections that opponents of labor often mention. And rarely invoked it is.

But rather, a dramatically reduced 1 year of severance pay, when the employee is eligible, in the event he or she loses their job as a result of a merger or other transaction of that nature.

Let us not turn our backs on the working men and women of the rail industry. Let not greed take precedence over human decency.

I urge the adoption of the Whitfield amendment.

□ 1730

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Kentucky. This amendment is not perfect, in my opinion, but it does maintain some basic rights for railroad workers. Without this amendment, the bill would allow for collective-bargaining agreements to be abrogated at the whim of the newly created Federal panel that will replace the ICC functions, without the current balancing provision that provides labor protections for workers involved in merger situations. The amendment will maintain some of these labor protections. The amendment will leave railroad workers with some sense of security by ensuring workers terminated as a result of mergers of a year of severance pay.

This is a reasonable provision, although obviously much less of a protection than the requirement in current law of 6 years severance pay. Many of the people who work on these railroads have done so for decades and have sons and daughters who have followed in their footsteps. These are working people just trying to stay above water. They are the kinds of people who are the backbone of our economy and the kinds of people that have made the United States the great country it is today.

Without this amendment, we are telling these men and women that we do not care if their jobs are swept away by a merger, so be it. I believe, Mr. Chairman, that we owe this small piece of security to the American worker, and I urge my colleagues to support the amendment of the gentleman from Kentucky.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Kentucky. My colleagues, you hear that whistle blowing? She is coming down the track, the Highball Express, with green lights flashing all the way to the horizon.

We know what that train is carrying. We have seen it go by a time or two before. It is carrying abandonments, and restructuring, and leveraged buyouts. It is carrying mergers and takeovers. And my colleagues, the supporters of this bill, who are opposing this amendment, want to keep those green lights flashing, so that what the American people have come to believe is financial shenanigans and golden parachutes can continue to happen, and happen at the expense of workers in this Nation.

We have to protect agreements that were arrived at between management and the workers at the bargaining table. Normally, under current law, if a contract is broken, the ICC assures that employees, the workers, will have some protection because the ICC can require the railroad to protect the employees. This bill allows a contract to be broken, no protection for the employees.

What does the gentleman from Kentucky's amendment do? It flashes a yellow light. It throws up a caution signal. It says to that speeding Highball, golden parachute, Cannonball Express, "Slow down. Let's slow down and be cautious long enough to provide some small, very small, less than today, some small protections for the workers when they bargain successfully for those protections with management."

There is no one in this Chamber that does not understand why that whistle is blowing. We all understand that the leveraged buyouts and the mergers are going to keep coming in this country. We should not let that train run right over its workers. Let us slow it down. Let us try to protect the railroad labor people in this country, and at least provide for them a portion of the agreement that they bargained collectively with the railroad managers.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding. A few moments ago the gentleman from Michigan mentioned St. Albans, VT and the takeover there. I know a little bit about that because I was intimately involved in that entire struggle.

The gentleman neglects to tell us how many workers, many of whom were employed by that company for decades, were laid off and lost their jobs. The gentleman neglects to tell us what the wages are of the new workers who came into that job as compared to the other workers. The gentleman neglects to say that to the degree we got a halfway decent severance package for those workers who were laid off, it is because we fought and the union fought over a period of a year and rallied community support for decency.

What this whole discussion is about is a phenomenon taking place all over this country called the race to the bottom. How do we pay workers lower and lower wages to make them competitive with other low wage workers? How do American workers compete with Mexican workers and Chinese workers?

The problem today is not that railroad workers have too strong worker protection. The problem is that other workers have too weak worker protection. Let us not lower the strong benefits that workers in the railroads have now, but let us increase the benefits that other workers have.

Mr. WILLIAMS. Mr. Chairman, reclaiming my time, I thank the gentleman from Vermont, and I urge my colleagues to listen to his words, the race for the bottom. The decreasing of the standard of living of American workers is a new phenomenon in this country, and it is wrong.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Whitfield amendment. Mr. Chairman, this year there are 132,000 miles of railroad in America, 132,000 miles. Last year there were 137,000 miles. We lost 5,000 miles of railroad.

You have to go back to get to 135,000 miles of railroad, what we have now, you have to go back to 1885. That was the last year we had 135,000 miles. So we have got the same mileage that we had in 1885. We have come 110 years, and we are back to the same number of railroad miles.

Mr. Chairman, I would hope that those of us in this Congress could agree that if there is not a railroad, there are no railroad jobs; and the ultimate way to protect a railroad job is to protect these rails.

I can remember when they pulled the rails out of the back of the farm that my cousin lived on, and he asked my grandfather, who was a locomotive engineer, "When are they going to put the rails back?" And my grandfather, who worked 58 years for the Southern Railroad said "Son, when they pull the rails up, they don't put them back." And he was right. Those rails are still up. They still are not back down.

Now, just to give you some statistics or facts, in 1960 we had 220,000 miles of railroad, trains running on those tracks and workers working on those railroads; 1970, it dropped to 208,000; 1980, 178,000; 1990, we lost another 382,000, almost 20 percent of our rails in 10 years, 146,000; 1995, we have hit 133,000 miles. And presently railroads want to abandon another 15,000 miles.

Eighty percent of that rail, the high bid will be class 2 railroads, the railroads that we want to saddle with this additional expense. If we want, just to show in one State what has happened, Pennsylvania, 1950, the chairman's home State, almost 10,000 miles of rails; 1978, 8,000; 1980, 7,000; by 1990, in 10 years, they lost half their rails.

But let me tell you what did happen in the last 2 years. Let me tell you some good news. We had eight States this last year, eight States, that actually put new rail, that increased their rail mileage. Do you know how they did that? They did that because class 2 railroads bought track that was going to be abandoned.

Let me say this to those who are advocating for unions. This amendment is bad for the unions, because if you look at those railroads who have taken over those tracks, and in Mississippi alone, 700 miles of new class 1, the class 1 came in and bought a union carrier, it went from a class 1 to a class 2, and the class 2 bought it without any labor protection, without having to pay any labor protection.

Now it has gone back to the Kansas City Southern, and union members are running trains over those tracks every day.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Apropos to that point, Mr. Chairman, when these transactions have occurred, the average pay after the small railroad survives and takes it over is 75 percent of the class 1, which is, therefore, average pay, $34,500 a year. Not bad. Further, the average percentage of former employees picked up by the new operator is 85 percent.

So do we want to save 85 percent of the jobs? Do you want to have a $35,000-a-year job? Defeat the Whitfield amendment.

Mr. BACHUS. Mr. Chairman, reclaiming my time, there are eight States which have added class 1 railroad track this year, which was class 2. Class 2 has bought it as opposed to abandoning it. These include Alabama, Florida, and Kentucky.

Mr. Chairman, I would like more time to pursue this, to show some other reasons why I think this is going to boomerang on the unions. The unions, the last railroads that they have organized, have been class 2 railroads.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Whitfield amendment. I have heard much of the debate and I know that change is on the horizon, and I am not opposed to change. But I think that as we make the change, we ought to consider that we are manipulating the lives of people. This is all about people who have worked. This is all about protecting those persons who have not sat around and waited for us to give them something, but people who have been on jobs, people who are losing their proetction within the jobs. We understand change.

The Whitfield amendment eliminates labor protection for all class 3 railroad labor transactions, whether it is purchasing another short line, or merging several class 3 railroads.

The new ICC may not provide for labor protection. The amendment eliminates 6 years of labor protection when class 2 railroad purchases a short line or merges with a small railroad. Employees who lose their jobs get a 1 year severance, if they have the seniority to earn it.

The amendment does not affect H.R. 2539 with respect to large class 1 railroads.

Unfortunately, H.R. 2539 is about much more than the sale of short lines and the imposition of labor protection. It would allow a Federal agency to break privately negotiated collective bargaining agreements when two railroads merge, railroads with up to $250 million of annual revenue. In return, the employees would have no protection of any kind.

No Federal agency has this extraordinary power. The amendment would counterbalance the power of the Federal agency to break collective bargaining agreements with the requirement that employees be treated fairly with up to 1 year severance pay.

It is simply unfair to allow a Federal agency the authority to break private collective bargaining agreements without any protections for the workers, the people who have kept it going. The Whitfield amendment prohibits the new ICC from using its power over small railroad mergers to shift work from a union to a nonunion railroad. The Whitfield amendment is a sensible compromise. It is about protecting people, people, working people.

Mr. Chairman, I would ask all of us to support the workers.

□ 1745

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to Mr. WHITFIELD's amendment to H.R. 2539, the ICC Termination Act of 1995.

Every so often people inform me of a law which shocks one's conscience and you say to yourself, that cannot be true. Well, today there is a law on the books called labor protection which requires employers to pay up to 6 years of income and benefits to employees who are adversely affected by a railroad transaction. When I heard this, I was amazed. So I had to repeat it to myself, Federal law mandates employers to pay up to 6 years of wages and benefits to an adversely affected employer no matter what their status is.

In the 1980's the ICC understood that this archaic mandate was the thorn in the side of small railroad owners who wanted to buy light density lines—they could just not afford paying these wages on top of buying the lines.

Fortunately, under a policy know as 10901 exemption, there was a realization that it was better to preserve the service of railroads and save jobs than facing line abandonment. In many ways, and I know the gentleman from Pennsylvania [Mr. SHUSTER] alluded to this, it saved 30,000 miles of track and created 10,000 jobs. In effect, it spawned a great deal of new business, small business, and jobs were retained at high levels. This has also been confirmed by the chairman.

However, in 1995 the ICC twice has imposed labor protection. This is a complete reversal of previous ICC's position.

Mr. Chairman, it is not the place of Government to mandate labor protection. Let us leave that to the unions and management. Unfortunately, the Whitfield amendment keeps the Government's hand in railroad transactions.

I would like to also add that in my home State of Michigan, Conrail announced that it is looking to sell approximately 2,500 miles of light rail. I want to see these lines in use—not abandoned. So I ask my colleagues to vote against the Whitfield amendment and support H.R. 2539 in its original form.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, several years ago the gentleman from Ohio, JOHN KASICH, and I got together to try to determine how we might deal with some of the budgetary problems that this country faces, and we thought that maybe because the two of us strongly advocated and supported the balanced budget amendment that we had some responsibility of actually trying to find ways of actually cutting back and making significant changes in our Federal spending.

At that time I asked the gentleman to come to a meeting and he came with a list of the cuts that he was in favor of and I came with a list of cuts that I was in favor of. I found that everything I wanted to cut, he wanted to spend more on; and everything he wanted to cut, I wanted to spend more on, excepting one thing. And the one thing we both could agree on was the ICC.

Mr. Chairman, here is an agency whose mission has to do with regulating the trucking industry, regulating the bussing industry, regulating the railroad industry, and all three of which this Congress has chosen to deregulate. So we have a regulatory agency that is set up gaining millions and millions of dollars worth of Federal support regulating industries that no longer need regulation. It seemed patently ridiculous. And the two of us got together and put in some legislation to call for the ending of the ICC.

I am proud to see finally this legislation is now receiving support on both sides of the aisle. I think this is a very positive development. The reason why I am here to speak on behalf of this Whitfield amendment is because, once again, we see the Republicans go a bridge too far. In what could be, in fact, good bipartisan spirit and support for ending a Federal agency that no longer serves a useful purpose, they, instead, come up with a mean-spirited way of hurting working people.

Mr. Chairman, people that cite 6-year provisions, in terms of the kind of protections, ought to first and foremost recognize that the workers' unions that agree to having their future bound up by a government regulatory agency do so by giving up their right to strike, the most fundamental right of any union in this country. Second, the bill itself calls for the elimination of all the protections for our unions that work in the railroad industry.

Mr. Chairman, what the Whitfield amendment does is simply provide some base level protections for the working people. Now, what will happen once we see all the mergers and acquisitions we have seen recently in the railroad industry? What will happen is a lot of shareholders and stockholders and owners of these unions and the management of these unions are going to stand to make millions and millions of dollars and, at the same time, they will do so, in many cases, by laying off the working people that work for those unions.

This bill—and the Whitfield amendment, if it passes—contains some reasonable protections for the working people, while recognizing that, in fact, we do have to make some changes in our railroad industry. But let us not be mean-spirited about it. Let us not take what is good bipartisan legislation in the elimination of the ICC and try somehow to find a needle to stick into working people whose blood and sweat and tears built up the railroads of this country and whose railroads built up America.

Let us, in fact, Mr. Chairman, come up with a way to compromise this and to make this legislation that can work, that can make this legislation be signed by the President of the United States, make this legislation have the kind of broad-spirited support that lead the gentleman from Ohio, JOHN KASICH, and I toward offering legislation that ended the ICC as we know it today to begin with. That is where we should go.

That is what the challenge is. It is not to find some way of taking broad-based support for legislation and using it as a way to once again tweak the unions, tweak the working people, and line the pockets of the wealthiest and most powerful people in this country.

Mr. Chairman, let us support the Whitfield amendment. Let us support ending the ICC as we know it today, and let us have one bill pass this House this week that the President of the United States can sign.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the good-faith effort by the gentleman from Kentucky [Mr. WHITFIELD], who is offering his amendment; but I think what we see here is a very fundamental difference in philosophy.

What is the government's role in the private sector and in the economy? In our judgment, I guess we could say the government's role is to create an environment that is conductive for economic productivity in the private sector. It is not to unduly or unfairly interfere in that particular area but to create an environment where jobs can prosper.

Mr. Chairman, this is not a race to the bottom of the ladder. If we look at a free market economy we need to do whatever we can to make a free market thrive.

What does a thriving free market do? It encourages hard work. It encourages enthusiasm. It encourages the initiative of individuals to have a sense of curiosity, to go out and create jobs. It encourages a free market economy and encourages cooperation. It encourages cooperation between the workers and management.

In this particular bill, we are creating an environment that will create jobs. We are creating an environment that will preserve jobs. We are encouraging collective bargaining.

We are not doing away with collective bargaining. We want laborers' rights to continue in collective bargaining. I have heard through phone calls into my office that we are eliminating retirement for Class I railroads. We are not, but I have heard that kind of discussion.

Mr. Chairman, in my geographic area of the mid-Atlantic States in Maryland, our area is conductive for small rail lines. Many industries moved to the State of Maryland, especially to the eastern shore, because there are small railroads there that can take their produce to the Port of Baltimore or bring it from the Port of Baltimore to other areas of Maryland.

In my area of Maryland, small rail lines bring grain products to another area of our agricultural region to farmers that grow livestock. So small rail lines are the life's blood of our particular region.

This is or should be a bipartisan effort, and we should have support from both sides of the aisle. There are environmental regulations that are still intact. There are safety regulations that are still intact. People can continue to bargain in a cooperative, collective fashion.

Mr. Chairman, how do we ensure protection for workers? We ensure that there are jobs for those workers.

I again rise reluctantly to oppose the gentleman's amendment, and I encourage my colleagues to vote down this amendment and vote for the bill.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

I support the Whitfield amendment; and I will, with the Whitfield amendment, support the bill.

I think we are getting to a point down here, though, where we are looking for some trophies. I look at the railroads, for example. There are not too many trains crossing under the Central Street Bridge. I look at the jobs situation in the country, and even Fruit of the Loom just left: 3,200 jobs went to Mexico. We will not even be making underwear around here.

Mr. Chairman, when we look at basic workers' rights, I look at some of these issues. We even talk about workers' right to strike, and we are afraid to death about workers that go on strike in America. The truth of the matter is that when we take away the right to strike, we take away the rights of workers. There is a fine line in between here, folks.

Under the ICC, we have a 6-year severance remuneration. In this bill, we get a 60-day notice. The Whitfield amendment says we will give a 1-year severance pay. That seems like some basic fairness. We have already gone though so many workers in this industry. And some of the deregulation, I might say, has produced some cannibalism in America that has produced an awful lot of bankruptcy, that has produced an awful lot of individual debt, that has produced an awful lot of national debt.

Mr. Chairman, I would hope Members would look at the Whitfield amendment. There has been a lot of philosophy and ideology discussed. Look at it as a basic fairness issue. I believe the Whitfield amendment makes sense.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Kentucky [Mr. WHITFIELD].

I want to first commend Chairman SHUSTER, the ranking member, Mr. OBERSTAR, the gentlewoman from New York, Ms. MOLINARI, and my two colleagues BILL LIPINSKI and BOB WISE. They have all worked hard to craft a bill that is fair, that reduces unnecessary regulation, and one that ensures an orderly transfer of responsibility to a special DOT panel. They have put together a solid bill. But the bill does have one shortcoming. In its current form the bill is highly unfair to railroad employees who lose their jobs in mergers. The bill eliminates provisions in existing law providing severance pay for employees of class 2 and 3 railroads.

What is worse, the bill gives the ICC's successor the right to terminate severance pay agreements reached through the collective bargaining process—agreements made in good faith between a rail company and its employees.

The Whitfield amendment restores fairness to rail employees and protects the integrity of the collective bargaining process. Significantly, the Whitfield amendment would eliminate mandatory severance pay for small transactions in instances where mandatory severance pay would discourage a purchaser from acquiring a struggling small rail carrier.

The Whitfield amendment is a sensible and fair compromise, it encourages short-line rail service while protecting collective bargaining rights of employees. The amendment eliminates federally-mandated labor protection for all transactions involving small—class 3—railroads.

For mid-size, or class 2, railroad transactions, labor protection is reduced from the current mandatory 6-year severance payment to a more reasonable 1-year severance payment.

Class 2 railroads have annual revenues of up to $250 million annually, and transactions involving such rail lines can impact a significant number of rail workers. It is only fair and just that long-time employees of class 2 railroads receive a modest severance package.

Under H.R. 2539, labor protection for class 2 employees is doubly important because the bill gives the Federal Government the authority to break a collective bargaining agreement and eliminate any labor protections it might have contained.

I think all of us agree that completing the deregulation process in the transportation industry is long overdue. On balance, this is a good bill.

But the bill unnecessarily and unfairly destroys the collective bargaining rights of rail employees.

The Whitfield amendment restores some balance and fairness to the bill. I urge all my colleagues to support the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that this will conclude debate, certainly for our side, and I understand in consultation with the chairman it will conclude the other side as well.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the distinguished whip has appeared on the floor, and I understand he will seek recognition. But, as far as I know, that will be our final speaker.

Mr. OBERSTAR. Mr. Chairman, the debate has been a constructive one; a positive one. There are some sort of misunderstandings, misstatements, perhaps. There was an allusion some time ago, and I do not recall who it was that said that, that there had been 10,000 new jobs created over the last 10 years in the short lines, but that statement conveniently left out the reality that 265,000 jobs have been terminated since the Staggers Act, and most of them did not get labor protection.

We are just talking about a matter of fairness and decency as we move this last step in the economic deregulation of the rail industry.

□ 1800

The Whitfield amendment before us today is a compromise. It is not the compromise I would have liked. It is not the protection for labor that I would have liked, but I am willing to accept it. It is a modicum, the very basic and the least we could do, of fair treatment of employees with legitimate concerns of their own against the legitimate financial concerns of the medium- and smaller-sized carriers.

Mr. Chairman, rail labor has given up a great deal in this legislative package that we have. If we are to stay with current law, there is labor protection for all railroad mergers, for all line sales to carriers. The Whitfield amendment continues labor protection only for the largest-sized railroads, class 1 railroads, that have annual revenues of $250 million and more. For all the others, the amendment we are considering now would eliminate or would significantly modify labor protection. Under this amendment, no labor protection would be provided for the smallest or the class 3 railroads.

The Whitfield amendment affects the medium-sized railroads, those with revenues up to $250 million a year—and some of those are very big carriers, as my colleague the gentleman from Illinois has rightly pointed out. One of them has a stock value of over $800 million. That is not small. That is no small potatoes where I come from. It is only fair to employees in that class that they should have at least a year. They give up 5 years of potential labor protection to get a maximum of 1 year.

Mr. Chairman, I want to remind my colleagues that this is not a gift. They do not get a full year's pay and sit on their can and do nothing. If they take another job, they get the wages from that job deducted from their pay from the railroad. They are on call. They can be called back to work at any time. This is not a big deal, giveaway, labor protective provision.

The bill would allow the ICC successor agency to abrogate labor protection in collective bargaining agreements. No other agency of Government has that power. None other.

Mr. Chairman, to those who object to any kind of labor protective provisions for the railroad workers, I say fine. Then let us throw the whole thing out and treat rail labor as we do industrial unions, as we do the industrial workplace. Let them collectively bargain. Let them strike. Let them shut down the rails of this country if they want to, if they have to, if they are pushed to the wall and they have to.

But because the railroads have been so vital to America's economy, they have been treated differently than the building trades, than the industrial unions who represent workers in the industrial marketplace of this country—the International Association of Machinists, the UAW, the rubberworkers, and the steelworkers.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, we are talking about a very controlled workplace: Railroads. Rail labor.

They give up the freedom that others have in order that an agency of the Federal Government mediate between their employer and themselves.

Mr. Chairman, I grew up believing that a union contract was a bond with your employer. That is what I learned from my father. That is what I learned at our dinner table at home in Chisholm, MN, in the heart of the iron ore mining country.

Railroading is different. It is a whole different set of public policy interests that come before a labor and management contract; that come before the interests of the railroad company.

In deregulation, we have passed away a lot of those protections. One small modicum of protection ought to remain. If in the next round of mergers and acquisitions and downsizing of this industry workers lose their jobs in those smaller railroads, they ought to have the decency of protection, having given their lifetime of work, that they are treated fairly and decently with labor protective provisions.

Mr. Chairman, that is what this amendment will do. If we cannot do that, then we ought not to pass this bill. We ought not to hang labor on this cross.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Whitfield amendment for many reasons. I just ask the Members to listen, because labor issues sometimes can be very, very complicated and in some other cases can be misrepresented. But, they all have effects on the ability for railroads to run effectively and efficiently and provide jobs for railroad workers.

That is what we are talking about here, to provide more jobs for more workers. If we put these kinds of labor protection measures on this bill, we are going to cost people their jobs, because there will be some railroad lines abandoned because they cannot afford these kinds of labor protections.

Our Members particularly need to understand that this is not an easy labor vote; that they can just throw labor. This is a very interesting application to an age-old problem that we, as part of the new revolution, are trying to throw off so that we can have an economy that runs efficiently and provides the most number of jobs and not just single out one group of people and protect one group of people.

Mr. Chairman, these kinds of labor protections are more. Members talk about fairness to the workers. This is more fairness than any other union workers in any other kind of union get to enjoy. When we are talking about 6 years of full wages and benefits that have been removed by bringing this bill to the floor, and now the gentleman from Kentucky [Mr. WHITFIELD] is trying to offer an amendment to this bill that preserves that mandate in whole or in part, depending on the size of the transaction, we are talking about restoring a labor protection that goes way beyond even the most wide definition of common sense; way beyond what is normal in labor protection for other unions and other kinds of contracts.

Let me just address one of perhaps the most egregious misrepresentations being made by some of the proponents of the Whitfield amendment. That is that the bill somehow abrogates collective bargaining agreements. In fact, the bill retains exactly the same standard that has been the merger statute for decades: That agency approval of a merger displaces any other laws to the extent necessary to implement the merger.

Mr. Chairman, this does not abrogate contracts, but the Whitfield amendment does alter this law. It gives labor the power to halt the implementation of approved mergers involving the smaller railroads. This amendment forbids, forbids work reassignments and shift of work from a union workforce. This directly contravenes existing law. So, the Whitfield amendment goes way beyond what existing law is.

Mr. Chairman, I just think if we are going to develop an economy that is efficient and moves efficiently and creates jobs, we cannot afford to pass the Whitfield amendment. This bill eliminates one of the oldest and most costly mandates in the books today. And because these railroads cannot afford to operate under this provision, they simply will go out of business, and both consumers who need rail service and labor will lose.

Since the Reagan-Bush exemption policy was put into place, over 330 new railroads have purchased 30,000 miles of line that was headed for abandonment. Those lines today employ 10,000 people that were headed for unemployment. This amendment would result in the abandonment of most light-density railroad lines in rural America and everybody loses.

Mr. Chairman, this is a very, very important amendment that affects this bill, and I hope my colleagues, particularly on this side of the aisle, will think very seriously before they would vote for this amendment. I urge that they vote against the Whitfield amendment and vote for the bill.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Whitfield amendment, and urge others to do the same.

Mr. Chairman, I support the Whitfield amendment, which protects railroad workers when their railroads merge or sell.

For years, the Interstate Commerce Commission [ICC] has reviewed and approved mergers and acquisitions. As part of its role, the ICC has had extraordinary authority: it has been able to change collective bargaining agreements to help transactions happen when it finds them in the public interest.

In connection with this power, Congress gave the ICC discretion to require 6-year severance payments to rail workers displaced by mergers or acquisitions. This is a power rarely used, but it has had an indirect effect: It has been a disincentive to radical changes and an incentive to railroad lines, especially in rural areas.

The bill before the committee would transfer the ICC's power to amend collective bargaining agreements to the newly created Transportation Adjudication Panel, but it would not transfer the associated authority to grant labor protection to workers on Class 2 and Class 3 railroads.

The supporters of this bill argue that this change is necessary to allow medium and small railroads to survive in a competitive environment; and insofar as the smaller, class 3 railroads are concerned, the Whitfield amendment agrees. But for the larger, class 2 railroads, the Whitfield amendment would grant the adjudication panel the discretion to grant 1 year's severance pay to workers displaced by rail mergers or line acquisitions, in lieu of 6 years, which the law now provides.

Trading from 6 years down to 1 year's severance pay strikes me as more than fair for class 2 carriers. This is a good deal for carriers and compromise rail workers have agreed to accept. I urge adoption of the Whitfield amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. WHITFIELD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 184, not voting 7, as follows:

[Roll No. 792]

AYES—241

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burr
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (TX)
Filner
Flanagan
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Minge
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Young (AK)

NOES—184

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray

Bliley
Boehlert
Boehner
Bonilla
Bono
Bryant (TN)
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Ewing
Fawell
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Riggs
Roberts
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (MS)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Callahan
Fields (LA)
Flake
Mink
Tucker
Volkmer
Yates

☐ 1830

Mr. BEREUTER and Mr. SMITH of Michigan changed their vote from "aye" to "no."

Messrs. HAYES, WAMP, CONYERS, and STENHOLM changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. DAVIS

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 256, after line 17, insert the following new section:

SEC. 105. CREDITABILITY OF ANNUAL LEAVE FOR PURPOSES OF MEETING MINIMUM ELIGIBILITY REQUIREMENTS FOR AN IMMEDIATE ANNUITY.

(a) IN GENERAL.—An employee of the Interstate Commerce Commission who is separated from Government service pursuant to the abolition of that agency under section 101 shall, upon appropriate written application, be given credit, for purposes of determining eligibility for and computing the amount of any annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, for accrued annual leave standing to such employee's credit at the time of separation.

(b) LIMITATION AND OTHER CONDITIONS.—Any regulations necessary to carry out this section shall be prescribed by the Office of Personnel Management. Such regulations shall include provisions—

(1) defining the types of leave for which credit may be given under this section (such definition to be similar to the corresponding provisions of the regulations under section 351.608(c)(2) of title 5 of the Code of Federal Regulations, as in effect on the date of the enactment of this Act);

(2) limiting the amount of accrued annual leave which may be used for the purposes specified in subsection (a) to the minimum period of time necessary in order to permit such employee to attain first eligibility for an immediate annuity under section 8336, 8412, or 8414 of title 5, United States Code (in a manner similar to the corresponding provisions of the regulations referred to in paragraph (1));

(3) under which contributions (or arrangements for the making of contributions) shall be made so that—

(A) employee contributions for any period of leave for which retirement credit may be obtained under this section shall be made by the employee; and

(B) Government contributions with respect to such period shall similarly be made by the Interstate Commerce Commission or other appropriate officer or entity (out of appropriations otherwise available for such contributions); and

(4) under which subsection (a) shall not apply with respect to an employee who declines a reasonable offer of employment in another position in the Department of Transportation made under this Act or any amendment made by this Act.

(c) EXTINGUISHMENT OF ELIGIBILITY FOR LUMP-SUM PAYMENT.—A lump-sum payment under section 5551 of title 5, United States Code, shall not be payable with respect to any leave for which retirement credit is obtained under this section.

Mr. DAVIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS. Mr. Chairman, I rise in support of my short and noncontroversial amendment. This amendment simply makes a technical addition to the bill to allow a handful of ICC employees who are being separated from Federal service as a result of this bill to apply their unused annual leave for purposes of qualifying for a Federal annuity. This amendment is limited to apply only to Federal workers who are on the verge of becoming eligible for an annuity, but who are losing their jobs as a result of this bill before qualifying for a pension.

Mr. Chairman, several constituents have described a predicament that no Member of this body would want to allow to go unresolved. Imagine working for 24 years and 11 months only to be told that you are terminated for no fault of your own and that you may not use the 5 weeks of annual leave that you have accumulated in order to reach the 25 year eligibility threshold for an annuity free of the penalties that we have in place to discourage early retirement.

This amendment will only apply to the handful of employees who are: First, not being offered employment elsewhere in the Federal Government; second, who are within several days or weeks of becoming eligible for an immediate annuity; and third, who have accrued enough annual leave, in accordance with OPM regulations, to reach the date on which an immediate annuity would be owed. Mr. Chairman, approximately 400 Federal workers are employed at the ICC. Approximately 180 workers will remain in the Federal work force carrying out the functions that will continue under this bill. Of the 220 workers who may be losing their jobs, a few are on the verge of qualifying for an immediate retirement annuity. Most of these workers are enrolled in the Civil Service Retirement System [CSRS] which means that they do not receive Social Security benefits for the years of service they have performed.

The Davis amendment simply says to those veteran ICC workers who have reached the proverbial 26 mile marker in the Federal career marathon, that we will allow them to complete the last two-tenths of a mile in order to end their Federal career with dignity and adequate financial security. I urge my colleagues to unanimously support this good-government amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I have examined the gentleman's amendment, and we accept it on this side.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, we are prepared to accept the gentleman's amendment on this side, too.

Mr. DAVIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The amendment was agreed to.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word to urge all of my colleagues to vote in favor of final passage because it is absolutely imperative that this legislation be passed.

We would not have this bill before the House today without an extraordinary effort over several months by a number of staff members.

Eliminating an agency and revising the entire Interstate Commece Act turned out to be a very complicated proposition.

In particular, I would like to thank Glenn Scammel, Roger Nober, Alice Davis, and Debbie Gebhard of the majority staff and Trinita Brown and Rosalyn Millman of the minority staff.

Special thanks go to Henri Rush, general counsel of the ICC, and Ellen Hanson of the ICC for the many hours they devoted to this bill, and to Tim Brown and David Mendelsohn of the Legislative Counsel's Office for their assistance in drafting the bill.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I join my colleague, chairman of our committee, in urging all Members on both sides of the aisle to support this bipartisan legislation.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—TRANSPORTATION ADJUDICATION PANEL

SEC. 201. TITLE 49 AMENDMENT.

(a) AMENDMENT.—Subtitle I of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 7—TRANSPORTATION ADJUDICATION PANEL

"SUBCHAPTER I—ESTABLISHMENT

"Sec.

"701. Establishment of Panel.
"702. Functions.
"703. Administrative provisions.
"704. Annual report.
"705. Authorization of appropriations.
"706. Reporting official action.

"SUBCHAPTER II—ADMINISTRATIVE

"721. Powers.
"722. Panel action.
"723. Service of notice in Panel proceedings.
"724. Service of process in court proceedings.
"725. Administrative support.
"726. Definitions.

"SUBCHAPTER I—ESTABLISHMENT

"§701. Establishment of Panel

"(a) ESTABLISHMENT.—There is hereby established within the Department of Transportation the Transportation Adjudication Panel.

"(b) MEMBERSHIP.—(1) The Panel shall consist of 3 members, to be appointed by the President, by and with the advice and consent of the Senate. Not more than 2 members may be appointed from the same political party.

"(2) At any given time, at least 2 members of the Panel shall be individuals with professional standing and demonstrated knowledge in the fields of transportation or transportation regulation, and at least one member shall be an individual with professional or business experience in the private sector.

"(3) The term of each member of the Panel shall be 5 years and shall begin when the term of the predecessor of that member ends. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

"(4) On the effective date of this section, the members of the Interstate Commerce Commission then serving unexpired terms shall become members of the Panel, to serve for a period of time equal to the remainder of the term for which they were originally appointed to the Interstate Commerce Commission.

"(5) No individual may serve as a member of the Panel for more than 2 terms. In the case of an individual who becomes a member of the Panel pursuant to paragraph (4), or an individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, such individual may not be appointed for more than one additional term.

"(6) A member of the Panel may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment.

"(7) A vacancy in the membership of the Panel does not impair the right of the remaining members to exercise all of the powers of the Panel. The Panel may designate a member to act as Director during any period in which there is no Director designated by the President.

"(c) DIRECTOR.—(1) There shall be at the head of the Panel a Director, who shall be designated by the President from among the members of the Panel. The Director shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5.

"(2) Subject to the general policies, decisions, findings, and determinations of the Panel the Director shall be responsible for administering the Panel. The Director may delegate the powers granted under this paragraph to an officer, employee, or office of the Panel. The Director shall—

"(A) appoint and supervise, other than regular and full time employees in the immediate offices of another member, the officers and employees of the Panel, including attorneys to provide legal aid and service to the Panel and its members, and to represent the Panel in any case in court;

"(B) appoint the heads of offices with the approval of the Panel;

"(C) distribute Panel responsibilities among officers and employees and offices of the Panel;

"(D) prepare requests for appropriations for the Panel and submit those requests to the President and Congress with the prior approval of the Panel; and

"(E) supervise the expenditure of funds allocated by the Panel for major programs and purposes.

"§702. Functions

"Except as otherwise provided in the ICC Termination Act of 1995, or the amendments made thereby, the Panel shall perform all functions that, immediately before the effective date of such Act, were functions of the Interstate Commerce Commission or were performed by any officer or employee of the Interstate Commerce Commission in the capacity as such officer or employee.

"§703. Administrative provisions

"(a) EXECUTIVE REORGANIZATION.—Chapter 9 of title 5, United States Code, shall apply to the Panel in the same manner as it does to an independent regulatory agency.

"(b) OPEN MEETINGS.—For purposes of section 552b of title 5, United States Code, the Panel shall be deemed to be an agency.

"(c) INDEPENDENCE.—In the performance of their functions, the members, employees, and other personnel of the Panel shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department of Transportation.

"(d) REPRESENTATION BY ATTORNEYS.—Attorneys designated by the Director of the Panel may appear for, and represent the Panel in, any civil action brought in connection with any function carried out by the Panel pursuant to this chapter or subtitle IV or as otherwise authorized by law.

"(e) ADMISSION TO PRACTICE.—Subject to section 500 of title 5, the Panel may regulate the admission of individuals to practice before it and may impose a reasonable admission fee.

"(f) BUDGET REQUESTS.—In each annual request for appropriations by the President, the Secretary of Transportation shall identify the portion thereof intended for the support of the Panel and include a statement by the Panel—

"(1) showing the amount requested by the Panel in its budgetary presentation to the Secretary and the Office of Management and Budget; and

"(2) an assessment of the budgetary needs of the Panel.

"(g) DIRECT TRANSMITTAL TO CONGRESS.—The Panel shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation. An officer of an agency may not impose conditions on or impair communications by the Panel with Congress, or a committee or member of Congress, about the information.

"§704. Annual report

"The Panel shall annually transmit to the Congress a report on its activities.

"§705. Authorization of appropriations

"There are authorized to be appropriated to the Secretary of Transportation for the activities of the Panel—

"(1) $8,421,000 for fiscal year 1996;

"(2) $12,000,000 for fiscal year 1997; and

"(3) $12,000,000 for fiscal year 1998.

"§706. Reporting official action

"(a) The Panel shall make a written report of each proceeding conducted on complaint or on its own initiative and furnish a copy to each party to that proceeding. The report shall include the findings, conclusions, and the order of the Panel and, if damages are awarded, the findings of fact supporting the award. The Panel may have its reports published for public use. A published report of the Panel is competent evidence of its contents.

"(b)(1) When action of the Panel in a matter related to a rail carrier is taken by the Panel, an individual member of the Panel, or another individual or group of individuals designated to take official action for the Panel, the written statement of that action (including a report, order, decision and order, vote, notice, letter, policy statements, or regulation) shall indicate—

"(A) the official designation of the individual or group taking the action;

"(B) the name of each individual taking, or participating in taking, the action; and

"(C) the vote or position of each participating individual.

"(2) If an individual member of a group taking an official action referred to in paragraph (1) of this subsection does not participate in it, the written statement of the action shall indicate that the member did not participate. An individual participating in taking an official action is entitled to express the views of that individual as part of the written statement of the action. In addition to any publication of the written statement, it shall be made available to the public under section 552(a) of title 5.

"SUBCHAPTER II—ADMINISTRATIVE

"§721. Powers

"(a) The Panel shall carry out this chapter and subtitle IV. Enumeration of a power of the Panel in this chapter or subtitle IV does not exclude another power the Panel may have in carrying out this chapter or subtitle IV. The Panel may prescribe regulations in carrying out this chapter and subtitle IV.

"(b) The Panel may—

"(1) inquire into and report on the management of the business of carriers providing, and brokers for, transportation and services subject to subtitle IV;

"(2) inquire into and report on the management of the business of a person controlling, controlled by, or under common control with those carriers or brokers to the extent that the business of that person is related to the management of the business of that carrier or broker;

"(3) obtain from those carriers, brokers, and persons information the Panel decides is necessary to carry out subtitle IV; and

"(4) when necessary to prevent irreparable harm, issue an appropriate order without regard to subchapter II of chapter 5 of title 5.

"(c)(1) The Panel may subpoena witnesses and records related to a proceeding of the Panel from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Panel, or a party to a proceeding before the Panel, may petition a court of the United States to enforce that subpoena.

"(2) The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.

"(d)(1) In a proceeding, the Panel may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending before the Panel may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

"(2) If a witness fails to be deposed or to produce records under paragraph (1) of this subsection, the Panel may subpoena the witness to take a deposition, produce the records, or both.

"(3) A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.

"(4) Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

"(5) The testimony of a person deposed under this subsection shall be taken under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent.

"(6) The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Panel or agreed on by the parties by written stipulation filed with the Panel. A deposition shall be filed with the Panel promptly.

"(e) Each witness summoned before the Panel or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

"§722. Panel action

"(a) Unless otherwise provided in subtitle IV, the Panel may determine, within a reasonable time, when its actions, other than an action ordering the payment of money, take effect.

"(b) An action of the Panel remains in effect under its own terms or until superseded. The Panel may change, suspend, or set aside any such action on notice. Notice may be given in a manner determined by the Panel. A court of competent jurisdiction may suspend or set aside any such action.

"(c) The Panel may, at any time on its own initiative because of material error, new evidence, or substantially changed circumstances—

"(1) reopen a proceeding;

"(2) grant rehearing, reargument, or reconsideration of an action of the Panel; or

"(3) change an action of the Panel.

An interested party may petition to reopen and reconsider an action of the Panel under this subsection under regulations of the Panel.

"(d) Notwithstanding subtitle IV, an action of the Panel under this section is final on the date on which it is served, and a civil action to enforce, enjoin, suspend, or set aside the action may be filed after that date.

"§723. Service of notice in Panel proceedings

"(a) A carrier providing transportation subject to the jurisdiction of the Panel under subtitle IV shall designate an agent in the District of Columbia, on whom service of notices in a proceeding before, and of actions of, the Panel may be made.

"(b) A designation under subsection (a) of this section shall be in writing and filed with the Panel.

"(c) Except as otherwise provided, notices of the Panel shall be served on its designated agent at the office or usual place of residence in the District of Columbia of that agent. A notice of action of the Panel shall be served immediately on the agent or in another manner provided by law. If that carrier does not have a designated agent, service may be made by posting the notice in the office of the Panel.

"(d) In a proceeding involving the lawfulness of classifications, rates, or practices of a rail carrier that has not designated an agent under this section, service of notice of the Panel on an attorney in fact for the carrier constitutes service of notice on the carrier.

"§724. Service of process in court proceedings

"(a) A carrier providing transportation subject to the jurisdiction of the Panel under subtitle IV shall designate an agent in the District of Columbia on whom service of process in an action before a district court may be made. Except as otherwise provided, process in an action before a district court shall be served on the designated agent of that carrier at the office or usual place of residence in the District of Columbia of that agent. If the carrier does not have a designated agent, service may be made by posting the notice in the office of the Panel.

"(b) A designation under this section may be changed at any time in the same manner as originally made.

"§725. Administrative support

"The Secretary of Transportation shall provide appropriate administrative support for the Panel.

"§726. Definitions

"All terms used in this chapter that are defined in subtitle IV shall have the meaning given those terms in that subtitle.".

(b) TABLE OF CHAPTERS AMENDMENT.—The table of chapters of subtitle I of title 49, United States Code, is amended by adding at the end the following new item:

"7. TRANSPORTATION ADJUDICATION PANEL .... 701".

SEC. 202. REORGANIZATION.

The Director of the Transportation Adjudication Panel (in this Act referred to as the "Panel") may allocate or reallocate any function of the Panel, consistent with this title and subchapter I of chapter 7, as amended by section 201 of this title, among the members or employees of the Panel, and may establish, consolidate, alter, or discontinue in the Panel any organizational entities that were entities of the Interstate Commerce Commission, as the Director considers necessary or appropriate.

SEC. 203. TRANSFER OF ASSETS.

Except as otherwise provided in this Act and the amendments made by this Act, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to the Panel or the Secretary by this Act shall be available to the Panel or the Secretary at such time and to such extent as the President directs for use in connection with the functions transferred.

SEC. 204. SAVING PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Interstate Commerce Commission, any officer or employee of the Interstate Commerce Commission, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act or the amendments made by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Panel, any other authorized official, a court of competent jurisdiction, or operation of law. The Panel shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act.

(b) PROCEEDINGS.—(1) Except as provided in paragraph (2), the Panel shall assume responsibility for the continuation of all proceedings pending before the Interstate Commerce Commission, and shall complete such proceedings in accordance with law and regulations as in effect before the date of the enactment of this Act.

(2) In the case of a proceeding under a provision of law repealed, and not reenacted, by this Act, such proceeding shall be terminated.

(c) SUITS.—(1) This Act shall not affect suits commenced before the date of the enactment of this Act, except that the Panel shall assume the position of the Interstate Commerce Commission, and, except as provided in paragraph (2), in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) If the court in a suit described in paragraph (1) remands a case to the Panel, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(d) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Panel may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the

performance of the function immediately before the effective date of the transfer of the function under this Act or the amendments made by this Act.

SEC. 205. REFERENCES.

Any reference to the Interstate Commerce Commission in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Interstate Commerce Commission or an officer or employee of the Interstate Commerce Commission, is deemed to refer to the Panel or a member or employee of the Panel, as appropriate.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—CONFORMING AMENDMENTS

Subtitle A—Amendments to United States Code

SEC. 301. TITLE 5 AMENDMENTS.

(a) COMPENSATION FOR POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking "Chairman, Interstate Commerce Commission." and inserting in lieu thereof "Director, Transportation Adjudication Panel.".

(b) COMPENSATION FOR POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking "Members, Interstate Commerce Commission." and inserting in lieu thereof "Members, Transportation Adjudication Panel.".

SEC. 302. TITLE 11 AMENDMENTS.

Subchapter IV of chapter 11 of title 11, United States Code, is amended—

(1) by amending section 1162 to read as follows:

"§1162. Definition

"In this subchapter, 'Panel' means the 'Transportation Adjudication Panel'."; and

(2) by striking "Commission" each place it appears and inserting in lieu thereof "Panel".

SEC. 303. TITLE 18 AMENDMENT.

Section 6001(1) of title 18, United States Code, is amended by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel".

SEC. 304. INTERNAL REVENUE CODE OF 1986 AMENDMENTS.

(a) SECTION 3231.—Section 3231 of the Internal Revenue Code of 1986 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a) and inserting in lieu thereof "Transportation Adjudication Panel"; and

(2) by striking "an express carrier, sleeping car carrier, or" in subsection (g) and inserting in lieu thereof "a".

(b) SECTION 7701.—Section 7701 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (33)(B), by striking "Federal Power Commission" and inserting in lieu thereof "Federal Energy Regulatory Commission";

(2) in paragraph (33)(C)(i), by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel";

(3) in paragraph (33)(C)(ii), by striking "Interstate Commerce Commission" and inserting in lieu thereof "Federal Energy Regulatory Commission";

(4) in paragraph (33)(F), by striking "Interstate Commerce Commission under subchapter III of chapter 105" and inserting in lieu thereof "Transportation Adjudication Panel under subchapter II of chapter 135";

(5) in paragraph (33)(G), by striking "subchapter I of chapter 105" and inserting in lieu thereof "part A of subtitle IV"; and

(6) in paragraph (33)(H), by striking "subchapter I of chapter 105" and inserting in lieu thereof "part A of subtitle IV".

SEC. 305. TITLE 28 AMENDMENTS.

(a) CHAPTER 157 AMENDMENTS.—(1) Chapter 157 of title 28, United States Code, is amended—

*(A) by striking "**INTERSTATE COMMERCE COMMISSION**" in the chapter heading and inserting in lieu thereof "**TRANSPORTATION ADJUDICATION PANEL**";*

*(B) by striking "**Commission's**" in the section heading of section 2321 and inserting in lieu thereof "**Panel's**";*

(C) by striking "Interstate Commerce Commission" each place it appears and inserting in lieu thereof "Transportation Adjudication Panel"; and

(D) by striking "Commission" each place it appears and inserting in lieu thereof "Panel".

(2)(A) The item relating to chapter 157 in the table of chapters of title 28, United States Code, is amended by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel".

(B) The item relating to section 2321 in the table of sections of chapter 157 of title 28, United States Code, is amended by striking "Commission's" and inserting in lieu thereof "Panel's".

(b) CHAPTER 158 AMENDMENTS.—Chapter 158 of title 28, United States Code, is amended—

(1) by striking "the Interstate Commerce Commission," in section 2341(3)(A);

(2) by striking "and" at the end of section 2341(3)(C);

(3) by striking the period at the end of section 2341(3)(D) and inserting in lieu thereof "; and";

(4) by inserting at the end of section 2341(3) the following new subparagraph:

"(E) the Panel, when the order was entered by the Transportation Adjudication Panel."; and

(5) in section 2342, by—

(A) inserting "or pursuant to part B of subtitle IV of title 49, United States Code" before the semicolon at the end of paragraph (3)(A); and

(B) striking paragraph (5) and inserting the following:

"(5) all rules, regulations, or final orders of the Transportation Adjudication Panel made reviewable by section 2321 of this title; and".

SEC. 306. TITLE 39 AMENDMENTS.

Title 39, United States Code, is amended—

(1) in section 5005(a)(4) by striking "5201(7)" and inserting "5201(6)";

(2) in section 5005(b)(3), by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel"; and

(3) in chapter 52—

(A) by amending paragraph (1) of section 5201 to read as follows:

"(1) 'Panel' means the Transportation Adjudication Panel;";

(B) in section 5201(2) by striking "a motor common carrier, or express carrier" and inserting "or a motor carrier";

(C) in section 5201(4)—

(i) by striking "common"; and

(ii) by striking "permit" and inserting "registration";

(D) in section 5201(5)—

(i) by striking "common" each place it appears;

(ii) by striking "10102(14)" and inserting "13102(11)"; and

(iii) by striking "certificate of public convenience and necessity" and inserting "registration";

(E) by striking paragraph (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(G) in section 5201(6), as so redesignated, by striking "certificate of public convenience and necessity" and inserting "certificate or registration";

(C) by striking subsection (f) of section 5203, and redesignating subsection (g) of such section as subsection (f);

(D) in subsection (f) of section 5203, as so redesignated by subparagraph (H) of this paragraph—

(i) by striking "Commission" and inserting "Panel"; and

(ii) by striking "motor common carrier" each place it appears and inserting "motor carrier";

*(E) by striking "**Interstate Commerce Commission**" in the section heading of section 5207 and inserting in lieu thereof "**Transportation Adjudication Panel**";*

(F) by striking "Commission's" in sections 5208(a) and 5215(a) and inserting in lieu thereof "Panel's";

(G) by striking "Commission" each place it appears and inserting in lieu thereof "Panel"; and

(H) in the item relating to section 5207 in the table of sections, by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel"; and

(M) in section 5215(a) by striking "motor common carrier" and inserting "motor carrier".

SEC. 307. TITLE 49 AMENDMENTS.

Title 49, United States Code, is amended—

(1) in section 22106(e)(1) by striking "an application for abandonment of" and inserting in lieu thereof "a notice of intent to abandon"; and

(2) by repealing subsection (d) of section 24705.

Subtitle B—Other Amendments

SEC. 311. AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENT.

Section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) is amended—

(1) by striking "Interstate Commerce Commission" each place it appears and inserting in lieu thereof "Transportation Adjudication Panel";

(2) by striking "Commission" each place it appears and inserting in lieu thereof "Panel"; and

(3) by striking "Commission's" in subsection (b) and inserting in lieu thereof "Panel's".

SEC. 312. ANIMAL WELFARE ACT AMENDMENT.

Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel".

SEC. 313. FEDERAL ELECTION CAMPAIGN ACT OF 1971 AMENDMENTS.

Section 401 of the Federal Election Campaign Act of 1971 is amended—

(1) by striking "Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act" and inserting in lieu thereof "Transportation Adjudication Panel shall each maintain"; and

(2) by inserting "or Panel" after "or such Commission".

SEC. 314. FAIR CREDIT REPORTING ACT AMENDMENT.

Section 621(b)(4) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)(4)) is amended by striking "Interstate Commerce Commission with respect to any common carrier subject to those Acts" and inserting in lieu thereof "Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Transportation Adjudication Panel".

SEC. 315. EQUAL CREDIT OPPORTUNITY ACT AMENDMENT.

Section 704(a)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c(a)(4)) is amended by striking "Interstate Commerce Commission with respect to any common carrier subject to those Acts" and inserting in lieu thereof "Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Transportation Adjudication Panel".

SEC. 316. FAIR DEBT COLLECTION PRACTICES ACT AMENDMENT.

Section 814(b)(4) of the Fair Debt Collection Practices Act (15 U.S.C. 1692l(b)(4)) is amended by striking "Interstate Commerce Commission with respect to any common carrier subject to those Acts" and inserting in lieu thereof "Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Transportation Adjudication Panel".

SEC. 317. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

The National Trails System Act is amended—

(1) in section 8(d)—

(A) by striking "Chairman of the Interstate Commerce Commission" and inserting in lieu thereof "Director of the Transportation Adjudication Panel"; and

(B) by striking "Commission" and inserting in lieu thereof "Panel"; and

(2) in section 9(b), by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel".

SEC. 318. CLAYTON ACT AMENDMENTS.

The Clayton Act is amended—

(1) in section 7 (15 U.S.C. 18)—

(A) by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel"; and

(B) by inserting ", Panel," after "vesting such power in such Commission";

(2) in section 11(a) (15 U.S.C. 21(a)), by striking "Interstate Commerce Commission where applicable to common carriers subject to the Interstate Commerce Act, as amended" and inserting in lieu thereof "Transportation Adjudication Panel where applicable to common carriers subject to subtitle IV of title 49, United States Code"; and

(3) in section 16 (15 U.S.C. 22), by striking "in equity for injunctive relief" and all that follows through "Interstate Commerce Commission" and inserting in lieu thereof "for injunctive relief against any common carrier subject to the jurisdiction of the Transportation Adjudication Panel under subtitle IV of title 49, United States Code".

SEC. 319. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "the Interstate Commerce Commission,".

SEC. 320. ENERGY POLICY ACT OF 1992 AMENDMENTS.

Subsections (a) and (d) of section 1340 of the Energy Policy Act of 1992 (42 U.S.C. 13369(a) and (d)) are amended by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel".

SEC. 321. MERCHANT MARINE ACT, 1920, AMENDMENTS

The Merchant Marine Act, 1920, is amended—

(1) in section 8 (46 U.S.C. App. 867)—

(A) by striking "Interstate Commerce Commission" both places it appears and inserting in lieu thereof "Transportation Adjudication Panel"; and

(B) by striking "commission" and inserting in lieu thereof "Panel"; and

(2) in section 28 (46 U.S.C. App. 884)—

(A) by striking "Interstate Commerce Commission" and inserting in lieu thereof "Transportation Adjudication Panel"; and

(B) by striking "commission" each place it appears and inserting in lieu thereof "Panel".

SEC. 322. RAILWAY LABOR ACT AMENDMENTS.

Section 1 of the Railway Labor Act (45 U.S.C. 151) is amended—

(1) by striking "express company, sleeping-car company, carrier by railroad, subject to the Interstate Commerce Act" in the first paragraph and inserting in lieu thereof "railroad subject to the jurisdiction of the Transportation Adjudication Panel";

(2) by striking "Interstate Commerce Commission" each place it appears in the first and fifth paragraphs and inserting in lieu thereof "Transportation Adjudication Panel"; and

(3) by striking "Commission" each place it appears in the fifth paragraph and inserting in lieu thereof "Panel".

SEC. 323. RAILROAD RETIREMENT ACT OF 1974 AMENDMENTS.

Section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) is amended—

(1) by amending subsection (a)(1)(i) to read as follows:

"(i) any carrier by railroad subject to the jurisdiction of the Transportation Adjudication Panel under part A of subtitle IV of title 49, United States Code;";

(2) by striking "Interstate Commerce Commission is hereby authorized and directed upon request of the Board" in subsection (a)(2)(ii) and inserting in lieu thereof "Transportation Adjudication Panel is hereby authorized and directed upon request of the Railroad Retirement Board"; and

(3) by inserting "the Transportation Adjudication Panel," after "the Interstate Commerce Commission," in subsection (o).

SEC. 324. RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENTS.

The Railroad Unemployment Insurance Act is amended—

(1) by striking "Interstate Commerce Commission is hereby authorized and directed upon request of the Board" in section 1(a) (45 U.S.C. 351(a)) and inserting in lieu thereof "Transportation Adjudication Panel is hereby authorized and directed upon request of the Railroad Retirement Board";

(2) by amending paragraph (b) of such section 1 to read as follows:

"(b) The term 'carrier' means a railroad subject to the jurisdiction of the Transportation Adjudication Panel under part A of subtitle IV of title 49, United States Code."; and

(3) by striking "Interstate Commerce Commission, adjusted, as determined by the Board" in section 2(h)(3) (45 U.S.C. 352(h)(3)) and inserting in lieu thereof "Transportation Adjudication Panel, adjusted, as determined by the Railroad Retirement Board".

SEC. 325. EMERGENCY RAIL SERVICES ACT OF 1970 AMENDMENTS.

The Emergency Rail Services Act of 1970 is amended—

(1) by amending paragraph (2) of section 2 (45 U.S.C. 661(2)) to read as follows:

"(2) 'Panel' means the Transportation Adjudication Panel.";

(2) by striking "Interstate Commerce Commission" in section 6(a) (45 U.S.C. 665(a)) and inserting in lieu thereof "Panel"; and

(3) by striking "Commission" each place it appears and inserting in lieu thereof "Panel".

SEC. 326. ALASKA RAILROAD TRANSFER ACT OF 1982 AMENDMENTS.

Section 608 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1207) is amended—

(1) by striking "Interstate Commerce Commission" each place it appears and inserting in lieu thereof "Transportation Adjudication Panel"; and

(2) by striking "Commission" in subsection (b) and inserting in lieu thereof "Panel".

SEC. 327. REGIONAL RAIL REORGANIZATION ACT OF 1973 AMENDMENTS.

The Regional Rail Reorganization Act of 1973 is amended—

(1) in section 304(d)(3) (45 U.S.C. 744(d)(3))—

(A) by striking "this title," and all that follows through "(A) shall take" and inserting in lieu thereof "this title, the Commission shall take"; and

(B) by striking "this subsection; and" and all that follows through "205(d)(6) of this Act" and inserting in lieu thereof "this subsection"; and

(2) in section 707 (45 U.S.C. 797f)—

(A) by inserting "(a)" at the beginning of the text; and

(B) by adding at the end the following new subsections:

"(b) Notwithstanding any other provision of this Act or any agreement or arrangement in effect as of the date of the enactment of this subsection, the Corporation may not sell or transfer ownership or management, in whole or in part, of any facility acquired by the Corporation under this Act that is used for the repair, rehabilitation, or maintenance of cars or locomotives, without first obtaining the express consent of the authorized representatives of the employees at such facility covered by collective bargaining agreements. Any transaction undertaken in violation of this subsection or subsection (c) shall be considered in violation of section 6 of the Railway Labor Act, and shall be actionable as such.

"(c) Notwithstanding any other provision of this Act or any agreement or arrangement in effect as of the date of the enactment of this subsection, any transfer by the Corporation of ownership, in whole or in part, other than for scrappage, of a car or locomotive that was repaired, rehabilitated, or maintained, before the date of the enactment of this subsection, at a facility acquired by the Corporation under this Act, without first obtaining the express consent of the authorized representatives of the employees at the Corporation's principal maintenance facility covered by collective bargaining agreements, is prohibited.".

SEC. 328. MILWAUKEE RAILROAD RESTRUCTURING ACT AMENDMENT.

Section 18 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 916) is repealed.

SEC. 329. ROCK ISLAND RAILROAD TRANSITION AND EMPLOYEE ASSISTANCE ACT AMENDMENTS.

The Rock Island Railroad Transition and Employee Assistance Act is amended—

(1) in section 104(a) (45 U.S.C. 1003(a)) by striking "section 11125 of title 49, United States Code, or"; and

(2) by repealing section 120 (45 U.S.C. 1015).

SEC. 330. RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976 AMENDMENTS.

The Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) in section 505(a)(3) (45 U.S.C. 825(a)(3))—

(A) by striking "A financially responsible person (as defined in section 10910(a)(1) of title 49, United States Code)" and inserting in lieu thereof "(A) A financially responsible person"; and

(B) by inserting at the end the following new subparagraph:

"(B) For purposes of this paragraph, the term 'financially responsible person' means a person who (i) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired, and (ii) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years. Such term includes a governmental authority but does not include a class I or class II rail carrier.";

(2) in section 509(b) (45 U.S.C. 829(b)) by striking paragraph (2); and

(3) in section 510 (45 U.S.C. 830) by striking "the provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a), nor".

SEC. 331. SERVICE CONTRACT ACT OF 1965 AMENDMENT.

Section 7(3) of the Service Contract Act of 1965 (41 U.S.C. 356(3)) is amended by striking "where published tariff rates are in effect".

SEC. 332. FISCAL YEAR 1982 CONTINUING RESOLUTION AMENDMENT.

Section 115 of the Joint Resolution entitled "Joint Resolution making further continuing *appropriations for the fiscal year 1982, and for other purposes" (Public Law 97–92; 95 Stat. 1196) is repealed.*

SEC. 333. MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.

Section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) is amended by—

(1) striking "part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.), or any successor provision of" in paragraph (2)(C) and inserting "part B of"; and

(2) striking "common carriers of passengers under part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.), and any successor provision of" in paragraph (3) and inserting "carriers of passengers under part B of".

SEC. 334. FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994.

Section 601(d) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305) is amended by striking all after "subsection (c)" and inserting "shall not take effect as long as section 14501(b)(2) of title 49, United States Code, applies to that State.".

SEC. 335. TERMINATION OF CERTAIN MARITIME AUTHORITY.

(a) REPEAL OF INTERCOASTAL SHIPPING ACT, 1933.—The Act of March 3, 1933 (Chapter 199; 46 App. U.S.C. 843 et seq.), commonly referred to as the Intercoastal Shipping Act, 1933, is repealed effective September 30, 1996.

(b) REPEAL OF PROVISIONS OF SHIPPING ACT, 1916.—The following provisions of the Shipping Act, 1916, are repealed effective September 30, 1996:

(1) Section 3 (46 U.S.C. App. 804).
(2) Section 14 (46 U.S.C. App. 812).
(3) Section 15 (46 U.S.C. App. 814).
(4) Section 16 (46 U.S.C. App. 815).
(5) Section 17 (46 U.S.C. App. 816).
(6) Section 18 (46 U.S.C. App. 817).
(7) Section 19 (46 U.S.C. App. 818).
(8) Section 20 (46 U.S.C. App. 819).
(9) Section 21 (46 U.S.C. App. 820).
(10) Section 22 (46 U.S.C. App. 821).
(11) Section 23 (46 U.S.C. App. 822).
(12) Section 24 (46 U.S.C. App. 823).
(13) Section 25 (46 U.S.C. App. 824).
(14) Section 27 (46 U.S.C. App. 826).
(15) Section 29 (46 U.S.C. App. 828).
(16) Section 30 (46 U.S.C. App. 829).
(17) Section 31 (46 U.S.C. App. 830).
(18) Section 32 (46 U.S.C. App. 831).
(19) Section 33 (46 U.S.C. App. 832).
(20) Section 35 (46 U.S.C. App. 833a).
(21) Section 43 (46 U.S.C. App. 841a).
(22) Section 45 (46 U.S.C. App. 841c).

SEC. 336. DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1982 AMENDMENT.

Section 402 of the Department of Transportation and Related Agencies Appropriation Act, 1982 (Public Law 97–102; 95 Stat. 1465) is repealed.

The CHAIRMAN. Are there any amendments to title III?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. KINGSTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, pursuant to House Resolution 259, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 8, not voting 7, as follows:

[Roll No. 793]

AYES—417

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—8

Engel
Filner
Green
Moran
Nadler
Pomeroy
Williams
Wynn

NOT VOTING—7

Conyers
Fields (LA)
Gunderson
Mink
Tucker
Volkmer
Yates

□ 1851

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. MOLINARI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentlewoman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Ms. ROYBAL-ALLARD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 359.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

PROPOSED MOTION TO DENY MONEY FOR GROUND TROOPS TO BOSNIA

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, I have a motion at the desk which I will not bring before the House this evening. My motion, had it passed, would have denied money to send ground troops to Bosnia without the President coming and essentially getting a complete accord with the House before he did that.

I have withdrawn this motion, Mr. Speaker, and I will not act on this motion because I have been assured that the Committee on Rules will, on Thursday night, bring up a rule on the Hefley bill. The Hefley bill does the same thing in a different way. I am very supportive of that route also.

I just want to say, Mr. Speaker, that I think before we allow money to be spent to send ground troops to Bosnia, we must get a complete explanation of what is the plan, what are the vital United States interests involved, what is the exit strategy. All these things are absolutely essential, and the Hefley bill will do this that.

Mr. Speaker, at this time I will not bring up the motion, and we will have a vote on this before we go home for Thanksgiving, in my view.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I thought I would take a minute to advise our Members that we expect no more votes this evening. The House will reconvene tomorrow morning at 10.

We should expect tomorrow morning that we will be able to deal with some possible appropriations conference reports, the foreign operations conference report, the Interior conference report, the Treasury-Postal conference report. All of these are subject to a rule.

Then, of course, it is also possible, Mr. Speaker, and I have no definitive information, but Members should be aware it is also possible that there could be some action on a continuing resolution. Those, basically, are the comments I would like to make.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I would ask the gentleman if he expects the reconciliation conference to be voted on in the House on Friday.

Mr. ARMEY. I thank the gentleman for his inquiry.

My best guess at this time is that we would expect to vote on the reconciliation conference report on Friday, the Balanced Budget Act on Friday, and we would then, I suppose, in all prudence, have to advise Members that pending action by the other body, we might be prepared to be working Saturday as well.

Mr. GEPHARDT. If the gentleman will continue to yield, obviously, betting is not allowed on the floor of the House, but I am sure that was a friendly wager and not a bet.

Mr. ARMEY. Mr. Speaker, I would say to the gentleman, I appreciate that. It is actually a penance that is paid for rhetorical aberrations.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, to reiterate again, I am sure the gentleman said it, but I want to make sure others heard it, the gentleman said there was a likelihood that we would be in session on Saturday and Sunday of this weekend, is that not correct?

Mr. ARMEY. I am afraid that is correct, and I think it is only fair that we advise Members of that possibility.

Mr. GEPHARDT. I thank the gentleman.

EXECUTIONS IN NIGERIA

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, on November 10, Nigeria's military junta, under the leadership of Gen. Sani Abacha, hanged eight human rights activists, including Ken Saro-Wiwa, president of the Movement for the Survival of the Ogoni people, and seven other human rights activists.

Mr. Speaker, this was an insult to humanity, and this behavior was outside the circle of civilized human behavior. "Nigeria is one of Africa's most richly endowed countries," the New York Times wrote in a recent article, "but a succession of military dictators has looted it and left its people impoverished. Since he seized power in 1993, General Abacha's tolerance for corruption and international drug dealing and his gross abuse of human rights have made matters considerably worse.

"Mr. Saro-Wiwa was targeted because he had been an effective leader of the Ogoni people who inhabit Nigeria's main oil-producing region. He mobilized campaigns to win compensation for environmental damage caused by the oil industry and pressed for a modest share of oil revenues to be diverted from the pockets of the military toward the needs of the Ogoni people." The editorial goes on to say, "This popular movement has brought military repression to Ogoniland."

Mr. Speaker, Mr. Saro-Wiwa was executed, and he did nothing wrong. He did nothing wrong except speak out for the Ogoni people, for environmental protection, and for the end of the degradation of the environment of those people.

I think this Congress should call on Shell Oil Co. to use its leverage to encourage democracy and freedom of expression in Nigeria. I am pleased to say that the International Finance Corporation of the World Bank has decided not to make a $100 million loan to Nigeria. I hope that this Congress, this House of Representatives, will speak out forcefully against the Nigerian Government and its repression of the Nigerian people, and that we should remember Mr. Saro-Wiwa for the hero that he is.

Mr. Speaker, I include for the RECORD the full article which appeared in the New York Times.

The article referred to is as follows:

[From the New York Times, Nov. 9, 1995]

A DEATH SENTENCE IN NIGERIA

Gen. Sani Abacha's military dictatorship is moving quickly to execute Ken Saro-Wiwa, one of Nigeria's leading environmentalists and minority-rights leaders, after convicting him on trumped-up charges in a military court. Yesterday Nigeria's ruling council confirmed Mr. Saro-Wiwa's sentence.

Only outside intervention, especially by the United States and the international oil companies whose business keeps the Abacha regime afloat, can now save his life. President Clinton should speak out on Mr. Saro-Wiwa's behalf without delay.

Nigeria is one of Africa's most richly endowed countries, but a succession of military dictators have looted it and left its people impoverished. Since he seized power in 1993, General Abacha's tolerance for corruption and international drug dealing and his gross abuses of human rights have made matters considerably worse.

Mr. Saro-Wiwa was targeted because he has been an effective leader of the Ogoni people who inhabit Nigeria's main oil-producing region. He mobilized campaigns to win compensation for environmental damage caused by the oil industry and pressed for a modest share of oil revenues to be diverted from the pockets of the military toward the needs of the Ogoni people.

This popular movement has brought military repression to Ogoniland. The alleged crime for which Mr. Saro-Wiwa and other Ogoni leaders have been sentenced to death, the killing of four moderate Ogoni chiefs, occurred during clashes between moderates and a militant young faction.

Mr. Saro-Wiwa was not even in the vicinity when these clashes occurred. The United States State Department has protested the lack of due process, and the British Foreign Office has strongly deplored both the trial and the death sentences. But more is needed, and fast.

International businesses should normally try to stay clear of domestic politics. But the direct connection of this case to the oil industry, the reliance of the Abacha regime on oil revenues and the looming threat of international sanctions make this an exception. Oil companies, especially Shell, historically the main producer in Ogoniland, as well as two American-based companies, Chevron and Mobil, should use their influence with Nigeria's Government in Mr. Saro-Wiwa's behalf.

TransAfrica, the African-American lobbying group that led the economic boycott campaign against apartheid in South Africa, has been urging an oil embargo against the Nigerian dictatorship. That is a drastic step, but it begins to look like the only way to slow General Abacha's ruinous course. By executing Mr. Saro-Wiwa, the general would powerfully strengthen TransAfrica's case. Justice demands not only the commutation of Mr. Saro-Wiwa's sentence but his immediate release.

THE BUDGET BATTLE

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BARTON of Texas. Madam Speaker, last September the Republicans sent a continuing resolution to the President so that the Government would not shut down on October 1. We put in that continuing resolution enough time and money so that we could operate through all of October and part of November.

What did the President do? He ordered in travel brochures to see about his pending trip to Japan this week. When we asked him last week what he was going to do, he went out on the golf course last Friday.

We think there is a fundamental policy difference between ourselves and the President. We think that we need to protect our children's future. We need to come up with a plan that balances the budget in the year 2002 without any tax increases.

The President thinks it is a little bit better to work on his putting stroke out on the south lawn of the White House. We are not going to vote for a debt ceiling that does not have fundamental change in it.

We believe, as the last Democratic CBO director does, that the President is defending the low ground when he talks about Medicare premiums.

Let us make a few things perfectly clear. Medicare part B is optional. If the senior citizens do not want to pay the premium, they do not have to.

Madam Speaker, I submit for the RECORD the following article from the Wall Street Journal about the Medicare part B premium:

[From the Wall Street Journal, Nov. 14, 1995]

MEDICARE PREMIUMS ARE TAKING CENTER STAGE IN BUDGET BATTLE BETWEEN CLINTON, REPUBLICANS

(By Hilary Stout and Laurie McGinley)

WASHINGTON.—Laura Tyson, one of President Clinton's top economic advisers, went on national television this weekend to declare a "defining difference" between the White House and Republicans in the escalating budget debate: the issue of Medicare premiums.

And last night, President Clinton vetoed legislation to keep the government from temporarily closing down today largely because of an $11 difference in monthly Medicare premiums.

The irony is that the GOP Medicare measure, which would raise the monthly premiums a few dollars to $53.50 instead of lowering them on Jan. 1 as current law prescribes, is something that the administration could probably support in another context.

"I think, in a sense, the president is defending the low ground on this" says Robert Reischauer, former director of the Congressional Budget Office, now an economist at the Brookings Institution.

BEST WEAPON

Mr. Clinton objected to the stopgap spending bill for a number of reasons—including, he said, because its deep, across-the-board cuts would hurt education and environmental protection programs. But the White House chose to make Medicare premiums the focus of its public attacks. The president's advisers believe Medicare is their best weapon in the budget fight, and they have sought to turn the entire budget debate into a battle over the federal health program for senior citizens. Public opinion polls suggest this strategy is working.

Yet the Medicare premium increase itself isn't a do-or-die issue for many elderly and consumer groups, not even for the powerful American Association of Retired Persons. "What we have said is that we recognize that seniors need to be part of the solution," says John Rother, legislative director for the group, which has 33 million members. "And that sacrifice is better borne by premium increases" rather than through higher deductibles and copayments, which affect the sickest beneficiaries the most.

Here's what the premium battle is all about: Five years ago, the last time the federal government shut down because Congress and a president were squabbling over the budget, the eventual legislative deal wrote into law the dollar-amount of Medicare premiums for the ensuing five years. The idea was to set the amount elderly beneficiaries would pay at 25% of the total program cost, with general tax revenues subsidizing the rest. (When Medicare was first enacted 30 years ago, the elderly were expected to pay 50% of the premiums.)

But because the program costs didn't rise as much as lawmakers anticipated, the 1995 charge, $46.10 a month, actually amounted to 31.5% of the premium costs. That was to be rectified Jan. 1, 1996, when the law prescribed that premiums would be set at 25% of costs, no matter what the dollar amount was. That means they were scheduled to actually drop, to $42.50 a month.

But Republicans want to save the Treasury money—and, Democrats charge, pay for their proposed tax cuts—by keeping the premiums at 31.5% of costs, which would amount to $53.50 a month. Administration officials accuse Republicans of trying to balance the budget on the backs of the elderly and trying to sneak their budget priorities past the president by attaching them to the temporary spending measure. Republicans contend that it would be irresponsible to lower premiums.

A RESPONSIBLE THING TO DO

The decision to set premiums at 25% of costs, despite the dollar amount, was part of President Clinton's 1993 deficit reduction package, which passed Congress without a single Republican vote. A number of Democrats involved in those negotiations say that they didn't expect premiums to actually decrease because of it. In fact, many privately believe that keeping premiums at lest at current levels is the responsible thing to do.

Mr. Reishauer said, "31.5% as part of a fundamental structural change in Medicare is entirely appropriate, especially when combined with a surcharge on upper-income beneficiaries," as called for in the GOP plan. "Medicare is a very expensive program. And it's going to have to be one that's supported not just by the general taxpayer and those paying payroll taxes, but also by the beneficiaries."

An idea put forth by some Senate Republicans to freeze premiums at $46.10 in the stopgap spending measure stumbled yesterday afternoon, but some lawmakers were hoping to make it the basis of a future compromise. An administration official involved in the budget deliberations privately concedes that keeping Medicare premiums at the current level "wouldn't be the worst thing in the world" in the context of an overall balanced-budget package. But, the official adds, accepting any Medicare compromise with the GOP would be politically tough.

The other objection is a procedural one—but it, too, is laden with politics. Instead of saving the Medicare premium increase for the giant balanced-budget package, Republicans attached it to the temporary spending measure, designed simply to keep the government running while the White House and Republican congressional leadership negotiate a balance-budget deal. President Clinton calls this "blackmail."

A STRONG MOTIVATION

But the GOP has a strong motivation for pushing the issue now. Most elderly people might not notice the proposed increase if it is enacted soon.

That's because Medicare premiums are deducted from beneficiaries' monthly Social

Security checks, and Social Security recipients are scheduled to get a 2.6% cost-of-living increase as of Jan. 1. That means the average Social Security check will rise to $720 from $702, according to the government. If Medicare premiums grow to $53.50 on Jan. 1, recipients' checks will still be higher after the monthly Medicare deduction—$666.50 on average, compared with $655.90 today.

But if Republicans wait to negotiate higher Medicare premiums in a budget deal, Medicare premiums will fall on Jan. 1 as scheduled, then spike up. And the GOP would most likely take the public blame at the worst possible time—the beginning of a presidential election year.

The timetable for the GOP becomes even more urgent because the Social Security Administration needs to know the premium by tomorrow in order to make the changes for the monthly checks that go out Jan. 3, according to an agency spokesman. He said the agency's computer experts are trying to figure out a way to move the deadline back a few days.

The AARP's Mr. Rother insists that higher premiums should be considered only as part of a comprehensive Medicare-overhaul package, not as an add-on to the stopgap spending bill. "The issue of premiums is part of the larger questions surrounding the shape and size of Medicare," Mr. Rother says.

Both he and other advocates of the elderly are concerned about the premium increase in the context of the entire GOP health program. "When it comes to 31.5%, assuming it's in the Medicare budget bill," and not in the stopgap spending bill, "we can live with it, provided there are protections for low-income people," says Gail Shearer, director of health-policy analysis for the Washington office of Consumers Union, which publishes Consumer Reports magazine.

Currently, the poorest beneficiaries receive Medicaid subsidies to help pay for Medicare premiums, copayments and deductibles. Under GOP plans to revise Medicaid, the health program for the poor would be turned over to the states in the form of block grants. The legislation would require states to spend a certain percentage of their funds on the poor elderly, but, with premiums rising, advocates are worried the aid won't cover everyone who needs it.

STILL COMING OUT AHEAD

	1995	1996 current law	1996 GOP proposal
Average monthly Social Security payment	$702	$720	$720
Monthly medicare premium deduction	46.10	42.50	53.50
Actual monthly Social Security check	655.90	677.50	666.50

☐ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRIORITIES MUST BE ESTABLISHED IN BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I bring to the floor today some of the mail I have received, and I want to share it, both pro and con, for what we are doing here in Washington.

Gloria Chamberlain from Stuart, FL:

> DEAR REPRESENTATIVE FOLEY: Please do not give in to the Democrats in Washington concerning the budget or Medicare. The polls are wrong and the people are with the Republicans. Stay firm and tell the White House that big government days are over. Thank you for all you are doing and please stand firm.

Mike Salyers, Fort Pierce: "Support what you are doing. Hang in there. Need a balanced budget."

Diane Crisco, Port St. Lucie, FL. Balance the budget. She does not care if Government shuts down. Solve immigration problems.

Lisa Carroll, Stuart, FL. Do not back down. We must balance the budget.

Mr. Gus Heck from Stuart. Mr. Heck wants Congress to drop the riders in the continuing resolution and debt resolutions.

Richard James of Stuart. "Get rid of add-ons. You are holding the President back from signing CR because of extra stuff on bill. Stop holding America hostage. Very angry. Voting Democrat next time."

On Medicare we got a lot of responses from seniors. We sent out 117,000 requests for information. We have received over 6,000 back. Many people support us but would like to stay on the regular Medicare plan. Would consider an HMO.

Ms. Presensky from Fort Pierce somewhat opposes, wants to know more. Stresses take away fraud not benefits. She cannot get an HMO where she lives. We are hoping to change that. But she wants decreases in food stamps, decreases in foreign aid, decreases in welfare, and increases in veterans benefits.

We have Ms. Sutter from Port St. Lucie. Strongly supports the Republican plan. Would stay with regular Medicare, and she can do that. Supports Medicare, decreasing food stamps, decrease in the National Endowment for the Arts, decrease in the B-2 bomber, decrease in foreign aid, and a decrease in welfare. Supports veterans benefits. Please see that Congress puts some teeth in the new Medicare Preservation Act. Since its inception, the Medicare program has been riddled with fraud.

Mr. Speaker, I want to spend a moment on that. I think it is significant that we in Congress face the fact that there is tremendous amount of fraud in our system of Medicare. We read and see the reports on TV, we see the special reports that many of the news stations have done, and it is appalling. It is appalling that in this Nation there are entrepreneurs in the health care industry that are ripping off our society for hundreds of millions of dollars.

We have to focus on these problems. We have to find ways to find those perpetrators of the crime and take their licenses away, take their opportunities to do business away, lock them in jail like the criminals that they are. It is amazing to me that people can rip off our system for the hundreds of millions of dollars and walk away and say, well, we are going to get fined $10,000, so my theft of $100,000 certainly works out as a better fiscal advantage for me.

Mr. Speaker, I get that in letters constantly from my constituents saying to me, MARK, we have a lot of problems.

Let me read this letter from Maria Rooney in Jensen Beach. She opposes the plan but would like to stay on regular Medicare.

> Just a few lines to support my choices. I am 75 years of age and I work at a stand-up job every day. It also includes lifting cartons of merchandise. I continue to contribute to Social Security and to Federal income tax.
>
> I feel that Medicare can remain the same if controls be placed on it. Too many are taking advantage of food stamps and welfare making it an impossible situation for the poor elderly who must depend on it.
>
> The veterans fought for our country. Many in impossible situations, locations and living conditions. Many were away from home for years.
>
> Immigration is out of control. At one point in time people were sent back to their countries because of very strict health rules. Now we take them in knowing they are not in the best of health. Is this in the best interest of our country, which is bent on taking help and aid from our own poor and elderly?

Well, Marie, we are very concerned about that. There is not a person on my side of the aisle that is trying to take benefits away from people who have worked their entire life serving in the military or seniors that are entitled to benefits. We are increasing the benefit ratio. We are spending more money. We are going from $4,800 to $6,700. We are increasing 40 percent on our Medicare spending but we are targeting illegal immigration.

Mr. Speaker, it is amazing to me how our immigration law have become so lax; how people have been able to take advantage of the system of government, those that have served. I spoke at a veterans day ceremony this weekend, and it is sad to me that people, men and women, have lost their lives in pursuit of freedom in this country and we are telling them, in some cases, that their service maybe was important but not as important as other things.

Priorities must be established in this budget. Priorities must be established for those who have served our country and served our people, but there are so many things that are wrong with our system. If we close our eyes and say everything is fine and go back to spending, and spend, and spend, and spend, this Nation will not clean up its fiscal house.

I urge my colleagues as we continue the debate on Medicare to stress for more scrutiny on those that would rip off our elderly, those that would rip off our society and waste our tax dollars through fraud and abuse.

ORDER OF BUSINESS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent that I be allowed to switch my special order with the gentleman for New Jersey, [Mr. PALLONE].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

REPUBLICANS ARE SECRETIVE ABOUT CONTENTS OF BUDGET RECONCILIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I was just listening to the gentleman from Florida talk about Medicare and the budget, and I guess my response, initially, is that I just wish I knew what was in this budget reconciliation, as we call it, and what is coming out of the conference. Because one of the things that outrages me is the whole process that the Republican leadership has used from the very beginning in dealing with Medicare and the budget, and that is that we, as Democrats, do not know what is going on.

Mr. Speaker, they started out by bringing up the bill in the Committee on Commerce, in the Committee on Ways and Means, in some cases without any hearings, in some cases with very few hearings, giving us drafts of the bill either on Medicare, Medicaid, or the other reconciliation items either the night before or sometimes the morning that we were expected to vote on it.

This process continued today. I was really outraged when I went over to the Senate today. Last night those of us who were conferees on the budget, those of us who were supposed to work out the differences between the House and the Senate, were told last night that there was to be a conference at 3 o'clock this afternoon over on the Senate side. When I went over there with my other colleagues from the Committee on Commerce and from other committees we were first of all told there were not going to be any opening statements, that we were not allowed to speak; then we were told we were not allowed to ask questions; and finally, we were not even given a copy of the conference bill that has been mostly worked out in secret by the Republican leadership in the House and the Senate.

So once again, Mr. Speaker, this process continues. The Republican leadership does not want the American people, and certainly not the Democrats in this House, to know what they are doing. They hammer out secret agreements, in the case over the budget, over Medicare and Medicaid, without having any Democrats participate in the process. It certainly is not fair, it is outrageous, and it goes against the very democratic process that this House and this institution are supposed to be all about.

These are important issues. The differences between the House and the Senate bill on Medicare and on Medicaid are significant. For example, in nursing home standards. We know that in the Senate bill they continue the Federal nursing home standards. They do not in the House bill. How do I know what the difference is and what has been worked out in conference? I will probably have to read about it in tomorrow's newspaper.

We also know there was a significant difference with regard to pensions, because in the House version basically corporations are allowed to dip into their employees' pensions to use for various purposes. In the Senate bill they were not allowed that. I read this morning in the Washington Post that the conference has worked out a plan which says that a controversial provision that would allow corporations to withdraw excess money from workers' pension funds to pay for other employees and retirement benefits is apparently in the conference bill.

It is nice I read it in the newspaper, but there is no indication at this point as to what really happened. Certainly not the intricacies of what happened.

I also got a press release today with regard to my home State of New Jersey. Some of my Republican colleagues, in fact half of them on the other side, voted against the Medicare bill and against the Republican budget bill, as did I, because they thought it was unfair to the State and it would hurt senior citizens in the State of New Jersey.

An AP story comes out and says New Jersey office estimates higher Medicaid funds for the States. Apparently, the conference, which I have not seen, includes another $654 million in additional money beyond the House version in the bill for the State of New Jersey. Of course, they failed to point out that current law would provide $6 billion more. So, in effect, we have lost about $5.5 billion because of what came out in the conference report.

Again, Mr. Speaker, it is a constant effort to be secretive about what is going on, to reveal items in press releases or in the newspapers the next day and try to put a positive spin on them, but there is no positive spin.

The bottom line is that this Medicare bill will cut Medicare to basically provide tax cuts for wealthy Americans and that is what this conference report is apparently doing. The bottom line is that it is going to destroy the Medicare program as we know it and make it impossible for seniors to stay in a traditional Medicare program, forcing them into HMOs, where they will not have a choice of doctors.

With regard to Medicaid, the same thing is true. Medicaid will no longer be an entitlement. People who are poor, who fall below a certain income, whether they are disabled or pregnant women, whether they are children, in many cases they are not going to be entitled to health care coverage in the way that they have it now, because this bill, no matter how it is hammered out, is not going to provide them the same level of health care, and in some cases a lot of them may not get any health care at all.

I am really outraged again that here we are at the 11th hour before being told by the gentleman from Texas [Mr. ARMEY] that on Friday we will most likely vote on the budget bill that includes these terrible changes in Medicare and Medicaid, and to this day, even those who have been appointed to the conference, who are supposed to work out the details of this bill, have not been told the details of the bill. It is an outrage.

DEMOCRATS EMPLOYING SCARE TACTICS TO FRIGHTEN ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to talk about Medicare tactics that are taking place by our friends on the other side of the aisle and the administration. They are scaring senior citizens. As the Wall Street Journal editorial talks about, "Scare the Elderly Tactics" are going on right now, and I think it is wrong.

It is sad that they are trying to scare the senior citizens of this country and to make them afraid they will lose Medicare. When the President talks about we want to destroy Medicare, that is scare tactics, and that is wrong to do to the seniors and the elderly of this country.

Let me first of all talk about briefly what our proposal is on Medicare. First of all, we all know Medicare is going bankrupt and we have to do something to save Medicare. We all agree to that. My friends on this side of the aisle, the Democrats agree, the Republicans agree. We all want to keep Medicare. It is an important program. It is an essential program. We have to keep it alive and we have to save it for future generations. So we all agree to that.

The way we save it, Mr. Speaker, is to slow the rate of growth. We will spend more money every year on Medicare per person. Our spending, and remember these numbers, our spending goes from $4,800 per person under Medicare to $6,700, 7 years from today, per person under Medicare. We will increase spending every year for the

Medicare Program. Not quite as fast as some people on the other side of the aisle would like us to spend, but we can do it. It is happening in the private sector.

□ 1915

All we want to do is slow the rate of growth. The way we do this is by offering more choices. Why should we not allow choices to be offered? All Federal employees right now have a choice of plans. We get to choose. Why should not seniors be given the right to choose a plan? That is all we are talking about, slowing the rate of growth, saving the plan, and giving seniors the right to choose. And all the Members on the other side of the aisle want to do is say, that we are scaring seniors, we are going to destroy Medicare, we are going to kill Medicare. That is wrong.

Let us talk about the facts of what the President is doing. He said, oh, we do not want an increase in Medicare part B premiums. Oh, my golly, we do not want to do that. We cannot have an increase in Medicare part B premiums. The Medicare part B premiums today are $46.10. When President Bill Clinton was first elected it was $31.80. They have gone up $14.30 a month since his election. Do you know what happens? Next year is an election year. So he wants to have them go down.

Medicare part B premiums have gone up for 29 out of the last 30 years. But next year is an election year. So we are going to let them go down. And immediately after the election, his budget shows they go up 10.2 percent. In fact, for 6 years following next year's election, under the President's budget, they go up 89 percent.

Why is he saying, "We do not want to increase the premiums on part B, we want to let them go down," and then after the election, jump them? That is the type of scare tactics, the type of thing that should not be taking place in this debate.

Seven years from today, the President's projections on Medicare part B premiums are $83 a month. Our projections are $87 a month, $4 a month difference. Let us get serious about this debate and get on with the real issues.

In Florida, my home State, Members of the other party are experts on scaring seniors. Finally the Washington press corps is becoming a little aware of this. The Florida press corps is very aware of what Governor Chiles did in the last election. He specifically scared seniors to get elected last November. There is no dispute about the facts.

Last November, his campaign and the Democratic Party spent $360,000 phoning seniors during the last 2 weeks before the election saying there were some fictitious senior citizen organization and telling them that Jeb Bush and his running mate wanted to abolish Social Security and Medicare. Just scare tactics entirely.

Why is he doing that? The national press corps, they got all fired up on Willie Horton a number of years ago. Now they will not even get fired up over what Lawton Chiles is doing in Florida, in an orchestrated plan to scare the senior citizens of this country. Speaker after speaker gets up saying we are going to kill Medicare; we are going to destroy Medicare.

It is a good program. We have to keep Medicare. We have to save Medicare. I know they want to save Medicare, too. But stop talking this rhetoric. We have to agree on what we want.

The head of the Democratic Party of Kentucky is quoted as saying, I think white-haired people are scared and that ultimately helps us.

Come on. Here is a part of the Democratic strategy that someone happened to get a copy of. Some Democratic strategy. The quote in there is. The natural inclination for people is to think that the GOP wants to cut Medicare, not to make it more efficient but to hurt the elderly. We need to exploit this.

Mike McCurry, the White House press secretary said, "Eventually they would like to see the program just die and go away. You know, that is probably what they would like to see happen to seniors, too, if you think about it."

He apologized for it, but it is scare tactics. They should stop. Let us get down to serious things, the business of saving Medicare.

REPUBLICAN RECORD ON MEDICARE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I do not often come down into this well in a harshly partisan manner because I do not think most of the issues facing the country are either Democrat or Republican, but tonight I really felt compelled to come down here as a Democrat in memory of a marvelous gentleman that many of us served with named Claude Pepper from the great State of Florida. I hope our dear man, Representative Pepper, is listening to us tonight because he was the man who knew the history of the Social Security and Medicare Programs better than any other Member that I ever had the privilege to serve with.

I know what he would say if he were standing here tonight. He would look to the Republican side of the aisle and say: "I served here when Social Security was first debated and passed. Let the record show there was not one Republican vote that stood on this floor in support of the Social Security Program."

I was elected many years after Claude Pepper was elected, in 1982. In March of 1983, we had to restore the health of the Social Security Program. What happened in that election year of 1982 was, the American public saw that, with the election of large numbers of Republicans in 1980, the Social Security Program was again threatened. Claude Pepper stood on this floor, and there was not a dry eye in the House when he finished. We passed a bill in March 1983 to restore, restore the health of the Social Security Program.

So I find it somewhat ironic when I hear the crocodile tears from the other side of the aisle all of a sudden being real interested in trying to save Social Security and save Medicare, when the Republican Party has fundamentally never supported the two most popular programs that have been enacted in this century.

Now, in fact, if it had been up to the Republican Party, we truly know those programs would not have happened. If we look back to the Medicare program, consider this: From 1952 to 1965, 13 years, the Republican Party used every delaying tactic possible not to allow a Medicare bill to get on this floor. It was bottled up in committee for over a decade and a half. When the bill finally emerged, 97 percent of Republicans voted against Medicare in 1960. In 1962, 86 percent voted against Medicare. Then in 1964, thank God for Lyndon Johnson, 85 percent of them voted against Medicare.

So tonight we have got the entire Government of the United States shut down. Seniors in my district are not being served. Seventy a day are being turned away, over 400 phone calls, 400 visitors, people we have not been able to serve in Toledo, Ohio, today because of inaction by the Republican Party. Now we hear these very same people telling us, oh, they really want to save Medicare. They really want to save Social Security. Please, do not deny history.

From the very beginning, what has the Republican Party stood for? It has stood for voluntary plans, voluntary plans with no guaranteed financing and no guaranteed benefits.

So tonight we have watched people—I know their offices are being called because seniors all over this country know what is happending—stand down on this floor and act as though they have had this change of heart. I do not think there is any change of heart at all. It is the same old struggle that we had from the time of Franklin Roosevelt. That is the struggle on whether you truly believe in the integrity of these programs, that these are a contract of trust between generations, or what are they trying to do?

In the resolution that we are stuck on and we cannot move out of this Congress, they are trying to increase Medicare premiums. They are trying to change the program to what Speaker GINGRICH calls a Medicare program that will wither on the vine by making the program a program that does not keep the integrity of the system, because it gives people so many choices to operate out and go into other plans that in fact you lose the insurance base, the universal insurance base of the current program.

So I can just say that this Government shutdown is absolutely unnecessary. A thousand Federal workers in my district today were furloughed. As a result, three of our local Social Security offices are operating with a skeleton staff. Telephone calls are going unanswered today from in our district. Collectively, these offices could have served hundreds of people.

I do not see why we have to wait around here until Friday. What is wrong with the Republican Party? It's the same thing that has been wrong with the Republican Party since the 1930's. They have never believed in the Social Security and Medicare Program for all of our people.

BUDGET RECONCILIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I think it is important to simply take a moment and answer some of the many calls and concerns that have been expressed by all of our constituents, frankly.

The gentleman from Florida preceded me and offered a whole litany of calls that he may have received and letters that he might have received. And I think the American people need to themselves stop for a moment, for there is certainly a great deal of ire, if you will, and anger about this process. I am not sure if they heard clearly in the colloquy that was between the leader of the Democratic Party and the majority leader, indicating that this Congress would be in possibly Friday, Saturday and Sunday.

Clearly, let me emphasize that many of us voted last Friday to remain in session, I for one to continue this process. But if we would look at the order of things, in actuality, the Republican majority did not follow the stated schedule of the House, and that is to complete the appropriations process in September of this year.

For all of the debate and all of the dismay that is being cast about, this dilemma is caused specifically because we do not have the appropriation bills before the President of the United States of America. So when a constituent writes, please tell the Member do not follow NEWT GINGRICH, everyone followed him and they could not turn back, and she is an elderly middle-class lady. No name is given. NEWT GINGRICH and ROBERT DOLE, their proposal is cruel and disgraceful to senior citizens, and it is terrible what they are doing to this Government. It is criminal. These are not words that their Congressperson has put in their mouths. It is what they are perceiving and what is happening in this debate that is such a loud and irreverent sound.

It is important then for the facts to be laid upon the table. I voted for appropriation bills: transportation, agriculture, the legislative appropriation bills, the bills that were put before this Congress have been voted for by many of us.

The problem is that they have not on the Republican leadership gone through the Senate and reached the desks of the President of the United States. In actuality, some of those areas that are now shut down, 800,000 employees across this Nation, including the 18th Congressional District, could be operating if those appropriation bills that were passed by this House that many of us voted for had gone through the process, and now were facing, are before the President for his signature. That did not happen.

That is not the fault of the Democratic minority. That is actually the fault of the process of the House of Representatives under the leadership of the Republican Party simply not working. What do we have now?

On this day, November 14, 1995, we have a simple proposition for all those who are still dismayed about this discourse.

The simple proposition is to pass a simple continuing resolution. Would you realize that now in the heat of debate that the Republicans who foisted this upon us last week have now dropped all of these provisions. Were they that important? Should we have slid them under the table to devastate Medicare, to keep Catholic Charities and the Boy Scouts from lobbying the Federal Government? They got Federal funds to undermine the environmental protection system that we put in place, to undermine the criminal justice system? All of that requires healthy and separate debate but not on a continuing resolution. That should be clean and simple to keep the doors of this Government open so that the Social Security offices are open, the veterans offices are open, the IRS offices are open, so that the people can work for the American people. Then to lift the debt ceiling so that we can reasonably discuss the budget and we can decide whether we want to go toward the 21st century by cutting education so drastically, by increasing Medicare premiums from $43 to $53.

I would venture to say, if the American people got a chance to participate in that, they have already said it with some of their voices, they would argue that they would not want to see that occur. That should be separate from the crisis that we face today because the appropriation bills have not been passed.

But the commitment has been made on the floor of this House. We will be here Friday, Saturday, Sunday, because the Members of this House, those of us who have voted against this charade, want to make sure that, one, we put people to work for the American people. That is the key. As this letter said, grow up, I say, act like responsible adults we have all mistaken you to be. Doing the right thing can be summed up in one simple word, compromise.

To that constituent, we have willing on the House floor and in committee to compromise. We were willing to vote for a clean streamlined continuing resolution and to lift the debt ceiling so that we can confront the issues of budgeting and balancing that budget in a fair and bipartisan manner.

□ 1930

To my Republican colleagues the real question is:

Are you prepared to do that, to answer the American people, and be able to handle this in a manner that serves us well as we move into the 21st century?

I will be here to work; will my colleagues be here to work?

Mr. Speaker, I must rise today to express my profound disagreement with the legislative process surrounding two bills: The consideration of the continuing resolution to provide temporary funding to keep the Government functioning; legislation to extend the debt ceiling in order for the Federal Government to meet its debt obligations.

Our Federal Government is in crisis today because the House leadership focused all of its energy during the first hundred days on a Contract With America instead of making sure that the appropriations bills for fiscal year 1996 were on schedule to be considered and signed by the President before October 1, 1995, and avoid disrupting the Government, Federal employees and the American people.

At this time, only three appropriations bills have been signed into law. Those bills are Agriculture appropriations, Energy appropriations, and military construction appropriations. I voted in favor of those three appropriations bills. The President vetoed the legislative branch appropriations bill because he thought it was improper for Congress to fund its own operations before making sure that executive agencies were funded. The House and Senate passed another legislative branch appropriations bill and that bill and the Transportation appropriations bill are waiting to be cleared and sent to the White House. I also supported the latest version of the legislative branch appropriations bill, the Transportation appropriations bill and the Foreign Operations bill.

I am concerned about the process on these two bills because the Congress traditionally has passed continuing funding resolutions and debt ceiling extension legislation without adding extraneous provisions unrelated to the purpose of the bills. Some of the extraneous matter that was added to these bills included an increase in the Medicare Part B premium, a restriction on political advocacy by certain non-profit groups, provisions relating to regulatory reform.

In addition, the resolution would reduce funding levels for certain programs such as the Low-Income Energy Assistance Program, the Goals 2000 school reform programs, the AmeriCorps Program, and the Community Development Financial Institutions Program to 60 percent of the fiscal year 1995 allocation.

With respect to the debt ceiling legislation, the House leadership inserted provisions that would prevent the President from having the flexibility to manage various Government funds to enable the Government to meet its debt obligations. The results under the pretense of saving Social Security, this effort would gut Medicare. I want to save both programs. This has also caused our Government to lose credibility in international capital markets.

In addition, the majority Members of this House propose legislation today that would endanger the Social Security trust funds. I opposed this legislation.

Mr. Speaker, I hope that we can produce a clean continuing resolution and a clean debt ceiling bill. It is the right thing to do.

87 VERSUS 83

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, before I joined this body, I had been an engineer all my life, practicing engineering. Engineers are good at dealing with the facts and numbers because numbers do not lie. What I like to do tonight is not attack anybody, just present facts, exactly what is happening, why the Government has to be shut down, and I leave up to your judgment. I wish the people in California listen to me carefully tonight.

There are two problems. One is so-called Medicare part B premium. It is cutting too deep; in other words, raising Medicare part B premium to subsidize tax credit to rich people. That is the whole idea. I am going to talk about that, break it into two parts. Let me explain to you what is exactly happening in Medicare part B.

The Medicare plan has a part A and part B, two sections. Part A is to pay for all the hospital costs. It is financed by payroll taxes, 1.45 percent by employee, and employer match. Then money will be deposited into hospital trust fund. Then money will be spent for all the hospital costs. That is an issue for some reason.

Part B is an issue. The whole argument is part B. What is it? Part B is all the expenses outside of hospital costs such as doctor's bill, such as outpatient, and et cetera. That is paid by the senior citizens from their own pocket and then the rest of them subsidized by the Government.

Let me tell you exactly what happens now. Used to be the 50 percent paid by the senior citizens, the other half subsidized by the Government. It is now a little bit more than two-thirds subsidized by the taxpayers, one-third paid by the beneficiaries, senior citizens.

Who are these folks? Those are people working right now, some of them making only $50,000 a year, supporting children, sending them to school. Tough. They cannot even afford to have their own medical care, but they have to support senior citizens. That is what it is, one-third by senior citizens, two-thirds by the rest of the taxpayers.

Next year, 25 percent paid by the beneficiary, 75 percent paid by the other taxpayers; one-quarter, three-quarter relationship. Eventually, year 2002, 18 percent will be paid by the beneficiary, remaining 82 percent paid by the other taxpayers. All we are trying to do is maintain the same ratio, one-third, two-thirds relationship, because we cannot afford to have this kind of relationship. There is no money to subsidize this any more.

Medical costs keep going up, so we all have to pay a little more. Senior citizens have to pay a little more, a few dollars a month more. The remaining taxpayers have to pay a little more to subsidize this. Let us take a look at the second to see what is happening.

Why are we having this trouble? Let us take a look at this. The senior citizens paying $42.50, $46.10 a month. That is all they are paying. Actually costs about $150. The remaining balance is subsidized by the other taxpayers. This was the Republican plan, keeping one-third to two-thirds relationship because the hospital costs keep going up. Eventually we are going to ask senior citizens to pay a little more each month. By the end of the seventh year, end up paying $87 a month.

They say, "My God, it is a huge increase." Let us take a look at Mr. Clinton's plan.

His plan is at the end 7 years $83 a month, only $4 difference. Eighty-seven versus eighty-three, this is such an important issue so that Government has to shut down?

Let us take a look at the second, how to pay for these things. Interesting. Take a look at the second. Mr. Clinton proposed actually next year that the senior citizens premium will go down and go up again. Why is that? It is a question of it happens to be election year.

I am not accusing anybody. I want to take a look closely at what are the big differences here. Eighty-seven versus eighty-three; is that really critically important to shut down the Government for this? Why do we lower the next year premium and then raise it again? Why? This is exactly what happened to part B.

I want to take a look at this, make your own judgment. Let us talk about the second issue.

The rich people do not pay their share, and we are taking advantage of them at the expense of poor people, putting all the poor people out in the cold to pay for huge tax cuts.

My time is up already. I will talk about this tomorrow night.

TRIBUTE TO THE LATE CONSUL GENERAL CHIUNE SUGIHARA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to honor the late Chiune Sugihara of Japan, credited with saving the lives of thousands of Jewish refugees fleeing Poland in 1940. Chiune Sugihara died an unsung hero in 1986, but recently his story has been brought to international distinction as the "Japanese Schindler." This quiet man of courage is now being honored after 55 years in a series of events worldwide, including today's gala tribute in New York City by the Holocaust Oral History project.

Chiune Sugihara was assigned to Kaunas, Lithuania in 1939, as the Consul General where the Japanese Government assigned him to report on Soviet actions and German war intentions. The Nazi World War II slaughter of Jews had begun and scores of Jewish families sought to escape from Europe—mostly from Germany, Austria, and Poland. In September 1939, the German invasion of Poland caused Jews to seek refuge in Lithuania, many who desperately wanted to find passage to safer lands. First, they needed to find visas.

Japanese Consul General Sugihara and his wife Yukiko received numerous reports of appalling Nazi crimes against Jews. Not long afterward in July 1940, a line of Jewish families formed on the Sugihara doorstep, pleading with the diplomat to issue them transit visas for passage through Siberia into Japan via the Trans-Siberian Railway. Without the assurance that they would only transit through the Soviet Union, it was virtually impossible that Soviets would allow Jewish families to enter. He had however persuaded them to allow passage through the Soviet Union provided he could gain transit through Japan as well.

Consul General Sugihara cabled Japan three times asking permission to issue transit visas. He was denied three times. His desire to help seemed doomed.

But gaining his family's support, Consul General Chiune Sugihara then made a conscious decision to defy the Japanese Government. From July 9, 1940 to August 31, 1940, he wrote more than 2,139 transit visas by hand, saving nearly 10,000 Jews from the Holocaust. He carefully kept a list of all these documents which have been incredibly found in the archives of the Japanese Foreign Ministry.

In the same summer, Nazi Germany and allied Italy occupied most of Eastern and Western Europe. Japan had remained aligned, but not yet allied, with Germany through the Comintern Pact of 1935. In late summer of 1940, USSR annexed Lithuania and the two other Baltic States. Diplomats were told to leave immediately. Consul General Chiune Sugihara moved his family to a dingy hotel and continued to write visas. The Sugiharas were ordered to leave. Even as he was boarding the train to leave, Consul General Chiune Sugihara continued to issue visas from his train carriage window. In September 1940, Japan signed a tripartite pact with Germany and Italy.

The Sugiharas spent their remaining war years at various diplomatic posts in Germany, Czechoslovakia, and Romania. They were eventually captured and held in a Soviet prisoner-of-war camp until 1947, when the Sugiharas were finally allowed to travel back to their home country.

Upon his return, the Japanese Foreign Ministry dismissed him from diplomatic service and struck his name from their records because he had disobeyed their instructions. Nonetheless, Japan had honored his handwritten visas and allowed these Jewish refugees into the country, helping them to find permanent locations.

Sugihara lived out the rest of his life without any acknowledgement of his heroic deeds. He worked as a door-to-door lightbulb salesman, the most menial job any person could take to support his family. Later leaving his family in Japan, he went to work for a Japan import company in Moscow where he stayed for 16 years. Shortly before his death at 86 in 1986, Israel awarded Sugihara the Righteous Among Nations Award, its highest honor, in recognition of his humanitarian actions, and later named a grove of cedars after him in Jerusalem. Yet this man who was second only to Swedish diplomat Raoul Wallenberg in the number of Jews saved from the Holocaust did not receive an apology from his own Government, allowing him to die in disgrace, literally in exile.

Notable are the 6,000 Jews who sought passage from Consul General Chiune Sugihara through the Trans-Siberian Railway from Japan to the Dutch Indies, Australia, New Zealand, Palestine, and the Americas. Among visa-holders was Zerah Warhaftig who met with Sugihara to arrange visas for others as the head of the Committee to Save Jewish Refugees. Warhaftig later became a signatory to Israel's declaration of independence and the country's foreign affairs minister. Menahem Savidor, another saved by Sugihara, later became speaker of the Knesset. Sugihara issued visas for Mir Yeshiva, the only yeshiva to survive the Holocaust, which settled in Kobe, Japan.

In recent years, survivor upon survivor of the Holocaust have come forth, with the knowledge of whose signature brought them to safety. Sarah Gershowitz Levy of Fresno, CA; Jack Friedman of Orlando, FL; and Rita Wenig of Pikesville, MD are among those thankful for Sugihara's courageous actions.

In 1991, the Foreign Ministry took its first steps to restore Sugihara's honor by meeting with Yukiko Sugihara, his widow. Noticeably missing from this meeting was a clear apology from the Government for its treatment of Chiune Sugihara.

Immediately after Lithuania became an independent state in 1991, the country named a street in Kaunas after Sugihara. Lithuanian Prime Minister Adolfas Slezevicius in 1993 arranged a pilgrimage to Sugihara's hometown Yaotsu in Gifu Prefecture, central Japan, to lay a wreath on Sugihara's memorial cenotaph.

In August, 1993, the Education Ministry, one of the most conservative branches of the Japanese Government, agreed to have Consul General Chiune Sugihara's story published in a textbook for Japanese senior high school students.

Consul General Chiune Sugihara is being recognized for his greatness by the Holocaust Oral History project through organized exhibits and tributes, and a newsletter helping to link survivors. His noble bearing on world history must be validated on a global scale and the Japanese Government must find the words to apologize to this humble servant who understood his action was necessary in those times of terror, no matter what his own personal punishment might be. He and his family have endured poverty and ignominy for over 50 years. Sugihara's decision to act in defiance of his Government, because he knew to do otherwise would mean certain death for these innocent people, is the highest calling of our humanity.

Chiune Sugihara embodied the spirit of love and the conscience of a saint. His heroic deed shines forth to enkindle and comfort all in this world who still search for hope.

The following are my personal remarks made in New York City at town hall on November 14, 1995, in the tribute for this great man.

INTRODUCTORY REMARKS BY CONGRESSWOMAN PATSY T. MINK, AT TOWN HALL, NEW YORK CITY, NOVEMBER 14, 1995

Distinguished guests, Mrs. Yukiko Sugihara, Hiroki Sugihara:

I have the deep honor and privilege to introduce Mrs. Yukiko Sugihara, the widow of the late Chiune Sugihara, whom we have come to honor tonight.

It was Mrs. Sugihara and her family who paid the heavy price of banishment for their ultimate exercise of moral responsibility and for the love and compassion they felt for the Jewish refugees who flocked to them for help in those dark hours of death and despair.

Consul General Chiune Sugihara was born on January 1, 1900 of samurai class. He was well educated, schooled in the art and discipline of diplomacy, learned in the language of his assignments, fluent in the Russian language, destined for high posts, he was highly regarded by his associates. He adapted easily to his assignments. His nature is revealed by reports that he even joined the Russian Orthodox church. He was a rising star in his ministry. He knew that it was his job to carry out the wishes of his government.

From his desk in Lithuania in 1940 he became keenly aware of the violent scourge of hate that condemned the Jewish people to isolation and death.

In that fateful summer of 1940 shortly after he was assigned to Lithuania as Consul General, thousands of Jewish refugees were fleeing Poland and other places. His consulate being the only one open, besides the Dutch, they climbed the fence in desperate search for a way out. Their cries for help burned his soul. He frantically sought permission three times from his ministry in Japan. Each time he was refused. Finally the fourth time he was ordered to close the consulate. Time had run out.

How could he turn his back on these people and their agony? If he did not help, we knew they would die. Talking to his wife and to his five year old son, together they decided they had but one course to take. They had to help. They knew the risks and personal dangers. But not to help was to condemn these families to certain death in the dreaded ovens of hate. For the next 29 days until the consulate was ordered closed this time by the Russians, he wrote out by hand 2138 visas at the rate of 300 a day, issuing them in the last day from his hotel room and at the train station as he was departing from Lithuania.

History tells us that his act of honor and personal sacrifice saved the lives of upwards of 10,000 Jews.

Acting against the explicit orders of his government, he did what his conscience cried out to do. Chiune Sugihara knew he had the paper, the pen and a noble purpose. Each parchment upon which he placed his seal was a license to live.

His disobedience is immortalized by the thousands of lives he saved. He took the rare and unexpected route of personalizing the curse of war and hatred and choosing to save lives. His story is a remarkable drama of courage.

We understand that a diplomat is required to follow unquestioningly all orders of his government. We understand there can be no exceptions or substitutions of personal judgment.

Consul General Sugihara acted with extraordinary clarity of personal responsibility. He served his government with great honor and tragically he was not accorded that recognition by his government during his lifetime. Stripped of his diplomatic badge, he struggled to provide for his family after the war ended. He sold light bulbs on the streets, worked in a US PX, and finally was hired to work in Moscow far away from his family. His village erected a statue for him, a garden of cedars bears his name in Jerusalem, and a street reads his name in Lithuania. But in the official records of his government there is yet to be placed that wreath of honor and tribute for Chiune Sugihara.

I turn my thoughts to Mrs. Yukiko Sugihara. And ask her to come to the podium to present her remarks. With my warmest personal Aloha and affection, may I present Mrs. Yukiko Sugihara.

BALANCED BUDGET PLAN IS REAL ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to briefly make a couple of points, and I do not think I will take all the 5 minutes, but I wanted to read just the first part of an amazing story that was in the Washington Post just this morning. The Washington Post is certainly no conservative publication, it is no Republican newspaper. In fact, its political policies are considered to be very liberal, and yet this morning they had a news analysis by two of their staff writers, and the headlines said this: Balanced Budget Plan is Real Issue.

Let me repeat that, that the Washington Post said this morning, "Balanced Budget Plan is Real Issue," and then the story says this for the news analysis:

> For all the vitriol, all the finger-pointing and all the carefully staged, photogenic events, the current bickering between the White House and Capitol Hill has very little to do with the actual bills in question. The real issue is not Medicare premiums, temporary approval to spend government money or even the government debt limit—it is the coming confrontation over the Republicans' plan to balance the budget by 2002.
>
> For congressional Republican leaders—especially those in the House—the goal is getting the president to the table to negotiate a deal on their terms to wipe out the deficit in seven years.

Now this is from the Washington Post, and they say the real issue is the balanced budget. Our Republican leaders went to the White House last night with no preconditions. The only thing they have said, they said they will be willing to negotiate anything except they want the budget to be balanced within 7 years. Most of the people around this country think that we really should be able to do it much faster than that, and I can tell you that I think almost anyone with ordinary common sense and average intelligence probably could come here and balance the budget much faster than 7 years, but with all the competing interests involved, that seems to be the best that we can do. But I am sure there are many people across the country tonight who are sitting there thinking, "Well, yes, the balanced budget would be good, but would it really make a difference to me?" and I say to them that, yes, it would because almost every leading economist in this country tells us that this $5 trillion national debt we have is like a gigantic chain hanging around the neck of our economy. It is holding us back.

Mr. Speaker, times are good now for some people, but they could and should be good for everyone if we had handled our fiscal affairs in a better way and we were not so deeply, deeply in debt. People making $5 and $6 an hour could and should be making $10 or $12 an hour. In addition to that, while we do not have much of an unemployment problem, Mr. Speaker, we have a tremendous underemployment problem. We have many college graduates who cannot find jobs except in fast-food restaurants and jobs like that, and that should not be, Mr. Speaker, and things could be so much better if we would get our fiscal house in order and try to balance our budget, and the downside of it is, if we do not, we are headed for some major economic problems in the years ahead.

Mr. Speaker, we frequently say that what we are talking about doing, that it is for our children and grandchildren, and, yes, it certainly is. But it is also for the people who are in the prime of their life right at this time because we are headed for very serious problems, not in the distant future, but in the near future. The President's own trustees over Medicare have said, they said in their report issued in April, that the Medicare system was going to be broke in 6 or 7 years if we do not do something. A few months ago the Office of Management and Budget, the President's own Office of Management and Budget, put out a memo that said that by the year 2010, if we do not change things, we will have annual yearly deficit losses each year of over a trillion dollars a year, and by the year 2030, Mr. Speaker, have over $5 trillion a year.

Mr. Speaker, if we have losses, yearly losses, of $5 trillion, we would absolutely destroy the standard of living of our children and grandchildren. They could not buy a tenth of what we buy today.

In 1994, last year, Paul Tsongas, the former Senator from Massachusetts who was a liberal Democrat when he was in the House and Senate, he wrote an article for the Christian Science Monitor, and he said that the young people of today will pay average lifetime tax rates of an incredible 82 percent if we do not make some changes. Is this what we want to do to our children and grandchildren, make them become, as he put it, indentured servants for the Government? I do not think there is anybody out there who wants us to do that.

James K. Glassman wrote a few days ago in the Washington Post a column entitled "The No-Cut Budget." He pointed out that under our budget that we passed in both the House and Senate, the so-called Republican budgets, there are no cuts, that each year Federal spending goes up about 3 percent. It increases about $50 or $60 billion every year.

Medicare, we have gotten into that, and that is the second big point I want to make. We did not cut Medicare. We have not cut Medicare. In fact what we have passed is to give huge increases in Medicare spending. In my own State of Tennessee Medicare spending goes up from a little over $5,000 a year to over $7,000 a year at the end of this time.

We need to get this message out, Mr. Speaker, because the American people are being fooled by lies, distortions, and propaganda at this time, and I certainly hope they do not fall for it.

AMERICANS HURT BY GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I want to rise to speak tonight about the shutdown of the Government and what it means in human terms to thousands and thousands of people around the country and to say to Members that this is a very serious action that we really do have to remedy in the very near future because lots and lots of people are being hurt, and, as each hour and day passes, more, and more, and more people will be hurt and damaged by the failure of this Congress to come forward with a continuing resolution.

Just on day 1, 28,000 of America's seniors and workers have been unable to apply for Social Security or disability benefits. The Social Security offices are not open because of the furlough that happened today, and that simply means that people who have reached the age of 62 or 65 and wanted to apply today for these benefits were not able to do that.

Mr. Speaker, I yield to my friend, the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I just thought of a little story that happened just recently in Ocala, FL. This is a very interesting story. It was their 30th anniversary of being there and they asked us to come in and we did, and we talked about all the kinds of things that were going on, and we looked at their new computer systems and how quickly they were able to answer questions. But what they had was an office full of folks out in the front area.

□ 1945

I said, "What are all those folks doing there?" They said, "Well, they have come here because they have a problem with their Social Security, they did not get their check. We are trying to track it down. They are trying to get on the service themselves," all these different things that these folks come to these Social Security offices for.

Let me tell you what the mayor of the city of Ocala said in the resolution, in recognizing their 30-year anniversary. They bring into that city $45 million a month, a month, to help. That helps that economy within that city.

Those folks are not there today, and they are very, very concerned about what is going to happen to those people and their benefits.

Mr. GEPHARDT. I thank the gentlewoman for that story and contribution. I am sure that as the days roll on here, we are going to have hundreds and hundreds of stories of individuals who have had real problems in their life because of our inability to continue these needed government services.

Two hundred thousand of America's seniors today have tried to get the 1-800 help line for Social Security and have gotten no answer; 7,649 of America's veterans have been unable to file compensation pension and education benefit claims or adjustments.

Mrs. THURMAN. Mr. Speaker, if the gentleman will continue to yield, the first thing that happened to me this morning, it was a very sad case. A woman in my district's son who was a police officer in New Orleans, non-related, was killed. She just brought his body home and he has been buried.

The first thing that happened this morning was she was very concerned about her other son, who lives in New Orleans, who is in the Marines. She is concerned about his life. Had we not been there to answer the phones this morning, us, to help this young man get through the system, which we have done, we have told him how to do it, who he has to go talk to, and potentially how to get a hardship case to be brought back or taken and transferred to someplace else, his mother for the first time will probably have some comfort that somebody is working on that.

These are not veterans, but they are military, and they are part of the system of defense of this country that we are ignoring. They have problems that they come to us and to our staffs with all the time.

Mr. GEPHARDT. I thank the gentlewoman again.

What I want to say to the Members tonight, Mr. Speaker, and I do not have enough time left to go through more stories, but what I hope that we can do in the days ahead is two things: One, tomorrow I will be circulating among Members two pieces of legislation and asking for their cosponsorship. One will be a 24-hour continuing resolution, and the other will be a 48-hour continuing resolution. I hope to get as many Members as cosponsors as we can possibly get.

Second, Mr. Speaker, I hope to bring to the floor continuing facts and information on what is happening out in the country as a result of our failure to move forward with this continuing resolution. This is a manufactured crisis. This does not need to happen. I understand we have a dispute about the budget, I understand that both sides feel strongly about their views. I will not take the time tonight to go through the views that are on this side. But I must report that we do not need to manufacture a crisis in order to bring about a solution to that problem. No one needs leverage in this discussion.

The Republican side has all the leverage they need. They have a majority in the Congress. They can pass the legislation that they want to pass. The President has a veto. The President can veto bills or sign bills. Then we have to bring bills back and send them downtown to try to get them signed.

But to make innocent Americans the victims of our inability to solve this disagreement is simply morally wrong. We should not be doing it, there is no excuse for it, there is no reason that in the days ahead we should not be passing at least a 24-hour continuing resolution. If people are then unhappy about the pace of the talks and the negotiations, they can then vote against the next 24-hour continuing resolution, but we ought to give the American people what they have paid for, which is the services that these kinds of veteran's offices and Social Security offices are there to bring.

We will be trying, through the endorsement of these two pieces of legislation, we will try to get on the floor and ask unanimous consent three or four times a day to bring up these pieces of legislation for 24 hours or 48 hours of continuing resolution. We must continue to say to people what is happening, and we must continue to try to bring the situation, which is unexplainable and intolerable and totally morally wrong, to the attention of the American people, so that if people feel strongly about this, they will contact their representatives, we will get the votes to pass one of these bills, and we will get these offices reopened which are so important to the American people.

LET US BALANCE THE BUDGET

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, we are facing a dilemma here in the United States. It is called the Federal debt. This chart shows the Federal debt, the amount of money that is included. It is just close to $5 trillion. It is 4 trillion, 985 billion, 3,913 million, and on and on and on. I want to give you an idea just how much money that is. If you had gone in business the day Christ rose from the dead and lost $1 million that day and every day until today, you would only be one-fifth of the way to losing this much money, one-fifth of the way in almost 2,000 years.

The problem is now the linchpin of the struggle between the President and his liberal supporters and the American people and their Representatives in Congress. The American people want a balanced budget. The House and the Senate have passed provisions to balance the budget and continue Government, but the President, Mr. Speaker, the President has chosen to shut government down.

This is very clear. The President does not want a balanced budget. The American people and Congress do want a balanced budget. Let me show you what the President has offered. His budget that was sent to Congress over the next 10 years never does balance. In fact, when you get out to the last year, 2005, it is $200 billion in deficit. I have a contrasting chart that shows the difference between what we are doing with the Congress, this is the blue line that starts here and goes down to a balanced budget by the year 2002, and the President's budget, which continues at about a $200 billion deficit every year. It is kind of like my uncle, John Armstrong, says: "If you don't want to do something, any excuse will do."

Mr. President, we are tired of you looking for excuses. The President says, "Send me a clean continuing resolution, a clean debt limit ceiling, and I will start government up again." But let us look when the liberals controlled the House of Representatives. Since 1977, there have been 57 continuing resolutions. In the 1980s they hung an entire annual Federal budget on one continuing resolution. This is not uncommon.

But on the same path of inconsistency as the President and his alleged desire to balance the budget, Chief of Staff Panetta says, he said on November 9, "Don't put a gun to the head of the President. It is a form of terrorism." Further on he said, "Republicans are now obviously resorting to a form of blackmail in order to push their agenda onto the country. That is not an acceptable choice. This is blackmail."

But when Mr. Panetta was in Congress, and when the liberals were in charge, he said about the debt ceiling: "This is the only vehicle we have as we close these days before recess to try to bring the American public what I think is a very important issue, and it relates to our ability to control spending and to provide a shared sacrifice in terms of our approach to dealing with the deficits in this country." That was on June 28, 1984.

On the continuing resolution he said, "Having to adopt another continuing resolution in this process, I know the chairman and the Members of the Committee on Appropriations would prefer consideration and passage of separate bills, but I think we have to recognize the reality that we must pass on a regular basis massive continuing resolutions, and whether they like it or not, these continuing resolutions set national priorities, they send signals, they lock us into a future in one way or another." That was September 22, 1982. It was okay for the liberals in the Democrat-controlled Congress, but now, it is "blackmail."

Which way is it, Mr. Panetta? Is it "the only vehicle to bring to the American public a very important issue," or is it a form of terrorism, as you said on November 9? Is it that "We have to recognize the reality and set national priorities," as you said on September 22, 1982, or is it a form of blackmail, like you said on November 9?

I think the American public is tired of the doubletalk, Mr. Panetta. They want to lock us into a future, all right, but it is a future with a balanced budget. It goes well beyond—this double talk goes well beyond the Chief of Staff Panetta and the President's alleged balanced budget. It goes to cuts on Medicare. We are actually increasing the payments of Medicare from $4,800 per year as an average recipient to $6,700 per year in 7 years. It is the same on college student loans. They are going up over the next 7 years, almost $9 billion. It is the same on nutrition programs. Many of us remember that the President went to an elementary school and said, "School children will starve under the Republican Plan." No children have been reported starving in public schools. Nutrition programs are going up 4 percent each year for 7 years, a total of $1 billion.

The bottom line is "No more cheap excuses for shutting down the government, no more duplicity, no more doubletalk." Let us balance the budget. It will lower interest rates 2 percent, according to Alan Greenspan, from the Federal Reserve, chairman of the Federal Reserve, and that will affect every American, every household, every family. Balance the budget. Let us not have any excuses. Let us have a bright future for our children and our grandchildren.

THE GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, when I was a kid coming up, my favorite television show was "Dragnet." Sergeant Joe Friday used to indicate constantly, "The facts, ma'am, just the facts." That is what I want to discuss here today, how did we get in this mess with this Government shutdown, and just the facts.

You know, instead of doing what we should have been doing, working on the budget and the appropriation bills necessary to keep the Government running, the so-called leadership of this House had us waste over 3 months on the Contract on America, a campaign gimmick that most Americans have never even heard of, or, for those who have, did not really care anything about it.

As a result, it is mid-November, and only 4 of the 13 appropriation bills have been approved by Congress, 1½ months after all appropriation bills were due. Republicans still have not passed only four of them. To me, this is unbelievable, how 800,000 Federal workers have been furloughed, many veterans and seniors will not receive their benefits on time, and the Republicans continue to blame the President.

The question I have is this: How in the world can the President be blamed for this shutdown when only 4 of the 13 appropriation bills have reached his desk? In addition, he does not have a vote in this House or the Senate. The answer is that he cannot be blamed for this. The responsibility lies on the leadership, the Republican leadership in this Congress. They are the ones who have failed to do what they were sent here to do. The Republicans are also the ones who have been threatening to shut down this Government if the President does not cave in to their extremist agenda.

It was the Speaker who said last April that a Government shutdown and default would be political tools he would be likely to use as a leverage to push his extreme agenda. You know, if the Republicans really want to keep the Government up and running, they would have sent the President a clean continuing resolution. Instead, they forced the President to veto this legislation because of all the riders attached to it. Then, after the President vetoed the CR, the Republicans blamed him for shutting down the Government. But the American people are not buying it, and the American people are beginning to realize just how mean-spirited and extreme the Republican agenda is, and they do not like it.

Along with this extreme agenda, the American people are also against the Republicans blackmailing and refusing to compromise. The Republicans need to stop playing blaming games and get down to business and do what the people sent them here to do. You know, I often say, "You can fool some of the people some of the time, but you can't fool all of the people all of the time," and the American people are waking up to the Republican party.

□ 2000

TECHNOLOGY AND THE TRUTH

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I have here a voting card, which all Members of Congress have. We put it in the machine, hit a little button, and then it goes to a computer over a block away in the Rayburn building and comes back and up on the board our vote is permanently recorded for all people to see.

We also are recorded on C–SPAN. We have great technology. In fact, many people around America are watching me speak tonight and others speak through the miracle of technology. I am wondering if the technology that has brought us C–SPAN and cards like this could not also be used for a truth meter.

Is it not time, Mr. Speaker, that Members of Congress maybe have some special rig to the microphone that when we start lying and start getting way off the farm from reality that maybe we could get a little sound that goes "beep." For example, when one of the leaders of the Democratic Party says, "Well, Republicans are going to cut Medicare," knowing full well we are going from $4,800 to $6,700 per person; knowing that, and they look your mother in the eye and your dad and assume that they do not know what is going on and say, the Republicans are going to cut your Medicare. Wouldn't it be great to have a beep come on and for all those C–SPAN viewers out there to know the person who is speaking is lying.

Mr. GENE GREEN of Texas. Mr. Speaker, I would ask the gentleman's words be taken down. Did I hear correctly that he was saying some Members of Congress on the Democratic side were lying?

The SPEAKER pro tempore. The gentleman was talking about a machine that might detect it. He made no reference to any individual.

Mr. GENE GREEN of Texas. I would like to, if I may, ask for his words to be read back because I do not think I heard what the speaker heard.

□ 2002

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The Member will suspend. The Clerk will report the words.

Mr. FOX of Pennsylvania. Point of information Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. FOX of Pennsylvania. Mr. Speaker, I do not believe any of the words of the gentleman were attributed to any of the Members of the House. It was a discussion about a truth meter, if such an object were developed and available through technology, what its value might be to the American public.

Mr. GENE GREEN of Texas. Mr. Speaker, are we going to debate this? We will debate it while the words are taken down.

The SPEAKER pro tempore. The gentleman from Pennsylvania will suspend. The Chair is about to have the words reported and then the Chair will rule.

While the Clerk is preparing to read the words, the Chair would admonish all Members to be respectful. There has been a lot of heated debate over the last few days. Be respectful of fellow Members.

The Clerk will read the words.

The Clerk read as follows:

> For example, when one of the leaders of the Democratic party says, "Well, Republicans are going to cut Medicare", knowing full well we are going from $4,800 to $6,700 per person knowing that, and they look your mother in the eye and your dad and assume that they do not know what is going on and say, "The Republicans are going to cut your Medicare." Wouldn't it be great to have a beep come on and for all these C-SPAN viewers out there to know the person who is now speaking is lying.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The words are not a specific reference to any individual members. Earlier this evening, reference was made to the "so-called leadership" of the House and that was not a reference to a specific person.

The Chair would rule that these words are not out of order, but the Chair would caution Members again to be respectful to the House leadership and each other here this evening.

The gentleman from Georgia may continue.

Mr. KINGSTON. Mr. Speaker, let me be first to say that in my concept of new technology, we could install them on both the Democrat and Republican microphones, so that when a Member of either party get off the farm and reality we could have a little beep come on. It was an idea in technology.

I thought my good friend from Texas was going to ask to yield the floor and see if we could set up a study committee for this truthometer on the microphone.

Mr. GENE GREEN of Texas. If the gentleman will yield, Mr. Speaker. I will be glad to talk about the veracity of polygraph tests.

Mr. KINGSTON. If it is polygraphs, the technology is out there, and that is the point. If we could just do this, I think it would be great.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I am happy to yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Speaker, will the gentleman tell me who has control over what is truth and what is false?

Mr. KINGSTON. The American people.

I would also say maybe we can put in some Math-101 classes so when folks say Medicare going from $4,800 to $6,700 is a cut, we can work on that, because maybe they can do that without the beep being triggered. There could just be some misunderstanding on what number is greater.

Mr. Speaker, I do want to point out one thing, though. There has been discussion about attaching things to this bill that has put the President in this bad position. In the words of the budget director, the Chief of Staff, and I believe I can quote him without causing any ruckus, the Republicans are now obviously resorting to a form of blackmail in order to push their agenda onto the country. This is unacceptable. This is blackmail.

Those were the words of Leon Panetta in the White House press release November 9. Yet, as a Congressman he said, yet this is the only vehicle we have as we close these days before this recess to try to bring the American public what I think is a very important issue that relates to our ability to control spending and provide a shared sacrifice in terms of our approach.

That came from the CONGRESSIONAL RECORD on June 28, 1984, which then-Congressman Panetta was saying, yes, it is okay to put stuff on these bills. They are a good vehicle. This is the only way we can do it.

So, Mr. Speaker, when we talk about the Republican Party overloading some of the budget bills and trying to blackmail the President of the United States, I would say there are true philosophical differences. The Republican Party wants to reduce the size of Government. They want to end the micromanagement out of Washington. They want to give the middle class some tax relief.

Yes, we are using legislative vehicles to do that. Members of the minority party do not want that; I understand that. But perhaps if the President would just agree that we want to balance the budget in 7 years, perhaps we could scale back on all this stuff.

I think it is important to have the dialogue. I think it is important to have a debate, but, most importantly, let us put the American people first. Let us put their interests first and try to do the right thing.

THE VOTERS VOTED FOR CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, today during the debate I was not given an opportunity, because we only had about 20 minutes on each side, to kind of explain what I think is a very important part of this process and a concern that I have. It concerns specifically when I came into the House in 1992, with about 110 freshmen, both Democrats and Republicans. Actually, there are several of them sitting on the floor tonight.

Let me tell my colleagues, when I listened to the debate today, I was astonished about hearing what happened in 1980. Oh, we had 52 CRs, and this is what has happened over and over and over again. Well, my folks did not send me here because they wanted to see business done as usual. They said they wanted a change. They wanted a difference. They wanted Government to run efficiently and effectively and they wanted to see things happen.

Democrats and Republicans in 1993, this same date, November 14, 1993, all 13 appropriations bills had been signed into law.

□ 2015

Do you know what? We had big fights. Do you know what we were able to do? We actually reduced discretionary spending. I think some of you remember that. We reduced discretionary spending. We came in under our caps. We cut 40 programs. We took 408 other programs, and we slashed them from the previous year's expenditures. We did that, and we still continued. 1994, every bill, one more time, was done again by September 30, signed into law, had gone to the President. Democrats and Republicans voted for it.

Now, I want to talk about what I see happening today. Let me tell you all what maybe some of you do not know. Do you know that the Agriculture Department is open? It is open toady. Federal employees were not furloughed. They were not put under the same restraints. Farmers are going to be able to be taken care of, because this House had passed a bill, the Senate had passed a bill. They had a conference committee, which is the process. It is to take what the House and the Senate and look at the differences, reconcile them and then bring them back to each body for them to agree or disagree on. And we did that. We did the work. And it went to the President. It was signed into law. But let met tell you what has happened now on the other 12 bills.

Yes, some of them have been passed by the Senate and by the House. But what has happened is, in the conference committee, the conference committee, and I hate to be partisan, because when I came in here with my 110 new freshmen, we did not make it partisan. We sat down and got the work done. We decided what needed to be reconciled.

But now, for example, let me tell you what some of the issues are. The crime and judiciary programs are being delayed because Republican leaders insist on rewriting the 1994 community policing program. Okay. Rewrite it. Bring it back. You have the votes to pass it. But guess what is stopping it. Within their own Senate and House conferees on their side, they cannot reach a compromise. They cannot agree on how to do the policing program, one of the most popular programs that was done in the crime bill and was used by many of our communities.

Veterans and housing programs, something that every one of us stand on this floor and we talk about our veterans and what the sacrifices were. What is holding Veterans and Housing programs up? Want me to tell you? A bill that had riders that were 17 demands which would have weakened environmental laws. Okay?

Let met tell you what is so interesting about this, the House rejected the bill two times. They did not like the outcome. We passed the amendment, took the riders out. Did not like the outcome of it. Brought it back until they got the results. Sent it over to the Senate. The Senate said no. They brought it back to the House again. They cannot reconcile their differences between themselves so we have no spending bill so they are shut down.

Then we have the Interior appropriations bill that is being delayed. Why? Because there are some Members who want to give away American lands to foreign mining interests. They cannot decide if they want to do that. So what has happened? We do not have an Interior bill.

The list goes on and on and on. We would not have to be doing what we are doing today and having the pressure put on if these bills had been done and signed. We would have had an opportunity to debate the other issues.

I think that is awful. But I have to tell you something, and I think that this is what is very interesting. First of all, let me suggest to you all, I called by district office, 21 new requests. I will come back here in about another hour because I have some other things that I want to thank the American people for doing, because I believe they are the reason why we have the difference.

Veterans and Housing programs are being delayed because Republicans have included 17 demands which would weaken environmental laws. The House has rejected this bill two times, yet Republicans don't get it.

The Interior appropriations bill is being delayed because some Members want literally to give away American lands to foreign mining interest.

All of these bills could now be law if only the excess baggage had been thrown overboard. For instance, while the rest of the Government is closing down, the Department of Agriculture is working. Why?

Because all sides were able to resolve their differences and put a fair bill on the President's desk and he signed it.

Some people are blaming the President for this action, but every school child knows that Congress makes law and the President executes them. If no bill has been passed, there is nothing to execute.

If you cannot pass the easiest of bills then you cannot direct the country.

The Republicans simply don't pass.

VOTERS REJECT GOP AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. GENE GREEN, is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to discuss, and I am glad my colleague from Georgia talked about the concern of the American people because they hear a lot of different things from the different mikes on the floor. Oftentimes the frustration they have and some of us even in Congress do not know what to believe.

But let me just go over some of the poll results because I have never, as a Member of Congress or even in earlier life, serving many years in the legislature, responded to polls because I think we need to represent people and not just polls. But the polls in the last few weeks are the best things we know, and the last month, of how Congress has been doing.

Two polls were released last week suggesting that the American people are increasingly unhappy with Congress and particularly the majority Republican Congress. One of them was conducted by the Wall Street Journal and NBC and one by the Los Angeles Times reveals that voters are rejecting the Republican agenda and their leaders in Congress and suggest that the battleground issues like Medicare will play a significant role in next year's elections.

First of all, the Wall Street Journal and the NBC poll said that 59 percent of American voters disapprove of the job Congress is doing. And this is an all-time high for the GOP Congress and places it close to our congressional disapproval last year before the 1994 elections.

The other poll talks about 1 year out from the 1996 elections, the Los Angeles Times poll released this Sunday shows Democrats ahead of Republicans for the first time since the 1994 elections, 44 percent to 42 percent. Again, not a landslide, but a year ago Democrats were down by 5 percent. Among seniors, a key voting block in 1996, Democrats are ahead of Republicans by 18 percentage points, 52 percent to 34 percent. And a year ago, Republicans held the edge among seniors 45 to 40 percent.

I am glad my colleague from Georgia talked about the need maybe for some type of truth meter on our mikes because I know the frustration of our constituents all over the country. But I think their frustration is being reflected in the polls I just mentioned.

Plain and simple, our Republican majority has mismanaged our financial affairs and our Government. They passed only 5 of the 13 appropriations bills which fund the Government. And the fiscal year started October 1, so we are over 45 days late, well, almost 45 days late. The media has been talking about a crisis within our Government. There is no real crisis if we had just been able to do our work on time by October 1 and passed those bills or to pass a continuing resolution so we can get on about our business of passing those bills.

Now the effort to blame the President for his alleged mismanagement. In fact, Republicans controlled both Houses after the 1994 elections, and they have the majority votes to be able to pass all 13 bills, obviously, prior to October 1 and send them on to the President. The President has only vetoed one bill, the legislative appropriations bill that I know is ready for him again to be sent back up, but of the two bills he signed, the Agriculture Department and one other one, those agencies are up and running. Employees are not being furloughed. However, it seems like our majority cannot come to an agreement among themselves on these funding bills, and that is why we are so late.

In fact, we saw today in a report that I read just this afternoon that our Republican majority was planning this shutdown in July of this year. So it just did not happen on the 15th of November. It has been planned on because of this showdown and laying off Federal workers or furloughing them whether they are paid or not paid. If they are not paid, we are hurting a lot of hopefully employees that are dedicated to do their jobs, but if we are paying them, then the American people are wondering why are we furloughing people and then paying them when we finally bring them back. It is like an irresponsible student whose assignment, homework is late.

My wife is a teacher, an algebra teacher. She has told me this oftentimes that a student comes in and their homework is late. They are going to blame someone else. The dog ate it. I forgot it and left it at home, all sorts of reasons.

Well, the Republicans are blaming the President for not getting their work done. The President does not have a vote in this body. To cover up that irresponsibility, they are trying to strong-arm the President into getting their way, including to force him to raise Medicare premiums. I did say raise Medicare premiums, because right now Medicare premiums are $46.10 a month, and they would go up under the continuing resolution that the President, thank goodness, vetoed to $53.50 a month, and either that or shut down government.

Now we have the shutdown, and it is estimated it may take 2 weeks. And presenting the President with a choice like that is irresponsible and invites this crisis. Again today, we heard it was reported that as of * * * even in July * * *.

I would hope we would have a bipartisan continuing resolution, one that does aim us for a balanced budget but does not do damage to Medicare and education.

THE BUDGET IMPASSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I rise to attempt to put the budget impasse in an historical, economic, and constitutional context.

The big secret in Washington that Republicans won't acknowledge and Democrats won't admit is that the rhetoric of the parties doesn't fit the circumstance. The change in course that is underway in Congress is neither as revolutionary as conservative leaders suggest nor as radical as the liberals would have it. It is an effort to move the ship of state gradually from a slightly left-of-center to slightly right-of-center direction.

The macro-economic goal is to achieve a balanced budget in 7 years with 3 percent a year increases in Federal spending. A year ago consensus economic models pointed to a 3.1 to 3.2 percent inflation over this time period. More recently inflation projections have been revised downward, with Lester Thurow of M.I.T. startling the economic community with the declaration that inflation is dead. Whether or not Thurow's assertion as Mark Twain might quip is premature, the new Congress has put in place a program that in outline is intended to represent an inflation adjusted freeze on spending. Rather than radical, such an approach is common-sense; rather than revolutionary, it is revolution-avoiding.

The question that remains in the executive-legislative dialog of the month is whether enough good will can be marshalled or enough confrontational bluff avoided to allow politicians who feed off each other to advance the common good. In this context, the Republican case to stick with firm macro-constraints would appear compelling, but flexibility to accommodate certain executive branch requested changes in priorities can credibly be considered. As long as the foundations and walls of the new programmatic discipline follow the balanced budget blueprint of Congress, the living-room furniture in the new house of Government can be rearranged. The Republicans aren't infallible; the Democrats have no monopoly on compassion.

While the President has assiduously made political points with program constituencies, it is impressive to note how few issues he appears committed. Part of the President's lack of resolve may be due to the fact that he understands deficit reduction will reflect well on his Presidency, part may be due to the fact that in our constitutional system the Congress is principally delegated purse-string authority. The first and second estates of Government may be co-equal, but not in all areas. While the executive has primacy in foreign policy, decisions on taxing and spending are disproportionately the responsibility of the legislature.

Nevertheless, the Presidency is always more powerful than the President and however strong or weak one assesses the current occupant of the White House, legislators should be cautioned to recognize the power of the veto and the authority of the bulliest pulpit in the world.

Likewise, the President should be cautioned not to be so intent on trying to establish a macho image—what the press has reported as a White House effort to show that the President stands for something—that accommodation with Congress becomes impossible.

What the public must keep in mind in the budget showdown is that the current process is so ad hoc. Washington has no relevant modern day experience in dealing with a divided Government in which the executive branch is more liberal than the legislative. This leads to the a-historical phenomenon that the veto is being used or threatened to keep general levels of spending up rather than particular program levels down. For the first time in decades roles have been reversed. Congress rather than the Executive is stressing the need for overall budgetary constraint. Congress rather than the Executive is trying to veto special interest spending.

Since the 1960's the impulse to spend and micromanage the Federal Government has come from a Congress where committee and subcommittee chairmen have established reputations of leadership and compassion that comes from spending other peoples money in programs under their jurisdiction. Budgets couldn't be constrained because egos couldn't be controlled.

Ironically, for all the tough rhetoric America's two political parties are not that far apart, at least in relation to other Western democracies. Indeed, despite the hullabaloo of the week, statistically the difference is about 2½ percent. The Democrats favor a multiyear plan increasing Federal spending at a 5½ percent per annum clip; the Republicans 3 percent.

In this regard it is noteworthy that rather than Reagan Redux, which beltway pundits have suggested is underway, the new Republicans are uniquely committed to advancing, rather than simply professing, achievement of a balanced budget.

What the Reagan years were all about was a President who sought an increased defense budget while philosophically assaulting Washington's social agenda. The compromise with a liberal Congress was an increase in defense spending, but a bigger increase in social spending.

Federal spending under President Reagan as a percent of GNP grew by a whopping margin, from 21½ percent to 23½ percent. Federal revenues, meanwhile, remained static, varying each year from 19¼ to 19½ percent of GNP. Taxes, in other words, were realigned, not cut, and the Reagan deficit was classically liberal: spending driven.

The goal of the new Congress is less governmental activism; the intent is to bring the budget into balance at a GNP level closer to that which President Reagan began in the 1980's. Despite the rhetorical division, this is a modest objective. Indeed, my guess is the new Congress which has come under such public fire for going too far is going to come under increased private criticism for not going far enough. The issue is Keynesianism as modified by demographics. Keynesian, in the sense that just as John Maynard Keynes argued that a country could deficit finance to even out downturns in the economy or deal with national emergencies, it is obligated to pay back debt in good times. And these, after all, are good times. The country is secure; employment is strong; the economy is growing. America is at peace with the world, if not quite with itself.

In terms of demographics, the baby boom generation is at its productive peak. Shortly into the 21st century, sometime in its second decade—demographers suggest 2011 or 2012—the number of working Americans supporting each retired citizen is likely to decline from a 3 to 1 ratio to 2 to 1. If at that time interest on federal debt is more burdensome than Social Security obligations, it is difficult to believe Federal concerns can responsibly be addressed. As we look to the immediate future even more than the recent past, it would appear there is simply no justification for deficit financing at this time.

In this context, the most emotive issue of the week—Medicare—could not be more symbolic or consequential.

What makes Medicare particularly difficult in a legislative context is that it represents the conjunction of an economic reality—the fact that the Medicare system is fast becoming insolvent—and a moral imperative—the obligation to provide compassionate health care to our senior citizens at an affordable rate.

While differences of judgment will always exist on systemic changes in programs of this nature, the big picture is that the new Congress has worked to establish medium-term solvency and stability of the Medicare system without sparking a generational conflict.

Despite the rhetoric of division that surrounds the Republican approach, it deserves stressing that the Medicare program is authorized to grow annually at 6.4 percent, which is more than double the projected rate of inflation over the next 7 years. Relative to inflation, this decade's rate of growth of Medicare spending will thus be similar and quite probably greater than that of the last decade.

Two changes of significance in Medicare are relevant for rural States, and the 1st District of Iowa in particular.

The current Medicare reimbursement formula contains a differential based on the fact that rural States were early practitioners of progressive cost containment. Ironically, rather than being rewarded for prudence, citizens in rural States have found themselves penalized as yearly percentage adjustments in Medicare reimbursements accentuated differences in the country.

Because of the efforts of rural State representatives—in particular, Representatives GANSKE and GUNDERSON, and Senator GRASSLEY—more than a third of the differential has been eliminated and a formula to reduce it further is being put in place. These changes will result in more Medicare revenues for rural States like Iowa than would have been the case under the President's approach. More needs to be done on the differential issue, but a giant first step has been taken.

Indeed, many rural counties currently have per citizen Medicare reimbursement formulas of $200 to $250 per month. Under the new congressional plan the lowest reimbursement for any county in the country will soon be $350. The Medicare reimbursement base will thus be moved up over 50 percent for the most disadvantaged counties in America today and annual percentage increases for these counties will be triple the inflation rate until greater parity with higher reimbursement counties is obtained. When these adjustments are added to the innovative aspects of Medicare reform, senior citizens from rural States will in short order have a far stronger, more flexible, choice oriented system than is currently in place.

The economic segregation that characterizes the current rural health care delivery system will be replaced by a much fairer, more equalitarian Medicare delivery system.

The new approach adopted by the House also creates a trust fund to finance teaching hospitals and graduate medical education programs, which will be of particular significance for the University of Iowa hospital, the largest teaching hospital in the world. This change, coupled with the higher rural reimbursement figures could be critical to saving the patient treatment capacities not only of the University Hospital in Iowa City but of teaching hospitals throughout the country, particularly those in rural states.

For all the vitriolic arguments on the floor and the sophisticated public opinion research that has gone into television commercials which are designed to show that the President cares about something—in this case the young and the old—the fact is that the debate is about whether to balance the budget in a sensible and socially acceptable time frame.

In this regard, it should be stressed that all Americans have a vested interest in greater fiscal restraint—young Americans in particular. It is those just about to enter the work force, after all, that will find themselves paying taxes over their entire working lives to pay off the national debt for past legislation excesses.

Of all the issues that should galvanize young people, the deficit should be the largest. But deficits aren't simply younger Americans' concern. Those in the so-called baby boom generation who are 40 to 55 today don't want to inherit an insolvent Medicare system when they retire. They don't want to retire when Government debt obligations are so great that the capacity to fund Medicare and Social Security is too much of a burden on too small a work force.

As for those who have already retired, they don't want to see inflation ravage their savings as it did in the late 1970's. They have every reason to look at 20 to 40 years of retirement made possible by a health care system that has been advanced by modern science and made economically sound through responsible fiscal policy.

In this regard, it needs stressing again and again that no one is going to be happy with anyone else's budget priorities. I, for one, prefer a number of aspects of the President's education approach, am appalled by the Congress's refusal to fully fund the United Nations, and would be more sympathetic than the majority in my party to NPR and the Endowments on the arts and humanities. Yet, I am convinced America must come to grips with the budget and strongly support the faster Republican timeline for deficit reduction.

On process, let me stress that the Democrats have fairly criticized my party. The appropriations bills have not been completed on time. This is partly the case because of the heavy schedule earlier this year related to Republican efforts to fulfill a campaign pledge—the Contract With America. But, ironically perhaps, the primary reason for delay relates to the Republicans attempting to give the minority party expansive opportunity to amend bills brought to the floor under open rules. In a body of 435, extensive use of open rules assures a slow down of the legislative process.

Finally, let me stress that at issue are not only budget balancing and spending priorities but the question of whether a politically divided American Government can work and maintain the confidence of the American people.

As emotive as the issues are, we have a responsibility to see that on an orderly, fair, and timely basis they are resolved.

In this process we have an even larger responsibility not to divide America with inflammatory rhetoric or undercut the stature of this chamber with irresponsible choice making. The public's business requires decency of approach as well as purpose. Now is the time for personal pride and partisan ambition to be checked at the cloak room.

LET US TALK ABOUT MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, earlier today in this Chamber we debated a bill that was sponsored by the gentlewoman from Nevada [Mrs. VUCANOVICH] and also the gentleman from southern California [Mr. WAXMAN]. It was a bill to make minor changes in the law regulating pacemaker safety to make sure that over the years that Congress has been very involved in that issue, to make sure that Medicare does not overpay for defective pacemakers, that pacemakers that are implanted in people are indeed safe. It was a simple bill, a noncontroversial bill, a bill that had bipartisan support, and a bill ultimately that passed by voice vote or passed pretty much unanimously.

I have been a Member of this body for 3 years representing a district in northeast Ohio, and something happened during that debate that troubled me as we discussed this bill. Some of us wanted to talk about Medicare as a whole, about the Gingrich $270 billion cut Medicare plan, about Medicaid and all that this pacemaker issue included in other issues that Medicare—that revolve around Medicare, and clearly when any of us goes home and goes to our district, it is pretty obvious that Medicare is on the minds not just of people that are Medicare beneficiaries, of actual beneficiaries today, but of their children. It is on the mind, Medicaid is on the mind, of people that have to place their parents or grandparents in nursing homes, Medicaid is on the minds of people that—whose families might have Alzheimer's. It is Medicaid and Medicare issues that people want to hear about, and want to talk about, and want to see Congress debate, and unfortunately today, Mr. Speaker, as a couple of us wanted to talk about Medicare, especially specifically, and also Medicaid, there were Members of the majority party that—who supported the Gingrich plan that did not even want us to discuss it, that continue to say, "You're out of order," and try to get—try to stop us from discussing Medicare as a whole.

Mr. Speaker, the reason we wanted to discuss Medicare is that in this Chamber during the day when we are actually debating legislation, not in the evening in these special orders when few Members sit in this Chamber, but during the day; we only had 1 hour of general debate on the whole Medicare bill, and even worse perhaps, in committee. I sit on the Committee on Commerce, others that sit on the Committee on Ways and Means, and saw Medicare and Medicaid pass through those two committees with only one hearing in the Committee on Ways and Means and no hearings in the Committee on Commerce. We passed legislation changing a $200 billion or a $180 billion Medicare bill program that is $180 billion a year spent on Medicare, about $80 billion a year spent on Medicaid; we changed those two programs in a big, big way, markedly, with no real committee hearings.

And what bothered me is today we try to talk about nursing home standards, how this Congress wants to roll back all Federal nursing home standards that have made a big difference in dealing with the problems of oversedation in nursing homes, made a big difference with the problems of neglect in nursing homes, made a big difference with the problems that nursing home patients, the most defenseless people probably in society have faced in the Federal Government involvement 10 years ago. These nursing home standards that this Congress passed, signed by President Reagan at that time, made a big difference in these people's lives in the twilight of their years, yet this Congress and the Gingrich plan repealed all of those nursing home standards.

We also wanted to talk about the premium increases. Under the Gingrich plan, $270 billion in Medicare cuts and $180 billion in Medicaid cuts over the next 7 years will mean doubling of premiums from $46 a month up to almost $100, will mean an increase in deductibles from now $100 perhaps up to $150, to $200, maybe $250, and it will mean an increase in co-pays in some versions of this bill which will be voted on for a second time in the next month.

They also did not try to—tried to call us out of order when they talked about how Medicaid has written out the disabled, and again some of the most vulnerable people in society, and they also—we wanted to talk about the spousal protection where if an elderly man's wife ends up in a nursing home, and paid for by Medicaid, that the husband can still live in his modest home without spending, selling the home, and having all the money go to the nursing home.

All of those kinds of issues were so important, and perhaps what they objected to the most was when I quoted Speaker GINGRICH when he said the response to criticisms about this Medicare bill, about the $270 billion in cuts and when he obviously wanted to go much further in Medicare. He made a statement to a bunch of insurance executives, most of whom, is not all of whom, will benefit mightily monetarily, their companies and they individually, from this $270 billion Medicare cut bill. Speaker GINGRICH said, "Now we don't want to get rid of Medicare in round 1 because we don't think that's politically smart and we don't think it's the right way to go, but we believe that Medicare is going to wither on the vine."

Two hundred seventy billion dollars in cuts for a tax break of $250 billion for the wealthiest people in society with the hope that Medicare is going to wither on the vine. Mr. Speaker, it is simply not right.

BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to address the House this evening on some important issues, not least of which would be the balanced budget. The balanced budget will be the most important bill that we hope the President will eventually sign.

You heard on the House floor tonight about certain claimants that could not get their Social Security benefits. Frankly all recipients of Social Security will get their benefits, but those that may have applied today will not do so because the President did not sign the balanced budget last night. He vetoed it.

Others, they say, could not get their veterans benefits applied for today. Frankly those veterans will get their benefits, but it has been delayed because the President did not sign the balanced budget.

The President says he favors a balanced budget, Mr. Speaker, but yet, when given the opportunity by having a bill from the House and the Senate, he failed to sign that bill which he says he really wanted originally. The crisis has not been caused by the Congress, the House or the Senate. It has been caused by the President's reluctance to sign the balanced budget.

And you say, "What's important about a balanced budget?" A balanced budget will help us decrease mortgages for families, decrease car payments, decrease the cost of a college education, decrease the cost of health care. The Federal Government has a role to provide services, but I submit to you, Mr. Speaker, it is not to continue the waste, fraud, and abuse that we have seen in the Government, but rather to make sure that the Federal Government takes care of those services that cannot be handled by State government or cannot be handled by private sector.

The big problem you hear about is Medicare, yes, but we are going to save Medicare. The fact of the matter is the trustees, the President's own trustees, have said recently, just back in this last spring, that Medicare as we know it will go bankrupt if we do nothing, and yet you might say, "Well, how did we get to that point?"

Well, health care goes up 4 percent a year, but Medicare is going up 10 percent a year, and the reason is fraud, abuse, and waste, $30 billion a year in fraud, abuse, and waste.

Our solution: a Medicare Preservation Act that will create for the first time health care fraud in this country for those who abuse or commit fraud and abuse with Medicaid and Medicare. If you commit such an offense, 10 years jail, and you no longer can be a provider in that area.

We are also looking to reduce paperwork costs. Currently Medicare has 12-percent costs just in paperwork. That should be reduced to 2 or 3 percent at most because we want to see those services go to seniors. We also created a Medicare lockbox. Any savings in fraud and abuse will in fact go back to seniors' health care. We do not want to see, and the legislation does not provide for, any increase in copay, no increase in deductible. In fact this Congress under Republican leadership has given us two very good favorable senior citizen legislations that have passed; one, the increased eligibility for seniors who now presently make $11,280 a year but frankly want to make more without a deduction from Social Security. They will be able to do it now as a result of our bill. In addition, seniors who have had to pay the onerous 1989–93 tax increase on Social Security, that has been rolled back, so frankly it is the Republican-led Congress that is trying to find the ways to cut out the fraud, and abuse, and waste in Medicare, but make sure the health care that seniors deserve on the Medicare is preserved, and we can do that, and it is well helped by making a balanced budget, and we are hoping that the next time the President receives a bill from the House and Senate that has such wide support, that it in fact will get the President's signature because he knows, as we know, and the American people knew, when we can balance our budget and make sure we stop the waste of the bureaucracy in Washington, we will give the Government services people need and we will make sure that the people get their money's worth, just like they do from their State government, just like they do with the local government.

THE FEDERAL SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BISHOP] is recognized for 5 minutes.

Mr. BISHOP. Mr. Speaker, there has been a lot of talk about a balanced budget and what the Republicans have offered, but the record ought to be set straight that they are not the only ones that have offered a balanced budget. The conservative Democrats have offered a balanced budget which was rejected by Republicans. It was a proposal to balance the budget in 7 years, consistent with the resolution passed by the House. It balances the budget through reductions in Government programs while preserving the Government programs that benefit society in maintaining the fundamental commitment of Government to its contract with people.

On welfare reform, the Democratic budget cuts welfare $60 billion less than the Medicaid cuts in the leadership budget. The Democratic budget cuts $40 billion over 7 years and the Republican budget cuts $100 billion over 7 years. The Democratic budget places stronger work and personal responsibility requirements on individuals than the Republican budget, including a requirement that each individual implement an individual responsibility plan: immediate job training and a 5-year time limit on welfare benefits. It provides incentives and assistance in helping the poor get off welfare, including full funding for child care, full funding for workfare requirement, and State options to extend transitional medical assistance.

Regarding the earned income tax credit, the Republican plan would reduce the size and scope of the earned income tax credit. That amounts to a tax increase on the working poor. It would also roll back an important tax incentive for choosing work over welfare. The Democratic budget does not make these eligibility changes. Instead it changes only those things to those which improve targeting and tax compliance with the program.

In education, the Democratic budget provides $50 billion more in discretionary spending than the Republican budget over the next 7 years. the funds will make it possible to restore funding for Goals 2000, title I, impact aid, drug-free schools, and other programs that were cut by the Republicans. The budget rejects educational entitlement cuts.

The leadership budget, the Republican budget, makes $10.2 billion in cuts. It would raise the cost of student loans by charging students interest during the 6-month grace periods after graduation. It would increase the cost of loans as much as $2,500 over the repayment period. It will raise interest rates on parent loans. It would terminate direct student loan programs.

Regarding agriculture, the Democratic budget makes reasonable cuts in agriculture, $4.4 billion over 7 years. It continues existing farm programs with reasonable cuts so that farmers' operating programs, their financing and their investment plans will not be disrupted. The Republican budget, the so-called Freedom to Farm provisions, make $13.4 billion in cuts. It makes no provision for the continuation of agriculture programs beyond the year 2002. It makes it more difficult for farmers to receive credit. It discourages cost-efficient investments in capital equipment.

□ 2045

Also it removes the safety net of economic stability in rural communities.

The President should not give in to blackmail. The Republican leaders in Congress are attempting to blackmail the American people into accepting a budget-balancing plan that pays for a massive $245 billion tax cut for the rich by extreme $450 billion reductions in Medicare and Medicaid.

The Republicans threaten to force the Government to default on its obligations and shut down unless the President lets them balance the budget in 7 years their way, a way that hurts seniors, hurts children, hurts farmers, hurts rural hospitals, and hurts college students.

I am a fiscal conservative. I support a balanced budget. Conservative Democrats offered a bill to balance the budget in 7 years that is credible, makes reasonable reductions in Government programs, while preserving those that benefit our Nation's people. The Republican majority reject this fair bill. Let us get a bipartisan agreement to balance the budget in a way that is fair and just to all Americans, not just the rich, but let us not give in to blackmail.

REPORT ON HOUSE RESOLUTION 250, AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO PROVIDE FOR GIFT REFORM

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–337) on the resolution (H. Res. 250) to amend the rules of the House of Representatives to provide for gift reform, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2020, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–338) on the resolution (H. Res. 267) waiving points of order against the conference report to accompany the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SECRETARY O'LEARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. McKINNEY] is recognized for 5 minutes.

Ms. McKINNEY. Mr. Speaker, it appears that some of my colleagues on the other side of the aisle are salivating at the chance to use a rumor against Secretary of Energy Hazel O'Leary.

Some of my Republican colleagues who are upset with Secretary O'Leary for not greasing their districts with sufficient Federal lard, are trying to make a mountain out of a mole hill as their revenge. Apparently the Wall Street Journal—not known to be a Democrat-friendly newspaper—wrote that the Secretary of Energy had hired an advanced news-clipping service to gauge what newspapers across the Nation and the world were saying about the Department which she is working to reform.

However, some of my bitter Republican colleagues who did not get the bacon they wanted from the DOE, are charging that Secretary O'Leary was spying on reporters, newspapers, and was concerned about the Department's image. What a farce.

This coming from Members of Congress who spend tens of thousands of dollars on their press secretaries who basically do the same thing: clip newspapers and respond when they get bad press. This coming from Members of Congress who use the House recording studio, send out newsletters, get official photos et cetera, et cetera. My Republican colleagues are charging Secretary O'Leary with spending $43,000 on what every major corporation in America does: monitor how the press is receiving them.

Yet when one compares how much Members of Congress spend on their press secretaries, news letters and so on, we will find that they spend much more than $43,000 on image. Can you imagine the nerve of my colleagues who have the audacity to stand up here and accuse the Secretary of Energy of being concerned about the image of her Department, when they are doing the exact same thing?

One of my Republican colleagues from South Carolina even had the nerve to stand on the floor last night to lambaste Secretary O'Leary, and say, quote, "If I as a Member of Congress took taxpayer money entrusted to my care to go out and work on somebody to make me look better, I should lose my job."

Well, maybe my colleague from South Carolina should resign. What is your press secretary for if he or she is not there to spruce up your image? What is more unbelievable, is that that same colleague, just seconds before he delivered his rumor-based attack on Secretary O'Leary, said an I quote, "This is a funny town where rumors can start without any basis." He made this statement in defense of one of our Republican colleagues who has had charges leveled against him, Yet, literally in the same speech, he then went on to accuse Ms. O'Leary of abusing the public trust based solely on a rumor. So it appears that when rumors are started about Republicans, Washington all of the sudden becomes, "A funny town where rumors can start without any basis." However, if Republicans are the ones starting those rumors then it is OK.

Mr. Speaker, this kind of duplicity just amazes me. In fact, the Washington Post reported today that the Republican National Committee uses the exact same news-clipping service which the Republicans are claiming is a spy agency.

In fact, many corporations use such clippings services. And since Hazel O'Leary has been trying to run DOE more like a business, it only makes sense that she have at her disposal the same tools that the corporations have at their disposal.

According to Mary McGrory in a Washington Post article on May 16, 1995, she said about Hazel O'Leary, and I quote, "No Cabinet officer has run a department more efficiently." In fact, for the DOE which has tens of thousands of employees, to spend $45,000 on so-called image is actually pretty good when one considers what Members of Congress spend on image.

In closing I would advise my colleagues on the other side of the isle to be very careful before they start spreading rumors about a Cabinet member who didn't give them the pork projects they wanted in order to boost their images.

PRESIDENT CLINTON'S CREDIBILITY CANYON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 60 minutes.

Mr. HAYWORTH. Mr. Speaker, tonight as the shadows descend from coast to coast, it is worth noting that life goes on in these United States, despite one cable network offering a countdown akin to a spacecraft countdown for the alleged shutdown of Government. Life continues.

Tonight again we are reminded that we have fateful choices to make, that we have significant differences of opinion; that, indeed, in many cases, we should rejoice in those differences, and we are certainly entitled to different interpretations.

I thought, Mr. Speaker, that tonight it would be important to offer the rest of the story. As one of our commentators so eloquently puts it on radio on a daily basis, for example, I have the greatest respect and affection for my colleague, the gentleman from Georgia [Mr. BISHOP], from the other side of the aisle, who was just in here talking about a conservative Democrat balanced budget plan. I must say, indeed, that I welcome that initiative on the part of the conservatives on the other side of the aisle. There remain philosophical differences, but unfortunately, my friends who would call themselves conservative on the other side of the aisle are in fact a minority within a minority.

The gentleman from Georgia [Mr. BISHOP], chose to characterize the outcome of the vote on his self-described conservative Democrat balanced budget plan, saying it was rejected by the majority, full disclosure demands and accurate counting of the vote.

The sad fact is, and I can understand my friend's frustration, the sad fact is that a majority of his own party rejected that plan, including the minority leader. There reaches a time, Mr. Speaker, where we cannot be content with those who would merely talk the talk. The people of the United States, in my opinion, have spoken clearly and compellingly that they want to see a change in the culture of endless taxation and spending, and yet leaders step forward, claiming one thing and ofttimes doing another.

I find it especially ironic that this Nation's Chief Executive, who made well known in his youth his opposition to some of the actions taken by the President of his party in the late 1960's, in fact, it was said of that President in the late 1960's that he suffered from a credibility gap, how unfortunate it is that our President tonight suffers from an affliction that can only be described as a credibility canyon, so wide is the gulf between what Bill Clinton, the candidate, said, Mr. Speaker, and what Bill Clinton, the President, is willing to deliver.

In 1992, then candidate Clinton, on national television, said that he would commit to balance this Nation's budget within 5 years. As President, Bill Clinton, earlier in this session of the 104th Congress, worked overtime on the votes of six Members of the other body who voted for a balanced budget amendment in the 103d Congress. He applied Presidential pressure so they would change their votes and that a balanced budget amendment to our Constitution would fail.

In 1992, Mr. Speaker, candidate Clinton spoke of a tax cut for the middle class. Very early in his term, President Clinton gave us the largest tax increase in American history, a tax increase affecting virtually every American, for it was not only on income tax, it was not only retroactive, taxes increased also on gasoline that every American, virtually, buys.

Then, just a few weeks ago, perhaps suffering from the affliction that, Mr. Speaker, you so accurately described in your radio address of a few weeks ago, this overwhelming need for our chief executive, instead, to act as a campaigner in chief, the President went down to Houston. This is the article that appeared on the wires of the Reuters news agency, with an account of what transpired in Houston. "Clinton said he knew that a lot of people in the room were 'still mad about the 1993 budget,' and, in his words, 'they think I raised their taxes too much, it might surprise you to know that I think I raised them too much, too.' "

Then the following day the President, in a press briefing, tried to make light of this assertion, saying that his mother advised him not to make speeches after 7 o'clock. I appreciate the President's attempt at humor. I guess there might be some effort to laugh, if it were not so serious and, fundamentally, if it were not so tragic. Where does the President stand?

People have quoted polls here. The most compelling poll or the most compelling polls are those turned in Election Day every 2 years to decide who serves in this Congress, every 4 years to decide who serves in the oval office. There comes a time, sooner or later, when we are called upon in this country to join together and to govern, and as the gentleman serving as our Speaker pointed out in his radio address of a few weeks ago, this President seems content playing the part of campaigner in chief, rather than Commander in Chief. Indeed, as our friend in the chair tonight made the point in his radio address, "Perhaps we ought to try and work on a constitutional amendment that would allow this President to be the campaigner in chief while we go look for a genuine chief executive to help us govern."

Things are not always as they seem. The cataclysm that many have spoken of that supposedly took place today with the alleged shutdown of government services has yet to be realized, and yet those apologists for more taxes and more spending came to the floor of this House today, and so great is their affinity for big government, they voted basically to allow the executive branch to raid the trust funds to keep the government in business.

H.R. 2621, on a motion to suspend the rules and pass, to prevent disinvestment of trust funds, 177 Members of the liberal minority voted no, saying, in essence, "Mr. President, Mr. Secretary of the Treasury, go ahead and raid those trust funds." The irony is compelling that those who march to the well of this House day after day and claim that they are the protectors of Social Security and they are the protectors of Medicare, and yet today when they are called upon to vote to protect the very trust funds they allegedly pledge an oath of fealty to, somehow they just cannot do it.

Mr. Speaker, I am joined on the floor tonight by two of my colleagues who are also new to this Chamber. I would first yield to my very good friend, the gentleman from the golden corner of South Carolina, Mr. LINDSEY GRAHAM.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman.

I am intrigued by what the gentleman is saying to the point where I came over here to join him. I just want to say this, I know people have heard a lot. On a good day, it is very difficult to deal with the issues in Congress because they are so huge. We have a $4.9 trillion national debt. If any political figure tells you that it will be easy to come to a balanced budget, I do not think they are being honest with you, because this is hard work, but it has to be done with a certain sense of genuineness.

Let us talk about something you mentioned a few minutes ago about the President as a campaigner. I know you value and I know that JOHN values our personal integrity when we deal with our constituents. Bill Clinton, the campaigner, said that "I will submit to the Congress a 5-year balanced budget." He said that on "Larry King Live." As a candidate, he wanted to balance the budget in 5 years, because he knew even in 1992, that was an important issue to the American public. I have never seen that document. That document does not exist.

When he was on television trying to get elected, he said something that he thought would sound good that would help him get votes, but he did not mean it. I can guarantee you, if you think it is difficult to balance the budget in 7 years, it would be very difficult to balance it in 5 years. It is going to be difficult, no matter what. But he made a statement that "I am going to balance the budget in 5 years," never followed through with it, never sat down in a room to try to figure out the numbers, to make it a reality. He said it just because he thought it would sound good.

What happened when he got to be President? A couple of things happened. In November 1994, not one single Republican incumbent lost. There was a sweeping change in this country. I was the first Republican elected in my district in 120 years. My Republican freshman class consists of 73 very, very good, dedicated people that ran on the same issues. We have taken our campaign literature and made overlays. The theme of it was "Bring back responsibility and control of Washington, DC's financial matters." That election sent a signal to Bill Clinton, and the polls were at 80, 82 percent that we want to balance the budget.

In response to that event, 2½ years after he has been President, he finally submits a balanced budget plan that is 10 years. The problem with a 10-year balanced budget plan is a couple things. One, it does not balance after 10 years. You have $209 billion in deficits. But let me just show you how bad this plan was. He submitted it to the House, and the Democratic leadership was so embarrassed by it they would not even offer it for a vote in the House as a substitute. BOB DOLE submitted it to the Senate for a vote, and you know how many votes it got? Zero. He has never, ever genuinely thought of a way to balance the budget in 5 years or 10 years. Now he is saying maybe 9, 8, 7.

The only way we are going to get Bill Clinton to balance the budget is to make him. The only way to balance the budget is to affect entitlement spending. You do not have to cut, slow the growth down, pass the savings on to future generations, reform Medicare so it will be preserved for senior citizens, options that work, that work in the private sector. We are doing all those things, but it takes two to tango up here. We have a guy at 1600 Pennsylvania Avenue that will say whatever he needs to say at the moment to get reelected, and that is not why we got elected. That behavior is going to stop.

□ 2100

Mr. HAYWORTH. Mr. Speaker, I thank my great friend from South Carolina, and I am also pleased to see our very good friend, the gentleman from Pennsylvania [Mr. FOX], who joined us as one of the newcomers, one of the 73 conservative newcomers to this House.

Mr. FOX, welcome. I know that certain actions in Washington have been both disheartening and enlightening simultaneously for the gentleman.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to me and would say that would be certainly an understatement.

I want to say that we in the freshman class appreciate the gentleman's leadership. In fact, he has been a very active Member of the 104th Congress in trying to achieve the agenda the American public really wants. The balanced budget amendment has been discussed by the gentleman many times on this House floor, and as well by the gentleman from South Carolina [Mr. GRAHAM].

The fact is that by balancing the budget, we will help every family, those who have kids, those with seniors, because they will have more of their dollars back in their pocket and lessen the bureaucracy. What has not been discussed, at least tonight on the floor, and I am glad we have the opportunity to do so, is that we have a culture here in Washington of creating a bureaucracy that has regulations that overregulate, overspend, and do not contribute one item to the preservation of good programs for the country but add to the cost of those programs, not in direct services.

I think it is also important to point out that not only is a balanced budget something all America wants, but most of the Contract With America had about 100 percent of the Republicans supporting it, but over 55 to 60 percent of the Democrats supporting it. It was failed to be recognized in earlier speeches by Members on the other side of the aisle, but regulatory reform will decrease the cost for businesses that duplicate existing State law.

Unfunded mandates, if we believe that we should have something from the Federal Government, that is something we should actually fund here from the Federal Government. The congressional accountability law, which was passed, was signed by the President, and the line-item veto. All these things were supported strongly by Americans, even though Republicans were the ones that sponsored it and the Republicans were the ones that espoused it.

Frankly, with the balanced budget, and I applaud your leadership on this, Congressman HAYWORTH, I am hopeful the next time the President gets a bill from the House and Senate that he will do the right thing for the American people, help lower the cost, and make sure that the Federal Government is not dictating to people but providing services that cannot be provided by the private sector or State and local government.

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from Pennsylvania, and as we collectively and, indeed, as a new conservative majority within this Chamber, move to bridge this credibility canyon, we can only do so by stretching out the hand of straight talk and truth.

Mr. GRAHAM. Mr. Speaker, if the gentleman would yield on that point.

Mr. HAYWORTH. Mr. Speaker, I would gladly do so for my friend.

Mr. GRAHAM. Let us talk about the truth. The truth is that two-thirds of the Federal budget entails entitlement spending and interest element of the national debt.

People probably do not realize this at home, but this year the interest payment on our national debt was almost $300 billion. We spent more money paying the interest than we did on the entire Department of Defense. If a child is born in America today, 1995, if nothing changes up here, during their lifetime they will pay $187,000 in Federal income taxes just to pay the interest element of the national debt.

This is serious stuff. Bill Clinton has never submitted a serious budget to balance, to get our future generations out of that problem. Let us look at the budget that he did submit that still does not balance. In his budget, after 1996, Medicare premiums go up, and over a 7-year period they go up 89 percent.

That is something he does not want to tell Americans about. We are being honest. What we are trying to do is slow the growth of Medicare. We are going to increase spending every year on Medicare two-and-a-half times the inflation rate. Every year we will increase spending, but we will slow it down from 11 percent to about 6 or 6.5 percent. We are being honest with America, he is not being honest with America.

Mr. HAYWORTH. If the gentleman would yield.

Mr. GRAHAM. Yes, sir.

Mr. HAYWORTH. I think he makes a very valid and accurate observation. Indeed, if we were to move away from the metaphor of the ship of state and talk about the House of state, if you will, and make this President the custodian-in-chief, what, in essence, is going on is the equivalent of taking the dirt, trying to sweep it under the rug; taking all the debris and simply stuffing it underneath the couch, or within the cushions of the couch, and making things presentable for company coming in 1996. That company being the American citizens who go to the voting booth. Trying to put the best appearance on things instead of really getting down to cleaning up the place.

Now, I have to say, speaking from personal experience, and as my dear wife would bear out, I am not one of the greatest housekeepers on Earth, but before my wife and family come back here on the rare occasions to visit in Washington, I know I better clean that house and get it ready. I better clean that apartment and get it ready. I cannot shovel the dirt off, I cannot just stuff the trash in amidst the cushions. What we have to do is make a fundamental change and a clean sweep of the idea of politics as usual.

More evidence of the credibility canyon. Each time I step into the well of this House, I think about those chief executives who have stood at this podium on truly historic occasions, both Republicans and Democrats. I think of Franklin Roosevelt on December 8, 1941, discussing the events of the previous day as a date which would live in infamy. I think of President Ronald Reagan coming back to address a joint session of Congress after a would-be assassin was unsuccessful in the attempt to take the President's life.

I also recall, as a private citizen, watching on television a newly-elected President who told us he was a new kind of Democrat; standing at that podium and lecturing the minority party at that time that he and his administration would only use numbers and only formulate budget projections on those figures supplied by the Congressional Budget Office, or CBO, for those numbers were the most accurate.

Yet, I would refer my colleagues to this chart, because through the efforts of this Congress, the President appeared not here at the podium but in a basically 5-minute live television insert casting about for a political solution for a genuine problem of governance, and he said we need to balance the budget in 10 years.

A funny thing happened between the time President Clinton stood at that podium and addressed a joint session of Congress and when he appeared in that brief television segment earlier in this 104th Congress. Somehow the President abandoned the numbers from the Congressional Budget Office. But, friends, these are the numbers. Mr. Speaker, these are the numbers the President said would be the most accurate.

As my good friend from South Carolina indicated, look what happens. Oh, yes, 1996, deficits below $200 billion. The equivalent of trying to sweep something under the rug. But then, look, from 1997 through 2005, with the exception of 1998, when just barely the numbers are under $200 billion, in essence we have $200 billion deficits for another decade.

Mr. GRAHAM. Mr. Speaker, would the gentleman yield for a second?

Mr. HAYWORTH. I would gladly yield to my good friend from South Carolina.

Mr. GRAHAM. We have another distinguished Member of Congress about to join us here, the gentleman from Iowa [Mr. GANSKE], who is a medical doctor. I want him to comment in a second about Medicare.

But when we look at those numbers, we see in the year 2005 we have a $209 billion deficit. That is why no one in the Senate voted for it. But here is the important point about Medicare. He is using Medicare over and over again to justify his unwillingness to get serious about balancing the budget. Even in his 10-year budget that does not balance, Medicare premiums go up.

People need to understand, no matter what happens in this Congress, whether the President's plan is adopted, whether our plan is adopted, whether we do nothing, that part B of Medicare, which pays senior citizens' doctor bills, 31 percent of it comes from senior citizen premiums, the other 69.5 percent comes from the Treasury, no matter what we do, the premium part is going to go up. The question is how much it goes up.

There is a $7 difference between our plan that balances in 7 years and the President's plan. That $7 per senior citizen will allow us to balance the budget and save $44 billion. But, more importantly, what we are doing is creating options to Medicare that will given senior citizens the same rights we have in Congress to choose medical plans that are more efficient, cheaper and more user friendly.

That is the key to Medicare reform, slowing the growth down and giving people options so that not only can we balance the budget, but we can take care of our senior citizens. Because if we do not slow the growth of Medicare down, part A, the hospital part, is going to be broke in the year 2002. If the President wants to help senior citizens, help us save the trust fund part A.

Mr. HAYWORTH. Mr. Speaker, the gentleman points up another aspect of the gulf that can only be described as the credibility canyon. How can this President claim to be a champion of Medicare when he is willing to cynically try to hold down the part B premium for the year 1996 only to have it rise again exponentially?

Mr. GRAHAM. The election year.

Mr. GANSKE. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. Mr. Speaker, I am glad to yield to my good friend from the great State of Iowa, one of three freshman Members of the institution on this side of the aisle who is a physician.

Mr. GANSKE. Mr. Speaker, I would like to follow up on my colleagues' statements tonight about Medicare. I think it is very, very important that we get the facts out to our senior citizens. I think the Clinton mediscare campaign has reached a new low.

President Clinton says he is willing to shut down the Government to keep seniors from having to pay higher Medicare part B premiums. Why, then, I ask my colleagues, is he planning a 10.2-percent increase in part B premiums in 1997, right after the next Presidential election?

Mr. HAYWORTH. Mr. Speaker, I would simply ask the gentleman from Iowa to repeat those numbers so that the Speaker and indeed the American people, who join us this evening, can hear this again. Would the gentleman please repeat what he just said?

Mr. GANSKE. Let me repeat these numbers.

President Clinton is planning a 10.2-percent increase in part B premiums in 1997. Is it not convenient that that is right after the next election?

Let me give Members some other facts, and these are facts. The Medicare part B premiums have increased 29 out of the last 30 years, since the beginning of Medicare. A fact: Medicare premiums have gone up every year since President Clinton was elected, a total increase since President Clinton was elected of $14.30. Fact: Under our Medicare Preservation Act, in the year 2002, the Medicare part B premium would be $87. Under the President's budget, the premiums would be $83.

Mr. GRAHAM. So it is a $4 difference.

Mr. GANSKE. Mr. Speaker, President Clinton is talking about shutting down the Government for a difference of $4 a month.

But I think this is a point that is very, very important for our senior citizens to understand, because they are thinking, well, look, today I am paying $46.10 a month for my premiums. Gee, that is quite a bit of an increase to go up that high. But what we also have to make sure that our senior citizens know is that that part B premium is deducted from their Social Security. Their Social Security is scheduled to increase over the next 7 years also.

Mr. HAYWORTH. Mr. Speaker, If I could just interrupt the gentleman a moment, because I want to make sure I understand this point and, indeed, so the Speaker and others joining us tonight can understand.

When there is this rise, which is proportional, the proportion stays constant. What the gentleman is saying is cost-of-living adjustments will help seniors absorb that cost.

Mr. GANSKE. Exactly. If I were a senior citizen, and I were only seeing the figures, gee, it is $46 now and it is going to be 80-some dollars in the year 2002, that would worry me also. But what senior citizens also have to keep in mind is that there will be annual cost-of-living increases for their Social Security during that period of time.

□ 2115

So in essence, the difference between what we are proposing and what the President, projected, is proposing is a small difference. And we are talking about shutting down the Government for that.

Mr. HAYWORTH. Two points we need to bring out at this juncture, because again some people may have missed the entire reason we enjoined this Medicare reform topic to begin with. Contrary to the very interesting fictions and political theater emanating from the other side, this has nothing to do with the issue of tax cuts.

The reason we were prompted to take action, as a new conservative, responsible majority here to help govern is the conclusion of the Medicare trustees in a report issued April 3 of this year. The Medicare trustees, a bipartisan group, including three of President Clinton's own Cabinet officers, Secretaries Rubin, Reich, and Shalala, signed off on this language, "the present financing schedule for the program is sufficient to ensure the payment of benefits only over the next 7 years." So a 7-year window to make reforms.

But here is the other topic and the other key thing that we must bring out at this juncture, because, again, in the confusion that has resulted on this other side, some folks have gone out and put on television ads that can only be described as fiction.

The fact is, we have repeated it, mentioned it once tonight, but it bears repeating, the average expenditure per Medicare beneficiary will increase from $4,800 this year to $6,700 in the year 2002. That is an increase. That is not a cut.

Mr. GRAHAM. Mr. Speaker, if the gentleman will continue to yield, I think this is a fair statement of what the American public is going to have to come to grips with and really see what we want in this country. Medicare, trust fund A, is funded by wage withholding from your children and your grandchildren. If it continues to grow at the rate that it is growing at 11 percent a year, we are going to have to do one of two things. Triple payroll taxes in the next 10 years on your children or grandchildren, and I think most senior citizens find that to be unacceptable. The other option is to increase spending on Medicare every year but at a slower rate. The President's plan saves 89 billion from slowed growth, but it does not affect part B. It does not have an institutional reform.

What we do is we slow the growth down to about 6 percent, increasing spending every year, and create options for traditional Medicare that will allow senior citizens to be well taken care of and save money for future generations, because you cannot balance the budget until you reform entitlements. It is physically impossible. If you took away the entire discretionary budget, you could not get there.

Under President Clinton's plan, he increases Medicare premiums every year. It is going to happen. But under our plan, it happens in a managed way with options that may save senior citizens money with a view of balancing the budget. There is a rhyme, a reason to what we are doing. We are serious; he is not. He wants to get reelected. I want to change America.

Mr. GANSKE. Mr. Speaker, prior to coming to Congress last November, I was a physician, practicing in Des Moines, IA. I took care of lots of Medicare patients. My wife is a family physician who takes care of many senior citizens. I have parents who are on Medicare. And I can tell you that the reason we are doing this is to make sure that our senior citizens, my parents, my past patients, continue to receive good quality medical care. If we allow the system to continue the way that it is now, we are facing, according to the trustees' report, breakdown in 6 years. We cannot bury our heads in the sand.

The Health Care Financing Administration for the last 10 years has realized this and has increasingly tightened the bureaucratic tourniquet.

Well, folks, the tourniquet can help stop the hemorrhage for awhile. But the tighter that that tourniquet is applied, the day comes when you have strangulation. And what we are attempting to do with our Medicare plan is to create options for senior citizens that will provide good quality care, that will give them choices that they have not had before, where we still increase the amount of money that we are spending at two times the inflation rate, the same thing that President Clinton just a couple years ago said he was for.

So I think that, you know, there has been an awful lot of hot air blown on this issue. It is time that we get these facts out to our senior citizens.

Mr. HAYWORTH. Again, the credibility canyon only widened in the past couple of days when the President, listening to his polster and his political consultant, decided to reinvent himself in the image of the saviour of Medicare, when in essence, as we heard the cold hard facts from the physician, facts borne out, not out of fear mongering but out of compassion that this gentleman who has worked on the front lines of the medical industry, we know that the President's arguments are essentially fictional.

I yield to the gentleman from Connecticut, Mr. SHAYS, my good friend, author of the Shays act. What seemed to be revolutionary here in this country, that Congress people should live under the same laws as every other American, our good friend from Connecticut.

Mr. SHAYS. Mr. Speaker, I would just point out that this law would not have passed if it had not been for the gigantic support of all the new Members of Congress. I was listening to what you had to say and felt compelled to come here because as someone who worked on Medicare and Medicaid on the Committee on the Budget, I know that we are saving the program. I know we are helping to slow the growth of spending. I also know that we have no new copayment or an increase in the copayment, no new deductible or increase to a deductible. The premium stays at 31.5 percent. I know you all have mentioned that, but the key point is to know the Government still is paying 68.5 percent. President Clinton has decided that he wants it to drop down in the election year to 25 percent and actually have people pay less premiums next year in the election year. Then they go up just as ours go up as the cost of the program continues. But the interesting point is, his 25 percent of the higher increase in cost ultimately means that the difference between our two programs is only $4.70 each month. I make this point that I know has been made a number of times but I want to emphasize it, we are going to spend 73 percent more in the next 7 years than we did in the last 7 years. We are going to spend $674 billion of new money in Medicare. And on a per-person basis, we are going to spend, as you have pointed out, I want to emphasize it again, $4,800 to $6,700 per beneficiary. Only in this country and in this city when you spend more money do people call it a cut.

The amazing thing is, you mentioned the polls, the President is listening to the polls. I had people say, are you not concerned about the polls? If President Lincoln had listened to the polls, we would not be one nation under God, indivisible. We would be two nations.

There is a point where we just have to be willing to take on the special interests, who are willing to distort the information, and talk to the American people, tell them the truth. You tell them the truth and they will have you do the right thing. But polls are being pushed aside and a lot of Members, particularly on this side of the aisle, are willing to take on those special interests to save Medicare and also make sure that our children are not going to have to pay these horrendous debts.

I thank the gentleman for yielding. I notice we have a new Member here.

Mr. HAYWORTH. I was going to say, such an honor to have with us the distinguished chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], who spent a good bit of time using special orders to help, I believe, shape the new majority.

Mr. WALKER. Mr. Speaker, I must say that I am unaccustomed to speaking from this podium. You immediately want to begin uttering liberal platitudes when you stand here. But the fact is, I have been watching the distinguished gentlemen talking about Medicare for the last little while. I want to congratulate you for what you are doing to make the American public better informed about these issues.

It is kind of tragic, sad, and almost pathetic that the Democratic Party, that can take some justifiable pride in having created Medicare some years ago, have now resorted to mediscare as the way of proceeding, as though making older people fearful is a substitute for having no policy. And it is really, I think, a true tragedy because that is really what you have happening here.

You have a party that has nothing to say on the subject and, in fact, is doing things that are very harmful to older people. The vote on the floor today, where the question was whether or not we would divest the pension funds of older people in this country in order to keep spending debt money in the United States, the Democratic Party voted overwhelmingly to go ahead and spend the money. That is not their money to spend. This is money that has been contributed by people to provide for their own retirement. And the Democrats said, go ahead and divest it, throw it away. That also comes on the heels of a plan that has been promoted primarily by Secretary Rubin which is aimed at taking the pension funds that have been contributed to companies across the country and invest those in very scary public housing projects.

Now, these are things that are happening out there that are really an assault upon senior citizens and meantime you have a party that then comes forward and conducts a mediscare campaign aimed at trying to make older people fearful about what might happen in Washington to their Medicare cuts.

We are trying to make that system solvent. We are trying to get rid of the gimmicks. Trying to get rid of excuses and make certain that we have a solvent system for people to depend upon for the future, and all we get is scare tactics. It is pathetic.

Mr. HAYWORTH. Mr. Speaker, once again, mention was made of this vote. And somehow it may be missed by some folks in the media, but we need to again point this out. When the gentleman from Pennsylvania says that the new minority overwhelmingly voted to raid the trust fund, here are the numbers: 177 Members of the minority party voted to basically say to the executive branch, to the Secretary of the Treasury and others in the executive branch, sure, go ahead, take the trust funds. Spend them to keep the Government in business. Only 18 Members, only 18 Members of the new minority were confident to help us.

Mr. WALKER. Mr. Speaker, I want to tell you how scary that vote really was. I was in a meeting today and heard the Secretary of the Treasury say that as of tomorrow he intends to begin divesting the trust fund, primarily the retirement trust fund of Federal workers. And so this was not simply some meaningless vote. This was in fact a real signal to the Secretary of the Treasury to go ahead and begin to take the money contributed by Federal employees for their retirement and spend it for all things that the Federal Government is doing.

Mr. HAYWORTH. I thank the gentleman for that observation.

I welcome to this special order the distinguished Speaker of the House, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I want to thank my friend from Arizona for having this discussion of where we are at. I was watching on C-SPAN, and I thought I would come over and report firsthand, having been in a meeting with the President last night and having tried to understand exactly what the administration's real objections are. I think that if you take the Congressional Budget Office scoring of the President's budget over the next 7 years, you can begin to understand what the real difference is.

Over the next 7 years, President Clinton would spend $625 billion more in noninterest outlays. His budget, his Government would spent $625 billion more than our balanced budget act that we will be voting on this week. Because he would be spending a lot more, his interest outlays over the next 7 years would be $252 billion higher. That is, we would be in a situation where we as taxpayers would be paying $252 billion more in taxes in order to help finance $625 billion more in spending under the Clinton administration program.

Our taxes would be at least 133 billion higher. And as you pointed out, and this is, frankly, this is the chart that got me to come over here. I do not think I have done a special order this year. I was watching you with this chart and the title has caught exactly what America is living through. We have a President who always has an explanation for what he wished he had done. He told Larry King he would balance the budget in 5 years when he was a candidate. He told all of us he wanted to reform welfare. Change welfare as we know it. That was his campaign slogan. He said we could balance the budget in 5 years, then 10, then 9, then 8, then 7. Then he said, well, really not 7, certainly not 7 the way we understood it, not 7 if you have to actually keep score. But he would do it in 7, if he did not have to keep score. Here are the numbers.

As you point out, the Congressional Budget Office took his numbers, and this is the Congressional Budget Office, you remember, are the people the President stood right up there and told us in his first State of the Union we should use. I think you have already gone through this once.

□ 2130

But I just wanted to drive home for people who are listening when the President says he has set up a balanced budget, it is factually not true. The facts are under the President's budget the deficits would be as follows:

In 1996 $158 billion, $180 billion in 1997, 146—this is the CBO scoring—$146 billion in 1998, slightly different numbers than you have because of the way this is done in this particular version.

But the net effect is in the last year, after all the President's work, after all the President's work, after all of his promises, and as you see right down here, 2002, which is the seventh year when we get a balance, in this seventh year the President runs a $209 billion deficit. It is almost $1,000 for every American, deficit, $1,000 more debt for our children, for every child in the country.

Now I say that because what the real fight is about this week is that President Clinton wants to continue to spend more money, to borrow more from our children, to have more bureaucrats in Washington, to have more power over our lives, and I just conclude with this, and I appreciate so much your letting me come over and yielding to me:

The continuing resolution that we sent down yesterday which would have kept the Government open; we would have none of these problems today if the President signed it. That continuing resolution was our downpayment on a balanced budget. It said we know we cannot get there all at once, but at least we can start doing the right thing by our children. It was for 18 days.

To show you the difference between the House and Senate Republicans and the Clinton administration, in 18 days we saved $3 billion compared to what President Clinton wanted to spend, and after all this malarkey about Medicare I said to him last night, "If we take it out, would you sign it?"

He said, "No, you don't let us spend enough."

Mr. HAYWORTH. Would the Speaker repeat that again what the President told you?

Mr. GINGRICH. Clinton administration said; Chairman Panetta said, and directly the President concurred; no, they would not sign the continuing resolution if they took out Medicare. That was only the public-relations political argument. The fact was we do not let them spend enough money in the next 18 days. We actually say to them for 18 days you are missing $3 billion you wanted to spend. We save for our children $3 billion, and they just could not stand the idea that our children might have that $3 billion when they wanted their bureaucrats to have it.

Mr. GRAHAM. Mr. Speaker, if the gentleman would yield, I just want to add here one point, too:

Not only does he want to spend more, but now he wants to go to a source.

Listen to what he wants to do to make sure that he cannot spend more because we are putting pressure on him.

What BOB WALKER said is true. For all those that are listening out there today, the President is intending to go for the Social Security trust fund, money for your retirement, money for my retirement, borrow money out of that fund to feed his spending habits, and that is what he is going to do, and we are trying to stop him. Please do not let him do that.

If we were in private business, and we borrowed money from our pension plans to run our businesses, we would go to jail. That needs to stop.

Mr. HAYWORTH. Mr. Speaker, I yield to our friend from California.

Mr. BAKER of California. Thank you very much, Mr. HAYWORTH. I have had about 16 to 1 calls in the last few days saying hang in there, let us make this right for my kids and their kids, but a couple of people have been fooled by this comment that we are going to raise premiums on Medicare and cut Medicare. Would you please address that, Mr. Speaker?

Mr. GINGRICH. If my friend would yield to me for just 1 minute, again I do not know what to say to my colleagues when the President of the United States and his senior staff deliberately, knowingly, mislead the American people.

I just watched—I did the "NewsHour" tonight, and immediately after I was interviewed by Jim Lehrer, they had the head of the Budget Office down there, Dr. Rivlin, a very knowledgeable woman who talked about severe cuts in Medicare.

Now I just want all of my colleagues to understand the numbers for a second, and I challenge any, any, liberal Democrat, to explain how this can be called a cut. This year we spend $4,800 per senior citizen on Medicare. At the end of our 7-year program to save the Medicare trust fund we spend $6,700 per senior citizen on Medicare. Now remember there are more retirees because more people retire each year, people live longer, so the actual increase in Medicare spending is 45 percent more spending on Medicare over the next 7 years, which is twice the inflation rate.

Now, if you are going to spend $4,800 this year, and it is going to go to $6,700 at the end of our 7-year plan, that is a $1,900 per senior citizen per year increase. For the life of me I do not understand how somebody can get up, an official of the U.S. Government, look into the TV camera and use the term "severe cut" when referring to a $1,900 per senior citizen increase.

Mr. BAKER of California. But then you do that by raising premiums then; is that right?

Mr. GINGRICH. No, but in fact do not raise premiums, which is the other great baloney, and again my good friend from Connecticut was showing me some numbers that are so spectacular and so different from what the President has been saying and what the President's staff has been saying that I really think he should share them with the House because these really help us understand what a total campaign of misinformation this has been.

Mr. SHAYS. Well, if the gentleman will yield, I just would point out that the premium that we pay now is $46.10, and the President has decided that he is going to lower the premium to $43.70 per month, and then, after the election, it goes up to $48, to $53, to $59, to $67, to $74, to $82, and the 7th year the President's premiums go to $82, and ours are at $87, a difference of $4.80, and if I could just say, when we get to this issue of what is a cut, the administration says we are cutting the earned income tax credit; that is going from $19 billion to $27 billion. They say we are cutting the School Lunch Program, but that is going up from $6.3 billion to $7.8 billion. They say we are cutting the student loan, and that is going from $24 billion to $36 billion, a 50-percent increase in student loans. They say we are cutting Medicare and Medicaid. It has gone from $89 billion to $124 billion. They say we are cutting Medicare, and it is going from $178 billion to $273 billion.

In every instance there is a significant increase.

Mr. BAKER of California. It was just mentioned to increase spending, and I am embarrassed to say this as a conservative Republican, but over the next 7 years, as we balance this budget, we are going to increase spending by $3 trillion and add to the national debt a trillion. Is that true?

Mr. WALKER. Mr. Speaker, if the gentleman would yield to me, I want to point out to the gentleman from Connecticut [Mr. SHAYS] we have been accused on this floor though of increasing spending in one area. I have heard it in the well on several occasions. They have been saying we are increasing spending in defense, despite the fact that we are actually going to spend less on defense next year than we spent this year, so that when you spend less next year than you spend this year, well, I thought it was a cut, but they are saying it is an increase. But yet we are spending over what we spent this year; they are saying that is a cut.

It seems to me that we probably have some really weird economics and mathematics for that matter that is taking place at this moment.

Mr. HAYWORTH. I was just going to say, if the gentleman would yield, the only possible mathematical operations at work are akin to something Orwellian.

We recall the noted British author, George Orwell, in his book "1984": Ignorance is strength, all the different observations in Orwellian Newspeak, and in the new mathematics, within this Beltway, and especially on this side of the Chamber, an increase is a cut and a cut is an increase. It adds up to this new international symbol that really deserves a place in our policy Pantheon, the international symbol for Stop Whining.

I defer first, if I could, to the physician, our good friend, the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Thank you. I think that for our listeners we need to, and the citizens, we just need to reinforce what people talk about and how people in Washington call cuts, what they call cuts.

If somebody would earn $20,000 as their salary this year, but next year they would earn $22,000, most people would say that is an increase. However in Washington it is very possible that that would be called a cut because it is less than a hypothetical projected increased to $23,000.

That is what we have to explain to our citizens when we are back in our districts because they hear the word "cut," they hear the word "cut," and really what we are talking about in the Medicare area is we are talking about a slowing hypothetical rate of growth to twice the rate of inflation, almost more than anything else that we are doing in our budget, because our priority is to continue to provide quality health care, and that is the reason why in this area we are spending more at a faster rate than just about any other part of our budget.

Mr. HAYWORTH. I thank the gentleman from Iowa, and I would recognize now our good friend from California.

Mr. BAKER of California. Thank you, Mr. HAYWORTH. It is very important, and I was rather shocked to see the President close down the Government. This work stoppage has occurred in 1984, 1987, 1990. Always the employees have been paid, but for the President of the United States to shut down the Government and declare that 800,000 of our loyal, hard-working Federal employees are nonessential sends a really strange message to the taxpayers who are paying for all this government.

Do you have any thoughts on that?

Mr. HAYWORTH. I do, and I defer first to our good friend from South Carolina for his observation.

Mr. GRAHAM. Let us put it in perspective. The reason he is giving and preaching is that he wants to take care of American senior citizens, and in the process of saying that he intends very soon to go into your Social Security trust fund and borrow the money out of that fund to fund his spending habits. If we did that in the private sector, you would go to jail. He is trying to tell you that I am saving you from a premium increase when his own budget after the election year has a 10-percent premium increase in over a 7-year period. There is $4 difference between what our plan does and what his plan does.

He is trying to sell you a bill of goods. Beware of Bill Clinton, senior citizens.

Mr. HAYWORTH. I thank the gentleman from South Carolina [Mr. GRAHAM] who puts it very succinctly, and again it bears repeating what transpired on this floor today, H.R. 2621. The overwhelming majority of the liberal guardians of the old order said to the President and to his Secretary of Treasury in effect, "Go ahead, raid the Social Security trust fund even as you stand before the American public and claim to be the defender of America's seniors because, after all, we're bound to find some sympathetic ears in the media and because it will be so greatly repeated, it will inspire confusion. So go ahead and do that."

How crass, how shameful, how political. Friends, we were sent to Washington to change business as usual, no more excuses, no more gimmicks.

And to those who write and say, "Gee, why don't you just go and send in a clean CR?" let me make this observation. The difference comes in philosophy, not in procedure. Just as we are constrained to speak in legislative style here in the House, just as we observe convention with the rules of the House, so too do we make use of legislative tools at our disposal to implement the changes needed.

I defer to my friend from Pennsylvania.

Mr. WALKER. Anybody who hears the term "clean CR" ought to understand that a clean continuing resolution is a dirty deal for future generations.

Mr. SHAYS. I would just love to weigh in, if I could. I know we are running out of time, but the bottom line is my heart goes out to the Federal employees about whether there is a shutdown, but this is far bigger than Federal employees. This is an issue of whether, once and for all, we are going to get our financial house in order, and balance our budget, save our trust funds and change and transform this social and corporate welfare state into an opportunity society.

□ 2145

That is what this battle is about.

Mr. HAYWORTH. I thank the gentleman from Connecticut, and indeed, I thank all of my colleagues.

Again, Mr. Speaker, we would simply make this point. Even as our chief executive or campaigner in chief prepares to leave this Nation, as we understand he is planning to do, to go to Japan, again Mr. Speaker, we extend the President of the United States a hand to say, "Enough posturing. Let's join together and govern." That is the central issue.

Even as our friend, the gentleman from Pennsylvania, made the point, it is worth noting this. We are not playing a game.

Mr. BAKER of California. One last comment and the most important thing to remember tonight; that is, regardless of when, whether it is tonight, tomorrow night, or the next night, we are not going to pass anything that exceeds the budget line that will balance us by 2002. We are going to pass the Balanced Budget Act of 1996, and we are going to do it this week or next week, and we are not going to exceed that balanced budget line.

Mr. HAYWORTH. For it is our mission to balance the budget and change the philosophy of taxing and spending, and interesting interpretations that have to be called fictional offered by the cynical guardians of the old order.

NOW, FOR THE REST OF THE STORY

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Wisconsin [Mr. BARRETT] is recognized for 60 minutes.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to be here tonight. I am going to be joined by several of my colleagues on the Democratic side. I guess, as Paul Harvey would say, we would like to tell you the rest of the story, because for the last hour we have heard what best could be described as maybe Lost in Space, or Fantasies of the Unknown, or something like that.

However, I think perhaps what is good for the American people is that we will have an opportunity to give the perspective from those of us who are in the minority here, those of us who are interested very much in moving the Government and the society forward.

I am pleased to be joined by the gentleman from New Jersey [Mr. PALLONE] who is here tonight, the gentlewoman from Florida [Mrs. THURMAN], and the gentlewoman from Ohio [Ms. KAPTUR]. We are going to spend the next hour talking about a few things.

I want to start off by talking about efficiency and the ability of Congress to do its work, because I am a Member of the 103d Congress. I was a freshman last year, as was the gentlewoman from Florida [Mrs. THURMAN]. The message that we received when we were elected is that the American people did not want business as usual. They wanted Government to work, they wanted Congress to come and do its job. Frankly, that is exactly what we did last year, especially, especially when it came to the appropriations bills.

Today is November 14, 1995. The House of Representatives and the U.S. Senate had completed and sent to the President and had signed into law 3 of 13 appropriation bills. For those of you who do not know, we are required by law to complete the 13 appropriation bills basically by October 1 of each year.

Many times what happens is there is a continuing resolution that permits Congress, in essence, to grant itself a little bit of an exemption, or an exception, and work a little bit later, but in 1993 when the gentlewoman from Florida [Mrs. THURMAN] and I were freshmen in our first year, and in 1994, when the gentleman from New Jersey [Mr. PALLONE], the gentlewoman from Ohio [Ms. KAPTUR], the gentlewoman from Florida [Mrs. THURMAN], and I were in the majority, we finished every one of those bills prior to the October 1 date. Not only did we finish every one of those bills, we had them finished, sent to the President of the United States, and they were signed into law.

As of today, we have only three appropriation bills that have been signed into law by the President of the United States. He has vetoed one, so we have nine that have not moved through the appropriations process.

So yes, there is a problem. The problem, plain and simple, is that Congress has not done its job. The reason it has not done its job is because we have spent so much time this year on extraneous matters, on public relations gimmicks like the Contract With America, that we basically have not done the job that we were hired to do.

Under the leadership of Speaker GINGRICH and his followers, we have not done the nuts-and-bolts operations of government. That is why we are standing before you today with a problem.

I yield to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I think the gentleman makes a very good point. My comments are based on this appropriations process, because I have found it very interesting that only two or three of these have actually passed.

Actually, when I go home and I talk to my constituents, I try to explain to them a little bit of what has gone on here. I personally think we need to thank the American public tonight, as in the minority, and I will tell you why. One of the things I heard was, "Well, it does not sound like Democrats are very organized, and they are not really getting their points out," and those kinds of things. Then I started to pay more attention to what was happening over in the Senate. All of a sudden, it was remarkable to me, because the issues that we had raised as Democrats on this floor about issues within these appropriations bills, and by the way, which were not about spending, they were trying to legislate on the appropriations bills, were being raised on the Senate side.

Remember the issue about clean water and the health and welfare of this country when it came to meat inspections? Remember that? Who raised those issues? We did. We did our homework over here. We pounded, and we let the American people know potentially what was going to happen to them and what could potentially happen to them as a result of the passage of these bills. We said to our constituents: "We don't have the votes in the House to stop this. They are on this roll. By golly, we are going to get this done."

What did we say to them? I did. I said to them, I said, "Go talk to your Senators. They have a different ability for rules, they have a different ability to be able to raise the issues within the Senate side, because we are controlled totally by what amendments we can even bring to this floor by a Committee on Rules. They have an opportunity to debate these issues that we raised over here."

What has happened now, because of the issues that we have raised, the Senators have said, "Whoa, wait a minute. There are some thing in here that are dangerous, and there are things that our constituents are raising to us, and we don't have the answers to those questions." We can't come to the table and reconcile our differences between the Senate and the House because we are that far apart, because the American public said to the Senators, "This is the wrong way to go," which is what the President is saying.

So we are really doing exactly what the American people asked us to do. The problem is that we have left hundreds of thousands of people in a real predicament.

I think the gentlewoman from Ohio [Ms. KAPTUR], tonight could tell you what happened and who was not served in her district because of what happened today, and I would love to hear those facts and figures, because I think it is outlandish that we have all kinds of people with problems, because the American people's problems have not quit because Government has.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I am pleased to join my colleagues here, and I guess what we can talk about is wreck-onciliation, and it is truly a wreck for our communities, and for communities across this country.

I happen to serve on the Committee on Appropriations, and I can testify that there have been many, many years when we have cleared our bills on time, all 13 of them, before October 1. There is no reason to furlough 800,000 Federal employees. I can tell you in Toledo, OH, my largest community, we had our office in the Federal building, and just today, because Social Security had to really close down, those people were furloughed, there were 70 people whose claims could not be directly processed, 500 visitors were turned away, because our office is pretty close to their office, and, on average, they receive about 245 phone calls a day. That means 245 seniors called in to the office, and the phone could not answer today, because the people were not there.

Here in Washington, tomorrow I think I am the only Washington monument that students in my district will see, because hundreds of them are here during the fall season, and they learned that all the monuments, all the museums, are all closed down. So here they have saved their money, they have done car washes during the summer, they have worked so hard to come with their classes to Washington, and today they cannot see any of them. This is their one time. It is so expensive to come here, so we are seeing the results of this unnecessary train wreck here in the month of November.

What is amazing to me, this so-called new leadership on both sides of the Congress, why do we have to wait until the end of the week? It is Tuesday. Now they told us we have to wait through Wednesday, wait through Thursday, and maybe we will have a vote on Friday. What are we waiting for?

Mr. BARRETT of Wisconsin. Mr. Speaker, I would ask the gentleman from New Jersey if he has any thoughts on what we are waiting for. I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I think it really comes down to the intransigence, if you will, of the Republican leadership and Speaker GINGRICH, basically not willing to compromise, not willing to negotiate common ground.

The thing that amazes me is how this continuing resolution, which is basically a stopgap way of keeping the Government going until we finally resolve the larger budget issues, this continuing resolution, which historically, at least as long as I have been here, whenever we had one, it was basically what we call clean, a clean continuing resolution. It just tried to provide the money to keep the Government going, without being loaded down with all kinds of extraneous material.

This time, however, the Republican leadership put this Medicare premium increase in the continuing resolution, so that I think we are talking about $11 more per month that seniors would be paying for their part B Medicare as of January 1. This was included in the continuing resolution, so the President, when he received it, had to veto it. I am proud of the fact that he vetoed it in order to guarantee that senior citizens' Medicare premiums would not go up January 1. This is the kind of nonsense we are getting.

We are being told, instead of just trying to pass a continuing resolution that keeps the Government going while we try to work out our differences on the budget, it is loaded up with Medicare increases and all these other things.

Mr. BARRETT of Wisconsin. Let me make sure I understand this. Are you saying we should not be debating the Medicare issue?

Mr. PALLONE. Mr. Speaker, I am saying that the debate over the budget, and I would like to get into that a little bit, is ongoing, and will be dealt with either by the end of this week or within the next few weeks, but while that debate is ongoing, it is necessary for the Government to keep operating the way it normally does.

Mr. BARRETT of Wisconsin. So it has nothing to do with the continuing resolution?

Mr. PALLONE. Absolutely not. There is absolutely no reason it should be included within the continuing resolution.

Mrs. THURMAN. If the gentleman will continue to yield, if I remember correctly, on this floor there was a freestanding Medicare bill passed, is that correct?

Mr. PALLONE. Absolutely.

Mrs. THURMAN. I would like to go back a little bit, for those who might have watched the debate during today. The gentleman from California [Mr. THOMAS] was on the floor reciting from the Wall Street Journal. I actually tried to get this information in on the floor at the time, but we were limited on the amount of time we had to debate what I thought was a very important issue.

Rightly so, he did talk about some of the issues and the Medicare premiums. You know, in fact, this is really the story, as I understand it, and as has been explained to me. Today our seniors pay about $46.10 under current law, because evidently there was the issue that seniors would pay 25 percent of the premiums, so it actually would have dropped in 1996 to $42.50. He kept talking about this was the responsible thing to do, you know, that we should raise this, and we had to worry about the computer changes and those kinds of things.

Actually, on the Republican side over on the Senate, there was an announcement made yesterday in the late afternoon by one of the Senators that they thought we just should hold constant the $46.10, which was immediately rejected by the House leadership here.

Mr. PALLONE. Right.

Mrs. THURMAN. This is what was interesting, and I found that it was never mentioned when the gentleman from California [Mr. THOMAS] mentioned the Wall Street Journal article. This was what the rest of the story, as some people might say, contained.

"A Strong Motivation" is the subtitle.

The GOP has a strong motivation for pushing the issue now. Most elderly people might not notice the proposal increase if it is enacted soon. That's because Medicare premiums are deducted from beneficiaries' monthly Social Security checks, and Social Security recipients are scheduled to get a 2.6

percent cost-of-living increase as of January 1. That means that the average Social Security check will rise to $720, from $702, according to the government. If Medicare premiums grow to $53.50 on January 1, recipients' checks will still be higher after the monthly Medicare deduction, $666.50 on average compared with $655.90 today.

So there is really a smoke and mirror behind this. They have to get the change now, so that it does not show up in May or April of next year, but shows up at the same time that the Medicare increase would come, at the same time they were getting their COLA increases.

□ 2200

Mr. BARRETT of Wisconsin. If I could touch on that and go back to what the gentleman from New Jersey [Mr. PALLONE] was saying, I am going to try to tie it into an issue that sounds like it has nothing to do with a continuing resolution or Medicare payments, but conceptually it does. That is the line-item veto.

I am convinced that the American people want the line-item veto. They want the President to have the ability to get rid of pork barrel spending and items that are completely extraneous to the issue at hand. That is why I support it. Republicans, who for years have been in favor of this thing, are finding hundreds of ways to talk this to death. The last thing they want to do is give President Clinton the ability to line-item their pork barrel spending or tax matters.

As the gentleman from New Jersey said, the continuing resolution is to keep the Government running for the next few weeks until the majority can do the work on this they were elected to do. Obviously, they are not consulting with us. But their job and our job in the Congress is to get appropriations bills passed and the reconciliation bill passed and sent to the President. They have not been able to do that.

But, they know if they can sneak or push or pummel or bully this Medicare premium increase into the continuing resolution bill and have the President sign it into law, they are done. They are done with their crown jewel in terms of this portion of the budget, because they are determined to have that increase built into it.

Just for a short time, I want to talk a little bit about the merits. I was sitting here when the Speaker was talking and boasting about the increases in Government spending per recipient under their plan, and I may surprise some Members here, but I actually agree with some of the things that they said. They are telling the truth when they say that the Government spending per recipient is going to rise from $4,800 per recipient this year to $6,700 per recipient in the year 2002. That is absolutely correct. That is something that a Democrat says the Republicans are telling the truth on.

But, again as Paul Harvey would say, "they do not tell you the rest of the story, because while they boast about that increase, which is about a 44-percent increase, in fact, the Speaker not more than 20 minutes ago said that is an increase that is twice the rate of inflation and he boasted that it was twice the rate of inflation. What the Speaker did not tell was that the Medicare premiums are going to go from $46 a month to $87 a month in the same period, and that is an 85- to 90-percent increase."

If the Speaker was saying that a 44-percent increase is twice the rate of inflation, what he didn't tell is that they are going to raise the Medicare premiums for seniors in this country four times the rate of inflation in the next 7 years. I think that that is something that I think we should debate. I think that there are public policy issues there that should be debated. I frankly think, for seniors who can afford it, they can pay more. Some of my colleagues on both sides of the aisle might disagree with that.

Ms. KAPTUR. If the gentleman would yield, following on what you so importantly have outlined, and I think that message should be repeated and repeated and repeated to show where the costs are going to fall, and then Congresswoman THURMAN's comments about how much more seniors will have to pay and when those bills will come due, I think what is important to put out in the RECORD tonight again is to show people that all of these additional costs that seniors are going to have to pay, and all of the cuts that are going to come in Medicare totaling over $270 billion, as this chart demonstrates, none of that money is going to make Medicare more whole. In fact, it is all going to go for major tax breaks, over $245 billion, to among the most privileged people in this country.

So, all of the sacrifice that we are talking about, the quadrupling of what seniors will have to pay over the remaining part of this decade and into the next century, is not going to do a thing to make health insurance more accessible to seniors. All that money and all that sacrifice is going away so at the same time the seniors are shouldering a heavier burden, the Medicare Program will not be made any better.

I yield to the Congresswoman.

Mrs. THURMAN. Mr. Speaker, there is another important factor in there and that is the issue of Medicaid, which is $181 billion cut and block granted back to our States, so the States cannot meet the needs once again for the levels of poverty and for our seniors. And it refers to things like long-term care, issues that we are all very, very concerned about.

I find it interesting that 1 or 2 years ago for all the things that they talk about right now, they would not engage with us in health care reform that looked at the whole health care process, for cost containment, to find the savings, to do the kinds of things that they elected us to do.

The only thing that they have looked at are the two Government programs that give to our seniors the dignity, when it was passed, when they only had 40 percent of the people with any health care to 100 percent, and to help children in poverty to be able to have an opportunity to have health care.

We have not even started. And they talk about balancing the budget. Actually, they obviously agree, because look where they have hit. That what we needed to look at was in the health care. That that was where our costs were going up, and that we did have to contain those costs, and we needed to find ways to do that.

But the way we do it is by bringing more people into the health care system instead of shoving people out of the health care system. I believe, and I honestly, believe that we will see cost-shifting in this country to where more people will have less coverage or more people will have a less ability to buy into private insurance, because the costs will rise so high because of what is going on here today, and then we have done nothing to settle this debate.

Mr. PALLONE. I just wanted to go back to what Congresswoman KAPTUR had said about the priorities. I came in at the tail end of the Republican speakers that were here before us, but I notice they kept talking about the budget and how important it was to balance the budget. I do not think there is anybody in the House of Representatives on either side of the aisle who does not want to balance the budget. I have no problem with the 7-year approach, for example, that Speaker GINGRICH and a lot of our colleagues on the other side keep mentioning.

But, I think the question is priorities and that is what Congresswoman KAPTUR was pointing out. We could all figure out a way to balance the budget. And I have voted for balanced budget amendments and I have voted for balanced budgets, but the priorities that the Republican leadership have are totally wacky as far as I am concerned, and basically penalize the middle-class and the poor people in this country in order to give these tax breaks to the wealthy.

As was mentioned, the Medicare cuts alone for this budget bill are $270 billion. The tax breaks are $245 billion. They almost equal each other.

If we did not cut Medicare, and essentially destroy the Medicare Program, this is what I think this Republican budget would do. I think at one point we had a Democratic alternative that cut Medicare $90 billion, which is what was recommended by the trustees. If we put most of that money back in and avoided these tax breaks for wealthy

Americans, we would not have to change the Medicare Program at all. We could still keep it a very high-quality Medicare Program that guarantees a good health care plan for America's seniors.

The same thing is true for some of the other points in there. They are basically cutting education. They are cutting back on student loans. I know that in my district I have the main campus of Rutgers University. So many students, not only from Rutgers but from throughout the State, have called me and their parents have called me and said, "Gee, how are we going to be able to get student loans if you cut back on the programs?"

They have done the same thing with some of the programs, the school lunches, the programs for children like WIC, and even provided an increase in taxes for the working poor through the earned income tax credit. One of the best things that President Clinton did, and I know my colleague from Florida has pointed to that before, is that he actually expanded this earned income tax credit to give an incentive to people who are low income, but who are working so that they get a tax credit or a tax break.

This Republican budget bill basically cuts into that; practically wipes it out. Here we are basically giving these tax breaks for wealthy Americans, destroying the Medicare Program in the process, and then taking away the tax credits from the working poor.

In the meantime, Speaker GINGRICH and the Republican leadership keep talking about how they want to get people off of welfare and get them to work. How are we going to get them to work if we eliminate the major incentive they have to work, which is this tax credit? It is incredible to me.

If my colleagues look at this bill, the Americans who make less than $30,000 a year in general are going to actually be paying more in taxes, and it is only the people who are in the high-income brackets that are actually going to get tax break.

Mr. BARRETT of Wisconsin. Incidentally, that is 51 percent of the American people. I saw an article in the Wall Street Journal that said 51 percent of the people would actually see a tax increase, primarily because of the changes in the EITC, the earned income tax credit.

I know Representative THURMAN, we talked about that earlier today. What kind of impact would that have in your district?

Mrs. THURMAN. Mr. Speaker, I heard them say that the President left his promise about this middle class, lower class, poorer class getting a tax credit or a tax break. I have got to tell my colleagues, before I made that vote I looked at the census within my district in 1993. Mr. Speaker, 4,000 people would have actually received an increase; 4,000 out of 565,000. That is not a lot.

But the results of that were $80 million was returned back into that district to families who were working through the earned income tax credit.

Mr. BARRETT of Wisconsin. These are people on welfare?

Mrs. THURMAN. No, no, no, no. And I have got to tell the gentleman from Wisconsin [Mr. BARRETT], he knows this, but it is a great question to reemphasize this whole issue. These are people that work every day, 40, 50, 60 hours, whatever. They go to work, get up, have a work ethic, but are still making below poverty levels.

This was a way, and that probably explains some of it, a way for them to work themselves out of poverty and to give them incentives to continue working, which is what Republicans say we ought to be doing. Responsibility, individual responsibility. They took the individual responsibility. They said, they legitimately said, "I am going to get up in the morning and I am going to go to work. And if it is $4.35 an hour, or $5, or $5.50, no benefits, I cannot get Medicaid, I am going to get up."

And what President Reagan said was, "We ought to give something to them." And then President Clinton expanded on it under the earned income tax credit. It is not a new idea; it was not a new one. But what it meant to my district and to the people that I represent, which is the second largest senior population in the State of Florida, and the second poorest, was that $80 million more of their tax money was coming back to them.

Mr. BARRETT of Wisconsin. Mr. Speaker, these are people who are trying to support their families, trying to stay off welfare, trying to do the right thing for society and they are going to take it in the chops.

Mrs. THURMAN. They are the working poor. Those people needed help and we gave it to them.

Ms. KAPTUR. Mr. Speaker, I would like to reemphasize that point, because I do not think most citizens have been listening to the fact that all these cuts that are occurring out of the Medicare program, the nursing home program, the additional costs for students loans, and the very point that my colleagues are raising, which is tax increases for families who are working who earn under $30,000 a year, really add up.

We are talking about over 8 million families in our country who are going to have to pay more in taxes.

Mr. Speaker, I have a chart here that I want to reference that really shows that if you are working and you earn under $10,000 a year, if you earn under $20,000, if you earn under $30,000 a year, under their proposal, you are going to have to pay more.

But, if you happen to be in the category, as every Member of Congress is who has accepted the pay raises, of over $100,000 a year, as Speaker GINGRICH is, you are going to get a handsome tax break. For those people who earn over $200,000 a year, they will average a $14,000 tax break, while people who are earning under $30,000 a year are going to have to pay about $600 more a year in taxes and in lost benefits from these health programs.

Mr. Speaker, that is really something to consider. To me it shows the unfairness of the Gingrich set of proposals on the vast majority of the American people.

□ 2215

I am glad that the gentlewoman brought up the point. In my district I will say that the earned income tax credit helps 26,000 working families.

Mr. BARRETT of Wisconsin. That is about what it helps in my district, too.

Ms. KAPTUR. They say they are cutting taxes. They are cutting taxes for their friends who can pay enough to lobby up here, but they are raising taxes on the people in our district who have not seen their wages go up, who are struggling to make ends meet and are now going to be asked to pay more to the piper. It is downright wrong.

Mrs. THURMAN. I am going to draw upon two things that Mr. PALLONE said and Ms. KAPTUR said. I happen to have the University of Florida, which I am very proud of, in my district. I think they are wonderful students and they struggle just like everybody else does. But to your point on the education issues, we were one of the universities that got the direct loan program, a super program. I have got to tell you, when you can go to a university and talk about loan programs and their eyes light up because things are going well. For the first time, they got their money on time. They got things, they go to be able to pay their tuition. They were able to buy their books. They were able to get their utility bills done because the money was actually allocated and they could go get the check. The university got their tuition money, which allows them to continue to pay this bill as well. So I went to talk about this, because that has been abolished in this plan.

Mr. PALLONE's issue was the direct loan. For the earned-income tax credit, there was a young man who is enrolled in law school. He has a young child that is about 18 months old. He asked me, this is interesting, what was going to happen. I said, You are going to see a cut in that. It meant $1,800 to him. So he works while he goes to school. This is a young man with a family who gets earned-income tax credit that gets a benefit from this, will graduate from law school. And do you think that he is going to be a productive citizen in this society? Do you believe that he is going to pay his fair share of taxes back into this society? Absolutely. That is why he is in college. He wants to better himself. He wanted to do something for him and his family.

If he loses these two programs, he could be back doing less because he was not given the opportunity to go further because these programs were cut and they were cut to give to the very people that Ms. KAPTUR talked about who do not need it.

Mr. PALLONE. I just wanted to follow up on that. Rutgers, again, was one of the universities that was chosen to do the pilot program with the direct student loans. And just following up on what you were saying, it is so true. I have talked to the people at Rutgers University. They have been down here taking to both Democrats and Republicans representing the State. They have been able to expand the number of students that receive the student loans because of their direct loan program. There is absolutely no justification at all to eliminate that.

Basically what it does is to eliminate the banks as the middle person so that you get the loan directly from the university. And using the banks as the middle person, so to speak, drove up the cost, make it possible to give out less student loans. And there is absolution no reason to go back to that old system other than the Republican leadership on the other side has some association, I assume, with the special interests and the banks and wants to go back to the old way of doing things.

Rutgers and all the university people have been down here and said that that is the wrong way to go. It will limit the amount of loans that are available for Rutgers students.

The other thing that they did in terms of the student loan program, is they are charging the students interest for the first few months that they get out of school. So in other words, right now you do not pay interest for a period of time, 6 months, I guess, after you graduate as you are trying to find a job. And now they are going to charge you the interest during that period. And again, it is all these things are done to discourage people from being able to find a job, from working, whatever. It makes no sense.

Mr. BARRETT of Wisconsin. We have literally hundreds of people in this institution who went through college on the basis of student loans or the GI bill. It is almost as if they are pulling that ladder of opportunity up behind them. What is also interesting is none of us have talked about the issue of student loans with each other, but I represent the University of Wisconsin Milwaukee. And just 2 weeks ago, the chancellor of the University of Wisconsin Milwaukee published in our local newspaper an article extolling the virtues of the direct student loan program and the problems of taking it away.

I would also like to comment on the tax cut that primarily benefits the wealthy and make reference to one of our colleagues, Congressman STENHOLM from Texas, who is a real battler in fighting the deficit and spending. And one of the things he says, I cannot say it as well as he can, when you are standing in a hole, you do not get out of the hole by digging deeper. And earlier tonight we had a number of Republicans here, one of them very candidly said that even under their plan the deficit or the debt, the national debt would grow by a trillion dollars over the next 3 or 4 years. I cannot recall the years he used. But I find it amazing that they are trying to sell a tax cut to the American people that primarily benefits the wealthiest people in this country at a time when we are still running deficits.

In reality, you have to forget that you are in Congress, you have to forget that you are dealing in politics and try to think about it in the most basic terms. We are still running a deficit this year of $164 billion. This would be the third year in a row where it has gone down, the first time that has happened since Harry Truman was President. I am very proud of that. But frankly, it is still a deficit.

They are going to give a tax cut and we are running a deficit. In the second year of their plan, I think their deficit is actually going to increase. In order to give a tax cut, in the most basic terms, if you are at home, what you are going to do is you are going to go out and borrow more money from my 3-year-old son, my 1-year-old daughter. They are going to borrow more money from them in order to give a tax cut this year to people who make $200,000 a year, people who have investment income who are doing very well.

I have nothing against them, but I think there is a moral question there. Why are they borrowing more money from our children in order to give a tax cut to the people who are doing very well in this society? Again, I am not saying they are bad people. I am saying, I think we have to look at the bigger picture and the bigger picture is, yes, we have to sacrifice. I frankly think as Democrats we are making a mistake and we lose the political battle if we say we should not balance the budget. I agree with Mr. PALLONE, I think we should balance the budget. But I will tell you where I think we win the battle is by saying candidly to the American people, yes, we should balance the budget, but you are going in the wrong direction. You should not be having the cuts and the hits because many of the things are actually cuts in the growth. We should be candid about it. They are cuts in the growth of these programs. But they are in education, they are in Medicare. They are in Medicaid. They are in programs that affect children like WIC and Head Start. And those are investments for the future. Why do we take a hit there?

Ms. KAPTUR. I just want to say, we were talking about universities and the importance of student loans. I am someone who personally was able to have the work study program available to me as a college student at the University of Wisconsin in Madison. And I was able to work my way through school along with some scholarship assistance. I think that all of us who have struggled hard to get an education understand what the students of today, whose bills are even higher than ours were, are facing.

I do have to say on the Record that the University of Toledo is in my district. They are on their way to the Las Vegas Bowl. We are very proud of them for that. We have over 22,000 students at that particular institution.

Mr. BARRETT of Wisconsin. They are ranked right now right, are they not?

Ms. KAPTUR. You knew they were from our community. We are very proud of them. In December they will be traveling down there, and we know they are going to win. We also have Bowling Green State University where we have about 18,000 students and then Lords College with about 2,500 students. These student loans for many, many thousands of students are life and death. It is their future or nothing.

And to add to their burden, they are our future, really, is the wrong way to go. I would say to certain executives in our country, like the gentleman who heads up Walt Disney who made $50 million last year, that is a substantial sum of money. I am sure that he would admit, if he were given the chance to speak out on this floor, that he does not need an additional $500 in a tax credit for his family, that he would rather have some student in California be able to go on to school. And if you multiply that by the thousands and thousands of students in our country, there are just better ways to spend these dollars. It seems such a tragedy to me that we are here late in the evening while the Government is essentially stopped and we cannot seem to find accommodation with Mr. GINGRICH simply because he is being unreasonable about where to cut and where not to cut.

I do not understand what he is after. I think all of the mail we have gotten, the phone calls, the communications from our constituents, give us a sense of where we need to make changes in the budget. I do not know why he is taking such an extreme position. I do not think it yields anything for the country. I do not think it yields anything for him or his allies in this Congress. I do not understand why the rigidity, what is the rigidity all about.

I am just proud to be here with our colleagues here this evening because we are from all different parts of the country. And we very much want to continue on the path of deficit reduction. I think we have all been a part of making tough choices.

All we do on the Committee on Appropriations now is cut. It is just a matter of what you hack next. We have eliminated programs. We have had hundreds of thousands of people that have left the service of the Federal Government, both on the civilian side and the military side. We have got base closings all over this country. We as a Nation are begging foreign countries to invest in space research. It is somewhat embarrassing at times to be a beggar. On the international front, we have cut foreign aid.

When you look at where we have cut, all the agriculture programs, we are losing thousands and thousands of farmers, dairy farmers, vegetable farmers, tomato farmers, cattle growers. We have got people all over this country who are going out of business. We know cuts have been severe. We know that we have been about the task of putting the finances of the Government in the proper order. But I do not understand why Mr. GINGRICH cannot be a partner with us and help us to balance the budget responsibly rather than hurting people who need the help the most.

Mrs. THURMAN. Mr. Speaker, one of the things that I think has been left out in this debate, and I think it is not our debate but this overall debate, is something that all of us came in to try to do, and that was to create new jobs so that we could put people back to work so that we could grow this economy, because not only is there the ability to just cut, cut, cut, but there is also the ability to grow ourselves out of this, to put people back to work so they are not dependent on this Government.

My guess is, from listening to the folks at home, the cuts just in the health care alone, we are going to be losing $15,000-a-year jobs to $30,000-a-year jobs. Not the $250,000-a-year jobs, but the ones in between. Because when you cut that and take that kind of money out of your economy, there is going to be an effect. And one of those areas is going to be in jobs.

Let me tell you about an issue that I watched on this floor. I only raise this because I think there is another attack going on in these appropriation bills with some of these riders. That really has a lot to do with undoing what was done in the last 2 years under President Clinton.

There was an issue called the Office of Technology. Do you remember that 2 years ago when we debated that and that was when we were supposed to bring public and private together so that we could take our inventions here in this country and actually manufacture and market them. That was the purpose of that, was for the Office of Technology to build that, because we knew that we had to grow. We had to do manufacturing. We had to do that.

What we found in everything that we were seeing across this country was we would come up with all these ideas like the VCR and that technology that we had gained would be sent to another country. It would be manufactured and then sent back to the United States. And we said we have got to stop this.

One of the first amendments that I watched during the appropriations bill was to take the Office of Technology out. It stops the growth. It stops the promotion of jobs.

I have to tell you, I am like you, Ms. KAPTUR, I do not get it. I just do not get it.

Mr. BARRETT of Wisconsin. Maybe Mr. PALLONE can help us out.

Mr. PALLONE. I wanted to comment, I was listening to what the two Congresswomen said. One of the things I think they are getting at, which is so important, is the whole interrelationship with all these things and what it all means for our economy and the future of the country.

□ 2230

One of the things that bothers me about Speaker GINGRICH is that he always seems to get involved in class warfare, age warfare, putting one group or pitting one group against the other, and these things are all so interrelated.

Now we talked tonight about the Medicare cuts, and I know to some extent the leadership, the Republican leadership, tries to get the idea out, well, you know, maybe the seniors are getting too much, you know, that they need to pay a little more, and you know, try to get into this thing that it is seniors against young people, almost a generation gap, and what they fail to tell us and fail to explain is that these Medicare cuts and the Medicaid cuts have a terrible impact on hospitals, for example.

In my own area almost every hospital that is in any district is, a majority of their funding comes from Medicare and Medicaid. If these draconian cuts are put in place in order to finance the tax cuts for the wealthy, a lot of those hospitals will close, a lot of them will cut back on services. That affects everyone, not just the senior citizens. It affects everyone in the community.

The same thing is true with the student loans. I do not understand how you can talk about cutting back on student loans. I remember I think there was a rally a couple of months ago in New York City, and Mayor Giuliani, I think it was him or it was some other Republican, made some statement about how, you know, why do not these students, why do they not just go to work, why are they looking for a student loan handout? They can work like I did for, you know, 15 to 20 years, and then they can go back to school and pay for their college education. Well, that is such a waste of energy.

In other words, we are competing with other countries. We have got to have a productive work force. We have got to have people who are educated in their younger years so they can go out, and work, and compete with others abroad. We cannot defer their education for 10, 15, 20 years because they are competing with people elsewhere in the world.

The same thing is true with the earned income tax credit. We cut back on the earned income tax credit, what is going to happen? More people will be on welfare, and who is going to pay when they are on welfare, and how much does that cost to society?

So many of these Republican initiatives that are in this budget just make no sense in terms of the future of this country, the future of the work force, and even dollars. Dollars are not going to be saved in the long run. It is going to cost us more, and you brought that out, I think, in various ways tonight.

Mr. BARRETT of Wisconsin. I think your comments on age warfare deserve a little bit of discussion because I find that the arguments that the Speaker and his followers make in terms of raising the monthly premiums on older people sometimes resonate quite well, frankly, with younger people in their twenties because they are frustrated, they do not see that they are going to have the jobs that are going to allow them to support their families, they do not feel as though they can buy a home immediately, so they feel trapped, many young Americans, and think, well, this might be it, and especially when they are told there is going to be this tax cut. But what I find interesting, because I thought about this, and I talk to younger people, and they say, some younger people unfortunately say, "Yeah, fine let the seniors pay more because I'm going to get a tax cut."

And I say, "Wait a minute, wait a minute. How old are you; 23 years old? Have you made a lot of money on capital gains in the last year?"

And they generally say, "No, what are you talking about? I don't know what capital gains are."

They do not know what they are. I will tell them stocks, or you made money selling expensive art or something like that, and they said, "No, of course not," and they may have children.

So they say, "What about the $500 credit?"

And I say, "How much is your income a year?"

They will say, "$20,000," and I will say, "Well, it is a nonrefundable credit, so, if you don't have enough tax liability right now, you're not going to benefit from this $500 credit." In fact, studies have shown that 46 percent of the kids in this country do not benefit from this $500-per-child credit.

Now, if you make $200,000 a year, and you have got two children, you get a thousand-dollar credit; so, on the one hand you have got the couple that makes $200,000 a year that gets a thousand-dollar credit, and at the exact same time, in the exact same bill, you have got an 80-year-old widow on a fixed income of $8,000 a year, and her Medicare premiums are going to go from roughly $550 a year to close to $1,100 a year. So you have got a $1,000 tax credit to someone making $200,000 a year here and a doubling of her Medicare premiums, or almost a doubling of her Medicare premiums, to someone on a fixed income here.

Again I stress we should balance the budget, but we are going in the wrong direction. The priorities are wrong. Let us do it right.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield, I remind us of what that grouping is of when you talk about the seniors. These are the numbers that have come out, and help me if I remember this. Eighty-five percent of the seniors make less than $25,000 a year; 63 percent actually make less than $15,000 a year. That is who you are asking about doubling on that end with their premiums which do not go into the trust fund to help Medicare anyway as compared to the one over here at $200,000, and I have to tell you that blew my mind when I got those numbers. I did not realize that 83 percent of our seniors were in that level.

Mr. BARRETT of Wisconsin. It is surprising.

Representative Kaptur.

Ms. KAPTUR. I thank you very much, and I wanted to follow on points that you have all made.

The gentlewoman from Florida [Mrs. THURMAN] talked about how do we get our economy to grow, which is what I really enjoy talking about the most——

Mrs. THURMAN. I know you do.

Ms. KAPTUR. Not sort of treading water, and I wish we could spend more time as a Congress debating that whole subject, and then the gentleman from New Jersey [Mr. PALLONE] talked about the interrelationship and how, what kinds of programs do we need to decrease, which ones should be increased, and the gentleman from Wisconsin [Mr. BARRETT] also talked about that, where would we make investments for the future, where does it make the most sense, and I think it is important to point out that, if you look at the whole economy of our country, 80 percent of it is the private sector, so the growth has to come on the private side. Twenty percent of our gross domestic product is the Government. So, as hard as we might try to cut and move toward a balanced budget, the truth is, if we make the wrong choices and we stifle growth on the private side, we have all done a disservice to the Nation, and I think that some of the cuts that are being talked about are, in fact, ones that will inhibit growth on the private-sector side because, if you do not have an educated work force, if you are throwing more people into poverty who are nonproductive people, if you are robbing students of a bright future in the next century, and, I think, if you defile your environment, you are going to, you know, pay a very heavy price for it down the road, and I think one of the problems with the proposals, the way they have come out of that committee, is that they do not help the middle class to grow. I think that in fact they make people who are trying to earn a living and keep a household together, make it much more difficult for them to stay in the middle class, and we have seen enough people drop out of or keep hanging on with their fingernails at this point, and you cannot solve the whole problem just on the Government side, on the deficit side. You do have to look at choices that you make that will create growth.

So I think you pointed out important aspects that we need to think about as we make these choices, that they are the proper ones and they do not create more harm on the private-sector side, and we have heard a lot of talk about capital gains and who will benefit from that, and I think one of the issues there really is perhaps indexing of capital gains as opposed to just giving money away, and there is no, no requirement in the bill that is in that committee today that, when those dollars are given, they have to be invested in the United States of America. So we could be giving another freebie away and have more of our jobs taken to Mexico, or Taiwan, or wherever, and who is really benefiting? Not the society, not the middle class, not the growth of wealth in this country, but rather the frittering away of scarce resources to people who already have pretty big boats to float in.

So I just want to commend you for your comments.

Mr. PALLONE. If you would just yield for a second, I just wanted to follow up on what you said about capital gains. I actually support the concept of capital gains, if it is geared in the right direction, but you have hit on the two points. In other words, you know, capital gains, it is going to help the middle-class person, the home owner, OK. Capital gains that is going to help the corporation that reinvests in the United States, but that is not what we have in this bill, those types of investments, those sort of directed investments that are going to improve the economy or help the middle-class person. That is not what is in this bill.

One of the worst aspects, Congresswoman KAPTUR, that—and I understand that the conference between the House and the Senate has not corrected this, is the proposal to take pension moneys in the House-passed version, and I understand the Senate is going to go along with this. They have actually allowed the corporations to dip into workers' pension funds and to use that money for investments. You know, they could use it for a hostile takeover of another corporation.

Again you know I do not even like the idea of being able to take the pension funds at all, but, if you are going to allow that, at least do it in a way that you know is going to benefit the local economy or the American economy, and they do not even to that. So there are all kinds of things that benefit the large corporations, benefit the wealthy, that do not benefit the average person or even encourage investment in the United States.

Ms. KAPTUR. I am glad the gentleman brought up those points because the $40 billion that they want to take out of workers' pensions is double the amount that was taken out during the 1980's, before the law was changed, and, if we think back to the 1980's, all the workers that have been put out on the streets of this country; 3-M announced today they are laying off 5,000 people, 3,000 of them here in the United States. Those jobs are gone. Add those to Fruit of the Loom 2 weeks ago. I mentioned yesterday that even Hershey's kisses in Pennsylvania has decided to make its giant kisses in Guadalajara, Mexico, so it is a giant kiss of death to all the Hershey workers in Pennsylvania who will no longer be employed, and all the dairy farmers who supply the milk into that plant and so forth.

But it is a massive hit on workers' pension funds, and I would be proud to serve here during a day when we talk not just about changing capital gains, but helping worker gains and helping our workers benefit from their hard labor across this country so they can have a more secure economic future, but that $40 billion is a gigantic amount, double what we experienced back in the 1980's, and we all remember what happened then.

Mr. BARRETT of Wisconsin. What is even more amazing about that hit on the pension fund is that it was presented to us as corporate and ends part of the corporate welfare, that they were going to take care of corporate welfare by changing the pension law and making it easier for companies to raid their pension funds. That money can be used right now under current law essentially only for health care benefits and maybe some employee stock ownership plans, but under their proposal it can be used for executive bonuses, it can be used for hostile takeovers, and just to paint two scenarios here because it is going to make it very attractive for companies to go out and try to find other companies to raid in order to bleed down that pension fund, and let us assume that you are not someone who is hostile and wants to take over other companies, but that you own a medium-sized company, you have been good to your employees, you have got your pension fund built up above what the law requires because you want to maybe increase the health care benefits for your retired people as they get older.

What does this do? It says to you, as the owner of that company, "You better take the money out of that fund because, if you don't, you're going to become a sitting duck for a hostile takeover," and they are going to come in, and they are going to take the money out of that fund. So you have got two full problems. First you have got the problem that you have got the hostile people who will come in and want to bleed the funds, and then you got the good companies, the companies that want to take care of their workers, the companies that want to take care of their retirees, and you are creating what is almost a mandatory incentive for them to take the money out of the fund so that they are not the subject of a hostile takeover.

So I think that there is a multiplier effect there that is going to make it more and more difficult for people who have put money in their pension funds to see the fruits of their labor in their later years, and I think it is wrong, wrong, wrong for us to be going in that direction again. It is another example of the wrong direction.

Ms. KAPTUR. If the gentleman would yield, I cannot tell you how many companies we have in Ohio where workers work let us say for 30 years, and when their pension funds went belly up, they said to the workers, "Oh, gee, sorry, we don't have your pension dollars," or, "You worked 30 years? Well, we can only pay you 10 years."

I just met a gentleman the other day who worked for Eastern Airlines for over a decade on the east coast and who had to move to Florida to completely change his occupation. He is now in his fifties, enrolled in a 5-year program in environmental agriculture, a highly skilled airplane mechanic who, if he is lucky, will get maybe $300 a year when he reaches 65 from that company for his years of employment there, much less than he would have expected to have gotten in his retirement years. So we have got people all over this country who have been robbed of their pension benefits.

Mr. BARRETT of Wisconsin. OK. In closing let us figure out now we are at the end of the night, we are still in the stalemate. Congressman PALLONE, what should we do to get the ball rolling?

Mr. PALLONE. Well, I think that the only answer is that there has to be recognition on the Republican side that they are just not going to be able to take money from Medicare and also from Medicaid in these large amounts, these cuts, and use them for a tax cut for the wealthy.

□ 2245

I think it would be very easy to come to agreement between both sides of the aisle, as well as with the President, by simply cutting back on, or I should say putting back a lot of the cuts on Medicare as well as Medicaid, not increasing premiums as much as has been proposed here, and, as a consequence, also cutting back on this tax cut for the wealthy. That is the basis for an agreement on the budget I think we can all live with.

Mr. BARRETT of Wisconsin. Mr. Speaker, I would ask the gentlewoman from Florida, what is her constructive analysis?

Mrs. THURMAN. Mr. Speaker, I think tomorrow we are going to have an opportunity to do either a 24-hour or 48-hour clean resolution and then allow them to continue to do the work on the appropriations. My constructive part on this would say, "I came here to do the job, I am willing to stay here, I voted last Friday to stay here over last weekend so we could avoid this kind of train wreck we have come to." I am willing to stay here again and work on this, but all I would ask is, I don't know that I was ever a part of what some would like to look back over the last and blame all the rest of us for, but I am really ready to sit down and work in a bipartisan manner to come up with a program that we can take care of people within this country, and I am not ashamed of the fact that I am a Democrat and believe that people need to come first in this country.

Mr. BARRETT of Wisconsin. Mr. Speaker, I would ask the gentlewoman from Ohio [Ms. KAPTUR] her constructive comments on how to get the ball rolling.

Ms. KAPTUR. Mr. Speaker, first of all we need a clean continuing resolution. We ought to have one similar to the one that was passed about 1½ months ago, without all the bells and whistles on it, that brings us below last year's level of spending, but without all these riders and everything else they have been trying to stick on.

I think also we should go back to regular order. And I have to say to the former Speaker, Jim Wright, if he is listening tonight, thank you for being a great Speaker. Thank you for clearing your bills on time. We should be doing the same with the appropriation bills.

I would say to President Clinton that I hope he keeps on his balanced budget target and hangs strong on Medicare.

Mr. BARRETT of Wisconsin. Thank you all very much.

IT IS TIME WE GET OUR FINANCIAL HOUSE IN ORDER

The SPEAKER pro tempore. (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, I know the time is getting late. You have been very gracious for being here for a long time, and I hope I can return the favor to the gentleman.

Mr. Speaker, I have been in elective office for 21 years, 13 years in the State House in Connecticut, and now 8 years in Congress. When I was in the State House, I was always amazed that Congress could spend more money than it raised in revenues and deficit spend. I knew you did that when times were difficult and in times of war, but I could never understand how we could do that in times of peace. For the first basically 180 years of our history, our national debt was only $375 billion; in 1975, $375 billion. That funded the Spanish-American War, World War I, World War II, the Korean war, the Vietnam war, these real crises in our country.

After the Vietnam war, our deficit was $375 billion. Since 1975, our deficits have grown to 4,900 billion. That is a thirteen-fold increase in our national debt, when times were good.

I vowed that when I came to Congress, I would be on that part of the equation that would look to get our financial house in order. This is our moment. Our moment is right now, to get our financial house in order, balance our budget. That is the first effort. The second effort is to save our trust funds, particularly Medicare, which is going insolvent next year, and becomes bankrupt in 7 short years. The Medicare fund that goes bankrupt funds all of hospital costs.

Our third effort is to transform our social and corporate welfare state into an opportunity society. That is a conservative word. It is a very important word. We are trying to give opportunity to people. Instead of being a caretaking government, we are looking to be a caring government. Instead of people giving them the food, we are looking to help them grow the seeds, and be able to self-sufficient.

I look at our society and I see too many 12-year-olds having babies, I see 14-year-olds selling drugs, I see 15-year-olds killing each other, I see 18-year-olds who cannot read their diplomas, I see 24-year-olds who have never had a job, not because jobs do not exist, but because they simply do not feel those jobs are for them, or maybe do not have the qualifications or feel they do not have the qualifications. I see 30-year grandparents.

In my political career, I have seen now three generations of welfare recipients. That has to end. We have an opportunity to end it in the next 2 years.

I am joined by my colleague, the gentleman from Michigan, and I am really grateful that he is here. Before yielding to him, I would just like to enter into this whole debate of whether what we are doing is cutting spending, slowing the growth in spending, or simply not coming to grips at all with spending.

During the last 7 years, we spent about $9 trillion. In the next 7 years, we expect to spend $12 trillion; in other words, $3 trillion more in the next 7 years, a significant sum. What we are trying not to do is spend over $13 trillion. We are looking to not have the debt go up $2 trillion more. In this 7-year budget plan that we have, it still would go up $1 trillion. That is embarrassing in one way, but it certainly should give an indication that we are not being radical. We are spending more, the national debt goes up $1 trillion, but it will not go up $2 trillion if we have our way.

In the seventh year, we have slowed the growth of spending to the point where it intersects with revenue, and in the seventh year, we will have had a balanced budget.

What we are asking the President of the United States to do is join in that effort to balance the budget in 7 years. Obviously, we would like him to agree to our balanced budget of 7 years, but we are not requiring that to happen. He has his priorities, I am sure, and we have ours. We would have to sort that out. But the one thing we should be able to agree on on a common basis is getting our budget balanced in 7 years.

To that end, that is what we are doing. We are working to do that. It makes it a lot easier if the President weighs in and helps us in that effort, but if he does not, we are still going to keep on in this effort. Someone said to me, and then I will yield to my colleague, just about polls they said, "The President seems to be catching the imagination of the American people, that they have more faith in him right now than Congress. You are not looking too good in Congress with the polls."

I thought, "I don't know entirely how valid those polls are, but the one thing I know is that if President Lincoln had taken a poll during the height of his effort to keep our Union together, and he had decided based on the polls, he would have simply ended the war and not confronted the South." We would not be one nation under God, indivisible, we would have been, if President Lincoln had listened to polls and reacted to them, two nations, a North and a South.

For me, this is as epic a struggle. I feel for our Federal employees who are kind of caught in the middle of this. Ultimately we know we are going to downsize Government and they will be affected. I feel for them not knowing if they should come to work tomorrow. But it is much bigger than our Federal employees. It is not a matter of getting our Federal employees back to work, it is a matter to getting an agreement with the White House that gets us on a glide path to a balanced budget.

With that, Mr. Speaker, I yield to the gentleman from Michigan [Mr. HOEKSTRA], and thank my colleague for participating in this special order.

Mr. HOEKSTRA. I thank my colleague, the gentleman from Connecticut, for yielding to me.

Mr. Speaker, my colleague and I have been working with many of our friends in the House in developing a new process on how we work on the Republican side of the aisle, a process of participative involvement. It is one of the reasons that we as a group have really been able to get behind a unified vision.

The first step in our process as colleagues, as we work together, is to listen. We have developed a process for listening to each other, but more importantly, we have developed a process for listening to the American people. We did it a year and a half ago, as we went through the campaign process in 1994. We spend a lot of time listening to the American people, having them tell us what was important. They said, "We want an agenda in Washington that will reform Washington, that changes the way Washington does business."

We continued to hear people, in 1994, very anxious and concerned about where we were going with the deficit, with the budget, very concerned about the debt we were piling on our children. So I think we spent a lot of time listening to each other, but more importantly, listening to the American people and trying to understand their problems.

After we won the elections in 1994, we spent a lot of time trying to learn and understand the problem. We recognized, I think as you just pointed out, that to get to a balanced budget, we did not have to cut spending. We could grow spending, we just could not grow it as fast as what maybe Congress would like to have grown it; that if all we did was grow spending but grow it a little slower than what we had anticipated, we would get to a balanced budget.

We also learned that as we looked out into the year 2010 and a little beyond that, if we did not reform entitlement spending in, what is it, the year 2013, 100 percent of the revenues that the Government would collect would be used to pay for entitlement spending and interest on the debt, and there would not be any money left for anything else.

As we looked even closer, we looked out and we learned that 7 years out, the Medicare part A trust fund would be broke, so we learned a lot of things about the budget. For the last number of months, we have been trying to help, help people understand, help our colleagues here in Washington understand what the implications were of the information that we have gathered, help the American people understand that if we continue down this irresponsible and reckless path of increased spending, increased spending beyond our limits, we are going to be facing some serious problems: children born today, in 1995, and over their lifetime, paying $182,000 in taxes, not for anything that is going to benefit them, but for things that are benefiting us today. That $182,000 is only going to cover the interest on the debt, their share of the interest on the debt, and that is for kids born today.

Mr. SHAYS. Not to pay back the debt, but just to pay the interest on the national debt.

Mr. HOEKSTRA. That is correct. They would pay an effective tax rate of around 82 percent over their lifetime if we did nothing, so we have listened to the American people, we have learned, and we have understood the problems. We are helping people understand the problems, and hopefully engaging them in the process to develop appropriate solutions, because the next thing is if we have listened, we have learned, and we have helped, the responsibility now comes, and this is what we are doing this week, we are leading.

Earlier this year we led with the Contract With America. We told people what we were going to do, then we went out and did it. All year we have been doing what we said we were going to do in 1994. We said we were going to get on a path to a balanced budget. We are leading. That is our vision, to get to a balanced budget, but more importantly, the benefits—and we talked about shared sacrifice for getting to a balanced budget.

Last week we had a policy committee hearing where we had outside experts come in and talk to us about the benefits of balancing the budget. They said, "We do not know where you are talking about shared sacrifice. Number one, Federal spending is still going up. It is going to go up from $1.5 trillion in 1995 to $1.8 trillion, a 27-percent increase in Federal spending. There is plenty of money to address the needs that this country is facing."

They said, "You should not be talking about shared sacrifice. You ought to be talking about shared benefits of balancing the budget." The vision is the shared benefits of lower interest rates, of an economy that is stronger because we are going to be more able to compete internationally, we are going to be better equipped to create new jobs, better-paying jobs. This impacts the kids that are going out and getting a student loan, they are going to pay less in interest rates. It affects the homeowners because they are going to be paying lower interest rates.

Greenspan came, and my colleague, the gentleman from Connecticut, and I are both on the Committee on the Budget. Alan Greenspan has come in and said we will face lower interest rates if we demonstrate to the financial markets that we are serious about balancing the budget. That is what it is about this week.

We have this vision where we are going. We would like to do it with our colleagues on the other side of the aisle. We would like to do it with the President, but they have to share our vision of getting to a balanced budget and getting there within 7 years. We have our strategies for doing that. We are going to not cut spending, we are going to slow the growth of Federal spending. We are going to allow the American people to share with us in some of the benefits of decreasing the rate of spending increases. The projects we now face, I mean everything is coming together at one point in time.

□ 2300

We do need to finish the appropriations projects. Later on this week we are going to have the Balanced Budget Act of 1995, which changes entitlement spending to put it in line with the balanced budget. We are going to have to increase the debt limit. I know my colleague from Connecticut and I are not real excited about doing that, but we recognize that we cannot get to a balanced budget in 1 year or 2 years. I think that 7 years might be too long, but I think it is a reasonable time for us to change our behavior in Washington, to move to where we are today from deficit spending to a balanced budget.

Mr. Speaker, I yield to my colleague.

Mr. SHAYS. Mr. Speaker, I thank my colleague for yielding, and just to say to him that about a year and a half ago, actually a little longer, I went to my then-minority whip, NEWT GINGRICH and said to him, "The problem is not term limits, because if it is term limits, then you are the problem. The problem is," I said, "is 40 years of one-party control. Forty years of one-party control is wrong, whether it be Republican or Democrat."

Mr. Speaker, the next thing I knew was that I was being asked to participate in a group that the gentleman from Michigan [Mr. HOEKSTRA] heads. That is one of the things that I think people do not realize about the Speaker, is that if you go to him with a suggestion or concern, and the next thing he has empowered you and you are now a part of the process.

He put me on a group of people that you headed, Congressman HOEKSTRA, and it was basically an effort of how to decide how do we end 40 years of one-party control. This was the group that ultimately worked on the Contract With America, and the Capitol steps event.

Why was there a Capitol steps event? We wanted to catch the imagination of the American people and let them know that, if they were to elect us, that it would not be business as usual. It would be like in Great Britain or in Canada when there is a change of government. Mr. Speaker, we said, "Elect us and this is what we are going to do." We had a signed Contract With America and we invited all the challengers to participate.

I remember the incredible outcry that people had at first. "How can you sign a Contract With America?" And I said, "Well, have you read what is in it?" They said, "No." I said, "Why don't you look at it and then tell me what you think."

The press was critical, and I remember the press being critical before the election. I said, "What do you think the majority party's Contract With America, the 10 things, the 8 things they want to do on opening day, the 10 things they want to do in the first 100 days is?"

Is not it remarkable that this Contract With America does not criticize President Clinton, it does not criticize Democrats? It is a positive plan for America. So one of the things that I want to do, since I have not had a special order with the gentleman from Michigan, is I wanted to thank him for his leadership in helping to devise this Contract With America that gave us a real vision and a strategy for accomplishing change.

The gentleman talked about a "listen, learn, help, and lead model." The gentleman has talked in a sense about our vision strategies and our projects and our tactics, and all of it was positive.

When people said to me, "Well, you had this Contract With America, and admittedly, it helped you get elected, but you will not implement it." We implemented those eight reforms on opening day. Then in the first 100 days, we implemented 10 major reforms. I look at those 10 major reforms, and one of them was a balanced budget amendment.

People said, "You voted for a balanced budget amendment but you would not be so stupid as to vote to balance the budget." Whether they call it stupid or not, I guess they meant it from the political context; that it is heavy lifting and we are taking on a lot of special interests.

But my pride is that we have this Contract With America which is a positive plan for this country. We voted for a balanced budget amendment, but we did not stop there. We voted to balance the budget.

If the gentleman would just let me continue just a little longer, we are slowing the growth in spending as the gentleman has pointed out. In some cases we are cutting programs, particularly in discretionary programs, but in a lot of cases we are merely slowing the growth of programs.

The earned income tax credit that helps those who are the poorest, they end up not paying taxes. They are the working poor, and they actually get something in return. People are saying on the other side of the aisle that we are cutting the earned income tax credit. Today it is $19.8 billion. In the seventh year it grows to $27.5 billion. That is a significant increase.

The School Lunch Program. They said we were cutting the School Lunch Program. It is $6.3 billion today. In 5 years it will be $7.8 billion.

The Student Loan Program. They are saying we are cutting the Student Loan Program. All we are asking is that students pay interest on a period after graduation for the next 6 months, when the Federal Government has paid the interest. Now we are saying the students will pay the interest and they can defer it and amortize it over the length of the program. We are going to spend $25.5 billion today and it will grow, by 2002, to $36 billion; $36 billion from $24 billion. It is a 50-percent increase. Only in this place when we spend 50 percent more do people call it a cut.

Then I look at Medicaid and Medicare. Medicaid, we are going to spend $329 billion of additional dollars in the next 7 years that we did not spend in the last 7. We are going to go from $89 to $124 billion.

In Medicare, which is an incredible program that we have devised to give people choice, it is going to grow from $178 billion today to $273 billion in 7 years. We are going to spend $674 billion more in the next 7 years than we did in the last 7. Again, I say only in this place when we spend $674 billion more do people call it a cut.

On a per capita basis, they say more people are getting into the program. But we are going on a per capita basis from $4,800 per beneficiary, per elderly, to $6,700 per beneficiary, per elderly. That is a 47-percent increase per beneficiary. That is an increase any way we look at it.

Mr Speaker, I am so proud of what this Republican majority is doing. And I speak to my constituents in my district who are Republican, Democrat, unaffiliated, who do not vote at all. There are things that my party can be criticized for, but one thing it cannot be criticized for is that it cannot be criticized for not doing some heavy lifting and not trying to save this country from bankruptcy, because we are trying to save Medicare from bankruptcy. We are ultimately trying to save this country from bankruptcy.

Mr. Speaker, we want to stop mortgaging the farm so that our kids have such a great debt that they cannot pay it back. We want to begin to say no more debt, no more annual deficits which at the end of the year add to the national debt.

In the seventh year, our deficits disappear. They become zero. Our national debt does not keep going up and we have done it by allowing spending to go up. We simply want to slow the growth in that spending. And in the process, we allow for this social corporate welfare state to be transformed into what is truly an opportunity society.

There is going to be much more opportunity. We can go on. What is the benefit of getting this deficit down? I mean the gentleman from Michigan has pointed out obviously interest rates go down. Mortgages go down. Car loans go down. Student loan costs go down. Even though we ask students pay a little more interest for 6 months, they are going to pay a lot less interest during the entire period of their loan. Businesses will start to invest more because money will be cheaper. When they invest more, they are going to create more jobs.

We borrow 42 percent of the money that is available for investment. We, the Federal Government, borrow 42 percent of all savings to fund the national debt. That has to end.

Mr. Speaker, I notice we are joined by my colleague from Maine. I would like to welcome him and yield back time to the gentleman from Michigan if he would like to go on, and then I would love, Mr. LONGLEY, if you would like to enter in. He looks like he is ready to enter in.

Mr. HOEKSTRA. I would like to make a couple of points, building off of what my colleague from Connecticut talked about. I think they really do talk about how we want to work as a majority, the kind of vision that we have for how we want the whole House to work. It is that we want to focus on a positive message.

Mr. Speaker, we have a positive message. We have, I think, all a positive vision for where this country needs to go and what we want to do. So we can talk about where we want it to be in the future. We can talk about it in a very, very positive way.

In a way, that reaches across to the other side of the aisle, and reaches out to the President and says, "We have a vision and a very positive vision. And we really would like you to work with us."

I think again on the Committee on the Budget, we are willing to work with Members who share this vision of financial stability and financial soundness. In the meetings that we had where we kicked off the year in the Committee on the Budget, we were joined by one of our colleagues from the other side of the aisle who said, "I share your vision for restoring this country to financial soundness," and that gentleman participated in all of our meetings because he recognized that where we wanted to go was where he wanted to go.

We recognized that it was going to be hard work. Getting to a balanced budget, I think we have found out, has not been easy. We have many differences from the Northeast to the West, to the South, to the Midwest. We all have our different priorities. But when we have come together as 234 Members and said, "We share this vision of getting to a balanced budget," and we keep our focus on that end goal, we have all been able to put aside some of our personal desires and our personal priorities and say, "It is more important for us to reach that goal together, because that is the only way that we are going to get there."

□ 2310

We are willing to put aside part of our personal interests because we share that objective of getting to a balanced budget. It is going to be hard work. I hope that the President, that he comes out and says, I will do it with you. I will balance it, because we will get a better solution because we will have 435 Members and the President taking a look and scrubbing our proposals. It will get better if we hang onto that balancing the budget within 7 years.

Mr. SHAYS. Mr. Speaker, I think the key point is that we believe that at the very latest we should balance the budget in 7 years. Someone said what is so magical about 7 years. Nothing except for the fact that over 300 Members of this House, Republicans and Democrats, have voted for a balanced budget amendment to be balanced in 7 years. So over 300 or more than three-quarters, almost three-quarters of the Members here voted for a 7-year balanced budget. Candidly, nothing magical about a 7-year budget. I think it should be 4 or 5. But at the very least, within 7. I think the gentleman's point that the President could make it a better budget, we are not saying it has to be our 7-year budget, "our" being Republican. It can be "our" being Democrat and Republican, a 7-year budget.

Mr. HOEKSTRA. We have seen that. This is not your 7-year budget. It is not mine. If you developed one, it probably would have been different than mine. But we have put aside our differences and agreed on one that we can get that kind of unanimity on. I just want to say, we are also making some key structural changes in programs that are going to reform programs and that are going to make these programs better for the long term.

I think the other thing that we have to recognize is, maybe one of my colleagues would like to share on this, the dynamics, after the year 2000, especially on entitlement programs do not get any better. If we blink in 1995, what happens in 2005 with the baby boomers, the dynamics are working against us. All the entitlement spending on Medicare, Social Security, and all of these programs is going to skyrocket as the baby boomers get there. And so if we do not solve or start addressing this problem in 1995, it is not going to go away. It is only going to get worse. That is why today, yesterday and the next 7 to 10 days are so, so critical to get this under control.

I yield to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Speaker, I appreciate the comments. I think the first thing that I would like to pick up on is what both of you have been saying which is that we have a positive agenda. We are not here to criticize anyone else. We are here to deal constructively with the Nation's problems, try to respond to what the public demanded last November. And I think it is important that we make a point that the easiest thing in the world for us to do as Members of Congress is to come in here and pretend that these problems do not exist. The easiest thing in the world is to say, sure, Mr. President, spend all the money you want. Go ahead and borrow all the money you want. But we know that it would not be right. And it has been a darn tough challenge over the last 10 months to take a look at a $1.5 trillion budget and make the kinds of adjustments, frankly, not the kinds of cuts that are being described, but adjustments in terms of a slower rate of growth in Government spending so that we can get to a point of having a balanced budget by the year 2002.

But again, I want to go back particularly because earlier this evening, there were Members on the floor that were discussing the fact that we should have had all our work done by July or August. The point that I would like to make is, yes, prior Congresses have had all their work done by July or August. They spent as much money as they wanted to spend. And when they did not have enough money, they just raised taxes to pay for it.

Mr. HOEKSTRA. Mr. Speaker, I think my colleague from Connecticut probably will want to jump in, our research shows that there have been nine Government shutdowns since 1981. And in that same period of time, there have been 57 continuing resolutions. Congress has not always gotten its work done in the first part of September.

Mr. SHAYS Mr. Speaker, I think we can be very candid. I would love it if we had had this budget done by October 1. I am not going to say because it happened in the past we should have done it, because we would like to think that we are different. I think the challenge has been that for the first time we are trying to balance the budget and get our financial house in order. We have taken on every special interest group you can imagine. By special interest group, I do not even mean that in a derogatory way. We have just taken every group and said that they need to share in this wonderful, and I say wonderful, opportunity to get this financial house in order. Because ultimately the benefits will be extraordinary. But it has not been ready by October 1.

But the one point I make is that by Friday we will have the job done. We will give the President a balanced budget. It will get us on a glidepath to a balance in 7 years. It will still allow spending to increase, and it would be easier if our colleagues on the other side of the aisle were contributing to helping.

Someone said, why have you not downsized Government, and we said we are, and we are in the process. But when a private company downsizes, the corporate people get together in a room. They decide the policy and they speak with unanimity. In this case, you have a government. We are trying to downsize the Government. And you have part of the board of directors on the other side saying, no, we should not downsize government and we should not control the growth in spending. But we are going to get the job done.

Mr. HOEKSTRA. In downsizing government, I came from a company that downsized. Actually, when we downsized in the private sector, when we got done the number of employees and our costs were actually less. Remember when we are downsizing in Washington, we are downsizing a $1.5 trillion budget. And in 7 years it will be $1.8 trillion budget. So downsizing in the private sector is a little different than downsizing in Washington.

Mr. SHAYS. It is. And it has not been easy. But the bottom line is, we are doing our best. I am really proud of the job we have been doing.

Mr. LONGLEY. Mr. Speaker, I think that the other point that needs to be made is that we have been given literally three or four different plans by the administration. And I think that it has been a challenge for us to sort through these different options in terms of trying to reach the honest objective of a balanced budget.

I think one of the things that was just astounding to me as a new Member of Congress was to come to Washington, to come to this body and to discover that there is a significant portion of the Congress and the administration that has no intention whatsoever of balancing the budget.

In fact, I think it is fair to say that this entire debate that we are now engaged in that began in earnest last night with the failure of the President to come to some agreement with the leaders of the Congress is that the bottom line is, they do not want to balance the budget. And I think I would defer to what the gentleman from Connecticut said, the issue is no later than 7 years. We will be lucky, frankly, if we have 7 years to balance the budget. And within that 7-year time frame, we are going to be willing to be as accommodating as we can in terms of different senses of priorities. But we have got to put an end to this mindlessness of just continuing debt as far as the eye can see because it is just not going to work for this country. It is going to destroy this country.

Mr. SHAYS. Mr. Speaker, half of our budget are entitlements: Social Security, Medicare, Medicaid, and a whole host of other entitlements, food stamps, welfare. You fit the title, you get the benefit. That is half of our budget. I do not get to vote on it. You do not get to vote on it. It does not come out of the appropriations committee. It is on automatic pilot.

Basically we have another 15 percent of our budget that is on automatic pilot, too. It is mandatory spending. It is interest on the national debt. I have been here 8 years now. I voted on one-third of the budget. The reason why Gramm-Rudman failed, one of the reasons that process that was intended to control the growth of spending because it only looked at what we call discretionary spending, the spending that funds the executive branch, the legislative branch, and the judicial branch, all the different departments and agencies in the executive branch, all the grants there, then foreign aid and then defense spending. That is what it basically looks at.

And we have been trying to control the growth of spending by just focusing on domestic spending, when we know and Mr. Panetta, when he was a Member of Congress, the chairman of the Committee on the Budget, he said, we are ultimately not going to control the growth of spending until we control the growth of entitlements. This is the first Congress that has taken on that task.

It is leading me to the point, my colleague may have wondered where I was headed here. He made the point that we have this incredible opportunity to balance the budget in 7 years. But even when we do it, we still have to come to grips with the baby boomers that start entering Social Security in the year 2010. And by the year 2030, you have 65- to 85-year-old baby boomers in the system, totally utilizing all the funds. And the system quickly becomes bankrupt.

So if we cannot come to grips with getting, slowing the growth of entitlements now, if we cannot do that now, we are doomed in the future. That is the bottom line. So we have to begin to slow the growth of entitlements and then ultimately we will have to revisit this issue on a bipartisan basis.

I will tell you this, I do not think it is going to be possible for one party to take that issue on like we are trying to take this issue on now.

□ 2320

When the experts came in last week and they talked about the advantages in how getting to a balanced budget is going to free us up, I mean it is going to drive to a stronger economy. But as we have talked about reforms that need to take place here in Washington, about just about how we budget, they said, you know, just think, when you actually lay out a plan, and you start going down the path of a balanced budget, think of how it will free us up to make the reforms that we need to make. If we actually—what is one of the stronger arguments against a balanced budget amendment? Well, nobody has laid out a path. Well, we have actually, we are going down the path. Maybe we can find that one more Senator, or we can find that one more person in the other body, that will vote for a balanced budget amendment so that balancing the budget does not become a nice to every year, it becomes a have to, it becomes the law of the land that we will not fall into this trap again.

Mr. SHAYS. Like every State in this country has to balance its budget, and obviously during times of emergencies, then during times of emergencies we can have a deficit budget, but only in emergencies.

Mr. HOEKSTRA. So that we have a realistic chance then of getting to that, changing the law of the land. It will enable us perhaps to do budget reform so that we can identify capital spending versus expense spending so we can do some budget reform. We maybe actually can even run the budget like the private sector does so that when accountants came in and took a look at our books, they would say, "Yeah, that makes sense."

How does Washington run today? The biggest budget in the country; how do we run it? We run it on a cash basis. No company in the country would pass any financial test by any auditing firm if they ran on a cash basis. The do accrual accounting. We have got liabilities out there for Federal employees who are earning pensions. If we are in the private sector, we would have to be setting money aside to make sure that that money is there to pay their pensions. We do not do that for Federal employees because we run on a cash basis.

I mean it is unbelievable, but, if we get to a balanced budget, maybe we can make that reform. Like the gentleman said, if we get to a balanced budget, maybe Congress can grab back this entitlement monster, not to change the programs, but to assume the responsibility each and every year, which is ours, that says, yes, we are going to spend this much money to provide these services rather than it being automatic. Entitlement spending is one of I do not know how it ever got here, but when Congress gave that authority away and said we are automatically going to spend that money without reviewing it each and every year, we gave up our responsibility in loss—well, we did not lose accountability, but we put in place a monster that has gotten out of control. If we actually get, as we move to a balanced budget, these are the kinds of reforms that we can get back in, and we can say we are actually going to run this country under the types of financial rules and regulations that insure long-term financial soundness.

I yield to the gentleman.

Mr. LONGLEY. I just would pick up on what the gentleman from Michigan is saying.

You have I think, and again I want to speak as a new Member and as somebody who is new to this body, albeit we have been here now for 10 or 11 months. It has been amazing to me to see the extent to which those who have been in Washington, particularly those who have been here much longer than any of the three of us, just take it for granted that we continue to spend and acquire the level of debt that we have been acquiring, and not only do they take it for granted, but even the entire, all of the, committee structures, the language that we use, everything is built on the assumption that Washington will take more and more of what the public is producing and having less and less go to the average citizen who is across the country, that it is almost—it is a mind set that we here in Washington have a right to take the money from the public and spend it the way that we want to and that it is almost heretical to even suggest the idea that we should be restoring power to individual citizens across the country, the most basic form of power, which is the ability to control your own income, and again the extent to—the public is confused about what we are discussing here, and again there is not anybody that regrets the partisanship more than I do and wishes that we could get constructive dialog from the other side of the aisle.

But the fact of the matter is this is all about whether or not we are going to balance the budget.

Mr. SHAYS. I was thinking, if the gentleman will yield, just in terms of determination. You know, I have had some people say, "What's so magical about a 7-year budget," and, as I pointed out, nothing is magical about it if we can do it in 4 or 5 years. If I were running for the President of the United States, I would want to tell the American people I would do it under my watch and not under somebody else's watch. So, nothing magical about 7 years. We could do it sooner.

But I was thinking, if I asked you, Mr. HOEKSTRA, and if the President of the United States said to you, "How do I get out of this mess?" I mean you all are insisting on a balanced budget amendment. I do not want to—I do not want to do what you are doing. How would you reach out to the President and say to him you need to be a part of this, and what are we asking the President to do?

Mr. HOEKSTRA. Well, we are asking the President to sit down, understand our vision for where we want America to be, where we want America to be in 7 years, understand the vision, understand what we want America to look like, understand what we perceive the benefits of moving in this direction, and understand what we believe to be a very rational way of getting there, by just slowing the growth of the Federal spending.

Mr. SHAYS. And following your very model of listening, we would be listening to him as well as to how he would do it, and then we could, I would think, hope to marry that vision that we have, but clearly I think I would be saying to the President of the United States, "Mr. President, we need to balance the budget within 7 years, and you need to understand our determination on that issue. Over 300 Members of Congress, Republicans and Democrats, felt that balancing the budget within that time was the outer limit. Now what goes in that budget can be a combination of our vision and your vision. How we do it is clearly open for debate. We think there also should be a tax cut. You think there should be a tax cut. We should determine how that should happen. But again that's a shared responsibility."

So we are really just saying to him, "Give us a balanced budget within 7 years."

Now what we could do when he did that is to say we have given you our 7-year budget, now you give us your 7-year budget. Let us see where the differences are, let us see what the similarities are, but by the President refusing to even agree to a 7-year budget, he has been able to basically stand on the sideline, almost as someone just watching this, and not weighing in. Ultimately he is the President, he has to weigh in.

Mr. HOEKSTRA. Well, I mean the process that we could use with the President is very similar to what we did in the Committee on the Budget. I mean we spent what, 3, 4 months, the first 4 months of this year, going through it saying, "OK, we've agreed as what, 18–20 Members, that we are going to balance the budget. We brought in experts from all the different departments. We brought in our own knowledge, our own staff, our own biases."

□ 2330

We said, "OK. We have to get to here, we have to get to there." You had some ideas, I had some ideas, and we all shared our ideas.

Mr. SHAYS. We had to compromise.

Mr. HOEKSTRA. We fought through the issues. I do not know if we compromised, but we listened to each other, we learned from each other. At the end, the gentleman from Ohio, JOHN KASICH, he led. He said, "I have listened to all of you, I have taken your input. You know, some of you are going to win, some are going to lose, but we have to get off the dime. Here is where we are going."

We sat down at the end of the day and said, "I do not agree with all the decisions that were made, but you know what, this package is something that we can all get behind and we are going there." If the President says "I am going to balance the budget in 7 years," he can put his plan and we will get in the room again and we will start doing the same give and take, and if we are all agreed on that vision, it would free us all up to have a wonderful dialog and a wonderful debate about how we are going to get to a very positive future.

Mr. LONGLEY. If the gentleman will continue to yield, let us put the whole issue in its simplest terms, Mr. Speaker. There are some people who believe the budget should be balanced today. There are also some people who believe the budget should never be balanced, so you have today versus never.

In between, there are some that say 3 and 4 years, there may be some that say 10 years. The President at different times has said either 5 years, 10 years, never, and sometimes he said 8 or 9, depending on what day of the week it is. The fact of the matter is that we have settled on 7 because not only is it a reasonable compromise, but we have also looked at what the gentleman from Connecticut [Mr. SHAYS] has anticipated in terms of the baby boomers and the tremendous pressure we face in the early part of the 21st century. These are some tough issues we need to deal with today to get them behind us, so that we can protect Medicare, protect Social Security for the generations to come.

But there is also something else that is very important, because 6 or 8 months ago we voted on the floor of this House for a balanced budget amendment. Three hundred Members of the Congress voted in favor of balancing the budget by the year 2002. That is what 300 Members said.

I guess the point that I would like to make is that sometimes there is a difference between what people say and what people are willing to do. The fact of the matter is that we have had 300 votes on record in this body for a 7-year balanced budget pursuant to the terms of the balanced budget amendment, and we are only doing exactly what we said we were going to do. That is what I find remarkable about all the disagreement and hullabaloo that we have been hearing on the floor of this House.

Mr. HOEKSTRA. What is that?

Mr. LONGLEY. Hullabaloo.

Mr. HOEKSTRA. It is a northeastern term.

Mr. SHAYS. It comes from Maine. I do not even know in Connecticut.

Mr. LONGLEY. I could come up with more terms, but I will save the dignity of this Chamber.

Mr. SHAYS. Mr. Speaker, if the gentleman will yield, I was thinking that the President did come in with a 10-year budget. I got excited. At least we had a 10-year budget. But he did not have any details. Then we gave it to the Congressional Budget Office, and they said the 10-year budget is never in balance. They point out in the last 6 years, basically in 1997 his deficits would be $205 billion, then it goes to $203 billion, $250 billion, $221 billion, $215 billion, $209 billion, $207 billion, $206 billion. In the year 2005 it is at $209 billion of deficits.

Really, what I think we would be asking the President to do is come in with a 7-year plan, your plan. We have our plan. Then let us compare it. Let us see where the similarities are. Let us see how we can go forward.

Mr. Speaker, we have 15 minutes left, and I would love to weigh in on one issue, that is Medicare. It is just an example of a program that we designed which I think saves money and also improves the system. If the gentlemen do not mind, I would love to just kind of weigh in.

This is an example of a program that simply was growing at more than 10 percent to 12 percent a year, doubling every 5 to 7 years, depending on which years it was growing, and we said that we felt that we could make a savings in the program, allow it to grow at about 6.5 percent a year, save $270 billion in the process. We were able to do it by actually improving the service.

I have had people say, "How could I vote for the Medicare plan?" I say, "Describe it to me." They describe a plan described by my colleagues on the other side of the aisle, which is not our plan. Our plan has no copayment, no increase in the copayment, no increase in deduction, no new deduction. The premium stays at 31½ percent. As health care costs go up, the premium will go up at 31½ percent of additional health care costs. Who pays the other part of that Medicare Part B premium? The taxpayer. They pay 68½ percent.

We are saying that the taxpayers will continue to pay 68½ percent. Taxpayers will pay more and more of Medicare. Now, we have this plan and we basically do not change in a negative way any beneficiary except, candidly, some in my district that tend to be wealthy. Those who are the wealthiest, if you make $100,000, you would start to pay more for Medicare part B. If you make more than $125,000 and you are married, you start to pay more for Medicare part B. The wealthier, more affluent will pay more for a certain part of Medicare, but only the wealthiest.

Then I have people who say, "Congressman, I want the same kind of health care you have: Choice." What we have done with our Medicare plan is give them choice. We allow people to stay in the traditional fee-for-service system they have, or we say they can go and get any host of new programs.

The only way that they have to leave, they never have to leave, they can stay as long as they want in the present Medicare System, they keep their same doctors, and they would only leave if they proactively decide to leave. If they leave and get into private care plans, they can come back every month for the next 24 months, the next 2 years. We allow people to go in, and if they do not like it, they can come back and get what they always have had.

I think to myself, how can anyone oppose it? No increase in copayment, no increase in deduction, the premium stays at 31½ percent, and now they have MedicarePlus. They get to choose. Why would they leave the system they have? They can get eye care, dental care, they might get a rebate on their copayment or deduction, or they may have their Medigap paid for the new plan, or there may be no Medigap costs.

We devised a plan that gives them choice, allows them to keep what they have, allows the program to grow from $4,800 per beneficiary to $6,700 per beneficiary. To me this is just one of the good examples that we have found a way, nothing magical about it, just good common sense, to save money in Medicare and increase and improve the plan for everyone, and in the process save Medicare.

I would just make this final point: What happens to the $270 billion of savings? One hundred and thirty-three billion dollars of it goes into the Medicare part A trust fund that is going bankrupt. One hundred and thirty-seven billion dollars of it goes into Medicare part B, so that $270 billion is saving the program from bankruptcy. It is not going into the general fund, it is not being used for tax cuts. It is going directly into saving the Medicare plan.

Mr. LONGLEY. Mr. Speaker, if the gentleman will continue to yield, I think one of the things we forget about Medicare is that this is a program that is paid for by taxes on the wages of working people, or by seniors through their premiums.

We have an obligation, a serious fiduciary duty, to act in the best interests of the trusts and in the participants in the program. As the gentleman says, any dollars that are saved are staying in the program, but when we looked at the problems, and I want to speak to this, because I campaigned on the trustees' report, not this past year but over a year ago, in April 1994 when the trustees came out and said that all three of the major trust funds were going to run out of money, including the disability fund, the Medicare fund, and even the general trust fund.

I decried the fact that Congress and past Congresses had just blown this off, as if it was no big deal and nothing to worry about. I thought that was outrageous, and I think many of the voters that I spoke to felt exactly the same way.

When this later report came out in April 1995 and said exactly the same thing, I went back to my district and said, "This is exactly what I have been talking about for the last year." There is something else. Forget the fact that the trustees have warned us that the fund goes into deficit next year, and goes bankrupt by the year 2002. Let us forget the fact for a minute that despite all of the false accusations, we are actually going to provide a rate of increased funding that is twice the rate of inflation, maybe three times the rate of inflation, depending on the rate of inflation, but roughly, we are looking at about a 6 percent to 7-percent annual increase in spending, a per beneficiary increase from $4,800 to $6,700 per beneficiary per year, an astounding amount of money. Forget all of that for a minute. Let us assume none of these problems exist.

When I look at the choices that the gentleman from Connecticut and the gentleman from Michigan and others have developed, I see options that are potentially very positive, particularly for a State like mine, the State of Maine. We have a problem with rural health care.

We have a big government program in the form of Medicare that is highly consolidated, which drives participants and drives costs to the urban centers. We are going to be creating options in this plan for local physicians to establish their own provider service networks, which will give local seniors the ability to choose a health plan that is actually oriented to their own communities.

I see this as potentially helping reverse the trend toward elimination of rural health care, and consolidation in the urban areas. I think it is an exciting option, which, frankly, we ought to be considering whether or not there were problems with the Medicare System.

Mr. HOEKSTRA. If the gentleman will yield, I think if we go back and say, "Why can we do this?" When we are taking a look at Medicare, we are taking a look at a program that started in the 1960's; that basically for 30 years has remained unchanged.

I entered the work force in 1977. From 1977 to 1992, before I came into Congress, in the private sector we saw an explosion of, sure, health care costs, but also an explosion of health care options.

□ 2340

Changes, innovations in terms of the choices I had to make, the services that the company that I worked for provided. The options that they provided me and my family for health care coverage, all kinds of innovations going on in the health care field, none of which made their way into Medicare.

So now, finally, in 1995, we are bringing and we are catching up to 1960's program, fee-for-service, traditional fee-for-service. The most expensive, inefficient way to provide health care to individuals. We are updating that.

For those that like that program, I had that at my own employer. I said, "If you want to keep a traditional program, you can do that, but here are some other options which may be more exciting and more advantageous to you. Take a look at them."

Mr. Speaker, and that is the same thing we are doing. If you like the traditional fee-for-service Medicare Program, can you keep it. Your premiums stay the same. Your copays do not change. It is the same program.

Mr. LONGLEY. Again, I want to reemphasize exactly what the gentleman from Michigan is saying. What we are really saying to the seniors of this country is that we are going to guarantee them the right to keep Medicare as they know it, if that is what they want. We are also going to be providing choices in either managed care type programs, or what I also view as an exciting opportunity, the possibility that they could obtain an association-sponsored plan or a union-sponsored plan or a company-sponsored plan that could continue after they turn 65 and would normally be in the Medicare Program.

By the way, if they do not like any of those programs, we are going to guarantee them the right on a monthly basis to go back into Medicare. It is astounding to me that we would be criticized for providing this kind of choice.

Mr. SHAYS. If the gentleman would yield, I was asked by a Time magazine reporter, she wanted to follow me around because she heard that so many people did not like the Medicare plan. She came to Greenwich and I had a dialog on the radio and people seemed comfortable with it. She was disappointed and she said "I know that people do not like it." I said, "You come to Bridgeport and we will get on Tim Quinn's program and I will let him get the troops all riled up."

We got there a half an hour after he started the program. The first call, I noticed that the Time reporter was very excited. The first call was, "Mr. SHAYS, I have a problem with my heart and I have Dr. So-and-so. I have a problem with my kidney, and I have Dr. So-and-so. My regular doctor is So-and-so." And they said, "Am I going to be denied the ability to have those doctors?" The answer was a simple, "No."

Just to reiterate the point, the calls from that point on, when people understood the plan was, "Tell me more about the plan." We can talk a long time about Medicare. The bottom line is that it is an exciting program that we are doing with MedicarePlus. Participants can keep the old system or get a new system.

Mr. HOEKSTRA. We can go back to how we started this special order. We went through a process in designing this new Medicare program of listening to seniors; listening to providers; listening to doctors; taking a look; listening; learning.

We are now in a process, we are still listening and learning as we roll out this program, but we are helping people understand what we are doing and we are leading which is our responsibility. We have gone through the steps. Listen, learn, help, lead.

Mr. LONGLEY. Something else, and this is important, we are daring to shatter the stereotypes that Washington will not respond to the problems that the average Americans are experiencing. It is demonstrating to me how entrenched many of the vested interests are in this city and how absolutely desperate they are to avoid any type of change whatsoever.

I think it is exciting that we are willing to stand up to the special interests and make the kinds of changes that we need to make; not only improve these programs to strengthen them for the future, but candidly on a positive basis to provide the kinds of choices that up to now Americans will not have ever had.

Mr. SHAYS. The concept of listening, learning, helping. We helped to make this program a better program and now we are going through the process of leading, and leading takes some heat. I am more than eager, because I believe so strongly in what we are doing, to take that heat.

Mr. Speaker, I give my colleague the minute left to close up this discussion.

Mr. HOEKSTRA. Mr. Speaker, I think we told the staff that has been so gracious in staying that we are going to let them out early. We will do this in the Republican way. We will not take the full hour; we will take 59½ minutes.

Mr. LONGLEY. I say to my colleagues, I appreciate the opportunity to be on the floor with you tonight.

Mr. SHAYS. Mr. Speaker, I yield back and I hope, Mr. Speaker, I have the opportunity to be at the dais and have you have a special order. It is a quarter of 12. You have been here a very long time and we thank you from the bottom of our heart.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for yesterday and today, November 13 and 14, on account of illness.

Mr. TUCKER (at the request of Mr. GEPHARDT) for the week of November 13, on account of official business.

Mr. VOLKMER (at the request of Mr. GEPHARDT) after 3:30 p.m. today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, on November 14 and 15.

Mr. LEACH, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and, include extraneous material:)

Mr. BISHOP, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mrs. MEEK of Florida.

Mr. NEAL in two instances.

Mr. BARRETT of Wisconsin.

Mr. STOKES.

Mrs. MINK of Hawaii.

Mr. JACOBS.

Mr. LIPINSKI.

Mr. MILLER of California.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. OXLEY.

Mr. CALVERT.

Mr. GILMAN.

Mr. SMITH of Texas.

Mr. ALLARD.

Mr. SOLOMON.

Mr. HORN.

(The following Members (at the request of Mr. SHAYS) and to include extraneous matter:)

Mr. STARK.

Mr. PACKARD.

Mr. COSTELLO.

Mr. PETERSON of Florida.

Mr. WHITE.
Mr. OBERSTAR.
Mr. REED.
Mr. STOKES.
Mr. JACOBS.
Mr. HAYES.

BILLS PRESENTED TO THE PRESIDENT

Mr. Thomas, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

On November 13, 1995:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

ADJOURNMENT

Mr. SHAYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 15, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1674. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Trinidad and Tobago, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1675. A letter from the Director, Defense Security Assistant Agency; transmitting notification that the Department of Defense has completed delivery of defense articles, services, and training on the attached list to Jamaica, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

1676. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1677. A communication from the President of the United States, transmitting the fiscal years 1994 and 1995 report entitled "International Exchange and Training Activities of the U.S. Government," prepared by the U.S. Information Agency [USIA] in coordination with the Vice President's National Performance Review, pursuant to section 229(a) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995; to the Committee on International Relations.

1678. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's fiscal year 1995 report on the status of internal audit and investigative activities; to the Committee on Government Reform and Oversight.

1679. A letter from the Chairman, Harry S Truman Scholarship Foundation, transmitting the Foundation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1680. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Sexual Harassment in the Federal Workplace: Trends, Progress, and Continuing Challenges," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

1681. A letter from the Vice Chairman, Federal Election Commission, transmitting proposed regulations at 11 CFR parts 9034 and 9038 governing public financing of Presidential primary and general election candidates, pursuant to 26 U.S.C. 9039(c); to the Committee on House Oversight.

1682. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1683. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1684. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled "Disability Perspectives and Recommendations on Proposals to Reform the Medicaid and Medicare Programs," pursuant to 29 U.S.C. 781(a)(8); jointly, to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 2525. A bill to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities (Rept. 104–336). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 250. Resolution to amend the Rules of the House of Representatives to provide for gift reform; with amendments (Rept. 104–337). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 267. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–338). Referred to the House Calendar.

Mr. CANADY: Committee on the Judiciary. H.R. 2564. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes (Rept. 104–339, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON. Committee on Rules. House Resolution 254. Resolution making technical corrections in the Rules of the House of Representatives: with amendments (Rept. 104–340). Referred to the House Calendar.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2519. A bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes.

H.R. 2525. A bill to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2564. The Committees on Government Reform and Oversight, Rules, and Ways and Means discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2564. Referral to the Committees on Government Reform and Oversight, Rules and Ways and Means extended for a period ending not later than November 14, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LIVINGSTON (for himself and Mr. SAM JOHNSON):

H.R. 2627. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the founding of the Smithsonian Institution; to the Committee on Banking and Financial Services.

By Mr. GEPHARDT (for himself, Mr. BONIOR, Mr. FAZIO of California, Mrs. KENNELLY, Mr. MATSUI, Mr. GUTIERREZ, Ms. KAPTUR, Mr. TORRES, Mr. OWENS, Mr. BREWSTER, Mr. STUDDS, Mr. YATES, Mr. STARK, Mr. VOLKMER, Mrs. THURMAN, Mr. FROST, Mr. MILLER of California, Mr. LAFALCE, Mr. OBERSTAR, Mr. GEJDENSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. STUPAK, Mr. NEAL of Massachusetts, Mr. FATTAH, Ms. DANNER, Ms. SLAUGHTER, Mr. THORNTON, Mr. COSTELLO, Mr. ENGEL, Mr. MFUME, Mr. VENTO, Mr. CHAPMAN, Mr. HOLDEN, Mr. KLECZKA, Mr. DE LA GARZA, Mr. POSHARD, Ms. ESHOO, Mr. WISE, Mr. MARKEY, Mr. PETE GEREN of Texas, Mr. COLEMAN, Mr. LANTOS, Mr. RAHALL, Mr. CONYERS, Mr. KLINK, Ms. MCCARTHY, Mr. REED, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. DOYLE, Ms. HARMAN, Mr. DEUTSCH, Mr. TORRICELLI, Mr. SISISKY, Ms. WOOLSEY, Mr. FILNER, Mr. WILSON, Mr. ACKERMAN, Mr. TANNER, Mr. SCHUMER, Mr. MCDERMOTT, Mr. VISCLOSKY, Mr. DURBIN, Mr. BROWN of Ohio, Mrs.

MINK of Hawaii, Mr. PASTOR, Mr. SCOTT, Mr. POMEROY, Mr. DEFAZIO, Mr. WATT of North Carolina, Mr. BARRETT of Wisconsin, Ms. RIVERS, Mr. MINGE, Mrs. LOWEY, Ms. LOFGREN, Mr. FARR, Mr. MENENDEZ, Mr. PICKETT, Mr. RUSH, Mr. OBEY, Mr. PETERSON of Minnesota, and Mr. CONDIT):

H.R. 2628. A bill to confirm the President's commitment that the Social Security trust funds will not be used other than for payment of benefits; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 2629. A bill to require Members of the House of Representatives to keep a public record of visits by lobbyists; to the Committee on House Oversight.

By Mr. COSTELLO:

H.R. 2630. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Commerce.

By Mr. GALLEGLY:

H.R. 2631. A bill to amend the American Indian Trust Fund Management Reform Act of 1994 to transfer certain authorities to the Office of Special Trustee for American Indians, and for other purposes; to the Committee on Resources.

By Mr. HUTCHINSON:

H.R. 2632. A bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities and payments of dependency and indemnity compensation for survivors of such veterans are made regardless of Government financial shortfalls; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 2633. A bill to authorize the Secretary of the Interior to participate in the Alameda County wastewater reuse project; to the Committee on Resources.

By Mr. STEARNS (for himself, Mr. HANCOCK, and Mr. HOSTETTLER):

H.R. 2634. A bill to allow persons to carry concealed firearms in every State if they have been issued a license to do so by any State; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 2635. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for congress; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. FARR:

H. Res. 266. Resolution to commend the community leaders of the Monterey Peninsula on the central California coast for their encouragement, support, and sponsorship of language diversity; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. INGLIS of South Carolina.

H.R. 393: Mr. ANDREWS.

H.R. 540: Mr. BLUTE, Mrs. JOHNSON of Connecticut, and Mr. ZIMMER.

H.R. 739: Mr. BILBRAY.

H.R. 789: Mr. SALMON.

H.R. 911: Mr. CASTLE, Mr. ENSIGN, and Mr. TOWNS.

H.R. 941: Mr. BROWN of California.

H.R. 958: Mr. KENNEDY of Massachusetts, Mr. WILSON, Mr. FOX, Miss COLLINS of Michigan, Mr. PAYNE of Virginia, Mr. GONZALEZ, Mr. FRISA, Mr. EMERSON, Ms. BROWN of Florida, and Mr. LUTHER.

H.R. 1127: Mr. PACKARD, Mr. SAWYER, and Mr. WARD.

H.R. 1202: Mr. KLUG and Mr. FOX.

H.R. 1233: Mr. JOHNSTON of Florida.

H.R. 1305: Mr. SHAYS.

H.R. 1319: Mr. JOHNSTON of Florida.

H.R. 1406: Mr. GREENWOOD.

H.R. 1464: Mrs. CHENOWETH.

H.R. 1661: Ms. ROS-LEHTINEN, Ms. FURSE, Mr. LONGLEY, Mr. MARTINI, Mr. BREWSTER, Mr. KINGSTON, Mrs. KELLY, Mr. FILNER, Mr. NEAL of Massachusetts, and Mr. ROGERS.

H.R. 1666: Mr. BARCIA of Michigan, Mr. HOEKSTRA, Mr. CHRYSLER, and Ms. RIVERS.

H.R. 1754: Mr. SMITH of New Jersey.

H.R. 1802: Mr. NETHERCUTT.

H.R. 1856: Mr. HASTINGS of Washington and Mr. ENSIGN.

H.R. 1965: Ms. BROWN of Florida, Mr. SHAW, Mr. BENTSEN, Mr. VENTO, and Mr. MORAN.

H.R. 1968: Ms. DUNN of Washington.

H.R. 1972: Mr. GREENWOOD, Mr. BARR, Mr. MCCOLLUM, Mr. BALLENGER, Mrs. CHENOWETH, Mr. POMBO, Mr. CREMEANS, Mr. FIELDS of Texas, Mr. HERGER, and Mr. STEARNS.

H.R. 2007: Mr. SISISKY.

H.R. 2281: Mrs. LINCOLN, Mrs. CLAYTON, Mr. KLECZKA, and Mr. SISISKY.

H.R. 2333: Mr. GORDON and Mr. CHAMBLISS.

H.R. 2350: Mr. RAHALL, Mr. ENGEL, Mr. HUTCHINSON, Mr. WAMP, Mr. BUNNING of Kentucky, Mr. FOX, Mr. GENE GREEN of Texas, Mr. GILLMOR, Mrs. CHENOWETH, Mr. WELDON of Florida, and Mr. SMITH of New Jersey.

H.R. 2416: Mr. WELDON of Pennsylvania.

H.R. 2429: Ms. FURSE.

H.R. 2442: Mr. FILNER, Mr. FROST, Mr. UNDERWOOD, Mr. BARCIA of Michigan, Mr. DEUTSCH, Mr. TORRES, Mr. GENE GREEN of Texas, Mr. JOHNSTON of Florida, and Mr. STUPAK.

H.R. 2507: Mr. ZELIFF and Mr. HANCOCK.

H.R. 2525: Mr. HASTERT, Ms. WOOLSEY, Mr. QUILLEN, Mr. EMERSON, Mr. LEWIS of California, Mr. RAHALL, Mr. CRAMER, Mr. GOODLING, Mr. BROWDER, Mr. COBLE, Ms. DUNN of Washington, Mr. FUNDERBURK, Mr. WAXMAN, Mr. FROST, Mr. TANNER, and Mr. FAWELL.

H.R. 2564: Mr. SMITH of Texas, Mr. CASTLE, Mr. LEVIN, Mr. HINCHEY, and Mr. GOODLATTE.

H.R. 2567: Mr. FAZIO of California.

H.R. 2571: Ms. MCKINNEY.

H.R. 2600: Mrs. LOWEY.

H.R. 2603: Mr. DORNAN, Mr. BARR, Mr. FORBES, Mrs. KELLY, and Mr. SOLOMON.

H.R. 2606: Mr. WICKER.

H.J. Res. 97: Mr. DEFAZIO.

H.J. Res. 117: Mr. FRANK of Massachusetts, Mr. TRAFICANT, and Mr. MFUME.

H. Con. Res. 10: Mr. BAKER of California.

H. Con. Res. 36: Mr. FRANK of Massachusetts.

H. Con. Res. 37: Mr. FRANK of Massachusetts.

H. Con. Res. 91: Mr. RICHARDSON, Mr. HAMILTON, Ms. LOFGREN, and Mr. BROWN of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Ms. ROYBAL-ALLARD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2564

OFFERED BY: MR. ENGLISH OF PENNSYLVANIA

AMENDMENT NO. 2: Page 38, line 9, strike **"representative"** and insert **"official"**.

Page 38, line 13, strike "or" and insert a comma and in line 14 insert before the close quotation marks a comma and the following: "Secretary of Commerce, or Commissioner of the International Trade Commission".

page 38, line 18, strike "APPOINTMENT" through "REPRESENTATIVE" in line 20 and insert "APPOINTMENTS".

Page 39, line 4, strike "or as a" and insert a comma and insert before the first period in line 5 a comma and the following: "Secretary of Commerce, or Commissioner of the International Trade Commission".

Page 39, line 8, strike "or as a" and insert a comma and in line 9 insert before "on" a comma and the following: "Secretary of Commerce, or Commissioner of the International Trade Commission".

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PARTICIPATE IN THE ALAMEDA COUNTY WASTEWATER REUSE PROJECT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. STARK. Mr. Speaker, today I take great pride in introducing legislation authorizing Federal involvement in the design and construction of a water reuse project in southern Alameda County.

The Alameda County Water District and the Union Sanitary District provide drinking water supplies and wastewater treatment services respectively to the California cities of Newark, Fremont, and Union City. By the year 2030, the combined service area water demands are expected to increase by 44 percent. The anticipated increase in demand, the scarcity of available water supplies, and an increased awareness of the importance of protecting our natural resources led the two districts to form a joint program to develop and implement the Alameda wastewater reuse project.

In order for this project to proceed, a limited amount of Federal assistance will be required. It is for this reason that I, today, am introducing legislation authorizing the water reuse project for Federal assistance under title XVI of Public Law 102–575.

In 1991, the Alameda County Water District and the Union Sanitary District jointly sponsored a water reuse survey to determine the potential for use of reclaimed water in southern Alameda County. The survey concluded that a water reuse project would provide an environmentally sound water resources management program, facilitate continued economic activity and general growth in the communities, and also serve as a model for other urban joint projects throughout the arid west. No less important, this project will complement other Federal, State, and local government efforts to restore San Francisco Bay's water quality.

In 1993, the two districts developed a reclaimed water master plan. Based on the plan, the two districts determined that design and construction of the Alameda County wastewater reuse project would be feasible and would meet the objectives of ensuring a sound and growing economy while promoting sound stewardship of limited water resources. Specifically, the project would:

Reduce demand on potable water supplies that could be used more efficiently for human consumption and natural resource needs;

Reduce wastewater discharges into the San Francisco Bay, thereby complementing regional, State, and Federal efforts to improve the bay-delta's water quality;

Ensure a reliable water supply for industry and other nonpotable purposes that will not be subject to cutbacks mandated by Federal and State requirements during periods of drought; and

Reduce the need for expansion of current drinking water and wastewater treatment facilities' capacity.

Based in part on the successful test of a pilot scale facility, this project enjoys broad support from the cities, school districts, and numerous industries, including high technology companies that depend on a reliable water supply. The project is also endorsed by the Association of California Water Agencies.

As I said before, water demands are expected to increase significantly over the next several years. With almost 85 percent of southern Alameda County's water supply imported it is important that we recognize that we need to leverage every possibility we have to maximize our local water resources. The Alameda County wastewater reuse project provides us with that opportunity.

The reclamation project has undergone necessary studies and it is ready to proceed to design and construction. Only with Federal assistance can the project take the next step and my legislation puts that in motion.

I look forward to working with my colleagues on the Resources Committee on the legislation and hope they can support this key component of the San Francisco Bay area's water resource management program.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALAMEDA COUNTY WASTEWATER REUSE PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into agreements under the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) with the Alameda County Water District and the Union Sanitary District of Alameda County and other appropriate authorities to participate in the design, planning, and construction of water reuse projects to treat effluent from the Union Sanitary District, in order to—

(1) provide new water supplies for industrial, environmental, landscape, and other beneficial purposes;

(2) reduce the demand for potable imported water; and

(3) improve the water quality of the San Francisco Bay-Delta.

(b) COST SHARE.—The Secretary's share of costs associated with any project described in subsection (a) shall not exceed 50 percent of the total cost of that project. The Secretary shall not provide funds for operation or maintenance of any such project.

CLINTON AND THE BUDGET

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. PACKARD. Mr. Speaker, it is clear that President Clinton cares little about what the American people want. The American people want a balanced budget. They want Medicare saved. They want to look toward to a brighter future. The continuing resolution my Republican colleagues and I passed is a down payment on that future.

I have heard over and over again the rhetoric on the catastrophic nature of a Government shutdown. Frankly Mr. Speaker, a Government shutdown is not catastrophic, not balancing the budget is. In fact, the vast majority of people will not even notice the Government is shut down. The mail will still be delivered. Social Security checks will still go out, and air traffic will continue flow.

The overwhelming majority of phone calls, faxes, and letters coming into my office on this issue are very supportive. I received a fax from a senior citizen in my district that said "Hang tough. Shut Government down. We seniors want a balanced budget in 7 years. And we want Medicare fixed, even if we have to pay some increase for the sake of our kids and grandkids. Hang tough!"

Mr. Speaker, while the folks back home are willing to hang tough, the President seems only willing to play golf. We've done our job.I urge the President to do his.

A VOICE FROM THE NEXT GENERATION SPEAKS OUT ON PROPERTY RIGHTS

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. SMITH of Texas. Mr. Speaker, I want to bring to the attention of the House an especially timely and articulate letter I received from Honey Suzanne Hastings, a young constituent. She describes the impact the Endangered Species Act has had on her family as well as her own concerns regarding the weakening of property rights—an issue of particular interest to me and to many of my constituents. The letter is dated October 18, 1995, and reads in part:

DEAR REPRESENTATIVE SMITH: My name is Honey Suzanne Hastings. I am fourteen years old and a freshman at Bandera High School in Bandera, Texas.

In the past I have heard there was a conflict over property rights in Texas but it did not really mean much to me until my parents bought some hill country land in a nearby county.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It was their dream to retire and move out there when I graduate from high school, raise some livestock and live off the land.

Soon after they bought the land they found out that an endangered species would make it difficult for them to clear enough brush and cedar for the animals to graze without breaking the law.

My Dad and Grandpa both served their country in the military and have often told me how lucky we are to live in a free America. They have both chosen to live in Texas because of its great value of this freedom and the opportunity to pioneer.

This confusion over the rules about private property rights is making it hard for my parents dreams to live off the land to come true, and I hope that as my Representative you will work hard to make sure that my folks and others like them do not become endangered species.

Sincerely,

HONEY SUZANNE HASTINGS,

Pipe Creek, Texas.

CONGRATULATIONS TO MARTIN F. STEIN

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, today I congratulate Martin "Marty" F. Stein, winner of the 1995 Human Relations Award presented by the Milwaukee Chapter of the American Jewish Committee. The award is given annually to recognize individuals who through their skills, influence, and dedication, have demonstrated their unwavering commitment to preserving our democratic heritage.

Marty Stein is recognized for his profound commitment to humanitarian endeavors that have improved the lives of many Milwaukeeans. As president of the Boys & Girls Clubs of Greater Milwaukee from 1993–95 and as chairman of the executive's council and fundraising committee for the task force on battered women and children, Marty Stein has passionately mobilized resources for those less fortunate.

Marty Stein's civic and philanthropic activities have touched the lives of people throughout the world. He founded the Citizen Democracy Corps Business Entrepreneur Program, a Washington DC, group that provides business mentoring in Eastern Europe and the former Soviet Union. In 1984, Marty Stein led the Operation Moses campaign which rescued Ethiopian Jews and brought them to Israel. Deeply committed to his Jewish faith, Marty weaves the Jewish values of community, family, and respect into his efforts to help others.

Whether in his local community, State, national, or international endeavors, Marty Stein's benevolence has made a positive difference. The worthwhile projects he leads are noble and the results are widely admired. Marty's wife, Barbara, who has many charitable accomplishments of her own, has supported Marty's activities throughout their 37-year marriage. I am proud to join the American Jewish Committee in congratulating Marty Stein as the 1995 Human Relations Award winner.

TRIBUTE TO GARY WASHBURN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. CALVERT. Mr. Speaker, I take the floor of the House today to honor and praise the lifelong dedication of a friend and public servant of the great city of Lake Elsinore in California. The accomplishments of this individual make me proud to call him my personal friend, a fellow community member, and a fellow American. His love for his family as a father and a husband, and his love for his country as a veteran and a leader are a display of his utmost respect for the traditional American values and principles. This gentleman that I speak so highly of, and regard with the highest respect is the mayor of the city of Lake Elsinore, Mr. Gary Washburn.

For the past 16 years, Mr. Washburn has served the government of the city of Lake Elsinore as a member of the planning commission, a city council member, and mayor. His influence and involvement has played an integral role in the growth and development of his city. I would like to commend him on his accomplishments in representing his constituents and providing leadership as the elected mayor of the city of Lake Elsinore.

Prior to his involvement in the city government of Lake Elsinore, Mr.. Washburn served as a professor and is responsible for the education and welfare of many university-level students. He helped many young Americans open their minds, reach their goals, and build new dreams through education. In addition, Mr. Washburn is a combat veteran of Vietnam who was honorably discharged after 2 years of service as a crew chief on July 4, 1968. During his military career, he served our country in the 1st Aviation Brigade, the 54th Utility Airplane Company, and the Otter Air Service.

In addition to his involvement in representing city government and serving America, Mr. Washburn's other community involvements include: president of the Elsinore Elementary P.T.G., executive board of the Riverside County Economic Development Committee, president of the Rotary Club, chairman of the Riverside County City Selection Committee, board member of the Riverside Transit Agency, city representative to the Lake Elsinore Management Agency, city representative to the Riverside County Habitat Conservation Agency. His timeless dedication in serving his city and country have earned him the respect of his family, friends, colleagues, and constituents as a true champion of public service.

Unfortunately, on November 7, 1995, Mr. Gary Washburn will retire as mayor after a lifelong dedication to the public welfare of the citizens of the city of Lake Elsinore, CA. After over 16 years of service in city government, Mr. Washburn will end a long tradition of contributions of dedication and effort by his family dating back to 1889. On the occasion of his retirement, I would like to thank him for his service to our community, and offer my best wishes for his future endeavors.

VIGILANCE NEEDED AGAINST TERRORISM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. GILMAN. Mr. Speaker, the events in Saudi Arabia with the deadly terrorist attack on American military support personnel, which resulted in the death of five innocent Americans, and the wounding of many others, make it clear that its still an unsafe world out there. Especially, so I might add, for American citizens and our personnel abroad, who are so often the target of these cowardly terrorists' attacks.

The deadly terrorist car bomb, as we saw once again in Saudi Arabia this week, is still the potent weapon of choice for those individuals or groups, who for whatever reason or cause, disagree with, or oppose American foreign policy, and goals.

Innocent American personnel abroad, as events this week again show, unfairly and most often become the target of these cowardly terrorists, whenever they want to intimidate, influence, or protest against our foreign policy.

The events in Israel earlier, with the assassination of Prime Minister Rabin, also make it clear that violence is far too often resorted to as a means of protest, and to address grievances. These trends toward violence and hatred in the world continue to cause grave concern, hardship, and instability around the globe today.

These most recent deadly and tragic events, and the continuing resort to violence and terrorism around the globe, make it clear that we must continue to be vigilant. We must maintain and support our law enforcement institutions, along with providing the continued resources needed to fight the scourge of terrorism, wherever and whenever it raises its ugly head.

We must also increase worldwide law enforcement cooperation and intelligence sharing in the struggle against international terrorism, and those who would practice this deadly trade and uncivilized means of influencing public policy and goals, no matter how well intentioned, or aggrieved these individuals or groups may feel they are today.

Let us not let down our guard; we must remain vigilant against the use of violence and terrorism as a means to any goal or policy. Together the whole world must strive cooperatively to thwart these evils wherever and whenever they emerge on the world scene today.

We owe this vigliance, not only to those Americans we send abroad to implement our foreign policy and goals, but also to our future generations, in order that they live in a more stable and violence-free world.

THE CHARACTER CONUNDRUM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. OXLEY. Mr. Speaker, I would like to bring a recent column by Richard Harwood of the Washington Post regarding the media to the attention of my colleagues.

The reality is that journalists have real power in America. To a degree, this is as it should be, since a free and independent press is critical to the health of any democracy. With this power, however, come certain responsibilities. Accuracy is one. Objectivity is another. Now, as Mr. Harwood points out, a measure of good judgment would be welcome.

As more and more of the fourth estate descends into tabloid-quality reporting, the question arises as to the motives behind the trend. Increased circulation—or ratings, as the case may be—certainly tops the list. Sadly, sex, scandal, and negativism sell. Add to this a seemingly innate cynicism among reporters and an institutional bias against conservative tastes and ideas, and you have the makings of the current state of affairs.

This is not to say that reporters should avoid matters of controversy. Rather, it is to suggest that an attempt be made to run stories of real substance on matters of genuine consequence, rather than exploiting every topic for its gratuitous shock value.

The media elite like to make themselves out as selfless servants of the public good, standing up for the little guy against the establishment. The truth is that the press is one of the most entrenched, unaccountable institutions in Washington. The next time a group of news editors gets together to wring their hands over the tawdry state of their industry, they need look no further than their own daily decisions for responsibility.

With that, Mr. Speaker, I commend the following column to the attention of all interested parties.

THE 'CHARACTER' CONUNDRUM

(By Richard Harwood)

James David Barber of Duke University is the author of the proposition that our fate as a society is more dependent than we may realize on the quality of our journalism.

As the political parties have sunk into a state of virtual irrelevance, journalists have become the new bosses of presidential politics. They are the power brokers and character cops who dominate the process of "identifying, winnowing, advancing and publicizing" the people who would lead the nation.

The task of the journalist, Barber tells us, is to illuminate the "question of character. . . . The problem is to get behind the mask to the man, to the permanent basics of the personality that bear on Presidential performance." The key is "the life story, the biography. . . . For people sense that all our theoretical constructs and elaborate fantasies take their human meaning from their incarnation in the flesh and blood of persons. . . . Biography brings theory down to earth, history to focus, fantasy to reality."

The late Theodore White made a start on this kind of journalism with his book "The Making of the President 1960." "The idea," he wrote, "was to follow the campaign from beginning to end. It would be written as a novel is written, with anticipated surprises as, one by one, early contenders vanish in the primaries until only two jousters struggle for the prize in November. . . . It should be written as a story of a man in trouble, of the leader under the pressures of circumstance. The leader—and the circumstances. That was where the story lay."

The book was an enormous success. Other journalists followed his lead, including Richard Ben Cramer, whose thousand-page volume on the 1988 campaign—"What It takes"—is recognized as a masterpiece.

The problem with these great studies of character and action is that the information they contained was not available to voters until after the elections had long since been decided. Cramer's book involved six years of work and was not published until 1992.

Barber concedes the problem: "Journalism will continue to be history in a hurry. That is the main stumbling block." A fellow political scientist, Thomas Patterson of Syracuse University, insists it will always be so because that is the nature of the news business. "A party," Patterson argues, "is driven by the steady force of its traditions and constituent interests. . . . [It] has the incentive—the possibility of acquiring political power—to give order and voice to society . . . to articulate interests and to forge them into a winning coalition. The press has no such incentive and no such purpose. Its objective is the discovery and development of good stories."

And "good stories," he writes, increasingly are defined as "negative" stories, stories that "expose" some trivial gaffe or misbehavior on the superficial assumption that they tell us something important about the "character" and "fitness" of candidates. More often, he argues, stories of this kind tell us more about reporters' cynicism and contempt for politics than about the character of the people they write about.

Richard Ben Cramer observed this in the baby boomers of the press corps and was appalled and driven to hyperbole as they worked over Gary Hart and his "character flaws" in 1988. These were the people of whom it could be said that in their salad days "if sex were money, they all would have been rich." But now "the salient fact about this boom generation had nothing to do with its love-and-drug-addled idealism when it—when they—were the hope and heritors of the world.

"By 1987, they still felt the world was theirs . . . and ought, by all rights, to dance to their tune. . . . But the salient fact at this point in their lives was . . . they were turning forty. They were worried about their gums. They were experts on soy formula. They were working seriously on their (late or second) marriages. They were livid about saturated fats in the airline food. . . . They did not drink, they did not smoke, drugs were a sniggering memory. . . . And they certainly, God knows, did not mess around. Sex! It was tacky. It was dangerous. It was (sniff!) . . . not serious.

"And . . . no one else was going to get away with sex either. Or drugs. Or ill health. Or fouling their air."

They not only nailed Hart with charges of infidelity but nailed Douglas Ginsberg, a Supreme Court nominee, for smoking pot years earlier. They nailed Clarence Thomas for alleged lasciviousness, Bill Clinton for sex and experimentation with a joint, and tried to nail George Bush for an alleged affair with a co-worker. John Kennedy didn't live long enough to get the treatment.

Must presidential candidates—or journalists or bankers—come to marriage as virgins to prove their "character" and "fitness" for office? Must journalists, on those terms, be questioned on their fitness to judge others? Does an adulterous act, the sometime ingestion of a proscribed substance, too-slow dancing or the recitation of an ethnic joke now get you a permanent sentence in the political wilderness? Does having an abortion get you a disqualifying Scarlet Letter?

The columnist Mary McGrory asked some questions recently about Bill Clinton, who is now 2½ years into his first term as president; "Is his character not yet jelled—is he a 14-year-old who might still grow up? Or is this a permanent pattern of oscillation between mature grown-up and sniveling teenager?"

All the journalistic energies spend in 1992 on Gennifer Flowers and similar matters did not get to or have any obvious relevance to the character and fitness questions that still puzzle McGrory and countless other journalists and citizens.

One thing is certain. When Prof. Barber exhorted us to examine and illuminate character, he was not talking about the insubstantial trash that we too often pass off as wisdom and insight into who these people are who want to lead the country. "As far as I can see," he wrote, "all of us are more or less neurotic, damned, healthy, saved, debased and great. That does not mean you send the grocer to fix your your plumbing. . . . [You] try to reach beyond characterization to political impact."

A subsidiary industry of the news business is the post-election conference or seminar on how we went wrong in our work. Why did we commit so much "tabloid journalism"? Why was coverage of the "real issues" so lousy? Why didn't we better understand the candidates, their characters, their personalities?

When all this psycho-babble is over and the next campaign comes around, we tend to repeat the same scenario because we can't help ourselves, because the habits of journalism are too hard to kick, because our history is too hurried, because truth and news are not the same.

TRIBUTE TO W.D. "BILL" FARR

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. ALLARD. Mr. Speaker, I ask my colleagues to join me today in honoring Mr. W.D. "Bill" Farr for his 40 years of service on the board of the Northern Colorado Water Conservancy District [NCWCD]. Mr. Farr was a true pioneer in the development of water for Colorado's front range.

During the drought years of the 1930's, the importance of water to farmers, fishermen, and other users on the front range became all too clear. In response, a friend of Mr. Farr's established the Northern Colorado Water Users Association, which would later become the NCWCD. One of the association's first projects, with which Mr. Farr was intimately involved, was to push for the construction of the Colorado-Big Thompson project [C–BT]. In 1954, the C–BT became fully operational and brought a supplemental supply of water from the western slope to seven northeast Colorado counties. Mr. Farr was certainly correct when he said that the "C–BT is like a second

Poudre River. Without it, we would not have the front range we see today."

In 1955, Mr. Farr became a board member of the NCWCD. In the 1970's, Mr. Farr was instrumental in planning the C–BT's windy gap project and headed the municipal subdistrict of the NCWCD that built facilities below Granby Lake. As such, he is known as the father of the windy gap project.

Mr. Speaker, so that the House may fully appreciate W.D. Farr's unrivaled contribution to water development in Colorado, let me run through a brief chronology of his involvement with this issue: 1931—became board director with the Town-Boyd Lateral Co. of Eaton; 1942—named president of the board of the Sweet Jessup Canal of Carbondale; 1947—became board director of the Greeley-Loveland Irrigation Co.; 1955—became board director with the Northern Colorado Water Conservancy District; 1970—named first chairman of the Municipal Subdistrict of the Northern Colorado Water Conservancy District; 1971—became president of the National Cattlemen's Association; 1973—appointed to the Water Pollution Control Advisory Board of the U.S. Department of the Interior by President Richard Nixon; 1974—named chairman of the Region 208 Areawide Planning Commission of the Larimer-Weld Council of Governments; 1975—became first chairman of the Colorado Water Resources and Power Development Authority; 1975—became member of the Colorado Water Congress; 1985—named the Wayne Aspinall Water Leader of the Year by the Colorado Water Congress; 1994—represented the Farr Family at the dedication of the Farr pumping plant at Granby reservoir. The plant is part of the Colorado-Big Thompson project.

Clearly, Mr. Speaker, W.D. Farr's service to the State of Colorado cannot be overstated, and I thank you for joining me in recognizing his 40 years of service with the NCWCD. As the Representative for the mostly rural and agricultural Fourth Congressional District of Colorado, I have a deep appreciation for the lifetime commitment W.D. Farr has made to ensuring that the front range has an adequate water supply year after year.

Thank you, W.D. Farr.

PERSONAL EXPLANATION

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. PETERSON of Florida. Mr. Speaker, as a member of the United States-Russian Joint Commission on POW/MIA's, I was asked to attend critical meetings with the government leaders of two former Soviet Republics during the week of November 6. This work precluded my attendance in the House and as a result I missed a number of rollcall votes. Had I been present, I would have voted as follows: Rollcall No. 765—Yea, rollcall No. 766—Yea, rollcall No. 767—Yea, rollcall No. 768—Yea, rollcall No. 769—Yea, rollcall No. 770—Yea, rollcall No. 771—Yea, rollcall No. 772—Nay, rollcall No. 773—Nay, rollcall No. 774—Yea, rollcall No. 775—Nay, rollcall No. 776—Yea, rollcall No. 777—Yea, rollcall No. 778—Nay, rollcall No. 779—Nay, rollcall No. 780—Yea, rollcall No. 781—Nay, rollcall No. 782—Yea, rollcall No. 783—Nay, rollcall No. 784—Nay, rollcall No. 785—Nay rollcall No. 786—Nay, rollcall No. 787—Nay.

PURPA: COSTING CONSUMERS BILLIONS OF DOLLARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. SOLOMON. Mr. Speaker, I would like to draw your attention to another Federal regulation which has outworn its welcome, the Public Utility Regulatory Policies Act [PURPA]. Born in the energy crisis of the 1970's, PURPA was designed to encourage renewable energy sources which would provide power more efficiently. We clearly have made great strides in producing energy in our country and a great many small, independent power producers have introduced us to alternative forms of power generation. These producers play a central role in fueling the wholesale power market. However, like many Government mandates, PURPA has created a backlash which runs counter to its original goals of less costly, more efficient power generation, and allows a loophole whereby producers that burn primarily fossil fuels qualify as independent wholesale generators. But even worse, Mr. Speaker, PURPA has become downright harmful to American taxpayers, consumers, laborers and business.

Allow me to submit for the RECORD an article which recently appeared in one of New York's capital region papers, the Schenectady Gazette. While focusing primarily on a case in my home State of New York, the message of the author, Charles Conine, holds true throughout many regions of the country.

[From the Schenectady Gazette]

FEDERAL RULE KEEPS N.Y.'S ELECTRIC RATES HIGH

(By Charles T. Conine)

Niagara Mohawk last week proposed opening its service territory to full competition. This may be the first of many such actions by utilities to stop the financial bleeding caused by the Public Utilities Regulatory Policies Act (PURPA), a little-known boondoggle from the 1970s that costs consumers tens of billions, deprives the government of billions in taxes, wastes resources and eliminates skilled industrial jobs.

If the House of Representatives is looking for a regulation to reform, it should consider this one. Ending PURPA would find support from Republicans, Democrats, organized labor and consumers.

PURPA was adopted during the oil shortage of 1978 to promote renewable, domestic energy sources and increase energy efficiency. But instead of small, independent projects fueled with renewable energy, PURPA has spawned hundreds of unnecessary electric-generating plants, most of which burn fossil fuels.

PURPA developers can force public utilities to buy their electricity at a premium, regardless of whether the power is needed. PURPA developers also pay less in taxes than utilities do. The combination can be economically devastating for a state. New York, California, Pennsylvania and Maine have been hardest hit, but Colorado, North Carolina, Oklahoma and New Jersey also have their share of "PURPA machines," as these projects are called.

UNNEEDED POWER

Let me tell you what PURPA has done to consumers and workers in upstate New York. This year, Niagara Mohawk has been forced to buy $1 billion of unneeded electricity from independent power producers, $400 million more than it would have cost the utility to generate the same electricity. In other words, business and residential customers will pay $400 million more this year for PURPA electricity, a figure that will continue to rise.

And because NiMo does not need the additional electricity, it has been forced to shut down power plants and eliminate the jobs of 2,000 electrical workers. Our union has worked closely with management to make changes in work practices and work flexibility, but the situation keeps getting worse.

These are prime industrial jobs that support many service jobs in the community—teachers, insurance agents, merchants, restaurant workers. The higher cost of electric power also puts other industrial jobs at risk and stifles growth. The only business that's growing in upstate New York is the moving business.

The loss of tax revenue also hurts. For example, the Nine Mile Point nuclear plant pays $52 million a year in local property taxes. Nearby is a independent power plant of equivalent size that burns natural gas, owned by Sithe Energies USA, a subsidiary controlled by Campagnie Generale des Euax of France. The huge Sithe plant pays less than $1 million in local property taxes. Incredible as it sounds, we are giving tax breaks to foreign investors so they can overcharge American consumers and hurt our industrial competitiveness.

A utility's long-term marginal cost to build and operate a gas-fired power plant is currently 2.5 cents per kilowatt hour, yet the PURPA contract price for most New York state projects is 6 cents per kilowatt hour, with contract lifetimes as long as 25 years. The flat 6-cent rate was canceled in 1992, but all existing and planned projects were "grandfathered" at this absurdly high price.

After 17 years of abuse, Congress has taken a few timid steps to close the door on new PURPA projects, but lawmakers and regulators have been extremely reluctant to revisit existing PURPA rates, on the dubious legal theory that a forced sale constitutes a "contract" between a utility and a PURPA developer. By this logic, so does a mugging. The only difference is scale. American consumers will pay $37 billion more than the current market price for PURPA electricity over the next five years.

What can Congress do at this point? A solution needs to focus on the most abusive provisions of PURPA, those that permit large-scale, fossil-fueled PURPA projects, as long as a little bit of industrial steam is produced on the side. Small, renewable energy projects represent only 20 percent of PURPA capacity.

A solution also needs to focus on consumers—commercial, residential and industrial—not on the investors and financiers who backed PURPA projects, or on the "sanctity of contracts." Investors were well aware of the risks inherent in an artificial market created by government regulation.

One solution would be to make these projects compete in the wholesale electricity market, as new independent power plants already do. Since the National Energy Policy Act of 1992, the wholesale electricity market has been open to all comers. One-quarter to one-third of the electricity generated in the United States today moves on the competitive wholesale market. Electricity has a market price. This free-market solution would protect non-abusive PURPA projects while offering a fair price to the financially abusive.

Republican Sen. Don Nickles of Oklahoma has opened the debate with a bill in the Energy and Natural Resources Committee that would end new projects but preserve existing rates. This is too timid. Unless these financial boondoggles are ended, several utilities will be in Chapter 11 before this Congress ends.

If the House leadership is serious about getting costly and ineffective regulations off the books, PURPA offers an opportunity to bring together business, labor, and consumers in a $37 billion reform.

NATIONAL HOME HEALTH CARE MONTH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. COSTELLO. Mr. Speaker, I rise today to recognize National Home Health Care Month. Illinois has the distinct honor of being recognized as establishing the Nation's first Home Care Association. The Illinois Home Care Council was founded in 1960.

Home care saves money and allows many elderly Americans the chance to spend their golden years at home with their families. Since its introduction, home care has received broad support across party lines.

Home care has rapidly grown since its start in the early 1960's. Council members sustain its growth through frequent meetings with governmental agencies and other health care associations. By keeping abreast of current issues home care has helped shape different aspects of health care legislation.

Thousands of nurses, therapists, physicians, and home care aides have devoted their lives to providing in-home health care to the sick and disabled. Please join me as I acknowledge all of them for their continued support of home care patients.

INTRODUCTION OF THE FAIR ELECTIONS ACT

HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. WHITE. Mr. Speaker, today, I am introducing the Fair Elections Act.

This bill creates a nonpartisan commission which will have 90 days to recommend reforms to the laws that govern congressional elections. The commission's recommendations will be unamendable and placed on a legislative fast track. The time has come for Congress to take itself out of the debate and turn the decisions over to an independent group devoid of politics.

Our current Federal election laws are flawed and have been since they were enacted following Watergate. Several aspects of that initial campaign finance reform effort were found to be unconstitutional by the Supreme Court. However, Congress never substantively revisited the pieces that were left standing. Therefore, the current election laws consist of an incomplete and complex web of regulations—a web which has not worked and is in need of a complete overhaul.

An overhaul is necessary because the current election laws have produced a system that is biased toward incumbent Members of Congress and where special interest financing has a disproportionate influence over the process. These items must be corrected but it must be done in a responsible manner that restores trust and confidence in Congress and those who serve here. We must not, in our haste for reform, further muddle the process by adding regulations which only perpetuate the advantage of incumbency.

Therefore, as we move forward with campaign finance reform, it is important that Congress engage in a substantive debate and approach the process with three objectives firmly in mind: First, we must encourage fair and open elections that provide voters with meaningful information about candidates and issues. Second, we must eliminate the disproportionate influence of special interest financing of congressional elections. And third, we must work to create a system where incumbent Members of Congress do not possess an inherent advantage over challengers.

It is my belief that the Fair Elections Act will result in real campaign finance reform that accomplishes those objectives.

For too long, Congress has allowed partisan politics to influence campaign finance reform efforts. Any campaign finance proposal that has seen the light of day in recent years has essentially been an incumbent protection plan, the bills receiving attention this year not excluded. Congress has not been willing to level the proverbial playing field where incumbent Members of Congress and challengers compete. Nor has Congress been able to move the campaign finance debate above partisan rhetoric and inject legitimate academic discourse and empirical findings into campaign finance reform proposals.

The Fair Elections Act will finally allow Congress to correct the deficiencies of previous reform efforts. By establishing a 12 member commission in which no more than 4 members may be of the same political party, we will create an environment which is nonpartisan. That is, we will establish an arena where the partisan gloves that have doomed past reform efforts are removed and legislation is produced which incorporates new ideas and solutions rather than recycling the stale rhetoric of recent years.

Real reform is about making sure our Federal campaign finance laws do not protect the incumbent. As a freshman, one of the lessons that I've learned is that Congress is the last body we should count on to do a fair, and quick, job of reforming our campaign finance laws. It has become clear to me that, unless Congress is forced to take an up or down vote on this issue, we are never going to get politics out of the process. No reform passed in this Congress will take effect until the 1998 election cycle. Therefore, rather than simply tinker around the edges, significant reform will only take place by forming a commission to revamp the entire system.

A SPECIAL SALUTE TO FATHER AUSTIN COOPER: MARKING 25 YEARS OF SERVICE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. STOKES. Mr. Speaker, as a Member of Congress, I take pride in acknowledging individuals from my congressional district who have demonstrated outstanding leadership in the community. Today, I rise to salute an individual who has dedicated his life to serving others. For the past 25 years, Father Austin R. Cooper, Sr., has served as rector at St. Andrew's Episcopal Church in Cleveland, OH. Earlier this month, starting on November 5, 1995, St. Andrew's began a special month-long celebration to mark his tenure as a leader of this historic church. I take special pride in saluting Father Cooper on this important milestone. I want to share with my colleagues some information regarding this gifted individual and his service of ministry.

Father Cooper is the son of the late Benjamin and Louise Cooper, who came to the United States from the West Indies. As a young man, Father Cooper graduated from St. Augustine's College where he received a degree in sociology. He received a master of divinity degree from the Seabury-Western Theological Seminary in Evanston, IL. On May 13, 1961, Father Cooper celebrated his ordination as a priest. During his ministry, this gifted leader has served in churches located in Florida, New York, and Texas.

Father Cooper was chosen as rector at St. Andrew's Episcopal Church on September 15, 1970. For 25 years, he has been a strong leader of that congregation and a guiding force in the Cleveland community. The church has been a beacon of light, providing programs and services to assist families, the elderly, and youth throughout the community. In addition, under Father Cooper's leadership, St. Andrew's Church was not only able to burn its mortgage 9 years ahead of schedule, but the St. Andrew's Church Foundation which was established in 1983 with $35,000, now boasts assets in excess of one quarter million dollars.

Mr. Speaker, the awards and honors bestowed upon Father Cooper over the years represent the highest tribute to an individual who has dedicated his life to serving others. Father Cooper is the past recipient of the Distinguished Service Award and the Black Church Religious Award from the Cleveland Branch of the NAACP. He was also recognized by the executive council of the Episcopal Church for his leadership in the struggle for civil rights.

Father Cooper's name is included in published editions of "Notable Americans" and "Who's Who Among Black Americans." He is the cofounder, first secretary, and past president of the Union of Black Episcopalians. Father Cooper is also the former president of the

Cleveland Branch of the NAACP. Other memberships include Alpha Phi Alpha Fraternity and the Prince Hall Masons.

Mr. Speaker, Father Austin Cooper is a leader of both national and international prominence. He has visited the White House to participate in briefings and advise leaders on the issues confronting the Nation. In addition, Father Cooper has led delegations to international conferences in East Africa, the West Indies, and other points around the globe.

Throughout his service in the ministry, Father Austin Cooper has benefited from the support of a caring and understanding family. His devotion to his lovely wife of 30 years, Patricia, is unsurpassed. The Coopers are the proud parents of three children: Austin Rellins II, Angela Patricia, and Kimberly Louise. They are also the proud grandparents of Ashley Arianne.

Mr. Speaker, over the years, I have been the beneficiary of the friendship and counsel of Father Cooper. He is a gifted man of God and a devoted leader. On the occasion of his 25th anniversary in service to St. Andrew's, I take special pride in saluting Father Cooper. I ask that my colleagues join me in wishing him Godspeed as he continues on this important mission of service.

TRIBUTE TO WILLARD B. RANSOM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. JACOBS. Mr. Speaker, those who never knew Willard Ransom are unfortunate. Those who did have had their lives enhanced.

As indicated in the following from the Indianapolis Star and the Indianapolis News, he was an uncommon man, one of God's nobleman.

We are all the poorer for his passing.

[From the IPCs News, Nov. 11, 1995]

WILLARD B. RANSOM

A pioneer in the civil rights movement in Indianapolis has passed away.

Willard B. "Mike" Ransom was active in community affairs as well as civil rights work.

With a law degree from Harvard University, he came back to Indianapolis after serving in the Army in Europe during World War II.

He fought for freedom overseas, only to run into barriers to freedom back home.

"The contrast between having served in the Army and running into this discrimination and barriers at home was a discouraging thing," he once explained.

He helped organize the state chapter of the National Association for the Advancement of Colored People and was involved in local protests against discrimination in the 1950s, several years before the civil rights movement gained national attention. He also successfully promoted the passage of civil rights legislation in the Indiana General Assembly.

His community service was part of a family tradition, as his father, Freeman Ransom, had been active in civic affairs and was general manager of the Madame C.J. Walker Co.

The civil rights movement may be just a period of history for younger people, but individuals such as Willard Ransom opened doors of opportunity and made sacrifices that ought to be remembered with gratitude.

[From the Star, Nov. 9, 1995]

CITY LOSES HONORED CIVIL RIGHTS ACTIVIST

Willard Ransom was an attorney, fought for desegregation and co-founded Black Expo.

Willard B. "Mike" Ransom, a Harvard-educated attorney who led sit-ins and other civil rights actions to fight for desegregation in Indianapolis and who was a co-founder of Indianapolis Black Expo, died Tuesday.

Mr. Ransom, of Indianapolis, was 79.

Services will be at 11 a.m. Nov. 11 at Stuart Mortuary, with calling from 5 p.m. to 9 p.m. Nov. 10. Interment will be at Crown Hill Cemetery.

Mr. Ransom became active in local civil rights efforts when he returned to his hometown after serving in the Army Air Forces in France and Belgium during World War II, attaining the rank of captain.

"The contrast between having served in the Army and running into this discrimination and barriers at home was a discouraging thing," Mr. Ransom, a 1932 graduate of Crispus Attucks High School, said in a 1991 interview.

He began reorganizing the state chapter of the National Association for the Advancement of Colored People, traveling the state to encourage people to take direct action for civil rights.

He organized some local protests in the late 1950s, years before the much-publicized sit-ins and marches in the South.

One protest targeted the bus station at the former Traction Terminal Building on Market Street between Capitol Avenue and Illinois Street.

"There was a big restaurant there (Fendrich's). And there were so many blacks traveling on buses. We were insulted in that place because no one would serve us," Mr. Ransom said.

Mr. Ransom began working as an attorney in 1939 and was inducted into the service in 1941 two months into a four-year term as assistant to the attorney general. He was assistant manager of Madame C. J. Walker Manufacturing Co. 1947–1954 and was general manager of the company and trustee of the Sarah Walker Estate 1954–1971.

He maintained a private law practice during that time and played a major role in passage of all significant civil rights legislation in Indiana since 1946.

Mr. Ransom had been legal counsel to blacks in the Indianapolis fire and police departments and at the time of his death was of counsel to the law firm Bamberger and Feibleman.

He was a director of National City Bank of Indiana, served five terms as chairman of the state NAACP and was a life member of the organization, and was a board member of the Madame C. J. Walker Urban Life Center.

He was one of the founders of Concerned Ministers of Indianapolis and in 1993 received the organization's Thurgood Marshall Award for his work in the civil rights movement.

He graduated summa cum laude from Talladega College in Alabama in 1936, majoring in history. He played on the varsity football and basketball teams for four years and was on the debate team for three years. He received his law degree from Harvard University in 1939.

Williard Ransom was born into a family of community leaders. His father, Freeman B. Ransom, was an attorney, civic leader, Indianapolis councilman and general manager of Madame C. J. Walker Co. The historic Ransom Place neighborhood is named for Freeman Ransom, who died in 1947.

Survivors: wife Gladys L. Miller Ransom: son Philip Freeman Ransom; daughter Judith Ellen Ransom; brothers Frederick A., Robert E. Ransom; sister A'Lelia E. Nelson; two grandchildren; a great-grandchild.

TRIBUTE TO COACH FRANK TUDRYN, JR., OF NORTHAMPTON, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to call attention to the distinguished career of one of my constituents, Mr. Frank Tudryn, Jr., of Northampton, MA.

Mr. Tudryn, a longtime teacher and football coach at Northampton High School, is currently engaged in his 25th consecutive season as the head football coach at that school. During Coach Tudryn's tenure, the "Blue Devils" have consistently fielded strong teams. In fact, under his leadership, they have won four league championships and a western Massachusetts crown. As a testament to his team's continued success, Coach Tudryn was named "Coach of the Year" in 1995 by the Valley Advocate.

A graduate of both Northamption High School and the University of Massachusetts, Coach Tudryn has dedicated his life to making Northampton High School a better place to go to school. Since 1971 he has not only coached football, but taught history and worked as an assistant principal. Many students, including his own children, have benefited from his guidance on the playing fields and in the classroom.

Mr. Speaker, on November 17 of this year, a celebration will be held in Coach Tudryn's honor at the Elks Club in Northamption, MA. I ask my colleagues to join me today in paying tribute to Coach Frank Tudryn and his impressive record as a coach, a teacher, and a friend to the city of Northampton.

A SALUTE TO BERNIE FOGEL, M.D.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to one of the true pioneers of health care education in the country today—Dean Bernard J. Fogel, M.D.—who for 13 years has nurtured and developed the University of Miami School of Medicine into one of the Nation's largest and most respected medical schools.

Under Dr. Fogel's leadership, the University of Miami School of Medicine has experienced phenomenal growth, unparalleled achievement, and unswerving commitment to excellence in medical education, research, patient care, and community service. Student enrollment increased by 36 percent; research funding quadrupled; the school's budget tripled;

fund raising more than doubled; the faculty grew by 78 percent; and several major research and patient care buildings were constructed, renovated, or purchased.

Though one of the country's youngest medical schools, during the Fogel years the University of Miami School of Medicine has achieved a level of excellence shared by some of the Nation's oldest and finest schools of medicine.

Mr. Speaker, I am particularly proud to note that the University of Miami School of Medicine has one of the most diverse student populations in the Nation. Fifty percent of its student body is female, and the school enrolls half of all African-American medical students in the State of Florida.

In the 13 years Dr. Fogel served as dean, the school established many new research and clinical programs including: the Miami Project to Cure Paralysis; the Center for Adult Development and Aging; the Comprehensive AIDS Programs; the Comprehensive Drug Research Center; the Ear Institute; and the Abrams Center for Health Services, Research, and Policy. The school further strengthened its cancer-related programs by expanding the Sylvester Comprehensive Cancer Center and building the Fox Cancer Research Center, the Papanicolaou annex, and the Gauiter Building. The Deed Club Bone Marrow Transplant Program was successfully launched and has performed more than 100 transplants. The Winn-Dixie Hope Lodge was also built to accommodate cancer patients and their families.

Under Dr. Fogel's leadership the University of Miami School of Medicine received the Association of American Medical Colleges first-ever Award for Outstanding Community Service, recognizing the unique blend of compassion and commitment that characterizes the school and its nationally acclaimed teaching hospital Jackson Memorial Medical Center.

A scholarly man, Dr. Fogel has authored more than 60 articles in professional magazines and publications, and he is a member of many national organizations and societies.

Finally, one of Dr. Fogel's projects that has been particularly close to my heart has been the University's Minority Student Health Careers Motivation Program, which has exposed hundreds of young Floridians to the rigors rewards of medical school. Dr. Fogel challenged each of these students to pursue careers in science and medicine, and over the past 19 years nearly 80 percent of them accepted the challenge and are now physicians, scientists, and health case workers.

On November 1, Dr. Bernie Fogel stepped down as dean of School of Medicine and senior vice president of medical affairs but, thankfully, he will continue his devoted service to his alma mater as dean emeritus and special advisor to the president.

Mr. Speaker, I ask all of my colleagues in the Congress to join with me in saluting this great man of education; a great man of medicine, and a great American—Bernie Fogel, M.D., dean emeritus, University of Miami School of Medicine.

TRIBUTE TO DONALD P. FREITAS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. MILLER of California. Mr. Speaker, I know that all Members of the U.S. House of Representatives will join me in honoring an outstanding public servant, Donald Freitas, who is going to be leaving his position as a director of the Contra Costa Water District next month.

Don Freitas has been one of the great leaders in the effort to preserve and restore the water quality of San Francisco Bay and the Sacramento-San Joaquin Delta throughout his 16 year tenure on the board, including his service as its president in 1987–89. He has always been a trusted and valued ally to me as I have waged battle after battle here in the Congress to reform California's water policy and to make it more responsive both to the taxpayers and to the environment.

I want to mention some highlights of Don Freitas' service on the board, because he has made many contributions that will endure long after he has moved on to other challenges: Don has served as the manager of the Contra Costa County Clean Water program which is charged with implementing the Federal Clean Water Act storm water pollution program within our county; Don Freitas helped lead the successful fight in 1982 that stopped construction of the Peripheral Canal that was intended to divert much of the delta's water south to farms and cities in other regions of the State, with devastating consequences to the ecology of the delta and San Francisco Bay; Don was a leader in the long effort to build the Los Vaqueros Reservoir which is now under construction to serve the thousands of Contra Costans whose water quality has long been at risk because of the mismanagement of our State's water supply.

On these and many other challenges over the years, Don Freitas has demonstrated exceptional vision and leadership, and I am honored to have had him as a colleague and friend. We all join the 400,000 customers of the Contra Costa Water District, and all advocates of water policy reform, in wishing Don Freitas the very best in the future, and in thanking him for his years of dedicated service.

TRIBUTE TO CICERO BUSINESSES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to 21 businesses located in Cicero, IL, which were honored for longevity at the Cicero Chamber of Commerce and Industry's ninth annual dinner on November 8, 1995. Illinois Lt. Gov. Bob Kustra was the guest speaker, and Betty Loren-Maltese, town president, was honored for her contributions to the community.

Establishments passing the 100 year mark were Chas. Fingerhut Bakeries, 5537 Cermak Road; Cermak Home for Funerals, 5844 Cermak Road; Central Federal Savings and Loan Association, formerly Vypomocny Spolek Jungman, 5959 Cermak Road; and Cicero Bible Church, formerly the Morton Park Congregational Church, 1230 Laramie Avenue.

Marking 75 years in business were Ida Florists, formerly John Ida Florist, 4928 W. 31st St.; Family Federal Savings of Illinois, formerly Morton Park Savings, 5225 W. 25th St.; Pinnacle Bank of Cicero, formerly First National Bank of Cicero, 6000 Cermak Road; Rosicky's National Cleaners, 5818 Cermak Road; Edward's Market, 2933 S. 49th Ave.; ComEd, formerly the Edison Co. for Isolated Lighting; and Family Service and Mental Health Center of Cicero, formerly the Cicero Welfare Center, 5341 Cermak Road.

Honored for 50 years were Walter M. Vlodek, attorney at law, formerly Miles Vlodek, 5814 Cermak Road; Prater Industries, formerly Prater Pulverizer, 1515 S. 55th Court; Chicago Extruded Metals Co., 1601 S. 16th St.; Walgreen Drug Store, 5958 Cermak Road; Manor Bakery, formerly Chester and Emily Matiask Bakery, 5906 W. 35th St.; St. Anthony Federal Savings Bank, formerly St. Anthony Savings and Loan Association; 1447 S. 49th Court; West Town. Savings Bank, formerly West Town Saving and Loan Association, 4852 W. 30th St.; Frank F. Kucera Co., 1800 Laramie Ave.; and MidAmerica Federal Savings Bank, 5900 Cermak Road.

Mr. Speaker, I congratulate these businesses for the many years they have provided services to their community and wish them the very best in the years yet to come.

ATTACHMENT OF THE DEPARTMENT OF COMMERCE DISMANTLING ACT TO THE DEBT EXTENSION BILL, H.R. 2586

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. HAYES. Mr. Speaker, I was pleased to see that reason prevailed and the provisions to eliminate the Department of Commerce were struck from the Short-Term Debt Ceiling Extension bill, H.R. 2586.

First of all, increasing the debt ceiling is an issue of public confidence—in our financial markets both at home and abroad. Even if we pass landmark legislation this year calling for a balanced budget by the year 2002—and I hope we do—the debt ceiling will still have to be raised periodically, at least in the near term, to meet our financial responsibilities on our $5 trillion debt. I am not willing to play political gamesmanship with the stability of our economy or strength of our credit.

We should be able to count on the Federal Government to pay its bills on time. It is for this very reason that, regardless of my objections to the extraneous amendments added onto this legislation, I strongly supported the passage of H.R. 2586.

Accordingly, I was glad to see that dismantling the Department of Commerce was not included. While I advocate reforming the nonessential and wasteful functions of the Department, I remain skeptical that budgetary savings result from simply reshuffling agencies into other bureaucratic boxes.

My home State of Louisiana depends heavily on many of the programs under the jurisdiction of the Department of Commerce. Of particular significance is research and funding provided by the National Oceanic and Atmospheric Administration [NOAA]. Although a source of frustration and consternation to area shrimpers, the research efforts of the National Marine Fisheries Service are critical to the restoration of our coastal wetlands. NMFS is continuously engaged in activities that enhance our ability to preserve wildlife and prevent flooding. The National Weather Service early warning system is also vital for a low lying coastal State like Louisiana to ensure adequate preparation for families and businesses in the event of a natural disaster.

I also wanted to give special mention to the importance of the Economic Development Administration [EDA] to rural Louisiana. In the western part of my district alone, EDA technical assistance grants have enabled communities to leverage small Federal dollars into other Federal grants totalling some $156 million over the past 20 years. Infrastructure improvements through EDA grants also entice entrepreneurs to invest in our communities, thus augmenting our competitive position and our ability to create jobs. Finally, with the downsizing of Fort Polk, EDA moneys are available to assist the base and the surrounding Leesville area in coping with potential job displacements.

The House overwhelmingly rejected an amendment by Congressman HEFLEY to the Commerce, Justice, State, and the Judiciary Appropriations bill, H.R. 2076, that would have eliminated EDA. The House Committee on Transportation and Infrastructure also approved, on three separate occasions, legislation to reform and preserve EDA. If these votes are indicative of our policy preferences—and I believe that they are—then the successful initiatives put forth by EDA to help my rural Louisiana district and the Nation should be allowed to continue.

Clearly, there should be some agent of the business community at the Cabinet level to appropriately defend and promote the powers of the marketplace and the necessity of job creation. Whether that representative has to be the Department of Commerce, I am uncertain. But, I am certain that, until savings can be verified and functions and programs are properly studied, we should not haphazardly act or unsuitably connect the issue to the debt ceiling.

DR. TOM CLARK AND HIS HONORABLE CAREER OF PUBLIC SERVICE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. HORN. Mr. Speaker, for the past three decades the city of Long Beach has benefited from the efforts of an extraordinary public servant, Dr. Thomas Clark, whose commitment and dedication have been integral to the city's development and growth over those years.

Tom Clark, whom I am privileged to call a friend, has been described as "a living piece of Long Beach history" in a recent article in the Long Beach Press Telegram. He was first elected to the Long Beach City Council in 1966, and his list of achievements is considerable. As the Press Telegram reported, "Clark pushed for a measure to put fluoride in the city's water supply, sponsored legislation that led to the construction of the Main Library and El Dorado Park and even rode aboard the Queen Mary when the historic ocean liner first sailed into Long Beach."

When Tom Clark announced that he would not seek reelection, it indeed signaled an end of an era. In addition to his three decades on the Council, Tom served two terms as the city's mayor, spending a total of 7 years in that position. He and his helpful wife, Lois, who is a professional medical librarian, have spent thousands of hours representing Long Beach throughout the city and State, as well as nationally and abroad. And his leadership extended well beyond the city, ranging from the California League of Cities to the California Public Employees Retirement System.

Tom exemplifies the best of what we seek in public service. The same days that he was spending countless hours in service to his fellow citizens as a member of the council, he was also working full-time as an optometrist, a practice from which he retired in 1993.

In a November 8 editorial, the Press Telegram said this of Tom Clark: "Clark is the very model of a city councilman. He is earnest to the point of gravity; almost never raises his voice; thrives on meetings and compromise; relishes the role of public official; has only a moderately thin skin; is only modestly partisan; never seems to tire of solving neighborhood problems; and has served long and loyally for little pay. What more could we ask?"

Tom Clark has regularly walked his council district. With a listed telephone, he was available to his constituents all times of night and day.

Tom can take pride in his accomplishments and the legacy he has left. He will be missed on the council, but I am confident that he will always be available to serve the city he loves and has done so much to improve.

Mr. Speaker, Tom Clark has conducted himself with honor. As citizen and office holder, he has symbolized good government and decency, not only in the yes of his friends and neighbors, but also to all who have known him.

I ask that the Press Telegram editorial be placed at this point in the RECORD. The editorial follows:

[From the Long Beach Press-Telegram, Nov. 8, 1995]

AN ARCHETYPICAL COUNCILMAN

It's a bit early to say goodbye to Tom Clark, because he plans to finish out his term before he retires as a Long Beach city councilman. But a few kind words are timely, and he deserves them.

Clark is the very model of a city councilman. He is earnest to the point of gravity; almost never raises his voice; thrives on meetings and compromise; relishes the role of public official; has only a moderately thin skin; is only modestly partisan; never seems to tire of solving neighborhood problems; and has served long and loyally for little pay.

What more could we ask? (Actually, if we could, we'd change his position on one or two things, but that's a different subject.) Agree with him or not, he stood for what he believed was best for his district and his community.

As the longest-serving of his city's public officials, Clark has been associated, for better or worse, directly or indirectly, with a long list of public works and community change; a performing arts center, downtown redevelopment, creation of El Dorado Park and the purchase of the Queen Mary (he rode it into town on its last voyage, and never abandoned ship, so to speak).

He has taken some flack now and then, most recently for his support of reviewing the Los Altos Shopping Center (a difficult and important task, and one that could not possibly please everyone). But he seems to have created no real enemies.

Clark's most intense political opponent was former Mayor Ernie Kell. Neither Clark nor Kell missed many opportunities to take a shot at each other, mostly on the somewhat foggy issue of leadership, and each regarded the other as an easy target; yet both managed to keep their differences on a mostly civil level. Clark lost a close election to Kell for mayor at large, but in the end he outlasted him and at least in that sense will have the last word.

For years Clark was the best known of Long Beach officials. He served twice as mayor at a time when that position was filled by council members, and he so enjoyed city governance that in his spare time he served as a leader of the association of local elected officials, the California League of Cities. Even now he probably wouldn't be stepping aside if he felt there was no one properly qualified to take his place.

But, after all these years, he is retiring. Because he served for such a long time—nearly a third of the history of his city, it is hard to say what might be his most significant accomplishment. Maybe it is pretty much what the League of Cities might expect, or the charter of a council-manager municipal government might suggest: a citizen, gainfully employed, who dedicates himself to elective office, part-time, representing no special interest other than his constituents, whom he serves honorably. As for what was most important to him, it's probably best, as it nearly always was, to take him at his word: that he wants to be remembered as someone who cared.

"DOLE'S MOMENT"

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. OXLEY. Mr. Speaker, I commend the following column by James Glassman from the Washington Post to the attention of my colleagues.

[From the Washington Post, Nov. 14, 1995]

DOLE'S MOMENT

(By James K. Glassman)

For two good reasons, Bob Dole's campaign people liked having Colin Powell around.

First, Powell took the spotlight off Dole, letting him avoid the scrutiny that often destroys early front-runners. Second, Powell took the spotlight off the other candidates, depriving them of the publicity they needed to raise money and get traction.

Now Powell is gone, and the predictable stories have begun. The front page of The Post yesterday carried the headline: "Out in Front, but Losing Ground. Polls Expose Dole's Potential Vulnerabilities as Presidential Challenger." The New York Times opted for a piece on how "Moderates could pass up Dole and hold out for an independent." Etc. etc.

The hyperactive press demands novelty. It will never heed Pascal's famous warning "that all human evil comes from . . . man's being unable to sit still in a room." And, certainly, cynicism about politicians is nothing new. Thumbing through some issues of the New Yorker in its heyday, I found an article by Richard Rovere from June 1968 that described the intense dissatisfaction of voters with the presidential field at the time. What a field! Robert Kennedy, Hubert Humphrey, Eugene McCarthy, Richard Nixon, George Wallace and Nelson Rockefeller.

But what about Bob? I suspect that 14 months from now, at age 73, he'll be sworn in as president. He has a giant lead in New Hampshire. Sen. Phil Gramm (R-Tex.), who was supposed to give him a tough race, is in single digits. And his other top foes have never won an election—a reactionary pundit and a rich supply-sider who inherited a magazine from his famous dad.

In the general election, polls show Dole and President Clinton about even. But answers to two questions are ominous for the president. A Time/CNN survey found 41 percent would "definitely" vote against him. A Post survey asked, "Which party better represents your views on national issues." Republicans got 55 percent, Democrats 25 percent.

The White House, meanwhile, has adopted a weird reelection strategy. Harold Ickes, the lead official on the campaign, says that "the overall issue is going to be leadership. . . . People will make their judgments based on what they know about the person, what they think about his character."

Bill Clinton running on character? Certainly, the lesson of the Powell infatuation is that the nation desperately wants a leader, but it's hard to see the current president as that man—or Dole, right now. Still, if you look beyond the next few messy weeks (in which Speaker Newt Gingrich, far more than Dole, is taking the heat on the budget), you can catch a glimpse of Dole's own story emerging. It is a powerful one, and most Americans don't know it yet.

I didn't know it myself until I read "What It Takes," Richard Ben Cramer's brilliant but unwieldy book on the 1988 presidential campaign. Now Cramer has collated all the bits about Dole and put them into a single volume, "Bob Dole," recently out in paperback from Vintage.

The story is the wound, suffered 50 years ago when, as a 21-year-old Army lieutenant, Dole's upper body was torn apart by German gunfire on a hill in Italy. "Whatever hit Dole had ripped into everything," writes Cramer, "You could see into Dole through the jacket, through the shoulder, like a gouged fruit. See down to the core." Dole was sent back home, nearly died a few times, but hung on, fighting against what Cramer calls "his private vision of hell. . . . Sometimes, he could actually see himself on Main Street, Russell, in a wheelchair, with a cup."

In 1947, a Chicago surgeon named Hampar Kelikian, an Armenian immigrant who had come to America with $20 in his pocket, put Dole back together. Dr. K. refused to be paid, but Dole had to get to Chicago, and the folks in Russell chipped in, putting their dollar bills in a cigar box.

Three years later, Dole was elected to the Kansas state house, then county attorney, then U.S. representative, then, in 1968, U.S. senator; in 1976, vice presidential nominee; in 1984, majority leader; in 1994, leader again.

The trouble with this great American success story is that Dole himself is reluctant to tell it. As Cramer shows, he feels embarrassed about not being "whole"—as if his handicap should be hidden:

"If [Dole] ever let himself rest, that [right] arm would hang straight down, visibly shorter than his left arm, with the palm of his right hand twisted toward the back. But Dole never, lets anybody see that—his 'problem.' He keep a plastic pen in his crooked right fist to round its shape.

"If he ever let that pen go, the hand would splay, with the forefinger pointing and the others cramped in toward the palm. . . . No matter how that fist aches or spasms, Dole holds on—against his problem."

So what about Bob? He has few core beliefs, other than balancing the budget (as Cramer writes: "Bobby Joe Dole grew up in Russell, Kansas. He saw people die from debt."). He may be uncomfortable with Gingrich and his passionate conservative cohorts, but that doesn't mean he'll betray them. As president, he'll be a moderating force, but in the end, he'll sign, not veto.

Up to now, he's been ignored and underestimated. That's starting to change. Dole has to get through the Florida straw poll later this week with a good showing and get through the fight over the budget without serious damage. Then, it will be time to tell his story and show his stuff. Will Americans take to him as leader, as the last member of the heroic World War II generation to lead this country? Don't bet against it.